

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

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

August 1, 2023

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INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings from May 2, 2023** by consent (Page 1).
3. **Move to approve the 2022 Fishing Year FMP Review and state compliance report** (Page 5). Motion by Emerson Hasbrouck; second by John Clark. Motion passes by unanimous consent (Page 6).
4. **Move to extend the Board’s May 2, 2023 emergency action of 31” maximum recreational size limit for one year or until the implementation of Addendum II, whichever comes first, effective October 28, 2023** (Page 13). Motion by Mike Armstrong; second by David Sikorski. Motion passes (Roll Call: In Favor – NH, ME, DE, MD, VA, NC, PA, NOAA, USFWS, NY, CT, MA, RI, PRFC; Opposed – DC, NJ; Abstentions – None; Null – None) (Page 16).
5. **Move to add under 3.1.1 and under 3.1.2, an option that states that any recreational season closure implemented through this addendum would be a no harvest closure and an option that states any recreational season closure implemented through this addendum would be a no targeting closure** (Page 28). Motion by Emerson Hasbrouck; second by Michael Luisi. Motion passes (Roll Call: In Favor – PRFC, RI, NY, NJ, PA, NC, VA, DC, MD, DE; Opposed – NH, ME, CT, MA; Abstentions – NOAA, USFWS; Null – None) (Page 30).
6. **Main Motion**
Move amend Chesapeake Bay Recreational Options B and D to include maximum size limit options ranging from 23” to 26” in 1” increments and remove all other options (Page 31). Motion by Mr. Mike Armstrong; second by Justin Davis. Motion amended (Page 34).

Motion to Amend
Move to amend to add “H” after “D” (Page 34). Motion by David Sikorski; second by John Clark. Motion passes by unanimous consent (Page 35).

Main Motion as Amended
Move to amend Chesapeake Bay Recreational Options B, D and H to include maximum size limit options ranging from 23” to 26” in 1” increments and remove all other options. Motion passes by unanimous consent (Page 35).
7. **Move to add new options to section 3.1.1 and 3.1.2 to Draft Addendum II that allow for mode splitting. These are options B, C, and D as defined in the PDT memo to the board dated July 17, 2023 for section 3.1.1 and options H as defined in the PDT memo to the board dated July 17, 2023 for section 3.1.2** (Page 35). Motion by Jason McNamee; second by Emerson Hasbrouck. Motion passes (Roll Call: In Favor – NH, DE, MD, DC, VA, PA, NJ, CT, RI, PRFC, NY; Opposed – ME, NC, MA; Abstentions – NOAA, USFWS; Null – None) (Page 37).
8. **Move to replace Ocean Recreational Option B with the slot limit of 28” to 31” with no seasonal harvest closures and remove Option C and D** (Page 37). Motion by Mike Armstrong; second by Cherri Patterson. Motion passes (Roll Call: In Favor – PRFC, MA, NOAA, VA, MD, DE, ME, NH; Opposed – RI, NY, NJ, PA, NC, DC; Abstentions – USFWS; Null – CT) (8 in favor, 6 opposed, 1 abstention, 1 null) (Page 38).

9. **Main Motion**

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced by 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans) (Page 39).
Motion by Justin Davis; second by Mike Armstrong.

Motion to Substitute

Move to substitute to remove Option B2 from Section 3.2.1 (Page 44). Motion by Emerson Hasbrouck; second by Craig Pugh. Motion fails (Roll Call: In Favor – RI, NY, DE; Opposed – NH, ME, MD, VA, NC, PA, NOAA, USFWS, NJ, CT, MA, PRFC; Abstentions – DC; Null – None) (Page 45).

10. **Main Motion**

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced by 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion to Amend

Move to amend to add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits (Page 45). Motion by John Clark; second by Dennis Abbott. Motion passes (Roll Call: In Favor – NH, ME, DE, VA, PA, NOAA, USFWS, NJ, CT, MA, RI, PRFC; Opposed – MD, NC, NY; Abstentions – DC; Null – None) (Page 47).

Main Motion as Amended

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced up to 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion to Amend

Move to amend to replace “by” with “up to” in Option B (Page 48). Motion by Pat Geer; second by Raymond Kane. Motion passes (Roll Call: In Favor – NH, ME, DE, MD, VA, NC, PA, NOAA, USFWS, NJ, NY, CT, MA, RI, PRFC; Opposed – None; Abstentions – DC; Null – None) (Page 48).

Main Motion as Amended

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced up to 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion to Amend

Move to amend to add Option C that would reduce commercial landings up to 14.5% from 2022 commercial landings (Page 48). Motion by David Sikorski; second by Mike Armstrong. Motion fails (Roll Call: In Favor – CT, NH, PA; Opposed – ME, MD, VA, NC, DE, NJ, NY, MA, RI, PRFC; Abstentions – DC, NOAA, USFWS; Null – None) (Page 49).

Main Motion as Amended

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced up to 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion passes (Roll Call: In Favor – NH, ME, DE, MD, VA, NC, PA, NOAA, USFWS, NJ, CT, MA, RI, PRFC; Opposed – NY; Abstentions – DC; Null – None) (Page 50).

11. **Move to add the at-sea filleting options from the PDT memo** (Page 50). Motion by Justin Davis; second by Mike Armstrong. Motion passes by consent (Page 51).
12. **Move to add an option to the addendum that prevents the alteration of the length of a striped bass prior to landing at the dock** (Page 52). Motion by Roy Miller; second by Dennis Abbott. Motion fails (Roll Call: In Favor – NH, DE, RI; Opposed – ME, VA, NC, PA, NJ, NY, CT, MA, PRFC, MD; Abstentions – DC, NOAA, USFWS; Null – None) (Page 53).
13. **Move to adjourn** by consent (Page 60).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Jeff Kaelin, NJ (GA)
Rep. Allison Hepler, ME (LA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Cheri Patterson, NH (AA)	Tim Schaeffer, PA (AA)
Doug Grout, NH (GA)	Loren Lustig, PA (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE (AA)
Mike Armstrong, MA, proxy for D. McKiernan (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Michael Luisi, MD, proxy for L. Fegley (AA Acting)
Jason McNamee, RI (AA)	Robert T. Brown, MD, proxy for R. Dize (GA)
David Borden, RI (GA)	David Sikorski, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Pageer proxy for J. Green (AA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Bill Hyatt, CT (GA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Craig Miner, proxy for Rep. Gresko (LA)	Marty Gary, PRFC
Jesse Hornstein, NY, proxy for B. Seggos (AA)	Dan Ryan, DC, proxy for R. Cloyd
Emerson Hasbrouck, NY (GA)	Max Appelman, NMFS
Joe Cimino, NJ (AA)	Rick Jacobson, US FWS

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

Ex-Officio Members

Nicole Lengyel Costa, Technical Committee Chair	Mike Celestino, Stk. Assmnt. Subcommittee Chair
Jeffrey Mercer, Law Enforcement Representative	

Staff

Bob Beal	James Boyle	Jainita Patel
Toni Kerns	Caitlin Starks	Kristen Anstead
Tina Berger	Emily Franke	Jeff Kipp
Katie Drew	Tracey Bauer	Pat Campfield
Alex DiJohnson	Madeline Musante	Kurt Blanchard

Guests

Dave Anderson, The Fisherman Mag.	Sportfishing Assn	Matt Broderick, The Fisherman Mag.
Pat Augustine	Sue Bertoline	Jeffrey Brust, NJ DFW
Andrew Aus	Jessica Best, NYS DEC	Francis Buckley, Rowan University
Meredith Bartron, US FWS	Alan Bianchi, NC DMF	Ron Buffington, JLS Light Tackle Guide
Rob Beal, ME Marine Patrol	Fred Bird, Congressional Sportsmen Foundation	Scot Calitri, NH F&G
Rick Bellavance, Priority Charters. LLC	Kalil Boghdan	Craig Cantelmo, Van Staal
John Bello, VA Saltwater	Jason Boucher, NOAA	
	Ingrid Braun, PRFC	

Guests (continued)

Proceedings of the Atlantic Striped Bass Management Board – July 2023

Nicole Caudell, MD DNR
Benson Chiles, Chiles Consulting
Blane Chocklett
Matthew Cieri, ME DMR
Haley Clinton, NC DEQ
Richard Cody, NOAA
Allison Colden, CBF
Margaret Conroy, DE DNREC
Heather Corbett, NJ DEP
Caitlin Craig, NYS DEC
Scott Curatolo-Wagemann,
Cornell
Sarah Cvach, DM DNR
Bob Danielson
Rachel, Dean
Jeff Deem, VMRC
Patrick Denno
Greg DiDomenico
Evan Dintaman
Russell Dize, MD (GA)
Douglas Dockery, Cape Cod
Salties Sportfishing Club
Steve Doctor, MD DNR
C. Dollar, CCA
Eric Durell, MD DNR
Wes Eakin, NY DEC
Mark Eustis
Julie Evans, Evans
Communications
Peter Fallon, ME Assn of
Charterboat Captains
Jared Flowers, GA DNR
Jennifer Foss
Thomas Fote, Jersey Coast
Anglers Association
Tony Friedrich, ASGA
Tom Fuda
Pat Gallen
Alexa Galvan, VMRC
Paul Genovese, MD DNR
Lewis Gillingham, VMRC
Angela Giuliano, MD DNR
Joseph Grist, VMRC
Brian Hardman, MD Charter
Boat Assn
Brendan Harrison, NJ DEP

Georgette Henrich, Plum Island
Surfcasters
Daniel Herrick, MD DNR
Jaclyn Higgins
Jeffrey Horne, MD DNR
Tim Horner
Harry Hornick, MD DNR
Jesse Howe, CCA MD
Jim Hutchinson, The Fisherman
James Jewkes
Yan Jiao, Virginia Tech
Gregg Kenney, NYE DEC
Aaron Kornbluth, Akorn
Environmental
Thomas Kosinski
Kris Kuhn, PA FBC
Josh Lashley
Sarah Lazo, NOAA
William Lucey, Save the Sound
Chip Lynch, NOAA
Pam Lyons Gromen, Wild
Oceans
Shanna Madsen, VMRC
Jill Maganza-Ruiz, November
Rain Charters
Jerry Mannen Jr.
Casey Marker, MD DNR
Thomas Matulonis, Menhaden
Defenders
Genine McClair, MD DNR
Brian McCormick
Joshua McGilly, VMRC
Robert McGinness
Daniel McKiernan, MA DMF
Kevin McMenamin, Annapolis
Anglers Club
Meredith Mendelson, ME DMR
Nichola Meserve, MA DMF
Steve Meyers
Michael Mike
Steve Minkinen, US FWS
Kathy Mitchell
Chris Moore, CBF
Brandon Muffley, MAFMC
Timothy Mugerini
Brian Neilan, NJ DEP

Ted Nesius
Robert Newberry, Delmarva
Fisheries Assn Inc
Josh Newhard, US FWS
Thomas Newman
Dave Nolan
Tyler O'Neill
George O'Donnell, MD DNR
Zane Oliver
Derek Orner, NOAA
Kenneth Ostrand, US FWS
Katherine Papercosta, NOAA
Patrick Paquette
Ian Park, DE DFW
Joshua Parker
Robert Pellegrino, Plum Island
Surfcasters
Michael Pirri
Nicole Pitts
Will Poston, ASGA
William Pruit, MD Charter Boat
Assn
Jill Ramsey, VMRC
Story Reed, MA DMF
Harry Rickabaugh, MD DNR
Steven Robichaud
Cody Rubner
Patrick Rudman
Daniel Ryan, DOEE
Linnea Saby, Senate
Environment and Public Works
Zach Schuller
Alexandra Schwaab, AFWA
Tara Scott, NOAA
Christopher Scott, NYS DEC
Buddy Seigel, ACSA
Ross Self, SC DNR
McLean Seward, NC DMF
Paul Shafer, Manasquan Fishing
Club
Alexei Sharov, MD DNR
Greg Shute, iFishMD.com
Charters
Jeffrey Silver
Ethan Simpson, VMRC
Amanda Small, MD DNR

Guests (continued)

Proceedings of the Atlantic Striped Bass Management Board – July 2023

Michael Smolek, Upper Bay
Charter Captains Assn
Somers Smott, VMRC
Ross Squire, NYCRF
Renee St. Amand, CT DEEP
Michael Stangl, DE F&W
Joel Stoehr
ElizaBeth Streifeneder, NYS DEC
Kevin Sullivan, NH F&G
John Sweka, US FWS
Mike Tambone
Colin Temple

Chad Thomas, NC Marine &
Estuary Foundation
David Tolbert
Michael Toole, Plum Island
Surfcasters
Jim Uphoff, MD DNR
Taylor Vavra, Stripers Forever
Beth Versak, MD DNR
Mike Waine, ASA
Craig Weedon, MD DNR
Kyle White
Angel Willey, MD DNR

Brian Williams, Badfish Fishing
Charters
Charles Witek
Michael Woods, Backcountry
Hunters & Anglers
Chris Woodward
Emerald Wright, NH F&G
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 in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, a hybrid meeting, in-person and webinar; Tuesday, August 1, 2023, and was called to order at 1:45 a.m. by Chair Martin Gary.

CALL TO ORDER

CHAIR MARTIN GARY: Good afternoon, everybody. Welcome to ASMFCs Atlantic Striped Bass Management Board Meeting. My name is Marty Gary; I'm your Chairman from the Potomac River Fisheries Commission. Our Vice-Chair is Megan Ware from the state of Maine. Our Technical Committee Chair is Nicole Lengyel Costa from Rhode Island.

Our AP Chair is Lou Bassano from New Jersey, and our Law Enforcement representative is Jeff Mercer from Rhode Island. I'm joined at the front table to my right by Toni Kerns, and Dr. Katie Drew. As Toni just mentioned, notably absent today is Emilie Franke, who is out on maternity leave, and again, congratulations to Emilie and here husband on the birth of their new child.

APPROVAL OF AGENDA

CHAIR GARY: We'll go ahead and move into today's meeting. The first order of business is Approval of the Agenda. What I would like to say up front is, we did have a request to modify the agenda and shift the order of issues in the agenda. Because of the background of the draft addendum, and the information relates both to the emergency action of the addendum, we were asked to go first over the background section of the draft addendum, and then go to the emergency action, then finish the draft addendum.

That change has been suggested, and I am, as Chair, inclined to accept it. But if there is any opposition, we will consider it. Is there any opposition to that modification in the agenda? Seeing none; are there any other modifications, additions to the agenda today? Seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR GARY: Next, we'll move into the approval of the proceedings from May, 2023. Are there any edits to the proceedings from May, 2023? Seeing none; we'll approve those proceedings from May, 2023.

PUBLIC COMMENT

CHAIR GARY: Next, we'll move into public comment. These are for items that are not on the agenda, and I'm going to look for raised hands in the audience.

I'll ask Toni to look online, to see if there are any raised hands for public comment for items that are not part of our agenda today. I do not see any raised hands in the audience, are there any online, Toni? None online, okay.

CONSIDER APPROVAL OF FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR 2022 FISHING YEAR

CHAIR GARY: Our next item on the agenda is Consider Approval of Fishery Management Plan Review and State Compliance for the 2022 Fishing Year. Toni will present the FMP Review for 2022, which will include Plan Review Team recommendations, and after that presentation the Board will need to determine whether there is any direction needed to be given to the PRT recommendations, and we'll consider approval of the FMP Review. Toni, I'll turn it to you.

MS. TONI KERNS: The Striped Bass Plan Review Team reviewed state compliance reports and compiled the FMP Review for the 2022 fishing year. This was included in the supplemental materials for the Board. Today, I'm going to highlight some of the key points that were in the document. There is a lot of detail in the FMP review, but I will touch on the stock status, the status of the FMP, management measures, and the PRT comments and recommendations.

As Marty just noted, our action will be considering approval of the FMP review and state compliance reports at the end. For the status of the stock, there was a 2022 stock assessment update. The striped

bass stock is overfished, but overfishing is not occurring. We used data through 2021, and the next stock assessment update is in progress, and will be delivered in 2024.

This figure shows the spawning stock biomass in blue, and recruitment as the reddish bars. You can see that female SSB has declined since the time series high in 2003, and has been below the SSB threshold since 2013. For Age 1 recruitment there has been a period of low recruitment since about 2005.

We have had some strong year classes, the '11, '14 and '15, and then some sort of slightly above average in 2018 as well. For fishing mortality, you can see that F was estimated to be at or above the F threshold, below the F threshold, which indicates overfishing is not occurring. The 2022 was the third year of Addendum VI implementation.

Addendum VI measures were designed to reduce total removals by 18 percent relative to the 2017 levels. I'll go through how well we're doing with that in a later slide. As you all know, we had some commercial reductions, as well as recreational reductions. The recreational slot limit was changed to 28 to less than 35, at one fish per day in the ocean, and the Bay fishery was set at 18 for a minimum size limit for one fish per day.

Moving on to the status of the fishery. This fishery shows the performance over time by sector. At the bottom is the commercial harvest in blue, the commercial discards are shown in red, and they've been relatively stable over time. This is due to impacts of commercial quotas. Most removals are coming from the recreational sector.

The recreational harvest is in green, and the recreational release mortality is in purple. Total recreational removals account for 90 percent of all removals, and total commercial removals account for 10 percent of the removals. In 2022 striped bass removals were estimated at 6.8 million fish, which is a 32 percent increase from 2021.

Here on the screen is a proportion of removals by sector over the past couple of years, 2022 is the bottom row, and the harvest is 9 percent. Dead discards are 1 percent for commercial. For recreational it was 51 percent harvest and 39 percent release mortality. For the commercial fishery, and I apologize, that should be 2022 at the top. Harvest was 4.28 million pounds in 2022. This is a 7 percent decrease by weight from 2021. For commercial utilization of the quota, the ocean fishery utilization increased to 79 percent in 2022, from 76 in '21, and the Chesapeake Bay utilization of their quota decreased to 80 percent from 83 percent in 2021. For the recreational fishery, total recreational catch coastwide was estimated at 33.1 million fish in 2022, which is a 38 percent increase from '21.

Under the same management measures from 2020 to 2021, total recreational harvest in 2022 increased to 3.4 million fish. It is an 88 percent increase by number, relative to 2021. This increase was likely due to the increased availability of the 2015-year class in the ocean slot. New Jersey landed the largest portion of recreational harvest, followed by New York, Maryland, and Massachusetts.

The proportion of coastwide recreational harvest in the Bay was estimated at 20 percent in 2022, compared to 35 percent in '21. By weight, the proportion of recreational harvest in the Bay was estimated at 9 percent in '22, compared to 20 percent in '21. The decrease in the proportion of recreational harvest in the Bay, and therefore an increased proportion of ocean harvest, aligns with the availability of the strong 2015-year class.

The vast majority of recreational striped bass catch, over 90 percent, is released alive due to the angler preference or regulations. The stock assessment assumes, based on the previous studies that 9 percent of those fish released alive will die as a result of being caught. In 2022 recreational anglers caught and released an estimated 29.6 million fish, of which 2.7 million are assumed to have died.

This is a 3 percent increase in live releases from '21, and in 2022 the combined private and shore modes

of the recreational striped bass fishery accounted for 95 percent of recreational removals, and the for-hire component accounted for 5 percent. Coastwide in 2022, private vessel and shore mode recreational removals increased by 42 percent, while the for-hire removals decreased by 7 percent.

This trend differs by region and by mode. The PRT notes that there are several factors that contribute to trends in the recreational catch and effort, including year class availability, overall stock abundance, nearshore availability of bait and striped bass, as well as angler behavior. The relatively strong 2015-year class moving into the ocean and becoming available within that ocean slot is likely the primary driver of this increased recreational catch in the ocean for '22.

Angler effort and behavior is also an important to consider when there are more fish available in the fishery, effort can often increase in response to that. Moving into the status of our management measures. As I said before, we look at the performance of the measures from Addendum VI, relative to the coastwide harvest in 2017, and in 2022 only a 3.5 percent reduction in total removals coastwide in numbers of fish was realized, relative to total removals in 2017.

We believe that this is due to the increase in the ocean recreational harvest in 2022, with that 2015-year class. The report also includes the state-by-state realized change in the recreational removals. Here on the screen, you can see the realized changes from 2017 to 2022 for each state. It shows the predicted reduction in removals from the state conservation equivalency plans where applicable. The PRT notes that there are differences in performance, and those are influenced by many factors. That includes changes in effort, fish availability, year class and environmental factors. Some of the states saw increased recreational releases, which contributes to the states realizing a less than predicted reduction.

The PRT also notes that there is a time of year-to-year availability, even under consistent regulations. The report also includes state-by-state percent

change in commercial harvest by weight from 2017 to 2022, and percent change in commercial quota implemented through Addendum VI, including the conservation equivalency plans that went along with it.

The realized changes shown here are for 2022, compared to 2017, which are different than the realized changes comparing 2020 to 2017, because commercial harvest levels have changed. You can see they vary anywhere from 18 to 1.8 percent. As of May, 2022, the new Amendment 7 recruitment trigger is effective.

That trigger is that if any of the four JAIs used in the stock assessment model, those include New York, New Jersey, Maryland and Virginia's, show an index value that is below 75 percent of all values from 1992 to 2006. That is the high recruitment period. If those values are below for three consecutive years, then an interim F target and an interim F threshold that is calculated using the low recruitment assumption will be implemented, and the management triggers will be reevaluated using those interim reference points.

The Maryland JAI meets that trigger criteria. We are actually already using this low recruitment scenario, so there isn't a change that we have to do, and the stock assessment for 2024 is being conducted using that low recruitment assumption. The figure just shows the four JAIs. Starting from the top left is New York.

Their JAI has been above the trigger level for the past three years. New Jersey is top right, and that trigger has been below for the last two years, and then on the bottom Maryland, with their, it's actually four years below the trigger level, and Virginia was the lowest trigger level for the past two years. In 2022, all states have implemented a management and monitoring program that is consistent with the provisions of the FMP.

Last year Emilie went through three inconsistencies that were found by the PRT but the Board did not raise any concerns with these, so it was noted that we wouldn't go over them with the Board, but they

still are there. They are listed in the document. There were no de minimis requests from the states.

The PRT recommends that the Board task the PRT with review of the commercial tagging program at regular intervals, and they would like to start to do this for next year, to review the program components, such as biological metrics used to allocate the tags. Unless I hear the Board does not want the PRT to do this, the PRT will go ahead and carry forward with this action, just to be super clear.

Then also, the PRT also noted that for the incidental catch requirements, many states have implemented the provision as written or very close to, as written in Amendment 7. Some of the states referred to alternative regulatory language, instead of having specific language related to striped bass, it's language that is related to other species as well. But that language notes that anglers can only take or catch striped bass via methods and gear that are legally allowed. It doesn't specifically say that striped bass must be returned to the water unharmed, and that is part of the language is the incidental catch requirement.

The PRT doesn't necessarily think that it's a compliance issue for these states that have done this, but they just wanted to make sure the Board was aware. If the Board has any issues, then the PRT can reach back out to those states. But if there is no concern by the Board, then we will just note it and then move on from it in the future. It's really just about whether or not it specifically says striped bass must be returned to the water unharmed.

Then lastly, the PRT notes, recommends that New York may want to consider a change to their Hudson River monitoring program to provide an index of relative abundance, to characterize the Hudson River stock. This was a high priority research recommendation of SAW 66, and I think would benefit future stock assessments, if New York is able to do this. I will take any questions.

CHAIR GARY: Questions for Toni on the review, start with Loren Lustig.

MR. LOREN W. LUSTIG: Thank you, Toni, for a very, very interesting report. My question relates to whether the PRT considered the impact of poaching, and what sorts of totals might be suggested for that illegal activity.

MS. KERNS: I believe Jeff Mercer is on the line, and I know that Emilie had a conversation with the Law Enforcement Committee on the ability to make any recommendations relative to compliance. I'm going to see if Jeff can speak to that. I was not a part of that conversation, so it is a little tricky for me to respond.

