

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

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

January 31, 2023

Approved May 2, 2023

TABLE OF CONTENTS

Call to Order, Chair Martin Gary 1

Approval of Agenda 1

Approval of Proceedings from November 7, 2022..... 1

Public Comment 1

Addendum I on Ocean Commercial Quota Transfers for Final Approval..... 1

 Overview 1

 Public Comment Summary **Error! Bookmark not defined.**

 Advisory Panel Report 6

 Consider Final Approval of Addendum I 9

Adjournment 19

INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of November 7, 2022** by consent (Page 1).
3. **Main Motion**
Move to approve Option D (Board discretion commercial quota transfer provision (with overfished conservation tax)) (Page 9). Motion by John Clark; second by Steve Train. Motion substituted.
Motion to Substitute (Page 11)
Move to substitute to postpone action on Addendum I and task the Technical Committee (TC) with running two population projections:
 - **One which assumes harvest of the entire ocean commercial quota from all states**
 - **One which assumes harvest of the ocean commercial quota from all states except New Jersey (since their quota is reallocated out of the commercial fishery) The TC may use their expert judgement on other needed assumptions for the projections (i.e., selectivity) to produce the most realistic output for consideration by the board.**Motion by Jason McNamee; second by Justin Davis. Motion carried (13 in favor, 3 opposed) (Page 18).
Main Motion as Substituted
Move to postpone action on Addendum I and task the TC with running two population projections:
 - **One which assumes harvest of the entire ocean commercial quota from all states**
 - **One which assumes harvest of the ocean commercial quota from all states except New Jersey (since their quota is reallocated out of the commercial fishery) The TC may use their expert judgement on other needed assumptions for the projections (i.e., selectivity) to produce the most realistic output for consideration by the board.**Motion carried (15 in favor, 1 opposed) (Page 18).
4. **Move to adjourn** by consent (Page 19).

ATTENDANCE

Board Members

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

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

Ex-Officio Members

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

Staff

| | |
|------------------|----------------|
| Bob Beal | Tracey Bauer |
| Toni Kerns | Kurt Blanchard |
| Madeline Musante | Pat Campfield |
| Tina Berger | Emily Franke |

Guests

| | | |
|---------------------------|------------------------|-------------------------|
| Jerry Audet | Ingrid Braun, PRFC | Allison Colden, CBF |
| Pat Augustine, Coram, NY | Jeff Brust, NJ DEP | Margaret Conroy, DE DFW |
| Roland Beatty | Craig Cantelmo | Heather Corbett, NJ DEP |
| John Bello | Patrick Cassidy | Michael Cool |
| Jessica Best, NYS DEC | Nicole Caudell, MD DNR | Caitlin Craig NYS DEC |
| Sean Betham | Mike Celestino, NJ DEP | Jessica Daher, NJ DEP |
| Alan Bianchi, NC DENR | Matt Cieri, ME DMR | Evan Dintaman |
| Jason Boucher, NOAA | Peter Clarke, NJ DEP | Phil Edwards, RI DEM |
| Colleen Bouffard, CT DEEP | Germain Cloutier | Paul Eidman |

Guests (continued)

| | | |
|------------------------------|------------------------------|---------------------------------|
| Peter Fallon, Maine Stripers | Dan McKiernan, MA (AA) | Jack Stoddard |
| Tony Friedrich, SGA | Conor McManus, RI DEM | David Stormer, DE DFW |
| Tom Fuda | Steve Meyers | ElizaBeth Streifeneder, NYS DEC |
| Jerry Gaff | Drew Minkiewicz, Kelley Drye | Kevin Sullivan, NH F&G |
| Lewis Gillingham, VMRC | Steve Minkinen, US FWS | Colin Temple |
| Angela Giuliano, MD DNR | Chris Moore, CBF | Michael Toole |
| Willy Goldsmith, SGA | Chris Piatek | Andrew Valmassoi, NC DENR |
| Kurt Gottschall, CT DEEP | Michael Pierdinock | Taylor Vavra |
| Tyler Grabowski, PA F&B | Nicole Pitts, NOAA | Beth Versak, MD DNR |
| Brendan Harrison, NJ DEP | Marisa Ponte, NC DENR | Walt Vieser |
| Brian Hayes | Will Poston, SGA | Mike Waine, ASA |
| Jay Hermsen, NOAA | Jill Ramsey, VMRC | Michael Watkins |
| Peter Himchak, Cooke Aqua | Cody Rubner | Craig Weedon, MD DNR |
| Carol Hoffman | Erin Schnettler, NOAA | Ben Whalley |
| Sean Hogan | Zachary Schuller, NYS DEC | Ritchie White |
| Harry Hornick, MD DNR | Tata Scott, NOAA | Brian Williams |
| Jesse Howe | Alan Siegel | Charles Witek |
| Bob Humphrey | Jason Seman | Steven Witthuhn |
| Ayden Jewell | Phillip Sheffield | Greg Wojcik, CT DEEP |
| Kekoa Kiana, Ofc. Sen. Reed | Greg Shute | Paul Wolfe |
| Richard Kuhlman | Amanda Small, MD DNR | Anthony Wood, NOAA |
| Jared Lamy, NH F&G | Ethan Simpson, VMRC | Michael Woods |
| Toby Lapinski | Andrew Sinchuk | Chris Wright, NOAA |
| Ed Liccione | Skip Smith | Dennis Zambrotta |
| Shanna Madsen, VMRC | Ross Squire | Erik Zlokovitz, MD DNR |
| Joshua McGilly, VMRC | Michael Stangl, DE DFW | |

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Tuesday, January 31, 2023, and was called to order at 3:15 p.m. by Chair Martin Gary.

CALL TO ORDER

CHAIR MARTIN GARY: Welcome everyone to the Atlantic States Marine Fisheries Commission winter meeting of the Atlantic Striped Bass Management Board. My name is Marty Gary from the Potomac River Fisheries Commission; I'm the Board Chair. Our Vice-Chair is Megan Ware from Maine, and Emilie Franke is our ASMFC FMP Coordinator.

I'm also joined at the front by ASMFC Science Lead, Dr. Katie Drew. For today's meeting before we get going, I would like to recognize some new faces around the table for the Board. First, virtually attending, we have from Maine Representative Allison Hepler from Maine, so Allison, online, welcome to the Striped Bass Board. Also at the table, not necessarily new, he's been at the Board before, but not in a while is Jesse Hornstein from New York.

Jesse, welcome to the Board. Also, we have Chad Thomas with the state of North Carolina. Chad, on the far right there, welcome, Chad. We also have several commissioners who are participating virtually today, including Cheri Patterson from New Hampshire, David Borden from Rhode Island, Tom Fote from New Jersey, Craig Pugh from Delaware, Mike Luisi from Maryland, Jerry Manning from North Carolina. I may be missing a couple, but I'll be looking to Emilie to help me out, to allow those folks to participate in our meeting today.

APPROVAL OF AGENDA

CHAIR GARY: We'll go ahead and start off with approval of the agenda. I would ask if there are any modifications or additions to the agenda. I'll look to the Board for those. None here in person, anybody online, Emilie? No. Seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR GARY Let's go to approval of the proceedings from the November annual meeting in November, 2022.

Are there any edits to the proceedings of the meetings from November, 2022? Not seeing any here in the room, none online, then by consent we'll approve the proceedings from November, 2022.

PUBLIC COMMENT

CHAIR GARY: Next up on the agenda, Public Comment for items that are not on the agenda today. I'll look to the room to see if there is any public comment. Raise your hand, please, and I would also ask if there is anybody online for any comment for items that are not on the agenda.

