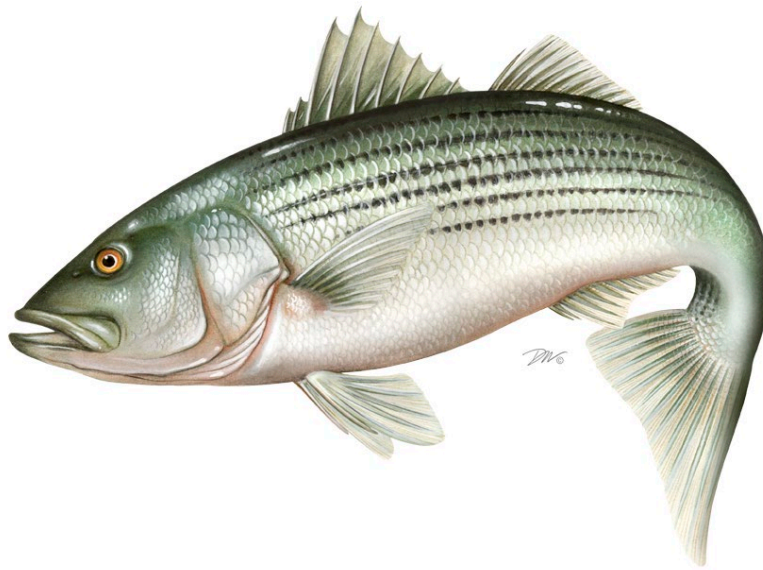


## ***Atlantic States Marine Fisheries Commission***

### **DRAFT ADDENDUM II TO AMENDMENT 7 TO THE ATLANTIC STRIPED BASS INTERSTATE FISHERY MANAGEMENT PLAN**

#### ***2024 Management Measures***



This draft document was developed for Management Board review and discussion. This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.

**Draft for Board Review  
07.17.2023**



*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

### **Public Comment Process and Proposed Timeline**

In May 2023, the Atlantic Striped Bass Management Board initiated the development of Draft Addendum II to Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass to consider 2024 management measures designed to reduce fishing mortality to the target, and consider allowing the Board to respond more quickly to upcoming stock assessment updates. This Draft Addendum presents background on the Atlantic States Marine Fisheries Commission's (Commission) management of striped bass; the addendum process and timeline; and a statement of the problem. This document also provides management options for public consideration and comment.

The public is encouraged to submit comments regarding the proposed management options in this document at any time during the public comment period. The final date comments will be accepted is **XX Month, XX Day, 2023 at 11:59 p.m. (EST)**. Comments may be submitted at state public hearings or by mail or email. If you have any questions or would like to submit comment, please use the contact information below. Organizations planning to release an action alert in response to this Draft Addendum should contact Toni Kerns, Fisheries Policy Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

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(Subject: Striped Bass Draft  
Addendum II)

Date	Action
May 2023	Board initiated the Draft Addendum
May – July 2023	Plan Development Team (PDT) develops Draft Addendum document
August 2023	Board reviews and approves Draft Addendum II for public comment
August – September 2023	Public comment period, including public hearings
October – November 2023	Board reviews public comment, selects management measures, final approval of Addendum II

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## **1.0 INTRODUCTION**

Atlantic striped bass (*Morone saxatilis*) are managed through the Atlantic States Marine Fisheries Commission (Commission) in state waters (0–3 miles) and through NOAA Fisheries in federal waters (3–200 miles). The management unit includes the coastal migratory stock from Maine through North Carolina. State waters fisheries for Atlantic striped bass are currently managed under Amendment 7 to the Interstate Fishery Management Plan (FMP), Addendum I to Amendment 7, and a temporary Emergency Action (effective May 2, 2023 through October 28, 2023). Harvesting or targeting striped bass in federal waters has been prohibited by NOAA Fisheries since 1990.

In May 2023, the Management Board initiated Addendum II to Amendment 7 to address stock rebuilding beyond 2023. The Board initiated the draft addendum via the following approved motion:

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

For measures beyond 2024, the Management Board intends to consider the results of the upcoming 2024 stock assessment update to inform subsequent management action.

## **2.0 OVERVIEW**

### **2.1 Statement of the Problem**

Atlantic striped bass were declared overfished in 2019 and are subject to a rebuilding plan that requires the stock to be rebuilt to its spawning stock biomass target by 2029. The most recent rebuilding projections indicate a low probability of meeting that deadline if the fishing mortality rate associated with the level of catch in 2022 continues. There is concern that the recreational and commercial management measures in Amendment 7 in combination with the availability of the strong 2015 year-class to the fisheries, will lead to a similarly high level of catch in 2024. In response, this draft addendum considers measures to reduce removals from the 2022 level to achieve the target fishing mortality rate in 2024 and support stock rebuilding.

Stock assessments will be completed during the rebuilding period and used to gauge the success of the measures in achieving the target fishing mortality rate and to estimate the probability of rebuilding the stock by 2029. These assessments are typically completed during the second half of the calendar year, so if a management response is needed to reduce fishing mortality, the typical addendum development and implementation schedule results in new

measures not being implemented until two years later. There is concern that such delays may impede rebuilding, especially as the deadline to achieve a rebuilt stock nears. Accordingly, this draft addendum also considers a mechanism that would allow the Board to adjust management measures in response to upcoming stock assessment updates (i.e., 2024 and 2026) via Board action, which would be faster than a typical addendum process, if deemed necessary to achieve stock rebuilding by 2029.

## **2.2 Background**

### **2.2.1 Stock Status**

Female spawning stock biomass (SSB) and the fishing mortality ( $F$ ) are estimated on a regular basis and compared to target and threshold levels (i.e., biological reference points) to assess the status of the striped bass stock. The 1995 estimate of female SSB is used as the SSB threshold because many stock characteristics, such as an expanded age structure, were reached by this year, and this is also the year the stock was declared recovered. The female SSB target is equal to 125% of the female SSB threshold. The associated  $F$  threshold and  $F$  target are calculated to achieve the respective SSB reference points in the long term.

The most recent assessment for striped bass was an update completed in 2022 with data through 2021<sup>1</sup>. Prior to this, the 2018 Benchmark Stock Assessment had determined that striped bass were overfished and experiencing overfishing in the terminal year (2017)<sup>2</sup>. Following the implementation of new management measures in 2020, the 2022 Stock Assessment Update found that the stock was no longer experiencing overfishing in 2021 ( $F = 0.14$ , below the threshold of 0.20 and the target of 0.17) but remained overfished (Female SSB = 143 million pounds, below both the target of 235 million pounds and the threshold of 188 million pounds) (Figures 1 and 2). These reference points were calculated using the “low recruitment assumption” (per Amendment 7’s requirement under a tripped recruitment trigger), which resulted in a lower, more conservative  $F$  target and threshold compared to the 2018 benchmark assessment. Although below the threshold and considered overfished, female SSB in 2021 was still estimated to be more than three-times of that during the early 1980s, when the stock was considered collapsed (Figure 1).

The assessment also indicated a period of strong recruitment (numbers of age-1 fish entering the population) from 1994–2004, followed by a period of low recruitment from 2005–2011 (although not as low as the period of stock collapse in the early 1980s) (Figure 1). This period of low recruitment contributed to the decline in SSB that the stock has experienced since 2010. Recruitment of age-1 fish was high in 2012, 2015, 2016, and 2019 (corresponding to strong 2011, 2014, 2015, and 2018 year classes, respectively); however, estimates of age-1 striped

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<sup>1</sup> ASMFC. 2022. Atlantic Striped Bass Stock Assessment Update, Atlantic States Marine Fisheries Commission, Arlington, VA. 191p.

<sup>2</sup> NEFSC. 2019. Summary Report of the 66th Northeast Regional Stock Assessment Review Committee (SARC 66), Northeast Fisheries Science Center, Woods Hole, MA. 40p.

bass were below the long-term average in 2018, 2020, and 2021. Recruitment in 2021 was estimated at 116 million age-1 fish, which is below the time series average of 136 million fish.

The 2022 assessment also included short-term projections to determine the probability of SSB being at or above the SSB target by 2029. These projections used the “low recruitment assumption”, which restricts the estimates of age-1 recruitment to those occurring during 2008–2021, rather than the longer time series of 1993–2021. These projections indicated that under the 2021 fishing mortality rate, there was a 97% probability the stock will be rebuilt by 2029 (Figure 3).

However, concerns over high recreational removals in 2022 compared to 2021, the terminal year of the most recent assessment update, prompted the Board to request updated stock projections using 2022 preliminary removals. These estimates of preliminary 2022 removals and updated stock projections were presented to the Board in May 2023. Removals data showed that while commercial removals in 2022 were similar to 2021, recreational harvest had increased 88% and recreational live releases by 3%, resulting in an overall 38% increase in recreational removals (relative to 2021). These 2022 removals were used to estimate  $F$  in 2022. Since striped bass catch and  $F$  rates vary from year-to-year (even under the same regulations), the average  $F$  from 2019–2022 (excluding 2020 due to uncertainty associated with COVID-19 impacts) was applied to 2023–2029 in the new projections. Under this  $F$  rate, the new projections estimate the probability of rebuilding SSB to its target by 2029 drops from 97% to 15% (Figure 3).

It should be noted that these projections are not the same as a full stock assessment update where the model would be re-run to include the 2022 catch-at-age and index data. Accordingly, the status of the stock remains overfished but no longer experiencing overfishing as per the 2022 stock assessment update. The next stock assessments for striped bass are currently scheduled for 2024 (an update with data through 2023), 2026 (an update with data through 2025), and 2027 (a benchmark—in which the inputs and methods are fully re-evaluated—likely with data through 2026).

### **2.2.2 Management Status**

Striped bass are currently managed under Amendment 7 to the Interstate Fishery Management Plan (FMP), Addendum I to Amendment 7, and a temporary Emergency Action (effective May 2, 2023 through October 28, 2023).

Amendment 7: Amendment 7 consolidated and replaced Amendment 6 and its addenda in 2022; in so doing, several aspects of the management program, including the management triggers, stock rebuilding plan, recreational gear requirements, and conservation equivalency restrictions, were updated to better align with current fishery needs and priorities. Importantly, Amendment 7 maintained the Addendum VI to Amendment 6 recreational and commercial fishery measures (the implications of which are described in more detail below). Separate management measures are in place for the Ocean and Chesapeake Bay fisheries due to distinct size availabilities of fish between the areas.

Amendment 7's FMP standard for managing the recreational fisheries is a one-fish bag limit with a 28 to less than 35" slot limit for the Ocean area, a one-fish bag limit with an 18" minimum size limit for the Chesapeake Bay area, and for both areas the seasons which were in place in 2017. Amendment 7's FMP standard for managing both the Ocean and Chesapeake Bay commercial fisheries is a state and/or area specific commercial quota (reduced 18% from 2017), and the size limit(s) in place in 2017. This suite of measures was first implemented under Addendum VI to Amendment 6 in 2020 to achieve an overall 18% reduction in removals relative to 2017 (shared in equivalent commercial and recreational reduction), in response to the 2018 benchmark stock assessment determining the stock as overfished and experiencing overfishing.<sup>3</sup> However, when implementing Addendum VI, numerous states adopted alternative recreational size limits, recreational bag limits, recreational seasons, commercial size limits, and/or commercial quotas through conservation equivalency (CE).<sup>4</sup> Because Amendment 7 did not revise the FMP standard commercial and recreational fishery measures from those of Addendum VI, the CE programs implemented under Addendum VI were also allowed to be carried forward by states in 2022 under the framework of Amendment 7. See Tables 1–2 for the recreational and commercial measures in place in 2022 and Table 3 for a description of the CE programs implemented. Amendment 7's revision to when and how CE may be employed by states is reviewed below.

Part of the rationale for not changing any commercial and recreational management measures under Amendment 7 was that final action on the amendment preceded the completion of the 2022 stock assessment by several months. The 2022 stock assessment was expected to provide management advice as to whether the existing measures implemented under Addendum VI had successfully reduced fishing mortality to the target level and put the stock on track to rebuild by 2029. In other words, when Amendment 7 was adopted, it was unknown whether additional conservation measures were needed. Because of this timing issue, Amendment 7 instead included a provision allowing the Board to respond quickly to the results of the 2022 stock assessment update with additional management measures if needed for rebuilding success. Specifically, rather than responding via an addendum (which typically requires three Board meetings from addendum initiation to adoption), the Board could specify state measures by a Board vote at a single meeting. Ultimately, the 2022 stock assessment indicated that F in 2021 was below target, providing a very high probability of achieving a rebuilt stock by 2029; consequently, this provision of Amendment 7, which was specific to responding to the results of the 2022 stock assessment, was not utilized.

The use of CE is subject to additional restrictions and requirements under Amendment 7 *when the FMP standard for a fishery is revised*. First and foremost, CE programs will not be approved

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<sup>3</sup> Addendum VI also established the mandatory use of circle hooks when recreationally fishing for striped bass with bait (except as part of an artificial lure); however, this measure was not credited towards the needed 18% reduction in removals to end overfishing. Amendment 7 added two additional gear requirements when recreationally fishing for striped bass: a prohibition on gaffing and the immediate release of striped bass caught on any unapproved method of take.

<sup>4</sup> Conservation equivalency refers to actions taken by a state which differ from the specific requirements of the FMP, but which achieve the same quantified level of conservation for the resource under management. It is the responsibility of the state to demonstrate the proposed management program is equivalent to the FMP standards and consistent with the restrictions and requirements for CE determined by the Board. Board approval of a CE proposal is required prior to state implementation.

for non-quota managed recreational fisheries (with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries) when the stock is at or below the biomass threshold (i.e., overfished). In the context of this draft addendum and current stock status, this means that if the FMP standard for the Ocean or Chesapeake Bay recreational fisheries (as described above) is changed, the existing Addendum VI CE programs affecting those fisheries are invalidated and a state cannot request a new CE program for non-quota managed recreational fisheries (with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries) until the stock is no longer considered overfished by a future stock assessment. For states that combined Addendum VI CE programs across fishery sectors (e.g., took a less than 18% commercial reduction based on achieving more than an 18% recreational reduction), this has implications beyond the recreational fishery.

Additionally, if future CE is requested, CE proposals will be subject to new recreational catch estimate precision standards, uncertainty buffer requirements, and an established definition of “equivalency”. Specifically, CE proposals will not be allowed to use Marine Recreational Information Program (MRIP) estimates associated with a percent standard error (PSE) exceeding 40%. PSE is a measure of precision, and higher PSEs indicate the data are less precise. Proposed CE programs for non-quota managed fisheries will be required to include an uncertainty buffer of 10%; this is intended to increase the proposed CE program’s probability of achieving equivalency with the FMP standard. However, if a CE proposal uses MRIP estimates with a PSE exceeding 30%, but less than or equal to 40%, then a larger 25% uncertainty buffer is required. Lastly, CE programs for non-quota managed fisheries are required to demonstrate equivalency to the percent reduction/liberalization projected for the FMP standard at the state-specific level (rather than the coastwide level).<sup>5</sup>

Addendum I to Amendment 7: Addendum I was approved and implemented in May 2023 to allow for voluntary ocean commercial quota transfers contingent on stock status. When the stock is overfished, no quota transfers will be allowed. When the stock is not overfished, the Management Board can decide every one to two years whether it will allow voluntary transfers of unused ocean commercial quota. The Management Board can also set criteria for allowable transfers, including a limit on how much and when quota can be transferred in a given year, and the eligibility of a state to request a transfer based on its landings. Given the overfished stock status for striped bass, quota transfers will not be authorized in 2024.

2023 Emergency Action: At its May 2023 meeting, the Management Board was presented with updated stock rebuilding projections that included preliminary removals estimates for 2022. Prior projections with data through 2021 had indicated a very high chance (97%) of rebuilding the overfished striped bass resource to its SSB target by the 2029 rebuilding deadline. Due to a

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<sup>5</sup> To better explain this stipulation, consider some of the CEs adopted under Addendum VI. Addendum VI’s 28” to <35” Ocean recreational slot limit was estimated to reduce Ocean recreational removals by 18% when applied coastwide, but had variable impacts at the state-by-state level. States projected to achieve a greater than 18% reduction at the state-level were able to liberalize their regulations to target an 18% reduction rather than the higher amount achieved by the FMP standard. Under Amendment 7, CE proposals would have to achieve the higher reduction rate associated with the FMP standard applied at the state level.



near doubling of recreational harvest in 2022, the new projections estimated that the probability of rebuilding by 2029 drops to 15% if the higher fishing mortality rate associated with the 2022 removals continues each year.

