

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

**The Westin Crystal City**  
Arlington, Virginia  
**February 5, 2019**

These minutes are draft and subject to approval by the Summer Flounder, Scup and  
Black Sea Bass Management Board.  
The Board will review the minutes during its next meeting.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting  
February 2019

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4. **Move to approve status quo black sea bass recreational measures for 2019** (Page 12). Motion by Matthew Gates; second by David Borden. Motion carried (Page 12).
5. **Move to approve the Virginia and North Carolina February recreational black sea bass fisheries** (Page 12 ). Motion by Rob O'Reilly; second by Jim Gilmore. Motion carried (Page13 ).
6. **Move to form a PDT and task the PDT to further develop the options discussed by the Working Group, those discussed today, and those offered to the Chair by February 15** (Page 29). Motion by David Borden; second by Raymond Kane. Motion carried (Page 30).
7. **Move to adjourn** by consent (Page 30).

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**ATTENDANCE**

**Board Members**

Doug Grout, NH (AA)	Russ Allen, NJ, proxy for T. Fote (GA)
Ritchie White, NH (GA)	Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Nichola Meserve, MA, proxy for D. Pierce (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Bob Ballou, RI (Chair), proxy for J. McNamee (AA)	Russell Dize, MD (GA)
David Borden, RI (GA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Matt Gates, CT, proxy for J. Davis (AA)	Steve Murphey, NC (AA)
Sen. Craig Miner, CT (LA)	Chris Batsavage, NC, Administrative proxy
Bill Hyatt, CT (GA)	Mike Blanton, NC, proxy for Sen. Steinburg (LA)
Jim Gilmore, NY (AA)	Marty Gary, PRFC
Emerson Hasbrouck, NY (GA)	Emily Gilbert, NMFS
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Mike Millard, USFWS
Joe Cimino, NJ, proxy for L. Herrighty (AA)	

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

**Ex-Officio Members**

Jason McNamee, Technical Committee Chair

**Staff**

Robert Beal	Caitlin Starks
Toni Kerns	Jessica Kuesel
Kirby Rootes-Murdy	

**Guests**

Rodney Avila, Orsted US Wind	Arnold Leo, E. Hampton, NY
Julia Beaty, MAFMC	Kathleen Reardon, ME DMR
Gib Brogan, Oceana	Melissa Smith, ME DMR
Heather Corbett, NJ DFW	Mike Thalhaus, MCCF
Kargon Coutre', MAFMC	Marek Topolski, MD DNR
Jeff Deem, VMRC	Jack Travelstead, CCA
Joseph Gordon, PEW	Mike Waine, ASA
Zak Greenberg, PEW	Kevin Wark, Orsted GSSA
Marin Hawk, MSC	Danny White, ME DMR
Jeff Kaelin, Lund's Fisheries	

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, Tuesday, February 5, 2019, and was called to order at 12:35 o'clock p.m. by Chairmen Robert Ballou.

### **CALL TO ORDER**

CHAIRMAN ROBERT BALLOU: All right 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. We do have some new members of the Board who were not here earlier this morning. There is always that obligatory need as a New England Chair to speak to the fine performance of the Pats in the New England Invitational; in the Super Bowl this weekend.

But I won't belabor that anymore, it's been said enough. With that we will turn to today's agenda. I'll welcome everyone back from lunch, and hope you had a chance to enjoy the good weather, and had some good eats. Item 1 on the agenda is the agenda itself. Does anyone have any modifications to the agenda? Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: I realize that we've got a full agenda today; and I also realize that with the federal closure that the summer flounder stock assessment has not been finalized yet. But I'm wondering if time permits, if under Other Business we might be able to include a brief summary or synopsis of what we know so far for the summer flounder stock assessment.

CHAIRMAN BALLOU: We'll do our best to see what we can do when we get to that point at the end of the meeting. I'll look to Kirby to provide an overview on that issue; so thank you, we will add that. Mike Luisi.

MR. MICHAEL LUISI: Under Other Business, I just want to make an announcement about the upcoming joint meeting of the Mid-Atlantic Council. I figured if I brought it up now one of us will remember at the end of the meeting today.

### **APPROVAL OF AGENDA**

CHAIRMAN BALLOU: Thank you, I'll add that as well, so two items under Other Business. Are there any other items to be added? Seeing none; is there any objection to adopting the agenda as modified? Seeing no objection the agenda as modified stands approved by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BALLOU: And we're on to the next item, which is the Approval of the Proceedings from the last meeting of this Board, which was actually the joint meeting in December. But we're approving today the minutes from the October Annual Meeting. Are there any recommended modifications to those minutes? Seeing none; is there any objection to approving those minutes as proposed? Seeing none; the minutes as proposed stand approved by consent.

### **PUBLIC COMMENT**

CHAIRMAN BALLOU: And, we're on to Item 3, which is Public Comment. Is there anyone here who would like to address the Board on any item that is not on today's agenda?

We didn't have anyone sign up; but I would take any hands if I saw any, but I see none.

### **CONSIDERATION OF APPROVAL OF SCUP PROPOSALS FOR 2019 RECREATIONAL MEASURES**

CHAIRMAN BALLOU: I will move on with the next item which is Item 4; which is Consideration of Approval of Scup Proposals for 2019 Recreational Measures. We have a tag

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team presentation; I believe Kirby and Jason McNamee will present in that order. With that I'll turn it over to Kirby.

MR. KIRBY ROOTES-MURDY: If you would just give us one moment, Board, as we get the presentation up on the screen. We're having a little technical difficulty right now. Just low resolution I'm told. If you squint you should be able to see it. Getting started, what I'm going to walk through with you all today is just a brief background of how we got to where we are on 2019 scup measures.

Then Jay Mac, we're turning it over to Dr. McNamee to give the Technical Committee Review of the Scup Northern Region Proposed measures; and he can take any questions you guys have. Then after that it will be for the Board to discuss and consider action on those 2019 recreational measures for scup.

I want to be clear at this point that you have before you on this agenda item really two choices when it comes to action. You can choose to approve 2019 scup measures here at today's meeting, or you can as we've done in previous winter meetings approve the methodologies that were used by the Technical Committee to develop measures.

There is a little bit of a nuance difference between those two. One would really set out what the measures are leaving today's meeting, the other would provide the Board a little bit more flexibility in either taking those measures back home to collect public comment on them, or adjusting the measures using the same methodology before finalizing them later this spring.

Those are the two options we will put forward. Given we still have some technical difficulties; I'll just keep rolling through this. Hopefully I can keep all your attention. I know you guys like the screen. Back in December the Board voted to extend ad hoc management of scup. As you

all know right now the FMP allows for the northern region states of Massachusetts through New York to set a different set of measures than those in the south, or south of them.

The main interest area this year that we received word from, those northern region states was in adjusting the for-hire bag limit and the bonus season. Coming out of that meeting those were the two items that the Technical Committee was to look at. Regarding the overall catch limit for 2019, it is the same as what we were working under for 2018.

The RHL, the recreational harvest limit for both years is 7.37 million pounds. When we're looking at 2018 preliminary data through Wave 5, again that's through October of 2018, the coastwide harvest was 5.61 million pounds. When we take into account projected harvest, you know trying to look at previous year's harvest, basically an average of the recent couple years, and project out how some of those states may continue to harvest through the end of the year. It looks like we'll still be well under the RHL for 2018; approximately 30 percent. That was really the starting point that we had the Technical Committee look at these proposed adjustments to the measures.

It's also good as a reminder to understand what the measures are south of New York. New Jersey has a minimum size limit of 9 inches, a bag limit of 50 fish, and a season of January 1 through December 31st. For Delaware through North Carolina, all of those states have a minimum size of 8 inches. With the exception of Virginia that has a bag limit of 30 fish; those other states all have a 50 fish possession limit and a year-round season.

In terms of looking at that part of the coast and their harvest relative to the northern region states, it accounts for about just 4.9 percent in 2018; and nearly all of that 5 percent is attributed to New Jersey. When it comes to

looking at those states this year, there were no proposals or proposed changes to the measures submitted to the Technical Committee for their review.

That is important for the Board to know and note. Additionally, most states within this northern extent of the management unit, they have the ability to roll over their measures. None have indicated an interest in changing their measures. Those are some important things to keep in mind. With that I will turn it over to Dr. McNamee to give the Technical Committee Review.

DR. JASON McNAMEE: I'm pinch hitting today for Greg Wojcik from Connecticut; but I'm going to give you a quick summary of our call. We had a conference call on January 29, so not too long ago. What we did was we talked about two different analyses to look at some different options for scup.

The first one we're calling the additive approach, and it's pretty much that kind of standard approach that we take where we look at the different metrics individually, and kind of cobble them together. Then we looked at a new approach; a modeling approach where we used a generalized additive model, a GAM you may have heard of, as a way to look at the effects of different management measures on harvest.

Both of these methods evaluated the impact of increasing, we looked at two main things, the bag limit and the season length on projected harvest. We looked at six different scenarios; really there were seven, but there is one that was kind of a nuance difference between the GAM approach and the additive approach, and I'll get into those details on a subsequent slide.

Oh, we're back up, good. I've got an awful equation on the next slide. I was going to be disappointed if you didn't get to look at it. The first is the additive approach. Again, this is in

line with our standard approach that we've been using for management; more or less. What it does is it generates a weighted frequency distribution of catch per angler; and it does this by state, wave and mode.

It's using the MRIP data to kind of piece all of that together for each combination of these different sectors of the MRIP data. It uses this information and some assumptions about how harvest increases in a decaying fashion as the bag limit increases. There is kind of a big assumption that underlies it; it's not actually based on empirical information, it's more of a theoretical approach, and the reason is there is not data. If you're increasing a bag limit into a realm that you've not been in a long time, you have to figure out a way of capturing that information. Here the way we do that is through an assumption that it's going to go up, but in a decreasing, decaying fashion.

Then for a season we used assumptions about how the low harvest in other waves such as Wave 2 when there was data available, back I think several years ago was the last time any of the northern states had Wave 2 open, and then Wave 6 is another wave in the season where the harvest is relatively low.

We took the information from those waves and then applied it to the new open waves that we investigated; namely Waves 1 and 2. Okay so for the GAM approach, this is a modeling approach. The model gets trained by historical MRIP data; just like the additive approach. What the GAM does however, is it allows for the inclusion of nonlinear and linear effects on harvest.

There is that awful equation I mentioned before. All of the top line of that equation where you see the Greek symbol beta that is all of the linear effects in the model. But the cool part is the second line there with the "little f" in front of the different metrics; and that's elements of the model that can be non-linear,

so it can go up in a curve. It can go up and down kind of like in a parabolic type of a shape.

You can get all sorts of different twists and turns in the data. That is meaningful because that is the reality of a lot of these metrics. For instance, as you go up in minimum length you will usually have a peak at some minimum size; and then it will decline. We actually use that effect to decrease harvest in certain situations. The modeling approach makes sense.

The other nice part about using one cohesive model is, it allows for consistent treatment of the data without having to kind of do an analysis and then cobble it together with another analysis. Remember that these things all interact. If you increase the minimum size that might impact your ability to get a bag limit, or something of that nature, or it could even interact with a season effect if the big fish don't come in early, or do come in early or something like that.

When you're using a modeling approach you get all of those interactions simultaneously within the model. The last thing I will mention is, the modeling approach also allows you to incorporate uncertainty. We do not have that in the additive approach; there is no way to quantitatively figure out what your uncertainty is for the different management regimes that you put together.

Here are the six options; you see seven options up there. I won't go through them all in painstaking detail, but what you'll see is that a bunch of them have changes to the for-hire bag limit. That will go from, currently, in the northern region there is a bonus season it is 45 fish. We looked at a couple of options that increased that up to 50.

