

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

**Crowne Plaza Hotel - Old Town**  
Alexandria, Virginia  
February 21, 2013

**Approved August 7, 2013**

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1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of October 25, 2012 by consent** (Page 1).
3. **Move to approve the 2013 state summer flounder recreational proposals approved by the technical committee** (Page 11). Motion by David Pierce; second by Mark Gibson. Motion carried (Page 11).
4. **Move to initiate a fast-track addendum to allow for the use of any unused quota by other states for 2013 only** (Page 11). Motion by James Gilmore; second by Adam Nowalsky. Motion carried (Page 15).
5. **Move to adopt the northern region's scup option providing the 35.5 percent liberalization. For the party and charter mode, an open season of May 1 through December 31<sup>st</sup> with a 30-fish bag limit and 45-fish limit for one wave, and a ten- inch minimum size limit; for the private boat, the same season of May 1 through December 31<sup>st</sup>, 30-fish bag limit, and ten-inch minimum size limit; and for the shore mode, Massachusetts, Rhode Island and Connecticut, the same season of May 1 through December 31<sup>st</sup>, 30-fish bag limit and a nine-inch minimum size** (Page 18). Motion by David Pierce; second by James Gilmore. Motion carried (Page 18).
6. **Move to reconsider the 2013 black sea bass quota of 4.5 million pounds and increase to 5.5 million pounds (recreational harvest limit of 2.26 million pounds and a commercial quota of 2.17 million pounds) consistent with the Mid-Atlantic Fishery Management Council decision** (Page 19). Motion by David Pierce; second by Pat Augustine. Motion carried (Page 21).
7. **Move to approve Addendum XXIII using Option 4, ad hoc regional measures, with the southern states to set their regulations consistent with federal regulations** (Page 25). Motion by Adam Nowalsky; second by Pat Augustine. Motion carried (Page 27).
8. **Move to approve the final Draft Addendum XXIII to the summer flounder, scup and black sea bass fishery management plan for public comment with changes and corrections as agreed to today** (Page 28). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 28).
9. **Motion to adjourn by consent** (Page 28).

## **ATTENDANCE**

### **Board Members**

David Pierce, MA, proxy for P. Diodati (AA)	David Saveikis, DE (AA)
Bill Adler, MA (GA)	John Clark, DE, Administrative proxy
Rep. Sarah Peake, MA (LA)	Roy Miller, DE (GA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Tom O'Connell, MD (AA)
Bill McElroy, RI (GA)	Mike Luisi, MD, Administrative proxy
Rick Bellavance, RI, proxy for Rep. Martin (LA)	Bill Goldsborough, MD (GA)
David Simpson, CT (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Lance Stewart, CT (GA)	Jack Travelstead, VA (AA)
James Gilmore, NY (AA)	Rob O'Reilly, VA, Administrative proxy
Pat Augustine, NY (GA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Peter Himchak, NJ, proxy for D. Chanda (AA)	Louis Daniel, NC (AA)
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	Jaime Geiger, USFWS
Tom Fote, NJ (GA)	Bob Ross, NMFS

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

### **Ex-Officio Members**

Mark Robson, Law Enforcement Representative	Jason McNamee, Technical Committee Chair
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### **Staff**

Robert Beal	Pat Campfield
Toni Kerns	Tina Berger
Katie Drew	Laura Leach

### **Guests**

Sen. Ronnie Cromer, SC (LA)	Kelly Danit, NOAA
Rep. Walter Kumeiga, ME (LA)	Kiley Dancy, MA FMC
Gerry Petrella, Ofc. Sen. Schumer (NY)	Rick Robbins, MA FMC
Willis Spear, Yarmouth, ME	Jason McNamee, RI DEM
Steve Heins, NYS DEC	Raymond Kane, CHOIR
Carrie Kennedy, MD DNR	Lewis Gillingham, VMRC
Danielle Rioux, NOAA	John Bullard, NMFS

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, February 21, 2013, and was called to order at 9:30 o'clock a.m. by Chairman David Simpson.

### **CALL TO ORDER**

CHAIRMAN DAVID SIMPSON: Good morning, everyone, if we can assemble the Fluke, Scup and Sea Bass Board.

### **APPROVAL OF AGENDA**

CHAIRMAN DAVID SIMPSON: The first thing we need to do is approve the agenda. Are there any changes or additions to the agenda? Seeing none; we will consider, if there is no objection, approval of the agenda.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN DAVID SIMPSON: We need to approve the proceedings from the October 2012 meeting. Are there any changes or comments on that? Any objection to their approval? Seeing none; we will consider those approved.

### **PUBLIC COMMENT**

CHAIRMAN DAVID SIMPSON: Is there any public comment on items that are not on the agenda? Seeing none; we move to Item 4, and that is to consider approval of the state summer flounder recreational proposals. I think Jason and Toni have a presentation for us on that.

### **CONSIDER APPROVAL OF THE STATE SUMMER FLOUNDER RECREATIONAL PROPOSALS**

MS. TONI KERNS: I am going to go through the state proposals and just some information about summer flounder recreational harvest along the coast. This first figure is just an indication of what the summer flounder recreational harvest minimum sizes are along the coast. Up in Rhode Island you see an 18-1/2 total length. New York has 19-1/2; New Jersey 17-1/2; Delaware 18; Virginia and PRFC are at 16-1/2; Maryland is at 17; and North Carolina is at 15 inches. That was the regulations in 2012.

The red shading is each state waters harvest percentage relative to New Jersey. The darker the red shading is the larger the number of fish and then

the white is the lowest number of fish, which is Maryland. The bottom figure is the percent harvest versus catch. The blue is the actual harvest and the total catch is in red.

You can see that some of the states such as New York and New Jersey have a higher number of releases much higher than their actual harvest. This is what fluke availability is by size and area. This is looking at the NEAMAP data. The blue bar is the sights off of the DELMARVA. The red is the sights off of New Jersey. Green is the sights off of New York, and the purplish color is the sights off of Rhode Island.

You can see that there is a larger percentage of fish available in both New York and Rhode Island; and especially as we start to get up in the larger size ranges across the lower – or you can see that we go from greater than 16 inches up to greater than 19 inches at the end. Next is the same figure, but it also includes the CHESMAP information, which is in the dark blue, the first bar. The Long Island Sound Trawl Survey is the darker red color, the second bar. Then we have the NEAMAP data that follows the same as before; DELMARVA in green; New Jersey in purple; New York in the lighter blue; and Rhode Island in the orange. This shows as well that we have a large number of fish available seen in the CHESMAP data as well as the Long Island Sound Trawl Survey Data compared to that of the fish that are of the coast of the DELMARVA and New Jersey.

This slide shows what states' targets were in 2012. The third column is the projected 2012 harvest through MRIP data. The 2013 state harvest target and what a state's reduction or liberalization – and I apologize; a negative number in the reduction really means liberalization. Those translated when they shouldn't have.

All the states have liberalizations except for New York and New Jersey, which have reductions. New York is 14 percent and New Jersey is 15. States could liberalize anywhere from 36.6 percent as a low in Rhode Island to a high of 257 percent in Maryland. This last column shows the proposed harvest liberalizations by the states in each of their state proposals that were sent and reviewed to the commission.

The lowest proposed liberalization was from North Carolina who is proposing to stay status quo, so they're utilizing none of their liberalization. The highest is from Maryland, which proposes to use

about 181 percent of their 257 percent liberalization. These are each of the state proposed options.

I am not going to specifically say what each of their proposals are, but just to let you know some of the technical committee notes on each proposal. The technical committee recommended approval for both Massachusetts and Rhode Island. Rhode Island has one proposal that does drop their size limit and Massachusetts is proposing to drop their size limit as well.

Next are the Connecticut and New York proposals. Connecticut has a couple of proposals to drop size limits as well. The technical committee noted that for Connecticut's proposal, it doesn't meet the FMP requirement of the percent standard error less than 15 percent for separate modes.

Connecticut is proposing as it had last year and was approved for a separate shore mode at specific sites. They have just a smaller size limit for their shore modes of 42 specific sites. There is little data to support the shore mode analysis, but the state of Connecticut has provided evidence for increased data collection for the shore mode in 2013, which was a request by the technical committee from the previous year.

For the New York proposal, these are all for the – in order for New York to reduce by 14 percent, they all meet that reduction. The technical committee noted, though, that any further increases in the size limit potentially will increase non-compliance and will increase the disparity between New York and their neighboring states' regulations.

The technical committee recommends a change in season over a change in size limit for the state. New York is currently one inch greater than all the other states within the management unit. For New Jersey, the technical committee did not approve the status quo regulation because it obviously does not meet the 15 percent required reduction. New Jersey used two methods to develop their proposals.

The first followed the description that is outline in our conservation equivalency memo, and the second uses volunteer angler survey methodology that they presented in 2012. The technical committee does have some reservations about the volunteer angler survey methodology, but those options that were generated by this methodology are more conservation than the options created through the conservation equivalency memo, so they were approved.

Delaware and Maryland's proposals were both approved and both states do have proposals to reduce their size limit; Maryland as low as 15 inches and Delaware as low as 16.5 inches. For Virginia, the technical committee felt that Option 2 was risk prone because there is very little buffer between the projected harvest estimate and the actual harvest target within the range.

Virginia uses three different data sources to do analysis for their data, and so that is why there is a range of percent liberalization for the state. The technical committee did approve all of their options. North Carolina, as I said before, is proposing to stay status quo. For 2013, if the states utilize the maximum proposed harvest, there would be 176,500 fish projected to not be harvested that would be allowed under the RHL.

If states utilize the minimum proposed harvest, there would 389,963 fish left over from the total RHL. For New York to remain status quo in their regulations from 2012 to 2013, 73,368 additional fish are needed, so this would mean that they wouldn't have to take their 14 percent reduction. For New York to drop to a 19-inch minimum size limit to get them closer to the regulations of their neighboring states, they would need 162,347 additional fish. For them to drop to 18-1/2 inch minimum size, they would need an additional 337,040 fish.

For New Jersey to remain status quo and not take their 15 percent reduction, 175,977 additional fish would be needed. Another way to look at this in order to try to help out the state of New York and New Jersey with their reductions is we could have all the states that have liberalizations only use 15 percent of that liberalization and then allow New York to drop to 18-1/2 inches and also allow New Jersey to only take a 13 percent reduction instead of a 15 percent reduction. That would still allow us to reach the RHL of 2.5 million fish.

One other note for New Jersey's proposal, when we've gone through trying to figure out ways to look at the New Jersey and the New York reductions, the New York and Connecticut technical committee members looked at their proposal and saw that if they raised their size limit a half an inch they actually would get to their full reduction.

In their proposal it said that only gave them an 8 percent reduction, but in reality that gets them to full 14 percent reduction; so raising a half an inch would check their box for their reduction. That is all I have for my presentation and I am happy to take questions.

MR. PETER HIMCHAK: Just an observation or a comment, really, when each state submits its proposals on summer flounder, they're required to give their past performance under conservation equivalency for the last 12 years. This is addressing the disparity of minimum size limits along the coast.

If you look at New Jersey's proposal in particular, our response to any reduction has been to shorten the season. We begrudgingly increased the minimum size limit. We would rather constrain the season as controlling effort. That has been our strategy during the 12 years of conservation equivalency. In fact, we were able to actually go down a half an inch last year. If you look at each – it is very interesting to see the required response and how they adjusted their measures. It should be in every state's history of conservation equivalency, and I think that explains a lot of the difference between New York and New Jersey in particular. I just wanted to add that comment.

MR. JAMES GILMORE: Mr. Chairman, I have got a few comments here. Toni, that was a great presentation. I think it laid out very clearly. I love your maps now, too, they're great. It was Dave's idea, okay. The 2012 landings obviously have created a difficult situation for New York and New Jersey with those reductions of 14 and 15 percent.

As Pete had just alluded to, there is a slight difference in New York in terms of what has gone on. New York's fishery is very different from the east end of Long Island versus the west end. Every year in the proposals and we proposed this year was to do the same thing to try to take it out of a season and keep that size limit down because that we feel is not the correct thing to be doing.

However, because primarily the party/charterboat industry, on the east end it is a May fishery. They want it opened May 1<sup>st</sup>. On the west end it is a fall fishery and they want to go to as late in September as they can. We've tried different variations over the year including three or four years ago we did a mid-season closure, which was really a disaster.

That complicates our fishery and what ends up happening is every time we go before our Marine Resources Advisory Council the party and charterboat industry wanted essentially to have that season sacrosanct and essentially that drives the size limit up, which is again probably the worst thing we could be doing.