I am not seeing any hands raised in the room. Emilie, are there any hands up online? Seeing none; we're going to go ahead and continue to move on.

ADDENDUM I ON OCEAN COMMERCIAL QUOTA TRANSFERS FOR FINAL APPROVAL

CHAIR GARY: We will move on to Item Number 4, which is Addendum I on Ocean Commercial Quota Transfers for Final Approval, a three-step process. We're going to Review the Options and Public Comment Summary. Emilie is going to provide that to us. Then we're going to Review the Advisory Panel Report; Emilie will give that to us. Then we'll move into action. Emilie, I'll turn to you for the Review of the Options and the Public Comment Summary.

OVERVIEW

MS. EMILIE FRANKE: Today I will provide an overview of the Draft Addendum, the proposed management options, as well as the public comment summary and the Advisory Panel report. The Board action for consideration today is to select a management option and consider final approval of Addendum I. Starting with the statement of the problem for this Draft Addendum. There have been several questions and concerns raised about the

striped bass commercial quota system over the years.

For example, particular concern about the use of 1970s as the reference period for the quotas. These questions and concerns were included as part of the scoping document for Draft Amendment 7 back in 2021, but the issue of commercial quota was not selected for further development at that time, and some Board members did express support for addressing commercial quota issues separately from Amendment 7.

In August, 2021, the Board initiated this Draft Addendum I to consider allowing for the voluntary transfer of commercial quota in the ocean region specifically. This action was initiated to consider a management option that could provide some more immediate relief to states that are currently seeking a change to the commercial quota.

Other commission-managed species do allow for quota transfers between states, and these transfers can address issues like shifting stocks, quota overages, et cetera. Here is the timeline for this management action. After the Board initiated the Draft Addendum in August, 2021, the Board then postponed the Addendum until August, 2022, at which point the Board provided additional guidance to revise the draft.

Then the Board approved the revised Draft Addendum in November 2022 for public comment. Then we had public hearings and public comments accepted throughout December 2022 and January 2023. Then today the Board is considering final action on this Addendum. Just a brief background for this Addendum.

First being, the status of the striped bass stock. As a reminder, we just had the 2022 stock assessment update for striped bass, which indicates that the stock is still overfished but no longer experiencing overfishing, relative to the reference points. The assessment also indicated that under the current fishing mortality rate there is about 78 percent chance the stock will rebuild to the spawning stock

biomass target by 2029, which is the rebuilding deadline.

Moving on to commercial management specifically within the striped bass fishery for the ocean fishery, the FMP establishes state-by-state commercial quotas. Then for the Chesapeake Bay the FMP establishes one total Bay-wide quota, which is then allocated per the mutual agreement of the Chesapeake Bay states amongst themselves. Then for all the quotas, any overages are paid back the following year. The rollover of unused quota from one year to the next is not permitted, and then currently quota transfers between states are not permitted. The focus here of this Draft Addendum is considering quota transfers in the ocean region specifically. You can see here this is the table of the current state-by-state commercial quotas for the ocean. This does incorporate any approved conservation equivalency programs.

You can see the total ocean quota across all states is about 2.4 million pounds. As a reminder, Maine, New Hampshire, Connecticut and New Jersey prohibit the commercial harvest of striped bass, and then also note that New Jersey does reallocate their commercial quota to the recreational bonus program.

For the most recent fishing year we have data for, which is 2021, saw about 5.1 million removals of striped bass across both the commercial and recreational sectors. About 12 percent of that total in 2021 was commercial harvest. About 2 percent was commercial dead discards. About 36 percent was recreational harvest, and about 50 percent was recreational release mortality.

For commercial landings, specifically in 2021, the ocean commercial fisheries landed about 1.8 million pounds out of their 2.4-million-pound quota. Then Chesapeake Bay landed about 2.4 million pounds out of their 3-million-pound quota. The ocean commercial fishery does consistently underutilize its total quota.

Some of that quota is not used because striped bass are not always available in state waters. This is

particularly true for North Carolina, which holds about 13 percent of the ocean quota, but has had 0 ocean commercial harvest since 2012. Then second, as I mentioned, some quota is not used because some states prohibit commercial harvest.

Those states that prohibit commercial harvest collectively hold about 10 percent of the ocean quota. Then for states that do have active commercial fisheries, there are several factors that impact how much of the quota is harvested each year, including year class availability, overall abundance, nearshore availability, overall effort, and also state management programs.

This table shows what percent of each state's quota was landed for the past three years. Again, you can see the states that prohibit commercial fishing obviously landed 0 percent of their quota in the commercial fishery. The other states with active commercial fisheries, most of them landed over 90 percent of their quota in 2021.

Again, the exception is North Carolina, which has used 0 percent of the quota, again, because the fish just haven't been there off the coast of North Carolina. Looking across all state quotas, the bottom row you can see about 76 percent of the total ocean quota was landed in the commercial fishery in 2021.

This is just a longer look at that quota utilization for the past ten years. You can see the landings have been below the quota up there in red, every year somewhere between 50 and 76 percent of the quota has been landed in the commercial fishery. There is some concern that allowing commercial quota transfers could increase how much of that ocean quota is utilized. This could potentially undermine the goals of the Addendum VI reductions that were implemented back in 2020. Since the fishery has consistently underutilized its quota, due to the fish availability and also to some states prohibiting harvest, Addendum VI assumed that the commercial fishery will continue to underutilize its quota to the same degree. This assumption might be violated if commercial quota transfers are allowed, and that unused quota starts to be used.

I'll go now to the five proposed management options in the Draft Addendum. The options consider allowing for the voluntary transfer of commercial quota in the ocean region, between states that have quota. These options do not address the Chesapeake Bay quota at all, and they do not consider transfers between the ocean and the Chesapeake Bay or vice versa.

Also, note that commercial quota that has been reallocated to a state's recreational fishery, so for example New Jersey's quota that has been reallocated to their recreational fishery is not eligible to be used for quota transfers. If transfers are permitted, quota would be transferred pound for pound between states, and there would be some uncertainty associated with transfers between states that harvest different sized fish.

We know state fisheries catch different size striped bass due to a variety of reasons, including the variability in size distribution of striped bass along the coast. Also, states have different commercial size limits, different gears, seasons, et cetera. Then also through conservation equivalency over time states have adjusted their commercial size limits from the historical standard size limit.

This has resulted to changes in some state quotas over time. Overall, a pound of striped bass quota is not equal across all states, and some of the proposed options do incorporate a provision to try and address this discrepancy. Looking at the specific options. First, we have Option A. This is the status quo in which commercial quota transfers are not permitted.

All of the alternative options B through E would allow voluntary quota transfers, and they range from sort of the least restrictive option, Option B, all the way through the most restrictive option, Option E. I'll get into each of those in more detail. Option B is the general transfer provision. Voluntary transfers would be permitted with no restrictions, but there would be a conservation tax if the stock is overfished.

There would be no limit on how much quota could be transferred, but if transfers occur when the stock is overfished, there would be a 5 percent

conservation tax to address the issue that a pound of quota is not equal across all states. For example, if State A transfers 10,000 pounds to State B while the stock is overfished.

State B would receive 9,500 pounds of that transfer, and the remaining 500 pounds would be that conservation tax, which would be no longer available for harvest that year. Option C would limit transfers based on stock status. Transfers would be permitted, except transfers would not be permitted at all when the stock is overfished.

There is no limit on how much could be transferred, but when the stock is overfished transfers could not happen at all. It is important to note that because the stock is currently overfished, this type of option would not provide near-term relief to states that are currently seeking additional quota. Option D is the Board discretion option. For this type of option, the Board would decide whether voluntary transfers are permitted every one to two years, based on information available on stock status and the performance of the fisheries. If the Board does decide to allow transfers when the stock is overfished, there would be a 5 percent conservation tax to address that issue that a pound of quota is not equal across states.

