



# Atlantic States Marine Fisheries Commission

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*Patrick C. Keliher (ME), Chair*

*Spud Woodward (GA), Vice-Chair*

*Robert E. Beal, Executive Director*

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*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

## MEMORANDUM

July 22, 2020

TO: Commissioners; Proxies; Atlantic Coastal Cooperative Statistics Program Coordinating Council; Atlantic Herring Management Board; Atlantic Menhaden Management Board; Atlantic Striped Bass Management Board; Bluefish Management Board; Executive Committee; Interstate Fisheries Management Program Policy Board; Mid-Atlantic Fishery Management Council; Shad and River Herring Management Board; South Atlantic State/Federal Fisheries Management Board; Summer Flounder, Scup, and Black Sea Bass Management Board

FROM: Robert E. Beal *REB*  
Executive Director

RE: ASMFC Summer Meeting Webinar: August 3-6, 2020

The Atlantic States Marine Fisheries Commission's Spring Meeting Webinar will be held August 3-6, 2020. Please note there has been a change in meeting times and the order of meetings on Wednesday (August 5) and a slight shift in meeting times on Thursday (August 6). Meeting materials are available on the Commission website at <http://www.asmfc.org/home/2020-summer-meeting-webinar>. Supplemental materials will be posted to the website on Wednesday, July 29, 2020.

The agenda is subject to change. The agenda reflects the current estimate of time required for scheduled Board meetings. The Commission may adjust this agenda in accordance with the actual duration of Board meetings. It is our intent to begin at the scheduled start time for each meeting, however, if meetings run late the next meeting may start later than originally planned.

Board proceedings will be broadcast daily via webinar; please register at <https://attendee.gotowebinar.com/rt/4049656764540271887> (Webinar ID 393-732-675) for all the meetings conducted throughout the week. **IMPORTANT: When registering, Commissioners, proxies, and Mid-Atlantic Fishery Management Council members (on Wednesday only for Council members), should place two zeros (00) prior to their names (e.g., 00Toni Kerns).** Detailed instructions on joining and participating in the webinars can be found at [http://www.asmfc.org/files/Meetings/2020SummerMeeting/Webinar\\_Instructions\\_July2020.pdf](http://www.asmfc.org/files/Meetings/2020SummerMeeting/Webinar_Instructions_July2020.pdf).

Each day, the webinar will begin 30 minutes prior to the start of the first meeting so that people can troubleshoot any connectivity or audio issues they may encounter. If you are having issues

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with the webinar (connecting to or audio related issues), please contact Chris Jacobs at 703.842.0790.

We strongly recommend Commissioners and proxies connect to the webinar using the computer audio (VoIP). For the best sound quality, we recommend using a headset (any headphones with a microphone should work, such as headphones you use with your phone). If you are joining the webinar but will not be using VoIP, you can may also call in at 213.929.4212 (a pin will be provided to you after joining the webinar); see [webinar instructions](#) for details on how to receive the pin.

For those who will not be joining the webinar but would like to listen in to the audio portion only, you can do so by dialing 213.929.4212 (access code: 568-469-389).

If the staff or I can provide any further assistance to you, please call us at 703.842.0740.



# Atlantic States Marine Fisheries Commission

## Summer Meeting Webinar

August 3-6, 2020

### Public Comment Guidelines

With the intent of developing policies in the Commission's procedures for public participation that result in a fair opportunity for public input, the ISFMP Policy Board has approved the following guidelines for use at management board meetings. **Please note these guidelines have been modified to adapt to meetings via webinar:**

The following timeline has been established for the **submission of written comment for issues for which the Commission has NOT established a specific public comment period** (i.e., in response to proposed management action).

1. Comments received 3 weeks prior to the start of the webinar (July 13) will be included in the briefing materials.
2. Comments received by 5:00 PM on the Tuesday, July 28 will be included in the supplemental materials.
3. Comments received by 10:00 AM on Friday, July 31 will be distributed electronically to Commissioners/Board members prior to the meeting.

Comments should be submitted via email at [comments@asmfc.org](mailto:comments@asmfc.org). All comments must clearly indicate the commenter's expectation from the ASMFC staff regarding distribution.

# Final Agenda

The agenda is subject to change. The agenda reflects the current estimate of time required for scheduled Board meetings. The Commission may adjust this agenda in accordance with the actual duration of Board meetings. It is our intent to begin at the scheduled start time for each meeting, however, if meetings run late the next meeting may start later than originally planned.

## Monday, August 3

9:00 – 10:00 a.m.

### **Atlantic Striped Bass Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina

*Other Members:* DC, NMFS, PRFC, USFWS

*Chair:* Borden

*Other Participants:* Sullivan, Blanchard

*Staff:* Appelman

1. Welcome/Call to Order (*D. Borden*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment
4. Consider Approval of 2020 Fishery Management Plan Review and State Compliance (*M. Appelman*) **Action**
5. Discuss Work Group Report on Issues to be Considered in the Next Management Document (*M. Ware, M. Gary*)
6. Recess (Reconvene August 4 at 3:00 p.m.)

10:00 – 10:30 a.m.

### **Break**

10:30 – Noon

### **Atlantic Coastal Cooperative Statistics Program Coordinating Council**

*Partners:* ASMFC, Connecticut, Delaware, District of Columbia, Florida, Georgia, MAFMC, Maine, Maryland, Massachusetts, NEFMC, New Hampshire, New Jersey, New York, NMFS, North Carolina, Pennsylvania, PRFC, Rhode Island, SAFMC, South Carolina, USFWS, Virginia

*Chair:* Fegley

*Staff:* White

1. Welcome/Call to Order (*L. Fegley*)
2. Council Consent
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment
4. Review and Discuss ACCSP Governance Survey Results (*G. White*)
5. Committee and Program Updates (*J. Simpson, G. White*)
6. Status of 2020 Action Plan Items (*G. White*)
7. Other Business/Adjourn



Noon – 1:30 p.m.

**Lunch Break**

1:30 – 3:45 p.m.

**South Atlantic State/Federal Fisheries Management Board**

*Member States:* New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

*Other Members:* NMFS, PRFC, SAFMC, USFWS

*Chair:* Fegley

*Other Participants:* Franco, Giuliano, Paramore, Rickabaugh, Hodge

*Staff:* Schmidtke

1. Welcome/Call to Order (*L. Fegley*)
2. Board Consent
  - Approval of Agenda
  - Approval of Meeting Summary from February 2020
3. Public Comment
4. Consider Draft Addendum I to Amendment 1 to the Cobia Interstate Fishery Management Plan for Public Comment (*M. Schmidtke*) **Action**
5. Consider Approval of Atlantic Cobia Commercial Trigger Level (*A. Giuliano*) **Action**
6. Discuss Timeline for Submitting Atlantic Cobia Amendment 1 Implementation Plans (*M. Schmidtke*)
7. Review Terms of Reference for Red Drum Simulation Assessment (*J. Kipp*) **Action**
8. Elect Vice-Chair (*L. Fegley*) **Action**
9. Other Business/Adjourn

**Tuesday, August 4**

8:30 a.m. – Noon

**Shad and River Herring Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware,

15 minute

Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida,

break included

*Other Members:* DC, NMFS, PRFC, USFWS

*Other Participants:* Sprankle, Furlong, Bailey, Limburg

*Chair:* Armstrong

*Staff:* Starks

1. Welcome/Call to Order (*M. Armstrong*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from October 2019
3. Public Comment
4. Consider 2020 Shad Benchmark Stock Assessment **Action**
  - Presentation of Stock Assessment Report (*M. Bailey*)
  - Presentation of Peer Review Panel Report (*K. Limburg*)
  - Consider Acceptance of Benchmark Stock Assessment and Peer Review Report for Management Use (*M. Armstrong*)
  - Consider Management Response to the Assessment and Peer Review (*M. Armstrong*)

5. Consider State Proposals to Resolve Inconsistencies with Amendments 2 and 3 **Action**
  - Presentation of State Proposals and Technical Committee Recommendations (*K. Sprankle*)
  - Consider Approval of State Proposals
6. Update on River Herring Technical Expert Work Group Activities (*C. Starks*)
7. Update on Timeline for Shad Habitat Plan Updates (*C. Starks*)
8. Elect Vice-Chair (*M. Armstrong*) **Action**
9. Other Business/Adjourn

Noon – 1:30 p.m.                    **Lunch Break**

1:30 – 2:30 p.m.                    **Atlantic Menhaden Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida  
*Other Members:* NMFS, PRFC, USFWS  
*Chair:* Woodward  
*Other Participants:* Flora, Kersey  
*Staff:* Rootes-Murdy

1. Welcome/Call to Order (*S. Woodward*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment
4. Review Ecological Reference Point Work Group Analysis (*M. Cieri*)
5. Consider Postponed Motion from February 2020 (*S. Woodward*) **Final Action**

*Move to Adopt:*

*An Atlantic menhaden ecological reference point F target equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass target when striped bass is fished at its F target and all other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates.*

*An Atlantic menhaden ecological reference point F threshold equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass threshold when striped bass is fished at its F target and other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates.*

6. Recess (Reconvene August 5 at 2:45 p.m.)

2:30 – 3:00 p.m.                    **Break**

3:00 – 4:30 p.m.                    **Atlantic Striped Bass Management Board (continued)**

7. Reconvene
8. Consider Postponed Motions from April 2019 (*D. Borden*) **Action**  
*Main Motion: Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan to address the needed consideration for change on the issues of fishery goals and objectives, empirical/biological/spatial reference points, management triggers, rebuilding*

*biomass, and area-specific management. Work on this Amendment will begin upon the completion of the previously discussed addendum to the management plan.*

*Motion to Amend: Move to amend to add reallocation of commercial quota between states.*

8. Consider Postponed Motion from February 2020 (*D. Borden*) **Action**  
*Move to task the Plan Review Team to review state reductions in the Fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the following fishing year to achieve the target reduction.*
9. Elect Vice-Chair (*D. Borden*) **Action**
10. Other Business/Adjourn

### **Wednesday, August 5**

8:00 – 10:00 a.m.

#### **Executive Committee**

*Members:* Abbott, Anderson, Bowman, Bell, Cimino, Clark, Davis, Estes, Gilmore, Keliher, Kuhn, McKiernan, McNamee, Miller, Murphey, Patterson, Woodward

*Chair:* Keliher

*Other Participants:* Knowlton

*Staff:* Leach

1. Welcome/Call to Order (*P. Keliher*)
2. Committee Consent
  - Approval of Agenda
  - Approval of Meeting Summary from February 2020
3. Public Comment
4. Administrative Oversight Committee Report (*S. Woodward*) **Action**
  - Consider FY21 Budget
  - Consider Policy on Commission Contracts (*L. Leach*)
5. U.S. Coronavirus Aid, Relief, and Economic Security (CARES) Act Update (*R. Beal*)
6. Consider Management and Science Committee Recommendations Regarding Improvements to Advisory Panel and Public Input Process (*K. Knowlton/S. Murray*) **Action**
7. Discuss Executive Director's Annual Performance Review (**CLOSED SESSION**)
8. Other Business/Adjourn

10:00 – 10:30 a.m.

#### **Break**

10:30 a.m. – 12:15 p.m. **Interstate Fisheries Management Program Policy Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

*Other Members:* DC, NMFS, PRFC, USFWS

*Chair:* Keliher

*Staff:* Kerns

1. Welcome/Call to Order (*P. Keliher*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from February and July 2020
3. Public Comment
4. Executive Committee Report (*P. Keliher*)
5. Progress Update on the Risk and Uncertainty Policy (*J. McNamee*)
6. Committee Reports
  - Assessment Science Committee (*S. Murray*) **Action**
  - Habitat Committee (*L. Havel*)
  - Atlantic Coastal Fish Habitat Partnership (*L. Havel*)
7. Review Noncompliance Findings (if necessary) **Action**
8. Other Business/Adjourn

12:15 – 1:15 p.m. **Lunch Break**

1:15 – 2:30 p.m. **Atlantic Herring Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey

*Other Members:* NEFMC, NMFS

*Chair:* Patterson

*Other Participants:* Zobel, Brown, Deroba

*Staff:* Appelman

1. Welcome/Call to Order (*C. Patterson*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment
4. Review the 2020 Atlantic Herring Management Track Assessment and Peer Review Reports (*J. Deroba*)
5. Progress Update on 2020 Area 1A Fishery (*R. Zobel*)
6. Elect Vice-Chair (*C. Patterson*) **Action**
7. Other Business/Adjourn

2:45 – 4:15 p.m.

**Atlantic Menhaden Management Board (continued)**

7. Reconvene
8. Consider Postponed Motions from February 2020, *continued*
9. Discuss Timeline and Tasking to Set the 2021-2022 Fishery Specifications (*C. Flora*)
10. Elect Vice-Chair (*S. Woodward*) **Action**
11. Other Business/Adjourn

4:30 – 4:45 p.m.

**Business Session**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

*Chair:* Keliher

*Staff:* Beal

1. Welcome/Call to Order (*P. Keliher*)
2. Committee Consent
  - Approval of Agenda
  - Approval of Proceedings from February 2020
3. Public Comment
4. Consider Noncompliance Findings (if necessary) **Final Action**
5. Other Business/Adjourn

**Thursday August 6**

8:30 – 11:00 a.m.

**ASMFC Bluefish Management Board and Mid-Atlantic Fishery Management Council (MAFMC)**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

*Other Members:* NMFS, PRFC, USFWS

*ASMFC Chair:* Batsavage

*MAFMC Chair:* Luisi

*Other Participants:* Celestino, Kersey

*Staff:* Colson Leaning, Seeley

1. Welcome/Call to Order (*C. Batsavage/M. Luisi*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment
4. Review Plan Development Team/Fishery Management Action Team (PDT/FMAT) Discussion Document on Bluefish Allocation and Rebuilding Draft Amendment (*D. Colson Leaning, M. Seeley*)
5. Provide Guidance to PDT/FMAT on Bluefish Allocation and Rebuilding Draft Amendment (*C. Batsavage, M. Luisi*)
6. Consider Approval of Fishery Management Plan Review and State Compliance (*D. Colson Leaning*) **Action**
7. Other Business/Adjourn

11:00 – 11:15 a.m.      **Break**

11:15 a.m. – 12:15 p.m.      **ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and MAFMC**

*Member States:* Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina

*Other Members:* NMFS, PRFC, USFWS

*ASMFC Chair:* Nowalsky

*MAFMC Chair:* Luisi

*Other Participants:* Wojcik, Snellbaker

*Staff:* Colson Leaning, Starks, Beaty, Coutre, Dancy

1. Welcome/Call to Order (*A. Nowalsky/M. Luisi*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment
4. Consider Draft Addendum XXXIII for Public Comment (*C. Starks*) **Action**
  - Black Sea Bass Commercial Allocation
5. Recess

12:15 – 1:15 p.m.      **Lunch Break**

1:15 – 3:45 p.m.      **ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and MAFMC (continued)**

6. Reconvene
7. Consider Draft Addendum XXXIII for Public Comment, *continued*
  - Black Sea Bass Commercial Allocation
8. Update on Recreational Reform Initiative (*J. Beaty*) **Possible Action**
9. Review and Consider Approval of Massachusetts 2020 Black Sea Bass Recreational Conservation Equivalency Proposal (*C. Starks*) **Action**
10. Other Business/Adjourn

# Atlantic States Marine Fisheries Commission

## Atlantic Striped Bass Management Board

August 3, 2020  
9:00 – 10:00 a.m.  
Webinar

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*D. Borden*) 9:00 a.m.
2. Board Consent 9:00 a.m.
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment 9:05 a.m.
4. Consider Approval of 2020 FMP Review and State Compliance 9:15 a.m.  
(*M. Appelman*) **Action**
5. Discuss Work Group Report on Issues to be Considered in the Next Management Document (*M. Ware, M. Gary*) 9:30 a.m.
6. Recess 10:00 a.m.

August 4, 2020  
3:00 – 4:30 p.m.

7. Reconvene (*D. Borden*) 3:00 p.m.
8. Consider Postponed Motion from April 2019 (*D. Borden*) **Action** 3:00 p.m.  
*Main Motion: Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan to address the needed consideration for change on the issues of fishery goals and objectives, empirical/biological/spatial reference points, management triggers, rebuilding biomass, and area-specific management. Work on this amendment will begin upon the completion of the previously discussed addendum to the management plan.*

*Motion to Amend: Move to amend to add reallocation of commercial quota between states.*

- 9. Consider Postponed Motion from February 2020 (*D. Borden*) **Action** 4:00 p.m.  
*Move to task the Plan Review Team to review state reductions in the Fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the next fishing year to achieve the target reduction.*
  
- 10. Elect Vice-Chair (*D. Borden*) **Action** 4:25 p.m.
  
- 11. Other Business/Adjourn 4:30 p.m.



## MEETING OVERVIEW

### Atlantic Striped Bass Management Board Webinar

August 3, 2020; 9:00 – 10:00 a.m.

August 4, 2020; 3:00 – 4:30 p.m.

Chair: David Borden (RI) Assumed Chairmanship: 02/20	Technical Committee Chair: Kevin Sullivan (NH)	Law Enforcement Committee Rep: Kurt Blanchard (RI)
Vice Chair: Vacant	Advisory Panel Chair: Louis Bassano (NJ)	Previous Board Meeting: May 5, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, NMFS, USFWS (16 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2020

**Public Comment** – At the beginning of the meeting, public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

## 4. Consider Approval of 2020 FMP Review and State Compliance (9:15-9:30 a.m.) Action

### Background

- Annual state compliance reports for Atlantic striped bass are due June 15. Non-confidential reports are compiled in **Briefing Materials**.
- The Plan Review Team reviewed the reports and drafted the 2018 FMP Review report (**Supplemental Materials**)

### Presentations

- 2020 FMP Review by M. Appelman

### Board Actions for Consideration

- Consider approving the FMP Review Report and state compliance

## 5. Discuss Work Group Report on Issues to be Considered in the Next Management Document (9:30 – 10:00 a.m.)

### Background

- Since the May meeting was switched to webinar due to COVID-19, the decision was made for the May Striped Bass Board meeting to be informational only because it was the first time the Board met via webinar. As a result, action on two postponed motions was deferred to August.
- In the interim, the Board decided to form a work group (WG) of Board members to allow work on these important issues to continue.

- The WG met four times to further explore issues that could be considered in the next management action (**Supplemental Materials**).

**Board Actions for Consideration**

- None

**6. Recess (10:00 a.m.)****7. Reconvene August 4, 2020, 3:00 – 4:30 p.m.)****8. Consider Postponed Motion from April 2019 (3:00 – 4:00 p.m.) Action****Background**

- Following review of the 2018 benchmark assessment results, and after initiating development of Draft Addendum VI, the Board postponed a motion that considers initiating an amendment to address a suite of management issues:

*Main Motion: Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan to address the needed consideration for change on the issues of fishery goals and objectives, empirical/biological/spatial reference points, management triggers, rebuilding biomass, and area-specific management. Work on this amendment will begin upon the completion of the previously discussed addendum to the management plan.*

*Motion to Amend: Move to amend to add reallocation of commercial quota between states.*

**Board Actions for Consideration**

- Consider initiating an amendment to the Interstate FMP for Atlantic striped bass

**9. Consider Postponed Motion from February 2020 (4:00 – 4:25 p.m.) Action****Background**

- Following final action on Addendum VI, the Board postponed a motion that considers accountability measures for the 2020 fishing year:

*Move to task the Plan Review Team to review state reductions in the Fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the next fishing year to achieve the target reduction.*

**Board Actions for Consideration**

- Consider the postponed motion

**10. Elect Vice-Chair (4:25 p.m.) Action****11. Other Business/Adjourn (4:30 p.m.)**

## Atlantic Striped Bass

### Activity level: High

**Committee Overlap Score:** Medium (TC/SAS/TSC overlaps with BERP, Atlantic menhaden, American eel, horseshoe crab, shad/river herring)

#### Committee Task List

- SAS/TC – various taskings relating to management response to 2018 benchmark
- TC – June 15<sup>th</sup>: Annual compliance reports due

**TC Members:** Nicole Lengyel (RI, TC Chair), Kevin Sullivan (NH, Vice Chair), Alex Aspinwall (VA), Alexei Sharov (MD), Carol Hoffman (NY), Charlton Godwin (NC), Ellen Cosby (PRFC), Gail Wippelhauser (ME), Gary Nelson (MA), Heather Corbett (NJ), Jeremy McCargo (NC), Jason Boucher (DE), Kurt Gottschall (CT), Luke Lyon (DC), Michael Kaufmann (PA), Peter Schuhmann (UNCW), Winnie Ryan, Gary Shepherd (NMFS), Steve Minkkinen (USFWS), John Ellis (USFWS), Katie Drew (ASMFC), Max Appelman (ASMFC)

**SAS Members:** Gary Nelson (MA), Alexei Sharov (MD), Hank Liao (ODU), Justin Davis (CT), Michael Celestino (NJ, Chair), John Sweka (USFWS), Gary Shepherd (NMFS), Katie Drew (ASMFC), Max Appelman (ASMFC)

**Tagging Subcommittee (TSC) Members:** Stuart Welsh (WVU, Chair), Heather Corbett (NJ, Vice Chair), Angela Giuliano (MD), Beth Versak (MD), Chris Bonzak (VIMS), Gary Nelson (MA), Ian Park (DE), Jessica Best (NY), Carol Hoffman (NY), Gary Shepherd (NMFS), Josh Newhard (USFWS), Wilson Laney (USFWS), Katie Drew (ASMFC), Max Appelman (ASMFC)

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC STRIPED BASS MANAGEMENT BOARD**

**Webinar  
May 5, 2020**

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.  
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board Meeting Webinar  
May 2020

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These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.  
The Board will review the minutes during its next meeting.

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1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from February 5, 2020** by consent (Page 1).
3. **Adjourn** by consent (Page 20).

**ATTENDANCE**

**Board Members**

Megan Ware, ME, proxy for P. Keliher (AA)  
Sen. David Miramant, ME (LA)  
Cheri Patterson, NH (AA)  
Ritchie White, NH (GA)  
Dennis Abbott, NH, proxy for Sen. Watters (LA)  
Mike Armstrong, MA, proxy for D. McKiernan (AA)  
Raymond Kane, MA (GA)  
Rep. Sarah Peake, MA (LA)  
Jason McNamee, RI (AA)  
David Borden, RI (GA)  
Eric Reid, RI, proxy for Sen. Sosnowski (LA)  
Justin Davis, CT (AA)  
Bill Hyatt, CT (GA)  
Jim Gilmore, NY (AA)  
Emerson Hasbrouck, NY (GA)  
John McMurray, NY, proxy for Sen. Kaminsky (LA)  
Joe Cimino, NJ (AA)  
Tom Fote, NJ (GA)

Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)  
Kris Kuhn, PA, proxy for T. Schaeffer (AA)  
Loren Lustig, PA (GA)  
G. Warren Elliott, PA (LA)  
John Clark, DE, proxy for D. Saveikis (AA)  
Roy Miller, DE (GA)  
Craig Pugh, DE, proxy for Rep. Carson (LA)  
Mike Luisi, MD, proxy for B. Anderson (AA)  
Russell Dize, MD (GA)  
Phil Langley, MD, proxy for Del. Stein (LA)  
Pat Geer, VA, proxy for S. Bowman (AA)  
Bryan Plumlee, VA (GA)  
Sen. Monty Mason, VA (LA)  
Chris Batsavage, NC, proxy for S. Murphey (AA)  
Jerry Mannen, NC (GA)  
Marty Gary, PRFC  
Derek Orner, NMFS  
Mike Millard, USFWS

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

**Ex-Officio Members**

**Staff**

Robert Beal  
Toni Kerns  
Max Appelman

Katie Drew  
Maya Drzewicki

**Guests**

(No guest list distributed as meeting held via webinar)

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, May 5, 2020, and was called to order at 3:05 p.m. by Chairman David V. Borden.

### **CALL TO ORDER**

CHAIRMAN DAVID V. BORDEN: Hello this is David Borden; I would like to call the meeting to order. We have only an hour for this session, so I hope we can proceed in a fairly efficient manner and avoid motions, as most of the agenda pertains to briefings not really a subject. I would like to remind everyone to raise your hand if you want to speak, and then mute.

### **APPROVAL OF AGENDA**

CHAIRMAN BORDEN: The first item of business is approval of the agenda. Are there any changes or objections, and if so, raise your hand? Toni, do we have any hands up?

MS. TONI KERNS: No.

CHAIRMAN BORDEN: All right, if there are no hands up, I'm going to approve the agenda by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BORDEN: The next item of business is the Approval of the Proceedings from the February meeting. Are there any changes, additions, or deletions to that? If you want to speak, please raise your hand.

MS. KERNS: I do not see any hands raised, David.

CHAIRMAN BORDEN: Then the proceedings stand approved without objection. Normally we would take public comment at this time, but we're going to move that to the end of the agenda, consistent with the policies and practices from earlier in the meeting. There are two issues on the agenda that need to get discussed today.

### **REVIEW OF THE PREDICTED FISHERY PERFORMANCE IN 2020 BASED ON FINAL ADDENDUM VI MEASURES, COUPLED WITH THE NEW STOCK PROJECTION**

CHAIRMAN BORDEN: The first item on the agenda relates to a Technical Review of the last actions by the Board. The Board had requested that the Technical staff complete a Review of the Predicted Fishery Performance in 2020 Based on Final Addendum VI Measures, coupled with the New Stock Projection. We have a presentation on the issue by Dr. Drew. Following that presentation, we'll take questions and discussion. With that I'll turn it over to Katie.

DR. KATIE DREW: Hopefully everyone can see my presentation now. As was discussed in the agenda, I'm just going to go through the TC Report that was part of your briefing materials about the Board task from the last meeting. Just some quick background information, so we're all up to speed.

Addendum VI laid out new regulations to reduce total striped bass removals by 18 percent, relative to 2017. This was intended to reduce F to the target in 2020, to address overfishing. This 18 percent reduction that we predict for the measures in Addendum VI, is based on all states implementing the Addendum VI measures. However, several states elected to pursue conservation equivalency, as is allowed by the plan, and as the Board allowed and approved. But with some states implementing Addendum VI measures, and some states implementing conservation equivalency measures, the predicted total removals in 2020 will be different from that original assumption that all states are going to implement the Addendum VI measures.

The Board tasked the TC with evaluating the effect of the conservation equivalency measures on the predicted reduction of total striped bass removals in 2020. The Board is

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looking to kind of get an idea of how much they've deviated from their overall goal of reducing fishing and removals in 2020.

The TC analysis calculated the expected reductions in total removals, based on the measures each state implemented in 2020, for both the commercial and the recreational side. This way we can evaluate what the actual percent expected reduction will be in 2020. Then in addition to provide some context for that percent reduction, we also updated projections for F and FSB, based on the new predicted 2020 removals, but also on updated 2018 data, and preliminary 2019 data.

Just as a reminder, when we did these projections initially to develop Addendum VI, we did not have any information on what removals were going to be like in 2019, and so we used a three-year average of '16, '17, and '18 total removals as a proxy for 2019 removals just to work on, because we didn't have any information at that point.

We now have the preliminary 2019 recreational data, and so we were able to incorporate that into the estimates for these projections, to give us a slightly better handle on where we're going from here. The final 2020 measures. I'm not going to go over each individual set of measures, I believe that is in your briefing materials.

But just to point out that it was about half and half between states that implemented the Addendum VI measures and states that implemented the conservation equivalency measures, in terms of the recreational and commercial measures in place. Just to point out that Delaware did implement the coastwide measures, but they used changes to the commercial side to offset some of the predicted savings.

The predicted reductions, the new predicted total removals in 2020 is a 15 percent reduction

from 2017 levels compared to the 18 percent reduction predicted for the consistent coastwide Addendum VI measures. The updated projections indicate a 42 percent chance of being at or below the F target in 2020, compared to a 50 percent chance that was calculated with the original projection.

I'm just going to go through a couple of figures now to kind of show what that looks like. For this graph you can see the goals line with the triangles is the final measures with conservation equivalency, and the gray line with the circles is the original analysis. This big difference here between fishing mortality in 2019, and between the original analysis and the updated analysis, is the result of the incorporation of that new 2019 data, which was lower than our sort of placeholder value. But you can see that overall, where the original analysis ended up directly on that line. The final 2020 measures with conservation equivalency are very slightly above it. However, the confidence intervals include the F target. It is very close to the F target, and do not include the F threshold.

We have a very high chance of ending the overfishing, as well as a moderately high chance of actually achieving the target in 2020. This is the projections for spawning stock biomass, and as you can see they are extremely similar between the original analysis and the final 2020 measures with conservation equivalency, as well as again that sort of reduced harvest in 2019 did have a protective effect on the spawning stock biomass, compared to our original projections.

However, you can see the trajectories are virtually identical, and the confidence bounds overlap, and that as we are approaching the 2019 ten-year rebuilding timeframe, 2029 rebuilding timeframe, we are approaching the target, but we will still be slightly below it. We'll have a moderate chance of being below it into the future.

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Overall, relative to the consistent coastwide measures, this combination of Addendum VI and conservation equivalency measures implemented in 2020, would result in lower predicted reduction relative to 2017. You're talking about a 15 percent predicted reduction versus an 18 percent predicted reduction, and a lower probability of achieving the F target in 2021, a 42 percent predicted probability versus a 50 percent predicted.