In addition to initiating this draft addendum to consider coastwide changes to the commercial and recreational regulations for 2024 to bring *F* back to the target level of 0.17, the Management Board approved an Emergency Action to more immediately address the source of the increase in fishing mortality. Specifically, the Management Board's May 2, 2023 emergency action required all states to implement a 31-inch maximum size limit for their striped bass recreational fisheries<sup>6</sup> as soon as possible and no later than July 2, 2023, while maintaining all other measures. In effect, the emergency action reduced the Ocean recreational slot from 28 to <35" to 28 – 31", and layered a 31" maximum size to the Chesapeake Bay's recreational measures. Emergency actions are effective for 180 days from the time of their declaration, meaning the expiration date of the 31" recreational maximum size limit is October 28, 2023, unless sooner rescinded or extended by the Management Board. If it deems necessary, the Management Board may extend the emergency action for two additional periods of up to one year each at a future Board meeting.

The emergency action's 31" recreational maximum size limit is intended to reduce recreational harvest from the level seen in 2022 by providing additional protection to the abundant 2015-year class. The strong 2015 year-class is a primary reason for the increase in harvest in 2022, as many of the fish born that year had begun to exceed 28" in length, the lower bound of the ocean slot limit (Figure 4). In 2023, as 8-year-olds, these fish are expected to average 31 ½" in length (Table 4). By implementing the 31" maximum size limit, over 50% of the 2015-year class should be protected from recreational harvest. Without this change, a high majority of the 2015 year-class would have been within the 28" to <35" ocean slot and susceptible to recreational harvest, raising concern that fishing mortality in 2023 would be even greater than 2022 and further erode the probability for rebuilding by 2029. As of July 2, all states implemented the emergency action's 31" maximum size limit (Table 5).

#### **2.2.2.1 Social and Economic Impacts**

*For more detailed discussion of recent research into striped bass anglers' preferences and behavior and how it could be applied, see Amendment 7 to the Striped Bass FMP Section 1.5.2.*

For the recreational sector, changes in gear restrictions, in spatial or seasonal closures, bag and size limits, and other effort controls affect important attributes of a recreational fishing trip, such as the number of fish of each species that anglers catch and are allowed to keep. In turn, these changes in trip attributes will modify the utility (i.e., level of satisfaction) an angler

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<sup>6</sup> The emergency action excluded the Chesapeake Bay spring trophy fishery from the 31" maximum size limit in 2023 because this fishery occurs for two weeks in May prior to the emergency action's implementation deadline and the fishery's current 35" minimum size limit provides a high level of protection to the 2015-year class in the short-term.

expects to obtain from the fishing trip (McConnell et al. 1995, Haab and McConnell 2003)<sup>7</sup>. As a result, the angler may shift target species, modify trip duration or location, or decide not to take the trip and do something else instead. These behavioral responses lead to changes in directed fishing effort, resulting in changes in harvest, fishing mortality, and angler welfare. This is, however, only a short-term response and stock dynamics will dictate any longer-term effects on the resource, which may subsequently feedback and affect future management decisions and angling behavior.

Narrow slot limits, like the 2023 emergency action and the options being considered for 2024 measures, will lead to fish in the larger size range being released in the short-term. For example, a 28" to 31" recreational slot limit in the ocean will lead to fish in the 31" to 35" size range being released in the short-term. Recent research into striped bass anglers' preferences and behavior found the typical striped bass angler prefers to keep larger fish (Carr-Harris and Steinback 2020)<sup>8</sup>. Applying this to a 28 to 31" slot limit, anglers would likely prefer to keep a fish on the size range 31"-35" rather than having to release it, which means that in the short-term, a narrow slot limit like 28 to 31" may reduce effort (i.e., reduce trips) from those anglers seeking to bring fish home in the cooler. Thus, the overall anticipated effect on the number of releases in the short-term is unclear; larger fish are required to be released, but any reduction in effort may reduce the overall number of releases. A reduction in effort could translate into a short-term negative impact on the regional economy and businesses associated with the fishing industry for this species. Importantly, this is likely only a short-term response, and stock dynamics will dictate any longer-term effects on the resource and the angling community. Assuming the narrow slot limit implemented through the 2023 emergency action and the narrow slot options considered for 2024 will support the rebuilding of the striped bass population, it will likely ensure the quality of the recreational fishing experience for the sector in the long-term.

Implementing seasonal no-harvest closures (i.e., catch and release fishing is allowed) is intended to reduce the number of fish harvested; however, angler behavior may shift to catch-and-release fishing, thereby increasing the number of recreational releases. It is important to note that fishing trips targeting other species that incidentally catch and release striped bass would also still occur during a closure. Additionally, seasonal closures for striped bass may shift effort to targeting other species and/or shift effort to other times of year when the striped bass fishery is open.

For the commercial sector, implementing commercial maximum size limits could impact the size of fish brought to market. In states where a new maximum size limit significantly changes the size of commercially harvested fish, dealers, processors, and consumers will have to adjust

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<sup>7</sup> McConnell, K.E. and Strand, I.E. and Blake-Hedges, L. 1995. Random Utility Models of Recreational Fishing: Catching Fish Using a Poisson Process. *Marine Resource Economics* 10, p.247-261.

Haab, T.C. and McConnell, K.E. 2003. *Valuating Environmental and Natural Resources: The Econometrics of Non-Market Valuation*, Edward Elgar Publishing.

<sup>8</sup> Carr-Harris, A. and S. Steinback. 2020. Expected economic and biological impacts of recreational Atlantic striped bass fishing policy. *Front. Mar. Sci.* 6: 814, p.1-20.

to the new smaller fish size, potentially requiring changes in the supply chain and marketing. In the short-term harvesters may also be more limited to adjusting to market demand if they are operating within a narrow slot limit. Additionally, the harvest of smaller fish by the commercial sector will likely result in longer effort and an increased number of fish being removed, although the total poundage will not change as that is governed by state-specific commercial quotas.

### **2.2.3 Status of the Fishery**

In 2022, total Atlantic striped bass removals (commercial and recreational, including harvest, commercial dead discards and recreational release mortality) were estimated at 6.8 million fish, which is a 32% increase from 2021 total removals. This 2022 increase was driven by an increase in recreational removals, as commercial removals slightly decreased. In 2022, the commercial sector accounted for about 10% of total removals in numbers of fish (9% harvest and 1% dead discards), and the recreational sector accounted for 90% of removals in numbers of fish (51% harvest and 39% release mortality) (Figure 5). Removals for each sector by year are listed in Table 6.

#### ***Recreational Fishery***

The recreational fishery is managed by bag limits, minimum size or slot size limits, and closed seasons (in some states) to restrict harvest (Table 2). Gear restrictions are also in place to increase the chance of survival after a striped bass is released alive in the recreational fishery. Total recreational catch (harvest and live releases) coastwide was estimated at 33.1 million fish in 2022, which is an 38% increase from 2021. This overall coastwide increase was a combination of a large increase in harvest and a marginal increase in live releases.

From 2004 to 2014, recreational harvest averaged 4.6 million fish per year. From 2015-2019, annual harvest decreased to an estimated 2.8 million fish due to the implementation of more restrictive regulations via Addendum IV, changes in effort and changes in size and distribution of the population through time. Total recreational harvest decreased to 1.71 million fish in 2020 and 1.82 million fish in 2021, likely due to a combination of factors including more restrictive regulations via Addendum VI, fish availability, and impacts of COVID-19. It is important to recognize that impacts from COVID-19 were likely not uniform across states, sectors, or modes.

Under the same management measures as 2020-2021, total recreational harvest in 2022 increased to 3.4 million fish (35.8 million pounds), which is an 88% increase by number relative to 2021 (127% increase by weight). This increase was likely due to the increased availability of the strong 2015-year class in the ocean slot in 2022. New Jersey landed the largest proportion of recreational harvest in number of fish<sup>9</sup> (33%), followed by New York (26%), Maryland (19%), and Massachusetts (14%). The proportion of coastwide recreational harvest in numbers from Chesapeake Bay was estimated at 20% in 2022, compared to 35% in 2021. By weight, the

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<sup>9</sup> By weight, New Jersey had the largest proportion of recreational harvest (38%), followed by New York (30%), Massachusetts (15%), and Maryland (9%).

proportion of recreational harvest from the Chesapeake Bay was estimated at 9% in 2022, compared to 20% in 2021.

The vast majority of recreational striped bass catch (over 90%) is released alive either due to angler preference or regulation (i.e., closed season, undersized, or already caught the bag limit). The stock assessment assumes, based on previous studies, that 9% of fish that are released alive die as a result of being caught. In 2022, recreational anglers caught and released an estimated 29.6 million fish, of which 2.7 million are assumed to have died. This represents a 3% increase in live releases coastwide from 2021.

In 2022, combined private vessel/shore modes of the recreational striped bass fishery accounted for 95% of recreational removals, and the for-hire components (charter and head boats) accounted for 5%. Coastwide in 2022, private vessel/shore mode recreational removals increased by 42% relative to 2021, while for-hire recreational removals decreased by 7%. However, this trend differs by region and by mode. In the ocean, private vessel/shore mode removals increased by 52% and for-hire removals increased by 22% in 2022. In the Chesapeake Bay, private vessel/shore mode removals increased by only 3%, and for-hire removals decreased by 27%.

The ocean and Chesapeake Bay regions experienced different changes in recreational catch in 2022 relative to 2021. The ocean region saw an increase in both recreational harvest (132% increase in numbers of fish) and live releases (7% increase) relative to 2021. On the other hand, the Chesapeake Bay saw a much smaller increase in recreational harvest (7% increase) and a decrease in live releases (18% decrease) relative to 2021. Again, the large increase in ocean recreational harvest is likely due to the availability of the strong 2015-year class in the ocean slot in 2022, when many of those age-8 fish were above the legal minimum size of 28 inches.

The number of trips directed at striped bass (primary and secondary target) also shows a differing trend between the ocean and the Chesapeake Bay. In 2022, the number of ocean directed trips increased by 31% relative to 2021, while the number of Chesapeake Bay directed trips decreased slightly by about 2%.

### ***Commercial Fishery***

The commercial fishery is managed by a quota system resulting in relatively stable landings since 2004. There are two regional quotas; one for the Chesapeake Bay area and one for the ocean area, which includes other bays, inland rivers, and estuaries. In 2022, the ocean commercial striped bass quota was 2,411,154 pounds, and 1,904,852 pounds were harvested in the ocean region. In the Chesapeake Bay region, the 2022 commercial striped bass quota was 3,001,648 pounds, and 2,374,988 pounds were harvested. Neither quota was exceeded in 2022. Refer to Table 1 for 2022 commercial fishery regulations by state, including size limits, trip limits, and seasons, where applicable.

From 2004 to 2014, coastwide commercial landings averaged 6.8 million pounds per year. From 2015-2019, commercial landings decreased to an average of 4.7 million pounds due to

implementation of reduced quotas through Addendum IV. From 2020-2022, coastwide commercial landings decreased again to an average 4.1 million pounds due to further reduced quotas through Addendum VI.

Since 1990, commercial landings from the ocean fishery have accounted for an average 40% of total coastwide commercial landings by weight, with the other 60% coming from the Chesapeake Bay. The proportion of commercial harvest coming from Chesapeake Bay is much higher in numbers of fish (roughly 80%) because fish harvested in Chesapeake Bay have a lower average weight than fish harvested in ocean fisheries.

Of the total 2022 commercial harvest (combined ocean and Chesapeake Bay) by weight, Maryland landed 31%, Virginia landed 20%, and Massachusetts landed 18%. Additional harvest came from New York (15%), the Potomac River (10%), Rhode Island (4%), and Delaware (3%).

Ocean commercial size limits, seasons, and gear types vary by state. Along the Atlantic coast, current legal minimum size ranges from 20" to 35". In general, lower minimum sizes exist in the Mid-Atlantic (where fish are primarily harvested by a combination of drift and anchor gill nets), while New England states have larger minimum sizes and harvest is predominantly hook and line. In the ocean region, only New York has a commercial size slot with lower and upper bounds (26" – 38") at this current time.

Chesapeake Bay commercial size limits and gear types are more uniform with an 18" minimum size for Bay states, although Maryland has a year-round maximum size (36") while PRFC and Virginia have seasonal maximum size limits of 36" and 28", respectively. All three Bay states employ a combination of pound net, drift net, and hook and line gear types.

Commercial striped bass fisheries operate differently in each state with a wide range of varying gears, seasons, and a range of current size limits, which results in different size fish being harvested in each state. State commercial sampling programs indicate the mean length, weight, and age of commercially harvested striped bass are higher for the ocean fishery (Table 7). Sub-sampling of commercial striped bass harvest occurs for about 1-5% of all harvested fish in each state, and these values are assumed to be representative of each state's landings. In the ocean, mean length of harvested fish ranged from 30.2" total length (NY) to 41.1" total length (MD ocean) based on 2022 samples, with corresponding mean weights ranging from 9.9 lbs. to 25.9 lbs. In the Chesapeake Bay, mean length of harvested fish ranged from 22.2" total length (MD Bay) to 36.2" total length (VA Bay hook & line) based on 2022 samples, with corresponding mean weights ranging from 4.6 lbs. to 26.6 lbs.

### **3.0 PROPOSED MANAGEMENT OPTIONS**

This document proposes management changes for the ocean and Chesapeake Bay fisheries. The striped bass ocean fishery (also referred to as "ocean region") is defined as all fisheries operating in coastal and estuarine areas of the U.S. Atlantic coast from Maine through North Carolina, excluding the Chesapeake Bay and Albemarle Sound-Roanoke River (A-R) management areas. The Chesapeake Bay fishery is defined as all fisheries operating within

Chesapeake Bay, except for the Chesapeake Bay spring trophy fishery. The Chesapeake Bay spring trophy fishery is part of the ocean fishery for management purposes because it targets coastal migratory striped bass. This document does not propose changes to the A-R fisheries, which are managed separately by the State of North Carolina.

**Projecting 2024 Reduction to Achieve the Fishing Mortality Target and Option Development**

The same forward projecting methodology as used in striped bass stock assessments was used to estimate the removals needed to achieve  $F$  target in 2024 with a 50% probability.

The projections were made using 2022 removals data (6.8 million fish total), and estimated 2023 removals accounting for implementation of the 2023 emergency action (an estimated 4.8 million fish total). The TC conducted sensitivity runs to explore different assumptions of the methods used to estimate 2023 removals and the effect on the projections, and found that although the estimates of 2023 removals varied from 4.8 to 5.7 million fish, the necessary percent reduction to achieve the  $F$  target in 2024 only varied by approximately 1.5%. The June 2023 Technical Committee summaries provide additional details on these methods and results<sup>10</sup>.

A new selectivity curve for the 2023 emergency action was also developed to account for the lower selectivity of ages 7-9 fish in 2023 due to the narrower recreational slot limit. Because the calculation of  $F$  target accounts for selectivity, the  $F$  target value was re-calculated to incorporate this new 2023 selectivity ( $F$  target=0.176). Projection results indicate a 14.5% reduction from 2022 total removals is needed to achieve  $F$  target in 2024.

The proposed commercial fishery options consider maximum size limits. Depending on the option selected by the Board, quota reductions may or may not be implemented with these size limit changes. If such quota reductions were to occur, those reduction calculations would be state-specific and would vary depending on the option selected. For these reasons, a reduction in commercial removals could not be assumed, and so is assumed to be 0%. Consequently, to achieve the required overall reduction, the recreational sector must take a 16.1% reduction.

