

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

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

May 2, 2023

Approved August 1, 2023

TABLE OF CONTENTS

Call to Order, Chair Martin Gary1

Approval of Agenda1

Approval of Proceedings from January 31, 2023.....1

Public Comment.....1

Update on Striped Bass Cooperative Tagging Program1

Technical Committee Report6

Projections Using 2022 Preliminary Data and Quota Utilization Scenarios6

Consider Management Response to the Technical Committee Projections11

Consider Approval of Addendum I on Ocean Commercial Quota Transfers42

Review Options and Public Comment Summary.....43

Advisory Panel Report.....45

Consider Final Approval of Addendum I.....46

Other Business.....50

Adjournment51

INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of January 31, 2023** by consent (Page 1).
3. **Main Motion**
Move to initiate an Addendum to implement commercial and recreational measures for the ocean and Chesapeake Bay fisheries in 2024 that in aggregate are projected to achieve F-target from the 2022 stock assessment update (F = 0.17). Potential measures for the ocean recreational fishery should include modifications to the Addendum VI standard slot limit of 28-35" with harvest season closures as a secondary non-preferred option. Potential measures for Chesapeake Bay recreational fisheries, as well as ocean and Bay commercial fisheries should include maximum size limits (Page 16). Motion by Justin Davis; second by Emerson Hasbrouck. Motion amended.

Motion to Amend

Move to add "The addendum will include an option for a provision enabling the Board to respond via Board action to the results of the upcoming stock assessment updates (e.g., currently scheduled for 2024, 2026) if the stock is not projected to rebuild by 2029 with a probability greater than or equal to 50%" (Page 19). Motion by Mike Armstrong; second by Dave Borden. Motion passes unanimously (Page 23).

Main Motion as Amended

Move to initiate an Addendum to implement commercial and recreational measures for the ocean and Chesapeake Bay fisheries in 2024 that in aggregate are projected to achieve F-target from the 2022 stock assessment update (F = 0.17). Potential measures for the ocean recreational fishery should include modifications to the Addendum VI standard slot limit of 28-35" with harvest season closures as a secondary non-preferred option. Potential measures for Chesapeake Bay recreational fisheries, as well as ocean and Bay commercial fisheries should include maximum size limits. The addendum will include an option for a provision enabling the Board to respond via Board action to the results of the upcoming stock assessment updates (e.g. currently scheduled for 2024, 2026) if the stock is not projected to rebuild by 2029 with a probability greater than or equal to 50%." Motion passes unanimously (Page 28).

4. **Main Motion**
Move that the Striped Bass Board, by emergency action as outlined in the Commission's ISFMP Charter, implement a 31" maximum size to all existing recreational fishery regulations where a higher (or no) maximum size applies, excluding the Chesapeake Bay trophy fisheries. All other recreational size limits, possession limits, seasons, gear restrictions, and spawning protections remain in place. Jurisdictions are required to implement compliant measures as soon as possible and no later than July 2, 2023 (Page 28). Motion by Mike Armstrong; second by Dave Borden.

Motion to Amend

Move to amend to add "Measures for the for-hire sector will remain status quo. In the event the Board extends the emergency action past the initial 180-day effective period, the for-hire sector exemption from emergency measures cannot be extended" (Page 31). Motion by Justin Davis; second by Eric Reid. Motion fails (Roll Call: In Favor – RI, CT, NY, NJ; Opposed – MA, PRFC, PA, NC, VA, DC, MD, DE, ME, NH; Abstentions – NOAA, USFWS; Null – None) (Page 36).

Main Motion

Move that the Striped Bass Board, by emergency action as outlined in the Commission’s ISFMP Charter, implement a 31" maximum size to all existing recreational fishery regulations where a higher (or no) maximum size applies, excluding the Chesapeake Bay trophy fisheries. All other recreational size limits, possession limits, seasons, gear restrictions, and spawning protections remain in place. Jurisdictions are required to implement compliant measures as soon as possible and no later than July 2, 2023.

Motion to Postpone

Motion to postpone until the Summer Meeting (Page 38). Motion by Adam Nowalsky; second by Mr. Craig Pugh. Motion fails (2 in favor, 14 opposed) (Page 40).

Main Motion

Move that the Striped Bass Board, by emergency action as outlined in the Commission’s ISFMP Charter, implement a 31" maximum size to all existing recreational fishery regulations where a higher (or no) maximum size applies, excluding the Chesapeake Bay trophy fisheries. All other recreational size limits, possession limits, seasons, gear restrictions, and spawning protections remain in place. Jurisdictions are required to implement compliant measures as soon as possible and no later than July 2, 2023. Motion carries (15 in favor, 1 opposed) (Page 41).

January 2023 Board Motion

Move to postpone action on Addendum I and task the Technical Committee with running two population projections:

- **One which assumes harvest of the entire ocean commercial quota from all states**
- **One which assumes harvest of the ocean commercial quota from all states except New Jersey (since their quota is reallocated out of the commercial fishery)**

The Technical Committee may use their expert judgement on other needed assumptions for the projections (i.e., selectivity) to produce the most realistic output for consideration by the Board.

5. **Move to approve Option E (Board discretion of commercial quota transfer provision except no transfers if stock is overfished)** (Page 47). Motion by Mr. John Clark; second by Dr. Justin Davis. Motion passes (10 in favor, 1 opposed, 2 abstentions, 3 null) (Page 50).
6. **Move to approve Addendum I as modified today with an implementation date effective today** (Page 50). Motion by Mr. John Clark; second by Mr. Raymond Kane. Motion passes unanimously (Page 50).
7. **Move to adjourn** by consent (Page 51).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Jeff Brust, NJ, proxy for J. Cimino (AA)
Steve Train, ME (GA)	Tom Fote, NJ (GA)
Rep. Allison Hepler, ME (LA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Cheri Patterson, NH (AA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Renee Zobel, NH, proxy for C. Patterson (attended latter half of meeting)	Loren Lustig, PA (GA)
Doug Grout, NH (GA)	John Clark, DE (AA)
Ritchie White, NH, proxy for D. Grout (attended latter half of meeting)	Roy Miller, DE (GA)
Sen. David Watters, NH (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Mike Armstrong, MA, proxy for D. McKiernan (AA)	Mike Luisi, MD, proxy for L. Fegley (AA Acting)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Rep. Sarah Peake, MA (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Jason McNamee, RI (AA)	Pat Geer, VA, proxy for J. Green (AA)
David Borden, RI (GA)	Bryan Plumlee, VA (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Justin Davis, CT (AA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Bill Hyatt, CT (GA)	Marty Gary, PRFC
Jesse Hornstein, NY, proxy for B. Seggos (AA)	Dan Ryan, DC, proxy for R. Cloyd
Emerson Hasbrouck, NY (GA)	Max Appelman, NMFS
	Rick Jacobson, US FWS

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

Ex-Officio Members

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

Staff

Bob Beal	Kristen Anstead	Jeff Kipp
Toni Kerns	Alex DiJohnson	Adam Lee
Madeline Musante	Emily Franke	Joe Myers
Tina Berger	Chris Jacobs	Trevor Scheffel

Guests

Jason Avila	Rick Bellavance	Steve Cannizzo
Matt Ayer, MA DMF	John Bello	Craig Cantelmo
Tyler Bailey	Marc Berger	Mike Celestino, NJ DEP
Meredith Bartron, US FWS	Alan Bianchi, NC DENR	Blane Chocklett
Quint Bartush	Michael Bias	Luyen Chou
Alan Battista	Kevin Blinkoff	Sasha Clark Danylchuk
Gerry Beers	Delayne Brown, NH F&G	Haley Clinton, NC DENR
Mel Bell, SC (AA)	Jack Buchanan, VIMS	Allison Colden, CBF

Guests (continued)

Draft Proceedings of the Atlantic Striped Bass Management Board Meeting – May 2023

Margaret Conroy, DE DFW	Blaise Jenner, ME DMR	Nicole Pitts, NOAA
Michael Cool	Peter Kaizer	Jim Polando
Heather Corbett, NJ DEP	TJ Karbowski	Marisa Ponte, NC DENR
Derek Cox, FL FWC	Greg Kenney, NYS DEC	Will Poston, SGA
Caitlin Craig NYS DEC	Carrie Kennedy, MD DNR	Jill Ramsey, VMRC
Jack Creighton	Michael Kosinski	Story Reed, MA DMF
Scott Curatolo-Wagemann, Cornell	Jared Lamy, NH F&G	Harry Rickabaugh, MD DNR
Sarah Cvach, MD DNR	Ben Landry, Omega Protein	Michael Roy
Bob Danielson	Wilson Laney	Cody Rubner
Josh Davidsburg	Toby Lapinski	Patrick Rudman
Robert DeCosta	Jonathan Larrabee	Lenny Rudow
Monty Deihl Ocean Fleet Svcs	Brooke Lowman, VMRC	Zachary Schuller, NYS DEC
John DePersenaire	Shanna Madsen, VMRC	Chris Scott, NYS DEC
Olivia Dinkelacker, UMASS	John Maniscalco NYS DEC	Tom Scott, NMFS
Steve Doctor, MD DNR	Genine Mc Clair, MD DNR	McLean Seward, NC DENR
Gerard Doyle	Tara McClintock, Cornell	Alexei Sharov, MD DNR
Paul Eidman	Neil McCoy, UMASS	Greg Shute
Mark Eustis	Alex McCrickard, VA DWR	Andrew Sinchuk
Julie Evans	John McDonough	Amanda Small, MD DNR
Peter Fallon, Maine Stripers	Joshua McGilly, VMRC	Somers Smott, VMRC
Catherine Fede, NYS DEC	Dan McKiernan, MA (AA)	Ross Squire
Lynn Fegley, MD DNR	Conor McManus, RI DEM	Renee St. Amand, CT DEEP
Glen Fernandes	Kevin McMenamin, Annapolis	Michael Stangl, DE DFW
Tony Friedrich, SGA	John McMurray	Lauren Staples, NH Wildlife
Tom Fuda	Seth Megargle	David Stormer, DE DFW
Ben Gahagan, MA DMF	Nichola Meserve, MA DMF	Kevin Sullivan NH Wildlife
Jim Gilmore, NYS DEC	Chris Moore, CBF	John Sweka, US FWS
Angela Giuliano, MD DNR	Clint Morgan, VA DWR	Colin Temple
Rick Golden	Steve Meyers	David Tolbert
Kurt Gottschall, CT DEEP	Alex Michaud, ME DMR	Michael Toole
Tyler Grabowski, PA F&B	Steve Minkinen, US FWS	Sam Truesdell, MA DMF
Rob Grieve	Pete Mohlin	Edward Tully
Melanie Griffin, MA DMR	Nick Montefusco	Jim Uphoff, MD DNR
Lars Hammer, ME DMR	Brandon Muffley, MAFMC	Taylor Vavra
Brendan Harrison, NJ DEP	Allison Murphy, NOAA	Beth Versak, MD DNR
Jaclyn Higgins, TRCP	Gary Nelson, MA DMF	Ralph Vigmostad
Peter Himchak, Cooke Aqua	Josh Newhard, US FWS	Mike Waine, ASA
Alexandria Hoffman, DE DFW	Thomas Newman	Jason Walsh, NC DENR
William Hoffman, MA DMF	George Noleff, WFXR TV	Esther Wang
Carol Hoffman	Alex Obregon	Carl Ward
Jeffrey Horne, MD DNR	Scott Olszewski, RI DEM	Craig Weedon, MD DNR
Harry Hornick, MD DNR	Ian Park, DE DFW	Ben Whalley
Bob Humphrey	Daniel Parma	Peter Whelan
Taylor Ingraham	Rachel Peabody, VMRC	Angel Willey, MD DNR
Mike Jarbeau	Michael Pierdinock	Al Williams
	Michael Pirro	Charles Witek

Guests (continued)

Steven Witthuhn
Greg Wojcik, CT DEEP

Michael Woods
Chris Wright, NOAA

Jordan Zimmerman, DE DFW
Erik Zlokovitz, MD DNR

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, a hybrid meeting, in-person and webinar; Tuesday, May 2, 2023, and was called to order at 8:30 a.m. by Chair Martin Gary.

CALL TO ORDER

CHAIR MARTIN GARY: I would like to welcome everybody to the Atlantic States Marine Fisheries Commission's Striped Bass Management Board. My name is Marty Gary; I'm with Potomac River Fisheries Commission, I'll be your Board Chair. Our Vice-Chair is Megan Ware from the state of Maine.

I'm joined at the front table by our Fishery Management Plan Coordinator, Emilie Franke, and also our ASMFC Science Lead, Dr. Katie Drew. Also to my left is our Law Enforcement liaison, Jeff Mercer from Rhode Island. Nicole Lengyel-Costa is our Technical Committee Chair, and Lou Bassano is our AP Chair.

I just want to acknowledge one, not new Board member, although it is listed here, not new to all the folks in the room. But in Joe Cimino's stead from New Jersey, Jeff Brust is the Administrative Proxy. Welcome to the Board, Jeff. Our first order of business is Approval of the Agenda, so I would ask.

APPROVAL OF AGENDA

CHAIR GARY: Are there any additions or modifications to the agenda? Seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR GARY: Next up are the Approval of the Proceedings from January, 2023. Are there any edits to the proceedings from January, '23? Seeing none; the proceedings are approved by consent.

PUBLIC COMMENT

CHAIR GARY: Next up is public comment. I'm looking for items that the public would like to comment that are not on the agenda. We'll look for raised hands in

the room, and also ask staff to look on the webinar if anybody has their hand raised, so items not on the agenda the public would like to make comment on. Not seeing any hands in the room, any on the webinar?

I would ask one more time, if anyone on the webinar would like to make comment on items that are not on the agenda. Okay, no hands up, so we're going to move on to Item Number 4 on our agenda.

MS. TONI KERN: Josh, raise your hand for me. Okay, you're just self-muted, Josh.

CHAIR GARY: All right, Josh, thank you. You're back and we hear you, so take it away.

MR. JOSH NEWHARD: Do you guys have a presentation up? I'm only seeing the webinar slide.

MS. KERN: Yes, we're working on it, Josh. If you want to start it's okay.

UPDATE ON STRIPED BASS COOPERATIVE TAGGING PROGRAM

MR. NEWHARD: Thanks everybody. Yes, I'm Josh Newhard; I work for the U.S. Fish and Wildlife Service, and I actually maintain our Cooperative Tagging Program database. I'll be giving a brief overview of the overall tagging program. I'll talk about our offshore winter tagging, and get into some of the things that we face, some of the history of it, some of the challenges that we dealt with, and just give you all an update.

The tagging program began, actually, in 1985 as part of striped bass management, and that was in response to the passing of the Atlantic Striped Bass Conservation Act. As I mentioned, the U.S. Fish and Wildlife Service maintains the database. We distribute all the tags to state agencies, and then we receive all those tag returns that come in from the public, who catch and either harvest the fish, or let it go, all that stuff.

The state agencies tag the fish along the Atlantic Coast, typically as part of their routine monitoring,

usually for adults. We currently have nine agency programs that are actively tagging. Those are further broken down into what I'll refer to as producer areas, and coastal areas. Producer areas are those programs that tag fish during the spawning migrations within specific reaches of striped bass spawning habitat.

Then coastal area programs tag what are assumed to be mixed stock fish during the fall, winter or early spring, before they make their spawning migration. The current producer area tagging programs are New York's Department of Environmental Conservation that tag in the Hudson River. We have three that tag in the Delaware Bay or Delaware River population.

There is a Delaware/Pennsylvania fishing boat, and New Jersey DEP. Then there are three programs that tag in the Chesapeake Bay, so it's Maryland DNR, Virginia. Virginia Institute of Marine Science actually does their tagging, and D.C. Fisheries. Then coastal tagging programs we actually have four.

Massachusetts tags in the fall, in the offshore waters off Massachusetts. New Jersey DEP is also considered a coastal tagging program, they have some sites that are lower in the Delaware Bay, and they tag in early spring. That is still considered some mixed-stock fisheries. New York DEC does fall tagging off the Long Island Coast, and then for the bulk of this talk I'll be talking about the NCCOOP or that's the North Carolina Cooperative Tagging Program.

That is our offshore Mid-Atlantic tagging of striped bass in the winter, where we're presumably targeting all the mixed coastal stock fish. That has been a longtime partnership between North Carolina Division of Marine Fisheries, U.S. Fish and Wildlife Service, Maryland DNR and NMFS, and ASMFC.

Overall, all tagging programs through 2021 have tagged just over 558,000 fish. We've had a little bit over 89,000 tag returns. That gives us an overall recapture rate of about 16 percent. If you look at just individual unique fish that have been recaptured that is about 15.5 percent. You can see that there are a handful of fish in the database that have been recaptured multiple times. The way these tags work,

just as a brief refresher, there is a number on the outside of the fish. They are inserted through a small incision in the belly.

An angler could actually cut that tag off, report it to us, let that fish go, and if it gets reported again and it gets harvested, then the button that sits under the skin of the fish has all the same tag information, so then we can again get that information. Just a brief overview of how the data has historically been used in stock assessments.

It is part of the stock assessment process. There is even a Tagging Subcommittee. The main thing the tagging data has been used for is to estimate fishing and natural mortality, in order to compare those estimates with the statistical catch-at-age assessment model. It is also part of current efforts to develop a more spatially explicit multi-stock model.

In the last benchmark stock assessment, it was looked at, the tagging data was used to estimate relative stock composition. It ended up only being I think used for fish that were over 28 inches or 711 millimeters. You'll see that come up again later. That is typically the cutoff for what we'll call large coastal migratory fish.

It also can be looked at for migration rates and residence time as well. If we just look at the history of the North Carolina Cooperative Tagging Program, it was designed to target overwintering striped bass offshore of North Carolina. The Trawl Survey actually began in 1988. Initially it was really designed to hopefully be an index of abundance, offshore index of abundance for striped bass.

Now that did change over time, but the Trawl Survey did continue through 2016. However, there were no Trawls in 2011, '12, or 2014. At that time those were mainly related to funding. I don't remember exactly, but anyway, the funding started to become difficult to acquire. Beginning in 2011, hook and line fishing surveys were sought as a potential option, one to be explored, and really with the idea of being that they would be done alongside the trawl. There was really no intent to end the trawl, it just became that funding was difficult.

As you can see here, one of the reasons for that is it's about \$100,000 to \$160,000 for a trawl vessel used for a ten-day cruise. That doesn't even include all the agency personnel time that is essentially donated in kind. For hook and line, for ten plus hook and line charter trips, we're usually in the ballpark of \$20,000 to \$30,000.

You know we've seen that increase in recent years as fuel has gotten more expensive. The other benefit or advantage of hook and line fishing is that we can be really efficient with our trip. You know if it's bad weather we don't have to go out. With the trawl, you usually pick in a ten-day block of time and you're out there, you're out there. You still have to pay for that vessel time, even if you have to run the quota for something like that.

Here's the distribution. Don't get too caught up in all the points. Hook and line points are triangles, and trawl points are just circles. They are both color-coded with the oldest year of the survey being green, going to the most recent survey in orange and red. Really, I just want to show you how the survey has kind of changed over time. The trawl surveys were historically done right offshore of North Carolina, typically within the three-mile limit, almost always within sight of shore.

You can see there are even some points there south of Cape Hatteras on the Outer Bank. In the later years of the trawl, even 2016 they actually had to enter Maryland waters for the first time. Hook and line survey has historically always been based out of Virginia Beach, so you can see all the distribution of points out there.

You can see with the Trawl Survey there are some points off the mouth of the Bay, as well as the Hook and Line Survey. You now those points are significantly farther offshore than some of the historic trawl survey data. Fish have kind of been further offshore and a little bit further north, to the point where we don't even really fish in North Carolina waters much anymore.

In fact, if you look at this year 2023 Hook and Line Survey was actually right off the mouth of the

Delaware Bay, and almost exclusively off of Delaware. That was the first year for that. In 2021, all the surveys were conducted out of Ocean City, Maryland, as well, just like this year. But we mostly stayed off of Maryland waters that year.

We just look at a number of tagged fish just by NCCOOP, boat trawl and hook and line over time. You can see that in the early 2000s it was kind of what we called a hay day of the trawl, and there was a lot of fish tagged. You know you could see the peak of over 6,000 fish in the year 2000. But really in that timeframe was between 2 and 6,000 fish.

I know that kind of corresponds well to kind of the peak in the stock assessment, if I'm correct there. If you look in some of these later years with hook and line, we've been around the average of about a thousand. I'll get more into that data in a second. But if you look at the years where we did both the trawl and hook and line, now hook and line did tag more fish, so 2013 there was about 2000 fish tagged, and a little bit more than a thousand were tagged using hook and line.