MR. JEFFREY MERCER: Yes, certainly striped bass poaching is a big concern. At our last meeting we discussed measures to try to quantify that. Some states do have the ability to pull species-specific records out of their records management systems, other states don't. That is something that we are currently working on to try to quantify the impact of poaching.

CHAIR GARY: Loren, did that answer your question?

MR. LUSTIG: Yes, thank you, Mr. Chair.

CHAIR GARY: Additional questions for Toni. Adam.

MR. ADAM NOWALSKY: As part of the review that was presented here today, you went over the JAI triggers as well. I was wondering if the PRT has had any discussion about the merits of changed migratory patterns. Clearly, you've seen with the winter tagging study where that changed location has provided dramatically different results, since that location occurred since the years prior to that. I was just wondering if the PRT has begun discussing any similar habitat changes in climate that are affecting those JAI indices, and if not what this Board could potentially do to seek some answers about that moving forward.

MS. KERNS: The PRT has not, Adam, but we could get TC.

DR. KATIE DREW: Yes, I think it might be a better role for the TC to look at that. I will say, you know when

they are available in the ocean versus inshore/offshore, further south/further north. They also have to go back to the same places to spawn. These indices are designed to cover the existing spawning grounds and the existing juvenile habitat. I think, you know we could look for, do we see signals of recruitment outside of these areas in any way?

But I think these surveys are designed to try to pick that up, so it's not necessarily a matter of these surveys missing them, it's more they are probably reflecting potential impacts of climate change on the ability to have a successful year class is sort of captured already by those indices. But we could look into, either for this assessment or for the benchmark assessment, of looking outside the existing survey areas, to try to go see if they are in different areas that aren't being picked up by the survey, which I think is maybe your concern.

MR. NOWALSKY: What would be the appropriate time to make that request? Is that something that would come apart, why I assume this Board would have to approve TORs at some point for that. Is that where that should come about, or where would you recommend that request be made in tasking to the TC or other bodies.

DR. DREW: I think it depends a little bit on your urgency. I know we do have the assessment update next year. I think there is already a lot of work on the Stock Assessment Team's plate for that assessment update, and for any kind of follow up work. This, depending on how urgent you think it is.

It might be better to address that specifically through the benchmark and a term of reference. We can make a note that you're interested in this and sort of if time allows. prior to that we can see if we can get something done. However, if you think this is a very high issue of concern for you, then we can maybe try to prioritize that for this upcoming assessment update.

MR. NOWALSKY: I would accept a note, and I'll continue this discussion with other Commissioners and decide how we want to proceed on a more formal basis.

CHAIR GARY: Additional questions for Toni on the Plan Review? Toni, did we get the necessary clarity or feedback? I guess there were a couple of items that you wanted to be sure of, but I didn't see any opposition.

MS. KERNS: I have the clarity, unless someone raises a concern on the tagging, the PRT will work on that for next year, and I don't think that there was concern on the language, so I think we're good there. We'll just need to have a motion to consider approval of the FMP Review and state compliance reports, if somebody wants to make that motion.

CHAIR GARY: Before we take that motion, because we are going to be approving this document. We have one person from the public who has raised his hand and we have a lot of ground to cover today, but to be consistent, I'm going to go ahead and let this one person make comment, I'm sorry it's a question. The name of the person is?

MS. KERNS: Colin Temple.

CHAIR GARY: Mr. Temple, if you could ask your question and be as concise as possible, thank you.

MR. COLIN TEMPLE: I apologize, I must have hit that button by accident, no question here.

CHAIR GARY: All right, thank you, Colin. No other hands raised; I'll entertain a motion. Emerson.

MR. EMERSON C. HASBROUCK: I'll make that motion, does staff have a motion prepared? I'll make that motion once they have it ready.

CHAIR GARY: All right, Emerson, if you could read it in.

MR. HASBROUCK: **Move to approve the 2022 Fishing Year FMP Review and state compliance report.**

CHAIR GARY: Thank you, Emerson, we have a second by John Clark. All right, Emerson, speak to it, if need be, it's self-explanatory maybe.

MR. HASBROUCK: Yes, I think the review that Toni provided is self-explanatory, thank you.

CHAIR GARY: **We'll try it this way, is there any opposition to the motion? Seeing none; the motion passes by consent.** All right, so we're able to move on and this is where we're going to rearrange things just a little bit.

**REVIEW BACKGROUND AND TIMELINE OF DRAFT
ADDENDUM II ON 2024 MANAGEMENT MEASURES
FOR PUBLIC COMMENT**

CHAIR GARY: Toni is now going to present the background information on Draft Addendum II. Following the presentation we'll take questions on the background section of the draft, and only questions on the background of the draft, please. Go ahead, Toni.

MS. KERNS: Today I'll be presenting the Atlantic Stiped Bass Draft Addendum II for Board review to take out to public comment. I will go over the background, the timeline, and then we'll take a pause. First and foremost, I want to thank the Plan Development Team for their time in developing this draft document.

They had several meetings over the past two months, and these individuals I think went well above and beyond to get this document ready. For those supervisors, accolades to your Plan Review Team members. They all worked incredibly hard. I will be utilizing some of these Plan Development Team members today, and questions potentially, so I also thank them ahead of time. I have the phone-a-friend options.

This is the fastest timeline we can get through for this draft Addendum II. Currently we are at the August section, where the Board will consider reviewing this document for public comment. If it is approved, we will have the public comment period August through September. Depending on how complex the Board makes this document, that may extend into October a little. The ideal situation is if we could have it ready for the annual meeting in October. Annual meeting is a little earlier, so it could be a tight timeline. If we

can't make that October timeframe, then we could have a special meeting of the Board later in the year. Depending on what types of measures there are, we are hoping that it is somewhat simple, and implementation for the states won't be too difficult, and that states would be able to implement these measures in time for the start of the 2024 fishing year.

If the Board makes some significant changes to the options in the document, then there is the potential to shift this all back one meeting cycle. The Draft Addendum has these four components, the introduction, the overview which has the statement of the problem, the background, management status and fishery status.

The proposed management measures, which would include recreational and commercial measures and then a compliance section. We'll move into the document now. In May of '23, the Board initiated this draft to address stock rebuilding beyond 2023. The Board directed the PDT to include measures to achieve an F target from the '22 assessment.

Recreational measures to include modifications to the slot, harvest closures and maximum size limits, commercial measures to include a maximum size limit but no quota reductions, and the ability for the Board to respond via Board action to the 2024 stock assessment update. Now I'll go into the overview.

Atlantic striped bass were declared overfished in 2019, and then thus subject to a rebuilding plan that requires the stock to be rebuilt to its spawning stock biomass by 2029. The most recent rebuilding projections indicate a low probability of meeting that deadline if fishing mortality rates associated with the level of catch in 2022 continues.

There is concern that the recreational and commercial management measures in Amendment 7, in combination with a strong 2015-year class will lead to similarly high levels of catch in 2024. Therefore, this draft addendum considers measures to reduce removals from the 2022 level, to achieve a target fishing mortality rate in '24 and support stock rebuilding.

There is also a concern that the addendum process will take too long to respond to the results of the '24 stock assessment update, and therefore the document proposes options to address this. As I went through in the FMP review, the stock is overfished but overfishing is not occurring. The 2022 assessment update had projections that indicated we had a 97 percent probability of achieving our rebuilding goal.

That was using the harvest rates from 2021. In May, the Board saw that we had new projections using the preliminary '22 removals, and that probability dropped to 15 percent. It should be noted that the projections are not the same as a full stock assessment, where a model would be rerun to include the 2022 catch at age and index data.

This figure just shows that probability of achieving stock rebuilding using the '21 data, which is in gray, and then the 2022 harvest data, which is in yellow. Amendment 7 maintained the Addendum VI to Amendment 6 recreational commercial fishery measures. Separate management measures are in place for both the ocean and the Chesapeake Bay fisheries, due to distinct size availability of fish between these two areas. Because Amendment 7 did not revise the FMP standard commercial and recreational measures from those of Addendum VI, the conservation equivalency program implemented under Addendum VI, were allowed to be carried forward by the states in 2022 under the framework management of Amendment 7. The use of CE is subject to additional restrictions through Amendment 7. Those restrictions do not allow CE programs when the stock is overfished. It does have exceptions for the Hudson River, Delaware River, and Delaware Bay fisheries.

In context of this draft addendum and the current stock status, the FMP standard for the ocean or the Chesapeake Bay recreational fisheries is changed, and the existing Addendum VI Conservation Equivalency Programs affecting those fisheries are invalidated, and then a state would not be able to request new CE programs for non-quota managed fisheries, with the exception of those that I noted,

until the stock is no longer considered overfished by a future assessment.

For the states that combined their Addendum VI Conservation Equivalency Programs across the sectors, so combined the commercial and the recreational measures to get to the 18 percent. This could have implications beyond just the recreational fishery for those states. Part of the rationale for not changing any of the commercial and recreational measures under Amendment 7 was that final action on the Amendment was right before we had the stock assessment results.

That 2022 stock assessment was expected to provide management advice as to whether or not the existing measures under Addendum VI were successful, and did they reduce mortality to the target level and put the stock back on track for rebuilding. The Amendment included a provision that would allow the Board to immediately respond.

The stock assessment results came out somewhat positive, and thus we did not need to utilize the provision. Then the Board took emergency action. We will get into this a little bit more in a couple of minutes, but the emergency action reduced the ocean recreational slot from 28 to less than 35, to 28 to 31, and then it layered a 31 maximum size limit to the Bay's recreational fisheries with the exception of the trophy fishery.

The measures were intended to reduce harvest from the levels seen in 2022 to protect that '15-year class. The '15-year class is the primary reason for the increase in harvest in 2022, as many of the fish born that year began to exceed the 28-inch length, which is the lower bound of the ocean slot.

By implementing the 31-inch maximum size, over 50 percent of the 2015-year class should be protected from recreational harvest. It's projected that the emergency action measures will achieve somewhere between an 18 and 30 percent reduction in harvest in 2023. The proposed measures could lead to less effort on what anglers prefer is a larger fish in the recreational fishery.

This could mean that we could have less harvest or an increase in discards. It makes the short-term impacts on the fishery unclear. If it's one direction you could have potential short-term impacts on the economies that could be negative if you have less folks going out fishing, if the effort is reduced significantly. But the short-term impacts could be stymied by long term quality fishing experience if they have the positive impact on the stock for rebuilding. Implementing seasonal no-harvest closures is intended to reduce the number of fish harvested. However, angler behavior may shift to catch and release fishing, thereby increasing the number of recreational releases. Additionally, seasonal closures for striped bass may shift effort in targeting other species or shift to other times of year when the recreational fishery is open, thus negating some of those no harvesting closures.

In the commercial fishery looking at social and economic impacts, in states where a new maximum size limit significantly changes the size of the commercially harvested fish, dealers, processors, and consumers will have to adjust to a new smaller fish size, potentially requiring changes in the supply chain and marketing.

In the short term, harvesters may also be more limited to adjusting to market demand if they are operating within a really small slot. Additionally, the harvest of smaller fish by the commercial sector will likely result in longer effort and an increased number of fish being removed, although the total poundage will not change, as that is governed by your state quotas.

Looking at the status of the fishery, we went over some pieces of this already that I'm not going to repeat too much. In 2022, we saw an increase driven by the recreational removals as commercial removals decreased. The commercial sector accounted for 10 percent of the total removals, and the recreational sector accounted for 90 percent of the total removals.

Under the same management measures in 2020 to 2021, total recreational harvest in 2022 increased by 88 percent relative to 2021. The increase was due to

the strong '15-year class. New Jersey landed the largest portion of the recreational harvest, followed by New York, Maryland and Mass.

The proportion of the coastwide recreational harvest in numbers from the Chesapeake Bay was estimated at 20 percent in 2022, which was down from 35 percent in 2021. In 2022 the combined private and vessel shore modes of the fishery accounted for 95 percent of the removals, and the for-hire was 5 percent.

The ocean and Chesapeake Bay regions experienced different changes in recreational catch in 2022, relative to 2021, due to the 2015s coming into that ocean slot. Those fish have already moved through the Chesapeake Bay, so it didn't impact the Bay catch as much. The ocean region saw an increase in the harvest, and the Bay saw a much smaller increase in recreational harvest and a decrease in live releases.

The number of trips directed at striped bass also show a differing trend between the ocean and the Bay. In 2022 the ocean-directed trips increased by 31 percent and the Bay-directed trips decreased by about 2 percent. I'm almost done. The commercial fishery is managed by quota system, resulting in relatively stable landings since 2004.

The ocean commercial size limit, seasons and gear type vary by state. The current minimum legal-size ranges from 20 to 35 percent. There is generally speaking a lower minimum size in the Mid-Atlantic, and the New England states have larger minimum sizes, and harvest is predominantly hook and line. In the Mid-Atlantic the harvest is predominantly drift and anchored gillnets. In the ocean region, only New York has a commercial slot with a lower and an upper bound, 26 to 38 at this time. The Bay commercial size limits and gear type are more uniform, with an 18-inch minimum size for Bay states, although Maryland has a year-round maximum size limit at 36 inches. PRFC and Virginia have seasonal maximum size limits of 36 and 28 inches respectively. All three Bay states have a combination of pound net, drift net, hook and line gear types.

Commercial striped bass fisheries operate differently in each state, with a range of gears and seasons, which result in differing size fish being harvested within each state. Mean length of harvest ranges from 30.2 total length to 41.1 total length. That is the background.

CHAIR GARY: Thank you, Toni, and again, thanks to all the PDT members for all their hard work. We'll go ahead and take questions from the Board relative to the background material that Toni just presented. Mike Luisi.

MR. MICHAEL LUISI: Great job, Toni, I know it's challenging to step in on a species like this for staff that aren't here to do the presentation, so thanks for doing that. I hope I'm not the only one that may have just gotten a little lost in the discussion on CE. What would be helpful, I guess for the follow up discussion that we plan to have on management options is all that you said, is there an effect somehow that is going to trickle out into what it is we're discussing now?

If we have to make decisions as a Board on how to move forward, given the CE discussion, is that something we should do prior to the management option discussions? You know just looking for some direction on making sure that we're all of the understanding as to where any types of changes may stem from, before we get too far into the weeds.

MS. KERNS: If we employ options that are looking at changing the FMP standard, which is pretty much all of the Bay recreational options, to put it bluntly. Then we'll not be able to use conservation equivalency, like whatever gets adopted is what the Bay states would have to employ, and CE would no longer be an option, because of the stock status for recreational.

If we do not employ changing the FMP standard, which is basically status quo, then you can continue with your current CE state regulations, the current state plan. Does that help? Just to remind everybody, CE is allowed in commercial measures, just to put it out there.

MR. LUISI: Given that answer, I just want to make sure I'm clear. We'll have to decide, the Board will need to make a decision at some point today how we want past conservation equivalency programs to be factored into, where we step off the platform into the future. Is that where we are?

To provide an example, there was a few years ago when we made the decision to reduce both the commercial and recreational fisheries, we did it. We put more emphasis on the recreational fishery. We took some quota from the commercial fishery, but it wasn't the same amount in theory, it was more lopsided.

For us to continue maintaining the commercial quota we have, and if reductions come as a result of Addendum II, it would come from that quota rather than having to take the 18 percent first, and then adding to that reduction. That would be if the conservation equivalent if we wipe the slate clean on the states, right? Okay.

MS. KERNS: Correct, if you wipe the slate clean then you would have to go back and take the reduction. But if you don't wipe the slate clean and then the measures that we adopt through the document are the new standard, then you move forward.

CHAIR GARY: Justin Davis.

DR. JUSTIN DAVIS: Just a clarification on that discussion just then. Even though, so adopting new recreational options in the Bay would sort of preclude the use of previously approved CE programs. Some of the measures proposed in Addendum II for the Bay include things that were approved by CE, therefore you would sort of be making the stuff that was approved by CE the new FMP standard, so it's not like it would go away.

MS. KERNS: Yes, they don't necessarily go away, but there are options in the document that are being vetted through full public process. I would not consider them CE measures anymore.

CHAIR GARY: Additional questions for Toni. Adam Nowalsky.

MR. NOWALSKY: Two questions, if I may. If not, then I'll let you pick the one that you want to answer. Question number one is that in the section for the statement of the problem, we highlight the concern about the draft addendum needing to consider measures to reduce removals, specifically.

Then later in the document, under the emergency action, we highlight the fact that that emergency action was meant specifically to reduce harvest. I'm wondering if there was any discussion during the drafting of this document that this section should highlight that most recent action only took action on harvest, and not removals, which I think given the FMP review that we just received, and if you look in the FMP review.

While you highlighted only the last three years, if you look at the last six years, five years preceding 2022 there were more removals that came from release mortality than from harvest. My eye caught the fact that the statement of the problem focused on removals, the emergency action harvest, and I was wondering if there was discussion about building that contradiction out a little bit more in this section.

Then my second question focused on what I feel is a glaring omission from the social and economic impacts of the document, regarding the impacts to different demographics. Specifically, the harvest fishermen are typically very different demographic than your demographic that is targeting releases.

In fact, I think the public comment that we saw, one of them caught my eye here. When you look at a sales manager for Van Staal, which we know is a very high-end company, advocating for continuing with not affecting the release mortality group. I think that that makes very clear that here is a very different impact on demographics. I'm curious as to why that was omitted in entirety in the social and economic impact section.

MS. KERNS: I'm going to start with your demographic question, and then I may phone my friend, you know Nichola or Nicole on your first question, on relative to it was on purpose to have a distinction between removals and harvest. For the demographics, I need

to go and check with our staff individual, who I believe wrote this section. My guess is that there isn't hard data on the demographics, but I could be wrong. If there is information that we can somewhat cite from, then we can add that to the document. But if there is not, it is difficult for us to use observed information versus information that we can cite.

DR. DREW: Right, the question of harvest versus removals. Obviously, what the population cares about is removals. It doesn't matter for the striped bass if you get harvested or you died after you were released alive. The level that we need to get to is based on removals. However, our management tools are not effective at two folding releases.

Basically, when you're looking at the tools that we have, which is a bag limit or a size limit, we can quantify the impact on harvest better. But you don't really have a way to stop people from releasing so many fish. We do focus on removals, that is sort of our overall metric, because we are accounting for the fact that if you make that size limit smaller, or when you make that slot smaller when you decrease the bag limit, you are increasing releases.

People are throwing more fish back, and we're counting those additional dead fishes against the savings in harvest, so that we get a total removal that is appropriate. We're not aiming for an X percent reduction in harvest, we are aiming for an X percent reduction in removals, which is what we need.

However, we have a really hard time quantifying metrics on regulations that would get us a reduction in, basically the number of trips that are interacting with striped bass that are releasing striped bass. You know you can put in a season and say, this is a closed season, you can't harvest striped bass anymore, or you can't catch striped bass, you can't harvest striped bass.

But we still don't know what the impact of that is going to be on the total number of releases. If everybody who harvested a striped bass going to switch over to releases? Then you haven't affected your releases at all. Is everybody who fished for or caught a striped bass going to stop fishing for striped

bass, because if you are no longer allowed to harvest them, in which case all of your releases would go away?

Maybe that is the bottom limit. But it's probably somewhere in between, where some people will switch to catch and release. Some people will switch to targeting something like bluefish, where you're going to catch striped bass anyway, and you are not going to affect your regulations at all, or you're not going to affect your releases at all, even though you are complying with the regulations, or you're going to switch to something like black sea bass, where you will have a lower release rate of striped bass.

I think the issue that we are struggling with, we struggled with it with this Addendum, we struggled with it with the Amendment, we struggled with it for a while now, is what management tool do we have to control the release component of the catch. Bag limits and size limits, all of our savings are coming on the harvest side, then that is what we can quantify.

It is really hard to quantify the impacts of season closures on circle hooks, on all of these other things, on how we are going to reduce the total number of live releases. For this Addendum, we focused on that harvest component, because that is what we could get done in this amount of time. How we handle releases going forward I think is a much larger conversation, and if the Board has thoughts on how to handle that, for sure we're open to that.

CHAIR GARY: Follow, Adam.

MR. NOWALSKY: On that thought section, I believe you want to focus just on questions on this right now. You will entertain suggestions for edits on the entirety of the document after we get through everything, or are you looking for suggestions to edits to the background section now as well?

CHAIR GARY: Just questions now, Adam, if you don't mind. Additional questions for Toni. Emerson.

MR. HASBROUCK: I just thought of this as Katie was answering Adam's question. For no targeting closures, I'm following you, I think there is some language to this in the staff memo. We can not

quantify what the reduction of removals is, with things like a no-targeting closure. But that doesn't mean there isn't a reduction, it just means that we can't calculate, is that right?

DR. DREW: Right, maybe there would be a reduction, maybe there would not be. I mean I think it depends on how anglers are responding to that closure, and I think that is what we have always struggled with trying to incorporate into our calculations. Is it better than nothing? Probably. But is it better than something else? That is where we struggle.

MR. HASBROUCK: Right, but we've already, it happens when we ask the question. Haven't we already implemented some components, where we cannot calculate what the impact is, such as circle hooks and no gaffing. But we've implemented those, because we do know that there is going to be a reduction in removals, similar to what there might be with a no-targeting closure?

DR. DREW: Yes, we have implemented the circle hook provision some of the gaffing requirements, et cetera, that will have an unquantifiable benefit for the stock. But they did not go towards achieving a specific reduction on paper. Essentially, they got put in, but we did not count them towards any kind of reduction, and will have to wait and see for the benefits, kind of in the long term of if they help the stock at all.

CHAIR GARY: Thanks, Emerson and Katie. Before we move on, any further questions for Toni? This is going to inform our discussions and deliberations regarding the emergency action, and our discussions for Draft Addendum II. Any further questions for Toni? All right, if that is the case then we'll go ahead and move on to the emergency action.

REVIEW STATUS OF 2023 EMERGENCY ACTION

CHAIR GARY: Toni will provide a summary of the public hearing on the emergency action. Toni will also review the timeline for the emergency action, the possibilities for renewal of that action. After this presentation, we'll take questions, and again only questions on the emergency action for Toni, and after the questions, the Board will then need to

determine whether or not we're going to renew this action for an additional year or not. I will potentially entertain public comment, depending on the outcome. Toni, it's all yours.

MS. KERNS: At our last meeting the Board approved the emergency action to implement the 31-inch maximum size limit for striped bass recreational fisheries, effective for 180 days. It was from May 2 through October 28 it expires. The emergency action did exclude the Chesapeake Bay trophy fishery. All other measures remain the same. All states implemented the emergency action by the July 2nd deadline.

PUBLIC HEARING SUMMARY

MS. KERNS: I'll go through the hearings. We held 4 virtual public hearings, which is the requirement of an emergency action within 30 days of that action.

We had 62 people, including representatives from 11 organizations, comment in support of the emergency action. Those comments noted support for taking proactive, swift action to protect this strong 2015-year class, so that those fish can contribute to the spawning stock biomass and help rebuild the stock.

Comments noted the importance of the 2015-year class, and the need to get those fish out of the slot limit, especially considering the recent low recruitment that we've been seeing and the lack of strong young year classes coming into the fishery. Some of the comments noted the importance of all sectors contributing equally to the stock rebuilding, and some noted concern about the potential for states to be out of compliance with the emergency action.

We had 24 people, primarily charterboat captains, also including representatives from 3 organizations comment in opposition to the emergency action. Those comments noted the narrow slot limit would increase recreational releases and mortality, due to fishing longer to find a fish within the slot.

Comments noted the action only targets those who harvest striped bass, and that there should be measures to address the catch and release fishery.

Comments noted the negative economic impact of the narrow slot, in particular on the for-hire business, and expressed support for managing the for-hire sector separately from private boat anglers and shore fishermen.

