

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
BLUEFISH MANAGEMENT BOARD**

**The Westin Crystal City
Arlington, Virginia
February 4, 2020**

Approved May 6, 2020

Proceedings of the Bluefish Management Board Meeting
February 2020

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1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of April 2018 by consent** (Page 1).
3. **Main Motion**
Move to prohibit the use of conservation equivalency for recreational bluefish management for 2020 with the exception of states that are accountable for less than 1% of the total coastwide harvest (Page 7). Motion by Nichola Meserve; second by Cheri Patterson. Motion substituted.
4. **Motion to Substitute**
Move to substitute to allow conservation equivalency for states that are accountable for less than 1% of the total coastwide harvest and to approve New Jersey's options 1, 2, and a modified 3 with a 6 fish bag limit (Page 11). Motion by Adam Nowalsky; second by Marty Gary. Motion carried (Page 11).

Main Motion as Substituted
Move to allow conservation equivalency for states that are accountable for less than 1% of the total coastwide harvest and to approve New Jersey's options 1, 2, and a modified 3 with a 6 fish bag limit. Motion carried (Page 11).
5. **Move to elect Joe Cimino as Vice Chair of the Bluefish Board** (Page 12). Motion by Russ Allen; second by Mike Luisi. Motion carried (Page 12).
6. **Adjourn by consent** (Page 13).

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ATTENDANCE

Board Members

Megan Ware, MA, proxy for P. Keliher (AA)	Stew Michels, DE, proxy for D. Saveikis (AA)
Sen. David Miramant, ME	Roy Miller, DE (GA)
Cheri Patterson, NH (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Nichola Meserve, MA	Phil Langley, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Russell Dize, MD (GA)
Jason McNamee, RI (AA)	Pat Geer, VA, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Justin Davis, CT (AA)	Jerry Mannen, NC (GA)
Bill Hyatt, CT (GA)	Mel Bell, SC, proxy for R. Boyles (AA)
James Gilmore, NY (AA)	Doug Haymans, GA (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Spud Woodward, GA (GA)
Emerson Hasbrouck, NY (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Joe Cimino, NJ (AA)	Marty Gary, PRFC
Russ Allen, NJ, proxy for T. Fote (GA)	Derek Orner, NMFS
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Mike Millard, USFWS

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns
Maya Drzewicki

Katie Drew
Dustin Colson Leaning

Guests

Joseph Gordon, PEW Trusts

Chip Lynch, NOAA

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The Bluefish Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday, February 4, 2020, and was called to order at 6:00 o'clock p.m. by Chairman Chris Batsavage.

CALL TO ORDER

CHAIRMAN CHRIS BATSAVAGE: Okay, continuing on with the toothy critters portion of the ASMFC meeting. We'll roll right into the Bluefish Management Board. I want to welcome everyone. My name is Chris Batsavage; I'm the Administrative Proxy for North Carolina. I'll be serving as Chair for the Bluefish Board meeting.

APPROVAL OF AGENDA

CHAIRMAN BATSAVAGE: I'll start by the approval of the agenda. Does anyone have any modifications to the agenda? Okay, one that I would like to add if there is no objection is after we get through our action items is to just get a sense from the Board members of when they think they will be able to implement the 2020 recreational measures for bluefish in their states. If there is no objection to that we will just do that at the very end.

APPROVAL OF PROCEEDINGS

CHAIRMAN BATSAVAGE: Okay seeing none, approval of the minutes from April, 2018. Are there any changes or edits to those minutes? Seeing none, then those are approved. Next is public comment. Are there any members of the public that would like to speak on any topics that are not on the agenda for today?

CONSIDER APPROVAL OF CONSERVATION EQUIVALENCY PROPOSALS

CHAIRMAN BATSAVAGE: Seeing none, we'll move on to the first action item, which is Consider Approval of Conservation Equivalency Proposals, and I'll hand that over to Dustin Colson Leaning. Dustin.

MR. DUSTIN COLSON LEANING: Hi everyone, as Chris just said my name is Dustin. I am the Fishery Management Plan Coordinator for bluefish, and today I have a brief presentation on recreational bluefish proposals for the 2020 fishing season. I'll begin with some background information, and then discuss the Technical Committee review of bluefish proposals, followed by a summary of comments from the Law Enforcement Committee.

At the end we'll have time for questions before expedited Board discussion and action.

REVIEW OF CONSERVATION EQUIVALENCY PROPOSALS

MR. COLSON LEANING: In December the Board approved and the Council recommended a coastwide 3-fish bag limit for private and shore-based anglers and a 5-fish bag limit for the for-hire fishermen for the 2020 recreational bluefish season.

