

**PROCEEDINGS OF THE**  
**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD**

**The Westin Crystal City**  
Arlington, Virginia  
**August 8, 2018**

**Approved October 24, 2018**

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## INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of the April 30, 2018 Summer Flounder, Scup, and Black Sea Bass Board joint meeting with the Mid-Atlantic Fishery Management Council Board's as well as the Board's May 3, 2018 meeting** (Page 1).
3. **Move that non-compliance issues be removed from further development from draft Addendum XXXII for 2019 for recreational black sea bass and be considered with joint federal measures** (Page 21). Motion by Adam Nowalsky; second by Rob O'Reilly. Motion postponed.
4. **Move to postpone until the joint meeting with the MAFMC in August 2018** (Page 22). Motion by Eric Reid; second by Raymond Kane. Motion carried (Page 22).
5. **Move that the Summer Flounder, Scup, Black Sea Bass Board create a working group and request to meet with the Mid-Atlantic Fishery Management Council's Research Steering Committee to examine the possibility of reestablishing the Research Set Aside program** (Page 33). Motion by Emerson Hasbrouck; second by Eric Reid. Motion carried (Page 35).
6. **Move to adjourn** by consent (Page 36).

## ATTENDANCE

### Board Members

Nichola Meserve, MA, proxy for D. Pierce (AA)  
Raymond Kane, MA (GA)  
Sarah Ferrara, MA, proxy for Rep. Peake (LA)  
Bob Ballou, RI (Chair)  
David Borden, RI (GA)  
Eric Reid, RI, proxy for Sen. Sosnowski (LA)  
Matt Gates, CT, proxy for P. Aarrestad (AA)  
Sen. Craig Miner, CT (LA)  
Maureen Davidson, NY, proxy for J. Gilmore (AA)  
Emerson Hasbrouck, NY (GA)  
John McMurray, NY, proxy for Sen. Boyle (LA)  
Joe Cimino, NJ, proxy for L. Herrigty (AA)  
Tom Fote, NJ (GA)  
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)

Roy Miller, DE (GA)  
John Clark, DE, proxy for D. Saveikis (AA)  
Craig Pugh, DE, proxy for Rep. Carson (LA)  
Dave Blazer, MD (AA)  
Russell Dize, MD (GA)  
Ed O'Brien, MD, proxy for Del. Stein (LA)  
Rob O'Reilly, VA, proxy for S. Bowman (AA)  
Bryan Plumlee, VA (GA)  
Sen. Monty Mason, VA (LA)  
Chris Batsavage, NC, proxy for S. Murphey (AA)  
Mike Blanton, NC, proxy for Rep. Steinburg (LA)  
Mike Ruccio, NMFS  
Marty Gary, PRFC  
Mike Millard, USFWS

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

### Ex-Officio Members

#### Staff

Robert Beal  
Toni Kerns  
Kirby Rootes-Murdy

Caitlin Starks  
Jessica Kuesel  
Megan Ware

#### Guests

Heather Corbett, NJ DFW  
Kiley Dancy, MAFMC  
Arnold Leo, E. Hampton, NY  
Jonathan Hare, NOAA

Desmond Kahn, Newark, DE  
Aaron Kornbluth, PEW Trusts  
Paul Perry, Gloucester, MA

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Hotel, Arlington, Virginia, Wednesday, August 8, 2018, and was called to order at 2:30 o'clock p.m. by Chairmen Robert Ballou.

### CALL TO ORDER

CHAIRMAN ROBERT BALLOU: *(We join the meeting already in progress)*

### APPROVAL OF AGENDA

CHAIRMAN BALLOU: Does anyone on the Board have any recommended modifications to the agenda? Chris Batsavage.

MR. CHRIS BATSAVAGE: Maybe under Other Business we'll want to discuss Advisory Panel nominations; or at least potential Advisory Panel nominations, please.

CHAIRMAN BALLOU: Sure, we'll do that under Other Business. Any other recommended changes? Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Yes under new business I have a brief item I would like to bring up; thank you.

CHAIRMAN BALLOU: Do you want to just give us, what item would that be? What would be the name of the item?

MR. HASBROUCK: Just a quick discussion on RSA, Research Set Aside.

CHAIRMAN BALLOU: We'll add those two items to the agenda under other business or new business. Any other recommended changes? Any objection to approving the agenda as modified just now? Seeing no objection; the agenda as modified stands approved by consent, and we're on to the next item, which is the meeting minutes.

### APPROVAL OF PROCEEDINGS

CHAIRMAN BALLOU: This would be approval of the proceedings from the Board's April 30, 2018 meeting; which was our joint meeting with the Mid-Atlantic Council, as well as the Board's May 3, 2018 meeting, which was the brief meeting we had to address the resolution of the appeal to Addendum XXX per the recommendation of the Policy Board. Are there any recommended changes to either of those two proceedings?

**Seeing none; is there any objection to approving those two sets of meeting minutes as proposed? Seeing none; both meeting minutes stand approved by consent, and we're on to Item 3, which is public comment.**

### PUBLIC COMMENT

CHAIRMAN BALLOU: An opportunity for anyone from the audience who would like to address the Board on any item that is not on the agenda. Is there anyone who would like to do that? Is there anyone who has signed up? Well, we're checking now; but if anyone has signed up they would be here and their hand would be up I assume at this moment. Seeing no hands; I'll assume there is no request for public comment.

### UPDATE ON THE STRATEGIC PLAN FOR BLACK SEA BASS MANAGEMENT

CHAIRMAN BALLOU: We'll move on to Item 4, which is an update on the Strategic Plan for black sea bass management. Item 4 is a brief update on the Board's Strategic Planning Process for black sea bass management.

Caitlin Starks to my right has a presentation that summarizes the various efforts; either already underway or slated for consideration, both short term and long term, pertaining to black sea bass management both recreational and commercial. I will note that there are a lot of moving parts; which makes this attempt to summarize and align where we are, where

we're going, and how we plan to get there rather challenging.

But I view it as a welcome challenge because it reflects how active and committed we are as a Board to addressing the many important issues that confront us. With that I'll turn the microphone over to Caitlin for her presentation.

MS. CAITLIN STARKS: I'll plan to keep this brief; so we stay to our allotted time, but in this presentation I'll go over the status of the Strategic Plan for reforming black sea bass recreational management, and also the next steps for the Board regarding commercial management. At the joint meeting of the Board and Council in April, 2018, the Board Chair and Vice-Chair presented a draft Strategic Plan for reforming black sea bass recreational management; which addressed a range of concerns brought up by managers and stakeholders in recent years.

The Board and Council discussed the Strategic Plan; offered their support for its further development, and following the meeting they provided input and feedback on the document. A summary of this feedback is provided in the meeting materials. Then in June, a group of ASMFC Council and NOAA staff, plus several Board and Council members met in Philadelphia to discuss and flush out some of the ideas that were presented in the document.

In the next slides I'll briefly go over some of those ideas; and then provide some next steps for continuing work on the Strategic Plan. At the June meeting the group had a higher level discussion of some of the key ideas that were in that Strategic Plan draft document; mainly focusing on some of the long term, in order to identify the direction we want to start moving in for black sea bass recreational management. Some of the main topics discussed were how to improve the stability of management while still abiding by Magnuson Stevens.

Considering we are required to manage sea bass to an annual catch target and also how we

might be able to incorporate stock status and fishing mortality into management, in order to build a framework where measures can be more stable from year to year. The last bullet up on this slide was not explicitly discussed at the June meeting; but considering the Board's motion in May, the long term strategy should also aim to address any changes in distribution and abundance of the resource.

This is where we are in terms of moving through the Strategic Plan as it was laid out at the April meeting. For the interim program the goal is to establish a recreational management program that is reasonable for all of the states; while this long term strategy is being further developed. That can somewhat lead somewhat easily into that full program. We'll discuss this more under the next agenda item; but for now I'll just say we're facing a few challenges with setting up a program for 2019, due to the timing of information available for setting measures. As usual, we'll get Wave 6 harvest information in mid-February, but the timing of the operational assessment that will happen for black sea bass is still uncertain.

That could definitely affect the RHL for 2019, but for now we're just basing all of our decisions on the old MRIP information, because we don't have that stock assessment yet, and we don't know how or if that RHL might change. For the long term recreational management program, the next steps moving forward are to continue developing the long term program for recreational management over the course of the next year; through the working group, and build on some of the ideas that have been discussed thus far.

In addition to the development of the recreational program, it will also be important moving forward to start developing the commercial aspects of the long term program. As you'll recall in May, the Board made a three-part motion; the last part of which was to task the PDT with developing a white paper identifying actions that would consider changes in distribution and abundance of the black sea

bass resource in future management of both the recreational and commercial fisheries.

We already have work ongoing for the recreational side that can address this directive; so the next step on this front would be to get a working group of Commissioners together to start thinking about the questions that we need to answer and the data that we have available for managing the commercial fishery.

Unless there is any objection to following this type of approach we can move forward with putting that working group together following this meeting; and David Borden has already kindly agreed to chair that for us. Here is just a very general estimated timeline of how work might move forward on these two items; one being the Strategic Plan for recreational management, and the other being commercial issues.

At this meeting the Board will address the interim program through an addendum for 2019 management; and possibly future years from September until the end of this year staff will continue working on developing some of those long term management strategy goals, and possibly bring something back to the working group.

Additionally, that separate working group can convene to address how to fold in the changes in commercial management into the bigger picture management strategy. In early 2019 we'll hopefully have that Operational Assessment that will inform us about recent harvest and the status and distribution of the stock.

This will hopefully give the working group a better information base on which to start developing a management document to address the long term. Just to close out this presentation; I want to lay out some of those working parts that Bob alluded to, so that the Board has these in front of them and can keep track. First we've got the draft Addendum that we'll talk about in the next item; and that

addresses the short term recreational management program. Second, the Board and Council will consider the Addendum in a framework on conservation equivalency, Block Island Sound Transit, and slot limits for the Council side next week at the joint meeting. Third, the Board can put together a working group and start addressing those commercial management aspects. Fourth, the Board will probably have to react to the 2019 Operational Assessment; depending on the results of that.

Then fifth, the development of the long term black sea bass management strategy will continue through those two working groups; considering both recreational and commercial management with the idea being that we'll ultimately need an amendment to implement some of those bigger picture changes.

Lastly, you will hopefully get a new assessment sometime in the near future that would allow the Board to be basing some of those bigger picture management changes on that current information about the stock status abundance and distribution of black sea bass. I will stop there and let anyone ask any questions.

CHAIRMAN BALLOU: Questions, comments, based on Caitlin's presentation as to sort of where we are, where we're looking to go and how we're hoping to get there. Nichola Meserve.

MS. NICHOLA MESERVE: I'm very pleased to see that there is a plan in place and action is going to be taken on the commercial issues as well; and it will be led by my esteemed colleague to my right here. I was wondering if there is the potential for the working group to also talk about recreational issues some more; as the draft addendum is developed for the next Board meeting.

I say that because we have the Strategic Plan; the reform initiative that had some additional ideas in it for possible implementation in 2019. I am not sure if the working group, when we last met on the recreational issues, looked at

that document again to see if there is anything else that we could pull into the draft amendment; just a suggestion to not close the door yet on things that we might be able to possibly look at for 2019.

MS. STARKS: Yes, I believe the idea is to after this meeting we'll be discussing in further detail some of those options for 2019 management under the next agenda item. But after any decisions are made about what to include or not include in that addendum, we'll have another working group meeting to really flush out some of those topics.

CHAIRMAN BALLOU: Additional questions or comments; yes, Rob O'Reilly.

MR. ROB O'REILLY: That was fairly quick. The Operational Assessment, which we used to call an update I guess. Will that slow down the process for a benchmark assessment; or is the benchmark assessment already established and certain? Because I'm imagining that we're going to know quite a bit more with the benchmark and with the new MRIP data placed within that model; so that if it's a matter of the same personnel or some of the same personnel getting involved with the operational that they would with the benchmark.

Lately for some species, like summer flounder, we've just had survey updates and catch updates rather than an operational assessment. Is all that being taken into account?