The proposed recreational management options were developed using MRIP harvest and live release estimates. A mortality rate of 9% was applied to all live release estimates to estimate release mortality in the recreational fishery. To account for year-class strength in the ocean, catch-at-length data from 2020 were used to characterize ocean fish availability for 2024 and develop ocean slot limit options. 2020 was used as a proxy for 2024 ocean fish availability because the strong 2011-year class was available in the ocean at age-9 in 2020, just as the strong 2015 year-class catch will be available in the ocean at age-9 in 2024. To develop ocean harvest closure options, 2022 harvest data were used to characterize what percent of harvest would occur during each two-month Wave during the year (i.e., Jan/Feb, Mar/Apr, etc.). For the

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<sup>10</sup> June 5 and June 28, 2023 Technical Committee Meeting Summaries: <http://www.asmfcr.org/species/atlantic-stripped-bass#meetingsummaries>

Chesapeake Bay, catch-at-length data from 2021 were used to characterize Bay fish availability in 2024 because that year is assumed to more accurately represent the younger year-classes expected to be present in the Bay in 2024. Specifically, in 2024, the 2018 year-class will be age-6, the same age the 2015 year-class was in 2021. Similar to the ocean region, the 2022 harvest data were used to develop the Chesapeake Bay harvest closure options. When changes in the bag limit were assumed, the average reduction in removals was estimated using data from a period when there was a two-fish bag limit in Chesapeake Bay. For both regions, the same level of non-compliance with size limits as observed in 2021-2022 is assumed to occur in 2024. In the ocean, all harvest below the slot is assumed to continue, as it is a mix of non-compliance and compliance with different, regional size limits in established CE programs and difficult to separate.

### **3.1 Recreational Fishery Management: Size Limits, Bag Limits, and Seasons**

*Proposed options for the ocean and Chesapeake Bay recreational fisheries are presented below. The recreational options presented herein are designed to achieve at least a 16.1% reduction in the ocean and at least a 16.1% reduction in the Chesapeake Bay. All size limits are in total length. Bag limits are per person per day. The Board will choose one option for each region.*

*Note on Conservation Equivalency: Since the stock is currently overfished, CE programs will not be approved for non-quota managed recreational fisheries, with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries.*

*In the criteria for CE proposals for Addendum VI, the TC noted season closures less than two weeks duration are unlikely to be effective. However, there are options for 10-day closures included for consideration. If a 10-day closure option is selected, the closure must include two consecutive weekends from a Friday to the following Sunday.*

#### **3.1.1 OCEAN OPTIONS**

*All ocean options besides the status quo are a combination of a slot limit and seasonal closure. The seasonal closures are no-harvest closures (i.e., catch and release fishing is allowed). Most of the ocean slot options continue the use of the 28" minimum size limit given the long-standing nature of this measure (with benefits to compliance) and in consideration of environmental justice issues (e.g., providing access to shore-based anglers to legal-sized fish). To continue providing some protection to the strong 2015-year class, none of the ocean slot options exceed a 34" maximum size since the age-9 2015 year-class in 2024 has an estimated average length of about 34".*

*Regarding seasonal closures, a coastwide closure with the same closure dates for each state would ensure consistency in the timing of closures across all states, but would present an equitability challenge. Recreational fisheries operate very differently along the coast based on timing (availability of fish), among other biological, environmental, and socioeconomic considerations, so coastwide closures would result in different levels of harvest reduction for each state. 2022 harvest data by Wave were used to calculate what level of harvest reduction would be expected for the seasonal closure options presented below. For broader reference, Figure 6 shows state harvest by Wave combined for 2018-2022, which shows the varied timing of each state's harvest throughout*

*the year. To partly address this equitability issue, some options include regional closures, which intend to implement closures in Waves with relatively high harvest in each region, to the extent possible. However, regional closures may mean that states sharing a waterbody may have different closure dates (e.g., NY and CT), which is problematic for enforcement and may lead to effort being shifted to the neighboring state during the other state's closure. Overall, no closure option is completely equitable.*

*For all ocean options, New York, Pennsylvania, and Delaware would be required to submit area-specific measures as part of their state implementation plans for the following areas. All state implementation plans are subject to review by the Board, Technical Committee, and Plan Review Team, and should incorporate the best available data for each area (MRIP data are not available for all areas).*

- New York is required to submit an implementation plan with measures to achieve the 16.1% reduction relative to 2022 levels for the Hudson River management area.*
- Pennsylvania is required to submit an implementation plan with measures to achieve the 16.1% reduction relative to 2022 levels in its state waters.*
- Delaware is required to submit an implementation plan with measures to achieve the 16.1% reduction relative to 2022 levels for their July-August 20"-25" slot fishery.*

**Option A. Status Quo:** 1 fish at 28" to less than 35" with 2017 season dates for all ocean recreational fisheries. This option allows for the continuation of the existing Addendum VI CE plans. Status quo does not achieve the objective of this addendum to achieve *F* target in 2024.

**Options B through D.** All ocean options besides the status quo are a combination of slot limit and seasonal closure options summarized in the following table. NOTE:

- Any new size limit also applies to the Chesapeake Bay trophy fisheries with 2022 trophy season dates.
- All closure dates will be specified by the Board during final adoption of this addendum (or shortly thereafter). For coastwide closures, all states will have the same closure dates. For regional closures, all states within a region will have the same closure dates.
- *The public is encouraged to provide comments on which period during certain Waves they would prefer the closure to occur (e.g., if Wave 4 closure, note preference for early or late July or August).*



Ocean Options	Overall Reduction	Harvest Change	Rec. Release Mortality Change
<b>Option B. 1 fish at 28" – 31" with 2022 seasons plus harvest closure, as follows:</b>			
<b>B1.</b> 14 days Wave 6 for all states	-16.8%	-53.1%	+2.7%
<b>B2.</b> 10 days Wave 4 for ME-CT and 10 days Wave 6 for NY-NC	-17.0%	-53.3%	+2.7%
<b>B3.</b> 14 days Wave 4 for ME-MA, and 14 days Wave 3 for RI-NC	-16.6%	-52.8%	+2.6%
<b>B4.</b> 10 days Wave 4 for ME-MA, and 10 days Wave 6 for RI-NC	-16.8%	-53.1%	+2.7%
<b>B5.</b> 15 days Wave 4 ME-NH, and 15 days Wave 3 MA-NJ, and 15 days Wave 6 DE-NC	-16.2%	-52.4%	+2.5%
<b>B6.</b> 21 days Wave 4 ME-NH, and 21 days Wave 5 MA-NJ, and 21 days Wave 6 DE-NC	-16.7%	-52.9%	+2.7%
<b>Option C. 1 fish at 28" – 32" with 2022 seasons plus harvest closure, as follows:</b>			
<b>C1.</b> 14 days Wave 3, plus 14 days Wave 4, plus 14 days Wave 6 for all states <i>(6 weeks total for all states)</i>	-17.7%	-48.4%	+3.2%
<b>C2.</b> 21 days Wave 4 for ME-CT, and 21 days Wave 6 for NY-NC	-17.4%	-48.0%	+3.1%
<b>C3.</b> 21 days Wave 4 for ME-MA, and 21 days Wave 6 for RI-NC	-17.0%	-47.4%	+3.0%
<b>Option D. 1 fish at 30" – 33" with 2022 seasons plus harvest closure, as follows:</b>			
<b>D1.</b> 14 days Wave 4, plus 14 days Wave 6 for all states <i>(4 weeks total for all states)</i>	-17.4%	-51.2%	+3.0%
<b>D2.</b> 14 days Wave 4 for ME-CT, and 14 days Wave 6 NY-NC	-16.9%	-50.5%	+2.8%
<b>D3.</b> 21 days Wave 4 for ME-MA, and 21 days Wave 3 for RI-NC	-16.6%	-50.1%	+2.8%
<b>D4.</b> 14 days Wave 4 for ME-MA, and 14 days Wave 6 for RI-NC	-16.6%	-50.2%	+2.8%

### 3.1.2 CHESAPEAKE BAY OPTIONS

*All Chesapeake Bay options propose a maximum recreational size limit. Maximum size limits range from 23" to 28"; the higher maximum size of 28" would allow harvest of a portion of the above average 2018 year-class, which will be age-6 with an average estimate length of just over 26" in 2024. Some options also change the minimum size limit and/or bag limit, and some options propose additional seasonal closures. Although the Board did not specifically request additional seasonal closures for the Chesapeake Bay options, they were included to allow for a range of options that include both narrow and wider slot sizes.*

*While differences in striped bass seasons have long differed between the Chesapeake Bay jurisdictions, in 2020 those seasons were further differentiated via approved CE plans (i.e., new summer no-targeting closures in some Bay jurisdictions). Due to the complexity of Addendum VI CE plans and associated uncertainty with estimating increased harvest from removing a closure, all options maintain 2022 seasonal closures. It should be noted that recreational closures implemented in some Bay jurisdictions from 2020-2022 were part of approved CE plans to account for taking a lower reduction in the commercial sector, to overall achieve the previous Addendum VI reduction. By maintaining these shorter 2022 recreational seasons, those previous CE programs cannot be entirely 'wiped clean', so that may be considered when addressing the starting point for commercial quotas (see next section).*

*Some options propose additional closures on top of those existing closures. The additional seasonal closures proposed in the options are no-harvest closures (i.e., catch and release fishing is allowed). The additional closures consider when current harvest occurs throughout the year in each Bay jurisdiction. 2022 Wave-specific harvest data were used to calculate the level of harvest reduction expected for the seasonal closure options presented below. For broader reference, Figure 7 shows state harvest by Wave combined for 2018-2022, which shows the varied timing of Maryland and Virginia's harvest throughout the year based on their current closures. MRIP data are not available for DC, and while MRIP collects data from locations along the Potomac River, these intercepts are designated as part of Chesapeake Bay and included in the estimates for the state (MD or VA) the fish were landed in. While catch can be estimated by sub-setting sample sites to those along the river, wave-specific intercept sample sizes for the Potomac River are very small and uncertain.*

**Option A. Status Quo:** 1 fish at 18" minimum size with 2017 season dates for all Chesapeake Bay recreational fisheries. This option allows for the continuation of the existing Addendum VI CE plans. Status quo does not achieve the objective of this addendum to achieve *F* target in 2024.

**Options B through I.** All Chesapeake Bay options are summarized in the following table. NOTE:

- All closure dates will be specified by the Board during final adoption of this addendum (or shortly thereafter). The Board should work to align Chesapeake Bay jurisdiction closures as much as possible, acknowledging that perfect alignment may not be possible given existing, differing closure dates.
- *The public is encouraged to provide comments on which period during certain Waves they would prefer the closure to occur (e.g., if Wave 4 closure, note preference for early or late July or August).*

<b>Chesapeake Bay Options with Consistent Maximum Size</b>							
	Min. Size	Max. Size	Bag Limit	Season	Overall Reduction	Harvest Change	Rec. Release Mortality (RRM) Change
<b>Option B</b>	Same as 2022: 18" DC, 19" MD, 20" VA & PRFC	23"	same as 2022*	same as 2022 <sup>+</sup>	-17.8%	-31.6%	+4.9%
<b>Option C</b>	Same as 2022: 18" DC, 19" MD, 20" VA & PRFC	24"	same as 2022*	16 day harvest closure in Wave 4 for MD, and Wave 6 for PRFC/DC <sup>^</sup> /VA (on top of 2022 <sup>+</sup> seasons)	-16.2%	-27.0%	+4.8%
<b>Chesapeake Bay Options with Consistent Minimum and Maximum Size</b>							
	Min. Size	Max. Size	Bag Limit	Season	Overall Reduction	Harvest Change	RRM Change
<b>Option D</b>	20" (all jurisdictions)	24"	same as 2022*	same as 2022 <sup>+</sup>	-17.2%	-30.5%	+4.7%
<b>Option E</b>	20" (all jurisdictions)	25"	same as 2022*	20 day harvest closure in Wave 6 for all jurisdictions (on top of 2022 <sup>+</sup> seasons)	-16.1%	-27.6%	+4.6%
<b>Option F</b>	20" (all jurisdictions)	26"	same as 2022*	16 day harvest closure in Wave 4 for MD, and Wave 6 for PRFC/DC <sup>^</sup> /VA (on top of 2022 <sup>+</sup> seasons)	-16.5%	-27.5%	+4.9%
<b>Option G</b>	20" (all jurisdictions)	28"	same as 2022*	22 day harvest closure in Wave 4 for MD, and Wave 6 for PRFC/DC <sup>^</sup> /VA (on top of 2022 <sup>+</sup> seasons)	-16.4%	-26.9%	+4.9%
<b>Chesapeake Bay Options with Consistent Minimum Size, Maximum Size, and Bag Limit</b>							
	Min. Size	Max. Size	Bag Limit	Season	Overall Reduction	Harvest Change	RRM Change
<b>Option H</b>	19" (all jurisdictions)	23"	1 fish (all modes)	same as 2022 <sup>+</sup>	-22.4%	-38.4%	+6.7%
<b>Option I</b>	20" (all jurisdictions)	26"	1 fish (all modes)	same as 2022 <sup>+</sup>	-17.0%	-29.1%	+4.8%

<sup>^</sup>Note: DC can choose either Wave 4 or Wave 6 for their closure for Options C, F, and G.

**\*2022 Chesapeake Bay Bag Limits**

MD 1 fish-private vessel/shore, 2 fish-For-Hire	PRFC 2 fish for all modes
DC 1 fish for all modes	VA 1 fish for all modes

**\*2022 Chesapeake Bay Seasons**

MD: C&R only 1.1-3.31, 12.11-12.31 No targeting 4.1-4.30 Trophy: 5.1.-5.15 (part of ocean fishery) Open: 5.16-7.15, 8.1-12.10 No Targeting: 7.16-7.31	PRFC: No Harvest 1.1-4.30 Trophy: 5.1-5.15 (part of ocean fishery) Open: 5.16-7.6, 8.21-12.31 No Targeting 7.7-8.20
DC: No Harvest 1.1-5.16 Open: 5.16-12.31	VA: No Harvest 1.1-5.15 Open 5.16-6.15, 10.4-12.31 No Harvest: 6.16-10.3

**3.2 Commercial Fishery Management: Size Limits**

*The following options propose implementing a maximum size limit for striped bass commercial fisheries in the ocean and Chesapeake Bay. The intent of the size limit options is to protect the largest, mature female striped bass contributing to the spawning stock biomass.*

*Commercial striped bass fisheries operate differently in each state with varying gears, seasons, and size limits. Consequently, implementing a standard maximum size limit across all commercial striped bass fisheries would result in a range of impacts that differ by state and by gear type. Current commercial size limits vary by state, particularly in the ocean where they range from a 20" minimum to 35" minimum, with only one fishery having a maximum size limit (38"). In the Chesapeake Bay, the minimum size is uniform across jurisdictions (18") but the use of a maximum size varies in length (28" or 36") and duration (year-round or seasonal).*

*In the past, when individual states have changed their commercial size limits through CE, states simultaneously adjusted their quotas up or down to account for maintaining the same spawning potential under new size limits as compared to their previous size limits. This process of adjusting commercial quotas to maintain the same spawning potential under new commercial size limits has been standard practice for approved CE programs under the FMP. If a commercial maximum size limit is implemented and there are corresponding quota adjustments to account for spawning potential, many state quotas will likely decrease to account for lost spawning potential due to harvesting smaller fish (e.g., implementing a maximum size where there was none).*

*As maximum size limits decrease (i.e., become more restrictive), harvested fish size will also decrease along with the degree of corresponding quota reductions, as illustrated in the following table. Additionally, a new maximum size limit may lead to states requesting a lower minimum size limit through CE to expand their harvest slot, which would further contribute to changes in quota and changes to the size of commercially harvested fish. States that already*

*harvest smaller fish (e.g., Chesapeake Bay, Delaware Bay) would likely see less of a quota reduction from a new maximum size limit since their fisheries already select for smaller fish.*

*If a commercial maximum size limit is implemented without corresponding quota adjustments, the number of fish harvested may increase since the average size of commercially harvested fish may decrease in some states, along with potential increased discards.*

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

**Example Quota Reductions Associated with Changing Size Limits**

State	Describe Change	Example Starting Size Limit	Example New Size Limit	Percent Quota Change to Maintain Same Spawning Potential
MA	Apply new maximum size and lower minimum size <i>(change to slot almost entirely below prior size)</i>	34" min.	28 – 35" slot	36% quota reduction
MA	Apply new maximum size and maintain same minimum size <i>(add upper bound where none existed before)</i>	28" min.	28 – 35" slot	28% quota reduction
RI		34" min. for H&L 26" min. for FFT	34 – 38" slot HL 26 – 38" slot FFT	25% quota reduction
RI		28" min.	28 – 35" slot	27% quota reduction
RI		28" min.	28 – 38" slot	24% quota reduction
RI		28" min.	28 – 40" slot	19% quota reduction
RI		28" min	28 – 42" slot	12% quota reduction
DE		20" min	20 – 42" slot	0.3% quota reduction
Ches Bay	Apply year-round maximum size to all three Bay jurisdictions	Combined Ches Bay: MD 18-36" slot; PRFC 18" min/ seasonal 36" max; VA 18" min/ seasonal 28" max	MD, PRFC, VA at 18 – 36" slot	3% quota reduction
Ches Bay			MD, PRFC, VA at 18 – 28" slot	3.5% quota reduction
MD Bay	Lower maximum size limit	18 – 36" slot	18 – 34" slot	5% quota reduction

Note: Example calculations from 2019 Add VI CE analysis (MA, MD) and 2023 PDT example analysis (RI, DE, Ches Bay). H&L is RI's general category fishery, which is primarily hook & line. FFT is RI's floating fish trap fishery.

