

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

**The Westin Crystal City
Arlington, Virginia
February 4, 2020**

Approved May 5, 2020

Proceedings of the Atlantic Striped Bass Management Board
February 2020

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from October 2019** by consent (Page 1).

3. **Main Motion**

Move that state implementation of the Addendum VI conservation equivalency proposals approved today be contingent upon a Technical Committee analysis documenting that the combined effect of the states' selected measures is at least a projected 18% reduction from 2017 total removals. Failure to achieve a projected 18% reduction shall result in mandatory implementation of the Addendum VI management measures.

States will advise ASMFC of their selected conservation equivalency measures by March 6. The Board will be advised of the results of the Technical Committee's analysis by March 13. The implementation deadline for fishery regulations remains April 1 (Page 25). Motion by Dan McKiernan; second by Ritchie White.

Motion to Substitute

Move to substitute to approve the conservation equivalency plans and implementation plans as approved by the Technical Committee (Page 27). Motion by John Clark; second by Mike Luisi. Motion failed (4 in favor, 12 opposed) (Page 34).

Main Motion

Move that state implementation of the Addendum VI conservation equivalency proposals approved today be contingent upon a Technical Committee analysis documenting that the combined effect of the states' selected measures is at least a projected 18% reduction from 2017 total removals. Failure to achieve a projected 18% reduction shall result in mandatory implementation of the Addendum VI management measures.

States will advise ASMFC of their selected conservation equivalency measures by March 6. The Board will be advised of the results of the Technical Committee's analysis by March 13. The implementation deadline for fishery regulations remains April 1.

4. **Motion to Table**

Move to table the motion (Page 34). Motion by Ritchie White; second by Pat Keliher. Motion carried (Page 34).

Revisit Tabled Motion (Page 38)

Move that state implementation of the Addendum VI conservation equivalency proposals approved today be contingent upon a Technical Committee analysis documenting that the combined effect of the states' selected measures is at least a projected 18% reduction from 2017 total removals. Failure to achieve a projected 18% reduction shall result in mandatory implementation of the Addendum VI management measures.

States will advise ASMFC of their selected conservation equivalency measures by March 6. The Board will be advised of the results of the Technical Committee's analysis by March 13. The implementation deadline for fishery regulations remains April 1.

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INDEX OF MOTIONS (continued)

5. Motion to Substitute

Motion to substitute to approve the Addendum VI recreational measures for the coast and the Chesapeake bay/producer areas (Hudson and Delaware estuaries) conservation equivalency measures as perfected today (Page 43). Motion by Roy Miller; second by Pat Keliher. Motion split.

6. Motion to Split

Move to split the question to take up the coastal measures separately from the Chesapeake Bay and producer area measures (Page 46). Motion by Mike Luisi; second by Pat Geer. Motion adopted by unanimous consensus (Page 47)

7. Move to postpone indefinitely all previous motions (Page 48). Motion by Dennis Abbott; second by Sen. Miramant. Motion approved by Board consent (Page 49)

At this point in the meeting, the Board proceeded to consider implementation plans and conservation equivalency proposals on a state-by-state basis:

8. The Board approved state implementation plans and conservation equivalency proposals for ME, NH, MA (Page 49); CT (Page 50); PA and DE (Page 63); DC, PRFC, VA (Page 66); and NC (Page 67) by unanimous consent:

9. Move to approve the Rhode Island conservation equivalency proposals (Page 50). Motion by Jason McNamee; second by Adam Nowalsky. Motion carried (Page 50).

10. Move to approve New York's NY-1, NYD-1, NYH-1 options under recreational measures, and NY-D2 under commercial measures (Page 38). Motion by Justin Davis; second by Rep. Peake. Motion carried (Page 41).

11. Move to approve New Jersey's option R3 and R6 options under recreational measures and the suite of commercial options (Page 54). Motion by Adam Nowalsky; second by John Clark. Motion Fails (Page 55).

12. Move to approve New Jersey's option R3 and the suite of commercial options (Page 55). Motion by Pat Keliher; second by Dennis Abbott. Motion carried (Page 58).

13. Move to reconsider the Rhode Island vote (Page 58). Motion by Sen. Miramant; second by Dennis Abbott. Motion fails for lack of two-thirds majority (6 in favor, 7 opposed, 2 abstentions) (Page 62).

14. Move to approve Maryland's MD-1, MD-2d, MD-3a, MD-4 options for recreational and commercial fisheries in the ocean and Chesapeake Bay (Page 64). Motion by Mike Luisi; second by John Clark. Motion carried (Page 66).

15. Move to approve a slot limit for New Jersey to develop one conservation equivalency option that would achieve at least an 18% reduction with a maximum slot size limit of no more than 40", pending Technical Committee approval (Page 67). Motion by Adam Nowalsky; second by Emerson Hasbrouck. Motion carried (Page 69).

INDEX OF MOTIONS (Continued)

16. **Move to approve as part of New York State's conservation equivalency option to have an opt-in slot limit for the for-hire fishery 30"-40", monitored by license, pending Technical Committee approval** (Page 69). Motion by Jim Gilmore; second by Mike Luisi. Motion failed (Page 71).
17. **Move to approve the RI-CT-NY regional proposal Option B** (Page 71). Motion by Jason McNamee; second by Dennis Abbott. Motion failed (Page 71).
18. **Move that states submit implementation plans for circle hook requirements by August 15, 2020 and Board approval at 2020 Annual Meeting** (Page 72). Motion by Jason McNamee; second by Raymond Kane. Motion carried (Page 73).
19. **Move to task the Plan Review Team to review state reductions in the Fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the next fishing year to achieve the target reduction** (Page 73). Motion by Pat Keliher; second by Emerson Hasbrouck. Motion postponed.
20. **Move to postpone to the Spring Meeting** (Page 75). Motion by Mike Luisi; second by Marty Gary. Motion carried (Page 77).
21. **Move to adjourn by consent** (Page 79).

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ATTENDANCE

Board Members

Patrick Keliher, ME (AA)	Russ Allen, NJ, proxy for T. Fote (GA)
Steve Train, ME (GA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Sen. David Miramant, ME (LA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	Loren Lustig, PA (GA)
Ritchie White, NH (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Dan McKiernan, MA (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Rep. Sarah Peake, MA (LA)	Russell Dize, MD (GA)
Jason McNamee, RI (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
David Borden, RI (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Bryan Plumlee, VA (GA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Jim Gilmore, NY (AA)	Marty Gary, PRFC
Emerson Hasbrouck, NY (GA)	Derek Orner, NMFS
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Mike Millard, USFWS
Joe Cimino, NJ (AA)	

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

Ex-Officio Members

Nicole Lengyel, Technical Committee Chair

Staff

Robert Beal	Katie Drew
Toni Kerns	Maya Drzewicki
Max Appelman	

Guests

Bill Anderson, MD DNR	Jeff Kaelin, Lund's Fisheries
Robert T. Brown, MWA	Aaron Kornbluth PEW Trusts
Victoria M. Brown, MWA	Charles Lynch, NOAA
Allison Colden, CBF	Stew Michels, DE DFW
Jeff Deem, VMRC	Robert Newberry, DFA
Kelly Denit, NMFS	Patrick Paquette, MSBA
Greg DiDomenico, GSSA	Jake Smuck, CBF
Peter Fallon, ASG	David Sikorski, CCA
Tony Friedrich, ASGA	Tawn Tipsword, Deale, MD
William Gee, MCBA	Mike Waine, ASA
Pam Lyons Gromen, Wild Oceans	Lowell Whitney, USFWS
Peter Himchak, Omega Protein	Rene Zobel, NH FGD

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The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, February 5, 2020, and was called to order at 10:30 a.m. by Chairman David V. Borden.

CALL TO ORDER

APPROVAL OF PROCEEDINGS

CHAIRMAN DAVID V. BORDEN: Proceedings from the October Board meeting have been distributed. Are there any comments, additions, deletions to those? I see no hands up. Are there any objections to approving those as submitted? They are approved by consensus.

APPROVAL OF AGENDA

CHAIRMAN BORDEN: We have an agenda that got distributed. Are there any additions, deletions to the agenda? Emerson.

MR. EMERSON C. HASBROUCK: I have two quick items, just announcements that I would like to make at the end under new business.

CHAIRMAN BORDEN: Do you want to tell us what those are so that we know? What are the subjects?

MR. HASBROUCK: One is an educational program for recreational fishermen to reduce discard mortality, and the other is a letter from Arnold Leo.

CHAIRMAN BORDEN: Thank you. Are there any other additions on the agenda? Under Other Business, I would like to have a brief discussion of the Amendment, just to make sure that everyone is clear where we're going after this action. Are there any other items? If not, I'm going to take the items in the order that they appear in the agenda.

PUBLIC COMMENT

CHAIRMAN BORDEN: As we normally do, we afford the public an opportunity to comment.

We had two individuals who signed up to comment. Now I want to be clear here that the comments that you offer have to be on items that are not on the agenda. In other words, this is items that are not on the agenda, because we're going to move through the agenda and you'll have hopefully with the attendance we have, hopefully I'll be able to take some comments from the audience as the proceedings go along.

Okay, so I've got two comments. If you could come up to the microphone at the corner there Robert Newberry and Robert Brown, those are the only two that submitted statements of interest in commenting. Captain Newberry, if you could please limit your comments to approximately a minute.

MR. ROBERT NEWBERRY: That shouldn't be a problem, Mr. Chairman. Mr. Chairman, thank you. My name is Captain Robert Newberry; I'm Chairman of Delmarva Fisheries Association. I'm not going to directly comment on issues that are on the agenda, but what I would like to do is thank the ASMFC for putting all the meetings forward that we had in Maryland, to get to where we are today, also to our Department of Natural Resources, for the many meetings that we had both with recreational, commercial, and the for-hire industry.

I mean, we've taken some long steps. There have been many, many meetings that we've had over the past year, and it's been hard for all of us to come to certain agreements. But I think we finally have, and the one thing I kind of wanted to clear the air a little bit on. We have heard that the recreational are still a little bit upset that they're not being heard.

But every meeting, and it is probably over 15 meetings I've been to with the Department of

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Natural Resources in Maryland, our recreational people have been there. I think the Department; working with ASMFC has done a fantastic job. I just want to thank you for the time and the effort that ASMFC put into all the public comments, not only in Maryland but up and down the coast. Thank you very much.

CHAIRMAN BORDEN: Thank you very much. Mr. Brown.

MR. ROBERT T. BROWN: Chair and members of this Committee, Robert T. Brown, President of the Maryland Watermen's Association. I would also like to thank you for all the consideration that you've given all the people, and all the different entities of the fishing industry. We have had a very hard time again to make tough decisions. My main comment is on commercial fishermen. I've been fishing; I started back in the sixties.

As of the last couple springs, and especially this spring, the number of large rockfish, I'm talking 46 to 50 some inches long that we have been catching in my haul seine. I'm fishing primarily for gizzard shad, which is a bait fish that we send down to Louisiana for crawfish bait, which we are releasing. I've made a couple hauls this spring, and the amount of these large fish, I probably had close to 2,500 pounds one day.

I had to just drop the net and let it go. I had 1,500 another day, I had to drop and let it go, and this is up at the head of the places not in the mainstream in the rivers, way up in the waters like they're probably only a third of a mile wide at the most. Some places are not that wide. But I just want to make you aware the number of large fish that we are catching, I have not seen since I was a teenager back in high school. Thank you very much.

CHAIRMAN BORDEN: Thank you very much. Anyone else in the audience, if not we'll come back to the table? Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a quick comment. Since we are able to start a little bit early, a couple of the states aren't here. I think Delaware is in transit. They are still trying to get here. PRFC, I don't think I see Marty down there. I think it is fine to go ahead and start.

But we may need to give some deference to those folks, or others that may be showing up for public comment, you know the understanding that we are showing up 45 minutes early, and they may need to give them a little bit of ability to catch up once they get here. They may have some follow up questions. I just want to put that on the record that we need to make sure we get all those folks accommodated.

CHAIRMAN BORDEN: Given Bob's comment, it actually is a good segue into my next comment, in terms of the process that I would like to follow. We basically have three major presentations you're going to hear today. I would like to go through all of those and allow the staff to fully flesh out the different items. Then once we finish that then we will go back and take questions on it, and that will allow additional time for some of these other states to come back to the table. Yes, Cheri.

MS. CHERI PATTERSON: This also might be a good time to have Other Business by Emerson brought up too.

**CONSIDER ADDENDUM VI STATE
IMPLEMENTATION PLANS AND
CONSERVATION EQUIVALENCY PROPOSALS**

CHAIRMAN BORDEN: All right, so I think what I would like to do is to start with the presentations. As I said, you're going to hear three presentations today. One is on a summary by Max **of** Addendum VI. Nicole Costa is going to provide the Technical Committee comments, and then we'll hear I think from Max again on the enforcement report, unless Kurt attends the meeting.

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**REVIEW OF IMPLEMENTATION PLANS AND
CONSERVATION EQUIVALENCY PROPOSALS**

CHAIRMAN BORDEN: Max, if you could run through the summary. There is a summary document in the material you got that I think he is going to follow.

MR. MAX APPELMAN: Yes, we have a few presentations for you. This is an outline of all of it. I am going to start with a very brief review of Addendum VI, and then move right into proposed measures for 2020. I am going to transition to Nichole, who will walk through the Technical Committee report, and then bring it back to me for the Law Enforcement Committee report. Then at that point I believe we'll open up for questions.

Quickly, just a reminder, the Board approved Addendum VI back in October of 2019. The Addendum aims to address overfishing, and to reduce F to the target in 2020 based on projections. It calls for an 18 percent reduction in total removals. For the commercial sector all state quotas are reduced by 18 percent.

In the ocean the recreational fishery is constrained by a 1 fish at 28-35 inch slot. In Chesapeake Bay the recreational fishery is constrained to 1 fish at 18 inch minimum size. Of course states can submit for a conservation equivalency, CE, to implement different measures. Those proposals must demonstrate at least an 18 percent reduction at the state level. Recreational and commercial removals combined must equate to an 18 percent reduction.

Lastly, the Addendum implements a circle hook requirement for the recreational sector when fishing with bait, to address dead releases. As far as our timeline, states were required to submit implementation plans and CE proposals at the end of November of last year. It took a few meetings for the TC to fully vet those proposals.

There was an in-person workshop in December, and then we had a conference call in January. Also in January the LEC reviewed CE proposals to provide comment on enforceability. Today the Board will review and consider approving those proposals, and then states are required to implement regulations by April 1 of 2020. However, the circle hook provisions that has a separate timeline for January 1 of 2021. Next I was going to walk through all the proposed measures for 2020. I'm essentially looking at the tables that were included in the TC memo, which was provided in supplemental materials.

That is an updated table from what was included in briefing materials, so I just want to make note of that. If you want to follow along that might be helpful. There are a lot of options on the table, so I wanted to take a minute and just sort of summarize the proposals. First you know, most states did submit CE.

Some of those state's proposals included several different options. The first takeaway is that there is potential for coastwide, or at least some regional consistency. But there is also potential for disparate measures, different regulations in the ocean and in Chesapeake Bay. Regarding the measures themselves, they primarily include combinations of bag limit, size limits, and season closures.

A few of the options include a unique no-targeting provision, so closed season and also putting in a requirement that anglers cannot target striped bass. Then there are a few sector-specific or mode-specific measures as well. Of note, only proposed measures that were accepted by the TC based on technical merit are provided in those tables.

Some states did include other options that didn't make it through the TC vetting process, and so they are not included in those tables. Then also, I just wanted to make a point that the combination of proposed commercial and recreational options by state, also meet that required 18 percent reduction.

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I have them parsed out by recreational and commercial, but it should be known that as a state implementation plan those all collectively meet the reduction required in each state implementation plan. Then lastly, the circle hook component does not count towards any of these calculated reductions, it is merely a conservation benefit of the Addendum. There is no credit given towards these measures with the circle hooks.

Okay so I'm going to start with the recreational measures. Again, just following through those tables in the TC memo, I tried to use the same numbering as what the states used in their implementation plans, to hopefully make for easy cross referencing. I did have to remove the column labeled other, to get all this to fit clearly on the slide.

Also I want to highlight that the predicted reduction column, there is a calculated percent reduction there for all the CE options. If a state is proposing the Addendum VI measure there was no calculation needed. I'm going to try to move through these pretty quickly. I'm just going to hit the highlights; we can always circle back for questions once we get through all the presentations.

For Maine, New Hampshire, and Massachusetts pretty straightforward, they are all proposing the Addendum VI measure, one fish 28 inch to 35 inch slot limit. Rhode Island is proposing three options, the first being the Addendum VI measure, the second is a 32-40 inch slot limit for all modes, and the third option, Option C is two separate slot options, a 32-40 inch for the private and shore modes, and a 30-40 inch slot for the for-hire sector. That is what those acronyms stand for. You'll see that repeated in some of these slides. Rhode Island and Connecticut also in tandem with New York have submitted a regional proposal. I'll get into that in a few slides as well.

These are the options submitted for New York and its ocean fishery. There is a suite of options

here, the first series is slot limits, including the Addendum VI measure, and then a number of others with a 28, 30, and 32 inch minimums. Option 7 is actually a combined slot and trophy fish option.

Options 8 and 9 are minimum sizes, and then Option 10 is specific to the for-hire sector. It's essentially any of Option 1 through 9, plus a 31 inch minimum for the for-hire sector. Seasons here, they're mostly the May 1 through November season, But Option 5 and 9 would keep the current longer season, mid-April to mid-December, and then Options 1 and 3 are also being considered under both seasons.

Yes, so I wanted to highlight that all these calculated reductions on the left hand side there, those do account for removals from the Hudson River and the Delaware River. Next I'm going to show you the Hudson River and Delaware River options for New York. You can see the percent reduction on their own is less than 18 percent, but when you combine any of these options with any of the options on the previous table it does meet that 18 percent reduction.

These are smaller slot sizes for the Hudson River. The main difference is the season, and then the second option there is a combined slot and trophy option. Then for the Delaware River portion in New York that is proposed to have the Addendum VI measure. Here is the regional proposal for Rhode Island, Connecticut, and New York.

Of course the intent here is to have regulatory consistency, primarily for Long Island Sound and around Block Island is my understanding. The idea here is if the states pursued one of these options all states would implement that measure, and again these predicted reductions account for Hudson River and Delaware River removals in New York.

Those specific regional options would still be on the table for New York. Very similar to Rhode

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Island's actually, there are two options. One includes the Addendum VI measure, a 30-40 inch slot for all modes, and then a split option 30-40 inch slot for the private and shore mode, and a 28-37 inch slot for the for-hire sector.

Moving to New Jersey and Pennsylvania, so first with Jersey again also submitting a suite of options here, the first two I'll focus on those two, were developed a little differently than what was put forward in the TC criteria, although the methods were approved or accepted by the TC. These are smaller slot options, which were developed through a spawner-per-recruit analysis.

Because of those methods it actually changes the percent reduction that those measures need to achieve. To do that some additional closures are being proposed to see those reductions through. Then the other four options R-3 through R-6 followed the TC criteria. I will note that R-6 here up on the slide is provided for Board consideration, but it was not submitted in time for Technical Committee review. We include it here with the caveat that it did follow the same methods as Option R-5, which was vetted by the TC and accepted based on technical merit. Same methods there, but the TC didn't have an opportunity to comment on that option specifically.

For Pennsylvania, proposing to implement the Addendum VI measure year round, and then for a two month period there would be a smaller slot limit, 21-24 inches that achieves a 19 percent reduction there. Delaware actually submitted two separate proposals, the first one here the recreational Option 1 actually is combined with commercial Option 1.

It is an 18 percent reduction to both sectors, so here for the recreational side that equates to a 28 inch to 38 inch slot limit, and then the second option is a smaller reduction to the commercial sector, and a 20 percent reduction to the recreational side to take up that

remaining balance. That actually results in the Addendum VI measure 28-35 inch.

Under both of these Delaware is proposing to implement the 20-25 inch slot during July and August for Delaware Bay, River, and tributaries. Those removals are accounted for in the Options 1 and 2. For Maryland in the ocean proposing the Addendum VI measure and these are all the options being considered for Maryland's recreational Chesapeake Bay fishery.

There are four options here, all of them include a spring trophy season, 35 inch minimum from May 1 to May 15, and then the summer/fall fishery is a 2-fish and 19 inch minimum, essentially status quo is my understanding, where only 1 fish can be greater than 28 inches. Then in order to achieve the required reductions, the options propose season closures from January to April, also reducing the bag limit to 1-fish and 19 inches during August. That applies to Options A through C, also, no harvest for charter captains and crew.

There is an additional no-targeting provision to meet those required reductions during parts of the winter and summer closures, depending on which option you're looking at. The fourth option in this table is a little different, it's a mode-specific option, whether it be 1-fish, 19 inches for the private and shore modes, and a 2-fish and 19 inch minimum with that 1-fish over 28 inches for the for-hire sector.

Moving on to DC and PRFC, DC is implementing the Addendum VI measure for Chesapeake Bay, 1-fish at 18 inches. For PRFC it's some similarities with Maryland's proposal. You have the spring trophy option, 35 inch minimum from May 1 to May 15, and then the summer/fall season options are all at 2-fish at 20 inch minimum with varying season lengths, and the Option 1 here for PRFC does also have that no-targeting provision during the July and August closure.

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Virginia's proposal essentially demonstrated what percent reduction they would achieve under their status quo measures. That results in a 23.4 percent reduction, and so the commercial part of the proposal makes up the balance there. These options are what are implemented right now for Virginia, the ocean 28-36, and the Bay is 20-36 inches. North Carolina is proposing to implement the Addendum VI measures. Jumping now to the commercial sector, remember that Maine, New Hampshire, Connecticut, Pennsylvania, and DC don't have commercial fisheries here, nor do they allocate any quota to the recreational sector. New Jersey similarly, no commercial fishery; however the proposal does include reallocation of quota to a recreational bonus program. In years past Connecticut fell under this category as well, but the state has decided to discontinue its bonus program going forward.

For Massachusetts there are a number of different quota options, they are all based on an 18 percent reduction in quota. The difference in pounds is based on the size limit that is chosen, and they all apply to the hook and line fishery. For Rhode Island it is an 18 percent reduction as well, and you can see how that breaks out based on their measures for the different gear types.

Similar to Massachusetts, New York is also proposing a few different quota options. They are all tied to an 18 percent reduction in quota. The poundage varies, depending on the size of the fish that is selected here. This is the bonus program for New Jersey, again no commercial fishery but proposing to reallocate that quota to a recreational bonus program.

Note here that the reductions in that proposal are achieved entirely through the primary recreational fishery measures here. The quota is not reduced. All those reductions are calculated through the primary recreational measure. The quotas vary by option based on the size limit that is selected.

We do have some unique tradeoffs here for Options C-1 and C-2, depending on which recreational option is chosen in combination with that you have a different quota tied to it, particularly for R-6 from a previous table. That was the 33 inch minimum. That would be associated with an 18 percent reduction quota, so that is in the parentheses under C-1 and C-2.

Then Option C-4 through C-7 are essentially the same thing, it's just varying levels of trophy permits that would be issued for those options. Keep in mind that this program behaves sort of the same way as the commercial fisheries do; there is a limited number of permits issued to ensure the quota is not exceeded.

For Delaware, again as I was mentioning, Delaware Option 1 here is tied to Option 1 for their recreational proposal. It's an 18 percent reduction in quota, and then Option 2 is a 1.8 percent reduction in quota, and you can see how it all plays out with the different gear types. For Maryland in the ocean, proposing a 1.8 percent reduction.

Virginia again, this was based on whatever additional reductions needed to be calculated based on the recreational measures that are in place. It is a 9.8 percent reduction for the ocean fishery, and then North Carolina is proposing an 18 percent reduction for their fishery. For Chesapeake Bay, Maryland, and PRFC proposing a 1.8 percent reduction there and you can see how the quota shakes out amongst the gear types as well.

Then for Virginia's Chesapeake Bay quota it is a 7.7 percent reduction. Then my one slide here on the circle hook provisions, again this is a requirement for recreationally fishing for striped bass with bait. The timeline for implementation is different than the other requirements it is January 1, 2021. Now because of that there really wasn't much information provided in the implementation plans for a thorough vetting. States generally explained the various scoping processes that they would pursue, the types of education

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programs that they would try to create, the different outreach materials that they would be putting together, how to get the word out. But as far as concrete draft regulatory language that was really not enough time for them to put that together. Because of that the TC is actually requesting that states resubmit implementation plans for the circle hook provisions later in 2020.

I have a proposed date up there, August. I think it would be helpful for the Board to specify a submission deadline by the end of this meeting. I propose August, merely because we could have this brought back to the Board in October for final consideration at the annual meeting. Of course I leave it up to you guys to decide if that is an appropriate timeline or not.

TECHNICAL COMMITTEE REPORT

MR. MAX APPELMAN: We're going to immediately shift into the Technical Committee report, just a few slides there, and then a few slides for the LEC.

MS. NICOLE LENGYEL COSTA: I'm going to give the technical review of state implementation plans and conservation equivalency proposals, and as Max just went through all the state-specific options, these are going to be more general caveats assumptions that the TC discussed, as well as a few specific comments that the TC had on proposals.

In general there is a high level of uncertainty in that the percent reductions calculated due to changes in angler behavior or effort, size structure and distribution of the population, and these changes are difficult to account for and cannot be accurately quantified. There is greater certainty in the percent reductions for simple measures, such as bag and size limits relative to more complex measures, including slot limits, trophy fish options, and sector-specific regulations.

The predicted 18 percent coastwide reduction may be different after accounting for CE measures. The expected percent reduction with CE proposals cannot be evaluated until all jurisdictions implement 2020 management measures, and this is due to the fact that states submitted so many different CE options.

We would have to know what their final option was before we could evaluate what the coastwide projected reduction would be. As Max pointed out earlier, there is potential for no recreational regulatory consistency along the coast, or within Chesapeake Bay with conservation equivalency. Enforcement of the proposed regulations needs to be considered, in particular the interpretation of the slot limit, and the potential to have differing regulations in neighboring states and within the Chesapeake Bay.

Most states have yet to develop circle hook regulations as just discussed, and so states should resubmit their plans prior to 2021 for circle hook provisions to be evaluated. The TC supports closed seasons to reduce effort and discard mortality; however predicted savings are highly uncertain due to current data limitations.

Determining a reasonable assumption to predict expected savings under a no-targeting provision remains a challenge. With closed seasons and a no-targeting provision, the question becomes what will happen to all the trips where striped bass were previously caught and released. The assumption that all of these trips will cease to exist, and therefore all those fish will be saved is mostly likely unrealistic. However, it is also unrealistic to assume all of the releases will still occur. Reality is somewhere in the middle, and the TC was challenged in providing guidance on this assumption, as we cannot predict angler behavior and effort. There was also some question regarding the implementation of these no-targeting provisions with the closed seasons.

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I believe the target implementation date is April 1, and some of these no-targeting provisions may need more time to go through the regulatory process, and so if they're not implemented in time we may not actually see the savings from these measures in 2020. The TC supports the use of SPR based calculations in conservation equivalency proposals, and has accepted proposals using this methodology.