CHAIRMAN BALLOU: I am not sure. We have a couple tentative hands going up. I'm not sure who is best to answer. I will just say that I'm not aware that the benchmark has yet been scheduled. We have an aspirational goal of 2020, but that may or may not prove to be viable. I think as of right now we need some clarification on we're clear that we have an operational update scheduled for early 2019. We have hopes that there will be another benchmark 2020 would be right now our target or hope. But I don't believe it's been scheduled. Toni.

MS. TONI KERNS: There is no black sea bass benchmark on the books; and currently the NRCC is working on a wholesale change in how we move forward with the assessment process. We can report back to the Commission on that once the NRCC has come to a closer solution or a final decision. That is where we stand; and we're still hoping to try to get black sea bass a little earlier in 2019 than even late in the year this year. It's not off the table.

CHAIRMAN BALLOU: Thank you for that. Mike Luisi.

MR. MICHAEL LUISI: To Rob's question regarding the new MRIP numbers. Rob, it is my understanding that the Operational Assessment that we're talking about will incorporate the new time series on recreational; the calibration time series as that goes forward, while I have the microphone Caitlin, if you could go back just to your summary slide.

I just wanted to add for clarity for next week. I know many of you will be coming down to Virginia Beach for our joint meeting with the Council. But I wanted to add to that summary that we will need to set ABCs for black sea bass for 2019 next week. The hope, the SSC has recommended an ABC, which the Council and the Board will need to consider.

While I know that the Director of the Science Center is somewhere – he was somewhere in the room areas – Jon, we are hoping to get that operational assessment as early as possible in 2019, so that it may influence a change possibly to the ABC that we would set next week for 2019. We haven't had a commitment yet; maybe John can speak to when that is being planned. But the hope is that we will set the ABC next week with an Operational Assessment coming as early as possible in 2019 to potentially influence that change to the ABC for 2019.

CHAIRMAN BALLOU: Any further questions or comments? Dr. Hare, did you want to respond, thank you?

DR. JONATHAN A. HARE: I don't know if it's a response or just a comment. The MRIP, the new MRIP estimates will be part of the Operational Assessment done in 2019. Our target at this point is to do scup, bluefish and black sea bass together in April. But we still are considering the request to try to do black sea bass earlier. However, looking at the new MRIP data which we've had for about a month, that is going to be challenging; because there are some challenges with that data as we saw yesterday.

The catch estimates have increased; but more importantly, the relative new catch estimates to the past catch estimates have been changing through time. It is that change in the relative estimates through time which are going to make the assessments complicated. The 2019 Operational Assessment will include the MRIP data. Then I also just wanted to note that we did provide an assessment update to the Mid-Atlantic late June; and the SSC has reviewed that. I believe the SSC will be reporting out at that next week in Virginia. Then the other question, just for my clarification, and maybe I can ask this. You don't need to answer, but I'm trying to understand what the rationale for the new benchmark assessment is; because what new science will be available for a new modeling or a new assessment that you can try different management approaches without a new benchmark assessment? I just wanted to; if possible, explore the rationale for a new benchmark; since we just did one in 2016.

CHAIRMAN BALLOU: Thank you, Dr. Hare. I know you weren't looking for a response; but I'll just offer one for what it's worth, and that is to the extent that there might be an interest in exploring region-specific reference points. That is something that the current assessment does not afford the Board the opportunity to pursue.

To the extent that there might be interest in pursuing that that would be one example of an issue that might be a basis for wanting to see a new benchmark sooner rather than later; because we're struggling with this issue of how to deal with this shift in resource distribution and abundance, and whether there might be a need to see if there is a way to manage the resource with regard to its northern and southern spatial configuration.

We can't currently do that as I understand it under the benchmark. That was one of the issues that I know was discussed; sort of in the Strategic Plan as a discussion item, and that's really all it is right now, a discussion item. But it's my response to your question as to what might warrant another benchmark.

DR. HARE: Thank you.

CHAIRMAN BALLOU: Other questions, comments. David Borden.

MR. DAVID V. BORDEN: To that point; I'm glad that Dr. Hare raised that issue, because it's kind of critical as I understand it to that type of management strategy to do the work. But that may be separable from doing a full benchmark stock assessment. In other words, if you could – and this is just so that Jon can think about this – if there was a way of reformulating the 2016 Benchmark Stock Assessment so that it enabled that type of consideration. Then that might obviate the need for a full blown benchmark, another benchmark.

CHAIRMAN BALLOU: Good point. Are there any other comments, yes, Adam Nowalsky?

MR. ADAM NOWALSKY: Which of the proposed assessments, operational, benchmark, et cetera, would get us the first look at the impact of the perceived large 2015 year class that we could use that information to affect management decisions? I mean I would just go back in time. It was a 2012 year class that we didn't respond to until January, February of last year. I'm hoping that we can respond to what

anecdotally and some early science information is showing is out there sooner than five years.

CHAIRMAN BALLOU: Dr. Hare, I don't want to put you on the spot. But is that a question that you could respond to; with regard to whether the Operational Assessment would be able to undertake the sort of evaluation that Adam is looking for, namely with regard to recent year class strength?

DR. HARE: There is information about the strength of the 2015 year class in the update that was produced the end of June. I think the Mid SSC considered that information. Then when the update is done in 2019, there will be more information about the strength of the 2015 year class in that Operational Assessment.

We typically, through a lot of these species which are managed in the Mid-Atlantic and ASMFC jointly, we do annual updates so that every year there is an update of the information about year class strength. That strength of that year class will become more and more confident as updates are done and Operational Assessments are done.

CHAIRMAN BALLOU: Anything else? Seeing no hands; I'll just note Rob, I agree with you that that was quick. But I would like to think that it was helpful and further suggest that it might be the sort of thing we do almost every meeting; where we start out the meeting with a quick update on sort of where we are with all of these moving parts, to just kind of make sure that we are caught up and clear on where we are, where we're looking to go, what's new, what might have developed since our last meeting.

That is the intent. It was a quick 15 minute agenda item; but it was intended to kind of hit the reset button, get us back to where we need to be and now we continue on with our business. That's the intent. With that and again, you'll probably see it on future agendas; because I think it is a helpful exercise to undertake.

## **CONSIDER OPTIONS FOR RECREATIONAL MANAGEMENT MEASURES**

### **BLACK SEA BASS**

CHAIRMAN BALLOU: With that we will now move on to Item 5, which is to consider options for black sea bass and summer flounder recreational management. This is a possible action item. Actually I think it is an action item; in that I think implicitly we've already initiated a new addendum for recreational black sea bass.

But it certainly couldn't hurt to make that explicit via a motion today; and we would need a motion to initiate a new addendum for recreational summer flounder management. The current addendum expires at the end of this year. Those would be the action items that we might be looking for at the end of the two presentations that we're about to hear.

The goal today is to consider the recommendations that have emerged from staff, and the recreational working group and based thereon provide guidance to staff for the development of draft documents to be brought back before the Board for consideration at our next meeting in October. We'll start with a presentation from Caitlin on black sea bass; then follow with a presentation from Kirby Rootes-Murdy on summer flounder. Caitlin, the floor is yours.

MS. STARKS: There is a memo on this in the briefing materials; to kind of summarize what we're looking at in terms of management for black sea bass recreational fishery in 2019; and possibly future years. But this presentation will provide a more detailed overview. To start, this is a quick overview of the presentation. I'll go through some of the background on black sea bass management; then review options for management in 2019 and future years, and then go over the recommendations from the Rec Working Group on what should be included in the draft addendum, and then finally wrap up with next steps. Earlier this year at the February meeting the Board approved Addendum XXX to the Black Sea Bass FMP. This

Addendum established regional management with three regions and allocated the RHL to those regions; based on a combination of exploitable biomass and harvest information, and in March regional measures were approved for 2018.

However, in April the previously approved allocations of Addendum XXX were appealed by the Northern Region; which includes Massachusetts, Rhode Island, Connecticut and New York, on the basis that the decision was inconsistent with the FMP, and there was incorrect application of the technical data.

Portions of the appeal were brought forward to the ISFMP Policy Board; which considered that appeal on May 3, and instructed the Board to approve a new set of measures for 2018. In May the Board adopted those new measures, and also initiated a management action for black sea bass recreational management in 2019 that would consider changes in resource abundance and distribution.

That brings us to today. At this meeting it is the Board's objective to consider options to include in a draft addendum for management in 2019; and possibly future years. I'll go over these options in the next slides; but before I do that I just want to lay out the information that we're currently working with, and we've already had a little bit of discussion about today.

Our new MRIP estimates were released in July; but they've not yet been incorporated into an assessment, and we don't have the new information from an assessment to inform the RHL for 2019 or any changes to that RHL. The 2019 RHL was recommended by the SSC already at 3.08 million pounds; but it's not yet been adopted. As Mike Luisi said, we'll be taking that up next week with the Council.

As I mentioned in my previous presentation, the Operational Assessment for black sea bass that is scheduled for early 2019, and we're not exactly sure of when that will be completed. But it does have some uncertainty, or give us

some uncertainty about how our RHL for 2019 might be affected if the results of that Operational Assessment show us that we're in a different situation than we think we are now.

The RHL could possibly change for 2019 if we have that information in time. Other than the default of coastwide measures, right now there is not a management program that we can use for 2019 without a new addendum; because of the changes that we made to Addendum XXX. That brings me to some options that we have for considering in a new addendum for 2019.

Our first option, as always, is coastwide measures; because that is the default under the black sea bass FMP, and that would not require a new management document. The second option is state-by-state measures; and a third is regional measures. For both of these our typical route would be to determine in advance through an addendum some scheme that would guide the development of state measures; whether that's state or region specific shares of the RHL based on proportional harvest, or catch per angler, or another metric. Making those decisions about how to divvy up the RHL was essentially the exercise that we went through with Addendum XXX. Just remembering all those options that we included in that addendum, we could potentially consider some of those same options again for 2019. However, there is a fourth option that could be considered for 2019; and that is to set measures through the specifications process.

This option would constitute a change in the process; where basically the decision making on the state or regional shares or measures would be removed from the addendum itself, and the states would be able to determine and negotiate their measures starting towards the end of the year, and into 2019 once there is more information available.

This could avoid some of the frustration and confusion that has been produced when we take example measures out to the public in an addendum for public comment; and then that's

based on preliminary information. Following the public comment period we get new information that changes everything; so it does create some confusion for the public.

Setting measures through specifications wouldn't really change the information and the process that we go through to develop state measures or regional measures. It would just allow it to happen outside of that addendum. Like we've done in the past, the TC would start analyzing the harvest information in the fall; and develop preliminary harvest projections under different sets of measures, and then tweak those as new information becomes available, in order to achieve but not exceed our 2019 RHL.

The benefit here is that this work can be developed without the rush of needing to get those example measures into an addendum for public comment. It could therefore be higher quality work, and could wait to use more complete harvest information from later in the year. This isn't to say that the public would not have a chance to comment on any potential measures.

The public would still have plenty of opportunities to provide input through the state processes that occur even when the Commission is considering addenda to set measures. States take those measures out to the public through their own processes as well. This also means state shares would not be written into an addendum; and could therefore be modified annually without needing a new management document to do so, if the 2019 addendum were set up to allow that.

To try and give you all a better idea of how this might work, this is an example timeline. Today the Board can identify the options that they want to include in this draft addendum for 2019. For the purposes of this example, we'll say that the Board chooses to include this option to set measures through specifications.

Between now and October, we'll develop a draft document; which the Board would consider for approval for public comment in October. Then if approved, following the comment period, the Board would take up the document for final approval in December. If the specifications option is selected, then the states would then begin considering and evaluating different sets of measures using a similar technical process as has been done in the last recent years.

A quick note here, while the intent of this option is not to include those shares or measures in the addendum itself, the addendum could still contain some guiding principles for the development of those measures. For example, it could include regional alignment or constraints on the differences in regional measures; as we included in Addendum XXX. Then those principles, whatever was selected by the Board, would have to be followed as measures were developed during the specifications process. Essentially, what we're suggesting here is something similar to what the Board did this May after the appeal. They had their regional alignment; and limits to how much measures could differ.

