

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

Wentworth by the Sea
New Castle, New Hampshire
October 30, 2019

Approved February 4, 2020

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1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from August 2019** by consent (Page 1).
3. **Main Motion**
Move to approve Option 2 under Section 3.1 for equal percent reductions (Page 20). Motion by Pat Keliher; second by Ritchie White.

Motion to Table
Move to table the motion to discuss the TC memo for conservation equivalency criteria (Page 24). Motion by Adam Nowalsky; second by Eric Reid. Motion fails (Page 25).

Main Motion
Move to approve Option 2 under Section 3.1 for equal percent reductions.

Motion to Substitute
Move to substitute to approve Option 3 under Section 3.1 for unequal percent reductions (Page 25). Motion by Eric Reid; second by John Clark. Motion fails (Page 30).

Main Motion
Move to approve Option 2 under Section 3.1 for equal percent reductions. Motion by Pat Keliher; second by Ritchie White. Motion carried (Page 31).
4. **Main Motion**
Move to approve Sub-Option 2-A2 1 fish at 28-35 inches for Section 3.1 for the ocean fishery (Page 31). Motion by Justin Davis; second by Mike Luisi

Motion to Amend
Move to amend to include a conservation equivalency proposal to achieve an 18% reduction in total removals relative to 2017 (Page 35). Motion by Adam Nowalsky; second by Chris Batsavage. Motion carried (Page 37)

Main Motion as Amended
Move to approve Sub-Option 2-A2 1 fish at 28-35 inches for Section 3.1 for the ocean fishery. Conservation equivalency proposals are required to achieve an 18% reduction in total removals relative to 2017. Motion carried (Page 37).
5. **Move to approve Sub-Option 2-B1 1 fish at 18 inch minimum for Section 3.1 for Chesapeake Bay. Conservation equivalency proposals are required to achieve an 18% reduction in total removals relative to 2017** (Page 37). Motion by Pat Geer; second by Martin Gary. Motion carried (Page 38).
6. **Move to approve Option B, requiring mandatory circle hook regulations for Section 3.2** (Page 38). Motion by Ritchie White; second by Sen. Miramant. Motion carried (Page 41).
7. **Main Motion**
Move that states submit implementation plans by November 30, 2019. The Board will take action on implementation plans in February, 2020. All provisions of Addendum VI must be implemented by April 1, 2020 (Page 42). Motion by Andy Shiels; second by Ritchie White.

INDEX OF MOTIONS (continued)

Motion to Amend

Move to amend to have the circle hook requirements implemented by January 1, 2021 (Page 44).
Motion by Jim Gilmore; second by John Clark. Motion carried (Page 45).

Main Motion as Amended

Move that states submit implementation plans by November 30, 2019. The Board will take action on implementation plans in February, 2020. Circle hook requirements must be implemented by January 1, 2021. All other provisions of Addendum VI must be implemented by April 1, 2020.
Motion carried (Page 45).

8. **Move to approve Addendum VI to Amendment 6 to the Atlantic Striped Bass FMP as amended today** (Page 47). Motion by Cheri Patterson; second by David Borden. Motion carried (Page 47).
9. **Move to adjourn** by consent (Page 48).

ATTENDANCE

Board Members

Patrick Keliher, ME (AA)	Heather Corbett, NJ, Administrative proxy
Steve Train, ME (GA)	Tom Fote, NJ (GA)
Cheri Patterson, NH, proxy for D. Grout (AA)	Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)
Ritchie White, NH (GA)	Andy Shiels, PA, proxy for T. Schaeffer (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Loren Lustig, PA (GA)
Mike Armstrong, MA, Chair	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Rep. Sarah Peake, MA (LA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Jason McNamee, RI (AA)	Russell Dize, MD (GA)
David Borden, RI (GA)	Phil Langley, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Steve Bowman, VA (AA)
Justin Davis, CT (AA)	Pat Geer, VA, Administrative proxy
Bill Hyatt, CT (GA)	Bryan Plumlee, VA (GA)
Sen. Craig Miner, CT (LA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Jerry Mannen, NC (GA)
Jim Gilmore, NY (AA)	Mike Blanton, NC, proxy for Rep. Steinberg (LA)
Maureen Davidson, NY, Administrative proxy	Marty Gary, PRFC
Emerson Hasbrouck, NY (GA)	Derek Orner, NMFS
Joe Cimino, NJ (AA)	Mike Millard, USFWS

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

Ex-Officio Members

Nicole Lengyel, Technical Committee Chair	Kurt Blanchard, Law Enforcement Representative
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Staff

Robert Beal	Katie Drew
Toni Kerns	Mike Schmidtke
Caitlin Starks	Maya Drzewicki

Guests

Sen. Thad Altman, FL (LA)	Doug Grout, NH (AA)	Alesia Reed, NMFS
Peter Anderson, Windham, NH	Joe Gugino, Winthrop, MA	William Rice, PRFC
Robert Atwood, NH F&G	Doug Haymans, GA (AA)	Zak Robinson, Portsmouth, NH
Sue Berditine, ASGA	Peter Jenkins, Saltwater Edge	Cody Rubner, Acton, MA
Delores Bodhdan, Hamilton, MA	Scott Klase, Bedford, NH	John Satterly, VSSA
Kalil Boghdan, MA DMF	Aaron Kornbluth PET Trusts	Kyle Schaeffer, ASGA
Ellen Bolen, VMRC	Kris Kuhn, PA Fish & Boat	Mike Spinner, Strippers Forever
Robert T. Brown, MWA	Arnold Leo, E. Hampton, NY	Lauren Staples, NH F7G
Victoria M. Brown, MWA	Carl LoBue, TNC	Michael Toole, Stratham, NH
Thomas Candee, Exeter, NH	Charles Lynch, NOAA	Jack Travelstead, CCA
Cliff Chadwick, Hampton Falls, NH	Tom McKelvey, Floral Park, NY	Karen Villone, NH F&G
Brian Coombs, Medford, MA	Nichola Meserve, MA DMF	Mike Waine, ASA
Roy Crabtree, NMFS	Chris Moore, CBF	Jenni Wallace, NOAA
Kelly Denit, NMFS	Glenn Normandeau, NH F&G	Megan Ware, ME DMR
Paul Diggins, SB CBA	Conor O'Donnell, NH F&G	Robert Weathersby, NH
Lynn Fegley, MD DNR	Patrick Paquette, MSBA	Peter Whelan, CCA
Zack Greenberg, PEW Trusts	Dale Pike, CCA	Chris Wright, NMFS
Bob Groskin, Teaneck NJ	Nick Popoff, USFWS	

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea Hotel, New Castle, New Hampshire; Thursday, October 30, 2019, and was called to order at 2:35 o'clock p.m. by Chairman Michael Armstrong.

CALL TO ORDER

CHAIRMAN MICHAEL ARMSTRONG: Good afternoon folks, I would like to call to order the Atlantic Striped Bass Management Board. I'm Mike Armstrong from Massachusetts, your Chair. Sort of how I would like to run it today, as we know there is only really one agenda item, so we should be done in half an hour, hourish.

APPROVAL OF AGENDA

CHAIRMAN ARMSTRONG: My intent is I would like to keep the discussion on point, very heavily on point. Speaking multiple times may not be possible. We'll do it that way. You have the agenda. Are there any changes that people would like to see, additions? Seeing none, we approve it by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN ARMSTRONG: You have the proceedings from August, 2019, any amendments, changes, edits? Seeing none, we approve that by consent.

PUBLIC COMMENT

CHAIRMAN ARMSTRONG: At this point we have public comment. I can't stress enough that again, we are going to use up every minute of the time we have, likely. I would like to keep public comments to no more than one minute, and remember it is about things that are not being discussed today, okay? Robert Brown.

MR. ROBERT T. BROWN: My name is Robert T. Brown, President of Maryland Watermen's Association. Thank you for giving me a chance to speak amongst this Committee. First of all I want to state that nobody has done nothing

wrong recreational or commercial to get us in this problem with these dead discards.

However, I want to speak to you a second about MRIP, and the data collection they have. You know the sports fishermen or recreational fishermen are counting how many fish they've got in their cooler. But when they're catching fish they are not counting how many discards they have, and keeping an accurate count on them.

If they don't have an accurate count on it they could throw some of this off. Back in 2014, we had a reduction of 25 percent on the ocean, and 20.5 percent on the Bay. This was to rebuild our spawning stock biomass, but yet we're still having a downward trend. Why? Well you know we had more spawning stock there than what we did in 1982. It is conditions in the water more than likely, you know it could be the temperature, it could be the water quality. That is the reason why that is not working. Also, we didn't have a dominant year in 2012, 2013 to 2014 recruitment. Without that recruitment it's going to be less coming to the spawning reaches. To get those spawning stock back up, what we have is they adjusted the 2015. The final dominant class we have is only like four years old now, and at four years old it is just starting to get on our spawning ground. It will be three or four years before a majority of them are there.

We need to give a time for them to come of spawning maturity. I have one good news is on the Chesapeake Bay and on the Potomac River and all the rivers. We have a large amount of small fish. We have them anywhere from 6 inches on up to 23-24 inches, and a lot of those will be migrating to the ocean this year to help with that spawning stock. Mr. Chairman, I done as quick as I could for you.

CHAIRMAN ARMSTRONG: One minute, 42 seconds. But who's counting? Me. Mr. Weathersby, Robert Weathersby. Robert, you have written down you're talking about conservation equivalency, which is something

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we're going to talk about. If your comments are very general in nature, we would be happy to take them.

MR. ROBERT WEATHERSBY: Just so I'm clear, Sir. Should any comments regarding conservation equivalency be held until that portion of this meeting?

CHAIRMAN ARMSTRONG: If you think it's towards what we're going to be discussing that would be appreciated.

MR. WEATHERSBY: With that I'll hold my slot until that time, Sir.

CHAIRMAN ARMSTRONG: Eighteen seconds, thank you. Zak Robinson.

MR. ZAK ROBINSON: My name is Zak Robinson; I'm a guide here in the waters just outside the hotel actually, this is my home. My business is Rising Tide Anglers, I've been on this water for 17 years, and I built my business on catch and release. I know it can be done. I'm here to voice my concerns about a few things that were not included in this agenda. Conservation equivalency is in part, but I would like to see it eliminated.

A unified coastwide fishery management plan for striped bass would eliminate the guesswork in the lawmakers and the fisheries management efforts, and allow our stocks to rebuild. All states one rule. Something needs to be done about release mortality. Circle hooks are going to help. They will help. We need a really intense education for the public, not on just circle hooks, but also on fish handling and proper release techniques. Thank you for hearing my comments.

CHAIRMAN ARMSTRONG. Thank you very much. Peter Jenkins.

MR. PETER JENKINS: Hello, my name is Peter Jenkins, and I'm the owner of the Salt Water Edge in Newport, Rhode Island, and Chairman of the American Saltwater Guide Association.

We are an association of guides, small business owners, and recreational anglers who believe abundance drives participation, and participation drives sales. The Association hosted a raffle to encourage the public to send in written comments. We didn't have to agree with opposition, just participate. We were shocked by the disappointing number of comments we received, and tried to explain why. We started late, we didn't communicate effectively, and fisheries policy is complex. When I saw the supplemental materials for this meeting, I saw you received just over twice as many comments as we did. That begged another question. The ASGA surveyed its audience to understand why the apathy of recreational anglers with regard to Atlantic States Marine Fisheries and striped bass.

Their concerns came back loud and clear, and boil down to a lack of trust. Comments like the process is broken, only listen to special interest, and waste of time. This was sobering, given the striped bass is the most important recreational gamefish on the east coast, and they represent over 9 percent of the fishing effort overall in the United States. In short, millions of anglers pursue striped bass, yet something like 1,037 took the time to comment.

Like many of you I was in Mystic, Connecticut five years ago tomorrow, and most of us thought we set stripers on the road to recovery. Since that day both the striped bass and public confidence in United States Marine Fisheries has declined. We regularly hear for the lack of funding for better science that I think of all the time and money spent over the last five years on meetings like this, and going on the road to solicit public comments.

All this for the results we have today. As you can see in the supplemental materials, a very clear message from the recreational community as the vast majority voted for very specific options, the possibility of misinterpreting the public's desires and the facts outlined in your own document. Today, any other outcome than those documented in the supplemental

documents, would serve you to track as correct. Thank you for your time.

CHAIRMAN ARMSTRONG: Thank you, Sir. Kyle Schaefer.

MR. KYLE SCHAEFER: Hello, my name is Kyle Schaefer. I'm a fly fishing guide here in Kittery Point, just a little bit north of where we are today, also a board member for the American Saltwater Guide's Association. I'll be quick. You know it feels that we've managed striped bass for extraction, where we are now left with a stock that it's incredibly hard to make a living.

As somebody that's in this industry trying to make a living doing so, not to mention the recreational anglers that are now losing the opportunity to spend money up and down the east coast to pursue this fish. You know my point is concise that I would love to see this fishery managed for abundance, where all the stakeholders are kept in mind, and we are not managing this fishery to a point where we can no longer access it and use the resource. Thank you.

CHAIRMAN ARMSTRONG: Thank you. William Rice.

MR. WILLIAM RICE: Thank you, Mr. Chairman, William Rice; I'm senior member of Potomac River Fisheries Commission. I would like to be brief, but I want to speak to you about accountability in the Chesapeake Bay Region. We have made strides by leaps and bounds since we entered back into the striped bass fishery off the moratorium in this field.

We are totally accountable, totally transparent, and we can pretty much document each fish almost as it comes out of the water. This is something that we're extremely proud of. In the past 47 years I've been involved with fisheries management, going back into the early and mid-1970s, where maybe our resources didn't get the respect that they needed, and maybe we didn't have the capabilities of the managing tools that we have before us today.

It would behoove us now, setting around the table, knowing how we can identify our problems, especially one as such an importance as the striped bass, not to move away and maybe do something not as sensible, but to attack the problem head on.

Even though it might not be the most popular thing to do everywhere, but our fishery is extremely important to everybody, the commercial people, the recreational people, and even the folks that don't even own a boat that expect to go to the grocery store and buy a fresh striped bass fillet. I thank you very much.

CHAIRMAN ARMSTRONG: Thank you. That concludes our public comment.

CONSIDERATION OF ADDENDUM VI FOR FINAL APPROVAL

REVIEW OF OPTIONS AND PUBLIC COMMENT SUMMARY

CHAIRMAN ARMSTRONG: Let's move into Consideration of Addendum VI for Final Approval. The first item will be handled by Max for Review of the Options and the Public Comment Summary.

MR. MAX APPELMAN: We had a little correction in Table 1 of the document. The recreational harvest column in Table 1, some of those numbers were incorrect. Those have been corrected, and in the version that's in meeting materials it's corrected in there, but if you're looking at an older version of the document those numbers are reported incorrectly.

I have a presentation of the Addendum itself and the public comment summary, and I broke it off into two parts. I'll start with a very broad overview of the document itself and the options, and then if it's okay with the Board Chair we can pause then, take any questions on the document itself, before I move into the comment summary.

But as a reminder, I'll also be giving the Advisory Panel report. Then we have Officer Kurt Blanchard with us from Rhode Island, the representative for LEC for striped bass. He'll be going over the LEC report, and then the Board will be taking final action. A quick overview of how we got here and what this Addendum aims to do.

Remember the 2018 benchmark stock assessment came out earlier this year, and the results indicate the stock is overfished and experiencing overfishing, which triggered two different actions. This draft addendum, Draft Addendum VI was initiated to address overfishing, and to reduce fishing mortality to the target in 2020.

The other trigger, just a reminder that there is a motion that comes back to this board in February that would consider an amendment that could address a rebuilding plan, as well as a number of other potential issues that are on the table. That will be back to the Board in February. Back to Draft Addendum VI, specifically the Addendum aims to reduce removals that being total numbers of fish by 18 percent relative to 2017 levels.

To achieve that it's proposing reductions to the commercial quotas, as well as changes in recreational bag limits and size limits. Also because recreational release mortality is such a big component of total mortality, the Addendum is also proposing the mandatory use of circle hooks when fishing with bait. This is a figure showing spawning stock biomass relative to the reference points. The solid black line is the threshold, the dash line being the target. Also on this figure is the recruitment values, those are in millions of Age 1 fish on the right hand axis. The take home here is that SSB reached a peak in 2003, and it has been on this downward trajectory since then.

Dropping below the threshold in 2013, and the decline has been a little more steep in the later part of the time series, in part due to fishing rates, which I'll show you in the next slide, but

definitely also attributed to the poor recruitment that the stock has experienced over the last decade or so.

But also of note there are some strong year classes, lately 2011 year class everyone is aware of, and then the 2015 and 2016 recruitment estimates were also very high, or above average I should say. There is a lot of small fish out there. This is the figures showing fishing mortality, again relative to the reference points.