However, it should be noted that although technically sound, several of these proposals result in commercial quota increases relative to a state's Addendum VI quota. The Board has previously seen proposals where states are taking quota reductions through SPR analysis to have a reduced minimum size, and here we're seeing the opposite where increasing the minimum size through SPR they are actually getting a quota increase. Although technically sound, we just wanted to point that out to the Board, and that's all I have.

LAW ENFORCEMENT COMMITTEE REPORT

MR. APPELMAN: Okay just a couple more slides here. I'll be giving the LEC report on behalf of Kurt; who is the Striped Bass representative from the LEC. They met in January to comment on the enforceability of the CE proposals for striped bass and bluefish. There was a memo provided in supplemental materials, and I've pulled a few notable comments from that memo that are particularly for striped bass.

I'll go through a couple of those. The first is that simple measures are preferred to ensure greatest compliance and enforceability. This was that the LEC sort of continued that slot limits are certainly enforceable, but it could lead to unintentional violations, noncompliance that may increase in regions that have not previously been managed through a slot limit.

That transition, sort of an educational component there, you may see some unintentional violations. The second comment is about sector specific measures that that can

create enforcement and compliance challenges. A particular comment came about for enforcement officers that are onshore, and trying to discern whether a boat offshore is private or for-hire that that can be very difficult, also creates unintended challenges where these two groups of anglers comingle at docks, at marinas, and areas like that.

The third comment here is that different regulations between neighboring states and in adjoining waters present special enforcement challenges. They can often be very confusing to anglers. The LEC continued that it is not so much an enforcement issue, but it is a compliance issue often. Officers tend to just enforce strict possession, so wherever that angler is intercepted those are the measures that they are held to.

But inconsistent regulations tend to create confusion. It can lead to other unintentional violations, increase noncompliance. Anglers moving to different locales for better or more ideal regulatory conditions, and things like that. Another comment about the no-targeting provision, essentially the LEC stated that unless there is a very clear definition for not targeting striped bass that this provision is essentially impossible to enforce, and they continued that it may be particularly difficult to define no targeting for a specific species, when anglers use the same or very similar methods to target different species. Then the last comment here is with that in mind. Officers may not prioritize enforcement of certain regulations if they know it is not enforceable and cannot stand in court. That wraps up our presentations, so thank you Mr. Chair. We're happy to take any questions on any of that material.

CHAIRMAN BORDEN: Thank you very much all. What I would like to do is to start with questions, and we'll just work through the same reports in the same order, so questions for Max on his presentation, any questions? Mike.

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MR. MICHAEL LUISI: I would like to clarify a couple of numbers that were in Max's report regarding the table for Maryland's Chesapeake Bay if that is okay to put that on the record, some discrepancies between. Max, I don't know if you can bring up the Chesapeake Bay recreational table.

CHAIRMAN BORDEN: While he's doing this let me encourage everybody. This is a time for questions and clarifications, just the way Mike is proposing it. Keep your comments to yourself until we get to the comment portion.

MR. LUISI: Okay, so just a couple quick things I just want to make sure that is clear for the record. I noticed that the other states all put in the provision in their implementation plans and their conservation equivalency proposals that would include the option available to the state through Addendum VI.

We did not include that in our table, but I would like to just make the point that the Addendum VI option for the recreational fishery in Chesapeake Bay, which is a 1-fish at 18 inch minimum size limit, is certainly one that we are considering. It is on the table for discussion, and we plan to bring that before our stakeholders and our public while we go through the regulatory process for making those changes.

Secondly, I would like to point out that the table that you have on the screen right now is Maryland's first submission. The Technical Committee went through a number of revisions throughout the process of finalizing these tables, and so there are just some very slight differences in these.

There is one difference in the open season for Option 4. The August 16 date should be August 15, which is an extra day for the closure period during August. Under Option 2 and under Option, I'm sorry 2B and 2D, the percent reduction as calculated based on the modifications that our staff made based on TC

comments equates to a 20.8 percent reduction, rather than a 20.6 and a 20.7. That is all Mr. Chairman, thank you.

CHAIRMAN BORDEN: Other questions, Dan then John.

MR. DANIEL McKIERNAN: I've got a question for Nicole. In your presentation you mentioned that there was a problem with how states interpret a slot limit. What was meant by that?

MS. LENGYEL COSTA: I wouldn't say it was a problem, it's just I think there might be a misperception of the 28 to less than 35 was inclusive of 35, and that goes for most of the slot options. I think there may be some confusion that that upper bound is not actually included. Being clear about that to stakeholders is something that is going to require some education and outreach.

CHAIRMAN BORDEN: I have John.

MR. JOHN G. McMURRAY: Max, as you showed there are different percent reductions for each conservation equivalency measure in the chart. Do we have an estimated percent reduction from high to low? Worst case scenario and best case scenario of what those reductions might add up to on a coastal level?

MR. APPELMAN: No, we didn't do that calculation. As Nicole pointed out they kind of looked and said there are a whole mess of options out here, and we didn't do the work to figure out what the lower and upper bound would be.

CHAIRMAN BORDEN: John, follow?

MR. McMURRAY: We really won't know until after the states have their final measures in place. I think I understand that part of it. But I would just ask you, maybe you can give me an answer or maybe you can't. There is a pretty good chance, or there at least is a chance that it

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will add up to significantly less than the 18 percent requirement, correct?

MR. APPELMAN: There are scenarios that are less than and above that 18 percent.

CHAIRMAN BORDEN: John Clark.

MR. JOHN CLARK: Sorry for being late. I didn't realize we were starting 45 minutes early. I just had a question for the part I came in on for Nicole about the statement for the commercial fisheries, where they used SPR that it actually was increasing their quota. Now if the quota is based on the landings in pounds how does this get increased?

MS. LENGYEL COSTA: In doing a spawning potential analysis it is basically saying that by increasing your minimum size you can increase your level of removals taken from the fishery, and maintain the same spawning potential. We've seen it; you missed that part of the presentation.

But we've seen it previously with proposals where you're decreasing your minimum size you take a quota reduction. On the converse now, we are seeing where you increase your minimum size you can take a slight quota increase. It's all about maintaining that same spawning potential under the two different minimum sizes.

CHAIRMAN BORDEN: John, follow up.

MR. CLARK: Yes if I could just follow up. I mean for most states we're having to monitor our quota in real time. Certain states that are doing this are actually, we're kind of guesstimating what they're actually going to be landing commercially. Once again I'm sorry for being here late.

But this is from a state that we had our summer slot fishery dinged, even though we pointed out that our fish were being double counted, and now we are double counting those fish, and

then to see that other commercial fisheries are going to be allowed to proceed with really a quota increase and low accountability is not good.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: My question was very similar to the question that John McMurray raised. The Technical Committee really has no guidance for us as to whether or not these measures, when put in place, any of the long lists of options that we have here. When they're put in place there is no guidance, we have no idea what we're going to get coastwide relative to the 18 percent reduction. That is what I'm hearing that is Part 1, so just please verify that. Then the second part of that question is so then how are we to proceed?

MR. APPELMAN: I'll take a stab at that. Yes, you know the states submitted a number of proposals and it is the Technical Committee's responsibility to review the technical merit of those options. Do the methods check out, does the data check out? It just so happens that there is a lot on the table.

It would have been a big lift to calculate what the percent reduction would be under all the different combinations of measures. The TC didn't have the time or effort to do that. As far as it really goes back to the Board as a policy decision on how they want to handle all these options that are on the table.

CHAIRMAN BORDEN: I've got Ritchie White.

MR. G. RITCHIE WHITE: To follow up on Emerson's. Would it not be the case then that the one set of regulations that we do have in front of us that would guarantee that kind of mortality, lowering the mortality, is the 28-35 that the Technical Committee would agree brings us to where we're supposed to be, is that correct?

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MR. APPELMAN: Yes given the uncertainties in the analysis. I mean they were developed to achieve that reduction on a coastwide scale or regional scale. We have a different measure for the Bay, but yes.

CHAIRMAN BORDEN: All right I have Ray Kane and then Pat Keliher.

MR. RAYMOND W. KANE: A question for Nicole. On Slide 2, the way I'm reading your Slide 2 is the Technical Committee doesn't really feel good about having all these CE proposals put forth. They are not confident. They cannot make a confident decision on what will and will not work to achieve 18 percent reduction. I would suggest that the states that have submitted a conundrum of CE proposals, they come back with one proposal that the Technical Committee can look at and say, yes we will achieve 18 percent reduction, as opposed. I mean this is a conundrum. It is a conundrum for the Technical Committee, which I respect.

I think they've got a lot of good minds on it. Yes we as a voting body have to do something with this today, and we're hearing from our own Technical Committee that we're not sure. We're not sure if we're going to achieve 18 percent reduction. I don't know how we go about that Mr. Chairman, but these states have to come forward with a CE that will be approved by the Technical Committee that we can vote on.

CHAIRMAN BORDEN: I've got Joe Cimino and then Marty.

MR. JOE CIMINO: I think it's important to remind the Board that we never saw the state-by-state reductions from this coastwide measure that we're speaking about, and that is kind of unfortunate. None of the New England states would achieve an 18 percent reduction under this coastwide measure.

Only one state in New England even gets above 10 percent. I think the conservation

equivalency options that are up here actually put many of the states at a higher target, instead of depending on what is on paper, a 43 percent reduction for New Jersey's fishery under the one coastwide measure that was voted on.

CHAIRMAN BORDEN: I'm going to correct what I said before. I've got Pat Keliher, Marty and then Cheri. Pat.

MR. PATRICK C. KELIHER: I'll try not to go into a comment about conservations equivalencies, because I have been a supporter over the years. Seeing more than 50 of them in a document is concerning. But the Technical Committee memo in particular, I think it says a lot and there are some things that it doesn't say that give me some concern as well. I'm just wondering if Max and Nicole could expand on what impacts to the stock assessment could there be as a result of varying measures between the states.

CHAIRMAN BORDEN: Nicole.

MS. LENGYEL COSTA: As previously discussed, I think the big concern we're hearing around the table is the 18 percent reduction. It was projected by the Technical Committee that we needed an 18 percent reduction in 2020 to bring F back down below the target in 2020, to address the overfishing status.

With all of these conservation equivalencies on the table, all the uncertainties, all the caveats and assumptions being made, and because as previously pointed out by Commissioner Cimino, we did not see the specific reductions that the coastwide measure would meet for each individual state. Some states, where we're going to be taking larger than 18 percent if implemented to coastwide measure, and some states would be taking less than 18 percent. Now we're kind of all over the board with conservation equivalency proposals, with everyone just having to meet the 18 percent. Some who were previously going to achieve less

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than 18 percent with the coastwide measure are now just meeting 18 percent, so they're actually increasing their reduction. But on the flip side we also have some that were projected to exceed the 18 percent under the coastwide measure, and now with conservation equivalency are just meeting 18 percent.

It's very uncertain calculating the reductions that we would achieve with all the different measures. As Max pointed out it was a big undertaking that the TC was already hard pressed for time in just reviewing all of these proposals and getting comments together. As far as the impact on the stock and the stock assessment, it is going to impact our ability to reduce F back down to the target in 2020 if we can't meet that 18 percent.

It's just addressing the overfishing status; the overfished is something that the Board had planned to take up with the Amendment later on in the year. It nearly just impacts our ability to reduce F back down to the target and address overfishing. If we don't meet the 18 percent we might not bring F back down to the target.

CHAIRMAN BORDEN: Pat do you want to follow up?

MR. KELIHER: This is directed at Max with that better fleshing out of the uncertainty around this question. The current addendum I don't believe allows for any, if these fail. The language has changed from one document to this most recent, but I don't believe that we would even have the ability to allow for a payback as I'm reading the changes now. Unless you can correct me, I mean I think we're going to have to tread very cautiously to ensure that what we do put on the table succeeds.

CHAIRMAN BORDEN: The next one on the list is Marty.

MR. MARTIN GARY: A question would be for Max relative to the Law Enforcement

Committee, and possibly Nicole to add her thoughts related to TC comments on targeting. PRFC has conservation equivalency proposals that were approved by the TC that include both targeting provisions and non-targeting. Assuming Board approval those will have a deliberation with our commission to decide one way or the other. What I heard was from the Law Enforcement Committee pretty strong wording, impossible to enforce, and then from the TC uncertainty.

That is the same feedback we have received from our law enforcement officers. But also we've had discussions at our commission about analogous to speed limits you state a regulation or law. You put it out and you expect people to abide by it. I'm just wondering if you can provide any clarity to those discussions, Max of the Law Enforcement Committee on how much of a problem that really is, in terms of enforcing that.

I mean they're saying impossible. What are the ramifications for that and how does it feed, Nicole, perhaps into that uncertainty component that you mentioned. Is there anything you can provide? I'm looking to potentially take back to our Commission for our decision making process.

MR. APPELMAN: It's a good question, Marty. I will say that unfortunately there weren't any law enforcement officers from the Bay area on that call. But the comment was that if you can't define "no targeting striped bass" using specific gear types, terminal tackle, and certain baits. If you can't define what that is, in the eyes of the court it is impossible to enforce.

CHAIRMAN BORDEN: I'm going to take one speaker out of turn here. Mike's got his hand up, and since there is a lot of discussion that relates to his state. If you want to offer a comment to answer the question, go ahead.

MR. LUISI: To Marty's point and to Max's clarification that there wasn't anybody from

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Maryland on the Law Enforcement Committee. I did want to provide some comment to Marty's point that might help Marty. In Maryland we do have a definition for targeting. That definition reads that a person may not catch, harass, harm, pursue, hunt, shoot, wound or attempt to catch striped bass in certain spawning rivers and certain areas of the Chesapeake Bay during certain times of the year. That rule has been on our books for a long time.

Tickets are written, and they are prosecuted in court. While the Law Enforcement Committee has made the point that they are literally unenforceable, I would have to argue that depending on the definition that you have in your state, and the intent of the officers to find people targeting striped bass, they are prosecuted in Maryland. I would have to oppose the point from the Law Enforcement Committee that it is unenforceable, because in our state it is. That hopefully will help Marty in his discussions with folks in the Potomac River.

CHAIRMAN BORDEN: All right I've got Nicole wanted to follow up on Marty's point, and then I'm going to go back to the list. I've got Cheri, Justin, and then Dan and I've got four or five other people after that.

MS. LENGYEL COSTA: Just to address the second part of that previous question, how the Law Enforcement Committee's comments tie into the uncertainty raised by the TC in achieving the 18 percent. We discussed this briefly, and I would say that for proposals that are relying heavily on those no-targeting provisions in order to achieve their 18 percent or 20 percent whatever reduction they've calculated is necessary under Addendum VI.

If you're relying largely on these provisions, then we could have greater uncertainty there. If you're relying less on those uncertainties and relying more on other measures, such as bags and size limits, there might be less uncertainty. But it is difficult to quantify.

CHAIRMAN BORDEN: I've got Cheri.

MS. PATTERSON: I would like to defer my position on the list so that Toni can answer a question in regards to Pat, and then I'll pick it up.

CHAIRMAN BORDEN: Toni, you've been volunteered.

MS. TONI KERNS: I just wanted to note, Pat had brought up accountability in a sense, and he had used the word paybacks. I'm not going to use the word payback, but I think the Board does have the opportunity to hold states accountable to what is in their plans by stating as they approve these, or don't approve conservation equivalency that there is accountability, and you would just need to define what that accountability means. It could be to the percentage or harvest numbers that are in the state's conservation equivalency proposals; it can be dependent on whether or not you meet the coastwide reduction or don't meet the coastwide reduction that is required. It is within your ability to do that today.

MR. APPELMAN: I just wanted to add that our FMP review process, whenever there is a new measure in place we review that. After a full year of implementation we bring it back to the Board and they see that in our annual FMP review. There is opportunity there as well to enforce any accountability the Board has stated.

MS. PATTERSON: This is a question and answer period not comment period. Along the thread that there has been this discussion about OLEs concerns on aspects of enforcement. When the assessment is conducted, is there some effort to move Law Enforcement uncertainty into these percentage reductions?

I'm also looking at one of the general comments from OLE, indicating that officers issue more warnings and citations following a change in regulations. That first year I would think you

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might never achieve an 18 percent reduction, if you consider that aspect of things. Does the TC consider that at all?

DR. KATIE DREW: What the TC can provide the Board. There is an element of risk to it. We can't really quantify what the likely noncompliance will be. We did when we calculated these plans. These do include sort of an assumption of noncompliance that we're assuming that there is going to be a certain amount of people who are not going to comply with these regulations, and that sort of the same people who didn't comply last year with those old regulations are still not somehow going to magically fall back in line.

There is an assumption that noncompliance will happen, and that calculation is included in these reductions, so when you come down to that 18 percent that does include some allowance for noncompliant harvest within the calculations. Obviously we can't predict what the noncompliance is going to be like.

In some cases you would expect it to actually be better in a year where regulation changes, because there is more of an effort to explain these new regulations. There is more outreach, and people might know about it more. On the other hand, there is also if you've been fishing the same way for years.

You may not be fully onboard with that and become noncompliant accidentally. What is that percentage? I don't think we've ever looked at the difference between a year with a regulation change versus a non-regulation change. But the recent average of noncompliance is included in these calculations.

The regulations are sort of a little bit more conservative than they would be if you assumed that everybody just magically fell in line with the new regulations. I think there is also room if the Board wanted to pursue this in the future, to direct the Technical Committee to be more conservative when you're setting the percent

reduction that you need. Right now we said this is the amount of harvest that we'll have a 50 percent chance of achieving the F target next year if you want to account for potential uncertainty in that actual compliance.

Then maybe you need a slightly higher reduction that you have a higher probability of achieving the F target, to allow you some slippage in those calculations. But a noncompliance estimate is included in these reductions. Is that enough? It's unclear. We'll have to see, again that relates back to angler behavior and trying to predict that in the next year.

CHAIRMAN BORDEN: All right, follow up, Cheri?

MS. PATTERSON: Yes thank you for that clarification. The second question I had was have we ever looked at state-specific reductions before on a historic basis, or have we always just looked at the coastwide percentage reductions?

DR. DREW: For striped bass the last two at least have definitely been on the coastwide that we present a set of measures that achieves that reduction on the coastwide, and the Board has considered that. To my knowledge we have never gone state by state. We certainly have for other species, but for striped bass it's always been a single coastwide measure.

CHAIRMAN BORDEN: All right I have Justin and Dan, and then Mike.

DR. JUSTIN DAVIS: This is a question for Nicole and Dr. Drew. In the Technical Committee memo to the Board, the Technical Committee stressed that predicted savings from a no-targeting provision are highly uncertain due to current data limitations. I'm wondering if you can expand on that a little bit of what are the data limitations, what are the inherent uncertainties there?

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I'm also curious whether those present just an issue on the front end of sort of assessing what kind of reduction you'll get out of a potential measure, or whether it might also apply to the assessing whether the measure of achieved what it was supposed to, given that I can imagine if you enact a regulation saying that it is illegal to target striped bass.

Anglers being intercepted by MRIP might have a disincentive to report that they caught striped bass, because they weren't supposed to be targeting them. I'm wondering, MRIP data and the discard estimates that come from MRIP would presumably be the way you would find out if that measure achieved what it was supposed to. I'm wondering if it creates issues there with assessment.

MS. LENGYEL COSTA: As far as the TCs thoughts on this. I would say the data limitations we're trying to predict angler behavior and effort, which is something that we cannot do. If for example, we had had a state who implemented a no-targeting provision for a year, we could then look back between the previous year and the year they implemented that and see what kind of impacts that had on the previously released fish. That is the big question is when you have a closed season, and you have a no-targeting provision.

Those people going out and who have previously caught and released striped bass, what is going to happen to those previously released fish that have some level of mortality? Are all those trips going to cease? Are some of them going to occur, and which ones? As previously discussed, if you're going out and you're targeting another species but you're using similar gear that is still going to encounter striped bass.

You're still going to have some level of releases. But you can't assume that every release is still going to happen, and you can't assume that every fish will be saved either. That is where the data limitations fall is we just can't predict

angler behavior and effort. We don't have anything on the books that are ready to show us that this has been implemented, and this is the impact it had. As far as MRIP and the anglers introducing some bias in the interview process, I can't say what will happen there, but I can say that we are relying on MRIP data for these analyses.

DR. DREW: To add to that. I do think though that the no-targeting provision, the major assumption behind them is that there will be a reduction in effort. That is there will be a reduction in number of trips, regardless of whether they claim they're targeting striped bass or not, you should see a percent reduction in number of trips that correlates to what these have.

In a way it's actually an easier way to test the accountability of these measures than to just say whether or not you saw the correct reduction in number of fish. But we should be able to go back and check and see is, did you see this percent reduction in total number of trips, regardless of whether they caught striped bass or not that you are predicting from this analysis?

CHAIRMAN BORDEN: All right next one on the list is Dan.

MR. McKIERNAN: This is a question for Nicole and maybe Katie as well. Given that we see at the state level substantial variability in recreational catches between years without rule changes, and we attribute those changes to MRIP sampling error and year class strength. My question is, how precise are the estimates of each state's projected reductions under the uniform rules?

Is the variability among the impacts by state MRIP noise, sampling error, interannual variability, and would you recommend the individual states pay less attention to those projected reductions? Because I'm sensing that some states see, are they above the 18 percent

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bar or below, and if they're above, well they're going to try to torque the rules to get down to the 18 percent.

But I'm wondering if the projected changes, or projected impacts are kind of ephemeral or just illusional, in terms of the real impacts, and if they're just sampling error. Could you explain how some of our states apparently don't? I've got to see a big change as a result of this, and others seem to be really concerned about big impacts.

CHAIRMAN BORDEN: Katie. Let me just qualify before. Staff has total flexibility to flip the football in any direction at the table. They're all staff, and I would point out that Bob Beal will award all of the staff members that work for other agencies with a big Christmas bonus.

DR. DREW: Yes that's why we do this, the big bucks. It's a good question, and I would say there are two components. For sure there is sampling variability in MRIP, and the PSEs, you know the precision of these estimates vary from state to state. However, the bigger driver here is predominantly the differences in how much of your harvest you keep versus how much of it you release. These measures, size limits, bag limits, they really only focus on how much of that harvest you are not taking any more.

If your fishery has a fairly large component of catch that is harvested, by doing a small bag limit or a small size limit change you actually get a big reduction in harvest, and your overall percent reduction is greater. For states that have a very high proportion of their catch that is released, tweaking the bag or the size limit analysis makes a small impact on the harvest, and doesn't change the overall dead discards.

Some of the states at the most northern range are 50 to 90 percent of their dead removals are releases. Making a small amount of change to your harvest, if your fishery is 90 percent dead releases, does not make a big change in your overall percent reduction in total removals.

Whereas a state that harvests more of the striped bass that they catch, a small bag or size limit change can have a bigger impact on your total removals.

MR. McKIERNAN: To follow up, David. Great answer, but my question is, you talk about different release rates. Is that a reflection of angler ethic, or access to harvestable size fish?

DR. DREW: That's a good question. The problem is we don't have a ton of data on the size of fish that are released alive. In some cases it is a choice of angler ethics that they would prefer to release more of these fish. However, there is also the fact that we're operating under a 1-bag limit. If you go out, you have access to this fish, you catch 1 fish, are you done for the day, or do you enjoy the catch and release experience?

I think that is one of the big variables that we don't have a good handle on across the states, is the ethic really different? Is the approach really different? Is it access to fish? Is it the enjoyment of the trip, or catch-per-unit effort? What is it that is driving some of these differences? I don't think we have a good grasp on that along the coast. We can just see the final pattern.

CHAIRMAN BORDEN: Mike Luisi. Mike passes, okay, Emerson you're up.

MR. HASBROUCK: My question was very similar to Dr. Davis's question so it has been answered, thank you.

CHAIRMAN BORDEN: John McMurray.

MR. McMURRAY: I think we're getting to the level of beating a dead horse with the no-target closures, but I also think this question is important to answer, so I'm going to go ahead and ask it anyway. I don't think Cheri's question was officially answered. I think what she was getting at that we all understand that there are compliance estimates.

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But in this case, speaking from a practical perspective, hypothetically one of my boats gets boarded in the Susquehanna, we're large-mouth fishing, we're not stripier fishing, it's essentially the same gear. My question is, you have your straight up average compliance rate, but was that increased at all given the enforcement difficulty of this? I also question that some of these were based on a 9 percent discard mortality rate, when clearly the science shows that there is a lower discard mortality in the winter months than Maryland is proposing to close and then higher mortality in the summer months. Was that accounted for all or was it straight up 9 percent? Those are two questions.

CHAIRMAN BORDEN: Nicole.

MS. LENGYEL COSTA: For the last part, for the release mortality the TC in their TC criteria memo stipulated it was 9 percent for all proposals, and as you said it can vary during different times of the year. It largely depends on angler behavior as well. There are a lot of variables accounting into release mortality rate.

The TC just defined it as 9 percent. Then as far as the noncompliance rate. As Katie pointed out earlier, we used the average over the two years that we looked at as our noncompliance rate. We did not increase that by any amount to account for the comments from the Law Enforcement Committee.

CHAIRMAN BORDEN: Follow up John, no. I've got Roy next.

MR. ROY W. MILLER: It's been my observation over the past several weeks that there is an expectation; at least among some members of the public that there will be the accountability measures will include payback provisions or something analogous to that. I wanted to get that nailed down today, so there aren't any erroneous expectations as a result of the action we're taking today, specifically with regard to commercial, and also recreational. Now we all

know that we have not had any accountability for recreational overages in this plan in the past.

We have had accountability for commercial overages. But I wanted to see if there is any difference in expectations among members of this Board in that regard, particularly what happens if we find out that we exceeded 18 percent greatly on the coast, or if we exceeded 18 percent greatly recreationally among any of the member states? What are the expectations? I was wondering if as a follow up to Toni's comments, or perhaps Max or Nicole could enlighten us all.

CHAIRMAN BORDEN: That actually was a concept that I wrote down when Toni made the original point. My suggestion is we continue with the questions, but before we break for lunch I want to have a discussion of that and make a suggestion on how to handle that. Is that all right with you? Okay so the next person I have on the list is Mike Millard.

MR. MIKE MILLARD: A question for Nicole or Katie perhaps. I would like to take one more crack at the first bullet up there on the slide about where the CEs might land, with respect to the 18 percent. I understand that it will be different. That means it could be higher or lower, and I understand that we can't pinpoint that. But I guess I'm curious if there is any evidence or any sense, by those of you who noodled around in the data a little more, which side of that 18 is more likely, or is it just we have no idea which side of that 18 we would land on?

MR. APPELMAN: I think unless some members around this table are in a position to shed some light on which option their state is leaning towards, maybe we could hone in on where we fall on that line. But unless that happens, again the combinations are almost endless, so we don't know.

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CHAIRMAN BORDEN: All right do we have any other questions? None at this point, so I have no further questions on any of the reports then, is that correct? Let's go back to the point that Toni raised, and Roy just raised, because I think there is some merit in getting a dialogue going on that before the actual break, which is the subject of accountability.