The state-by-state equivalency method that we have been using has been difficult for us. However, there seemed to be a little progress two years ago when the fishery was rebuilt and we were able to actually get our full season back and then even last year drop our size limit. However, that is a very slow progress.

Then after seeing the numbers this year, we seem to be going backwards now because we're going to be going back to larger fish, which we just really can't do. It is not a good thing from just a basic management standpoint. We're catching large fish which are all females. Our discard rate, as you can see from the graphs, is very high so we're killing a lot of fish for every keeper we take.

I think it has been portrayed mainly as a maybe New York/New Jersey and particularly a New York problem in the past, but now as I can see from the other states for the all the underharvest they're doing we may be having an impact on the overall population because we're taking all those females and will maybe be seeing some reductions in the stock if we don't start correcting this. The size limit is really the problem.

In addition to that, the NEAMAP data is clearly showing the stock as we have been saying has been moving to the north. It is up into Rhode Island now. We're not adapting to what is going on with that fishery, and the end result is that New York is one of the biggest players in this. It is taking very large fish, which is just not a healthy thing to be doing.

What we're trying to do – and when I've talked to some of the other states the couple of weeks about coming up with an approach to try to fix this both on a short term and long term, and the fact there is quite a bit of underharvest and there is some fish left on the table – is that on a short term maybe work out a strategy where we could try to get our size limit down and essentially get more equitable between the adjacent two states so that we stop this escalation back to 20 and 21 inch fish, which is just again a bad idea.

The first part would be to try to utilize those fish on a short-term strategy, just for 2013, and then hopefully as a second part of this is start working on a new management approach as we go forward to essentially make this a healthy fishery and a fishery that is available to everybody so that we can all support our fishermen so they can make a living at it. When we get to the point, Mr. Chairman, I have motions but I would like to hear some discussion from the other commissioners. Thank you.

CHAIRMAN SIMPSON: I do have a couple of people on the list already. Just to frame where we are or remind folks, if we go the normal conservation equivalency route, all we do is we approve the technical committee work and everyone goes back home and sets their measures, and this could be a five-minute meeting.

I think what we have been struggling with and what I've spent a lot of time on in the last two or three months especially and over the last couple of years is trying to figure out how we deal with the changing circumstances out there, the change in the stock size, the associated change in the distribution of these fish. We have shown flexibility over the years.

When we were at coast-wide management I recall particularly that did not work well for North Carolina because they have a unique November/December kind of fishery and our coast-wide seasons were not compatible and that is why we went to state by state. We have tried to do that with black sea bass.

Last year of two years ago Maryland came with a concern that, geez, they're taking a disproportionate hit with coast-wide measures so the need for some flexibility. Generally I think one of the obligations or the reasons to get together here is to figure out how we share in resources. Sometimes the terminology makes a big difference.

We talk a lot about allocation when I think the commission – I would like to see the commission move to more of this resource sharing, more of a dynamic process that responds to where the fish are and make sure that no one is carrying more of the load than anyone else. Summer flounder is the example I think for a long time with New York.

Their retention rate this past year was 9 percent. Maryland's was also about 9 percent, but everyone else was in the 14 to 20 percent range, and I think that is a reflection of how something in our 1998 sort of proxy allocation approach didn't work right. They're two inches above their – or at least an inch above their neighbor to the north and two inches above their neighbor to the south, and it stands out by every measure that I can't find a logical rational basis for it.

I have looked at the NEAMAP data. We have looked at the fishery length frequency data. I can't find an explanation for it and I think it is a flaw in our current plan. I am hoping we can have some discussion about how we might be able to address

this problem that now this New York partner has. We have talked about North Carolina and we have talked about Maryland in another context. One of the things that – can you flip up the rather simple table for a second – this was one approach that I had tried just trying to figure out a way forward for the board for something to think about where each states that could liberalize – I call them the other states; not New York and New Jersey – went up 15 percent and we could make the balance sheet work.

That might not be quite enough of what people need based on my discussions with you sort of offline, but I heard sort of common theme of if could get down a half an inch, that would be a big boost that would be important to our fishery. It has the added advantages, as Jim was pointing out, of helping us to address this discard mortality problem we have.

It is getting better, but if you recall two years ago we were up to a discard rate of 93 percent on the coast where we were killing more fish than we were harvesting on the coast. It really was getting bad for all of us. A couple of states to the south had 19-inch minimum sizes, so you can imagine the discard mortality that is happening in New York.

If we can get that average coast-wide minimum size down, that benefits every state because that works into the calculation of allocation coming in pounds translated to numbers of fish. Everyone carries that load, so there is a benefit to every to everyone I think of addressing this problem and frankly I'm hoping we can find a way to address what I think has been a – New York as the outlier state in even worse management difficulties.

When we were at 19-1/2 inches, they were at 21. In commercial terms that is a jumbo fish. If the only fish you can take is a jumbo category fish., that is kind of crazy. Those are all female fish. An alternative to this one that I crafted at about 5:30 this morning was simply to take – going through each state's plans, if you took your option that just lowered your minimum size for other states by a half inch and New Jersey managed to limit their landings to a million pounds, which is slightly less than what their overage is, it gives a little bit of break; that would allow New York to go to 18-1/2 inches.

I'd like some input from the board on what they think about this. We would be at 2.6 million fish and not 2.5; but I think when you think about the number of pounds that we would land, I think we would be right within quota, and certainly it is well within the operating margins of error with the data we have.

With that little bit of background on what I was hoping as Board Chair to accomplish today, I would like some more comments from the board. Adam.

MR. ADAM NOWALSKY: Mr. Chairman, first off, I want to extend a thank you to yourself as well as all the commissioners that have spent time in recent months recognizing the fact that we can't continue to leave this room tell our constituents that we have rebuilt fisheries but that we're going to continue to ratchet down regulations.

People are being penalized for going the speed limit essentially and I applaud this board for taking a leadership position at this point and trying to find a way out of that box. Now, the question is how do we move forward, and I think, Mr. Chairman, you have outlined a number of very good ideas that way.

Before I get to a couple of comments, I just wanted to ask two questions. One, Toni, you had put up a slide with a number of bar graphs showing distribution of sizes throughout the range. One of things that jumped out at me was that most of the time we have talked about – and I know this just shows two different indices and historically we have talked about the southern range of the fish having primarily smaller fish; but this would actually seem to indicate that according to these two indices, the southern range actually sees more bigger fish than New Jersey does. I was wondering if there were other indices that supported that conclusion. It was something that jumped out to me here today.

CHAIRMAN SIMPSON: This is work that I actually asked my technical committee person to do and some others in the office. They have been working on fluke a whole lot lately to help me with today. This is NEAMAP Trawl Survey data so it is the ocean predominantly, so it wouldn't reflect Maryland to Virginia, Chesapeake Bay, Upper Bay.

Based on the NEAMAP data that has been going on, we used the entire time series. Chris Bonzak was very helpful me this data on a Saturday afternoon, and I worked on it some over that weekend, and then my staff took over from there. It did indicate that in the DELMARVA ocean waters there bigger fish.

This was eye-opening to me and it did indicate that off of New Jersey – I was looking for a rational basis for where states had minimum sizes. It seemed to me that logically along the coast there should be some kind of a fairly smooth continuum of minimum size requirements. So it does indicate that there is some reason why New Jersey might have a smaller

minimum size than New York or Rhode Island or even Connecticut.

That is where I found it and that is where it is from. It does not reflect the Upper Bay area and some of the inner estuaries that – I was talking with Pete this morning. Once you get past May and you're inside the New Jersey barrier beach there, you're going to only see smaller fish. It is ocean waters.

MR. NOWALSKY: And then the second question was the last slide that Toni had up there with regards to one proposed way and then you alluded to something else you had put together here in the eleventh hour; did we actually have that on paper that we could look at up here at this point as a slide.

One of the things is I am certainly in favor of doing whatever we can to bring regulations closer together along the coast in particular with neighboring states and certainly it is a good time to try to help New York in this instance. I don't look at it as we're throwing a state a bone this year. I really look at us as this is us embarking on a way to manage rebuild fisheries. I really think that is an important concept to understand.

That being said, I think it is important, you know, we talked about – Toni had an earlier slide about what New Jersey would need to keep status quo. You mentioned something that made the reduction lower or at least got it close.

I think that is something that is important here; especially we have talked about management strategies that Pete addressed; that Jim also alluded to with regards to the technical committee's advice that using season is the best way to constrain harvest, so the prospects of increasing size in New Jersey; whereas, neighbors in other states would mostly be looking at liberalization, I'm not sure that is the message we want to walk out of here sending today. I wasn't sure if you had something that you could up here and we could all look at in front of us to use as a decision-making basis, something that doesn't show, well, New Jersey is going to go up in size as this one does.

CHAIRMAN SIMPSON: Yes, I think the closest thing we have for a graph is the chart because that has the minimum sizes; so just be able to – however much we will be able to blow it up. You know, North Carolina is at 15 and apparently is planning to maintain status quo. Virginia and PRFC are both at 16-1/2, and what I'm suggesting is they would – and they all have these proposals in there.

If they went to 16; if Maryland went to 16-1/2; Delaware is 18 and they would go to 17-1/2 – that is a proposal of theirs – New Jersey, because of the overage, my calculation and the numbers that my technical committee person and New York, you know, in their review suggested a half inch is all you need to do.

Connecticut would go from 18 to 17-1/2; Rhode Island from 18-1/2 to 18; and Massachusetts would be able to go from 16-1/2 to 16. And with New York getting to 18-1/2, you have got at least some smoothing of the management that to me you would expect that logically from a distribution of the resource. That is the closest I can come to giving you something to look at while you think about it.

MR. NOWALSKY: Okay, and then the final question, Mr. Chairman, is what is our mechanism for doing this? What are we calling this? Is this specifically a mechanism in the plan? What are we calling this?

CHAIRMAN SIMPSON: To do this and allow New York to move to the 18-1/2 inches in this example would require an addendum. I think we would have to want to do this by a fast track. Toni could speak to the time table of that; but in discussion with New York, it sounds like they would have the time to handle the fast track and set their regulations.

MS. KERNS: In terms of timing for a fast-track addendum, I could try to pull something together by Wednesday of next week. I think I could manage that with the amount of stuff that I have already done. The board would need to review that fast-track addendum either through an e-mail vote or a conference call, and then we could have that addendum out for 30 days.

Then at the end of that 30-day period, on Day 31 we could have another e-mail vote or a conference call vote to consider for the options that are in the addendum. I don't have a calendar in front of me right now, so that would be like the end of March. I don't know if that would work with New York's timeframe or not or New Jersey or other states.

CHAIRMAN SIMPSON: Yes, that would be the timeframe it would require and the process would be a fast-track addendum. David.

DR. DAVID PIERCE: First a suggestion for Toni; you provided information from the NEAMAP work regarding the size distribution of the fish and you

only went to Rhode Island. You didn't include Massachusetts and that is because the NEAMAP survey, the one that is done through VIMS, only goes up to the Rhode Island/Massachusetts Border. Please don't forget that we have the bottom trawl survey in Massachusetts' waters going back to '78. That data needs to be included for future reference because it sounds like fluke don't go beyond Rhode Island borders. That is just a suggestion to include that in the future because the board can benefit from that information.

CHAIRMAN SIMPSON: David, to that, we tried to get the Massachusetts data and Rhode Island data while we were working on this in the last few weeks in Connecticut, and we just weren't able to get it quickly enough, but there is a summary of it in your proposal. That was my hope is to build this in its entirety.

The NEAMAP data, when it says Rhode Island in quotes, that is Rhode Island Sound, Block Island Sound. At one level NEAMAP is nice because it is the exact same gear used over the range. I did want to fill it out with other surveys that are capable of catching large summer flounder, which your survey is, our is, CHESMAP is; so you're exactly right, that is where I would like to go in the future is to pull in all these surveys to get a better look at the size fish available in at least oceanfront waters.

DR. PIERCE: Another reason why I raise it is that our survey is considered to be part of NEAMAP; so when you reference NEAMAP, again for future reference; that's all. I have a question that Toni may not be able to answer, but this is a point of information for the board. I can't recall how it works in New York so I turn to Jim.

The New York party and charterboat fleet, some segment of that fleet benefits from the auction of fish that is used as a source of funds for NEAMAP. My question is are the party and charterboat vessels that benefit from that auction, that buy fish from the auction, are they exempt from New York minimum size regulations during the open season?

MR. GILMORE: Not during the open season. In fact, we restrict the RSA to the closed season time of the year. Again, you're right, we have had – up until three or four years ago, we had very few recreational vessels involved and that was a new thing to help them make a living, but they are restricted to outside the normal season.