We have the black line again being the threshold, and the dash line being the target. The take home is that the F rate has been above the threshold for a number of years, and this Addendum is trying to bring that rate down to the dash line, down to the target 0.20. Here we're showing the contributions of the different sectors to total removals.

This is all in millions of fish. The bottom two colors there, the blue is commercial harvest, the red is the commercial dead discards, and then in the green we have recreational harvest, and the purple or whatever color that is, is recreational release mortality or dead releases. Again that's the fraction of all the released fish, the live releases that are assumed to die.

The assessment uses a 9 percent value there to calculate that release mortality. The big take home is that this is predominantly a recreational fishery. In 2017, about 90 percent of total removals came from the recreational sector, also highlighting that the commercial sector those landings have been rather stable from year to year, largely from the quota system that's in place.

Now I'm honing in on the recreational release component of mortality. This figure is showing total catch from year to year, and that is all in tens of millions of fish on the left hand side, and then the red line going across the top of the figure is the proportion of those fish that are thrown back. The take home is that this is predominantly a catch and release fishery as well.

It's no surprise really that so much of the mortality is coming from recreational releases. To put some context to this, in 2017 it was an estimated 38 million striped bass were released alive, which resulted in 3.4 million dead releases, or 48 percent of total removals in 2017. Now I know I went through that pretty quickly, but now we're moving into the management program options themselves.

This is really the first decision that the Board will have today, and that's to decide on Options 1, 2 or 3. The first option is status quo. By selecting this option fisheries will continue to operate under the provisions of Addendum IV, keeping in mind that Addendum IV is not designed to achieve an 18 percent reduction, relative to 2017 levels. Options 2 and 3 are designed to achieve that reduction. They apply the reductions somewhat differently, depending on which option you select, and you can see commercial quotas tied to those, as well as a suite of bag and size limit combinations for the ocean and for Chesapeake Bay, which I'll dive into a little in my next few slides. This is Option 2. This is what we've been calling the equal percent reduction. Here both sectors are reduced by 18 percent, so in proportion to what the landings were, what the removals were in 2017.

On the commercial side we achieve that 18 percent reduction in numbers of fish by reducing the quota by 18 percent. That is an 18 percent reduction from the Addendum IV quotas, the baseline quotas in that document. On the recreational side there is a suite, as I said, of bag limits and size limit combinations that achieve at least an 18 percent reduction in total removals.

That's accounting for harvest, your release mortality in order to achieve that overall reduction. You can see the overall reduction percentages on the right hand side there. I do want to remind the Board that these were developed on a coastwide or Bay-wide scale, and I also wanted to make a clarification.

Getting a lot of questions, doing all the hearings, and then the comments, what it means for a 28 to 35 inch slot limit for example if we look at Option 2. What that means is all fish below 28 inches would have to be thrown back, and all fish 35 inches or greater would have to be thrown back. The point being that a 35 inch fish would have to be released, and that has to do with how the MRIP link data is binned together.

Also highlighting that there are some asterisks tied to these, those are indicating further restrictions to the existing trophy fish seasons that were in place in 2017. If there are any specific questions about those I am happy to take them after the presentation. I'm going to move a little quicker now.

Again, all these options are designed in the exact same way. The big difference with Option 3 is that the allocation of the reductions is applied a little bit differently. Here the commercial quota is reduced by 1.8 percent, which means the recreational sector takes a 20 percent reduction in order to make up that difference.

The big difference with the recreational suboptions here is they're all designed to achieve at least a 20 percent reduction. Notice that some of them do achieve slightly more than that. You saw that on the previous slide as well. But the same rules apply, they are developed on a coastwide level or a Bay wide level, and the slot limits were all developed in the same way.

When we look at all those slot limits and bag limits, the recreational options, we need to keep in mind that there is a fair amount of uncertainty with these types of analyses. You know changes in effort, how anglers will respond to the approved measure, changes in the availability of fish; the size, the age structure of that population, and the distribution of those fish up and down the coast and in the respective regions.

These have very large impacts on what catch will be in a given year. Also pointing out again that these were designed to limit harvest, they are not designed to reduce release mortality simultaneously. The best way to really do that is to reduce your effort, reduce the amount of trips that are encountering striped bass, which brings me to conservation equivalency. This is a reminder that Addendum IV does maintain flexibility for states to pursue conservation equivalency to implement something different than the standard, while still achieving that same level of conservation.

The Technical Committee did develop criteria for CE proposals with Addendum VI. Our TC Chair is here, she'll go over that in the next agenda item. Also of note here, some of those suboptions that you saw, they do achieve more than the target percent reduction under that primary option.

That brings the question of what percentage will states be held to if they pursue conservation equivalency. We will need the Board to make that distinction today. Moving to the circle hook provision, again release mortality is such a big component of total mortality. That is why the Board is considering the use of circle hooks to address that.

There are three primary options here. Option A is status quo, so here there is no change to the provision. It maintains the recommendation that exists in Amendment 6, to continue to promote the use of circle hooks to anglers. Option B would be a requirement to implement regulations that require the use of circle hooks when fishing with bait in the recreational sector. The Plan Development Team did standardize the definition for circle hooks here.

We pulled that from a Commission document, but other parts of language, parts of the regulation that is left up to the state to work that out with its constituents to find something that works. I'm making note of that because if Option B is selected we will need some discussion, some guidance from the Board to

the Plan Review Team when they're looking at implementation plans; to make sure that it's meeting the intent of the provision, also highlighting that the education component is certainly a part of Option B as well.

Option C would require states to promote the use of circle hooks, so as with Option A it is merely a recommendation. This would require it. This would make it a compliance requirement. Again intent there, the Plan Review Team would need some guidance from the Board on that if Option C was selected.

I think it's important to keep in mind there are a number of other factors other than hook type that can also affect release mortality, water temperature, air temperature, where the fish is hooked, how it's handled and things of that nature. It's also unclear how many anglers are already using circle hooks.

Quantifying those savings would definitely be difficult. It's hard to ignore the enforceability and compliance concerns with a mandatory circle hook requirement, who it would apply to, where would it apply, and when. Perhaps Kurt can go into a little more depth on that in the next presentation. Okay wrapping up with compliance schedules.

The Board will need to determine an effective date for these measures, keeping in mind that the next time this Board will meet will be in February of 2020. That is the earliest that the Board could review and approve implementation plans. Working backwards from there, if to be considered for approval at that meeting states would have to submit those programs, including conservation equivalency proposals by November 30th, and that is per the criteria laid out in the conservation equivalency guidance document, so keeping that in mind when the Board selects an implementation date.

Lastly, I just wanted to provide an overview of all the action items before the Board today. The way I see this going is the Board would first

identify the primary option that being Option 1, 2, or 3, and then after that is decided moving into the recreational suboptions that are tied to that primary option. Note that there are no suboptions for the commercial quotas.

By selecting the primary option you are thereby selecting what the quota would be. Again regarding conservation equivalency, the Board will have to determine what percentage states will be held to. That will be another action item. Circle hooks again an action item; there might be a need for additional guidance there.

Then with the implementation date keeping the submission timeline for conservation equivalency and implementation plans in mind. That is the first part of my presentation, Mr. Chair. I don't know if you want to pause for questions on the document, or continue with the public comment summary.

CHAIRMAN ARMSTRONG: No let's questions on what you've seen so far. Mike Luisi.

MR. MICHAEL LUISI: Max, could you go back to either one of the slides that had under Option 2 or 3 the recreational measures? Yes that is good, thank you. I just want to make sure it's clear for the record and for the audience. It was presented in the Addendum, but it's not presented on this slide.

It has to do with the effect of each of those suboptions on release mortality. I wonder if you can just speak briefly to what each one of those options in both Option 2 and Option 3 suboptions. What effect on release mortality is there if any of those are selected?

MR. APPELMAN: Yes, it really would have cluttered up the slides, so I kind of left some parts out, but point taken. As I was saying, all of these are designed to limit harvest and limit total removals. They are not designed to reduce release mortality.

Under each of these options release mortality is projected to increase on the order of 3 to 4

percent for each of these options, which means there are bigger reductions in harvest that have to be taken in order to make up for that increase. But the math works out as such to achieve these total reductions. Those are the percentages that are up on the screen.

CHAIRMAN ARMSTRONG: I had, was it Pat? Did you have your hand up or Steve? Oh, Marty Gary.

MR. MARTIN GARY: That previous question covered mine, thank you.

CHAIRMAN ARMSTRONG: Jim.

MR. JAMES J. GILMORE: Max, essentially the implementation date, do we have to do all parts of this for the same implementation date? For instance, we pick one of the options or whatever, but I'm specifically looking at the circle hook. If we decided we had to implement whatever those measures were by hypothetically April 1, but the circle hook provision was something we wanted to delay. Is that possible under the Addendum?

MR. APPELMAN: That is absolutely within the purview of this Board, yes.

CHAIRMAN ARMSTRONG: Adam Nowalsky.

MR. ADAM NOWALSKY: This is a good slide to keep up for discussion. This slide highlights total removals according to the ocean fishery or the Chesapeake Bay fishery, but it doesn't detail what these removals reductions would mean to each individual state. Can you talk about what these options would mean, in terms of being disparate with regards to affecting different states differently, and how the justification is for that wide range of difference of impacts?

MR. APPELMAN: I'll just reiterate that they were developed on a coastwide level or a Bay wide level. The intent is that all states would implement the selected suboption, in order to achieve the projected reduction that is on the screen. Recognizing that the fisheries in the

states contribute different levels towards that total reduction, so some will achieve less, some will achieve more. But if all states were to implement it, it would project to achieve that percentage up on the screen.

CHAIRMAN ARMSTRONG: Follow up, Adam?

MR. NOWALSKY: Are you able to provide for the Board and the audience what those different impacts would be on a state-by-state basis here today?

MR. APPELMAN: We have not done that analysis to show on a state-by-state level what each of these options would result in by state, no.

CHAIRMAN ARMSTRONG: Tom Fote, then Ritchie.

MR. THOMAS P. FOTE: I was under the understanding that we did do the numbers on what they would mean for each state. This reminds me of what happened years ago when we basically took on summer flounder when we first put the plans in place. All of a sudden we put a 14 inch size limit, so New Jersey and New York had to do nothing.

We rode on the backs of North Carolina, Virginia, and Maryland for a bunch of years. I want to know who's backs we're riding on, who is going to suffer the pain this time, and what states will not suffer the pain? Because it is very obvious that that is going to happen, and some of the data I've heard it's dramatically going to happen. I would like to have that information.

CHAIRMAN ARMSTRONG: Ritchie White.

MR. G. RITCHIE WHITE: Max, these figures were developed the same as any previous addendum on striped bass, so there is no difference in figuring out and coming up with these numbers as to how each state is impacted. This is done exactly like we've been managing striped bass from Day 1 of a coastal fishery. We look at the

total coastal fishery as one entity, is that correct?

MR. APPELMAN: Yes, the methodology is the exact same as what has been used in the past.

CHAIRMAN ARMSTRONG: Phil Langley.

MR. PHIL LANGLEY: Yes, thank you Mr. Chair. My question was, I was curious. Was there any type of economic impact study done with any of these options?

MR. APPELMAN: There was no specific economic study done for this Draft Addendum.

CHAIRMAN ARMSTRONG: Dennis Abbott.

MR. DENNIS ABBOTT: Regarding Adam and Tom's point. Wouldn't there be probably quite a difference depending on what our choice was as to what the figures would be, how each state would be impacted? Wouldn't it be further the case that when the conservation equivalencies arrive at our door that again there would be varied impacts for all the states?

MR. APPELMAN: Yes. Each of these options is projected to achieve something different, and the impacts on a state-specific level would change, depending on which option you select. Some states have already done that homework themselves, and may have shared that with Commissioners around the table, but our Technical Committee has not gone down the path to see how that shakes out on a state-by-state level for each of these options. It's a coastwide FMP. That is why it proposes coastwide options.

CHAIRMAN ARMSTRONG: Loren Lustig.

MR. LOREN W. LUSTIG: Thank you Max for an excellent report. I did take note during your comments the use of the word uncertainty. I was hoping that you would describe for us the probability of success for these various options, success meaning of course achieving the desired goal as prescribed.

MR. APPELMAN: I'm going to let Katie Drew tackle that one.

DR. KATIE DREW: There are two components here. If we achieve the 18 percent reduction coastwide, then we'll have basically a 50 percent chance of achieving the target, which means that there will be a distribution of F rates around the target. We'll have basically over a 90 percent chance of being below the threshold, so we'll have a very high chance of overfishing and most likely achieve the F target and have a 50 percent chance of being at or below the F target.

However, when it comes to whether these specific measures will get you to that 18 percent reduction. That is not something we can quantify, in terms of how certain or uncertain are we, because we can't predict how angler behavior will change in response to these regulations, how other economic environmental factors will drive changes in effort next year. We saw basically a 20 percent reduction in catch from one year to the next under the same management regulations from 2017 to 2018.

If the fishery performs the same as it did before, we will achieve the reduction that we're looking for, and we'll have a very good chance of being below the threshold and a very good chance of being at the F target. However, what is the fishery going to perform the same way that it did in 2017 and 2016, sort of our baseline years? We can't quantify that uncertainty, and that is really what is driving our uncertainty about our management regulations here.

CHAIRMAN ARMSTRONG: Tom Fote.

MR. FOTE: Listening to your statement, Max. This is not the same as we usually do things. Some of the calculations were the same as we go forward, but every amendment I've been sitting here, when we come up with saying we're going to do an 18 percent reduction or a 25 percent reduction like the last time.

We took states and let them go from what their state had caught previously the year before, and took a 25 percent reduction off that states fishery. This is not what we're doing this time; it's a whole different ballgame of what you're doing. What you're saying is you are not going to look at states, so each state takes a 25 percent reduction, as a matter of fact some states will take a 40 percent reduction.

Some states will take an 88 percent reduction, or some states will take an 8 percent reduction. That's when the problem comes whether it's fair and equitable up and down the coast. You seem to be skirting that issue, and you say you don't have the information. Somehow I got some of the information. I'm just not happy that we're not putting it out there.

CHAIRMAN ARMSTRONG: Oh remind the Board that one of the goals that we voted on in Amendment 6 is uniform rules along the coast, and to have each state craft their own rules would be against what we voted for in the last amendment. This is just for your consideration as we go through. Any more questions, yes John McMurray.

MR. JOHN McMURRAY: Thank you for remembering my name, Mr. Chairman. Max, was there any effort to determine what year classes fall within these coastal slot limit options? I was asked that earlier, I didn't know the answer.

MR. APPELMAN: Again, I'm going to pass off the year class question to our science over here.

DR. DREW: We didn't look specifically at what year classes represent these slot limits in that sense, but we picked specifically the data to do this analysis on the basis of the 2011 year class. We know '14 and '15 were relatively strong year classes, and therefore we picked '16 and '17 as our reference years for these analyses, because the 2011 year class would be basically that age, were the same age that we expect the '14 and '15 to be in 2020. Using sort of the

2011 length frequency at that same age as they would be in 2020 as a proxy for the '14 and '15 year classes, which we did not have available to us when we did the 2015 measures. Did that make sense?

CHAIRMAN ARMSTRONG: All right Max, let's move on to your next section, which is the Public Comment Summary.

MR. APPELMAN: We did receive a lot of comments, a lot of unique comments, a whole plethora of alternative regulations that might work better for a particular state or region, more for the coast, a number of remedies for improving our law enforcement or better ways to address release mortality, improving data, and things of that nature.

I just want to point out that this overview is really to hone in on support for specific suboptions, the primary options and suboptions that were provided for public comment in the Draft Addendum, so just giving that overview of this document. I also want to really give a shout out to our newest colleague over here, Maya Drzewicki; she really did a great job tracking all the comments coming in, written through e-mail while I was out on the hearings. Thank you, Maya.

As far as the hearings go there were 21 different hearings held in all 14 jurisdictions. That would include D.C and Potomac River Fisheries Commission as well. Approximately 888 individuals attended those hearings, and you can see the breakout by region. As far as written comment, we had about 5,500 comments come in, 4,500 of those were received through seven different form letters.

Clearly a majority of those were from the form letters, and we also had 45 different organizations submit comment on Draft Addendum VI, which gives a remaining balance of about 1,000 individuals speaking out on the Addendum, ranging from recreational and commercial fishermen to general concerned citizens.

Regarding the primary options, Option 1 that was the status quo option that was the least supported. Some of the common themes there were that stock status in the fishery is really driven by environmental factors, that things like predation or forage or poor habitat should be addressed rather than fishing effort, or fishing I'm sorry.

That the issue is really the release mortality component and that can be addressed through education alone. Not supporting any of the options, because they all increase release mortality. Also noting that harvest did drop in 2018 and just a general distrust in the science as well. Option 2 was the most supported of the three options.

