



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Striped Bass Management Board

FROM: Atlantic Striped Bass Technical Committee & Stock Assessment Subcommittee

DATE: March 19, 2024

SUBJECT: Addendum II Area Measures for New York, Pennsylvania, and Delaware

The Striped Bass Technical Committee (TC) and Stock Assessment Subcommittee (SAS) met via webinar on March 4, 2024 to review analyses and proposed measures for the Addendum II area-specific measures for New York, Pennsylvania, and Delaware. As required by Addendum II, New York, Pennsylvania, and Delaware submitted area-specific recreational measures in their state implementation plans to achieve at least a 14.1% reduction for the New York Hudson River fishery, Pennsylvania spring slot fishery in the lower Delaware River/Estuary, and the Delaware summer slot fishery in the Delaware River/Bay.

Following the typical methodology used to estimate reductions for proposed striped bass measures, each state used available fishery-dependent and/or fishery-independent data to characterize the length frequencies of available striped bass for each fishery. For the proposed new size limits, each state calculated the estimated change in removals based on the change in harvest and change in dead releases. Pennsylvania also included a reduction associated with changing the spring slot bag limit. A description of the data sources, methods, and data tables are presented in each state's implementation plan (available in [Meeting Materials](#) for the March 26, 2024 Atlantic Striped Bass Board meeting).

Overall, the TC noted the significant data limitations, particularly for the Pennsylvania and Delaware fisheries. The Pennsylvania fishery is small compared to overall coastwide removals and there is no available fishery-dependent data, as MRIP does not sample in Pennsylvania and there is no equivalent to the Hudson River logbook program. For Delaware, there is a low number of MRIP intercepts, especially when looking at one specific wave in this case. The TC noted that all three states used the best data available given these challenges. The TC also noted the desire to hold all three states to the same standards for analysis.

For New York's Hudson River proposed measures, the TC had no concerns with the analysis. The TC asked whether a non-compliance measure had been applied in past Hudson River analyses. Following the call, staff confirmed that a non-compliance measure was not applied in past analyses. The Hudson River logbook data indicate non-compliance is 0%. Further, the Pennsylvania and Delaware analysis do not include a non-compliance component.

M24-24

For Pennsylvania’s spring (April-May) slot fishery proposed measures, the TC recommended revisions to the analysis regarding the bag limit savings and combining the effects of multiple changes. The TC recommended using 25% as the estimated savings from reducing the bag limit from 2 fish to 1 fish. This is the same estimated savings used in Addendum IV when the ocean bag limit was reduced from 2 fish to 1 fish. To account for the effects of simultaneous changes to the slot limit and bag limit, the TC recommended applying a sequential (i.e., multiplicative/cumulative) reduction equation. Pennsylvania revised their analysis based on these recommendations, and also added a component accounting for release mortality outside the slot. The TC had no concerns with the revised analysis.

For Delaware’s summer (July-August) slot fishery proposed measures, the TC had no concerns with the analysis.

The following table summarizes the current measures, proposed Addendum II measures, and estimated percent reduction for each fishery, as specified in each state’s implementation plan.

State	Fishery	Current Measures	Proposed Add II Measures	Estimated Reduction
New York	Hudson River (Apr-Nov)	1 fish at 18”-28”	1 fish at 23”-28”	-14.9%
Pennsylvania	Apr-May slot fishery in lower Delaware River/ Estuary	2 fish at 21”-<24”	1 fish at 22”-<26”	-19.3%
Delaware	Jul-Aug slot fishery in Delaware River/Bay	1 fish at 20”-25”	1 fish at 20”-24”	-15.4%

TC-SAS Members in Attendance

Nicole Lengyel Costa (TC Chair, RI), Mike Celestino (SAS Chair, NJ), Michael Brown (ME), Gary Nelson (MA), Kurt Gottschall (CT), Caitlin Craig (NY), Brendan Harrison (NJ), Tyler Grabowski (PA), Margaret Conroy (DE), Alexei Sharov (MD), Ingrid Braun (PRFC), Brooke Lowman (VA), Joshua McGilly (VA), Charlton Godwin (NC), Jeremy McCargo (NC), Tony Wood (NOAA)

Public in Attendance

Jessica Best (NYDEC), Corrin Flora, Jesse Hornstein (NYDEC), Will Poston, Michael Woods

ASMFC Staff: Katie Drew, Emilie Franke, Toni Kerns



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MEMORANDUM

TO: Atlantic Striped Bass Management Board
FROM: Atlantic Striped Bass Plan Review Team
DATE: March 19, 2024
SUBJECT: Review of Addendum II State Implementation Plans

The Striped Bass Plan Review Team (PRT) met via webinar on March 12, 2024 to review state implementation plans for Addendum II to Amendment 7 to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass. State implementation plans were due on March 1, 2024, and states must implement Addendum II measures by May 1, 2024.

