PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

ATLANTIC STRIPED BASS MANAGEMENT BOARD

Webinar
January 26, 2022

Approved May 4, 2022

Proceedings of the Atlantic Striped Bass Management Board Webinar
January 2022

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1. **Approval of Agenda** by consent (Page 1).

2. **Approval of Proceedings of October 20, 2021** by consent (Page 1).

3. **Move to remove in Section 4.1: Management Triggers, sub-option B3 in Tier 1: Fishing Mortality Management Triggers (three year average F exceeds the F threshold) from draft Amendment 7 (**Page 10). Motion by Megan Ware; second by John McMurray. Motion carried (Page 16).

4. **Move to add an option to Section 4.4: Rebuilding Plan that considers an alternative process for responding to the 2022 stock assessment, as follows: If the 2022 stock assessment results indicate the Amendment 7 measures have less than a 50% probability of rebuilding the stock by 2029 (as calculated using the recruitment assumption specified in Amendment 7) and if the stock assessment indicates at least a 5% reduction in removals is needed to achieve F rebuild, the Board may adjust measures to achieve F rebuild via Board action** (Page 26)**.** Motion by Mike Armstrong; second by Jason McNamee. Motion carried (Page 32).

5. **Motion to remove Section 4.2.1 Measures to Protect Strong Year Classes (Recreational Size and Bag Limits) from Draft Amendment 7** (Page 33). Motion by Justin Davis; second by Dave Borden. Motion carried (Page 34).

6. **Move to approve Draft Amendment 7 for public comment as modified today** (Page 42). Motion by Emerson Hasbrouck; second by Justin Davis. Motion carried (Page 42).

7. **Move to adjourn** by consent (Page 44).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)
Sen. David Miramant, ME (LA)
Cheri Patterson, NH (AA)
Ritchie White, NH (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)
Mike Armstrong, MA, proxy for Dan McKiernan (AA)
Raymond Kane, MA (GA)
Sarah Ferrara, MA, proxy for Rep. Sarah Peake (LA)
Jason McNamee (AA)
David Borden, RI (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Justin Davis, CT (AA)
Bill Hyatt, CT (GA)
Jesse Hornstein, NY, proxy for J. Gilmore (AA)
Emerson Hasbrouck, NY (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)
Joe Cimino, NJ (AA)
Tom Fote, NJ (GA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Loren Lustig, PA (GA)
G. Warren Elliott, PA (LA)
John Clark, DE (AA)
Roy Miller, DE (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Mike Luisi, MD, proxy for B. Anderson (AA)
Russell Dize, MD (GA)
David Sikorski, MD, proxy for Del. Stein (LA)
Pat Geer, VA, Administrative proxy
Bryan Plumlee, VA (GA)
Shanna Madsen, VA, proxy for Sen. Mason (LA)
Chris Batsavage, NC, proxy for K. Rawls (AA)
Jerry Mannen, NC (GA)
Bill Gorham, NC proxy for Rep. Steinberg (LA)
Marty Gary, PRFC
Dan Ryan, DC, proxy for J. Seltzer
Max Appelman, NMFS
Mike Millard, USFWS

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

Ex-Officio Members

Kevin Sullivan, Technical Committee Chair
Mike Celestino, Stock Assmnt Subcommittee Chair
Kurt Blanchard, Law Enforcement Representative

Staff

Bob Beal
Toni Kerns
Laura Leach
Tina Berger
Pat Campfield
Lisa Carty
Kristen Anstead
James Boyle
Katie Drew
Maya Drzewicki
Emilie Franke
Lisa Havel
Chris Jacobs
Jeff Kipp
Sarah Murray
Caitlin Starks
Deke Tompkins

Guests

Dave Anderson
Jerry Audet
Pat Augustine, Coram, NY
Jason Avila, Avila Global
Matt Ayer, MA DMF
Duncan Barnes
Megan Barrow, NYS DEC
Mel Bell, SC (AA)
Rick Bellavance
John Bello
Peter Benoit, Ofc. Sen. King, ME
Josh Bergan
Alan Berger
Jessica Best, NYS DEC
Alan Bianchi, NC DENR

Guests (continued)

Andrea Bolduc, MA House
Christopher Borgatti
Jason Boucher, NOAA
Peter Bravo
Andrew Briggs
Matt Broderick
Simon Brown, MD DNR
Jeff Brust, NJ DEP
George Bucci
Erika Burgess, FL FWS
Tony Butch
Jonathan Cabrera
Chris Campo
Bruce Caporale
Chris Cassel
Patrick Cassidy
Bryan Choquette
Matthew Cieri, ME DMR
Peter Clark, NJ DEP
Germain Cloutier
Josh Cohn
Allison Golden, CBF
Margaret Conroy, DE DFW
Margaret Conroy, DE DFW
John Contello
Colleen Coogan, NOAA
Michael Cook
Brian Coombs
Joe Coppola
Heather Corbett, NJ DEP
Nicole Lengyel Costa, RI DEM
Nathan Cowen
Jack Creighton
Greg Cudnik
Rip Cunningham
Jessica Daher, NJ DEP
Bob Danielson
Rachel Dean
Dominic De Flumeri
Louis Defonten
Laura Deighan, NOAA
Greg DiDomenico
Lawrence Di Donato
Evan Dintaman
Steve Doctor, MD DNR
Chris Dollar
Timothy Donnelly
Carl Dulay
Mark Eustis, Grey Owl Analytic
Peter Fallon, Maine Stripers
Jimmy Fee
Lynn Fegley, MD DNR
Cynthia Ferrio, NOAA
Kenneth Fletcher, CBF
Julien Frank
Sewell Frey
Anthony Friedrich, SGA
Tom Fuda
Lorena de la Garza, NC DENR
John Gans, TRCP
Jeffrey Gearhart, NOAA
Paul Genovese, MD DNR
Lewis Gillingham, VMRC
Angela Giuliano, MD DNR
Willy Goldsmith
Frank Goncalves
James Goodhart
Jesse Gordon, RCN
Kurt Gottschall, CT DEEP
Tyler Grabowski, PA F&B
Jake Hardy
Cynthia Harkness
Brenden Harrison, NJ DEP
Eric Harrison
Andrew Hayes
James Henne, US FWS
Helen Takade Heumacher, EDF
Rebecca Heuss, NH FGD
Jaclyn Higgins, TRCP
Carle Hildreth
Nicholas Hill
Peter Himchak, Cooke Aqua
Rich Hittinger
Scott Hoffer, SAPPI
Carol Hoffman, NYS DEC
Joe Holbeche, U Mass
Jacob Holtz, MD DNR
Jeffrey Horne, MD DNR
Harry Hornick, MD DNR
Chris Horton
Edward Houde
Tom Hughes
Bob Humphrey
Jim Hutchinson
Taylor Ingraham
Stephen Jackson, FL FWS
Peter Jenkins
Blaise Jenner, ME DMR
James Jewkes
Gerald Jones
Michael Kapareiko
TJ Karbowski
Kurt Karwacky
Pat Keliher, ME (AA)
Brian Kendall
Carrie Kennedy, MD DNR
Greg Kennedy, NYS DEC
Adam Kenyon, VMRC
Ross Kessler, MA DMF
Rich King
Thomas Kosinski
Richard Kuhlman
Aaron Landry
Wilson Laney
Brandon Lansing
Nils Larson
Peter Leary
Kyle Lewis
Ole Leyva
Carl Lobue, TNC
Nick Lombardi
Brooke Lowman, VMRC
Dee Lupton, NC DENR
Chip Lynch, NOAA
Pam Lyons, Wild Oceans
Edward Maley
Christian Martin
Frank Masseria
Genine McClair, MD DNR
Tara McClintock, Cornell
Dan McKiernan, MA (AA)
Conor McManus, RI DEM
Kevin McMenamin
Frank Meisel
Jeff Mercer, RI DEM

Guests (continued)

Nichola Meserve, MA DMF
Steve Meyers
Steve Minkkinen, FL FWS
Pete Mohl
Remy Moncrieffe, Audobon
Chris Moore, CBF
Brian Neilan, NJ DEP
Brandon Muffley, MAFMC
Allison Murphy, NOAA
Khoa Nguyen
Adam Nowalsky
Callan Noone
George O'Donnell, MD DNR
Zane Oliver
Christian Olla
Derek Orner
Alexi Papadopoulo
Patrick Paquette
Ian Park, DE DFW
Alexis Park, MD DNR
Justin Pellegrino, NYS DEC
Dave Peros
Patrick Perrotto
Wes Phillips
Anthony Pizzella
Kelly Place
Michael Plaia
Nick Popoff, FL FWS
Mike Porta, PA F& B
Will Poston, SGA
Brian Potvin
Nick Prawer
Hunter Priebe
Evan Priovolos
Michael Quinlan
Jill Ramsey, VMRC
Thomas Rapone
Kathy Rawls, NC (AA)
Andrew Reichardt, Flyfishers Intl.
Paul Risi, KBCC, NYC
Matthew Risser
Patrick Rudman
Courtney Roberts
Lenny Rudow
Tony Sarcona
David Secor, UMD CES
Alexei Sharov, MD DNR
Phillip Sheffield
Matthew Shoultz
Harold Smith
Somers Smott, VMRC
Dustin Sperling
Eric Spicer
Mike Spinney
Ross Squire
Michael Stangl, DE DFW
Lauren Staples, NH FGD
Graham Stephens
David Stormer, DE DFW
Elizabeth Streifeneder, NYS DEC
Dave Surdel
John Sweka, US FWS
George Sylvestre
Colin Temple
Lane Thurgood
Luis Tirado
Michael Toole
JC Unser
Jim Uphoff, MD DNR
Chris Uraneck, ME DMR
Peter Vandergrift
Taylor Vavra, Stripers Forever
Thomas Ventrone
Beth Versak, MD DNR
Mike Waine, ASA
Arek Zenel-Walasek
Michael Walp
Craig Weedon, MD DNR
Peter Wenczel
Greg Wenz
Ben Whalley
Peter Whelan
Zachary Whitener, GMRI
Lowell Whitney, US FWS
Kate Wilke, TNC
Angel Willey, MD DNR
John Page Williams
Logan Williams
Roxanne Willmer
Charles Witek
Steven Witthuhn
West Wolfe, *The Leader*
Michael Woods
Spud Woodward, GA (GA)
Chris Wright, NOAA
John Wu
Harvey Yenkinson
Phil Zalesak
Christopher Zikowitz
Jordan Zimmerman, DE DFW
Erik Zlokovitz, MD DNR
Renee Zobel, NH FGD

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, January 26, 2022, and was called to order at 1:30 p.m. by Chair Martin Gary.

CALL TO ORDER

CHAIR MARTIN GARY: I would like to call to order the Atlantic States Marine Fisheries Commission Winter, 2022, Striped Bass Management Board. Today, well first of all for those of you who don't know me, my name is Marty Gary, I'm from the Potomac River Fisheries Commission. I'm the incoming Chair, this will be my first meeting.

Previously David Borden served through October of last year. Our Vice-Chair is currently vacant. We'll be addressing that vacancy at the May board meeting. Our Technical Committee Chair is Kevin Sullivan, from New Hampshire. Our Advisory Panel Chair is Lou Bassano from New Jersey. Our Law Enforcement Committee representative is Kurt Blanchard from Rhode Island. Previously this Board met on October 20, 2021.

First order of business is to go to, and actually, before we do that. I want to take a moment to provide some gratitude and thanks to the outgoing Chair, David Borden. David served through October of this past year, 2021, and had to navigate a labyrinth of meetings, and the logistics associated with them, the work group that met in the summer of 2020. It was a tremendous amount of work. David, we just want to thank you for your leadership, and all your hard work that went into that, so thank you very much.

MR. DAVID V. BORDEN: Yes, thanks.

CHAIR GARY: You're welcome, David, it's great work. You have gotten us tantalizingly close with this Amendment, so hopefully we'll be able to get that through at this meeting, and then out to public comment. The public has been very patient waiting for this. One other item I wanted to hit.

We have a dynamic Board, it changes a lot, and there is one name that I'm not familiar with. Maybe it's a mistake, but Jesse Hornstein. Jesse, I don't think I've met you personally, but maybe somebody else has already welcomed you through the other boards, but welcome to the Striped Bass Board. As I understand, you are the Administrative Proxy for James Gilmore, so welcome, Jesse.

MR. JESSE HORNSTEIN: Thank you.

APPROVAL OF AGENDA

CHAIR GARY: All right, so we'll go ahead and move into the agenda. The first order of business is Approval of the Agenda. Are there any changes, modifications to the agenda as it's been presented today?

MS. TONI KERNS: I have no hands, Marty.

APPROVAL OF PROCEEDINGS

CHAIR GARY: Thank you, Toni, and so the agenda is approved by consent. Next up is the Approval of the Proceedings from October, 2021. Are there any modifications to the last meeting of this Board in October, 2021?

MS. KERNS: I have no hands.

CHAIR GARY: That approval of those proceedings; it's also approved through consent.

PUBLIC COMMENT

CHAIR GARY: Next up, Number 3 on our agenda is Public Comment. This is for issues that are not on our agenda today. I would ask those individuals that would like to make comment for these items that aren't part of our agenda, if they could raise their hand now, and Toni, if you could just let me know how many we have, so we can budget time appropriately.

MS. KERNS: I'm just giving it a second to let hands get up. Phil, I see that your hand is up, but you are not connected to the audio, so I can't unmute you. Hopefully you got the message about who you can

call to help get you connected. I don't know what else to do there, Marty. Not the only hand we have.

CHAIR GARY: Okay, well I'm hoping that if there are other items that Phil would like to comment on. It is my intention, if there are any modifications to the items that are being presented today that we'll be getting to fairly shortly. Whether it's an addition, a deletion or a modification, probably an opportunity, so that maybe there is a way Mr. Zalesak can still provide his thoughts.

All right, so the only other item I want to discuss, before we go into the next item, which is Consider Draft Amendment 7 for Public Comment, is my status as Chair. I think most of you know that PRFC does not have a delegation. I'm the sole representative for the Agency. As such, I'm going to be voting today.

I did discuss this with Bob and Toni, and so that is discretion that I have and I can exercise. It is my intention. I just want to go on the record as saying, I will be voting for PRFC today. With that, we'll go to Item Number 4, Consideration of Draft Amendment y for Public Comment. I'll turn it over to Emilie.

But I'll just let everybody know, our primary objective today is to take the document, and for those items that Emilie is going to be presenting, our mission here today, our objective is to, we can either leave items in the document, we can remove them, we can modify them, or we could add something. It would be my intention to, time permitting, provide the public comment, if any modification, addition or deletion were to occur. Emilie, I'll turn it over to you and we'll start this Item Number 4, Consider Draft Amendment 7 for Public Comment.

CONSIDER DRAFT AMENDMENT 7 FOR PUBLIC COMMENT

MS. EMILIE FRANKE: I'll go ahead and get this presentation started. Again, thanks so much, Mr. Chair. As you mentioned, I will be presenting an overview of striped bass Draft Amendment 7 today for the Board's consideration. Here is just an outline of the presentation today. I'll start with a brief background on the Amendment and the timeline, and then I'll transition to reviewing the proposed options, with a focus today on the new options that have been added or modified since the October board meeting.

Those new options are in the management trigger section, the measures to protect strong year classes section, and the rebuilding plan section. Then throughout the presentation today I'll note comments from the Advisory Panel on those new options, and then I'll conclude today with reviewing the remaining options in the recreational release mortality and the conservation equivalency sections.

Then as part of that recreational release mortality review, I'll also review some discussion from the Law Enforcement Committee from their winter webinar. Then finally, similar to the previous board meeting in October, I'll pause for Board questions and discussions after one or two sections, and as Marty mentioned, the Board action for consideration today is to consider approval of Draft Amendment 7 for public comment.

First, I would like to thank the Plan Development Team for their time developing this draft document, and working through all these options. We've had several more meetings since the October board meeting, so again I want to thank them for their time. I also want to thank the Technical Committee for providing the projections for the year class section that I'll review during this presentation.

Starting with a brief recap of the background on Amendment 7. Since Amendment 6 was adopted in 2003, the status of the striped bass stock and fishery has changed considerably. The results of the 2018 benchmark stock assessment in particular, led the Board to discuss a number of issues facing striped bass management.

That assessment indicated that the stock has been overfished since 2013, and is experiencing overfishing. In August of 2020, the Board initiated

the development of Amendment 7, to update the management program to better align with current fishery priorities, and to build on the Addendum VI action to initiate stock rebuilding.

In May of last year, following the public comment period on the public information document, or PID. The Board approved four issues for development in the draft amendment, and those issues are Management Triggers, Measures to Protect the 2015 Year Class, which was initially focused on the ocean recreational fishery, Recreational Release Mortality and Conservation Equivalency.

At the October, 2021 Board meeting, the Board did discuss Draft Amendment 7 and the proposed options that were presented, and the Board decided to remove some of the draft options, due to concerns about viability for implementation. Those removed options are no longer in the Draft Amendment that was provided to you for review today. Also at the October meeting, the Board tasked the Plan Development Team with developing additional options to add to the draft, for the Board to review today at the winter meeting. Those additional options that have been added were an additional option for the fishing mortality threshold trigger, options to consider low recruitment in the rebuilding calculations and rebuilding plan, and then options for Chesapeake Bay recreational measures, to protect strong year classes. Since the October board meeting, as I mentioned, the Plan Development Team has met via webinar several times to develop these new options.

