PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

ATLANTIC STRIPED BASS MANAGEMENT BOARD

The Westin Alexandria
Alexandria, Virginia
February 2, 2017

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ATTENDANCE

Board Members

Patrick Keliher, ME (AA)
Steve Train, ME (GA)
G. Ritchie White, NH (GA)
Doug Grout, NH (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Mike Armstrong, MA, proxy for D. Pierce (AA)
David Borden, RI (GA)
Mark Gibson, RI, proxy for J. Coit (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)
James Gilmore, NY (AA)
Emerson Hasbrouck, NY (GA)
John McMurray, NY, proxy for Sen. Boyle (LA)
Russ Allen, NJ, proxy for D. Chanda (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Andrew Shiels, PA, proxy for J. Arway (AA)
Loren Lustig, PA (GA)
John Clark, PA, proxy for D. Saveikis (AA)
Roy Miller, DE (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Ed O'Brien, MD, proxy for Del. Stein (LA)
Mike Luisi, MD, proxy for D. Blazer (AA)
Rachel Dean, MD (GA)
Kyle Schick, VA, proxy for Sen. Stuart (LA)
Rob O'Reilly, VA, proxy for John Bull (AA)
Michelle Duval, NC, proxy for B. Davis (AA)
Doug Brady, NC (GA)
Martin Gary, PRFC
Derek Orner, NMFS
Wilson Laney, USFWS

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

Ex-Officio Members

Nicole Lengyel, Technical Committee Chair

Staff

Robert Beal
Toni Kerns
Katie Drew
Max Appelman

Guests

Frank Abner, MCBA
Mark Belton, MD DNR
Robert Brown, Sr., MCBA
Victoria Brown, MCBA
Frank Carver, MCBA
Steve Chait, MCBA
Doug Collison, MCBA
Randy Dean, MCBA
Jeff Deem, VMRC
Christopher Diehl, MCBA
Tony DiLernia, MAFMC
Jonathan French, Falls Church, VA
Matt Gates, CT DEEP
Patrick Geer, GA DNR
Tracy Geho, MCBA
Joseph Gordon, PEW
Sam Gotsis, MCBA
Ed Green, MCBA
Zach Greenberg, PEW
Jeffrey Grierson, Deale Capt Assn, MD
Brian Hardman, MCBA
Katie Hoffman, MD DNR
Tom Ireland, MCBA
Ken Jeffries, MCBA
Kathy Knowlton, GA DNR
Aaron Kornbluth, PEW
Robert Krausman, MCBA
Deb Lambert, NOAA
Phil Langley, MCBA
Arnold Leo, E. Hampton, NY
Gregory Madjeski, MCBA
Charles Marenka, MCBA
Jason McNamee, RI DEM
Nichola Meserve, MA DMF
Bobby Rhodes, MCBA
Dan Ryan, DC Fisheries
Joseph Sadler, MCBA
Mike Sadler, MCBA
Alexei Sharov, MD DNR
Chris Sullivan, MCBA
Charles Sisson, MCBA
Tawn Tipswood, MCBA
Mike Toole, MCBA
Joseph Tomaschko, MCBA
Jack Travelstead, CCA
Beth Versak, MD DNR

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 2, 2017, and was called to order at 11:40 o'clock a.m. by Chairman James J. Gilmore, Jr.

CALL TO ORDER

CHAIRMAN JAMES J. GILMORE, JR.: Welcome everyone; this is the Atlantic Striped Bass Management Board. My name is Jim Gilmore; I'm the Administrative Commissioner for New York, and I will be Chairing the meeting today. We'll hopefully get a little quicker wrap up than we did this morning.

Welcome to all the fishermen from the Chesapeake region. I understand we've got quite a few guys in the room. Well, some of them want to make some public comments; which we'll get to in a minute.

APPROVAL OF AGENDA

CHAIRMAN GILMORE: Just in terms of the agenda, what we're planning on doing, if you look at it in your briefing materials.

We're just going to go through the Technical Committee Report, Options 5 and 6 we're not going to do today. We're going to as Bob had described before, try to do that through mail and phone. Essentially then we'll just have other business. With those changes to the agenda, are there any other changes before we adopt the agenda? Seeing none; we'll adopt that by consensus.

APPROVAL OF PROCEEDINGS

CHAIRMAN GILMORE: The next item on the agenda is the approval of the proceedings from October, 2016; which is in your briefing package. Has everyone seen those? Are there any comments or changes to those? Okay seeing none; we will adopt those by consent.

PUBLIC COMMENT

CHAIRMAN GILMORE: Before every meeting we have an opportunity for the public to come up to the public microphone and speak on topics not on the agenda.

There will be opportunity later if there are action items to talk about the specific motions; but right now for any topic not on the agenda. I've had two individuals signed up that would like to make a public comment. But if you have anyone else that would like to make a comment, please raise your hand after we're done. Please, just identify your name and your affiliation for the record when you come up. First I have Robert Brown.

MR. ROBERT T. BROWN SR.: Chair and members of the Atlantic States Marine Fisheries Commission, thank you for letting me talk today. Prior to 1985 Rock Fish Moratorium, we had a 12 inch minimum size, 15 pound maximum size, and we fished on the spawning ground during the spawning season.

There was no quotas, it was an open fishery 365 days a year, 24 hours a day seven days a week; commercial and recreational. We've come a long ways since then. Today no fishing on our spawning grounds during the spawning season, we even close our season prior to the spawning season to permit the spawning biomass to reach these grounds. We have quotas which restrict us to where many of us have gone out of business. We have a limited entry and increased the size limits of these fish.

Mortality rates, between an 18 and a 20 inch rockfish, the mortality rate during the warm water season far surpasses any savings in rockfish, and places a hardship on our charter fishery and recreational fishermen. It is time to go back to common sense fishery. No one wants to go back to 1985. Again, we have made a great return to the rockfish population.

