

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

**Webinar
February 3, 2021**

Approved May 5, 2021

Proceedings of the Atlantic Striped Bass Management Board
February 2021

TABLE OF CONTENTS

Call to Order, Chair David V. Borden.....	1
Approval of Agenda	1
Approval of Proceedings from October 2020	1
Public Comment.....	1
Technical Committee Report on Release Mortality Sensitivity Runs	3
Stock Assessment Update and Timing of the Assessment	9
Consider Draft Amendment 7 Public Information Document for Public Comment	14
Discuss Circle Hook Implementation	18
Maine and Massachusetts Proposal.....	18
Review and Populate Advisory Panel Membership	47
Other Business	48
Update on the Tagging Survey	48
Adjournment.....	49

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from October** by consent (Page 1).
3. **Move to approve the Public Information Document for Draft Amendment 7 to the Striped Bass Fishery Management Plan for public comment as modified today** (Page 17). Motion by Tom Fote; second by Martin Gary. Motion approved by consensus (Page 17).
4. **Move to accept the Maine/Massachusetts proposal to study the tube rig fishery and, for the duration of the study, delay implementation of the circle hook requirement for tube rig gear through 2022 for all states in the striped bass management unit. Other states wishing to participate in a study on the tube rig fishery should submit a letter of intent to ASMFC within two weeks to ensure consistency in data collection** (Page 31). Motion by Megan Ware; second by Mike Armstrong. Motion carried (Page 39).
5. **Main Motion:**
Move to create an ad hoc committee established by the chair to develop a definition of bait that would require the use of circle hooks. This committee will report back to the Striped Bass Board at a special meeting to take place early March 2021 (Page 41). Motion by Emerson Hasbrouck; second by Jason McNamee.

Motion to Amend:
Move to amend to add method of fishing that would require the use of circle hooks and how to handle incidental catch (Page 44). Motion by Joe Cimino; second by Justin Davis.

Main Motion as Amended:
Create an ad hoc committee established by the chair to develop a definition of bait that would require the use of circle hooks and method of fishing that would require the use of circle hooks and how to handle incidental catch. This committee will report back to the Striped Bass Board at a special Board meeting to take place early March 2021 or as soon as possible. Motion carried (Page 46).
6. **Move to approve Andrew Dangelo and Michael Plaia representing Rhode Island, Dennis Fleming representing the Potomac River Fisheries Commission, and Nathaniel Miller representing New York to the Striped Bass Advisory Panel** (Page 48). Motion by Marty Gary; second by David Sikorski. Motion carried (Page 48).

Proceedings of the Atlantic Striped Bass Management Board
February 2021

ATTENDANCE

Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Sen. David Miramant, ME (LA)	Loren Lustig, PA (GA)
Cheri Patterson, NH (AA)	G. Warren Elliott, PA (LA)
Ritchie White, NH (GA)	John Clark, DE (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Mike Armstrong, MA, proxy for Dan McKiernan (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Rep. Sarah Peake, MA (LA)	Russell Dize, MD (GA)
Jason McNamee (AA)	David Sikorski, MD, proxy for Del. Stein (LA)
David Borden, RI (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Bryan Plumlee, VA (GA)
Justin Davis, CT (AA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
Bill Hyatt, CT (GA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Jim Gilmore, NY (AA)	Jerry Mannen, NC (GA)
Emerson Hasbrouck, NY (GA)	Bill Gorham, NC proxy for Rep. Steinberg (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Marty Gary, PRFC
Joe Cimino, NJ (AA)	Max Appelman, NMFS
Tom Fote, NJ (GA)	Mike Millard, USFWS
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	

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

Ex-Officio Members

Kevin Sullivan, Technical Committee Chair	Mike Celestino, Stock Assmnt. Subcommittee Chair
Kurt Blanchard, Law Enforcement Representative	

Staff

Bob Beal	Tina Berger	Sarah Murray
Toni Kerns	Jeff Kipp	Joe Myers
Kristen Anstead	Dustin Colson Leaning	Julie Simpson
Pat Campfield	Laura Leach	Caitlin Starks
Maya Drzewicki	Savannah Lewis	Deke Tompkins
Emilie Franke	Kirby Rootes-Murdy	Geoff White

Guests

Fred Akers, Newtonville, NJ	Rick Bellavance, N. Kingston, RI	Delayne Brown, NH F&G
John Almeida, NOAA	John Bello, CCA VA	Jeff Brust, NJ DEP
Mike Armstrong, MA DMF	Jessica Best, NYS DEC	George Bucci
Alex Asquino	Peter Benoit, Ofc. Sen. King	Jack Buchanan, VIMS
Gerald Audet, VT	Alan Bianchi, NC DENR	Andrew Carr-Harris, NOAA
Pat Augustine, Coram, NY	Kevin Blinkoff	Patrick Cassidy
Matt Ayer, MA DMF	Ellen Bolen, VMRC	Vincent Catalano
Duncan Barnes	Jason Boucher, DE DFW	Joe Cavaluzzi
Mike Bednarski, VMRC	Dick Brame, CCA	Mike Celestino, NJ DEP
David Behringer, NC DENR	Simon Brown, MD DNR	Benson Chiles, Chiles Consulting

Proceedings of the Atlantic Striped Bass Management Board
February 2021

Van Christie
Matt Cieri, ME DMR
Germaine Cloutier
Allison Colden, CBF
Ryan Conceicao
Heather Corbett, NJ DEP
Nicole Lengyel Costa, RI DEM
Caitlin Craig, NYS DEC
Jack Creighton
Greg Cudnik
Jessica Daher, NJ DEP
John Dameron
Andrew Dangelo
Bob Danielson
Lorena De la Garza, NC DENR
Rachel Dean
Randy Dean
Melissa Dearborn
Jeff Deem, Lorton, VA
Monty Deihl, Ocean Fleet Svcs.
Vinny DelGozzo
Patrick Denno
John DePersenaire, RFA
Greg DiDomenico, Cape May NJ
David Dietz, NC DENR
Renee DiPippo
Michael Doebley
Chris Dollar, CBF
Frazer Dougherty
Russell Dunn, NOAA
Mark Eustis
Julie Evans
Peter Fallon
Michael Faulkingham, Portland, ME
Lynn Fegley, MD DNR
James Fletcher, Wanchese Fish Co
Julian Frank
Toby Frey
Tony Friedrich, SGA
Thomas Fuda
Jerry Gaff
Alexa Galvan, VMRC
John Gans, TRCP
Roger Gendron
Steve George
Barry Gibson
Lewis Gillingham, VMRC
Angela Giuliano, MD DNR

Guests (continued)
Rick Golden
Willy Goldsmith, SGA
Frank Goncalves
Kurt Gottschall, CT DMF
Severio Governale, NYS DEC
Michael Griffiths
Pam Lyons Gromen, WildOceans
Kyle Gronostajski
Daniel Hadler, NYS DEC
Paul Haertel
Jake Hardy
Brendon Harrison, NYS DEC
Chouaib Hihi, U Penn
Peter Himchak, Cooke Aqua
Rich Hittenger
Carol Hoffman, NYS DEC
Bill Hoffman, MA DMF
Joseph Holbeche
Jeffrey Horne, MD NR
Jesse Hornstein, NYS DEC
Edward Houde, UMCES
Rachel Howland, NC DENR
Bob Humphrey
Jim Hutchinson
Taylor Ingraham
Stephen Jackson
Peter Jenkins
Blaise Jenner
James Jewkes
Jeff Kaelin, Lund's Fisheries
Desmond Kahn
Julia Kaplan, MA DMF
Greg Kenney, NYS DEC
Adam Kenyon, VMRC
Shawn Kimbro
Dale Kirkendall
Thomas Kosinski
Carl Koziol
Wilson Laney, NCCF
Toby Lapinski, *Fisherman Magazine*
Allen Lawrence
Ed Liccione
Steven Liesman
Mike Luisi, MD DNR
Chip Lynch, NOAA
Mark Magrath
John Maniscalco, NYS DEC

Aram Maranian
Steve Mason
Robert McCarthy
Genine McClair, MD DNR
Ashley McCord, NOAA
Joshua McGilly, ODU
Nichola Meserve, MA DMF
Steve Meyers, Williamsburg, VA
Steve McKinnen, FL FWS
Chris Moore, CBF
Patrick Moran, MA Env. Police
Jerry Morgan
Clinton Morgeson, VA DWR
Brandon Muffley, MAFMC
Kennedy Neill
Josh Newhard, FL FWS
Gerry O'Neill, Cape SeaFoods
Bob O'Rino, NYS DEC
Derek Orner, NOAA
Peter Owens
Patrick Paquette, MA SBA
Ian Park, DE DFW
Clayton Patles
Justin Pellegrino, NYS DEC
Rich Pendleton, NYS DEC
Olivia Phillips, VMRC
Chris Piatek
Michael Pierdinock
Kelly Place, Williamsburg, VA
Mike Plaia
Steve Poland, NC DENR
Nick Popoff, FL FWS
Will Poston
Dominick Pucci
Jill Ramsey, VMRC
Courtney Roberts
Cody Rubner
Mike Ruccio, NOAA
Patrick Rudman
Lenny Rudow
Tim Sartwell, NOAA
Kyle Schaefer
Tara Scott, NOAA
McLean Seward, NC DENR
Alexei Sharov, MD DNR
Gregory Shute
Jared Silva, MD DMR
Jack Skammels

Proceedings of the Atlantic Striped Bass Management Board
February 2021

Thomas Sminkey, NOAA
Michael Spinney
Ross Squire
David Stormer, DE DFW
Michael Thompson, NC DENR
Michael Toole
Wes Townsend, Dogsboro, DE
Edward Tully
Jim Uphoff, MD DNR
Chris Uraneck, ME DMR
Dave Vanderbeck
Robert Vanasse

Guests (continued)
Taylor Vavra, Stripers Forever
Beth Versak, MD DNR
Meg Viviano, *Ches. Bay Magazine*
Joseph Vukas
Mike Waine, ASA
Peter Whelan, Portsmouth, NH
Patrick White
Kate Wilke, TNC
Angel Willey, MD DNR
Steve Witthuhn, Greenland, NY

Zach Whitener, GMRI
Meredith Whitten, NC DENR
Chris Wright, NOAA
Bob Yagid
Harvey Yenkenson
Sarah York, NOAA
Robert Young
David Zajano
Phil Zalesak, Timbers, MD
Dennis Zambrotta, Newport, RI
Arek Zenel
Erik Zlokovitz, MD DNR
Rene Zobel, NH F&G

Proceedings of the Atlantic Striped Bass Management Board
February 2021

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, February 3, 2021, and was called to order at 1:45 p.m. by Chair David V. Borden.

CALL TO ORDER

CHAIR DAVID V. BORDEN: I'm going to call the meeting to order. Good afternoon all! My name is David Borden; I'm the Governor's Appointee from Rhode Island, and I'm also the Board Chairman for this meeting. We've distributed an agenda with a number of major reports and actions that we'll take up.

We also have issues that we need to deal with, in regard AP appointments, and the tagging project will also be discussed. The first thing I would like to do is to start by welcoming our new FMP Coordinator, Emilie Franke, who will be participating occasionally in this discussion, Toni Kerns. We had the majority of the staff work on various issues after Max's departure, and thus he will be staff lead at this meeting.

APPROVAL OF AGENDA

CHAIR BORDEN: The first item of business is Approval of the Agenda. I have reordered the agenda for everyone's information, so that we will take up the PID prior to the Circle Hook issue, as a means of providing more time for the circle hook discussion. I also have an update scheduled on the tagging survey under other business, as I indicated previously.

My question for the Board, are there any other additions, deletions, or modifications to the agenda? If you want to do so, please raise your hand. I see no hands up, so by consensus we'll take the issues in the order that I described.

APPROVAL OF PROCEEDINGS

CHAIR BORDEN: The first order of business is approval of the proceedings.

Are there any additions, deletions or corrections to the proceedings? If so, please

raise your hand. I see no hands up. Toni, please interject if I somehow miss somebody's hand. Without objection, the proceedings stand approved unanimously.

PUBLIC COMMENT

CHAIR BORDEN: Public Comment. On the issue of public comments, we always take public comments at our meeting; particularly at the start of a meeting.

We normally limit the opportunity to a minute or so, so that individuals can raise issues specifically on points that are not on the agenda. In other words, this is not the opportunity for someone to comment on issues that are being discussed on the agenda. If a member of the public would like to take the opportunity now, and discuss an issue that is not on the agenda, I'll recognize the individual. I've got two or three, so I can probably be a little bit more liberal. It looks like Dale Kirkendall, please.

MR. DALE KIRKENDALL: Yes, my comment that I wanted to bring up as we're going into the Addendum VII here is quantifiable science, especially on the recreational side. There have been several things recently that have been implemented that have not been given any quantifiable numbers to the recreational community on what the expected return would be on making changes, one of which is the circle hook.

The circle hook, I mean at last year's CE meetings the Technical Committee itself said that they could not quantify what that difference would be, and how much that savings would be. There are other things coming up, as far as temperature issues, where the number are not quantifiable, they are just feel-good, we think.

It does make a difference to the recreational fishermen, especially the charterboat captains, as to when we apply these things, especially in regards to temperature, because of the time of year and how it affects businesses and such. We need to get the system, as far as I can see, more on a science base, where we can say, this is what we expect to see.

Then we can evaluate on what we have seen, and then we can make changes to what needs to be done.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

This is even more important as more and more today; people are becoming more efficient. The fishery ran into the buzz saw of recreational efficiency. That is what I see as the biggest problem with the stock itself.

We have fishermen out there that can actually take a picture of a fish 125 feet away from their boat on their sonar. We have 25 mile an hour radar on \$70,000.00 skiffs, and the system is not addressing that. We need to address effort, but we're not addressing efficiency, and the combined between the two have to be the numbers that we chase with science.

More often, micromanaging feel-good items like temperature and circle hooks and moving inches, in the Chesapeake Bay we moved from an 18-inch fish to a 20-inch fish to a 19-inch fish, not taking into account that we just put more fish in harm's way. We just had a scientific number that we were chasing that we did not follow up on, that the state itself did not do any additional science on to prove.

I just wanted to take a moment to say that what's going on with the Maine issues is something more states need to do, so that we can have better science going to the Atlantic States Marine Fisheries, instead of an umbrella science, specific science that details what happens in each fishery. That's all I have to say.

CHAIR BORDEN: Thank you very much, I've got Desmond Kahn.

MR. DESMOND KAHN: For those who don't know me, I'm a past Chair of the Striped Bass Technical Committee, I'm a past President of the Northeastern Division of the American Fisheries Society; and I submitted a written comment, which is in your supplemental, talking about a historical inaccuracy in the recent stock assessment about the date when the Delaware River spawning stock was declared restored. It was not until 1998.

This brings up the problem with the current quota system for commercial quota of the striped bass management plan, because it's based on landings, commercial landings in the 1970s.

The Delaware River stock was basically almost extinct in the 1970s. Some biologists considered it extinct. We didn't have landings from the Delaware producer stock during that period, to speak of, and yet that is what our quota is based on.

This is not reasonable or fair, because the most recent peer reviewed estimate is that the Delaware River stock comprises between 15 and 20 percent of the total coastal assemblage. My last comment is about the inaccuracy and bias in the catch at age model estimates of fishing mortality, and the female spawning stock biomass.

I mention a paper in my comment that showed the aging bias, which the Technical Committee is well aware of. We conducted studies on it, we know it's significant. The aging bias using scales, produced a 20 percent underestimate of the spawning stock biomass, and it produced a 20 percent overestimate of the terminal year fishing mortality in this 2013 paper.

Yet this, since this is supposedly a science-based organization, the Atlantic States Marine Fisheries Commission. This peer reviewed scientific plan has been ignored by the Commission to my knowledge. I want to bring this issue up, and I hope the Board will adjust the issue of bias due to our bias scale ages. We're underestimating the older fish. Thank you very much.

CHAIR BORDEN: Thank you, Desmond. I've got Paul Haertel, please.

MR. PAUL HAERTEL: Yes, I'm not exactly sure what is on the agenda, but my name is Paul Haertel, and for most of my life I've been an avid striped bass fisherman. I would like to thank the Board for the opportunity to comment. I would like to go on record as supporting the position of the Jersey Coast Angler's Association, in regard to use of circle hooks, and the definition of natural bait when fishing for striped bass.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

Defining natural baits as any living or dead organism, or parts thereof, would actually prohibit feathers and bucktails being tied to flies, jigs and teasers. I agree with JCA's simple definition that natural bait means any bait that in its live, preserved, or original form or parts thereof that would normally be consumed by striped bass.

This definition would allow pork rind, bucktails and feathers to be used, as stripers do not eat bird, deer, or pigs. Stripers do not normally eat things like horn or dough balls, like catfish do, so I don't believe there is a need to include plant life in this definition. I would like to go a step further though than from what JCA recommended.

I believe that there should be exceptions for rigged eels, eel skin plugs and tube and worm rigs, provided they are being used with lures such as tubes, jigs, pin or lead squids, squid heads or plugs, provided they are actively being trolled or cast and retrieved. I see no reason why there needs to be a study on tube and worm rigs.

Any average striper fisherman knows that these types of lures rarely, if ever, gut hook a striper. Please review mortality on stripers through use of circle hooks on baits that are normally swallowed, but please do not destroy our historical, traditional methods of fishing for them. Thank you.

CHAIR BORDEN: Thank you, Paul. I see no other hands up, so we're going to move on in the agenda.

**TECHNICAL COMMITTEE REPORT ON RELEASE
MORTALITY SENSITIVITY RUNS**

CHAIR BORDEN: The next item that's scheduled is a TC Report, and I would just remind everybody that the October '20 meeting, the Board reviewed a TC report on release mortality, and how release mortality was calculated.

There were a lot of questions on the part of the Board. Following a review by the Board, the Board basically tasked the TC to explore the relative impact of different release mortality rates in estimate. We're going to receive a report by Kevin Sullivan from New Hampshire Fish and Wildlife. Kevin.

DR. KATIE DREW: Hi Mr. Chair, sorry, this is Katie Drew. Our TC Chair is having technical difficulties joining the webinar to speak, so I will be giving the presentation on the TCs behalf, as Maya flips through the slides. Thank you all for listening today. As the Chair said, we are following up on a task that was given to us at the October meeting, to conduct additional runs of the striped bass stock assessment model using different assumptions about the mortality rate, on fish released alive by the recreational fishery.

The intent of this was to explore the sensitivity of the model to this assumption, and see if it's affecting our perception of stock status or potential management actions, to kind of evaluate how important this factor is in the assessment. To do this the TC discussed a number of potential scenarios to explore.

We ended up deciding on four scenarios that made the best use of the available catch-at-age data. For each scenario we have to recalculate the total annual catch at age for each region, and by region we mean the bay versus the ocean, as it is defined within the stock assessment model. We recalculate the total annual catch at age for each region, using this new assumption about the release mortality rate for the recreational releases, and then rerun the model.

This produces new estimates of spawning stock biomass, recruitment, fishing mortality, et cetera, and we also recalculated the values of the SSB and F threshold for each scenario, so that we could evaluate stock status for each scenario based on its own internal reference points. For this analysis we looked at the base case, that is the value used in the previous assessment of 9 percent for all regions, all seasons, and all years, and compared that to four alternative scenarios that I'm outlining here.

