

# Atlantic States Marine Fisheries Commission

## Atlantic Striped Bass Management Board

*October 18, 2023*

*2:00 – 5:00 p.m.*

*Hybrid Meeting*

### Draft 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 ( <i>M. Gary</i> )  | 2:00 p.m. |
| 2. Board Consent   | 2:05 p.m. |
| • Approval of Agenda   |           |
| • Approval of Proceedings from August 2023   |           |
| 3. Public Comment  | 2:10 p.m. |
| 4. Consider Approval of Draft Addendum II for Public Comment ( <i>T. Kerns</i> ) <b>Action</b> | 2:20 p.m. |
| • Technical Committee Report   |           |
| 5. Albemarle-Roanoke Atlantic Striped Bass Management Update ( <i>C. Batsavage</i> )           | 4:45 p.m. |
| 6. Other Business/Adjourn  | 4:55 p.m. |

The meeting will be held at Beaufort Hotel (2440 Lennoxville Road, Beaufort, North Carolina; 252.728.3000) and via webinar; click [here](#) for details

# MEETING OVERVIEW

## Atlantic Striped Bass Management Board

October 18, 2023

2:00 – 5:00 p.m.

Hybrid

Chair: Marty Gary (NY) Assumed Chairmanship: 01/22	Technical Committee Chair: Nicole Lengyel Costa (RI)	Law Enforcement Committee Rep: Sgt. Jeff Mercer (RI)
Vice Chair: Megan Ware (ME)	Advisory Panel Chair: Louis Bassano (NJ)	Previous Board Meeting: August 1, 2023
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 August 1, 2023

**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.

### 4. Draft Addendum II (2:20-4:45 p.m.) Action

#### Background

- In May 2023, the Board initiated Addendum II to Amendment 7 to address stock rebuilding beyond 2023. The Draft Addendum considers 2024 management measures projected to achieve the fishing mortality target in 2024.
- The PDT drafted an addendum document and presented it to the Board in August. As specified by the Board, the draft addendum included options to modify the ocean recreational slot limit paired with harvest season closures, options to implement a maximum size limit (and potentially modify minimum size/bag limits) for Chesapeake Bay recreational fisheries, and options to implement a maximum size limit for commercial fisheries.
- The Board modified the draft addendum to remove the recreational seasons, added a range of maximum recreational size limits in the Bay, added commercial quota changes, and a gill net exemptions. These changes required additional PDT and TC work.
- The TC met to provide recommendations on the spawning potential analysis to review commercial quotas associated with a maximum size limit (**Briefing Materials**).
- The PDT drafted a revised addendum based on Board feedback (**Briefing Materials**)

- The PDT also discussed other potential options, which could be added to the draft addendum document by the Board (**Supplemental Materials**).

**Presentations**

- Overview of TC report
- Overview of Draft Addendum II for public comment by T. Kerns

**Board actions for consideration at this meeting**

- Approve Draft Addendum II for public comment.

**5. Albemarle-Roanoke Atlantic Striped Bass Management Update (4:45-4:55p.m.)**

**Background**

- The Albemarle/Roanoke (A/R) striped bass stock is jointly managed by the NCDMF and NC Wildlife Resources Commission (NCWRC) with management responsibilities for Albemarle Sound and its tributaries falling under NCDMF and the Roanoke River management responsibilities falling under NCWRC
- The most recent A/R striped bass stock assessments showed the stock continues to decline, and continued poor juvenile recruitment.
- As a result, NC is implementing a harvest moratorium via adaptive management measures under Amendment 2 of the NC Estuarine Striped Bass FMP starting this fall, meaning the Albemarle Sound fishery will not reopen in October (**Briefing Materials**)

**Presentations**

- C. Batsavage will provide an update on the Albemarle/Roanoke stock management

**Board actions for consideration at this meeting**

- None

**6. Other Business/Adjourn (5:00 p.m.)**

## Atlantic Striped Bass

### Activity level: Medium

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

#### Committee Task List

- TC – Develop alternatives for bag and size limit analysis for effort controls
- TC-SAS – Prepare for 2024 stock assessment update

**TC Members:** Michael Brown (ME), Kevin Sullivan (NH), Gary Nelson (MA), Nicole Lengyel Costa (RI), Kurt Gottschall (CT), Caitlin Craig (NY), Brendan Harrison (NJ), Tyler Grabowski (PA), Margaret Conroy (DE), Alexei Sharov (MD), Luke Lyon (DC), Ingrid Braun (PRFC), Joshua McGilly (VA), Charlton Godwin (NC), Jeremy McCargo (NC), Peter Schuhmann (UNCW), Tony Wood (NMFS), Steve Minkinen (USFWS), John Ellis (USFWS), Katie Drew (ASMFC)

**SAS Members:** Michael Celestino (NJ, Chair), Gary Nelson (MA), Alexei Sharov (MD), Brooke Lowman (VMRC), John Sweka (USFWS), Margaret Conroy (DE), Katie Drew (ASMFC)

**Tagging Subcommittee (TSC) Members:** Angela Giuliano (MD), Beth Versak (MD), Brendan Harrison (NJ), Chris Bonzek (VIMS), Gary Nelson (MA), Ian Park (DE), Jessica Best (NY), Josh Newhard (USFWS), Julien Martin (USGS), Katie Drew (ASMFC)

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

**The Westin Crystal City  
Arlington, Virginia  
Hybrid Meeting**

**August 1, 2023**

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.

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## INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings from May 2, 2023** by consent (Page 1).
3. **Move to approve the 2022 Fishing Year FMP Review and state compliance report** (Page 5). Motion by Emerson Hasbrouck; second by John Clark. Motion passes by unanimous consent (Page 6).
4. **Move to extend the Board’s May 2, 2023 emergency action of 31” maximum recreational size limit for one year or until the implementation of Addendum II, whichever comes first, effective October 28, 2023** (Page 13). Motion by Mike Armstrong; second by David Sikorski. Motion passes (Roll Call: In Favor – NH, ME, DE, MD, VA, NC, PA, NOAA, USFWS, NY, CT, MA, RI, PRFC; Opposed – DC, NJ; Abstentions – None; Null – None) (Page 16).
5. **Move to add under 3.1.1 and under 3.1.2, an option that states that any recreational season closure implemented through this addendum would be a no harvest closure and an option that states any recreational season closure implemented through this addendum would be a no targeting closure** (Page 28). Motion by Emerson Hasbrouck; second by Michael Luisi. Motion passes (Roll Call: In Favor – PRFC, RI, NY, NJ, PA, NC, VA, DC, MD, DE; Opposed – NH, ME, CT, MA; Abstentions – NOAA, USFWS; Null – None) (Page 30).
6. **Main Motion**  
**Move amend Chesapeake Bay Recreational Options B and D to include maximum size limit options ranging from 23” to 26” in 1” increments and remove all other options** (Page 31). Motion by Mr. Mike Armstrong; second by Justin Davis. Motion amended (Page 34).  
  
**Motion to Amend**  
**Move to amend to add “H” after “D”** (Page 34). Motion by David Sikorski; second by John Clark. Motion passes by unanimous consent (Page 35).  
  
**Main Motion as Amended**  
**Move to amend Chesapeake Bay Recreational Options B, D and H to include maximum size limit options ranging from 23” to 26” in 1” increments and remove all other options.** Motion passes by unanimous consent (Page 35).
7. **Move to add new options to section 3.1.1 and 3.1.2 to Draft Addendum II that allow for mode splitting. These are options B, C, and D as defined in the PDT memo to the board dated July 17, 2023 for section 3.1.1 and options H as defined in the PDT memo to the board dated July 17, 2023 for section 3.1.2** (Page 35). Motion by Jason McNamee; second by Emerson Hasbrouck. Motion passes (Roll Call: In Favor – NH, DE, MD, DC, VA, PA, NJ, CT, RI, PRFC, NY; Opposed – ME, NC, MA; Abstentions – NOAA, USFWS; Null – None) (Page 37).
8. **Move to replace Ocean Recreational Option B with the slot limit of 28” to 31” with no seasonal harvest closures and remove Option C and D** (Page 37). Motion by Mike Armstrong; second by Cherri Patterson. Motion passes (Roll Call: In Favor – PRFC, MA, NOAA, VA, MD, DE, ME, NH; Opposed – RI, NY, NJ, PA, NC, DC; Abstentions – USFWS; Null – CT) (8 in favor, 6 opposed, 1 abstention, 1 null) (Page 38).

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9. **Main Motion**

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

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

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

**Motion to Substitute**

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

10. **Main Motion**

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

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

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

**Motion to Amend**

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

**Main Motion as Amended**

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

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

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

**Motion to Amend**

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

**Main Motion as Amended**

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

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

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

**Motion to Amend**

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

**Main Motion as Amended**

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

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

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

Motion passes (Roll Call: In Favor – NH, ME, DE, MD, VA, NC, PA, NOAA, USFWS, NJ, CT, MA, RI, PRFC; Opposed

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– NY; Abstentions – DC; Null – None) (Page 50).

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

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**ATTENDANCE**

**Board Members**

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

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

**Ex-Officio Members**

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

**Staff**

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

**Guests**

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

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**Guests (continued)**

Nicole Caudell, MD DNR  
Benson Chiles, Chiles Consulting  
Blane Chocklett  
Matthew Cieri, ME DMR  
Haley Clinton, NC DEQ  
Richard Cody, NOAA  
Allison Colden, CBF  
Margaret Conroy, DE DNREC  
Heather Corbett, NJ DEP  
Caitlin Craig, NYS DEC  
Scott Curatolo-Wagemann,  
Cornell  
Sarah Cvach, DM DNR  
Bob Danielson  
Rachel, Dean  
Jeff Deem, VMRC  
Patrick Denno  
Greg DiDomenico  
Evan Dintaman  
Russell Dize, MD (GA)  
Douglas Dockery, Cape Cod  
Salties Sportfishing Club  
Steve Doctor, MD DNR  
C. Dollar, CCA  
Eric Durell, MD DNR  
Wes Eakin, NY DEC  
Mark Eustis  
Julie Evans, Evans  
Communications  
Peter Fallon, ME Assn of  
Charterboat Captains  
Jared Flowers, GA DNR  
Jennifer Foss  
Thomas Fote, Jersey Coast  
Anglers Association  
Tony Friedrich, ASGA  
Tom Fuda  
Pat Gallen  
Alexa Galvan, VMRC  
Paul Genovese, MD DNR  
Lewis Gillingham, VMRC  
Angela Giuliano, MD DNR  
Joseph Grist, VMRC  
Brian Hardman, MD Charter  
Boat Assn  
Brendan Harrison, NJ DEP  
Georgette Henrich, Plum Island  
Surfcasters  
Daniel Herrick, MD DNR  
Jaclyn Higgins  
Jeffrey Horne, MD DNR  
Tim Horner  
Harry Hornick, MD DNR  
Jesse Howe, CCA MD  
Jim Hutchinson, The Fisherman  
James Jewkes  
Yan Jiao, Virginia Tech  
Gregg Kenney, NYE DEC  
Aaron Kornbluth, Akorn  
Environmental  
Thomas Kosinski  
Kris Kuhn, PA FBC  
Josh Lashley  
Sarah Lazo, NOAA  
William Lucey, Save the Sound  
Chip Lynch, NOAA  
Pam Lyons Gromen, Wild  
Oceans  
Shanna Madsen, VMRC  
Jill Maganza-Ruiz, November  
Rain Charters  
Jerry Mannen Jr.  
Casey Marker, MD DNR  
Thomas Matulonis, Menhaden  
Defenders  
Genine McClair, MD DNR  
Brian McCormick  
Joshua McGilly, VMRC  
Robert McGinness  
Daniel McKiernan, MA DMF  
Kevin McMenamin, Annapolis  
Anglers Club  
Meredith Mendelson, ME DMR  
Nichola Meserve, MA DMF  
Steve Meyers  
Michael Mike  
Steve Minkinen, US FWS  
Kathy Mitchell  
Chris Moore, CBF  
Brandon Muffley, MAFMC  
Timothy Mugerini  
Brian Neilan, NJ DEP  
Ted Nesius  
Robert Newberry, Delmarva  
Fisheries Assn Inc  
Josh Newhard, US FWS  
Thomas Newman  
Dave Nolan  
Tyler O'Neill  
George O'Donnell, MD DNR  
Zane Oliver  
Derek Orner, NOAA  
Kenneth Ostrand, US FWS  
Katherine Papercosta, NOAA  
Patrick Paquette  
Ian Park, DE DFW  
Joshua Parker  
Robert Pellegrino, Plum Island  
Surfcasters  
Michael Pirri  
Nicole Pitts  
Will Poston, ASGA  
William Pruitt, MD Charter Boat  
Assn  
Jill Ramsey, VMRC  
Story Reed, MA DMF  
Harry Rickabaugh, MD DNR  
Steven Robichaud  
Cody Rubner  
Patrick Rudman  
Daniel Ryan, DOEE  
Linnea Saby, Senate  
Environment and Public Works  
Zach Schuller  
Alexandra Schwaab, AFWA  
Tara Scott, NOAA  
Christopher Scott, NYS DEC  
Buddy Seigel, ACSA  
Ross Self, SC DNR  
McLean Seward, NC DMF  
Paul Shafer, Manasquan Fishing  
Club  
Alexei Sharov, MD DNR  
Greg Shute, iFishMD.com  
Charters  
Jeffrey Silver  
Ethan Simpson, VMRC  
Amanda Small, MD DNR

**Guests (continued)**

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

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

Brian Williams, Badfish Fishing  
Charters  
Charles Witek  
Michael Woods, Backcountry  
Hunters & Anglers  
Chris Woodward  
Emerald Wright, NH F&G  
Jordan Zimmerman, DE DFW  
Erik Zlokovitz, MD DNR  
Renee Zobel, NH F&G

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, a hybrid meeting, in-person and webinar; Tuesday, August 1, 2023, and was called to order at 1:45 a.m. by Chair Martin Gary.

### **CALL TO ORDER**

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

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

### **APPROVAL OF AGENDA**

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

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

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### **APPROVAL OF PROCEEDINGS**

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

### **PUBLIC COMMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Loren, did that answer your question?

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

CHAIR GARY: Additional questions for Toni. Adam.

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

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

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

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

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

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

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

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

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

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

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

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

MS. KERNS: Colin Temple.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Justin Davis.

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

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

CHAIR GARY: Additional questions for Toni. Adam Nowalsky.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Follow, Adam.

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

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

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

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

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

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

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

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

#### **REVIEW STATUS OF 2023 EMERGENCY ACTION**

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

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

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

### **PUBLIC HEARING SUMMARY**

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

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

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

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

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

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

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

### **DISCUSS TIMELINE FOR POSSIBLE EXTENSION OF EMERGENCY ACTION**

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

CHAIR GARY: Questions for Toni. Justin.

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Additional questions. Dennis Abbott.

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

MS. KERNS: Correct.

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

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

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

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

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

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

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

MS. KERNS: If you would, please.

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Go ahead, Bob.

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

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

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

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

CHAIR GARY: That is correct.

MR. MILLER: Okay.

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

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

CHAIR GARY: Go ahead, Bob.

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

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

DR. ARMSTRONG: **I would.**

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

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

CHAIR GARY: Go ahead, Toni.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. KERNS: No hands on the webinar.

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

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

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

**MS. KERNS: District of Columbia and New Jersey.**

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

MS. KERNS: Be back at 3:01.

(Whereupon a recess was taken)

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

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

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

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

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

'23 removals to account for the emergency action regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. KERNS: Correct, no SPR calculations.

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

MR. GROUT: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. KERNS: Perhaps.

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

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

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

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

CHAIR GARY: Justin.

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

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

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

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

CHAIR GARY: Max.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Pat Geer.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Go ahead, Adam, follow up.

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

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

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

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

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

DR. ARMSTRONG: Okay, versus the 14.5.

DR. DREW: That we need overall.

CHAIR GARY: Does that answer your question, Mike?

DR. ARMSTRONG: Unfortunately, yes.

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

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

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

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

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

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

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

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

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

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

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

MS. KERNS: Read us very slowly, please.

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

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

CHAIR GARY: Three point one.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Jason.

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

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

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

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

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

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

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

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

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

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

**CHAIR GARY: Those opposed.**

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

**CHAIR GARY: Abstentions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Go ahead.

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

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

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

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

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

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

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

CHAIR GARY: A supporting comment, Megan.

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

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

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

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

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

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

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

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

CHAIR GARY: I think Katie has a clarifying comment.

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: One last comment opposing. Dave Sikorski.

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

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

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

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

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

DR. ARMSTRONG: Mr. Chair, procedural question.

CHAIR GARY: Go ahead, Mike.

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

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

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

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

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

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

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

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

MR. SIKORSKI: Looks like it's me.

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

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

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

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

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

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

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

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

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

CHAIR GARY: Secunder good with that.

MR. SIKORSKI: Alphabets are tough.

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

MR. NOWALSKY: That was it right there.

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

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

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

CHAIR GARY: **Sixteen?**

MS. KERNS: **Yes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Go ahead, Jay.

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

CHAIR GARY: Doug.

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

(Whereupon there was a power outage)

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

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

CHAIR GARY: Go ahead, Jay.

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

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

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

MS. KERNS: Emerson seconded it, yes.

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

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

**CHAIR GARY: All those opposed.**

**MS. KERNS: Maine, North Carolina, Massachusetts.**

**CHAIR GARY: Abstentions.**

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Comments, Cheri as seconder?

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

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

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

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

CHAIR GARY: Doug.

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

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

CHAIR GARY: Opposing comment, Adam.

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

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

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

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

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

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

**CHAIR GARY: Those opposed.**

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

**CHAIR GARY: Abstentions.**

**MS. KERNS: Fish and Wildlife Service.**

**CHAIR GARY: Null votes.**

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

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

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

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

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

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

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

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

DR. McNAMEE: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Mike, comments as seconder?

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

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

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

MS. KERNS: Correct.

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

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

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

MS. KERNS: In the motion, right?

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

CHAIR GARY: Go ahead, Justin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. KERNS: Do you prefer F2 or F3?

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

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

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

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

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

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

CHAIR GARY: Back to you, Mike.

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

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

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

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

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

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

CHAIR GARY: Toni has got some clarifications to offer.

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

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

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

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

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

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

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

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

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

CHAIR GARY: Robert T. and then Emerson Hasbrouck.

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

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

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

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

CHAIR GARY: Emerson.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CHAIR GARY: Those opposed.**

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

**CHAIR GARY: Abstentions.**

**MS. KERNS: District of Columbia.**

**CHAIR GARY: Null votes.**

**MS. KERNS: Three, 12, 1.**

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

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

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

MS. KERNS: Want some help, John?

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

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

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

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

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

CHAIR GARY: Does that look right, John?

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: John, you get the last word.

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

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

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

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

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

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

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

**CHAIR GARY: All those opposed.**

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

**CHAIR GARY: Abstentions.**

**MS. KERNS: District of Columbia.**

**CHAIR GARY: Null votes.**

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

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

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

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

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

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

CHAIR GARY: Pat, you have a question.

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

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

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

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

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

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

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

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

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

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

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

**CHAIR GARY: All those opposed. Abstentions.**

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**MS. KERNS: District of Columbia.**

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

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

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

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

MR. SIKORSKI: Yes.

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Chris.

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

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

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

**MS. KERNS: Connecticut, New Hampshire and Pennsylvania.**

**CHAIR GARY: All those opposed.**

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

**CHAIR GARY: Abstentions.**

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

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

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

**CHAIR GARY: All those opposed.**

**MS. KERNS: New York.**

**CHAIR GARY: Abstentions.**

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**MS. KERNS: District of Colombia.**

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

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

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

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

CHAIR GARY: Mike, any comments?

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

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

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

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

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

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

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

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

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

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

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

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

MR. MILLER: That would work.

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

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

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

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

CHAIR GARY: Bob, you have some thoughts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. CLARK: I will do so.

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

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

CHAIR GARY: Go ahead, Roy.

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

CHAIR GARY: Please.

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

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

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

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

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

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

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

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

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

CHAIR GARY: Adam.

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

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

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

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

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

CHAIR GARY: Go ahead, Megan.

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

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

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

**CHAIR GARY: All those opposed.**

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

**CHAIR GARY: Any abstentions?**

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

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

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

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

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

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

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

CHAIR GARY: Go ahead, Doug.

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

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

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

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

CHAIR GARY: Adam.

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

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

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

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

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

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

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

CHIAR GARY: Mike.

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

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

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

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

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

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

CHAIR GARY: Go ahead, Bob.

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

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

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

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

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

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

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

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

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

CHAIR GARY: Roy.

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

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

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

CHAIR GARY: Adam.

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

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

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

CHAIR GARY: Dennis.

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Pat.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIR GARY: Bob.

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

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

CHAIR GARY: Dr. Armstrong.

DR. ARMSTRONG: Is it the SPR stuff that is really going to be the slowdown?

MS. KERNS: I think it's the SPR stuff, it's all the addition, like the changes in the maximum size limits for the Bay, and what those calculate to be. I think we have some of them, but I don't think we have all of them done. Then what do all of these things combined do to the overall calculation.

There are several things, and don't forget our TC members at the same time are working on the stock assessment. Many of these TC members are working on other stock assessments that are ongoing. I'm trying not to have Katie murder me when I ask her

thousands of questions every day, because I am not Emilie. All of those things would take time.

CHAIR GARY: Doug.