One of the things that I was going to suggest on my talking points for the meeting was that when we come back from the lunch break, if someone wants to make a motion that is a cross-cutting motion that applies to all of the proposals, or all of the proposals on the coast, or all of the proposals for the producer areas. That is the appropriate time to do that. In your case, Roy, if you want accountability to be right up front and have clear instructions on how that is going to be handled for all of the proposals that we're going to discuss.

That would be the appropriate time to do that. That is background. What I would suggest here is for different members here to talk directly to Roy's point and Toni's point about should there be accountability, and how should you handle that? Should there be payback provisions in the plan? We'll then all have the benefit of some dialogue before we go to lunch. Everybody can continue the discussion over lunch, and then we'll come back and take that up again, in terms of cross-cutting provisions. I've got our former Chair.

MR. JAMES J. GILMORE: See Pat, he skipped you before, because now that you're Chairman you get no respect. David, I think that's a good idea, but I wanted to throw one suggestion out for maybe a lunchtime discussion too. We've got two big issues, obviously the accountability measures is one of them that we're going to have to talk about.

But secondly, going back to the whole issue about the 49 options we have, and I'll get into that later as to the details of why New York had so many. But I came to this meeting today

ready to narrow that down to, here is what New York wants to do. I think if maybe some discussions during lunch about, if people are on the fence right now.

I mean I've gone through two meetings, 300 people in one, 40 in another, a survey with 1,500 responders, coordination with our neighboring states, thousands of e-mails, and then our Council meeting or whatever. I'm done. I'm ready to say this is what New York wants to do. I would hope that most of the states would have to do that.

If we have to have some discussion at lunchtime that might be a real important thing to do, and say I don't have nine options, I have one. But I will say I need conservation equivalency to kind of tweak the measures a little bit. I would hope that maybe during lunchtime we can talk about that and come back, and then maybe shorten that list of 49 down to a handful, just a suggestion.

CHAIRMAN BORDEN: Jason.

DR. JASON McNAMEE: Just to make sure, we can make comments on accountability now? Okay thank you. There was a lot of, the accountability idea first came across my inbox. I started seeing e-mails with this notion, and that sort of picked up steam as we got closer to the meeting. I was thinking about it.

I really like the concept, but this is not a trivial decision, and so I would be really extremely hesitant to make it today. The reason for that is what we're talking about, in the case of striped bass, is accountability to a statistical sampling program, specifically MRIP. I think that would be an extremely difficult situation to put a state in, and that would be to hold them accountable to a point estimate from a statistical survey.

I think there are ideas of how we could build accountability; it could be some envelope of risk around what your point estimate is. You know you shouldn't be above 20 percent or 30

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percent. I think there are ways that we can craft a really decent accountability program, but I don't think we can do that today.

CHAIRMAN BORDEN: Mike Luisi.

MR. LUISI: I would agree with Jason in that I think we would be mistaken as a Board, if we were to find ourselves reviewing MRIP landings data for 2020 and comparing those data points to each state's 2017 landings, to determine whether or not a state was successful in its attempt at trying to reduce overall mortality in an effort to recover the stock.

We went through that already once before under Addendum IV, and I know particularly because Maryland was on the hot seat, because we had a 2011 year class that was showing up and recruiting to our fishery, and it created catch estimates that were much higher than what we had in previous years. Given the uncertainty around the MRIP estimates, I just think we would be at fault as a Board if we find ourselves a year from now looking at those point estimates, and pointing fingers to states to say you were successful, and you weren't.

You have to take further reductions and you don't. I look at this Board, we as a Board I believe need to take every action we need to, to turn this stock around. I think that if I were to evaluate whether or not we as states are successful in our attempt at addressing the problems that are in this addendum.

In Addendum VI, I think we find ourselves successful if at the next assessment update, if we've reduced fishing mortality and spawning stock biomass has either slowed its decline or even turned around to some degree. I think we could look at each other and say we were successful in our attempts.

I don't know that there is a state around this table that is trying to take advantage of conservation equivalency at this time, so that they can squeeze every last fish out of the

ocean or out of the Bay. I think we're all making sincere attempts at making those reductions. I hope that success down the road, if we're talking accountability that it is our successful attempt as a Board, as member states, as a joint body along the east coast. We were successful in making those attempts, and not that states are either failures or successful in the objectives of the Addendum.

CHAIRMAN BORDEN: I've got David and then Justin.

SENATOR DAVID MIRAMANT: I think he meant me is that the David? Good. The follow up on that is that when the Technical Committee is reviewing an addendum that we've decided, it seems like they would have more time for all considerations than a conservation equivalent. Maybe not, but you can answer that.

The other part is that we're seeing climate change effects in our fisheries in Maine, because of such a rapidly warming body of water at the Gulf of Maine, as well as acidification that affects species exoskeletons, species that need to uptake calcium. How does the Technical Committee add that to say a historical means of cutting off a fishery, reducing a fishery, the suggestions that are made, this percent, this number of fish or the whole range that you put out?

Then take in that new piece of, well now this is also affecting it, so say the northern shrimp. We shut it off, but we're not seeing recovery and may not for a while, because the climate change part is affecting the recovery. Is that an extra not quantifiable that you throw on as a percentage when you make a recommendation? If it's not, should it be? Would you have the same ability for a conservation equivalent with the less time that you have to look at it, compared to the whole Board's suggestion for an addendum? I'll repeat anything if I got too rambling.

CHAIRMAN BORDEN: Katie.

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DR. DREW: I think you know the question about climate change is certainly a relevant one. I think for a lot of these species, including striped bass, we don't fully understand the consequences of climate change. Is it changing availability? Is it changing recruitment success, things like that? It is very hard to predict.

For northern shrimp we have a pretty good idea of what warming water temperature means for the population, and that is all bad things. For striped bass, is this increasing the availability of the same population to your waters, and making it harder to predict how many fish are going to be available to your anglers?

It's one possibility. I guess the question is we have not done anything to add any additional buffer or uncertainty related specifically to climate change. We tried to reduce some of that variability by focusing on the most recent set of years, or the closest most representative set of years, in order to predict a few years into the future. In terms of our long term plan to rebuild striped bass that is certainly where more uncertainty is going to come in.

But I do think it's up to the Board to evaluate the risk level and to evaluate what probability they want these regulations to achieve. In terms of is this going to be more successful, less successful for the population is also separate from the question of, is this going to be more successful or less successful for the fishery in achieving the reductions that we want? Does that 18 percent translate into the correct amount that we need for the population, versus does this bag and size limit analysis get us to 18 percent, are two sort of separate questions.

But I think both of them have room for the Board to consider additional risk and additional buffering. The TC can provide some guidance on some of that information, but for certain things like the effects of climate change, we don't know what the correct buffer on that would be. I don't know if that answers your question. But certainly having more time to

discuss all of this and review all of this would also be key in developing better recommendations from the TC.

CHAIRMAN BORDEN: David, follow up?

SENATOR MIRAMANT: Yes thank you. That is a good answer to that part. I guess knowing that and maybe a comment when you're giving us information that that has been considered, or it's not necessary to consider it because there is not a change, or that if you have a coastwide fishery. But then Maine is part of that coastwide, and we're warming more quickly, how that is taken into consideration to the degree that you feel like you should.

All those would be helpful, knowing what we're voting on or discussing, and if someone comes up with a conservation equivalent that you don't feel like you had enough time to say look at all those factors for that specific, because theirs is going to be for a specific region, to make sure you have the whole picture for us to decide from. That would be my request.

DR. DREW: I mean we can certainly take that. You know when we develop these in the future. I would say, you know the conservation equivalency is really focused on sort of short term immediate changes, and so that is less likely to be impacted than the long term, how is the spawning stock going to recover under these scenarios?

I think we have some more confidence in saying, 2020 is probably going to be more like these sort of reference years that we're looking at, most recent, most recent set of regulations, similar size structure to what we think is going to happen in 2020, and so probably more similar environmental conditions, so there is more confidence there. But the longer term projections are really where the climate change uncertainty is going to come into play.

CHAIRMAN BORDEN: All right, just so everyone knows, we intend to break at 12:15, so right

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now I have seven individuals on the list. I'll just read off the list. If you want to speak before lunch time, please raise your hand. I'll put your name on a list. But then at 12:15 we're going to try to call it quits, get some lunch, and then come back. I've got Justin, Ritchie, Chris, Pat, John McMurray, Joe, and then Brian. Is there anyone else who wants to speak before lunch? If not, I'll take the names in which I call them off. Justin.

DR. DAVIS: I'll start out by saying that I generally agree with what Jason said, for the Board to move towards crafting accountability provisions today around the table, I mean I think that is sort of a big jump to take, given that they weren't in the Addendum, there wasn't an opportunity for public comment, and I think we would really have to think carefully about how to do it, given the overwhelmingly recreational nature of this fishery.

I think I also agree with what Mike said, that the way we'll judge whether we were successful is coming back a couple years from now, and seeing if we achieve the necessary reductions. However, I feel that is kind of contingent on us sticking with a coastwide management program. I think if we all stay together as a coastwide management program with consistency, then we can as a group decide whether we met our goal down the road. I think if states want to move in the direction of adopting conservation equivalency, they're using MRIP data with all its warts to basically prove that those measures are going to achieve the necessary conservation.

I think states therefore then have to be okay with using those same data to determine whether or not they met their goals. I think the decision today about whether to move towards accountability should be downstream of the decisions about conservation equivalency, because I think whichever way we go there really, to me, will play into how important it is today to decide on accountability.

CHAIRMAN BORDEN: Next I've got Ritchie White.

MR. WHITE: It seems pretty clear, and my guess is everybody around the table will agree that the conservation equivalency is going off the rails. The amount of proposals we have is really crazy. Historically conservation equivalency was used, and this is a number of years ago, for very minor tweaks for options that were approved in the public document.

It wasn't going way outside the approval of regulations that we're seeing now. I'm getting a ton of e-mails from my constituents saying, how could you possibly approve a 24-inch size harvest? We had no chance to comment on that. It was the same thing on various other parts of this. This is all done without public input up and down the coast. States have had some public input individually on their options, but the overall public has not been able to comment on these.

That is not how this Commission does business. We have to change this process. I think that that needs to be a part of the Amendment, to rein in conservation equivalency on striped bass, where you obviously have this policy for all our species. But I think this is not working for striped bass now, and we have to put some very strict sidebars on how we use it in the future.

CHAIRMAN BORDEN: Chris.

MR. CHRIS BATSAVAGE: I listened to the comments today. I think we jumped ahead of ourselves, as far as getting these implementation plans in place in regards to accountability, because I think from the Law Enforcement report, it appears that that first year with major regulatory changes is a bit of a phase-in, in terms of how things are enforced, and making sure people understand what's going on, as far as what they can and can't do.

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I see this accountability kind of cutting across a lot of ASMFC species. If this was a jointly managed species with one of the councils, we would have no choice but to be accountable, for instance with bluefish we'll talk about later on today. I do support talking more, either this meeting or future meetings about looking at some sort of management uncertainty or buffer, as Katie Drew mentioned.

To implement for a conservation equivalency for striped bass or some of these other species, to account for variations and availability or year class strength, or variable MRIP estimates, because I think we put forth these conservation equivalency proposals for this meeting today without talking about that in advance. To now kind of set accountability measures based on what we have in front of us today, I don't know if we would see 49, 50 proposals if we had some management uncertainty buffers and other things in place ahead of time. Just the order of things is a little concerning, but that doesn't mean that somewhere down the line we all need to be held accountable.

CHAIRMAN BORDEN: Pat.

MR. PATRICK C. KELIHER: First Mr. Chairman, I would like to thank Toni for telling me I was wrong on the record. As the newly appointed Chairman of the Commission it is always nice to be told that you're wrong. But actually the clarity around her point is very helpful from, she didn't like that terminology payback component, I understand that.

I think Dr. McNamee and Dr. Davis made some really good points. But I want to put a finer point on what Justin said. If we do have a consistent coastwide approach, we don't need to have a conversation around this. It is when you start to err in the side of the extremes, in some cases, as Ritchie brought up that I think we start to raise questions, and questions are raised.

Mike said that we would be doing a disservice to the Board, paraphrasing but I think that is what he said. I think we would be doing a disservice to the stock and the recovery and to our constituents, if we don't at least consider some type of approach if we go in the direction of multiple conservation equivalencies.

CHAIRMAN BORDEN: Pat, I would make the observation that your honeymoon is over. John.

MR. McMURRAY: I think the elephant in the room is that some states clearly take advantage of the conservation equivalency program. Certainly there are other states that use it appropriately. If the proposal is really equivalent to the measures in the management plan, then there shouldn't be an overage.

If the measures don't work, then I think it's only right that at the very least those measures be changed as soon as possible. I don't think that is unreasonable. I understand that the science may not be good to do that at the state level, and the surveys are, well they are surveys. But if that is the case, then they also shouldn't be used for conservation equivalency proposals. I don't understand how it is different one way or the other.

CHAIRMAN BORDEN: Joe Cimino.

MR. JOE CIMINO: I am against having the discussion now for the same reasons that Jason brought up. But since then a lot of good discussion has happened. I think that even with a coastwide measure, if that is the way the Board went, we would still need some accountability. We would need to be talking about course corrections.

I think that is the most important thing for this stock, especially if all we're talking about is comparing it to harvest levels a few years ago. I mean if you look at the MRIP numbers, and I'm not going to ask the Chair of the TC right now, but if there was any discussion on this. But harvest levels are coming down, I mean we're

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looking at probably a coastwide reduction of 50 percent from 2017 to the preliminary 2019 estimate, and that doesn't mean we deserve a pat on the back. There are reasons for that. You know we get a lot of theories on both the size of the stock, but also on movement of the stock have changed.

I think that as we move forward. I keep pushing hope for the start of an amendment process. We need the TCs input and the PDTs input on what appropriate measures mean for the stock that we're working with. I was heartened to hear Dr. Drew talk about predictions based on the stock, and where the stock is and what we expect recruitment to be, over just using a terminal year that may not always be relevant.

CHAIRMAN BORDEN: Bryan, you're up, anyone else?

MR. J. BRYAN PLUMLEE: I simply as the GA wanted to point out that I thought the leadership of our Agency, staff within the Agency has done a very good job. We adopted emergency regulations last August that went through our fall Chesapeake Bay season. Those regulations have been in place now on our coast season. We've had them in place for six months. We provided a pretty specific number on the predicted reduction, 23.4.

I think in our instance the leadership has done a great job of trying to put forward a CE that everyone can take a look at and put it in place, even though there was a lot of resistance from anglers and watermen at the time. We've really hurt our trophy season, our captains are not happy with a lot of these regulations, and we hear about it quite frequently, but they've taken them on and they've been in place now for quite a while. I hope they do get the approval that they need.

CHAIRMAN BORDEN: Dennis.

MR. DENNIS ABBOTT: I've sat here all morning wondering when I should open my big mouth.

As you recall, I wasn't really in favor of conservation equivalency, and I thank John McMurray for being on my side on that issue. But the Board decided that conservation equivalency was the way to go.

At the previous meetings we adopted 28 to 35. New Hampshire came to the table at that time, listening to our constituents wanting a 36 inch size limit, but the Board pretty much unanimously supported 28 to 35. It strikes me that even though everyone voted for that they were all sitting in the background with their pencil and paper, figuring out what their conservation equivalency proposals would be at the next meeting.

Here we are talking about all kinds of measures that aren't things, as Ritchie said that went out to the public. I don't think it's the right way to manage, and for the reasons that I don't support conservation equivalency as we're doing it, it is fair to go out to the public and tell them what you may do or may not do.

It strikes me also that why did we go out to public comment and say we'll have a 36 inch minimum size, or we'll have this slot, when the majority of the states are not abiding by that? No one can tell me that any of these conservation equivalency proposals is intended to do anything but advantage their states, and to take as many fish as they can by keeping within the regulations. Conservation equivalency as it is presently being utilized; it's creating a system that is un-favored by the general public.

Most of the fishermen you talk to don't like and really won't like what we've come up with today with all these different proposals. It's creating an unfair system. I don't think in the long run that it will improve the fishery. I know it's not going to change anyone's mind, and I may be preaching a little bit.

But I don't think we should be doing what we are doing now. It's not what the public wants

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us to do. Oh, one further thing. As I was sitting here thinking, going back to what we approved at the last meeting. Here we are, we're all sitting around the table, we voted for 28-35. Picture us all, each of us with a fishing rod in our hand, and in front of us is the pond with all the fish.

New Jersey is going to go off and catch 24 inch fish in one of their proposals. Other states are going to catch bigger fish. Some of us are stuck in the middle with a slot. The 24 inch fish won't become legal to us. The ones that we saved within the slot are going to move over and be caught by other people. It just isn't right.

CHAIRMAN BORDEN: Anyone else at the table before we break? Okay, so we're going to break for at least a half hour, maybe 31 minutes. When we come back, what I would like to do is to take up the concepts that have just been discussed. If in fact someone wants to make a motion, and I'm just citing this as an example.

If someone wants to make a motion where we don't have any CE proposals, they should do that after lunch, or if they want to make a proposal on accountability measures that they think this Addendum should be governed by, do that after lunch, because shortly after we reconvene, my intent is to start dealing with the individual state proposals, and we need to all have a common understanding of what the rules are. Keep that in mind, half hour break.

(Whereupon a lunch break was taken.)

**CONSIDER APPROVAL OF STATE
IMPLEMENTATION PLANS AND
CONSERVATION EQUIVALENCY PROPOSALS**

CHAIRMAN BORDEN: If you would please have a seat and we'll reconvene. I thought I would offer one last opportunity. Does anyone have comments or questions on anything that took place this morning? No hands up. As I

indicated my preference before we broke is that I think this is the appropriate time.

If anyone here at the table wants to make a motion, cross-cutting motion that would apply to anything we're going to deal with, then make your motion and we'll vote it up or down, whatever the result is. If in fact we don't get to any kind of cross-cutting motion that kind of sets the framework for how we deal with the next phase.

Then it would be my intent to move to the individual state proposals, and go through those one by one, and deal with them hopefully on a consensus basis if possible. I want to emphasize, if anybody wants to make a cross-cutting motion do it up front, so everybody knows what the rules are, okay. Dan.

MR. McKIERNAN: I have a motion that I gave to staff over lunch. My motion, shall I read it into the record and then discuss it? Okay. **Move that the state implementation of the Addendum VI conservation equivalency proposals approved today be contingent upon a TC or Technical Committee analysis documenting that the combined effect of the state's selected measures is at least a projected 18 percent reduction from 2017 total removals.**

Failure to achieve a cumulative 18 percent reduction shall result in mandatory implementation of the Addendum VI management measures. States will advise the ASMFC of their selected conservation equivalency measures by March 6. The Board will be advised of the results of the TCs analysis by March 13. The implementation deadline for the fisheries regulations remains April 1.

CHAIRMAN BORDEN: All right so I have a motion. Do we have a second, seconded by Ritchie White, discussion on the motion? Any discussion, yes David.

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SENATOR MIRAMANT: Sorry if this is already clear to everyone else. The failure to achieve a cumulative 18 percent reduction, failure to achieve it by analysis or the actual fishing of it, how long until they have to go back to the Addendum?

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: **What I should have written is failure to achieve a projected 18 percent reduction as calculated by the TC.**

CHAIRMAN BORDEN: Dan, you're perfecting your motion. Ritchie White, are you accepting that perfection? If so it has been perfected, other questions, Justin.

DR. JUSTIN DAVIS: Just I guess kind of a process question. The way this would work is that each state would advise the Commission whether they were going to implement either the Addendum VI standard measure or some other measure by March 6. The TC will do an analysis to see if all those measures together will get us to 18 percent?

If they don't will there then be some opportunity for conversation? I can imagine if we get pretty close that some states might be willing to adjust their measures slightly to get us to 18 percent. But then also, I guess what I'm concerned here is that if all the states decide what they want to implement, and then that doesn't get us to 18 percent, how will we decide who gets the opportunity to change or how that will be handled?

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: Well, my concern and I apologize to the TC for creating these deadlines without talking to anybody. But my concern is that it is going to be so late in the season and the rulemaking process. I can't imagine an iterative process where we keep going back and forth to get new rules. My thinking was to do it in a one-shot deal.

CHAIRMAN BORDEN: Roy, and then Mike.

MR. MILLER: I would like to make sure I understand the motion, if Dan or Ritchie would clarify for me. If we exceed the 18 percent reduction the statement says failure to achieve a projected 18 percent reduction shall result in mandatory implementation of the Addendum VI measures. That means to me there will be no conservation equivalency permitted at that point. Was that the intent?

MR. McKIERNAN: Yes.

MR. MILLER: If I may, Mr. Chairman.

CHAIRMAN BORDEN: Certainly.

MR. MILLER: I would have to say that I can't support the motion. I was thinking that something more appropriate would be that we would be dealing with compliance measures in Amendment 7, and that that would give some specification toward how compliance would be measured against the Plan measures, and that if we go over 18 percent.

I mean it is pretty obvious with commercial if there is an overage of the 18 percent, and commercial goes over their allocations, then that is pretty easy to calculate a payback of pound for pound. With recreational it is much more difficult. I can't support a motion that takes conservation equivalency off the table.

CHAIRMAN BORDEN: Mike Luisi.

MR. LUISI: I have to agree with Roy Miller. While I understand the first part of the motion, and I understand the need and the desire for achieving the percent reductions that we are all striving for, my first concern is the fallback provision to the Addendum VI measures. I made many comments throughout the development of Addendum VI, and the Chesapeake Bay option that was selected by the Board at 1-fish at 18 inches.

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At 1-fish at 18 inch minimum size in Chesapeake Bay would put our for-hire fleet out of business, and we've heard that time and time again. We would be faced with a fallback, in the event that we don't meet the 18 percent reduction to something that we as a state would not be able to implement, due to the economic impact and the social impact it would have on our for-hire fleet. With that I can't support the motion.

CHAIRMAN BORDEN: Ritchie White and then Jim Gilmore.

MR. WHITE: Kind of further answer to Roy's question. If this happens, it's not conservation equivalent. If you don't get the 18 percent reduction, then the conservation equivalent proposals are not conservation equivalent. That is what this is getting at.

CHAIRMAN BORDEN: Jim Gilmore.

MR. GILMORE: Well good segue. Ritchie, and I agree with both Roy and Mike, it's that we're going to take a larger hit because we're a larger harvester. We're in the 20 something percent reductions. We're going to add that in, and again if we get to each state I'm willing to tell exactly what we're going to do.

But this gives me the risk right now, even if I throw in 20 something percent. I need conservation equivalency under that for the Hudson and a commercial tweak, which are tweaks. This essentially takes it off the table. I don't have conservation equivalency at all. I understand what Dan is trying to do, and it's trying to simplify this. But with the risk of losing conservation equivalency altogether, I can't support the motion.

CHAIRMAN BORDEN: All right I have Pat, Jason, and Justin.

MR. KELIHER: I certainly agree with the overarching intent here. Mr. Gilmore brings up a point that in previous conversations with him on this tweaking, kind of the original intent of conservation equivalencies that I would want to

try to make sure we would maintain in any motion. I think it's for the same reason that Roy has brought up from a Delaware perspective that tweaking and that flexibility is removed.

A question I would like to propose to the Chair is from a timeframe, this March timeframe. Would that even give jurisdictions the time to ensure that they have these changes in place for implementation for April 1? I mean if you've got to go through rulemaking, based on all conversations we've had around the table about timeframe of rulemaking in the past, we certainly are going to be hamstringing states to be able to meet the compliance date.

CHAIRMAN BORDEN: I can't answer that but I express a personal view that March 6 is probably already backed up, because that pushes you right up against the deadline, where I'm sure some of the states down in the Mid-Atlantic will already have fisheries operating, or whatever. They can speak to that point individually if they want. But I think it's problematic, the date is problematic. I've got Jason.

DR. McNAMEE: I think this is a pretty clever motion. I'm not quite sure what to make of it yet, but I have a pragmatic question for either Max, Nicole, or Katie, and that is; it seems straightforward what the motion is asking for. But I think when you get back in front of your computer these things get less straightforward. My question is; is this something that the TC can even analyze? If you get a specific CE from a state and you kind of cobble those altogether, they will be weighted based on the harvest. Is it that straightforward?

DR. DREW: Yes that is certainly how I see it. I do think just in terms of timing there probably isn't time for a very thorough TC review. This would be something that staff would do and could disseminate to the TC for a quick look. But it is certainly not something that the TC is

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going to have a ton of time to weigh in on with this timeframe.

CHAIRMAN BORDEN: Justin, pass. I'm having difficulty reading my own handwriting. Dennis, would you like to bail me out?

MR. ABBOTT: To Jim's comments a little bit ago, and also to Roy's. Getting back to the basis of having conservation equivalency, I think there was an understanding some years ago, use Maine as an example. Maine came forward and we approved a 20-26 inch slot. That was for a biological reason.

I think that Jim's comment about the Hudson has a biological basis, and I think the same in Delaware. Those things to me are legitimate conservation equivalency. Not to pick on anybody, but a lot of these I view as a means of increasing harvest, and on paper meeting the 18 percent. Again, I think that for biological purposes conservation equivalency works. But having 40 or 50 proposals is way beyond, just way beyond.

CHAIRMAN BORDEN: John Clark.

MR. CLARK: I understand the consternation with conservation equivalencies, it has been expressed here. But all the states that submitted conservation equivalency proposals did so at the directive of the Board at the last meeting. **Therefore, I would like to move to substitute that the Board approve the conservation equivalency proposals as reviewed by the TC and presented today. If I can get a second on that I would follow up.**

CHAIRMAN BORDEN: Is there a second, seconded by Mike Luisi, John?

MR. CLARK: Yes, as I said. I think the conservation equivalency discussion we've had is a good one, but as Roy pointed out I think that is something we need to tackle under Amendment 7. All states with Addendum VI went into the conservation equivalency process based on what was approved. I think all these

proposals, whether you like them or dislike them.

The TC has said overall that they followed the protocols that were given to the states, and that they will meet the 18 percent for those states. I understand that taken as a whole there is some concern about that. But we did what we were asked to do, and I think this is the time just to approve these, get these in place, and then under Amendment 7 we can tackle all these other issues.

CHAIRMAN BORDEN: Mike, do you want to follow up as the seconder?

MR. LUISI: Well to John's point. We've had conservation equivalency as a topic of discussion over the past year. It has been decided by this Board, I think it was at our August meeting that we would be allowed to use conservation equivalency moving forward, after the Addendum was finalized.

States went back to their respective regions and talked with stakeholders to devise what they felt was going to be the best attempt at achieving the outcomes that are expected through Addendum VI. Something that just doesn't sit well with me, it's been brought up a number of times, and I have yet to see the analysis. But when you take the coastwide approach, and you apply that measure to the states, there are varying degrees of reductions by each individual state, depending on their harvest. I think Jim Gilmore kind of mentioned that as a large harvester state. You're taking a disproportionate reduction if applying the coastwide approach. I have yet to see the analysis.

But, I haven't once heard one of the states who may fall below the desired level of reduction, maybe a 5 or 9 or 10, 11 percent reduction as it applies to the coastwide level ever mention that they would be considering to do more, to try to advance their measures to meet the 18 percent reduction required.