In addition to the new options, the PDT Has also modified some of the other options in the Draft Amendment, and those modifications were explained in the memo from the PDT that was included in the meeting materials. Then finally, the PDT also updated the Amendment with clarifying edits as needed throughout the draft.

Here is the current timeline for Amendment 7. As I mentioned, following the PID process, which wrapped up in May, the PDT has been developing the Draft Amendment, based on direction from the Board, including the changes made by the Board at the October, 2021 meeting. Currently, we are here in January, 2022 for the Board to consider approving the Draft Amendment for public comment.

If the draft is approved for public comment today, the public comment period would take place from February through April, and the final Amendment could be approved potentially in May of this year. As a reminder, the next stock assessment update is expected later this year in October. Just a couple of reminders on implementation timeline for Amendment 7.

The implementation timeline will be determined by the Board during final approval of the Draft Amendment. This includes setting a deadline for states to submit implementation plans, and a deadline for implementation, and those will be specified in Section 5.2, which is the compliance schedule.

Draft Amendment 7, as we all know, includes options for several different provisions, which could have different implementation timelines. For example, any new management measures that would require states to change their regulations, so for example, measures to address recreational release mortality would likely be implemented in 2023, to allow time to make those regulatory changes.

On the other hand, management triggers are typically implemented immediately upon approval of the Amendment. Those new triggers would be evaluated during the 2022 assessment update later this year. The Board could specify a different implementation timeline if needed for the management triggers, for example, if any state's regulations were tied to those triggers.

Listed here on the side are an outline of the components of the draft amendment document, Section 1 includes Statement of the Problem, Benefits of Implementation, Habitat Considerations. Section 2 includes the History of Management, Goals and Objectives, Description of the

Management Unit, Reference Points, and Stock Rebuilding Program.

Section 3 of the Amendment specifies monitoring program information, including catch and landings data, biological data, and also an overview of the stock assessment process. Section 4 is the Management Program and Proposed Options section, which includes all the proposed options that I'll be reviewing today. Those are options for Management Triggers, Recreational Measures, the Rebuilding Plan, and Conservation Equivalency. Section 4 does also include the Adaptive Management section. Then continuing on, Section 5 is the Compliance Section, and that includes all the mandatory Compliance Elements, and outlines the Compliance Reports and those procedures.

Section 6 describes Management and Research Needs, and Section 7 reviews Potential Interactions with Protected Species. For the rest of my presentation today, I'll transition to reviewing the proposed options in the Draft Amendment. Again, starting with those new options that have been added since the October board meeting.

I'll start with Management Triggers, followed by Measures to Protect Strong Year Classes, and the Rebuilding Plan section. Then as I mentioned, I'll wrap up with the Recreational Release Mortality and Conservation Equivalency section. I'll pause after one or two sections for questions or discussion from the Board, and then as Mr. Chair mentioned earlier, just as a reminder, today the Board could modify the proposed options if desired, and the Board could consider approving this Draft Amendment for public comment.

Throughout my presentation, I had mentioned I'll be including the Advisory Panel comments. The Advisory Panel met in January, to provide feedback on the scope of the new proposed options that were added since October. I'll include those comments throughout my slides today. The full AP summary was included in the supplemental materials for the meeting.

In addition, the Law Enforcement Committee met via webinar in December, and briefly discussed the proposed options to address recreational release mortality, and their input will also be included in my presentation today. Moving into the proposed options, the first section for review is Section 4.1, which is the management triggers.

The statement of the problem for this issue outlines some of the concerns with how the current management triggers are designed. Those concerns include that when spawning stock biomass is below the target, the variable nature of fishing mortality from year to year can result in a continued need for management action.

In addition, the shorter timetables for corrective action, as required through the triggers, are in conflict with the Board's desire for management stability. The Board has also been criticized for considering changes to management, before the stock has had a chance to respond to previous management changes.

The use of point estimates for management triggers does not account for an inherent level of uncertainty, and that was identified as a potential concern. Then finally, the long periods of below average recruitment in recent years have raised questions about the recruitment trigger. The PDT divided the trigger options into four tiers.

The first tier outlines the fishing mortality trigger options. The second tier outlines the female spawning stock biomass trigger options, the third tier outlines the recruitment trigger options, and the fourth-tier outlines options for deferred management action. Within each tier is a set of primary options and sub-options to consider, and this framework is designed to allow the Board and the public to consider each of the triggers individually. One note from staff is that language will be added to the Draft Amendment noting that during stock assessment years the recruitment trigger should be evaluated concurrently, when possible, with the fishing mortality and spawning stock biomass triggers, at the time the assessment results are presented.

For example, stock assessment updates are typically presented to the Board at the annual meeting in October. During those assessment years the Board would evaluate the recruitment trigger at the October meeting as well. This would ensure that the Board has the best available information on the stock, when evaluating all the triggers.

Staff does recognize that evaluating the recruitment trigger at the same time as the fishing mortality and spawning stock biomass triggers, may not always be possible during benchmark assessment years. The timing of benchmark assessments can be variable, but when it is possible, all the triggers should be evaluated at the same time during stock assessment years.

Moving into Tier 1, which are the fishing mortality triggers. The first set of options is Option A, the timeline to reduce fishing mortality to the target. When one of the fishing mortality triggers is tripped, Sub-Option A1 would require reducing F to the target within one year. That is the status quo. Sub-Option A2 would require reducing F to the target within two years.

Option B is the fishing mortality threshold trigger. If this trigger is tripped, the Board must reduce F to the target per the timeline selected in the options that I just described in Option A. B1 is the status quo option, where the trigger is tripped if F exceeds the threshold for one year. Sub-Option B2 is a new option that was added by the Board based on the October board meeting that would trip if the two-year average of F exceeds the F threshold.

Then Sub-Option B3, the trigger would be tripped if the three-year average of F exceeds the threshold. As I mentioned, at the October meeting the Board discussed the concern about averaging F rates from different management actions. The PDT clarified in the Draft Amendment that for these multiyear average trigger options, Sub-Options B2 and B3, the average should not include data under different management actions.

The trigger would not be evaluated, unless there are enough years of data to average under the most recent management action. For example, the stock assessment this year will include two years of data under Addendum VI. Those two years of fishing mortality could be averaged under Sub-Option B2.

However, if Sub-Option B3 was selected, that trigger could not be evaluated, because there wouldn't be three years of data available to evaluate. From the Advisory Panel perspective, some AP members did support considering these multiyear average options during the public comment period, to address some concerns about uncertainty around MRIP and variability of F.

Another AP member noted concern about the multiyear average options, and concern about having to wait two or three years for enough data, before taking action to reduce F. Moving on to Option C. This is the fishing mortality target trigger. If this trigger is tripped, the Board must reduce F to the target, again per the timeline selected in Option A. C1 is the status quo option, where the trigger trips if F exceeds the target for two years, and if spawning stock biomass is below the target in either year. C2 would trip if F exceeds the target for three consecutive years, and C3 would eliminate the trigger related to F target.

Moving on to Tier 2, which are the female spawning stock biomass triggers. Again, there are three sets of options for the Board to consider. Option A considers the deadline to implement a rebuilding plan when a spawning stock biomass trigger is tripped, which requires rebuilding within ten years.

The status quo option, A1 is no deadline for when a rebuilding plan must be implemented. A2 would require the Board to implement a rebuilding plan within two years from when that trigger is tripped. Continuing on to Option B, which is the spawning stock biomass threshold trigger. B1 is the status quo option, where the trigger is tripped if SSB is less than the threshold for one year.

Sub-Option B2 would eliminate that trigger related to the spawning stock biomass threshold. Option C is the spawning stock biomass target trigger. C1 is the status quo option, where the trigger trips if SSB

is less than the target for two consecutive years, and if F is above the target in either year.

C2 would trip if SSB is below the target for three consecutive years, and then C3 would eliminate a trigger related to the SSB target. Again, it's important to note that there must be at least one SSB trigger, so the Board could not eliminate both the SSB target and the SSB threshold triggers.

Moving on to Tier 3, which is the recruitment trigger. The first component to consider for the recruitment trigger is the definition of the trigger itself. The status-quo trigger A1 was designed to identify true recruitment failure, and this trigger would trip if any of the six juvenile abundance indices are below the 25th percentile of their established reference period for three consecutive years.

As requested by the Board, the recruitment trigger alternatives, developed by the Technical Committee, Options A2 and A3 here, would be more sensitive than the status quo trigger. These Sub-Options A2 and A3 would change the trigger reference period to 1992 to 2006. This was identified as a period of high recruitment, and this results in more sensitive trigger options.

Sub-Option A2 would have a moderate sensitivity, and that would trip if any of the four core juvenile abundance indices, and so those are the four juvenile abundance indices that are used in the stock assessment, are below the 25th percentile, from 1992 to 2006 for three consecutive years. Sub-Option A3 would have a higher sensitivity, and would trip if any of the four core juvenile abundance indices is below the median from 1992-2006 for three consecutive years.

Again, there is that hierarchy of the status quo moving to the moderate sensitivity and then the higher sensitivity options. The second component of the recruitment trigger is the management response. The status quo option B1 requires the Board to review the cause of recruitment failure, and determine the appropriate action if the trigger is tripped. For the alternatives here, the PDT removed a previous alternative that would have initiated stock rebuilding. After further discussion after the October board meeting, the PDT noted that stock rebuilding is a more appropriate response to the SSB triggers, and not to the recruitment trigger.

In addition to that modification, the PDT did modify Sub-Options B2 and B3, which are both intended to reduce fishing pressure as those weak year classes enter the population. Both Sub-Options B2 and B3 are based on calculating interim F reference points, using a low recruitment assumption. However, these sub-options are slightly different in determining when action would be required to reduce F.

The PDT noted in the memo for today that the PDT recommends the Board consider whether one of the approaches that I'll present on the next slide, B2 or B3, if one of those best aligns with what the Board was intending for this recruitment trigger response. Starting with B2 on the left here, B2 would implement an interim F target, calculated using the low recruitment assumption, if the recruitment trigger is tripped.

Then F in the terminal year would be compared to that lower F target, and if F in the terminal year is less than that interim F target, the Board would need to reduce F within one year. On the right side, Sub-Option B3 would similarly use a low recruitment assumption to calculate an interim F target, and would also calculate an interim F threshold.

Then here is where these two options diverge. B3 would use those lower interim F reference points to reevaluate the fishing mortality triggers, using those lower F reference points. This option would go back to the definitions of the triggers that the Board selected under Tier 1, and plug in those new lower F target and F threshold.

If one of those F based triggers tripped during this reevaluation, then the Board would be required to reduce F. The difference here is a little bit subtle, but B2, which evaluates one point estimate of F

against the target, is more conservative than B3, which uses the already defined triggers from Tier 1.

Again, if the Board has any discussion on which of these approaches best aligns with the Board's intent here, it might be helpful to consider. Then to wrap up this section, the final tier, Tier 4 is the deferred management action section. Option A is the status quo option, which is no deferred management action.

That is, if a management trigger is tripped at any time, the Board must take the required action. The alternatives presented here would provide the Board with the flexibility to defer action until the next stock assessment, if certain criteria are met. These options again were developed in response to the concern about the frequent need to make management changes.

Option B would allow action to be deferred until the next assessment, if it's been less than three years since the last action was taken responding to a management trigger. Option C would defer action until the next assessment, if the F target trigger is tripped and SSB is above the target. Option D would defer action until the next assessment, if the F target trigger is tripped, and SSB is projected to increase or remain stable over the next five years. Option E would defer action if the F target trigger is tripped and there is at least a 75 percent probability that SSB will be above the threshold for the next five years. That is looking at the probability of SSB being above the threshold in that fifth year.

Previously this Option E required at least a 50 percent probability, but the PDT modified this option to require at least a 75 percent probability, in order to increase the level of confidence when the Board is considering differing action. Then finally, Option F would defer action until the next assessment, if a management trigger trips after the Board has already initiated action in response to a different trigger. Mr. Chair, that's all I Have for management triggers, and I'm happy to take any questions, or provide any more detail, if needed.

CHAIR GARY: Thank you, Emilie, and as we decided up front, we're going to go through these sequentially, so thanks for the presentation on the management triggers. We're now going to take questions from the Board for Emilie, regarding any clarification you need. Then we're going to move into a discussion, and consider any potential modification, removal or additions. Questions for Emilie, and I'll rely on Toni if you could. I'm not a presenter, so if you could go ahead and maintain the queue for questions, please.

MS. KERNS: Will do, Marty, thank you, Mr. Chair. John McMurray is the only person with a hand up for now.

CHAIR GARY: All right, John.

MR. JOHN G. McMURRAY: I have a question regarding the F threshold trigger Sub-Option B3, which is the three-year average option. Particularly the sub text below B3, which says, the three-year average F should not include data under different management actions, i.e., the F threshold trigger should not be evaluated unless there are at least three years of data in the assessment under the most recent management action.

Based on the frequency of assessments, which is generally every two years, and it's rarely more than that, and subsequent management actions that take place. This would appear to me to effectively limit the years of data available, and there would almost never be a time when there are at least three years of data in the assessment under the most recent management action. Am I interpreting that option right, because it seems really unlikely that a threshold would ever be tripped under that option?

MS. FRANKE: You are interpreting that correctly, in that the trigger couldn't be evaluated under Option B3, unless there were three years of data available under the most recent management action. The PDT wanted to provide the Board with this range of average options.

Again, considering an average threshold trigger here would be a way for the Board to address concerns about variability. One of the things that as also noted in the Amendment, which I did not note on the slide, is that the Board isn't constrained by taking action only if the trigger trips. The Board could take action at any time. But you are interpreting that correctly.

MR. McMURRAY: Follow up, Mr. Chair.

CHAIR GARY: Yes, go ahead, John, all yours.

MR. McMURRAY: Theoretically overfishing could continue, but because of the frequency of assessments, no management action would be required, correct?

MS. FRANKE: Correct, if there are less than three years of data available, then the trigger couldn't be evaluated.

MR. McMURRAY: Okay, one more quick one, and then I'll cut it off if I can, Mr. Chairman. I haven't been around as long as a lot of you guys here, but has there ever been a time since Amendment 6 was implemented that the Board did act without a management trigger being tripped?

MS. FRANKE: Good question, I'm going to defer maybe to Toni, or to potentially other Board members on this one.

MS. KERNS: I'm going to defer that to Bob, since he's been around since the approval of Amendment 6.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I guess the buck stopped here, Marty, if I can chime in.

CHAIR GARY: Absolutely, Bob, please do.

EXECUTIVE DIRECTOR BEAL: John, I'm not sure. I would have to go back and look. I know that the Board has reacted a number of times to stock assessment information. But I don't know if each time, you know a management trigger was tripped when the Board reacted, or if just the stock condition changed, but did not trip one of the triggers. I would have to go back and look, I just don't recall, sorry.

CHAIR GARY: John, did that answer your, well it didn't answer your question, I guess. But it sounds like we would have to get back to you on it. Does that satisfy the range of questions you had for Emilie and staff?

MR. McMURRAY: It does.

CHAIR GARY: Okay, thank you. Toni, has anybody else raised their hand?

MS. KERNS: Yes, we have Mike Luisi, followed by Justin Davis.

CHAIR GARY: All right, Mike, you're up.

MR. MICHAEL LUISI: Emilie, I just had a quick question for you, related to a comparison of, let me see which tiers here. It's comparison of the Tier 1 options, with the Tier 4 options under deferred management. Under Tier 1 there is an Option C for F target triggers. I'm not suggesting in any way that this would be the case. But if an F target trigger, if it was determined by the Board that there was going to be more of a focus on threshold and less on an F target trigger under the Tier 1 alternatives.

Does it eliminate Options C, D, and E in the deferred management action, since they are all related to the F target trigger, or is there an opportunity then for that to default to what's selected from Tier 1, of which trigger we would be using for fishing mortality. Does that make sense? Yes, I hope that makes sense, I know I was jumping back and forth. I just want to be sure what I need to explain this to folks. If F target goes away, do we lose the options to defer management?

MS. FRANKE: Yes, I understand your question, and that's a great question. The PDT did not talk about this scenario specifically, so that we also did not talk about if it did, if the F target trigger was eliminated if C, D, and E would change. I'm going to say that if

the F target trigger is eliminated, C, D, And E would no longer be available as options.

MR. LUISI: Thanks, Emilie, thanks Mr. Chairman, that's all I had.

CHAIR GARY: Toni, did you say Justin was next in queue?

MS. KERNS: Correct.

CHAIR GARY: Dr. Davis, it's all yours.

DR. JUSTIN DAVIS: I would like to return to the Sub-Option B3 under the F management trigger response, and I appreciate John bringing that up, because I have the same concerns about whether this trigger would essentially be too conservative, and wouldn't be tripped very often. I guess the idea that we would never have three years of data under consistent management, sort of presumes that we would make a management change every time we get an assessment.