We looked at a low release mortality rate scenario, where we assumed that 3 percent of all released alive

Proceedings of the Atlantic Striped Bass Management Board
February 2021

fish died across all regions, all seasons, and all years. This is kind of the best-case scenario. This value came from the best-case scenario in the Diodati and Richards Paper, and was consistent with some of the low values that we've seen in other studies.

On the flip side, we also looked at a high release mortality rate scenario of 26 percent for all regions and seasons, and this was considered sort of a worst-case scenario, based on the worst-case scenario results in the Diodati and Richards Paper, and some of the high-end values we've seen in other studies. These two are sort of bracketing our potential bias in the estimate of the release mortality of, what if it's not 9 percent, what if it's much higher or much lower? We also looked at two sort of finer scale scenarios, if you will. The first one being a seasonal release mortality rate, where we used a lower release mortality rate for warmer months, and a higher release mortality rate for colder months.

Sorry, reversed. Lower release mortality rates for colder months, and a higher release mortality rate for warmer months for both regions. We used 5 percent for January through June, and 12 percent for July through December for both regions. This was based on the regression tree analysis that we did for the 2013 Benchmark Assessment, and talked about briefly at the October meeting with you all.

The January to June and July to December split is based on the seasonal split that we had developed for the Two Stock Model, so that we already had the data broken down into these seasons, and did not have to recreate the catch at age for those seasons. We also looked at a regional release mortality rate of 16 percent for the Chesapeake Bay, and 9 percent for the ocean for all seasons and all years.

The 9 percent of course came from the Diodati and Richards Paper, which was based on ocean conditions, and the 16 percent for the Chesapeake Bay was calculated from different

studies that were conducted in the Chesapeake Bay. These represent kind of the range of potential bias as well as some of the more fine-scale refinement to the overall estimate that the TC considers more realistic.

Quick snapshot of the results before I jump into some figures. Overall, the low and high release mortality rate assumptions had the biggest affect from the model estimates. The seasonal and regional scenarios were very similar to the base run. Stock status however, was the same across all of the scenarios.

What we're looking at here is female spawning stock biomass, and the legend is going to be the same in all of the figures that we're looking at, where the base case scenario, that 9 percent rate, is the solid black line, and then the different scenarios are in colored dashed lines. What you can see is that the high release scenario, the 26 percent rate, resulted in higher estimates of female SSB across the time series.

The low release rate resulted in lower estimates of female SSB across the time series, while the seasonal and regional scenarios ended up virtually identical to the base case. You can see that even though you have differences in scale between the low and high release mortality rate, you're really following the same overall trend across these different model runs.

This may seem a little counterintuitive, to say that a higher release mortality rate gives you more spawning stock biomass. But it's similar to what you see with changes to the natural mortality rate, where the higher release mortality rate gives you a higher total removal, and that means you need a higher population to support those removals. All we're changing here really is the total removals. We're changing the catch at age somewhat as well, but it really is a scaling factor, and we're not changing anything about the indices of abundance or the fishery independent age structure data that is going into these models. As a result, to see higher removals but the same population trend, you needed to have more fish to start with. With F you see a similar pattern that there are less differences across these different scenarios, and the high and low scenarios are still the outliers here, whereas the seasonal and regional scenarios are very close to the base case.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

Overall, again, you're still tracking sort of that same trend, the same peak in fishing mortality, and the same modes in fishing mortality across all of the different scenarios. Again, with recruitment it's the same story. The high release rate gives you higher recruitment estimates, the low release rate gives you lower recruitment estimates.

You have to have more fish around in order to support that level of catch again, and those seasonal and regional differences are minor compared to the base case. We also looked at stock status. Even though you're seeing sort of a big change in scale, the question is, are you seeing a different stock status determination?

The answer is basically, no. You can see all of these scenarios end up in roughly the same place, that is overfished. You're below that line where your SSB equals your SSB threshold. You can see for the high release scenario, the trend is a little bit different than the other scenarios, that you become overfished sooner, but that you don't have as steep a decline in the most recent years. As a result, all of the scenarios are basically ending up in the same place at the end of this time series.

You see a similar result with the overfishing status of in the terminal year 2017, the stock was experiencing overfishing in all of the scenarios. Under the high release mortality scenarios, you are overfishing more, but all of them are above the F threshold. In conclusion, significant changes to the release mortality rate, the high and low release mortality rate scenarios, resulted in significant changes to the scale of the population, but did not affect the final stock status determination.

The stock was overfished and experiencing overfishing in 2017 in all scenarios. The seasonal and regional release mortality rates had minimal impact on the population scale and stock status. The TC feels that the seasonal and regional release mortality rate scenarios are sort of more accurate, or more likely to reflect

what's going on, rather than a significant bias in the overall rate.

It's more likely that there are fine scale differences from across regions and seasons that are contributing to overall relatively minimal impact. A caveat with this conclusion is that the TC did not explore time varying release mortality rates, or different release rates for different sizes or ages of striped bass. We applied the same rate in all these scenarios across all years and across all size classes of striped bass in the catch.

If the release mortality rate has been increasing or decreasing over time, so for example increasing due to increasing warmer water temperatures, or decreasing due to changes in angler behavior, increased use of circle hooks, et cetera, or if the release mortality rate depends on the size of the fish, the results might be different, and you might see more differences in trend or stock status. We didn't have enough data to really parameterize this kind of a change at this point. As a result, we focused on the scenarios that we've already talked about. These are things that we would want to explore more for the benchmark in future work. Overall, refining the estimate of release mortality is not expected to have a significant effect on stock status from the assessment model. But the TC will work on this for the next benchmark assessment, and address a few of the things I just mentioned as caveats.

However, the TC does want to stress that reducing release mortality through management measures and angler education and outreach, is still important for the recovery of the stock. Even if we don't know for sure if we're going from 9 percent to 6 percent, or if we're going from 12 percent to 9 percent. The important thing is reducing the amount of mortality that is coming from those live releases. With that I will take questions. Thank you, Mr. Chair.

CHAIR BORDEN: Thank you, Dr. Drew, for filling in, excellent job. I've got Justin Davis with his hand up. We're going to take Board questions first.

DR. JUSTIN DAVIS: Thank you, Katie, for that presentation, really interesting results. Thanks to all

Proceedings of the Atlantic Striped Bass Management Board
February 2021

the people who worked on that. I thought it was important that last bullet in there, to make the point that even though these analyses suggest that now had we used a different estimate of release mortality in the modeling that was done, we wouldn't have ended up with a different picture of where the stock is at right now, or the actions we would have to take, according to the FMP.

But it doesn't mean that working towards improving release mortality couldn't have some benefit. I wonder if you would agree with the idea that, in particular, if release mortality is higher than we actually think it is right now, it's higher than that 9 percent number. That that means the stock is more productive than the current modeling is projecting, and that therefore we're able to bring down that release mortality through things like use of circle hooks and better practices.

There is real scope for improvement there, particularly if release mortality really is much higher than 9 percent. Whereas, we think 9 percent is sort of accurate, or release mortality is even a little lower. There is just really not much scope for improvement there. How much can you really bring it down, it's really 6 or 7 percent. You know, we can't get it down to 0 percent. But then if release mortality is much higher than 9 percent, it really suggests the stock is more productive, and there are some gains to be made there, if that makes sense.

DR. DREW: Yes, I think that's overall a correct assumption about kind of the results of this. The importance of the release mortality rates in the overall mortality that the stock is experiencing. You know from the model's perspective it maybe doesn't necessarily matter that much, but it definitely matters for a management response, and kind of the lever that you can pull on for getting a result out of rebuilding the stock.

CHAIR BORDEN: I've got John McMurray.

MR. JOHN G. McMURRAY: I want to be clear that I'm understanding the takeaway here. Of course, reducing discard mortality is still a goal. It's something that we need to do through education and management measures. But if I'm understanding correctly, with more precise estimation of release mortality rates, there is minimal impacts on SSB, F, recruitment, stock status. From a management perspective going up or down from that 9 percent estimate, well it's not really relevant in this case. Is that a correct assessment, or am I off the mark here?

DR. DREW: I would say, I think it depends a little bit on maybe the question that you're trying to answer. Are we going to spend a ton of time and money on developing say a coastwide study to get a refined, accurate estimate of release mortality that is region, season, size specific? Is that going to improve the estimates of coming out of the stock assessment, and is that going to be worth the money, from that angle?

The suggestion seems to be there may be other places that you could spend your money on, in terms of getting a better stock assessment. But, in terms of, I think, understanding the impact of regulations and the impact of management decision, that when it might become more valuable to understand things like, what is the prevalence of circle hooks used within the fishery right now, and how does that change with new management?

There is still, I think, which could benefit I think the question that Justin had brought up, of is putting a circle hook requirement in actually going to benefit the stock in any measurable way. One way you could find that out is to put it in and wait five years and see what happens to the stock. Do we see an improvement, or can we look at collecting data on fishing behavior and fishing practices to address this question more thoroughly?

I would say, you know you can get sort of targeted benefits from additional research that may help answer the management question. But it seems as though it's not going to provide a significant change to the overall model performance in the past, compared to where we're going in the future.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

MR. McMURRAY: That was a very comprehensive answer. Thank you.

CHAIR BORDEN: All right, the next person I have on the list, Board member, is Emerson Hasbrouck. I've got a couple of hands up in the public, and depending upon how many more Board representatives want to speak, I may take a question or two from the public. Emerson.

MR. EMERSON C. HASBROUCK: Thank you, Katie, for your presentation. I had a question, in a way somewhat similar to the one that John McMurray raised, and Katie your response to that helped to clarify things. It also helped to clarify my question; I think. I don't know how the parameters are set in your model, and how they relate to each other, and which ones are our main effects.

But would it be accurate to say that the fact that the sheer number of discards is what's driving this, because you know if you change the discard mortality rate, it doesn't really change the outcome. Again, is that because the influence of the numbers of fish being discarded just overrides everything else?

DR. DREW: I think that is part of it. You know even the discards at 9 percent are still a significant. But they are a significant component, and historically they've been a significant component. But it's not the only thing driving it. I think the other issue is that you do have information from other sources that are providing information on trends and age structure.

With this kind of tweaking the scale of the population, which is what we're doing with the removals and the recreational release rate, doesn't affect the other sources of information on trend and on age structure. The model has to kind of balance all of that out, and that is why you don't see as much of an impact with simply scaling the population up and down.

As I said, I think earlier, you know the question of has this been changing over time, or is this affecting different size and age classes disproportionately, might give you a different answer. That is something we can certainly look at for the next benchmark assessment. But I think it's more, the release mortality rate as it is now is scaling the population, and it's getting information on trend and age structure from multiple other sources that aren't affected by this analysis.

CHAIR BORDEN: I've got Tom Fote and then Mike Luisi.

MR. THOMAS P. FOTE: I think this reminds me of the conversation I had about 20 years ago, when we basically reduced hook and release mortality on summer flounder. We went from 25 percent down to; I think it is 12 percent or 10 percent. I turned around to Mark Desoto and Bruce Freeman and said, well that means there is going to be more fish to harvest next year.

Mark and Bruce said, no it doesn't, because it doesn't really show there are more fish, there could be less fish out there, and why the mortality is different. After about an hour at lunch, the two of them explaining in a four-hour trip home from DC to New Jersey, Bruce and Mark finally convinced me of what was going on, and that's the way the model is working. It really doesn't do things immediately, but it takes four or five years to see the results of changing the hook and release mortality. Do I have that right?

DR. DREW: I would say right, are you changing it within the model? Is this a number that you're tweaking up and down, or is this something you're actually changing in practice? If you can find a way to reduce that hooking mortality in practice, then that will eventually provide benefits to the population, and you should see that down the road.

If you're not changing, if you're just changing your assumption, all you see is what we see here, which is this scaling factor of, you're taking that population trend you see from the indices and scaling it up or down by a bigger or lower number, based on our assumptions about release mortality.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

CHAIR BORDEN: Mike Luisi.

MR. MICHAEL LUISI: I'll say that I'm struggling a little bit with the results of this analysis. I'm trying to figure out why the spawning stock biomass isn't affected by these different mortality rates. I understand the scaling issues. If model work, and you know the Technical Committee did a great job in putting together the report. I want to make sure that the Board does not lose sight of the importance of discard mortality, you know in moving forward. While changing the rate may not have an effect in the model, as to what the spawning stock biomass is, I just want to make sure that it's something that we keep as a priority in our discussions and decisions through Amendment 7.

CHAIR BORDEN: Are there any other Board members that have their hand up, Toni that you can see? I don't see any. If not, I'll take two questions from members of the public. Joshua McGilly, please?

MR. JOSHUA MCGILLY: Thank you, Dr. Drew, for inviting me again. This is a question, kind of completely off topic from the micro discussions we've had during our own one-on-one meetings. But with the idea of the circle hooks, are there other ideas in the works for anglers to be able to decrease natural mortality? You brought up ideas that if the anglers are doing things to decrease release mortality.

Are you guys thinking of other ways, or setting up other kind of outreach programs to bring up other ideas that anglers can lower release mortality, kind of like better use of weighing of larger fish that are going to be released, proper management with taking photos, things like that? I don't know if there is kind of any ideas that you guys have, or events that you guys are going to kind of develop, to push those ideas kind of like the circle hook?

DR. DREW: Thanks, Joshua. Yes, I think this will tie into probably the discussion that the Board has about the PID coming up, in terms of

getting feedback. I think at this point we're looking for feedback from the public. Actually, I would say on the PID discussion from the Board, from the angling public, et cetera.

As we send this out of what are things that we can do to improve education and outreach at the state level, at the ASMFC level, to address this specific question, in terms of you know circle hooks are one option, better release techniques and education are another. Are there other options for reducing release mortality through angler behavior?

I think there are definitely things we can pursue from an education standpoint? But we will also be looking through the PID process for public input on this as well. I think at this point we're more looking for input on this coming up. But that's something I think the Board can talk about during the PID discussion itself.

MR. MCGILLY: Thank you so much.

CHAIR BORDEN: I'm going to go back to the Board. Are there any other Board members that want to speak that haven't had the opportunity to ask a question of Katie? If not, I think this concludes this report, and I would like to thank Dr. Drew and Kevin Sullivan, and the members of the Committee that worked on this. I think it's an excellent piece of work, and it will aid our deliberations in the future.

I would also like to point out, I know that we have, in fact almost 280 members of both the Commission and public listening to this discussion at this point, and I know that there are probably a lot of you that are listening to it that want to have input on these types of issues. The next item on the agenda is going to be talking about the PID process, and if that gets authorized, there will be public meetings up and down the coast, where all of you can attend and raise all of these types of concerns that you might have about different techniques and different results, and what happens if we do one thing versus another.

There is going to be a fairly elaborate process of public input that we'll follow, based on the PID. Without any other hands up, Toni, I see none.

CHAIR BORDEN: We're going to move on to the next agenda item, which is also Dr. Drew, which is the Stock Assessment Update and the Timing of the Assessment. Dr. Drew.

STOCK ASSESSMENT UPDATE AND TIMING OF THE ASSESSMENT

DR. DREW: This should be a fairly quick item. But basically, as you may or may not know, striped bass was scheduled to have an assessment update in 2021, which would give us a terminal year of 2020. However, given the uncertainty in the 2020 data, as a result of the current ongoing pandemic, the TC recommends postponing the assessment update until 2022, to give us a terminal year of 2021.

The reasons for this are, number one, the uncertainty in the data collection, especially on the recreational data collection, but also commercial and fishery independent data collection that has been impacted by the COVID-19 situation, is going to result in a very uncertain estimate of SSB and fishing mortality, and stock status determination in 2020.

Having an extra year of better data collection is going to give us a better estimate of stock status to base management off of in that final year. It will also give us more years under the new management measures. Obviously, we had new measures implemented in 2020, and for the Board to evaluate whether those new management measures are doing what they were intended to do.

I think we need to have more data on whether any changes we see in catch are a result of the new management measures, or if they are a result of the pandemic. The TC recommends, and ASC agreed when we ran this by them that the assessment update should be postponed for a year to give us a better result.

CHAIR BORDEN: Toni, a question to you. Does this require Board action, or where are we, in terms of what is required at this point?

MS. TONI KERNS: It doesn't require Board action; it would be a recommendation to the Policy Board to adjust the schedule. The Policy Board is the board that takes action on the assessment schedule itself. It could be a consensus of the Board to make that recommendation to the Policy Board, but we can also take questions on implications of moving this assessment, or any questions related to it.

CHAIR BORDEN: Okay, so let me go back to the Board and take questions or comments. You can do both at this point. I've got Ritchie White.

MR. G. RITCHIE WHITE: A question for Katie. The update would be, the assessment would be schedule for 2022. What would the timing be? When would the assessment be complete, when would the report come to the Commission? Would that be at the end of 2022, or early 2023? I'm just thinking about timing, if there are any actions that need to be taken when that process would start.

DR. DREW: Yes, so the intention would be that we would have the assessment report ready to go to the Board for the annual meeting in 2022 that would reflect a terminal year of 2021.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: Thanks, Katie, for your presentation. If you can let me know, or let us all know, so this is a management track assessment. This would not be the benchmark assessment. Does a delay to 2022, does that postpone the benchmark another year, or is the benchmark still on the same schedule?

DR. DREW: You're correct, this is a management track, if you will, if you want to use the Council's terminology, so it is only an update. We will not be making any changes to the model, and it should not postpone the benchmark in any way. The focus of the benchmark will be on improving and adjusting the assessment model itself, and doing any update in between should not impact that timeline at all.

MR. LUISI: Yes, thanks, Katie. Do you have the date right now as to when the next benchmark is scheduled? I thought it was, is it 2025 still?

Proceedings of the Atlantic Striped Bass Management Board
February 2021

DR. DREW: I don't believe we have formally schedule it. Usually it goes through the SAW/SARC process, so I don't believe we have formally schedule it. But five years out would be 2024, and I think this is one where I think it will depend a little bit on how model development goes, that we want to put time and effort into the two-stock model. The current model there is no real benefit to taking that single-stock model to peer review, and so I think the focus is going to be on when the two-stock model will be ready for peer review again.

MR. LUISI: Understood, thank you very much.

CHAIR BORDEN: Toni, have we got any other Board members that want to speak on this?

MS. KERNS: Yes, you have Dave Sikorski, Dennis Abbot, Max Appelman, Jason McNamee, and John McMurray.

CHAIR BORDEN: All right, somehow, I'm not scrolling up to the top.

MS. KERNS: Then you have a couple members of the public.

CHAIR BORDEN: I'll take John McMurray, please.

MR. McMURRAY: I don't mean to be a fly in the ointment here, but I'm asking this because I've gotten more than one inquiry from the public. Is there any real benefit to postponing movement on Amendment 7 until we have this stock assessment update, which presumably will happen at the end of 2022?

DR. DREW: I think that is a question of ISFMP/The Board.

CHAIR BORDEN: Toni.

MS. KERNS: Thanks, Katie. I mean I think that's a Board decision. I think that you have a lot of information in the last assessment. It will still take a while to work through this document and

make changes, or consider changes to the management program. I guess it depends on what type of information you want to see.

But you'll see the same kind of information coming out of an updated assessment. You know the results could or could not change, but we know the stock is overfished, and the Amendment is looking at those long-term changes to address the overfished status versus the overfishing, which is what the previous addendum was to address.

MR. McMURRAY: Okay, so just to be a little more specific. Knowing what sort of affect the slot limit is having on F or even on effort. I mean how could that benefit us in the development of Amendment 7? I'm not sure if that is a technical question or not, but I think it is answerable.