Then in '15 and '16, hook and line significantly outperformed the Trawl Survey as well, without getting into all the details of what happened on those trawls. You can see it fluctuates, 2011 and '12 again, remember there was no trawl surveys done that year, and we only conducted one hook and line trip that year. That was kind of just the first go at it.

In these next few slides, you'll see kind of some similar draft, and this is just to show the relative contribution of NCCOOP Tagging Program versus kind of all other tagging programs. If we look at all tagged fish, and then we just look at the last ten-year average, which is all hook and line, the NCCOOP Program has been around 17 percent of all of the tags that are in our database, so all tagging programs coastal and producer.

You can see obviously that fluctuates all over the place, especially those years 2011 and '12, where we don't have much sample size there. That is what those asterisks are for, just to remind you that those are the years with just one hook and line survey and

no trawl survey. If you want to go to the next slide, we'll break it down a little bit more. If we look at all large fish, all tagged fish that are greater than 711 millimeters or 28 inches, then we can see the contribution of the NCCOOP fish raises up to a ten-year average of about 39 percent. I will say that 2022 point, that is just a hair over 50 percent. That will come down a little bit.

I'm still waiting on a couple coastal tagging programs data. But I can see that it is providing a fairly robust sample size of all the tagged fish of these large, presumably migratory fish. If we break it down even further on the next slide, that if we look at all coastal tagged fish that are greater than 711 millimeters, then it's a really large contribution. Most of these tags in our database are coming from the NCCOOP Tagging Program.

With that, I took off the 2022 here. If we look at the nine-year hook and line average, it's two-thirds of all the large coastal tagged fish in the database. Here are just the raw numbers. You can look at a number of trips, number of fish caught, and number of fish tagged. We're really conservative on these cruises about if there is any kind of bleeding, or the fish doesn't look healthy, we're not going to tag it.

We're tagging probably 99 percent of everything that comes onboard, but we just like to be really conservative with what does come onboard. If you look at the overall history of the hook and line survey, we've averaged about 650 fish tagged per year. Now if you exclude those first two years where we only did one trip a year, it's about 750-average.

Really that is kind of the ballpark that at least in my head when we're coordinating these. If we can average about 100 fish a day, then that is great, and we can kind of reach that longer term average. Really, it has been proven, I think, to be a nice viable, cheaper option than the trawl survey, and as I said, we can be more efficient with our time.

It might be a little bit of a headache in scheduling and cancellations and things like that, but at least we can go out on good days, and try to set ourselves up to have success. It does still provide a majority of the

tagging data on coastal fish, especially the large, migratory fish. Again, the bulk of that data in our database is coming from this tagging program.

We do have sampling challenges as these fish have moved further and further offshore and further and further north. You know we're just one boat out there in a lot of water. It can be tough to find them. Then of course, the furthest I will go is 30, 35 miles offshore, so again pretty far out there, but we're not going to go much further than that, because these are just day trips.

We still have to make it back in decent time anyway. We are facing some funding challenges. There is no long-term funding source. North Carolina paid for it for a number of years. I believe they stopped in '16 or '17, I'm not positive on that end. But since they stopped paying for it, it's been a cobbling of some Fish and Wildlife Service funds and the ASMFC funds.

Currently we don't have secured funding to get dock sampling in 2024. We are having some internal discussions, you know in-house, and I think there is also some going on elsewhere. We're looking for it, but we don't have anything secured officially right now. Apart from that, that it is kind of the challenges that we've been facing. I just want to take a brief second to acknowledge the fishing vessel Midnight Sun. Captain Ryan Rogers and the crew for conducting this for a number of years, keeping all our crew safe. The hundreds, if not thousands of volunteer anglers. This is all volunteer anglers. We sign people up to go fishing, help us reel in the fish. Crew brings them onboard, biologists tag them, and off they go. I will say it is really efficient. I've clocked it at sometimes a fish comes onboard, and 30 seconds later it's over the side back in the water.

We'll hold fish in the live well if we have to, but when things are going smoothly at a nice comfortable pace, it is really efficient in that as well. Also, all the Agency personnel for their staff time. This is all again; this is a big partnership. Biologists from all different agencies are helping out, so I just want to thank all them. With that I can take any questions.

CHAIR GARY: Thank you, Josh, and great presentation. We've obviously learned a lot over the

years since the late eighties with the Trawl Survey in the winter off North Carolina, and seeing these fish move further north offshore. We talked before at previous meetings about the value of this data. I know I had questions about the funding, and hope we have a little bit of a discussion about that. I would like to see, hopefully we have continuity here with this survey. But I'll open it up for questions for Josh for now. Eric Reid.

MR. ERIC REID: Yes, I like to talk about funding too. I mean it sounds like this is a really valuable program, and it would be a shame to have a shortfall on funding this. I see that ASMFC and somebody else is doing a financing. What is the holdup to get funding for 2024? I know it's money, Bob, so I thought it's a great way to start the conversation this morning. Let's talk about money, just for fun. Anyway, what do we have to do to secure this for one year or longer?

CHAIR GARY: Thanks, Eric. Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: The survey has been funded through a variety of sources over the years, directly from NOAA Fisheries for a while, then U.S. Fish and Wildlife Service has done it for the last few years. There is a question whether U.S. Fish and Wildlife Service will have the money for the next year, is where we are.

You know as you saw up there, it's only \$20,000 to \$30,000. It's not a lot of money. The Commission might have that money available in a contingency fund. However, the money that we might be able to tap into doesn't have the NEPA clearance to do on-the-water research activities. It's money that we get through the Atlantic Coastal Act to do meetings and buy equipment, and that sort of thing, so things with no environmental impact.

We would have to do some paperwork and see if we could get that cleared to fund the survey. We're willing to do that, but if Fish and Wildlife Service comes up with a funding source that would be great as well. There are some options here, we just have to work through them. But it's again, not a lot of money, but it may be more work than money. Maybe a workload and a clearance issue more than a money

issue. But I agree with what you said, Mr. Reid, that it's an important survey and we don't want a lapse in that survey.

CHAIR GARY: All right, we have two members of the Board, Pat Geer and Tom Fote. We'll go to Pat first.

MR. PAT GEER: It doesn't seem like it's a lot of money, but I understand the work behind the NEPA process. Would anyone consider putting in a multiyear grant project for this, instead of just doing it one year at a time? It's not a lot. It's not a lot of money and then the NEPA process would only have to be done once instead of every single year.

You could probably put in a three-year project for this so we're not going through this every year. Wilson Laney had to go through this for years, every year coming looking for money. It seems like if it's important, and this is not very much money, try to identify a source of funding for three years at a time.

CHAIR GARY: Tom.

MR. THOMAS P. FOTE: Since we're going to have a heavy day out, suggest that we have a virtual meeting on the water as they're fishing so it's covered under meetings.

CHAIR GARY: I like your suggestion, Pat. Maybe I can talk to staff, and we can see what we can do on the side. There is one member of the public that I think has a question for you, Josh. This would be Mike Abdow. Mike.

MS. EMILIE FRANKE: Go ahead, Mike Abdow, it looks like you are just muted on your end. Mike, if you just click that microphone button, you should be able to unmute yourself if you have a question. All right, Mike, looks like we can't hear you, so I'll turn it back to the Chair.

CHAIR GARY: All right, Eric.

MR. REID: The boat that does this survey, what is that like a 12-pack? I counted more than 6 people, so I'm thinking maybe it's more than a 6-pack. But that's a for-hire vessel?

MR. NEWHARD: Correct, yes. Whoever the funding agency is puts out the bid and it's about a 52-foot boat.

MR. REID: All right, so they can carry passengers for-hire. Since you have hundreds or thousands of people that are willing to go fishing, would they be willing to pay to go fishing to augment the survey?

MR. NEWHARD: That might not be a question for me. I always ask people, you know people want to help out, but in terms of us taking money, I don't think that's going to happen on the Fish and Wildlife Service end. But you know, taking money from the public.

CHAIR GARY: The only thing I would say there is, it's my experience going out with the Midnight Sun, it's been a good opportunity for the fishery managers, biologists, to mix with some of our stakeholders and other folks. It's great to have conversations out there. That is just an added benefit to it. But I think this has been a good conversation, and I appreciate the Board's interest in continuing this. I'll try to work with staff, to see what we can come up with to help keep this going. Josh, thank you so much for your presentation today, and appreciate all your hard work, and all the folks at U.S. Fish and Wildlife Service that work on the survey. Thank you. All right, we're going to move on to Item Number 5 in our agenda, it's a Technical Committee Report.

TECHNICAL COMMITTEE REPORT

CHAIR GARY: The Technical Committee Report will be provided by our Stock Assessment Subcommittee Chair, Mike Celestino, who is on the webinar. The TC report covers two issues; the 2022 removals and commercial quota utilization related to Draft Addendum I on quota transfers. Following Mike's presentation we'll take questions first, please only questions. Mike, you're on the webinar, are you ready to go?

MR. MIKE CELESTINO: Yes, thank you. I guess I would like to just start by acknowledging Gary Nelson, who put together hundreds of lines of code for us to be able to complete these tasks. I also want to

acknowledge Commission staff, Katie and Emilie. They always bring a ton of support to help with these tasks as well, and with this presentation.

I also want to acknowledge the TC and SAS for some really thoughtful discussion as we worked our way through these tasks as well.

PROJECTIONS USING 2022 PRELIMINARY DATA AND QUOTA UTILIZATION SCENARIOS

MR. CELESTINO: The Striped Bass TC and SAS met in March of 2023 to talk about two things that the Chair just mentioned. One of the things we talked about was to review some corrections to rebuilding probabilities that appeared in the Stock Assessment Update Report that we showed last year.

The other was to address some updated stock rebuilding projections, as tasked by the management board over the last one or two meetings. In terms of the correction to the 2022 assessment update. In that assessment document we provided some short-term projections with probabilities of rebuilding SSB to various levels, thresholds and targets under several different constant F scenarios.

We looked at F status quo, F threshold and F target. It turned out that standard error was inadvertently used in the error calculations, where we had intended to use the coefficient of variation. That inadvertent swab didn't affect the median projection, so if you think back to the projections, you saw there was sort of a solid line with some error bars around it.

It wouldn't have affected that median projection, but did affect the width of the error bars. Those error bars actually became a little narrower, and so we've provided those in the updated table in the memo. We have the table appended to this presentation if folks would like to see that again as well. We'll update that information in the assessment document as well.

For the rebuilding projections, we had two specific tasks. One was to evaluate whether the 2022 removals remained at a level consistent with our

expectation from the previous round of projections. Task 2 was to conduct stock projections to determine how the ocean commercial quota utilization scenarios could impact the stock rebuilding timeline.

Just as a reminder, the Board had requested projections in time for today's meeting, and had also requested inclusion of the 2022 preliminary removals, in order to meet this deadline. To talk a little bit about some of the data inputs. The projections use the 2022 assessment model configuration, including the low recruitment assumptions. Just as a reminder, that low recruitment assumption means that we're restricting draws of recruitment in between the years of 2008 and 2021. We had some information; some exploratory analyses show a really strong relationship between the Maryland YOY index and the model-based estimates of recruitment.

Since we had estimates of the Maryland YOY index for 2021 and 2022, we could use those to inform our estimates of recruitment in 2022 and 2023 respectively. The TC and the SAS thought that those would provide better predictions of recruitment, rather than just random draws for those first early years of the projection. Some additional information on data inputs. All the scenarios, again they are using preliminary 2022 removals in numbers of fish. We're using 2022 commercial landings from each state.

We're using estimated commercial dead discards using the ratio of discard to landings ratios from the previous year. Just as a reminder, those dead commercial discards account for a very small fraction of the total removals. This is a source of uncertainty, but a very small source of uncertainty. We're also using the 2022 MRIP estimates for recreational harvest and dead releases as well.

To talk a little bit about some of the MRIP results, the estimates indicated a 40 percent increase in total removals relative to the previous year. We saw it almost doubling in recreational harvest, and a much more modest increase in our live releases, about a 3 percent increase in live releases. Combining both sectors, the commercial and the recreational sectors,

we saw a 33 percent increase in total removals relative to the previous year.

Some of you may have seen that the final MRIP estimates were released just last Wednesday. We saw very minor differences between the preliminary estimates and the final estimates. The final recreational removals estimate is 1 percent lower than the preliminary estimates. Those results haven't been incorporated into this presentation and slides and so forth, there wasn't time to incorporate those changes.

The point we wanted to make is just that it's a very modest change relative to the exercise we worked through. A little more detail on some of the data inputs. For the ocean quota utilization scenarios, we had to make some assumptions. We assumed that there would be the additional harvest starting in 2023, to reflect using either all or most of the ocean quota.

This is in direct response to the Board task, and to wade into some of the details of Scenario 2, this is the scenario where we're assuming full ocean quota is used. The unused 2022 ocean quota is converted from pounds to number of fish, and then added to the total removals. The next two bullets just go through some detail that I can comment on if there are questions.

Then the last scenario, Scenario 3. This is assuming that the full ocean quota is used, except for New Jersey starting in 2023. We follow the same procedure as the previous bullet, except we're now subtracting New Jersey's quota from that additional harvest. The idea here is that this reflects the idea that New Jersey's commercial quota is unavailable for a transfer, since it has historically been reallocated to the recreational fishery. To talk through some of the projection scenarios. The TC and Assessment Committee's focused on three scenarios, assuming a constant three-year average fishing mortality through 2029. This three-year average fishing mortality acknowledged that catch and fishing mortality can vary from year to year, even under the same regulations. The three-year average F was very similar to fishing mortality in 2022.

But we did work through a set of exploratory runs, just to evaluate projecting F 2022, and the results were almost identical to the results we're showing in the memo. In Scenario 1, this is essentially the status quo scenario. It's based entirely on just 2022 removals only. We're using, like I mentioned, a three-year average F, and in this case, we're using an average F from 2019, '21 and '22. We are specifically excluding 2020 due to some COVID-19 uncertainty.

Then for Scenarios 2 and 3, we have a different set of assumptions. One, we're applying ocean commercial quota, starting in 2023. We're also assuming a constant, or at least fixed removals between 2022 and 2023, and then constant F from 2023 through 2029. I'll talk about the implication of that in some subsequent slides.

In this case, Scenarios 2 and 3, the average F is now 2019, 2021 and 2023. This next slide largely reiterates the information I just mentioned, so I won't repeat everything. But it is a good reminder for me to draw just a few additional points. Scenario 1 again, is essentially status quo. The additional commercial quota is not available for harvest.

Scenario 2, this is the full ocean quota utilization. This is bringing an extra 41,000 fish. This is an extra 41,000 fish on top of 6.9 removals, so it is a very small fraction of fish. It is a very small fraction relative to total removals, and there is some double counting because of New Jersey's bonus program.

In the interest of time, I'll just say that that double counting is probably around 5,000 fish or so, and I can answer questions on that at the end if there are any. Finally, for Scenario 3, we're now adding just an additional 27,000 fish on top of roughly 6.9 million removals, so again a very small, modest amount of additional fish. On to the results.

For all the scenarios the projected F rates were between the current fishing mortality target, 0.17 and the fishing mortality threshold of 0.2. This contrasts with the fishing mortality rates that were projected as part of the update assessment last year, which were at 0.14. It follows intuitively that if fishing mortality stays in between the target and

threshold, rather than the levels more closely associated with fishing mortality in 2021, we would see a substantial decrease in rebuilding SSB to the target by 2029.

This table up here is in the memo, and I'll just sort of orient you to this table. We've highlighted two columns in particular, the first column, which is sort of a thumbnail description of the projection methods, and the fifth column. This is the probability of SSB being greater than or equal to the target by 2029.

The first row, these are the results you would have saw late last year as part of the assessment update. The probabilities have been updated to reflect the change I mentioned in the first or second slide. It showed, when you saw these results last year, that the probability of rebuilding was about 98 percent. The next three rows are the scenarios we worked through to address that most recent Board task. Scenario 1 again is sort of the status quo scenario; no additional commercial quota being incorporated. The probability of rebuilding to the target is about 15 percent.

Scenarios 2 and 3, this is now the different usages of the additional commercial quota. In Scenario 2 this is the full ocean quota being used, Scenario 3, full ocean quota minus New Jersey. Those results are identical. In both cases there is an 11 percent probability of rebuilding to the target. Then to just maybe quickly highlight the last column in this table. This is the probability of SSB reaching the threshold by 2029.

You can see in all cases that probability is over 90 percent. In terms of the impacts of removals, we'll show a slide next that graphically illustrates the results, but by way of introducing the results. The increased recreational removals in 2022 are driving the increase in fishing mortality rates, and the lower rebuilding probabilities in all the scenarios, as opposed to, for example, the additional commercial quota.

We'll see in the next slide the projections indicate spawning stock biomass increases over time from

below the threshold to in between the target and threshold, where it stabilizes over time. This aligns with our expectation that if we're projecting an F in between the target and threshold, spawning stock biomass will remain between the target and threshold, all things being equal.

In order to rebuild SSB to the target by 2029, fishing mortality will need to be at or below its target. Yes, the graphical depiction of the results. Again, just to maybe orient you to the plots. The top row shows the SSB trajectory under various projection scenarios indicated by the sort of gray headers at the top of each column, and I'll just sort of skip through those column headers.

The far-left column, this is the kind of status quo, no additional commercial quota, so projecting the average fishing mortality from 2019, 2021, and 2022. The next column over is the scenario where we're incorporating the full ocean quota. Next column over, the third column is the full ocean quota minus New Jersey, and the fourth column we've included, again the projections you saw last year projecting F2021 forward.

The bottom row shows the trajectory of probabilities of reaching either the SSB target, that is the red line, or the probability of reaching the threshold, that's the black line. You'll notice that bottom row of plots is scaled from 0 to 1, so a probability of 0 to 100 percent probability of achieving those goals.

Then finally, maybe just to mention the X axis in each of these plot's ranges from 2022 through 2029. Revisiting that top row of plots. Again, you can see that SSB starts out below the threshold in all the scenarios. Under the updated projections, SSB stabilizes between the target and threshold, not reaching the target.

Whereas, our expectation from last year's projections were more optimistic. Maybe in the interest of time, looking at the bottom row of plots. If we focus just on the red line, so this again is the probability of SSB reaching the SSB target. For each of the first three plots, you can see there is a very low 0 percent probability of reaching the target. Then by

the end of the time series, 2029, each of those first three scenarios end up between about 10 and 15 percent probability of reaching the target, and ideally, we would have wanted that to have been at least 50 percent. A little more discussion on the 2022 removals. Here are some points that the TC and SAS wanted to make.

The groups noted that angler effort behavior is an important factor, and an important source of uncertainty. Another thing the TC and SAS wanted to note was that as the stock recovers, and/or if strong year classes become available, effort may increase and that may contribute to increased harvest and live releases as well.

The projections assume a constant fishing mortality or constant catch. Those are not necessarily representative of future years, since I mentioned earlier striped bass catch and fishing mortality can vary from year to year, even under a constant regulation. Then lastly, I guess we'll just note that the projections based on the 2022 removals represent a higher catch outlook.

The projections that we showed at the end of last year as part of the update assessment represent a lower catch outlook. If the future catch is in between that sort of low outlook and the high outlook, it stands to reason that the probabilities of rebuilding are likely to be between the 15 percent at the low end, and 97 percent at the high end. We have a figure that we'll show next, but again just to maybe kind of talk through some of the results in preparation of that result.

First the projections suggest that the impact of additional quota utilization on the fishing mortality and rebuilding probability is negligible. We have essentially calculated the highest possible fishing mortality that could result from 2022 removals and increase quota utilization, and the results are still almost the same as Scenario 1, the no extra quota utilization scenario.

The next slide will make that a little more clear. The fishing mortality is only about 2 percent higher in Scenarios 2 and 3 versus Scenario 1, so we've got 2

percent higher incorporating the additional quota, versus not including it, resulting in a slightly lower rebuilding probability, about 4 percent lower.

But we think this has more to do with our projection assumptions than the additional quota use. I mentioned in one of the earlier slides that in Scenario 1, the scenario where we're not incorporating the additional commercial quota, we're taking an average F from 2019, '21, and '22. But I also mentioned that in Scenarios 2 and 3, these are the scenarios where we're incorporating the additional commercial quota.

We're taking an average F from 2019, '21, and '23. What we're seeing is the effect of some population dynamics between 2022 and 2023 contributing to that difference. We don't show this in the memo, but there is actually a decline in abundance between 2022 and 2023, and over that span we're holding catch constant, or in fact increasing it a little bit.

That actually has the effect of slightly increasing F. Scenario 1 we have sort of a true constant F approach, and Scenarios 2 and 3 we have kind of a mixture of constant catch and constant F, so it's not a direct apples-to-apples comparison. But again, another one of the big points we wanted to make is that the quota utilization scenarios add about 42,000 extra fish. That is 42,000 extra fish on 6.9 total removals, so a really small number of additional fish. To graphically depict some of the things I just talked through, again to orient you to the plot. This is a plot of SSB over time from 2022 through 2029. We have some horizontal lines plotted. The top line is the SSB target, the bottom dotted line is the SSB threshold. I'll draw your attention first to the pink shaded region in this plot.