But if I'm interpreting this correct. If the Board received an assessment, and decided not to take management action, either because the assessment results were very positive or a management trigger wasn't tripped. That would set the stage for, at the next assessment, us being able to have at least three years of data under consistent management, and therefore being able to evaluate this F trigger B3. I'm wondering if I'm interpreting that correct.

Then the second question I have was if the Board has the flexibility to request a stock assessment update, sort of sooner than perhaps planned, outside of the normal kind of stock assessment rotation we typically do for this species. If there was an instance where we received a stock assessment, there were a couple troubling years of F, but we didn't have the three years under consistent management required. The Board would have the latitude to request an update sooner than planned, to allow sooner evaluation of that F trigger. Is that correct?

MS. FRANKE: Correct, so you are interpreting that correctly, in that if an addendum were in place for a couple years, and then another assessment comes along, and the Board decides not to change management, but rather to maintain management under that addendum. Then at the next stock assessment, as you noted, there would be more than three years available for the Board to consider with this potential B3 trigger. As you mentioned, yes, the Board can request a stock assessment at any time.

DR. DAVIS: Mr. Chair, could I ask a quick follow up?

CHAIR GARY: Sure, Justin.

DR. DAVIS: The guidance about if Sub-Option B3 were selected, that that management trigger should only be evaluated if there are three years of data under consistent management. That's a PDT recommendation? I mean would it be possible, when the Board take final action on this, if the Board so chose, we could adopt Option B3, but remove that sort of limiter that it has to be three years of data under the most recent action?

Just my thought there is, I get the rationale for three years under consistent management, but on some level, F is F. If we took a look after the assessment and had three years of F exceeding the threshold, even if that first year was under different management. Perhaps it still would be appropriate to take action. I mean could we potentially not put that guardrail in when the Board takes final action, if we selected this sub-option?

MS. FRANKE: Yes, the Board could make that change to remove that guardrail, and that would mean that F is averaged for three years, regardless of whether those three years were under the same management action. From the PDTs perspective, you know the PDTs intent was not to average F under different management actions, but the Board could make a decision to change that.

CHAIR GARY: Does that answer your question, Justin?

DR. DAVIS: Yes, thank you, Emilie.

CHAIR GARY: Toni, any other hands raised for questions?

MS. KERNS: Those are all the hands for now, Marty.

CHAIR GARY: It sounds like we've gone through the question-and-answer component for this section. Is there a discussion about any modification? It sounds like there is an interest. Complexity level here is pretty high. There are some concerns, we're all sensing. Does anyone want to go ahead and initiate a discussion? Go ahead and raise your hands, Toni will queue it again, to see if we want to take any action to modify, remove any of these items.

MS. KERNS: I have Megan Ware, followed by John McMurray.

CHAIR GARY: All right, Megan.

MS. MEGAN WARE: Well, I think along those lines of other people's concern about Sub-Option B3 in Tier 1. I would be open to a discussion about removing that option, and I sent staff a motion, in case you would like to offer it via motion today.

CHAIR GARY: Let me come back to you, but I'll reserve you first right to go ahead and make that motion. Did you have a follow to that or anything you wanted to add?

MS. WARE: Well, I think a lot of what has been said I would agree with, and just the practicality of that option I think is pretty limited. Looking forward, I'm not sure I see a time in the next decade where we might meet that three-year mark. Obviously, if we're going to be taking action in 2022 on an Amendment, we would postpone the discussion on commercial allocation. We may need to take action to meet rebuilding. I'm just not seeing a lot of value in that trigger in the next decade.

CHAIR GARY: Thank you, and we'll go to John McMurray.

MR. McMURRAY: I think Megan was going to make the same motion that I was, so I will let her do that.

CHAIR GARY: Toni, do we have any other hands raised for discussion on this?

MS. KERNS: We have Tom Fote.

MR. THOMAS P. FOTE: I didn't want to chime in before, but I remember when we basically made changes in regulations not based on triggers, but other things, and that's going back a long time that we've done that. We've gone through the document a lot. I'm ready to go out to public hearings, and I really don't have strong feelings any one of them. I don't feel that strongly about B3 to take it out.

I just want to have it go out to public hearing and find out what the public feels on a lot of these issues. We've been looking at them for two years now. I think it's time just to send it out to the public and let them look at it, and make a decision without us starting to remove a bunch of things, because we could be here all night. If you picayune again, like we've been doing for the last three sessions. I would like to get this out for public hearings.

CHAIR GARY: Any others, Toni?

MS. KERNS: No other hands, Marty.

CHAIR GARY: All right, Megan, I'll bring it back to you then. Do you want to go help them see out the motion, and staff could go ahead and capture that? Then we'll need a second.

MS. WARE: Reading it into the record. Move to remove in Section 4.1: Management Triggers, Sub-Option B3 in Tier 1: Fishing Mortality Management Triggers (three-year average F exceeds the F threshold) from Draft Amendment 7.

CHAIR GARY: Thank you, Megan, do we have a second? I think we might.

MS. KERNS: John McMurray.

CHAIR GARY: Thank you, John. All right, so we have a motion and we had a second, and Megan, I'll come back. Is there anything more you want to add to your rationale for the motion? Then I'll come to John, then we'll open it up for discussion to the Board.

MS. WARE: I think my rationale has been provided, so I'm all set, thank you.

CHAIR GARY: John, did you want to add anything, or we can go to discussion.

MR. McMURRAY: No, thank you, I think I made my concerns pretty clear.

CHAIR GARY: All right, thank you both. We'll open this up, we have a motion on the floor, and we'll go to discussion, and as I said previously, we will go to the public before we bring this back to the Board for a vote. The floor is open, raise any hands for comments, discussion on the motion.

MS. KERNS: I just have one hand, Chris Batsavage, oh two hands, Chris and Justin Davis.

CHAIR GARY: All right, Chris, you have the floor.

MR. CHRIS BATSAVAGE: I support the motion for the reasons given and the concerns given. I think you know again; it's not going to be likely to hit this threshold, with the timing of things. On its face it's already a little on the risky side, waiting for three years average F exceeding the threshold.

In terms of going out to the public. Due to the unlikeliness of hitting this, I think it would probably be better to take it out of the Amendment now, so the public can focus on the many other options that we will need feedback on, as opposed to this one. That seems a little problematic.

CHAIR GARY: Over to you, Justin.

DR. DAVIS: I'm a bit torn on this. I can appreciate the rationale provided by Megan and John, and I appreciate Chris's comments. The thing about Sub-Option B3 that appeals to me, is allowing us to use three years of data, a three-year average of F, which I think provides us the best ability to sort of eliminate the undue influence of one potentially sort of outlier year allows us to incorporate the most amount of information, and smooth out the estimate of F as much as possible.

Then again, I do have these concerns that this trigger may ultimately be too conservative as constructed, and not be tripped often enough. I think as I mentioned in my earlier comments, there may be ways for the Board to either amend this sub-option, were we to decide this was the one we want to ultimately adopt and/or potentially adjust future stock assessment schedules to potentially ameliorate that issue of the trigger not being tripped often enough. I guess I'm looking at this through the lens of, does this need to come out now, before it goes it goes to public comment. We're not taking final action right now, and I think right now I'm leaning towards leaving it in. Although I do agree that as constructed it could be problematic, and might need further consideration, if this is the sub-option we ultimately decided to adopt at final action.

CHAIR GARY: Toni, any other Board members wish to comment on this? You have three hands, Justin Davis, Max Appelman, and Mike Luisi.

CHAIR GARY: I think Justin just spoke, so Max, you're up.

MR. MAX APPELMAN: Yes, I think I'm with Justin on this right now. Given where we are in the process, we're talking about a scoping document. I think I would rather keep this in, because I see a tradeoff between Options B2 and B3 right now. On the one hand, the more years of data you used in this trigger definition, the better handle we're getting on where true F is under that management action, right? Speaking to the point of smoothing out that variability in F from year to year.

But on the other hand, the more years you're required to use, the more years, I guess you have to wait, until you can evaluate that trigger. I just think that if the intent here is about addressing that

variability in F, then having two options for the public to weigh in on, is going to help us evaluate what's more important, how many years we need to wait between evaluating this trigger, or how many years of data we're using to try to find that true F value. I think I'm in favor of keeping this in the document for public comment.

CHAIR GARY: Over to Mike Luisi.

MR. LUISI: I have a question related to what Max just ended up with in his statement, which was looking at this option as some way a delay in taking action. I do agree with Justin and Max that if we can use three years of F, and obtain the average from a longer time series. In my mind that's better than two years.

But maybe my question is more for Emilie. It's going to take a little while, obviously, until we have three years of information after this Amendment is finalized, to use in this evaluation. Is there a way that we can, I'm struggling with the question? Is there a delay? I'm trying to figure out where the delay is if this option stays in, and we use it in the Amendment for final action.

Because we already have fishing mortality, and we're going to get a new estimate of fishing mortality. All we're doing then is suggesting that we go back and use three years of fishing mortality, in order to determine whether or not a trigger is tripped. Where is the delay? If you can help me understand that. I think the public is not going to be happy with a delay, and I certainly understand that. But I'm trying to figure out where the delay that everyone is speaking of comes into play here.

CHAIR GARY: Emilie, are you or other staff able to address Mike's question?

MS. FRANKE: Absolutely. The delay would come in, because with requiring three years in order to evaluate the trigger. Then overfishing could be occurring for two years, but the Board would be delayed in taking action, potentially to address that overfishing, because that action wouldn't be required until you have that third year of data. That is the concept of the delay, in that F could be over the threshold for one or two years, but the Board wouldn't be required to take action until there are three years of data available, so that is sort of where the delay concept comes in, in terms of being delayed in addressing overfishing.

MR. LUISI: Okay, Mr. Chairman, if I could just follow up. If I understand that correctly, it's three new years of information that would be required, in order to trip this trigger, rather than the time series that has already been established, and just using three years, or the most recent three year's average.

I can understand it if it's three new years of fishing mortality, and if that's the case then I can't go forward with this motion, but I can support the motion to get rid of it, because I think three years is too long to wait. I just thought there was another way around it that we could still use three years in the average, but not have to wait three years to get the data to do that averaging. That's all, thank you.

CHAIR GARY: Toni, anyone else with any more discussion?

MS. KERNS: Two more hands, Ritchie White followed by Tom Fote.

CHAIR GARY: All right, Ritchie, you have the floor.

MR. G. RITCHIE WHITE: Yes, I support the motion. I think Mike Luisi just made the strong argument to do away with this. This is exactly what the public doesn't want to see us do. The public wants to see us act faster, not slower, so strongly support it, thank you.

CHAIR GARY: Tom Fote.

MR. FOTE: The more I think about this the more I realize how many times we've actually acted, and then basically two years changed our mind, because of retrospective analysis. I think this doesn't stop us that we start seeing things in two years that started it in motion, but the third year that we basically seeing it then we confirm.

It doesn't stop you from doing it. It doesn't have to be new information. You have two years of information, because it's happening, you're asking for one more year to make sure, because we've changed. I know New Jersey had to change regulations three times, because they said we had to do this, because this is what it showed. Then it came back two years later, no, you have to go back to the other regulations, because we weren't overfishing.

I'm always concerned when we do knee jerk reactions going one way or the other, whether it's conservative or liberalized. We should have the same rules for both of them. But it doesn't stop us from acting if we see this one-year pattern, then two years pattern, we can start whatever we need to do, and if the third year confirms it, then we basically act. That's the way I'm reading it, maybe I'm wrong. If I'm wrong, please answer my question.

CHAIR GARY: I do want to give the public a chance to comment if they would like to. Are there any other Board members that would like to offer comments?

MS. KERNS: Mike Armstrong.

CHAIR GARY: All right, Mike, you have the last word, and then we're going to go to the public.

DR. MICHAEL ARMSTRONG: I guess I'm a little confused. I don't think these have to be new data we're using, right? Say two years from now we do an assessment, and it shows four years back we had been exceeding it. Because these Fs change a little bit. There is a retrospective pattern, it's not bad in the assessment, but they do change.

It's conceivable we can turn the crank on an assessment in two years, and have data going back more than two years that we can use. If I'm reading that right, it doesn't have to be new data, Emilie, correct? I mean if the assessment says we've been overfishing for three years, then we can use this trigger, is that correct? Am I thinking about that right?

MS. FRANKE: It doesn't have to be new data; in that it doesn't have to be new to this assessment. The requirement is that those three years need to be under the same management action. For example, under this B3 Option, you couldn't average one year of Addendum IV F with two years of Addendum VI F to get those three years. You would need to have three years of F under Addendum VI to average.

DR. ARMSTRONG: If I could comment again, Mr. Chair.

CHAIR GARY: Absolutely, go ahead, Mike.

DR. ARMSTRONG: Yes, I'm uncertain what to do with this, as some of the others are. I'm tending to keep it in for public comment, and think about it some more. I'll probably vote against this.

CHAIR GARY: All right, thank you, Mike. I would like to now go to the public, before we come back to the Board for a vote. I'll ask at this time if any members of the public would like to offer comment on this motion, and Toni, I'll look to you for any hands.

MS. KERNS: We have Charlie Witek.

CHAIR GARY: All right, Mr. Witek.

MR. CHARLES WITEK: Write a letter to the Board on this issue, and the reason that it concerned me, is that we assume that in the terminal year of the assessment, for the first time we find that F has exceeded the threshold. Now we have to wait for two years, and this is where the new data issue comes in. Yes, it's possible there will be a couple years of old data in the assessment. But let's assume it's in the terminal year of the assessment that overfishing first occurs, that we have to wait for two more years before action is taken, and one of the points nobody ever wants to talk about is, yes there is uncertainty in the assessment. But uncertainty cuts both ways.

Nobody seems to be concerned that perhaps overfishing has been occurring for a few years, but

because of uncertainty in the assessment, it looks like we're sitting just below the threshold. It is very possible overfishing could have been going on longer. That is why avoiding the point estimate is probably a bad idea. We're talking about threshold here, not target. I would argue that when fishing mortality is so high that we're talking about taking action based only on the uncertainty, that it's already high enough that action is warranted. Thank you.

CHAIR GARY: Thank you, Mr. Witek. Toni, are there any other members of the public who would like to offer comment?

MS. KERNS: We have two additional members, the first is Bob Danielson, and then he'll be followed by Julien Frank.

CHAIR GARY: All right, Mr. Danielson.

MR. BOB DANIELSON: Thank you, Mr. Chairman, I appreciate the opportunity to speak. I am in full support of this motion. I believe waiting for three years under any particular amendment for data is too long, and it has the ability to negatively affect the stock by overfishing. Until we get that third year of data in, it may be putting us behind the proverbial eight-ball. Again, I support this motion to remove Option B3. I think it's dangerous. Thank you, Sir.

CHAIR GARY: Thank you, I'll go to Mr. Frank.

MR. JULIEN FRANK: It seems like under consistent management seems to be the key word here, term. I'm just looking for a definition of exactly what that means. Then overall, just listening to the Board discuss this. It seems like people are having a hard time defining the three years in the three-year period.

Just a confusion around this discussion alone doesn't leave much confidence to this being implemented. Yes, I think you're right. Speaking as a member of the public, nothing about this is attractive. I would recommend its removal. But lastly, if I can get a definition of under consistent management that would be helpful.

CHAIR GARY: Emilie, can you provide that definition?

MS. FRANKE: With these multiyear average trigger options, under consistent management or under the same management for either two or in this case three years, means that the fishery is operating under management requirements under the same management document. For example, under the same addendum or the same amendment. Again, for example, in order to average three years, all those three years in question would need to be operating under the requirements of the same addendum.

MR. FRANK: Got it, thank you.

CHAIR GARY: Toni, any other members of the public?

MS. KERNS: I have one for sure, and I'm working in the chat to see if I have a second. Taylor Vavra.

CHAIR GARY: All right, Taylor, the floor is yours.

MR. TAYLOR VAVRA: Yes, I would just like to say that I am in agreement with Mr. Witek's comments, and that I think one thing that the Board should keep in mind is that the stock was set to be overfished in 2018, and it is now 2022, and so we're behind the eight-ball already. I think when we have data that points towards overfishing occurring.

It's really important that the Board does everything in its power to show the public that they're going to take action to recover the stock as quickly as possible. To have to wait for three years of data to point in that direction, I think is just repeating sort of where we're at now, which is like I said behind the eight ball in this whole thing. I'm in agreement and support that this be removed. Thank you.

CHAIR GARY: Thank you, Taylor, Toni, did we resolve the other person's audio?

MS. KERNS: One last name, Greg Cudnik.

CHAIR GARY: All right, Greg, you have the floor, and then we're going to bring this back to the Board.

MR. GREG CUDNIK: Thank you, I'm in agreement with the other comments, and I support the motion to remove B3. I just feel like time is of the essence here. Thank you.

CHAIR GARY: Thank you, Greg, and Emilie, before I bring this back to the Board for a vote. Could you remind if there was a specific posture the AP had regarding this particular option? Did they have any feedback specific, just as a reminder to the Board?

MS. FRANKE: One AP member did note concern about both of the multiyear average options, B2 and B3, while a few other AP members noted support for considering these multiyear average options in general.