MR. GROUT: It's becoming quite evident that we're going to have to have dual implementation dates, and is that going to affect the percentage calculations of the cumulative impact? You know I want this to be done right. You know I wish it would be in place in 2024, but you know I understand the logistics of putting in commercial fishing regulations.

I understand this cut is going to be very difficult for them, but I think you might have to prepare the public for that as a possibility, given the timeframe that we're going to have to deal with, and hope we have to approve it in February, and implement commercial in 2025. Better than we are at now.

MS. KERNS: Katie and I can talk later about what is the best way to present the information. Some options have more solid understanding of what a reduction would be than others. We will work on that and provide that information in the document if we can, with the knowledge that there might be two implementation dates.

MR. GROUT: Or the probability of achieving it at all.

MS. KERNS: Correct.

CHAIR GARY: All right, so I think what we're hearing up at the front here is we're at the closest we're going to get to some consensus is the annual meeting and then final approval at the winter meeting, and the hearings would occur between the two. It sounds like that is the best we can do. Can everybody live with that? Okay. Does that suffice for the will of the Board? Okay, what do we need to do to put a bow on this, a final motion?

MS. KERNS: We will not take action to approve the document for public hearing, since several members of the Board expressed that they wanted to see the document prior to doing that. We will bring that back to the Board. If I can get it in October, and if it is of interest of the Board, we can try to get it done

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before the meeting. We will not sit on our laurels, and try to get it out to you all so you can explore it for longer, if that is something that you all would like to see or not, but we'll do our best.

CHAIR GARY: Then we won't approve that to go out to public hearing until the annual meeting.

#### **OTHER BUSINESS**

CHAIR GARY: So, at this point we are at other business, I suppose. Correct?

MS. KERNS: We are. I don't think we have any.

#### **WINTER TAGGING SURVEY**

CHAIR GARY: I do. You're going to love this, because I'm the champion for this survey, so I'm going to say it again. Right, don't you know, I have to Toni, I have to. Rick Jacobson delayed his flight, and so you're smiling, Rick, so it's all good, it's all good. I would like to bring up, I'm a champion as you all know for the winter tagging survey.

It's been in place for over 30 years. We've been patching funding together from year to year for that. Most recently U.S. Fish and Wildlife Service is putting up the funds for that. At this point, as best I know, we don't have funds for the coming winter. My worry was, I didn't want to let it slip to the annual meeting before we talked about it, we would be right on the cusp.

I don't think there is really anything to discuss, I would just say, and Rick, maybe I will ask if you don't mind, now your flight is delayed. Do you mind saying just a word or two about, you know where Fish and Wildlife is? It sounds like It's iffy at best, and maybe not probable that you have funding this year, is that correct?

MR. RICK JACOBSON: Well, we certainly understand the importance of the survey, both for purposes of how long it's been in place, the information it provides, and that there are some changes going on that it would be best to be able to monitor those changes through time. My crystal ball is a little fuzzy on what exactly the Federal budgets are going to be

for Fiscal Year '24. All indications are it's going to be a rocky road.

That is one issue. Another issue is, with inflationary costs the cost of the survey has been going up each year. The contributing sources of funds have not been going up commensurate with those. The Service, in spite of a declining budget over the last several years, has had to bear an increasing portion of those costs.

Now that said, I'm reasonably confident we can manage the winter '24 survey. That presupposes we're under a continuing resolution or something close to a level budget this year. If that doesn't play out and there is a substantial reduction, then we do have to refigure how we're going to do it. I have even greater concerns moving beyond Fiscal Year '24, and we're really going to have to have some sort of relief in order to continue the project.

CHAIR GARY: Thank you, Rick, I appreciate that. Maybe it's a little bit more than iffy, maybe it could still happen, but it's contingent on a few things, you know like you said, with a continuing resolution. I don't really have anything else, Bob, go ahead.

EXECUTIVE DIRECTOR BEAL: Just to follow up on Rick's comments. You know we just decided the Board didn't want to spend the contingency money on a meeting, but that doesn't help with the beyond '24 problem. But last year I think ASMFC chipped in, I don't know \$2,000.00 for travel or extra fuel costs or something.

Maybe Rick and I just talk as the year unfolds and see what he has, see what we have, and we can make something work, I think. You know one of the tricky parts of some of our money is it's not approved for on-the-water activities, but we could cover some travel and maybe they charter the boat. We'll figure something out.

But I think between the two of us and budgets and residual funds and that sort of thing, we can probably figure it out for this year, but '25 and beyond, I agree 100 percent with Rick, we've got to figure that out. I'm not sure where that money comes from. We've

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been doing this year by year for 30 years now, so we'll keep it up and see how it goes.

CHAIR GARY: Thank you Bob and thank you Rick for that. A lot of people are familiar with that survey, and I remember going out on it in the early nineties on the Oregon 2. The Hart Award winner that you all know, a lot of you know Bill Cole, and I'll never forget him saying, if we had to actually phone Annapolis to get more tags, because they encountered so many striped bass, and Bill Cole said, my God, they're really back.

Now here we are in 2023, and we're in a tough spot with striped bass. There is a little bit of sentimentality that is kind of clouding me, but I've been a pretty big champion for it. I hate to bother and nag Rick and Bob about this, because I'm always nipping at their heels, and seeing if there is a way to do it. But if anybody thinks in their travels of any way, we can fund this thing more stably going forward, I think it would be worthwhile and I appreciate it.

#### **ADJOURNMENT**

CHAIR GARY: With that I would seek a motion to adjourn. I mean who get it? We're adjourned. Thanks everybody for your patience, and thanks everybody online for listening.

(Whereupon the meeting adjourned at 7:20 p.m. on  
Tuesday, August 1, 2023)



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO: Atlantic Striped Bass Management Board**

**FROM: Atlantic Striped Bass Technical Committee**

**DATE: September 28, 2023**

**SUBJECT: Spawning Potential Ratio Adjustment for Commercial Maximum Size Options**

### **Background**

As part of Addendum II, the Atlantic Striped Bass Board requested options that imposed a maximum size limit on the Chesapeake Bay and ocean commercial fisheries. Commercial quotas are managed in weight, and changing the size limit of the commercial fishery will change the average size of the fish in the catch, potentially increasing the number of fish removed for the same poundage of quota, and will change the selectivity of the commercial fishery, thus changing the age-classes which are impacted by the fishery. In the past, when states have changed their commercial size limits, their quota has been adjusted to reflect these impacts with the intent of setting a new quota that maintains the same effect on the population in terms of the spawning potential as the Amendment 6 commercial size limits. The Board elected to take this approach for the maximum size limit options for draft Addendum II.

### **Methods**

The spawning potential ratio (SPR) analysis requires life history information and information on the selectivity of the fishery. The selectivity is calculated from the age-length keys for each state. The TC discussed a number of issues regarding the SPR analysis to ensure that all states were using consistent methods and inputs.

#### *Age-Length Keys (ALK) and Selectivity*

For the age-length keys, the TC recommended:

- Pool 2021 and 2022 data to represent the most recent time period and increase sample size.
- If any ages have less than 10 lengths sampled, borrow from other years or other states to increase the sample size. This does not apply to the ages beyond the range of the commercial catch – e.g., if no age-2 or age-14 fish are present in the sampling, a state does not need to borrow data; if ages are present but poorly sampled, a state should borrow

Selectivity is also influenced by availability of fish. For example, in the Bay, when older, larger fish are present, they are fully vulnerable to the gear, but they are not available year-round, so using only samples from the Bay commercial fisheries may overstate the selectivity of the Bay fishery on older ages and overestimate the impact of a maximum size limit on the population. The TC recommended the Bay states discuss the issue and agree on how to better represent availability of age classes, not just vulnerability to the gear when developing selectivity curves. This may also be an issue for ocean states like Delaware and New York which also may not have year-round availability of the targeted size classes, but there is more state-to-state variability in the ocean fisheries. Ocean states should consider this issue as it applies to their own data and decide how to pool data from non-commercial sources to better capture the availability as well as the vulnerability of striped bass to their fisheries if necessary.

M23-85

The TC discussed whether to explicitly include the length frequency from the commercial fishery as part of the selectivity calculations, and in the end decided not to, as the length frequency is influenced by year-class strength and fisher behavior and this analysis should focus on what proportion of each age is legally vulnerable to harvest. If the ALK is predominately commercial sampling data in the ages that overlap any max size changes, the length frequency of the commercial fishery (for 2021 and 2022 or whichever years were added) will be implicitly part of the selectivity calculations.

The TC discussed whether to include the maximum size limit bin in the calculation of vulnerability. Most states calculate their length bins by flooring the measurements; i.e., the 38" bin includes fish from 38.00" to 38.99". For this addendum, the PDT is recommending inclusive size limits, so that a 38.0" fish would be legal to harvest under a 28"-38" slot limit. In this case, excluding the 38" bin from the selectivity calculations would exclude some legal fish, but including would include fish above the size limit (the 38.99" fish, for example). The TC recommended including the maximum size limit bins in the calculations and acknowledged this as a source of uncertainty.

#### *Weight-at-Age*

The TC recommended that the SSB weight-at-age and catch weight-at-age be the same values used in the most recent stock assessment reference point calculations and projections.

#### *F Increment and F Target for Calculations*

The original SPR analysis was done in R, where the  $F$  increment over which SPR is calculated is specified by the user; smaller increments give better, more precise estimates but are more computationally expensive and take longer to run. G. Nelson developed an alternative to the R calculations that can be done in Excel using Visual Basic macros which can get more precise answers more efficiently. The TC elected to use this spreadsheet version to do the calculations instead of the R method.

The  $F$  target used to start the calculations also has an impact on the final results. The method that has been used historically uses the current  $F$  target ( $F=0.167$ ) as the base case. The TC discussed whether to continue to use the overall  $F$  target, or to use a smaller  $F$  that represents the proportion of the total  $F$  due to the commercial fishery. Although the estimated quota reduction was different between the methods, using the smaller  $F$  did not necessarily result in a smaller quota reduction. However, the current assessment model does not calculate a separate  $F$  for the commercial and recreational fleets, so the TC agreed that trying to calculate an  $F$  for each individual state's commercial fishery would increase the uncertainty in the overall analysis and recommended using the  $F$  target as had been done in the SPR calculations in the CE proposals for previous commercial size limit changes. This was highlighted as another source of uncertainty for the SPR analysis.

#### *Discard Mortality*

The TC discussed whether to adjust the estimated selectivity curves for discard mortality. One option that was considered was similar to what was done for the slot limit analysis for Amendment 7, where the proportion of fish-at-age above the legal size limit could be multiplied by a commercial discard mortality rate. In the end, the TC decided not to adjust the selectivity for discard mortality, as this would have the effect of making the new selectivity curves more similar to the status quo and reducing the difference between the status quo quotas and the SPR-equivalent quotas, meaning in most cases, the quota with discard mortality included would be higher than the adjusted quota without discard mortality included. Since commercial discards are not counted against the commercial quota, this would have the effect of allowing more directed commercial harvest while not reducing discards. Instead, the TC recommended trying to estimate the increase in commercial discards that would be expected under the different options and presenting this information in the Addendum as context. This was highlighted as another source of uncertainty for the SPR analysis.

**Results:**

**Table 1. Ocean commercial quota changes under a maximum size of 38, 40, and 42 inches**

	Option A. Status Quo (No maximum size applies)		Option B1. 42" maximum size limit		Option B2. 40" Maximum Size Limit		Option B3. 38" Maximum Size Limit	
	2022 Size Limit	2022 Quota	Size Limit	Quota (% change)	Size Limit	Quota (% change)	Size Limit	Quota (% change)
ME	N/A*	154	28 - 42"	129 (-16.2)	28 - 40"	122 (-20.8)	28 - 38"	113 (-26.6%)
NH	N/A *	3,537	28 - 42"	2,968 (-16.1%)	28 - 40"	2,796 (-21%)	28 - 38"	2,585 (-26.9%)
MA	35" min	735,240	35 - 42"	634,400 (-13.8%)	35 - 40"	581,483 (-21%)	35 - 38"	545,161 (-25.9%)
RI	26" min FFT;	148,889	26 - 42" FFT	133,040 (-10.6%)	26 - 40" FFT	128,735 (-13.5%)	26 - 40" FFT	119,905 (-19.5%)
	34" min GC		34 - 42" GC		34 - 40" GC		34 - 40" GC	
CT	N/A **	14,607	28 - 42"	22,255 (52.4%)	28 - 40"	20,642 (41.3%)	28 - 38"	18,821 (28.9%)
NY	26 - 38"	640,718	26 - 42"	704,286 (9.9%)	26 - 40"	672,744 (5%)	26 - 38"	640,718 (0%)
NJ	bonus program 24 - <28"	215,912	24 - 42"	321,708 (49%)	24 - 40"	303,825 (40.7%)	24" - 38"	284,243 (31.7%)
DE	28", except 20" for gill nets in DE Bay/River 2.15-5.31	142,474	28 - 42", except 20 - 42" for gill nets in DE Bay/River 2.15-5.31	133,506 (-6.3%)	28 - 40", except 20 - 40" for gill nets in DE Bay/River 2.15-5.31	128,252 (-10%)	28 - 40", except 20 - 40" for gill nets in DE Bay/River 2.15-5.31	118,854 (-16.6%)
MD	24" min	89,094	24 - 42"	83,141 (-6.7%)	24 - 40"	78,160 (-12.3%)	24 - 38"	72,563 (-18.6%)
VA	28" min	125,034	28 - 42"	118,768 (-5%)	28 - 40"	113,478 (-9.2%)	28 - 38"	107,008 9 (-14.4%)
NC	28" min	295,495	28 - 42"	275,782 (-6.8%)	28 - 40"	264,820 (-10.3%)	28 - 38"	245,048 (-17.1%)

\*Assumes the Amendment 6 standard minimum size limit of 28".

\*\* Assumes the minimum size (22-28") of the bonus program that CT's quota was last based on (the bonus program is no longer in use).

**Table 2. Chesapeake Bay commercial quota changes under a 36 inch and a seasonal 28 and 36 inch maximum size limit.**

	Option A. Status Quo (no maximum size applies)		Option E1. 36" Maximum Size		Option E2. 28" Maximum Size Limit Jan - May; 36" Maximum Size Limit Jun - Dec	
	2022 Size Limit	2022 Quota	Size Limit	Quota (% change)	Size Limit	Quota (% change)
MD Ches Bay	18 - 36"	1,445,394	18 - 36"	1,445,394 (0%)	18 - 28" Jan-May; 18 - 36" Jun - Dec	1,407,463 (-2.6%)
PRFC	18" min, 36" max during 2.15-3.25	572,861		558,626 (-2.5%)		554,767 (-3.2%)
VA Ches Bay	18" min, 28" max during 3.15-6.15	983,393		768,978 (-21.8%)		730,240 (-25.7%)

## **Results**

Table 1 and 2 show the adjusted commercial quotas under different maximum size limit options (Table 1 is for the ocean commercial fishery and table 2 is for the Chesapeake Bay commercial fishery). It should be noted some states (CT, NY and NJ) quotas increase with the change in maximum size, because their existing quotas are based on a maximum size limit that is lower than the proposed options. For states with an increase to their quota, the increase ranges from 5 to 52.4 percent. For states with decreases to their quota, the decrease ranges from 5 to 26.9 percent. A maximum size limit decreases the quota for the majority of states with active commercial fisheries with the exception of New York.

## **TC Comments**

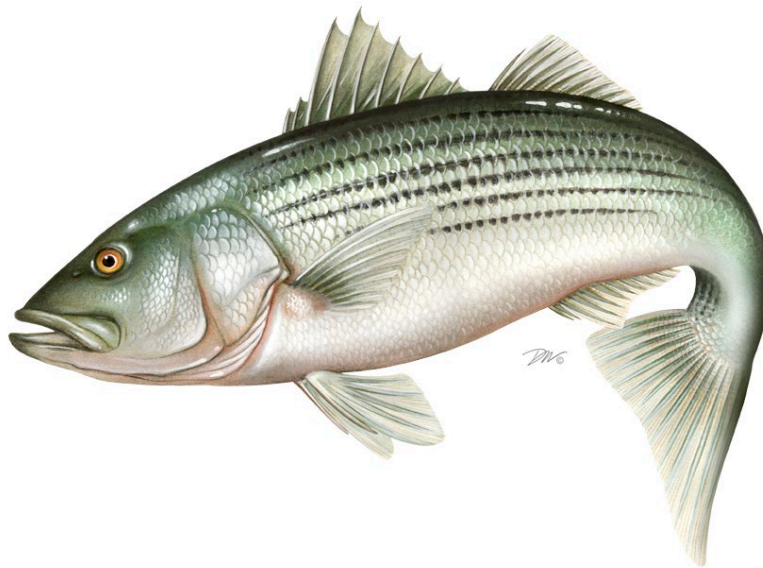
The TC raised concerns about the implementation of a commercial maximum size limit as a management tool. If a maximum size limit is implemented without a quota adjustment, total removals in numbers of fish will increase, as the average size of the fish in the catch is smaller and the discards of oversize fish will increase. The SPR calculations discussed here attempt to account for this by calculating an adjusted quota that will keep a state's commercial impact on the overall spawning potential of the stock the same under the new size limits so that these quotas are conservationally equivalent to the commercial quotas under the status quo regulations. However, the TC notes that there are numerous sources of uncertainty for this analysis, such as the challenge of accurately characterizing the realized change in selectivity under the new regulations, especially combined with the unpredictable effect the new regulations will have on the behavior of the commercial fishery. For example, if the new maximum size is higher than the current maximum size in a state, the SPR calculations allow the quota to be increased to account for the harvest of larger fish. However, the fishery may not actually realize harvest of larger fish due to market demands, availability of larger fish, and gear restrictions or limitations, resulting in higher overall removals with regard to SPR under the higher quota. In addition, the effects of increased discards of oversize fish and the other issues highlighted in the methods section increase the uncertainty about the effects of this management change. Implementing a more uncertain management option that is designed to have no effect on overall stock productivity increases the uncertainty around the rebuilding probabilities and the impact on the stock without having a positive impact on overall stock productivity. There is an increased downside and no upside to implementing this management change from a technical analysis.

The TC understands that the Board's intent with this option is to protect larger, older fish from harvest. However, the TC refers the Board to [previous analyses](#) evaluating the impact of slot limits vs. maximum size limits in the recreational fishery, where lower selectivity on older fish had a negligible impact on long-term spawning stock biomass and did not affect the timeline for rebuilding. Fishing mortality and total removals was the driving factor in whether the stock had a high probability of rebuilding by 2029.

***Atlantic States Marine Fisheries Commission***

**DRAFT ADDENDUM II TO AMENDMENT 7  
TO THE ATLANTIC STRIPED BASS  
INTERSTATE FISHERY MANAGEMENT PLAN**

***Interim Management Measures***



**This draft document was developed for Management Board review and discussion. This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.**

**Draft for Board Review  
October 2023**



*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

**Draft for Board Review. Not for Public Comment**

**Public Comment Process and Proposed Timeline**

In May 2023, the Atlantic Striped Bass Management Board initiated the development of Draft Addendum II to Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass to consider management measures beyond 2023 designed to reduce fishing mortality to the target to support rebuilding the stock by 2029 and consider allowing the Board to respond more quickly to upcoming stock assessment updates. This Draft Addendum presents background on the Atlantic States Marine Fisheries Commission’s (Commission) management of striped bass; the addendum process and timeline; a statement of the problem; and management options for public consideration and comment.

The public is encouraged to submit comments regarding the proposed management options in this document at any time during the public comment period. The final date comments will be accepted is **XX Month, XX Day, 2023 at 11:59 p.m. (EST)**. Comments may be submitted at state public hearings or by mail or email. If you have any questions or would like to submit comment, please use the contact information below. Organizations planning to release an action alert in response to this Draft Addendum should contact Toni Kerns, Fisheries Policy Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

Mail: Emilie Franke  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200 A-N  
Arlington VA. 22201

Email: [comments@asmfc.org](mailto:comments@asmfc.org)  
(Subject: Striped Bass Draft  
Addendum II)

<b>Date</b>	<b>Action</b>
May 2023	Board initiated the Draft Addendum
May – September 2023	Plan Development Team (PDT) develops Draft Addendum document
October 2023	Board reviews and approves Draft Addendum II for public comment
November – December 2023	Public comment period, including public hearings
January 2024	Board reviews public comment, selects management measures, final approval of Addendum II



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## **1.0 INTRODUCTION**

Atlantic striped bass (*Morone saxatilis*) are managed through the Atlantic States Marine Fisheries Commission (Commission) in state waters (0–3 miles) and through NOAA Fisheries in federal waters (3–200 miles). The management unit includes the coastal migratory stock from Maine through North Carolina. State waters fisheries for Atlantic striped bass are currently managed under Amendment 7 to the Interstate Fishery Management Plan (FMP), Addendum I to Amendment 7, and a temporary Emergency Action (effective May 2, 2023 through October 28, 2024 unless sooner replaced by this addendum). Harvesting or targeting striped bass in federal waters has been prohibited by NOAA Fisheries since 1990.