These are the projections that you would have seen last year as part of the update assessment. This is kind of our lower catch outlook that has the SSB trajectory exceeding the SSB target. For the other scenarios, if we look at the legend in the bottom portion of the plot, you'll see some sort of tan or yellow region. That is Scenario 1, the scenario where we're not incorporating the additional commercial quota.

You'll see there is a blue box and a green box. Those are Scenarios 2 and 3, where we're incorporating the additional commercial quota, either with or without New Jersey. The first things I'll say is that the blue and green shaded region in the plot above are completely indistinguishable, so accounting for New Jersey or subtracting New Jersey has had no impact.

We do see a modest difference between the yellow shaded region and the blue-green shaded regions, and as I mentioned in the previous slide, again, we think this has more to do with some of our assumptions. We think the more direct apples-to-apples comparison, those regions would align even more closely.

To finish with some final TC and SAS thoughts on the interim projections, the group discussed the benefits and challenges, kind of the pros and cons of conducting stock projections between stock assessments. In this case the benefit of the interim projections was a timely update to the Board, in light of a couple of things.

One, a significant increase in 2022 recreational removals, following two low catch years, which also included COVID-19 uncertainty. There was also the emergence of the strong 2015-year class, the fourth largest year class in the time series. That likely played some role in the 2022 increase in removals. Additionally, the TC and SAS noted that the interim projections are not the same thing as a full stock assessment.

We didn't create a catch-at-age matrix, we didn't incorporate fishery independent or dependent indices, we didn't generate estimates of SSB and fishing mortality from which we could update stock status. The TC and SAS also felt that annual projections would not be particularly useful, given interannual variability in removals, I talked about that earlier. We see variability in removals, even under constant regulations.

We also thought that striped bass life history would have a role to play here as well, as this is kind of a long-lived slow to mature species, as opposed to a very short-lived species, where annual projections

could be more useful. Then finally, the TC and SAS talked about the potential benefits of aligning projections and assessments with planned management changes. With that I would be happy to try to take any questions.

CHAIR GARY: Thank you, Mike, and thank you and Gary and all the members of the Technical Committee and the Stock Assessment Subcommittee for all your hard work, appreciate it. It's not the news we were hoping for, but here we are. At this point I would like to open it up to questions only. Chair and staff have received a motion, so we'll save that for discussion. This is for any questions they have for Mike. We'll start with Loren Lustig.

MR. LOREN W. LUSTIG: Thanks to Mike for a very good presentation to us. I did take note. In the presentation the issue that we saw of any (cut out) requested or further explanation of that, and also recommendation that you might have (cut out) for this Board, in order to reduce that uncertainty (cut out).

MR. CELESTINO: I'm not sure if anyone can hear me. I wasn't able to hear most of that question. The relevant parts of the question, the audio is cut out. I'm sorry. If someone can repeat that.

MS. FRANKE: Sure, so the question from Mr. Lustig (cut out) further on the uncertainty around angler effort and behavior, and if you had any recommendation or thoughts on how to address that uncertainty going forward.

MR. CELESTINO: Great question. It's humbling that I don't have a great answer. That, I think, continues to plague and perplex the TC and the SAS. There is the issue of availability that can influence effort. I guess the short answer is, I don't have a great answer, rather than sort of speculate or spin my wheels, I'll just say that I don't have a great answer. I think it's something that the TC and SAS has struggled with, and it's a humbling realization.

CONSIDER MANAGEMENT RESPONSE TO THE TECHNICAL COMMITTEE PROJECTIONS

CHAIR GARY: Thank you, Loren, and thank you Mike. We have a number of Board members in cue here, so we'll go with John Clark, Tom Fote, Jason McNamee and Bill Hyatt, so go ahead, John.

MR. JOHN CLARK: Thank you for the presentation, Mike. Just curious looking at those MRIP numbers for 2022, and then '21. I looked back for some of the states that had the largest jumps, and 2022 was actually quite a bit higher in the harvest estimates than it was before Addendum VI went into place.

Was there skepticism on the TC about the MRIP? I mean it seems with other species, like if this was black sea bass, we would be pretty much saying, here's another steaming pile of MRIP data. Whereas, with striped bass it looks like we're acting like these are carved in stone and handed down from on high.

I'm just curious. The MRIP data, especially was 2021 the anomalous year? Was 2022? It seemed to be a blip. It is just really odd how the harvest increased so much, and for some of these states as I said, the harvest was a lot higher than it was before Addendum VI went into place. Thanks.

MR. CELESTINO: Thanks for that question. I wonder if we can bring up Slide 24, I showed Slide 24 on the presentation, that is just shows sort of the time series of removals. I don't know if anyone can hear me.

DR. KATIE DREW: Yes, we're working on it, Mike.

MR. CELESTINO: Okay, thank you. Oh, perfect. Yes, just a time series of removals that kind of cast that 7 million removals in context. Yes, really good question. You can see we haven't hit that level of removals, as John indicated, since probably it looks like maybe 2016, '17 or so. Maybe to answer the more direct answer to the question. It's not something that the TC or SAS really spent any time talking about.

We didn't pour into the raw intercept data to see if there were suspicious anomalies. We sort of take

these values as the best estimate. We don't have a competing estimate, and so yes, I again don't have a great answer, except to say that it wasn't something that the TC and SAS spent, my recollection is that we didn't spend really any time talking about that value, other than okay, let's incorporate this into our work.

CHAIR GARY: I know John has a follow, but Katie would like to add some comment.

DR. DREW: Yes, so I think while the TC didn't formally discuss that, I don't think anybody was very shocked at this, because of the fact that we knew we had that strong year class moving into the fishery, becoming legally available. We also saw much higher quota utilization in several states on the commercial side coinciding with this.

It really did seem to, well I think to me and I think to staff, maybe not to the full TC, but I think it did seem sort of not an MRIP problem, but really more an issue of a strong year class becoming available to an ocean fishery that has not had a strong year class in a while move through.

MR. CLARK: Well, I can understand that to a degree, but it doesn't explain why 2021 was so low. You get down to the part of the range where we are, where the recreational fishery used to take place, mostly in the fall. We rarely see striped bass in state waters in the fall, I would say what now, Roy, maybe five years, six years since we've seen?

We're looking at, I'd say a moderate level to a decreasing level of recreational harvest in our area. Our commercial catch has just been steady. I haven't seen, really, any change in the spring runs, based on our effort and landings. You know as I said, it just seems to me that with other species we're much more skeptical when we see a year that is, as I said, one of those years seems to be to be an anomaly, maybe it's '21, but it just seems like a huge jump.

CHAIR GARY: We'll go to Tom Fote.

MR. FOTE: I think I have a little different interpretation of what happened in 2022. If you look at 2021 and you look at the previous years before

that, and I've been looking at this history of striped bass when the years that these big blitzes occur. It always is about four or five years after these beach replenishment projects stopped along the coast. Because when the beach replenishes next year, following year, when the beach replenishment programs, when they disturb the lumps, when they basically put all this, like we did in New Jersey, put a peak from Ice Age Forrest that was three miles offshore and pumped it on the beach. That water comes out and fish stay away from the water.

The other thing we looked at this year, and you can't get away from it. We never went to an ocean water temperature below 42 degrees, which means we don't have, I don't expect a big sand eel spawn off New Jersey, because you need cold water like 36 degrees. Are we looking at those factors that basically apply, with the warm water menhaden came in.

Well, when menhaden comes in and the other bait comes in and they stay for long periods of time, that is when we have this huge number of catches. The same thing happened 10 or 15 years ago when the Atlantic Sea Herring came in, and basically stayed along the beach, and all of a sudden New Jersey catch and New York's catch jumped up dramatically.

A lot of this is opportunity. This year we're doing beach replenishment again, because there have been storms and everything else, and so it will affect the water for the next couple years. I live in Toms River, and usually we have snow. We usually shovel. I didn't have an inch of snow this year in Toms River.

Basically, my lagoon, which when I moved in my house, used to have 10 inches of ice, where I had to hire a guy in the spring to put my pilings down. I haven't had to do that in 20 years. We've changed the ecology, and the same thing with Delaware Bay and the Chesapeake Bay, and how is that affecting us?

We can't use just catch figures to look at that, because catch figures a lot of time, depends if the bait moves inshore, because again, we're a three-mile limit. If we had the EEZ open, we might have

been seeing these catches all the time, because people would be fishing with the tagging boat, basically at 35 miles off shore.

Really, we need to look at what that is playing into the role, and look at where water temperature does not stay at 42 degrees. I remember when in November we used to be waiting for the bluefish to migrate out, because it was 44 degrees, and that was November, and we were gone by December. We stopped fishing striped bass, most of the times after Thanksgiving.

Now, you never stop, it's there all year round, even in the bad years when they're not in, because they come in the bays and estuaries with the warm water. We're not taking any of that into consideration. I mean, we had the best year in New Jersey, of course (cut out) stayed out to December, so I never fished for any of those fish this year.

I sat there and died, because it's ten years before we have a blitz like that on the beach. But let's look at all the factors involved, not just the catch numbers, because the catch numbers are not isolated, they depend on water temperature and water quality, and we should be looking at, we know in the spring heavy rains affect the spawning of striped bass, and we basically don't know those rules yet either, and we've been arguing that thing for 30 years. (Cut out) If it factors at all when you're basically doing these estimates.

CHAIR GARY: That's a question to Mike you're asking? Mike, did you get that?

MR. CELESTINO: I lost the tail end of what Tom had said, but I guess I would just say, I guess my response would be, those are really good research questions, but all beyond the scope of what we were able to consider as part of this current task. I imagine a more sort of thorough evaluation would happen as part of the next benchmark, but yet beyond the scope of what we're able to look at for this task.

CHAIR GARY: Okay thank you, we'll go to Jason McNamee and then Bill Hyatt.

DR. JASON McNAMEE: Hey, Mike. Thank you very much, just my complements to the Technical Committee and the Stock Assessment Committee for a really well done, thoughtful memo, so appreciate that. My question, I'm going to cram two questions in here, but I'm going to pretend they're one with a follow up.

Harvest went up, discards also went up, but not nearly at the same rate. I'm curious as to whether, in your mind, or if the Technical Committee talked about this. Does that corroborate this idea that what we're witnessing is a year class affect, so it's that 2015-year class moving into the slot. Therefore, there was a pretty high success rate, so there wasn't as much discarding going on.

I'm wondering if those things are connected, and then my follow up is, is that 2015-year class fully recruited into that slot, or are they still moving into the range of that slot? In other words, I'm trying to get a sense of if we believe it's a year class affect that is influencing harvest, if we can presume that harvest will be as high if not higher next year. Thanks for that, Mike, if you missed any of that happy to quickly repeat it.

MR. CELESTINO: No, thank you, Jay, I did get that. Thanks for your comment earlier too. I appreciate that. Yes, I guess to the two questions. The short answer is yes, that I think the TC, I Had forgotten about this, I'm just glad Katie mentioned that. We did spend a little bit of time talking about that sort of emergence of the 2015-year class becoming sort of fully available, really available to the slot limit.

I think that does sort of play into that, sort of lends some credibility to the increase in harvest, but maybe not discards. Though to be honest, at least I didn't look into surrounding year classes, where we've seen the 2018-year class, which is another. It's not nearly as large, but that is a reasonably large year class.

It is really difficult to kind of tease that, but as Katie mentioned, we did sort of acknowledge that 2015-year class being within the slot limit, which is a nice lead in to your following question. I actually haven't

looked at it in a little while, but the TC does have a tool that we used last year to sort of help us with some of our regulation questions, some of the questions the Board had tasked us. If memory serves, that 2015-year class is still in kind of the meaty part of the curve. The meaty part of the distribution of that year class is still available to that slot limit, if memory serves. I'm guessing a little bit on that, but maybe Commission staff have some helpful slides here. Oh, great, so yes. Mean size as a function of feed, and you can see where the year classes are, so this is sort of the information we were using to make those judgments earlier, and they've been updated to reflect where they are for 2023. You can kind of see where the mean length is, so thank you, staff, for being so quick on the draw on that.

DR. DREW: This was from the memo that we put together. I think it was presented to the Board in January of last year for 2022.

CHAIR GARY: Bill Hyatt.

MR. BILL HYATT: My question tied in very closely to the question that John asked, and what Jay asked. I was simply curious to know whether the increase in '22 harvest was due primarily to the 2015-year class, or due to an increase in angler effort. I think it's been partially answered, but if there is anything more to add it would be appreciated.

MR. CELESTINO: Yes, I thank you for that follow up. I don't have a memory of looking specifically at effort. I think maybe Commission staff did, so I can't comment on that. Yes, sort of getting at the exact causes for the increase, it's a bit speculative. But I think there was definitely some discussion at the TC level that that 2015-year class being available to the slot limit played some role. I think it was general agreement on that. The additional factors of effort, I just don't recall if we actually did see an increase in effort. Maybe someone else can chime in on that if they recall.

DR. DREW: Yes, we looked sort of behind the scenes at this, and there definitely was an increase in effort on the Atlantic Coast, sort of from Maine down through the Virginia region. Overall total trips did

increase in 2020, and directed trips for striped bass also increased, I think more than total trips did.

I think there was a combination of, there are more fish available, and that there were more people taking trips and directing on striped bass. Are those two things related? Probably. But it is a combination of increased availability, but also it looked like increased effort in 2022 compared to 2021 as well.

CHAIR GARY: Any final questions for Mike? Okay, we'll go John Clark and Tom Fote, and then we're going to transition to discussion.

MR. CLARK: Mine is quick. I just was wondering, since we're going to be discussing the 2022 harvest, and our response to that first. Will Mike be available to ask questions when we get to the discussion of Addendum I, because I think it would probably be better to ask questions about that discussion later on in the morning.

MS. FRANKE: Mike, will you be able to stay on for the rest of the morning?

MR. CELESTINO: Yes, that was my plan for sure, happy to help with any questions if I can.

MS. FRANKE: Great, thank you.

CHAIR GARY: Thank you, Mike, we'll go to Tom Fote for the last question.

MR. FOTE: Yes, bringing up the questions they were asking, I was wondering if we really knew the size limit of a lot of the fisheries. I heard there was a lot of big fish that were released in that period of time, in September, October, November and December, because they were basically being there. Again, that was from the surf.

We usually would survey, and even MRIP has a poor record of actually doing surf fishing in numbers. We saw a dramatic, dramatic increase in what went on surf, because you're catching fish, you're catching fish up to 40 inches, 50 inches, and they were releasing them from the surf, not only from the boats.

I was wondering how that played and how New Jersey's numbers looked on that, because I would assume that we were one of the parts for the real increase in catch. The other things when we look at the numbers, do we know the kept fish and the released fish, what year classes they belong to, because we do a poor estimate of those numbers also. We don't know whether it was all big fish being released or small fish being released.

MR. CELESTINO: Yes, those are really good questions, and I guess I'll just say, I don't have any information on that at the ready. It's not something that the TC or SAS looked at on a sort of state-by-state level. Perhaps Commission staff did something behind the scenes. But I don't have any information to bring to the table of that from the TC or SAS discussions.

DR. DREW: Just to add to that. I think we do have some numbers by mode but not by state. But I think the larger question of like what age classes are being kept, versus being released. Obviously, MRIP only has length information on the retained or the harvested fish. We did not look at the age composition of that yet. We did not have easy data et cetera, that will be part of the compliance reports.

Similarly, the information that we have on the composition of the released alive fish comes from a number of different sources, mostly volunteer angler logbook programs, and so those data were not available to us for 2022 when we did this component of it. We may be able to look at that later on this year, once we actually request those data from the states. But that is not part of the MRIP data, so that was not available at the time that we did this analysis.

CHAIR GARY: All right, thank you Tom, thank you, Katie on clarification. Before we transition to discussion, we do have one member of the public who was interested in asking a question, and his name is Steve Atkinson. You can unmute yourself, and please questions only at this point.

MS. FRANKE: Steve, it looks like you're just self-muted on your end. If you click on the microphone button if you would like to ask a question.

MR. STEVE ATKINSON: I'm sorry, I hit that question by mistake, my apologies.

MS. FRANKE: No problem, thank you.

CHAIR GARY: No worries, Steve. We're going to transition into discussion. Before we do so, I just wanted to take a moment to acknowledge that weighed in. Oh, Mike, you haven't asked a question so go ahead.

DR. MICHAEL ARMSTRONG: I'm sorry, it's not really a question, but I think it will be helpful for questions that Jay asked. This isn't vetted through the TC, so take it with a grain of salt. But it's all crafted by Gary Nelson, who you know has done all the projections. We have a very robust recreational sampling program, and we aged all that.

A lot of the questions, probably 55 percent of the year class was in the slot, and when you grow it up two inches, 100 percent will be in the slot. For ages, there is about two-thirds 2015s, maybe a third 2014s and a little bit of 2016s. I wanted to throw that in, because so many people have not seen these data, and I'll be making a motion later that will be germane to this.

I'm lucky, I get to sit 30 feet from Gary Nelson, so I'm privy to things that not everyone gets to see until later on. I wanted to throw that out, so I hope that is helpful to people who have had the questions. This year class will be fully in the slot this year, and wasn't last year. Thank you for your forbearance.

CHAIR GARY: Thank you, Mike. That is very, very helpful for our discussion which we're about to start. But before we do so, just an acknowledgement for all the folks in the public who took the time to write into the Board. If you looked in your supplemental materials, there were a huge number of comments.

Comments from individuals, from businesses, from charter boat associations, Connecticut, Rhode Island, light tackle guide's association, the ASGA, conservation organizations. In one case I think there were hundreds, if not well over a thousand

individuals and businesses that signed on to submit their concerns to us.

I just want, on behalf of the Board to the public, we really value that highly, and we appreciate the time that you took, and we will absolutely consider it. Thank you. Next, we're going to transition into discussion. What I would like to do, since we received a number of motions, in the sake of efficiency, I would like to frame our discussion. I'm going to look to the Board for any motions, and Dr. Davis, could you get us started?

DR. JUSTIN DAVIS: I have a motion that I provided to staff this morning, so I'll just wait to see if we get it up on the board. There it is. **Move to initiate an Addendum to implement commercial and recreational measures for the ocean and Chesapeake Bay fisheries in 2024 that in aggregate are projected to achieve F-target from the 2022 stock assessment update (F= 0.17).**

Potential measures for the ocean recreational fishery should include modifications to the Addendum VI standard slot limit of 28-35" with harvest season closures as a secondary non-preferred option. Potential measures for Chesapeake Bay recreational fisheries, as well as ocean and Bay commercial fisheries should include maximum size limits.

CHAIR GARY: Thank you, we have a second, we'll go with Emerson Hasbrouck. Back to you, Dr. Davis, if you would like to speak to your motion.

DR. DAVIS: We find ourselves about halfway through our ten-year rebuilding timeline for the stock, and I think the Board is facing another decision point here on how to act. I think since the stock was declared overfished in 2018, this Board has got an excellent track record of taking conservative action to rebuild this stock.

You know in Addendum VI we implemented a slot limit, which was really a new coastwide management strategy for striped bass, because there was good science to suggest protecting older, larger fish would be beneficial to the stock. We implemented a circle

hook requirement, even though it wasn't entirely clear how we would quantify the benefits of that, and there were enforcement concerns.

But we knew it would help with conservation, so we implemented it. Then in the Amendment 7 process, we chose to retain really a conservative reference points, and aimed to build the high biomass, and also incorporated a low recruitment assumption to our rebuilding plan. I think this Board has got a great track record of taking conservative action. This addendum, the motion to initiate this addendum is hopefully in the service of the Board again making a conservative decision here, when faced with information about what's going on with the stock.

The presentation we just hear, we have clear indication that removals in 2022 were very high, and there is good reason to believe that we are now off track to rebuilding. The Board is not compelled to act. We have not tripped a management trigger, as was mentioned in the presentation.

We're not dealing right now with a new stock assessment update, or true updated estimates of F, so the Board doesn't have to act. But I think the Board should. I think we should take some precautionary decisive action to get ourselves back on track for rebuilding. That is the goal of this motion, is to start a management process for 2024 to accomplish that.

In fact, there has been a lot of discussion around the table about potential need for action this year, to get us back on track for rebuilding. I don't want to short circuit that discussion, but I do just want to explain why I'm sort of putting forward the motion for the Addendum for 2024, before we talk about what we might do for this year.

My rationale there is, you know my understanding is if we do something for this year it's going to be using a process that is not our normal management process, not going to include the normal type of deliberation we do, and is not going to include public input. I'm not saying I'm not comfortable doing that, but I'm not comfortable with extending that for two years.