CHAIR GARY: Thank you, Emilie. All right, it's pretty clear we're not going to get a vote through consent, so we're going to have a vote. Does the Board need time to caucus? Anyone raise their hand and we'll provide some time if you need it.

MS. KERNS: I see hands raised for caucus, and I believe Max Appelman, he had his hand up before you asked about caucus, so I don't know if he has a question for clarification.

CHAIR GARY: That's fine, Max, go ahead. Did you have a question before we move to a caucus?

MR. APPELMAN: Yes, I mean I just wanted to highlight what, I think Justin brought it up initially in that, I'm hearing a lot of focus on the years of data. Basically, the PDT recommendation about the years of data, new data we would need to evaluate this, rather than focus on the intent of what this option does, which is to smooth out the variability of F from year to year.

I think what I heard from Justin is, come final action, we don't need to have that strict three new years of data under a management action in there. What I would like to hear from the public is if that variability in F is, if it swings so much from year to year under consistent regulations, does it make more sense to evaluate three data points against this threshold or two?

I would like to hear that, and that's why I'm going to again, sorry to have the last word here, but I think we should keep this in, get the public opinion, and come final action if that is a sticking point, we have the ability to remove that limitation of about new years of data.

CHAIR GARY: Given the level of complexity in what I'm hearing in the tenor of the discussion. We're going to go ahead and do a three-minute caucus. Toni, can you set the timer?

MS. KERNS: We will do.

CHAIR GARY: All right, we will go ahead and call the question then, Toni, are you ready for us to call it?

MS. KERNS: I am ready.

CHAIR GARY: All those in favor of this motion, should I read this into the record, Toni?

MS. KERNS: I don't think we've changed it, so I don't think you need to read it into the record.

CHAIR GARY: Okay, very good, thank you. All of those in favor of the motion, please raise your hand, Toni will get the count.

MS. KERNS: Just going to give the hands a moment to settle here. I have New Hampshire, Pennsylvania, Maine, Rhode Island, District of Colombia, Maryland, New York, Virginia, North Carolina, and Potomac River Fisheries Commission.

CHAIR GARY: Hands down, all those opposed to the motion, please raise your hand.

MS. KERNS: I have New Jersey, U.S. Fish and Wildlife Service, Connecticut, NOAA Fisheries, Massachusetts, and Delaware. Put the hands down.
CHAIR GARY: Are there any null votes?

MS. KERNS: I have no null votes.

CHAIR GARY: Are there any abstentions?

MS. KERNS: I have no abstentions.

MS. FRANKE: Mr. Chair, I have 10 in favor and 6 opposed.

CHAIR GARY: All right, thank you, Emilie, so the motion passes 10 to 6. Thank you very much. Emilie, just double checking where we are. Does that put us through that section or is there more to do there?

MS. FRANKE: Mr. Chair, I don't have any additional slides, but if there is any other discussion before I move on to the next section, just let me know.

CHAIR GARY: All right, so I'll put the question back to the Board. It looks like we're through management triggers, but if we're not and I'm in error, please raise your hand. One last chance before we move on to the next section. Anyone, Toni?

MS. KERNS: I have no hands, Mr. Chair.

CHAIR GARY: Emilie, I think it's safe to say we can move on to the next section.

MS. FRANKE: Moving on to the next section of Draft Amendment 7. This part of my presentation will cover Section 4.2.1, which are the recreational size and bag limit options to protect strong year classes, and I'll also review the new rebuilding section 4.4 before pausing for questions. Starting with the measures to protect strong year classes.

The Board and stakeholders have expressed that protecting strong year classes is important for stock rebuilding, and in particular there is some concern that the strong 2015-year class will soon be entering the recreational spot limit for the ocean region of 28 inches to less than 35 inches, and if this ocean slot is maintained, the 2015-year class may be subject to high recreational harvest mortality in the ocean, potentially reducing its potential to help rebuild the stock.

This 2015-year class is also subject to release mortality coastwide, and that year class has already been available to the Chesapeake Bay fisheries for the past few years. The Technical Committee also noted that both the 2017 and the 2018-year classes were above average in multiple juvenile abundance indices. These year classes have recently become available to the Chesapeake Bay fisheries.

The options in this section consider whether to change the ocean and/or the Chesapeake Bay recreational size and bag limits to enhance protection of these strong year classes. The intent here is to reduce harvest on the 2015, 2017, and/or 2018-year classes, by shifting that harvest to other year classes. It's important to note that while this would provide some protection from harvest in the short term, those year classes will still be subject to recreational release mortality. Then another point.

MS. KERNS: I'm sorry to interrupt you. Your presentation is on pause, so we're still seeing the management trigger. Perfect, thanks.

MS. FRANKE: Thank you so much, Toni. A final point to consider here throughout this section, and something that the Technical Committee and the Plan Development Team emphasize, is the uncertainty around how angler behavior and fishing effort would change in response to changes in size limits, and changes in fish availability.

The options proposed for the ocean recreational fishery are listed on the slide here. Option A is the status quo slot of 28 inches to less than 35 inches, with a one-fish bag limit. This status quo option would maintain the current state implementation plans and CE programs from Addendum VI. Option B is a 35-inch minimum size limit and a one-fish bag limit.

Option C is a 32-inch to less than 40-inch slot, with a one-fish bag limit, and Option D is a 28-inch to less than 32-inch slot, with a one-fish bag limit. Just important to note here that if the recreational size

limit does change from the status quo through Options B, C, or D, those new size limits would also apply to the Chesapeake Bay spring trophy fishery, which is considered part of the ocean fishery for management purposes.

This is something the Board discussed at the October, 2021 board meeting, because this fishery targets coastal migratory striped bass. Next are the options proposed for the Chesapeake Bay recreational fishery. Option A is the status quo of an 18-inch minimum size limit, with a one-fish bag limit, and again this status quo option would maintain current state implementation plans and CE programs from Addendum VI.

Option B is an 18 inch to less than 23-inch slot limit, and a two-fish bag limit, and then Option C is an 18 inch to less than 28-inch slot limit, with a one-fish bag limit. There are two sub-options for Option C. Option C1 would maintain all the components of Addendum VI, CE programs for the Chesapeake Bay, except the recreational size limits would be modified to include an upper bound of less than 28.

Sub-option C2 would require new CE proposals to be submitted, so the Board would have to select either Sub-Option C1 or C2. If alternative recreational measures are selected through any of those alternative size limits, the Board will need to address conservation equivalency considerations.

First here under Tier 1, this considers how or if conservation equivalency could be applied to these alternative size and bag limits to protect year classes. Under Option A, CE would be permitted, subject to any restrictions or requirements that are selected later on in the CE section of the Draft Amendment.

Just to note here, the PDT does not recommend this Option A, because allowing CE could compromise the goal of setting specific size limits to protect particular year classes. Under Option B, CE would be permitted with certain limitations on the range of CE measures that could be proposed, again subject to any restrictions selected in the CE section. Under Option C, CE would not be permitted. Another consideration for conservation equivalency here is under Tier 2, and that considers how changing the recreational size limits would impact current Addendum VI CE programs that combined recreational and commercial measures to achieve the Addendum VI reduction.

Specifically considering CE programs that implemented a less than 18 percent reduction in commercial quota, offset by a larger reduction in recreational removals. Under Option A here, the commercial quota levels implemented through those CE programs would carry forward, and under Option B, those commercial quota levels implemented through Addendum VI CE, would not carry forward, and those states would be subject to the FMP standard quotas.

In addition to the options themselves, the Draft Amendment outlines the analysis developed by the Technical Committee and the Plan Development Team, to evaluate the size limit options. The TC first estimated the length at age for striped bass, which then informed estimates of the level of protection that each size limit option would provide, referred to as the percent protected from harvest, or the percent that each year class that is outside the size limit.

The TC then developed projections to evaluate the potential impact on stock productivity, and impact to the rebuilding timeline for the alternative size limits, as compared to the status quo. This table on the screen shows the estimated average stripe bass length at age, based on age data compiled for the last stock assessment.

The average length at age for the 2015-, 2017-, and 2018-year classes in 2023 are bolded here. It's important to note here that these length at age estimates are coastwide estimates that are based on data compiled from several states. Since size at age is highly variable along the coast, these average length at age for the Chesapeake Bay may differ from these coastwide estimates used for this analysis.

For the percent protected analysis, all the size limit options considered in this section would provide greater protection from harvest for all three-year classes in 2023, relative to the status quo. However, that level of protection will change over time, as those fish continue to grow. The PDT noted that this percent protection analysis is useful to compare the relative changes in protection among the different options.

But there are some limitations to this analysis, one being that this analysis doesn't account for the differences between ocean and Chesapeake Bay fisheries, and when different size fish are available in those regions. In addition to this percent protected analysis, the PDT also estimated the reduction in removals that each option would provide, relative to the 2017 removals.

All the options presented in this section are estimated to achieve at least an 18 percent reduction in removals, relative to 2017. This is consistent with the required Addendum VI reduction. I mentioned the TC developed projections to consider the potential effects of alternative size limits on spawning stock biomass levels, as compared to the status quo option. These projections assumed a constant level of fishing mortality for each scenario, so assumed fishing at the F target, and these projections also assumed fishing effort was the same and constant for each scenario. These projections changed the selectivity pattern for each size limit scenario, based on what proportion of each year class would be available to the fishery. The initial set of projections were developed based on changing the ocean size limit only, and then an additional set of projections were developed considering changes to both the Chesapeake Bay and the ocean fisheries.

Details on those projection scenarios were provided in the appendix of the draft document. A couple key findings to note here from the Technical Committee. For all the projection scenarios, the stock recovery timeline, so that's the year when SSB would exceed the threshold, and the year when SSB would exceed the target, is the same for all scenarios, including for the status quo scenarios.

Another finding is that the overall projected change in total spawning stock biomass, relative to the status quo, is positive for most scenarios. However, that percent change in total SSB under the different size limits is not statistically significant. These results indicate that changing the selectivity does not have a significant impact on rebuilding the stock, if fishing mortality stays constant.

If the goal is to expedite stock rebuilding, then controlling the overall fishing mortality rate is more important than only changing the selectivity through changing size limits. After a discussion of these options and the analysis regarding the year class protection, the PDT is recommending that the Board remove this section from consideration in Draft Amendment 7.

If these options are removed, then the Addendum VI FMP standard for recreational size and bag limits would be maintained for Draft Amendment 7. The FMP standard for the ocean recreational fishery would be 28 inches to less than 35-inch slot, with a one-fish bag limit, and then for the Chesapeake Bay the FMP standard would be the 18-inch minimum size limit and a one-fish bag limit.

As I mentioned previously, the status quo options would maintain the current state implementation plans and CE programs from Addendum VI. The PDT is recommending removing these options for two primary reasons. The first is the projection results, and again the results indicate that the stock recovery timeline is the same for all size limit options, including the status quo.

The Board added this issue of protecting year classes to Draft Amendment 7, in order to support stock rebuilding, but these projections indicate that changing the size limits does not have a significant impact on rebuilding the stock, if the F rate remains constant.

The PDTs second reason for their recommendation is that selecting new recreational measures through Amendment 7, before the 2022 stock assessment update, would present some significant timing

challenges, especially considering the uncertainty of how Amendment 7 measures would align with the stock assessment results. In other words, there is uncertainty as to whether Amendment 7 measures would achieve stock rebuilding. For example, if the assessment indicates that a reduction would be needed to rebuild the stock, Amendment 7 measures may or may not achieve that reduction. If they don't, then the Board would have to reconsider recreational measures again after the assessment, and that would mean reconsidering new measures again during the same year. On the other hand, the assessment could indicate that the status quo Addendum VI measures may achieve stock rebuilding, and if that's the case, then changing measures through Amendment 7 may not be warranted at this time.

In either case, this would present some conflict with the Board's desire for management stability. Regarding Advisory Panel input. One AP member noted support for removing these options from the document, considering the process of adjusting to changes in recreational measures and size limits can be costly for the industry.

On the other hand, several AP members noted support for maintaining these options in Draft Amendment 7. Those AP members noted that the public should have the opportunity to comment on alternative size limits, and what they want to see in the fishery. They also noted that some size limit options would result in a greater reduction in harvest, and some alternatives may reduce release mortality.

Additionally, some AP members noted that diverse age structure is also important to consider, and that although these options may not significantly increase spawning stock biomass, protecting these strong year classes is still important, considering that future recruitment is highly variable.

One AP member also noted the use of closed seasons to protect year classes, and some AP members noted the potential relationship between protecting large fish and the quality of striped bass eggs and recruits. That wraps up the year class section, and before I pause for questions and discussion on that section, I'm going to review the rebuilding section as well.

This section provides some additional context on the timing of the stock assessment and Amendment 7 that I mentioned earlier. When the benchmark stock assessment was accepted for management use in 2019, the spawning stock biomass threshold trigger was tripped, and the Board is required to rebuild SSB to the target by no later than 2029.

The Board has expressed some concern about the recent low recruitment estimates, and the potential impact of this low recruitment on the ability of the stock to rebuild. As part of the analysis for the recruitment trigger that we discussed earlier in the Draft Amendment, the TC identified 2007 to 2020 as a low recruitment period, and that's based on the Maryland Juvenile Abundance Index.

These several years of poor recruitment may indicate that the level of removals that was sustainable during an average or an above average recruitment period, may not be sustainable during this low recruitment period. This section of the Draft Amendment considers which recruitment assumption to apply to the rebuilding calculations, and it also outlines the rebuilding plan framework, and responding to the 2022 stock assessment results.

I mentioned the 2022 stock assessment update is expected to be complete and presented at the October board meeting, and this assessment will provide updated spawning stock biomass and fishing mortality reference point values, and it will also provide an updated evaluation of stock status, with a terminal year of 2021. This assessment update will incorporate two years of data under Addendum VI, that's 2020 and 2021. The assessment will also calculate the fishing mortality rate that would be required to rebuild spawning stock biomass to the target by 2029, and this is referred to as F rebuild.

F rebuild is distinct from F target in that F rebuild takes into account that ten-year rebuilding

timeframe. On the other hand, F target is calculated to achieve the target in the long term, without taking into account a specific rebuilding timeframe. Finally, the assessment will provide stock projections going forward.

The option for consideration in this section is related to calculating this F rebuild. F rebuild could be calculated using different assumptions for recruitment. Typically, F rebuild is calculated by drawing recruitment from values observed from 1990 and forward. This is referred to as the standard recruitment method, which is Option A.

However, F rebuild could be calculated by drawing recruitment only from a below average period, and this is the Option B, referred to as the low recruitment regime assumption. Using the low recruitment assumption in Option B would be a more conservative approach that would result in a lower F rebuild value to achieve stock rebuilding by 2029.

From the Advisory Panel, some AP members noted support for this more conservative approach, especially considering the recent low juvenile abundance index values. The figure in this section of the Draft Amendment outlines how Amendment 7 will inform the 2022 stock assessment update.

Amendment 7 with potential final action in May, will determine the recruitment assumption used for the assessment, as I just described, either the standard recruitment method, or the low recruitment assumption. Draft Amendment 7 at this point includes the year class options for selecting recreational size and bag limits, and the Amendment maintains status quo commercial measures.

Then moving into the 2022 assessment in October. That assessment again, will provide an updated evaluation of stock status. The assessment will calculate F rebuild, using the recruitment method selected through Amendment 7, and the assessment will also develop stock projections, taking into account measures under Amendment 7.

There are two potential outcomes of the 2022 assessment. The first on the left with the green box would be the good news, if the projections indicate that the rebuilding target will be achieved under Amendment 7 measures, then those Amendment 7 measures are sufficient for rebuilding, and those measures would be implemented in 2023.

On the other hand, on the right side in the red box, the assessment could indicate that Amendment 7 measures will not achieve the rebuilding target. In that case, the assessment would calculate what reduction would be needed to achieve F rebuild, and an addendum could be developed in 2023, to consider new measures that would meet that required reduction. In that case, those addendum measures would likely not be implemented until 2024. Then in either case, the next opportunity after that to evaluate rebuilding progress, would be the following stock assessment, potentially a benchmark, maybe around 2025. Mr. Chair, that wraps up my slides on the rebuilding section and on the year class section, and I'm happy to take any questions on either section.

CHAIR GARY: Thanks very much, Emilie, and I appreciate you covering both of those sections, because of the inherent linkage between the two of them. That helped me a lot, hopefully it helped others. At this point, what we're going to do is just go with questions for now, and then go into the discussion as we did in the previous section. Toni, I'll look to you for hands raised for questions for Emilie.

MS. KERNS: Thank you, Mr. Chair, I have Megan Ware, Justin Davis and John McMurray.

CHAIR GARY: Okay, Megan.

MS. WARE: This question may be most appropriate for Katie, because we were admittedly e-mailing back and forth about it. But my question is, in Table 4, that table presents different ocean size limits, and it looks at the reduction in total removals. There are some options there, such as Option B, which is a 28 inch to 32-inch slot that results in a

higher level of removals than the options we chose previously.

