

# Atlantic States Marine Fisheries Commission

## Atlantic Striped Bass Management Board

*May 1, 2018  
1:15 – 2:45 p.m.  
Arlington, Virginia*

### Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*M. Armstrong*) 1:15 p.m.
2. Board Consent 1:15 p.m.
  - Approval of Agenda
  - Approval of Proceedings from February 2018
3. Public Comment 1:20 p.m.
4. Provide Guidance to Stock Assessment Subcommittee Regarding Biological Reference Point Development for the 2018 Benchmark Stock Assessment **Final Action** 1:30 p.m.
  - Board Guidance Work Group Report (*M. Appelman*)
  - Advisory Panel Report (*M. Appelman*)
  - Provide Guidance to Stock Assessment Subcommittee (*M. Armstrong*)
5. 2018 Benchmark Stock Assessment Progress Update (*K. Drew*) 2:40 p.m.
6. Other Business/Adjourn 2:45 p.m.

The meeting will be held at the Westin Crystal City, 1800 S. Eads Street, Arlington, Virginia; 703.486.1111

**MEETING OVERVIEW**  
**Atlantic Striped Bass Management Board Meeting**

**May 1, 2018**  
**1:15 – 2:45 p.m.**  
**Arlington, Virginia**

Chair: Mike Armstrong (MA) Assumed Chairmanship: 02/18	Technical Committee Chair: Nicole Lengyel (RI)	Law Enforcement Committee Rep: Kurt Blanchard (RI)
Vice Chair: Vacant	Advisory Panel Chair: Louis Bassano (NJ)	Previous Board Meeting: February 7, 2018
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, NMFS, USFWS (16 votes)		

**2. Board Consent**

- Approval of Agenda
- Approval of Proceedings from February 2018

**3. Public Comment** – At the beginning of the meeting, public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

<b>4. Provide Guidance to Stock Assessment Subcommittee Regarding Biological Reference Point Development for the 2018 Benchmark Stock Assessment (1:30 p.m. – 2:40 p.m.) Final Action</b>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• In October 2017, the Stock Assessment Subcommittee requested guidance from the Board regarding the development of biological reference points (BRP) that best meet the objectives of the FMP. The Board decided to establish a work group (Guidance WG) to develop guidance recommendations for Board consideration.</li> <li>• The Guidance WG developed and distributed a survey to the Board and Advisory Panel to solicit the necessary feedback from all members regarding what they value most from the striped bass resource and fishery, and regarding overall satisfaction with the status of the stock and management under Amendment 6.</li> <li>• The Guidance WG reviewed survey results and developed BRP guidance recommendations for Board consideration (<b>Board Materials</b>).</li> <li>• The Advisory Panel also reviewed survey results and the WG’s draft BRP recommendations, and developed its recommendations for Board consideration as well (<b>Supplemental Materials</b>).</li> </ul> <p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Board Guidance WG Report M. Appelman</li> </ul>

<ul style="list-style-type: none"><li>• Advisory Panel Report by M. Appelman</li></ul>
<b>Board Actions for Consideration</b> <ul style="list-style-type: none"><li>• Provide Guidance to Stock Assessment Subcommittee Regarding BRP Development</li></ul>

<b>5. 2018 Benchmark Stock Assessment Progress Update (2:40 p.m. – 2:45 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"><li>• A benchmark stock assessment is currently underway and schedule for peer review in November 2018 at the 66<sup>th</sup> SAW/SARC.</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• Benchmark Stock Assessment Progress Update by K. Drew</li></ul>

## 6. Other Business/Adjourn

## Atlantic Striped Bass

### Activity level: High

**Committee Overlap Score:** Medium (TC/SAS/TSC overlaps with BERP, Atlantic menhaden, American eel, horseshoe crab, shad/river herring)

#### Committee Task List

- TC – June 15<sup>th</sup>: Annual compliance reports due
- TC/SASC/TSC – All Year: benchmark stock assessment
  - May 2018: Modeling Workshop I
  - May 2018: Updated data submission for Assessment through 2017
  - July/Aug. 2018: Modeling Workshop II
  - Sept. 2018: Final SASC call/webinar to approve stock status determination
  - 1st week of Oct. 2018: All Draft Report components due to staff
  - 2nd week of Nov. 2018: Assessment Report due to external peer-review panel
  - Nov. 27-30, 2018: Peer review (SAW/SARC 66)

**TC Members:** Nicole Lengyel (RI, TC Chair), Kevin Sullivan (NH, Vice Chair), Alex Aspinwall (VA), Alexei Sharov (MD), Carol Hoffman (NY), Charlton Godwin (NC), Edward Hale (DE), Ellen Cosby (PRFC), Gail Wippelhauser (ME), Gary Nelson (MA), Heather Corbett (NJ), Jeremy McCargo (NC), Kurt Gottschall (CT), Luke Lyon (DC), Michael Kaufmann (PA), Peter Schuhmann (UNCW), Winnie Ryan, Gary Shepherd (NMFS), Steve Minkinen (USFWS), Wilson Laney (USFWS), Katie Drew (ASMFC), Max Appelman (ASMFC)

**SAS Members:** Edward Hale (DE, Chair), Gary Nelson (MA, Vice Chair), Alexei Sharov (MD), Hank Liao (ODU), Justin Davis (CT), Michael Celestino (NJ), John Sweka (USFWS), Gary Shepherd (NMFS), Katie Drew (ASMFC), Max Appelman (ASMFC)

**Tagging Subcommittee (TSC) Members:** Stuart Welsh (WVU, Chair), Heather Corbett (NJ, Vice Chair), Angela Giuliano (MD), Beth Versak (MD), Chris Bonzak (VIMS), Edward Hale (DE), Gary Nelson (MA), Ian Park (DE), Jessica Best (NY), Carol Hoffman (NY), Gary Shepherd (NMFS), Josh Newhard (USFWS), Wilson Laney (USFWS), Katie Drew (ASMFC), Max Appelman (ASMFC)

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

**The Westin Crystal City**  
Arlington, Virginia  
**February 7, 2018**

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.  
The Board will review the minutes during its next meeting.

TABLE OF CONTENTS

Call to Order, Chairman Michael Armstrong .....	1
Approval of Agenda .....	1
Approval of Proceedings October 2017 .....	1
Public Comment .....	1
Review and Consider the Maryland Conservation Equivalency Proposal .....	1
Proposal Overview .....	2
Technical Committee Report.....	3
Law Enforcement Committee Report.....	7
Advisory Panel Report .....	8
Consider Maryland Conservation Equivalency Proposal .....	9
2018 Benchmark Stock Assessment Progress Update .....	25
Adjournment.....	25

## INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of October 2017** by consent (Page 1).
3. **Move to approve Option B, in Maryland's conservation equivalency proposal for its summer/fall recreational striped bass fishery in the Chesapeake Bay. Season, May 16 to December 15. Size and bag, 2 fish at 19 inch minimum, with only 1 fish allowed greater than 28 inches. Non-offset circle hooks required when fishing with bait, non-artificial lures. Additionally, Maryland will collect enforcement, compliance and other relevant information during 2018, and will report back to the Board with a conservation equivalency effectiveness review in February, 2019 (Page 15). Motion by Mike Luisi; second by John Clark. Motion carried (Page 25).**
4. **Move to adjourn** by consent (Page 25).

## ATTENDANCE

### Board Members

Patrick Keliher, ME (AA)	Loren Lustig, PA (GA)
Steve Train, ME (GA)	John Clark, DE, proxy for D. Saveikis (AA)
G. Ritchie White, NH (GA)	Roy Miller, DE (GA)
Doug Grout, NH (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Rachel Dean, MD (GA)
Mike Armstrong, MA, Chair	<del>David Blazer, MD (AA)</del>
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Mike Luisi, MD, Administrative proxy
David Borden, RI (GA)	Rob O'Reilly, VA, proxy for John Bull (AA)
Jay McNamee, RI (AA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Catherine Davenport, VA (GA)
Mark Alexander, CT (AA)	<del>Steve Murphey, NC (AA)</del>
Matt Gates, CT, proxy for Sen. Miner (LA)	Michelle Duval, NC, Administrative proxy
James Gilmore, NY (AA)	Doug Brady, NC (GA)
Emerson Hasbrouck, NY (GA)	David Bush, NC, proxy for Rep. Steinburg (LA)
John McMurray, NY, proxy for Sen. Boyle (LA)	Bryan King, DC
Heather Corbett, NJ, proxy for L. Hightower (AA)	Martin Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Derek Orner, NMFS
Andrew Shiels, PA, proxy for J. Arway (AA)	Sherry White, USFWS

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

### Ex-Officio Members

Nicole Lengyel, Technical Committee Chair

### Staff

Robert Beal	Jessica Kuesel
Toni Kerns	Mark Robson
Katie Drew	Megan Ware
Max Appelman	

### Guests

Bob Ballou, RI DEM	Wilson Laney, US FWS
Chris Batsavage, NC DMF	Arnold Leo, E. Hampton, NY
Mark Bolton, ND DMR	Dan McKiernan, MA DMF
Jeff Brust, NJ DFW	Robert Newberry, DelMarVa Fishermen Assn.
Jeff Deem, VMRC	Kelly Place, VA
Greg DiDomenico, GSSA	Gray Rodding, DC
Lynn Fegley, MD DNR	Jack Travelstead, CCA
Angela Giuliano, MD DNR	Beth Versak, MD DNR
David Gouveia, NOAA	Chris Wright, NMFS
Ken Hastings, Mason Springs Cons.	



The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday February 7, 2018, and was called to order at 3:00 o'clock p.m. by Chairman Michael Armstrong.

#### **CALL TO ORDER**

CHAIRMAN MICHAEL ARMSTRONG: Good afternoon. I would like to adjourn the Striped Bass Management Board. I am Mike Armstrong, your new Chair. Thank you for that great honor for the next two years. You may want to hold that applause; for I'd say two years or so. Did I just adjourn it? That's awesome. We're all done; thank you.

#### **APPROVAL OF AGENDA**

CHAIRMAN ARMSTRONG: All right, first order of business, the approval of the agenda. Are there any additions, revisions, seeing none?

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN ARMSTRONG: Moving on to approve the proceedings from October, 2017; changes, comments okay that is approved unanimously.

#### **PUBLIC COMMENT**

CHAIRMAN ARMSTRONG: It brings us to public comment. I have a couple people on the list. Anyone else who would like to provide public comment can; even though you're not on the list, concerning a topic that we're not discussing today but concerning striped bass. Could I have Ken Hastings?

MR. KEN HASTINGS: Good afternoon, my name is Ken Hastings; I'm a recreational fisherman from Maryland. I noticed in looking over the agendas for this meeting this week that the Policy Board tomorrow is going to discuss some interesting topics relative to uncertainty; and specifically for recreational fishing harvest. I've always been amazed, and sometimes somewhat frustrated at the casual way, in my view that uncertainty has been handled by this Commission when talking about striped bass.

At one point I remember a staffer saying that in this business even the uncertainty was uncertain. I took that home with me and slept on it for a while; and it never got any better. But I'm happy to see that the Commission, in filling out this survey for the Policy Board, is highlighting these problems. I'm looking forward to less uncertainty in the future relative to striped bass. Thank you.

CHAIRMAN ARMSTRONG: Thank you for those comments. I look forward to a good meeting tomorrow on uncertainty. Next we have Captain Robert Newberry.

CAPTAIN ROBERT NEWBERRY: Mr. Chairman thank you, Captain Robert Newberry, Chairman DelMarVa Fisheries Association. I have a comment that is kind of based around a question. Four years ago we went into a situation where we took a 20 percent reduction on our commercial fishery; and also the equivalence on our recreational. We were told by our department at that time, and other individuals that we would be getting this back after two years. The question and the comment, I said I think it's about time we got those back and can anybody answer me on the Commission when we might possibly get the 20 percent return and back to our initial size of the fish?

CHAIRMAN ARMSTRONG: Nicole could you address or Max? We have Amendment 4 in place and that will continue until it's changed.

MR. MAX APPELMAN: Addendum IV will remain in place until further action is taken.

CAPTAIN NEWBERRY: That will be set by when they do the stock assessment, correct?

MR. APPELMAN: That seems to be the current timeline.

CAPTAIN NEWBERRY: All right, thank you.

#### **REVIEW AND CONSIDER THE MARYLAND CONSERVATION EQUIVALENCY PROPOSAL**

CHAIRMAN ARMSTRONG: Okay, which brings

us to Agenda Item 4; to Review and Consider the Maryland Conservation Equivalency Proposal/Overview.

This will be a final action item. I would first like to have Mike speak to the proposal; tell us why and the details, okay Mike.

### PROPOSAL OVERVIEW

MR. MICHAEL LUISI: I have the feeling I'm going to have to get awfully comfortable behind the microphone here over the next hour. But I do appreciate the opportunity to address the Board kind of outside the standard; which would be that the Technical Committee, the AP, the LEC report out to us.

The reason why I asked to do that and worked with staff on presenting to you in this way, was that I really wanted to emphasize to all of you that the proposal that we've put together that we're going to take a look at and hopefully make a decision on by the end of the day. It's a proposal that addresses a really serious problem that we have in our state right now; which is mortality and waste that is associated with discards.

This is even exacerbated to some degree through the summertime, fall/summer fishery, when anglers are using bait, chumming and live-lining, and in some cases even what we're seeing is that there is an increased use of treble hooks in order to catch fish. As we all know it's even worse than a J hook, as far as gut hooking the fish.

You know the number of released fish we had in our state sharply increased as a result of the changes that we made when we implemented within the recreational fishery Addendum IV. We increased the size limit from 18 to 20 inches; and kind of left everything else on the table, as far as the consistency that we had for many, many years.

After our attempt, we discussed with the Board and we had initial approval of Addendum V; which would have offered for liberalization to all states, both commercial and recreational.

There was a 10 percent liberalization being discussed. That didn't go anywhere. That is what puts us here today.

One of the things I wanted to bring to everybody's attention was that this is not Maryland's, it is not our interest to continue on the path of Addendum V; which we would see as a liberalization, an additional mortality on top of what we currently have in place. This is a conservation equivalency proposal. We made a commitment to our stakeholders to address this ongoing and really severe problem that we have; and this proposal I think gets us to that. Now, as with everything that we do, things change. Ideas that are generated throughout the process alter the path that you may have started down. To clarify for simplicity, Max has put together what we had presented to the Technical Committee; as far as all of the different options that we're exploring with our stakeholders.

What you see before you on the board addresses what our current status quo is. Current status quo is a May 16 to December 20th season, with a two-fish-bag limit and a minimum of 20 inches, with only one fish being greater than 28. We are proposing to get the minimum size down to 19; and we explored a number, this is only a portion of what we explored, regarding different ways we could try to address this problem of mortality.

The idea here was that we would have a minimum size of 19 inches for some portion of the year; and then revert back to the 20 inches. Everything with the exception of the first option did just that. We would have both a 19 and a 20 inch limit for different portions of the year. Through our discussions with stakeholders, we were getting advice that closing the month of December was not a viable alternative for us.