Before we consider what we're going to do for this year, I think it's important to signal to the public that we'll do a process for next year that is more in keeping with our normal management process. The goal here with this Addendum is to establish new measures for 2024 for all sectors, so all sectors are contributing to conservation. We have to set some goal to sort of engineer measures to, so I chose F target from the last assessment year, because I think that's an appropriate goal, given that out of the last assessment that was an F rate that was projected to achieve rebuilding. I'll acknowledge that this is sort of a departure from our normal process. We usually don't engineer measures for one year for F in one year, and sort of key in on one year. But I think we're sort of in a tricky spot here, because we have a new assessment coming in 2024 that can inform 2025.

I think what we do beyond 2024 should be informed by that new assessment, so that is why I'm sort of suggesting that we do something here that is geared towards one year in 2024. I'm not looking to start sort of a new management regime for striped bass, where we get into a model of assessing what happens every year, and then making a decision for next year and doing it on an annual basis.

I don't think that's a good approach, but I think it's kind of what is necessary in this instance. I think the Addendum is going to have to be kind of lean, in acknowledgement of the timeline we're on to get something done for 2024, and also the ongoing workload of the Technical Committee with the assessment coming. I've attempted to sort of draw some boundaries here around what types of options could be considered in the addendum. For the ocean fishery, modifications to the slot limit of 28-35 inches.

Harvest season closures is a secondary non-preferred option. I think that is in keeping with the discussions we had during the Amendment 7 process, when we were considering potential Board action coming out of the last assessment. We thought modifications to the slot and then harvest season closures, if we need them, if the potential slot limits are just so conservative that we really can't live with them. That is the approach I'm suggesting for the ocean fishery.

For the Chesapeake Bay fishery, taking a look at maximum size limits, either a consistent slot for the Bay or just imposing a maximum size limit where it currently doesn't exist. For commercial fisheries, taking a look at maximum size limits, a common complaint I hear from recreational anglers is that we've adopted the slot limit, we're preventing recreational anglers from taking large fish.

We're still allowing the commercial sector to take those larger fish. I get that there are market considerations there. The market wants the larger fish. But I think it's worth exploring imposing a maximum size limit in the commercial fishery to provide additional protection for those larger fish. Thank you, Mr. Chairman.

CHAIR GARY: Emerson, would you like to speak as the seconder?

MR. EMERSON C. HASBROUCK: Yes, thank you, Mr. Chairman. I agree with everything that Dr. Davis just mentioned, and he's given a good reason to support his motion. I can't really add too much more to that. However, we do need to start an addendum now, to address the high recreational and the increased fishing mortality to rebuild on schedule.

Mr. Chairman, (cut out) public comment that we've received, and much of that public comment encourages us to start an addendum. Again, this does not exclude the Board from taking some action for 2023, once we've decided what we're going to do with the addendum.

CHAIR GARY: Go to Mike Luisi.

MR. MICHAEL LUISI: I want to thank Dr. Davis and Emerson for putting this motion before the Board at this time. I think there has been a lot of work that has gone into this motion behind the scenes, and I absolutely agree with everything here, as far as moving forward for 2024. I like the concepts that are proposed here, including modifications to the slot limit.

The one thing that I do think is something we haven't talked about here is like the idea of the Chesapeake

Bay commercial fisheries, as well as the ocean fisheries considering maximum size limits, rather than (cut out) for Justin. But I'm assuming that based on what you've outlined here that quota reduction isn't something on the table.

It would be focused mostly or entirely on maximum size limits there. I just think that is something good to understand for all of us that have commercial fisheries. Lastly, I will say that in Mike Celestino's presentation of the Technical Committee report, there was a lot of talk when it came to the recreational fisheries.

There was a lot of discussion about removals, and removals as we all know (cut out) is a combination of both harvest and dead discards, yet I don't see anything in here that would refer to any type of consideration or action for any dead discard consideration in moving forward in 2024. It is something that I certainly feel pretty strongly about.

It's not that I can't support the motion, but I would like to see some acknowledgement of discards being considered, because it does play a critical role in the overall mortality of the fishery. With the understanding that yes, discards will happen, dead fish will happen as a result of this extremely important recreational and commercial fishery on our coast.

I just would like there to be some consideration of that. I just have to say, Mr. Chairman, I may be inclined to provide some simple language for an amendment to the motion, but I would like to hear what others have to say first. But thanks, Justin, for putting this together.

CHAIR GARY: Justin, would you like to respond?

DR. DAVIS: Thank you, Mr. Chairman, and thanks for those questions, Mike. I did mean to say that and I forgot. My intent with this motion is that any types of measures that I haven't mentioned here in the motion would not be considered in this addendum, so to your point, commercial quota adjustments is not something I'm contemplating with this motion. I agree that this does not propose measures that directly address release mortality and discards. I

agree with you that that has got to be part of the picture going forward. My intent was to try to keep this addendum fairly constrained, and so I thought maybe it would be better to deal with that question in the next management action that we take out of the '24 assessment. But that is just my thought.

CHAIR GARY: Okay, we have John Clark, Senator Watters and then Mike Armstrong.

MR. CLARK: Thank you for the motion, Justin. I have a question for Dr. Davis also, especially the last sentence there about the maximum size limits for commercial fisheries. While we might want to take actions on the commercial fisheries, maximum size limits for allotted fisheries, for example ours, which is a gillnet fishery.

We have ITQs, I mean you really can't control, even if you're using a smaller mesh net, you could still end up catching fish that based on a maximum size limit would be discarded dead. There is not much point in that, especially when it is, as I said ITQ. I would not object to seeing, back when we did Addendum III, there was a lot of push to have mandatory tagging by both the fisherman and a dealer or a weigh station, and that was watered down to just mandatory tagging as a dealer.

I mean there are options we can do to get a better handle on what is actually being caught in the commercial fishery, and a lot of states like our own state are doing that. But I'm just a little concerned about putting the only type of control up there for commercial fisheries is maximum size limits, so just wondering if, you know I don't know if Mike was planning to address that with his amendment, but it just seems a little that if it's in the motion that is what we're going to be looking at an addendum rather than other measures on the commercial side.

CHAIR GARY: Senator Watters.

SENATOR DAVID WATTERS: This is a question for Dr. Davis about the wording of the amendment. I think in the sentence that you have potential measures for the ocean recreational fishery, should include modifications to the Addendum VI standard stock

limit of 25 to 30 inches and harvest season closures as a secondary nonpreferred option. Unless you want both of those to be secondary nonpreferred options, I think that you want to change it to with harvest season closures, isn't that your intent? I just thought that maybe is a wording issue.

DR. DAVIS: Thank you for that, Senator, that is my intent. I would look to staff if they feel like that clarification is necessary and helpful, and the seconder is okay with it, I'm good with it.

MR. HASBROUCK: Yes, I'm good with that, it just clarifies things.

CHAIR GARY: Okay, we'll just wait a moment until we get that modified. Mike Armstrong, you're next.

DR. ARMSTRONG: I completely support this motion, but I do want to amend it by adding some language, and this actually works out well, because I don't want to derail this potential motion, but I do have language that I would like to be considered. Are you ready? Unfortunately, I don't think you have the language anywhere.

Go slow. You may. Why yes, you do have it. Would you like me to read it into the record? **I move to add "The addendum will include an option for a provision enabling the Board to respond via Board action to the results of the upcoming stock assessment updates (e.g., currently scheduled for 2024, 2026) if the stock is not projected to rebuild by 2029 with a probability greater than or equal to 50%."**

CHAIR GARY: All right, we have an amendment, second David Borden. Mike, would you like to speak to this?

DR. ARMSTRONG: Yes, please. I made a similar motion on the last amendment, and that retired. My concern here is the proposed addendum will not have the 2023 harvest in it, and that will have to be projected. When the new stock assessment comes in, we will surely have to look at new measures for 2025, in order to accomplish our goals. Without this

language we are going to have to start another addendum, and we won't get that in until 2026.

Anyway, we'll have a lag here if we don't have this process here. Anyway, for the same reasons I had it on the amendment that we needed to act quick, you know the complaint is always we don't act quickly enough. The cost is we will have to do this without a lot of public comment, but the benefit is we are approaching some fairly dire straits here with this stock. I think we need to react quickly from the assessment. I'll leave it at that.

CHAIR GARY: Thank you, Mike, David, any comments you want to add?

MR. DAVID V. BORDEN: Nothing to add, Mike just made the point.

CHAIR GARY: Okay, we have an amended motion. Tom, you had raised your hand, do you want to maintain your place in the queue to comment, or relinquish?

MR. FOTE: Yes, I'll comment on the new motion and I'll comment when we get back to the original motion.

CHAIR GARY: All right.

MR. FOTE: My concern about putting that date on this, we will not have the 2023, so we do not know if the 2022 was an abnormal year, because of certain conditions and bringing all these fish, and allowing because of the access of the anglers to basically see. This year it could be cold, we could have 14, 18" of snow in Toms River, and the ocean could be back down to where it is supposed to be in water temperature, which I hope that is what happens.

But we don't know, and if we act before we know what 2023 looks like, or at least we have an estimate of what the catch for 2023 looks like, then we're moving ahead. I'm concerned over that. I mean, I understand what we're doing and I support the original motion. I was going to say I support, it's an unusual situation. I support the first four speakers, and I get to Mike and I have to deliberate a little bit

on how I support this. Again, I've seen this over the years, some of you know how long I've been sitting around this table.

But they also know that I was sitting in 1986 at the Striped Bass Board, and until the nineties we didn't do kneejerk reactions. We did a couple. That is how come New Jersey wound up with a 24 to 28" slot limit, and then you decided two-years old, that wasn't what we should do, we should go back to another. Then you also basically took away the producing area status to the Delaware Bay, which would allow us to manage fisheries different and set our quotas differently than we do now. We should be putting that back in. We've talked about this a number of times, but the Delaware Bay and the Hudson River both. Because New York waited until New Jersey left the meeting, and slipped this thing in, in Amendment 5, and by the time we came back we couldn't get a two-thirds vote to override that. I understand, I've been around this table a long time, and I understand nuances that happen here. I have concerns where we go to this is that really, we need to incorporate the 2023 to see what's going on, and see if this was an abnormal year in 2022, and basically look at it.

As we move into any kneejerk reaction, you know, people talking about emergency action, well that's a kneejerk reaction, plus you have no public comment nor public hearing. I will say, I will have a problem with that. They ought to at least bring it out to the public, because I know the economic impact of doing something like that, and also the states problem to try to enforce that and get it in in 180 days, because it may be the 180th day when we put it in place. I'll leave it at that at this time, thought the original motion weak.

CHAIR GARY: I'm going to go to Doug Grout and then Megan Ware.

MR. DOUGLAS E. GROUT: I certainly support the underlying motion, and I definitely like the concept here of, if we're not going to have a 50 percent or greater probability of rebuilding that that be something that we would trigger some further action. One of the concerns I had with the current

stock assessment schedule was if, let's say we go through the addendum process.

We put in some measures that go into effect in 2024. We're going to have an assessment in 2024 that is not going to take into account the effects of the changes we make in the addendum. We could be chasing our own tail with that, because we could look at it and say, well, based on 20223 data and previous data we still have a huge jump, you know we need to make some action.

But we've already taken action that is not included in that. While I wasn't going to bring this up at this point, because of this I was going to suggest at a future meeting that maybe we postpone our next bench or next full assessment to 2025, so that we could take into account the effect of whatever our addendum is. Just a thought for people here, and you know we could still vote this up or down, but if we change the assessment date it might be more valuable information for us.

CHAIR GARY: Thank you, Doug. Megan Ware.

MS. MEGAN WARE: To the motion to amend, I'm going to support this. Thinking back on what we heard from the TC this morning about trying to align management action and the stock assessment schedule. This gives us an opportunity to do that, so that if we need to take action after that 2024 assessment, we could do that in 2025. That would give us a year of data through 2025 in that 2026 stock assessment.

I think that is worth having as an option in the addendum that (cut off). I see this as an option for the Board, so for some reason if the Board chooses to not pursue this and go through the traditional addendum route, that is always available to us. But I think it's worth having this option in the document.

CHAIR GARY: Thank you, Megan. Any other comments? Katie wanted to jump in for a moment, and then we'll go to John Clark.

DR. DREW: I think this related to the question of what kind of information is going to be available from

the 2024 assessment. We will have 2023 data in the assessment, and the emergency action is taken that goes into place in 2023. That will be captured within the assessment for that terminal year of 2023. The question is, if we put something in place for 2024, what are the effects of that going to be?

That is something we can incorporate in the projections of these actions, and the final option that will be chosen will have sort of a reduction in harvest that we're predicting, based on year class availability, things like that. The projections would include for 2024, kind of our projected management completely from (cut out) projections to say, we would take 2024 the management measures we put into place (cut out) what is actually, but we will be able to incorporate the fact that there will be changes in 2024 relative to 2023, when we do those projections.

CHAIR GARY: Before I go to John. We have an amendment to the motion, and I would like to get some public input, but we're going to do this in a very balance and measured manner. When John finishes his comment, we will go to the public and take two comments from the public in favor of this and two against it, if there are in either camp. We'll do those in a concise manner and allow the public, for anyone who wishes to one minute each. John, we'll go to you first.

MR. CLARK: Just a question for Dr. Armstrong. I assume when you say rebuild, you mean rebuilt to the target and I've been very clear that I think the SSB target is pretty unrealistic. Just looking at those last projections we saw, Mike, it looked like we have a real good possibility of being above the threshold, which by definition is 100 percent of the fully restored stock, based on 1995, but obviously a much lower probability of reaching the target.

I mean this target reminds me of every year I go for my physical, my doctor gives me a target weight that I last hit in 1975, and I don't expect I'm every going to hit that target. My question here is, I mean based on each assessment update it seems like we have a change in what the target will be. This seems very definitive that if we're not at 50 (cut out). I'm just

curious, you know the way it ties into this very high SSB target.

DR. ARMSTRONG: It's problematic. But I would say rebuilt is the target, so that is how I'm viewing it. I mean that is something we're going to have to look at carefully, especially with the low productivity we're getting. If I could add one more comment. Does that answer you, John? Yes.

I just want to make it clear; this is an option this is not mandatory. You know if it comes in at 49 percent, we don't have to go this route. It just gives us flexibility, and again, I think we're approaching some difficult days ahead. I would like to have an option to move very fast if we need be.

CHAIR GARY: Now we're going to try to go to public here, again do this in a concise and measured manner. I don't know if staff found it's Madeline or who will help with the timer. But I look for a show of hands here in the room and online, and first thing we would look for is two in favor. Anyone who is in favor of the amendment, and I see one hand raised, that would be Mike Waine. Mike, if you would come up to the public microphone that would be great.

MR. MIKE WAINE: Thank you, Mr. Chairman, Mike Waine with American Sport Fishing Association. It's hard to indicate preference from the back of the room, so I'm not going to speak for or against this motion to amend. But if the Board moves forward with this, in the addendum.

I highly recommend that they plan out the timeline in which these actions would occur. What year is the Board going to consider taking action, what information are they going to use to do that action, so that the public can get some sort of an understanding about how they are going to participate in this Board action process.

CHAIR GARY: Thank you, Mike, we'll look for one more person from the public who is in favor of this amendment. Okay, so we have Mike Abdow online, so Mike if you can unmute yourself, go ahead and speak. One minute please.

MS. FRANKE: Mike Abdow online, it looks like your hand is raised. You should be able to unmute yourself by clicking on that.

MR. MIKE ABDOW: How is that? Is that better?

MS. FRANKE: Yes, thank you.

MR. ABDOW: That's what happens when you get old, this new technology stuff. I am in favor of making sure that you guys do the right thing. We have a lot of people that are getting into this fishery now, and lots more coming. The internet plays a big part in this. Lots of people like to talk, lots of people like to go fishing. There is going to be more coming.

I was talking to a marine place yesterday that sells boats, and they are sold out for two years in advance. That means I couldn't even go there and buy a boat. I'm a charterboat here in Chatham, Massachusetts, and I've been fishing for striped bass since 1959. I've been around a little bit. But I just want you to understand that there are more people coming.

There is going to be more people working on these fish, so just keep that in mind when you make these rules and regulations to save the fish, because I was taught without the fish there is no meat, and I would prefer to see the fish. Unfortunately, I have no control over how many people are involved. These people move a lot around.

They move from fishery to fishery, from sea bass and fluke to striped bass to tuna. In the last 25 years it's gone crazy, but in the last five years it's gotten completely outrageous, so keep in mind, two years down the line from now it's probably going to be double what it is right now. Thank you very much.

CHAIR GARY: All right, thank you, Mike. Appreciate your comments. We will now look to the public for anyone who is in opposition of this and take up to two comments. I'll look to the room first. Is anybody in the room with the public in opposition to this motion and you would like to speak to it? There is none in the room, now looking to online. Anyone on line, raise your hand and let us know if you are in opposition to this amendment. We have Julie Evans,

so Julie, go ahead and unmute yourself and you have one minute, Julie.

MS. JULIE EVANS: Thank you, Mr. Chair, for recognizing me. My name is Captain Julie Evans. I represent the East End Fishermen in East Hampton for the Fisheries Advisory Committee. I would like you to know that we recognize here how important striped bass is to our local economy, and not just our local fishermen.

You might say that striped bass is the fish that built our economy here in Montauk. I would hope that with all the scientific evidence and all the comments that I've heard, that you would also recognize that you can't go from what I've seen, allowing a generous slot size to going to no slot size to going to no fish, perhaps, but maybe, depending on whatever happens in 2023.

I am not a person that is in favor of the amendment that says that this Board could move on their own without any public input. I think that public input is very important to our fisheries, and especially on behalf of the local for-hire industry, which is now lumped in with the recreational fishery.

This could be devastating to the lives of many people out here, many, many people out here, not just the fishermen. You know I as a former commercial striped bass fisherman, who lived through the striped bass problems of the eighties. I would like to see that you take all of this into consideration, and do your best to maintain the fishery, and allow fishermen to fish. Thank you.

CHAIR GARY: All right, thank you, Julie. We have one other person who would like to speak in opposition online, and his name is TJ Karbowski, so Mr. Karbowski if you could unmute your microphone.

MR. TJ KARBOWSKI: This is all with good intention, don't get me wrong. But there is just so much uncertainty, specifically in regards to the MRIP data. It's been brought up earlier, but we have zero confidence in MRIP data for every other species, and I don't know why we're taking this as gospel for this

species. Also, with the gentleman, Mike there, the mathematician guy who did the presentation earlier.

I believe all of his math for the percentage of the rebuilding was based on the higher MRIP numbers. I understand if it's based on higher for one example, but it either should be also included for the lower end of the spread, or maybe split the difference, just like everything else, you know whenever you're negotiating anything.

Then finally, I spent half my life fighting for black sea bass regulations. You are two hundred and something percent over the target, and you guys are still trying to take the fish away. Even if we hit this magical number, which we're never going to hit of the 1995 whatever, biomass level or the SSB. We're never going to hit it anyway, but even if we did, you're still going to be taking stuff away. I mean, it's just restriction after restriction. That's why I don't support it, not because it's not with good intent. But any time you guys ever do anything it's take, take, take and you never give it back.

CHAIR GARY: All right, thank you, Mr. Karbowski, I appreciate your time with the microphone. We're back to the discussion of this amendment, and hopefully we'll entertain a couple of more comments. After that we'll put it out to a vote. Tom, I think you hand. You did have your hand up, but you still interested in talking about this one? You wanted to go back to the original motion.

MR. FOTE: Yes, I already talked about this one that I didn't support it, I'm waiting to go back to the original.

CHAIR GARY: Okay, anybody else? Dave Sikorski.

MR. DAVE SIKORSKI: I would have more to say once we dispense with this, but in regard to the opportunity for public engagement. I just want to say from my perspective. We have 365 days a year to engage in fisheries, and that is unlike ever before in history, and I want everybody to recognize that.

Remember that not just to the public, you have an opportunity in every state capital, which is

represented around this table, to engage with the managers, to engage with leadership, and to try to craft that future for your fisheries. What I see this is a proactive tool, not to cut out public involvement, because I fully support it. I mean I work for a fisheries nonprofit, where my job is to get the public engaged in this process.

I fully support the public process, and again, my point is, get involved yesterday, get involved tomorrow, get involved every single day, not just when this Board meets, because if you're simply just providing us input when this Board meets, you're too late. I do have faith that the folks around this table can handle this responsibility and act quickly with TC guidance, so that is why I'm supportive of this motion to amend. Thank you.

CHAIR GARY: All right, thank you, Dave. I'll look one last time, especially if somebody has not commented yet. Does anybody else have any other comments before we take this to a vote? All right, then I would ask, do we need a couple of minutes for a quorum? Okay, is two minutes sufficient? Okay, two minutes. All right, we'll go ahead and call the question. All in favor of the motion, please raise your hands, and please keep them up.