Overall, you do have a slightly lower reduction, and a slightly lower chance of achieving the F target, but it does not significantly undermine the Board's efforts to reduce F and end overfishing in 2020. However, this obviously comes with a big caveat that the 15 percent reduction calculated for 2020, relies on the assumption that effort in 2020 will be similar to effort in 2017.

We've already seen effort in 2018 and 2019 was different than 2017, even under the same Addendum IV measures, and had significantly lower total removals than 2017 under those same measures. Obviously, this is a source of uncertainty that we have in all of our bag and size limit analyses is trying to understand those changes in effort, and what's driving them.

But obviously the real big elephant in the room is the effects of the current Covid-19 situation on total removals, which we've talked about already for several of our other species, and I won't dwell on it here, except to say that we have no way of predicting what effort or removals is going to be like in 2020 at any point.

I think the overall takeaway is that on paper the implementation of those conservation equivalency measures did not significantly undermine the Board's efforts to reduce F back to the target. However, the projections and those calculated reductions are rendered extremely uncertain by the current Corona Virus situation, as well as just the natural uncertainty and these kinds of bag and size limit

analyses. With that I'm going to take questions from the Board.

CHAIRMAN BORDEN: Questions for Katie? Toni, if you please call off those that want to speak.

MS. KERNS: Yes, we have Russell, John Clark, and then John McMurray. For Russell, you just need to unmute yourself, and then you can speak.

MR. RUSSELL DIZE: Toni, if you're speaking to Russell Dize, I had no questions.

MS. KERNS: Okay, sorry Russell, I was. Your hand was up, but now it is down. Then we have John Clark and John McMurray.

CHAIRMAN BORDEN: John.

MR. JOHN CLARK: Just curious, Katie would you be able to put up a chart that would show what the reductions are by state, based on the measures that have been implemented?

DR. DREW: Yes, we have that just one second.

MR. CLARK: Thank you, at the last meeting there was a lot of criticism of conservation equivalency measures, and I just think this points out very clearly that the states that did use conservation equivalency are meeting the reduction and then some.

And the Addendum VI measures. If all states adopted those, maybe we would have gotten coastwide 18 percent reduction, but the reduction would have fallen very much heavier on certain states than others. As we move forward, I know there is a lot of criticism of conservation equivalency, but I think this shows pretty clearly that even if everybody adopted the same measures, it would not have the same effect in all states.

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CHAIRMAN BORDEN: I've got John McMurray next.

MR. JOHN G. McMURRAY: We ended up with a 15 percent reduction after the conservation equivalency measures, compared to the 18 percent reduction that we should have gotten, and the probability that F will be at F target was projected to be 42 percent instead of 52 percent. We're saying we didn't undermine the Board's efforts to end or reduce F to F target in 2020. I don't see how that is the case, when we're looking at 15 percent instead of 18, and 42 percent instead of 50. Maybe somebody can explain that for me.

DR. DREW: The TC's comment was that it did not significantly undermine the Board's effort. I think we agreed that this is not as conservative as everybody either going to the Addendum VI measures, or everybody doing their own 18 percent reduction. You do end up in a less conservative place. But given some of the other uncertainties around this analysis, we didn't think it was a significant undermining of what the Board is trying to do. It's not like we ended up with a 2 percent reduction overall, we ended up close to where the Board wanted to be.

MR. McMURRAY: Okay, follow up if I could. Yes, that is understood. But I did have a question about the chart you put up in response to John Clark's question, or to his statement. Those New York through Virginia measures, they are relative to the 18 percent, not what they would have achieved if they were implementing coastwide measures. Is that a correct assumption?

DR. DREW: Correct. If these states had implemented the coastwide reductions, they would have had a higher reduction on the recreational side than what they have implemented here.

MR. McMURRAY: Okay understood, thank you.

CHAIRMAN BORDEN: Toni, who have you got on the list?

MS. KERNS: We have Mike Luisi, Emerson Hasbrouck, and Ritchie White.

CHAIRMAN BORDEN: Mike.

MR. MICHAEL LUISI: Katie, can you go back to your slide that showed fishing mortality? You went through quickly, and I just wanted to look and see where we were, as compared to where we might be in 2019. When we took action the terminal year, correct me if I'm wrong, but the terminal year was 2017 in the latest assessment, so we took these actions to take reductions for fishing mortality.

In the interim over time, before those reductions were put in place in 2020, we dropped below, so the updated information on the assessment indicates that we, I want to make sure that I'm right here in looking at this. We've got the 2020 measures with conservation equivalency being below the fishing mortality target.

What was the gray line there? That was the original? I want to understand where we stand currently, because you know looking back, I see that by doing nothing over 2018 and 2019, as we were working through this in the Addendum. We ultimately achieved our desired fishing mortality just by chance.

You know now as I look at this, we're below the mortality target, as of 2019, and we're predicting in 2020 under our current measures to be right at the target again. I'm just trying to understand this graph a little bit as to what the differences are between the gray and the yellow, or I guess it is like a tan bar.

DR. DREW: Yes, the differences are in 2020 we now have the 18 percent, or instead of the 18 percent reduction we have the 15 percent reduction that we're predicting for the current

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measures. But we also do have updated information on the preliminary recreational removals from 2019, as well as final 2018 data. The gray line is the original projections that we did on the basis of preliminary 2018 data, and a three-year average for 2019.

We didn't have when we did these projections originally, we didn't have any information on what 2019 was going to look like. As you pointed out, we have, so 2018 if you remember was significantly below landings in 2017, and 2019 was also much lower than 2017 was on the recreational side. We didn't have for this analysis any commercial data for 2019. It includes a placeholder for commercial data in the projections, but yes, this reduction that you see from this sort of predicted 2019 values originally, to below the target in 2019, is on the basis of those preliminary recreational numbers, and some placeholder numbers for the commercial side. Yes, that happened without Board intervention, so that whatever happened in 2018 and 2019, effort declined in both of those years relative to 2017, and as a result we have lower recreational landings, and a lower projected F value, even without the Board doing anything.

MR. LUISI: Okay. Is it safe to say then that you know the uncertainty over time, let's bracket it at like three or four years? I mean there is variation over time, we see it with everything that we do. I'm just wondering, I'm just thinking through. Like we've gone through an enormous amount of effort to put into place new measures for 2020, which we're getting ready to enact here shortly with the summer season starting in just a few weeks.

But I'm just wondering, you know in the event that an update had been done in 2019, and we were to show that fishing mortality was below the target. I mean it's almost like you pick and choose. You almost get to the point where you're picking and choosing your years, and depending on what the outcome is on that

terminal year, you either make management changes or you don't.

I'm thinking maybe we should be thinking, and this could be maybe for the Amendment that we're contemplating. Perhaps, with the variation throughout the years, maybe we should be less kneejerk reaction to things. Without any action we've gotten ourselves to a place where fishing mortality is very controlled.

To the point where management would say that it is at a great level. I'm just making the point that I think in the future we need to think about the reactions that we take to one assessment, and the terminal year of that assessment. It creates a lot of controversy and a lot of problems throughout the coast. I'll leave it at that Mr. Chairman. Thank you for giving me the opportunity to speak.

DR. DREW: If I could just interject there. I think the figure might be a little misleading, because we start out in 2017, and then everything else is below that overfishing threshold. But if you remember the original assessment, it is not just a single year that we have been overfishing for striped bass for a number of years prior to 2017, under the same regulations.

In addition, we also have been seeing a declining trend in spawning stock biomass. Yes, there is definitely interannual variability when it comes to trying to predict removals under one management scheme or the other, but I think it also helps to look at the big picture for striped bass, and try to figure out what are we doing and how are we responding to interannual variability in a positive or negative direction.

MR. LUISI: Yes, thanks for that Katie, that's a good point. Yes, we were overfishing for a very long time, and we needed to do something. Just looking at this graph right here. It changes the outlook; it changes the perspective when you don't see years prior to 2017. But no, thanks for that I appreciate that. I'm not

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complaining or criticizing the efforts that we've made, it's all in good faith for the resource. But thank you.

CHAIRMAN BORDEN: Could you remind me who you've got in the queue at this point?

MS. KERNS: Right now, I have four, maybe five, Dennis had his hand up and then he took it down, so I don't know if that was an error or not. But here is what the queue is for right now. I think it was Ritchie, Emerson, and then we have Tom Fote, maybe Dennis and John McMurray.

CHAIRMAN BORDEN: Let's deal with Ritchie White next.

MR. G. RITCHIE WHITE: I'll pass for now.

CHAIRMAN BORDEN: Okay, Emerson Hasbrouck, please.

MR. EMERSON C. HASBROUCK: Two things, one is I put it in the text box, so I just want to put it on the record that I missed the roll call, but I am present for this Board meeting. The other is for that slide that is on the screen now. We have the gray, I'm going to call it the gray line with the gray shading around it, the light tan line with light tan shading around it. Then we've got the darker brown, where it looks like the two overlap.

In the staff memo, the legend for that figure says that the shaded areas indicate 95 percent confidence intervals of the projections. If I understand this correctly, the two dots that we have there for 2020, the gray dot and the brown dot, both fall within each other's 95 percent confidence interval. That would leave me to believe that statistically there probably isn't any difference in that result. Is that correct?

DR. DREW: That is correct. They're within each other's confidence intervals. You can see the

confidence intervals don't overlap perfectly, but they are within each other's confidence intervals.

MR. HASBROUCK: The second part of that then there is likely no significant difference between that end result in 2020?

DR. DREW: Yes, depending on what kind of a statistical approach you want to take here. Yes, the distributions are slightly different, you have a slightly different chance of being at or above the target for one run versus the other, but as you said, they fall within each other's confidence intervals, in terms of that final F value. They are, by a lot of standards, indistinguishable.

CHAIRMAN BORDEN: Tom Fote.

MR. THOMAS P. FOTE: Yes, I just wanted to point out the fact that we didn't know we were overfishing, just like we didn't know we were overfishing in bluefish, until we put in all these new MRIP numbers, which basically pushed us overfishing, and pushed the recreational catch of summer flounder, scup, and a few other species.

We were moving along as if we were thinking that we were at a different place than we actually were, according to the new numbers, whether you believe those numbers or not, but that is according to the new numbers. That is what pushed us over to overfishing. Also, we knew what '18 and '19 looked like when we basically put most of these rules into place. But that is neither here nor there, but yes, it seems like we're doing fine.

CHAIRMAN BORDEN: I have Dennis Abbot next, then John McMurray.

MR. DENNIS ABBOTT: As you know I've been consistent in my criticism of the application of conservation equivalencies, though in some cases they are legitimate, or beyond being

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legitimate. That is probably not the right term. We started this whole thing off in an attempt to achieve an 18 percent reduction.

The result now is a 15 percent reduction, which is 8.5, 8.25 percent less than what we set out to do. Then there is a confidence factor involved, so we may end up possibly only achieving 12 percent or some lesser number, maybe a higher number. But the fact is we're not where we intended to be. I think we've really dropped the ball on what we've done to this point.

My thought is as an example, what we did here in trying to achieve 18 percent, we should have started off with a figure of 20, 21, 22 percent, because you know in striped bass that there wasn't as fast exercise. Not everyone, but most everyone came in with conservation equivalencies, and the result of that was we did not achieve what we said we were going to achieve.

Maybe when we're looking for 18, we try for a higher number, and then after the conservation equivalencies are factored in, we see where we are. But again, it's disappointing to find out that we were looking for a figure. We said that is the figure we would achieve. We did not do that. We missed the ball by 8.333 percent. Thanks.

CHAIRMAN BORDEN: I've got John McMurray.

MR. McMURRAY: First off, I agree with Dennis's comments. I think they were on the mark. But I really just wanted to make a quick note on the assumptions for 2018 and 2019. I don't think we should look at the decline in removals as the new normal. Speaking as a charterboat captain, I would argue that less availability, less effort.

More availability, more effort. I think as those 2015s recruit, we're already seeing what are likely 2015s, those 26-inch fish. I suspect effort will go way up. I think we should all keep that

in mind, and I suspect we're going to see it happen as early as this year.

MS. KERNS: David, we have Mike Luisi and Joe Cimino, and that's it.

CHAIRMAN BORDEN: All right, I have Mike.

MR. LUISI: Thank you, Mr. Chairman, for another opportunity to speak. I don't know who's in control of the screen, but can you go back to the state-by-state reductions, based on the analysis that was done? There it is. You know, I just want to make the point. The last couple commenters made comment to the fact that we may not be achieving the desired result, based on what the Board had decided early on as achieving the desired result in reductions. But it frustrates me a little bit in looking at this graph, or looking at the measures that we're looking at here, and the reductions that the states are taking. You know from New York through Virginia; we've exceeded the desired result. But there are other states that based on the measures that they put in place; they are far from the 18 percent that was part of the Addendum. It is frustrating to hear that across the board no; we're not achieving what we ultimately wanted to achieve.

But a lot of us, we got there, and there are some states that fell short. Those states could have, if they chose to, they could have put forth measures that were more restrictive than what was in the Addendum to get us to that desired result. I just wanted to go on the record with that.

CHAIRMAN BORDEN: Joe Cimino, please.

MR. CIMINO: Yes, I think Mike hit the nail on the head there. It is frustrating to hear that type of comment, where we see that the conservation equivalency measures were in fact shooting for something higher than 18 percent. I think for most states that was intentional. Virginia was very clear on that and in the end,

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you know I know New Jersey's proposal was with the intent of being higher as well.

Also, just getting back to the 18 vs. 15 percent. The concern over that difference really says to me that folks don't understand what the analysis was. That assumption almost in what we're doing here is pretending that effort is going to be pretty much exactly the same as it was in 2017, with the fish in all the same places that they were intercepted in 2017.

Since we know that isn't happening, we're having the spring that we are having. I think it's not even worth having that comment, based on the analysis. I really appreciate what the TC did. I really appreciate Katie's slide presentation here, suggesting that we go into "wait and see" mode for what happens with the rest of this season.

Not that I think in any way we shouldn't have taken action. I agree with John McMurray in one point that the reduced harvest in recent years should be helping stock abundance increase. I do suspect there will be more fish out there. More fish available is going to mean higher harvest in the coming years.

CHAIRMAN BORDEN: Toni, do we have anyone else in the queue?

MS. KERNS: We have Ritchie White and Justin Davis.

CHAIRMAN BORDEN: Ritchie and then Justin.

MR. WHITE: I want to comment on Mike's comments. This chart is taking us where striped bass management has never been. We've always managed striped bass as a coastwide stock, and we've always implemented coastwide measures. You could put Maine, New Hampshire, Rhode Island, Connecticut, maybe even Mass in moratorium. The other states are still going to have to take substantial cuts.

Because that's where all the fish are being harvested in a large degree. That is the majority of mortality. Saying that we're going to look at each state in the future, and say each state has to individually cut whatever the coastwide cut needs to be. Now you're going to have a wide variety of regulations up and down the coast, and that was never the intent of coastwide striped bass management, and never have we done that in the past. I think to look at New Hampshire, it's only a 3 percent cut.

We could go to moratorium and it wouldn't affect anything, any of the other states, because we're so small. New Hampshire would have gone more restrictive, the fishermen were all in favor of 36-inch, one fish. Anyway, so I think this chart is misleading, and I think we need to get back to coastwide management with a coastwide regulation.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: Ritchie really covered a lot of what I wanted to say. I think it's important for the Board to be clear to the public that this slide we're looking at right now does not mean that the coastwide approach to management that we took in this last Addendum, and that we've used for striped bass for a long time, has failed.

It would be mistaken to assume that coastwide management means that you should see the same percent reduction in every state box here on this slide. Differences in availability of different size classes of fish in different states will affect the ultimate reduction that a state ends up taking under a coastwide measure.

Also, for instance in Connecticut, we have so many discards that we did the analysis at one point that you could have banned harvest of striped bass in Connecticut, but that if you didn't ban fishing for striped bass we would still have only achieved somewhere around a 12 or 14 percent reduction in removals.

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That is related to angler behavior, preponderance of small or sublegal fish in our state, and also some issues with the MRIP numbers, which we pointed out during the conservation equivalency process. I just wanted to be clear that I understand when some states were looking at this, they feel like they're lifting more of the weight than other states. That may be true, but that doesn't mean that somehow this process failed, or that is not what you would expect under a coastwide management regime.

CHAIRMAN BORDEN: Toni, do we have anyone else in the queue?

MS. KERNS: Yes, we have Adam Nowalsky and Marty Gary.

CHAIRMAN BORDEN: I'll take those two, and since there is no action required, I'm going to move on after that. Unless there is somebody on the list who has not spoken yet. Adam, you're up.

MR. ADAM NOWALSKY: I was just trying to get clarity on where this discussion was headed. I think you've just provided that clarity that we're about to move on. The takeaway from me, and I think the public here, should be the slides that based on the most current information we have available to us, now that we are looking at the '18 and '19 data. We are achieving the conservation goals that we set out to achieve, and at the end of the day that is what really matters. That is what is most important. That is what we should be judged on ultimately. I'm very glad to see that. I thank staff for their work on this, and I thank you for bringing a close to this discussion.

CHAIRMAN BORDEN: Next I have Marty.

MR. MARTIN GARY: Thank you for recognizing me. Hopefully a simple question, just a clarifying one for Katie. I realize obviously PRFC is not a state, we don't have an MRIP specific

estimate for PRFC jurisdictional waters. For the purposes of allowing me to talk to my commissioners and our constituents, can you characterize what PRFC measures may be accomplishing, or is that not possible, given the parameters of the data?

DR. DREW: Yes, it is hard to separate PRFC out from Maryland and Virginia separately. That is why this percent reduction on the recreational side doesn't reflect the PRFC. You'll see it also does not include DC or Pennsylvania, because we do not have MRIP estimates for those. PRFC is likely going to be on the recreational side somewhere between Maryland and Virginia, or closer to Maryland.

Because I believe you're implementing regulations similar to Maryland, then obviously the reduced reduction on the commercial side would also factor into that. But yes, for some regions or jurisdictions, we couldn't present this percent reduction on the recreational side for conservation equivalency measures.

MR. GARY: Yes, but it's in the ballpark of where Maryland and Virginia are, in your opinion, Katie?

DR. DREW: Since you are essentially Maryland and Virginia, yes. I think we don't have enough information to kind of get down to the fine scale, only these areas were within the PRFC versus the full Maryland and Virginia. But yes, the assumption for these analyses is that you would be in that ballpark.

CHAIRMAN BORDEN: We're still going to move on. There is no action required. I would like to take the opportunity to thank Katie and the Technical Committee for fulfilling the request and doing a nice job on it. I think they've done an excellent analysis, and put it forth in a clearly understandable format.

Thank you very much, pass that thanks on to the rest of the Technical Committee.

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**CONSIDER FORMING A WORK GROUP TO  
PROVIDE ADVICE CONCERNING HIGH PRIORITY  
ISSUES AND NEXT STEPS FOR MANAGEMENT**

CHAIRMAN BORDEN: The next issue on the agenda is the subject of Forming a Work Group. What I asked Max to do is to just brief us on a couple of different components. One is to remind us what the tabled motions are that we have on the table at this point.

Before anyone jumps to a conclusion on that. The leadership of the Commission would like those tabled motions to basically be taken off at the summer meeting. I also asked Max to identify some of the priorities that we all discussed during our last session, just to remind us of what those are. Max, could you summarize those, please?

MR. MAX APPELMAN: Sure, thank you, Mr. Chair. Again, I will be short here. Dave sort of went over the whole purpose of these few slides. I was hoping, Katie do you mind continuing to go through this presentation?

DR. DREW: Yes, absolutely.

MR. APPELMAN: Just a few slides here. Again, as Dave pointed out. The Board was slated to take up two postponed motions today. That first motion considers accountability measures specific to Addendum VI, and the second considers initiating an Amendment to address a suite of management issues, including stock rebuilding.

However, recognizing the challenges of having these very high profile, high complex management discussions in a webinar setting, Commission leadership did decide to further postpone these motions until the August meeting. I wanted to point out that this does not delay any action on those motions.

I'm sorry, this delay does not pose any significant impact on implementation of any subsequent, final actions. Meaning, whether an

amendment was initiated today or in August, implementation timeline remains the same.

This is a list of all the issues that the Board has expressed intent to address or revisit in a future management document. This is not meant to be an exhaustive list. It is possible that the Board may wish to address other issues in a future management document. But this is the list so far. The issues are stock rebuilding, fishery goals and objectives, reference points, management triggers, regional or area-specific management, and commercial allocations.

Those issues are explicitly mentioned in the postponed motions, or the motion to amend that will come back to this Board in August. The issues of revisiting conservation equivalency, and considering accountability measures for the recreational sector. Those were discussed at length at the February Board meeting, if you recall. They've been brought up a few times over the past few years.

In an effort to continue to address these management issues in a transparent way, and to the extent practical during these very challenging times, Commission leadership has recommended the Board form a work group of Board members to further explore these issues, and any other issues identified by the Board, and to develop recommendations for Board consideration.

I believe the intent here that this work group would report back to the Board in August, when the postponed motions come back as well. That is my quick recap, Mr. Chair. If there are any questions, I am happy to take those. If not, I think the Board can resume discussion.

CHAIRMAN BORDEN: Well, Max, can you just go back. Katie could you take that back to the prior slide. Let me just introduce this by saying that at our last meeting I had suggested that we form a working group, but we had some members express the view that we needed

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additional dialogue on that issue before moving forward. Quite obviously, the world has changed substantially since our last meeting, and it remains unclear whether or not we'll actually be able to have an actual in-person meeting. That said, I think the Board, you have a list yourself, has identified a number of important issues that we start working on. My suggestion at this point as a way forward, is to take that list and we could add anything else to that list that we wanted to today, but take that list, form a working group, and task the working group with having some discussions between now and the summer meeting, and try to flesh out some of these issues.

I'll just stick one subject in particular as an example of why we need a substitute working on this. The last issue on the list is accountability for recreational fisheries. Regardless of where you stand on that issue, there was a lot of discussion, particularly at the last meeting, about the pros and cons of that strategy, and even to the point of whether or not it was even possible to do that.

What data sources should you use? Some people had ideas on how to proceed on that. I guess the point that I'm trying to make at this juncture is that we need a small committee that can work through those types of issues, and then identify the pros and cons of that type of concept, and then present it at the next meeting.

The same goes for many of the other issues on this list. If you agree with the concept of continuing the work on this issue between now and summer, then to me the logical next step is you have a small group of commissioners follow the work group guidelines and standards that the Commission adopted last August, I believe.

Work through some of these items, and present pros and cons of different strategies, and even alternatives to some of these strategies at the next Board meeting. At that point we take up

the tabled motions, and kind of merge these two with a tasking for the PDT to move forward. If you agree with that, and I think one logical question we need to address is what type of group.

If you look at the standards, work group standards that we adopted. They basically recommend a small group, and in this case, they also recommend really diversified groups, so you have all of the different user groups be a party to the discussions. You want different views to come forward in that format.

My suggestion would be if you're going to form a small work group that we have say a maximum of six individuals from the Board on the work group, three from a producer state, and three from a coastal state, and that they basically take the list that Max just put up, and start there, and start working through some of these issues.

That is my suggestion as a way forward, and I am happy to entertain any questions or comments on it. Once we get through a few questions and comments, if there seems to be a consensus, I don't think we need a motion. With that as background, who would like to address that topic?

MS. KERNS: Your first hand raised is Mike Luisi.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'm in total agreement in moving forward. I want to understand what the task would be to the work group. There is no amendment that has been initiated. Would the task of the work group be to discuss these issues that are in front of us on the board right now, and inform the Board when making the decision about whether or not to initiate an amendment?

Is that what you see as being the task, you know to kind of talk through the different bullet

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points that are in front of us, and come back to the Board in August with some thoughts, only to inform whether or not we start an amendment or not? I might have a follow up after your answer.

CHAIRMAN BORDEN: My answer to your question, Mike, is yes. I think that is exactly it. If you have a work group, the first item on the agenda of the management issue, stock rebuilding, 2029. At 2029, I'm sure there is going to be a discussion by some of the members of the work group, is that appropriate?

Should it be shorter, should it be longer? If you get that type of dialogue going, I think it would be very informative for the Board, once they get to the point that you want to make a motion to forward with an addendum and some tasking for a PDT. My answer is yes, and you do have a follow up?

MR. LUISI: Well no, I just wanted to say that I'll be the first to raise my hand to say that I would appreciate your consideration for me as being part of that working group from one of the producer states. I'll leave it at that. Thank you.

CHAIRMAN BORDEN: I'll just follow up with that. Thanks for raising that perspective. I'll just follow up by saying, I think the way to do this is to allow, we could send out a letter. Max could send a letter out to all of its membership on the Board, have some suggestions, and then we look at it and basically make the selection, in order to make sure we have balance. As I said from the producer and coastal states, and geographic. In other words, this has to be a balanced committee. That is what the whole work group standard set up. Toni, next person in the queue.

MS. KERNS: You have Joe Cimino, Adam Nowalsky, and John McMurray. Earlier Justin Davis had his hand up, and I don't know if he

took it down on accident or not. Now I see Megan Ware with her hand up as well.

CHAIRMAN BORDEN: Okay, Justin, do you want to speak? If not, I'll go to Joe.

DR. DAVIS: I'm going to pass for now, thanks.

CHAIRMAN BORDEN: Joe, please.

MR. CIMINO: Yes, and quickly. I think in general I agree, since there are so many things that we have to think through. The one bullet I have some concern with is reference points. I'm not sure, you know is this working group planning on meeting with the Stock Assessment Subcommittee, and possibly potential past peer review suggestions on what is appropriate, or are they just looking a priori what are their preferences? I think out of that group of items that one really stands out to me as a working group decision.

MR. ABBOTT: Toni, Dennis here. My hand has been up for quite a while, and you're not recognizing me on the list.

MS. KERNS: Dennis, your hand is not up. It is actually down.

CHAIRMAN BORDEN: Back to Joe's point. In terms of the reference points. I would agree with you. I think the Board is probably going to have more suggestions on that to clarify what is intended there. But there is no reason that a working group can't talk through some of those types of concerns, and come back even with a list of questions they think the Board should address, as part of that issue. Joe, do you want to follow up?

MR. CIMINO: No, David, that is fine thank you.

CHAIRMAN BORDEN: Okay.

MR. ABBOTT: My hand shows as being up, and it has been up. I'm getting a green arrow, have

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been for some time. I have a process question that I would like to bring up at this point.

CHAIRMAN BORDEN: Go ahead. If you wouldn't mind, let me call on you first. Ritchie. Toni, could you read off the list in the order that the names came up.

MS. KERNS: I believe we had Adam, then Megan, then Mike and John. Somewhere in there would be Dennis, but Dennis, your hand is up when the red arrow is pointing down, and your hand is down when the green arrow is pointing up. Now your hand is up.

CHAIRMAN BORDEN: We'll take them in that order. I have Adam, Megan, Mike Luisi, and then Dennis. Adam next.

MR. NOWALSKY: I certainly understand the need to move forward, and I appreciate staff and leadership working with coming up a way forward. But I do have a concern, and that concern is what I see in front of me is essentially what a scoping document for an amendment would look like. If we go forward with a working group, we know that historically, while it certainly moves things along.

It is certainly not as public and transparent as a full amendment process would be, in terms of going out to hearings, getting scoping information, deciding which of these issues there should be people working on them, and helping fill in the other. I feel that this is premature. I think this would be a fine step if there was actually an amendment that had been initiated, and we had that management document.

If we had gone to scoping and these were the items that had come out of scoping, and we needed to try to fast track things to move them along. I'm concerned that we're short circuiting that process to put off initiating the amendment. Until the amendment actually is formally initiated, until we have a formal

method for involving the public, I have concerns about moving forward in this manner.

CHAIRMAN BORDEN: Adam, I guess the only comment I would make from my perspective, and I'm sure you know this but I'll just say it publicly. Work groups are not decision-making groups; they just talk through issues, and then present a range of options. The Board will decide these issues. At some point the only thing we're trying to do is accelerate that process, so that we don't have five or six months where we do nothing on these issues. That is what the intent is. Well, I'll take the next person on the list, which is Megan.

MS. MEGAN WARE: I support the work group process here. Adam, I definitely hear your concerns there. I think my concern is that this is a pretty daunting list potentially for staff, so I think it might be good to just have some thought and provide a little more guidance to this PDT moving forward.

I do agree about the concerns with transparency, and so I would just confirm or request that all of the work group meetings be posted to the ASMFC calendar, and that there be webinars that people can listen in to, not only the public, but I bet members or other commissioners will be interested in just listening in to those work group discussions. I think that might help move the process along.

CHAIRMAN BORDEN: Good point. That actually is part of the work group specification that they have to be transparent. Members of the public have to be notified in advance of meetings, and can listen in on the discussion. Next person I've got on the list is Mike Luisi.

MS. KERNS: It was Mike Armstrong.

MR. LUISI: Sorry that wasn't me, Mr. Chairman. I had my hand up, but I realized and I put it back down, it was from before.

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CHAIRMAN BORDEN: Mike Armstrong.

