

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

**Hyatt Place Dewey Beach  
Dewey Beach, Delaware  
Hybrid Meeting**

**October 29, 2025**

**Approved February 5, 2026**

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## INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of August 2025** by consent (Page 1).
3. **Main Motion**

**Move to approve in Section 3.4 Option A Status Quo** (Page 20). Motion by Adam Nowalsky; second by John Clark. Motion amended.

### **Motion to Amend**

**Move to amend to add “and establish a Work Group to develop a white paper that could inform a future management document. The Work Group should include representation from all sectors in addition to scientists and managers. The goal of this Work Group is to consider how to update the FMP’s goals, objectives, and management of striped bass beyond 2029, in consideration of severely reduced reproductive success in the Chesapeake Bay. The Work Group should utilize public comment, including that received during the Addendum III process to inform its research and management recommendations and work with the Benchmark SAS to incorporate ideas and deliver necessary data products. Work Group discussions should include the following topics:**

- **Review BRPs and consider recruitment-sensitive, model-based approaches.**
- **Formally review hatchery stocking as both a research tool and a management tool for striped bass w/ cost analysis.**
- **Evaluate the potential for other river systems to contribute to the coastal stock.**
- **Explore drivers of recruitment success/failure in Chesapeake Bay, Delaware, and the Hudson in light of changing climatic and environmental conditions, including potential impacts from invasive species.**
- **Explore the reproductive contribution of large and small female fish and the implications of various size-based management tools.**
- **Methods to address the discard mortality in the catch and release fishery”** (Page 21). Motion by Marty Gary; second by Eric Reid. Motion passes (14 in favor, 2 opposed) (Page 30).

### **Main Motion as Amended**

**Move to approve in Section 3.4 Option A Status Quo and establish a Work Group to develop a white paper that could inform a future management document. The Work Group should include representation from all sectors in addition to scientists and managers. The goal of this Work Group is to consider how to update the FMP’s goals, objectives, and management of striped bass beyond 2029, in consideration of severely reduced reproductive success in the Chesapeake Bay. The Work Group should utilize public comment, including that received during the Addendum III process to inform its research and management recommendations and work with the Benchmark SAS to incorporate ideas and deliver necessary data products. Work Group discussions should include the following topics:**

- **Review BRPs and consider recruitment-sensitive, model-based approaches.**
- **Formally review hatchery stocking as both a research tool and a management tool for striped bass w/ cost analysis.**
- **Evaluate the potential for other river systems to contribute to the coastal stock.**
- **Explore drivers of recruitment success/failure in Chesapeake Bay, Delaware, and the Hudson in light of changing climatic and environmental conditions, including potential impacts from invasive species.**

- Explore the reproductive contribution of large and small female fish and the implications of various size-based management tools.
- Methods to address the discard mortality in the catch and release fishery.

**Motion to Amend**

**Move to amend to replace “Option A Status Quo” with “Option B (equal 12% reduction by sector)”.**  
(Page 30). Motion by Nichola Meserve; second by Jay McNamee. Motion fails (5 in favor, 11 opposed) (Page 35).

**Main Motion as Amended**

**Move to approve in Section 3.4 Option A Status Quo and establish a Work Group to develop a white paper that could inform a future management document. The Work Group should include representation from all sectors in addition to scientists and managers. The goal of this Work Group is to consider how to update the FMP’s goals, objectives, and management of striped bass beyond 2029, in consideration of severely reduced reproductive success in the Chesapeake Bay. The Work Group should utilize public comment, including that received during the Addendum III process to inform its research and management recommendations and work with the Benchmark SAS to incorporate ideas and deliver necessary data products. Work Group discussions should include the following topics:**

- Review BRPs and consider recruitment-sensitive, model-based approaches.
- Formally review hatchery stocking as both a research tool and a management tool for striped bass w/ cost analysis.
- Evaluate the potential for other river systems to contribute to the coastal stock.
- Explore drivers of recruitment success/failure in Chesapeake Bay, Delaware, and the Hudson in light of changing climatic and environmental conditions, including potential impacts from invasive species.
- Explore the reproductive contribution of large and small female fish and the implications of various size-based management tools.
- Methods to address the discard mortality in the catch and release fishery.

Motion passes (13 in favor, 3 opposed) (Page 36).

4. **Move to add a task to explore the socioeconomic impacts on the striped bass commercial fishing sector, including the party/charter sector, from potential quota reductions not consistent with actual striped bass mortality effects from that sector** (Page 37). Motion made by Jeff Kaelin; second by Eric Reid. Motion fails (1 in favor, 13 opposed, 2 abstentions) (Page 39).

5. **Main Motion**

**Move to approve in Section 3.3 Maryland’s ability to choose Option A, status quo, or Option B, a new Maryland baseline season. Maryland would notify the Board of the option chosen through its implementation plan** (Page 40). Motion by Mike Luisi; second by John Clark. Motion to amend.

**Motion to Amend**

**Move to amend to replace Option B (a new Maryland baseline season) with Option C (new baseline season with 10% buffer)** (Page 42). Motion made by Doug Grout; second by Jason McNamee. Motion fails (6 in favor, 8 opposed, 2 abstentions) (Page 47).

**Main Motion**

**Move to approve in Section 3.3 Maryland's ability to choose Option A, status quo, or Option B, a new Maryland baseline season. Maryland would notify the Board of the option chosen through its implementation plan.** Motion passes (7 in favor, 6 opposed, 2 abstentions, 1 null) (Page 47).

**6. Main Motion**

**Move to approve in Section 3.2 Option A. Status Quo States Choose Point of Harvest or Point of Sale Tagging** (Page 56). Motion by Jay McNamee; second by Chris Batsavage. Motion substituted.

**Motion to Substitute**

**Move to Substitute for Option C: Commercial Tagging by the First Point of Landing with a three-year transition period** (Page 57). Motion made by John Clark and seconded by Raymond Kane. Motion passes (8 in favor, 4 opposed, 4 abstentions) (Page 59).

**Main Motion as Substituted**

**Move to approve in Section 3.2 Option C: Commercial Tagging by the First Point of Landing with a three-year transition period.** Motion passes (10 in favor, 3 opposed, 3 abstentions) (Page 60).

- 7. Move to adopt in Section 3.1 Option B, Mandatory Elements for Total Length Definition with the following requirements: squeezing the tail and a straight-line measurement. This definition applies to both the recreational and commercial sectors** (Page 62). Motion by Chris Batsavage; second by Marty Gary. Motion passes by unanimous consent (Page 63).
- 8. Move to approve the following compliance schedule for the Maryland recreational season baseline and total length definition:**
  - States must submit implementation plans by December 31, 2025.**
  - States must implement regulations for the total length definition by January 1, 2027.**  
(Page 64). Motion by Mike Luisi; second by John Clark. Motion passes by unanimous consent (Page 64).
- 9. Move to approve the following compliance schedule for commercial tagging:**
  - States must submit implementation plans January 1, 2028.**
  - States must implement regulations by December 31, 2028.**  
(Page 64). Motion by Mike Luisi; second by John Clark. Motion passes by unanimous consent with one objection by Rhode Island (Page 64).
- 10. Move to approve Addendum III to Amendment 7 to the Atlantic Striped Bass FMP, as amended today.**  
(Page 64). Motion by Joe Grist; second by Marty Gary. Motion passes (Roll Call: In Favor – MA, CT, NY, NJ, PA, VA, PRFC, DC, MD, DE, ME, NH, NOAA; Opposed – NC; Abstentions – None; Null – RI) (Page 65).
- 11. Move to adjourn by consent** (Page 65).

## ATTENDANCE

### Board Members

Megan Ware, ME, proxy for C. Wilson (AA)  
Steve Train, ME (GA)  
Rep. Allison Hepler, ME (LA)  
Renee Zobel, NH (AA)  
Doug Grout, NH (GA)  
Dennis Abbott, NH, proxy for Sen. Watters (LA)  
Nichola Meserve, MA, proxy for D. McKiernan (AA)  
Raymond Kane, MA (GA)  
Rep. Sarah Peake, MA, proxy for Rep. Peake (LA)  
Jason McNamee, RI (AA)  
David Bordem, RI (GA)  
Eric Reid, RI, proxy for Sen. Sosnowski (LA)  
Matt Gates, CT (AA)  
Bill Hyatt, CT (GA)  
Rep. Joseph Gresko, CT (LA)  
Marty Gary, NY (AA)  
Emerson Hasbrouck, NY (GA)  
Joe Cimino, NJ (AA)

Jeff Kaelin, NJ (GA)  
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)  
Kris Kuhn, PA, proxy for T. Schaeffer (AA)  
Loren Lustig, PA (GA)  
Fran Torres, PA, proxy for Rep. Kulik (LA)  
John Clark, DE (AA)  
Roy Miller, DE (GA)  
Craig Pugh, DE, proxy for Rep. Carson (LA)  
Michael Luisi, MD, proxy for L. Fegley (AA)  
Robert Brown, MD, proxy for R. Dize (GA)  
David Sikorski, MD, proxy for Del. Stein (LA)  
Joe Grist, VA, proxy for J. Green (AA)  
Chris Batsavage, NC, proxy for K. Rawls (AA)  
Rep. Brian Turner, NA (LA)  
Daniel Ryan, DC  
Ron Owens, PRFC  
Kelly Denit, NMFS  
Rick Jacobson, US FWS

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

### Ex-Officio Members

Tyler Grabowski, Technical Committee Chair  
Margaret Conroy, Stk. Assmnt. Subcommittee Chair

Eleanor Bochenek, Advisory Panel Chair  
Lt. Jeff Mercer, Law Enforcement Committee Rep.

### Staff

Bob Beal  
Toni Kerns  
Tina Berger  
Madeline Musante  
Caitlin Starks

Tracy Bauer  
James Boyle  
Chelsea Tuohy  
Emilie Franke  
Katie Drew

Jeff Kipp  
Jainita Patel  
Samara Nehemiah  
Kurt Blanchard

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Ballroom East/West of Hyatt Place Dewey Beach, via hybrid meeting, in-person and webinar; Wednesday, October 29, 2025, and was called to order at 9:45 a.m. by Chair Megan Ware.

### **CALL TO ORDER**

CHAIR MEGAN WARE: Good morning, everyone. We are going to call the Striped Bass Board to order today. My name is Megan Ware; I am the Chair of Striped Bass. First, I just want to thank everyone for coming today. It is great to see a lot of folks in the audience. I appreciate you taking your time to be with us today.

### **APPROVAL OF AGENDA**

CHAIR WARE: We'll start with Approval of the Agenda. I do just want to note, I think for efficiency I am going to have the LEC Report while we're talking about commercial tagging during our Addendum III discussion. If folks are okay moving that into our Addendum III discussion, we will do that. Are there any other changes to the agenda? Seeing none; the agenda is approved by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIR WARE: Next, we have proceedings from August 2025. We did receive one edit from Doug Grout, so thank you, Doug. Are there any other edits to those proceedings? Seeing none; the proceedings, with one edit, are approved by consent. We're going to move into public comment now, and this is for items not on the agenda. If you are hoping to speak on specific alternatives in Addendum III. Oh, we're going to pause. Toni, sorry.

MS. TONI KERNS: I just want to make note that Commissioner Joe Gresko is online, Rick Jacobson from Fish and Wildlife Service and Mike Pentony is going to start for NOAA Fisheries, and then Kelly Denit will join us around ten, ten-thirty.

CHAIR WARE: Thanks, Toni.

### **PUBLIC COMMENT**

CHAIR WARE: Back to Agenda Item 3, Public Comment. It's for items that are not on the agenda, so if you're hoping to speak on a specific alternative or the Board's final action, I would ask you to hold that or slightly modify your comment to be a little bit broader, maybe. I'll look for hands in the room, and we'll also do an ask online.

Once we have a sense of how many folks want to speak, we'll assess time. Great, so I think we just have the two folks in the room here, three folks in the room. I'm going to do three minutes each, and I think there is a public, great, now we're up to four, but we're still going to keep them three minutes each. There is a public microphone up front there. If you could just state your name and affiliation that is much appreciated.

MR. BRIAN HARDMAN: My name is Brian Hardman; I'm the President of the Maryland Charter Boat Association. We also represent a part of the watermen as well and have joined forces with them. I just want to give you a brief update on some of the things that have happened over the last couple years since the January 24th meeting, when we got knocked down to one fish and a slot.

We've been adversely selected for this. There are 428 charter boats, and in 2023 we caught 92,000 fish, 92,816. That is when we had two fish. In 2024 we caught 34,000 and year to date 2025 we caught 26,000. That is a 72% reduction from what we had before. Last year's number at 34 was a 63% reduction.

Number of trips we had in '23 was 10,651, then we went down in '24 to 6800, year to date 5100. That is a 52% reduction. Number of passengers we had in '23 was 78,000, in '24 it was 50,000, the year to date is 35,000. That is a 56% reduction. I'm not sure whether it is this Committee's goal or not, but you've reduced our businesses by well over 50% in every single category, and we can't survive with

these continued reductions and closures and try to stay in business.

If we were given our second fish today, it would take over five years for us to recoup our business, and this is how bad we're suffering. There have been 54 charter boats that went for sale or listed for sale during this time period. To my knowledge, not one recreational boater has had to sell their boat or seek other employment somewhere else.

This adversely affected the charterboat industry on there. I did speak with Emilie, in regards to the public comment. I had a question for her, and asked her, how do we get credit, for example, for the 50,000 people that went fishing with us last year? She said they would all have to write in individually.

My issue with this is, we have special interest groups in the state of Maryland that will sit there and they're going to send an e-mail to their membership and someone is going to send an e-mail to the subscribers, and they're going to get back 11 to 1200 responses, which they did. But it adversely affects us, because we don't have somebody sitting there inputting data, and somebody can hit a button and send out 25,000 e-mails.

We've got 425 charter boats that are going to send something in, and some of our passengers. But I don't think the public comment is a representative of what is really going on in the public. We're adversely affected by this. If you poll those 50,000 people that went out fishing with us, I'm pretty sure 49,990 of them are opposed to Maryland's baseline, and opposed to this reduction on it.

But we're being overlooked once again, because we just don't get a chance to represent everybody in there. I think it's time for us to have a separate category for charter boats, because we keep getting put in with the recreational side, and then every time they

have a cut, we have a cut. We've already had over 50%, guys.

How much more can we take and try to stay in business like this? Once again, we're adversely selected against. I will say this, if the Maryland Proposal is going to be approved, you are going to force about 350 charter boats to start fishing in April, when we've been approached over the last five years to protect these female spawning stock. I would like to thank you for your time, that's all I have.

CHAIR WARE: Thank you, appreciate your comments. I think Captain Newberry; you were next on my list. I'll say this for every comment, just a friendly reminder to try to be on items not on the agenda.

CAPTAIN ROBERT NEWBERRY: Commissioners, my name is Captain Robert Newberry with Delmarva Fisheries Association. Thank you very much. Brian has already had everybody stand up. Just take a good look at these guys back here. This is who you are affecting here today. They took the day off to come here. We saw people from Virginia here on the other issue yesterday.

The important matter that we have here on the commercial side is since 2012 we've taken a 46% reduction. If this moves forward, we're going to be over 50 to 60% reduction. Right now, our fishermen are catching more fish with less effort and less time than they have in 30 years. This goes from the Maryland/Virginia line all the way as far as Turkey Point up in the Northeast Rip.

We've got a load of fish in this Bay. There is a load of fish in the Bay right now, and the young of the year, I mean on the agenda it might be. But you've just got to consider, it may have been 1, it's 4 this year. That is a 400% increase. We're on the upswing. It could be 10 next year, it could be 8 next year.

What we're seeing and the amount of fish in the Bay, you know the old saying is that 90% of the fish are in 10% of the water. I don't know anybody that

had a bad season this year fishing, as far as well, when it got warm and when we were shut down, yes. But right now, everybody is catching fish, there is plenty of fish. You look at the videos, they've been catching big fish all year long, small fish all year long all up and down the coast. But just really what concerns me are these hardworking men and women that are in my industry in Maryland. I've taken such a hit and are getting so emaciated by the cost of living and everything else.

Any more cuts are going to put us out of business. But the most important thing that you have to realize, both the charter boats and the commercial fishermen that are in this room feed people. People come on our boats to take fish home to eat. It feeds people by putting it on the market. The recreational side, that is a hobby.

We have a living. We pay our bills, we buy vehicles, that is what we do for a living, so please, look at these people here today, when we go through what we have to on this striped bass today, because they took the day off to come here, and it's good to see them here. I thank you very much.

CHAIR WARE: Thank you, very much. I think there was another hand in the back. Tom, you were next, and then I think there is one more hand in the room, then we'll got to webinar.

MR. THOMAS P. FOTE: My name is Tom Fote. I'm here representing Jersey Coast Angler's Association. It is nice to see everybody in person for a change, because the last couple of years I've been doing all these striped bass board meetings online. You probably couldn't understand me, because my microphone was always bad and my voice is kind of gravelly.

I'm going to talk about the blue catfish. I've written more articles on blue catfish, I think than striped bass in the last couple of issues of the Jersey Coast Newspaper, talking about the problem they are having in Chesapeake Bay. I

thought it was just the Chesapeake Bay, and now we see they are up at Hyde Park in New York, they came through the Delaware Canal, so now they are in Delaware Bay and the Delaware River.

We need to do something about that. There is a bill, strangely enough the bipartisan bill to allow for the better harvest for commercial fishermen of the blue cat fish in Maryland, Jersey, and Delaware. We have to get that passed, so I'm hoping that the states will get behind that bill. I know the Legislative Committee hasn't met yet.

I was so many years in the Commission on the Legislative Commission, and I really talked to my Congressman and Congresswomen in New Jersey and my Senator, Senator Andy Kim, we tried to get him to support this bill. I'm looking forward to the Commission to basically get hard behind this bill.

If somebody is not familiar with it, it will allow easier regulations, instead of going through the FDA just for annual harvest group chapters. I mean they are making up a large part of the biomass in the Chesapeake Bay. It's like the Black Lake wound up with 93% Jelly Fish. We can't have that happen.

It's not only your striped bass, it's your menhaden, its blue claw crabs and everything that effects the environment in the Bay. The other issue we need to look at is what is happening with the spawning fish. Maryland, because of what we did many years ago when I was a commissioner in the 1990s, we basically thought Maryland tautog were just male fish.

Now, after all these years of dealing with endocrine disruptors and everything else, I realize there is a problem with the male fish population. We see it with the flounder in Jamaica Bay that there are 14 females to 1 male. It should be just the opposite. I don't know what is going on with Chesapeake Bay with the males. I don't know if they are viable males.

We wound up with small mouth bass in the Potomac River, they were not viable. We should be looking at what is going on. I know research money

is tight, and it's probably not going to get any better. But maybe we can get outside groups like PEW and everybody else to look into what is going on with those species. I support the charterboat association what they are saying here.

But recreational fishing is important to my state, as far as the businesses in my state. I also sit on ASA Governor's Affairs Committee. It is very important to the industry, and that is hundreds of thousands of jobs making tackle and everything else for the country. One of the important fish to all of us is striped bass, so we need to do what is necessary to keep them.

Thank you for your time.

CHAIR WARE: Thanks, Tom, so I saw one more hand on the side there, and then we're going to go to our person online.

MR. NICK VANGIONE: My name is Nick Vangione. I stand here today, not just as a commercial fisherman, but as a voice for every man and woman who have spent a lifetime feeding this nation from the sea. For more than 50 years, commercial fishermen have played by the rules.

We've been regulated, restricted and reduced; all in the name of conservation, while the Commission has repeatedly turned its back on us. Let's not forget, Congress gave you clear mandates in 1979 and again 1984, to ensure fair and balanced actions to our shared resources. Those mandates were never fulfilled.

In 1984, this very Commission initiated a stocking program, and in your own 1997 report you acknowledged that if the fish could not produce on their own, management and stocking would be a viable alternative. Yet here we are decades later, and the recommendation was never implemented.

Instead, those ideas were buried while the commercial sector continued to pay the price. Then to justify the waste created by failed

management, you made up a word conservation equivalency, a term created not to protect fish, but to protect a system that refuses to be accountable. That is not conservation, it's camouflage.

After half a century of stealing, cheating and robbing the commercial fleet of its fair share, you are once again talking about cutting us. But we have a new executive order to promote American seafood, to strengthen domestic harvest, support coastal communities and reduce dependence on imports. Cutting the commercial quota does the opposite, it doesn't promote American seafood, it destroys it.

Every pound taken from the commercial side is one less pound of wild, sustainable American caught fish for our people. One less job, one more blow to those who feed the nation. We're not asking for special treatment, we're asking for fairness, accountability and honesty, and we're asking you to finally live up to the responsibilities Congress gave you decades ago. Commercial fishermen are not the problem. We are the foundation of American seafood. It's time to stop hiding failure behind new words and stop cutting the hands that feed this nation. Thank you.

CHAIR WARE: We're going to go to Ross Squire online. Just a reminder, folks, for items not on the agenda. Yes, I'll talk to you in a second, but Ross has been in line.

MR. ROSS SQUIRE: Thank you, Madam Chair, my name is Ross Squire, and I serve as the Vice-President of the New York Coalition for Recreational Fishing. Our organization currently has just over 2,000 organization and individual members. I appreciate the opportunity to address the Board directly.

While this Board is focused today on Addendum III and rebuilding the striped bass fishery by 2029, we're all aware of the elephant in the room. Seven consecutive years of historically low recruitment in the Chesapeake, and two and possibly three consecutive years of low recruitment in the Hudson. The sad truth is that there is not a single Board or

staff member that can tell the public when or if this poor recruitment will change. I'm struck by how relevant the words of Patrick Kelliher, the then Commission Chair gave at the Striped Bass Management Board meeting in May of 2021.

When speaking about the management of striped bass he said, and I quote, "I would say we've likely had mixed results over the years." That brings us to today. I feel there is a lot at stake, not only to striped bass but to ASMFC as well. Some are stating that the Commission has a credibility problem, and that we've taken our greatest fisheries management success story and reversed it."

He went on to say, "For many of the Commission species we are no longer in a position to hold out hope that things will revert to what they have been previously if we just hold static. Change is happening too fast and actions need to be taken." Patrick concluded, "Today I would ask this Board to think about what is best for the species, but also what is best for the future of the Commission. I suspect that this will be a painful discussion and sacrifice is needed to find the path forward. A small amount of pain now pays us dividends down the road."

I find these comments to be incredibly relevant today. With a full day of meetings ahead, some action that addresses this declining recruitment must occur. Delaying or deferring action is unacceptable. Anything less than taking real action would be a dereliction of your duty to the species, and to all that rely on striped bass for sport, social enjoyment and economic gain. Please do not ignore the elephant in the room. Thank you.

CHAIR WARE: Thanks, Ross. We've had two more hands in the room. We're going to cut it at that. I see other hands going up, but you guys are late, so we're going to cut it at those two. Since they are late hands, we're going to ask you to keep it to two minutes. You sir, and

then John, and then we're going to move on. Thank you.

MR. CAPTAIN VINNIE CALABRO: Good morning, Captain Vinnie Calabro, I'm from Jamaica Bay, New York. I'm a commercial fisherman and own a fleet of charter boats. I'm going to begin very briefly, by asking my peers here by a show of hands if they are in agreement with me, or if the management board has failed miserably in managing striped bass.

I met with President Trump about a month ago. I spoke briefly with him at his golf course, and I'm going to report back to him on some of the hearing today and yesterday also. It has taken you people the better part of 40 years to destroy our industry and our livelihood. Failed policies, not adhering to the mandates from the Magnuson Act, so on and so on.

I think that you have to have some accountability and not put your failures on the back bones of the fishermen of the country. As my friend, Nick, said earlier, this country was built on the backbone of the American fisherman. Thank you.

MS. DAWN MASK PENNEY: Hello, my name is Dawn Mask Penney, and I'm actually a commercial waterman. I started fishing with my dad when I was nine years old, when I was in middle school. He asked me, what do you want to do for a living? I said, I want to be a waterman. He said, well. When I was 16 is when the moratorium was first put in, and I had to get my first TFL. I have gone into aquaculture. I actually got the first degree from the University of Maryland in aquaculture. I actually had to kind of put it together through the independent studies department.