Not only that; but we made a commitment when we began this process, not to bring before the Board options that increased total removals. If you look at the last two or three options there at the bottom of the table. Under the different percent removals, those options

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would increase the total removals by between 2 and 6 percent.

We didn't believe those to be something that we wanted to have that conversation with the Board. Max, can you go to the next slide? We have removed those from any additional consideration. That leads me to the last two options which have the December closure. In communications with our stakeholders, both private anglers and charterboat captains, those are not going to work for us either.

That takes us down to one remaining viable option; and I wanted to bring this before you at this time, so that we don't get wrapped up and confused in all the other options in the proposal, when we begin the conversation after the reports. Max, I don't know if you have one last slide. This last slide would be what it would be.

This is the option that we were pursuing; and we're looking for the Board's support. We can talk about the details of it a little bit later, but Mr. Chairman again; thank you for allowing me, there has been a lot going on a lot of conversations and discussion over this. I wanted to bring everybody up to speed on where Maryland currently stands; and what the expectation for the rest of the meeting would be, as far as what options we would be looking to approve.

#### **TECHNICAL COMMITTEE REPORT**

CHAIRMAN ARMSTRONG: I think we'll go to the Technical Committee review; so all these options were submitted to the Technical Committee. What I'm going to have them do is review the general way they looked at all of them; in case there are options to mix and match things that is not on the table for the Maryland proposal, just so we know what we're dealing with.

MS. NICOLE LENGYEL: Today I'll be presenting the TC report on the conservation equivalency proposal submitted by Maryland that was just reviewed briefly for their 2018 recreational management measures. I'm going to start off

by briefly touching on the conservation equivalency language that is contained in Addendum IV. Then I'll touch briefly on the Maryland proposal, but we just got a really nice overview of that so I won't spend too much time on it. Finally, I'll review the comments provided by the Technical Committee. The language written in Addendum IV that pertains to conservation equivalency states Amendment 6, Section 4.6 allows for states to submit alternative regulations that are conservationally equivalent to regulations approved in this document for Board review and approval.

However, Addendum IV did not approve a set of regulations for the Chesapeake Bay. Addendum IV specifically states the Chesapeake Bay jurisdictions will submit a management program that achieves at least a 20.5 percent reduction from 2012 harvest; including estimated dead discards in the Chesapeake Bay recreational fishery for Technical Committee review and Board approval.

As a result, the Technical Committee had some difficulty as it was unclear to the TC how to interpret conservation equivalency under Addendum IV. The Maryland conservation equivalency proposal puts forward a number of alternative management measures to be implemented in 2018; with the primary goal of reducing dead discards.

All options propose a reduced size limit of 19 inches during all or part of the summer and fall months. By reducing the minimum size from 20 inches to 19 inches during that time, direct harvest will increase but dead discards would decrease. The estimated change in total removals relative to current levels ranges from a 1 percent decrease to a 6 percent increase.

The TC had several comments on the proposal. In general the TC concluded that the data sources and methodologies used in the proposal are appropriate; with the exception of Option B that includes the mandatory use of circle hooks. The TC supports the implementation of circle hook requirements to improve post release survival rates; but does

not endorse such requirements for conservation equivalency proposals at this time, due to uncertainty in realized mortality reductions, due to angler response and other variables such as challenges of enforceability.

The proposal demonstrates that the proposed measures, excluding Option B, may have minimal impact on total removals relative to current regulations. However, the typical caveats regarding size limit analysis would still apply here; such as angler behavior changes and population size structure changes.

The 2011 year class has also been a factor in recent years; and the 2014 year class will also likely be a factor in the coming years. Some additional comments from the TC are that the proposal did not follow all of the CE criteria set by the Technical Committee; as outlined in the two memos supplied. Specifically, a longer time series of data was used, 2000 to 2014, this did not include the most recent three years. Additional info is also needed on the specific type of circle hook that would be required; and which anglers the circle hook provision would apply to.

Although the proposal did not have a specific analysis to demonstrate a 20.5 percent reduction relative to 2012, implementation of Options A, G, and H are likely to result in minimal change from current levels, thus being conservationally equivalent to current regulations, but not the measures stipulated in Addendum IV. Interpretation of whether this proposal meets the letter or spirit of the conservation equivalency policy is a decision for the Board. With that I'll take any questions.

CHAIRMAN ARMSTRONG: Are there any questions for Nicole? John.

MR. JOHN G. McMURRAY: I don't know if this is a question for Nicole or Mike. But could we put the slide up with Option B? The circle hook requirement Option B, assuming a 9 percent discard mortality rate. There is no increase in removals. But under 27 percent it says not applicable.

I would just assume that the discard rate is higher; which there is reason to believe that it is, given where that fishery occurs and the gear that's used. Would we expect to see a negative value there? I'm wondering why it's left out; and I have a second question after that one is answered.

MS. LENGYEL: That specific option was left out because they didn't provide the analysis in the proposal on it.

CHAIRMAN ARMSTRONG: Mike.

MR. LUISI: You are correct, John in that if we were to run the same analysis under a 27 percent mortality it would have been a negative number. Going into this analysis we had some uncertainty about what the Technical Committee, how they would view the 27 percent based on the information that we used to generate that value in the analysis.

Knowing that there would be a greater level of support for the 9 percent; given that it's the standard in the assessment, we left it where it is. But I think we can all look at that and understand that the savings could be much greater if, and I'm saying that we know for certain that the mortality is higher in certain times of the year.

CHAIRMAN ARMSTRONG: John.

MR. McMURRAY: Thanks for that answer, Mike. My second question was about the time series used; because that was flagged in the presentation. Was there a reason more recent years weren't used?

MR. LUISI: We used the 14 year time series, given that for all 14 years we had consistent regulations. The analysis was a little different from the standard, let's take a look at the last three years and try to project forward. We used an analysis that looked back in time. What we basically said was had we had a 20 inch limit during all of those years; what would the projected discards and harvest have been.

Then we went back from there, in order to get us close to that equivalency. It was just a different technique.

CHAIRMAN ARMSTRONG: David.

MR. DAVID V. BORDEN: Just to kind of follow up on that question. I was going to ask that as my first question. But the second question is if the analysis were rerun with the Addendum IV timeline in it, how does that change the result?

MS. LENGYEL: We were not provided with the analysis; so we can't comment on that. I don't believe that Maryland has supplied that.

CHAIRMAN ARMSTRONG: Mike.

MR. LUISI: I didn't do the analysis; but thinking about the data used. We did an averaging over those 14 years to account for the variability in change that would have resulted from length frequencies for each year. What more or less fish would have been available to us had our rules been different during those 14 years. The averaging accounted for all that variability. I would expect that had we only used a couple years there would have just been more error in the estimate that would have come forth. But that was not something we explored.

CHAIRMAN ARMSTRONG: Yes.

MR. ANDY SHIELDS: I believe what I read in Maryland's proposal that talked about the 2015 year class being the one that's really strong; and that's going to be coming on. But in the slide I think it was pointed out it was the 2014 year class. Can you confirm if that is accurate?

MS. LENGYEL: It was 2015 was a high year recruitment, and so that translates into a 2014 year class.

CHAIRMAN ARMSTRONG: Doug and then Ritchie.

MR. DOUGLAS E. GROUT: Mike, we had some conversations that I wanted to bring forward to the Board and ask you these questions. In the

mandatory circle hook proposal, the analysis said that you made certain assumptions which are not specified in the proposals. I was wondering if you could provide answers to these two questions. In the assumptions what was the percentage of recreational anglers and charter boat anglers that you assume are using bait versus other type of terminal tackle?

You've had the circle hook study that you implemented, and had some very good analysis done about the benefits of circle hooks, what 15 or more years ago. I know up on your website you've certainly been encouraging the use of circle hooks. My question is, do you have or could you get a feel of how many people are already using circle hooks in Maryland, and if that was part of the assumption?

MR. LUISI: Thanks for the questions, Doug. The answer to your first question, we use a 75 to 25 percent ratio during the Wave 3 and 4 periods for bait versus the artificial. I apologize, but I'm looking out to folks from my staff in the audience that is helping me with this one. The second, so you're talking more about a baseline of what we're starting with, as far as circle hook use. That is not something that we were able to estimate. It was not part of this equation.

MR. GROUT: You assumed that nobody was using circle hooks at all in the analysis.

MR. LUISI: I don't think that would have been a fair assumption. We know that circle hook use is happening. We're trying to characterize the increase in use through our determination of that ratio. We took a look at how we would maximize the use up to a 75 percent use during that time. That's assuming 100 percent bait users are using circle hooks. There are other people who don't use bait, they're using artificial throughout all times of the year.

CHAIRMAN ARMSTRONG: Go ahead, Doug.

MR. GROUT: What I'm asking, in the analysis you assumed that 75 percent of the people were using bait. There is a mortality associated with that; as long as they're not using circle

hooks. But in the analysis, did you assume that of all the people who are using bait were any of those using circle hooks? Without having a figure there I would have to assume that you just assumed that everybody was using J hooks or treble hooks or whatever.

MR. LUISI: That would be right.

CHAIRMAN ARMSTRONG: Ritchie, then Michelle.

MR. G. RITCHIE WHITE: I'm still trying to understand the conservation equivalency in relation to Addendum IV. Even though regulations were not part, because regulations in the Bay were not set that those aren't part of conservation equivalency. The mortality, the 20 percent drop in mortality is part of Addendum IV.

If this is 0 percent and the Bay did not accomplish 20 percent reduction in mortality, then how is that conservation equivalent? I'm trying to understand how you make the leap from if they weren't reaching their goal, and they're staying even with that or the same as that. How is that equivalent to Addendum IV?

CHAIRMAN ARMSTRONG: Ritchie, I think that is part of the crux of this argument; so I'm going to shove it off until after we go through the Law Enforcement also. But we'll come back to it very importantly.

MR. WHITE: But isn't that a Technical Committee question?

CHAIRMAN ARMSTRONG: No, they've already stated they will not offer an opinion on that so it's a Board decision.

DR. MICHELLE DUVAL: Yes just a quick question for Mike, and Mike I apologize if this was in the proposal and I'm just failing to see it. But in terms of circle hook use. I mean there are non-offset circle hooks, there are offset circle hooks. Have you all determined what type of circle hook requirement you would have?

Would it be non-offset, non-stainless circle hooks? Then again I guess maybe the second piece of that is Doug mentioned information on your website encouraging the use of circle hooks, and I was wondering if you all had any other plans with regard to sort of public outreach and education should this proposal move forward.

CHAIRMAN ARMSTRONG: Yes, Mike.

MR. LUISI: Okay thanks for the questions, Michelle. We would go through a regulatory process to identifying that circle hook. The circle hook would be a non-offset circle hook. We currently have rules in place in Maryland; and this is a good point to bring this up. We have circle hook requirements for intentional striped bass fishing in the preseason prior to the trophy season that happens in the third week of April when that begins.

We've defined that circle hook as one for which it's offset. A J hook can't be used in those waters if its point to shank length is greater than one-half inch. We would go through the process if we were to be approved here. We wouldn't deviate from the non-offset. That is going is the condition that we would use. That is the basis of the analysis that we use to get to where we are.

But we would need to have those conversations with stakeholders; and internally determine what that smaller hook size could still be for use of J hooks, because we have a white perch, a croaker and a spot fishery, and those top/bottom rig fishermen that are using little pieces of bloodworm. The intention is not to affect them to the degree that they wouldn't be able to harvest either. That would all be in process if we were to be approved; that I think got both your questions, no?

DR. DUVAL: Just additional public outreach and education efforts, I didn't know if you all had discussed that.

MR. LUISI: Yes absolutely. We would do everything we could within the Agency to

promote the use, to get the information out there. We've also had tremendous support from groups like the Chesapeake Bay Foundation and Coastal Conservation Association, and other angling organizations that we would look to help get the most information we could out to the public. We have, and you know the season doesn't start until the middle of May. We would undergo that process; along with our regulatory process, which we would have to still complete.

CHAIRMAN ARMSTRONG: I have Rob, Adam then Pat.

MR. ROB O'REILLY: I've got a couple questions here. Do you happen to know which size is recruiting to the fishery? It used to be rule of thumb that for an 18 inch size limit about 25 percent at age 3 can recruit to the fishery. We're looking now at the difference between 20 inches and 19 inches.

I would think that it's really going to be, if the 2015 year class is the one that has some promise, right? It looks like it's going to be effective in 2019, more so in 2018 as far as the discards go, or vice versa. Can you comment on that? Then I have one follow up if I may, Mr. Chair.

MR. LUISI: Okay to your question, Rob. The 2015 year class, with conversations that I've had with folks at the Agency, some will recruit to the 19 inch size limit but it will be a small proportion. In my opinion those undersized fish are still going to be interacted with. You know they are at that point where they're going to school; and they're going to be with other 19 and 20 inch fish. The intention here is to take a proactive approach; and actively initiate regulatory change that's going to help protect those fish to the extent we can, before they become harvestable.

MR. O'REILLY: In looking at the Maryland releases and harvest, pretty clear that after about 2007, you know the Maryland harvest did come to a little lower plateau, as did the discards. Then in 2015 and '16 discards, the

B2s, not the dead discards but the B2s are up a lot. What I'm looking at is those are the time periods, so 2015 and '16.

Switch that now to maybe 2018, '19 or 2019, '20. That's where it looks like there is going to be some discard problems. If that year class is above average; which I assume that's the case, it's above average, and that's the really time period to look for. I don't see this as a 2018 situation; I see this as having probably benefits into the couple of years after that even more so. I have that part here that I looked at, and then Virginia follows the same trend on harvest and discards, but at a lower level. It's definitely something that is systematic in the Chesapeake Bay, so thank you for the time.

MR. LUISI: Rob, to your point. I would say that while we are looking at the implementation of this for 2018, I think the expectation would be that we would be able to come back to this Board and show the Board that we have done what we've said we were going to do regarding enforcement and compliance.

We would hope that the Board would continue to support this effort. While it may not have the greatest impact initially, in 2019 we would hope that we would be able to maintain these regulations in moving forward, not the expectation that this is just a one-year deal.

CHAIRMAN ARMSTRONG: Adam, Pat and Doug, we're getting a little into the weeds now. I think what I prefer to do, and it may be helpful to listen to the AP and the Law Enforcement first, and then come back to the details if a motion is made. Okay, because I don't want to lose momentum and then move on and then try and come back; okay if you can hold your questions.

#### **LAW ENFORCEMENT COMMITTEE REPORT**

CHAIRMAN ARMSTRONG: At this point, Mark Robson could you give the Law Enforcement report.

MR. MARK ROBSON: The Law Enforcement Committee was able to meet by teleconference

on January 8, and reviewed the various options for this conservation equivalency proposal. We had 15 members of the Law Enforcement Committee participating. We offer these couple of comments specific to the proposal to reduce the size limit for the summer/fall season in the Bay.