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

CHAIR GARY: All right, all opposed raise your hands. There are none. The motion passes. Are there any abstentions? The motion passes unanimously. Now we'll have the amended version of the motion.

Do we need to get staff to incorporate that so we're back to that? Thank you, staff, we're back to the motion. I do want to acknowledge; we did see one member of the public who had his hand raised. I just want to clarify that we were only taking up to two comments for and against. But there will be another opportunity before we vote on this motion. I'll go

back to the Board, is there any additional discussion on this main motion? Tom Fote.

MR. FOTE: When we started going down this path a couple of years ago, I basically talked about the fact of how we rebuilt the stocks during the eighties. What we did was protect the '82-year class by raising the size limit every year to make sure they were protected until they spawned at least once, 95 percent of the population spawned once, because I knew I had to go before the legislature to get those bills passed so New Jersey stayed in compliance every year.

Because that was the goal. When we first started doing this, you implemented a slot, and some of us sitting around the table said this is not what we should be doing. If you want to really protect it you should be protecting the 2015, maybe the 2018-year class. I've always felt that those fish show up every year, unlike the big fish that show maybe once every two or once every three years.

They all are feisty females and feisty males that really attack each other and have a lot of sex, and they produce a lot of babies. I'll be kind of blunt about this. But we basically did not do that, we put a slot limit that would eventually move us in and put us in this predicament. I knew it was going to happen, because there were too many fish moving forward.

I would like as an option, and I'm not going to ask for an amendment, but as an option as we're doing discussion on what we should send out to the public, looking at doing that, instead of going the opposite way, because I think the bigger fish also, when you target them and you basically release them. You basically get them on the line.

The 28 to 35 will basically survive better than the bigger fish. It takes longer time; they build up more. The water is warm, they will basically die faster and the smaller fish basically will survive, especially the 34, 32, 33-inch fish. We should be having that as an option when we go out to public hearing. As I said, I support all the speakers what they said.

As long as the last motion, I did support it because it was an option, and that's why I'm looking at this as

an option to go into the public hearing document that we turn out to the public. Again, as I said before, I don't want to do any kneejerk reaction, because I've gotten slapped across the face over the years, by having to go to my legislature, because that is when we used to have to do by legislation. It changed the bill the next two years.

As a matter of fact, it got so bad that Maureen, part of the committee, and she wouldn't hear the bill. I said we're going to be on it twice. She said I don't care; we're not hearing the bill. I had to go to the Veterans Committee, because I knew the head of the Veterans heard it in the assembly, and the Veterans Committee had a striped bass hearing. The first and only time that ever happened.

Also, my concern is if we start doing anything else but this, we're going to wind up a lot of people going out of compliance just because of timelines and everything involved. Because like New Jersey Marine Fisheries Council is so upset about scup and I come in with this thing, they're going to look at us like we're crazy. I'll leave it at that at this time.

CHAIR GARY: All right, thank you, Tom. Over to Mike Luisi.

MR. LUISI: I made comments earlier regarding the previously underlying motion about the possibility of considering adding some language here which speaks to what has been brought up many times before, and was highlighted through Mr. Celestino's presentation regarding discard mortality, and where we might go with that.

Understanding that this Board has made comments over the years about the importance of discards and the degree for which discards play a role in the overall mortality on this fishery. However, given the comments that I've heard around the table, and the understanding that in order for this Board and the Commission to put forth the effort to get rules in place by 2024, which I believe is critical at this point.

I've decided that I think at this point right now moving forward, based on the comments that I've heard, that I will fully support this motion as before

us, but I do want to highlight and reiterate the fact that any follow up motion, as it was mentioned earlier, follow up actions as a result of an assessment update.

I would hope that this Board would consider exploring the concept of reducing dead discards. You know the one thing that I've mentioned before we've implemented in our state, is a nontargeting style rule. I know that there is difficulty with enforcement on that rule. There are challenges.

However, I would say that if you know that based on quality and water quality, air temperatures and whatever else may be a factor in the fishery that you're managing. If you know that there is a time of the year when these large fish, which we're now likely to be protecting through adjustments to the slot.

By protecting those fish by reducing the slot limit, in my opinion we're just going to see more fish caught and released. Whether or not those offset one another, hopefully not. Hopefully we're making the right decision by adjusting on harvest at this point only. I just think that states should start looking into when they know that conditions are not ideal, and whether, maybe not even to get credit for the reduction.

But if you know the conditions are not ideal, maybe a regulation or a rule in place to try to limit that amount of dead throwbacks would be something to consider moving forward. I hope that with my comments and others that have spoken regarding this, that there is a commitment by the Board exploring that in a future action. But I'm going to leave that off the table for right now, Mr. Chairman, thank you.

CHAIR GARY: All very good points, well taken. I know we're getting close. Are there any other additional comments? Hey, John, I'll go to you in a second, but I'm trying to balance to give everybody a fair chance here. Has anybody who has not provided comments, you would like to make a comment at the Board. I'm also going to go back to the public as I mentioned

before we vote. Any others? Go ahead, John, you've got it.

MR. CLARK: I'm sorry, it's just more from being a fisheries regulatory bureaucrat, that word in the potential measures should include maximum size limits. Would it take an amendment to change should to may? As I said, just one of those things where if it says should include maximum size limits for the commercial fishery.

There is going to be a push to have those, and as I said, I just think that is very problematic, especially for a lot of our ITQ fisheries where they're using gillnets. I think it would actually increase discarding, rather than serve the purpose that we want. I think there are other ways to manage the commercial fishery to get better reporting. Just a suggestion.

CHAIR GARY: Bob, can you help us with this?

EXECUTIVE DIRECTOR BEAL: I'm not sure I can help, but to answer one question. Yes, if you wanted to change a word in there at this point it would take a motion to amend. You know I think, keep in mind what this motion really is. It's a direction to initiate an addendum, then a series of things that the Plan Development Team is going to weave into a document that will come back to this Board before public comment happens.

I think there are a lot of steps in this process before anything actually becomes reality. The Board can pull things out and modify them, when they see this draft addendum another time. In sort of the idea of moving things along today, you know just keep in mind there are multiple chances at revisions as this moves forward.

CHAIR GARY: Thank you, Bob. John, if you feel so compelled.

MR. CLARK: Based on what Bob just said, I'll just leave it alone then. I just wanted to get it on the record though, thank you.

CHAIR GARY: All right, thank you, and Dave Sikorski, you have the last word.

MR. SIKORSKI: You know the more (cut out) with Mike. You know I still have some concerns, but I'm not going to attempt to amend this in any way, shape or form. I want to move forward and vote as we should. I think it's important to notice that as John's comments about the commercial fishery. We're really just limiting the portion of the stock available to the commercial gear.

From a Chesapeake perspective that does not provide any conservation, really, and that is a challenge for me. I think I have continued heartburn with the idea that Maryland, the Potomac, are fishing on Addendum IV quota levels, so we didn't even attempt to reduce quota, sorry 1.8 percent is what it was reduced on paper for Addendum VI.

There is still a fishing mortality being persecuted against the fish in the Chesapeake is at Addendum IV levels. You just think of the commercial component of fishing mortality in the Chesapeake. Now you add four years in a row poor recruitment, and unfortunately, we think maybe a fifth coming. We still have work to be done in the Chesapeake. I continue to look at the projections that the TC has provided us, and I see that downturn. It's starting to happen, and that is where my perspective is I'm very concerned about that. I don't want to open this up and attempt to reduce quota at this point, but this challenge still remains for all of us to rebuild this fishery well into the future. Thank you, and all sources of F should be considered.

CHAIR GARY: Max, did you have your hand up? I might have missed you.

MR. MAX APPELMAN: Yes, just quickly, a couple of comments that I heard. I want to comment in support of the motion, but also the initial intent I think I heard from the maker to keep this simple. I think that's really important with the 2024 assessment right around the corner. I think the complexity of an addendum is critical to allowing the Board to act quickly, and get new measures in place for 2024. I just want to speak in support of that intent.

CHAIR GARY: Before we call the question, I would like to go ahead and go to the public to comment. Two in favor again, two opposed, and we'll start with in favor. We'll look to the audience first here in the room, to see if anybody would like to speak in favor of this motion. Seeing none; we're now asking on the webinar if you would like to comment in favor of this motion, please raise your hand. All right, Michael Woods, would you like to speak to the motion? Unmute your microphone, and please keep your comments to one minute if you could, please.

MS. FRANKE: Michael Woods, it looks like your microphone is unmuted, but we cannot hear you.

MR. MICHAEL WOODS: I apologize, can you hear me now?

MS. FRANKE: Yes, we can. Thank you.

MR. WOODS: My name is Michael Woods; I am commenting on behalf of Back Country Hunters and Anglers, and specifically the New England, New York, New Jersey, Capital Region, Pennsylvania and North Carolina Chapters. Our members from those regions, really all across the striped bass's range.

I wanted to comment in support and mention a couple things. The first of them is that back when we considered Amendment 7, all of our members advocated, basically to recover the fishery by 2029. I know there was a lot of discussion about abundance metrics and things of that nature, different ways that we can address this.

But ultimately, what the Board opted to do was to rebuild by 2029 to that target level. This motion really would put that recovery into action. We think that it's needed. The data clearly indicates that additional measures are necessary. We would urge the Board to put this forward and take those measures, and uphold this obligation to recover by 2029. Thank you.

CHAIR GARY: Thank you, Michael, and we have one other person in the public, Michael Abdow. Go ahead and unmute yourself, and again, one minute, Michael.

MR. ABDOW: Mike Abdow, I live up here in Cape Cod and Chatham, and the commercial aspect of it I've been doing my whole life, and I've been fighting for it for 40 or 50 years now to keep it running. People want to eat fish. Not everybody goes fishing. I would see a problem if you were to put a slot limit in, let's just say, I'm just using this example, on a 35-to-45-inch fish. People here still use gaffs, and maybe in the water a 46 or a 47-inch fish might look like a 45.

Once you start doing that, we now have a discard rate bigger than what it is from just letting them go on purpose. I just want you to think of that when you go and do this. I know somebody else brought this up too about discards. I would rather not see the fish get wasted. I don't know how you're going to do that, how you would do it. As a commercial fisherman it would be pretty tough for me, especially when you're fishing at night in a boat in the ocean, a mile or two offshore in a rip.

CHAIR GARY: If you could finish up, that's okay just really quick, finish up. But you're in favor of this motion?

MR. ABDOW: I am.

CHAIR GARY: Okay, thank you, sir, appreciate it. We'll now look for two members of the public who are in opposition to this motion. I'll look to the room first to see if anyone is in opposition to this motion. Seeing none; we'll go to the webinar. If you are in opposition to this motion, please raise your hands. Michael Pirro, if you could unmute yourself, and you have one minute. Go ahead, Michael.

MR. MICHAEL PIRRO: I don't think we proved an emergency today. I don't think we should be taking action today. I think that I'm very disappointed that I found about this meeting through back channels, and nothing was published on websites, the ASMFC website anywhere. It was by chance that I found this, and this is a very big action to take without public comment.

I don't believe in MRIP, which is producing the 2022 harvest level. It could be a one-year outlier, and this is a lot of action to take with uncertainty. That being

said, the monster in the room in catch and release mortality. Instead of limiting harvest we should be focusing on that. It is more than 50 percent of the fish death. Please consider fish mortality over reducing harvest. Thank you.

CHAIR GARY: Thank you, sir. We have no others, so we're going to go ahead and call the question. Before we do that, I'm assuming we need a couple minutes to caucus, three minutes, two minutes, one minute. Let's go two minutes for a caucus. All right, **the motion is, move to initiate an Addendum to implement commercial and recreational measures for the ocean and Chesapeake Bay fishery in 2024 that in aggregate are projected to achieve F-target from the 2022 stock assessment update (F= 0.17).**

Potential measures for the ocean recreational fishery should include modifications to the Addendum VI standard slot limit of 28"-35" with harvest season closures as a secondary non-preferred option. Potential measures for Chesapeake Bay recreational fisheries, as well as ocean and Bay commercial fisheries should include maximum size limits.

The addendum will include an option for a provision enabling the Board to respond via Board action to the results of the upcoming stock assessment updates (e.g., currently scheduled for 2024, 2026) if the stock is not projected to rebuild by 2029 with a probability greater than or equal to 50%. All right, we'll look to the Board. **All those in favor of this motion, please raise your hand.**

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

CHAIR GARY: It's unanimous, the motion passes. What I would like to do now is take a well-deserved five-minute break. Set the timer, please come back.

(Whereupon a recess was taken.)

MS. KERNS: If Board members can please come back to the table and discontinue your conversations, or if you want to continue having a conversation, please take it outside. Thank you very much.

CHAIR GARY: Welcome back Board members. Before we depart Item Number 5 on the agenda, I think we have some additional business that some of the Board members would like to advance for consideration. I'm going to look for motions from any of the Board members. Mike Armstrong.

DR. ARMSTRONG: I would like to make a motion concerning an emergency action. I believe you have the language, and there it is. **Move that the Striped Bass Board by emergency action as outline in the Commission's ISFMP Charter, implement a 31" maximum size to all existing recreational fishery regulations where a higher (or no) maximum size applies, excluding the Chesapeake Bay trophy fisheries.**

All other recreational size limits, possession limits, seasons, gear restrictions, and spawning protection remain in place. Jurisdictions are required to implement compliant measures as soon as possible and no later than July 2, 2023.

CHAIR GARY: Thank you, Mike, do we have a second? David Borden. Mike, would you like to speak to this motion?

DR. ARMSTRONG: I sure would. I guess the challenge here is convincing you that this is an emergency. We have a backstop; we have an Addendum going. The problem is, we have an entire year of fishing on a very, very strong year class. Emergency measures haven't been used much, maybe half a dozen times or so. The definition is circumstances under which conservation or coastal fishery resource or attainment of fishery management objectives, that's the key, has been placed substantially at risk by unanticipated changes in the ecosystem for stock, or the fishery. Let me address the unanticipated first. We doubled harvest almost. I went back in the time series for MRIP, all the way back to '81, and that has only happened a

couple of times, the last time being almost 30 years ago.

Although I think we all sat around saying, this is a big year class, you know harvest will go up. We could not have anticipated that it was going to go up by double. It's never had that. Now, that being said, I have faith that MRIP is right. We do 6,000 intercepts a year in Massachusetts, about 5,000 are for striped bass.

That is a lot of data. You can complain about MRIP for other species. I think they got it right, especially on a coastal, without breaking it up into modes and waves and everything else. What we saw was the '22 harvest completely derailed the rebuilding down to 11 or 15 percent chance of getting there. I told you a little about what we looked at our recreational fishery, and really great graphics of the 2015 was about 55 percent into the slot, and we doubled the harvest.

There is no question in my mind that there is zero percent chance of the harvest going down. I mean the PSEs on this estimate are fine, they are as good as they've always been. I mean there is always biased things that can change, but I have faith that the harvest this year will be the same, or I would say greater, because the entire year class is in the slot.

What really worries me is the further we get behind the eight ball the more draconian the rules become, and 2026 SSB is going to start including the weakest year classes we've seen in 40 years. We have never seen four- or five-year classes as weak as they are since the 1980s, in the middle of a stock collapse.

We're going to have to deal with that, and it's going to get more and more difficult if harvest is huge again this year. I guess, and actually it was interesting, Mike Abdow on the webinar brought up the fact that he thinks effort is increasing. We had anglers say last year was the best fishing they've ever had, and a lot of it was environmental conditions and the presence of menhaden.

But also, the presence of a really big year class. I mean there is just no question that they are more available this year. How could harvest go down?

There is also, I think we've all seen this, I would call it irrational exuberance by the fishing community. When fishing gets good, fishing effort goes up, and probably not in a linear fashion.

People coming off a great year, I'm guessing that effort will go up much more. We'll get the casual anglers will be going out more. We have no output controls, and that makes it very difficult managing the striper fishery. I proposed this because I don't want to be further behind the eight ball. I don't want to see another projection again that includes 11 percent probability of restoration, and any, I'll leave it at that.

CHAIR GARY: David, as seconder, would you like to comment?

MR. BORDEN: Yes, just briefly. Mike pretty much hit all the points that I would make. One of my biggest concerns here is this issue that if we don't take action we end up in a situation where we have to take much more draconian action in the future, and frankly, I don't want to be in that position, so I would rather have a discussion about this type of activity.

The other point I would make, in a kind of response to some of the issues that have come up, is that I think the state agencies at this point are really doing an outstanding job of going out to the recreational leadership on these issues, and almost every agency that I know of has outreach programs.

Although I'm concerned about the public, circumventing of public process, I think we've got to weigh that against the necessity to protect the resource of one of our premiere species, and we've got to take action. Failure to take action should not be an option.

CHAIR GARY: Before I turn to the Board for discussion, I would like to go to Bob, just to make sure everybody is on the same page clarity with the emergency action definition, and the ISFMP Charter, so Bob.

EXECUTIVE DIRECTOR BEAL: Great, thank you, Mr. Chair. The good news is it's been quite a while since

the Commission has taken an emergency action, which probably means folks aren't really familiar with the process anymore. But just not speaking obviously in favor or in opposition to this.

Just process wise what it means to do an emergency is, it takes a two-thirds vote of all voting members of the Board, there are 16 members here today, so it would take 11 votes in favor to pass this motion. There are some strange provisions if either of the federal agencies abstain, and that would change the math a little bit. We can get to that should that occur.

The way it works is an emergency would be in effect for up to 180 days, so if this motion were to pass, it would be in effect for 180 days beginning today. It would be, which I think carries you to October 28 or 29, something along those lines. If the Board wants to extend this, there can be two extensions of emergency up to one-year each.

Ultimately, an emergency can be in effect for two and a half years, if that's what the Board chose to do. The one stipulation is that the Board needs to initiate an addendum to implement similar changes, which the Board has already done. If the Board got to October and wanted to extend this into early next year, to allow the addendum that was discussed in the previous motion.

You know, if they wanted to extend this for a certain period of time, to extend it until that addendum takes effect, they would have that flexibility at the annual meeting. That would just take a simple majority. Extensions of emergencies don't take the two-thirds provision. I think those are the basic process pieces of an emergency, happy to answer any questions.

You know there are some provisions on what constitutes an emergency. Some of it relates back to unexpected changes, and unexpected events occurring, and those unexpected events or changes, in this instance I think it is, you know impacted the achievement of the fishery management plan goals. One of the major goals here, obviously, is to rebuild the stock. You know there probably is some discussion that may happen, whether this is or isn't

justified as an emergency. I think Mike commented a lot on that in his opening statements about the motion. Happy to answer any questions, but just so everybody is on kind of the same page process-wise. I just wanted to make sure everybody knew the basics.

CHAIR GARY: Is there any question specifically on process for Bob, just before we get into discussion? Any questions? Jeff.

MR. JEFF BRUST: Just a question to, Bob, I think the term you used, that the Board would need to initiate an addendum that investigates similar measures to the emergency action. Does the addendum that we just voted for, is that similar enough? Does it give us the opportunity to explore other options besides this one that is on the table in front of us?

EXECUTIVE DIRECTOR BEAL: Yes, the action that was talked about in the previous motion is in line with what is needed to extend this. You know really, this motion is potentially dealing with what we learned today about the projections and rebuilding by 2029, and so is that Addendum. Those two are consistent and sort of tackling the same problem.

CHAIR GARY: Emilie.

MS. FRANKE: Just one other thing to add for process. If this emergency action were to pass today, the other requirement is within 30 days of taking emergency action, so this month, the Commission would have to hold at least four public hearings, so this would be to gather some initial public input on this action, so just FYI.

CHAIR GARY: Thank you, Emilie. Last call for questions on process. I just want to make sure we get that clear. Everybody's good on that? Okay, we will open it up for discussion, and Steve, I saw your hand up there early, so we're going to start with Steve.

MR. STEPHEN TRAIN: I'm going to speak in favor of this, and it's kind of reluctantly. I think emergency action is something we really shouldn't do. It seems like we only do something like this if we have failed,

we haven't done our job and we need to correct it. The environment has changed, the ecosystem has changed.

We haven't got the ability to correct that, so we need to work on what we have, or we've had an increase in effort that we couldn't foresee and can't control. I think that is where our problem is. It seems like, I said this once before and I hate repeating myself. Everybody wants us to do something so they can keep fishing, but they don't want it to affect them, and it has to. This is something I see that is going to at least attempt to rectify the problem we're in.

CHAIR GARY: Mike, I have you, right?

MR. LUISI: You tell me if you have me on your list. Yes, I had my hand up. When Dr. Armstrong and I spoke a couple weeks ago regarding this action, my initial gut reaction was, this sounds crazy. You know, an emergency action, really? Based on an MRIP preliminary datapoint that is affecting our projections years from now. However, in discussions with other Board members and with Mike as well, and colleagues within Maryland. I certainly understand the desire of the public, and the need for this given the information that was presented in the Technical Committee report, and the understanding that this 2015-year class will be fully recruited into the fishery this year. If we wait another year, we are likely to be looking down the barrel at something much worse than if we take swift action at this time.