Then the states worked out those measures together, following within those limits. Following the preliminary negotiations and the development of the measures, in February and March the Board would likely still need to react to the Wave 6 harvest data, and tweak those measures some more to keep the harvest within the RHL. I'll just note again that this timeline will probably look different; depending on what happens with the timing of that Operational Assessment.

I'll start now going through some of those Working Group recommendations on options to include in this addendum. On their call in July the group discussed all the options that I just laid out; and recommended moving forward with the option to set measures through specifications, with the rationale that it would

provide the Board with the most flexibility to react to new information in 2019.

They also recommended several guiding principles to include in the addendum to shape the development of measures; and finally also recommended including options for reducing noncompliance in the fishery. I'll go through those in more detail on the next slides. For the guiding principles that the group recommended including in the addendum, they recommended a regional management approach using the same three regions as defined in Addendum XXX; Massachusetts through New York, New Jersey as its own region, and then Delaware through North Carolina.

For each region a regulatory standard was recommended to require states measures to either be completely consistent or differ by no more than some prescribed amounts. Options that they discussed included differences of one inch in minimum size, up to three fish in bag limit, and several options on the difference in season length, and some of those were 115 days; which is the maximum difference in seasons in 2018, and 57 days, which is one-half of that and then having the option of having no limit on the seasonal differences.

Along the coast they also recommended limiting the difference in measures between regions to better address equitable access coastwide. One option is for no state to have a bag limit that is more than double that of any other state; and the draft addendum could also consider limits to differences in season length and minimum size, with consideration given to the regional differences and seasonal availability and size distribution.

One idea they also discussed was that potentially the 2018 measures that we have now could serve as a cap on the disparity of measures between states in a region, and between regions. The Working Group also noted that available information on resource distribution and angler effort should be taken into account in setting specifications. This could

potentially include harvest information by state, state survey information, and any other available data that would reflect changes in distribution and abundance of black sea bass. Finally, the group recommended two options for how long this addendum could stay in place. Option one is that it could stay in place until a new management is developed for the long term; which will likely take two to three years for an amendment. Option two is to limit the duration to two years. Staff would like to note here that even if this addendum were allowed to stay in place until the long term management strategy, or a new amendment were developed that the Board would always have the option to replace it with a new program via an addendum at any time.

Several options that the Rec Working Group brought up for improving noncompliance, and this was specifically to address the October, 2017 Board motion to task the existing working group with developing options aimed at reducing noncompliance in the summer flounder, scup, and black sea bass fisheries. They recommended some things focusing on addressing uniform and effective enforcement of regulatory programs by state; with regard to size, bag, and season limits.

They recommended including fillet laws to improve enforceability of measures, having some measures of accountability for angler violations by charter and party boat captains, rules for assigning harvest to individual anglers on those party and charter vessels, and also limitations on commercial and recreational fishing on the same trip. To wrap up; this is a potential timeline for the development of this action. Today the Board is discussing options to consider including in this draft addendum for 2019.

In October the Board will consider approval of the draft addendum for public comment; and then in December the Board could consider final approval of the Addendum. In February, the states would then be able to propose some draft measures; following whatever process

ends up being selected in the final addendum, and maybe finalize those measures in March, depending on the status of the Operational Assessment, maybe later if it's pushed back.

I'll also add what Nichola brought up earlier that the Rec Working Group can meet between now and October again to further develop some of the options that the Board decides on today. With that I'll just put this up here that the Board's goal is to consider some of these options to include in the draft addendum for 2019 and beyond; and I will take any questions.

CHAIRMAN BALLOU: Questions for Caitlin. Emerson.

MR. HASBROUCK: Could you go back to your previous slide, please, timeline? It might be a typo; but I see December, 2019. Should that be 2018, and if so, if it is are we going to have a special Board meeting, or is that going to be done at the joint Council/Commission meeting in December?

MS. STARKS: I believe it would be taken up at the joint meeting; and yes, it is 2018; the December joint meeting.

CHAIRMAN BALLOU: Thank you for that clarification. Dr. Hare.

DR. HARE: Just a comment on the timeline. You know you have the Operational Stock Assessment in between February and March. It is currently scheduled for April; and it is highly likely that we will be unable to push it earlier. In terms of thinking about the plan, you know I might plan for April, and then we will do our best to have it be earlier rather than plan for it to be earlier and then have problems when we do it in April.

CHAIRMAN BALLOU: We're trying. We're really trying.

DR. HARE: So are we.

CHAIRMAN BALLOU: I know, I know. I get your point; and I think we're also just trying to do our best to ensure that it's recognized as a high priority, given its potential influence on our 2019 management program. But appreciate where you're coming from, thank you for that. Additional questions for Caitlin. We'll turn to kind of reviewing these options and thinking through what we want to pursue. But right now I'm really just looking for questions on her presentation. Mike Luisi.

MR. LUISI: Caitlin, can you go back a couple slides to where you established. It was the slide that had kind of the baselines where you deviate whether you're within the region; you deviate by one inch or three fish. Yes that's the one. I just want to understand. I can understand the difference with the intraregional limitations; such that in the case of the second bullet, you couldn't deviate from a state within a region by what is defined there.

But I just want to go on record to express my concern regarding how I read this as being an interregional difference between regions; where a bag limit in a state could be no greater than two times that of another state. The way that I read that and thinking about how the bag limits, so I don't have them all in front of me right now. But I know that the bag limits in New England are awfully small during certain times of the year. Let's say that for instance, Massachusetts may have a 5-fish-bag limit.

I know in some cases I think it even drops below five in some states; maybe to three. Would that mean if we were to move forward with something like that that if a state has a 3, 4, or 5 fish bag limit that the southern region, which I think we all know has a 15-fish-bag limit, would have to make modifications not to exceed two times that of a state that has a very small bag limit. Would that be the intent there? I just wanted to put that out there to see what your thoughts were; and just express my concern regarding that.

MS. STARKS: I think that generally was the intent of the option. But again, it could be further developed by the Working Group to come up with a different number. But it may have also intended to say regions that are next to each other. That is details that we would definitely want to work out.

CHAIRMAN BALLOU: Good exchange there, thank you. John.

MR. JOHN CLARK: Yes, just kind of following up on Mike's question. My recollection of this meeting in my notes was that these were suggestions not recommendations; and that was definitely a point of contention on the call. My notes were that we wanted to look at 15 fish in the southern region, because they are smaller fish. That is the same biomass maybe as five fish in New England. That was clearly my notes. That was not a recommendation that was a suggestion by some people.

CHAIRMAN BALLOU: Fair enough. I think that is a fair characterization as to how it went; and it just kind of rolled forward as not necessarily a consensus opinion, but just among the issues that were raised during the call. But thank you, John for that clarification. Tom Fote.

MR. THOMAS P. FOTE: At one point New Jersey had a 2-fish-bag limit, and we're now looking at 10 times 2 fish, a double 2 fish. What I was looking at in a part of that discussion was if the highest bag limit say in the New England is 10 fish, then it could be up to 20 fish in the other regions adjacent, because that's the highest bag limit, not looking at the lowest bag limit. I wouldn't want to basically curtail anybody to four fish because we have a 2-fish-bag limit during a certain period of time, just to keep it open if they're bycatching fish. That is what I was interpreting that to mean.

CHAIRMAN BALLOU: Additional questions? Seeing no hands; I think what we would now like to do is get the Board's feedback on which if any of these recommended options staff should pursue for further development,

whether it's a good slate of options and all should be further developed, whether there are additional options that should be considered.

This sort of process that we go through at this stage is to really kind of get your sense as to whether this is a good working outline to pursue; or whether there should be any modifications made to it. I would like to open the floor now to thoughts on that issue. David Borden.

MR. BORDEN: Bob, could Caitlin put up that slide with the options. I think it's the prior one. Yes, do we have to have the coastwide measures in there? If we don't then I think we should take it out. I can't see that being considered.

CHAIRMAN BALLOU: There has been a suggestion to remove coastwide measures as an option in this addendum. Is there any objection to that suggestion? Toni.

MS. KERNS: I don't have an objection. But it's a default measure of the Plan. It's difficult for us to completely remove it from an addendum, because it's part of the FMP. If there is nothing else then that is what we default to as part of the FMP.

CHAIRMAN BALLOU: David, I know you want to respond so I'll go to you. But I really hear Toni on this; and that is if the Board couldn't come to terms with the addendum, we would need a default. We would need something to have in place for management. As she indicated, this is the FMP default provision. Do you have further thoughts on how to handle this?

MR. BORDEN: I thought of that and it's really status quo. The default is taking the place of status quo. But I think we should narrow this in the interest of time. I would also support taking out the state-by-state measures.

CHAIRMAN BALLOU: Before we go to that are you comfortable leaving in coastwide; given its status as a default? Okay, and is there any

objection to leaving it in given its status as a default? Seeing no objection; the next suggestion is to remove state-by-state measures. Are there thoughts on that suggestion? Is there any objection to that? Seeing no objection; we'll remove that and we're now left with three options, broadly speaking, coastwide regional and setting measures through the specifications process. Is the Board comfortable with those three broad categories of options? Mike Luisi.

MR. LUISI: You know we went through Addendum XXX last year and we all remember how that ended up; and staff put a ton of time into developing allocations based on the regions, based on different time periods. We thought at the time that we kind of came to some agreement, some compromise between the winners and the losers that come as a result of allocation decisions.

I just would hate to go back through all of that again. With all of the other work that we have in front of us that I think we can do a much better job of putting our energies into; which would be the future, which would be 2020 and beyond, rather than focusing again on allocation of the resource as was presented in Addendum XXX.

I think the regional structure is sound. I think that is there. You've had these regions for a number of years. I am concerned that if we start looking at shares, time periods, ten years, five years, two years, three years. We're going to go down a rabbit hole again in this addendum; and we're going to find ourselves at the same point that we were last year.

It would be my preference to focus this addendum on the 2019 fishery; and perhaps 2020, given the timeline that Caitlin presented in just the idea that we would be setting measures through specifications. Eliminate the grind of presenting and developing and going out to the public with allocation options that is only going to create more drama than what I think is necessary at this time.

We have to fix this fishery for the future. 2019 is upon us. We're not going to fix it in a few months; between now and when 2019 measures need to be in place. My opinion would be to remove the regional measures; remove the line that goes to state shares over the RHL, and just drop regional measures into the specifications process. That would be what I would suggest.

CHAIRMAN BALLOU: On the floor is the suggestion; thoughts on that. Nichola.

MS. MESERVE: I agree with Mike Luisi. My interpretation of the Working Group's recommendation was that the specifications process would replace any options for regional measures or state-by-state measures, because of the difficulty that we find ourselves in with the assessment timing, the new recreational harvest estimates, the turmoil and process that we went through with Addendum XXX. I support the Working Group's recommendation on that and the others as well.

CHAIRMAN BALLOU: I don't see any other hands; so I'm going to ask, is there any objection to the suggestion that was just made and seconded essentially, to remove regional measures as well so that our two broad categories would be the coastwide measures as the FMP default. Then the primary focus, obviously as the other alternative or as the sole alternative, would be to set measures through the specifications process. I'll just start by saying is there any objection. Seeing none; Caitlin if you want to flick to the next slide or maybe it's the slide after this. It's the one that has the guiding principles; this would be now, if I understand correctly. These would be the options that would be further developed for consideration in the draft addendum. Let's leave this slide up and see. There have already been some references to that last bullet item; the interregional issue. How does the Board feel about this range of sub-options, let's call them, under the specification setting approach. Emerson.

MR. HASBROUCK: I'm a little confused. We just had a brief discussion about removing a regional approach. But the regional approach that's here is listed here; so does that mean we could still discuss a regional approach through the specification setting process? Is that what this means?

CHAIRMAN BALLOU: Caitlin.

MS. STARKS: Yes. Having an addendum that says an option is to set measures through the specifications process; but with some guidelines that include regional management, would mean through the specifications process but not through the addendum itself, the Board would determine measures that were for regions.

CHAIRMAN BALLOU: You're nodding; so that apparently answers your question, Emerson. Thank you for that. To be honest with you, I also got spun around a little bit on that difference between setting forth regional measures in a draft addendum, which is what we've done in the past per regional shares. You know maintaining a regional approach but doing it through a specifications process. With that are there additional thoughts, comments on this range of issues to be addressed through the draft addendum. Matt.