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It was determined by this Board months ago that we could use conservation equivalency. We need conservation equivalency. We cannot implement measures that Addendum VI suggested for our Chesapeake Bay. Again that is why I support the overall approach. I think Amendment 7 will be the time when we can have a good conversation about conservation equivalency moving forward. Today is just not the day to take it off the table.

MR. APPELMAN: Just a point of clarification for the maker and seconder. Would you be willing to make a friendly to include implementation plans in this as well? Some states did not submit conservation equivalency, and I feel like you're trying to encompass all the measures that were in that table into one motion. Maybe I'm wrong, I don't know.

MR. CLARK: Yes, I think it was to include all the conservation equivalency proposals, but you're suggesting just to put an implementation date in?

MR. APPELMAN: No, no, no, no. I mean that some states submitted implementation plans with no conservation equivalency proposals. Would they be included here? Could we include the term implementation proposals, John?

MR. CLARK: Sure thank you.

CHAIRMAN BORDEN: All right Mike, is that perfection agreed to? We have a perfected motion on the table. I had Steve Train.

MR. STEPHEN TRAIN: I look at these two motions, well now the substitute. If we do not reach a cumulative 18 percent, which state has to make up the difference? We're not going to do anything, there is nothing in it. There is no backstop like the original motion. If these combinations of conservation equivalencies don't get there, we don't know what they're going to do. We haven't done our job, and we don't have a backstop on the substitute motion.

I understand the concept, but it just leaves I think too much risk. We don't know what the sum total is going to be of these.

CHAIRMAN BORDEN: Cheri.

MS. PATTERSON: Yes, I agree. I have the same concern that was just echoed. I also have a question. Some of these conservation equivalency plans have actually not been approved by the TC, is that correct? According to this those would not be considered in this motion. Again, my overall comment is the concern that I just echoed. But I also have that question.

CHAIRMAN BORDEN: All right I have, oh you want.

MR. APPELMAN: Yes. My read of the motion is that this would only approve all the options that were presented in the table in the TC memo. All other options that didn't make that table would be not approved here.

CHAIRMAN BORDEN: All right I have John McMurray and then Russ Allen.

MR. McMURRAY: I don't support the substitute. I understand that the main motion is problematic, but really what choice do we have? We painted ourselves into the corner with conservation equivalency. If states do what is laid out on these CE proposals, in all likelihood we will not achieve the 18 percent reduction. In that essentially we would willfully not be meeting the Addendum VI reductions, and is the Board okay with that? I don't think that the public is.

CHAIRMAN BORDEN: I've got Russ Allen and then Adam.

MR. RUSS ALLEN: I appreciate all the concerns around this table on conservation equivalency. I've been working with conservation equivalency for striped bass since, let me bring back my Tom Fote memories and go back to

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Amendment 6 when it was adopted in 2003. We've been doing this every year.

This is the first time this major conversation has come up, which is great, because we should be having these kinds of conversations. The way things have been done in the past. I know at one point I put together maybe 15 or 20 options to take to the Technical Committee, but we really approve the methodology.

I think that is what is key here is we approve the methodology of how the Technical Committee goes about their business and says we think this is good. This isn't good. The difference here is we're doing it in such a short timeframe. We used to do that go to the Technical Committee, take it out to our constituents first, look that stuff over, then come back to the Board with here are the two options that we're going to do.

This is a little different, because we're doing it so quickly. People that haven't been doing this for a long time can sense that there is a problem here. But as I said, 2003 was Amendment 6, and we haven't even started Amendment 7 yet really. That is where we should be going with conservation equivalency, accountability. It should have been done five or ten years ago when we really were thinking about it, but we didn't do it. I am definitely in favor of this motion that John and Mike have put up there.

CHAIRMAN BORDEN: Adam.

MR. ADAM NOWALSKY: What strikes me is that I think we've got a level of confidence here that when we put all of the CE proposals; the number for the coast is probably going to come in less than 18 percent. I think we've got a pretty high confidence level of that. I think we also have a very high confidence level that the number for the coast is not going to be 8 percent; it's going to be some small number below 18 percent.

The purpose of what we're doing here is to provide conservation for the stock. When I look at coastwide landings from 2017 to '18, and then preliminary '19 numbers that are down over 50 percent since 2017, to sit here and quibble about is our coastwide reduction 18 or 17 or 16, to provide states flexibility.

I understand some of us may not have been around the table with striped bass CE proposals. But I can assure you that this Commission as a whole, when you look at some of the other species boards, Summer Flounder, Black Sea Bass is no stranger to developing large suites of CE proposals, designed to try to meet some number.

This is in no way inconsistent with actions of this Commission as a whole, in terms of what this means to the resource when you look at the reductions that are already occurring in harvest for the health of the resource. It provides me a very high level of confidence that this is an interim measure, until we can tackle a lot of the other concerns voiced around the table as part of the Amendment 7 process.

CHAIRMAN BORDEN: Jason then Dan.

DR. McNAMEE: Just a couple of quick things to something Mike Luisi said earlier. The Rhode Island conservation equivalency is higher. We were with the coastwide we would have been about a 14 percent reduction, and so whether it was the regional or the Rhode Island specific ones, you know it goes up. But the point of saying that is just to kind of hit home the point that Rhode Island taking a little bit more is not going to subsidize any of those states to the south.

I agree with Adam, and of course I haven't done the math, but I'm almost certain that we with the conservation equivalencies, because everybody didn't do a conservation equivalency that we won't meet that goal of 18 percent. I just wanted to get that on the table. But I also wanted to say that I won't support this motion,

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because it gives a blanket approval. I wanted to have further discussion on one of the CEs, and so for that reason I won't be supporting this motion.

CHAIRMAN BORDEN: Dan and then Justin.

MR. McKIERNAN: Yes just for the record. I don't believe the will of the Board back in October was to cap reductions on a state-by-state basis to 18 percent. The will of the Board was to create a series of regulations, or I think more consistent regulations to achieve an 18 percent reduction coastwide.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: Unfortunately I can't support this motion. I don't fault any one state for pursuing conservation equivalency, and Connecticut did it too. I think states have good motives. I wouldn't go so far as to impugning one's motives of why they're pursuing conservation equivalency.

I think people are trying to do what's best for their fishery, while also providing conservation. I'm just concerned that when we look at where this is leading us that any one state's decisions are made in good faith, but that overall it's leading us away from sort of a coastwide management program that I think is really viewed, you know pretty positively by the public.

I don't think the public wants to see us move away from that. I think it's just really telling looking at that initial presentation we had today that it took 15 minutes and a dozen slides to go through all the options. It looks like we're contemplating taking one of our sort of simplest management programs and turning it into one of our most complex. I think by doing that we're steering right into the weakness of the MRIP data.

We've all had conversations around this table about how when you start chopping MRIP data

down to the state and the wave and the mode level, you get issues with precision and reliability, and we're playing right into that by moving this management program towards patchwork regulations, where we're formulating those regulations and assessing their performance using MRIP data at those sort of lower levels of resolution.

I have concerns around that and just whether we're buying ourselves trouble for down the road, but making this program more complex. When we come back to this table in the future and there is opportunity for hopefully liberalization or we have to take further reductions. I think how we do that is going to become more complicated if we move away from a coastwide program.

Just this uncertainty about whether we're going to hit the target for the Addendum by introducing conservation equivalency or so. There are some proposals that I could absolutely support some of the minor tweaks that have been talked about earlier. But this sort of blanket motion to just provide approval for all CE proposals, I unfortunately can't support that.

CHAIRMAN BORDEN: Jim Gilmore.

MR. GILMORE: I for the most part can't support the motion, because it doesn't fix that 18 percent issue. I know, I saw the pained look on Nicole's face before trying to calculate the incredible number of combinations would be ridiculous. However, I think if this one goes down, it fails. Where we're going to go is individual states, and we're going to have to go around the table.

One suggestion to maybe salvage this is that I could support this if actually each one of the states went around and essentially declared what they were going to be doing, because again if you came to this table and you have no idea. That is pretty surprising. I'll go first if we get to this point. What New York plans to do, it

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comes down to one set of combinations not 15. Either we can vote this down and try that or we can go around and start discussing what we actually plan to do in our states.

CHAIRMAN BORDEN: I've got Dennis and then Pat and then Emerson, anyone else?

MR. ABBOTT: Just a point of clarification. A comment was made that we decided at the August meeting to allow conservation equivalency. My recollection in August was that I made a motion not to allow it. But am I not correct that in any fisheries management plan conservation equivalency is always an option. Am I correct in my thinking?

CHAIRMAN BORDEN: I believe the answer is yes, but I'm going to defer to Bob.

EXECUTIVE DIRECTOR BEAL: You're correct, Mr. Chairman. The answer is yes, unless that FMP specifies areas that do not allow conservation equivalency. There are a couple in lobster and a couple others.

CHAIRMAN BORDEN: Pat and then Emerson.

MR. KELIHER: Are you sure you got the order right, Mr. Chairman? Am I next?

CHAIRMAN BORDEN: I have to call on the big Poobah.

MR. KELIHER: At a recent public hearing just held last week in Maine on our regulation to go to 28-35 inches. I attended to just listen in to understand kind of where our constituents in Maine are. Frankly it wasn't even a conversation about our regulation, it was a long drawn out conversation, very editorialized about the failures of this body.

You know we're all as managers used to hearing about concerns as it pertains to things that people don't like. But in this case and quite possibly coming in as the sitting Chair, it certainly hit home much more than it has in the past. There were tremendous oppositions to

CEs, the intent of how they're being used, failures of the Board across the spectrum.

The fact that we need to be in a rebuilding mode, and we're not moving in that direction, the points that have just been brought up that we will not achieve the 18 percent reduction, and a question from Mr. Luisi, are state's willing to do more? I can tell you the people in that public hearing in the state of Maine were willing to do much more, including moratorium conversations, which just kind of shocked me.

I think those are coming up based on their concerns that we're not going to do the right thing for the species, and to stop overfishing. On top of that spending time this weekend, I'm going to say it on the record, but Mr. Abbott was probably right, and I probably should have voted to support his motion when it was made in regards to CEs for overfished stocks.

But we do have two memos, one from the Technical Committee, and one from the Law Enforcement Committee that raises many, many red flags for many of the conservation equivalencies that have been proposed. Based on all that information, in particular the two memos, and the public sentiment that I received back home in Maine. I will not be able to support the motion.

CHAIRMAN BORDEN: All right I'll take Emerson, anyone else after that? I'm sensing we've kind of finalized our positions around the table. After Emerson I'm going to allow everybody to have a one minute break. Don't leave your seat, and then we'll take a vote. Emerson.

MR. HASBROUCK: I cannot support this motion either, because I'm not ready to approve this whole laundry list of, whatever it is 47, 49, 50 conservation equivalency proposals. Based on the Technical Committee memo, the Law Enforcement memo, public input, I don't think that all of those on that list are appropriate.

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I might be willing to revisit a similar motion, once we've discussed the particulars on that long list, and maybe whittle that list down. Then also, I cannot support the original motion either, because we do need to have some conservation equivalency in some of the cases on a state-by-state issue. I can't support either one, and with that I would call the question.

CHAIRMAN BORDEN: Mike, and then Dennis. Then I am going to call the question.

MR. LUISI: To Emerson and Jim's point. I think that well I know that some of the provisions in the conservation equivalency proposal that Maryland submitted have come under question. I haven't had the opportunity to comment directly to some of the questions that were asked earlier. I would like to have that opportunity at some point. But I also on Jim's line of thinking, I think that we would be in the position to whittle down our options in the Chesapeake Bay to something more manageable. We had four options; I think we could limit that.

I would hope that by hearing that out that there might be some more confidence in the options that we would take to the public, and reduce that level of uncertainty associated with the targeting provisions that a lot of people around the table had questions for. I'm going to support this motion, but I hope that depending on how it goes there will be an opportunity to follow along the lines of Jim Gilmore, and maybe have states identify what their preferred alternatives would be in that event.

CHAIRMAN BORDEN: Dennis.

MR. ABBOTT: Agreeing with Emerson, not really liking the motion that is before us and seeing the flaws in the underlying motion. But also seeing the importance of the decision we're being asked to make today, both from a financial aspect for everyone involved in striped bass fishing, and the importance of it all.

It really puts us in a position of making I think hasty, I'll call it a hasty decision. Might I not have the suggestion, where I've heard comments from others that whittle down? I would be of a mind to say that we should recess this issue until later in the week, and ask the states to come back with a proposal that we could act on. I think everyone might be happy with that. But asking us on the one hand to approve 49 or 50 really goes to what I've been preaching for a few months now. Is that not something that we could consider?

CHAIRMAN BORDEN: My preference here would be to do one minute caucus, vote on the motion, and vote it up or down. Then if by chance it fails then we'll have a discussion of what the next step is at that point. Are there any objections to handling it that way? If not, one minute caucus. We've already had a roll call, so this is going to be by roll call. I'm going to read the motion so that it's clear on the record. Move to substitute to approve the conservation equivalency plans and implementation plans as approved by the Technical Committee, motion by Mr. Clark, seconded by Mr. Luisi. Max, please read the roll.

MR. APPELMAN: Maine.

MR. KELIHER: No.

MR. APPELMAN: New Hampshire.

MR. WHITE: No.

MR. APPELMAN: Massachusetts.

MR. KANE: No.

MR. APPELMAN: Rhode Island.

MR. ERIC REID: No.

MR. APPELMAN: Connecticut.

DR. DAVIS: No.

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MR. APPELMAN: New York.

MR. GILMORE: No.

MR. APPELMAN: New Jersey.

MR. CIMINO: Yes.

MR. APPELMAN: Pennsylvania.

MR. ANDREW SHIELS: No.

MR. APPELMAN: Delaware:

MR. CLARK: Yes.

MR. APPELMAN: Maryland.

MR. LUISI: Yes.

MR. APPELMAN: District of Colombia.

MR. BRYAN KING: No.

MR. APPELMAN: Potomac River Fisheries Commission.

MR. MARTY GARY: Yes.

MR. APPELMAN: Virginia.

MR. PAT GEER: No.

MR. APPELMAN: North Carolina.

MR. BATSAVAGE: No.

MR. APPELMAN: National Marine Fisheries Service.

MR. DEREK ORNER: No.

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

MR. MILLARD: No.

CHAIRMAN BORDEN: **The motion fails 12 to 4.**

We're back to the main motion, and I guess my

question is did individuals want to deal with the underlying motion, or would you prefer to just quickly go around the table and have states identify whether or not they have a preferred option, so that everyone would know what they're voting on? What is the preference? I'm giving you two options, deal with the underlying motion or go around the table, Ritchie.

MR. WHITE: I think where we have this motion on the floor we have to deal with it. I'll make a motion to table until a time certain, until we have the chance for the states to go around the table, and then to try to whittle down this list.

CHAIRMAN BORDEN: **We have a motion to table by Pat Keliher. It's non-debatable. Is there any objection to a motion to table? Motion table passes then by consensus.** In terms of process, let's start. Chris, would you like to be the first state, since you didn't suggest any options, I believe? Would you like to comment on any aspect of what you had proposed? Chris.

MR. BATSAVAGE: North Carolina has already moved forward with a coastwide measure of 28 to less than 35 inches. We put that in place on January 1st.

CHAIRMAN BORDEN: Virginia.

MR. PAT GEER: Yes, we've already put our actions. We did our regulations back in August, so these have already been in play for our fall season. The commercial regulations went into effect January 1, so our conservation plan has already been implemented and is being used. I did see a mistake in one of the tables. It says to the recreational fishing regulations it has, we are 20 to 28 inch slot limit from 5/16 to June 15th, and then it's 20-36 from 10/4 to 12/31, so we have two size slots in there.

CHAIRMAN BORDEN: All right, let's deal with PRFC, Marty.

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MR. GARY: Our Commission met in December, and at that time we passed a motion to advance four proposals for consideration to the Technical Committee, all of which were passed. But we haven't met since then. We've had fairly spirited debates within our eight member Commission, a couple of the Commissioners still are strong advocates for the coastwide default.

We had hoped to emerge from this meeting knowing that one or all of our conservation equivalency measures that the TC passed would be passed for their consideration at the March meeting. Now I'm kind of pigeonholed into a situation where I'm asked to whittle this down. I think I can whittle a little bit, but to be fair to our Commissioners, I think they would still want the coastwide default measure to still be an option for consideration at their March 6 meeting.

Our first two conservation equivalency measures, as I had noted before when I took the microphone, are very similar. They focus on a summer closure. One prohibits targeting and the other allows it. That would be Option 1 and 2 of our conservation equivalency measures. I strongly believe that their discussion will focus on those three, but I have a hard time getting it down beyond. I can get it down from five, I think to three, but I can't really take it any further. Otherwise I'm doing a disservice to our process at PRFC, if that makes sense.

CHAIRMAN BORDEN: Bryan. D.C.

MR. KING: At least we're going with the TC recommendation. We did have a meeting in D.C. The consensus was 1 at 18 for us.

CHAIRMAN BORDEN: Maryland.

MR. LUISI: We're broken into two groups. We've got our ocean fishery, which we are planning to at the end of this meeting; we plan to implement through Public Notice Authority the 28 to 35 inch minimum at 1 fish for the year

for our ocean fishery. In Chesapeake Bay, we have worked up four different options.

As Max mentioned when he presented this earlier, Options 2A, 2B, and 2C have a baseline where private anglers and charterboat, the for-hire fleet, would be at a 19 inch minimum size with a 2-fish bag limit. As Max mentioned that is consistent with what we have right now in place. The Option Maryland 2D deviates from that standard of a 2-fish bag limit, and it applies a 1-fish bag limit to the private sector, and a 2-fish bag limit for the for-hire fleet.

There have been a number of comments around the table as part of the Technical Committee memo, as well as Commissioner's comments and concerns regarding how Maryland is going to achieve their reduction through season closures, which include a no-targeting provision. The no-targeting provision is our attempt to address a major concern that we have in our state during the summer months with dead discards that occur as a result of the fishery operating in the months of July and August. Nicole mentioned earlier that no targeting, while there is some uncertainty to it, that uncertainty is decreased as different assumptions are made.

I didn't have a whole lot of time to think about how to propose this. But the Maryland 2D option, with a 19 inch minimum size with a 1-fish bag limit for the private angler is very close. It's actually more conservative than the 1 at 18 inch option that was part of the Addendum VI plan, because it's a higher size limit for the private angler.

The private angler makes up a majority of the angling effort, when compared to the charterboat fleet in Maryland. That is the one that we've been focused on in our state, working with our stakeholders, working with our industry at trying to preserve what I've mentioned before as a need for having more than a 1-fish bag limit in the for-hire sector.

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We would be willing at this time to remove Options 2A, 2B, and 2C from consideration, given that those options are much more reliant on the no-targeting provision to account for the reductions in mortality, because the bag limits and the minimum sizes stay the same throughout the year is what we currently have.

Option 2D, because we're dropping the bag limit on a vast majority of the effort to 1-fish, we've essentially accomplished our desired reduction just by doing that. It's the no-targeting provisions that allow for some extra credit, if you want to call it that, to allow the charterboat fleet the extra fish.

I believe that our 2D option is much less reliant on the no-targeting provisions of the closures, to achieve our desired reductions, which is why those closures are actually a little smaller as well. To help move this along, again Maryland would support the removal of 2A, 2B, and 2C leaving in 2D as our conservation equivalency alternative, and we would take that to the public along with the 1 at 18 inch option that was part of Addendum VI.

CHAIRMAN BORDEN: Pennsylvania.

DR. TIMOTHY D. SCHAEFFER: Yes, Pennsylvania is prepared to move forward with the proposed regulations as of April 1st, which is the 28 to less than 35 in the non-tidal portion of the Delaware. Also with a non-circle hook recommendation when fishing with bait in that portion. In the Delaware, we're also prepared to have that regulation in effect during the time period of the year, except during the spring spawning period, which we currently have a slot limit from 21 to 24 inches.

We're proposing to reduce that upper end of the slot, which that fishery is primarily a male fishery. Our analysis of previous year's data since 2015, it showed it was reduced mortality on the large spawning females. This would be again a circle hook requirement when fishing with bait in the estuary portion of Pennsylvania.

CHAIRMAN BORDEN: Delaware, John.

MR. CLARK: I thought we were getting skipped there. We have two similar options that were both approved by the Technical Committee. The only real difference between the two is the first proposal we have a 3 inch larger size limit for the recreational fishery than in the second option, and the second option reduces the commercial quota by 1.8 percent, while the first option reduces it by the full 18 percent. We covered both bases there.

Our Advisory Council on finfish or tidal fin fisheries has recommended the option that has proportional reductions between the two fisheries. But we have to go to a public hearing process for our regulations, so we would ask for the Board to, given the similarity of the two, we hope that both can be approved right now. The analysis we did and the TC concurred, shows they are both very similar in the reductions.

CHAIRMAN BORDEN: Joe, New Jersey.

MR. CIMINO: There were five options approved by the TC, or at least it originally looked like five, one of which is simply Addendum VI. I'm not sure that that needs to count as one of our options. The 35 inch minimum was kept alive in our conservation equivalency proposal, because we heard from a lot of the public at our public hearings that that is what they wanted. Now since that has been dropped out of Addendum VI, we're hearing quite a bit that that is no longer the case.

But we haven't had time. Our Marine Fisheries Council is scheduled to meet and make a decision on this February 13, with the assumption that the Board was going to be making decisions today. I can't speak to whether or not there is still interest in that from the public. We have an option up there that I don't think anyone wants to see go away.

It speaks against a lot of the accusations that all these CE proposals are an attempt to do less,

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because one of the options up there is a 28 to 34 inch slot, to address the fact that many folks did want to do more. There are two other options, R1 and R2 there that are very similar. I could say that the wider slot the less conservative of 24 to 29 can be taken off the table. But I really don't feel comfortable doing anything else without going back out to the public.

CHAIRMAN BORDEN: Jim, New York.

MR. GILMORE: This again, if you remember four years ago. I think we're all trying to get, if we could get a consistent measure along the coast would be the best thing for the fishery, because it's easier and it's the biggest chunk of this. New York, in terms of all the options up there, what we're going to propose to do first, under the coastal fishery, take Addendum VI, measure, the 28 to 35.

For the Delaware we would implement the same, the 28 through 35 based upon the Addendum. The commercial fishery, if it's up there we would essentially go with the one option which would be a 26 to 38 slot, which actually decreases the harvest by about 20,000 pounds. The Hudson River, which is a male fishery, and as Dennis had noted before we have very good data on it, these are just a male fishery that essentially we're not targeting any of the large females.

We keep the 18 to 28 inch slot. We would eliminate the trophy fish, and essentially keep the season as it is. But I'll get back to that in a second. Essentially those are the proposals, and pretty much what New York is going to go with. There were a couple of options, in case we weren't going to cut close to the 18 percent reduction.

First off, on the Hudson we could actually reduce the season somewhat from 30 to 60 days if that was going to help out missing the target. Secondly, and this was from both our staff and our Council was very clear about this

that a delayed opening in Raritan Bay would actually help out. Not much of this is quantifiable, but there are a large number of spawning fish that come up, and if we essentially delay the opening of that fishery it would let them pass through.

But that would be conditioned on the fact that New Jersey would have to agree with that and not open their fishery until May 1. Again, the previous things I said already hits that reduction and most of them are in the 20 plus percentage points for New York. But again, we have a couple of extra things that I think may help out. The last point too, and we haven't decided on this yet was on our for-hire group had suggested a 31 inch minimum size.

Since that is such a small group, we're looking at maybe a licensing for that. But we haven't decided if we're going to do that or not. But that was evaluated by the TC, and that still would meet the reductions. That may help out with our sort of regional thing we were trying to do with Long Island Sound. But again that is something we're not, well we're looking at it right now but we're not proposing it at this point. That's what we've got.

CHAIRMAN BORDEN: Justin, Connecticut.

DR. DAVIS: Connecticut's preference all along has been to implement the 28 to 35 inch slot. The only conservation equivalency options available to us were the regional proposals that were put together with New York and Rhode Island. Implementation of any of those was contingent on all three states implementing one of them, given New York's stated intent to implement the 28 to 35 slot. That precludes us from implementing any conservation equivalency, so we would implement the 28 to 35 slot.

CHAIRMAN BORDEN: Jason.

DR. McNAMEE: I'll answer the question, but then before I yield the microphone I have a

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quick question, if you'll give me the indulgence. Just like Dr. Davis just said, the regional B was our preferred, but that needs to be a region to work, so that is off the table. I'm assuming 28 to 35 is still an option that I'm not kind of putting Rhode Island into a definite proposal here.

I mean I think the coastwide option would be a viable option for us. All of that being said, choosing one of our CE proposals, it would be that Rhode Island C, which was the split mode option. Then my question is, I'm not entirely clear why we're doing this, so if we could answer that question. I think maybe it is to do the calculation to see if we're meeting 18 percent, but I'm not sure.

CHAIRMAN BORDEN: To answer your question. The only reason I agreed to do this is because about five members of the Board suggested they wanted to have everyone have an opportunity to talk at the microphone, and identify whether or not they had preferences or could eliminate some of the options. Some of you have done that others have not so there isn't a lot of clarity on where we go at this point, so Massachusetts.

MR. McKIERNAN: Yes Massachusetts intends to adopt the coastwide measure of 28 to 35, and on the commercial side take a cut of the commercial quota, but at the same time increase the minimum size to 35 inches, resulting in a commercial quota of 735,240 pounds.

CHAIRMAN BORDEN: New Hampshire, Cheri.

MS. PATTERSON: New Hampshire has implemented the coastwide measure of 28 inch to less than 35 inch slot limit, and instituted a mandatory non-offset circle hook, and we have had no commercial quota so there is no change there. I just want clarification with Pennsylvania, non-circle hook or are you trying to say non offset circle hook?

DR. SCHAEFFER: Non-offset circle hook.

MS. PATTERSON: Thank you.

CHAIRMAN BORDEN: Maine.

MR. KELIHER: The state of Maine has already gone through rulemaking. We've held two public hearings for the 28-35 inch measure within the Addendum, and it should be finalized by Advisory Committee in the middle of March.

CHAIRMAN BORDEN: Okay, so thank you all. We've done this. We went around the table. My conclusion from that effort is we simplified what was on the table, but we have not clarified all the preferences. In other words there are still options that are in play, so I think and the technical people here can correct this if it's wrong.

We're still not in a position where they can analyze this mix of options, which I think is part of the intent is to have some assurance that we're going to meet the target. You can't do that if there are still a broad number of combinations of options. If somebody disagrees with that they can speak up.

It helped, but it didn't get us quite as far as what I think the individuals that suggested it might have wanted. **If there is no disagreement with that view what I would suggest is we go back to the tabled motion, which was tabled until this time, so I think it is automatically off the table, Bob. All right so the tabled motion is back on the table, comments on the tabled motion, on the motion I should say. Joe.**

MR. CIMINO: It was alluded to earlier, but as a state we wouldn't be able to act quickly enough after this review to have measures in place. I think you know quibbling over percentage points versus having the public have some understanding of what they're being asked before the season starts. I really do respect Dan's motion, and trying to get the type of

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answer we're supposed to be making a decision on as a Board. But I think now time is of the essence, and for one I couldn't, as a state we wouldn't have the process in place to do this that late in the game, and second I just think it's more important to make a decision now, and let the public know what is being asked of them.