There is no place for micromanagement, and fishery management is not a precise science. Let

common sense fishery management prevail, again permitting an 18 inch minimum size and do not shorten the season on the charter and recreational fishermen; as it is a hardship to them. The fishing charters recreational are not happy, not being able to catch their two legal fish per person and throwing so many back.

Always you hear, next year they'll be big enough. But the fish start their migrate to the ocean at that time. Remember, mortality rates and remember to do what is best for the fish and the fishermen, through a commonsense management fishery plan. Thank you.

CHAIRMAN GILMORE: Next I have Phil Langley.

MR. PHIL LANGLEY: My name is Phil Langley; I'm President of Maryland Charter Boat Association. I sit on the Potomac River Fisheries Commission and the Maryland Sportfish Advisory Commission. On behalf of myself and a group of charterboat captains here from Maryland; that if you don't mind I would like them to stand and be recognized at this point, if you don't mind.

I promise you these guys aren't here because they like meetings. Many of these guys who just stood experienced the five year moratorium from 1985 to 1990. I would like to thank you, Mr. Chair, and the Board for the opportunity to speak. Like you, we have a passion for protecting the resource.

We realize without the resource our professions would not be possible. Addendum IV was implemented in 2015 to protect the existing spawning stocks and to ensure healthy spawning stocks in the future. Prior to Addendum IV, most of the Chesapeake Bay summer harvest was on Ages 3, 4, and 5 fish.

At Age 5, a large number of these fish entered a coastal migration. The Bay summer resident fishery is heavily skewed towards a male fishery. Most of the females and the strong 2011 year class should have entered the coastal migration now. To comply with Addendum IV reductions the Bay states increased the minimum size and their summer fishery for recreational and charter anglers.

These adjustments protected most of Age 3 fish and left mostly Age 4 and some of Age 5 fish to target. We saw an abundance of fish, however most were sublegal. Most captains I've spoken with were experiencing catch ratios of 20 to 1 in two-thirds of the Bay. That is 20 throwbacks to every fish that they could keep. With an assumed 9 percent mortality rate, that is equivalent to 1.8 fish lost for each legal fish harvested. This takes place in water temperatures averaging 80 degrees in the Chesapeake Bay; approximately 12 to 15 degrees warmer than a majority of the northeast coast during the summer months. We feel 9 percent is a conservative number during that time of year.

A high number of discards has created discontent with many of our customers, to the extent that many captains have experienced a 20 percent reduction in trips between 2015 and 2016. This economic decline has also affected tackle shops, restaurants, marinas, convenience stores, hotels, et cetera that are indirectly dependent on the Bay's fishery.

Approximately 60 percent of Maryland's charter and recreational fisheries focus on striped bass as their primary targeted species. This is due in part to the lack of variety of species available to target in the Bay. This percentage is much higher as compared to the coast, which has a greater variety of species; providing alternative fishing options.

For this reason the economic impact is significantly different among our states, with Maryland experiencing significant burden. There are concerns that economic decline will increase in 2017, while conservation is our utmost priority and concern, we request that as options to maintain a sustainable fishery are contemplated, consideration be given to the economic health of the many small businesses that rely on the continuation of our fishery. Thank you, Mr. Chair.

CHAIRMAN GILMORE: Thank you, Mr. Langley. Are there any other public comments, before we move on to the next agenda item?

TECHNICAL COMMITTEE REPORT

CHAIRMAN GILMORE: Seeing none; we're going to move into the Review of the Technical Committee Report and the Technical Committee Chair Nichole Lengyel is going to give us a presentation. Nichole.

REVIEW OF PROJECTED FISHING MORTALITY AND RECOMMENDED DATA SETS FOR CONSERVATION EQUIVALENCY PROPOSALS

MS. NICHOLE LENGYEL: I'll try to get through this relatively quickly for the sake of time. I'm going to be presenting the Technical Committee report on the tasks assigned to the TC from the Striped Bass Management Board at the last meeting in October. I'll start by giving some background of what was presented to the Board at the October, 2016 meeting; go over the two tasks assigned by the Board.

For Task 1, I'll go through the methods, results and discussion and then for Task 2, present the TC recommendation. At the October 2016 Management Board meeting, the Board was presented with the 2016 striped bass stock assessment update. The update found that the stock is not overfished and overfishing is not occurring.

Spawning stock biomass was estimated at 129 million pounds, which is above the threshold and below the target. Fishing mortality was estimated at 0.16, which is below the threshold and below the target of 0.18. Task 1 assigned to the TC was determine the percent liberalization and harvest that would increase fishing mortality from the 2015 terminal year estimate of 0.16, to the FMP target F of 0.18.

Task 2 was to recommend a preferred dataset using updated length frequency data for states to use when preparing conservation equivalency proposals for recreational regulations. For Task 1, and again this was to look at how much we could liberalize harvest to get back up to the target from 0.16, which was the 2015 terminal year estimate to the target of 0.18. We projected the striped bass population starting in 2015 and going through 2017. There were two scenarios presented in the memo to the Board. Scenario 1 used preliminary 2016 removals. A fishing mortality of 0.18 in 2017, and we estimated the total removals in 2017 under this scenario. For Scenario 2 we had a constant fishing mortality of 0.156 in 2015, and we used an F of 0.18 in both 2016 and 2017; and again we estimated total removals in 2016 and 2017.

For some results for Task 1, preliminary 2016 removals were estimated at 3.6 million fish. This is an 18 percent increase from 2015. Keep in mind these are just preliminary estimates; they could increase when they become final. Fishing at F equals 0.18. In 2017 results in a harvest of roughly 3.3 million fish and you can see that for Scenario 1 and 2 the numbers of fish are very close. It is roughly about 3.3 million.