MS. KERNS: John, I think I'll try to answer it again, and Katie, if you have anything different you want to add, please do. I think that the Board has said that they want to address some longstanding issues that they believe should be addressed through an amendment process.

The overfishing status may or may not have some influence on decision making for some of those issues, but I think there are several issues in this document that the overfishing status would not weigh in on decisions for. I can't read into the minds of each Board member about what is impacting your decision-making status to know that for sure.

MR. McMURRAY: Okay, thank you.

CHAIR BORDEN: Next on the list I've got Max Appelman, please. Max, welcome back.

MR. MAX APPELMAN: Hello, Mr. Chair, thank you. Yes, just a quick question, and I don't know, Katie, if you can shed any light at this point that the same data concerns in 2020 that we have with COVID, that that might happen again with 2021 data. I'm just curious if there is any potential that we might find ourselves scratching our heads about delaying this update even further, at this time next year.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

DR. DREW: If we've learned anything from 2020, it's that nobody has any idea what's coming next with this pandemic. For sure, there is certainly the possibility that if APAIS and the states aren't able to get back into the field for a full year again, that we're going to be in a similar situation. In which case, we would probably come back to you at the end of this year and say, here is where we are. We're going to have crappy data for two years now. Is it more important to the Board to have an estimate of stock status that is very uncertain for two years, or is it more important to continue what you're doing and just wait until we can have better data, before you make any management decision? I think certainly our hope, and we're going forward with the idea that 2021 will be better data. But we can't promise that, and we may have to have this discussion again at the end of this year.

CHAIR BORDEN: Next I have David Sikorski. David.

MR. DAVID SIKORSKI: Excuse me, David, Dennis Abbott here.

CHAIR BORDEN: I'll come back to you, Dennis.

MR. DENNIS ABBOTT: I think this is supposed to be a Board discussion at this point, and not going to the public and back and forth, and my name was on with John McMurray and the like.

MS. KERNS: Dennis, Dave Sikorski is a Board member from Maryland, just as an FYI.

CHAIR BORDEN: Thank you, Toni. David, you're up.

MR. DAVID SIKORSKI: Thank you for clarifying. I have joined the Board as a legislative ongoing proxy to this meeting, and moving forward. I appreciate the time to ask a question here. This is for Dr. Drew. If I remember correctly, in following the ERP work for the menhaden assessment. I feel like the menhaden and striped bass assessments were linked from a

timeline perspective. Does this unlink them, and does that affect anything moving forward?

DR. DREW: Good question. It's more important to have the benchmark assessment, I think linked up from the ERP perspective, to ensure that as the ERPs go forward, we're using the best available benchmark assessments for those. The menhaden assessment will line up.

I think we're still in the process of discussing whether we will make changes to the ERP assessment, in light of new assessments from striped bass or other species, or whether we will focus purely on the menhaden assessment, and keep the ERPs static for the assessment update. But I think we've sort of looked at the timeline, and there is still the potential to incorporate some of that striped bass data into the ERP assessment update, if we decide to go down that path.

CHAIR BORDEN: Next, let's see, I have Mike Luisi. Mike.

MR. LUISI: Sorry, Mr. Chairman, my hand was raised from before, I can put it down.

CHAIR BORDEN: Toni, go back to the list. Do you have any other Board members? Did Dennis Abbott want to speak?

MS. KERNS: Yes, you have Dennis and then Jason McNamee.

MR. ABBOTT: I did, but I don't want to speak now, thank you.

CHAIR BORDEN: Jason McNamee, please.

DR. JASON McNAMEE: I generally just wanted to voice support for, and thanks Dr. Drew and also thanks to the Technical Committee for thinking through this a bit. Generally supportive of this. This would really would be kind of a waste of time to stick to the current schedule, given these issues with the data. I think what you've proposed here is a great idea.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

Also, thanks to David Sikorski. I hadn't thought about that angle on this. But I appreciated your comments on that. Dr. Drew, it sounds like everything should work out, as long as we don't run into the situation that Max brought up, where we get bumped another year. But let's just roll forward with a good plan, and see where we end up.

CHAIR BORDEN: All right, let me ask one more time. Are there any other Board members that want to speak? I'm not seeing any hands. I've got a couple of members of the public that want to.

MR. FOTE: My hand is raised, Dave, Tom Fote.

CHAIR BORDEN: Tom Fote, sorry, Tom.

MR. FOTE: The reason I think we should postpone is because I'm hoping by the time we actually do the public hearings on the final amendment, not the information then, but when we say we probably do this, that we're able to have in-person meetings, so people from New Jersey can actually show up to a hearing, get the presentation in person, and actually give us the feedback in person, because again, some people don't like talking over microphones, they don't know how to basically handle it, and I'm hoping for those in-person meetings.

CHAIR BORDEN: There is one other hand of a Board representative that went up, Kurt Blanchard from Rhode Island, who is our enforcement representative. Kurt.

MR. KURT BLANCHARD: Hi David, I did not have my hand raised, I apologize for that. I did notice it was up earlier in the discussion, and I dropped it.

CHAIR BORDEN: Thank you very much. I'm going to go back to the members of the audience. Toni, I've only got, I don't know whether I'm having a technical issue or not, but

I've only got Dale Kirkendall on the list for speakers. Do you have anybody else?

MS. KERNS: That is all I have as well. I don't know if folks all of a sudden put their hands down, but a bunch of hands went down, so there could have been a glitch in the system. If there is another member of the public that had their hand up before, please let us know. Just to remind everybody, your hand is up if the hand icon has the red arrow pointing down. That means your hand is up. Now we have Dale Kirkendall, and I'm so sorry that I'm not going to say this name correctly. I think it's Chouaib HiHi, I apologize.

CHAIR BORDEN: Okay, so I think what we'll do is, Chouaib, would you like to comment, please, and try to keep it brief, a minute or two, if you would please.

MR. CHOUAIB HiHi: Yes, hi. I just have a request, it's not a comment. The material of the research papers that have been used to produce presentations. If you guys could share them that would be great. Thank you.

CHAIR BORDEN: Next on the list I have Dale Kirkendall.

MR. KIRKENDALL: Yes, I just had a quick, I guess question or comment too. In regards to moving the date from 2021 to 2022. To me it does seem appropriate, because of the COVID issues. But additionally, is there going to be any change to the assessment to quantify the management changes that have been applied?

I mean we used this to say, hey we're doing good or doing bad. Will there be any change in the data that's collected, or data that's presented, specifically on the measures like circle hooks and such, and sizes of fish? From the last presentation on what you call the dead loss. The person was very clear in the conclusion that the percent of dead loss is not taking into account for which fish we're killing.

That is one of the reasons I brought up earlier. We have to have better data on which fish we're killing. Slot limits mean we target certain fish and we kill certain fish, as well as in the Bay. Raising slot limits or

Proceedings of the Atlantic Striped Bass Management Board
February 2021

raising this by an inch or two, and having all one year class being decimated, needs to be addressed in the data.

DR. DREW: Sure, so first of all I will say we do have some information on which sizes are being killed, so we do collect information on which sizes are being released, and which sizes are being harvested. Obviously, the data on which sizes are being released is more limited than the data on which sizes are being brought back to the dock and can be measured.

But we do have information on that, and you can see that more younger, smaller fish are released alive than compared to the size structure of the fish that are harvested. We do have some of that information, and we will continue to collect that and use that in the assessment. However, we don't have good information on how many of the big fish that are released alive die, versus how many of the smaller fish.

There is some evidence that suggests big fish are more likely to die after being caught and released, but the data on that are limited, so we'll just apply that 9 percent to every size of fish that was caught. But we do have information on what sizes are being caught versus what sizes are being released, and that will be incorporated into the next assessment update. We will look at the data that we have to see if, we can see a change in the size frequency of what's been harvested versus what's been released alive.

You know, we may make a small tweak to the model to have a different selectivity block for these two new year's, to say is the fishery interacting with these fish in a different way than they were in the past, due to the new slot limit. I think with only two years of data, and where we know at least one of those years has not had great data collection, I can't guarantee that we're going to see a strong impact of these regulations at this point in time with this assessment update. We'll check in, and we'll

see how things are going. We may need to add more years of data to get a better answer after that. But the intent is definitely to evaluate how well we've done, in terms of meeting our percent reduction, and whether that has an impact on the size structure of fish that are being harvested or being released.

MR. KIRKENDALL: I understand that. My point was more directed at, will there be science causing people to catch a certain fish intact, the number of other fish we have to go through to get to that legitimate fish. You have people that want to play with fish and you have people that want to keep fish. When we change sizes, we change the effort on other fish.

CHAIR BORDEN: Katie, follow.

DR. DREW: Yes, we would love to know that. To a certain extent, you know our data collection is limited. I think some of the things we can look at are the number of fish that are released versus the number of fish that are kept now, versus prior to the regulation change.

I think it can be hard to have to separate out the effects of that management change, compared to changes in effort, and changes in the availability of fish coming through. I think it is something that we need better data collection on, and I think we'll see what we can do with the data that we have, but it's certainly something that we try to consider when we are looking at these data overall.

CHAIR BORDEN: The last person I have on the list is Ryan Conceicao, if I have the pronunciation correct, and if not, I apologize.

MR. RYAN CONCEICAO: Hi, I just have a question in terms of, you know we're talking about postponement and pushing off due to, essentially numbers that we don't know, just because we don't think that again, stock status is accurate at this point. Looking at the spawning numbers of this year, I mean shouldn't those numbers alone tell us what's going on with this population right now? Clearly, it's declining.

I mean the spawning status alone should be a very clear indication of what lies ahead for the future. I

mean again, stock status at the moment, while we don't have immediate numbers. The spawning status is going to tell us what's happening in the future. Again, are we taking those numbers into consideration?

CHAIR BORDEN: Katie.

DR. DREW: Right, so I would say, I think there are two questions that the Board has been wrestling with, with this particular topic, and number one is, do we push the stock assessment update off into the future to get a better idea of what's happening in 2020 and 2021, which the TC recommends?

Then the second question is, do we push management action or Amendment 7 off into the future, until we can have an update on the assessment itself. The TC does not have an opinion on what the Board should do with that. I think that is, as Toni was saying, you know is another two years of stock status information really going to change what the Board wants to do with the options or the Amendment that it is considering? That I think is the question that the Board should wrestle with. You know from the scientific perspective, doing an update this year is not going to get you better information. Whereas, I think from a Board perspective, do you take management action on where we are now, based on the recent assessment is up to the Board.

CHAIR BORDEN: In terms of this issue, essentially, you've got a recommendation. Are there any Board members that disagree with this recommendation, and if so, raise your hand, and I'll call on you and you can say why you disagree? If not, I would just suggest that in the absence of individuals objecting to this, we simply forward this by consensus to the Policy Board. Any hands up, Toni?

MS. KERNS: I don't see any hands, David.

CHAIR BORDEN: All right, I'm just going to note that by consensus we're going to forward this

recommendation to the Policy Board for consideration and action. Any objections? No objections.

**CONSIDER DRAFT AMENDMENT 7
PUBLIC INFORMATION DOCUMENT FOR
PUBLIC COMMENT**

CHAIR BORDEN: The next item on the agenda. Let me actually go off script here for a minute, and just say it is wonderful to have this many members of the public participating in this dialogue today.

We have literally, about 260 members of the public who are listening to this. I would like to just take two seconds before I speak to the Board, and talk about what we're going to take up next, which is the Draft Amendment 7 Public Hearing Document. I'm sure a lot of you have been around the process for a number of years and are familiar with this.

But if you're not, just for your own edification, a public information document is a document that goes out to the public with generally a range of very generalized issues that are designed to promote discussion and dialogue by the public. It is specifically designed to get public input, comments, and criticisms, whatever you like on certain concepts.

What we're about to talk about today with the Board is we've had a public information document that has been drafted, and I'm hopeful that at the conclusion of this meeting it's authorized for public hearing. When the hearings come, that is an opportunity for the public to actually bring forth any ideas they want.

The Board will have included a number of ideas as talking points, to stimulate discussion on the part of the public. But the public is not constrained to do that. If you are a member of the public, and you have different ideas about the way things should go, what data we should be using, what models we should be using and so forth. This is a perfect opportunity for you to go and participate in a dialogue.

This is the mechanism to use, and I would point out it's the first step in the process. This is designed to get public input at the first stage in the development of an actual amendment, so it's really important for the members of the public to understand that, and attend

Proceedings of the Atlantic Striped Bass Management Board
February 2021

these virtual meetings that will be scheduled. I'm going to go back to the Board and just outline a little bit of background on this. The Board initiated development of Amendment 7 to consider addressing a number of important issues and concerns involving striped bass management, including overfishing. The last time we did an amendment on striped bass was 2003, I believe. Staff can correct me if that is the wrong date. In essence, it's been a long time since we did a formal amendment. The first step in the process that we've been following, was to appoint a working group that prepared a very comprehensive list of issues to discuss.

Marty Gary and Megan Ware were the two co-chairs of that subcommittee, and did a really excellent job with the other members of the subcommittee, bringing forth a wide range of ideas to be discussed with the public. Following a presentation by Marty and Megan, the Board basically tasked the Plan Development Team to develop a draft PID.

The Board then reviewed the first draft of the PID at their October meeting, and offered a number of edits, all of which I think have been incorporated into the draft. In addition to that, we also allowed members of the Board to offer additional comments, suggestions, in regard to the edits, and at that point in the timing of all this, many of you brought forth additional ideas that you wanted integrated into the PID.

Then the final way that we've involved the Board is two weeks ago Toni sent an e-mail to all Board members, asking for any additional suggestions and improvements. She basically requested that you do so prior to the meeting. My point in recounting all of that is that we have had probably six months of discussion on this PID, and numerous opportunities for the Board to perfect the language in the PID, and identify issues that are critically important for development with the public discussion.

In my view, we're at the point where we need to approve this document and send it out for public hearing. I would like to remind everyone, including the Board members that a PID does not commit the Commission to adopt any particular strategy. It's a discussion document. We're trying to get the input of the public on this issue. The first thing I'm going to ask is, are there any members of the Board that would like to raise an issue that they think is critically important to add to this PID? If you do, then I would ask you to raise your hand. Any hands up, Toni?

MS. KERNS: I don't see any hands up, David.

CHAIR BORDEN: Okay, so I asked, given all the work that the staff has done with the members of the Commission, I anticipated this and asked the staff to prepare a draft motion, which I would like them to put up on the Board.

MS. KERNS: David, before you do that, I just wanted to note that there was one change that I made to the document that the Board did not see that was reflected in an e-mail that came back to me. I did have one person get back to me. I think it would be at least important for people to see that change. It's not a significant change, but I still feel it would be necessary to do that before we considered action on the document.

CHAIR BORDEN: Go ahead, Toni.

MS. KERNS: I had prepared a presentation to go over all the changes in the document, but I won't do that in full. But Maya, if you could do me a favor and go to Slide 5. Thank you, and it's the second small paragraph here that the language that is on Page 8 of the document. This language is to reflect the SSB target may be achievable, if fishing mortality is significantly reduced.

But it may go against other things that the Board is trying to achieve in the fishery regarding performance and economics. This language was tweaked just a little from what went out to the Board, and was on the meeting materials. I just wanted people to see that before making any considerations today.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

CHAIR BORDEN: Any comments from Board members. I'm not seeing any hands up. Toby Frey is the only one with a hand up. Toby, do you want to comment on that?

MR. TOBY FREY: It seems like to me, whenever we try to work with Mother Nature, and either curb or increase populations, we're doing it with females. I still don't understand why we haven't addressed what we call the trophy season, which if a fish is over 32 inches it's 99 percent a female. It seems like to me that until we start addressing preserving the females, we're not going to make any headway on this whole subject.

MS. KERNS: Thanks, Toby, for that comment, and that is the kind of thing that we will want to definitely hear from you, if this document does get approved for public comment when we do public hearings. Much appreciate it.

CHAIR BORDEN: Thanks Toby, and Toni, could you put up the draft motion, please?

MS. KERNS: I can, and Maya will do that. I just wanted to let you know that John McMurray has his hand up.

CHAIR BORDEN: John.

MR. McMURRAY: Again, I don't want to be a fly in the ointment here. The slide that's up there now does not really make any sense to me. I mean is there anything in the benchmark assessment or in the data that I may have missed, that suggests that if we reduce or if we reduced to F target that SSB target couldn't be reached? This is speculation, it's not based on science. It seems to me to be editorial in nature, and shouldn't be in the document at all.

CHAIR BORDEN: Toni.

MS. KERNS: I'm going to go to, I think the two Board members that asked for these edits, if that's all right. Those two Board members, I believe were Megan Ware, and if I remember

correctly from the original was John Clark, and both of them have their hands up, if that is all right, Mr. Chairman.

CHAIR BORDEN: All right, I'm going to recognize John Clark. John, we haven't heard from you today.

MR. JOHN CLARK: Yes, this was Delaware made the request. It is pretty widely accepted that the stock was at an all-time high level during the early 2000s. This led to the huge changes in other fisheries within Delaware Bay. As was pointed out earlier in the public comments by Dr. Kahn, the Delaware went from not producing striped bass to being a striped bass production dynamo, and responsible for upwards of 20 percent of the coastal stock, and yet we have a huge resident population now in the Bay.

As I said, that was still not hitting the SSB target. You can talk to anybody that saw the Bay during those years. I just think these, and not just me, but I think it's pretty well accepted in our area that to reach some of these target levels, would just mean there would be nothing in Delaware Bay except for striped bass, and they would probably be emaciated at that, because the population would have to be so high.

CHAIR BORDEN: Thanks John, Megan Ware.

MS. MEGAN WARE: John, I was the one who suggested an edit to this. Just for clarification, the sentence originally stopped after the word unattainable, so it said the current reference points may be unattainable. I think maybe I'm in line with your comment. I felt a little uncomfortable with that sentence, given that it also talks about, you know we've been overfishing for such a long time, so I suggested the end language there.

But something about the fact of fishery performance, because I don't know what would happen if we dropped that. But I also understand that different states have different priorities, and there are different objectives we're trying to meet. I just tried to qualify that sentence, so it addressed that concern of mine, which it sounds like maybe was the same as yours.

CHAIR BORDEN: John, do you want to follow?

Proceedings of the Atlantic Striped Bass Management Board
February 2021

MR. McMURRAY: Yes, thank you, and thank you for that, Megan. It is helpful, but that passage is still very misleading. It makes the public think that you referenced the spawning stock biomass, the target is not attainable, and that's not true. It's clearly intentional that it's in there. Let the record show I don't think it's appropriate, and I would like to have it taken out. But if there is not Board support there is nothing I can do, clearly.

CHAIR BORDEN: All right, any suggestions for process, in terms of how we deal with that issue? Do people want to let the parties that are concerned about that consult, and revise the language, or do you want to deal with it at this point? Any guidance from anyone? I've still got John McMurray and John Clark with your hands up. Emerson Hasbrouck.

MS. KERNS: I think John Clark wanted to respond, Mr. Chair.

MR. CLARK: Yes, Mr. Chair, I just want to say that if we're going to start looking at things, there are other revisions in this document that we're not wild about either. But in the spirit of compromise, you know we figure we would leave things in there. But if we're going to start picking this apart point by point, then this is going to be an extremely long meeting.