Generally, there were no specific objections to the Maryland proposals for this reduced size limit. We heard information from Maryland and from surrounding states regarding other fisheries and similar situations. The members of the LEC do as usual; caution that to the extent possible whenever you look at these conservation equivalency proposals to keep an eye towards consistency between contiguous states or states that are sharing water bodies.

It's something that we've commented on in previous conservation equivalency discussions; particularly for striped bass. I think the Law Enforcement Committee would continue to press that point that even though you may want to alter size or bag limits, try to look wherever you can for consistency among jurisdictional regulations in those water bodies.

Regarding the use of circle hooks, again the Law Enforcement Committee would not have any real specific objections to circle hooks. Certainly I think they all understand the potential conservation value of the use of such gear. But they do urge caution that managers and scientists shouldn't place too much reliance on strict enforcement of the use of circle hooks as a way of meeting your conservation or your harvest reduction goals.

Certainly to the extent that even in law enforcement, where outreach or education can be used, and has been mentioned here in this particular case, if there is going to be a high level of angler compliance with the use of circle hooks, certainly you could achieve your goals. But it's a difficult enforcement issue; when you're looking at officers on the water or at the docks, trying to enforce a very specific gear use regulation for a specific species, without really being able to address flagrant violation of that

use of gear. They just urge caution; that you don't rely too much on strict enforcement to meet those goals for harvest reduction. Obviously, the use of circle hooks is going to be something that and even in law enforcement would help to participate in dealing with the education and outreach component. Those were the two issues that we really focused on in our discussions and that was the extent of our deliberations.

#### **ADVISORY PANEL REPORT**

**CHAIRMAN ARMSTRONG:** Any questions for Mark? Seeing none; Max, could you give the AP report, please?

**MR. APPELMAN:** I'll be presenting the Advisory Panel report on behalf of the AP. The AP met via teleconference on January 12 of this year. Their goal of that call was to review Maryland's conservation equivalency proposal. They also were able to review the TC and LEC comments; and then to draft their own comments for Board consideration.

Up on the screen is a list of the members that were in attendance. The AP was sympathetic to the fact that there is a real problem in the Chesapeake Bay with dead discards. It's the APs understanding that there is a large presence of sublegal fish in the Bay; which makes it difficult to avoid high discard rates.

Because of this underlying tone of the proposal, majority of the APs discussion really focused on that mandatory circle hook requirement to improve post release survival and reduce dead discards. The AP feels strongly that circle hooks provide a true conservation benefit; and that all striped bass fisheries, not just within the Chesapeake Bay should implement a mandatory circle hook requirement.

Although not a part of the proposal, the AP did add several times that the use of treble hooks should actually be banned as well. Some AP members did express concerns regarding the precedence of approving the implementation of a mandatory circle hook requirement to achieve conservation equivalency.

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.

The Board will review the minutes during its next meeting.



But overall the views of the AP are that they believe the conservation benefits outweigh those concerns. Regarding AP recommendations, the AP supports Option B, 19 inch minimum size limit from May 16 to December 15, with a mandatory circle hook requirement. However, the AP stressed that the requirement must be clearly defined.

They went on to state that the realized conservation benefit is heavily dependent on the type of circle hook required. Some suggestions came from the AP for a non-offset circle hook; and the notion that larger hooks are generally associated with a higher post release survival, the thought being that the larger the circle hook the less likely to be ingested.

One last note before I conclude this brief presentation. An AP member, Mr. Paquette, he represents Massachusetts, submitted comments after the AP call, and after reviewing the draft AP Report. Typically when that happens, the individual is asked to address the Board as a member of the public or to submit his comments separately.

But since Mr. Paquette was unable to participate due to unforeseen circumstances, it was decided to include his comments as an appendix to the AP report instead of having him address this Board or submit his comments separately. In a nutshell, Mr. Paquette's comments echo the AP's comments regarding the high level of discards in the Bay, and that the circle hook requirement could help with that issue. However, regarding AP recommendations, Mr. Paquette is opposed to the CE proposal overall, stating that inconsistent terminology within the tackle industry, and uncertainties regarding angler behavior are real challenges, this shouldn't be overlooked.

Again, I really want to just make it clear that the AP did not have a chance to hear these comments, respond to these comments, address these comments in their discussion, and that they were received after the AP call

and after having viewed the AP draft report. Thank you.

### **CONSIDER MARYLAND CONSERVATION EQUIVALENCY PROPOSAL**

CHAIRMAN ARMSTRONG: Ritchie.

MR. WHITE: I would just like to make a comment that I had a call from an AP member. He was kind of concerned about having this meeting with no Technical Committee report. I guess this meeting took place before the Technical Committee was done and had finished their report. I hope in the future that we're able to coordinate, so that APs can have the benefit of the Technical Committee.

MR. APPELMAN: Quick response to that. The Technical Committee did meet prior to the AP; but the draft report of the TC was still in development. I gave as much insight from the TCs discussion as I could at that time; but you're correct, the report had not been released yet, and so there was no formal report for the AP to review.

CHAIRMAN ARMSTRONG: Pat and then Eric.

MR. PATRICK C. KELIHER: Mr. Chairman, I think my comments are going to crossover both AP and Law Enforcement; and get into angler behavior. Would you like me to hold those? It's a little bit of all of the above rattling through my brain right now.

CHAIRMAN ARMSTRONG: Why don't we hold off? We will begin an omnibus discussion soon. Eric.

MR. ERIC REID: My question is about a comment the AP made about the treble hooks, and probably double-hooks as well. Since Maryland's proposal really only talks about what the bait fishermen will use, and I'm assuming it is natural bait not artificial bait. Has there been any discussion about banning treble hooks in the fishery in total, including jig fishing and everything else?

To me the treble hook is a real problem. Circle hooks and angler behavior aren't really going to match up. But there is going to be a component of that fishery that's going to use a treble hook, because they're using jigs or whatever. Is there any conversation about not allowing that?

MR. APPELMAN: At the Board level I haven't heard much. I know there is a piece in there in Amendment 6 that through an addendum process we could address that question. Certainly at the AP call, it was brought up a lot. Amongst those industry members it is certainly on their plate.

CHAIRMAN ARMSTRONG: Mike.

MR. LUISI: I'll just speak directly to the question. If we were to go forward with this option as we're discussing. It would eliminate a treble hook from being used with anything non-artificial. But we have not discussed jig fishing and other forms of artificial lures, and removing treble hooks. The information that we have to base that on is that there is just far less deep hooking and gut hooked more. The mortality is far less with an artificial lure. That's just what's been communicated to us from our stakeholders.

CHAIRMAN ARMSTRONG: John.

MR. McMURRAY: Just to go a little further in addressing Eric's question. There is a really big difference between fishing bait on a treble hook and fishing a plug with a treble hook. If it's not obvious, the difference is that that fish ingests that bait, it kind of swipes at a plug or a jig with a treble hook. Discard mortality in my anecdotal experience is far lower, and there are certainly a lot of plugs that you can't put J hooks on, it just don't work. That would be my response to that.

MR. REID: I respectfully disagree with John on whether the effectiveness with a J hook or a treble hook on a plug reduces the efficiency of the plug is not in question here. What we're trying to reduce is discards. I spent plenty of time on charterboats when I was much younger

than I am now; and the first thing we would do is take treble hooks off, because we didn't want to get them in our hands. The question is can you get rid of treble hooks in the fishery; and if the answer is yes, great. If the answer is no, okay.

CHAIRMAN ARMSTRONG: That may be an issue this Board wants to take up at a later date. I would prefer it at least two years from now; but we can do that. Are there any other questions for any of the Committees? Adam, do you want to speak to your points?

MR. ADAM NOWALSKY: You're still entertaining a TC specific question as well?

CHAIRMAN ARMSTRONG: Yes, I think we can begin that discussion now.

MR. NOWALSKY: I find it very fortuitous first that this Board meeting was preceded earlier today by our Strategic Planning discussion. While they weren't explicitly on the agenda, we had our mission happened to come up, which states promoting cooperative management to avoid physical waste. Yet that's exactly the reason why we're here today; and why Maryland has brought this proposal forward specifically to do that avoid this physical waste.

My specific TC related question is that on Page 2 of their document they decided that a number of the proposals they considered conservationally equivalent to the current regulations; and that made me wonder. Had these proposals come forward a number of years ago, when we were addressing the Addendum IV changes that were required, would these proposals have passed muster and been approved had they come forth at that time?

DR. KATIE DREW: They would not have, because they could not have demonstrated a 20.5 percent reduction relative to 2012. It's hard to say for sure; but none of what they showed us indicated that it would have reduced harvest relative to 2012, which was in the plan and that's what was required. Because the

regulations that we put into place with this 20 inch, did not actually result in the reduction of harvest that we had expected; in part because of that large year class coming through. You got a higher harvest. Those regulations didn't work out; which is why you can have a minimal change from current regulations, in terms of removals, which the TC does feel is legit, but not a reduction relative to 2012, which is what is mandated in the Plan.

MR. NOWALSKY: I'm just trying to understand. It was my thought that we're saying that they don't meet the 20.5 percent reduction based on information we've gathered since we put those measures in place, is my understanding. We would not have had that information two and a half years ago, and as such we would have deemed them, as the TC says, conservationally equivalent at that time. We approved it then, why would we not have approved these new measures then?

DR. DREW: I think the other issue is that they didn't use the same set of years that we were using at the same time. Whether or not this analysis would have shown something different, I can't say; if they had been using this wider set of years, compared to the three years that everybody else used during the conservation equivalency program.

But, I find it extremely hard to believe that Maryland would have come to us proposing 20 inches; when they could have gotten away with 19 inches. I think using the data that they had at the time, it indicated that 19 inches was not going to get you the reduction that you needed. Whether it's this different set of data, they did not include the most recent couple of years, so we can't say anything really about the influence of that 2015 year class, I'm sorry the 2011 year class.

If you had included that data would this proposal look differently? We can't say relative to that. I think the issue is really that the management plan, Addendum IV, because it doesn't have specific regulations in place, it opens up this sort of gray area in terms of how

you're interpreting the results, and that had the 20 inches been written into the plan.

If they had come to us and said we're demonstrating that current regulations, the 20 inches there is no change. We would have said yes that is conservationally equivalent and that is equivalent to what is in the plan, so we're good to go. But that is not what's in the plan; and that's why we're kicking it to the Board for that question of how you're interpreting conservation equivalency.

CHAIRMAN ARMSTRONG: Okay, Mike.

MR. LUISI: While we're speaking about the plan; maybe I could ask you your thoughts on the objectives of that plan. It was clear in my understanding that one of the objectives was to reduce fishing mortality to the target; within a period of time. Another objective was to protect to the practical extent possible the 2011 year class.

Those were two pieces to that plan that I believe we have accomplished. The last assessment indicated that fishing mortality on a coastwide basis was below the target level by 10 percent; and the 2011 year class is really out of the Bay at this point. I would just make the comment that when I look back at that Plan and working through that Plan.

I don't think it was ever anybody's expectation that we would maintain some form of a constant harvest strategy; while we have the influence of year class strengths that we do. It would suggest to me that this conversation about finding or maintaining a harvest level at or below the 2012 harvest, it wasn't something that was going to happen. We had a 2011 year class expanding in the Bay to the degree that it did. While we may not have met the letter of the Plan, I believe that our potential harvest was reduced dramatically, as a result of those increases that we took. I think we all made a really solid good faith effort in putting together the regulations that we did as a result of Addendum IV; and I'll leave it at that Mr. Chairman, thanks.

CHAIRMAN ARMSTRONG: We've segued into exactly the spot I would like to be. This frames the question we need to begin with. Conservation equivalency, are we measuring it against the minus 20.5 percent or against what was actually achieved by the rules that were put in by Maryland in good faith?

Do we consider that water over the dam, or do we go back to that? If we go back to that they will not achieve anywhere close to conservation equivalency. I would like to discuss that; because that is really a non-starter to go forward, unless we have some consensus on that. Doug.

MR. GROUT: I'll give you my thoughts on that if you give me a chance to ask my original question.

CHAIRMAN ARMSTRONG: Please.

MR. GROUT: If I can ask the question first and then I'll give you my thoughts on which standard that we need to apply it to. The question is for Mike. In our conservation equivalency guidance document for state proposals, state conservation equivalency proposals. One of the things that we ask for in the proposals is that they include a plan; describing the monitoring schedule, reporting requirements, and documentation of the process of evaluating the impacts of the conservation equivalency measures.

I've always taken this as evaluating it after we put it in place. If we were to approve this, I didn't see anything in the proposal stating what your mechanisms for providing information to evaluate whether it actually accomplished the goals that you had put forward.

MR. LUISI: If I can ever get off the hot seat and get to the motion that I drafted a couple hours ago, I think it will answer your question. Part of our plan would be if this were to be adopted by the Board that we would work throughout this upcoming year to provide Law Enforcement compliance and other necessary data that we could discuss with members of the charterboat

association, and our folks that are collecting information on APAIS.

There are certainly avenues that we can take to put forth a report that we would bring back to the Board, so that we can understand. It's accountability on our part as well. We will learn from a report like that or from a data collection practice, where we might be not hitting the mark. That will give us an opportunity to reach for that mark in a better way.

MR. GROUT: Okay I appreciate that although, at least according to our guidance, we're supposed to have that information during the proposal period. But that's great to hear that you have that plan and I hope if we approve this that process is going to be outlined, maybe by the next meeting, now to my thoughts on which standard we need to apply to.

From my personal perspective, we knew last year that according to the Technical Committee's analysis of whether we had achieved our reduction that in the overall coastwide, we had achieved that reduction. But we also knew that in the Chesapeake Bay area there had actually been an increase. Yet this Board at that time a year ago did not try to implement some management action to try and get the Chesapeake Bay states to actually achieve a 20.5 percent reduction. To me, I think the Board made a decision a year ago. Again, this is just my personal opinion that what had been accomplished coastwide was good enough, regardless of whether most of the conservation benefit came out of the coastal states.

CHAIRMAN ARMSTRONG: Mike, were you, okay. Rob.

MR. O'REILLY: I guess I'm responding to your question. If anyone would like to listen to the 8.5 hour tape of the meeting that decided what Addendum IV was going to look like. I think they would find out that the intent was, as we heard from someone in the public today, it was not supposed to extend this long.

I understand what Doug is saying. I also understand that things have probably been better on the coast for the most part; with the movement out of the 2011 year class. But the intent was for most people going through that there were talks of, well one year. We'll get it done in one year. The reality was three years.

A lot of talk about well this will take about three years. If you remember how the options worked; depending on how you did your options, when you would reduce F to the target. Three years was the max. We've passed the three years. We're supposed to be talking about cooperation a lot today.

If we are below the target, although somewhat below not a lot below; but that's the last report we have. We know we have an assessment coming up, which is a little bit of assurance for anything that goes forward. But really, we do need to start working on not being hemmed in by Addendum IV.