Some common themes there were that all sectors sort of benefit from this resource regardless of the disposition, so all sectors should share the responsibility of rebuilding and ending overfishing, identifying it as the most equitable way to implement the reductions, and pointing at Option 3 as an unbalanced approach to reduce removals.

Option 3, this was where the reductions are applied a little differently to the two sectors. This was the second most supported option. Reasons being there that there is already some high accountability and monitoring for the commercial sector, and I should have pointed out on the last slide that those that spoke in favor of Option 2 were predominantly from the recreational sectors, and those that spoke in favor of Option 3 were predominantly from the commercial sector. Again, pointing out that the commercial quotas there is high accountability there, there is high monitoring, there are payback provisions, and 18 percent reduction from a small component of overall removals won't do too much.

The fishery and stock status again is driven by recreational removals, and the last point being that to share the burden equally does not necessarily mean an equal percentage.

Regarding the recreational suboptions, there were very few cases of consensus, if any, among sectors within a state, within a region, and certainly not across the entire coast.

That being said there were some commonalities of those that supported the higher minimum sizes versus the slot limits. Those in support of a higher minimum pointed out that past history similar size limit was used to rebuild the fishery, also the belief that this would lead to reduced effort, so it would do more to rebuild the stock as well.

Also highlighting or identifying the slot limits may put too much pressure on one or a few year classes, and that those impacts on the future population are somewhat unclear. Whereas, on the other side of the spectrum those that favored a slot size limit felt that this protected the larger females. It gave a small fish a chance to spawn as well, while still allowing some harvest.

Then a lot of voice from the party and charter sector, saying that a higher minimum size would be very difficult for business, particularly in regions where there aren't many large fish available. Having said all that, for completeness I will point out which options did get the most support. I know this table is probably hard to see. It is probably a lot easier to see in the summary in your meeting materials.

But these are the suboptions under Option 2, again Option 2 got the most support, and Option 2-A1 that is 1 fish at 35 inches, received the most support for the ocean fishery. Whereas Option 2-B1 that being 1 fish at 18 inches received the most support for the Chesapeake Bay. Then again for completeness, these are the suboptions under Option 3.

Again, because so much of the commercial sector was coming out and voicing support for Option 3 that is sort of where the comments ended, they didn't really provide much on the recreational suboptions there, but for completeness again, we had Options 3-A1 and

3-A2 sort of fizzle up to the top for the ocean, and then Options 3-B1, 3-B2, and 3-B4 sort of getting the same support for Chesapeake Bay. Moving to the circle hook provision, there were three options here, again Option A would be the status quo. This received the least support.

Some of the comments we saw there were that circle hooks were sort of selected arbitrarily. There are a number of other terminal gear types, hook modifications, or fishing methods that could have been considered as well, pointing out that the benefits are hard to quantify, and that mandating the use of circle hooks is an overreach of authority. Those that came out in support of Option B, the mandatory requirement, generally felt that there is very little doubt in the science that circle hooks save fish.

Acknowledging that there are some enforcement challenges there, but there is a number of, you know we like to think there are a lot of law abiding citizens out there, so you put out a circle hook requirement most folks would follow suit. Also pointing out that some states already have these circle hooks on the books, and so other states should follow suit. A notion that if this is selected the Board should consider a phased in implementation timeline to allow tackle shops to go through inventory. I'm sure there are other circumstances to consider.

Option B would be requiring that education component, and those that came out in support of Option C, which was the second most supported – I don't know if I mentioned it, but Option B was the most supported – was really recognizing those enforcement and compliance challenges that we would encounter, recognizing the benefits there and the notion that education is really the answer here.

Again, we received a lot of comments, and we tried to group them and categorize some of those comments, find some common themes there, and 6 major categories filtered out. The first one was regarding conservation

equivalency. There was a lot of support for conservation equivalency, the emphasis there being when used appropriately, and there was a lot of negative support on CE that it's not being used right, and that a lot of negative comments towards our Technical Committee and the process that they allow, the review process not being measurable.

Accountability is lacking from this. There is a lot of negative comment there. The second category was regarding poor data. There is a very low confidence in MRIP data and how it's used in the benchmark assessment, little support or confidence in the results coming out of that assessment, things with the release mortality rates.

Also pointing at the commercial discards that those are underestimates, and also pointing at the options in the document, a lot of belief that the recreational release mortality would actually be much higher than what is predicted. Regarding angler education, this received a lot of comments as well. There was a lot of support for angler education, not just on the circle hook component, but also on size limits in general, any regulations that are on the book, educating anglers of those.

Then also about proper fish handling that was a very common comment as well. Also comments regarding trophy fish and protecting those trophy fish, and these were really tailored towards the trophy fish season that exists in Chesapeake Bay, and any state that has regulations where a second large fish can be harvested.

There were a lot of concerns about law enforcement as well, and that there is a fair amount of poaching that is going on both in state waters and in the exclusive economic zone in federal waters. There are weak penalties in place for those violations, and just a general need for more officers out there, more funding so these guys and gals can do their jobs.

Then the last one being about gear restrictions, just pointing out that there are other restrictions that can be considered that also address release mortality and hooking mortality. Treble hooks came up a lot, banning gaffing, trolling, or even exploring barbless hooks. That was my last slide, so I'm happy to take any questions on the public comment summary as well.

CHAIRMAN ARMSTRONG: Questions. Tom Fote.

MR. FOTE: Could you put up the slide on participation at the public hearings, the numbers? I'm trying to figure out why we only had 888 people show up at the public hearings. I've seen this dramatic drop over the years. I know the Executive Committee was talking about it this morning, of how do we get the word out?

During the last 2015 Amendment we basically had at least, with three public hearings we had about 180 or 200 people show up. This time around I had less than 80. If I think about where we're going next year maybe for the annual meeting, we had a hearing there we had 1,100 people. We are miscommunicating with a lot of people that are not getting the measures, and I always basically attribute that to the newspapers.

There are no newspapers out there anymore, the people don't read them, and there are no fishing columns. They fired all the outdoor writers. It's very hard getting really to the common man that doesn't want to look at a smart phone all the time, or like me still has a flip phone, to get the message by not going on the internet and the hearings.

We're missing a lot of the people that used to show up to hearings that don't show up that particular segment of the anglers that fish from jetties, piers, and not looking at the internet in there. I don't know how we basically get back. Are you looking into the problem why the dramatic change?

I mean we used to have hearings in New Jersey when we did Amendment 4 that I had 1,300 people in three hearings. We're not just seeing those numbers. We're not seeing people get involved. I think part of it is they're also disgusted too with the whole process, because of summer flounder, black sea bass and a few others. But we really have a problem here.

CHAIRMAN ARMSTRONG: Mike Luisi.

MR. LUISI: A question, Max. The statement of the problem in this Addendum in my mind addressees, there are two parts to it. The one is the stock status, which you know overfishing is occurring stock is overfished. The other piece to the statement of the problem, which you go into some detail here, has to do with the magnitude of the release mortality in the recreational fishery.

With the exception of the circle hook discussion in this addendum, I'm wondering if you received any feedback from the public at any of these hearings about the issue of dead releases, and maybe questioned why this Addendum didn't take it the next step further to try to address that problem.

I'm just curious to hear whether or not the focus was solely on the options and the alternatives, or did you get any additional feedback about that dead discard problem, because we've discussed it at length here at the Board, just curious as to what you may have heard out there.

MR. APPELMAN: Yes. I'll say that we got a lot of people speaking out, not happy to see release mortality such a big part of the total. Part of it was just not understanding that catch and release fishing does contribute to deaths. That was definitely there. Then it always bled into the conversation of how we reduce release mortality.

That's when season closure would come up, and then getting into a discussion of why wasn't

season closures part of this addendum, and you know how states can pursue that to reduce release mortality in their fisheries. Again, coastwide program, a coastwide season is very difficult to garner any support for. That is largely why we don't see it in these types of proposals. That is another big reason why conservation equivalency can be so effective.

CHAIRMAN ARMSTRONG: Jim Gilmore.

MR. GILMORE: Just for the record, I think Max enjoyed a rather robust turnout in New York after he left New Jersey, because we had quite a large group. I just mention that because as much as there was a significant number that came to that what we heard at the hearings, we actually held a second one up in the Hudson River. We got 40 individual on that which was a good turnout relatively to the size of that fishery.

However, the information we got is although there was a large number of it, after you started looking at the factor that we've got maybe 4,000 commercial fishermen in New York, we've got several hundred thousand recreational fishermen. Trying to normalize that input, boy it was difficult. For the record, or what we found out last week was we had a local council meeting, which is balanced between recreational and commercial fishermen.

When they decided to look at Option 2 versus Option 3, they tied. The commercial guys want Option 3; the recreational guys wanted Option 2. Sometimes the input, even though it's voluminous or it gets more voluminous, it may not be as more helpful now. Saying that I agree, and Tom was right.

This morning we talked about different ways of getting some more information through maybe surveys or things that will help us make our decisions, and remind everyone that this is a tool to help us make a decision, it is not the decision. I know some people at our hearing said, well if we all vote for this option we're good, right, and I said this isn't a vote. This is a

public process that we're trying help guide our decision.

CHAIRMAN ARMSTRONG: I have John, Loren, and then Adam. John McMurray.

MR. McMURRAY: Given total written comment was over 5,000, it seems like we had comparatively few responses for the bag and size limit options. Do you have any understanding of why that happened?

MR. APPELMAN: I don't have a great answer there other than these commenters provided support for a particular primary option, and that's where the comment ended. If you'll look, some of those form letters with the big numbers of signatures didn't provide any indication of a particular suboption there. Again from the commercial side, you know that is sort of where we saw comment end as well with the primary option, and then not much for the recreational suboptions there.

CHAIRMAN ARMSTRONG: Mike to that point.

MR. LUISI: John, just to give you some perspective as to why what you stated may have happened. In Maryland we after reviewing the subalternatives, we're not confident that any of those subalternatives would work for us. We were very open at our hearings. We had 60, 70, 80 people at each one of them, but we were open up front that conservation equivalency was something that we were seriously considering. We focused the intent of those hearings just on the Options 1, 2, and 3 themselves and then kind of let it rest from there.

CHAIRMAN ARMSTRONG: Loren Lustig.

MR. LUSTIG: Again thank you, Max for your report. During your summary of public feedback, I found some very intriguing things to ponder. First of all I made note of you saying that some of the public feedback said that mandatory use of circle hooks is an overreach of authority. I would be delighted to know what the rationale is for anyone making that

statement. In other words, is there any legal basis for that? I also took note that you said that some of the comments said that it would be difficult to enforce. I would be delighted to hear from our Law Enforcement Committee about that.

MR. APPELMAN: I can't really elaborate too much more on the overreach of authority. These were viewpoints and comments from those individuals that for the Board to come in and put a mandatory circle hook requirement on the books is simply an overreach of authority. I didn't catch the second part of your question though.

MR. LUSTIG: I agree with you by the way. I was struggling to figure out why a person would say that it was an overreach of authority, and I could not figure it out, personally how they could come to that conclusion. The second part of my question related to that it would be difficult to enforce. I'm wondering if our Law Enforcement Committee would agree with that. I tend to think that it would be pretty straightforward to enforce.

CHAIRMAN ARMSTRONG: I'm sure that will be brought up during your report.

MR. APPELMAN: I didn't want to give away too much, but I think LEC will agree with you.

CHAIRMAN ARMSTRONG: Adam Nowalsky.

MR. NOWALSKY: In the answer to my last question you made it clear that you're not able to provide us today with what those impacts are on a state-by-state basis of the varying options. But you did indicate that we knew that this was a total reduction, so we knew there would be different impacts on a state-by-state basis. Was that information given to the public at the public hearings?

MR. APPELMAN: Yes, I touched on that point at every hearing that I presented at.

CHAIRMAN ARMSTRONG: Go ahead, Adam.

MR. NOWALSKY: And for the hearings that you weren't at, was that included in the presentation that was given to states to present themselves with the explicit instruction to tell them to disseminate that information to the public?

MR. APPELMAN: All my PowerPoint's had a slide that these were developed on a coastwide level, and that all states were intended to implement that selected measure to achieve that reduction. I didn't attend the hearings that I didn't present at, so I don't know exactly how it was presented, but that material was standardized in my PowerPoint.

CHAIRMAN ARMSTRONG: Further questions about public comments. Tom Fote.

MR. FOTE: Yes I was at all the three hearings in New Jersey, and you put the slide up that said coastwide, but I assumed coastwide, I assumed that we were doing what we do all the time that we go back to the 18 percent and we do it state by state. I should not have been confused; I was confused on that because I didn't realize at that point the disparity that was going to go on between states.

Maybe it was naïve of me, but I did not. I don't think the public at my hearings had that idea to know they could possibly take a much greater reduction than the 18 percent. I think they assumed, because of the way it was presented that they were going to take an 18 percent reduction on their catch.

CHAIRMAN ARMSTRONG: I believe our TC Chair would like to respond.

MS. NICOLE LENGYEL: I just wanted to clarify for the Board that the procedure and the analyses conducted for Addendum VI were exactly the same as was done for Addendum IV. It was a coastwide analysis targeting one coastwide reduction. I think there might be some confusion, because when the implementation plans came along, because of the timeline and the quick timeline for

turnaround, states were still going through their regulatory process.

They put forward implementation plans that had a variety of options, options that were in Addendum IV, conservation equivalency. That might be where the confusion is, but we followed the same procedure for this Addendum as Addendum IV. The other thing you might be thinking of is we did a performance of Addendum IV. That is where we broke out the percentage that each state ended up realizing after they implemented measures in 2015.

CHAIRMAN ARMSTRONG: Thank you Nicole.

ADVISORY PANEL REPORT

CHAIRMAN ARMSTRONG: We need to move on. If we could go on to the Advisory Panel report, Max.

MR. APPELMAN: While Maya brings that up on the screen, you know the AP met on October 16 near Baltimore. It was an in-person meeting. We had a fairly decent turnout, 10 individuals showed up; you can see them up on the screen there, the state that they represent and the sector that they represent. A pretty good spread across the coast. We had three individuals representing the commercial sector, seven representing the recreational sector. As far as the comments, it really echoes the broader public comment summary that I just went over. But for completeness regarding Option 1 there was no comment from the AP in support of Option 1, and the AP did not reach consensus in support of either Option 2 or Option 3. We had the commercial representatives in support of Option 3, and the recreational representatives in support of Option 2.

Regarding the recreational suboptions, they did not identify one strongly over the others, again because there is such little agreement among the different recreational sectors within a given state, within a region. Having said all that and

sorry I have Option 3 up here first. As I was saying, the commercial representatives they support Option 3.

A lot of similar comments that we heard from the public comment summary, there is already strict quota monitoring and enforcement in place, the accountability is there, an 18 percent reduction in commercial quota would cause some serious hardship to these individual fishermen. Another notion that when the commercial sector takes a cut in quota harvest generally comes down to that quota level, until the management program is adjusted again.

But on the recreational sector those reductions don't necessarily stay at that level, they continue to bounce around even without management action. Then lastly from those representatives, the recreational sector wouldn't be expected to take cuts for overages from the commercial. Summary of the comment that we received from the recreational representatives was that the FMP doesn't distinguish commercial versus recreational fishing mortality.

The equal reduction approach is the most appropriate. Also recognizing that 18 percent reduction from the recreational fishery is a much bigger volume of fish, so it is an equitable approach. That Option 3 would be more of an allocation question, and this Addendum is not focusing on allocations, and again that the AP doesn't support any one particular suboption strongly over the others, because of that lack of agreement.

Having said that some representatives did speak in favor of Option 2-A1 for the coast, there were others that supported Option 2-A3, but in general there wasn't really any strong push for either of the options or any of the suboptions, because of the statement that I said previously. Chesapeake Bay representatives didn't comment on the suboptions at all, again supporting the Bay jurisdictions to pursue conservation equivalency for the Bay.

The AP generally does support conservation equivalency when used appropriately. There was some discussion about support on some regional consistency there, particularly from the for-hire representatives in a multispecies context that different regulations across species complexes, but neighboring jurisdictions would make things very difficult. Regarding the circle hook provision, there was consensus here in support of Option B.

The AP generally recognizes the benefits of using circle hooks, recognizes the enforcement challenges there, but believes that circle hooks are a good thing. They do recommend that states collaborate when drafting language that they shouldn't be made in a bubble, if you will, within each state, then really focusing on that education component. They do believe that there should be a push for enforcement, if that strong enforcement effort isn't there the fear that anglers would revert back to non-circle hooks. A couple other general comments, one being that the Board should focus on the overall objective here to reduce fishing mortality down to the target. Looking for some better accounting for the commercial discards. I would like to see more discussion on season closures rather than just the bag and size limit options in the Addendum to achieve those reductions, also considering other terminal gear configurations to address discard mortality.