MR. MICHAEL ARMSTRONG: I think this is a good process. My only concern is when things appear on a PowerPoint slide, they are like etched in stone. I see some things on the list that I don't think ought to move forward in this Amendment, but I also see some things that aren't on there, particularly addressing discards.

That is 50 percent of the mortality, so we need to start looking at ways to minimize that. We moved forward with circle hooks that's great. I don't know what else we do, but that should be on the list too. Anyway, as we've pushed this forward, I just want to make sure that that PowerPoint slide is not the be-all, end-all for the discussion.

CHAIRMAN BORDEN: I just express my own views. This is the starting point, it's going to start the work, not going to end the work. The next person I have on the list is Dennis Abbot.

MR. ABBOT: I apologize between not recognizing the red and the green. My first point is a process. Way back, one of the very early slides it said that leadership took action on the two postponed motions. It is my belief that those two motions that have been postponed belong to the Striped Bass Management Board. I would ask who is leadership that decided to take that authority away from the Board. Then to move leadership also brought this forward, which I don't disagree with. It's a good idea in most respects, though I agree with Adam Nowalsky that you might be putting the cart ahead of the horse. But again, my process question is who is leadership, and how are they allowed to take away the Board's motions and take action on them?

CHAIRMAN BORDEN: Bob Beal, do you want to address that?

MR. ABBOTT: I would think that we would as a Board have a vote, or whatever, to put them

aside. That would have been the proper way, in my opinion, to handle those two postponed motions.

CHAIRMAN BORDEN: Is Bob Beal on?

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, I'm here David. Dennis, the leadership can't do anything with Board motions. Those are Board motions, and the Board is the only one that can dispose of them or take action on them. I think really what it was is a conversation about what do we want to try to achieve at our first go at these remote, sort of virtual meetings.

Talking with the Board Chair, Commission Chair, myself and staff. You know we decided that let's try to just get the updates on the analysis that the Technical Committee has given us, and expected results of the conservation equivalency proposals, or the full suite of regulations that are going to be implemented.

Then the motions are still that of the Board. I wouldn't characterize it as we took action on them. I would just say what we took action on is trying to form an agenda for this meeting that we thought could be practical. A month or six weeks ago when we made that motion, we were hoping that we could get together in August, and we still may be able to.

But it seemed that deferring these decisions until August wasn't that big of a deal, because we would be back face to face, but who knows what's going to happen in August now? As far as recommending, saying leadership recommended a working group. I think it's the idea of since we decided we don't want to take these big actions during this virtual meeting, what can we do in the interim to keep things moving along?

The idea was maybe potentially forming this working group. That is up to the Board, to flesh out sort of some of the ideas that will be included in the next step of the amendment,

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should the Board decide to initiate an amendment. That is an important point that Mike Luisi made earlier is the Board hasn't made that decision to initiate an amendment. While I'm speaking really quickly, Mr. Chairman.

You know I think it's important to keep in mind the steps of an amendment. The first step would be a public information document. That would be, in my opinion anyway, the first charge to this working group is develop a suite of issues that you want feedback from the public on during the public information document of the amendment process. For the first round of public hearings, what do you want to hear back from the public on? Then, once the Board gets that feedback, then they start developing the specific management options down the road. Like Mike Armstrong just brought up, how do we deal with discards? How do we improve or reduce mortality? They may have some good ideas for that. Those are the things I think this working group can potentially do a job of fleshing out, and bringing back to the Board at the August meeting, either in person or virtually.

CHAIRMAN BORDEN: I think that's a useful point that he made. Let me just offer this as a way forward to a couple of members that have expressed similar concerns. We could form a work group with the intent of developing a scoping document, and at least use this list as the preliminary starting point, and then present that scoping document at the next meeting.

Then carry on the discussion about the tabled motions. If we were going to move forward, we would have this work product that would be the first step in an amendment. Then we could go through these issues, and decide at that point which of these that were relevant, and which are not. Does that sound like a reasonable way forward? Comments to that point.

MS. KERNS: One second, David. I'm just trying to think through whether or not you can really

write up a scoping document without initiating an amendment. But I think Bob has his hand up. Maybe he can respond to that.

CHAIRMAN BORDEN: Bob.

EXECUTIVE DIRECTOR BEAL: I mean I think the idea is kind of, this is sort of work assuming something happens with an amendment. The working group can start pulling together the public information document, scoping document. But if the Board decides not to go forward with an amendment, then that document just sort of dies on the vine.

I don't think we're causing any problems procedurally; we're just trying to prime the pump should the Board decide to go down this road. The Board, you know at their next meeting obviously will have full ability to edit, change, delete, do whatever they want to do to any issues that are in the draft PID and scoping document, if that is what the working group pulls together.

CHAIRMAN BORDEN: Okay, so let me ask, do we have objections to proceeding in that manner, any objections? Is there anyone on the list Toni that would like to speak to that point?

MS. KERNS: Well right now you have four people that have had their hand up for a while. I'm not sure if they're objecting, or if they just want to speak. Those four people are Adam Nowalsky, Justin Davis, Tom Fote, and John McMurray.

CHAIRMAN BORDEN: Adam, to my question?

MR. NOWALSKY: Directly to your question, if you would like me to speak to that.

CHAIRMAN BORDEN: Please.

MR. NOWALSKY: I appreciate your guidance on that. I do think that is a better way forward. I

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would have a higher level of comfort understanding that we haven't actually initiated the amendment, but that motion is out there. We do intend to take action on it at some point. If the scope of the working group was to work on the list of items that we would put into a scoping and some prioritization of them, I think that would be fine.

With that scope of that work to stop at not making specific recommendations on how to accomplish any of those, I think that would go too far. But to begin the work of developing the range of options we would want to get feedback on from the public, I think that is a reasonable way forward at this point. Thank you for that consideration.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: I'll pass at this time. Adam covered sort of my attitude and stance on this, so I'll pass.

CHAIRMAN BORDEN: Toni, who do you have third on that list?

MS. KERNS: We have Tom Fote and John McMurray.

MR. FOTE: David, after listening to all these conversations and the back and forth going on here. We're in a whole new time. If we were basically going to have another Striped Bass Board meeting, we would have to wait until August and do that, because of travel, because of the time involved just to get to a meeting.

But we could actually do a virtual meeting again, just for striped bass. Do a four-hour meeting, five-hour meeting between now and August. If you have a working group, everybody who is not on the working group who wanted to be on the working group is going to feel left out, or worry about the agenda the people have on the working group.

If you had like we used to do in the old days, just have a special striped bass board meeting, which will not be costly. I mean it will take all our time, but if we're so interested in doing this, all we have to basically do is set aside four hours between now and some time in June or July, and sit down and put it over, and then set up.

That way you could actually go out at that point with more information, and a more transparent basically, conversation. I think we should start looking for that for all the things we're doing. This is going to be a new world that we're looking at as we go forward. Who knows where we are going to be for the rest of this year, so you have to move forward?

I think this meeting has worked very well. Matter of fact, except for my long conversation here, I probably spoke about five minutes all day. Joe would say to me in the old days, I cost him a lot of money, because he wasn't making any money on the stenography end of this. I'm thinking about maybe it would be just as well to have an actual Striped Bass Board meeting between now, to look at whether we do a scoping document or not.

CHAIRMAN BORDEN: John McMurray.

MR. McMURRAY: I think I've had my hand up for about 20 minutes now. Just to the working group. Of course, I agree it's a good initial first step in all of this. We shouldn't make this more complicated than it is. We're just generating ideas. We can certainly do that. I do have the same concerns about transparency. The public absolutely should be able to provide input at this level.

I hope we can make a good faith effort to allow that. But my question has to do with the two motions, in relation to initiating the amendment. The first motion deals with accountability for Addendum VI, and then we have accountability in the motion to initiate the

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Amendment. I'm just wondering, are we planning on two separate actions for that or were we going to roll that first motion into the amendment process?

CHAIRMAN BORDEN: Max, do you want to address that?

MR. APPELMAN: Yes, I just caught part of that question, John. That first motion is specific to Addendum VI. It's talking about if states don't meet their projected targets in 2020, what accountability will there be? The idea of accountability for the recreational fishery in the future, was a separate conversation that the Board had. That could be fleshed out in a management document, but that first motion really was specific to the 2020 fishing year, and accountability for Addendum VI measures.

MR. McMURRAY: Follow up if I may, Mr. Chairman. We're going to have to take action on that first motion in August, correct, to have it applied to the '21 fishing year?

MR. APPELMAN: I'm not going to speculate as to whether that motion will be voted up or down, but either are possible, and the Board can move forward from there.

CHAIRMAN BORDEN: All right, any concerns or options that have not been discussed at this point? Does anyone want to suggest something totally new? Are there any hands up, Toni?

MS. KERNS: There are no hands up from Board members, but we have had two requests from the public.

CHAIRMAN BORDEN: **All right, I'll take the two comments from the public**, but I ask you to keep your comments to approximately one minute. We don't have a motion. I actually would like to avoid a motion, do this by consensus, whatever action we're going to take. Who do you have on the list, Toni that wants to speak?

MS. KERNS: The first person is Peter Fallon, and I can unmute Peter now. Peter, you are actually self-muted.

MR. PETER FALLON: You should hear me now. Thank you, Mr. Chairman for the opportunity to contribute. My name is Peter Fallon; I run for-hire trips in Maine and Massachusetts, and president of the Maine Association of Charterboat Captains, and a member of the American Saltwater Guide's Association. I subscribe to the belief that greater stakeholder involvement in the management process leads to better results for the resource being managed. I urge the Board to avail itself of opportunities to improve public engagement. Steps should include transition to video webinar for all future Board meetings. My 82-year-old father is on Zoom twice a day, it's the new norm, and far more effective than the audio alone.

Provide for public comment at the start of any working group meeting. Provide work group progress reports to the public when they are issued to the Board, and make early public engagement in this process an immediate priority, by requesting input through written comments and scoping hearings. Given the possibility that some member states may have ongoing prohibitions against gatherings of more than 10 or 50 people, alternatives to in-person hearings should be in place.

I'm concerned by the level of disengagement, driven directly by distrust in striped bass management, and one key to rebuilding public trust is providing greater transparency and accessibility to the workings of the Board. Board leadership speaks to the importance of transparency. In the memorandum Next Steps for Management is outlined objectives for today's meetings. I'm encouraged by the Board's focus on transparency, and applaud efforts to improve same. Thank you.

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CHAIRMAN BORDEN: Thank you, Peter. Next speaker, Toni.

MS. KERNS: The next speaker is Patrick Paquette.

CHAIRMAN BORDEN: Patrick.

MR. PATRICK PAQUETTE: Yes. Congratulations to the entire ASMFC and staff for what has been a really well run, smooth meeting. I guess I have a suggestion/question. No matter how the process plays out, I believe that some level of input from the public or the public's representative to the working group is important.

It could bring up things that I think we would not want to see limited out of a scoping document that Commissioners might find as a good idea. My question is specific to the AP. I'm an AP member. Is the current process, as is the Board's vision, to involve the AP at any point in the working group's process?

CHAIRMAN BORDEN: Max, I don't have the working group rules right in front of me. Could you remind me of the provisions? There are provisions of those guidelines that apply to public input. Could you refresh all our memory on what those positions are, or Toni can do it if she has it?

MS. KERNS: Yes. Max do you want to?

MR. APPELMAN: I was going to make a couple responses, but Toni, you can fill in for sure. First and foremost, all work group meetings, just like any Commission committee meeting, are open to the public. There is limited opportunity for public comment at those times. Of course, in the event that a management document is initiated, there are those procedural steps to involve advisory panels in the development of that document. I want to just say that off the bat. As far as specific to

work group functions, Toni, maybe you can jump in.

MS. KERNS: Typically, in the guidance as Max said, and this is a little bit of a reiteration. But these work groups are to get us through, work through some issues that the Board may have not had time to, or cannot address within a Commission meeting. It's not intended to be delivered as in order to present back to the Board all the different concepts and their ideas behind that.

We have said that through work groups that we would provide progress reports to the Board midway through the meetings. Now that is dependent on the work group members completing their tasks. Staff can obviously provide summaries of meetings that have occurred. But if the work group members don't actually complete the work that they're doing, staff can't provide those updates.

But we can make those work group summaries available on the website. Unless the Board specifically says that the AP would be involved, it's not typically where we would have AP involvement. We would do that during the development of the document, and there are specific points at which the AP is involved, and then there is multiple times for Amendment documents.

CHAIRMAN BORDEN: I think the only thing I would add to that. If we proceed in this manner, any document that comes forward from a working group goes to the Board. It's going to be made available to the public, so the public is going to have an opportunity regardless, where they can talk to their commissioners from their state.

They can talk directly to the people on the work group. They can certainly talk to me, and flag the issue they think should be addressed. All this is going to do, in my view, is start a dialogue. We've had a lot of discussion on this

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today, so let me ask. We've kind of refined what was originally intended here.

This would be crafted more as a focus on the development of ideas that would go into a scoping document, and then present those to the Board. Do I have objection? Are there individuals here on the Board that object to proceeding in that manner at this point? If you do, I would like you to identify yourself, so we know how many members object. Toni, do we have any hands?

MS. KERNS: David, I don't see any hands up from the Board. I will say that previously I had said that there were only two individuals that had asked to make comments. I didn't realize that Ross Squire had asked to make a comment in the question box, so there was one other public member that had asked to make a comment.

CHAIRMAN BORDEN: Related to this issue or to address the Board?

MS. KERNS: I think it's related to this issue.

CHAIRMAN BORDEN: His first name was Russ?

MS. KERNS: Ross Squire, and I will unmute him.

CHAIRMAN BORDEN: Ross, would you like to speak?

MR. ROSS SQUIRE: Yes, my comment actually isn't on the item that is being discussed now. It was more something to be addressed to the Board, so do you want me to pose it now, or would you prefer that I held off?

CHAIRMAN BORDEN: That's why I asked the question. I prefer that you hold off, and I'll come back to you under Other Business. Okay, so we have no objections. What I would suggest is that staff circulate a memorandum to all the Board members, ask for suggestions on

which commissioners should be members of this.

We'll try to balance it, three from the coast, three from producer states, and pick a chairman to run the working group. Just so that everything is completely transparent, all commissioners will get notices of any of the discussion, and give you the minutes that get generated from the working group. If in fact we get to a situation where we need additional Board input, then I'm not opposed personally to us holding a short Board meeting to address some of the issues, if they arise.

I'm open to that suggestion that Tom Fote made. With that as an understanding, I think we'll on to the next item, and Max, if you would. Please try to send out an e-mail request to all commissioners in the next couple of days, so we can start the process of finalizing the work group. The next issue is Other Business, and I'll come back to the gentleman who wanted to address the Board.

**PUBLIC COMMENT**

MS. KERNS: I'm not aware of any other business. I don't see any hands up for Other Business, and then your member of the public is Ross Squire.

CHAIRMAN BORDEN: Ross, if you want to address the Board at this point.

MR. SQUIRE: I appreciate that. Thank you very much. First of all, my name is Ross Squire; I'm the president of the New York Coalition for Recreational Fishing, and confidence and trust are a big thing within the recreational sector. I appreciate all the work that's done that has gone into coming up with the 2020 regulations, and the calculations.

But at the same time, you know when you look at some of the estimates. You know Maryland's estimate of a 21 percent reduction is a half percent more than what was forecasted in

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Amendment 4, and we know how that turned out. The question that I really had was towards the Technical Committee, and that is, were there any lessons learned? Was there anything went into the analysis of the conservation equivalency proposals this time that would give the public a little bit more confidence, in terms of the accuracy of what we can expect?

CHAIRMAN BORDEN: Thanks for the question. Does anyone on the staff want to address that, since it's a technical issue?

DR. DREW: Sure, Mr. Chair, this is Katie Drew. First of all I think this time around when we did the conservation equivalencies, we had some better data, in that the previous I think real data deficiency that we had last time around was the fact that we had had a series of years of very poor recruitment, and then the strong 2011 year class.

As a result, we had a hard time predicting what the length frequency, the number of available fish would look like to the fishery, once we implemented those regulations. This time around we do have the information on the 2011-year class that will help us predict the impact of the '14 and '15-year classes coming into the fishery a little better.

However, we still recognize that there is a lot of uncertainty, and I think at this point not just whatever happened in 2018 and 2019 that changed effort under the same regulations. I think we can definitely speculate on that and try to figure that out. But just the fact that whatever is happening right now with 2020, it renders all of our predictions moot.

I think we have some confidence. We recognize there is a lot of uncertainty in this type of an analysis, and this year in particular is just going to really enhance all of that uncertainty going forward. I think we did a better job, but we can't really get at some of the underlying

uncertainty, and extra uncertainty has just been added on top of that.

CHAIRMAN BORDEN: Any follow up, Ross?

MR. SQUIRE: None at all, thank you very much, Katie, I appreciate it.

**ADJOURNMENT**

CHAIRMAN BORDEN: Okay, so I think we're through the agenda, is there any other business to come before the Board? If there are no hands up, is there any objection to adjourning? No objection.

MS. KERNS: No objections.

CHAIRMAN BORDEN: Okay, so this meeting stands adjourned. Thank you very much.

(Whereupon the meeting adjourned at 4:45 p.m. on May 5, 2020)

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.  
The Board will review the minutes during its next meeting.

Richard A. Redler  
2801 Mansway Drive, Herndon, Virginia 20171  
C. 703-980-7532                      [richredler@verizon.net](mailto:richredler@verizon.net)

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Max Appelman,  
Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission  
1050 N. Highland St, Suite 200 A-N,  
Arlington, VA 22201, (703) 842-0740  
Via e-mail: – [mappelman@asmfc.org](mailto:mappelman@asmfc.org)

Re: Striped Bass: Need for accurate catch-and-release science

Recent decisions by the agencies responsible for the management of Striped Bass have been perceived by many stakeholders as arbitrary and not “science based” as required by law. This has resulted in a lack of credibility, respect and support for the agencies and the decisions they are making.

For example, pre-season catch-and-release fishing effort estimates from MRIP, used in this decision-making process, claimed 600,000 fish caught in March and April of 2017, (the catch-and-release season) which averages out to 10,000 fish a day for 60 days (16 fish per minute of daylight). Even if we assume that the weather allowed for fishing on the open Bay every single day of March and April (which it obviously does not), the assumed number of catch-and-release fish, is not believable. In addition, the mortality of these fish is not based on accurate science.

Accurate information on the real mortality from catch-and-release is critical to the decision-making process. It is possible to obtain reliable science on the mortality of catch-and-release from both recreational and charter boat fishing in the Chesapeake Bay. In 2016 and 2018, studies were performed on cod (Estimating and Mitigating the Discard Mortality of Atlantic Cod in the Gulf of Maine Recreational Rod and Reel Fishery) and haddock (Fishery-Scale Discard Mortality Estimate for Haddock in the Gulf of Maine Recreational Fishery) in the Gulf of Maine, which provided scientific information on catch and release mortality including variables like temperature, depth, fight and handling times, fish size, hook location, and more. New tech is the ticket, and it’s called “acoustic telemetry”.

According to experts familiar with the Bay, it would be possible to initiate a similar comprehensive, multi-location, two-year study in the Chesapeake to obtain the solid science on striped mortality we need, for somewhere in the neighborhood of \$400,000 to \$500,000. This information would contribute to the recovery of a recreational striped bass fishery that supports over 10,000 jobs and contributes \$800 million to the state’s GDP (2016 numbers).

As the Fishery Management Plan Coordinator for ASMFC, you have the authority to require the agencies charged with striped bass management to initiate studies on striped bass mortality in the Chesapeake Bay, especially catch-and-release mortality. Their investment will help to restore the credibility, respect and support for the fishery management agencies and the decisions they are making.

Thank you for your attention to this matter.

Sincerely,  
Richard A. Redler

## Max Appelman

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**From:** Robert Gates <rlgates30@gmail.com>  
**Sent:** Sunday, June 28, 2020 1:34 PM  
**To:** Max Appelman  
**Subject:** [External] Chesapeake Bay Striped Bass

We respectfully demand that the agencies charged with striped bass management make designing and funding a comprehensive study on striped bass mortality in the Chesapeake Bay, especially catch-and-release mortality, a top priority. Businesses depending on recreational fishing, the lives of recreational anglers, and the health of the striped bass population up and down the coast from North Carolina to Maine are being adversely affected by a current lack of science and poor management decisions, and this must be remedied immediately. Thank you for your attention to this matter.

Robert Gates  
North East, MD

## Max Appelman

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**From:** Richard Kuhlman <rtkuhlman@msn.com>  
**Sent:** Friday, July 3, 2020 6:17 PM  
**To:** Bruce Vogt; Max Appelman  
**Subject:** [External] More Striped Bass Science Please

Striped Bass management in the Chesapeake Bay is at a critical juncture. With so much importance placed on the fishery by commercial and recreational fishermen, marinas and boat dealers, tackle and bait dealers and many other important commercial enterprises, we must use the best available science to manage the striped bass stock to the best of our ability for today and tomorrow.

I recently retired from USEPA, having worked there for 30+ years. While there, I learned how important good, science based information is necessary to develop informed, sound decisions directed towards meeting the challenges presented by today's complex environment. Currently, it is particularly important as the striped bass fishery is depressed from environmental/climate related issues and overfishing, including catch and release mortality.

Over the past 12 months I have watched in horror how the MD DNR has made poor decisions about how to regulate this important fishery. They continue to give lip service to the importance of better understanding the impact of fish mortality, especially related to catch and release, but they continue to apply unrelated studies and do not appear to have any interest in developing the appropriate scientific information to better inform the decisions they say are so important.

I respectfully request that you both do everything within you and your Agency's ability to ensure that a comprehensive study of striped bass mortality, especially catch and release mortality in the Chesapeake Bay, is designed and funded as quickly as possible.

Please let me know if there is anything I can do to support this request and rest assured that I will be contacting MD DNR to encourage them to do the right thing and either design and fund their own scientific study on striped bass mortality or to actively support your efforts.

Thank you for what you already do to protect and enhance the many fisheries along the Atlantic Coast and the Chesapeake Bay.

Richard Kuhlman  
316 Hillsmere Drive  
Annapolis, MD

410 263 5042

## Max Appelman

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**From:** felipe.urquilla@yahoo.com  
**Sent:** Thursday, May 28, 2020 9:17 PM  
**To:** Bruce Vogt; Max Appelman  
**Subject:** [External] On the subject of Striped Bass management

Hello,

I write today because recent events have brought to the attention of many recreational anglers on the Chesapeake Bay that poor management decisions have been made in regards to conservation of our fishery and it's striped bass population. We, as a community of concerned recreational anglers, respectfully demand that the agencies charged with striped bass management make designing and funding a comprehensive study on striped bass mortality in the Chesapeake Bay, especially catch-and-release mortality, a top priority. Businesses depending on recreational fishing, the lives of recreational anglers, and the health of the striped bass population up and down the coast from North Carolina to Maine are being adversely affected by a current lack of science and poor management decisions, and this must be remedied immediately.

Thank you for your attention to this matter.

## Max Appelman

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**From:** Michael Brupbacher <mbrupb@gmail.com>  
**Sent:** Thursday, May 28, 2020 8:59 PM  
**To:** Bruce Vogt; Max Appelman  
**Subject:** [External] THE FUTURE OF THE STRIPER FISHERY

*We respectfully demand that the agencies charged with striped bass management make designing and funding a comprehensive study on striped bass mortality in the Chesapeake Bay, especially catch-and-release mortality, a top priority. Businesses depending on recreational fishing, the lives of recreational anglers, and the health of the striped bass population up and down the coast from North Carolina to Maine are being adversely affected by a current lack of science and poor management decisions, and this must be remedied immediately. Thank you for your attention to this matter.*



## Max Appelman

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**From:** Capt. TJ Karbowski <tedkarbowski@yahoo.com>  
**Sent:** Saturday, May 9, 2020 8:49 AM  
**To:** Max Appelman  
**Subject:** [External] Comments- Spring Meeting.

Comments- Menhaden/Striped Bass/Bluefish- Spring Meeting.

This is not that complicated.

Do what you have to with the reduction fishery because that's your only tool, but the bottom line is- There needs to be enough menhaden to sustain Striped Bass and large Bluefish. THAT IS WHAT THEY PREFER TO EAT IN MOST OF THEIR RANGE. Right now there are MILLIONS of striped bass and bluefish that have grown up over the winter, are heading north and are going to be hungry. They are going to be sucking every bunker out of the ocean that they can and there needs to be enough to sustain them. If these fish aren't healthy and viable enough for proper spawning, it's NOT us the recreational fishermen that killed them, it's YOU the regulators. These juvenile fish ARE the answer to rebuilding the striped bass and bluefish populations.

Over the past 4 or 5 years I can count on my fingers how many days each season there has been menhaden in Long Island Sound. ....and guess what? When the bunker are there, we catch mature striped bass and bluefish. I don't care what your trawl surveys or spreadsheets say. I am on the water everyday for a living for 10 hours a day, you are not. I am right.

In regards to the recent years striped bass numbers....

Find the food, find the fish.

If there's not enough menhaden, they will look for alternative food sources that alter their migration patterns, thus throwing all traditional data off; rec. harvest, trawl survey's, everything will be off. - If cars needed to fill their tanks several times a day and all gas stations were moved from their current locations to somewhere miles away from where they used to be, our traditional traffic patterns would change and we would hear on the news everyday of the absence of traffic on the highways. - Yes, it's really that simple.

P.S.- Unless you like arguing with people all day long and plan to argue with people for the rest of your career, someone needs to get some guts and take the lead to put an end to the NEW MRIP. I'm sick of wasting my time sitting on webinars for hours on end listening to people throw these ridiculous numbers around like they are credible. The NEW MRIP is NOT the best available source. Using numbers that popped into your head while tripping on LSD would be more accurate. NEW MRIP IS A FARCE. You know it, I know it, and everyone else knows it, but no one has the guts or is just too lazy to do anything about it. In the meantime, these ridiculous regulations are ruining people's lives, and the ecosystem in the process.

Have a good weekend. - TJ

Thank you,  
Capt. TJ Karbowski  
Rock & Roll Charters  
Clinton, CT  
203.314.3765  
<https://rockandrollcharters.com/>

Sir:

We respectfully demand that the agencies charged with striped bass management make designing and funding a comprehensive study on striped bass mortality in the Chesapeake Bay, especially catch and release mortality, a top priority. Businesses depending on recreational fishing, the lives of recreational anglers, and the health of the striped bass population up and down the coast from North Carolina to Maine are being adversely affected by a current lack of science and poor management decisions, and this must be remedied immediately.

Respectfully,

W.V. Deane



W V Deane  
39996 Lovettsville Rd  
Lovettsville VA 20180-2028

## **The Claim that Striped Bass are Overfished Seems Questionable, at Best.**

Desmond M. Kahn, Ph.D.

Delaware Division of Fish and Wildlife, Retired

President, Fishery Investigations

By the 2000s, the striped bass stocks along the Atlantic coast had built up to very high abundance since their severe decline in the 1970s and 1980s. By this point in time, 2020, the impact of acid rain and agricultural runoff in reducing larval survival of not only striped bass, but all five anadromous species in the upper Bay has been forgotten. During those two decades, at least until 1989, the data from the Maryland beach seine survey shows recruitment declined to low levels for all five of those species. That decline across all five species was not caused by overfishing of striped bass. Instead it was caused by poor water quality produced by acid rain from industrial air pollution and agricultural runoff from inorganic fertilizer and pesticides, including high levels of aluminum. These trends are well-documented in the scientific literature. True, striped bass were fished too hard, but the fishery was functioning until larval survival declined. If a stock isn't producing young-of-year fish, we don't have to fish at all to see steep declines. This decline in the Chesapeake Bay stocks was combined with the much earlier virtual extinction of the Delaware River stock by water pollution that removed oxygen from the spawning grounds of that river.

In the Bay, the federal Clean Air Act seems to have reduced acid rain to the extent that larval survival revived by the late 1980s and 1990s, along with reduction in agricultural runoff due to

the adoption of no-till agriculture in the Bay's watershed. The Delaware oxygen level was largely restored in the 1980s by the Clean Water Act and the clean-up that law financed.

The myth that the decline of striped bass in the 1970s and 1980s was due to overfishing, however, has persisted.

The 2019 stock assessment concluded that striped bass have been recently overfished and that overfishing was ongoing. Presumably, "overfished" might indicate that the spawning stock has been driven so low that recruitment has been reduced or threatened with reduction due to low spawning stock. A very reliable stockwide index of relative abundance, however, the MRIP average Total Catch Per Trip, shows that by 2017, the total abundance of the stock was actually at one of the highest levels since 1982 (Figure 1), which does not seem consistent with an overfished status. This index reflects fish from age 2 and older, so it is not restricted to the female spawning stock biomass, which is estimated by the catch-at-age model in the stock assessment. Although this index was used in the stock assessment, it was modified with a questionable analysis that distorted and reduced the clear trend of high abundance in recent years.