DR. PIERCE: So outside the normal season; do they still have to live by the minimum sizes or are they exempt from those rules?

MR. GILMORE: Outside the normal season, since it is their quota, we adjust those size limits for them because it is a poundage; and once they take that, they're essentially down, so we're not as concerned about the size limit at that point.

DR. PIERCE: Okay, so that means that – again, just to make sure the record is complete, that means that New York, for the party and charterboat vessels that are involved in the fishery, once you go beyond September 30; so I guess October and November and December, if there is any fishery there, they're not subject to any minimum size restrictions? They command whatever they want size-wise?

MR. GILMORE: Correct. We will note that we're anxiously trying to get them off the RSA Program and getting back to some – I think part of the reason is because of the size limits and what they can catch and do fair is because they're getting very, very low landings when they're doing the normal size limits when it is even at 19-1/2. That lower size limit is more of a business thing for them. If we could get it to a more reasonable size limit, I think a lot of them would like not to invest in the RSA.

CHAIRMAN SIMPSON: Just a second, David; Toni to this point here so we're clear.

MS. KERNS: I just want to make sure the board understands that those landings that are taken under RSA do not count towards their recreational harvest. That is a separate poundage. It is only to the RSA. It is not included in your MRIP estimates, so that is not a part of what you see on what I have presented for MRIP.

DR. PIERCE: That is true, but it does come out of a research set-aside that these states, all of us, contribute to.

MS. KERNS: That is correct.

DR. PIERCE: So I am hopeful that eventually we can wean the recreational fishery off of the auction since it never was really designed for recreational fishermen and just for commercial, but it has morphed into that and it causes all sorts of grief for states. New Jersey can certainly comment. I appreciate Jim's candor on this. He has been great relative to this issue; so not a criticism. I just wanted to make sure I understood what is going on.

All right, relative to the suggestion offered up by the Chair as a way to assist New York in particular to get that minimum size down to a lower amount, I just wanted to note that the availability of the larger fish to New York fishermen seems to be fortunately very great. Because there was a 19-1/2 inch minimum size, big fish, in 2012, and despite that fact the New York harvest went beyond the target, from 400 – the target was 491,000 fish, approximately, and they had 514, according to the survey; so a lot of big fish were available and they were caught, so it doesn't seem like the minimum size was very restrictive for New York because of the availability of the larger fish.

But, anyways, now back to Massachusetts' situation and our attitude towards this suggestion by the Chair. We have been allowed – because our target was 153,000 fish in 2012 and we took 77,000 fish, we're allowed a 77.5 percent liberalization. We did not take advantage of all that opportunity because, well, we're talking about a relatively small number of fish, 60,000 fish between the 77 and the 150 and 137,000.

By dropping it down one-half an inch to 16 inches, we get about a 22 percent liberalization on the maximum side. So if we went to extend the season beyond September 30 to take advantage of the fish that are still in our waters, we felt that we would run the risk of, well, getting too close to that allowable liberalization and maybe exceeding it, so we decided to be cautious and not to make a change – propose a change for 2013 and the season; just the minimum size.

So, in terms of how this appears to the public by putting fish into the pool, so to speak – that is fish we're not going to use – we donate to the other states to assist them, the questions will be raised, well, that is fine and dandy, you're doing that, it's all well and good, but in Massachusetts why didn't you extend your season as opposed to donating the fish to the other states? So, it is just a political consideration, so to speak, how to deal with our public.

Nevertheless, we have decided not to go with the 77 percent liberalization in Massachusetts because we thought that was too risky; and it is only 60,000 fish so we could run afoul and exceed our target, especially if fishermen get off of black sea bass and begin to target fluke again, because sea bass has been their preferable target, it seems.

So, relative to your suggestion, it is attractive. I'm tempted to support it. It is the first I have really seen it. Although the Chair has mentioned this before in

some private conversations, I haven't seen it on paper yet so I haven't had a chance to chew on it and discuss it with my colleagues, my other state colleagues, Massachusetts' colleagues.

So, at this moment I am tempted to support it; I have got to think a little bit more about it. So those are my views and I thank the Chair for the work that he has been doing to try to help out and the minimum sizes down to lower amounts to assist the states that are finding themselves challenged with a larger minimum size.

CHAIRMAN SIMPSON: Thanks, David. Jim, did you have something directly in response to that?

MR. GILMORE: Yes, just to that point – and that has been raised, David, the issue of we're flirting with the quota and essentially there is no buffer and essentially if we all liberalized or whatever is a concern. However, one mitigating factor – and this is not speculation – the two states that are the big harvesters on this have essentially gone through – we are at lockstep with what New Jersey had to do through Hurricane Sandy.

There were 65,000-plus vessels, most recreational, that went underwater. I have the misfortune of having two homes that went underwater. My boat, in getting it in the water and going fishing this year, which is usually my passion, is probably the least of my worries. Many of my fishermen in the community I'm in are essentially in the same boat; no pun intended.

But, we're really anticipating that the effort is going to be extremely off in our two states. Again, I fish in both states and I think that is something that I think pushing up against that number and maybe going over it slightly is something you normally wouldn't do; but because of the situation those two big states are in right now, I think that gives me a great deal of comfort.

MR. THOMAS FOTE: This is very difficult position for me to be in. David asked how we got here, and I think it is important to go back a little history of how we got here. When we basically did the first coast-wide regulations and we basically required Maryland and Virginia and all those states to go to 14 inches, it created huge hardships on the southern states over the northern states.

New York and New Jersey, we went to 13 to 14 inches, but we didn't take real hits. The savings we made to be able to stay at that came from the southern states. I'm going to be honest here and

actually say that is what happened. In 1998, when we looked at that and realized that transfer was going on, that is when we started using state-by-state equivalencies and basically push it.

There was a lot of discussion on what tables we chart – because I have seen some of this in newspaper articles. That is one of the reasons why I'm going through this because some people don't know what happened. We looked at the charts. A lot of those charts would have gave Jersey a certain amount of fish on black sea bass and summer flounder. We gave up 20 percent on black sea bass to basically help the other states out.

On summer flounder we said take whatever year you want. Gordon Colvin at that time from New York made the motion to take '98. Now, that's part of the history. It seemed to be working fine for New York and New Jersey and a few other states until 2001 or 2005. I am not as good as I used to be about remembering dates.

When New York's fishery went from – the recreational statistical survey, one of my favorite instruments over the years, went from 600,000 anglers – and as a former New Yorker, that's where I lived, and I could never understand why they were 600,000 and we were 1.3 million or 900 – why there was that big disparity in number of anglers – and all of a sudden they shot up by 300,000 anglers in one year.

That is when they started going over on summer flounder. There was a lot of discussion. I brought it up. I came to New York's aid and spent hours talking about it. People didn't want to hear it. I says this is going to affect it and what we should do is basically raise the quota, raise New York's part of this quota to reflect that they have been underreporting and under – and NMFS had been underestimating what they have actually been catching all these years, because they picked it up.

The following year, even though in the worse weather years we had where New Jersey went down by 300,000 anglers, New York actually went up by a hundred thousand anglers in participation, and we knew there was a problem. That is when New York started going over on summer flounder. That is a little bit of the history going.

Now we're in this situation here and we have been in a situation. As I said, Jersey has been taking seasons because we think that is the most appropriate course of action. I would love states to give me fish so I don't have to reduce, but what are the consequences?

I am trying to figure this out because where are we going to be next year when it comes to these same measures?

If this was a commercial transfer and the commercial transfer went from one state to another, we could take that so we wouldn't have to do paybacks. But, we would be required to put regulations in place that would keep us to the existing quota that we're in. That is my dilemma here.

On the recreational side, if you give New Jersey, which I would love you to do, more fish and New York more fish, where are we going to be next year when it comes to what we establish as the tract record? Because, you now are liberalizing ours at the same time that we're supposed to be cutting back, so is this going to basically now – I agree; I mean, I have my house flooded so I understand.

I'm looking at all my neighbors with boats that are in – I think it is 35,000 boats; there is still 1,400 boats floating around in Barnegat Bay. It is going to be a different year fishing-wise and maybe that is the impetus we should use for that for New York and New Jersey with the understanding that this is a one-short deal and what goes on. My concern here is we shouldn't set a precedent that allows states – Virginia has had to do it; Delaware has had to do it; we all have had to do it over the years.

We propose regulations based on MRFSS, which is always a crapshoot, and maybe MRIP is a little better except the information at this point in time, which we're hoping gets better, is not any better. They just did better models for bad information. There is also an underlying factor here which a lot of people have forgotten.

When we were doing bluefish management many years ago, they basically looked at the quota for bluefish and the number of recreational catch of bluefish. They decided at that time that NMFS had overestimated the amount of bluefish being caught by the recreational sector; so they went back on the historical data and cut it in half, arbitrarily without a peer review process on that.

That was fine except they decided to do with every other fishery where they didn't go through the data to make sure that was happening. So, the recreational sector started off with all these cuts in what they had basically harvested all those years before this happened. I think that was in '97 or '98, whatever year it was. Bruce Freeman was yelling at me about it the other day.

So, that's all the history. I thought it is important to get that on the table. I would appreciate you giving us fish, but we have got to figure out if you do that what is going to happen next year; and if we go over again, how do we rectify the situation. That is my concern here because I don't want to come to you next year and have to do the same thing. We need to take the best approach we can to keep within our limits.

MR. JACK TRAVELSTEAD: I am very sympathetic to the situation that New York finds itself in; and quite frankly they have been there for a number of years. I don't think any of us would want to have been in that situation for even one year. This is really not about helping New York. This is about helping all of us, and I think you said that earlier, Mr. Chairman.

We have heard from the technical folks for a number of years and we have heard from the stakeholders for a number of years that the way we have been managing this fishery is resulting in the targeting of large female fish and that we should try to find a way to stop that. I think what you have offered is the first step in attempting to do that, and we're trying to do here on the fly, which is fine.

This may not be the long-term solution but at least it gets us headed in the right direction. The option that you have offered – and I certainly appreciate you taking so much of your spare time to do that – that would allow the states that could liberalize to drop a half inch and then allow New York to drop an inch works perfectly for us. I am fully supportive of it.

The other thing you need to be aware of is there is still some buffer I think even your plan allows. I think for the last four or five years Virginia has dropped its size limit almost a half inch every year and yet every year over that period of time we have never met our target. We leave fish on the table it seems every year.

That is why our anglers have constantly been asking us to drop that size limit, which we would like an opportunity to continue to do. But even if we drop it again another half inch, based on past history I have a feeling we're still going to be leaving fish on the table, which I would hope allows some comfort that there is additional buffer there at least from Virginia and probably some of the other states as well. I am fully supportive of the option that you have come up with and appreciate you doing that.

MR. MICHAEL LUISI: Mr. Chairman, there are a few things here. I certainly appreciate one being the dilemma that New York and New Jersey are facing. I still have nightmares of the time when I had to walk to into the Ocean City Marlin Club and tell our folks down there that we were considering a 19-inch size limit in Maryland. Actually, I can't get hose out of my head and I probably never will.

I certainly understand what you guys are facing and I am very much appreciative of the actions that this board has taken over the years, as you mentioned, Mr. Chairman, earlier regarding helping out other partner states when times are tough and you need others to step up and make a tough decision to help out your partner states.

I certainly appreciate the work that has gone into the suggestion that we're looking at right now at how we can help our partners here. Personally I'm very much supportive of this idea. The only concern that I have at this point is the limitation of 15 percent as being part of the plan. The way I'm looking at this, when I look at the slide that is on the board right now, I'm in the position now to try to find a way that Maryland can do what we're trying to do along the coast with my neighbor states and jurisdictions to try to get Maryland as close to as possible Virginia, Potomac River and Delaware.

We currently have a three-fish limit at 17 inches. Depending on what Virginia, Delaware and Potomac River decide to do, I would like to have a little bit more flexibility than being restricted to a certain percentage of liberalization to potentially open our season up for the year and maybe add an extra fish to that bag limit so that we can be very close if not equal to the other bay states on the DELMARVA. That is the only concern I have at this point; but if that limitation of 15 percent weren't part – if we're going to be held to that, it would give me a little bit of relief on that. Thank you.

CHAIRMAN SIMPSON: The 15 percent was a first cut and the refinement that I did to that, based on conversations with people, was that if each state reduced their minimum size a half inch, which generally is a little more than 15 percent, but it is in that neighborhood – so the 15 percent was not part of the strategy or there is not a limitation there. It was get everyone down a half an inch and let's lower the average weight, let's shift some mortality to males instead of exclusively reproductive females. Pat.