MR. MATTHEW GATES: Yes, we have options there for limiting how different we can be. Last year we ran into a little trouble with some of those; when we were forced to take a reduction in the northern region. Kind of the way it worked out is one state had to take the majority of that reduction.

I would like to see us have an option that we could at least take out to public comment on that would maybe limit how much any one state within a region would have to reduce; if in fact we had to do a reduction. For instance, if we had to take like say the northern region had to reduce by 100,000 fish, limit what each state would need to reduce by to maybe 50 percent

of that so that one state is not taking all of the reduction.

CHAIRMAN BALLOU: Okay, Caitlin is nodding and writing that down. It sounds like that is something that she'll do her best to work up and develop. Of course we're starting from a different baseline this year than we were last year; but I do take your point. Additional thoughts and I would like to particularly call the Board's attention to that last item that John Clark, you spoke to. Obviously that is a new issue.

It's something that we've never addressed before as far as I know. You know there is the conceptual issue of trying to limit differences in measures between regions; and then there is the "how do you do that" component to that. I guess I'm looking for some Board feedback on the general concept of trying to obtain more consistency, let's say between the regions, and then as well how might that be accomplished? Whether it's appropriate to be addressed or at least pursued, and revisited in October after it's further developed, or whether it's something the Board does not want to pursue. That is what I think we need feedback on; given some of the earlier comments we had. Mike, did you have a thought on that? I'm sorry, your hand kind of went up and then it went down. It's down. Now David Borden's hand is up.

MR. BORDEN: Bob, just to question you. You just referenced we're going to be starting from a new baseline in this. I'm a little confused on it. The new baseline is going to be what?

CHAIRMAN BALLOU: I was just thinking about the current regulations that are in place, and reductions needed on a state-by-state basis, and how they would affect an individual state regulation. That was just what was spinning in my head when Matt was making his comment. But Toni has a thought on that.

MS. KERNS: Because this is a specification process and there are no rules about. Well, we don't know what we're going to have to do for

next year. We don't know what this year's catch is going to look like. We don't know what the quota will look like for next year. I would say you have no baseline; in reality.

You will have potentially through the document some consistency standards that you can go off of; but it will be part of the specification process where the TC will look at the performance of the fishery, the availability of the fishery, CPUE, effort, all different information and provide recommendations to the Board on the types of measures that they think will work to meet the RHL of 2019.

Then the Board will have to grapple with that information and work together to develop a set of regulations. I think it's a little bit different than last year; in the sense of having a baseline. That will come into play a little bit about what Matt was getting at, and that discussion and negotiation with the region will be part of what we work through, and how the TC makes their recommendations to the Board.

CHAIRMAN BALLOU: Good point and I also realize that 2018 harvest is also another issue that changes year to year. Thank you for that clarification; and maybe that helps debunk this issue of there really isn't a baseline, as Toni was just saying. David.

MR. BORDEN: Thank you for the clarification. I'm more comfortable with that. I just point out, other than all of the agony we all went through last year trying to reach compromises on this. I would just make the observation that there were a number of people both in the Mid-Atlantic region and the South Atlantic region that at the end of the discussion were expressing some willingness to moderate their increases, in order to minimize some of the negative impacts on the northern region. I think this process can work; but that type of discussion has to take place right up front.

CHAIRMAN BALLOU: Rob O'Reilly.

MR. O'REILLY: The RHL does decrease for 2019, so we have to keep that in mind, 3.08 million pounds. Concerning the 15 fish, I can't speak for the southern region in entirety. As a matter of fact last year was the first time there was a southern region; prior to that it was just coincidental that the states observed the federal waters rule.

Last year sort of put the stamp on a southern region; Delaware through North Carolina. The 15 fish is held pretty dearly in Virginia; and last year before things settled out, there were those who would rather have the season truncated a little bit as opposed to the 15-fish-bag limit not being there, because there was some talk about going to 10 at one point.

That said; I think it's good that we maybe get some information on the creel and the success rate towards 15 fish. I remember many years ago, which is ten, so that's many years ago. When we were looking at problems with black sea bass, and Toni Kerns was the person coordinating. We found out we really couldn't do much getting much of an impact for a reduction, unless we got down to 6 fish. I remember that distinctly.

You know it was even higher than 15 then, so that is a sticking point at least for Virginia; probably would remain so. I think we know that when you get in the charter or the headboat business the proverbial lure is there; and I don't think that has gone away over all the years. That is why the 15 fish is held pretty tightly in Virginia. I appreciate the time to talk about that.

CHAIRMAN BALLOU: Mike Luisi.

MR. LUISI: Just quickly Bob, since you asked to address that last bullet. I think instead of dealing with it right now, I can see three or four different ways that could be fleshed out, whether the regions are next to one another, whether they are across regions, whether it is the smallest bag limit of a state or as Tom Fote alluded to, the largest bag limit within a state. I

just think we can spend some time dealing with the details on a workgroup call; rather than now.

CHAIRMAN BALLOU: Thank you for that suggestion, Adam.

MR. NOWALSKY: I differ a little bit. I agree with Mike's comments earlier that about where is our time best spent. I disagree with the last comment about maybe we could spend a little more time working on this last bullet point. My own opinion is the Working Group talked about it. There was a difference of opinion on the call. That last bullet point was one suggestion that was there.

When we look at the disparity between the regions right now, if we try to hold ourselves to that standard, quite frankly that is a no go right there. You've got the southern states, and then there is New Jersey. There is no way you could get to that constraint right there. I think we're wasting our time on that item.

The frustration level and the last presentation about what we're working on longer term that is really where our focus needs to be. I understand the concerns about competition, et cetera. The Working Group couldn't decide if this was something to even work on; couldn't get agreement on it. I think we should just take it off the table right now, personally.

CHAIRMAN BALLOU: John Clark.

MR. CLARK: I was thinking along the lines of Adam there. I know it's just semantics, but rather than limit differences and measures between regions, just something like maintain equity between regions, so it doesn't put us into that kind of narrow focus that we just have to make sure our measures are similar to each other's.

CHAIRMAN BALLOU: Mike Ruccio.

MR. MICHAEL RUCCIO: That was the same thought I think that I had. It strikes me; you

know having listened to the conversation of the Working Group and now here. I haven't heard anybody overtly reject this as a concept. But the particulars of how it's going to be implemented are what we're kind of starting to stumble on.

I would offer that there are a lot of particulars on what we're going to implement for next year that are really difficult to kind of conceptualize right now; because there are so many moving parts this year, even more than in a normal year where we would just deal with the timing of MRIP data availability. We have the potential for a stock assessment that is going to come in mid process; and I needn't mention MRIP and the changes there.

Perhaps one way to move forward would just be to, as John had said, either just have the limit differences or try to maintain equity; something that is almost aspirational that is in there, but moves away from having specification of specific no more than two times difference between states. That would give the flexibility to try to work towards measures that are similar. But if we find that we need that as a tool to be able to use, then it wouldn't preclude being able to use that. That might be a good compromise.

CHAIRMAN BALLOU: Nichola, did I see your hand?

MS. MESERVE: I appreciate the most recent comments about keeping in the concept, possibly removing that one particular example that was discussed on the call. But I would like to see the working group continue on this concept. My recollection from last call was that this again was a northern vs. southern disagreement.

That's a trend that we keep on seeing; and unless we can have some compromise on these bag limits, I fear that we're not going to be very content with the interim program or the full program whenever we get to it. I hope we can continue to have this discussion; and keep this

concept moving forward, even if it's just aspirational.

CHAIRMAN BALLOU: I'm going to take one more comment from Tom Fote; and then I'm going to ask for whether there is consensus on keeping this in, at least as a concept or removing it. If there are differences of opinion I think we're going to need a motion. Tom Fote.

MR. FOTE: We're talking about affecting party and charterboats. Let me see, if we have a 10-fish-bag limit in New Jersey, and you have a 5-fish-bag limit in New England, nobody is going to drive down to New Jersey to catch 10 small fish when they can get five big fish in New England. The same thing happens true. We have people from New Jersey that go up even when it's only 10 fish, because they know they're getting 10 big black sea bass; compared to what they catch in Jersey. But they ain't going the other way around.

Nobody is coming from New England to fish in New Jersey for black sea bass; because they're afraid all they're going to catch is small fish. When you look at the poundage wise, there is really no difference between it. A 5-fish-bag limit in New England is about equal to a 10-fish-bag limit in New Jersey.

CHAIRMAN BALLOU: I'll take one more comment from Maureen.

MS. MAUREEN DAVIDSON: In response to Tony's remarks, people might not drive from New England, but they will drive from New York to catch the more fish in New Jersey if there is a huge difference in our state possession limits.

CHAIRMAN BALLOU: Here is where I think we are. There are some differences of opinion; no surprise, we're talking about black sea bass. But my sense is that there is more support for at least keeping it in as a concept, having the Working Group further discuss it. We've got our next meeting in October, where we would have the time to really decide whether it belongs in or not versus, I'll call it the Adam

Nowalsky suggestion, and that is just take it out now because we've got more important things to spend our time on.

I'm going to ask it this way. Is there objection to keeping it in as a concept; with the understanding that that suggested example doesn't seem to be a very popular one. The onus on the working group would be to look at other ways to address that issue, or perhaps I think to Mike Ruccio's point, and perhaps just have it in there as a guiding principle.

Use it for what it's worth; but not necessarily have any specificity associated with it. It seems to me that that could be an option as well. Let me see if I can just ask the question and then not talk over myself. Is there objection to leaving it in as a concept for further development by the Working Group? Seeing no objection; we'll leave it in as a concept. I think we now have a good suite of options. I'm going to look to Caitlin to see if there is anything else that we need to work on or discuss.

Probably the compliance issues, so let's switch to the compliance issues next. I'm sorry that is actually the third leg of this. There are two more issues. The first of the two issues that we need to still look at is whether the Board is comfortable with this duration issue. We've got two options for duration.

No one on the working group recommended one year; I think we can all appreciate that perspective. It was either two years or sort of indefinitely but better stated, until new management is developed for the long term. Is the Board comfortable with those two options for the duration component of this addendum? Yes, Joe.

MR. JOE CIMINO: Not being part of the Workgroup, can we define new management? Are we speaking to reference points specifically?

CHAIRMAN BALLOU: I think, well I'll let Toni tackle that.

MS. KERNS: It would be just until we have either that long term change. What we're trying to do with the long term recreational management measures changes, which Caitlin went over earlier, because in order to make those changes we would need an amendment. I don't know how long an amendment will take. But I know that in the past the Board has constantly asked us to do a new addendum every single year, and that becomes difficult for the states as well as us, and for the public.

We're trying to set us up to have something in place until we have something new in place. That can be the amendment or if you guys decide next year or two years or three years down the line. If we don't have an amendment and you don't like what you have approved through this management process, you can start another addendum. At any time you can always do another addendum.

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: I would define new management as performance evaluation no longer based on annual comparison of MRIP to a RHL. That is what I would define new management as.

CHAIRMAN BALLOU: But you're not necessarily suggesting we put it in the document that way; but you're just kind of helping inform this discussion, as I understand it.

MR. NOWALSKY: Correct. The question of what is new management. I think that was going back again to that last presentation; that meeting in June. That was really the basis for the discussion point that this Annual Performance Evaluation isn't working; how do we move to something different? That is what we're moving towards, I believe long term. That's what I think our new management program is. I don't think we need it explicitly defined; but the purpose of this conversation, I hope that helps.

CHAIRMAN BALLOU: Any further thoughts on this particular issue; the duration issue? Seeing none; it looks like there is consensus for these two options to be carry forward. Then our last set of issues, and if you could put that slide up, has to do with reducing noncompliance. Here are the bullets that were teed up, I think through some input from various folks.

I mean this came up during the Working Group call, and then I think there was some follow up. Here's right now the sort of slate of issues that could be further developed, and included in the draft addendum under this category of reducing noncompliance. Thoughts on this overall issue, and the bullets provided?