We also looked at a couple options that increased the private and shore modes up to 50 as well. That's a bigger increase; so currently the private and shore modes are at a 30 fish bag

limit. That's important to remember that that is a much bigger jump than what we're talking about for the for-hire change in bag limit. We also looked at a couple of options where we increased the season; so currently the northern region season is Wave 3 through Wave 6. We looked at some options that reopen Wave 2 and Wave 1; and then different combinations of all of those things that I just talked about.

The important ones to call your attention to are Options 2 and 3. Option 2 is where we increase the bag limit to 50 fish for all fishing modes for the bonus season; so not just party and charter but also private and shore. Then Number 3 that one would align us with the management that is occurring down in the southern range of the fishery.

That would increase the bag limit to 50 fish for all modes, and it would do that for the entire season. That gets everyone. It doesn't completely align us with the states to the south; but gets us a little closer. The results, the additive approach said that the coastwide harvest increased from those various options go anywhere from less than 1 percent up to 3 percent, and that the highest one was Option 3.

Then the modeling approach that has the coastwide harvest increase ranging from again, less than 1 percent up to a 200 percent increase in harvest. There is a little bit of uncertainty there in those two approaches. Keep in mind again that the higher option under the additive approach was Option 3; and that really high one for the GAM approach is also Option 3.

You've got this consistent signal that that one produces the highest harvest; however, what the actual magnitude of harvest is, is wildly different depending on the approach you use. I won't get into that unless people have questions. I would be happy to get into a discussion on that but I'll skip it for now, because I'm probably taking too long as it is.



Comparison of the two approaches. There is a high level of uncertainty in the projected harvest when bag limit is increased for all of the fishing modes. That's Options 2 and 3 that I had showed you directly on that previous slide. Then you know keep in mind these are very different approaches.

The additive approach leans on MRIP data in a more direct way in that it's based completely on the MRIP estimate and not modeled on the MRIP data; and the modeling approach accounts for uncertainty. Keep those in mind as you're thinking about what you would like to do. Our recommendations, we recommended that the Board should only consider Options 1, and then 4 through 7.

All of the ones that didn't impact the private and shore modes, those all seem to be pretty safe regardless of the approach that you use to estimate the impact on harvest. Both of those, they either extend the season or adjust the bag limit or some combination of those two; but the bag limit adjustment is only for the party and charter, the for-hire sector.

Some considerations we wanted to call to your attention as you're making your decisions are to think about the extent of changing the regulations. Under the additive approach all of those options would be in play if you were to reject the modeling approach and just use that one. But keep in mind that would be a pretty significant increase for the private and shore modes going from 30 to 50 fish in one fell swoop; and so that's something we wanted to call to your attention in that it's usually more advisable to move more incrementally than that in any given year. Keep in mind that we're still using the coastal household telephone survey information here until the Operational Assessment is complete.

We've taken the MRIP data and made it worse by flipping the switch. I say that somewhat glibly. It's just back calculating what we spent a

lot of time and effort calibrating over the past couple of years. This drops back to the old version of MRIP per the modeling approach. The resource, the scup resource is robust.

There is currently a very high RHL that we're not achieving; and the trip limits are generally not met, in particular for the private and shore modes. But really that is sort of a generalizable statement. Even party and charter don't often get that bag limit. They do get it more often than the private and shore modes, and just another note that the data challenges here for scup are very similar to black sea bass.

But you've got a really different situation here. The most notable one is, how we are under performing in this fishery, coming in way under the RHL, not really close to it, not even in the envelope of uncertainty as to what the RHL is and the harvest estimate. I think one more slide here.

If new regulations are considered outside of those analyzed so far, we recommend the additive approach as the preferred methodology while we continue to work on the modeling approach. There are a couple of irons in the fire here. A very similar approach is being worked on through the contract that is being done at the Mid-Atlantic Council for summer flounder.

This is something that we hope to be able to apply to all three species; fluke, scup and black sea bass, and we plan on revisiting this later on in the year to continue to work through it. I was the one who did that model; just in case you didn't know that already. I got some really good feedback during the Technical Committee call that I plan to implement.

I think we'll be able to improve this even more, in short order get rid of some of that uncertainty that we saw with the really different estimates that were occurring with the different approaches. With that Mr. Chair, I am

happy to stop and take any questions that anyone might have.

CHAIRMAN BALLOU: Thanks Jay, and thanks to the Technical Committee for a really excellent analysis and I think a very well written report; very much appreciate that. To the Board, are there questions for Kirby or Jason on the presentations just given? Emerson Hasbrouck.

MR. HASBROUCK: My question is for Jason. In the GAM modeling approach you had said that most of the discrepancies there for Options 2 and 3 were being driven by uncertainty; in terms of how the fishery is going to respond. That is Part A. Is my understanding correct, and that is Part A of my question?

DR. McNAMEE: Yes, I think in that context what we are talking about is the uncertainty is in that the additive approach and the GAM approach give you such different information. It's not inherent. The uncertainty in the model itself isn't changing for those two options; it's the same regardless of the option. The uncertainty we're talking about there is you get 3 percent for one and 200 percent for the other. That is what we were talking about there.

MR. HASBROUCK: Part B of my question then is, in your last slide you said that moving forward the intent is to go forward with the three species using the GAM modeling. How are you going to address the uncertainty in there as you move forward just with the GAM model?

DR. McNAMEE: Awesome question. The main issue, if you think about a model in kind of the most rudimentary way. You've got all of these different factors in there. Can we flip back up to the equation one? It's Number 7. You've got all of these different things; you've got state, year, region, season, bag all that stuff.

With each of those, each one of them gets this coefficient that gets applied to it. In the case of

the nonlinear ones it gets a function that gets applied to it. What's happening is I've got bag and that gets the single function applied to it for all of the states through all of the waves. It's a single function for bag limit.

That is what got called to my attention during the Technical Committee; one of the Technical Committee members said hey, you ought to think about an interaction where you can customize the effect of the bag limit depending on some of these other factors, maybe wonky, maybe not. Sorry if it was. But the point is there are ways to kind of change the model that will better account for the fact that the bag limit is probably also dependent on some of these other factors that are in the model.

CHAIRMAN BALLOU: Other questions for Kirby or Jason? Seeing no hands; at this point the floor is open for motions. To reiterate what Kirby said, there really are two ways that the Board can go. One would be to approve a methodology enabling the states to go back; and in accordance with that approved methodology develop state-specific regulations, submit those to staff.

I had a sidebar with Kirby, and he indicated by the end of March would be the kind of timeframe we would be looking at. Those would be reviewed by staff. There would not be a need for this Board to reconvene either via conference or even over e-mail. That can just be done on a state-by-state basis.

If that is the direction the Board wants to go, or the Board could approve a specific set of proposals; again mindful of the recommendations from the TC as to which proposals they're recommending as being viable, and that would essentially end things. That would lock in the proposals for all the states. Those are the two options and I'll now open the floor to any motions that anyone would like to make with that guidance in mind. Nichola Meserve.

MS. NICHOLA MESERVE: Regarding that process, I would certainly favor the second. There is a long list of different options here for the northern region to consider. Our states did have some calls in January to come up with this list of what should be analyzed; but since that time the Technical Committee analysis has happened, we haven't met again in order to review the results and determine an approach forward. At least for Massachusetts we haven't had an opportunity to go out and get any type of public input on the list of options that are here.

With that said, I would move to approve the methodologies in the northern region, Mass through New York recreational scup proposal for use in managing the 2019 recreational fishery as recommended by the Technical Committee. Very similar to that but that also works. **Move to approve methodologies use to develop Scup Northern Region Measures for the 2019 fishing season as recommended by the Technical Committee.**

CHAIRMAN BALLOU: My reading of that motion is that it means the additive approach; because that is what the Technical Committee recommended. It would be adopting the additive approach as the methodology.

**MS. MESERVE: Yes, the additive approach as well as the recommendations from the Technical Committee to not revise the private angler possession limit.**

CHAIRMAN BALLOU: Understood as to the intent of the motion; and with that wording up on the board and that quick sidebar discussion on intent. Is there a second to the motion; seconded by Emerson Hasbrouck, discussion on the motion? Nichola, you've already spoken to it. Would anyone else like to speak to the motion? This could go quickly. Is the Board ready to vote on the motion? Is there a need to caucus? Please indicate if there is a need to caucus.

I don't see any such indication. **As such I'll ask; is there any objection to the motion? Seeing no objection the motion is approved by consent;** and I believe we are through with scup and on to our next agenda.

### **2019 BLACK SEA BASS RECREATIONAL MEASURES**

CHAIRMAN BALLOU: Thank you very much for that quick and effective work on Item 4; and we are now on to Item 5, 2019 Black Sea Bass Recreational Measures. I believe Caitlin and Jason will be co-teaming on this presentation. Caitlin.

MS. CAITLIN STARKS: Yes we are moving on to 2019 Black Sea Bass Recreational Measures, and I'll start off the presentation by going over some of the background information on recreational black sea bass management. Then I'll pass it off to Jason to review the Technical Committee's analysis of the 2018 harvest estimates, projections, and then the recommendations for the 2019 recreational management measures.

As well, he will be reviewing the proposals that were submitted by Virginia and North Carolina on their February fisheries; and accounting for recreational harvest in February. I'll then wrap up at the end of the presentations with the next steps for the Board before taking questions. For black sea bass the recreational measures that were in place for 2018 under Addendum XXX have expired.

For 2019 and moving forward the Board will be setting recreational measures through the specifications process, as was laid out in Addendum XXXII, which was approved in December of last year. For 2019 the Board and Council approved maintaining the recreational harvest limit of 3.66 million pounds; and NOAA has implemented this RHL for 2019, and in addition like last year they've also opened up the black sea bass recreational fishery in federal waters for the month of February, with a 12.5-inch minimum size and a 15-fish possession

limit for this month. This year Virginia and North Carolina have opted to participate in the February fishery; and they have submitted proposals to the Technical Committee to indicate how they are going to monitor harvest and adjust their measures later in the season to account for any harvest in February. With that I'll just pass it off to Jay for the TC items.

DR. McNAMEE: The Technical Committee, we looked at the 2018 MRIP harvest estimates for black sea bass; again these were back calibrated to be consistent with those used in the assessment, the stock assessment and information used to derive the RHL. We have Waves 1 through 5, but we didn't have Wave 6 yet; and so we had to make a projection.

The 2018 Wave 6 harvest was projected using a ratio of total harvest in Waves 1 through 5 to total harvest in Wave 6 from a set of previous years, namely 2015 through 2017. One other important factor to keep in mind is we've adopted this approach of smoothing some of these values that we were designating as outliers; and doing so in at least a systematic fashion.

We've done that in a couple of years in a couple of different states; and we remained consistent with that. We used the smoothed values in Wave 6, 2016 in New York, and then in Wave 3 for New Jersey in 2017. Those smoothed values were used in our analysis. This is a table of the RHL and the projected harvest.

You can see that the 2018 the projected harvest is 3.92 using those methods I just described above. That is 7 percent over the 2018 and 2019 RHL of 3.66 million pounds. Normally the Wave 6 data would have been released, you know some time around now. But that may not be the case this year due to the shut down, so that's unfortunate.

Just a couple of notes about our recent history with black sea bass, the recreational harvest limit has been exceeded for the past several

years, 2012 through 2015. I won't go through by how much. In some years it was pretty significant, other years not as significant like for instance this year. That is sort of where things are with regard to 2018 going into 2019.

What we recommended at the Technical Committee is to maintain status quo recreational management measures in 2019; and here are several bullets as to how we arrived at that conclusion. The first thing we noted was we expressed concern about using the back calibrated MRIP estimates.