MR. PATRICK AUGUSTINE: Mr. Chairman, we welcome all the comments around the table and, Mr.

Travelstead, you hit it right on the head. New York is very appreciative as to the direction that you, Mr. Chairman, have gone with this fresh approach. It is a fresh approach. We still have a locomotive; all of us have a locomotive down the other end; a very small light right now looking at us if we don't move forward with a new approach.

Just in response and to address an issue that was stated earlier, our problem has been doubly negative because we have throw-back numbers per keeper ratio. I think I had mentioned at some other time my wife and I fish regularly. We had 37 fluke in one trip and we had no keepers, so just look at the mortality rate. Many of them were females, so we're looking at that.

The other part of the problem is that every time a new approach has been put on the table, whether it was an offshoot of coastal or regional, it has always been stymied. This is the first time where we have had the chairman – compliments to you, Mr. Chairman – taking a step outside the box and advanced an approach that will stabilize, I think, the coastline, if you will. Each state is going to have to take and give a little bit. We have a regional fishery and we have had it for many years now. We keep struggling with the same issues.

Some states have an abundance of quota and never reached their quota. Others like New York, we happen to be in a vulnerable place where it is abundant but vulnerable because, as Jim has suggested, we have a dichotomy between north and south, Long Island Sound versus the South Shore versus the East End versus the West End. We literally have four basic fisheries that are different. This appears to be an approach for us that will help all of our states. Again, thank you for your efforts and hope that we're successful in moving this forward.

MR. WILLIAM A. ADLER: This is more of a technical question to Toni. Does the plan allow the transfer of – like in some plans allow the transfer from one state to another?

MS. KERNS: The plan allows for transfers of quota just in the commercial fishery and not in the recreational fishery. The only way we can sort of share fish in the recreational fishery is through regions, but the regions have to be identical measures. If you wanted to pool your data together, you could do that with your neighboring states, but your bag, size and season would have to be identical.

It does not have the same regulations as we do under scup or as we have had under black sea bass.

MR. ROY MILLER: Mr. Chairman, I am not unsympathetic to New York's quandary. We have been there so we understand some of the pain you're enduring. Just to give a brief history lesson, in 2007 Delaware had an 18-inch size limit and we went 54 percent over. The following year we constrained our fishery pretty drastically with a 19-1/2 inch size limit as a result of that overage in 2007. As you might expect, in 2008 we were under by 49 percent, so I understand.

At the time we favored a regional approach to management of summer flounder and that particular concept received no traction. Although we sought relief from our neighbor across the Bay, we were unable to get any relief because they have other issues. They have a larger state share and they have a different fishery perhaps in the northern part of the state than they do in the Delaware Bay Region.

Basically we have been there and we have done that. Now, this year it turns out we could liberalize. I appreciate the scenario that the chairman laid out for everyone; but if we were to liberalize by only half an inch, we would be foregoing perhaps 40 percent of what we would be able to liberalize by.

Personally it makes more sense for Delaware to go to 17 inches with a 40 percent liberalization. I'm a little concerned about locking us all into a half an inch, Mr. Chairman. I just wanted to give that little bit of history lesson and say I appreciate what you're trying to do and I am sympathetic to New York's quandary. Thank you.

DR. PIERCE: Okay, Mr. Chairman, it is 10:30 so I assume that you're looking for – I'm turning to you for guidance now. I assume you're looking for a motion to approve the 2013 state summer flounder recreational proposals approved by the technical committee and then that would be followed up by a motion perhaps that Jim would make relevant to the discussions we have just had about how to shift some expected unused quota. What is your expectation?

CHAIRMAN SIMPSON: I think that makes sense because that gives us sort of a backstop position. If we do it the same old way that we have done it in the last few years, then we have approval of the technical committee reviews. Then if we can move to a motion to consider what we have been discussing, that would be great.

DR. PIERCE: **Okay, I move then that we approve the 2013 state summer flounder recreational proposals approved by the technical committee.**

CHAIRMAN SIMPSON: Do I have a second to that motion?

DR. PIERCE: Just a clarification; I think with that said, there is only one option that would not be allowed and that would be the status quo proposal from New Jersey. That is the only one I note in the technical committee's report where there was a recommendation for not approval. All the other options from New Jersey were recommended for approval. I just wanted to make sure the record is clear that is the only one that would not stand up.

CHAIRMAN SIMPSON: Okay, I would take the motion to be that we are accepting all alternatives that were approved by the technical committee. Toni reminds me that there was one proposal from Virginia, was it, that they viewed as being risk prone, but I assume it technically met the standard that we have adopted. If that is the understanding, I need a second to that motion. Seconded by Mark Gibson. Any discussion on the motion? Mike, please.

MR. LUISI: Just a quick clarification. In years past we have presented the technical committee a series of options using a formula approach for which we take to our public and our fishermen. Oftentimes there are other options that get crafted while we just having these discussions with fishermen, but I just want to make sure that there hasn't been any change to us coming back with using the same formula, just maybe extending seasons or adding another fish here or there, that we won't be held just to what was on the screen earlier. Thank you.

CHAIRMAN SIMPSON: Yes, I agree and we will do the same thing. We will go out for public comment; and using the same protocol, I think the board accepts the alternative tweaking that we might need to do. Any further discussion on this motion? Jack.

MR. TRAVELSTEAD: Help me understand what is going on here. How does this motion affect what you had offered?

CHAIRMAN SIMPSON: It doesn't; I view it as sort of a backstop. We will have this in place if we just do conservation equivalency. Further discussion on the motion? Is there any objection to the motion? **Seeing none; we will consider it unanimously approved.** As David had suggested, Jim, do you have a motion for us?

MR. GILMORE: Yes, thank you, Mr. Chairman. **I would move to initiate a fast-track addendum to allow the unused quota in the summer flounder fishery to be utilized by another state for 2013.**

CHAIRMAN SIMPSON: Adam, you second the motion. Jim, while they're getting it down if you can provide some clarification.

MR. GILMORE: The motion may need a little perfecting; but essentially when I wrote this last night, I had a whole lot of different options and things in there. I think that will be explored through the addendum, so I don't think it is necessary put it in here. This recognizes that I think a preferred option would be – the idea you had come up with last night would be a prominent option in that, but we would explore other options based upon what the other states do in terms of their liberalization.

MR. MARK GIBSON: Mr. Chairman, I support this motion. Rhode Island has come forward with only two proposals, the status quo one and the half-inch reduction in minimum size. It doesn't utilize the full opportunity and I think that is a responsible thing to do. I don't particularly care about the history of this and who did what and when.

We're here now with a stock to be managed and a problem; a problem which we have seen for some time. I think that is a responsible thing to do to not fully avail oneself with the opportunity to liberalize and to consider some one-year options to help out another state; but at the same time I strongly endorse your initiation of a thorough analysis of size composition along the state, particularly in the north/south gradient for males and want to look at inshore and offshore distributions as well.

I suspect that as the stock has fully rebuilt and extended its age composition that size distribution probably has changed just as a result of the change in population dynamics but climate shifts as well. That thorough analysis may provide the basis for us to get out of this box and have a new way forward relative to allocations and management by states or jurisdictions. I strongly endorse that should continue to go forward and I support this motion. Thank you.

DR. PIERCE: I support the approach. We have had a lot of discussion about this already. I believe it has merit especially by taking some steps to assist other states, neighboring states; and as you indicated, Mr. Chairman, earlier on to begin to address the issue of

our continuing to target regionwide the very large females. I would support the motion.

I would assume that as part of this fast-track addendum your carefully done analyses in your room last night or this morning will be reviewed and any mistakes you might have made will be caught. Not that you made any, but I have done hotel room work as well, and it is not necessarily always a number one stuff. Anyway, thanks for your efforts, and I support the motion.

MR. NOWALSKY: Mr. Chairman, in terms of what is going to specifically be included in the addendum for options, we have talked about a couple of different things here. We saw on the screen an option where New Jersey went to 18 inches. You offer an option that said, well, New Jersey would need to take some reduction.

I would hope that one of the options in there would also be an option for New Jersey to stay status quo. We talked about a number of different options from New York. I hope that there is a range in there as well from status quo down to 18-1/2 inches. I hope that for the remainder of the states, I heard an option for a 15 percent reduction, which I don't know if that would then allow them to do whatever they saw fit with it, either an extension in season or a half-inch size limit or drop in half-inch size.

You mentioned just a flat half-inch size. I think that would be an option. I would also be interested to hear if those states that could take a liberalization would be interested in having an option in there whereby whatever New York and New Jersey did, we took whatever fish were needed to keep New Jersey status quo, New York to whatever level we're going to keep them out, and then possibly entertain the other states taking the remainder and dividing it up by some percentage that they might have had this year.

They may feel their fishermen may see that as an equitable way or perhaps they may feel there is no interest in it. I think that might be an option they might want to see so that when the public comments on it, they may feel that, hey, at least we're getting our share of things. I would be interested to hear those thoughts on that or if the desire is to keep it simpler.

MS. KERNS: I have a couple of clarifications for Jim. I don't think this addendum would have options as we outlined today. I think it just allows for the sharing of left-over fish from whatever the states do not do. I am aware that several states through their

public process of implementing their regulations will need to go ahead and move forward before this fast-track addendum is over.

I anticipate that this addendum would just allow for the sharing of these fish; and whatever is left over on the table then would be shared to a state, which is up here now. I don't know if you intended that to be state or states, Jim. That is my first clarification question. My second clarification question is, is this supposed to be for one year only or for more than one year?

Unless the board has direction otherwise for specific options, I just don't know how that would work in terms of all of the states' implementation process. I don't think it would work for them, from my understanding, but I would need to hear back from the board on that.

MR. GILMORE: It kind of lost in the sauce here, but I had put down another state, which actually was plural. It could be multiple states. Secondly, I did put for the 2013 season.

MR. ADLER: Mr. Chairman, how does this differ from transferring fish from one state to another? It doesn't say use unused quota; I don't know what the process is of moving it from one state to another, and isn't that transferring part of the fish just like I mentioned before? What is the difference?

CHAIRMAN SIMPSON: Unlike the commercial fishery where it is codified in federal law that Connecticut gets 2.78 something percent of the federal commercial allocation. There is no such thing in federal law on the recreational side. The commission has worked out a sort of sharing agreement that when we could see that coast-wide management wasn't working for all partners, in '99 or 2000 we said, well, what are we going to do?

The last year we all had common rules was '98, just work off of those numbers and that becomes your informal allocation. You will notice in each document they didn't even talk about percentages of allocation by state on the recreational side. It is simply the list of what you caught in 1998 estimated by MRFSS, which has now been replaced by a new and improved estimation system, so it is not as rigid and formal and mathematical as the federal commercial management that you're thinking of.

MR. ADLER: Okay, Mr. Chairman, so therefore basically what you are doing is in an informal manner somebody said I've got fish left over, you can have it,

and the ASMFC says, yes, okay; is that how that would work?

CHAIRMAN SIMPSON: Yes, the addendum would be to say – and this is how I envision this working; the states would go back home and very quickly try to arrive at what steps they're going to take. We have talked about what the need might be to leave fish available to address a long-standing inconsistency with New York having much higher minimum sizes, much more restrictive measures in total. Once that is determined we would know how many fish were available for New York to smooth out this gradient of management restriction so that it fits more with logic. I mean, we have discussed all the details enough already.

MR. ADLER: So, in other words, it would be the ASMFC that would divvy this up?

CHAIRMAN SIMPSON: Right, the federal process doesn't talk about state allocations. It is keep within a coast-wide allocation, so it has been left to the commission to try to figure out how to make that work.

MR. ADLER: Yes, I do support that.

MR. LUISI: Mr. Chairman, I won't belabor the point. I think Toni hit the nail on the head regarding Mr. Nowalsky's issue that was brought up in asking other states kind of what their plan is. We have every intention to go back after this meeting and discuss with our constituents what we're going to do in order to establish the rules and regulations for Maryland.

Any remaining quota, once we talk with our neighboring states and try to come up with a plan that we're going to put forth, would be available. That is how I see it and not starting the other way where New York and New Jersey get what they need and then we're faced with having to restrict our liberalization to a certain degree. Just to answer your point, Adam, that is what we plan to do.

MR. GIBSON: Mr. Chairman, I just want to state for the record my support for this motion is conditioned on again that it is only one year; and it is, just as Toni I think suggested, that the amount of fish is conditioned on our public hearing process back home, which option comes out of the public hearing process and which gets promulgated by our cabinet-level officials, so I can't preempt that now. It could be no liberalization and it could be a modest liberalization; but whatever comes out of it will be what was left. As to what states it goes to, I don't

really have a dog in that fight. We put fish on the table and wherever they go, they go. I don't know how we work that out.