In May 2023, the Atlantic Striped Bass Management Board (Board) initiated Addendum II to Amendment 7 to address stock rebuilding beyond 2023. The Board initiated the draft addendum via the following approved motion:

*“Move to initiate an Addendum to implement commercial and recreational measures for the ocean and Chesapeake Bay fisheries in 2024 that in aggregate are projected to achieve F-target from the 2022 stock assessment update ( $F = 0.17$ ). Potential measures for the ocean recreational fishery should include modifications to the Addendum VI standard slot limit of 28-35” with harvest season closures as a secondary non-preferred option. Potential measures for Chesapeake Bay recreational fisheries, as well as ocean and Bay commercial fisheries should include maximum size limits. The addendum will include an option for a provision enabling the Board to respond via Board action to the results of the upcoming stock assessment updates (e.g., currently scheduled for 2024, 2026) if the stock is not projected to rebuild by 2029 with a probability greater than or equal to 50%.”*

In August 2023, the Board removed consideration of recreational harvest season closures; added options for commercial quota reductions, recreational for-hire specific measures, and minimum requirements for states allowing filleting in the recreational fishery; and provided direction on the range of other commercial and recreational management options requested. Due to the additional time needed to develop and refine the draft addendum, final action on the addendum will no longer occur in 2023 and the implementation schedule of selected measures may span 2024–2025. The Board intends to consider the results of the upcoming 2024 stock assessment update to inform subsequent management action.

## **2.0 OVERVIEW**

### **2.1 Statement of the Problem**

Atlantic striped bass were declared overfished in 2019 and are subject to a rebuilding plan that requires the stock to be rebuilt to its spawning stock biomass target by 2029. The most recent rebuilding projections indicate a low probability of meeting that deadline if the fishing mortality rate associated with the level of catch in 2022 continues. There is concern that the recreational and commercial management measures in Amendment 7, in combination with the availability of the strong 2015 year-class to the fisheries, will lead to a similarly high level of catch in 2024. In response, this draft addendum considers measures to reduce removals from the 2022 level to achieve the target fishing mortality rate and support stock rebuilding.

Stock assessments will be completed during the rebuilding period and used to gauge the success of the measures in achieving the target fishing mortality rate and to estimate the probability of rebuilding the stock by 2029. These assessments are typically completed during the second half of the calendar year, so if a management response is needed to reduce fishing mortality, the typical addendum development and implementation schedule results in new measures not being implemented until two years later. There is concern that such delays may impede rebuilding, especially as the deadline to achieve a rebuilt stock nears. Accordingly, this draft addendum also considers a mechanism that would allow the Board to adjust management measures in response to upcoming stock assessments via Board action, which would be faster than a typical addendum process, if deemed necessary to achieve stock rebuilding by 2029.

## **2.2 Background**

### **2.2.1 Stock Status**

Female spawning stock biomass (SSB) and fishing mortality ( $F$ ) are estimated on a regular basis and compared to target and threshold levels (i.e., biological reference points) to assess the status of the striped bass stock. The 1995 estimate of female SSB is used as the SSB threshold because many stock characteristics, such as an expanded age structure, were reached by this year, and this is also the year the stock was declared recovered. The female SSB target is equal to 125% of the female SSB threshold. The associated  $F$  threshold and  $F$  target are calculated to achieve the respective SSB reference points in the long term.

The most recent assessment for striped bass was an update completed in 2022 with data through 2021<sup>1</sup>. Prior to this, the 2018 Benchmark Stock Assessment had determined that striped bass were overfished and experiencing overfishing in the terminal year (2017)<sup>2</sup>. Following the implementation of new management measures in 2020, the 2022 Stock Assessment Update found that the stock was no longer experiencing overfishing in 2021 ( $F = 0.14$ , below the threshold of 0.20 and the target of 0.17) but remained overfished (Female SSB = 143 million pounds, below both the target of 235 million pounds and the threshold of 188 million pounds) (Figures 1 and 2). These reference points were calculated using the “low recruitment assumption” (per Amendment 7’s requirement under a tripped recruitment trigger), which resulted in a lower, more conservative  $F$  target and threshold compared to the 2018 benchmark assessment. Although below the threshold and considered overfished, female SSB in 2021 was still estimated to be more than three-times of that during the early 1980s, when the stock was considered collapsed (Figure 1).

The assessment also indicated a period of strong recruitment (numbers of age-1 fish entering the population) from 1994–2004, followed by a period of low recruitment from 2005–2011

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<sup>1</sup> ASMFC. 2022. Atlantic Striped Bass Stock Assessment Update, Atlantic States Marine Fisheries Commission, Arlington, VA. 191p.

<sup>2</sup> NEFSC. 2019. Summary Report of the 66th Northeast Regional Stock Assessment Review Committee (SARC 66), Northeast Fisheries Science Center, Woods Hole, MA. 40p.

(although not as low as the period of stock collapse in the early 1980s) (Figure 1). This period of low recruitment contributed to the decline in SSB that the stock has experienced since 2010. Recruitment of age-1 fish was high in 2012, 2015, 2016, and 2019 (corresponding to strong 2011, 2014, 2015, and 2018 year classes, respectively); however, estimates of age-1 striped bass were below the long-term average in 2018, 2020, and 2021.

The 2022 assessment also included short-term projections to determine the probability of SSB being at or above the SSB target by 2029. These projections also used the low recruitment assumption, which restricts the estimates of age-1 recruitment to those occurring during 2008–2021, rather than the longer time series of 1993–2021. These projections indicated that under the 2021 fishing mortality rate, there was a 97% probability the stock will be rebuilt by 2029 (Figure 3).

However, concerns over high recreational removals in 2022 compared to 2021 (the terminal year of the most recent assessment update) prompted the Board to request updated stock projections using 2022 preliminary removals. These estimates of preliminary 2022 removals and updated stock projections were presented to the Board in May 2023. The data showed that while commercial removals in 2022 were similar to those in 2021, recreational harvest had increased 88% and recreational live releases by 3%, resulting in an overall 38% increase in recreational removals (relative to 2021). These 2022 removals were used to estimate  $F$  in 2022. Since striped bass catch and  $F$  rates vary from year-to-year (even under the same regulations), the average  $F$  from 2019–2022 (excluding 2020 due to uncertainty associated with COVID-19 impacts) was applied to 2023–2029 in the new projections. Under this  $F$  rate, the new projections estimate the probability of rebuilding SSB to its target by 2029 drops from 97% to 15% (Figure 3).

It should be noted that these projections are not the same as a full stock assessment update where the model would be re-run to include the 2022 catch-at-age and index data. Accordingly, the status of the stock remains overfished but is not experiencing overfishing as per the 2022 stock assessment update. The next stock assessments for striped bass are currently scheduled for 2024 (an update with data through 2023), 2026 (an update with data through 2025), and 2027 (a benchmark—in which the inputs and methods are fully re-evaluated—likely with data through 2026).

### **2.2.2 Management Status**

Striped bass are currently managed under Amendment 7 to the Interstate Fishery Management Plan (FMP), Addendum I to Amendment 7, and a temporary Emergency Action (effective May 2, 2023 through October 28, 2024 unless sooner replaced by this addendum).

Amendment 7: Amendment 7 consolidated and replaced Amendment 6 and its addenda in 2022; in so doing, several aspects of the management program, including the management triggers, stock rebuilding plan, recreational gear requirements, and conservation equivalency (CE) restrictions, were updated to better align with current fishery needs and priorities. Importantly, Amendment 7 maintained the Addendum VI to Amendment 6 recreational and

commercial fishery measures (the implications of which are described in more detail below). Separate management measures are in place for the ocean and Chesapeake Bay fisheries due to distinct size availabilities of fish between the areas.

Amendment 7's FMP standard for managing the recreational fisheries is a one-fish bag limit with a 28 to less than 35" slot limit for the ocean area, a one-fish bag limit with an 18" minimum size limit for the Chesapeake Bay area, and for both areas the seasons which were in place in 2017. Amendment 7's FMP standard for managing both the ocean and Chesapeake Bay commercial fisheries is a state and/or area specific commercial quota (reduced 18% from 2017), and the size limit(s) in place in 2017. This suite of measures was first implemented under Addendum VI to Amendment 6 in 2020 to achieve an overall 18% reduction in removals relative to 2017 (shared in equivalent commercial and recreational reduction), in response to the 2018 benchmark stock assessment determining the stock as overfished and experiencing overfishing.<sup>3</sup> However, when implementing Addendum VI, numerous states adopted alternative recreational size limits, recreational bag limits, recreational seasons, commercial size limits, and/or commercial quotas through CE.<sup>4</sup> Because Amendment 7 did not revise the FMP standard commercial and recreational fishery measures from those of Addendum VI, the CE programs implemented under Addendum VI were also allowed to be carried forward by states in 2022 under the framework of Amendment 7. See Tables 1–2 for the recreational and commercial measures in place in 2022 and Table 3 for a description of the CE programs implemented. Amendment 7's revision to when and how CE may be employed by states is reviewed below.

Part of the rationale for not changing any commercial and recreational management measures under Amendment 7 was that final action on the amendment preceded the completion of the 2022 stock assessment by several months. The 2022 stock assessment was expected to provide management advice as to whether the existing measures implemented under Addendum VI had successfully reduced fishing mortality to the target level and put the stock on track to rebuild by 2029. In other words, when Amendment 7 was adopted, it was unknown whether additional conservation measures were needed. Because of this timing issue, Amendment 7 instead included a provision allowing the Board to respond quickly to the results of the 2022 stock assessment update with additional management measures if needed for rebuilding success. Specifically, rather than responding via an addendum (which typically requires three Board meetings from addendum initiation to adoption), the Board could specify state measures by a Board vote at a single meeting. Ultimately, the 2022 stock assessment indicated that F in 2021 was below the target, providing a very high probability of achieving a rebuilt stock by

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<sup>3</sup> Addendum VI also established the mandatory use of circle hooks when recreationally fishing for striped bass with bait (except as part of an artificial lure); however, this measure was not credited towards the needed 18% reduction in removals to end overfishing. Amendment 7 added two additional gear requirements when recreationally fishing for striped bass: a prohibition on gaffing and the immediate release of striped bass caught on any unapproved method of take.

<sup>4</sup> Conservation equivalency (CE) refers to actions taken by a state which differ from the specific requirements of the FMP, but which achieve the same quantified level of conservation for the resource under management. It is the responsibility of the state to demonstrate the proposed management program is equivalent to the FMP standards and consistent with the restrictions and requirements for CE determined by the Board. Board approval of a CE proposal is required prior to state implementation.

2029; consequently, this provision of Amendment 7, which was specific to responding to the results of the 2022 stock assessment, was not utilized.

The use of CE is subject to additional restrictions and requirements under Amendment 7 *when the FMP standard for a fishery is revised*. First and foremost, CE programs will not be approved for non-quota managed fisheries (with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries) when the stock is at or below the biomass threshold (i.e., overfished), though quota managed CE programs would still be allowed. In the context of this draft addendum and current stock status, this means that if the FMP standard for the ocean or Chesapeake Bay recreational fisheries (as described above) is changed, the existing Addendum VI CE programs affecting those fisheries are invalidated and a state cannot request a new CE program for non-quota managed fisheries (with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries) until the stock is no longer considered overfished by a future stock assessment. For states that combined Addendum VI CE programs across fishery sectors (e.g., took a less than 18% commercial reduction based on achieving more than an 18% recreational reduction), this has implications beyond the recreational fishery.

Additionally, if future CE is requested, CE proposals will be subject to new recreational catch estimate precision standards, uncertainty buffer requirements, and an established definition of “equivalency”. Specifically, CE proposals will not be allowed to use Marine Recreational Information Program (MRIP) estimates associated with a percent standard error (PSE) exceeding 40%. PSE is a measure of precision, and higher PSEs indicate the data are less precise. Proposed CE programs for non-quota managed fisheries will be required to include an uncertainty buffer of 10%; this is intended to increase the proposed CE program’s probability of achieving equivalency with the FMP standard. However, if a CE proposal uses MRIP estimates with a PSE exceeding 30%, but less than or equal to 40%, then a larger 25% uncertainty buffer is required. Lastly, CE programs for non-quota managed fisheries are required to demonstrate equivalency to the percent reduction/liberalization projected for the FMP standard at the state-specific level (rather than the coastwide level).

Addendum I to Amendment 7: Addendum I was approved and implemented in May 2023 to allow for voluntary ocean commercial quota transfers contingent on stock status. When the stock is overfished, no quota transfers will be allowed. When the stock is not overfished, the Board can decide every one to two years whether it will allow voluntary transfers of unused ocean commercial quota. The Board can also set criteria for allowable transfers, including a limit on how much and when quota can be transferred in a given year, and the eligibility of a state to request a transfer based on its landings. Given the overfished stock status for striped bass, quota transfers will not be authorized in 2024.

2023 Emergency Action: At its May 2023 meeting, the Board was presented with updated stock rebuilding projections that included preliminary removal estimates for 2022. Prior projections with data through 2021 had indicated a very high chance (97%) of rebuilding the overfished striped bass resource to its SSB target by the 2029 rebuilding deadline. Due to a near doubling of recreational harvest in 2022, the new projections estimated that the probability of rebuilding

to the SSB target by 2029 drops to 15% if the higher fishing mortality rate (calculated as the average of 2019-2022 fishing mortality rates, excluding 2020) continues for 2023-2029. In addition to initiating this draft addendum to consider coastwide changes to the commercial and recreational regulations to bring  $F$  back to the target level of 0.17, the Board approved an Emergency Action to more immediately address the source of the increase in fishing mortality. Specifically, the Board's May 2, 2023 emergency action required all states to implement a 31-inch maximum size limit for their striped bass recreational fisheries<sup>5</sup> as soon as possible and no later than July 2, 2023, while maintaining all other measures. In effect, the emergency action reduced the ocean recreational slot from 28 to <35" to 28 – 31", and layered a 31" maximum size to the Chesapeake Bay's recreational measures. Emergency actions are effective for 180 days from the time of their declaration, putting the expiration date of the 31" recreational maximum size limit at October 28, 2023, unless sooner rescinded or extended by the Board. At its August 2023 meeting, the Board extended the emergency action for one year (through October 28, 2024) or until the implementation of this addendum (if sooner). If it deems necessary, the Board may extend the emergency action for one additional period of up to a year at a future Board meeting.

The emergency action's 31" recreational maximum size limit is intended to reduce recreational harvest from the level seen in 2022 by providing additional protection to the abundant 2015 year class. The strong 2015 year-class is a primary reason for the increase in harvest in 2022, as many of the fish born that year had begun to exceed 28" in length, the lower bound of the ocean slot limit (Figure 4). In 2023, as 8 year olds, these fish are expected to average 31 ½" in length (Table 4). By implementing the 31" maximum size limit, over 50% of the 2015 year class should be protected from recreational harvest. Without this change, a high majority of the 2015 year-class would have been within the 28" to <35" ocean slot and susceptible to recreational harvest, raising concern that fishing mortality in 2023 would be even greater than 2022 and further erode the probability for rebuilding by 2029. As of July 2, 2023, all states implemented the emergency action's 31" maximum size limit (Table 5).

### **2.2.2.1 Social and Economic Impacts**

*For more detailed discussion of recent research into striped bass anglers' preferences and behavior and how it could be applied, see Amendment 7 to the Striped Bass FMP Section 1.5.2.*

For the recreational sector, changes in bag and size limits (as well as other management measures not considered herein) affect important attributes of a recreational fishing trip, such as the number of fish of each species that anglers catch and are allowed to keep. In turn, these changes in trip attributes will modify the utility (i.e., level of satisfaction) an angler expects to obtain from the fishing trip (McConnell et al. 1995, Haab and McConnell 2003)<sup>6</sup>. As a result, the

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<sup>5</sup> The emergency action excluded the Chesapeake Bay spring trophy fishery from the 31" maximum size limit in 2023 because this fishery occurs for two weeks in May prior to the emergency action's implementation deadline and the fishery's current 35" minimum size limit provides a high level of protection to the 2015 year-class in the short-term.

<sup>6</sup> McConnell, K.E. and Strand, I.E. and Blake-Hedges, L. 1995. Random Utility Models of Recreational Fishing: Catching Fish Using a Poisson Process. *Marine Resource Economics* 10, p.247-261.

angler may shift target species, modify trip duration or location, or decide not to take the trip and do something else instead. These behavioral responses lead to changes in directed fishing effort, resulting in changes in harvest, fishing mortality, and angler welfare. This is, however, only a short-term response and stock dynamics will dictate any longer-term effects on the resource, which may subsequently feedback and affect future management decisions and angling behavior.

Narrow slot limits, like the 2023 emergency action and the options being considered for beyond 2023, will lead to fish in the larger size range being released in the short-term. For example, a 28" to 31" recreational slot limit in the ocean will lead to fish in the 31" to 35" size range being released in the short-term. Recent research into striped bass anglers' preferences and behavior found the typical striped bass angler prefers to keep larger fish (Carr-Harris and Steinback 2020)<sup>7</sup>. Applying this to a 28 to 31" slot limit, anglers would likely prefer to keep a fish on the size range 31"-35" rather than having to release it, which means that in the short-term, a narrow slot limit like 28 to 31" may reduce effort (i.e., reduce trips) from those anglers seeking to bring fish home in the cooler. Thus, the overall anticipated effect on the number of releases in the short-term is unclear; larger fish are required to be released, but any reduction in effort may reduce the overall number of releases. A reduction in effort could translate into a short-term negative impact on the regional economy and businesses associated with the fishing industry for this species. Importantly, this is likely only a short-term response, and stock dynamics will dictate any longer-term effects on the resource and the angling community. Assuming the options considered for this action will support the rebuilding of the striped bass population, it will likely ensure the quality of the recreational fishing experience for the sector in the long-term.

For the commercial sector, implementing commercial maximum size limits will impact the size range of fish brought to market. In states where a new maximum size limit significantly changes the size of commercially harvested fish, dealers, processors, and consumers will have to adjust to the new smaller fish size, potentially requiring changes in the supply chain, marketing, and processing. In the short-term harvesters may also be more limited to adjusting to market demand if they are operating within a narrow slot limit. Additionally, the harvest of smaller fish would increase the number of fish being removed by the commercial sector and may result in greater effort and gear. Changes in quota could also have economic impacts due to a change in total poundage.

### **2.2.3 Status of the Fishery**

In 2022, total Atlantic striped bass removals (including commercial and recreational harvest, commercial dead discards and recreational release mortality) were estimated at 6.8 million fish, which is a 32% increase from 2021 total removals. This 2022 increase was driven by an increase

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Haab, T.C. and McConnell, K.E. 2003. Valuating Environmental and Natural Resources: The Econometrics of Non-Market Valuation, Edward Elgar Publishing.

<sup>7</sup> Carr-Harris, A. and S. Steinback. 2020. Expected economic and biological impacts of recreational Atlantic striped bass fishing policy. *Front. Mar. Sci.* 6: 814, p.1-20.



in recreational removals, as commercial removals slightly decreased. In 2022, the commercial sector accounted for about 10% of total removals in numbers of fish (9% harvest and 1% dead discards), and the recreational sector accounted for 90% of removals in numbers of fish (51% harvest and 39% release mortality) (Figure 5). Removals for each sector by year are listed in Table 6.

### ***Recreational Fishery***

The recreational fishery is managed by bag limits, minimum size or slot size limits, and closed seasons (in some states) to restrict harvest (Table 2). Gear restrictions are also in place to increase the chance of survival after a striped bass is released alive in the recreational fishery. Total recreational catch (harvest and live releases) coastwide was estimated at 33.1 million fish in 2022, which is a 38% increase from 2021. This overall coastwide increase was a combination of a large increase in harvest and a marginal increase in live releases.

From 2004 to 2014, recreational harvest averaged 4.6 million fish per year. From 2015-2019, annual harvest decreased to an estimated 2.8 million fish due to the implementation of more restrictive regulations via Addendum IV, changes in effort and changes in size and distribution of the population through time. Total recreational harvest decreased to 1.71 million fish in 2020 and 1.82 million fish in 2021, likely due to a combination of factors including more restrictive regulations via Addendum VI, fish availability, and impacts of COVID-19. It is important to recognize that impacts from COVID-19 were likely not uniform across states, sectors, or modes.

Under the same management measures as 2020-2021, total recreational harvest in 2022 increased to 3.4 million fish (35.8 million pounds), which is an 88% increase by number relative to 2021 (127% increase by weight). This increase was likely due to the increased availability of the strong 2015 year class in the ocean slot in 2022. New Jersey landed the largest proportion of recreational harvest in number of fish<sup>8</sup> (33%), followed by New York (26%), Maryland (19%), and Massachusetts (14%). The proportion of coastwide recreational harvest in numbers from Chesapeake Bay was estimated at 20% in 2022, compared to 35% in 2021. By weight, the proportion of recreational harvest from the Chesapeake Bay was estimated at 9% in 2022, compared to 20% in 2021.

The vast majority of recreational striped bass catch (over 90%) is released alive either due to angler preference or regulation (i.e., closed season, undersized, or already caught the bag limit). The stock assessment assumes, based on previous studies, that 9% of fish that are released alive die as a result of being caught. In 2022, recreational anglers caught and released an estimated 29.6 million fish, of which 2.7 million are assumed to have died. This represents a 3% increase in live releases coastwide from 2021.

In 2022, combined private vessel/shore modes of the recreational striped bass fishery accounted for 95% of recreational removals, and the for-hire components (charter and head

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<sup>8</sup> By weight, New Jersey had the largest proportion of recreational harvest (38%), followed by New York (30%), Massachusetts (15%), and Maryland (9%).

boats) accounted for 5%. Coastwide in 2022, private vessel/shore mode recreational removals increased by 42% relative to 2021, while for-hire recreational removals decreased by 7%. However, this trend differs by region and by mode. In the ocean, private vessel/shore mode removals increased by 52% and for-hire removals increased by 22% in 2022. In the Chesapeake Bay, private vessel/shore mode removals increased by only 3%, and for-hire removals decreased by 27%.