I've actually researched how to raise rockfish. We even did a little aquaculture in our own backyard, turning our shed into an aquaculture facility. I'm here today, because I have some suggestions and recommendations that I would like you to listen to. Maryland commercial watermen have complied with every conservation measure required by the Atlantic States Marine Fisheries Commission and the Maryland Department of Natural Resources.

Yet continued quota cuts threaten the survival of the centuries old working waterfront heritage. A sustainable striped bass recovery plan must recognize environmental and ecosystem stressors, not only fishing pressure, and balance biological goals with socioeconomic fairness. This report consolidates data and field observations from Chesapeake Bay watermen, public ASMFC documents and peer reviewed studies.

It outlines realistic next steps, restore striped bass populations without forcing working watermen out of business. Key elements include integration of water quality data in nutrient low reductions into stock assessment models. Creation of a public performance dashboard to track progress transparently.

Regional not coastwide quota adjustments that reward early compliance. Investment in nursery restoration, hatcheries, and invasive species control blue catfish and snakehead. By the way, the only reason that the USDA is required to do anything for the catfish is because people in the south did not want China competing with them for catfish fillet. I'm sorry, is that two minutes?

CHAIR WARE: Yes, if you could just wrap it up, Dawn.

MS. MASK PENNEY: Like I said, I have this report here and there are a lot of things that you can and should be doing. Just to conclude, Maryland has consistently led in implementing conservation measures, yet continued quota cuts without recognition of environmental progress risk undermining the fishing heritage and livelihood of Maryland watermen.

By adopting these steps, particularly immediately a transparent dashboard, integration of water quality methods, accelerated nutrient reductions, invasive predator control and a fair regional quota network ASMFC can protect the resource while sustaining the working waterfront for future

generations. By the way, I am not full time. I can't be, I would starve, or eat only my fishing profits. Thank you.

CHAIR WARE: Thanks everyone for your comments.

#### **CONSIDER ADDENDUM III TO AMENDMENT 7 FOR FINAL APPROVAL**

CHAIR WARE: We're going to move on to Agenda Item 5, which is our Consideration of Addendum III. Before we start, I just want to thank Emilie and all the Commission staff that helped with public hearings and organizing a lot of written comments. It takes a ton of work to get us here. I appreciate that. In terms of a plan, what I would like to do today is start with focusing on the percent reduction, if any, and the Maryland Baseline, and we'll see how far we get before lunch. Then after lunch we'll continue on and then go to commercial tagging and total length. I've asked staff to break up the presentation, so we'll start just with the parts on the percent reduction and the baseline. We'll hear the AP Report, the Public Comment Summary, and then we'll start our discussion there. Then of course later this afternoon we'll do Commercial Tagging with the LEC Report and Total Length. That is the game plan today.

#### **REVIEW OPTIONS AND PUBLIC COMMENT SUMMARY (PART 1)**

CHAIR WARE: I will pass it off to Emilie to get us started on that.

MS. EMILIE FRANKE: Great, thank you, Chair. I'll just start out with a quick reminder of the timeline for this draft addendum, and then as the Chair mentioned, we'll be starting with Section 3.3 on the Maryland Season Baseline and Section 3.4 on the reduction. I will go over those options from the Addendum and the Public Comment Summary.

Then I will also, near the beginning of the portion on the reduction, there was a request at the last Board meeting and at several public hearings to look at the current available MRIP data so far. I'll provide a brief overview of that as well. Then I will

turn it over to our AP Chair, Eleanor Bochenek, to give the AP Report on these two sections.

First just a reminder of the timeline. The Board initiated this Addendum back in December of last year, December 2024. The draft addendum was developed over the next several months. Then the Board approved Draft Addendum III for public comment in August of this year. Then we had the Public Comment Period stretching through the month of September through October 3rd, and we are here today for the Board to review the public comment, select measures and consider final approval of this Addendum III.

Then the states would implement any new addendum measures in 2026 and beyond. I just want to extend a thank you to all of those who participated in the public comment process. On the written comment side, we received about almost 4,500 written comments through October 3rd, which was the closing comment deadline.

Within those comments there were comments from 59 organizations. There were about 1,400 comments received through 12 different form letters or multi-signatory letters. Then there were just under 3,000 individual comments. You may recall, there were a couple different options, as far as submitting comments, so about half of those were from folks e-mailing us directly or using the comment box on our web page, and the other half were from a public comment forum that was available if folks preferred to click on the options that they preferred.

As far as the public hearings, there were 17 public hearings from September 8 through September 30; 11 of those were in person. A couple of those did have links where the public could listen in as well. Three of those hearings were hybrid, so people could participate both in person or online, and then three of those were webinar only.

Across all of those public hearings there were about 1100 public attendees. Some of those people did attend multiple hearings. That does not include the folks who were listening in through the listen only links. I will jump right into again the two sections we're starting with this morning. The first is Section 3.3 on the Maryland/Chesapeake Bay Season Baseline. Just a very brief background. Maryland's striped bass seasons have become increasingly complex over time, and there has been some stakeholder desire from the state of Maryland to adjust the seasons to allow for more fishing opportunities and access in the spring, when conditions are favorable with lower release mortality. This Draft Addendum does consider a new recreational season baseline to simplify Maryland's Chesapeake Bay season and to realign that access based on that stakeholder input and release mortality rates.

This new baseline would modify the duration and timing of seasons in the Maryland/Chesapeake Bay. Just a note that the existing March through May spawning closures would not be affected by this potential change, and the new baseline is calculated to maintain the same level of removals as 2024, so it would be calculated to be net neutral.

The Technical Committee did accept Maryland's methods for calculating this new baseline. The TC did highlight the uncertainty of predicting how effort would change. For example, if you're opening a season that is currently no targeting, and you open it to allow catch and release, it is very difficult to predict what a potential increase in effort might be.

To address some of this uncertainty and some of the other data uncertainties, there is an option in the Addendum to consider an uncertainty buffer and this would be to increase the chance of success that this new baseline actually stays net neutral, compared to the 2024. Basically, with this buffer some of the closures would be a little bit longer than if there were no buffer.

I'm just going to go over sort of the high-level options and I'll get into the sort of side-by-side

comparison of the 2024 season compared to the proposed new baseline. Starting with Option A, status quo. There were a couple of questions that I got, wanting to explain this option a little bit more. I'm going to try to make it clear here.

For status quo, no new baseline, there are sort of two different scenarios. If the Board does not take a reduction, which we'll talk about in the next section, and the Board also decides to stay status quo on this Maryland season. That means that the FMPs measures for seasons would not be changing, which means that the current FMP measures which are Addendum II, which maintains the same seasons as 2022 would stay in place.

The current FMP does allow for Chesapeake Bay trophy season. Maryland has chosen to be more conservative by closing the trophy season, and that continues to be a Maryland decision on whether or not to keep that trophy season closed under this double status quo option. If there is status quo for a reduction no reduction, and status quo for this baseline. It is still a Maryland decision on the trophy fishery.

However, if there is a reduction, which again we'll talk about in the next section, and Maryland keeps the same baseline. That essentially sort of uses the 2024 season, which does not have a trophy fishery as the starting point for any new reduction. It's a little bit different, depending on whether or not there is a reduction.

Option B is the new baseline. Maryland/Chesapeake Bay would implement that new season baseline, calculated to be net neutral. Then if there is any reduction then Maryland would add any new reduction closures on top of that new baseline. Then Option C is that option with the 10% buffer. Maryland could still implement that new season baseline, but there would also be a 10% uncertainty buffer on top of that. If there is a coastwide rebuilding reduction then Maryland

would take a slightly larger reduction than the other states to account for that buffer. If there is no reduction, Maryland could still implement the new season, but they would have to be slightly more conservative than the 2024 season.

This is a side-by-side comparison of the current 2024 season compared to the proposed new baseline. Yellow means catch and release, green means open for harvest and red means no targeting. You can see in the first column the 2024 season. The second column is the proposed new baseline, so this baseline does four things.

First, it extends the current catch and release season through April. April is currently no targeting, so this would extend catch and release through the month of April. The new baseline would allow harvest a little bit earlier during the month of May. The new baseline would move the summer no-targeting closure to August, and it would be four weeks instead of two weeks.

Then the December harvest fishery would close a little bit earlier. These dates are not set in stone. Again, it depends if the Board is taking a reduction and if the uncertainty buffer is put into place. Now I'm going to get into the public comments that we heard on this issue. You will see for all of the slides on public comments there is a row that shows the number of comments that we received, written comments for each of the options.

There is also the number of comments that we heard at the hearings for each of the options. As far as the written comments. The majority of the written comments support either Option B, which is the new baseline, or Option C, which is the new baseline plus the buffer. The majority of the hearing comments supported Option A, which is status quo.

Those that support status quo that is Option A. Note concern about allowing catch and release fishing on pre-spawn and spawning females during the month of April. These comments noted strong opposition to this, and this would result in additional mortality and stress on the female fish

from handling, and that would negatively impact their ability to spawn.

These comments also noted that this impact on spawning females was not sufficiently considered or reviewed during this process. Those that support Option B, the new baseline, noted that the new baseline would simplify the season from the compliance and enforcement perspective. It would also allow more access and economic opportunity when those release rates are lower in the spring when those temperatures are not as high.

Also noted that having a longer closure in the summer would be beneficial for the stock. Then those that support Option C, which has that new baseline plus that buffer, noted that the buffer is important because of the uncertainty around predicting how much effort might increase, and some comments supported a buffer larger than 10%.

All right, so that was Section 3.3. I'm going to move into 3.4, this would be reduction in fishery removals to support stock rebuilding. The stock is subject to a rebuilding program to be at or above the spawning stock biomass target by 2029, and the projections estimate there would be an increase in fishing mortality this year in 2025, as the above average 2018-year class enters the ocean slot limit.

Then from 2026 onward the projections estimate a decrease back to the 2024 levels, as those 2018-year class fish move out of the slot. There is also a concern about the lack of strong year classes coming in behind the 2018s. Essentially, under status quo and those projection assumptions that I just went over, there is an estimated 30% probability of rebuilding the stock, so getting to that target by 2029.

The Draft Addendum considers measures to increase that chance of meeting the target to

get up to a 50% probability of meeting the target from 2029, which would require a 12% reduction in fishery removals.

Now I'm just going to briefly touch on, again I mentioned there was a request to look at the 2025 MRIP data that are available so far. I'm just going to briefly touch on that, and again I'm happy to take questions later on during questions. But right now, we only have preliminary 2025 MRIP data through Wave 3, so that is through June.

We do not yet have Wave 4 data, so 2025 striped bass removals through Wave 3 are 44% lower than removals through the same time last year. Typically Waves 2 and 3 typically make up about just over a third of annual removals. If we use just this Wave 2 and 3 data to predict what might final removals look like for the entire 2025.

We can do that, and we've done that for the past as well. Sometimes when you just have these two waves of data, sometimes this ends up overestimating the final removals, sometimes it underestimates it, sometimes it's pretty similar. The Board has seen a figure like this in the past. The TC has put this together.

But this figure shows, looking back over a couple of years, the black circle is the final MRIP estimate for that year, and then all the different shapes are if you're using partial year data to estimate final removals what does that look like? Here if you look at the yellow square, that is if you're using Waves 2 and 3 only to estimate what final removals would be for the whole year. What does that look like?

For example, last year in 2024 that yellow square is right on top of that final estimate, that black circle. Using Waves 2 and 3 alone ended up being a pretty similar estimate to what the final removals were. However, if you look back at 2021, if we only used Waves 2 and 3 data to estimate that was an overestimate. In 2018 and 2019 it was a little bit of an underestimate. Again, it just sort of varies by year.

Then the last sort of the edge of the figure you can see that black X. That is what the projected 2025 removals were used in the projections.

Again, those projections estimated an increase in 2025. That X is what was used in the projections, and then that yellow square below it, that is using the current Wave 2 and 3 data we have right now to estimate what removals might be at the end of this year. Again, we only have these two waves of data.

Katie and I are happy to take questions on that when we get to questions. I'm going to get into the options now for this section, and then I will get into the public comment summary. Again, thinking about these options for a 12% reduction. There are three questions to think about. Should there be a reduction in fishery removals? What measures should change to meet the reduction, and then if there are any recreational season closures, what should they look like? First, should there be a reduction in fishery removals?

Option A is status quo, no reduction. Option B is a 12% reduction in fishery removals. The Addendum proposes an even reduction by sector, so 12% for the commercial, 12% for the recreational. The Board does have the ability to do something between 0 and 12 for one or both of these sectors.

What measures should change to meet this 12% reduction? On the commercial side it would be a quota reduction. I know the table is hard to read, but it would be a quota reduction. Up there are the values for a 12% reduction in quota for each state and for the Chesapeake Bay. On the recreational side, what measures to change to meet the 12% reduction.

For the ocean there are two options. First is 01 for the ocean recreational fishery. This would be a status quo size limit, 28 to 31 inches. The bag limit is still 1 fish, and that 12% reduction would come from season closures. Option 02 would be a mode-split option, where the for-

hire modes would be allowed a wider slot limit, so 28 to 33 inches.

Private and shore would stay status quo, and then everyone would take a slightly longer season closure to account for that slightly wider for-hire slot limit. Just a note here for the ocean fishery. There are three fisheries, the New York Hudson River Fishery, the Pennsylvania Spring Slot and the Delaware Summer Slot that have historically targeted smaller fish, to either protect spawning females or due to the availability of resident fish in those fisheries.

Those fisheries have had smaller size limits in the FMP. All of these options for the ocean would allow those fisheries to maintain those smaller size limits. These fisheries would still be subject to season closures or these fisheries could submit alternative analysis using their fishery specific data to show how they would meet the 12% reduction.

Moving on to the Chesapeake Bay, what recreational measures would change to meet the reduction. Option CB1 would be just a size limit change. All recreational modes would go to a 20-to-23-inch slot, continue to be a one-fish bag limit that would achieve the reduction. CB2 would be a mode-split option, again just a size limit change, where private and shore would go to a 19-to-22-inch slot.

For-hire would go to a 19-to-25-inch slot and that would achieve the reduction. Then Option CB3 would be a season change. Status quo size limit for all recreational modes, one fish 19 to 24, and that 12% would come from additional season closures. These would be season closures on top of the current seasons to achieve that 12% reduction.

As far as what should these recreational season closures look like. There are a couple things to think about. The first is the type of closure, either a no-targeting closure or a no-harvest closure. The second is the geographic scope. For the ocean the closure could be coastwide. All states from Maine to North Carolina would have the same closure, or the ocean could be split into two regions, New

England and Mid-Atlantic, so all states in a region would have the same closure dates. The question here is where to put Rhode Island. Should Rhode Island be in the Mid-Atlantic region or the New England region? There are options for both configurations. For the Chesapeake Bay the closures are different by state.

There are options for Maryland closures in the Bay, options for Virginia closures in the Bay and then the Potomac River Fisheries Commission and D.C. could choose to have a closure during the same wave as either Maryland or Virginia. The next thing for closures is timing. When during the year would this closure be implemented.

Wave 1 that's really only an option for North Carolina, which I'll get to in a minute. But for the other states and regions there are options for most of the other waves, Waves 2, 3, 4, 5 or 6. For New England there are just options for Waves 3 through 5. As far as timing, there is a bit of a tradeoff. There could be a shorter closure during peak season or a longer closure during slower season.

For the ocean there are some options that divide the closure between two different waves, so dual wave closures. In the draft addendum there were tables that calculate how many days you would close in each wave if you were going to split that evenly between the two waves. The Board does have the ability though to change that split. If the Board wanted to do a longer closure in one wave, a shorter closure in the other wave, the Board could do that.

Just a note for New York and North Carolina. New York is already closed for part of Wave 2 and part of Wave 6, and those closures weren't able to be accounted for in the analysis. The Board can modify New York's closures to account for their existing season closures, and we can get to that a little bit later on.

New York submitted a memo with analysis for that modification in the supplemental meeting materials, and there are some slides on that later on to explain that. Then for North Carolina the Board could specify that North Carolina's closure be in a different wave than the rest of the coast or the rest of the region, because North Carolina really only sees the coastal migratory striped bass in the ocean in Wave 1 or Wave 6, so really in the winter.

All right, so getting to the public comments here. On the reduction, the first as far as comments on whether or not there should be a reduction. The majority of comments did support Option A, status quo, no reduction. You can see the numbers there in the table. There were also a few comments that specifically weren't discussing both sectors, were just discussing the fact, their opinion that there should be no commercial reduction.

Those that support Option A, which is status quo, note that fishing mortality is already below the target, and the proposed reduction in fishing mortality is statistically indistinguishable. They also note ongoing concerns about MRIP, including uncertainty, the current revision of effort estimates, and they also know that the preliminary 2025 MRIP estimates are low.

They note that the stock is doing well and they are observing a high abundance of fish, and they also note that the reference points are too high and not biologically achievable. Again, these comments on Option A, status quo, note that the current restrictive regulations are working, and actions should wait until after the 2027 benchmark is complete. They note there would be severe negative economic impacts with any closures, and those economic impacts outweigh the data uncertainties.

They note that any action would harm fishing related businesses and local economies, and they note that the real issue is low recruitment and conditions in the Chesapeake Bay. Those comments that support Option B, which is that 12% reduction note that the Board needs to act quickly to maximize the probability of rebuilding by 2029.

Most of these comments note there should be equal reductions by sector. They note that there has been six consecutive years of poor recruitment, and there is a long-term risk to the stock if action is not taken. Given the current low recruitment, these comments note that the Board needs to preserve the future of the stock in the fishery, and that if action is not taken now that future action might be more restrictive.

Some comments would support aiming for a higher than 50% probability of rebuilding. I noted there were some comments that spoke only to having no commercial reduction. These comments noted there has already been multiple quota reductions in recent years, and that the commercial fishery has strict accountability measures in place already, including harvest reporting and quota paybacks.

This next table looks at those different options for the ocean and Chesapeake Bay. For the ocean, 01 is the status quo size limit, 12% closure, 02 is that mode split option where for-hire has a wider slot limit. CB1 is the size limit change to the narrow slot in the Bay. CB2 is the mode split option for the Bay, and CB3 is the season closure option for the Bay.

A majority of the comments supported Option 01 for the ocean, and then for the Bay they supported either CB1 or CB3. Essentially, all of these comments in support of 01 or CB1 and CB3 were essentially opposed to any of the mode split options. They noted concern about allowing one segment of the fishery to have additional harvest opportunity.

Those that were in support of the mode split options noted that the for-hire industry is an important part of local economies, providing access for customers and putting fish on the table. For the ocean there were some folks that noted they would support a wider for-hire slot limit and an exemption for for-hire from any season closures as well.

They noted that the for-hire businesses are already declining and further restrictions would be detrimental. There is some support for managing modes separately. This table here shows support for the different types of closures, no harvest and no targeting. You'll note for the written comments on the public comment form, respondents were able to answer separately for the ocean or for the Bay, you know if they would support different types of closures depending on the region.

There was a little bit more support for no targeting in the Bay, but overall, you can see that the majority of comments support no harvest closures. Again, the support for no harvest closures, a lot of these comments note strong opposition to no targeting closures. They note that prohibiting catch and release during no targeting would be devastating for fishing communities and businesses. They noted this would be denying a culturally important past time of fishing for striped bass, and they also noted that no harvest closures helped rebuild the stock back in the eighties, and some commenters noted they would support a full harvest moratorium at this point.

Then those that did support no targeting closures noted that the catch and release fishery also needs to be addressed, not just the harvest side. Not as many comments spoke to some of the more specific details on the closures. But as far as the comments on how to split up the ocean region, there were 95 comments that supported grouping Rhode Island with New England, and a lot of these comments also support adding Connecticut and New York to New England as well.

Then 32 comments support grouping Rhode Island with the Mid-Atlantic region. Then on some of the season closure specifics, there were some individual comments. Some comments noted that proposed regions and closures are not equitable for all states, and they would prefer to see state by state closures.

Some support closures during the spawning season or during the summer when release mortality is higher. There were some comments that support

closures during peak season, so that would be summer in New England, sort of fall in the Mid-Atlantic. But there were some comments specifically opposed to closures during the peak season, noting the severe economic consequences.

Then there were various comments on, you know this state should be closed during this wave, a lot of different comments there. All the comments that were posted were grouped by state, so Board members could find specific closure comments for their state. Then before I turn it over to our AP Chair, just a couple of things.

You know there are always additional comments that are raised in these comments. I just wanted to give a list of some of the most common topics that were raised. There was overall concern about menhaden harvest. Comments noted the need to further investigate and research conditions in the Chesapeake Bay that are impacting recruitment success or water quality predation. There was some support for striped bass hatcheries and stocking efforts.

Concern about the commercial fisheries targeting large females and concern about the use of net gear still in the commercial fishery. There was support for ending striped bass commercial harvest, support for ending the New Jersey Bonus Program. Then there were also comments, again concern about predation, whether it's sharks, seals, blue catfish.

Those were the three most common things mentioned. Comments noting the need for increased angler education on best handling practices, and also support for additional gear restrictions. With that, I will turn it over to our AP Chair, and that is Presentation Number two.

#### **ADVISORY PANEL REPORT (PART 1)**

MS. ELEANOR BOCHENEK: Fishery Removals, concerning that, 7 AP members supported

Option A, status quo. Concern about allowing catch and release on spawning females in the spring was one of the main ones. Concern about making this change during a rebuilding plan. There was also concern about data uncertainty, calculation assumptions and predicting increased effort. There was also concern from Maryland AP member about the original summer closure being a tradeoff for a two-fish bag limit, but not getting those dates back after moving to a one fish. Two AP members noted that if the baseline were to change the 10% buffer from Option C should be applied.

Now I'm going to talk about reduction in fishery removals to support stock rebuilding. Nine AP members support Option A, status quo, no reduction. These are the following comments. Reduction does not address real issues of low recruitment, environmental conditions, predation and et cetera.

The for-hire commercial industries are already disappearing from multiple past reductions and current restrictive measures. This would cause a negative impact. The negative impact outweighs the potential reward of the closure. Any season closure would devastate the for-hire industry. The commercial fishery may no longer be profitable with more cuts, and fishermen have been promised results for a long time. The management system is currently not working.

This is a continued support for the status quo that 2020 MRIP data so far indicate low removals assumed by the projections. There is concern about the MRIP accuracy. There is no other data source for private anglers, but the for-hire and commercial reporting is more accurate. You need to wait until the 2027 benchmark assessment is complete to consider any change.

The question was, was spawning stock biomass target is a gamble. There was a lot of discussion about that. When the target was met in early 2000s, the fishery and environmental conditions were very different than now. Now we're going to the 7 AP members supported the 12% reduction Option B.

They said striped bass are the lynch pin of the economy, and we want to ensure a fishery for the future. Not taking a reduction now would lose time to reach the target. If no action now there will be a bigger reduction in the future. Poor recruitment for six consecutive years, and priority should be protecting the stock.

The Board cannot control environmental factors, only fishing mortality. Continued support for Option B. Effort control is a necessary reality with a shrinking stock. The fishery must shrink as there are fewer fish available. There will always be data availability, and uncertainty goes both ways.

Observations of a poor summer fishery in New England with no small fish, and Surf Cast is seeing a decline in the fishery. There is concern that recent spawning stock biomass increase shown in pounds. The fish are getting older and larger so you would see more pounds is misleading, and increase is not the same in number of fish.

Two AP members note that there should be no commercial reduction. The commercial sector is strictly regulated and held accountable to its quota. There are already multiple quota cuts in recent years. One AP member observed differences in the views of tackle manufacturers based on their business focus. The Surf /light tackle industry tends to support a reduction, while others do not. Three AP members noted opposition to mode split options. Six AP members supported no harvest closures. They are opposed to no targeting closures due to enforceability concerns, including the Law Enforcement Committee's position that no targeting closures are difficult to enforce. No harvest closures minimize economic impact by still allowing the economic driver of catch and release fishing and supporting associated businesses.