CHAIRMAN BORDEN: Adam, did you have your hand up, no? Okay, sorry about that, Mike and then Justin.

MR. LUISI: I did fail to mention, and if you would just indulge me for one second. I just wanted to get it on the record that the state of Maryland, we have taken a proactive approach well before now to put regulations in place through what we would propose in our conservation equivalency for our trophy fishery this spring.

I just wanted the Board to be aware that following this meeting we plan to implement new rules for our spring fishery, which would reduce harvest and reduce targeting of fish in April. We would eliminate the fishery in April. No trolling would be allowed in the Bay, and we would also have a later start date for the trophy season, cutting it back from three plus weeks to just two weeks. That is the first thing I just wanted to put on the record.

The second point is that I disagree that going around the table didn't provide some bit of clarity, for me at least on the coast. I should have kept better record, but most states here said that they were planning to implement the 28 to 35 inch limit on the coast. Almost everybody, with the exception perhaps of New Jersey and then New York, most people said they would do that.

I find it very hard to believe that if we allow for the conservation equivalency and maybe in one state that the uncertainty that already surrounds the measures, even at a coastwide level. If everybody implemented the coastwide rule, there is still uncertainty as to whether or

not we're going to achieve our desired reduction.

To me knowing that all but maybe one state are planning to implement that coastwide measure, it provides a lot more certainty in my mind that we're working to try to achieve a coastwide measure. There are reasons why certain states may not be able to implement that measure, but it's not that we're all over the board here.

We're really altogether in this with maybe one or two exceptions. I do disagree that that exercise was not valuable. I think it was valuable, and I think knowing now what the states have committed to should provide some level of comfort, hopefully that conservation equivalency can still be a tool that we use in going forward.

I'll just say I cannot support the motion for the reasons I've mentioned earlier, and before we vote on this motion if it appears that this may be supported, I would ask for an allowance to perhaps make a substitute motion to separate the coast from the Chesapeake Bay. But I'll hold off on that to hear what others have to say around the table.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: Building on what Mike just said. After hearing everybody go around the table. I'm a little bit more bullish on the potential success of this approach than I was prior to that, because there is so much consistency up and down the coast, in terms of what people are planning on implementing.

I'm wondering if states were sitting around the table who are concerned about the timeline, could comment on whether there is any possibility here to move that timeline up, given that a lot of states just said they are pretty certain about what they want to do, and it's only February 4. We've got 12 weeks until April 1.

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I wonder if moving this up by some number of weeks, providing a little bit more space for if we can't get to that 18 percent right away, of figuring out how to get there, then still having enough time for folks to implement their measures by April 1. I'm wondering if there is any possibility there.

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: Consistent with Mike Luisi's comments and this is a question I guess for Nicole or Katie. Is it possible to tease out just the coastal fisheries, in terms of meeting the target, and if so would an amendment of this motion make sense, just to deal with the coastal recreational fisheries?

CHAIRMAN BORDEN: Whether or not you want to amend the motion is really up to the Board, not up to me. I've got Bryan next.

MR. KING: I was just going to ask the maker of the motion intended that the fallback position to the mandatory implementation was only for the states that failed to achieve the 18 percent, or for all? It may have been said earlier, but I've lost the thread since the motion was made.

CHAIRMAN BORDEN: What I've recognized, Bryan is I can't listen to two people at the same time. Would you mind?

MR. KING: I was just asking Dan if he intended the motion to mean that if a state failed to meet the 18 percent that that state would fall back to the mandatory implementation, as opposed to all states, since that was not clarified specifically. I couldn't recall from the time that it had been made initially.

MR. McKIERNAN: Yes, my intent was that the 18 percent standard would be judged among all states combined, not each individual state. Otherwise, what you have is an 18 percent ceiling on conservation, and that is not going to get us to where we need to go.

CHAIRMAN BORDEN: Steve Train.

MR. TRAIN: Not that I want to muddy the waters any longer, but it seems like most of the states are not quite at this problem. We just heard that. This going around was helpful. My question is, especially after listening to Mike and Jim. It sounds like some of their projections are going to actually be more like a 20 percent cut. Maybe the Technical Committee could tell us. If we change that on the conservation equivalency numbers from 18 to 20, would there be a very low risk of going under 18 when that happened? I mean maybe we just throw a different number in there and we can push this through no problem. It sounds like some of them have already got those numbers.

DR. DREW: Well to be clear, several of them meet a 20 percent reduction, because they need it for the state overall, so it's a 20 percent cut in your recreational numbers so that the commercial side takes a lower cut on the quota side. It's true that some of the states do meet a 20 percent overall, or even slightly higher. But we would have to go back and look and see which proposal is tied to a commercial proposal, or a different regional proposal that is making up some of that difference.

CHAIRMAN BORDEN: All right so let me just offer this. I've got five people on the list, Ritchie, Cheri, Jason, Eric, and one other. I'm going to go through that list. Then I'm going to ask whether or not anybody wants to make a motion to amend or substitute at that point, Ritchie.

MR. WHITE: We heard that New Jersey was unable to meet this time schedule, so my question is, is there any other state that would not be able to meet this time schedule? Then I would like to have a follow up.

CHAIRMAN BORDEN: Any other state? John.

MR. CLARK: We're already proceeding with an emergency regulation, just because our process takes so long. Then we are going to, it's

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complicated but if both options were approved we would go to our regulatory hearing with both options, and get public input yet again on that. But yes we won't be able to change things as of March 6. We've already had to move ahead, just to get things in place, because our commercial season opens next week. You know time is of the essence here, and I think we're just really run around in circles here.

CHAIRMAN BORDEN: Ritchie, you said you had a follow up?

MR. WHITE: Yes, if there are no other states. Is Mike?

MR. LUISI: Yes Ritchie, we would be fine with our coastal regulations, which are Chesapeake Bay regulations. That would cause, any delay at this point, we're on a very tight timeline to turn those rules around in time to have seasonal closures this summer. That is our intent. Any delay is going to be a bump in the road for us to try to get those provisions in place in time.

CHAIRMAN BORDEN: Follow up.

MR. WHITE: Based on three states not being able to meet this deadline, and then thinking about if we went ahead and the states did not implement anything in time, the mortality that that might inflict on the population, you know while they are trying to get stuff in place. I'm going to withdraw my support for this motion so we can move on here.

CHAIRMAN BORDEN: Cheri and then Jason, I've got David too.

MS. PATTERSON: Yes, I'm not going to support the motion for the same reason that Ritchie indicated. But I also just wanted to throw something out there. If this April 1st deadline is an issue, based on our concerns as to whether these CE proposals are actually going to achieve a coastwide 18 percent reduction, then I might move to have us reconsider that aspect of the

motion to the Addendum, to move that date to our next meeting, which is May 4.

CHAIRMAN BORDEN: Let me suggest this that there are four or five of you around the table that have different ideas on how to proceed here. I would like to declare a five minute recess. This will allow you to get together with anybody you want to talk to here, and then we're going to come back and I'm going to return to the list, and go down the people. The next individuals I have on the list are Jason and then David, Eric Reid, five minute break.

(Whereupon a recess was taken.)

CHAIRMAN BORDEN: All right if everybody would have a seat please, we're going to start again. When we last broke, let me just clarify this. This is not a motion. I did not agree that this was a motion because of the way it was framed. If Cheri wants to make that at a slightly later date that is fine. That is her prerogative. But at this point for the point of clarity that is not a motion.

I've got two people I'm going to ask to finish commenting, and then my understanding is there is another motion, either a perfected motion or a substitute motion that I think Roy wants to make or suggest. Jason, my understanding is you are deferring to Eric, and I've got David. Those are the two comments.

MR. REID: I just have a question. This motion says CE proposals approved today, and I just want to understand what that means. We had the exercise, we went around the table and certain states eliminated a few things, and Mr. Gary might have removed Options 3 and 4 under his thing, but he didn't seem too comfortable about it, but he left three. Mr. Luisi eliminated three and a few other people eliminated x, y, and z.

My question is, what are we actually approving? Are we going to go back through the oral record and take the black line and wipe out the ones

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that people were removing, and then approve what is left or are we just going to approve the whole suite of all these options, and then see? When you play with stud poker you get three cards on the table and you've got the two in the bank. I want to see all the cards before we approve anything, so that is my question. What are we actually looking to approve, an amended list or the entire list?

CHAIRMAN BORDEN: My suggestion is, unless there is disagreement from the Board that if a state said on the record, it will be part of the record that they wanted to or were willing to remove specific items that those items would not be part of the list. Is there any objection to that? No objection, does that answer your question? David.

SENATOR MIRAMANT: Well, two things. The first time it was going to be that if they are trying to have a conservation equivalency and we've talked about 18 percent. Then that state that is presenting it will certainly do the numbers to say it's at least going to achieve 18 percent before, and if it's close then it should be raised a little so that it is not close so that when the TC gets it, it will come up to 18 percent.

We didn't say 18 percent, but if it's a little bit under it's okay. We didn't say that. I don't remember saying that or voting on that motion, so 18 percent. If there are vagaries on achieving it build in a buffer, because we already aren't taking into account some of the things I already mentioned. The next is, did we agree on 18 percent coastwide, or each state achieves 18 percent somehow? I've heard both, and those are different.

CHAIRMAN BORDEN: Max.

MR. APPELMAN: Yes just so to remind the Board. Back in October when this Addendum was approved, there was a motion to allow states to submit conservation equivalency, and it was specified that those proposals when

submitting conservation equivalency must meet an 18 percent reduction at the state level, recreational and commercial combined. While the Addendum does aim to achieve F target in 2020, and projections indicate that it takes an 18 percent reduction total removals to get there.

The Board was very clear that if a state came forward with CE, it only needed to propose an 18 percent reduction at the state level. I also wanted to plug in that it is my understanding that as we did that exercise states went around the room. I don't think any state came out and said this is the option we're going with. As of right now I think all the options in that table are still on the table. Nothing has really been crossed off that list yet.

CHAIRMAN BORDEN: Eric, would you like a follow?

MR. REID: Allow me to retort. Well Max, I think the Chairman gave me different advice. Maybe I have to default to the new Chairman sitting over there from Maine, and he could help me out a little bit. But somebody has got to give me a definitive answer on what we're doing here.

CHAIRMAN BORDEN: Well the Commission Chairman always has the right to overrule any other Commissioner in this process, as far as I'm concerned. But for purposes of clarity, if a state, there were some states that said they would eliminate Option A, B, C. That is pretty clear to me. If they said that and it was clear those options are off the table. Now Mr. Keliher or our esteemed Executive Director would like to disagree with that interpretation, I encourage them to do so.

MR. REID: Well some states said that they would use Alternative 1A. By inference they've eliminated everything else, would you agree with that as well that if it was not inferred as to stay in it should come out?

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CHAIRMAN BORDEN: Yes. Jim Gilmore.

MR. GILMORE: To put a point on that. I picked one, and everyone else is eliminated for New York, so if that clarifies it we are removing all the other options other than the ones I had reported out on.

CHAIRMAN BORDEN: With those clarifications, Roy do you have an alternative, or may I suggest a way out of this mess?

MR. MILLER: I have a motion to substitute. I'll have to speak slowly, as I did not get a chance to get this wording to staff. The motion to substitute would say as follows. Approve the Addendum VI recreational measures for the coast, and the Chesapeake Bay/producer area (Hudson and Delaware estuaries) conservation equivalency measures as perfected today.

CHAIRMAN BORDEN: All right so that is a motion to substitute, second, seconded by Pat Keliher, discussion. Dan.

MR. McKIERNAN: I think it needs to be clarified whether the conservation equivalency measures are Bay only or were they part of the coast as well?

MR. MILLER: May I?

CHAIRMAN BORDEN: Roy.

MR. MILLER: My intent was that those conservation equivalency measures would refer to the producer areas, the bays and the estuaries.

MR. BORDEN: Roy, is it also your intent if this motion were to pass that we would then take up a similar motion for commercial?

MR. MILLER: Yes that was my intent.

MR. BORDEN: Okay, Max.

MR. APPELMAN: Yes, I just wanted to add that for some states the recreational options are tied to the commercial options, so you can't really approve just the recreational, unless you loop in the commercial options for some of these state proposals.

CHAIRMAN BORDEN: My suggestion on how to, Max raised a valid concern. My suggestion is that we deal with this motion, deal with the remnant commercial motion, and then make an overarching motion that would approve the two of them as perfected by whatever actions were taken. Justin.

DR. DAVIS: I just want to make sure I'm clear. If this motion were to pass that would mean that all states would have to implement the 28 to 35 inch slot for their ocean fishery?

CHAIRMAN BORDEN: Roy, to that point.

MR. MILLER: That was my intent.

CHAIRMAN BORDEN: Russ.

MR. ALLEN: I don't even know how to start on this one. Roy, you just took us right out of the game. I don't understand why you would do that. It doesn't allow us to have any chance for conservation equivalency that this Board is allowing other states to do. That is not something I've ever seen one of these boards do.

CHAIRMAN BORDEN: Pat, excuse me.

MR. GEER: In Virginia we have our conservation plan for the ocean is 28 to 36 inches with a shorter season. Most of the states have a year round season, ours is only, it is about 75 days. We put those actions; all of the actions we put in together were a combination looking at commercial.

Our recreational reductions were 23 percent, and we took a commercial reduction of 9.7 percent to cover the rest of the 18 overall

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removals. I'm probably not going to be able to support this. We've already put our actions into play; we've already put those regulations into effect. I don't want to argue over 1 inch, but we've already put them into play.

CHAIRMAN BORDEN: Anyone else, Justin and then Jim.

DR. DAVIS: Sorry, just another clarification, the statement at the end there about measures as perfected today would mean that for the Chesapeake Bay and producer areas states would be limited to those proposals that they stated on the record today that they are interested in pursuing, and would not be able to implement the proposals they weeded out.

MR. MILLER: That was my intent.

CHAIRMAN BORDEN: Jim.

MR. GILMORE: Well, following up on that. A clarification point then, I said what New York intends to do, but there were three sort of optional things. One of them was that we could actually increase maybe the percentage by a seasonal closure on the Hudson, secondly a delayed opening on Raritan Bay, and then lastly a licensing system for one of our smaller sectors. Would they all be off the table now, or is that something we could still propose?

CHAIRMAN BORDEN: Roy, to that point.

MR. MILLER: Would you repeat the question, please?

MR. GILMORE: Yes, Roy. Before when I had put out the measures for New York, I pretty much laid the floor, things out we were definitely doing, but there were three optional things. The first was we were considering on the Hudson even reducing the season by 30 to 60 days, but we hadn't decided on that yet. The second point was that we were hoping to delay the opening in the fishery in Raritan Bay until May 1, to protect the spawners if Jersey would

agree to do that. Then lastly, we were proposing a licensing for our Montauk guys, a small for-hire guys that they would have a 31 inch size under a licensing system. I essentially had stated those before, but if this motion passes, are they now off the table that we couldn't do any of that?

MR. MILLER: I'll give you my opinion, Jim. My opinion would be that they are not off the table that they would be considered above and beyond the requirements, and therefore up to the state to institute if they saw so fit.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'm really torn by this motion, because it includes two different ways of handling the problem. While I fully support the second half of the motion, I mean I certainly need this Commission and this Board to support the use of conservation equivalency in the Chesapeake Bay. It's very difficult to turn right around and in the same breath take that ability away from another state that has a desire to use that on the coast.

While I understand that there is a desire to have consistency throughout the entire coast on the recreational side, I'm struggling with how out of one side of my mouth I'm asking for conservation equivalency, and the other side I'm telling a state that they don't deserve it, or they should just fall in line, because I'm just challenged by that.

I'm not sure what to do here. I would look to you, Mr. Chairman for some advice as to perhaps if we're getting to the point where we're going in two different directions, maybe we split the question. We take up the coastal issue without having the Chesapeake Bay and producer area conservation equivalency proposals linked into that or lumped into that. But I'm going to wait and maybe hear a few other comments before I may consider a motion to split the question.

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CHAIRMAN BORDEN: Maker of the motion is always free to separate those things out as a perfected motion, if the seconder and Board agree with that perfection. Roy.

MR. MILLER: Mr. Chair, having heard New Jersey's comments, and having sympathy for those comments as stated. I'm wondering if I proposed to tweak this wording a little bit if this would be acceptable to the seconder of the motion. I would add the following verbiage is what I was thinking about. After the word recreational measures and the Technical Committee approve conservation equivalency measures. I would add that to the motion, Technical Committee conservation equivalency measures.

CHAIRMAN BORDEN: I would like a minute to talk to staff, please. All right I've been getting advice from the staff. I would like Max to provide everyone with the same input.

MR. APPELMAN: I'm just trying to think this through. I'm looking at the motion. It's my understanding that there are a couple states that this becomes really challenging the way their implementation plan was submitted to us. Not to throw states under the bus, but Delaware and Virginia stand out to me. Virginia didn't even have the coastwide measure for the ocean in their implementation plan, so if they were required to put that in for the coast, then all the quotas attached to their implementation plan are invalid, they have to redo those calculations. I don't even think there is a commercial option in their plan that works. Delaware same thing, their recreational options are tied to the commercial options.

I don't know what happens there if you approve just the recreational measures and don't include the commercial options for them as well. New Jersey has got this bonus program. How those measures shake out with this motion it is really unclear to me. I understand where we're trying to go with this, but it's a little more complicated than what it looks like.

CHAIRMAN BORDEN: Roy, you were suggesting a perfection, do you still want to proceed with a perfection of the motion? Roy.

MR. MILLER: I think that I may be able to accommodate Max's reservations with another add on at the end of this sentence after today. If we added, and the commercial measures for coastal and inland areas as perfected today.

MR. CLARK: We're back to the substitute motion.

CHAIRMAN BORDEN: Pat Keliher. I think he is saying that doesn't solve the problem. Pat Keliher.

MR. KELIHER: Mr. Chairman, as the seconder in all due respect to Roy, I would not agree to those additions.

CHAIRMAN BORDEN: Okay, so Pat.

MR. KELIHER: Mr. Chairman, if I may ask a question of New Jersey through the Chair. There are a couple of your conservation equivalencies that have been raised within my constituent base back home, and that I'm trying to deal with that become very problematic, from as they have called it a fairness issue up and down the coast. Would New Jersey be willing to remove New Jersey's R1 and R2 from consideration as part of this motion?

CHAIRMAN BORDEN: Adam.

MR. NOWALSKY: Having some conversation over here. I think I could take it a step further and say that given the conversation we've had about what all the states need, in terms of options. From what I've heard so far on the coastal fishery, Virginia needs some flexibility from the 28 to less than 35 option, they have a 28 to less than 36 with some seasons attached. They need that flexibility.

I think if New Jersey could leave here today with the 27 to less than 35 option, and the 1-

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fish at 33 inch option that is on the slides that Max presented that follows the same methodology as the 1 at 35, and results in a 20 percent reduction for the state, which is greater than what we agreed to at the annual meeting. I think New Jersey could work with that position for getting us out of here in the coastal waters fishery today. I think those would be the exceptions from what I've heard so far. If we could go home with those two options, and give Virginia that option. I think we've got something we can potentially move forward with.

CHAIRMAN BORDEN: Joe.

MR. CIMINO: Just a follow up and reminder that the 33 and greater proposal. That proposal goes in conjunction with an 18 percent cut in the commercial quota. That option does not have any interplay.

CHAIRMAN BORDEN: Dennis.

MR. ABBOTT: The conservation equivalency measures as perfected today. We went around the table and the various states came up with some perfections, but is that on paper now? I really would like to see a list of all of that. I really can't remember what you did and what we have. This is buying a pig in a poke, and I don't want to buy a pig in a poke. But I do understand where you're trying to go. But I think we ought to have a clear understanding of what is before us.

CHAIRMAN BORDEN: I agree with Dennis' sentiment, I have some of the same concerns. It might be simpler, in terms of handling this motion to make a motion to postpone it just temporarily, while New Jersey and Virginia or somebody else around the table to put together another motion that deals with those two issues, then this motion would come back on the table and we deal with this motion. Does that make sense? Does anyone object to doing that?

MR. McKIERNAN: Yes, I would like to argue some of New York's proposals to have a differential for-hire slot limit, and splitting out a mode with a special permit for select for-hire vessels. I think those are problematic.

MR. BORDEN: You're suggesting that that be part of the discussion with New Jersey and Virginia. Okay. Mike.

MR. LUISI: *If we're going to pause for a moment and try to move in a different direction, I would ask that I think it's going to be simpler in the long run if we separate the coastal fishery form the Chesapeake Bay fishery, and we take that up in two different actions. It's clear that combining the two.*

Chesapeake Bay would then fall in line with however the coastal fishery wants to operate, and I would prefer, if the motion isn't made to separate the two, I would make the motion. But I would like to offer that as a consideration for folks as they're thinking about how they want to move forward.

CHAIRMAN BORDEN: **For the sake of clarity, would you like to make that motion.**

MR. LUISI: **Move to split the question.**

CHAIRMAN BORDEN: Then state what your intent is so that it is clearly part of the record.

MR. LUISI: The intent would be that we would take up the action to approve the Addendum VI coastal recreational measures as one action that could be amended, and then we would take up an action to approve the Chesapeake Bay and producer areas, including the Hudson and Delaware Bay conservation equivalency proposals as perfected today through that exercise that we went through.

CHAIRMAN BORDEN: Can I suggest this, having had a lot of experience with quagmires like this at the Council level. It might be just simpler if it's acceptable to the Board to ask the maker of

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the motion to substitute and the seconder, simply withdraw their motion, and then start over again and build a new motion that separates the two of them. Pat Keliher.

MR. KELIHER: Mr. Chairman, I'm not necessarily opposed to what you just brought up. However, I think the motion that is on the table could be perfected with the information that both Adam brought up in references to both Virginia and to the issues that Dan brought up around New York. I think another five minutes recess that takes 10 or 12 minutes may be in order.

CHAIRMAN BORDEN: We have a motion to split the question into two parts, and what we are splitting is a motion to substitute, okay? Is everybody clear on that? Is there a second to this motion? Mike Luisi made the motion, is it seconded? Okay.

MR. LUISI: Pat seconded the motion, Pat Geer. I just wanted to also point out that in the motion that I made to split the question, I referred to Chesapeake Bay measures, but also in Roy's language the producer areas as well, the Hudson, the Delaware as he captured that in his motion. The intent was to take the two questions. Let's have the debate over coast and then let's have the discussion over Chesapeake Bay and other producer areas.

CHAIRMAN BORDEN: All right so you have a motion to split. Is there any discussion on the motion to split? Dennis.

MR. ABBOTT: I hate to bog things down. However, Roy made what he considered a friendly addition to the main motion that is not up there now. I did hear the seconder say he couldn't agree to it. The seconder not agreeing to it means that it can't be into that main motion. Am I not correct in that assumption? It was taken out. Then I'm not listening carefully enough.

CHAIRMAN BORDEN: All right, Roy to that point.

MR. MILLER: To that point I believe, I don't want to speak for Pat Keliher, but I believe what he was objecting to was the add-on I made at the end to incorporate commercial measures. By withdrawing a second that also eliminated the wording I made to the recreational measures. That wording was, and the TC approved conservation equivalency measures for the coast.

CHAIRMAN BORDEN: All right, so you have a motion to split the question. Does anyone want to speak to this point? If no I'm going to ask whether or not there are any objections. Does anyone want to speak? Justin.

DR. DAVIS: Just a question about process here. I think we're three motions deep at this point. There is a main motion, which was the one that was Cheri's motion that was on the board before our earlier recess. Then we had a motion to substitute from Roy. Now we have essentially a motion to modify that motion to substitute.

CHAIRMAN BORDEN: Motion to split.

DR. DAVIS: Motion to split. If we move to split, and essentially one of the splits passes but the other doesn't, the one that passes becomes part of the substitute motion, but the other one doesn't? I'm just not clear on how that would work.

CHAIRMAN BORDEN: We're going to cross that bridge when we get to it. Let's hope we don't fall off the bridge. **Do I have any objections to the motion to split the question? It's all right. Then it is adopted by consensus.** Now you have the opportunity to perfect what your intent is. For instance on the coast we had a number of suggestions to kind of tailor make the part of the motion that deals with the coast. Does someone care to make a motion on that? Ritchie.

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MR. WHITE: No, I don't. But I would suggest though to get to a final point where we can have a motion like that I suggest five minute recess. Everybody stay in place, have staff go around to each state, and let's get down on paper like Dennis suggested the changes, so then we can put it up on the board as to what everybody has agreed to.

CHAIRMAN BORDEN: We can do that if that is the will of the Board, but I think we're going to plow the same part of the field we went through about an hour ago if we do that. My suggestion is take a five minute break. One group crafts the motion relative to the coast, and includes the comments that have been made here, as far as dealing with New York, Virginia, New Jersey. Then another group crafts the motion to deal with the other half. Is there any objection to doing that? Five minutes.

(Whereupon a recess was taken.)

CHAIRMAN BORDEN: All right, I've had a couple of suggestions in terms of process. Obviously we've got a whole series of motions, motions to amend, split motions and so forth. We can continue down this road, and essentially try to craft individual motions, and then go back and perfect them.

That is a bit of a challenging task from the discussion that I listened to. There were a number of individuals that kind of want to tailor make those motions, and I think that might be a fairly complicated process. The other way forward here would basically be to make a motion to table, if we can do this, Bob, all of these motions and then start over with one end of the geographic range or another.

Take every state up individually, and vote the proposals up or down. Now I guess my question is does somebody have another way forward, an option without getting into the details, and if they don't then which of those two would individuals prefer to follow? Are there any comments?

MR. TRAIN: At this point, as long as this has taken, and I'm not sure it's going to get any quicker trying what we're trying. I like the state-by-state, but my suggestion would be if the state's plan doesn't pass to move on and get down to which ones haven't passed at the end and go back to them.

CHAIRMAN BORDEN: Okay, other comments on that concept. Bob, do we have the right to make a motion to table not only this, but the underlying motion all at once, or do we have to do it separately?

EXECUTIVE DIRECTOR BEAL: I think you can do them all at once. You know there needs to be clear understandings by all the Board members you have the motion to, I would say postpone indefinitely all previous motions. The intent there is to essentially clear the slate so that the Board can start over, start working your way up or down the coast, whichever way you choose. I think you can do that. Just do a voice vote if there is no objection, and then you can carry on by the state-by-state approach.

CHAIRMAN BORDEN: All right so does anyone object to postponing these motions indefinitely, and then with this understanding if that motion passes then we're going to start with Maine, and we're going to sequentially move every state down the coast, take the proposal and vote it up or down, hopefully do it by consensus. Is there any objection? Dennis, would you like to make a motion to postpone?

MR. ABBOTT: Just clarification. **Yes, I'll make a motion to postpone indefinitely the previous motions that were on the board. Just beyond that I would like to ask that each of the states, there will be no discussion there will be simply an up and down vote with whatever the states say. Is that correct?**

CHAIRMAN BORDEN: I think you're going to end up with some discussion on the actions, but as everyone around the table knows, we've had

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a lengthy discussion of most of the pros and cons of these. I would hope that it wouldn't be repetitive.