CHAIR BORDEN: The last thing I want to do, John, is pick this document apart. We've gone over it for six months in various meetings and discussions. It's time to get it out to the public. Let me suggest that we just deal with the motion, and if somebody wants to perfect the motion to deal with this issue, then they have the ability to do that. Does anyone care to make this motion?

MS. KERNS: You have Tom Fote with his hand up.

CHAIR BORDEN: Tom, are you making the motion?

MR. FOTE: Yes, I'll make the motion, then I would like to say why I'm making the motion, and I think we should go with this.

CHAIR BORDEN: Wait, do I have a second.

MS. KERNS: Marty Gary.

CHAIR BORDEN: Marty is making the second, back to Tom Fote. Tom.

MR. FOTE: Yes, there are things in this document I don't agree with. I have a difference of opinion with John McMurray on a lot of things. But we're going out to the public with this. We've worked on it for a long time. There are things in it that we are all not going to agree on, sitting around the Commission, and the public is not going to agree on it. The purpose of this is to go out and find out what the public feels about these issues, and let them comment. I would support not making any changes at this point, because we've basically beat this to death.

CHAIR BORDEN: Marty, do you want to comment on it as the seconder?

MR. MARTIN GARY: No, I concur with both Tom and John. We've had a pretty rigorous process, dating back as you pointed out to the workgroup. I would have thought maybe we would have heard this concern a little bit before now. But I haven't heard it, and I think we have an opportunity to get this out to the public and have that discussion. If there are concerns about that we'll address it then and there, so thank you.

CHAIR BORDEN: Anyone else on the Board? If not, does anyone object to the motion? Do we have any objections, Toni?

MS. KERNS: I don't see any hands raised from the Board. You have a member of the public.

CHAIR BORDEN: Okay, so by consensus this is approved. What I'm going to do, since we've been at it for quite a while. I'm going to take a five-minute break, and come back. Toni will post the time, I think it's 3:16. Everybody can get up and stretch your legs,

and then we'll come back and deal with the circle hook issue.

MS. KERNS: We'll get that posted for you, David, thank you.

(Whereupon a five-minute break was taken.)

DISCUSS CIRCLE HOOK IMPLEMENTATION

CHAIR BORDEN: Let's reconvene. The next item we're going to take up is the issue of circle hooks, and tube and worm. I think as certainly most of the Board, and I think industry, recognize this issue has gotten a lot more complicated since we last discussed the issue. In terms of process, what I'm going to have take place is, for Toni to provide us with a background on the issue, what was proposed and what has been received by the Commission, in terms of correspondence and requests.

Following that we're going to allow Board members to ask questions on it. Then I would ask individuals to hold off on making any motions, and then following that we'll get a second presentation by the state of Maine. Megan Ware in particular will give a presentation on what they have proposed and why. Then following that we'll take general comments and questions, in terms of process, and then we'll get into motions. Toni, do you want to start?

MS. KERNS: Sounds great, thanks, David. I don't have a presentation, just a quick overview here. After the last Board meeting there were a couple of states that asked for exemptions to the circle hook requirement. Some of those exemptions were for a tube and worm jig. Those exemptions did not pass for the Board approval, and so the Board approved no exemptions to the circle hook requirement. Implementation of the circle hook requirement was the beginning of this year. We received a letter from Representatives of 11 for-hire angler groups, and the associations that represented them. It asked the Board to reconsider the elimination of all exemptions for circle hooks,

and this letter is seeking an exemption for trolling with a tube and worm rig and jig with a J hook.

While the letter goes on to state that while they are fully supportive of the circle hook provision, the nature in which the tube and worm rig is fished will not gut hook a fish, and it's a reliable method to reduce release mortality, because the fish is hooked in the jaw. The letter also states that circle hooks are not effective with this type of rig, and this type of rig is really important to the industry to bring young anglers into the fishery, because it is a simple method of fishing.

The letter also states and describes the negative economic impacts that could occur without the exemption. In this letter they also ask for an exemption of jigs, those with the led head style that are dressed with natural or synthetic hair to be exempt, as long as the jig has a single hook, providing from the end portion where the bait may be attached. Lastly, the letter asks for an exemption for pork rinds attached to a trolled lure to be exempted. Then I will pass it on to Megan Ware to describe the request that the state of Maine and Massachusetts is asking for.

CHAIR BORDEN: Before we do that, are there any questions of Toni at this stage? I'm not seeing any hands up, so we'll move on to Megan. Megan.

MAINE AND MASSACHUSETTS PROPOSAL

MS. WARE: This is a joint proposal between Maine and Massachusetts, so I'm not letting Mike Armstrong off the hook here. He's going to help me out. But that proposal can be found in supplemental materials, for those who want to follow along. We're just going to give a verbal, kind of overview, of what was included in our proposal, and why we submitted it. Mike, feel free to pop in at any point while I'm talking, if I say something incorrectly or you want to add something. I guess I'll start by acknowledging that both Maine and Massachusetts are working to come into compliance with the Addendum VI circle hook provision. For Maine we completed an emergency regulation, which now requires circle hooks when fishing with bait. I believe Massachusetts is pretty far along in their process, so both states are committed to coming into compliance with the FMP.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

The proposal is trying to address a problem regarding lack of data and information in the tube rig fishery. Maine and Massachusetts tube rig fishery has certainly been a source of industry comments regarding the circle hook provision. Based on the letter Toni just referenced, it appears maybe there is broader conversations happening along the coast. But that said, you know we are data poor in this portion of the fishery.

We don't have MRIP data that is specific to this term of tackle, or we don't have a specific gear study that we are aware of. When industry comes to us with these claims, some of which are concerning, it's hard to respond either to be able to support them or refute them. It feels like this is a similar conundrum the Board faced in October. You know as a state we could provide anecdotal information, but unfortunately, we didn't have data to provide on the potential impact of the circle hook exemption for the tube rig fishery.

From these concerns the proposal was born to be able to gather this data that we need, and hopefully let that data inform our future management decisions. We're proposing a two-year study, and some of our objectives are to understand the size of the fishing population that is using this gear, so who are the pool of impacted stakeholders, understand where the tube rig gear hooks on the fish.

As Toni just read in that letter, you know we've heard comments that the gear doesn't gut hook, so there may be a little conservation value of using the circle hooks, but I don't have anything to ground truth that with, or like data to respond to that with. Then Maine is also interested in effecting impacts to the worming industry, and kind of noting that the tube and worm fishery is greater than just the anglers, but also involve tube manufacturers and those who harvest worms.

To carry out the study, we are asking for a two-year exemption to the circle hook requirement

for the traditional baited tube rig gear. The reason we would need this exemption for the proposal is, as I mentioned, both Maine and Mass are currently or have taken action to come into compliance with the circle hook provision.

Industry right now, at least in Maine, I can't ask them to go fish with a traditional tube rig gear with a J hook, because circle hooks are required. The exemption allows us to collaborate with industry and carry out this study. We did include a sunset date of two years for that circle hook exemption, so that without further Board action that exemption would expire.

Then I'll just note, there are kind of three elements of the study. The first was the broader angler study, to better understand the proportion of anglers using the tube rig gear, and questions in that survey would ask about knowledge on tube rigs, level of engagement, choice of bait. The second element of the study is Maine's angler logbook program, where we would expand that to ask specific questions about tube rig gear. Some of the questions we would ask are in the proposal. I'll just note that Maine's logbook program is pretty targeted at striped bass anglers, and we are excited this year, because we are introducing an electronic version of the logbook. In many ways it's kind of a perfect opportunity to expand the data we're collecting through our logbooks. Then the third element of this study is at-sea data collection by the state agencies. We feel that this is important, because logbooks are a great way to engage industry and collect a lot of data, and collect a lot of data without a lot of cost.

But we do acknowledge that that data is self-reported, so we want to be able to ground truth any of the trends we see in that data, or identify discrepancies. At the end we would write a report and bring that back to the Board and the TC. If the data collected in the study doesn't support a circle hook exemption for tube rig gear, then we won't carry on with it.

If it does, then the Board can consider future options at that point. Obviously, we're looking to get feedback from the Board today on the proposal. I'll just call attention to one specific part of the proposal in particular. If the proposal is accepted, we provide two ways that the exemption could work. One is a

Proceedings of the Atlantic Striped Bass Management Board
February 2021

circle hook exemption for tube rig gear just in Maine and Massachusetts, the other is a coastwide approach, where the Board could delay implementation of the circle hook requirement for the specific gear type.

I think there are pros and cons with both options, one may be receiving more of a coastwide equity, and the other is more of a focused study. I would be interested in hearing Board comments on that. Mike, I will pass it off to you. Please let me know if I forgot anything or you want to add anything.

CHAIR BORDEN: Thanks, Megan, Mike Armstrong.

MR. MICHAEL ARMSTRONG: Megan did a good job. I'll add a couple things. This is a mode of fishing that is very popular. The fact that we got a letter from charter associations from Maine down to New Jersey, and in fact I've talked to anglers from Chesapeake Bay and further south that also use it.

But I think it illustrates a problem that we overlooked. We moved with this circle hook stuff pretty fast. There were some oversights. One is we didn't define bait. We've pulled out all the definitions on the coast, and they are very, very different on what you can use. But in all honesty, we were going with data that showed circle hooks have a lower deep hooking rate, and thus lower mortality.

All those studies are done on chunk bait and live bait. None of them are on artificial. In fact, most of the studies show that artificial, just because of the way they are actively fished and towed through the water with jigs, that the fish bite it in a whole different way than a chunk sitting on the bottom, or a fish swimming around.

I'll tell you, when I voted for this, I didn't intend to include artificial. I understand how it happened. You know we talked about it at the end of last meeting, and no one wants to

wordsmith, and we're all tired. But I think that was an oversight. Anyway, we don't expect you to just accept it without data. I like data, you like data. We're going to collect it, so we are asking for this exemption. But I do think we also, and I don't know that we want to open this now, but later discussion of defining bait, and defining that what we really meant was chunk and live bait, and not artificial. When you put bait on an artificial, it's not really bait, it's an attractant. It flops around, it puts out a scent. But the lure is still actively fished, and the fish will strike it in a completely different manner, usually ending up in hooking on its lip.

Now there are other problems, you know treble hooks catching on the side of the face and all the rest, and that is a whole different discussion. We'll hope you give us this exemption for a couple years. The question is whether we exempt it coastwide, and just let it ride for a couple years until we have data, or if you just exempt us and Maine, so that we can do the study. I'll leave it there.

CHAIR BORDEN: Questions for either Megan or Mike on the proposal? I would ask while the questions are coming forward. We've got a bunch of hands up already. I would ask you to think about the question of whether or not this should be two states or the entire coast would have the ability to participate in this. First, I'm going to just take these in the order I've got them. Jason McNamee and then John McMurray, you're on deck.

DR. McNAMEE: Thanks Megan and Mike, really appreciate the thought that went into this, very much support what you are trying to do. I know you guys, both states have top notch analysts in your state. I know it will have high statistical rigor, and I think it will be pretty cool, and useful information.

This is just quick advice. The at-sea data collection. I really like that part of it. I think, so it sounds like Mass DMF you're using your own staff. I'm not sure if at any point you'll be kind of observing like a normal fishing trip. I would just suggest that I think would be good, in particular if you have a consistent participant collecting information.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

If you have some samples where you've got staff onboard to observe, because that gives you that internal sample that you can sort of look at to compare observed versus non-observed, and see if there are any statistical differences. If not, that will give you some confidence that that self-reported data is good data, and can be expanded.

That was just something that popped into my head I wanted to share with both of you. Then the other aspect, which Chairman just mentioned is, you know I'm certain Rhode Island would love to be involved and expand this study further into southern New England. I won't commit to it, in that we have not identified the funding source to be able to do it, or that we could identify that funding source, and we could contribute as well.

However, I wonder if there is something we can do today, where we have more of a general exemption allowed, if the state is able to pull together, you know a research fleet or study like Massachusetts and Maine. It would be great to have a little flexibility, because we would love to participate as well. We've just not thought through it to the extent that Massachusetts and Maine have yet. I'll just kind of put that out into the ether, see if others are thinking the same way, and then maybe we can figure out a way to allow for that.

CHAIR BORDEN: I have John McMurray, and then I've got Mike Luisi.

MR. McMURRAY: The gentleman from JCAA made this point in the meeting's initial public comment, and I'm going to frame it as a question if I can. Mr. Armstrong also talked about the clear intent of the circle hook requirements was to prevent the use of J hooks and trebles, and live and cut bait fisheries, not as an attractant in troll lures.

I appreciate and respect the fact that Mass and Maine are going to need to move forward with this study, but everyone on this call probably

knows and understands that a troll tube and worm rig and a bucktail jig tipping with a pork rind does not gut hook fish, except in very rare circumstances.

If you don't know this then you are disconnected with the realities and details of this fishery. I'm wondering if the state of Massachusetts and Rhode Island had considered just moving to approve those exemptions, because they make no sense to me. I don't think they make sense to the public, and I don't think they make sense to most of the people on this call.

CHAIR BORDEN: I've got Mike Luisi and then Justin Davis.

MR. LUISI: I'm supportive of the states of Maine and Massachusetts moving forward. I guess where I'm confused a little bit. When I think about this, I think about the consistency across the states. If there is going to be an exemption for a particular method, and it's exempted in two states, and there is going to be information collected by those states that have agreed to provide that information.

If we approve this coastwide, which I think for consistency purposes I would support that. How does information gathering translate to the other states? I guess that is a question that I have for you, Mr. Chairman, or staff. If we decide that this is across the board something that we're going to allow all states to be exempted from. Are there going to be requirements on those states for data collection?

I guess my second question to Megan and to Mike, have to do with those circle hook regulations. There is a request now to exempt certain methods, but are you still moving forward with circle hook requirements for bait purposes? I would assume you are. But I just want to make sure that if I'm going to support this, that it's not going to be a delay in circle hook requirements across the board in your state, but it would be just for this particular method.

CHAIR BORDEN: Megan, do you want to take that question at this point, in terms of how you intend to implement, if it's approved?

MS. WARE: Yes, sure. Thank you, Mike, for the question. Correct, and I guess I'll just remind the

Proceedings of the Atlantic Striped Bass Management Board
February 2021

Board. Maine actually had the circle hook requirement for the last seven years, maybe we're going on eight years now. The only exemption we had previously was for tube rig gear, and then at the October Board meeting, when we brought that forward as part of our implementation plan, that didn't pass. That was the only part of our regulation that we needed to change to come into compliance with the FMP. All of the requirements for the use of circle hooks, outside of the tube rig fishery, would remain and be what we had for the last seven or eight years.

CHAIR BORDEN: Mike, have you got a follow on?

MR. LUISI: Oh no, no. Thanks, Megan. I knew you guys had those rules in place for quite some time. I was wondering about Massachusetts as well. But it sounds like, so if I understand it, and correct me if I'm wrong. The exemption is only for these gears, it's not for the delay in circle hook implementation, because I think Massachusetts as well has rules on the books, but Mike can correct me if I'm wrong on that.

CHAIR BORDEN: Mike, to that point.

MR. ARMSTRONG: Sure, yes, we put in circle hook requirements last year, and we did exempt for-hire. In response to the Board's request, we are putting in new regulations that get rid of the exemption for the for-hire. What we're proposing is keep all the circle hook regulations except for the tube and worm lure.

CHAIR BORDEN: Justin Davis.

DR. DAVIS: At this point I don't really have a question; I just have some comments I would like to make. Is that okay at this point?

CHAIR BORDEN: Certainly.

DR. DAVIS: You know I think Mike Armstrong did a good job of framing the general issue here that back in October, I guess that was 2019 when we took the vote to implement this circle

hook mandate. I think everybody thought it was a good idea, and then as we're coming along here and looking to implement it, the devil is always in the details, and we're finding out that it's maybe a little bit more complicated than we might have thought.

There are questions around definition, what is or isn't a natural bait. There is question around, should this be applied to all bait fishing methods or not? I think there are issues around enforceability, because we're talking about, in many cases, intent of the angler and whether law enforcement can actually use that as a basis for enforcement or not.

I think there are also issues around whether this was intended as a prohibition on all take of striped bass with anything other than a circle hook. That's an issue that I plan to bring up later today, and try to get some clarity on. With respect to this issue, we're talking about right now, with exemptions for artificial lures. You know I heard a lot about this in recent months from anglers in our state. This isn't just an issue with the for-hire industry, even though that letter the Board received was from for-hire organizations.

I've heard from plenty of sort of average-Joe rank and file anglers. What I've been encouraged about is I've heard almost unanimous acceptance for the idea of a circle hook mandate, that it makes sense. People are willing to do it. They already use circle hooks in their fishing, or they're willing to switch. But they want to do it under instances that make sense, where there is going to be a conservation benefit. I think some people are sort of scratching their heads as to why they would be required to use it, and other instances where it is not likely to provide a benefit. I'm really grateful that Maine and Massachusetts have come forward here with a proposal and a way forward. I think it's great that we're proposing, doing some actual work and getting some data to justify the decision, rather than just making a decision based on anecdotal data, although I would agree with John McMurray that if you talk to anybody who is involved in this fishery, they would tell you, you know an eel skin plug, or a tube and worm rig, or a trolled bucktail of pork rind. Those are not gear to gut hook fish.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

I'm very supportive of this exemption. I would hope that it would be extended to all states, and that all states would potentially consider collaborating on the data gathering that's going to go on. Connecticut would certainly be interested in participating, at least in that stage of sending out a questionnaire or survey to anglers, to try to find out about how widespread the use of these various gears is.

I hope there would be some consideration, maybe thinking about something, or gears beyond the tube and worm, because I've heard anglers in our state mention other things that they think ought to be exempted. I hope maybe there will be some room to collaborate a little bit on at least that portion of the study, design the questionnaire.

But overall, I think this is really good. It's important, I think that we make these changes sort of in conversation and concert with our constituents, that we listen to what our folks in the public are telling us, about what makes sense and doesn't. I'm really hopeful this Board will approve some sort of exemption here for all states, and allow us to move forward with those things.

CHAIR BORDEN: The next three speakers, I've got people agitating about being called on. I've got Mary Gary, Max Appelman, and Ritchie White. Tom Fote, you're after that. So, Marty.

MR. GARY: It's been a very thoughtful conversation. I appreciate all the perspectives that have been shared, and thanks to Megan and Mike for your diligence on supplemental materials that were provided, and your explanations. I was aware of the fishery, but certainly not fluent on it, so I've done some outreach to folks and learned a lot. For all the reasons that have been mentioned, John McMurray and others, you know there is a common-sense theme that runs through all this. Jason and Justin just answered part of my question about the regional applicability of this

exemption, interest by both Rhode Island and Connecticut.

I guess I still have a little bit of peaked curiosity though. New Hampshire is kind of wedged in between Maine and Massachusetts, and I would just be curious if it isn't putting you too much on the spot, if Dennis or Ritchie or Cheri could provide perspective. I would have thought maybe they would want to be part of this as well, just curious. Thank you.

CHAIR BORDEN: Ritchie, do you want to speak to that question, and I'll call on you in the same order. But if you want to address that question, please do.

MR. WHITE: Okay, thank you. Yes, I would like to make a general statement, and I think it will answer at least how I feel New Hampshire going forward or not going forward on this issue, Marty. With all due respect to my good friend in the north, Maine, and to the south, the Commonwealth of Massachusetts. I hope they remain good friends after my remarks on this issue. I'm opposed to proceeding with this process for a number of reasons. First is process, in my opinion this is a backdoor attempt for conservation equivalency, but the process is backwards.