There is also concern about the calculations and assumptions for no targeting closures. One AP member supports no targeting closures if there

is a reduction. Most fishermen would follow the rules. The EEZ has been closed to targeting for years. No targeting closures would impact all recreational anglers, including catch and release.

Individual AP members noted the following on closures. Large region closures do not seem equitable for all states. Seasons should be continuous with a start/end date. Short closures mid-season will not be effective, and we should group Rhode Island with Mid-Atlantic, since the fishery is more similar to Connecticut/New Jersey than New England.

Rhode Island's decision is complex, even within a state fishery timing can differ. For example, Massachusetts fishery timing can differ by 6 weeks between north and south ends of the state. Individual AP members know the following on closures. Any Massachusetts closure should protect the spring schoolies.

Any closure in the summer would devastate the Massachusetts for-hire fleet, and if striped bass closes in March or April, there is no other species available for fishermen in the for-hire industry to target in New Jersey. Several AP members support increased angler education on proper handling and release. This was said by most of the people on our AP that we've really got to get education out there.

A few AP members noted concern about blue catfish predation and need to support blue catfish harvest in the Bay. One AP member recommends reestablishing hatchery stocking program for striped bass. One AP member concerned about public comments on reducing menhaden harvest, noting menhaden is important for bait for other fisheries. Taking a cut in other fisheries for the sake of striped bass defeats the point of mitigating socioeconomic impacts. I'll take any questions now, thank you.

CHAIR WARE: Thank you, Emilie and thank you, Eleanor, particularly for being in person today. It's always great to have the AP Chair at the table, so appreciate that. Just a point of order. I saw Carl sat in my seat at the table, so I just want to be clear

that I am the one participating on behalf of Maine DMR in the vote and the discussion today. We'll move to questions. Any questions on the two presentations we just had? Yes, Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Thank you, Emilie, for your presentation, a lot of materials there to cover. Thank you, Eleanor, for your presentation. I have like a two-part question relative to our 2025 estimate. You had a slide up there, Emilie, that showed where we were through Wave 3, and how that compared to where we ended up in previous years. The X that you had there for 2025, as I understand it, it's the same estimate that is in the Addendum. Is that correct? Let's get to that, and that is the first part of the question, I have a second part. Well, you can stop there if you want, because that is where I was going next. You anticipated where I was going. That X that we see for 2025, that is the projected 2025 removals. That's a projection currently exists in the public hearings document, is that correct? It hasn't been adjusted for anything.

MR. FRANKE: That's correct, that X is what was used in the projections that informed the Addendum.

MR. HASBROUCK: Right, okay, but you also presented information that so far through Wave 3, 2025 removals were down, I forget what it was, 44% or something. Then that brings me to the second part of the question, which was the slide you just had up there. Yes, that one. That is from the Public Hearing Document.

I'm looking at that bump in 2025 for the red part of the graph, the red or the orange part. There is that increase in 2025, which is what we expected when the Addendum was put together. Then the difference between those red exes and those black dots are kind of, that is at the projected 12%. We need to lower those red exes down to where the black dots are.

Do we have any projection, in terms of what might occur if that red increase for 2025 is much lower than what is shown here? Following on that, if we have any kind of a guess, right? We know through Wave 3 it's 44% less than 2024. It's likely that the 2025 mortality is going to be less. Do we have any hints or guess about where it might be and how it could impact the difference between the red exes and the black dots, in terms of where we might have to go? I hope I made my question somewhat clear.

DR. KATIE DREW: We have not updated the projections with the new MRIP numbers through 2025. However, we can maybe think back to all of the other projections that we have done for this process. We did put together a table, where remember we went through this with, you know we presented what are we projecting for 2024 on the basis of Waves 2 to 4.

Then on the basis of the preliminary data, that would be Waves 2 to 5, and then on the basis of the preliminary data, on the basis of the final data. You can see that we were talking about relatively small changes in the 2024 removals, which carried through to relatively small changes in what we were projecting F to be for 2025, and then for 2026 through 2029.

That gave you a range of projected rebuilding from 30% using that final MRIP data to, at the high point at one point was a 57% probability of rebuilding. I think the question, it's small changes in what we're projecting removals to be for 2024, and therefore, kind of how that ripples through to our assumptions about the really critical assumptions are going to be about what happens in 2026 through 2029.

We're down in 2025. Are we going to come back up or are we going to stay down? Are we going to continue to decline? What do you think is most likely? I think if you, just looking at kind of the projections we've already done, relatively small changes in our estimates of F and fishing mortality gave you a range of projected rebuilding from kind of where we are at 30% to almost 60%. I think you can sort of interpolate that or extrapolate from

that, that a more significant reduction in 2025, if that carried through to '26 to '29, would in fact increase your probability of rebuilding, potentially by a lot. But we have not done those projections, and that is going to be really sensitive to what we assume about what happens in 2026 to 2029, on the basis of kind of what we're seeing today.

I will say, the difference between sort of where we are. We have two projected 2025 numbers, right? We have the numbers that came out of the projection based on assuming a 17% increase, and that is what that F was. Then if we look at our data and say, based on Waves 2 to 3, where do we think we'll end up in 2025?

That was that little yellow square. That difference is much larger than the differences we were sort of showing here, trying to hone in on what 2024 would be. While we overshot, undershot a little bit on 2024, the overall differences were much smaller than the difference we're seeing now between what we had projected, what we thought was most likely to happen and which does not appear to be happening in 2025.

CHAIR WARE: Yes, quick follow up, Emerson.

MR. HASBROUCK: Follow up, thank you. Thank you for your explanation. What I gather from that is even though you haven't done a projection, it's highly likely that the difference between those red exes and the black dots is going to be less than what was originally projected, and in fact those black dots and red exes now may be right on top of each other, or fairly close.

The other point is, based on what you have right there. Again, I know there isn't a formal projection, but just sitting here and looking at this kind of from the seat of my pants. In 2024, Waves 2 through 4, 3.67 million fish were not going to be there for 2025, it's much less. That resulted in a 57% probability for rebuild in 2029. My estimate is, we're going to be at least a 57%

probability, because I think we're going to harvest less than what we did in 2024 for 2025.

DR. DREW: Obviously these numbers are, you know I don't want to say yes, it's going to be 57%, because obviously we overshot where we were on that projection. We took more out in 2024 and so moving that forward followed by some weak year classes, are we going to get back down to 0.119 for the future?

I can't say for sure, but I would agree that it's likely that if we did these projections again with this much lower 2025, and especially if we assume that with that F through 2026 to 2029 is going to stay at that low level without further intervention. Then yes, the probability of rebuilding would be much higher than it is now, and the reduction would likely be lower or zero.

CHAIR WARE: Next, I have John Clark.

MR. JOHN CLARK: Thank you for the presentations. Emerson asked what I think a lot of us are interested in. Just to go back to when we started this Addendum process. The original projection Waves 2 through 4 last year, my recollection is that it was coming in with the reduction needed would be less than 10%, and the agreement at the time was less than 10%, it's something we can't even measure if we take a reduction in that. Based on what you just explained to Emerson, I would say that we're looking at much less than a 10% reduction is needed now to maintain ourselves at the 50% probability of reaching the biomass in 2029. Is that a good assumption at this point? I just want to keep it as simple as possible. Would you say we're below a 10% need for a reduction? I mean the reduction needed to maintain our probability of hitting the SSB?

DR. DREW: I didn't put the percent reductions associated with this, but yes. As we have walked through this process from literally a year ago when we first presented the assessment update to this group. We have ranged from a 0% reduction up to, at one point it was a 14% reduction. Again, those

are associated with very small changes in kind of our predictions about 2024, and then 2026 to 2029.

Agreed, the TC does still feel that reductions less than 10% are not really meaningfully achievable. I would say, again this is me speaking and not the Technical Committee, because the TC has not met on this topic. But I would say I think it's likely that if we ran the projections again, especially if we assume that fishing mortality for '26 to '29 is going to stay at low values, then yes, the reductions would be less than 10% if not 0.

CHAIR WARE: All right, Marty Gary and then Nichola.

MR. MARTY GARY: Just working along this theme that Emerson brought up, John commented on and Katie's comment about what happens in '26 through '29. I guess a couple of these questions are just making sure I have the numbers right, Katie. I think I heard you say on a number of occasions to the Board that the three above average year classes are supporting the age structure of this population are '14, '15 and '18. Is that accurate?

DR. DREW: Yes.

MR. GARY: Then the mean size of the fish in the coast in 2026 for the 2015-year class is 31.6 inches. Is that accurate? I believe that is what I heard.

DR. DREW: We have the table we can pull that up and look at it.

MR. GARY: That's fine, my point is, if more than 50% of those animals are above the coastal slot, and by this time next year maybe most, not all of them are through it. The exploitation on that last year class of availability that we really pondered providing conservation benefits last December at an emergency meeting, are through the slot.

How much is that going to contribute? Then I would say in the Chesapeake Bay we have the string of now 7 consecutive poor year classes, so there is low availability of exploitable stock biomass for the Chesapeake. I guess I'm just tagging on these thoughts of concern that Emerson brought up and then John mentioned about, you know how is that '26 to '29 going to perform? Those are the two questions, I just want to confirm that.

DR. DREW: Our assumption on, you know we were assuming that there would be an increase in 2025 removals, due to the fact that that 2018-year class will enter the slot this year. We have not seen that increase in removals. I don't think we have a good sense of why. Whether that is just overall, maybe we underestimated the size of that year class or the size of that population. On the other hand, maybe they are less available. It does look like effort is down a little bit, both directed trips and total effort through Wave 3.

It's not down as much catch is, but effort is down a little bit. It's probably a combination of multiple factors. After 2025, yes, that 2018-year class will be out of the slot, and so what is coming into that slot will be those weaker year classes. Those weaker year classes that we've seen in the index are included in the projections.

We use both the weaker year classes that the model predicted at the end, so 2022 through '23, but then also we've been projecting recruitment on the basis of the observed index. Those projected recruitment year classes beyond '23 have been lower than we would otherwise predict, because we have that information from the index.

That is included, as is sort of the selectivity of the fishery when we do these projections. But obviously, these are projections, and we're not updating the assessment model to try to understand F and abundance. We're just sort of projecting it forward.

MS. FRANKE: Just to Marty's question about the average size at age. Again, this was compiled for the last addendum based on some data from the

last benchmark. But the 2018-year class is Age 7 this year, so they estimate to be right within the slot, with an average length of about almost 29 inches. Next year in '26 they are estimated to have an average length of about 31.5 inches. There will still be some fish in the slot next year. The average is just about the top of the slot.

CHAIR WARE: All right, thank you guys. I'm going to go to Nichola and then Bill Hyatt. Wherever we are at, at 11:15, I'm going to close questions and we're going to try to do this motion. Nichola.

MS. NICHOLA MESERVE: Thank you to the presenters. That is a great amount of information we're all digesting right now. So far, discussion about the projections is focused on the assumption about fishing mortality in 2025. There is also an assumption about recruitment in those projections.

This says the low recruitment assumption it still includes some of our strong year classes, and there were some sensitivity runs that used the very low recruitment assumption. We now have a seventh year of recruitment failure in the Chesapeake Bay. I'm just trying to remember if we had reduction numbers provided that use that variable recruitment assumption, and if not, it would at least be safe to say that it was more than 12%.

DR. DREW: I don't believe we provided reductions associated with that very low recruitment scenario. We can say it had a very minimal effect on the probability of rebuilding by 2029. It had a bigger impact on what the trajectory of the population is after 2029, which I think is what this figure is showing. Scenarios where we assumed that recruitment will essentially, so we are including several of those low recruitment years, as I mentioned, they seem to be projections based on predicting recruitment from the Maryland Index, as opposed to predicting it from that median recruitment. But we can only do that for the years that we have the Maryland Index for, so

going into the future beyond 2025 we are then going back to that median recruitment. However, those fish are not going to enter the SSB for several years, essentially.

They don't affect the short-term rebuilding projections very much, but they definitely affect the trajectory after 2029 about whether we will continue that slow outward increase, or whether we will start to level off and start to decline based on what happens past sort of the index years that we've observed.

CHAIR WARE: Next, I have Bill Hyatt.

MR. WILLIAM HYATT: I was just wondering if you could talk for just a minute about the distribution of removals among the waves and some of the changes that have happened and occurred in recent years that we've seen in the MRIP data. I believe it probably wasn't taken into consideration in the chart that you showed us.

But just wondering if there is any information on changes in the distribution of removals among waves, and how that might be taken into consideration on deciding on whether, if that influenced any of your thinking on the reliability of the estimates going forward, or if it should be considered tweaked somewhat, and how those estimates from Waves 1 through 3 to produce an estimate of total removals, if it should be considered tweaked a little bit to get that final estimate.

DR. DREW: The percentage of removals that are coming from Waves 2 to 3 versus 2 to 4, 2 to 5, 2 to 6 does vary somewhat over time, but there hadn't been a strong trend and sort of it's been a little bit variable but not significantly variable. What you can see in these graphs is basically there is a little bit of variability from year to year about whether using 2 to 3 is going to overpredict or underpredict.

For this specific projection that little orange square for 2025, we used the ratio of Waves 2 to 3 to the total harvest from 2024. In these other figures we're using sort of an average based on those

years, but for this 2025 we are specifically saying, okay what about 2024, where we did see a big jump in the Wave 6 numbers and it was a little higher for Wave 6 than I think it was for some of the other years.

I would say we haven't been seeing a strong trend that would say it's moving one way or the other, but there is definitely variability, in terms of how much you predict. But if you look at sort of the range of predictions that you're getting from year to year, compared to the range of differences, you know from 2025 to 2024 or 2025 to that projected number there is less. The variability in projecting from Waves 2 to 3 is probably less than that difference that we're seeing.

CHAIR WARE: The last question is going to be Matt Gates.

MR. MATTHEW GATES: Thank you, I think this is an easy one for you. Since 2018 we've had really low recruitment in the Chesapeake and we are projecting increasing biomass through 2029. That biomass is coming from growth, am I right in that?

DR. DREW: It's coming from the growth of a couple of strong year classes as well as them maturing into females and contributing to that. The females maturing and contributing to SSB.

MR. GATES: So, the number of fish in the population is not necessarily increasing as the biomass is increasing, in fact it may actually be going in the other direction, is that right?

DR. DREW: I would have to pull those figures up, which we can do, we have total abundance from the last. I don't think we projected total abundance, but we definitely have it from the last assessment, we can compare some of those trends. I think the lower fishing mortality is going to allow some increased survival. But the SPR, the lower recruitment is definitely the trend in abundance is going to look different than the trend in SSB. That is why you do see,

you know depending on what you assume about recruitment beyond '29.

That is why you can see the trend starts to reverse. If that low recruitment persists into the future, then the benefit we've been getting from the lower F rate will go away and the population will come down if recruitment returns to the low, not the low, low recruitment you will still see some increases in SSB as those year classes are protected and move forward. But depending on future recruitment for sure there is a possibility that that trend will be reversed as those weak year classes come into the population.

MR. GATES: Thank you and I may expand on that when we get to comments, thanks.

CHAIR WARE: It's 11:13, Marty has asked for another question, so we're going to do it super quick, Marty, and then we will be looking for motions.

MR. GARY: Thank you, Madam Chair for the second bite. Hopefully this is a question on again SSB to inform the Board and others. I just want to make sure that I'm accurate on this. You just mentioned, Katie that certain year classes are driving SSB through '26t through '29. Again, I was under the assumption that was primarily those three that are above average in the age structure, '14, '15 and '18.

If I have this accurate, the maturity schedule assumes 45% of age 6 are mature, 85% of Age 7 fish are mature, 90% of Age 8 fish are mature and 100% are mature by Age 9, is that accurate? If I understand that correctly, that string of success of poor year classes in the Chesapeake Bay, the 2019 year class, which was the first of those year classes, in 2026 will be the six year old fish, which will only be contributing, so that is the first one of the four year classes will only be contributing 45% and when we get to the benchmark stock assessment it has a terminal year of 2025.

DR. DREW: Yes, it will have a terminal year of 2025.

MR. GARY: When we get to the benchmark, we're not even going to see the impact based on the maturity schedule. But my main point is, I just want to make sure, this '26 through '29, we're not really feeling that impact quite yet of those weak year classes, is that right?

DR. DREW: Yes, that is why it has a really minimal impact on the probability of rebuilding by 2029 is, those fish are not fully, they won't count towards the SSB at that point, and then sort of the projection beyond, you know we did the projections out to 2035, and that is where you can see more of an impact of those smaller fish.

Also, what you assume about year class strength after 2025, which is sort of we have enough data in these projections to lag forward to the Age 1s in 2025, but beyond that we don't, so '26 through '29 or '26 through '35 is what we are. The question is, are they going to stay very low or are they going to maybe go back up to the medium low category? That does have an impact on those trajectories that we were seeing.

CHAIR WARE: I think that was a really good discussion, so thanks everyone for participating in that.

### **CONSIDER FINAL APPROVAL OF ADDENDUM III TO AMENDMENT 7 (PART 1)**

CHAIR WARE: I am now going to be looking for a motion on Section 3.4, so either Option A, status quo or Option B, some sort of percent reduction. Adam, I saw your hand first, you can go for it.

MR. ADAM NOWALSKY: Wow, showing my hand first. That's a lot of pressure, right? This has been an enlightening conversation this morning. Obviously, looking at the audience that is here, the people that attended the public comment, the number of conversations that have gone on with people around the table. This is a very important decision here before us.

It is an extremely important decision in the name of conservation. It's an extremely important decision in the name of socioeconomics. I'm going to go forward with a **motion at this time for Section 3.4, Option A, Status Quo**. After a second, I'll provide additional rationale. Thank you, Madam Chair.

CHAIR WARE: You've got a second from John Clark, why don't you just give staff a second to put that on the screen. Adam, want to go for some rationale?

MR. NOWALSKY: I think a lot of it was borne out between the AP, the public. Again, I've got to tip my hat to all the people on both sides that have been involved. I don't know anybody that has offered public comment from a point of not caring about the resource, from a point of not getting educated about the concerns.

That really helps inform our decision here. A lot of their points, again, we've got an upcoming benchmark stock assessment. We've dealt with somewhat about the decision making here has been a function of recreational/MRIP whiplash, from what we're getting from that, which this Commission has dealt with on numerous other species and has sought to try to minimize that response. A lot of other factors that we've got here, but today, just bringing forth this element of the 2024 projections of over 4 million recreational removals, it's not happening.

It is not going to happen. There is no way, no how. That slide that was up there that showed that. What it demonstrates is that just a 400,000 number swing of fish almost doubles our projection of getting to almost a 60% probability of rebuilding. When we're dealing with that type of uncertainty with regards to, is there a real need to get this to reach a target that as many people have said, may not even be attainable, and hopefully the next benchmark will look at those reference points. It is just too close, too soon. This resource is going to continue to be getting the attention it needs. But right now, status quo is the way forward. Let's get the next benchmark and then respond accordingly.

CHAIR WARE: John Clark, as seconder, any rationale?

MR. CLARK: As usual, it's hard to follow up on Adam's great explanation for why we should support status quo. I would just like to add that ten years is not a long time biologically for the striped bass. The striped bass are working on their own timeframe, but it's a hell of a long time for the fishery.

If we keep reducing the removals we're going to end up in a situation where there are no for-hire commercial fisheries when striped bass do recover. This is one of those situations where we could then say the operation was a success but the patient died. From a fisheries standpoint, every striped bass that we're leaving alone and dies of old age is going to be an economic loss to the fishery.

I just think that we're at a point now, we've cut over 40% over the past ten years. We're at a situation we are protecting the stock in ways we certainly did not before the closure back in the 1980s. I think we're at a point where we can just stop the reductions for a while and hopefully economically our fishery can recover.

CHAIR WARE: I've had a couple people flag me down for a comment, so we've got a list going. The first one I saw was Marty and then Steve Train.

MR. GARY: You've called on me a few times, I'm wearing out all my options for you to go to me. I think it is really important. Typically, I wait and really take my time and listen to the conversation, but I feel it's important I jump in right now. We have a divided public. We have a divided Board on the decisional at hand.

I know there is fault/risk that says, when you have 50% of the people that disagree with your decision, you know you've done a good job. I wholeheartedly disagree with that. I feel like there has got to be a better way than us to be this divided over an outcome, you know for the

fish, the resource itself and for the communities that rely on it and care so much about it.

This is going to be an amendment to this motion, to try to find some way to a middle ground we can live with, until we can get to the benchmark stock assessment in 2027. I think I've sent that over to you and Emilie. If you could put it up, I will read it in.

CHAIR WARE: Yes, thanks, Marty, just give us one second. All right; Marty do you have your own webinar. I don't know if you can read that.

MR. GARY: I think I can read it. I can't read fast.

CHAIR WARE: Go ahead and read it into the record.

**MR. GARY: Move to amend to add, “and establish a Work Group to develop a white paper that could inform a future management document. The Work Group should include representation from all sectors, in addition to scientists and managers. The goal of this Work Group is to consider how to update the FMPs goals, objectives and management of striped bass beyond 2029. In consideration of severely reduced reproductive success in Chesapeake Bay. The Work Group should utilize public comment, including that we received in Addendum III process to inform its research and management recommendations, and work with the Benchmark Stock Assessment Committee to incorporate ideas and deliver necessary data products. The Work Group discussion should include the following topics, and these are topics I came up with. I would hope the Board could perfect this if they think this is a good idea and I get a second. It would include:**

- **Review BRPs and consider recruitment sensitive model-based approaches.**
- **Formally review hatchery stocking as both a research tool and a management tool for striped bass with a cost analysis.**
- **Evaluate a potential for other river systems to contribute to the coastal stock.**
- **Explore drivers of recruitment success and failure in Chesapeake Bay, Delaware and the Hudson in light of changing climatic**

**and environmental conditions, including potential impacts from invasive species.**

- **Explore the reproductive contribution of large and small female fish and the implications of various size-based management tools.**
- **Methods to address the discard mortality in the catch and release fishery.”**

I offer that, and if I get a second, I'll provide a little bit of context.

CHAIR WARE: We have a second by Eric Reid. Some rationale, Marty?

MR. GARY: Oh boy, where to start with this? First and foremost, I'm struggling with my support for either of these decisional. I feel that the real program is what looms ahead in the 30s. I feel like the '14, '15, '18-year class is the existing biomass is going to get us at or near the target. We have a lot of focus, as you've already heard in this conversation on that artifact.

We cannot be agnostic to that. That is part of the fishery management plan, understood. But I don't like sitting in the seat that I have to sit in as administrator for New York, and presumably the other administrators that are in my position in other states, have to balance the need for conservation with the economic impacts and the societal and cultural needs and desires.

Those last two components, the economic component and the societal component, I'm really struggling with. Is it worth the risk for one decimal point, when we're at an F that is in a 30-year low. When we're only two points above what is statistically, not insignificant, but would put us in a position where we wouldn't be able to tell the difference, to inflict the economic hardship that this will absolutely inflict.

I'm really struggling with that part of it. Anyone that knows me in private conversations and in public conversations, I've been one of the most outspoken people in our community to raise this concern of where we're headed in the 30s, and part of that is driven by my own past. You know in a room full of really smart people, and really smart people in the audience, and really experienced people in the audience and people online. I don't fashion myself as the smartest person in the room by any standard. But I have experience going back, practically and in my work-experience going back 40 years, to the time of the initiation of a moratorium in Maryland, and I've seen bad from the front row seat really close. I can tell you as a young biologist in my 20s right out of school, when the moratorium was implemented. I didn't even think we would open this fishery, that's how bad it was.

To get an assignment that assigns multiple commercial watermen to you to do work, because you just shut their fishery down, these proud and independent individuals, they just lost their livelihood, because they made the hard decision to shut the entire resource down. It's pretty humbling to be a 24- or 5-year-old managing a bunch of commercial fishermen.

That thought has haunted me from the first day I started work at a college. I'm not suggesting we're heading back there. There are people saying, this is not the same, Marty, as 1985. We have much better, more robust SSB. We're fishing in much lower limits than we are. All that is true. We also have a complete potential ecosystem shift in the Chesapeake Bay.