I imagine if I had Addendum IV in front of me, it would probably not have an exit strategy. I think that's one of the problems; it may not have an exit strategy. Regardless, we've always had the ability to have adaptive management and conservation equivalency. We need to start thinking about that.

You can probably understand that I'm thinking we do need to do what Mike had said in one of his comments. We're following year classes; 18 years in Chesapeake Bay, we had a cooperative agreement with all the jurisdictions. That was taken out by Addendum IV; no longer exists. The basis for our management was exploitable biomass, but also that depended on the year classes.

I think we're kind of static here. I think we have enough to be comfortable about a proposal that isn't asking for the moon. It's asking to trade some discards for harvest. I mean this is going to be a big issue for us going forward; as far as how we treat these proposals. I think we do sort of say despite the fact that the coastal states did contribute more to the reduction in F,

nonetheless that reduction has happened, so thank you.

CHAIRMAN ARMSTRONG: John, your forbearance just for a second. Max wanted to comment on that.

MR. APPELMAN: Just a couple points of clarification. I've heard this brought up a lot over the last few speakers. There are two different kinds of timelines being talked about. One was in regards to reducing fishing mortality below the target. That is specified in the plan. The target for that reduced rate was by 2016. That is one timeline that's mentioned in the Addendum. But regarding the regulations themselves, there is no sunset provision written in there.

Just making those two points clear, and then another just to bring it up that the Board did initiate an addendum early last year, talking about relaxing regulations across the coast. The outcome of that process was that it would hold off on altering the management program until after the results of the 2018 benchmark; so just refreshing the Board's minds about that experience.

CHAIRMAN ARMSTRONG: John.

MR. McMURRAY: I've been going back and forth on this with myself; not with anybody else, because it makes me a little uncomfortable that this conservation equivalency proposal is not compliant with Addendum IV. But if we're going to go back and require Maryland to be compliant, then we're looking at changing their current regulations, in a way that would likely be pretty catastrophic to the industry if I understand their concerns correctly.

I don't think that was the intent of the Board when we had the information presented to us in November of 2016. I don't think that is the intent of the Board now. Really, the way I look at this is we have a choice between status quo and between having a proposal that will be conversationally equivalent, and will require a

gear use that's been proven over and over again to reduce discards. I think just intuitively, regardless of whether this is a wash. I think on the water there is going to be conservation benefit. Right now I support the proposal.

CHAIRMAN ARMSTRONG: Pat.

MR. KELIHER: The state of Maine instituted circle hook requirements several years ago. What the Law Enforcement Committee expressed is exactly what we've seen on the water in the state of Maine. It is sometimes difficult to enforce. Maine Marine Patrol does a lot of work associated with angler education; in order to ensure we have compliance.

We've not written a lot of cases in regards to circle hooks. Frankly, we still have conflict in the state or disagreement in the state whether we should maintain the circle hook regulations. But I think overall we certainly, regardless of the conflict and the disagreement, overall we certainly have lowered discards, so we'll be expecting a lower length limit now of course, just in jest, Mr. Chairman.

My question to Mike is really, it revolves around angler behavior. The last several Striped Bass Board meetings we've had members of the charterboat fleet come up and say, you know we catch our fish and we bring our clients home. We don't continue to catch and release, which is a foreign concept to me, somebody who ran a charterboat for eight years and caught and released many, many fish every day.

I'm just wondering if I could hear from Mike. What is the culture on the water with the charterboat fleet? Do they catch, retain and go home after an hour if they paid for a six hour trip? I'm still trying to get an idea in regard to how the overall benefit of this is going to work. I think lastly, I just want to echo John McMurray. There is a benefit here, and Adam touched on it, the issue of waste. I am leaning towards supporting this proposal because of those two things; with the direct understanding of the challenges from an enforcement standpoint. But with a caveat that I'm not going

to support anything that has offset circle hooks included in it.

They should be an inline circle hook. I'll just quickly read the state's definition. The state's definition is the point of the hook has to be 90 degrees to the shank, and may not be offset. It's a very simple definition that does work for us from an enforcement standpoint. But I would like to hear from Mike on angler behavior.

CHAIRMAN ARMSTRONG: Mike.

MR. LUISI: We've learned more about behavior in the past few years; as charterboat captains have had to make adjustments for these increases in size limit, and culling through the fish that they have to in order to provide for their clients has been an issue. We continually get told, and again I'll speak for the charterboat captains.

Private anglers are a little different beast. But the charterboat association continues to tell us that if they do catch their fish for their clients, and they have more time left on their trip, they'll go do something else. They're not going to stay on a school of striped bass and just catch and release. They're going to move to bottom fishing; or they decide to just go home.

It's different from an eight hour trip that's chartered, and you're out there for eight hours and not a minute more. It's just a different mentality, it's a different culture. What's happened as a result of the changes we made a few years ago is that charterboat operators have had to stay out much longer and cull through hundreds of fish, in order to catch a few to bring home to their clients.

We believe that they will return to that culture more so. I'll just say that live lining has become a very popular component to charterboat operations; and spot are not cheap. Once you go through the spot that you need to use, in order to catch striped bass. The idea is that we're going to save the rest for tomorrow's trip and go find something else to do. I hope that

answered your question, Pat.

CHAIRMAN ARMSTRONG: Go ahead, Pat.

MR. KELIHER: This won't come as a surprise to Mike, because we chatted about it briefly. But herein lies the enforcement problems associated with the use of circle hooks, when you shift to another species that doesn't require circle hooks. I think Maryland is going to have to really do their due diligence associated with the other fisheries associated in those areas. I think based on conversations with Mike, not to put him on the spot. They have ideas in this regard, to headwater fisheries and other areas. It creates a challenge; but it's not something that can't be overcome.

CHAIRMAN ARMSTRONG: Mike, I think this is a good moment to focus the discussion. Why don't you put out a motion?

**MR. LUISI: I provided it to Max just a bit ago. Okay, so I'll read the motion. Move to approve Option B, in Maryland's conservation equivalency proposal for its summer/fall recreational striped bass fishery in the Chesapeake Bay. Season, May 16 to December 15. Size and bag, 2 fish at 19 inch minimum, with only 1 fish allowed greater than 28 inches.**

**Non-offset circle hooks required when fishing with bait, non-artificial lures. Additionally, Maryland will collect enforcement, compliance and other relevant information during 2018, and will report back to the Board with a conservation equivalency effectiveness review in May, 2019.** If I get a second, Mr. Chairman, I can speak more so than what I have already to a few of the details in there.

CHAIRMAN ARMSTRONG: Do we have a second; John Clark? Go ahead, Mike.

MR. LUISI: Okay, so I'll just clarify that the season that we're proposing is five days less than the current season. I just wanted to put it there for the record. Currently we have a season that goes to December 20. The bag and

size limit that's clear enough, there has been some question about circle hooks. I spoke earlier about the need to define a circle hook. We have a current definition, as does the state of Maine.

We would look to adding that seasonal period to that current regulation or perhaps adjusting it for the smaller hooks that are used for bottom fishing. Again, I've already spoken to the report. You know there are some questions in that report as to what we would be able to supply. But I'm happy to bring back to the Board's attention perhaps sometime during the year, to provide a progress update on the report that we would be preparing.

CHAIRMAN ARMSTRONG: I had Marty. Did you still want to speak?

MR. MARTY GARY: I guess this can fit in at any time. I know Mike was anxious to get that motion out, so this discussion could evolve. But I wanted to ask a question, and I guess it would be best posed to Nicole or Katie, if you could. Maybe it would help us understand the magnitude of the problem.

Listening to Adam talking about the physical waste, and then listening to Rob talk about that 8.5 hour meeting; that we advanced Addendum IV, with one of the goals to protect that 2011 year class. As Mike said that year class has now emigrated into the exploitable range. I'm wondering if Katie or Nicole would be able to quantify. You look at the total removals.

Back at that 8.5 hour meeting that Rob talked about, the Bay jurisdictions raised their concerns over discard mortality. I'm just wondering what we learned from the total removals, the percentage of what those discards are now that that fourth biggest year class, the 2011 year class has moved into the exploitable range.

What did we learn from that? I'll end by saying I listened to Andy Shiels talk about the 2015 year class; which is the eighth biggest year class,

the 2014s were slightly above average. The 2015 year class is the eighth biggest average. We don't get these very often. We have a real opportunity; and I think the question is do we implement some conservation measures to save some of those fish? I think it might be of value if Katie or Nicole were able to quantify what percentage of total removals were discards from the '11s now that they've moved on?

DR. DREW: That's a good question and that's not something we have right at our fingertips. Actually that is probably something that will come up as we develop the catch at age for the assessment coming up. I think we would agree that definitely part of the reason that the Bay did not achieve the reductions that we expected on paper was because of the strong 2011 year class; which was a strong year class after a number of weak year classes that we based that analysis on.

For sure, they did not achieve the reduction that they expected, because in part of this large year class moving through that was suddenly available to the fishery. But however, they probably did, changing that size limit did reduce how much they would have taken compared to taking no changes at all.

I think we would expect a similar situation with the – right now what the assessment says is that the 2014 year class is a very strong one, and so they would be Age 1 in 2015 and so on. I don't think we've had a chance to see what the 2015 year class numbers look like from the model perspective. But I think the indices suggest it's a good one.

Certainly they will be abundant and available to these fisheries in the Bay; and we'll probably see a similar effect in terms of removals. But I couldn't say what percentage right now of that 2011 year classes was harvested, versus were dead discards, versus passed on to the fishery out on the coast.

CHAIRMAN ARMSTRONG: John Clark, did you have your hand up?

MR. JOHN CLARK: Well thank you, Mr. Chair, to second the proposal, but also I obviously support this. I think that we need to be flexible here; considering that many things have been said already. In considering the waste, let's just think about all the times we've had fishermen from the Chesapeake come to these meetings asking for relief; because there is so much discarding that has been going on.

It seems that we kind of set Maryland up for failure almost; by holding them to that 2012. I would say that for the whole Chesapeake. I think this is a commonsense proposal. I think a little bit of flexibility here will probably; as they've said it won't increase mortality, so I think we're good.

CHAIRMAN ARMSTRONG: Ritchie.

MR. WHITE: Doug's comments earlier about Addendum IV, gives me comfort in being able to support this. The one change I think would be important to make; and I hope Mike might make this without requiring an amendment, is to have the report back to us in February, as opposed to May. If the information he brings to us is far different than what he expects, then we would have the ability to make some adjustments prior to the season beginning. I would request that from Mike if he's willing to do that. If not, I'll ask for an amendment later.

CHAIRMAN ARMSTRONG: Do you want to respond to that Mike?

MR. LUISI: Yes that's fine. I'm okay John, if you're okay with that to changing it to February rather than May. I think we'll be collecting the information throughout the year; and bait fishing doesn't happen after October. But we should be able to have something provided for that Board meeting.

CHAIRMAN ARMSTRONG: Okay, John.

MR. McMURRAY: I want to address the gear specifically; because Patrick brought up that concern in his minority report in the AP report. We could certainly define a circle hook; and to



some extent we've done that here. But a big part of this is making it readily available, because right now you walk into most tackle shops, at least up by me, and there are a dozen different kinds, a dozen different labels that say circle hook on them, and maybe one or two are actually inline circle hooks.

What I would like to see from Maryland is some sort of plan to make them available; and maybe even consider distributing the hooks yourself. Maybe CCA or some other organization will step up and take that role. But to me accessibility is really important, because a lot of people aren't going to know what an inline circle hook is, and they're not going to know what that means.

CHAIRMAN ARMSTRONG: Roy.

MR. ROY W. MILLER: There may be no need for my comments; since I've yet to hear any opposition to the proposal. But I'll go ahead and quickly make them anyway. I feel it would be consistent on the part of our state to support this proposal; because I'll remind the Board that a number of years ago we brought forth a proposal for circle hooks for catch and release striped bass fisheries on the spawning grounds of the Delaware Estuary.

Those measures were implemented by the Delaware Estuary jurisdictions; not because we had to do that, but because we felt it was a good move conservation wise. I feel it would be inconsistent on our part to not support this proposal.

CHAIRMAN ARMSTRONG: Dennis.

MR. DENNIS ABBOTT: I know you're a new Chairman and all of that but you should give people the first bite of the apple before you go back to some of the other folks two or three times. You'll learn as time goes on.

CHAIRMAN ARMSTRONG: Ouch.

MR. ABBOTT: Seriously. I came to this meeting thinking that I probably wouldn't support this proposal that we expected to be brought forth.

But I guess I've changed my mind. But listening to all the testimony, would it not be wise assuming we approve this and Maryland implements this and comes back and provides us with a report.

Would we not be remiss in considering an addendum to make this universal throughout the range? We talked this morning about utilization of the resource. What better utilization could we do if we could eliminate discards throughout the range of the striped bass? I'll just throw that out, and like I say I think we might be remiss in not taking that type of action. I don't think we've ever done anything like that about terminal gear. But maybe the time has come for us to consider that.

CHAIRMAN ARMSTRONG: I think you may be right. We will be reviewing the benchmark at that meeting; and there is a potential we'll be moving an amendment forward, which could include the circle hook option. Jay.

MR. JASON McNAMEE: I'll be quick, and it's not necessarily very substantive, but the one concern I have now, it's sort of the second half of the motion as we sort of loop back. It doesn't imply that this review will go to the Technical Committee. I'm cognizant of the fact that they're in a benchmark process. I think that is potentially the real solution here; is letting them complete the benchmark, get that information. I just want to be cognizant of that and not pitch anymore work at the Technical Committee; let them get through that work first.

CHAIRMAN ARMSTRONG: Michelle and I apologize. I think I skipped over you. Dennis does not approve of that.

DR. DUVAL: I know that it was not at all intentional on your part; so I forgive you. I'm inclined to support this. I'm sympathetic to the discard issues that Maryland is facing. You know we've had similar discard issues in the South Atlantic that have been brought about by changes in size limits; specifically our black sea

bass fishery south of Cape Hatteras, where we implemented a size limit change for all the right reasons, in order to achieve our rebuilding target.

Since then that size limit has remained in place; and we have had many anglers calling me, calling other Council members, upset about the fact that they're having to discard so many fish, in order to get a legal size black sea bass. You know there are a number of other nuances related to that.

One of those is one of the ones that has been considered here; in terms of differential seasonal discard mortality rates. I think given the analysis that Maryland has put forward; and the Technical Committee's statement that this doesn't appear to change the total removals. I think I'm comfortable moving forward with this; the way this motion is constructed.

CHAIRMAN ARMSTRONG: I have Bryan then Rob then Eric. Yes, Doug. Oh, well I've heard from you before; you're at the bottom. Marty.

MR. GARY: My fellow Commissioner Bryan from District of Columbia and I conferred over this. The issue I wanted to bring up to you all for consideration was that I distributed a letter. I understand it was late last week that I sent it to Bob, and the staff at ASMFC, and I think you may have just gotten it here when you sat down to the table. But what that letter requests is an opportunity for the Potomac River Fisheries Commission, and I'll let Bryan speak for his jurisdiction, the District of Columbia.