### 3.2.1 OPTIONS for Implementing a Commercial Maximum Size Limit

*If no maximum size limit is implemented, Option A (status quo) would be selected. If a commercial maximum size limit is implemented, there are four sets of options that must be considered. Option Set B considers whether commercial quotas should be adjusted to maintain equivalent spawning potential under a new maximum size limit. Option Set C considers whether the maximum size limit is applied to 2022 commercial quotas and minimum sizes (accounting for past CE adjustments) or to FMP standard quotas and standard minimum size limits. Option Sets D and E consider what the commercial maximum size limit would be for the ocean and Chesapeake Bay, respectively. All size limits are in total length. One sub-option from each Option Set B, C, D, and E must be selected in order to implement a commercial maximum size.*

*States are allowed to submit CE proposals to transfer commercial quota to quota-managed recreational fisheries (i.e., recreational bonus programs), but would not be allowed to exceed the selected maximum commercial size limit. The Board continues to have discretion to decide whether or not to approve a CE proposal if it proposes size limits the Board considers to be inconsistent with the intent of this addendum.*

**Option A. Status Quo:** No commercial maximum size limit is established within the plan; all commercial fisheries maintain 2017 size limits (or Addendum VI approved CE plans). Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas) remain unchanged.

#### **Option Set B: Spawning Potential Quota Adjustments (*select one sub-option*)**

**Option B1. No Quota Adjustment:** Quotas would not be adjusted using spawning potential analysis to account for implementing a new maximum size limit. This would not account for change in spawning potential resulting from harvesting different size fish.

**Option B2. With Quota Adjustment:** Quotas would be adjusted using spawning potential analysis to account for implementing a new maximum size limit. State-specific analysis would be required to maintain the same spawning potential under the new size limit. Most state quotas would likely decrease as a result of implementing a maximum size limit where there was none previously.

#### **Option Set C: Starting Point for Applying Maximum Size to Quota (*select one sub-option*)**

**C1. 2022 as Starting Point.** Apply new maximum size limit to 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans) and 2022 size limits. States could submit CE proposals to change their size limits using spawning potential analysis to adjust their quotas accordingly. Under no circumstances will states be allowed to institute minimum sizes below 18 inches or maximum sizes above the selected maximum size.

**C2. FMP Standard as Starting Point.** Align quotas with FMP historical standard size limits and then implement selected maximum size limit for each region, resulting in a standard commercial slot limit for each region. This option is intended to put the states on more equal footing for the application of a commercial maximum size limit. States could still submit CE proposals to change their size limits using spawning potential analysis and adjust their quotas accordingly. Under no circumstances will states be allowed to institute minimum size limits below 18 inches or maximum sizes above the selected maximum size.

For the ocean, use Amendment 6 28" minimum standard quotas as starting point and determine what quotas would be if no CE had occurred since then. Apply the new size maximum size limit as a standard ocean slot from 28" up to the selected maximum size limit. Consistent with Amendment 6, Delaware Bay gill net fisheries would have a slot from a 20" minimum up to the selected maximum size limit.

For the Chesapeake Bay, use the Addendum IV base Chesapeake Bay quota with an 18" minimum as a starting point<sup>11</sup>, and determine what quotas would be if no CE had occurred. Apply the new size limit as a standard Chesapeake Bay slot from an 18" minimum up to the selected maximum size limit.

***NOTE: This option 'wipes the slate clean' of both Add IV and Add VI CEs (e.g., states that took a less than 18% quota reduction in 2020 would now be subject to that full 18% reduction plus potentially additional reduction from spawning potential analysis). For the Chesapeake Bay, since the recreational options do not completely 'wipe the slate clean' to the FMP standard, this commercial FMP standard approach may not be consistent. For the ocean, the implications of the FMP standard approach for states that took a less than 18% quota reduction in 2020 should be considered.***

**Option Set D. Ocean Commercial Maximum Size Limits (select one sub-option)**

**D1.** 38-inch maximum size limit for all ocean commercial fisheries. A 38-maximum size limit is currently implemented by New York.

**D2.** 40-inch maximum size limit for all ocean commercial fisheries.

**D3.** 42-inch maximum size limit for all ocean commercial fisheries.

**Option Set E. Chesapeake Bay Commercial Maximum Size Limits (select one sub-option)**

**E1.** 36-inch maximum size limit for all Chesapeake Bay commercial fisheries, except from January 1 to May 31 when the maximum size limit is reduced to 28 inches to provide extra protection for spawning fish and pre-spawn fish entering the Bay. This option expands Virginia's current 28-inch seasonal size limit and combines it with Maryland's year-round 36-inch size limit.

**E2.** 36-inch maximum size limit for all Chesapeake Bay commercial fisheries.

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<sup>11</sup> Addendum IV was first management document to specify a Chesapeake Bay quota.

Summary of Commercial Size Limit Implementation Options

**\*\*Starting Quotas may be adjusted per Option B to account for maintaining the same spawning potential under a new maximum size limit. For most states, this would likely result in a reduction from the selected starting quota.**

B. Would quotas be adjusted for new maximum size limit via spawning potential analysis?  B1. No B2. Yes	C1. 2022 Size Limit and Quotas as Starting Point <i>Incorporates commercial CE programs (e.g., some states took less than 18% Add VI reduction)</i>			C2. Quotas under Uniform FMP Standard Size Limits as Starting Point <i>Assumes no commercial CE occurred (i.e., quotas are full 18% reduction from Add IV base quotas)</i>		
		Starting Size Limit	Starting Quota**		Starting Size Limit	Starting Quota**
	ME	N/A (28" min)	154	ME	N/A (28" min)	154
	NH	N/A (28" min)	3,537	NH	N/A (28" min)	3,537
	MA	35" min	735,240	MA	28"	713,247
	RI	26" min FFT; 34" min GC	148,889	RI	28"	149,830
	CT	N/A (28" min)	14,607	CT	N/A (28" min)	14,607
	NY	26 - 38"	640,718	NY	28"	652,552
	NJ	bonus program 24 - <28"	215,912	NJ	28"	197,877
	DE	28", except 20" for gill nets in DE Bay/River 2.15-5.31	142,474	DE	28", except 20" for gill nets in DE Bay/River	118,970
	MD	24" min	89,094	MD	28"	80,909
	VA	28" min	125,034	VA	28"	113,685
	NC	28" min	295,495	NC	28"	295,495
	MD Ches Bay	18 - 36"	3,001,648	Ches Bay	18" min	2,558,603
	PRFC	18" min, 36" max during 2.15-3.25				
VA Ches Bay	18" min, 28" max during 3.15-6.15					
Option D. Apply Ocean Maximum Size Limit D1. 38-inch maximum; D2. 40-inch maximum; D3. 42-inch maximum						
Option E. Apply Chesapeake Bay Maximum Size Limit E1. 28-inch max. Jan-May/36-inch max. Jun-Dec; E2. 36-inch maximum						



### 3.3 Response to Stock Assessment Updates

If an upcoming stock assessment update (e.g., currently scheduled for 2024, 2026) indicates the stock is not projected to rebuild by 2029 with a probability greater than or equal to 50%:

**Option A. Status Quo:** the Board would initiate and develop an addendum to consider adjusting management measures.

- An addendum process includes a public comment period with public hearings and an opportunity to submit written comments on the draft addendum document.
- Based on assessment timing and the typical addendum development and implementation process, new measures would likely not be implemented until two years following the assessment. For example, the 2024 stock assessment is expected in October 2024. If the Board initiates an addendum in October 2024, approves it for public comment in February 2025, and then selects final measures in May 2025, the earliest implementation would likely be late 2025 or early 2026.

**Option B.** The Board could respond via Board action where the Board could change management measures by voting to pass a motion at a Board meeting instead of developing an addendum.

- Public comment could be provided during Board meetings per the Commission's guidelines for public comment at Board meetings, and/or public comment could be provided in writing to the Board per the Commission's timeline for submission of written public comments prior to Board meetings.
- This option would allow a more expedited response to assessment updates. For example, when the 2024 stock assessment update is complete in October 2024, the Board could change management measures at that October 2024 meeting or a meeting shortly thereafter, which would enable new measures to be implemented for at least part of the 2025 season.

### 4.0 COMPLIANCE SCHEDULE

If approved, states must implement Addendum II according to the following schedule to be in compliance with the Atlantic Striped Bass Interstate FMP:

[Month, Day, Year]: States submit implementation plans to meet Addendum II requirements.

[Month, Day, Year]: Management Board reviews and considers approving state implementation plans.

[Month Day, Year]: States implement regulations.

## FIGURES

Figure 1. Atlantic striped bass female spawning stock biomass and recruitment, 1982-2021. Source: 2022 Stock Assessment Update.

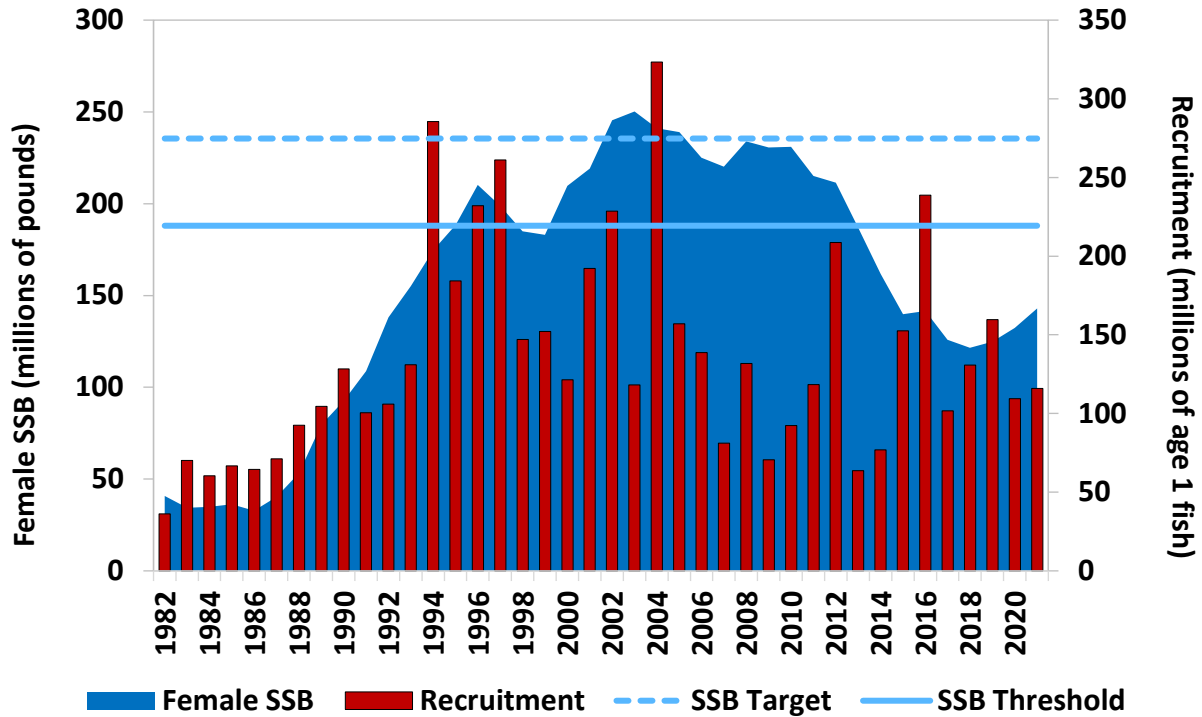


Figure 2. Atlantic striped bass fishing mortality, 1982-2021. Source: 2022 Stock Assessment Update.

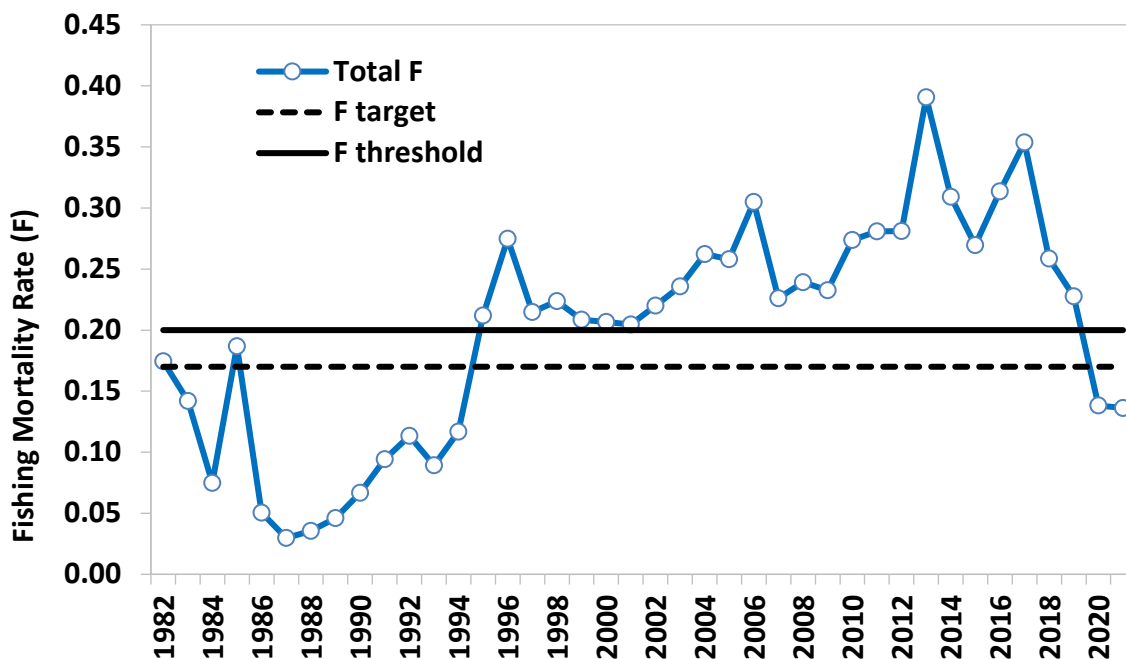


Figure 3. Stock rebuilding projections using 2021 data (from 2022 assessment update) and 2022 data.

