

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

**Webinar
August 3, 2021**

Approved October 20, 2021

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of March 16, 2021 and May 5, 2021** by consent (Page 1).
3. **Move to approve the FMP Review for the 2020 fishing year and state compliance reports** (Page 8). Motion by Emerson Hasbrouck; second by Mike Armstrong. Motion approved by consent (Page 8).
4. **Move to initiate an addendum to Amendment 6 to allow voluntary transfers of commercial striped bass quota as outlined in the memo of July 26th, 2021 to the Atlantic Striped Bass Management Board regarding these transfers** (Page 45). Motion by John Clark; second by Pat Geer. Motion carried (Page 49).
5. **Move to approve Chris Dollar and Charles Green representing Maryland to the Striped Bass Advisory Panel** (Page 49). Motion by Mike Luisi; second by Marty Gary. Motion carried (Page 50).
6. **Adjourn** by consent (Page 50).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)
Sen. David Miramant, ME (LA)
Cheri Patterson, NH (AA)
Ritchie White, NH (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)
Mike Armstrong, MA, proxy for Dan McKiernan (AA)
Raymond Kane, MA (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Jason McNamee (AA)
David Borden, RI (GA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)
Justin Davis, CT (AA)
Bill Hyatt, CT (GA)
Matt Gates, CT, proxy for Sen. Miner (LA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)
Emerson Hasbrouck, NY (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)
Joe Cimino, NJ (AA)
Tom Fote, NJ (GA)

Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Loren Lustig, PA (GA)
G. Warren Elliott, PA (LA)
John Clark, DE, proxy for D. Saveikis (AA)
Roy Miller, DE (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Mike Luisi, MD, proxy for B. Anderson (AA)
Russell Dize, MD (GA)
David Sikorski, MD, proxy for Del. Stein (LA)
Pat Geer, VA, proxy for S. Bowman (AA)
Chris Batsavage, NC, proxy for K. Rawls (AA)
Jerry Mannen, NC (GA)
Bill Gorham, NC proxy for Rep. Steinberg (LA)
Marty Gary, PRFC
Nicole Lengyel-Costa, RI DEM
Max Appelman, NMFS
Mike Millard, USFWS
Lowell Whitney, USFWS

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

Ex-Officio Members

Kurt Blanchard, Law Enforcement Representative

Bob Beal
Toni Kerns
Tina Berger
Pat Campfield
Lisa Carty
Laura Leach
Maya Drzewicki
Emilie Franke
Lisa Havel

Staff

Chris Jacobs
Dustin Colson Leaning
Savannah Lewis
Kirby Rootes-Murdy
Sarah Murray
Joe Myers
Caitlin Starks
Deke Tompkins
Geoff White

Guests

Karen Abrams, NOAA
Fred Akers
Pat Augustine, Coram, NY
Mike Bednarski, VA DWR
John Bello, CCA VA
Peter Benoit, Ofc. Sen. King (ME)
Colleen Bouffard, CT DEP

Rob Bourdon, MD DNR
Rick Brame
Jeff Brust, NJ DEP
Erika Burgess, FL FWC
Mike Celestino, NJ DEP
Sarah Cho
Richard Cody, NOAA

Guests (continued)

Allison Colden, CBF
Margaret Conroy, DE DFW
Heather Corbett, NJ DEP
Jessica Daher, NJ DEP
Monty Deihl
Patrick Denno
Steve Doctor, MD DNR
Paul Eidman
Peter Fallon, Maine Stripers
Lynn Fegley, MD DNR
Dawn Franco, GA DNR
Anthony Friedrich, SGA
Shaun Gehan, Gehan Law
Lewis Gillingham, VMRC
Willy Goldsmith, SGA
Pam Lyons Gromen, Wild Oceans
Jake Hardy
Jon Hare, NOAA
Helen Takade-Heumacher
Peter Himchak, Cooke Aqua
Carol Hoffman, NYS DEC
Jeffrey Horne, MD DNR
Harry Hornick, MD DNR
Jesse Hornstein, NYS DEC
Edward Houde, UMCES
Bob Humphrey
James Jewkes
Adam Kenyon, VMRC
Rob LaFrance, Quinnipiac Univ
Ben Landry, Omega Protein
Wilson Laney
Carl Lobue, TNC
Chip Lynch, NOAA
Pam Lyong
Shanna Madsen, VMRC
John Maniscalco, NYS DEC
Casey Marker, MD DNR
Dan McKiernan, MA (AA)
Conor McManus, RI DEM
Nichola Meserve, MA DMF
Steve Meyers
Steve McKinnen, FL FWS
Chris Moore, CBF

Jeffrey Morgan
Brandon Muffley, MAFMC
Allison Murphy, NOAA
Kennedy Neill
Robert Newberry
Jeff Nichols, ME DMR
George O'Donnell, MD DNR
Tyler O'Neill
Noah Oppenheim, Homarus Strategies
Derek Orner, NOAA
Kelly Place, Williamsburg, VA
Michael Plaia
Nick Popoff, FL FWS
Will Poston, SGA
Michael Quinan, Thompson McMullan Law
Jill Ramsey, VMRC
Kathy Rawls, NC (AA)
Story Reed, MA DMF
Harry Rickabaugh, MD DNR
Tara Scott, NOAA
Olivia Siegal, VMRC
Jared Silva, MD DMR
Thomas Sminkey, NOAA
Somers Smott, VMRC
Ross Squire
Renee St. Amand, CT DEP
Mike Stangle DE DFW
David Stormer, DE DFW
Marek Topolski, MD DNR
Aaron Uehara
Jim Uphoff, MD DNR
Beth Versak, MD DNR
Mike Waine, ASA
Angel Willey, MD DNR
Charles Witek
Michael Woods
Spud Woodward, GA (GA)
Jon Worthington
Chris Wright, NOAA
Jordan Zimmerman, DE DFW
Erik Zlokovitz, MD DNR
Renee Zobel, NH F & G

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, August 3, 2021, and was called to order at 9:00 a.m. by Chair David V. Borden.

CALL TO ORDER

CHAIR DAVID V. BORDEN: My name is David Borden; I'm the Striped Bass Board Chairman. I'm the Governor's Appointee from the state of Rhode Island, and I get to moderate the session today. In terms of process. I've asked Toni to follow the following rules. She's basically going to call on individuals.

If the Board members who want to speak will have to raise your hand. You'll go on a list. Toni will call on you in order. She will not call on you twice, until we go through the list. Hopefully, everyone on the list gets an opportunity to talk, at least once, and if we have more time we'll go back through the list, and let individuals who have a particular interest in a subject to possibly speak on an issue twice.

CHAIR BORDEN: The process today, we're going to move through the agenda, hopefully orderly. I would anticipate that on most of these issues we will not need motions. I would prefer to do the business of the Board by consensus, if that's possible.

APPROVAL OF AGENDA

CHAIR BORDEN: I'm going to take the items as they appear on the published agenda, approval of the agenda. Are there any additions, deletions on the agenda, or changes? Any hands up, Toni?

MS. TONI KERNS: No hands, David.

CHAIR BORDEN: Okay, so the agenda stands approved as distributed.

APPROVAL OF PROCEEDINGS

CHAIR BORDEN: We have two sets of proceedings that we need to approve. Are there any comments on the March, 2021 proceedings? Any hands up?

MS. KERNS: No hands, David.

CHAIR BORDEN: Then the March, 2021 proceedings stand approved by consensus. May, 2021, any comments, additions, deletions to those proceedings? Any hands up?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so the May, 2021 proceedings stand approved by consensus.

PUBLIC COMMENT

CHAIR BORDEN: Public Comments. The two aspects of public comments. We normally afford the public an opportunity to comment on issues which are not on the agenda. You're going to be limited to a minute or two, depending upon how many individuals. Then during the actual meeting, I may or may not take public comments, if we get to motions. It depends on the nature of the issue, and whether or not there has been an opportunity for the public to already weigh in on the issue. Are there any individuals that would like to speak to an issue which is not on the agenda, and if so, please raise your hand?

MS. KERNS: Don't see any. No hands.

CHAIR BORDEN: No hands, so there are not hands up, so there is no public comment.

The first item of business is Consider the Fishery Management Plan Review and State Compliance for 2020, Emilie Franke, please.

CONSIDER THE FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR 2020 FISHING YEAR

MS. EMILIE FRANKE: Can everyone see my slide up on the screen?

MS. KERNS: Yes.

MS. FRANKE: Great, thanks so much, Toni. This morning, as the Chair mentioned, our first agenda item is the Fishery Management Plan Review for the 2020 fishing year. The Plan Review Team reviewed state compliance reports for 2020 in July, and drafted the FMP Review Report, which was included in the supplemental materials.

I would like to thank the Plan Review Team members for their time reviewing the compliance reports, and preparing the draft for the Board's review today. There is a lot of detail in the written report, so in today's presentation I'll just go over some key points. To start out, I'll just give a brief overview of the status of the stock, followed by the status of the fishery management plan, focused on Addendum VI.

Then I'll move into the status of the fishery, the status of the management measures, and then conclude the presentation today with comments from the Plan Review Team. Starting with status of the stock. Based on the results of the 2018 benchmark stock assessment, the striped bass stock is overfished and experiencing overfishing.

Just as a reminder, the benchmark does incorporate the newly calibrated MRIP estimates. In 2017, female spawning stock biomass was estimated at 58,476 metric tons, which is below both the target and the threshold for spawning stock biomass. Fishing mortality was estimated at 0.31 in 2017, which is above the threshold of 0.24.

You can see in the figure here of female spawning stock biomass, which is the blue-shaded area, that spawning stock biomass has declined steadily since the time series high in about 2003, and has been below the threshold since 2013. There was a period of low recruitment since about 2005, and recruitment is those orange bars there. However, there

were a few strong year classes in 2011, 2014, and 2015.

This is a figure of fishing mortality, and you can see here that fishing mortality was estimated to be at or above the threshold for 13 of the last 15 years. Moving on to status of the fishery management plan. Amendment 6 and the Addenda I through VI set the management program for fishing year 2020. The Addendum VI measures that were designed to reduce total removals by 18 percent, relative to 2017 levels, were implemented by the states by April 1 of 2020. Addendum VI also requires the mandatory use of circle hooks, when fishing with bait in the recreational fishery. Those measures were implemented in 2021. Then finally, Draft Amendment 7 is under development, which we'll discuss later in the agenda today.

But that draft amendment will address four issues, recreational release mortality, conservation equivalency, management triggers, and measures to protect the 2015-year class. As I mentioned, Addendum VI measures were implemented in 2020, to reduce total recreational removals by 18 percent. The measures reduced state commercial quotas by 18 percent.

The measures implemented a 1-fish bag limit and a 28-inch to less than 35-inch spot limit for the ocean fisheries, and a 1-fish bag limit and an 18-inch minimum size limit in the Chesapeake Bay. Some states implemented alternative regulations through a conservation equivalency. Those regulations had to achieve an 18 percent reduction in total removals statewide.

This figure here shows fishery performance over time by sector. You can see at the bottom there, commercial harvest is in blue, and commercial discards are in red. Those have been relatively stable over time, since the fishery has been managed by a static quota system since 2015. Most of the removals of striped bass are coming from the recreational sector.

You can see recreational harvest in green on this figure, and recreational release mortality in purple.

In 2020 the recreational sector, so the total harvest and release mortality, accounted for about 88 percent of total striped bass removals. Recreational removals have been variable through time, but you can see they've been decreasing in recent years.

This slide is a broad view of fishery performance in 2020, and any percent change you see here on this slide is a percent change as compared to the previous year of 2019. Again, as a reminder, 2020 was the first year that Addendum VI measures were implemented. In 2020, the commercial fishery harvested an estimated 3.39 million pounds, or about 531,240 fish.

This is a 20 percent decrease by weight relative to 2019, and a 19 percent decrease by number. On the recreational side, in 2020 total recreational harvest was estimated at about 1.71 million fish, which is a 21 percent decrease relative to 2019. As we've discussed, the vast majority of the recreational striped bass catch is released alive, and 9 percent of those fish that are released alive are assumed to die, as a result of being caught.

In 2020, recreational anglers caught and released an estimated 30.7 million fish, and of those about 2.8 million were assumed to have died. This is a 7 percent increase relative to 2019. Then overall the recreational release mortality, so those 2.8 million fish that are assumed to have died, were about 54 percent of total striped bass removals from both sectors in 2020.

Here you can see a summary of commercial quota and harvest by state. In 2020 there were no quota overages, either in the ocean fishery or in the Chesapeake Bay fishery. In 2020, commercial harvest from the Chesapeake Bay accounted for about 62 percent of total commercial landings by weight. Again, as I mentioned, the majority of striped bass that are caught recreationally are released alive. This figure here shows that while the recreational

catch varies from year to year, the proportion of fish that are released alive remains pretty high, about 90 percent per year, going back to the early 1990s, and in 2020, 95 percent of fish that were caught recreationally were released alive. As I mentioned, this recreational release mortality was over half of total removals of striped bass in 2020.

One thing that the Plan Review Team included in the FMP Review this year is a note about 2020 MRIP data. The component of MRIP that samples the dockside catch rate data was interrupted by COVID-19, so due to this interruption, the catch-rate-data were imputed as needed, so using data from 2018 and 2019 to generate those total catch estimates for 2020.

The PRT included this table here in the report, which shows the contribution of imputed data for striped bass, which varies by state and by estimate, as shown in the table here. If you see a higher percentage of imputed data, that indicates that data from 2018 and 2019 are having more of an impact on those 2020 estimates.

Moving on to the status of management measures. The first is the analysis of the juvenile abundance indices. This year's analysis evaluated the 2018, 2019, and 2020 JAI values. If any surveys JAI falls below their first quartile for three consecutive years, which is defined in Addendum II, then appropriate action should be recommended by the Technical Committee.

The next agenda item will cover this in more detail. But North Carolina, which is down here in the lower right-hand corner, met the criteria for recruitment failure for 2018, 2019, and 2020. Again, we'll hear more about this in the next agenda item. Maine's juvenile abundance index, which is up here in the upper left-hand corner, was below its first quartile in 2019 and 2020.

Then Maryland's juvenile abundance index, which is up here in the upper right-hand corner, was below its first quartile value in 2020. Moving on to Addendum VI. In 2020, a 28 percent reduction in total removals coastwide in numbers of fish was

realized, relative to the total removals coastwide in 2017.

Again, as a reminder, Addendum VI was designed to achieve an 18 percent reduction in total removals relative to 2017. This table here on the screen shows those coastwide reductions by sector, so you see coastwide there is about a 14 percent reduction from 2017 for the commercial sector, and for the recreational sector there was about a 30 percent reduction from 2017. Again, this is coastwide in numbers of fish.

This table here on the screen is included in the report, and lists the realized change for recreational removals in numbers of fish by state from 2017 to 2020. At the request of the Board, this table also shows the predicted reduction in recreational removals from those states that implemented conservation equivalency plans.

You can see that the reductions vary by state, and the Plan Review Team notes that differences in performance are influenced by a number of factors, including changes in effort, changes in fish availability, year classes moving along the coast, as well as environmental factors. Another note, as you can see as that increases in recreational releases in the Mid-Atlantic in New Jersey, Delaware, and New York contributed to those realized reductions being less than predicted for those states. Again, this is included, this full table is included in the reports. On the commercial side this table shows the percent change in commercial harvest by weight by state from 2017 to 2020. For reference, it also shows the percent change in commercial quota. Again, some states chose to take less than an 18 percent reduction through conservation equivalency, so you can see the percent change in commercial quota there on the right, and then in the middle you can see the percent change in commercial harvest by weight in 2020, relative to 2017.

In the ocean we saw about a 38 percent decrease in commercial harvest, and in the Bay,

we saw about a 23 percent decrease in commercial harvest in pounds. To wrap up here, I'll go through the comments from the Plan Review Team. In 2020, all states implemented a management and monitoring program consistent with the provisions of the striped bass fishery management plan.

The PRT notes that there is one inconsistency, and that is that New York's recreational regulations state a slot limit of 28 inches to 35 inches, and this does not explicitly indicate whether the upper limit is inclusive or not. Then as far as de minimis, there were not requests for de minimis status in 2020.

Looking in to 2021, the PRT noted that Maryland's 2021 summer closure period, so this year it was a no-targeting closures from July 16 to July 31, is inconsistent with their approved 2020 closure period, which was no targeting in August, August 16-31. Then as far as the circle hook requirements that were implemented in 2021, the PRT noted that some states have implemented more restrictive definitions of bait than the definition that the Board approved back in March.

Several states have implemented the incidental catch guidance that the Board also discussed in March. Then there is one delay in the circle hook rule, and that's in New Jersey. That rule has been delayed, but is expected to be fully implemented in October of this year. Then finally, the PRT had a couple comments on commercial tagging. The PRT noted that in multiple states only about half or less than half of the issued commercial tags were reported used.

The PRT emphasizes the importance of tag accounting for unused tags. Maryland was not able to conduct a tag audit, due to COVID-19. Just as a general follow up, the PRT recommends that Commission staff work with the Law Enforcement Committee to regularly follow up with all states on tag accounting moving forward. That is all I have, Mr. Chair, I'm happy to take questions if there are any.

CHAIR BORDEN: Thank you very much, Emilie. The good news from the report is the Commission met

its Addendum VI target of 18 percent, actually exceeded it substantially, so that is good news. What I would like to do is take the comments in two segments, just general comments on the report if there are any. Then I would like to talk specifically about the recommendations from the PRT, in regards Maryland and New York, and I'll take those up separately. Anyone want to comment generally on the report at this phase, or ask questions? Any hands up, Toni?

MS. KERNS: I don't have any hands.

CHAIR BORDEN: Okay, so does anyone want to comment on the Plan Review Team recommendation on New York, in particular, or does someone from the New York delegation want to speak to the point? Any hands up?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so no comment on the New York issue. On Maryland, the Plan Review Team also gave us a recommendation. Does somebody from the delegation in Maryland want to comment on it, or does someone on the Board want to comment? Any hands up?