The conservation equivalency process would provide data to the Technical Committee and Law Enforcement Committee, both of which would provide recommendations to the Board. This proposal sets the regulations for two years, then provides data to the Board. If this process is successful, I predict a number of conservation equivalency proposals that lack data will initiate this method. I don't dispute that tube lures do not gut hook. What needs to be studied is, do circle hooks work in tube lures with worms?

I have over 60 years of fishing experience with striped bass. I've never fished a tube lure, but I do fish live mackerel and pollock with a trolling weight and a circle hook, in a method that is very similar to tube lure fishing. It's an extremely successful method, and I find it is not an issue hooking fish with a circle hook using that type of method.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

What I'm really worried about here, is creating a loophole that people that look for loopholes will jump through. We're not seeking Law Enforcement input, as to how enforceable this is. I already in my mind have a design, in which I can create a rig for all bait fishing that I feel would qualify as a tube lure.

I think what needs to be studied is, does a circle hook work or not, not to open the gate on loopholes for use of J hooks in general, without Law Enforcement playing a much larger role in this, and if Kurt Blanchard is on the phone, I would love to hear his input on this. I certainly will not be supporting this, and that would be your answer, at least from my standpoint, Marty. I haven't talked to Dennis or Cheri yet.

CHAIR BORDEN: Ritchie, I would point out you managed to generate a few more hands.

MR. ARMSTRONG: Mr. Chair, could the Commonwealth address that?

CHAIR BORDEN: At the appropriate time, Mike, you're on a list.

MR. ARMSTRONG: Okay.

CHAIR BORDEN: I've got Max Appelman and then Mike Armstrong.

MR. APPELMAN: I really appreciate the discussion, and I appreciate the situation here, and certainly appreciate the intent of the proposal. I was going to say a lot of the things that Ritchie just said, so I'll shorten my comment and just echo those. You know we certainly support research; we support collecting data, improving our understanding of this and any other facet of the striped bass fishery, and impact to the stock.

You know, NOAA Fisheries has a mechanism to permit otherwise unlawful fishing in the name of research through exempted fishing permits, and you know this proposal appears similar to an EFP, except that we don't know how much

effort we would be exempting in this case. That is inherently one of the questions that we're trying to answer.

One of our primary concerns is that of procedure. As Ritchie pointed out, typically this would go to the TC first for review, prior to a Board vote. I particularly am interested in hearing from the Technical Committee, if there is, I'll say a less invasive way to answer these questions on prevalence, and whether or not the cure does gut hook fish, something on a smaller scale, a level of effort that we know we're exempting in order to collect that data. I'll just leave it there for now, thank you.

CHAIR BORDEN: I've got Mike Armstrong.

MR. ARMSTRONG: If I could, yes, Ritchie, you're still my friend. But I think you are off base on this. I don't see this as conservation equivalency at all. I see it as trying to correct, I think, some errors we made, with kind of a hasty passage. As I think Justin said, it turns out this whole issue of circle hooks and bait is more complicated than we thought, and we passed a very simple rule.

But I hear your concern, that it is a little bit different process, and I really share your concern that other people will come out of the word work and say, okay here's another one I want, which is precisely why, in addressing John McMurray's concern, not a concern, but his statement that we all know you don't deep hook with a tube and worm lure. Let's just do it. We want to present data, so that other people, if you want to exempt something you need to bring data, and that's a high bar. As other states have said, we don't know if we have the resources.

But we're going to do it, and that is why we went this path to collect data. It makes it harder, and I think will prevent people from just nit picking, and trying to find little exemptions, because I definitely don't support that at all. This is one of those things that just stuck out, and it was a glaring error, and we heard from our constituents, as did many people in other states. Thank you.

CHAIR BORDEN: I've got Tom Fote next.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

MR. FOTE: Yes, I made the motion, the last one not to approve the exemptions, for a couple of reasons, and I'll go to my reasons why I did at the last meeting. It was not about the efficacy of using a tube lure the way it is designed, and the way it is supposed to be used. My concern is all of a sudden somebody throws a tube on a line, and goes back to drift the same ones, because it's one of the ways I use to fish also, especially during the rips.

That's a whole different ballgame, but how is Law Enforcement basing enforcement if somebody has a tube on? There are some things that we need to discuss today about, you know rigged eels I've never gut-hooked a fish on a rigged eel, and I rigged a lot of eels in my time. I've been fishing for striped bass probably about 60 years or 64, tells me I started like 10 years old. Anyway, you know the pork rind issue. We need to clarify what is bait, but we need to do it coastwide. If we're going to make an exemption, it's got to be coastwide, and you can't penalize one state because they don't have the resources of doing a study, and Massachusetts, who has a much bigger budget than New Jersey does, on marine fisheries. That is probably why our folk were not getting a bigger budget as fishermen, but don't penalize the fishermen in the states, because we can't get more money.

If we do any of these exemptions, if you change the use of pork rinds, then it should be up to the state to make the exemption coastwide. Then if a state does not want to implement the rules and the regulation, they should be able to not implement, as we always tend to. But we can't make regulations that are different for each state, because there is enough controversy going on about what we can fish and what we can't fish with a circle hook.

I don't need exemptions that are coastwide, because it is going to be hell, because the guys will say, this is the way it is in Massachusetts, I guess I can do it in my state. You know how hard it is to get the information out to the

public to begin with. We need to be consistent among all the states about what we do. Whether we do this tube lures or not, we need to be consistent on the whole coast, and do that for every state.

CHAIR BORDEN: The next person I've got on the list is Roy Miller, and before Roy talks, Toni, there are a lot of names on the list, some of them have been called on already. If they are new hands that's great, leave them on the list, and if not, if you could delete them that would help. Roy.

MR. ROY W. MILLER: A couple of comments. Until Ritchie spoke, I was prepared to consider voting for this particular exemption for Maine and Massachusetts. But after listening to Ritchie, I would like to change my comment somewhat. Would it be possible to do this study just a little differently?

In other words, the first two questions in the logbook could be asked whether there is any collateral tube and worm fishing in 2021 or 2022, so those questions could be asked without a special exemption. Then I'm wondering if the studies, if Massachusetts could use some charter captains as contractors, and give a special exemption for a group of charter captains to do the tube and worm study.

Similarly, in Massachusetts, since apparently state employees are going to be doing the sampling. They won't have to open it up to the general public. What I'm getting at is, could the study be done without opening up tube and worm fishing in those states for a two-year period. That is one question.

The other question, if other states want to participate in this, there is a timing problem, because these studies are proposed, I presume, to start as soon as bass are available in 2021. If other states are going to submit a proposal, they're coming up short on the amount of time they would have to submit a study proposal and get it approved. Those are my two, let's call one a question the other a comment. Thank you.

CHAIR BORDEN: Roy, I'm just going to interject a comment from the Chair. Given my background, having worked for a state agency. I think one of the dilemmas that we all confront here, Maine and Massachusetts have brought this proposal forward,

Proceedings of the Atlantic Striped Bass Management Board
February 2021

and I'm not sure that the rest of the states have necessarily thought about it in the context of, should they prepare.

I'm fairly confident that if we were to give this another week or two, and let the state agencies go back and talk to their constituents', it would be a number of states that would probably come forward and say they want to participate, but they can't do it at this point, at least on the record, because as Jason McNamee pointed out, they don't have the funding for it.

But if they had a little bit of time to develop that, I think you would find that a number of states would want to participate in it, and especially if it's a blanket option for the coast. In other words, states can opt in to this program. It's almost like we need some mechanism to authorize it, and then conceptually, and give the states that are interested in doing this the opportunity to kind of talk together, talk with your constituency about funding activities and so forth, but then have the ability to get into it.

Now if you're opposed to it, clearly Ritchie is opposed to it for a number of reasons, then you just vote it down, that's all. I think it's important for people to kind of factor in, we're in a situation where we have an awkward timing issue. Because states don't necessarily have the money to commit to all of the work that's required by this proposal.

The next person I've got on the list is Loren Lustig.

MR. LOREN W. LUSTIG: I would like to complement several people that have been on our list, who have led the discussion. First of all, I would like to complement Marty Gary, from the Potomac River Fisheries Commission. Marty was the one who asked if someone from New Hampshire could please comment, there in their key location between Maine and Massachusetts, and Ritchie stepped forward.

I'm not sure I would have had the bravery to step forward like he did. He was sort of shooting from the hip. What I realized is that we had a person in Mr. White who spoke with wisdom and insight, and helped us to get right to the bottom line. As soon as Mr. White was done speaking, I think you, Mr. Chairman, said that there were suddenly many hands that were raised.

What that provides is the benefit of friendly debate, something that we sometimes don't see in the politics of America. A friendly debate is a very, very valuable thing, because that tends to clarify the issues. We're certainly not duplicates of each other. I consider myself to be the only environmental educator at ASMFC, for goodness sake.

I'm not a fisheries biologist, so I don't have a whole lot of duplicates, so I speak to the children of Pennsylvania and Maryland, for example. One of our strengths is that we are not duplicates of each other, and I really appreciate this discussion. I do have a background in law enforcement, and I appreciated Tom Fote speaking of law enforcement, as well as Ritchie White speaking of law enforcement. Those are my comments, and I do thank you, Mr. Chairman.

CHAIR BORDEN: Thank you, Loren. Next, I've got Megan Ware, your hand is up.

MS. WARE: I've been scribbling frantically here, trying to write down everyone's comments. I'm going to try to respond to as many as I've heard so far, and Ritchie, we are still friends, don't worry. I think the first comment I heard was that the study should focus on, do circle hooks work with the tube lure. I guess I was remiss in describing the study.

That is one of the things we proposed testing as part of the at-sea portion of the study. That is something we also have a question about, and plan to investigate. I think there was a comment about TC review or processes with TC for review. You know I think we're happy to do that. I guess from my perspective, and maybe that is just because I've been working on the proposal. I don't feel like it's overly technical.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

If there is like a specific question someone has for the TC about its technical nature, that would be helpful for me to hear, and then I'm sure for the TC to hear, so we kind of focus that discussion. Another comment I heard, I think it was kind of a question about data then exemption or exemption then data.

I think this might tie into Roy's comment about, could you do this study without an exemption. For the angler logbook part, I think if you were going to ask those first two questions, it would be would you have used a traditional tube rig gear, not necessarily are you. I think there could be complications with the logbook.

You know we could do the at-sea portion. We have special licenses that we can issue in Maine, and I assume Massachusetts is a similar process. I think the challenge there is in the amount of data you get for the cost, and really one of the benefits of using logbook data is that we can get a lot of data for not a lot of cost.

When you go on the water and you hire a charterboat captain or use a state boat, the costs multiply pretty quickly, and for a days' worth of time on the water, you're only getting a limited amount of data. That would be my concern there. I guess I would also just kind of reiterate, I think Mike Armstrong said this really well.

You know obviously the letters that we've seen have asked for other exemptions besides this. This is a more conservative proposal than those letters, and so this is kind of creating the bar thing. You know we need data to be able to act on those in an informed matter. I think those are all my comments for now. Sorry, that was a little disjointed, but just trying to respond to what people have said, thank you.

CHAIR BORDEN: I've got a couple of people, Board members that have not spoken yet. Justin Davis, I'm going to call on you, but I'm going to first take Joe Cimino, and then Chris Batsavage, and then Justin. Joe.

MR. JOE CIMINO: That is kind of ironic, because if I was able to speak closer to Justin, I would have been much briefer, saying I agree with everything he said. To that extent, one of my concerns is the fate of striped bass that are caught using bait on J hooks or non-circle hooks. Are they returned to the water immediately? Are they kept anyway? As Justin mentioned, you know there are a lot of complications that this Board hasn't discussed. I have some grave concerns with every state having different regulations, as Tom Fote said, that makes not only enforcement so much harder, but just so that people know what the regulations are so much more difficult.

Regarding the issue at hand on the tube worms that we keep discussing. I would say that I do support this as an exemption that should go forward for all states. The concept of data collection is fantastic, I love what the proposal has put forward. I think those states that can do something like that should work on that.

I think that that kind of discussion should go back to the Technical Committee on how to kind of standardize that for data collection for any states that are interested and able to pull that off. My hope is that we'll see a motion on this at some point, to have a vote. I appreciate all the wrangling that you are doing here as Chair, and I do hope that Justin comes back with a discussion on the fate of those fish that are either caught incidentally, or caught with bait on non-circle hooks.

CHAIR BORDEN: Chris, you're up.

MR. CHRIS BATSAVAGE: I'll try not to repeat too many of the comments so far, but I will say I do support Massachusetts and Maine's proposal for studying this tube and worm rig, because it's a very narrowly defined gear. You know the regulations talk about, you know the length of the gear, dimensions, things like that.

Because with any kind of circle hook regulations, with more exemptions and ambiguity becomes more loopholes. Our Marine Fisheries Commission here is considering circle hook regulations for all our fisheries. Crafting the proposed rulemaking trying to craft things to allow certain fisheries to occur gets tricky, when

Proceedings of the Atlantic Striped Bass Management Board
February 2021

you really kind of roll up your sleeves and look at what could occur.

Due to the fact that the tube and worm rig is very narrowly defined, I could support that exemption for the rest of the states. At the end of the day, it's up to the states, as far as whether or not they want to allow that from their waters. That's kind of just one of the points to put on the record. I know we talked about some other things, as far as other bait types, some lures, and you know bucktails and things, as far as natural bait. I guess we'll talk about that more, and I'll hold those comments for later.

CHAIR BORDEN: Thanks, Chris, Justin, you're up.

DR. DAVIS: Thank you, Mr. Chairman, I appreciate you giving me a second opportunity. I just wanted to touch on a few things, one was that I really liked the idea that was put forward that all states should have a chance to maybe just go back and discuss, maybe talk to Massachusetts and Maine, and thing about to what degree they might want to participate in those studies, or do some of their own work. I would not support the idea that potentially a state would have to propose to do a study, in order to be able to take advantage of an exemption that's offered, for the reasons that have been brought up around funding, and also just because I don't know that it really makes sense. Massachusetts DMF can do a great scientific study showing that tube and worm rigs don't result in gut hooking a striped bass. I don't think we need to replicate that in New Jersey and Connecticut, and other states, because a tube and worm rig is the same no matter where it's fished.

To Ritchie's comment, I fully agree that we have to be smart about any sort of exemptions that are created, to make sure they don't create loopholes, and provide opportunities for people to do bad things. To me that is an argument for what Mike was suggesting, of slowing down

here and making sure we're doing this the right way, and doing it deliberately.

I just think that's an argument for really considering these exemptions carefully, and how we write the language. I just think there is real danger here, if this Board is dismissive of these concerns that have been brought by the public, and just sort of decide, you know what, no, we're not going to consider these exemptions. I think there is a real crisis of public faith right now in this Commission's management of this species.

I think coming out of the Addendum VI process, the one thing everybody in the public seemed to agree that the Commission got right was the circle hook mandate. I just don't want to see us sort of snatch defeat from the jaws of victory, and find a way to turn this mandate into something that isn't viewed positively by the public. I would really hope we can consider slowing down, you are considering some of these issues and allowing for some exemptions.

CHAIR BORDEN: Toni, let me just ask, do we have any Board members, because there are a number of hands up here. Do we have any Board members that have not had the opportunity to speak at least once? I think Emerson falls into that category. Is there anyone else?

MS. KERNS: I don't know if Pat Geer spoke. I am not 100 percent sure. Kurt Blanchard has his hand up, your LEC Rep, and then Eric Reid just put his hand up as well, and Dave Sikorski put his hand up, and I don't think he's spoken, I don't think Jim Gilmore has spoken either.

CHAIR BORDEN: Let's take Dave Sikorski, please.

MR. SIKORSKI: To me, I really appreciate all the perspectives on both sides, and coming into this meeting I didn't support this exemption, because I had asked a simple question in my mind of, will this lead to more dead fish, by exempting? I don't think it will. I think the anecdotal evidence we have from these really knowledgeable and you know important parts of our fishing community, the recreational and for-hire community know how this gear works.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

I don't think they're trying to jump through a loophole here. But I appreciate that this process does exist, and I also don't think that this is a backdoor to a CE situation. I hope that we can move forward and see a motion on this, and I plan to support a motion.

CHAIR BORDEN: Next I have Eric Reid, and then I'm going to call on Emerson after that.

MR. ERIC REID: I am in support of the exemption for the tube and worm rig. But you know to me, it's all about what damage does a hook do to the fish in general? My comment to that would be, you know we've had I don't know how many comments in support of this exemption. But I don't think one of them mentioned the use of a barbless hook in the tube and worm rig. I think that's an interesting lack of thinking.

CHAIR BORDEN: I've got Emerson Hasbrouck, then I'm going to go to Kurt Blanchard.

MR. HASBROUCK: Thank you, Mike and Megan for your presentations. I'm not sure what specific data elements you are going to collect in this proposed study, particularly when you've got state personnel onboard. But I think it would be helpful if you're not already considering this, is to have length frequency information included, you know is it fish that are within a slot that are going to mostly eat?

I'm wondering what the size distribution is going to be, in terms of most of the fish that are caught on this type of rig. Are they outside of the slot? You know, are most of them going to end up being discarded? Also, I think it would be helpful to have or to track, to see if these fish are within the slot.

Would they be kept by the number of anglers on the boat, or would they be discarded? You know if you've got four people on the boat, and you've already caught four fish in the slot, then all subsequent ones are going to be discarded. I would like to see those data elements included in the study.

CHAIR BORDEN: Kurt Blanchard.

MR. KURT BLANCHARD: I just wanted to comment. There have been a few mentions of Law Enforcement and our input on this. Just to support the vote on this, is typically this is a proposal for a study, a science study. Typically, Law Enforcement would not necessarily be asked to comment on that.

If this was a rule change, or conservation equivalency measure or something to that effect, we would absolutely be commenting on it. If the Chair feels that you would like our comments on it, we could absolutely get a call together and provide you some input, and we would be happy to do that. Just a couple other observations in the discussion. If it is a study for Mass and Maine as an identified participant group, or is it across the fishery?

If it were to be across the fishery, I would have some concerns and ask that it be consistent from jurisdiction to jurisdiction for an enforceability standpoint. You know we've commented on the past about consistency within regions, within jurisdictions, and also clearly defined definitions, and define measure what the tube and worm is, and things like that. If we had those in place, we could probably support this. But again, I would ask for consistency, I would ask for clearly defined measures, and that the input as a whole, we would be happy to do that.

CHAIR BORDEN: Let me go back to Ritchie White. Since Ritchie was the one that raised the original concern. Let me just ask you, Ritchie, whether or not, there has been a lot of dialogue on this and a lot of suggestions on how you might pull it together. Joe Cimino talked about a process, Justin Davis talked about elements of a process whereby there would be more technical input, and kind of standardizing the study criteria. Has any of that changed your position on this?

MR. WHITE: Yes, if there is consensus that this would not be a backdoor conservation equivalency, so if the Board can make that determination and be on the record, then I would certainly change my feeling in that regard. The comments that Kurt just made, where states are exempting all fishermen in the state.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

To me that goes beyond a study. I am all in favor of a study.

I think the study though, I think the focus of the study should be whether circle hooks work or not, because I think we don't need to study the fact that J hooks don't gut hook or rarely gut hook using the tube lure method. But does a circle hook work, and therefore that would eliminate loopholes that, as I say, I already have a design that could be sold for all base fishing of striped bass that would absolutely work, and would meet the legal requirements, from what I've seen written so far.