These measures would be applied in both state and federal waters. As a reminder the Commission's conservation equivalency or CE Policy allows states to submit alternative measures for state waters that achieve the same reduction in recreational landings that would have been achieved under the coastwide regulations. Following the December meeting the Bluefish Technical Committee or TC met via conference call on December 16, to set conservation equivalency criteria for state proposals. The following criteria were specified in the memo to the Board. I'll run through them quickly, but all reductions must be calculated in pounds of fish, as opposed to numbers of fish. Conservation equivalency analysis should use recreational data from 2016 to 2018. If the percent standard error or PSE values exceeded 50, then the data should be pooled across the three year timeframe. Seasonal closures need to be for an entire wave as well. The analysis should assume that noncompliant harvest will continue at the same level in 2020. Reductions in landings for

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multiple measures should be accounted for using the interaction equation that you see up on the slide.

Lastly, the memo provided state-by-state projected reductions under the coastwide regulations. States were required to demonstrate that proposed measures achieved equal or greater percent reductions than those presented in this table.

TECHNICAL COMMITTEE REPORT

MR. COLSON LEANING: Following the first TC meeting Rhode Island, Connecticut, New Jersey, and Georgia submitted proposals for conservationally-equivalent measures.

However, last week Connecticut and Rhode Island decided to withdraw their regional bluefish CE proposal from Board consideration, so I have removed discussion of this proposal from my presentation. The TC met a second time via conference call on January 23 to review state proposals. The TC also recommended approval of the methodologies used to develop both Georgia and New Jersey's proposals.

Before discussing each state's proposal and the TC recommendation, I will share some general comments from the TC on the Conservation Equivalency Process as a whole. The TC maintains that there is a high level of uncertainty in the percent reductions calculated due to the effect of changes in angler behavior, the size and structure and distribution of the population as well. These changes are difficult to account for and cannot be accurately quantified. Additionally there is greater certainty in the percent reductions calculated for simple management measures, such as changes in bag limits or minimum size, and relatively more difficult for complex measures such as slot limits and sector-specific regulations.

Furthermore, through the course of evaluating proposals the TC discovered that when analyses

were conducted on disaggregated MRIP modes, for example splitting the private angler mode and the shore mode into separate modes, the expected reduction in harvest from the coastwide measures was less than anticipated from analyses in which the modes were left combined, as was the case in the coastwide measures.

The discrepancy appears related to differences in the scale of snapper fisheries, and the associated effect on average fish weight among modes and states. The table presented here provides the range of anticipated predicted reductions for states, resulting from various approaches.

The difference is especially dramatic in some states such as Rhode Island with prominent snapper fisheries. This is an important consideration for projecting 2020 harvest and for the future, when considering separate recreational measures by mode. First going into Georgia's proposal, its 2020 recreational bluefish fishery proposal is quite simple. The state proposes to keep its 2019 measures in place, which includes a 12 inch minimum size, and a 15-fish bag limit with the exception that it has a two month closure during the months of March and April.

The analysis indicates that Georgia's harvest would be reduced by 13.10 percent, which exceeds its reduction requirement according to the table of 8.13 percent. The TC has approved Georgia's proposal, but did want to highlight that the wave PSE values exceed 50 percent, even after pooling the data across three years. PSE is a measure of precision and MRIP specifies that large PSEs above 50 indicate the very imprecise estimate. It is important for the Board just to consider this from a risk analysis perspective.

Moving on to the New Jersey proposal, this proposal included eight options for the TC to consider. The options include adjustments to minimum size, a slot limit option, a bag limit

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option, and seasonal closures. All options meet or exceed New Jersey's specific required reduction of 27.68 percent. These are the options here. They are also listed with their corresponding projected reduction percentage.

The TC agreed that proposals methodology met the conservation equivalency criteria as specified in the guidance memo. However, a few TC members raised concern about Options 5 and 8, which maintain high bag limits. Their concern was that while the analysis does demonstrate that these options meet the required reductions in weight, the options may not produce a similar reduction percentage in numbers of fish.

As such, the TC suggested that the Board take into consideration the stocks overfished status when considering these two options from a risk analysis perspective. That being said, the TC still recommends approval of New Jersey's proposal for the 2020 recreational bluefish fishery on technical merit.

LAW ENFORCEMENT COMMITTEE REPORT

MR. COLSON LEANING: Now, moving into the LEC or the Law Enforcement Committee comments, the LEC also met on January 23rd, to review CE proposals for both the striped bass and bluefish fisheries. I'll focus on the input gathered that is pertinent to bluefish proposals, since you've already received a presentation from Max.

The LEC provided a few comments regarding regulation changes in general. First, any change to regulations required increased outreach effort and education, both of which take time to be successful. Second, frequent changes to regulations lower overall compliance, so consistency and simplicity in regulations is key. The LEC also shared that officers will usually issue more warnings than citations following a regulation change, so there is a phase-in process that should be considered as well. The LEC also provided the following feedback

specific to the proposed measures. Differing regulations by mode poses challenges for enforcement. The more divided recreational fishing modes are, the more difficult it is to adequately enforce any restrictions. This is especially true in marinas or at docks where for-hire and private and rental boat anglers congregate. New seasonal closures can increase unintentional noncompliance, so when they are implemented closures should remain in place for several years. If possible it is also better to implement one continuous closure rather than two or three separate closures, so that anglers are not caught off guard. The LEC also discussed the importance of consistency when implementing regulations in shared water bodies, or neighboring states to help reduce the confusion.