We are contiguous to Maryland; and we have a long history of regulatory consistency with Maryland on our recreational charter striped bass seasons. District does not have a charter season; but they do have a recreational. During the timeframe for which this motion is made, I don't wish to further complicate this motion. But if it did meet the Board's acceptance, in terms of not complicating things too much that would be desirable for our constituency and our Commission. I guess the question is if that is appropriate I would like to amend this motion

to include the Potomac River Fisheries Commission; and my colleague Bryan may want to do the same thing.

MR. BRYAN KING: Yes that is to include both jurisdictions PRFC and DC.

CHAIRMAN ARMSTRONG: That's a motion, do we have a second? Emerson. Why don't we get the motion up first? While they're crafting that Bryan or Marty do you want to speak to the motion?

MR. GARY: I don't know the definitive date of this regulatory consistency history that has occurred over time; but I'm fairly certain it extends well back into the 1990s, and perhaps consistent right from the start when the moratoria in the Chesapeake Bay was lifted in 1990. I'm virtually sure almost from the start Potomac River Fisheries Commission recreational and charter regulations had been a mirror image of Maryland's.

I can let Bryan speak for his jurisdiction. I don't know the timing on that. But again, the intent would be for folks that are transiting from one jurisdiction into another. It is more often the case for folks emanating from Maryland and then coming back to Maryland than say the northern neck; but it does happen in both sides of the river. But we do have a lot of transiting going back and forth; and so from a law enforcement perspective, from a stakeholder, constituent perspective, confusion between disparate regulations. It's something that we would desire.

CHAIRMAN ARMSTRONG: Okay there are a lot of moving parts now, but I had Rob, Eric and Doug, I'm sorry Bryan did you want to? I had Rob, Eric, and Doug that wanted to provide comments before we had this amendment. Do you still want to weigh in, Rob?

MR. O'REILLY: Yes, so concerning the amended motion, I will be abstaining and I wanted to qualify that. Virginia can't simply say include us. I've known about this proposal for a while; and it has changed shape, and the original

proposal, you know was to have Maryland go to 19 inches. I have to be faithful to the Virginia anglers who represent our advisors, who do not support this proposal.

It is very lean times in Virginia for about the last nine years. If you saw the data side by side, you would probably say what's going on? It has been a hard time in Virginia. I think overall the reason to abstain is you may have heard my comments earlier were complementary of what Maryland was doing, and the techniques they had, and that is cooperative.

But still at the same time, you know this is problematic to not support the motion. My path is to abstain, stay faithful to the intent of the Virginia fishermen, and I think really just to say it again. Somehow the 18 years that was spent with cooperative management in Chesapeake Bay that has been decimated by Addendum IV.

Somehow for the future that needs to be reinvigorated; because it's not only to the benefit of Chesapeake Bay, it's to the benefit of the coastal states as well. We are, in the old language we're a producer area, the largest producer area. There are others, I'm aware of that. You know really I've been lamenting the loss of cooperative Chesapeake Bay management; ever since 2014. That is another reason to abstain here. It's a little bit of a protest; quite frankly that we can't really do cooperative management the way we should.

CHAIRMAN ARMSTRONG: Eric, okay, Doug.

MR. GROUT: I had my opportunity for asking questions. I appreciate that. I would like to give the opportunity to provide some comments on this. As I mentioned before, I do believe that we should be holding the standard as to what is currently in place; as far as the conservation equivalency. I totally support Maryland's desire to try and get the discards reduced in some manner. When we were originally, and doing this through circle hooks is a very positive step here.

But when we were first provided with this proposal there were a number of options that they put forward for technical consideration. They considered it and provided their opinions on it. Until I had a conversation last Friday, I didn't realize that Maryland's constituents had asked them to remove all the proposals that actually ended up with a calculated either neutral or reduction in harvest losses on this.

Personally I have been struggling with this. I was hoping that we could come to some kind of a compromise; and the definition of compromise is we all don't get what we want. But putting forward just one option here sort of says this is what we're offering and that's it. I don't think that is in the spirit of compromising.

I think some of the other proposals in combination with a circle hook would have gotten my full support. I personally will not support this; because of what the TC says about the ability to calculate this, and also knowing that I think they use some positive assumptions here on how many people are currently using circle hooks in the Bay.

CHAIRMAN ARMSTRONG: Before we kind of focus the discussion on the motion to amend, we need to come to a consensus that we as a Board agree that Maryland is going to use the current regulations and/or removals, rather than going back to the Amendment 4. Max could you read what was written?

MR. APPELMAN: I just wanted to clarify, seeing how this discussion is going. For staff and for the Technical Committee, it is the consensus of the Board that Maryland is using current regulations and removals as the basis for conservation equivalency here, and not the requirements of Addendum IV.

If this were to pass, you know sort of opening the doors for other states to submit conservation equivalency proposals using current removals and/or regulations as their basis as well. For Technical Committee, for staff to know that going into it would be helpful.

CHAIRMAN ARMSTRONG: Dennis.

MR. ABBOTT: I don't know if I should question the validity of this Amendment. It seems like it's not germane to the main motion; just because they happen geographically to be next door, shouldn't allow them to piggyback on a proposal submitted by an adjacent jurisdiction. I can understand the proximity and all of that; but I don't think we've ever had something like this, where a conservation equivalency has been put forward just by amending a main motion to add that jurisdiction. I would look for guidance on that.

CHAIRMAN ARMSTRONG: As do I. But when they gave me this job they said I don't have to follow Robert's Rules, I follow Mike's rules. But I'll confer.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Jay had his hand up over there. I don't know if he has anything really insightful to say or if it's an entirely different issue. My understanding is that by adding PRFC and DC, let me go the other way. If those two jurisdictions were added to the analysis that Maryland conducted early on in this process; and they had carried through the data from those two additional jurisdictions.

Mike Luisi and I chatted offline before the meeting; and I think Mike indicated that really adding those jurisdictions would not have affected the conservation impact of circle hooks, and the other provisions that are up on the screen right now. My understanding is that there is sort of a no impact by adding these two jurisdictions.

In fact there might be the value that Marty and Bryan brought up, which is the consistency in regulations between jurisdictions. There is less of a patchwork of regulations throughout the Chesapeake Bay region. I can't really comment beyond that; just some sort of qualitative insights as to what I've heard leading up to the meeting.

But it is somewhat unique to have other states or other jurisdictions add on to conservation

equivalency; because usually when you add jurisdictions there is new datasets, and those new data would alter the outcome of the analysis. But my understanding here is that Maryland or someone else had done some analysis; and they didn't see a significant impact. But that was just what I had heard before the meeting.

CHAIRMAN ARMSTRONG: I'm not sure that is the issue you're addressing, Dennis, right? It's not about the data it's about the process. You would propose they should be a standalone. Mike.

MR. LUISI: I'm not sure what to say. In hindsight, we could have reached out to the two jurisdictions and just added their name to our proposal. Staff has informed me that it would not have changed the analysis in any way. The analysis would have been completely the same, and it provides for that consistency in regulations between the Potomac River that feeds the main stem of the Chesapeake Bay.

I hope this Board doesn't find too much more heartburn over this request; and it makes things more simple and more complete for the jurisdictions that are all fishing out of the state of Maryland. I'll just leave it at that. I hope we can move this issue quickly, and then get back to the main motion.

CHAIRMAN ARMSTRONG: Pat.

MR. KELIHER: I certainly understand the issue in regards to, I'm going to let this conversation finish. The issue of process I think frankly is a real one. The issue that I was struggling with is a precedent setting nature that staff brought up. If you remember a couple years ago, just last year or two years ago. The Herring Section utilized a pilot project dealing with spawning during the days out process for the herring fishery. As I've been sitting here looking at this; and the fact that Maryland, the way the original motion is written, is going to be reporting back on the effectiveness of this. If you remove the fact that it says equivalency and talk about this as a pilot project, it is not precedent setting. In

my mind this is a pilot project. They are going to report back to the Board and then this Board is going to have to make a determination on how we're going to move forward. From my standpoint and for the insurance of the Commission not to set precedence on this matter, I would view this as a pilot project.

CHAIRMAN ARMSTRONG: Jay.

MR. McNAMEE: Yes I wanted to get away from the process part of it and drill in on Mike, what you said a minute ago. Just trying to be clear, so did your staff analyze data from these adjacent jurisdictions, and that was what their comment was based on that it would have no impact? Was it an actual analysis?

MR. LUISI: It was included in the original analysis; because the jurisdictions don't have their own MRIP estimations that come from them. Fishermen from Maryland go into those jurisdictions, come back to Maryland and are accounted for in Maryland data. That is why there would have been no difference in the analysis as it stands.

CHAIRMAN ARMSTRONG: Okay, we're a little bit frayed now. I want to go back to the consensus. Do we have consensus of the Board that it's appropriate to use the current data and regulations going back to the actual letter of Amendment 4? Head nods, I don't see grimaces so I'll say we have consensus; going back to Amendment, Marty.

MR. GARY: I really don't want to complicate this; but having achieved that consensus I just want to be clear. Would that consensus also include the existing consistency that has been existed as it extends to seasons? I just want to be completely out front with this Board. Both the District and PRFC, in this regulatory consistency as it applies to minimum size and creel limits.

There is a differential in the season length. That proposal in the original motion, the season ends on December the 15th. Both the District and PRFC season runs through the calendar year.

I've discussed this with Maryland. There was a sense that the consistency doesn't change, because the season length doesn't change.

But that would be problematic for my constituents if we had to end on the 15th. We do not have an issue with bait; people are not even bait fishing at that time of the year. But I just want to be absolutely clear about this. If it's a problem I'll withdraw my amendment if I have to.

CHAIRMAN ARMSTRONG: Michelle.

DR. DUVAL: I definitely appreciate Marty's clarity on that. I mean my understanding from reading Maryland's proposal is that they specifically removed those 15 days from December from the analysis. Well, okay but the way they partitioned Wave 6 was a ratio to remove those 15 days, but it was 5 days. The PRFC and DC seasons run all the way to the end of the calendar year, so an additional 15 days. I think that's my point is that whatever numbers of fish are coming in there are not included in Maryland's analysis. That's the way I read it.

CHAIRMAN ARMSTRONG: I think it's fairly clear that as written, DC and Potomac River would have to follow exactly those seasons. We can move forward this Amendment, or you can withdraw it and come back. Go ahead, Marty.

MR. GARY: Thanks Mr. Chairman for that clarification. I have clear guidance from my constituents in my Commission. PRFC will withdraw their amendment.

CHAIRMAN ARMSTRONG: Yes, Dennis.

MR. ABBOTT: That amendment does not belong to the makers; it belongs to the Board. It is up to the Board to dispose of that at this point; Roberts Rules.

CHAIRMAN ARMSTRONG: I think we're clear on this, Dennis. All right, so you're saying we should vote on it? Mike.

MR. LUISI: Maybe I can make a suggestion. We

had this conversation leading into the meeting about the complicated nature of this addition. I've talked with Marty and Bryan about the idea that perhaps we can come back to this as a follow up action at our next meeting; and we could have some resolution as to how an analysis might be different.

What does it really all mean? We worked on this at the last minute leading up to this meeting. That could be a way forward. Then at the May meeting we take another quick look at the implication of including Potomac River and District of Columbia into the plan.

CHAIRMAN ARMSTRONG: Okay, I think I see a path. Bryan, do you agree with withdrawing?

MR. KING: Yes, we will agree with withdrawing.

CHAIRMAN ARMSTRONG: Okay that being said; it's the Board's approval. Does anyone object to withdrawing this motion to amend? Seeing no objections; the motion to amend is removed, back to the main motion, just Maryland, more discussion. Are we ready to vote? Pat.

MR. KELIHER: Mr. Chairman, I think we still have the issue of a precedent setting nature; where we should consider this as a pilot program, and not a conservation equivalency as defined by our policies. I think it clarifies and addresses the issue that has been raised by staff. I would like to see this change possibly as a friendly amendment to consider this as a pilot project.

CHAIRMAN ARMSTRONG: Do the makers accept that friendly amendment?

MR. LUISI: While I understand where Pat's going. I think this Board through the conversation that we just had and the clarification by both Max and you, Mr. Chairman that this will be, it's equivalent. It's equivalent to what our current rules are. It deviates slightly from the direction in Addendum IV, but I don't know what happens if it becomes a pilot.

It's not anything I've thought about or considered to this point. I am not certain that I would accept that as a friendly at this point right now. I also know we're running late and we've talked about this for quite a while. Maybe I can get some direction as to how it would be any different if it was a pilot versus a regulation where we're going to be reviewing it next year anyway.

MR. KELIHER: I think it's now been made clear on the record that this issue has been considered or discussed, or the description of the fact that it is precedent setting in nature; and that the consideration of a pilot or looking at this as a pilot was discussed, and that may be enough just to have it reflected in the record. But the Executive Director may want to weigh in.

CHAIRMAN ARMSTRONG: Bob.

EXECUTIVE DIRECTOR BEAL: In addition to what Pat said. I think one of the important parts of the conservation equivalency process to remember is that once regulations have been in place for a year, the Board had the obligation really to go back, review those regulations and determine if they did or didn't have the achieved or desired effect or expected affect.

I think given the conversation that's already on the record and this sort of review provision of conservation equivalency. We're probably going to achieve that. There are some unknowns here as far as the benefits of circle hooks and what the public's acceptance is going to be of circle hooks, et cetera. But if Maryland is going to collect some data and bring that back at the February meeting, I think that's the sort of pilot nature, this is built into that process.

CHAIRMAN ARMSTRONG: I think it's time to move the question, Doug.

MR. GROUT: Just my question about this being a pilot nature. I always think of a pilot as something you're going to try for one year and then evaluate whether to approve to move things forward to a more long term basis. I

guess my question to the Executive Director under this concept that this is a pilot. If we approve this and in February the information that Maryland brings back to report back to us on the effectiveness of this, if we find that it was not as effective as we had envisioned.

Could the Board take action without any kind of a proposal or sunset provision that Maryland would have to go back to 20 inches or come up with some other proposal that would reduce the discard mortality, while not increasing their harvest? If it's a pilot, does it end at the end of 2018 without some kind of further Board action?

EXECUTIVE DIRECTOR BEAL: I think Mike Luisi stated earlier that he wanted this to not be a one-year program, wanted to carry on for multiple years if it had the desired effect. I think that review that will take place a year from now, the Board's going to have to decide where they want to go at that point.

It will be hopefully clear whether this program did or did not have the desired effect; and at that point the Board is going to have to decide where to go. I don't know what that's going to be. Also keep in mind that at that same meeting the Board hopefully will be presented with the next benchmark assessment and the results of that. A new read on the stock; where we are with biomass and F rates and everything else.