MS. KERNS: Mike Luisi has his hand up.

CHAIR BORDEN: Mike, you're next, and then I'll take anyone else.

MR. MICHAEL LUISI: This came to our attention when the Plan Review Team was going through our changes in regulation. I think just for transparency, I just wanted to clear the air, and let everyone know that in 2020, when we put our conservation equivalency plan together, and we came up with a two-week closure period in August.

The second week of August was the closure that we implemented in 2020, with a cap, as far as not extending that into any future year. We did so because of the timing of our regulation process, and the addendum process, and it did not allow for us to put the closure where we

wanted it to be, which was during that time period in July, which is what we did this year.

Now, the analysis that was done for our conservation equivalency, a closure period in August, and a closure period in July were the exact same number of days during the same wave, during Wave 4. We felt that the analysis would have been no different from what it had been the previous year.

However, the water quality indicators, as far as temperature and air temperature, are much worse in the second half of July than they are at the end of August. We made a concerted effort to find that period of time where the water quality is at its peak, as far as the poor water quality for striped bass. That is when we implemented our closure for this year.

We made a more conservative effort to protect those fish in July, while they were at kind of their weakest point, as far as the conditions in the Bay. You know that is what we decided internally. We had hearings on it, and we dealt with the issue at hand. The analysis would be no different at all, because it's still within Wave 4.

The reduction that was part of our conservation equivalency program that was approved, would have been no different, because every day in Wave 4 counts for the same amount of reduction. I'll leave it there, Mr. Chairman, and I'm happy to answer questions. I also have a graph that we used from another area.

You can see this is the graph that kind of gave us the information that we used to implement those measures. You can see that on the far right the block was the August time period, and this is Bay water temperature, surface water temperatures. We backed up that time period to the second half of July, which you can see on the left it's the dotted line. That is when we see our peak in poor water quality, and that's why we made the decision that we did. I'm happy to answer any questions if people have questions about that.

But I'll leave it up to you, Mr. Chairman. But that is the reason for the change, and we didn't feel that we needed to do another conservation equivalency program or another conservation equivalency document, since it was all within Wave 4.

CHAIR BORDEN: Thank you, Mike, does anyone else want to comment on this issue? Toni?

MS. KERNS: I have no hands, Mr. Chairman. I will say that I noticed Maureen opened her microphone, but she didn't raise her hand. I wasn't sure if she was trying to speak prior to the New York issue.

CHAIR BORDEN: Let's finish with this issue, and I'll go back to Maureen if she would like to speak. Anyone else care to speak on this issue? If not, we'll go back to the New York situation. Any hands up, Toni?

MS. KERNS: No hands up currently, no.

CHAIR BORDEN: Okay, Maureen, do you want to go back to the New York issue? I'll afford you an opportunity to comment if you would like to.

MS. MAUREEN DAVIDSON: Thank you. I just really wanted to say that our calculated reduction, with the numbers that we used, was greater than what was required. We felt that we were fine, since we were going to have a larger reduction than was required. The difference that is currently in question right now is not really something that's enforceable, and our law enforcement is out on the water. We felt that the numbers that we went with were fine.

CHAIR BORDEN: Thank you, Maureen, any questions for Maureen or the New York delegation?

MS. KERNS: You have Adam Nowalsky.

CHAIR BORDEN: Adam.

MR. ADAM NOWALSKY: I actually wanted to go back to general questions when you're done with this New York issue, if you will afford me that opportunity. I couldn't get my hand up quick enough before. Thank you.

CHAIR BORDEN: Certainly. Any questions for Maureen? If not, any hands up, Toni?

MS. KERNS: No other hands.

CHAIR BORDEN: Okay, so Adam, you're back to general questions.

MS. KERNS: Mike Armstrong actually did put his hand up, sorry. It was a little slow.

CHAIR BORDEN: Okay, we will take Mike Armstrong, and then I'm going to go to Adam. Mike.

MR. MICHAEL ARMSTRONG: Sorry for the delay. If we could go back to Maryland a minute. I just need to recollect, for Mike. The closure was only for recreational, right? Not for the commercial fishery, which I believe is hook and line at the same time.

MR. LUISI: Yes, Mr. Chairman, I can jump in if you're okay with that.

CHAIR BORDEN: Certainly.

MR. LUISI: Yes, so the closure was a target closure, so there is no catch and release, it's a complete closure with no targeting of striped bass for both the for-hire and the recreational fishery. The commercial fishery still operated during that time period. What I will say is that since we've gone to the individual transferrable quota system, from back in 2013, 2014-ish time period. We have very few hook-and-line fishermen anymore.

The average number of boats on the water in any given day is about five. They continued to operate. They operate differently than the recreational fishery, obviously. They are there to catch their quota and move on. They are not there to catch

and release and throw fish back. But yes, Mike, hopefully that answers your question.

Each year we've committed to reviewing whether or not the commercial fishery should continue to operate during this closure period. This year the administration decided to leave it open, but next year is another story. We work with our advisors, and we get information from them, both commercial and recreational. We try to make that decision each year, based on the best available information we have.

CHAIR BORDEN: Mike, did that address your question?

MR. ARMSTRONG: Yes. Thank you.

CHAIR BORDEN: Thank you very much, Mike Luisi for doing that. Any other questions, other than Adam? If not, we're going to move back to Adam on the general question. Adam.

MR. NOWALSKY: You're doing a great job, and moving very efficiently this morning. My question was with regards to the total removals as a combination of the dead discards and the landings. As part of the FMP review, does staff compile a trend analysis of the percentage of removals that come as a function of the landings versus the dead discards from release mortality, or is that something that can be compiled elsewhere and found elsewhere?

CHAIR BORDEN: Emilie or Katie, want to address that?

MS. FRANKE: Sure, this is Emilie. Thanks for the question, Adam. We do have that information available; we just typically have not included that in the report. But we could add it as a table, for example to the report, if that would be helpful, just showing the contribution of each of those parts of the fishery, commercial removals, commercial discards, recreational removals, recreational discards, their contribution to the total removal.

MR. NOWALSKY: I would be very interested in seeing that, and I would recommend that that certainly be part of future fishery management plans, unless there was objection to that. Thank you.

CHAIR BORDEN: Any other general comments or questions?

MS. KERNS: Ritchie White.

CHAIR BORDEN: Ritchie.

MR. G. RITCHIE WHITE: Question for Emilie. New Jersey is not making the reduction, 18 percent reduction. Could that be or is it attributable to their conservation equivalency regulations, and is that something that could be determined?

MS. FRANKE: Thanks for the question. That is not something that the PRT could determine, again since performance is influenced by a variety of factors, including changes in effort, availability of year classes. Looking at a state specific performance in comparison to the predicted change from their conservation equivalency plan. The PRT can't pinpoint exactly what factors caused that change, or that percent reduction to be less than what was predicted. Katie, please feel free to add anything.

DR. KATIE DREW: No, I think you've covered it. It's definitely again, if you look at the change in effort, is certainly a big component, as is the fact that New Jersey was one of the states that had a fairly high impact of the APAIS change, and therefore you're pulling more years of data from before, or more records from before that management change as well. All of those things are hard to separate out from the actual management measures themselves.

MR. WHITE: Thank you.

CHAIR BORDEN: Anyone else?

MS. KERNS: No other hands.

CHAIR BORDEN: The action on this is to approve the report as submitted. Is that correct, Emilie?

MS. FRANKE: Yes, and I believe Maya has a draft motion. Maya, if you want to take the control back of the screen.

CHAIR BORDEN: Well, yes. If you could put the draft motion up. Given the lack of questions and controversy, I think we can probably do this by consensus. But I think it would be helpful to have a motion up on the board. All right, **so the motion is to approve the FMP Review for 2020 fishing year and state compliance reports.** Is there any objection to approving this by consensus? Does anyone object? Any hands up, Toni?

MS. KERNS: No hands, but Mr. Chairman, if we could have a maker and a seconder, and we had hands up, Emerson Hasbrouck as a maker, and Mike Armstrong as a seconder.

CHAIR BORDEN: Okay, so we've got a motion and a second. Thank you for keeping me on track. Any objection to approving this by consensus? Any hands up? **Motion stands approved by unanimous consensus.**

REVIEW JUVENILE ABUNDANCE INDEX FOR ALBEMARLE SOUND/ROANOKE RIVER

CHAIR BORDEN: All right next item on the agenda is Item 5, which is a Review of the Juvenile Abundance Index for Albemarle Sound, and we're going to start off with a Technical Committee report by Carol Hoffman. Carol.

TECHNICAL COMMITTEE REPORT

MS. CAROL HOFFMAN: Good morning everyone. The Juvenile Abundance Index for the Albemarle Sound/Roanoke River stock showed recruitment failure for three consecutive years in 2018, '19, and '20. That tripped our recruitment trigger that was established in Amendment 6, which showed

that if there were three consecutive years where the JAI was below the first quartile, then appropriate action should be recommended to the Board.

In response to this the TC met on July 15 of this year. The solid black line near the X axis on the screen is the first quartile for JAI for value for the period of 1955 to 2009, and that is 1.33, and in 2018 it was 0.4, 2019 it was 1.2, and 2020 it was 0.02. In addition, there was already management action that North Carolina has taken, because in 2020 there was a stock assessment that showed that the stock was overfished, and that overfishing is occurring.

In response to this, the TAL, the total allowable landings were reduced in 2021, and for 2022 as well. They were reduced from 275,000 pounds to about 51,000 pounds, to get at fishing mortality to the target level. In addition, North Carolina did an analysis of flow, and showed a correlation between young of the year recruitment and increased flow above a certain range, and showed that as flow increases above a certain level, year class strength decreases, particularly in May, when striped bass is spawning.

The low JAI values, again from 2017 actually to 2020, aligned with high flow rates that exceeded that limit. In response to this, North Carolina has developed a stocking contingency plan. If the flows from the Roanoke Rapids Dam meet or exceed 12,000-cubic feet per second, which is the rate at which the river starts to overflow, for at least 14 days, from May 1 to June 10, which is critical spawning and transport period.

Then there is a stocking program for striped bass to be stocked in western Albemarle Sound nursery area. AT this time the TC recommends no action be taken by the Board, considering that North Carolina has already taken management action by reducing their total allowable landings, and also by having their contingency stocking program by monitoring and analysis of river flow. In summary, the JAI was low for three years in a row, which tripped the stock recruitment failure trigger per Amendment 6. The TC met to recommend appropriate action, and the

TC recommends no action by the Board, due to the fact that North Carolina has already reduced the total of allowable landings, and because they have their contingency stocking program in place. Does anyone have any questions?

CHAIR BORDEN: All right, thank you, Carol. Let me just interject that it does not appear that this item requires any action by the Board. North Carolina has been very proactive, and taken action in advance. Let me just ask for questions, and then if there is nothing of substance that comes up, we'll move on. I don't believe it requires any action at all, even to accept the report. Questions for Carol.

MS. KERNS: Carol, just a reminder to turn off your microphone when you're not speaking, and then we have Mike Armstrong followed by Mike Luisi.

CHAIR BORDEN: Mike Armstrong.

MR. ARMSTRONG: I applaud, you know the proactive measures that North Carolina has done very quickly, and I hope things turn around. Just one question. The quota was 275,000. You reduced it to 50 something thousand. Was in fact the 275 being fully utilized?

MS. HOFFMAN: I would have to go back and look at that. But I know that the 50,000 was to reduce the F down to the target.

MS. KERNS: Mr. Chair, you have Chris Batsavage, who can probably answer that question.

CHAIR BORDEN: Chris.

MR. CHRIS BATSAVAGE: I think it depends on the commercial and recreational sectors, and also while we have a commercial fishery, which takes a big percent of the TAL, and then the recreational is the other 50, which is split

between Albemarle Sound and the Roanoke River.

If memory serves me, I don't think the quota was reached every year in those years overall, mostly in the commercial fishery. I think on the recreational fishery it depended. You know they might hit their allocation in the Roanoke River but not Albemarle Sound, and vice versa. It wasn't full utilization of the 275 every year.

CHAIR BORDEN: Mike Armstrong, are you finished, or do you have a follow up?

MR. ARMSTRONG: No, I'm all set, thank you.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: This question might be for Chris as well, since he's on the line. Chris, do you guys do a spawning stock biomass survey in the spring? Are you sampling the fish that are coming in that spawn? I just wonder if some of the reason for the recruitment failure might just be that the fish aren't moving into the Sounds anymore, and they are moving more north. I don't know if you have any thoughts on that, or if you have any data that would suggest that maybe just spawning isn't occurring there anymore.

MR. BATSAVAGE: Yes, Mr. Chair, if it's okay I can attempt to answer that at least. Yes, thanks for the question, Mike. Yes, we do have a spawning stock survey, an adult gillnet survey in Albemarle Sound. It was suspended last year due to COVID concerns. There is also electrofishing survey on the upper Roanoke River on the spawning grounds.

We do monitor that. That information goes into the stock assessment. In terms of are we seeing just less spawning fish due to the movement north. I don't know. I think that would probably be answered better by our technical staff that I don't think are on the call today. However, it's probably more of a function of just in terms of these poor year classes, the river flow.

Stock status probably plays a role as well, but as we know, a small spawning stock can produce a large

year class, if conditions are optimal. In the last few years, we haven't seen that. It's kind of a long-winded way of saying I'm not real sure. But I just wanted to give a little bit of background information and answer at least part of your question.

MR. LUISI: Yes, I appreciate that, Chris. Thanks, Mr. Chairman, that's all I had.

CHAIR BORDEN: Thank you, Chris. Any other questions on this? Any hands up, Toni?

MS. KERNS: No additional hands.

CHAIR BORDEN: Okay, so I would just like to thank the North Carolina delegation for the way they've handled this issue. I think they've been, as I indicated before, extremely proactive, and that is exactly the type of leadership we need. Thank you very much to the entire delegation.

PROGRESS REPORT ON DRAFT AMENDMENT 7

CHAIR BORDEN: We're going to move on to the next item, which is a Progress Report on Draft Amendment 7. Emilie, you're up. Before Emilie starts, I'll provide some guidance on how I want to handle the issues at the conclusion of her presentation. Emilie.

MS. FRANKE: Go ahead, Mr. Chair.

CHAIR BORDEN: I'm finished. If you could, do the report, please?

MS. FRANKE: All right, thanks for your patience. Today I will be providing an update, as the Chair mentioned, on the development of Draft Amendment 7, and highlighting where the Plan Development Team and Technical Committee are requesting Board guidance on some of the issues being developed for the Amendment.

I'll start with a brief background, and the timeline for Amendment 7, and then I'll move into each issue, and provide a brief overview of what the Plan Development Team and Technical

Committee have been discussing, and identify where they are requesting guidance from the Board. Just to recap a little background here. In August, 2020, the Board initiated the development of Amendment 7 to address a number of issues facing striped bass management. The purpose of the Amendment is to update the management program to reflect current fishery needs and priorities, since the status and understanding of the resource has changed considerably since Amendment 6 was approved in 2003. In February of this year, the Board approved for public comment the Public Information Document or PID for Draft Amendment 7.

This scoping document sought public input on a number of important management issues, and after the public comment period on the PID, at the May Board meeting the Board approved four issues for development in Draft Amendment 7. Those issues are recreational release mortality, conservation equivalency, management triggers, and measures to protect the 2015-year class.

Over the past few months, the Plan Development Team and the Technical Committee have met multiple times to begin developing options and analysis for the draft amendment. During these meetings the PDT and the TC identified specific questions requesting guidance from the Board on the type of options that should be developed for some of these issues.

Guidance from the Board at this point in the process is important to ensure that the draft options meet the Board's intent and objectives for these issues in the Draft Amendment. Based on guidance provided by the Board today, the PDT will continue developing options for Draft Amendment 7 over the next several weeks.

Here is the current timeline for Amendment 7. As I mentioned, the Board started this process in August of last year, and the PID process was completed this spring. We're in this current step of the PDT developing the draft amendment document. Again, between now and October the PDT will prepare the draft amendment, with the intent of presenting it to

the Board in October, when the Board could consider approving the draft for public comment.

Then after our public comment period, the earliest the final amendment could be approved is February of next year. For the remainder of my slides today, I'll provide a brief overview of what the PDT and TC have discussed for each issue. But most of the presentation will focus on the specific questions requesting guidance from the Board.

Those questions for the Board are related to recreational release mortality, conservation equivalency, and the recruitment trigger. I'll pause after each question or set of questions, if okay with the Chair, and if the Board would like to discuss and provide guidance on some of these questions before moving on to the next issue.

PLAN DEVELOPMENT TEAM REPORT

MS. FRANKE: The memos from the Plan Development Team and the Technical Committee that were prepared for this meeting were part of the main meeting materials, and they outline all of these questions and challenges in more detail. I would like to thank the PDT and TC members for all their time these past few months, and in the coming weeks.

To kick us off here, I'll start out with recreational release mortality. In order to reduce recreational release mortality, the Board could consider two approaches. The Board could consider additional gear restrictions to help increase the chance of survival after being released. For example, Addendum VI requires the use of circle hooks when fishing recreationally with bait, to reduce this post-release mortality. Another approach would be for the Board to consider effort controls, to reduce the number of trips interacting with striped bass, and therefore reduce the overall number of striped bass releases. The PDT is considering the following types of options to

address recreational release mortality, and the PDT is still working through these potential options, so this is not a final list, just hopefully to give the Board an idea of the types of options that the PDT is discussing.

For gear restrictions, the PDT is discussing various options, including the use of non-lethal devices for removing striped bass from the water. For example, and the use of barbless hooks. For fish handling, the PDT is discussing a potential option to require the in-water release of large fish. For outreach and education, the PDT is discussing options for public outreach campaigns in the states, and also an option for an educational video and quiz.