I made a glib statement about that during scup; but the notion is the calibrated, the new FES data is superior that's why we changed to it. For very important reasons we're using back calculated estimates; but that does impact the data that we're using for this analysis, and that is something that caused concern for the Technical Committee.

Because of this the regulatory changes, any regulatory changes that we might make based on the back calibrated estimates may not be appropriate or might not result in the intended way that we want them to at the state level. Two concerns there with regard to the underlying data. We were also concerned with using the current RHL of 3.66 million pounds, which is based on a past assessment that doesn't incorporate important changes to the stock. A lot of us have talked about this potentially strong 2015 year class that is coming into the fishery now. That is going to be problematic if that ends up being reality and is coming into the fishery now. There are signals in some of the information that we looked at that it is in fact a real strong year class that's coming through; not just in the north either, it's in the north and the south.

There is uncertainty in the 2018 harvest projection; and this uncertainty likely overlaps significantly with the harvest needed to achieve the RHL. You've got all of these different

mechanisms of uncertainty here that we've not accounted for; things like the back calibration. That is done through a modeling approach, and we've not accounted for the uncertainty in that. The Fay-Herriot model is what they use to calibrate the data.

We've not accounted for that uncertainty at all. But even when we just think about the uncertainty generated by the MRIP harvest estimate, the PSE, we talk about PSEs a lot. Even in that case that significantly overlaps with the RHL; so there is all of this uncertainty surrounding what we're holding ourselves accountable to.

That was something that we wanted to offer and was another part of why we thought remaining at status quo was the right choice for 2019. Then finally the stock status for black sea bass again is robust; therefore there is low risk of causing damage to the stock by remaining at status quo for 2019.

This is just a look at the current 2018 recreational measures. You can see it's a hodge podge of different things; depending on the state that you are in. There will be a quiz on this at the end; so hopefully you've gotten a good look at that.

Okay, so I'm going to transition off of that aspect and talk about we were submitted two proposals to review; one from Virginia, one from North Carolina.

These have to do with opening up or keeping open a February fishery. The first one came from Virginia. They had a proposal to keep their fishery open in February. One of the requirements in being able to do that is you have to adjust for your estimated harvest in that wave or that month in this case. You have to account for that in some other part of your year.

Virginia proposed two options. One was to close 14 days in Wave 3, which would give them right around 7,000 pounds of credit; and then another option was again 14 days, this time in Wave 5, again right around 7,000 pounds worth of credit. The reason why they were shooting for that value is that was their harvest that they calculated for February of 2018, and actually both options would achieve more than that so they're more than accounting for that.

The Technical Committee found the proposal technically sound and recommends approval of their approach; and just one more comment, because this was brought up on the call, and that is their mechanism for accounting for monitoring their harvest in February we also felt was robust. Then here is North Carolina.

They also proposed two options to account for harvest during the February fishery. You can see the first one is to close one day in Wave 3; and they've specified what that magic day is. That will save them 84 pounds. Then they offered a more conservative approach and that is to close two days in Wave 3. Again, the magical days of May 15 and 16 are what they're offering, and that will get them  $84 \times 2$ , 168 pounds. Both options account for the landings that occurred in February for them; which was a whopping 62 pounds.

We found their – you know snickering aside at the 62 pounds of harvest – we found their proposal technically sound, recommended approval. The one difference between North Carolina and Virginia, North Carolina wasn't as direct about how they were going to account for their harvest in February.

But we gave the Technical Committee representative from North Carolina some ideas and I know he discussed that with his bosses there and it sounds like they've got a good plan for monitoring that harvest. Both of those were approved by the Technical Committee; and I'm going to pass it back to Caitlin.

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MS. STARKS: As I laid out at the beginning of the presentation, for 2019 black sea bass recreational measures, the Board will need to specify those, and there are essentially two routes for how to do that. The first would be to follow the Technical Committee's recommendations and move forward with maintaining status quo measures for 2019.

The second would be to implement a different set of recreational measures; and that second option would kind of necessitate that the Board specify how the three regions would need to adjust measures for 2019. Then the second item that is for the Board to consider today is approving those proposals from Virginia and North Carolina for accounting for their February harvest. That's all I've got.

CHAIRMAN BALLOU: Thank you very much, and thanks again to the TC for another excellent report and great job on analyzing the issues for the Board on this recreational black sea bass matter, so questions for Caitlin or Jason on their presentations, Rob O'Reilly.

MR. ROB O'REILLY: If I may I would like to make a comment. Is that okay?

CHAIRMAN BALLOU: Yes.

MR. O'REILLY: Thank you, because it's pertinent to the February fishery, and just so there is complete understanding, I needed a little tutoring on this because there was a little confusion in December as to exactly what status quo meant for 2019 compared to 2018. It finally got ironed out. I spoke to Toni Kerns.

But the point I want to make is that yes, we do start off with 14 days in either Wave 3 or Wave 5 to account for the poundage that was ascribed from previous years for Virginia. At the same time nothing stays the same, so you can probably tell the weather has been a little bit better since February 1st, if you've been

down here, maybe not. But you can still see it's been better.

We will have to go back after the March 15, which is the deadline for all reports, and then we will have to assess exactly the magnitude of the harvest. There is most likely going to be further days that are going to have to be taken off either Wave 3 or Wave 5. Again, I think initially leaving the December meeting I was under the impression that status quo meant at one point that we would stay where we were in 2018. The fishery is probably going to be a little larger based on the fact that there are already about 2,000 fish reported, and that is somewhere around 5,000 pounds to start out with. I want to make sure everyone understands that. This is the guidance I had from Toni when I talked to her.

CHAIRMAN BALLOU: Thank you, Rob. That is a helpful clarification. Additional at this point questions, Emerson.

MR. HASBROUCK: My question is for Jason. Jason, I'm not trying to pick on you today. In the Technical Committee memo, one of the items is that the Technical Committee also expressed concern with using the current RHL of 3.66 million pounds.

The RHL was developed based on the past stock assessment and does not incorporate important changes to the stock; including a strong 2015 cohort in the integration of new MRIP catch and harvest estimates. Given that the TC expresses concern about using this RHL of 3.66 million pounds, why are we using it? Is it because we have nothing else to use or is it because the Council's SSC has calculated that for us?

MS. STARKS: I can take a stab at that and then if necessary I'll have Emily Gilbert follow up. But the 3.66 million pounds was held status quo from 2018 because we don't have a projection from the most recent stock assessment to give

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us an RHL for 2019, so NOAA implemented this status quo RHL.

They tried to take into account some of the information that we do have about the 2015 year class, and looking at a sensitivity analysis to see if maintaining status quo would be a feasible option. It is not the previously recommended RHL that the SSC had put forward; which was 3.27, it's bumped up from that to try and take into account some of the more recent information.

CHAIRMAN BALLOU: Good, Emerson.

MR. HASBROUCK: Yes, thank you.

CHAIRMAN BALLOU: Additional questions; Nichola.

MS. MESERVE: Two questions about the Virginia and North Carolina proposals. The Virginia memo indicates that they might be interested in doing bag limit changes instead of a season. I'm wondering if we might see another version of a proposal from Virginia in the future as to how they're going to account for it.

Then there is also in the North Carolina TC response, a recommendation to have all charter boats provide VTRs, and I was wondering if North Carolina expects to be able to do that. I'm guessing that there is some uncertainty with the MRIP estimates of zero for February. It doesn't make much sense that North Carolina would implement the fishery if there really is zero harvest occurring.

CHAIRMAN BALLOU: Let's take those one at a time. Rob, if you might respond to the question regarding Virginia, whether it's bag or season or either or.

MR. O'REILLY: Strictly season. We did think about perhaps lowering the bag limit; but realized there were very few savings available, so the advisors that we meet with, our Finfish

Committee recommended the season approach.

CHAIRMAN BALLOU: Chris, are you prepared to respond to the question regarding the for-hire reporting?

MR. CHRIS BATSAVAGE: Yes thank you, Mr. Chairman. We're primarily going to look at the MRIP estimates. During the call it was uncertain as to whether or not there would be site assignments available for the month of February; but when the government reopened, those assignments were given to our MRIP staff. They are currently conducting MRIP samples during Wave 1.

What we plan to do with the VTRs is we're not requiring the captains to provide them to us, but they have to submit their VTRs. I think as far as a compare/contrast, if we come up with a zero harvest estimate again under MRIP, to see what the VTR landings show to get a sense of how much was harvested compared to what we think. Just touching on what Rob was talking about, as far as potentially modifying their season later in the year if their landings are higher than expected.

We don't plan on making any modifications to our closure. I mean I guess we may have to rethink that if either MRIP or VTR shows a significantly higher amount of landings. But we don't plan on backing that off if it shows that landings are much lower than the 62 pounds. We put that in and we were very specific about those dates; based on industry feedback that this is a time of year that they start planning for trips.

They needed to know if there was going to be any delay in opening Wave 3, which would normally be May 15. They want to know now. Going back and forth on when we open isn't really doing them any favors, because right now they're planning on no black sea bass fishing until the 17th of May. They're booking their

trips with that understanding. I just wanted to add that piece of information to show what we plan to do on that.

CHAIRMAN BALLOU: Nichola, did that address your questions? Okay. Additional questions on the presentations? Let's do the recreational measures issue first and then we'll do the North Carolina and Virginia measures second. I mean we could wrap them together, but I think it just might be easier to separate those out. The first motion that I would entertain would be a motion on the recreational measures, and we have a Technical Committee recommendation for status quo and with that I'll look to the Board to see if anyone would like to make a motion. Matt Gates.

MR. MATTHEW GATES: I think that the Technical Committee Report provided us with a lot of good points for staying at status quo. The outdated stock assessment, the concerns with using the back calibrated MRIP estimates and the general robustness of the stock, I think justify us staying at status quo. **I would move to approve status quo black sea bass recreational measures for 2019.**

CHAIRMAN BALLOU: Seconded by David Borden, so moved by Matt Gates and seconded by David Borden to move approval of status quo black sea bass recreational measures for 2019; discussion on the motion, Emily Gilbert.

MS. EMILY GILBERT: I'm going to abstain from this vote, only because as people may recall the Board and the Council requested that we consider backstop measures should they be necessary if things are drastically different than how we perceive them to be now. But with that said I just wanted to say that I agree that the Technical Committee provided a good rationale for maintaining status quo along the states and also therefore in federal waters for next year.

CHAIRMAN BALLOU: Thank you very much for that. Additional discussion on the motion, seeing no hands, is there anyone from the audience that wishes to comment? Seeing no hands; back to the Board. Is there a need to caucus? It appears not. **I'll ask therefore is there any objection to the motion? Seeing no objection the motion stands approved by consent.**

Oh, with one abstention I apologize, so approved by consent with one abstention; that being from GARFO. We are now on to the second issue, and I think we probably could wrap these together. This is the Virginia and North Carolina proposals for their Wave 1 fishery. Would anyone like to make a motion? Rob O'Reilly.

MR. O'REILLY: **I will move for approval of the Virginia and North Carolina February recreational black sea bass fisheries.**

CHAIRMAN BALLOU: Is there a second to that motion? Seconded by Jim Gilmore, so moved and seconded to approve the Virginia/North Carolina February recreational black sea bass fisheries, and I'll look to staff because Rob did note on the record that there may be a need to adjust. I just want to make it clear that what the Board is approving or may approve, depending on how the vote goes on this motion, could be subject to change.

In fact Rob signaled that it may well be subject to change, depending on how the February fishery goes. I guess I just want to make sure that that is inherent and understood in this motion. I'm getting nods of yes. Okay, so that is clearly on the record that even though there is specificity in the proposals in terms of the dates, those are subject to change, and would change depending on how the February fishery occurs, with that discussion on the motion.