MR. FOTE: Yes, I brought this up on the call, because I hear it constantly in New Jersey, because of our strict filleting laws. You know, you have to bring fish in. If you're a party and charter boat you have to have a special permit, you've got to bring those racks in, and it's inconsistent with other states. Some states don't really have enforceable rules is what my law enforcement has been telling me for years. I'm just looking for more consistency that we can actually enforce the filleting laws and the no filleting laws that will all be the same. Whatever they are, whatever rules you want to set up, as I was saying; we want to have similar bag limits we should have the same laws on filleting, so if you go to a different state you don't wind up being able to circumvent the law.

CHAIRMAN BALLOU: Any other thoughts on this? I will go to Roy first and then Mike Ruccio.

MR. ROY W. MILLER: Quickly, could you define for me looking at Bullet Point 3 and 4. If harvest is assigned to individual anglers, what would the charter and party boat captains be held accountable for?

MS. STARKS: These were two ideas that kind of are on the same thread. I might look to Nichola; because she's got some detail on how we might construct those laws.

CHAIRMAN BALLOU: Nichola.

MS. MESERVE: Part 3 was, I believe, based on a rule that Massachusetts perhaps other states have. I'm not sure until we have this exercise of looking at this more. But we have a rule where charter and party boat captains can also be held accountable for the violations that occur on their vessel by anglers.

Our regulation says that discretion is given to the law enforcement officer as to when to apply that. If the vessels are using all their best management practices of announcing the rules, posting the rules, having measuring devices the officer uses their discretion. I think the fourth bullet has to do with whether comingling of catch is allowed.

If coolers have to be labeled or if there is some way to assign that particular harvest to an angler; so that there isn't an instance where the catch is just abandoned during a law enforcement intercept, and then no one is held responsible for it. I think this list needs more details for each one as to particular options. But these were what were discussed on the call; or in e-mails following up as rules that other states may have already on their books.

CHAIRMAN BALLOU: Mike Ruccio.

MR. RUCCIO: Just a process question, I guess. I don't have any specific issues with any of these points; I think they are all worth consideration, but was curious how and when this will go to the Enforcement Committee, and what the nexus might be if there is development of specific measures, kind of comparable measures, to go into the Federal FMP.

Because so much of the enforcement process now happens through JEA agreements with NOAA OLE; we would want, I think for maximum effectiveness, to ensure that both the Commission and the Federal FMP reflect any changes, particularly if it comes to something like fillet laws so that we're consistent across state and federal waters.

CHAIRMAN BALLOU: Good point, good questions. Mike Luisi, did you want to take a stab at that?

MR. LUISI: To that point, I was remembering an e-mail that I received recently regarding this exact issue. Some of the issues here are things that have been brought up at joint meetings that we've had with the Council; specifically the filleting at sea, and accountability of the either charter captain or the individual angler on a boat.

I got an e-mail back at the end of July. There is a meeting being planned between the Law Enforcement Committee, Tilefish Committee, and HMS Committees to discuss a number of things; but some of them are related to what's on the board here. I wonder if it would be reasonable to, due to Mike's comments as well.

Perhaps this Law Enforcement issue could turn into one of those joint framework/addenda or addendum with the Council, since we're kind of discussing all the same parts. I would hate to go in two different directions; and it might be worth just pulling out what we've already discussed as the addendum that we're going to work on for 2019.

Have kind of a parallel track with the Law Enforcement concerns in addition to something at the Council level; you know a framework that would be done at the Council. I don't have anybody here to ask as to whether or not a framework right now is reasonable to include in the Council's priorities. But maybe by next week we can follow back up on something like that.

CHAIRMAN BALLOU: I was thinking the same thing, Mike. I was wondering if we could maybe park this issue for now; see if we could add it to the agenda next week at our joint meeting, and see if there is an opportunity to do just what you and Mike are suggesting, I think, and that is kind of integrate these issues into a joint action,

to ensure consistency at both the state and federal levels.

Does that sound like a reasonable approach? Is there any objection to that approach? It isn't necessarily being taken out of this pending document; but the idea would be to explore whether there is a better venue, so it could come out I guess. If we find that there is a better venue to address it via a joint framework action. Eric Reid.

MR. ERIC REID: My question is do you have envisioned something that would have to be approved by both bodies; or would that be an oral process? It only worries me because if it is a Mid-Atlantic Council action and a Commission action, I just want to make sure that the New England viewpoint isn't diluted.

CHAIRMAN BALLOU: Understood. Well, I assume the whole point is that it would be a joint action between the Board and the Mid-Atlantic Council. I'll just leave untouched the issue of the New England angle there. This addendum, is this going to be a joint action? No. I guess to your point; and really to your point, Eric as well. The way to make this a joint action, the way to make sure that there is consistency between what this Board wants to pursue and any need to align with federal waters rules is through a joint action via the Mid-Atlantic. It sounds like this could be an issue that could be peeled off and addressed in that way. That is what I'm sensing from the way this discussion is going; but maybe we need to either further discussion now or park it until next week. David Borden.

MR. BORDEN: For my own edification; does the timeline change if we make it a joint action?

CHAIRMAN BALLOU: Toni.

MS. KERNS: The Mid-Atlantic Council does not have any priorities; and I think Chris has said, and you can correct me if I'm wrong, Mike. I don't think that they in their priorities they don't have this action for this year; so for staff

time to work on something for this year. If it's a joint action and if it's not frameworkable, then they would have to go into an amendment. Then I would suggest that it slide into the long term amendment.

This issue may take more than the two months that we have between now and annual meeting to flesh out as well. If that happens then I would again suggest that we push it to a different document; whether it is an addendum that happens before the amendment or into the amendment, up to the Board. But I think you would all want to address 2019 in a timely fashion; but that is up to the Board. But that is the sense that we have gotten so far.

CHAIRMAN BALLOU: Yes, I'm going to channel my colleague from Massachusetts, Nichola Meserve, and just remind the Board that this is already an issue that has been delayed once. What we're talking about now is essentially delaying it again. Not that it isn't a good suggestion given that we seem to be thinking of a better venue; a better process to address it. But to Toni's point that means further delay. To your question I think, Eric, it would mean that it would not get addressed in the short term.

Now it may turn out that it's going to be a very difficult, if not impossible issue to address in the short term solely by the Board, given its overlap with federal waters issues. I think that is the sense I get from the way this discussion is going is trying to figure out how we can address this in a timely fashion; because it is a priority issue that this Board has identified quite a while ago that is now coming back to the fore. Here we are talking about potentially shifting it into another venue; which would cause further delay. Mike Ruccio.

MR. RUCCIO: I didn't raise it to try to be obstructionist at all, or to see it delayed. I just thinking through the issues there is a lot of overlap between what would be state and federal here. I appreciate the discussion. Maybe one way to approach it is to keep it in for now; to begin the development through the

Commission process, and that will reveal if it can be through just a Commission related action, or if it needs to involve Mid-Atlantic.

If these issues stem far enough that it's something that we kind of half joke, maybe we should bring in the South Atlantic and HMS too. But as we start to tease this apart in development, it may be that it is appropriate to consider a really broad scope. Another way to approach it would be just to start the work now and try to bring partners along as we need. You know I can't speak for the Council. It would probably need to be part of their prioritization process this fall to spin up another action; because as Toni said, it's not currently slated.

CHAIRMAN BALLOU: Thoughts on that suggestion. Rob O'Reilly.

MR. O'REILLY: I responded to Nichola when she sent this around. I'm thinking at least from what I can understand, some of the accountability and some of the teeth in the law in Massachusetts really has changed recently, because of violations. I related how our system works. But beyond that it seems that maybe if there is going to be a delay that we find out what the states can do; and what NOAA can do. It is problematic to have a number of states in federal waters with 80 to 85 percent of their fishery occurring in federal waters; and to have this not in a situation where we have the federal component. I think that's going to be a problem. But the other problem I see is we are going after this without really knowing what we have at hand. At least I don't.

I don't know what all the states have; in terms of these various items that we're looking about noncompliance. It might be good to know that. It might be good to gather that information. You've got the state regulations; have the federal rules, Law Enforcement is going to meet; Mike Luisi just talked about sort of a joint meeting that is going to be looked at. I'm not sure we're ready.

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: I agree with those last comments. I understand the frustrations. I've experienced them first hand with customers, myself, as well as fellow captains. I understand them. I also know though that a couple of bad apples are the ones that really raise the stink. It isn't always the entire barrel that is rotten and needs to be thrown out. We have a disaster headed for us in the 2019 black sea bass fishery. I'm going to come right out and say it.

A 3.0 something million pound RHL, a 2015 year class that is huge, management's failure to respond to the 2011 year class that was huge, and now in a massive deficit of regulations. We have a disaster on our hands next year, Mr. Chairman. While I understand that these noncompliance issues are important. We need all hands on deck; coming up with the best possible solution we can for next year. To that end, if we can't do it by consensus I am prepared to make a motion to not have this be part of the rest of the addendum we work on for this year.

CHAIRMAN BALLOU: Let's see if we have consensus; or whether we need to do it in the form of a motion. Does the Board support the suggestion that this essentially be and I'm paraphrasing, but this is my understanding, held off for inclusion in this addendum and further developed, but for purposes of being addressed through a joint action with the Mid-Atlantic Council. Is there opposition or objection to that revised approach? Eric Reid. There is at least some opposition; so I'm going to ask Adam to offer that in the form of a motion; and we'll have a vote on it. Go ahead, Adam.

**MR. NOWALSKY: I move that non-compliance issues be removed from further development for the addendum for 2019 and beyond recreational black sea bass, and be considered with joint federal management.**

CHAIRMAN BALLOU: Let's see if we can get that up on the board. I'm sorry, moved by Adam,

seconded by Rob O'Reilly. We'll get that up on the board. I would recommend that we not discuss it further; given the very healthy discussion we've just had, and the need to move on to summer flounder.

I'll be inclined to call the question; unless there is pressing need for further discussion. But I'll wait for it to get up on the Board; and there it is. Move that non-compliance issues be removed from further development from the Addendum for 2019 and beyond for recreational black sea bass, and be considered with joint federal measures. Moved by Mr. Nowalsky and seconded by Mr. O'Reilly, yes, Nichola.

MS. MESERVE: I'm just wondering if the maker of the motion would be willing to remove the "and beyond;" because it seems like we would never consider it, even with joint measures with that clause in the motion.

CHAIRMAN BALLOU: Well the motion belongs to the Board; so is there objection to moving the phrase "and beyond" from this motion? Is there any objection to that? Adam.

MR. NOWALSKY: The intent of the motion was that the proposed addendum we're working on, we talked about 2019 and 2020, or maybe not until a new management program was in place. I just didn't want to be back here at the same time having the same discussion for 2020; even though every other recreational piece of the addendum is moving forward.

My hope is that in 2020 there would be a joint management action that would be going into place to address these issues. That would be my hope; but that was the only reason for choosing and beyond. I'm certainly open to any changes that would not take away from that concern.

CHAIRMAN BALLOU: Mike Luisi.

MR. LUISI: My accounting makes this Addendum XXXII; if Addendum XXXI is the joint

action with the framework to consider slot limits and transit provisions and all of that conservation equivalency. If this is XXXII we might as well just say it's Addendum XXXII.

CHAIRMAN BALLOU: Is there any objection to modifying the motion to read from draft Addendum XXXII? Seeing no objection; let's modify that motion as such. It would just say from Draft Addendum XXXII for recreational black sea bass; striking for 2019 and beyond. How is that? I think that is what I just heard recommended. If you could just strike for 2019 and beyond, any further thoughts on this? David Borden.

MR. BORDEN: I'm opposed to the motion for the reason that I liked Mike's suggestion. He's the Chair of the Mid-Atlantic Council; he wanted to have this discussion with the Council. I think that if this motion doesn't pass, I would encourage us to have that discussion with the Mid-Atlantic Council, and see whether or not the Council can figure out a way to accelerate their action on this. We would keep it in on an interim basis; and then maybe consider this later, depending upon that input.

CHAIRMAN BALLOU: My take is that even if this motion were to pass, it doesn't preclude us from jump starting this as early as next week at our meeting with the Mid-Atlantic Council, at least to broach the issue and start to plan for its development. I just wanted to clarify that. Eric.

