

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

The Roosevelt Hotel
New York, New York
October 24, 2018

Approved February 5, 2019

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of August 8, 2018** by consent (Page 1).
3. **Move to approve Draft Addendum XXXII for public comment, as modified today** (Page 15). Motion by Mike Luisi; second by Nichola Meserve. Motion carried (Page 15).
4. **Move to approve Summer Flounder, Scup, and Black Sea Bass Advisory Panel nominations for Rob Haas, Kurt Martin, Brent Fulcher, James Ruhle, and Jay Little** (Page 19). Motion by Mike Blanton; second by Ray Kane. Motion carried (Page 20).
5. **Move to adjourn** by consent (Page 20).

ATTENDANCE

Board Members

Doug Grout, NH (AA)
Nichola Meserve, MA, proxy for D. Pierce (AA)
Raymond Kane, MA (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Jason McNamee, RI (AA)
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)
Bill Hyatt, CT (GA)
John Maniscalco, NY, proxy for J. Gilmore (AA)
Emerson Hasbrouck, NY (GA)
Mike Falk, NY, proxy for Sen. Boyle (LA)
Joe Cimino, NJ, proxy for L. Herrighty (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)
Mike Luisi, MD, proxy for D. Blazer (AA)
Robert Brown, MD, proxy for R. Dize (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)
Steve Murphey, NC (AA)
Chris Batsavage, NC, Administrative proxy
Mike Blanton, NC, proxy for Rep. Steinburg (LA)
Marty Gary, PRFC
Emily Gilbert, NMFS
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
Max Appelman

Guests

Rachel Baker, NOAA
John Carmichael, SAFMC
Heather Corbett, NJ DFW
Maureen Davidson, NYS DEC
Justin Davis, CT DEEP
Pat Geer, VMRC
Lewis Gillingham, VMRC
Jonathan Hare, NOAA

Arnold Leo, E. Hampton, NY
Dan McKiernan, MA DMF
Cheri Patterson, NH F&G
Mike Pentony, NMFS
Julia Socrates, NYS DEC
Jack Travelstead, CCA
Chris Wright, NMFS

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Terrace Ballroom of the Roosevelt Hotel, New York, New York; Monday, October 24, 2018, and was called to order at 1:30 o'clock p.m. by Chairman Robert Ballou.

CALL TO ORDER

CHAIRMAN ROBERT BALLOU: Good afternoon and welcome. I'm going to call this meeting of the Summer Flounder, Scup and Black Sea Bass Management Board to order. My name is Bob Ballou; I have the honor of serving as Board Chair.

APPROVAL OF AGENDA

CHAIRMAN BALLOU: The first item on today's agenda is the agenda itself.

Are there any recommended changes to the agenda? Seeing no hands; is there any objection to approving the agenda as proposed? Seeing no objections; the agenda as proposed stands approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN BALLOU: And we're on to the next item which is the approval of the minutes from the last Board meeting held on August 8, 2018. Are there any recommended changes to those meeting minutes? If not is there any objection to approving those minutes as proposed?

Seeing no objection; those minutes as proposed stand approved by consent.

PUBLIC COMMENT

CHAIRMAN BALLOU: We're up to the next item which is Public Comment. This is an opportunity for anyone from the public who would like to address the Board on any issue that is not on today's agenda to do so. No one signed up; is there anyone who nonetheless would like to address the Board? I see Toni Kerns; who would like to address the Board, thank you.

MS. TONI KERNS: This isn't a Board issue; but there was a large sum of money found in the hallway; so check your pockets. If you had some significant chunk of change that is no longer in your pockets; please come and see me, and then you know maybe tell me roughly how much it was and I'll give it back to you, if you're missing money.

REVIEW OF ONGOING BOARD ACTIVITIES AND ACTIONS

CHAIRMAN BALLOU: Thank you for that and I hope it gets returned to the right person. We are now on to Item 4 on the agenda; which is A Review of Ongoing Board Activities and Actions. There is indeed ongoing progress being made on a number of fronts; reflecting the commitment of this Board and the Mid-Atlantic Council to address a range of issues associated with summer flounder, scup and black sea bass.

As we have gotten used to doing or routinely doing, at the beginning of every meeting we're going to just review where things stand on all of those fronts; and Caitlin has a brief presentation that she's about to give, so Caitlin the floor is yours.

MS. CAITLIN STARKS: As Bob said we have quite a number of things going on for summer flounder, scup and black sea bass; so the intent of this presentation is just to make sure everybody is aware of all of those ongoing activities. First, we have Addendum XXXI, which covers conservation equivalency and Block Island Sound Transit. That was approved for public comment at the August joint meeting.

Addendum XXXII covers recreational management for summer flounder and black sea bass; and that will be reviewed today for consideration for approval for public comment, and then following this meeting hearings for both of those addenda would occur in November. Third is the fluke allocation amendment. That will be considered for final

approval at the joint meeting with the Council in December.

Fourth is the strategic planning that was started in May; and developed some over the summer. This focuses on broad management reform; intended to address several issues in the recreational black sea bass fishery, including instability and also some reporting and compliance issues. Fifth, we have a working group that was formed in August; to focus on black sea bass commercial fishery issues and the Board will receive a progress report on that later in this meeting.

Sixth, there are several assessments; benchmark assessment for summer flounder is underway and will be peer reviewed in November, and then black sea bass and scup have operational assessments that will be completed in April, 2019. Then seventh and eighth on this list are some activities of the TC.

For scup the TC is working on analysis of commercial discards, and for all three species; looking at gear analysis, specifically with regard to mesh size. The TC continues to develop some processes for evaluating recreational data and setting the measures. That is the laundry list. But I'm going to put a little bit more focus on and talk about timelines for the items that are circled here: Addenda XXXI and XXXII, the Strategic Plan for long term sea bass management, and the Commercial Working Group.

Here is the timeline for Addenda XXXI and XXXII; again, XXXI was approved for public comment in August, and you'll be looking at Addendum XXXII today to consider it for approval for public comment.

Following today, public hearings for both addenda would occur in November. In December, 2018, The Board would take these documents both up for approval at the joint meeting. Then in February, depending on the outcomes of Addendum XXXII, the Board could

be looking at approval of coastwide or regional measures, proposals, or methodologies.

Then, in March, 2019 would be the time when the Board would likely approve final recreational measures for both summer flounder and black sea bass. Looking at the timeline for the Strategic Plan, again this was kind of initiated in the summer of 2018; and developed in June. A group of ASMFC, Council, and NOAA staff met to further develop some of the ideas that were presented in the draft Strategic Plan. As a reminder, the Plan was separated into a short term or interim phase, and a long term phase. Following the August meeting, a Recreational Working Group met several times to work on the interim program; which is not partially encompassed by draft Addendum XXXII, which we'll be discussing later today. As Addendum XXXII will likely be considered for final approval in December and implemented in 2019, the recreational group will be able to refocus some of their efforts on the long term management program.