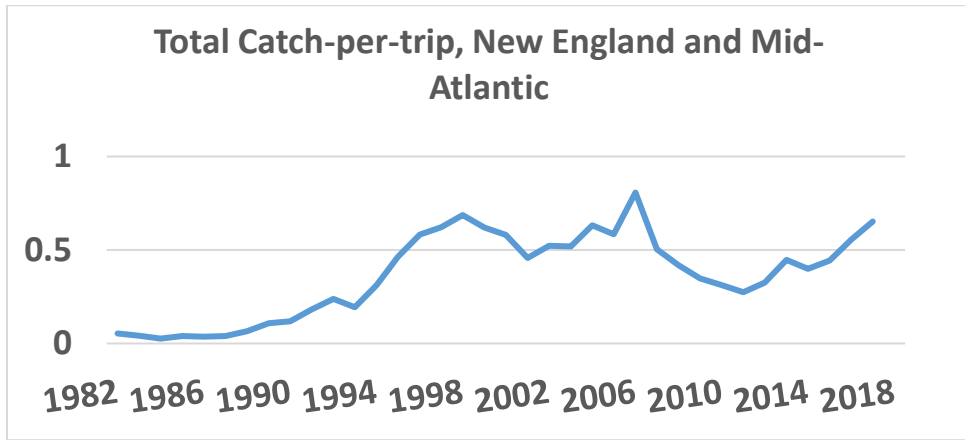


Figure 1. Relative abundance index of striped bass in the New England and Mid-Atlantic regions combined. Annual mean total number of striped bass caught, including released fish, per recreational fishing trip. Source: National Marine Fisheries Service

**The questionable basis for the classifications of “Overfishing” and “Overfished”**

Total abundance of Striped Bass was high by 2017 and is still high because recruitment has been high; several large year-classes have been produced recently, starting with 2011, then 2014 and 2015. These are all in the top ten year-classes produced since the stock was restored beginning in 1989 (Figure 2, which portrays year-classes at one year of age. For example, the 2011 year class is portrayed as one-year-olds, or yearlings, in 2012).

Spawning Stock Biomass (SSB) has been selected by the management process as the critical measurement for deciding whether or not the stock is considered overfished. Since the spawning biomass was estimated to be below its threshold (Figure 2), the stock was pronounced overfished in the recent assessment. However, the selection of this threshold, which occurred in 2003, was arbitrary, with no clear scientific basis. The threshold is also quite high, which has led to the current claim that what seems to be a healthy stock is “overfished”. For example, to avoid the “overfished” label, the SSB level has to be more than four times as high as it was when it produced the 1989 year-class, the year-class that caused the limited re-opening of the fishery (see Figure 2).

Why was this threshold level selected? It is very slightly more than the estimated SSB attained in 1995; in that year, the Management Board declared that the stocks were restored. In fact, however, the 1995 “restoration” really referred to the Chesapeake Bay stocks, which comprise roughly maybe 65% of the total coastwide aggregation. An erroneous statement in the recent stock assessment (p. 465) claimed that ,“In 1995, Chesapeake Bay, Delaware Bay and Hudson River striped bass stocks were declared recovered by the Commission...” In fact, the Hudson River stock had never collapsed. The Delaware River stock was not officially declared restored by the Commission until 1998, based on a report written by myself, Roy Miller, and others. A recent peer-reviewed paper, based on acoustic tagging of striped bass in Massachusetts waters in summer, estimated the Delaware River stock comprised 15% to 20% of the entire coastal aggregation. That means that the restoration of the Delaware stock added 17% to 25% to the

total coastal aggregation. In any case, the Overfishing Threshold level seems to be clearly based on the estimated 1995 SSB level, since that level had been deemed restored.

The claim that striped bass were restored in 1995, however, also seems arbitrary. For example, in 1993, when the spawning biomass level was estimated to be only about 75% as high as the 1995 level, the second-highest year-class of the post-collapse period was produced (Figure 2). That year seems to be just as good a candidate for “restoration” as 1995.

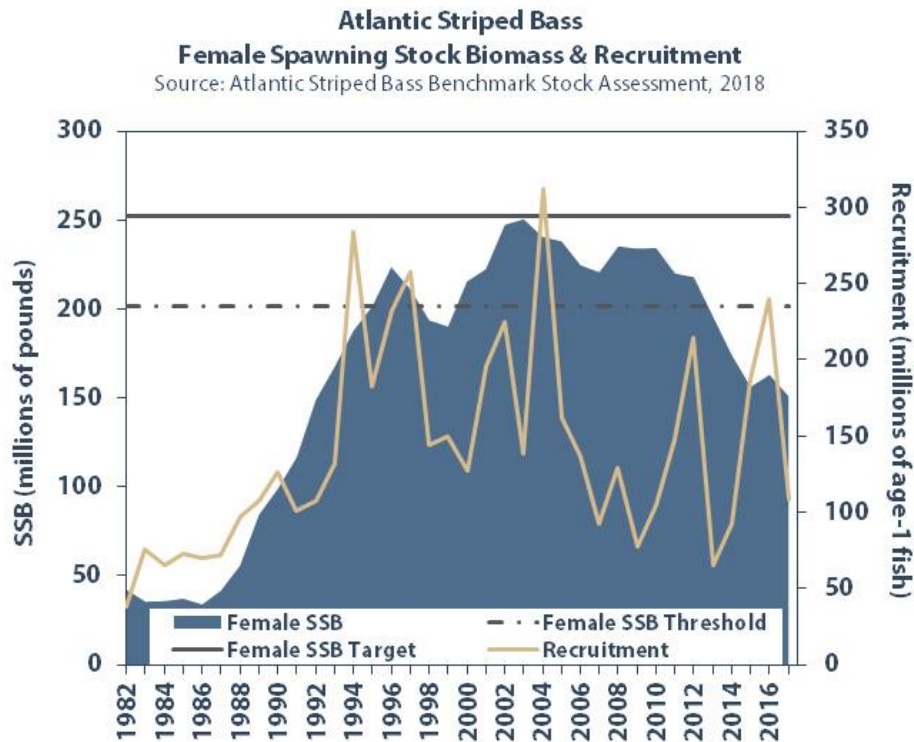


Figure 2. Time series of estimated Female Spawning Stock Biomass, with Overfishing Threshold and Target, and time series of estimated recruitment to age 1, from the 2019 stock assessment.

Source: Atlantic States Marine Fisheries Commission.



Management also set an SSB Target, determined to be 25% above the overfishing threshold. The level of the SSB target, then, was determined by the level of the overfishing threshold, and since the threshold seems arbitrary, the target also seems arbitrary. The stock, however, has never attained that target (Figure 2), despite numerous booming year classes, the addition of the large stock increase from the Delaware River, and conservative management. This management regime originally consisted of a two fish recreational limit, a 28" minimum size for recreational anglers on the coast and restrictive commercial quotas, which do not increase when the stock increases, unlike quotas in many other fisheries. Failure to attain this arbitrary target seems to indicate that it is not only arbitrary, but has been set too high.

An alternative reasonable basis for setting an overfishing threshold is to base it on the spawning biomass that has been demonstrated to produce good recruitment, such as the biomass in 1993 and 2015. The 2015 year-class was portrayed in the assessment as the fourth largest produced since 1982, yet the estimated SSB that produced it was 20% less than the overfishing threshold level. Since we have recruitment estimates from the past 36 years, we have a reasonable basis to select the level of spawning biomass needed to produce decent recruitment.

As part of the development of Amendment 7 of the Fishery Management Plan, we should reconsider the Overfishing Threshold and the Target in light of the accumulated data on the relationship of spawning stock and recruitment.

## **Attainment of the Highest Levels of Possible Abundance are not the Usual Goals of Population Management, or Can We Have Too Much of a Good Thing?**

The theoretical basis of population management, including fisheries management, was developed by the science of ecology. Ecologists learned decades ago that populations that attain high abundance usually increase competition within the population for resources, such as forage fish. If extreme, this competition has the potential to result in increasing mortality, widespread diseases, poor condition and reproductive failure. That is why most fishery management plans aim to keep the stock at abundance levels estimated to be only a fraction of possible maximum abundance, often known as the “carrying capacity”. For example, summer flounder has a target  $F$  of  $F_{35\%}$ , meaning it is the fishing mortality rate calculated to keep the stock at only 35% of the maximum estimated potential stock size. The recent flounder stock assessment found that the realized “decrease in the biomass reference point is due primarily to the effect of decreased mean weight at age for older ages (mainly ages 6 and 7+), because of increasing numbers of older fish available in fishery and survey samples”. This increased abundance of older fish caused increased competition, leading to lower average weight of those ages. This guiding principle of population management which I describe as “don’t aim for maximum possible abundance”, does not seem to be included in striped bass management to the best of my knowledge.

The potential downside of maintaining high levels of abundance is negative feedback from high density through competition. In other words, too many striped bass can upset the ecosystem balance. Negative effects of competition have been suggested by the frequent poor condition, lack of internal fat (at least in some years) and an epidemic of a wasting disease named *Mycobacteriosis*, especially among resident bass in the Chesapeake in many summers. Thin fish with bloody lesions have been too common in some years. Research suggests that the resident bass in the Bay have undergone periods of starvation, which makes them highly vulnerable to *Mycobacteriosis*. Both tag-recapture data contained in the 2019 stock assessment and a new independent paper have estimated the annual mortality rate of striped bass resident in the Chesapeake Bay is in the range of 62% - 70%. This mortality is much higher than the recent stock assessment's catch-at-age model estimates. This high mortality has not been attributed to fishing, and was estimated to begin in the late 1990s by those of us who worked on the tag-recapture data in the early 2000s. To the extent that such high mortality is due to very high abundance, it can be seen as a waste of fish. An alternative approach would involve allowing people to land more fish in the Bay, which could reduce excessive competition.

We also may have experienced negative feedback of high abundance on reproduction. From 2004 through 2010, estimates of SSB are at very high levels (Figure 2). Yet during this entire seven-year period, no large year-class was produced. Although we don't know why high recruitment was not produced by high SSB, and environmental effects such as river-flow levels and temperature swings can influence larval survival of striped bass, the high SSB levels could only have increased competition among spawners and among larvae for resources. So, as has

frequently been observed in ecological research, the high abundance may have produced negative effects on reproduction from 2004 through 2010 (Figure 2). The lack of a large year-class during this period was the cause of the decline of the estimate of SSB below the threshold, because there is a long lag period before a year-class joins the female spawning stock biomass, due to delayed maturation of females. Note that this relatively small decline was not caused by excessive levels of fishing, but by the lack of production of a large year-class during this period of very high levels of spawning biomass. That is one of the ironies of the current situation.

### **Ecosystem impacts of high striped bass abundance**

The abundance and large average size of striped bass since the recovery is unprecedented in historical times, probably due largely due to high minimum size and low creel limits. The ecosystem effect of the high abundance and large size is a sometimes striking decline in fisheries for species that striped bass prey upon or compete with. American shad and river herring have declined well below their former levels, since striped bass attained their unprecedented abundance peaks beginning in the 1990s. Extended studies on the Connecticut River have documented the impact of striped bass on the formerly impressive spawning migrations of blueback herring and American shad, including diet studies showing bass are eating herring and adult shad in the River. In the 2011 assessment of the Delaware River spawning stock of American shad, I found a striking negative correlation between striped bass abundance and that of American shad, consistent with the hypothesis that striped bass

abundance controls that of shad in the Delaware (Figure 4). In the 1980s, when bass abundance had crashed, shad in the Delaware were booming. As striped bass rebuilt in the 1990s, to unprecedented abundance and individual size, shad declined. By the 2000s, striped bass were at their recent peak and shad abundance was at quite low levels.

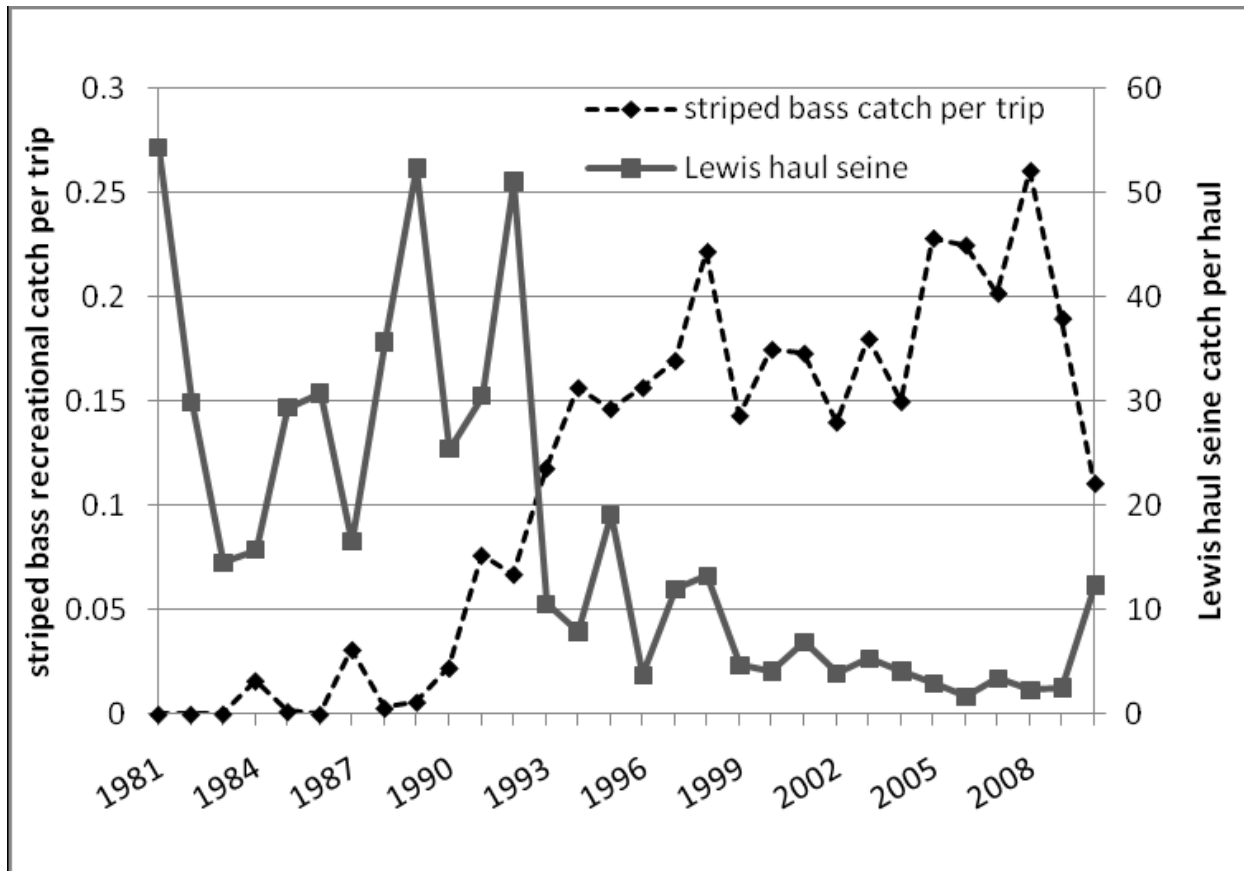


Figure 4. Adult shad abundance in the non-tidal Delaware River as estimated by the Lewis haul seine catch-per-haul from 1981 through 2010, Lambertville, New Jersey, plotted with an index of striped bass relative abundance in waters off the state of Delaware (MRFSS recreational total catch per trip). The correlation was highly significant (Pearson’s  $r = -0.76$ ,  $P << 0.01$ ). Source:

The Delaware River Sustainable Fishing Plan for American Shad. 2011. The Delaware River Basin Fish & Wildlife Management Cooperative.

The 2006 and 2009 stock assessments of weakfish on the Mid-Atlantic coast developed the hypothesis that striped bass's rebound caused weakfish's steep decline; recent research at North Carolina State also found that striped bass were important predators of weakfish. In the 1980s, the bi-state gill net fisheries for American shad and weakfish in Delaware Bay landed up to or above a million pounds of the two species combined. Those days are long gone since striped bass rebounded. Currently, the weakfish fishery has disappeared and shad landings are very low. These former high volume fisheries were supposed to be replaced by striped bass, but the quota is less than 200,000 pounds for Delaware and New Jersey doesn't allow commercial striped bass fishing. Plainly, the striped bass management process has not worked to the benefit of commercial fisheries, at least in Delaware Bay; I have also heard from recreational fishers who would much rather have the weakfish back than the current striped bass boom.

It seems to be past time for this potential trade-off between very high bass abundance and the decline of other fisheries to be at least acknowledged by the Atlantic States Marine Fisheries Commission and, hopefully, considered in full. Why has there been no discussion of this impact of striped bass management? When the Connecticut River information was submitted as part of the shad and herring stock assessment process under the former Commission director, it was removed and basically censored.

It seems to be advisable for striped bass management to take advantage of the opportunity created by the upcoming plan amendment to reevaluate the process of setting the biological reference points by focusing on a goal of less-than-maximum abundance to reduce competition among bass and, hopefully, to reduce predation impact on other fisheries. Ideally, we would like to avoid stating the stock is overfished, with the resultant cutbacks to the fisheries, when the stock seems to be reproducing successfully and functioning well.

# Atlantic States Marine Fisheries Commission

## Atlantic Coastal Cooperative Statistics Program Coordinating Council

*August 3, 2020  
10:30 am - 12:00 pm  
Web Conference*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- 1) Welcome/Call to Order (*L. Fegley*)
- 2) Council Consent
  - a) Approval of Agenda
  - b) Approval of Previous Meeting Proceedings
- 3) Public Comment
- 4) Review and Discuss ACCSP Governance Survey Results (*G. White*)
- 5) Committee and Program Updates (*J. Simpson, G. White*)
- 6) Status of 2020 Action Plan Items (*G. White*)
- 7) Other Business/Adjourn

The meeting will be held at the Wentworth by the Sea, 588 Wentworth Road, New Castle, NH; 603.422.7322

*Vision: Sustainably Managing Atlantic Coastal Fisheries*



**DRAFT PROCEEDINGS OF THE  
ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM  
COORDINATING COUNCIL**

**Via Webinar  
May 5, 2020**

These proceedings are draft and subject to approval by the  
Atlantic Coastal Cooperative Statistics Program Coordinating Council.  
The Council will review the minutes during its next meeting

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These proceedings are draft and subject to approval by the  
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## INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of minutes from October 2019** by consent (Page 1).
3. **Approval of the Funding Decision Document and 2021 Request for Proposals by consent** (Page 4).
4. **Move to adjourn** by consent (Page 6).

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**ATTENDANCE**

**Council Members**

Bob Beal, ASMFC  
Megan Ware, MA, proxy for P. Keliher  
Cheri Patterson, NH  
Dan McKiernan, MA  
Jason McNamee, RI  
Matt Gates, CT, proxy for J. Davis  
Maureen Davidson, NY, proxy for J. Gilmore  
Joe Cimino, NJ (AA)  
Kris Kuhn, PA, proxy for T. Schaeffer  
John Clark, DE, proxy for S. Michels  
Lynn Fegley, MD, Chair

Lewis Gillingham, VA, proxy for P. Geer  
Dee Lupton, NC, proxy for S. Murphey  
Mel Bell, SC, proxy for P. Maier  
Kathy Knowlton, GA, proxy for D. Haymans  
Jim Estes, FL, proxy for J. McCawley  
Derek Orner  
Brandon Muffley, MAFMC  
Marty Gary, PRFC  
John Carmichael, SAFMC  
Mike Millard, USFWS

**Staff**

Geoff White

Julie Defilippi Simpson

**Guests**

Gordon Colvin, MRIP

The Atlantic Coastal Cooperative Statistics Program Coordinating Council of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, May 5, 2020, and was called to order at 1:05 p.m. by Chairman Lynn Fegley.

### ROLL CALL

MR. GEOFF WHITE: Welcome everybody, we are just a moment after our time, and I wanted to just run down through a quick list of people that I'm aware are already on the phone and have had their sound checks done at some point today. I want to maintain as much time as we can for our meeting.

There are a few folks that I have not yet found on the webinar, and I will be asking for you to speak up at the right time. But for ASMFC we have Bob Beal, Maine, Megan Ware, New Hampshire, Cheri Patterson, Massachusetts, Dan McKiernan, Rhode Island, Jason McNamee, Connecticut, Matt Gates, New York, Maureen Davidson. Do we have Maureen on the line in the webinar yet, another representative from New York?

MS. TONI KERNS: Geoff, let me just make sure she's not muted by me. I just have to get to her.

MS. MAUREEN DAVIDSON: Hi, can you guys hear me now?

MS. KERNS: Yes.

MS. MAUREEN DAVIDSON: Okay, I'm here.

MR. WHITE: Fantastic, good to have you Maureen.

MS. KERNS: Geoff, one more. I apologize, Cheri just texted me and said that she will need to do a check, so when you're done with the list if we could go back to Cheri to do a sound check that would be great.

MR. WHITE: You're there now, why don't you just go ahead.

MS. KERNS: I think she's got to get her headset in her ear, so if we do it at the end that will be great.

MR. WHITE: Okay, we'll come back. No problem. The next folks that I think are on the list, maybe I'll do five and pause. For New Jersey we've got Joe Cimino, Pennsylvania, Kris Kuhn, Delaware, John Clark, and Maryland our Chair, Lynn Fegley, and in Virginia Lewis Gillingham. Are we good there? I'll assume silence is good. Moving on, in North Carolina we have Dee Lupton on the line, South Carolina, Mel Bell, Georgia, Kathy Knowlton, Florida, Jim Estes, PRFC we have Marty Gary. DC Fisheries, we were looking for Bryan King, but I wanted a confirmation there, maybe not. For NOAA Fisheries we have the potential for David Detlor, Alan Lowther, and Derek Orner. Maybe the three of you, or whoever is available, speak up please.

MR. DEREK ORNER: Hey there Geoff, this is Derek, I'm on line.

MR. WHITE: Thank you, Derek. Moving to Fish and Wildlife Service, Mike Millard, and for the Councils we do have John Carmichael on for South Atlantic, and Brandon Muffley for Mid-Atlantic. I'm not aware of a member for, in New England is Tom Neis or another representative on the line?

MS. KERNS: I'm just double-checking to make sure, and I need to do a sound check with Brandon Muffley in one second. I think PK has gotten off the phone, who was on for New England earlier. I don't see him here anymore. Then Brandon Muffley, I'm just going to quickly do a sound check with you. You're unmuted.

MR. BRANDON MUFFLEY: Hey Toni, I'm here.

MS. KERNS: Great, and if you just re-mute yourself. Okay Geoff.

MR. WHITE: Sound check with Cheri?

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Atlantic Coastal Cooperative Statistics Program Coordinating Council.  
The Council will review the minutes during its next meeting.

MS. KERNS: She said she is good; she does not need to do one. Thank you.

MR. WHITE: Okay, then I know we have Gordon Colvin checked in as our MRIP speaker for later. Just once again asking if David Detlor or Alan Lowther have joined us.

MS. KERNS: I don't see them on the list.

MR. WHITE: No problem. I think we're good on our attendance. I will ask Maya to move one slide forward. Overall, the webinars have been going very well today. I think folks are getting really good at this. But I do want to say the credit today goes to Toni, and the whole ASMFC staff team approach in their preparation and attention to get this going.

I'm not going to read all this to you, but a highlight on how to mute, un-mute, raise hands when necessary, and I believe we have one motion today that we will do a roll call for again. That kind of gets us in and going. The one last item that I want to steal the microphone for another moment, and then I'll turn it over to our Chair, Lynn, is to say welcome to everybody.

I do appreciate kind of the ongoing attention that you and your staff have had to ACCSP activities. As a group we have had and seen a lot of progress in succeeding from a distance. The program updates that were sent out with supplemental materials include a long list of those items, where we as a group have maintained timelines of deliverables under some significant and unforeseen challenges, of which the pandemic is not the only one. Thank you all, and Lynn, take it away.

### **CALL TO ORDER**

CHAIRMAN LYNN FEGLEY: All right, hi, good afternoon everyone. Welcome to the meeting of the Atlantic Coastal Cooperative Statistics Program Coordinating Council. This is going to be a pretty quick meeting. We only have one

action item really to get through, as Geoff said, and that is the approval of the Funding Decision Document and the 2021 Request for Proposals. I want to start with a couple of consensus requests.

### **APPROVAL OF AGENDA**

Do I have consensus on Approval of Agenda? If anybody has an issue with the agenda, please raise your hand now.

MS. KERNS: I don't see any hands raised, Lynn.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN FEGLEY: Seeing none, we'll go on to approval of the meeting minutes from October, 2019 in New Hampshire. Is there anyone who requests an edit, or change to those meeting minutes? Please, raise your hand if you do.

MS. KERNS: I don't see any hands raised.

CHAIRMAN FEGLEY: Okay, and seeing none, the third bullet here is, as a time saving mechanism, Geoff and Julie and staff have included a summary of Committee and Program Updates in your packet. They are great, and I just want to say quickly, in regard to those first. Congratulations to Alex DiJohnson, who has been selected as the new Recreational Data Team leader.

I also want to extend just massive thank you to all of the states. The spring data load was completed early this year, by April 14. Thank you to everyone and to your staff for a job well done there. With that is there anybody who has questions or comments about the Committee Updates?

MS. KERNS: I don't see any hands raised, Lynn.

These proceedings are draft and subject to approval by the Atlantic Coastal Cooperative Statistics Program Coordinating Council. The Council will review the minutes during its next meeting.

**CONSIDER APPROVAL OF THE FUNDING  
DECISION DOCUMENT AND  
2021 REQUEST FOR PROPOSALS**

CHAIRMAN FEGLEY: Great, okay moving right along then to Agenda Item 3, we are going to Consider Approval of the Funding Decision Document and 2021 RFP, and with that I will kick it over to Julie.

MS. JULIE DeFILIPPI SIMPSON: What I wanted to do today was just to very quickly highlight the RFP changes and additions that are substantial. In your RFP packet there was a summary page at the beginning that highlighted these as well, but they also included any other content changes that were made, and hopefully that helps to find those changes in the document for you.

The first change that I wanted to highlight was the language on the 75/25 split. This was added by the Funding Subcommittee, because this was a topic that they were asked to review. They decided that there was no need or appropriate reason to change the 75/25 split at this point. But they wanted to make sure that how the 75/25 split was handled was very clear in the RFP. On Page 2, the red text is new. The gray text indicates text that has existed prior to this. That red sentence is a new sentence that has been added. Before I move to the next slide, are there any questions on the 75/25 split?

MS. KERNS: I don't see any hands raised.

MS. SIMPSON: On this slide we have one change and one addition. One of the other items that was discussed by the Funding Subcommittee was the number of years for maintenance and new projects, and also how the base funding was going to be calculated. There was a proposal put before that Committee that there would be four years of maintenance funding, and that would be preceded by a single year of new funding.

There will be one year of new funding and then there would not be an option of, do you want to

be new or maintenance, and the second year you would automatically be maintenance in Year 2. The four years of maintenance funding would be used to calculate the base funding as the average of those four years.

The primary bullet of second sub-bullet there was changed to reflect that. But there were also other edits made throughout the document, so that references to the base funding were consistent throughout the document. The final item that is an addition to the RFP is that the Subcommittee has created socioeconomic priorities.

That document was reviewed by the Operations and Advisory Committee, and the approved version is in your materials. This is in addition to the RFP that we haven't had in previous years. These are the major changes or additions to the RFP. Does anyone have any questions at this point?

MS. KERNS: Julie, Dee Lupton has her hand up.

MS. DEE LUPTON: In addition to calculating the base to determine the average funding for the maintenance projects being the four years of maintenance. It looked like you also changed the number of years a project is considered new. That was on, I think Page 7 of the proposal format. It says Partner Projects never funded by the program new projects may not exceed a duration of one year. This is a change too. I just wanted to point that out.

MS. SIMPSON: Yes, Ma'am. You faded in and out a little wee bit, but I believe that what you stated is correct. It's essentially a twofold change, and that is that the new funding will only be available for one year, not up to two years, and that the base will be calculated off of the four years of maintenance funding. It is a twofold change, one is the number of years available new funding, which is down to one, and then the second is the base is actually calculated

off the four years of maintenance. Yes, you're correct that is a twofold change.

MS. KERNS: I do not see any other hands raised.

CHAIRMAN FEGLEY: Okay. All right, well thank you, Julie, for that. Nice job! I really appreciate the method of just highlighting the changes. That is very helpful. At this point I think what I would like to do to move this along. I know this is an action item, but I would like to try approving the, if it's the pleasure of the Council, I would like to try approving this just by consent. **What I'm going to do is ask if there is any opposition to the approval of the Funding Decision Document, and the 2021 Request for Proposals.** If you're opposed, please raise your hand, and we'll discuss and move to the next step. **But if we see no hands, we'll considered it approved.**

MS. KERNS: Lynn, I do not see any hand raised.

CHAIRMAN FELGLEY: That's great, thank you everyone for your participation and forbearance. I appreciate that. We're looking forward to a good 2021 of projects.

### **MARINE RECREATIONAL INFORMATION PROGRAM STATE PARTNERSHIP REPORT TO CONGRESS**

CHAIRMAN FELGLEY: With that I'm going to go back to Geoff White to discuss the MRIP State Partnership Report to Congress. Take it away, Geoff.

MR. WHITE: Outstanding, thank you, Lynn. As mentioned earlier, we do have Gordon Colvin on the line to help us out when we get to the questions. It's a one slide presentation, so that will keep us on track. In the meeting materials there is a PDF summarizing the State Partnerships Document, and over e-mail prior to the meeting, I did send out a Word version requesting querying council input on the document itself.