MR. REID: Okay, so now I'm going to go home and I'm going to explain to my commercial fishermen that noncompliance will be removed from further development for the recreational sea bass fishery. The PR of that is just staggering to me. I can't accept that. I'm probably outnumbered. But it won't be the first time that's right. I'm going to make a motion to table until the joint meeting with the Mid-Atlantic next week, and have this conversation there. Is that time specific enough?

CHAIRMAN BALLOU: It would be move to postpone until.

**MR. REID: Motion to table, to have this discussion with the joint meeting next week.**

**CHAIRMAN BALLOU: Toni is saying it should be move to postpone until the joint meeting with the Mid-Atlantic Council in August, 2018, which is next week's meeting.** Is there a second to that motion? Seconded by Ray Kane, so moved and seconded motion to postpone. Is there any need to further discuss this motion?

Is the Board ready for the question? **If so, all in favor of the motion please raise your hand; opposed please raise your hand, any abstentions, and any null votes? The motion passes 9-3 with no abstentions and no null votes.** We will revisit this at next week's meeting. Mike is that okay? Mike, go ahead.

MR. LUISI: I'm running for Chair again next week; so if I mess up enough today maybe they won't bring me back on as Chair. I'm going to get in trouble if I say too much. The Council is under, they are under more strict guidelines as to what can be added to their agendas. They need to have those agendas posted weeks, months in advance of meetings.

New business that comes before the Council comes before the Council at the end of the Council meeting; which nobody from the Board will be remaining, unless you decide to stay all day through Thursday. I'm a little concerned about when we'll fit this into our agenda. I'll leave it at that. There is probably an opportunity to have a quick discussion.

I don't want to get in trouble; as far as adding additional items to an agenda that was not announced in the Federal Register. Chris isn't here to ask how the details of that works. But I just want to put it out there to make sure the Board understands that there are certain limitations that the Council has in adding additional items to their agenda; different from what the Commission does through Board meetings.

CHAIRMAN BALLOU: Mike Ruccio.

MR. RUCCIO: It's a good point. I think the notice requirements pertain to if the Council were to be taking any kind of action on this. I think initiating a discussion, you would probably be okay. There is still the open-ended question of whether or not there is time to do that within everything that's scheduled.

But I think in prior cases where there has been kind of a spontaneous issue that's come up, it is okay for the Council to initiate a discussion on it. It's just really, you have to then push it to another meeting with appropriate notice to then take it back up and then move it forward. This may not, I guess the caveat with it is this may not advance it the way that we had thought; but it could still be discussed.

CHAIRMAN BALLOU: Emerson and I do want to try to wrap this up as soon as possible; so I'll take two more comments. Then I think we really have to move on to summer flounder. Emerson.

MR. HASBROUCK: Yes, based on the information Mike just provided us, I pass.

CHAIRMAN BALLOU: Rob O'Reilly.

MR. O'REILLY: Just quickly, are no states dealing with noncompliance whatsoever; or any of those five elements whatsoever? I think we all ought to think about that and figure out what we're doing, and then add NOAA to that National Marine Fisheries Service. Then if we are able to have a conversation at the Council meeting next week, I think that is what we all should know about what's going on.

CHAIRMAN BALLOU: I'm just going to say that I guess what we need is to ask our staff to immediately coordinate with the Mid-Atlantic staff following this Board meeting to try to see if we can squeeze in sometime next week to take up this issue. I think that's the best we can do with it for now. I think if I'm not mistaken, we've covered all the ground that we need to

on recreational black sea bass. I'm getting a nod in the affirmative; so we're going to now switch to recreational summer flounder, and Kirby Rootes-Murdy has a presentation.

**CONSIDER RECREATIONAL MANAGEMENT  
OPTIONS FOR SUMMER FLOUNDER**

MR. KIRBY ROOTES-MURDY: I'll try to go through this as quick as possible; because we're a little bit behind schedule. I'm going to go through a memo that was included in supplemental materials as a background section that includes management, recreational data, science, and then four possible options for looking at summer flounder recreational management for 2019 and beyond.

Briefly, as you guys are aware, you've seen this in past addenda for summer flounder. We have been managing the fishery in a number of ways over the last 25 years. Back in 1993, we had coastwide measures. After a number of years it was determined that those weren't sufficient for managing the resource.

Framework 2 and Addenda III and IV on the Commission side, created conservation equivalency, we had Addendum VIII that put in place the state-by-state harvest targets that became very much attached to conservation equivalency. From 2004 to 2013 that is what the states used to manage their recreational fishery. Starting in 2014 through 2016, we had addenda that implemented mandatory regional management. Then obviously Addenda XXVIII, which was initiated in 2016, implemented for 2017, specified what the 2017 measures were to be. The Board chose last year to extend that into 2018.

In terms of recreational data, it is important to keep in mind that MRIP formally MRFSS, is our main source of data for understanding how recreational catch and harvest is across the coast. In July of this year MRIP released revised catch and effort estimates all the way back through the entire time series.

That was based on a new mail-based fishery effort survey, and revised Access Point Angler Intercept Survey that you heard about yesterday. For summer flounder in particular what these changes have meant is that the estimates, the harvest estimate have changed over time anywhere from 25 percent increase to a 210 percent increase from previous estimates. This creates a challenge; in terms of understanding its impact on the resource right now.

When looking at the science side of things, we had a benchmark assessment back in 2013 that indicated the stock was not overfished, and overfishing was not occurring. In 2015 and 2016, we received assessment updates that indicated otherwise that the resource was in fact experiencing overfishing. There is as you probably are well aware, a retrospective pattern in the assessment model right now that is overestimating the biomass and the recruitment, and underestimating the fishing mortality rate.

There is currently a benchmark assessment underway for summer flounder. We're anticipating that to be completed and peer reviewed in November of this year. That will incorporate calibrated MRIP estimates; and the Board and Council will consider the results of that assessment in February, 2019.

I just want to make it clear. There was some elusion, or at least a reference to what the 2019 specs are. Right now we don't have for summer flounder or black sea bass 2019 harvest specs. We have proposed specifications that are derived from the SSCs recommendation; and this body will take up next week jointly with the Mid-Atlantic Council what those harvest specifications should be for 2019.

For summer flounder in particular, we have a bit of a challenge because there are these proposed specifications that come out of basically running the parts of the assessment model with additional data in it. We know that these harvest specs, which will be considered

next week, will likely be reconsidered in February, 2019.

That is why there is an asterisk on it that they're coming out of a recommendation and there is a formula that you probably are aware of in deriving an RHL from an ABC. I just want to make sure that's clear. I've tried to lay out that we have a number of challenges when it comes to trying to manage next year's recreational fishery for summer flounder.

There is the MRIP data release, the timing of the benchmark assessment, landings specifications at next week's joint meeting will be revisited in February of 2019. If we were to try to do things as we have done the last few years, in terms of coming up with example measures based on preliminary harvest estimates, and initiating an addendum to plug those example measures into, we would likely have to do that work twice. The Technical Committee would have to do that work twice; because we know we're going to get new information in the early part of next year.

For potential options, I have four of them. I'm going to try to go through them as quickly as possible. The first is that if this Board chooses, you could move to add options into the draft Black Sea Bass Addendum XXXII; as Mike pointed out that would allow summer flounder recreational measures to be set through a specification process.

I think the simplest way I can try to explain this to you all is that it would take the addendum in future years out of what we've been doing in the past. There would still be a public comment process that the states would facilitate; once we get example measures developed by the Technical Committee.

But there would not be an addendum that lays out what those example measures are. We would have a February meeting likely; where the states would sign off on generally how those regions would look, and then we would probably have to have a March or later meeting

to have the states sign off on what the measures would be. Again, annual addenda would not be required under this approach.

The second option is to extend the provisions of Addendum XXVIII for an additional year. The ISFMP Charter allows the Board to extend those provisions up to one year. It would require a two-thirds majority vote. It's important to know that there would likely be the need to initiate some action to demonstrate that there is a good faith effort to put in place a set of measures or some kind of management program beyond that.

In the interim there would be some work that would still be needed. The third option is to use voluntary regions under conservation equivalency; to establish 2019 regulations. We have the ability through the FMP right now to form voluntary regions. That is specified in Addendum XVII.

It's important to know that those regions must have the same size limit, bag limit, and season length. The start and end date of the season can vary, but the total season length has to be the same for those states within a region. The fourth possible option, actually I'm sorry, I misspoke. We have five possible options.

The fourth is to initiate an addendum that considers recreational management strategies for 2019 and beyond. It would be a similar process as previous years; including trying to put in place example measures, which I've already outlined, might be problematic. The fifth option would be to work within the provisions of the FMP; so that would be going back to either a coastwide set of measures, or state-specific harvest target based on that states performance in 1998.

If we were to go down this route, there would be the need for the Board to choose or at least specify, whether to use calibrated vs. uncalibrated data for that harvest target proportion. I have in the next slide, after questions if you have any, I have what that

breakdown is. They are frankly very minimal changes from what the un-calibrated harvest estimates were for 1998. But if that is of interest I can always put that on the screen. At this point I'll take any questions.

CHAIRMAN BALLOU: I apologize; I had to leave the table. Did you mention during your presentation the possibility of combining this addendum with the black sea bass addendum?

MR. ROOTES-MURDY: Yes.

CHAIRMAN BALLOU: Thank you. I'm sorry I missed that; so questions for Kirby, David Borden.

MR. BORDEN: Kirby, could you go back to the original slide; I think it may be the first or second slide that has the timeline on it. I think what I'm referring to is the one where you've got the options, the one with the options that we have. We've got five options. I think the first one.

MR. ROOTES-MURDY: You've got it. It should say five instead of four.

MR. BORDEN: Maybe I'm not clear on which slide it is. But let me ask the question anyways. If we were to, yes this is the one. If we were to extend the provisions of the current FMP, until we get to the point where we do the revisions to it. How much of the fishery is taking place during that period? In other words, you don't have to extend the provision for a whole year, if you just extended it for three months then we would only do the work one, right? Do I have that correct?

MR. ROOTES-MURDY: I think the challenge is that if we extend the provisions for what you're saying is part of 2019 but not the full year, we would still have to have a management document that is being worked on, and then we would have to be replacing that. If we're doing an addendum to replace Addendum XXVIII, we would still need to go out and do public comment for it.

The time table for that would be super truncated versus what we've done in the past; because we have the assessment results in 2019, and the Board then would have literally a couple of months before people's fishing season start, to try to get an addendum reviewed by the public, provide comments, and the Board sign off on options. Does that make sense?

MR. BORDEN: Okay thank you, yes.

CHAIRMAN BALLOU: Adam Nowalsky.

MR. NOWALSKY: Options one through four would all be contingent, implementation of any of them would all be contingent upon a joint decision with the Mid-Atlantic Council in December; to move in the direction of conservation equivalency versus coastwide measures, correct?

MR. ROOTES-MURDY: Well, I think all five of them, unless we were to do coastwide measures, we still have to do conservation equivalency jointly between the Council and the Commission.

MR. NOWALSKY: Then we would be going down the path of assuming that's what was going to happen; which is similar to what we've been doing. Then once the Service, assuming that that decision for conservation equivalency was voted in the affirmative at the joint meeting. The Service would have to wait to see what our program looked like, before deciding to implement the final rule for conservation equivalency.

I guess where I'm going with this is I'm not sure from a timeframe perspective three and four are even viable at this point; in terms of being able to go through all of our processes. Keeping in mind now at least this Board has the benefit of having two different FMP coordinators by the species. But there is still a lot of co-staff work that has to be done between these two. Is it realistic to think some new management program can be implemented in time to pass

muster for federal review for implementation in the 2019 season? Is that realistic?

MR. ROOTES-MURDY: Maybe I'll take a first stab at it and Mike Ruccio can maybe provide the Services perspective. But annually what we do when the Board and Council sign off on doing conservation equivalency is that at some point, in generally April, we try to send what those measures will be that the states have agreed to, and have implemented or are in process of implementing that in combination constrain the coastwide harvest to the RHL.

That is what we have to do with any of these options. We have to show that we're going to constrain harvest to the RHL. That's what the Plan dictates. I guess that's what I'm trying to make clear is that with any of these that we're doing conservation equivalency that remains. That is going to be there.

CHAIRMAN BALLOU: Mike Ruccio.