**Does anyone from the audience wish to comment on the motion? Seeing no hands; is**



**there a need to caucus? Seeing no indication is there any objection to the motion? Seeing no objection are there any abstentions? Seeing no hands the motion passes unanimously,** and I believe we're done with the recreational black sea bass.

#### **REPORT FROM THE BLACK SEA BASS COMMERCIAL WORKING GROUP**

CHAIRMAN BALLOU: That leads us to our next agenda item which is a report from the Black Sea Bass Commercial Working Group, and I believe Caitlin has a presentation. Caitlin.

MS. STARKS: I'll wait for Jess to get the presentation up on the board. As you all remember the Commercial Working Group was established in August of last year to address issues in the commercial black sea bass fishery related to changes in abundance and distribution of the resource. I think this has been said before; but the group was formed not as a decision making body, but just as a forum for brainstorming ideas on this topic.

I'll be sharing with you the results of all of that deliberation today. The Chair of the Working Group is David Borden, and the other members are Nichola Meserve, Matthew Gates, John Maniscalco, Joe Cimino and Rob O'Reilly. This group has met over several conference calls across late last summer through this January.

Their first Working Group call was in September. On this call they developed a draft problem statement and management goals for the black sea bass commercial fishery. These were presented to the Board in October at our annual meeting; where the Board supported this draft proposal and brought up a few more things for the Working Group to think about, as well as added some additional members from New Jersey and Connecticut.

In December and January the group had a few more calls to revise that problem statement, and to start developing some possible

management strategies. This additional work is what I'll be going over today, and what was included in the meeting materials for this meeting. I'll be reviewing those changes and additions that the Working Group has made since October.

Over the course of several conference calls the Working Group identified two main issues facing the commercial black sea bass fishery. The first of those issues is related to the state-by-state allocations of the commercial quota; and more specifically that these allocations which were set back in 2003 under Amendment 13, are not reflective of the current distribution of the resource.

These allocations were loosely based on landings data from the period of 1980 to 2001; and they resulted in 33 percent of the quota being distributed between the states of Maine to New York, and then 67 between New Jersey through North Carolina. The Working Group noted that these allocations have remained unchanged; despite some kind of significant changes to the distribution of the stock in the past 15 years, and these changes have been evidenced in the most recent stock assessment, as well as supported by other peer reviewed literature.

This graph up on the screen shows you the spawning stock biomass estimates that were produced by the most recent black sea bass assessment for the northern and southern regions; and that's splitting at Hudson Canyon. As you can see as of 2015 the majority of the spawning stock biomass occurred north of Hudson Canyon, and that red line shows you the SSB in the southern region, and the blue line shows SSB in the northern region.

The open circles at the end of the time series are showing the retro adjusted values that were peer reviewed in late 2016, early 2017, and those that have been used for management and projections. The second issue the group

highlighted is related to the coastwide quota management by NOAA Fisheries; and in particular they're referring to the issue where as soon as the coastwide quota is exceeded, NOAA can close the fishery for all participating states. At times this could potentially leave states who have not harvested their full quota without the ability to do that; even though some of the overages might be caused by one particular state or another state's fishery. The group just sees this as something that could be improved upon through actions by the Council and NOAA Fisheries. At the last Board meeting the group requested that the Council look at this issue further.

Along with these two main issues, the Working Group emphasized that there are a lot of factors that should be taken into account if the Board decides to consider management actions to address these problems. For one, the Working Group agreed that allocations should be reviewed regularly and revised when necessary to ensure equity of access and improve fishery efficiency, and that these revisions should be based on the most current and appropriate data sources when practicable.

When possible they prefer stock assessments as the best information sources; but other peer reviewed data could be used as well, and even state and federal surveys could be used. The group also noted that future shifts in abundance and biomass distribution might not proceed in the same ways that we've seen in recent years, and the impacts of year class strength specifically can have pretty big impacts on the stock at either coastwide or regional scales, and that should be taken into account.

The Working Group also wanted to highlight areas where the resource distribution has changed pretty significantly in a short period of time. Their example that they've highlighted in their report is Connecticut and the increase in black sea bass availability in Long Island Sound that has now led to a situation where

Connecticut's 1 percent allocation of the commercial quota is disproportionate to the access to the resource that they have in their waters.

The group's point here is just that if the current allocations are used as a basis for setting future allocation, it could provide a disadvantage or advantage to certain states. Additionally the Working Group noted that in certain areas there has been a lot of investment in fishery infrastructure based on those current allocations and historic landings.

For example, they put forward the ITQ systems in several Mid-Atlantic States, and they noted that any changes to allocations or other management ideas should be implemented gradually or slowly to allow the industry to respond to them, and avoid unnecessary economic hardship. The group also agreed that any changes should attempt to reduce discards when possible.

Finally, that new recreational information and other potential sources of new information that could impact our understanding of the stock and the fishery should be considered and incorporated into a stock assessment before the Board makes any changes to commercial management.

In their report the Working Group also proposed three management objectives for the commercial fishery; and these haven't changed since the October meeting when you saw them last, but they are to maintain fishing mortality and spawning stock biomass within established thresholds and targets, to improve equity and access to the fishery among the states, and to improve fishery efficiency. That refers to different aspects such as time, fuel and other resources. Then since the October meeting the Working Group has shifted their focus from identifying those issues and coming up with goals to putting forward a few potential management strategies for the Board to

consider. The Working Group decided to take this task and approach it by forming two subgroups that were regional; so one subgroup for the northern region and one subgroup for the southern region, and the southern region being New Jersey and south.

Then those groups got together to produce some ideas from each of their regional perspectives. I'll just note that in addition to the ideas that were included in the Working Group Report, everyone agreed that the Board should continue to consider a wide range of options, including status quo, and that also some of the management strategies might require coordination with the Mid-Atlantic Council, so we should be coordinating with them when we need to.

Related to the first issue the group identified of the commercial state-by-state allocations. The northern group came up with a possible strategy for looking at this for black sea bass; based on an approach by the Transboundary Management Guidance Committee, or TMGC, for reallocating shared Georges Bank resources between the United States and Canada.

I'll give some more details on that on the next slide. Then the Working Group also suggested including a separate option that would establish a defined timeline or trigger for reevaluation of allocations, and noted that when this timeline or trigger is met the Board could consider possibly looking at a strategy similar to a scup model.

That would be coastwide management in the winter and state-by-state management in the summer. The idea is that that could provide some increased equitability and access for federal vessels. I'll just note to you that these two ideas are provided in the report in the appendices, and there is a lot more detail in there if you want to get into it.

But I'll be giving a brief overview of the first idea to try and familiarize you all with it. This potential strategy for phasing in a new dynamic approach to allocation setting for black sea bass was put together by Jay Mac, and it was modeled after the TMGC approach, which set forth a similar approach for management of shared Georges Bank resources.

Essentially the strategy provides a dynamic approach, where you can gradually adjust the state commercial allocations by starting out with allocations based mostly on resource utilization, or information about landings, and then over time shifting it to be based more on resource distribution or biomass information.

The equation and Jay really likes equations, so I did not include it for your benefit, but you can look at it in the report. But this equation would establish a gradual transition that can be set up in a number of different ways. There are ways to adjust the duration of the transition, or how frequently the allocations are actually adjusted, and then also the starting and ending weights on each of those types of information, either biomass information or landings information.

The strategy also includes the option to establish a control rule; so that in any year no states allocation would change by more than a set amount. That is just to add some more stability to the process. That was a rough overview of that idea; but Jay is here if you all have any questions on that. But with that information in mind, the Working Group just wanted the Board to take their proposal, and now there is a couple of different ways the Board can go with it. One is to either provide the Working Group with some specific direction on additional work that needs to be done, or alternatively the Board can consider initiating a management action, taking into account some of the Working Group's ideas, and form a PDT to perform the analyses that have been recommended if you want to move forward with those ideas.

I'll just add that taking action today is not necessary if that is what the Board chooses; but essentially here is the information from the Working Group, and you can do with it what you will. That is the end of my presentation. I can take any questions.

CHAIRMAN BALLOU: Let's break this out into first questions on the presentation; anything that is in that Working Group Report for clarifying purposes, and then we'll take up this next steps issue, which will I'm sure involve a healthy discussion, but first of all just clarifying questions on the Working Group Report, Mike Luisi.

MR. LUISI: Caitlin, I'm interested to hear from you whether or not the Working Group, did they discuss any type of alternatives that would have put this allocation issue in kind of a regional component? It is certainly obvious in the report that the report speaks to this. You know the report is calling it a shift. I see it more of an expansion of the stock into the northern region.

I think that we could be creative and try to figure out a way to take advantage of that expansion in time periods when there is a greater abundance in the particular regions. But I didn't get the sense that the Working Group focused on the regions themselves; it was more about moving quota from the south to the north.

But if you can give us any thoughts about whether or not those regional elements were part of it, I'm thinking about it too. Jay, if you could set a northern quota and a southern quota, and then that could change as a result of that abundance, maybe we wouldn't necessarily need to be pulling from one another; but taking advantage of a resource when it's in front of you. Thanks. I think that was a question.

MS. STARKS: I'll take a stab at it and then maybe Jay can add some detail. The equation that's used in this strategy could basically adjust the quotas regionally; and then within those regions adjust the state allocations. The information that would go into feed the biomass or the stock part of the equation would be regional if you were able to get a regional reference point from the stock assessment, or from surveys. You would be able to split it out by regions that way with that portion of information. Do you have anything to add?

DR. McNAMEE: Yes. Good job, Caitlin. I'm probably just going to restate what you just said. But I think the approach is hyper flexible. You could do any number of things. But it is exactly built to actually distribute the original, I guess the high level if you think of it in a hierarchal sense, the high level allocation does get split by region. The initial proposal I offered was to use the assessment, so north of the Hudson Canyon, south of the Hudson Canyon. You could do other things as well; and that is in there. For instance, you could split it out with trawl survey information into any number of, within reason, our regions. That ability is there and then what you do with it once you get it split out that is kind of the next level of the hierarchy. Again, lots of flexibility there as well.

CHAIRMAN BALLOU: Mike, a follow?

MR. LUISI: Just a quick follow up. In theory, if you go to the figure that shows the two lines and how they've crossed in the mid-2000s. Let's just say in theory that the next year's information is available, and this 2015, the abundance of this 2015 year class is throughout the entire range, and those two lines converge almost more to a 50/50 type scenario.

Would this formula, would this modeling the equation account for that greater abundance in the southern region versus the northern region, just based on how it – I'll leave it at that and hopefully that makes sense.

DR. McNAMEE: I think I got you, Mike, so yes. But keep in mind it's kind of the approach that the Canadians and the U.S. used was this gradual approach. There are weightings on the two aspects. Like if that happened next year, I think that was your example.

The impact of the abundance would be low, because we've got it weighted low. But the historical allocations which actually reflect that would still be there; and so that's kind of the tradeoff in the interplay of these two things, and they swap over time how that's scaled out by like ten years or something like that.

CHAIRMAN BALLOU: Rob O'Reilly.

MR. O'REILLY: I guess one question is that Jason just indicated that you could address the regional approach or other approaches based on the assessment. I'm fairly sure that I heard John Maniscalco tell us that the next assessment may not be similar to the 2016 one, for example.

That maybe the north and south of Hudson Canyon won't be part of the next assessment. I mean I don't know but that was stated on one of our calls. I'm curious about that because it was just brought up by Jason. If you could respond to that that would be great. I don't know. Maybe you do.