However, when looking at the appendix, that same option results in the worst outcome for SSB, and then conversely there is the 35-inch minimum that results in the smallest reduction in total removals, but the best outcome in SSB. I found those results to be a bit confounding, so I'm hoping that either staff or Katie is able to help explain those outcomes.

MS. FRANKE: Thanks, Megan, I'm going to defer to Katie, if she could take this question.

DR. KATIE DREW: Sure, it's a good question, and I think it is maybe a little unintuitive. But I think the thing to keep in mind is that the Technical Committee's analysis specifically separated the effects of a reduction in removals, and the effects of changing what ages or sizes the fishery is operating on through the size and bag limit changes.

We did not account for any potential reduction in removals that those regulation changes could cause. We only focused on, if F was the same across, essentially if removals or effort was the same in all of those different options, which option would provide the best outcome for the stock, in terms of spawning stock biomass. This was done, like I said, to kind of separate that effect of, some of these regulations may or may not cause a change in removals from 2020 levels, from status quo levels.

We wanted to focus on, what's the effect, just in terms of their ability to protect that year class. Overall, as Emilie said, the analysis showed that controlling F is really more important than any of the options that we looked at, any of the options in this document, in terms of affecting the selectivity, and effecting what proportion of the population is vulnerable to that fishery. While those options, I think while that Option B might reduce harvest in the short term, because it is more restrictive than the current status quo measures. It wouldn't necessarily do any better of a job than any other options that would provide the same level of removals. Hopefully that helps, if not I can try to explain further.

MS. WARE: A quick follow up if I may, Mr. Chair.

CHAIR GARY: Yes, go ahead, Megan.

MS. WARE: Yes, I appreciate that, Katie. Yes, I guess to summarize that maybe, and you can tell me if I'm wrong in saying this. These projections are looking at a change in selectivity, and not any accompanying change in total removals that may come with that management change. Is that correct?

DR. DREW: Yes, that is correct.

MS. WARE: Okay, thank you.

CHAIR GARY: Toni, I hate to ask you again. I thought I heard you say John McMurray, but there were a couple others I didn't quite get.

MS. KERNS: Justin Davis first, then John McMurray, and now Tom Fote is in the queue.

CHAIR GARY: Okay, Justin, you have the floor.

DR. DAVIS: I'm going to try to sneak in two questions here on my one question. Both questions pertain to the rebuilding plan, and specifically the low recruitment assumption. I'm wondering if there is some way, when we send this out to public comment, to illustrate to the public the actual sort of difference that it would make to select our status quo approach to F, versus the F rebuild characterized by low recruitment.

I mean we can tell the public that the status quo approach is using the full time series of recruitment from 1990 forward, and the low recruitment approach is using just the time series from 2007 forward, where recruitment has been low. But I'm wondering if it would be possible to do something like a retroactive analysis of the Addendum VI outcome, had we used the more conservative estimate of recruitment.

How much higher of a reduction removal would we have been looking at in Addendum VI, had we made that more conservative assumption about

recruitment? I'm wondering if there is something we can do to put in the document to demonstrate to the public the actual difference that choosing that F rebuild will make.

The second question I have is, we often think with these documents that the Board has the latitude at final action to select an option that's within the range of options contemplated in the document. Is that in play here, you know essentially, we have two options here, characterized by using two different time series of recruitment to characterize recruitment. Could the Board potentially at final action, select some intermediate option to characterize low recruitment that uses a different set of years from the recruitment time series?

MS. FRANKE: To your first question about demonstrating, sort of more clearly demonstrating what selecting either of these options that are now up on the screen would mean. As part of the initial recruitment trigger analysis, the TC did look at a few different scenarios using, well I guess it was a high versus a low recruitment regime.

I'll maybe hand it over to Katie, to see what we could put together to better demonstrate what it would mean for F rebuild, in terms of which option is selected here. To your second question about choosing a range of options. Potentially selecting or choosing a recruitment assumption that's somewhere between A and B. The only thing I would say about that is the TC hasn't identified any sort of intermediate option, so I'm not exactly sure what that would look like.

MS. KERNS: Emilie, I'm going to fill in, Marty, if that's okay. Justin, the Board in other species, and this species have done before. They've chosen an option that fell between Option X and Y, as long as it fell amongst the range then it was in play. We've never done that before, to my recollection in a rebuilding calculation.

But I don't see why it wouldn't be able to do that, as long as we could figure out a way to calculate it. I'm just trying to think through that. That would be the tricky part in my mind. You know, and the Board acknowledged that that is something that they are willing to do here.

DR. DREW: Just to, I think, follow up on the first part of that question, which was, can we do something to illustrate this the better for the public. I would say, if the Board is interested in that, I think we could definitely develop something. I think as Emilie was saying, our first sort of cut at this we were saying, the F under a low recruitment regime, the F target under a low recruitment regime would be something like 0.18 as opposed to 0.20.

But I think we didn't apply that for the rebuilding concept. But I will also say, you know I think we would want to be very careful not to do anything that could conflict with the results of the upcoming stock assessment, so that I don't want to put anything out there that looked like a rebuilding plan, based on the 2017 assessment, because the Board never requested any kind of information like that from the TC.

There are some projections that exist out here already. We could do something similar for this, with this lower recruitment. But I think we would just want to make sure that we don't put anything out there that will then later be superseded by the upcoming stock assessment.

CHAIR GARY: Justin, do you have a follow for that?

DR. DAVIS: No, I'm good, thank you everybody for those thoughts.

CHAIR GARY: We're still on questions, and before I go to John McMurray, I just want to mention, in our agenda we've got to stop at 3:30 for a 15-minute break. I would like to honor that, so everybody could just take a breather. Again, we're on questions only now, so John McMurray.

MR. McMURRAY: I have a question regarding measures to protect 2015-, 2017-, and 2018-year classes. I do understand the rationale for the PDTs recommendation to take that out, particularly the timing challenge of selecting new measures before the '22 assessment. In something like a 35-inch size

limit protects the 2015s for a few years, and then once they reach 35 or 36 inches, well they aren't protected, and thus there is no real benefit in the long run.

But I do understand. While I understand that, wasn't the intent here to protect those good years classes, particularly the 2015s, until they could contribute significantly to the female SSB before they were harvested? I mean it certainly seems like something like a 35-inch limit would achieve that.

Yes, I understand we're just redirecting F on other year classes, but it's the 2015s that are abundant that we hope would make a significant contribution to SSB. Maybe, Emilie, you could explain the rationale to me a little better, because I still don't quite get it. I'm not going to oppose taking it out, but I need to understand a little better how you guys are determining that it won't work.

MS. FRANKE: The PDT isn't saying that these measures won't protect year classes. Based on the percent protected analysis, that indicates that these measures indeed will protect these year classes. What the PDT is highlighting is that changing the size limits to protect these year classes, won't significantly impact the total spawning stock biomass levels, and therefore the stock won't recover any faster than it would under the status quo slot limit.

This analysis is showing that these year classes will be more protected, but that protection won't lead to significantly speeding up the time by which the stock would recover. For the PDT it was really that result from the projections, coupled with the timing challenges with the upcoming assessment.

The uncertainty around if any of the measures proposed in this section, whether it's the status quo or any of the alternatives, would achieve rebuilding. We just won't know that until the assessment. It's a combination of the projection that these measures won't expedite rebuilding, along with the timing challenges that led the PDT to this recommendation.

CHAIR GARY: Did that answer your question, John, or did you have a follow?

MR. McMURRAY: It did answer my question, but there is disconnect here somewhere. It seems counterintuitive that a super abundant year class, once it recruits, wouldn't somehow expedite the rebuilding, or make a major contribution to female SSB. You know I guess I'll have to leave it to people that are much smarter than me, because I do trust the PDTs analysis, so thank you.

CHAIR GARY: Next up is Tom Fote.

MR. FOTE: I didn't see any analysis when I'm looking through this, by putting more restrictive measures and smaller slot limits. We know that's going to increase the hook and release mortality, and what are the consequences of basically making those changes that will produce more hook and release mortality, since hook and release mortality is the major mortality in this fishery, as far as the recreational, and almost as big as the commercial and recreational mortality combined.

That's the first question. Second question, I'm kind of confused here. We're making all these assumptions that by increasing the spawning stock biomass we're actually going to have great recruitment. But nowhere do I see in this rebuilding, that this is based on also the right environmental conditions.

Because we can try to basically protect the spawning stock biomass, but we can't control the environment. We've had good recruitment with much lower stock assessment than we have right now. I'm just looking to where that's going to state in the document, because we're building peoples hopes on a document that I see is wrong about that.

MS. FRANKE: Thanks, Tom.

CHAIR GARY: Yes, Emilie, I think I understood part of Tom's question. Are you good with that?

MS. FRANKE: Yes, so I can try to address both aspects. The first question about the increase in

release morality associated with changing the recreational size limit. As part of the analysis in the calculations of what the change in total removals would be for each option, relative to 2017. There is a table in the Amendment that outlines how those changes to the size limits would impact harvest, and how the predicted changes to release mortality.

For all of the options there would be a pretty significant reduction in harvest, and release mortality would just increase by a couple percentage points, resulting in a reduction in total removals, somewhere between 18 percent all the way up to 30 percent. The calculation of the percent change in removals for these options does address release mortality.

However, something that the TC and PDT emphasized is that there is uncertainty as to how angler behavior and effort will change if the size limits change. Also, depending on if certain year classes become more or less available to the fishery. While the analysis takes into account release mortality where possible, all of the analysis assumes that effort would remain constant, and that is a big source of uncertainty. Then as far as your second point about recruitment, and the importance of environmental conditions for a successful recruitment.

As part of the recruitment trigger section, the PDT does note that there is a weak stock recruit relationship for striped bass. The environmental conditions do play a big part, and as far as the recruitment trigger goes. You know responding to periods of low recruitment by reducing fishing pressure, won't necessarily increase future recruitment because of that weak stock recruit relationship. The PDT did try to address that earlier in the document.

CHAIR GARY: Tom, did that adequately answer your questions, or do you have a follow?

MR. FOTE: It just doesn't do what we, in the section we were talking about putting all these restrictions, it should also mention it in this section also, because we're setting expectations. We did that with summer flounder. We basically set expectations that we protect the spawning stock by raising the size limit constantly.

We're going to do good, and we're not seeing, we're seeing poor recruitment, and when we had smaller size limits we saw better recruitment. We constantly tell that to the public. They are expecting us to basically do this a lot of times, and it's not working. It's not working in a lot of species. I don't know how it's going to work with striped bass, because the environment is already changing, global warming and everything else that comes into play.

CHAIR GARY: Okay, thank you, Tom, I appreciate that. Toni, are there other folks queued up with questions for Emilie and staff?

MS. KERNS: Yes, we have three additional names, we have David Sikorski, Pat Geer, and Jesse Hornstein.

CHAIR GARY: Okay, Dave Sikorski, you are up, and happy belated birthday.

MR. DAVID SIKORSKI: Thank you, Mr. Chairman, I'm glad the scheduling occurred today not yesterday for this meeting. Like in the last meeting, I've had a lot of focus on what stock we're exploiting in the Chesapeake, and then also what's being produced by the current spawning stock, and you know we see through our young of year surveys. In looking at the rebuilding piece, the question that comes to mind, even more so now after Dr. Davis' comments about the bookending of a potential range of options.

I wonder if the Board could direct staff or TC to go even lower with the assumptions about recruitment. I think it would provide important guidance if we continue to see the Chesapeake, or at least the Maryland portion of the Chesapeake fall below average, and just be smart in a sense of the bookending component. Help me understand if I'm off here. I'm thinking that is a more conservative approach doable, and maybe it's not from an average perspective, based on past data. But is it

doable? I guess I'll stop there, I think that is my question.

CHAIR GARY: Emilie, are you good with answering that?

MS. FRANKE: Thanks, Dave, for the question. Yes, I might defer to Katie here in a moment. Dave, it sounds like you're thinking, you know looking at Option B, which I'll put up on the screen, this low recruitment regime. You're trying to think if there would be an even more conservative option than this Option B.

The only thing I'll say to that is that based on the analysis the Technical Committee used to identify these periods of high and low recruitment. You know this is the low recruitment period they identified, so I'll defer to Katie if there is potentially additional analysis that could identify an even more conservative option at this point.

DR. DREW: Yes, I think we could develop, for example, the low recruitment regime that we saw during the period of stock decline from about the 2010s forward, was definitely not as low as some of the past low recruitment regimes we've seen, even within the stock assessment. If the Board was interested in seeing, you know what would rebuilding look like under recruitment levels that we saw in the early eighties, which was truly a low point for recruitment for this stock. That is something we could put together.

We could pick a different percentile of that low recruitment regime, so instead of picking say the average or the median, pick the 25th percentile of recruitment in that regime. I think we would obviously look to the Board for some sort of guidance on that kind of information. But I think, you know keeping in mind that talking about rebuilding to 2029, future recruitment in the near term isn't going to be a big impact on that timeline. It really is predominantly going to be what's already in the system, so to speak.

MR. SIKORSKI: Thank you, no follow ups.

CHAIR GARY: We have two other folks that had questions. I would like to make a clean break. It's 3:30, but if we can squeeze these questions in, take a break and then come back, and then pick up with the discussion, that would be my preference. But this is a sensitive topic, we can all tell. Toni, I guess a question before I go to Pat. Are there several more people that are queued up for questions, or do you think this might be the last couple?

MS. KERNS: There are no additional Board members.

CHAIR GARY: Okay, let's see if we can do that then, so Pat, I'll go to you, and then we'll go to Jesse, and then we're going to take our 15-minute break.

MR. PAT GEER: Mr. Chairman, I'm going to make this easy on you. I had a comment, and not a question, and I'll hold that comment until later.

CHAIR GARY: Thank you, Pat, Jesse, you have the floor.

MR. JESSE HORNSTEIN: My question is, if the projections were done, well, for the ones that were done using the standard recruitment levels to get back to the F target level. If they used the low recruitment regime to do those projections, would it be more important to protect large year classes under the low recruitment regime, as opposed to the standard recruitment regime? That would be my question, thanks.

MS. FRANKE: Thanks, Jesse. I'm going to again defer to Katie to see if there is any information we can provide, because as you mentioned, yes, the projections for the year class section were done using the standard recruitment assumption.

DR. DREW: It's hard to predict exactly how those two would interact. I think probably the key would be protecting those year classes from the beginning, as opposed to right now, where we're sort of trying to come in a little late on some of these year classes that have already been, I mean these fish, striped bass are vulnerable to the fishery from about Age 2 onwards. I think, you know trying to come in a little

late on the protecting the year class may have less of an impact than, you know if we did this rebuilding plan and tried to protect strong year classes as they enter the fishery. In the future, down the line, that might have more of an impact. Whether it would have more of an impact, whether it would be more important to protect those strong year classes during a weaker recruitment regime. I think we would have to sort of run the math, and see if the benefits would be stronger in that situation. But it's not unreasonable to assume that.

CHAIR GARY: Thanks, Katie, Jessie does that answer your question, or do you have a follow?

MR. HORNSTEIN: No, that answers it, thank you.

CHAIR GARY: All right, thank you, Jesse. Emilie and Toni, I think we're just a couple of minutes over, I'm showing 3:34. I would like to go ahead and take the 15-minute break now, and then transition over to discussion on this section, of these two sections. We'll go ahead and break now, and Toni, if that's okay, we'll reconvene at, it would be 3:50, correct?

MS. KERNS: Correct, Marty.

CHAIR GARY: All right, so we'll go ahead and take a 15-minute break, everybody catch their breath, get their thoughts together, the Board, and we'll go ahead and discuss these two combined sections. Thank you.

(Whereupon a recess was taken.)

CHAIR GARY: Welcome back everyone. We're going to now transition to the discussion phase for these sections that Emilie just covered. I would like to go ahead and open up to the Board, if you could raise your hands and indicate who would like to start the discussion. Again, we're looking at potential modification, removal, and possibly addition as well. Toni, do you have any hands up?

MS. KERNS: I do, Marty, I have Mike Armstrong.

CHAIR GARY: All right, Dr. Armstrong, you're on.

DR. ARMSTRONG: I have a motion, and it will add to this document. I've been struggling with where to bring this motion. But I think it's definitely germane to the rebuilding process, and it may give people a different way to think about the two things we're going to discuss right now. It might delay things, but I would like to get it on the table, and perhaps you can decide if we talk about it now, or maybe shove it down the road a little bit. I don't know, Emilie, do you have the motion?

MS. FRANKE: I do, yes. It should be on the screen momentarily here.

DR. ARMSTRONG: I will read it. Move to add an option to Section 4.4: Rebuilding Plan that considers an alternative process for responding to the 2022 stock assessment as follows: If the 2022 results indicate the Amendment 7 measures have less than a 50% probability of rebuilding the stock by 2029 (as calculated using the recruitment assumption specified in Amendment 7) and if the stock assessment indicates at least a 5% reduction in removals is needed to achieve F rebuild, the Board may adjust measures to achieve F rebuild via Board action. Just very briefly, this is about expediency, and the important element is it would take out the addendum process and make it a specification process for the Board. If I get a second, I'll explain a little bit more.

CHAIR GARY: Thank you, Mike, is there a second to Dr. Armstrong's motion?