The ocean and Chesapeake Bay regions experienced different changes in recreational catch in 2022 relative to 2021. The ocean region saw an increase in both recreational harvest (132% increase in numbers of fish) and live releases (7% increase) relative to 2021. On the other hand, the Chesapeake Bay saw a much smaller increase in recreational harvest (7% increase) and a decrease in live releases (18% decrease) relative to 2021. Again, the large increase in ocean recreational harvest is likely due to the availability of the strong 2015 year class in the ocean slot in 2022, when many of those age-8 fish were above the legal minimum size of 28 inches.

The number of trips directed at striped bass (primary and secondary target) also shows a differing trend between the ocean and the Chesapeake Bay. In 2022, the number of ocean directed trips increased by 31% relative to 2021, while the number of Chesapeake Bay directed trips decreased slightly by about 2%.

#### *Recent MRIP News Regarding Fishing Effort Survey*

In August 2023, NOAA Fisheries released findings of a pilot study it conducted to evaluate potential sources of bias in the recreational Fishing Effort Survey (FES) questionnaire design.<sup>9</sup> This study found switching the sequence of questions resulted in fewer reporting errors and fishing effort estimates that were generally 30 to 40 percent lower for shore and private boat modes than estimates produced from the current design. However, results varied by state and fishing mode. These results are based on a pilot study that had a limited time frame (six months) and geographic scope (only four states included), and much more extensive work needs to be done to determine the true impacts of the survey design. NOAA Fisheries will be conducting a larger-scale follow-up study over the course of 2024. At this time, the potential impacts to recreational catch estimates and stock assessments are unknown.

Even if we were to assume that striped bass recreational catch was overestimated by 30-40% over the timeframe (1982-present), it would likely only change the scale of the biomass but not the overall downward trend in the population that we have seen since 2010. It would not change the fact that, using the same FES methodology, recreational harvest estimates nearly doubled from 2021 to 2022. This increased catch was supported through recreational anglers anecdotally reporting catching more fish as well as numerous states' commercial fisheries utilizing their quota more quickly or fully, particularly in ocean fisheries. The striped bass assessment will be updated in 2024 and can be used to explore how the possible

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<sup>9</sup> [https://apps-st.fisheries.noaa.gov/rpts/main/public\\_docs/Evaluating%20Measurement%20Error%20in%20the%20FES%20Consolidated%20Final%20w%20Review.pdf?method=PUB\\_MANUSCRIPT&id=32268](https://apps-st.fisheries.noaa.gov/rpts/main/public_docs/Evaluating%20Measurement%20Error%20in%20the%20FES%20Consolidated%20Final%20w%20Review.pdf?method=PUB_MANUSCRIPT&id=32268)

overestimation of recreational catch may impact biomass and the emergency measures that have been put in place to reduce fishery removals.

### ***Commercial Fishery***

The commercial fishery is managed by a quota system resulting in relatively stable landings since 2004. There are two regional quotas; one for the Chesapeake Bay area and one for the ocean area, which includes other bays, inland rivers, and estuaries. In 2022, the ocean commercial striped bass quota was 2,411,154 pounds, and 1,904,852 pounds were harvested in the ocean region. In the Chesapeake Bay region, the 2022 commercial striped bass quota was 3,001,648 pounds, and 2,374,988 pounds were harvested. Neither quota was exceeded in 2022. Refer to Table 1 for 2022 commercial fishery regulations by state, including size limits, trip limits, gear restrictions, and seasons.

From 2004 to 2014, coastwide commercial landings averaged 6.8 million pounds per year. From 2015-2019, commercial landings decreased to an average of 4.7 million pounds due to implementation of reduced quotas through Addendum IV. From 2020-2022, coastwide commercial landings decreased again to an average 4.1 million pounds due to further reduced quotas through Addendum VI.

Since 1990, commercial landings from the ocean fishery have accounted for an average 40% of total coastwide commercial landings by weight, with the other 60% coming from the Chesapeake Bay. The proportion of commercial harvest coming from Chesapeake Bay is much higher in numbers of fish (roughly 80%) because fish harvested in Chesapeake Bay have a lower average weight than fish harvested in ocean fisheries.

Of the total 2022 commercial harvest (combined ocean and Chesapeake Bay) by weight, Maryland landed 31%, Virginia landed 20%, and Massachusetts landed 18%. Additional harvest came from New York (15%), the Potomac River Fishery Commission (PRFC) (10%), Rhode Island (4%), and Delaware (3%).

Ocean commercial size limits, seasons, and gear types vary by state. Along the Atlantic coast, current legal minimum size ranges from 20" to 35". In general, lower minimum sizes exist in the Mid-Atlantic (where fish are primarily harvested by a combination of drift and anchor gill nets), while New England states have larger minimum sizes and harvest is predominantly hook and line. In the ocean region, only New York currently has a commercial slot size with lower and upper bounds (26–38"). Chesapeake Bay commercial size limits and gear types are more uniform with an 18" minimum size for Bay states, although Maryland has a year-round maximum size (36") while PRFC and Virginia have seasonal maximum size limits of 36" and 28", respectively. All three Bay states employ a combination of pound net, drift net, and hook and line gear types.

State commercial sampling programs indicate the mean length, weight, and age of commercially harvested striped bass are higher for the ocean fishery (Table 7). Sub-sampling of commercial striped bass harvest occurs for about 1-5% of all harvested fish in each state, and

these values are assumed to be representative of each state's landings. In the ocean, mean length of harvested fish ranged from 30.2" total length (NY) to 41.1" total length (MD ocean) based on 2022 samples, with corresponding mean weights ranging from 9.9 lbs. to 25.9 lbs. In the Chesapeake Bay, mean length of harvested fish ranged from 22.2" total length (MD Bay) to 36.2" total length (VA Bay hook & line) based on 2022 samples, with corresponding mean weights ranging from 4.6 lbs. to 26.6 lbs.

### **3.0 PROPOSED MANAGEMENT OPTIONS**

This document proposes management changes for the ocean and Chesapeake Bay fisheries. The striped bass ocean fishery (also referred to as "ocean region") is defined as all fisheries operating in coastal and estuarine areas of the U.S. Atlantic coast from Maine through North Carolina, excluding the Chesapeake Bay and Albemarle Sound-Roanoke River (A-R) management areas. The Chesapeake Bay fishery is defined as all fisheries operating within Chesapeake Bay, except for the Chesapeake Bay recreational spring trophy fishery. The Chesapeake Bay recreational spring trophy fishery is part of the ocean fishery for management purposes because it targets coastal migratory striped bass. This document does not propose changes to the A-R fisheries, which are managed separately by the State of North Carolina.

*When the Board takes final action on the addendum, there is the opportunity to select any measure within the range of options that went out for public comment, including combining options across issues.*

#### **Projecting 2024 Reduction to Achieve the Fishing Mortality Target**

The same forward projecting methodology as used in striped bass stock assessments was used to estimate the removals needed to achieve  $F$  target in 2024 with a 50% probability. The projections were made using 2022 removals data (6.8 million fish total), and estimated 2023 removals accounting for implementation of the 2023 emergency action (an estimated 4.8 million fish total<sup>10</sup>). A new selectivity curve for the 2023 emergency action was also developed to account for the lower selectivity of ages 7-9 fish in 2023 due to the narrower recreational slot limit. Because the calculation of  $F$  target accounts for selectivity, the  $F$  target value was re-calculated to incorporate this new 2023 selectivity ( $F$  target=0.176). Projection results indicate a 14.5% reduction from 2022 total removals is needed to achieve  $F$  target in 2024. This overall reduction can be achieved, for example, by each sector and area (commercial/recreational and Ocean/Chesapeake Bay) taking a 14.5% reduction. Were the recreational sector to be accountable for achieving the full reduction, a 16.1% reduction from 2022 recreational removals would be needed to achieve the  $F$  target in 2024.

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<sup>10</sup> The TC conducted sensitivity runs to explore different assumptions of the methods used to estimate 2023 removals and the effect on the projections, and found that although the estimates of 2023 removals varied from 4.8 to 5.7 million fish, the necessary percent reduction to achieve the  $F$  target in 2024 only varied by approximately 1.5%. The June 2023 Technical Committee summaries provide additional details on these methods and results: <http://www.asmf.org/species/atlantic-striped-bass#meetingsummaries>

### 3.1 Recreational Fishery Management

*Proposed options for the ocean and Chesapeake Bay recreational fisheries are presented below. All size limits are in total length. Bag limits are per person per day. The Board will choose one option for each region. Options for the recreational fishery are designed to reduce harvest (fishing mortality) to achieve the target F. Although these options were not designed to protect a specific year-class, they may offer protection to one or more strong year-classes.*

*Note on Conservation Equivalency: Since the stock is currently overfished, if the FMP standard is changed, CE programs will not be approved for non-quota managed recreational fisheries, with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries. The Board has discretion whether to approve CE programs for quota managed fisheries.*

The proposed recreational management options were developed using MRIP harvest and live release estimates. A mortality rate of 9% was applied to all live release estimates to estimate release mortality in the recreational fishery. To characterize ocean fish availability for 2024 and develop ocean slot limit options, year-class strength in the ocean was accounted for by using catch-at-length data from 2020. 2020 was used as a proxy for 2024 ocean fish availability because the strong 2011-year class was available in the ocean at age-9 in 2020, just as the strong 2015 year-class catch will be available in the ocean at age-9 in 2024. For the Chesapeake Bay, catch-at-length data from 2021 were used to characterize Bay fish availability in 2024 because that year is assumed to more accurately represent the younger year-classes expected to be present in the Bay in 2024. Specifically, in 2024, the 2018 year-class will be age-6, the same age the 2015 year-class was in 2021. When changes in the bag limit were developed, the average reduction in removals was estimated using data from a period when there was a two-fish bag limit in Chesapeake Bay. For both regions, the same level of non-compliance with size limits as observed in 2021-2022 is assumed to occur in 2024. In the ocean, all harvest below the slot is assumed to continue, as it is a mix of non-compliance and compliance with different, regional size limits in established CE programs and difficult to separate.

#### 3.1.1 Ocean Recreational Fishery Options

*All ocean options (besides the status quo) propose a change to the slot limit's maximum size. A revision to the 28" minimum size for the lower bound of the slot limit is not considered given the long-standing nature of this measure (with benefits to compliance) and in consideration of environmental justice issues (e.g., providing access to shore-based anglers to legal-sized fish). The range of options considers a distinct (wider) slot limit for the for-hire fishing mode to address concerns heard from for-hire operators about the potential for increased discards with narrower slots and the general desire for anglers on for-hire trips to harvest a fish. The impact of the wider for-hire slot on the reduction to be achieved is limited due to the small contribution of for-hire removals to total ocean removals (average 6% of ocean recreational harvest and 3% of total ocean removals over the past three years). The wider for-hire slot will provide less protection to the 2015 year-class, which will be age 9 in 2024 with an estimated average length of 34".*

*For all ocean options (besides the status quo), the Chesapeake Bay recreational spring trophy fishery will be managed by the same size limits as the ocean fishery with the 2022 trophy season*

*dates. If the status quo option is selected, whether the Chesapeake Bay recreational spring trophy fishery will be managed by the same size limits as the ocean fishery will depend on whether or not the continuation of Addendum VI CEs is allowed.*

*For all ocean options (besides the status quo), the following states would be required to submit area-specific measures to achieve the same percent reduction in total removals as the selected ocean option (relative to 2022 levels) as part of their state implementation plans:*

- *New York: the Hudson River management area*
- *Pennsylvania: all state waters*
- *Delaware: the state’s July–August 20–25” slot fishery.*

*All state implementation plans are subject to review by the Board, Technical Committee, and Plan Review Team, and should incorporate the best available data for each area (MRIP data are not available for all areas).*

**Option A. Status Quo:** 1 fish at 28” to less than 35” with 2017 seasons (all modes). This option allows for the continuation of the existing Addendum VI CE plans. Status quo has little to no probability of achieving the objective of this addendum.

**Option B.** 1 fish at 28” to 31” with 2022 seasons (all modes).

**Option C.** 1 fish at 28” to 31” with 2022 seasons for private vessel/shore anglers; 1 fish at 28” to 33” with 2022 seasons for the for-hire mode.

All ocean Recreational options are summarized in the following table.

<b>Ocean Options</b>	<b>Overall Reduction</b>	<b>Harvest Change</b>	<b>Rec. Release Mortality Change</b>
<b>Option A. 1 fish at 28” to &lt; 35” with 2017 season dates (all modes) or approved CEs.</b>			
<b>Option B. 1 fish at 28” – 31” with 2022 seasons (all modes)</b>	-14.1%	-49.9%	+2.0%
<b>Option C. Private vessel/shore: 1 fish at 28” – 31” with 2022 seasons. For-hire: 1 fish at 28” – 33” with 2022 seasons.</b>	-14.0%	-49.5%	+2.0%

### 3.1.2 Chesapeake Bay Recreational Fishery Options

*All Chesapeake Bay options (besides the status quo) propose a maximum recreational size limit; some options also change the minimum size limit and/or bag limit resulting in additional uniformity within the Bay. Maximum size limits range from 23" to 26"; higher maximum sizes were not considered in order to provide some protection to the above average 2018 year-class, which will be age-6 in 2024 with an average estimated length of just over 26". The range of options considers a distinct (higher) bag limit for the for-hire fishing mode to address concerns heard from for-hire operators about the potential for reduced for-hire angler effort at lower bag limits given the ability to only access smaller fish. In the Chesapeake Bay, for-hire removals are about one-fifth of total Bay removals (average 27% of Bay recreational harvest and 18% of total Bay recreational removals over the past three years), so the impact of the higher for-hire bag limit on the reduction to be achieved is somewhat larger than the wider slot limit proposed for the ocean for-hire fishery.*

**Option A. Status Quo:** 1 fish at 18" minimum size with 2017 seasons for all Chesapeake Bay recreational fisheries. This option allows for the continuation of the existing Addendum VI CE plans. Status quo has little to no probability of achieving the objective of this addendum.

**Option B. Apply a standard maximum size limit to the Bay jurisdictions' 2022 minimum sizes, bag limits, and seasons. Maximum size limit options are: B1) 23", B2) 24", B3) 25" or B4) 26".**

**Option C. Apply a standard minimum size limit and maximum size limit to the Bay jurisdictions' 2022 bag limits and seasons. The minimum size shall be 20". Maximum size limit options are: C1) 23", C2) 24", C3) 25" or C4) 26".**

**Option D. Apply a standard minimum size limit, maximum size limit, and bag limit to the Bay jurisdictions' 2022 seasons. The minimum size shall be 19" and the bag limit 1 fish. Maximum size limit options are: D1) 23", D2) 24", D3) 25" or D4) 26".**

**Option E. Apply a standard minimum size limit, maximum size limit, and mode-specific bag limits to the Bay jurisdictions' 2022 seasons. The minimum size shall be 19", the for-hire bag limit 2 fish, and the private vessel/shore angler bag limit 1 fish. Maximum size limit options are: E1) 23", E2) 24", E3) 25" or E4) 26".**

All Chesapeake Bay Recreational options are summarized in the following table.

	Min. Size	Max. Size	Bag Limit	Season	Overall Reduction	Harvest Change	Rec. Release Mortality (RRM) Change
<b>Option A</b>	1 fish at 18" minimum size with 2017 seasons, or approved CEs.						
<i>Chesapeake Bay Options with Consistent Maximum Size</i>							
<b>Option B1</b>	Same as 2022: 18" DC, 19" MD, 20" VA & PRFC	23"	same as 2022*	same as 2022+	-17.8%	-31.6%	+4.9%
<b>Option B2</b>	Same as 2022: 18" DC, 19" MD, 20" VA & PRFC	24"	same as 2022*	same as 2022+	-10.8%	-19.1%	+3.0%
<b>Option B3</b>	Same as 2022: 18" DC, 19" MD, 20" VA & PRFC	25"	same as 2022*	same as 2022+	-6.6%	-11.8%	+1.8%
<b>Option B4</b>	Same as 2022: 18" DC, 19" MD, 20" VA & PRFC	25"	same as 2022*	same as 2022+	-4.7%	-8.4%	+1.3%
<i>Chesapeake Bay Options with Consistent Minimum and Maximum Size</i>							
	Min. Size	Max. Size	Bag Limit	Season	Overall Reduction	Harvest Change	RRM Change
<b>Option C1</b>	20" (all jurisdictions)	23"	same as 2022*	same as 2022+	-24.2%	-43.0%	+6.6%
<b>Option C2</b>	20" (all jurisdictions)	24"	same as 2022*	same as 2022+	-17.2%	-30.5%	+4.7%
<b>Option C3</b>	20" (all jurisdictions)	25"	same as 2022*	same as 2022+	-13.0%	-23.2%	+3.6%
<b>Option C4</b>	20" (all jurisdictions)	26"	same as 2022*	same as 2022+	-11.1%	-19.7%	+3.0%



<b>Chesapeake Bay Options with Consistent Minimum Size, Maximum Size, and Bag Limit</b>							
	<b>Min. Size</b>	<b>Max. Size</b>	<b>Bag Limit</b>	<b>Season</b>	<b>Overall Reduction</b>	<b>Harvest Change</b>	<b>RRM Change</b>
<b>Option D1</b>	19" (all jurisdictions)	23"	1 fish (all modes)	same as 2022 <sup>+</sup>	-22.4%	-38.4%	+6.7%
<b>Option D2</b>	19" (all jurisdictions)	24"	1 fish (all modes)	same as 2022 <sup>+</sup>	-15.9%	-27.5%	+4.8%
<b>Option D3</b>	19" (all jurisdictions)	25"	1 fish (all modes)	same as 2022 <sup>+</sup>	-12.1%	-21.1%	+3.7%
<b>Option D4</b>	19" (all jurisdictions)	26"	1 fish (all modes)	same as 2022 <sup>+</sup>	-10.3%	-18.1%	+3.2%
<b>Chesapeake Bay Options with Consistent Minimum Size, Maximum Size, and Mode-Specific Bag Limits (P/S=private vessel/shore anglers and FH= for-hire)</b>							
	<b>Min. Size</b>	<b>Max. Size</b>	<b>Bag Limit</b>	<b>Season</b>	<b>Overall Reduction</b>	<b>Harvest Change</b>	<b>RRM Change</b>
<b>Option E1</b>	19" (all jurisdictions)	23"	1 fish P/S 2 fish FH	same as 2022 <sup>+</sup>	-17.9%	-31.4%	+4.9%
<b>Option E2</b>	19" (all jurisdictions)	25"	1 fish P/S 2 fish FH	same as 2022 <sup>+</sup>	-11.0%	-19.3%	+3.0%
<b>Option E3</b>	19" (all jurisdictions)	24"	1 fish P/S 2 fish FH	same as 2022 <sup>+</sup>	-7.0%	-12.2%	+1.8%
<b>Option E4</b>	19" (all jurisdictions)	26"	1 fish P/S 2 fish FH	same as 2022 <sup>+</sup>	-5.1%	-8.9%	+1.3%

**\*2022 Chesapeake Bay Bag Limits**

MD: 1 fish-private vessel/shore, 2 fish-For-Hire	PRFC: 2 fish for all modes
DC: 1 fish for all modes	VA: 1 fish for all modes

**+2022 Chesapeake Bay Seasons**

MD: C&R only: 1.1-3.31, 12.11-12.31 No targeting: 4.1-4.30 Trophy: 5.1.-5.15 (part of ocean fishery) Open: 5.16-7.15, 8.1-12.10 No Targeting: 7.16-7.31	PRFC: No Harvest: 1.1-4.30 Trophy: 5.1-5.15 (part of ocean fishery) Open: 5.16-7.6, 8.21-12.31 No Targeting: 7.7-8.20
DC: No Harvest: 1.1-5.16 Open: 5.16-12.31	VA: No Harvest: 1.1-5.15 Open: 5.16-6.15, 10.4-12.31 No Harvest: 6.16-10.3

### 3.1.3 Recreational Filleting Allowance Requirements

State allowances for at-sea/shore-side filleting of recreationally-caught striped bass, especially where racks are not required to be retained for enforcement with size limits or there are not corresponding minimum/maximum fillet lengths, could make it is easier for non-compliance to occur. Enforcement with *maximum* size limits in particular may be more challenging with filleting allowances (i.e., fillets can be trimmed to correspond to maximum fish size). Minimum requirements for states that allow filleting would increase compliance. Appendix 1 lists current state filleting regulations.

**Option A. Status quo.** No requirement in the Interstate FMP for Atlantic Striped Bass related to at-sea/shoreside filleting.

**Option B.** For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for: racks to be retained; skin to be left intact; and possession to be limited to no more than two fillets per legal fish. States should consider including language about when and where racks may be disposed of, specific to each mode allowed to fillet at-sea/shore.