The other aspect of this Option D is that the Board can, in addition to deciding whether or not transfers are allowed, the Board can specify certain criteria for these transfers. The Board could, for example first, set a limit on the transferrable amount of quota, so how much quota could be transferred in a given year.

The Board could also set a seasonal limitation on that limit. For example, the Board could say no more than 50 percent of how much can be transferred, can be transferred in the first half of the year. Then finally, the Board could also determine a state's eligibility for a transfer, based on how much a state has landed.

For example, the Board could say, a state cannot ask for a transfer until they've landed X percent of their quota. If the Board does select this option today, the Board could also decide whether or not to allow 2023 transfers for this year at this meeting. Then the

Board would start this regular process of deciding about transfers in advance.

For 2024 the Board would need to make that decision by the fall of this year. Then finally, we have Option E. This would be the most restrictive option. Just like the previous option D, the Board would have discretion and decide whether transfers are permitted every one to two years, except for this option no transfers could occur at all when the stock is overfished.

The Board could still set certain criteria, but transfers couldn't happen at all when the stock is overfished. Again, important to note that because the stock is currently overfished, this type of option would not provide near-term relief to states. If transfers are permitted with any of those alternative options, there is a general process for how voluntary transfers occur.

Transfers require a donor and a receiving state and transfer between states may occur upon agreement of those two states at any time during the year, and up to 45 days after the calendar year ends. The Board today when approving the Addendum, could specify any number from 0 to 45 days if the Board wanted to limit when transfers can occur after the year ends.

The Administrative Commissioners from each state must submit a signed letter to the Commission regarding the transfer. The transfer becomes final when states receive written confirmation letters back from Commission staff, and then once quota has been transferred, the state receiving quota becomes responsible for any overages to that quota, and also any transfers don't permanently impact state quota shares, so every state resets to their original quota amount each year.

The final section of the Addendum is the compliance section. Any measures approved by the Board through this Addendum would be effective immediately, and if transfers are permitted, states would need to account for any potential additional quota through transfers, when they are determining how many commercial tags they need for the next

season. Also, just a note here that if the Board does select status quo Option A today, that would mean that there is no change to current management. In that case, there would be no final addendum document, because management is not changing. We would add a note to the FMP Review to acknowledge that the Draft Addendum I process took place, what was discussed. But if Option A is selected that is no change to current management.

PUBLIC COMMENT SUMMARY

MS. FRANKE: I'll now provide a summary of all the public comments that we received on this Draft Addendum.

Public comments were accepted through January 13, 2023. We received a total of 1,979 written comments. Those included 759 individual written comments, 1,190 comments through 6 different form letters, and also written comments from 30 organizations. Eight public hearings were held that covered 12 jurisdictions in December and January.

Five of those hearings were webinar only, two of them were hybrid format, and then one of them was in person only. We had 193 public individuals attend the hearings. That is not including state staff, commissioners, commission staff. Live polls or a show of hands were used at most hearings for the proposed options.

Also note that some people did attend multiple hearings and provide comments at multiple hearings. Here is the comment count. You can see that the vast majority of comments favored the status quo, Option A, no transfers permitted, with 1,950 written comments, and 155 public hearing comments in favor of the status quo, Option A.

Of those who did favor the alternatives, Option B through E, Option B, which is transfers allowed with the overfished conservation tax, had the most support of those alternatives. For those favoring Option A, the status quo, the majority of comments. The most common rationale was concern about expanding harvest and increasing fishing mortality when the stock is rebuilding when the stock is

overfished, and also when the stock is experiencing poor recruitment.

Commenters noted that management should focus on rebuilding the stock and not maximizing harvest. Comments noted that allowing quota transfers would jeopardize rebuilding, and also noted that the Board has rejected quota transfers in the past. Some comments noted that allowing transfers would be in conflict with the stakeholder input received during the Amendment 7 process, in support of conservation.

Then some comments noted that if states aren't able to harvest their full quotas that indicates the stock may not be doing well, and so extra quota shouldn't be transferred or harvested by another state. For those in support of Option B, which is that transfer is permitted with overfished tax. Many commenters in support of Option B noted that they were commercial fishermen, and they noted that quota transfers would allow for the efficient use of commercial quota.

They also noted that the small impact of striped bass quota transfers on the overall fishery, because the commercial fishery is relatively small compared to the recreational fishery. Comments also noted that the commercial fishery already has accountability measures in place with payback for any quota overages. Also noted that transfers could help avoid regulatory discards after states filled their quota, and also noted the benefits of transfers seen for other species as well. There was no specific rationale provided for Option C, so moving on to Option D.

Those that supported this Board discretion option noted that some discretion on transfers would be beneficial, but also cautioned against too much oversight in setting overly restrictive criteria. Those in favor of Option E, which is Board discretion but no transfers at all when the stock is overfished, noted that this option would provide maximum oversight by the Board, and would support caution during rebuilding, while still benefiting states that are seeking additional quota.

Commenters also raised additional topics, including concern that commercial fisheries are removing large breeding females from the population, concern also about ongoing CE programs and support for ending current CE programs. Comments noted that the commercial sector should have the same size limits as the recreational sector.

There is also concern about the potential for a future moratorium if the stock doesn't recover. Some support for ending commercial harvest, and making striped bass a game fish, and then concern also about menhaden harvest in the Chesapeake Bay, and concern about impacts from commercial gillnets.

ADVISORY PANEL REPORT

MS. FRANKE: I'm going to also provide the Advisory Panel Report. The Advisory Panel Chair, Lou Bassano, asked that I provide the report today in his stead. The Advisory Panel met via webinar on January 17, to discuss this Draft Addendum. The AP members discussed their recommended options, and also provided some additional recommendations on the transfer process, and also on the quota system in general.

A majority of AP members on the call, 14, supported status quo, Option A, transfers not permitted. There were a few reasons. Those included transfers are not appropriate while the stock is overfished and rebuilding, and there shouldn't be any increase in either sectors harvest while the stock is overfished. The AP noted the public comments are overwhelmingly in support of Option A. Transfers will not benefit the stock, especially when the stock is overfished.

There is concern that quota transfers could set off the potential for nontransparent horse trading of quota. It was also noted that as long as the stock is overfished, the stock needs that buffer as not harvesting the North Carolina quota, and also concern that if quota is transferred north along the coast that there is concern that large breeding females will be taken out of the fishery, and there would be more loss of spawning potential there.

In general concern about moving quota around and the potential for that impacting the rebuilding analysis and our assumed size of commercial catch, since different size striped bass are caught in different states. Then it was also noted that the stock is experiencing recruitment failure in the Chesapeake Bay, so this would be a time for caution. A few AP members, 4 of them on the call did support Option B, transfers permitted with an overfished conservation tax. Those AP members noted that the quotas were developed scientifically, and the science would not set total quotas that would jeopardize the stock. Again, they noted that the commercial fishery is already constrained, and has payback and accountability provisions in place. Also noted that the fishery is primarily recreational, and with the commercial fishery only at 10 percent of total removals with relatively stable landings, that allowing transfers would not have a significant impact.

Some AP members also noted some additional recommendations about the quota transfer process itself. If the Board does allow transfers, a few AP members recommend the Board eliminate the 45-day provision allowing transfers up to 45 days after the year ends. There was concern that having this provision might lead to states being less careful about going over their quotas, since they could potentially cover a quota overage after the year ends.