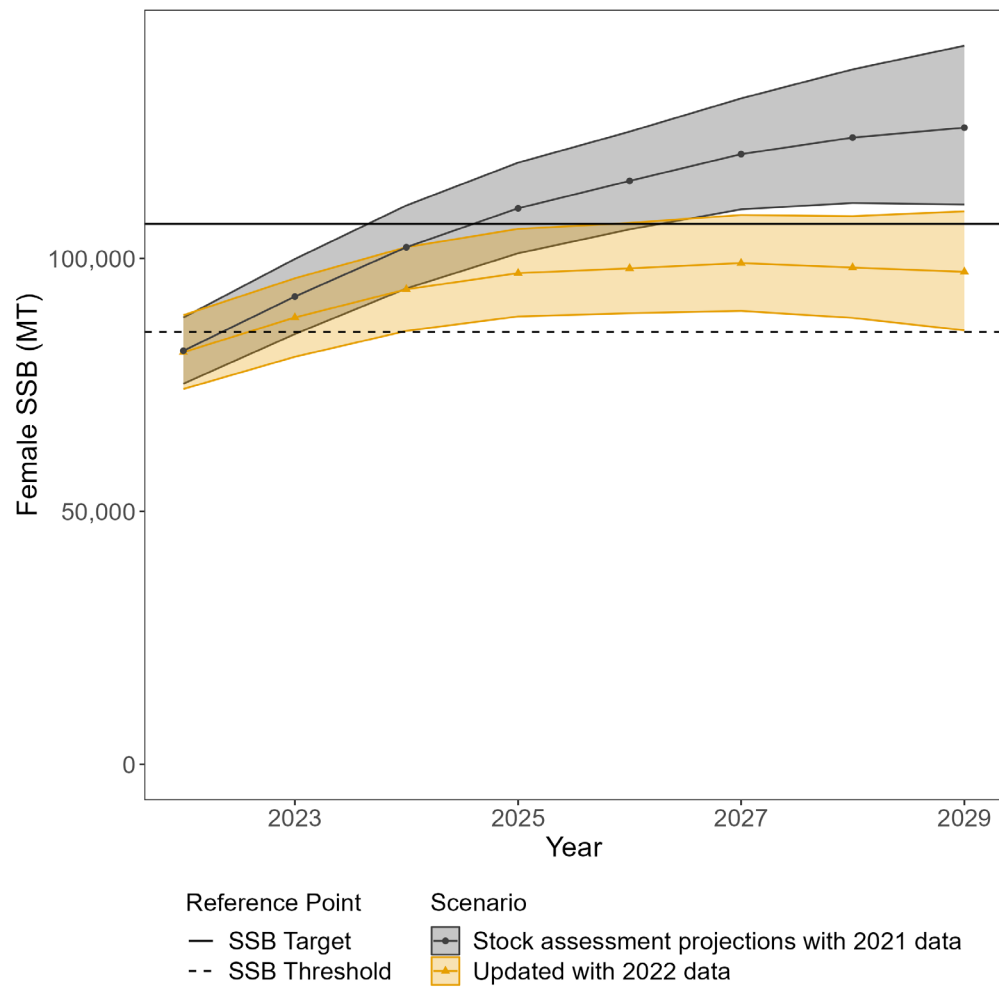


Figure 4. Average size-at-age of the 2015 year-class (not scaled to abundance) from 2022 (top panel), 2023 (middle panel), and 2024 (bottom panel) relative to the Addendum VI/Amendment 7 ocean standard 28”-<35” slot (solid lines) and the emergency action 31” maximum size (dashed line).

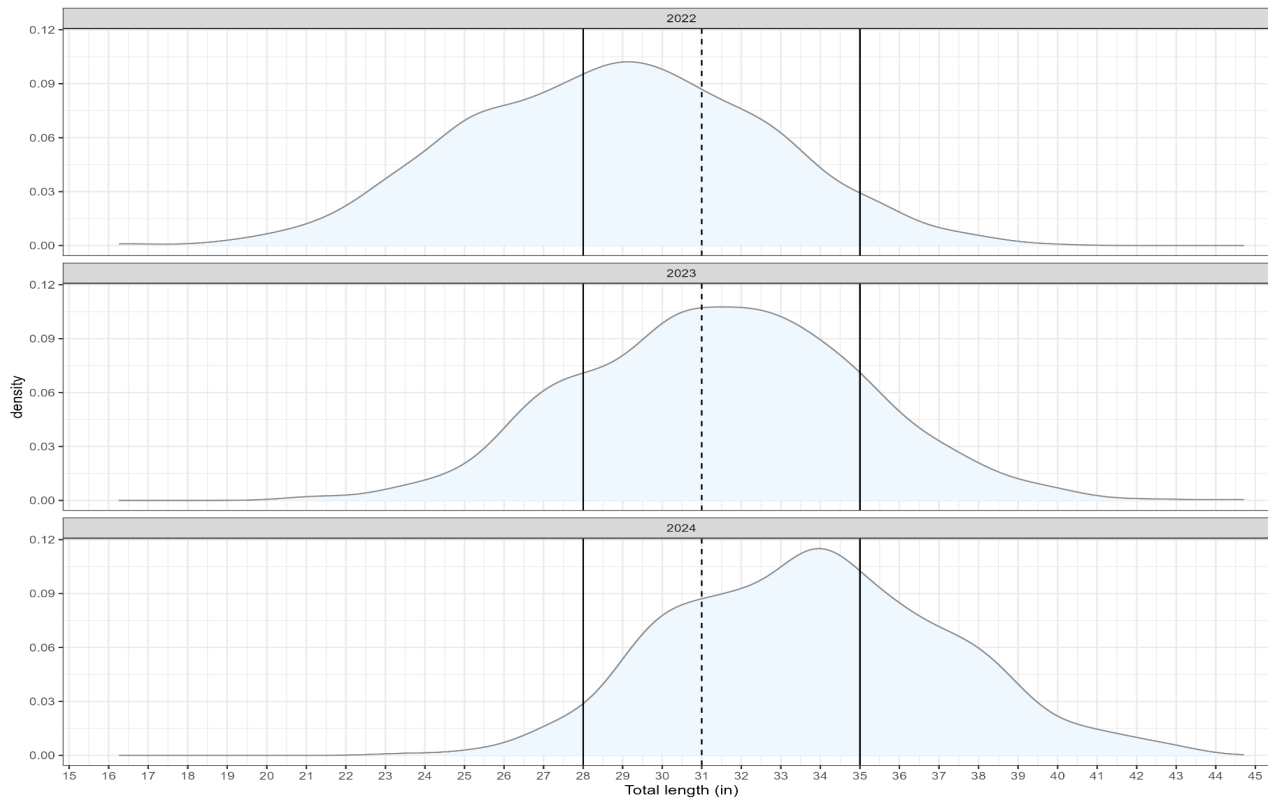


Figure 5. Total Atlantic striped bass removals by sector in numbers of fish, 1982-2022. Note: Harvest is from state compliance reports/MRIP, discards/release mortality is from ASMFC.

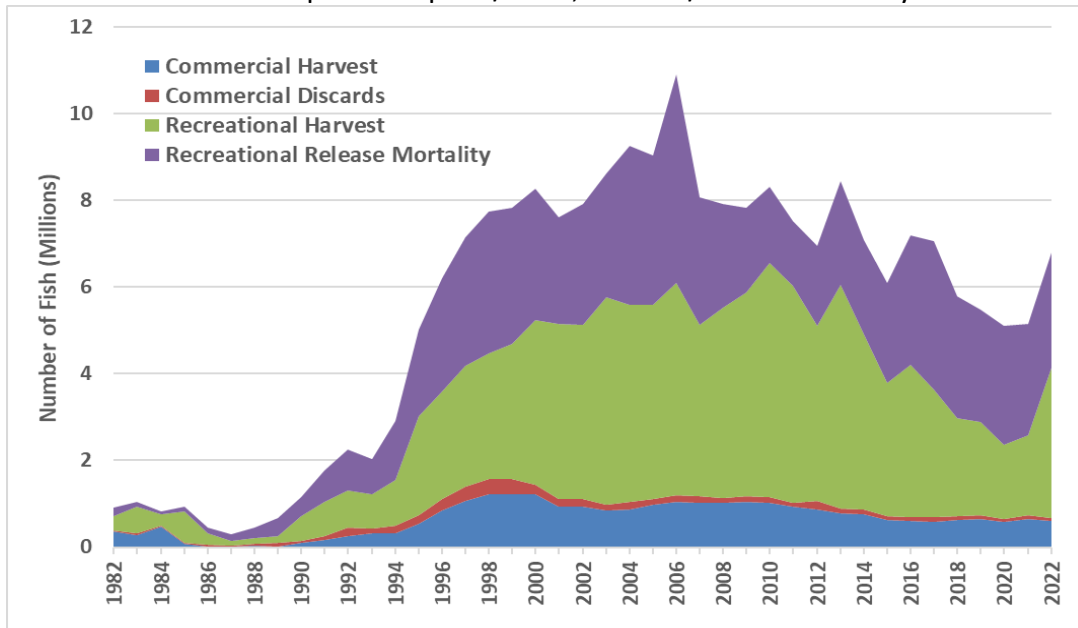


Figure 6. 2018-2022 harvest by state and by wave in the OCEAN. The bottom panel is scaled to the same y-axis (number of fish) to show relative difference in harvest levels among states.

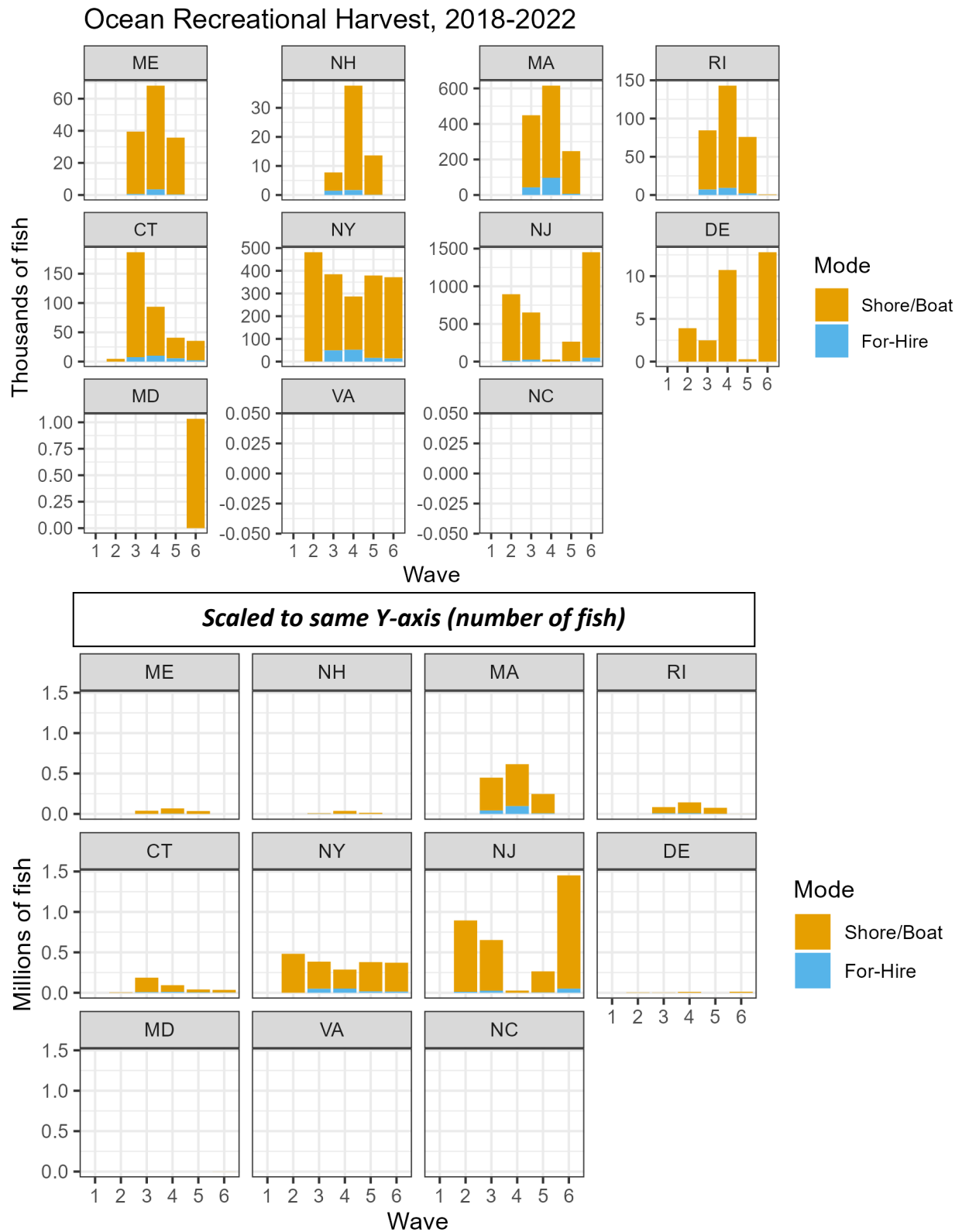
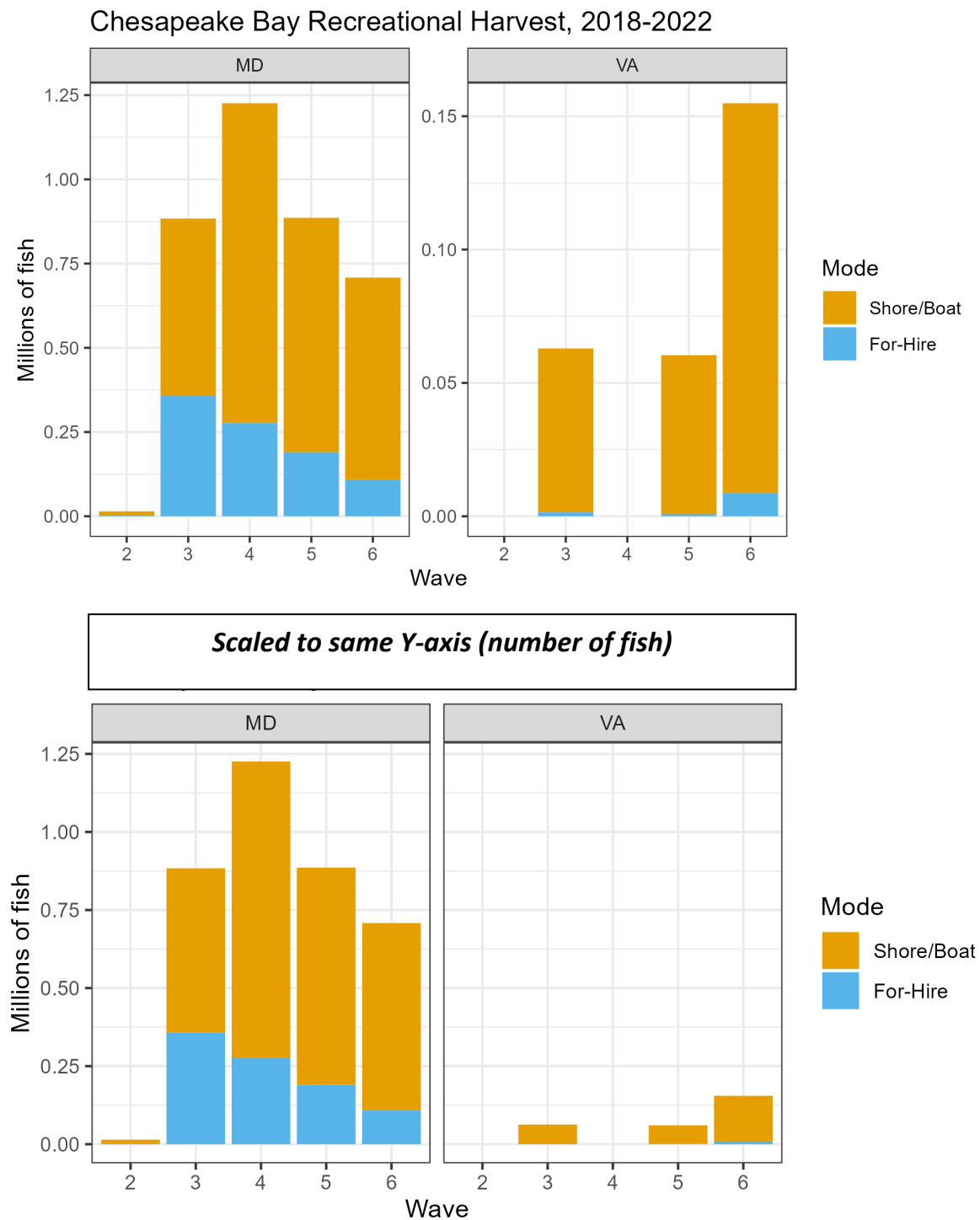


Figure 7. 2018-2022 harvest by state and by wave in the CHESAPEAKE BAY. The bottom panel is scaled to the same y-axis to show relative difference in harvest levels among states.



## TABLES

Table 1. Summary of Atlantic striped bass commercial regulations in 2022. Source: 2023 State Compliance Reports. Minimum sizes and slot size limits are in total length (TL). \*Commercial quota reallocated to recreational bonus fish program.

