

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

Webinar
March 24, 2022
Approved March 2, 2023

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of January 25, 2022** by Consent (Page 1).
3. **Move to approve the methodologies for developing 2022 recreational summer flounder regional measures, and approve the state and regional proposals as reviewed today** (Page 8). Motion by Nichola Meserve; second by Joe Cimino. Motion carried (Page 10).
4. **Move to approve the methodologies for developing 2022 recreational black sea bass measures, and approve the state and regional proposals as reviewed today** (Page 10). Motion by Mike Luisi; second by Dave Borden. Motion carried (Page 14).
5. **Move to adjourn** by Consent (Page 16).

ATTENDANCE

Board Members

Cheri Patterson, NH (AA)	Emerson Hasbrouck, NY (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Joe Cimino, NJ (AA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)	Tom Fote, NJ (GA)
Raymond Kane, MA (GA)	John Clark, DE (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Roy Miller, DE (GA)
Jason McNamee, RI (AA)	Mike Luisi, MD, Administrative proxy
David Borden, RI (GA)	Pat Geer, VA, Administrative proxy
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Justin Davis, CT (AA)	Marty Gary, PRFC
Bill Hyatt, CT (GA)	Emily Keiley, NMFS
Jim Gilmore, NY, (AA)	

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

Ex-Officio Members

Alexa Galvan, Technical Committee Chair

Staff

Bob Beal	Tina Berger	Caitlin Starks
Toni Kerns	James Boyle	Deke Tompkins
Maya Drzewicki	Heather Konell	
Tracey Bauer	Dustin Colson Leaning	

Guests

John Almeida, NOAA	Lorena de la Garza, NC DENC	Kevin Smith, Richmond, VA
Timothy Anfusio	Lewis Gillingham, VMRC	Somers Smott, VMRC
Max Appelman, NOAA	Victor Hartley	David Stormer, DE DFW
Pat Augustine, Coram, NY	Jay Hermsen, NOAA	Mark Terceiro, NOAA
Julia Beaty, MAFMC	Jesse Hornstein, NYS DEC	Wes Townsend, Dogsboro, DE
Eleanor Bochenek, Rutgers	Brandon Muffley, MAFMC	Patrick White
Jeff Brust, NJ DEP	Susanna Musick, VIMS	Mike Waine, ASA
Peter Clarke, NJ DEP	Adam Nowalsky, Pt Republic, NJ	Lowell Whitney, US FWS
Heather Corbett, NJ DEP	Michael Plaia, Newtown, CT	Kate Wilke, TNC
Carson Coutre, MAFMC	Michael Purvin, Purvin Law	Angel Willey, MD DNR
Jeff Deem, Lorton, VA	Kathy Rawls, NC (AA)	Rich Wong, DE DFW
Michelle Duval, MAFMC	Bill Shillingford, Cape May NJ	Gerry Zagorski, NJ
Marianne Ferguson, NOAA	John Schoenig	Erik Zlokovitz, MD DNR
Jerry Fields	Allen Seigel, Berlin, MD	

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission, convened via webinar; Thursday, March 24, 2022, and was called to order at 10:30 a.m. by Chair Justin Davis.

CALL TO ORDER

CHAIR JUSTIN DAVIS: Well good morning, everybody! I'm going to call to order this meeting of the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Management Board. My name is Justin Davis; I'm the Administrative Commissioner from Connecticut, and am currently serving as the Chair of this Board.

We're convened here today for the purpose of approving state and region proposals for 2022 Summer Flounder and Black Sea Bass recreational measures. I won't go back over the process we've been through over the last three or four months here related to this topic. I'm sure that is going to be covered in the presentation we'll see a little bit later this morning.

But I will say, I certainly appreciate all the hard work by Commission staff and all the folks around this table, and this process. Hopefully we're bringing it more or less to a close today. The other thing I'll just note is that this is sort of unusual we're meeting in the middle of the day. We have potentially a lot of business to do here in two hours.

We really do need to try to keep the meeting to the two-hour time slot. I will be doing my best to move us along at a good pace.

APPROVAL OF PROCEEDINGS

CHAIR DAVIS: With that we'll move to the first item on our agenda today, which is approval of our proceedings from our previous meeting. I'll just ask at this point if anybody has any objections to approving the proceedings from our previous board meeting.

MS. CAITLIN STARKS: I see no hands.

CHAIR DAVIS: Great, thanks, we'll consider the proceedings from the previous board meeting approved by consent.

APPROVAL OF AGENDA

CHAIR DAVIS: Oops, sorry, I did that backwards. With that I'll ask for approval of our agenda today for this meeting. Any additions, edits to the agenda for today?

MS. STARKS: I see no hands.

CHAIR DAVIS: Okay, with that we'll consider our agenda for today approved by consent.

PUBLIC COMMENT

CHAIR DAVIS: At this time, we have public comment on the agenda. If there are any members of the public who would like to comment on a topic that is not on the agenda today, so this would be public comments not related to 2022 recreational measures for summer flounder and black sea bass. I would be willing to take those public comments at this time. I will provide time for public comment later on in the discussion, when we are discussing recreational measures, but this would be an opportunity for comments not related to what is on the agenda today.

MS. STARKS: I see no hands, Mr. Chair.

CONSIDER 2022 RECREATIONAL SUMMER FLOUNDER AND BLACK SEA BASS REGIONAL PROPOSALS FOR FINAL APPROVAL

CHAIR DAVIS: Okay, so moving right along we'll move to Item 4 on our agenda, which is to Consider 2022 Recreational Summer Flounder and Black Sea Bass Regional Proposals for Final Approval. We're going to start off today with a presentation, I believe from Dustin Colson Leaning from Commission staff.

MR. DUSTIN COLSON LEANING: After discussing the presentation further with Alexa, and considering that the majority of it is really just reviewing the proposals and providing TC feedback. We thought

it might be more streamlined if Alexa just took the lead on this one, so we'll get her screen shared, and then we should be good to go.

REVIEW REGIONAL PROPOSALS AND TECHNICAL COMMITTEE RECOMMENDATIONS

MS. ALEXA GALVAN: Good morning, everyone, this is Alexa Galvan, the Technical Committee representative from Virginia, and the Technical Committee Chair. I'll be doing the presentation, as Dustin said. A brief overview of today's presentation. I'll be giving a little background on how we got here.