DR. McNAMEE: Yes, thanks Rob. I know the comment that you're talking about. My take from what John said was what he was trying to get across. The first proposal I have in that paper, the proposal that I put together was to use the stock assessment which is split north and south; and so John said, well suppose the assessment doesn't work next time, then where would we be?

There is a second option to use – what the actual TMGC does is they use trawl survey information, and so that is kind of like another

thing that you could use so that you don't lose the whole thing just because the assessment didn't work. None of us know what the assessment is going to do. You know I think John was just trying to give us the extreme situation of what if we don't have the assessment, then what? The answer is we could use trawl survey information and we would just need to be careful about how we partition out the trawl survey strata, which surveys we use, all of those sorts of considerations. But the approach could still be there and actually it lines up more directly with the TMGC approach under that version than the one that I had cobbled together as kind of the initial cut.

CHAIRMAN BALLOU: David Borden.

MR. DAVID V. BORDEN: I would like to go back to Mike's question and answer it in a slightly different way. I want to make sure that everyone around the table understands that TMGC methodology. That is not a unidirectional type of analysis. In other words, going forward if you get strong year classes in the south, and weak year classes in the north, it has the potential to move the resource in the opposite direction.

The other point I would make is, and it goes back to the point that Jason made. The one comment that has come across both in the fluke discussions and the black sea bass discussions on reallocation, is the need to do whatever we do has to be done slowly. If you look at the Working Group recommendations, and Rob and Joe in particular emphasized this point repeatedly.

There has been a lot of investment by Mid-Atlantic boats, fishermen and ITQs vessels, and gear, all of those types of things. You don't want to whipsaw the allocations. Whatever the change is and the direction is should flow fairly slowly so it minimizes the disruption to the industry. The final point would be there is no

reason we couldn't do exactly what Mike proposed and have an option with a regional type approach. I'm happy to answer any other questions, I would add.

CHAIRMAN BALLOU: Any other questions?  
John Clark.

MR. JOHN CLARK: Given that two of the goals were to increase efficiency or increase equity, and the current system seems to be inefficient, and it seems like no matter what we do with allocation some state feels it's inequitable. Was any market-based type solutions looked at like quota auctions, actually taking some of the quota and saying who can fish for this most efficiently? That would seem to take some of this bartering that we go through all the time out of the system; just curious if it was considered.

CHAIRMAN BALLOU: David.

MR. BORDEN: I would like to try first crack at John's question. I mean the issue of equity, most of the discussions that the Working Group focused around this issue of the original timeline that we based this on. I'm looking at one of the individuals that were part of the process originally when this allocation was made.

Back in 1980 that was the original time series that was used. There weren't hardly any sea bass in Long Island Sound. That came up repeatedly. Long Island Sound is about 1,400 square miles of area that literally is full of black sea bass now. They didn't exist. You've got, and I'll talk about this in a couple of minutes, but I think there are five different options that the Board ought to consider and flesh out a little bit more. Those options basically reflect both the New England perspective and a Mid-Atlantic perspective. In other words, if we were to do what I would like to do, we would basically move forward and try to put some numbers on that so that all of the Board

members could sit around the table and they would actually understand what a potential change of 3 percent, 4 percent would mean for their jurisdiction under each one of those strategies.

CHAIRMAN BALLOU: I took that as a very informative answer; but it didn't seem to address John's question. Was there any attempt to address market-based solutions such as quota auctions? No, so the answer is no. Did you want to follow on that John, are you asked and answered?

MR. CLARK: Even take an example you just gave, David, like Long Island Sound. What would your proposal then be that some of that quota be allocated to New York, some to Connecticut, maybe some to Rhode Island or would it be more open to how you would allocate that?

MR. BORDEN: With your permission. Let me just talk about what I think the options are for moving forward. I would point out these are not New England options; they are both New England and Mid-Atlantic options. I think the options that we would want to consider would be basically status quo, some kind of reallocation option based on either stock distribution or on survey industries.

That could be done regionally; as Mike just characterized, in other words it's fairly easy to do that. There was a suggestion by one of the Work Group members that some of the states, particularly in the Mid-Atlantic, Maryland, Delaware, and New Jersey should basically be held status quo under any of these scenarios.

New Jersey is right in the epicenter of abundance; and because they are just south of the Hudson Canyon Area, it begs the question, why should they suffer a cut in their allocation just because they are just slightly below it? I think there should be an option that does that

and there is some discussion of an option like that being proposed for fluke.

Once you get to the northern areas the options that were discussed were if there is going to be redistribution from the Mid-Atlantic States to the New England States, then take the options and give a disproportionate amount of any shift in allocation to the two states of New York and Connecticut, so they would get more.

In other words they would get kind of a bonus. Then the rest of it would be done proportionately or in accordance with the state shares. I'm sure that some of the people around the table could offer other options to do that. But there are about five or six different strategies that could get fleshed out; and we could actually put some numbers on it.

If I were to pick a number, one of the nice aspects of Jason's proposal, it was modeled on the TMGC work, is the Control Rule. The aspect of that that I think would have a great deal of appeal to the Mid-Atlantic states is you can basically set how much of the allocation gets moved in any one year. I'll just throw this out as an example. If the Control Rule, for the sake of argument is set at 3 percent, you basically never move more than 3 percent in any one year, which would make this a fairly slow adjustment. I would point out; I think the slowest adjustment in the Mid-Atlantic fluke plan was 5.5 or 6 percent. Is that right, Bob, something like that? It would be a small fraction of that. I think there is a range of different alternatives that we can actually flesh out and let people look at them and see whether they like them or not.

CHAIRMAN BALLOU: John, quick follow.

MR. CLARK: Very quick. I don't mean to belabor this; but wouldn't it just be a simpler option to say like 20 percent of the quota? Put it up for auction and then it would seem to me it would go to the most efficient use; because

that is who would bid the most for it. That way we wouldn't go through these difficult formulas every couple of years as to where to allocate this.

CHAIRMAN BALLOU: We'll note that suggestion for the record and move on with additional comments. Adam Nowalsky. Comments, questions, I guess we've sort of merged into a general discussion as I anticipated this would be on the Working Group Report and where we go from here. I realize it gets harder and harder to separate those two.

Clearly David Borden and Caitlin and Jason are available for questions on the report; but embedded in this discussion needs to be a very thorough vetting of where we go from here, where the Board wants this process to move. I don't want to hold back on those comments. I'm now willing to entertain any mix of questions or comments. Adam.

MR. ADAM NOWALSKY: I can appreciate the efforts of the Working Group, Board Chair and staff to get us to this point. I am somewhat struck by the challenges we've had with the Summer Flounder Commercial Allocation Amendment; and deciding on an approach to take there. But yet we have a document in front of us that is pretty strongly in favor of saying that the shift in spawning stock biomass encourages changes in allocation be linked to these stock assessments.

I'm wondering first what thoughts the Working Group or staff, or the Board as a whole might have about how we vet the Working Group's conclusion. We've already heard one comment around the table here today that Mike feels this isn't just a shift, but more of an expansion. Can we take this to the AP?

Who else can we go to, to get more input about these ideas which seem to be somewhat singularly focused on the shift in distribution according to spawning stock biomass? I'll offer

that I am not in favor of initiation of a management action here today. But should we get to that point today or some point in the future, I am curious about what the venue for that management document would be and what it would look like.

We have in this Working Group Document the statement; a second problem relates to the provision in the FMP. The next section talks about the Working Group identifying management objectives. Those sound like amendment issues to me. If we're going to pursue an amendment, is that something we can take on ourselves? Do we need to do it jointly with the Mid-Atlantic Council? Those would be some comments; but with two very specific questions, one being what else can we do to vet these ideas that the Working Group has brought forward to a larger audience, and two, what are our choices in management documents and with whom would we have to pursue those?

CHAIRMAN BALLOU: I'll go to Chris Batsavage next.

MR. BATSAVAGE: Question on the transboundary example provided by the Work Group, which I found actually pretty interesting. For a resource allocation it was stated that ideally it would be based on a full stock assessment. The survey indices from the trawl surveys are a part of those assessments; but in absence to that maybe look at things like swept-area biomass estimates from those trawl surveys.

Was there any discussion or concerns by the Work Group about using the second option; in terms of that giving us the resolution that we need to make allocation decisions. What I'm getting at is the trawl survey isn't always ideal for picking up structure oriented fish like black sea bass. I just wanted to hear thoughts by any of the Work Group members; as far as that option for this transboundary management

guidance, if we decided to go that route and we didn't have a stock assessment to use for that.

CHAIRMAN BALLOU: Jay is going to take a crack at the issue; even though he's not on the Working Group.

DR. McNAMEE: Good questions, Chris. I'll come at it from a couple of different spots. One is, in the TMGC approach, so they use an area-swept biomass approach but then they apply a LOWESS smoother to it. Again, there are mechanisms built into it that account for things like variability.

The catchability of black sea bass in a trawl survey, people have questioned it. I will note; if you go back to the Working Papers from the last stock assessment. We actually did a significant amount of work to show that trawl surveys are a good technique for catching and assessing black sea bass. That is one sort of answer to your question.

But I think what maybe, if I can try and dig into your question a little bit. If you're concerned about variability, David brought up the Harvest Control Rule as one level. But even within the assessment of the surveys themselves, there are mechanisms built in to account for. They use this for yellowtail on Georges Bank.

They would occasionally get these blips where you would have a good year; and then for whatever reason they caught a bunch of yellowtails. If you went directly by the estimate, you know you would have had this radical shift in allocation. They learned and evolved over time; and that's why that LOWESS smoother was built into it.

I think trawl surveys aren't as bad as we tend to think they are for black sea bass; and there are techniques, statistical and otherwise that we can use to account for some of the variability, so you don't have big herky-jerky changes in allocation in any given year.



CHAIRMAN BALLOU: Rob O'Reilly.

MR. O'REILLY: Just a couple of quick items, I hope. One is if you haven't been following this process, then you might be tempted to link this to the summer flounder commercial amendment process. A little bit different in that I won't speak to other states in the Mid-Atlantic. But I know in Virginia when I look at the fishing areas, they are really concentrated from Delaware Bay down to North Carolina in federal waters.

It's not like summer flounder; where the commercial fishing area is far north, and all the vessels are steaming up there. There is a big difference there; and somehow that needs to be factored in to any type of reallocation, because whether it's a range expansion or not, you want to call something else. Then the fishery isn't necessarily following suit with that expansion.

The boats aren't going further north, for example from Virginia. I don't know whether all the other states have been analyzed in particular, to see how much proximity there is to the home state offshore in federal waters. But that needs to be looked at. That needs to be factored in. I'm skeptical about taking face value off of the surveys.

I know the assessment is a melting pot; and weights the value of surveys. That is all fine. But I know when Jason spoke to us on I think our last call, there were several assumptions in one of the surveys. The surveys have variability. You start to average out that variability, and it's not going to be maybe the best approach.

I'm not saying that you can't use them. I'm just saying to have complete reliance on the surveys is something that was tried with summer flounder. It's one of the problems with summer flounder; in that only the federal survey, the Northeast Fisheries Science Center Survey is

that one that can be used, because of the time periods.

The other thing as a recommendation, the one thing I did like about summer flounder was that it had the trigger approach. You reach a certain plateau of quota, and that signals providing extra quota to other states. That hasn't been mentioned. I think that was a good component; and we're in a situation with black sea bass where everyone seems to be saying that the stock is robust, the 2015 year class is strong.

We can look forward to even higher quotas; so we ought to look at different ways. I think David Borden is inviting that. We ought to look at different ways of how we would go about this reallocation. We haven't done all that so far. Obviously we need to move forward and work on those approaches as well; because it's not an easy situation, and it's not the same as summer flounder in my mind for how to go forward.