I'll note here that since many of the ideas that were tossed around within the Recreational Working Group and that group of staff from all three agencies would require changes in the Council's FMP; as well as the Commissions. We'll continue working closely with NOAA and the Mid-Atlantic Council to advance some of those ideas in the Strategic Plan over the next several months and into 2019.

In April, 2019, the Black Sea Bass Operational Assessment will be peer reviewed; and likely the Board and Council will together take a look at that in August, 2019. This should provide some more current information on the status of the resource on which we can look at developing the long term management program. Then ultimately the Board would need to initiate a joint action; likely to implement some of those management changes that are desired.

Lastly, this is a quick draft timeline for the activities of the Board; with regard to

commercial black sea bass management. The Working Group was formed in August, 2018, met once in September, 2018, and now at this October meeting you'll be receiving a Working Group report on the statement of the problem and management goals for the commercial black sea bass fishery.

Then depending on the feedback received, the Working Group can continue to develop some strategies to address these issues; and then again the Board would likely want to initiate an action if they want to take action to change or address any of the issues brought up by the Working Group. That is a quick overview; and if there are any questions I can take them.

CHAIRMAN BALLOU: Questions for Caitlin. Adam Nowalsky.

MR. ADAM NOWALSKY: Two questions with that. If you could go back to the Black Sea Bass Strategic Plan first, the bottom row with the question marks here. Even though it's at the end of this timeline, would it not be fair to believe that this action may take place sometime earlier in 2019; given the length of time those actions may take to complete that we wouldn't necessarily have to wait until after August in order to initiate those actions? Is that reasonable?

MS. STARKS: Yes, absolutely.

MR. NOWALSKY: Okay, so the second item on this slide is that relative to black sea bass for 2019, we had a lot of conversation about the April Operational Assessment, and our hopes for that when we met in Virginia Beach jointly. Our hope was that we would be able to use the output of that Operational Assessment for management use in 2019.

This slide now contemplates a review of that assessment not until August. I see a bit of a disconnect here from what we talked about in Virginia Beach. I'm hoping to get some clarification here. Has something changed about our knowledge about that Operational

Assessment, about when we're going to get the results, about when we're going to be able to use it? Are we throwing in the towel on any potential changes to 2019 management based on that assessment?

CHAIRMAN BALLOU: Toni Kerns.

MS. KERNS: I don't want to put Emily on the spot; but I'm going to ask her to follow up when I'm done. Through conversations that we've had with NOAA, I think that it would be very difficult to make any changes to the specifications by the time we get this assessment information and then it got carried through the federal process, that most of the fisheries would have already started; and that Mid-Atlantic fishery changes would be difficult for the states to get done, and then make any impact on this year's fishery. NOAA has been contemplating some other options; and I will let Emily speak to those that led to this timeline.

CHAIRMAN BALLOU: Emily.

MS. EMILY GILBERT: Yes, thank you for asking the question. We are considering a number of options for the 2019 specifications for black sea bass. I know what we came out of the Council meeting with; but another thing that's under consideration is potentially maintaining status quo. No decisions have been made. We're hoping to have a proposed rule out in the next couple weeks that will clarify what the Agency's proposed measures are for the 2019 fishing year; but that's just an update on where we stand right now.

CHAIRMAN BALLOU: I guess I'll follow and just ask; is it possible that there is a bridge that could be crossed as early as May, or is that to really kind of echo what Adam Nowalsky asked. Is that being foreclosed in your opinion or is it an open question; as to whether there might be an opportunity to at least address the results of the assessment at an earlier date than August? Yes, I'm sorry. I meant to direct that to Emily Gilbert; I'm sorry, Emily.

MS. GILBERT: No that's fine. Yes, I don't think we've ever said that it's impossible for any adjustments to happen. I think it's just been waiting to see what the results of the assessment are and when they're available; and also that people have to keep in mind that the timing of everything. By the time it's April, we have to have a joint meeting to make these decisions.

It takes a few months after that joint meeting to have all the paperwork in place to be able to implement any sort of adjustments. That would just make it closer to the end of the fishing year; talking about July or later. It really depends on what the results of the assessment are; but changes are possible.

CHAIRMAN BALLOU: Mike Luisi.

MR. MICHAEL LUISI: To the timing. I think that what we could probably do based on an April assessment, Emily, would be to have the SSC review that assessment in May for potentially a discussion as a joint body at our June meeting. I believe the June meeting is here; two blocks from here in New York again. As far as timing goes, I think that's probably the earliest possible time period for the start of an in-season adjustment to the ABC, based on the assessment results.

CHAIRMAN BALLOU: Toni Kerns.

MS. KERNS: If we were to have another joint meeting that will be the fourth joint meeting that we would have. We already have a high cost for having three joint meetings this coming year. We would have to really evaluate the budget to see if we would be able to do that; because the Commission would be going to all of the Council's meetings.

Right now the way the timing is with the summer flounder assessment, we can't have the Council come to us, we have to go to them; because the report won't be available in time for our meeting to still allow the SSC to review it. That could be a problematic step in there to

have a fourth joint meeting budget wise; but I would have to talk to Bob and Laura about that.

CHAIRMAN BALLOU: I think that was a good discussion on an important issue. Mike Luisi, something more to add?

MR. LUISI: Yes, I have another question for Caitlin regarding planning. The way I see it here there is a possibility that we could take on both kind of this long term management change on the recreational fishery; but there's also a Commercial Working Group discussing potential changes on the commercial side as well.

Do you envision that being, at the end of the day when we get to that point, when we may initiate something? Are you thinking that we may initiate a comprehensive amendment that is going to deal with both recreational and commercial all packaged together; or are you thinking one might be better served by separating the two out?

MS. STARKS: I think the timelines might be a little bit different; so it might be best to separate them out. If commercial action is wanted by the Board, then they could choose to do an addendum; that would take less time, so it might be best to separate those two items.

**CONSIDER APPROVAL OF
DRAFT ADDENDUM XXXII (BLACK SEA BASS
AND SUMMER FLOUNDER RECREATIONAL
MANAGEMENT) FOR PUBLIC COMMENT**

CHAIRMAN BALLOU: Any further questions for Caitlin? Seeing no hands; we will move on to the next item, it is the main item on our agenda for today and it is an action item. It is to Review Draft Addendum XXXII for public comment; review, consider and approve draft Addendum XXXII for public comment. I believe Kirby and Caitlin may be jointly presenting the document; so we'll start with that presentation, and then we'll move to questions, comments, and any proposed changes. I think to Caitlin first.