I don't think the Chesapeake is anything like when I started working 40 years ago. We have a number of issues that are going on there. I don't think any of us understand, and I don't know that we can understand it. But I think we need to be prepared going into the 2030s for a much lower spawning stock biomass.

I'm just going to close by saying this. All those people that made that really hard decision back in 1984, to close that fishery down in 1985, I talked to

them many, many times. Some of those people are not with us anymore. One of the things they will tell you is that yes, maybe it saved the resource and turned it around.

They will also tell you they made a mistake. It probably wasn't the right thing to do, because we lost connectiveness to the resource. Fishermen stopped fishing, and when they stopped fishing, you lose people. When you lose people, you lose the advocate for the resource. I'm struggling with going either direction with this.

You can tell by the tenor of my pitch, you know I care deeply, as we all do for this resource, and I want to find a way that we can all come together on. I don't know if this is it. This is the only thing I can come up with, so it's my best shot. I'm hoping you know this is something that we value and will contribute to this discussion today, so thank you, I'll stop there, Madam Chair.

CHAIR WARE: Thanks, Marty. Eric, as second, any rationale?

MR. ERIC REID: It's pretty hard to compete with Mensa down on the table here, so I'll just simply say that I agree with Captain Nowalsky and I also agree with the former Striped Bass Board Chair, Mr. Gary, Mr. Clark. It is my opinion that we have disenfranchised the public, the private sector, the for-hire sector, the commercial sector, each other; and we still are not helping the resource by doing these knee-jerk reactions time after time after time. I agree the Working Group, as Marty has proposed is a way forward. We need to take a longer look at this fishery, and figure out how we're going to handle things into the future, not just tomorrow. I support the Amendment and I also support the underlying motion.

CHAIR WARE: Just to orient folks. We have an underlying motion for status quo and then a motion to amend to create this Work Group with the status quo. I had a list. I'm going to

continue to go through the list, and if folks are not interested in speaking on either the underlying motion or the motion to amend, you can just say pass. Steve Train.

MR. STEPHEN R. TRAIN: I'm going to speak in favor of the amendment. I had intended to speak in favor of the motion, but I'll speak in favor of both at this point. I think the amendment makes the motion better. I'll stick with the original motion first. I'm going through the data and I'm coming to this meeting and I'm thinking, we keep meeting on striped bass and nothing we're doing is working.

I started reading the data and the little red line scared me under fishing mortality, because red is usually bad. But it was below fishing mortality, it was below the target, below the threshold. What we're doing is working, and spawning stock biomass is going up, but it's if we do the 12%, which we don't need to do, because fishing effort is down.

Now we're back under 10 and everything is good. We don't need to make a cut, we are there. It's like we're afraid of success, so we're looking for something else. We put enough people out of work already, trying to fix this fishery. We're there now. We know the problems are coming from outside of what we manage. This hopefully will tell us what they are. I'm in favor of the amendment and I'm in favor of the underlying motion.

CHAIR WARE: Next, Doug Grout.

MR. DOUGLAS E. GROUT: I can support this motion to amend; I think it was well thought out by Marty. I was going to bring up some of these suggestions myself. My approach on this was tripped when we got that seventh consecutive year of poor recruitment. I believe that using that time period of 2008 to 2023 for our projections on accomplishing our 2029 rebuilding goal is no longer useable. That includes four dominant year classes, five average year classes, seven below-average, and that hasn't occurred, certainly in recent years.

I really believe that we are in a new productivity regime. Probably in retrospect, probably should

have been using the very low recruitment stream to project what would happen if we took this 12% cut. Now I heard Katie say that she believed that it would probably still reflect rebuilding to 2029. But I feel a little bit less certain of that, given the fact that you know by 2029 we'll have at least three of those four years classes in the SSB.

My belief right now is that if we were to take those cuts, I believe there is a lower probability that we're actually going to attain that target by 2029. I'll also point out that if you look at the SSB, the most recent stock assessment, we've only attained the SSB target in four years out of the 41 years we've been managing this fishery, and that came after several dominant year classes that occurred in the late 1990s. I think the good news is, if you look at the projections, no matter what productivity or year classes you put into the projections, it suggests that we will no longer be overfished. We will be above the SSB target by this year some time. As many people have stated, we are below the F target, you know we are well below that. I think what we need to do now, despite that our plan calls for rebuilding to the SSB target by 2029, is to continue to manage to Ftarget, and many of the things that Marty is suggesting we take in the next few years is what we need to do.

But we also need to make the public aware that things are only going to get worse before they get better. We have seven straight years of poor recruitment. You think things are bad right now, wait until the 2030s, it's not going to get good. But hopefully, the only thing we can hope for right now to improve it is for a new productivity regime to start, so thank you very much, Ms. Chairman.

CHAIR WARE: I have a pretty long list here. I want to first ask, is any Board member interested in speaking opposition on the motion to amend? Okay, thank you. We're going to start alternating. I'll go Nichola first, and then I'll go to others on my list, who I assume are in favor.

MS. MESERVE: I don't disagree that many of the items listed here are very important inquiries, valid questions that need addressing. However, I'm concerned about who does them. Most of these look to me like Technical Committee tasks. Our Technical Committee members are largely our Stock Assessment Committee members who are working on the benchmark stock assessment.

We're all looking forward to that assessment, and whether or not it changes our perception of stock status. That seems to be one of the major reasons that people don't want to act now, is because we have a benchmark stock assessment coming. I'm concerned that this task list might impact the schedule for that stock assessment.

A number of the tasks also look remarkably like the Terms of Reference for that stock assessment. Term of Reference 1 asks the assessment to identify relevant ecosystem influences on the stock. That looks a lot like one of these. Natural mortality will be reviewed as part of the benchmark stock assessment, and the implications of blue catfish and the other things that we hear about more in the New England about seals and shark depredation.

Term of Reference 6 asks for the benchmark assessment to update or redefine the biological reference points. That is another thing in this list, so it just feels to me as duplicative to what our benchmark stock assessment process is going to do, and may take up the time of the very important staff members that are working on that stock assessment.

It's not that I disagree with the questions in it, but I'm just concerned about the impact of getting a benchmark stock assessment done, and answering some of those questions already through that process. Before I move though, I would just want to flag for you, Madam Chair, that I do have a motion to substitute the underlying motion at some point, if we get there.

CHAIR WARE: We're going to work through this one first. I appreciate that. Next, I have Mike Luisi.

MR. MICHAEL LUISI: I would like to say that at this time I am fully supportive of, not only the amendment to the underlying motion, but also the underlying motion for status quo. The conversation that we had in that half an hour ago about MRIP estimates and about guessing as to what the future will hold, as far as effort.

It had me thinking back to times when we were doing similar things on other species, and we found ourselves getting in a lot of trouble using MRIP as the basis for making decisions on how to control either effort or harvest, to the point of doing it the right way without complicating and confusing things more than they already are.

I want to applaud Marty for taking the time to give some thought to the future, because for me, the future, the graph that was shown that was, I think, an extra slide was the one we saw a few minutes ago, where there were five or six ERPS. One of the ERPS stayed high, but the other five or six ERPS on biomass all were starting to trend down.

Now that is based on the level of recruitment success that we have in the next few years. But for me, managing the expectations of our fishermen, during that time when we know the spawning stock is going to start to come down, is what I would like to focus on for the next few years, so that when the benchmark assessment comes about, that we have a plan in place on how we're going to communicate to the public that this striped bass fishery may not ever be what it once was. That things are changing.

The environment is changing. Spawning success, while spawning success has been there, we've seen successful spawns. Those fish are having a difficult time getting from April to July when we start picking them up in our samples. I really, really appreciate the proactive approach here. I think we need to put our efforts into working with the public and working on expectations.

I think this accomplishes it and I'm fully supportive. My biggest concern about taking reductions is that when we get back to this table after the benchmark, nobody will be here to talk to us about it, and nobody will be with us to work on plans for the future, because these reductions are going to be so impactful to the economics and the fisheries that we're managing, that the people won't be around anymore, and then what are we doing, because the people are just as important as the fish, and I'll leave it at that, thank you.

CHAIR WARE: Next, I have Jay.

DR. JASON McNAMEE: I think I'll start with a couple of lead-in comments. I raised my hand in opposition. I'm actually not opposed to the Working Group concept; I think that that is a fine idea. What I'm specifically opposed to is the status quo, which is in both of the motions. You know saying that, thinking about the folks back home.

I know that that comment hurts people, that I know, people that I respect, people that I care about. But I'm sitting here and thinking about the information that we have in front of us, and kind of putting the information into different bins, and trying to see where that leads me. You know I'll talk about on the positive side it's been discussed already, the MRIP, you know the projected harvest.

I concur with all of the things that have been said about that. I think there is a lot of uncertainty there, and the information would lead us to think that that uncertainty is going to be on the lower side. The harvest is going to be lower than we projected, and that would be a positive thing. But that is not the only piece of information we have. We have lots of other information to look at, and so these ones end up on the negative side, bad risks that we have with this fishery. One of them is the menhaden decision that was made just yesterday. We think about the ecosystem, we care about the ecosystem, we talk about it a lot. Yesterday it was decided that we're going to leave less menhaden biomass in the water, and therefore we should think about that in the context of the types of fishing mortalities that we can impose on

the striped bass fishery, so that's one that I think about. The recruitment indices, the empirical information that we have in front of us is also negative.

It's been brought up a couple of times, but we've got empirical information that shows us that there is not recruitment going on in this fishery, and that is now persistent over a number of years. The comments that Doug made about it being in a different productivity regime. I think we're thinking about that and kind of contemplating that in the projections.

But the fact of the matter is, there aren't fish coming up into this population for the foreseeable future. We've got also there is a new discard estimate that was out there that some kind of late-breaking research. The MRIP recalibration, and folks might say, well yeah, that means there is going to be even less removals.

But when you think about that in the context of how the stock assessment model sees that, it is actually a negative. The population becomes smaller because of that, and so those are a lot of negatives for me to outweigh that one positive that I mentioned, and that's why I think it's really a risky approach to stay at status quo.

When you have a population that is in distress like this, protecting those spawners, the remaining spawners, becomes really, really important. Protecting those fish that are in the population, and one way that we can do that is by taking some action today. One final comment is, you know some of the business aspects that folks have been talking about, I don't ignore.

I think about those and I think we actually have some tools in this document to help mitigate some of those issues as well to the party and charter industry, and to the commercial fishery as well. We have some tools available to us that we could vote on today to mitigate some of

those concerns, but still take some action today. Thanks for the time.

CHAIR WARE: I've got four people left on the list who have not spoken yet. I assume you are all speaking in favor of the motion to amend, so this is my time to bring a friendly reminder that I'm looking for new comments, and it's also totally fine to say you agree with the previous speaker. Matt Gates, you are first.

MR. GATES: I was prepared to be fully in support of Marty's recommendation, and I appreciate him bringing this forward, I think this is the kind of work we need to do. But Nichola's comments give me some pause of fully supporting it. The extent to which those activities can be streamlined, yes, I think they should be. I do have some concerns with the underlying motion. Some of the assumptions we're using, just 44% reduction in the MRIP estimate through Wave 3 of this year. That's a big drop in targets. I start to think, just wonder why. What typical causes such big changes in harvest estimates in the recreational fisheries, and abundance is one of those things that tends to drive how much fishing people do and how much fish people have.

If they can't bring home rockfish, if they are just not available to catch. I'm wondering what is going on to get that estimate, whether that is giving us a sneak peek at what is happening, because sometimes our recreational fisheries see ahead of what the managers are seeing through stock assessment to give us that look at what is coming. It gives me some pause, and I'll just leave it at that so that we can move on.

CHAIR WARE: Dave Sikorski and then Emerson.

MR. DAVID SIKORSKI: I absolutely support the idea of a Work Group, and I think, Marty, your comments were spot on. I also support the underlying motion, because Adam's comments were also spot on. I've been a consistent advocate for conserving striped bass at every turn for more than a decade.

I've served on this Board for a few years now. I've learning so much from all of you. But it's times like this that we have to take a step back and consider, do we have the tools in the toolbox to achieve the outcome we need? The answer is, we don't. In fact, getting those tools, trying to develop them, whether they are data improvements or things we can do as member states or as a Commission has been really difficult.

It is hard to turn this ship. But getting stakeholders involved in trying to plan the future hearkens back to a different time in the Chesapeake Bay, when leaders brought together a roundtable of stakeholders to determine, how do we plot our future in the striped bass fishery? We came up with allocation policies and sectors, and the ability to work our way into a growing fishery.

Well, as an eternal optimist I would hope that this Work Group could start on that path, or at least set that path forward for when we have a growing fishery. But we're about a decade behind doing that work for a declining fishery. I think the biological risk is, well, it's pretty obvious, the status of the stock. I don't think that the biological risk is higher than the economic risk that currently exists coastwide, no matter what sector, what group, what person, what opinion you have.

I think the division has taken us to a very unfortunate place, where we've lost focus on what is most important. I think Mike said it really well. When we come back to this thing, what is going to be left? I also want to remind everybody that I work for the Coastal Conservation Association, CCA. A group that quite often is told that we're against this, we're against that, we're against commercial fishing. We want striped bass as a game fish.

The fact of the matter is, I want everyone to have access to this fishery in the future, which is why our organization, along with other sportfishing and marine organizations support

status quo today. Not an easy choice, but to me enough is enough. It's time to move forward and bring everybody along, recognizing that we're not going to have as many fish as we once had, but guess what, we're trying to avoid this problem for future generations. That's what I want for my children. I think that is what everybody around this table should be thinking about, what do we lose economically? What do we lose in our community? I do not support special rules for different groups, period. That is not a solution. We need to work through this as a group, and try and find out the outcomes, not make rule changes here and there with different modes and what not on a day like today.

We have a lot more work to do, and it's worth it, regardless of the capacity. This is the Atlantic Coast's most important fish. When you look at all recreational, commercial and all the different drivers. It was our success story, and 12% is not going to make it our success story again. I support status quo and I support the Work Group.

The only thing I would add to this motion is, other duties as assigned. You know it's in every single job description, because guess what? We don't know, but I guarantee you people in the back of the room and stakeholders listening right now have lots of great ideas, ideas that we haven't implemented ever, because we're stuck in this little box.

I say we vote this motion up, both of them and move forward, and try and find a solution, a solution that can address the very real problems, and actually some of the solutions were actually mentioned at the public microphone by Tom. Some of them are reflected here. But these are the things that we should be talking about, and thank you, Marty for moving this forward. I greatly appreciate your leadership, and I think the state of New York is very lucky to have you.

CHAIR WARE: I have Emerson and then Joe Grist, and again, looking for new comments on this.

MR. HASBROUCK: I'll be brief. I support the amendment and the underlying motion. The underlying motion gets to the point that I was

making earlier this morning, that our 2025 F is going to be a lot less than projected. We will get to rebuild without a reduction. That kind of initiated the discussions that we're in now.

Also, the issue for the Board now, really, is beyond 2029, and what we are going to do in the 30s. We need to shift our focus now beyond 2029, and the amendment does that. It starts to provide us with a roadmap of what we're going to do to address those projections, those curves that all bend downward after 2029. Thank you.

CHAIR WARE: Joe Grist and then Robert Brown.

MR. JOSEPH GRIST: I'm not going to repeat all the good comments that have been made, I'm on a little different comment. It's all process. Mr. Gary's motion has a lot of good points in it. Ms. Meserve also made a lot of good points about duplicity in here about we're overlapping with some of the TORs to the stock assessment. One thing I don't see in here is a timeline. When are we expecting this group to report back a final product to this Board?

Two, and this is going to probably have to come from leadership ASMFC staff. Where are we with resources to do this, because this is not a small work group effort here, this is a large work group effort, and some of the same people that are going to be part of the stock assessment process are probably going to have to be part of this. This is also going to cost money, and that just doesn't grow on trees anymore. Where are we in the process of this organization to be able to handle this tasking? We are tasking a fairly major project to staff.

CHAIR WARE: I think I heard two questions, Joe. First, I'll go to Marty as the maker of the motion on the timeframe.

MR. GARY: Thank you, Madam Chair, and thanks, Nichola and Joe for your critique of this. To be perfectly honest with you, the itemized bullets are not meant to be duplicative, they are

not meant to be time consumptive, they are a brain storming session that I came up with folks largely on our staff, to try to address the intention of this Amendment.

I'm perfectly amenable to modifying to remove the duplicity. There is probably a whole lot more you could add, but I think Dave said it pretty well, maybe other items. You know we couldn't capture it all, I would be waiting probably still. But certainly, that is not my intent. I am sensitive to resources from a Commission perspective, from the folks that participate in TC.

Whatever we can do, I don't know how we would perfect it today. But I certainly concur with you on that. I just feel like this is the opportunity to move the discussion and needle, not to be agnostic again, to the FMP. We can do that and do whatever we need to do, to make sure we best attain that. But I think this is an opportunity to move us to a more forward-looking vision. I welcome any and all modifications of this, to achieve what your concerns are.

CHAIR WARE: I think there is a second question there on resources. I'm going to go to Bob Beal for that.

EXECUTIVE DIRECTOR ROBERT E. BEAL: The way I read this, I don't see this as a very financially expensive project. I think a lot of this can be done virtually over webinars and other things. I think the size of this group, you know if this passes, we don't need to do it here today, but I think we'll need to sort of narrow the scope so this isn't dozens and dozens of people, because sometimes large work groups aren't that productive. I think we just need a relatively small group with the right people.

I think the staff resources and the Stock Assessment Subcommittee and Technical Committee. My perception of the conversation here is that everyone wants to maintain the current timeline for the benchmark stock assessment. Those resources are the priority for those folks would be the benchmark stock assessment, and that you know, maintaining that timeline and not delaying that

seems to be a priority. But as we can work with the staff we have and sort of in-between spaces there a little bit.

We can move this project forward, but not at the expense of the benchmark, is the way I see it. I think we can do that the best we can with the resources we have. But financially I'm not too worried about it, but staffing at state and Commission level and federal level I am more concerned about.

CHAIR WARE: A follow up, Joe?

MR. GRIST: Okay, so I still haven't heard an answer on the timeline, what are we shooting for, for a goal or to report back? Annual meeting next year, annual meeting in '27, some other time period? I think we do need to establish some boundaries here for what we're doing. Otherwise, it's just open-ended.

CHAIR WARE: What I'm going to recommend, because I think there may be other additions or modifications to this as well. I think we're kind of past the point of a friendly motion at this point. People are welcome to bring forward ideas, but I think we need to either vote this up or down, and then decide if we are going to modify it. I think maybe, Joe, that is something we can have folks to be thinking about and then if we want to get a timeline in there, we can do it that way. All right, we still have a list guys, so Robert Brown and then Jeff Kaelin.

MR. ROBERT T. BROWN, SR: I want to thank Adam for making the motion, and I support that 100%. Also, the vision that Marty Gary had and showing a path forward and what we can do to take care of some hurdles we can run into. One of them was from 2018, the threshold and the target which was set, more than likely, too high.

Bringing that up and having that into discussion is the main thing, because it has really hindered our progress forward. MRIP, looking at that, it needs, that data is less than sufficient to make good assumptions and projects on. I just want

to say that I'm proud of the watermen that showed up here today. That shows you the socioeconomic effects this is having on our industries. I thank all of you all for being here today, because it really does make a difference.

The main thing I want to say is just like now, we need to stay the course. We have all given up enough over the past seven, eight years to get to this 2029. Stay the course, everybody if we can't do anything else that is really going to make a difference. They were talking about we may have to take the 10% chance of making it or we may be, no just stay the course until 2029, and let's get this motion with the Amendment, and thank you for it, so true.

CHAIR WARE: Jeff Kaelin and then Ray, and then we're calling the question.

MR. JEFF KAELIN: I just was responding to Marty's invitation for Board members to add something to this list. I really do appreciate the motion, I think it's very comprehensive. In fact, it may be duplicative as Nichola said. That can be worked out. But there is an element that I would like to add for consideration. I am not making a motion to amend or anything, I don't think I need to do that. I just wanted to throw out a concept and see if the Board would accept it as part of this approach.

That would be to explore the impacts on the striped bass commercial fishing sector, including the party charter sector from the potential for quota reductions, not consistent with actual mortality effects from that sector. On the two years I've been sitting here, we've tried to keep, relative to striped bass, we've tried to keep the quota cuts for the commercial sector, which only affects our bonus program in New Jersey, limit them to their actual mortality, the 11%. We lost that vote relative to this Addendum, but I think it remains a very important issue for striped bass management that quota cuts be tied to actual mortality effects from this sector that they're affecting. I just wanted to throw that out as a potential addition to this list today, without making a motion, Madam Chair, but thank you for the time.

CHAIR WARE: We'll let folks think about that and if it is the prevailing motion we'll come back to that. Ray, last comment.

MR. RAYMOND W. KANE: I support the main motion and the amended motion. We've got recalibration of MRIP in '26, we've got a stock assessment, which Bob Beal has already told us Katie Drew will stay that will be foremost, the stock assessment. We just went through a working group of menhaden.

A quick history here. I would like to thank the watermen of Maryland for showing up. Back at the turn of the century, the ground fish industry had over 1,800 permits. Through federal Congress, through federal buyouts that number was reduced, reduced, reduced. Then there was some of us at our age said, what else can we do? We stayed in the fishery.

We got reduced again. I myself ended up with three groundfish days. You can't make a living at that. Then the federal government turned around and said, we've got the plan. Seeing how you are all professional commercial fishermen, we're going to send you back to school, we're going to license you as charter fishermen.

They developed another business model, and these people have been making money with this business model for years. I keep hearing about these socioeconomic impacts, but do we have a committee here in fact that I can see a white paper? Other than what the price was for striped bass over the course off a season. I would like to see how the socioeconomic impact does in fact work, you know hotel, restaurants, fuel. Thank you.

CHAIR WARE: We're going to do a one-minute caucus, because I think our state needs it, and we'll be back in one minute to vote. All right, I'm going to have the Board come back to order here, we've had our one-minute caucus. We are going to call the question. This is the

motion to amend to add the Work Group to the status quo. If we could just have the audience quiet down a little bit or take your conversation outside that would be great. **All in favor of the motion to amend, please raise your hand.**

**MS. TONI KERNS: Massachusetts, Connecticut, New York, New Jersey, Pennsylvania. I need this side of the room to sort of lean your faces and then pull away. All right; I have Virginia, Potomac River Fisheries Commission, District of Columbia, Maryland, Delaware, Maine, New Hampshire, NOAA Fisheries and Fish and Wildlife Service.**

**CHAIR WARE: Is anyone opposed?**

**MS. KERNS: Rhode Island, North Carolina.**

**CHAIR WARE: Any abstentions or null votes? That motion to amend passes 14 to 2.** What I would like to do now, I know there may be some perfections to the motion that has just passed. I also believe that there is like an entirely different concept out there, and I would like to just get that on the table, debate those two, and then whatever the prevailing motion is, we can perfect after that. If someone has a different idea out there, this is the time to make your motion. Nichola.

**MS. MESERVE: I would move to amend to Option B, 12% reduction.** No, I want to keep the entire Work Group aspect of it so I'm just amending Option B, so it would be Option B plus establishing the Work Group.

**MS. KERNS: Nichola, do you want 12% reduction in parentheses?**

**MS. MESERVE: If that helps with clarity that's fine.**

**MS. KERNS: Is it for?**

**MS. MESERVE It's 12% even reductions.**

**CHAIR WARE: Let's get staff to get that on the screen. We have the motion to amend on the screen; there is a second by Jay. Nichola, any rationale?**

MS. MESERVE: I think that the change here, you know Dr. McNamee really captured a lot of it. I'll try to rephrase some of that in my own words. But I think this motion signifies taking a more risk-averse approach for rebuilding the species that is the backbone of the Atlantic Coast recreational fishery and an important cultural and economic factor in the commercial fishery.