Our results found that total removals of 3.3 million fish in 2017 would represent a 10 to 11 percent increase from 2015 removals; but it would also represent a 6 percent decrease from the preliminary 2016 removals. Again, 2016 removals are likely an underestimate. For Task 2 we were asked to recommend a preferred dataset for states to use when preparing conservation equivalency proposals for recreational regulations.

This primarily came about due to the emergence of the 2011 year class. The TC had originally prepared a memo in 2014 that went to the Board, and we recommended using 2011 to 2013 as the preferred dataset. The TC met and discussed this; and decided pursuing the development of a length-based projection model would be an ideal approach for length frequency data.

However, in the interim until that model can be developed, we recommend using the most three recent years of size frequency data for CE

proposals. A state may opt to use less than three years if they can justify a reason for doing so. With that we'll take any questions.

CHAIRMAN GILMORE: Questions. John Clark.

MR. JOHN CLARK: Thank you for the report, Nichole. Did the TC look at the length frequencies from the MRIP for the 2016? Is most of that increase in landings coming from fish recruiting to the fishery, because that seems like quite a big increase from 2015 to 2016 under the same regulations?

MS. LENGYEL: We did talk about this at the last meeting, and we did see a much higher proportion of Age 4 or 5 fish in the length frequency data and in the harvest, in both harvest and in discards.

CHAIRMAN GILMORE: Dr. Duval.

DR. MICHELLE DUVAL: Nichole, I was just curious if for the preliminary 2016 harvest estimates if the Technical Committee was able to break those out by bay harvest versus coastwide harvest.

MS. LENGYEL: It's not broken out by bay and coastwide, but I can tell you exactly what went into the preliminary harvest. For 2016, obviously we didn't have all the data available yet. We used for 2016 Waves 2 through 5, for 2015 we brought in Wave 6 estimates, because 2016 was not yet available. We also brought in Virginia Wave 1 estimates from 2015; and this is all for recreational data, harvest and discards, and discards reflect 9 percent discard mortality from released fish. On the commercial side we used 2016 preliminary number provided by the states; however we substituted for New York and Virginia with 2015 numbers, because 2016 was expected to be much higher than 2015. We also used the 2015 commercial discard estimates as 2016 was not yet available.

CHAIRMAN GILMORE: John McMurray.

MR. JOHN McMURRAY: I also noted that big increase in removals from 2015 to 2016, and it does make sense to me anecdotally, given what we saw along the coast with the aggregation of menhaden and the number of people taking advantage of that opportunity. But what I didn't really understand was how the projected removals for 2017 were lower than 2016. I believe they're even lower than 2015. How did you come to that?

DR. KATIE DREW: The way we calculated sort of the task was to figure out if we were fishing at 0.18 in 2017, what kind of removals would that equivalent to? We basically projected the population forward from 2015; which was the end of the assessment, so you have your total numbers at age in that coming out of there.

Then you just project the population forward for three years under two different harvest scenarios. We need to know what happened in 2016 to get to 2017. In 2016 we had these preliminary numbers, and so you take those out of the population and then you push the population forward for another year.

Then you apply that 0.18F to the population in 2017. If you're fishing at 0.18 in 2017, given the population size that we project will exist in 2017, then that is the level of removals that you can take out to get to an F of 0.18. The reason that it's lower than 2016 is that if you actually look at the value for F that would get you to 0.18 in 2016; it's lower than those preliminary 2016 removals.

Basically, this is suggesting that if we did the update in 2016 with 2016 data, it would suggest that we were above the target in 2016. The harvest removals for 2017 that could take place under an F of 0.18 is slightly higher than what we saw in 2015; that is you could go up a little bit from your 2015 numbers. But it's still lower than the preliminary 2016 numbers, because we're anticipating that harvest has gone up that much in 2016. Does that make sense?

MR. McMURRAY: Yes I would like to say I understand that thoroughly, but I don't. We

could talk offline about that. But one of the things I did hear you say was, so F increased to above the target in 2016. That is the projection, right? We're forecasting we'll be above target again in 2017. Is that correct?

DR. DREW: We are forecasting that if you took the same level of removals out that you took in 2016; you would most likely be above the target in 2017. We did not do any projections to project forward at the 2015 levels, which is slightly below the target; at least on paper. If you stayed at 2015 or below, you would most likely be at or below the target. But the 2016 values would put you over.

MR. McMURRAY: Okay, I think I understand that. I would just add that there is no reason to believe that we wouldn't have the same sort of fishing conditions in 2017. I don't know why it would be lower, why removals would be lower at all; and why fishing mortality would be lower, but that's just me speaking anecdotally.

CHAIRMAN GILMORE: Any other questions? Mike Luisi.

MR. MIKE LUISI: Hi Jim, and thank you for asking for questions. The difference between 2015 and 2016 is obviously something that the Board members are looking at and are asking questions about. But given the comments regarding 2016 as a projection, it was stated that these are preliminary estimates, and it was also mentioned briefly through another set of questions that we're not quite sure yet what's going to happen in 2016.

I would like to get the Technical Committee's position on which is a more reliable estimate of fishing mortality, is it the 2015 estimate; which from what I understand to be a much more complete and thorough analysis to estimate that F, or is it the projected landings that we just don't know and they're not final yet?

MS. LENGYEL: As you said, the 2015 estimates came out of that update assessment. For 2016 we are using preliminary numbers. We do expect those numbers are likely an underestimate of what total removals in 2016 will be. The Technical Committee did not necessarily discuss what the likelihood of being at or above the target would be in 2016.

We wouldn't know that for sure without doing another update assessment, so we can't necessarily say for certain which we have more confidence in; because we don't actually know where we'll be at in 2016 in terms of fishing mortality, until we have those final numbers.

CHAIRMAN GILMORE: Follow up, Mike.