### 3.2 Commercial Fishery Management

*Proposed options for the ocean and Chesapeake Bay commercial fisheries are presented below. All options use the commercial quotas and commercial size limits in place in 2022 as the starting point for applying a commercial quota reduction (Section 3.2.1) or a commercial maximum size (Section 3.2.2). All commercial quotas are in pounds; all size limits are in total length.*

*The two types of commercial options—quota reduction and maximum size—are designed to achieve different goals towards rebuilding. A quota reduction would reduce harvest (fishing mortality) towards the goal of achieving the target  $F$  but would not aim to protect any specific year-classes. Commercial quota management provides for increased certainty with regards to achieving a harvest reduction, in contrast to the recreational fishery option. However, a reduction in quota does not always translate into the same reduction in harvest (as discussed in more detail under Section 3.2.1). A maximum size limit would protect larger/older fish but would aim to maintain the same overall spawning potential through quota adjustments (up or down) as under the current size limits and quotas. Accordingly, changes to the commercial quotas resulting from a maximum size are not credited towards the goal of achieving the target  $F$ . Additionally, there are many areas of uncertainty with the spawning potential equivalency of this approach (as discussed in more detail under Section 3.2.2).*

#### 3.2.1 Commercial Quota Reduction Options

*All options (besides the status quo) propose implementing a commercial quota reduction for striped bass commercial fisheries in the ocean and Chesapeake Bay. A commercial quota reduction would contribute to the goal of reducing removals to achieve the  $F$  target.*

*Note that reducing commercial quotas by a certain percentage is unlikely to achieve that percentage due to annual quota underages that tend to occur. Quota underages can occur for a*

*number of reasons including state regulations, market considerations, distribution shifts, and other factors that may affect fishing effort. During several prior management actions, this difference between commercial quota and harvest was more pronounced. However, in 2022, the majority of states with commercial fisheries fully utilized their quota; therefore, quota reductions have the potential to impact those states more so than in previous years when quota was being underutilized. It should be noted, there will always be underages if there are states that choose to not have an active commercial fishery (or re-allocated to the recreational fishery) as is the case in Maine, New Hampshire, and Connecticut. Commercial harvest levels in 2022 are provided for comparison to proposed quota reductions. Reducing quotas from the realized harvest levels is not considered as it would amount to a quota reallocation which is outside the scope of this management action.*

**Option A. Status Quo:** The ocean commercial fisheries and/or Chesapeake Bay commercial fisheries will continue to be managed by their Amendment 7 quotas and size limits (i.e., 18% reduction from 2017 levels with 2017 size limits). This option allows for the continuation of the existing Addendum VI CE plans. Status quo has a reduced probability to achieve the objective of this addendum

**Option B.** The ocean commercial fisheries and/or Chesapeake Bay commercial fisheries will be managed by quotas representing up to a 14.5% reduction from their 2022 quotas with their 2022 size limits. The Board will select the specific percent reduction between zero and 14.5%.

Commercial quota (in pounds) reduction options for the ocean and Chesapeake Bay are summarized in the table on the next page.

	Option A. Status Quo (Amendment 7 quotas and size limits; CE's not shown but may continue)		Option B. Up to a 14.5% Reduction from the 2022 Quotas with the 2022 Size Limits			2022 Commercial Harvest for Reference
	Quota	Size Limit	Maximum Quota (-0% from 2022)	Minimum Quota (-14.5% from 2022)	Size Limit	
ME	154	N/A (28" min)	154	131	N/A (28" min)	0
NH	3,537	N/A (28" min)	3,537	3,024	N/A (28" min)	0
MA	713,247	34"	735,240	628,630	35" min	770,101
RI	148,889	26" min FFT; 34" min GC	148,889	127,300	26" min FFT; 34" min GC	162,434
CT	14,607	N/A (28")	14,607	12,488	N/A (28" min)	0
NY	652,552	28 – 38"	640,718	547,813	26 – 38"	623,304
NJ*	197,877	N/A (28")	215,912	184,604	bonus program 24 – <28"	rec bonus program: 36,807
DE	118,970	28", except 20" for gill nets in DE Bay/River 2.15-5.31	142,474	121,815	28", except 20" for gill nets in DE Bay/River 2.15-5.31	139,221
MD	74,396	24" min	89,094	76,175	24" min	88,069
VA	113,685	28" min	125,034	106,904	28" min	121,723
NC	295,495	28" min	295,495	252,648	28" min	0
MD Ches Bay	2,588,603	18 - 36"	3,001,648	2,566,409	18 - 36"	2,483,438
PRFC		18" min, 36" max during 2.15-3.25			18" min, 36" max during 2.15-3.25	
VA Ches Bay		18" min, 28" max during 3.15-6.15			18" min, 28" max during 3.15-6.15	

\* Through a quota managed CE, New Jersey transfers its commercial quota to a recreational bonus program fishery

### 3.2.2 Commercial Maximum Size Limit Options

All options (besides the status quo) propose implementing a maximum size limit for striped bass commercial fisheries in the ocean and Chesapeake Bay. The intention of this option is not to contribute to the goal of reducing removals to the F target but preserving larger fish that could contribute to the spawning stock biomass. As part of implementing a change in size limits, the commercial quotas would also be adjusted to account for maintaining the same spawning potential as under the current size limits and quotas. Most state quotas would decrease to account for lost spawning potential due to harvesting smaller fish; however, some would increase. The percent change by state varies given the range of current commercial size limits

*and fishery selectivity by state. These changes in quota will not be credited towards this addendum's objective of achieving the F target in 2024 given they are designed to accomplish equivalency with the current measures.*

*The proposed quotas were developed using spawning potential ratio (SPR) analysis. This SPR analysis requires life history information and state-specific information on fishery selectivity. States that already harvest smaller fish see less of a quota reduction, or even a quota increase. The September 29, 2023 Technical Committee memo explains the calculations and the multiple sources of uncertainty in the calculations and the management tool's overall effects. A maximum size limit may increase dead discards of larger fish, produce levels of harvest that are not equivalent to the current quotas and size limits, and is not likely to increase the probability of rebuilding by 2029.*

*The potential for increases in quota would exist in states that have current maximum size limits (e.g. 38" New York) that are lower than the proposed maximum size limits. It should be noted that the SPR calculations for those states allow the quota to be increased to account for the harvest of larger fish which could result in fewer total fish harvested relative to the lower maximum size limit. However, the fishery may not actually realize harvest of larger fish due to market demands, availability of larger fish, and gear restrictions or limitations. Bottom line is it has the potential to result in higher overall removals under the higher quota.*

*States would be able to submit CE proposals to further change their size limits using spawning potential analysis to adjust their quotas accordingly (further contributing to changes in quota and size of harvested fish); however, under no circumstance, including in CE programs, will a minimum size below 18 inches or maximum size above the selected maximum size be allowed. States are allowed to submit CE proposals to transfer commercial quota to quota-managed recreational fisheries (i.e., recreational bonus programs), but would not be allowed to exceed the selected maximum commercial size limit. The Board continues to have discretion to decide whether or not to approve a CE proposal if it proposes size limits the Board considers to be inconsistent with the intent of this addendum.*

**Option A. Status Quo:** No commercial maximum size limit is established within the plan; all commercial fisheries maintain 2017 size limits (or Addendum VI approved CE plans). Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas) remain unchanged.

**Option B. Ocean Commercial Maximum Size Limit (with a Spawning Potential Quota Adjustment) (select one sub-option)**

- B1.** 38-inch maximum size limit for all ocean commercial fisheries.
- B2.** 40-inch maximum size limit for all ocean commercial fisheries.
- B3.** 42-inch maximum size limit for all ocean commercial fisheries.

**Option C. Chesapeake Bay Commercial Maximum Size Limit (with a Spawning Potential Quota Adjustment) (select one sub-option)**

**C1.** 36-inch maximum size limit for all Chesapeake Bay commercial fisheries, except from January 1 to May 31 when the maximum size limit is reduced to 28 inches to provide extra protection for spawning fish and pre-spawn fish entering the Bay. This option expands Virginia’s current 28-inch seasonal size limit and combines it with Maryland’s year-round 36-inch size limit.

**C2.** 36-inch maximum size limit for all Chesapeake Bay commercial fisheries.

Commercial maximum size limit options (with associated quota reductions) for the ocean are summarized in the table below.

	Option A. Status Quo (No maximum size applies)		Option B1. 42" maximum size limit		Option B2. 40" Maximum Size Limit		Option B3. 38" Maximum Size Limit	
	2022 Size Limit	2022 Quota	Size Limit	Quota (% change)	Size Limit	Quota (% change)	Size Limit	Quota (% change)
ME	N/A*	154	28 - 42"	129 (-16.2%)	28 - 40"	122 (-20.8)	28 - 38"	113 (-26.6%)
NH	N/A *	3,537	28 - 42"	2,968 (-16.1%)	28 - 40"	2,796 (-21%)	28 - 38"	2,585 (-26.9%)
MA	35" min	735,240	35 - 42"	634,400 (-13.8%)	35 - 40"	581,483 (-21%)	35 - 38"	545,161 (-25.9%)
RI	26" min FFT;	148,889	26 - 42" FFT	133,040 (-10.6%)	26 - 40" FFT	128,735 (-13.5%)	26 - 38" FFT	119,905 (-19.5%)
	34" min GC		34 - 42" GC		34 - 40" GC		34 - 38" GC	
CT	N/A **	14,607	28 - 42"	10,677(-26.9%)	28 - 40"	11,548 (-20.94%)	28 - 38"	12,259 (-16.07%)
NY	26 - 38"	640,718	26 - 42"	704,286 (9.9%)	26 - 40"	672,744 (5%)	26 - 38"	640,718 (0%)
NJ	bonus program 24 - <28"	215,912	24 - 42"	321,708 (49%)	24 - 40"	303,825 (40.7%)	24" - 38"	284,243 (31.7%)
DE	28", except 20" for gill nets in DE Bay/River 2.15-5.31	142,474	28 - 42", except 20 - 42" for gill nets in DE Bay/River 2.15-5.31	133,506 (-6.3%)	28 - 40", except 20 - 40" for gill nets in DE Bay/River 2.15-5.31	128,252 (-10%)	28 - 38", except 20 - 38" for gill nets in DE Bay/River 2.15-5.31	118,854 (-16.6%)
MD	24" min	89,094	24 - 42"	83,141 (-6.7%)	24 - 40"	78,160 (-12.3%)	24 - 38"	72,563 (-18.6%)
VA	28" min	125,034	28 - 42"	118,768 (-5%)	28 - 40"	113,478 (-9.2%)	28 - 38"	107,008 9 (-14.4%)
NC	28" min	295,495	28 - 42"	275,782 (-6.8%)	28 - 40"	264,820 (-10.3%)	28 - 38"	245,048 (-17.1%)

Commercial maximum size limit options (with associated quota reductions) for the Chesapeake Bay are summarized in the table below.

	Option A. Status Quo (no maximum size applies)		Option E1. 36" Maximum Size		Option E2. 28" Maximum Size Limit Jan - May; 36" Maximum Size Limit Jun - Dec	
	2022 Size Limit	2022 Quota	Size Limit	Quota (% change)	Size Limit	Quota (% change)
MD Ches Bay	18 - 36"	1,445,394	18 - 36"	1,445,394 (0%)	18 - 28" Jan-May; 18 - 36" Jun - Dec	1,407,463 (-2.6%)
PRFC	18" min, 36" max during 2.15-3.25	572,861		558,626 (-2.5%)		554,767 (-3.2%)
VA Ches Bay	18" min, 28" max during 3.15-6.15	983,393		768,978 (-21.8%)		730,240 (-25.7%)

### 3.2.3 Gill Net Exemption

If a commercial maximum size limit is implemented, there is potential for increased dead discards across all gears. The intended benefit of releasing larger striped bass may be offset by the mortality rate of discarded fish and the resulting need to continue fishing to meet the quota. The greatest concern lies with those gears that are less selective with regards to fish size and/or those gears associated with higher discard mortality rates. Striped bass stock assessments use the following gear-specific discard mortality rates: anchor gill net=45%, drift gill net=6%, hook and line=9%, other=20%, pound net=3%, seine=16% and trawl=26%. Given the relatively high rate of discard mortality associated with gill nets, coupled with the ability to affect the gear’s selectivity by way of mesh size, the options below consider provisions specific to gill nets that would implement a maximum mesh size requirement instead of a maximum fish size requirement for that gear.

Changing mesh size will change the selectivity of fish captured in gill nets; larger mesh sizes are intended to capture larger fish. A maximum mesh size requirement (i.e., no mesh larger than x”) could greatly reduce how many fish above the maximum size are captured by the gear<sup>11</sup>; however, it would not fully guarantee that such fish wouldn’t be captured (e.g., could still be incidentally lip-snagged in smaller mesh). If a maximum mesh size were implemented instead of a maximum fish size limit for gill nets, harvesters would be allowed to keep the occasional incidental catch of large fish so as to prevent new dead discards.

If an exemption is approved through this addendum, additional Board review and approval of any maximum mesh size in lieu of a maximum fish size would be required prior to state implementation. Determination of the appropriate mesh size would take additional time.

#### **Option 1. Status Quo**

Gill net fisheries are subject to the same maximum fish size limits as all other commercial striped bass gears.

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<sup>11</sup> Hager, C. 2005. Mesh-Specific Catch Compositions and Size Distributions Occurring in Virginia’s 2005 Winter-Spring Striped Bass Gill Net Fishery. Submitted to Virginia Marine Resources Commission. VIMS Marine Resource Report No. 2005-7, VSG 05-06.

### Option 2. Gill Net Exemption

For states that allow commercial striped bass harvest from gill nets: Gill net fisheries would not be subject to a maximum fish size limit, but instead subject to maximum mesh size requirement. Mesh size requirements would be designed to protect the same size fish as other commercial gears as specified in the addendum. Until such time that the appropriate mesh size requirement would be determined and reviewed by the TC and Board, gill nets would be subject to the selected maximum fish size limit.

States would be required to discern between the fish caught in an exempted gill net fishery from fish caught in a maximum size limit commercial fishery in their state implementation plan (e.g., tags are of gear-specific colors, are inscribed with gear-specific size limits or there are non-overlapping gear specific seasons; tagging at the point of harvest).

### Option 3. Gill Net Exemption through Conservation Equivalency

For states that allow commercial striped bass harvest from gill nets: States may submit CE proposals requesting an exemption to maximum fish size limits for gill nets with the addition of maximum mesh size requirements. CE proposals should include sufficient data documenting mesh size selectivity for striped bass and are subject to review and approval by the TC, PRT, and the Board.

States would be required to discern between the fish caught in an exempted gill net fishery from fish caught in a maximum size limit commercial fishery in their CE proposals (e.g., tags are of gear-specific colors, are inscribed with gear-specific size limits or there are non-overlapping gear specific seasons; tagging at the point of harvest).

### 3.3 Response to Stock Assessment Updates

If an upcoming stock assessment prior to the rebuilding deadline, currently 2029, indicates the stock is not projected to rebuild by 2029 with a probability greater than or equal to 50%:

**Option A. Status Quo:** the Board would initiate and develop an addendum to consider adjusting management measures.

- An addendum process includes a public comment period with public hearings and an opportunity to submit written comments on the draft addendum document.
- Based on assessment timing and the typical addendum development and implementation process, new measures would likely not be implemented until two years following the assessment. For example, the 2024 stock assessment is expected in October 2024. If the Board initiates an addendum in October 2024, approves it for public comment in February 2025, and then selects final measures in May 2025, the earliest implementation would likely be late 2025 or early 2026.

**Option B.** The Board could respond via Board action where the Board could change management measures by voting to pass a motion at a Board meeting instead of developing an addendum or amendment and different from the emergency action process.



- Public comment could be provided during Board meetings per the Commission’s guidelines for public comment at Board meetings, and/or public comment could be provided in writing to the Board per the Commission’s timeline for submission of written public comments prior to Board meetings.
- This option would allow a more expedited response to assessment updates. For example, when the 2024 stock assessment update is complete in October 2024, the Board could change management measures at that October 2024 meeting or a meeting shortly thereafter, which would enable new measures to be implemented for at least part of the 2025 season.

#### **4.0 COMPLIANCE SCHEDULE**

If approved, states must implement Addendum II according to the following schedule to be in compliance with the Atlantic Striped Bass Interstate FMP:

[Month, Day, Year]: States submit implementation plans to meet Addendum II requirements.

[Month, Day, Year]: Board reviews and considers approving state implementation plans.

[Month Day, Year]: States implement regulations.

FIGURES

Figure 1. Atlantic striped bass female spawning stock biomass and recruitment, 1982-2021. Source: 2022 Stock Assessment Update.

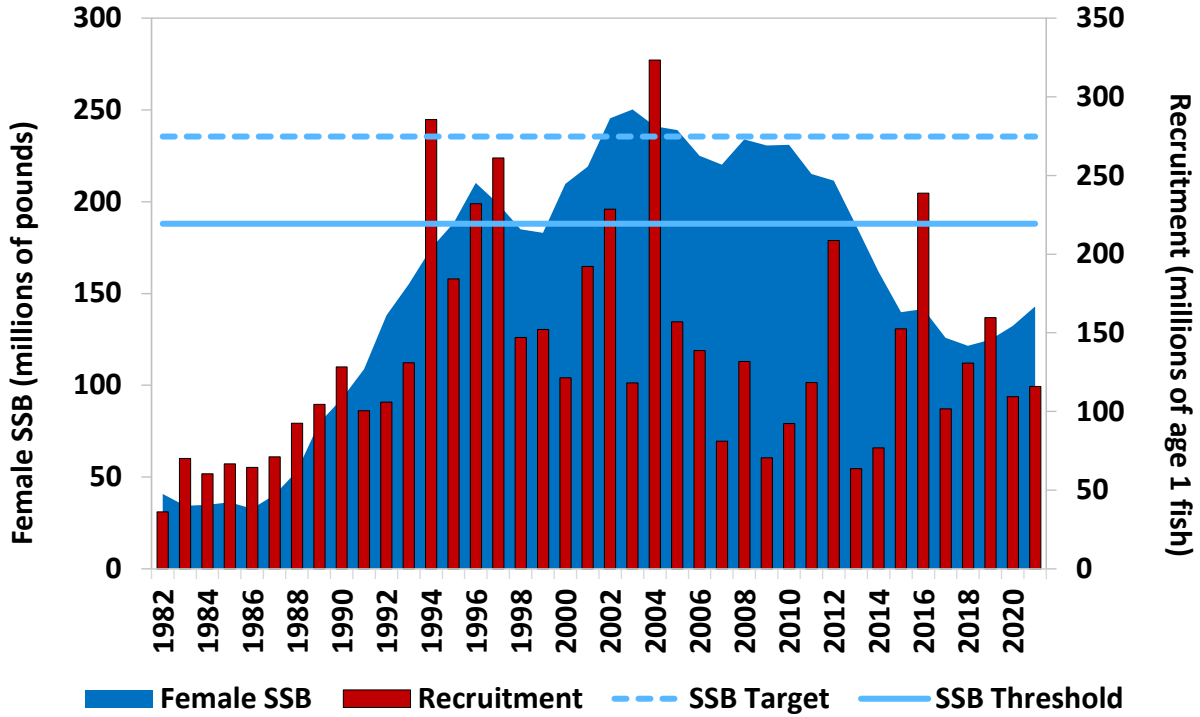


Figure 2. Atlantic striped bass fishing mortality, 1982-2021. Source: 2022 Stock Assessment Update.

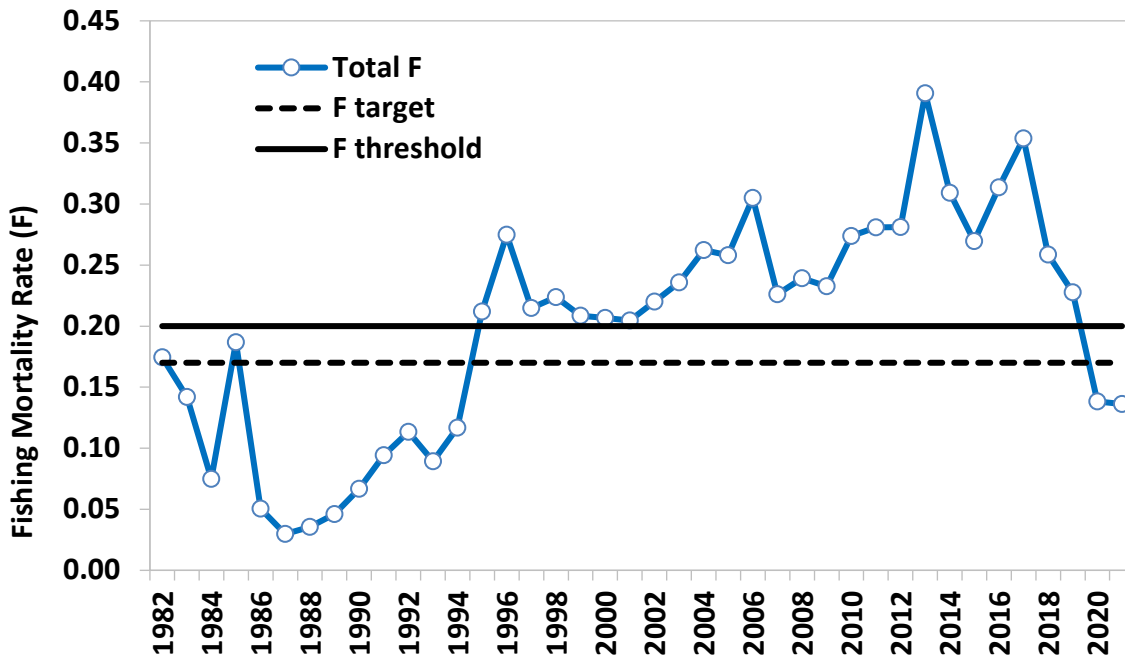


Figure 3. Stock rebuilding projections using 2021 data (from 2022 assessment update) and 2022 data.