STATE	SIZE LIMITS (TL) and TRIP LIMITS	SEASONAL QUOTA	OPEN SEASON
ME	Commercial fishing prohibited		
NH	Commercial fishing prohibited		
MA	≥35" minimum size; no gaffing undersized fish. 15 fish/day with commercial boat permit; 2 fish/day with rod and reel permit.	735,240 lbs. Hook & Line only.	6.16-11.15 (or when quota reached); open fishing days of Monday, Tuesday and Wednesday, with Thursday and Friday added on October 1 (if quota remains). Cape Cod Canal closed to commercial striped bass fishing.
RI	Floating fish trap: 26" minimum size unlimited possession limit until 70% of quota reached, then 500 lbs. per licensee per day	Total: 148,889 lbs., split 39:61 between the trap and general category. Gill netting prohibited.	4.1 – 12.31
	General category (mostly rod & reel): 34" min. 5 fish/vessel/day limit.		5.20-6.30; 7.1-12.31, or until quota reached. Closed Fridays, Saturdays, and Sundays during Jul-Dec.
CT	Commercial fishing prohibited; bonus program in CT suspended indefinitely in 2020.		
NY	26"-38" size; (Hudson River closed to commercial harvest)	640,718 lbs. Pound Nets, Gill Nets (6-8"stretched mesh), Hook & Line.	5.15 – 12.15, or until quota reached. Limited entry permit only.
NJ*	Commercial fishing prohibited; bonus program: 1 fish/permit at 24" to <28"	215,912 lbs.	5.15 – 12.31 (permit required)
PA	Commercial fishing prohibited		
DE	Gill Net: 20" min in DE Bay/River during spring season. 28" in all other waters/seasons.	Gillnet: 135,350 lbs. No fixed nets in DE River.	Gillnet: 2.15-5.31 (2.15-3.30 for Nanticoke River) & 11.15-12.31; drift nets only 2.15-28 & 5.1-31; no trip limit.
	Hook and Line: 28" min	Hook and line: 7,124 lbs.	Hook and Line: 4.1–12.31, 200 lbs./day trip limit

(Table 1 continued – Summary of commercial regulations in 2022).

STATE	SIZE LIMITS (TL) and TRIP LIMITS	SEASONAL QUOTA	OPEN SEASON
MD	Chesapeake Bay and Rivers: 18–36" Common pool trip limits: Hook and Line - 250 lbs./license/week Gill Net - 300 lbs./license/week	1,445,394 lbs. (part of Bay-wide quota)	Bay Pound Net: 6.1-12.31 Bay Haul Seine: 1.1-2.28; 6.1-12.31 Bay Hook & Line: 6.1-12.31 Bay Drift Gill Net: 1.1-2.28, 12.1-12.31
	Ocean: 24" minimum	Ocean: 89,094 lbs.	1.1-5.31, 10.1-12.31
PRFC	18" min all year; 36" max 2.15–3.25	572,861 lbs. (split between gear types; part of Bay-wide quota)	Hook & Line: 1.1-3.25, 6.1-12.31 Pound Net & Other: 2.15-3.25, 6.1-12.15 <u>Gill Net</u> : 11.9.2021-3.25.2022 Misc. Gear: 2.15-3.25, 6.1-12.15
VA	Chesapeake Bay and Rivers: 18" min; 28" max size limit 3.15–6.15	983,393 lbs. (part of Bay-wide quota)	1.16-12.31
	Ocean: 28" min	125,034 lbs.	
NC	Ocean: 28" min	295,495 lbs. (split between gear types)	Seine fishery was not opened Gill net fishery was not opened Trawl fishery was not opened



Table 2. Summary of Atlantic striped bass recreational regulations in 2022. Source: 2023 State Compliance Reports. Minimum sizes and slot size limits are in total length (TL).

STATE	SIZE LIMITS (TL)/REGION	BAG LIMIT	GEAR/FISHING RESTRICTIONS	OPEN SEASON
ME	≥ 28" and <35"	1 fish/day	Hook and line only and no gaffing of striped bass. Regulations define bait as it pertains to the required use of circle hooks; immediate release w/o unnecessary injury if incidentally caught on unapproved hook type; maintains the circle hook exemption for rubber and latex tube rigs.	All year, except spawning areas are closed 12.1-4.30 and C&R only 5.1-6.30
NH	≥ 28" and <35"	1 fish/day	Gaffing and culling prohibited; Use of corrodible non-offset circle hooks required if angling with bait. If taken contrary to restrictions, return fish to water immediately w/o unnecessary injury.	All year
MA	≥ 28" and <35"	1 fish/day	Hook & line only; no high-grading; gaffs and other injurious removal devices prohibited. Inline circle hook requirement when fishing with bait, except with artificial lures; mandatory release of catch on any unapproved method of take. No filleting at-sea except aboard for-hire vessels provided skin remains and ratio of 2 filets/fish.	All year
RI	≥ 28" and <35"	1 fish/day	Circle required while fishing recreationally with bait for striped bass (except for artificial lures with bait attached); must release if caught on unapproved method of take	All year
CT	≥ 28" and <35"	1 fish/day	Inline circle hooks only when using whole, cut or live natural bait. Exemption of artificial lures/ release of incidental noncircle hook provision. Spearing and gaffing prohibited. If taken contrary to the provisions, shall, without avoidable injury, be returned immediately to the waters.	All year
NY	Ocean and DE River: 28 -35"	1 fish/day	Angling only. Spearing permitted in ocean waters. C&R only during closed season, except no targeting in Hudson River during closed season. Circle hook requirements. No gaffing. Mandatory release of catch on any unapproved method of take.	Ocean: 4.15-12.15 Delaware River: All year
	HR: 18 -28"	1 fish/day		Hudson River: 4.1-11.30

(Table 2 continued – Summary of recreational regulations in 2022).

STATE	SIZE LIMITS/REGION	BAG LIMIT	GEAR/FISHING RESTRICTIONS	OPEN SEASON
<b>NJ</b>	≥ 28 to < 38"	1 fish/day	Circle hooks required when fishing with bait; must release if caught on unapproved method of take	Closed 1.1 – Feb 28 in all waters except in the Atlantic Ocean, and closed 4.1-5.31 in the lower DE River and tribs
<b>PA</b>	Upstream from Calhoun St Bridge: 1 fish/day at ≥ 28" to <35"		Unlawful to take or attempt to take fish unless the method is specifically authorized. Circle hooks required when fishing with bait downstream from Calhoun St. Bridge.	All year
	Downstream from Calhoun St Bridge: 1 fish/day at ≥ 28" to <35 (except 4.1-5.31)			All year. 21"-<24" slot from 4.1 – 5.31
<b>DE</b>	≥ 28" and <35"	1 fish/day	Hook & line, spear (for divers) only. Inline circle hooks required when fishing for striped bass using cut or whole natural baits	All year. C&R only 4.1-5.31 in spawning grounds. 20"-25" slot from 7.1-8.31 in DE River, Bay & tributaries
<b>MD</b>	Ocean: ≥ 28" and <35"	1 fish/day	Circle hooks if chumming, live-lining, or bait fishing and targeting striped bass; no gaffing	All year
	Chesapeake Bay and tribs^	C&R only	Circle hook requirement with bait; no eels; no stinger hooks; barbless hooks when trolling; max 6 lines when trolling; no gaffing	1.1-2.28, 3.1-3.31, 12.11-12.31
	Chesapeake Bay: 35" min	1 fish/day	Geographic restrictions apply; Circle hook requirement with bait; no eels bait; no gaffs	5.1-5.15
	Chesapeake Bay: 1 fish/day, 19" minimum size; 2/fish/day for charter with only 1 fish >28"		Geographic restrictions apply; circle hooks if chumming, livelining, or bait fishing and targeting striped bass; no gaffing	5.16-5.31
	Chesapeake Bay and tribs: 1 fish/day, 19" minimum size; 2/fish/day for charter with only 1 fish >28"		All Bay and tribs open; circle hooks if chumming, livelining, or bait fishing and targeting striped bass; no gaffing	6.1-7.15, 8.1-12.10

^ Susquehanna Flats: C&R only Jan 1 – March 31 (circle hooks when bait fishing); 1 fish at 19"-26" slot May 16 – May 31 (circle hooks if chumming, livelining, or bait fishing and targeting striped bass).

(Table 2 continued – Summary of recreational regulations in 2022).

STATE	SIZE LIMITS/REGION	BAG LIMIT	GEAR/FISHING RESTRICTIONS	OPEN SEASON
PRFC	Spring Trophy: 35" minimum size	1 fish/day	No more than two hooks or sets of hooks for each rod or line; no live eel; no high-grading; non-offset Circle Hooks are required when fishing for striped bass using cut or whole natural bait; no spearing or gaffing	5.1-5.15
	Summer and Fall: 20" min	2 fish/day	No more than two hooks or sets of hooks for each rod or line; non-offset Circle Hooks are required when fishing for striped bass using cut or whole natural bait; no spearing or gaffing; any fish caught other than lawful fishing activities immediately released	5.16-7.6 and 8.21-12.31; closed 7.7-8.20 (No Direct Targeting)
DC	18" minimum size	1 fish/day	Hook and line only; unlawful to take fish except as specified	5.16-12.31
VA	Ocean: 28"-36" slot limit	1 fish/day	Hook & line, rod & reel, hand line, spearing only. No gaffing. Circle hooks required if/when using live bait. Unlawful to take/attempt take by any other gear/method	1.1-3.31, 5.16-12.31
	Ocean Spring Trophy: NO SPRING TROPHY SEASON			
	Chesapeake Bay Spring Trophy: NO SPRING TROPHY SEASON			
	Bay Spring/Summer: 20"-28" slot limit	1 fish/day	Hook & line, rod & reel, hand line, spearing only. No gaffing. Circle hooks required if/when using live bait. Unlawful to take/attempt take by any other gear/method	5.16-6.15
	Bay Fall: 20 - 36" slot limit	1 fish/day		10.4-12.31
NC	≥ 28" and <35"	1 fish/day	No gaffing allowed. Circle hooks required when fishing with natural bait	All year

Table 3. CE programs implemented for Addendum VI

<b>State</b>	<b>Recreational Fisheries</b>	<b>Commercial Fisheries</b>
<b>MA</b>	N/A	Changed size limit (35" minimum) with equivalent quota change
<b>NY</b>	Hudson River: Alternative size limit (18" to 28") to achieve 18% removals reduction in combination with standard Ocean slot	Changed size limit (26" to 38") with equivalent quota reduction
<b>NJ</b>	Alternative size limit (28 to < 38") to achieve 25% removals reduction	Decreased commercial quota reduction (to 0%) with surplus recreational fishery reduction and transferred commercial quota to recreational bonus program fishery (24 to < 28", 1 fish/day)
<b>PA</b>	DE River and Estuary downstream Calhoun St Bridge: Alternative size and bag limit on limited seasonal basis (2 fish/day at 21 to <24" during 4.1–5.31) to achieve 18% removals reduction	N/A
<b>DE</b>	DE River/Bay/tributaries: Alternative slot on limited seasonal basis (20" to <25" during 7.1–8.31) to achieve 20.4% removals reduction in combination with standard Ocean slot	Decreased commercial quota reduction (to -1.8%) with surplus recreational fishery reduction
<b>MD</b>	Chesapeake Bay: Alternative Summer/Fall for-hire bag limit with restrictions (2 fish, only 1 >28", no captain retention) through increased minimum size (19"), April and two-week Wave 4 targeting closures, and shorter spring trophy season (May 1–15) to achieve 20.6% removals reduction; Ocean: FMP standard slot	Decreased Ocean and Chesapeake Bay commercial quota reduction (to -1.8%) with surplus Chesapeake Bay recreational fishery reduction
<b>PRFC</b>	Alternative Summer/Fall minimum size and bag limit (20" min, 2 fish/day) with a no targeting closure (7.7–8.20) and shorter spring trophy season (May 1–15) to achieve a 20.5% removals reduction	Decreased Chesapeake Bay commercial quota (to -1.8%) with surplus recreational fishery reduction
<b>VA</b>	Chesapeake Bay: Alternative slot limits during 5.16–6.15 (20" to 28") and 10.4–12.31 (20" to 36") and no spring trophy season to achieve a 23.4% removals reduction (reduction was the result of lowering prior bag limit from 2 to 1-fish per angler); Ocean: Alternative slot limit (28" to 36")	Decreased Ocean commercial quota (to -7.7%) and Chesapeake Bay commercial quota (to -9.8%) with surplus recreational fishery reduction

Table 4. Estimated mean striped bass size-at-age based on the 2012-2016 state age data (weighted by state recreational catch) compiled for the 2018 benchmark stock assessment. Note: Size-at-age is highly variable along the coast and there is overlap among age classes.

Age	Estimated Mean Total Length (in)	
0	3.8	
1	6.4	
2	12.7	
3	17.0	
4	20.9	
5	24.1	2018 year class in 2023
6	26.4	2017 year class in 2023
7	28.7	
8	31.6	2015 year class in 2023
9	33.8	
10	35.5	
11	37.2	
12	39.1	
13	41.0	
14	42.2	
15+	44.0	

Table 5. Implementation of 2023 Emergency Action for striped bass (31.0" maximum size limit).

State	Effective Date	Maximum Size Limit
ME	May 18	31.0" max size limit
NH	May 26	<31.0" max size limit
MA	May 26	<31.0" max size limit
RI	May 27	<31.0" max size limit
CT	May 26	<31.0" max size limit
NY	June 20	31.0" max size limit
NJ	July 2	31.0" max size limit
PA	June 3	<31.0" max size limit
DE	May 21	31.0" max size limit
MD	May 16	31.0" max size limit
PRFC	May 16	31.0" max size limit
DC	May 16	31.0" max size limit
VA	July 1	31.0" max size limit
NC	June 1	31.0" max size limit

Table 6. Total removals (harvest plus discards/release mortality) of Atlantic striped bass by sector in numbers of fish, 1993-2022 calendar years. Note: Harvest is from state compliance reports/MRIP (June 2023), discards/release mortality is from ASMFC. Estimates exclude inshore harvest from NC.

Year	Commercial		Recreational		Total Removals
	Harvest	Dead Discards*	Harvest	Release Mortality	
1993	314,526	114,317	789,037	812,404	2,030,284
1994	325,401	165,700	1,055,523	1,360,872	2,907,496
1995	537,412	192,368	2,287,578	2,010,689	5,028,047
1996	854,102	257,506	2,487,422	2,600,526	6,199,556
1997	1,076,561	324,445	2,774,981	2,969,781	7,145,769
1998	1,215,219	346,537	2,915,390	3,259,133	7,736,278
1999	1,223,572	347,186	3,123,496	3,140,905	7,835,158
2000	1,216,812	213,863	3,802,477	3,044,203	8,277,354
2001	931,412	175,815	4,052,474	2,449,599	7,609,300
2002	928,085	187,084	4,005,084	2,792,200	7,912,453
2003	854,326	126,274	4,781,402	2,848,445	8,610,447
2004	879,768	156,026	4,553,027	3,665,234	9,254,055
2005	970,403	142,385	4,480,802	3,441,928	9,035,518
2006	1,047,648	152,308	4,883,961	4,812,332	10,896,250
2007	1,015,114	158,078	3,944,679	2,944,253	8,062,124
2008	1,027,824	108,830	4,381,186	2,391,200	7,909,039
2009	1,050,055	133,317	4,700,222	1,942,061	7,825,654
2010	1,031,448	132,373	5,388,440	1,760,759	8,313,020
2011	944,777	82,015	5,006,358	1,482,029	7,515,180
2012	870,684	192,190	4,046,299	1,847,880	6,957,053
2013	784,379	112,620	5,157,760	2,393,425	8,448,184
2014	750,263	114,065	4,033,746	2,172,342	7,070,415
2015	621,952	88,614	3,085,725	2,307,133	6,103,425
2016	609,028	91,186	3,500,434	2,981,430	7,182,077
2017	592,670	98,801	2,937,911	3,421,110	7,050,492
2018	621,123	101,264	2,244,765	2,826,667	5,793,819
2019	653,807	85,262	2,150,936	2,589,045	5,479,050
2020	583,070	58,641	1,709,973	2,760,231	5,111,915
2021	644,207	85,676	1,841,902	2,583,788	5,155,573
2022	599,615	81,200	3,454,021	2,667,846	6,802,681

\* Commercial dead discard estimate for 2022 was estimated using the harvest-to-discard ratio from 2021. The entire time series for commercial dead discards will be re-estimated during the 2024 stock assessment using a generalized additive model (GAM).

Table 7. 2022 Commercial Fishery Size Limits, Gear Types, and Commercial Sampling Results (Source: 2023 Compliance Reports). Note: Sub-sampling of commercial striped bass harvest occurs for about 1-5% of all commercially harvested fish in each state, and these values are assumed to be representative of each state's landings.