I think Law Enforcement needs to look at that. That's what I'm very worried about, opening the door on. I fully support the idea of leaving the circle hook in place, and then doing the study with a few charter boats and some individual vessels that are authorized to fish both, but it would have to be both types at the same time, to see how the circle hook works, how many bites do you miss or not miss, compared to a J hook. But I fully support that going in that method, not opening it up to everybody for two years.

CHAIR BORDEN: Thank you, Ritchie, for providing that perspective. My suggestion here, one of the dilemmas with remote meetings is that when we normally meet, we sit around a table, and frequently any of the members of the public that have gone to Commission meeting, we'll take a five-minute break, and allow the Commissioners to kind of caucus. During that type of break, it's not inconceivable that members of the public walk up and talk to Commissioners, and provide insight on different aspects of the discussion.

What I would like to do here is to take a, it's 4:22, and I would like to break until 4:30, for the purpose of the Commissioners being allowed to talk among themselves. Then what I would like to do is reconvene at 4:30, and basically ask someone to place a motion on the table. For members of the public, and I would just like to

quickly add that we have received terrific and really useful information from members of the public.

It was really useful to have that letter come in from all the associations. It provided excellent guidance to us and direction. I mean I would encourage you, if you can get through to one of your Commissioners, if you think there is something that's really important to raise at this point, then do so during the break.

We're going to break until 4:30, and then I'm going to reconvene, and ask if someone has a motion that kind of reflects the sentiment of what we just heard, the points that Ritchie made, the points that Joe Cimino and Justin made, in terms of qualifications and so forth. I know that's a tall order, but we'll reconvene at 4:35, actually. Thank you. Toni, if you could please, post that time.

MS. KERNS: We'll change it. Maya, if you don't mind switching it to 4:35.

(Whereupon a recess was taken.)

CHAIRMAN BORDEN: Okay, so we'll reconvene. In terms of process here, the process I would like to follow is, as I indicated before, I would like to have the Board make a motion, somebody on the Board make a motion. Then once we get a motion up on the board, then what I would like to do, I want to take some public comments, because I will acknowledge that I have not gone to the public on this particular issue.

Although we cannot take public comments from 200 people today who are still on this webinar, I will try to take a representative group of comments and let a few of you comment on the motion. That is in advance of the Board debate. I'm switching this around, so that we get some public input. Let me ask the Board, does anyone have a motion? I see Megan Ware; do you have a motion? Your hand is up.

MS. WARE: Yes, Mr. Chair, I do, and I sent it to staff during the break, if they are able to pull it up for me.

CHAIR BORDEN: Would you like to read it into the record, please, Megan?

Proceedings of the Atlantic Striped Bass Management Board
February 2021

MS. WARE: Yes. Move to accept the Maine/Massachusetts proposal to study the tube rig fishery and for the duration of the study, delay implementation of the circle hook requirement for tube rig gear through 2022 for all states within the striped bass management unit. Other states wishing to participate in the study on the tube rig fishery should submit a letter of intent to ASMFC within two weeks, to ensure consistency in data collection.

CHAIR BORDEN: All right, so we have a motion on the table, do we have a second? Toni, you're going to have to help me.

MS. KERNS: Mike Armstrong.

CHAIR BORDEN: Mike Armstrong has seconded this. Okay, so as I said I was going to do. I would like to take a few public comments, specifically on the motion. I would ask that any members of the public limit your comments to about a minute. We'll run a clock on it, which will be on the screen. If you limit your comments to a minute, then I can have more members of the public comment. Rich Hittinger is first, and I've got Rick Bellavance second. Rich.

MR. RICH HITTINGER: Yes, thank you very much, Mr. Chairman. I'm Rich Hittinger, the Vice President of Rhode Island Salt Water Anglers. We represent 7,500 saltwater anglers in southern New England. I wanted to point out that that letter that you referenced is from private anglers as well.

We signed on to that letter. RISA has a history of promoting circle hooks to conserve striped bass, and reduce release mortality. But we don't feel that it's necessary with tube and worm rigs, and other trolled rigs. The reason is, because we don't believe that there is an increased mortality using J hooks, and that comes from many, many thousands of hours on the water doing this type of fishing. We would like to see this exemption for all states, and I can say that our organization is willing to

participate in whatever we can on that study that Massachusetts and Maine discussed. Thank you very much, Mr. Chairman.

CHAIRMAN BORDEN: Thank you Rich, Mike Waine, you're up, and I should have said, when you speak please identify who you are representing, so that we have a record of it.

MR. MIKE WAINE: Mike Waine from the American Sportfishing Association, and we represent many tackle manufacturers, so I appreciate the opportunity to comment on this. The results from the TC analysis earlier about the sensitivity of the stock assessment catch and release mortality estimates, means that from an assessment standpoint this exemption will not have measurable impact on the stock.

Then we have to ask ourselves, out of principal, will this exemption kill fish unnecessarily? As many people said, if you know this gear type and understand how it's used, it does not pose a risk. I also don't think there is risk of creating a loophole in the circle hook regulation, because I'm confident that the LE officers can weed out the bad actors on this. If the gear type that Ritchie is referring to is developed and creates a loophole, then we'll hear about it from Law Enforcement, and we can address it then.

As many have said, I think anglers have shown pretty wide support for circle hooks over all, and you all know that as an association we've supported it, creating education and outreach materials with on the water media to help the states roll this out. If I actually thought this exemption would erode the intent here, I wouldn't be supporting it. I appreciate the opportunity to comment, and hope the Board approves the exemption. Thanks.

CHAIR BORDEN: Next one on the list, I said I was going to take Rick Bellavance, but I am going to take two other gentlemen first, Rick, so we don't get too many comments from Rhode Island. I've got Rick Golden and then Ross Squire, and then Rick Bellavance.

MR. RICK GOLDEN: Thank you, Mr. Chairman, and to the Commission for allowing me to provide public comment. My name is Rick Golden, I'm the Secretary

Proceedings of the Atlantic Striped Bass Management Board
February 2021

of the Stellwagen Bank Charterboat Association, and I along with many other charterboat captains and recreational anglers, belonging to many associations like ours up and down the Atlantic coast, believe there should be an exemption for Addendum VI circle hook provision.

I've conducted several polls with my social media following, which is up to 700 anglers locally here in Massachusetts, and have averaged an overwhelming angler response that they have never gut hooked a striped bass while trolling tube and worm. We are definitely in favor of the exemption to Addendum VI circle hook provision, so thank you very much. I really appreciate your time in allowing me to comment.

CHAIR BORDEN: Thanks, Rick, Ross Squire, you're next and then Rick Bellavance.

MR. ROSS SQUIRE: Thank you, Mr. Chairman, my name is Ross Squire, I'm the President of the New York Coalition for Recreational Fishing. I just want to be sure that the Board is not losing sight of the forest from the trees. The intent of this regulation is to reduce dead discards from gut hooking a fish, and that almost always occurs in situations where the rod and reel is being fished in a static manner, not being fished actively.

It just seems to me as if the Board added some language, in terms of how the bait is being used. That would resolve a lot of the problems, would provide more information to the public, and would also be enforceable, so something that would say, you know that these are the regulations, except when used on an actively fished lure certainly could be one way around it. It would encompass everything from tubes and worms to bucktails to pork rinds, as well as eel skins. Thank you very much for the opportunity to make a comment.

CHAIR BORDEN: Rick Bellavance and then Dominick Pucci.

MR. RICK BELLAVANCE: Thank you, Mr. Chairman, I appreciate the opportunity to comment. I'll be very brief. I'm really hoping that the Board can get to a position that you also include pork rinds in their action today. We signed on to that letter from industry, most being because of that part of it. I'm hopeful that there is a little modification to this motion going forward, and we can get that also included. Thank you.

CHAIR BORDEN: Thanks, Rick. That is an issue for Megan and Mike Armstrong, the maker of the motion and the seconder to consider. Dominick, you're next.

MS. KERNS: Dominick, we cannot hear you. I see that your microphone is open. It could be that you don't have the right microphone chosen. Dominick, we still can't hear you. I see that you've asked a question. Dave, could we go to another person? I can look at his question, and then come back?

CHAIR BORDEN: Certainly, Julie Evans.

MS. JULIE EVANS: Hi, thank you for recognizing me. It's been a long time. I was making a cup of tea. I've listened to everybody speak, and everybody seems so smart in what they're doing. I think taking a little bit of time and looking at this more closely is a great idea.

As the Fisheries Advisory Committee representative for the town of East Hampton and Port Montauk, I know our guys there are very concerned about this issue, and would like to see the tube rig looked at more closely. If I can throw my two cents in there, I won't take up any more of your time. Thank you.

CHAIR BORDEN: All right, I'm going to take a few more, Dennis Zambrotta. Dennis, you're going to have to unmute yourself.

MR. DENNIS ZAMBROTTA: I think I am, am I unmuted?

CHAIR BORDEN: You are indeed.

MR. ZAMBROTTA: Dennis Zambrotta from Newport, Rhode Island, representing Surf Casters. I want to let the Board know that keep in mind that this has a

Proceedings of the Atlantic Striped Bass Management Board
February 2021

significant impact on Surf Casting community also, in the methods of using a bucktail and a pork rind, and a method of using a dead eel as a rigged eel, and fished as a lure, and also using eel skins on plugs.

Keep that in mind, I mean those are our heavy hitters for us here in the northeast. You know with the diminished population of striped bass to catch, taking three of our primary methods of having any success with this fish, are very important to us. I wish you would let the states go back and reconsider what their proposals are, and let them reevaluate what they are going to do, thank you.

CHAIR BORDEN: Thank you, Dennis, Ross Squire, you've got the last word.

MR. SQUIRE: I actually already made my comment, but thank you.

CHAIR BORDEN: I'm sorry, I apologize for that. They should have taken your name down. All right, we're going to go back to the Board. I'm going to start out with Emerson Hasbrouck, on the motion, Emerson.

MR. HASBROUCK: I'm just wondering, Mr. Chair, if we're going to have a subsequent conversation and discussion about a definition of what is bait, or is it your preference to incorporate that discussion at this present time?

CHAIR BORDEN: I guess my reaction to that would be, if this motion were to pass, I would hope that would be part of any dialogue that would take place with the participants in the study, if that answers your question.

MR. HASBROUCK: Not really, Mr. Chairman. You know, we're hearing comments about bucktail with pork rinds, rigged eels, eel skins on lures. I know that amongst the Board there was some discussion about perhaps coming up with a definition of bait that can be consistent across all states. I didn't know if it was your intent to

have a subsequent discussion relative to that subject, or if the Board was interested in pursuing that, that we do it as part of this discussion.

CHAIR BORDEN: I really wouldn't mind keeping that issue separate. In other words, if you want to raise that issue after we decide what we're going to do with this. It might make sense to handle it in that manner, if that is acceptable to you.

MR. HASBROUCK: Yes, but I don't speak for the entire Board, but thank you, Mr. Chairman.

CHAIR BORDEN: All right, what other Board members? Cheri.

MS. CHERI PATTERSON: I thought we spent plenty of time talking about the circle hook aspect of these rules and such when we voted on it. I don't mind seeing a study. I would prefer to see a very defined study, which I think Mass and Maine have put together, and have those individuals that are going to be participating in this study to be exempted from the circle hook requirement, but to not allow an exemption for circle hook requirement for everywhere. I prefer to see the result of the study first, before reversing any of the rules that we have already discussed and put into place.

CHAIR BORDEN: I've got William Hyatt.

MR. WILLIAM HYATT: Yes, first off, I'll say that I like the motion. It addresses pretty much all of my concerns. I do however question, and it does play off a little bit of what Emerson was asking before. When Kurt was speaking, he talked a little bit about needing clearly defined measures to be comfortable with this. Mr. Chair, I would like to ask through you, if I may, to find out from Kurt if he is comfortable with this, relative to the clearly defined measures that he had mentioned previously.

CHAIR BORDEN: Kurt, that's a question directed to you, please.

MR. BLANCHARD: Typically, we would not comment on the motion on the floor here, but the way this is worded, we're comfortable with that, it's a clearly

Proceedings of the Atlantic Striped Bass Management Board
February 2021

defined study. As far as, you know the definitions and other pieces of this. I really think that is up for further review or further discussion, and prefer to see some proposed language to comment on.

CHAIR BORDEN: Thank you, Kurt. I'm going back to the list here. Toni, what other Council members, William Hyatt.

MS. KERNS: You already did Bill.

MR. HYATT: I just talked.

CHAIR BORDEN: You already did it?

MR. HYATT: I did, but I'll follow up if I'm allowed to. Based upon what Kurt just said, I would assume that if you choose to approve this motion, we would be doing so with the assumption that there will be fairly extensive follow up to get clearly defined measures and specificity that he is talking about. Thank you.

CHAIR BORDEN: Next I've got Jason McNamee. While I've got the floor, Toni, would you take the names off who are not Board members, because it gets very complex looking at the list, and trying to scroll down it. Just Board members. Jason.

DR. McNAMEE: I will also start it off my saying, I like the motion that is before us here. That kind of, you know I think gets at the tube and worm issue that we've heard about, and we'll collect some data. It allows Rhode Island the chance to potentially get involved, so I like this one.

I also appreciated Emerson's comment, and also Bill's comment just a moment ago. I wonder if I could ask Toni a question, and that would be. Maybe I'll start it by offering what I'm thinking, and that is, Mike Armstrong earlier mentioned, we need a better definition of bait, and I agree with that. I don't think we should make a definition on the fly here. What I was wondering is how long it would take, and if

there is an opportunity to develop an addendum, where we address that, the bait definition. While the Addendum is being developed, in the same way that this motion is delaying things.

I was thinking we could delay implementation until we get that definition squared away, although I don't want that if we're talking about years. We would need to think of another mechanism. I'm hoping to have some more time to think through a good definition for bait, and I'm wondering if someone can advise as to the best mechanism for doing that, to address the pork rind bucktail part of this.

MS. KERNS: Mr. Chairman, I think that's a question to me. The timeframe to develop the Addendum would really depend on all the issues that you include in it. A definition for bait probably is something pretty simple. We already have a list of what everybody uses. But note that during this time we have quite an extensive and lengthy PID that will be going out to public comment. I'm assuming we are going to have many hearings on that.

We'll have to balance the workload to do those hearings, and write an addendum at the same time. I don't know if you're looking for an addendum to go out sooner than, like you wanted it fast tracked, or is it something that we would bring back to the Board for their review in May? If we start to include additional gear types or rigs, or other issues. I guess it depends on what the background is for those things, and how much work we need to put into it, to write up those regulations.

DR. McNAMEE: Well, thanks, Toni. I appreciate everything you said, Toni, and it would be my intent to do something focused on the definition of bait as quick as possible. I think you've offered some good feedback, and I'll think on that for a minute, and maybe others will chime in while I'm contemplating writing up a motion here.

CHAIR BORDEN: I've got Justin Davis and then Jim Gilmore.

DR. DAVIS: I completely agree with everything Jason just said. You know we've spent a couple hours now

Proceedings of the Atlantic Striped Bass Management Board
February 2021

talking about this issue about tube and worm exemption. This is only one of the sorts of unresolved areas around this mandate. I mean there is the definition of bait, there is the whether or not we're going to let people use pork rind.

There is this issue that I've mentioned previously about whether or not this rule is a prohibition on all take of striped bass with a J hook. To me, these are issues that we have to work through, and we have to do it relatively quickly, because Connecticut and I think a lot of states, we already have rules on the books about this circle hook mandate.

We've already been engaged in outreach to our anglers. I'm getting questions from our anglers that I don't have a good answer to. You know the fishing season is coming in a few months here. If we're not going to just full-scale delay implementation of the circle hook mandate full stop, which I don't sense there is a lot of approval for on the Board. I do think we need to resolve some of these issues. I think it has to happen in concert with the Law Enforcement Committee. I don't know, I suspect an Addendum is going to take too long. I wonder if we're maybe just talking about something like a Technical Guidance Document that a workgroup can work on, in conjunction with the Law Enforcement Committee, and essentially develop definitions and interpretations of the mandate, that then give guidance to states on how they are supposed to interpret it.

I just have real concerns that we have all these unresolved issues, but we already put the mandate in place, and you know the fishing season is coming in a few months. I just need to find some way to get clarity, to communicate to my anglers about what exactly the rules are. I'm not sure exactly what the answer is, but I think it's got to happen on a fairly short timeline, and it's something which we really need input from the Law Enforcement Committee on in some of these issues.

CHAIR BORDEN: I voice my own view that I think that was a useful point that you raised about a Technical Guidance Document. Maybe we could do something like that, and kind of put a small group together with Enforcement, maybe a couple of Board members, and work through the issues that have come up, you and Emerson and others have raised, and try to standardize it.

Basically, send it out to the states, and suggest that it be part of a package that they finally implement now. I guess the problem that I'm having with trying to rush an Addendum. We haven't even crafted or identified all of the issues we want to kind of sort through. This is going to take a little bit of time. But I think you probably could do it, have meetings over the next couple of weeks with a few participants, sort through the issues, and then kind of standardize the language, and get something we could immediately send out.

Granted, it wouldn't be a plan requirement, but I think most of the states are trying to make good faith efforts to not only standardize the regulations, but do something that is in the best interest of the striped bass resource. I also think the constituency is trying to encourage us to do that. I think that is a really useful suggestion, and I would encourage people to think about it more. I've got Jim Gilmore.

MR. JAMES J. GILMORE, JR: Justin and J. Mac beat me to the punch, because I'm on the same page. I don't have an issue with the motion before us, but when we went to caucus, we got phone calls from the surf community, and then we heard that public comment that we've got surf fishermen that have the same argument, that they are using bucktails and eel skins, whatever.

Again, they don't gut hook the fish, but that is a different technique. Then if we start doing it this way, we're going to get to exactly what the concern was two hours ago, that we're going to have this list of 7,000 things on here that are exempted. We really, unfortunately, aren't ready for prime time, because we have to define this better.

I think Emerson's comment before was that when we've got some exemptions on fishing techniques that

Proceedings of the Atlantic Striped Bass Management Board
February 2021

really don't gut hook fish, and then some of those exemptions, actually may fall into a definition for natural bait. You really can't separate the two issues. Unfortunately, we're going to have to take a pause here, because if we put this thing through and did a couple of exemptions, I think this thing will be worse, as opposed to taking a little bit of time and trying to better define this. But my concern like everyone is, I've got my rule out on the street right now, and you know we're trying to get it in place before the fishing season opens up. Again, if we can do this quickly, I think that's the prudent path forward at this point, so we can get this right, and we don't have some group excluded, because we didn't really examine it properly.

MR. HASBROUCK: Mr. Chairman.

CHAIR BORDEN: Who just said, Mr. Chairman?

MR. HASBROUCK: Emerson Hasbrouck.

CHAIR BORDEN: Emerson. Go ahead.

MR. HASBROUCK: I have a possible way forward here, if you want me to make a motion to amend at this time.

CHAIR BORDEN: If you would like Emerson, or I would give you the flexibility to just say what you want, or are suggesting, so that people can think about it, and we don't bog down in the process.

MR. HASBROUCK: Okay, what I'm thinking about then, I'll just give you my thoughts, rather than making a motion to amend. That we charge the Technical Committee and whatever other participants they choose, to develop a definition of bait to be used with the circle hook requirement, and the Technical Committee will report back to the Striped Bass Board at a special Board meeting early March, 2021.