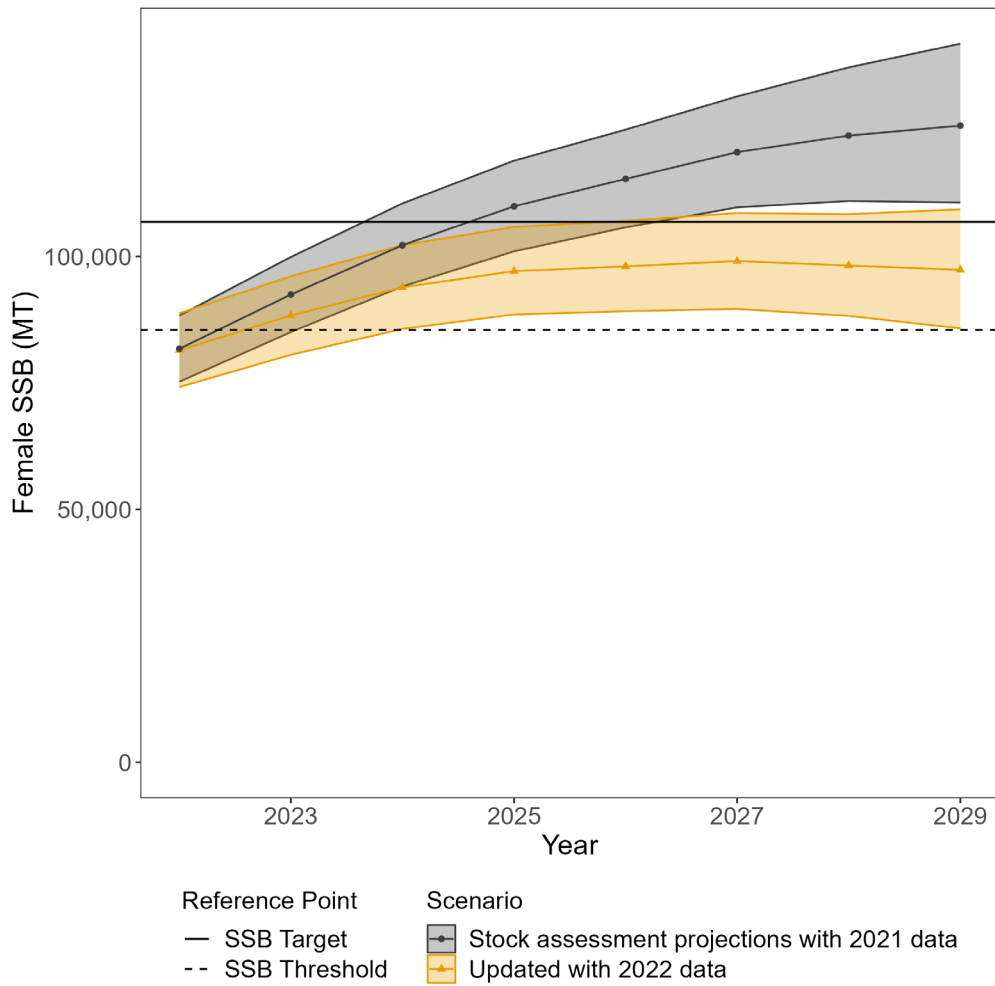


Figure 4. Average size-at-age of the 2015 year-class (not scaled to abundance) from 2022 (top panel), 2023 (middle panel), and 2024 (bottom panel) relative to the Addendum VI/Amendment 7 ocean standard 28"-<35" slot (solid lines) and the emergency action 31" maximum size (dashed line).

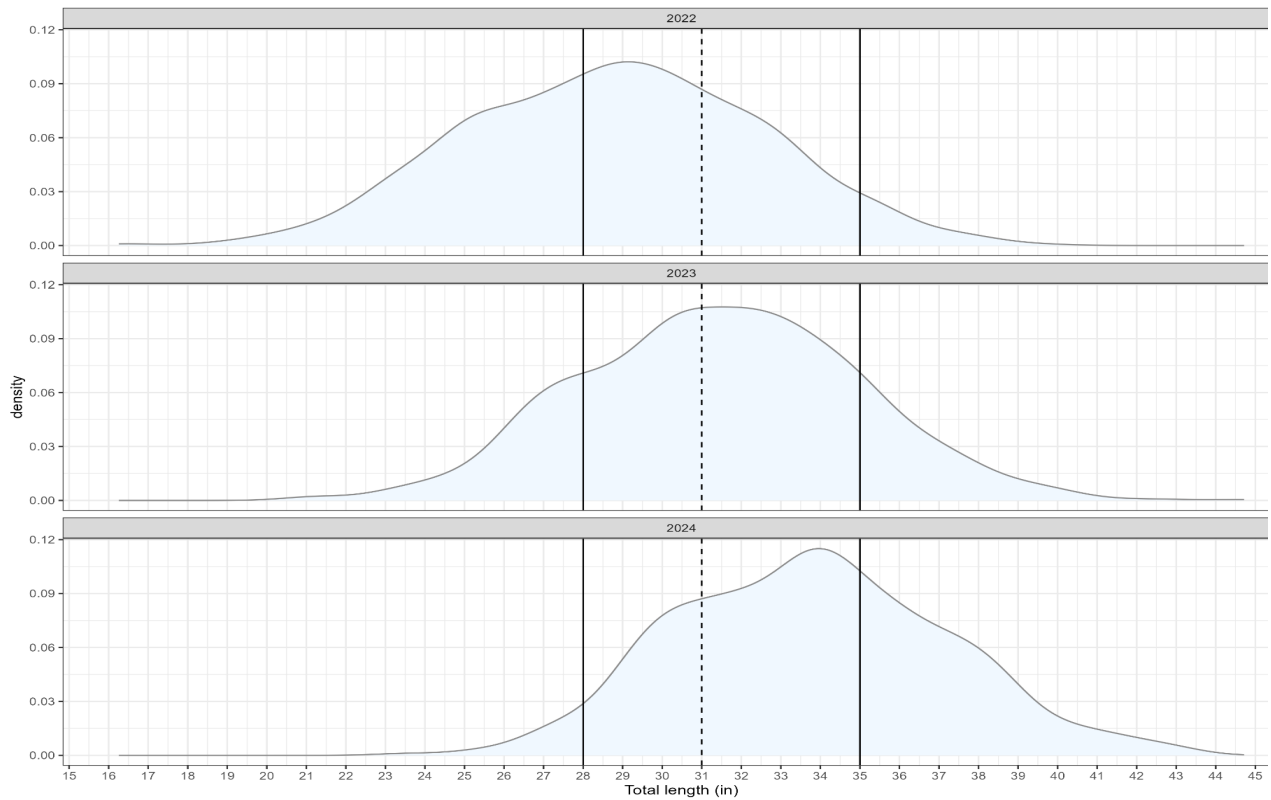
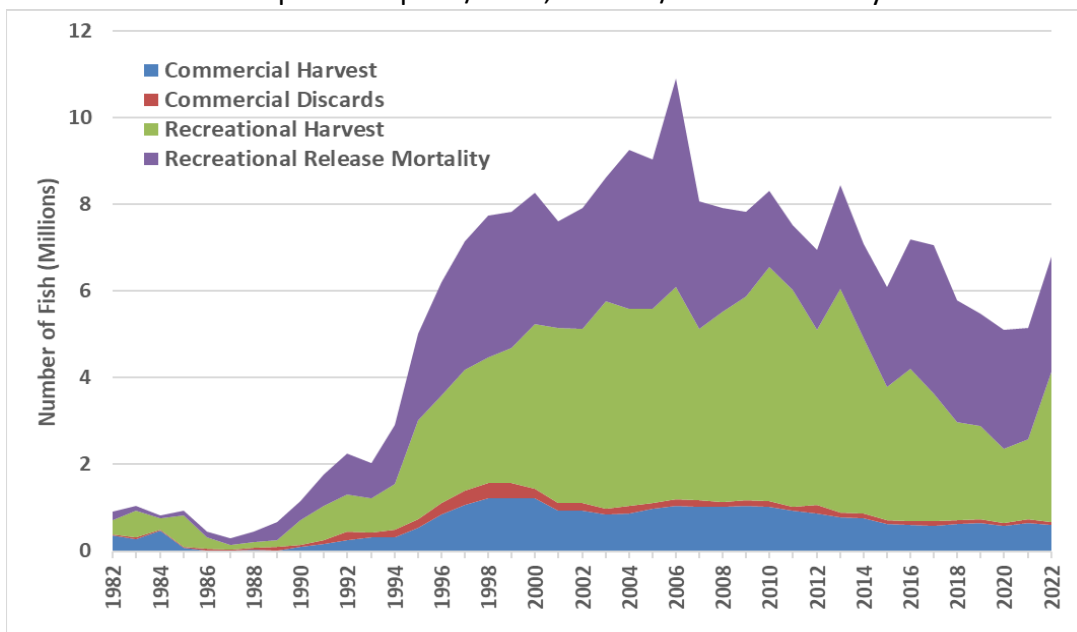


Figure 5. Total Atlantic striped bass removals by sector in numbers of fish, 1982-2022. Note: Harvest is from state compliance reports/MRIP, discards/release mortality is from ASMFC.



**TABLES**

Table 1. Summary of Atlantic striped bass commercial regulations in 2022. Source: 2023 State Compliance Reports. Minimum sizes and slot size limits are in total length (TL). \*Commercial quota reallocated to recreational bonus fish program.

STATE	SIZE LIMITS (TL) and TRIP LIMITS	SEASONAL QUOTA	OPEN SEASON
<b>ME</b>	Commercial fishing prohibited		
<b>NH</b>	Commercial fishing prohibited		
<b>MA</b>	35" minimum size; no gaffing undersized fish. 15 fish/day with commercial boat permit; 2 fish/day with rod and reel permit.	735,240 lbs. Hook & Line only.	6.16-11.15 (or when quota reached); open fishing days of Monday, Tuesday and Wednesday, with Thursday and Friday added on October 1 (if quota remains). Cape Cod Canal closed to commercial striped bass fishing.
<b>RI</b>	Floating fish trap: 26" minimum size unlimited possession limit until 70% of quota reached, then 500 lbs. per licensee per day	Total: 148,889 lbs., split 39:61 between the trap and general category. Gill netting prohibited.	4.1 – 12.31
	General category (mostly rod & reel): 34" min. Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.		6.1-7.5; 7.6-12.31, or until quota reached. Closed Fridays, Saturdays, and Sundays throughout.
<b>CT</b>	Commercial fishing prohibited; bonus program in CT suspended indefinitely in 2020.		
<b>NY</b>	26"-38" size; (Hudson River closed to commercial harvest)	640,718 lbs. Pound Nets, Gill Nets (6-8" stretched mesh), Hook & Line.	5.15 – 12.15, or until quota reached. Limited entry permit only.
<b>NJ*</b>	Commercial fishing prohibited; bonus program: 1 fish/permit at 24" to <28"	215,912 lbs.	5.15 – 12.31 (permit required)
<b>PA</b>	Commercial fishing prohibited		
<b>DE</b>	Gill Net: 20" min in DE Bay/River during spring season. 28" in all other waters/seasons.	Gillnet: 135,350 lbs. No fixed nets in DE River.	Gillnet: 2.15-5.31 (2.15-3.30 for Nanticoke River) & 11.15-12.31; drift nets only 2.15-28 & 5.1-31; no trip limit.
	Hook and Line: 28" min	Hook and line: 7,124 lbs.	Hook and Line: 4.1–12.31, 200 lbs./day trip limit

(Table 1 continued – Summary of commercial regulations in 2022).

STATE	SIZE LIMITS (TL) and TRIP LIMITS	SEASONAL QUOTA	OPEN SEASON
MD	Chesapeake Bay and Rivers: 18–36” Common pool trip limits: Hook and Line - 250 lbs./license/week Gill Net - 300 lbs./license/week	1,445,394 lbs. (part of Bay-wide quota)	Bay Pound Net: 6.1-12.31 Bay Haul Seine: 1.1-2.28; 6.1-12.31 Bay Hook & Line: 6.1-12.31 Bay Drift Gill Net: 1.1-2.28, 12.1-12.31
	Ocean: 24” minimum	Ocean: 89,094 lbs.	1.1-5.31, 10.1-12.31
PRFC	18” min all year; 36” max 2.15–3.25	572,861 lbs. (split between gear types; part of Bay-wide quota)	Hook & Line: 1.1-3.25, 6.1-12.31 Pound Net & Other: 2.15-3.25, 6.1-12.15 <u>Gill Net</u> : 11.9.2021-3.25.2022 Misc. Gear: 2.15-3.25, 6.1-12.15
VA	Chesapeake Bay and Rivers: 18” min; 28” max size limit 3.15–6.15	983,393 lbs. (part of Bay-wide quota)	1.16-12.31
	Ocean: 28” min	125,034 lbs.	
NC	Ocean: 28” min	295,495 lbs. (split between gear types)	Seine fishery was not opened Gill net fishery was not opened Trawl fishery was not opened

Table 2. Summary of Atlantic striped bass recreational regulations in 2022. Source: 2023 State Compliance Reports. Minimum sizes and slot size limits are in total length (TL).

STATE	SIZE LIMITS (TL)/REGION	BAG LIMIT	GEAR/FISHING RESTRICTIONS	OPEN SEASON
ME	≥ 28" and <35"	1 fish/day	Hook and line only and no gaffing of striped bass. Regulations define bait as it pertains to the required use of circle hooks; immediate release w/o unnecessary injury if incidentally caught on unapproved hook type; maintains the circle hook exemption for rubber and latex tube rigs.	All year, except spawning areas are closed 12.1-4.30 and C&R only 5.1-6.30
NH	≥ 28" and <35"	1 fish/day	Gaffing and culling prohibited; Use of corrodible non-offset circle hooks required if angling with bait. If taken contrary to restrictions, return fish to water immediately w/o unnecessary injury.	All year
MA	≥ 28" and <35"	1 fish/day	Hook & line only; no high-grading; gaffs and other injurious removal devices prohibited. Inline circle hook requirement when fishing with bait, except with artificial lures; mandatory release of catch on any unapproved method of take. No filleting at-sea except aboard for-hire vessels provided skin remains and ratio of 2 filets/fish.	All year
RI	≥ 28" and <35"	1 fish/day	Circle required while fishing recreationally with bait for striped bass (except for artificial lures with bait attached); must release if caught on unapproved method of take	All year
CT	≥ 28" and <35"	1 fish/day	Inline circle hooks only when using whole, cut or live natural bait. Exemption of artificial lures/ release of incidental non-circle hook provision. Spearing and gaffing prohibited. If taken contrary to the provisions, shall, without avoidable injury, be returned immediately to the waters.	All year
NY	Ocean and DE River: 28 -35"	1 fish/day	Angling only. Spearing permitted in ocean waters. C&R only during closed season, except no targeting in Hudson River during closed season. Circle hook requirements. No gaffing. Mandatory release of catch on any unapproved method of take.	Ocean: 4.15-12.15 Delaware River: All year
	HR: 18 -28"	1 fish/day		Hudson River: 4.1-11.30

(Table 2 continued – Summary of recreational regulations in 2022).

STATE	SIZE LIMITS/REGION	BAG LIMIT	GEAR/FISHING RESTRICTIONS	OPEN SEASON
<b>NJ</b>	≥ 28 to < 38"	1 fish/day	Circle hooks required when fishing with bait; must release if caught on unapproved method of take	Closed 1.1 – Feb 28 in all waters except in the Atlantic Ocean, and closed 4.1-5.31 in the lower DE River and tribs
<b>PA</b>	Upstream from Calhoun St Bridge: 1 fish/day at ≥ 28" to <35"	1 fish/day	Unlawful to take or attempt to take fish unless the method is specifically authorized. Circle hooks required when fishing with bait downstream from Calhoun St. Bridge.	All year
	Downstream from Calhoun St Bridge: 1 fish/day at ≥ 28" to <35 (except 4.1-5.31)			All year. 2 fish/day at 21"-<24" slot from 4.1 – 5.31
<b>DE</b>	≥ 28" and <35"	1 fish/day	Hook & line, spear (for divers) only. Inline circle hooks required when fishing for striped bass using cut or whole natural baits	All year. C&R only 4.1-5.31 in spawning grounds. 20"-25" slot from 7.1-8.31 in DE River, Bay & tributaries
<b>MD</b>	Ocean: ≥ 28" and <35"	1 fish/day	Circle hooks if chumming, live-lining, or bait fishing and targeting striped bass; no gaffing	All year
	Chesapeake Bay and tribs <sup>^</sup>	C&R only	Circle hook requirement with bait; no eels; no stinger hooks; barbless hooks when trolling; max 6 lines when trolling; no gaffing	1.1-2.28, 3.1-3.31, 12.11-12.31
	Chesapeake Bay: 35" min	1 fish/day	Geographic restrictions apply; Circle hook requirement with bait; no eels bait; no gaffs	5.1-5.15
	Chesapeake Bay: 1 fish/day, 19" minimum size; 2/fish/day for charter with only 1 fish >28"		Geographic restrictions apply; circle hooks if chumming, livelining, or bait fishing and targeting striped bass; no gaffing	5.16-5.31
	Chesapeake Bay and tribs: 1 fish/day, 19" minimum size; 2/fish/day for charter with only 1 fish >28"		All Bay and tribs open; circle hooks if chumming, livelining, or bait fishing and targeting striped bass; no gaffing	6.1-7.15, 8.1-12.10

<sup>^</sup> Susquehanna Flats: C&R only Jan 1 – March 31 (circle hooks when bait fishing); 1 fish at 19"-26" slot May 16 – May 31 (circle hooks if chumming, livelining, or bait fishing and targeting striped bass).



(Table 2 continued – Summary of recreational regulations in 2022).

STATE	SIZE LIMITS/REGION	BAG LIMIT	GEAR/FISHING RESTRICTIONS	OPEN SEASON
PRFC	Spring Trophy: 35" minimum size	1 fish/day	No more than two hooks or sets of hooks for each rod or line; no live eel; no high-grading; non-offset Circle Hooks are required when fishing for striped bass using cut or whole natural bait; no spearing or gaffing	5.1-5.15
	Summer and Fall: 20" min	2 fish/day	No more than two hooks or sets of hooks for each rod or line; non-offset Circle Hooks are required when fishing for striped bass using cut or whole natural bait; no spearing or gaffing; any fish caught other than lawful fishing activities immediately released	5.16-7.6 and 8.21-12.31; closed 7.7-8.20 (No Direct Targeting)
DC	18" minimum size	1 fish/day	Hook and line only; unlawful to take fish except as specified	5.16-12.31
VA	Ocean: 28"-36" slot limit	1 fish/day	Hook & line, rod & reel, hand line, spearing only. No gaffing. Circle hooks required if/when using live bait. Unlawful to take/attempt take by any other gear/method	1.1-3.31, 5.16-12.31
	Ocean Spring Trophy: NO SPRING TROPHY SEASON			
	Chesapeake Bay Spring Trophy: NO SPRING TROPHY SEASON			
	Bay Spring/Summer: 20"-28" slot limit	1 fish/day	Hook & line, rod & reel, hand line, spearing only. No gaffing. Circle hooks required if/when using live bait. Unlawful to take/attempt take by any other gear/method	5.16-6.15
Bay Fall: 20 - 36" slot limit	1 fish/day	10.4-12.31		
NC	≥ 28" and <35"	1 fish/day	No gaffing allowed. Circle hooks required when fishing with natural bait	All year

Table 3. CE programs implemented for Addendum VI

State	Recreational Fisheries	Commercial Fisheries
MA	N/A	Changed size limit (35" minimum) with equivalent quota change
NY	Hudson River: Alternative size limit (18" to 28") to achieve 18% removals reduction in combination with standard ocean slot	Changed size limit (26" to 38") with equivalent quota reduction
NJ	Alternative size limit (28 to < 38") to achieve 25% removals reduction	Decreased commercial quota reduction (to 0%) with surplus recreational fishery reduction and transferred commercial quota to recreational bonus program fishery (24 to < 28", 1 fish/day)
PA	DE River and Estuary downstream Calhoun St Bridge: Alternative size and bag limit on limited seasonal basis (2 fish/day at 21 to <24" during 4.1–5.31) to achieve 18% removals reduction	N/A
DE	DE River/Bay/tributaries: Alternative slot on limited seasonal basis (20" to <25" during 7.1–8.31) to achieve 20.4% removals reduction in combination with standard ocean slot	Decreased commercial quota reduction (to -1.8%) with surplus recreational fishery reduction
MD	Chesapeake Bay: Alternative Summer/Fall for-hire bag limit with restrictions (2 fish, only 1 >28", no captain retention) through increased minimum size (19"), April and two-week Wave 4 targeting closures, and shorter spring trophy season (May 1–15) to achieve 20.6% removals reduction; ocean: FMP standard slot	Decreased ocean and Chesapeake Bay commercial quota reduction (to -1.8%) with surplus Chesapeake Bay recreational fishery reduction
PRFC	Alternative Summer/Fall minimum size and bag limit (20" min, 2 fish/day) with a no targeting closure (7.7–8.20) and shorter spring trophy season (May 1–15) to achieve a 20.5% removals reduction	Decreased Chesapeake Bay commercial quota (to -1.8%) with surplus recreational fishery reduction
VA	Chesapeake Bay: Alternative slot limits during 5.16–6.15 (20" to 28") and 10.4–12.31 (20" to 36") and no spring trophy season to achieve a 23.4% removals reduction (reduction was the result of lowering prior bag limit from 2 to 1-fish per angler); ocean: Alternative slot limit (28" to 36")	Decreased ocean commercial quota (to -7.7%) and Chesapeake Bay commercial quota (to -9.8%) with surplus recreational fishery reduction

Table 4. Estimated mean striped bass size-at-age based on the 2012-2016 state age data (weighted by state recreational catch) compiled for the 2018 benchmark stock assessment. Note: Size-at-age is highly variable along the coast and there is overlap among age classes.