I happen to take a pretty pessimistic view about the trajectory of striped bass right now. Many public commenters looked at the projections and said, what's the rush for 2029? We'll get there by 2032? Besides the fact that the Board has made a commitment multiple times through the amendment to a ten-year rebuilding timeline, and that that is an FMP requirement.

It is also essential that we recognize that that projection uses the more favorable recruitment time series. The reality is now a recruitment failure type situation in the Chesapeake Bay that has been reinforced with the recent news of the seventh well below average year class for the spawning area that supports 75% of the fishery. The positive trend in SSB is going to be short-lived, without additional years of average classes to support it.

Very low recruitment projections show SSB never passing the SSB target and then declining, and I don't think that that future downturn SSB is going to change, depending on the assumption we make in the fishing mortality for 2025. All the focus on SSB is also distracting attention from the declining trend in abundance as was brought up earlier.

I did look back at the 2024 stock assessment, and the graph of total population abundance shows that abundance has declined to the early 1990 levels already. I think that the projection would show further declines in total abundance. Total abundance is what drives the fishery for striped bass. It is already being felt

in areas in reduced numbers of catches, truncated distribution, and the length frequency of the catch having less smaller fish available. The high mobility of effort in the fishery, as well as the ability to still catch larger fish masks some of those effects. But the signals are there. They are foreshadowing what's to come. The socioeconomic impact of this low abundance, which reduces angler interest to go fishing.

Be it from a private vessel to shore or by booking a for-hire trip is going to be greater than some slightly more stringent regulations that supports abundance, which offers the opportunity to continue to catch a fish, helping to maintain that effort, even if that fish has to be released more often. With regards to these concerning signs for SSB and abundance, many rightfully point to recruitment as the issue, and I don't disagree with that.

It is going to make getting to our benchmarks harder. It may suggest that our benchmarks need to be reevaluated. But that doesn't lessen the need to maintain a very low F in recognition of that recruitment failure. Additionally, the F associated with rebuilding the stock is not the same as the fishing mortality associated with the target.

Additional commercial quota reductions and seasonal closures in the recreational fishery feel inevitable to me, based on these conditions. Pushing them off now sends the wrong signal about the Board's commitment to sustainably manage this stock, and a wrong signal about the adaptations that the fishery is going to need to make to a less productive stock in the future.

Others seem to have a more optimistic view that the coming benchmark assessment will change our perception of the stock status, and that we should delay action until afterwards. We all understand that there is a number of parameters that are going to change in that, the MRIP time series, revised release mortality rates, the potential for alternative reference points. But I don't share that optimism, and our view is that we will be better prepared to deal with the

outcome of that assessment by taking a modest but meaningful step in support of the resources of sustainability now.

CHAIR WARE: Jay, as seconder, any rationale?

DR. McNAMEE: Just really, I droned on at you enough previously, so you know I support everything that Nichola just offered, and will just simply add, you know I think there is a lot of optimism in the room. I hope those folks are right, I hope I'm wrong. I hope Nichola is wrong. But it's really risky to bank that optimism and not take action now, because we're going to be looking at worse reductions in the future if we don't take an interim step now, so that is it, Madam Chair, thanks.

CHAIR WARE: We have a motion to amend to the 12%. Since both have the Work Group, I'm going to ask folks not to talk about the Work Group part but just the percent reduction part. We have had some folks who've already commented on their feelings on percent reduction. I'm looking for folks who haven't had a chance to comment on that. Jeff Kaelin, Jeff, is your hand up?

MR. KAELIN: I don't think so.

CHAIR WARE: Oh, my apologies. Was there a hand over in that corner? No.

MR. KAELIN: I made my, I already said what I had.

CHAIR WARE: Thanks a lot, sorry about that. Chris Batsavage.

MR. CHRIS BATSAVAGE: I support the motion to amend for the reasons that Nichola and Jay gave. Hard to really elaborate on that more. It really goes back to we're just not getting any good recruitment coming out of the Chesapeake Bay. We know, we talked a lot about what to expect in the 2030s. I'm probably as equally pessimistic as they are, as far as the outlook goes.

We've had successful spawning events with low spawning stock biomass, and maybe that will happen again if we get good environmental conditions. But this is a cautionary note. We've had good environmental conditions for spawning in the Roanoke River in recent years, namely optimum river flow, and it still resulted in really poor recruitment.

This adds to my level of pessimism. We've heard some comments about having a knee-jerk reaction to give changes in MRIP and things like that. But I think really zooming out, as far as striped bass management. We've seen warning signs with this stock since what, early 2011 or so. I think this has been a slow train coming and doing nothing, and waiting for something better to happen. Just this puts this slow-motion train wreck on fast forward.

CHAIR WARE: Next, I have Sarah Peake and then Eric Reid.

MS. SARAH PEAKE: I came into the room today back and forth on this, whether to support status quo or Option B, the 12% reduction. I have been listening carefully to the conversation running from my colleagues around the table, and I have to say for me, I have landed on the side of Option B, the equal 12% reduction by sector. Some of it has to do with what Mr. Grout had to say. His words were so impactful, persistent low recruitment.

I feel like that seven years of persistent low recruitment can't be ignored. It's like proverbial locomotive, right. We see a light at the end of the tunnel and what is it? Is it higher recruitment? I think the word hope was used. You know hope is not a method, right, and I think we have to embrace the science and the means we have to create a method to turn around that persistent low recruitment.

I think the light we're seeing at the end of the tunnel is a locomotive bearing down on us. It's bearing down on this species and it's bearing down on everybody who makes a buck from this species, everybody who enjoys eating a striped bass. That

locomotive is bearing down on them. If this species continues with its persistent low recruitment, if we do nothing and we take no action.

The economic impact, the people that will be put out of business, it's almost unimaginable to think about. What would my region, that I love, the seashore and the back beach of Cape Cod be like without its charterboat without its recreational fishermen, without the hotels and motels that get booked. But if that locomotive comes charging at us, and that is what the light is that we see at the end of the tunnel, that is what the economic reality for the people that I know and love, it's going to become that, it will become their reality.

I sat on this Board, probably back in 2011, when there was an option to take more conservation measures at that time, and the then Governor's Appointee and I voted against what was actually the motion of our State Director, to take conservation measures then and allow status quo to go forward.

I have spent time since then reflecting back on that vote, and regretting that I didn't stand up for the conservation measures at that time, and maybe some of that would have helped to contribute to us not being in this pickle that we're in today. For all of these reasons, the ecological reasons, the economic reasons, I am supporting this motion to amend, and I hope my colleagues around the table join me.

CHAIR WARE: Next, I have Eric Reid, and then Marty Gary.

MR. REID: I am by no means a scientist, for sure. But I just wanted to touch on a couple of points. Mr. Clark asked the question this morning about what 12% means, or if it was a number less than 12%, and the answer he got was it's pretty small. The difference is going to be pretty small. I don't know how small, infinitesimally small, but the economic pain is

going to be suffered by the people I work with, who are a bunch of citizen scientists.

They are on the water every day. Gentlemen in the back, the ladies in the back all up and down the coast, they are on the water every day, and they are all optimistic, because they are informed. It's informed optimism, and that gives me a lot of comfort, because I hear it from them every day. I will not support the amendment, and I support the underlying motion. Thank you.

MR. GARY: Thank you, Madam Chair, and I'll just use my turn to express some appreciation to Nichola for including this Work Group concept in her amended version, and it tells me that the concept at least is sound, and hopefully we can perfect it to everyone's satisfaction, regardless of how this vote goes.

I don't necessarily disagree with most of what Nichola is saying on a technical basis, and I wholeheartedly agree with what Sarah Peake just said. There is a freight train coming down the tracks. Anybody that knows me, I've been saying this for a long time. But despite that, I keep hearkening back to what I've learned from a lot of wonderful mentors that I've been blessed to work with over the years.

When we sit and make these decisions, we have to consider all three of those components I mentioned, the conservation needs, the economic impacts and the societal part. It is not formulaic. As we sit here and we're blessed to sit here at the table, it is an honor and a privilege, you know these are things we have to weigh and use our experience to weigh in on. Despite the fact that I said, in a roomful of very smart people I don't think I'm the smartest person. I know for a fact that Nichola and Jay are pretty much one of the smartest people in this room. I'm going to disagree, and I think my instincts and my intuition, everything that 40 years of working with this species has told me is the right decision is to go against this, to go with the SG plusses, I call it, and we'll get to that benchmark and we will do right for the 2030s.

CHAIR WARE: We are going to go online, Kelly Denit, I believe, has a comment.

MS. KELLY DENIT: Again, I'm taking my crash course here over the last two days. But I think I have a pretty basic question, maybe towards Katie. There has been a lot of discussion around the recruitment challenges, and so could you please refresh my memory, because I was trying to cram all the information into my head last night about that spawning stock biomass recruitment relationship.

I'm looking at the graph that shows what it looks like over the last four or five years in increase in the spawning stock biomass, but then I've heard repeatedly references in the discussion so far today that we haven't seen any changes in recruitment, and in fact maybe in some instances we've seen decreases. Could you please just elaborate a little bit more, at least refresh my memory on that spawning stock recruitment relationship?

DR. DREW: Sure, we do not use a spawning stock recruit relationship within our projections or within our model. We generally believe that recruitment is much more driven by environmental conditions than it is by SSB levels. We've seen some very strong recruitment come out of some of our lowest SSB levels, but we've also seen strong recruitment from high SSB levels and vice versa. We've seen very low recruitment when we have had stronger high levels of SSB.

We've seen what we're seeing now, where we have low recruitment associated with low SSB. It seems to be driven more by environmental effects. I think the question of maintaining SSB will increasing SSB cause increases in recruitment? I think it is hard to say on that front. It certainly will help contribute when environmental conditions are right, to allow for more eggs in the water to take advantage of those conditions.

On the other hand, I think the relationship between recruitment and SSB in the future is much stronger, which is that low recruitment is going to lead to low SSB down the line, if fishing mortality is not kept at appropriate levels. I think overall the relationship between SSB and recruitment is weak. Obviously, you can't have recruitment without some level of SSB, but environmental effects are a very strong influence on the recruitment that we get for any given level of SSB.

MS. DENIT: Great, thank you, may I follow up, Madam Chair?

CHAIR WARE: Yes, absolutely.

MS. DENIT: Speaking to the motion, thank you very much, Katie, for the refresher. I think as many around the table already have alluded to, this is a really challenging issue, given all of the different facets and factors. I think one of the things that is really challenging me as I think about the amendment, and then the next steps are that the Option 2, achieve the 12% reduction are very constrained. They are focused on ten area closures. That is a very blunt tool. We often have to use it in fisheries management, for sure, and it can have its place in helping us be effective. But I am really struggling with the use of such a blunt tool in a time where we are not exactly sure what's the percent reduction we actually need to achieve, and we may or may not be able to actually distinguish if we do achieve it, based on the data streams that we do have.

I'm still a bit struggling with where to land ultimately on the amendment and the move to amend it, but I am slightly leaning towards closing the amendment in support for maintaining the status quo, and really appreciate all the comments and I think the refinements that will come, sort of looking forward and what this really looks like for this fishery in 2029 and beyond.

We're grappling with some of those issues all across, really the country, not even exclusively to the east coast, and what type of factors are impacting what ultimately are our goalposts.

Because in some instances our goalposts, in fact, may need to change, and that's not an easy thing for anyone to navigate or work through, and I really appreciate the efforts of all of the expertise around this table, and acknowledging that that exists and trying to identify ways to move forward on it.

**CHAIR WARE:** Last comment from Bill Hyatt.

**MR. HYATT:** I do support the amendment and I do support 12% removals, albeit with the caveat that I am also maybe one of the few people in the room who would be comfortable with a carve out for the party/charter sector. But for the rest of the angling public, the overwhelming sentiment, and I'm not talking by a small margin, but by a huge margin that I've heard has been a desire for us to take measures that are as absolutely as conservative as possible.

It is a group that is deeply disturbed and concerned over the recruitment problems that have been acknowledged here over and over again, and they are a group that is looking forward into the 1930s and maybe even beyond to the future of our striped bass fishery along the Atlantic coast. At this meeting that considerate option that we have at our disposal is the 12% reduction. For those reasons I support that in concept and support this amendment.

**CHAIR WARE:** We're going to call, Roy, quick comment, because I don't believe you've had a chance to comment yet.

**MR. ROY W. MILLER:** As someone who was involved in fisheries management and striped bass management in the 1970s and 1980s and so on. I was witness to the success of the 1970-year class and how it carried the fishery for so many years, until it didn't. Until that we had relatively poor reproduction success in the 1980s, and then finally that reproductive success turned around.

Now what caused it to turn around? Well obviously, we had enough eggs in the water when environmental conditions became favorable that we got the '89-year class and subsequent dominant year classes after that. Honestly, I think we're poised for similar success, in terms of the effort and harvest controls that we've taken in recent years. I think it is a matter of the right environmental conditions allowing for reproductive success. Honestly, you know although I greatly respect Jay and Nichola's opinions, I think that status quo is the direction that we should be heading with no backsliding on effort and harvest controls, and I think we'll get there.

**CHAIR WARE:** We've had a request for a two-minute caucus, so we'll do that and then we're going to call the question. All right have the Board come back to order here, it looks like everyone is ready to vote. Okay, so we are voting on the motion to amend. **All those in favor of the motion to amend, please raise your hand.**

**MS. KERNS:** Rhode Island, Massachusetts, Connecticut, North Carolina, Maine.

**CHAIR WARE:** All those opposed.

**MS. KERNS:** New York, New Jersey, Pennsylvania, Virginia, Potomac River Fisheries Commission, D.C., Maryland, Delaware, New Hampshire, NOAA Fisheries and Fish and Wildlife Service.

**CHAIR WARE:** All right, the motion to amend fails 5 to 11, so we are now on the underlying motion, which becomes our main motion. What I'm going to ask, I know there are some perfections, probably get a bullet and things like that. I'm going to ask the Board to vote on this kind of in concept, because we are super late for lunch.

But I think we should give folks a sense of where we are on 3.4 and the percent reduction, and then after lunch we can have this up on the screen, and folks can make suggestions for a bullet, timeframe, things like that. I would ask folks to think about that over lunch, assuming that this passes. Do you have a point of order?

MR. REID: No, it's not a point of order, Madam Chair, but if we just change the word where it says discussions should, say discussions may include. That kind of whitewashes the whole thing and we don't have to have a big discussion today about refining points. Because it would be my opinion that this white paper wouldn't come out until after the 2027 benchmark. If you want to spend all day today talking about how we're going to refine this that's fine, but we might not have to do that today.

CHAIR WARE: Yes, so I'm going to stick with let's vote on this in concept, and then we can change that language during lunch, after lunch. But we do have to get to lunch. Toni has a comment.

MS. KERNS: I was just going to ask that if you have an additional bullet, please e-mail it to Emilie or myself, so we can put them up on the screen for everyone to see what they are, after lunch. E-mail us during lunch.

CHAIR WARE: We are on the very long motion. We are voting on this motion, does anyone need a caucus? Excellent, we're going to call the question. **All those in favor, please raise your hand.**

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

**CHAIR WARE: Anyone opposed?**

**MS. KERNS: Rhode Island and North Carolina, sorry, Connecticut, apologize.**

**CHAIR WARE: Motion passes 13 to 3.** As a reminder, folks can think about this and bring ideas to us during lunch. We're going to take up Maryland baseline afterwards, and Bob is going to speak about lunch.

**EXECUTIVE DIRECTOR BEAL:** My favorite topic, so 1:15 or so. I ask that anyone that participated in the Laura Leach Fishing Tournament, you know come back here. They are going to hand out the prizes that were donated to the tournament and talk about the money that will be donated to the Delaware Take a Kid Fishing Program.

That was from the revenue generated from the tournament. That's right, and if you didn't participate, but you bought a tee shirt, you still are eligible for the raffle, which is how we generate the money for the Delaware folks. We'll grab lunch, you can eat either in here or out in the hallway, but be back here around 1:15.

CHAIR WARE: I just want to let everyone know that we do have a film crew now in the room, so just so everyone is aware. Then Bob Beal would like to introduce the new Commissioner.

**EXECUTIVE DIRECTOR BEAL:** Yes, I apologize. I should have done this at the outset of this meeting. I wanted to introduce a new Commissioner proxy from Pennsylvania, Fran Torres is in the back of the room, so welcome, Fran. Fran is the new proxy for Pennsylvania for Representative Anita Kulik, so welcome, you took quite a board meeting to show up for your first one. They are not all this exciting, but we're glad you're here. If you have any questions reach out to staff running around the room and we'll help you out. Welcome.

**MR. FRAN TORRES:** Thank you.

(Whereupon a recess was taken)

CHAIR WARE: Okay, just to orient everyone where we're at. I asked Madeline to put up the list of the bullets for the Work Group. We had one suggestion during lunch, so they will all be on the screen. Pending no opposition to that, I think the game plan or the best path forward is to have staff look at this and understand the timeline associated with each.

I suspect some are more challenging or take longer than others. They can come back at a subsequent

Striped Bass Board meeting and give us a sense of what they think the timeline is, and we can go from there. This is the list as we have it. The additional task is on the bottom there, and this is the one that Jeff Kaelin had mentioned. Not seeing anyone shaking their head in opposition, I'll give folks a minute just to digest.

MR. KAELIN: Sorry, I was out of the room, Madam Chair, appreciate you putting that up, I had a call I had to take.

CHAIR WARE: That's okay, Nichola, did you want to ask a question or make a comment?

MS. MESERVE: Just a question, Jeff, is this for a socioeconomic analysis? Is that the type of impacts you are referencing in it?

MR. KAELIN: Yes, that is what I had in mind.

CHAIR WARE: Adam Nowalsky.

MR. NOWALSKY: I appreciate the interest and I certainly appreciate the interest in trying to be holistic about things to look at here. I just want to note that this isn't something that is asking for something to be looking at a specific sector. Whereas everything else on the list broadly references benefits to our overall understanding of the stock, benefits to everyone.

I'm going to highlight that, I'm not going to sit here and force a motion on it, but I do think the theme, I think the idea behind the original part was let's look at everything to holistically benefit everyone, as opposed to picking something that talks about only a specific sector, and again, highlighting that here for other people's part as well.

CHAIR WARE: Nichola and then Bill Hyatt.

MS. MESERVE: I think I do have a problem with this addition. I'm not sure what it means to have a quota reduction that is not consistent with the mortality effects from that sector. Each sector has some mortality, none of them

have a target though, so I don't know how we are going to assess whether a quota is consistent with mortality effects from that sector.

I agree with Adam that the other list is looking on kind of the future, and this situation the environmental conditions that we need to deal with and potential solutions. I don't think that this is consistent with the rest of the list.

CHAIR WARE: With that comment, Jeff Kaelin, I'm going to ask you to make this as a motion to add to the list, if you would like to keep it on there.

MR. KAELIN: Making a motion, Madam Chair.

CHAIR WARE: Great, we'll have staff pull that up. Is there a second to the motion? Eric Reid. We'll just give staff a second here. Jeff Kaelin, can I get you to read that into the record, please? I need you to read it into the record first.

MR. KAELIN: I **move to add a task to explore the socioeconomic impacts on the striped bass commercial fishing sector, including the party/charter sector, from potential quota reductions not consistent with actual striped bass mortality effects from that sector.** On Page 7 of the Addendum, we learned that the commercial sector only represents 13% of removals by number of fish, and on Figure 4 on Page 9 is a dramatic difference in mortality between the recreational and the commercial sector that is illustrated there.

I personally think that the sectors should be responsible for the mortality that they are affecting on this stock, or any other one, frankly. I may lose a vote, but at least I feel good about putting it back up again. Well, we lost this proportional option in the Addendum. We've had more than one vote on it; I may get voted out here too. But I just felt strongly it needed to be put back in front of the Board.

CHAIR WARE: Eric, as seconder, any rationale?

MR. REID: No, Jeff covered it, but we're actually dealing with two separate sectors here not just one sector. It says effects for that sector.

CHAIR WARE: We've had a lot of discussion already and we've got a long way to go on this document, so I am going to just ask for limited comments, please keep them as brief as you can. I saw Dave Sikorski and then Bill Hyatt.

MR. SIKORSKI: I would like to speak against this motion. We've tried this approach in Maryland, and I think it's a mistake. It is a mistake, because it divides stakeholders, something I spoke against earlier and it doesn't work for conservation. The reduction, if we would have done a 12% reduction would have been 12% times the quota, 12% times the removals by controlling fishing mortality through various regs. We've been doing this forever.

There is already proportionality built into the system. It's when you compound it, like we did in Maryland, by placing reduction on the recreational fishery so we could alleviate the pain on the commercial fishery in 2020 that we undermined management and simply enter into a paper exercise, which frankly has led us where we are today, and it's going to lead us to some of the conversation and angst you're going to hear in my voice, when we start talking about what Maryland's regs are moving forward. The bottom line is, I think this is a mistake.

As Adam said, I think it flies in the face of the intent of the Work Group, and some of the comments I made earlier with the intent, in my mind, is to bring everyone to the table, think about all the fish that are out there, all the places that need them, and try and sort of kind of focus us on a path forward through a tougher, but really a storm we are about to continue to go through here. I think this is counterproductive to the reality of where we are, and it flies in the face of what we've done forever, where we already have proportionality built into the removals and therefore F, and therefore what we manage.

CHAIR WARE: Bill Hyatt.

MR. HYATT: I just have a question on this. Is this not presented as sort of a broader, all-encompassing socioeconomic survey or whatever? Is the rest of the recreational sector not included, simply because it is accepted that we already have that data in a usable form, or is there some other reason for not including it? You know I'm thinking of tackle shops and things along those lines.

CHAIR WARE: I think that would be a question for the maker of the motion. If you just want to kind of, put some, we've got a lot of great discussion, but there are limits to what staff can evaluate. I just want to put that out there for some thought. Jeff Kaelin, would you like to respond to that?

MR. KAELIN: I'm speaking to a specific issue that is illustrated there, and it is the problem that I have is that the mortality represented by that sector is 11, 12, 13% of overall mortality, and I think that quota reductions should be proportional, based on mortality. That is what we do in all the federal plans. I think that is the way it ought to be done. If I lose a vote, I lose a vote. I appreciate the opportunity to put it in front of the Board. I think it speaks for itself.

CHAIR WARE: I'm not seeing any more hands, does anyone need to caucus within their state? Okay, one-minute caucus. All right, so we are voting on a motion to add a task to that list. **All those in favor, please raise your hand.**

MS. KERNS: Rhode Island.

CHAIR WARE: Okay, all those opposed.

MS. KERNS: Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, North Carolina, Virginia, Potomac River Fisheries Commission, D.C., Maryland, Delaware, Maine, New Hampshire. **CHAIR WARE: Any abstentions?**

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

**CHAIR WARE: Great, by the count I don't think there should be any null votes, any null votes? That's going to fail, 1 to 13 to 2.**

I have heard that there is another motion, maybe you can start it. Joe, do you want to throw out your idea and then we'll see if it needs a motion.

MR. BRUST: First of all, at "Review BRP's and consider recruitment-sensitive model-based approaches". I would like that struck, and I can give rationale if I can give a second.

CHAIR WARE: Just give us a second, Joe, we're just going to ask a procedural question really quick.

MS. KERNS: Joe, were you on the prevailing side of that motion?

MR. GRIST: Yes.

CHAIR WARE: I think the issue, Joe, is that was included in the motion that passed, so if you would like to remove it, it would take a vote to reconsider and then a motion to remove. Why don't I suggest we have the staff review it and they can come back with some feedback, or their thoughts, how long will it take, and then at the next Board meeting we can have a discussion about that. I am just conscious of where we need to go. Is that okay, Toni?

MS. KERNS: A question to Joe, really quickly, just because of timing of the benchmark stock assessment is, are you leaning to push to have some of that work get done in the upcoming benchmark stock assessment instead, and want to see biological reference points addressed a little further through that or is that not the direction you're going?

MR. GRIST: Yes, so this will be part of the benchmark stock assessment. Having a separate Work Group decision on this is kind of outside of that. This is part of what Nichola was talking about earlier, so that is why I was suggesting that particular bullet should be struck.