MS. STARKS: Kirby is just here for moral support; so I'll be giving you an overview of Draft Addendum XXXII. I'll start off with some background information; go into the management options presented in the document and some detail on each of those, including standards and guiding principles that would be associated with the second option of setting measures through specifications. Those apply to both species; and then I'll wrap up with the next steps for the Board. Summer flounder is currently managed under Addendum XXVIII; and black sea bass is currently managed under Addendum XXX for the recreational fisheries. Both of these addenda expire in 2018; and there is currently no management program in place to replace them, except for the FMP. In May, 2018, the Board made a motion to develop a new action for black sea bass that would address changes in the black sea bass abundance and distribution, and consider management based on the distribution of the resource.

Then after this meeting in August, the Board agreed to add summer flounder to the same Draft Addendum. Now we're dealing with both summer flounder and black sea bass in Draft Addendum XXXII. Following the August meeting a Recreational Working Group met twice, and worked with staff to develop the draft Addendum document that you'll be discussing today.

This Addendum has several objectives beyond just putting in place a management program for these two species; and those are to improve equity and regulatory stability, to make sure that harvest opportunities are commensurate with species abundance and distribution, make sure that management measures are responsive to harvest estimates that may come out late in the year, and that stock status information and public input are also considered.

Additionally this recreational program could be in place for both species until long term management changes are made and implemented through another action. The

management options that are in this document for both summer flounder and black sea bass include Option A, which is status quo or coastwide measures, and B, which is setting measures through the specifications process.

I'll explain that in a little more detail shortly; but under that option there are also some sets of standards and guiding principles that would structure and provide some boundaries on how measures are set following the specifications process. For summer flounder the standards and guiding principles are predetermined; and that just means that they go along with the option and there are no suboptions, but for black sea bass there are two suboptions that would determine what the final set of standards and guiding principles would be.

Option A for both species is status quo. For both species the default management program under the FMP is coastwide measures; however for summer flounder, conservation equivalency may also be used. For black sea bass status quo would mean reverting to a single set of uniform measures for the coast; as we don't have conservation equivalency for black sea bass yet.

If this option were selected an Addendum would not be required; and these management programs would stay in place until a new management document was to take their place. For both species again, Option B is to set measures through the specifications process. At the most basic level all this means is that measures would not have to be put in place through a formal addendum process.

Rather, the Board would not be limited by a range of options that are included in a draft addendum, but instead would be able to use information that's provided by the Technical Committee to determine measures that constrain harvest to the RHL on an annual basis. The TC would be able to use their same general procedures for analyzing the MRIP harvest estimates in developing combinations of measures that constrain harvest. But the timeline on which they do this could be

different from what we've done in recent years; and with regard to public input the difference would be that instead of ASMFC leading public hearings to gather comment, the states would have the responsibility of receiving input and feedback from the public and providing that information to the Board to contribute to the decision making process. Again, all of this would occur without a physical addendum document dictating what the schedule is or what formal shares of the resource might be.

That is not to say that there wouldn't be any limits on how measures are set for each species. As I mentioned, for this process to be effective the Recreational Working Group determined it would be necessary to include some sets of standards and guiding principles that would structure the development of recreational measures; and the standards and principles are different for summer flounder and for black sea bass, and address issues that are specific to each fishery.

But for both, the general goals are still regulatory stability and equitable access to the resources. To clarify what the difference is between the two categories; standards refers to more strict and measurable rules for the states to follow in this process, while principles are more qualitative, and therefore a little bit more flexible.

For summer flounder, these are the standards that were developed by the Working Group. First, measures will be developed in a six-region approach; where one region is Massachusetts, one region is Rhode Island, and then Connecticut through New York, New Jersey as a region, Delaware through Virginia as a region, and North Carolina is the sixth region.

Second, all states in a region will have consistent minimum size limits, bag limits, and season length; and lastly any methodology for developing measures or other types of regulatory changes that have not been vetted by the TC must first be approved by the Board. As a guiding principle, the draft Addendum

states that recreational measures for summer flounder should be as similar to the prior year's measures as possible.

This is to ensure that regional measures do not change significantly from year to year; and that measures for states and bordering regions do not get more disparate over time. The intent is to adjust regional measures in the same direction each year along the coast; based on the fishery performance and availability, while still maintaining flexibility for the region, and equitable harvest opportunity for all stakeholders.

Moving to black sea bass, there are two standards that will be automatically included with Option B, if it's selected at final approval; and those are one, that measures would be developed using a three-region approach, which is the same as was used in draft Addendum XXX, and those regions are defined as Massachusetts through New York, New Jersey as a standalone, and Delaware through North Carolina north of Cape Hatteras as the third.

Second, annually the Board would determine how coastwide harvest liberalizations or reductions are distributed among those regions; based on a variety of factors, including but not limited to resource distribution, expected availability, angler effort, prior-year-fishery performance, and TC recommendations. This will result in annual de facto harvest targets for each region; but those are not to be confused with allocations or precedence for future allocations. The regions would then take those de facto harvest targets and work together to develop recreational measures that would achieve them; all with while staying in the coastwide RHL. A third standard for black sea bass would be determined by the selection of two suboptions; which I'll go over next. Each of the suboptions presents a different way of structuring the development of regional measures for black sea bass.

The first method, Option B1 is that recreational measures within a region would be crafted using the prior year's measures as the starting point. Then states within the region would develop measures that collectively achieve but don't exceed the de facto harvest targets that were set by the Board.

Different conditions would also apply; depending on whether the region is required to take a harvest reduction or allowed to liberalize from the prior year. If a region is not required to reduce harvest from the prior year, then no state would be required to restrict their measures. If the region is allowed to liberalize harvest, then states would develop their measures in a manner that collectively reduces interregional disparities.

That means states with relatively restrictive measures; as determined by the TC based on performance, should be allowed a larger liberalization, while states with relatively liberal measures should take smaller liberalizations or remain at status quo. If the region must reduce harvest, then states would develop their measures in a way that ensures each state takes an equitable reduction with consideration given to their prior year fishery performance, resource distribution, and expected availability, angler effort, and other TC recommendations.

I'll just note here that equitable in this case is not necessarily defined as reducing harvest by the same percent. It would be up to the region to determine what is equitable. The second option for how to develop black sea bass recreational measures is that the regions would start crafting the measures with a regional regulatory standard as a starting point.

The regulatory standard would be jointly agreed on by all states in the region; and would include a minimum size limit, possession limit, and season to achieve the region's target harvest. Each state would then adopt the same minimum size limit; but flexibility would be allowed for the possession limit and the season, as long as the measures are conservationally-

equivalent to the regulatory standard, based on state-specific-projected harvest.