CHAIRMAN BALLOU: I'll go right down the table starting with Joe Cimino.

MR. JOE CIMINO: I don't know that I'm going to direct this as a question to Jay; but I would certainly accept any comments. I share some of the concerns with the survey work. I spent some time reading the last assessment; and I agree that there was a level of comfort for me that they're representing at least coastwide biomass. I think my concern comes back into play if we are breaking it down regionally to state that those surveys, especially as Rob mentioned with variability, are doing a good job representing in a very small timeframe since we're looking at every five years, true abundance as it would have to be spread out at that point in time. I still have some concerns there moving forward with this in a new modeling approach.

CHAIRMAN BALLOU: Jim Gilmore.

MR. JAMES J. GILMORE: I'm taking this from a perspective of a border state and Chairman, so I've got a lot of things going on. I want to get a discussion going about maybe the suggestions of where we're going to really focusing more towards the first option. Let me state; first off when I read the Working Group Report, I think it was an excellent job.

I think it's even beyond black sea bass. It may be a model for a lot of the stocks that are moving is that a similar approach, whether it be summer flounder, black sea bass, bluefish. Any stocks that are moving it might be a good basis for how we're going to handle these things moving forward. I for one, after having experienced close to four years of summer flounder and we didn't get anywhere yet. We need to move faster.

However, with conversations with some representatives from the Mid-Atlantic, there is I guess they raised some concerns about maybe we're moving too fast; in that they haven't seen a lot of this, and reminded that this is a joint plan, and that the bulk of the commercial harvest is in federal waters.

The concern from that really comes down to if we move too fast, and we go ahead and maybe do an allocation scheme from the Commission, we run the risk of maybe having a separate action from the Council that now we have two different allocation plans depending where you are, which would be I think the Law Enforcement guys would quit. They just would run out of the room and never come back.

Recognizing that and those things, I think at this point, I think we should have a discussion and a possible consideration for, I agree with Adam, maybe not having a management action initiated today. But take the time between now and the next meeting to maybe include more input from the Mid-Atlantic, from the Advisory Committees or whatever, to essentially look at

this and maybe get a better buy-in, so that maybe we can come out with one plan.

Now putting on my state hat, I don't want to wait four years, nor do I think most of the northern states, to have a reallocation; because it's way too slow. We need something of in between those two. But I think we need more discussion before maybe we initiate an addendum or an amendment, and amendment would take a long time.

Are there options we could have under that? Are there interim measures or things like that? My suggestion would be to maybe expand the Working Group, the document they produced. Maybe charge some specific reviews of that and then come back in May and figure out where we go from there. At this point it's a suggestion for discussion.

CHAIRMAN BALLOU: That is helpful in the sense that we've got just over 15 minutes left, so I want to make sure I've got everybody's input and then we need to try to rally around a way forward here and try to get some consensus. I'm going to continue going along the table. I've got Emerson, Senator Miner, Nichola, Eric Reid, and Mike Luisi in that order. Let's see if we can move through a bunch of comments as quickly as we can. Emerson.

MR. HASBROUCK: I just want to thank the Working Group for the effort that they put into this very useful document. I also want to thank Jason McNamee for putting together that discussion and the example that he put together; based on what happens with yellowtail flounder between the United States and Canada.

I'm very much in favor of moving forward on this; taking into account what Jim just said. I'm not sure what the next step is going to be; but I think we need to move forward with consideration of the output from the Commercial Working Group. I think we should

also consider this for other species as well; perhaps summer flounder, bluefish, other species that come along.

CHAIRMAN BALLOU: Senator Miner.

SENATOR CRAIG A. MINER: Can we put the slide with the nice red line and blue line up there one more time, please? If I look at this as kind of an equation math problem, in 2007 those two lines were together. It's somewhere around 2,000 metric tons. Since 2007, there has been a growth in the southern line to 5,000 metric tons or thereabouts, and a growth in the northern line to about 12,000 metric tons.

Since 2000 to today, the whole fishery has benefited from that growth. I'm not aware that we separate those two when we do allocation. When I think about the speed at which we could move without creating a financial hardship in the southern zone, even if it was I wrote down plus-up quota. I'm not sure that's what you meant.

It seems like there is a value there that wouldn't necessarily be detrimental to the southern zone. However, it's got to come from somewhere. The growth that we've experienced can't come from thin air, unless we decide it's going to come from thin air. Whatever percentage some of the larger benefactors from that growth, whatever percentage they lose, so if it was a small percent, 1 percent, it's a lot of metric tons.

If we take a small state like Connecticut with a very small allocation, if they only grew 1 percent it would be a tiny fraction. Those are the things that I'm grappling with; in terms of what it is I would like to see us do. But that is what I'm hearing from people that fish; that there are so many fish that this is a problem.

Maybe I said it wrong that it's an environmental problem having that much biomass in Long Island Sound at one time. But it certainly is

having an effect. It has to be having an effect on everything else. I'm hoping that we can get some movement, by whatever arrangement we can achieve, and just keep kind of having the conversation and moving it forward. I'm really concerned that if this gets kind of stalled that is not going to be helpful.

CHAIRMAN BALLOU: Nichola.

MS. MESERVE: I too would like to see some additional progress on this. It's clear that there are additional ideas for reallocation, and responding to the shift or expansion in the resource. It's a little bit disheartening that some of the ideas that have been brought forward today did not come up in any of the three or four Working Group calls that we already had. What I don't think we need to further vet is that the distribution of this resource has changed.

We have peer reviewed stock assessments. We have peer reviewed journal articles. We have state survey information. We have recreational CPUE, all indicating that there have been changes. I do have serious concerns about making this a joint action with the Mid-Atlantic Council. Timeline has already been mentioned. We don't need to rush this.

I think best case scenario, we're probably looking at something in 2021, a year and a half to have a very extensive and detailed evaluation of the different methods, and all the data that the Working Group has recommended be considered in that process. The state-by-state allocations are only in the ASMFC plan right now; so there is not a need to include the Council, other than in an advisory role similar to how the ASMFC has been treated in the Demersal Committee's development of the Fluke Allocation Options.

It's clear that with the Council we would lose the representation of Massachusetts, Rhode Island and Connecticut, when it comes to voting

on any potential action on these options. I do hope that today we can agree to keep either the Working Group moving, or have a Plan Development Team formed that is going to continue to develop multiple options that have been raised at the Working Group and around this table.

CHAIRMAN BALLOU: Eric Reid.

MR. ERIC REID: Yes absolutely. If the Mid-Atlantic gets involved, New England's input get diluted to almost nothing. I agree with that. I look at these formulas and I look at the variables, and I've got a lot of questions about that. But they are infinitely adjustable; so I'm fine with that. My question is everybody has got the same question. What's this going to mean to me?

That is the question. I look at that and I say okay, we started in 2003. What happens if we took this formula and we plugged in some variables from 2003 to let's say 2010; where we went from red on top to blue on the bottom to the other way around? You could see what it means to me; because that's a question we all have. What's it going to mean?

To me if we started in 2003 with where we are now when we ran the model for a few years, and we could see what it means to me. I don't know if that's a good or a bad thing. But I think that's an example that might alleviate some fears; maybe not. Maybe it will just throw the whole thing into a shit show. But I would like to see that just to see what it means; if that's possible, if that's not a huge undertaking. I think we should move forward with this. It is great thinking.

CHAIRMAN BALLOU: Caitlin, you had a response?

MS. STARKS: Thanks for bringing that up, Eric. I just wanted to respond and say that on the Working Group call we did have a discussion

about looking at this approach, and looking back in the time series and plugging that in and seeing what it would look like. We could also try and do that with future scenarios. But I think we all know we can't predict the future, and that might cause some you know headaches if we tried to do that. But we could try and look at what it would have looked like if we had started this 10 or 20 years ago, and just see how the approach would affect individual states and regions.

CHAIRMAN BALLOU: Here's what I would like to do. I'm going to take Mike Luisi next; and then I'm going to ask David Borden, who has had his hand up anyway, to offer what he was planning to offer, and also to offer a way forward. You know there has been a consistent theme around the table to move forward.

I think now we need to try to rally around what that really means. We really are down to about 10 minutes to try to figure this out. I'm going to try to use Mike and David Borden as my two bookends to try to pull something together here and see if we can gain consensus. Mike.

MR. LUISI: I'll be brief; because a lot of what I wanted to say has been already stated. I'm going to be putting on at this point my Mid-Atlantic Council Chair hat, to talk about where I think we might go next. I do really think that this is great work. It was brought up and briefly discussed at our last joint meeting; I think it was in December when the Council got its first sense that this work was being worked on.

I have heard from some folks just over the last few months about an interest in, I'll use Nichola's terms or words of "as an advisor," maybe serving in some capacity as a Council member in this process of understanding and working with the Commission on further developing these alternatives for commercial allocation shift.

I do know we have a joint plan. We do a lot of our work jointly. It's awfully confusing I think to stakeholders; who have watched the process unfold with summer flounder. Whereas it's been four years that we've been having summer flounder conversations as a joint body, yet for black sea bass work has been initiated and it seems as if the Commission is just going to do this on their own.

I understand they can; because in the federal plan the allocations by state are not hardwired into that plan. It is certainly something that the Commission can do. But I would ask you as the Council Chair to consider over the next few months, we have a meeting in a few weeks, which I'll make an announcement about in a minute. But we will also be meeting prior to the next ASMFC meeting. I think we have an April meeting scheduled.

Jim and I and Bob, and Chris Moore and Warren Elliot have had a conversation about how we might be able to incorporate membership from the two groups into a joint committee to continue to develop these ideas; and I think that's a great idea. It's still progress, we're still moving forward. The Council doesn't have to be involved to the point where they have their own plan being developed as well. I would just ask that you give that some thought; and I'm turning my hat back around to state of Maryland Commissioner at this point.

CHAIRMAN BALLOU: David Borden.

MR. BORDEN: I was going to say something almost similar to what Mike just said. There is nothing that stops the Mid-Atlantic Council from providing advice to the Commission on this. I would just note that if you look at the composition of this Board, there are seven Mid-Atlantic states and from what I understand there are soon to be only three New England states on the Board, one of them is going to drop out I understand in a couple of days.

The majority of interest around this table is Mid-Atlantic Council representatives; and I can pretty much guarantee you that nothing is going to move forward unless we get buy-in from the Mid-Atlantic States. This is a personal opinion, in terms of setting up another regulatory process at the federal level, I would prefer to avoid that at all extents.

I think it's just honestly and frankly, I think it would be a waste of time to do that. That doesn't mean that the Mid-Atlantic Council can't have input to it. My suggestion for a way forward to go back to Bob's question is the Working Group has pretty much worked through all of the issues, with a couple of exceptions. The exceptions are there have been some new alternatives that got offered today that didn't come up in the discussions.

The other point is that there is some analytical work that the Work Group identified that they wanted done to actually inform decisions in the future. My way forward here would be to agree to form a PDT; and any of the states that are interested in doing that could participate in that. Then we would basically task the PDT to complete and finish some of the analytical work that has been done; and then present that work at the spring meeting.

In the meantime I think Mike's suggestion is that there is going to be a dialogue at the Mid-Atlantic Council meeting; and that fits into that time schedule. We would have the benefit of Mid-Atlantic input; but we would also continue to develop some of these options. What I would envision is at the spring meeting a PDT could come back. I don't think this is a horrendous lift, giving the work that the Work Group has done.

They could come back with specific options; and I would suggest this be done under a small increment of change like 3 percent, and actually flesh out how it would look under different options. Everybody could look at the numbers;

and then hopefully get a higher level of comfort with what is being determined. Then at that point you would decide whether or not to move forward with an addendum.