This is one of several reports to Congress required by the Modern Fish Act. This one in particular covers both. The language at the top does state creating new partnerships, but the direction from MRIP and ACCSP is really to cover existing state partnerships, as well as new opportunities.

Without going through it section by section, there are areas on state surveys that have been informed by the Gulf of Mexico, where there are multiple certified sampling designs, and trying to balance out those things, the certification pathways and process, the funding approaches a little bit, as well as the criteria for the MRIP standards and the data consolidation.

There is a section there on the use of the NSAR, the National Saltwater Angler Registry data, and come back to that at the bottom. In the original e-mail I had asked for your comments back on the document. As of, I think, May 11 based on some other feedback that has been extended, so I've kind of asked that by May 20 if there is a chance to get that back to me that would be wonderful.

MRIP Has moved it back to near the end of the month so that we have a chance to both compile your comments, as well as providing anything additional on our end. This was presented to the ACCSP Operations Committee on April 15, and they've had a chance to comment already. Today we have an opportunity for any discussion that you would like to raise, any questions you may want to ask of myself or Gordon.

Before I open it up to that discussion, I did want to go back to the idea that the NSAR MOUs between NOAA and each state are on the list for updating, and MRIP will be in contact with each of the state contacts for that already. I've shared updated contact information with Gordon already to support that activity. That is the very broad overview, and with that I will ask Maya to move to the next slide, and see if folks wanted to raise their hands and have any discussion about

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this, potentially starting with Gordon. Was there something you wanted to add at this point?

MR. GORDON COLVIN: Actually, there are two things I would like to kind of say here at the beginning of the discussion, and the first one is just a little bit off subject, but you'll see in a minute. Earlier you asked if David Detlor or Alan Lowther was present for the meeting, they are not. But you're not stuck with me.

I do see that Richard Cody has joined us, and although he's muted, Richard is present and able to follow along. That is particularly important, and now I'm going to embarrass him at this moment in time, because we have all just learned, much to our delight that Richard effective on Monday, will become the Division Chief for the Fisheries Statistics Division, the position that you all know Dave Van Voorhees was in for so many years.

Richard will be taking over that responsibility, and there is not much more in our office more closely affiliated with ACCSP than that. Please join me in congratulating Richard in that new assignment, and I'm sure that given his experience with ACCSP he's going to be pretty comfortable. Now at some point, Toni, it may be appropriate to unmute Richard, just to let him say a word or two about that. But I kind of took him by surprise by doing this, and I thought it was timely.

MR. WHITE: Well, Gordon, I appreciate that. I don't know if this is functionally possible. But if we were all in the room together this would be a moment of applause. Toni, is it possible to unmute everyone, so we may give Richard a round of applause? I know that's a weird big ask.

MS. KERNS: I would say we are virtually giving him a round of applause. I don't know how.

(Whereupon there was virtual applause at this moment!!)

MR. WHITE: Congratulations, Richard, great to have you!

MR. COLVIN: Thank you for indulging me for that. The second thing I wanted to just briefly mention. In addition to the State Partnership Plan that Geoff is coordinating state review and comment for. We will also, and I wanted to let you all know that we will also be sending an e-mail, there will be an e-mail coming from Richard to each state in the next few weeks that is specific to the National Saltwater Angler Registry portion of this required Review and Report to Congress.

It will be fairly self-explanatory, I hope, and it will relate to the Registry content in the plan that you have available to you. But essentially, we will be asking the states to do three things in this memo. We will be asking them to pull out, dust off, and review their individual MOAs, so that we can be assured that both parties are familiar with its content, as we proceed with the evaluation.

Secondly, it will ask for some feedback on the Registry specific components of the evaluation that we are required to do for the report, and thirdly, it will ask the states to identify point of contact for me to work with over the next few months, as we complete this review. With that if there is anybody who has any questions about the documents you have, I would be glad to take them. I would like to thank Geoff for arranging for this discussion, and for coordinating the review of the State Partnership Plan. Thank you, Geoff.

MS. KERNS: Geoff, I don't see any hands raised yet.

MR. WHITE: Richard, while folks think for a moment, would you like to take the floor, the microphone, what are we calling it there?

MS. KERNS: We're going to have to un-mute him, so just give us a second.

MR. RICHARD CODY: Well thanks. I just wanted to follow up what Gordon mentioned about the memo that we'll be sending out in the next few weeks. It's probably been a few years since people have looked at the MOAs. Feel free to contact us if you have difficulties locating them, and identifying a point of contact. But we'll be reaching out over the next few months to move the process along. Well anyway, thanks everybody for the introduction. Gordon caught me by surprise, so I was kind of thankful that I was muted.

(Whereupon the meeting adjourned at 1:29 p.m. on May 5, 2020)

CHAIRMAN FEGLEY: Okay, congratulations, Richard that's exciting. Is there anybody that has, I'll give it one more chance, any additional questions regarding the MRIP Report to Congress?

MS. KERNS: I don't see any hands raised, Lynn.

CHAIRMAN FEGLEY: All right, thanks Toni. I would definitely encourage folks to look that over. Geoff has placed some specific questions in the margins of that document for states to look at. I would encourage everybody to look it over, and if you have comments get them to Geoff by, I believe May 20 is now his date. With that we'll move on. Is there anybody with any Other Business to present? Please raise your hands, if so.

MS. KERNS: I don't see any hands raised, Lynn.

CHAIRMAN FEGLEY: Okay, I'll ask one more time, is there anybody out there who has public comment for the Coordinating Council?

MS. KERNS: Still no hands raised.

### **ADJOURNMENT**

CHAIRMAN FEGLEY: That is brilliant, so it is 1:29 and if there is not any opposition raised, we will stand adjourned. Thank you everybody as always for your participation, and to staff for a job very well done. We stand adjourned.

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# Atlantic States Marine Fisheries Commission

## South Atlantic State/Federal Fisheries Management Board

August 3, 2020

1:30 – 3:45 p.m.

Webinar

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*L. Fegley*) 1:30 p.m.
2. Board Consent 1:30 p.m.
  - Approval of Agenda
  - Approval of Meeting Summary from February 2020
3. Public Comment 1:35 p.m.
4. Consider Draft Addendum I to Amendment 1 for Atlantic Cobia for Public Comment (*M. Schmidtke*) **Action** 1:45 p.m.
5. Consider Approval of Atlantic Cobia Commercial Trigger Level (*A. Giuliano*) **Action** 2:50 p.m.
6. Discuss Timeline for Submitting Atlantic Cobia Amendment 1 Implementation Plans (*M. Schmidtke*) 3:00 p.m.
7. Review Terms of Reference for Red Drum Simulation Assessment (*J. Kipp*) **Action** 3:20 p.m.
8. Elect Vice Chair (*L. Fegley*) **Action** 3:40 p.m.
9. Other Business/Adjourn 3:45 p.m.

# MEETING OVERVIEW

## South Atlantic State/Federal Fisheries Management Board Meeting

**Monday, August 3, 2020**

**1:30 – 3:45 p.m.**

**Webinar**

Chair: Lynn Fegley (MD) Assumed Chairmanship: 02/20	Technical Committee (TC) Chairs: Black Drum: Harry Rickabaugh (MD) Cobia: Angela Giuliano (MD) Atlantic Croaker: Dawn Franco (GA) Red Drum: Lee Paramore (NC)	Law Enforcement Committee Representative: Capt. Chris Hodge (GA)
Vice Chair: Vacant	Advisory Panel Chair: Craig Freeman (VA)	Previous Board Meeting: February 5, 2020
Voting Members: NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS, SAFMC (12 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Meeting Summary from February 5, 2020

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

### 4. Consider Draft Addendum I to Amendment 1 for Atlantic Cobia for Public Comment (1:45-2:50 p.m.) Action

#### **Background**

- In February 2020, the Board specified Atlantic cobia harvest quotas for 2020-2022. These quotas, based on model projections from the Southeast Data, Assessment, and Review (SEDAR) 58 benchmark stock assessment, were greater than those used prior to the assessment and incorporation of updated recreational catch estimates from the Marine Recreational Information Program (MRIP). The current allocation percentages for the commercial and recreational fisheries were developed based on the previous recreational catch estimates.
- The Board initiated Draft Addendum I to Amendment 1 to consider reflecting the updated MRIP data (used in SEDAR 58) in allocation percentages, reconsider *de minimis* measures, and update the method for calculating the commercial trigger so that it can be calculated in scenarios when commercial harvest has not approached the quota. The Cobia Plan Development Team has developed Draft Addendum I with management options for each of these issues (**Briefing Materials**).

**Presentations**

- Cobia Draft Addendum I to Amendment 1 by M. Schmidtke.

**Board actions for consideration at this meeting**

- Review and consider approval of Draft Addendum I for public comment.

**5. Consider Approval of Atlantic Cobia Commercial Trigger Level (2:50-3:00 p.m.) Action****Background**

- As part of the harvest specification process, the Cobia TC attempted to calculate the trigger level for commercial harvest. If commercial harvest meets or exceeds the trigger, a coastwide commercial closure will occur at least 30 days later. Trigger calculation methods described in Amendment 1 are dependent on commercial harvests reaching their quota in recent years. The quotas specified by the Board in February 2020 significantly increased the commercial quota beyond the level of recent commercial harvests, thus the trigger could not be calculated.
- The TC developed an alternative method that is more flexible and sent it for Board consideration via email (**Briefing Materials**). This method calculates a daily average harvest from commercial harvests in commercial non-*de minimis* states during the most recent 5 years. The trigger level is the non-*de minimis* portion of the commercial quota minus 30 times the daily average harvest. The Board approved use of the alternative method for 2020 and incorporation of this method into Draft Addendum I.

**Presentations**

- Cobia TC Commercial Recommendation by A. Giuliano

**Board actions for consideration at this meeting**

- Set commercial trigger level for 2020.

**6. Discuss Timeline for Submitting Atlantic Cobia Amendment 1 Implementation Plans (3:00-3:20 p.m.)****Background**

- In August 2019, the Board approved Atlantic Cobia Amendment 1, with an implementation date of July 1, 2020. In February 2020, the Board specified harvest quotas for 2020-2022 and decided to maintain state recreational regulations in 2020 to allow time for states to develop management strategies to implement the new quota. The Board also initiated Draft Addendum I to Amendment 1, which considers reallocation of commercial and recreational quotas.
- Staff will develop and distribute a memo describing a potential schedule for submission and review of implementation plans prior to the 2021 fishing season (**Supplemental Materials**).

**Presentations**

- Considerations for Scheduling Implementation of Amendment 1 and New Quotas by M. Schmidtke.

**Board actions for consideration at this meeting**

- Consider timeline for Amendment 1 implementation in 2021.

**7. Review Terms of Reference for Red Drum Simulation Assessment (3:20 – 3:40 p.m.) Action**

**Background**

- In February 2020, the Board directed the Red Drum Stock Assessment Subcommittee (SAS) to begin a project of conducting simulations of stock assessment models potentially applicable to red drum. This Simulation Assessment will be peer reviewed by the Commission's External Peer Review process prior to the next benchmark assessment.
- The SAS and advising members of the Assessment Science Committee met to develop Draft Terms of Reference and a preliminary timeline for the Simulation Assessment and peer review (**Briefing Materials**).

**Presentations**

- Red Drum Simulation Assessment Draft Terms of Reference by J. Kipp.

**Board actions for consideration at this meeting**

- Review and consider approval of Draft Terms of Reference for the Red Drum Simulation Assessment.

**8. Elect Vice Chair****9. Other Business/Adjourn**

## South Atlantic Board

### Activity level: High

**Committee Overlap Score:** Moderate (American Eel TC, Bluefish TC, Menhaden TC, Weakfish TC)

#### Committee Task List

- Red Drum SAS – Conduct Red Drum Simulation Assessment
- Cobia TC – Evaluate state implementation plans for Board approval prior to 2021 fishing season
- Atlantic Croaker TC – July 1: Compliance Reports Due
- Red Drum TC – July 1: Compliance Reports Due
- Cobia TC – July 1: Compliance Reports Due
- Atlantic Croaker TC – Conduct 2020 Traffic Light Approach analysis for Annual Meeting
- Spot TC – Conduct 2020 Traffic Light Approach analysis for Annual Meeting
- Black Drum TC – August 1: Compliance Reports Due
- Spotted Seatrout PRT – September 1: Compliance Reports Due
- Spanish Mackerel PRT – October 1: Compliance Reports Due
- Spot PRT – November 1: Compliance Reports Due

#### TC Members:

**Atlantic Croaker:** Dawn Franco (GA, Chair), Kristen Anstead (ASMFC), Michael Schmidtke (ASMFC), Stacy VanMorter (NJ), Michael Greco (DE), Harry Rickabaugh (MD), Shanna Madsen (VA, Vice Chair), Somers Smott (VA), Jason Rock (NC), Dan Zapf (NC), Chris McDonough (SC), Joseph Munyandorero (FL)

**Black Drum:** Harry Rickabaugh (MD, Chair), Jeff Kipp (ASMFC), Michael Schmidtke (ASMFC), Craig Tomlin (NJ), Jordan Zimmerman (DE), Ethan Simpson (VA), Chris Stewart (NC), Chris McDonough (SC), Ryan Harrell (GA), Liz Herdter Smith (FL)

**Cobia:** Angela Giuliano (MD, Chair), Michael Schmidtke (ASMFC), Olivia Phillips (VA), Somers Smott (VA), Anne Markwith (NC), Mike Denson (SC, Vice Chair), Chris Kalinowsky (GA), Christina Wiegand (SAMFC), Michael Larkin (SERO)

**Red Drum:** Lee Paramore (NC, Chair), Jeff Kipp (ASMFC), Michael Schmidtke (ASMFC), Alissa Wilson (NJ), Michael Greco (DE), Robert Bourdon (MD), Ethan Simpson (VA, Vice Chair), Joey Ballenger (SC), Chris Kalinowsky (GA), Roger Pugliese (SAFMC)

**Spanish Mackerel (PRT):** Michael Schmidtke (ASMFC), Randy Gregory (NC), BJ Hilton (GA), Dustin Addis (FL), Christina Wiegand (SAFMC), John Hadley (SAFMC)

**Spot:** Jeff Kipp (ASMFC), Michael Schmidtke (ASMFC), Stacy VanMorter (NJ), Michael Greco (DE), Harry Rickabaugh (MD), Somers Smott (VA), Dan Zapf (NC), Chris McDonough (SC), BJ Hilton (GA)

**Spotted Seatrout (PRT):** Michael Schmidtke (ASMFC), Douglas Lipton (MD), Tracey Bauer (NC), Joey Ballenger (SC), Chris Kalinowsky (GA)

**SAS Members:**

**Red Drum:** Joey Ballenger (SC, Chair), Jeff Kipp (ASMFC), Michael Schmidtke (ASMFC), Angela Giuliano (MD), Lee Paramore (NC), Thom Teears (NC), Jared Flowers (GA), Chris Swanson (FL)



**DRAFT PROCEEDINGS OF THE**  
**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD**

**The Westin Crystal City**  
Arlington, Virginia  
February 5, 2020

## INDEX OF MOTIONS

1. **Agenda approved** by consent.
2. **Proceedings of October 2019** approved by consent.  
  
**Atlantic Cobia**
3. **Move to accept the SEDAR 58 Atlantic Cobia Benchmark Stock Assessment and Peer Review Reports and the recommended F40-based biological reference points for management use.** Motion by Malcolm Rhodes; second by Lynn Fegley. Motion carried.
4. **Main Motion**  
**Move to recommend a 2.4 million pound annual quota for cobia for 2020-2022 with status quo recreational measures in 2020.** Motion by Chris Batsavage; second by Mel Bell. Motion tabled.
5. **Move to table motion until after red drum items.** Motion by Adam Nowalsky; second by Malcolm Rhodes.  
  
**Main Motion as Modified**  
**Move to recommend an 80,112 fish annual quota for cobia for 2020-2022 with status quo recreational measures in 2020.** Motion by Chris Batsavage; second by Mel Bell. Motion carried.
6. **Move to initiate an addendum to reevaluate the recreational and commercial allocations for cobia and reconsider *de minimis* measures.** Motion by Spud Woodward; second by Joe Cimino. Motion carried.  
  
**Atlantic Croaker Addendum III**
7. **Move to approve Option B, under Issue 1, for Atlantic Croaker Addendum III.** Motion by Lynn Fegley; second by Marty Gary. Motion carried.
8. **Move to approve Option B, under Issue 2, for Atlantic Croaker Addendum III.** Motion by Chris Batsavage; second by Jim Estes. Motion carried.
9. **Move to approve Option B, sub-option B1, under Issue 3, for Atlantic Croaker Addendum III.** Motion by Lynn Fegley; second by Jim Estes. Motion carried.
10. **Move to approve Option B, under Issue 4, for Atlantic Croaker Addendum III.** Motion by Roy Miller; second by Malcolm Rhodes. Motion carried.  
  
**Spot Addendum III**
11. **Move to approve Option B, under Issue 1, for Spot Addendum III.** Motion by John Clark; second by Chris Batsavage. Motion carried.
12. **Move to approve Option B, under Issue 2, for Spot Addendum III.** Motion by Lynn Fegley; second by John Clark. Motion carried.

These minutes are draft and subject to approval by South Atlantic State/Federal Fisheries Management Board.

The Board will review the minutes during its next meeting.

**INDEX OF MOTIONS (continued)**

13. **Move to approve Option B, sub-option B2, under Issue 3, for Spot Addendum III.** Motion by Chris Batsavage; second by Mel Bell. Motion carried.
14. **Move to approve Option B, under Issue 4, for Spot Addendum III.** Motion by Roy Miller; second by Malcolm Rhodes. Motion carried.
15. **Move to approve Addendum III to the Omnibus Amendment to the Interstate Fishery Management Plans for Spanish Mackerel, Spot, and Spotted Seatrout, and Addendum III to Amendment 1 to the croaker Fishery Management Plan as modified today with an immediate implementation date.** Motion by Mel Bell; second by Ellen Bolen. Motion carried.
16. **Move to elect Lynn Fegley as Vice Chair of the South Atlantic Board.** Motion by John Clark; second by Doug Haymans. Motion carried.
17. **Motion to adjourn** by consent.

**ATTENDANCE**

**Board Members**

Jim Gilmore, NY (AA)	Bryan Plumlee, VA (GA)
Emerson Hasbrouck, NY (GA)	Pat Geer, VA, Chair
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Joe Cimino, NJ (AA)	Jerry Mannen, NC (GA)
Russ Allen, NJ, proxy for T. Fote (GA)	Mike Blanton, NC, proxy for Sen. Steinburg (LA)
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	Mel Bell, SC, proxy for R. Boyles (AA)
John Clark, DE, proxy for D. Saveikis (AA)	Malcolm Rhodes, SC (GA)
Roy Miller, DE (GA)	Doug Haymans, GA (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Spud Woodward, GA (GA)
Lynn Fegley, MD, proxy for B. Anderson (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Russell Dize, MD (GA)	Marty Gary, PRFC
Phil Langley, MD, proxy for Del. Stein (LA)	Roy Crabtree, NMFS
Ellen Bolen, VA, proxy for S. Bowman (AA)	Mike Millard, USFWS

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

**Ex-Officio Members**

Angela Giuliano, Cobia Technical Committee Chair

**Staff**

Robert Beal	Maya Drzewicki
Toni Kerns	Jeff Kipp
Mike Schmidtke	Caitlin Starks

**Guests**

Jeff Buckel, NC State Univ.	Katie Siegfried, NOAA (virtual)
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***NOTE: This is a substitute document for the draft proceedings from February 5, 2020 as the meeting was not recorded and transcribed***

###

PR20-06

### ASMFC South Atlantic Board Approves Atlantic Croaker and Spot Addenda

Arlington, VA – The Commission’s South Atlantic State/Federal Fisheries Management Board approved Addendum III to Amendment 1 to the Interstate Fishery Management Plan (FMP) for Atlantic Croaker and Addendum III to the Omnibus Amendment to the Interstate FMPs for Spanish Mackerel, Spot, and Spotted Seatrout. These Addenda adjust management of Atlantic croaker and spot through their respective Traffic Light Approaches (TLA).

Through the annual analysis of the TLA, which assigns a color (red, yellow, or green) to characterize relative levels of indicators that reflect the condition of the fish population (abundance characteristic) or fishery (harvest characteristic). If the amount of red, indicating low abundance or low harvest, in both characteristics exceeds threshold levels (30% and 60%) for too many years, management action is triggered. In 2018, the Atlantic Croaker Technical Committee and Spot Plan Review Team recommended updates to their respective TLAs that would incorporate additional fishery-independent indices, age information, use of regional characteristics, and changes to the management-triggering mechanism.

These Addenda change the management-triggering mechanisms to enact coastwide management if the amounts of red for both the harvest and abundance characteristics within a region (Mid-Atlantic and South Atlantic) exceed threshold levels for 3 of the 4 most recent years for Atlantic croaker and 2 of the 3 most recent years for spot. The Addenda also define commercial and recreational management responses to triggers at each threshold level (see table below). Finally, the Addenda define the processes for evaluating the fisheries while triggered measures are in place and determining when triggered measures may be removed.

**Management Triggers & Responses for Atlantic Croaker & Spot**

Species	Recreational		Commercial	
	30% Threshold	60% Threshold	30% Threshold	60% Threshold
<b>Atlantic Croaker</b>	Bag Limit: up to 50 fish for non- <i>de minimis</i> states	Bag Limit: up to 40 fish for all states	Measures to achieve 1% harvest reduction from previous 10-year average for non- <i>de minimis</i> states with no regulations	Measures to achieve 5% harvest reduction from previous 10-year average for all states
<b>Spot</b>	Bag Limit: up to 50 fish for non- <i>de minimis</i> states	Bag Limit: up to 40 fish for all states	Measures to achieve 1% harvest reduction from previous 10-year average for non- <i>de minimis</i> states with no regulations	Measures to achieve 10% harvest reduction from previous 10-year average for all states

Note: Regulations will not go into effect unless management is triggered by the TLA Analysis.

Both Addenda were approved for immediate implementation by the states of New Jersey through Florida. The next TLA analyses will be presented to the Board at the Commission's 2020 Summer Meeting.

The Addenda will be available on the Commission's website, [www.asmfc.org](http://www.asmfc.org) (on the Atlantic Croaker and Spot webpages) by mid-February. For more information, please contact Dr. Mike Schmidtke, FMP Coordinator, at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) or 703.842.0740.

###

PR20-05

### ***Meeting Summary***

The South Atlantic State/Federal Fisheries Management Board met to review and consider acceptance of the Atlantic Cobia Benchmark Stock Assessment and Peer Review (see above press release), take final action on Draft Addenda for Atlantic Croaker and Spot (see above press release), consider initiating changes to the Spanish Mackerel Fishery Management Plan (FMP) and discuss a roadmap for the next red drum stock assessment.

The Board discussed initiating management action to align state and federal management of Spanish mackerel. A federal commercial closure in 2019 prompted state, Commission, and South Atlantic Fishery Management Council (SAFMC) staff to compare Spanish mackerel management through the Commission's Omnibus Amendment to the Interstate Fishery Management Plans (FMP) for Spanish Mackerel, Spot, and Spotted Seatrout (Omnibus Amendment) with that of the SAFMC's FMP for Coastal Migratory Pelagics of the Gulf of Mexico and Atlantic Region (CMP FMP). Differences between these plans exist in terms of recreational season definition, allowable gears, commercial management zones, recreational accountability measures, and commercial trip limits. The Board was presented with a summary of the differences between the FMPs. The Board noted the next stock assessment is scheduled for completion in 2022. This assessment will incorporate re-calibrated recreational catch estimates from the Marine Recreational Information Program (MRIP), which will likely impact harvest quotas and other management measures. The Board decided action on the current differences between the FMPs can be postponed until after the stock assessment.

The Board also reviewed a proposal from the Red Drum Stock Assessment Subcommittee (SAS) concerning the next red drum stock assessment. Previous assessments have had difficulty modeling red drum due to limited data on fish larger than the current slot limit, which can disproportionately contribute reproductively to the stock. It was recommended population simulation models be developed that would simulate the full red drum population, then test a variety of assessment modeling techniques to determine which would be most useful with a peer review in 2022. The SAS noted this project will require a substantial work and modeling expertise and would change the timeline for delivery of the next red drum assessment. The Southeast Data, Assessment, and Review of red drum, currently scheduled for 2022, would be postponed until 2024. The Board agreed with the SAS's proposal, tasked the SAS with conducting the simulation project, and recommended that the Interstate Fishery Management Program Policy Board adjust the stock assessment schedule accordingly.

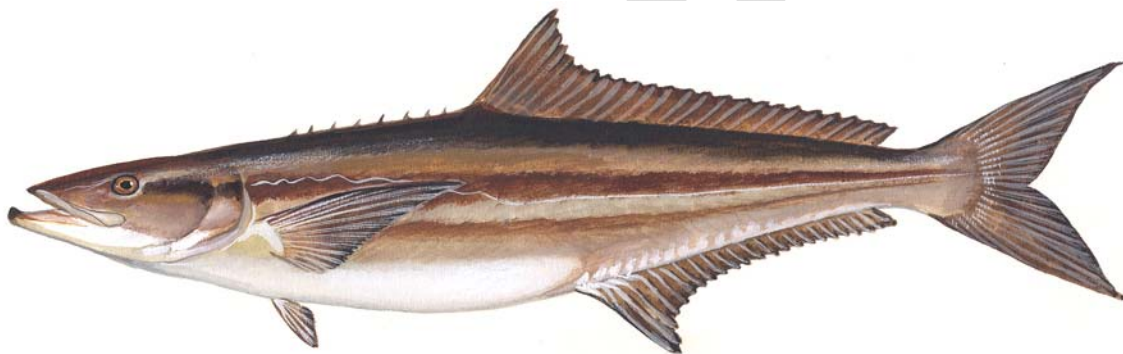
For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) or 703.842.0740.

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## ***Atlantic States Marine Fisheries Commission***

### **DRAFT ADDENDUM I TO AMENDMENT 1 TO THE INTERSTATE FISHERY MANAGEMENT PLAN FOR ATLANTIC MIGRATORY GROUP COBIA**

***Modifications to Recreational and Commercial Allocations, Commercial Trigger, and  
De Minimis Measures***



This draft document was developed for Management Board review and discussion. This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.

August 2020



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Document for Board Review. Not for Public comment.

**Draft Document for Board Review. Not for Public comment.**

**Public Comment Process and Proposed Timeline**

In February 2020, the South Atlantic State/Federal Fisheries Management Board initiated the development of an addendum to the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia (Atlantic cobia) to reevaluate recreational and commercial allocations, modify calculation of the commercial trigger, and reconsider *de minimis* measures. This Draft Addendum presents background on the Atlantic States Marine Fisheries Commission’s (Commission) management of Atlantic cobia, the addendum process and timeline, and a statement of the problem. This document also provides management options for public consideration and comment.

The public is encouraged to submit comments regarding this document at any time during the public comment period. The final date comments will be accepted is **September XX, 2020 at 5:00 p.m.** Comments may be submitted at state public hearings or by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

Mail: Toni Kerns  
Atlantic States Marine Fisheries Commission  
1050 North Highland Street, Suite 200A-N  
Arlington, VA 22201

Email: [comments@asmfc.org](mailto:comments@asmfc.org)  
(Subject: Cobia Draft Addendum I)  
Phone: (703) 842-0740  
Fax: (703) 842-0741

**Commission’s Process and Timeline**

February 2020	South Atlantic Board Tasks PDT to Develop Draft Addendum I
February – August 2020	PDT Develops Draft Addendum I for Public Comment
<b>August 2020</b>	<b>South Atlantic Board Reviews Draft Addendum I and Considers Its Approval for Public Comment</b>
August – October 2020	Board Solicits Public Comment and States Conduct Public Hearings
October 2020	Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum I
TBD	Provisions of Addendum I are Implemented



## **1.0 INTRODUCTION**

The Atlantic States Marine Fisheries Commission (Commission) is responsible for managing cobia (*Rachycentron canadum*) from New York through Georgia (Atlantic cobia) in state waters (0-3 miles from shore) under the authority of the Atlantic Coastal Fisheries Cooperative Management Act, and has done so through the Interstate Fishery Management Plan for Atlantic Migratory Group Cobia (FMP) since 2017. Atlantic cobia are currently managed under Amendment 1 (2019) to the FMP. The states of New Jersey through Florida have a declared interest in the fishery and are responsible for implementing management measures consistent with the interstate FMP as members of the South Atlantic State/Federal Fisheries Management Board (Board).

In 2018, recreational catch estimates were updated by the Marine Recreational Information Program (MRIP), and historical estimates, based on the Coastal Household Telephone Survey (CHTS), were recalibrated to the newer, mail-based Fishing Effort Survey (FES). The recalibration resulted in Atlantic cobia recreational catch estimates that were, on average, about two times higher than those previously estimated using the CHTS. The updated FES estimates were incorporated into the 2020 Southeast Data, Assessment, and Review (SEDAR) 58 Atlantic Cobia Benchmark Stock Assessment. This addendum further incorporates the FES data into management by considering it in the allocation strategy.