Noting that constant reductions, so this is referring to Addendum IV a few years back, now with this draft document and then with the potential amendment down the road makes it very difficult for business planning, and then also noting the proactive steps that Virginia has taken this year. That is it for my AP Summary Report on behalf of the AP, thank you.

CHAIRMAN ARMSTRONG: Questions for Max regarding the AP report. Pat Keliher.

MR. PATRICK C. KELIHER: Max, under the recreational comments I think it said there was a question of a reallocation between

Option 2 and Option 3, a comment around that. Could you expand on that?

MR. APPELMAN: I think some of the representatives looked at this Addendum as a whole as an allocation question that Option 2 was equal taking the reductions and allocating them equally to both sectors proportionately, based on their landings in 2017, and Option 3 was changing that being a different allocation of the reductions to the different sectors.

LAW ENFORCEMENT COMMITTEE REPORT

CHAIRMAN ARMSTRONG: Further questions, seeing none, Law Enforcement Committee, correct? Could you supply us with your report?

MR. KURT BLANCHARD: The Law Enforcement Committee of the Atlantic States Marine Fisheries Commission convened a teleconference on September 20, 2019, to review and provide comments on proposed regulations regarding the recreational harvest of striped bass in state waters.

The following were in attendance, representatives from the United States Coast Guard, the state of South Carolina, Delaware, Massachusetts, Florida, New Jersey, and North Carolina, as well as participants from NOAA HMS, as well as staff from ASMFC. We took up two issues specifically, circle hooks and size and possession limits.

To the circle hook discussion, during this teleconference the LEC reviewed and commented extensively on the potential requirement for use of circle hooks in the coastal shark fishery. Subsequent to that discussion staff asked if the same comments and concerns would apply to similar provisions for the Atlantic striped bass draft addendum. The LEC members affirmed that their concerns apply equally to striped bass as follows.

The LEC reiterated the position, despite their recognized potential value of circle hook requirements to reduce release mortality in the

recreational fishery, strict enforcement of the rule that depends on proving targeting or intent to catch striped bass with prohibited gear would be very difficult at best. Unlike in the shark fishery, gear and techniques for catching striped bass would be difficult to distinguish from that of other species. Implementation of a regulatory approach, such that is employed for shark fishing in Florida, would be much less effective. Therefore, if the Board were to implement such a requirement, the LEC emphasized the importance of using intensive education and outreach to garner support for the circle hook regulation.

If states are required to implement regulations regarding the mandatory use of circle hooks, the LEC recommends adopting standard definition of a circle hook, for example a definition as follows. A non stainless steel circle hook, a person targeting or harvesting sharks from Florida waters must use non stainless steel circle hooks when fishing with live or dead natural bait. Circle hooks mean a fishing hook designed and manufactured so that the point is not offset, and is turned perpendicular back to the shank to form a general circular or oval shape.

The LEC stresses the importance of all jurisdictions agreeing on standardized regulatory language, especially where states share common borders and fishing areas. To the discussion of size and bag limits, staff reviewed the various options for size and bag limits in the Draft Addendum.

The LEC concurred with previous written comments provided in the memorandum dated January 26, 2015, among the points reiterated by the LEC were; a single size bag limit would apply for all recreational sectors, i.e. private anglers as well as for-hire sector. This will ensure the greatest enforceability on the water, dockside, or on land.

It was pointed out that it is common to have these two sectors comingling at boat ramps, docks, and marinas. Slot limits and trophy fish

provisions are enforceable, but may raise unintentional violations. LEC members on the teleconference pointed out that there are relatively wide slot limits being proposed in Draft Addendum VI would help reduce unintentional violations.

Enforcement of bag and size limits as closely adjoining states would be greatly enhanced, if regulations are consistent across jurisdictions. The LEC appreciates the opportunity to review the proposals of the Atlantic Striped Bass Management Board, and to provide ongoing enforcement advice. Just in addition to this, this report was reviewed again yesterday, before the Full LEC, and the position still holds with the Full Committee reviewing it. Thank you.

MR. APPELMAN: I want to add quickly that we also had a back and forth via e-mail after the LEC webinar about the definition of circle hook that were used. The PDT used a definition slightly different than the example that was talked about in the LEC, but Kurt and I concur that it essentially means the same thing.

CHAIRMAN ARMSTRONG: Ritchie White.

MR. WHITE: Not a question but a comment. I attended the Law Enforcement meeting, and it was extremely helpful for me, because they discussed the number of scenarios that I would have thought would have resulted in an arrest, and they described how it would not have, and why. This does not change my support for mandatory circle hooks, but it certainly brings in expectations that you would have as to how aggressive it could be prosecuted. It was very helpful, and I thank Kurt for that.

CHAIRMAN ARMSTRONG: Bill Hyatt.

MR. WILLIAM HYATT: Kurt, I understand that your Committee would have concerns in cases where in the field you have to determine intent, and you stated that very, very clearly with regard to circle hooks. My question is if a circle

hook regulation were applied more broadly, would those concerns disappear?

As an example I'll give, in cases where circle hooks are required for any bait fishermen using hooks larger than a certain size, i.e. a regulation that would remove the discretion, but still would make use of circle hooks under certain situations mandatory. Would those concerns disappear?

MR. BLANCHARD: We discussed several different scenarios, and how the circle hook provision could be enforced, and what would make our ability to prosecute cases more consistent. To your point, we discussed where it would apply to different fisheries, and one example we used was in the reef fisheries down in the Gulf.

You're dealing with a variety of different species, but in area fisheries and specific to a certain region, i.e. the reef. Something like that is enforceable, and the feedback from our Gulf partners, as well as the state of Florida with our group confirmed that. They felt very strong about that and that it's very enforceable.

When you start to bring that fishery up the coast, and you say specifically to one species that is where the difficulty comes in, because we cannot prove that you're targeting striped bass versus bluefish or another species. I know up in the northeast we definitely have that problem. We were trying to come up with a solution to help support this, and prove that or support the element or the assumption that the position is to have a standardized rule to elevate the use of circle hooks, versus the educational component.

We continue to fall back on the educational component. We feel pretty strongly about that and even from our position some of the data that we're seeing, and I use the example that Max presented in the public hearing comments. There were over 4,000 people that supported the rule making process to have a standardized law to support circle hook use.

What I deciphered from that, was you had two other areas where there was minimal response or belief. That tells me that the majority of folks are using circle hooks already, so the buy in to that is already there. I think a push on the educational, and I would hope it would get this to the level that we need to reach our benchmarks.

CHAIRMAN ARMSTRONG: Go ahead, Bill.

MR. HYATT: Just a follow up to make sure I've got you clear. You're saying education is paramount, but if a rule could be applied more uniformly across species, as opposed to targeting certain species, it could be acceptable.

MR. BLANCHARD: It would probably be better accepted. You're still running the situations, for example just because you have a species on board, we would have to prove before a court that you used that device to catch that fish. Was it a treble hook, were you using artificial worms or whatever? How do we prove that unless observed? The manpower or the time that goes into those observations, and let's face it it's not going to be a mock patrol boat out there making these observations, it's going to be covert capacity, which is manpower intensive to support this.

Then you take it to the next level, and you need to prosecute this. What we learned up and down the coast is the majority of our recreational fisheries and commercial fisheries are going before our district courts, so there is a criminal standard there. You're presenting a case on a circle hook into a district court, the same judge is hearing cases of domestic violence, larceny, DOUIs, and oh by the way this gentleman is here or this gal is here for a circle hook violation. Those are some of the hurdles that we need to get over to support this.

CHAIRMAN ARMSTRONG: Tom, I saw your hand up but I'm going to reserve comment until we come back to circle hook discussion.

CONSIDER FINAL APPROVAL OF ADDENDUM VI

CHAIRMAN ARMSTRONG: We have about an hour and a half left, which is pretty daunting. It is show time; we are back to the Addendum. Is that where we're at, Max? We need to do this in a very orderly process, or we're not going to get out of here in time.

We've broken it down. There will probably be six motions that we need possible amendments and such. The first one we need a motion on the primary option, which are we going to take, 1, 2, or 3? Then according to whatever we decide then, and they're mutually exclusive. We then have to go to the suboptions, one for the ocean in a motion, Chesapeake Bay separate.

Then we need to talk about conservation equivalency and what standards we're going to hold that may or may not need a motion, probably will need a motion. Then we need to talk about circle hooks, and then we need to talk about the implementation dates. There are the six motions there and we'll try and blast through. Let's open up discussion. The main motion that starts this off will be which option? Pat Keliher.

MR. KELIHER: Under Section 3.1 Proposed Management Options, I would move Option 2 for equal percentage reductions.

CHAIRMAN ARMSTRONG: Second by Ritchie White. In discussion we will very orderly, we're going to limit multiple comments from individuals, we simply have to do that. Would you like to speak to the motion, Pat?

MR. KELIHER: Yes. There was a point that Max reiterated for me that was brought up by the AP in regard to non-equal reductions as it pertains to allocation, and I think there is a fairness issue, and I know everybody we're not going to have full support for this. But I think there is a fairness issue that needs to be dealt with here, and Option 2 certainly does that. It also gives flexibility to develop alternative regulations

through conservation equivalencies, including allocation between sectors. I think states and jurisdictions have that ability.

CHAIRMAN ARMSTRONG: Did I see Ritchie? Steve Train.

MR. STEPHEN TRAIN: Could I ask is it possible while I say I oppose this to get Figure 3 up on the screen, while I explain why I oppose this motion from our data. From the Addendum, Figure 3 that was in the data today, he just had it. Figure 3 pretty much explains why I will probably oppose any motion that starts with Option 2. Most of the removals and most of the discards, most of the mortality is not coming out of the commercial sector, and hasn't for a long time. I would oppose this motion, and probably any other under an equity scenario that starts with Option 2. As a disclaimer, we do not have a commercial fishery in Maine.

CHAIRMAN ARMSTRONG: Further comment. Adam Nowalsky.

MR. NOWALSKY: The difficulty I have right now is that this motion in particular uses the phrase equal percent reductions. I understand that as it pertains to Section 3.1 that relates specifically to recreational and commercial. I understand that. But if that is the sentiment that we're going to pursue, equal percent reductions, it is difficult for me to know how to move forward with this motion and a number of other motions, if we're not going to have the conservation equivalency discussion sooner versus later.

I would ask the Chair for some direction here, perhaps we could have that discussion now. As I understand the analysis that we've done in New Jersey, the majority of the recreational options in the document are going to provide a significantly higher percent reduction for New Jersey than other states.

Now that may be how it's been done in the past, but that doesn't mean we need to continue doing that and we can't do better

now. I would ask for some direction here. What can we do to resolve the question about how states will need to take reductions under conservation equivalency? I appreciate the guidance.

CHAIRMAN ARMSTRONG: Essentially changing the agenda and that is the will of the Board, but before we take comment on that I would like to know what happens to this motion if we go into a different conversation?

MS. TONI KERNS: You can table this motion and take up the motion on conservation equivalency, if that is what you want to do, or take up a discussion on conservation equivalency, and then come back to this motion, which will require a vote of the Board to table, either consent of the Board.

If there is no objection you could table the motion until after a discussion on conservation equivalency. If you need to vote on it then the only thing that would be debatable is the timeframe, after conservation equivalency is discussed, and then you would just come back to this motion, if that is the intent of the Board.

CHAIRMAN ARMSTRONG: Pat Geer.

MR. PAT GEER: I want to agree with what Adam was saying, because I think everything we're doing here revolves around the conservation equivalency. If we're going to create a vote, I mean in Virginia we've already put several recreational actions in play. We did that last month. We need to know what we're going to be able to do conservation wise. We want to be able to use those measures to adjust our commercial catch as well. In our state it's about 62 percent recreational, 38 percent commercial. We would like to almost a modification of 18 percent, where our recreational not taking 1.8, but we're taking a higher amount but not 18 percent. Higher than 1.8, but not 18 percent, because of what we've done recreationally. I really think we need to have this discussion first.

CHAIRMAN ARMSTRONG: Further discussion, John Clark.

MR. JOHN CLARK: I'm just a little confused here. Are we saying that through conservation equivalency Options 2 and 3 don't really matter, it's going to be up to each state to decide how they want to divvy up the reduction, because that's not what we took out to the public? The public heard Option 2, which were equal percent reductions to each sector. Option 3 was proportional reductions to each sector. Now we're making it sound like these options are no longer in play.

CHAIRMAN ARMSTRONG: Correct me if I'm wrong, Max. The original intent of this particular item is the Technical Committee wants guidance. Many of these options as you see were targeting either 18 or 20, but the actual results, in the Bay if you go from 2 to 1 fish it's 29. The question is when a state crafts its conservation equivalency does it have to match the option that's picked at 29 percent, or do you go with the 18 percent? Is that correct, Max?

MR. APPELMAN: I think there is a couple moving parts here now.

CHAIRMAN ARMSTRONG: But I understand that it seems like some people are not talking that.

MR. APPELMAN: I'll confirm that yes. We definitely, I mean my vision was that after the options were selected we would then know which percentage we were talking about, which ones we would be choosing from that we would hold states to for conservation equivalency. The other part, John is that the Board did approve language at the last Board meeting to include a blanket statement that the allocation of the reduction between the sectors could be changed through conservation equivalency, so that is built in there under both Options 2 and Options 3.

MR. CLARK: Yes I understand that Max. But I'm just saying that it just seems like at that point then Options 2 and Options 3 are identical when you get to a conservation equivalency for a state. Is that actually what we're looking at here, because both options are getting the same reduction overall, it's just different how they divide it between the sectors? These are like defaults, and then each state can say, well we'll take our conservation equivalency reduction mostly out of the recreational side, or mostly out of the commercial side, depending on the state.

MR. APPELMAN: Essentially yes. Options 2 and 3 are both designed to get us to the same spot.

CHAIRMAN ARMSTRONG: Mike Luisi.

MR. LUISI: I agree that we need to have the discussion regarding conservation equivalency, and the way I see it it's that we need to know as states what that ultimate target is, as far as what the total removals need to be in a conservation equivalency proposal. The way that I read the addendum, it states that we need to achieve an 18 percent reduction in total removals.

I'm not sure why we're even having the discussion. The goal is to achieve an 18 percent reduction in total removals. How a state chooses to do that may require more burden to the recreational fishery, and less to the commercial fishery. But at the end of the day at the bottom of the spreadsheet, the total removals have to be reduced from the 2017 baseline.

Now, I've heard something just this morning that has really upset me, and that has to do with what Adam brought up before about the effect of a coastwide regulation to each state that there would even be a consideration that a state as Mr. Nowalsky stated, would have to craft measures under conservation equivalency to achieve a 40 percent reduction, while others would achieve an 8 percent reduction.

It isn't something that I think this Board needs to even discuss at this point. The FMP coordinator stated that the analysis hasn't even been done, so how are we as states expected to have a discussion on something where I have no idea what a slot limit or a minimum size requirement would have as an effect to our current regulation in Maryland. It could be 80 percent change, for all I know.

The analysis isn't done. But that would mean that I would have to go home and craft measures on a conservation equivalency program to achieve an 80 percent reduction. That should be off the table. What we should focus on is whether or not this Board wants to make the target 18 percent of total removals, or should it be the target that is part of the line that you select when you pick your suboption.

If the suboption achieves a 21 percent reduction, but we're striving for 20 on the recreational fishery under Option 3, do we have to go to 21 now, or do we use 18 percent total removals as the baseline for all of these conservation equivalency programs? That would be my opinion, Mr. Chairman that we keep it simple to those two points, and then we can move on from there.

CHAIRMAN ARMSTRONG: Toni.

MS. KERNS: Just to help the Board along hopefully, maybe. For each of the motions that you make, I would say that conservation equivalency is allowed under that motion, unless the Board specifically says it is not allowed. The Plan will allow you to do that. I think that helps you with this first one.

For the second one when you get to the individual options, the Board should state in their motion so that as you debate the motion if it is a 20 percent reduction for the option that you choose then you could say under conservation equivalency the plans have to reach a 20 percent reduction. If you want it to have to just stick to the coastwide 18, then say it needs to stick to the coastwide 18.

CHAIRMAN ARMSTRONG: That is actually very helpful. Andy Shiels.

MR. ANDREW SHIELS: I'm glad John Clark raised this question, because I was thinking the same thing, and although I heard compelling discussion since, I'm very concerned about the public side of this. When we have our meeting we were the first state to hold a meeting, and I have the decision tree that Max had on the board, it was the handout.

The very first decision we need to make today, and we're stumbling over the very first decision. The way that I understood that this was presented was that it was Option 1, keep it the same, Option 2, split between the sectors, or Option 3, have a different choice. When this was presented, it was not presented with oh, and there is this thing called conservation equivalence. It's really detailed and we have to take our time to explain it, and every state could be different.

What I thought we were deciding, and what the public reflected was 50 percent commercial, 50 percent recreational. We're going to share the burden percentage wise. I thought that is what we were telling the public and what they commented on. We have heard very quickly that a conservation equivalent can be done state by state, and the state can decide to split the sectors.