MS. KERNS: I have Jason McNamee.

CHAIR GARY: Thank you, Jason, Mike, it's back to you to build on your rationale.

DR. ARMSTRONG: Good, thank you. Again, I'd like to see it in the document, and we don't have to implement it when we make that decision. But it adds a backstop. I'm worried about this stock. As you know, the last three years have been really bad recruitment. By the time the stock assessment comes out, we will have a shot, we will see what the '22-year class looks like, and we don't know what's going to come out of the assessment.

It may be okay if you use poor recruitment, it may not be okay. But we've been in this, what I would term a slump, and our constituency has seen this. We've been in it a number of years. If we come out of this assessment, and we have to take a reduction, we won't put that in until 2024. I don't think we should wait that long.

I don't think the stock should wait that long for an action. You know it's unusual. It's a specification process, it cuts public opinion out, speeds it up tremendously, but it is done with other species, like fluke and black sea bass and things like that. The things that we might want to discuss. The biggest thing is the Board may adjust measures to achieve F rebuild via Board action. Even if we accept that we don't have to use it.

The other thing is its 50 percent probability of rebuilding. I think that's reasonable, that's what we usually go with. Then, I talked to a number of people. If the stock assessment indicates at least a 5 percent reduction removal. Our last plan, we had to reduce 18 percent. What I'm saying is, if it's a trivial amount. If it comes back and the TC says, you have to reduce by 4 percent, then fine.

We go through the addendum process, because things are not dire. If they come back and say we need a 20 percent reduction, then we can't wait a year, well from now it's a year and a half to implement it in 2024. That's my rationale. It's really about expediency and crafting a different route that is very quick to reduce F if we need to, and we may or may not use this. But I would like to see it in the document in Section 4.4, the rebuilding part.

CHAIR GARY: Jason, would you like to expand any thoughts you have for your second?

DR. JASON McNAMEE: I won't say too much. I've been just kind of thinking through the process here, thinking about the last process with striped bass, and I think folks were getting really frustrated with the amount of time that things were taking. They feel a real immediate sense of the need for action. I think I really appreciated Dr. Armstrong's motions, kind of thinking out ahead a little bit, getting us positioned to be able to react quickly, rather than having to bear the frustration of kind of letting all of the sequences line up. I think it's a smart move to think out ahead of this a little bit, get ourselves positioned to be able to react quicker than we normally would be able to, if we get continued bad signals out of the stock assessment.

CHAIR GARY: Given the time and we have two more sections to cover, but the importance of this particular one, and I think a lot of folks on the Board and the public, folks I've talked to, I'm sure others have as well. Ever since the Plan Development Team memo came out, this is a thought that has come into their head. I think this is going to help us to have this discussion, so we'll go ahead and pursue this now.

I'm going to go ahead and open this up to discussion with the Board, and we'll go ahead and decide. This, or course, is going to be an additive component, and I would also like to give the public an opportunity to comment on this, before we go to a vote on this. I'll open it up, Toni, to the Board for questions and comments.

MS. KERNS: We have Mike Luisi, Megan Ware, Justin Davis, Max Appelman, and Joe Cimino.

CHAIR GARY: Toni, who was third in the cue? It was Mike, Megan, and then who was the third one you had?

MS. KERNS: Justin.

CHAIR GARY: Justin Davis and then Joe Cimino, correct?

MS. KERNS: Max is in between Justin and Joe.

CHAIR GARY: Got it, okay, we'll go first to Mike Luisi.

MR. LUISI: My question, well let me first say that I absolutely support the idea behind this motion. I've been thinking about it myself a lot, as to how we may be able to react to the upcoming assessment in

a timely way, to make adjustments if necessary. I appreciate, Mike, you thinking about this as well, and putting this before us. My question to you, Mike, is as far as intent on making adjustments to the measures. Do you foresee, as you used in your example?

Let's say an 18 or let's say a 20 percent reduction is necessary from the results of the stock assessment. Do you envision the Board using the specifications process to approve that 20 percent reduction, and then states will craft measures to achieve that via data that they would use in other cases, like through a conservation equivalency program? Do you foresee the Board in this case selecting the Chesapeake Bay alternatives, or measures, and the coastal measures, and establishing new measures, which are specific to actual regulations that would need to be implemented?

DR. ARMSTRONG: The way I envision it is, at the October meeting we would get the stock assessment results. If it comes back, we need X amount of reduction, we put this in action. We charge the TC with coming up options to achieve that. They come back in January, and we're presented with a suite of options, and the Board picks.

But I think probably in this is you go the other way, where we say this is the reduction you need. Well, no, let me take that back. My intent was that the Board will make that decision, and then the whole CE will be complicated by what we pick for that option. It could be CE isn't on the table then, so it would all be up to what comes out of the Board.

CHAIR GARY: Mike Luisi, is that good?

MR. LUISI: Yes, Mike got clarity there, thanks, Marty.

CHAIR GARY: Next up is Megan Ware.

MS. WARE: Yes, I want to thank Mike for making this motion. I think it addresses the mismatch in timing between taking final action on this Amendment ahead of getting those 2022 assessment results. I also appreciate that this motion is really specific to the criteria that would need to be met in the assessment, to trigger the Board using this Board action and specification process.

I think I share concerns that Mike raised, about waiting until 2024 to take action in response to a poor assessment outcome. Just because the longer we wait to take action the more severe those measures are going to have to be, to meet the 2029 deadline. I support this motion.

CHAIR GARY: As we go through the queue here, if you're in support of in opposition, in the interest of time let's try to be as concise as we can, and hit our points. I just want to be conscientious of the other subject matter we have to cover, and making sure that we end. You know we are on a five o'clock stop. We could go a little bit longer, but I want to try to keep everybody on schedule. Next up is Justin Davis.

DR. DAVIS: Up front I'll say that I do plan on supporting this motion. I appreciate that intent of it in particular. I think it makes me feel better about adopting the PDTs recommendation to remove Section 4.2.1 from the Amendment, the measures to protect the 2015-year class, because this could give us a mechanism for taking quick action after the stock assessment later this year, if we get bad news from the assessment, and determine that we're not on path for rebuilding.

I do have concerns around process. I don't think we should take it lightly that we're essentially doing away with the normal public comment process we would go through before changing measures. I would just as that however this ends up playing out, whatever process we follow, that when candidate measures.

You know if we end up going down this road, and there are some potential new measures, that those are provided to the Board enough in advance of final action, that there is some opportunity for Board members, for state agencies, to do some level of outreach to the public to get some

feedback. I think it would be a really bad outcome, if we sort of got the potential suite of measures very quickly before the meeting, where we had to take final action and there wasn't time for some level of public comment. I just also wanted to clarify. Based on the language here, I'm seeing that this action is specific to the 2022 stock assessment results.

I just want to clarify that we're not essentially, by putting this in the Amendment, adding a new sort of potential tool in the tool box that the Board could avail itself of, at any time when we're in a rebuilding and we get a stock assessment that indicates that we're not on track for rebuilding. Down the road, if unfortunately, we get the next stock assessment, and it looks like we're off track for rebuilding. This would not mean that we could immediately just use this new specification process, we would still have to go through the standard addendum process.

CHAIR GARY: Mike Armstrong, is that your intention, to address Justin's last point?

DR. ARMSTRONG: Yes, this is a one use only thing, unless down the road we decide to change it. But as of now, it's we use it once, we may use it once and that's it.

CHAIR GARY: Okay, thank you, Mike. The next up is Max Appelman.

MR. APPELMAN: I definitely support this concept, the intent behind this, for all the reasons that have been said already. I think I can support the motion, but I want to echo some of the concerns I heard from Justin. Well, for one I heard specifications process, which I think is a very new term to this management board, which has already been pointed out. That's not a typical process that we go through for striped bass.

I am concerned about cutting out our normal public comment process, adaptive management process, especially for this fishery. I think what might help me be a little more comfortable, is really understanding the difference in timeline between something like this and the addendum process.

I do recognize that there is going to be some period of time in both processes, whether an addendum or this Board action that requires some TC work. You know I think there is a lot of interest in having time for Board members to meet with constituents to get their input as well. Are we able to walk through the process here on both sides, from when the assessment results are available to when final measures would be imp lamented?

CHAIR GARY: Emilie, are you able to map that out for Max and answer his question?

MS. FRANKE: Yes, I am happy to do so. For the addendum process. If the Board initiated an addendum in October of this year, 2022. If the PDT developed an addendum and the Board approved that addendum for public comment in February of 2023, the public comment period would take place in the spring, and the Board could potentially consider final action on that addendum in May of 2023.

By that point, I don't think there would be time for states to implement those regulations for the 2023 season. That's where that likely implementation in 2024 came from. As far as the motion that is on the board here. I think if this were added to the document, and if this were approved by the Board in May. I think the Board in May could task the TC with calculating or identifying a couple of options for measures, to meet the reduction, if the stock assessment report indicates a reduction is needed.

I think potentially the TC could provide concurrently with the assessment results in October of this year, could provide a couple of options for measures that would meet said reduction. I will say that if the Board does task the TC with that, it would be helpful for the Board to provide any guidance, if possible, to the TC.

For example, one slot limit, one minimum size, or something like that. Then potentially, depending on the Commission, and how things go, maybe there

could be some sort of additional special board meeting that could be scheduled, you know after the October meeting, for the Board to take final action, so that as Justin mentioned, maybe there could be some time for the Board to process those results and potential options.

Then if final action was taken by the Board in late 2022 or early 2023, similar to the Addendum VI process, I think states could potentially get those regulations implemented by April 1, 2023. I think the difference would be a potential implementation date of April 1, 2023 versus January 1, 2024.

CHAIR GARY: Did that help, Max?

MR. APPELMAN: Yes, could I ask a quick follow up?

CHAIR GARY: Sure.

MR. APPELMAN: I would agree that it would be very unusual for striped bass measures to change in the middle of the season. What I heard with the addendum process is final action would happen in May, and then there would be some time after that, maybe a couple months at most before states could get measures on the books.

That would be unusual to change measures in the middle of the season. Usually, we wait until the beginning of the next season to have those changes go into effect. I would agree that that would be unusual, but it's not out of this Board's purview to set an implementation deadline like that. I guess my follow up question would be, it sounds like there would be a very limited number of options that would be put forward under the specifications process, which I'm not necessarily opposed to.

But I'm wondering if there would be opportunity after that, considering that this is sort of a stop gap, I think I heard that term used, a stop gap approach, to be a little bit more careful and deliberate about what our more long-term management program would look like under the remaining years of the rebuilding program. Is that something that you envision, the makers of the motion, Mike and J-Mac?

CHAIR GARY: Mike or Jason, can you comment to Max's inquiry?

DR ARMSTRONG: Sure, can you say the end of your question again? You broke up on my end.

MR. APPELMAN: Yes, I am under the impression that if we went through the specifications process, the types of options that would be considered in October or late this year would be limited, there would only be a couple. Again, keeping the typical public comment process in mind and doing away with that. I wonder if there is still going to be an opportunity after that to go through the Commission's adaptive management process, to consider a more long-term measures for the remainder of this rebuilding program.

DR. ARMSTRONG: Yes. I mean I think the motion is silent on that. But I think the Board can do what they want, and I think that could be a route they go.

CHAIR GARY: Did that answer your question, Max?

MR. APPELMAN: Yes, thank you.

CHAIR GARY: I'm watching the time melt away here a little bit, but this is a really, really important discussion. We have Joe Cimino up next, and before I turn it over to Joe, I just want to mention. I do want the public to have some opportunity to react to this. Other Board members, if you have something new to add to this discussion, or we haven't heard from you today, certainly, by all means raise your hand, and I'll go to Toni after Joe. But I do want to transition at some point over to the public soon, so Joe, it's over to you.

MR. JOE CIMINO: I just want to say that I'm in support of this for all the reasons mentioned. I am a little bit surprised by all the concerns, but I'm just going to hope that this motion passes, and that we can address some of those in the future. You know I think a lot of states have a public process in place to deal with the federally managed species. I'm a little surprised by all of NOAA's concerns on this, but I'll address that more if this motion passes, and I certainly hope it does.

CHAIR GARY: Toni, in the spirit of hopefully folks on the Board who haven't had a chance to talk here at the meeting, or if somebody needs to add something to this. I'll ask you one more time if there are any Board members that have their hands raised, and then we'll give it over to the public.

MS. KERNS: There were a couple of souls that put their hands down, but we still have three. I have John McMurray, Bill Hyatt, and Emerson Hasbrouck.

CHAIR GARY: Okay, I'm going to honor all three, but John McMurray, no offense to you, I'm going to go ahead and let Bill Hyatt go first, and then Emerson, because we haven't heard from them in this meeting yet, if that's okay. I'll go to Bill Hyatt first.

MR. BILL HYATT: I'll be quick. I just want to say that I very much support this motion, and I don't really share some of the concerns, maybe not to the degree that others have expressed about loss of opportunity for public input, if this is put in place. I'm not so concerned, because of the very specificity of this option and of this motion, and because any application will fall very, very shortly afterwards, following the public input that we're going to get on the Amendment. Support it, and don't have great concerns over not having immediate public input, should we need to implement it.

CHAIR GARY: I'll go to Emerson now.

MR. EMERSON C. HASBROUCK: I certainly support this motion. This motion is just to get this into the public hearing document. It's not like we're taking final action on this component being a final entity in Amendment 7. Let's get it out to the public, and the public will certainly tell us if they would rather have us have the ability to act quickly, with not a lot of public input, or go the more traditional route of an addendum that's going to take a little bit longer, but provide more public input.

CHAIR GARY: Last but not least, back to you, John McMurray.

MR. McMURRAY: I'll be very brief, because I think Emerson just covered most of what I wanted to cover. A great majority of the public comment up to now has been clear that we need to act sooner rather than later, and this offers a tool in the tool box to do that. I think we'll hear a lot of support for it when we go out to public with Amendment 7. I'm in support and that's it.

CHAIR GARY: Toni, I'm going to go ahead now and we'll swing over to the public. I think the best way to handle this will be, let's get a show of hands from those folks in the public that would like to make a comment. Based on the number that we receive, we may have to adjust the time allotment, but I'll let you see how many hands go up.

MS. KERNS: I'm just going to give one more second. Unless I see your hand go up, I'm going to consider, we have four people, and I'm going to cut it at those four.

CHAIR GARY: Okay, thank you, Toni, and to save time I'm going to let you call them, if you don't mind, in the order that you see fit. For those four public members, if you could keep your message very short, a minute or less if possible.

MS. KERNS: Okay, Patrick Paquette.

MR. PATRICK PAQUETTE: Patrick Paquette, Massachusetts Striped Bass Association, and a member of the AP. I very much appreciate this motion by my home state of Massachusetts. As a member of the AP, I struggled with the protection for protecting those three-year classes, because in the back of my head I said, the assessment is going to come out, and we're going to need a reduction.

That seems like that that is plain as day to me, from looking at all the information that I follow. I appreciate getting this out to the public now. I believe that this cuts the timeline, as explained, and I believe that including it in the draft amendment. I believe that the AP will have the ability to comment on the draft amendment. I know that the organized recreational public has many leaders that are on it, and ready to submit letters, and organize people to submit letters. I believe there will be a level of public input. I very much appreciate the ASMFC

even considering, basically shifting into a faster gear than normal, and I support the motion. Thank you.

CHAIR GARY: Thank you very much, Patrick, I appreciate that. Who's next, Toni?

MS. KERNS: Taylor Vavra.

MR. TAYLOR VAVRA: I just very quickly wanted to say that I think the angling public has made it clear that they want decisive, corrective action. We feel that Mr. Armstrong's motion is consistent with that feedback. On behalf of our members of Stripers Forever, and given the boundaries outlined by the motion. It's a one-time measure, that we support this motion, and think this is a good move. It puts us ahead of the game in some ways, so just wanted to say that. Thank you.

CHAIR GARY: Thank you, Taylor, and who do we have next, Toni?

MS. KERNS: Charlie Witek.

MR. CHARLIE WITEK: I feel very comfortable to say that I think I'm speaking for the 3,000 plus people that commented on the Public Information Document last spring, and often raised the issue of delay, that this is the kind of decisive, prompt action that we want to see from the management board, and I expect it will get wide support.

CHAIR GARY: Thank you, Charlie, and I think we have one more, Toni.

MS. KERNS: Phil Zalesak.

CHAIR GARY: Go ahead, Phil.

MS. KERNS: Again, Phil, I still haven't been able to hear you, so you are still not connected via audio. I apologize. I think, Marty, you've got to move on.

CHAIR GARY: Yes, I think we're going to go ahead and move on. Phil, I apologize. We're trying to do everything we can. Maybe we can work with you in the future ahead of time, to make sure we can help you out even better. All right, so we'll bring this back to the Board, and I'm going to go ahead and well, let's give it a try. I'll try to see if we can do this by consent. Is anyone on the Board in opposition of this motion?

MS. KERNS: I have no hands up in opposition.

CHAIR GARY: Then the motion passes by consent. All right, and then Emilie and Toni, help me. But I think we have two more sections to go through. But before we do that. This was one discussion, I would like to ask the Board if there are any other considerations, discussion, concerns they have related to that particular section, or are we okay to move on? If so, raise your hand. If we don't see any hands, we're going to have Emilie move on to the last two sections.