MS. KERNS: I think, so the February Board meeting one of the discussion topics will be some guidance to the benchmark stock assessment in particular around biological reference points. I think during that meeting we may be able to give more direction to the SAS and then as we develop how we will address this Work Group.

If there are some things that don't get addressed through the upcoming benchmark stock assessment, and something that might take longer or some other issue relative to biological reference points. This Work Group potentially could address those, but we know that this upcoming assessment will include some biological reference point work. Depending on the Board's direction in February, and then Katie can add to that.

DR. DREW: I think there is also the potential that after the benchmark is complete, we may have different options for the Board to consider for reference points, in terms of to align with your management objectives or goals. At that point the Board Work Group may have a role in providing additional guidance or commentary on the reference points that do come out of, either the reference points or the method to develop reference points that come out of the benchmark assessment, to sort of follow up on that work.

CHAIR WARE: Joe, is that satisfactory to you? Excellent. All right, so we're going to conclude our discussion then on Section 3.4. We are going to move to the Maryland Baseline. We've already had the presentations, at this point I would be looking for a motion on the Maryland Baseline. Mike Luisi.

MR. LUISI: If I can get a second on this motion I'll provide some rationale. I think some members of the Commission are going to question how the motion is laid out, and I'll get to that in a second. I would move to approve in Section 3.3 Maryland's ability to choose Option A, status quo, or Option B, a new Maryland baseline season. Maryland would notify the Board of the option chosen through its implementation plan. If I get a second, Madam Chair, I'll provide rationale for why it's like that.

CHAIR WARE: Yes, John Clark is providing a second, so go for it, Mike.

MR. LUISI: A year ago, after we received information on the assessment, folks started coming to us in Maryland asking, what is it that we expected during the previous five years when our spring season was closed? What is it that we were hoping to get out of that? One of the reasons we closed our spring fishery was not only to increase spawning stock biomass, but to increase the probability of having a successful recruitment event or spawning event. After five years and some kind of ongoing frustrations about these closures that were continued, and with no end in sight, and with the thought of maybe refocusing some of our conservation effort on some other portion of the stock, and that other portion would be the resident stock in the Bay.

The younger fish that have been experiencing poor recruitment for the past six, seven years. One of the ideas was that we would carry that out and we would consider modifying our rules to make adjustments for where that protection would be placed. Starting last year, we worked through a process, you have all heard the presentation through the public hearings.

We convened a Working Group to help formulate the plan each and every Board meeting that we've come to since last year we've had this on the agenda and we've discussed it. Each and every time we were faced with a different challenge, that challenge being what reduction we might be facing.

Some meetings there weren't any reductions we were facing, others, you know we were looking at further cuts, like a 12% cut that we just discussed earlier today. What Maryland, in order for us to be able to implement the baseline approach, if the Board agrees that that is an approach that you would approve.

We still have to go through a formal regulatory process in our state to implement those rules. We think that we would be able to address and deal with our stakeholders directly on this one particular topic, rather than folding it in with the discussions of the Addendum, which in my opinion, most of the focus of the public hearings that we had were just about maintaining status quo.

There was a sector that wanted to maintain status quo for our rec seasons, but there was also another whole group of individual stakeholders who wanted us to continue exploring this baseline. We do have kind of a split opinion in the state, and we feel that we need a little more time working directly with our stakeholders to make that decision.

The reason why the motion asks the Board to approve status quo and the baseline approach, is so that if we get home and begin that regulatory process, and find ourselves at the end of that process facing challenges that we didn't anticipate. We would rather implement the 2024 season than have the default season go back to 2022, which is how it was couched in the Addendum, because 2022 season is a less restrictive season than we currently have.

I don't believe the Board would support that and I don't blame you for that. That's why the motion is laid out the way it is. We're asking for you not only to support a status quo approach for Maryland, which all the rest of the states here would be planning for next year, but also to give some consideration to this change.

I have a slide that illustrates how those seasons would lay out, as far as what the rules would be, so that you could see where the certain closures within Chesapeake Bay would be in different times of the year, to still protect and continue to protect the spawning stock, while allowing for catch and release in the spring. But the Maryland Baseline Adjustment Proposal puts more of our emphasis on the resident stock, by closing a month of the summer for that protection. I know there is a little kind of round and around there, but I'll stop there. Our rationale again is to be able to go home, have

the discussion and ultimately make the decision, which would be reported through our implementation plan.

CHAIR WARE: John Clark, as second, any rationale?

MR. CLARK: Yes, thank you, Madam Chair. Obviously, Mike has spoken to the motion very well. But I just wanted to commend Maryland for thinking about this, because you know we've all seen in our states with different species that over time you just accumulate regulations, and sometimes it starts to be a mess after a while.

I think trying to rationalize the whole fishery there, the recreational side, streamline the regulatory process is a great idea. I think by doing this, as Mike said, without the rest of the Addendum to be a distraction, that they will get the real input from their fishermen as to whether they think they should stick with what they have or go with the new one. I think it's a great idea.

CHAIR WARE: I'm looking for a show of hands as to who would like to speak in favor of this motion. We're going to do for and against. A question? Yes, I can write you down for that. Then is anyone looking to speak in opposition to this motion? Okay, so we've got a few questions and some comments, so we'll start with questions. Matt Gates.

MR. GATES: You're asking us to approve two options here. I understand, I just want to make sure that the intention here is to implement one or the other, and there is not going to be choose your own adventure for one fishery or another in there.

MR. LUISI: Thanks for the question, Matt. Yes, the intention would be, we wouldn't split. We wouldn't keep one in place for half a year and then switch it. It's either going to be a full year or not. In the event that our regulatory process doesn't allow us to get to the final point in time

to start next year, we would have to put it on hold for the following year, which again, it would be one season at a time, without splitting the two options at all. It's one or the other, and we would inform the Board by our next meeting.

CHAIR WARE: Toni wanted to comment on that.

MS. KERNS: The way staff looked at this when we were asked how this approach would work is that Maryland came to this Board asking for this to be a part of the Addendum to make a change to their fishery, which is what we all or what the Policy Board and the Management Board has asked for when states cannot use conservation equivalency, that you can go through a public process to make sure that everybody understands what is happening and what is changing.

For Maryland, when they choose, in their implementation plan they will choose for the date in which they are implementing for, and then that will be their new regulations. They will not be able to go back and change it again; it will be that season moving forward. If you're deciding you're going to implement, but you can't get it done in time for the 2025, the implementation plan would say, it will be in effect for 2026, until an addendum changes the regulations, or an amendment would change them further.

CHAIR WARE: Matt, did you want to follow up in any way?

MR. GATES: No, I think that is a satisfactory answer for me, thanks.

CHAIR WARE: Then we have a question from Steve Train.

MR. TRAIN: Mike, I don't want to put you on the spot, but that's exactly what I'm going to do, I guess. What months are your release mortality the highest?

MR. LUISI: Wave 4, July and August.

MR. TRAIN: I'm sorry, may I continue. If you have a no target in August that is a long period, would that result in more releases than the harvest during that period?

MR. LUISI: No targeting, the no targeting provisions that we've had in place now for just a few weeks in Wave 4 don't allow for striped bass fishing. It's the more extreme version of no harvest, it's a no targeting provision that we would implement in August, which I believe would have a tremendous savings on the young, vulnerable fish that are trying to get through the summer to make it to the fall to live another year.

These are the younger fish that are just recruiting to the fishery. They are 18, 20, 24 inches long, and they are having a real hard time getting through the summer, where the mortality is tremendous with the heat. The idea of this plan is to shift our attention away from our spring season, which to be honest, Maryland's spring season and the interaction on the spawners is a snap, is a blip in time compared to what the other states have as access to that resource.

Those fish are only there very briefly in the spring. We're saying we would rather have a little access on that resource at a time when the mortality is extremely low in the cool waters, and put more of our focus on Wave 4, by closing the month of August entirely, to give the fish an opportunity to find some place to hide until the conditions get better.

One of the things, and you'll see in the way that that baseline was set up. Currently we have a July closure. The July closure, we are considering moving it to August, because August provides, and this is from the fishing public, August provides more opportunity for other things in Maryland. There are other species that charters can take.

There are other species that recreational anglers can fish for in August. It is still hot, it's

just as bad as July, if not worse, because now in August you are looking at fish that have already made it through five, six weeks of extreme heat and poor condition. Now they're in August, it's even a better time in my opinion to protect them, let them find some place to hide and get into the fall where the conditions get better and they are protecting mortality there.

MR. TRAIN: Thank you, Mike, that answered my question.

CHAIR WARE: I'm going to start going through a list of hands I had seen. Doug and then Chris.

MR. GROUT: I certainly appreciate and support Maryland's concept and proposal, and to be able to give them a choice between status quo on this. However, when the TC evaluation of this was done there was an assumption made that there would be no change during the spring season using a no target, no change in effort when we go to a no target as opposed to.

Excuse me, I'm mixing this up. Let me try this again. When we go from a no target to a catch and release fishery. Because of that, and I admit that the TC could not develop a quantitative assumption on how effort would change, so I am more supportive of Option C on this, and I would like to make a motion to amend to change Option B to Option C.

CHAIR WARE: Okay, give us a second to get that up there, and we'll see if he has a second. Doug, can I just get you to read that into the record, please?

MR. GROUT: **Move to amend to replace Option B (a new Maryland baseline season) with Option C (new baseline season with 10% buffer).**

CHAIR WARE: There was a second by Jay. Doug, any additional rationale?

MR. GROUT: No, I think I started even though I stumbled through it.

CHAIR WARE: But you got there. Jay any rationale? You're all set. Okay, we now have a motion to

amend. I'm going to continue on my list, but I'll just obviously ask folks to be now focused on the motion to amend. Chris Batsavage, you're next.

MR. BATSAVAGE: Yes, like Doug, I appreciated Maryland's work on establishing a baseline season option for the reasons they've given. If I was to choose one, if we took a 12% reduction I would have chosen Option C that has a 10% buffer. But considering that we are staying status quo, and also considering that despite all the efforts by the state of Maryland to work with their stakeholders.

They just couldn't find that consensus they were hoping for. There are a good number of folks in the for-hire and private angler sectors in Maryland who don't support changing the baseline. I cannot support either the motion to amend or underlying motion. I think it's probably just best to stay at status quo at this point.

CHAIR WARE: Nichola and then Adam Nowalsky.

MS. MESERVE: I was also going to disagree with the inclusion of Option B, I am more comfortable with Option C for the reason that Doug pointed out, and that the assumptions that had to be made in the calculations. I would also point out that were Maryland to pursue this through conservation equivalency there would be a 10% of buffer at a minimum.

There could be more, we don't have that option in this document, but at a minimum there would be a 10% buffer, so I think it's really important that we stick to that, given the uncertainty that the Technical Committee finds about the calculations.

CHAIR WARE: Adam Nowalsky.

MR. NOWALSKY: Just so that I'm clear. While Option C was labeled as a 10% buffer, based on our previous actions this morning, what this

really would ask for Maryland to do under a new baseline, it's only an additional 2% reduction from 2024. The 10% was relative to the 20% that was taken already in previous years.

Again, even though the section is labeled 10%, this is only an additional 2% reduction from 2024, and I'm seeing nodding heads, so I'll put on the record that sounds correct. Then my question for the Maryland delegation would be, would Option C with that additional buffer calling for an additional 2% reduction make this, well I won't say.

Would this completely kill any support that this had at home? I understand there is limited support now, but would adding this buffer eliminate any support that even remains, or is this still a viable option for you to consider at home?

CHAIR WARE: Mike, do you want to answer that?

MR. LUISI: Yes, I can make a point, but I would also like to give Dave an opportunity. He's wanted to speak as well. Adam, I wouldn't say that it makes it not viable, it's going to just be more difficult. It's only a three, I think it's a three day or four-day difference in the start point in May for when we switch from a catch and release fishery to a harvest season at 19 to 24 inches.

I think I've done the math right, and I believe that that's all the difference that Option B versus Option C is. That 2% is accomplished in four days in May. What I would say to that, it will make it harder. There is a split opinion, although we may not be hearing any of that today on the other side of the opinion.

There is a split opinion, and it will make it more challenging. For a group that based on some challenges and for a Board that just took no action, to ask a state that is focused on the future, trying to get ahead of the ongoing problem of poor recruitment. We're trying to take an active step, why make it more difficult? Why would we now, Maryland would be the only state on the east coast that would be taking, what would be in forms of reduction, whether it's one

day or four days, it's a reduction. It's another few days where it's going to make things more challenging for us to implement, and I'll stop there, thanks.

MS. FRANKE: Yes, just to clarify exactly what is in the addendum. This extra buffer in this situation. Maryland would either under this new baseline, if they were to take that extra buffer for Wave 3, the harvest season would start May 6 instead of May 1, or they could make that adjustment in Wave 6, so the harvest season in the fall would end November 26 instead of December 5. Maryland could take that extra change in either May or November/December.

CHAIR WARE: Dave Sikorski. You are next.

MR. SIKORSKI: Just following on what Mike said. I participated in the baseline discussions and there was agreement until there wasn't agreement. The unfortunate realities of the path we took to get here, I best describe it as a rocky road. We chose to split sectors and put a 20.6% reduction on the recreational fishery, rather than taking an 18% reduction.

An 18% reduction would have been one fish for everyone in the recreational fishery back in Addendum VI. Instead, we throw all these different options together. We went through multiple meetings, multiple meetings, until another option popped up at the last meeting, and it became very obvious that that option was going to be the one Maryland was putting forward.

It was the one that was going to put the conservation burden on the private recreational fishery, allow the captains which participated in an electronic reporting system to keep a two fish limit, and a 1.8% reduction would be applied against the commercial fishery quota, not landings. That is the back story that led to the founding of the light tackle group, which is part of our for-hire sector, which was founded

because they were taken off the water for a month.

Fishing in an area that they've been able to fish in, and lots of people have been able to fish in for 20 plus years. Years with a history of an amazing recruitment and an amazing fishery. Those days that were taken away when we analyzed it was 0.64% of our total 20.6% reduction. I remember sitting in the crowd at that board meeting watching Mike present that, something I completely opposed, because it's inequitable and would not achieve our conservation goals. But we did it.

We have businesses that have been put on the sideline that can't be forgotten. There are a lot of people here that have their way and they want their way, but it is not the only voice of the for-hire fishery in Maryland. Until we can have an opportunity back home to better vet it, based on the reality of what 0% reduction means coastwide, and our baseline.

I think we're making a mistake to add on these extra five days and further impact these people that have already been impacted. To the increase in effort that which may occur by opening in April, it's negligible. Just like the five days that are just buffer, they are negligible. We've admitted all day long we know where we're headed.

But a buffer or just status quo is admitting failure for a group of people who have been wronged by politics, period. That is a fact and I do not support that, and I would not want all of you around this table to support that. I am asking for our state for a chance to go back for the underlying motion and try and present an opportunity for anglers, the public, commercial fishers, for-hire sector, no matter what size their boat is or what drives them to go fishing or who their customers are, or where their customers are from.

They need the ability to go fishing. What our baseline reset does is increase the percentage of days available to go fishing, in a time of year when Mother Nature is going to turn on the wind and turn on the weather and impact their ability to go fishing. That is a component that is weighing on the

minds of captains that don't want to close August. But then you have captains that want April back open. Maybe we'll never get to the end of the solution, but as all of you know, none of this is a vote. This is us trying to make the right decision to try and send us in a path forward, so the most people possible can access our shared public resources of the United States of America.

The fact that we're leaving people behind if we do not approve this baseline, under the idea that we might be protecting fish on their way to spawn. Well, at the next meeting I would be really interested in starting to talk about how we're protecting fish before they spawn, because we have states all around this table that are all still killing spawning stock biomass.

Recreational anglers in Maryland are only killing spawning stock biomass if that fish gets hooked in the gills, which we assume to be a 9% rate, but we know in the spring it could be as low as less than 3. Mass has just told us recently that there is some new information about these types of fishing.

We would be kidding ourselves and we would be removing economic opportunity, that I hope we can even get back, under the idea that we're trying to save spawning fish, when no one else up and down this coast has an option to kill less spawning stock right now. You are penalizing the wrong people to try and achieve the outcomes you want.

I think we need to solve this problem now, so we can move forward with our Work Group and try and have a solution that works for everybody. Because right now there are certain stakeholders in Maryland that have been put behind already, and they are not in this meeting. Everybody deserves that fair chance and that is all we're asking for with that underlying motion, so please vote this down. We do not need a buffer, we need the underlying motion and we need to move forward. Thank you.

CHAIR WARE: All right, those were all of the hands that I had. I'm going to go to Emerson first, I don't think he's spoken yet.

MR. HASBROUCK: I'm not going to comment either in favor or in opposition to this. I'm just a little confused here in terms of what Maryland really wants to do. I mean we started to develop this addendum and Maryland came to the Board and said, we've got such a hodge podge mess of regulations in our state.

It doesn't mesh very well, and we want to clarify it and make everything work better, and we want that to be part of this addendum, and here is a series of things that we in Maryland, want to do to correct this hodge podge of regulations that we have. We included that in the Addendum. Now, here we are today, when we're taking final action on the Addendum, and Maryland says, well, we're not quite so sure about that list of things that we put together, it may not work.

We want to go back, ourselves in Maryland, and work it out amongst ourselves, and we, the state of Maryland, are going to choose what it is that they want to do. You know Option A, status quo or Option B, or Option C, wherever we get to here. But part of that is status quo. I just heard Dave say, and maybe I misunderstood him a couple of minutes ago, where status quo doesn't work.

On the one hand you're saying status quo doesn't work, on the other hand you're saying, we might choose status quo. I'm a little bit confused here about why Maryland came to us to make this part of the Addendum, to help them square away and straighten out the regulatory mess they are in, and that I want to say to the Board, don't worry about it, we'll go back and take care of it ourselves and we'll report back in the future. That's my concern.

CHAIR WARE: I have Robert Brown and then Joe Grist.

MR. BROWN. I just want to make everybody aware that what is happening in this baseline is catch and release during our spawning season, where it used

to be for the recreational at the April was closed and to May 15, closed for spawning season. Now, these fish that are laying off in a staging area into the Bay, 50-60 foot of water, a man goes out and he catches one of them.

He catches one, it takes a while for him to fight the fish up to the top. Once he gets it up to the top of the water, he's got to take a dip net and dip it up. Then he gets it in the boat, it's mashed down on the floor, he's got to get the hook out of it. Then this one picks it up, look, I've got a picture of this fish I just caught, just got another one.

Then they might pass it on to somebody else. At the same time, they still got another fish that has hit and it's dragging around. It's not that they are catching one fish, it's that they might catch 15, 20 fish a day catch and release. We don't know how well fish are going to be biting. I want everybody to know that you're going to be putting these fish through a stress.

When you put these fish through this stress, what does it have to do with these eggs? I do agree with Dave on one thing, up and down the coast during the rest of the season earlier, yes, the northern states and all up and down the coast is working on some of the brood feed, our attention on the broodstock, no worries about that.

For this fish is going to finally survive, being not caught in all these states, and now here he is, he's saying, only at the Bay sitting in a staging area to go up and spawn. We're talking about the young of the year. One we got up to four. Just the product of the water and the amount of rain, the amount of plankton, all environmental issues have a lot to do with how your spawn turns out.

I've got a problem with them taking those fish that time of the year. Our commercial industry in Maryland ends the last of February, of course to protect the spawning stock. I just wanted to bring it to your all attention so you all know

exactly what is involved in this. I think it is a bad idea to attack spawning stock. Thank you.

CHAIR WARE: Joe Grist, you're next.

MR. GRIST: Going through the document, I think I answered the question I had. But since Dave said it, and if I'm understanding this. If we go to the new baseline your all season is going to expand. Is that correct? We have one of the shortest ones in the Bay.

MR. SIKORSKI: My recollection is that the number of days available to go fishing would go from something like 83% to 90 something percent, and that is because the 30 days of April account for so little removal. It's more days, so it's more bang for your buck, so it is more of a choice about where you apply mortality, which directly relates to some of the politics of it. Because mortality placed in a certain time of year where certain people don't like to fish is mortality you take from time of the year. In the end, the only thing to Emerson's point about status quo is that it's an option. But my goal as a Maryland Commissioner is clearly to advance the baseline with no buffer, and we have disagreement amongst our delegation, just like we have disagreement amongst our state.

CHAIR WARE: Hey, Dave, let's let Joe finish.

MR. GRIST: I got my answer I need, thank you.

CHAIR WARE: Real quick, Nichola, because this is the second bite. Then we're going to caucus.

MR. MESERVE: This is Massachusetts preliminary release mortality rates were brought up by Dave. I just wanted to make sure everyone was aware that while it is suggesting a lower release mortality rate, it is also length dependent. If it is larger fish being released primarily in a spring catch and release season.

Those would have a higher release mortality rate, still lower than 9%, but not as well as the 3% that you left them. Overall, if Maryland were to (fast words) propose one a year, we would probably

have better release mortality rate information to use in that and take a calculation then.

CHAIR WARE: We are going to caucus for a minute, and then we will come back and vote on the motion to amend. Does any other state need more time? I appreciate Maine getting another moment there. Okay, so we are calling the question. This is on the motion to amend.

**All those in favor of the motion to amend, please raise your hand.**

**MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York, Maine, New Hampshire.**

CHAIR WARE: All those opposed.

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

CHAIR WARE: Any abstentions?

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

CHAIR WARE: Okay, so the motion to amend failed 6 to 8 to 2. We're now back on the underlying motion. We'll just give staff a second there. Any other discussion on this motion? Joe Cimino.

**MR. JOE CIMINO:** I apologize for doing this, but as a delegation we do have a difference of opinion here. I would like to see Maryland go home and be able to do this. What they are doing though is somewhat novel, and so it isn't a matter of where does that percentage impact a single state. It's the notion that because there truly is uncertainty, and the assumptions that are being made about the reductions, I think that the idea of an uncertainty buffer is very important, as items like this continue to move forward. I just want to say that as a delegation we may be voting differently than how I feel.

CHAIR WARE: Any other comments? Seeing none; I'm going to do another one-minute caucus. Does anyone need more caucus time or are folks ready? I'm not seeing any requests for a caucus, so we're going to call the question. This is on the **motion to approve Maryland's ability to choose Option A or Option B**. All those in favor, please raise your hand. We are calling the motion, is everyone ready to vote? **All those in favor, please raise your hand.**

**MS. KERNS: Connecticut, New Jersey, Pennsylvania, Virginia, Potomac River Fisheries Commission, Maryland, Delaware.**

CHAIR WARE: All those opposed.

**MS. KERNS: Rhode Island, Massachusetts, North Carolina, District of Columbia, Maine, New Hampshire.**

CHAIR WARE: Any abstentions?

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

CHAIR WARE: Any null votes?

**MS. KERNS: New York.**

CHAIR WARE: It passes 7 to 6 with 2 abstentions and 1 null vote.

Okay, so we are now in the second half of our Addendum III discussion.

#### **LAW ENFORCEMENT COMMITTEE REPORT ON COMMERCIAL TAGGING PROGRAM TEN-YEAR REVIEW**

CHAIR WARE: We are going to start now with the commercial tagging discussion, and we're going to go over to the LEC Report, so I'm going to pass it to Jeff Mercer.

**LT. JEFF MERCER:** The Law Enforcement Committee conducted a virtual meeting earlier this month and discussed the request by the Board to review the PRTs Commercial Tagging 10-year Review Report. Specifically, we were asked to review the report and

discuss any further LEC recommendations on point of tagging and potential improvements for the state tagging program. The Board had passed the PRT reviewing the striped bass commercial tagging program, since it's been over a decade since the program was implemented.

The PRT had a few key objectives. One was compiling a summary of each state's tagging program, and then they were tasked with looking across programs and reporting any key observations to take away across the programs, including common challenges faced by multiple states and various biological metrics used to determine the number of tags.