MR. LUISI: Just to follow up on an assessment update. It's not in the plans to do an assessment update, and from what I understand, Mr. Chairman, the next opportunity to evaluate the stock will be through the benchmark assessment that I'm being told is probably going to be the report for that assessment.

It will likely be towards the end of 2018; which will then extend any management change related to striped bass probably into 2019 or 2020. I just want to make sure it's clear that there is no plan right now to do a 2016 or 2017 assessment, which will give us more certain values for the 2016 F as it relates to coastwide harvest.

CHAIRMAN GILMORE: That's my understanding, Mike, that's correct. Andy Shiels.

MR. ANDY SHIELS: Just a quick question. When do we think we would have the 2016 estimate or data?

MS. LENGYEL: Those numbers wouldn't come out until MRIP numbers are finalized, so approximately in May.

MR. ROB O'REILLY: I just wanted to follow up on the changes from 2015 to '16 and then the reduction '17. Where does the progression of the female striped bass leaving Chesapeake Bay figure into all of that? How is that treated?

DR. DREW: Because we're using a single model for the entire coast and the entire population, we don't have sex information; migration information is not incorporated into this analysis.

CHAIRMAN GILMORE: Okay I think we've gone through the questions, now if you recall the TC report was brought up at the last meeting for an investigation and information for a potential action. At this point in time is there any action that we would like to take as a result of this? Mike Luisi.

MR. LUISI: Let me first start off by saying that I want to thank the Board, all the members of the Board for their support over the last 18 months; as we explored a deeper understanding of the effects of Addendum IV, and the regulations that were imposed on the states through that addendum.

This Board was willing to go forward and approve an assessment update, which was conducted; and we just received a report on that on the results of that assessment update. I do appreciate that effort. I have a number of points that I would like to make, but before I get to that I do have an action that I would like the Board to consider today. I've passed that action on to Max. I can read that into the record if it is the appropriate time right now, Mr. Chairman.

CHAIRMAN GILMORE: Yes, go ahead, Mike. Why don't we do that and then we can get right to the heart of it.

The report today was that we could look at a 10 percent increase to that in harvest coastwide. The point there with the 2016 stock assessment is to end the discussion at the terminal year of 2015. If I get a second, I can offer other justification for this action.

CHAIRMAN GILMORE: Okay do we have a second to the motion? Rob O'Reilly. Okay Mike, do you want to go ahead and go into the detail?

MR. LUISI: Sure, thanks for the second, Rob. Again, we want to thank you for all of your support over these last couple years in listening to and considering actions that we were hoping would show an impact to our recreational and commercial industries in Maryland. I think it is very abundantly clear that there is a great deal of interest; given our stakeholders in the audience here today in the striped bass fishery.

All of you have also received a letter from Governor Larry Hogan and the state of Maryland, indicating his concerns over the actions that have been taken; and the implications of those actions and the economic impacts of those actions to our state. We will continue to stand behind previous comments that we've made.

I think someone mentioned Groundhog Day earlier this morning, I'm not sure who it was, but we continue to want to make the point, and we stand behind previous comments that this stock is robust. This stock is not overfished and overfishing is not occurring. We believe the stock to be in a much better condition than what would come from the assessment and the spawning stock biomass; which through retrospective analysis indicates that we are underestimating the spawning stock biomass when moving forward. I look to the objectives of Addendum IV. A couple years ago we took action to achieve certain objectives.

One of those objectives was to protect the 2011 year class. The 2011 year class has now entered into what is exploitable in Maryland, yet the 2011 year class as many would know along the coast, many if not most of them are leaving the Chesapeake Bay and are becoming part of the migratory stock.

We believe that that objective in Addendum IV was met. While we've carried the burden of that objective, because as you know the Chesapeake Bay is responsible for the majority of striped bass along the coast, we felt we did our job achieving that objective. We think it is time to take a different action.

Now the other objective of Addendum IV was to

reduce F to at or below the target. Based on the 2016 assessment that is where we are, F is below the target based on the 2016 assessment. In achieving both of the addendum's objectives, I think that it is time to consider an action that would allow for some flexibility to the states; and not every state would need to engage in that regulatory relaxation.

But it would be something that could be offered to the states between now and the benchmark assessment, which is years from now. I think it is unreasonable to expect the stakeholders to, once objectives have been met in an addendum, to just hold the line for years until management actions are considered.

Now I'll say that economic impact is felt quite differently along the coast when management actions are taken; and individual states feel those impacts differently. The impacts to Maryland have been significant. There will be those that can argue that it is not the case, but I think that looking out at this crowd, reading the letter from Governor Hogan. The economic impacts have been significant.

One of the reasons for those impacts to the state of Maryland is the lack of variety of other fish to target. The charterboat industry has been built around striped bass fishing. We don't have the same opportunity, given the proximity of Maryland's portion of the Chesapeake Bay to the ocean. We don't have the variety to bring people in.

If you're not catching striped bass you can move on to another species, it is just not available for us. I think that is one of the reasons why this type of action that I'm suggesting here, we as well as other states that have the same type of lack of variety, we could take advantage of that. I'll be specific about how we could take advantage of that.

It was mentioned by Captain Langley earlier that in the summer/fall fishery in our state, water temperatures warm. There are many fish that caught and returned. We were looking at a two inch increase from previous regulations that we had for 20 years, and it often takes 20 to 30 to 40 and some might even say more fish before you can catch a harvestable fish. There is a lot of mortality that is associated with that. One of the advantages that I could see coming from the approval or through the work of this addendum, would be to liberalize our summer/fall fishery to a 19 inch fish; and turn a lot of that regulatory discard into harvest. That would be the intention of what we're looking at here. I'm not looking for going back to prior to the addendum, resetting the clock on quotas. We're just looking for some flexibility. We believe that it's time to make that change. Given the impacts to the state of Maryland, I hope that the Board will continue to be supportive of these efforts; as you have for the last 18 months as we've explored all of this. I'll leave it at that Mr. Chairman, and I appreciate the consideration.