Some noted concern about the accuracy in the use of MRIP data. Some comments also addressed other striped bass management topics, including the need for increased outreach and education on best handling practices and release practices, and for better understanding of the contribution of the spawning grounds north of the Chesapeake Bay to the population.

DISCUSS TIMELINE FOR POSSIBLE EXTENSION OF EMERGENCY ACTION

MS. KERNS: As I noted before, the current emergency action expires on October 28. If the Board deems it is necessary, they can extend this emergency action for 1 year, and they can do this 2 times, so it would be a total of 2 years if you did it both times. A simple majority vote is just needed to extend the emergency action. Any questions?

CHAIR GARY: Questions for Toni. Justin.

DR. DAVIS: If I remember correctly, one of the conditions is that the Board had to initiate an addendum as part of doing the emergency action. Addendum II, I would assume meets that standard, and then is there any specification about sort of what we have to do with the addendum during the timeline of the emergency action being in place?

MS. KERNS: Just we need to continue to work on the Addendum. There isn't a specific timeline in the charter to say how quickly the management document needs to be completed. As long as you are continuing to work on it, it is fine.

CHAIR GARY: Additional questions for Toni on the emergency action. Mike.

MR. LUISI: This is a simple one. Thinking about the timing of how this all plays out. Has staff given any thought to whether or not it makes sense to consider that extension today versus in October, when we

would be closer to the deadline, kind of giving us an additional year rather than an additional 10 months until next summer?

I mean we're kind of losing some time. Not that I think the emergency is the long-term plan, but as at least for a backstop in the event that Addendum II needs some more work in development. Is there a pro and con versus between August and October, since it doesn't expire until the end of October?

MS. KERNS: We have talked about it. One, I think if you're going to extend it, you should just use the full provision of the year to allow for that leeway of work on the Addendum, in case something comes up. I guess the one, may consider a pro of doing it today is that then there is plenty of notice to the public that you are going to extend. Any other pros and cons, up to the Board, Bob can add to that.

EXECUTIVE DIRECTOR ROBERT E. BEAL: The other way to look at it is, if the Board were to extend it today, they can make the effective date of that extension October 28, so you wouldn't lose that time, Mike, necessarily. In other words, if the Board decided to extend it today, the 365-day clock would not necessarily start today.

They could have that clock starting in late October, and then it provides all the advice that Toni gave to the public that the Board's intention is to carry this emergency forward while they complete the Addendum. You don't necessarily lose two months by doing it today, if that is what the Board wants to do.

MR. LUISI: That's why you make the big bucks, Bob.

CHAIR GARY: Additional questions. Dennis Abbott.

MR. DENNIS ABBOTT: Then I would assume that if we adopted Addendum II, that would supersede the emergency action that we may implement today.

MS. KERNS: Correct.

CHAIR GARY: All right, any final question for Toni, before we start our deliberation on the emergency action? Seeing none; okay we're going to open the

floor up to the Board, to discuss and determine whether or not we want to renew this action for another additional year, so I'll start the discussion. Who would like to tee us off? Opponents? Go ahead, Dr. Armstrong.

DR. MICHAEL ARMSTRONG: I think I'm speaking the obvious. I mean we have to extend this, and so I'll make a motion.

CHAIR GARY: All right, it looks like Madeline and Katie are getting ready.

DR. ARMSTRONG: Well, let me talk while you're looking. It would be my intention that this would be added on, as Bob just spoke, to the end when we run out in October, as opposed to this effective date. It's not in the current motion, but if it needs to be added, I will do that. I move to extend the Board's May 2, 2023 emergency action of 31" maximum recreational size limit for another year, applicable to all recreational fisheries.

CHAIR GARY: Do we want to add a date to that, Mike?

DR. ARMSTRONG: Perfected, yes, please. Would you like me to read that again?

MS. KERNS: If you would, please.

DR. ARMSTRONG: I can read. **Move to extend the Board's May 2, 2023 emergency action of 31" maximum recreational size limit for one year effective October 28, 2023, applicable to all recreational fisheries.**

CHAIR GARY: Do we have a second? Dave Sikorski. Back to you, Dr. Armstrong for any words to your motion.

DR. ARMSTRONG: I don't think I have to say too much. It was a necessary thing we had to do, and I think to control F, all indications are that we need to continue it until we have this Addendum, and then the assessment.

CHAIR GARY: All right, thank you, Mike, and Dave as seconder, do you want to add anything to the comments to the motion?

MR. DAVID SIKORSKI: No, I think it would be important to let the record reflect that this is different than the original emergency action. The original emergency action carved out the Chesapeake Bay trophy fishery, because that fishery was starting, or even happening for a two-week window earlier this year, but moving forward as written that exemption would not exist.

MS. KERNS: I don't think Mike intended to revise.

DR. ARMSTRONG: Yes, I have since been informed that we cannot go back and affect the trophy fishery through this motion.

MR. SIKORSKI: You cannot, and therefore applicable to all recreational fisheries seems to be a little in conflict with that. Maybe we don't need that last sentence?

MS. KERNS: Edit to say except the trophy fish.

MR. SIKORSKI: **Or just after 2023, October 28, 2023 comma, just make it a period.** Okay.

CHAIR GARY: Go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: Just a quick comment on this. If procedurally the charter only allows the Board to extend an emergency action for these two one-year periods, it doesn't allow an extension and a modification at the same time. If the Board wanted to do a new emergency or something different, it would trigger two-thirds vote and this motion only needs to be passed by simple majority, and it would trigger the four public hearings, et cetera, et cetera.

But if it's one year extension of your current emergency provision, then you don't need any of those, just simple majority, no public hearings.

CHAIR GARY: All right, thank you, Bob, for that clarification. We have the motion now refined appropriately. All right, Roy Miller.

MR. ROY W. MILLER: Mr. Chairman, could I seek clarification? The motion as it now reads and as interpreted by Bob Beal, that means we are not changing, not requiring a change to the Bay trophy fishery, am I right?

CHAIR GARY: That is correct.

MR. MILLER: Okay.

CHAIR GARY: Other discussion on this motion. Adam Nowalsky.

MR. NOWALSKY: I would **offer that this motion should include explicit language that this emergency action would terminate with the implementation of Draft Addendum II.** I would accept that as something if we just want to **add that as a friendly amendment**, or if not, I will make that motion to amend this.

CHAIR GARY: Go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: I think this can be done two different ways, either the way Adam suggested, or in the text of the Addendum, say the intent of this Addendum is to replace the emergency action that is currently in place at the Commission. It needs to be clear that that is the intent, but it can be done either way. Either one I think is fair.

CHAIR GARY: Dr. Armstrong, would you accept a friendly?

DR. ARMSTRONG: **I would.**

CHAIR GARY: All right, can we modify then? Mike, I've got you in the queue next, right? You raised your hand. All right, go ahead, Mike. In the interest of time let's go ahead and keep the conversation going.

MR. LUISI: Yes, certainly, Mr. Chairman. I guess my question is, why don't we just put up what the emergency action was and extend it, instead of the debate and discussion about the language. To make sure it's clear to the public, doesn't it make sense just to move it forward? I don't know, just a thought.

CHAIR GARY: Go ahead, Toni.

MS. KERNS: The meeting summary, I can put the motion in, if that is helpful, Mike. I don't think we have to repeat the motion, but I'll make sure it's very clear what the measures were. I promise.

CHAIR GARY: All right, so we're still modifying that motion. Further discussion. We're good now? All right, modification complete. Adam.

MR. NOWALSKY: While I appreciate this change, this really doesn't change my position from where we were when we discussed this back at the spring meeting. Mainly that if the concern of this body is the health of the resource, and in five of the last six years removals have exceeded, the majority of the removals have come from release mortality and not harvest, and this emergency action focuses only on harvest.

How can we in good conscience say we're doing this purely for the resource? We are doing this as a de facto reallocation from the harvest fishery to the release fishery. The reallocation of such has a dramatic impact on the demographics of the users of this resource. They are very different users. They come from very different backgrounds.

They have a very different purpose. Not only is this not in the overall best interest of the resource, but it severely impacts one demographic group over another, and so I continue to remain in opposition to this on those merits, not because I'm turning a blind eye to the health of the resource.

CHAIR GARY: Additional comments, particularly if anybody hasn't had a chance to weigh in. I think we may, before we call the question, we may have some public that want to comment. Is that correct, Toni?

MS. KERNS: Julie Evans had her hand up. Julie, I have opened up your microphone.

MS. JULIE EVANS: Thank you, Toni, and thank everybody here today for the comments. I am in support of Adam's comments, I find them right on target. As a fairly new person to these sorts of meetings, even though I've only done it for three or four years. It is kind of perplexing to me why one

group is given priority to continue to catch trophy fish over the rest of us.

I know you're not talking about this, but sometime during this meeting, maybe somebody can explain to me why the Chesapeake Bay trophy group is able to go unfettered, while everyone else has to toe the line on slot size. But just speaking to this, then that was a question like ten minutes ago, but I find Adam's comments on target, and I would support Adam's targets.

By the way, I am the Fisheries Representative for the town of East Hampton. Although we couldn't reach our own consensus on what I should say today, so I am speaking on behalf of our local for-hire industry here in Montauk, which continues to suffer tremendously, because of what is going on in their striped bass fishery. Thank you.

CHAIR GARY: Thank you, Ms. Evans. I'm going to go ahead and take up to three more comments, one minute a piece. We have Ms. Adams commented for about one minutes, so we'll take up to three more comments. I'm going to look into the room for now. Is there anybody in the room that would like to comment? I'll go back to online, and online Tom Fote. Tom.

MR. THOMAS P. FOTE: I strongly agree with Adam. I mean I just find it disingenuous that Maryland makes the motion while you get exempted from the trophy fishery, and I also see that Massachusetts allows for hook and line commercial fishery, which I don't know how they regulate it. But from what I understand, any recreational person that decides to go into the electro fishery can get a permit. This way you sell 7 fish and you actually take 1 home to eat, so they get around the regulation. I'm not sure if that is true, but that is what I've heard. I find this regulation is totally affecting the subsistence fishermen. Environmental justice, we keep talking about environmental justice at NOAA, I do it at MAFAC.

I find that the Atlantic States Marine Fisheries Commission ignores it completely, even though when I was a Commissioner, I brought it up numerous times, and you basically seem not to care

what happens to the poor or the subsistence fisherman. They are a majority or they are a lot more populated in numbers than the release fishing, I'll leave it at that. Thank you for the time.

CHAIR GARY: Thank you, very much, Tom, and we'll take up to two more comments. Do you have anybody else, Toni?

MS. KERNS: No hands on the webinar.

CHAIR GARY: All right, is there a need to caucus before the vote? Again, this takes a simple majority, I believe. No need to caucus. We'll go ahead. **We are going to call these into the record, but we'll start off with all those in favor, please raise your hands.**

MS. KERNS: I'll start from my right side. New Hampshire, Maine, Delaware, Maryland, Virginia, North Carolina, Pennsylvania, NOAA, Fish and Wildlife Service, New York, Connecticut, Massachusetts, Rhode Island and Potomac River Fisheries Commission.

CHAIR GARY: All those opposed, please raise your hand.

MS. KERNS: District of Columbia and New Jersey.

CHAIR GARY: That is everybody, right? Motion passes 14 in favor, 2 opposed. Thank you. Next, we'll go back to the draft addendum. We're going to go ahead and take a five-minute break, and then we'll reconvene here in five minutes and let everybody just catch their breath for a second, because I think this next step of the discussion is going to be pretty lengthy, and hopefully we'll be ready to go. Hopefully we won't need multiple five-minute breaks. Take five minutes.

MS. KERNS: Be back at 3:01.

(Whereupon a recess was taken)

REVIEW PROPOSED MANAGEMENT OPTIONS AND CONSIDER APPROVAL OF DRAFT ADDENDUM II ON 2024 MANAGEMENT MEASURES FOR PUBLIC COMMENT

CHAIR GARY: The ASMFC Atlantic Striped Bass Board is reconvened, and so now Toni will continue presenting the Draft Addendum, and we'll go into the proposed management options. Following the presentation we'll take questions first, again only questions, and after the questions we'll move into discussion. We can have a brief discussion, but if there are motions, we're going to want to get those onto the table as soon as possible. Toni, go ahead, it's all yours.

MS. KERNS: At the beginning of my presentation, I neglected to also thank the Technical Committee for their work in helping the Plan Development Team craft these options or develop analyses to support these options, so I also just want to say thank you to them as well. I'm going to apologize in advance about how much I'm going to speak now, to provide clarity for how the PDT came about some of these options, and the rationale behind them. As I think someone noted earlier, there is a size document, a PDT memo that gets into some of the issues and concerns that the PDT saw. The PDT made some recommendations that the Board, in some cases they are recommendations, in some cases there are observations for additional options that the Board could add to the document, if it's the Board's prerogative.

We would need some motions to add those things specifically to the document. We tried to craft the options in the PDT Memo to read as they would if you added them into the document, to make it easier to add in quickly. But I have built those into the presentation today, I won't do a separate PDT Memo presentation.

In order to develop the management options, we needed to do projections. A projection method was used in the 2022 assessment, to achieve the F target in '24 with a 50 percent probability. The TC used the 2022 removals, and state removals, and estimated

'23 removals to account for the emergency action regulations.

A new selectivity curve was developed for the '23 emergency action regulations. The TC also did some sensitivity runs for these projections, and found that the '23 removals varied anywhere between 4.8 and 5.7 million fish. The necessary percent reduction to achieve the F target in '24, only varied by 1.5 percent.

While that seems like a large variation in millions of fish, the actual percent is not quite as large. These projections concluded that we needed a 14.5 percent reduction to achieve the F target in 2024. Because of the maximum size limit is being considered, and not reductions in quota, we cannot determine what that reduction is, unless we do some runs to determine what those calculations would be to adjust the quotas.

You would have to do some additional work to figure out how much of a reduction you get from the maximum size limits, those runs have to be for each individual state, because each state's selectivity is different with their maximum size limits. We did not have time to do that for this, and so the PDT determined that commercial reductions cannot be calculated for the maximum size limit, so the overall reduction has to come straight from the recreational fishery.

That overall reduction would be 16.1 percent. In order to figure out the option development, the TC did a bunch of work to calculate what were the best years to use, in order to characterize fish availability in 2024, because we have to project that on using something other than stock assessment.

The TC determined for the ocean fishery 2020 data is used to characterize the fish availability in 2024, and 2022 data was used to develop the closure options. For the Bay they used '21 data to characterize fish availability in '24, and 2022 data for the closure options. Getting into the recreational options first. The recreational options presented are designed to achieve a 16.1 percent reduction in the ocean, and at least a 16.1 percent reduction in the Bay. All size limits are in total lengths.

Bag limits are per person per day, and the Board will choose one option for each region when they approve the document. Conservation equivalency programs will not be allowed for non-quota-managed recreational fisheries, with the exception of the Hudson River, Delaware River, Delaware Bay recreational fisheries. It is noted that in the CE criteria, or proposals, it says that you should have no less than a two-week duration of closure. This document does have some closures that are 10 days. The TC and PDT determined that if you do a 10-day closure, then there has to be two consecutive weekends from a Friday to a Sunday bounding that 10-day closure.

For the ocean recreational fishery, we have two options, well sort of two options. You have Option 1, which is status quo. You have one fish at 28" to less than 35", with a 2017 season date. This allows for the continuation of existing Addendum VI conservation equivalency plans, and it does not achieve the objective of the document to achieve the F target in '24.

Then we have a series of different slot limits and season closures. The season closures are no harvest closures. Most of the ocean slot options continue the use of the 28" minimum size limit. Given the longstanding nature of this measure, and consideration of environmental justice issues, so for example providing legal access to shore-based anglers to continue providing some protection to that strong 2015-year class, and that none of the ocean slot limits exceed a 34" maximum size.

For the season closures, a coastwide closure with the same closure dates for each state would ensure consistency in the timing of closures across all states, but would present an equitability challenge. We know that recreational fisheries operate very differently along the Atlantic coast, based on timing, other biological, environmental, and social economic consideration.

Coastwide closures would result in a different level of harvest reduction for each state. The 2022 harvest data by Wave are used to calculate what level of harvest reduction would be expected for the

seasonal closure options that I'll present here. If these tables are too small, I'm sorry. You can follow along in your Addendum document to see the measures better.

But the first set of options look at the 28" to 31" slot limit, and it has various closures from 10 to 21 days and in different waves. The next set of options, which are C, have slot limits 28" to 32" with closures 14 to 21 days, and then Option D has a slot limit of 30-33 inches, with closures from 14 to 21 days.

For the Bay, again we have status quo, 1 fish at 18", 2017 season date allows for the continuation of the CE programs from Addendum VI, and this option does not achieve the objective of the document. All Bay options propose a maximum recreational size limit for B through I. These range from 23" to 28". The higher maximum size limit of 28" allows for a harvest of a portion of the above average 2018-year class, which will be Age 6 with an average length estimate of just over 26" in 2024.

We see differences in striped bass seasons, and they have long differed between the Bay jurisdictions. In 2020 those seasons were further deviated with additional CE plans in the Bay. Due to the complexity of the Addendum 6 CE plans and associated uncertainty in estimating increased harvest from removing a closure, all the options that are presented maintain those 2022 season closures. It should be noted that recreational closures implemented in some of the Bay jurisdictions were part of approved CE plans to account for taking a lower reduction in the commercial sector, to overall achieve the previous Addendum VI reduction. By maintaining the shorter 2022 recreational season, those previous CE programs cannot be entirely wiped clean, so that may be considered when addressing the starting point for the commercial quotas. This gets to your question, Mike, of either wiping the slate clean or just starting a new FMP standard. Some of the options proposed additional closures on top of the existing closures.

Those additional seasonal closures proposed in the options are no harvest closures, and the additional closures continue when current harvest occurs

throughout the year in each Bay jurisdiction. The Options B and C, the consistency in these options is a maximum size limit. It is 23" for B, and Option C is 24". Then Option D, E, F and G have consistent minimum and maximum size limits. They range from 20" to 24", 20" to 25", 20" to 26", and then 20" to 28".

Then the Option H and I have consistent minimum size, maximum size, and bag limit. Those size limits are all set at one fish. The PDT notes on the recreational options, the Board would want to consider a starting point for the measures. This mostly just applies to the Bay options and the commercial options, due to the nature of the CE programs in place. Are we wiping the slate clean? Are we starting a new FMP standard?

No Bay recreational option creates a truly consistent set of measures across the Bay. This is due to those issues that I just raised with the season closures. Wiping the slate clean was not 100 percent feasible with these options. But the PDT did try to create options where there are standard size bag limits with the 2022 seasons maintained.

If it is the Board's intent to proceed in adopting past CE programs as part of the new FMP standard, or not, the Board can eliminate options before approving the draft addendum for public comment. If you want to wipe the slate clean you can, and we'll pull those options out, or if you don't, you don't have to. Some of them would eliminate certain commercial options as well.

For the Bay, since the recreational options don't completely wipe the slate clean, the commercial FMP standard approach may not be consistent across the Board, and for the ocean the Board should consider the implications of that FMP standard on states that originally took less than an 18 percent quota reduction for their commercial fisheries in Addendum VI.

I'll note that the Board doesn't have to make these decisions today, outside of whether or not you are going to remove some options or not. You can make a final judgment call of whether or not you're saying something is going to become the new FMP

standard, when you approve the final options in the document.

The PDT had some additional notes on recreational options that you could also include. These are mode splits, no-targeting seasonal closures and at-sea filleting. I know there are a lot of words on the screen. This shows the actual options as they would read if we added them into the document, but more importantly, the Board discussed potential exemptions for for-hire modes from the 2023 emergency action due to the lateness of the rule change.

But that motion failed due to lack of majority. During that discussion, some Board members noted they have overarching concerns about considering separate for-hire measures as a part of the striped bass FMP at all. The PDT acknowledged the comments made by the Board, but they also recognized the public comment that they heard when listening to the emergency action public hearings. Considering the comments that they heard, they went ahead and explored potential recreational options with differing bag limits or slot limits for private vessel, shore anglers, and for the for-hire modes. The PDT recognizes that there were several issues that the Board would need to consider, including concerns about equity and enforcement on different regulations, and develop possible options to not delay the Addendum schedule, should it be the Board's desire to consider a recreational mode split.

For the ocean recreational measures, potential options propose a wider slot limit in the for-hire modes for some of the draft addendum options. Mathematically a wider slot limit in the for-hire sector is feasible in the ocean, because their for-hire removals are a small proportion of the total ocean removals. On average it is 6 percent of the ocean recreational harvest and 3 percent of the total ocean recreational removals over the past three years.

Therefore, it doesn't impact each option's achievement of the overall reduction much. The ocean recreational mode split options on the screen allow the for-hire modes to harvest a wider slot, only

decreases each option's reduction by 0.1 percent compared to if the for-hire modes were under the same measures as the rest of the fishery.

For the Bay, potential options could propose an increased bag limit of two fish for the for-hire modes across all the Bay jurisdictions instead of one fish. In the Bay the for-hire removals are about one-fifth of the total Bay removals, so on average 27 percent of the Bay recreational harvest and 18 percent of the Bay recreational removals over the past three years.

To account for the two-fish bag limit, some of the mode split options propose a narrower slot limit as compared to the existing options, where it has a one-fish bag limit. Another additional option could be at-sea filleting. During the recreational size-limit option, a PDT member raised concerns about state allowances for at-sea filleting of recreational caught striped bass.

In particular where racks are not required for enforcement of size limit, and are no corresponding minimum/maximum fillet lengths. With the expected narrowing of legal-size fish, there could be incentive to exploit a loophole in the state's that do not have these measures already in place. Enforcement with maximum size limits is particularly challenging when you do allow for at-sea filleting.

The option allows for states to craft their own measures, but address specific issues to narrow the exploitation of loopholes. I am missing my no target, no targeting seasonal closure slide, so I'm just going to talk about it. The PDT also made notes about no targeting season closures. While the Board did have discussions during the emergency action regulations about the potential of addressing no targeting closures, they did not implement those, because as we previously discussed through Adam's question, we don't have an ability to quantify these measures.

The Board could take any of the no-harvest closures and turn them into no-targeting closures. Some of this was raised during the public hearing comment as the same concerns that both Adam and Tom brought up today. But we would not be able to quantify what

additional reduction may come from a no-targeting closures versus a no-harvest closure.

The Law Enforcement Committee has in the past said that they do have difficulties enforcing no targeting closures, due to the nature of the inability to confirm that someone is directing on striped bass, versus another fishery. I recognize that there are some states and jurisdictions that have been trying this, and so if we do move forward with this, we could talk with their law enforcement on how successful or unsuccessful they have been in the enforcement of the measure. Then we'll move on to commercial measures, which is Slide 31, thanks.

The following options propose implementing a maximum size limit for the striped bass commercial fisheries in the ocean and the Chesapeake Bay. The intent of the size limit options is to protect the largest, mature female striped bass contributing to the SSB. Commercial striped bass fisheries operate in each state with varying gears, seasons and size limits.

Consequently, the implementing a standard maximum size limit across all commercial striped bass fisheries would result in a range of impacts that differ by state and gear type. In the past, when individual states changed their commercial size limits through CE, the states simultaneously adjusted their quotas up or down for maintaining the same spawning potential under the new size limit, as compared to their previous size limit.

The process of adjusting quotas to maintain the same spawning potential, has been standard practice for CE programs in the FMP for many years. If a commercial maximum size limit is implemented, and there are corresponding quota adjustments to account for spawning potential, many state quotas will likely decrease to account for lost spawning potential, due to harvesting smaller fish.

As maximum size limits decrease, harvested fish size will also decrease, along with the degree of corresponding commercial quota reductions, as illustrated in the table. Additionally, a new maximum size limit may lead to state's requiring a lower

minimum size limit through conservational equivalency, to expand their harvest slot. This would further contribute to changes in quotas, and changes in the size of the commercially harvested fish.