CHAIRMAN SIMPSON: Yes, that was one of the wrenches that got thrown into the wheels the night before our December meeting down at the Mid-Atlantic Council when – I like to say when the crop reports came out the day before we meet to decide this stuff, and that is why we're talking about this now in February. I have a publication deadline of March 1 for our regulations and I am definitely under the gun here, too. John.

MR. JOHN CLARK: I think the point has already been made by Toni. Mike, we're in a similar situation. Mike, we're in a similar situation. Our regulatory process is very lengthy so we have already started the action notice, and we have a public hearing already scheduled that has these four options on it.

For this year we will most likely be going to a 17-inch size from the input I've gotten so far. I would just think also that for this plan that we come up with a nice generic name like Coast-Wide Quota Rationalization or something like that rather than quota going to New York and New Jersey as that would be a harder sell.

CHAIRMAN SIMPSON: I agree completely. As I said at the outset, I think the terms we use are important. I think moving toward a resource-sharing agreement; that's a term we use between Canada and the U.S. that I think implies the kind of flexibility we're going to need to respond to shifts in these fish and numbers and distribution over the decades, and that is where we are with this. Pete, I am going to give you the final word and then we're going to call the question.

MR. HIMCHAK: There is a precedent for this quota-sharing underage in the scup commercial fishery, is there not, where states that do not use their summer scup commercial allocation and essentially put into an ASMFC pool to cover overages from other states. There is a precedent for this, so the mechanism exists.

The problem I see with the motion and the addendum is the logistics of – in other words, New York and New Jersey in this instance, since we're facing reductions, we have to wait until every state finalizes their regulations to know how much is going into the unused quota, and then we would start crafting, based on whatever mechanism the commission comes up

with for sharing the unused quota – I mean, logistically we couldn't do this.

We have a committee meeting next week to essentially select our options – go through our options in the summer flounder recreational fishery. Then we usually finalize all that in April or this year we're going to do it May 2<sup>nd</sup>. We would be waiting and waiting and waiting to find out how many pounds and then go through the process all over again. I just don't see how we could pull it off.

CHAIRMAN SIMPSON: Right, the options are somewhat limited by the time constraints we have in dealing with this in the middle of February. I think it is the only option we have right now to just the alternative to just going home and ignoring the problem again for another year, and I am loathe to do that.

I am going to ask you to take a moment to caucus and then we will vote this up or down. The motion is move to initiate a fast-track addendum to allow for the use of any unused quota by other states for 2013 only. Motion by Mr. Gilmore; seconded by Mr. Nowalsky.

(Whereupon, a caucus was held.)

CHAIRMAN SIMPSON: While your caucusing, Rick Robins, if you want to comment for the Mid.

MR. RICK ROBINS: Rick Robins, Mid-Atlantic Council. I'll be brief. The council does not have a position on the question, but I would like to commend the board for its very positive and thoughtful approach to trying to resolve what has been a long-standing issue and problem within this FMP.

We had a couple of important meeting over the course of the last year in New York with the recreational public through our visioning work. Those were informal meetings, but I think the theme that came very clearly through those discussions was the fact that New York anglers have not experienced the same dividends of stock rebuilding that other anglers in other states have.

I think the residents of New York and every coastal state deserve our collective best efforts to address this issue. I applaud the board for its thoughtful approach; and following on your comments, I will submit that longer-term solutions are necessary in the future. I think frankly there are other management tools that may be considered.

We had a presentation last fall from the group that is working on the management strategy evaluations that are going to look at some alternative models that would include, for example, having some mixed size limits that might allow the retention of one small fish together with the regular bag limit. There may be some creative new tools that could be developed to deal with this, but I really appreciate the board's efforts to address this today. It is a long-standing concern and I applaud your efforts. Thank you.

CHAIRMAN SIMPSON: Thanks, Rick, and part of my thinking in this is this could be part of a transition to those efforts that are broader than the Mid-Atlantic Council is taking on; the idea of slot limits and so forth. We have had considerable discussion on this and I'm just going to call the question at this point. I would ask all states in favor to please raise your hand, 11 in favor; opposed, none; any abstentions; any null votes, none. **The motion passes unanimously.** Adam.

MR. NOWALSKY: What is the expectation that is going to be included in the addendum that is going to outline how New York and New Jersey are going to decide how to split up the leftovers, if there are leftovers?

CHAIRMAN SIMPSON: I think certainly it would be a board decision; but one thing that occurred to me so that we understand what we're doing and why is I guess I would ask each of the states to put forward a short document that would explain why they feel that they need this sort of assistance, what disadvantage that they had in recent years or over the years in our current management system.

I think that would help the board a lot in terms of ultimately determining how we would like to see fish as other states that we leave on the table might be utilized. Frankly, I have spent the time on this because I have seen pretty clearly – to my mind I have been convinced that New York specifically has been disadvantaged by this plan in recent years. I have not had the same feeling, frankly, about New Jersey with a 17-1/2 inch minimum size. Frankly, that has been the problem that I have been trying to address is that New York has consistently been an outlier in terms of the level of restriction required versus other states.

MR. NOWALSKY: So I'm not sure how that answers the question, Mr. Chairman. Is there going to be options in the addendum that this board is going to vote on; are we going to get back together at some

point to decide how to split up what is left? I believe that your intention throughout this process was to ensure that New York would come down somewhat in size. I am not sure we're leaving here with that – I don't think New York can go home with that certainty here today.

CHAIRMAN SIMPSON: No, they don't. This will be a fast-track addendum. I think it would be helpful, as I said, to inform the board and make a decision about where fish are going and that each of the states make their case for why they need help this particular year, and that will inform the board's decision. I think we will make a decision by conference call and fax poll where the left-over fish will go. That is how I see it playing out through board action. Tom.

MR. FOTE: I was sitting here fine with everything going on until you made that last statement about not seeing New Jersey disadvantaged over the period of time. Let me finish because that is what you basically said. What we have done in New Jersey is when we could liberalize, we did not liberalize and we did small percentages.

We also took season reductions to make sure that we basically did – which basically affected our southern fishery that we share with Delaware Bay. We made some tough decisions because we felt that we have to do every step to stay within the quota. It has been as difficult as it is for New York for us to raise and shorten our seasons.

We have lost the fishery in September that is very important to the surf fishermen. As you know, we made the special exception for you. We have eliminated our surf fishermen from their historical fishery in September and October because of closing the seasons down. I needed to get that on the record that we have been impacted greatly, also, and made changes in our regulations so we don't become outliers by cutting seasons, because we thought that was the best method. It seems to be working, but is it making our fishermen happy?

Do we feel disadvantaged? Yes, and part of it has nothing to do – you know, we will go back. It has to do with the quota that shouldn't be here. The quota should be 34 million pounds and we should have basically raised the quota substantially. When we did that, there was a plan in place at that time because we were looking at great increases in quota projected back in the nineties and we were going to get the rebuilt stock and we were going to divide all the increases in quota equally among the states. We all

had agreed to that but those quota increases never came.

CHAIRMAN SIMPSON: Okay, Tom, I will just say you're making the argument that I think would be great to make on paper so that the board members can evaluate it and we will decide what to do come the other end of this fast-track addendum. With this approved, I guess one of the things that we need to do is get a quick sense of how quickly the other states can and expect to move so that New York and potentially New Jersey could follow suit and take advantage of anything that might be, as we're saying, left on the table. As I said, I have to decide by March 1. We have a publication deadline; I need to have my paperwork in on March 1. I'll just go quickly down through if you could give me your best guess at how soon you would be able to tell the board what you're going to do.

MR. GIBSON: Our public hearing is March 13<sup>th</sup>. The Marine Fisheries Council meeting, I think the 1<sup>st</sup> of April and a department decision shortly thereafter; early April.

CHAIRMAN SIMPSON: Massachusetts; David, do you have a quick sense?

DR. PIERCE: Early April.

MR. CLARK: As stated, we already started the process. Our public hearing will be on March 21<sup>st</sup>, I believe.

CHAIRMAN SIMPSON: And the decision around April, early April?

MR. CLARK: Well, we will probably have a decision soon after the public hearing and then, yes, so we will have it probably by the end of March.

CHAIRMAN SIMPSON: Okay, Maryland.

MR. LUISI: Three or four weeks.

CHAIRMAN SIMPSON: Virginia, not sure; North Carolina wasn't planning on changing. There is a pretty good sense of the timing. Hopefully, that does work for the states of concern.

MR. AUGUSTINE: A point of information, Mr. Chairman. Would it be helpful that chart that you developed, that you made that available to the state directors. It just seems to me as a reference point, we are asking them to write a letter as to why they would support or what they would do, and that strawman, if

I may call it that, was a perfect way for them to segue into what they could respond with, and it would probably give them some support of what their actions are in their states.

CHAIRMAN SIMPSON: Sure, I would be happy to; we will do that. A.C. is really going to speak badly of me, I know, but I think the expectations for me were set pretty high to take care of summer flounder in 30 minutes. With that excuse, we move on to the next agenda item, which is scup allocation. These are all trivial things and I don't know we weren't done in 20 minutes, but, Jim, do you want to get us started.

MR. GILMORE: Yes, before we move off of fluke, there was one other motion. Remember, as I said before, I wanted to try to address the longer-term issue with this. I wanted to put a motion up just to form a subcommittee of the Summer Flounder, Scup and Black Sea Bass Board to explore alternate management options for the summer flounder fishery for 2014 and beyond.

CHAIRMAN SIMPSON: Okay, thanks, and Toni is suggesting that we can simply go ahead and do that without the formality of a motion if there is no objection to that. Is that all right with folks? I think I will try to work with the staff to identify a few board members; and if we need a couple of technical people to help us with the number crunching, I think that would be all right. Is that acceptable to everyone? Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just to comment, it might be worthwhile to ask a staff person from the Mid-Atlantic Council or someone that Rick recommends just so we have the Mid-Atlantic perspective as well. I think moving forward 2014 and beyond we're going to need to coordinate those efforts to some degree.

CHAIRMAN SIMPSON: That makes sense. David.

DR. PIERCE: Before we leave fluke, just a suggestion. In this fast-track addendum let's make sure that the addendum does not indicate that the states that are donating to the pot, so to speak, that their 2013 harvest target is not reduced, okay, because that would make it impossible to approve this fast-track addendum. Well, I have made the point; the targets cannot be reduced for those states that are donating.

CHAIRMAN SIMPSON: Right; it is understood that this would be a team effort to hit the overall recreational harvest limit for the coast. Toni.

## CONSIDER APPROVAL OF STATE SCUP RECREATIONAL PROPOSALS

MS. KERNS: I am going to go through the scup recreational measures. Jason had to go catch a flight so I'll do my best. For 2013 the only states that indicated that they wanted to liberalize their scup regulations was the northern region, so their target is 6.7 million fish. They could liberalize 88 percent or 3.6 million fish.

The technical committee had cautioned for some liberalizations just due to the quality and the quantity of the underlying data and the historical volatile nature of the fishery. When we say "some liberalizations", it means taking very large liberalizations or going all the way up to the 88 percent.

The technical committee did a customization of the regional analysis, meaning that each of the states has the flexibility to make some adjustments to their seasons or potentially size limits. We used a combination of data sources; VTRs from New York and Rhode Island, Massachusetts survey and MRIP data. For the shore-mode harvest estimations we used the MRFSS data from 2001 because that was the last time we had a nine-inch size limit.

When we did the analysis, it was found that the most liberal scenario that was provided by the states as the proposed regulations met the percent increase – the percent increase in harvest was below the allowed liberalization. I believe the maximum amount of liberalization was 30 or 35 percent.

The most liberal that was proposed by the states was a ten-inch minimum size with a nine-inch shore mode for Massachusetts, Rhode Island and Connecticut – New York did not ask for shore mode – a 30-fish bag limit with a bonus season of 45 fish for the party and charter vessels for a full wave or 61 days.

The technical committee also provided a simpler option, which was a ten-inch minimum size for all, a 40-fish bag limit for all, and a season of May 1<sup>st</sup> through December 31<sup>st</sup>, and Connecticut would maintain the shore mode. That is my presentation.

CHAIRMAN SIMPSON: Comments or questions for Toni? David.