Then finally, for effort controls, the PDT is primarily discussing seasonal closures. Today the PDT is requesting guidance on these effort control seasonal closures, which again, are intended to reduce the number of live releases by reducing the number of fishing trips that interact with striped bass.

The primary question from the PDT to the Board today is what types of effort control options should be included in the draft amendment. The PDT has identified three decision points for the Board on this issue. The first is related to the geographic scope of the closures. The next is related to a reduction target, or lack thereof, and the third is related to the type of closure, so thinking about a no targeting closure versus a no harvest closure.

First for the geographic scope, closures could be either coastwide, or they could be state or region specific. From a coastwide perspective, coastwide closures would ensure consistency in the timing of closures across all the states. But one of the primary challenges here would be equitability. Since recreational fisheries operate very differently along the coast, coastwide closures would result in different levels of effort reduction across the states.

These closures would impact each state fishery differently, based on the timing and what fish are available at that time in certain areas. Then also

based on the current management measures that are already in place within each state. Then on the other hand, state specific or regional closures could help account for unique biological or socioeconomic considerations, as well as regulatory consistency.

However, state specific closures could result in more of a patchwork of different closures as we move along the coast. For state specific closures, the PDT would not be able to develop specific options for each state. States would need to develop their own proposals for closures, that they would then pursue through their state regulatory and public processes, and they would also submit to the Commission for a TC review and Board approval as part of their state implementation plans.

The PDT could develop some options that might set some parameters on the scope of state closures. However, the state level MRIP data needed to look at these different types of closures, would likely have high PSEs, particularly when looking at specific waves. The second decision point related to seasonal closures is related to the target reduction or the basis for a closure. Without a specific target reduction in mind, it's difficult for the PDT to develop specific closure options. Without a target for reducing effort, for example a percent reduction the Board is looking for to reduce effort, then the PDT requests guidance from the Board on which days or months or waves the Board would like to consider for the closures. Then without any additional direction at this point, the PDT would only be able to focus on options for biological and ecological-based closures. For example, closures based on spawning or closures based on peak temperature periods. Then the final decision point is on the type of closure.

As I mentioned, the Draft Amendment could include options for both no harvest and no targeting closures, or the options could only focus on one type of closure. The PDT assumes a maximum reduction of effort, and therefore a

reduction in number of releases would be achieved with a no targeting closure.

The PDT does recognize that there are some concerns about enforceability with no targeting closures, and there is also some uncertainty around the level of compliance. For a no harvest closure, the PDT notes that anglers may shift their trips to catch and release trips, and this could increase the number of releases, which would then be counter to the objectives of reducing releases.

Overall, choosing which type of closure may depend on the reason for the closure. But with any type of closure there will still be fishing trips that incidentally interact with striped bass, and then there will also be some striped bass trips that shift effort to target other species. Then finally, different closure scenarios could be explored with MRIP effort data.

But again, there are some challenges in that changes in angler behavior are unpredictable, and also catch and release trips are not separable in MRIP. With that, Mr. Chair, those three decision points for effort controls to address recreational release mortality are summarized here on the screen. If you want to pause for Board discussion on this before we move on to the next issue.

PROVIDE GUIDANCE TO THE PDT FOR DRAFT AMENDMENT 7

CHAIR BORDEN: Thank you, Emilie. What I would like to do is take each one of these questions that are up on the Board, and basically go through them one by one, and try to get a consensus on it, without a motion, if possible. Keep in mind that what we're developing is a draft public hearing document, with a range of options.

It's quite possible we can have more than one option, or a couple of different options developed, and then review them at the next meeting. Obviously, you want to narrow the choices, so that it limits the scope of the work that the technical people have to do. But I think it's desirable to go

through these one by one, and get some comments on it.

See if we can get a consensus, and then move on. Just remember that you're going to see this all again with greater detail at the next meeting. General comments on what type of effort control option should be included. The first question is, should the closures be coastwide, or should they be state specific. Does anyone want to speak to that point?

MS. KERNS: I'm waiting for hands to come up, Mr. Chair. We have Ritchie White, then Marty Gary.

CHAIR BORDEN: Ritchie, and then Marty.

MR. WHITE: I would favor the state regional option. I think it's too difficult for the length of season, when you look at northern states in relation to southern states, if the southern states have a much longer time period. If so, I would think that a closure ought to be a percentage, and that would be difficult. I mean that would work for the amount of time that striped bass are in a jurisdiction. That would be my recommendation.

CHAIR BORDEN: Marty.

MR. MARTIN GARY: I'm inclined to agree with Ritchie, although I guess part of me is wondering. I would like to hear from the public. My sense is Ritchie is right, you know the regional scope is probably more applicable. I just wonder, and I know the PDT, I don't want to frustrate them by giving them a lack of guidance. But unless we absolutely have to narrow it down. This is one that maybe we still need to hear from the public about, keep them both in. I would like to hear from others if they had a thought on it.

MS. KERNS: You have Mike Luisi then Tom Fote.

CHAIR BORDEN: Taking Tom next, Mike.

MR. THOMAS P. FOTE: Dave, who did you call on, Mike or me first?

CHAIR BORDEN: Mike.

MR. LUISI: Yes, I Have to agree with Ritchie. I think there is enough difference in the geographic range of this species, that state specific or regional closures should be where the PDT should be focused, rather than a coastwide closure for all states at the same time. As we just talked about maybe half an hour ago, you know we have certain information in our state here in Maryland that suggested that we have a closure period that may be completely different from what Virginia has on record, or Delaware or New Jersey.

I would like to see the state regional closure explored more, and have that allowance for the states to come up with whatever that closure is. Now, I guess you're going to get into the reduction target, and I'm interested to hear what people have to say about the target, as to how we're going to reduce releases. But that's my point at this time.

CHAIR BORDEN: Tom Fote.

MR. FOTE: I can understand what Ritchie is saying, but when we look at the reduction that goes on, and if you do an area closure, and I'll point out the Raritan Bay, because there are some suggestions, we do it in Raritan Bay. If you close that door at a certain period of time, that might be the only period of time, like in the Chesapeake Bay, where people actually because of the regulations, because we don't have sporting area regulations, but just coastwide regulations. They only see fish big enough to catch during that period of time. On the reduction in that region, it would be greater, although we would be equalized at reduction it's the same reduction up and down the coast for the Pacific time period that each state needs to put them in to accomplish that reduction. That is what I'm looking at with fair and equitable.

CHAIR BORDEN: Anyone else with their hands up, Toni?

MS. KERNS: Chris Batsavage, Justin Davis, and Mike Armstrong.

CHAIR BORDEN: Chris.

MR. BATSAVAGE: I agree with the regional target, the regional closures, as opposed to coastwide, with the thought of trying to reduce discard mortality during the hot summer months, when the water temperatures are high. I think that is not going to be applicable coastwide, it will be probably more in the Mid-Atlantic states down to North Carolina. I'm not sure about a target reduction, but maybe look at months, days, or waves.

Like Wave 4, that is done up in Maryland, you know to focus the closure periods. It would probably depend on the states, as far as exactly when those dates would be. As far as the type, it would definitely need to be no targeting, and probably no harvest at the same time. Just no harvest will mean that people will go out and catch and release, and I don't think that's new to the objective of what we're trying to do, if we're really concerned about release mortality during when the water temperatures and air temperatures are high.

CHAIR BORDEN: Dr. Davis.

DR. JUSTIN DAVIS: I just want to clarify. Are you looking for comments at this point just on the first issue of geographic scope, or sort of the whole slate of things that are up here on the slide?

CHAIR BORDEN: I realize there is a relationship between these, but I prefer to keep them separate, if we can do that, at least now at this stage.

DR. DAVIS: Okay, fair enough. On the issue of geographic scope. I think the only thing I could support would be regional closures. I think a coastwide closure, uniform up and down the coast just doesn't make sense, based on the migratory nature of the stock. There would be

no way to have sort of an equitable distribution of harvest, or effort reduction up and down the coast with one-size-fits-all coastwide closure.

I think going to the other extreme, a state-by-state closure, I think it leans into the weakness of the MRIP data, and I think it was also really clear from the Addendum VI process, and the discussion of conservation equivalency there, that there was a pretty resounding rejection by the public and the Board of the idea of moving towards patchwork state-by-state regulations for this species. I think state-by-state closures, opening up that possibility just starts to go down that road, and I don't think that's a place we want to go. I think the only thing I could support would be regional closures.

CHAIR BORDEN: Mike Armstrong.

MR. ARMSTRONG: You know as usual; I think this is way more complicated than it looks like on the surface. To me, if we're looking to decrease release mortality, and by nature that means we decrease the B-2s. We have to have a no targeting closure. I don't mean to jump ahead, but that has ramifications.

If we go with, we want to cut effort during a period when the discards are very high, which would be coastwide. There may in fact be a time, you know July, where in Massachusetts and Maryland, there are both times when it's a whole lot of discards. On the other hand, if we go with an environmental thing like temperature, then that by nature has to be state and regional.

I think there is another question that hasn't been addressed yet, and maybe we'll do it in the next blurb, is how do we want to do this? Is it get people off of catching fish, or get people off catching fish when it's so warm that mortality is very high? To me that hasn't been decided, but I welcome anyone else's opinion. But I think we need to decide that.

Clearly the effect is very different, I think, as maybe Chris noted. The effect in the Mid-Atlantic with temperature guided things would be probably much greater than they were up north. It's a whole other thing to think about, so I'll just throw that out there.

MS. KERNS: I have Cheri Patterson and then John McMurray.

CHAIR BORDEN: Cheri, you're next.

MS. CHERI PATTERSON: I also agree with a state-regional approach, as opposed to coastwide closures, on several manners. We're dealing with a migratory species whose length of residency in any area is variable. We don't know from a coastwide perspective necessarily, what other species are being targeted, where the striped bass might be a bycatch, and we're still not achieving our effort controls that we are intended, if we go through a coastwide closure. I just think we have a better picture of objectives by the influence of states and regions being more familiar with when the striped bass are in those areas.

CHAIR BORDEN: John McMurray.

MR. JOHN G. McMURRAY: I have one question and a comment. Have we gone down the road of establishing an overall target reduction with discards? I think that's relevant to what we're talking about here. I'm not sure why we're trying to narrow it down at this point. For sure I have an opinion about effort controls and state, regional and coastal closures in particular.

Of course, regional and state closures make more sense, given the variability amongst states. But I don't see any reason at this point to take any of these options out of the document. I think we need to see what some of these options might look like, and we need to hear from the public about them. I know the PDT wants us to narrow this down, but in my opinion, we should include all options in the document at this point.

CHAIR BORDEN: All right, anyone else on the list, Toni?

MS. KERNS: That's all the hands.

CHAIR BORDEN: Okay, so the majority of the speakers identified a preference for regional approach, but I would note that I thought that the individuals talked about coastwide implications and concerns made some valid points. I think where we are as a Board is, we definitely want the regional strategy to be developed.

But it also sounds like the Board, at least some members of the Board, want to keep some language in there about the coastwide issue, without getting into the specifics of how the coastwide measure would work out at this stage. I think that is kind of where we are. I mean we could keep both in, but the whole point of this exercise is to kind of narrow the range, and focus PDT work. The Board definitely wants regional closures in. Does anyone object to having a discussion of some of the points that were made about coastwide issues in the same document?

MS. KERNS: We have an objection. Tom Fote has his hand up.

CHAIR BORDEN: Yes. Justin.

MS. KERNS: Tom Fote

CHAIR BORDEN: Okay, Tom Fote.

MR. FOTE: I don't have an objection. What I'm basically saying is we already have a coastwide closure when you look at the EEZ. It would be interesting to get the public's comment on how they think that closure is working. I mean a lot of us know that a whole bunch of catch and release fishery goes in the EEZ. They say they're not targeting, but we know they're targeting striped bass when they are out there, because that is what is available, maybe an occasional bluefish. I would like to hear from the public what they think about coastwide closures.

MS. KERNS: Mr. Chair, Dennis Abbott, and then Megan Ware.

CHAIR BORDEN: Dennis, and then Megan.

MR. DENNIS ABBOTT: I think the object this morning was to focus on what we wanted to do, and probably to narrow down things. It's clear to me that coastwide closures isn't something that would end up being in our final decision document, nor would it be accepted by the vast majority of the states. I agree with John McMurray, and I do personally believe that we should be as broad as can be in putting a document out.

But at the same time, I think we have to be cognizant of the fact that some things are not going to fly, and coastwide closures is definitely a nonstarter, especially here in the northern range. I mean I could have, not envisioned, but think of the fact that New Hampshire have a closure in July, you know July and August is really the only time that we see fish. It was previously stated in a migratory species, you know it makes a big difference to us, so a coastwide closure would have a negative effect on our state, Massachusetts and Maine. I just don't think that coastwide closures work, and I don't think it should go any further than the document.

CHAIR BORDEN: I've got Megan Ware next. Megan.

MS. MEGAN WARE: Yes, I agree with Dennis there. I think the issue with the coastwide closure is there are equity issues kind of on both spectrums. You could have a closure in the winter months, which is primarily that burden is going to be on the Mid-Atlantic states, or you can have one in the summer.

That could take 25 percent of the fishing opportunity, in terms of time, in some of the New England states. I think there is kind of inequity potential on both sides of the spectrum, and so I think the way to best get around that is with more of a regional approach with a percent reduction.

MS. KERNS: You have Roy Miller followed by Pat Geer.

CHAIR BORDEN: Roy and then Pat.

MR. ROY W. MILLER: One thing we haven't mentioned in regard to coastwide closures, are spawning ground closures. Our practice has been historically, most if not all the states have some type of spawning ground closure. But in many cases, like in the Delaware River, it is not a prohibition against targeting striped bass if they're fishing catch and release.

It's a prohibition on harvesting striped bass on the spawning ground during the spawning season. Maybe that is something we might want to consider under the heading of coastwide closures, is additional clarification of what you can do on spawning grounds, thank you.

CHAIR BORDEN: Pat Geer.

MR. PAT GEER: Yes, I'm going to agree with Dennis on what he said. I think that having the PDT spend their time and efforts on developing any kind of options or coastwide closures, while we're saying that it's probably not going to go anywhere. It's not a good use of their time and effort. I'm more supportive of the state and regional approaches, and having the PDT delve more into those, to spend more time on that than looking at an option that, quite frankly, is probably not going to be approved by the states or even considered by the states.

MS. KERNS: That's all your hands, Mr. Chair.

CHAIR BORDEN: Let me suggest. I think we have a consensus on this, not unanimous, to use a regional closure option. But I also would reiterate what I said before that I think there should be dialogue developed around the coastwide issue, to include some of the points that have just been made by various Commissioners, so that is part of the document. Then we let the public comment on it. Is there any objection to doing that? Any hands up, Tonti?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so Emilie, does that meet your requirement on that item?

MS. FRANKE: Yes, Mr. Chair, I think we have some good feedback, and as was mentioned, the discussion on the next item will also help inform these options.

CHAIR BORDEN: Okay, so on the next item, and Emilie will introduce it. My own thinking on this is we just need a range of targets to put into it. It's more important to me to figure out how to do this and make it work, than it is to reach a particular target. I'm going to let Emilie introduce the issue in greater detail if she wants, and then we'll take questions on it. Emilie, do you want to speak some more on this? Emilie, do you have anything else to say on that item?

MS. FRANKE: Yes, just as a reminder. Without a specific percent reduction, it is difficult to develop specific closure options. If the Board does have a specific percent reduction in mind, that would be feedback for the PDT. If the Board did not have a specific percent reduction in mind, the Board could provide some guidance on times of the year, days, months or waves the PDT should focus on. Then if there is no guidance on that, then the PDT would only focus on those biological or ecological closures, as was mentioned, such as spawning closures or closures based on temperatures.

CHAIR BORDEN: We're going to do comments. Any hands up?

MS. KERNS: We have Ritchie White.

CHAIR BORDEN: Ritchie.

MR. WHITE: I think that unless we hear a report from the Law Enforcement saying that targeting closures are enforceable, I think that that should not be part of this document. Because I believe, especially in New England, it is not enforceable. There is no way of proving, if you have a wire leader on, that you're not blue

fishing in Maine, New Hampshire, Mass, probably Connecticut, which makes targeting a striped bass. I mean you can be targeting striped bass with a wire leader, and that would just not hold up in court. Anyway, I think that is a wasted effort.

CHAIR BORDEN: Toni, other hands up?

MS. KERNS: We have Justin Davis followed by Mike Luisi.

CHAIR BORDEN: Justin.

DR. DAVIS: I guess these last two items here on the slide really do relate to each other, as Ritchie just alluded to. I share his concern about the prospect of a no targeting closure. I really worry that we would be going down a road, again sort of similar like to what we just went through with the circle hook mandate out of Addendum VI, where when we start to work on it, we realize that the degree to which that no targeting closure would be enforceable from jurisdiction to jurisdiction might vary quite a bit.

We could sort of be getting ourselves into a place where due to the different regulatory scenarios in each state, the way each state's fisheries operate. It just really may not be trackable. I feel like if we're not talking about no targeting closures, then I'm not sure what we're doing here, because a no harvest closure to me, does not really address the issue of recreational release mortality.

If we close additional periods of time to harvest, we're not telling people they can't go out and catch and release striped bass, and if people go out and catch and release striped bass, potentially maybe catch and release more fish, because they can't harvest, and then switch to fishing to something else. We might be inadvertently increasing recreational release mortality with a no harvest closure.

To me this just sort of relates, as well as to this issue of what is our target. It's not entirely clear to me here what we're trying to accomplish. You know, I can understand the PDTs uneasiness with not sort

of being given a clear goal of what we're actually trying to achieve here. I don't think we have technical guidance that tells us what level of effort or discard reduction is necessary to achieve some goal related to ending overfishing, or returning the stock out of an overfished state.