MR. ABBOTT: Further comment, just to lighten the air a little bit is next time you chair a meeting, I would like to ask Bob to invite Colette to sit beside you.

CHAIRMAN BORDEN: Thank you, Dennis. I'll remember to bring my bow and arrow to the next meeting. **Okay, Dennis has made a motion to postpone indefinitely all previous motions, is there a second to that. Second by David, is there any discussion on it, any objections to this motion, one objection so the motion carries? Let's move to Maine. Comments on the proposal by the state of Maine, any further comments, you've already had an opportunity.** Yes.

MR. ORNER: From the Agency perspective, if we go state by state, my understanding is that each of those conservation equivalency proposals and management measures would reach an 18 percent reduction. The issue would be when they are combined along the state, which from the Agency perspective I wouldn't be able to agree to that so I would be abstaining from each of the state by state discussions.

CHAIRMAN BORDEN: Okay. **Are there any other comments on that? We're going to start with the state of Maine, comments on the state of Maine proposal. Are there any comments, any objections to the proposal submitted by the state of Maine? No objections, it's approved by unanimous agreement.**

New Hampshire, are there any comments on the state of New Hampshire proposal? Are there any hands up, no hands up? Is there any objection to approving it as submitted? It stands approved. The next proposal is Massachusetts, are there any comments on the Massachusetts proposal? Adam.

MR. NOWALSKY: Just so the record is clear. This pertains only to recreational or are you taking recreational and commercial at once as we go through these?

CHAIRMAN BORDEN: To expedite the discussions, my intent to take both at the same time. Are there any comments on the Massachusetts proposal? Are there any objections to approving the Mass proposal as submitted? Eric Reid.

MR. REID: It's my understanding that the commercial proposal for Massachusetts is MA-2C2A? That's correct? Okay, thank you.

CHAIRMAN BORDEN: Are there any objections to approving the Mass proposal? If I only end up with like two hands that are going to go up, I'm basically going to say it's approved by consensus, and I'm going to note the people that have objected to it, okay? If somebody doesn't like that process they are always free to make a motion. Is everybody clear on this?

The Massachusetts proposal has been approved by consent. Connecticut proposal, excuse me we're skipping over Rhode Island. Smallest state, but Rhode Island proposal, is there any comments on the Rhode Island proposal? Justin.

DR. DAVIS: I'll just return to earlier comments I made about my thought that coastwide consistency is really important, and in our region, Rhode Island, Connecticut, and New York, I think it is particularly important to have regional consistency. Fishermen who leave from Connecticut often fish in all three states waters in one trip. Having differing regulations for striped bass among the three states could create enforcement challenges.

It tends to confuse anglers, creates perceptions of unfairness. I would be opposed to implementation of Rhode Island's conservation equivalency proposals, other than 28 to 35 inches, because as I've mentioned earlier that is

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what Connecticut is going to implement, and implementation of something other than that would create regional inconsistency, which would be problematic.

CHAIRMAN BORDEN: Any other comments, Dan.

MR. McKIERNAN: I agree with Justin Davis. For enforcement and compliance challenges we would prefer there not be a conservation equivalency on that matter.

CHAIRMAN BORDEN: Are there any other comments or objections? Ritchie.

MR. WHITE: Agree with the previous two speakers.

CHAIRMAN BORDEN: All right so we've got three individuals that are disagreeing with this. Does someone care to make a motion? Does anyone care to make a motion on this to accept the proposal or reject it? Jason.

DR. McNAMEE: This feels awkward. Can I make a motion to approve the Rhode Island Conservation equivalencies? Okay, I will make a motion to approve the Rhode Island Conservation Equivalency Proposals.

CHAIRMAN BORDEN: Do I have a second? Seconded by Adam, is there any discussion on the motion? Jason.

DR. McNAMEE: I appreciate the comments from both Connecticut and Massachusetts; don't disagree with the issues with not having consistency. However, you know we have heard some nuances coming out of New York, so I have some concern that there is going to be some inconsistency, and this gives us some additional flexibility to be able to adjust, if need be, depending on what our neighbors end up doing.

CHAIRMAN BORDEN: Other comments, any other comments, are you ready for the question? All in favor signify by saying aye. Do

you need a caucus? Okay, no caucus requested, could I see a show of hands please? All those in favor signify by raising a hand. Keep your hands up, please, nine.

Opposed, four opposed. Are there any abstentions or null votes? Two abstentions, null votes, motion carries. Okay, so next proposal is Connecticut. Comments on the Connecticut proposal, any comments? All right any objection to approving the Connecticut proposal by consent? No objection, the Connecticut proposal is approved by consent. New York, comments. Justin.

DR. DAVIS: First just a question for clarification. The proposal we're approving today is the one that Jim Gilmore outlined earlier, right, excluding all the other proposals that were in the document?

MR. GILMORE: Yes.

CHAIRMAN BORDEN: Any other comments? Mike.

MR. LUISI: I think for purposes of clarity, I think it would be helpful for New York if you could identify one of the 50 options that you put forward by number, so that it is clear that what we're approving is not the full range, but the ones Jim that you had spoken to earlier.

MR. GILMORE: Okay, let me do it by just option number. NY-1, well actually NY-8 we're leaving that in there because that one again, we hadn't decided on it, but that was the 31 minimum, so NY-1, NY-8. Delaware was NYD-1. Oh, NYH-1 for the Hudson, but again we might shorten the season on that and commercial was NY-D2.

MR. APPELMAN: Jim, I think you might be looking at an old version of those tables. There is an updated table in the TC memo that is kind of the up-to-date version.

MR. GILMORE: Max, do you know the correct?

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MR. APPELMAN: Yes, pay attention up on the screen.

MR. GILMORE: Okay, so let's start again. NYH-1, hold on a second. Go back to the beginning, Max. Can you go back?

MR. APPELMAN: NYH-1, yes. There is only one option for the Delaware River in this proposal. I'm assuming you're going with that one, and then you have Option NY-1 on this table, 28-35, and you're also holding onto NY-10, which is a separate minimum size, 31 inches for the for-hire segment.

MR. GILMORE: For the for-hire that would be under a license system, and did you get commercial? Yes, it was NY-D2, the 26 to less than 38, which would give us a 640,000 pound harvest down from 795,000.

CHAIRMAN BORDEN: Jim, we need to make sure this is done right, and I'm not questioning your memory, but Max is going to pull up the modified version so you'll have the actual numbers. Dan, while we're doing this?

MR. McKIERNAN: Yes while we're waiting, if I could take the time to speak in opposition of a special licensing program for a segment of the for-hire fleet with a 31 inch minimum size. We did this or something similar to this with our black sea bass fishery about 10 or 12 years ago. You know the conservation of sea bass became too much for our for-hire fleet to bear.

They begged for us to do a special permitting program. After two years we abandoned it, because the data collection system is completely incompatible with MRIP, and what happens is you may have a tally that comes off these logbooks or this special reporting from a permit. But what happens when it doesn't line up with MRIP? Frankly, you could find the MRIP or the data coming off the boat may exceed your MRIP estimates for the entire sector, and you won't know what to do with it, because of all the noise in MRIP.

I just think it's a bad idea to be splitting these modes. It's a terrible idea to be licensing a special subset of them, and we've been there, we've done that we won't go back there. I urge the Commission not to approve it. I also think that the Policy Board or the Executive Committee ought to be dealing with this on a larger level.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: I'll join Dan in opposing Proposal NY-10. My concerns are both general. I don't like any proposal here that is giving a state access to a portion of the stock that the majority of other states won't have access to. The management philosophy behind that 28 to 35 inch slot is to leave the large fish alone, leave them in the water. Essentially providing access to those larger fish for any one state, I don't think is fair.

I also share Dan's concerns about accountability and the data collection aspect of it. I talked earlier about regional consistency, if New York boats have that special license, we're going to have New York for-hire boats fishing right next to Connecticut boats, able to keep a whole different size class of fish that the Connecticut boats can't keep, and Rhode Island would probably be in the same boat. I just don't feel like that is an equitable solution to what we're trying to do, and I can't support that proposal.

CHAIRMAN BORDEN: Jim, do you want to go through? Have we got the numbers up? No.

MR. APPELMAN: I'm sure it's hard to read up there, and I've tried to take my version of the complete table, and cross off the options that some states have said that they're not pursuing any more. Up until we get to New York ocean, Option N-1, and then in the other column there.

I have the 1 at 31 inches for the for-hire sector, because I couldn't quickly delete just a couple of rows, because of how the cells are merged

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together, you know Excel, Word, whoever you want to curse at. This is the best we have right now as a complete, condensed modified version of the table.

CHAIRMAN BORDEN: All right Jim, is that consistent with what you want?

MR. GILMORE: Yes, I've just got to double check, Delaware.

MR. APPELMAN: I would say that there are two Hudson River options that you are no longer considering that are still on this table that are hard to delete quickly.

CHAIRMAN BORDEN: Comments on this?

MR. WILLIAM HYATT: I would just follow up on what Justin said, and dealing specifically with NY-10, the action that pertains to the 31 inch minimum length for the for-hire fleet. I think I've overheard discussion that that is largely there as a placeholder. It is clearly a problem for Connecticut.

It divides Long Island Sound between what the for-hire vessels could do out of New York, and what they could do out of Connecticut. Given that I think I heard that it was largely there as a placeholder, I would ask if there was any way in which New York would consider removing that from the list of options that they're putting forward.

CHAIRMAN BORDEN: Jim.

MR. GILMORE: This really boils down to Montauk. That is where the request came from. I don't think I can legally sit here and say I'm going to restrict it to Montauk; it has to be for the for-hire. If this is going to be a problem in getting the rest of them approved. Well, why don't we vote it up or down?

Again, the idea was to have the Montauk fishermen, because of a unique part of it, and they were like 7 percent of the harvest, a small

group that we were going to try to do by license. I understand Dan's concerns, but again we were going to give it a shot, and we still haven't decided, because we haven't sat with the fishermen yet. I would leave it in. If it turns out that it does get voted down then we'll consider removing it.

DR. DAVIS: Are you ready for a motion?

CHAIRMAN BORDEN: Certainly.

DR. DAVIS: Perhaps staff could help me word this, but essentially I would like the motion to read: Approve New York's proposals with the exception of NY-10.

CHAIRMAN BORDEN: Motion then made by Justin, seconded by Sarah. Is there discussion on the motion? Cheri.

MS. PATTERSON: Yes, I just have a need for clarity, Jim. NYD, you were saying -2 at 26 to 38 inches. Are you now saying it is just going to be NYD-1 at 28 to 35?

MR. GILMORE: It was, and I'm just trying to make sure I've got the numbers straight. Essentially what we wanted was the commercial was going to be 26 to 38. I believe currently on the plan that is NY-D2.

CHAIRMAN BORDEN: Are there any other comments? Dan.

MR. McKIERNAN: Yes just for the record. I don't want to beat up this MRIP issues, but when the MRIP samplers go to those Montauk boats that have a 31 inch size limit, they're going to be measuring a whole bunch of fish that are noncompliant with the rest of New York's rules, and you're not going to be able to tease that out. An MRIP sampler can't be told, oh look I have a special permit, so what? They're not going to change their sampling strategies, so it's really a nightmare. I do endorse the motion.

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CHAIRMAN BORDEN: Justin.

DR. DAVIS: Yes I just want to be clear that my motion was not to approve all of New York's conservation equivalency measures with the exception of NY-10; it was to approve the specific measures that New York had put forward just now. I can't list off all the numbers.

MR. GILMORE: Just a comment, and New York finds itself sort of wedged in between New England and New Jersey, and this comes up quite a lot. We're trying to get consistency. Everybody goes for 28 to 35, we have that. Remember, Rhode Island is trying to tweak a little bit about going to a higher number. I think Jersey is going to try to do that. I'm not going to lose a lot of sleep if I don't get this, but remember if we're going to get consistency then we have to have consistent comments about it. We've got states on either side of New York right now that are going for a higher number, and if we really want to stay with the 28 to 35 to make it coastally consistent, then we've got to really be consistent with how we're commenting.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'll make this brief. Fundamentally, and I'll agree with folks from across the table. I just have a fundamental problem with the fact that if most of the states implement a slot limit, only to have a minimum size limit for another group, they're going to be fishing on the fish that we've saved under the slot.

While I can see there being a 31 inch minimum with some maximum. If the slot limits are slightly different it's not as problematic to me, it's just having a minimum size and allowing those largest fish that we're trying to protect be harvested. I'll support the motion on the floor.

CHAIRMAN BORDEN: Are there any other comments on the motion? Are you ready for the question, caucus, one minute caucus? Are

you ready for the question? All those in favor of the motion signify by raising your hand, hold it up, please. All opposed, 2 opposed. Are there any abstentions, 2 abstentions, null votes, no null votes, Motion carries? The next state is New Jersey, any comments on the proposal by New Jersey?

MR. McMURRAY: New Jersey's proposal, the 28 to 35 inches of course is good. It's a 40 percent reduction, and that was the coastal recommendation. But the 1-fish over 33 inches that adds up to a 20 percent reduction, and that certainly won't help us get to that 18 percent total that we're striving for.

Not only that but it negates the benefit of a slot limit, we're allowing those fish to swim across New York Harbor, those 35 plus inch fish, and get harvested in New Jersey. The entire purpose of that slot limit, as I understand it, is to protect those older, larger fish. The only way that slot works is to have some coastal consistency, and 1 over 33 inches does not work in that respect.

CHAIRMAN BORDEN: Other comments, Adam and then Joe.

MR. NOWALSKY: I'll let Joe offer the specific range of options. I think he's willing to whittle the list down here. This Board approved Options for Rhode Island just a couple minutes ago that include 35 inch, 36 inch, 37, 38, 39 inch fish. All those fish are over the 35 inches that Mr. McMurray just referred to. I believe it is the intention of this Board to approve Virginia's proposal that includes fish over 35 inches.

When we had discussion a short period of time ago about how we would try to proceed, New Jersey offered concession to whittle the list down significantly. We offered what we thought we needed to move forward, got a lot of nods of heads around the table, and we would appreciate the Board's working with us here at this point, and I'll turn the microphone over to

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Joe for the specific options we would like considered here.

CHAIRMAN BORDEN: Joe and then Justin.

MR. CIMINO: I think John spoke to what we had been talking about in sidebar. But just to make it clear and on the record, New Jersey is no longer proposing R-1 and R-2, the two smaller slot limits as a main option. We're really talking about the Addendum VI option, and having a 33 inch minimum as the only options put forward for New Jersey's recreational fishery, leaving all our commercial options that would then be kicked over to a bonus program on the table as well.

I share the many concerns I've heard with saving large fish. But I also don't see how that falls to New Jersey to be the state that carries the coast for a single coastwide measure. I think, you know Adam spoke to the 33 inches. Other states are going to be allowed to harvest to 40 inches. We do have incredible staff in New Jersey that actually looked at the '16, '17 harvest, and about 80 percent of that harvest is in 33 to 40 inch fish in those years. I think it is still a reasonable option.

CHAIRMAN BORDEN: Other comments. Justin.

DR. DAVIS: I'll start off by saying I'm absolutely sensitive to New Jersey's predicament here that they're facing a substantial reduction under the coastwide measure, and can understand why they're looking to pursue conservation equivalency, and find a way to do conservation that doesn't put such a huge burden on their fishery.

However, to stay consistent with the comments I've made earlier, I'm philosophically opposed to any measure that is giving one state access to a size class of fish, or portion of the stock that the majority of the other states are not getting access to. As was just noted, we did vote five minutes ago to give Rhode Island access to larger fish.

I voted against that. I think it was a mistake. I am just to stay consistent here, I can't support a 33 inch minimum length limit for New Jersey, and give New Jersey anglers access to a portion of the stock that the rest of the coast is looking to conserve.

CHAIRMAN BORDEN: All right we've got a couple of different opinions here. I would like a motion, Adam.

MR. NOWALSKY: Move to approve options R-3, R-6 and the suite of commercial options.

CHAIRMAN BORDEN: Could I have a second. Seconded by John Clark, discussion, is there any discussion? Excuse me.

MR. ABBOTT: Can we go back and see what those are?

CHAIRMAN BORDEN: What do you mean go back, Dennis? They are part of the document, correct? You're going to have to open your computer. Discussion on it, Steve Train.

MR. TRAIN: My discussion kind of ties back to one of our earlier votes with Rhode Island. I saw the options, but if I remember right, Jason said that he liked the options on there, but he intended to bring in compliance with the neighboring states if possible too, and I haven't heard that from New Jersey in these options.

CHAIRMAN BORDEN: Other comments, Mike, and then John.

MR. LUISI: Consistent with my previous comments, I can't support the motion. I was weighing a little bit more the Rhode Island alternatives. However, there is a bracket there. There is some upward bound that will keep those largest fish that we're protecting free from being harvested. With just a simple minimum size I can't support this. Although I highly support the flexibility added in with

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conservation equivalency, I can't support the proposal as the motion stands.

CHAIRMAN BORDEN: John McMurray and then Emerson.

MR. McMURRAY: Believe it or not I was going to say something very similar to what Mike said. Rhode Island caps harvest at 40 inches, the New Jersey proposal does not. I hope that Rhode Island understands the need for coastal consistency when push comes to shove.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: We have the recreational measures up here on the screen, but New Jersey is also proposing seven different commercial measures, which turn those fish into recreational fish. I think we should put those up on the screen as well, so people understand what it is that New Jersey is asking for here.

CHAIRMAN BORDEN: Other comments on the motion. Are there any other comments? Are you ready for the question, caucus, does anyone want a caucus? All right so take one minute. **Are you ready for the question? All those in favor signify by raising your hand. Please leave your hand up, hands up please.**

All right all those in favor raise your right hand, please, three in favor. Opposed, eight opposed. Abstentions, three abstentions, John, null votes, okay we've got two. The motion fails. Okay, so an unusual event. Does someone care to make another motion? David. You're all right. Does somebody want to speak to the point, David?

SENATOR MIRAMANT: I'm sorry I was out of order.

CHAIRMAN BORDEN: Okay, Dan.

MR. McKIERNAN: Can we continue down the coast and then come back?

CHAIRMAN BORDEN: We can certainly do that if that is what the preference of the Board is. Let me ask one last time. Does anybody want to make another motion here? If not, we'll come back. Joe.

MR. CIMINO: Yes, I would. Specifically this leaves us with no option to deal with the commercial quota that is allocated to us. I wish there was some discussion on the opposition of the CE proposal for the commercial options to help guide a motion.

CHAIRMAN BORDEN: Does anybody want to make a motion at this point? If they don't want to make a motion I'm going to move along. Pat.

MR. KELIHER: For New Jersey I would move to approve Option R-3, and the suite of commercial options.

CHAIRMAN BORDEN: Is there a second, seconded by Dennis Abbott, discussion on the motion. Russ.

MR ALLEN: That literally is basically the same things that Roy proposed an hour or whenever it was before. I don't know why you're not giving us a chance to have some of these options get through. We're basically sitting here as a state being forced regulation down our throat without any say in the matter.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: I have a couple of questions for New Jersey if that is possible.

CHAIRMAN BORDEN: Go ahead.

MR. HASBROUCK: On the commercial proposals, I'm looking for instance at, pick one, C-5, right that you may implement a 24 to 28 inch slot or 1-fish greater than 43 inches, and similarly with C-6, 1-fish at 24 to 29.

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CHAIRMAN BORDEN: Joe is waving at you, Emerson.

MR. CIMINO: Just that those options are similar, and this is a matter of the table I guess, versus the actual proposal. What we're suggesting here is to split the commercial quota to say 24 to 28, which is what our current bonus program is, and allow some portion of that fishery to still exist as it does.

On the flip side, we're also proposing to take some small percentage of the commercial quota and say put that towards 500 or 1,000 tags that could be used on a fish greater than 43 inches. It would be first come first serve basis. There are reporting requirements. We don't believe that we can get to sampling requirements, but our intent would be to sample this fishery as heavily as possible, but no more than 500 or 1,000 tags that would be allowed for individuals.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: That would be 500 tags, for instance in addition to the smaller slot, in addition to the 24 to 29 slot for instance.

CHAIRMAN BORDEN: Justin and then Mike.

DR. DAVIS: Just to clarify, because this is commercial quota essentially, in the column on the table here where it says quota in pounds, any of the projected amount of harvest that would occur in these bonus programs reflects an 18 percent reduction from the previous quota that was used for the bonus program?

CHAIRMAN BORDEN: Joe.

MR. CIMINO: The 24 to 28 inch fish required, I guess you would say a penalty from, gosh how far back, Addendum IV, yes. Is that right, Max Addendum's IV quota? The 215,000 pound quota that we're discussing has that yield per recruit analysis penalty from the original quota allocations.

We are not proposing any additional cuts to this commercial quota, because our recreational fishery is now tied to a 43 percent cut, and our commercial quota is so small that roughly 18.7, 19 percent at a recreational reduction would have covered the commercial cut as well. That is where we are at right now.

CHAIRMAN BORDEN: Can we have the motion up on the board, please? All right, comments on the motion, Dennis?

MR. ABBOTT: As much as I don't want to agree with Adam, I do agree with Adam in the fact that what we do for one we kind of have to do for another. If that involves going back to the vote we took on Rhode Island, I would consider making a motion to reconsider. But I won't at this point.

The previous vote that we took was 3-8, and it really indicates that the Board is quite satisfied, or is wanting a consistent size limit, and that being 28 to 35. Dr. Davis brought that up some time ago, and I think in my morning comments where I said we're all fishing in the same pond, and we would all like to have the same opportunities. I don't want to give those opportunities away. At this point I would support the motion by Mr. Keliher.

CHAIRMAN BORDEN: Okay thanks, Dennis. Are there any other comments here, yes, Ritchie?

MR. WHITE: I just want to confirm that this commercial is a quota and it's a cap, so once you reach that poundage the fishery is shut down. Is that correct?

MR. CIMINO: Actually using average weights we don't allocate more tags than would allow us to go over the quota, so the number of tags that goes out is already set at that quota level.

MR. WHITE: Follow up, Mr. Chair.

MR. BORDEN: Go ahead, Ritch.

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MR. WHITE: Not being happy with the size, catching these small fish, I support this because it isn't open-ended and it is tied to the commercial quota. I'll support this.

CHAIRMAN BORDEN: All right, any other discussion? Are you ready for a vote on this? If you are caucus, one minute caucus. Eric.

MR. REID: I just have one question. If you look at the options C-4 through C-7, it is 215,000 pounds more or less, but it is 1-fish per permit. You get one permit, you get one fish, and there is going to be 500 permits or 1,000 permits. Is that correct, it's one and done?

CHAIRMAN BORDEN: Joe.

MR. CIMINO: Well the idea behind it is it would be first come first served for the greater than 43 inch fish. I guess there is a potential for another person to report that one tag used, and ask for a second tag before 500 tags go out the door.

CHAIRMAN BORDEN: Max.

MR. APPELMAN: I just wanted to add on. It is my understanding that it's a permit system for all the fish caught under this quota, so you would need a permit for the 24-28 inch fish as well, but there is a finite number on the trophy, which equates to a finite number on the other permits that are available. It is a tag-based permitting system for all fish harvested under this program.

MR. REID: A permit is not necessarily a tag. There is more than one tag associated with a permit? If there is one fish per tag, then the average weight of a fish at 1,000 tags is 215 pounds, so New Jersey is actually overstating. That is what I'm trying to figure out in my head.

MR. APPELMAN: No, there are two separate permits. You require a permit, and you have to identify 43 inch or greater permit or a 24-28 inch permit, and as soon as you use that you then apply for another. It is 1-fish per permit,

separate permits for each catch category, and there is a finite number on the trophy, 500 or 1,000 depending on the option chosen here. Is that right, Joe?

MR. CIMINO: Yes.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: Then how are those smaller fish then restricted, 24 to 28 inches? I understand that they have to get a permit, but it seems to me like that is an open-ended harvest.

CHAIRMAN BORDEN: Someone from New Jersey want to respond to that? Adam.

MR. NOWALSKY: New Jersey takes the average weight of the 24 to 28 inch fish, and takes our commercial quota listed here, divides it by that number, and that is the maximum number of permits that are given out to harvest the 24 to less than 28 inch fish. With the options that include the greater than 43 inch fish also, New Jersey is proposing an additional 500 or 1,000 trophy tags for those fish.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: If I'm understanding New Jersey then, if I'm a recreational angler in New Jersey, and I obtain a special permit to allow me to catch fish in a 24 to 28 inch slot, it is one and done? I would catch one fish and then I have to turn in my permit?

MR. NOWALSKY: The number of total tags available for the season is predetermined, based on the total quota divided by the average weight of those fish. As long as all of those permits have not yet been allocated, then that angler is eligible to apply for another tag. If there is, give me a rough number, so if there are 1,000 tags out there or 1,000 eligible tags, 500 have been claimed, you use one of them, you can then apply to the state for another tag up

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until 1,000 total have been issued, or whatever the number is.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'll pass, Mr. Chairman.

CHAIRMAN BORDEN: Anyone else here? Are you ready for the question, do you want to caucus on this? We have a motion; the motion is to approve Option R-3 and the suite of commercial measures, by Mr. Keliher and Dennis Abbot, so one minute caucus. All right, are you ready for the question? Mike.

MR. LUISI: Can I just ask one quick question of New Jersey to Joe? I really hate to put you guys in a spot where all the options that you're talking about and analyzed go away. But did you do any analysis at all at increasing the upper size limit to something a little more closely aligned with what Rhode Island did? Like I said, I was concerned about that but I have less of concern. I just don't know if that as something that you took a look at all, Joe.

MR. CIMINO: Not previously. Like I said, we just really quickly looked at how much of our harvest from that timeframe, like literally just now. How much of our harvest in that timeframe would have been 40 or less. I think it is like 78 percent of our harvest would have fallen in that range. But no, it wasn't something we've analyzed.

CHAIRMAN BORDEN: All right all those in favor of the motion, please signify by raising your hand. All opposed, are there any abstentions, 2 abstentions, any null votes, the motion carries. David.

SENATOR MIRAMANT: I would like to make a motion to reconsider the vote on Rhode Island, please. I would speak to it if you would like.

CHAIRMAN BORDEN: My suggestion is we do that at the end, in other words go through all of the states, because then we're going to have to go back and possibly revisit other issues.

SENATOR MIRAMANT: The only reason, I'll just say, it sounds like it is causing consternation about making the next votes for equity and other reasons that are going to confuse and cloud all these other votes, when it has already been raised that it is like, why did we do that? I'm worried that it is going to make a mess, and then we'll have to go back and reconsider a whole bunch of them if we reconsider this one, and it goes a different way.

CHAIRMAN BORDEN: I'm happy to do whatever the pleasure of the Board is. Do you want to go back and reconsider this? Does anyone other than Dennis want to speak? Justin.

DR. DAVIS: I'm just trying to clarify, was the motion seconded?

CHAIRMAN BORDEN: We have a motion to reconsider, seconded by Mr. Abbott, is that correct? Dennis, would you like to speak?