I didn't understand that. I need conservation equivalence for Pennsylvania to make our regulations work for us, so I'm not against that. But what I'm against is I think we promoted to the public, you had a two-tiered, two-headed decision to make. The majority of people chose Option 2, and I think they believe that that meant commercial and recreational were both coming down at equal percentage, even though the total numbers of fish would be different. Hearing the conservation equivalent fine tuning means that is not in actuality what is going to happen.

I would like to know is that what the public believes they heard, and is that legit, considering that is what we went out to them with? Did all the extra fine details about conservation equivalence get explained like I think I'm explaining them now, and I think what I heard, so they can make the public opinions that they have? I'm not picking on any of the groups, I'm just trying to get to the point that what did the public understand we were doing here?

CHAIRMAN ARMSTRONG: Adam, clear this up for us.

MR. NOWALSKY: No, I'm not going to be able to do that Mr. Chairman, as much as I would love to. It seems to me that by consent we've gone down the road of having discussion about conservation equivalency, so I guess we don't need a motion to table this at this point to take up the discussion. If that is in fact there we are, I would like to have the TC go through their memo, and explain to us what each of these items means, and if we have to accept this memo as policy.

If you don't feel we can just do that now by request, then I will make a motion to table the motion that's before us in order to get us specifically to that memo. To the point that we've heard here, Number 5 in the memo under recreational options, states may allocate the total required reduction differently between regions and sectors.

It's clear in the memo what we're talking about. That is the TCs recommended proposal. I think we now need to as a Board know whether we're going to accept that. Mr. Chairman, I would like to see us get to the discussion of the memo. If we're there, please tell us. If not then I will make the motion to table to get us there.

CHAIRMAN ARMSTRONG: Yes, Dennis Abbott.

MR. ABBOTT: At the moment we do have a motion on the board and that's what we're discussing, and if Adam wants to stop us from at

this point to get into a technical discussion, we need to table this right now. If we don't want to table it, we have to move on with our business.

MR. APPELMAN: I just want to pause for a second, because I don't think the criteria that we would go over in the TC memo really gets to what you're asking for, Adam, and that is for an answer to what percentage states are going to be held to for conservation equivalency before we start selecting these options. What they're going to go through is what kind of data you can use and things like that. We need the guidance from the Board beforehand.

CHAIRMAN ARMSTRONG: It's clear we need to table this or not that is the will of the Board, we either do it by consensus. Is there an objection to tabling this and moving to? I see objections, we need a motion. Adam Nowalsky.

MR. NOWALSKY: Move to table the motion to discuss the Technical Committee memo for criteria for conservation equivalency.

CHAIRMAN ARMSTRONG: Is there a second? Eric Reid seconds it. Discussion, Adam.

MR. NOWALSKY: As a point of order Mr. Chairman, I don't believe there is any discussion on a motion to table.

CHAIRMAN ARMSTRONG: Thank you. Do we need to caucus? Two minutes.

MR. ABBOTT: Request a roll call vote.

CHAIRMAN ARMSTRONG: A roll call vote has been requested. Prepare for a roll call vote.

MR. APPELMAN: Okay, Maine.

MR. KELIHER: No.

MR. APPELMAN: New Hampshire.

MR. WHITE: No.

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MR. APPELMAN: Massachusetts.

MR. RAYMOND W. KANE: No.

MR. APPELMAN: Rhode Island.

MR. REID: No.

MR. APPELMAN: Connecticut.

DR. JUSTIN DAVIS: No.

MR. APPELMAN: New York.

MR. GILMORE: No.

MR. APPELMAN: New Jersey.

MR. JOE CIMINO: Yes.

MR. APPELMAN: Pennsylvania.

MR. SHIELS: No.

MR. APPELMAN: Delaware.

MR. CLARK: No.

MR. APPELMAN: Maryland.

MR. LUISI: Yes.

MR. APPELMAN: District of Columbia is not present, Potomac River Fisheries Commission.

MR. MARTY GARY: Yes.

MR. APPELMAN: Virginia:

MR. GEER: Yes.

MR. APPELMAN: North Carolina.

MR. CHRIS BATSAVAGE: Yes.

MR. APPELMAN: National Marine Fisheries Service.

MR. DEREK ORNER: Abstain.

MR. APPELMAN: U.S. Fish and Wildlife Service.
U.S. Fish & Wildlife Service: Abstain.

CHAIRMAN ARMSTRONG: The motion fails, 5 in favor, 8 opposed, 2 abstentions brings us back to the motion, discussion Eric Reid.

MR. REID: Do you want me to apologize in advance? I probably should. Given the discussion that we just had, and you know I'm hearing very different things about what may happen within each state, and they are not equal percent reductions. **I'm going to make a motion to substitute. Move to approve Option 3 under Section 3.1 for unequal percentages reductions.**

The reason for that I mean normally I would have different rationale, but my rationale is in order to accomplish conservation equivalency in the discussion we just had, the discussion is about unequal percentages, or not necessarily the ones that are in the document, but unequal percentages in general. My opinion would be that if we were to approve the first motion that would be off the table, so that is why I'm making this motion.

CHAIRMAN ARMSTRONG: Do we have a second, point of information?

MR. GEER: Point of information. I'm wondering if we should have something in there as long as the total reductions are equal to 18 percent.

MR. APPELMAN: That's how the calculations were done, so total reductions needed 18 percent across both sectors. That is factored in to both of these options.

MR. GEER: Okay.

CHAIRMAN ARMSTRONG: Essentially as I read it we're just substituting Option 3 for Option 2, is there a second? John Clark, discussion, John McMurray.

MR. McMURRAY: Option 3 would place 99 percent of the conservation burden on a sector

that accounts for only 90 percent of the mortality. There is something not right about that. This is a shared resource; all sectors should share in the burden to end overfishing. As Pat mentioned, I think this is ineffectively an allocation reallocation based on one year of data.

That is not the way to make an allocation decision. I would also point out that the commercial reductions are based on quota, not harvest, and so could on the water actually result in an increase. The entire point of this Addendum is to decrease fishing mortality. Lastly by this reasoning and we started to get into it. You could require states that don't account for a lot of fishing mortality to take smaller reductions, and I don't think we want to go down that road.

CHAIRMAN ARMSTRONG: Further discussion. Mike Luisi.

MR. LUISI: I support the substitute motion to approve Option 3, and the reason that I do is that while I understand the concept of equal in Option 2, when it really boils down to it, the effect of the alternatives when applied are very much different to the actual individual within the different sectors. Yes, the equity in Option 2 is only a number, but the effect is much different. As an example, the difference on the coastal recreational measure between Option 2 and Option 3 is a 1 inch difference in the minimum size. It's also a 1 inch difference in the top maximum size limit in the slot, when that provision is applied to a recreational angler, whether that angler is a catch-and-release angler or somebody who may want to harvest a fish to eat. That 1 inch difference means so very little to the ability of that angler to have access to that fishery, and to go on a fishing trip. Charterboats, I can't imagine would be affected by a 1 inch difference.

They're still going to be able to sell the trips, whether it's 35 or 36 inch minimums, or if it's a slot the 1 inch difference in the slot, I can't imagine that it's going to make a difference on

selling trips. Now on the other hand you spin it over to the commercial side. There is very much a difference to the individual fisherman when you apply either a 1.8 or an 18 percent reduction to that individual. In the state of Maryland we have an ITQ fishery.

Each one of our thousand permit holders had an individual quota that is essentially theirs. Quota right now, a pound of striped bass quota is selling on the market through the transfer process, for between \$18.00 and \$20.00 a pound for the permanent transfer of striped bass quota from one individual to the other.

I know a great many individuals that have spent thousands if not tens of thousands of dollars to acquire quota for their business to support their families, and to make a living on the water. There is a much bigger difference in taking 1.8 percent from that person and taking 18 percent of their quota from that person. They are not equal, and that's why I support Option 3, and I hope the rest of you can as well.

CHAIRMAN ARMSTRONG: Ritchie White.

MR. WHITE: I need clarification on Option 2, because I was under the understanding that Maryland, and they let us know this that they were going to sign the total mortality reduction to the recreational fleet and not the commercial fleet. I wasn't aware that they were not able to do that under Option 2. Is that the case? I don't think it's a question for Maryland. Would this Addendum allow Maryland under a conservation equivalency, Option 2, to have them take the full reduction in mortality on the recreational sector along?

MR. APPELMAN: Yes, Option 2 or Option 3.

MR. WHITE: Follow up. Then I don't understand the problem of why we have to go to Option 3. If most of us want to have an equal reduction, we pass that and any state that wants to adjust that has the ability to do that under conservation equivalency. I don't

understand all of a sudden this move to Option 3.

CHAIRMAN ARMSTRONG: To that point Mike, briefly.

MR. LUISI: I'll be very brief. Ritchie, we've been very open in the fact that we would like to implement a conservation equivalency, but we are limited to that conservation equivalency to the Chesapeake Bay. We don't have the information available to us on the coast. We have a coastal and a Chesapeake Bay commercial fishery. In order for us to minimize the impact to the commercial fishermen, Option 3 is our only way to achieving that on the coast, because if Option 2 is selected then we would need to take an 18 percent reduction on our coastal ITQ permit holders. I will say, on the flip side of all of this, a state could decide if Option 3 is selected that they would prefer to do it the way Option 2 is laid out. But the impact on us with Option 2 is more than what we can – I would rather have a starting point of Option 3 – and then if a state wants to reduce its commercial harvest equal to that of its recreational harvest they have every right to do so, as long as they achieve an 18 percent reduction in total removals.

CHAIRMAN ARMSTRONG: Pat Keliher then John Clark.

MR. KELIHER: Mr. Chairman, two of the three people I'm going to dinner tonight have either spoken against my motion or made a motion to substitute, so if you would like to go to dinner tonight.

CHAIRMAN ARMSTRONG: Via the bar.

MR. KELIHER: I do have the red bull, because it may be long here today. In all seriousness, I'm trying to understand the motion to substitute. I'm not sure I agree with Mike. If Option B is chosen a state can still choose to reallocate their 18 percent between sectors. I feel like those flexibilities are in place for both Option 2

and Option 3, and as such I'm going to be voting against the motion to substitute.

CHAIRMAN ARMSTRONG: John Clark.

MR. CLARK: I seconded this motion. I would have preferred calling it sector proportional percent reductions, but a lot of the reasons that are brought up by Mike Luisi, we have an ITQ fishery in Delaware, and it's a small commercial fishery. We catch the quota every year, and beyond just the commercial fishermen we have a lot of people in Delaware who are not represented here that like to eat striped bass.

In particular I know our commercial fishermen really target Easter week as a big market for striped bass. That is another factor to consider in this of course, but I think getting back to the options. I know from this conversation we've had here it seems that a lot of states are planning to just no matter what option is chosen, divvy the reductions up between sectors how they see fit. But for a lot of states I know I was looking at this more as more simple that we choose an option, and I wouldn't have to go back and come up with a conservation equivalency.

That is one of the reasons I think for many states that Option 3, or if they prefer Option 2 would work, because they wouldn't have to now go back and start looking at all the different numbers and say, "Well this is how we get to 18 percent for our state." Plus, it gets us further and further away from one of the stated goals, which was to have uniform regulations up and down the coast. Anyhow that is my reason for supporting 3.

CHAIRMAN ARMSTRONG: Marty Gary.

MR. GARY: A question for the maker of the motion. Eric is the motion meant to read that it is Option 3, meaning a 20 percent reduction to the recreational sector and 1.8 to the commercial? The way that could be interpreted is it could be anything that's unequal. I'm just looking for clarification. Is that actually the

way? Is your intent that it was supposed to be the 20 and 1.8 as it's listed in the Addendum?

MR. REID: No actually my intent was to provide the flexibility to the states should they do something under CE. I think I said that. But that is my point. Option 2 says equal percent reductions. That's what it says. My opinion is if in fact states want to use CE, then you have to have a motion that says you can do that. The original motion from my ex dinner companion doesn't do that. It doesn't do that. That is why I did it. I appreciate that.

MR. APPELMAN: I want to clear the air a little bit here. That flexibility exists under both Option 2 and Option 3. The Board had approved adding that language at the August meeting to both options.

CHAIRMAN ARMSTRONG: Senator Miramant.

SENATOR DAVID MIRAMANT: I wasn't clear on why Maryland believes it can't use the CE on both the coastal and Bay that they believe there is a restriction. I don't get that. Could you please clear it up if you can?

CHAIRMAN ARMSTRONG: Mike.

MR. LUISI: Let me see if I can. I'm not much on the technical side of things. However, the coastal fishery, if a recreational regulation is selected for the coastal fishery and we want to create. We would have to do two conservation equivalency programs; one for the Chesapeake Bay and one for the coastal fishery, given that there are two separate commercial quotas. If we decide to deviate from an equal percent reduction, we would have to describe how our recreational measures were going to account for that difference. We don't have any information in Maryland. It's such a small recreational fishery on the coast that we're unable to use our own Maryland data to craft a conservation equivalency measure on the coast.

We can do it in the Bay, because we have all kind of information on catch in the Bay, but our

catch has been so low recently on the coast, we don't have any information to provide to change the rule so that it accounts for. We can go to the Technical Committee and say, our change to the recreational measures accounts for the difference in that reduction on the commercial side.

The only way for us to be able to go home and apply a lesser reduction to the commercial fisherman, which is what our intent is, not zero but a smaller reduction, is to start as a base as with Option 3. Then if the state wants to do more than that they have the flexibility to add more reduction to the commercial fishery if they choose to. It's the only place we can start, which is why I've supported the motion. I hope that helped.

CHAIRMAN ARMSTRONG: Roy Miller.

MR. ROY W. MILLER: I hearken back to comments made by Andy Shiels earlier that when this went to public hearing in our state the options I thought were fairly cut and dried. Option 2 was 18 percent for both sectors. Option 3 was 20 percent for the recreational sector, 1.8 percent reduction for the commercial sector. Somehow we have evolved this afternoon along different lines, and I'll tell you what I don't like about it. If this motion were to pass as Max characterized it and others have characterized it that throws a ball back in Delaware's court.

In other words, we're going to have to have that discussion at home, how we divide the striped bass reductions among the commercial and the recreational sectors, and honestly I don't want to have to have that discussion, pitting our commercial fishermen against our recreational fishermen.

Our laws are designed around implementing the management plans approved by the Atlantic States Marine Fisheries Commission. That is the regulatory authority we were given. If we don't get guidance from ASMFC, we're on shaky

ground legally in our state when we go to public hearing.

CHAIRMAN ARMSTRONG: We need to move on this question. There have been great comments on both sides. Are there any further comments that can solidify last comments? Joe Cimino.

MR. CIMINO: I think something important here, because either of these options, we keep talking about conservation equivalency. My understanding is one thing that the Technical Committee through a couple of the meetings on this have come up with is what states do not have enough data to do conservation equivalency, and if that is true can we hear what states those are, because they're going to be impacted by either of these options.

MR. APPELMAN: It's kind of hard to answer that question, I think. I mean there is data that exists to do these types of reductions for every state.

CHAIRMAN ARMSTRONG: All right I'm going to call the question.

MR. NOWALSKY: Point of order, Mr. Chairman.

CHAIRMAN ARMSTRONG: I'm sorry where did that come from? Adam Nowalsky.

MR. NOWALSKY: This was one of the major topics under public comment, and I would ask that we hear from the public before this question is voted on around the table.

CHAIRMAN ARMSTRONG: It's the pleasure of the Board. As Chair, we have 6,000 comments on this already, point of order, Dennis Abbott.

MR. ABBOTT: Yes it's a simple one. Some of us don't hear so well, and maybe the audience also might be having difficulty. I would like to hear everyone's comments. John McMurray you're a low talker, Joe Cimino, you're a low talker if you don't have the microphone close. I would ask everybody; get closer to the microphone so

everyone can hear you, because we do want to hear what you have to say. I do, and I'm sure everyone else does.

CHAIRMAN ARMSTRONG: Mr. Leo, I will take one brief, because I don't want you to have a stroke.

MR. ARNOLD LEO: Thanks. The point has been made pretty clear that Option 2, reducing the commercial landings by 18 percent does very little to help solve the problem of overfishing, the commercial landings being only 10 percent of the total landings. However, that 18 percent applied to the commercial fishery in New York State has a very significant impact. Presently a commercial striped bass fisherman in New York State gets about 220 tags. Each tag allows a striped bass to go to market.

You're going to take away one-fifth of his quota, one-fifth of his tags that actually equals in monetary terms between \$2,400.00 and \$3,000.00. Now that is about what he has to pay to make his installment payments on his truck. I would consider that to be a very significant impact, whereas I think as Mr. Luisi has made the point, the impact on the recreational fisherman's actual ability to go out and catch a fish or two fish is very little impacted, whether he gets an 18 or a 20 percent reduction.