I'll be covering the regional proposals and the subsequent Technical Committee recommendations for first summer flounder, and then black sea bass, and we'll go region by region. Then the Board will be able to consider the regional proposals for final approval. In December, 2021, the Board and Council adopted conservation equivalency for 2022 summer flounder and black sea bass regional management.

Summer flounder is allowed a 16.5 percent liberalization in expected harvest. Black sea bass was originally required to have a 28 percent reduction in expected harvest, but the Technical Committee performed a Thompson Tau outlier analysis with some anomalous observations, and in January the Board voted to revise the required reductions to 20.7 percent, which fell within the Technical Committee's revised recommendation.

First, I'll cover the proposal and subsequent TC recommendations for this recreational summer flounder fishery by region. Each region used 2018 through updated 2021 MRIP harvest data, and Type 9 head boat discard data, to examine liberalizations to size, season, and/or bag limit. While each region set up their own analysis, methodology was fairly consistent across the board.

Massachusetts presented an option that would decrease the size limit to 16.5 inches, maintain the bag limit of 5 fish, and open the season from May 21st to September 29, for a 16.1 percent increase in

harvest. All proposal slides will include the percent standard error of the mean harvest.

Massachusetts requested the TC's opinions on the best methodology out of several to project expected harvest under a bag limit liberalization. The TC agreed on the most fitting approach, which Massachusetts incorporated into their final proposal. The TC had no concerns for technical merits of this proposal, and recommended Board approval. Rhode Island presented three options; 18.5-inch size limit, a six-fish bag limit, and maintained the season from May 3 to December 31, for a 5.6 percent increase. Option 2 maintains the bag limit at 19 inches, increases the bag limit to seven fish, and maintains the May 3 to December 31st season, for a 7.7 percent increase in harvest.

Option 3 decreases the size limit to 18 inches, decreases the bag limit to four fish, and again has the May 3 to December 31 season, for a 15.2 percent increase. The proposal Rhode Island originally put forward to the Technical Committee included one option which exceeded the allowed liberalization.

After some discussion the Technical Committee agreed they would not recommend any options which exceeded the allowed liberalization for summer flounder, or fell short of the required reduction for black sea bass. The Technical Committee recommended for Board approval the methodology used, and those options which did meet the allowed liberalization. Rhode Island said they would remove the option in question, and all options in their final proposal are within the allowable liberalization.

The Connecticut and New York region presented three options. Option 1 decreases the size limit to 18 inches, and the bag limit to three, open season, May 4 to September 29, for a 16.2 percent increase in harvest. Option 2 decreases the minimum size limit to 18.5 inches, increases the bag limit to five fish, and maintains the May 4 to December 30 season, for a 15 percent increase.

Option 3 decreases the size limit to 18.5 inches, keeps the bag limit of 4 fish, and expands the season to open May 1 to October 9 for 16.5 percent increase. The Technical Committee had no concerns with the technical merits of this proposal and recommended Board approval. New Jersey presented five options.

Option 1 maintains the 18-inch size limit and the three-fish bag limit, and extends the season from May 13 to October 14, for a 16.2 percent increase in harvest. Option 2 keeps the size limit at 18 inches, the bag limit three fish, and has a May 13 to October 14 season, for 16.2 percent increase.

Option 2 has an 18-inch size limit, a four fish bag limit, and a season opened from May 20 to October 4, for a 16.2 percent increase. Option 3 decreases the size limit to 17.5 inches, maintains the three fish bag limit, and has the season open May 21 to September 24, for a 16.5 percent increase.

Option 4 has a 17-inch size limit, a three fish bag limit, and a season opened from June 1 to September 10, for a 15.9 percent increase in harvest. Option 5 has a slot limit, which would allow two fish between 17 and 17.99 inches, and 1 fish 18 inches or greater. This would be from May 12 to October 9, for a 16.5 percent increase.

New Jersey has sets of special regulations for Delaware Bay and the shore-based site of Island Beach State Park, which will maintain the respective regulations, and follow the state-wide season. New Jersey's proposal also states each of the measures seen here are examples for reference, and may not reflect final measures implemented through their regulatory process. Some TC members had concerns about the enforceability of the narrow slot limit in Option 5. Law Enforcement Committee guidelines rated slot limits favorably for enforcement, but a later report did stipulate the likelihood of violations increases, the narrower the slot limit is.

Several TC members recommended a wider slot limit, which New Jersey said they are considering. The Technical Committee had no concerns with the

methodology of this proposal, and recommended Board approval. The Delaware, Maryland and Virginia region proposed one option, which decreases the minimum size limit to 16 inches, had a four fish bag limit, and maintains the January 1st to December 31st season for 9 percent increase in harvest.

The Technical Committee had no concerns with the technical merits of this proposal, and recommended Board approval. Moving on to the regional proposals for 2022 recreational black sea bass seasons. All regions performed their analyses using standardized reduction tables created by the Technical Committee. The general methodology will be consistent across regions.

Massachusetts presented one option which increases the size limit to 16 inches, decreases the bag limit to four fish, and has a May 21 to September 4 season for 20.7 percent reduction in harvest. Massachusetts requested the Technical Committee's opinions on the best methodology for calculating the average daily harvest rate.

The Technical Committee agreed on the most fitting approach, which Massachusetts incorporated into their final proposal. The TC recommended this proposal for Board approval. Rhode Island proposed three options. Option 1 increases the minimum size limit to 16 inches, and has a two fish bag limit from May 22 to August 31, and a three fish bag limit from September 1st to December 31st, for a 20.8 percent reduction.

Option 2 splits the regulations by sector, so the private sector would have a 16-inch size limit, two fish bag limit from May 22 to August 31, and a three fish bag limit from September 1 to December 31, which would reduce the private sector harvest by 22.9 percent. The for-hire sector under Option 2 would also have the minimum size limit at 16 inches, would have a bag limit of two from June 26 to August 31, and a six fish bag limit from September 1 through December 31, for a sector-specific harvest reduction of 20.8 percent.