Unlike Addendum VI, where we sort of had a clear target for removal reduction, this just seems to me like an effort to make an ad hoc move to address a specific source of mortality. We could come up with ranges of days or months. I don't know how we explain to the public how we pick those ranges.

How they relate to the overall goals we're trying to achieve, other than just a sense of, well anything we can do to reduce removals of mortality can help rebuild the stock faster. But I don't know if this is really helpful input, in terms of trying to decide where to go here. But I just really have concerns about generally what we're trying to achieve here.

Also given that the fishery is primarily catch and release in recreational, there will always be some level of discard mortality, and it's likely to be high in this fishery, just given the level of effort, and that it's primarily catch and release. I don't really have any specific reduction target in mind. I don't know how to go about deciding what the appropriate target is, particularly if we're not talking about a no-targeting closure, which I worry about really the feasibility of that.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: I have to disagree with Ritchie on the no targeting closure, but I also want to say that I do agree with your comment regarding taking a look at a range of reduction options focused on minimizing release mortality. This is an issue that came up a couple years ago, and we all know the severity of release mortality, as it relates to the stock health.

We can't move forward with just a no harvest closure without, as Justin just mentioned, it's going to just translate into more catch and release, which is what we're trying to address here. I think the no targeting closure is a must. It has to be in the document. It's a new concept. We've been doing it for two years now. Not everybody is following the rules, I would imagine. We've talked with our enforcement agency, and they are doing their best to try to get people off fish when they see them catching stripers during the closure periods. It's an evolution of understanding and behavior, and I think over time the no-targeting closures will be much better understood. If individuals are really interested in making sure that the striped bass stock is sustainable for the future, that they will follow those rules. I think it is a must for this document to have no targeting closures in place.

But I do like your idea of a range of reductions, whether it's 10, 25, 50 percent from the release mortality that we know is a major issue in this fishery. I think those two in combination with each other should be combined and put together in an alternative that we can consider in the future. I appreciate the time, thank you, Mr. Chairman.

MS. KERNS: You have Bill Hyatt followed by Tom Fote.

CHAIR BORDEN: Bill.

MR. WILLIAM HYATT: Yes, I just want to chime in that I am strongly opposed to no targeting closures. I think that they are broadly recognized as unenforceable. I think their reputation amongst our angling constituency is that they are a joke. I think by considering them further and implementing them, that it reduces public confidence in virtually all that we do. I would support strongly removing them from further consideration. Thank you.

CHAIR BORDEN: Thanks, Bill, Tom Fote.

MR. FOTE: If you remove no targeting closures from the document, then why are we having harvest closures? I mean truly they are not the problem. We're basically controlling the amount of

fish that are basically landed, according to the percentages that we're reducing the catch by. What we're not reducing the catch by is the hook and release mortality.

You say it makes people have no confidence. Well, people have no confidence in harvest closures, when they know that people out there and the people that are promoting that we should close the areas are the catch and release fishermen that are causing the problem, as far as they're concerned. There is the credibility problem, and I have a great difficulty in it.

I mean I look at what happens in the EEZ, and back over the years we've seen that the people just don't abide by, especially catch and release fishermen, don't abide by the closures in the EEZ. They are out there fishing all the time, and these are the same people calling for us to do closures in the different areas, because it is not going to affect them and their customers. But if you start basically doing closures in an area, as far as harvest, you do expect certain captains that basically deal with people that want to take food home to eat, not just play with it.

MS. KERNS: That's all your hands.

CHAIR BORDEN: All right, so lacking any direction, the PDT is going to focus on biological and ecological closures.

MS. KERNS: I'm sorry, Mr. Chair, you had a couple hands go up after I said you don't have any hands, and I'm going on your rule for those that have not spoken to this issue yet, and I have Marty Gary and John McMurray.

CHAIR BORDEN: Marty.

MR. GARY: I apologize, I wanted to wait to hear a few folks, unlike the first time I commented, and I was glad I did. I don't want to protract this, but after listening, almost everybody was right. A prohibition on targeting is unenforceable. We have two law enforcement agencies that work with us on the Potomac;

Maryland DNR and DMRC, and they pretty much told us on the public record at our meetings, they can't enforce a no targeting.

But despite that, our Advisory Committee and our Commission were fully supportive of a no targeting prohibition, when we implemented our Addendum VI reductions with our closure. Part of that is this regional issue we have in the Chesapeake Bay with habitat compression when we have high water temperature and high volumes of hypoxia.

Basically, our situation in the Potomac, we can have a very low or no salinity. We had a Frechette in '18 and '19, where we saw for great stretches of our tidal Potomac a near zero salinity. High temperatures low salinity, I think everybody on this call knows what that means. It made perfect sense to implement that, and I think the moral of the story for us was, give the fish a break during this metabolically challenging time.

But then when you get up into New England, where Ritchie and up in Maine and New Hampshire you have salinity, you have cool water temperatures. I can see the paradox here, and I don't know that I'm offering you any kind of solution, but the targeting thing, I agree with Mike in the Chesapeake, the no targeting rather, it's a valuable tool for us. But it may not be a great tool up in the northeast and in the north. I think we need to keep it in play. We clearly, I think believe in the Chesapeake it's a valuable tool. Thank you for letting me speak at the end here.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: I'm not opposed to keeping no target options in the Amendment, because again, I think we need a full suite of options, and the public needs to be able to comment on them. But let's not be naïve on compliance here. It's 100 percent non-enforceable, and people are going to fish for stripers no matter what.

To Tom's point, of course discards are a problem, regulatory discards and just straight up recreational discards. But to claim that they are the bigger issue

is not correct. I did want to point out that 52 percent of mortality is harvest, and 48 percent is discards. Harvest is certainly the easier thing to control.

MS. KERNS: Mr. Chair, you have one repeat Commissioner, and one member of the public.

CHAIR BORDEN: We're going to take the Commissioner first.

MS. KERNS: Ritchie White.

CHAIR BORDEN: Ritchie White, you get a second bite, maybe a first one, Ritchie.

MR. WHITE: I'll be short. I agree with the input that we're looking to lower mortality. Release mortality certainly is, I think, part of that. But a harvest closure would reduce mortality, so I think it's important to leave that in. Thank you.

CHAIR BORDEN: All right, so we really don't have a consensus here on this. I guess my only suggestion is on this specific issue, as I indicated before. Without some kind of direction, the PDT will continue to focus on biological and ecological closures.

But it seems to me that there is some merit in having the section on this in the document reflect the discussion that just took place. About particularly the points that Marty raised about it may be an appropriate technique in some areas and not the appropriate technique in other areas. Then seek the public's guidance on it. Would members feel comfortable with that? Any hands up, Toni?

MS. KERNS: Dave Sikorski.

CHAIR BORDEN: David.

MR. DAVID SIKORSKI: I'm just raising my hand to say yes, I'm comfortable with that.

CHAIR BORDEN: Does anyone else want to comment on this concept? If there are any

other hands up, Emilie, does that help at all if we do that?

MS. FRANKE: I think so. There has been a lot of feedback on a couple different points, so I think the PDT can develop a couple different types of options. There seemed to be more focus, as you mention, on the biological and ecological closures, so that is something the PDT can kind of focus on within this suite of options.

MS. KERNS: Emerson Hasbrouck has his hand up.

CHAIR BORDEN: Emerson.

MR. EMERSON C. HASBROUCK: I was just going to say that I agree with your suggestion that you made a few minutes ago.

CHAIR BORDEN: Okay, so I'm not going to take any public comments on this, because this document in particular, this section of the document we obviously have divergent views. It's going to be further refined. Any member of the public that wants to weigh in has the option of talking directly to their own Commissioner on this.

Then we're going to have another bite at it at the next meeting. We'll see what was developed, and then if members of the public want to weigh in on that, they talk to their commissioners, and hopefully the Commissioner's bring the concerns to the table at that. We may also have opportunity for public comment. Without anything else at this stage, I'm going to move on to Item 3. Emilie, do you have anything further on the type?

MS. FRANKE: I don't. It sounded like there has already been a lot of discussion on this. Again, some divergent views with some not in favor of no targeting closures, some in favor of no targeting closures, then maybe a few still in favor of the no harvest closures.

CHAIR BORDEN: I guess my own view is that I think that if you do what Mary suggested, that is going to be fleshed out as part of this item and the previous item, you know the merits of the two strategies and

the weaknesses will be fleshed out. Does anyone else want to speak on this issue? If not, Emilie, could you advance the slide?

MS. KERNS: You have Joe Cimino.

CHAIR BORDEN: Joe, please.

MR. JOE CIMINO: I just kind of wanted to take a step back to the comments about, it isn't just about release mortality. I thought that's what this Amendment was. Obviously, this slide is. But I didn't know we were also targeting a reduction in fishing mortality again. I thought we did that last time around, and this Amendment is specifically started to address release mortality, CE, and sorry one other item, and management triggers. I know we're going to get to the other two in a minute, but I don't understand why we just, there were some comments that were very dismissive of release mortality just now, and how to deal with it, and I'm kind of confused.

CHAIR BORDEN: Does anyone care to respond to that?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so I'm going to have to think on that, Joe, as we move along, and maybe come back to it. Emilie, could you advance the slide, please?

MS. FRANKE: Yes, Mr. Chair. Moving us on to Conservation Equivalency, which is our next issue. I'll again provide a little bit of background, and then there are a couple sets of questions for the Board to consider. Again, just to recap. Conservation Equivalency provides flexibility for the states, but there are some challenges which were identified in the PID.

These challenges include regulatory inconsistency between neighboring states, the challenge of evaluating the effectiveness of CE programs, also limited guidance on how and when CE should be pursued, and how

equivalency is defined. Then again, the challenge of the use of state level MRIP data, which is less precise than the regional or coastwide MRIP estimates.

The PDT is considering the following types of options to address these concerns about the use of CE. The PDT is thinking about the applicability of restrictions on CE, so which sectors would any CE restrictions apply to. The PDT is considering restrictions on when CE can be used, including options for restrictions that are based on stock status, and options that would be based on specific justifications. The PDT is considering options around CE proposal requirements. These types of options could include limiting the number or scope of proposals, setting some data standards for proposals, implementing or requiring an uncertainty buffer for proposals, and also defining equivalency.

The PDT has also discussed probability of success metrics, as well as CE accountability measures. The requested guidance today on CE focuses on five main topics that are highlighted here. We'll take these in sort of sets of one or two questions for the Board to consider. This is the discussion that the PDT identified as sort of a starting point to inform the development of the CE options going forward.

The question for the Board is, whether the Board can specify at this point, which sector or sectors of the fishery would be subject to new restrictions on the use of conservation equivalency. Based on the PID and previous Board meetings, most of the issues and concerns around CE seem to apply to non-quota managed recreational fisheries.

That would not include recreational bonus programs. However, the Board has not decisively indicated whether new restrictions for CE would apply across the board through all sectors, or would apply only to certain sectors. It would be helpful if the Board were able to specify which of these options the PDT would focus on.

The first option would be new restrictions on the use of CE would apply to recreational fisheries that are not managed by quota, so that would not

include recreational bonus programs. The second option is new restrictions on these the CE would apply to all recreational fisheries. That would include the bonus programs.

The third option would be new restrictions on the use of CE would apply to all recreational and commercial fisheries. The PDT included two notes in the memo. First, when comparing quota managed to non-quota managed fisheries, and thinking about effectiveness. Quota managed fisheries are accountable to a quota, using census level harvest data, while non-quota managed fisheries rely on survey-based harvest estimates, to determine if they are exceeding the harvest target.

Then second, thinking about regulatory consistency. The PDT Notes that the commercial fishery will have variations, both among and within states, in terms of seasons, trip limits, et cetera, even without CE, because there are some pretty large differences in gear participation and quota by state across the commercial sector, even without CE. With that, Mr. Chair, this might be a helpful place to pause for discussion, before we move on to the rest of the questions about CE.

CHAIR BORDEN: All right, comments from the Board.

MS. KERNS: I have Megan Ware, followed by Jay.

CHAIR BORDEN: Megan.

MS. WARE: This is actually more of a question for Emilie, but I guess I would agree with the PDTs assessment that generally the challenges we have seen have been with the recreational fisheries. I guess kind of a complicating factor here, may be the fact that some states have been moving reductions between sectors in previous addendum. Then just curious if the PDT has discussed that, and maybe potential implications such that if one sector has more liberal CE requirements than another, if that

could result in some situations that we either don't foresee or don't want.

MR. FRANKE: Thanks for the question, Megan. If I'm remembering correctly, the PDT hasn't specifically discussed that. For example, thinking about Addendum VI, and sort of studying the reduction between two sectors. That's not something the PDT has discussed that could be discussed, thinking about, in what scenarios would it be difficult to sort of limit these restrictions to only part of the fishery? Yes, that's something we can discuss.

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

MS. WARE: Just to say that yes, I think that might be a helpful discussion for something the PDT to think through, because I do see that as a potentially complicating factor.

CHAIR BORDEN: Okay Toni, the second name.

MS. KERNS: Jason McNamee.

CHAIR BORDEN: Jason. Dr. McNamee.

DR. JASON McNAMEE: Yes, so similar to Commissioner Ware, I have kind of a clarifying question. I too kind of get the point of the group that potentially you could drop the commercial fisheries out of this. However, I think the best way for me to do this is to offer an example for the floating fish trap fishery in Rhode Island, way back.

We made an adjustment to the minimum size, and then through an analysis, you know translated that adjustment in minimum size to the quota. Again, it was eventually related back to the quota. That part of it I think is in line with what was in the presentation here. But I'm wondering if that is considered a conservation equivalency.

If so, that would be a complicating factor. It would probably hinge around the minimum size by and large, and adjustments to the minimum size, because some of the commercial fisheries, in particular in the north, have larger minimum sizes.

But that is my question. I'm not sure if Emilie is going to have an answer to that right now. But I just wanted to get that out on the table for consideration.

CHAIR BORDEN: Emilie.

MS. FRANKE: Yes, thanks for the question. One of the things that the PDT Did discuss is that it would be helpful to develop for the draft amendment a list of current CE programs that are in place, just to get a better idea of, you know thinking about exactly where these restrictions on CE would apply. I think that would kind of fall into that discussion of making it clear to the Board and to the public what is currently implemented through CE, to better be able to address this question.

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

DR. McNAMEE: No, I'm perfectly fine with that. Thank you, Mr. Chair.

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

MS. KERNS: I currently don't have any hands up.

CHAIR BORDEN: I'm not sure that we've provided enough guidance on this. But if people don't have specific suggestions, we can come back to it. I'll just make a note that we'll come back to it. Individuals can think about the discussion and the issues, and we'll come back and give you another round of opportunity to comment on it.

MS. KERNS: I just got two more hands, Mike Luisi and Dennis Abbott.

CHAIR BORDEN: Mike.

MR. LUISI: If you're looking for a direct recommendation. My recommendation would be to focus on Option 3 here, and allow for both

recreational and commercial fisheries to be included in the conservation equivalency programs. We just had a conversation about states, and all states are different, and we might need to make adjustments as needed within that state.

I think excluding commercial fisheries in the conservation equivalency program would be a mistake. I would like to see how Option 3 would be developed, to allow for both recreational and commercial fisheries to be included in those CE programs. If you're looking for direct input that is my input, and we'll see what others have to say. Thanks.

CHAIR BORDEN: Thanks, Mike, that was helpful. Dennis.

MR. ABBOTT: Yes, thank you, Mr. Chair. I was just sitting here thinking that we're dealing with conservation equivalency of striped bass. Would the results of this lead us to apply the same regulations, or whatever you want to call them, to all species that we manage? Would we consider that? Kind of an off-the-wall question, but.

CHAIR BORDEN: Well, it's a question that is probably beyond the scope of the Board's authority to debate. You might want to raise that at a Policy Board meeting. Anyone else on the list?

MS. FRANKE: Mr. Chair, this is Emilie. I just have a quick clarification. Just to clarify, the PDT is not necessarily looking for input on which sectors would be permitted or would be able to use CE. This question is more focused on which sectors would be subject to these potential new restrictions on the use of CE. For example, if the Board was looking at options that would limit the types of proposals that could be submitted. Would that sort of restriction apply to all CE programs across the commercial and recreational sectors, or would those types of restrictions only apply to the recreational sector, given that that is where a lot of these concerns about CE sort of originate. I just wanted to clarify that this question is focused on which sectors would be subject to restrictions on

the use of CE, and not which sectors would be able to use CE at all.

CHAIR BORDEN: Comments.

MS. KERNS: I have Ritchie White.

CHAIR BORDEN: Ritchie.

MR. WHITE: Thank you, Mr. Chair, I support all sectors. Thank you.

CHAIR BORDEN: Thanks, Ritchie, anyone else?

MS. KERNS: Giving people a moment. Right now, I don't have any hands.

CHAIR BORDEN: Okay, so we've got some input on those points, Emilie, if you would like to move on. Mike Luisi suggested Number 3, so if somebody feels a compelling need to come back to that, we can come back to that at the end. Emilie, if you would advance the dialogue, please?

MS. FRANKE: The next question is related to restricting conservation equivalency based on justification. For example, justification could be limited, or justification could include biological reasons, such as the size availability of fish in an area being smaller than what the coastwide measure stipulates.

The idea here is that conservation equivalency would be limited to times when a real hardship would occur, due to the implementation of the FMP standards. The question for the Board is, how does the Board want to proceed with these types of options for restricting CE based on justification? The PDT could identify general justification categories.

For example, CE could be used if there is a biological reason or if there is a reason related to fair and equitable access. But the PDT is concerned that these sort of general justification categories may not provide enough guidance, and then most requested

conservation equivalency plans would qualify under these general categories.

The other option is the PDT could develop specific justification categories, so for example specifying what types of biological reasons would justify using CE, and this would provide more guidance, but this might result in a valid reason potentially being left out of the Amendment document. That is one question, and I'll go through one more question, and then we can sort of address two questions at once here.