The commercial fishery's harvest is evaluated against its quota through in-season monitoring. A commercial trigger percentage is used to determine the harvest level at which a coastwide commercial closure would be initiated at least 30 days later. The significant increase in the 2020-2022 quota made it well beyond what the commercial fishery has harvested in previous years, making the trigger percentage unable to be calculated using methods from Amendment 1. This addendum considers a more flexible, alternative method for calculating the commercial trigger.

Amendment 1 also defines commercial and recreational criteria and measures for *de minimis* states, or those states with minimal commercial or recreational Atlantic cobia fisheries, such that not enforcing full FMP requirements would not significantly impact the coastwide management program. Commercial *de minimis* states are not required to monitor landings within the fishing season. To account for harvest in these states, 3% of the commercial quota is set aside and not available for harvest in non-*de minimis* states. This addendum considers maximum amounts for *de minimis* set asides that can allow greater utilization of the commercial quota.

Recreational *de minimis* states are able to choose to manage according to the regulations of a neighboring or the nearest non-*de minimis* state or adopt alternative measures that allow a reduced minimum size limit (29 inches fork length rather than 36 inches) and 1 fish per vessel with no recreational season restrictions. This addendum considers increased alternative minimum size limits that would increase probability of female maturity before harvest and be more consistent with other management measures.

## **2.0 OVERVIEW**

### **2.1 Statement of the Problem**

Amendment 1 established recreational and commercial allocations of the total harvest quota, originally derived in 2011 as part of previous Atlantic cobia management through the South Atlantic and Gulf of Mexico Fishery Management Councils' (SAFMC and GMFMC, respectively) Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (CMP FMP). Allocations to each fishery were based on weighted averages of landings by each sector during 2000-2008, and CHTS estimates were used to determine recreational landings. Following review of the SEDAR 58 assessment and peer review reports, the Board specified a new total annual harvest quota for 2020-2022. Per Amendment 1, this quota is allocated to the recreational (92%) and commercial (8%) fisheries.

With the increase to Atlantic cobia recreational landings and population estimates through incorporation of the FES data, the total, recreational, and commercial quotas all increased substantially. However, while the increase to the commercial quota results in an increase to the amount of Atlantic cobia allowed for commercial harvest, the increase to the recreational quota is largely attributable to the change in the recreational catch estimates and not reflective of a similar effective increase in the number of fish allowed for recreational harvest. Draft Addendum I proposes alternative allocation strategies that will allow for more proportional changes to the commercial and recreational quotas specified in February 2020 and future management based on the new FES recreational data.

Approval of an increased commercial quota also raised an issue in the calculation of the commercial trigger percentage. The calculation method defined in Amendment 1 counts back from the date of harvest reaching the quota to an approximate percentage of the quota that would allow at least 30 days of notice before a closure. Thus, this method is dependent on recent harvests meeting the quota that will be in effect for future years. However, if the quota is increased (as is the case for the 2020-2022 quota) or if harvest decreases, the commercial trigger cannot be calculated. Draft Addendum I proposes a modification of the Amendment 1 method, recommended by the Cobia Technical Committee (TC), which will allow the trigger to be calculated for time periods when the quota increases or harvest decreases.

The SEDAR 58 assessment and increased quotas also illuminate the need for potential changes to the management of commercial and recreational *de minimis* states. An increase to the commercial quota makes the portion set aside (3%) to account for harvest in commercial *de minimis* states also increase, despite minimal commercial cobia fisheries in these states. This could lead to a set aside much greater than *de minimis* states harvest and an increased portion of the quota that is unlikely to be caught because it is inaccessible to non-*de minimis* states.

While the coastwide non-*de minimis* minimum size limit is 36 inches fork length, *de minimis* states may choose to harvest 1 fish per vessel with a minimum size limit of 29 inches and no

seasonal restriction. The 29 inch limit was based on an estimate of 50% female maturity from the SEDAR 28 stock assessment. Reproductive data from SEDAR 58 indicate there is potential reproductive benefit from using minimum size limits greater than 29 inches fork length, as more female Atlantic cobia would be able to reach maturity before being susceptible to harvest. Additionally, a recreational *de minimis* state choosing to manage using the 29 inch minimum size limit can create regulatory inconsistency among states, which could lead to confusion for stakeholders as well as management and enforcement difficulties.

## 2.2 Background

### 2.2.1 Recreational/Commercial Allocation

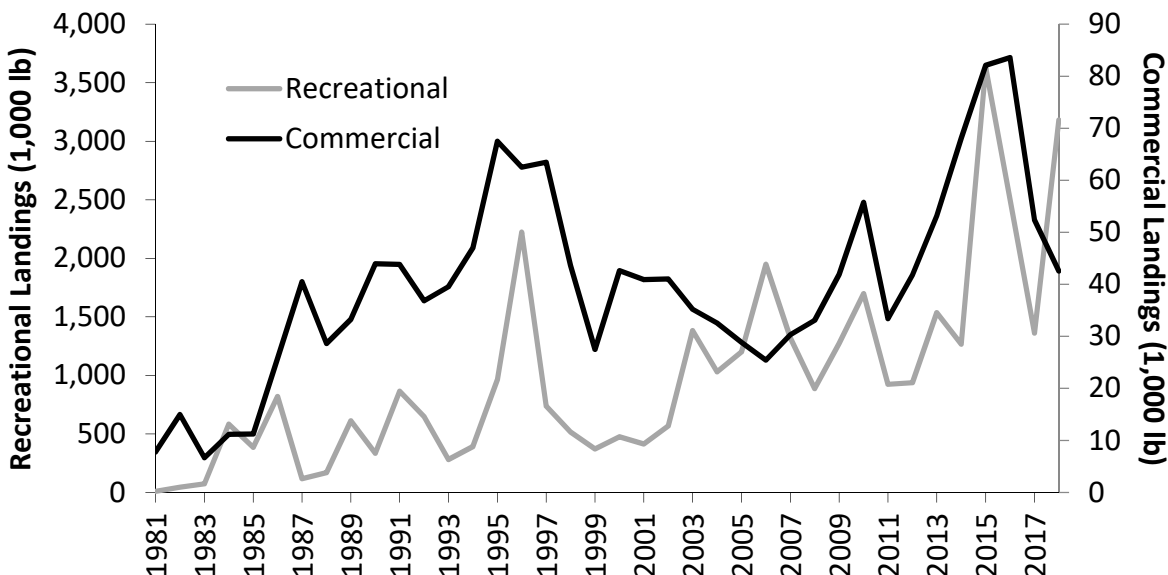
The recreational and commercial quotas are 92% and 8%, respectively, of the coastwide total harvest quota set through Board specification. These allocation percentages were derived from those previously in place through Amendment 18 to the CMP FMP. Allocations were based on harvests from 2000-2008, and calculated using the following equations:

$$\text{Com \%} = \frac{(50\% * \text{Average Com 2000} - 2008) + (50\% * \text{Average Com 2006} - 2008)}{(50\% * \text{Avg Com 2000} - 2008 + 50\% * \text{Avg Com 2006} - 2008) + (50\% * \text{Avg Rec 2000} - 2008 + 50\% * \text{Avg Rec 2006} - 2008)}$$

$$\text{Rec \%} = \frac{(50\% * \text{Average Rec 2000} - 2008) + (50\% * \text{Average Rec 2006} - 2008)}{(50\% * \text{Avg Com 2000} - 2008 + 50\% * \text{Avg Com 2006} - 2008) + (50\% * \text{Avg Rec 2000} - 2008 + 50\% * \text{Avg Rec 2006} - 2008)}$$

When originally calculated, the recreational harvests used in these equations were estimated using the CHTS. When the annual catch limit was set for Atlantic cobia through Amendment 20B to the CMP FMP (SAFMC, 2014), this resulted in allocations of 620,000 pounds for the recreational fishery and 50,000 pounds for the commercial fishery. These quotas remained in place under the CMP FMP and, later, under Commission management until 2020, when a new quota was specified in response to the SEDAR 58 assessment.

**Figure 1.** Atlantic cobia landings (GA-MA; in thousands of pounds) from 1981-2018. Recreational landings are shown in gray and correspond to the left vertical axis; commercial landings are shown in black and correspond to the right vertical axis.



### 2.2.2 Commercial Trigger Calculation

Along with defining parameters for managing the commercial fishery based on an annual quota, monitored throughout the season, Amendment 1 defines a commercial trigger mechanism, which is set as part of the harvest specification process. The commercial trigger is defined using the following language from Amendment 1:

The trigger percentage and number of following days until a closure occurs will be specified as part of the harvest specification process defined in Section 4.1. The number of days past the trigger percentage until a closure occurs will be calculated as the average number of days from the previous three years for commercial landings to go from the trigger percentage to the full commercial quota, less any *de minimis* set aside. The trigger shall be updated as part of the specification process, using similar methodology, to allow the states at least 30 days' notice of an impending commercial closure.

In calculating the commercial trigger percentage and harvest level with respect to the increased commercial quota specified in 2020, the TC recognized that recent commercial harvests had not met the commercial quota. Therefore, the percentages of the quota harvested at least 30 days prior to meeting the quota could not be determined.

Therefore, the TC recommends the following methodology for calculating the commercial trigger:

1. Calculation of daily commercial harvest rates for non-*de minimis* states based on harvests from the previous 5 years. Daily harvest rates for each year would be estimated

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as the annual commercial harvest divided by the number of days from the first date of harvest to the last date of harvest in that year.

2. Average the 5 annual harvest rates to estimate the daily harvest rate for the entire time period.
3. Subtract 30 days' worth of harvest (30 times the average daily harvest rate) from the *non-de minimis* portion of the commercial quota.

These methods would provide a level of harvest in pounds or a percentage of the quota that could be used to provide the 30 days' notice prior to a closure required by Amendment 1. Additionally, the use of 5 years of harvest data could better account for variability in year-to-year harvest rates than a narrower three-year harvest window.

### **2.2.3 SEDAR 58 Benchmark Stock Assessment and 2020 Harvest Specification**

A benchmark stock assessment, SEDAR 58, was completed in 2020 for Atlantic cobia and this assessment, following peer review, was accepted for management use by the Board at its February 2020 meeting. This assessment used the Beaufort Assessment Model (BAM), the same forward-projecting age structured model as used previously to assess the species. The stock assessment primarily used fishery-dependent data (i.e. data from the recreational and commercial fisheries) as well as information on Atlantic cobia biology, life history, and movement to determine current stock condition. Main changes since the previous assessment included updating data sources with new years of data, updating the natural mortality information, and using newly recalibrated recreational catch and effort data from MRIP.

Changes in recreational landings data represent the most significant change in this assessment. MRIP data have recently been recalibrated following changes to the Access Point Angler Intercept Survey and the implementation of the mail-based FES. On the Atlantic Coast, recalibrated harvest and live release estimates for cobia from 1981-2017, on average, were about 2 times higher, with individual years ranging up to 4 times higher, than previous estimates. This is largely due to increased effort estimates from the FES. In the assessment model, these changes resulted in higher estimates of biomass and spawning stock biomass (SSB) compared to the previous assessment. However, trends in landings, biomass, and spawning stock biomass were similar between the two assessments (SEDAR, 2013; SEDAR, 2020).

The Assessment Panel recommended a fishing mortality rate of F40% and SSB at F40% as reference points for Atlantic cobia (SEDAR, 2020). These reference points are calculated to be the fishing rate and SSB level that allows the population to achieve 40% of the maximum spawning potential it would have obtained in the absence of fishing. This type of reference point is often used as a proxy for maximum sustainable yield-derived reference points when data do not allow sufficient modeling of a stock-recruit relationship. The reference points indicated the Atlantic cobia stock is not overfished nor experiencing overfishing.

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The assessment estimated the last strong year class was in 2010 (age 1 in 2011) with the four most recent year classes at low levels of recruitment (SEDAR, 2020). While the SSB remains above the overfished threshold, below-average recruitment has led to a decreasing trend in SSB since 2014. The fishing mortality rate has increased since the late 2000s but has not exceeded the overfishing threshold.

Following completion of the stock assessment, the Board moved forward with harvest specification. The harvest specification process allows managers to specify regulations controlling future harvest through a Board vote, allowing managers to respond quickly to changes in the fishery or react following a stock assessment. Through the harvest specification process, the Board may set coastwide total harvest quota, vessel limits, possession or bag limits, minimum size limits, and the commercial closure triggering mechanism for up to three years. Following the completion of the assessment, the TC reviewed projections of SSB, fishing mortality, and removals through 2024 in order to recommend total harvest quota options to the Board.

At its February 2020 meeting, the Board set the coastwide total harvest quota at 80,112 fish for 2020-2022. This results in a recreational quota of 73,703 fish (92%) and a commercial quota of 6,409 fish (8%), equivalent to 146,232 pounds using the 2015-2017 coastwide commercial average weight. This total quota, based on projections from the SEDAR 58 assessment, is much higher than the previous quota. The recreational quota, in numbers of fish, increased from 22,142 fish to 73,703 fish and the commercial quota increased from 50,000 pounds to 146,232 pounds.

The Amendment 1 quota allocation is based on a weighted average of harvest from each sector between 2000 and 2008 (see *Section 2.2.1*). While the commercial harvest numbers have remained unchanged, the recalibration of the recreational harvest, as estimated by MRIP, has resulted in much larger estimates of historical recreational harvest. This increase in recreational harvest is largely due to previously underestimated effort from the private boat and shore modes and is believed to be a better estimate of previous levels of recreational fishery removals. With Amendment 1 allocation based on previous harvest estimates now being applied to new estimates, the Board requested the harvest allocation be reevaluated through this addendum.

### **2.2.4 De Minimis Measures**

The Commission's Interstate Fisheries Management Program Charter (ISFMP Charter) defines *de minimis* as "a situation in which, under the existing condition of the stock and scope of the fishery, the conservation and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by a Fishery Management Plan or amendment," (ASMFC, 2016). Under Amendment 1, a state may apply annually for *de minimis* status for either or both of its commercial and recreational fisheries. Requests for *de minimis* status are evaluated according to criteria defined in Amendment 1 and considered for approval by the Board.

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Commercial *de minimis* states are subject to all coastwide commercial regulations, including minimum size, possession, and vessel limits, as well as closures of the commercial fishery resulting from the coastwide commercial quota being reached. A state with *de minimis* status for its commercial fishery is not required to monitor commercial cobia landings within the fishing year. The state is still required to report annual landings through its annual state compliance report. To account for potential, unmonitored landings in these states, 3% percent of the commercial quota is set aside and not accessible to non-*de minimis* states.

Recreational *de minimis* states may choose to match the recreational management measures implemented by an adjacent non-*de minimis* state (or the nearest non-*de minimis* state if none are adjacent) or to limit its recreational fishery to 1 fish per vessel per trip with a minimum size of 29 inches fork length (or the total length equivalent, 33 inches). If a *de minimis* state chooses to match an adjacent (or the nearest) non-*de minimis* state, the *de minimis* state is subject to all recreational regulations required by Amendment 1, including bag, size, vessel, and season restrictions, of the adjacent (or nearest) non-*de minimis* state. A *de minimis* state that chooses to limit its recreational fishery to 1 fish per vessel per trip is not subject to seasonal restrictions for its recreational fishery. One percent (1%) of the recreational quota is set aside to account for harvests in recreational *de minimis* states.

Current recreational *de minimis* measures that do not match those of a neighboring non-*de minimis* state were developed to allow opportunistic harvest of cobia in areas where catches are uncommon. As such, these regulations include a 1 fish per vessel limit with a year-round open season and a reduced minimum size limit of 29 inches FL. This reduced size limit was set to approximately correspond to the female size at 50% maturity, based on the SEDAR 28 stock assessment (SEDAR, 2013). The SEDAR 58 stock assessment indicates similar maturity characteristics, although both assessments had few samples of cobia below the 33-inch FL commercial minimum size limit. SEDAR 58 estimated that 33% of female cobia between 601 and 750 mm (23.7 – 29.5 inches; 9 samples) and 60% of female cobia between 751 and 800 mm (29.6 – 31.5 inches; 5 samples) were mature. All fish larger than 800 mm (31.5 inches) were mature.

### 3.0 PROPOSED MANAGEMENT PROGRAM

*Changes to the management program would replace language in Sections 4.2 and 4.5 of Amendment 1 to the Atlantic Cobia FMP.*

#### 3.1 Issue 1: Recreational and Commercial Allocations

Options B-D were developed as alternative allocations that would offset the disproportional increase to the commercial quota that resulted from the 2020 harvest specification, based on the SEDAR 58 assessment results. Option B was developed as the whole percentage allocation that resulted in a commercial quota closest to the previous value (50,000 pounds) without reducing it. Options C and D are the next-highest whole percentages. These options allow some

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additional increase from the previous commercial quota, but do not double it. All options are within the ranges of recreational (91% – 99%) and commercial (1% – 9%) harvest percentages since 2000.

Option A. (Status Quo) The recreational quota will be 92% of the coastwide total harvest quota set through Board specification. The commercial quota will be 8% of the coastwide total harvest quota set through Board specification. Under the 2020-2022 total quota, the recreational quota would be 73,703 fish and the commercial quota would be 146,232 pounds.

Option B. The recreational quota will be 97% of the coastwide total harvest quota set through Board specification. The commercial quota will be 3% of the coastwide total harvest quota set through Board specification. Under the 2020-2022 total quota, the recreational quota would be 77,917 fish and the commercial quota would be 54,837 pounds.

Option C. The recreational quota will be 96% of the coastwide total harvest quota set through Board specification. The commercial quota will be 4% of the coastwide total harvest quota set through Board specification. Under the 2020-2022 total quota, the recreational quota would be 76,908 fish and the commercial quota would be 73,116 pounds.

Option D. The recreational quota will be 95% of the coastwide total harvest quota set through Board specification. The commercial quota will be 5% of the coastwide total harvest quota set through Board specification. Under the 2020-2022 total quota, the recreational quota would be 76,106 fish and the commercial quota would be 91,394 pounds.

**Table 1.** Atlantic cobia (Georgia – Massachusetts) total landings in pounds and percentages of total pounds caught by the recreational fishery from 2000-2018.

<b>Atlantic Cobia Landings (lb)</b>					
<b>Year</b>	<b>Total</b>	<b>% Recreational</b>	<b>Year</b>	<b>Total</b>	<b>% Recreational</b>
2000	518,092	91.78%	2010	1,754,547	96.82%
2001	454,261	91.00%	2011	957,136	96.51%
2002	609,890	93.28%	2012	978,889	95.73%
2003	1,418,227	97.52%	2013	1,589,819	96.66%
2004	1,062,367	96.93%	2014	1,334,373	94.90%
2005	1,229,884	97.66%	2015	3,711,695	97.79%
2006	1,974,824	98.71%	2016	2,587,126	96.77%
2007	1,350,144	97.75%	2017	1,413,915	96.30%
2008	919,332	96.40%	2018	3,231,501	98.44%
2009	1,314,431	96.81%			



### **3.2 Issue 2: Commercial Trigger Calculation**

The commercial trigger is use to determine when to close the commercial fishery in order to fully utilize but not exceed the quota.

Option A. (Status Quo) The number of days past the trigger percentage until a closure occurs will be calculated as the average number of days from the previous three years for commercial landings to go from the trigger percentage to the full commercial quota, less any *de minimis* set aside.

Option B. Calculate the commercial trigger using the following method (recommended by the TC):

1. Calculation of daily commercial harvest rates for non-*de minimis* states based on harvests from the previous 5 years. Daily harvest rates for each year would be estimated as the annual commercial harvest divided by the number of days from the first date of harvest to the last date of harvest in that year.
2. Average the 5 annual rates to estimate the daily rate for the entire time period.
3. Subtract 30 days' worth of harvest (30 times the average daily harvest rate) from the non-*de minimis* portion of the commercial quota.

### **3.3 De Minimis Measures**

#### **3.3.1 Issue 3: Commercial De Minimis Set Aside**

Virginia, North Carolina, and South Carolina are the only states that currently do not qualify for commercial *de minimis* status. Commercial harvests that have occurred within and outside of these states from 2000-2018 are shown in Table 2. These numbers include harvests within the Atlantic cobia stock (defined by SEDAR 58 as including cobia from the US Atlantic coast north of the Georgia-Florida state border as far as landings persist) that occur outside of the management unit (north of New York).

Option A. (Status Quo) To account for potential, unmonitored landings in *de minimis* states, 3% of the commercial quota would be set aside and not accessible to non-*de minimis* states.

Option B. To account for potential, unmonitored landings in *de minimis* states, 3% of the commercial quota or 3,000 pounds, whichever is less, would be set aside and not accessible to non-*de minimis* states.

Option C. To account for potential, unmonitored landings in *de minimis* states, 3% of the commercial quota or 5,000 pounds, whichever is less, would be set aside and not accessible to non-*de minimis* states.

**Table 2.** Commercial Atlantic cobia (MA-GA) landings for states that do (Massachusetts – Maryland and Georgia) and do not (Virginia – South Carolina) qualify for commercial *de minimis* status in 2020, 2000 – 2018.

Year	VA-SC	MA-MD, GA ( <i>De Minimis</i> )	Year	VA-SC	MA-MD, GA ( <i>De Minimis</i> )
2000	39,253	3,352	2010	54,718	1,037
2001	24,718	1,633*	2011	32,444	950
2002	37,510	3,502	2012	40,712	1,438*
2003	33,446	1,746	2013	50,185	2,992
2004	30,319	3,008*	2014	66,545	1,531
2005	27,743	1,086	2015	80,523	1,594
2006	25,380	48*	2016	81,766	1,817
2007	28,341	2,108*	2017	47,899	4,477
2008	31,818	1,279	2018	40,656	1,903
2009	39,956	1,944			

\*Landings exclude confidential data

**Table 3.** *De minimis* set-aside portions of the commercial quota for each of the commercial quota options listed for Issue 1.

Issue 1 Commercial Quota Options (lb)	<i>De Minimis</i> Set-Aside (lb)
A. 146,231	4,387*
B. 54,837	1,645
C. 73,116	2,193

\*Would be reduced to 3,000 pounds if Issue 2: Option B approved.

### 3.3.2 Issue 4: Recreational *De Minimis* Minimum Size Limit

Option A (status quo) was originally proposed to allow harvest at a minimum size where approximately 50% of female cobia were mature. SEDAR 58 provided more recent data that informed percent maturity estimates listed below. SEDAR 58 does note uncertainty in the percentages due to limited data for fish smaller than 33 inches fork length. Alternative recreational *de minimis* minimum size options were developed with two objectives. Option B would increase the estimated percent mature for harvest to be closer to 100%, allowing more female cobia the opportunity to spawn before being susceptible to harvest. Option C would further increase the percent mature, but would also equal the commercial minimum size limit, allowing more consistent regulations based on those used elsewhere in cobia management, rather than a completely different, separate limit.

Option A. (Status Quo) A recreational *de minimis* state may choose to match the recreational management measures implemented by an adjacent non-*de minimis* state (or the nearest non-*de minimis* state if none are adjacent) or limit its recreational fishery to 1 fish per vessel per trip with a minimum size of 29 inches fork length (or the total length equivalent, 33 inches). SEDAR 58 estimated 33% female maturity between 27.6 and 29.5 inches.

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Option B. A recreational *de minimis* state may choose to match the recreational management measures implemented by an adjacent non-*de minimis* state (or the nearest non-*de minimis* state if none are adjacent) or limit its recreational fishery to 1 fish per vessel per trip with a minimum size of 31 inches fork length (or the total length equivalent, 35 inches). SEDAR 58 estimated 60% female maturity between 29.6 and 31.5 inches.

Option C. A recreational *de minimis* state may choose to match the recreational management measures implemented by an adjacent non-*de minimis* state (or the nearest non-*de minimis* state if none are adjacent) or limit its recreational fishery to 1 fish per vessel per trip with a minimum size of 33 inches fork length (or the total length equivalent, 37 inches). SEDAR 58 estimated 100% female maturity above 31.5 inches.

### 4.0 COMPLIANCE

The management framework contained in *Section 3* of Addendum I to Amendment 1 is effective XX.

### 5.0 REFERENCES

- ASMFC. 2016. Interstate Fisheries Management Program Charter. ASMFC, Arlington, VA. 29 p.
- ASMFC. 2019. Amendment 1 to the Interstate Fishery Management Plan for Atlantic Migratory Group Cobia. ASMFC, Arlington, VA. 82 p.
- SAFMC. 2011. Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagics Resources in the Gulf of Mexico and Atlantic Region. NOAA Award # FNA05NMF4410004. Charleston, SC. 399 p.
- SAFMC. 2014. Amendment 20B to the Fishery Management Plan for Coastal Migratory Pelagics Resources in the Gulf of Mexico and Atlantic Region. NOAA Award # NA10NMF4410011. Charleston, SC. 239 p.
- SEDAR. 2013. SEDAR 28 – South Atlantic Cobia Stock Assessment Report. SEDAR, North Charleston, SC. 420 p. Available at: <https://sedarweb.org/sedar-28>.
- SEDAR. 2020. SEDAR 58 – Atlantic Cobia Stock Assessment Report. SEDAR, North Charleston, SC. 500 p. Available at: <https://sedarweb.org/sedar-58>.



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

May 20, 2020

**To: South Atlantic State/Federal Fisheries Management Board**  
**From: Cobia Technical Committee**  
**RE: Recommendations for Atlantic Cobia Commercial Trigger**

At the February 2020 ASMFC meeting, the South Atlantic State/Federal Fisheries Management Board (Board) approved the Atlantic cobia 2020-2022 total harvest quota of 80,112 fish, resulting in a commercial quota of 146,232 pounds. The Cobia Technical Committee (TC) attempted to calculate a recommended commercial trigger percentage, as specified in Amendment 1 to the Interstate Fishery Management Plan for Atlantic Migratory Group Cobia (Amendment 1) but encountered an issue. Amendment 1 states:

The number of days past the trigger percentage until a closure occurs will be calculated as the average number of days from the previous three years for commercial landings to go from the trigger percentage to the full commercial quota, less any *de minimis* set aside. The trigger shall be updated as part of the specification process, using similar methodology, to allow the states at least 30 days' notice of an impending commercial closure.

From this language, the calculation of a trigger percentage is dependent on recent commercial harvests reaching the commercial quota. However, if recent harvests are low or the quota is significantly increased (as happened in February), the trigger percentage is not able to be calculated.

The TC discussed this issue and recommends calculation of the 2020 commercial trigger level and future commercial triggers in the following way:

1. Calculation of daily commercial harvest rates for non-*de minimis* states based on harvests from the previous 5 years. Daily harvest rates for each year would be estimated as the annual commercial harvest divided by the number of days from the first date of harvest to the last date of harvest in that year.
2. Average the 5 annual rates to estimate the daily rate for the entire time period.
3. Subtract 30 days' worth of harvest (30 times the average daily harvest rate) from the non-*de minimis* portion of the commercial quota.

These methods would provide a level of harvest by pounds or a percentage of the quota that could be used to provide the 30 days' notice prior to a closure required by Amendment 1. Additionally, the use of 5 years of harvest data could better account for variability in year-to-year harvest rates than a narrower three-year harvest window.

M20-055

As Draft Addendum I to Amendment 1 is currently in development and has not yet been considered for public comment, the TC recommends the described changes to the commercial trigger calculation be included in the Draft Addendum prior to its review for public comment at the next Board meeting in August.

**To: South Atlantic Management Board**

**From: Red Drum Technical Committee and Stock Assessment Subcommittee**

**RE: Draft Terms of Reference and Schedule for the 2022 Red Drum Simulation Assessment**

The next red drum stock assessment is scheduled to be completed in 2022. This simulation assessment will be the first peer-reviewed assessment in a two assessment process that was approved by the Board at the February 2020 ASMFC Meeting. The second peer-reviewed assessment will be a traditional benchmark stock assessment that will begin following the simulation assessment and is scheduled to be completed in 2024. Terms of reference and a schedule for the second assessment will be presented to the Board following the completion of the simulation assessment. The Red Drum Technical Committee and Stock Assessment Subcommittee has recommended the Board consider the following terms of reference for the simulation assessment and peer review panel:

**Terms of Reference for the Simulation Assessment Process**

1. Describe fishery-dependent and fishery-independent monitoring programs for red drum and the data sets produced from these monitoring programs for stock assessment. Characterize precision and accuracy of data sets.
  - a. Provide descriptions of each monitoring program and data collected (e.g., geographic location, sampling methodology and changes through time).
  - b. Describe calculation of data sets produced from these monitoring programs for stock assessment.
  - c. Discuss trends in data sets and associated estimates of uncertainty (e.g., standard errors). Discuss potential explanation for outlying or anomalous data.
2. Describe available information for parameterizing simulation models (e.g., historical stock assessment estimates, life history and fishery characteristic studies, regulation changes). Characterize uncertainty of parameters.
3. Develop methods to project a simulated population through time. Implement sampling procedures in simulation models to generate data sets mirroring data sets available from existing monitoring programs.
4. Develop simulated populations that incorporates uncertainty in information used to parameterize the simulation models. Characterize uncertainty and limitations in simulation models and potential impacts on perceived understanding of in situ population dynamics and stock status.
5. Develop candidate assessment methods and apply assessment methods to data sets sampled from simulated populations.
6. Define reference points for characterizing stock status of simulated populations.