Option 3 keeps the 16-inch size limit as the others, has a bag limit of two from June 12 to August 31, and a four fish bag limit from September 1 to December 31, for a 20.7 percent reduction. Table 2 has the harvest estimates and PSEs for all modes, all sectors of black sea bass, and Table 3 breaks out the PSEs and harvest estimates for the for-hire mode alone. The Technical Committee recommended this proposal for Board approval.

As you can see, Connecticut's existing regulations are separated by sector, and all options for 2022 maintain that split. For Option 1, the private sector would increase the minimum size limit to 16 inches, and have a five fish bag limit from May 19 to December 1st. The for-hire sector would have the same 16-inch size limit, a five fish bag limit from May 19 to August 31, and a seven fish bag limit from September 1 to December 31, for 20.8 percent reduction. Option 2, the minimum size limit would be 16 inches, and the private sector would have a five fish bag limit from June 10 to December 31. The for-hire sector would have a five fish bag limit from June 10 to August 31, and a seven fish bag limit from September 1 to December 31, for a 20.8 percent reduction. In Option 3 there would be a 16-inch size limit again. The private sector would have a three fish bag limit from May 15 to December 31, and the for-hire sector would have a five fish bag limit from May 15 to August 31, and a seven fish bag limit from September 1 to December 31, for a 20.8 percent reduction. The TC recommended this proposal for Board approval.

New York presented three options. Option 1 increases the size limit to 16 inches, has a three fish bag limit from June 23 to August 31, and decreases the bag limit to six from September 1 to December 31 for a 20.7 percent reduction. Option 2, increase the size limit to 16 inches, has a three fish bag limit for June 24th to August 31st, and a seven fish bag limit from September 1 to December 25, for 20.7 percent reduction.

Option 3 has a 16-inch size limit, a three fish bag limit from June 28 to August 31, and a seven fish bag limit from December 1st to December 31st, for a 20.7 percent reduction. The TC recommended

this proposal for Board approval. New Jersey's proposal does not include season dates, as they will be decided during their regulatory process, but lists the number of days open during each wave.

For ease I'm going to compare each option to the status quo. Compared to status quo, Option 1 maintains the same minimum size limit in each wave, decreases the bag limit in Wave 4 and 6, and decreases the number of days open in Wave 3, 5, and 6 for a 20.7 percent reduction. Option 2 maintains the same minimum size limit decreases the bag limits in all waves, and decreases the number of days open in Wave 3, 4, and 5 for a 20.7 percent reduction. Option 3 maintains the same minimum size limit, decreases the bag limits in Wave 3, 5, and 6, and decreases the number of days open in Wave 3, 5, and 6 for 20.7 reduction.

Option 4 brings the minimum size limit in all waves to 13 inches, maintains the same bag limit in each wave, and decreases the number of days open in Waves 3 and 5, for a 21 percent reduction. As per the TC's discussion with summer flounder, the Committee did not recommend some options which did not meet the required reduction.

The TC recommended for Board approval those options which did meet the required reduction. New Jersey said they would remove the options which fell short, and all options in the revised proposal meet or exceed the required reduction. The southern region of Delaware, Maryland, Virginia, and North Carolina presented four options.

Option 1 increases the minimum size limit to 13 inches, maintains the 15 fish bag limit, and cuts the season from May 15 to December 11, for 21 percent reduction. Option 2 increases the size limit to 13 inches, maintains the 15 fish bag limit, and has the season open May 20th to December 14th, for a 20.9 percent reduction.

Option 3 increases the minimum size limit to 13 inches, decreases the bag limit to 13 fish, and has the season open from May 15 to December 15, for a 21.1 percent reduction. Option 4 splits the season with a 13-inch minimum size limit and a 15 fish bag

limit, be open from May 15 to May 30, and then from July 9 to December 31, for a 20.8 percent reduction. The TC recommended this proposal for Board approval. The Board's next steps following any questions will be to consider these regional proposals for final approval.

The Board will need to consider the proposed methodology for each region, but at this point final measures do not need to be approved. Most states have submitted a range of measures using the same methodology, and may need more time to consult with stakeholders and select the final set of measures. States and regions should notify ASMFC staff once the final set of measures has been selected. I'm happy to take any questions.

CHAIR DAVIS: Thank you very much for that presentation, Alexa. At this point I'll go ahead and open it up to questions. If you would like to ask a question, just please, raise your hand. Caitlin, if you could let me know the names.

MS. STARKS: You have Nichola Meserve.

CHAIR DAVIS: Okay, Nichola Meserve, go ahead.

MS. NICHOLA MESERVE: Thank you for the presentation, Alexa. I had a couple questions about several of the sea bass proposals. Regarding New Jersey's proposal. Since the specific dates of the seasons weren't presented, that leaves open some interpretation, I guess.

But I believe there has been Technical Committee guidance in the past about the minimum length of in-season closures. If you could remind me what that is, I think it may have been two weeks. I'm wondering if that is guidance that New Jersey would be following, and required to follow in how they select the specific states.

MS. GALVAN: I'm not familiar with those guidelines myself, I'll defer to Dustin on that.

MR. COLSON LEANING: Unfortunately, Nichola, that guidance may have predated me as well. If you don't mind either directing me to when that

guidance was implemented, or if we need to follow up with perhaps Bob Beal on that. I'll ask for a follow up there.

MS. MESERVE: Yes, I'm not exactly sure when it dates from. I thought that there was something about, you know compliance associated within season closures, and how closing for a day or two probably doesn't result in very high compliance, and so that there was some guidance about the length of in-season closures. But if it's not available, so be it. My other question.

MR. COLSON LEANING: Nichola, I am realizing this guidance may have come from the Law Enforcement Committee, and I can look up their report that was put out. I don't remember which year, but within the last ten years, so I can get back to you on that while you are following up with your second question.

MS. MESERVE: Okay, thank you, Dustin. The other question related to one of Connecticut's proposals. You know I was struck by their PSE estimates for Wave 6. Even when pooled were very high, above 50, and one of the proposals in particular gets about a third of its reduction from closing the private and shore modes in the month of December, when the PSEs indicate that that data is highly uncertain and should not be used at that level. I was wondering if the Technical Committee had discussed the PSEs as they related to the state-specific proposals, and in particular that Connecticut proposal.