A few AP members also recommended that transfers be permitted only for states that allow commercial fishing. The states that prohibit commercial fishing, Maine, New Hampshire, Connecticut and New Jersey, should not be able to transfer their quota. Then 1 AP member recommends revising the quota utilization calculation.

There is concern that calculating that percent utilization incorporating those states that don't have a commercial harvest is misleading, and so those states that harvest 0 percent should not be included in the calculation. Then the AP discussed, you know if the Board does not allow transfers at this time, should transfers be considered in the future? The AP was split on that.

Some AP members would support revisiting transfers after the stock is rebuilt. That would be a more appropriate timing from their perspective. Some AP members don't support revisiting the transfer issue in the future at all. From their perspective transfers should not be allowed in any case, and that transfers are not an appropriate tool for the striped bass fishery.

Then some AP members were uncertain about whether transfers should be considered in the future. They noted that when the stock is rebuilt quota transfers could be a tool to respond to climate change and shifting stocks, but only if that tool was controlled properly. Then finally, there were a couple recommendations on the general commercial quota system.

A few AP members recommend the Board reexamine the quota system overall, because it's based on data from the 1970s, and the data should be reevaluated, and science has advanced since that time. Then one AP member recommends the Board take a broader perspective and reexamine the contribution of each sector to the fishery overall. That concludes the AP report, as well as the public comment summary. I'm happy to take questions on anything that I have presented.

CHAIR GARY: Thank you, Emilie. Before we entertain questions for Emilie from the AP report and from the public comments, we will be pivoting to the final action on the board. Please hold your motions until that time. I do want to start that part of it off with a motion, but for now we'll strictly do questions for Emilie. We do have some folks online participating virtually, so I'm going to be looking to Emilie to toggle back and forth periodically. We'll open this up for questions for Emilie. Justin Davis.

DR. JUSTIN DAVIS: Emilie, one of the comments in there in the AP summary caught my eye on that slide about whether or not, you know if the Board decides not to approve transfers at this time, should they revisit the question? The comment that transfers are not an appropriate tool for the striped bass fishery. Can you elaborate on that at all, like some of the discussion or comments around that idea?

MS. FRANKE: Yes, so there wasn't too much in that discussion there. The discussion that we always had I think was concern about, because striped bass those different sized stripe bass harvested among the states, and each states fishery is a little bit unique, that transfers are just not the most appropriate tool.

Given the uncertainty there of transferring different size striped bass among states. I think that was the primary reason in that discussion. AP members noted although transfers are used for other fisheries and other species that with that uncertainty that it just wouldn't be appropriate for the striped bass fishery.

CHAIR GARY: Additional questions for Emilie? Steve Train.

MR. STEPHEN TRAIN: Emilie, that was a great presentation. If you can follow what I've written down here and scribbling along as you talked, maybe you can explain it to me. We're currently under Addendum VI, and under that we have a 78 percent likelihood of success rate in the current management plan. That is assuming that we aren't going to use all the quota that we're going to have a likelihood of unused quota. I don't want to misquote you, but that seems to be what you said.

MS. FRANKE: The current projections for the assessment assume that we maintain the same fishing mortality rate. The Addendum VI reductions from 2020 did indeed assume that the commercial quota would have the same utilization rate, that there would still be some unused quota.

The specific assessment projections are specific to the fishing mortality rate, and not necessarily that assumption. I'll turn to Katie if I'm missing anything. You know Addendum VI specifically had that commercial quota assumption, but the assessment projections are just looking at F, which is a combination of recreational and commercial.

CHAIR GARY: Yes, Steve.

MR. TRAIN: I'm trying to figure this out. At a 78 percent likelihood of success under the current management plan, based on the current real mortality rate with effort, or based on what we projected? If it's real, then what was the likelihood of success not knowing what the actual fishing mortality would be, not the allotted?

MS. FRANKE: I think I followed most of that. The projections are based on the fishing mortality rate from 2021. We're based on if we maintain that same fishing mortality rate every year, the same as we had in 2021, then we'll have that 78 percent chance of rebuilding the stock. The assessment doesn't differentiate between whether, like how much of that fishing mortality rate is from the recreational or from the commercial side, it's just taking that overall fishing mortality rate. You know if commercial harvest increased but recreational removals decreased, and fishing mortality stayed the same. The assessment would just take that as fishing mortality staying the same. If that is helpful at all. I'll see if Katie has anything to add.

CHAIR GARY: Did that answer your question, Steve?

MR. TRAIN: Close. When we did most of these projections, we have a projected harvest rate and a projected success rate. You're saying we have a quota, but we know we're not going to harvest all of it. We went from what we think we're going to harvest at, which is below what we've allowed them to harvest at, to come up with this success rate. My question is more, what would the likelihood of success in this plan been if we caught the full quota?

DR. KATIE DREW: We didn't run those projections. We ran the projection assuming that we would stay at the fishing mortality rate in 2021 would give you another set of projections where we assumed that the fishing mortality rate would increase up to the F target, as well as to the F threshold, and that does bring your chance of success down. But we did not specifically look at a scenario where we did it in terms of removals of fully utilizing that commercial quota, or of increasing recreational harvest by X or Y percent. We did not do those sets of projections for the assessment update.

MS. FRANKE: If I may, Mr. Chair. We had put together this backup slide, because this was a frequently asked question during the public hearings. This question asks, 'if previously unused quota is used, how would that impact the rebuilding timeline from the stock assessment?' You know the answer is, commercial harvest could increase.

But without new projections we can't say how much that would increase F or if it would decrease that probability of rebuilding, or how much it would decrease that 78 percent chance of rebuilding. We can't say that without new projections. Again, that depends on how much of the previously unused quota is harvested or transferred, and also again, the total fishing mortality rate depends on both commercial and recreational.

We can look that up, I put a table up here, we can estimate how much removals might change. For example, these are rough estimates. You know we took a look at removals, assuming the same size fish would have been harvested as they were in 2021. If the North Carolina quota was transferred and harvested on top of what was harvested in 2021, you will see somewhere around less than a 1 percent increase in total removals.

If we're talking about the scenario that you brought up. If all the ocean quotas, every state's quota was fully utilized, including those states without commercial fisheries, you might see around a 1 percent increase in total removals. Again, this is how much removals might increase, but we can't say without new projections how much that might increase F overall.

MR. TRAIN: Thank you, that answered my question.

CHAIR GARY: Thank you, Steve, thanks Emilie and Katie. This time I would turn to Emilie. Are there any hands raised from Board members that are online that want to ask a question? Okay, back to the room. Any additional questions for Emilie? Dennis Abbott.

MR. DENNIS ABBOTT: The Advisory Committee expressed a concern about whether if we maintain status quo, whether we could revisit transfers in the

future. I think in my opinion it would be clear that we always could do, a Board can do what it chooses in the future, regardless of the outcome of this, so choosing status quo would not preclude the fact of revisiting quota transfers at any time in the future, not correct.

MS. FRANKE: It's correct. The Board can absolutely revisit this in the future. From the Advisory Panel's perspective, the conversation was whether or not the Board should, from their perspective revisit it in the future. But absolutely the Board could revisit this if they would like.

CHAIR GARY: Thank you, Dennis, Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Thank you, Emilie, for your presentation. I'm just looking at the slide that you have up there now, where it's an estimate that 0.2 to 0.5 percent increase from 2021 total removals if the North Carolina quota is harvested on top of the 2021 removals. Like the first line in that table. I'm just wondering, at that 0.2 to 0.5 percent, that is probably, I'm guessing, so I'll ask the question. Is that within the error bounds of that estimate of rebuilding by 2029, right that 0.5 percent?