Officers will enforce strict possession limits at the location where anglers are stopped, which can lead to unintentional noncompliance if an angler is stopped in one area but was fishing in an adjacent jurisdiction with different regulations. Over all the LEC indicated that all regulations proposed are enforceable, but emphasized that consistency and simplicity in regulations is key in preventing noncompliance. With that I'll open it up to questions.

CHAIRMAN BATSAVAGE: Thanks for the presentation, Dustin. Before I get to the Board, I just had one clarifying question for you in your presentation, and maybe New Jersey could chime on this. I think it said that they had a 9 inch minimum size limit for their recreational fishery in 2019. Is that the case, or is that just for the commercial fishery? I know some of the CE proposals they have do not have a minimum size limit of 9 inches, or maybe Joe or someone from New Jersey had the answer to that.

MR. JOE CIMINO: Yes, and I guess I'm not sure where you saw that a minimum was in place.

CHAIRMAN BATSAVAGE: I think it was in Dustin's presentation.

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MR. COLSON LEANING: I'm looking here at the FMP Review, the 2018 fishing season, and in that document we have a 9 inch minimum size as the regulations for New Jersey for bluefish. Is that what you're referring to, whether that was the regulation that was in place previously?

CHAIRMAN BATSAVAGE: I just want to confirm that that was indeed the case, or is that just for the commercial fishery? I just wasn't aware that New Jersey had a minimum size limit for the recreational fishery already in place.

MR. CIMINO: Me either.

MR. COLSON LEANING: Excuse me. I was referring to the wrong column in the table. That is my mistake. You are correct that there is not a minimum size, so please strike that from my presentation on the recreational side, apologies there.

CHAIRMAN BATSAVAGE: No worries. Okay, I just wanted to make sure I guess everyone was clear on that, especially since it will kind play into New Jersey's proposal. Are there any questions, Nichola?

MS. NICHOLA MESERVE: A couple of questions for Dustin. The 28 percent reduction that we're trying to achieve for this year is based on the 2018 landings of 13.27 million pounds. I was wondering if you have an update on the 2019 landings, and how they are faring in comparison to 2018. The second part of the question is about the relative contribution of Georgia and New Jersey to the coastwide total harvest.

MR. COLSON LEANING: I can pull up a slide here with Maya's help. I have up here that if you look at Wave 1 through 5 landing you have 15.83 million pounds for 2019. Using 2018 as indicative of how much harvest occurs within the first waves to try to predict the total projected harvest, we have projected total landings of 17.22 million pounds. Can you remind me again of your second question?

MS. MESERVE: The relative contribution of Georgia and New Jersey to the coastwide landings, just to get an idea of how their regulations will play into the scheme of the coastwide landings.

MR. COLSON LEANING: Yes, this is just looking at a three-year-average harvest. We've got about 25 percent for New Jersey, in terms of their contribution to the recreational fishery. Then Georgia is at 0.11.

CHAIRMAN BATSAVAGE: Jason McNamee.

DR. JASON McNAMEE: Nice job, Dustin. Thanks for the presentation and nice job with the extra slides too. My question, the Technical Committee kind of raised a couple of items about risk, and you know they kind of highlighted two of New Jersey's proposal, the one with the slot and then the one that split the modes.

They kind of talked about; my interpretation is there is this notion that those two increased a risk. Is there anything, did they offer anything in addition to just that kind of notion of increased risk due to the increased complexity of the regulations, or was there more to it than that?

MR. COLSON LEANING: I know that the first question that was asked is this something that - if you implement a really wide slot let's say for one of the options and you still maintain a high bag limit; some TC members were concerned that maybe just the time window of when we're projecting MRIP harvest from using 2016 to 2018 as a base reference years.

If that just happened to work out in such a way that you achieve a 27.68 reduction, or whether if you expanded the time window to ten years, whether the data wouldn't work out, and essentially asking if those years were anomalous. Looking to the data a little bit further it didn't appear that way. But there were some concerns from the TC perspective

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that when you break things down by state, by wave, by mode looking at length frequencies that the PSEs just kind of get higher and higher, and there is some concern that it's just paper math rather than an actuality.

CHAIRMAN BATSAVAGE: Further questions, Justin Davis.

DR. JUSTIN DAVIS: Dustin, I think you just told us that we would be looking at something like a 44 percent reduction from projected 2019 landings to meet the 2020 RHL. But I think we used 2018 right, as our metric for reduction, and we took about it was about a 30 percent reduction over all from 2018 landings, 2018 landings looked like they would be substantially less than what is projected for 2019. Is it fair to say that it's likely we were too conservative with the reduction that we were planning on taking to meet the 2020 RHL? As a follow up, what are the implications if we do exceed the 2020 RHL next year?