States that already have smaller fish would likely see less of a quota reduction from a new maximum size limit, since their fisheries already select for a smaller fish. If a commercial maximum size limit is implemented without corresponding quota adjustments, the number of fish harvested may increase, since the average size of the commercial harvested fish may decrease in some states, along with the potential of increased discards, which would be the opposite effect of what you would be trying to do through these Addendum measures.

If the maximum size limit is implemented, there is also significant concern about the potential for increased dead discards from anchored gillnets. The concern is, any intended benefit of releasing the larger striped bass caught in the anchored gillnet will be offset by the high mortality rate of discarded fish from these gillnets, and the resulting need to continue fishing, possibly with a greater amount of gear, in order to meet that individual's quota or a state quota.

For the options, there is status quo, no change in the maximum size limit, maintain all measures and quotas from 2017 or the Addendum VI CE Plan. The Amendment 7 quotas including CE adjusted quotas, would also remain unchanged. Then we have a series of potential options. The first Option Set for B is adjustments to the spawning potential with the quota. Option B1 is no adjustment. The quotas would not be adjusted with a spawning potential analysis, it would not account for a change in the spawning potential resulting from harvesting different sized fish. Option B2 is you would adjust the quotas. They would be adjusted with the spawning potential analysis, state-specific analyses would be required in order to adjust the spawning potential for the new size limit. Most state quotas would likely decrease. Option C is what is the starting point for applying maximum size limits to quotas.

C1. You would use 2022 as the starting point, so all of the measures and quota limits from this 2022 year. That would include those that have been adjusted for Addendum 6 CE. The states could still submit conservational equivalency proposals to adjust their size limits using spawning potential analyses. But in this measure the states could not go below 18" and they could not go above whatever is the selected maximum size limit.

Then for Option C2 you would use the FMP standard as the starting point. We would align the quotas with the historical FMP standard, so go back and then implement selected maximum size limits from those original quotas, prior to Amendment 6, and they would result in a standard commercial slot limit for each region.

For Option Set D, the Ocean Commercial Maximum Size Limit, we have a series of size limits. They range from 38" to 42" for the ocean fishery, and then Option Set E looks at maximum size limits for the Chesapeake Bay. They range 36" for all Bay commercial fisheries, except for January 1 through May 31, when the max size would be reduced to 28", or there is a second option that does not have that season put in.

The PDT notes that if a spawning potential analysis and quota adjustment is required as part of this Addendum, which is the B Set options. This will be unique for each state, and will need to be conducted at some point. The Board has to decide if they choose to utilize these options when this analysis would occur. We have three choices. One, before public comment occurs, so that would delay the Addendum by one meeting cycle.

The benefit of this is that during public comment they would be able to see what happens to their commercial quota, whether or not it goes up or down. It could be done after the Addendum is approved. The public would not know how their quota would change during the comment period, or Option 3, which is in the middle of the public comment period. States would work to try to figure out how their quota would be adjusted, hopefully

prior to their public hearings, so it could be a part of your public hearing.

I have some concerns about this third option, if it is asking for Commission staff to be a part of this figuring out of how the adjustment would be. We're on a reduced staff capacity, not having Emilie in-house and work being done on the 2024 stock assessment, and many other stock assessments that are ongoing right now. If the states can support this reduction on their determining what the spawning potential analysis will show to how it impacts the quota on their own, then we could do this.

But if it is asking Commission staff to do this, it will be very difficult to do so. Thinking about the commercial size limit changes and quota adjustments, past changes to commercial sizes have been accompanied by the corresponding changes to the state's commercial quota to account for maintaining that spawning potential. This process has been a standard practice for many years. The PDT recommends that the Board discuss their intent, and make a decision today regarding how to move forward with this. If they do not want to adjust, then you can eliminate several of the management options. Lastly, the PDT discussed, as I noted in the presentation, anchored gillnets. There were concerns about the potential for the increased dead discards, particularly for the anchored gillnets by the PDT, if a maximum size limit is implemented. The concern is, and you know relative to the intended benefit, being negated by the rein of discards. It is estimated that a 45 percent discard mortality rate is seen in the anchored gillnets.

This is what is being used in the stock assessment. To address the concerns, the draft addendum could consider provisions specific to anchored gillnets that would implement a maximum mesh size instead of a maximum fish size. Determining what that maximum mesh size may need to be could take some time.

The Board could include options that would say that the mesh size would be specified at a later date, which may be difficult for the public to comment on, or states could submit conservation equivalency programs for those that have anchored gillnet

programs. Then lastly, during the discussions there was a concern raised about the commercial tagging program on the point of tagging, and that tagging of striped bass at the point of sale versus the point of harvest.

Three states tag at the point of sale, one PDT member noted that point of sale tagging may not be as effective from an accountability and enforcement perspective, as compared to point of harvest tagging, especially if states have overlapping commercial and recreational size limits. There is a difference of opinion among the PDT members on the issue.

Another PDT member noted that point of harvest tagging has the same potential accountability and enforcement issues, and that states with point-of-sale tagging have effectively addressed overlapping sector size limits by requiring recreational fin clipping provisions. If the Board is concerned with this at all, they could either ask for this review of the commercial tagging program, which we said we would do earlier in the FMP review.

Then the results of the PRTs finding could be included in another management document or the Board could just make a decision and include it in this document. Then the last section of the document looks at responding to the stock assessment. In Amendment 7 we had a similar provision that was not needed.

But this provision says, if an upcoming stock assessment update indicates that the stock is not projected to rebuild by 2029, with a probability of greater than or equal to 50 percent, the Board could respond via Board action, where they could change management measures by voting just to pass a motion at the Board meeting, instead of developing an addendum.

This allows for fast action to the stock assessment if an addendum or an amendment process is done instead, it can take up to two years for those measures to be implemented, versus Board action often allows those actions to be implemented in the next fishing year, or even immediately, if it is something that can be changed by the states through

emergency action. Today we are looking to consider approval of this document for public comment. I will take questions.

CHAIR GARY: Thank you, Toni, for the very thorough presentation, and here we go. We'll start off with questions only. After questions are done, we'll prepare for the discussion. Let's start, see if we can pick a few hands that we haven't called on yet. Start with Doug Grout. Keep your hand raised, so I can get you in the queue.

MR. DOUGLAS E. GROUT: Thank you to the PDT for all their tremendous work with this, and coming up with a number of options that can address our issues here. I had Toni, three questions for clarification for me. The first one is, I noticed under the Chesapeake Bay recreational options on your slide up there.

You had a note at the beginning that said, does not achieve needed percentage reduction. Is that identified anywhere in the document? If it is, just point me to the page and that's fine. I just was looking at that. That surprised me, because I didn't see that anywhere. Then I'll have two more once you're through with that.

MS. KERNS: Option A, status quo for both the ocean and the Bay options don't achieve the measures, and it is on Page 13 and 15, as part of the text of the status quo option. It says it doesn't achieve the objective of the document, and the objective is the reduction.

MR. GROUT: Thank you, I appreciate that. This next question involves the conservation equivalency provision. There is an exemption that says you can't have conservation equivalency if you don't have quota. I mean if you don't have quota management, except for Hudson River, Delaware River and Delaware Bay, they get an exemption for that. Is there somewhere in the document it explains why that is, because I can imagine the public asking that question?

DR. DREW: It's not in this document, because it was part of what was decided under Amendment 7. It may be in there, it may not be, but it's basically

related to the availability of the size of the fish available in these more producer areas. The Chesapeake Bay is essentially grandfathered in with having smaller size limits.

Whereas, the Delaware Bay and the Hudson River are not under our current system. Conservation equivalency is a way for them to, I think the Board wanted to retain that ability to have smaller size limits for these producer areas that are not officially producer areas. But that was part of Amendment 7.

MR. GROUT: Okay, part of Amendment 7. I would suggest be prepared at public hearings for that question to be explained to the public. Finally, under the commercial, let's see if I can read my scratch here. I have a question. I know the Board in their motion for the Addendum said to produce a document reducing the maximum size limit, and not reducing the quota. If we were to try to add that in right now, you wouldn't need a calculation of SPR reductions, would we?

MS. KERNS: If you just want to do straight reduction of the quotas.

MR. GROUT: Straight reductions of the quotas of 14 percent.

MS. KERNS: Correct, no SPR calculations.

DR. DREW: The SPR calculations are only related to the size limit changes in the commercial fishery, so no size limit changes no SPR calculations.

MR. GROUT: Thank you.

CHAIR GARY: The queue is, John Clark and then we'll go to Emerson Hasbrouck, Justin Davis and Max Appelman. Go ahead, John.

MR. JOHN CLARK: Roy just said that you missed him.

CHAIR GARY: I won't ever let that happen again, Roy.

MR. CLARK: Thank you, Toni, for that whirlwind tour through a long and complicated document here. But if I missed it, I'm sorry, I'm just kind of curious,

because I know the motion said that for recreational options that seasonal closures should be a secondary option for those, and yet I take it we can't meet these reductions without them.

Katie has just given us another reminder of how impossible it is to quantify these seasonal reductions. Like I said, I'm just curious. Were there any other possibilities, like I mean obviously, a 28" to 28.5" slot is impossible, but like a small slot and then like maybe a fish over 45". I don't know, I'm just asking if there are ways to do this without coming up with these seasons?

DR. DREW: Yes, basically the emergency action 28" to 31" alone got you extremely close to that reduction, but on paper it did not achieve that reduction, so on paper to get to that 15 percent reduction, or to get to the required reduction, we would need either an even narrower slot. I think the PDT did talk about; you know would we want to go to a half-inch? Like for the 18" to 20" to 30.5" and they agreed that we don't manage on a half inch measurement right now.

That would just be incredibly confusing for everybody, and probably really difficult to quantify, like the savings in that inch. I think you have to go to either a narrower slot, or add these season closures in. Obviously, since these enclosures are only giving us a few extra percentage points on paper, which is probably within the uncertainty amount in these reductions anyway. But eventually on paper there was no way you could get to the reductions we needed without these season closures.

MR. CLARK: Just to be clear, you said that 28" to 30.5" would get the reduction?

DR. DREW: We did not look at any for the ocean, we looked at a couple for the Bay, where like going half an inch down or half an inch up would get you to that right reduction. We didn't really look at it for the Bay, sorry for the ocean it is possible on paper you could try to track that down, but we felt like the enforcement and management uncertainty around that was not worth it.

CHAIR GARY: Roy, I'm going to make amends with you, you get next shot.

MR. MILLER: Thank you very much, Mr. Chairman, and thank you, Toni, for your summarization of this considerable body of work by the Plan Development Team. A lot of thought went into it. During your summary of this process, I lost track of Chesapeake trophy fishery. Where does it fit into all of this, or would there no longer be a Chesapeake trophy fishery?

MS. KERNS: The trophy fishery would have to follow whatever the ocean fishery measures are, because that is how that trophy fishery exists, it's based off of the ocean fish, so it would have to follow those measures.

MR. MILLER: They might need to rename the program, if we went to a fairly low maximum size limit. It's no longer a trophy fish then.

MS. KERNS: Perhaps.

CHAIR GARY: Back to the queue, we'll go Emerson, Justin, and Max.

MR. HASBROUCK: I didn't have a specific question for Toni on her presentation, my question is more about process, in terms of how we're going to move forward. I can either ask you that question right now, Mr. Chairman, or you can come back to me when you've gone through other people who have direct questions for Toni. It's your pleasure.

CHAIR GARY: I'm sorry, Emerson, I got distracted for a second. Sure, go ahead.

MS. KERNS: Emerson, for process I think what Marty would like to do, or he and I have discussed, is we'll go through each of the sectors, so it is the pleasure of the Board where you want to start, but we can start with recreational or commercial, or the response. But we'll do all of the recreational at once, all of the commercial at once, and then the response one, if that helps.

CHAIR GARY: Justin.

DR. DAVIS: I have a question related to the potential to do spawning potential analysis, related to the maximum size limit option. There was a slide in the presentations that said it was a possibility that if we kicked it back one meeting cycle, sent it back to the PDT, we could ask for that spawning potential analysis.

If I'm understanding it right, the outcome of that analysis would be dependent on the option selected in Options Sets B, C, D and E, or actually it would just be C, D, and E, right? You know you would need to figure out whether you're using the FMP standards as a starting point or 2022, and then which max size limit for the ocean or the Chesapeake Bay accordingly so.

Now it's possible the Board could make a decision at this meeting to eliminate Option Set C, and just make a decision there. But either way you're talking about sort of multiple permutations, and so the intent would be to produce that. I guess I'm just asking like, is it feasible to really do all that before the next meeting?

MS. KERNS: We would shoot for that, Justin. If there are no eliminations of any of the option sets it might be really tricky. I was really hoping that we would choose either wipe the slate clean, or FMP standards, so that it doesn't have to be so many permutations, and maybe knock one or two options out of those permutations, but pleasure of the Board. If we leave them all in, I make no promises.

CHAIR GARY: Max.

MR. MAX APPELMAN: I think a question for Katie, maybe. I'm just trying to reconcile two different numbers of that scene in the draft addendum versus an earlier, I think it was a TC report. On the one hand we're saying 14.5 percent reduction relative to 2022, to get us to F target in 2024.

Then I think I saw in another, this was based on the emergency measures achieving up to a 30 percent reduction relative to 2022, but this is getting back to what John was saying. We don't see that as like a standalone option in the draft addendum. I think my

brain is trying to do an apples-to-apples comparison where there isn't one, and maybe you could just help me understand the differences in those two numbers.

DR. DREW: I think this really illustrates kind of where we are, you know sort of we've reached a lot of what we can do with the limits of the data that we have, and the assumptions that we can make about what kind of a reduction we can expect. There was sort of two questions here, two steps to this calculation.

The first step is, number one, we've implemented emergency action in 2023. What is that going to do to removals in 2023? Then we need that in order to take the next step to project forward to say, okay we expect this level of removals in 2023. What level of removals can we get in 2024 and be at or below the F target?

Then you figure out that, so that gives you sort of, this is the level of removals we need in 2024, according to the projections, and that is basically a 14.5 percent reduction from 2022 levels, in order to achieve that F target in 2024. Then we have to go back and say, okay what combination of regulations will, on paper, get us to that reduction?

For the question of what does emergency action do? We basically used 2018 and 2019 as proxies for what we think is going to happen in 2022 and 2023, because the 2011-year class is basically the same age in 2018 and 2019 as the 2015-year class will be in 2022 and 2023. We could sort of use what happened to the 2011-year class as it moved from 2018 to 2019, under consistent regulations, what happened to that.

Let's apply the emergency action regulations to 2019, and see what kind of reduction you get. That gives us that big reduction of 30 percent. A lot of that is coming from the fact that we saw a drop in catch, mainly in the Bay, as we moved from 2018 to 2019, with no change in regulations. That calculation is combining the effects of the new regulations, that is that tighter slot limit, as well as the effect of fish availability and the growth of that 2011-year class into and out of that slot. That is where our big 30

percent number comes from. However, there is a lot of different assumptions we can make about how to do that calculation on paper. For example, a lot of that catch there was almost no effect of the emergency action on paper on the Bay, but you still see a big drop in catch from 2018 to 2019 in the Bay. If we assume 2022 to 2023 there is no change in the Bay harvest, you get a smaller reduction. If we only look at the effect of what happens if we implement those measures on 2019, relative to 2019, as opposed to relative to 2018, you get an even smaller reduction.

That is down to about, I think that is like maybe 16 or 18 percent, compared to that 30 percent. I think that illustrates the uncertainty in these reductions, and what we're trying to capture with these reductions on paper, of the dynamics of changes in effort, changes in angler behavior, changes in the availability and the abundance of the fish, the growth of the fish. Then we get to 2024, and we're trying to do these calculations again on paper.

This time, ideally it would be great if we could say, what happened in 2019 versus 2020. But 2020 number one was the Addendum VI, so we put in management, and that changed harvest. Then we also had COVID, and that presumably changed harvest and removals in some way that we can't untangle from the effective management, from the effect of that 2011-year class moving through, et cetera.

We use kind of an internal, you know if we apply this regulation to 2020, what would it be if we didn't have a regulation change in 2020? That is where that 14, roughly in the ocean it is about 14 percent for the emergency action in 2024. In the Bay it's about a 2 percent decrease for the emergency action in 2024.

That method is missing sort of the effect of the strong year class moving through the fishery, and potential changes in abundance. That is making it difficult to quantify. But that is part of why we're seeing a big change, a difference in kind of like our maximum predicted reduction on the 2023 emergency action affect, versus the 2024 emergency action affect.

We are struggling with the availability of the data to characterize what is going to happen here. On paper what happens is that our estimate of the emergency action reduction effect in 2024, is not enough to get you to the 14.5 percent reduction that we need. We did the numbers. I don't think they are in the document, but they are basically we're expecting overall about an 11 percent reduction if we keep the emergency actions in, relative to 2024, compared to the 14.5 percent that we need overall. Yes, sorry, it's a lot.

I am happy to clarify anything that was unclear on that. But as I said, I think we are really hitting the limits of what we can do with the data that we have and the assumptions that we can make about what the effect of how year class strength, how availability, how abundance, how angler behavior are all interacting with these regulations to predict what is going to happen.

CHAIR GARY: Pat Geer.

MR. PAT GEER: Katie, I just need some clarification. Did you say there was no regulatory changes in the Chesapeake Bay in 2019?

DR. DREW: From '18 to '19 there were no changes, or that there were minimal changes. Were there changes?

MR. GEER: Yes, there were. We implemented, prior to the approval of Addendum VI. In August of 2019, we adopted the 1-fish, going from 2-1, and we adopted emergency regulations on gillnets, making it maximum 7-inch mesh in the Bay, and 9 inches. Going from 2 to 1 fish was a substantial change in regulations in 2019 in the Bay.

DR. DREW: That may be part of it for, Virginia is a smaller component of the overall removals in the Chesapeake Bay than Maryland, so that is part of it. I expect part of it is also the fact that if you look at the catch-at-age there was, basically those 2011-year classes were hanging around a bit in the Bay in 2018.

They're almost gone out of the catch-at-age, virtually gone in 2019, which is what we would expect to be happening with the 2015s from 2022 to 2023. But yes, there is probably a little bit of an effect on the rest. We also did not look at, like this is purely on the recreational side, so the commercial side regulation change did not affect this size frequency calculation, but it is possible that the bag limit change did, to a small degree.

CHAIR GARY: We're going to go to Adam, but before I call on him, I'm going to see a last show of hands so we can move this into discussion. Does anybody else have any burning questions? Mike, so we'll leave it at Mike, so it's going to be Adam and Mike, and then we're going to move into discussion.

MR. NOWALSKY: In the PDT memo on additional topics under the no-targeting seasonal closures, there is the statement, the PDT recognizes there is continued questions and concerns about enforcement of no-targeting closures. Certainly, none of this is a laughing matter, people, resources, these are all very serious topics.

But this did make me think of a joke I heard about the person shipwrecked a hundred miles from shore, started to swim, got 99 miles away, got tired, I can't make it, and they swam all the way back. Why is that relevant here? Well, I'm thinking about these no-targeting closures, and I'm thinking about all of our state enforcement agencies that have joint enforcement agreements with federal authorities, and we have an EEZ that is 197 miles wide from 3 to 220 miles.

It left me wondering, why is it that we can enforce no targeting in 197 miles of our coast, but we have a problem in the 3 miles closes to our coast? I'm wondering if you could expand on what is different about that 3 miles versus the other 197 that would make a no-targeting closure so difficult to enforce?

MS. KERNS: Adam, I'm going to go to Jeff Mercer, Law Enforcement representative.

MR. JEFF MERCER: I would say in general that a no targeting is difficult to enforce. It is difficult to

enforce in federal waters. It's just something that is difficult to prove whether or not you are targeting striped bass or bluefish. We do our best with it, but it is a measure that is very difficult for enforcement to enforce wherever it occurs.

CHAIR GARY: Go ahead, Adam, follow up.

MR. NOWALSKY: Just to follow up, there is no new inherent difficulty that the last three miles would incur that aren't already a problem for the other 197 miles, if I understood that correctly.

MR. MERCER: There is a complete prohibition on retaining striped bass in the federal waters as well, so that makes it slightly easier on our end, and we do take enforcement actions out there based upon that. But it is difficult to prove a case on targeting in federal waters. Would it be any less or more difficult in state waters? I can't really answer that, it is essentially the same thing, but it is a difficult case to prove.

CHAIR GARY: Last comments, Mike, sorry, questions.

DR. ARMSTRONG: Katie, if we could go back to the percentage reduction from the emergency action in 2024. I thought I just heard you say 11 percent, but I had heard calculations say 14.1 percent.

DR. DREW: It's 14.1 percent for the ocean, and about 2 percent for the Bay, so when you add them together and combine with no changes on the commercial side, you get 11 percent reduction overall.

DR. ARMSTRONG: Okay, versus the 14.5.

DR. DREW: That we need overall.

CHAIR GARY: Does that answer your question, Mike?

DR. ARMSTRONG: Unfortunately, yes.

CHAIR GARY: That was our last question, so we're going to go into discussion now, the most challenging part of this meeting. I know the Board knows this, but for the listening public, so the exercise we're about to embark upon is to take this very well done

and thorough document, created by the Plan Development Team, and then craft it into something that the public can really respond to and understand.

Part of that exercise is taking things out that we think are not necessary, and then also on the other end of the spectrum, things that may be missing, and adding them to the document. As Emerson had asked, and Toni had replied, a strategy we want to employ is to take one section or the other, it really doesn't matter.

But once we started recreational measures, let's stick with that and finish them, so 3.1 or 3.2 commercial, and we'll go from there. I will open the floor up, we can have some brief discussion, but when we put motions on the floor, if we have limited time. That will hasten us to our conclusion. I'll open it up. I'm going to go to Justin and then Emerson and then Adam, and then Mike. Go ahead, Justin.

DR. DAVIS: I guess I wanted to ask, do we have to go in the order of talking about recreational and then commercial, or would you be open, I mean if it is the will of the Board too, to address the commercial section first?

CHAIR GARY: I might not have been clear. We could go either way. But once we start one, once a motion is up for one, you want to throw a motion up right now, you can start the process.

DR. DAVIS: I am willing to do that, Mr. Chairman, but I'll defer back, some other folks raised their hands that also wanted to participate in discussion, so I don't want to short circuit what they might have wanted to ask.

CHAIR GARY: Okay, so you're going to hold back. I think we had Emerson, and then we had Adam and then Mike.

MR. HASBROUCK: I was prepared to make a motion relative to Section 3.1, but I also have a motion relative to 3.2. I'll make either one of those motions, depending on where you want to start.

CHAIR GARY: You didn't send those motions; you just have them?

MR. HASBROUCK: Yes, but they are just as valid as ones that were sent in previously.

MS. KERNS: Read us very slowly, please.

CHAIR GARY: All right, Emerson, you get the honors, lead us into.

MR. HASBROUCK: Okay, do you prefer whether I start with 3.1 or 3.2?

CHAIR GARY: Three point one.

MR. HASBROUCK: Okay, **move to add under 3.1.1 and under 3.1.2, an option that states that any recreational season closure implemented through this addendum would be a no harvest closure, and an option that states that any recreational season closure implemented through this addendum would be a no targeting closure.**

CHAIR GARY: For members of the listening public, we are typing in Mr. Hasbrouck's motion, and we'll have it upon the screen in a moment, and we'll read it into the record.

MS. KERNS: Emerson, just to clarify. The goal of this is for the public to choose whether it's a harvest closure, or the public to provide input, the Board will choose, whether this is a harvest closure or a no targeting closure.

MR. HASBROUCK: Yes, that is right. It is to provide two options for any closures. One is that the closure would be a no harvest closure, and the other option would be to have a no targeting closure, and to get public input on both of those options for any closure.