The next question for the Board is related to the number of alternatives in conservation equivalency proposals. The Board had previously requested options that would restrict the number of management alternatives that a state could submit within a CE proposal. The PDT recognizes the challenges that are caused by the high number of alternatives, for example submitted as part of the Addendum VI process. However, the PDT also identified some challenges in situations where a larger number of alternatives might be necessary.

First, if the timing of the CE proposal deadline is before a state's public comment or a regulatory process, a larger number of alternatives might be needed, in anticipation of public hearings. Another situation might be if states are trying to coordinate with neighboring states, then more alternatives might be needed for their proposal, again making it challenging to restrict the number of alternatives the state could submit.

Then finally, thinking about management complexity. States with multiple fishery components, for example different seasons or different areas, might need more flexibility on the number of alternatives, based on that complexity. The question to the Board here is that, thinking about these administrative challenges with limiting the number of alternatives a state could submit.

Does the Board still want the PDT to pursue options for specific number limitations, and if so, if the Board would like to see a hard cap on the number of alternatives a state would be allowed to submit,

what would that number be? Mr. Chair, here I have pulled up the last few questions, if you would like to take discussion on these.

CHAIR BORDEN: Thanks, Emilie. Did the question from a Chair. Did the PDT discuss having an arrangement, where we would have a cap, and I'll just pick one arbitrarily, three or four options with some kind of provision in the document for an exception. If a state had some compelling reason, they could appeal directly to the Board, and then the Board could grant them an exception to exceed whatever number gets selected. Was that concept discussed?

MS. FRANKE: The PDT haven't specifically discussed exceptions, although we are considering options where potentially for each management action, either the Board or the TC could put some bounds on the types of proposals that could be submitted. For example, you know maybe for a certain management action, the Board could say, we won't see any alternatives with a size limit greater than X. The PDT is considering those types of options that would sort of provide that flexibility within the amendment, but we haven't talked about a specific cap with an exception.

CHAIR BORDEN: Okay, and then the follow up would be, have we, well actually I'm going to skip the question. Let me go to the Board, and see whether or not the Board wants to weigh in. Comments, hands up, Toni?

MS. KERNS: Yes, I'll start with the first two names I saw, Jason McNamee and Roy Miller, and then I'll give you more after that.

CHAIR BORDEN: Jason and then Roy.

DR. McNAMEE: A couple of comments here. Again, really, I appreciate the presentation and the information provided. I think, so I'll start with the first one and that is on justification. I think it would be extremely difficult for us to come up with. The only way to do this, I'm in

agreement, is to define specific criteria for the justification categories. I just don't see us being able to do that in a really comprehensive way through this document, and I can, with high probability, can say that the very first one we get would have a justification that didn't fall into one of our categories, but that we all thought was legitimate, and we would end up in kind of a tough spot as a Board.

I don't think we really need to define justification. I think the Technical Committee, upon their review, they give us hints. Sometimes they give us very overt comments about, you know what they think about any particular justification. You know some recent ones, where I think we've gone a little askew is on like circle hooks, and assigning a specific value to the reduction achieved, and mortality.

Things like that is where we start to get outside of the bounds of what we can actually quantify. I think we can make those types of judgments as a Board. We need to step up a little bit, and be a little more bold, to say look, we're not accepting that as a justification. But to try and define all of the possible justifications here in this document. I don't think we should do that.

Then quickly on the number. I know this is another area, I think it becomes a talking point of, oh my God, so and so submitted 50 proposals, when really what they submitted was, you know variations of a single method. I don't think I've ever seen a situation where there was like even more than three or four different methods that were proposed by a single state.

I don't think states have the resources to produce more than that. Putting an arbitrary cap on the number of CEs that can be submitted, I don't think that's valuable either. Again, I think we shouldn't require a state to put forward the full continuum of possibilities within a single method. It should be the method that they are giving to the Technical Committee, and then one or two, just to show the range of what they're thinking about. But we don't need the full continuum. I guess what I'm

suggesting is, I don't think we need either of these in the document.

CHAIR BORDEN: Thanks, Jason, Roy.

MR. MILLER: I would like to agree pretty much with what Jason said. With regard to the second question there on the hard cap. I think it's too difficult to set a hard cap in advance. I think as a general recommendation, none of us like to review a whole multitude of options from a particular state.

I think that could be, the number of options could be winnowed down at the state level, before submission to the Board, rather than throw a whole number of options up there, and see which one's stick. That should be done at the state level. I think just a general recommendation, states should make every attempt to limit the number of options proposed, before submitting to ASMFC, would be sufficient in this case. I don't think we need a hard cap.

CHAIR BORDEN: Other comments. It sounds like we've got two individuals in agreement, general justification with no cap. Toni.

MS. KERNS: I have, for people who have kept their hands up, I have Justin Davis, followed by Joe Cimino, Eric Reid, and Ritchie White.

CHAIR BORDEN: Justin, and then Joe, and I'll go back to Toni on the names.

DR. DAVIS: I appreciate the thoughtful comments from Dr. McNamee and Roy Miller. I feel like my support for having specific justification categories, and potentially looking at a hard cap was my experience in the Addendum VI process, where I thought sort of the overwhelming number of CE proposals that got submitted, created substantial challenges for those folks on the Technical Committee to effectively vet them before the Board had to take action.

I think also led to a really long and drawn-out Board meeting. I guess I'm really hesitant to go back to a situation where we just stay with the status quo, and just hope that won't happen again. I do think potentially trying to provide some options for specific justification categories in the document, could help focus the discussion a bit on what people think are the appropriate justifications for using conservation equivalency.

It was my impression during the Addendum VI process that many jurisdictions didn't even offer any justification for why they were pursuing conservation equivalency. It was just sort of understood that every state was going to go ahead and do that, because the option was available. I don't know that for this species and this management program, we want to have a situation where the default expectation is once we settle on a coastwide standard.

Every state takes a look, to see if they want to do something different just to see if they can, to provide something that's a little bit better for their fishery. I feel like I would like to see some pursuit of development of specific justification categories, and on the hard cap, I get that it can be tough to set an arbitrary number.

But I wonder if it's possible to go back and look at the last few management document processes we've been through, and look at the number of proposals that were submitted. It may be possible in looking at that, that there is some cap we could identify that wouldn't have limited, you know 80 or 90 percent of instances of proposals being submitted, but maybe there is a few sorts of outliers, where we might say yes, that is too many in a cap. Sort of in between makes sense. Those are my thoughts on the topic, thanks.

CHAIR BORDEN: Justin, you basically recommending on the cap that the technical people do an analysis, and look at the history, and then calculate some percentages that would generate some numbers, a cap that would generate a percentage reduction, so we could look at it and look at actual history, and make a determination.

Is there any objection to doing that? I think that would further the dialogue on the cap. Any objection to doing this? Emilie, that's a task under that issue, so let's focus on the general justification versus the specific justification. I've got Joe Cimino.

MR. CIMINO: I agree with everything that Jason said on this, and to that end one part of that is at odds with what Justin suggested, and that's that there were some overwhelming in number of choices that would have made it difficult for the TC to review. If this was fluke or seabass, we wouldn't have seen those huge tables with options, because the methodology would have been approved, and it would have boiled down to what was probably just a couple of options for the states. I think that that needs to be given some consideration.

We manage other species where conservation equivalency is used constantly, and the methodology is approved, so that if you're shifting two to three days or a week within a wave, it wouldn't have to result in a table full of options, it would simply be a single option. I think that should have been something that was given more consideration and discussion for this, and now we have a new Amendment to do just that. I think that is something that we should be looking at as we move forward.

CHAIR BORDEN: Thanks, Joe. Toni, the next two names, please.

MS. KERNS: Eric Reid then Ritchie White.

CHAIR BORDEN: All right, Eric, and then Ritchie.

MR. ERIC REID: I just have a general question about CEs in general, is that okay to put in at this point?

CHAIR BORDEN: Certainly.

MR. REID: Okay, thanks. CE is a mechanism, it's actually a tool, a luxury to avoid hardship. You know we've had discussions about the

probability of success, uncertainty buffers, depending on MRIP, et. cetera. My question is, is it possible to require any CE proposal to exceed whatever the target release mortality, recreational mortality, mortality in general, by X percent.

You know if it's 20 percent you have to exceed it by 10 percent, that makes it 22. Make it 20 percent, it's 24, because of the uncertainty. It's a luxury. In my mind you won't have to pay for a luxury, so that is my question. Can we require it to be more restrictive than the coastwide target in general?

CHAIR BORDEN: Emilie, do you want to speak to that point?

MS. FRANKE: Yes, and thanks for the question. The PDT is considering that type of option under this category of uncertainty buffer under the CE proposal requirements. The PDT is looking at options that would require CE proposals to exceed the required reduction, as a potential option for the Draft Amendment.

MR. REID: Thank you.

CHAIR BORDEN: Thanks, Emilie. Ritchie White.

MR. WHITE: I request an option that requires CE to be submitted as part of the management document, so addendum or amendment, so that the public gets to see them, and the public gets to comment on them. I think what has caused a lot of problems is, that the Board selects a set of regulations, the public comments on that.

Then, after the fact, CEs come in, and the public never really have a chance across the board to comment, so you have regulations changing in abutting jurisdictions, and the general public never got a chance to comment on those. That is my request, to allow the public to comment on an option that requires the CEs to be part of the document that goes out to the public. Thank you.

MS. KERNS: Mr. Chair, just to respond to Ritchie's request. If we did that, that would mean every time conservation equivalency was being contemplated,

we would have to do an addendum. Sometimes conservation equivalency is asked by a state we don't have an addendum process going on.

In addition, it would slow down the addendum process, probably by three to six months, because we get the management options out first, and then you know immediately go into the process. We would need the states to come back and give us all of their proposals immediately. We can put that in the document, but I just want to control that expectation.

MR. WHITE: Follow up, Mr. Chair?

CHAIR BORDEN: Yes, Ritchie, follow up.

MR. WHITE: I think having that in this option to explain those things is fine. But I think the public gave us a pretty strong message on conservation equivalency. I think that it is important to allow the public to comment on all aspects of how this process works. I think this is an important one, to see if they think it's very important, that they be part of the final process of approving a conservation equivalency.

CHAIR BORDEN: All right, any other comments on this?

MS. KERNS: You have Mike Luisi, followed by Tom Fote.

CHAIR BORDEN: Mike, and then Tom.

MR. LUISI: I just wanted to make a comment regarding Mr. Reid's comments about conservation equivalency and the certainty or I guess uncertainty, of how it compares with the coastwide alternative. I would say that there is uncertainty in both. I don't necessarily know that when a coastwide alternative is proposed through the development of an amendment or an addendum, that there is any more certainty that those measures are going to provide for the reductions needed, than a conservation equivalency document.

You know I think if we're going to go down that road of looking at the certainty of conservation equivalency proposals. There should be some analysis of where the certainty lies within the coastwide alternative as well. Having worked with my staff, you know within our agency on developing some of these alternatives. There is just as much uncertainty as to how they work as the conservation equivalency programs. I'll stop there and leave it there. I do agree, and while I have the microphone, I do agree with Dr. McNamee.

I think we should leave this conservation equivalency kind of open and general, and I don't necessarily know that we should use a hard cap on a number of specific proposals that go forward. You know within the states, we sometimes start with a large number, and we whittle it down to the best we can.

I think the states should just take that upon themselves to try to put forth something that is actually realistic, to the Technical Committee for review, rather than sending them 20 options for review, when they know that 18 of those options aren't going to be workable. I do agree with Jason and others that spoke in favor of the comments he made, and I appreciate the time.

CHAIR BORDEN: Tom Fote.

MR. FOTE: Yes, I agree with Mike and what Jason said. I also don't understand what Ritchie is talking about. When you do conservation equivalency, it is for your state, it's not how other states look at it. It's you're accomplishing a reduction according to the conservation equivalency. That might have a different size than you have in a different state, but it's still doing the same method with taking a shorter season.

Only looking at certain part of the regulations, well, they're taking the smaller fish, like in Chesapeake Bay. All of a sudden, we have other states who all think that's what they should be doing in the Chesapeake Bay, because we don't like that size limit. Ritchie, that is not practical, what you're talking about.

First of all, the time involved. Most of the time you go to a public hearing in your state, and you put the conservation equivalency. That is one of the reasons you ask for a list of options, is because you take it to the public in your state, and say what option to accomplish this reduction do you want in our state. That is what basically how it works. That's how it's worked for years.

CHAIR BORDEN: All right, so we've had a number of good suggestions here. It seems like there is a consensus not to put a cap on the number, and I think if I'm reading the comments correctly, the group wants the majority of the individuals who have spoken want to stick with the general justification. Anything else on this?

MS. KERNS: Mr. Chair, I have one repeat, Justin Davis.

CHAIR BORDEN: Justin.

DR. DAVIS: I just wanted to note quickly. Even though I am in favor of the specific justification categories and the cap, I don't feel strongly enough about it that I would want the PDT to do that work based on just my comments earlier. It is apparent to me, as you noted, that the majority if in favor of general justification categories, and not considering a cap, and I'm fine with that.

CHAIR BORDEN: Thank you very much, Justin. Emilie, do you want to move on?

MS. FRANKE: Sounds good, thanks, Mr. Chair. We just have one more set of questions for CE. The final two questions for consideration for conservation equivalency are about probability of success, and accountability measures. For the probability of success, the PDT recognized that there is Board and public interest in considering a probability of success metric for CE proposals.

But after some discussion, the PDT does not recommend pursuing a probability of success metric for CE proposals. This is primarily because a probability of success metric is not available, and can't be calculated at the state level. While it would be possible to calculate coastwide the probability of success, for example of achieving the fishing mortality target for all different combinations of CE proposals that are submitted. That would add considerable time and complexity to the process.

For example, if a state submitted several different CE proposals, and with all the combined CE proposals there was a lower probability of success of achieving the fishing mortality target, then the question would become, which states would have to change their proposals, and by how much would they have to change them. Again, at this point the PDT does not recommend pursuing a probability of success metric for CE proposals.

MS. KERNS: Emilie, just really quick, your slides, they are not moving forward, just as an FYI.

MS. FRANKE: Thank you, Toni.

CHAIR BORDEN: While Emilie is adjusting that, you heard the recommendation. Any comments? Toni, do we have any comments, hands up?

MS. KERNS: We have Ritchie White, and then followed by Megan Ware.

CHAIR BORDEN: Ritchie.

MR. WHITE: I guess I don't understand this, because if we cannot determine probability of success, then how are we approving conservation equivalent proposals? It seems like what we're being told is, we don't know if they are going to work or not. Am I not seeing this correctly?

CHAIR BORDEN: Emilie, or somebody on the staff.

MS. FRANKE: Right, so the way that the model is set up to quantify that uncertainty around achieving the F target and the spawning stock biomass, that uncertainty could be quantified at a coastwide level.

But we can't quantify that at a state level. Therefore, we can't calculate a probability of success for a specific CE proposal. I'm going to phone a friend here, and see if Katie can add anything to help address your comment.

DR. DREW: Yes, I think it really comes down to kind of how we can't quantify the major sources of uncertainty that are causing both the coastwide measures, and the conservation equivalency measures to succeed or fail. When we tell you we need this level of removals to have a 50 percent chance of being at the F target in 2020.

The uncertainty around that is really coming from the stock assessment model, that has uncertainty in, you know what is the population size when we start these projections, what is recruitment going to be like in the next couple of years. We can say, if we achieve this level of reduction, then we will have this probability of success, based on the uncertainty in sort of stock status, and where the population is at, and where it is going to be.

But we don't really have a way to say, what is effort going to be like in 2020? That is one of the major drivers of uncertainty in these conservation equivalencies, and also the bag and size limit analyses that we do for the overall coastwide measure. We can't say, changing the size limit will have an X percent probability of giving you this reduction, because we don't know what effort is going to be like.

We can roughly approximate the size structure and the availability of fish in a couple years, but we don't know for sure what that is going to be like, and we really can't quantify the uncertainty around it. We can't give you a hard probability of success or failure. I will also say, we don't give you a hard probability of achieving that.

You know we don't say, this coastwide measure is going to have an X percent chance of giving you the reduction. We say, if we meet our

assumptions about effort and size availability of fish, we'll get this level of reduction, which translates into a probability of success at the assessment level. We can't say that this conservation equivalency measure is has a 50 percent chance of giving you an 18 percent reduction, because we can't really quantify those major drivers of uncertainty.

I think we could give you a better handle on some of the uncertainty, for both the coastwide and the conservation equivalency measures. But we don't have hard, quantifiable ways to give you what's the probability that this change in management will give you the change in removals that you're expecting.

MR. WHITE: Follow up, Mr. Chair.

CHAIR BORDEN: Yes, go ahead, Ritchie.

MR. WHITE: Thank you that is helpful, and as a result of that answer I would certainly support Eric Reid's earlier suggestion that we have options that require, say 110, 125 percent of the requirement as a buffer, as an uncertainty buffer. I think that is important that we have options such as that for the public. Thanks.

CHAIR BORDEN: Yes, as was indicated, Ritchie, those are already being developed. Next on the list I have Megan.

MS. WARE: I think maybe my comment gets to where Ritchie's comment got. I was simply kind of bummed to see that this isn't possible, because I thought it might be a way to hold CE proposals to a certain percent probability of success. But I do think, you know if it is not possible and it gets removed, it does put more pressure or onus on something like an uncertainty buffer, as a way to counteract some of that uncertainty that we can't quantify. I look forward to seeing those options.

MS. KERNS: The next two names I have are Jason McNamee and then Dennis Abbott. Then I'll have some more names.

CHAIR BORDEN: Jason.

DR. McNAMEE: You know interestingly, I think our previous discussions on this topic I felt were kind of veering off into this notion of like punitive accountability, which I didn't think was the right way to go, because there are so many variables here that aren't in a state's control. I really appreciated Commissioner White and Dr. Drew's discussion there a moment ago.