Age	Estimated Mean Total Length (in)	
0	3.8	
1	6.4	
2	12.7	
3	17.0	
4	20.9	
<b>5</b>	<b>24.1</b>	<b>2018 year class in 2023</b>
<b>6</b>	<b>26.4</b>	<b>2017 year class in 2023</b>
7	28.7	
<b>8</b>	<b>31.6</b>	<b>2015 year class in 2023</b>
9	33.8	
10	35.5	
11	37.2	
12	39.1	
13	41.0	
14	42.2	
15+	44.0	

Table 5. Implementation of 2023 Emergency Action for striped bass (31.0" maximum size limit).

State	Effective Date	Maximum Size Limit
ME	May 18	31.0" max size limit
NH	May 26	<31.0" max size limit
MA	May 26	<31.0" max size limit
RI	May 27	<31.0" max size limit
CT	May 26	<31.0" max size limit
NY	June 20	31.0" max size limit
NJ	July 2	31.0" max size limit
PA	June 3	<31.0" max size limit
DE	May 21	31.0" max size limit
MD	May 16	31.0" max size limit
PRFC	May 16	31.0" max size limit
DC	May 16	31.0" max size limit
VA	July 1	31.0" max size limit
NC	June 1	31.0" max size limit

Table 6. Total removals (harvest plus discards/release mortality) of Atlantic striped bass by sector in numbers of fish, 1993-2022 calendar years. Note: Harvest is from state compliance reports/MRIP (June 2023), discards/release mortality is from ASMFC. Estimates exclude inshore harvest from NC.

Year	Commercial		Recreational		Total Removals
	Harvest	Dead Discards*	Harvest	Release Mortality	
1993	314,526	114,317	789,037	812,404	2,030,284
1994	325,401	165,700	1,055,523	1,360,872	2,907,496
1995	537,412	192,368	2,287,578	2,010,689	5,028,047
1996	854,102	257,506	2,487,422	2,600,526	6,199,556
1997	1,076,561	324,445	2,774,981	2,969,781	7,145,769
1998	1,215,219	346,537	2,915,390	3,259,133	7,736,278
1999	1,223,572	347,186	3,123,496	3,140,905	7,835,158
2000	1,216,812	213,863	3,802,477	3,044,203	8,277,354
2001	931,412	175,815	4,052,474	2,449,599	7,609,300
2002	928,085	187,084	4,005,084	2,792,200	7,912,453
2003	854,326	126,274	4,781,402	2,848,445	8,610,447
2004	879,768	156,026	4,553,027	3,665,234	9,254,055
2005	970,403	142,385	4,480,802	3,441,928	9,035,518
2006	1,047,648	152,308	4,883,961	4,812,332	10,896,250
2007	1,015,114	158,078	3,944,679	2,944,253	8,062,124
2008	1,027,824	108,830	4,381,186	2,391,200	7,909,039
2009	1,050,055	133,317	4,700,222	1,942,061	7,825,654
2010	1,031,448	132,373	5,388,440	1,760,759	8,313,020
2011	944,777	82,015	5,006,358	1,482,029	7,515,180
2012	870,684	192,190	4,046,299	1,847,880	6,957,053
2013	784,379	112,620	5,157,760	2,393,425	8,448,184
2014	750,263	114,065	4,033,746	2,172,342	7,070,415
2015	621,952	88,614	3,085,725	2,307,133	6,103,425
2016	609,028	91,186	3,500,434	2,981,430	7,182,077
2017	592,670	98,801	2,937,911	3,421,110	7,050,492
2018	621,123	101,264	2,244,765	2,826,667	5,793,819
2019	653,807	85,262	2,150,936	2,589,045	5,479,050
2020	583,070	58,641	1,709,973	2,760,231	5,111,915
2021	644,207	85,676	1,841,902	2,583,788	5,155,573
2022	599,615	81,200	3,454,021	2,667,846	6,802,681

\* Commercial dead discard estimate for 2022 was estimated using the harvest-to-discard ratio from 2021. The entire time series for commercial dead discards will be re-estimated during the 2024 stock assessment using a generalized additive model (GAM).

Table 7. 2022 Commercial Fishery Size Limits, Gear Types, and Commercial Sampling Results (Source: 2023 Compliance Reports). Note: Sub-sampling of commercial striped bass harvest occurs for about 1-5% of all commercially harvested fish in each state, and these values are assumed to be representative of each state's landings.

State	Size Limits	2022 Percent Landings by Gear Type	Mean Length and Range of Length Samples (TL in)	Mean Weight (lbs)	Mean Scale Age (years)
MA	35" min	100% hook & line	39.9 <i>Range: 35 - 48</i>	24.1	10
RI	General: 34" min FFT: 26" min	Conf % hook & line Conf % floating fish trap	34.8 <i>H&amp;L Range 34 – 52</i> <i>FFT Range: 26 - 52</i>	18.2	8
NY	26-38" slot	62.2% gill nets (mostly sink) 18.3% hook & line 6.7% fixed gear 4.4% trawls	30.2 <i>Range: 24.1 – 38.7</i>	9.9	6.6
DE	GN: 28" min, 20" min DE Bay/River 2.15-5.31 H&L: 28" min	88.4% anchored gill net 11.6% drift gill net 0% hook & line	35.0 <i>Range: 20 - 45</i>	17.0	10
MD ocean	24" min	100% drift gill net	41.1 <i>Range: 32.6 – 47.6</i>	25.9	12
VA ocean	28" min	100% drift/anchored gill net	40.0 <i>Range 29 – 51</i>	24.8	14
NC	28" min	Beach seine, gill net, trawl	NA	NA	NA
MD Ches Bay	18-36" slot	53% pound net 42% drift gill net 5% hook & line	22.2 <i>GN Range: 17.7 - 35</i> <i>PN/H&amp;L Range: 17.7 – 33.5</i>	4.6	5
PRFC	18" min; 36" max 2.15-3.25	67% anchored gill net 23% pound net 9% hook & line	23.8 <i>Range: 18.3 – 48.0</i>	6.3	5.7
VA Ches Bay	18" min; 28" max 3.15-6.15	84% drift/anchor gill net 12% pound net 4% hook & line	24.9 GN <i>GN Range: 18-49</i>  23.3 PN <i>PN Range: 17-36</i>  36.2 H&L <i>H&amp;L Range: 18-28 and 41-49</i>	7.5 GN 5.6 PN 26.6 H&L	7.7 GN 5 PN 17 H&L

H&L=hook & line; GN=gill nets, FFT=floating fish traps; PN=pound net

## Appendix 1

### State regulatory language pertaining to striped bass filleting at sea and/or shore-side

**Maine:** “It is unlawful to possess striped bass unless the fish are whole with head on, and are between 28 inches and 31 inches, inclusive.”

**New Hampshire:** “Striped bass shall have head and tail intact while on or leaving the waters or shores of the state except as follows: (1) A person may possess up to 2 striped bass fillets so long as they also possess the fish rack that the fillets came from with the head and tail intact and the rack measures at least 28 inches in total length; (2) Any striped bass fillet shall have the skin still attached for the purpose of identification of the fillet as striped bass.”

**Massachusetts:** “Recreational fishermen shall not mutilate any striped bass in a manner that prevents the accurate measurement of the fish...Operators and crew onboard for-hire vessels permitted under the authority of 322 CMR 7.10(5): Permit Requirements Applicable to For-hire Vessels may fillet or process legal sized striped bass for their recreational customers at sea provided that: 1. The skin is left on the fillet; and 2. 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.”

**Rhode Island:** “There shall be no disposal of fish and fish parts on the bulkhead or in the waters of the State.” “It shall be unlawful for any person to place any pollutant in a location where it is likely to enter the waters or to place or cause to be placed any solid waste materials, junk, or debris of any kind whatsoever, organic or non organic, in any waters.”

**Connecticut:** “No person shall land or possess on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state 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.” *Enforced as filleting allowed with rack retained (pers.com. CT DEEP).*

**New York:** “Except as provided in paragraphs (4) of this subdivision, it is unlawful for any person to possess striped bass from which the head or tail has been removed or that have been otherwise cleaned, cut, filleted or skinned so that the total length or identity cannot be determined; except that it is not unlawful if such fish is being prepared for immediate consumption or storage at a domicile or place of residence.

(4) Any person who holds a valid Marine and Coastal District Party and Charter Boat License issued pursuant to Environmental Conservation Law section 13-0336 may fillet striped bass taken on the permitted party or charter vessel identified on his or her license under the following conditions:

(i) fish may be filleted for customers only; (ii) only fish which are legally possessed may be filleted;

(iii) striped bass may only be filleted prior to customers leaving the vessel or the dock area prior to customers departing the area; (iv) it is unlawful to mutilate any striped bass carcass to the extent that the total length or species of fish cannot be determined; (v) all striped bass carcasses must be retained (unmixed with any other material) in a separate container readily available for inspection until such time as the vessel has docked and all passengers from that trip have left the vessel and the dock area. Any such carcasses are included in the possession limit; (vi) all striped bass carcasses from any previous trip must be disposed of prior to any

person beginning to fish on a subsequent trip; and (vii) all Marine and Coastal District Party and Charter Boat License holders must provide each customer who possesses striped bass fillets with a commercially printed, dated original fare receipt, bearing the boat's name and the owner or operator's Party and Charter Boat License number. Any customer of a party or charter boat operated by a Marine and Coastal District Party and Charter Boat License holder who is in possession of striped bass fillets must possess an original dated receipt from that party or charter vessel.

**New Jersey:** "Except as provided in (e)2 and (f) below, a person shall not remove the head, tail or skin, or otherwise mutilate to the extent that its length or species cannot be determined, any species with a minimum size limit specified at (b) or (c) above or any other species of flatfish, or possess such mutilated fish, except after fishing has ceased and such species have been landed to any ramp, pier, wharf or dock or other shore feature where it may be inspected for compliance with the appropriate size limit.

(f) Special provisions applicable to a Special Fillet Permit are as follows: 1. A party boat owner may apply to the Commissioner for a permit for a specific vessel, known as a Special Fillet Permit to fillet species specified at (c) above at sea; 2. For purposes of this section, party boats are defined as vessels that can accommodate 15 or more passengers as indicated on the Certificate of Inspection issued by the United States Coast Guard for daily hire for the purpose of recreational fishing; 3. The Special Fillet Permit shall be subject to the following conditions: i. Once fishing commences, no parts or carcasses of any species specified in (c) above and no flatfish parts or carcasses shall be discarded overboard; of the species specified at (c) above, only whole live fish may be returned to the water; ii. No carcasses of any flatfish or species listed at (c) above shall be mutilated to the extent that its length or species cannot be determined; iii. All fish carcasses of species specified at (c) above shall be retained until such time as the vessel has docked and been secured at the end of the fishing trip adequate to provide a law enforcement officer access to inspect the vessel and catch; iv. No fillet of any flounder or other flatfish shall be less than eight inches in length during the period of May 1 through October 31 or less than five inches in length during the period of November 1 through April 30; v. No fish of any species less than the minimum size limit specified in (c) above shall be filleted and no fillet of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

Species	Minimum Fillet or Part Length
Striped bass (24 to less than 28 inches)	11 to 20 inches
(28 to 31 inches)	15 to 22 inches

vi. Spanish mackerel shall be landed with head, tail and fins attached. vii. Fish carcasses from the previous trip shall be disposed of prior to commencing fishing on a subsequent trip; viii. Violation of any of the provisions of the Special Fillet Permit shall subject the captain and permit holder to the penalties established pursuant to N.J.S.A. 23:2B-14 and shall result in a suspension or revocation, applicable to both the vessel and the owner of the Special Fillet Permit according to the following schedule: (1) First offense: 60 days suspension; (2) Second offense: 120 days suspension; and (3) Third offense: Revocation of permit, rendering the vessel and the owner not eligible for permit renewal regardless of vessel ownership.

ix. In calculating the period of suspension or revocation applicable under (f)3viii above, the number of previous suspensions shall be reduced by one for each three-year period in which

the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14. x. Upon receipt of the notice of suspension but prior to the suspension or revocation of the Special Fillet Permit, the permittee has 20 days to request a hearing from the Department. The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1.1. If a request for a hearing is not received by the Department within 20 days of the permittee's receipt of the notice of suspension, the permit suspension or revocation will be effective on the date indicated in such notice.

**Pennsylvania:** “(a) Except as otherwise provided in this section, it is unlawful to possess a fish in any form or condition other than in the whole or having the entrails removed while on shore, along the waters of this Commonwealth, onboard a boat or on a dock, pier, launch area or a parking lot adjacent thereto. (b) Fish may be processed fully if they are being prepared for immediate consumption. (d) Provided that the requirements of this subsection are met, this section does not apply to fish processed by a permitted charter boat/fishing guide operation. The 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. The charter boat operator or fishing guide shall give the customer who receives the processed fish a signed, dated receipt on the form prescribed by the Commission.”

**Delaware:** “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.”

**Maryland:** “Filleting Striped Bass. (1) Except as provided in §C(2) of this regulation, a person may only land striped bass dockside as a whole fish. (2) A licensed charter boat captain or mate may fillet striped bass taken on a vessel displaying a current commercial charter boat decal 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 until the vessel has docked and all passengers from that trip have left the vessel and the dock area; and (ii) Are included in the possession limit; and (c) All striped bass carcasses from any previous trip shall be disposed of before any person begins to fish on a subsequent trip.”

**PRFC:** “Measurement shall be the greatest distance in a straight line from the tip of the snout to the end of the caudal fin or tail in a natural state, excluding the tail filament of a black sea bass. No person shall alter the natural state of any species of fish listed in (a) above such that its length cannot be measured.” *Unclear as to enforcement of filleting at-sea/shore (pers.com. PRFC).*



**DC:** “It shall be unlawful to... possess aboard any boat, while fishing or while in possession of fishing equipment, any fish for which a size or weight limit is prescribed in § 1504 from which the head or tail has been removed.”

**Virginia:** “Alteration of finfish to obscure species identification or size prohibited. A. It shall be unlawful for any person to alter any finfish, or to possess altered finfish, aboard any boat or vessel, or on a public fishing pier (except at the fish cleaning station of the pier), such that the species of the fish cannot be determined. B. It shall be unlawful for any person to alter any finfish regulated by a minimum or maximum size limit, or to possess such altered finfish, aboard any boat or vessel, or on a public fishing pier (except at the fish cleaning station of the pier), such that its total length cannot be measured.

Allowances for filleting or cleaning. A. For finfish regulated by a minimum or maximum size limit, filleting at sea will be allowed if the carcass is retained to ensure proper species identification and compliance with size limitations. B. For finfish regulated by a minimum size, cleaning and/or filleting at sea will be allowed if the fillet or cleaned fish exceeds the minimum length for the species and at least one square inch of skin is left intact to assist in identification of the species. C. For finfish not regulated by a size limit, filleting at sea will be allowed if a minimum of one square inch of skin is left on the fillet to assist in identification of the species.”

**North Carolina:** “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.” *Enforced as filleting allowed with rack retained (pers.com. NC DMF).*



ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

## MEMORANDUM

**TO:** ASMFC Striped Bass Management Board  
**FROM:** Chris Batsavage, NC Administrative Proxy  
**DATE:** September 27, 2023  
**SUBJECT:** Albemarle-Roanoke Striped Bass Stock Status and Management Update

The Albemarle Sound-Roanoke River (Albemarle-Roanoke) stock is assessed and managed by the State of North Carolina under the auspices of the Atlantic States Marine Fisheries Commission (ASMFC). This stock is currently managed under Amendment 2 to the North Carolina Estuarine Striped Bass Fishery Management Plan (FMP), which is a joint plan between the North Carolina Marine Fisheries Commission (NCMFC) and the North Carolina Wildlife Resources Commission (NCWRC). The NCMFC is responsible for striped bass management in Albemarle, Croatan, and Roanoke sounds and its tributaries, and the NCWRC is responsible for striped bass management in the Roanoke River and its tributaries.

The 2020 benchmark striped bass stock assessment determined that the stock was overfished and overfishing was occurring in the terminal year of the assessment (2017). Results from the stock assessment update in 2022 (terminal year 2021) indicate the striped bass stock is still undergoing overfishing and the stock is still overfished. The estimate of fishing mortality ( $F$ ) in 2021 was 0.77, greater than the  $F_{\text{Threshold}}$  of 0.20, indicating overfishing (Figure 1). The spawning stock biomass (SSB) was 35,566 pounds, less than the  $SSB_{\text{Threshold}}$  of 275,286 pounds, indicating the overfished status (Figure 2). Evaluation of trends in the survey indices of abundance indicate further concern for the stock. Both observed and predicted recruitment of age-0 fish have been declining and are extremely low in recent years (Figure 3). Female SSB has been declining since 2004. Fishery-independent adult striped bass surveys also support the declining trend in overall population abundance observed since the mid-2000s (Figures 4 and 5).

The total allowable landings (TAL) for the Albemarle-Roanoke striped bass stock was 51,216 pounds from 2021 to 2023 as a result of the 2020 benchmark stock assessment. The commercial and recreational fisheries are each allocated 50% of the TAL with the recreational allocation evenly split between the Albemarle Sound and the Roanoke River management areas. Based on the 2022 stock assessment update, a TAL of 8,349 pounds is necessary to reduce  $F$  to the  $F_{\text{Target}}$ .

The NC Division of Marine Fisheries (NCDMF) and the NCMFC are concerned about the six years of poor juvenile recruitment (2017-2022), and sampling indicates that 2023 will also be a very poor year for juvenile recruitment. Approximately 500,000 juvenile Phase-I (about 2 inches long) striped bass were stocked in the western Albemarle Sound in 2023 in response to the poor recruitment years and stocking will continue for at least the next three years. Future monitoring of the contribution of hatchery-reared fish to the adult population will be evaluated using parental based tagging techniques to evaluate the efficacy of the supplemental stocking. In addition, an 8,349-pound TAL under the allocations in the North Carolina Estuarine Striped Bass FMP is effectively too low to manage. Therefore, the NCDMF will implement a harvest moratorium in the Albemarle Sound Management Area starting in 2024 under the adaptive

management framework in the North Carolina Estuarine Striped Bass FMP. In addition, the 2023 fall recreational and commercial seasons in the Albemarle Sound Management Area will not open because there is little quota remaining and because of stock status concerns. It is currently unknown if the NCWRC will implement a harvest moratorium in the Roanoke River Management Area although the NCWRC is required to implement the moratorium under the NC Estuarine Striped Bass FMP.

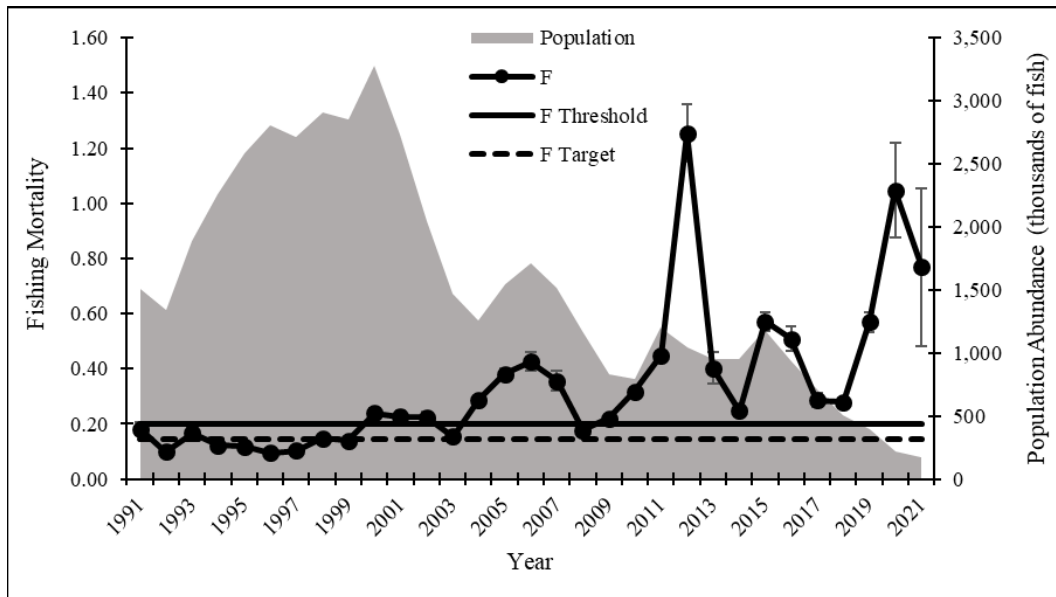


Figure 1. Estimates of fishing mortality ( $F$ ) and population abundance for the Albemarle-Roanoke striped bass stock. Source: Update of the A-R Striped Bass Stock Assessment 2022.