The general consensus of the LEC was that the current state programs are effective, and each in their own way offer a level of protection for resource and meet the spirit of interstate fisheries management plans, and follow the recommendations that were laid out in the 2012 Interstate Watershed Task Force Report. Specifically, when it comes to the point of tagging, the perspective of the LEC had softened in respect to time of tagging. In general, the ability to inspect the commercial catch of striped bass at multiple points from take to consumption provides law enforcement the ability to be most effective in the protection of our resources. But recent management measures in the ocean fishery have made the commercial take of striped bass more easily distinguished from a recreational take of striped bass.

Management measures in the ocean fishery creating essentially two different sizes and possession limits between sectors gives law enforcement the ability to clearly define a commercial take from a recreational take, while at sea and while at the dock. There is no overlap between the two.

This reduces the enforcement concern in a point-of-sale program. Point of sale or point of landing tagging is less desirable from

enforcement states that are managed through individual quotas, and/or that allow multiple commercial limits aboard a vessel, or that have overlapping size limits between commercial and recreational fisheries.

In these states, the LEC would strongly suggest point of harvest tagging. The LEC also suggests that if the point of landing provision were to be considered more widely outside of Delaware, that we would recommend that a clear and consistent definition of landing be used, as it was found that the definition varies greatly between states and federal regulations.

For tag distribution the LEC did not have any concerns with how the tags were distributed throughout the different states. Tag accountability, apparently all jurisdictions have a process in place to account for lost, damaged or delinquent tags. Again, these processes differ among the agencies, but the LEC found that they all met the standards of the plan.

The LEC can also support the PRT and state contacts recommendation to offer tag accounting in the yearly compliance reports, and rewrite the preliminary data included in the tagging reports, which member of the LEC did not find very helpful in and of itself. The one improvement to the program that the LEC noted was tag traceability. While I don't think the PRT report specifically addressed it, but the LEC wanted to emphasize the importance of being able to trace a tag back to the fisher or the harvester.

Most states with a point of harvest program tagging program seemed to follow this practice, but not all states with a point-of-sale program allow for tags to be traced to the fisher. I just want to point out that we did cover tagging of marine species in a Guideline to Resource Managers on the enforceability of fisheries management plan document.

One of the recommendations in there is that tag should be traced back to a harvester. Before I get to questions, I just want to also note if it's still on

the table that the LEC was wholly supportive of a standardized coastwide method for measuring total length of striped bass, and I'll take questions on that.

CHAIR WARE: Any questions for Jeff on the LEC Report? Steve Train.

MR. TRAIN: Jeff, how did the LEC reconcile what would be high grading on point of sale tagging versus point of harvest tagging.

MR. MERCER: High grading for the two? That specifically didn't come up. I think the major concern from the Board was personal consumption fish not being reported. I don't know if we actually discussed the high grading in the LEC.

MR. TRAIN: Didn't come up, okay, thanks.

CHAIR WARE: Nichola.

MS. MESERVE: I was wondering if the Law Enforcement Committee had any further comments about tag accountability. I noticed in the Ten-Year Review that there are some states that have dealt with 5 to 6% unaccounted for tags, and some states that can amount to as much as 20 to 30,000 missing tags in a year, more than some fisheries commercial quota. I was just wondering if the Law Enforcement Committee talked about that at all or saw that states are revoking permits in those instances where there are always unaccounted for tags.

MR. MERCER: Like I said, each state handles it a little bit differently, whether or not there are no tags issued to that person the following year reduced a lot of it. The PRT did note that those higher years with less tags accounted for, the period during COVID. Most recent years are 1 to 3% across states.

CHAIR WARE: John Clark.

MR. CLARK: Thank you for the presentation, Jeff. Just curious about the point of landing.

When you said you wanted a clear definition of that you said there is a definition. Would the LEC come up with a recommended point of landing definition that we could use? Because in Delaware we have point of landing tagging, and just curious.

MR. MERCER: Yes, it was discussed, kind of went around the room and poled the room of what the definition is in those states. I don't think there was anyone willing to go out on a limb and actually come up with a definition. But it varies from offload to tying to the dock to entering port, which for the northeast federal regulations it's entering port. If it went with anything different from that, it would be two different rules that applied.

MR. CLARK: Entering Port, that would be like coming into a marina, coming up to it. Do you have to have it tagged before you got to the dock? Is that what you're saying is the federal rule for point of landing?

MR. MERCER: Yes, that is how it's defined in the northeast fisheries.

CHAIR WARE: Adam Nowalsky.

MR. NOWALSKY: Is point of harvest considered more restrictive than point of landing? Specifically, my question for asking this would be that given that there are at least four states that presently require point of harvest tagging. If this Board was to select point of landing, would those states, if they chose to keep point of harvest, be considered more restrictive and be allowed to keep that, or would they be required to change the point of landing?

MS. FRANKE: I don't think you need to characterize it as more restrictive, it's just that if you're tagging at point of harvest, you are already meeting the requirement of tagging before you get to the dock. Yes, states that already have point of harvest wouldn't be compelled to switch to point of landing if that were selected.

CHAIR WARE: John Clark.

MR. CLARK: Thanks for allowing the follow up. I was just curious, Jeff, about the point of harvest, and it just reminded me, because I know from hearing the discussion at the last meeting that some states that have point of harvest still have some leeway built in, because it can be dangerous to tag right there at the point of harvest, depending on the gear.

I was just wondering if there was any consistency that the LEC would like to see, you know recommended on that. Because you know as I said, we moved to point of landing in Delaware, because of those dangers that are sometimes posed to the fishermen because of the gear while tagging.

MR. MERCER: Yes, I would say, defining what point of harvest and having consistency in that would be preferential. I mean it seemed a little bit clearer than what point of landing is, and how that has varied between state to state. I think most states have different language for how they describe point of harvest, but it's all basically we're taking and retaining.

CHAIR WARE: Craig Pugh.

MR. CRAIG PUGH: I would like to add to what John had said, and try to help the Board a little bit with point of harvest and point of landings differences, as we've tagged fish over a lot of years. We found that point of harvest was hard to get a guilty verdict on in our court system. If tried, all point of harvest convictions were, or violations were 80% failed in court.

Mainly because of the broad aspects of whether point of harvest also was construed, interpretation wise as time of possession, and what considers as time of possession? Is it when you lift the net, because that is what was brought up in court, the possibility as soon as I lift the net, and the fish may be out all right. I can't necessarily tag it, but it has been considered in my possession.

We could be charged at any level with any fish with that type of interpretation. That doctrine has tried and been applied to our fishery. It was my policy through 2012 to 2015 to keep an attorney on retainer, especially through our fish season for this reason. I now still carry three attorney's names in my pocket, because of that experience.

It did not work. It did not work well in the courts; it did not work for our fishery. When we tagged the fish, when you actually tag the fish, it takes a bit for a 15, 20-pound fish. If it's green, meaning very alive, you must take a knee and you will look down, meaning that you're not looking at the sea, you're not paying attention to the weather that is conflicting with you. My other responsibility is to the other people that are on my vessel, and that becomes very difficult. Where, if I have the ability to put the fish on the boat and move to a safer spot, out of the wind usually, then it becomes a lot easier process to tag this. We found that putting ashore was the right definition for us, where the wardens can meet us at the shore, wherever that may be.

Whenever we meet the shoreline to put ashore, then that tag certainly has the correct serial numbers that pretty much put our signature on each one of those fish. That part becomes very consistent at that point. It also becomes a safer, and I would say since we've adopted that our court system has not been plagued with inadequate violations.

I must point out that as those violations were handed out, the fishermen are not immune to that, but yet the enforcement officers were. They could hand things out without any impunity for them at all. But the fishermen, it became incumbent on them to have the records expunged, if they chose to do it, or even if the court system would hear it to be done. It's a bit of a pain. Putting ashore has alleviated these problems. We don't seem to have near as much problems any more with that. Thank you.

CHAIR WARE: Eric, you want to ask a question of Jeff?

MR. REID: Yes, I have two questions. One is if we are talking about point of harvest or point of landings, is that going to require an ITQ fishery? That is my first question, and my second question is sort of a follow on Nichola's question. Tag accountability, if it's a point of sale are the dealers more accountable or less accountable than if the fishermen have the tags?

MS. FRANKE: To your first question, would switching to point of landing or point of harvest require a state to have ITQs, that is up to the state to decide how they want to implement their fishery, knowing they have a requirement to tag at point of harvest or point of landing. But that doesn't necessarily require them to do individual quotas.

That is up to the state how they want to implement their fishery. I can't answer your question, in terms of which is more accountable, tagging at the dealer or harvester. It is probably different by state, and I would not be qualified to address that.

#### **REVIEW OPTIONS AND PUBLIC COMMENT SUMMARY (PART 2)**

CHAIR WARE: We're going to move on to the presentation now, this is going to cover both the commercial tagging and the total length parts of Addendum III, and then we'll look for some motions.

MS. FRANKE: I will be going over now for commercial tagging that Section 3.2, the options in the public comment summary, and I will also be going over here Section 3.1, which is the remaining section in the Addendum on measuring total length, the options in the public comment summary. The AP Chair has asked that I preset this second half of the AP report as well. On measuring total length, so looking at that section of the Addendum. Again, the FMPs specify size limits and total length, but has never defined total length for striped bass.

There are varying regulations across states on how to measure striped bass for compliance, and there has been concern that having no standard method of measurement could potentially be undermining the conservation consistency and enforcement of current size limits. As Jeff just said, the Law Enforcement Committee does support having consistent language here, so the Draft Addendum considers a coastwide definition of total length, which would apply to both sectors.

Option A, status quo, no definition of total length in the FMP. Option B would be mandatory elements for the definition of total length, again this would apply to both sectors. Each state's definition would have to address four elements. Squeezing the tail, taking a straight-line measurement, laying the fish flat, and closing the mouth.

In the Addendum there is a definition incorporating all four of those elements that the state can use, or in an implementation plan, states can submit alternative language that the Board can consider. As far as public comment on total length, again this is the same format you saw earlier today with the tables.

You can see a majority of comments support Option B; this is the defined elements for total length in the FMP. They note that those that supported staying status quo, not having a definition in the FMP, noted concern that having this definition would slow down fish handling time and potentially increase mortality.

The priority should be releasing fish as quickly as possible. But those that supported Option B, these new defined elements in the FMP noted the importance of standardization and consistency, especially with the current narrow slot limit. Now I will get into commercial tagging. Following up on the LEC presentation.

Again, in this Addendum currently in the FMPs states with commercial fisheries can choose to tag at point of harvest or point of sale, or as was mentioned, at least one state had in between that at point of landing. There have been concerns that

waiting to tag until point of sale could increase the risk of illegal harvest, so that led to this draft Addendum considering requiring commercial tagging at either point of harvest or point of landing.

This potential change would impact three states that currently tag at the Dealer at point of sale, that is Massachusetts, Rhode Island and North Carolina. However, every state manages their fishery a little bit differently, manages their tagging programs a little bit differently, so it's difficult to determine whether making this change would actually decrease that risk of illegal harvest in every state.

As far as the options here, Option A, status quo, states will continue to choose whether to tag at the point of harvest or point of sale or point of landing, if that's in between those two. Option B would be requiring commercial tagging at the point of harvest. This would be immediately upon possession or within certain parameters outlined by the state.

For example, I believe Maryland the requirement is you have to tag the fish within 200 yards of the pound net. That is just an example of a very specific state definition there. Option C would be requiring tagging by the first point of landing, as has been discussed. This is before offloading or before removing the vessel from the water. If you are fishing from shore, of course you would have to tag immediately upon possession, you are already on shore. The Addendum notes that for these two options the Board may consider delaying implementation to account for the administrative and regulatory changes that those three states I mentioned would need to go through, to switch from their current point of sale programs.

As far as the public comments here. You can see that a majority of the comments did support Option B, this is point of harvest tagging. Just going through each of the options here. Those that supported status quo note that point of harvest tagging is not appropriate

for every state, given the different management systems.

Those that support point of harvest note that this would help limit illegal activity and increase accountability. Those that support point of landing, Option C, note that it would be favorable to go with Option C instead of Option B, given the safety concerns with the point of harvest tagging.

#### **ADVISORY PANEL REPORT (PART 2)**

MS. FRANKE: Before I take questions, I'm just going to jump over to the AP presentation, it's Number 6. Again, the AP Chair asked that I make this presentation of the second half here.

The AP met via webinar on October 16, there were 11 AP members in attendance to talk about these last two issues, the total length and commercial tagging. Again, there were four AP members who submitted their comments via e-mail. Those are incorporated into this presentation.

Starting with Total Length, 8 AP members support that Option B, standard definition, those new elements. They noted a need for standardization and consistency along the coast, including from a scientific perspective. This is important with the new slot limit to close any loopholes. There were 3 other AP members who support a standard definition, but they would prefer a fanning out the tail instead of pinching the tail.

They noted that it was unclear how hard you would have to pinch the tail, and that fanning the tail would be a more natural position. The AP members on the call also agreed that Law Enforcement should be trained on how to measure a fish, whatever the definition is decided by the Board. Then on commercial tagging, the Advisory Panel, there were three members that support Option A, Status Quo again, where the states are choosing the point of tagging. They noted that there will be some level of illegal harvest no matter what the tagging program is, that each state should figure out what works best for their fishery.

They noted concern for the states that are switching, if they had to switch that the tag distribution process is unclear how that would work. A couple state-specific points here. In Rhode Island there was concern that point of harvest does not seem appropriate for such a short season, you know 8 to 9 days in recent years in the Rhode Island season.

Then in Massachusetts, there was concern about how the number of eligible harvesters to receive tags would be refused from, currently I believe it's over 4,000 people who have commercial endorsements, and they would have to be reduced by some level, given the challenges of administering harvester tagging. Continued support for status quo, there were also, as we've heard, safety concerns about point of harvest tagging. But also, that safety concerns would apply not only to stationary gears like gillnets, but also to the hook and line fisheries. There was an example of, if there are a lot of people fishing at night, a lot of boat traffic, rough conditions. There would still be safety concerns with having to tag the fish right away.

On the other end, 5 AP members did support Option B, this is point of harvest tagging. They noted there is illegal activity occurring and this option would only help law abiding harvesters. It would also help address high grading. They noted it seems like a low hanging fruit to implement point of harvest tagging for all states.

There was some discussion about the definition could be sort of very specific, you know trying to, for example, you have to tag the fish prior to resetting the gear, so allowing harvesters to maybe get to a safer location to tag, but they have to tag the fish before they go back and reset their gear. They noted that commercial fishing is a business, and tagging is a part of those business requirements, and that is what makes it different from recreational.

Then again on the point of harvest. The AP acknowledged that Massachusetts would have many challenges if switching from point of sale, but also there was some concern about the Massachusetts fishery harvesting large fish and how easy it is to get a permit. Also concern about how quota monitoring would switch to track harvester reports instead of tracking dealer reports. But there are other fisheries to look to as examples there for how to make that switch.

Then there were 4 AP members that were interested in a combination option. They would recommend point of harvest for hook and line fisheries and then point of landing for all other gears. They noted those safety concerns for gillnets and pound nets, for example, but that hook and line fishery should be able to tag right away.

They noted that again, tagging before the dealer would limit illegal activity, and all fish should be tagged as soon as possible, given the limited enforcement capacity. Again, there was some concern about the Massachusetts fishery harvesting large fish. There was an example of New Jersey's bonus program as a good example of requiring tagging immediately when you catch the fish. With that I am happy to take any questions on either the AP Report or the public comment.

CHAIR WARE: Jay, I'll go to you first, because I kind of cut you off there at the end.

DR. McNAMEE: No, I just didn't know what we were doing.

CHAIR WARE: No worries. Emerson, a question?

MR. HASBROUCK: I do. I've got well, a couple of questions. If you don't want me to ask three questions I'll ask one question, then if you want to come back to me, fine. My first question is, do we have any information about how much illegal activity is taking place because of point of sale or point of landing tagging? I mean that is some of the justification is to reduce illegal harvest, but is there any information, any data? I just had a discussion with Marty, and he's saying in New York,

enforcement there hasn't been any issues. But we have tagging at point of harvest. I'm just wondering, what is the manager of the problem that we're trying to address? Then I've got some other questions, and I ask them after this or you can come back to me, if you want, Madam Chair.

MR. FRANKE: I would turn to each state if you're looking for information from point-of-sale states, if they have any information on enforcement concerns. But we don't have any hard data on illegal activity at the Commission level. But I'll turn to the states if anyone wants to comment.

LT. MERCER: From Rhode Island point of harvest vs. point of sale, you're really looking at a commercial harvester who is selling a striped bass that isn't getting reported. That's what the tagging program is designed for. We don't see a big issue with that or most of our illegal striped bass are taken by recreational fishermen and then sold black market. That specific purpose of point of harvest, in Rhode Island at least we're not seeing a huge issue with it.

CHAIR WARE: Emerson, go for another question.

MR. HASBROUCK: Just as a follow up, and I'll reserve those other questions if there is time. A follow up to that is, if this a solution in search of a problem here? Maybe that is a rhetorical question.

CHAIR WARE: Yes, I'm going to take that as a rhetorical, you're all set. I've got a lot of folks on the list, so I'm going to just start going down the line. Renee, and this is for questions at this point. Renee.

MS. RENEE ZOBEL: Yes, I guess my question is to the states in the room that do have point of sale or point of landing. For the benefit of the group, has there been thought put into how long the transition would take and what that

might look like for you if we were to move to point of harvest.

CHAIR WARE: Those state by state, north to south, Massachusetts.

MS. MESERVE: Yes, we have been putting thought into that, and would ask that the Board allow us until 2028 if it is the will of the Board to make a switch.

CHAIR WARE: Rhode Island. Jay?

DR. McNAMEE: Yes, so I hope we don't do this. That is my first comment, and the second is to sort of maximize the amount of time to make this major adjustment, trying to fix something that is not broken.

CHAIR WARE: North Carolina.

MR. BATSAVAGE: Yes, thanks. If we have to change our requirements we would also like as long as possible, so 2028. Just an added note, we don't have the ability to make our fishery limited entry if the fishery becomes active again, so we have maybe some challenges other states don't have, in terms of changing our requirements.

CHAIR WARE: Renee, was your question moving a point of harvest or a point of landing, because we do have some states that are point of landing.

MS. ZOBEL: No, if we were moving to point of harvest.

CHAIR WARE: Okay, so I'll still open it up to states that are point of landing, I think Delaware that's you on impacts, I think is the question or if you've planned for point of harvest.

MR. CLARK: I first wanted to respond to Emerson's rhetorical question there. I mean by the very nature illegal harvest is illegal harvest that is unaccounted for. I mean it's the problem we have in every fishery. I would just say that as we know with any human activity, there is a certain small

amount of people that you give them the opportunities to cheat and they will take it.

I can just look at Delaware as an example. We only have 111 licensed gill netters. We have about 40 who actually gillnet, we only have 30 Natural Resources Police for the entire state, and just giving an example of our own fishery. At the time that the fishery is going on we have a lot of hunting activity going on too.

There is not a lot of enforcement available to check on these things, and I'm guessing that is probably the same with every state. We heard like with point-of-sale states, Massachusetts, for example has a lot of fishermen. That is a lot of people to try to keep track of for a small police force. As I said, it's how are you going to know how much it is, if you are not able to have people out there all the time watching them?

We've got a double tagging system in Delaware. As mentioned, we are a point of landing state. We are probably the only one that has that, but it's worked well for us, because our fishermen first have to tag them. Because we don't have federal dealers in the state we developed this weigh station system, where it's done on the honor system. But it's been working well for us, where every fish is then checked twice within the state.

The report from the fishermen and report to the weight station are coincided there so everything works out. We're not blind to the fact that there is cheating that goes on in our state. My point in this whole process has been, the more opportunity people have to game the system, the gamier the systems are going to be. When you do something like point of landing and after tagging right there, it reduces the opportunities to cheat.

MS. FRANKE: Also, I just wanted to note. Delaware noted their point of landing, and I know Maryland is sort of past point of harvest for a couple years, half point of landing as well. I just wanted to remind folks of that.

CHAIR WARE: We are in question period. John Clark, I have you down here, do you have a question? Did you have a question, John, I have your hand?

MR. CLARK: No, I was responding to when Emerson was asking about how do we even know there is any illegal harvest.

CHAIR WARE: Roger. Adam Nowalsky.

MR. NOWALSKY: I have a question on total length, Madam Chair.

CHAIR WARE: I am going to have you hold that until we get there, but I will put you first on the list for that. Doug Grout, question?

MR. GROUT: It was in response to Emerson's question about do we have a problem here. I was just going to comment that we've had some cases of Massachusetts commercial fishermen coming up to harvest in New Hampshire waters, and if they had tags on there, we would make it a lot easier to enforce those illegal activities.

CHAIR WARE: Nichola, did you have a question?

MS. MESERVE: A response to some of the criticism of Massachusetts. I can hold it until you've got comment, if you want.

#### **CONSIDER FINAL APPROVAL OF ADDENDUM III TO AMENDMENT 7 (PART 2)**

CHAIR WARE: I think we're very fluid at this point.

MS. MESERVE: I did want to comment on some of the perception of, I think recreational anglers getting a commercial permit in Massachusetts, because it is open entry, and using that to take a larger than slot limit fish, I think was part of the concern. You know like Rhode Island, we have a very brief season, it's 15 to 20 days generally. It's not a full-year season, so the opportunity to misuse the commercial permit in that way is already very limited.

However, we are aware of that criticism though and I think it is pertinent to today's discussion that I let the Board know that Massachusetts has made the decision to limit entry in the striped bass fishery effective next year. We're freezing the issuance of new permits, essentially, and planning to consider additional criteria moving forward to reduce the number of permits that would all be subject to public hearings and regulations in Massachusetts.

We have made the decision to limit entry. My impression really was that that open access nature of the Massachusetts fishery was a part of the reason that the Board brought this forward into the Addendum. I think it is important that that is known. There are also the two reports that identify some differences in the Massachusetts program compared to some of the other states.

I think those are all things that could be addressed without requiring us transition through a point of harvest tagging program. For example, we could start having dealers record the paucity of tags that are used per each transaction. That is not something we currently do and a lot of other states do, so have the number of tags used.

We could require dealers to record the tag serial numbers per transaction, such that it could be traceable back to the harvester was brought up by Lieutenant Mercer. We could require harvesters to bring all the fish to the dealer for reporting and tagging, prior to any of it coming home for personal consumption. There are all ways to modify the Massachusetts tagging program that doesn't require a point of harvest tagging approach, so I just wanted to put those thoughts out on the record for the Board's consideration.

CHAIR WARE: I'm going to maybe have us focus on commercial tagging. That has been the bulk of the discussion to date, and those are all the names I have, so I just kind of thing we're ready

for a motion on commercial tagging. Jay, go for it.

DR. McNAMEE: Just a simple motion here. I'll **move to approve Option A, status quo for Section 3.2 Commercial Tagging Point of Tagging.**

CHAIR WARE: Is there a second to that motion? Chris Batsavage. We'll just wait a second for that to get up on the screen. We have a motion by Jay and there was a second by Chris Batsavage. Jay, I'll go to you for some rationale.

DR. McNAMEE: Feels like another exercise in screaming into the void here, but why not. I don't know if folks heard, status quo is all the rage these days. Looking back at the Law Enforcement Report, I really appreciated some of the criteria that they put on there. I can speak for Rhode Island that we meet some of those criteria, specifically with different sizes for our commercial and recreational, and there are some other regulations that allow for differentiation between the two.

We've met that criteria that they offered for what helps with protecting against illegal harvest in point-of-sale situations. I just appreciated what Emerson brought up earlier. I take the points made about it seemingly will help with illegal harvest, but there has really not been an identified problem between point of sale, point of harvest, point of landing.

Now we have this nuance that continues to exist between point of harvest and point of landing, that we're going to have to work through. It seems like to the points Nichola made a little while ago, anything that kind of remains that we can shore up, to do a better job with our point-of-sale tagging. Rhode Island is certainly onboard with that in particular the traceability one. We may be doing that as well. I actually tried to text somebody to get an answer on that and I didn't hear back.