I did question originally whether or not this fit the criteria within the Commission's charter on what an emergency action is. But I think what Bob said earlier, and some of the points that were just made, I can agree that we've met the criteria for an emergency action. The one thing, so what I'm saying, I do support this action at this time. I do have one question though for the maker, and this was something that we have discussed, but I would like to hear it either from staff or Bob or Toni, regarding the points here.

Mike, you state here that all other recreational size limits, possession limits, seasons, gear restrictions and so forth will remain in place. I assume that you

could bracket that and consider that states that are using conservation equivalency currently is not affected by these changes, because in Amendment 7, when modifications to the limits are made within a state, I believe there was some language in there that spoke to that.

You no longer have the ability when the stock is still overfished to use conservation equivalency. I would like to clarify that for the record in moving forward. First, your intent, and then secondly if we can get something from staff regarding conservation equivalency, that would be helpful, since we have implemented conservation equivalency plans in the Bay.

DR. ARMSTRONG: The intent would be yes, not to mess with the CEs now, this is just overlay. It's an emergency action, doesn't change the FMP, and I believe that's how it works. I'll let these folks comment about that.

MS. FRANKE: To clarify, this emergency action outlines what the measures would be for the next 180 days, and if it were extended. Basically, this sets the measures until this emergency action expires, or until the Board takes a new action, for example, the Addendum. How this reads is this would simply implement the 31 inch maximum size on top of what is currently implemented as of January 1st, 2023.

The new measures are essentially 2023 measures with a 31 inch (cut out) maximum size. Right, so the new measures are just what is currently implemented in 2023 with this 31-max overlay. That doesn't impact seasons, it doesn't impact bag limits, anything like that, and that is in place until this expires or a new action is taken. Hopefully that helps clarify.

CHAIR GARY: Mike, are you all set on that answer, all good, okay. We have a few people in queue, so we're going to go next to Dr. Davis, and then we're going to go to Emerson, Jason McNamee and Tom Fote. Go ahead, Justin.

DR. DAVIS: I'm going to move to amend this motion, and I think staff has some language for that, so I'll wait and see if we can get that up on the board. This

is a motion to amend. **Move to amend to add measures for the for-hire sector will remain status quo. In the event the Board extends the emergency action past the initial 180-day effective period, the for-hire sector exemption from emergency measures cannot be extended.**

CHAIR GARY: Second by Eric Reid. All right, back to you, Dr. Davis and you can go ahead and comment to your motion.

DR. DAVIS: I'll start off by saying I support the underlying motion. I think it's a good precautionary action by the Board to take action this year to reduce removals, based on what we now know happened in 2022. From my standpoint what was unanticipated, you know we met in November. There was discussion, we knew that removals in 2022 were likely going to be high.

I had been hearing from constituents how good the fishing was. We knew that that 2015-year class had aged into the slot. What was unanticipated from my perspective was the impact on the rebuilding probabilities, that they were going to drop that dramatically from what we got out of the 2022 stock assessment.

I can support the emergency action, but I do think we have to acknowledge that it's a substantial departure from our normal management process. We are going to take a vote today, potentially to change regulations, without having noticed that to the public, without any public input process, in an unexpected manner.

I don't think we should take that lightly, and I think where that dynamic is most pronounced is with the for-hire sector. I think we do have an obligation to the for-hire sector to provide them timely notification of what the regulations are going to be in a given year, so they can plan their businesses and book business accordingly.

What this motion would do is essentially hold the for-hire sector status quo for this initial 180-day effective period of the emergency action, but then not provide any opportunity for an extension of that exemption.

I've heard one of the concerns about this is this is opening the door to a mode split on striped bass, and that is not my intent at all.

I would not support any options for 2024 with a mode split for striped bass. I wouldn't support any options for a mode split while this stock is in rebuilding. I just want to be really clear about that, especially if any members of the Connecticut for-hire sector who might be listening in today, I'm not willing to contemplate that past this emergency measure.

But I do think this is in keeping with our obligation to the for-hire sector to give them timely and accurate notification of rules for the coming year. I stood up at public meetings in Connecticut in February and March and told the for-hire sector that striped bass would be status quo this year, and it really bothers me to at the 11th hour, when the season has already started.

These guys have booked all their business, to come back and say actually, guess what. We're using this emergency provision that most people didn't really know existed, to change the rules unilaterally without any input and any public notice. That really bothers me, so I'm hoping that members of the Board can see their way to support this. Thanks.

CHAIR GARY: Eric, would you like to comment as seconder?

MR. REID: I agree with Dr. Davis's rationale, and I also want to point out that the for-hire sector is a minimal participant in this fishery, relatively speaking, and they do provide data through their EVTRs, which I don't want to miss that point as well. We talk a lot about whether MRIP is good, bad or indifferent, but the VTR data we get from the for-hire fleet is accurate, and I think that is a component we should not lose. Thank you.

CHAIR GARY: We had two in the queue if you want to maintain your spot, so it would be Jason McNamee and then Tom Fote. Jason, do you want to speak still? Oh, Emerson. Jay, if you would be so kind, I've got a number next to Emerson that

precedes yours, so it would be Emerson, Jason and then Tom Fote. Thank you, sorry Emerson.

MR. HASBROUCK: Sorry to just butt in like that. My hand was up to make a similar motion to amend, but Dr. Davis beat me to it here. But my motion to amend was going to continue the exemption for the for-hire sector to the end of 2023, based on Bob Beal's clarification earlier, that this emergency action would end at the end of October.

I think it's going to be very disadvantageous to the for-hire fleet, to be able to fish on the current slot limit through the end of October, and then change to a different slot limit for November and December. In New York we have a robust fishery in November through the close of the season, mid-December.

I know at the beginning of this, Mr. Chairman, you said you didn't want to go two motions deep. I don't know if the maker and the seconder would consider a friendly to extend this through the end of the year. If they don't then I'm going to look to make a motion to amend, thank you.

DR. DAVIS: Thank you, Mr. Chairman. Completely understand the concerns that Emerson has raised. Unfortunately, the way I see it is that we are voting up an emergency action. That emergency action can only last 180 days, unless the Board takes subsequent action to extend it. Really, we can only make a decision right now what's going to happen for the next 180 days.

I understand that what we're going to end up doing is potentially ending up in a situation where we're going to get to late October and the rules would change for the for-hire sector. But personally, I'm not willing to open up the possibility of another extension past 180 days for this mode split, because again, I'm looking to be really conservative here with this.

Only provide this exemption for the 180 days, and provide no potential opportunity for it to be extended. That is why I have that clause in here, and I think because of that. You know with this motion we can't really contemplate extending it past the 180

days. I'm not willing to open the door to that whatsoever.

I also think by late October the majority of the fishing year is over. Certainly, there are some jurisdictions that are still fishing into November. It's unfortunate, but I think the for-hire sector would probably prefer to have the exemption for 180 days and have to deal with that in late October versus not having the exemption at all. I would not be open to that amendment to this motion.

CHAIR GARY: Eric, as a seconder did you just want to add a comment to that?

MR. REID: Yes, I do, thank you, Mr. Chair. My question is about the process. If the emergency action goes in place by July 2nd, is it 180 days from July 2nd, or is it 180 days from today?

EXECUTIVE DIRECTOR BEAL: The microphone system is having a little quirk, where only one can be on at a time and you've got to restart every time, so be patient. We'll try to get it fixed. Eric, to answer your question, the clock starts today on 180 days. Whenever the Board passes the emergency is when the clock starts.

Then also while I'm speaking, if you don't mind, Mr. Chair, all these motions to amend or changes to the main motion will take a simple majority to approve those, they don't take the two-thirds vote. It's once you get the final emergency motion perfected, and the group is going to vote on that. That is when the two-thirds vote comes in.

CHAIR GARY: Okay, we're back to the original queue, so I have Jason and then Tom Fote, and Bill Hyatt next.

DR. McNAMEE: Actually, I don't have anything to add for the current amendment. If you could keep me in the queue when we get back to the main motion, I would appreciate that, but nothing to add here.

CHAIR GARY: All right, Tom.

MR. FOTE: Yes, I want to keep in queue for the main motion, but I want to talk about this motion also. New Jersey passed a law this year that was finally implemented this year on environmental justice. When I look at this regulation, we have a lot of shore-based anglers that basically, I look at one of the reasons we're up in this mess.

If you remember when we first started overfishing was because MRIP said they got a better deal for the shore-based angler, and that is when we were pushed out to overfishing. It's in the shore-based angler. You're basically telling the people that can't afford to go on party and charter boats, that basically want to just go to the beach and throw in a rod, and basically have that.

You put them out of the fishery most of the time, because a lot of the areas you don't see fish larger than 18 inches or 22 inches, or 24 inches in the city, along the Hudson River and those areas most of the year. You shut those people out, and I've been complaining out this for years. It aint the first time I brought it up.

But now you adding really fuel to the fire that we're basically telling them, you're just screwed, we're going to leave you screwed. Now we're going to let the party and charter boats. I understand that and I'll talk to the original motion that I'm not going to support the original motion, but this is even worse, more complicated than that. You basically affect all the shore-based anglers in New Jersey, and those that can't afford, so you basically shut them out of a fishery. Now you force them into all catch and release, because they'll sit there and catch fish all day. Most of the time when the shore-based angler catches a fish he kind of takes it off, because he has to get it into ice once he gets it clean and everything else, not sit in the cooler all day long.

But they'll stand on the beach, you basically have to get that little fishing net, that little slot you're going to put in place. I find that the catch and release mortality is going to go through the roof. The only people who are going to be happy about this regulation is the catch and release fishermen,

because then they can do away with competition of anybody else, even the party and charter boat.

You are going to basically see the private boats not go out fishing, so it's going to affect the marinas, gas stocks and everything else. You are also going to see tackle stores affected when you do this on a shore-based angler, because the guy is going to travel to Pennsylvania and to New Jersey like they do all the time in Ohio, be able to catch a fish with a 3-inch, 4-inch slot limit on emergency action.

I will get back to the original motion when you come in, but you can't do it separately, you've got to do it all. As a matter of fact, what I would suggest, because I have a long history and a long memory, that when we had the moratorium in place that most states had a moratorium. There were only two states that didn't have a moratorium, was New Jersey, and interestingly Massachusetts.

While we had the moratorium in New York, Maryland, Virginia, they were still shipping 100,000 pounds to market, because they were hook and line fishermen. But they had to follow the regulations as we basically put the same in. The same slot limit, or actually back then was maximum size limit, basically did it for the commercial fishery as well.

We should be talking about, if you're going to do this, the hook and line commercial fishery, which is different than the net fishery, should have the same regulation also, because they can stay in the hook and release the same, we can. Massachusetts did implement this in their hook and line commercial fishery, because it doesn't affect them down the road for this, and Maryland, because it's all under conservation equivalency. At this time, I'll leave it at that, with another bite at the apple when we vote down this motion.

CHAIR GARY: Chair is starting to feel a little squeeze on the time management, but there is luncheon coming up, so I'm going to ask everybody to be kind of concise as they can be. I've got Bill Hyatt followed by Megan Ware, followed by Chris Batsavage, followed by Mike Armstrong. I think that captures it, so go ahead, Bill.

MR. HYATT: Yes, I just want to speak briefly in support of this motion to amend, maybe add a few additional thoughts along those lines. But we heard earlier the Technical Committee report, and if I'm remembering it correctly and remembering what I read correctly, it doesn't matter whether you use the three-year average of F or the F for 2022 that resulted in the exceptionally high harvest. It doesn't matter either way. The population if we do nothing will level off somewhere north of 50 percent between the threshold and the target. What that tells me is that the crisis that we're dealing with today, relative to these emergency regulations, is more of a crisis of process than a crisis of conservation. Looking at it in that light, it seems to me unreasonable to go out to a group of individuals, who in good faith have booked business for a period of time, the first two-thirds of the 2023 fishing season. It seems unreasonable to encumber them, given that this is again more of a crisis of process than of conservation.

It seems unreasonable to encumber them when they are such a small component of the fishery. I would strongly speak in favor of this motion to amend. With regard to the discussion that we've had about extending it beyond that. I just think it's unnecessary, because by the time you get to October, the industry will have had enough of a heads up and be back on a level playing field with everybody else in the recreational sector. Thank you.

CHAIR GARY: We're going to have Megan, Chris, and Mike Armstrong, and then we're going to go to the public.

MS. WARE: While I am very supportive of the underlying emergency action, I'm going to oppose the motion to amend. I'm pretty uncomfortable with instituting the mode split, even if it's for 180 days within the striped bass fishery at this point. That is a very contentious topic that this Commission has not grappled with in any formal way, and so to do it via emergency action, I think is just adding fuel to the fire, and it's a discussion that warrants much more thorough public comment and a discussion by this Board that is not afforded in an emergency action.

I'm also a little concerned that in Amendment 7, some of the decisions that the Board made focused on more consistent measures, especially when the stock is overfished. I think instituting a mode split at this time would be counter to some of the intent that was in Amendment 7 for more consistent measures, particularly in the recreational sector, when the stock is overfished.

I'll point that the underlying motion right now has action happening both in the ocean and the Chesapeake Bay recreational fisheries. In the spirit of preserving that equity that everyone is participating in this, I cannot support carving out the exemption for one portion of the recreational sector at this point.

CHAIR GARY: We'll go to Chris Batsavage.

MR. CHRIS BATSAVAGE: I am also speaking in opposition to the motion to amend. We support mode splits in other recreational fisheries, and can sympathize with the justification given for the exemption for the for-hire fishery for this 180-day period. But I think Mike Armstrong really laid out the reasons why we're taking an emergency action, and I think the more we can do in that action, and not have exemptions, the better off we're going to be, until we put something more permanent in place through an addendum. Thanks.

CHAIR GARY: Mike, you have the last say, and then we're going to go to the public and call the question.

DR. ARMSTRONG: I don't support this, because I don't think there will be a really negative affect on the for-hire fleet. This isn't a bag limit; this isn't a season. I don't see people canceling. I'm trying to wrap my head around people who pay for a fishing trip, being told you have to take a 30-inch fish instead of 33-inch fish, and they go oh that's it, I'm canceling.

Yes, so I don't see it being a big impact. This is a big year class, all the way from 28 to 35, and any charter captain worth his salt can get you a 30-inch fish if you can't get a 34-inch fish. I don't think it will have a negative impact on the charter fleet.

CHAIR GARY: What I'll do now is go to staff, and see if we can set up a one and one. In the interest of time, because we're starting to run short, although we'll take the time we need, but we want to be sensitive to the luncheon that is coming up. Take one comment for and one against this amendment. I would look to the room first, see if anybody is in favor of this amendment in the room. Not seeing any, is anybody online that would like to raise their hand that is in favor of this amendment? All right, Taylor Vavra, go ahead and unmute. One minute please, Taylor.

MR. TAYLOR VAVRA: Mr. Luisi just really summed up. I'm Taylor Vavra representing Stripers Forever. Just basically summed up exactly what I was going to say, which is that we certainly support this emergency action and the original amendment. This amendment though we would not support.

This should be an equitable thing that should apply to all parties as well, and so it just doesn't make any sense. As Mr. Luisi stated, I don't think it would affect any charters, you know this is not saying you cannot harvest fish, it's just reducing the size of what you can take, and I think that is only fair to all parties involved in the recreational sector, so that would be it, thank you.

CHAIR GARY: Taylor, could you clarify. You're in favor of the amendment? It wasn't clear to me.

MR. VAVRA: We're in favor of the emergency action, not in favor of this amendment to that.

CHAIR GARY: Thank you, Taylor, we'll go for a second person in favor of this amendment. Looking online, if there is anyone who is in favor. Robert DeCosta, if you could unmute your microphone, and one minute, Robert.

MR. ROBERT DeCOSTA: I thank you. I would like to speak in favor of this amendment. The main reason that this whole issue is being based on MRIP data, which we in the for-hire sector, we don't have a lot of faith in the MRIP data, but yet all of us who fish in the for-hire sector do e-Trip reports.

We give you detailed catches of what we catch, what we release every day. This would allow you to really track what the percentage of fish that are caught and the percentage of fish that are released, by going through the eTickets data, versus just dockside interviews in the MRIP data. Thank you.

CHAIR GARY: Thank you. I do want to note we had two other folks that raised their hands that are in favor of this amendment that were online, so in the interest of time we won't be able to take those, but we're going to shift to those who are against the amendment. I'm looking in the room, and Mike Waine, if you would like to come up to the public speaker.

MR. WAINE: Just on the motion to amend, correct? I'm going to speak in opposition of this. You know if we're going to rebuild striped bass, we're not going to be able to hand out conservation passes. All I see that this motion does is it gives a conservation pass to the for-hire industry. You know the for-hire is a huge part of the sportfishing industry.

They introduce a lot of anglers to our sport. I feel the conservation ethics should start with them; we shouldn't be giving them a pass. The same comments that Justin made about businesses needing to plan, that applies to all of the tackle shops. They had some of the best fishing in business that they had last year.

They are planning on that picking up again, and if we're going to carve out for the for-hires, then what about the tackle businesses? What do we tell them? They are not worthy of a carve out? This is what I mean, it just spirals from there. If we're going to rebuild this, everyone has got to participate. Anybody that fishes for striped bass contributes to F, and we're going to need everyone to play a role in that. Thanks.

CHAIR GARY: Thanks, Mike, we'll look for one last person to weigh in on public comment against the amendment, oh we had two, okay, so we had two against it. All right, so ready to call the question? Two-minute caucus. Roy, did you need clarification?

MR. ROY W. MILLER: Marty, I would just like to point out before we vote that based on my many, many years of experience in striped bass management with the Commission. I believe this is the first time with contemplating sector-specific measures. I just want to point that out, everybody, that it is kind of unprecedented and it makes me a little uncomfortable. Thank you.

CHAIR GARY: Let's go for a one-minute caucus and we'll call the question. Okay. We'll go ahead and call the question. **All those in favor of the amended motion, please raise your hand.** We have a request for a role call. Oh, we automatically have one, so it's going to happen anyway, Emerson. **Everybody, go ahead, if you're in favor of the motion, please raise your hand. Toni is going to read those off.**

MS. KERNS: Rhode Island, Connecticut, New York, New Jersey.

CHAIR GARY: All those opposed to the motion, please raise their hands.

MS. KERNS: Massachusetts, Potomac River Fisheries Commission, Pennsylvania, North Carolina, Virginia, District of Columbia, Maryland, Delaware, Maine and New Hampshire.

CHAIR GARY: Are there any null votes? Are there any abstentions? National Marine Fisheries Service and U.S. Fish and Wildlife Service. The motion fails, 4, 10, 2. We're back to the main motion. I'll look for any additional Board discussion on the main motion. Mike Luisi.

MR. LUISI: Given the comments that were made, I believe it was by Emerson earlier about the timing, the 180-day timing on this. I think we should have some clarification as a Board if this were to be supported, how the timing plays into states implementing these measures, so that we don't have to go through.

Let's say 180 days expires, and we want to reinstate another 180 days. Do we have to go through all of the same process that we did the first time, or is that simple? Just looking for some clarification, so that

states can at least start to plan for if this passes, how we're going to deal with the end of October into November, and carrying out through the rest of the year.

It would be our intent, as well as some of my other colleagues here sitting close to me, that we would prefer to put this in place and leave it in place for the remainder of the year, until Addendum II would be worked on for implementation of new measures in 2024, if that ends up being the case. Any clarification will be helpful, thanks, Mr. Chairman.

CHAIR GARY: I'll look to Bob.

EXECUTIVE DIRECTOR BEAL: Yes, the only authority the Board has today under emergency action is to implement 180-day provision. We can't extend anything beyond that through emergency. If the Board wanted to extend this beyond that they could do that at say the annual meeting, and it could be through a simple majority. It could just be a simple motion that says, we move to extend the emergency action that was approved on May 2nd. That extension can be up to one, for 365 days. Simple Board action, doesn't (cut out)

CHAIR GARY: Does that help, Mike? Pat Geer.

MR. GEER: Just to add on to what Mike was saying. Primarily in Virginia, our season is October through December. This will be right in the middle of our season. Probably what we would end up doing is, as Mike said, continue our (cut out) to the entire year and keeping it that way.

It would be too chaotic for our fishermen to basically have the season start at one size limit and change it midstream. The other question I had was about adopting those measures. We're willing to do it. We may not have it completed by July 2nd, but we can certainly have it completed before our season opens in October.

Would that be a problem? We would be in the regulatory process, but because of a new regulatory procedure that we've gone through, we get some delays, and we've got a lot of other things on our

plate right now. But we will definitely have it in place before our season starts in October.