MS. FRANKE: We haven't taken a look at those to see if that is within the error bars there. I think the important sort of caveat here is we're assuming, you know if all states decide the fish harvesting doesn't change, and for this range, is because we don't know if the North Carolina quota is transferred elsewhere, what size those fish will be. We have this range and I'm not sure if they're within the confidence intervals.

CONSIDER FINAL APPROVAL OF ADDENDUM I

CHAIR GARY: Did that answer your question, Emerson? All right. Any additional questions for Emilie? Any online? All right, so we will move to Consideration for Final Approval of Addendum I. I would look to start the conversation, if anyone has a motion. John Clark from the first state with the first hand up.

MR. JOHN CLARK: Thank you, Mr. Chair. Yes, indeed, I do have a motion. I sent it to Emilie, but not a big surprise, shall I just wait until it's up there, Emilie.

MS. FRANKE: It should be up momentarily, yes, thank you.

MR. JOHN CLARK: Short and sweet. **Move to approve Option D, Board discretion for a commercial quota transfer provision, with the overfished conservation tax.** If I can get a second, I would like to speak to it.

CHAIR GARY: Is there a second to the motion? Steve Train. We have a motion to approve Option D, Board discretion, commercial quota transfer provision with overfished conservation tax set. Motion by Mr. Clark, seconded by Mr. Train. All right, we'll open this up to discussion. John, I look to you as the maker of the motion to expand upon your motion.

MR. CLARK: I wish I had better powers of persuasion, but let me go ahead and start here. As Emilie pointed out in the presentation, Option B is one of the more restrictive transfer provisions. It gives the Board discretion every year to decide whether the population can support transfers. You know I think that should calm some of the concerns that people have about allowing transfers, because we would be looking at it as a Board.

Why D, instead of E, which would have taken the overfished status into account, and wouldn't have allowed transfers unless the stock was not overfished? I may be alone, or in Delaware we may be alone, but these spawning stock biomass reference points are extremely conservative. It takes a while for the assessments to catch up with the population, and my thinking is that we all see striped bass in our states.

We know when the population is recovering. I thought this would help the commercial fishery in that as the Board sees recoveries occurring out there, that they may be able to approve transfers before the stock is officially considered no longer overfished. As Emilie's slide just pointed out there,

we're not picking on North Carolina, of course, but North Carolina is where the unused quota is.

It is not even 1 percent of the total recreational and commercial removals. It doesn't seem too apt to be likely to have much of an effect on either the assessment results or the regulatory restrictions states must take based on the assessment. That's if the entire quota was transferred. With option D the Board has the power to approve whether the transfers will be allowed, and how much transfer will be allowed.

Because of that, of course, if the Board felt comfortable with 20 percent of the North Carolina quota being transferred, obviously that's probably a rounding in terms of our removals every year. But to a state like Delaware that would be a huge help. Why are we pursuing this approach in Delaware instead of a full reallocation, which we know people have suggested, you should just reallocate the commercial quota.

We know what a cluster fudge that reallocations turn into, and we'd be here for, I mean maybe by the time I retire, but maybe not even until after I'm dead that would probably happen. In any event, we think in Delaware that this is the fastest, easiest and hopefully a method that people could have oversight over and can agree to, to allow some states that get more quota.

Now, Delaware has been advocating for more quota for years. Obviously, the timing isn't great to be asking for quota transfer when the population status is overfished. We pursued this approach, as I said, because of the difficulty of getting reallocation done. We greatly respect the concern that recreational anglers show about this issue, but once again we want to keep it in perspective.

This is a very small amount of striped bass. The Board can defer allowing transfers until the population is recovering robustly under this option, and it brings us closer to fixing inequities in the original quota allocation. For all those reasons I'm hoping the Board can support this option. Thank you.

CHAIR GARY: Steve, as second, would you like to expand on John's comments?

MR. TRAIN: I have different comments, but yes. As a member of a state that has received quota transfers in a different species, I understand the importance of this type of tool, to allow a state to harvest a resource that maybe misappropriately quoted off, based on the change of the location of the resource.

I think that this option doesn't require it to be transferred. Even a full transfer from one state would still have us around a half a percent difference. I think it's something that should possibly be available. But this option is at Board discretion, which means it doesn't have to be done.

CHAIR GARY: Before we open this up to full Board discussion, I had a question for John. You may have mentioned this before, but I was curious about the scope, the sizes of the commercial fishery in Delaware that has the need for the transfers, if it's something you could comment to.

MR. CLARK: If you look at the table you'll see that Delaware, we have a very well-managed commercial fishery every spring. Our commercial fishermen get the gear in, get the gear out, because they want to move on to crabbing. We can easily accommodate more. Initially we would like to at least get back to where we were under Amendment 6, which would be probably about 50 to 60,000 pounds of quota. Once again, if the entire North Carolina quota is much less than 1 percent, we're talking really a fraction of a percent here.

CHAIR GARY: Roy Miller.

MR. ROY W. MILLER: I was wondering if you would indulge me for just a moment or two to add a little context to this request in John's motion. There are really two reasons Delaware feels that it would be important to pass Option D. One is, the '72 to '79 landings are not verifiable for a variety of reasons, at least in our state and some other states.

There was no mandatory catch reporting in our state back in '72 to '79. The landings statistics were compiled by National Marine Fisheries Service employee coming to Delaware for an annual visit, maybe a couple times a year. The records were voluntary that the gill netters submitted for purposes of compilation of this '72 to '79 landings.

They are unverifiable. They may be overestimates, they may be underestimates, we don't know. The second reason why we feel, the first reason being we don't feel that the '72 to '79 landings, looking at it from today's point of view, are an appropriate resource to use to allocate the stock. The second reason has to do with the dissipation of the Delaware River pollution block.

In the sixties and seventies there was a 30-mile-long pollution block in the Delaware River that virtually precluded striped bass spawning from the Delaware River. You could reasonably ask, where did the landings that Delaware produced, where did they come from? Well, primarily through the C&D Canal, from transfers from Chesapeake Bay. There was relatively little reproduction in the Delaware River during that period of time, with the construction of five major sewage treatment plans in the Philadelphia area in the 1970s, and into the middle of 1980s. Gradually striped bass reproduction came back in the Delaware River, and the species was declared restored in '98.

What I'm saying is, Delaware fishermen never had the opportunity to fish on Delaware produced striped bass during the period of record, because there simply was very little production in the Delaware River during that period of record. Could their landings have been higher? I know that requires speculation, but my guess is yes, they could have been considerably higher during that period of record, had there been successful spawning.

CHAIR GARY: Thank you, Roy, I appreciate your personal history of exposure, and that's really very insightful, so I appreciate that. Let's go to Jason McNamee and then to Dennis Abbott. Dr. McNamee.

DR. JASON McNAMEE: Mr. Chair, what I would like to do here is offer a substitute motion if the time is appropriate to do that.

CHAIR GARY: Let me do this. I'll move that substitute. If you don't have any further comment I want to go to Dennis, and let him make his comment and then double back if that's okay. Would that work?

DR. McNAMEE: Perfectly fine, Mr. Chair, thank you.

CHAIR GARY: Thank you, Jason. Dennis.

MR. ABBOTT: Jason beat me to the punch, because I was going to do the same thing.

CHAIR GARY: You made it easy, Jason, go ahead.

DR. McNAMEE: Thank you, Dennis. I would like to offer a substitute motion here. What I would like to substitute is to move to postpone action on Addendum I, and task the Technical Committee with running two population projections. The first one would be one which assumes harvest of the entire ocean commercial quota from all states, and the second one would be one which assumes harvest of the ocean commercial quota from all states except New Jersey, and then parenthetical, since their quota is reallocated out of the commercial fishery.