MS. GALVAN: Thanks for the question. The Technical Committee didn't discuss the PSEs for this proposal, although I know elsewhere in the discussion it was brought up that Connecticut does have a logbook program for their for-hire fleet, which they use to sort of cross reference some of the MRIP results. I'm not sure how they reference that in this proposal, but the Technical Committee did not have bring up any concerns about this.

MS. MESERVE: Okay, I would just follow up that it is a little bit concerning to me, when I think about the December fishery. It doesn't seem like a time of the

year where there is a lot of private angler effort. For the state to be getting so much of its reduction out of closing a month where the data is highly uncertain, you know it raised my eyebrows a bit. That's it for now, thank you.

MS. STARKS: You have Joe Cimino.

CHAIR DAVIS: Sorry, I was just about to ask if we had any other names. Joe Cimino, go ahead.

MR. JOE CIMINO: I just wanted to address Nichola's concerns for New Jersey's seasonal closures. Although we don't have specific dates yet that we intend to close, to get us to the needed reduction we would add those dates to the seasonal closures we have. We would be looking at greater than a two-week closure for any period.

Being an old TC member, that type of guidance was a suggestion that you shouldn't just have a week closure here and another week somewhere off in another wave. Just to assure everyone here that the days that get tacked on will be to our existing closures.

MS. MESERVE: Thanks, Joe.

CHAIR DAVIS: Thank you for that clarification, Joe. Caitlin, do we have additional questions?

MS. STARKS: Yes, you have Mike Luisi.

CHAIR DAVIS: Okay, Mike Luisi, go ahead.

MR. MICHAEL LUISI: I just wanted to speak to that as well, having just gone through a process for which we were closing a season for one of our fisheries. The guidance was directly from the Law Enforcement Committee as being two weeks at a minimum. I had my hand up earlier to try to confirm that for Nichola, but that was the guidance we received for other fisheries, and I would assume it would be the same for this one.

CHAIR DAVIS: Thank you, Mike. Caitlin, do we have any additional hands for questions?

MS. STARKS: You have no additional hands. Oh, Jim Gilmore.

CHAIR DAVIS: Okay, Jim Gilmore, go ahead.

MR. JAMES J. GILMORE: Just two questions. First off, and one of the other things just on summer flounder, and I think it gets back to that the last option was that there was a, I recall that recommendation also that if you were going to do mid-season closures, they had to be a minimum point. I think Joe is right that you couldn't start picking days and spreading them out over that, over the entire harvest season, so that made sense.

The other one was that slot limits, and there was some analysis done, and I don't have it in front of me. But they generally don't work. In addition to the small size of them, I mean even if you got into a different slot limit, for summer flounder or whatever the analysis was they just were not very effective in controlling harvest.

But it sounds like the TC already had some problems with that last option on the slots, so I think we should be clear that slots really do have problems. Secondly, I just to Nichola's point on black sea bass in Connecticut. It does raise a concern, because essentially the amount of that Wave 6 data that is influencing things is pretty dramatic.

I was wondering if anybody from Connecticut could respond back. Do they still think they are going to be able to keep the region in check, because if one of the states goes down, we all go down, so it is a valid point. If somebody from Connecticut could respond to that high PSE and what they think about how it's going to affect their harvest.

MS. STARKS: You have Bill Hyatt.

CHAIR DAVIS: Go ahead, Bill.

MR. WILLIAM HYATT: Yes, Justin, and please add to what I say if you have something more. I was just going to say, Jim, I don't know if this is adequately answering your question. But I would say that we

use the methods that we were instructed to use. We used the data that was provided, and based upon our analysis, it looks like it's safe.

Plus, as was mentioned, we have this 100 percent logbook reporting on the party and charter. I think as far as accounting for what happens, I think we're pretty solid there, and as far as the process, I think we followed all the rules that were set and put before us. We did go to public hearing on March 1, with various options as well, so we've all got that in the rear-view mirror. Justin, I don't know if you can add anything to what I just said.

CHAIR DAVIS: No, thanks, Bill. I think you covered it pretty well. We used the same tool that everybody else used to develop these regulations, options, and as Bill noted, we do have a logbook reporting requirement for the party/charter industry in Connecticut for black sea bass. We have an additional data source that we can corroborate, you know how well these measures perform. To your concern, Jim, if we got to a place where we felt like these measures were not performing as intended, we would be able to tell that and potentially make an adjustment. Although, from my standpoint, I think big picture here we're all looking at this as we're trying to get through this coming year to take these reductions that I think there was broad consensus aren't really necessary. I think we are going to be getting to hopefully a new place in 2023, with adoption of the Harvest Control Rule, where we'll be resetting the table.

I don't think with any measures, at least from my standpoint, that Connecticut is setting this year, that we're viewing these as precedent setting, or something we're planning on taking into the future. I think these are sort of one-off measures for this year, so I am not concerned about long term not achieving conservation goals that we may need to achieve with the adoption of these measures this year. Caitlin, do we have any additional questions?

MS. STARKS: Yes, you have Nichola Meserve.

CHAIR DAVIS: Nichola Meserve, go ahead.

MS. MESERVE: I agree, we're all just doing our best to get through this year. But there is still the matter of this year, and I think it's important that we're paying attention to the data that we have and using it in appropriate ways. Another question I had was whether or not the Technical Committee was able to look at the 2021 Wave 6 estimates that came out subsequent to the development of the spreadsheet for the sea bass analyses, and how those compare to the projected values that were used in the development of the reduction spreadsheets.

MS. GALVAN: Thanks, Nichola. The Technical Committee did discuss when those estimates were released. I believe most states agreed to incorporate the Wave 6 estimates to the update to Wave 5 for summer flounder. But since the outlier analysis have been conducted using the prior data, all the Board decisions were made based on using the preliminary data.

We maintained that with black sea bass, since it would have been rather time consuming to redo all the work so far. If we saw the percent reduction needed changing, it might cause issues with compliance to the spirit of this process. For black sea bass we used the Wave 5 preliminary data, and the projected Wave 6.