CHAIRMAN BALLOU: We have what I would consider now a proposal on the table; and I'm going to look to staff, Toni and Caitlin. Does the suggestion that David just offered to form a PDT to move the ball forward in the way he characterized. Is that a viable option? Is that something that can work and is available to this Board?

MS. TONI KERNS: The Board can utilize a Plan Development Team to address specific—unless they're starting a document then they're addressing a specific request. In this case I hear David saying to perform analyses that the Working Group discussed, as well as potentially I think maybe we could have them look at some market-drive-based options. Then anything else that you want them to do, I would want that to be run through the Chairman, through you, Bob. I will remind the Board that PDTs are typically made up of six individuals. When they start to get too large it becomes difficult for those groups to actually produce work; so we try to keep it tight, and we would want individuals that are qualified to do the analyses and work that is being directed to that PDT.

CHAIRMAN BALLOU: That's what I'm going to suggest; and I will in the very short amount of time we have left, I want to see if there is any objection or any clarifying thoughts on what we have just essentially laid out as a way forward. That is to form a PDT and task that PDT with further vetting, developing, fleshing out, analyzing – you can throw a lot of words in that sentence – the options that have already been developed, as well as any new options that any member of this Board wants to introduce through me as Chair.

That would be the vector for doing that. Please, if you have such thoughts do so in short order,

so we can move this along quickly. That PDT will be asked to report out at our May meeting on what they've come up with; and that is the suggestion on the floor, and we don't have a lot of time to debate it, and I don't think we need a motion. I'm just looking for consensus support on that thought. Adam.

MR. NOWALSKY: I appreciate the sense and the desire to move this forward. But again, I have to come back to the fact that this is a Working Group Document. There are a lot of people who have expressed interest; the Council, again the fishing community. I feel we should get more input about whether the direction this document proposes is in fact the direction we want to proceed with things, get more information.

We're going to have two Council meetings between now and May, and then make a determination at the spring meeting, if in fact that is the direction we want to go. If it's still the direction we want to go, hopefully at that point we will have those additional items to offer to them for analysis.

CHAIRMAN BALLOU: Adam, I'm sorry. I do understand your interest in getting additional input; and I want to be clear on what you just suggested. Does the suggestion work that something be reported out, but through the PDT process in May, which can then be subject to additional review and input.

We would have something on the floor for advisory input and comments, something to respond to. Right now we really don't have anything to respond to; other than the Working Group Report, which I think everybody agrees needs more work. That's what the PDT would do. Are you suggesting another approach, or are you comfortable with the one that has been suggested?

MR. NOWALSKY: I'm suggesting we do not convene a PDT with specific tasks until the spring meeting. That's what I'm suggesting.

CHAIRMAN BALLOU: I look to the Board; and again, I wish we had another half hour on this but we don't. We've got two options now, or two ways forward. One is to form a PDT more or less right away; get the ball rolling, and have that PDT report out in May. The other is I would call Adam's suggestion to essentially pause the process where we are now. Allow for additional input between now and May, and then in May kind of revisit the very discussion we've just had. Thoughts on those two ways forward, which direction does the Board prefer? I think those are two different ideas; and I really need guidance from the Board on how you want to proceed, and we need to do this quickly. Mike.

MR. LUISI: Based on my comments before and the comments by Adam, I think the AP could weigh in on this document. I also think that we could have a presentation of this report at our April Council meeting. All mechanisms to incorporate ideas and thoughts into a process that formalizes a PDT to explore the ideas, not only from this Board but the other users and other stakeholders that are involved in black sea bass management. I would prefer the approach that Adam recommended.

CHAIRMAN BALLOU: Matt Gates.

MR. GATES: I would prefer I think that we could do all those things. But I don't see any reason why the PDT can't convene in the meantime; and start working on the analysis that we have put forward today.

CHAIRMAN BALLOU: Nichola.

MS. MESERVE: Very quickly, I agree with Matt to start now and keep this process moving.

CHAIRMAN BALLOU: I'll take one other comment or maybe two other comments; and then I'm going to have to either make a judgment call as Chair or ask for a motion and a vote, because we do seem to be split. Let me get Rob and then Dennis. Rob.

MR. O'REILLY: I appreciate the Working Group. I think the pace was very fast. I mentioned that in a previous call to Toni and Caitlin; and at the same time I don't think things remain static. There were some comments today about new approaches; well that's because you think about this process as you move forward. I'm not certain of the PDT.

I'm almost leaning towards getting the Working Group together physically, and spending time working this out. We had what four conference calls or five? Trust me that is different than being able to get together and really work on something; perhaps bring in the other aspects Adam's talking about. I think the pace is pretty fast for a PDT too. It's February, and we're not even sure of some of the analyses ourselves of what we want to see. I'm a little reluctant on the PDT part.

CHAIRMAN BALLOU: Let me get Dennis Abbot.

MR. DENNIS ABBOTT: I've heard a lot of folks talk about their preferences. I think it would be better if we had a motion on the floor to vote up or down; to find out where we are.

CHAIRMAN BALLOU: That's where I think we might need to go; but let me see if Toni has a thought before I call that.

MS. KERNS: I don't really have a clarifying thought. I just have a question for Rob; in terms of a Working Group. Are there additional options outside of what has been discussed here today that somebody wants to bring forward; because I'm not sure what this Working Group can additionally do outside,

because this Working Group was only designed to come up with ideas.

Outside of what was brought forward today, if there is anything more than sure, let's get that Working Group together to brainstorm some more. But if there is no additional ideas, then the next step would be to flesh out those ideas with data and hard information; so that the public would have some meat on the bones to comment on and provide feedback to the Board as to whether or not we're moving in the right direction or not.

I'm just trying to clarify between those two pieces. Just because we get a PDT together doesn't mean that any of the information of that automatically goes to a document. I would consider it more like a white paper that that group is pulling together for the Board to review.

CHAIRMAN BALLOU: Yes thank you that's my take as well that the PDT process is really just building on the Working Group process. It's just keeping the ball rolling, but doing so in a slightly different way, with more sort of technical staff-based assistance versus Board-based assistance. I'm going to go to Rob and then Mike; and then I'm going to probably need a motion. Again, we need to move quickly because we're already over our time. Rob.

MR. O'REILLY: I would respond to Toni that it seems a couple of ideas came up today. One, we had the Working Group call, and I did bring up the idea that the fishing grounds are somewhat closer for some states than the similar case for summer flounder. That should be factored in.

I did not bring it up during the working calls because I've had an avoidance of thinking about flounder for a little while, a reprieve. But the idea is, a trigger can move quota around to other states and provide benefits, especially in

the face of a growing stock. Now, I don't think that stops anything.

I think if anything there should be a time when information then can come in in some form while the PDT is working, if that's the wish to have a PDT. But I hate to see those kinds of concepts get lost and that we end up, and I don't mean anything bad about surveys, but that we end up really just going by that graphic, which doesn't do justice to the way the fishery is prosecuted in some states. Toni, I would say it all depends on what everyone thinks.

CHAIRMAN BALLOU: It all depends on what everyone thinks. Maybe we'll put that up and vote on that. Mike.

MR. LUISI: Based on the comment that Toni made. Couldn't the Technical Committee be tasked with following up on this work; rather than a PDT, which kind of makes it just sound like it's that much more together, as far as we're actually planning a plan development? I don't know if the Technical Committee can do it or not.

CHAIRMAN BALLOU: Toni.

MS. KERNS: I think it depends. I would have to go back and look at everything in the document. But typically speaking, not everything in there is going to be just Technical Committee expertise. We may want some other individuals, and again, the full TC to work on this – I don't think it's necessary to have everybody there, especially in order to try to get work done. In particular if we need the TC to be working on some other issues, depending on what comes out of the next meeting; the joint meeting. Not to say yes, we will definitely have some TC members on there, I would hope.

CHAIRMAN BALLOU: I'm going to ask for a motion, just because this has been a really good discussion. But it's clear that we're not unanimous in our view; so we really do need to



vote this up or down. David Borden, do you want to offer a motion?

**MR. BORDEN:** I would move to form a PDT and request the PDT to further develop the options identified by the Working Group and as discussed today, so that we get to, if we get a second I would like to discuss it, Mr. Chairman.

CHAIRMAN BALLOU: Let's make sure we get that up. I'm not sure who's typing, but I heard Move to form a PDT and request the PDT to further develop.

MR. BORDEN: Options discussed by the Working Group, and as discussed today.

CHAIRMAN BALLOU: As that's being put up is there a second to that motion? Seconded by Ray Kane, I'll wait to make sure it's up before, and we're not going to have an opportunity to discuss this. I think it's been discussed thoroughly. Once it's up. I guess it is up, okay my screen is slow. Let me read it into the record.

Move to form a PDT and task the PDT to further develop options discussed by the Working Group, and ask discussed today. This will be a vote. If the vote is up it's clear as to where we go. If the vote is down, the default is essentially what Adam and others and Mike Luisi and others had suggested, so we're not going to have a subsequent vote.

It's just going to be either this approach or just continuing forward through the joint meeting, and then coming back in May and sort of seeing where we are. But we would not have obviously a PDT process. I just want to make it clear as to the way you vote, and how that is going to translate. We're out of time, so we don't have a whole lot of time to discuss this. But if there are any burning comments I'll take them, so I see three hands. I'm going to take

David, Jim Gilmore, and Rob O'Reilly, and then I'm going to call the question. David.

MR. BORDEN: I would encourage the Board members to vote for this so that we can continue to develop these options. I think it's extraordinarily difficult for me and probably everyone else around the table to evaluate the implications of some of these options; until you actually put numbers on them. Then once you put numbers on it, you can sit back and say this is how my fishery will be; either positively or negatively affected. I would encourage people to vote yes.

CHAIRMAN BALLOU: Jim Gilmore.

MR. GILMORE: Just quickly. As we mentioned before, part of the problem with this is the length of time it takes that we're taking a new step here; that we're doing some of the PDT work in parallel as opposed to linear, which is why things take three or four years. Maybe this new approach may be a better model also. I'm supporting the motion for that reason also.

CHAIRMAN BALLOU: Rob O'Reilly.

MR. O'REILLY: I just want to make sure that that motion includes your invitation to receive other options; and is there a time certain on that. But you did make that request, and there may be some other options that the PDT then can go forward with as well.

CHAIRMAN BALLOU: **What if we were to amend the motion to say after Group, comma, those discussed today, comma, and those offered to the Chair by February 15. Is there any objection to amending the motion in that way? Seeing no objection, the motion has been amended and is now before the Board for a final vote.** We'll have a one minute caucus and then we'll vote on this.

I'm going to call the question. All in favor of the motion please raise your hand. Thank you,

those opposed please raise your hand. Are there any null votes, are there any abstentions, 2? **The motion passes 10 to 1 with 2 abstentions, so thank you.** That completes our discussion on that item. We just have two quick.

#### **OTHER BUSINESS**

CHAIRMAN BALLOU: Emerson, I really don't think we have enough time to even get into the stock assessment issue. There is obviously a pending benchmark stock assessment for summer flounder, which the results of which were going to be presented at the joint meeting next week, if that were to have happened. That meeting as we're about to hear I think is going to be rescheduled to March.

At that time it is my understanding, but we'll hear perhaps if there is new news, that that stock assessment report will be provided at that time. That is my understanding. Kirby is nodding yes that that is the timeframe we're on, and I don't think there is much else we can do on that today. Mike, did you want to speak to the rescheduled joint meeting?