State	Size Limits	2022 Percent Landings by Gear Type	Mean Length and Range of Length Samples (TL in)	Mean Weight (lbs)	Mean Scale Age (years)
MA	35" min	100% hook & line	39.9 <i>Range: 35 - 48</i>	24.1	10
RI	General: 34" min FFT: 26" min	Conf % hook & line Conf % floating fish trap	34.8 <i>H&amp;L Range 34 – 52</i> <i>FFT Range: 26 - 52</i>	18.2	8
NY	26-38" slot	62.2% gill nets (mostly sink) 18.3% hook & line 6.7% fixed gear 4.4% trawls	30.2 <i>Range: 24.1 – 38.7</i>	9.9	ageing ongoing
DE	GN: 28" min, 20" min DE Bay/River 2.15-5.31 H&L: 28" min	88.4% anchored gill net 11.6% drift gill net 0% hook & line	35.0 <i>Range: 20 - 45</i>	17.0	10
MD ocean	24" min	100% drift gill net	41.1 <i>Range: 32.6 – 47.6</i>	25.9	12
VA ocean	28" min	100% drift/anchored gill net	40.0 <i>Range 29 – 51</i>	24.8	14
NC	28" min	Beach seine, gill net, trawl	NA	NA	NA
MD Ches Bay	18-36" slot	53% pound net 42% drift gill net 5% hook & line	22.2 <i>GN Range: 17.7 - 35</i> <i>PN/H&amp;L Range: 17.7 – 33.5</i>	4.6	5
PRFC	18" min; 36" max 2.15-3.25	67% anchored gill net 23% pound net 9% hook & line	23.8 <i>Range: 18.3 – 48.0</i>	6.3	5.7
VA Ches Bay	18" min; 28" max 3.15-6.15	84% drift/anchor gill net 12% pound net 4% hook & line	24.9 GN <i>GN Range: 18-49</i>  23.3 PN <i>PN Range: 17-36</i>  36.2 H&L <i>H&amp;L Range: 18-28 and 41-49</i>	7.5 GN 5.6 PN 26.6 H&L	7.7 GN 5 PN 17 H&L

H&L=hook & line; GN=gill nets, FFT=floating fish traps; PN=pound net



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Atlantic Striped Bass Management Board

**FROM:** Atlantic Striped Bass Plan Development Team

**DATE:** July 17, 2023

**SUBJECT:** Draft Addendum II Board Discussion and Additional Topics

In May 2023, the Atlantic Striped Bass Management Board (Board) initiated an addendum to bring fishing mortality to the target in 2024 with options to include modifications to the ocean slot limit, ocean harvest closures if needed, maximum size limits for all commercial fisheries and Chesapeake Bay recreational fisheries, and a Board action provision for future stock assessment response. The Plan Development Team (PDT) developed those types of options which are included in Draft Addendum II in the Board's meeting materials for the Summer 2023 Meeting.

This memorandum highlights two discussion points for the Board's deliberations on these options: 1) potential quota adjustments associated with commercial size limit changes, and 2) addressing existing conservation equivalency (CE) measures in the new options. Depending on the Board's intent, the number of currently drafted options could be reduced prior to approving the document for public comment.

This memorandum also outlines additional topics raised by the PDT throughout the addendum development process: recreational mode-split, recreational no-targeting seasonal closures, commercial mesh size for anchored gill nets, commercial tagging, and at-sea filleting. If these additional topics align with the Board's intent for this draft addendum, the Board could add the potential options herein to the draft addendum via Board motion before the document is approved for public comment.

### ***Board Discussion Point: Commercial Size Limit Changes and Quota Adjustments***

As noted in the draft addendum, past changes to commercial size limits (allowed via approved state CE plans) have been accompanied by corresponding changes to that state's commercial quota to account for maintaining the same spawning potential under new size limits as compared to previous size limits. This process has been standard practice for approved commercial size CE programs under the FMP, and this was noted by the Technical Committee (TC) at their [June 5](#) meeting.

If a commercial maximum size is implemented and there is a corresponding quota adjustment to account for spawning potential, many state quotas will likely decrease to account for lost spawning potential due to harvesting smaller fish (i.e., implementing a maximum size where there previously was none). If a commercial maximum size limit is implemented without a



corresponding quota adjustment, the number of fish harvested may increase since the average size of harvested fish will decrease.

The PDT recognizes that during the May 2023 Board meeting, it was noted that Addendum II was not intended to consider a quota reduction. So, it is unclear how the Board would like to proceed with commercial size limits and corresponding quota adjustments. As such, the current draft addendum includes options that would not require spawning potential quota adjustments (Option B1) and options that would require spawning potential quota adjustments (Option B2).

**The PDT recommends the Board discuss their intent and make a decision at the August meeting regarding how to move forward with commercial size limits and quota adjustments before approving Draft Addendum II for public comment (i.e., choose one approach and eliminate commercial option set B).**

If the Board decides to require spawning potential analysis and quota adjustments for any commercial size limit change, that analysis would require state-specific calculations based on state-specific selectivity curves. Each state's calculation would be unique, even for states that have the same size limit, and most states have different commercial size limits to begin with. So, resulting quota adjustments (e.g., percent reduction) will likely vary by state. The draft addendum includes a table of example spawning potential calculations for different states/size limits on page 18.

The Board should also consider *when* this analysis would be conducted. States could conduct the analysis after the final Addendum II is approved with the selected commercial size limit as part of their state implementation plan; the drawback of this approach is the public will not know the amount by which their state quota would change for each proposed size limit option during the public comment process. An alternative approach could be to add the spawning potential calculations for each proposed option for each state to the draft addendum before approving the document for public comment, but that would delay the document by one meeting cycle. Another approach would not include the analysis in the draft addendum, but each state could prepare draft analyses to have on hand during the public hearings. In this case, a Technical Committee meeting in August would be helpful to review spawning potential analysis methodology.

If the Board decides not to require quota adjustments for maximum size limits based on spawning potential analysis, those options requiring such analysis would be removed from the draft addendum before the public comment period.

***Board Discussion Point: Starting Point for Options Development***

The PDT discussed two approaches for developing options: using the 2022 measures as the starting point (i.e., incorporating the Addendum VI CE programs) or using the Amendment 7 FMP standards as the starting point (i.e., “wiping the slate clean” of the Addendum VI CE programs). The distinction is most relevant to the Chesapeake Bay recreational options and the commercial size limit options given the breadth of CE programs in place that distance the

current measures from the FMP standards. This issue was not significant for the ocean recreational fishery since the only CE measures in the ocean were alternative size limits, and size limits are already being modified by the ocean options.

For Chesapeake Bay recreational options, using 2022 measures as a starting point manifests as maintaining state-specific 2022 bag limits, minimum size limits, and/or seasons, which were adjusted via Addendum VI CE, and that these *become part of the new FMP standard* (e.g., under Option B, the FMP specifies that PRFC's bag limit is 2-fish at a 20–23" slot with their existing 6-week summer targeting closure, while Maryland's bag limit is 1-fish private/2-fish charter at a 19–23" slot with their existing 2-week summer targeting closure). The Chesapeake Bay recreational options in the draft addendum range in the number of 2022 measures they maintain versus the number of measures which are standardized across the Bay jurisdictions. No Chesapeake Bay recreational option in the draft addendum creates a truly consistent set of measures across the Bay. Seasons among Chesapeake Bay jurisdictions have differed, even prior to Addendum VI, since the fisheries reopened in the late 1990s, and "wiping the slate clean" to arrive at a common set of measures with consistent seasons across jurisdictions was not feasible due to the complexity of current measures and associated uncertainty. However, Options H and I, in which the size limits and bag limits are standardized and the 2022 seasons maintained, are most consistent with the approach of modifying the Amendment 7 FMP standard (i.e., 1-fish at 18" minimum with the 2017 seasons). Options that maintain aspects of the current CEs, particularly the current bag limits, reduce uncertainty in the calculations, for example, by not requiring development of catch estimates for the Potomac River by extracting Potomac River data from the Maryland and Virginia MRIP data.

The Board should consider to what extent formalizing the CE measures as part of the FMP is consistent with the intent of Amendment 7's restrictions and requirements for CE. The PDT notes one possible consequence of working off the 2022 seasons for all Chesapeake Bay recreational options; some recreational season closures implemented in 2020 (and still in place in 2022) were intended to account for a smaller reduction in the commercial sector at that time. Since those closures will be maintained, "wiping the slate clean" for Chesapeake Bay commercial quotas may not be consistent, as described next.

For the commercial fishery, the PDT included one option where a maximum size limit would be applied to 2022 quotas and 2022 size limits (Option C1), and one option where a maximum size limit would be applied to theoretical FMP standard quotas based on an Amendment 6 starting point, since Amendment 6 was associated with uniform FMP standard minimum size limits of 28" in the Ocean and 18" in the Chesapeake Bay (Option C2). The latter option applies the Addendum IV and VI commercial quota reductions but assumes no CE programs occurred, and thus puts the states on more equal footing (i.e., a consistent minimum size limit) for the application of a commercial maximum size limit. One of the implications of wiping the slate clean of past commercial CE programs is states that took a less than 18% quota reduction in 2020 would now be subject to that full 18% reduction (plus potential additional reduction from any required spawning potential analysis, as discussed above).

If the Board's intent is to proceed one way or the other in adopting past CE programs as part of the new FMP standard (2022 starting point) or not (original FMP standard 'wipe the slate clean'), the Board can eliminate options as such before approving the draft addendum for public comment (i.e., choose one approach and eliminate commercial option set C). For the Chesapeake Bay, since the recreational options do not completely 'wipe the slate clean' to the FMP standard, the commercial FMP standard 'wipe the slate clean' approach may not be consistent. For the ocean, the Board should consider the implications of the FMP standard approach on states that originally took a less than 18% quota reduction for their commercial fisheries in Addendum VI.

***Additional Topic: Recreational Mode-split***

The PDT discussed the topic of separate recreational measures for for-hire modes vs. private vessel/shore modes. During the May 2023 Board meeting, the Board discussed a potential exemption for for-hire modes from the 2023 emergency action due to the lateness of the rule-change, but that motion failed due to lack of majority. Some Board members also noted they have overarching concerns about even considering separate for-hire measures as part of the striped bass management program. The PDT acknowledges these comments by the Board, but also recognizes that some members of the public expressed support for considering separate for-hire measures during the May 2023 emergency action public hearings. Considering these public comments and the Board's initial discussion, the PDT explored potential recreational options with different size limits or bag limits for private vessel/shore anglers and for-hire modes (options below). The PDT recognizes there are several issues the Board would likely consider, including concerns about equity and enforcement of different regulations, and developed these possible options to not delay the addendum's schedule should it be the Board's desire to consider a recreational mode-split at this time.

For ocean recreational measures, potential options could propose a wider slot limit for the for-hire modes for some of the draft addendum options (see below). Mathematically, wider slot options for the for-hire sector are feasible in the ocean because for-hire removals are a small proportion of total ocean removals (average 6% of ocean recreational harvest and 3% of total ocean recreational removals over the past three years), and therefore do not impact each option's achievement of the reduction. For the ocean recreational mode split options below, allowing the for-hire modes to harvest a wider slot only decreases each option's reduction by 0.1% compared to if the for-hire modes were under the same slot as private vessels/shore anglers. All ocean recreational options include a harvest closure component, and for-hire modes would still be subject to the same harvest closure as private vessel/shore anglers.

For Chesapeake Bay recreational measures, potential options could propose an increased bag limit of 2-fish for for-hire modes across all jurisdictions, instead of 1-fish (see below). In the Chesapeake Bay, for-hire removals are about one-fifth of total Bay removals (average 27% of Bay recreational harvest and 18% of total Bay recreational removals over the past three years). To account for the for-hire 2-fish bag limit, some of these mode split slot options propose a narrower slot limit as compared to the existing options where all modes have a 1-fish bag limit.

For example, to have a 2-fish for-hire bag limit, the slot limit would 20"-24" instead of 20"-26" for the same scenario.

The PDT recognizes the type of mode split options differs between the ocean (wider slots for the for-hire sector) and the Chesapeake Bay (increased bag limit the for sector), but this difference reflects how each fishery operates considering fish availability. In the ocean, the wider slot addresses concerns heard from for-hire operators about the potential for increased discards with narrow slots and the general desire for anglers on for-hire trips to harvest a fish. While in the Chesapeake Bay, the increased bag limit makes up for only accessing smaller fish.

Example Ocean Recreational Options (for Section 3.1.1)

Option B alternative. Private vessel/shore modes would have a size limit of 28" to 31.0" and for-hire modes would have a size limit of 28" to 33.0". All modes subject to the same corresponding seasonal closure. – 16.2%-16.9% reduction depending on closure

*Note: For sub-option B5, the for-hire wider slot option would add one day to the harvest closure for each region, increasing from 15 to 16 days.*

Option C alternative. Private vessel/shore modes would have a size limit of 28" to 32.0" and for-hire modes would have a size limit of 28" to 34.0". All modes subject to the same corresponding seasonal closure. – 16.9%-17.3% reduction depending on closure

Option D alternative. Private vessel/shore modes would have a size limit of 30" to 33.0" and for-hire modes would have a size limit of 30" to 34.0". All modes subject to the same corresponding seasonal closure. – 16.5%-17.3% reduction depending on closure

Example Chesapeake Bay Recreational Options (for Section 3.1.2)

Option H alternative. All modes would have a size limit of 19" to 23". Private vessel/shore modes would have a 1-fish bag limit, and for-hire modes would have a 2-fish bag limit. All modes subject to the 2022 seasons. – 17.9% reduction

Option I alternative. All modes would have a size limit of 20" to 24". Private vessel/shore modes would have a 1-fish bag limit, and for-hire modes would have a 2-fish bag limit. All modes subject to the 2022 seasons. – 18.1% reduction

***Additional Topic: Recreational No-Targeting Seasonal Closures***

During the May 2023 Board meeting, the Board specified considering no-harvest seasonal closures, and it was noted that Addendum II was not proposing to address recreational releases. As such, the PDT only included options for no-harvest seasonal closures in the draft addendum. However, the PDT noted that recreational release mortality is still an issue which was also raised by the TC at their [June 5](#) meeting.

To address releases, the Board could consider presenting an option to set any proposed recreational seasonal closures as either no-harvest or no-targeting. Because the TC has not

established a standardized method for estimating the reduction in removals from a no-targeting closure, considering no-targeting closures in this draft addendum would not add any additional reduction from the no-harvest closures. If no-targeting closure reduction methods are standardized in the future, for example reviewing Maryland's no-targeting calculation methodology from Addendum VI, subsequent management documents could consider reductions from no-targeting closures. The PDT also recognizes there are continuing questions and concerns about enforcement of no-targeting closures and changes in angler behavior and effort.

Example Options (additional option set for Sections 3.1.1 and 3.1.2)

Option A. Any recreational seasonal closure implemented through Addendum II would be a no-harvest closure.

Option B. Any recreational seasonal closure implemented through Addendum II would be a no-targeting closure.

***Additional Topic: Commercial Mesh Size for Anchored Gill Nets***

The PDT discussed concerns about the potential for increased dead discards, particularly for anchored gill nets, if a commercial maximum size limit is implemented. The concern is any intended benefit of releasing larger striped bass caught in anchored gill nets will be offset by the high mortality rate of discarded fish (e.g., 45% discard mortality rate assumed in stock assessment) and the resulting need to continue fishing to meet the quota. To address this concern, the draft addendum could consider provisions specific to anchored gill nets that would implement maximum mesh size requirements instead of maximum fish size limit requirements for that gear.

Changing mesh size will change the selectivity of fish captured in anchored gill nets; larger mesh sizes are intended to capture larger fish. A maximum mesh size requirement (i.e., no mesh larger than x") could be implemented to protect fish above a certain size. A maximum mesh size would not fully guarantee that large fish wouldn't be captured (e.g., a large fish could still be incidentally lip-snagged in smaller mesh), but it would greatly reduce how many large fish are captured by the gear (Hager 2005)<sup>1</sup>. If a maximum mesh size were implemented instead of a maximum fish size limit for anchored gill nets, the number of large fish captured would be greatly reduced, and harvesters would be allowed to keep the occasional incidental catch of large fish so as to prevent new dead discards. If a maximum fish size limit were in place, any large fish would have to be discarded with a relatively high mortality rate (Clark and Kahn 2009,

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<sup>1</sup> Hager, C. 2005. Mesh-Specific Catch Compositions and Size Distributions Occurring in Virginia's 2005 Winter-Spring Striped Bass Gill Net Fishery. Submitted to Virginia Marine Resources Commission. VIMS Marine Resource Report No. 2005-7, VSG 05-06.