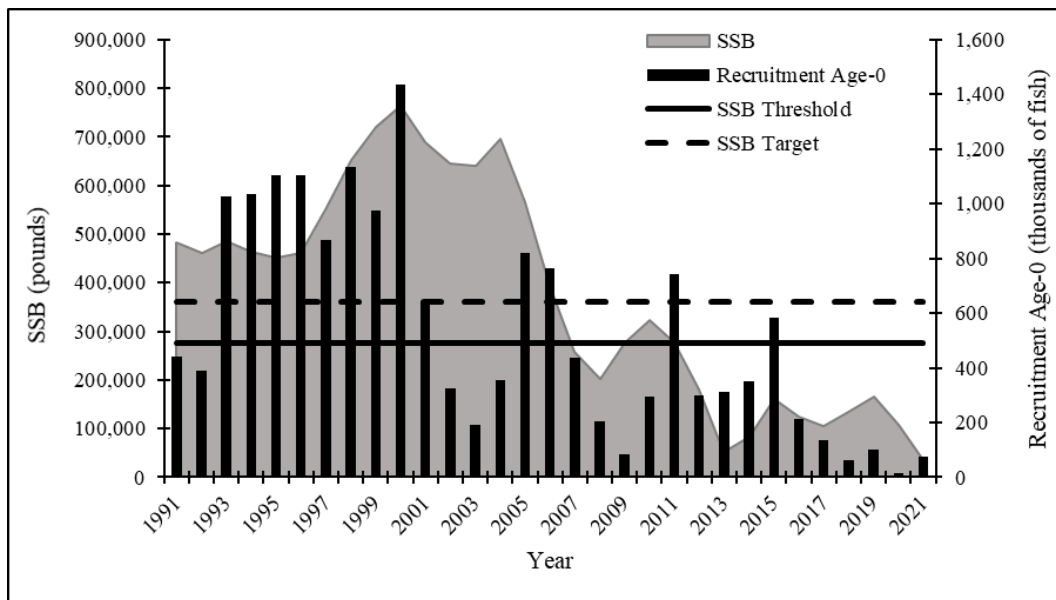


Figure 2. Estimates of spawning stock biomass (SSB) and recruitment of age-0 fish coming into the population each year for the Albemarle-Roanoke striped bass stock. Source: Update of the A-R Striped Bass Stock Assessment 2022.

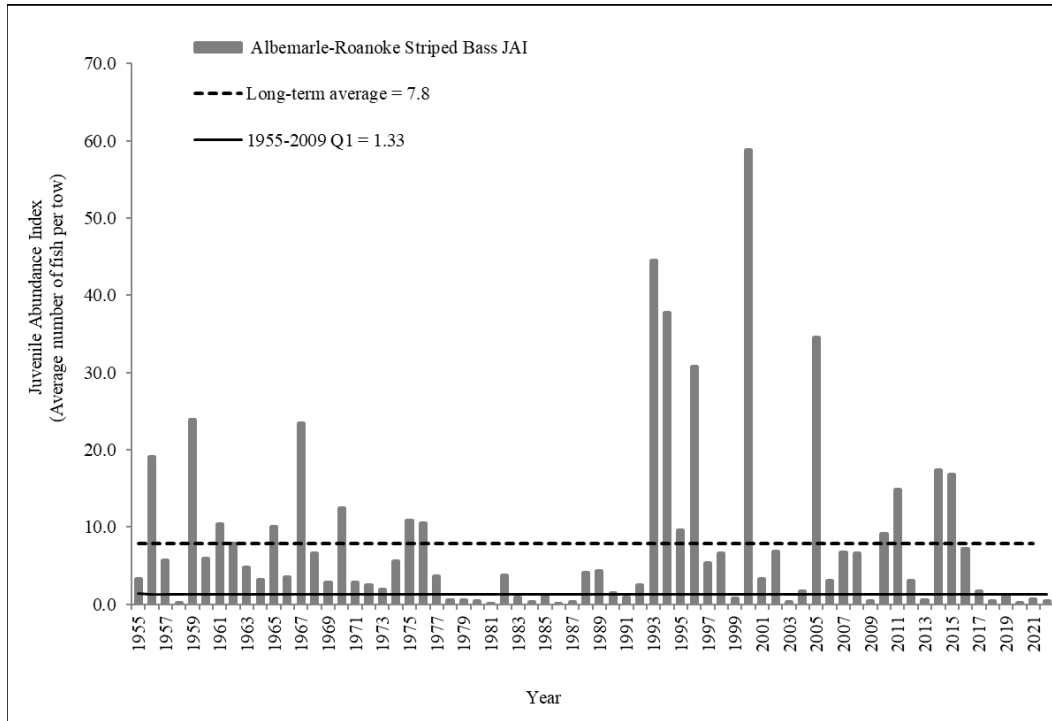


Figure 3. Annual index of relative abundance for young-of-year juvenile striped bass derived from the NCDMF Striped Bass Juvenile Survey, Western Albemarle Sound, 1955–2022. The dashed line is the long term average relative abundance, and the solid line is the first quartile threshold for recruitment failure from Amendment 6 to the ASMFC Striped Bass FMP.

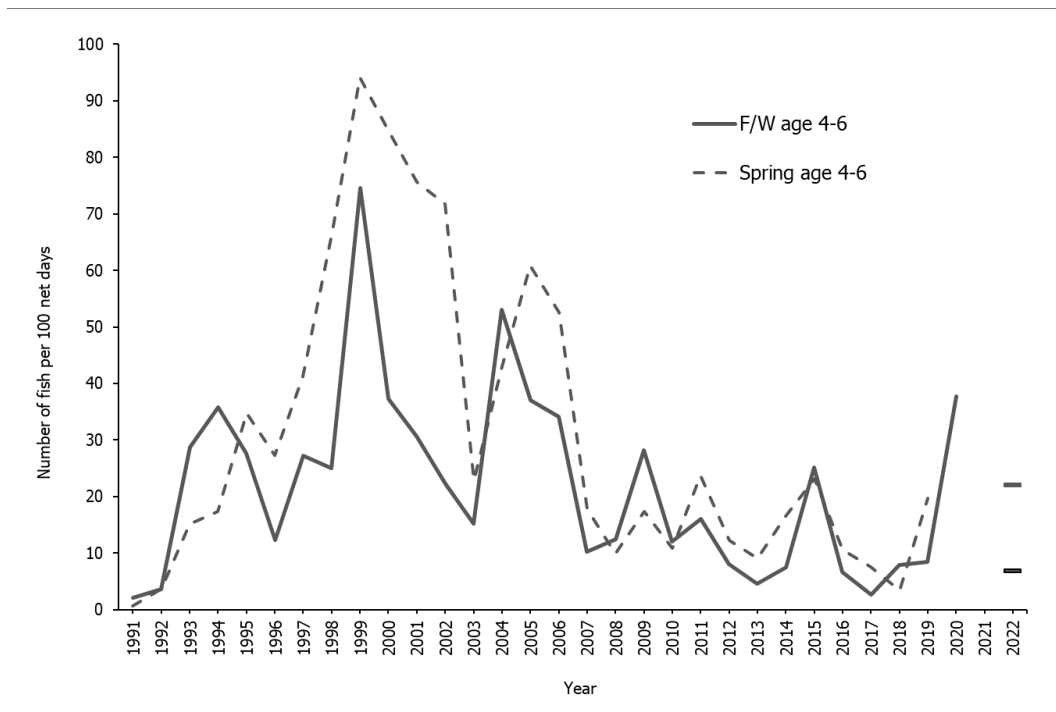


Figure 4. Annual index of relative abundance for ages 4–6 striped bass derived from the NCDMF Fall/Winter (F/W) and Spring Independent Gill Net Abundance Surveys, 1991–2022.



Figure 5. Annual index of relative abundance for ages 9+ striped bass derived from the NCWRC Electrofishing Spawning Stock Abundance Survey, 1991–2022.

**From:** [David Licks](#)  
**To:** [Comments](#)  
**Subject:** [External] Chesapeake Striped Bass reproduction rates  
**Date:** Monday, August 14, 2023 8:29:18 AM

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If Chesapeake Striped Bass reproduction rates are so unpredictable and often low, why don't we have a hatchery in Virginia?

New Jersey can manufacture 650,000 11" trout on a shoestring budget. What's stopping us from doing the same thing with Striped Bass in the Chesapeake?

Maybe my thinking is oversimplified, but why?

Sent from my iPhone

**From:** [Kerry Boggs](#)  
**To:** [Comments](#)  
**Subject:** [External] Rockfish catch restrictions  
**Date:** Wednesday, August 16, 2023 12:44:14 PM

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To Whom It May Concern,

I would like to make a quick comment on catch limits for rockfish in the Chesapeake Bay. First, let me say that I am not a fisherman. However I am concerned about commercial and recreational rockfish catch limits. I stopped buying my saltwater license a number of years ago because of catch restrictions on striped bass.

The charter captains and recreational fishermen are being hurt because of catch limits while at the same time Omega Protein boats are stripping the Bay clean of menhaden, a primary food source for predatory fish like the striped bass.

I'm a sailor and on a recent trip down the Bay I encountered 6-8 Omega boats fishing on the Bay. This is a common occurrence for us while sailing the Bay.

Wouldn't it make sense to limit menhaden fishing on an industrial scale and leave more of the food source for the striped bass and other predatory fish? If we're concerned about striped bass populations and breeding stock wouldn't it be important, in addition to protecting the striped bass, to also protect their primary food source? Catch limits may preserve some striped bass (over 31" for example) but limiting Omega menhaden fishing would save literally tons of an invaluable food source!!

More food...more fish! We're not over-fishing striped bass...we're over-fishing their food source!

Please, please limit industrial fishing on the Bay and on the near coast of the Delmarva before its too late and the fisheries of the Bay completely collapse!!

Thank you for taking the time to read my comments and for your consideration of my concerns!

Kerry D. Boggs

[o2besailing@gmail.com](mailto:o2besailing@gmail.com)

Bay sailor for over 30 years

Former striped bass fisherman

Concerned citizen

**From:** [Robert Beal](#)  
**To:** [Comments](#)  
**Subject:** FW: [External] Action Needed  
**Date:** Thursday, August 24, 2023 10:15:12 AM

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**From:** Jay Ponte <jayponte650@gmail.com>  
**Sent:** Friday, August 11, 2023 10:09 AM  
**To:** Dan Mckiernan <dan.mckiernan@state.ma.us>; Robert Beal <Rbeal@asmfc.org>; Michael Pentony <michael.pentony@noaa.gov>; RUSS DUNN <russell.dunn@noaa.gov>; cokeefe@nefmc.org; Eric Reid <Ericreidri@gmail.com>; Michael J Pierdinock <cpfcharters@yahoo.com>; Rick Bellavance Jr <rickbellavance@gmail.com>  
**Subject:** [External] Action Needed

Dear Director McKiernan:

NOAAs recent findings concerning recreational MRIP data confirmed that annual recreational catch is 30 to 40 percent too high. We have for many years now noted the inconsistency with annual recreational catch for different recreational user types resulting in ongoing cuts to seasons and bag limits to the detriment of the recreational community and for hire fleet that are trying to run a financially viable business. The continued inconsistency with the status of fishery stocks and observations on the water results in lack of confidence in the fishery management process.

Annual and ongoing cuts to seasons, sizes and bag limits to black sea bass, summer flounder, scup, cod, haddock and recent striped bass emergency action have significantly impacted bookings especially for those that rely on catching a fish to place food on the table. As a result we request prompt action to address overestimation of the catch and negative impact on the stock status for striped bass and the other species noted above. The timing of such works well to implement separate bag limits for the for hire fleet for the few financially viable operations that remain as result of the ongoing cuts to such the past 10 to 20 years.

Thanks,  
Capt Jay Ponte  
Sweet & Salty Fishing Charters  
Fishing Boston Harbor  
Boston, MA



**From:** [Robert Beal](#)  
**To:** [Comments](#)  
**Subject:** FW: [External] Emergency action 2024 and Massachusetts commercial fishing.  
**Date:** Thursday, August 24, 2023 10:13:55 AM

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-----Original Message-----

From: Rob Savino <robsavino@mac.com>  
Sent: Thursday, August 10, 2023 10:08 AM  
To: Robert Beal <rbeal@asmfc.org>; dan.mckiernan@mass.gov; Michael Pentony <michael.pentony@noaa.gov>  
Subject: [External] Emergency action 2024 and Massachusetts commercial fishing.

I am writing to demand the 2024 continuation of ASMFC's "emergency" striped bass action be immediately rescinded in light of the just announced data from NOAA fisheries and the Mid Atlantic Fishery Management Council that proves MRIP data is extremely flawed and 30%-40% above previously reported.

This MRIP data was the primary reason for the ASMFC's "emergency" action to reduce the slot limit on striped bass.

The recent report by NOAA only proves what we as fisherman have been claiming all along, that our observations on the water are inconsistent with ASMFC's claims and the newly released proof from NOAA itself of MRIP's flawed data validates such.

You make decisions based on the best available science. However, this emergency action did not take into consideration any science at all. The MRIP data does not support your emergency action. Observations on the water are not showing any of the depletion of stocks that you are proposing is happening. But you don't consider observations and fisheries management.

As a charter boat operator, I have noticed a serious drop in bookings this year because of the emergency action.

This "emergency" action was nothing more than fishery management overreach, and an extension of such emergency action is nothing more than just that again, and would only serve to enhance to public's distrust for fishery management even more. Is this a Michael Armstrong's swan song?

The extension of this "Emergency action" should be immediately rescinded based on NOAA's own findings! I also find it perplexing that Massachusetts harvests 700,000 pounds of striped bass that are 35 inches and over. This goes completely against any striped conservation efforts.

Massachusetts would be better served harvesting 700,000 pounds of smaller fish.

With larger populations of fish between 26 and 28 inches you could easily harvest 700,000 pounds without hurting the year class. I discussed this with Mike Armstrong, and his reply to me was "this is how we've always done it" Well, maybe harvesting fish 35 inches and over for a commercial fishery is wrong.

I would expect Dan McKiernan to support all Massachusetts fishermen, including charter fisherman. This emergency action has made it difficult for customers to take home a Fish.

This emergency action has also increased my catch and release ratio trying to get fish in the narrow slot, which goes against any thing you are trying to achieve.

I have been involved in fisheries management a long time I've seen managers come and go. It is just recently that I have lost faith in fisheries managers.

Rob Savino (617) 283-5801



**From:** [Robert Beal](#)  
**To:** [Comments](#)  
**Subject:** FW: [External] Flawed Data  
**Date:** Thursday, August 24, 2023 10:19:31 AM

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**From:** Matt Fontaine <mattfishsmell@gmail.com>  
**Sent:** Monday, August 21, 2023 3:15 PM  
**To:** Robert Beal <Rbeal@asmfc.org>  
**Subject:** [External] Flawed Data

Dear Bob Beal

NOAAs recent findings concerning recreational MRIP data confirmed that annual recreational catch is 30 to 40 percent too high. We have for many years now noted the inconsistency with annual recreational catch for different recreational user types resulting in ongoing cuts to seasons and bag limits to the detriment of the recreational community and for hire fleet that are trying to run a financially viable business. The continued inconsistency with the status of fishery stocks and observations on the water results in lack of confidence in the fishery management process.

Annual and ongoing cuts to seasons, sizes and bag limits to black sea bass, summer flounder, scup, cod, haddock and recent striped bass emergency action have significantly impacted bookings especially for those that rely on catching a fish to place food on the table. As a result we request prompt action to address overestimation of the catch and negative impact on the stock status for striped bass and the other species noted above. The timing of such works well to implement separate bag limits for the for hire fleet for the few financially viable operations that remain as result of the ongoing cuts to such the past 10 to 20 years.

Thank You

Matt Fontaine

**From:** [Robert Beal](#)  
**To:** [Comments](#)  
**Subject:** FW: [External] Restrictions  
**Date:** Thursday, August 24, 2023 10:14:29 AM

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**From:** Rob Moss <lightningboltrackers@yahoo.com>  
**Sent:** Thursday, August 10, 2023 7:34 PM  
**To:** Robert Beal <Rbeal@asmfc.org>  
**Subject:** [External] Restrictions

Sent from my iPhone Letters needed\*

email to:

[rbeal@asmfc.org](mailto:rbeal@asmfc.org)

[dan.mckiernan@mass.gov](mailto:dan.mckiernan@mass.gov)

[michael.pentony@noaa.gov](mailto:michael.pentony@noaa.gov)

Subject:

Unnecessary extension of striped bass emergency action

My letter below, Copy & paste as you wish.

\*\*\*\*\*

I am writing to demand the 2024 continuation of ASMFC's "emergency" striped bass action be immediately rescinded in light of the just announced data from NOAA fisheries and the Mid Atlantic Fishery Management Council that proves MRIP data is extremely flawed and 30%-40% above previously reported.

This MRIP data was the primary reason for the ASMFC's "emergency" action to reduce the slot limit on striped bass.

The recent report by NOAA only proves what we as fisherman have been claiming all along, that our observations on the water are inconsistent with ASMFC's claims and the newly released proof from NOAA itself of MRIP's flawed data validates such.

. This "emergency" action was nothing more than fishery management overreach, and an extension of such emergency action is nothing more than just that again, and would only serve to enhance to public's distrust for fishery management even more.

The extension of this "Emergency Bass restriction needs to be rescind. Moderator commercial striped bass association Robert Moss Chatham Ma

Mid Atlantic fishery management council announced yesterday that MRIP data is on average

30%-40% HIGH ! (aka=WRONG)

This is the data they use to shove these "emergency" regulations down our throat.

Thank you for listening Robert Moss

**From:** [Robert Beal](#)  
**To:** [Comments](#)  
**Subject:** FW: [External] Unnecessary extension of striped bass emergency action.  
**Date:** Thursday, August 24, 2023 10:14:39 AM

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**From:** Vinny Guaetta <[vguaetta@yahoo.com](mailto:vguaetta@yahoo.com)>  
**Sent:** Friday, August 11, 2023 8:24 AM  
**To:** Robert Beal <[Rbeal@asmfc.org](mailto:Rbeal@asmfc.org)>  
**Subject:** [External] Unnecessary extension of striped bass emergency action.

To whom it may concern,

I am writing to demand the 2024 continuation of ASMFC's "emergency" striped bass action be immediately rescinded in light of the just announced data from NOAA fisheries and the Mid Atlantic Fishery Management Council that proves MRIP data is extremely flawed and 30%-40% above previously reported.

This MRIP data was the primary reason for the ASMFC's "emergency" action to reduce the slot limit on striped bass.

The recent report by NOAA only proves what we as fisherman have been claiming all along, that our observations on the water are inconsistent with ASMFC's claims and the newly released proof from NOAA itself of MRIP's flawed data validates such.

. This "emergency" action was nothing more than fishery management overreach, and an extension of such emergency action is nothing more than just that again, and would only serve to enhance to public's distrust for fishery management even more.

The extension of this "Emergency action" should be immediately rescinded based on NOAA's own findings!

Regards,

Vincent Guaetta  
[vguaetta@yahoo.com](mailto:vguaetta@yahoo.com)

**From:** [Robert Beal](#)  
**To:** [Comments](#)  
**Subject:** FW: [External] Unnecessary extension of striped bass emergency action  
**Date:** Thursday, August 24, 2023 10:15:56 AM

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**From:** Boston Fish <[atownhomeservices@gmail.com](mailto:atownhomeservices@gmail.com)>  
**Sent:** Friday, August 11, 2023 6:53 PM  
**To:** [dan.mckiernan@mass.gov](mailto:dan.mckiernan@mass.gov); Robert Beal <[Rbeal@asmfc.org](mailto:Rbeal@asmfc.org)>; Michael Pentony <[michael.pentony@noaa.gov](mailto:michael.pentony@noaa.gov)>  
**Subject:** [External] Unnecessary extension of striped bass emergency action

As an active charter captain [Bostonfishcharters.com](http://Bostonfishcharters.com) I am having to explain to my clients who want to take home fish why the 31.5 inch fish has to go back . It's ridiculous! In the past 2 years I've gut hooked more fish then I can count with your inclined circle hook rule . Now that 33 incher who inhaled a mackerel is going back dead . Nothing is being conserved. The same mortality rate exists. We are boating 20 bass a trip and watching countless boats do the same this is not a species in decline. I am also Including a copy of Captain Mike's letter as he is far more knowledgeable on the data . PLEASE RECIND IMMEDIATELY.

CAPTAIN JEREMY FURTADO  
339-215-4146

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Captain Mike Delzingo  
Fishbucket Sportfishing, Boston  
BOD: Stellwagen Bank Charter Boat Association  
Founder: Massachusetts Commercial Striped Bass Association

Mid Atlantic fishery management council announced yesterday that MRIP data is on average 30%-40% HIGH ! (aka=WRONG)

This is the data they use to shove these "emergency" regulations down our throat.



**From:** [Robert Beal](#)  
**To:** [Comments](#)  
**Subject:** FW: Unnecessary extension of striped bass emergency action  
**Date:** Thursday, August 24, 2023 10:13:05 AM

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**From:** Dan Parma <parma81@hotmail.com>  
**Sent:** Wednesday, August 9, 2023 11:41 AM  
**To:** Michael Pentony <michael.pentony@noaa.gov>; Robert Beal <Rbeal@asmfc.org>; dan.mckiernan@mass.gov  
**Subject:** [External] Unnecessary extension of striped bass emergency action

Robert, Dan and Michael,

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Thank you

Dan Parma  
978-412-6375  
[Parma81@hotmail.com](mailto:Parma81@hotmail.com)

## Tina Berger

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**From:** Comments  
**Subject:** FW: [External] Unnecessary extension of striped bass emergency action

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**From:** Mike Delzingo <[ff\\_boston@yahoo.com](mailto:ff_boston@yahoo.com)>  
**Sent:** Wednesday, August 9, 2023 10:51 AM  
**To:** Robert Beal <[Rbeal@asmfc.org](mailto:Rbeal@asmfc.org)>; McKiernan Dan (FWE) <[dan.mckiernan@mass.gov](mailto:dan.mckiernan@mass.gov)>; Michael Pentony <[michael.pentony@noaa.gov](mailto:michael.pentony@noaa.gov)>  
**Subject:** [External] Unnecessary extension of striped bass emergency action

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