I think, so I agree with what Dr. Drew said. But I will kind of hearken back to what Mr. Reid said during the last discussion. While we can't necessarily define probabilities of success for the reasons, I think we could, but those tools need to be developed. We're working on some stuff like that for fluke, scup, black sea bass right now.

But in the absence of that, in the short term what you can do, is apply precautionary buffers, as Eric suggested earlier, and that is to say, you know you are trying to achieve some level of reduction, and we want you to go 10 percent more than that, because we have uncertainty that this will be successful.

I think we can probably borrow; you don't need to make that up on a whole cloth right now, we can probably borrow from the risk and uncertainty process that is also being developed by the Commission right now. It is not ready for striped bass yet, but eventually, I hope, it will get around to striped bass.

I think some of the inputs for the Risk and Uncertainty Decision Tree could be useful in this context. But I think in the short term that is something that we could pursue in this process that is tractable, and that is to just add a precautionary buffer of some level, probably working in proportions is the easiest way to go.

CHAIR BORDEN: Dennis Abbott.

MR. ABBOTT: I have been enjoying this conversation immensely. I have a layman's

hypothetical question for Katie, nothing that I would really suggest, but hypothetically. If New Hampshire proposed a conservation equivalency of a 12 inch or 16-inch minimum size limit, and that was given to the Technical Committee, and you calculated that coastwide. Could New Hampshire's request for a very low size limit be accepted?

DR. DREW: I think it would depend on, so if we said, you know if we put in a 12-inch size limit, and that met the 18 percent reduction that we needed, would that qualify for a conservation equivalency approval at the TC level? I think it would depend on what kind of standards the TC is using to review that analysis.

Right now, I think the focus is on, are you meeting that reduction in removals that we are expecting. I think the question of, how would that impact say long term SPR of the stock. It's certainly a different question, and I think that is maybe something that the TC would flag as a concern, in terms of you may be meeting the law of the reduction.

But are you meeting the spirit of the reduction, in terms of preventing negative impacts to the overall stock, which maybe falls under something like the biological justification of why you're asking for this, versus the TCs biological justification for approving or not approving a CE proposal? I think it definitely would be something that the TC would discuss, but I don't think we have hard and fast rules about what meets the spirit versus the letter of a conservation equivalency proposal.

MR. ABBOTT: Yes, follow up, Mr. Chair.

CHAIR BORDEN: Yes, briefly, Dennis, because I want to move on.

MR. ABBOTT: Yes, thank you. But again, Katie, are we required to comply with the spirit, or are we required to comply with the law?

DR. DREW: I think we would take that information to the Board and say, here is the conservation equivalency proposal, it meets the spirit of the reduction, but the TC has concerns about the

potential impact on spawning potential in the future. How does the Board want to deal with this?

The Board is the one in the end, who approves or disapproves conservation equivalency. The TC can help provide the technical guidance on whether this meets the reduction, whether this meets the intent of the regulations that you are trying to be equivalent to. But it is the Board in the end who decides whether or not that proposal is approved.

MR. ABBOTT: Thank you, Katie.

CHAIR BORDEN: Emilie, let's move on.

MS. KERNS: You had a couple other hands, let me know what you want to do.

CHAIR BORDEN: If there is an individual with their hand up that wants to make a point that has not been made, I'll recognize you. Who are these two individuals?

MS. KERNS: I have Joe Cimino and Bill Hyatt with their hands still up.

CHAIR BORDEN: Okay so Joe and Bill, I would just as soon not get into a repetitive dialogue on this. If there is something new, by all means bring it forward. Joe.

MR. CIMINO: Yes, I'm just curious. You know it's a question maybe to Katie. What would be used to determine if something is more uncertain? A state like New Jersey has fairly low PSEs for striped bass. I mean, I'm assuming that PSEs have to play a role. Is there some other way to say that a single state's proposal is less uncertain than a region, when that state may have lower PSEs and higher harvest than an entire region?

DR. DREW: For sure. Some of that is stuff that we can quantify, so for example PSEs, and PSEs not just maybe your PSE is good for your whole state, but once you start breaking it down into

wave or into sector, or into region, you are going to increase those PSEs, and you are going to have a more uncertain proposal compared to the coastwide data that we're using to develop the coastwide measures. That is stuff we can quantify, you know PSEs if they are region versus a state, versus a wave or mode level.

But other stuff about, you know how is effort going to change in New Jersey, compared to how it is going to change overall on the coast. That is difficult to quantify, and similarly, how is availability in fish in New Jersey waters is going to compare to coastwide availability or size structure of the entire population. That is another additional source of uncertainty that is going to feed into whether or not you can make your required reduction, that we don't have a good way to quantify at the moment.

CHAIR BORDEN: Bill.

MR. HYATT: I apologize if this is slightly repetitive, I lost connection for a good period of the last discussion. I was going to speak in favor of the uncertainty buffer and the concept. I was hoping however, that in setting those uncertainty buffers, it wouldn't be just sort of the selection of arbitrary percentages.

That rather, there could be analysis performed based upon the precision of MRIP samples, and the conservation equivalency proposals being put forward, that could sort of refine what is an acceptable uncertainty buffer, and what is unacceptable. I also was hoping that analysis could identify in certain cases, whether or not a state would have the option of increasing its commitment to funding additional MRIP sampling within its borders.

Therefore, make a conservation equivalency proposal fall within a specified uncertainty buffer. But I guess on part of what I was hearing, I'm questioning whether or not those concepts are even possible. Recognizing that I might have missed some relevant discussion on that, just a real quick answer from Katie would be appreciated. Thank you.

CHAIR BORDEN: Yes, Katie, if you would like to offer some thoughts. I would just reinforce what I said before, you are going to get another bite of this at the next meeting. It is going to be more detail on this. Katie.

DR. DREW: I think we could, I guess it depends on how much work you want the TC to do on this particular issue. I think sure, theoretically we could develop uncertainty buffers based on, for example, a management strategy evaluation, to say this level of uncertainty around the reduction translates into this level of ability to hit the target.

But without like a full simulation study on that, you know we don't have a way to quantify what the right level of an uncertainty buffer is at the moment. I think it comes back to sort of risk and uncertainty tolerance for the Board, as Dr. McNamee was alluding to. I think similarly, we could certainly provide maybe tiers of buffers to say, if your PSEs are in this range, then you have to have this level of a buffer.

If your PSEs are in a better range, then you can have a lower buffer. If you're trying to do a regional proposal with a group or a couple of states, you can have a different buffer. We could provide tiers of buffers, but it wouldn't necessarily be like, this is the exact right number to give you this exact probability of rebuilding the stock in 10 years. I don't know if that is helpful or not, but I think there are ways forward, and we can provide different levels of input on that. But there still remains a lot of unquantified uncertainty in these analyses.

As for the question of, could we require states to increase MRIP sampling, in order to move them down to a different buffer, or to accept a conservation equivalency proposal. I think that is certainly something the Board can discuss as a potential option to make conservation equivalency more aggressive or more restrictive.

CHAIR BORDEN: Thanks, Katie. Emilie, we're going to move on.

MS. FRANKE: The final question for conservation equivalency is related to accountability. Again, based on Board interest, the PDT has discussed options that could require accountability measures for those instances when a state's harvest or catch under a CE program exceeds its target, or in other words if a state's CE program does not achieve the required reduction.

These accountability measures could be, for example, a requirement to revert to the FMP standards, or it could be a requirement to implement additional measures estimated to achieve the target. However, after some discussion the PDT recommends removing these types of options for accountability from consideration in the Draft Amendment.

The PDT really emphasizes here the challenges with evaluating the performance of CE. Again, this was discussed earlier in the FMP Review agenda item as well. The effects of implementing any management measures can't be isolated from the effects of changes in effort, or changes in fish availability.

The PDT is also concerned about potentially the amount of time the Board could spend on CE in the future, if accountability measures are required. From the PDT's perspective, these other front-end measures that we've been discussing, like restrictions on when conservation equivalency can be used, requirements for CE proposals. For example, these uncertainty buffers in data standards would be more effective than having accountability requirements for CE. Again, the PDT is recommending removing these accountability measures from consideration. Just related to that, we had a request from a Board member to evaluate the performance of CE, and again as just discussed, the PDT does not consider this performance analysis to be feasible. Again, due to these influences of changes in effort, fish availability, and year class strength. Just to wrap up, Mr. Chair. We covered this first recommendation already, but the final question for the Board on CE is, does the Board

support the PDTs recommendation to remove accountability from consideration?

CHAIR BORDEN: Comments. Any hands, Toni?

MS. KERNS: First two names, Mike Luisi and Jason McNamee.

CHAIR BORDEN: Mike, and then Jason.

MR. LUISI: I will say that I fully support the PDTs recommendation for removing conservation equivalency accountability options from consideration, due to the challenges that were just presented by Emilie. Based on my previous comments regarding uncertainty surrounding, not only the conservation equivalency programs that are developed, but the coastwide measures as well.

I feel that holding a state accountable in a different way, if they don't implement the coastwide measure because of certain reasons, and they come up with a solid plan to make sure that they are trying the best that they can to manage the reductions to the point for which they would be compliant with the FMP.

I don't think that those states that put conservation equivalency proposals together, should be held at a different level of accountability. We're all professionals, we're all trying to do the right thing, and I do agree with the PDTs recommendation. I'll leave it there, and thank you for the time.

CHAIR BORDEN: Dr. McNamee.

DR. McNAMEE: This one's tough, because it is hard to say you are not for accountability. I think accountability is great. I think the accountability should happen on the front end, and what we were discussing in the last section, so applying precautionary buffers before implementing management, that sort of thing.

For the reasons the PDT noted, I'm in agreement on this one. All of us are subject to

potential statistical anomalies. That is what we are using for this fishery, the vast majority of this fishery. That is a hard thing to hold yourself accountable to. I really liked Commissioner Hyatt's comment, just sort of incentive to increase MRIP sampling.

I like that if that can be worked in to the mix here somehow. I think that helps the cause, but in the end, you know any one of us, any state listening in right now. You could be subject to some statistical anomaly in any given year due to no faults of your management or your fishermen, or the fish themselves. What we should be working towards is being precautionary as we implement management, not on the back end, after the management has been implemented.

CHAIR BORDEN: Toni.

MS. KERNS: Yes, you have Justin Davis followed by Dennis Abbott.

CHAIR BORDEN: All right, Justin, you're up.

DR. DAVIS: I can also support the PDTs recommendation here. I think I would want to assure those members of the public who have strong interest in seeing greater accountability for CE, that I think what we're doing here is listening to the PDT and what they are telling us about the best possible option to create some sort of guardrails, or greater accountability for CE.

The best option is to do that on the front end, not try to do accountability on the back end. I think a lot of time this interest from the public in accountability stems from instances in which there is perception that CE proposals did not produce the projected outcome. Sometimes the public wants to get into assigning fault over that, or motive.

You know I don't think that is really productive. As Dr. McNamee was noting, statistical anomalies can affect any state. They can affect a state if you implement the standard coastwide measure. I think the PDT has made a good recommendation here to

pursue front end options to provide some more guardrails on CE, and that is where we should focus.

One sort of note, this builds a little bit off of what Dr. McNamee was saying, that I also like the idea of this sort of potential requirement for a state pursuing CE to do a little bit more MRIP sampling, or some sort of sampling to improve, you know recreational data collection providing some incentive there.

I think that option fell under the CE accountability section in the document, and I am hoping that is not going to get sort of thrown out here if we remove CE accountability options. I would just advocate for trying to keep that in the document, and keep it in the discussion somehow. Thanks.

CHAIR BORDEN: We've got three in agreement, Dennis Abbott.

MR. ABBOTT: I fully believe in accountability in everything that we do in our life. I would like to see accountability here. However, I agree with Jason McNamee that it's not possible practically in fisheries, to determine accountability from year to year. Therefore, I think that the rigor on the front end, as previous speakers have mentioned, should be very strong, and as Eric Reid said, I think earlier, there is a luxury to what's CE, and you should really be looking to pay a price up front, before you are granted conservation equivalency. Thank you.

CHAIR BORDEN: Okay, so we have four in agreement. Does somebody want to raise their hand if they want to speak in opposition to what has been said? Is there anybody that wants to speak in opposition? Otherwise, I think we have a consensus.

MS. KERNS: I see no hands.

CHAIR BORDEN: No hands, I think we have a consensus on the issue. Does anyone got

anything new to add on this that was not stated? I'll recognize you.

MS. KERNS: Megan Ware, and that's it.

CHAIR BORDEN: Megan.

MS. WARE: Mr. Chair, my comment is just about CE in general, and potentially another option not about accountability. I can hold that or say it now.

CHAIR BORDEN: No, you can do it now.

MS. WARE: Okay, thank you. I guess I'm wondering if it is possible to have an option, either in this document or Toni, you can let me know or Emilie, if this is more appropriate for, like a Policy Board discussion about general CE procedures. You know we've had a state change their CE closure from what they had presented.

I really appreciate Mike providing that figure, because I think it provides a lot of rationale for why Maryland made their change. But I think it is appropriate for a state to notify the Board, if they are going to change their CE measures, you know ahead of that change being finalized in state regulations. I don't know if that is something that can be added into this document, but it notifies the Board, and make sure that people don't feel caught off guard, kind of after something has already happened.

MS. KERNS: Megan, that is already part of the procedures. It's one of the reasons why the Plan Review Team pointed it out to the Board. It is something that is supposed to happen.

MS. WARE: Okay, thank you, Toni. I'll just highlight that in the future that would be kind of great for states to follow. Thank you.

CHAIR BORDEN: Emilie, we're going to move on.

MS. FRANKE: I'm just moving on here to the last bit of this Amendment 7 presentation, and it's related to the management triggers. Again, as outlined in the PID, there are some shortfalls with the triggers

that have been identified. Again, sort of the variable nature of fishing mortality and continued need for a management action.

The Board has the desire for management stability, and there is some uncertainty with using point estimates. Also, some concern about making changes to management before the stock has a chance to respond to previous management measures, and then for the recruitment trigger there have been these longer periods of below average recruitment, and there is some question about the performance of the current recruitment trigger.

To account for all the different combinations of management trigger methods and timeframes, the PDT is looking at four tiers for the management triggers. The first tier will outline a set of alternatives for the fishing mortality triggers, the second tier will outline alternatives for the spawning stock biomass triggers. The third tier will outline options for the recruitment trigger, and the fourth tier will outline options for deferring management action. Those options would, for example, if a management trigger was tripped within a certain number of years, and some other criteria are met around spawning stock biomass, the Board could consider options for a differing management action. Then within each tier there will be some options for the Board to consider, and as Mr. Chair mentioned, we'll see these in more detail in the draft document.

But just as an example again, for the fishing mortality triggers, there is a set of alternatives thinking about the timeline to reduce fishing mortality to the target, a set of alternatives looking at the F threshold triggers, and a set of alternatives looking at the F target triggers. Then for the spawning stock biomass triggers, there will be a set of alternatives looking at a potential deadline to implement a rebuilding plan, a set for the spawning stock biomass threshold trigger, and then also a set for the spawning stock biomass target trigger.

The PDT is working to more fully develop the options for the next Board meeting. We did get a request from a Board member that any newly proposed triggers be tested to evaluate their performance. Asking that question of how would different triggers have performed in the past. The PDT did discuss this. The TC did as well, and the PDT does not recommend conducting this retrospective analysis at this time, because the stock assessment, the reference points have changed over time.

There have been updates to the assessment model, and our understanding of stock status have changed over time. It would be difficult to know how the stock would have responded if different triggers were in place, that maybe led to different management actions. The TC also pointed out that a full management strategy evaluation would be needed to fully answer this question.

Further recruitment triggers specifically, this is where the PDT and TC have some questions for the Board today. As we heard earlier, the recruitment trigger was triggered once by the North Carolina JAI in 2020. There is concern about the trigger performance, given this period of below average recruitment, and the TC has been working on exploring alternative options.

The TC took a look at, these are the six state JAIs, and took a look at the current recruitment trigger, and noted that that current trigger for recruitment failure, would have been tripped historically for most of these indices during the late 1970s and early 1980s, and you can see those little filled in yellow dots are times when the trigger would have been tripped.

Those correspond to a time period of very low abundance and poor recruitment. The first question for the Board is, just confirming what information does the Board want the trigger to provide? The TC noted that if the intent of the trigger is to identify true periods of recruitment failure for these long periods of very low recruitment events, like in the 1970s and 1980s, then the current trigger is sufficient to indicate

when these recruitment failure periods are happening.

However, if the Board is interested in the trigger tripping for periods of below average recruitment that aren't necessarily at historically low levels, but might allow the Board to be more precautionary with management, then the trigger would need to be revised. Overall, the TC is looking at several different options. They are looking at different trigger mechanisms, so for example a three-year average, a different reference point, for example a median. A different reference period that would exclude those periods of low recruitment. The PDT has found that in order for the trigger to be more sensitive, those years with very low recruitment need to be excluded from that reference period.

The TC is also considering options to only use a subset of the six juvenile abundance indices that are currently used, and the TC has discussed, at the recommendation of the Board, the potential to look at Age 1 indices. But those indices did not provide any additional or different information, so the TC does not recommend including those.

Finally, the TC is thinking about the estimates of recruitment from the model, and how those could be used versus the JAIs, which are currently used. Then the second question for the Board is how the Board intends to use a trigger that would trip during these periods of below average recruitment. Really, what type of management response would the Board consider?

Right now, the Board decides on the appropriate management response when the trigger is tripped, so there is no specific management response that is required. A potential option for this to consider in this Amendment would be to update that management response to a more specific action that would protect those weak year classes.

The TC, in thinking about what are some potential options that the Board could consider. The TC noted the Board could consider redefining the fishing mortality target, or the rebuilding framework to be more precautionary. For example, if recruitment is below average, then the calculated fishing mortality target, assuming this low recruitment regime, would actually be lower than the current F that is calculated based on average recruitment over that time period.