MS. MESERVE: Thank you, Alexa. I understand that the workload has been heavy on the Technical Committee for all of this. Unfortunately, that causes me a bit more concern about that same Connecticut proposal, because I notice that there is over a tenfold difference in the Wave 6 private shore estimate in 2021 that came out, versus what was projected and used in the spreadsheet.

The result of that is that the reduction associated with closing December is estimated to be much greater when the MRIP data, the actual estimate is included. The PSEs are very high for that wave, and the projection was tenfold off, tenfold higher. I'm really just going to kind of struggle with approving that one option for Connecticut. Thank you.

CHAIR DAVIS: Thank you, Nichola, who do we have up next for questions, Caitlin?

MS. STARKS: You currently have no hands.

**CONSIDER FINAL APPROVAL OF
REGIONAL PROPOSALS**

CHAIR DAVIS: Okay, at this point if we have exhausted all the questions that there are relative to the presentation, we can move on towards taking hopefully final action on the issues we have to deal with today. I think at this point we could either open the floor to comments, or I would suggest in light of the time, and that we're getting already into our meeting period here.

We might consider getting a motion up on the board, just to sort of clarify the discussion and focus things. We essentially have sort of two kind of actions to take here, to approve proposals for summer flounder and for black sea bass. If someone was interested in making a motion, I think I might suggest that we deal with each species separately.

Just in case the discussion on one or the other tends to sort of spill over a bit, we won't be confusing the two issues by trying to do both species at once. At this point I'll open the floor for either comments, or if somebody is willing to make a motion. I do think staff has motions ready to go for either species, if someone would like to make that motion.

MS. STARKS: Nichola Meserve has her hand up.

CHAIR DAVIS: Okay, Nichola, go ahead.

MS. MESERVE: Thank you, Mr. Chairman, I'm going to follow your lead and just start with summer flounder. I would, based on the positive reviews from the Technical Committee, and I guess kind of a lack of Board concern about any of the summer flounder proposals. **I would move to approve the methodologies for developing 2022 recreational summer flounder regional measures, and approve the state and regional proposals as reviewed today.**

CHAIR DAVIS: Okay, thank you, Nichola, do we have a second to the motion, Caitlin?

MS. STARKS: Joe Cimino.

CHAIR DAVIS: Okay, motion seconded by Joe Cimino. We'll open the floor to discussion on the motion. Caitlin, you can just, if you would, give me hands, and if you want you can give me names in sort of groups, or two or three if you would like.

MS. STARKS: Roy Miller has his hand up.

CHAIR DAVIS: Okay, Roy Miller, go ahead.

MR. ROY W. MILLER: Just for clarities sake, in this motion what does it assume concerning the Rhode Island proposal of the one-inch size difference? I think their one proposal they said they were willing to drop. Does that mean it's in or out in this particular motion?

CHAIR DAVIS: Dustin, I'll ask if perhaps you can clarify that.

MR. COLSON LEANING: Yes, happy to. The final proposal that was submitted by Rhode Island ended up dropping that alternative, which had a liberalization in excess of the 16.5 percent threshold. To answer your question, that option is basically out. Only options that were liberalizations in expected harvest less than 16.5 percent remained in.

CHAIR DAVIS: Thank you, Dustin, Roy, does that answer your question?

MR. MILLER: It does, thank you.

CHAIR DAVIS: Do we have additional hands, Caitlin?

MS. STARKS: I don't see any other hands. Oh, Mike Luisi.

CHAIR DAVIS: Okay, Mike Luisi, go ahead.

MR. LUISI: I just want to make sure I'm clear that the proposal that the Technical Committee reviewed for New Jersey and had concern about regarding the slot limit between 17 and 17.99 inches. That still remains in the proposal? That

wasn't removed, even though there were some concerns it's still in there?

CHAIR DAVIS: Okay, thanks, Mike, and Dustin, I'll ask again if perhaps you can clarify that.

MR. COLSON LEANING: Yes, so when there was discussion on the New Jersey proposal for the slot limit, there were some concerns raised about how narrow the slot limit was. New Jersey staff at that time indicated that they would consider broadening that slot limit, and I believe there was a two-inch slot limit that had been identified as a potential option. However, when New Jersey submitted its final proposal, that one-inch slot limit option remained in. Approval of this motion today would keep that one-inch slot limit option in.

CHAIR DAVIS: Mike, does that answer your question?

MR. LUISI: It does, Mr. Chairman, I just hope that in moving forward New Jersey will take that advice under consideration regarding their final decision. But I'm going to vote in support of this today. Thank you.

CHAIR DAVIS: Additional hands, Caitlin?

MS. STARKS: None.

CHAIR DAVIS: Okay, at this point I'm willing to take public comment, if there is any member of the public on the webinar who would like to comment on this motion. You can raise your hand, or if you're unable to do that because you are on the phone, you can speak up.

MS. STARKS: I see no hands, Mr. Chair. Change, Victor Hartley has his hand up.

MR. VICTOR A. HARTLEY: I hear you guys always have concerns about slots and how people don't feel that they can work. But yet let's just use striped bass as an example, which is a fish that is controlled by every state. Striped bass has a slot limit which has worked very well to increase the fishery exponentially.

I mean so if we don't start putting a slot limit in for flounder, we're supposed to be liberalizing them this year. To put a slot limit in every state would actually help the fishery, because it would stop people from taking the big breeding fish, and keep the fishery thriving. We've got to start looking at the slot fish as more of a viable solution, not oh, this isn't going to work.

I mean that's just my opinion. That's the only thing I wanted to say today, because I came into the webinar a little bit late, so I kind of missed some stuff, because I unfortunately didn't forget, I just lost track of time. We've got to start looking at slot fish in a better way to help the fishery not think it is going to destroy it, or oh, we can't itemize it in a way. It's working very well for striped bass. That's all I have to say at this time.

CHAIR DAVIS: Okay, thank you, Victor for those comments. Caitlin, do we have any additional hands from the public?

MS. STARKS: No, no hands.

CHAIR DAVIS: Okay, at this point I'll just return back to the Board and see if there are any last comments on the motion before we call the question.

MS. STARKS: I see no hands.

CHAIR DAVIS: Okay, if any state would like to caucus on the motion, please raise your hand, and we'll provide an opportunity for that.