7. Identify performance metrics and evaluate performance of each candidate assessment method for estimating the population dynamics and stock status of simulated populations. Describe strengths and weaknesses of each assessment method.
8. Recommend the preferred assessment method(s) for characterizing stock status.
9. Provide prioritized recommendations on future monitoring to improve assessment.

#### **Terms of Reference for the External Peer Review**

1. Evaluate thoroughness of data collection, data treatment, data presentation, and characterization of data uncertainty.
2. Evaluate thoroughness and appropriateness of information used to parameterize simulation models.
3. Evaluate the appropriateness of simulation models for simulating red drum populations and generating data sets sampled from these simulated populations.
4. Evaluate the incorporation and treatment of uncertainty in simulated populations.
5. Evaluate candidate assessment methods and application of assessment methods to data sets sampled from simulated populations.
6. Evaluate choice of reference points for characterizing stock status of simulated populations. Recommend alternatives if necessary.
7. Evaluate choice of performance metrics used to evaluate performance of each candidate assessment method for estimating the population dynamics and stock status of simulated populations. Recommend alternatives if necessary.
8. Evaluate the choice of the preferred assessment method(s) for characterizing stock status. Recommend alternatives if necessary.
9. Review recommendations on future monitoring provided by the Technical Committee and comment on the appropriateness and prioritization of each recommendation. Provide any additional recommendations warranted.
10. Prepare a peer review panel terms of reference and advisory report summarizing the panel's evaluation of the simulation assessment and addressing each peer review term of reference. Develop a list of tasks to be completed following the workshop. Complete and submit the report within 4 weeks of workshop conclusion.

### Red Drum Stock Assessment Simulation Preliminary Timeline

Item	People	Purpose	Date(s)
Draft ToRs and Timeline	Staff		
Webinar	TC, SAS	Discuss Draft ToRs and Timeline	July 10, 2020
ASMFC Summer Meeting	Staff	Board approval of ToRs	Aug 3-6, 2020
Webinar	SAS	Discuss data needs Preliminary discussions on methods	Mid Aug, 2020
Data Submission Deadline	SAS, TC		Early Oct, 2020
ASMFC Annual Meeting	Staff	Board update (if necessary)	Oct 18-22, 2020
Pre-Workshop Call (if necessary)	SAS		Late Oct, 2020
Data/Methods Workshop	SAS, TC	Review data, define methods	3 days, Early Nov, 2020
<i>Check-in Call(s) (if/as necessary)</i>	SAS		<i>Through Report Completion</i>
Prelim Report Deadline	SAS	First drafts of topics discussed at Data/Methods Workshop	Dec, 2020
ASMFC Winter Meeting	Staff	Board update (if necessary)	Feb 1-4, 2020
Modeling Workshop	SAS	Modeling work, request reviewers	3 days, Mid-Late Feb, 2021
Figure out Peer Reviewers	Staff (incl. Pat C)		
ASMFC Spring Meeting	Staff	Board update (if necessary)	May 3-6, 2021
Modeling Workshop 2 (if necessary)	SAS	Continue/Finish work from 1 <sup>st</sup> workshop	3 days, June/July, 2021
ASMFC Summer Meeting	Staff	Board update (if necessary)	Aug 3-5, 2021
Preliminary Report Deadline	Subgroup	Preliminary sections capturing decisions/discussions/results of Modeling Workshop	Sept, 2021
ASMFC Annual Meeting	Staff	Board update (if necessary)	Mid-Oct, 2021
Draft Report for Review	Staff	Compile and format sections into report. Distribute for SAS Review.	Oct, 2021
SAS Report Review	SAS	Review/Edit Report	Nov, 2021



Report Deadline	SAS	Edits Due, Report sent to TC	Dec, 2021
TC Review Webinar	SAS, TC	TC Review	Jan, 2022
ASMFC Winter Meeting	SAS Chair, PR Chair	Board update (if necessary)	Early Feb, 2022
Peer Review Prep			Feb, 2022
Peer Review Workshop	SAS Subgroup, Peer Reviewers		3 days, Mar, 2022
Post-Review	Peer Reviewers	Develop PR report and presentations	April, 2022
ASMFC Spring Meeting	SAS Chair, PR Chair	Present final reports	Early May, 2022

# Atlantic States Marine Fisheries Commission

## Atlantic Menhaden Management Board

August 4, 2020

1:30 – 2:30 p.m.

Webinar

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*S. Woodward*) 1:35 p.m.
2. Board Consent 1:35 p.m.
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment 1:40 p.m.
4. Review Ecological Reference Point Work Group Analysis (*M. Cieri*) 1:50 p.m.
5. Consider Postponed Motion from February 2020 (*S. Woodward*) **Final Action** 2:20 p.m.  
*Move to adopt:*  
  
*An Atlantic menhaden ecological reference point F target equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass target when striped bass is fished at its F target and all other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates.*  
  
*An Atlantic menhaden ecological reference point F threshold equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass threshold when striped bass is fished at its F target and other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates*
6. Recess 2:30 p.m.

*Reconvene August 5, 2020*  
*2:45 – 4:15 p.m.*

- |   |           |
|---|-----------|
| 7. Consider Postponed Motion from February 2020, <i>continued</i>                               | 2:45 p.m. |
| 8. Discuss Timeline and Tasking to Set the 2021-2022 Fishery Specifications ( <i>C. Flora</i> ) | 3:30 p.m. |
| 9. Elect Vice-Chair ( <i>S. Woodward</i> ) <b>Action</b>  | 4:00 p.m. |
| 10. Other Business/Adjourn  | 4:15 p.m. |

# MEETING OVERVIEW

## Atlantic Menhaden Management Board Meeting Webinar

August 4, 2020; 1:30-2:30 p.m.

August 5, 2020; 2:45 – 4:15 p.m.

Chair: Spud Woodward (GA) Assumed Chairmanship: 05/20	Technical Committee Chair: Corrin Flora (NC)	Law Enforcement Committee Representative: Maj. Robert Kersey (MD)
Vice Chair: VACANT	Advisory Panel Chair: Jeff Kaelin (NJ)	Previous Board Meeting: May 5, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (18 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2020

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

### 4. Review Ecological Reference Point Workgroup Analysis (1:50 – 2:20 p.m.)

#### Background

- The 2019 Atlantic menhaden single-species and ecological reference point (ERP) benchmark stock assessments was accepted by the Board in February.
- The Board tasked the ERP Workgroup to conduct additional analysis evaluating different ERP scenarios to help inform management moving forward, including the importance of Atlantic herring for striped bass diets.
- The ERP Workgroup met multiple times in June and once with the TC to review analysis and provide recommendations to the Board on ERPs and Harvest Strategies for Menhaden. **(Briefing Materials)**

#### Presentations

- Presentation of ERP Workgroup Analysis by M. Cieri

**5. Consider Postponed Motions from February 2020 (August 4<sup>th</sup> from 2:20 – 2:30 p.m.; August 5<sup>th</sup> from 2:45-3:30 p.m.) Final Action**

**Background**

- The Board postponed the following motions at its February 2020 meeting:  
*Move to adopt:*  
*An Atlantic menhaden ecological reference point F target equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass target when striped bass is fished at its F target and all other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates.*  
*An Atlantic menhaden ecological reference point F threshold equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass threshold when striped bass is fished at its F target and other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates*
- The motions are back on the table.

**Board Actions for Consideration**

- Consider action on the postponed motion

**8. Discuss timeline and tasking to set the 2021-2022 Fishery Specifications (3:30-4:00 p.m.)**

**Background**

- The Board sets an annual or multi-year Total Allowable Catch (TAC) using the best available science.
- In 2017, the Board set the TAC at 216,000 metric tons for 2018 and 2019 with the expectation that the TAC for subsequent years will be guided by menhaden-specific ERPs.
- If the Board approves ERPs, the TC will need guidance in developing projections to inform the Board discussion at the Annual Meeting for setting the TAC for 2021 and 2022 fishing seasons.

**Presentations**

- Timeline and tasking to set the 2021-2022 Fishery Specifications by C. Flora

**Board Actions for Consideration**

- Provide guidance to the TC in developing projections to inform setting the TAC for 2021-2022

**9. Elect Vice-Chair (4:00-4:15 p.m.)**

**10. Other Business/Adjourn**

## Atlantic Menhaden

### Activity level: High

**Committee Overlap Score:** High (SAS, ERP WG overlaps with American eel, striped bass, northern shrimp, Atlantic herring, horseshoe crab, weakfish)

#### Committee Task List

- TC, SAS, ERP WG – various taskings relating to management response to the 2019 benchmark stock assessments
- TC – April 1<sup>st</sup>: Annual compliance reports due

**TC Members:** Corrin Flora (NC), Joey Ballenger (SC), Jason McNamee (RI), Lindsey Aubart (GA), Jeff Brust (NJ), Matt Cieri (ME), Ellen Cosby (PRFC), Micah Dean (MA), Kurt Gottschall (CT), Jesse Hornstein (NY), Rob Latour (VIMS), Chris Swanson (FL), Ray Mroch (NMFS), Josh Newhard (USFWS), Derek Orner (NMFS), Amy Schueller (NMFS), Alexei Sharov (MD), Jeff Tinsman (DE), Kristen Anstead (ASMFC), Max Appelman (ASMFC)

**SAS Members:** Amy Schueller (NMFS, SAS Chair), Matt Cieri (ME), Micah Dean (MA), Robert Latour (VIMS), Chris Swanson (FL), Ray Mroch (NMFS), Jason McNamee (RI), Alexei Sharov (MD), Jeff Brust (NJ) Kristen Anstead (ASMFC), Max Appelman (ASMFC), Joey Ballenger (SC, TC chair)

**ERP WG Members:** Jason Boucher (DE), Matt Cieri (ME, BERP Chair), Michael Celestino (NJ), David Chagaris (FL), Micah Dean (MA), Rob Latour (VIMS), Jason McNamee (RI), Amy Schueller (NFMS), Alexei Sharov (MD), Howard Townsend (NFMS), Jim Uphoff (MD), Kristen Anstead (ASMFC), Katie Drew (ASMFC), Sara Murray (ASMFC)

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC MENHADEN MANAGEMENT BOARD**

**Webinar  
May 5, 2020**

These minutes are draft and subject to approval by the Atlantic Menhaden Management Board.  
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Menhaden Board Meeting Webinar  
May 2020

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Adjournment.....	20

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The Board will review the minutes during its next meeting.



## INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 4).
2. **Approval of Proceedings of February 2020** by Consent (Page 4).
3. **Move that the Board task the Ecological Reference Points Work Group to continue with analyses to address the listed recommended scenarios before the August Board meeting** (Page 17). Motion by Cheri Patterson, second by Nichola Meserve. Motion carried (Page 18).
4. **Motion to adjourn** by Consent (Page 20).

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The Board will review the minutes during its next meeting.

## ATTENDANCE

### Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	G. Warren Elliott, PA (LA)
Sen. David Miramant, ME (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Cheri Patterson, NH (AA)	Roy Miller, DE (GA)
Ritchie White, NH	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Lynn Fegley, MD, proxy for B. Anderson (AA)
Nichola Meserve, MA (Chair)	Russell Dize, MD (GA)
Raymond Kane, MA (GA)	Allison Colden, MD, proxy for Del. Stein (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Steve Bowman, VA (AA)
Conor McManus, RI, proxy for J. McManus (AA)	Bryan Plumlee, VA (GA)
David Borden, RI (GA)	Sen. Monty Mason, VA (LA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Steve Murphey, NC (AA)
Justin Davis, CT (AA)	Jerry Mannen, NC (GA)
Bill Hyatt, CT (GA)	Mel Bell, SC, proxy for P. Maier (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Spud Woodward, GA (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Sen. Thad Altman, FL (LA)
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Derek Orner, NMFS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Mike Millard, USFWS
Loren Lustig, PA (GA)	

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

### Ex-Officio Members

Matt Cieri, ERP Workgroup Chair

### Staff

Bob Beal	Kirby Rootes-Murdy
Toni Kerns	Dustin Colson Leaning
Max Appelman	Tina Berger
Maya Drzewicki	

### Guests

Jim Uphoff, MD DNR

Additional guest attendance unknown as meeting held via webinar

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Menhaden Management Board Meeting Webinar  
May 2020

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, May 5, 2020, and was called to order at 10:45 a.m. by Chairman A.G. "Spud" Woodward.

**WEBINAR ATTENDANCE ROLL CALL**

MR. MAX APPELMAN: This is a coastwide Board. I hope everyone can hear me. I'm going to run through the list of names again from north to south, so bear with me. Some of these names I have not read out loud to myself before, so if I butcher your name I apologize in advance. Starting with Maine, Megan Ware.

MS. MEGAN WARE: Yup, I'm here.

MR. APPELMAN: Steve Train. Not hearing anything I'll mark Steve as absent. Senator Miramant.

SENATOR DAVID MIRAMANT: Hello, I'm here.

MR. APPELMAN: New Hampshire, Cheri Patterson.

MS. CHERI PATTERSON: Here, good morning.

MR. APPELMAN: Ritchie White.

MR. G. RITCHIE WHITE: Present.

MR. APPELMAN: Dennis Abbott.

MS. TONI KERNS: I know he's here, Max. Let me just.

MS. TINA L. BERGER: He's self-muted right now.

MR. APPELMAN: We can circle back to Dennis. Continuing on with Massachusetts. Nichola Meserve.

MS. NICHOLA MESERVE: Present.

MS. KERNS: Max, Dennis has his microphone on now, so he should be able to speak.

MR. ABBOTT: I'm present.

MR. APPELMAN: Thank you, Dennis. Ray Kane.

MR. RAYMOND W. KANE: Present.

MR. APPELMAN: Representative Peake, hearing none I'll mark Representative Peake as absent. Moving to Rhode Island.

MR. KANE: This is Ray Kane; Sarah Ferrara is her proxy. She should be on. I'll text her.

MR. APPELMAN: Thank you very much. Sarah Ferrara

MS. SARAH FERRARA: Here.

MR. APPELMAN: Rhode Island, Conor McManus.

MR. CONOR McMANUS: Here.

MR. APPELMAN: David Borden.

MS. KERNS: David, you're self-muted so you need to unmute yourself. It looks like he's trying, Max.

MR. APPELMAN: Okay we'll circle back. Eric Reid.

MR. ERIC REID: Yes.

MR. APPELMAN: Connecticut, I have Justin Davis.

DR. JUSTIN DAVIS: Here.

MR. APPELMAN: Bill Hyatt.

MR. WILLIAM HYATT: Present.

MR. APPELMAN: Senator Miner. Mark Senator Miner as absent. Jim Gilmore, New York.

MR. JAMES J. GILMORE: Here.

MR. APPELMAN: Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Here.

MR. APPELMAN: John McMurray.

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Draft Proceedings of the Atlantic Menhaden Management Board Meeting Webinar  
May 2020

MR. JOHN G. McMURRAY: I'm here.

MR. APPELMAN: Moving to New Jersey. Joe Cimino.

MR. JOE CIMINO: Present.

MR. APPELMAN: Tom Fote.

MR. THOMAS P. FOTE: Here.

MR. APPELMAN: Adam Nowalsky.

MR. ADAM NOWALSKY: Present.

MR. APPELMAN: Moving to Pennsylvania. Kris Kuhn.

MR. KRIS KUHN: Present.

MR. APPELMAN: Loren Lustig.

MR. LOREN W. LUSTIG: Good morning and thank you.

MR. APPELMAN: Thank you. Warren Elliott.

MR. G. WARREN ELLIOTT: I'm present.

MR. APPELMAN: Delaware now, John Clark.

MS. KERNS: He might be muted by the organizer. He does not have zeroes, Dustin.

MR. APPELMAN: John Clark can you hear me?

MR. DUSTIN COLSON LEANING: He's unmuted so he should be able to speak now.

MR. APPELMAN: John Clark might be having audio issues.

MS. KERNS: He is.

MR. APPELMAN: Okay, moving on, Roy Miller.

MR. ROY W. MILLER: Present.

MR. APPELMAN: Craig Pugh.

MR. CRAIG D. PUGH: Here.

MR. APPELMAN: Moving to Maryland. Lynn Fegley.

MS. LYNN FEGLEY: I'm here.

MR. APPELMAN: Russ Dize.

MR. H. RUSSEL DIZE: Here.

MR. APPELMAN: Allison Colden.

DR. ALLISON COLDEN: Present.

MR. APPELMAN: PRFC, Marty Gary.

MR. MARTIN GARY: Here, Max.

MR. APPELMAN: Now to Virginia, Steve Bowman.

MR. STEVEN G. BOWMAN: Here.

MR. APPELMAN: Bryan Plumlee.

MS. BERGER: He might be muted. Nope.

MR. APPELMAN: Bryan, you are self-muted if you're trying to speak. We'll circle back to Bryan. Senator Mason.

SENATOR MONTY MASON: Here.

MR. APPELMAN: North Carolina I have Steve Murphy.

MR. J. BRYAN PLUMLEE: I'm sorry, Bryan Plumlee here.

MR. APPELMAN: Great, thanks Bryan. Steve Murphey.

MR. STEVEN W. MURPHEY: Here.

MR. APPELMAN: Jerry Mannen.

MR. JERRY MANNEN: Here.

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Draft Proceedings of the Atlantic Menhaden Management Board Meeting Webinar  
May 2020

MR. APPELMAN: Great. Mike Blanton.

MS. KERNS: He's not in attendance.

MR. APPELMAN: Hearing none I will mark absent. South Carolina, Mel Bell.

MR. MEL BELL: Here.

MR. APPELMAN: Senator Cromer, hearing none I will mark as absent. Malcolm Rhodes.

DR. MALCOLM RHODES: Here.

MR. APPELMAN: Georgia, Doug Haymans.

MR. DOUG HAYMANS: Here.

MR. APPELMAN: Spud Woodward I know you are here. Representative Rhodes. Hearing none I will mark as absent. To Florida. Jim Estes.

MR. JIM ESTES: I'm happy to be here, Max.

MR. APPELMAN: That's great, Jim. I have William Orndorf, hearing none I will mark as absent. Representative Altman.

REPRESENTATIVE THAD ALTMAN: I'm here.

MR. APPELMAN: From U.S. Fish and Wildlife Service, Mike Millard.

MR. MIKE MILLARD: I'm here, Max.

MR. APPELMAN: Thanks Mike, and from National Marine Fisheries Service, Derek Orner.

MR. DEREK ORNER: Yes, present Max.

MR. APPELMAN: Do we have resolution for John Clark?

MS. BERGER: We're working on it right now. John, I sent you a message, and call the number I just sent you.

MR. APPELMAN: Do we have resolution with David Borden?

MS. KERNS: David is self-muted; he just needs to unmute himself. He might be either on the phone or away from his computer maybe. I don't know. I know he has sound though, because he did speak earlier.

MR. APPELMAN: Okay, other than those two Mr. Chair, we have full attendance. Everyone has been accounted for.

### **CALL TO ORDER**

CHAIRMAN A. G. "SPUD" WOODWARD: Thank you Max, and thank you everyone for taking the time to join this, I guess first ever webinar-based meeting of the Atlantic Menhaden Management Board. Whenever I decided to accept the nomination for Vice-Chair and Chair, I had no idea that we would be in the situation that we're in now, but we will certainly make the best out of it. Please bear with us. We might have a few technical difficulties, but we will get through them.

### **APPROVAL OF AGENDA**

We have an agenda before us. Are there any recommended modifications to the agenda as presented? Just raise your hand if you have a recommendation.

MS. KERNS: Joe Cimino has his hand up, Spud.

CHAIRMAN WOODWARD: Okay, go ahead, Joe.

MR. CIMINO: I just had a request to add something during other business, just an item for discussion. I would appreciate it, thank you.

CHAIRMAN WOODWARD: All right will do, thank you, Joe. Are there any other changes to the agenda?

MS. KERNS: I do not see any other hands up.

CHAIRMAN WOODWARD: All right then we'll accept it by consent. Thank you.

These minutes are draft and subject to approval by the Atlantic Menhaden Management Board.  
The Board will review the minutes during its next meeting.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN WOODWARD: Our next agenda item is the approval of the proceedings from our February meeting. Everyone should have had a copy of that. If there are any changes, modifications, corrections, please raise your hand so that we can get those on the record.

MS. KERNS: I do not see any hands up.

CHAIRMAN WOODWARD: All right, then we will consider the proceedings accepted by consent.

### **REVIEW OF ECOLOGICAL REFERENCE POINT WORKGROUP ANALYSIS**

CHAIRMAN WOODWARD: We have a pretty simple agenda for our meeting this morning. We have really one item, and it's an informational presentation by Dr. Matt Cieri, and it is a follow up to the motion to postpone at the February meeting on the acceptance of ecological reference points.

Just a little reminder of a motion made by Megan Ware, seconded by John Clark that passed the Ecological Reference Point Workgroup with some specific actions to evaluate the ecological reference points. What we've got this morning is a presentation to provide us information on the results of that analysis that you requested. I assume that Matt is onboard and ready to go.

DR. MATT CIERI: I am.

CHAIRMAN WOODWARD: All right very good, well you have the helm.

DR. CIERI: Can you all see my presentation?

MS. KERNS: Yes.

DR. CIERI: All righty. Thank you everyone. My name is Matt Cieri, and I'm with Maine DMR. I am the Ecological Reference Point Working Group Chair. I'll be providing you today with an updated analysis based around the Board's

charges from what seems like a lifetime ago, the February meeting. Just to give you sort of an outline of where we're going today. I'm going to give you a little bit of an introduction, go over some of the additional analysis suggested by the Board, give you some of the results associated with that analysis, go over some of the uncertainties, some of the next steps in the process, as well as some questions and wrap up. Before moving on it might be useful to just simply go over the terms of references that the Board wanted to look at while we were going to the benchmark. These are the more pertinent, in terms of reference associated with the benchmark, and these included to develop models to estimate population parameters that take into account menhaden's role as forage.

Also, to develop methods to determine reference points and total allowable catch for Atlantic menhaden that account for menhaden's role as forage. Just to give you sort of a more introductory information. At the end of the benchmark the Ecological Reference Point Working Group recommended a combination of both the BAM single species assessment, and the NWACS-MICE model as a tool to help evaluate tradeoffs between menhaden harvest and predator biomass into established quotas.

As you guys probably remember, what we in the group called the rainbow plot shows striped bass biomass here on the Y axis, I'm sorry, striped bass F here on the Y axis, menhaden F here on the X. The current striped bass F target here at 0.2, the menhaden current F here as of 2017 in the dash line. There are higher striped bass amounts as abundance here in population size down near the 00 mark near the origin, and as you move up to the right fewer and fewer striped bass.

The solid lines here represent B target and B threshold. At the end of the benchmark assessment as we presented in February, the ERP had developed example ERPs. These were based on a maximum F for menhaden that would sustain striped bass at their B target, when striped bass were fished at their F target.

Then we had an example ERP threshold of the maximum F on menhaden that keeps striped bass at their B threshold when striped bass are being fished at

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their F target. In that example, all other ERP species were fished at their status quo or 2017 levels. Hopefully you guys sort of remembered this particular graph.

Here we have striped bass B over B target, so basically if this is at 1, striped bass biomass is at B target here, and then the threshold value here in this dashed line. What you can see is in the gray we have the current status quo F for menhaden, which is down here. The ERP target is in this green solid line, and it's where this relationship line between striped bass and menhaden crosses the B target.

We also have the same thing for the threshold in which this dash line here is where this relationship line crosses the B threshold. Then we have the single-species BAM targets and BAM thresholds here in blue, with this being the target and this being the threshold. Hopefully that's a little bit of a refresher.

At the end of the work that we presented in February, we had defined sort of an ERP target and threshold based around that graph that I just showed. This sort of gives you an idea of the F target in that example was 0.19, with a threshold of 0.57. The current F as estimated in 2017 was 0.16. To meet the current striped bass management objectives, the F target and threshold for Atlantic Menhaden should be lower than the single-species target and threshold, and that the current F is below the target ERP target and threshold, indicating that the stock is not experiencing overfishing. At the end of that meeting the Board tasked the ERP Work Group with conducting additional runs of the NWACS-MICE tool, to explore some different sensitivities to ERPs under different assumptions of ecosystem conditions. These were the additional analysis that the Board wanted to see.

They included all other species fished at their 2017 status quo levels. This is the example ERP that we presented at the winter meeting. Another run was that all species were fished at

their target that allowed them to reach their target biomass. Third was that all species were fished at an F level that would keep them all at their biomass threshold.

For a fourth, it was to have Atlantic herring and bluefish only fished at a rate that allowed them to reach their biomass target, while spiny dogfish and weakfish were fished at their status quo levels. Speaking of status quo levels, this is pretty much what we're talking about. For status quo what was used for the 2017 status was that Atlantic herring was not overfished. It was below its target but not yet overfished.

Bluefish was both overfished and overfishing occurring, spiny dogfish was below its F target but above its SSB target, and for weakfish that the total mortality was too high and its status was depleted. Now to give you sort of an idea of this sort of ECOSIM ecosystem scenario sort of laid out as a table. Here is each one of the examples from 1 to 4.

For example, here is the ERP examples that we showed in February, and then here is Scenario 2, Scenario 3 and Scenario 4. This is each of the species and their F target, or status quo or F threshold. It's important to note here that for some of the stocks involved the F target and F threshold were defined as the F rates within the NWACS-MICE model that would let these species approximate their targets and thresholds respectively.

What this means is in some cases, for example for bluefish and for Atlantic herring, the F in the model was set at something different than what is in the management plan to allow these stocks to achieve either their B target or their B threshold as appropriate. Going over some of the results. What you can see here is we have the first scenario, the example ERPs that were presented in 2020 winter meeting.

We have the targets and thresholds that I went over a little bit earlier. Down here we have the probability of exceeding the ERP target using a quota of 216,000 metric tons, which was what was being analyzed. This

gives the probability that that quota will exceed the ERP target in 2019, 2020, and 2021.

As you can see, the relative probability is 60 percent 71, and 66. Also we have the probability of exceeding this particular ERP threshold, and that is in 2019 through 2021 is 0. For Scenario 2, all of the stocks at biomass target, and just sort of to sum up here, the negative aspects of rebuilding bluefish and spiny dogfish and weakfish as competitors here was outweighed by the rebuilding of Atlantic herring, which serves as sort of an alternative prey source.

Here the ERP threshold ended up being undefined, which I'll explain in a minute. If striped bass was fished at an F target in Atlantic herring biomass approached its biomass target, increasing F on menhaden wouldn't actually drive striped bass to its threshold over the ranges of F that we explored. This is Scenario 2, note that this is our F target under this scenario for ERP, and the probability of exceeding that using this 2016 quota was very, very low through 2019 through 2021, and just about 0 for 2019 through 2021 for the threshold.

For Scenario 3, kind of the opposite; everything at its biomass threshold rather than its target. Some of the positive aspects of reduced competition on striped bass were outweighed by negative aspects of lower Atlantic herring biomass. You can see the ERP threshold and targets here. Note that the target is like a tenth of what it was in the previous example.

Here the F threshold was defined, and you can see that the probability of exceeding a target with 216,000 metric tons is very high, around 100 percent. The probability of exceeding the ERP threshold however, was relatively low, 0 in 2019, and about 13 percent in 2020 and 2021. For Scenario Number 4, this is with Atlantic herring and bluefish at their target biomass.

This is nearly identical to Scenario 2, everything at target. Again, negative aspects of rebuilding

bluefish are outweighed by rebuilding of Atlantic herring. Now as you can see, the F targets is pretty much the same. Our F threshold ERP is still undefined, very low probability of exceeding the ERP targets, and almost no probability of exceeding the ERP threshold.

Just to sort of sum up and wrap up some of the results. Again, here are our scenarios. Here is the ERP target from each one of the examples. Here is the ERP threshold, and note here is our example at 119. For Scenario 2 and Scenario 4 the ERP target increases above the ERP example, but declines for Scenario 3.

Note that the ERP thresholds are undefined for Scenario 2 and for Scenario 4. It's important to note that when Atlantic herring are at their biomass and striped bass were fished at their F target, again the ERP threshold was undefined. I'm going to show you this graphically in a second. This is similar to the plot that I showed earlier with the blue and the gray dotted lines.

As you can see the status quo, the example ERPs are here in the gray. You can see this relationship line between striped bass biomass and Atlantic menhaden F crosses the B target and the B threshold, just as we talked about earlier. When everything goes to biomass target you can see we get this sort of straight-ish line.

When Atlantic herring is actually at a fairly high biomass, you actually over the Atlantic menhaden F that we evaluated, you actually never get to this B threshold line. When everybody is at their biomass threshold you can see that the line moves down and to the left here in the blue, and it crosses the B target for striped bass much closer to the origin, as well as when it crosses the B threshold.

You can see for bluefish and Atlantic herring at its target biomass they're again right on top of each other with the results from Scenario 2. Into a lot of rainbow plots. I'm going to go over these rainbow plots. Each panel is each one of the scenarios, Scenario 1, Scenario 2, Scenario 3, and Scenario 4. Striped bass full F over here on the Y axis, menhaden full F down here. The horizontal dash line here that is your striped bass F target. Where it crosses here in B



target and B threshold, here in for example in the example ERPs, this is going to be your ERP target, in this vertical dash line and the threshold. Moving from status quo, Scenario 1 to everybody at their biomass threshold. You can see that high striped biomass is down near the origin in purple, lower striped biomass here in the red. You can see that that line ends up getting pulled downward, right. The ERP target under this all at biomass threshold, Scenario 3 example, is really, really close to the origin and the threshold is moved a little bit to the left.