CHAIRMAN ARMSTRONG: Thank you, Mr. Leo. I prefer to call the question. Seeing heads nod. Let's caucus.

MR. WHITE: Roll call vote requested.

CHAIRMAN ARMSTRONG: We have a roll call vote requested. On the motion to substitute, Max a roll call, please.

MR. APPELMAN: Maine.

MR. KELIHER: No.

MR. APPELMAN: New Hampshire.

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MS. CHERI PATTERSON: No.

MR. APPELMAN: Massachusetts.

MR. KANE: No.

MR. APPELMAN: Rhode Island.

MR. REID: No.

MR. APPELMAN: Connecticut.

DR. DAVIS: No.

MR. APPELMAN: New York.

MR. GILMORE: Yes.

MR. APPELMAN: New Jersey.

MR. CIMINO: No.

MR. APPELMAN: Pennsylvania.

MR. SHIELS: No.

MR. APPELMAN: Delaware.

MR. CLARK: Yes.

MR. APPELMAN: Maryland.

MR. LUISI: Yes.

MR. APPELMAN: Potomac River Fisheries Commission.

MR. GARY: Yes.

MR. APPELMAN: Virginia.

MR. GEER: No.

MR. APPELMAN: North Carolina.

MR. BATSAVAGE: Null.

MR. APPELMAN: National Marine Fisheries Service.

MR. ORNER: Abstain.

MR. APPELMAN: U.S. Fish and Wildlife Service.

U.S. Fish and Wildlife Service: Abstain.

MR. APPELMAN: North Carolina was that a null or a no?

MR. BATSAVAGE: That was null, N-U-L-L.

CHAIRMAN ARMSTRONG: The motion fails, 4 yes, 8 noes, 2 abstentions, 1 null, back to the main motion. Brief discussion, all right let's go to a vote. All in favor raise your right hand.

MR. ABBOTT: A roll call vote, please.

CHAIRMAN ARMSTRONG: There has been a call for roll call. A minute for caucus, I'm sorry there was a nature break needed by the roll caller. All right prepare to roll call.

DR. DREW: Maine.

MR. KELIHER: Yes.

DR. DREW: New Hampshire.

MS. PATTERSON: Yes.

DR. DREW: Massachusetts.

MR. KANE: Yes.

DR. DREW: Rhode Island.

MR. REID: Yes.

DR. DREW: Connecticut.

DR. DAVIS: Yes.

DR. DREW: New York.

MR. EMERSON C. HASBROUCK: No.

DR. DREW: New Jersey.

MR. CIMINO: Yes.

DR. DREW: Pennsylvania.

MR. SHIELS: Yes.

DR. DREW: Delaware.

MR. CLARK: No.

DR. DREW: Maryland.

MR. LUISI: No.

DR. DREW: PRFC.

MR. GARY: No.

DR. DREW: Virginia.

MR. GEER: Yes.

DR. DREW: North Carolina.

MR. BATSAVAGE: Yes.

DR. DREW: National Marine Fishery Service.

MR. ORNER: Yes.

DR. DREW: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

CHAIRMAN ARMSTRONG: The motion passes 11 to 4. All right let's move quickly that is Motion 1 of 6 needed. It brings us to the suboptions that we need to move to. We would like to go with the ocean first. Justin.

DR. DAVIS: I move to approve Sub-Option 2-A2 under Section 3.1, 28-35 inch slot limit for the ocean recreational fishery.

CHAIRMAN ARMSTRONG: Second. I'm sorry where was the second, Mike Luisi? Would the motioner like to discuss?

DR. DAVIS: I'll start off by acknowledging that I think everybody around this table recognizes we've gotten a very strong signal from the public they want us to take strong conservation action on striped bass. I think I'm probably in the same boat as everyone around the table that I got more e-mails and calls about this than I've gotten about just about anything, since I've been involved on the Commission.

I think we need to acknowledge that any of the options we're looking at in this document, whether they be the slot limit options or the minimum length options across Option 2 or 3, all call for anywhere from a 43 to a 52 percent reduction in harvest. To me that is a substantial course correction to make in one year to essentially cut harvest in half in a fishery. I think whatever option we go with, we're meeting the mandate we've gotten from the public to engage in a substantial course correction for this fishery.

Given that all these options will sort of provide an equivalent, more or less reduction in harvest, I think it's left to this Board to decide which one of these options best fits the fishery we have right now, or the status of the stock provides the best way forward or the best management philosophy. I remember being shocked when one of my staff members who were working on the PDT brought it to my attention that an 18 percent reduction in removals for the stock was going to equate to a 50 percent reduction in harvest. At first I thought that couldn't be right, and made him rerun the numbers. But really I think it underscores one of the major challenges we're facing in this fishery, which is discard mortality. We should acknowledge that none of these options we're about to talk about deal with that issue.

I think that is a major issue that this Board has to deal with. The circle hook requirement could be a good start, but I would like to see the Board give this more thought down the road potentially in an Amendment process. I have real concerns that a high minimum length limit

is only going to increase the level of discarding and the amount of discard mortality we're experiencing for the stock.

I know that on paper all of the options will provide sort of a about equivalent increase in release mortality, anywhere from 3 to 5 percent. But I have concerns, and I've put this on the record before at a previous meeting that the size structure data that was used to formulate these options, the 2016-'17 data, while it does capture the strong 2011 year class.

We're in a situation now where we have two strong year classes starting to recruit into the fishery. I think that we're sort of underestimating the catch of smaller fish that we're going to experience in coming years, and so I think we're underestimating the amount of release mortality we might be adding with a high minimum length limit. That is one of my concerns.

Another is I guess what seems to be an emerging theme today, which is disproportionate impacts on different sectors or different states. We're treating the fishery as sort of this one consistent fishery across the whole coast, for the purpose of formulating these reductions, but I think we know that size structure of fish can vary, availability can vary across the coast year to year, and that also sort of be motivation to fish for different sectors within the fishery is tied more to harvest for some fishermen than others.

We've heard a pretty clear signal from the for-hire sector, from some other recreational anglers that the opportunity to harvest fish is still important to them. They recognize we need strong conservation, but they want us to still provide some reasonable opportunity for harvest. I think that the slot limit option provides that.

I'm concerned that a high minimum length limit will just be too exclusionary for certain sectors, or certain regions, depending on the availability of fish in their area. Finally I'll just close with,

you know I think from a fishery management sort of philosophy standpoint, just stepping back and not thinking about the percentages in the table.

Really what we're sort of doing next year is we're asking anglers to release half the fish they would have otherwise kept. We have to make a decision; do we want them to release the large fish over 35 inches or the fish between 28 and 35 inches? I feel like from a fisheries management standpoint there is abundant evidence out there that older, larger fish are really important to the productivity of the stock.

It's those fish which are most desirable for anglers; it's also those fish that comprise the spawning stock biomass, the depleted state of which is our main concern here. I think from a philosophy standpoint it really behooves this Board to send a signal to the angling public that it's important to return those large fish to the water and protect those older, larger fish. Those are all the reasons that I support a slot limit for the ocean recreational fishery. I recognize that a high minimum length limit would also provide substantial conservation for the stock, but I just feel like the slot limit is the best way forward at this point.

CHAIRMAN ARMSTRONG: Ritchie White then Tom Fote then Mike Luisi.

MR. WHITE: I'm going to oppose this motion. I'm going to support the motion that had the most public input, both throughout all the public opinion, and also state of New Hampshire, and I'm going to be supporting A1.

CHAIRMAN ARMSTRONG: Tom Fote.

MR. FOTE: We said it this morning or at lunch. I'm going to give you a little bit of a history lesson again. When we basically in the original plan to rebuild this stock, what we basically did was protect the '82 year class until it spawned, because it was a big year class until it went through the system, because I know, because every year I had to go to Trenton and get a bill

passed, because we did it by legislation back then, and raise it up another inch or two inches at a time.

We basically didn't open the fishery until almost 95 percent of those females had been the size to where they could spawn. Well right now we're doing just the opposite. We hammered the 2011 year class before they got out of the Bay. It was a misappropriation; we didn't realize the catch was going to be big. We did it. We are now hammering the 2011 year class, and this is in place for two or three years, the 2015 year class. The two year classes we're depending on to go up, to basically come up into the maturity.

Again, my science that I've looked at over the year says that the big fish don't go in every year, and there is always a disagreement whether the young females that are 34 or between those size limits are actually more productive in the fishery, because their eggs survive better, because they have less PCBs in them.

It's always a controversy, which is better at more producing fish. I don't like either one of the options to tell you the truth, because then we're going to be hammering the big fish. But what are we doing? Are we protecting the year classes as they moved along that actually did rebuild the stock, or are we trying a new plan that I think is just going to have the opposite effect? I can't support this motion.

CHAIRMAN ARMSTRONG: Mike Luisi.

MR. LUISI: Justin Davis, he basically said everything that I had planned to say regarding this alternative for the slot option. All things considered here, we have two ways to go. They both really accomplish the same thing, and the conservation effort is extreme based on how much reduction in harvest that we're looking at. I'm supportive of one of these tools being implemented, I just can't. By going with the 35 inch minimum size limit in the state of Maryland on our coast, which our fishery in the ocean is almost nonexistent, the only fishery we have

left is a small fishery in our back Bays area behind our Barrier Islands. The only thing that would allow for any harvest at all and that 28 inch minimum size limit in the Bay is almost impossible to catch. To allow for any harvest at all and to allow for any charterboat operation in our coastal fishery to continue fishing, the only choices we have is the 28 inch minimum size to the 35 inch slot, so I'm going to support this.

CHAIRMAN ARMSTRONG: John McMurray.

MR. McMURRAY: Dennis, is this sufficient? Good. Again I want to point out that overall public comment was 2-1 in favor of 35 inches, and I would point out that the TC does acknowledge discards, and it was listed out with each option even though it wasn't on the slide, and it was anywhere from 4-6.

I think one of them was 7 percent, but the TC has been very clear from the beginning that that large size limit far outweighs that 4-6 percent total reduction in fishing mortality. What this does is this targets a very narrow band of year classes, 7 or 8 inch. Part of my question earlier was and I have to be honest, I didn't understand your answer.

What I was getting at was what year classes are going to fall within this slot limit, because that is significant. I mean we're running the risk of putting a lot of pressure on the 2011s or the 2015s, and that is really what we're trying to protect. I can't look at this option and seriously believe that it's going to reduce fishing mortality, because you're going to have a whole lot of guys focusing effort on this 28 to 35 inch fish.

I understand the rationale, and I understand the part of the public that supported this. They want to have the opportunity to take home a fish, and I get that. But the entire reason that we're doing this, Addendum is to keep people from taking home as many fish as they had. This doesn't really achieve the objective that we're trying to achieve here. I'll leave it at that for now.

CHAIRMAN ARMSTRONG: Jim Gilmore.

MR. GILMORE: I'm not going to go into a lot of the comments I've heard made. The one thing I will say is that I didn't get any clear signal on this thing, because we got a lot of conflicting signals on it. But I'll just give you my perception on this. Right now the one thing that we did hear and this is up and down the coast that there was a success story years ago, and we raised the size limit, and it worked.

Everything else is sort of a maybe it will go, maybe it won't. But raising the size limit to a higher level with one fish worked. The stock came back and it came back like gang busters. That is what rings in my head as being a place to be going. On top of that remember if we go to that larger fish, it's different up and down each one of the states, but in New York we are leaning more towards that larger fish, because it worked.

Secondly, because we're going to do conservation equivalency to take care of some of those smaller sectors. The Hudson River Fishery is small. We have a mode split, and we think we can maybe use that larger size limit, but still accommodate those parts of the fishery. We do both. We maybe don't have a big economic impact, but we also rebuild the stock as quickly as we can. At this point I'm opposed to the motion.

CHAIRMAN ARMSTRONG: Adam Nowalsky.

MR. NOWALSKY: For states that choose to pursue conservation equivalency with this option, what will the TC review the proposal and come to their recommendation for the Board whether to approve it or not? Will it be that their CE proposal achieves the percent reduction in harvest that's in the table? Will it be that the state achieves the percent reduction in removals, or will it be that the state achieves the percent reduction in harvest or removals that we don't know the answer is to, based on some analysis of what their percentage is of the coast?

MS. LENGYEL: That is guidance that the TC is looking for the Board to. We would like an answer from the Board as to what percent conservation equivalency proposals will be held to.

MR. NOWALSKY: When are we going to have that discussion, Mr. Chairman?

CHAIRMAN ARMSTRONG: It's been suggested that you make a motion to amend and insert that percentage into this motion. Go ahead, Toni.

MS. KERNS: It's the pleasure of the Board on how we would like to take this up. You can either add it to this motion or you can take it up in a separate motion after it's been finalized, but either way we do need to give direction to the TC.

CHAIRMAN ARMSTRONG: Nicole, could you clarify what the options would be right now?

MS. LENGYEL: There are several options. As Mr. Nowalsky pointed out the overall coastwide reduction needed to get F back to the target in 2020 is 18 percent. The option in the motion that is up on the screen has a projected reduction of 19 percent, and there is also an additional option that has been discussed here at the Board that under each selected option a state's individual reduction will vary state to state.

As has been pointed out, the Board does not have those individual reductions in front of them at this time. If the Board chose to go with that route and have states held to whatever reduction their state would have had under the selected option, the states would have to go back and calculate what that reduction would be, and then submit a proposal that met that reduction.

CHAIRMAN ARMSTRONG: Is that clear to everyone? That is the discussion we need to have or we include an explicit option into this. Adam.

MR. NOWALSKY: I will move to amend to include or a CE proposal to achieve an 18 percent removal.

CHAIRMAN ARMSTRONG: Is there a second, second by Chris Batsavage? Let's get it up on the board.

MR. APPELMAN: Adam, can I look for a little bit more clarification that we're talking about an 18 percent reduction in total removals relative to 2017?

MR. NOWALSKY: Yes. I didn't even thing that was an option for discussion. I thought the document was pretty clear we were doing all of our evaluation on 2017, whether we agree with that at this point, I felt that decision was made. Yes that is what I think we would be looking at.

CHAIRMAN ARMSTRONG: We have a second by Chris Batsavage. Would you like to speak to the motion, Mr. Nowalsky? Adam, did you want to speak to this?

MR. NOWALSKY: I think it's pretty clear what we're trying to make clear here.

CHAIRMAN ARMSTRONG: Joe, I had you on the list. Have things changed? You're all set. Steve Bowman. We're going to speed things up.

MR. CIMINO: As Jim Gilmore pointed out, you know for some of the states it wasn't clear exactly what the preferred option. But it was clear in New Jersey that no one liked any of these options. These options are going for a reduction in F, and I'm surprised my low talking fellow Commissioner didn't get to the point where we need to be looking at rebuilding this fishery.

Whatever option we chose, I hope that we're having a very quick discussion and a motion on getting that Amendment back, because we don't know really what these options are doing for spawning potential. I'm concerned that because we were only shooting for 18 percent, we're talking about several year classes in this

slide that can be vulnerable for quite some time if we don't really reevaluate this soon. I'll leave it at that.

CHAIRMAN ARMSTRONG: I have Steve Bowman.

MR. STEVEN G. BOWMAN: Mr. Chair, all I had was a point of order, and if it's okay it's fine. Normally when you get a move to amend it's an amendment that's accepted by the maker of the motion. If the rules are a little bit different here and I misunderstood that that's fine.

I just want to make sure when this motion goes through, as much conversation we've had on it, it's made in a correct form. I don't know if this should be a substitute motion, or move to amend with a second based on the existing motion is appropriate. That was just my concern. That's all it is, and if it's good to go according to parliamentary procedures it's good to go.

CHAIRMAN ARMSTRONG: I'm getting the nod that it's okay in this form. Mike Luisi.

MR. LUISI: I'll be very brief. I support the motion. I think of the three options that Nicole referred to, I think this is the only really viable option. I actually presented at one of the hearings, and spent no time discussing that the total removals in the table would be something that we would have to achieve if that selection was made in a conservation equivalency proposal.

But the public in Maryland did not hear that nor would I feel comfortable in suggesting an option where an analysis hasn't even been completed yet. I think this is what we have. I think it's clear it is part of the discussion at the background information and the statement of the problem in the Addendum, and I think this is what we need to support.

CHAIRMAN ARMSTRONG: I may have missed someone, but I've got Jay McNamee next.

DR. JASON McNAMEE: I'll start off by saying with the conservation equivalency approach here for striped bass; we've got a mathematical issue. Conservation equivalency you're either all in or you're all out. You can't piece it out when we went in with a coastwide calculation. That being said, I think Commissioner Luisi is right in that we don't have any other information to go by. Because of that I'll support the amended part of the motion.

I do also agree with I think it was Commissioner Cimino who said this needs to be added to the Amendment discussion, because conservation equivalency can't work like this. We are not going to achieve our goals. I'll acquiesce, because I think we need to take action and move this Addendum. I don't want it to get stalled because of a technicality at this point.