CHAIRMAN BATSAVAGE: Dustin.

MR. COLSON LEANING: This discussion came up at the Board meeting in October, and the Monitoring Committee had put forward a projected reduction using 2016 through 2018 as base years. 2018 was a surprisingly low year for the recreational fishery. The Board at the meeting seemed to indicate that we should use the most recent data to generate this projection.

I think the Monitoring Committee projected reduction was in the range of the high 30s, if my memory serves me. Now using this updated information about 2019, I think it's fair to say that a 28.56 percent reduction isn't going to cut it, using 2019 as a reference point. In terms of what are the implications? Without getting too much in the weeds on the regulations, I will say that there is a pound-for-pound payback in the federal plan, and it's a joint plan.

But that is in the event that the stock is overfished, which it currently is, as well as in the event that a sector transfer is not to blame for any ACL overages. In terms of how the payback occurs, it's quite nuanced, so I don't know if I want to dive too deeply in there. But I would be happy to put the language up on the board if that helps.

CHAIRMAN BATSAVAGE: A question I have on that. It might be for NOAA Fisheries is just due to the timing of getting final MRIP estimates, would that pound-for-pound payback for the recreational fishery if we went over in 2020. Would that occur in 2021, or would it be in 2022? Derek Orner, I'll put you on the spot. I don't know if you have an answer for that.

MR. DEREK ORNER: I'm chatting with some of our folks up there in GARFO now on that. As soon as I get something I can let you know. I don't know off the top of my head.

CHAIRMAN BATSAVAGE: Jay, do you have something else?

DR. McNAMEE: Yes thank you, Mr. Chair. The question that Justin asked kind of made me wonder. Summer flounder we have conservation equivalency, it's how we do that fishery, and there is accountability built into it. In the case of bluefish that accountability does not exist. The accountability is way up the flow chart there. For instance, if New Jersey or Georgia blew past what their goal of what they're trying to do with their CE, it doesn't matter to them specifically, it matters to everyone. Is that correct?

MR. COLSON LEANING: That is my understanding, and I'm seeing Toni nod her head.

CHAIRMAN BATSAVAGE: Justin.

DR. DAVIS: Dustin, could you also remind us. We're currently working on a rebuilding plan, which was triggered because the stock was

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declared overfished, and there is some date certain by which that rebuilding plan needs to be implemented. Which fishing year will we likely see implementation of the rebuilding plan?

MR. COLSON LEANING: The announcement from GARFO came in on November of 2019, so it starts a two-year countdown from that date as to when implementation of the plan would need to be, and then the stock needs to be rebuilt to the target level within ten years.

CHAIRMAN BATSAVAGE: Cheri Patterson.

MS. CHERI PATTERSON: NOAA Fisheries has a pound-for-pound payback system, whereas are we working with pounds here or are we working with numbers of fish? Quotas and pounds, thank you.

CHAIRMAN BATSAVAGE: Derek, did I see your hand earlier?

MR. ORNER: Yes, it is done in pounds, and the payback would be in 2022.

CHAIRMAN BATSAVAGE: Thank you for following up on that. Are there any other questions from the Board? Nichola.

MS. MESERVE: I guess it's really a question to the neighboring states. At the Striped Bass Board there was a lot of discussion about concerns about compliance and enforcement and equity between neighboring states with different regulations that resulted from CE. I'm wondering if any of the neighboring states have any input on whether they have similar concerns with bluefish as were expressed for striped bass.

CHAIRMAN BATSAVAGE: Are there any concerns from some of the states regarding these different regulations in shared waters? Jim Gilmore.

MR. JAMES J. GILMORE: I don't know if it's concern, because when I first looked at this I was like well, if you've got a high value species like black sea bass or fluke or whatever, or striped bass, and you can start seeing there is definitely competition. Bluefish doesn't seem to rise to that level, because when I saw the numbers going down to a 3-fish bag that was like that's great, because anything above that tends to end up in the garbage.

I'm kind of looking at this. I don't have a problem maybe with the other states are doing in terms of competition or whatever. I guess we can get to it. I have the same concern as the TC. It's like if you see they want to get a few more fish like up to 8-fish bag or something like that yes fine. Ten to 15 fish bag limits, somebody needs to explain to me why that makes any sense.

Again, I always have to tell and admit I'm a bi-state resident, so when I'm in Jersey you know it is the same fish we've got in New York. Maybe down south it's different, but when I go out. I mean I had a blitz last summer, and I saw boats taking a lot of fish, and I said what do you do with those? Most of them are probably throwing them in the garbage. I really kind of question that really, does a high bag limit like that make any sense, so if somebody can enlighten me that would be great?

CHAIRMAN BATSAVAGE: Joe Cimino.