But I'm sure that is something that we could shore up. It just seems like, I'm preaching to the choir, you all have administrative burdens, but this is a big shift for the purpose, I don't know what sort of bang we're getting for our buck with this one, so I

hope folks will let us continue with having this option to do our point of sale harvest and allow us an opportunity to fix up any parts that still don't meet some of the criteria noted by the Law Enforcement Committee.

CHAIR WARE: Chris, as seconder, any rationale?

MR. BATSAVAGE: No, I think Jay really covered it well. Yes, we're concerned about being able to account for tags given to fishermen as opposed to given to dealers, when we don't have the ability to put in limited entry for this fishery, at least not anytime soon. For now, it's a moot point. The fishery hasn't been active in over a decade. But we still need to prepare for if and when that occurs again. Kind of taking it a step further, I think this was really added, if I remember right, a long time ago this was added to the addendum originally as a notion to kind of come up with some commercial reduction credit, which the PDT said really wasn't feasible to do.

I think if there was any interest in looking at the commercial tagging program overall for the things that were described in the Law Enforcement Committee report, it's probably better done through a separate action instead of just dealer to tagging aspect. There were a lot of other things identified in the report that could improve the tagging program coastwide.

CHAIR WARE: We're looking for a discussion on the motion. Eric Reid.

MR. REID: Just to fill in the gap that Jay didn't have. In Rhode Island we tag at point of sale, and we record the tag number, the fisherman's name, his license number and the weight of the fish. We have the ability to trace a fish wherever it goes, as long as the tag stays on it through the chain.

As far as this particular action, I am concerned about the language about point of harvest versus point of sale, because of the comments Captain Pugh put up, a safety concern for them,

and I can understand that. My question is, does this make Delaware have to do point of harvest, which they are not doing now?

MS. FRANKE: No, so status quo, point of landing sort of falls within this between harvest and sale, so point of landing is still okay for status quo.

MR. REID: Okay, and I guess my last point is, one of the first things Lieutenant Mercer said was tagging programs are effective, each in their own way. We are looking for a problem in search of a solution, or whatever that saying is. There is no problem, what are we doing?

CHAIR WARE: Matt Gates.

MR. GATES: I appreciate all this discussion on this today. We recognize some of the challenges that some of the states are going to have with implementing one of these things. I think I would like to thank John Clark, because you started this. I think this discussion has moved the needle on, especially the response from Massachusetts and Rhode Island, so I think we can support this.

CHAIR WARE: Those were all the hands I saw. Go ahead, John Clark.

MR. CLARK: Well, as you probably figured, Madam Chair, I am willing to put forward a substitute motion, and I put that up there earlier.

CHAIR WARE: Just give us a second, John. Can we just get you to read that into the record, John. All right, go for it.

MR. CLARK: **Move to substitute for Option C, commercial tagging by first point of landing, with a three-year transition period.**

CHAIR WARE: That's a motion by John Clark, a second by Ray Kane. Can I just get a clarity for you, John, on three-year transition plan, is there like a specific year?

MR. CLARK: Well, I guess we were talking about 2028. I understand this is a big change for states

that have point of sale, so wanted to make the transition as painless as possible. But I do believe that this is something that should be done. I think point of landing is a good compromise between point of harvest and point of sale.

Point of landing, as stated. I mean if we need to have a definition of point of landing in there, we can put that in also. But I think it's fairly clear we mean before putting on shore. This allows, as my fellow commissioner from Delaware, Craig Pugh so eloquently explained, it is not only a safety concern, it also makes the Law Enforcement even more certain there.

I know the question we've heard is like, is this a solution in search of a problem. No, I think we had at least what maybe 100,000 years of humankind to know that human nature being what it is, I hope I don't sound too pessimistic here, but once again I just keep repeating that the easier you make it to cheat, there is always going to be a small number of people that are going to figure that out.

I think especially with the added pressure that the commercial fishery has been under in recent years, due to reduced quotas and skepticism from the much larger recreational community that the commercial fishery is illegally taking fish. Everything we can do to maximize accountability in the commercial fishery, to maximize transparency, I think helps preserve the commercial fishery, because it keeps coming up.

You keep hearing people that want to make striped bass a game fish, and I think not only is it the right thing to do, to make sure that states stay within their quotas, but it also helps, because it will allow the recreational sector to have confidence that the commercial sector truly is only taking what the quotas are.

MS. FRANKE: Just from staff perspective, you said by 2028. Do you mean that tagging at point of landing would be implemented for the

2028 fishing season or by the end of 2028 for the next fishing year?

MR. CLARK: Let me turn that over to the states that would have to transition. From what I understood, three years was a long enough time to do this. But if they would put a date certain to that, that would be fine, you know 2028, which is three years from now of course. But that is what I assume was meant by the three-year transition period.

MS. WARE: Okay.

MS. FRANKE: Yes, just to clarify. I just wanted to understand if you meant during the 2028 fishing season they would be tagging at the point of landing, or if you mean implemented by December 31, 2028, such that it is in place for the 2029 season.

MR. CLARK: Right, once again I was planning to just defer to the states that have transition. I assumed they could do it by their 2028 fishing season. I figured three years would be enough time, but just wanted to check with them.

CHAIR WARE: What I'm going to propose is, unless this is an issue for the states that would be impacted. I'm hearing some discussion on 2028, one in 2028. Let's just see which one passes first, and then we can deal with the specific timing. Ray Kane, you were seconder. Any rationale?

MR. KANE: For the same reasons Dave Borden mentioned, Massachusetts is known as, it's probably the largest highest revenue state for fisheries, both recreational and commercial on the east coast. Our enforcement, I think we might have 80 enforcement officers throughout the entire state. We know that they are not going to be out on the water for the most part. That they will be at the point of landing, so we can support this motion.

CHAIR WARE: I have David Borden then Mike Luisi.

MR. DAVID V. D. BORDEN: I appreciate John's effort and applaud his effort to try to tighten up this provision, but I'm opposed to the motion to

substitute. In the case of Rhode Island, we have so few dealers that most of the commercial fishermen basically fish, and then they land at a boat launching, keep the fish in the boat, and then eventually take them to a dealer.

That's the active practice that is being used now. I think the message that is imbedded in this is good. We all need to tighten up our tagging programs, and I think we need to work with our own enforcement officers to make them as tight as we can get them. But this is a little bit too prescriptive and will cause major problems in the state of Rhode Island.

CHAIR WARE: Mike Luisi.

MR. LUISI: I am going to speak in favor of the substitute. I realize as an administrator and somebody responsible for implementation of our tagging program that what we're suggesting here in this motion is going to be challenging for some states. The allowance for three years is I think a reasonable amount of time to get the work done. But mostly my concern is that if the tables were turned and we were coming, the state of Maryland, we have 800 plus permitted striped bass fishermen in the state, all which receive individual tag allotments.

We have check stations in our state, point of harvest in some cases or point of landing rules apply to different gears. If I were to come to this table and say that we wanted to go to a point of sale tagging program, I am not sure, first of all I wouldn't be able to ask that. To relieve the state of Maryland from the detail and the specific way for which we account for tags would not be something that I would support. I think for all of us to be in the same place, where tags need to be affixed to the fish prior to coming off a boat or being taken somewhere for sale, I think is the right way to go. I know the challenges exist, but we're creative and I have no doubt that the states that would need to fall in line would do so, in a way that they need to in the three years.

CHAIR WARE: Those are all the hands I had, so I think at this point we're going to do a caucus, and then we'll call the question. One minute caucus. Does a state need more caucus time? I'm not seeing that so we are going to call the question here. This is on the motion to substitute for commercial tagging by point of landing. **All those in favor please raise your hand.**

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

CHAIR WARE: All those opposed.

**MS. KERNS: Rhode Island, New York, North Carolina, New Hampshire.**

CHAIR WARE: Any abstentions?

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

**CHAIR WARE: Any null votes? The motion passes 8 to 4 with 4 abstentions.** That now becomes our main motion. Is there any other discussion on the motion? Eric Reid.

MR. REID: I have a question. How long has it taken the states that have tautog tagging programs to be in full compliance?

CHAIR WARE: Well, I do not sit on the tautog board, so I can't answer that.

MS. KERNS: Eric, it took us, I think it was once the amendment was approved it took us another two years to fully flesh out the tagging program itself. Then from there, I think it took a couple of the states another two years to implement. But since then, the provisions within a state regulations or laws, wherever they are implemented, have been in place.

MR. REID: I think I can count to five, maybe. I've got all five fingers on at least one hand. I would like

to make a motion to amend to make it four years transition instead of three.

CHAIR WARE: Go ahead, Toni.

MS. KERNS: The Addendum limits us to a delayed implementation to 2028; it did not go any further. There is specific language in the document. It could be December 31, 2028, but that is what we have to work with.

MR. REID: Well, whatever. It is not only a change in how we issue tags and who applies the tags, it's going to be a change in culture for the fishermen that are used to doing a lot of things that they've been doing forever. I realize that old ways are not always good. But it is going to be a challenge for us. We don't have 4,000 commercial fishermen that have the ability to land striped bass, but we have several hundred. It's five fish a day for eight days, and it is going to be a lot of effort and a lot of money for nothing.

CHAIR WARE: Any other discussion on the motion? Does anyone need a caucus? You need a caucus, Emerson. Okay, one-minute caucus. New York, are you guys all set? Great. We have been asked for clarification on what a three-year transition period means. I'm going to interpret this as Chair to be by December 31, 2028. Excellent, is everyone okay to vote at this point? Great. **All those in favor, please raise your hand.**

**MS. KERNS: Massachusetts, Connecticut, New Jersey, Virginia, Potomac River Fisheries Commission, District of Colombia, Maryland, Delaware, Maine, New Hampshire.**

CHAIR WARE: **All opposed.**

**MS. KERNS: Rhode Island, New York, North Carolina.**

CHAIR WARE: **Any abstentions?**

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

**CHAIR WARE: Any null votes? Motion passes 10 to 3 with 3 abstentions.** I think we're in need of a break, so we're going to do a sharp ten minutes, 3:51 we'll be back to Total Length.

(Whereupon a recess was taken)

CHAIR WARE: Back to order, and we have announcements.

MS. KERNS: If you're not aware, the tide is really coming in, so if your car is parked on the street, then you may want to consider moving it into the garage. The garage seems to be okay for now and it does have a flood gate. We will be trapped in the garage if the flood gate went up, but this is the worst of the tide, so I guess you could ask the front desk if they anticipate putting the front gate up, but I have no idea. But I just wanted to make sure that if anybody was on the street you might want to consider moving your car. Mike can add to that, because he's a veteran.

MR. LUISI: Just another note on the tide. I've been coming down here since I was a child. My family, we have a house down the street. I have never seen the water from the Bay go on the other side of Route 1. If you have to park for tonight, you could go across the street and just pay. I think you have to pay to park over there, it may be waived at this point. But yes, get your car as far away from the body of water that is over there, it will come up pretty good. You would be surprised how far it will come up the road. If you want to really be safe, go across Route 1.

CHAIR WARE: This is even more reason to press on with our action today. If all the Board members could please return to their seats, we are going to continue on. We are now on total length. I'm going to go to Adam Nowalsky. Adam, I believe you had a question on total length, and I would be looking for hands of other folks who have questions on total length.

MR. NOWALSKY: Let me preface my question by saying that all measuring devices are not the same,

and that all tails of all different fish are not the same, in terms of where their longest point is. This is a Law Enforcement question. Is there a standard measuring device across law enforcement for all jurisdictions? Then once I get some input about that, you know is there a standard device and if yes or if no, could you describe the device or the prevalent devices that are used, and then I can provide some additional thoughts based on that.

LT. MERCER: I can't answer definitively for all states. Speaking probably for most states we could believe the tape measure in the field, but eventually we will measure it on a fish board.

MR. NOWALSKY: Okay, so the first follow up from that is there is proposed language in the document that suggests that the fish would be laid flat on its side on top of the measuring device. Most tapes that I've seen, when used in practice, would be having the tape laid on top of the fish as opposed to laying the tape down, extending it to some length, and then putting the fish on top. What would you describe as law enforcement's general use of a fish tape, on top of the fish or the fish on top of the measuring device?

LT. MERCER: Yes, we use the tape as a preliminary check, but we'll spread it not over the curved body, but straight along the top.

MR. NOWALSKY: What that leads me to is, while I support the concept of a standard definition of total length, I'm really struggling with this section, particularly with regards to the biological makeup of the tail of a striped bass, whereby the longest parts are at the top and bottom. Additionally, the larger the fish gets, when you lay it flat in order to get to the mouth, depending on whether you put that mouth part down flat and introduce another curve to the fish or not. With the 28-to-31-inch slot limit it's different.

There is going to be a lot more variance that would be introduced between a 28 and a 48-

inch fish than a 28-to-31-inch fish that way. I think I'm looking for any input more in depth that might have come out of the public hearings that would give us direction. I know there was overwhelming public input in favor of this, but how are we suggested to do this, particularly with the language in here on top of the device, when most people are probably using some type of tape that generally is over the top, even if not pushed down flat on the fish in a generally straight direction.

I'm just looking for some more input here. Again, squeezing the tail, if you've got an inch wide tape measure, you're probably not even going to be able to squeeze that tail down far enough. You're going to have to extrapolate where that length goes to. Any other input you could give me from public comment that suggests how this will work, because I would really like to vote in favor of this. I'm having a hard time seeing this in practice right now.

MS. FRANKE: Thank you for the question. There weren't a lot of written public comments that went into detail on this. I'll say at the public hearing I got a couple of questions on using different measuring devices, say a board versus a tape. The Addendum did note that there is still going to be some uncertainty, depending on the measuring device used. This definition/no definition will be perfect, so that the type of measuring device they are using is one source of uncertainty. I know from the past AP discussion on this they noted that anglers could still lay a fish flat on top of the measuring tape, that would still be possible. Not a ton of more detail from the public comment. It's just, I think acknowledging that it's not perfect.

CHAIR WARE: I'll say, Adam, I think there is the potential here, you know there are four elements of the definition. A motion may not necessarily need to improve all four elements of the definition. Any other questions on total length? Roy Miller.

MR. MILLER: It's not a question, Madam Chair, it's a comment. Would you entertain one?

CHAIR WARE: I will, yes.

MR. MILLER: Many of us that sit around this table, at one point in our career were field biologists. The folks I worked with over the years; we had a fairly common method of measuring the fish for total length. We would lay it on a board that had a vertical piece in the front.

We would butt the nose up against the front of the board and we would squeeze the tail in the back on top of the measuring board to get total length. That seemed to be pretty standard with every biologist I ever worked with, and our enforcement office adopted that form of determining total length as well. If you're looking for a definition, that would be the definition I would suggest.

CHAIR WARE: Thanks, Roy. I think at this point we're into comments, so if someone has a motion on total length, I would entertain that. Chris Batsavage.

MR. BATSAVAGE: I would like to make a motion to at least get something up for consideration. I sent it to staff last week, so they should have it. If not, I can read it, it's not that complicated.

There it is. **Motion to adopt Option 3.1B, Mandatory Elements for Total Length Definition with the following requirements: squeezing the tail and a straight-line measurement. This definition applies to both the recreational and commercial sectors.** If I get a second, I'll provide some rationale as to why I just picked certain parts.

CHAIR WARE: Marty Gary gave you a second.

MR. BASTSAVAGE: Thanks. Although the motion doesn't include every element considered in the Draft Addendum, it includes two of the most important requirements of properly measuring striped bass to its total length. Many states have definitions for measuring fish, either in rule or in statutes.

But not every element is in some state's definition, so try to find some common ground

here. Rule and statutory changes result in a longer administrative process. That could take years to implement in some cases, so including only the important requirements in the definition avoids delays in implementing this part of the Addendum for most states. While including every element into the definition would ensure more consistency in measuring fish across states, it would not resolve differences in measuring whole fish and fish racks, which was a point raised by the Law Enforcement Committee. In short, this motion balances the need to have a consistent definition for measuring striped bass for enforcement compliance purposes, and the need for states and jurisdictions to implement anything in a timely manner.

CHAIR WARE: Marty, as the seconder, any rationale?

MR. GARY: Thanks, Madam Chair, I think Chris covered it well. Roy also made mention of his experience with it. Forty years ago, when I was a striped bass biologist, we measured the same way, that way. My Hudson River staff took me out last year and they let me tag and measure fish again, and they were still doing it the same way. I think that is the way a lot of the states are working otherwise, so I support that.

CHAIR WARE: Discussion on the motion. Adam Nowalsky.

MR. NOWALSKY: The question is, what does squeezing the tail look like? Does it mean a little squeeze? Does it mean bringing both of the longest parts on the top and bottom together completely? What does that look like here, what is the intent here?

CHAIR WARE: Chris, do you want to try and answer that as the maker of the motion?

MR. BATSAVAGE: Yes, thanks. I don't have our rule language right in front of me, so I don't think it gets to that level of specificity. We have some guidance up on our website that kind of shows what that looks like, as far as measuring total length versus

fork length. But I don't think you get into that specific level.

Anglers or fishermen in general, and also through outreach, kind of know. There are a lot of different measuring devices out there and you mentioned tape measures, which will give you different lengths. Cooler tops that have measurements on them that are horribly inaccurate.

Yes, I think folks need to be aware that when they measure stuff it better have the most accurate device out there, because Marine Patrol, at least in North Carolina are using a standard measuring device, sometimes there are aluminum measuring boards or sticks that are kind of described by Roy and Marty.

Yes, it doesn't answer your question, I'm just acknowledging the fact that it's not perfect, just in terms of what is available for fishermen to measure their fish. Most of them are aware of those little differences, when it comes to making sure they are legal.

CHAIR WARE: All right, Nichola Meserve.

MS. MESERVE: Massachusetts implemented the squeeze tail language last year and initially had some questions about how much do you squeeze a tail. The simple response to the Law Enforcement and anglers that asked this question is that you're essentially squeezing as much as it takes to get the longest measurement. You are trying to get the longest measurement. As much as you would squeeze it to get it to fit into the lower slide of the slot limit, that is how much you have to squeeze it to see if it is within the upper bound of the slot limit.

CHAIR WARE: Craig Pugh.

MR. PUGH: I can't necessarily speak to the statement, but marketwise, I can. As most of you all have for forty some years done this measurement, I am in agreement for well over

40 years we've squeezed the tail. I can tell you, when it goes to trial, the judge wants to know what the overall length was of the fish, the complete overall length is what the judge wants to know. That is what qualifies, the squeezing of the tail.

CHAIR WARE: Joe Grist.

MR. GRIST: I'll import up our definition of measurement, just to provide that for information, what it looks like with Virginia. The way that we define it, Total the length fish measured from the most forward projection of the snout with the mouth closed to the tip of the longest length of the tail, caudal fin, measured with the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body. Snout moved in a forward projection from the fish head, that includes the upper and lower jaw. That is how we had it written out.

CHAIR WARE: I think at some point there was a Mass DMF memo on this that included every state's definition. I have Googled that in the past week. I'm sure others can do the same and see everyone's state is like. We're back on the discussion of the motion here. Are there any other comments on the motion?

Seeing none; does a state need to caucus? No. Okay, so we are going to call the question. All those in favor of the motion, please raise your hand. Actually, we're going to try a different way. **Is there any opposition to this motion? Any abstentions? Okay, Woo Hoo, this motion passes by unanimous consent.** Adam.

MR. NOWALSKY: For completeness' sake, what will this mean to the sample paragraph included in the Addendum, which would be the baseline by which, as I understand it, states would have to confirm their language, if it was not exactly as in the Addendum, would need to bring it back before the Board for approval, if I understand it. What would that do to that language?

MS. FRANKE: That language we would remove those two elements about closing the mouth and

laying the fish flat, because the Board did not approve those. Staff will remove those elements and update that definition, and then in the implementation plans states can either use that definition, which I can send out to the Board, or if states have existing language they think meets that criteria, they will submit that language and the PRT will review it.

MR. NOWALSKY: The laid flat part will also remove the on top of the measuring device phrase.

MS. FRANKE: Correct, that third element I think was lay flat on top of the measuring device, so that would be removed.

CHAIR WARE: We are now at implementation plans and implementation deadlines. I think there was potentially a straw man motion that we had been working on that we could maybe just put it up, and if someone like this, they can offer it as a motion. I suspect there will be two different motions, one for the commercial tagging and then one for the other stuff.

Just so folks know, we're going to do it in two parts. This is for the Maryland Recreational Season Baseline and Total Length definition, potential dates for implementation plans and implementation, if someone is supportive of this it would be get someone to make a motion. Mike Luisi.

**MR. LUISI: I move to approve the following compliance schedule for the Maryland recreational season baseline and total length definition. States must submit implementation plans by December 31, 2025. States must implement regulations for the total length definition by January 1, 2027.**

CHAIR WARE: Thank you, Mike, is there a second? John Clark. We can have a bit of discussion. If this doesn't work for someone, please let us know. I know there are some things in statutes. Not seeing any hands, does anyone need to caucus on this? **Is there any**

**opposition to this motion? Any abstentions? All right, so this motion passes by unanimous consent.**

Thank you very much. The next motion will be on the implementation plan for the commercial tagging. This is a draft motion for commercial tagging implementation plans if anyone is interested in that. Mike Luisi.

**MR. LUISI: I move to approve the following compliance schedule for commercial tagging: States must submit implementation plans January 1, 2028. States must implement regulations by December 31, 2028.**

CHAIR WARE: Do we have a second. John Clark. Looking to states who are impacted by this, make sure this is amendable as it could be. Any discussion on the motion? **Any objection to the motion? I'll just note one objection by Rhode Island, any abstentions? No abstentions, so this motion passes with one objection from Rhode Island.**

I think we are now at a motion to approve Addendum III as modified today and we'll wait for that to appear. Great, is anyone willing to make this motion? Joe Grist.

**MR. GRIST: Move to approve Addendum III to Amendment 7 to the Atlantic Striped Bass FMP, as amended today.**

CHAIR WARE: Second by Marty, is there any need to discuss this motion? Yes, Chris, go ahead.

MR. BATSAVAGE: I'm not going to rehash what we've already discussed all day today, and the final product is definitely if the discussion is the will of the Board. But again, I feel like we missed an opportunity again to try to put in some measures to slow down what we know is eventually going to happen to the stock in the 2030s. Therefore, I can't support it, although I know it is going to go forward and we'll implement things as we should. I just have a hard time supporting what we approved today.

CHAIR WARE: Any other discussion? Matt Gates.

MR. GATES: I'll sort of second what Chris just said. We're a little bit disappointed in missing this opportunity to do some meaningful striped bass conservation.

CHAIR WARE: Any other discussion? Does anyone need to caucus on this? One minute caucus. I think the need for a caucus may have passed, so I'm going to call everyone back to the table. We are ready to vote. I am going to do a show of hands, just because I'm not advanced. **All those in favor of the motion, please raise your hand.**

MS. KERNS: Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, Potomac River Fisheries Commission, District of Columbia, Maryland, Delaware, Maine, New Hampshire, NOAA Fisheries.

CHAIR WARE: Any opposition to the motion?

MS. KERNS: North Carolina.

CHAIR WARE: Any abstentions? Any null votes?

MS. KERNS: Rhode Island.

CHAIR WARE: We had Fish and Wildlife Service leave the webinar, but that is okay. Motion passes 13 to 1 with 1 null. I think that concludes Draft Addendum III and everything we need to do today. I'm just checking with Emilie. Yes, Bob, go for it.

EXECUTIVE DIRECTOR BEAL: Not any business for the Board, but just wanted to thank you, Megan, for this I think is your last meeting, you said you were quitting at five o'clock as Chair, so you have 45 minutes to spare, so you can talk and filibuster until then if you want. No, I think your first meeting was Addendum II, the Board finalized Addendum II and now your last meeting is finalizing Addendum III. That is quite

a two-year run as a Striped Bass Board, so thank you for all the hard work and keeping this group organized. (Applause)

#### **ADJOURNMENT**

CHAIR WARE: Thank you, that is very kind. We are looking for a **motion to adjourn**, everyone's hand, excellent. Thanks, everyone.

(Whereupon the meeting adjourned at 4:15p.m. on Wednesday, October 29, 2025)