If the recruitment trigger was tripped, the Board could, for example, take action to reduce fishing mortality to that lower fishing mortality target; that takes into account that low recruitment. The Board could also use this low recruitment assumption when they are developing a rebuilding plan, and thinking about the actions that would need to be taken to achieve the target.

MS. FRANKE: Just in summary here, Mr. Chair, in these two questions for the Board feedback is, what information does the Board want the recruitment trigger to provide, and then how does the Board intend to use the trigger, and what type of management response would be considered, and for example this option of potentially redefining the fishing mortality target. Is that something that the Board would consider as a potential response to this trigger?

CHAIR BORDEN: All right, you've got two questions, let's take them in order. In terms of the recruitment trigger, what is the preference of the Board on the two options? Hands up?

MS. KERNS: Right now, I have Mike Armstrong.

CHAIR BORDEN: Mike.

MR. ARMSTRONG: I think we have a real opportunity to be precautionary, and to do something that could be very effective. Right now, we track recruitment failure, and sometimes it's a surprise, sometimes it is not. Again, our ability to address the causes of that, it's usually not SSB, it's usually environmental, so that is difficult. But the only thing we can do is to reduce F and try and

maintain SSB. Towards that, I think we should be targeting a period of low recruitment, rather than recruitment failure.

We had five years of average to poor recruitment. We did not that much very quickly, and we ended up with the SSB we have now, which is reduced. I think to be more precautionary, we should look at a trigger that is geared around below average, as opposed to recruitment failure. I have a lot more to say about that, but I won't say it now.

CHAIR BORDEN: Thanks, Mike, Mike prefers Option 2, other comments.

MS. KERNS: I don't have any other hands.

CHAIR BORDEN: Does anyone object to including Option 2? Any objection?

MS. KERNS: John Clark.

CHAIR BORDEN: John Clark.

MR. JOHN CLARK: Not an objection, I was just, a little more explanation there, based on what Mike Armstrong said. I thought we still don't have a strong stock recruit relationship for striped bass, so I'm just curious as to what the object would be to reduce F early on in the process of having like the poor recruitment, we've seen these past few years. Is this really going to make a difference? Just more curious. I guess that's more of an assessment question there. Thanks.

CHAIR BORDEN: Anyone else on this issue? Then we'll include Option 2.

MS. KERNS: I have a couple of hands up. Mike Luisi and then I think Mike Armstrong wants a second bite of the apple.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: This is a question for Emilie maybe, in regards to the discussions that have been ongoing with the PDT. When there is a

recruitment failure, let's say a couple years go by and depending on what that failure is defined as, and there is action that is necessary. Those fish that are part of that failure, they maintain residency within certain nursery areas for a number of years. Has the PDT been discussing what actions would be necessary?

Would those actions fall to the areas for which the recruitment failure happened, or would it be a coastwide consideration of the failure, and changes to future management? I just wonder what you guys have been talking about, as far as where the focus would be when there is a recruitment failure, whether it is in the Hudson or Delaware or Chesapeake. You know we just heard about down in North Carolina there is failure down there as well. Where would that focus be, as far as who needs to take those necessary reductions?

MS. FRANKE: The TC has really kept the discussion at a coastwide level. I think part of it is currently the status quo response is that it's at the Board's discretion what the appropriate action would be. But since the trigger hasn't been tripped until this year, there haven't been any examples of, you know what the appropriate action might be if only one juvenile abundance index, for example, showed recruitment failure in a certain area. The TC hasn't really discussed, if a specific region would have to take on the responsibility of responding to the trigger.

Everything has been coastwide at this point. One of the things the TC has discussed is again, thinking about which juvenile abundance indices would be part of the trigger, even potentially thinking about, should the trigger require that more than one abundance index trips the trigger, or some combination of that? I think indirectly the TC is sort of thinking about the spatial differences. But as far as a management response, the discussion has only been at the coastwide level.

MR. LUISI: Okay, thanks, Emilie for that, I appreciate it. Thanks, Mr. Chairman, that's all I have.

CHAIR BORDEN: Toni, anyone else with their hand up?

MS. KERNS: It was just Mike Armstrong.

CHAIR BORDEN: Mike, you get the last word on this issue.

MR. ARMSTRONG: I just wanted to respond. You know low recruitment, it's a warning that SSB is going to drop if we keep removals at the same rate. That is just going to happen. It's not just about SSB. The relationship is very loose, until you get to lower SSB, and then there is a relationship.

But it also reflects that the fishing experience gets lousy. People are complaining, and it's clear they want more bank. They don't say SSB, but ultimately that's what it means. They want more fish and big fish in the water. I'm talking about using low recruitment as a proactive way to start management actions, probably a few years before we actually see it coming along. That's how I see it.

CHAIR BORDEN: We're going to move on to the second question, you've got two options. Preferences, please put your hands up.

MS. KERNS: No hands yet.

CHAIR BORDEN: No hands up, no preferences? Does anyone have an opinion?

MS. KERNS: Megan Ware, and then followed by Mike Armstrong.

CHAIR BORDEN: Megan and then Mike.

MS. WARE: I think this may be more of a question for Emilie, but it seems like for that second question there, if you have two different F targets, one for low recruitment and one for regular recruitment. You would have to have two sets of measures, and that starts to sound like the harvest control rule that is happening in the Rec Reform Document. I'm wondering if

the PDT has had any discussion about relationship to kind of that style of management.

MS. FRANKE: The TC, you know in terms of how long would this F target be in place, if the Board were to respond to their recruitment trigger by redefining the F target to that lower, under that F target under that low recruitment assumption. The example thus far has been that until the recruitment trigger is no longer tripped, the TC could potentially come up with a few other options.

Maybe it's that new F is in place for a couple of years, or until the next assessment. But in terms of that changing reference points over time, that sort of general challenge hasn't really been discussed at the TC level. But I assume it will be something that comes up at the PDT level, in terms of the complexity associated with this type of management response.

CHAIR BORDEN: Thanks, Emilie. Mike Armstrong.

MR. ARMSTRONG: We're prolonging things too much. I'll just say, if you believe what I said on the first piece, that we should react to below average recruitment, rather than recruitment failure. I think the reaction should be to reduce F, and to consider using projections using as low recruitment regime.

It's the precautionary approach, and I would like to hear the opinions of the people. You know, they are going to have to pay a price to be precautionary, but do they want a high stock and less ability to harvest more fish? Anyway, I think the second option, but I'm not against keeping in both too, moving forward.

CHAIR BORDEN: Any other hands up, Toni?

MS. KERNS: Jason McNamee, and then Craig Pugh.

CHAIR BORDEN: Jason, and then we'll go to Craig.

DR. McNAMEE: You know I agree with what Mike Armstrong just said. My preference is, I like that second bullet there under the question as well. I guess what I was pondering, without raising my

hand in the beginning there was, so the status quo response is just Board discretion, right? Maybe I'm wrong on that.

But I guess I was thinking that the first bullet was inclusive of the second bullets. I wasn't inclined to remove either. But just to make the comment, I do like this idea of accounting for periods of low productivity, and sort of accounting for that, you know I think is a good idea, just like Mike just said. It's more a matter of what the first bullet means, and I thought it meant it's discretionary for the Board.

CHAIR BORDEN: Thanks, Jason. Craig.

MR. CRAIG D. PUGH: Yes, my question would be, in periods of the opposite, in higher recruitment, would that result in a sunset of these restrictions, as we go on with these discussions? It seems as though we're focused on this low recruitment, as though it's going to be an anomaly that stays with us forever. But if we do have periods of high recruitment, what is going to be the response back to the fishery?

MS. FRANKE: This is Emilie, Mr. Chair. The TC has discussed the potential for you know if there is this option to calculate a new F based on a low recruitment assumption, then there could be an option to calculate a new fishing mortality target, based on a high recruitment assumption. That is something that the TC could include in the draft, or could recommend that the PDT include in the Draft Amendment.

CHAIR BORDEN: Anyone else? I would just make the simple point that to some extent, the Board always maintains the option to do an addendum in response to a condition like this. That is also on the table.

MS. KERNS: You have one last hand, and that is Tom Fote.

CHAIR BORDEN: Tom Fote.

MR. FOTE: We basically manage for recruitment, yet when we do stock assessments

and we look at the stock assessment, we say spawning stock like summer flounder, has no affect it seems on recruitment, I mean half the spawning stock biomass that we had in summer flounder, we had better recruitment.

We've been trying to maintain this high spawning stock biomass, and just had poor recruitment all along. When we basically shut down weakfish, and we shut down winter flounder, it hasn't done anything for recruitment. We basically stopped fishing for them. I'm not ready to basically start panicking when we have average or below average recruitment.

CHAIR BORDEN: Emilie, it sounds like we've got a few different positions here. I guess my take is let the PDT kind of develop both, unless somebody objects.

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so we're going to move on, because we're going to run out of time here. Anything else on this agenda item, Emilie?

MS. FRANKE: I just have one more slide on the 2015-year class, in case folks were wondering why that issue hasn't come up yet. Again, there is concern the 2015s are entering the slot limit, some concern they have already entered the slot limit, and the TC is currently working on analysis, both to estimate the size at age of these year classes over time, and also to estimate the distribution of those year classes by size. The TC is working on this analysis, and will report to the PDT with those recommendations. Then just to wrap up, the PDT and TC will continue to meet over the next several weeks. Again, with the intent of providing the Board with a draft amendment document in October. That's all I have, Mr. Chair. I just want to say thanks so much to all the Board members for all their feedback today.

REVIEW OPTIONS FOR ADDRESSING COMMERCIAL QUOTA ALLOCATION IN A FUTURE MANAGEMENT DOCUMENT

CHAIR BORDEN: Okay, Emilie, if you would like to move on to Item 7 on the agenda, please? While you're getting organized, let me just say that in anticipation that this issue came up at the last Board meeting. The vote as most of you will recall was a tie vote, so it failed.

As a response to that I requested that given the number of individuals that spoke in favor of trying to do something, I asked the state of Delaware delegation to meet with the Commission staff, and further develop options for consideration at this Board meeting. That has been done, and you're going to get a report on that, so Emilie.

MS. FRANKE: I have pulled up the presentation here on the screen. I just have a couple of slides that just outline the content that was in the memo that was part of supplemental materials. As the Chair just mentioned, he requested that staff from the Commission in the state of Delaware prepare options and timelines for addressing this issue.

Delaware has raised this issue for several years, and there was some interest at the last Board meeting in reviewing more recent data for commercial allocation. There was also some concern that addressing commercial allocation in Draft Amendment 7 would make the amendment process longer, and more complex.

In response to that request, the Commissioners from the state of Delaware developed options to potentially address their concern, and then Commission staff prepared some perspective on the process and timeline, considering that Draft Amendment 7 is currently being developed at this time. This is the list of options that the state of Delaware has developed to address their concerns about commercial quota allocation, and a full description of each is included in the memo.

Just as a quick overview, staff perspective on these issues. Thinking about Option B, which is allowing for a commercial quota transfer, voluntary transfers from a staff perspective, this option could potentially be developed as an addendum to Amendment 6, concurrent with the development of Draft Amendment 7.

Also, since this option is less complex, it doesn't have that same complexity as some of the other options. The Board could potentially consider adding it to Draft Amendment 7 to sort of streamline that process. For the rest of the options, starting with Sub-Option 2, which is voluntary transfers, but only to other states that filled their commercial quota.

Reallocating commercial quotas based on historical quotas, fishery management and fishery performance, and then the option where quotas would be adjusted based on contribution of the estuary to the coastal spawning stock. From staff perspective, the complexity of those options would mean that those would likely need to be addressed after Amendment 7 is approved in an addendum to Amendment 7. Again, a little bit more specific perspective. If the Board decided to pursue this proposed option that would allow voluntary quota transfers, from staff perspective this option could potentially be developed alongside Amendment 7 as an addendum to Amendment 6, with some caveats.

Commission staff would not be available to conduct individual state hearings, but could conduct up to three webinar hearings. States could hold additional hearings on their own. Commission staff would have a preference for collecting public comment via a survey. If this option were developed as an addendum to Amendment 6, this could potentially be implemented in 2022.

Additionally, since this option doesn't have the same complexity as some of the other options do, the Board could potentially consider including this type of voluntary transfer option in Draft Amendment 7. From a staff perspective, this would streamline the development of that option with the

current Amendment 7 process, and the estimated implementation date for that would be 2023.

That is the Commission staff perspective on this Sub-option 1, voluntary transfers. Then for the remaining options, again Sub-option 2, voluntary transfers, but only to other states that filled their commercial quota. Option C, which would reallocate quotas based on certain criteria related to Amendment 6 historical quotas, fishery management, and recent fishery performance, as well as Option D, which would adjust the quotas based on contribution of the estuary through the spawning stock.

From a Commission staff perspective, the complexity of these options would result in these options likely needing to be pursued as an addendum to Amendment 7. That would be after final action is taken on Draft Amendment 7. This is the same slide that I had up before, just a quick summary, and again I just want to say thank you to the Commissioners from the state of Delaware for developing these options, and I will turn it back over to you, Mr. Chair.

CHAIR BORDEN: What I would like to do is I would like to go to the Delaware delegation of the Board, John Clark and his delegation, an opportunity to offer any comments, and then we'll take general questions on this or comments, so John.

MR. CLARK: Thank you Mr. Chair, thank you Emilie, and thanks to Emilie and Toni for working with us to develop these options. Tried to keep it very simple, and tried to look for a option, you know as Emilie pointed out, the first option there is voluntary transfers. We are not trying to do a full reallocation everywhere, because we know how fraught that process would be. Just looking to get more in the simplest way possible here.

We also understand that there might be some concern with just voluntary transfers, because it could end up with more questions of states

asking for transfers that maybe they don't really need, or what have you. We added some criteria first with the Sub-option 2 there, to at least make sure that transfer would only go to states that had filled their quota the previous year. For Option C, adding the specificity there we thought would help, it would really narrow down where the quota could come from, and where the quota could go to. I'm sure if anybody who has read through it saw that really the only state that would qualify under all three criteria would be Delaware. Some of the performance measures I put in there, or the criteria that we put in there, also demonstrate just the small scale of the fishery in Delaware. I mean the fact that striped bass are over 50 percent of our total commercial finfish landings for each of the past five years, shows that we are very traditional, small-scale fishery here.

The fact that one of the other criteria was double tagging the fish. Our fishermen tag the fish, another tag has to be put on by a weigh station. It just shows how we are managing this fishery very carefully. The fishermen cooperate fully in that. Finally, the last option there was just to bring back the whole idea that we've brought up several times to the Board about the producer area status.

It was just a very back of the envelope thought exercise there, but if there was any desire to start looking into producer area status again, put that in there also. But as I said, tried to keep things simple, and hopefully we can use this process to increase Delaware's quota without causing a huge debate over reallocation. Thank you, Mr. Chair.

CHAIR BORDEN: Thanks, John. Any other representatives from Delaware want to speak to this?

MS. KERNS: Craig Pugh has his hand up.

CHAIR BORDEN: Craig.

MR. PUGH: I also want to thank staff for helping us develop this. It's been a long time coming to have this conversation, and it's been our long-term thought here, and then it's the undeniable fact that

the inequities and balance that are supposed to be provided to us through the charter and the five-year strategic plan, have not applied to the state of Delaware.

For some reason we've been shuffled out here, and we would like to be included in a more fair, balanced, equitable dispersion of the allocation. We feel as though maybe some of these options if allowed, will help us along with that process. I guess the last point I want to make is kind of laughable.

But about half hour ago that the TC recommended that the 1970s and 1980s data is unacceptable for their triggers, but yet it is the acceptable commercial harvest process that we live under, which seems to have encumbered this problem upon the state of Delaware. It's kind of nice to see that some of these conversations are able to be had, and I'm looking forward to this Board discussion. Thank you.

CHAIR BORDEN: Thanks, Craig. Anyone else on this? If there are no hands up from the delegation, let me ask for general comments on this. My assumption, Emilie, is this will require a motion at the end, if we're going to proceed with one course of action, obviously we could delay action until the next meeting, and let everybody digest this. But let's take a few comments. Comments on the concept.

MS. KERNS: We have Mike Armstrong and Pat Geer.

CHAIR BORDEN: Mike and then Pat.

MR. ARMSTRONG: Thank you, just a quick question. If we added Option B, Sub-option 1, voluntary transfers to this Amendment. You mentioned the implementation would be 2023. I thought the original timeline for the Amendment was 2022, in spring. Are you saying if we add this to the Amendment we would prolong the timeframe, or just for the implementation of this particular option?

MS. FRANKE: Hi Mike, this is Emilie. I think the implementation date for Amendment 7 conservatively is 2023, if we stay on this timeline of approving the final Amendment 7 it's February. I think there is some question as to what provisions from that Amendment could be implemented that same year in 2022.

To answer your question, would adding this particular issue to the Amendment prolong the full Amendment timeline? No, it would not. I think a final implementation date for Amendment 7, you know maybe some parts of it could be implemented in '22, I think the PDT just isn't sure if this Amendment is approved in February, what could be implemented immediately.

CHAIR BORDEN: Toni, was it Pat Geer?

MS. KERNS: Yes, followed by Emerson Hasbrouck.

CHAIR BORDEN: Pat.

MR. GEER: Thank you, Chairman. I just have a question to one of our striped bass historians about why transfers are not allowed in this fishery. You know, does someone have an answer to that? Why has it never been allowed?

CHAIR BORDEN: Does someone want to speak to that?

MS. KERNS: I can't say why the Board chose not to allow them, but it was considered in a previous document. I see Bob has his hand up. Maybe he can say why.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Pat, my recollection is that they were not allowed while we were, even before my time the Board was trying to rebuild the striped bass stock. Then once it was rebuilt, the Board sort of felt comfortable with not allowing transfers. Part of it had to do with where those fish came from.