CHAIR GARY: Okay, thanks, Pat. We've got three other folks, we've got Jeff Brust, Ray Kane and then Tom, I'll give you one more. Please be as concise as you can.

MR. BRUST: I wanted to speak in opposition of this motion. I think notwithstanding the red flags that we're seeing from the 2022 harvest, I'm a little concerned that we don't know what this proposed measure is going to do, what savings it will have. I do not have the benefit of sitting next to Gary Nelson to look at those numbers. I would like to be able to have the Technical Committee review these and vet these. I believe that the amendment that we proposed that we've taken action on for 2024, will give the TC the opportunity to look at this option and several others. I do think there are possibly some other factors that are affecting as we discussed around the table this morning.

I do want to speak in opposition. I also do want to clarify, perhaps from staff. For the maker of the motion, this motion affects recreational fisheries. New Jersey's commercial fishery has been allocated to the recreational fishery, our bonus program. I just wanted to clarify, is that a commercial quota, or is that covered under this motion as well?

MS. FRANKE: I think that would perhaps go back to the maker of the motion, as to his intent of whether or not this would cover the New Jersey Bonus Fishery. I guess as written, this would implement a 31-inch maximum size, and I know the Bonus Fishery right now is 24 to 28, so in effect, I guess if you change the bonus size limits, the question is would it apply? I would go back to the maker of the motion there, and just while I have the floor.

I Just want to again clarify that this 31-inch maximum size applies to all states, no matter if you did CE or if you didn't do CE. This 31-inch maximum would apply to your size limit. Again, everything else, seasons, possession limits, et cetera, would stay the same, but this 31-inch maximum applies to all states, no matter if you did CE or not. I will go back to the maker of the

motion, as to whether or not he intended this to apply as well to the Bonus Fishery in New Jersey.

DR. ARMSTRONG: No, it was not our intent. I believe the Bonus Fishery, sorry, what's the size? I just lost it, 28 inches, so that is out of the slot and pretty much out of the 2015, so it was not our intent to change the Bonus Fishery.

CHAIR GARY: Jeff, does that answer your question?

MR. BRUST: It does, thank you.

CHAIR GARY: Okay, we've got Ray Kane, Tom Fote, and we're going to go to the public

MR. KANE: This would go to process, Bob. We just heard from Virginia. Could we come back at the August meeting, the summer meeting, and this could be brought up again by Virginia or Maryland, after they've had a chance to talk to their recreational industry between now and then, and (cut out) 180-day closure. That is a question of process.

EXECUTIVE DIRECTOR BEAL: The short answer is yes, Ray. You know at the August meeting I think this Board will be better informed on the progress for the Addendum, because the schedule for that really wasn't talked about, but I assume that the idea is Plan Development Team develops something between now and the August meeting. Emilie has a family obligation somewhere in the middle of that time period that we're going to have to work around. Then final action on that addendum at the annual meeting. The extension of this emergency rule will be set at the August meeting, and that extension can be up to 365 days. The clock on that extension would not start until the end of this 180-day period, if that makes sense.

CHAIR GARY: Tom, you have the last word before we go to the public, and if you could make it brief.

MR. FOTE: It will be brief. From what I last heard, that means Maryland, Virginia and the Potomac River will have to change their regulations, except for the trophy tag program, down to a 31-inch maximum recreational. I just want to make sure that I'm clear

on that. The other thing I said again is that I do not support this, because it basically has left the public out of the process.

They had no idea that this was going to be on the agenda for this meeting. New Jersey did not. I didn't find out about it until Thursday or Friday, I think it was Friday, yes Friday we had a meeting, and it was put in front of me, so I was completely in the dark. I really cannot support this motion at this time. Maybe if we're going to do this we do in August, which would actually cover the November fishery, if you're really worried, and we see where we are with the new amendment to the plan. I'll leave it at that, Marty, because I know.

MS. FRANKE: Thanks, Tom, and yes to your question, this 31-inch maximum would indeed apply to Chesapeake Bay recreational fisheries, except for the trophy fishery.

CHAIR GARY: Thanks, Tom, thanks Emilie, and we do have one Board member that is online, Adam Nowalsky. Sorry Adam, I didn't mean to cut you off and make sure you get a chance to comment on this. Go ahead, Adam.

MR. ADAM NOWALSKY: Hearing all the comments with regards to concerns about end of the year. Hearing comments about the implications for not making this decision with no public comment, little advanced notice, no knowledge of the technical implications, Mr. Chairman. **I'm inclined to move to postpone this until the summer meeting.**

CHAIR GARY: Adam, you are making a motion to postpone.

MR. NOWALSKY: Yes. Time certain until the Summer Meeting, and with the intent if I got a second, it would be to do the things that I described before making a motion.

CHAIR GARY: All right, is there a second to Adam's motion? Craig Pugh. Adam, would you like to go ahead and speak to the motion a little more, or are you satisfied with your introduction?

MR. NOWALSKY: Again, I think it just needs to be on the record that the information we would expect as part of this postponement would be to get some technical feedback from the TC about what this reduction would look like, clear up some of the questions we've had with regards to how it might affect all of the states and their regulatory processes, how fast can everyone actually implement this?

You know we're looking at asking states to implement this in basically 60 days. Can all the states move that fast? We would be taking ourselves out of the box of having to have to potentially change measures again this year, and not having that open. Everybody would basically know if we implemented this later in the year that that is what it would carry through, through the end of the year. It's really, we would expect, you know those harvest numbers again, particularly along the ocean states, to increase significantly in the fall.

It would seem like if we're truly interested in conserving the resource at the time it needs conservation, that would be the timeframe to go ahead and do this. It would address our public concerns, and make sure that we're making a right decision here that balances our need for conservation with our commitment to stakeholders.

CHAIR GARY: Craig, do you want to add anything as seconder?

MR. CRAIG PUGH: Yes. The warrants of the emergency action, in my mind, needs a little more definition to exact that. I feel as though we are regulating to a super abundant supply of this species of fish, and not necessarily looking at the character of the species as it exists in our stores today. Fote struck home with me.

There are a lot of factors involved here that don't warrant an emergency crisis, so to speak. I'm kind of wondering why at one point, when we're not catching any fish, the ground is trembling, and then suddenly we are catching a lot of fish and the sky is falling. It seems as though we're setting ourselves up for a crisis. The definition of that does not seem to be met at this time. My hope would be if we

postpone this, maybe that reasoning could be brought to bear.

CHAIR GARY: We'll have questions or comment from the Board relating only to the timing, only to the timing that's involved in this motion. Representative Peake.

REPRESENTATIVE SARAH PEAKE: I'm in opposition to this motion. You know an emergency action is called that for a specific reason, an emergency action. As far as needing more data, it's the data that we have over how many fish? More fish than we thought we were going to catch has driven this action. My colleague here from Massachusetts, the maker of the underlying motion, brought it exactly because of what the data shows.

As far as public input, I received numerous e-mails and comments from constituents of all of ours, not just Massachusetts fishermen, who were imploring us to take swift and immediate action to save the stock and to reach our rebuilding goals. Did they specifically say take an emergency action? No, they didn't. But I think it's because this is somewhat of an arcane provision that exists.

My sense from the urgency I read in those e-mails is that this emergency action would be applauded, because it's a swifter action than the addendum action. Let's not kick the can down the road, let's not be wringing our hands at future meetings, wishing we had taken this action. There is a high threshold, it's a two-thirds vote that is going to be required.

The lawyer and the legislator in me will tell you, there are certain things that require two-thirds votes, like to change zoning provisions, if you're looking at land use. That is because a two-thirds vote is required in effect when you are taking away, in the case of zoning, somebody's property rights potentially through zoning guidelines. Well here the two-thirds vote is designed exactly, because you could say there are stakeholders who, to use the vernacular, will get a haircut as a result of this action today. But there are times when that haircut is appropriate. I think that haircut is appropriate right now, and I ask that we defeat the further motion to postpone, and take

up with all due haste the motion, and support the emergency action. Thank you.

CHAIR GARY: Thank you, Representative Peake, any other comments or questions related to timing only. Megan.

MS. WARE: I'll just be very brief, say I'm opposed to the motion to postpone, because this will basically miss Maine's striped bass fishery in 2023. I don't know if we're the only state that way, but it looks like maybe New Hampshire is the same way. But I think we're starting to defeat the purpose if we postpone this.

CHAIR GARY: Final call for any comments or questions on timing. We'll call the question. Let's go ahead and call the question. All those in favor of the motion to postpone, please raise your hands.

MS. KERNS: New Jersey, Delaware.

CHAIR GARY: All those opposed to the motion, please raise your hand.

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

CHAIR GARY: That's all the votes, final tally. The motion fails 2 to 14. All right, so we are back to our main motion. Steve, I see you have your hand raised, but I'm going to go to the public now and then we'll come back, one more bite at the apple by the Board. I would like to go ahead and go to the public. We'll do two for, two against again, for the motion on the board. I would ask for anyone from the public who is in favor of this motion. I would look to the room first, anybody who has his hand raised. We have two online, so we'll go to both of those in succession. Michael Pirro, go ahead and unmute yourself. Go ahead, Michael, one minute, please.

MR. PIRRO: Looking at the spawning stock biomass of the 1980s, the females in pounds were less than 30 million pounds. Today at 2022, we're well greater

than that, maybe 4 or 5 times greater than that. This does not constitute an emergency. We shouldn't be taking any action at all right now, and I think taking action against harvest is the easy way out.

When we come back here in the fall, you take action against harvest, catch and release mortality will be more than 75 percent, and the harvest will be 25 percent. You are not accomplishing anything. Finally, you know there is a lot of distrust here. This was a secret meeting that came up, but more importantly, we referenced MRIP all the time, and that series query has completely changed, and we could no longer query historical data the way we used to. We can't prove or disprove; we can't find outliers. That's probably it, thank you.

CHAIR GARY: Thank you very much, appreciate that. Michael's comment was opposed, so we're looking for two public members in favor of the motion, and we'll get one more against. In favor of the motion, the next commenter is Tony Friedrich. Tony, go ahead and unmute your microphone, and one minute, please.

MR. TONY FRIEDRICH: Tony Friedrich, Policy Director for the American Saltwater Guides Association. I would like to thank the Chairman for the opportunity to comment, keep this very short. I would also like to thank all the conservation minded Commissioners who are letting science lead the way for striped bass management. I'm sure you all saw our letter in the supplemental material, supplemental is 54 pages long.

Our letter represented 44 pages of that. Some of the largest fishing brands, guides, businesses, and private rec anglers showed up in numbers that we've never seen before to support striped bass conservation. We are 100 percent positive that they would support this emergency measure. The letter was originally for Addendum II, but the public desperately wants conservation, and as quickly as possible for striped bass.

Abundant populations of striped bass are what drive participation in the fishing economy. Our members and the businesses cannot afford to lose another

fish, especially one as important as striped bass. I thank the makers of this motion and the Commission for considering this. Thanks, Marty.

CHAIR GARY: Thank you, Tony. We have one more for, Michael Toole, if you could unmute your microphone, Michael, you have one minute.

MR. MICHAEL TOOLE: Mike Toole; I'm the Legislative Representative for the Plumb Island Surfcasters, a 500-member recreational fishing club in North Shore, Massachusetts. We strongly support this amendment. Basically, the public has commented constantly that we need to take more action to reduce the catch, and to show stronger conservation measures. I hear people asking about public comment that we need it, but I think we've given it for years now, and it's always been more conservative than the Board. We strongly support this measure. Thank you.

CHAIR GARY: Thank you, Michael, so we have one comment left in opposition to this motion, so the Board can be informed by both sides of the equation, and that is going to be Robert DeCosta. Mr. DeCosta, you can unmute your microphone, and please clarify you are in opposition to this motion.

MR. DeCOSTA: Yes, I am in opposition. My concern is this, based on the chart that you put up earlier, the 28–31-inch size fish is going to basically, it's going to be one year class, it's going to be the 2016-year class. The entire recreational and charter boat fishery is going to be chasing one year class, and the mortality rate from released fish to find that one 3-inch slot fish is going to put an undue burden on that next year class, not to mention how many of the 2015-year class that you're trying to save are going to be potentially killed by just not being released properly.

CHAIR GARY: Thank you, Rob, we appreciate that. That will end our public comment input, so we're going to come back to the Board for one last round of discussion on this motion, before we call the question. I'll open it up to the Board members, anyone who wants to add any additional comments. We've had our fill, okay. I will go ahead and do a two-minute caucus. All right Board members, ready to

call the question. **All those in favor of the motion, please raise your hand.**

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

CHAIR GARY: All those opposed to the motion, please raise your hand.

MS. KERNS: New Jersey.

CHAIR GARY: We're close to lunch, right? **Any null votes? Any abstentions? Motion carries 15 to 1.** What I would like to do next, well I'm going to turn to Bob. I think we may need to take a little break here.

EXECUTIVE DIRECTOR BEAL: I think it would be best if we broke for lunch now, came back and took up the agenda item on the transfers, or the addendum to consider transfers, and then we'll break for about an hour and 15 minutes. Lunch was originally scheduled for an hour and a half, so the LGA Luncheon will be truncated by 15 minutes, just because we're running short on time.

We do have a hard stop this evening for the awards banquet, so we can't go too late with our other meetings that have to happen this afternoon. We'll come back and try to move through the rest of this agenda, then we'll go to ACCSP and Coastal Sharks. Anybody participating in the LGAs Luncheon, it's in the Crystal Room Number 3, which is back that way. Please let the LGA folks grab their lunch first, so they can head down to that meeting, and then everybody else can hop in line and grab lunch.

CHAIR GARY: Thanks, Bob, so be back here at 1:25 everyone, mark your watches.

(Whereupon a lunch break was taken.)

CHAIR GARY: All right, members of the Striped Bass Board, if you could take your seats, I would appreciate it. We would like to reconvene this

meeting of the Atlantic States Marine Fisheries Commission Striped Bass Management Board. We'll be going into Item Number 6 on the agenda. Before we do that, I'm going to turn the microphone over to Emilie for some clarification following the emergency action.

MS. FRANKE: To clarify, for the emergency action we are required to hold four public hearings within the next 30 days, and the intent of those public hearings is to help inform the development of the associated action, which is this upcoming addendum. It is our intent as Commission staff to hold four virtual hearings during this month of May, likely towards the second half of the month. We will announce those virtual public hearings via press release, at least one week before the first hearing. We may reach out to Board members to get some volunteers to be hearing officers, but I will keep you all posted on that. Are there any questions on that as a process item? Yes, John.

MR. CLARK: I take it these four will be open to everybody, so they won't be like state-specific at all.

MS. FRANKE: Good question, yes, exactly. The hearings will be open to everyone, and we will be asking each commenter to provide, you know what state they're from and which sector they are a part of, so we can try to categorize their comments as best we can, both to give to the Plan Development Team and also to bring back to the Board in August. Mike.

MR. LUISI: Because we don't do this often, I'm wondering if it would be okay, well, you tell me whether or not we need to wait for the public hearings before we implement measures. I know it said as soon as possible. But would it be best to wait, or should we start to work towards that now?

MS. KERNS: You do not need to wait. The Charter identifies, well sort of, the purpose of the hearings is to inform the public that the action took place. It's not getting comments, you've already taken the action, so you can go ahead and move forward.

MR. LUISI: Okay, that makes sense, thank you.

CHAIR GARY: Adam Nowalsky, you are on the webinar, you have a question?

MR. NOWALSKY: Can a state request an in-person hearing if they feel it best meets the needs of their constituents?

MS. KERNS: We can, Adam. A state can request it, we are just trying to keep workload as light as possible. We'll be losing Emilie in July, and so it will be tight for Commission staff, and we want to try to get as much done on that addendum before she leaves.

MR. NOWALSKY: At what point would you need to know then? How soon, like do you need to know before we leave today, before we leave this week? What would you need timeframe-wise?

MS. FRANKE: Thanks, Adam, yes. I think if you had a request by next Monday, which is May 8, that would be great.

CHAIR GARY: Tom Fote.

MR. FOTE: I think if we're going to do public hearings, and the comments have no effect on what we're going to do, you have to make that clear at the beginning, before they show up. I mean they were so mad about the scup thing, showing up at the public hearings at the Marine Fisheries Council. I don't think, they're not going to vote for anything like that. We really need to be careful this is just an information meeting only, and answer questions on that, because if you tell the people, they're going to expect that you are going to do action from what they testify to. I'm basically, let's make it clear what you are doing. I was surprised, because I didn't know that, and I've been sitting here for 35 years.

CONSIDER APPROVAL OF ADDENDUM I ON OCEAN COMMERCIAL QUOTA TRANSFERS

CHAIR GARY: Are there any other questions for Emilie? All right. Let's go ahead and go into Item Number 6 on our agenda. Consider Approval of Addendum I on Ocean Commercial Quota Transfers. As a reminder, at the January Board meeting the

Board postponed final action on this Addendum until today.

We already heard the Technical Committee report on quota utilization projections, and Emilie will now review the options in Draft Addendum I and a brief summary of the public comments and the Advisory Panel report. After her presentation we can take questions before the Board considers final action, so Emilie, off to you.

REVIEW OPTIONS AND PUBLIC COMMENT SUMMARY

MS. FRANKE: As Mr. Chair mentioned, I will today review the statement of the problem, the timeline and the proposed management options. I'll also give an overview of the public comments and Advisory Panel report that was received, and I'll also just do a brief recap of the Technical Committee report that was presented by our Stock Assessment Subcommittee Chair a couple of hours ago now.

Again, the Board action for consideration today is selecting a management option and considering final approval of Addendum I. Starting with the Statement of the Problem. Again, there have been several questions and concerns raised about the striped bass commercial quota system, with particular concern about the use of 1970 as a reference period.

The Board decided not to address these commercial quota system concerns as part of Amendment 7. There was some support for addressing this issue in a separate management action. That brought us to this draft addendum. In August, 2021, the Board initiated this draft addendum to consider allowing for the voluntary transfer of striped bass commercial quota in the ocean region.

This action was considered as an option to provide some more immediate relief to states that were seeking a change to their commercial quota. Again, as a note, there are several other Commission managed species that do allow for the voluntary transfer of commercial quota between states. Here is the timeline of the draft addendum.

The Plan Development Team developed an initial draft for consideration back in October of 2021. At that point the Board postponed consideration of the draft addendum until May of 2022, and then again until August of 2022. Then in November, 2022 the Board approved this draft addendum for public comment.

We went out for public comment between November, 2022, and January, 2023. Then at the January Board meeting, just a couple months ago, the Board postponed final action on this Addendum until this meeting today, and also tasked the TC with doing some projections for quota utilization scenarios. Here we are today, the Board is again considering selecting measures and final approval of this Addendum. I'll get into the proposed management options at this point. The proposed management options here consider allowing for the voluntary transfer of striped bass commercial quota in the ocean region between states that have ocean quota. Again, these options do not address the Chesapeake Bay commercial quota and they do not consider transfers between the Chesapeake Bay and the ocean region or vice versa.

Also note that any commercial quota that has been reallocated to a state's recreational fishery, for example New Jersey's quota that is currently reallocated to their recreational bonus program is not eligible for commercial quota transfers. Then if transfers are permitted, quota would be transferred pound for pound between the states.

There would be some uncertainty associated with transfers between states that harvest different size striped bass. We know states catch different size fish due to several factors, and we also know that through conservation equivalency over time, states have adjusted their commercial size limits, and this has resulted to changes in some quotas over time. A pound of striped bass quota is not equal across all states.

Some of the proposed options do incorporate a provision to try to address this discrepancy. Moving into the specific options here. Option A is the status quo, in which commercial quota transfers are not

permitted. Then the alternative options would allow voluntary transfers, and those options range from Option B, which would be the least restrictive option to allow transfers down through Option E, which would be the most restrictive option to allow transfers.

Again, this range of options would allow transfers with certain conditions, based on stock status, and also based on the discretion of the Board. Starting with the alternative Option B, this would be the general transfer provision. For this option voluntary transfers would be permitted with no restrictions, but there would be a conservation tax if the stock is overfished.

There is no limit on how much quota could be transferred, but if transfers occur when the stock is overfished, a 5 percent conservation tax would apply to address that issue that a pound of quota is not equal across all states. For example, you have a state that transfers 10,000 pounds to another state. The receiving state would receive 9,500 pounds, and that remaining 500 pounds would be that conservation tax, and that would no longer be available for harvest that year.

Moving on to Option C. Option C would limit commercial quota transfers based on stock status. Voluntary transfers would be permitted, but no transfers would be allowed at all when the stock was overfished. Again, this is similar to the previous option. There is no limit on how much quota can be transferred. But for this option, no transfers could occur at all when the stock is overfished.