Shepherd 2004)<sup>2</sup>, and additional fish would be captured to meet the quota potentially causing longer soak times and/or placement of more gear.

This type of provision could be added as a specific exemption in the FMP or as a CE provision (example options below). In either case, additional Board review and approval of any maximum mesh size in lieu of a maximum fish size would be required prior to state implementation. It would likely take some time to determine what size mesh would be appropriate; information needs to be compiled, and new data potentially collected, to review information on mesh size selectivity and striped bass. There are some past studies on this topic, but additional information from observer data may be necessary.

Example Options (additional option set for Section 3.2.1, select one sub-option)

Option F1. Anchored gill net fisheries are subject to the same maximum size limits as all other commercial striped bass gears.

Option F2. Anchored Gill Net Exemption

Anchored gill net fisheries are not subject to a maximum size limit, but instead are subject to maximum mesh size requirements. Mesh size requirements will be designed to protect the same size fish as specified in the addendum as other commercial gears. Until such time the appropriate mesh size requirement is determined and reviewed by the TC and Board, anchored gill nets will be subject to the selected maximum fish size limit. Commercial tagging must occur at the point of harvest for states with an exempted fishery, and tags for the exempted anchored gill net fishery must be discernible from other fisheries (e.g., tags are of gear-specific colors or are inscribed with gear-specific size limits).

Option F3. States may submit CE proposals requesting an exemption to maximum fish size limits for anchored gill nets with the addition of maximum mesh size requirements. CE proposals should include sufficient data documenting mesh size selectivity for striped bass, and are subject to review and approval by the TC, PRT, and the Board. Commercial tagging must occur at the point of harvest for states with an exempted fishery, and tags for the exempted anchored gill net fishery must be discernible from other fisheries (e.g., tags are of gear-specific colors or are inscribed with gear-specific size limits).

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<sup>2</sup> Clark, J.H. and D.M. Kahn. 2009. Amount and Disposition of Striped Bass Discarded in Delaware's Spring Striped Bass Gill-Net Fishery during 2002 and 2003: Effects of Regulations and Fishing Strategies. *North American Journal of Fisheries Management*, 29:3, 576-585.

Shepherd, G. 2004. Estimation of Striped Bass Discards in the Multispecies Groundfish Fishery during 2002 Fishing Year (May 2002-April 2003). U.S. Dept. of Commerce, NOAA National Marine Fisheries Service Northeast Fisheries Science Center Reference Document 04-09.

***Additional Topic: Commercial Tagging Programs***

During commercial option discussions, one PDT member raised concerns about commercial tagging programs that tag striped bass at the point of sale (vs. at the point of harvest). Striped bass commercial tagging programs were first required through Addendum III to Amendment 6 and provide states the option to implement tagging at the point of harvest or point of sale. Currently, three states implement tagging at the point of sale only. One PDT member noted that point-of-sale tagging may not be as effective from an accountability/enforcement perspective, as compared to point-of-harvest tagging, especially if states have overlapping commercial and recreational size limits. There was a difference of opinion among PDT members on this issue. Another PDT member noted that point-of-harvest tagging has the same potential accountability/enforcement issues, and states with point-of-sale tagging have effectively addressed overlapping sector size limits by requiring recreational fin clipping provisions.

If the Board is concerned about enforcement issues or would like to initiate a review of state striped bass commercial tagging programs, the Board could task the Law Enforcement Committee and/or Plan Review Team with conducting such a review. At their annual FMP review meeting in July, the Plan Review Team recommended a holistic review of the commercial tagging program since it has now been 10 years since these programs were implemented coastwide.

If the Board wanted to add an option to the Draft Addendum to require that commercial tagging be at point-of-harvest, the Board should consider a delayed implementation schedule to account for the extensive administrative and regulatory changes required for those states that currently implement point-of-sale tagging.

***Additional Topic: At-sea Filleting***

During recreational size limit option discussions, one PDT member raised concerns about state allowances for at-sea filleting of recreationally-caught striped bass, especially where racks are not required to be retained for enforcement with size limits or there are not corresponding minimum/maximum fillet lengths. With the expected narrowing of legal-sized fish, incentive to exploit this loophole for keeping non-conforming sized fish is heightened. Enforcement with *maximum* size limits in particular may be more challenging with at-sea filleting allowances (i.e., fillets can be trimmed to correspond to maximum fish size). The PDT compiled relevant state regulations as best as possible in the time available, and found that across the management unit, states vary in whether they allow at-sea (and shore-side) filleting, for which recreational fishing modes, and with what stipulations to aid enforcement, such as racks retained, skin intact, fillet:fish ratio, fillet size limits, receipts required, etc. (see the table below).

*Summary Table for Filleting Allowances for Striped Bass; Refer to Regulations for Exact Language and More Detail<sup>i</sup>*

ME	No filleting
NH	Filleting allowed (all modes) with rack retained, skin intact, only 2 fillets per 1 fish
MA	For-hire filleting allowed for customers with skin intact, only 2 fillets per 1 fish
RI	Unspecified, although racks cannot be disposed at sea
CT	Filleting allowed (all modes) with rack retained*
NY	For-hire filleting allowed for customers with rack retained, receipt required
NJ	For-hire filleting allowed with Special Fillet Permit, rack retained, fillet size limits
PA	For-hire filleting with rack retained, receipt required; or if for immediate consumption
DE	No filleting
MD	For-hire filleting allowed with rack retained
PRFC	Regulatory interpretation unclear
DC	No filleting
VA	Filleting allowed if rack retained and skin intact
NC	Filleting allowed if rack retained*

*\* State interpretation of regulation for enforcement purposes; refer to notes in regulatory language*

If the Board is concerned about enforcement issues or the variation in state regulations, , the Board could task the Law Enforcement Committee and/or Plan Review Team with furthering this review for future consideration by the Board. If the Board wanted to add options to Draft Addendum II to address this issue, such options could establish requirements for allowing at-sea/shore-side filleting. The PDT acknowledges there are likely additional considerations for establishing such provisions and how states would implement them, which may require additional time for consideration and development. However, including options in Draft Addendum II would provide public feedback on this topic.

Example Options (new section 3.1.3 under Recreational Fishery Management)

Option A. Status quo. No requirement in the Interstate FMP for Atlantic Striped Bass related to at-sea/shoreside filleting.

Option B. Establish minimum requirements for states that authorize at-sea/shore-side filleting of striped bass, including requirements for: racks to be retained; skin is left intact; and no more than two fillets per legal fish are in possession. States should include language about when and where racks may be disposed of, specific to each mode allowed to fillet at-sea/shore.

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<sup>i</sup> State regulatory language pertaining to striped bass filleting at sea and/or shore-side



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**Maine:** “It is unlawful to possess striped bass unless the fish are whole with head on, and are between 28 inches and 31 inches, inclusive.”

**New Hampshire:** “Striped bass shall have head and tail intact while on or leaving the waters or shores of the state except as follows: (1) A person may possess up to 2 striped bass fillets so long as they also possess the fish rack that the fillets came from with the head and tail intact and the rack measures at least 28 inches in total length; (2) Any striped bass fillet shall have the skin still attached for the purpose of identification of the fillet as striped bass.”

**Massachusetts:** “Recreational fishermen shall not mutilate any striped bass in a manner that prevents the accurate measurement of the fish...Operators and crew onboard for-hire vessels permitted under the authority of 322 CMR 7.10(5): Permit Requirements Applicable to For-hire Vessels may fillet or process legal sized striped bass for their recreational customers at sea provided that: 1. The skin is left on the fillet; and 2. Not more than two fillets taken from legal striped bass are in the possession of each customer of that trip, representing the equivalent of one fish per angler.”

**Rhode Island:** “There shall be no disposal of fish and fish parts on the bulkhead or in the waters of the State.” “It shall be unlawful for any person to place any pollutant in a location where it is likely to enter the waters or to place or cause to be placed any solid waste materials, junk, or debris of any kind whatsoever, organic or non organic, in any waters.”

**Connecticut:** “No person shall land or possess on the waters of this state or on any parcel of land, structure, or portion of a roadway abutting tidal waters of this state any striped bass from which the head or tail has been removed or which has otherwise been rendered unidentifiable as a striped bass or unable to be measured.” *Enforced as filleting allowed with rack retained (pers.com. CT DEEP).*

**New York:** “Except as provided in paragraphs (4) of this subdivision, it is unlawful for any person to possess striped bass from which the head or tail has been removed or that have been otherwise cleaned, cut, filleted or skinned so that the total length or identity cannot be determined; except that it is not unlawful if such fish is being prepared for immediate consumption or storage at a domicile or place of residence. (4) Any person who holds a valid Marine and Coastal District Party and Charter Boat License issued pursuant to Environmental Conservation Law section 13-0336 may fillet striped bass taken on the permitted party or charter vessel identified on his or her license under the following conditions: (i) fish may be filleted for customers only; (ii) only fish which are legally possessed may be filleted; (iii) striped bass may only be filleted prior to customers leaving the vessel or the dock area prior to customers departing the area; (iv) it is unlawful to mutilate any striped bass carcass to the extent that the total length or species of fish cannot be determined; (v) all striped bass carcasses must be retained (unmixed with any other material) in a separate container readily available for inspection until such time as the vessel has docked and all passengers from that trip have left the vessel and the dock area. Any such carcasses are included in the possession limit; (vi) all striped bass carcasses from any previous trip must be disposed of prior to any person beginning to fish on a subsequent trip; and (vii) all Marine and Coastal District Party and Charter Boat License holders must provide each customer who possesses striped bass fillets with a commercially printed, dated original fare receipt, bearing the boat’s name and the owner or operator’s Party and Charter Boat License number. Any customer of a party or charter boat operated by a Marine and Coastal District Party and Charter Boat License holder who is in possession of striped bass fillets must possess an original dated receipt from that party or charter vessel.

**New Jersey:** “Except as provided in (e)2 and (f) below, a person shall not remove the head, tail or skin, or otherwise mutilate to the extent that its length or species cannot be determined, any species with a

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minimum size limit specified at (b) or (c) above or any other species of flatfish, or possess such mutilated fish, except after fishing has ceased and such species have been landed to any ramp, pier, wharf or dock or other shore feature where it may be inspected for compliance with the appropriate size limit.

(f) Special provisions applicable to a Special Fillet Permit are as follows: 1. A party boat owner may apply to the Commissioner for a permit for a specific vessel, known as a Special Fillet Permit to fillet species specified at (c) above at sea; 2. For purposes of this section, party boats are defined as vessels that can accommodate 15 or more passengers as indicated on the Certificate of Inspection issued by the United States Coast Guard for daily hire for the purpose of recreational fishing; 3. The Special Fillet Permit shall be subject to the following conditions: i. Once fishing commences, no parts or carcasses of any species specified in (c) above and no flatfish parts or carcasses shall be discarded overboard; of the species specified at (c) above, only whole live fish may be returned to the water; ii. No carcasses of any flatfish or species listed at (c) above shall be mutilated to the extent that its length or species cannot be determined; iii. All fish carcasses of species specified at (c) above shall be retained until such time as the vessel has docked and been secured at the end of the fishing trip adequate to provide a law enforcement officer access to inspect the vessel and catch; iv. No fillet of any flounder or other flatfish shall be less than eight inches in length during the period of May 1 through October 31 or less than five inches in length during the period of November 1 through April 30; v. No fish of any species less than the minimum size limit specified in (c) above shall be filleted and no fillet of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

Species	Minimum Fillet or Part Length
Striped bass (24 to less than 28 inches)	11 to 20 inches
(28 to 31 inches)	15 to 22 inches

vi. Spanish mackerel shall be landed with head, tail and fins attached. vii. Fish carcasses from the previous trip shall be disposed of prior to commencing fishing on a subsequent trip; viii. Violation of any of the provisions of the Special Fillet Permit shall subject the captain and permit holder to the penalties established pursuant to N.J.S.A. 23:2B-14 and shall result in a suspension or revocation, applicable to both the vessel and the owner of the Special Fillet Permit according to the following schedule: (1) First offense: 60 days suspension; (2) Second offense: 120 days suspension; and (3) Third offense: Revocation of permit, rendering the vessel and the owner not eligible for permit renewal regardless of vessel ownership.

ix. In calculating the period of suspension or revocation applicable under (f)3viii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14. x. Upon receipt of the notice of suspension but prior to the suspension or revocation of the Special Fillet Permit, the permittee has 20 days to request a hearing from the Department. The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1.1. If a request for a hearing is not received by the Department within 20 days of the permittee's receipt of the notice of suspension, the permit suspension or revocation will be effective on the date indicated in such notice.

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**Pennsylvania:** “(a) Except as otherwise provided in this section, it is unlawful to possess a fish in any form or condition other than in the whole or having the entrails removed while on shore, along the waters of this Commonwealth, onboard a boat or on a dock, pier, launch area or a parking lot adjacent thereto. (b) Fish may be processed fully if they are being prepared for immediate consumption. (d) Provided that the requirements of this subsection are met, this section does not apply to fish processed by a permitted charter boat/fishing guide operation. The charter boat operator or fishing guide may fully process the fish at any time provided the charter boat operator or fishing guide retains the carcass until possession of the fish is transferred to the customer on shore. The charter boat operator or fishing guide shall give the customer who receives the processed fish a signed, dated receipt on the form prescribed by the Commission.”

**Delaware:** “Unless otherwise authorized, it is unlawful to possess any striped bass for which the total length has been altered in any way for the purpose of retaining said striped bass in accordance with §3504.”

**Maryland:** “Filleting Striped Bass. (1) Except as provided in §C(2) of this regulation, a person may only land striped bass dockside as a whole fish. (2) A licensed charter boat captain or mate may fillet striped bass taken on a vessel displaying a current commercial charter boat decal under the following conditions: (a) A striped bass carcass may not be mutilated to the extent that the total length or species of fish cannot be determined; (b) All striped bass carcasses: (i) Shall be retained, unmixed with any other material, in a separate container readily available for inspection until the vessel has docked and all passengers from that trip have left the vessel and the dock area; and (ii) Are included in the possession limit; and (c) All striped bass carcasses from any previous trip shall be disposed of before any person begins to fish on a subsequent trip.”

**PRFC:** “Measurement shall be the greatest distance in a straight line from the tip of the snout to the end of the caudal fin or tail in a natural state, excluding the tail filament of a black sea bass. No person shall alter the natural state of any species of fish listed in (a) above such that its length cannot be measured.”  
*Unclear as to enforcement of filleting at-sea/shore (pers.com. PRFC).*

**DC:** “It shall be unlawful to... possess aboard any boat, while fishing or while in possession of fishing equipment, any fish for which a size or weight limit is prescribed in § 1504 from which the head or tail has been removed.”

**Virginia:** “Alteration of finfish to obscure species identification or size prohibited. A. It shall be unlawful for any person to alter any finfish, or to possess altered finfish, aboard any boat or vessel, or on a public fishing pier (except at the fish cleaning station of the pier), such that the species of the fish cannot be determined. B. It shall be unlawful for any person to alter any finfish regulated by a minimum or maximum size limit, or to possess such altered finfish, aboard any boat or vessel, or on a public fishing pier (except at the fish cleaning station of the pier), such that its total length cannot be measured.

Allowances for filleting or cleaning. A. For finfish regulated by a minimum or maximum size limit, filleting at sea will be allowed if the carcass is retained to ensure proper species identification and compliance with size limitations. B. For finfish regulated by a minimum size, cleaning and/or filleting at sea will be allowed if the fillet or cleaned fish exceeds the minimum length for the species and at least one square inch of skin is left intact to assist in identification of the species. C. For finfish not regulated by a size limit, filleting at sea will be allowed if a minimum of one square inch of skin is left on the fillet to assist in identification of the species.”

**North Carolina:** “It shall be unlawful to possess aboard a vessel or while engaged in fishing any species of finfish that is subject to a size or harvest restriction without having head and tail attached.” *Enforced as filleting allowed with rack retained (pers.com. NC DMF).*