MR. LUISI: Yes, I just wanted to let everybody know not to go to Virginia Beach next week. If you haven't been looking at your e-mails, it's not a nice place to be this time of year. The next joint meeting is going to be March 6 and 7, two full days. We'll try to get done to get people out of town by late afternoon on the second day.

We are going to be taking up what Emerson had just brought forth to the Board, as well as a Summer Flounder Commercial Issues Goals and Objectives Amendment final action. If you haven't seen the agenda yet, it's on the Council's website, and we'll see you in a few weeks.

CHAIRMAN BALLOU: Is there any other business to be brought before the Board?  
David Borden.

MR. BORDEN: This will be brief, Mr. Chairman. I would just like to thank all the members of the Working Group. When we first met I asked everybody to put their parochial interest aside and try to flesh out options that represent the views of the Mid-Atlantic and New England area, and they did that. I think they did a fine job.

#### **ADJOURNMENT**

CHAIRMAN BALLOU: Thank you, and I echo those sentiments, and I also just thank every member of the Board today for your excellent work. I think we really got a lot done today and it was a very good meeting. Any objection to adjourning, seeing no objection; we are adjourned, thank you very much.

(Whereupon the meeting adjourned at 2:45  
o'clock p.m. on February 5, 2019)

## Caitlin Starks

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**Subject:** FW: black sea bass proposals

**Importance:** High

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**From:** Jim Dawson [<mailto:jimdawson1@verizon.net>]

**Sent:** Friday, February 15, 2019 11:35 AM

**To:** Robert Beal <[Rbeal@asmfc.org](mailto:Rbeal@asmfc.org)>

**Subject:** black sea bass proposals

**Importance:** High

Hello Bob,

I have spoken with Rob and also with the majority of our IFQ share holders within Virginia. I have also spoken with the Mid Atlantic council. They are reminding us that 75% or more of the sea bass are caught from the EEZ, so therefore, ANY decisions made would have to also include the MAC.

In speaking with our state fishermen, we are in agreement that absolutely nothing can nor should be "turned in" unless the IFQ fishermen sign off on ANY future proposals. ANY attempt to reconstruct coastal quotas WILL be met with immediate legal response such as injunctions etc. because the ASMFC would be changing structures of individual livelihoods which MUST be taken into direct consideration. Transparency was a word used by others you know well, which is NOT and has NOT been completed when a so called "commercial advisory board" has been chosen by the ASMFC and contains nor has consulted ANY commercial fishermen before drafts/proposals have been handed in. Because of these kinds of tactics/practices, oversight may have to be taken as the ASMFC will have crossed a legal line that the members ALL have sworn and obligated themselves to guarantee the fishermen a fair and due process.

We do NOT hand over NOR discuss matters well before drafting proposals that fishermen themselves never seem to see.

Bob, I ask that you all consider the fact that I have requested in writing these materials and asked many times over telephone conversations (for years) what EXACTLY is the driving force behind what/why the ASMFC feels the need to impact our fishermen in the way they do without "transparency"? I come to you personally to bring forth what our fishermen are feeling and have been feeling that our council members just never seem nor appear to be working with the fishermen themselves...they trend towards utilizing "board members" for exactly what rational reasoning? I think after all these years we know why. This example can be used for oversight, if necessary, and most certainly will be used when dealing with those at ASMFC when considering they will be impacting the tens of millions of dollars of economical impacts by attempting to take what has already been historically distributed and counted on by each individual that will be negatively impacted.

Bob, I offer my services as someone who understands what systems you all have in place and how they get there. I also understand what the fishermen involved go through from a unique vantage point as we are also a fisheries dealer. When drastic decisions are made, it is imperative that our fisheries commissions and councils understand FULLY the huge impacts for which their decisions can make from top to bottom, WELL before they make motions to pass them! You have your job in an office each and every day FAR from ANY body of water. Sea bass is but one of how many? You drop it and move to another without any other thoughts after ASMFC passes whatever. I/we feel it would be in the best interest of the councils to consult the fishermen FIRST well before even drafting proposals that I can attest to have yet to be seen by our fishermen. Again, I have asked to see and understand this for how long? One thing is 100%, the fishermen today of 2019 ALL have the means to oppose and create havoc within everything that has already

been defined by our councils. We have “learned” your system and ways. Perhaps it may be time to turn to “oversight”. The fishermen of today who have invested HEAVILY into their own futures and HAVE jumped through the hoops our agencies have placed in front of us have ALL agreed to being represented by other means if necessary. We too know and understand how to reach those who oversee. You all have an oath that has been sworn to us, to guarantee us a fair and due process. What we do not wish to do is disrupt a system that currently seems to be working effectively and efficiently, especially when considering how Virginia black sea bass works commercially. We catch our quota just fine and our fishermen ask from our councils/commissions that we be represented “fairly” and wish to FULLY understand what our fisheries departments want without involving pressures from other states who until recently never even caught black sea bass. To be honest, “states” do NOT have the right to ANYTHING other than a STATE fish...PERIOD. Black sea bass are federally regulated, which is NOT handled by the ASMFC. IF the ASMFC wishes to divide sea bass into state portions, find out exactly where these fish are in fact caught. State waters are different in the north, however, if a three mile line were in fact drawn to remain consistent with the rest of our coast, exactly how many black sea bass would then be classified as “federally caught”? We feel that ASMFC is overstepping their particular boundaries legally by even approaching the idea of an agreed upon distribution based on historical participation long ago. Due process. The number one mentioned issue for ASMFC is that not one state in the south commercially has had ANY issues in not catching their particular quota. Price, NOT availability, may be the ONLY factor in catch effort due to the distances other travels and/or expenses others have compared to when such fish are available within state waters. These “state fishermen” in the north cannot and do NOT depend on black sea bass for their entire livelihood. I on the other hand DO! I supply black sea bass to the markets 12 months out of each and every year. Why the ASMFC feels pressure or perhaps has been offered something in order for the northern states to receive more black sea bass is what has been asked by our fishermen and they want answers Bob.

The ASMFC cannot make a case against the southern states if they have caught their particular quotas, especially when considering market prices and negative impacts that drastically impact efforts.

Let me be of assistance to you if you need me and understand that I am merely conveying what others have informed me. I also can assist in “catch effort” based on market prices during times where quotas were given half way through seasonal catch efforts. Drastic price drops occurred during these specific times which negatively impacted smaller fishing vessels such as my own, who could catch plenty, yet the price was too low to warrant the expense of going!

Please absorb this information and call me if I can assist in ANY way.

Jim Dawson.



**David E. Pierce, Ph.D.**  
*Director*

# Commonwealth of Massachusetts

## Division of Marine Fisheries

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*Deputy Commissioner*

### MEMORANDUM

TO: Bob Ballou, ASMFC Summer Flounder, Scup, and Black Sea Bass Board Chair

FROM: Nichola Meserve, MA Board Member

DATE: February 15, 2019

RE: Massachusetts 2019 Recreational Black Sea Bass Regulations

On February 5, the Summer Flounder, Scup, and Black Sea Bass Management Board approved “status quo black sea bass recreational measures for 2019.” Massachusetts seeks the ability to adopt a minor revision to its recreational black sea bass season through conservation equivalency to maintain a Saturday opening day. Four days would be cut from the end of the season in September to account for the projected increase in harvest from one additional open day in May (Table 1).

Table 1. Massachusetts status quo and proposed rules for recreational black sea bass in 2019

	Season	Daily Bag Limit	Minimum Size Limit
Status Quo	May 19–September 12	5 fish	15”
Conservation Equivalent	May 18–September 8	5 fish	15”

For the past six years, Massachusetts has opened its recreational black sea bass fishery on a Saturday in mid-May, generally the third Saturday of the month. This has been done to accommodate a full weekend of recreational fishing to start the season, which is particularly important to a large component of our for-hire fleet. The specific date has been implemented annually to reflect calendar changes and as part of any other ASMFC-required/authorized regulatory revisions. The motion for status quo measures in 2019 did not place restrictions on conservation equivalency proposals that are allowed by default per the FMP and would allow Massachusetts to continue this practice.

MA DMF reviewed 2016–2018 “uncalibrated” MRIP harvest data for Massachusetts by wave to determine the conservationally equivalent season length with a May 18 opening (Table 2). Due to seasonal differences in daily harvest rates, opening the fishery one day earlier in May requires closing the fishery four days earlier in September. This result is the same whether using 2018 or 2016–2018 average daily harvest rates. Note that 2018 is the only year of the three with open days in Wave 5 with which to calculate a wave-specific daily harvest rate. Repeating this analysis with MRIP “calibrated” data produced the same end result of four days in September equating to one day in May.

Table 2. Massachusetts wave-specific daily harvest rates, # of fish, from MRIP “uncalibrated” data

	Wave 3	Wave 4	Wave 5
2016 Harvest, # fish	162,143	198,433	31,663
# Open Days (May 21–Aug 31)	41	62	0
Daily Harvest Rate	3,955	3,201	
2017 Harvest, # fish	227,685	65,890	894
# Open Days (May 20–Aug 29)	42	60	0
Daily Harvest Rate	5,421	1,098	
2018 Harvest, # fish	198,217	54,186	14,218
# Open Days (May 19–Sep 12)	43	62	12
Daily Harvest Rate	4,610	874	1,185
2016–2018 Avg. Daily Rate	4,662	1,724	1,185

MA DMF is currently collecting public input on both seasons and intends to select one for implementation, pending Board approval, by mid-March. We understand that there may be some hesitation among Board members for any revisions to the states’ collective 2018 regulations given the situation of needing to convince NOAA Fisheries that status quo measures are not likely to exceed the 2019 recreational harvest limit while the preliminary 2018 projected harvest is 7% over. While the Technical Committee’s rationale is strong, we too would have concerns about significant revisions to the states’ 2018 regulations. However, a Saturday opening date in Massachusetts is the status quo.

Furthermore, Massachusetts is unique in having maintained the same-day-of-the-week opening in recent years (Table 3). Board consideration and approval of Massachusetts’ proposal should not have a snowball effect on other states wanting similar revisions, as other states cannot make the same claim regarding the opening day. Massachusetts is also alone in not having a season that extends through December 31. Our anglers and for-hire captains are highly accustomed to changes in the season’s end date, as opposed to the opening date, with implications for noncompliance and resulting harvest.

Table 3. State Recreational Black Sea Bass Season Opening Dates (dates per ASMFC FMP Reviews)

State	2014	2015	2016	2017	2018
ME	Mon, May 19	Tue, May 19	Thu, May 19	Fri, May 19	Sat, May 19
NH	Wed, Jan 1	Thu, Jan 1	Fri, Jan 1	Sun, Jan 1	Mon, Jan 1
MA	Sat, May 17	Sat, May 23	Sat, May 21	Sat, May 20	Sat, May 19
RI	Sun, Jun 29	Thu, Jul 2	Fri, Jun 24	Thu, May 25	Sun, Jun 24
CT	Sat, Jun 21	Mon, Jun 1	Sun, May 21	Mon, May 1	Sat, May 19
NY	Tue, Jul 15	Wed, Jul 15	Mon, Jun 27	Tue, Jun 27	Sat, Jun 23
NJ	Mon, May 19	Wed, May 27	Mon, May 23	Fri, May 26	Tue, May 15
DE	Mon, May 19	Fri, May 15	Sun, May 15	Mon, May 15	Tue, May 15
MD	Mon, May 19	Fri, May 15	Sun, May 15	Mon, May 15	Tue, May 15
VA	Mon, May 19	Fri, May 15	Sun, May 15	Mon, May 15	Tue, May 15
NC	Mon, May 19	Fri, May 15	Sun, May 15	Mon, May 15	Tue, May 15

Cc: T. Kerns, C. Starks, D. Pierce, R. Glenn