CHAIRMAN GILMORE: Let me get a show of hands. I'm assuming we're going to have a few comments on this; so I want to try to do pro-con on this. I've got Pat Keliher, con. Ed O'Brien, are you pro or con on this? Just hang on a second before you comment, pro. John Clark, okay, Marty, I can figure that one out. John McMurray, I can figure that one out. Jay? Okay. Anyone else; Rob O'Reilly, okay. Does anyone else want to comment, Michelle, and Rachel. I think I've got everybody. We can always add on. All right Pat, you get the floor first.

MR. PATRICK C. KELIHER: I'm troubled by the initiation of this motion. As I look at the agenda, after looking at the Technical Committee report, there is no motion of action. The state of Maryland obviously came here to initiate this action; considering the amount of charterboat fishermen that are here. The state of Maine and fishermen, and charterboat operators within the state of Maine were not aware of this discussion.

I think if they were, you would have had a lot of comments from them. I certainly would have had a lot of comments from them before I came here to this meeting. In looking at the Honorable Larry Hogan's letter, frankly I could have penned

a very similar letter for my boss, Governor LePage, with just the opposite tone to remain status quo. As a former charterboat operator, full time charterboat operator in a past life, a long, long time ago.

I can tell you that the impact to the state of Maine charterboat fleet, the economic impact was great; for very similar reasons. We have supported for many years now a reduced mortality and reduced effort, to try to build our fishery back up to even a fraction of what it was, frankly, in the '90s and 2000s. We, like the state of Maryland, don't have a lot of options to find other species and target other species. Striped bass inshore is basically it. For those reasons, Mr. Chairman, I'll be opposing this motion.

MR. ED O'BRIEN: Supplement the letter that Phil wrote, and certainly the governor's approach is from a socioeconomic situation. I assure you that in the Legislature we have similar feelings, and based upon today, if we're successful here, I think that can settle things in our state to a degree. As I look at the captains here today, I see the sons of their fathers going out of business when we went into moratorium; Captain Green, Captain Abner, Captain Sullivan, and others.

We took a real hit for five years while a lot of people kept fishing. We're up against the same kind of situation now with this 20 inch fish. We know these fish are leaving earlier than they were before. A 20 inch fish typically is out of here by the time we go for them now. A 19 inch fish would be helpful.

We deeply feel it should be still the 18 inch fish, but we're looking for a compromise. Down in Florida you all were patient in listening to me, and it is right back here again with the same kind of a conversation. We came in with an appeal when we first went to this 14 inch fish. Needless to say, it didn't pass. Down in Florida we really appreciated the Policy Committee willing to listen to us further on this subject, when it came to the 20 inch fish. I just hope that we'll keep some open minds. I know up north looks at things totally different than we do on the Bay; and they certainly have a right to. But we need some help here. Gentlemen, we need some help. We need this 19 inch fish, and that's a compromise.

CHAIRMAN GILMORE: Next I have John Clark.

MR. CLARK: I'll be brief. Delaware was opposed to these very conservative reference points. We appealed Addendum IV because of that. It has had similar socioeconomic impacts in our state. The F is now below the target, which once again is an extremely conservative target. Rather than wait yet another two or three years before we do any liberalizing, I think it is time to start giving back some of the quota that we took away from both our recreational and commercial fishermen.

CHAIRMAN GILMORE: I can't read my own handwriting. I wrote it down so quickly. I had a couple other folks on this side of the table. I had Marty, Rob, Michelle and Rachel. Was there anybody else on that side of the table? All right let me go to Marty.

MR. MARTIN GARY: I would like to say up front, a lot of the charter captains that took the time to come here again, this is I think the third or fourth time I've seen them here in the last couple of years, also fish in Potomac River Fisheries Commission jurisdictional waters. I appreciate the effort that they made to send a message to you all that they really care; and hopefully the Board members do as well, I know they do.

I heard some of the speakers. Mike talked to some of the economic and technical aspects of what we're dealing with, Ed O'Brien the economic impacts to his industry. I heard Rob ask a question regarding the female migration out of the Bay, and lack of information. But I did want to say without rehashing a lot of that. There is some information that we do know.

Rugolo and Jones, colleagues that I both had an opportunity to work with when I was on the Striped Bass Stock Assessment Program at DNR in the late 1980s, conducted a migration study.

There isn't anything else I'm aware of. It gives us some sense. You heard Ed talk about what they observe on the water.

The 2011 year class which we sought to protect is in its sixth year of life. The Rugolo and Jones data, to give you some estimation of what we're dealing with here, tells us that only 5.6 percent of the females are left in the Bay in their sixth year, and 16 percent of the males are left; that is a story you've heard many times from the Bay jurisdictional managers.

We primarily have a male fishery that we fish on. That gives you some numbers to work with, even though that study is a little bit older. The 2011 year class was the fourth biggest in the near 60 year history of the Maryland Juvenile Finfish Survey. By all accounts from everybody I've talked to, it is as advertised; it's that big.

As Mike said, I think we've protected that year class. That important year class is largely out of the Bay. I've heard some of the reports and read what John McMurray has put up. I enjoy his writing and John is starting to see some of that. Other people are seeing it, so it's happening. The '11 year class, as Mike said, has been protected. That begs the question, what's coming behind the '11 year class? Well, if you haven't looked the '12 year class was the lowest in the 60 year history of the Maryland Juvenile Finfish Survey; it was a 0.89. That is what they've got to look forward to as these fish move out, after that is the '13 year class, which is a 5.75, that is a pretty weak year class.

But we also know that these oscillations, based on environmental conditions, happen all through the time series. The good news is, in '14 we have a slightly above average year class, and I think personally it's probably a lot better than slightly above average; because three of the four systems that went into that survey were really good, and one tanked and dragged it down a little bit.