Specifically a state's possession limit could defer by no more than three fish from the regulatory standard. For season the only limit to the difference would be that the difference between the longest season, or the least restrictive season, and the shortest season, or most restrictive season within each region, could not increase in number of open days from the prior year.

For example, the difference right now between Massachusetts' and Connecticut's seasons is 110 days; so under this option hypothetically next year, any two northern regions states difference in seasons could not exceed 110 days. For black sea bass guiding principles, they are to limit disproportionate harvest reductions for individual states, and where possible reduce interregional differences between measures, while of course always recognizing regional differences and resource availability. That concludes my overview of the options presented in the draft Addendum; but here I put together an example timeline to hopefully clarify what the differences are between the addendum process as we've done it in recent years, and the proposed process of setting measures through specifications. On the left, you can see in recent years the Board has typically initiated an addendum for recreational measures in August; with various options for how to divvy up the RHL between states or regions.

Then that draft document was developed by staff or a working group in September; and then presented to the Board for approval for public comment in October. It's important to note that by this time the draft document would have only been able to include MRIP estimates through Wave 3; because those are released in mid-October.

That is the only data that would have gone into those example measures that might go into a draft Addendum and those are based mainly

projections based on the previous year's harvest. Then the Addendum would go out for public comment in November; and comes back before the Board in December for final approval, and at times the Board has not approved the draft Addendum until February, so you can imagine all of these steps shifting a little further down the timeline.

But if approved in December, it would still not be until February 15 that the MRIP estimates for the full year are released; so at that point the TC then has to take that full year of data and adjust the example measures provided in the draft document, to come up with final measures that meet but don't exceed the RHL, and the Board has then typically approved those final measures in March.

If the estimates for Waves 5 and 6 are significantly different from the projections, and usually for black sea bass they are; the final measures can look a lot different from what the public saw during the comment period, which can create some confusion. Moving to the right side, with the specifications process, everything would really start with the TC beginning to evaluate the preliminary MRIP data around November.

By that point we have Waves 1 through 4; so it would be a good time for them to start thinking about how to use the data to develop measures, and then in December and January as the TC continues to work with harvest data as it's released, and come up with a methodology for developing measures, the states could also be starting their processes of gathering input from the public.

At the February meeting then, taking into account the TCs analysis and recommendations, the Board would approve proposed methodologies for determining regional measures; and for black sea bass this would be the time when the Board would set out those de facto harvest targets, or decide how coastwide harvest liberalizations or reductions are distributed between regions.

If you think back to February meeting about Addendum XXX, at the beginning of this year, you'll remember that the Board ended up coming together to establish an allocation scheme that was somewhere in the middle of the options presented in the Addendum. With the specifications process essentially the Board would need to come to this kind of agreement on an annual basis; considering all the information about harvest and resource availability, and distribution provided by the TC, in order to create de facto harvest targets for each region. For both species the intent is that Board members from the states could be communicating with each other in advance; to figure out how they might do this, so that when we get to the February meeting we're not starting completely from scratch. But once the full year of MRIP data is available in mid-February, the TC would still be evaluating those data; and using the approved methodologies to determine what the sets of final measures are, and those final measures again would be brought back before the Board, likely in March on a conference call for approval.

Here I just want to make a quick note about public input and how that fits into this process. While on the table it looks like the process would end in February, it really could continue as long as the states choose, and it could start later than November. If preferred the states could wait until later on in the process; after there is more information available, or after the Board approves methodologies in February.

But because there is no Commission addendum, it's really up to the states to decide how and when to gather that input. With that I'll wrap up. The Board actions for today are to consider any changes to the draft Addendum as it's presented in the meeting materials; and then consider approval of the document for public comment. I'm sure that was a lot of information; and there are probably questions, so I can take those now.

CHAIRMAN BALLOU: I will open the floor to questions; but before I do so, I just really want

to thank and commend the Recreational Working Group, and of course Caitlin and Kirby as staff to the group, with regard to the hard work they put in since our last meeting. They were at least two calls, I believe, and they were substantive calls.

There was a lot of good discussion; a lot of back and forth, and I think through that process we've come forward with a document that's fairly-well honed. That doesn't mean it's done and ready; that's what we're now going to decide upon. I say ready for public comment; but again, I just want to acknowledge and appreciate the hard work that has gone into the development of the document to date.

We are looking at a deadline of; I believe it's this Friday, the day after tomorrow, for getting this out to the public. I just want to kind of make sure the Board is aware that to the extent that there are going to be suggested changes; that we do our best to really work through them effectively today, and that we avoid any delay beyond this meeting, because that would impact the process as set forth.

I just want to make sure the Board is aware of that; and there have been times in the past where we've sort of pushed comments, or allowed for additional comments beyond the meeting that is not my intent for this document at this state of the process. Now is our time to roll up our sleeves and go at it; but we'll start with questions, questions for Caitlin based on her presentation, or to Kirby on any aspects of the document pertaining to summer flounder. David Borden.

MR. DAVID V. BORDEN: Caitlin, on the Section 3.2 on black sea bass, you've got the status quo; and correct me if I don't interpret this correctly. Status quo is basically we set the coastwide measures; but NOAA is going to specify measures for February, okay. Option B is also that same condition. In other words, we would establish the measures through the specification process; and NOAA would also. I think, and maybe I'm not reading this correctly,

but I think it would help to describe that to the industry; to make sure that they understand that takes place the same way in both options. Okay that's one point. The second point is on the paragraph, this is on Page 15 if anyone is looking. You've got the characterization about NOAA.

But that characterization is essentially silent on what happens to an overage. I think that's important. This basically says that if there is a February fishery the states with participants are going to basically adjust their allocations to accommodate that. I'll give you a hypothetical example.

If the estimate is that the catch is 50,000 fish, but the catch actually is 150,000 fish, what happens to the overage? My recollection is it comes off coastwide quota; in which case I think it's important for the public to understand that. I'm not trying to complicate your life; but this is important for us to get straight. Thank you.

MS. STARKS: Thanks, David. I think that's a good point; and I definitely think we can clarify to your first point that the federal measures process would happen in both of these options. As for the February fishery, I think you are correct that it was laid out that it would come off the coastwide RHL.

That is something we can make clear as well. But I think it might be good for the Board to think about how if individual states are participating in that February fishery, how they are responsible for accounting for that later in their measures. The way it's laid out now is there is 100,000 pounds that are set aside; so if it were to go over that I do think the Board can make a decision about individual states being responsible for adjusting their measures for those overages.

CHAIRMAN BALLOU: David.

MR. BORDEN: Yes. Understand I'm not arguing pro or con strategy; I'm saying it's got to be

clear whatever the options are in the document that's all.

CHAIRMAN BALLOU: Nichola Meserve.