MR. CIMINO: I didn't expect to find us in this position. The timing of this was actually a bigger challenge than striped bass. You know with striped bass we had three public hearings, and tried to craft some options. Here we didn't have time to do anything, but there was huge backlash, and it wasn't just in New Jersey.

You know that decision that was made to do the 3-5 split was a big decision that the public should have had more input on. We tasked ourselves in Marine Fisheries Administration with coming up with some options that met

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these reductions, most of which as you see wipe away the 3-5 mode split, there are a couple that do still have that in there.

We honestly don't know if we would go out to our public and they would hate every one of these options. We were simply trying to do our best to put options forward, which we thought was the Board decision, and we certainly expected other states to be doing the same thing. I can't say that we're sitting here fighting for any of these, but the big thing for us was to get some options for our public that wiped away the mode split.

CHAIRMAN BATSAVAGE: Roy Miller.

MR. ROY W. MILLER: Just a follow up on Joe's comments. I presume all of your options would be statewide, am I correct in that? Joe is shaking his head yes. You haven't given any consideration to potential differences in Delaware Bay that kind of thing, the age old topic that we dealt with, with striped bass and summer flounder and so on.

CHAIRMAN BATSAVAGE: John McMurray.

MR. JOHN G. McMURRAY: Really my concerns are the same that we just went over and over again with striped bass, mostly consistency among states, consistent regulations. But also we're already taking an extraordinary risk by using 2018 harvest as a proxy for 2020 landings. CEs for bluefish would add to that uncertainty. Also from New York's perspective it would give New Jersey an advantage over adjacent states, particularly New York. I'm talking specifically about the party boat fleet, because frankly most people in the private angling community are okay with 3 fish.

CHAIRMAN BATSAVAGE: Are there any further questions or comments? I think we're getting to the point of taking action on these conservation equivalency proposals put forward. I guess we can try to do it in one motion, or address them individually, whatever

the Board wants to do on this, as long as it doesn't take seven hours like striped bass. Nichola Meserve.

MS. MESERVE: We all have the questions of trying to set the groundwork for this, but I'm concerned that we're setting ourselves up for a difficult course correction in a year or two when we have a rebuilding plan being implemented, and also what are very likely to be pound-for-pound payback for overage this year. I don't think we're in a position where we want to be adding additional uncertainty to the projections at this time.

In 2019 we have the benefit of commercial underage to help with what Dustin showed was going to be an overage of the RHL in 2019. We're not going to be in the same position in 2020. The TC comments also talked about the uncertainty in angler behavior to the new bag changes, and I think that's especially so in a case with bluefish, where we've had a 15-fish limit since 2001. I think we would be in a better position of sticking with more coastwide measures and not depreciating the value of the 5 and 3 bag limits.

Particularly where one of the states is responsible for about a quarter of the landings and it has accountability for all of us. **With that I would move to prohibit the use of conservation equivalency in recreational bluefish management for 2020, with an exception for states that are accountable for less than 1 percent of the coastwide recreational harvest.**

CHAIRMAN BATSAVAGE: Go ahead and get that motion up on the board. Okay move to prohibit the use of conservation equivalency for bluefish management with the exception of states that are accountable for less than 1 percent of the total coastwide harvest. Motion by Nichola Meserve and second by Cheri Patterson; is there any discussion on the motion? Nichola.

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MS. MESERVE: I just wanted to add in the word recreational in there somewhere, conservation equivalency for recreational bluefish management.

CHAIRMAN BATSAVAGE: Yes Cheri, I guess you're fine with that addition, okay. Justin Davis.

DR. DAVIS: Question for the maker of the motion. Is this just for 2020?

MS. MESERVE: Yes that was also part of the motion, thank you. In recreational bluefish management for 2020, meaning that it would be the Board's purview to reconsider where we are in 2021, if you want to allow CE then or not, so it would just be for one year.

CHAIRMAN BATSAVAGE: Okay Cheri, you're okay with that modification, okay further discussion, Jay McNamee.

DR. McNAMEE: I'm kind of thinking through this, and I think this is, I always get concerned about consistency in the things that I'm doing management wise. I like this motion and support it, and I'm trying to convince myself I'm not being completely inconsistent with what we just did for striped bass.

But I think the difference here is there is a higher authority with the accountability. The accountability for striped bass we had that discussion, but in this case we know there is accountability. There is going to be a pound-for-pound payback. It's going to affect all of us not just the states doing the CE, and we know we are kind of behind the curve here to begin with, and so I think I'm going to support this motion.

CHAIRMAN BATSAVAGE: Roy Miller.

MR. MILLER: Mr. Chairman, reiterating the point I made earlier. We have concerns about setting ourselves up for differential regulations in Delaware Bay when we can avoid it. If a

couple of the New Jersey proposals were implemented we would have a fair amount of differential in regulations in Delaware Bay, which of course is a shared border. I'm inclined to support the motion, because if there were a coastwide exceedance of the target reduction, I believe we would all have to pay back the following year, rather than just the state of New Jersey if they went over. If it was on a state-by-state basis then I would have no concerns about it. But if they are going to be more liberal, in terms of their size limits in Delaware Bay and shared waters, then that concerns me.