CHAIR GARY: Do we have a second to this motion? Mike Luisi. All right, Emerson, do you want to expand on your motion?

MR. HASBROUCK: Over 90 percent of the recreational catch is discarded. If you look at data from the past 10 years, for some years removals

from harvest are greater than the discard mortality, and in some years recreational discard mortality is greater than the recreational harvest.

Harvest and release mortality have been pretty much evenly split, in terms of which one comprised the majority of recreational removals over the past 10 years. I don't know why we would not want to help address this high level of discard mortality by implementing no targeting. I think we need to get at that somehow.

I know that there are enforcement issues, but I keep hearing from the public that the public wants to do the right thing to help rebuild this resource as quickly as possible. I have to think that there will be compliance with no targeting, even if enforcement is problematic. Also, there currently are no targeting closures in the Chesapeake

I also understand that we can't actually calculate what the reduction in fishing mortality will be with a no targeting closure. But we couldn't calculate that for some of the other things that we've implemented, circle hooks and no gaffing, but we know that they are going to reduce mortality. Similarly, with a no targeting closure it is going to reduce that discard mortality.

CHAIR GARY: Mike, do you want to add anything to that?

MR. LUISI: Yes, thank you, Mr. Chairman. I agree with Emerson. I also agree with the points that Adam Nowalsky made earlier. I feel pretty strongly, and I've made this clear to the Board, that I think no targeting closures are appropriate in this fishery, where the majority of the mortality is coming from fish being released. I realize that it is a large recreational fishery, and fish are always going to die after being released.

But I think we can do something about it from the Board, to ensure that this sector of the fishing public is held to some standard that will help in the rebuilding of the spawning stock biomass. Emerson mentioned that there are no targeting closures in the Chesapeake. Maryland is one of the states that has

a no targeting closure, and just to give you my own observation.

I drove over the Bay Bridge over the Chesapeake Bay on the second day of the no targeting, no harvest closure last weekend, a couple weekends ago, and the boats were dramatically reduced. Now there were still some people out jigging on the pilings, but there were a lot less boats than there were two days before that.

While it's difficult to quantify, I think it's really important, and I think it's a way for the truly passionate angler to accept the fact that this stock needs more than what we are able to do with the tools that we have. I don't have a crystal ball, but I think I know this conversation is going to go down the road of nothing really works for anyone, as far as options being presented. We're at that point, I think where we need to start making some difficult decisions, and this will be a great opportunity to get the feedback from the public, so that is why I seconded it.

CHAIR GARY: We'll open it up for discussion, anyone? Doug Grout.

MR. GROUT: I normally am very supportive of providing the public with the opportunity to address options in the plans that we put forward. Right now, I'll give you folks my feeling, is this document is way too complex for the public. We have got to narrow this down to something that is simple, because otherwise your public will be spinning their heads. If Emerson, you had presented this after we had done some paring, I would probably support putting it in.

But right now, adding one more thing on top, before we start cutting things out, and narrowing it down, it is going to be difficult for me to support it at this point. You know, I might suggest we table it towards the end, and bring that up as an option at that point. The other thing that I wanted to ask the members of the Bay states that have nontargeting options. Has their law enforcement ever been able to bring a case forward, and get a conviction for someone who was targeting during those periods?

CHAIR GARY: I'll tell you this much. PRFC has a no targeting provision, and my understanding is that law enforcement officers have written tickets. They've also told me that when they approach them and ask them if they were fishing for striped bass, they admitted they were. They admitted they were fishing; they issued the ticket. But that is about as much as I know about it. I think, Mike, I don't know if you have any comments from your side.

MR. LUISI: No, I'm sorry, I don't have any detailed information about the actual enforcement. I do know that the first year we had the rule in effect it was more of a warning shot across the bow, for anglers that were found to be targeting striped bass. But in recent years I haven't followed up with any exact details on what is being enforced, although I know it is being enforced. People are being stopped, tickets are being written, but how many of them get prosecuted, I'm not sure.

CHAIR GARY: Toni, do you want to add something?

MS. KERNS: Mike, I think you hit home for the Law Enforcement Committee, often it's where the rubber hits the road. The tickets can be written, but how well they can be prosecuted in court is another story. We can try to see if we can get some more information on that. But I just wanted to note, relative to the discard mortality.

In 2022, the release mortality is actually starting to go down. In '21 it was 50 percent overall of the release mortality, and in 2022 it is 39 percent. It's not at those highest levels anymore. Then in terms of the discards themselves from the ocean and the Bay, those values also went down in '21 to 2022.

CHAIR GARY: Jason.

DR. JASON McNAMEE: I actually don't have anything relative to the motion, but I wanted to let you know that I have a motion relative to these same sections, so I just wanted to let you know that, in case process-wise you wanted to come to me sometime in the near future.

CHAIR GARY: You have a motion you want to offer up potentially at some point. Let's go to Dave Sikorski.

MR. SIKORSKI: Coming from the Bay perspective and seeing what no targeting closures have done, I would disagree slightly with Mr. Luisi. This year we've had a concentration of fishing in one place, one place only for the most part, Baltimore Harbor. Reflection of what is happening on the Chesapeake Bay today is very different than 2017, when we were looking at the benchmark assessment, and how do we address the majority of removals coming from discards.

Also, the Chesapeake Bay, to my knowledge, has never had a majority source of removals coming from dead discards. We are a harvest focused fishery, at least in Maryland, and so are addressing harvest is the way that you can address mortality. I have some concerns about quantifying no targeting closures and their value in trying to chase this fishery that is continuing to decline.

I don't look at catch and release as a sector, you know similar to what Mr. Luisi said, you know catch and release people. I look at catch and release fishing as a reality of recreational fishing. I look at dead discards as a reality of commercial fishing, and we should manage those wasted dead fish in whichever way we can.

But if we continue to talk about it in sectors and groups of people and demographics, we're making a grave mistake in the current trajectory of this fishery. I really look forward to seeing what the public would have to say on this. I generally don't support implementing no targeting, I don't think it's a successful way to quantify saving fish at this stage of this fishery.

CHAIR GARY: I know we have a lot of motions to go through, and we're going to have to move the discussions to votes pretty quickly. If you have a burning desire to comment on this before we call the question, let me know. Otherwise, we're going to move this forward. Not seeing any burning. Well, I see Robert T do you want to? Go ahead.

MR. ROBERT T. BROWN: Yes, we have a lot of problems out there, not only with these fish that are catch release, it happens more than just during the summer months. It happens during the winter months, it happens during the spawning season, and it's time when the season is over, and it's got to come to a halt, because dead discards are why we're here today. If we didn't have the dead discards we wouldn't be here on this topic.

CHAIR GARY: I'm going to go ahead and I would like to call the question, if we could. I know we have three Board motions they want to tee up, so we've got a lot of things that are starting to pile up. Does it need a caucus on this? All right, there is, let's caucus. We'll give it 30 seconds. It is time. **We'll call the question. All those in favor, please raise your hand.**

MS. KERNS: Potomac River Fisheries Commission, Rhode Island, New York, New Jersey, Pennsylvania, North Carolina, Virginia, District of Columbia, Maryland, Delaware.

CHAIR GARY: Those opposed.

MS. KERNS: New Hampshire, Maine, Connecticut, Massachusetts.

CHAIR GARY: Abstentions.

MS. KERNS: NOAA Fisheries, Fish and Wildlife Service.

CHAIR GARY: Null votes. The motion passes, 10, 4, 2. We have three Board members that have motions teed up. I would like to respect those, and the individual that has participated the least, I'm going to give him the next option. That's going to be Mike Armstrong. Then we're going to go to Adam, and then we're going to go to, who am I missing? Justin, oh Jason, and then Justin, you have one? Okay, that is the queue. Go ahead, Mike, you're up.

DR. ARMSTRONG: I don't think I'm the only one here that is having a real hard time grasping all these percentages. In fact, I was just blindsided by that 11 percent, I thought it was 14.1, because a lot of it is not in the document. But I think my motions are still

valid, but it's all about sequencing. We need to get percentages. We were pretty darn close with 14.1 on the coast with the emergency action. We need some from commercial, we need some from the Bay. From a sequential point of view, I would say we start with those and end with the coast, maybe.

But that is based on my, so I'm going to go ahead and go with a Chesapeake Bay option, which currently is only accounting for a couple of percentage points, because it is a 31-inch maximum size, which does almost nothing in the Bay. Let me throw this motion out. **Move to amend Chesapeake Bay Recreational Options B and D to include maximum size limit options ranging from 23" to 26" in 1" increments and remove all other options.** There is a lot of explain to do there if I get a second.

CHAIR GARY: Do we have a second to the motion? Justin Davis. All right, go ahead, Mike.

DR. ARMSTRONG: First off, you know we have to deal with the season thing. The input I've heard is it's a nonstarter. These are so difficult to implement, the recruitment we don't calculate, the enforcement we don't calculate, and the TC admits they don't know the affect of these. Yet we're using them. We're only using them to get a couple extra percentage points. All my options are going to be, get rid of the seasonal components and see if we can get close to the required 14.5 percent cut that we need to hit the F target.

I eliminated all the options with seasons, and so you look at Option B at a 23 inch it is 17.8 percent reduction, so I'm proposing 23, 26, so it would be incrementally less. I don't know, we probably don't have time for analysis, and maybe we don't need analysis. Sometimes common sense should guide us. Option B is similar, so we have the same season as last year, we have the maximum size will be subject to 23" to 26" whatever we pick. The difference between B and D is we will do a 20" size among all Chesapeake jurisdictions, and I think there is something very attractive to getting all the Bay on one size. I think I'll leave it at that. We need reduction from the Bay. We can't leave it at 31" or we're not going to be able to use just the emergency

action. If we can't get to it, we're going to have to use seasons. I don't know of anyone here that wants a season, and we are completely opposed.

They are so disruptive. They are disruptive to tourism, disruptive to for-hire fleets, and the whole recruitment of yes, sure, I'm going to take two weeks off from fishing and I'm going to do my fishing the day after it opens again. I don't know what we really got out of them. Anyway, I'll leave it at that.

CHAIR GARY: Justin, do you have anything to add?

DR. DAVIS: The only thing I'll add is that from my perspective, if I'm understanding the motion correctly it's, this is sort of adding new options in, taking some out as well, and that I think we would need analysis of these various options, to see what reduction they achieve.

I think from my standpoint, voting this up would sort of be an affirmation at this point that we are not sending this out for public comment today, that we would be kicking it back to the PDT for additional analysis. But that is my perspective, I would be interested in hearing perspectives from other members of the Board.

CHAIR GARY: What I would like to do is take two comments in favor, two opposed and call the question.

DR. ARMSTRONG: Mr. Chair, can I re-comment?

CHAIR GARY: Go ahead.

DR. ARMSTRONG: One other piece I forgot is the smaller size limit offered some protection to the 2018-year class that are still milling around the Bay, and will come back, because that is all we've got left is the 2018, so that will offer some protection to that too. In regards to analysis, I live and breathe by the science, but there is so much uncertainty in every single step of this analysis, no one's fault, we just don't have the ability to predict landings.

We're saying we get a 30 percent cut from the EA, well maybe we got a 50 percent, or on the other side

maybe we got a 10 percent cut. We don't really know until the day they come in. To a point, sometimes these analyses are misleading, or giving us false hope. I'm torn about sending it back to be reanalyzed.

We know the direction; we know at a 23-inch we get 17.8. Well, we know it's less at 26-inches. I don't know. I know a lot of people aren't comfortable with moving in that direction, but we've got to get something out and we've got to get something out quick, and get our ducks in a row for when problems really start. We're not in a big problem yet, but it's coming.

CHAIR GARY: What I would like to do is two supporting comments and two opposing alternating, so show your hands if you would like to support this. Go ahead, Toni.

MS. KERNS: Just to be clear, Option B and D would maintain the season for the Chesapeake Bay fisheries and maintain the bag limit as they are in 2022. It would just adjust in Option B the maximum size limit, and Option D it adjusts the minimum and the maximum size limit, for clarification.

DR. ARMSTRONG: Thank you, Toni, I didn't explain that well.

CHAIR GARY: A supporting comment, Megan.

MS. MEGAN WARE: I don't know if I'm supporting or not, but I'll provide where I'm at. Things I like, I think that this actually does simplify this section of the document. It took poor Toni, I timed it, 35 minutes to go through the management alternatives alone on this document. I think we have to start cutting heavily here, and so I like that this is accomplishing that.

I would also agree with what Mike said, in terms of the harvest closures. I think there is a lot of uncertainty, specifically around that management tool. We have, I think a sentence in the draft addendum that says, the TC is not recommending closures less than two weeks because of uncertainty.

I think there are a lot of things there that make us on slightly shakier ground with those closures.

Maybe to more Justin's point. It's not clear to me, kind of the range of reductions that this will lead us to. That makes me a little nervous about, I just don't know what the 26-inch maximum will get us. I think at this point I'm willing to consider this for the other two reasons I stated, but if this goes forward, I think some things that may be helpful, depending on where we end up in the document.

I don't know if there are confidence intervals around these percent removals or not. If there are, that may be helpful, or having some sort of key almost at the end, where if we're looking at commercial ocean and Bay recreational measures, I think the public is going to want to know how they add up together. We're going to have to think of some way to present that in a concise way, which is on the Board to remove alternatives, but I can see that being a potential challenge.

CHAIR GARY: An opposing comment, Mike Luisi, and we would like to keep these comments if we could to a minute to try to tighten this up. Go ahead, Mike.

MR. LUISI: I'll be very quick. I'm not sure if I oppose it or support it right now, and I understand the intention. But I think, well my question is, if we deviate. Let's say we just take Option B and we start to add one inch to the maximum size in increments of one inch to 24, 25, and 26. Eventually that overall reduction is going to drop below the 16 percent, and I think that is clear what Mike is putting forward.

I just think it sets a stage for Chesapeake Bay to be characterized as the region that doesn't need to pull its weight here, and that we can get around the options presented, and not take a full reduction. I'm not sure if it was intended to be that way. I don't think it was intended in any bad vein. But I don't know if I can support coming out to the public with options that shows the Chesapeake Bay isn't meeting the demand of the Addendum for some other purpose. It's just hard for me to think through.

CHAIR GARY: I think Katie has a clarifying comment.

DR. DREW: I think Megan raised an excellent point about, you know, are there confidence intervals around these reductions, and there are not. I mean I think if you want to think about this, like talking about the 2013 prediction of, you know under one set of assumptions we're predicting a 30 percent reduction, under another we're predicting an 18 percent reduction.

I think depending on how we did these reductions on paper with the 2024, we would likely see a range of numbers here. I think the question is kind of, at this point we're very focused on these point estimates, what's on paper. I think people have already raised the issue of, is a ten-day closure worth the uncertainty that we're getting here?

Are we trying to chase a few percentage points on paper by putting in a measure that is likely to not be effective, that we have a very difficult time even quantifying the effects? I know we've seen in other species the difficulties of trying to hit these point estimates with tweaking seasons a few days here, a few days there, and it has not worked out.

I think it seems like we are maybe trying to get an option on the table to try to move away from seasons, just trying to tweak these numbers. But then the question is, what are we doing on paper? How are we presenting these? We're very focused on kind of the point estimate of the reduction, and I think it is going to be there is uncertainty there that is difficult for us to quantify.

But maybe an option would be, instead of focusing on the percent reduction that we're anticipating here, let's try to focus on maybe what is the probability of achieving F in F target in 2024 with these measures, instead of trying to say, this is going to get you a 16 percent reduction, this is going to get you 17.2 reduction.

Focus more on, here are options, and here is the risk of achieving or not achieving F target in 2024, where I think some of the uncertainty of population size of abundance, things like that, do get translated through better into that probability than something looking right now, trying to track on paper, chase a

few percentages points with a few days of closure here or there. It would require a revision to how we have presented these options, and kind of how we've talked about them.

We haven't done these calculations, but it would be relatively straightforward to do. Maybe that would provide the Board and the public a better framework for understanding kind of the uncertainty and the risk, as opposed to trying to chase some of these point estimates a few percentage points on paper, where there is already a lot of uncertainty.

CHAIR GARY: Two more comments, one in support. Pat a supporting comment.

MR. GEER: I don't have a big problem with 25, 26. I'm a little concerned about having that range be as low as 23, because the slot limit would be so small, especially during the summer months with this intense fishing, water temperatures are warm, the release mortality is much higher than 9 percent in those warm temperatures. I'm a little concerned about that.

CHAIR GARY: One last comment opposing. Dave Sikorski.

MR. SIKORSKI: I think removing Option H from the document is a mistake. It has a 19-inch size limit, 19-inch minimum, which is our current regulation in Maryland. That regulation seems to balance availability of fish and the dead discard issue a little bit. Of course, if we have smaller size limits, we have less dead discards in the Bay.

I would want Option H to continue on. Another component of Option H is the one-fish for all modes. It does not have a mode split. If we removed that we would not give the public a chance to weigh in for Chesapeake Bay options, which include no mode split and mode splits, you know both paths down the road. As written, I have an issue with this motion.

CHAIR GARY: We'll call the question, I'll go ahead and do a 30 second caucus if that is good with everybody, unless you need more time. Let's go 30

seconds and see how it works. All right we'll call, go ahead.

MR. LUISI: I'll look to you for direction on this, Mr. Chairman, but I think given Mr. Sikorski's comments, I think we can maybe address some of the overall concern here, if you would allow me to amend the motion at this time. I would move to amend, and after the word options, I guess the way to say it would be to accept Option H for increments, and remove all other options, with the exception of Option H.

DR. ARMSTRONG: Mr. Chair, procedural question.

CHAIR GARY: Go ahead, Mike.

DR. ARMSTRONG: I'm happy to take this as a friendly amendment. I don't know the procedure, whatever is easiest.

MR. SIKORSKI: I think the easy way here is after increments. Instead of and remove all other options you would say and remove, whichever options we would like to remove. The original intent would be Option C removed, Option E removed, Option F removed and Option G removed. We could remove I as well. The goal would be that H stay in place, and I think Mr. Luisi has something to add in regard to that.

MR. LUISI: If you guys are okay with it, I think the language that Dave had would specify what comes out, rather than saying it's all coming out except for one of the additional pieces. If we can do that quickly. I also, while staff are working on the language. I think it would be important, especially in our region, given the fact that we have mode splits.

I would like to see the H alternative, which is in the draft memo from the PDT, be included in this as well under H, so H-1. H-A, I don't know what you want to refer to it as. But it's called Option H alternative in the draft memo. What that does is it establishes the same minimum size limit for all jurisdictions, with the same maximum size limit of 23-inches. However, it does consider a 2-fish bag limit for the party charter,

and that would be for all jurisdictions. Split. Do it as a separate motion.

MS. KERNS: Because that is a different subject matter, I think it would be easier, Mike, if we could take up mode splits on its own, and not incorporate it in here, if that's okay.

MR. LUISI: I'm fine with that. That's fine.

CHAIR GARY: We have it up on the screen and it is seconded. Mike, can you go ahead and read that in?

MR. SIKORSKI: Looks like it's me.

CHAIR GARY: Sorry David, it's the amended version. Go ahead, Dave Sikorski.

MR. SIKORSKI: **Move to amend to replace, and I quote, "all other options" end quote, with Option "C, E, F, G, and I."** I'm not sure I read that very well.

CHAIR GARY: Thank you, Dave, and seconded by John Clark. All right, Dave, do you want to quickly speak to that? Really quick.

MR. SIKORSKI: No need to, I think I've already explained it.

CHAIR GARY: John, any comments? All good. Caucus 30 seconds.

DR. ARMSTRONG: Could I, just a clarification, sorry. The 23-inch, that's not subject to the 23, 24, 25, 26 is that under H?

MR. SIKORSKI: As written it would be, and I would only offer that that makes any sense, because there is a 22.4 percent reduction for Option H right now, so I think there is some wiggle room. You potentially increase the maximum size of the slot and still stay within the reductions, I think.

MS. KERNS: The way you wrote it is not correct. **When you said your motion that is not what you said, you said you just wanted H,** not to have it in the maximum size limit. All you need to do is add Option H to B and D.

MR. SIKORSKI: Yes. **Add Option H to Option B and D in the original motion as part of my amendment** please, sorry.

CHAIR GARY: Secunder good with that.

MR. SIKORSKI: Alphabets are tough.

CHAIR GARY: Adam, did you have a clarifying question?

MR. NOWALSKY: That was it right there.

CHAIR GARY: All right, let's try that caucus again, 30 seconds. All right, we'll go ahead and call the question. Before I do that, because of the back and forth, I'm just going to read this into the record. **Move to amend Chesapeake Bay Recreational Options B and D to include maximum size limit options ranging from 23" to 26" in 1" increments and remove all other options.**

That was the original motion by Dr. Armstrong, seconded by Dr. Davis, and there was a move to amend to add H after D. That motion was by Mr. Sikorski, seconded by Mr. Clark, so we're voting on the amended motion, and I'll call the question. All those in favor, please raise your hand.

MS. KERNS: **New Hampshire, Maine, Delaware, Maryland, District of Colombia, Virginia, North Carolina, Pennsylvania, NOAA, Fish and Wildlife Service, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Potomac River Fisheries Commission, and that is everybody, I believe.**

CHAIR GARY: **Sixteen?**

MS. KERNS: **Yes.**

CHAIR GARY: **The motion passes unanimously.** Now the amended motion becomes the main motion, and I guess we can do this by consent. **Any opposition to the main motion? Is there any objection to what is now the main motion? Seeing none; the motion passes.** All right, let's try to keep things moving. Adam, I know you were next in the

queue, but can I please ask you this, because we decided to kind of stick with the Chesapeake Bay recreational, we're just going to hold you, if that's okay, and so Jason, it's your time and then Justin.

DR. McNAMEE: Before I launch in here, I'm just noting the previous motion altered my motion. I sent it to Toni. I have a motion, it is relevant to the sections that we've been talking about, so I'll just go to it. I would like to **move to add new options to Section 3.1.1. and 3.1.2 in the Draft Addendum II that allow for mode splitting. These are Options B, C, and D as defined in the PDT memo to the Board dated July 17, 2023 for Section 3.1.1 and Option H as defined in the PDT memo to the Board dated July 17, 2023 for Section 3.1.2.** That's my motion, if I get a second, I will give you some reasoning.

CHAIR GARY: Second is by Emerson Hasbrouck. Go ahead, Jason.

DR. McNAMEE: Just some reasoning behind the motion. All of the options in the motion still achieve significant reductions. All of the options still require the party and charter industry to implement slot limits, so they would still be participating in the management concept of year class protection, spawning stock biomass protection, all of the things we're trying to achieve with slot limits. The party and charter industry are a small component of the overall removals, and this is talking about the ocean fishery. It is more in the Bay, but it is between 3 and 6 percent, depending on whether you are looking at harvest or total removals. The party and charter mode are a unique and different segment of our fisheries. In the same way that we're comfortable managing commercial fisheries under different regulations, we should have the same comfort managing the party and charter industry differently, as it is unique from both the commercial and recreational segments of the fishery. Given the business model of this segment of the fishery, I'm genuinely concerned about the solvency of this industry.

In particular, those that focus on the striped bass fishery, which is a lot of them, and feel that by allowing for some flexibility in management we can

offer some relief to this segment from the fishery, while still meeting our management goals with striped bass. Then finally, just to offer the point, we're simply seeking public comment on concepts at this point, so this is a really good opportunity to get feedback on this topic from across the spectrum of opinions, which I think will probably get us sampling those right now.

CHAIR GARY: Emerson, anything to add to that as seconder?

MR. HASBROUCK: No, Jason did an excellent job at justification, and I agree with everything he said.

CHAIR GARY: Same strategy, two in favor, two opposed. In favor, Adam.