MS. STARKS: I see no hands.

CHAIR DAVIS: Okay, we'll see if we can do this the easy way. Are there any objections to this motion, please, raise your hand?

MS. STARKS: I see no hands.

CHAIR DAVIS: I'll ask if there are any abstentions.

MS. STARKS: Two, Lowell Whitney and Emily Keiley.

CHAIR DAVIS: Okay, so we'll note that this motion passes by consent with two abstentions.

MR. COLSON LEANING: Point of order, Mr. Chair. Maybe my Board roster is not quite up to date, but I'm not sure which jurisdiction Lowell Whitney is representing.

MS. STARKS: Fish and Wildlife Service.

MR. COLSON LEANING: Thank you, that is helpful, I appreciate it.

CHAIR DAVIS: Okay, are we good to move on, Caitlin?

MS. STARKS: Yes, there are no additional hands.

CHAIR DAVIS: Okay, so I'll turn it back to the Board at this point. We've dispensed with summer flounder, which leaves us black sea bass to deal with. I'll open it up to the Board if there are any comments, or if somebody would like to make a similar motion that we just adopted for summer flounder, to make that motion for black sea bass.

MS. STARKS: Mike Luisi raised his hand.

CHAIR DAVIS: Okay, Mike Luisi, go ahead.

MR. LUISI: I would be happy to make a similar motion. I don't know if staff have one prepared that I can read. **Move to approve the methodologies for developing 2022 recreational black sea bass measures, and approve the state and regional proposals as reviewed today.**

MS. STARKS: I believe David Borden is seconding.

CHAIR DAVIS: Okay, motion seconded by David Borden. We'll open this up to discussion, and Caitlin, you can just read off the names for me as the hands come up.

MS. STARKS: Okay, currently don't see any hands. Mike Luisi.

CHAIR DAVIS: Go ahead, Mike.

MR. LUISI: I'll just speak to the motion. I realize there are some concerns that have been voiced regarding changes in Wave 6 data, as it applies to the calculations that went into the spreadsheets that we all used to prepare our regional and state-specific measures for 2022. However, based on some of the comments that I heard and that I truly believe I've been advocating for no change in this fishery throughout the course of this year, and we're at the point where I think it's been mentioned already that we kind of just need to get through 2022 to see what changes and what new methodologies and techniques we might be able to apply for 2023.

I support moving forward, even given some of the concerns regarding the change in the Wave 6 data. I also believe that at some point we have to draw the line as to the information that we use to prepare these types of proposals. From my understanding the projected Wave 6 that was used in the calculations is now a preliminary Wave 6 number.

However, it's not a final Wave 6 number, so it could change again when the MRIP data are finalized for 2022. There is a point in time states need, we can't go back and revisit the calculations, we just don't have the time to do it. We're really pushing the limits at this point on getting this information out to the public, so that decisions can be made both regionally and by the states, to put forth measures in their regulations for 2022. I guess in summary, while I understand there is concern regarding the data used. I feel like we're all in it together, and we are all giving it our best to do the best we can to make adjustments, when most of us believe that these adjustments aren't necessary. That is why I made the motion I did, and I'll support this moving forward.

CHAIR DAVIS: David Borden, I'll turn to you as the seconder of the motion, to see if you would like to provide some additional rationale or make comments.

MR. DAVID V. BORDEN: Yes, thank you. Mike made the point. The only thing that I would add is that I

think Connecticut has a reasonable system in place to backstop and verify their regulations, so I support the motion. Thank you.

CHAIR DAVIS: Caitlin, what do we have for hands?

MS. STARKS: No additional hands.

CHAIR DAVIS: Okay, at this point I'll ask if there is any member of the public on the webinar who would like to comment on this motion, please raise your hand, or if you're on the phone just speak up.

MS. STARKS: Victor Hartley.

MR. HARTLEY: I've said this before. I believe that reducing sea bass is a big mistake, because as I think most of the public knows, and the industry knows, sea bass are overrunning every other fish that we have. I just think putting more restrictions on sea bass is going to up our dead discards, and I just think this is wrong.

But there is nothing I think me or the public can do about it. But I'll keep fighting to get regulations liberalized on sea bass, because it's the one fishery that should be liberalized and we're not, and it's just wrong. Thanks very much, Victor A. Hartley, New Jersey, thank you.

CHAIR DAVIS: Thank you for those comments, Victor. Do we have any additional interest in comment from the public, Caitlin?

MS. STARKS: You have Thomas Fote.

CHAIR DAVIS: Okay, Tom Fote, go ahead.

MR. THOMAS P. FOTE: I'm not a member of the public, I'm with the Commission, and I feel the pain. I just don't understand what we're doing. I think this is completely unnecessary, I've said that before. We've put in regulations just to follow graphs and tables on the chart. Sometimes it makes no common sense. But I guess I'm alone in my feelings, so I guess I'll be quiet.

CHAIR DAVIS: Okay, thanks, Tom. Caitlin, do we have additional hands?

MS. STARKS: No additional hands. Nichola Meserve raised her hand.

CHAIR DAVIS: Okay, go ahead, Nichola.

MS. MESERVE: I don't want to belabor the conversation. It seems like there is overwhelming support for this motion. I think it's clear that I have problems with particular options, because I know the last ten years of history of this fishery is that the states have individually tried to achieve percent reductions using MRIP data, and sometimes not the best ways.

When you don't meet that targeted reduction, the state ends up benefitting from it, and the regions regulations have grown more disparate over time. Furthering that this year are some additional mode-specific proposals, which I'm concerned about how, if our future of sea bass management is a harvest control rule next year potentially.

These additional differences may make it more difficult next year to all get into a more similar page, and assigning regulations assigned to bins and so on and so forth. I'm concerned about that growing disparity here. In addition to kind of the public policy questions about mode splits, and that was something that an ASMFC work group was launched to address over two years ago, and it had its first meeting, and then COVID happened, and all of our attention focused to that.

If nothing else, I hope that that work group could be reconvened to continue that discussion about mode splits, and what the implications are for the MRIP data, for compliance, for public policy addressing the access to a public resource. Those are my concerns. I'm not going to oppose this motion. But again, if that work group could be reconvened to continue to address that issue, I think that would be a step in the right direction. Thank you.