The Technical Committee may use their expert judgment on the other needed assumptions for the projections, i.e., selectivity, to produce the most realistic output for consideration by the Board. If I get a second to that motion, I would be happy to provide my rationale behind that. Thank you, Mr. Chair.

CHAIR GARY: Do I have a second to the motion? Justin Davis. We have a motion by Dr. McNamee, second by Dr. Davis. Jason, do you want to go ahead and expand on this?

DR. McNAMEE: A couple of reasons for doing this. There was a lot of discussion about this in both the public comment and the Advisory Panel also made

mention of it, and then Steve Train also brought up a similar point. What this would do, is it would provide an answer to some of those comments, these comments about well, what would happen if the commercial quota was harvested?

Does it impact rebuilding? Does it have a meaningful impact on the stock? You know when I was reading those comments, we can answer that question with the model that we have in the projections that we run. You know they were really observant comments that were made, and I thought it would be helpful to the Board to actually have an answer, to kind of at least get some clarity on one of those things that people were bringing up.

In another manner, it seems people are uncomfortable with harvesting the commercial quota. I find that a little bit odd. I think if we are setting a commercial quota, we should be comfortable with harvesting that commercial quota. I'm not saying we should harvest the commercial quota. What I'm getting at is, this will give us an opportunity to kind of understand the commercial quota a little better in the context of the population.

If it's not an appropriate quota level we can have information and adjust it, if that's appropriate. We'll get a sense of whether or not this commercial quota is set at a reasonable level. Just a logistical one. It's my understanding that the Technical Committee is already working on some projections.

I am asking them for additional work, but at least I'm not pulling anyone off the bench, they're already out in the field playing ball. It's additional work, but hopefully not a huge burden on the Technical Committee, as they're already kind of working on some of this type of thing. Then finally, it will allow the Board to make a more informed decision when we take this back up, so I'll park it there, Mr. Chair, thank you for the time.

CHAIR GARY: Justin, would you like to add to that?

DR. DAVIS: I appreciate this motion from Dr. McNamee and support it. To me what's really clear is that the public here with this action, as with

Addendum VI as was Amendment 7, is just very concerned about the stock being rebuilt by 2029. You know in my view the public's voicing very reasonable concerns that increases in removals could affect the recovery timeline that we're on.

I think this work can inform that question, as to whether additional removals on the commercial side will materially impact the rebuilding plan. Thinking back to the November meeting, I wouldn't have been willing to consider additional removals on the recreational side, adjusting measures there without some information on what those changes would do to our rebuilding timeline.

I think here we're just asking for the same thing, given that we're considering additional removals on the commercial sideline to better understand how that might impact rebuilding. I think this is a really reasonable ask, and will hopefully allow us to make a more informed decision when we come back for final action at a later date.

CHAIR GARY: Chris Batsavage has his hand up, but I'm going to pivot to online, and do we have any hands raised there, Emilie? All right, I think we have Dave Sikorski online. Go ahead, Dave.

MR. DAVE SIKORSKI: I was originally raising my hand to be in the queue, to possibly substitute the original motion, and I'll park it for now, and just ask that you keep me on the list as things progress here. In looking at this motion, I'm against really the first sentence, or at least the first half of the first sentence in postponing action on this Addendum.

I'm in the reallocation camp. I think Roy made some really important comments about the history there. Ultimately, I think that is the right thing to do to properly provide access to this fishery. I'm in that camp once we're rebuilt. Obviously, that does push us down the timeline quite a bit, but I think that's the right thing to do, given everything we've been through, what the public is looking for.

Let me just clearly say that when I say rebuilt, I say rebuilt on the timeline and the goal we have in place, not moving that goal, something else the public has

long said. You know ultimately, I think this additional analysis would be helpful, so I'm supportive of that component. I would also hope that we could get a better picture of what F looked like through 2022.

Something I think is being viewed, possibly after the May meeting, based on November conversations, because I think that will give us a good picture of what's happening at the recreational fisheries that we know is difficult to constrain, and obviously (interference) are rebuilding the most. Generally speaking, I think we're in the margins here, as far as the potential value of this information, so that's just some comments at this point, and if I have an opportunity, I might just like possibly substitute down the road, so thank you.

CHAIR GARY: Thank you, Dave, I've noted you're interested in seeing how this plays out and a possible substitution. Chris Batsavage.

MR. CHRIS BATSAVAGE: Actually, Dave Sikorski's comment, actually the questions that I have about this motion is, would these population projections be based on 2022 catch, and if so, I guess a question to Emilie. This is I guess a reminder for us, it's through Wave 5, what does the 2022 recreational harvest look like compared to 2020 and 2021?

MS. FRANKE: Thanks for the question. To the first part about, would these projections proposed on the screen here use 2022 catch data. The plan as discussed in November; you know the Board expressed interest in evaluating 2022 removals as soon as possible. The initial plan is for the Technical Committee to meet in March, to take a look at the preliminary MRIP data, because at that time we'll still only have preliminary data.

We also in March will not have final 2022 commercial data. The TC for the May Striped Bass Board meeting can provide a preliminary analysis and potentially preliminary projections with 2022 catch data, perhaps incorporating these scenarios on the screen if this is something the Board wants. Then the TC could provide additional analysis at the August meeting once they have all the final 2022 data. Then as far as the preliminary 2022 MRIP data, as you

mentioned, we only have Waves 1 through 5. You know taking a quick look at those, but they are incomplete without Wave 6.

If we're comparing 2022, Waves 1 through 5 with 2021 Waves 1 through 5, recreational harvest increased, recreational live releases decreased. Overall, you did see, because of that increase on the harvest side, proportionately there is an increase in removals in 2022 relative to 2021, only for Waves 1 through 5. This is a preliminary comparison. We don't have Wave 6 yet. I'll again see if Dr. Drew has anything to add.

DR. DREW: Yes, that covers it, thanks, Emilie.

CHAIR GARY: Go ahead, Chris.

MR. BATSAVAGE: Thank you for that, Emilie. I guess the concern I have is, the catch that occurred in 2022 may kind of swamp out these projections, what we're looking at as far as the impacts to the commercial harvest, and put us in a different management situation when we look at the final numbers later this year. I guess with that, I don't know if I could support this motion right now.

CHAIR GARY: Dennis Abbott.

MR. ABBOTT: I came here today to vote for status quo, not entirely based on the public comments that we received in New Hampshire, but because I felt that the imposition of quota transfers would have some effect on the population. We just passed Amendment 7, where we made a commitment to rebuild the stock by 2029.

I can recall myself making a remark, probably 15 years ago that striped bass management was suffering from a thousand cuts, by making these little small changes. I agree with Jason's thoughts on going forward and looking at the commercial quota issue in its entirety, but I see that as a separate issue based on what the Addendum was asking us to do, which was to either approve status quo or four options.

I think that we should really go back to status quo, and then as an entirely new measure, and I think it's entirely justified in looking at the commercial allocations and everything surrounding it in the future. I appreciate Delaware's positions, but again, I think that based on what we sent out to the public, we should be voting on one of those five options that is in the document, and then further on, if we stick with status quo, then consider whether we want to move this forward at some point in time.

CHAIR GARY: Additional questions on the motion? Bob, we'll go to you, but John does have a question after that.

MR. CLARK: I didn't have a question; I had a comment.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a comment, I think, not a question, and not in favor or in opposition of this motion. But I think based on Emilie's comment where some analysis could be done on a preliminary data for the May meeting, but a more robust analysis could be done by August.

I think the Board should decide when they expect this report back from the TC if they go this route. Will there be adequate analysis by the May meeting to take action in May or is it in August? I think somehow, we need to clarify that before we vote, I would think, just so that there is common expectation of if and when this comes back up, how it would be in. It just seems like there are a couple options moving forward timing wise.