CHAIRMAN BATSAVAGE: Justin Davis.

DR. DAVIS: I generally support this motion. I have the same concerns that have been voiced around the table about the likely overage of the RHL that we're facing next year and the paybacks, and the rebuilding plan that is coming. I would note that New Jersey's proposal Number 2 as I look at it seems like it essentially would be more conservative than the standard coastwide option, because you're not allowing for a higher bag limit for the for-hire mode.

It seems like that would actually potentially add to conservation, unless I'm misunderstanding something, and New Jersey one of their stated reasons for pursuing conservation equivalency was to eliminate the mode split, because they got negative public feedback on that. I guess I'm a little hesitant to preclude them from pursuing that option if it's more conservative and also is something their public likes, because it's more simple and doesn't create more advantage for one sector. I wonder if New Jersey can just clarify that that is the case with Option 2.

CHAIRMAN BATSAVAGE: Joe.

MR. CIMINO: That is correct. I mean there is that possibility that members of our public and even our Council would reject this idea of the mode split to the extent that if their only option

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was to have both at 3 fish that we wanted that option there for them.

CHAIRMAN BATSAVAGE: Nichola.

MS. MESERVE: I'll look to staff to correct me if I'm wrong, but because that is a proposed measure that is more conservative than what is required the state does not need Board approval to implement that measure.

MR. COLSON LEANING: That's correct.

CHAIRMAN BATSAVAGE: Yes that was a good clarification. Mike Luisi.

MR. MICHAEL LUISI: I would like to be able to support New Jersey, and I think that it would be nice to be able for them to be able to go back and work with those stakeholders to try to find something that works for them. But as this table stands, I have grave concerns over some of the options in the proposal with the highest bag limits.

You know while those bag limits are probably not very likely to be attained. When you have high bag limits there is a probability for there to be really large estimates of catch. If by chance somebody comes home with a cooler full of fish, and is intercepted by one of the APAIS surveyors in the state. I think we're dancing around the point that there may be some form of a payback as there is going to be a payback, a pound-for-pound payback. We talked about this at our joint meeting in December when we were talking about the recreational measures. We are also facing a rebuilding plan.

That is even going to be worse, as far as the reductions that are going to be necessary. At this point now, unless New Jersey is willing to take some of these options off the table that have the 15-fish bag limit, the 10-fish bag limit, even the 8-fish bag limit for all modes. I would be inclined to support the motion, given the concerns that I think could come as a result of

having rules in place that have bag limits that high.

CHAIRMAN BATSAVAGE: Adam Nowalsky.

MR. ADAM NOWALSKY: As Joe mentioned, we haven't had a lot of time to get input from the public. But one thing that we've heard, we heard it in the last discussions was concerns about mode split. I think we would like to have the opportunity in New Jersey to have that conversation.

I would be inclined to look for inclusion of 2, 3, and 6 so that we could at least get that input from our public, given that we've heard that as a theme, and at least that would provide some sense of compatibility with, we're doing something for somebody so we're giving somebody a chance to consider things.

I would note that all of those options are more conservative than what would become the status quo option, Option Number 1 under that. I know it has been a long day already, but I'm going to **move to substitute to allow conservation equivalency for the states that are accountable for less than 1 percent of the total coastwide harvest, and to approve New Jersey's proposals 1, 2, 3, and 6.**

CHAIRMAN BATSAVAGE: Go ahead and get that up on the board. Adam, what is up on the board does that reflect your substitute motion?

MR. NOWALSKY: Yes, thank you Mr. Chairman.

CHAIRMAN BATSAVAGE: Great, do we have a second, Craig Pugh.

MR. CRAIG D. PUGH: A second for discussion.

CHAIRMAN BATSAVAGE: Discussion on the motion. Justin Davis.

DR. DAVIS: I'm wondering if Adam can clarify his rationale for not including Option 4, which does away with the mode split, has a low bag

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limit, which one of the concerns that has been voiced around the table is a high bag limit, but including Option 3 which has that high 8-fish bag limit.

CHAIRMAN BATSAVAGE: Adam.

MR. NOWALSKY: Two words, well one word, snappers. Juvenile bluefish caught from piers, land. First fish for a lot of people, and to exclude that opportunity would be a no go at home.

MS. TONI KERNS: Mike Luisi.

MR. LUISI: I am looking at Option 3 and comparing it with Option 6. What I'm seeing is that if these are supposedly equivalent I'm challenged in understanding. With an 8-fish bag limit, based on the open season dates, there looks like to be a two month closure in the fall under an 8-fish bag limit.

But under the 5-fish bag limit there are two waves closed, both the spring and the fall. I almost feel like they should be reversed, where the larger bag limit should have more closures associated with them, and the lower bag limit should have less closure. I just wonder if somebody can explain how those two. The numbers aren't on the board, but I don't remember what they were in the proposal, but how they can be equivalent to one another.