If you move fish from North Carolina to Maine, well North Carolina to Massachusetts, that's probably the farthest commercial quotas. You know with that impact differentially, where those fish came from and the spawning populations and that sort of thing. But again, most of it is a holdover from the rebuilding days of the early '90s.

MR. GEER: Okay, thanks.

CHAIR BORDEN: Then Mike Armstrong.

MR. ARMSTRONG: Yes, Mr. Chair, I already asked my question.

CHAIR BORDEN: Who did I miss, Toni?

MS. KERNS: You have Emerson Hasbrouck followed by Roy Miller.

CHAIR BORDEN: Emerson and then Roy.

MR. HASBROUCK: I would certainly support consideration of Option B, Sub-option 1, voluntary transfers, either as an addendum to Amendment 6, or to add this into Draft Amendment 7. I would support moving that forward in some fashion, or at least considering moving that forward in some fashion, and let's hear what the public has to say about it. In terms of anything with Option C and Option D, reading the details that were in the memo in our meeting materials.

I have some issues and concerns about Option C and Option D. I don't know that right now is the time to get into that, especially if we're not considering any action on those. But once we do or if we do go forward with anything in Option C and D, I think we need to have an in-depth discussion about that.

CHAIR BORDEN: My question to staff is, do we need, obviously it would be helpful to provide some guidance on where we want to go to the staff today. But do we need to make the final decision today to commit to a path, or will that, because you've got two options, or will that

decision be made at a subsequent meeting? Emilie, I think that is probably a question to you.

MS. FRANKE: Toni, correct me if I'm wrong, but I think if a Board wanted to pursue Sub-option 1, voluntary transfers, through either an addendum to Amendment 6, or through adding that to Draft Amendment 7. That would need to be addressed today, in order to get that process started, because we intend to have a draft amendment document by next meeting, so we would need to know if we were to add it to that document, and in order to have an estimated implementation of 2022 through and addendum to Amendment 6, I think that would also need to start today.

CHAIR BORDEN: Thank you, that is helpful. Toni, who else do you have on the list?

MS. KERNS: I had Roy Miller, Joe Cimino, and Ritchie White.

CHAIR BORDEN: Okay Roy, you're up.

MR. MILLER: Thank you, Mr. Chair, I'll be very brief. I just wanted to agree with what Bob said regarding the history of this process. We were in a rebuilding mode from the 1980s until the mid-1990s. This is from someone who was there during that time. It carried over into the restoration of the coastwide stock, and even the Delaware stock in the mid-1990s. It's just something we haven't dealt with since then, so those transfers when we were in a rebuilding mode no one wanted to consider transfers. Once the stock was declared restored, the subject hadn't come up again until very recently. Thank you.

CHAIR BORDEN: Thanks, Roy. Joe Cimino.

MR. CIMINO: I do have some concern with starting an addendum process in the midst with all of this. I am not opposed to Option B, Sub-option A being carried out to the public, and I think maybe having that done in Draft Amendment 7 makes sense. I could support that. Thank you.

CHAIR BORDEN: Okay, let's see, Ritchie White.

MR. WHITE: Question. Where this was not in the first document to go out to the public, when we do an amendment, is it appropriate that we bring something in at this time? That's just a question. Secondly, I'm not opposed to the Sub-option 1, but would there be any constraints on that?

With a look at North Carolina, and even Massachusetts not sowing theirs in the last few years. It could be fairly substantial transfers that get harvested that then increase mortality. I guess that would be a concern. I guess I have concern over, can we bring this in at this time in an amendment, would be the biggest question. Thank you.

CHAIR BORDEN: Ritchie, to that point, and the staff can take a counterpoint if they believe this is incorrect. This issue was raised during the scoping meetings, I believe, by the representatives from Delaware. I'm not sure I totally understand your point. It has been raised as part of Amendment 7, and obviously the Board has the right to do an addendum as part of Amendment 6. I'm missing the point. It was raised as part of the process, and the staff please correct me if I misspeak.

MR. WHITE: A follow up.

CHAIR BORDEN: Yes, just let's try to get the staff to give us a history, instead of going on my recollection. Was this raised as part of the scoping process?

MS. KERNS: You are correct.

CHAIR BORDEN: I'm correct, okay, so Ritchie, you want to follow up?

MR. WHITE: Yes. It's bringing it back into the Amendment, where it was not voted to continue in, and the public saw that. I guess I'm more comfortable with an addendum than bringing it back into the Draft Amendment.

CHAIR BORDEN: Does anyone from the Delaware have a draft motion that they would like the Board to consider? It seems to be, and I'm not trying to put words in everybody's mouth. You've got some support around Option B, particularly Sub-option 1. There have been a number of people have spoken in favor of that, and talked about the complications with Option C and D. John, do you or somebody on your delegation want to make a motion?

MR. CLARK: Yes, I sure would, Mr. Chair, **and I would move to initiate an addendum to allow voluntary transfers of striped bass quota.** If I could just, for Ritchie's concern about the transfers, that is why we had the other options in there, Ritchie, to try to limit where the transfers would go. But obviously that would be an issue once the Amendment is actually done.

CHAIR BORDEN: I have a motion by Mr. Clark, is there a second to the motion?

MS. KERNS: I have Pat Geer.

CHAIR BORDEN: Seconded by Pat Geer, discussion on the motion. Any hands?

MS. KERNS: Mr. Chair, just really quickly before we go to comments, and I'm going to recreate my list. **Can we say allow voluntary transfers of commercial striped bass quota?**

CHAIR BORDEN: John, do you agree to that perfection?

MR. CLARK: That's fine with me, yes.

CHAIR BORDEN: How about you, Pat, do you agree?

MR. GEER: Yes, I'm fine with that.

CHAIR BORDEN: Okay, so any other perfections, Toni?

MS. KERNS: That is all my perfections. I have on the list here Megan Ware and Mike Armstrong, and I'll have additional names for you.

CHAIR BORDEN: Okay, I've got Megan and then Mike.

MS. WARE: I'm not really sure how I'm going to vote on this, and I think what's giving me pause is, because of the history recap we've had on transfers the Board decided not to use transfers in a rebuilding period, yet we're finding ourselves in that same situation now. I'm a little concerned that transfers are going to increase the catch.

Is that counter kind of to the status of the stock that we're in right now? I actually think Delaware has a very strong argument for wanting to review allocation, particularly when we discussed it on the Striped Bass Work Group. They had a lot of merits to their argument. I'm not sure how I'm going to vote on this, but I am a little concerned about kind of what this could lead to in the status of our stock.

CHAIR BORDEN: Mike Armstrong.

MR. ARMSTRONG: I would vote against this right now. I think the actual addendum needs to be pretty comprehensive, and I think there are more options that need to be considered, than what Delaware has brought forward. I think the first one of voluntary transfers, if I was Delaware, would not be very satisfying to me, to have to come with your hand out and depend on the largesse of Massachusetts, for instance. I don't know how you plan your commercial fishery that way.

I think we need a full amendment with a fair amount of options and a lot of discussion. For that reason, I would rather it be an addendum to Amendment 7, which will only delay the process. We'll be essentially done, hopefully in February. I don't think it's kicking the can down the road too much, and I think it would be more effective to be able to concentrate fully on an addendum like this.

CHAIR BORDEN: Anyone else, Toni, on the list?

MS. KERNS: Yes. Tom Fote and then Mike Luisi.

CHAIR BORDEN: All right Tom and then Mike.

MR. FOTE: We have a striped bass stock that we say is overfished and overfishing is taking place. We are putting a lot more restrictions on the recreational sector. At the same time, we're going to allow transfers of unused commercial fish from one state to another, and also where states are leaving fish in the water.

I mean it will make the public hearing process a lot more interesting. I don't know, I think it's better that we finish Amendment 7, and do this in an addendum after the Amendment 7 is passed, because this is going to complicate the public hearing process. I can see everything else getting drowned out by people that don't want to see any increases in the commercial fishery.

CHAIR BORDEN: Mike Luisi, and let me encourage future speakers to start by saying they are in favor or opposed. It would be useful. Mike Luisi.

MR. LUISI: I'm in favor of the concept. I fully support my colleagues in Delaware for their interest in trying to find a way to add to their commercial striped bass quota. What I don't understand from the motion is the timing, and it goes to the last two commenters. It says initiate an addendum. Is that an addendum to Amendment 6 that is going to start now? Is that an addendum to Amendment 7, which as Mike and Tom just alluded to will be finalized hopefully in late winter, early spring of next year.

You know that is a question for John, as to what the intent here is. Personally, I would prefer that we get through Amendment 7 first, and then work on an addendum to Amendment 7, where this commercial issue, as Mike mentioned, could be more fleshed out. There could be other options discussed, and it would just be more comprehensive. That's a question for John, and then for you, Mr. Chairman. I support the concept, I'm just not sure as to what it actually means, based on the language in the motion.

CHAIR BORDEN: John, could you provide a little bit more guidance?

MR. CLARK: Sure, thanks, Mr. Chair. I had intended for an addendum to Amendment 6, based on the input we just had from Emilie and Toni that to start an addendum for Amendment 6 we would have to start today. But I understand some of the hesitation. This is obviously a very basic motion here.

If you look at our memo, what we were getting at here, A) the Board would have to approve any transfers, B) it would only be for a year. If you look at the situation, the main situation we have where quota is going unused is North Carolina, which has about close to 300,000 pounds of coastal striped bass commercial quota that is being unused. Delaware would not be asking for all of that by any means. I just want to allay fears of what we would be asking for.

I think this could work. You know as I said, we try to do things as simply as possible, and in a way that would have the least amount of impact obviously to the stock, and also to other states, and to the commercial fishery in general. If there are any other questions about what we were intending here, I could answer those. But I hope that explains it a little more. Thanks

CHAIR BORDEN: John, do you want to perfect the motion so it reads, move to initiate an addendum to Amendment 6? Add in Amendment 6.

MR. CLARK: Yes, that would be good, thank you, Mr. Chair.

CHAIR BORDEN: Pat, is that perfection all right with you?

MR. GEER: Yes. Yes, I'm fine with that. I wanted to open the discussion on this, so I'm fine with this.

CHAIR BORDEN: Additional discussion on this, hands up, Toni.

MS. KERNS: I have Roy Miller. John Clark, I don't know if your hand is intentionally still up, no it's not, and I think Roy just took his hand down, and then Cheri Patterson.

CHAIR BORDEN: Roy, I'm unclear whether your hand is up or down.

MR. MILLER: I put it down, Mr. Chair.

CHAIR BORDEN: Okay, thank you, because I can't see the hands, so Cheri.

MS. PATTERSON: Yes, I'm still kind of waffling on this one. I think that there is some unintended consequences that aren't really defined here, that I think needs to be further fleshed out. That might happen when you initiate this addendum. One of my concerns here is, all of a sudden seeing states that don't have a commercial fishery for striped bass currently, you know they have no quota, no fishery.

All of a sudden, those states can now receive commercial striped bass quota? I don't think that is the intent of Mr. Clark. I'm thinking he's just thinking it's going to move around similar to what we do with menhaden and such. But I think there are some unintended consequences here that need to be further thought through. Do we want to allow voluntary transfers of commercial striped bass quota, and just put a caveat that this is only for states that have a commercial quota?

MS. KERNS: You have John Clark.

CHAIR BORDEN: John.

MR. CLARK: Sorry, Mr. Chair, not to change the motion yet again, but perhaps it would allay some of Cheri's concerns there if we put in there, allow voluntary transfers of commercial striped bass quota, as outlined in the memo of July, what was the date there? The memo of July 26, 2021 to the

Striped Bass Management Board regarding these transfers.

CHAIR BORDEN: All right, we've got another perfection. Pat, are you okay with this perfection?

MR. GEER: I'm okay with this. I might suggest doing it a little simpler by saying, voluntary commercial striped bass quota transfers from any state presently holding quota, or something like that. But I mean, it's in the memo. I was just trying to, instead of referencing the memo saying it's only for states that presently hold quota.

CHAIR BORDEN: John, is that what your intent is, and if you say yes, I think we can leave the motion the way it is.

MR. GEER: Yes, that's fine.

MR. CLARK: Yes, because the motion as was Amendment 6. We're only talking about states that have commercial striped bass quota. Thank you.

CHAIR BORDEN: I ask that that be part of the record. Further discussion on this.

MS. KERNS: I have Ritchie White, and then I'll have a follow up question at the end, Mr. Chairman.

CHAIR BORDEN: We're over our time slot here, and we still have got one agenda item on the agenda, so I am going to limit the discussion, and basically call the question on this after a couple more points. Ritchie.

MR. WHITE: I'm opposed to this as written. I could support if it was an addendum to Amendment 7. We're rushing this too fast. There are a lot of issues that are not flushed out yet. I'm in favor of the general concept, but concerned with some of the details. I'm just saying that any state that has a commercial quota.

New Hampshire has a couple thousand pounds, Maine has, I think 400 or something. The idea that then those states could open up, you know a substantial commercial fishery, I think is not the direction the Board wants to go. I would like to see this slow down a little bit, and see it be an addendum to Amendment 7. Thank you.

CHAIR BORDEN: Toni, you want to comment, but is there anyone else on the list?

MS. KERNS: I don't have any additional hands at this time.

CHAIR BORDEN: Okay, so Toni, you get the last word, and then I'm going to ask for a two-minute caucus period. Then we're going to call the question.

MS. KERNS: I just want to reiterate the sort of preferences of staff, in terms of how the amendment process would work. One of the reasons that we said we could do this is that we said we would do three virtual public hearings, we would not hold individual state hearings. I just want to make sure that that is clear.

Staff has a strong preference to conduct the comments by survey. It still includes the ability to do open comments, but it will help us sort the comments in a much more efficient way. I just want to put those two things out there, to make sure that everyone understands that that is what we would be agreeing for at least the hearings we would be agreeing to.

CHAIR BORDEN: Toni, thank you for raising that. That was part of Emilie's presentation, and I would just point out my interpretation was there was no objection by any Board member to doing that. I think you've got a directive from the Board to conduct the hearings in that manner. I'm going to declare a two-minute break for a caucus. We'll reconvene at 12:54. We've got the timer on. Thank you. All right, time is up. Are we back on?

MS. KERNS: I'm here.

CHAIR BORDEN: Okay, are you ready for the question?

MS. KERNS: I'm ready.

CHAIR BORDEN: Okay, Toni, so we have a clear vote, could you call a role please?

MS. KERNS: I can. I can call off the names.

CHAIR BORDEN: Or would you prefer to just call the vote? We need to have the states individually identified how they vote.

MS. KERNS: Yes, I'll do that when they raise their hands. Can you read the motion?

CHAIR BORDEN: All those states in favor of the motion to initiate an addendum to Amendment 6, and I'll read it in the record. Move to initiate an addendum to Amendment 6 to allow voluntary transfers of commercial striped bass quota as outlined in the memo of July 26, 2021 to the Atlantic Striped Bass Management Board regarding these transfers. It was a motion by Mr. Clark, seconded by Mr. Geer. All those in favor of the motion signify by raising your hands.

MS. KERNS: I have Connecticut, Delaware, Virginia, New York, Rhode Island, Maryland, North Carolina, Potomac River Fisheries Commission, and Maine.

CHAIR BORDEN: Okay, thank you. If you would put down the hands. All those in opposition to the motion, please put up your hands.

MS. WARE: Toni, just to clarify. Maine did not vote yes on that is my understanding.

MS. KERNS: I'm going to need to put the hands down, and people are going to have to re-raise their hand for those in opposition, and I have removed Maine from a yes. I need to have the hands come back up now, for those in opposition. I have NOAA Fisheries, Maine, New

Jersey, Pennsylvania, Massachusetts, New Hampshire, and Fish and Wildlife Service.

CHAIR BORDEN: All right, if you would put the hands down, Toni, if you could.

MS. KERNS: I'm ready.

CHAIR BORDEN: Are you ready? Any null votes, any hands up?

MS. KERNS: I have no hands.

CHAIR BORDEN: Any abstentions?

MS. KERNS: I have no hands.

CHAIR BORDEN: Toni, could you give me the count, the final count, please?

MS. KERNS: Emilie, did you get eight?

MS. FRANKE: Yes, I had 8 in favor, 7 opposed.

CHAIR BORDEN: All right, so the final vote is 8, 7, 0, 0 motion passes. Okay, anything else on this issue?

OTHER BUSINESS

APPROVAL OF ADVISORY BOARD MEMBERS

CHAIR BORDEN: If not, we've got one other item on the agenda, which is approval of Advisory Board members. Tina Berger.

MS. TINA L. BERGER: Thank you, Mr. Chairman. I offer for your consideration and approval two advisory nominees from Maryland; Chris Dollar, an outdoor columnist and fishing guide, and Charles Green, a for-hire captain. Both of these nominees fill vacant seats on the panel. Thank you.

CHAIR BORDEN: Any questions on that? Any hands up, Toni? Any objection to approving this recommendation?

MS. KERNS: I have no hands in objection.

CHAIR BORDEN: No hands up, the motion stands approved with unanimous agreement. Any other issues to come before the Board?

MS. BERGER: Mr. Chair, I think we need a motion maker and seconder.

MS. KERNS: You have Mike Luisi and Marty Gary as maker and seconder.

CHAIR BORDEN: That's the second time I've gotten ahead of myself today. Thank you, Mike and Marty for the motion. We have a motion, any objections to the motion? **If there are no hands up, the motion stands approved by unanimous consent.**

MS. KERNS: No hands are up.

ADJOURNMENT

CHAIR BORDEN: Okay, so is there anything else to come before the Board today? We're close to being on time, I would point out. If no hands up, the meeting is adjourned. Thank you very much, all, and Emilie, thank you for all your work on this, and Toni and the rest of the staff, thank you.

(Whereupon the meeting adjourned at 1:00 p.m. on Tuesday, August 3, 2021)