It is important to note that because the stock is currently overfished, this option would not provide near-term relief to states that are currently seeking additional quota. Moving on to Option D. Option D is the Board discretion option. For this option the Board would decide whether voluntary transfers are permitted, and the Board could set criteria on those transfers. The Board each year or every two years would decide by their final meeting whether or not to allow transfers for the next one or two years, and could take into account information on stock status, and on fisheries performance. Then if the Board

does decide to allow transfers when the stock is overfished, that same type of conservation tax would apply to those transfers. The other aspect of Option D is that the Board may set certain criteria for transfers. The Board could set a limit on how much total quota could be transferred in a given year. The Board could set a seasonal limitation on transfers, so for example the Board could say, only X percent of the allowable quota amount that year could be transferred during the first half of the year.

The Board could also determine a state's eligibility to receive a transfer. For example, the Board could say that a state couldn't request a transfer until they've landed X percent of their quota. Then finally for this Option D, as far as timeline. You know if the Board does select Option D, and approves the Addendum, this year the Board could decide today whether or not to allow transfers for this current fishing year 2023.

Then we would start this regular process of by the last meeting of the year discussing transfers for the following year. Then finally, the last option is Option E. This would be the most restrictive option. This would limit transfers based on both stock status and Board discretion. Again, the Board discretion, the Board would decide whether or not to allow transfers. The Board could set criteria for the next one to two years, except no transfers could occur at all if the stock is overfished.

You have both the Board discretion, but you also have this provision that would not allow any transfers when the stock is overfished. Just a couple of general process notes. You know if transfers are permitted with these alternatives B through E, there is the general voluntary transfer process, you know transfers require a donor state and a receiving state.

They can occur at any time during the year at the agreement of those two states. Transfers may occur up to 45 days after the last day of the calendar year. The Board may specify any number from 0 to 45 days around that provision. The Administrative Commissioner of the states would submit a signed letter to the Commission, and a transfer would be

final when those states receive written confirmation from Commission staff.

Quota transfers do not permanently impact a state's quota share, and then once a state receives a transfer, that state is responsible for any overage of that quota they have received. As far as the compliance schedule for this addendum, any measures approved by the Board would be effective immediately on the date of approval, and if transfers are permitted, states would have to account for any of that extra quota when they are determining how many commercial tags they would need for the year.

Just a note here that if the Board does select Option A, which is status quo, no transfers. That would mean that there is no change to current management. There would be no final Addendum I document posted. In this scenario we would add some information in the FMP review acknowledging and summarizing that this process took place.

I will now move into the public comment summary, and again we collected comments between November and January. We held several public hearings and we got a couple thousand comments. Here at the comment count table, the vast majority of comments favor the status quo Option A, no transfers permitted. Then of those who favored any of the alternatives, Option B through E, Option B had the most support. For the majority of those comments favoring Option A, status quo, the most common rationale provided by the commenters was concern about expanding harvest and increasing fishing mortality while the stock is still rebuilding, overfished and experiencing poor recruitment.

Comments noted that management should focus on stock rebuilding, and referred to the Board's past decisions to not allow quota transfers. Some comments noted that these transfers would be in conflict with our stakeholder input during the Amendment 7 process, and some comments noted that if states aren't harvesting their full quotas, they should not be able to transfer that quota to other parts of the coast. Of those who supported Option B, this would be the least restrictive option.

Many commenters noted that they were commercial fishermen, and they noted that quota transfers allow for the efficient use of commercial quota, and that the commercial fishery has a relatively small impact on the overall fishery as compared to the recreational sector. They also noted that the commercial fishery already has accountability measures in place with payback for any quota overages.

Those in favor of Option D, that would be the Board discretion option, noted that some Board discretion would be beneficial, but cautioned against overly restrictive criteria for any transfers, and then those in favor of Option E, which would be that most restrictive option to allow transfers, noted that this would provide maximum oversight by the Board, but would still provide some benefit to states that were seeking transfers.

ADVISORY PANEL REPORT

MS. FRANKE: I'll now provide the Advisory Panel Report. The AP met in January, and the AP Chair asked that I provide the report in his stead. A majority of AP members similar to the public supported Option A, again citing the public comments in support of Option A, and noted that transfers aren't appropriate when the stock is overfished.

Also noted that transfers would not benefit the striped bass stock in any way, and also noted some concern about behind the scenes horse trading and discussions, in terms of quota transfers. There was also concern about transferring striped bass from states that harvest smaller fish to states that harvested larger fish.

Then as far as there were four AP members who supported Option B, again noting that quotas were originally developed by the science, and the commercial fishery is already constrained with those accountability measures, and again the fishery is primarily recreational, so the commercial fishery has a relatively small impact.

Some AP members had some additional recommendations. First, if the Board does allow transfers, there was a recommendation that the Board eliminate that 45-day provision, which allows transfers to occur after the year ends. A couple other AP members recommended that transfers be permitted only for states that have active commercial fisheries. If the Board doesn't allow transfers at this time, the AP was split on whether or not to consider transfers in the future. Some supported considering it again once the stock is recovered, others didn't support considering transfers at all in the future again. Then a couple AP members had some recommendations about taking a look at the quota system more holistically, and potentially updating the reference data for that. Before I wrap up, I just want to give a brief reminder of the Technical Committee report we heard a couple of hours ago. The Board again tasked the TC with running specific projections for quota utilization scenarios, and I'll just pull up here on the next slide the TCs final conclusions and discussion on this issue.

The TC noted that the impact of additional quota utilization on fishing mortality and rebuilding is negligible, and the projected scenarios were sort of the worst-case scenarios, and that small change that we saw was largely due to population dynamics between 2022 and 2023, and really the scale of the commercial fishery removals is very small, compared to the overall removals. With that I am happy to take questions.

CHAIR GARY: Thank you, Emilie, for your presentation. We'll go to the Board for questions for Emilie. John Clark.

CONSIDER FINAL APPROVAL OF ADDENDUM I

MR. CLARK: As I mentioned earlier, I just wanted to clarify that on those projections we're talking about pretty much the worst of the worst-case scenarios, because they operated with an estimated fishing mortality that first of all used 2019 before Addendum VI went into effect, and then to estimate the fishing mortality for 2023, I know Mike Celestino said it would be a small change in the F, but was that

quantified as to how much of a change it was to the F? I mean was it over 5 percent?

MS. FRANKE: For the quota utilization scenarios that projected F was at worst-case scenario, and it was only about 2 percent higher than the scenario without the additional quota. Was that your question?

MR. CLARK: Okay, so you're saying that with, well I meant that just using these into 2023, adding that in, you know its no longer a constant F, right? It was more of a constant catch formula, so it increased the estimated F, and then as you carry that out to 2029, of course that accumulated, did it not? Even with that, it was still a very negligible change. Just wanted to clarify.

MS. FRANKE: Exactly, so there were a slightly different set of assumptions used for those quota utilization projections, and so those different assumptions the TC noted that it was those different assumptions that largely led to that small increase that we saw.

CHAIR GARY: Any other questions for Emilie? Jason.

DR. McNAMEE: It just kind of popped into my head as you were going through, and thank you, Emilie, for the review and the information on the options. A couple times during the presentation there is a statement about, you know a pound is not a pound, you know they are not equal. I think I know what that means, but I just wanted to check. I mean is it, you know if you're talking about 9 pounds, it could be 3, 3-pound fish, or one 9-pound fish, and the spawning potential is sort of different between those two scenarios. Is that what that means?

MS. FRANKE: Exactly right, so with states harvesting different size striped bass, you know 100 pounds of quota is a much different number of fish in some states than others, depending on the size of the striped bass, and all that comes along with it, like spawning potential.

CHAIR GARY: Other questions for Emilie? Seeing none; we'll turn to Board discussion, and I would encourage Board members, whenever they have

opportunity to make a motion, and John Clark you start.

MR. CLARK: Yes, I would like to amend the motion, the postponed motion, and I would like to amend it to change it from Option D to Option E, and if I can get a second, I will speak to that.

CHAIR GARY: Thanks, John, is there a second to John's motion? Justin. Go ahead, John the floor is yours.

MR CLARK: Clearly, we've heard through this whole process about all the concern about this, and with that it is a very small amount of change in removals we're talking about here. Changing from Option D to Option E introduces two safeguards for the stock. First of all, there won't be any transfers if the stock status is overfished, and then the Board has full discretion over transfers beyond that.

I would say that we have it very well covered there that the Board would have to be comfortable with any transfers before they could go forward. Once again, the reason that Delaware has been pushing this, and I think some of the other states are also interested, is in our case it's a fairness issue based on this very outdated quota set up, where it's going back to the 1970s, which fades further and further into the past.

We knew that to go back, or at this point to do a full reallocation amendment, would probably be a very, very lengthy process. We figured this would get some relief sooner. I just wanted to put it into perspective that with the scale of our fishery, even if we were to bring ourselves back to where the quota was before Addendum IV.

We would only be looking at about another 3,900 to 4,000 striped bass, which is based on 2022 removals. That is well less than 1 percent of total removals. As I said, between the fact that we have all the safeguards in place with this option, and the scale of the request from certain states, such as ours, and the Board's discretion over granting any transfers. I think this is something that I hope the Board can approve,

because I think it will help some of these small-scale fisheries, and it will not harm the stock.

CHAIR GARY: Justin, would you like to comment, as the seconder?

MS. KERNS: Marty, before Justin comments, there actually wasn't a postponed motion that you had made, so John, could you just read this motion in?

MR. CLARK: Okay, I'm sorry, so in other words, the motion I had made was substituted, right? Sorry, and we just had that whole course of Roberts Rules of Order. Messing up already. **Okay, move to approve Option E (Board discretion of commercial quota transfer provision, except no transfers if stock is overfished).**

CHAIR GARY: Justin, you've already seconded it, okay. All right, so we finished with a comment, we've corrected the motion, and Justin would you like to comment?

DR. DAVIS: I think this is a reasonable option, it is very conservative. We had some projections we saw earlier today that show this as a very small amount of removals that is not going to put rebuilding at risk. Certainly, Connecticut is sensitive to the fact we were recently challenged by quota allocations for some of our species, and we took action around this table to correct that.

I think whenever any one of our members around the table is sort of feeling like they are disadvantaged by their quota, we should try to take reasonable action to adjust quota allocations. I just think it is time to dispense with this management action, it's been hanging for a while. We started Addendum II this morning, we should wrap up Addendum I before we get going on Addendum II. I think there are a lot of controls in place with this.

The Board is going to have discretion to allow quota transfers to happen or not. You know certainly my intent, or what I see as the intent of this is to essentially provide some more commercial quota to Delaware. If this program starts to grow beyond that, I think the Board has got to consider whether they want to reauthorize this program in subsequent

years. I just think this is a really reasonable, conservative option, and I would hope the rest of the Board sees it that way too. Thanks.

CHAIR GARY: I might turn to staff. I just got a message that Doug Grout is not here, but he has a proxy. Do I have it wrong?

MS. KERNS: Ritchie White is Doug's proxy, sorry.

CHAIR GARY: All right, Jason.

DR. McNAMEE: Just to first thank the Technical Committee. We had asked for that extra work to be done. You know the point of doing the extra work was to just really verify, you know this notion that allowing the transfers might have significant impacts to a whole host of things in the population.

I think what we've seen, at least from the work that they've done is, you know this is a small proportion of a small proportion. The impacts of allowing this on the population are very small. Just to speak for a minute about, this maybe seems a little incongruent for folks, given what we just did before lunch.

I'm not ignoring a lot of the public comment that ended up in my inbox, and the meeting materials supported status quo. But a lot of the reasoning behind that, the status quo meaning no transfers. A lot of the reasoning behind that was fear about rebuilding and the current state of the population, which you know I think those are well founded. But this option in the motion that is up before us, there would be no transfers. Now, while the stock is not doing well, both because there is Board discretion to not allow it, and stock status that wouldn't allow it. For me that kind of assuages those fears, and I think we could put this infrastructure in place. We'll work hard to get the stock back into good shape, and then we have this mechanism in place for allowing some flexibility within the commercial fishery. I think it's a good idea. It's nothing that's going to happen immediately, but it's something we can put into place that could have benefit for the very small commercial component in the future, so I support the motion.

CHAIR GARY: Megan Ware.

MS. WARE: I appreciate Delaware putting up a motion that is considering stock status, in terms of when quota transfers may be permitted. I wanted to think about this a few years out and be honest about what I think my reaction may be. I'm thinking in the 2024 stock assessment, I'm hopeful we will have a result that says we are no longer overfished.

That is at least what the projections indicate we may get. But I'm also expecting that assessment to tell us we need more work to hit rebuilding by 2029. I think we could have a situation where we are asking the fishery for more reductions in F, and at the same time considering quota transfers.

I'm personally going to struggle in that situation with approving quota transfers, because I think it's kind of doing two different types of actions at the same time, or two different outcomes at the same time. I'm not sure how I'm going to vote on this, but I just wanted to be up front, particularly to the Delaware stakeholders about what my thoughts on this may be while we're rebuilding the stock.

CHAIR GARY: We'll go to Chris Batsavage and then Max Appelman.

MR. BATSAVAGE: While I appreciate the safeguards and limited scope of transfers that could occur under Option E, I cannot support it at this time, and just quickly explain why. You know although the stakeholder input in North Carolina was largely opposed to transfers, the commercial industry in North Carolina generally supported the concepts of transfers.

My opposition isn't from reluctance to transfer quota, we do that with other species. If we found through the projections through 2022 that F was still in that range where it was in 2020 and 2021, and we had a high chance of rebuilding the stock by 2029, I could probably support this motion.

But even with the actions that we took earlier today to address stock rebuilding, I think it's still going to be a major challenge over the next several years to actually constrain F enough. Even though the increase in catch would be very small compared to

the overall catch, I think we should really focus on whatever we can do to keep F low enough to rebuild the stock, especially when we consider the low recruitment that we're currently seeing in the population.

CHAIR GARY: We have Max Appelman and then Tom Fote.

MR. APPELMAN: I'm going to abstain on this motion for state-to-state transfers today, but I want to just comment for a minute on commercial quota transfers as a general policy. We support quota transfers to address a number of different challenges and issues that can arise with quota management, especially with what might come down the pike with climate change and shifting stocks, and providing that flexibility. We supported developing this Addendum through the public process, but we also recognize that this is a somewhat unique situation, considering the actions that we just took to reduce F, and so we're going to abstain today.

CHAIR GARY: Tom Fote.

MR. FOTE: It looks like we're going to wind up with a three-inch opportunity to catch fish recreationally in New Jersey, if we get this in place by 180 days. Under that veil and under all the things that went on this morning, I can't vote for this. I had no support for it in any of the people I heard from in New Jersey. It's just a difficult situation.

What I would support, and what I've said for the last, I don't know 10 years, since we got actually longer, about 15 to 20 years since we are no longer considered producing areas in the Delaware River and the Hudson River, that we revisit this issue, because the Chesapeake Bay seems to have more problems than the Delaware River does and the Hudson River.

For what I've been told that some of the tagging studies over the years that said that 40 percent of the coastal migratory stock is coming out of the Delaware River and the Hudson River now in certain years. We should be looking at the role those contribute into the whole system, and should allow us to do what

Maryland, Virginia, and Potomac River can do in the Chesapeake Bay, and look at it, would Delaware be able to do some things differently than what we do?

It's not going to change New Jersey, because we're pretty much set with our regulations, the same thing in New York in the harbor. New York was really shut down because of PCBs commercially, anyway in the Hudson River. That is why I can't support this motion at this time. I don't know what New Jersey will vote, but I know I can't support it.

CHAIR GARY: Next in the queue is Eric Reid.

MR. REID: I do appreciate the fact that Delaware put up Option E, with all the sideboards on it. Just to remind everybody that it is highly unlikely that a limited access fishery like the commercial fishery will exceed its allotted quota in any given year by let's say 40 percent, it's highly unlikely.

Commercial fishery is well regulated, we carry observers, we get a lot of data from that fishery, and the notion that we would not adopt the ability to consider having that particular segment of the industry catch 100 percent of their allocated quota is mind numbing to me why we wouldn't do it. Being mind-numbed, Mr. Chairman, that's all I have to say at the moment.

CHAIR GARY: Renee Zobel.

MS. RENEE ZOBEL: I wasn't going to ask this question unless this was proposed in interest of time, but this is a clarifying question that Doug Grout had, and I thought it was a good one. When can the Board consider their discretion to do this, is it after a stock assessment specifically has a status of no longer being in that stock status, or is it projection? Say the stock assessment comes out and says the stock is overfished but projects in the subsequent year it will no longer be overfished. Can the Board consider it based on the projection?

MS. FRANKE: Thanks for that question. It would be the results of a stock assessment, so the stock status would have to change to not overfished.

CHAIR GARY: Mike.

DR. ARMSTRONG: Just a clarifying question, then a comment. I think this is true, the Board will have discretion to not do transfers, even if we're not overfished, correct? I hate to go against all the public opinion, but I think there is enough restrictions on E that at many times it's going to approach A. I can see scenarios where we are not overfishing, but we're heading to an overfished condition, and I would vote not to do transfers. I think there are enough safeguards on this one, so we can support it.

CHAIR GARY: Before we ask for any final comments in this discussion. I just want to remind everyone, this has already gone out to public comment, so I wasn't planning on taking any at this time. I will ask if there are any final comments or any additional discussion by the Board members before we put this to a vote. Jason.

DR. McNAMEE: Actually, so I'm not going to make a comment now. If this were to pass, I would like to make a comment, so I just wanted to get that in front of you. Thank you.

CHAIR GARY: All right, final call, any last words from anyone before we take a vote? Let's do a one-minute caucus. Okay, Board members, let's get ready to call the question. Everyone in favor of the motion, please raise your hand.

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

CHAIR GARY: All those opposed raise your hands.

MS. KERNS: New Hampshire.

CHAIR GARY: Any null votes?

MS. KERNS: Maine, North Carolina, Pennsylvania.

CHAIR GARY: Any abstentions?

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

CHAIR GARY: The motion passes 10 to 1 to 3 to 2. Do we need to read the motion in? Jason, to your comment.

DR. McNAMEE: Just a comment. As has been mentioned, we do quota transfers in other species. I think back in the day everybody was sort of racing to get out first for things like bluefish, I'll use as an example. It wasn't very collegial; it was kind of competitive. I think we've developed a nice rapport amongst the states that participate in trying to get transfers. I know folks have been focused on Delaware as the kind of keystone transfer state, but Rhode Island would also potentially be interested in transfers, and so I hope that we can develop a same sort of process where we sort of consult ahead of time, and make our requests in a collegial way.

CHAIR GARY: Thank you, Jason, well put. That takes care of Item Number 6 so far. We need a motion to approve the Addendum. John Clark. Do we have a second? Ray Kane. John, could you read it into the record?

MR. CLARK: Move to approve Addendum I as modified today with an implementation date effective today.

CHAIR GARY: Any discussion on the motion? None. Any objections to the motion? Seeing none; it passes unanimously. A long meeting. That takes care of Item Number 6.

OTHER BUSINESS

CHAIR GARY: Item Number 7, Other Business. Is there any other business to bring before this Board? Tom.

MR. FOTE: I brought up before what I was talking about is the contribution of the Hudson River and Delaware River to the overall coastal migratory stock, I've been asking this question for about 15 years and still haven't gotten an answer. I know the Technical Committee has looked at it a couple times, and didn't have the necessary information to pull out.

But some of the tagging studies that I've seen over the year proved that we're a lot bigger than we were with the 15 or the 25 percent that we started, and it's a bigger percentage of the fisheries right now. I also want the Technical Committee to look at what would be needed for the Delaware River to be considered again what it rightly should be, a spawning area, and the same thing with the Hudson River.

MS. FRANKE: Thanks, Tom, this is Emilie, I'll just respond. I'll say, I think maybe during the next benchmark assessment the TC will probably look at, you know any new studies on the contribution of each spawning area to the stock, and provide any updated information on that.

CHAIR GARY: All right, thanks, Tom, for that question. Any other new business to bring before the Commission. Toni.

MS. KERNS. Not new business, but just to set up some expectations for the Addendum that was approved earlier. As Bob said, we didn't really talk about timing. It's our intention to bring a draft document to the Board in August, and depending on if the Board makes any changes to that document or not. Whether or not we feel we can actually get the document out, comment and summarized in time for the annual meeting, or we may need to hold a special meeting of the Board, probably early in November to finalize that document, in order to have states implement those measures for 2024. I just wanted to put that on folks' radar now, and then Emilie will reach out, probably either today or tomorrow, looking for nominations for a Plan Development Team.

ADJOURNMENT

CHAIR GARY: All right, thank you, Toni, any other business? Seeing none; I would seek a motion to adjourn. Dave Sikorski, seconded by Ray Kane. We are adjourned, folks.

(Whereupon the meeting adjourned at 2:15 p.m. on Tuesday, May 2, 2023)