CHAIRMAN BATSAVAGE: Joe.

MR. CIMINO: It's just how the numbers work. The wave closures have some high variability, but what we're offering with that bag limit of 8-fish is a closure in Wave 5, and there is just a greater reduction in a Wave-5 closure than there would be in the proposed Wave 2 and 6 closures for the 5-fish bag limit. Wave 5 happens to be our most consistent of the waves, I believe.

CHAIRMAN BATSAVAGE: Any further discussion on the motion? Do we need time to caucus,

one minute to caucus? I'm sorry for the delay everyone. They just want to make sure that the numbers that we're going to take action on in New Jersey's proposal are indeed correct. We should have this wrapped up here pretty soon, thanks. Before we vote I would like to call on Adam Nowalsky, please.

MR. NOWALSKY: Thank you everyone. In reviewing this, I think Mike brought up a great point about the differences between Options 3 and 6. We've got some question about the validity of Option 6 right now as it was presented. As a result of that and with the intention of using Option 6, we were looking to get some benefit to the closed season in the bag limit.

It would be my intention at this point to withdraw the motion with the consent of the Board to substitute, and then bring forth a new motion that would include Options 1, 2, and a slightly modified 3 that would drop the bag limit from there so that we have an option. With the consent of the Board, Mr. Chairman, I would like to withdraw the motion and then be recognized to offer a new substitute.

CHAIRMAN BATSAVAGE: Okay any objection to what Adam is proposing? Okay.

MR. NOWALSKY: Okay, so the new motion will be move to substitute to allow conservation equivalency for states that are accountable for less than 1 percent of the total coastwide harvest, and to approve New Jersey's Options 1, 2, and a modified Option 3 with a 6-fish bag limit.

CHAIRMAN BATSAVAGE: Okay while staff gets that prepared can I get a second, seconder Marty Gary? Okay we have the new substitute motion up on the board, any discussion on the substitute motion? Nichola Meserve.

MS. MESERVE: I guess I'm just looking for some clarity as to whether this meets the reduction required. Was this reviewed by the Technical

Committee? Is the table in both the New Jersey proposal and the TC Review of the New Jersey proposal wrong that just switched up the numbers? Like how certain are we that this modification is conservationally equivalent, having not had it reviewed by the Technical Committee?

CHAIRMAN BATSAVAGE: Joe.

MR. CIMINO: The option of concern has been completely dropped. Option 1 is the coastwide measure, 2 is 3-fish for all modes, and the new option that is out there is the approved seasonal closure of September 1 through October 31st, and it was 8-fish and we're bringing it down to 6. That was almost a 29 percent reduction originally, so we're building up from there as far as the percent savings.

CHAIRMAN BATSAVAGE: Further discussion on the motion, Mike.

MR. LUISI: The previous motion I was prepared to oppose, the 8-fish bag limit, it was just too much in my opinion. Six is better, and it's right on that line for, kind of going back and forth in my mind about, I think I can support that to give New Jersey an option moving forward with their stakeholders.

I don't think that when they get out to the public and the for-hire sector at least is going to see. Instead of implementing the coastwide measure, the for-hire fleet I think is going to give you guys a little bit of grief over one additional fish in their bag, but then they close for two months. I think that is going to be problematic.

You know moving this forward when your for-hire fleet reaches out to you and provides comment. But I will support the motion to provide giving New Jersey some bit of flexibility. I don't think it's anything that is going to put us in any worse position than we might end up being in a few years anyway, under the rebuilding plan. I'll support the motion.

CHAIRMAN BATSAVAGE: Is there any more discussion, how about one minute to caucus, and actually one minute this time? Is the Board ready to vote? All those in favor of the substitute motion please raise your hand; okay 11 in favor, all those opposed, okay 5 opposed, any abstentions, null votes? Okay the motion to substitute passes and now becomes the main motion. I guess I should probably read that into the record at some point.

Now, the main motion is move to allow conservation equivalency for states that are accountable for less than 1 percent of the total coastwide harvest, and to approve New Jersey's Options 1, 2, and a modified 3 with a 6-fish bag limit. Is there a need to caucus for this or is the Board ready to vote? Okay if they are ready all in favor please raise your hand. Actually sorry, this is final action; it is a roll call vote. I guess I'll start by asking is there any opposition to the motion? Okay no opposition, any abstentions? Okay then the motion passes by unanimous consent.

ELECT VICE-CHAIR

CHAIRMAN BATSAVAGE: Next item on the agenda is to elect a Vice-Chair, because it is really no fun for me to be up here all by myself having all the fun. I would like to see if there is a motion for that. Russ Allen.

MR. RUSS ALLEN: With great pleasure I offer up Joe Cimino to the Board as Vice-Chair.