MR. ABBOTT: Yes, I fully agree with Senator Miramant. I think if we continue down this path, I can foresee in the future that relaying groundwork for a state to object to our decisions, because we treated one state unfairly over another. I think that is not where we want to be. That's why I think it's wise to reconsider our action on the Rhode Island issue.

CHAIRMAN BORDEN: A question for Bob Beal. Is there any procedural reason we should or should not deal with this at this point?

EXECUTIVE DIRECTOR BEAL: The order of dealing with this is up to the Board. It can be done now or toward the end as you suggested.

CHAIRMAN BORDEN: I'll rule it as a valid motion then, discussion on the motion, Justin.

DR. DAVIS: I spoke earlier the first time around when we considered the Rhode Island proposals about the reason that I didn't support them, so I won't reiterate that here. But I just do think in light of the fact we just took a tough vote to essentially ask New Jersey to take a big

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reduction, because we did not want to give them to access to fish outside of that 28 to 35 inch slot limit. I think is inherently unfair to allow another state access, just because we took the vote earlier, so I would be strongly in favor of this motion.

CHAIRMAN BORDEN: Adam.

MR. NOWALSKY: I would like those that intend to vote in favor of this motion, and then ultimately to vote in favor of Rhode Island only having the 28 to 35 option. I would like to know what people intend to do with Virginia. They have no other option, other than to have a fish greater than 35 inches. If the statement this Board intends to make, no state shall have a fish as part of their recreational program other than between 28 and 35 inches. What do you all intend to do about Virginia?

CHAIRMAN BORDEN: Are there any comments to that point, or any further points to be made on the motion? Mike, do you have your hand up?

MR. LUISI: I guess so. I think given Virginia's situation with a maximum size limit just an inch over what was being presented as a coastwide option, and my comments already regarding Rhode Island. I mean I gave it thought as we debated whether or not a few inches over the maximum size limit implemented on the coast would be appropriate.

I also need to say that for our recreational fishery, for our trophy season in Chesapeake Bay that minimum size limit of 35 inches is what we intend to implement. But that is our two week season in the spring. I think given Adam's question, I would stand behind my original vote to support Rhode Island and Virginia, just given that there is a bracket, it is capped at a certain maximum size, and those largest of fish would be protected.

CHAIRMAN BORDEN: Loren.

MR. LOREN W. LUSTIG: A question for Virginia. Did you tell us, Sir that the 28 to 36 inch had already been approved in and indeed implemented for this year?

MR. GEER: Yes it has. It was approved in August, so we were very proactive in this whole process.

MR. LUSTIG: How could you possibly deal with this effectively other than some emergency measure?

MR. GEER: Can you repeat that second part again?

MR. LUSTIG: If it's already been approved and implemented that would require some really amazing gymnastics, in terms of the procedure throughout the rest of the year.

MR. GEER: Exactly. We were very proactive. We started this process back in February, when we first met after the stock assessment, and we had nine meetings with our Advisory Committee, we had multiple public hearings about this. We were in constant touch with the TC and ASMFC staff about what we were doing.

We put our proposals in in advance, saying what do you think about this? Do you think this will pass? We felt very confident when the TC met December 17 and 18, or 16 and 17 that our proposal was going to pass. We're talking about one inch. We didn't change our size limit at all for the ocean.

It would require a fair amount of work, because our recreational measures are tied with our commercial. We have a 23.7 percent reduction recreationally, and we made up for the 18 percent by taking less than the commercial. Any changes we do we have to go back and do all our calculations over again, both commercial and recreational.

CHAIRMAN BORDEN: All right any other comments, just Chris?

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MR. BATSAVAGE: I would tend to go along the lines of what Mike Luisi said, and then that was where our objection was to just the minimum size limits from New Jersey. I mean we chose conservation equivalency right from the start, so we knew that there were going to be some inconsistent measures. To bring everyone in line is basically saying no conservation equivalency. I think just hypothetically, if New Jersey had some other measures like 32 to 38, or 30 to 36 or something like that I could support that if it showed it was going to meet the reduction, because it is kind of in the spirit.

I think we're all kind of thinking that either we have a slot limit of some sort, or we don't. That makes sense for the recreational side of things. I think to hem everyone in to 28 to 35 inches, or less than 35 inches is basically now saying; now we really don't like conservation equivalency. We didn't set real clear parameters when we started this, just due to the timeliness that we had to put all this in place. We're kind of doing this on the fly of course.

But I'm comfortable with at least some bounds in place, compared to the 49 or 50 options that we had to choose from this morning. I'm not in favor of reconsidering the Rhode Island vote. I just know that this isn't going to be a perfect scenario. We're just trying to really whittle this down and make some sense of this along the coast.

CHAIRMAN BORDEN: David, did you want to comment. Then I've got Jason, and then I'm going to offer a comment myself.

SENATOR MIRAMANT: Some of this discussion seems like a distraction from this part, because we are reconsidering Rhode Island, and that was about the discussion of fairness to neighbors, and an overall philosophy of size that needs to be considered, as far as I'm concerned, and being part of the system in Maine that would have to come up with something if you told us to make a change, and that was what the Board wanted.

Yes, we've had public hearings; we've done this and that. But if we need to protect fish in a certain way, we're going to go back and we're going to go through the process, and we're going to do it. It's nice when it is part of the regular procedures, and it is okay when it isn't if it comes to protecting the fisheries.

That is the most important thing here, and that is why to start clouding these other state's votes by well we did it for this one. Well maybe we didn't do the right thing for this one, and we just needed to consider that in the scope of some of the other things we were doing that just came a little out of order, but not to go too far down the order so we make a lot of wrong choices here. That is the thing. I think some of this is just confusing the issue. Who knows what will happen when we get to Virginia, because we're thinking of more ideas. Let's get to Virginia.

CHAIRMAN BORDEN: Jason.

DR. McNAMEE: Just a couple of quick notes. You know when I made that motion for Rhode Island; it feels like a long time ago. We didn't know what was happening, in particular with New York. You know we had heard Jim earlier in the discussion talk about this potential option. Long story short, we've gotten more clarity on that now. I understand why this is happening. But the one thing that folks haven't considered yet with regard to the Rhode Island options is Rhode Island under the coastwide option; we're looking at about a 14 percent reduction. With our conservation equivalencies they are all over 18 percent, so we're actually taking more conservation with our conservation equivalencies. I just wanted to make sure that people understand that aspect to the Rhode Island proposals.

CHAIRMAN BORDEN: Are there any other comments? If not, Bob Beal. I just want to make sure I understand the rules correctly. Since it is a vote for reconsideration within the same meeting it is two-thirds vote of the voting

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members, and abstentions don't count. Is that correct?

EXECUTIVE DIRECTOR BEAL: Abstentions count, except if they're from federal services. A number of years ago the Commission came up with a unique rule that applies to these situations. If you want to amend or rescind a previous action it takes a two-thirds majority vote of all the voting members. Even though D.C. left the room, they still count as a voting member.

If a federal service abstains they don't count, sort of in the denominator of that calculation, whether it is two-thirds vote or not. This Board has a total of 16 votes if everybody is here and everybody votes. If the two federal services were to abstain, and I don't know if they will, then you're down to 14 votes. Of the 14 votes, to get two-thirds majority you will need 10 votes in favor for this to pass.

CHAIRMAN BORDEN: All right, everyone clear on the rules? Is there any disagreement with that? One minute caucus and then we're going to vote. We're going to vote. I've asked Max to do a roll call, so it is very clear on the record how every state votes on this. If for some reason that I can't anticipate, somebody wants to go back and reconsider there is a record to go on, as to who voted which way. Max if you could call the roll please.

MR. APPELMAN: Thanks, working again north to south, Maine.

MR. KELIHER: Yes.

MR. APPELMAN: New Hampshire.

MS. PATTERSON: Yes.

MR. APPELMAN: Massachusetts.

MR. KANE: Yes.

MR. APPELMAN: Rhode Island.

MR. REID: No.

MR. APPELMAN: Connecticut.

DR. DAVIS: Yes.

MR. APPELMAN: New York.

MR. GILMORE: Yes.

MR. APPELMAN: New Jersey.

MR. NOWALSKY: No.

MR. APPELMAN: Pennsylvania.

DR. SCHAEFFER: Yes.

MR. APPELMAN: Delaware.

MR. CLARK: No.

MR. APPELMAN: Maryland.

MR. LUISI: No.

MR. APPELMAN: D.C., PRFC.

MR. GARY: No.

MR. APPELMAN: Virginia.

MR. GEER: No.

MR. APPELMAN: North Carolina.

MR. BATSAVAGE: No.

MR. APPELMAN: National Marine Fisheries Service.

MR. ORNER: Abstain.

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

MR. MILLARD: Abstain.

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CHAIRMAN BORDEN: The motion does not pass. All right so we're going to keep moving. Adam.

MR. NOWALSKY: Given the conversation that just occurred, a general consensus earlier that there is at least acknowledgement by this Board that the reduction New Jersey is taking is much larger than other states. New Jersey is interested in having the flexibility to go back, craft a slot limit with a maximum size limit not to exceed the same 40 inches that we just used for Rhode Island. I would like some direction from staff and leadership about what motion could be made to give us that flexibility, and to get something back very short term in the interest of fairness, based on what we just did for Rhode Island, and what we intend to do for Virginia.

CHAIRMAN BORDEN: Let me ask this. How long will it take the state of New Jersey to do that? Joe.

MR. CIMINO: Well we could do it in about ten minutes and have it submitted, but we have our Advisory Committee meeting tomorrow night, so I think to give our staff good thorough time to run through the options, and ask our advisors if they are truly interested in this. We could still have it in by the end of the week.

CHAIRMAN BORDEN: Okay. Max, do you want to provide guidance?

MR. APPELMAN: Thinking on the fly here with you. If it was the purview of the Board to allow Jersey to submit a proposal for TC review that met the circumstances that you just laid out. We would probably need a Board to approve that via e-mail. I don't think we'll have an in-person meeting for that before the April 1st implementation deadline. A motion to that effect would be what I would recommend. Katie is saying that some language about approving such a measure pending TC review.

CHAIRMAN BORDEN: Ritchie.

MR. WHITE: Rhode Island's is approved, so I don't know if any of those options would fit what you're thinking about. But those are already approved.

CHAIRMAN BORDEN: Adam.

MR. NOWALSKY: Nothing we have on paper is presently approved, but given what we've learned here today, again in consideration of the discussion that an upper size limit is what the Board is looking for, and in consideration of the Board's willingness to work with New Jersey, we would like to bring something back that meets TC approval. I think the question for the Board Chair right now is would he like a motion now or would he like to finish getting through the states and then make one at the end.

CHAIRMAN BORDEN: Actually I would prefer a motion now, only because then we don't have to come back, at least hopefully.

MR. NOWALSKY: Is your preference to reconsider New Jersey's motion or just make a new motion?

MR. APPELMAN: If it is okay to interject, I would recommend give us some time to craft a motion that is quick and we can just continue on with the states and come back to it once we have a motion prepared.

CHAIRMAN BORDEN: All right, next jurisdiction on the list is Pennsylvania. Are there any comments on Pennsylvania? Jim.

MR. GILMORE: Just if you're going to do that and we're backing up, then I would want to add New York, we'll put a 30 to 40 in also, so we're being consistent, if you can throw that into the motion.

CHAIRMAN BORDEN: My suggestion is you broaden the language. It's not just New York and New Jersey. If there is some other state that wants to do what is being considered here,

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then let's either authorize it or narrow it down, whatever the intent is. Pennsylvania, comments on Pennsylvania. **Is there any objection to approving Pennsylvania as submitted? No objections, approved by consensus.**

Delaware, any comments on Delaware, are there any objections to approving Delaware by consensus? No objections, it stands approved. Maryland. Are there any comments on Maryland? We've had a lot of comments I would point out on Maryland. Are there any objections to approving Maryland as submitted? Max asked me whether or not we were approving the entire proposal, and it is my intent, as I said before to deal with the entire proposal, the Maryland proposal. Are there any comments? Jason.

DR. McNAMEE: Just a comment, depending on the response. Well, I'll make my comment. Mike there was, or through the Chair. There was a lot of discussion about the non-targeting, and so I know the math. I mean you guys did the best you could with the data available, I understand all of that. I think the Technical Committee did as well as they could, again given the data limitations.

But they are underlying the no targeting aspect of your proposal as an assumption. I'm wondering, I think the assumption that you made for your preferred option was at the higher end of the range of possibilities of, I think it was something on the order of 76 percent of decrease in discards. It runs the gambit, but I mean there is also a possibility that discards could increase.

I guess what I was wondering is if the state of Maryland would be willing to take a more risk-averse proportion. You know you go from, I think on the high end it was actually not what you chose, but on the high end it was 80, and then you had potentially a 10 percent increase. I was wondering if the state of Maryland would be willing to make an assumption that splits the

difference. That would be a more risk-averse approach to that aspect of the proposal.

CHAIRMAN BORDEN: Mike.

MR. LUISI: Jason, I think where I was able to agree to a compromise here was to suggest that Maryland would remove Options 2A, 2B, and 2C from consideration, because those options are very heavily dependent on the closures and the no-targeting aspects of the proposal. The Option 2D, which is the fourth in the list there, there is a bag limit reduction for the private sector down to 1-fish, which is what is prescribed by Addendum VI.

We would leave our minimum size higher than the prescribed Addendum VI option; we would stay at 19 inches. We would go to the private sector for 1-fish. In some sense that is getting very close to what the Addendum VI option would prescribe for us for our reduction. Under this scenario, the charterboat fishery fishing throughout the year, and following all season closures, would be at a 2-fish bag limit. I will say that the charterboats would not. Part of the enforceability of this action was having different bag limits between the two sectors. One of the things that is going to help with that is that we have a state-of-the-art electronic reporting system that requires a hailing component in the morning and in the evening, whether leaving the dock or returning to the dock.

Any charterboat that would want to partake in a 2-fish bag limit for their clients would need to be part of that electronic reporting system, which is fed directly to our enforcement agency, so they can see who is going out and coming back with intent on more than 1-fish for their client. The charterboat industry is a small component to Maryland's overall mortality, as it relates to the private sector.

I guess to getting to your question, Jason. Instead of making a slight tweak to the assumption, I think we could eliminate a lot of the concern regarding how much the no-

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targeting provision plays into our reductions, by eliminating those with the 2-fish bag limit for all sectors. We find ourselves in a position where under Option 2D, where we've removed the weight. I guess you want to call it the weight of that no-targeting provision. I think at that point we would leave well enough alone, and we would hope that the Board would support that 2D option.

CHAIRMAN BORDEN: Jason. Cheri.

MS. PATTERSON: I just want to get this up on the board. MD-1, MD-2d, and under the commercial you're looking for the MD-3a, and the MD-3a is only providing a 1.8 percent reduction.

MR. LUISI: MD-3a, and MD-4a.

MS. PATTERSON: I've got the old one.

MR. LUISI: One is on the coast and one is in the Bay. We have already moved forward with the distribution of the quota with a 1.8 percent reduction, which requires our state to take more than an 18 percent reduction on the recreational fishery. As you'll see, we've achieved.

Our goal in our recreational fishery was to achieve a 20.6 percent reduction, and all of our options, achieve that. What I'm suggesting is we already planned to implement the coastwide measure MD-1. What I would move to approve would be MD-1 and MD-2d on the recreational side, and the commercial fishery modifications, if you need a motion, Mr. Chairman.

MR. BORDEN: Please make it as a motion, Mike.

MR. LUISI: Okay I move to approve MD-1, MD-2d, MD-3a, and MD-4a.

MR. BORDEN: Do I have a second, seconded by John Clark? Wait until we get the motion up on

the board, please. Does anyone want to comment in the interim? Pat.

MR. KELIHER: Just some clarity around MD-2d. That is Chesapeake Bay, there is a 35 inch minimum size associated with that within the Bay. Is that the trophy fishery?

MR. LUISI: Yes, Pat that is the trophy fishery. It was suggested under the Addendum option for the purposes of information. The Addendum suggested that we not modify. If we were to go forward with just the Addendum option, which is the 1-fish at 18 inches, it suggested that there be no additional modifications needed to our trophy season or our trophy minimum sizes limit. We are suggesting through this action that we delay the start of the trophy season.

It varies each year, but it could be between two weeks and seven days. We're suggesting we delay that season to May 1, and we're also as part of this alternative, we are considering eliminating the catch and release and trolling during the month of April, which leads into that spawning period, to give the fish a break from being caught during that time, so it is in addition to what Addendum VI was suggesting.

CHAIRMAN BORDEN: Steve Train.

MR. TRAIN: With the great appreciation that you're going to put a lot of limits on it, it still doesn't have a cap. We just went around and around with two other states on whether they were going to have a cap size on their trophy fish, and they agreed to them, and this one doesn't. We're trying to be consistent. I can't support this if the trophy is unlimited on the top end.

CHAIRMAN BORDEN: David, did you have your hand up? I saw it move, okay twitch. Does anyone else on that side of the table, anyone over here? Adam.

MR. NOWALSKY: This is the one proposal that gains benefit. I'm not sure what adjective to

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use before benefit, slight, significant. I would like some clarity to know how much of the contribution to the reduction is coming from those two months of no targeting. Is it 5 percent? Is it 2 percent, because that is unique? If we're talking about level playing field, this is a proposal that utilizes something else that no other state is utilizing, and I would like to know the magnitude of that.

CHAIRMAN BORDEN: Mike, response.

MR. LUISI: What I'll say is that the combination of the no-targeting provisions prior to the start of the trophy season, which would be a two week season beginning in May, contributes about around 5 percent altogether. The delay plus the no targeting gets us to around 5 percent of our total 20 percent reduction. I will make the point that if we were to go to a slot limit, let's say for the trophy fishery, there would be many, many, many more fish harvested, given the size distribution of those fish moving into the Bay to spawn.

If there is a thought that we would go to a slot to be consistent with that of the coastal fishery, it would be much worse, as far as our interaction and our harvest of fish. The trophy fishery in Maryland has been in place for many years. We've talked about it a number of times before, and it's a very, very small contributor to the overall harvest and mortality associated with those migratory fish along the coast. It's two weeks long; it's access for our fishermen to a resource that they don't have available to them the rest of the year. It's very small, as far as its contribution to mortality.

CHAIRMAN BORDEN: All right we've had a lot of discussion about this proposal and elements of it throughout the day. Could we have the proposal up on the board, the motion? We have a motion on the board. Are there any questions or comments pro or con that haven't been made? In other words, please don't be repetitive. Dan.

MR. McKIERNAN: Yes, just for the record. When we voted last meeting to reduce both sectors by 18 percent, we thought that was real. It really kind of surprises us that states can ignore the outcome of that vote and manipulate the rules to favor the commercial sector over the recreational sector. But that is an internal issue for the state of Maryland, so be it. But just for the record, I think that that shouldn't have been allowed. No one communicated to us that you didn't have to comply with that particular rule, and I think it's a little disturbing.

CHAIRMAN BORDEN: I just want to verify. John Clark, you were the seconder on this motion is that correct? Yes thank you. Is there any further discussion on it? Are you ready for the question, one minute caucus? I'm going to give everybody one more minute, since there are still a number of people talking. **All right, are you ready for the question? All those in favor, signify by raising your right hand. Hold it up, please, opposed, abstentions, 2 abstentions, null votes, no null votes. The motion carries 10 to 3 to 2.** John.

MR. McMURRAY: I don't intend to open up a can of worms here, but it seems to me that we started to have the discussion on accountability, and then we didn't make any decisions. We just moved on. Frankly I looked at this proposal, and it seems like a lot of smoke and mirrors, particularly the no-target closures. I'm wondering what happens if there is another massive overage like we saw in 2015. Is the Board okay with that or is there going to be some sort of change required?

CHAIRMAN BORDEN: I think Toni Kerns spoke to this before. Toni, do you want to rephrase or restate your advice on this issue, accountability?

MS. KERNS: The Board can decide if they want to add accountability. I would suggest if you're going to put accountability on for all state proposals or not. But as it stands right now, as

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it is in the plan, what we will do is review in the FMP reviews and say, these states met it, these states didn't.

But, there is no corrective course of action through that. If you want a corrective course of action then the Board will need to do that at some point today. I would suggest getting through all of your plans, and then decide if you want to have accountability or not.

CHAIRMAN BORDEN: All right so next group to discuss is the Potomac River Fishery Commission, any comments on that? Any objection to approving their proposal as submitted? No objections, proposal stands approved by unanimous consent.

District of Colombia, any comments, is there any objections to approving it as submitted, approved by consensus?

Virginia is next. Comments on the Virginia proposal, any comments?

MR. GEER: I'll make a couple of comments. We have the proposed at 28 to 36, because the 36 matches up with our maximum size in the Bay as well. We've had no coastal harvest, according to MRIP, for the last five years, and in 2017 we only had 98 fish. We're not talking about a large fishery here. We've also removed our trophy season that we had with fish larger than 36 inches, so it's a small fishery. We wanted to be consistent with what we have in the Bay for our maximum size for the fall season. That is the reason why we proposed the 36 inch. I hope you consider it favorably.

CHAIRMAN BORDEN: Adam.

MR. NOWALSKY: These options were put in place last August, but the document that the TC approved late last year still had the note about considering 1-fish per person per year greater than 36. What is the status of that moving forward; given the other discussions we've had here?

MR. GEER: We are moving forward with that this year coming up. It's going to be similar to the New Jersey program, where it will be a limited number of individual tags. Instead of a trophy fish it will be a bonus fishery, where one tag per person per year for fish larger than 36 inches. It will be very limited.

CHAIRMAN BORDEN: Cheri.

MS. PATTERSON: I have a question in regards to no direct targeting during closed season, or the closed period. Mike had indicated that their law enforcement and court systems do accommodate for non-targeting regulations. I know our state does not; it's really hard for our law enforcement to be able to prove targeting scenarios. How is PRFC in regards to their law enforcement and court system to have that go through?

MR. GEER: Do you mean Virginia?

MS. PATTERSON: Oh I'm sorry, yes thank you.

MR. GEER: We don't have any regulations on targeting. We don't have them in place. We don't have as long as season as they do in Maryland. If the season is open we know people are targeting. The rest of the year they are moving on to other species. Maryland it's a much longer season than what we have recreationally.

CHAIRMAN BORDEN: Are there any other questions? I've asked the same question for every other state, any objections to approving this as submitted? Are there any objections? There are no objections, so the proposal is approved as submitted.

The last one on the list, last but not the least I would point out is North Carolina.

Are there any comments on North Carolina? Any objections to approving North Carolina as proposed? North Carolina stands approved by consensus. Okay so we've gone through the

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actual proposals. We have to go back to New Jersey, and I think Adam, you're going to make this motion, or who on the New Jersey delegation is going to make the motion?

MR. NOWALSKY: I'm pretty sure staff has something that is not New Jersey specific. Give me a moment to read it to myself, before I read it into the record. There was conversation about not making this New Jersey specific, so what has staff come up with that makes this New Jersey specific now, or are you planning for something additional for other states?

CHAIRMAN BORDEN: I would hope that if there are other states that want to do the same thing that we include them in this language, or broaden the language, one of the two. We don't want to do this five times. Toni.

MS. KERNS: Mr. Chairman, the only other state that said they wanted to do something else was New York, and it was specific for their for-hire fishery, so I crafted two separate motions for that.

CHAIRMAN BORDEN: All right this is a motion by Adam, seconded by.

MR. NOWALSKY: Would you like me to make the motion?

CHAIRMAN BORDEN: I read your lips.

MR. NOWALSKY: Move to approve a slot limit for New Jersey to develop one conservation equivalency option that would achieve at least an 18 percent reduction, with a maximum slot limit size of no more than 40 inches, pending Technical Committee approval.

CHAIRMAN BORDEN: Seconded by Emerson. Discussion on the motion. Justin.

DR. DAVIS: I'm having a little bit of trouble with the first line of the motion. It seems like it should read something more like move to allow New Jersey the option to develop one

conservation equivalency option. Then I'm wondering if we need some time certain, some deadlines in here to ensure that the option is submitted in time to allow for TC review, and ultimately Board approval ahead of the implementation deadline.

CHAIRMAN BORDEN: I guess my read is if it's approved it's allowed.

MS. KERNS: What I heard the Board say that they were shooting to do was approve something pending TC approval. You're allowing New Jersey to do this as long as the TC is okay with it. It would not come back to the Board. Therefore that was how this was crafted. If the Board would like to review it and approve it, then we can do that. We would have to do that through an e-mail vote.

CHAIRMAN BORDEN: Max.

MR. APPELMAN: I was just going to agree with Justin. I think the "to develop" part kind of makes it a little strange to me. It should be something like move to approve one conservation equivalency option for New Jersey that achieves at least...pending TC approval. Is that kind of where you were going with that?

CHAIRMAN BORDEN: Dennis.

MR. ABBOTT: Cannot the Technical Committee tell us right now what the minimum size would have to be with a maximum of 40?

DR. DREW: Not without looking at New Jersey specific data right now.

CHAIRMAN BORDEN: All right so you have a motion. Are there any changes, modifications to the motion, Adam?

MR. NOWALSKY: Just to address Justin's other concern. We do intend to submit this by close of business on Friday, if it's sufficient just to have that on the record. If you need that as part of the motion, feel free to add it.

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CHAIRMAN BORDEN: I don't think it's necessary to add it to the motion. Are there any objections to Adam's interpretation standing? That is the standing rule then. Justin.

DR. DAVIS: I'll just state for the record that while I agree with giving New Jersey this opportunity to revisit conservation equivalency. I am not comfortable with essentially approving this without seeing what the option actually will be, given that we spent a lot of time today going through everybody's CE proposals, and doing state-by-state approvals, and subjecting them to Board scrutiny.

We have no idea what the bottom end of a slot will be if the top end is 40 inches. The way this is worded it actually doesn't limit them to the maximum size limit being 40 inches, so we would essentially be providing a priori for approval for an option we haven't seen yet, so I wouldn't be comfortable with that.

CHAIRMAN BORDEN: Russ.

MR. ALLEN: Right off the top I can tell you, you know we're going back and forth with staff, yes this is my staff almost. It's been that long. But we have at least a 30 to less than 40 is a 20 percent reduction right off the top. It wouldn't be any lower than 30 inches, or something like 28 to 38 were the two we were looking at, somewhere in that range.

They are very similar. As Joe has mentioned, you know we have an Advisors meeting tomorrow night, get that approved through them and we can come back with that and have it ready to go. But Joe's staff is still working on these options to make sure that the Technical Committee has what they need.

CHAIRMAN BORDEN: John McMurray.

MR. McMURRAY: I'm still a little concerned about the 18 percent portion of this. I think to achieve the 18 percent reduction, New Jersey needed to achieve somewhere upwards of 40

percent. I feel like we're losing sight of the fact that our goal here with this Addendum is to achieve an 18 percent reduction on a coastal level. I understand that we need to be fair amongst states. I understand there needs to be some equity in our decision making process here. But I also think we need to really focus on the goal here. I would like the Board to kind of reconfirm that that is where we're heading here. We are trying to achieve an 18 percent reduction along the coast. We seem to be moving away from that.