MS. NICHOLA MESERVE: To David's point, I think I have a different recollection of the way the February fishery works; that there was only kind of a proactive attempt to account for it by the states changing their regulations for the rest of the year. But if the harvest is more than what was projected, there is no in-season accountability for that or directed accountability for next year, other than we're going to have to set measures again that are going to meet the RHL. If we differ, I have some more follow up about what type of language we would put in there about that.

MS. STARKS: I think you're correct, Nichola. We can work on making this language clear to that point.

CHAIRMAN BALLOU: I think this is a really vital discussion. I just would remind the Board that the challenge here is trying to set forth the Board's process; which is complementary to the Council's process and GARFOs process for setting federal regulations. We need to reflect the process accurately; but of course there is that separate federal and Mid-Atlantic Council process that will be undertaken at our joint meeting in December, which this document should reflect but can't really modify, because that's already baked in. That is my sense. Rob O'Reilly.

MR. ROB O'REILLY: I think you may have just covered my thought a little bit; but with David Borden, I think we just need to have this spelled out pretty clearly. For example, it could be different this year, so last year it was the Region that accounted for the February fishery actually, and it was already established by NOAA that the accounting process would be done.

If there was needed to be an adjustment that would be done for 2019. That was for the 2018 February fishery. I think things will be a little bit

different this year; and it's really important, especially for those states that do want to have a February fishery that the stakeholders know exactly what's involved there. I kind of agree with the sentiments there.

CHAIRMAN BALLOU: Additional questions? Mike Luisi. Let's hold on comments. I would like to just try to keep this structured as much as possible in the way we typically do things; which is questions first and then absolutely right into comments and any suggested changes. Mike, if you could hold your comment, are there any other questions for Caitlin right now or Kirby, regarding the draft document? Okay Mike, you're on with your comment.

MR. LUISI: In Section 3.2.1 on Page 16. My glasses are in my bag; I'm going to do the best I can here. Under Standards and Guiding Principles for Establishing Measures for Black Sea Bass, I think Caitlin you've done a nice job of explaining, or at least setting the stage for what an annual de facto harvest target is and what it isn't. I think it needs to be very clear when we speak to the public about this that these de facto harvest targets are not allocations that the Region is going to take hold of for future years.

But where I can't seem to find a better description; and correct me if it's in here and I just missed it. I'm wondering whether the Region, I'm thinking in terms of what is the trigger that is going to set us up for either future reductions or future liberalizations. Is it going to be the comparison of an annual harvest along the coast with the next year's RHL; or in some way are these de facto harvest targets within the regions going to be used as a basis for whether a particular region takes a reduction or liberalization as we move on into the future.

I'm hoping that's clear. Personally I thought that we were at the point where if we did not go over harvest as a coast, then we would look for liberalizations. That's where the Board

would be able to determine how those liberalizations would be chopped up and divvied out into the regions. If that's the case, if that is the intent, it needs to be spelled out that that is the trigger.

The trigger isn't that in a given year we're going to look at catch estimates as a region, and compare them with the de facto harvest target; so one region would have to make adjustments while other regions don't have to make adjustment. I just think that that trigger and de facto regional harvest target part needs to just be plussed up a little bit to make that clear; that the intent would be on a coastwide landing, not a Regional aggregate of the states within the region being compared to next year's targets.

MS. STARKS: You're correct. I think the trigger would be coastwide comparison of harvest to the next year's RHL. Then like it says in the document; annually the Board would decide how that liberalization or reduction is distributed among the regions. Then they could look at how each region harvested compared to what their harvest target was to develop those measures.

CHAIRMAN BALLOU: Good exchange there. At this point the floor is open to comments in general; as well any proposed changes to the document. Would anyone like to offer a change or a comment? Nichola Meserve.

MS. MESERVE: I think that we're going to be ready for this document to go out today. That is certainly my hope. A couple small things, just I know there is a lot of staff work at the end to get this ready, so there are just a couple small typos that I would just point out. On Page 8, the last paragraph there is a sentence that is repeated twice.

Part of this is, I'm correcting myself because I drafted some of these sections at this point. On Page 9 in the second paragraph there are references to Addenda 12 and 13, and so forth for black sea bass. Those are all missing an X, wrong numbers. On Page 10 the last

paragraph, there is a reference to an appendix that is no longer in the document.

Then more substantively, the Guiding Principles for Summer Flounder on Page 14, it starts off by saying that recreational measures should be as similar to the prior year's measures as possible. I believe that the intent there was to strive for stability from year to year. But if I take away what I know about the Working Group's calls, and I was just a member of the public reading that.

It might suggest to me that the Board would not take liberalization if that were allowed. I gave staff a small tweaking of that paragraph; which I think reflects what the Working Group had discussed and that is that we would be crafting measures from the prior year's measures as a starting point, and then while allowing for a reasonable amount of flexibility based on the performance of the fishery and the stock availability.

The regional measures should be adjusted unidirectionally along the coast to maintain an equitable opportunity to harvest fish for all stakeholders. The intent is to establish regional measures that do not change significantly on an annual basis; or diverge significantly between bordering states over time.

We had a lot of discussion about what unidirectionally means. Does that mean every region is taking the same percent increase; or are we all increasing by an inch or something? But that flexibility is still built in I think with that word unidirectionally; but the intent is not to have one or two states responsible for a coastwide reduction, and move away from the equity that we've been striving to meet at this point. I'm hoping that this wordsmithing can just be approved by consent in the document.

CHAIRMAN BALLOU: Let's see if that can happen. Are there thoughts from the Board on Nichola's suggested rewording of the Guiding Principles Section for summer flounder? Adam Nowalsky.

MR. NOWALSKY: I appreciate Nichola's efforts both on the Working Group and her efforts in the document; and with this I agree with here wholeheartedly in putting more emphasis on what is now her second sentence here; which is the third sentence in the paragraph she referenced. I do think that is an important component; so I would consent to that.

I don't agree with the take that the existing sentence recreational measures should be similar to the prior year's measures as possible, would mitigate our willingness to take a liberalization if desired. I think that if her concern is that that sentence would mitigate our ability to take a liberalization; if we made it very clear on the record here today, and/or added a sentence to the document that did so, hopefully that would address that concern.

But moreover, I have a concern about use of the language "using the prior year's measures as a starting point." That is what we've been doing for the better part of the last decade now. The FMP does not tell us to do that. The FMP tells us explicitly to set measures to constrain the catch to the harvest limit.

We have decided over time that how we would do that is to compare catch from MRIP to last year's harvest; and use those measures. We have moved away from that in the last couple of years, with both summer flounder and our efforts here with black sea bass; and the Service have been receptive to those efforts.