CHAIR GARY: That's right, John, you had a comment, correct?

MR. CLARK: Yes, are you taking comments now? I thank Jason for the thoughtful motion there, because to me it gets to one of the big questions here, which is for the Board just in general is how do we decide who gets the striped bass? I mean in our deliberations we're always trying to accommodate recreational.

To me it seems much more recreational than commercial right now, and I appreciate the effort of

the anglers who took the time to express their concerns about the quota transfers. But we've got to look at the big picture. As managers we want our fisheries to serve as many of our constituents as possible.

I mean, within the recreational sector we acknowledge we have a strictly recreational side of fishing, and we have a commercial side, and that is the for-hire side of recreational fishing. We hear from them, which is great. I mean they should be out here talking to us. But we don't really acknowledge it on the commercial side in addition to the commercial fisherman we have a market side of commercial fishing.

I'm not just talking about seafood market and restaurants, but to the huge numbers of the public that would like local seafood. I know in the Mid-Atlantic as we've brought up at every one of these meetings, when we've been requesting more quota, is that we have people that don't fish. But it's traditional seafood throughout the Mid-Atlantic to have striped bass. You know as I said, I just want this Board, what we were asking here, you know again less than 1 percent, if all of North Carolina's quota was transferred.

But we wouldn't be asking anywhere near that much. I mean I just want us to look at the big picture when we are considering this. If it's the Board's will to turn this into a strictly recreational species, that is a whole different conversation. But this idea that any change to the commercial quota is off limits.

I just think that is something that should be looked at by the Board over time here. I think what Jay's motion here makes clear is that we can take a look at this, and again, assess the impact of what we're actually asking. Again, Option D. The Board would have full discretion over transfers. It's a rather conservative motion, and we're not asking for a lot here. Just this idea that any change to the commercial fishery is going to be the end of striped bass, I think it's just not productive. I think we really do have to look at this from the big picture, as to who are we managing this for? Are we managing it for our entire public, or just for one sector of our public?

CHAIR GARY: In deference to some commissioners that haven't spoken yet, I would like to shift to them. We have Cheri Patterson online, and then we're going to go to Bill Hyatt and then Tom Fote, and then back to Dennis. We hopefully get close to wrapping up, so Cheri.

MS. CHERI PATTERSON: I just have a question with this substitute. What is the intent behind it, and is the intent to change? If we get answers to this, and we might want to consider a change to the Addendum? I guess I'm not quite sure why the substitute, when this can happen with the first motion, in the sense that it would be up to the Board to determine whether to move quota. We can have these answers associated to whether the Board would make that decision. I guess I'm wondering why, in reality, this motion is going to change any decision from the first motion.

CHAIR GARY: Jason, do you have a response?

DR. McNAMEE: Yes, thank you, Mr. Chair, and thank you, Cheri. I think it's a really good question. To clarify, my intent was not to change the Addendum at all. What I noticed in kind of reviewing the materials was this piece of it, it was a question, this question kept coming up. Our job as managers is to look at this, kind of weigh the evidence and make a decision.

But questions aren't evidence, and so I thought there was an opportunity, and so often we don't have an opportunity like questions are kind of rhetorical and we can't answer them. But here is one we can. I saw value in answering the questions about what happens if we run the projections with the commercial quota being harvested, and what is the impact? That was my intent, it just generates additional information with which we can make our final decision, not to change the Addendum.

CHAIR GARY: Thanks, Jason. Cheri, does that help?

MS. PATTERSON: Yes, it does. Thank you very much.

CHAIR GARY: All right we'll go to Bill Hyatt and then Tom Fote and Dennis Abbott, and hoping to wrap up at that point.

MR. WILLIAM HYATT: I just wanted to make a comment in response to what Bob Beal said, and in response to what Emilie said regarding the 2022 harvest data that we have so far. Bob was talking about the need regards to this substitute motion to put a timeframe on it. Is this something we're shooting for to decide in May, or is it something that we're shooting for in August?

In reaction to what Emilie was saying relative to the appearance of a higher recreational harvest in 2022, I would suggest that the answer to the question Bob was asking is that the timeframe for this should be at such time as the full confidence that the 2022 data can be worked in in its entirety. I don't know exactly the best way to go about doing that to a motion that was made to postpone indefinitely, which technically can't be amended. But I'll just throw that out there as a suggestion.

CHAIR GARY: We're now going to go to Tom Fote. Tom, the floor is yours.

MR. THOMAS P. FOTE: I was listening to discussion, and I will agree with Cheri. We don't really need this motion at all. This could be done after we basically deal with the Addendum. I don't think that's going to change the opinion of other people as we go down the line. It's going to be a decision whether we allow transfers or not have transfers. I can't support this motion. (Muffled) I think to deal with the question, now if we approved any of these, someone would, unless this is a motion to basically react upon what we're going to do. We really shouldn't try because we're just dragging this along.

CHAIR GARY: Tom, I'm really sorry. But I'm not sure what the technical difficulty was. We really couldn't hear you very clearly, it was garbled. I don't know if you need to separate, provide some distance from your microphone. Maybe we could try one more time, just maybe back away from the microphone a little bit. We just didn't quite hear you.

MR. FOTE: I'm away from home, so I didn't bring my extra microphones with me, so I'm using the microphone on the computer. Can you hear me now?

CHAIR GARY: It's really difficult, Tom, I guess we have to move on. I'm sorry, Tom, we just can't hear you. We're trying.

MS. TONI KERNS: Tom, if you can dial in, that might be better if you use your telephone instead of your computer.

CHAIR GARY: Tom, if you can do that, we're going to go ahead with two other speakers and we'll reserve your spot if you can dial in. Okay, Dennis Abbot, and Craig Pugh has indicated he would like to talk, because he is a Delaware Commercial fisherman, I'm going to honor that. We'll go Dennis, Craig, and then we'll save Tom's spot if he can get on through the telephone.

MR. ABBOTT: A question for you, Marty. Assuming we go ahead and do what Jason is suggesting, which is not a bad idea on all hands. Then after we get whatever information is derived from that action, do we propose that we're going to have to go back out to public hearings, so the public can weigh in on whatever new information has been provided, or are we going to come back as a Board and make a vote? It just seems unclear to me. Are we going to be voting on the same five options based on some additional information? Is that what we're going to do, and is that where we should be going?

CHAIR GARY: Emilie, is that something we can address?

MS. FRANKE: I'll start and then I'll perhaps turn it over to Bob. Yes, if this motion to substitute were to pass and the main motion as substituted, if this motion were to pass, the Board would postpone any vote on which option to choose. The TC would conduct these projections, and would come back to the Board with that report on the projections. We would not need to take this out for public comment. The Board would be going back and looking at the

same set of five options, having this new TC report in hand. I'll turn it over to Bob.

EXECUTIVE DIRECTOR BEAL: Generally, we don't, if there is a technical clarification, which this is to some degree, we usually don't go back out to public hearings. The same five options will be available to the Board if this sort of pass and they get back together and vote again. I would think not.

But the Board always has the prerogative to go back out for another round of hearings if they feel there is significant new information. I mean I think this is really clarifying a number of questions that the public brought up during the public hearings, so it's providing that information to the Board that the public didn't have.

I don't think the public's perspective really would change that much; I think it just provides the additional background for the Board to better understand where the public's concerns came in. I would suggest you probably don't need to go back out for public hearings.