MS. KERNS: I Have Justin Davis, followed by Mike Luisi.

CHAIR GARY: Okay, we're not quite there yet, so Justin, we'll go with you first.

DR. DAVIS: I just wanted to clarify that this point Section 4.2.1 is still in the document, and would go out for public comment, unless we take some action at this point.

CHAIR GARY: Emilie, is that accurate?

MS. FRANKE: Yes, Mr. Chair. Unless action is taken, those measures to protect the year classes are still in the document at this point.

DR. DAVIS: Follow up, Mr. Chair.

CHAIR GARY: Yes, go ahead, Justin.

DR. DAVIS: I would be willing to make a motion to that effect, but I would defer to Mike Luisi first, since he had his hand up, if he's got a comment.

CHAIR GARY: Okay, go ahead, Mike Luisi.

MR. LUISI: No, go ahead, I had the same question, Justin. I wanted to make sure that the PDTs evaluation of Section 4.2.1 was discussed, and if you

have a motion, I would say go for it. I didn't have on planned, but I did want to discuss where we go with that section, thanks.

CHAIR GARY: Back to you, Justin.

DR. DAVIS: Given that, I would move to remove Section 4.2.1 Measures to Protect Strong Year Classes (Recreational Size and Bag Limits) from Amendment 7.

CHAIR GARY: Thank you, Justin, and we'll look for a second.

MS. KERNS: I have David Borden.

CHAIR GARY: All right, seconded by David Borden, and go ahead, Justin, if you want to provide your rationale.

DR. DAVIS: I'll try to keep it brief. I think we've already had a pretty good discussion around this. I agree with the PDTs recommendation that we should remove this from the Amendment. It's clear based on the projections that were done that these options will not provide a benefit to stock rebuilding, which was the rationale for taking a look at this.

I certainly can appreciate the rationale for having added this into the Amendment, and taking a look at this. But given that at this point there is no evidence that these measures will assist us with stock rebuilding, also the noted challenges around the timing with the stock assessment coming out later this year. Also, given the motion that we just passed for the new process, by which the Board will have the option to take quick action later this year, if we should get a result from the stock assessment that indicates we're not on track for rebuilding. I think at this point, I feel pretty safe recommending that we remove this from the document.

CHAIR GARY: David, as a seconder do you have anything to add to that?

MR. BORDEN: No, other than I agree with all of Dr. Davis' comments, and I won't reiterate those points, thank you.

CHAIR GARY: Thank you, David. I remain very sensitive to the public's perspectives, and we've heard a good bit of that captured in the previous dialogue. But I would put it out this way. If there are any members of the public that have strong opposition to this motion, could you please raise your hand, I would like to hear from you.

MS. KERNS: I have one member of the public, Mike Plaia.

CHAIR GARY: Go ahead, Mike.

MR. MICHAEL PLAIA: Yes, thank you. My name is Mike Plaia, I'm on the AP. I'll reiterate what I said at the AP. Katie's analysis did not show an effect on SSB, because she assumed that F remained the same, and that there was no benefit of having larger, more viable fry. I think the only way we can be sure about what the impact is on angler effort and catch, would be to send this out to the public and hear what they have to say. I'm not saying that it's a bad idea or a good idea, I just want to hear from the public.

CHAIR GARY: All right, thank you, Mike, I appreciate that. Toni, is there anyone else that raised their hand that has opposition to this?

MS. KERNS: I have one other individual, and that is Andrew Reichardt.

CHAIR GARY: Go ahead, Andrew.

MR. ANDREW REICHARDT: Hi, Andrew Reichardt, I'm from Flyfishers International. I'm not actually voicing opposition, as much as just confusion. I'm a member of the general public, and the VP of conservation for our organization. I'm sort of unclear what this motion would accomplish, and that's just to give you a perspective from the general public is, I think it's a little bit too granular for someone kind of coming in as a lay person to really grasp what this motion would do.

CHAIR GARY: Emilie, do you want to try to attempt to answer Andrew's inquiry, just in a broad sense?

MS. FRANKE: Sure, Mr. Chair. This motion would remove the options that are currently proposed in Draft Amendment 7 to change the recreational size and bag limits. The Draft Amendment currently proposes a couple different options for the ocean and the Bay for changing the recreational size and bag limits. If this motion is approved, those options would be removed from the document, so the public would not have an opportunity to comment on those options, and Draft Amendment 7 would maintain the current management measures that are in place.

MR. REICHARDT: Thank you, Emilie, and thank you Mr. Chairman.

CHAIR GARY: You're welcome, Andrew. No others, Toni?

MS. KERNS: No other members of the public. You do have Mike Luisi. I don't know, Marty what you want me to do. Now I've had additional members of the public raise their hand. I don't know where.

CHAIR GARY: I think we're going to go ahead and bring this back to the Board. We are at 4:30, and we still have two sections to go. We've had pretty extensive dialogue on it already. Let's, I tell you what, Mike, go ahead if you can keep it brief, and then I want to bring this back for a vote, please. Mike Luisi.

MR. LUISI: I'm sorry, Mr. Chairman, I had my hand up from before, sorry about that.

CHAIR GARY: Let's take it back to the Board then. Again, I'll try this to see if we have consensus. Is there anyone on the Board who is in opposition to this motion, raise your hand.

MS. WARE: Request for a 30 second caucus, please.

CHAIR GARY: Okay, Megan, so we'll go with 30 second caucus, if you could set the timer, Toni, and we'll come back. Okay, we're back, and thank you, Megan, I didn't mean to be presumptuous. Thank you for asking for that. I will try now again via consent. Is there any opposition to this motion?

MS. KERNS: We have one hand up in opposition, the state of Maine.

CHAIR GARY: Okay, so then we have to come back to a formal vote. All right, so Toni, we'll go ahead and call the question. This motion is to remove Section 4.2.1 Measures to Protect Strong Year Classes (Recreational Size and Bag Limits) from Draft Amendment 7. Motion by Dr. Davis, second by Mr. Borden. All in favor, please raise your hand.

MS. KERNS: Just letting the hands settle. I have New Jersey, New Hampshire, Pennsylvania, U.S. Fish and Wildlife Service, Connecticut, NOAA, District of Colombia, Massachusetts, Maryland, New York, Delaware, Virginia, Rhode Island, North Carolina and Potomac River Fisheries Commission. I will put the hands down for everybody. I'm ready.

CHAIR GARY: All those opposed to this motion, please raise your hands.

MS. KERNS: Maine.

CHAIR GARY: Thank you, Toni, I think that's all the votes, do we need to call for null or abstentions?

MS. KERNS: I believe you are correct, so no.

CHAIR GARY: The motion passes 15 to 1.

MS. FRANKE: That's correct, Mr. Chair.

CHAIR GARY: Thank you, Emilie, all right. We're still on this particular section. Emilie has two more to cover, and I'll just ask the question one more time from this particular section on the year class options and rebuild. Are there any other issues that we need to discuss, otherwise we'll move on to the last two items?

MS. KERNS: I have no additional hands. Emilie, you are clear to go ahead on these last two sections.

MS. FRANKE: Sounds good, thank you, Mr. Chair. These final two sections are Section 4.2.2, which is Measures to Address Recreational Release Mortality and Section 4.6.2, which is Conservation Equivalency. As Mr. Chair mentioned, these are the final two sections with proposed options in Draft Amendment 7 that we have not already covered.

Starting with recreational release mortality. Release mortality in the recreational fishery is a large component of annual fishing mortality. It was the largest component from 2017 through 2020, and the striped bass fishery is predominately recreational, with most of the catch released alive. As a reminder, the current management program primarily uses bag limits and size limits to constrain harvest, and is not designed to control effort.

This makes it difficult to control overall fishing mortality. Efforts to reduce fishing mortality through harvest reductions may be of limited use, unless release mortality can be addressed. There are four sets of options in this section. In addition to the Option A, which is status quo circle hook requirement that was implemented through Addendum VI, the Board could consider one or more of the following types of options to address recreational release mortality.

Option B is Effort Controls, which are seasonal closures. Option C is Gear Restrictions, and Option D is Outreach and Education. The status quo option here, Option A, is the circle hook requirement implemented through Addendum VI, and this requires circle hooks when fishing recreationally with bait for striped bass.

This requirement does not apply to any artificial lure with bait attached. Currently there is guidance on incidental catch of striped bass as follows. It is recommended that striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.

Option B is Seasonal Closures, and this could be selected to be implemented along with the status quo Option A. Seasonal Closures are intended to reduce the number of live releases, by reducing the number of fishing trips or effort that interact with striped bass. The majority of options in the Draft Amendment are no targeting closure options that were developed by the PDT, and this is in order to address releases resulting from both harvest trips and catch and release fishing trips. Estimating the reduction in removals from a no targeting closure depends on assumptions about changes in angler behavior, and this is highly uncertain. For future management actions the PDT recommends that the TC discuss and potentially establish a standardized method for estimating the reduction in removals associated with no targeting closures.

As far as the options themselves. Option B1 under Seasonal Closures are state specific two-week closures, and these closures would be no targeting closures. All recreational targeting of striped bass would be prohibited for a minimum of a two-week period. This is intended to reduce effort during times when the fishery is active in each state.

Under Sub-Option B1-A, each state's closure would need to occur during a wave with at least 15 percent of the state's annual directed stripe bass trips, and that's provided in Table 10 in the Draft Amendment, and those calculations were based on MRIP directed trip data from 2017 through 2019.

Sub-Option B1-B would require each state's closure to occur during a wave with at least 25 percent of the state's annual directed striped bass trips. For these options CE would not be permitted. If the Board selected one of these closure options under B1, the Board would also need to consider Tier 1 listed here, to determine whether existing no targeting closures implemented in 2020 through Addendum VI CE, would or would not meet the requirement of these new closures.

Under Option A, those existing no-targeting closures implemented in 2020 would fulfill the new closure requirements. Under Option B, those existing no targeting closures would not fulfill the requirements, and so those states would need to either implement additional closures, or implement the FMP standard size limit.

Under Option B2, B2 considers spawning closures, and this could be selected in addition to closures under B1 or independent of Option B1. These spawning area closures could contribute to stock rebuilding by eliminating harvest, and/or reducing releases of spawning and pre-spawn fish. For these options, existing spawning closures would be applied toward meeting the requirements of whichever sub-option is selected.

B2-A would require a no harvest closure during Wave 1 and Wave 2 in spawning areas. B2-B would require a no targeting closure for a minimum of two weeks on the spawning grounds, so not necessarily the entire spawning area, but on the spawning grounds during a two-week period in Wave 2 or 3, to align with peak spawning in that state.

For these options again, CE would not be permitted. Moving on to Option C, Gear Restrictions. Again, in addition to the status quo circle hook requirement, the Board could consider additional gear restrictions. Option C1 would prohibit the use of any device other than a non-lethal device to remove a striped bass from the water or assist in releasing a striped bass. The Draft Amendment does include a definition of a non-lethal device. Option C2 would require that striped bass caught on any unapproved method of take would be returned to the water immediately without necessary injury. As a reminder, this incidental catch provision is currently included as recommended guidance in Addendum VI, so selecting this option under Amendment 7 would make this incidental catch provision a requirement. Then finally Option D is related to Outreach and Education. States have already implemented Outreach and Education campaigns related to circle hooks and related to best handling practices, as encouraged by Addendum VI. These options are intended to more explicitly recognize those efforts as part of Amendment 7.

D1 would require states to promote best handling practices, and states would be required to provide updates on these outreach efforts in their annual compliance reports. Under D2 it would be recommended that states continue to promote these best handling and release practices. As I mentioned at the beginning of the presentation, the Law Enforcement Committee met in December, 2021 and briefly discussed these proposed options to address recreational release mortality in Draft Amendment 7.

They noted the following in their discussion. The first is there was concern that no targeting closures would be unenforceable. There was support for making the incidental catch provision a requirement. It was recommended to conduct outreach to manufacturers to continue addressing questions about what qualifies as a circle hook.

The LEC noted the overall importance of regulatory consistency, particularly for shared waterbodies. The LEC also noted that any spawning area closures should be clearly defined. For example, clearly defining whether the closure is in major spawning rivers or minor spawning rivers or both.

I'll move on now to the Conservation Equivalency options, and then I will pause for questions. The statement of the problem for the Conservation Equivalency section notes that there is value in allowing states to implement alternative regulations, based on the needs of the fisheries. But this creates regulatory inconsistency among states, and this comes with associated challenges such as enforcement challenges with these regulatory inconsistencies.

It's also difficult to evaluate the effectiveness of CE programs once they're implemented, due to the challenge of separating the performance of the measures from other variables, like changes in angler behavior, or changes in fish availability. There have also been some concerns raised that some of the alternative measures implemented through CE could potentially undermine management objectives.

Finally, there is limited guidance on how and when CE should be pursued, and how exactly equivalency is defined. Option A is the status quo, and Options B through E in this section consider whether to adopt new default restrictions or requirements for the use of CE. Any sub-option selected under B

through E would automatically apply to any new FMP standards approved through Amendment 7, and all subsequent management actions and CE proposals.

Again, Option A is status quo. The Board currently has final discretion regarding the use of CE and approval of CE programs. The Board can restrict the use of CE on an ad hoc basis for any FMP requirement. Potential restrictions could include specifying measures that are not applicable for CE, or the Board could limit the range of measures that may be proposed through CE. Again, currently the Board does have discretion on the use of CE. Option B would establish default restrictions on the use of CE for certain fisheries, depending on the status of the stock. When these stock conditions are met, CE programs would not be approved, based on whichever option is selected. It's important to note here that any previously existing CE programs would remain in place until Board action is taken to change those FMP standards.

The first set of sub-options here is B1, and this considers what those restrictions would be. B1-A would not allow CE if the stock is overfished. B1-B would not allow CE if the stock is below the SSB target, and the Board could choose either B1-A or B1-B. Then in addition to those, or exclusive of those, the Board could select B1-C, which would not allow CE if overfishing is occurring.

The next set of sub-options, B2 considers the applicability of any restrictions that are selected under B1. Most of the concerns surrounding CE that were identified during the scoping and PID process for Draft Amendment 7, were related to non-quota managed fisheries, due to uncertainty in MRIP data, and challenges with measuring the effectiveness of CE programs.

At a minimum, any restrictions selected under B1 would apply to non-quota managed recreational fisheries, which would include the Chesapeake Bay trophy fishery. The restrictions would not automatically apply to the Hudson River, the Delaware River and the Delaware Bay fisheries. Under Option B2, the Board could choose to extend those default CE restrictions, to apply to one or more additional fisheries.

The Board could choose to extend those restrictions to the Hudson and Delaware fisheries. The Board could extend those restrictions to quota managed recreational fisheries, so extend those restrictions to bonus programs, and/or the Board could extend those restrictions to apply to commercial fisheries.

The next set of options, Option C would establish default precision standards for MRIP catch and effort estimates used in CE proposals. These options are based on the percent standard error, or PSE associated with MRIP estimates. C1 would not allow CE proposals to use MRIP data with a PSE exceeding 50.

For C2 the PSE could not exceed 40, and for C3 the PSE could not exceed 30. The next set of sub-options, Option D would establish a default uncertainty buffer for CE proposals for non-quota managed fisheries. This uncertainty buffer is intended to increase the probability of success in achieving equivalency to the FMP standards.

Option D1 would require an uncertainty buffer of 10 percent for CE programs. D2 would require a buffer of 25 percent. D3 would require a buffer of 50 percent. Then finally Option E considers establishing a definition of what equivalency means for CE proposals for non-quota managed fisheries. These options are intended to specify the percent reduction or liberalization that must be met with a CE proposal. In the case where the FMP standard is projected to have different effects at the coastwide versus the state-specific level.

Proposed CE programs would be required to demonstrate equivalency to either Option E1, which would be equivalency to the percent reduction projected for the FMP standard at the coastwide level. For example, this was their requirement for Addendum VI, that each state was required to achieve an 18 percent reduction, which is the same reduction that was projected coastwide.

Under Option E2, proposed CE programs would be required to demonstrate equivalency to the percent reduction for the FMP standard projected at the state level. That's all I have, Mr. Chair on recreational release mortality and conservation equivalency. I am happy to take any questions.

CHAIR GARY: All right, thank you, Emilie. We go back to the Board, and again emphasizing what our intentions are, in terms of whether we're going to leave things as they are, or whether we're going to modify the narrative or remove it. We'll now move to questions for Emilie, and any discussion. We'll start with questions first, so Toni, any Board members have questions on these two sections?

MS. KERNS: I have two members with their hands up, John McMurray and Justin Davis, and one more, Emerson Hasbrouck.

CHAIR GARY: Okay, John.

MR. McMURRAY: A quick question on the spawning area closures. The Draft isn't clear on what constitutes a spawning area. I'm sure plans would vary greatly, depending on how far down in the watershed it would go. I think that it probably should be clear in the document, so people know exactly what they're commenting on. I guess where in the process would we clarify that?