DR. PIERCE: Toni, relative to the shore mode, the option in Table 1 of the document that you have referenced that shows the 35.5 percent liberalization, it notes shore mode Massachusetts, Rhode Island and

Connecticut. I believe there are some specific elements of that particular shore mode strategy applied to Rhode Island and Massachusetts as well as Connecticut, of course. Connecticut is the standard barrier on this. I think it would be useful for the record to show that this particular option involves Massachusetts and Rhode Island demonstrating that it can actually achieve the same sorts of strategy that Connecticut has adopted for the shore mode?

MS. KERNS: The shore mode is that designated sites in Connecticut and I believe that is what the states of Massachusetts and Rhode Island would do as well, is they would designate certain sites where that shore mode could be done. The way Connecticut does that is that it is only at access sites that are available for shore fishermen. You cannot have that shore mode size limit at places where there are boat ramps where you can come in and out on a vessel; so no marinas.

DR. PIERCE: So if, indeed, we choose the most liberal option, which basically is not a liberal option, we could go to 88 percent so we have to be careful how we reference it. It is one of two options. Massachusetts, if it chooses to go in the direction that Connecticut has pursued and Rhode Island as well, we would offer up those approaches to the technical committee for review; is that how we would work this to make sure that we do, indeed, not put ourselves in jeopardy by falling outside the bounds; again established by Connecticut through your thoughtful work on having a successful implementation of that shore mode.

CHAIRMAN SIMPSON: Right; I think the key is – you know, and this is following the discussion we had a couple of weeks ago. Rhode Island's discussion was that in areas that were particularly disadvantaged by the high minimum size – in the Providence area – believe it or not, scup find their way all the way to Providence, the north end of Narragansett Bay, and that led to a discussion from Massachusetts that, well, Fall River, the same kind of thing.

What I heard was that Rhode Island and Massachusetts were not looking to expand this program to the oceanfront waters where larger fish are readily available. This is more inner harbor kind of opportunities. I know our focus – and I heard the same theme – was urban angling opportunities.

For us there is a very strong sense of environmental justice angle here, that there is equity among all demographic groups in the state. With shore

fishermen in urban areas, that is something we were compelled to address. That is my understanding; this wouldn't be at Woods Hole where you can catch 14-inch scup off the end of a dock because you're fishing in a hundred feet of water. It is more Upper Bay. I think not so much a technical review – you know, we are talking about six million fish and that is only 22 percent of the whole quota and so forth, so, really, the shore mode itself approaches de minimis status in the areas that we're talking about.

DR. PIERCE: Okay, that is a good clarification, Mr. Chairman. **May I make a motion or are you still offering – all right, I would move that we adopt the northern region's scup option providing the 35.5 percent liberalization.** For the benefit of the board, that would be the first option in Table 1 for the northern region options. That is in the February 13<sup>th</sup> memo from Massachusetts to New York technical committee members to the board.

CHAIRMAN SIMPSON: And, David, does that have specifics of size, season and bag associated with it? Could you read those?

DR. PIERCE: Yes, that would be the option that – would you like the specifics in the motion, all of the elements of it?

CHAIRMAN SIMPSON: I would; thanks.

DR. PIERCE: **Okay; then that would mean for the party and charter mode, an open season of May 1 through December 31<sup>st</sup>, with a 30-fish bag limit and 45-fish limit for one wave; and a ten-inch minimum size limit; for the private boat, the same season of May 1 through December 31<sup>st</sup>, 30-fish bag limit, and ten-inch minimum size limit; and then for the shore mode, Massachusetts, Rhode Island and Connecticut, the same season of May 1 through December 31<sup>st</sup>, 30-fish bag limit and a nine-inch minimum size.**

CHAIRMAN SIMPSON: Thank you, David. Did we get a second to that motion? Jim seconds the motion. Discussion on this motion? Jim.

MR. GILMORE: Just a brief point; the previous slide, but New York wasn't on the group anymore, and I think that was a typo, I'm hoping, unless I got cut out while I was out of the room.

MS. KERNS: We didn't an analysis for New York.

CHAIRMAN SIMPSON: For shore mode?

MS. KERNS: For shore mode because New York said they didn't want to do –

MR. GILMORE: Right; okay.

CHAIRMAN SIMPSON: Okay, any other questions for clarification or discussion on this motion? Is there any objection to the motion? This applies now to Massachusetts through New York. Seeing no objection; **we will approve this unanimously.** Okay, what is our next move?

MS. KERNS: All other states are status quo for scup because no one else asked for any changes.

CHAIRMAN SIMPSON: Okay, the agenda item we had was the technical committee report; and because I was so inefficient on time, Jason had to just down and back and didn't get a chance to present to us, so we're going to just pass on that, if that is okay with the board members. The next action is to reconsider the black sea bass quota. Keep in mind we should be able to do this in 15 minutes.

### **RECONSIDER THE BLACK SEA BASS 2013 QUOTA**

MS. KERNS: And just a note to the technical committee report, that was requested specifically by one person and the technical committee had some questions back; and, Adam, I think I will just get with you to get some of those questions refined and then we can have an even more comprehensive report at the May meeting on averaging. I will get with you after the meeting to do that.

MR. NOWALSKY: That would be great. I suspect that would probably feed into the subcommittee work that we're talking about so being a part of that would be a great way to work on that. Thank you.

MS. KERNS: I concur. Back in December the Mid-Atlantic Council asked their SSC to reconsider their recommendation for the 2013 black sea bass ABC and recommend an ABC for the 2014 fishing year. The SSC went back and they looked at that information, and they reconsidered the 2008 year as the foundation for the ABC. Recall that for black sea bass, when we set the quota, the SSC does not find that the OFL should be used because of the uncertainty that is associated with the assessment, and so they use a constant catch harvest scenario, and they used 2008 as that base year.

The SSC noted that the current constant catch policy that has been in place for the last three years has led

to a relatively constant or potential increasing abundance of black sea bass, so that the 2012 update showed that the stock level is slightly above Bmsy. The 2,041 metric tons of catch represents approximately the 16<sup>th</sup> percentile of cumulative catch distributions, and so that is very conservative.

The other stocks that are managed by the council that are at or above Bmsy such as black sea bass is are managed on an ABC of approximately 75 percent of the OFL. During the rebuilding period from 2000 to 2009 the stock had supported catches of 2,721 metric tons. Based on all of these points, the SSC recommended that the 2013 and 2014 ABC be set using a constant catch policy of 5.5 million pounds for the short term.

They emphasize that a revised assessment should be completed as soon as possible. Last week the council met and they did revise their recommendation to NOAA Fisheries for their 2013 catch and increased that to 5.5 million pounds. Currently we're at 4.5 million pounds. The commission has already set its quota at 4.5 million pounds; so if we want to reconsider that, we would need to do that through a majority vote because we have already set it.

The commission did set a 2014 quota because we knew we were going to be doing a black sea bass update and so we wanted to wait to see what the outcome of that update was before setting a quota. If the group wants to set a quota for 2014, that would not need a majority vote, but we still are planning on the assessment and we will have that information to the board before the end of the year.

DR. PIERCE: Do we need a motion to reconsider consistent with what Toni just said; because if so, I will make that motion.

CHAIRMAN SIMPSON: Okay, I guess a simple motion to set the new quota and a simple majority would suffice according to what Toni told me. We don't need a super majority?

MS. KERNS: Super majority; two-thirds.

CHAIRMAN SIMPSON: Okay, that is not simple; that is super; so two-thirds of us would want to increase the quota – need to want to increase the quota. If you could make a motion, that would be great.

DR. PIERCE: Okay, I would move to – I won't make this too complicated. **I will move that we reconsider the 2013 black sea bass quota of 4.5**

**million pounds and increase it to 5.5 million pounds consistent with the Mid-Atlantic Fishery Management Council decision.**

CHAIRMAN SIMPSON: Pat, were you raising your hand to second?

MR. AUGUSTINE: Yes.

DR. PIERCE: And then I would like to speak to that, Mr. Chairman. A word of thanks to Chairman Rick Robins for all the work that he has done on this. He has provided great leadership on this particular issue and has I suspect been one of the leaders in suggesting to the SSC or tasking the SSC with the charge to reexamine the black sea bass quota.

It was a wise move on his part and on the part of the Mid-Atlantic Council, and I appreciate what they did on this. I also appreciate that the SSC finally found wisdom. This decision actually could have been made last year, I believe. The rationale for the increase of one million pounds to 5.5; the rationale I believe was just as sound last year as this year, but the SSC did not deal with it last year.

This is not hard feelings on my part except to say that we are going to consider an addendum relative to black sea bass recreational measures for 2013, and the reductions that we're looking at in these different options are contingent on the sorts of overages we had in 2012. I submit that we wouldn't have had the sorts of overages we had in 2012 if the amount of quota was 5.5 instead of 4.5.

I think we're going to be taking through this addendum a cut that is unnecessarily harsh, but I don't believe there is any way for us to avoid that. This is at least a step in the right direction and a sensible one by the Mid-Atlantic Council and, of course, the board should approve it as well.

MR. FOTE: I was going to ask Toni before we even made the motion is we could have been at six million pounds. That wasn't the six million pounds which was allowed under the current management; it was just the SSC deciding not to go to six million pounds and go into the 5.5?

MS. KERNS: They decided 5.5 million pounds; that is what their decision was.

MR. FOTE: Yes, but if you looked at the figures, we could have been at six million pounds this year.

MR. LUISI: Mr. Chairman, as part of the discussion last week at the council, this did come up, you know, why during the time period for when we were rebuilding this stock did we have a six million pound quota and now we're faced with a rebuilt stock and a 5.5 million pound quota. I'm trying to remember back just a week ago with all that is my head right now.

Part of that discussion was based on year class strength and that there were year classes years ago that allowed for six million pounds to be considered more so than currently. John Boreman spoke to the issue, and I certainly will not try to be John Boreman at all, but that was one point that did come up and the SSC felt more comfortable with that discussion at 5.5 million pounds.

MR. FOTE: Just to comment on that, I know they feel more comfortable, but 500,000 pounds is 500,000 pounds both to our commercial and recreational fishermen, and it means a big deal. I mean, we have been very restrictive on this fishery, the SSC, over the years and hopefully we will – you know, I appreciate all the work the council did in moving as far as it did, but we still need to move much further on this. I would have loved that 500,000 pounds this year.

CHAIRMAN SIMPSON: Rob, did you want to speak specifically to this issue that Tom raised?

MR. ROB O'REILLY: No, different issue.

CHAIRMAN SIMPSON: Okay, thanks, I will keep you in the queue, then. Rick Bellavance.

MR. RICK BELLAVANCE: Mr. Chairman, just real quick; Dave Pierce already kind of spoke to what I was going to say, but I also wanted to thank the Mid-Atlantic Council for their work here and the leadership of the chairman. It is very helpful to the recreational community in Rhode Island. It is an important fish for us.

MR. O'REILLY: Mr. Chairman, I just wondered whether the recreational harvest and the commercial quota should be part of this motion since that is really what most of the public is going to be looking at.

CHAIRMAN SIMPSON: So that is a 51/59 split and you're looking to see the math into the motion?

MR. O'REILLY: I think there is a table, Mr. Chairman. I think there is already a table. I don't know whether Toni has it to put up or not.

MS. KERNS: It would be an RHL of 2.6 million pounds and a commercial quota of 2.17 million pounds.

CHAIRMAN SIMPSON: Does that look right to you, Rob? No? Okay, Louis is shaking his head no. Hang on a second and we will double check.

MS. KERNS: This is the RHL. Remember that the RHL has – it is after RSA and discards have been removed – RHL and the quota.

MR. NOWALSKY: The document in the meeting materials had 2.26.

CHAIRMAN SIMPSON: That looks closer to 51/49 by my quick math. Rob, did you have something more?

MR. O'REILLY: Just that that is a friendly amendment.

CHAIRMAN SIMPSON: Okay, is that acceptable to the maker and Pat, the seconder? Okay, great! Any other discussion on this motion? **The motion is move to reconsider the 2013 black sea bass quota of 4.5 million pounds and increase to 5.5 million pounds (recreational harvest limit of 2.26 million pounds and a commercial quota of 2.17 million pounds) consistent with the Mid-Atlantic Fishery Management Council decision.** It is a motion by Dr. Pierce and seconded by Mr. Augustine. We do need to take a roll call vote on this because we need two-thirds majority of the membership and not just who is present. We will do a roll call vote on this. Do you need a moment to caucus?

(Whereupon, a caucus was held.)

MS. KERNS: The Commonwealth of Massachusetts.

MASSACHUSETTS: Yes.

MS. KERNS: Rhode Island.

RHODE ISLAND: Yes.

MS. KERNS: Connecticut.