MS. STARKS: I'm just letting you know you have two members of the public with their hands raised, Gerry Zagorski and Victor Hartley again.

CHAIR DAVIS: Okay, before I go to those members of the public, I'll just ask Caitlin or if maybe Toni or Bob are on the phone, if you can provide any insights into the status of that mode split working group that was formed a while back, and I think has kind of gone dormant, and whether there are any plans to sort of convene that work group again any time soon.

MS. STARKS: Bob, I see your hand up.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, I'll give it a shot if that's okay. Thanks, Mr. Chair, for the question, and thanks Nichola for the comments about the Mode Split Working Group. Yes, your recollection, Nichola is pretty right on. You know we started that group, they had a meeting, started talking about some of the policy implications of mode splits, and committed to working on it, then COVID hit.

The other thing that took off about the same time was the joint effort with the Mid-Atlantic Council and ASMFC on recreational reform, and mode splits is one of the issues in the larger portfolio of issues that is associated with recreational reform. Conversations at ASMFC kind of died out, to see how some of the joint conversations with the Council and the Commission worked out through the recreational reform document. Mode splits in the recreational reform initiative have been pushed back, and obviously focusing the harvest control rules and other things.

But you know, if this group and others feel that doing something within ASMFC on mode splits and the policy implication, and we want to get that work group back up and running. I think that is perfectly appropriate. I think the best course forward would be to bring that up at the Policy Board at our May meeting, and we can talk about membership and timelines and work products and that sort of thing.

It is a big issue; it's showing up in a number of fishery management plans at ASMFC and the Mid-Atlantic Council. But some solely managed ASMFC species, tautaug and striped bass in particular. It is an important issue and a big issue, and one that ASMFC has talked about a lot in the past, and hasn't really resolved whether should there be a coastwide policy on allowing mode splits, not allowing mode splits, putting some sideboards on mode splits.

But you know those are all sort of being handled on a case-by-case, state-by-state basis right now, and that may not be the best approach for something as important as mode splits. Happy to reconvene that group if there is interest in it from this Board, but it probably would take a Policy Board conversation and direction to staff to get that group going again.

CHAIR DAVIS: Thanks for that, Bob, sounds like perhaps a good item to take up at the Policy Board in May. Okay, Caitlin, could you give me again the names of the folks from the public who had their hands raised?

MS. STARKS: Gerry Zagorski and Victor Hartley.

CHAIR DAVIS: Okay, Gerry, go ahead.

MR. GERRY ZAGORSKI: Well, by Tom Fote and another gentleman prior to this about the state of sea bass. The optics on this one from a public perspective is not great. As you might imagine, with all the data that we've had out there with SSB numbers being as high as they are. But anecdotally, you know at least here in New Jersey, you can hardly drop down a hook without catching a sea bass.

You know the assumptions are that the stocks are in great shape, but yet we're facing a reduction in sea bass quotas and regulations and so on and so forth. I know like there is work underway with recreational reform, and things of that sort, that take other factors into consideration, including the stock status and things of that nature. I would just like to continue to encourage making those different factors a part of the decision-making

process, when it comes to regulations and quotas, and things of that nature.

CHAIR DAVIS: Okay, Gerry, thanks very much for those comments. Victor Hartley.

MR. HARTLEY: Yes, I'm sorry, I wish I could think a little faster sometimes. But one thing we've got to think about, and the Board needs to think about. If a stock was doing so poorly, and we had to take all these drastic measures that we're taking on sea bass. We wouldn't be catching as many. No matter what restrictions you put on this stock, and I'll bet when I come to the meeting in December, we're going to be overfished again. It's because the fish are there.

If the fish weren't there, we wouldn't be overfishing them. But the fish are there. No matter, you're going to restrict us out the wazoo this year, and I heard Nichola talking that maybe next year we have to do sub targets. I forget what she said harvest restrictions. We're going to overfish this fishery this year, I will guarantee when I come and comment in December, that I will be saying that we overfished them again, because your numbers say so.

We've got to think about that. If we weren't overfishing this fishery, or if the fishery was so bad, we wouldn't be overfishing it. Our numbers would probably be lower. But they are never going to be lower, no matter how much you restrict them, we are going to overfish this fishery every single year, until we finally figure out, we either have so many out there, or we just get put out of business, because we can't fish for them.

We can't keep taking restriction after restriction on every fish. We won't be in business any more, and we're losing party boats left and right. It's really horrible that nobody even wants to get into this industry any more. But please, take that into consideration. No matter what restrictions you put on this fishery, we are going to overfish it no matter what.

You're going to see that again in December. That will be my last comment. Thank you very much for

always listening to me, and I try and say things the way they are supposed to be said. I think I'm getting better, but thank you. I greatly appreciate being on the meetings and working with you guys to get things right. Thank you.

CHAIR DAVIS: Thank you, Victor, and we appreciate you taking the time to participate and to provide your comments. At this point I'll turn it back to the Board, and ask if there are any final comments related to the motion.

MS. STARKS: I don't see any Board members with their hand up. I don't see any additional hands.

CHAIR DAVIS: Okay, with that we'll call the question. I'll ask at this point if any state would like to caucus, please raise your hand to indicate that and we'll provide an opportunity.

MS. STARKS: I see no hands, Mr. Chair.

CHAIR DAVIS: Okay, with that we'll move to a vote. I suspect on this one we might have some objections, so I will start off by asking all those in favor of the motion to please raise your hand, and Caitlin, I'll ask if you can call off the states that raise their hand in support.

MS. STARKS: All right, I'll give it a minute to settle. I have Maryland, New Jersey, Delaware, Virginia, New York, Rhode Island, Connecticut, North Carolina, and PRFC, and Massachusetts and New Hampshire.

CHAIR DAVIS: Okay, thanks, Caitlin. Are the hands down, ready to ask for objections?

MS. STARKS: Okay, hands are cleared.

CHAIR DAVIS: All those opposed, same sign, please raise your hand.

MS. STARKS: I see no hands raised.

CHAIR DAVIS: Okay, any abstentions?