CHAIR BORDEN: Okay, so that is a different motion, Emerson. My actual preference would

be to deal with this motion, and then go to your motion, and any other motions. I think Jason McNamee may have another motion he wants to put up. Comments on the motion, any further comments on the motion? Do the members need a time for caucusing?

MR. APPELMAN: I have a hand up, Dave.

MS. KERNS: Can I give the list? There have been a series of people that have had their hands up in waiting for a while, if that's helpful, David. It was Megan Ware then Ritchie White and then Max.

CHAIR BORDEN: Okay, and then Toni, you got an e-mail from one of the members of the public that wanted to speak. Do you want to say what that individual wanted to suggest?

MS. KERNS: I had promised that I, when we were going to the public, I promised Dominick Pucci that I would relay his comments, because he couldn't speak. Here is his comment; that folks are tired of hearing insane things. We all know that tube and worm rigs do not gut hook fish. Fifty years of fishing taught him that. It would be nice for your fishing public to see sanity reign, and you allow this study to be done. It would give the Council a better position in the public's eyes.

CHAIR BORDEN: Okay, so next on the list I've got Megan Ware and then Max, and then Ritchie.

MS. WARE: I think talking about the study for tube and worm and the definition of bait are two separate things. I would encourage the Board to keep those separate. It certainly sounds like we need a conversation on the definition of bait, but perhaps that's the next agenda item. The other thing I'll comment.

I think there was a question about specific regulations for tube rig exemption, and I would just note that within the Maine/Massachusetts proposal, Maine regulatory language is in there that we have been using, so that could be a template for other states, if you're interested. Thank you.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

CHAIR BORDEN: I've got Max and then Ritchie White.

MR. APPELMAN: Listening to all the comments here. I want to first just say that I agree with a lot of the comments that were made from several Board members now, I can't keep track of them, about pursuing some sort of Technical Guidance Document to clarify some of the issues that have come out related to circle hooks.

I think I'm very interested to hear how that dialogue continues. However, on the motion before the Board. I'm going to have to reiterate some of the concerns I noted earlier. That we don't support this motion right now, on the basis of procedure, you know without technical review of the study design.

I heard a couple Board members earlier in the conversation, Dr. McNamee, and maybe Roy Miller. They offered ways to improve the study design, just in conversation. I think this Board could really benefit from a thorough TC review, just to ensure the data collected will actually answer these questions, perhaps the TC could even offer another way to answer these questions. For those reasons, we just can't support this motion right now.

CHAIR BORDEN: Let's see, I've got Ritchie White.

MR. WHITE: First of all, after Kurt's weighing in on a study. This is not a study. This is allowing all the states to open up and exempt the use of circle hooks for tube lures for two years. Then part of that will also saying that Maine and Massachusetts will do a study. We have no details on the study, so we don't know if the study includes both circle hooks and mortality on the J hooks.

How many people are going to be studied? What kind of data, how is the data analyzed? We have no details on that, and we have no details from the Law Enforcement, talking about

the issues of loopholes with this regulation. I just think we're rushing this thing. This is not the way the Commission normally acts.

The Commission wants to get information, and then we make a decision on the information we have. We don't have information here. I certainly am going to be opposed to this. I'm in favor of studying this. I'm in favor of figuring out whether we can do this use of J hooks. But this is not the method to do it.

CHAIR BORDEN: Toni, do we have any other Council members that have their hand up?

MS. KERNS: You have Mike Millard and Jim Gilmore.

CHAIR BORDEN: Mike Millard, and then Jim Gilmore. Then I'm going to call the question.

MR. MIKE MILLARD: The Fish and Wildlife Service is opposed to this motion as it's written now, primarily for the same reasons as the previous two speakers; Max and Ritchie. The process could use a little more vetting, I think, especially the study plan. Another issue, I guess a question in my mind is, the impetus for this seems to be a fundamental assumption that circle hooks won't work, and Ritchie brought this up earlier.

We've heard from a lot of experienced fishermen, who say there is no need to switch off J hooks. I suspect that might be true. But another view might be well, I haven't really heard a good reason why we shouldn't switch, or there is no need to not switch to circle hooks. Several professional fishermen have spoken, and not answered that question. The Services, has it been to grant exemptions to a conservation-oriented measure on a resource that is overfished, and overfishing is occurring on a coastwide basis.

CHAIR BORDEN: Jim Gilmore.

MR. GILMORE: A question, and maybe a suggestion. If this motion passes, then the only thing we would be doing would be allowing the tube-rig fishery. However, those other techniques that were raised, for instance an eel skin or a pork rind on a bucktail, those

Proceedings of the Atlantic Striped Bass Management Board
February 2021

different things. Those still would not be allowed, so that's the question.

If that's the case, then my suggestion would be is that we would postpone this motion until we have at least the work done by this group we're putting together, and maybe up until the next meeting. But we could do it quicker, but I think we need that information, before we can actually act on this motion, if it's only going to allow for the tube-rig fishery.

CHAIR BORDEN: All right, I've got another hand that just came up. Mike Armstrong.

MR. ARMSTRONG: I just wanted to, there have been some comments about the study, and needing to see more details, and that's fine. We can provide that to the TC. But I will say that for the last five years we've been doing mortality studies with state-of-the-art acoustics, we've done cod, haddock cusk, all published. We're in the middle of a huge striped bass terminal tackle study, which will actually be an adjunct to this. If anyone is not confident that we can accomplish the study very effectively and scientifically rigorous, I would like to lay that to rest.

CHAIR BORDEN: I think the only other Board member that I have a hand up for is Tom Fote.

MR. FOTE: Yes, Dave, I think we have to answer before. These regulations about bucktails and things like that need to be addressed. We're more moving ahead with regulations. Are we going to postpone the regulations? Basically, is that a decision we're going to make today? We need to address this after we finish with this.

Again, because of the way it's written, I know that New Jersey cannot participate in this, because I don't think we have the funds or the money to do any of the studies. I can't support just allowing two states to do that, but I'm not sure what my other two Commissioners will basically vote on.

CHAIR BORDEN: My suggestion here is we vote on the motion, and then we'll deal with whatever situation develops as a result of the vote. I mean if it passes that sends us in one direction, if it fails it's going to send us in a slightly different direction. I'll give everyone a two-minute caucus break.

MS. KERNS: David, I think there was an issue. I'm sorry to interrupt. Bill Gorham, who is a Commissioner had his hand up, but I think there is a confusion in what was up and down, and he did say he wanted to speak, and then you also have Bob.

CHAIR BORDEN: Bill Gorham, and then we always listen to our Executive Director. Bill.

MR. BILL GORHAM: This is my thoughts on this, being from someone in the industry. It's clear that this fishery is kind of caught up in this circle hook rule that is geared towards a stationary bait, and this tube rig season used to be the unique fishery, in that it's not necessarily stationary, but it's moving.

I think even from an industry standpoint, the one or two years allows them to transition out. I can only imagine how many tube rigs are made up with J hooks. I think with the pandemic going on, that it would be very mindful for the Commission to hear, and allow this to happen. Hats off to the state to coming to us with a research proposal. Thank you, Mr. Chair.

CHAIR BORDEN: Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I just want to follow up on Tom Fote's comment from a moment ago. Make sure everybody knows, that everybody is on the same page what this motion means. You know this motion means that all states would be allow to delay implementation of the circle hook requirement for tube and worm rig for the next two years, through the end of 2022.

Two of the states, Maine and Massachusetts would conduct a study, the way it's written now. Well, I don't know, maybe the second sentence doesn't say that. But it seems to be ambiguous on, do you have to be in the study to avail yourself of this exemption, or

Proceedings of the Atlantic Striped Bass Management Board
February 2021

not, because the first sentence says delay implementation for all states, and the second, other states wishing to participate in the study need to submit a letter within two weeks to do that. I think maybe we need to go back to Megan to get exactly a clarification for what the motion means.

CHAIR BORDEN: Megan, do you want to comment, or Mike Armstrong?

MS. WARE: Yes, I'll comment, and Mike if I say anything wrong, just hop in. I think your original interpretation is correct, Bob, where this is going with the second option in this proposal that delays implementation of the circle hook requirement for tube rig gear for all the states, and then subsequently, if any of those states want to participate in this study, they need to submit a letter to ASMFC.

EXECUTIVE DIRECTOR BEAL: Mr. Chairman, so Tom, just so it's clear. Under this motion, if you vote in favor of this motion, all states would be exempt from the requirement, and as of now, Maine and Massachusetts would do the study. If other states want to sign on to the study, you know, send a letter within two weeks to ensure data consistency. This does apply to all states and does delay implementation of circle hook requirement.

MR. FOTE: I just want to say, I didn't understand it that way, but now I understand it, and I can support it.

CHAIR BORDEN: All right, I'm going to have a two-minute caucus. Maya, if you could set the clock, that way everyone will use the same two minutes, and then we'll call the question. All right, you've had two minutes; is everybody finished with their caucus? What I would suggest is that we vote, and then deal with the situation after the vote. All those in favor, Toni, if you could clear all the hands up, please. All those in favor of the motion, signify by raising your hand, and then I would ask that Toni read the list of states that vote yes.

MS. KERNS: Well, Dave, I'm just trying to get it settled. Okay, we have Connecticut, Rhode Island, Pennsylvania, Maine, Virginia, Delaware, Massachusetts, Maryland, New Jersey, North Carolina, and PRFC. That is 11 by my count. I'm going to clear the hands.

CHAIR BORDEN: All those states that want to vote no, please raise your hand.

MS. KERNS: I have U.S. Fish and Wildlife Service, NOAA Fisheries, New Hampshire and New York. Mike Armstrong, your hand is up, I don't think it is supposed to be. Okay, just confirming. That is 4 by my count.

CHAIR BORDEN: Any abstentions?

MS. KERNS: Let me put the hands down really quick, now you can raise your hand for abstentions.

CHAIR BORDEN: Any abstentions? There are no hands up, so it's 0, any null votes? I don't see any null votes. We have 11 to 4, 0, 0 is the vote, the motion passes. Now we had a suggestion for a follow up motion, and I can't recall who made that. Does someone want to make a follow up motion on forming a subgroup to develop technical guidance on the definition?

MS. KERNS: I believe it was Jason, Mr. Chairman.

CHAIR BORDEN: Jason McNamee or Emerson. Jason, I'll call on you first, and then Emerson is next.

DR. McNAMEE: To not hone in on Emerson's turf, maybe. I have one clarification question. We have talked about two things to address the bait definition issue. We've talked about a fast-track addendum, or a guidance document, and my question is, and I think it's to Toni or Bob is, will a guidance document, I'm assuming that can be done quicker, so would a guidance document that accompanies the original action. Is that adequate? Does that carry weight in this process, or do you believe we need an addendum?

MS. KERNS: Jason, I'll give you a try, and I guess Bob can correct me if I'm wrong. A guidance document

Proceedings of the Atlantic Striped Bass Management Board
February 2021

will provide information to the Board, relative to an interpretation of, I guess what's in the Addendum. Whether it has regulatory teeth to that. I'm going to pass that buck to Bob.

EXECUTIVE DIRECTOR BEAL: Is it okay if I chime in, Mr. Chair.

CHAIR BORDEN: Yes, Bob. Before you do that. Let me just kind of repeat what I said before. Technical guidance, if we were to put together a small group and work, so a small group of Commissioners, experts, enforcement. They'll get together, they would talk through these issues that have been floated about jigs and pork rind and eel skins on plums, and so forth.

Then they come up, they write up a technical guidance document. It seems to me that it's advice to the states. But the states then have the ability, through their own regulatory process, which is fairly short in some cases, to then use that technical guidance to go out and promulgate regulations. The thing that we lack here is the teeth of the Commission power, forcing everyone to use the same regulations.

But in this case, I would just offer the personal opinion that I think the states are acting in good faith collectively, on this issue. We may be able to get by with at least initially, with a document that's technical guidance, and if we think that doesn't do the work that it's intended to do, then follow it up with an addendum. Let me just close by saying, Bob, you're free to disagree with me, if you have a different opinion.

EXECUTIVE DIRECTOR BEAL: Thanks, David, I don't know if it's different. If we go down the road of establishing a definition of bait, and establishing the definition of other gears that are exempt, and we do that through a technical guidance document. You know we've never gone down this road of compliance, relative to like a technical guidance document, or an interpretation of an existing addendum.

I think the more enforceable way of doing it would be through an addendum. However, maybe the technical guidance document works as a placeholder for a couple years, while the larger amendment that we're working on gets wrapped up, but we can roll it into that toward the end of that process. But you know, I think if some states need a binding document to force their hand, to make sure these regulations are implemented, an addendum is a cleaner process to do that. I get the drawback to the length of doing an addendum. The other part of this, which is essentially time consuming is, what level of public comment, public interaction does the Board want to have when coming up with these definitions. Obviously, the public has chimed in here a lot. I think a working group and all the members of the Board have a strong understanding of what the public is looking for.

A number of different gear configurations that would need to be considered as this document moves forward, and the definition of bait moves forward, and everything else. The bottom line is a technical guidance document can work, but it may be less enforceable and less binding, should a compliance question come up down the road.

CHAIR BORDEN: Jason, back to you.

DR. McNAMEE: I would like to hear, if Emerson is still in the queue. I know he had kind of put forward something he was thinking about that was kind of similar, and Emerson has a lot more experience about this sort of thing than me, so I would be interested in hearing from him first, if that's okay.

CHAIR BORDEN: Emerson.

MR. HASBROUCK: I had a draft motion, I sent it to Toni. Toni, I don't know if you can post it? I'm not sure who has control of the meeting board here. But if you needed to send it to somebody else. I don't know if this works, but I'll make the motion, and if I get a second then we can have some discussion, and I'm certainly open to friendly amendments here, in terms of the wording, to get it to do what we need it to do.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

MS. KERNS: Emerson, I sent it to Maya, let me go back to it, I opened it up. My first reaction is that you are charging the Technical Committee to develop a policy question. I don't think it's the right body. I would say maybe if a group of Commissioners or a Plan Review Team, focus it on more, well maybe not even the Plan Review Team, because that has a lot of the TC members on it. But those folks that are normally writing regulations.

MR. HASBROUCK: Yes, that is what I was getting at, you know when I said the Technical Committee to work with others, right to develop a definition of bait that would require the use of circle hooks, and then this group will report back to the Striped Bass Board at a special board meeting, to take place early March, 2021. That way the Board can craft a motion, and vote it up or down or amend it, similar to what we just did today. I mean we didn't take this tube and worm rig out through an addendum, we just brought it up today and voted on it as the Board.

I don't know why we can't do something similar here in a few weeks, to take care of this issue, at least short term anyhow. We can revisit it if we need to during the season or after the season, a year from now we can revisit if we need to. But at least let's get some consistency here from state to state, in terms of what has to be used with the circle hook. Therefore, other things that don't have to be used for a circle hook are exempt by definition, or we can define them, however we want to craft it going forward.

MS. KERNS: Emerson, there are a couple things in there, just to follow up on. I'm just not sure the Technical Committee is the right body to work on this issue, and that it might behoove us to have different folks do it than them. Then the second part is, you know what we did today, I think, was in bounds of, the process that we followed was in bounds of the Addendum, where the Addendum had noted that states could ask for exemptions through

their state implementation plans. I think that is where Maine and Mass felt that they were going through.

Whereas, the Addendum has a very loose definition of bait that is not very definitive for everybody, and there were different interpretations with states of that definition. That is where I think a working group of Commissioners, or policy type makers would be best served to come up with a definition, and then I would leave it to this body to determine, as Bob said, if there wants to be a regulatory teeth behind it or not.

Then I think this body also can then speak to other exemptions, and then those exemptions could then be run past the Technical Committee if necessary, but we would need to provide some boundaries in which you want the Technical Committee to evaluate those exempt. What are you looking for from them in order to do that? Of course, you would want to include Law Enforcement representatives on this regulatory body as well.

CHAIR BORDEN: Toni, do you have a language change that you want to suggest to Emerson?

MR. HASBROUCK: How about if we change it to, we create an ad hoc committee to develop a definition of bait that would require the use of circle hooks, and a possible list of items exempt from the use of circle hooks, and this ad hoc committee will report back to Striped Bass Board, et cetera. Again, I'm willing to change this however we need to, to make it work.

CHAIR BORDEN: Toni.

MS. KERNS: Maya, if you could change the language to say create an ad hoc committee established by the Chair, and then in the second sentence say this committee. Emerson, I think we can do this for early March, but only if it's just a definition of bait. If any other issues are in there, I don't want to make any promises that we can resolve those sooner than that.

MR. HASBROUCK: Oh, I thought you wanted to see something in here with language about exemptions.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

MS. KERNS: I wasn't sure if that was where you were going, since that was part of the Board's discussion. But if it's just the bait definition, we can definitely do that, you know early March. If it's other exemptions, I just don't want to promise that timeframe.

MR. HASBROUCK: Well, I think there is some expectation on the part of the public that there could be other exemptions. For instance, and I'll just use this as one of those. A pork rind on a bucktail. But if the definition of bait does not include, for instance a pork rind or animal hair, then that would be excluded, right? We could probably get around it that way.

CHAIR BORDEN: All right, so Emerson, are you satisfied with the motion?

MR. HASBROUCK: Yes, as long as it satisfies whatever requirements we need to do as a Board, and I'll defer to Bob and Toni, as to whether or not this is adequate. But if it is, I'm fine with it.

CHAIR BORDEN: All right, Jason McNamee, you indicated you might want to second this. Are you seconding it?

DR. McNAMEE: Yes, I have my hand up to that affect.

CHAIR BORDEN: I've got like 10 hands up, so I can't discern who is voting or not. We have a motion and a second. Discussion by the Board on this motion. I've got a bunch of hands up. Justin, do you want to talk on this motion?

DR. DAVIS: Yes, thank you, Mr. Chairman. I think this is a step in the right direction. My concern is that developing a definition of bait, and it sounds like also relatively talking about additional exemptions that should be considered, are not the only issues that need to be addressed.

Particularly this thing I've alluded to a couple times about, you know whether this circle hook

mandate is intended as a prohibition of all take of striped bass with a hook other than a circle hook. I haven't really discussed that at length yet, but I think that's another issue that needs to be addressed, and also given that we've just decided there is going to be an exemption for tube and worm rigs.

Somebody needs to draft consistent standard regulatory language that states can use or refer to when implementing that exemption. I don't think it makes sense for states to all go back home and come up with ten different definitions of a tube and worm rig, to write into their regulations. I just think this doesn't fully capture the scope of the issues that need to be addressed.

CHAIR BORDEN: Emerson, is it your intent with this, and just looking at the motion, is it your intent with the ad hoc committee that we would have members of the Law Enforcement Committee participate in this dialogue, because that's been discussed a number of times. I would just as soon avoid a lot of wordsmithing on this. But is that what your intent is?

MR. HASBROUCK: I think it would be very helpful to have Law Enforcement involved in this discussion.

CHAIR BORDEN: Okay, thank you very much. The next person I have on the list is Roy Miller, and then Megan Ware.

MR. MILLER: I can be very brief. I would just add that Law Enforcement and someone from our Striped Bass Advisory Panel ought to be on this ad hoc committee, someone who is familiar with the type of fishery, and that type of fishing. Also, I would urge them to consider plastic baits that look, smell and taste like real bait, power baits, swimming shads, those kinds of things, become somewhat indistinguishable from bait, because they have an odor and a taste. Thank you.