CONNECTICUT: Yes.

MS. KERNS: New York.

NEW YORK: Yes.

MS. KERNS: New Jersey.

NEW JERSEY: Yes.

MS. KERNS: Delaware.

DELAWARE: Yes.

MS. KERNS: Maryland.

MARYLAND: Yes.

MS. KERNS: Potomac River Fisheries Commission is absent. Virginia.

VIRGINIA: Yes.

MS. KERNS: North Carolina.

NORTH CAROLINA: Yes.

MS. KERNS: U.S. Fish and Wildlife Service is absent. National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MS. KERNS: Ten yes; two absent.

CHAIRMAN SIMPSON: **So we have ten in favor with two absent and that gives us the super majority we need so the motion carries.** Do you have another presentation?

### **CONSIDER DRAFT ADDENDUM XXIII FOR FINAL APPROVAL**

MS. KERNS: Yes, the next is we're going to go through Draft Addendum XXIII. I just had staff pass out a new version of Addendum XXIII and highlighted in yellow are the values that will reflect this change in quota that we just made, so that the board can see what the reductions that will be required under 5.5 million pounds will be. As a reminder, Addendum XXIII looks at the black sea bass recreational fishery for the year 2013 with a possible extension to 2014 as well.

Today we will be taking final action on options that are contained within the addendum. I am going to skip through the majority of my slides on the background of this addendum. The addendum that we did for coastwide last expired at the end of 2012; and so if the board wants to do some sort of state by state or conservation equivalency again in 2013, we would need to move forward with one of the options in this addendum in order to do so.

The first option is status quo to use coast-wide measures. For 2013 the recreational measures would be set using a single coast-wide size limit, bag limit and season. In the table it says a 32 percent reduction in harvest numbers would be required to achieve the RHL for 2013, which is 2.26 million pounds.

Last night I ran the Wave 6 numbers and that number drops to 31 percent, so just to let you know the Wave 6 numbers were out, and it slightly adjusts the measures. I didn't have time to do all of the other adjustments, but it is very, very close, so these numbers wouldn't be too different; just as a point of information.

Option 2 is to allow for state-by-state measures. States would implement individual recreational management programs for black sea bass using size limits, possession limits and seasons to achieve a specific harvest reduction when combined with the other states would achieve the coast-wide reduction.

If this option is chosen, the board would need to determine whether or not to use data from the last three years or data from the average of the last two years to determine what a state's required reduction or liberalization would need to be. A negative number in this table indicates that a state would be able to liberalize.

Option 3 is to have two regions. Each region would implement programs using identical size limits, possession limits and seasons to achieve a specific harvest reduction. Option 4 is also to regions but each region would be able to implement programs using size limits, possession limits and seasons. States would work together to try to have as consistent regulations as possible, but you could deviate from what your other states in the region are doing.

For both Options 3 and 4, the regions would be a northern and a southern region. If you use the last three years of data, that northern region would need a 33.7 percent reduction and the southern region could have a 14.6 percent liberalization. If we use the average of the last two years of data, the northern region would need a 34.4 percent reduction and the southern region could have a 34.3 percent liberalization.

Again, for either of these options, the board would need to – if they went forward with one of them, the board would need to indicate whether or not they want to use the average of the last two or three years of data. The last option is an ad hoc region approach.

States would have to just come together and determine a set of regulations that when combined all together would achieve the coast-wide reduction, which with the MRIP Wave 6 data would be a 31 percent reduction. There would be no specific reduction identified for any individual state.

Then lastly is the addendum timeframe. Option 1 is status quo. This addendum would expire at the end of the year and then we would revert back to coast-wide measures. Option 2 would be to allow for a board extension for one year. We did go out for public comment on this document and we had one hearing. This hearing was held in Rhode Island.

We received three written public comments. In the public comment there was support for regions. One individual came up with his own region or a group came up with their own regions, and it was North Carolina through Delaware, New Jersey stood alone, and New York through Massachusetts. There were two individuals that had support for two regions, Option 3. There was support for the state-by-state measures from two individuals and support for the addendum to expire in 2013.

The technical committee reviewed the addendum and felt that they could utilize the same methodologies for other species to determine reduction strategies. The methodology chosen would change depending on whether the board votes for regional, state by state or the ad hoc approach. Once this part was determined, the technical committee could determine the most appropriate analysis strategy and the best data sources for the analysis.

The LEC reviewed the addendum and recommended a coastwide or consistent regional regulations, Option 1 or Option 3. They noted that issues can emerge when regulations between state and federal waters do not match and that differing closed periods are difficult to enforce and create confusion for the public.

I think part of that arose because we closed the fishery in federal waters and some of the state waters did not close, and that is what some of those enforcement issues were pertaining to. They did note that consistency is key for enforcement and the larger the area encompassing consistent regulations the easier it is for law enforcement.

We did not have a specific meeting for the advisory panel on this addendum because we did discuss black sea bass measures at our advisory panel meeting in November. The advisory panel for the most part said that they liked what we had done last year that

allowed for the states to develop regulations that met their needs and that they wanted to see an approach that would allow us to do that again in 2013. That is everything that I have and I can take any questions.

CHAIRMAN SIMPSON: Questions for Toni? Louis.

DR. LOUIS DANIEL: One that I think is real quick, but it always makes me nervous to see an asterisk next to North Carolina without a reason.

MS. KERNS: North Carolina's data has not fully been cut off at Hatteras, and so some of it was a projection of cutoff; so once we have that final information from MRIP, I will have a final number for North Carolina. It is projected and I think we have done pretty good in the past in that projection.

MR. O'REILLY: My question was on the years to use for the average landings for the reduction and whether there was any discussion on the regulatory process that 2011 was the time of reduction and 2012 was the time of liberalization. Regulations changed quite a bit and were there any concerns about using those years within this process?

MS. KERNS: None had been brought up. I don't know if the technical committee discussed that when they discussed the addendum or not. I was sick the day of the meeting and had to go home early.

CHAIRMAN SIMPSON: Yes, this is a tough one because again the target we got formally ten minutes ago, so we have an overall target. We don't have any real plan or any time to think about absorbing the management measures that would bring about these changes, so it is a tough spot. I'm trying to figure out what do we do efficiently here in terms of making a decision or can we even respond this quickly and decide how we're going to share the joy on black sea bass this year. Mike.

MR. LUISI: I'm looking at the numbers here and to my understanding and I'm sure the board would agree that in the southern region the majority if not all of this fishery recreationally is prosecuted in the federal waters of the EEZ. Given that the status quo – from thinking back to December, the motion was made that in the event that the Atlantic States Commission was able to meet the required reductions, that the federal waters management measures would revert to status quo from last year with the exception of a five-fish reduction in the bag limit.

When I think about liberalizing in the southern region, what I would first would like to do is try to extend that season; and yet by extending that season in state waters, it does me no good as well as I'm sure in Delaware and Virginia. Was there any consideration at all, were there any calculations done about – you know, an hour ago we were talking about using extra liberalization in a way to reduce the pain, let's say, to other states that have to take reductions. Was any consideration made about whether or not if the southern region were to just stay at status quo, could those 14 or 34 percent liberalizations help out in any way?

MS. KERNS: When the board had discussed this at the December meeting, the document when it was going out for public comment, the southern states did have some liberalization allowed in the original document. They were not as large, but there was no discussion of utilization of those regions.

It seemed to me that I thought that the southern regions were okay with the change in the – keeping those status quo regulations with that change in bag limit and that that was the intention of what the southern states were going to do or I thought so, but that may not be the case. What we had thought we would do is that the northern states would – if the southern states remained at status quo, then the northern states would then adjust their regulations to account for that reduction that was needed.

MR. O'REILLY: It is a similar path as Mike. If we can go back to 2010 and the discussions that took place at the board, which were really more ad hoc than anything we're going to face today, I think at that time there were situations where the liberalization potential where it was frozen for a certain amount of the states.

I think North Carolina had to take a small reduction and I think Connecticut did, and then I think the states north did, but their reduction was lessened by keeping to status quo in the southern states. It has already occurred and that was in 2010, so that is certainly a viable option to look at today. I just don't know what that means in terms of the 31 percent reduction, how that helps defray what other states might have to do. I haven't seen that.

CHAIRMAN SIMPSON: Yes, and to help this I suggest maybe that if we can get a general agreement that the southern states, as Mike suggested, would probably adopt the federal measures, give the technical committee and the staff time to develop some alternatives for the same group of states to the

north essentially, what alternatives do they have to achieve this 31 percent reduction or whatever it is, understanding that it would be status quo measures in the southern states, what are the options we have, evaluate those; and at the same time we get on a call to talk about summer flounder, we decide on the particulars of 2013 black sea bass measures; does that make sense to people?

I don't know what 31 percent means. Is that a 15-inch minimum size, is that a three-fish creel limit; I don't know and I couldn't – I personally couldn't decide until I saw those. What is the sense of the board? Is there agreement on that or can I just get a couple of comments for the record on that?

What I'm suggesting is again the southern states – the scenario will be the southern states remain status quo to federal measures. That is the 20-fish creel limit; the 12-inch minimum size, I think it is, or maybe it is 12-1/2; and whatever the season was, that is what you will do. The northern states will figure out alternatives to achieve the overall reduction. Does that make sense? Okay, Rob.

MR. O'REILLY: I'm just thinking was the 20 fish really through the end of February is the way the council did that, and then I think that was specific to that time period and then it is back to the 25 fish, if someone else do some recall.

MR. LUISI: Yes, and somebody else on the council can correct me if I'm wrong, but I seem to remember that the 15-fish creel limit is what is occurring now in January and February. It was going to a 20-fish limit for the federal measures that would be status quo; so it was reduced from 25 to 20 in the recommendation.

CHAIRMAN SIMPSON: That is good, Mike; that is how I recall it. And as far as effect on North Carolina, I think this allows continuation of the – in 2011 you had technically a reduction to take, and I think last year we said just do what your neighbors are doing, you're a small contributor state, anyway, and so this would also apply to North Carolina; is that your understanding, Louis? Do you have any concern with that?

DR. DANIEL: Not really a concern. The disparities between north and south of Hatteras I can't fix with a liberalization because we're at 13 inches south of Hatteras; but I would expect that at least in North Carolina there would be some expectation if there was a liberalization between 14 and 35 percent, that we may be able to extend our season to achieve that liberalization. But that really wasn't in the addendum

the opportunities for liberalization, so I don't know that anyone commented on that unless I'm missing something.

CHAIRMAN SIMPSON: Do you have a state waters black sea bass fishery north of Hatteras where you could liberalize over what the federal government has?

DR. DANIEL: I'm not sure how lucrative the inshore inside North Carolina waters fishery is. I know we do have it south, but I'm not sure how close in it comes in state waters. The federal seasons are set; is that what you're saying? Okay.

CHAIRMAN SIMPSON: Well, accepting that little nuance, if that is an acceptable approach, we will have some specific alternatives for the northern region to consider. The southern states can reflect on this decision, too, and then we would get back together by conference call to make a decision on sea bass. David.

DR. PIERCE: You mentioned the northern region, which, of course, is one of the options within the addendum. That raises a question for me because if you note in 2012 Massachusetts in the northern region was different from Rhode Island, Connecticut, New York and New Jersey. We had a much larger minimum size and we had an open season that took advantage of the fact that the black sea bass are in our waters in May and in June.

A region-wide approach would perhaps oblige us to drop our minimum size and take away the recreational fishery when they arrive on the grounds in May and in early June. I'm looking at what we need to do in Massachusetts for black sea bass as a 33 or 34 percent cut, whatever strategies we can employ to get that kind of cut, because all the options in the addendum, for Massachusetts it is 33 or 34. Now, it differs according to – for each state in the northern region the different options have different outcomes. Go ahead.

CHAIRMAN SIMPSON: Yes, so my thinking is that we would take the same approach as last year. We could get together as a region. Clearly your points on the difference in the timing of your fishery, as we do with scup, you take your one wave early when the others take it late – I think we could accommodate that. We would certainly see what that would look like. I fully expect Massachusetts is looking to do its job in this, and we could evaluate those options when the board gets back together. Is that fair enough? Pat.

MR. AUGUSTINE: Further to that, I'm looking at this and we're going to go ahead and take action on it sooner or later, but the bottom line is we now have Wave 1 open, and the question would be when will we get data on that approximately. It looks like March, maybe. Toni can help us on that and –

CHAIRMAN SIMPSON: Never; we don't do Wave 1 sampling.

MR. AUGUSTINE: – that has got to be counted in, also.