It's that using the prior year's measures as the basis for our decision making that in my opinion has created the deficit we are in with the regulations we have; by compounding year after year the errors in the MRIP data, and we continue to use it. I think the sense of what the options that we have in the sea bass section, provide us the ability to choose one or the other. I know which one I'll be supporting when we actually move this document forward for final decision making.

But right now I have a great concern about continuing to use the prior year's measures as a

starting point. I think it's too constraining. I think if the intent of this document is to give us flexibility, we want to give ourselves more flexibility than that specific sentence provides. Otherwise, I'm in support of what we have here; and hopefully we can just work around that element to finalize consensus on this change.

CHAIRMAN BALLOU: Just so I'm clear. Your suggestion is that you support the suggested changes that follow that first sentence; but would prefer to maintain the current language for the first sentence which reads recreational measures, should be as similar to the prior year's measures as possible. Is that your recommendation to maintain that sentence?

MR. NOWALSKY: That would be my recommendation; given again that these are guidelines and not specific constraints, they're guidelines to us. Then again, if the concern is that that sentence would mitigate our ability to take a liberalization, maybe we can add something that clarifies that that is not in fact the case.

CHAIRMAN BALLOU: We are now looking for a compromise or a Board recommendation for one or the other of the two approaches that have been offered for Board members. I'm going to take additional comment on the two suggestions that have just been made; which are close but not the same, thoughts on this issue, John Clark.

MR. JOHN CLARK: Yes Adam, I'm just not really sure how I see there being a huge difference between the two. In what way do you find that more constraining; because the one that's in the document says you're going to be as similar as possible to the prior year's measures, right? This one says you're using the prior year's measures as a starting point. I'm just having a hard time seeing what other than the syntax, I mean the wording. They seem to get you to the same place. What's the difference?

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: I think I've made clear here on the record many times over that what is needed in our recreational measures is some type of reset that gets us to some other starting point. If in consultation with the Service, as we work through this with our Technical Committees, we get advice that there is some other starting point we could use in a given year, for setting our measures and evaluating our performance relative to the RHL. We should be able to take advantage of that. I think that this language is just too prescriptive at the present time.

CHAIRMAN BALLOU: John.

MR. CLARK: In other words, you're saying that what's in the document just says you're going to try to be similar to what you had; but you're not necessarily starting from what you had. Okay, I see there is a difference there.

CHAIRMAN BALLOU: Nichola, I'll let you respond.

MS. MESERVE: The heart of this guiding principle for me again is that unidirectionally moving in the same way to try to stay similar, not diverge over time. I think the paragraph would actually even work without the first sentence. If it's a compromise just take it out either way, then that might get us where we want to be.

CHAIRMAN BALLOU: Now we have a couple of suggestions on the floor. One would be to take it out entirely; the other would be to retain the sentence that's in there now as suggested by Adam, on those two suggestions, Rob O'Reilly.

MR. O'REILLY: I'm wondering if what Adam is asking is something along the lines that a flexible approach, including using prior year's measures, shall be used to develop recreational measures. I didn't work out the words. But I think that's what he's indicating, not to close the door on a single approach that we have up there now.

I'm not sure taking it out would be a good thing. At the same time, I think we are learning and understanding what standards are versus guiding principles. But by the time we share this, and the ASFMC shares it with the public, it may be a little bit of an event to get that understanding across too. It probably should say something along the lines of what I was saying; I would welcome him to come back and see if that is what he has intended.

CHAIRMAN BALLOU: As he mulls that over Kirby wants to offer a thought.

MR. KIRBY ROOTES-MURDY: I just want to get a clarification. Nichola, again this is a guiding principle, right?

MS. MESERVE: Correct.

MR. ROOTES-MURDY: It's not a standard. It's something that will help guide us; guide staff, guide the Technical Committee. I would just kind of offer to kind of keep that in mind; in terms of this wordsmithing exercise at this point, because how much do you? I understand your concern, Adam.

But in terms of what the public will read into this. It does not by any means limit us to how we try to evaluate harvest. As you know, we go off of the measures we have from a technical standpoint, to help us evaluate how we performed. But it does not limit us; so that is just something to keep in mind.

CHAIRMAN BALLOU: John Maniscalco.

MR. JOHN MANISCALCO: I think Nichola's suggestion to just remove the first sentence, which seems to be the one that Adam has taken issue with, still leaves all the intent of the paragraph in place. We're still talking the flexibility; we're still talking the unidirectional management changes, while holding to a certain amount of stability and not having any kind of significant change in any given year. I think her suggestion to remove the first sentence should settle the matter.

CHAIRMAN BALLOU: Trying to move this along; so far there is at least growing support for just removing the first sentence, and then going with the rest of the suggested changes that are presented on the board. Thoughts on that proposal, is there any objection to modifying that section of the document as just described? Mike.

MR. LUISI: No objection, Mr. Chairman. I just want to be clear; on Page 14 the first two sentences of that guiding principle would remain in place. The recreational measures should be as similar to the prior year's measures as possible; this principle will ensure that regional measures do not change significantly on an annual basis, or those measures for states and bordering regions diverge significantly over time. Then it will pick up as while allowing is that not correct, or is this paragraph going to replace that entire paragraph? None of those first two sentences would be a part of the paragraph anymore.

CHAIRMAN BALLOU: Although no one can tell who is listening in, there is a lot of headshaking going on at the front of this table, and that is to say that I think what you said at the end is actually the case. But Caitlin, do you want to clarify that please?

MS. STARKS: It will be what's up on the screen; except without the first sentence. Start with, "while allowing" and continue through that paragraph, and that would replace the entire guiding principle.

CHAIRMAN BALLOU: As the Board considers that suggested change; and I'm mindful of what Kirby suggested about this is a guiding principle, and I'm also mindful of the fact that this is a draft document that's on its way out to public comment, which we'll get another crack at for final approval in December.

Although it's a good idea to spend the time necessary to work on these issues, I don't want to get too bogged down with what might be really a wordsmithing or semantics, largely a

semantics exercise. I'm going to repeat the question to the Board and that is; is there any objection to adopting the proposed language that's on the screen, minus the first sentence as the replacement language in full for the guiding principle for the summer flounder section?

Seeing no objection; we'll consider that agreed to by consent. There have been some other suggested changes that I know we're taking note of here; including all the editorial suggestions that Nichola offered. David Borden had also made a suggestion; I think a very critical one, in terms of making sure that the black sea bass Option B accurately reflects the process that will continue, particularly in the absence of conservation equivalency for 2019, regarding the setting of federal measures.

That will be folded in for the public's clarity and for all of us into Option B; so far those are the issues that I have made note of, in terms of changes. Are there any other suggested changes to the document? Seeing none; I believe at this point we might be ready for a motion to approve the document for public comment. Mike Luisi.