The '14s are probably pretty good and the '15s are the eighth biggest. That is a good year class. There is some relief on the horizon, but as Mike said, these guys may have some tough sledding; depending on how many of those '11s are still around. We're not overfishing and overfishing is not occurring. I mean this Board has an opportunity today to do something for these people that have reached out to you. I'll leave it at that and listen to what other folks have to say, and I appreciate that Mr. Chairman.

CHAIRMAN GILMORE: Next I have John McMurray.

MR. McMURRAY: A few things here. First, according to the TC analysis we could theoretically get away with a 10 percent increase in removals; if we base it on 2015. If we base it on 2016, if I'm understanding the briefing material right, it is suggesting that we need to do a 6 percent reduction. Is that correct?

We should keep that in mind for one. As far as economic impacts and the condition of the stock itself, certainly up the coast people suffer economic impacts from a reduction in abundance, me personally, and so do my colleagues. While the stock is not overfished, we're actually just above threshold. We're not even close to target.

I wouldn't claim that the stock is doing incredibly well, and it is incredibly abundant; I still think it has a ways to go. I don't really understand how we're harping on the fact that 2015 was just below target. To me the SSB would seem to be the more important indicator, and what we should base any sort of management decision on.

I think the intent really was to wait until the 2018 benchmark, and not to really change the regulations after two years; based on what the TC has told us is a statistically irrelevant difference between 0.16 and 0.18. Marty brought up the young of the year indices. I would want to point out that the ten year average is considerably lower than the prior two decades. I also have a question about timing. We have to go through a full addendum process

here, and it seems to me and maybe I have this wrong, like that would overlap the benchmark.

I mean we wouldn't expect to get this done in a couple of meetings, right? It would take a little while. I don't know why we would initiate an addendum when we're going to embark on a more thorough process to assess the stock, and have more information to make better management decisions. I have a few more things to say, but I think I'll cap it there. I don't support the motion, obviously.

MS. RACHEL DEAN: There is not much left to say that wasn't said already, so I would just say that the gentlemen that are here in the room today have been good stewards of this resource. They definitely feel like they have contributed their part, by not only protecting the 2011 year class, but also the spawning striped bass.

With the conservative reference points that we have, the strong year class that is coming, and the sex ratio that we know is different in the Bay. I would ask that you consider this. I don't pretend that I would be able to convince you, John, either to come over to our side. But I would ask you just to consider if you are seeing the positive effects of the work that they've put in.

Because they certainly have contributed to this in such a manner that they're now coming to us and asking for relief; relief that I think that within the numbers we could do without harming the stock, and we could still move forward with this. Thank you for that consideration.

MR. JASON McNAMEE: I guess I'll start off by saying my comments aren't meant to be callous. I also appreciate the gentlemen who have come here today, and the comments that we've heard so far. But I go back to this Board tasked the Technical Committee to look at some projections.

My guess is that was done to get an assessment of risk for making some management changes, and the feedback that we've received from the Technical Committee is there is too much uncertainty; both in the harvest estimates and in the differential between where the terminal estimate is, and the fishing mortality target is, to judge them as being different from each other. There is uncertainty in multiple aspects of all of the information, such that I don't believe there is any buffer with which to work to increase harvest, change management measures.

One final point is we're focused on fishing mortality; but there is also pretty close proximity with the spawning stock biomass threshold. The risk associated with dropping below that threshold, per the addendum is pretty severe as well. I guess a judgment on the riskiness of initiating something like this, the risk is too high at this point with the information we have available.

MR. O'REILLY: I feel like we're in the middle of the Continental Congress sometimes. I think debate is healthy, but I would like to hold on to what I perceive as the facts. The facts were given by Mike Luisi when he started off, the relevance of the 2015 terminal year versus doing, and I don't mean to step on any toes here, doing some static projections; some based on information that is not even final.

I see that as a truth anyway. I also see as a truth that in Virginia we have an area called the Northern Neck. It has suffered terribly. Its charter fishery has become very reduced, and to the point where I'm always surprised when I'm reviewing requests for delayed entry into the commercial fishery; because that's probably not the place to go either.

There have been some pretty severe economic impacts. I can't sight striped bass as the reason that our Wachapreague Charter Industry became decimated. I think that started with weakfish and then summer flounder did the rest. It is problematic when someone asks for some flexibility, and doesn't ask for his own state; but offers it to the coast and says, well who wants to avail yourselves of that situation? It is also problematic that with these projections, I still am

curious. There is a migration rate. That is not being addressed. Then you have to think well, to get to 28 inches at least, then where are the discards and where is the harvest and when does that occur and everything else. I think that that is sort of a weak point here as well. John Clark made a comment about the very conservative reference points. I would just like to say that SSB and F are linked, and SSB was our standard based on what 1995 was, until it was revised to be 1.25 times higher.

Some people that I respect in the stock assessment world who aren't here were shaking their heads at that point saying, how does that happen? How do we get to that spawning stock biomass? There is a lot here that I'm limiting myself to things that I know, not that others have given to me so I can interpret them some way different.

But all in all this is something that the Chesapeake Bay has really taken a turn down. If you look at the Virginia data, it is really not very attractive to watch what has happened over the last probably, it probably started with the economic downturn; but it certainly has continued with the recreational fishery. I think we just need to put all these comments together in our heads, and take a look at what Mike Luisi has offered.

DR. MICHELLE DUVAL: I also have the same concerns about timing that have been expressed by other Board members around the table, with regard to an upcoming benchmark. But I'm also very sensitive the unique characteristics of the Bay fishery, not dissimilar to the unique characteristics of the Albemarle/Roanoke stock that we have in North Carolina.

I'm also sensitive to the fact that the management regime changed significantly for the Bay states with the implementation of Addendum IV, and loss of the harvest control model to be able to respond to increases in abundance. My understanding, based on my reading of the terms of reference for the upcoming benchmark, is that this is one of those items that may be addressed.