CHAIRMAN BORDEN: Ritchie.

MR. WHITE: This implementation date would not change with this motion.

CHAIRMAN BORDEN: That is correct. Are there any other comments on this? Do you need a caucus on this? Yes, caucus, a one minute caucus. Are you ready for the question? All those in favor of the motion signify by raising your hand. All opposed, any abstentions, 2 abstentions, any null votes, no null votes, 9-4-2, the motion carries. Jim Gilmore, do you want to address the New York situation? I understand you have a motion.

MR. GILMORE: Yes actually, Toni has a motion to put up. Just to clarify, there was a comment that we were trying to put up a 30-40, which was already approved. It's not a 30-40 option. What we're doing is we wanted to do the 28-35, which was our first option under the recreational coastwide.

Also that was analyzed was that 31 plus size fish that was opposed. **We would like to do a 30-40 that would simply be for the for-hire sector, as an adjustment or whatever to that.** We're still going with the 28-35, but we would allow through some permit or licensing or whatever a 30-40 inch for the for-hire sector.

CHAIRMAN BORDEN: Is that the motion, Jim?

MR. GILMORE: Yes, Mr. Chairman.

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CHAIRMAN BORDEN: All right do I have a second to that motion? Does anyone want to second it at the table? I ask one more time, is there a second?

MR. LUISI: I'll second for discussion.

CHAIRMAN BORDEN: Mike Luisi. Discussion on the motion? Dan.

MR. McKIERNAN: I think the motion is not reflective of Jim's comments. He talked about this being for a portion of the for-hire fishery that are permitted, am I right?

CHAIRMAN BORDEN: Jim.

MR. GILMORE: Say that again, Dan.

MR. McKIERNAN: I think you said, Jim that this proposal would only be for a subset of your for-hire fishery.

MR. GILMORE: Initially, again I don't know the legal bounds of this. The only one that expressed an interest in this was the Montauk for-hire industry. I don't believe the rest of the state wants to do this. That is something we have to evaluate. That's why we're undecided whether we're going to do it or not. I just want to have the option, since now I've got 30-40 inch options on either side of me. I've got Rhode Island and I've got New Jersey. I want to just have this option to make sure we can keep consistency between our neighboring states.

CHAIRMAN BORDEN: Other discussion, Justin.

DR. DAVIS: I'm opposed to this motion for reasons that I've iterated multiple times today. Regional consistency between New York, Rhode Island, and Connecticut is really important in my mind. Essentially, if New York was to adopt this and Rhode Island was to adopt one of their conservation equivalency proposals, Connecticut has no option to come into alignment with those two states, because our only option was the regional proposals, which

cannot fly unless all three states implement one of those.

Essentially, if New York were to move forward with this, we would have a situation where Connecticut anglers on for-hire vessels would be fishing right next to Rhode Island and New York boats, and would not have access to the same size class of fish, and Connecticut would have no way to remedy that. I'm opposed to the motion.

CHAIRMAN BORDEN: Jason.

DR. McNAMEE: Actually I think I would be out of order, so I'll yield.

CHAIRMAN BORDEN: Anyone else on the motion? Emerson.

MR. HASBROUCK: At one of the meetings that was held in New York, where a larger minimum size was being discussed for a portion of the for-hire industry. All those fishermen who fish in Long Island, the for-hire vessels that fish in Long Island Sound, including those from Orient, said that they would not opt into this. They are not interested in participating in a 31 inch minimum, or a 30-40 inch slot size. They are sticking with the 28 to 35.

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: I'll repeat what I mentioned earlier. To preserve the integrity of MRIP, I don't think it's appropriate to have a subset of the for-hire fishery to have special permits and different rules, because I don't believe the MRIP data can tease that out or treat that class of vessels separate. Please, I would suggest we don't approve this.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: Just to follow up on what Emerson just said. The wording of this motion does not make it clear that what is being proposed is an opt in for some portion of the for-hire industry

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that essentially if this were approved, the New York for-hire industry would have an option of either the 30-40 inch or the 28-35 inch. If that is the intent, I would like to see the wording of the motion reflect that.

CHAIRMAN BORDEN: Jim.

MR. GILMORE: We can add that in very clearly. The idea was that they would be the for-hire fishery that it would either be a 30-40 inch or a 28-35 opt in, monitored by a licensing program. In a sense they have to choose one. They either choose the 28-35 inch slot, or they choose the 30-40. They cannot do both. **If they go with the 30-40 inch slot, they essentially have to do that by license, and we essentially have logbooks and permits that would have to track that.** They do have to opt in for an either/or.

CHAIRMAN BORDEN: Are there any other comments on this? The language has been modified. Mike is the modification all right with the seconder?

MR. LUISI: Sure.

CHAIRMAN BORDEN: Are there any other comments, any objections to this motion? Two objections, we've had discussion on the motion. We perfected the motion. We're to the point where I'm ready to call the question on the motion. Are you ready to vote on this motion at this point? Is everyone ready to vote on the motion?

Let's vote on it, since I already know we have a couple people that want to vote no. All those in favor of the motion signify by raising your hand. Five yeses, noes, 5 noes, abstentions, 2 abstentions, null votes, well 1 null vote, we had two guys from the same state voting the same way, right? No?

Just so that nobody thinks there is a game here, we end up with a tie vote. **But it does not appear that everyone voted. If you would, everyone in favor of this motion, raise your**

right hand and hold the hand up. I know it's getting late. Five in favor, no votes raise your hand, 5 noes, abstentions, 4 abstentions, 1 null, the motion fails. All right, Jason.

DR. McNAMEE: Based on what Justin said earlier about the predicament with Connecticut, which may or may not now be solved, given that. I think I will still move forward. **I would like to make a motion to approve the Rhode Island, Connecticut, and New York Regional Proposal B.**

CHAIRMAN BORDEN: We have a motion. Is there a second to that and we'll get it up on the board? Does someone want to second that Option B.? Dennis. Discussion on this motion, Jason.

DR. McNAMEE: I sort of alluded to it with the motion, but the idea here was to potentially bring back an option to Connecticut to maintain consistency between Rhode Island, Connecticut and New York, and I think given the failure of New York's last motion, this might be something helpful for them as well. It's not just a for-hire option, but it is that 30-40 inch slot.

CHAIRMAN BORDEN: Dennis, do you want to comment as the seconder, no, anyone else around the table, Justin and then Joe?

DR. DAVIS: I'm actually going to speak in opposition to this motion. I feel like at this point I spent a lot of time discussing the different proposals. It's apparent at this point that I think New York and Connecticut would like to move forward with the 28 to 35 slot, which would preclude implementation of this proposal, so I'm against the motion.

CHAIRMAN BORDEN: Joe.

MR. CIMINO: Well I was speaking in favor of it; going back to something that Jason had said earlier that you know Connecticut and Rhode Island are two states under the coastwide measure that don't achieve an 18 percent

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reduction. This gets the region to an 18 percent reduction, and further New Jersey is now considering a 30-40 inch slot as well, and it would have had a true regional approach to it.

CHAIRMAN BORDEN: Are there any other comments on the motion? Dan.

MR. McKIERNAN: Yes, I would be opposed to this motion. It's not a true regional approach if my neighbors are adopting different rules than we. We have anglers that come from Worcester County that go down to the central part of the state that fish out of Connecticut. We have anglers that fish in Rhode Island. We have boats going back and forth between the two states.

I can't suspend or revoke a permit from any of those anglers if they are noncompliant in our waters, especially coming from out of state, because they don't have permits in Massachusetts. I have a real problem when we have these neighboring state we accommodate those anglers and those vessels, to say you don't need a permit in Massachusetts. But I'm really fearful of the lack of compliance with the Massachusetts rules if this were enacted.

CHAIRMAN BORDEN: Are there any other comments? Do you need a caucus on this, one minute, 30 seconds how about that? All right so the motion is to approve the Rhode Island, Connecticut, and New York Regional Proposal Option B by Jason McNamee, seconded by Mr. Abbott. All in favor raise your right hand, 5 in favor, no, 6 noes, any abstentions, 4 abstentions, any null votes? The motion fails.

Okay, I think where we are we don't need an overarching motion to approve this, because we've gone through it in segments. Toni and Bob can correct that if I'm misstating it. I think we're down to the point where we need. There have been repetitive comments on the need for accountability, and we also need to deal with the circle hook issue. Then I think we're pretty

much done. On the issue of circle hooks, Jason do you want to make a motion?

DR. McNAMEE: Sure. I'll wait for it to get up on the screen. I hope it's not one of those long ones. Okay that looks right. **I move that the state's submit implementation plans for circle hook requirements by August 15, 2020 and Board approval at the Annual Meeting 2020, so it sort of sets out the timeframe for us.**

CHAIRMAN BORDEN: Motion by Jason is there a second, seconded by Ray Kane? Discussion, Chris.

MR. BATSAVAGE: Our original plan was to try to get our circle hook regulations in place this spring, and have them in line with our coastal shark circle hook requirements that are required by July 1, so we have consistent language. I guess this motion doesn't preclude us from doing that. However, if they are not approved then we would have to change those in 2021. Is that correct?

MR. APPELMAN: I guess, yes. I mean the way they are submitted and vetted through the PRT, if they didn't pass through this Board; I guess you're right yes. However, we do have another comment about circle hook requirements, or how those regulations might look from the Technical Committee. Just plug that in real quick.

MS. LENGYEL COSTA: Yes, I just wanted to make the Board aware of a brief conversation the Technical Committee had at the in-person meeting, when reviewing conservation equivalency proposals and implementation plans. The general comment was if any states are going forward with circle hook provisions, and having specific exemptions.

If it applies to a particular sector, or whatever the exemption is that they clearly identify what the exemption is, and what the impact of that exemption will be in terms of numbers of fish, what that equates to so that the Technical

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Committee has that information when judging these proposals.

CHAIRMAN BORDEN: Jim.

MR. GILMORE: Just a procedural question. I think the last meeting there was a motion that we would have them implemented by January 1 of 2021, and if we're not approving them to the Board meeting does that put any state in an issue where they're not going to be able to get their regulations done by the first of the year, because that is only six weeks. Some planning might be in order to make sure we hit the target.

CHAIRMAN BORDEN: Other comments, Pat.

MR. APPELMAN: Yes I will say that I just threw up a date to get the conversation going, so if this doesn't meet your processes, perhaps an earlier submission deadline is appropriate. Recognizing that the Board meeting would be August would be the next earliest one.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: In Connecticut we're going to have to do this through a full regulations process, which can take six to eight months. I would think that you know at the time that implementation plans are due, at that point we would have already started our regulations process, and we would be well into it. It would be problematic for us if we found out in October that the Board wasn't going to approve what we were trying to do, because we would have no way to change course and get it done by the first of the year, if we had to start over again. I'm not sure how to resolve that.

MR. APPELMAN: Thanks for that. Just to bring it back. States were unable to submit regulatory language this time around with the implementation plan, so we have to be able to see that. The Board has to see that and check that off the list at some point. Now it is up to you guys to pick a date of when you think you

can have draft language available for a full vetting, whether that be a few weeks from now or if you need time. You just need to make that clear and create a deadline that meets the January 1, 2021 implementation timeline.

CHAIRMAN BORDEN: Other comments on the motion, are there any other comments? Are there any objections to the motion? No objections, the motion stands approved as proposed. We've done a lot of discussion at this meeting about the need for accountability. I understand there is a motion that has been put forth by Mr. Keliher. Pat, do you want to discuss it?

MR. KELIHER: There have been a lot of conversations about accountability, some for some against. I've crafted a motion that would give the Board some flexibility, but would remand to the Plan Review Team at least to review. That motion is to move to task the Plan Review Team to review state reductions in Fisheries Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the next fishing year to achieve the target reduction.

CHAIRMAN BORDEN: Motion by Pat seconded by Emerson. Adam.

MR. NOWALSKY: My assumption is that this evaluation is going to be done based on MRIP, used to then evaluate the harvest of that state in numbers or pounds, and that data is not finalized until the springtime of the following year. This Board would then meet to consider that information, maybe at the spring meeting if the information was finalized.

Then you're going to ask the states to change measures for that fishing year? Is that what these ask is here, thinking about what is the data we're going to use, when is it going to be available, and when are we going to be able to evaluate it as a Board?

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CHAIRMAN BORDEN: Pat.

MR. KELIHER: I've got a screw loose over here, Mr. Chairman. No comments from Abbott, please. Adam, yes, I mean I think with all of the data associated with any state implementation, we would take a look at that. In talking to Toni about this, you would have a delay, because of the delay on the data side.

If we were to take action, the action would probably be two years, so it wouldn't be in the 2021 year, it would be the following year because of the delay on the data side. I would just say though. This gives us the flexibility to do something or nothing the way I've drafted it, just so we can keep it on the table in case something goes completely haywire.

CHAIRMAN BORDEN: I've got Jason McNamee, then Joe, and then Adam, then Dan, then Ritchie White.

DR. McNAMEE: I was first in the queue, thank you Mr. Chair. I'm not going to vote against accountability, but just to make a couple of quick comments. I may have misheard Adam. I think the way that I read this it's not just harvest; it would also be discards, because that was all accounted for in these. It's everything.

I think I would prefer that we hold off on this and do it more thoughtfully, because I think we can come up with some really good accountability measures that would account for the fact that we're using a statistical survey to have our accountability, and all of that sort of thing. But I also have, so I just wanted to make those comments.

I have a question as well. My assumption is this is directed at the conservation equivalency folks, but is that right? It doesn't say that. Should we also calculate the reductions that the folks doing the coastwide option were supposed to be getting, and are they accountable to those as well?

CHAIRMAN BORDEN: Pat.

MR. KELIHER: You're correct. The intent here was focused on the conservation equivalencies. We still have many conservation equivalencies after the exercise we just went through. Again, trying to leave some flexibility to the Board, I don't disagree with you, Jason as far as trying to do a better job in fine tuning and coming up with something. I still think that needs to be done. But I think we should have something on the table, in case we've completely missed one of these conservation equivalencies going forward, and leave the Board the option to make an adjustment or not in the future.

CHAIRMAN BORDEN: All right, I've got Adam next and then Joe.

MR. NOWALSKY: No, I'll defer to Joe, thank you.

MR. CIMINO: Follow up to what Jay was saying. That was where my question was focused as well. We didn't know what states that didn't put forward CE proposals reductions were, so there is no accountability there. I'm assuming that if a state doubles their harvest under the coastwide measure they are not going to be asked to look at their measures, at least by this motion.

The coastwide measures had again, going back to that idea that New Jersey on paper was taking a 43 percent reduction. On paper Connecticut, under that coastwide measure is actually allowed to now harvest more pounds of fish than New Jersey. I do think that the coastwide measure needs to be as scrutinized, and have accountability as well if we're going to do this. Therefore, I would support Jay's idea that we take some time and think about how to do this.

CHAIRMAN BORDEN: We have John on the other side of the table.

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MR. McMURRAY: I would support the motion. I think given the option between doing something or nothing, I would much rather do something at this meeting. I think the public demands it. It's not punitive. We're not asking for paybacks. I think this is entirely reasonable. The intent, if Pat didn't articulate it clearly I think is to prevent states from taking advantage of the conservation equivalency program. I don't think it should be punitive for states who are being asked to do what the plan tells it to do.

CHAIRMAN BORDEN: All right I've got Ritchie, you're next and then Mike Luisi.

MR. WHITE: Yes I would like to see conservation equivalency in here, so I would like this motion to say that it's just for states doing conservation equivalency.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'm going to agree with Jason and Joe. While I'm not at all speaking against accountability, we've just spent five or six hours debating issues on management that I think we could do a better job than putting a placeholder in for something that is going to happen two years from now.

If I heard the comment correctly, we wouldn't be making adjustments if our state is found to be not, I guess in compliance with the Addendum having made the necessary reductions. Changes would be made in 2022, did I hear that or 2021, 2022 I think is what I heard? I don't know why there is urgency.

I understand the point that the public wants there to be some form of accountability, and I support that wholeheartedly. I just don't agree that we're going to take a point estimate from MRIP and compare it to something that happened three or four years ago, and that is going to be the accountability measure, nor do I agree that a state that implements the

Addendum prescribed measure gets a "get out of jail free card" from any of this.

There is as much uncertainty around the options in the Addendum as there are in the conservation equivalency options. Why should a state that just falls in line with the Addendum, why should their anglers get a "get out of jail free"? I don't agree with that. I think we could do a better job at being more creative, and really considering this. **I would make a motion to postpone this decision, and have a discussion at the spring meeting in May.**

CHAIRMAN BORDEN: All right is there a second, seconded by Marty? Motion to postpone, Bob, is a motion to postpone to a time certain debatable? Yes.

EXECUTIVE DIRECTOR BEAL: Only the time certain part is debatable.

CHAIRMAN BORDEN: Okay so you heard our Executive Director, any discussion on this, Adam, and then Dan?

MR. NOWALSKY: It would seem that this topic would be best suited during the development of the Amendment that we're talking about. What is our plan discussion time? I think we thought we were going to talk about it some today. I'm guessing that is probably not likely at this point. Would we expect to have those two discussions at the spring meeting? Would this motion be better tied to the Amendment itself?

CHAIRMAN BORDEN: Well actually you can do it both ways. There have been a number of references here today on the need to include a discussion about accountability and CE in any amendment that goes forward. I have not written down the number of times different Board members have made that suggestion. But there is nothing to stop the Board from taking this up at the Board meeting in the spring, and discussing it at that time also. It's really what the preference of the Board is on this. Mike.

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MR. LUISI: Adam that was my intent. It's not to say that accountability isn't needed. I think that we would be better. I mean personally I've spent the last few months working on what we just went through, and the approval process for conservation equivalency proposals, and management by each state.

I would like to give some thought to accountability, and really spend some time thinking about how we as a Board as member states can move forward with a truly sound and robust accountability system for management of striped bass. I just don't think right now is the best time to have that discussion, given the hour of the day.

CHAIRMAN BORDEN: Anything further on this? Do you need a caucus on this? Does anyone need a caucus on this issue?

MR. APPELMAN: Sorry, I just re-snuck in some words in response to Ritchie's concern, a friendly we put it out there to include conservation equivalency measures. I just want to make sure the makers. But he is postponing a motion that we snuck in a friendly, so I want to just make sure the Board is aware.

CHAIRMAN BORDEN: Pat.

MR. KELIHER: Before I was able to ask for consideration of a friendly amendment the motion was made. I think you have to take those words out of that. Staff had included implemented of conservation equivalencies. Those words need to be removed from that motion.

CHAIRMAN BORDEN: Everyone is clear all you're doing is removing those specific words. The remainder of the motion is going to stay the same, the rest of the motion.

MR. KELIHER: That's correct.

CHAIRMAN BORDEN: That is what the intent is. Okay so we have a motion to postpone. Do you

need a caucus on this, hopefully not? All those in favor of the motion to postpone raise your hand, all those opposed, no raise your hand, abstention, no, okay abstention, 2 abstentions, any null votes? The motion passes 10 to 3 to 2. I think we're through the Addendum VI, unless the staff can remind me. Is there anything that we've forgotten?

MR. APPELMAN: I'm going to look to Toni and Bob here. We have AP, but we can move that to an e-mail vote, in which case we're under Other Business, and we're going to push on that as well.

CHAIRMAN BORDEN: Okay, any other business. We're into the AP, no we can't adjourn. As much as I would love to adjourn, because I have to catch a plane, Emerson we agreed to give you two minutes.

MR. HASBROUCK: I can hold off until the spring meeting, Mr. Chairman.

CHAIRMAN BORDEN: Okay. My only question, and having chaired a six and a half or seven hour meeting that is horrendously chaotic, because of the way we handled the issue with 49 alternatives. To be blunt, on this one we should have had like a small subcommittee that would have sat down, and not made a single decision, but simply sorted through some of this, so that we could make decisions based on a whole series of facts that we had at the time, instead of trying to do it on the fly, which is what we tried to do.

I guess my question is for the next meeting we're going to get into a really difficult issue, which is going to be the Amendment. We'll be into the details of that Amendment. Do we want to repeat this at the next meeting, and have kind of a free-for-all, or do we want to proceed with trying to have a small subcommittee sit down, workgroup, whatever you want to call it, sit down and try to work through some of these concepts, and then bring at least a straw man to us at the next meeting?

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What is the preference of the group? No preference. Dan.

MR. McKIERNAN: David, I like your idea to create a workgroup, and try to iron out the controversial issues in advance, so I would support that.

CHAIRMAN BORDEN: Are there any other comments on that suggestion? Okay, do I have any objections to that suggestion? Justin.

DR. DAVIS: I'm not clear on exactly what is being suggested, so there was some allusion to the Amendment that we're forming a workgroup to sort of.

CHAIRMAN BORDEN: Start to work through some of the issues that we would discuss at the next meeting. My assumption here and anybody can correct this if I'm wrong. We've agreed to start the development of a rebuilding program for striped bass, and if that is the case then somebody has got to start the work at some point. Toni. Now if the staff has a different way of doing that please speak up.

MS. KERNS: I don't necessarily have a different way of doing it, but I just want to remind the Board that you have a tabled motion to initiate an Amendment, so you actually haven't even initiated an Amendment yet. If we wanted to get together a working group of ideas to bring forward that is the prerogative of this Board.

But it would have been my thought that the Board would discuss different types of issues that then a working group could bring back to the Board in August of things to narrow down and hash out so that you're not doing it at the table, but that folks could come to the spring meeting with a set of ideas of the issues to include in an Amendment. Obviously if it's an Amendment it has a PID, and so you have some time to work through those things. If you wanted to have some e-mail conversations with each other about those issues beforehand, so

that you do hash out some of these, then maybe that would help.

CHAIRMAN BORDEN: What is the preference of the Board? Pat.

MR. KELIHER: While I appreciate Toni's thoughts, I think your idea of a working group that starts to flesh out some of these issues beforehand would really be important. I mean we definitely need a broader conversation around CEs. We definitely need to have conversations around accountability issues.

I mean that's just two of many, many issues that are going to come up, and I think a little pre-conversation before the next Board meeting may help us put a strong motion on the table to give guidance on the development to the Plan Development Team to start fleshing out what that looks like.

CHAIRMAN BORDEN: Let me ask, any objections to doing that? Okay so I'll, yes Craig.

MR. CRAIG D. PUGH: I don't necessarily have an objection, but I would like to point out that there is a motion to amend to the amendment process. First we asked for the Amendment, and then there was a motion to amend that to include revisit the allocations. That has not been voted on yet.

If that is the time now, I may be amendable to adding this accountability to that also. Mr. Reid and I made that motion, and it has not been voted on yet. But I would like that to be one of the issues that are visited through this amendment process. If it would simplify things to add accountability to that then I would offer that to Mr. Reid.

CHAIRMAN BORDEN: What Max is suggesting is that we send out an e-mail to the full group, basically ask for some suggestions to put together a small group, and proceed from that on that basis. Adam.

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MR. NOWALSKY: I appreciate the effort. I recognize the position of the Chair of the Commission. But I really think in the interest of transparency, this first discussion should occur in a public forum, this meeting room is where it should occur, including having the opportunity for the public to give us some idea of what those issues are going to be. I think there is the potential for criticism from the public if we go off and have a group, even if there are efficiencies in doing so, of them coming back and saying well, it's behind closed doors.

They kind of worked up what we were going to work on, including the allocation issue, et cetera. I think we would be better served to formally initiate an Amendment. We have a tabled motion, have discussion about what we think we want, hear from the public, and then have a group to go out and work on how we're going to craft that in a PID. That is my opinion, Mr. Chairman.

CHAIRMAN BORDEN: We don't have a consensus on this and I'm not going to ask for a motion on it. We'll just take the issue up at the May meeting, and deal with the tabled motions or whatever from that basis. Okay? Is there any other business to come before us? Roy.

MR. MILLER: Mr. Chairman, what we set up today was a system where some states have size limits from 28-35 inches, and some states have a higher slot. At what point will we have an opportunity to revisit that? I would like some advice, or is it to wait until we tackle Amendment 7 or would we have an opportunity annually to make adjustments to those size limits, either with an addendum or perhaps without an addendum? What are our capabilities in that regard?

MR. APPELMAN: Any state has the opportunity to resubmit conservation equivalency to pursue changes in their regulations. What the Board just did was approved measures for compliance with Addendum VI. I think the intent is that

those would fly for 2020. We would revisit those in 2021 with final data, and the Board will have hopefully made some clear headway on accountability at that point.

MR. MILLER: Would those adjustments require an addendum, or would they just be annual adjustments?

MR. APPELMAN: Again, conservation equivalency a state would submit a proposal for TC review, vetting through the CE process.

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: Point of clarification. What were approved today were options, so those jurisdictions have yet to enact the final rules.

CHAIRMAN BORDEN: Any other business to come? Mike.

MR. LUISI: Just another quick clarification just to ask Max a question. When we take these options out to the public we had season dates and you know different things within our proposal. If a state is to modify, if we were to modify or slide other season dates around based on public comment that we receive through the regulatory process. Max, what would be the best way to, as long as you still meet the goal?

We would be still reaching our goal, but I am thinking that our stakeholders may ask us to slide some of our seasons around a little bit within the wave. Would we need to resubmit a new implementation plan with the actual measures we're putting in place, or is that going to need Board approval, if we were to change the dates by two days in one direction or the other, based on a weekend or something like that if you can give some advice that would be great.

MR. APPELMAN: Off the top of my head, I think we've reached the point of no return with what has come through the TC to this point, and has

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now been given the blessing of the Board for you to take to your constituents. But yes, if it really came down to that it would have to go back to the process to prove that those calculations, those new season closure dates meet the reductions necessary. I don't know if that would make the April 1 deadline either. Please keep that in mind.

CHAIRMAN BORDEN: John. I'm about to end the meeting, I'll put everybody on notice. John.

MR. McMURRAY: Yes okay, I may have missed this, but is the TC going to get back to us on an estimation of a percent reduction coastwide, given the measures that we just approved state by state? I know that there are some options that states haven't been specific about yet. But we should still have an idea of what the total coastwide reduction is going to be.

DR. DREW: I think based on the motion that has been postponed there is the possibility you would see that in 2021. However, if the Board wishes to task the TC with that they can go ahead and do that. The TC would prefer that we wait until everybody has actually implemented something, given that we still have multiple different combinations of options on the board. But that is something that we could bring back to you at the May meeting, if everybody implements by April 1.

MR. McMURRAY: Just to clarify, you'll be able to tell us with some confidence in May, rather than making a gross estimate in the next few minutes.

DR. DREW: We can tell you the reductions on paper that would be expected, based on the implementation plans that everybody will implement April 1 at the May meeting.

CHAIRMAN BORDEN: Is there any other business? Dennis.

MR. ABBOTT: I'm kind of concerned about your wellbeing, and I note that you don't have a

Vice-Chair, so when are we going to select a Vice-Chair, because I don't know if you'll survive two years the way it's been going.

ADJOURNMENT

CHAIRMAN BORDEN: Well, you never can tell who's going to go first, Dennis. We don't have a Vice-Chair, but we can put that on the agenda for the next meeting, how's that? Meeting is adjourned.

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