MR. RUCCIO: Just to add on a little bit to that. Kirby has hit the nail right on the head. The actual details of what we've done in years past, you know we're active members, participatory both in the Council and the Commission process. We have members that are part of the Technical Committee as well as NEFMC that has been up at the Council level, if there is evaluation of new or different technical approaches.

Then the kind of lynchpin for our approval of conservation equivalency is a letter from the Commission that outlines the case for why the measures are conservationally equivalent. In years past that's been a very simple letter that kind of speaks to whatever addenda and the requirements of the addenda.

But in some of the more recent years, where we've had some departures from kind of the standard, particularly in years where we've needed a reduction and it hasn't simply been evaluation of this is what the measures were, here is the percent reduction we're trying to get

to, where we've kind of massaged data, things of that nature.

The letters we've gotten from the Commission have been more detailed. To the extent that the Commission feels confident, it can enact its process and provide us with that documentation in a letter to make our decision. The answer is yes. If the Commission doesn't think that it's possible to work through that process or timeframe in a manner that would lend itself to being able to make that type of evaluation on the timeframe that's necessary to get measures in, then the answer I guess would be no. But Toni's got her hand up; so she's going to help out too.

CHAIRMAN BALLOU: Toni.

MS. KERNS: Adam, I think what you're getting at is under Option 3, if I'm remembering correctly is the addendum process that we've been doing for the past like three, or four or five years. In that process Kirby outlined that in order to utilize that and set us up on the timeframe that we would need to be at to provide the Service that letter; we would have to ask the TC to do double the work, because we won't have the data.

We'll have to put example measures in that use the old MRIP data; and then come January, we'll have a new assessment, hopefully, with new information. Then we would have to ask the TC to then go and redo the information that was in that addendum with the new data. The process, the ability is there but it's asking a lot of your staff, our staff and the National Marine Fisheries Service, and Mid-Atlantic Council staff.

The regional approach we would just hold, or the voluntary regions, I think is that Option 3, sorry that's Option 3. We would just hold off; because we have the ability to do that right now. We would probably ask the TC to hold off on making any recommendations until after the assessment comes out. Any of these options will require a tight turnaround and a lot of quick work; once the assessment has been released,

in order to try to get close to a reasonable deadline to send that letter over to NOAA. Does that help?

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: What I'm hearing is that any of them could be done. Four will involve substantially more work specifically from the TC; if I heard you correctly, and one through three are probably similar, with the exception that the voluntary regions would require more input from Commissioners from this Board, maybe another workgroup or something to try to hash out, because it's something we haven't done before.

CHAIRMAN BALLOU: Toni.

MS. KERNS: I would say that is correct; and I would add that Number 4, I think that avenue is going to be more confusing to the public, because what we take out for public comment will be based on the un-calibrated MRIP estimates, and then what you guys actually made your management changes on would be based on calibrated MRIP estimates.

CHAIRMAN BALLOU: Additional questions; John.

MR. CLARK: I'm just trying to get clear on this Option 2. First of all, this would just be doing what we're doing right now right? We would just be continuing the current addendum, correct? Then the second part, I was just going to ask do we know yet, have any idea of what our performance is this year, how that would relate to the RHL for 2019? We don't have any wave data yet, so we're pretty much in the dark right now and we don't know how the RHL for 2019, whether it will go lower or higher based on the assessment.

MR. ROOTES-MURDY: As I've said we've got these interim, I'm going to call them interim specifications; proposed specifications that you all are going to take up next week. The RHL does go up. But I'm trying to hit home the point that I would not put a lot of stock in that;

because it's updating parts of the assessment without the new calibrated MRIP information. As we've noted, we had this retrospective pattern that is in the current assessment; so it would likely be revised either way down the road.

CHAIRMAN BALLOU: John.

MR. CLARK: Given all that wouldn't the simplest and safest thing just be to go with Option 2?

CHAIRMAN BALLOU: Toni.

MS. KERNS: Just to clarify. The Charter allows the provision to extend for six months under the current program; so you could use the current program, but then the second extension would be an additional six months, but in that timeframe you have to initiate another document to move forward with management changes. It does require additional work.

MR. CLARK: They all require additional work; but I'm just saying for right now is it the simplest, or are they all pretty much a pain in the rear?

MS. KERNS: I think it depends on how you want to move forward with summer flounder management. What is outlined in the white paper that was in your briefing materials is that trying to think about what you all have been doing, and try to streamline this process and not have to do addendum from year after year.

One of the benefits that we see from the staff perspective to the annual setting of specifications is that I don't see it to be very different than what we used to do with coastwide measures; except for the fact that there is the lack of the allocation there that is preset. The allocation discussion would have to be either done every year; or we work it into some of the conditional provisions of an addendum.

But in terms of public comment, it's not any different than what we used to do before where you all went home and really got the majority of the comment from your own stakeholders; and then brought those back to the table. I think it's very similar.

MR. CLARK: Under two, you would still have to go out for public comment; even though we're just extending what we're doing?

MS. KERNS: What I just described was the Option 1 specification settings. Under Option 2, you can extend the provisions for the first six months; and then you can extend the provisions for a second six months, but you still need to do another management document for the future. During that second six month period, you have to have management changes moving in process.

MR. CLARK: But at the second six months we would know what the actual RHL is and we would have a path forward at that point; which we don't really have now.

MS. KERNS: In theory, but is that path forward something different than this process that you have been using for the past four years? I think that Option 1 sets you up to utilize the process that you've been using for the past four years.

CHAIRMAN BALLOU: If I could just follow. Does Option 2, extending the provisions of the addendum for a year at two six months increments? Does that mean that the current state regulations would be the same; or could they be modified?

MS. KERNS: They can be modified; and they would have to be in order to meet the RHL, whether that would go up or go down, it would depend on the performance and what the RHL is set at.

CHAIRMAN BALLOU: How does that differ from Option 1? I think I hear members of the Board struggling, and I am as well now. Between the process that would play out, Options 1 and 2

would differ in terms of the way the process would play out.

MS. KERNS: Option 1 sets you up for the future; Option 2 is only a one-year fix.

CHAIRMAN BALLOU: We need to shift from comments to recommendations for moving forward. I'm actually looking for the latter; but if there are still burning questions, we'll entertain them. Mike Luisi.

MR. LUISI: I think that with all the moving parts, with the assessment, with the benchmark that is happening. We're going to need to be able to act pretty quickly. We talked about black sea bass and this Option 1 that is presented here for summer flounder in that we could make modifications to our upcoming seasons recreational specifications by a Board motion.

I think that needs to be included; and I would suggest that summer flounder be added to Addendum XXXII, to incorporate it with black sea bass as we move forward. If everything else fails, I think a two-thirds vote to extend the current provisions should be an option for us. But anything in addition to that I think just delays and adds significant workload at a time when there are too many moving parts.

There are too many unknowns and uncertainties for us to have any idea even in December, January, even February of really what the picture holds for this upcoming season. Right now, I would prefer if we just moved forward with just Options 1 and 2; as potential solutions for us for going forward for 2019. Then we could take up additional work after the benchmark is presented and reported and we can grasp it more; perhaps we set ourselves up for an amendment or something for the future.

CHAIRMAN BALLOU: Kirby.

MR. ROOTES-MURDY: I think Mike, to really hone in on that then. What would be helpful is probably a motion to add summer flounder to

this addendum; and then regarding the extending the provisions of Addendum XXVIII that can be done really at any point over the next few months. I mean when we have these joint meetings, or when we meet in October. December the joint meeting would probably be the next time to really consider that. It's kind of in your back pocket; but you don't have to necessarily move forward concurrently. Does that make sense?

CHAIRMAN BALLOU: Yes it sounds like it would not have to be an option developed for an addendum. It would just be the fallback option if Option 1 didn't play out appropriately. Regarding Option 1, and thinking about the timeframe for the recreational black sea bass addendum which is going out to public comment and hearing between October and December. Can we do that having not yet made a decision on conservation equivalency? Toni.

MS. KERNS: Yes, I think you can. It would become a tool in the toolbox for you guys to utilize; just like voluntary regions and anything else under conservation equivalency.

CHAIRMAN BALLOU: But it would have to be built on the assumption that conservation equivalency was going to be adopted. Then if so, here is the management program that would be in place.

MS. KERNS: Yes. You have lots of tools under conservation equivalency that you can utilize. You can use state-by-state measures, you can use voluntary regions. This would just become another tool for you all to utilize under conservation equivalency.

CHAIRMAN BALLOU: Yes, and I'm sorry. I just want to make sure that the sequencing didn't cause an awkwardness; in terms of asking the public to comment on an option that required first a vote by the Council and the Board to adopt conservation equivalency. But it doesn't sound like you're concerned about that; okay, other thoughts and comments. Adam.

MR. NOWALSKY: The first option specifically offers that the Addendum could define specific elements of the process; like what we talked about the sideboards, if you will of the black sea bass differences that we talked about. When did staff propose to get input from Board members on what those sideboards would be; or did they intend to develop them themselves through the PDT? I mean we expect to see this Board a draft addendum before us in October. When were those specific elements going to be developed and by whom?

CHAIRMAN BALLOU: Kirby.

MR. ROOTES-MURDY: We would basically jump on the Working Group train and have this Working Group consider those as well. It would be between now and October the Working Group would need to meet and talk about that; as part of developing the document.

MR. NOWALSKY: The same Working Group that is knee deep in black sea bass or another Working Group?

CHAIRMAN BALLOU: It's a good question. I'm going to leave it hanging for a moment. Remember that with summer flounder, assuming we take the same regional approach, we have a different regional configuration. Mass is a region by itself, so is Rhode Island, so is New Jersey, so is North Carolina. You've got Connecticut and New York together, Delaware, Maryland, Virginia together.

Slightly different perspective there in terms of those guiding principles, in terms of intraregional issues; because it wouldn't make any sense to have to worry about intraregional issues when you've got states that are their own region. I'm not saying it isn't an important issue to be pursued; I just want to remind the Board that it would be addressed differently than black sea bass, given the different regional configuration. Adam.

MR. NOWALSKY: Again, who?

CHAIRMAN BALLOU: I'll now pick up the question and suggest that it be the same group; unless there is interest in forming another group or a different group. The same group that is currently addressing the black sea bass issue would be the likely culprits to pick up on this further development of this issue.

That's what's on the floor as a suggestion. I know it's getting late, and I know people are getting weary, I certainly am. But I want to see if we can come to consensus on a way forward; so to start out at the top, there are five options being presented. There seems to be particular interest in pursuing Option 1.

There has been a suggestion that Option 2 is that back pocket option that could always be drawn upon if need be. I haven't heard a whole lot of discussion or support for Options 3, 4, and 5; so I really need Board input right now on which of those five options the Board wants to pursue. Then we can talk a little bit more about and make sure we're clear on exactly how we're going to pursue them between now and October; whatever it is we're going to pursue. Mike.

MR. LUISI: Kirby mentioned that in order to add summer flounder to Addendum XXXII we would need a motion; which would be Option 1 as you presented, Kirby. Is that correct? It would be better to have a motion, Mr. Chairman, or do you want to do it by consensus? My recommendation would be to add summer flounder to the document that Caitlin presented earlier.

Have the Working Group as was just mentioned; work on the details of the Sections dealing with guiding principles. They may be different. We may not have the same issues and guiding principles that we did with black sea bass; but that is something we can talk about to present to the Board in October for a draft document to go to the public.

CHAIRMAN BALLOU: I think I'm right there with you with the exception that what I'm thinking is

a motion that would wrap together both black sea bass and summer flounder; if that's the maker of the motion's intent. First I would like to see if there is consensus on Option 1; which would require a motion, and we can wrap in black sea bass, and we can basically bring this whole meeting to a crescendo here, or is there still any interest in considering any of the other options? First let me just ask, is there consensus on, at least between now and October, focusing on the further development of Option 1 as the way forward for recreational summer flounder. If there is consensus on that then I think we are ready for a motion; and that motion would be to initiate. I thought we needed a motion to initiate addendum for both recreational black sea bass and summer flounder; since the Board has yet to explicitly take such action for either species.

MS. KERNS: I think if you have consensus around the table then it is in the record; and it's noted and it can be added, you don't have to do a motion.