The TC/SAS hopes to be able to provide stock specific reference points that would hopefully allow for some more flexibility in the management of the striped bass stocks along the Bay states. I guess when Jim asked me if I was speaking pro or con, and I did this; because I just wanted to offer, is there not a possibility of putting forward a plan for conservation equivalency. That is a tool that we have in the toolbox here.

I don't know if that is something that would work for the Bay states or any other state that feels like they have possibly an alternative means to meet the objectives that we're working under here. The Technical Committee provided some advice with regard to data to be used for conservation equivalency proposals, but also acknowledged that if there was justification for using alternative years the states could do so. I just throw that out as a potential compromise.

CHAIRMAN GILMORE: Next I have Steve Train.

MR. STEPHEN TRAIN: **With this meeting already starting after it should have ended, I would like to make a motion to postpone, and if I get a second I will explain why.**

CHAIRMAN GILMORE: Okay we have a motion to postpone. It's seconded by Ritchie White. If I remember my parliamentary procedures correctly this is non-debatable, so this simply would be.

MR. TRAIN: Until the May meeting I should have added, it has to be a time certain.

CHAIRMAN GILMORE: Oh, it has to be time certain, to the May meeting. Now it's not debatable, so we're just going to have to take a vote on this to postpone. Let me give you two minutes to caucus.

MR. LUISI: Point of Order, Mr. Chairman.

MR. ADAM NOWALSKY: Point of order, Mr.

Chairman.

MR. LUISI: I beat you.

CHAIRMAN GILMORE: I got seven points of order, so.

MR. LUISI: Similar to how we worked it out this morning; I think the timing is debatable to a motion to postpone. We can certainly debate the timing. I would like to make a comment to timing if we can do so.

CHAIRMAN GILMORE: You're right, Mike, go ahead.

MR. LUISI: It's been mentioned a few times about the timing of how this action would unfold; while I would in no way expect there to be any type of fast track addendum in this case, given the coastwide nature of it. We believe that if an addendum were initiated today and we could get out to the public between the May and the August meeting of this Board; that we might be able to take final action on the addendum in August, which could help cauterize the wound if we were granted some flexibility in the regulation.

It could really help with our fall fishery, and it could stop the bleeding for our charter and commercial fishermen that have been the ones sacrificing for this. Timing of a postponement to the May meeting will only kick this further along. I just fear that we won't have an opportunity in 2017 to take advantage of relaxation in regulations; if it were granted to us by the Board through the addendum. I can't support postponing this again.

CHAIRMAN GILMORE: Russ, I know you want to make a comment, but right now we're just commenting on the timing. Do you want to comment? Okay, does anyone else want to comment on the timeframe? John McMurray.

MR. McMURRAY: To Mike's comments. I'm not sure how that timeline would work. I think maybe there is an expectation like this is going to sail through. Once you start talking about a striped bass addendum, it really fires up a lot of people in my region and north. We can expect a big turnout and a lot of aggravated people. I don't suspect this is going to be an easy process. I just would note that that timeline seems rather ambitious. I don't know whether I support this yet or not. I haven't really heard the rationale for it, but I would like to before we vote.

CHAIRMAN GILMORE: Max has got some input, so let me go to Max first then I'll get to you, Ritchie.

MR. MAX APPELMAN: Yes, I just wanted to clarify the timeline. Mike was correct. The best case scenario is that the PDT would essentially bring a draft addendum to the Board in May, and that would then get approval at that time, go out for public comment and come back in August for final approval.

MR. G. RITCHIE WHITE: May I comment on the rationale for my second? Is that appropriate?
CHAIRMAN GILMORE: Sure.

MR. WHITE: Rationale for my second is that the public in Maryland knew of this coming and had a chance to weigh in. The rest of the public did not. This would allow, this would be an agenda item at the May meeting, so all the public then would have the ability to give input to all the commissioners before that meeting.

CHAIRMAN GILMORE: Mike.

MR. LUISI: Thank you Mr. Chairman, for another bite at this one. To the timing, I could be wrong but I think the meeting this morning was probably one of the more contentious meetings that we've had regarding options in addenda. I believe that that was one that carried through the course of a couple meetings. I would say that it's doable, it's absolutely doable.

To Mr. White's point about having an opportunity for stakeholders to be here today, well the whole purpose of an addendum is to go out to the public and get comment back to the

public for the Board. Motions and actions are taken all the time without everybody being aware of those actions that are going to be happening. I would say that the public will absolutely be able to weigh in through the process; delaying that process is only going to delay when that public information will be available to the Board.

CHAIRMAN GILMORE: Okay I'm going to call the question. I think we've had good debate on it, so let me just read the motion and we'll take a vote. Motion to postpone until the May meeting; the motion by Mr. Train and seconded by Mr. White, do we need a caucus for this? Okay two minutes for caucus.

MR. WHITE: Roll call.

CHAIRMAN GILMORE: Okay, I'm going to call the roll. I think we've had enough time to talk about this, so Max.

MR. APPELMAN: Following Kirby's lead, working from north to south. Maine.
MR. KELIHER: Yes.

MR. APPELMAN: New Hampshire.

MR. WHITE: Yes.

MR. APPELMAN: Massachusetts.

MR. MIKE ARMSTRONG: Yes.

MR. APPELMAN: Rhode Island.

MR. McNAMEE: Yes.

MR. APPELMAN: Connecticut.

MR. MATTHEW GATES: No.

MR. APPELMAN: New York.

MR. HASBROUCK: Null.

MR. APPELMAN: New Jersey.

MR. TOM BAUM: No.

MR. APPELMAN: Pennsylvania.

MR. SHIELS: Yes.

MR. APPELMAN: Delaware.

MR. CLARK: No.

MR. APPELMAN: Maryland.