CHAIR GARY: Thank you, Dennis, thank you Bob and Emilie. Dennis, did you have a follow up to that? Okay, thank you. Did we get Tom back online by any chance? We're close. I'm going to give Craig Pugh the last opportunity. Eric Reid hasn't said a word in this meeting and he asked to talk, so I'm going to power up to take the microphone next. You always have a good chance to break log jams, Eric, so maybe you can move us forward here.

MR. CRAIG PUGH: Thank you, Mr. Chair, I appreciate the opportunity to speak. Yes, I happen to be one of the commercial fishermen involved in the state of Delaware, and I've represented a lot of those people, not only the people that are fishermen, but the people that live here in our state.

For some it seems as though postponing or status quo is okay. Now don't get me wrong, I'm kind of interested in seeing what Dr. McNamee has provided here. I think it does answer a lot of questions. I do support that. But to think that this is something that just came up two days ago is way wrong.

This has been a disparaging quota that we've received in the state of Delaware for nearly 35 years. We have tried to work with this year after year, multiple years of waiting, and trying to deal with things and other excuses, more excuses, more excuses about waiting to move forward with this, so that maybe hopefully we could acquire a regional quota that would be acceptable and marketable for a state.

As it is now, we are a miniscule part of the coastal quota, and we represent a miniscule part of the marketability for our people, and our fishery is alive with the fish. I often hear dire things about striped bass, which we do not recognize. It's not necessarily what that would be an untruth told to us here in this state.

We would like to move forward in some fashion, I am also, as Mr. Sikorski said, I am also in the reallocation camp. But why we must wait to get a fair shake here, I don't understand. We've waited and waited; we've argued and argued. We've been through excuse after excuse. I need some help. Our people here need some help. We have the fish. I hear a lot of talk about climate change and fisheries moving northward, and I think you know black sea bass kind of goes along with that, maybe menhaden too.

This is a tool in the tool box just like the other fisheries. It will help us to a small amount, but the true thing is that it must be done as a reallocation, but not something that we're going to wait for another 20 years. We've watched two generations, now our children are moving into this type of fishery. They're kind of wondering, what can the ASMFC really do for us? If you've been this long with this disparaging quota, how much longer will this last? From what I hear today, it sounds like another 20 years.

We're listening to Mr. Abbott; he wants to postpone or stay status quo. We don't want to do that. We came here to work with the other states, and this is a true issue. It's been an issue for a long period, and we would like to move through that if we could, and then hopefully move through the other states bigger

issues. Understanding is what we need here, not cancellation.

CHAIR GARY: Thank you, Craig for your patience and your words. Appreciate it. We're down to two comments, we'll go to Eric Reid and we'll try Tom Fote one more time.

MR. ERIC REID: Thank you, Mr. Chairman, I'll try to be brief. I support Mr. Clark's original motion, but I would prefer Mr. McNamee's motion, because I think if Mr. McNamee's would fail then we would be faced with status quo, generally speaking, and I don't think that's the way to go, I'll support Mr. McNamee's motion, because I think that's the smart way to go.

But my question really is, you know it was said earlier that a pound of transfer from one state of commercial quota to another state is not necessarily equal, right? My real concern is, in my mind, a pound of commercial quota to the recreational fishery is not equal either. We've got 215,000 pounds of quota from New Jersey that is transferred to the recreational fishery.

The commercial quota is well controlled and it has a low discard rate. The recreational fishery is an open access fishery, and that has a very high discard rate, so I would like to understand what that is, because the commercial fishery is really negligible in this whole equation, and it's just to me, if I could better understand that it would be a slam dunk to me to not worry about it and do the transfers. Thank you, Mr. Chairman.

CHAIR GARY: Thank you, Eric, did Tom get through on the phone? We don't have him. Okay, we'll go ahead and call the question. Justin.

DR. DAVIS: I'm just wondering, returning back to Bill's comment, whether it would be good before we vote on this to have some clarification on when we're going to come back and reconsider this, and then how we go about doing that, whether we need to modify the motion or just sort of have an understanding of when the Technical Committee is going to provide the report.

MS. FRANKE: I would turn to Bob and Toni. Would it just be the maker of the motion could modify their motion to include timing at this point, or we need to modify the motion?

MS. KERNS: There is an agreement at the table. We know when we're coming back, that's fine.

MS. FRANKE: To clarify, Justin did you have?

DR. DAVIS: If there has been an agreement as to when we're coming back, when is that?

MS. FRANKE: We don't have an agreement yet, so I would, Jason if you had a recommendation on timing, when you would like the Board to reconsider this action, either at the May meeting with preliminary analysis or at the August meeting with final data analysis?

DR. McNAMEE: Yes, thanks. It's funny, I totally thought about this, and what I was trying to avoid at the time was kind of boxing the Technical Committee in. I didn't know how long it would take them. I'm getting the sense that they're sort of working on this. It could be in front of us in May, and that would be my preference. If we could set it to have that information back in front of us in May, I think that would be great.

CHAIR GARY: Thanks, Jason, do we need to modify?

MS. KERNS: As long as the Board agrees that Jay, are you asking that we include the preliminary 2022 recreational data in this projection or not? That we need to know. We will not have 2022 commercial data in May, well in time to bring you something for the May meeting, and we would only have the Wave 1 through 5 as preliminary for MRIP, we would not have final numbers in time.

MS. FRANKE: We would have Wave 6 preliminary as well.

MS. KERNS: Sorry.

DR. McNAMEE: Just making sure that was where we're at. You know preliminary is totally fine with

me. I think even the idea here, even in the complete absence of the actual commercial harvest. We know what the quotas are, and so we can run the projections with that. That part is dispensed with, with regard to the recreational information, yes.

If we have the first five waves, we need to make some sort of projection. In the end the interest, I mean there is interest in the recreational data, but seeing the effect of the commercial data is the real intent of this. I'm fine with May and having it be preliminary, at least elements of it.

CHAIR GARY: Dr. Davis. Just as seconder of the motion, are you okay with the decision with preliminary data for May?

DR. DAVIS: To come back in May, yes.

CHAIR GARY: All right, we'll go ahead and call the question. I might ask the Board, is a two-minute caucus sufficient? I see nods, we'll have a two-minute caucus. **All right, we'll go ahead and call the question on the substitute motion. Motion to substitute, all those in favor please raise your hand. Hold your hands, lower your hands. All those opposed raise your hands. The motion passes 13 to 3. Is that all? Is everyone accounted for? It was 13-3. Motion passes 13-3, it now becomes the Main Motion.**

MS. FRANKE: There was a question of who voted against the motion, Massachusetts, Potomac River Fisheries Commission and North Carolina.

CHAIR GARY: All right so the substitute becomes the Main Motion, is there a need for a caucus. I don't see any heads nodding, so we're going to go ahead and call the question. **All in favor please raise your hands. Lower your hands. All those opposed raise your hands. The motion passes 15-1. All right so we've gotten through that.**

The motion has passed, so we've got our options, so this has been postponement, correct, to the May meeting. Then, I guess at this point staff will present information ahead of time, so we can be prepared for that discussion at the May meeting. Are there

any questions following the vote with procedure, any process going forward? It seems to be straightforward. Dave Sikorski.

MR. SIKORSKI: I would just like to say that that happened rather quickly, and while I missed the opportunity to substitute, that is what I came here to do today. I'll call it a difficulty of being here on the webinar instead of being in the room, but such is life. I look forward to the next meeting, thank you.

ADJOURNMENT

CHAIR GARY: Thanks, Dave. The next step is going to be any other New Business to bring before this Board. Is there any? Seeing none let's take a motion to adjourn. Justin Davis, second by Ray Kane. Stripe Bass Board is adjourned, thank you.

(Whereupon the meeting adjourned at 4:45 p.m. on
Tuesday, January 31, 2023)