CHAIRMAN BALLOU: I'm learning as I go. I thought we needed a motion to initiate addendum, but I guess not. As long as there is consensus, I guess it's the same concept, meaning if there is no objection. It is basically the same concept as if there is no objection to initiating an Addendum XXXII that would address both recreational black sea bass and recreational summer flounder pursuant to the Board's discussion and guidance provided today. Pretending as if that were the motion up on the Board, and if it were, is there any objection to that motion?

I don't want to rush things; but I just want to make sure we're good, and if we are I see no objection so we're solid, I think on a way forward. In terms of the mechanism, I didn't get a warm and fuzzy from at least one Board member over the idea of drawing upon the same recreational working group. Is there another way forward or another approach, in terms of working through the development of this new addendum for both species; or should

we continue to rely upon the existing recreational working group for that process?

If I don't see any hands up, I am going to assume that we'll use the same recreational working group. We'll start early and meet often if we need to; because I get the point that there is a lot of work to be done, but I think that is our charge right now. I think we need to do that. I'm going to look to my right to see if there are any other issues that we need to cover under Agenda Item 4. We're going to, and I'm sure there won't be a strong objection to this.

**2018 FISHERY MANAGEMENT PLAN REVIEWS  
AND STATE COMPLIANCE REPORTS FOR  
SUMMER FLOUNDER, SCUP, AND  
BLACK SEA BASS**

CHAIRMAN BALLOU: We're going to push Item 5, the FMP reviews to our October meeting; which means we're down to Item 6. I'm sorry that was Item 6. We just covered Item 5, so I got myself out of whack. We've completed Item 5. We've just decided to postpone Consideration of the Approval of the 2018 Fishery Management Plan Reviews and State Compliance Reports for Summer Flounder, Scup, and Black Sea Bass to our October meeting.

**OTHER BUSINESS**

We are now down to other business, and we have two issues and I think we can address at least one of them quickly; because I've already talked to Chris Batsavage, and Chris, why don't you go ahead and introduce the topic. Then we'll have a brief discussion on it.

**ADVISORY PANEL NOMINATIONS**

MR. BATSAVAGE: As you know, we all received a notice about our Advisory Panel members; to see who still for all our Boards, but for Summer Flounder, Scup, and Black Sea Bass to see who still wants to serve and who doesn't. In the process of that we received two nominations; or sent them on, and were wondering, what is the best way forward, as far as getting Board

approval for two AP nominations from North Carolina?

CHAIRMAN BALLOU: My suggestion was since the Board has not had the opportunity to review those candidates, they weren't in the meeting materials. There were two options that I thought of. One was to potentially pick this up at next week's meeting; but I'm sensing that that might not be the greatest idea. Mike Luisi is confirming that that is not the greatest idea. The other option is to do it through an e-mail to the Board. If the Board is comfortable with that approach, I think we've done that with other AP nominations.

We'll do an e-mail; Caitlin will handle that. Chris, if you could forward the nominees to Caitlin, whatever you have on them. She'll put them out to the Board and of course any other state that might have any AP nominees can do the same. The Board will have the opportunity to respond yay or nay on the recommended appointments from North Carolina, and we'll handle it that way. Are you comfortable with that approach, Chris?

MR. BATSAVAGE: Yes that works fine. Thank you.

CHAIRMAN BALLOU: Is the Board comfortable with that approach? Seeing no objection that is how we'll handle that issue with regard to North Carolina's AP nominees, and there are two as I understand it.

**RESEARCH SET ASIDE**

CHAIRMAN BALLOU: Now we're on to, Emerson Hasbrouck, you had asked to have some time for RSA Research Set Aside.

MR. HASBROUCK: Yes thank you, Mr. Chairman, and I'll try to move quickly on this. Some of you may recall that several years ago there was a Mid-Atlantic Research Set Aside Program that provided about a million dollars a year for fisheries research. That program has been suspended.

**On the basis of that I would like to move that the Summer Flounder, Scup, and Black Sea Bass Board create a working group to meet with the Mid-Atlantic Fishery Management Council's Collaborative Fisheries Research Committee, to examine the possibility of reestablishing the Mid-Atlantic Research Set Aside Program.** If I get a second, I can expand on that a little bit.

CHAIRMAN BALLOU: Seconded by Eric Reid. Are we okay taking this issue up? It's essentially an action item that wasn't on the agenda; but I'm going to look to staff to indicate whether we're okay taking this on as an issue that wasn't on the agenda. Toni is over conferring with Mike. Let's first get it up on the Board. Emerson, I just want to make sure that procedurally we're okay with this. Typically under other business we don't take up action items; but maybe this is one that we're okay on. I just want to make sure. Tom, Fote.

MR. FOTE: Before I could vote on anything about the Research Set Asides, I want to make sure that we've corrected the problems that were there; the reasons we suspended it, and that the money that was basically going for summer flounder was going, using from the RSA was going for summer flounder research, because there was money be going other places. I'm not comfortable doing it at this time; until I know what the results were from why we suspended it, and have they been corrected yet.

CHAIRMAN BALLOU: Again, I don't want to get into a substantive discussion. This is just, potentially if it is in order it is a motion to establish a working group.

MS. KERNS: I think what we can do is talk with the Council. This isn't something that would happen by the end of the year; because I don't think that their Committee is meeting this year. But it could be something that they can consider for their priorities for next year; and if it is something that gets included then we can do that.

It can be an "ask" of the Council; but the Council would also have to agree to get together their Committee and work with us. It's not a decision that we can make solely on our own. But I don't think that there would be an opposition to making the "ask."

CHAIRMAN BALLOU: I'm wondering if the motion should read a request; but Adam.

MR. NOWALSKY: Just for clarities sake that is the Council's Research Steering Committee. You can take off Collaborative Fisheries.

CHAIRMAN BALLOU: I guess I really need help. Procedurally is this motion in order at this point in the meeting under New Business, to move to create a working group to meet with the Mid-Atlantic Council. I should look at my chart instead of looking around. To move that the Summer Flounder, Scup, Black Sea Bass Board create a working group to meet with the Mid-Atlantic Fishery Management Council's Research Steering Committee to examine the possibility of reestablishing the Research Set Aside program. Is there any procedural problem with taking this motion up right now?

MS. KERNS: No there is no action per se; it's just getting a working group together. It doesn't affect the outcome of the fishery management plan. I think it's totally fine. I just want to control expectations that this will get concluded in August the Council takes up their priorities in October. If it's a priority for them to establish the Committee to talk about these things, then we can jointly get together and talk, but there are some contingencies in order to make this happen.

CHAIRMAN BALLOU: With eyes wide open on this we have a motion by Mr. Hasbrouck, a second by Mr. Reid. Is there any further discussion on this? Adam Nowalsky.

MR. NOWALSKY: I would propose this be tweaked a little bit to reflect that what we're doing is request that the Council meet with a

working group we create. As I read this right now, we're creating the working group first; essentially saying we're going to do it today. What I think we're really after is going to the Council and saying, we want to meet with your Research Steering Committee.

We believe that is the best way forward, and to get that dialogue going and discuss it with them. I can envision I would hope it wouldn't happen, but we could get a working group, we can come up with all these wonderful ideas. Then the Council turn around and say, well we've got this other proposed way of you doing it.

I think the intent of this is to reach out to the Council, express our interest in meeting with that Committee, and get some feedback from them. Then decide what we want to form; whether it's a working group, whether it's Board Chair or whatever, thought for consumption.

CHAIRMAN BALLOU: Caitlin has a thought that I'm going to ask her to offer on the record. But I just want to note that while you were talking, Adam the motion has been perfected to read that the motion is to create a working group and request to meet with the Mid-Atlantic Council's Research Steering Committee. Emerson, did you have your hand up?

MR. HASBROUCK: Yes, thank you Mr. Chairman. I said earlier when I made the motion that if I got a seconder I would expand upon it a little bit. I understand there was a procedural issue; which I think we've addressed that. Just by way of real quick review. Four years ago the Mid-Atlantic Fishery Management Council suspended the Mid-Atlantic RSA program.

That vote was to suspend the RSA program not end it. At that time there was discussion about convening a working group and a workshop to address or to look into the issues relative to that RSA program. My intent here is for our Board to establish a working group; to work

with the Mid-Atlantic Council Committee, not to go independently, but to work in conjunction with them.

The species that we're talking about for the Mid-Atlantic RSA is essentially summer flounder, scup, black sea bass, which are obviously managed by this Board, as well as bluefish and then butterfish and longfin squid. Those last two obviously we don't manage. There are a whole range of issues that have to be looked at before anybody can decide whether or not we should or should not go forward with an RSA program.

To Tom's question, you know that's one of the major issues. You know there needs to be involvement of Law Enforcement in this discussion; in terms of what specifically it was that those bad actors did how they did it, and then what can be put in place to prevent that from happening in the future.

Listening to the discussion on glass eel harvest in Maine got me thinking about this. I mean they've had some issues where people were circumventing the law; in terms of that harvest and they've come up with a very good program to manage that. I think that if we get some people together and understand what the past problems were; and what the past benefits are, beyond just having a million dollars-worth of funds available for research every year.

That we might be able to go forward with a new and improved, if you will RSA program that addresses the deficiencies of the prior program, yet moves forward with the advantages of that prior program. That is what my intent was; and I see this having this Board establish a working group is the first step. Obviously, we can't meet with the Council's Committee until that Committee is ready to meet with us. I don't intend for us to go off on our own and review the issues, and come up with a plan, it has to be joint.

CHAIRMAN BALLOU: Caitlin, I'm sorry. It is so hard to listen and talk at the same time. Do you

want to just reflect on the TC angle that you've been whispering in my ear about?

MS. STARKS: Yes, we just wanted to note as staff that it will be important for the Board to kind of give us a sense of priorities; in terms of what the TC is going to have to be looking at this fall and in the spring, since we'll be doing new measures for black sea bass and summer flounder, as well as some other additional things that have been brought up. We just wanted to note that.

CHAIRMAN BALLOU: I think that ties into Toni's comments that this is something that is going to have to be on an arc that won't necessarily get immediate attention; but will have to be fit in as best as possible. Mike Ruccio.

MR. RUCCIO: I don't want to belabor this discussion too much; but just for everyone's benefit, there have been quite a few discussions, and there has been work that has been ongoing to kind of continually evaluate both the problems that occurred, and talk about reestablishment of the RSA program.

I'm not entirely familiar enough with them to be able to speak informatively for everyone's benefit on that. But it strikes me that rather than spinning up a working group, it might be good just to ask for an update from the Council on what efforts have transpired since the suspension of the program. I know there has been quite a bit of work.

CHAIRMAN BALLOU: We have a motion. Is the Board ready to vote on this motion; any further discussion, any need to caucus? Yes, a 30 second caucus then we'll vote on this motion. Okay, who knew that we would be engaged in a new issue here at the end of this meeting? With that and given the amount of discussion. I realize this is a pretty substantive issue.

**Let's make sure we're clear on the motion which is to move that the Summer Flounder, Scup, Black Sea Bass Board create a working group and request to meet with the Mid-**

**Atlantic Fishery Management Council's Research Steering Committee to examine the possibility of reestablishing the Research Set Aside program.**

**All in favor of the motion please raise your hand; thank you, hands down. Opposed please raise your hand; any null votes, any abstentions. I'm sorry, any abstentions, 2, any null votes, 1. The motion passes 8-1 with 2 abstentions and 1 null vote.** Completed, done, I don't think there is anything left on the agenda. Is there any objection to adjourning; one hand, Dr. Jon Hare?

DR. HARE: I would just like to ask that when such a meeting is held with the Mid-Atlantic Council that the Northeast Fisheries Science Center and GARFO be included in that meeting; since we administer the RSA program. Then also just for a point of interest. The New England Fisheries Management Council is currently reviewing their RSA program. I don't know exactly what their timeline is for completing that review; but I think it's before the end of the year. They will have gone through their RSA program, which might add to your thoughts about it as well.

#### **ADJOURNMENT**

CHAIRMAN BALLOU: Thank you, any further business to come before the Board? Seeing none; we're adjourned. Thank you so much.

(Whereupon the meeting adjourned on August 8, 2018)