MS. STARKS: Two from NOAA and Fish and Wildlife Service.

CHAIR DAVIS: Okay, any null votes?

MS. STARKS: I see no hands.

CHAIR DAVIS: Okay, with that motion carries. Caitlin, I'm hoping you can provide the count.

MS. STARKS: Dustin, did you get the number in favor? Can you confirm?

MR. COLSON LEANING: We had 11 in favor and 2 abstentions.

CHAIR DAVIS: Okay, thank you. Dustin, have we concluded all the business we need to take care of under Agenda Item 4 here?

MR. COLSON LEANING: I think now might be a decent opportunity to state that we recognize that there may be some additional need for some states, in particular New Jersey, who are still going out to their Counsel. If there is a need to make small adjustments, seasonal adjustments by a day and so on, so long as the methodology remains the same, states are able to provide slightly updated proposed options, so long as they provide them to staff, and we can make sure that everything is in order. I think that's worth saying, and then additionally, we are aiming to get this letter out to NOAA Fisheries, GARFO, certifying the final measures by mid-April. Please be in touch with staff if you are concerned about making that deadline, and so we can have a dialogue there. If you have the final measures already at this time, just get them over to us as soon as possible. Thanks.

CHAIR DAVIS: Okay, thanks for that guidance, Dustin. I'll just ask if anybody on the Board has any follow up questions on that information that Dustin just provided, go ahead and raise your hand and we can get those questions answered.

MS. STARKS: Jim Gilmore has his hand raised.

CHAIR DAVIS: Okay, Jim, go ahead.

MR. GILMORE: Actually, if it's okay to ask a question to NOAA Fisheries. Is there any update on the schedule for the rulemaking and the timing on that?

CHAIR DAVIS: Thanks for that, Jim, I'll just ask if there is someone from GARFO on the webinar who might be able to respond to that.

MS. STARKS: Emily Keiley has her hand raised.

CHAIR DAVIS: Okay, go ahead, Emily.

MS. EMILY KEILEY: All right, thank you, Mr. Chair. Yes, so we are still in the process of preparing the proposed rule. We are hopeful that it will be published, I would say within the next two weeks, and so we will certainly circulate that as soon as it is published. It's a bit out of our hands at GARFO at the moment, but we are anticipating publication fairly soon. I'm sorry I cannot be more specific than that at this time.

CHAIR DAVIS: Thanks, Emily, we appreciate that and any information is helpful, so thank you. Any additional questions before we move on from this portion of the agenda?

MS. STARKS: There are no additional hands.

OTHER BUSINESS STATEMENT FROM SHANNA MADSEN

CHAIR DAVIS: Okay, that brings us to other business. I do have one item for other business, but I'll ask first if anybody else from the Board has any items to bring up here under other business.

MS. STARKS: I see no hands.

CHAIR DAVIS: Okay, I received a request from a Board member who could not be in attendance today, Shanna Madsen from Virginia, to read a statement that she prepared. To just honor that request, I told Shanna I would read that and then I would save it here for other business. The statement is as follows.

At the Technical Committee meeting to review CE proposals, a few states brought forward options that were above the liberalization percentage or below the reduction percentage agreed upon by the Board. I acknowledge that we've all been working on these management changes on a short timeframe, and haven't been able to gather as much public input as we might have liked to, or had enough time with analyses.

However, out of respect for the Technical Committee, I would like to say that it is inappropriate to request that they review and discuss options that do not meet the limits set by the Board. The Board has voted on these limits, and that should be used as a rationale to inform our constituents of what the guardrails are surrounding the development of our management measures. In recent years conservation equivalency proposals from the states have increased in complexity and options. The Technical Committee has to read through each state's proposal and associated methodology prior to the meeting, discuss the merits of each proposal at the meeting, and then pass that review to us. The reviews the Technical Committee provides us are involved enough without the addition of options that don't meet the standards set by the management board. As Board members, let us try to be respectful of their time and workloads by not asking them to review options that do not meet our most basic criteria.

That is the end of the statement, any questions about the statement I would just suggest you direct those to Shanna Madsen, who unfortunately couldn't be with us today. But I wanted to honor that request from her that I read that statement. With that I'll ask if there is any other business to come before this Board today before we adjourn.

MS. STARKS: Jason McNamee has his hand raised, Mr. Chair.

CHAIR DAVIS: Sure, Jason, go ahead.

DR. JASON McNAMEE: Yes, thanks, Mr. Chair. I was wondering. I haven't heard much on scup, and so I was wondering if maybe Dustin or Caitlin could, is

there work going on for scup, like an outlier analysis? I was just wondering where that is at or if scup is kind of done for the year as well.

CHAIR DAVIS: Thanks for that question, Jason. Dustin, any insights?

MR. COLSON LEANING: Yes, thanks for the question, Jason. There was a preliminary analysis that was done through the help of Jeff Brust through New Jersey. The initial reason for that outlier analysis and smoothing approach, was to see if we could apply similar methods that were applied for black sea bass, and see if a new reduction target approached the necessary reduction that had been identified by the Monitoring Committee.

Oh, sorry, excuse me, to see if the proposed measures. Pardon for my confusion there, to see if the proposed measures would achieve something that approached the reduction target. In effect, the smoothing approach still required a reduction in excess of that target set by the Monitoring Committee and the Board.

There wasn't really any big change in the outcome, as there was with black sea bass. I believe the original reduction needed was about 56 percent, and when we smoothed it really only lowered that reduction percentage by about 5 to 10 percent. We're still not going to meet the reduction that would be required, so it didn't seem like a good use of our time to rerun a reduction table. That was kind of dropped at that stage after we shared that advice, or that outcome with GARFO.

DR. McNAMEE: Okay, thank you, Dustin, and thanks for allowing that, Mr. Chair, I appreciate it.

CHAIR DAVIS: Thanks for the question, Jason, it's a good one. Any other business to come before the Board?

MS. STARKS: There are no hands raised.

ADJOURNMENT

CHAIR DAVIS: Okay, with that this Board stands adjourned. Thank you everybody for your attention and all your time working on this process so far this year. Thanks for everything, take care.

(Whereupon the meeting adjourned at 11:41 a.m.
on Thursday, March 24, 2022)