MR. NOWLASKY: Yes, I'm going to speak in favor of this ultimately, but before I do so, I believe Dr. McNamee referenced needing to change this relative to recent motions, and I believe the Option H in the PDT memo explicitly had a minimum and a maximum of 19 to 23, and the last motion set out incremental. I think at a minimum, this motion would need to reflect that Option H at a minimum remove the, all modes would have a size limit of 19 to 23-inch, if that is in fact the motion makers intent.

Beyond that I'll just say that I would speak in favor of leaving this in. As we've heard before, it is generally the policy of this Commission to be inclusive, with regards to what we send out for public comment. The nature of the mode split question is clearly one that is very polarizing. We'll certainly hear comments here today, but I think it would serve us well as a Board and as a body, to get that comment officially on the record regarding this species in particular.

CHAIR GARY: Opposing comment. I'll have another supporting comment and then we'll call the question. Justin.

DR. DAVIS: Thanks, Mr. Chair, but I'll defer to Jason, the maker of the motion. It looks like he has something to add.

CHAIR GARY: Go ahead, Jay.

DR. McNAMEE: I had mentioned that my motion changed based on the last motion, and that was because one of the options, I specifically, had come off the board. I am anticipating, potentially, one of these options for the ocean fishery may also come off the board, so I just wanted to kind of state that if an option gets removed by the Board. It would be my understanding that it would also remove this mode split option, the one that paralleled it. I'm hoping that makes sense. We can come back and do a motion to that affect, or maybe there is some other procedures that makes sense. But I didn't intend for, it's all the sequencing is challenging with this, as you all know. If one of these options comes off, maybe we can revisit and amend this or something like that.

CHAIR GARY: Doug.

MR. GROUT: Just to Jason. I know you were side barring with Toni, but Adam made a good point about Option A as defined by the PDT in the Board memo. Option H now has a series of maximum size increments. Are you talking about does the party charterboat also?

(Whereupon there was a power outage)

CHAIR GARY: All right, let's make our way back to the board. Okay, let's reconvene the Atlantic States Marine Fishery Commission's Atlantic Striped Bass Management Board, and I think to pick it up where we left off. Doug Grout, can we go back and kind of start with your comments, and kind of rehash those, and get us off to a good start? Go ahead.

MR. GROUT: No, I'll put it in much quicker terms. Please be aware that the Option H in the memo is now different than the Option H that we just modified. If we could have some clarity on which H you mean, and how, I appreciate it.

CHAIR GARY: Go ahead, Jay.

DR. McNAMEE: Yes, the power outage was convenient, it gave me a minute to think this through with Mike and Doug. My intent was that the

modified, the new modified Option H for 3.1.2, I think it's still, so in the memo it specifies a single slot, because that is what existed before.

But I think it is logical to allow the slot to be in these increments that the motion we made prior to this one, sets up, and it just adds the extra fish for the party and charter sector. That was what the original example given in the memo offered anyways. The modes all have the same slot, and it just added a fish for the party and charter. That's what the intent would be, and I think it is okay the way that it's up there.

MS. KERNS: Emerson seconded it, yes.

CHAIR GARY: We've had comment, we've clarified the motion, are we ready to call the question? Do you need a caucus? We'll call the question then. **All those in favor of this motion, please raise your hand.**

MS. KERNS: New Hampshire, Delaware, Maryland, District of Columbia, Virginia, Pennsylvania, New Jersey, Connecticut, Rhode Island, Potomac River Fisheries Commission, New York.

CHAIR GARY: All those opposed.

MS. KERNS: Maine, North Carolina, Massachusetts.

CHAIR GARY: Abstentions.

MS. KERNS: NOAA Fisheries, Fish and Wildlife Service.

CHAIR GARY: Null votes. The motion passes 11, 3, 2. All right, I think that takes us to Dr. Davis. You had one ready for us, Justin?

DR. DAVIS: I do, but it does not have to do with the sections we've been dealing with, and I just want to acknowledge that Adam was ahead of me in the queue, so if we're moving to a new section I'll defer to Adam.

CHAIR GARY: I think Adam, but yours is related to the commercial section?

MR. NOWALSKY: Mine is in the background section, but is related to Emerson's first motion, what was that two days ago now?

CHAIR GARY: How about if we go to ocean options, would hold Justin yours, and hold Adam still, so we still have you in the queue. Are there any ocean options? Dr. Armstrong.

DR. ARMSTRONG: I have a motion, if you liked the last one you are going to love this one. **Move to replace Ocean Recreational Option B with the slot limit of 28" to 31" and no seasonal harvest closure, and remove Option C and D.**

CHAIR GARY: Do we have a second? Cheri Patterson. Mike, can you speak to your motion?

DR. ARMSTRONG: Again, in the interest of simplifying things, we're going from four options to two, one if it's status quo. But it goes back to the lynchpin is, do we believe that seasonal closures are appropriate now. I don't and I think it is needlessly complicating things. That gets us a 14.1 cut, and I kind of wished that we had talked about commercial first, because I believe there is going to be a cut suggested there. That will get us more.

We just got a fair amount of cut from the Bay. We don't know how much, but it is a lot more than the 31-inches. I think the standalone with all these together will come close to 14.5 percent, which is what we need when everyone is participating. I got rid of Option D, because I don't think now is the time to be changing the minimum size.

I mean, God, we have compliance issues already. We don't need a 30-inch size. Option C only gets us 11 percent as a standalone without seasonal, and that to me isn't enough, and probably not worth going to public hearing with. We're left with the emergency action or status quo.

CHAIR GARY: Comments, Cheri as seconder?

MS. CHERI PATTERSON: Mike covered it. I don't think seasons are something that will be consistent

for us, so I don't think we should be considering those.

CHAIR GARY: We'll take again two comments in favor, two against. In favor comments, go John Clark.

MR. CLARK: More just a question, isn't this pretty much just bringing us back to status quo? Oh no, okay, this is the emergency, so the options would just be status quo and the emergency. Okay, I got it. I'm fine with that.

CHAIR GARY: Doug.

MR. GROUT: I will support this as I supported the changes to get rid of the seasonal options in the Chesapeake Bay. My main reason for this is something that I've heard throughout my career, from the MRFSS, from the MRIP staff. Is it really seasonal closures less than a wave are really highly uncertain.

I know a lot of states have been using those, but the data is not set up to just split. I have closures that are less than a wave, because as we all know, in a two-month period the fishing catching can change dramatically, so you are adding a tremendous amount of uncertainty to your estimates here. The only time I would support any kind of a seasonal closure with any fishery is at the wave level.

CHAIR GARY: Opposing comment, Adam.

MR. NOWALSKY: This Board has not had to sit through too many Monitoring Committee meetings, if any, with the Mid-Atlantic Council and summer flounder, black sea bass, scup, bluefish, where our technical advice has continually been for the two decades that I've been part of these meetings that the best way to constrain harvest is through seasonal closures, period.

That is the advice we have been given ad nauseum. I'm opposed to this motion on the grounds that that is the advice I've heard over and over and over again. Given the earlier motion that this Board passed from Emerson, regarding including different ways of addressing those closures, both harvest as well as

targeting. I think that this motion is now inconsistent with the previous action that this Board has taken on that earlier motion.

I think that this is essentially just taking an emergency action that was passed with the idea of, well it's just an emergency action until we can get an addendum in place, and now we're putting it in place, potentially for the foreseeable future. There has to be some additional options here as to what striped bass management is going to look like moving forward, not just one single slot limit that is in direct contrast to where removals have come from in the past, takes no action to address them. I can't support this motion.

CHAIR GARY: Unless there is a burning desire for more comment, I would like to call the question. I don't see any, 30 second caucus. All right, **we'll go ahead and call the question. All those in favor, please raise your hand.**

MS. KERNS: Potomac River Fisheries Commission, Massachusetts, NOAA, Virginia, Maryland, Delaware, Maine, New Hampshire.

CHAIR GARY: Those opposed.

MS. KERNS: Rhode Island, New York, New Jersey, Pennsylvania, North Carolina, District of Columbia.

CHAIR GARY: Abstentions.

MS. KERNS: Fish and Wildlife Service.

CHAIR GARY: Null votes.

MS. KERNS: Connecticut. Can the yesses raise your hand again? Never mind.

CHAIR GARY: Motion carries, 8, 6, 1, 1. All right, we'll keep moving. We're still looking for ocean motions. Anyone? Any more recreational motions? Adam.

MR. NOWALSKY: I would like some clarity on where this leaves Emerson's motion that we started out with today, because if that motion was to include the

no targeting provisions for seasonal closures, and this motion now removes seasonal closures as options, where does that leave that earlier motion?

MS. KERNS: Adam, I took Emerson's motion as to any option that got moved forward that had a season closure, it would also contain a no targeting closure. That was the gist of his motion, or the implication of his motion. Right now, the Board has not put forward an option that has a season closure, so therefore there is not an option to add a no targeting closure at this time.

CHAIR GARY: All right, last call for recreational motions. Jason.

DR. McNAMEE: Sorry, Mr. Chair, no motion from me. I have a question about what this does to the motion that I put forward, because now the way the PDT memo reads, it kind of aligns the slots, changes them by widening them a little bit, but says that the seasonal closures. My assumption is it would now align with the new motion that just passed, which means that there would be no seasonal closure for our party and charter mode either, but the slot limit would be the same. I'm just seeking clarification on that.

MS. KERNS: Jason, as I read the example option in the PDT memo, it only specifies the size limit, it doesn't have any specification to the season closure. In the text surrounding it, it says all the other measures would apply to the party and charter, as it does to the private and shore boats. The only thing that this option in itself is doing is changing that slot for the party and charter. Your option still does that, and based on what you said before, for clarity for the Board it removes the C and D.

DR. McNAMEE: Thank you.

CHAIR GARY: Again, so we're back to recreational options, and any last motions on the recreational side. Seeing none; let's move to commercial. Let's go with Justin, and I see John and Emerson.

DR. DAVIS: I sent a memo over to staff, so wait to see if it appears on the screen. That looks like it.

Okay, I move, all right hold on everybody. Sorry, it's going to take a while. I **move to remove Options B1 (No Quota Adjustment) and C2 (FMP Standard as Starting Point) from Section 3.2.1, Option 3, implementing a commercial maximum size limit from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions assorted with each option in Option Sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:**

Option A, Status Quo, all commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE Plans and Amendment 7 quotas and Addendum VI approved CE adjusted quotas, or

Option B, commercial quota reductions. Quotas for all commercial fisheries will be reduced by 14.5 percent from 2022 commercial quotas, including quotas adjusted to approve Addendum VI CE Plans, and if I get a second, I'm happy to speak to the rationale for the motion.

CHAIR GARY: Second, Mike Armstrong. Go ahead, Justin.

DR. DAVIS: Thank you, Mr. Chairman. Kind of in the spirit of being down here in Washington D.C. I am proposing adding something to the document, but I think I have to pay for it here. I'm removing something as well, so hopefully this all kind of balances out. The intent here is to sort of create two, I guess I would say option paths within the commercial section.

One to apply a maximum size limit to the commercial fishery, and do the spawning potential analysis to understand the quota reductions that would go along with that or going down the pat of just taking a standard, consistent 14.5 percent reduction in commercial quota across the board. The way, and I hope this reads the way I intended. If not, I'm open to suggestions.

But the intent here is that the Board would have to decide either to go down the road of doing a maximum size limit on the commercial fishery, or take a 14.5 percent reduction from all commercial quotas, or stay status quo on commercial quota. I'll acknowledge that this is sort of a deviation from the initial intent and motivation of the Addendum, and the discussion we had on the record back in May.

What I said when I made the motion to start the Addendum was that we should focus on implementing a maximum size limit for the commercial fishery, not quota reductions. I think what we found out, once the PDT dug into that, and I have to thank the PDT for all the work they did on this document, that it turned out to be a very complex issue. If we impose a maximum size limit but don't adjust quotas through spawning potential analysis, as we learned earlier, which actually has the potential to increase removals, which runs counter to what we want to do. I think also we can't ask any jurisdiction to vote for a maximum size limit with a commercial quota adjustment, until they understand what that adjustment is going to be, so we have to have the spawning potential analysis, I think to show jurisdictions what they would be selecting if they choose a maximum size limit.

As an alternative option, just doing a 14.5 percent reduction across the board for commercial quota is relatively simple. You know that 14.5 percent number comes from that is the reduction removal we're looking to get in this document to get down to F target, and I think that would provide sort of an equal reduction across the board.

Whereas we saw, you know with a maximum size limit, that is going to impact different jurisdictions and states differently, so 14.5 percent would be uniform across the board. That is sort of my intent in making the motion here is to hopefully simplify the section dealing with the maximum size limit for the commercial fishery, but also provide an alternative of just doing a straight across the board quota reduction.

CHAIR GARY: Mike, comments as seconder?

DR. ARMSTRONG: Very briefly, yes. I like this motion. I like how it takes out B1 and C2, because I don't think those are particularly topics that are germane for public input. I think those are Board decisions. My question is, do we need to add language that moves B2 into the document? My original, to address this I said, move to remove commercial Option Set B and specify the quotas will be adjusted using spawning potential analysis. Right now, it is just leaving an option just sitting there all alone.

MS. KERNS: I see what you're saying, Mike. Through this motion Justin has chosen B2 for the D and E Set on its own. You actually remove B2, because you've already chosen it in your motion, Justin. Does that make sense? That's how I interpret it anyway.

DR. DAVIS: You're saying essentially, I've removed Option Set B, because we made a decision there, so we've chosen quota adjustment, there is no need to leave in Option Set B, essentially.

MS. KERNS: Correct.

DR. DAVIS: The same for Option Set C. If this motion is voted up, we're choosing 2022 as the starting point for the adjustments, so that is my intent, that matches my intent. This should be reworded to reflect that. I'm open to that.

MS. KERNS: Maybe we could alter that motion to say, remove Option Set B and Option Set C. Yes, you can get rid of the parentheses, it's fine.

DR. ARMSTRONG: But we don't want them to go away, the remaining ones. Do we need language that says specify in the document that this is the way we will do it?

MS. KERNS: In the motion, right?

DR. DAVIS: Mr. Chair, if I could make a comment.

CHAIR GARY: Go ahead, Justin.

DR. DAVIS: I think the wording of the motion, given that we're tasking the PDT with conducting the

spawning potential analysis, that sort of covers that we've selected that option. Under Option Set B we might need some language saying we're using 2022 as the starting point for the adjustments.

MS. KERNS: It's noted, just for the record, that 2022 is also those CE plans if used.

CHAIR GARY: Clarifications suit the maker and seconder? Good, okay. All right, thank you both, thanks everybody for your patience, and we'll open this up to take comments again for and against. Start with supporting comments. John.

MR. CLARK: I'm still trying to digest this whole motion. A part of it is what I was going to propose as a motion, which was removing C. But I was just wondering if it would be possible, the maximum size limits, as was put forth in the PDT memo, are really a real problem for gillnet fisheries, which I think is pretty much from Delaware south in the Chesapeake there. I was wondering if we can with this motion, just exempt the gillnet fishery from looking at maximum size limits and replace it with mesh size limits, or would that have to be a whole separate motion here, rather than just amending this?

CHAIR GARY: John, it sounds like you could go either way, but the mesh size might be problematic. Toni or Katie, could you explain why?

MS. KERNS: John, for the mesh size, and I guess if you substitute the motion or if you do a separate motion, it would be helpful to have an understanding of what is your intention of how to determine what that mesh size would be. Would they be exempted once it's figured out? I don't know if we'll be able to determine a mesh size to take out for public comment.

MR. CLARK: Perhaps what we could do is, you know if we wanted to make a grand unified motion. In addition to the maximum size limits, because mesh size is not in there, I'm just curious as to whether we could just add it. You know if we're already going to be examining what happens with maximum sizes in the commercial fishery.

Can we look at the corresponding mesh sizes? I think with mesh sizes we can get pretty close to a maximum size, but of course it is not going to be perfect, because they are still going to be catching fish that are larger than whatever the maximum size is. Particularly in anchored nets, a lot of times those fish will be dead when they are removed.

Plus, we have ITQ fisheries anyhow, where the fisherman has a set weight limit he can catch. There is no point in discarding that fish, is the point. I was just wondering. I don't know exactly how we modify this one, but to bring the gillnet mesh into this would be a pretty neat way to have a single motion that would cover everything.

MS. KERNS: John, I think you could just try to do an amendment. See if you can get an exemption for your anchored gillnets, and then move forward. I think that is the best way to proceed.

MR. CLARK: Right, I was just thinking based on the motion, we're already taking about maximum size limits, and going to be examining that. This would just be to set maximum mesh limits that correspond to those maximum size limits. It might be something we could do easily here, although I'm not really coming up with an easy way to do it. Could we just add wording for right now to Option sets D and E, which are the maximum size limits, to perhaps determine the quota reductions using the maximum size limits and the corresponding gillnet mesh sizes.

MS. KERNS: John, in the PDT memo on Page 7, do you have that in front of you? There are two options. There is an anchored gillnet exemption or there is the option to allow the states to submit proposals requesting an exemption. Do you want to just choose one of those?

MR. CLARK: Well, I was just thinking even with, you know as I said, with an ITQ fishery and with a driftnet, if you catch something larger than a maximum size, the survival is going to be better than an anchor net. But if it's an ITQ, what is the point of throwing it back? I mean why not just have the fishermen harvest that fish?

I would just like to see that the restrictions we put in place would recognize the fact that these are different fisheries, and we're trying to get the same result with gillnets, but we're not holding them to the same standard as the hook and line fishery or a pound net or whatever.

MS. KERNS: Understood, and that's what an anchored gillnet exemption would do here, so the anchored gillnets would not be subject to a maximum size limit, but they would be subject to a mesh size requirement. You would need to figure out what that corresponding mesh size requirement would be.

Under Option F3, the states would submit a conservation equivalency proposal to whatever maximum size limit gets approved, if that is the option that goes forward, for a mesh size requirement equal to, for the anchored gillnet fishery, or are you not even wanting to have a mesh size requirement? You just want a full exemption?

MR. CLARK: No, as I said, we can work with this. I guess in that case what we should do is work on this one, and then also have the option in F here to look at that. I guess it would have to be a separate motion then.

MS. KERNS: Do you prefer F2 or F3?

MR. CLARK: Let me read them over again. Maybe you just come back to me.

CHAIR GARY: All right, so we'll stay with the main motion here right now, and we'll go ahead and take comments. I'm going to take up to four comments. Mike, go ahead.

MR. LUISI: Two thoughts to help me decide. The first one is, based on the discussion that we had that Toni presented earlier, Justin. Does this delay the review and the approval of the Draft Addendum until our next meeting, so we can all have the opportunity to see the calculations that would come forth as a result of your motion, or not? I guess that is one of my questions, and then Mr. Chairman, I do have a comment regarding the overall motion.

CHAIR GARY: Okay, thanks, Mike. We're going to let Justin respond to that and then back to you.

DR. DAVIS: Good question, Mike. I think it depends on the will of the Board, although Toni, correct me if I'm wrong. If the Board was willing to send this out for public comment, acknowledging that that spawning potential analysis will be done, those tables will be populated before the public sees it. But the Board doesn't need to see that before it goes to the public. Then I think that we can vote to send it out today.

If the Board felt like they want to see the results of that spawning potential analysis associated with those different options, thinking that if they saw that someone might see one and decide they want to vote to take it out of the document or something. I think that is really a decision for the Board of whether we would be willing to make that move to ask for the analysis, but be good with it going out to the public before we see the results or not.

CHAIR GARY: Back to you, Mike.

DR. LUISI: Thanks for that, Justin, I guess we'll make that decision later. I'll start by saying, I like the first paragraph, I think it accomplishes everything that I thought was reasonable to kind of break things down a little bit, and get the calculations done for maximum size limits. It's not that I'm arguing against Option B.

I think the commercial quota reduction is a reasonable request or a reasonable consideration by the Board, given where we are with striped bass and the health of the stock. I find some concern in that some of the decisions we've already made here today, and what is going to be analyzed, is likely going to produce reduction values on the recreational fishery that are less than what we're shooting for as a target reduction.

Now we have an option where 14.5 percent with no consideration of anything other than that would be made on the commercial, and yes because it is easy, but is easy the right way to do it? The harder way to

do it and the bigger bang for your buck is to deal with release mortality, but that is difficult.

I just don't like the rationale behind, let's just take 14.5 percent from the commercial fishermen, because it's easy to do. They are going to see themselves compared with the other sectors, in a way that takes the full extent of the reduction on them, yet the recreational anglers, given the scenarios we've discussed could find themselves falling within a variable range.

My point is, I would prefer to see that reduced by to reduced up to 14.5 percent, as a way of evaluating and considering some additional levels of reduction on the commercial end. That is what I would have preferred it to say. But that's where I stand.

CHAIR GARY: Toni has got some clarifications to offer.

MS. KERNS: I'll offer for your comfort level, Mike, that the Board always has the option to do something within the range of the options that are in the document. You have 0 and you have 14.5, and you've got everything in between. Come time for approval, you could, I understand where you are going with what you're discussing.

Something to think about as the Board provides their direction to staff on when this document goes out, and the spawning potential closures. I know that some states have done the spawning potential, and then what that does to your quotas. Some states have done these calculations before. I don't believe that every state has done these before.

There are some adjustments that we'll need to make from the last time a state did it, based on new information. Is it your prerogative to just let each state do it and bring it to the public hearing as the state calculated it? Does the TC need to review what a state has calculated? Are there states that are going to need some help? Who is going to help them? Just keep thinking about those things and continue your discussions.

CHAIR GARY: We've got Dave Sikorski followed by Robert T. Brown.

MR. SIKORSKI: That was helpful. In a section of this motion, it talks about Option B. I think the only way that we're actually going to achieve the goal that got us here today, which is controlling F, is if we reduce some commercial landings, not commercial quotas. If you look at the 2022 performance for the fishery, in the Chesapeake Bay, and we look at it compared to 2017 levels, the Addendum VI, you know where we started.

Chesapeake Bay has had a 10 percent, 24 percent and 15 percent increase in commercial quotas compared to 2017. That is Table 13C. I entered this meeting thinking; how do we save 986,000 fish? I don't care who saves them, how are we going to save them? We've reduced some quota; we're not saving fish.

Just for a little clarity of the Bay versus the ocean, based on 2022 removals. Bay commercial removals account for 35 percent of total removals, according to the data provided. That is 1,573,732 fish. Ocean removals, I'm sorry the total removals are that 1.5 million. From the ocean total removals, 2.5 percent of those removals are commercial. Clearly again, we have a challenge with how we're managing the Chesapeake Bay, and who gets to take what, and how that relates to the F, because that is all that matters today.

Are we reducing F? We've watched some folks on the sideline to not be involved in conservation over the last three years, and Table 13C shows it plain as day in the Chesapeake Bay. You look at Table 13B. Table 13B, the only portion of that that did not achieve removals from 2017 levels was the recreational fishery in 2022. This Board has already taken action to limit the recreational fishery from the '22 levels by taking emergency action. To sum it up, if we're not reducing from landings, we're not reducing F. We have 986,000 fish to save here, and I think it's very important we look at all these sources, and make sure that this Addendum as it moves out addresses that, addresses 986,000 fish being saved.

Recognizing that maybe not everybody has fish to give, and some have to give a little more. That is my thoughts, I don't have an amendment here, other than I've spoken to it, and I want to see what Board members think. Maybe I'll take another bite.

CHAIR GARY: Robert T. and then Emerson Hasbrouck.

MR. BROWN: Yes, we came here today we're talking about dead discards. Everybody knows that is a problem. The commercial fishery has less dead discards than any other fishery that we have. The commercial fishery is accountable for the fish they've got that we catch. We've got tags that we tag every fish.

We've got fish that we have to carry to weigh-in stations in some states. I mean we're very accountable on every fish we caught, and taking 14.5 percent reduction is a hardship on the commercial fishermen. I mean you've got a lot of people who wouldn't be able to eat a rockfish if it wasn't for the commercial fishermen, because they can't afford to go catch the fish.