State implementation plans are available in the [Meeting Materials](#) for the March 26, 2024 Atlantic Striped Bass Board meeting.

Recreational Size Limit, Bag Limit, Seasons

The PRT did not find any inconsistencies with the required Addendum II recreational size limits, bag limits, and seasons. The PRT notes that four states (New Hampshire, Massachusetts, Rhode Island, and Pennsylvania) implemented a less than 31" upper bound of the ocean slot limit, which is more conservative than the required 31" upper bound.

The PRT notes that Maryland and PRFC are eliminating their trophy fisheries as of May 1, 2024, which is more conservative than the Addendum II requirements to maintain 2022 seasons. Maryland is also eliminating its late May Susquehanna Flats fishery.

Regarding implementation timeline, the PRT notes Pennsylvania is proposing delayed implementation until 2025 for their new April-May recreational slot size and bag limit. Pennsylvania notes that changing the slot size in the middle of the 2-month April-May season in 2024 would be procedurally burdensome and likely lead to angler confusion and noncompliance and enforcement issues. Additionally, Pennsylvania noted the current (pre-Addendum II) regulation is published in the 2024 Pennsylvania Fishing Summary.

Recreational Filleting Requirements

The PRT notes the requirement limiting possession to no more than two fillets per legal fish is missing from some states' regulations, and/or the intent of current regulations is not clear regarding filleting (Table 1).

Maryland and Virginia specifically authorize filleting and require racks to be retained, but do not specify the two-fillet limit per legal fish.

M24-25

Fives states' regulations (Connecticut, Delaware, District of Columbia, Potomac River Fisheries Commission, and North Carolina) specify that striped bass length must not be altered, should be measurable, and/or must have head and tail attached. Delaware, DC, and PRFC note they interpret these regulations to mean that filleting is not allowed (and therefore the two-fillet limit does not apply), but the PRT notes this interpretation is not clear given the current language. If Connecticut and North Carolina are interpreting their existing regulations to allow filleting, then the two-fillet limit per legal fish is missing.

Regarding implementation timeline, the PRT notes Pennsylvania is proposing delayed implementation until 2025 for the requirement to limit possession to no more than two fillets per legal fish. Pennsylvania notes their existing regulations already satisfy the requirement to retain the racks. To add the two fillet limit, Pennsylvania proposes to go through the full Pennsylvania Fish and Boat Commission rulemaking process which will require more time.

Finally, one PRT member noted a general comment that removing fillets inherently changes the length of the fish when measuring on a flat surface. This is something the Board or Law Enforcement Committee could discuss if recreational filleting requirements are considered again in the future.

Commercial Quota Reduction and Size Limits

The PRT notes Maryland, Virginia, and the Potomac River Fisheries Commission have not implemented the required 7% commercial quota reduction for their 2024 Chesapeake Bay commercial fisheries. Maryland also has not implemented the reduction for their 2024 ocean fishery. Maryland, Virginia, and PRFC note that due to the timing of the Bay commercial fisheries starting prior to Addendum II approval, and the fact that commercial tags were already distributed, the 7% quota reduction could not be implemented in 2024. PRFC and Virginia note that their commercial landings in recent years have been below the new Addendum II reduced quota level, so they do not anticipate an overage of the Addendum II quota level in 2024.

The PRT acknowledges that Maryland, Virginia, and PRFC will pay back any 2024 overage above the new Addendum II quota level. However, the PRT notes that Addendum II was specifically designed to reduce removals in 2024, as discussed by the Board at the January meeting.

Regarding the payback of potential overages, Maryland and PRFC note that if an overage occurs above the Addendum II quota level in 2024, that overage will be deducted from their 2026 quota. They note that the 2025 quota will have already been distributed to permit holders before the end of the 2024 fishing year, so the deduction could not occur until 2026. This is inconsistent with Addendum II which states: *In the event a state exceeds its allocation, the amount in excess of its annual quota is deducted from the state's allowable quota in the following year.* In the case of a 2024 overage, the payback should occur in 2025. Virginia noted any potential 2024 overage payback would occur in 2025.