The Board may also at that time consider initiating another management action. I don't know what that may look like, but to react to that new stock assessment information. I think there is going to be a lot of moving parts next February; a year from now on striped bass, and the Board is going to have to decide where to go at that point. Assuming this works as it is, based on Mike Luisi's comments earlier, I think Maryland's intention or hope is that this would be able to carry forward.

CHAIRMAN ARMSTRONG: David, I ignored you for a while.

MR. BORDEN: My guidance to you, Mr. Chairman is to ignore Mr. Abbott; except when he agrees with everything you're saying. Having been flapping my arm for an hour, I've exhausted myself completely.

CHAIRMAN ARMSTRONG: Well, I've achieved it then.

MR. BORDEN: I have completely forgotten what I wanted to say. No, a little levity is always good in these moments. My only suggestion here is in just listening to the debate. I actually like the idea of doing this as a pilot; and I would vote to support it as a pilot. I've spoken a number of times about the need to get on with reducing discards in this fishery.

In fact if you look at the minutes on Page 6, there was an exchange between myself and the prior Chairman on this. I think this is a good way to do it. Maryland should be commended for bringing the proposal forward. But the big distinction to me between conservation equivalency and a pilot is that a pilot would be just for Maryland to test this.

As everyone has already stated, then we're going to review a broader amount of issues; the benchmark stock assessment and a number of other considerations. We can consider at that point based on the results, whether or not we want to expand it. If we do it as a conservation equivalency proposal, to whatever extent it sets a precedent for other states they could follow. I think that to me is a distinction. I would be more comfortable with it as a pilot.

CHAIRMAN ARMSTRONG: Final word, Dennis.

MR. ABBOTT: I really thank you, Mr. Chairman. If we didn't label this as a pilot, and Bob says we can look at it next year. By what method, if we didn't like what we were seeing. What would be involved in rescinding this action; a question for Bob?

EXECUTIVE DIRECTOR BEAL: I think it would have to be a charge from this Board back to the state of Maryland; sort of indicating this doesn't

work. It has not achieved what the Board had hoped; and a charge to Maryland to bring back a new proposal that does achieve an equivalent suite of measures relative to what they have in place right now. I think it would be a charge back to the state of Maryland to sort of go back, do some more math, and try again.

MR. ABBOTT: A follow up on that Bob. That being the case, they come in next February for example, and they tell us we don't like it at that Board meeting. Then in May we talk about it and they set their regulations for next year; so the one year essentially is going to be an automatic two years. Not saying that's going to happen. But that's why I would rather see in the motion that it's a one year and then we can vote next year to make it permanent.

CHAIRMAN ARMSTRONG: Yes, really the final word.

MR. DAVID E. BUSH, JR.: I'm happy to see that we're actually stepping outside the box. I know that there are legalities involved any time we pilot project, precedence, things of that nature. I really could care less which one it's called; as long as it's the right one. I'm sure somebody somewhere is going to get us in line. Between negative one (-1) and 6 percent, I think it's time to vote.

CHAIRMAN ARMSTRONG: Thank you, David, so do I, it's time to vote. Let's take a three minute break to caucus. Is everyone prepared to vote?

MR. REID: Could I ask for a roll call, Mr. Chairman?

CHAIRMAN ARMSTRONG: So be it. Ritchie has asked that Bob, you put on the record the fact that we can readdress this in February.

EXECUTIVE DIRECTOR: Yes, I think what Ritchie may be looking for is sort of a comment on the conservation equivalency process. The way it is supposed to work by letter of the law or letter of the process is that states implement regulations; monitor the impacts of those regulations, harvest level, use of circle hooks

whatever it may be.

Then bring that information back, and then the Board decides whether that program can continue or they have to revert back to their previous regulations, or submit a new suite of regulations that achieve the original intent of what was proposed in their conservation equivalency proposal.

The Board has that authority in February to monitor what Maryland has done; look at their data, and ask them to revert back to their old regulations if it didn't work or Maryland can bring forth a different suite of regulations that will achieve the desired effect and equivalency to what they have in place right now. I think that's what Ritchie was looking for.

CHAIRMAN ARMSTRONG: That's right. Okay, thank you. Max, call the roll.

MR. APPELMAN: Okay working north to south. Maine.

MR. KELIHER: Yes.

MR. APPELMAN: New Hampshire.

MR. ABBOTT: Yes.

MR. APPELMAN: Massachusetts.

MR. RAYMOND W. KANE: Yes.

MR. APPELMAN: Rhode Island.

MR. McNAMEE: Yes.

MR. APPELMAN: Connecticut.

MR. MARK ALEXANDER: Yes.

MR. APPELMAN: New York.

MR. JAMES J. GILMORE: Yes.

MR. APPELMAN: New Jersey.

MS. COLLEEN GIANINI: Yes.



MR. APPELMAN: Pennsylvania.

MR. SHIELDS: Yes.

MR. APPELMAN: Delaware.

MR. CLARK: Yes.

MR. APPELMAN: Maryland.

MR. LUISI: Yes.

MR. APPELMAN: District of Columbia.

MR. KING: Yes.

MR. APPELMAN: Potomac River Fisheries Commission.

MR. GARY: Yes.

MR. APPELMAN: Virginia.

MR. O'REILLY: Abstain.

MR. APPELMAN: North Carolina.

DR. DUVAL: Yes.

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

SHERRY WHITE: Yes.

MR. APPELMAN: National Marine Fisheries Service.

MR. PETER BURNS: Yes.

**CHAIRMAN ARMSTRONG: The motion passes 15 yes, 1 abstention.**

#### **2018 BENCHMARK STOCK ASSESSMENT PROGRESS UPDATE**

CHAIRMAN ARMSTRONG: Moving on, Katie, can you update us on the benchmark assessment?

DR. DREW: Yes, thank you Mr. Chair. We've been added to the SAWSARK Schedule; which means that a review date has been set, which is going to be November 27 to the 30th of this

year. We'll be going through with summer flounder. We are in the process of scheduling our first modeling workshop for some time in late April, early May.

That is going to focus on model development for a new sort of stock structured, and hopefully sex-structured model. We'll be having another modeling workshop or assessment workshop in late summer to focus on incorporating the new MRIP estimates; when they become available. The Board working group on reference point guidance has gotten together.

It is in the process of developing a survey that is going to go to the entire Board, as well as the AP, to help give the TC some guidance on what the Board wants for this fishery in terms of management goals, management objectives so that we can develop reference points that meet those goals and objectives. You guys are all going to see that survey soon; and please take it when you do see it. Otherwise we continue on schedule.

#### **ADJOURNMENT**

CHAIRMAN ARMSTRONG: Are there any questions for Katie? Is there any other business before this Board? Then I adjourn for the second time.

(Whereupon the meeting adjourned at 5:00 o'clock p.m. on February 7, 2018)



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

April 16, 2018

**To: Atlantic Striped Bass Management Board**  
**From: Atlantic Striped Bass Board Guidance Work Group**  
**RE: Recommended Guidance to Stock Assessment Subcommittee for Board Consideration**

In October 2017, the Striped Bass Technical Committee (TC) and Stock Assessment Subcommittee (SAS) requested guidance from the Board regarding the types of reference points to pursue in the 2018 Benchmark Stock Assessment. Due to time and budget constraints and in order to solicit the necessary guidance on schedule, the Board agreed to establish a work group of Board, Advisory Panel (AP), and SAS Members to develop recommendations for Board consideration. The Board Guidance Work Group (Guidance WG) was Chaired by Mike Armstrong (Board Chair, MA) and membership<sup>1</sup> was as follows:

<u>Board</u>	<u>Advisory Panel</u>	<u>Stock Assessment Subcommittee</u>
Ritchie White (NH)	Peter Whelan (NH)	Ed Hale (SAS Chair, DE)
John McMurray (NY)	Patrick Paquette (MA)	Nicole Lengyel (TC Chair, RI)
John Clark (DE)	Arnold Leo (NY)	Alexei Sharov (MD)
Mike Luisi (MD)	Lou Bassano (NJ)	Katie Drew (ASMFC)
Michelle Duval (NC)	Dave Sikorski (MD)	

The Guidance WG met twice via conference call to develop a survey to provide an opportunity for participation and input from all Board and AP members. The survey asked questions regarding what members' value most from the striped bass resource and fishery, and regarding overall satisfaction with the status of the stock and management under Amendment 6. The survey consisted of 15 questions, most of which were multiple choice and a few open ended<sup>2</sup>. The survey was sent to the Board and AP via Survey Monkey<sup>®</sup> on March 9<sup>th</sup>, and members had until March 16<sup>th</sup> to complete the survey. The results of the survey were the basis for guidance recommendation development.

The Guidance WG met via conference call on April 2 to review survey results (*Appendix 1*) and develop guidance recommendations for Board consideration. As there are much fewer AP members than Board members, AP responses were difficult to summarize without singling out

<sup>1</sup> The Board Chair worked with ASFMC Staff to ensure that selected Board and AP members were representative of all interests (e.g., regions and fishing sectors)

<sup>2</sup> The survey is enclosed at the end of this memo, followed *Appendix 1*

M18-037

individual responses. The Guidance WG also noted that survey respondents did not represent various user groups equally. For example, the commercial fishery was particularly underrepresented (see *Appendix 1* for more detail regarding respondent demographics). However, the Guidance WG was informed that the AP will have the opportunity to provide its own guidance recommendations for Board consideration as well.

In general, the survey was unable to identify an overwhelming majority regarding overall satisfaction with management of striped bass under Amendment 6 (including the management triggers), or with the current reference points. Respondents that are not satisfied with the current reference points felt that the spawning stock biomass (SSB) target is too conservative and/or unachievable under current conditions (e.g., environmental conditions or the conditions of predator and prey populations), and that the development of stock- or producer area-specific reference points were very important to a successful and equitable management program. Survey results also indicated that there was interest in revisiting pre-Addendum IV reference points (Addendum IV implemented a new set of fishing mortality (F) reference points that were designed to achieve the respective SSB reference point over the long term). There didn't appear to be a strong preference for the type of reference point (e.g., empirical versus model-based) as long as they met the management objectives. Across all respondents, "managing F to maintain an age structure that provides adequate spawning potential to sustain long term abundance of striped bass populations" stood out as the most important management objective. "Broad age structure with high abundance of larger, older fish" and "high abundance of market size fish" were among the top three factors of a quality and viable fishery across all respondents.

Accordingly, the Guidance WG recommends the SAS develop a range of F and SSB reference points including the current target and threshold definitions as well as revisiting the pre-Addendum IV approach based on historic SSB and/or F levels during a period when the stock was considered in "good condition" by majority of stakeholder groups. This will allow the Board to explore the tradeoffs of different management objectives and perceived characteristics of a quality fishery. As part of this, the SAS should clarify the various implications of different reference point values. Additionally, the SAS should continue to strive for development of stock-specific reference points where possible. The lack of satisfaction with the management triggers can be addressed concurrently with the management response to the findings of the 2018 benchmark assessment.

## Appendix 1: Striped Bass Resource Satisfaction Survey Results Summary

### Introduction

This survey was developed by the Board Guidance Work Group (WG) comprised of Board, Advisory Panel (AP), and Technical Committee (TC) Members. The goal of the survey was to solicit input from Board and AP members regarding what they value most from the striped bass resource and fishery, and regarding overall satisfaction with the status of the stock and management under Amendment 6, in order to facilitate the development of biological reference points in the 2018 benchmark stock assessment. The survey consisted of 15 questions, mostly multiple choice and a few open ended (open ended responses are enclosed at the end of this summary). The survey was sent to the Board and AP via Survey Monkey<sup>®</sup> on Friday, March 9<sup>th</sup>, and members had until March 16 to complete the survey.

### Board Survey Results:

#### *Demographics:*

- 27 of 40 members completed the survey (i.e., 12 states x 3 commissioners, plus PRFC, DC, USFWS and NMFS).
- At least one commissioner from each member state and jurisdictions completed the survey, with the exception of DC, and including 1 federal agency
- Responders<sup>3</sup> identified themselves as follows:
  - o 17 represent state/federal agencies
  - o 8 represent recreational private anglers
  - o 5 represent commercial consumer and/or conservation groups
  - o 3 represent the commercial sector
  - o 3 represent the recreational for-hire sector

#### *Reference Point and Management Trigger Satisfaction:*

- 11 (of 24)<sup>4</sup> **are** satisfied with the state of the stock and management under Amendment 6
- 13 (of 24) **are not** satisfied with the state of the stock and management under Amendment 6
- 9 (of 24) **are** satisfied with the current striped bass reference points<sup>5</sup>
- 14 (of 24) **are not** satisfied with the current striped bass reference points
- Split 8:9 (of 23) regarding empirically- or model-based reference points; the rest (6) were indifferent as long as they meet the management objectives
- Majority (14 of 24) felt that stock- or producer area-specific reference points were very to extremely important; the rest (9 of 24) felt they were somewhat or not that important<sup>6</sup>
- Majority (16 of 24) are satisfied with the current management triggers, 4 of which are not satisfied with the reference points
- Of respondents who **are** satisfied with the current reference points:
  - o Included respondents from ME, NH, CT, NJ, PA, and DE (no Chesapeake Bay responders)
  - o Majority satisfied with the state of the stock and management under Amendment 6

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<sup>3</sup> Responders were asked to check all that apply from the sector categories. Those that selected "State or Federal Agency" did not select additional categories (with one exception; also selected private angler). Those that checked more than one category, typically checked "private angler" and one other category.

<sup>4</sup> Some responders skipped certain questions, therefore total number of responses varies by question

<sup>5</sup> One satisfied with the reference points, but not satisfied with the triggers

<sup>6</sup> One responded that stock- or producer area-specific reference points were not at all important

- Majority split between empirical- based reference points and no preference
- Majority felt that stock-specific reference points were somewhat to not that important
- All were satisfied with the current triggers
- Of respondents who **are not** satisfied with the current reference points:
  - Included respondents from all states/jurisdictions with the exception of NH, CT and PA
  - Most common reason, “too conservative – maintain biomass too high.”
  - Majority not satisfied with state of the stock and management under Amendment 6
  - Split 5:6 regarding empirical- or model-based reference points; 3 had no preference
  - Majority felt that stock-specific reference points were very or extremely important
  - Majority also not satisfied with current management triggers

*Resource and Management Satisfaction:*

- Management Objectives (Table 1)
  - Objective #2, “manage F to maintain an age structure that provides adequate spawning potential and long term sustainability,” stood out as the most important objective across all responders, followed by “foster quality and viable fisheries” and “manage via control rules based on the target reference points.”
- Factors of a Quality and Viable Fishery (Table 2)
  - Factor #3, “broad age structure with high abundance of larger, older fish,” stood out as the most important factor across all responders, followed by “stability and consistency in quotas and regulations from year to year,” and “high catch rates/abundance of market size fish.”