MR. LUISI: No.

MR. APPELMAN: District of Colombia.

DISTRICT OF COLOMBIA: No.

MR. APPELMAN: Potomac River Fisheries Commission.

MR. GARY: No.

MR. APPELMAN: Virginia.

MR. KYLE SCHICK: No.
MR. APPELMAN: North Carolina.

DR. DUVAL: No.

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

DR. WILSON LANEY: Yes.

MR. APPELMAN: National Marine Fisheries Service.

MR. DEREK ORNER: Yes.

CHAIRMAN GILMORE: **The vote was 7 in favor, 7 against, 1 null vote. The motion fails for lack of a majority. We're back to the original motion on the table.** I had a couple more comments. Time out, we have to have a recount; 7, 8, null, so it fails, same result, different vote. I had a couple more comments left. I had Steve, you put up the motion. Then I had Russ Allen, you were next.

MR. RUSS ALLEN: I'm very conflicted on this one. We had an argument this morning, and a discussion about summer flounder; where every one of these discussion points were exactly the same ones we made for summer flounder. As most people know, I usually have no problem moving forward with striped bass; in order to help the Chesapeake states get what they need over time.

This is what has made it really conflicting, because if you were at our public hearing for summer flounder, we had well over 150 people in that room; with the same complaints that we're talking about today. It is a little mind numbing for me on this one. But I can see where I would be going against my own principals if I voted against this, so I probably will be in favor of this motion.

CHAIRMAN GILMORE: Where did Ritchie go? I'm back to Mike Luisi again. Mike do you have other comments?

MR. LUISI: To the point that was just made by Russ. All morning this morning we talked about how to provide some flexibility when that flexibility is needed. I think you've heard from me and my other colleagues in our area that we need something, we need help. I'll leave it at that. But not only do we need help, but I think that there is opportunity for other coastal states that may be able to take advantage, to some degree, to what I believe is a very limited risk on a stock that is in a healthy condition; and where reference points are very conservative. I'll leave it as my last point, and I appreciate you coming back to me, Mr. Chairman.

CHAIRMAN GILMORE: Any other comments? Go ahead, Mike.

MR. ARMSTRONG: I hear very clearly the pain, very clearly. But we can't science our way out of this problem. This is the wrong motion. The motion should be an amendment on Addendum to relax the targets; or whatever you think it needs. I wouldn't support that. I support what we have in place.

But we just heard the science do projections that say; no matter what we do, we're not going to get more fish on the path we are. The only thing is we raise the target for F. To Michelle's point, it may be conservation equivalency in the Bay that gets us. From where I sit at a target of 0.18, and we're nowhere near the target SSB, we are playing in the grounds of violating the trigger of the SSB. This motion is going to have the Technical Committee, of which my guy is the Chair, and he spends 40 hours a week working on striped bass; and he'll look at me and say, you're crazy. We're going to give you the same answer. Not that that's wrong, but I don't want to charge these folks with doing the same analysis again and getting the same answer. What I started off with. If we want to consider raising the F, it is conservative. It is a good F for recreational fishery. If we want to lower SSB targets, then I don't know if that is an amendment or an addendum. But in my mind that is where we're at. This is the wrong way to go, and I vote against it.

CHAIRMAN GILMORE: Okay I think we've gone through all the questions on both sides. I think we're ready for a vote on this. Let me go just to the public before we vote on it. Does anybody from the public want to comment? Okay seeing no comments; no hands raised from the audience. We'll come back to the Board. I think we'll give everybody a three minute caucus on this, because I think we're going to need it; unless there is any final shot. I think everyone is pretty well – okay three minutes to caucus. Okay we're ready for the vote.

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

CHAIRMAN GILMORE: Sure. Okay we're going to do a roll call vote on this. Go ahead, Max, when you're ready.

MR. APPELMAN: Maine.

MR. TRAIN: No.

MR. APPELMAN: New Hampshire.

MR. DOUGLAS E. GROUT: No.

MR. APPELMAN: Massachusetts.

MR. ARMSTRONG: No.

MR. APPELMAN: Rhode Island.

MR. McNAMEE: No.

MR. APPELMAN: Connecticut.

MR. GATES: Yes.

MR. APPELMAN: New York.

MR. HASBROUCK: Yes.

MR. APPELMAN: New Jersey.

MR. ALLEN: Yes.

MR. APPELMAN: Pennsylvania.

MR. SHIELS: No.

MR. APPELMAN: Delaware.
MR. CLARK: Yes.

MR. APPELMAN: Maryland.

MR. LUISI: Yes.

MR. APPELMAN: District of Colombia.

DISTRICT OF COLOMBIA: Yes.

MR. APPELMAN: Potomac River Fisheries Commission.

MR. GARY: Yes.

MR. APELMAN: Virginia.

MR. SCHICK: Yes.

MR. APPELMAN: North Carolina.

DR. DUVAL: Null.

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

DR. LANEY: No.

MR. APPELMAN: National Marine Fisheries Service.

MR. ORNER: No.

CHAIRMAN GILMORE: **The motion passes 8 to 7 to 1 null vote. The motion is approved**. If we're going to embark on an addendum, we're going to have to get some feedback to the Plan Development Team; and we're going to have to work, to I guess Max and the Technical Committee are going to have to be working and may need some information back from the states.

We may have to put together a subgroup, depending, I was sort of hoping we would get cooperation; particularly from the Bay states on this. Max, do you want to add anything else? Okay. I believe as I recall before, we were not going to do Items 5 and 6. We're just down to other business. The food is spoiling; so just keep that in mind.

ADJOURNMENT

CHAIRMAN GILMORE: Is there any other business to come before the Striped Bass Board today? Seeing none, a motion to adjourn; seconded by everybody. Thank you very much.

(Whereupon the meeting adjourned at 12:55 p.m. on February 2, 2017.)