It's time that you readjust this and look at this cut in quota, as we are not the ones that have the high dead discards. The dead discards are what really needs to be addressed. We don't have that problem, and we are down to 10 percent of the fish that is being caught, and that's with our dead discards.

You need to take a careful look at this, reevaluate it, because our commercial fishery, it will really be hurt very bad. Some will probably fold up and go out of business with a 14.5 percent reduction. Let's concentrate on dead discards, which is the main problem and hopefully we can correct it.

CHAIR GARY: Emerson.

MR. HASBROUCK: I'm opposed to this motion, and I am opposed to the extent that I have a motion to substitute. A very simple motion. I **move to remove Option B2**. That is my motion to substitute. This essentially removes the option to require a quota adjustment using spawning potential analysis to

account for maximum size. If I get a second, I can talk about this more.

CHAIR GARY: Is there a second to that motion? One last call for a motion, Emerson made the motion. Is there a second? Seeing none; the motion does not move forward. Oh, wait a minute. Toni just noticed, Emerson, you got a second from Craig Pugh online, so your motion is up. Go ahead and speak to the motion.

MR. HASBROUCK: Addendum II was not intended to consider a commercial quota reduction, but to only consider a commercial maximum size. I was the seconder on that motion to develop Addendum II, and I did not intend the Addendum to implement a commercial quota reduction. Maybe Dr. Davis thinks differently, because he made the motion. But when I seconded that motion, and when I supported it, I did not intend it to implement a commercial quota reduction. Further, the quota reductions presented in the draft show a greater percent reduction in the commercial quota than will be required by the recreational catch reduction.

That is using the, I'm sorry with the spawning potential analysis. What is presented in the Draft, using that spawning potential analysis, commercial reductions are likely to exceed either that 14.5 percent or what the reductions are in the recreational fishery. This motion also eliminates all the issues described in the PDT memo, relative to state-specific calculations.

I don't particularly want to take this Addendum out to public hearing, and tell the public that we don't really know what the commercial quota reductions are going to be state by state under the Option A up there, when we go through the adjustment. If we don't know what they are, I think it's very disingenuous for us to bring it out to the public and say, we'll let you know what it's going to be.

I also don't want to send it out to the public without us reviewing it first, without the Board reviewing what those reductions are going to be under the spawning potential analysis. But I don't want to delay any action on this Draft Addendum to a future

Board meeting. I think we need to take action now and get this out to the public, and get this thing going down the road. Also, we just opposed seasons, but now we want to impose a 14.5 percent or greater reduction on the sector that only contributes 10 percent of the removals.

CHAIR GARY: Thank you, Emerson, and if Craig Pugh would like to comment as seconder and I would like to call the question, get us back on track if we could. Craig, do you want to comment?

MR. PUGH: I respect Toni's opinion and what she said, and most of the time she's right. But the language here says will, and that is what the public is going to read. They're going to see commercial fisheries will be reduced, and they will expect it to, will be reduced. I know I certainly would if that was the language intended.

It doesn't say could, it doesn't say that there is from 0 to 14, it says it will be reduced by that, and because of that that is probably my main reason for the distastefulness of this part of the motion. I'm in agreement with Emerson and maybe a few others. But we are taking quite the commercial hit here for having 10 percent of the fishery.

We're going to be reduced by 14.5 percent. We're already at, I think we're allocated about 1,200 pounds apiece, 1,200 pounds apiece in the state of Delaware. I'm looking at, I know John can correct me here, but that is probably pretty close to 1,000, maybe 1,000 pounds. Am I an actual commercial fisherman or am I reduced to a hobby?

That's kind of the way we've felt for a long period of time, the degradation of our commercial industry is nothing new, and my little talks here are nothing new to any of you. But we just keep whittling away and whittling away and whittling away, because it is, because it's easy. Oh, that is easy to take away from them, we know what it is. Sure, you know what it is, but we've done a hell of a good job with trying to target our fish so that it will market well, with hardly any dead discards. I would love to show any of you that actual knowledge that we have, where we actually catch the fish, you know two- or three-days

quota easy with 3 or 400 yards of net. It's like fishing in a mud puddle to me. When I was a kid, we used to fish 3,000 yards in that.

It's the degradation of our commercial fishery just keeps whittling away and whittling away and whittling away. Is it really worth it here? Is the emergency really that big of an emergency? I'm not so sure. I'm seeing a lot of fish that are 14, 16-inches. What year class is that? A ton of those fish have shown up as bycatch. Apparently, we've missed that. But there seems to be a lot of things that we've missed. At any rate, I'll be quiet.

CHAIR GARY: Is there a need for a caucus before we call the question? Yes, okay, 30 seconds. All right, **let's call the question. All those in favor, please raise your hands. Jason, you have a question? Thank you, Jason. Let's call the question. All those in favor, please raise your hand.**

MS. KERNS: Rhode Island, New York, Delaware.

CHAIR GARY: Those opposed.

MS. KERNS: New Hampshire, Maine, Maryland, Virginia, North Carolina, Pennsylvania, NOAA, Fish and Wildlife Service, New Jersey, Connecticut, Massachusetts, Potomac River Fisheries Commission.

CHAIR GARY: Abstentions.

MS. KERNS: District of Columbia.

CHAIR GARY: Null votes.

MS. KERNS: Three, 12, 1.

CHAIR GARY: Motion fails 3, 12, 1. We're back to the main motion. We're going to try to address your concerns, John, go ahead.

MR. CLARK: I think what I would like to put in there is from the memo, Option F2. I think the **motion can be amended to add Option F2.** I think I can **modify it to just be all gillnets not anchored, but just Option**

F2, modified to be gillnets. That would be, where would we put that again.

MS. KERNS: Want some help, John?

MR. CLARK: I guess **we could put it after E, (Chesapeake Bay Commercial Maximum Size Limits), and move to add Option F2.**

MS. KERNS: John, so you would say, instead of saying F2, since you're changing it, because that only is specific to, just say to exempt all gillnets.

MR. CLARK: Okay, to exempt gillnets from, yes that would work. To exempt gillnets from maximum size limits.

MS. KERNS: Are you going to require the mesh size?

MR. CLARK: Oh, to require maximum mesh sizes and exempt from maximum size limits.

CHAIR GARY: Does that look right, John?

MR. CLARK: I believe so, the idea here is that for gillnets we will set a maximum mesh size that would correspond to whatever size limit is chosen, and then they will be exempted from the size limit requirement. I believe that says it.

CHAIR GARY: Do we have a second to the motion? Dennis Abbott. Go ahead, Justin.

DR. DAVIS: Question for John. I think the intent here is that if the Board ended up voting up the maximum size limit options, then we would look to require a maximum mesh, like not if the Board ended up either going for status quo on commercial or doing the Option B, 14.5 percent reduction.

MR. CLARK: Correct, Justin. It's only if maximum size limits are chosen.

CHAIR GARY: Okay, we've got a motion and a second. Dennis, did you want to speak to it? No, good. I'll have two comments. Emerson.

MR. HASBROUCK: I'm just wondering what this maximum mesh size is going to be based on. What studies are we going to base that on? What information is available?

MR. CLARK: We have a lot of, and I would say this is probably true for most gillnet fisheries. We have a lot of commercial sampling data. As I said, nothing is going to be perfect. But for example, I would say if you were going for a whatever, 40-inch size limit that maybe an 8-inch mesh would be the maximum size. That is not going to stop a larger fish than that from getting stuck in there, but it would probably reduce the amount of striped bass that are over the maximum size that would get caught in the net.

CHAIR GARY: That was a question for John, I'll allow two comments, if anybody has any. Go ahead, Chris.

MR. CHRIS BATSAVAGE: Yes, I can certainly support a maximum mesh size if you have a maximum size limit. I understand that although gillnets are pretty selective, you do get fish that kind of fall outside of that range. However, exempting the gillnet fishery from that size limit, I don't think is necessary.

In Albemarle Sound, our commercial fishery, we have a maximum gillnet mesh size that corresponds with the maximum size limit. Yes, I'm sure there are some discards, but they are fairly minimal, and some of those bigger fish that do get caught that are bigger than are in that mesh size, cannot be killed and can be released, especially if the water is cold. Yes, there is a discard mortality rate, but it's not 100 percent. I'm opposed to this. I think it's just adding more complexity to the Addendum.

CHAIR GARY: John, you get the last word.

MR. CLARK: I just wanted to respond to Chris that I certainly understand what you're saying, Chris, but we're talking about ITQ fisheries here too. It's not like these striped bass are not being accounted for. The other part of it is, is that we did an extensive bit of looking at discard mortality from anchored gillnets in the early 2000s.

The fishery was different then, it was targeting smaller fish, but when a net is set for 24 hours, and let's say the striped bass gets caught in there an hour after that net is set. That is a dead discard, I mean there is no way that striped bass is surviving 23 hours in an anchored net, with strong currents that we have. That is part of the rationale here, and as I said, I just think overall that having seen a lot of this, done a lot of work with discard mortality from gillnets, that especially where we have an ITQ, it just doesn't really make a lot of sense.

CHAIR GARY: Since you were just responding to Chris, we still have that one comment. Cheri, you get it.

MS. PATTERSON: I just have more of a question for John. You are increasing a mesh size, and forgive me, I'm not familiar with your area. What is that going to do for ESA bycatch, sturgeon, for example?

MR. CLARK: We do have some sturgeon bycatch in the gillnet fishery, very small amount. In fact, before it was listed as ESA, we had good cooperation in getting actual numbers. The good thing we have seen in the years where we were able to get cooperation is that discard mortality from sturgeon, even in anchored nets, is very low. They are very tough in those nets.

CHAIR GARY: All right, let's try a 30 second caucus, and we'll call the question. Let's go ahead and call the question. **All those in favor of the amended motion, raise your hand, please.**

MS. KERNS: New Hampshire, Maine, Delaware, Virginia, Pennsylvania, NOAA, Fish and Wildlife Service, New Jersey, Connecticut, Massachusetts, Rhode Island, Potomac River Fisheries Commission.

CHAIR GARY: All those opposed.

MS. KERNS: Maryland, North Carolina, New York.

CHAIR GARY: Abstentions.

MS. KERNS: District of Columbia.

CHAIR GARY: Null votes.

MS. KERNS: It's 12, 3, 1.

CHAIR GARY: All right, motion passes 12, 3, 1. We'll have to blend the language now, I guess.

MS. KERNS: Just give me one second to do that, and we should read this motion into the record.

CHAIR GARY: All right, we'll just read this into the record before we call the question. **Move to remove Options Sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions using 2022 as a starting point, associated with each option in Options Sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets, and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas.**

Option A, Status Quo, all commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE Plans and Amendment 7 quotas and Addendum VI approved CE adjusted quotas.

Option B, Commercial Quota Reductions. Quotas for all commercial fisheries would be reduced by 14.5 percent from 2022 commercial quotas, including quotas adjusted to approve Addendum VI CE Plans.

CHAIR GARY: Pat, you have a question.

MR. GEER: Yes, I've had my hand raised for a while. I'm wondering if Dr. Davis would consider a friendly amendment. Mike Luisi and Craig Pugh both brought up the 14.5 percent reduction in quota. Can we change that to reduced up to 14.5 percent?

CHAIR GARY: Yes, Pat, I'm being advised it is property of the Board, you can't do a friendly. You can amend.

MR. GEER: I would like to **amend to read Option B as Commercial Quota Reductions. Quotas for all commercial fisheries would be reduced up to 14.5 percent from the 2022 commercial quotas.**

CHAIR GARY: Let's just give it a moment so we can get the exact language up. Does that look right, Pat?

MR. GEER: Yes, it does, and if you want me to explain, I thought Craig did the best job. He said, by putting it out there.

CHAIR GARY: Let me get a second first. Ray Kane. Go ahead, Pat.

MR. GEER: I was just going to say what Mr. Pugh said. By putting it out the way it was written, it will be 14.5, and I think we should consider anything below and up to 14.5 percent.

CHAIR GARY: Ray, any thoughts? Okay, your good. We have Eric Reid online, go ahead, Eric, you have a comment on this motion?

MR. ERIC REID: I appreciate Mr. Geer recognizing that it is a toxic motion as it sits. I just want to make sure; I mean personally I would rather say no more than 14.5 percent, but I guess I can live with "up to." But I want to be clear that the rationale, or the explanation of these two options will plainly state that the range between status quo and 14.5 percent is in play, not either nothing or all. As long as Ms. Kerns will help me out with that in the document, I would be fine.

CHAIR GARY: Any other comments? All right, 30 second caucus, we'll vote. Okay, thank you, John, let's make it 2 minutes. All right, we will go ahead and call the question on the amended motion. **All those in favor, please raise your hand.**

MS. KERNS: New Hampshire, Maine, Delaware, Maryland, Virginia, North Carolina, Pennsylvania, NOAA, Fish and Wildlife Service, New Jersey, New York, Connecticut, Massachusetts, Rhode Island and Potomac River Fisheries Commission.

CHAIR GARY: All those opposed. Abstentions.

MS. KERNS: District of Columbia.

CHAIR GARY: Null votes. Motion passes 15, 0, 1. Now we'll modify the language on the screen. We have another Board member, Dave Sikorski, he would like to, go ahead.

MR. SIKORSKI: I would like to make a motion, move to, I'm trying to follow the changes here. As this gets clarified here. Are you going to replace "by" 14.5 percent with "up to?" Okay. You all heard me talk about my concerns about folks getting left in supporting conservation and saving some of these 986,000 fish we need to save.

I think it will be a healthy exercise to add an additional option, which will allow us to look at reductions from landings, not just quota for 2022. I would **move to add an option, Option C, for commercial landings reductions. Landings for all commercial fisheries would be reduced up to 14.5 percent from 2022 commercial landings, including those which fish under quotas adjusted for the approved Addendum VI CE Plans.**

CHAIR GARY: We'll get that up on the board and then look for a second then, give us a moment. Okay, Dave, just to check off, does that language match up with what you're thinking?

MR. SIKORSKI: Yes.

CHAIR GARY: Do we have a second to this motion? Dr. Armstrong has seconded the motion, so we have it up on the board. Go ahead, Dave, you want to speak to this motion?

MR. SIKORSKI: No, I've spoken to it enough this afternoon. I just think it's a good opportunity to see what the public thinks about quotas versus landings, so we can save some fish and reduce removals.

CHAIR GARY: Mike, any extra comments? Are there any comments on the motion? Go ahead, Megan.

MS. WARE: I'm stealing this comment, because I heard it on this side of the table. But we have two states that had overages in 2022, so it would be

helpful to know, are we reducing 14.5 percent from the landings or from what their quota was?

MR. SIKORSKI: I would think it would be smarter to go from quota in that case. Obviously, the analysis that is provided would show that you are not saving as many fish when you're doing it from an overage. In those cases, there is, I'm assuming payback and all that other stuff. Ultimately this is giving us two options to look at, recognizing that anomaly. Help.

MS. KERNS: I think we can hear that it is noted on the record that any state with an overage, it would not include fish from in the overage amount.

MR. SIKORSKI: Thank you, Toni, that was my intent.

CHAIR GARY: All right we have comments for Robert T. and then Chris Batsavage.

MR. BROWN: Yes, this goes back where, you know a lot of times we don't catch our quota. But yet we can't roll it over to the next year. That covers where the landings and stuff are at. I'm not in favor of this. I think, you know whatever the quota is, are you going to list if we don't catch it, is he going to allow us to do it, or is it going to be a credit to us, because there are many years that we haven't caught our quota?

It's something that you have to think about, what way the quota is going. You know if you're not catching it, and some people don't catch it, because like I say, I'm just not fishing this year. I'm doing a bit of crabbing, oyster, fishing, or whatever it may be, because a lot of them have some small quotas. But I think this is overkill.

CHAIR GARY: Chris.

MR. BATSAVAGE: Just trying to get some clarity on this motion to amend. Is the reduction in landings at the state level for each state, because thinking about North Carolina, which hasn't landed any fish, that would just zero out our quota. Just trying to get a better understanding of how the math would work under this option.

MS. KERNS: The way the motion is read your quota would become zero.

CHAIR GARY: Other comments. All right, if we're ready to call the question, we'll go ahead and caucus one minute. We'll go ahead and call the question on the amended motion. **All those in favor, please raise your hand.**

MS. KERNS: Connecticut, New Hampshire and Pennsylvania.

CHAIR GARY: All those opposed.

MS. KERNS: Maine, Maryland, Virginia, North Carolina, Delaware, New Jersey, New York, Massachusetts, Rhode Island, Potomac River Fisheries Commission.

CHAIR GARY: Abstentions.

MS. KERNS: District of Columbia, NOAA Fisheries, Fish and Wildlife Service.

CHAIR GARY: Null votes. Motion fails, 3, 10, 3. We are back to the main motion. Is there any more deliberation or discussion on this particular, we're back to the main motion. Any other last comments before we take a vote? Is there a need to caucus? It doesn't look like it, so we'll call the question. All those in favor, please raise your hand. Let me put it another way, does anybody object to this motion, let's try that. Okay, we're going to vote it up and down then. Sorry, let's try it again. **Everybody in favor, please raise your hand.**

MS. KERNS: New Hampshire, Maine, Delaware, Maryland, Virginia, North Carolina, Pennsylvania, NOAA Fisheries, Fish and Wildlife Service, New Jersey, Connecticut, Massachusetts, Rhode Island, Potomac River Fisheries Commission.

CHAIR GARY: All those opposed.

MS. KERNS: New York.

CHAIR GARY: Abstentions.

MS. KERNS: District of Colombia.

CHAIR GARY: Null votes. Motion passes 14, 1, 1. I would ask at this time, we were focused on the ocean, the options we've done. The recreational options, I guess any options that folks want to put up any motions. Justin.

DR. DAVIS: I would like to make a motion to add into the document the options described at the bottom of Page 9 on the PDT memo, related to filleting at sea. Basically, just make a **motion to add Option A and Option B as written there verbatim into the document.** I apologize, I don't have that prepared ahead of time.

CHAIR GARY: Okay, let's see if we can get that up, Justin, and we'll let you check off on it. Justin, does that language meet your, okay. Do we have a second to that motion? Dr. Armstrong. Justin, do you want to go ahead with your rationale?

DR. DAVIS: I'll be brief. I think we heard some discussion earlier. I do think it creates an enforcement loophole when states allow filleting of striped bass at sea. It's become even more pronounced now with our narrow slot limit. I think it makes sense for the Board to require states to implement common sense language around filleting at sea.

CHAIR GARY: Mike, any comments?

DR. ARMSTRONG: No, it's pretty simple, but the slot size is small. It really needs to be verifiable.

CHAIR GARY: All right, any comments on this motion? Roy.

MR. MILLER: Mr. Chairman, regarding Justin's motion. I was wondering, we have a regulation in Delaware where you can't alter the size of the fish. One year many years ago we had a problem with the fishermen taking a pair of scissors to the tails of fish, to bring them under the maximum size limit. I think that was part of Justin's intent here, but it doesn't say. It just talks about filleting. I would say altering

the length of the fish in any way ought to be encompassed with this particular motion.

CHAIR GARY: Roy, did you want to amend it then, the motion?

MR. MILLER: If they bring that motion back up.

MS. KERNS: Roy, this wasn't discussed by the PDT, so I just need a second.

MR. MILLER: If you just added some language in there, or otherwise alter the length of the fish in any way prior to landing.

DR. DAVIS: I certainly appreciate Roy's concerns, and I've had similar discussions with our law enforcement. The challenge there is that the options as worded in the document sort of, there is a status quo option, and then there is an option that compels states that allow at-sea filleting currently to do certain things, which I read as saying that if a state does not currently allow at-sea filleting, there is no requirement in here for them to do anything.

I don't think this is a good vehicle to sort of require states to implement language across the board that they don't currently have. I'm not saying I'm not open to like another motion or an amendment, but I don't think there is an easy way to modify this language in the PDT memo to accomplish what Roy is looking to do.

CHAIR GARY: While staff is still looking at this, Cheri.

MS. PATTERSON: I believe the language New Hampshire uses is, with head and tail intact.

MR. MILLER: That would work.

MS. KERNS: Is the Board asking for a requirement for state regulations, then to say with head and tail intact? I'm trying to figure out. Since the PDT did not review what every state's regulations were relative to this issue. I don't know if it is an issue, if it's not an issue for other states. It is difficult for me to figure out how to apply it to the document. We could do a review of state's regulations, and then if there are

states that don't have anything related to. When we do the review, if there are issues with states not having language surrounding keeping the head and tail intact, or something similar to that effect.

Then we could add something to the document. But if there is, that language is already covered by all the states, then I don't think it is something we need to add to the document. Again, we will need to do that review of every state's language to see if it is necessary or not. Does that make sense?

MR. MILLER: Yes, or we could consider a motion to make it illegal to alter the size of a fish once reduced to harvest, until, basically, until you reach the dock. Otherwise, I can almost guarantee that some fishermen will be altering the size of the fish at sea, with a pair of scissors or whatever, as long as there is a maximum size limit.

CHAIR GARY: Bob, you have some thoughts.

EXECUTIVE DIRECTOR BEAL: I think this is two separate issues. One is filleting at sea and retaining the rack and all these other issues, and the other is, you have a whole fish that hasn't been filleted, but someone just sort of trimmed a half inch off the tail or whatever it might be. I would obviously just handle this motion that deals with filleting at sea.

Then if there is still interest in this, you know add in an option, another motion that would add an option to the document that states are required to prevent or implement regulations that prevent the alteration of the length of a fish, something like that. It's just, keep them separate, and keep them hopefully simple.

CHAIR GARY: Vote up this motion and then have Roy bring another one forward. Roy, if that meets your satisfaction, we'll go ahead and vote this one up, then you can offer up your own motion. Jason.

DR. McNAMEE: Just really quick. You know I'm totally supportive of this. We've tried this a couple of times in Rhode Island. I just wanted to mention, you know it makes total sense for fisheries management. We then run afoul of other agencies,

Department of Health, and Water Resources. It gets complicated to make this work, so I just wanted to offer that so people can think about those aspects of this, but generally I'm supportive for all of the reasons that the makers of the motion mentioned.

CHAIR GARY: Any last comments before we vote on the motion? Need a caucus? No, okay. How about let's try the easy way. **Is there any opposition to this motion? Seeing none; the motion passes by consent.** Roy, I think we can come back to you if you would like to offer a motion related to the concerns you had.

MR. MILLER: I'm sort of working on the fly here, can you give me another minute?

CHAIR GARY: Well, in the interest of time, let me just try to reach out and look at the Board. Are there going to be other motions that folks want to put on the table? John.

MR. CLARK: I don't know if it would be a motion at this point, I just want to get more detail on the commercial tagging programs. I know with the FMP review we've asked LEC to look at this again. Back when Addendum III was passed, the LEC strongly recommended that tagging be at the point of harvest. For this Addendum, I don't know if we want to put that out there as an option just for the public consideration. If we want to wait, I guess that would have to wait for another addendum before we would go to that.

MS. KERNS: Well, you did just task the PRT to review the tagging program. We could get the results of that, and then in the future make a change in the document. But that does not preclude you from adding it to this very simple addendum. I'm just putting that back out there, since that is what you all called it in May.

MR. CLARK: Ah, what the hell, it's already 6:40, right? Just for the sake of allowing the public to consider all the options that have been considered, I would like to see that we just put an option in there to require commercial tagging at the point of harvest. I would like the double tagging in there,

which many states do, so point of harvest and at the dealer weigh station also, point of sale.

CHAIR GARY: John, do you have that written down?

MR. CLARK: I don't, but I can.

CHAIR GARY: Can you just, while we're dealing with Roy's, can you type that up really quick?

MR. CLARK: I will do so.