CHAIRMAN BATSAVAGE: Any second to that motion, Mike Luisi, any opposition? I didn't think there would be. Well I guess Congratulations, Joe, thank you at least.

CHAIRMAN CIMINO: Godspeed to you, Mr. Chair.

CHAIRMAN BATSAVAGE: Yes I know I just started. Okay before we adjourn, I did mention at the beginning of the Board meeting that I just

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wanted to get a sense of when states think they will be able to implement their 2020 management measures, either through conservation equivalency or for most cases the coastwide measures.

Just as an FYI to the Board, North Carolina implemented the 3-fish, 5-fish bag limit on February 1st. I guess kind of working south to north, without spending too much time to get just a general sense of when state's think they'll be able to implement things. I'll start with Florida, Jim Estes.

MR. JIM ESTES: Our process is we have seven Commissioners that approve our rules, and they meet five times a year. They are going to be meeting in about two weeks I think, and the next time they meet is in May. The agenda is already set for February, and so we can bring this and plan to bring this to our Commission in May. Sometimes when there are technical issues and there are small things that we do, we can do a one-stop-shop where they approve it during the meeting.

This is a little bit bigger deal, because of the change in the bag limit that we're going to implement, and so we're going to have to go to the May meeting and then the July meeting, which means it will not be implemented until sometime in August, and we catch about a quarter of the fish, so that is going to endanger I think the RHL.

CHAIRMAN BATSAVAGE: Thanks, that kind of brings in question just how successful we'll be in 2020, despite trying to base reductions on 2018, so I appreciate that. Georgia if I remember correctly, you're able to move pretty quickly after a conservation equivalency, but Doug I'll pass it over to you for any information on top of that.

MR. DOUG HAYMANS: You are correct. I'm trying to get it done by March 1.

CHAIRMAN BATSAVAGE: Thanks Doug, South Carolina, Mel.

MR. MEL BELL: In the same way we adopted the 15-fish bag limit, as soon as it becomes effective in federal waters it will become the law of the state of South Carolina.

CHAIRMAN BATSAVAGE: Thanks, and Dustin can you remind me, or maybe Derek would know. Is there a general sense of when the measures in federal waters will be implemented?

MR. COLSON LEANING: I've been told that they're working on it, and it says as soon as possible. Correct me if I'm wrong, but I believe they're putting it through as an emergency action.

MR. ORNER: Yes, I believe so. I don't have a date I can give you though.

CHAIRMAN BATSAVAGE: Thanks, I was just looking for a general timeline not a set date so that's good enough. Virginia.

MR. PAT GEER: It's on the agenda for our February 25th meeting, so it should be approved then.

CHAIRMAN BATSAVAGE: PRFC, Marty.

MR. MARTIN GARY: We'll discuss Chris on our March 6 meeting, and should have it implemented within ten days of that.

CHAIRMAN BATSAVAGE: Maryland, Mike.

MR. LUISI: Via our Public Notice Authority, our rules for 3-fish and 5-fish the coastwide measure was effective on February 1st. We're up to speed.

CHAIRMAN BATSAVAGE: Delaware, Stew Michels.

MR. STEWART MICHELS: We just got some new authority granted to us, so we could probably

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do it pretty quickly once we get the process to implement that authority in place. It likely won't be before the Feds put in their regulations.

CHAIRMAN BATSAVAGE: New Jersey, Joe.

MR. CIMINO: We'll do this for April 1st with striped bass.

CHAIRMAN BATSAVAGE: New York, Jim Gilmore.

MR. GILMORE: We're doing an emergency rule, so we'll definitely have it done by April 1st, and before the fish show up even if Punxsutawney Phil is right.

CHAIRMAN BATSAVAGE: Connecticut, Justin Davis.

DR. DAVIS: I think on the outside we would definitely have it done by April 1st, but very good chance we would have it done sooner than that. It's well before there are any bluefish being caught in Connecticut, so no danger there.

CHAIRMAN BATSAVAGE: Rhode Island, Jay.

DR. McNAMEE: We are in process now, should have it fully implemented by April 1st.

CHAIRMAN BATSAVAGE: Massachusetts, Nichola.

MS. MESERVE: We have a state Commission meeting late in March, and then should have it in place by mid-April to early May.

CHAIRMAN BATSAVAGE: New Hampshire, Cheri.

MS. PATTERSON: Yes, we've already enacted the rule.

CHAIRMAN BATSAVAGE: State of Maine.

SENATOR DAVID MIRAMANT: Thanks that's why our motto is Dirigo, "I lead." We're already in compliance.

CHAIRMAN BATSAVAGE: All right we weren't the first, first in flight, but not first in bluefish conservation.

ADJOURNMENT

CHAIRMAN BATSAVAGE: Anyways, I appreciate everyone's indulgence on where you stand on getting these measures in place. Is there any other business to come before the Bluefish Board? If there is no objection then we are adjourned.

(Whereupon the meeting adjourned at 7:15 o'clock p.m. on February 4, 2020)