CHAIR BORDEN: Megan.

MS. WARE: I guess maybe I feel like there is like a two-step process here, and the first step is what are our existing definitions of bait in the states. I know Maine has a definition of bait, sounds like it's maybe different from other states. If this ad hoc committee

Proceedings of the Atlantic Striped Bass Management Board
February 2021

gets established, I might recommend that that is the first step that they do, is just to understand what definitions are out there, and then identify a preferred one.

CHAIR BORDEN: I've got Mike Luisi next, and then Joe Cimino.

MR. LUISI: Yes, so I just wanted to comment on the fact that I know at least in Maryland we have a definition of bait, and we would be happy to share that with this Committee. I just don't know, at the end of the day is it the intent that this Committee is going to provide a definition that the states would formally have to implement, or are we going to need to consider changing the current definitions that we already have?

You know I guess that is where my, it's not concern, I'm just trying to figure out from a state perspective, what this Committee is going to, if the definition is going to be determined. Is it going to be, I guess this is a question for you, Mr. Chairman, is it going to be a mandate that the states then need to change their own definitions of bait, or is it a suggestion that this is what they would be considered at? I'm just wondering, as far as process how that goes.

Then while I have the floor, I'll just mention that I believe that at the conclusion of the public hearings on the nine elements of the amendment that we're discussing, that there is probably going to be some discussion about maybe not moving forward with all nine elements. If an amendment or a parallel addendum was going to be considered. My hope would be that we would delay that initiation of that addendum until after we decide what's going to be part of the amendment. I'll stop there, thanks.

CHAIR BORDEN: Mike Armstrong.

MR. ARMSTRONG: This solves one of the problems, like we could define unnatural baits like a pork rind, to eliminate that problem. But it doesn't get rid of the worm, just the

definition of bait, because clearly worm is a bait. But we're looking at the manner of fishing too, because on the end of a tube lure it's fine.

But if you just throw it with a weight, and throw it to the bottom, then I don't want to see J hooks being used for that. That is a circle hook application. I don't know if the maker of the motion, I don't know how to perfect it. The definition of bait and method of fishing. They are kind of combined together.

CHAIR BORDEN: Mike, are you suggesting that as a perfection?

MR. ARMSTRONG: Well, if that makes sense. I guess I would ask others, to develop a definition of bait and method of fishing that would require the use of circle hooks. Maybe that gets it there.

CHAIR BORDEN: To you, Emerson, and Jason. Do you accept that perfection?

MR. HASBROUCK: Are you calling on me, Mr. Chairman?

CHAIR BORDEN: Yes.

MR. HASBROUCK: I understand what Mike is trying to get at here, but I think what we need to do is to get a definition of what bait is going to require the use of circle hooks, and I think if we start to talk about how a method of fishing. I'm wondering if we're going to be able to accomplish that in short order here, early March.

We just allowed a two-year exemption for tube and worm. I don't have a concern, right that the tube and worm issue is going to be at all compromised by what comes out of this ad hoc committee. If we need to revisit that we can at the end of two years, or even just have something in place for a year from now to talk about method of fishing. That is my take on it anyhow.

CHAIR BORDEN: We do not have a perfected motion, we have the existing motion, so if you would, just generate your comments and focus them on the motion. Joe Cimino, and then William Hyatt.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

MR. CIMINO: I think that is unfortunate, because now I'm not sure I can really support this, because I think there is a lot more needed. I liked what Mr. Armstrong was suggesting as an amendment, and again going back to what Justin Davis has said, and my concern. All of our staffs are going to have to answer the question, if I accidentally catch a striped bass fishing for something else that is otherwise legal, do I have to throw it back, since it was caught on a J hook?

If we don't have that discussion, I think we're doing ourselves some disservice. An ad hoc group like this may be the one to answer that, because biologically and for the resource, the best thing may be to do is to keep that fish. But from a Law Enforcement standpoint that may make these regulations completely impossible to enforce. I really would like some discussion at something like an ad hoc committee to happen on that issue.

CHAIR BORDEN: Joe, I guess my only question, just following up on the point you made. Do you want to perfect this motion? Do you want to amend this motion?

MR. CIMINO: Yes, I appreciate that Mr. Chair. **Yes, I think I will. I mean I would like to add the concept of method of fishing, and perhaps my hope is that the idea of, or maybe add method of fishing and incidental catch.**

CHAIR BORDEN: Is that a perfection? You've got two choices, you can perfect it with the maker of the motion and the seconds agreement, or you can propose it as a motion to amend.

MR. CIMINO: I would propose it as a motion to amend. I understand that especially since Emerson has already said that he would prefer to keep it the way it is. I would make that as a motion to amend.

CHAIR BORDEN: All right, is there a second on the motion to amend? Toni, you're going to have to help me with the hands.

MS. KERNS: Yes, and if I can just help Maya with the motion to amend. Maya, if you can write move to amend to add method of fishing, and Joe, I missed, I just wasn't writing down fast enough. I was too focused on what I was writing down.

MR. CIMINO: No problem, Toni, I'm here, so method of fishing, again that would require the use of circle hooks, and how to handle incidental catch.

CHAIR BORDEN: All right that's a motion by Joe Cimino, and who would like to second it?

MS. KERNS: I think we have Justin Davis.

CHAIR BORDEN: Justin Davis is the seconder, discussion on the motion to amend. We've had a lot of discussion on the motion to amend already. Does somebody want to make a new point on it? Toni, I can't call on the hands up, because they are the same hands that have been up.

MS. KERNS: I think Bill Gorham had his hand up, it wasn't up before. You had called on Bill Hyatt before, I thought. I don't think he spoke, and then you have Tom Fote, Maureen Davidson, and Max Appelman.

CHAIR BORDEN: Okay, so Bill Hyatt is next, and then Toni, would you revise the list of hands to reflect who has their hand up, please?

MS. KERNS: Will do.

CHAIR BORDEN: Bill Hyatt.

MR. HYATT: Before this amendment was put forward, I was going to suggest that the problem we're facing is pretty clearly evident in the record of this discussion. I thought it was sort of implicit in the original motion that this ad hoc work group would be asked to address the suite of issues that came up over the course of this discussion, and report back with guidance.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

That guidance could be subject to further discussion, and could be decided what could move forward, (breaking up) the need to do an amendment. However, that being said, I'm absolutely fine with the motion, and I'm absolutely fine as amended, so thank you.

CHAIR BORDEN: All right, Maureen, you haven't spoken I think today, or maybe once. I'm going to call on you next, Maureen.

MS. MAUREEN DAVIDSON: Hello. I just wanted to add, if we were to vote on the motion to amend, might we also consider changing the early March 2021 date, since we're going to be adding more work for the ad hoc committee to do in the next month?

CHAIR BORDEN: I can't respond to that, Maureen, because you are broken up. If somebody on the staff heard here full question, please respond.

MS. KERNS: I can respond, I heard you, Maureen. As I said before, I was a little concerned, but depending on what this committee has to do, it could be difficult. I would suggest maybe we add a qualifier to the end of the motion to say, or as early as possible.

MS. DAVIDSON: Okay, that's fine with me if the makers of the motion would agree with that.

CHAIR BORDEN: All right, next I have, William Hyatt has already spoke, Max, I think you're next.

MR. APPELMAN: I didn't take my hand down quick enough. I was going to make the comment on timing. It seemed like a pretty tall order for March, given how complex we already know all these topics to be.

CHAIR BORDEN: I've got Bill Gorham, oh excuse me, Tom Fote and then Bill Gorham.

MR. FOTE: Yes, somebody said in the early part of this meeting that we've lost credibility,

because people were supporting the circle hooks, but they didn't support how we're interpreting the circle hooks by some of the states. We really need to get this straight, since we have lost confidence in the public out there, in the processes that we've been using. They thought they got a circle hook; and now it's basically, they didn't realize it was going to come up bucktails and pork rinds and things like this. That's the reason I support both of these, the motion and the amended part of the motion.

CHAIR BORDEN: Bill Gorham.

MR. GORHAM: I apologize. I know I'm going to add to a lot of discussion here. But I'm just looking over some of the state definitions of natural bait, and it will probably have to happen after this motion, or if somebody wants to add it now. But I believe we need to clearly state that natural bucktail and feathers aren't included as natural bait. Again, looking at some of these definitions in states, right now bucktails and feathers fall within natural bait.

CHAIR BORDEN: I've got Emerson and then, actually just Emerson, you're the last one. Then I'm going to call the question.

MR. HASBROUCK: I don't know if I can do it at this point or not, I'm just responding to a couple of comments that were made on timing. But I would be willing to say, or to add in there, or as early as possible. I don't know if I can go back and do that now, since we have the motion to amend in front of us. But just to let people know, I'm open to that suggestion.

CHAIR BORDEN: All right, so Emerson, if this passes you'll have an amended main motion on the table, and then if you want to perfect it at that point, I think it would be appropriate.

CHAIR EMERSON: Thank you.

CHAIR BORDEN: Is there anyone else who has not spoken at this point? I think pretty much all the hands have had multiple opportunities to speak on this subject. I'm going to call the question, and a one-minute caucus, please. All right, we're back live. As we've done before, if you want to vote you have to

Proceedings of the Atlantic Striped Bass Management Board
February 2021

raise your hand. After you vote, you take your hands down, and we'll do the next vote. All those in favor of the motion to amend, please raise your hand, and then Toni, would you please call off the states so it's part of the record, and give me the total.

MS. KERNS: Yes. I have Connecticut, Rhode Island, Pennsylvania, Maine, Virginia, Delaware, U.S. Fish and Wildlife Service, NOAA Fisheries, Maryland, New Jersey, New Hampshire, North Carolina, New York, and PRFC, 15. Set the hands down.

CHAIR BORDEN: Total please.

MS. KERNS: That's 15. That is, I believe a unanimous, yes.

CHAIR BORDEN: Total yesses, Toni.

MS. KERNS: Fifteen.

CHAIR BORDEN: Okay, thank you. We have 15 yesses, take all the hands down. All those opposed to the motion, please raise your hand, there are no hands up, any abstentions? Any null votes, 15, 0, 0, motion passes, so you have an amended main motion. Emerson, you had spoken about the need to address the timing so that it would say, or as soon as possible. Is that still your intent?

MR. HASBROUCK: Yes, Mr. Chairman, if Roberts Rules allows me to do that now that it has been amended, but if everyone is okay with it, I'm fine with adding in at the end there, after it says March 2021, add in, or as early as possible.

CHAIR BORDEN: Jason, is that acceptable with you as the seconder?

MS. KERNS: Hey Maya, if you can stop adding that there. You can copy that motion, the original motion, we need to add this amended language, and then that new language will go after the period of the first sentence, and take away the add part, just the word add. If you

can put the definition of bait that will require the use of circle hooks and method of fishing that would require the use of circle hooks. I know that grammatically we could make this better, but let's just leave it at this.

CHAIR BORDEN: Are there any other perfections on this motion? If not, I'm going to call the question. Do the states need time to caucus? Anyone request time to caucus? Given the fact that the last vote was the way it was. Mike Luisi, you want time to caucus?

MR. LUISI: Yes, Mr. Chairman, just 30 seconds. I just need to ask my other Commissioners, 30 seconds.

CHAIR BORDEN: All right, 30 second caucus, please.

DR. McNAMEE: Mr. Chair, this is Jason McNamee. I just wanted to, for the record, affirm that I also am fine with the addition of that, or as soon as possible, just for the record.

CHAIR BORDEN: Thank you.

MR. LUISI: Mr. Chairman, I will nominate Dave Sikorski to be part of this committee as the newest member of the Striped Bass Board. I told him I was going to do that. I will certainly recommend Dave.

CHAIR BORDEN: Okay, what I would suggest. Let's deal with the motion. We're going to vote in the same manner. Let me see if I can do this in the interest of time, since we're significantly by our timeline. Is there any objection to this motion? If you're opposed to it then raise your hand. I've got Jim Gilmore is opposed to it. Anyone else?

MR. GILMORE: No, I'm not, I'm not. Trying to do seven things, sorry, I am in favor of the motion.

CHAIR BORDEN: I have no hands up, any objections to ruling that the motion passes by consent? No objection, so the motion passes by consent. Okay, so what else do we need to deal with on this issue? I have a couple of comments that I would like to make, but I want to first go to the staff. Is there anything else we need to deal with on this issue?

Proceedings of the Atlantic Striped Bass Management Board
February 2021

MS. KERNS: Not that I'm aware of, Mr. Chairman. See what I need to do, we'll need to put out a quest for membership via e-mail I think will be the fastest thing. We'll work from there. Jim Gilmore, your microphone is live, just so you know.

CHAIR BORDEN: That was partly what I wanted to address, Toni. I would urge the states to caucus among yourself, and if you want somebody on this ad hoc committee, then please recommend them. Do that within a week, because we're trying to move this along. You've got a one-week deadline, and then we'll pick a committee. I would just state for the record that enforcement will be a part of this committee.

The other thing I would suggest is, a number of you have raised issues that have come up, and I'm not picking on Justin, but Justin has raised a few issues that I had not considered, which is really useful for him to do that. If anybody has specific issues that they think fall into the category that this ad hoc committee will be dealing with, please put them in writing, and just send Toni an e-mail and say, think about this, think about that.

It doesn't need to be a lot of words, just try to flag it, so that when this ad hoc committee gets together, hopefully they can sort through those issues, and try to come back with some kind of recommendation that addresses those concerns. Toni, is there anything else under this agenda item?

MS. KERNS: No.

CHAIR BORDEN: The next.

MR. GILMORE: Actually, David, Mr. Chairman, just a question, it's Jim Gilmore. Just so we understand it, the state directors that have to go back that have rulemakings in process, and they have to go back to their attorneys and say, oh yes, we have a rule, but we don't know what the language is yet. But we have to get it in by

April 1st when the season opens. I'm assuming we're going to have some latitude, or some understanding, because this is going to be very difficult, in terms of the legal process.

CHAIR BORDEN: Good point, Jim, and from my perspective, I think the states are going to have to have latitude, in order to deal with the really unusual circumstance. If we had known about a number of these concerns four or five months ago, we wouldn't be dealing with this at the spur of the moment.

**REVIEW AND POPULATE
ADVISORY PANEL MEMBERSHIP**

CHAIR BORDEN: I would like to deal with the issue of, we need to populate the Advisory Panel. Tina. Do you have Advisory Panel recommendations?

MS. TINA L. BERGER: I do, Mr. Chair. One second, please. There have been several new nominees to the Striped Bass Advisory Panel; Andrew Dangelo, a Rhode Island for-hire representative, Michael Plaia, a commercial fisherman, recreational angler, and for-hire operator from Rhode Island.

Dennis Fleming, a commercial fisherman and recreational fishing guide from the PRFC, and we also received earlier this week a nomination from New York for Nat Miller, a commercial fisherman. Mr. Miller replaces Arnold Leo on the AP, so I would offer those nominees for your consideration and approval.

CHAIR BORDEN: Thank you very much, Tina. Are there any questions or comments on any of these advisors in particular? If you want to comment on any of them, please raise your hand, and lacking that I think we'll approve them by unanimous consent. Any concerns or any questions?

MS. KERNS: Mr. Chairman, could we get a maker and a seconder of this motion, please? I see a maker as Marty Gary, with his hand up, and a seconder with Dave Sikorski.

CHAIR BORDEN: Okay.

Proceedings of the Atlantic Striped Bass Management Board
February 2021

MR. GARY: Mr. Chairman, this is Marty speaking, move to approve Andrew Dangelo and Michael Plaia, representing Rhode Island, Dennis Fleming representing the Potomac River Fisheries Commission, and Nathaniel Miller, representing New York, to the Striped Bass Advisory Panel.

MR SIKORSKI: For the record, this is David Sikorski, I second.

CHAIR BORDEN: Okay, thank you, gentlemen. **We have a valid motion on the table, any discussion? I don't see any hands up. Any objections to approving the recommendation by consent? I have no hands up, the recommendation is adopted by consent.**

OTHER BUSINESS

CHAIR BORDEN: The next issue under other business. We have at least one issue, which Toni wanted to brief everyone on the striped bass tagging survey. Toni.

MS. KERNS: I don't know if Josh Newhard is still on the webinar. Josh, if you are, if you could raise your hand. There we go. Josh is going to give the update on the tagging survey.

UPDATE ON THE TAGGING SURVEY

MR. JOSH NEWHARD: I will try to be brief, but I am happy to answer any questions if anybody has any concerns or anything. The trip for tagging this year, as it has been in the previous two years, many of you may know that ASMFC has actually been funding these offshore tagging trips, as part of a coastwide tagging database that we have with our office in the Fish and Wildlife Service in Annapolis, Maryland.

We had pretty low catches in 2019 and 2020, and historically these operations have always been operated under Rudy Inlet, Virginia Beach. We just weren't seeing the fish like we have been in previous years, so this year we actually started a little bit earlier, and we started out of

Ocean City, Maryland. We've completed 11 of the 13 trips, and we've had a pretty successful year so far, we've tagged 886 fish.

The fish were off Ocean City when we started, so that was nice to see, and they were pretty plentiful, especially compared to recent history. I will say that the last two trips will be conducted out of Rudy Inlet. We had a couple with a few days in a row, where we could not get out due to weather, and it was kind of a cold snap we had a couple weeks ago.

Then we had a couple days when we could get out, and we didn't see any fish, and we also got some reports of fish back where they usually are out of Rudy, so that is kind of where we are now. Like I said, it's been good. We're above our long-term average of fish caught with these hook and line tagging trips. The year has already been a success, but hopefully we can have two more good trips out of Virginia Beach.

CHAIR BORDEN: Thank you, any questions? I don't see any hands up. Toni, what other items do we have under other business?

MS. KERNS: I just have one quick item that I was going to do in my review of the Addendum document. Derek Orner has switched jobs within NOAA Fisheries, and is no longer, as you can all tell, serving on the Striped Bass Board, which also means he's no longer on the Plan Development Team.

Max Appelman is now serving for NOAA Fisheries on the Striped Bass Board, and NOAA Fisheries has nominated Max to serve on the Plan Development Team, and this would be working on specifically Amendment 7. I just need to get Board approval for that membership.

CHAIR BORDEN: Does someone care to make a motion?

MS. KERNS: David, I don't even need a motion, I just need to make sure there is no objection.

CHAIR BORDEN: Any objection to adding Max to those committees? Everyone knows his background. I see no hands up, welcome, Max, he's adopted by

Proceedings of the Atlantic Striped Bass Management Board
February 2021

consensus. Any other business here? If not, let me just say that in concluding. This is a really awkward meeting we just went through on the circle hook provisions, and aside from having a few technical difficulties. It's a difficult thing for all of us to get through, with almost 300 people on it. I know the public is probably somewhat frustrated, because of the lack of ability to participate and comment. But I simply had to limit the amount of public participation on certain agenda items, otherwise we simply wouldn't have gotten through them. I apologize for that, but it is part of what we're dealing with, with the COVID crisis. Any other business to come before the Board? If not, the meeting is adjourned.

MS. KERNS: You have a member of the public with their hand raised, it's up to you.

CHAIR BORDEN: Mike.

MR. MICHAEL PLAIA: Yes, I just wanted to thank everybody for my appointment, and I look forward to working with you.

ADJOURNMENT

CHAIR BORDEN: Thank you, welcome. All right, meeting is adjourned.

(Whereupon the meeting adjourned at 6:00
p.m. on February 3, 2021)