MS. FRANKE: Thanks for the question, John. I think perhaps we could potentially reach out to the states. What I will say is that Amendment 6 includes a recommendation for states to implement spawning area closures. That recommendation in Amendment 6 lists those spawning areas pretty generally, which is how they are listed in Draft Amendment 7. I think from the PDTs perspective, we didn't talk about specific boundaries for those closures, more that the states would determine where those spawning areas are, to implement those closures.

CHAIR GARY: Did that answer your question, John, do you need a follow?

MR. McMURRAY: It did, so there are guidelines or some sort of map in the Amendment 6 recommendations we could direct people to? Is that what I heard?

MS. FRANKE: No. There is no specific map or specific boundaries listed. Amendment 6 just lists the spawning areas themselves, and then left it to the states to determine those exact boundaries. I might turn to Toni, if she has any thoughts on the Commission specifying where spawning closure boundaries would be, or if that would be a state decision.

MS. KERNS: Thanks, Emilie. If it were a state decision, we would just need to specify that the state would determine the spawning areas in the document so the public knew that. Otherwise, we would have to define the spawning areas within the document itself. Bob, I don't know if you have another possibility, or refer to another document. I mean we could just take what was in Amendment 7, I guess, and put it into this document. But I'll go to Bob for any other ideas.

EXECUTIVE DIRECTOR BEAL: Yes, Marty, I'll chime in. I don't have anything else to add, it just needs to be defined somewhere, either through this document or leave it up to the states, and the states will have to provide probably a definition for review by the Technical Committee and the Board as part of their implementation plan, if this option is selected.

CHAIR GARY: John, any last thoughts? Does that answer your question to satisfaction or not?

MR. McMURRAY: It doesn't really, to be honest. You're going to get a lot of feedback from the public, I'm sure, because they don't. I mean to tell them what the spawning area closure would be after they comment on it, or after we maybe approve it, I think, is not really the right way to go here. But it doesn't sound like there is any good solution, so I'll just leave it at that.

CHAIR GARY: It's an interesting discussion. In the Chesapeake the spawning rivers, areas and reaches

are pretty well defined by the two states. PRFCs jurisdiction is defined in Maryland COMAR. I can't speak for other states and other jurisdictions. Emilie and Toni, to address John's concern, is that something we can do outside of a motion, to try to help clarification for the public? Just trying to see if we can address his concern.

MS. FRANKE: Toni, I'll just jump in. I think from the PDT perspective. I think I would propose deferring to the states to define those areas. I don't know if, from Toni's perspective, if those definitions would be in this Draft Amendment, or if it would be just deferring to the states to implement those closures to cover the applicable spawning areas.

MS. KERNS: I think, and to add on to that, Marty. I think what we could do is in the document we would say, for states that have spawning areas defined, we would use those spawning areas as defined by the state. For those that do not, if this option were approved, states would have to define those and bring them back to the Board as part of their implementation plan.

CHAIR GARY: John, does that's help a little bit? For me at least it seemed to add some clarity.

MR. McMURRAY: It does. I'm not going to take up any more of the Board's time on it.

CHAIR GARY: Next, we'll go to Justin Davis.

DR. DAVIS: My question is, if the Board takes final action on this Amendment in, let's say May, and ops to approve one of the options under Section 4.2.2 under one of the no targeting closure options and/or the spawning closure options, and also votes to add the sort of one time only specifications process to the tool box.

Then we get a not great result from the stock assessment in October, and decide to use that specs process. Will the potential savings that are going to be achieved through implementation of those no targeting or spawning area closures in 2023, will those need to be taken into account, when the Technical Committee determines what measures are needed to achieve whatever reduction we have to achieve, to get back on the rebuilding timeline?

MS. FRANKE: Because there is no standardized method established to calculate the percent reductions achieved by no targeting closures at this point. I would assume that those closures may not be incorporated into that calculation of achieving a reduction. Again, I'll defer to Katie if she thinks otherwise, but at this point I don't anticipate that being possible.

DR. DREW: I think it be, if we did do it, it would probably be along the lines of something more like a sensitivity analysis, because obviously the issue with some of these closures is, what happens to all of those trips where fish were released? Do those trips still happen or not? Sort of the maximum reduction you would expect is that everybody who released a fish gives up and goes home, or everybody who caught a fish before, you know none of those trips happened.

Versus everybody just switches to catch and release and it doesn't change effort at all, and so we would probably look at some of the bounds on potential reductions that you would expect to help us understand the full potential of reductions with these measures, and then provide that information to the Board, to help them assess how conservative or risky they want to be with some of their assumptions about what reductions would be, due to these programs where again, we don't have a really good way of answering some of these questions.

CHAIR GARY: Justin, do you have any follow to that, or are you satisfied?

DR. DAVIS: Just a quick follow up. I saw language on a slide that said the TC will need to develop a standardized method for estimating removals achieved by no targeting reductions. I took that to mean that at some point the TC will need to develop a way to assign a number to what level of removals we can achieve with no targeting closures. Is what being said here that we're just not going to

be ready to do that before October, 2022, or is just that we're never really going to be able to do that?

DR. DREW: It will probably be, we'll have to see how, especially if the TC is going to be tasked with developing options for Board specifications to be at the Board with the assessment. That would certainly cut into our time to be able to do this by October 2022. But I think there is also the issue of the standardized method may end up just being, here's a range of possible reductions, to give you a sense of the uncertainty with these, rather than here is the right number. I think we would need more data down the line to see how these closures actually impact effort and angler behavior, in order to get to something a little more certain down the line.

DR. DAVIS: Okay, thank you.

CHAIR GARY: All right, so we had one more, Emerson, and I'll turn it over to him. But before we do that, we're at five o'clock now, so I would ask other Board members. Unless your question is really critical, Emerson would be the last question. But if you really do feel like you have a compelling question you need to have answered, go ahead and put your hand up and I'll turn to Toni, and then we'll switch to discussion and see whether or not we're going to have any structural modification or removal of any of the narrative, and go from there. Over to you, Emerson.

MR. HASBROUCK: Thank you, Emilie, for the great job you're doing in leading us through this document today. The question I had is actually relative to the answers to Justin's question that he just asked. In the document under Section 4.2.2, right there is a note on estimating reduction and removals.

Estimating the reduction and removals from a non-targeting seasonal closure depends, I'm not going to read the whole thing. Essentially, that note says that the PDT recommends the Board task the TC to establish such methods in advance of implementation of subsequent management actions. The TC may need guidance from the Board on this task.

I'm just wondering, when the PDT is looking for the Board to task the TC to establish such methods. As Justin said, the way it is now, is this what's going to, you know it's in the document but it's going to never be utilized, because we don't have a method to estimate the reduction and removals? When is it that the PDT is looking for the Board to task the TC, so that this can move forward?

MS. FRANKE: From the PDTs perspective, I think this recommendation was a little bit more long term in that, potentially after Amendment 7 is implemented for any subsequent addendums, it would be beneficial for the TC to have this discussion about no targeting closures, and the estimating the reduction in removals, because through this Amendment it's clear that there is some Board interest in pursuing no targeting closures as a potential management tool.

Coming into Amendment 7, the PDT was not trying to achieve a specific reduction with these Amendment 7 closures. However, the PDT recognized that given the interest in these closures as a management tool, that for any subsequent actions after Amendment 7, it would be beneficial for the TC to have this discussion. I think as Katie mentioned, in the near term I think the focus will be on the assessment. But I think potentially after the assessment that could be a task for the TC, so that any future management actions would have that behind them.

MR. HASBROUCK: Follow up, Mr. Chairman?

CHAIR GARY: Please, if you can keep it short, Emerson.

MR. HASBROUCK: Yes, I'll try to. Does that mean if some of the options, some of the components of Option B under 4.2.2, Effort Control and Seasonal Closures, or Seasonal Requirements? If those are included in the final adoption of Amendment 7, we're not really going to do anything with those? You're just going to kind of languish until we direct

the PDT, or we direct the TC to establish some methods, in terms of estimating removals? Am I following this correctly? Even if it's in there we're not going to do anything with it for a while?

MS. FRANKE: If those, oh go ahead, Toni, sorry.

MS. KERNS: I was just going to try to help out on this, Emerson. The PDTs recommendation for these is not specific to how much you've removed. They were trying to get at ways to lower recreational release mortalities. There wasn't a specific percentage that we're trying to achieve.

For this document itself, in essence, it's not like an addendum where you're trying to achieve a certain percent reduction. It's not necessary for this document, but as Emilie said, for future if you're trying to use it as a tool to achieve a certain reduction, then the TC is going to have to try to figure something out.

MR. HASBROUCK: Okay, thank you. The note that's in this Amendment about the Board tasking the TC to establish its methods is not appropriate at this time; that will be something in the future?

MS. FRANKE: Yes, I think that task was intended as a task following implementation of Amendment 7.

MR. HASBROUCK: Thank you.

CHAIR GARY: I am aware that one other person, I must have missed it, had his hand raised, it's Dave Sikorski. I'm going to go ahead and turn it to Dave. That's going to be the last question. Then I'm going to ask the Board. You know if functionally there is a desire to modify or remove any of the narrative language, let's have that discussion. If there is not, I think we'll be looking to move this to fruition. I'll go ahead and turn this over to Dave Sikorsky, and then come back and ask the question if there are any actual adjustments we want to make. Go ahead, Dave.

MR. SIKORSKI: My focus is on Figures 4 and 5 under the spawning closure component. To me, I think there might be a small error on the Maryland piece in December. The season closes in the end of December, it's not a no targeting provision. Just a note. Then the request would be consistent with the request from last meeting, which I think fell through the cracks, and it relates to providing the public and the Board a better way to show us where fisheries are persecuted on spawning stock fish.

I think this makes sense. While I recognize this document is largely focused on recreational measures, I think just the simple addition of commercial fisheries on spawning stock fish, and how they lay out amongst the year, would be really helpful, and mostly because we're looking at a composite F.

We're looking at a coastwide stock we're trying to manage, and a fishing mortality that's all sources of mortality. To me, it's really helpful to understand when these spawning fish are prosecuted by a fishery, not just the recreational one. Well, I guess my question is can that be added?

MS. FRANKE: I think if you could just give a little bit more clarification of what you're looking for. Are you looking for sort of understanding when the commercial seasons for different states, and sort of trying to apply that to when spawning fish are potentially available to the fishery?

MR. SIKORSKI: Yes, spawning stock biomass.

MS. FRANKE: Okay, I can follow up with you after the Board meeting if that's helpful. As you mentioned, this section is focused on the recreational fishery. Perhaps we can add something additional to the appendix, to summarize those commercial seasons, if that would be okay with you.

MR. SIKORSKI: That would be great, thank you.

CHAIR GARY: All right, thank you, Dave. Now I'm going to shift this back to discussion and any potential action for this section. I keep thinking of October 2014, when we were in Mystic, Connecticut. We had I think almost a 10-hour meeting, and I do not aspire to prolong this meeting

to the point where everyone is having trouble functioning.

I guess the question now before the Board is, you have these two sections, we've gone through it, asked questions. Are there any modifications, deletions? Is there anything structurally that we want to adjust here, and if so, if we want to do that, let's have a discussion and show of hands. If there is not, then I think maybe we're in a position to bring the Amendment to fruition, and approve it. But Toni, we'll see if you get a show of hands of any kind that want to adjust anything in these two sections.

MS. KERNS: I have Roy Miller.

CHAIR GARY: Yes, Roy.

MR. ROY W. MILLER: If I may, very quickly, a correction since David Sikorski brought it up. If you look on Figure 5 under spawning area closures, it shows Delaware Bay as being the spawning area in Delaware. It is not classified as a spawning area in Delaware. The Delaware River is, not Delaware Bay, so just a quick correction, thank you.

CHAIR GARY: No, thank you, Roy, I appreciate that. Toni, did anyone raise their hands to signify that they want to move in the direction to discuss possible modifications?

MS. KERNS: I have two hands, Tom Fote and Emerson Hasbrouck.

CHAIR GARY: Okay, Tom, go ahead.

MR. FOTE: Yes, Marty, I'm not saying that we should discuss this any further. What I'm saying is that we're going out to public hearings, we've got a document. We've worked on this document continuously, at least four meetings. We should just go ahead, put it to bed and let it go out. Because we're going to discuss this to death when it comes back anyway. I'm comfortable sending this document as is right now.

CHAIR GARY: Okay, thank you, Tom. Emerson, did you have another comment?

MR. HASBROUCK: No, I didn't. You know I was getting a sense that there wasn't going to be any motions here to change these two sections, so I was ready to make a motion to accept this to send it out to public hearing, if you're ready.

CHAIR GARY: We, I believe, are ready, Emerson, so I'll go ahead and allow you to entertain that motion.

MR. HASBROUCK: Does staff have a motion prepared, okay, so move to approve Draft Amendment 7 for public comment as modified today.

CHAIR GARY: Thank you, Emerson, do we have a second to the motion?

MS. KERNS: I have Justin Davis.

CHAIR GARY: We have a motion to approve Draft Amendment 7 for public comment as modified today, a motion by Mr. Hasbrouck, second by Dr. Davis. Toni, do we want to have a full vote on this, or is okay to see if we can do this by consent?

MS. KERNS: You can ask for opposition. That's fine.

CHAIR GARY: All right, so I'll ask the question. Is there anyone on the Board who is opposed to this motion, raise their hand.

MS. KERNS: I have no Board members with their hand up.

CHAIR GARY: Okay, Toni, you said there are no hands up.

MS. KERNS: That is correct, Mr. Chair.

CHAIR GARY: Thank you, Toni, thank you Board members. The motion passes by unanimous consent and Amendment 7 is approved to go out for public comment, so thank you all for your hard work.

OTHER BUSINESS

We are toward the end. We are at Other Business. My ear buds died; they ran out of batteries. I think we are at the portion of the agenda for Other Business, and I do have one thing to say before we adjourn. Is there other business to come before this Board today?

MS. KERNS: I see no hands raised.

CHAIR GARY: Okay, then I would just like to say on behalf, hopefully I can speak for the Board, and all the folks that I've been interacting with over the last couple of years, to pour a lot of accolades on all the groups that convened together the Work Group back in 2020. The Plan Development Team, the Technical Committee, all that hard work those many, many meetings. There isn't a single person in the staff and all these groups that doesn't care for this species, and I really believe we're headed in a good direction, we're going to have a good discussion.

But I wanted to thank all of those groups that worked so hard to bring this to fruition, and I want to save the best thanks to Emilie Franke for all of her hard work. It's been an incredible herculean job, Emilie, and you've just been phenomenal. I can't thank you enough, and I think I speak for everyone on the Board and the public and participants, so thank you so much, Emilie, for all your help. With that, I don't believe we have any other business to come before this Board. I'll seek a motion to adjourn.

MS. KERNS: Hey Marty, do you want to just make one quick note, and I echo your comments on the work that all of these committees and commissioners and Emilie have all done. I think I threw Emilie into the lion's den to an extent, as a new staff member, right into the middle of this document, and she's really laying with it and has done an excellent job.

But I just wanted to note, and we talked a little bit about this at the Executive Committee, and I think the conversation will carry at the Policy Board level, just in terms of the timeframe for this document. The Commission has under the charter, it has specific guidelines that we have to follow, in terms of the number of days that the document has to be out, before you can conduct a hearing, and then after your last hearing the number of days that the document has to stay out.

If we get the document out, even on Friday, that timeline is going to be tight for the May meeting. I just want to make sure I set up some expectations for the Board, in terms of when you'll receive comment on this if we stay on the current schedule to have this information come out at the May meeting.

There had been discussions about having like a special Striped Bass Board meeting end of May, early June, possibly, depending on all the different documents that get approved this week, and the number of public hearings that we would need to have, in order to move all those documents through. But if we stay on the regular schedule, it could be that the information that the Board gets will be in pieces, in terms of the public comment on this.

It would be almost impossible for us to provide the summary of public comment on the meeting materials, and there is a high likelihood that a lot of the comments may come at the supplemental materials, if this is a typical striped bass document, where we receive a lot of comments. I just wanted to set that expectation up for the Board and the public, and we will work as hard as we can and as best as we can. But there are certain time constraints that we have via the charter.

CHAIR GARY: Thanks for mentioning that, Toni, and I guess aside from the Charter there is also the complications of the synergy of the other boards, many of which are having public hearings as well, if I'm not mistaken, that aren't going to make it any easier, as well, I guess. Okay, is there anything else from staff perspective, Emilie, Toni, which we need to mention before we adjourn?

MS. KERNS: I don't have any.

ADJOURNMENT

CHAIR GARY: Okay, thank you, I would take a motion to adjourn, if somebody would be kind enough to offer that up.

MS. KERNS: Tom Fote has his hand up.

CHAIR GARY: Motion to adjourn by Tom Fote, do we have a second?

MS. KERNS: Cheri Patterson.

CHAIR GARY: Seconded by Cheri, is there any opposition to that, raise your hand. None, I'm assuming, Toni. The meeting is adjourned, thank you so much for your patience, Board and public. This Amendment is now approved to go out to public comment, and we look forward to everyone's participation in the process.

(Whereupon the meeting adjourned at 5:15 p.m. on January 26, 2022.)