MR. LUISI: I would be happy to make that motion, Mr. Chairman. Move to approve Draft Addendum XXXII for public comment, as modified today.

CHAIRMAN BALLOU: Seconded by Nichola Meserve. Moved by Mike Luisi and seconded by Nichola Meserve to approve Draft Addendum XXXII for public comment as modified today. **Discussion on the motion, is there any objection to the motion? Seeing no objection; the motion is approved by consent.** We don't need a vote, right? No we don't, because there is no objection. Thank you. This is a final action on the draft document. Thank you very much for all the work that's gone into this, and for today's discussion.

I think it was very spot on. I think we've got a very good document to bring out to the public and look forward to returning to the issue in

December; after it has gone through the public comment process.

PROGRESS UPDATE ON THE BLACK SEA BASS COMMERCIAL WORKING GROUP

CHAIRMAN BALLOU: With that I believe we've completed Item 5, and we are now on to Item 6, which is a Progress Update on the Black Sea Bass Commercial Working Group. I believe Caitlin again has a presentation teed up. Caitlin.

MS. STARKS: As you know, this Commercial Working Group was established in August, to address issues in the commercial black sea bass fishery related to changes in abundance and distribution of the resource. The Chair of the Working Group is David Borden; and other participating members are Nichola Meserve, John Maniscalco, and Rob O'Reilly. This group met on a conference call in September, 2018, to start addressing these issues. On their call the Working Group discussed the issues that they see the commercial black sea bass fishery facing currently.

First, they noted that the commercial allocations haven't changed for 15 years. They were set in 2003; based on landings from 1980 to 2001, loosely, and under those allocations 33 percent of the coastwide commercial quota goes to Maine through New York, and 67 percent goes to New Jersey through North Carolina.

I'll just make a quick note here that in the memo New Jersey was excluded by accident; but it is here now. The issue with this is that there has been scientific evidence showing shifts in the fishery and stock abundance and distribution; and the Working Group noted that management has not necessarily been responsive to those changes.

Another issue that the group brought up is that coastwide quota management can sometimes have some negative impacts; specifically in the case that one state's quota overage causes the coastwide quota to be exceeded, and the fishery is closed for all states. In that situation

those states that didn't harvest their full quota miss out on that opportunity altogether.

Again, on this call the Working Group proposed several management objectives for the commercial fishery and those include maintaining fishing mortality and spawning stock biomass within the established thresholds and targets, improving equity and access to the resource among the states, and improving fishery efficiency. That can be in terms of use of resources like time and fuel; as well as reducing discards.

Lastly the group came up with a list of some potential management strategies that could address the issues they identified. For example, they suggested exploring some options such as adjustments to the state-by-state allocations, shared trip limits between states, similar strategies to what the Scott model has in order to increase equitability and access for federal vessels, establishing criteria to trigger review and/or revision of allocations, and the landings flexibility.

Today we're just looking to the Board to provide some feedback to the Working Group on these issues, objectives, and strategies that they've proposed. Specifically it would be helpful to hear if the Board agrees with the Working Group's statement of the problem and objectives as they've identified them; or whether there are additional thoughts or ideas for management strategies that could be explored.

With the Board's feedback today, the Working Group will continue to work on identifying potential management strategies for further development. I'll just throw this timeline back up on the board; just to note that again the Board could initiate at any time an action that would address issues in the commercial fishery. That's all I have so I'll take any questions.

CHAIRMAN BALLOU: Thanks to the Commercial Working Group for what looks to be a very excellent start to what I know is going to be a

challenging and multifaceted undertaking. It looks like the ball is in motion on this; so thank you for that. Are there questions for Caitlin or comments? David Borden.

MR. BORDEN: I just wanted to encourage everyone around the table. This is pretty much a work in progress; it just started. Truth be known, we spent about an hour and forty-five minutes on a conference call on this issue. We haven't even scratched the surface on it. I would just like to encourage anyone around the table; if you have comments, suggestions, strategies that you think we need to consider as part of this process, please talk to any one of the Working Group members.

I would just voice my personal view that our task is not to decide anything; it's basically to collect information from everyone in this room, and try to put it down in an orderly format that kind of represents all of the divergent perspectives on it. Then bring that back to the Board where we can actually have a policy discussion on it. If you've got input and suggestions, please bring those forward.

CHAIRMAN BALLOU: Sounds like that could be done at this time or at any time following this meeting. Is there any suggested input right now? Matt Gates.

MR. MATTHEW GATES: Is membership in the Working Group sort of set in stone now; or could we add members at this time?

CHAIRMAN BALLOU: I think I would be open to that suggestion if you want to make a suggestion regarding the Working Group membership.

MR. GATES: Sure, I think Connecticut would like to be involved in the Working Group from this point on.

CHAIRMAN BALLOU: I have also heard from New Jersey along similar lines. Herein lies the challenge; and that is a working group is of course most quick on their feet, so to speak, if

it's a relatively small group and not essentially a facsimile of the Board itself. We do have a bit of an interesting issue, and challenge you might say, in terms of how many additional members we want to accommodate.

I like the idea of having it be a big tent approach; but I'm also mindful of the fact, as staff has reminded me that it can be more difficult to make headway when you basically include every state. Right now, if I understand correctly. The intent is that the Board reflects both northern and southern interest, New England Council and Mid-Atlantic Council interests, and is therefore balanced. But I understand that balance is in the eye of the beholder.

I guess I would look to the Board. I realize this may be my call ultimately; but I would look to the Board for input on both the suggestion that Connecticut be added as well, and I don't want to speak for New Jersey, although I actually talked to Joe Cimino prior to this meeting, and believe that he has a similar interest. Joe, let me just let you offer your thoughts on the record; and then I'll look to other Board members for thoughts.

MR. JOE CIMINO: I absolutely would like to be able to participate here. I'm kind of surprised at how this is developing so differently than what we did with the Recreational Working Group; which seemed to have made great progress and strides as a larger group, and I guess without a Chair to my knowledge.

CHAIRMAN BALLOU: John Clark.

MR. CLARK: I think that especially having New Jersey in. If I recall from the first slide there you said that it's 33 percent is allocated now to New York north, and 67 percent south. If you add Connecticut you'll have well, three representatives from New York north and then just Rob O'Reilly representing the region where most of the stock is allocated right now. I think it would make a lot of sense to add New Jersey; if you're going to add Connecticut also.

CHAIRMAN BALLOU: Toni, did I see your hand up; and if not, I am actually going to call on you to offer your thoughts on proper configuration of a commercial working group. Not to put you on the spot.

MS. KERNS: Excellent, thank you. We had worked with David to establish a working group earlier; and then we sent out an e-mail to the Board letting folks know, and asked if anybody had had any concerns or questions on the membership of that Working Group, and we didn't get any feedback from folks, and so we left it there.