But I think it's an important discussion that we need to have. We either want to go to some state-by-state management system for striped bass, or we are going to do coastwide management, and it can't be somewhere in between. Then one final thing, Mr. Chair, I do support the original motion as well made by Commissioner Davis.

You know I think we talk about slot limits and protecting spawners all the time, in particular with this fishery I think we have an opportunity to test that here. I liked the fact that in Rhode Island we got a lot of support for the slot limit, and there wasn't watering down of that slot limit with plus a trophy or plus some other measure. I liked it.

I would like to see it pass. However, I could be okay with either the slot limit or the minimum size, but I'll just offer that there is a cohort issue whether you jack the minimum size, fish continue to grow. You're going to have to deal with it at some point. These are dynamic systems. You may have bought another year or two with the 35, but you're going to run into the same problem that folks have been talking about with the slot limit, with the minimum size at some point as well.

CHAIRMAN ARMSTRONG: I hope we all note that we could have avoided a lot of heartburn that we're having right now if we had fully defined how we do conservation engineering. I guess that is for the next amendment. Further comments on the motion to amend, seeing none, let's go to the vote, caucus for a minute.

Are we ready to vote? All in favor raise your hand, opposed, abstention, and null. The motion passes 11 in favor, 2 opposed, 2 abstentions. We will amend the main motion. Let me read the newly amended motion into the record. Move to approve Sub-Option 2-A2, 1 fish at 28-35 inches for Section 3.1 for the ocean fishery.

Conservation equivalency proposals are required to achieve an 18 percent reduction in total removals relative to 2017. Are we ready to vote? Do we need to caucus, no? All in favor raise your hand, opposed, abstention, and null. The motion passes 12 in favor, 1 opposed, 2 abstentions. Moving on to Chesapeake Bay, would anyone care to put a motion for Chesapeake Bay? Pat Geer.

MR. GEER: Here we go let's make this quick. Move to approve Sub-Option 2-B1, 1 fish 18 inch minimum for the Chesapeake Bay Fishery. I wanted to do the same verbiage for the conservation that was up there, if we can get that in there as well.

CHAIRMAN ARMSTRONG: Is there a second, Marty Gary, discussion, Pat Geer?

MR. GEER: We kind of took a very proactive approach in our state. We've been working since March to try to look at this. We actually approved a 1-fish bag limit with a 36-inch maximum, so we've done away with our trophy fish. We've already instilled this in our state. It gave us the greatest savings.

Everything else would have had to be cobbled together with multiple items. With discussions with our Secretary and our Commission and all

our staff, we felt it was hard. But as Justin pointed out, we had to make hard decisions and we decided that we were going to go with the 1-fish bag limit. It gave us a substantial savings.

CHAIRMAN ARMSTRONG: Further comment, Mike Luisi.

MR. LUISI: This one is kind of awkward for me, in the fact that for the last few years we have worked in Maryland extremely hard to implement measures that reduce discard mortality. We've reduced our minimum size by an inch, and we implemented mandatory circle hook requirements with chumming and live lining.

It's very difficult for me then to support an option, although we hope not to have to implement this option. I've been clear that conservation equivalency is something that we're strongly considering using seasonal closures as a mechanism for achieving a desired result. It's very difficult for me to say yes, this is a great one.

We're going to have a 1 fish at 18 inch limit that if we have to implement it, will eliminate our charterboat fleet in the Chesapeake Bay. They can't sell trips for 1 small fish. Also, this option increases the release mortality by 4 percent. It goes against the grain of what our state has been preaching and working really hard on.

I'm not sure what I'll do when it's time to vote, but I would say that we could support it, because Virginia has also been working really hard, and this really is the only option of the four that could even possibly work. I may have to abstain on this vote. I just put that on the record, given the awkwardness of the application of this measure in our state.

CHAIRMAN ARMSTRONG: Further discussion. Seeing none let's vote. All in favor raise your hand, please. Sorry, caucus two minutes. **All right let's vote. All in favor raise your hand, please, opposed, abstentions, and null. The motion passes 12 in favor, 3 abstentions.** Now

the next consideration is the discussion we were supposed to have of conservation equivalency by incorporating it into the prior two motions we have addressed the concerns of the TC. We of course will want to bring it up under the Amendment talk in the next coming meetings. We can bypass this discussion right now, which brings us to circle hooks. Does anybody want to start the discussion or make a motion? Tom Fote.

MR. FOTE: I need to get close so you can actually hear me. I guess it might be a problem hearing me. Circle hooks, they work. You don't gut hook fish with circle hooks. It should be anywhere we can get catch and release fishermen, even the regular fishermen that use them is productive. It's going to save a lot of fish.

How do we go about it that's the problem? I spent a lot of time trying to talk to Kurt. I spent a lot of time talking to my law enforcement, even gone to the point of thinking if we can't force this because they could be fishing for something else, then why don't we just since bluefish are overfished, since weakfish are in the crapper, and we just say if you're fishing for any of those three and using bait, you need to do it.

Again he says, well I'm fishing actually for menhaden, and I want to pull him in. But that is how the judge will basically look at it, and it's just complicated. I think we go as far as we can. I would make it mandatory, but I know it's going to be a problem. That's why I'm debating, but I would support mandatory.

I also find it really one of the things that was disheartening at my public hearing is the guys that want us to go to, because they are all catch and release fishermen the ones that were speaking, they wanted me to go to about 45 percent reduction, because they need more catch and release fish. But they also did not want circle hooks, because they want to snag and drop.

I said, "Wait a minute, you're going to want to snag and drop?" For people that don't know what I'm talking about. If the bunks are sitting about 100 feet, 200 feet off there they take the rod, put a bunker snag on, throw it out as far as they can, snag a bunker with a treble hook with a piece of led in it, and then let it sit out there, the striped bass will get it. I say unlike what I used to do is pull them in and basically put a circle hook, and then put them back out again.

But that's what they're doing. I say how can you do something like that? It was different when you were basically taking one of those fish home to eat, because if you had a gut hooked fish you would take that and then quit doing it that way. But that's not what they're doing. It was disheartening for me to hear that at my public hearing. Yes, I support mandatory. I don't know if somebody wants to make a motion. I'll let more conversation before I make a motion.

CHAIRMAN ARMSTRONG: Ritchie White.

MR. WHITE: Move to approve Option B.

CHAIRMAN ARMSTRONG: Second by Senator Miramant.

MR. WHITE: I'll speak to it if I may.

CHAIRMAN ARMSTRONG: Go ahead Ritch.

MR. WHITE: As I said there was extensive discussion in Law Enforcement, and I think Kurt talked about benefits, even though enforcement is going to be extremely difficult, but he talked about the benefits of having it in law, because 90 percent of the people if it's in law will do it. It's the small percent that create problems, probably regardless if it's in the law or not. Please correct me if I'm wrong, Kurt.

MR. BLANCHARD: That was the discussion.

MR. WHITE: That's the basis of this. It is hard to enforce, but if we can get most people to abiding by it then we've done our job.

CHAIRMAN ARMSTRONG: Pat Keliher.

MR. KELIHER: I support the motion. I think Deputy Chief Blanchard really stated it well yesterday about the compliance issues. Maine has had mandatory circle hooks for several years now. We have a very high compliance rate. When we're not seeing compliance, we're usually dealing with it from an educational standpoint.

The officers are, and occasionally writing a warning and then changing behaviors that way, without writing tickets and dealing with the challenges that Kurt spoke to earlier with the courts. I think beyond this conversation, somebody ought to talk to the incoming Chairman about a broader conversation about circle hooks across the board. We're talking about them everywhere now, and maybe we need to have that broader conversation.

CHAIRMAN ARMSTRONG: Justin Davis.

DR. DAVIS: I'll also speak in support of the motion. Certainly as I mentioned earlier, I'm concerned about the issue of discard mortality of this stock. I think this is a good first step, hopefully one of many. I'm wondering if we need to consider an implementation deadline for this, because I don't believe, certainly from Connecticut's standpoint.

We could probably not craft regulations and implement them on the same timeline that we're going to be required to implement the other regulations we're going to adopt pursuant to this Addendum. I guess I'm looking for some direction from the folks up front there if we should consider an implementation deadline.

MR. APPELMAN: Yes I think Jim asked a similar question earlier. It is up to the Board if they want to have the same implementation timeline for all the measures approved today, or separate timelines, implementation dates for different pieces of the Addendum, this would be a good candidate for a second timeline.

CHAIRMAN ARMSTRONG: Yes, we put in circle hooks and we shoved it off a year for all the reasons we all know. Bait and tackle shops need to get rid of current stock, et cetera. We need to educate the public, so that is a reasonable thing to add. Jim Gilmore.

MR. GILMORE: That was my question was the same issue, the implementation date on the circle hooks. To your point, Mr. Chairman, I think giving some time to implement this. I think Kurt said yesterday, I was listening also, was that the majority of the fishermen if they know it's a rule will abide by it, and you get some just voluntary compliance just because they know it's the rule.

If we phase that in I think probably more protection of the resource while we're letting the for-hire industry get rid of their stock or whatever. Whatever we need to do, I think we need to identify a date, but is that something that we need to today or is that something that we can push off until the February meeting?

MR. APPELMAN: My goal is to get that today. We will have to set implementation date after we deal with circle hooks, and that is when that can come up again. But yes I would like to get that today.

CHAIRMAN ARMSTRONG: Okay and we don't need to put that as an amendment now, we can talk about it as part of the implementation schedule at the end, five minutes from now. Representative Peake.

REPRESENTATIVE SARAH PEAKE: A question about Option B. In the middle of the paragraph is says states have the flexibility to develop regulations that address specific needs of their fisheries. I guess my question is will that allow states the flexibility to exempt certain sectors from the circle hook requirement?

MR. APPELMAN: When the PDT put this measure together in the document that was one of the struggles that we had. We learned from other states going through this process

that it's very difficult to get a blanket statement there to apply to all anglers, and the PDT there was no way we were going to be able to create that language ourselves.

Because of that that is why you see that flexibility in there. If this option were to pass, we would need some guidance, the Plan Review Team, on where those exemptions could apply, what fraction of total catch you are addressing with your circle hook provision, something that we can use to say yes this meets the intent of the provision.

REPRESENTATIVE PEAKE: Thank you and I don't mean to imply that I'm not supportive of circle hooks, but there may be in very small well defined sectors for a variety of reasons we might want to take a look at. I want to make sure we have that flexibility within this option.

MR. APPELMAN: Yes again the intent is to allow. We standardized the definition of circle hooks that's about as much as the Plan Development Team could do; allowing states flexibility to work with their anglers, work with their sectors to craft a language, a regulation that would work for the majority of anglers out there targeting stripers.

CHAIRMAN ARMSTRONG: John McMurray.

MR. McMURRAY: Yes I support the motion. I think it's a no brainer, with the understanding that this will not help discard mortality on paper. We're stuck with a 9 percent regardless. But it's the right thing to do, and I think it will have a real effect on the water in reducing discards. I do understand the compliance concerns, but say what you want about Mike in Maryland, but they did show us that high level of compliance can be achieved, and I think with the right educational component here we will have a high level of compliance.

CHAIRMAN ARMSTRONG: Joe Cimino.

MR. CIMINO: I think that's a good time to follow up. I also support this, and I think one of

the main reasons for me is that it will get this information out into the public better than anything else we can do. But reading the option it mentions educational stuff is encouraged. Max's presentation sort of suggested that there will be an educational component to it, so I'm just trying to get some clarity. Does Option B have any educational requirements, and if so what would states be held to for that?

MR. APPELMAN: As far as a compliance criteria, no. It is encouraging anglers to use that provision. I think the intent is that if a state is going to put a regulation on the book, there would have to be some sort of education criteria there already. By default states would be doing that.

CHAIRMAN ARMSTRONG: Mike Luisi.

MR. LUISI: I just want to speak to the point of flexibility. I'm glad it came up and it was discussed, because as you all know we implemented mandatory measures a few years ago for circle hooks, and we found challenges in that. We found challenges in trying to get a circle hook regulation put through our process with bait as a general term, due to how many other fisheries are happening in our area of the Bay with bait.

What we did was we made an attempt to try to achieve, you know let's try to hit 95 percent of those people fishing during a certain time of year with a certain method. I would hope that as it has been discussed and written, it is more important I think to get the regulations on your books, and be able to be flexible around how that rule applies.

Then through the Amendment perhaps we can tighten that up. Maybe it could be more broadly applied to all bait fisheries. But I think right away if we had trouble, I'm sure other states are going to have trouble with that too. Flexibility is a key here for the first few years of mandating this hook.

CHAIRMAN ARMSTRONG: Senator Miramant, final word.

SENATOR MIRAMANT: That was part of what I wanted to say was the getting it on the books is an education, because 99 percent of the people I know check the regulations for the New Year, because they know something will change. They noted that it's in place, but I think that the, I didn't say this just because of this, but I think there is a real bait and switch issue going on with giving a year to keep selling something that will be illegal if you give a year. You're saying here, come buy all these hooks up to benefit the sellers, so you have something that you have to throw away in a year, or be tempted to use and break the law. I don't think it should be delayed. It should go on the books right away, and that will be an education.

CHAIRMAN ARMSTRONG: Let's move the question. We're ready to vote. All in favor of the motion raise your hand. Thank you, opposed, abstention, and null, the motion passes unanimously. Okay one more item.

MR. APPELMAN: Before we leave this topic, I do want to say. You know we've been talking about this flexibility, and again the Plan Review Team is going to review these proposals, implementation plans, and have to make a call on whether it meets the intent of this. I would like to have some sort of consensus around this table.

It could be as simple as any regulation on the book would meet the intent here, no matter who it applies to or as complex as you want to make it, but can we just have a minute of discussion giving some guidance to the Plan Review Team about intent for these circle hook provisions.

CHAIRMAN ARMSTRONG: Roy Miller.

MR. MILLER: Mr. Chairman, to provide some guidance I would just direct us to Paragraph 3 of Section 3.2, Circle Hook Provisions. I think that

says a lot of what we need to specify in the way of intent.

CHAIRMAN ARMSTRONG: Pat Keliher.

MR. KELIHER: Yes I agree. I think Section 3.2 overall gives very good guidance. This is about circle hooks for the use of bait, both cut and live. There needs to be an educational component to this from a timing standpoint. I think the biggest issue is when we're going to initiate overall. I differ a little bit from my seatmate on the timing, but I'm not sure what more you would need based on what are under 3.2. I think it's pretty comprehensive.

MR. APPELMAN: I'm just going to probably end this conversation pretty quickly. You got some guidance from Toni in the idea that we'll look at these implementation proposals for the circle hooks provisions and come back in February, recognizing that there is probably going to be, perhaps there might be a delayed implementation with that. We can get some more feedback from the Board at that time.

CHAIRMAN ARMSTRONG: Let's go to implementation schedule. I think there are two parts; one is the whole Addendum, and then one for the circle hooks. Max, what feedback do you *need* for that?

MR. APPELMAN: We need specific dates for when implementation plans will be due, recognizing that the conservation equivalency Guidance Document specifies a period. We've sort of put that in there as default, it would be November 30, but that needs to be in a motion. Also, when the Board would review implementation plans. Again, the intent has been for February, 2020. We would need that in a motion. Then the date by which these measures would become effective, the date that states need to implement those measures. That date also needs to be in a motion.

CHAIRMAN ARMSTRONG: In addition to the circle hook implementation. If the Board feels it should be a different time than the main implementation. We will help you craft that

motion, would anyone like to throw their hand up? Andy, thank you.

MR. SHIELS: Let start with the plans. I think you said November 30th. I make the motion that the plans are due November 30, and you can Wordsmith the rest of it.

CHAIRMAN ARMSTRONG: I'll wait until it's up there to ask for a second. We have a second, Ritchie White, sight unseen, awesome. Andy you said and the other language that we talked about, correct?

MR. SHIELS: Yes I did.

CHAIRMAN ARMSTRONG: Do you have a comment on the circle hook implementation part?

MR. SHIELS: For Pennsylvania it was interesting, because our anglers were volunteering to do circle hooks, even if we didn't require it. In order for us to take action on this, it would be much simpler for Pennsylvania to roll everything that we talked about today into a single action. We're prepared to do circle hooks for 2020.

I'm looking at this; our season is going to be open depending on the conservation equivalence, the months of April and May. Typically March is when striped bass are on the move, so I'm hoping we can get things done in February, and everybody gets their stuff in order by March. That would be what I would be thinking, but I certainly would listen to others on that.

MR. APPELMAN: Andy I'm sorry, was the implementation date in there as well?

MR. SHIELS: I was looking for an implementation. I was asked specifically about circle hooks. I would like that to be in 2020. I don't know what month that needs to be, but I would rather it be in 2020 than 2021.