CHAIRMAN SIMPSON: No, that is a question that I had at length to no avail in the Mid-Atlantic Council. I will leave it at that. It is open at 15 fish; that is as much as they did. What they are catching, I don't know. It doesn't count against the quota because we don't know what they caught. Adam.

MR. NOWALSKY: So the discussion here, we have talked about the merits potentially of keeping the southern states in sync with federal waters and then doing something with the northern region is similar to what we did last year. Are we going to move on this addendum, though, here today and then just leave the percentages to be worked out moving forward; or, is the intention to wait until numbers have been changed and then take action on the addendum in the near future?

CHAIRMAN SIMPSON: I think the latter. In other words, we need to see the tables; what does this mean? I am suggesting a simpler approach because we are into the new year here and time is short. I am suggesting a simpler approach, but as the technical committee works on it, you have a representative, each of us does – if there are nuances within the addendum that you want examined, I think it would be important to do that.

As the discussion we just had with Massachusetts, they did something more conservative last year and it was better suited to the timing of their fishery and so forth. There is a little bit of latitude here, but I'm hoping that what we did last year generally could be used as an approach to timely implementation of the commission component of this FMP.

MR. NOWALSKY: If I could follow up on that, the last three years have provided three very different challenges. In 2011 we met to contemplate significant reductions. Last year we met to contemplate significant liberalization. This year we are now meeting again to contemplate significant reductions.

The last two years have played out very differently. When we contemplated different reductions, what we did was we sat around, carved up the reductions and came up with percentages at that time. I think some people walked away from that meeting feeling like winners and some people walked away not feeling like winners.

Last year was a little bit different whereby everybody was getting a chance to liberalize, so I don't think anybody walked away feeling like a not-winner scenario. I came in here today with the intention to move forward with the addendum with the idea of going with a hybrid range, which is similar to what we have done in the last two years of keeping the southern states in sync with federal waters, which I think they have indicated again here today has merits and with the intention of doing something with the northern region along the lines of what Dr. Pierce indicated that 34 percent reduction, which I think is very close to what Option 4 contemplates at this point.

Then we'd all have to go home and divide up the pie at that point. Based on that, Mr. Chairman, **I think I am going to move forward with that motion at this time, if it would be appropriate. I am going to move that the board approve Addendum XXIII using Option 4, which would be ad hoc regional measure, allowing the southern states to set their season consistent with the federal regulations.** Then I will follow up on that a little bit once we get it up on the board.

CHAIRMAN SIMPSON: Pat, you're seconding that as they get it up on the board. Toni.

MS. KERNS: Adam, I think that we have the flexibility for me to go back and reconstruct the percent reduction to account for the Wave 6 harvest as well as – the actual Wave 6 harvest instead of the projected Wave 6 harvest and the fact that the southern states will stay at status quo federal measures, and then adjust that northern state reduction accordingly. I can let the northern states know what that percentage would be in the next couple of days.

MR. NOWALSKY: Yes, and I think that the addendum provides for that. Option 4 specifically provides a range of liberalization for the southern region. Now I don't know how we go outside that liberalization and say the liberalization is going to be zero percent because that is not really one of the options here. I don't know if that is actually something that we could do now.

If I go back to the original addendum, however, that went out for public comment, it was in the range at that time. The options in Option 4 in the addendum prior to today for the southern region had a 6 percent reduction to a 9.9 percent liberalization, so that status quo was in the range prior to the new document today.

MS. KERNS: And actually, Adam, because it is a liberalization and they're deciding to be more conservative, the zero is within what would be allowable because states are always allowed to be more conservative if they so choose.

MR. NOWALSKY: Great, so what this option would accomplish is that the southern region would basically remain in sync with what the federal waters would be and then the northern region would then each state would craft its own measures to achieve that approximate 34 percent reduction or whatever number that you give us all would be.

CHAIRMAN SIMPSON: Right; and hopefully we would work to coordinate that so that there is some consistency across state lines; and with the understanding that most of the fishery in the southern range is in federal waters and that they would adopt those federal measures. The target for the alternatives we develop would be more toward the 32 percent reduction, I believe it is, than 34, but we will get that clear in the document.

DR. PIERCE: For Massachusetts this is an easy vote; because as I said before, with all the options we're about 34 percent cut. I can support this particular motion because it does say we strive in the region for the same rules and regulations, but we don't have to. There can be an acknowledgment of a difference between states, and that would mean therefore that Massachusetts can be accommodated with our slightly different approach in our state, but all the while going with the 33 percent reduction.

MR. GIBSON: I appreciate the Chair's efforts to find a way forward for us, and I guess we can reluctantly support this. It preserves the regions and allows some flexibility within the regions, but I go back to what Dave Pierce said earlier that we wouldn't be in this position had we had more reasonable catch limits from the get-go. I'm struggling to justify the reduction at all, and I would like to know what would happen if we didn't go forward with an addendum to achieve this reduction and just targeted the same catch.

MS. KERNS: So at the Mid-Atlantic Council meeting we did put forward a set of regulations that if the commission does not an addendum that would meet the required reductions, that the federal regulations would become very restrictive. I don't have those measures right in front of me, but I believe Mike does.

CHAIRMAN SIMPSON: Mike, do you have those? Okay, so that is would happen on the federal side. They would need to meet the federal law. I get your point. We certainly heard this a lot in the last month or two from the public, the number of sea bass, the lack of confidence, the incoming recruitment, which, of course, doesn't help us now but certainly suggests a healthy stock. It is a fair question.

I guess a simple incomplete answer is for federal waters fisheries, it would be much more restrictive; for state waters we did just adopt a recreational harvest limit as the commission of whatever it was, 2.99 overall. I think the chips will fall where they may. Is there anymore discussion of this? Bob Ross.  
MR. BOB ROSS: Mr. Chairman, I did have the motions from the Mid-Atlantic Council. The motion says if the addendum does not address the required reduction, then the federal waters measures would be 12.5 inch minimum fish size, 20-fish possession limit, an open season from June 1 to September 5, 2013.

CHAIRMAN SIMPSON: So there it is. Frankly, when I look at it, we could reduce a half an inch, we could increase five fish and it would have the core of the fishery that most of our public wants available if we fished in federal waters. If we fished in January and February, it would be ad libitum I think is the term. Adam.

MR. NOWALSKY: I hear your sentiment with regards to reducing size limit, but that is a scenario whereby the most of your recreational fishing are targeting summer flounder or something else during that open season in large part; and to lose the spring and the fall would put just about every for-hire boat left out of business at that point. While I hear you saying that may have merit, I can't share that sentiment that that is a viable option. The reason the council took that action was so it would be quite frankly an intolerable pill to swallow, and I still feel that way today.

CHAIRMAN SIMPSON: I think again it is a question of being fair to all the partners. Certainly if I look at this narrowly as Connecticut, this is easy for me. You're right, we have a fall-targeted fishery, but

the reason we're working so hard today on summer flounder and black sea bass again for the third year is to try to more evenly share this burden of conservation responsibility that we have and the benefits of that. Louis.

DR. DANIEL: To that point, kind of, I do feel like it is important. I'm concerned with the comments on the January/February fishery. I don't know how much the fishery goes in January and February, but the fact that that is when North Carolina's fishery is, and we're the only one that has landings information from that time period.

That does give me concern, and so the fact that we're the one state that can actually document January and February landings, then we are penalized for it to some degree. In some cases that has been the case. Maybe if you don't have sampling in January and February, you shouldn't be fishing in January and February.

CHAIRMAN SIMPSON: I made that argument as strongly as I could at the Mid-Atlantic Council and I got blank stares back. Pete.

MR. HIMCHAK: Specific to Dr. Daniel's point – and I didn't want to let this go unnoticed – this was brought up at the February meeting of the Mid-Atlantic Council. I asked when will there be an analysis of VTRs from federally-permitted boats for Wave 1 and who was going to do the analysis.

The information coming on the news of the fishery has been very good. It has been very successful but catching much larger fish, four-to-seven pound fish versus what they typically catch during the year. So the questions were posed will there be a characterization of the fishery and estimate of the landings for the spring data workshop for the alternative assessment that is going to be done enhanced – I don't know what they call it – an enhanced alternative assessment being conducted this summer?

And then will the SSC consider the element of scientific uncertainty resulting from the catch of four-to-seven huge catch – I mean, huge is all relative, but I mean comparatively it is a pretty successful fishery. The SSC will then have to reexamine the scientific uncertainty before the 2014 ABC is finalized, and the council will revisit the two-year ABC recommendation prior to 2014 for this very reason. It is not going unnoticed. I heard Gary Shepherd's name mentioned, so I guess he is going to do the

heavy lifting on characterizing and estimating the landings.

CHAIRMAN SIMPSON: Okay, I think we have had a lot of discussion on this. Thanks to Adam, we have a motion on the floor, so I'm going to read it and give you a moment to caucus and then we're going to vote on it. This is move to approve Addendum XXIII using Option 4, ad hoc regional measures, with the southern states to set their regulations consistent with federal regulations. That was a motion by Mr. Nowalsky and a second by Mr. Augustine. I will give you one moment to caucus and then we will vote.

(Whereupon, a caucus was held.)

CHAIRMAN SIMPSON: Okay, are you ready for the question? Okay, all those in favor please raise your hand, nine in favor; opposed, none opposed; any abstentions, two; any null votes, none. **The motion passes.** Toni.

MS. KERNS: What I will do is I will put together a call with the technical committee and any commissioner who is interested from these northern states to determine what regulations we want to propose. What I would ask is that the northern states work together with your three members to figure out what it is that you're thinking you may want to have, what kind of regulations you want to have prior to that call so that call can be somewhat direct in what we need to do.

The technical committee members will then do an analysis of what you're looking for. Then what we will do is one we have that, then I will set up a conference call for the full board to review the states' proposals and then the board can approve them through board action, which would be I think a separate call from that that we will do for summer flounder because I think we can do this a little bit faster.

For the summer flounder fast-track addendum, in discussions with Dave, what I will do is I will pull together an addendum, e-mail it out to the board, give you one or two days to review it with your other commissioners, and then we will do a fax poll vote just to get it out for public comment.

We will have it out for comment for 30 days, and I will set up a conference call for us to approve that for final consideration. Again, as Dave said, as soon as you have an inkling of what your regulations will be for summer flounder, please do let me know what

those are so that we can start letting the other states know how many fish may be at least available on the table.

CHAIRMAN SIMPSON: Does that sound okay? Adam.

MR. NOWALSKY: And, Toni, what is your expectation for sea bass, when you will have that percentage that the northern region will work with?

MS. KERNS: If I can get one of my technical committee members on the phone today, I think I can get that information out to you guys tomorrow.

MR. NOWALSKY: Wonderful; thank you.

MS. KERNS: But that is only if I can get a technical committee member on the phone to help me out with the math, and that just will be your total percent reduction for the region. Then we will start in-house with your technical committee member to start developing your regulations so that maybe at the end of next week or the beginning of the following week we can have that call to figure out what your proposals are.

CHAIRMAN SIMPSON: My understanding is we would have tables based on region; and if a state wants to explore something other than the region, I guess ask your technical committee member to develop those and stay in constant communication with your partners so that the pieces fit together when we come back on this again – when we come back around.

If that sounds acceptable to everyone; that will be our course of action. I will make one final pitch on summer flounder. If you could really get your public to engage in this thought of bringing that minimum size down a half an inch and trying to develop a little better, more cohesive, in my view, coast-wide approach to addressing our discard mortality problem, that would be great. Is there anything else? With that, if there is nothing else – Bob Ballou.

MR. ROBERT BALLOU: Mr. Chairman, if I'm not mistaken there is a second issue under Addendum XXIII and that is whether it is one year only or more than that. Thank you.

CHAIRMAN SIMPSON: I was assuming this was one year; is that everyone's understanding? I am seeing lots of nods that we're doing this for one year. Thanks, Bob; it is to keep that clear on the record so

we're just working on 2013 right now. We need a motion for final approval of the addendum, Pat.

MR. AUGUSTINE: Mr. Chairman, **move to approve the final Draft Addendum XXIII to the summer flounder, scup and black sea bass fishery management plan for public comment with changes and corrections as agreed to today.**

CHAIRMAN SIMPSON: Perfect; and Bill Adler is seconding that. Is there any objection to the motion? **Seeing none; it is approved unanimously with one abstention.** The National Marine Fisheries Service abstained.

### **ADJOURNMENT**

CHAIRMAN SIMPSON: Okay, if there is nothing else, the meeting is adjourned. Thank you for your patience.

(Whereupon, the meeting was adjourned at 12:10 o'clock p.m., February 21, 2013.)