**Advisory Panel Survey Results:**

*Demographics:*

- 9 of 19 members completed the survey (this is on par with historical member participation).
- Responders were from MA, NY, NJ, PA, MD and VA, and identified themselves as follows:
  - 9 represent recreational private anglers
  - 4 represent the recreational for-hire sector
  - 3 represent commercial consumer and/or conservation groups
  - 1 represents the commercial sector
- Water bodies represented:
  - Nantucket Sound and Cape Cod Bay (2MA)
  - New Jersey Shore and Bays (NJ, PA)
  - Raritan Bay, Hudson and East Rivers (NJ)
  - New York Bight, Peconic Bay (2NY)
  - Delaware River (PA)
  - Chesapeake Bay (VA, MD)

*Reference Point and Management Trigger Satisfaction:*

- Majority (6 of 9) **are** satisfied with the state of the stock and management under Amendment 6
  - 3 (of 9) **are not** satisfied with the state of the stock and management under Amendment 6

- Split 4:4 regarding satisfaction with the current striped bass reference points<sup>7</sup>
  - o Most common responses were: “unable to achieve target under current environ conditions,” and “being too conservative” with regards to F and/or SSB
- Majority have no preference for type of reference point as long as they meet the management objectives
- Majority felt that stock-specific reference points were somewhat to very important
- Majority are satisfied or don’t have an opinion about the current management triggers
- Those that are satisfied with current reference points<sup>8</sup> are also satisfied with the state of the stock and management under Amendment 6; they have no preference for reference points as long as they meet the management objectives, but stock-specific reference points are very/somewhat important; and they are satisfied with the current management triggers.

*Resource and Management Satisfaction:*

- Management Objectives<sup>9</sup> (Table 3)
  - o Objective #2, “*manage F to maintain an age structure that provides adequate spawning potential and long term sustainability,*” stood out as the most important objective across all responders, followed by “*manage via control rules based on the target reference points*” and “*maintain coastwide consistency of implemented measures while allowing flexibility for alternative measures.*”
- Factors of a Quality and Viable Fishery (Table 3)
  - o Factor #4, “*high abundance of market size fish*” stood out as the most important factor across all responders, followed by “*broad age structure with high abundance of larger, older fish*” and “*high abundance of trophy size fish.*”

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<sup>7</sup> One satisfied with the reference points, but not satisfied with the triggers

<sup>8</sup> Two from MA, one from NY and one from NJ; all represent the recreational sectors

<sup>9</sup> Most important objective was the same for Board and AP, but 2<sup>nd</sup> and 3<sup>rd</sup> place differed slightly

**Table 1. Board Survey Results: ranking of management objectives.** Rankings based on mean survey values. Categorical rankings were only calculated for categories with at least a sample size of 5 responders.

Sample Size (N); only ≥5	21	10	5	5	11	3	7	
Management Objectives of Amendment 6 (average rank)	Overall Ranking	Satisfied w/Management	Satisfied w/Management AND Satisfied w/ BRPs	Satisfied w/Management BUT not Satisfied w/ BRPs	Not Satisfied w/Management	Not Satisfied w/Management BUT satisfied w/ BRPS*	Not Satisfied w/Management AND not satisfied w/ BRPS	Average Ranking
Manage via a control rule to maintain stock at or above the target biomass level and a level of F at or below the target F.	3	2	1	3	4	NA	5	3.0
Manage F to maintain an age structure that provides adequate spawning potential to sustain long-term abundance.	1	1	1	1	1	NA	1	1.0
Maintain coastwide consistency of implemented measures, while allowing states flexibility to implement alternative strategies	4	4	2	5	3	NA	3	3.5
Foster quality and economically viable recreational, for-hire, and commercial fisheries.	2	3	4	2	2	NA	2	2.5
Maximize cost effectiveness of current information gathering and prioritize state obligations in order to minimize costs of monitoring and management.	6	6	6	7	6	NA	4	5.8
Adopt a long-term program that minimizes the need to make annual changes to management measures.	5	4	3	4	5	NA	6	4.5
Establish a F target that will result in a net increase in the abundance (pounds) of age 15 and older striped bass in the population	7	5	5	6	7	NA	7	6.2

1st Place
2nd Place
3rd Place

**Table 2. Board Survey Results: ranking of factors of a quality and viable fishery.** Rankings based on mean survey values. Categorical rankings were only calculated for categories with at least a sample size of 5 responders.

Sample Size (N); only ≥5	21	10	5	5	11	3	7	
Factors of Quality and Viable Fishery (average rank)	Overall Ranking	Satisfied w/Management	Satisfied w/Management AND Satisfied w/BRPs	Satisfied w/Management BUT not Satisfied w/BRPs	Not Satisfied w/Management	Not Satisfied w/Management BUT satisfied w/BRPs*	Not Satisfied w/Management AND not satisfied w/BRPs	Average Ranking
High yield/quotas	5	5	5	5	5	NA	4	4.8
High catch rates, even if not all fish can be retained	3	2	2	3	4	NA	4	3.0
Broad age structure with high abundance of larger, older fish	1	1	1	3	1	NA	1	1.3
High abundance of market size fish (>18" in producer areas, >28" on the coast)	4	3	4	1	3	NA	3	3.0
High abundance of trophy size fish (>28" in producer areas, >36" on the coast)	6	4	7	4	7	NA	5	5.5
Stability/consistency in quotas and regulations from year to year	2	2	3	2	2	NA	2	2.2
Ability to fish year round (i.e., no closed seasons)	7	6	6	6	6	NA	6	6.2

1st Place
2nd Place
3rd Place



**Table 3. Advisory Panel Survey Results: ranking of management objectives (left) and factors of a quality and viable fishery (right).** Rankings based on mean survey values. Categorical rankings were only calculated for categories with at least a sample size of 5 responders.

Sample Size (N); only ≥5	9	6	
Management Objectives of Amendment 6 (average rank)	Overall Ranking	Satisfied w/Management	Average Ranking
Manage via a control rule to maintain stock at or above the target biomass level and a level of F at or below the target F.	2	2	2.0
Manage F to maintain an age structure that provides adequate spawning potential to sustain long-term abundance.	1	1	1.0
Maintain coastwide consistency of implemented measures, while allowing states flexibility to implement alternative strategies	3	4	3.5
Foster quality and economically viable recreational, for-hire, and commercial fisheries.	4	5	4.5
Maximize cost effectiveness of current information gathering and prioritize state obligations in order to minimize costs of monitoring and management.	7	7	7.0
Adopt a long-term program that minimizes the need to make annual changes to management measures.	6	6	6.0
Establish a F target that will result in a net increase in the abundance (pounds) of age 15 and older striped bass in the population	5	3	4.0

Sample Size (N); only ≥5	9	6	
Factors of Quality and Viable Fishery (average rank)	Overall Ranking	Satisfied w/Management	Average Ranking
High yield/quotas	5	4	4.5
High catch rates, even if not all fish can be retained	6	5	5.5
Broad age structure with high abundance of larger, older fish	1	2	1.5
High abundance of market size fish (>18" in producer areas, >28" on the coast)	1	1	1.0
High abundance of trophy size fish (>28" in producer areas, >36" on the coast)	3	2	2.5
Stability/consistency in quotas and regulations from year to year	4	6	5.0
Ability to fish year round (i.e., no closed seasons)	7	7	7.0

1st Place
2nd Place
3rd Place

## Striped Bass Resource Satisfaction Survey

### Text/Free Response Results

**Q5. Please explain your answer to Question 4 [Have you been satisfied with the state of the stock and management under Amendment 6?] above.**

#### ***Responded "Yes" to Q4***

##### *Board Members*

- I answered "yes" above only because there has been great stability in the fishery under [Amendment] 6...However, I am not satisfied with the reaction of the board (Addendum IV) to SSB levels. The SSB reference points are arbitrary and are overly conservative creating an expectation for anglers that may never be able to be achieved (SSB Target)
- I've had several great striped bass fishing trips and others I've talked to have as well. I think are plenty of fish available for a sustainable fishery. Overall, I believe the fishery has become better during the course of Amendment 6.
- Increased availability to numbers of fish with the outlook of increased large striped bass with the 2011 year class
- It established measurable triggers
- For the most part, management under Amendment 6 seems to be working. Vagaries of reproductive success continue to limit biomass to less than what was experienced in the early to mid-2000s.
- Maintaining stock abundance really high, all the time, is unrealistic and likely has impacts to other species we don't fully understand. The FMP requires careful monitoring of trends. Managers have been getting uneasy, at least in part, to poorer recruitment for a number of years. We now have two relatively strong year classes working through the fishery. I expect that ASMFC could continue to manage as is w/o major changes.
- Stock remains robust and F well controlled

##### *AP Members*

- Yes, for the most part. Amendment 6 has balanced conservation and broad access well
- satisfy meet the expectations, needs, or desires of
- Well thought out, fairly conservative reference points achieve the goals of Amendment 6 - maintaining a self-sustaining spawning stock and a broad age structure, and maximizing the overall benefits of the fishery.
- The abundance of striped bass during the "season" here on Cape Cod has been increasing over the past few years from my experience (fishing nearly every day or night during the season including fishing in the off season). As a field interviewer for DMF MRIP Survey the past couple of years, I have seen the experienced fisher have no trouble in finding and catching striped bass. Also, as an interviewer from 1986 through 1984, I saw the phenomenal recovery of the stock to the declaration of recovery in 1995. Those who know how fish (not necessarily for striped bass) did very well, with little or no complaints about the stock or abundance. I concur with them. My feeling is that those who know how can do, those who don't know how, can't do and blame their lack of expertise on management. I think the Plan with the necessary adjustments is

working fine. We, the fishermen have to adapt to the fish and should expect the fish to adapt to us. I do have reservations about habitat issues in spawning, migratory and summer (Cape Cod area) feeding areas. Thank You

- It's been working

### **Responded "No" to Q4.**

#### *Board Members*

- I generally think the plan has worked OK, but I do wonder why the biomass trajectory continues its decline, so this leads me to believe that we're not quite in the right spot, and so we should re-evaluate the reference points.
- Repeated reports from the recreational community suggests there are problems with striped bass sizes and numbers. I have concerns about MD proposal to harvest smaller fish and the uncertainty that use of circle hooks will meet the proposed level of Conservation Equivalency.
- Neglect of the Del. Bay and River contributions have resulted in inequitable quota and catch distributions. Working from 1970's catch data is obsolete to the Commission as it was with the Eel situation in New York. It is time for an update of reference points that reflect the 21st. century Striped Bass populations.
- We did not need to go to one fish as was proven with 2011 being the fourth highest and 2015 being the eight highest young of the year in the Chesapeake Bay. SSBM was not the reason for poor in some years but other factors
- A more conservative F allows for increased levels of fish in Maine waters and ensures a quality recreational experience for both resident and non-resident anglers
- Would like to see the stock return to the levels from the late 90s to ~2006, but concern that the corresponding recruitment may not be attainable.
- The SSB target is too high (125%). It suggests we are managing the stock for conservation purposes only. This puts economic strain on fishing communities.
- The early years when  $F_{target} = 0.30$  were more reasonable than in recent, later years. The 3-fleet model of late seems a way to gloss over the persistent problems with accurately (or close to accurately) estimating commercial discards, by placing it in a separate fleet. In addition, there was much concern by Chesapeake jurisdictions to develop Chesapeake Bay reference points. In addition, managing to the target F is fine but when the  $F_{current}$  is barely above the target F, and stringent management measures are implemented simply to achieve target F, yield is sacrificed. The SSB threshold/target regime is: 1) unusually conservative; recall that the 1995 SSB was considered adequate for management of this stock; and, 2) is not tied to the assessment directly. Not to be parochial, but there is a definite disadvantage for Chesapeake Bay jurisdictions, as the majority of coastal states have a strong veto power over the Chesapeake Bay jurisdictions. My concern is that Addendum IV had an objective to conserve the 2011 year class, but equal conservation was not applied directly to the majority of coastal states, once that year class was available to coastal fisheries.
- Difficult question to answer, b/c I would like to check both buttons -- while I am satisfied with the state of the stock, I do think management of the stock (which is driven by the reference

points) needs to evolve; population dynamics have likely shifted in response to changes in the environment and management needs to reflect this.

- In our area of the Atlantic Coast, availability of striped bass has been low for the past several years, prompting complaints from the private and for-hire components of the fishery.
- Management under Amendment 6 and Addenda I-III was effective, with consistent recreational regulations and reasonable commercial quotas for all states. The Amendment went into effect near the peak of a population cycle and it conserved the stock while allowing for reasonable harvests. The stock inevitably declined from the historic high level seen at the time Amendment 6 was approved and the Board overreacted. Addendum IV put extremely conservative reference points into effect and sought to impose restrictive fishing measures on the stock throughout the range. The result has been a needless loss of interest among recreational anglers, a needless loss of income to commercial fishermen, and a confusing welter of state regulations as some states accommodate the most restrictive measures demanded by their most vocal anglers while other states try to maximize access to this great resource. These restrictive regulations have turned the great Mid-Atlantic estuaries into feed lots for immature striped bass. Mid-Atlantic fishermen are frustrated by having to release nearly everything they catch when sub-legal striped bass are the only fish available.
- Overall abundance and a broad year class representation is not is not adequate to support a quality fishery in Northern New England
- Anecdotal evidence of greatly reduced numbers of trophy size fish in near shore Atlantic waters (Long Island, NY)

#### *AP Members*

- The stock is significantly over the rebuilt goal, but the triggers for curtailing landings are inflexible (i.e., small excesses in F and/or SSB trigger a 25% reduction in landings).
- The SSB are the numbers from the Chesapeake. We have no numbers from the Hudson or the Delaware. Both rivers add a lot of S.B. fishery to the system. We need more data from the rivers above.
- Less fish than in years passed. Smaller fish than in years passed.

#### **Q7. If you are not satisfied with the current striped bass reference points, why not?**

##### *Board Members "Other" responses.*

- I think there is disconnect between the biomass and fishing mortality ref points which needs to be re-evaluated.
- SSB needs to be assessment based and should be based on MSY or some type of MSY proxy. Also, the Chesapeake Bay should have its own assessment based BRPs so that management of the Bay portion (resident population) of the stock can be part of the management plan.
- Lacks up to date environmental changes which cancels the flexibility to react to the fishery in order to keep it viable. Abundances appear to have shifted in location, yet no recognition has been the reaction.
- They management measures do not include the fact that the Delaware and Hudson River contribution to the costal migratory stock has greatly increase is not used for management.