MS. KERNS: John, just while you're thinking about it. It was a notion that the PDT sort of brought up, but it is not fully explored. It doesn't have a background; it does not have justification. I'll need some direction on what you're looking to achieve.

MR. CLARK: In that case, why don't we wait then. We're going to get a full report, right? I'll wait until that point.

CHAIR GARY: Go ahead, Roy.

MR. MILLER: With the assistance of staff, we have a motion up there, Mr. Chair, would you like me to read the motion?

CHAIR GARY: Please.

MR. MILLER: **Move to add an option to the addendum that prevents the alteration of the length of a striped bass prior to landing at the dock.**

CHAIR GARY: Do we have a second to the motion? Dennis Abbott. Go ahead, Roy, would you like to speak to your motion?

MR. MILLER: I think I have sufficiently covered the background on that.

CHAIR GARY: Dennis, any other thoughts? All good. Any comments on the motion? Justin.

DR. DAVIS: As I see this, essentially this got voted up, if this option was voted up at final action in the addendum, states that don't currently have regulatory language on the books addressing this

would have to craft that language, implement it, and then during FMP review it would be determined if that language was in compliance or not. It would sort of fall back on the states to develop language to meet this mandate, and/or fall on the Plan Review Team to determine whether language states have on the books meets the intent.

MS. KERNS: I'm texting with Nicole, who is another one helping us put this document together. I think we have to be very careful about how this is understood. This is not about filleting, it's just about altering the fish itself, and some states have some language about it, but sometimes it's related to the filleting, sometimes it's not related to the filleting.

It was a little bit controversial amongst the PDT members, and so we on purpose left this language out, I think. That what Nicole is texting to me. I don't know if Nichola has a different remembrance of this, and if you do, Nichola, come to the table.

MS. NICHOLA MESERVE: Hi everybody. I just don't think the PDT really, I think your first answer was correct that the PDT did not query the states for this type of particular language. I know in Massachusetts we already have language that prevents any mutilation of a fish so that it can't be measured. I don't know that this is needed, nor did the PDT really investigate it yet.

CHAIR GARY: Adam.

MR. NOWALSKY: I appreciate the intent of this motion, but I'm going to have to be opposed to it. I think that there is a lot of language that states have regarding mutilation of fish already that covers this in many cases. I think this is something that could be covered somewhere down the road. A regular practice in the recreational fishery is to bleed fish.

What happens when you bleed a fish and it results in an eighth inch, a sixteenth of an inch of shrinkage? Does that now open the door for saying, well you did something that altered the length of the fish? What happens when you stick it in a cooler on ice and throw something else in there that winds up breaking a part of a tail?

Again, I appreciate the intent. This is the type of thing that I think is just far too vague. I think this is a very minor problem in the scope of what we're trying to address in the big picture here today, and I think this should be put off to somewhere else down the road, where it can be given some more development and thought what the best way forward is. But again, I appreciate the intent here.

CHAIR GARY: Any last comments? Joe and then Megan.

MR. JOE CIMINO: There are at least 9 states that allow filleting. This isn't preventing filleting. The vast majority of those required a rack, so it would be kind of to the rack, okay.

CHAIR GARY: Go ahead, Megan.

MS. WARE: I was just going to say, I'm kind of having flashbacks here. I think it was circle hook language where we had to define bait and our putting it back. We had certain language. I think it's a great idea. I think it needs LEC input. I think this needs PDT development. I would oppose it now, but say let's put it on the burner for a subsequent conversation.

CHAIR GARY: All right, Megan, thank you very much, so any need to caucus? I don't see any heads nodding, so we're going to go ahead and call the question. **All those in favor of the motion, please raise your hand.**

MS. KERNS: New Hampshire, Delaware, Rhode Island.

CHAIR GARY: All those opposed.

MS. KERNS: Maine, Virginia, North Carolina, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Potomac River Fisheries Commission and Maryland.

CHAIR GARY: Any abstentions?

MS. KERNS: District of Columbia, NOAA Fisheries, Fish and Wildlife Service.

CHAIR GARY: Null votes. What is our final, all right, motion fails 3, 10, with 3 abstentions. I'm going to ask one more time, any more motions for Draft Addendum II to Amendment 7? Justin.

MR. ABBOT: I would like to make a motion that we have no other motions this evening.

CHAIR GARY: Do I have a second, okay, I think we got your point, Dennis. Go ahead, Justin.

DR. DAVIS: I know the hour is getting late here, but both Mike and Toni at different junctures raised the issue of whether we are going to send this out for public comment after this meeting, or whether the Board wants to come back at a subsequent meeting and see the results of the spawning potential analysis that we decided to do under the motion that got voted up in the commercial section.

There is also the related issue you brought up, Toni, of what level of TC review or not do we want of the work that is done on that spawning potential analysis, which I think relates to that question. I do think we have to deal with that issue before we walk away.

MS. KERNS: Those were going to be my questions back to the Board again before you can have one last motion to take this out to public comment or not. We do need to resolve this, and that is the will of this Board.

CHAIR GARY: Go ahead, Doug.

MR. GROUT: I would propose that the spawning potential calculations be run by the TC, but doesn't need to be brought back to the Board. That is my proposal.

MS. KERNS: I think that if we do that, it is going to shift the timeframe. If we have the TC review these, which is potentially a good thing to do in particular, since I'm not sure every state has done these before, and the TC reviews them. It would not meet the annual meeting timeframe, just because annual meeting is much earlier this year, and I just don't

think we'll have enough time. We would shift to have a special meeting of the Board sometime after the annual meeting in the fall.

Obviously, we'll move this as quickly as we can, and approve still this year. I don't know in terms of timeframes what that means for everybody's implementation dates, of like how quickly states can turn all of their measures over. We haven't really discussed that yet as a Board. We typically don't do that until we approve the document.

CHAIR GARY: Adam.

MR. NOWALSKY: I can't speak for the workloads, but it would be possible to turn some of that around, and instead have a meeting between now and the annual meeting to send this out for public comment, which could potentially then allow us to take final action at the annual meeting.

MS. KERNS: Adam, the problem is, are you saying to not put the spawning potential information in the document?

MR. NOWALSKY: I believe the timeline you put together was that somewhere down the road, not at the annual meeting is when we would take final action. What I'm proposing is there whatever it is that we need to do that would delay that final action, is there the possibility to do that work that would delay sending this out for public comment, so we could get the work done, but still take final action on this document in person.

I don't believe that this document at this point is ripe for some virtual meeting later this fall, quite frankly. Whenever this document gets final action, I believe at this point it warrants an in-person meeting. Whether that is one of our regular scheduled meetings. I just don't want to see this get pushed to, well we're just going to do it.

Hey we've done a lot of great things via webinar, and I know we could take on some very difficult things. But now that we don't have to do it that way, let's not make that mistake. That's what I'm suggesting. If there was some way that we could delay. I would

rather see this go out for public comment via some virtual meeting if we just need more time. That is all I'm putting out there.

MS. KERNS: The problem is, Adam, is having time for the TC to review the spawning impacts to the quotas, and the amount of time from that moment to the annual meeting will be very short. I don't think I can get the document out, comments counted, summarized and finished before the Board meeting doing Emilie's job and my job at the same time.

CHIAR GARY: Mike.

DR. ARMSTRONG: To Katie. There is a standard methodology to do this, right, and all the states should be capable of doing it. I mean not to toot our horn, but Gary Nelson has already done it for us.

DR. DREW: I mean not every state has a Gary Nelson. An issue that we will be coming back to later this meeting, not to spoil anything. We are adding, in addition to all of those commercial options, it sounds like the Board wants numbers for the reductions for all of the new recreational options that we have added that were not part of this original document.

Some of that has been done, some of that has not been done. How are we going to combine these different percent reductions across these where we're picking and choosing from different options that may or may not meet the correct option? We have added a lot of work on the technical side, in addition to the SPR calculations that will be needed to set the TC, the PDT, whoever is going to be doing this work needs to do and then have reviewed, and then go into the document, as well as all of these other options we have added.

It has to be out for a specific amount of time. We have to have time afterwards to compile the comments and get it to you by materials. I'm assuming nobody wants this supplemental. I think the issue is really the short turnaround between this meeting and annual meeting, and the amount of changes and new analysis we have added to this document is going to make it very difficult.

DR. ARMSTRONG: It doesn't sound like we have a choice, unless we want to forego some analysis.

MS. KERNS: You can forego having the percent reduction that any of the measures achieve in the document, and forego what it does to the quotas in the document. You can just have the options straight up, with not telling the public how it impacts F, or the probability of achieving F.

CHAIR GARY: Go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: I'll give it a try. What could happen? One option would be the technical folks and the PDT do all the work as quick as they can, and maybe we'll go back and think about how long that will take, and then we'll have a virtual meeting sometime before the annual meeting for everybody to look at the document and see, make sure everything, the math makes sense, and everybody has seen the numbers relative to the commercial quotas and other things.

Then the budget that was approved at the last meeting actually has a contingency fund in it. We could, if the Board wanted to, get together in person some time in November or early December. We've got some council meetings in there that are we'll have to work around. But we could do a face-to-face meeting, one day meeting of this Board in late fall to actually get together, as Adam is suggesting, rather than trying to do this virtually. We have the resources to do that, we just have to decide if the Board members have the time to do that and fly in somewhere.

You know, one option is we do it at the beginning or the end of one of the other Council meetings, where a third or half of this Board almost will be in that place anyway. There is maybe some creative ways to do things here that aren't too bad that we can still achieve that public transparency of an in-person meeting, and allow the technical folks time they need, not really jam them up trying to hurry through things.

The other reality is we're going to have 10, 12 hearings on this most likely. That is going to take a

while to have all those hearings and compile that. I think in the seven months that we have left in this year, or five months that we have left in this year we can figure it out, we just need to you know do some staff work and figure that out, or propose some dates.

CHAIR GARY: Thanks, Bob, for trying to try to work through that with us. I think the comment that worried me the most was Toni trying to do her job and Emilie's job at the same time. That doesn't sound good. Mike, I think you had a comment.

MR. LUISI: I have similar concerns that have been expressed already around the table about not only an in-person meeting, which I feel this type of discussion needs to be an in-person meeting. Maybe I'm being a little selfish. I'm concerned about myself getting asked questions that I have no answers to, because we literally took a document and stripped it down, and added new calculations and added this and added that. There is nothing I can refer to anymore, really, when our stakeholders start asking questions tomorrow.

What does this mean for us? I know that a lot of you are in that similar position, where people are going to want to know what is in store, and I don't know what to tell them. I would rather have my eyes on something and be able to see some work by the Technical Committee and the PDT, before we kick this into the public arena, just so I can be prepared and our Agency can be prepared to address concerns, without even having an opportunity to put my eyes on it. I'll leave it there.

MS. KERNS: Once we have a revised version of the document, we could do a virtual meeting to approve the document for public comment if that is to the satisfaction of this Board. Then we would be able to then adjust, potentially use these additional funds to meet in person, to take final action, and all of these things would occur outside of the annual meeting. On the front and in the back end of the annual meeting.

CHAIR GARY: Roy.

MR. MILLER: Mr. Chairman, I don't understand the urgency in getting this Addendum implemented under this compressed timeframe. I mean we took action earlier today to extend the emergency size limits for a year, effective October 28, 2023, or until the implementation of Addendum II, so why are we hurrying the implementation of Addendum II to the point of requiring a separate in-person meeting, when we could simply push it back one meeting cycle, and get everything accomplished that we feel is necessary?

MS. KERNS: Roy, we can do that, push it back one meeting cycle, and then we would approve the document in January, and states would implement measures, hopefully by March/April. I guess between now and the annual meeting states could let me know if we did push back what that timeframe would look, you know if that is a realistic timeframe for them.

Obviously, recreational measures there is no conservation equivalency associated with those. The only thing that you potentially could use some conservation equivalency with is the commercial measures, depending on which options get approved. Implementation plans should be pretty simple. Fingers crossed; I should never say these things out loud.

CHAIR GARY: Adam.

MR. NOWALSKY: Just to build on Roy's comments. Given what we've stripped this document down to, that the ocean options mimic that emergency action that was extended for a year, that all the states already have in place. There are limited things, the possibility for the mode split.

Well, we're down to a very small set of things that have to change anyway, so I echo Roy's comments about that I think that takes the rush off, doing both of this in-person, sending it out at the annual meeting, and then final action in January, I think makes the most sense for everyone, based on what I've heard, and the limited scope of what we now have in this document for changes from what is already in place.

MS. KERNS: I think the one thing that we need to pay particular attention to, and the states need to keep in mind, is that if your commercial quotas do change, you need to be able to change those commercial quotas in 2024.

CHAIR GARY: Dennis.

MR. ABBOTT: I agree with what Bob said, I agree with what the gentleman across the way said, I agree with what Roy said. But I think the importance of doing this Addendum II correct, we shouldn't be putting time limitations on it, as Roy said. We have time. In years past, I can recall other amendments and addendums in striped bass that required in-person meetings. If it's necessary for us to get together, we can find the funding for it as necessary, but we should do this right and we should do this in due time.

CHAIR GARY: If I could be so bold to ask Toni, Katie and maybe Bob too, what is the sweet spot for trying to find the nexus between giving staff enough time to do this properly, and also allowing us, I mean is there a sweet spot? Everybody seems to agree a number of different options can work, but I would kind of like to know from the staff's perspective what is your comfort level?

EXECUTIVE DIRECTOR BEAL: I think the most, I'm not about to call it relaxed, but the most workable solution is to redo the document between now and October, and have hearings between October and the winter meeting, winter meeting final approval. That is the most workable for us. We're a person down, obviously, with Emilie out on maternity leave. You know that's the most workable. But if the Board is in a big hurry to get something done before the end of this calendar year, so they can start implementing earlier in '24.

We can probably find the way to compress it and make it happen with a virtual meeting between now and the annual meeting and an in-person meeting sometime in late November, early December timeframe. But again, I think the less stressful option for staff would be next two regularly scheduled quarterly meetings, you the Board get another look

at the document October, has public comment after that, final approval at winter meeting.

CHAIR GARY: Is there anyone on the Board that would have an issue with what Bob just suggested, just to try to get some consensus on this? Doug.

MR. GROUT: I wouldn't have an issue, as long as all the State Directors here that have commercial quota changes in 2024 are able to do that effectively, get it done in 2024, if we approve it in January.

CHAIR GARY: I understood, Doug, and that is why I guess Bob said that if we have issue there, he can compress that. Mike, you had a thought?

MR. LUISI: Yes, to that point. Even if we were to do the more speedy turn around, with the final decisions made at the mid to end of October, we will still be challenged with our commercial fishery, not just on the coast but more so even in the Bay, given the volume of individuals and the ITQs that they have.

We're going to be strapped to get tags distributed and quotas distributed in time. A January final action will eliminate '24 from us being able to modify quotas, because we send it all through. With our tagging program it all goes out prior to the start of the season, because the season starts on January 1.

We'll be in full swing come mid-October, and just I want to put it out there that the expectation would hopefully be that if this is pushed into January, there will be nothing I can do. It will be very difficult. It would almost be impossible to try to pull quota back after it has been distributed. We don't have the resources to do multiple rounds of quota distribution.

CHAIR GARY: Pat.

MR. GEER: I think all the Bay states are going to be in that similar situation. It's going to be really difficult commercially to get something done. We may have to have two implementation dates, one for commercial and one for recreational. That is the only thing I would suggest.

CHAIR GARY: Are there other jurisdictions that would have similar challenges? John.

MR. CLARK: We're a much smaller scale, but we open in February. I mean we now have the flexibility; I think we could make the changes. But the fishery would probably be underway if we didn't finalize this until early February.

CHAIR GARY: How about the northeast, Rhode Island, Mass, any issues on your end, others?

DR. McNAMEE: Speaking for Rhode Island. It would be tight, but the time period that Toni mentioned, you know this sort of April time period. That is when the fish start showing up. We probably could, it would be tight, but we could probably make it work.

CHAIR GARY: Any other comments on this? We've got to somehow figure out which is the best way to go here. It sounds like it's going to be challenging almost any way we go. But given the staff limitations, it might be just the way I'm hearing it, but it sounds like maybe the way, Bob, you laid it out with coming to the winter meeting. I guess the tradeoff is, how do we deal with these, if we don't know until the end of January, how do we deal with the implementation, especially on the commercial side?

MS. KERNS: You either, go ahead, Megan.

MS. WARE: Given what I'm hearing, I at this point would advocate for a webinar to review it and approve it for public comment, and then a special in-person meeting sometime in the fall after public hearings to approve it.

MS. KERNS: I just want to clarify that that fall webinar potentially could be like mid-November, and I want to hear from the Bay states. Is mid-November too late to change your quotas? Do you have the same, so Mike, if the final action is taken in probably mid-November, can you implement a change in your commercial quota at that point? I'm seeing no from Virginia, no from Maryland, and an unsure from Delaware.

MR. CLARK: Well logistic, it's just tough. I mean just getting the tags in time.

MS. KERNS: I understand, tags have to go out before the start of the fishery. Either way, we are not going to make it for those states. Do you still feel the same way, Megan?

MS. WARE: Yes, it's a no-win situation here.

CHAIR GARY: Bob.

EXECUTIVE DIRECTOR BEAL: It's kind of late, I may overstep my bounds, but we'll see. You know if the Bay states say that realistically they can't get it done regardless of the schedule, and the notion of two different compliance or implementation dates has already come up. The discussion earlier was saying the commercial fishery is only 10 percent of the mortality anyway.

Are we really trying to push thing along and maybe hurry things up that we may not end up with a good product. If the recreational measures are put in in '24, and commercial in '25 potentially, you know does that give a lot of heartburn around the table, I guess is the question. I'm not suggesting it's a good idea or bad idea, it's just that seems to be one of the potential outcomes that could come out of this conversation.

CHAIR GARY: Dr. Armstrong.

DR. ARMSTRONG: Is it the SPR stuff that is really going to be the slowdown?

MS. KERNS: I think it's the SPR stuff, it's all the addition, like the changes in the maximum size limits for the Bay, and what those calculate to be. I think we have some of them, but I don't think we have all of them done. Then what do all of these things combined do to the overall calculation.

There are several things, and don't forget our TC members at the same time are working on the stock assessment. Many of these TC members are working on other stock assessments that are ongoing. I'm trying not to have Katie murder me when I ask her

thousands of questions every day, because I am not Emilie. All of those things would take time.

CHAIR GARY: Doug.

MR. GROUT: It's becoming quite evident that we're going to have to have dual implementation dates, and is that going to affect the percentage calculations of the cumulative impact? You know I want this to be done right. You know I wish it would be in place in 2024, but you know I understand the logistics of putting in commercial fishing regulations.

I understand this cut is going to be very difficult for them, but I think you might have to prepare the public for that as a possibility, given the timeframe that we're going to have to deal with, and hope we have to approve it in February, and implement commercial in 2025. Better than we are at now.

MS. KERNS: Katie and I can talk later about what is the best way to present the information. Some options have more solid understanding of what a reduction would be than others. We will work on that and provide that information in the document if we can, with the knowledge that there might be two implementation dates.

MR. GROUT: Or the probability of achieving it at all.

MS. KERNS: Correct.

CHAIR GARY: All right, so I think what we're hearing up at the front here is we're at the closest we're going to get to some consensus is the annual meeting and then final approval at the winter meeting, and the hearings would occur between the two. It sounds like that is the best we can do. Can everybody live with that? Okay. Does that suffice for the will of the Board? Okay, what do we need to do to put a bow on this, a final motion?

MS. KERNS: We will not take action to approve the document for public hearing, since several members of the Board expressed that they wanted to see the document prior to doing that. We will bring that back to the Board. If I can get it in October, and if it is of interest of the Board, we can try to get it done

before the meeting. We will not sit on our laurels, and try to get it out to you all so you can explore it for longer, if that is something that you all would like to see or not, but we'll do our best.

CHAIR GARY: Then we won't approve that to go out to public hearing until the annual meeting.

OTHER BUSINESS

CHAIR GARY: So, at this point we are at other business, I suppose. Correct?

MS. KERNS: We are. I don't think we have any.

WINTER TAGGING SURVEY

CHAIR GARY: I do. You're going to love this, because I'm the champion for this survey, so I'm going to say it again. Right, don't you know, I have to Toni, I have to. Rick Jacobson delayed his flight, and so you're smiling, Rick, so it's all good, it's all good. I would like to bring up, I'm a champion as you all know for the winter tagging survey.

It's been in place for over 30 years. We've been patching funding together from year to year for that. Most recently U.S. Fish and Wildlife Service is putting up the funds for that. At this point, as best I know, we don't have funds for the coming winter. My worry was, I didn't want to let it slip to the annual meeting before we talked about it, we would be right on the cusp.

I don't think there is really anything to discuss, I would just say, and Rick, maybe I will ask if you don't mind, now your flight is delayed. Do you mind saying just a word or two about, you know where Fish and Wildlife is? It sounds like It's iffy at best, and maybe not probable that you have funding this year, is that correct?

MR. RICK JACOBSON: Well, we certainly understand the importance of the survey, both for purposes of how long it's been in place, the information it provides, and that there are some changes going on that it would be best to be able to monitor those changes through time. My crystal ball is a little fuzzy on what exactly the Federal budgets are going to be

for Fiscal Year '24. All indications are it's going to be a rocky road.

That is one issue. Another issue is, with inflationary costs the cost of the survey has been going up each year. The contributing sources of funds have not been going up commensurate with those. The Service, in spite of a declining budget over the last several years, has had to bear an increasing portion of those costs.

Now that said, I'm reasonably confident we can manage the winter '24 survey. That presupposes we're under a continuing resolution or something close to a level budget this year. If that doesn't play out and there is a substantial reduction, then we do have to refigure how we're going to do it. I have even greater concerns moving beyond Fiscal Year '24, and we're really going to have to have some sort of relief in order to continue the project.

CHAIR GARY: Thank you, Rick, I appreciate that. Maybe it's a little bit more than iffy, maybe it could still happen, but it's contingent on a few things, you know like you said, with a continuing resolution. I don't really have anything else, Bob, go ahead.

EXECUTIVE DIRECTOR BEAL: Just to follow up on Rick's comments. You know we just decided the Board didn't want to spend the contingency money on a meeting, but that doesn't help with the beyond '24 problem. But last year I think ASMFC chipped in, I don't know \$2,000.00 for travel or extra fuel costs or something.

Maybe Rick and I just talk as the year unfolds and see what he has, see what we have, and we can make something work, I think. You know one of the tricky parts of some of our money is it's not approved for on-the-water activities, but we could cover some travel and maybe they charter the boat. We'll figure something out.

But I think between the two of us and budgets and residual funds and that sort of thing, we can probably figure it out for this year, but '25 and beyond, I agree 100 percent with Rick, we've got to figure that out. I'm not sure where that money comes from. We've

been doing this year by year for 30 years now, so we'll keep it up and see how it goes.

CHAIR GARY: Thank you Bob and thank you Rick for that. A lot of people are familiar with that survey, and I remember going out on it in the early nineties on the Oregon 2. The Hart Award winner that you all know, a lot of you know Bill Cole, and I'll never forget him saying, if we had to actually phone Annapolis to get more tags, because they encountered so many striped bass, and Bill Cole said, my God, they're really back.

Now here we are in 2023, and we're in a tough spot with striped bass. There is a little bit of sentimentality that is kind of clouding me, but I've been a pretty big champion for it. I hate to bother and nag Rick and Bob about this, because I'm always nipping at their heels, and seeing if there is a way to do it. But if anybody thinks in their travels of any way, we can fund this thing more stably going forward, I think it would be worthwhile and I appreciate it.

ADJOURNMENT

CHAIR GARY: With that I would seek a motion to adjourn. I mean who get it? We're adjourned. Thanks everybody for your patience, and thanks everybody online for listening.

(Whereupon the meeting adjourned at 7:20 p.m. on Tuesday, August 1, 2023)