Finally, the PRT did not find any inconsistencies regarding commercial size limits (same as 2022 size limits).

Summary of PRT Findings Inconsistent with Addendum II Requirements

- Pennsylvania is proposing delayed implementation until 2025 for their new April-May recreational slot size and bag limit and the two fillets per legal fish requirement.
- Connecticut, Delaware, Maryland, District of Columbia, Potomac River Fisheries Commission, Virginia, and North Carolina do not specify the requirement limiting possession to no more than two fillets per legal fish, and/or the intent of their regulations regarding filleting is not clear.
- Maryland, Virginia, and the Potomac River Fisheries Commission have not implemented the required 7% commercial quota reduction for their 2024 Chesapeake Bay commercial fisheries.
- Maryland has not implemented the reduction for their 2024 ocean fishery.
- Maryland and the Potomac River Fisheries Commission have proposed that any 2024 commercial quota overages will not be paid back the subsequent fishing year (i.e., 2025) but rather in 2026.

Table 1. Excerpts of Regulatory Language for Addendum II Filleting Requirements

Full language available in state implementation plans in the [Meeting Materials](#) for the March 26, 2024 Atlantic Striped Bass Board meeting.

State	Language for Racks Retained	Language for Limit of Two Fillets Per Legal Fish
ME	<i>Filleting not allowed:</i> It is unlawful to possess striped bass unless the fish are whole with head on...	
NH	...so long as they also possess the fish rack that the fillets came from with the head and tail intact...	A person may possess up to 2 striped bass fillets...
MA	<i>Language being drafted to require the retention of racks.</i>	...Not more than two fillets taken from legal striped bass are in the possession of each customer of that trip, representing the equivalent of one fish per angler.
RI	<i>Proposed language:</i> Racks must be retained and must be kept whole, meaning the head, tail, and body remain intact. No striped bass shall be mutilated in a manner that prevents the accurate measurement of the fish. <i>Additional proposed mode-specific language regarding how long racks must be retained.</i>	No more than two fillets taken from legal striped bass representing the equivalent of one fish per angler.
CT	No person shall land or possess...any striped bass from which the head or tail has been removed or which has otherwise been rendered unidentifiable as a striped bass or unable to be measured	
NY	...it is unlawful to mutilate any striped bass carcass to the extent that the total length or species of fish cannot be determined; all striped bass carcasses must be retained (unmixed with any other material) in a separate container readily available for inspection...	...fillets are limited to two per legal fish

State	Language for Racks Retained	Language for Limit of Two Fillets Per Legal Fish
NJ	... no parts or carcasses...shall be discarded overboard...No carcasses...shall be mutilated to the extent that its length or species cannot be determined; iii. All fish carcasses... shall be retained until such time... adequate to provide a law enforcement officer access to inspect the vessel and catch;	<i>Language being drafted limiting possession to no more than two fillets per legal fish</i>
PA	... charter boat operator or fishing guide may fully process the fish at any time provided the charter boat operator or fishing guide retains the carcass until possession of the fish is transferred to the customer on shore...	<i>Language being drafted limiting possession to no more than two fillets per legal fish</i>
DE	<i>State interprets as filleting not allowed:</i> Unless otherwise authorized, it is unlawful to possess any striped bass for which the total length has been altered in any way for the purpose of retaining said striped bass in accordance with §3504.	
MD	A licensed charter boat captain or mate may fillet striped bass...under the following conditions: (a) A striped bass carcass may not be mutilated to the extent that the total length or species of fish cannot be determined; (b) All striped bass carcasses: (i) Shall be retained, unmixed with any other material, in a separate container readily available for inspection...	
DC	<i>State interprets as filleting not allowed:</i> Possess aboard any boat, while fishing, or while in the possession of fishing equipment, any fish that has had the head or tail removed for which size or a weight limit is prescribed.	
PRFC	<i>State interprets as filleting not allowed:</i> No person shall alter the natural state of any species of fish listed in (a) above such that its length cannot be measured.	

State	Language for Racks Retained	Language for Limit of Two Fillets Per Legal Fish
VA	...filleting at sea will be allowed if the carcass is retained to ensure proper species identification and compliance with size limitations...It shall be unlawful...to alter any striped bass or to possess any altered striped bass such that its total length cannot be determined.	
NC	It shall be unlawful to possess aboard a vessel or while engaged in fishing any species of finfish that is subject to a size or harvest restriction without having head and tail attached	