- I am concerned that targets for SSB have been set at a level which is difficult to attain or even get close to. The current target is more aligned with biomass levels that resulted from super year class recruitment events in 93, 96 & 2001 that we have not seen since (clustered over a short number of years) and may not see again. Fishing under a coastal F stripped the Chesapeake region of its ability to effectively manage the pre-migrant component of the stock, which had been done effectively under the Chesapeake Bay Harvest Control Model
- Granted, recruitment has fallen off after 2007, with one exception. Nonetheless, the 'ceiling' (SSB target) is too high. Poor and average recruitment are typical but once there is rebuilding (we hope) BRPs should be assessment based, and management efforts may need to be different than current. For example, the numbers of striped bass decrease with age (size), and it may not be beneficial to have abandoned the 18-inch minimum size limit in Chesapeake Bay, in that discards are a large problem and older, stable fish are part of the harvest. Maximum size limits may better protect valuable year classes.
- Triggers 1-4 require information that must be derived from an assessment or assessment update. If the interval between assessments is more than two years, it is difficult to monitor where the stock stands in relation to the reference points and to assess the effectiveness of any previous corrective measures. Nevertheless, the current management approach does provide a more stable, more compliant and more enforceable alternative to chasing harvest targets with MRIP estimates.
- BRPs based upon 1995 SSB. ASMFC can do better. Ecosystem considerations are always the goal but I have concerns re: data needs, modeling complexity, and the 1-sided application of uncertainty.
- Suspect that it not be possible to reach the target biomass under normal recruitment

*AP Members "Other" responses*

- My concern is that there is not enough flexibility in the management regime to allow for common sense decisions.
- The fishery is doing well now, but get several bad YOY in a row, and our fishery will crash. We should be more conservative.

**Q12. If you chose "Other" as an objective that was important to you in the question above, please describe that objective.**

*Board Members*

- Separate management of producer areas taking into consideration the sex specific information from those areas.
- #4 "Foster quality and economically viable recreational and for hire fisheries" Delete the "Commercial" part of this. The unique nature of striped bass, where it is found (rivers, bays, estuaries, ocean beaches), how it may be caught, the wide variety of methods and baits make it an ideal species for recreational and for hire anglers. Its value as a recreational species far exceeds its value as a commercial species and it should be managed as such.
- Manage striped bass taking into account ecosystem considerations.

- The control rule option can be good or poor depending on the adequacy of the BRPs to represent changing stock conditions (i.e. the control rule must be flexible to adapt to static and dynamic stock conditions).
- Fairness and equity in management among jurisdictions seems to be a common goal, but it has proven hard to define. Also what standing stock of striped bass best fits ecological considerations (other species)?
- Ability to effectively evaluate tradeoffs between management objectives
- I know the preceding objectives were all in Amendment 6, but it is hard to rank them since they are ambiguous and some are contradictory.
- Determine (and take) management steps needed to return stock to abundance experienced across the entire range during the period of 1990-1999

*AP Members*

- Triggers that allow for incremental reductions when portions of the stock require to achieve wide range of age structure and high abundance of SSB, rather than waiting to make large reductions.
- Provide management flexibility so that exceeding target s of F and/or SSB do not mandate harmful curtailments of landings when the stock is extremely abundant (i.e., the waste of bycatch mortality currently in the Chesapeake fishery).
- #1 would be to manage conservatively, for abundance, so as to maintain opportunity for quality fisheries over a broad range - from Maine to North Carolina.

**Q14. If you chose "Other" as a factor that was important to you in the question above, please describe that factor.**

*Board Members*

- Consistent regulations in shared jurisdictions like Delaware Bay, Chesapeake Bay, Long Island Sound, and Atlantic coastal waters.
- A management plan that insures long term quality stocks (full range of sizes) and minimizes fish mortality (after release by recreational anglers) and from excessive bycatch (from commercial angling operations)

*AP Members*

- Effective law enforcement to prevent striped bass landings in the EEZ.
- A wide ranging stock with a good distribution of older larger fish, providing opportunity along the coast for the greatest number of people to utilize them.

**Q15. Please share any other thoughts you have regarding the status and management of the striped bass stock and fishery.**

*Board Members*

- We need to make sure that the reference points and management triggers are all consistent with each other and based on similar and consistent information. For instance, if a robust age structure is deemed important, there should be a trigger based on some proportion of age X in the population, and the information used to determine this proportion should be strong and used consistently through time.
- Regulations that protect the largest fish which are usually spawning age females should be considered. Maximum length or annual limits of one fish over a maximum length would protect the most important fish in the stock. A species which can reach very large sizes >60 lbs should be managed so that a much greater percentage of fish can reach that potential rather than being removed from the population as 3-4 year olds at 18-22 inches. No other fish species along the east coast is as available to all angling skill and economic levels as striped bass. I would like to see management strategies that recognize striped bass as the preeminent gamefish of the east coast. As other shore-based fisheries are in decline, striped bass are poised to fill the void and keep coastal communities viable.
- #9 - CB reference points are important. Not as concerned about reference points of other producer areas. #10 - Triggers are very conservative.
- Picture this, a small group of children standing at the edge of a river catching Striped Bass too numerous to count. Yet undersized according to the ASMFC. "Can we keep a few" is always the question posed by the youngsters. No, kids you have to throw them back. Next response from the kids, "Can we go now, why do we go fishing if we can't keep anything." Next year's willingness to participate has been cut in half. The idea of a Coastwide Super Abundance of Striped Bass is not practical, most especially were the fish are reared. Does the example sound like a viable managed fishery? How many generations will we deny?
- Inclusion of consideration of sex specific reference points. Especially for producer areas that have male dominated populations
- It may be time to establish an ACL option to provide incentive to states to reduce discard problems. It may be time to establish studies that can better quantify discard mortality rates. This survey is fine, but should be presented again, once the re-calibration of MRIP is complete.
- Over all, management of SB has been successful since the stock was rebuilt in the early 1990's. Even when recruitment was down in the middle/late 2000's due to a lack of a dominant year class for 8 years, management responded as called for in A6 and put in measures to bring fishing mortality back to the target. The SB resource has clearly responded with some dominate year classes that are now moving through bay and coastal fisheries.
- Some jurisdictions apparently are more concerned with "getting their fair share" of the resource rather than the long-term health and stability of the resource. We must take a long-term view of striped bass management and resist knee-jerk responses to fluctuating reproductive success and abundance of particular year-classes in some portions of the species range. Also, we cannot manage for maximum striped bass production and abundance and ignore other predators, prey, and competitors. Spawning contributions from the Hudson R. and Delaware Bay have been pretty much ignored for a number of years.
- I believe the status is fine; I do not think our existing reference points reflect some pretty significant changes in the environment that we have already seen over the past 10+ years (or are likely to see in the future), and believe we need to re-evaluate those. While the management triggers in general are fine, I do not believe that trigger #1 adequately accounts for

the social and economic impacts that can result from sudden changes in management and would prefer to see this changed to a two-year trigger...I do think the next survey should probably focus specifically on the management triggers themselves ;-)

- Striped bass management seems to have an emotional component not seen in other fisheries. Regulations that would be considered overly restrictive for other species are considered not restrictive enough for striped bass. The Amendment 6 reference points would have been left alone in any other fishery back in 2014. While it is great that striped bass still inspire so much passion, it does complicate management.
- In summary, we need a quality recreational fishery: high abundance, broad year class representation with the real possibility of catching trophy sized fish.
- Protect and enhance stocks in the Chesapeake Bay 2. Develop conservation measures (e.g. mandate circle hooks) so as to reduce mortality on fish caught & released 3. Develop effective coast wide surveys regarding angler satisfaction and measures of success
- Continues to be a well-managed fishery. The most difficult part is providing for both a strong commercial fishery and a robust recreational fishery. Our current management is a trade-off between these two factors, as it probably should be. However, because striped bass are the cornerstone of many northeast recreational fisheries, I believe we should maintain a slight preference for keeping the recreational fishery robust over the commercial fishery should trade-offs need to be necessary.

#### *AP Members*

- Largest problem is ASMFC not actively managing toward the Target
- The politics of striped bass management favors states that have only recreational fisheries and therefore vote against any improvement of commercial fisheries.
- It would be very unwise to drastically change reference points to allow for greater yield at the expense of opportunity. I am certain that the public (and this IS a public resource) would prefer managing for abundance and opportunity over greater harvest levels. Should the public have a chance to comment on this, I am certain this is what we'd hear. Really, to alter/change goals and objectives like this, there should have been a full addendum or amendment process.
- Research by ASMFC with help from other agencies and colleges that teach marine biology.
- The Pennsylvania / Delaware River fishery is a direct result of the FMP. The last few years recreational fishing has been poor compared to years past.
- I think the Plan has done a good job in maintaining the stock of striped bass and providing a quality fishing experience for all.



# Striped Bass Resource Satisfaction Survey - Management Board Reponses

## Demographic Information

Your responses are anonymous! However, this information will help us understand the results of the survey better.

### 1. Which sector do you represent? (Choose all that apply.)

- Commercial
- Recreational - For Hire
- Recreational - Private Angler
- Commercial consumer - Non-angler/fisher (e.g., fish buyer/processor/wholesaler, or restaurant goers)
- State or Federal Agency (e.g., Maryland Department of Natural Resources, or U.S. Fish and Wildlife Service)
- Conservation Group or Agency

## 2. Which state or jurisdiction do you represent?

- Maine
- New Hampshire
- Massachusetts
- Rhode Island
- Connecticut
- New York
- New Jersey
- Pennsylvania
- Delaware
- Maryland
- District of Columbia
- Potomac River Fisheries Commission
- Virginia
- North Carolina
- Not Applicable - (I do not represent a particular state or jurisdiction, e.g., Federal Agencies)

## 3. Which region or water body do you primarily fish? (for example, "Hudson River," "Long Island Sound," "the Chesapeake Bay," or "I am not an avid angler" are all acceptable responses).

# Striped Bass Resource Satisfaction Survey - Management Board Responses

## Reference Point and Management Trigger Satisfaction

Please tell us how satisfied you are with current striped bass biological reference points under Addendum IV to Amendment 6.

**Biological Reference Points for Striped Bass:**

Biological reference points (BRPs) are used in fisheries management as a measure of stock status and as a

reference to evaluate management plan effectiveness. There are two sets of BRPs used in striped bass management. The first is based on spawning stock biomass (SSB), with a threshold value equal to the SSB value in 1995, the year the striped bass stock was declared rebuilt. The stock is declared overfished if SSB drops below the SSB threshold. The second set of reference points is based on fishing mortality rate (F, the rate at which individual striped bass die because of fishing), with a threshold value equal to the fishing mortality rate that will maintain the population at the SSB threshold in the long term. Overfishing occurs when F is greater than the F threshold. Target levels for SSB and F provide additional performance metrics. The current SSB target corresponds to 125% of the SSB threshold and the F target is associated with achieving the SSB target over the long term.

#### Management Triggers for Striped Bass:

Amendment 6 established five (5) management triggers. Upon reaching any (or all) of these triggers, the Management Board is required to alter the management program to ensure the objectives of the Fishery Management Plan are achieved. Management triggers are typically only associated with BRP thresholds (e.g., if the F threshold is exceeded, the Board is required to take action to reduce F below the threshold). However, for striped bass, management action may be triggered when F and SSB are between the target and the threshold.

[Click here](#) for more information regarding the Atlantic Striped Bass Fishery Management Plan, current BRPs and management triggers, and current state of the resource and its fisheries.

#### 4. Have you been satisfied with the state of the stock and management under Amendment 6?

- Yes
- No

#### 5. Please explain your answer to Question 4 above.

#### \* 6. Are you satisfied with the current striped bass reference points?

- Yes
- No
- I'm satisfied with the reference points, but I do not like the management triggers
- I do not have an opinion on the specific reference points

## 7. If you are not satisfied with the current striped bass reference points, why not?

- Too conservative -- restrict fishing too much
- Too conservative -- maintain biomass at too high of a level
- Not conservative enough -- does not maintain a high enough level of abundance
- No ecosystem considerations -- reference points due not take environmental information into account
- Concerns about the stock's ability to achieve the target under current environmental conditions
- Other (please specify)

## 8. What kind of reference points do you prefer?

- Historically/empirically based (targets and thresholds based on the abundance of the stock and the performance of the fishery during a historical period -- similar to current reference points but not necessarily the same year or percentage)
- Model-based - for example, Maximum Sustainable Yield (MSY), Spawner-per-Recruit (SPR)
- No preference as long as they meet the management objectives

## 9. How important is it to you to have stock- or producer-area specific reference points?

- Extremely important
- Very important
- Somewhat important
- Not that important
- Not at all important

**10. Are you satisfied with the current management triggers?**

- Yes
- No
- The current management triggers are fine, but I am not satisfied with the current reference points
- I do not have an opinion on the specific management triggers

## Striped Bass Resource Satisfaction Survey - Management Board Responses

### Resource and Management Satisfaction

Please tell us how satisfied you are with current management options and what a quality striped bass resource and fishery would look like to you.

**11. Please rank the management objectives from Amendment 6 in order of most important (1) to least important (8).**

<input type="checkbox"/>	Manage striped bass fisheries under a control rule designed to maintain stock size at or above the target female spawning stock biomass level and a level of fishing mortality at or below the target exploitation rate.
<input type="checkbox"/>	Manage fishing mortality to maintain an age structure that provides adequate spawning potential to sustain long-term abundance of striped bass populations.
<input type="checkbox"/>	Provide a management plan that strives, to the extent practical, to maintain coastwide consistency of implemented measures, while allowing the States defined flexibility to implement alternative strategies that accomplish the objectives of the FMP
<input type="checkbox"/>	Foster quality and economically viable recreational, for-hire, and commercial fisheries.
<input type="checkbox"/>	Maximize cost effectiveness of current information gathering and prioritize state obligations in order to minimize costs of monitoring and management.
<input type="checkbox"/>	Adopt a long-term management regime that minimizes or eliminates the need to make annual changes or modifications to management measures.
<input type="checkbox"/>	Establish a fishing mortality target that will result in a net increase in the abundance (pounds) of age 15 and older striped bass in the population, relative to the 2000 estimate.
<input type="checkbox"/>	Other - please see Question 12 below to describe an alternative objective that you feel is important but is not one of the objectives of Amendment 6.

**12. If you chose "Other" as an objective that was important to you in the question above, please describe that objective.**

**\* 13. What does a quality and economically viable striped bass fishery look like to you? Please rank the following factors from most important to you (1) to least important (8).**

<input type="text"/> High yield/quotas	<input type="checkbox"/> Not important
<input type="text"/> High catch rates, even if not all fish can be retained	<input type="checkbox"/> Not important
<input type="text"/> Broad age structure with high abundance of larger, older fish	<input type="checkbox"/> Not important
<input type="text"/> High abundance of market size fish (>18" in producer areas, >28" on the coast)	<input type="checkbox"/> Not important
<input type="text"/> High abundance of trophy size fish (>28" in producer areas, >36" on the coast)	<input type="checkbox"/> Not important
<input type="text"/> Stability/consistency in quotas and regulations from year to year	<input type="checkbox"/> Not important
<input type="text"/> Ability to fish year round (i.e., no closed seasons)	<input type="checkbox"/> Not important
<input type="text"/> Other	<input type="checkbox"/> Not important

**14. If you chose "Other" as a factor that was important to you in the question above, please describe that factor.**

**15. Please share any other thoughts you have regarding the status and management of the striped bass stock and fishery.**