I did the budget for next year based on these members of the Working Group. We will have a couple of in-person meetings. We recognize that there was a Recreational Working Group ongoing at that same time; and we were trying to spread the workload around to different individuals, in order to try not to make everybody do the same work all the time.

That was where we came up with that configuration; and we were hoping that this group would function in a way that allowed us to get a lot of ideas out there and back to the Board for their consideration, if a new amendment gets done, and have these individuals be workhorses to help staff get ideas on paper, do analyses themselves as well, hence why we have a TC member on there as well.

CHAIRMAN BALLOU: Rob O'Reilly.

MR. O'REILLY: I didn't realize I was holding down the fort until John Clark said that for a certain area. I think we could use a little more assistance; quite frankly. We did have our homework assignment already; and we are trying to, I think John Maniscalco was able to say you ought to look at the last two years to start off with here.

Get the fishing areas; that kind of information. It would be a little more expedient to have New Jersey involved with that or Connecticut even if the Board so desires. I think it would help our process a little bit. By no means would I think

that that would bog us down. That is just my recommendation.

CHAIRMAN BALLOU: My sense is I lean toward being more inclusive rather than exclusive. I would be comfortable from my perch welcoming Connecticut and New Jersey to the Working Group, provided you guys are ready to work. I assume that's the case. Is there any objection to adding those two states; and it would believe Joe in particular, and Matt would you be representing Connecticut on this?

MR. GATES: Yes.

CHAIRMAN BALLOU: Adding Joe and Matt to the Working Group. David Borden.

MR. BORDEN: I just wanted to emphasize what I said before. This is just a caution to everybody that joins. The task is not to represent your state interest; it's to bring the different regional perspectives to the table. As long as everybody does that I think it will be fairly efficient. But if individuals come to the table and start arguing about their specific state interest in this, or arguing for a particular state perspective, it's going to bog down the Working Group.

CHAIRMAN BALLOU: Understood, thank you. Let's try and ensure that doesn't happen. That is not the intent; further discussion on this agenda item? Mike Luisi.

MR. LUISI: It's clear in notes that I'm reading here. It says that the Working Group agreed that a wide range of options could be considered; and that some of the strategies may require coordination with the Mid-Atlantic Council. I feel obligated to say; and I know it's only early, but as this develops if alternatives and issues come into play that would require Council participation. I think it would be good to bring a Council staff person in, or maybe even a Council member in to the conversation, to make sure that there is that communication between the Council and the Board.

CHAIRMAN BALLOU: Duly noted, and we'll address that issue if and when it arises. Chris Batsavage.

MR. CHRIS BATSAVAGE: I know there are kind of high level discussions by the Work Group at this point; but I did have a question on, for potential management strategies, landings flexibility. Is that included just to make sure that we have all the grounds covered; or was it put in there since this could potentially result in joint action with the Mid-Atlantic Council that landings flexibility would need to be an option for that to occur in federal waters, since that can already occur in state waters right now?

CHAIRMAN BALLOU: Caitlin, do you want to take a crack at that?

MS. STARKS: I can try. If the Working Group member that suggested it wants to follow up that would be fine. I believe it was just to have all the bases covered. If there is cooperation with the Council, some action that would require it; then we can look into it.

CHAIRMAN BALLOU: Are there any further comments? Adam Nowalsky.

MR. NOWALSKY: Under Statement of the Problem, the next to the last paragraph on Page 1 that begins with, "Management should be responsive," includes in the next sentence, "allocations should be reviewed and revised on a regular basis." I'm certainly all in support of the reviewing element.

I'm not sure we want to commit ourselves to frequent revisions to them. Obviously if they are warranted based on that review, sure, but I would encourage some alternative language here that reflects consideration of revision as opposed to saying that they should be revised on a regular basis.

CHAIRMAN BALLOU: Duly noted. I think if I'm not mistaken it should read, potentially revised as appropriate. But I do think that's an important clarification; and I think it's

consistent with the intent of the report, so thank you. We'll note that for the record. Good input; additional input, additional comments, thoughts on the Commercial Working Group progress report?

ADVISORY PANEL MEMBERSHIP

CHAIRMAN BALLOU: Seeing no hands; we'll move on to our next agenda item, which is Item 7, and that is Advisory Panel membership. I believe we might have a presentation. Tina was deep in thought and is now making her way up to the table to provide the Board with the AP nominees.

MS. TINA BERGER: Hello, thank you Mr. Chairman. I have a bunch of nominations for your consideration and approval; these include Kurt Martin, a commercial fisherman who fishes a number of different gear types from Massachusetts. Brent Fulcher and Jimmy Ruhle, commercial fishermen from North Carolina, as well as a couple of late entries, Jay Little and Rob Haas, both recreational anglers from Delaware.

CHAIRMAN BALLOU: Thank you, Tina, and those last two, did they go out in the supplemental, their nominations?

MS. BERGER: Jay we received later. I have the nomination form; and I am happy to send it to the Board following this meeting, for both Jay and Rob Haas.

CHAIRMAN BALLOU: Okay so to the Board we have a total of, it looks like five nominees, three of which their nomination packets have been included in the materials. The other two are in Tina's hands; and can be made available. What's the pleasure of the Board as far as these five nominees? Yes, I'm sorry, I should know your name but I can't see from this far away.

MR. MICHAEL BLANTON: That's fine, Mike Blanton.

CHAIRMAN BALLOU: Thank you, Mike.

MR. BLANTON: I have a list of four that I was to nominate; but let me speak with Caitlin real quick, just one second.

CHAIRMAN BALLOU: That's fine; we'll be at ease for a minute or so.

MR. BLANTON: All right, I'm sorry. **I move to approve Summer Flounder, Scup, and Black Sea Bass Advisory Panel nominations for Rob Haas, Kurt Martin, Brent Fulcher, James Jimmy Ruhle, and Jay Little.**

CHAIRMAN BALLOU: Thank you for that Mike, and is there a second to that motion? Seconded by Ray Kane, so moved and seconded to approve all five nominees, is there any discussion on the motion, any objection to the motion? **Seeing no objection; all five nominees are approved, and we appreciate their interest.**

I will say that now thinking back over the several Board meetings that have happened this week, we're clearly repopulating our APs, and that's a wonderful thing. We appreciate the interest of our stakeholders in engaging with the Board.

ADJOURNMENT

CHAIRMAN BALLOU: With that I believe we have completed our agenda for today. I'll ask; is there any other business to be brought before the Board? Seeing no hands; is there any objection to adjourning? Seeing no objections we are adjourned. Thank you very much.

(Whereupon the meeting adjourned at 2:46 o'clock p.m. on October 24, 2018)