CHAIRMAN ARMSTRONG: I believe your intent was to include an implementation date for the entire Addendum of March 1, 2020? That is what Max had mentioned.

MR. SHIELS: Yes, in order to catch that fishery before things start happening up and down the coast.

MR. APPELMAN: Andy, are you good with the wording up there?

MR. SHIELS: Not quite. My intent, and certainly this will be debated I'm guessing, but my intent was that the circle hook requirement is implemented beginning in the 2020 fishing season, not at the end of the 2020 fishing season, March 1. Obviously that is going to be an administrative challenge for many, but that is the motion, and I expect that somebody might want to change that.

MR. APPELMAN: Could I make a suggestion that you're looking to fully implement the provisions of Addendum IV by March 1, or whatever that March date was.

MR. SHIELS: When you say fully implement.

MR. APPELMAN: I'm sorry; I'm trying to squeeze in the last bit of this implementation motion, which is for all the other measures that have been approved today, or selected, also need an implementation date. If you're looking for early 2020, by 2020 I would assume you meant for all the provisions as well.

MR. SHIELS: I'll ask for clarification. Since my understanding was when we started this whole process many months ago that adjustments to everything had to be done in the year 2020. Changes had to be made in the year 2020 in order to affect the change that needed to be done. I don't know if that needs to be the beginning of 2020, the end of 2020.

To be true in the spirit of what the guidance was for the striped bass fishery, because it was overfished and overfishing was occurring, I'm trying to get some dates up front, to make sure

we don't slip. But if you tell me that we're all good some time in 2020 that the group can agree that they can make, because that is true to the spirit of what we are charged with. I'm open to that.

MR. APPELMAN: The way I've been explaining this is that it has been the intent of the Board that these measures would become effective January of 2020. That has been the intent of the Board. Now it's time for the Board to specify a date. Whether that changes a few weeks or months to accommodate processes that have to play out that is up to you guys to decide. But we need a specific date now.

MR. SHIELS: That being the case, given what I had said previously and the fact that February, 2020 is in there. I would suggest that March 1st be the date.

MR. APPELMAN: I just want to get it clear on the record. You're not just referring to the circle hook provision; you are referring to all the provisions that have been selected in this document.

MR. SHIELS: Yes, and you promised me you would write all this language if I raised my hand.

MR. APPELMAN: I made no such promise.

CHAIRMAN ARMSTRONG: I promised, I did, and they didn't do it. Has it evolved okay with you, Ritchie? Jason McNamee.

DR. McNAMEE: We're talking about the motion here, Mr. Chair?

CHAIRMAN ARMSTRONG: Yes, I believe we have a finely crafted motion now.

DR. McNAMEE: Okay so March 1st I think would be a little tight for Rhode Island, and I would prefer it to be April 1st. Would that be an amendment that I would be offering?

CHAIRMAN ARMSTRONG: Don't ask me. I got in trouble earlier today about this.

MR. SHIELS: I haven't read this into the record yet, so it's not really a motion, right? I am happy with April 1st, I can certainly agree to that.

CHAIRMAN ARMSTRONG: That would be fine by my rules.

MR. SHIELS: I can agree to that.

CHAIRMAN ARMSTRONG: Yes. Do you have a suggested?

MR. McNAMEE: April 1st.

CHAIRMAN ARMSTRONG: Jim Gilmore.

MR. GILMORE: Mr. Chairman for the circle hook provision, I would like to amend to have that date be January 1, 2021.

CHAIRMAN ARMSTRONG: Is there a second to that? John Clark. Would you care to speak to that?

MR. GILMORE: Again, we've heard very clearly from, and this was one of the clear things we did hear at the hearings was that we have bait and tackle industry, we have the party boat whatever, and they essentially need to get up to speed on this. Mike Luisi put it clear that this is not as simple as writing some new rules and throwing them out there.

Kurt again had said at the meeting is that if you put it in that this is a requirement, you're going to start getting compliance gradually. It's an educational thing that we were going to do. Remember, one of the options was just to make this as an advisory thing or an optional thing, just that we would recommend it. This is doing both. It is kind of phasing it in so that it will be a requirement, but it gives industry or whatever the opportunity to do that over a one year period.

CHAIRMAN ARMSTRONG: Further discussion. Who do we have, Joe Cimino and then Mike.

MR. CIMINO: To just the Senator's concerns, there are other reasons for this. For a state like New Jersey, what we have authority to do by notice is different than some of these things, like the circle hook requirement. It would be set on a different timeline for us as a regulatory change. This I think gives us the flexibility to make sure we're in compliance.

CHAIRMAN ARMSTRONG: Mike Luisi.

MR. LUISI: I'll support the circle hook piece, but I also wanted to speak to when Addendum VI must be implemented by April 1st. Based on what our intent will be, and hopefully the approval of a conservation equivalency proposal in February. Those actions that we're going to be suggesting will not be able to be in place by April 1st. It will most likely be more like midsummer. I'll say that but I'll also state that the early season actions that we're going to put in that proposal, we've already begun the process of implementing those now.

Our spring trophy fishery will be taken care of. The reductions that we're recommending will be done already. But I just would hope that the Board would allow for, as long as we're actively working to get rules in place by April 1st. I think that has always been kind of the common theme that the rules don't have to be on your books, as long as you're trying to get there through whatever process the state uses. I would hope that if we can clarify that I can support the motion.

CHAIRMAN ARMSTRONG: The Chair is thankful you are not amending the Amendment. John Clark.

MR. CLARK: I just wanted a clarification. Now the implementation plan by November 30th that includes conservation equivalency proposals, some of the things that were talked about earlier like changing the percentages? I'm not saying we're going to do that but that is a very aggressive timeline to not just come up with different proposals, but to actually look at how it would affect different sectors of the fishery. I'm just curious. That's mighty fast.

CHAIRMAN ARMSTRONG: Further discussion. Senator Miramant.

SENATOR MIRAMANT: When any of these are short term, it's just like the states having a law that they put on right away and then they don't write tickets, they let a year go where they're just issuing warnings or watching progress. It seems like the Board would be watching that same for a state that is trying to get the information, trying to work on it, misses the date a little bit. We're not going to convene the ASMFC to sanction a state that's working towards the goal and misses by a little, correct or not?

CHAIRMAN ARMSTRONG: Toni.

MS. KERNS: I mean that's the prerogative of the Board. I think there are parts of this such as the submission of the implementation plans, meaning the conservation equivalency proposals have a timeline, because the TC has to review that information in order to provide you guidance for the February Board meeting.

Some of these timelines are very definitive and hard, in order to give the amount of time that's needed to do a thorough review of these proposals. We recognize that this is going to be a quick turnaround, and will be difficult for the states. But in order to have regulations implemented by the beginning of next year, or the beginning of next year's fishery, it's the way we need to make it be.

CHAIRMAN ARMSTRONG: Okay, I think we can vote on this. Let's vote on the motion to amend the circle hook implementation date to a year later. All in favor okay opposed, abstention, and null. The motion passes 11 in favor, 2 opposed, 2 abstentions.

CHAIRMAN ARMSTRONG: Back to the main motion, are we ready to vote as amended? Let's amend it up there first, I guess. I need to read this into the record, I believe. Move that states submit implementation plans by November 30, 2019. The Board will take

action on implementation plans in February, 2020. Circle hook requirements must be implemented by January 1, 2021.

All other provisions of Addendum VI must be implemented by April 1, 2020. Are we ready to vote on this motion? Do you need to caucus? **No. All in favor raise your hand, opposed, abstention, and null. The motion passes unanimously.** We have one final motion we need, is that correct, to accept the entire Addendum as amended, as approved sorry. John Clark.

MR. CLARK: I just had one thing to bring up. It's an issue that affects Delaware that came up at the last Board meeting, where there was language that was in the Draft to exempt a few small recreational fisheries from conservation equivalency, because they were not included in the calculations to develop the 18 percent reduction scenarios. I know that that was changed at the last meeting.

This raises a very strange situation for us now, because we're being asked to do conservation equivalency about fish that have already been counted by the PDT in the calculations to develop the options that we just voted for. This will lead to double counting the same fish. I'm just saying I understand why the Board did what it did at the last meeting, but I just think that looking at this rationally, it's a very small fishery.

It's ridiculous to ask us to do conservation equivalency for striped bass that have already been accounted for by all the calculations that were done to develop these options. I just wanted to put that out there as we go ahead with this, because I think that is something that would be contrary to the ISFMP Charter there, because it's not fair to ask a state to double count a fish. I just wanted to put that out there before we finalize this.

CHAIRMAN ARMSTRONG: They're conferring. Is this to this point, Cheri? Thank you.

MR. APPELMAN: I think the Board made a clear decision that even though those calculations did account for those smaller fish still being harvested that it decided that all states on the recreational sector would have to come forward with conservation equivalency if they didn't want to implement the selected suboption. The calculation, Delaware would still have to submit a proposal to achieve that selected reduction in that particular fishery.

MR. CLARK: If I could just follow up on that Max. If we accept the option that was chosen, with Option 2, you know the slot that was just put forward. Our summer slot fishery has already been accounted for in the calculations. What would we have to do then? Are you saying we would have to calculate everything back out again?

Yet like I said, those fish have already been accounted for. As far as I'm concerned, if we accept the slot limit provision that was approved right now, and we keep the summer slot fishery, we are still within the provisions of the plan in terms of what we would actually be harvesting in our state.

MR. APPELMAN: Yes I understand what you're getting at. The assumption of, it was a noncompliance assumption really. I mean when this was done back in Addendum IV, the assumption was that there would be a hundred percent compliance. This time the PDT went the other route and said that is probably not a fair assumption.

We're going to assume the same level of noncompliance, meaning all fish not just in Delaware, up and down the coast that were below the minimum size that that harvest would still occur. It's not secluding just the fish from Delaware; it's really all those fish across the coast.

MR. CLARK: Oh I understand that but I'm just saying that the reason it was put in, and as an explanation in the previous Draft that was presented to the Board before the August

meeting, was because those fish were accounted for. As I've said, I've seen the calculations and all that. We did all the work done to justify that fishery back in, what was that 2008, Roy, 2009?

We have continued to document that it is a resonant male fishery in Delaware Bay. It's a small fishery, and as I said I'm just saying in this case to do a conservation equivalency for those fish just seems like adding needless work to our state and to the Technical Committee.

DR. DREW: I think the Board, so from the TCs perspective yes. The TC said technically those fish are sort of already accounted for in the calculations of the coastwide level, and that was why we put that forward the way it was. The Board had already decided they don't like that justification and that rationale, and so have said that you guys have to submit a conservation equivalency plan if you want to keep that small summer slot.

If you want to bring that decision back up to the Board, now potentially would be a time to do it. If you want to try this in February, you can try it then. If you want to submit a conservation equivalency plan for that small slot limit, and say it's not going to change the harvest beyond what you would expect under the 28 to 35 inches, you can submit that. But the TCs hands are tied in how we would interpret this by the direction of the Board. If the Board wants to come back on that issue they can.

MR. CLARK: In that case may I ask the Board. I understand why the motion was made as it was. But I think it was a one-size-fits-all. The entire noncompliant fishery removals that were projected forward were about 5 percent, right? Out of that the summer slot fishery we have is probably maybe 10 percent of that 5 percent. We're talking a small fishery, but in Delaware Bay in the summer as we've talked about with the weakfish.

They're not there anymore. We have these small resident striped bass, and as I said before

that was taken out of the Draft Addendum that would have just gone forward. I'm just looking for the Board here. If there is support for us to continue that given how minor it is, I would be fine to make a motion right now to do that, but if the Board would rather wait until the next meeting that is fine also.

CHAIRMAN ARMSTRONG: Given the hour is it possible to wait until February?

MR. CLARK: Yes I just wanted to bring it up before everything was finalized, just to let everybody know that this I think is an unintended consequence of what was done with this Addendum. Thanks.

CHAIRMAN ARMSTRONG: Thank you for that. Cheri Patterson.

MS. PATTERSON: Yes, I would like to make a motion to have the Board approve Addendum VI to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass as amended today.

CHAIRMAN ARMSTRONG: Got it, do we have a second? Who wants to be the second, David Borden? It's about time you raised your hand. Is there any objection to this motion? Seeing none, Addendum VI is approved. I'm sorry, hold on. No objection, it passes without a roll call vote. Is there any business additionally to come before this Board? Tom Fote.

MR. FOTE: I was serious before when I said that maybe we should be doing the circle hooks for bluefish. When I go to my Marine Fisheries Council, I'm actually going to make a proposal that we basically put it in for bluefish, weakfish, and striped bass; mainly because bluefish the chucking fishery a lot used to be there, and it would be much better off with circle hooks so we wouldn't be gut hooking the bluefish.

Since bluefish is actually in a worst case scenario than I think striped bass is right now, we should be protecting them and weakfish is down the tubes altogether. This way it will

make it easier for enforcing, maybe not perfect, but at least it can't say they are fishing either one of those three species, they all require circle hooks if you're fishing bait.

REVIEW CRITERIA FOR DEVELOPMENT OF CONSERVATION EQUIVALENCY PROPOSALS

CHAIRMAN ARMSTRONG: I guess we're not done with conservation equivalency. We have a very brief item here, at least a presentation.

MS. LENGYEL: I will be presenting the TC criteria for conservation equivalency for Addendum VI. I will just add as a brief background, conservation equivalency allows states to develop alternative measures to address specific state or regional differences, while still achieving the same level of conservation for the resource.

Currently several states implement CE programs. Draft Addendum VI maintains this flexibility. The Board has had discussions about this already today. All CE proposals are subject to TC review and Board approval, so these will be going to the TC in the next couple of months, and then for Board approval in February.

Who needs to submit a CE proposal? For recreational measures if you're deviating from any of the Board's selected suboptions, states must submit a state-specific analysis using state-specific data, demonstrating the proposal meets the required reduction relative to 2017 levels, which the Board has decided is 18 percent.

Data sources, the TC has said that MRIP data will be the default data source to be used for any CE proposal, and that the years to be used will be 2016 and '17 for all size-related analyses, and 2015 to 2018 for any seasonal and mode-based analyses. Analyses to be used shall follow the standard procedures for size and bag limit analyses that the TC has used in developing Addendum VI options. Other analyses will be reviewed on a case-by-case

basis, and confidence intervals may be considered by the TC.

However, the TC generally requires point estimates to be at or above the required reduction, and the TC has recommended that any state that comes forward with a proposal with confidence intervals, come forward with a second proposal based on point estimates, in case the first proposal is not endorsed by the TC.

For noncompliance, the TC has set to assume the same level of noncompliance that occurred in the data years will occur in 2020. For post release mortality, CE proposals are to use 9 percent as a default, and if states use alternative estimates for CE savings it has to be supported by the scientific literature, although the use of circle hooks would not allow for extra savings through conservation equivalency, as the Board has just made that a mandatory requirement.

For closed seasons, using closed seasons to achieve the required reductions will be evaluated on a case-by-case basis. The TC has commented that seasonal closures less than two weeks are unlikely to be effective, but didn't specify any minimum closures as criteria. For commercial measures Draft Addendum VI accounts for previously implemented commercial CE proposals, therefore states do not need to resubmit if maintaining current commercial size limits.

Only if a state chooses to modify its existing commercial size limits would it need to submit a state-specific analysis, and adjust its quota relative to the new Addendum VI baseline quota. States may allocate the total required reduction differently between regions and sectors, as long as the total statewide reduction is at least equal to the total required reduction. Again, this is not a TC criteria, this is set in Addendum VI. With that we can take any questions.

CHAIRMAN ARMSTRONG: Any questions for Nicole? To be clear, these are the criteria that you can pass on to your TC folks. Jason McNamee.

DR. McNAMEE: Maybe not a question about the information. I supported all of it, and so I wonder is that what we need to do is just say that we support the criteria that were developed by the TC?

MR. APPELMAN: Yes this was just information. I had a feeling that some folks would have some questions about this stuff, but we had pretty lengthy conversations about conservation equivalency already, and I think that cleared the air about a lot of it. This is just informational.

MS. KERNS: It would be good to get concurrence by the Board. It doesn't need to be a motion, but just that the Board is agreeing, as outlined in the guidelines in the Conservation Equivalency Proposal the TC can set or can give guidance to the Board for how the data should be supplied in conservation equivalency proposals, and we just want to have concurrence from the Board on what the TC has outlined.

CHAIRMAN ARMSTRONG: Okay, so is everyone clear on that? The TC has given us the criteria that they will use to evaluate proposals, and hopefully we can have consensus that this is good. Emerson.

MR. HASBROUCK: I think we all concur.

ADJOURNMENT

CHAIRMAN ARMSTRONG: Do we concur with the concurrence? Heads are nodding. We are at the point of is there any other business, please. We are adjourned.

(Whereupon the recording ended at 6:12 o'clock p.m. on October 30, 2019)