For me I always find it useful to look at where these lines intersect. You can see that when everybody is at their threshold the ERP targets and thresholds move a little bit to the left. Going over here to everybody at its biomass target, you get sort of a different sort of picture. For one thing, your ERP threshold ends up becoming undefined, which means that at a striped bass F at its target it never quite gets to its B threshold, no matter what F that you actually look at.

You can see in general that of course striped bass tends to be a little bit, there is not a lot of red associated with this, and the line actually ends up becoming a little bit more horizontal. Again, for Scenario 4 exactly the same picture as Scenario 2, where you see that it again doesn't cross the B threshold.

We're going to look at the results for bluefish. We've kept the lines exactly the same, sort of an F target for striped bass, as well as an F target for Atlantic menhaden. Here the colors indicate the abundance of bluefish. As you can see between Panels 1 and Panel 3, there isn't a whole lot of difference.

There is not much change, everything is pretty much red, which indicates that bluefish are still going to be overfished. Going on to Panel 2 and Panel 4 however, they are pretty much the same thing. You can see that there has been a dramatic change in bluefish, and that is because

bluefish under that scenario they are fully rebuilt above their BMSY proxy.

You can see what that looks like. Note that at a striped bass F that is at its target, and a menhaden F near its target, you can see that we're looking at bluefish biomasses approximating 1.2 as opposed to 1, so above its biomass target. The same similar type of a plot for weakfish. Again, the color and these contours here represent weakfish biomass.

Again, striped bass target F from the vertical dash line, and the ERP target in the dashed line that is on the vertical. What you'll see is that there is not much change among any of these particular panels. In fact, none of the surface plots, none of the stuff that we did seemed to affect weakfish a lot. Those are our results. I now want to go over a little bit of the uncertainties.

The stocks here were fished at rates that allowed them to sort of approximate their biomass targets or thresholds, and this isn't going to line up with the values from the FMP, particularly for federally managed stocks. There are a couple of reasons for that. In order to get these stocks to their biomass targets or their thresholds, required in some cases a little bit lower F than what we see in the FMP.

Part of that is the result of using an EwE, using the NWACS-MICE model to predict things, also, this sort of discrepancy between that and single species assessments. Weakfish under any of the scenarios that we did didn't rebuild, in keeping with a lot of the high natural mortality that the recent assessment has suggested, and that this M wasn't really something that we could attribute well to the predators or prey within the modeling structure that we looked at. As you probably gathered, the relationship between Atlantic herring and striped bass was really, really strong, and was sensitive in the model estimates based around herring vulnerability.

The model's response to herring predicted a higher consumption of Atlantic herring at high biomass. This was a little bit more than what we had expected. While we understand that herring is probably an important component of striped bass diets, we felt

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that the model may be overestimating the importance of Atlantic herring on a coastwide basis, especially on an annual level. As we get into next steps, we think that there is more work needed around this particular relationship.

It seems to be that the relationship between striped bass and menhaden is somewhat attenuated by the biomass of Atlantic herring. For next steps, you want to look at some additional analysis for the next Board meeting. These include exploring alternative herring biomass scenarios, and this is particularly relevant given the uncertainty of Atlantic herring recruitment.

Atlantic herring like Atlantic menhaden are a recruitment driven stock, and there might be some uncertainty in the future about recruitment events. It might be a good idea to take a look at potentially lower herring biomasses, and how that might affect the ERPs. We also really want to explore the sensitivity of model parametrization for Atlantic herring and striped bass relationship.

I think this is particularly important. We do think the model may be overestimating the importance of Atlantic herring. We know that they are important, but we're not quite sure if they're that important. We do want to take a look at some of the parametrization, particularly look at some of the seasonal components associated with that.

We also want to explore scenarios in which some of those ERP focal species are fished at their actual single species F reference points, to see whether or not, for example, rebuilding of Atlantic herring or for bluefish is possible, without having to tweak the Fs further down, compared to what is in the federal FMP. After that I want to thank all the other collaborators on this project, everybody on the Committee, and take your questions.

CHAIRMAN WOODWARD: All right, thank you Matt that was a very informative presentation. It's a complex issue, and you have done a great job of distilling it down to terms that most of us can understand. Before we get into questions, I just want to make sure that we've got David Borden and John Clark back on audio, if you all would both chime in and let me know you're there.

MS. KERNS: David, you should be able to speak. You are self-muted right now, if you just unmute yourself.

MR. DAVID V. BORDEN: Yes, I'm here.

CHAIRMAN WOODWARD: How about John?

MS. KERNS: We might have to unmute him, one second. Dustin, you may well find him faster than me.

MR. COLSON LEANING: He's unmuted.

MS. KERNS: John, we cannot hear you.

MR. COLSON LEANING: His microphone is green, so he shouldn't be muted by any means. It's maybe something on his end with his software or computer.

CHAIRMAN WOODWARD: Okay, well we'll hopefully continue to work on that. In the meantime, if you have questions for Matt just raise your hand and get in the queue, and Toni will be bringing you up.

MS. KERNS: For the queue I have Lynn Fegley and then Allison Colden, John McMurray, Justin Davis, Nichola Meserve, and Emerson Hasbrouck, so Lynn you're up, Allison you're on deck.

MS. LYNN FEGLEY: I counted to ten before I raised my hand, hoping that I wouldn't be first. Thanks, Matt, for this presentation. As always, it's an incredible amount of work. I guess I have one question and one comment or request, and the first is when I saw this the results were pretty counter intuitive at first blush, because of the fact that when we went to the scenario where everybody is at their biomass target, the reference points went way up, or to say it another way.

You could very much liberalize your fishing on menhaden, in the scenario where everybody is at their biomass target, which is not what I expected. I understand that the reason for that is because if you rebuild herring it really doesn't matter what you do to menhaden. If your objective is that menhaden are not limiting to striped bass that objective is met solely by putting a lot of herring out there.

What that does is it gives us a situation where on one of your slides earlier in the presentation it says, to meet the current striped bass management objectives, the F target and F threshold for menhaden should be lower than the single species target and threshold. What I'm saying is, it's a little bit counterintuitive that we suddenly have an ERP that is much greater than the single-species reference point.

I would question that it is at all realistic, given the fact that we're probably not going to get herring back to its target biomass anytime in the near future, and given that the F that was used in the simulation, or in this analysis, is the F from the NWACS model, not the FMSY that herring is managed under.

I guess my question is, how do we reconcile what would appear to me to be this unrealistic influence of herring. That is one. Two is, is there any scenario where an ecological reference point for menhaden could realistically be higher than the single-species reference point.

That leads me to my third, and I know this is a lot, I'm sorry. When we get to discussing these next steps, I would certainly like to understand for the outcomes of each of these next steps, what is the management utility of those for the Board. For example, if we for the first bullet explore alternate Atlantic herring biomass scenarios, given the uncertainty in future recruitment.

I think we know if we have continued low herring biomass those ERPs are going to look

pretty different. To me that kind of seems obvious, so maybe I'm missing something. I think it's important for the Board, because this is so complicated, and because we could really start to travel down a rabbit hole. It would be good for us to understand for each of these next steps, what are the discreet pieces of information that the Board can then take and apply to its next management decision? Thank you for your patience that was a lot.

DR. CIERI: Okay, where do you want me to start first?

MS. FEGLEY: I guess start with the question about the influence of herring, the question about the striped bass objective, and whether an ERP could realistically be higher than the single-species reference point.

DR. CIERI: Theoretically it can. One of the things that when you start looking at ecological-based fisheries management is when you start drawing in multiple different species as predators, of course you also have to start drawing in multiple different species as prey. There is the ability within an ecosystem for predators to swap from one small silvery fish to another.

I think that the ERP Work Group shared your concerns about the importance of Atlantic herring. I think part of that is actually a seasonal difficulty within the model. I do think it's something that we need to work on, and I think it is something that I think that we've outlined as something to do more sensitivity runs around, and to see if we can sort of look at the vulnerabilities.

That said, Atlantic herring is an important component of striped bass diets, particularly in certain times of the year and in certain locations. I wouldn't be too surprised that adding in alternate prey items into the model would change your reference points. But I agree, I don't think Atlantic herring probably is as important as the model is currently portraying it.

That is something that we want to work on. But it is certainly very possible that you can get ERP reference points that are less conservative than a single species, particularly if the estimate of natural mortality within a single-species model is quite a bit higher than what you would expect from an ERP model, particularly if

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you allow for prey switching. That is, I think your first question, so for your second question. Sorry.

MS. FEGLEY: No, you're good, sorry go on.

DR. CIERI: What was your second question? Sorry, I'm going to break this down, because I'm not sure if I can remember from one explanation to another. Your second question?

MS. FEGLEY: Yes, I apologize. The second one just really, you know we can mop it up. It just had to do with the management utility for each of these next steps.

DR. CIERI: Yes, and I think it's important to understand that particularly for federally managed species, by law they have to be rebuilt. I know certain species can languish below their BMSY or their BMSY proxy, but the long-term federal management is to have Atlantic herring and bluefish at their BMSY proxies.

I mean it is not unreasonable Atlantic herring, you know prior to these recent difficulties in recruitment, was at and actually well above its biomass target for decades. I don't think it is unreasonable to assume that that is the long-term place where Atlantic herring is going to be managed at.

I think the sort of tradeoffs between Atlantic herring biomass and menhaden removal is something that the Board has to sort of examine in their risk-appropriate approach. Do they set ERPs that account for lower herring biomass, even though Atlantic herring is probably going to end up going back to its BMSY value?

That is sort of a risk/reward calculation that the Board has to do. But what I think is really important is I think we do need to take a look at some of the biomass scenarios, which don't have herring quite as rebuilt as above BMSY, which you guys can then use as sort of a proxy

to give you an understanding of what happens if herring isn't rebuilt, or isn't rebuilt in a timely enough fashion to mitigate your risks.

CHAIRMAN WOODWARD: Thanks Matt, I guess Allison you're up next.

DR. COLDEN: Thank you Matt for that presentation, can you all hear me?

MS. BERGER: Yes.

DR. COLDEN: Okay, thank you. Matt, I wanted to follow up to Lynn's question and explore the next steps around the herring biomass a little bit, and then I have one other question. Do you expect, I think the way you just described it was somewhere in between, you know not quite rebuilt. Do you expect any of the herring scenarios that you would explore would fall outside of the scenarios that are already included, between Scenario 2 and 3 with herring at its threshold and herring at its target?

DR. CIERI: I think that is something that we can discuss as a Work Group. We can certainly put some in there for things that are lower than the herring threshold. I do want to reiterate that for those that aren't really familiar with the Atlantic herring FMP in Amendment 8. Herring F goes fairly quickly to zero, the further below the threshold that they get.

The fishing actually comes to pretty much a grinding halt not much further past the F threshold, according to Amendment 8. I think I wouldn't want to see sort of an analysis that was too much below the threshold, but it is something that we can do. If that is something that the Board would like to task us with.

DR. COLDEN: Okay, do you mean that the F comes to a halt when biomass dips below the B threshold, or are you referring to the F threshold?

DR. CIERI: No, the B threshold. It linearly declines to 0, as you move further and further below B threshold.

DR. COLDEN. Okay, and the other question I was hoping you could talk through or clarify a little bit is going back to the risk probabilities that were

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projected for each of the scenarios. Yes, if you could pull those up, I think that would be helpful. For the example ERP at the beginning, when you were reviewing the results you showed that the 2017 F rate was very close to the ERP target F. I'm just trying to reconcile that with the example ERP probability of exceeding ERP target of 60 to 70 percent, so could you talk through that a little bit?

DR. CIERI: Yes, certainly. As you guys might remember from the single-species assessment, menhaden are projected to go down slightly, you know from 2009 through 2021. This just sort of reflects that, that this particular quota at 216,000 metric tons sort of gives you a probability here in 60, 71, and 66.

I think it's important to understand that for the ERP example that it was assumed that striped bass would be at its B target, and we all know that is not really the case, it's probably closer to its B threshold. But if striped bass were at its B target, this is the probability that you would get if striped bass was at its target. I don't know if Katie wants to sort of chime in, if there is something that she would like to say as well.

DR. KATIE DREW: Yes, thanks Matt. I just wanted to also add to that that the F of 0.16 that is approximately the ERP target, is the F from 2017, where we had a lower TAC. The 216,000 metric tons does represent a slight increase from where we were in 2017, and so that also contributes a little bit to like the higher probabilities of exceeding the ERP target in this scenario, compared to sort of where we were in 2017.

CHAIRMAN WOODWARD: All right, Toni, who is up next, and who is on deck?

MS. KERNS: We have Justin Davis with Nichola Meserve on deck.

CHAIRMAN WOODWARD: Justin, go ahead.

DR. DAVIS: I'll just start off by thanking the Working Group for continuing to produce this really great work, I just continue to find it really interesting. You know it really demonstrates that this ecosystem approach is sort of performing as advertised, as it is presenting a way of making sort of quantitative decisions, you know tradeoffs, evaluating tradeoffs around management decisions for multiple species.

I've got a question about a way that I'm sort of interpreting Scenarios 2 and 4, relative to Scenario 1 that I would like to see if Matt agrees with.

I think one of the motivations for this Board asking for these additional scenarios was that the Scenario 1, presented back at the winter meeting assumed status quo F for bluefish and herring, when we knew that this Commission and some of our federal partners had taken actions to relax F for those species to decrease F. I remember at the winter meeting kind of asking a question about, well what does it mean if we set an ERP that assumes status quo F, but we know that we're making an attempt to reduce F?

Does that mean we're setting the ERP too conservatively, or not conservative enough? My interpretation looking at what is presented here in Scenarios 2 and 4 is that you could look at Scenario 1 as essentially a very conservative approach to setting the reference point, given the uncertainty about the success of the management initiatives to reduce F on bluefish and herring, and initiate rebuilding.

Both Scenarios 2 and 4 suggest that were we to successfully rebuild bluefish and herring, and I think this is primarily due to herring. That sort of in retrospect we could have fished menhaden less conservatively, but that if we do not have success in rebuilding herring and bluefish that essentially Scenario 1 reflects an appropriate fishing mortality for menhaden.

If we essentially have very little success in the near term in rebuilding those species, we will at least be fishing menhaden conservatively enough to achieve our management goals for striped bass. Does that sort of match with your understanding, or is that a realistic way to interpret these results?

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DR. CIERI: I think it's an appropriate way of interpreting some of the results. I think the ERP that we gave as an example is one in which it incorporates the current status of Atlantic herring, bluefish, spiny dogfish, and weakfish. That is a pretty safe bet. Again, I would sort of go back to what I said earlier. Long term I think the goal is to have Atlantic herring and bluefish rebuilt, as part of the federal management process. But having said that I believe you are correct.

CHAIRMAN WOODWARD: All right thank you Justin, and Nichola you're up, and who's on deck?

MS. KERNS: Emerson Hasbrouck.

CHAIRMAN WOODWARD: Ten-four, go ahead, Nichola.

MS. MESERVE: Thank you, Mr. Chairman and to Matt as well and the ERP for doing these additional analyses for us, which I agree with everyone it helps us get a better idea for how the example ERP is per it has the potential to perform. I have a bit of a question about the timeline. The assessment with ERPs is obviously met with a great deal of anticipation from the managers and the public alike, in terms of when we could implement an ERP.

We're looking at potentially another delay in adopting an ERP with some additional tasking to the Work Group, which looks very worthy to me. However, I wanted to check that we still have the potential for a timeline where the Board could be adopting an ERP, such that it could be used to set a TAC in 2021. That is my first question. Then the second part would be whether the ERP Work Group expects if their task would be additional analyses, if they expect to be in a position of reaffirming its recommendation of the example ERP, or potentially changing that to some other recommendation.

DR. CIERI: I'm going to let Max or staff actually handle the first one, as far as timeline.

MR. APPELMAN: Yes, thanks Matt. Nichola, I would say that definitely there is an opportunity for the Board to set a TAC for 2021 with new ERPs. That timeline is not impacted here. You want to start thinking about moving down that road soon. Of course, if you wait until October for example, that might present some challenges. But as we stand right now that timeline is not impacted.

DR. CIERI: For the second one. Under our next steps, I think we can have some of that analysis, for I think all of it frankly, done by the August meeting, provided Dave doesn't kill me. But having said that we've already had discussions around some of these over e-mails, and some preliminary runs have been done, which we have to bring back to the group. I do think that we can have some of these explored by the August meeting.

MS. MESERVE: Maybe I'm asking you to look into your crystal ball a little bit here, but do you expect that those additional analyses will lead you to a position where you have a recommended ERP, whether it be the initial one or some iteration of it?

DR. CIERI: I'm not quite sure we will ever recommend something. We will present you the information and allow you to make your own choices, as always.

MS. MESERVE: All right that's fair, thank you Matt. If I could just follow up. I would say that I think the Work Group has done a great job here again. They are basically asking us to recommend, to task them with some additional analysis that is going to help us take the work that they make, and select an ERP to move forward with. It's my hope that the Board will task the ERP Work Group with the three specific analyses that are in the memo, and have been presented in presentation today, and report back on that work at the August meeting.

CHAIRMAN WOODWARD: We'll address those next steps once we handle all the questions. Emerson, you're up, who is on deck?

MS. KERNS: We have John McMurray and then Cheri Patterson after Emerson.

CHAIRMAN WOODWARD: All right, go ahead, Emerson.

MR. HASBROUCK: Thank you Matt for your presentation, and thanks to the Working Group as well for all the work that they've put in this. Matt, in your presentation you had mentioned that the relationship between Atlantic Herring and striped bass is very strong. That the relationship between striped bass and menhaden seems to be influenced by Atlantic herring.

That adding in alternative prey species may also result in a higher F for menhaden (fade) point. To me as a biologist that just means what we kind of know with striped bass anyhow.

That they are very opportunistic feeders, and they are going to kind of prey on whatever is in abundance and whatever is easy for them to prey on. I'm wondering then why you think that the model may be influencing herring dependence with striped bass, rather than just actual biology. That is my question, thank you.

DR. CIERI: When we went through and we looked at this we were a little bit surprised. The diet data doesn't seem to line up with this level of dependence between striped bass and Atlantic herring, as you're well aware of. While a good chunk of striped bass is in the Gulf of Maine, exposed to Atlantic herring in the summertime, and as well as much of the population in the winter, on the winter-feeding ground.

There wasn't as much diet data to back up the relationship between striped bass and Atlantic herring, as there is for striped bass and menhaden. I think this is something that we really need to look at. We believe that there is probably a seasonal component that is probably really important that we want to explore further.

But let's be frank. The overlap between striped bass and menhaden is a lot stronger than the overlap between striped bass and Atlantic herring. While we do think it's important, we think that this looks like it might be a little bit more important than we had initially seen from the diet data, and so we want to explore it.

CHAIRMAN WOODWARD: Is that good, Emerson? Do you need any follow up?

MR. HASBROUCK: The only follow up I might have, is I'm not sure what the diet data is that Matt is referring to, and where those samples were collected. Are they distributed pretty evenly up and down the coast, or were they taken primarily in those areas where striped bass and menhaden overlap?

DR. CIERI: A little bit of both. But I will sort of point out that one of our biggest contributors of diet for striped bass is, at least one study done by Gary Nelson, who works out of Mass DMF, who documented a lot of herring and menhaden in the diet of striped bass in the Gulf of Maine. The other is the Northeast Fishery Science Center Bottom Trawl Survey, which also takes a lot of guts, as well as the fins biomass survey.

There is a lot of information that goes into this model. Within the stock assessment you can take a look at the whole suite of information that we've brought into this. After a very large and lengthy comprehensive look at almost all the diet studies that have happened on the U.S. East Coast for the last 30 years. We felt that there wasn't as much data to back up that sort of very strong relationship between Atlantic herring and striped bass, as there would be for menhaden.

MR. HASBROUCK: One follow up, please.

CHAIRMAN WOODWARD: Go ahead.

MR. HASBROUCK: Could it be then that in the model that Atlantic herring presents itself possibly as a proxy, in a way, or some of these other alternative prey species that are not included in the model?

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DR. CIERI: No, I don't think that is really the case. We really did isolate, if you go through the assessment report, we isolated the major components of the ecosystem, and we even had a broader ecosystem model, the full model, which sort of gave the information that we needed to sort of hone down this information. No, I don't think that the model is forcing striped bass consumption on herring, as a result of not including other aspects of the ecosystem.

CHAIRMAN WOODWARD: John McMurray.

MR. McMURRAY: I might be getting ahead of the conversation here, but everything that has been said up to now bides that we are planning on just to keep tinkering with inputs. The questions have all been technical, and frankly a little difficult to follow. My question, is the working group planning on producing a simplified summary decision document with three or four options that the non-science folks and the public might actually be able to understand?

You know, we've worked on this an awful long time, and I think the expectation is to make a decision in August. Yes, I mean it would be useful to have something like that a week or two in advance of the August meeting, and I'm just wondering if that is the game plan moving forward.

DR. CIERI: I'll defer to Max or Katie.

MR. APPELMAN: I was going to say maybe Katie should jump in and answer this one.

DR DREW: Yes, I think that is definitely the goal of what we would want to do. We want to make sure that when we come to August, people feel kind of comfortable understanding the performance of this model, and the potential ERP options. We're not necessarily recommending, oh this is the right option, because obviously it depends on kind of how the Board wants to assess risk and manage risk.

For example, that threshold scenario says that you have to forego menhaden yield, in order to keep striped bass at its target or its threshold, when herring or alternative prey species are at their threshold. As opposed to the situation where herring is at its target. As opposed to the situation where herring and other species are kind of continue at their status quo level.

What we want to provide is sort of a range of different, these are sort of the different effects that you get in different ecosystem considerations, and different management scenarios, and it's up to the Board to decide how risk averse they want to be, or how conservative or not conservative they want to be with menhaden.

But the goal is definitely to kind of provide the range and understand the limits in the sensitivity of the reference points, so you can understand here is how the example ERP performs under this set of assumptions compared to some of these other assumptions. Then the Board can decide what the most reasonable ecosystem is to try to manage, either in the short-term or in the long- term. Our goal is definitely to provide as accessible a document as possible to the Board and to the stakeholders, to help understand this tool. There are certain decisions that we can't make for you, like how risky you want to be, or how conservative you want to be with menhaden. But we can help you understand.

If you want to be more conservative, here is the reference point that you're looking at, and how does that relate to a less risky alternative or a more risky alternative. For sure, when we come to the Board in August, we can show you all of this information. But I think you guys then have to be in a place where you are ready to make a decision, or ready to understand how risky or how conservative you want to be.

MR. McMURRAY: Mr. Chair, can I ask a follow up question?

CHAIRMAN WOODWARD: Go ahead.

MR. McMURRAY: Just to be clear. The intent is to provide those options in advance of your August meeting so that Commissioners can make a decision in



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August, because I think that is what the public is expecting, and I think we have to be clear about that goal now.

DR. DREW: Yes. Our intent is to complete all of the work that we have suggested. We have identified certain areas that we feel are uncertainties that we want to really flesh out from a technical standpoint, so that we can be confident in the information we're giving you in August. You know obviously I don't think we can control the Commissioner's concerns or uncertainties, or things like that. If people come to the Board and say, oh I want to see more work, oh I want to see more work.

That is a Board decision, and certainly you guys can have that discussion. But our intent is to provide as structured and as accessible a document as possible before the August Board meeting, with materials or supplemental materials, so that you can see everything that we've sort of recommended to be explored laid out for you, and understand the range and the sensitivity of these reference points, and understand sort of some of your options or considerations for levels of risk or uncertainty, and then can make that decision if you the managers feel that you're ready to go forward at that point.

MR. McMURRAY: That is useful, thank you.

CHAIRMAN WOODWARD: I'm going to speak to this later, but since it has sort of come up, I'll go ahead and address it now. It is certainly my intent as your Chair, to bring us to the decision point in August, whether that is an in-person meeting or a webinar meeting, which none of us know at this point.

Yes, at some point we have a motion in limbo that has been postponed that has got to be addressed, and we've got to move this forward. It is certainly my intent to get us across the finish line, and to do whatever is necessary as preparatory work, so that whenever we do have that August meeting, and whatever format it is,

everybody is at a point where they can make a decision. Okay, Cheri you are up. Is there anybody else in the queue?

MS. KERNS: Then we have Roy Miller and Justin Davis does have his hand up. I think it's a new question.

CHAIRMAN WOODWARD: Well I certainly don't want to stymie questions, but we are already 17 minutes over time, and I don't want to cut into anybody's lunches, so we'll do the best we can. But I'll just ask everybody to keep your questions succinct and on point, so you said Roy and then who else?

MS. KERNS: Then Justin after Cheri, but I also wanted to let you know that there are two members of the public that have either raised their hands or sent in questions.

CHAIRMAN WOODWARD: Okay, very good. Okay Cheri, you're on.

MS. PATTERSON: Thank you, Matt. Every time I get more information, I glean more information from your presentations, and I really do appreciate all this hard work that you and the Work Group have done. Can you go to the last slide, please? Mr. Chair, I would like to entertain a motion when you feel that it's ready. I understand that you have additional questions, potential technical questions beyond me, and then if you care to come back, I can make a motion.

CHAIRMAN WOODWARD: Yes, I'll tell you what. If you'll just hold back and let's see what else we've got, but I'll certainly get back to you on that. Okay Roy, you're up.

MR. MILLER: Just very quickly. This strong relationship between Atlantic herring and striped bass, Matt, being higher than expected. I wonder. I'm assuming that we're referring to female striped bass biomass primarily, rather than total striped bass biomass, or I may have that wrong. Is it total striped bass biomass, are the males included?

DR. CIERI: Yes, the males are included.

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MR. MILLER: Okay. Well, I'm wondering if we're getting a misleading picture. Knowing that Atlantic herring are not terribly abundant in Delaware Bay and in Chesapeake Bay, and male striped bass, because of their delayed migrational habits, are much more dependent on Atlantic menhaden than they would be on Atlantic herring.

I wondered if that was the reason that this strong relationship between herring and striped bass might throw us off track a little bit. We should look at that, since in the producer area portions of the range of striped bass we're basically talking about menhaden, and not Atlantic herring. Thank you.

DR. CIERI: I think it's important to note that the EwE model, the NWACS model, doesn't really have the ability to do spatial resolution. We can probably do something looking at some temporal resolution, although that is something that we've only discussed as recently as a Work Group. The frame to look at for the NWACS model is coastwide across the entire year. Drilling into anything more specific, either by particular sexes or in particular areas, it is just not possible with this type of a modeling approach.

CHAIRMAN WOODWARD: All right, Justin.

DR. DAVIS: I have a bit of a process question that it is possible Cheri is going to address this with her motion. But at the last meeting the motion to postpone was sort of until a certain time, and the motion said that we were postponing until the Working Group came back with the result of the analyses that they presented today.

I'm just wondering if this Board needs to take some affirmative action to postpone the postponed motion again until August, or if we can just at least do that via sort of Board consent, and get it in the record, even though we don't have a button here for nodding your head. We can't just look around the room and

see if that is the consent of the Board. But I'm just wondering if we need to get it in the record that we're postponing that motion again.

CHAIRMAN WOODWARD: Good question. Max, do you think we need to go on record as saying the motion continues in postponement?

MR. APPELMAN: I'm going to look to Toni or Bob on this one, but my initial reaction is that we don't need any motion here, that it was a Commission leadership decision to make this particular Board meeting informational only. But, I again defer to Toni or Bob to chime in or correct me.

MS. KERNS: I think that because the Work Group still had uncertainties with the analyses that they presented. I would say that the information being presented is still continued, and that until we have the additional work from them, we consider the motion postponed. But if you want to put it on record, Spud, you could say that or what I have said is on record.

CHAIRMAN WOODWARD: Yes, I think her explanation is whatever Max said, but I appreciate you bringing it up, Justin. We'll make sure we don't get ourselves crossways. Okay, any other questions? If not, I'm going to go to Cheri. Is anybody else in the queue, Toni?

MS. KERNS: Right now, we just have members of the public that are in the queue.

CHAIRMAN WOODWARD: All right, Cheri, I'm back to you.

**MS. PATTERSON: I would like to make a motion that the Board task the ERP Work Group to continue with analyses to address the listed recommendation scenarios before the August Board meeting.**

CHAIRMAN WOODWARD: Very good, do I have a second. If so, just raise your hand so you can be identified by Toni.

MS. KERNS: We have Nichola Meserve with her hand up as a second.

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The Board will review the minutes during its next meeting.

CHAIRMAN WOODWARD: Okay.

MS. PATTERSON: Task the ERP Work Group to continue with analyses to address the listed recommended scenarios before the August Board meeting.

MS. KERNS: Spud, while Maya gets these. Because this is a TC tasking, you could try to see if anybody disagrees if you would like to, instead of calling the roll. Commissioners could raise their hands by disagreeing, I guess. We don't always do tasking.

CHAIRMAN WOODWARD: All right. Is this your motion, Cheri, is this accurately portrayed?

MS. PATTERSON: No, that is fine with me, thank you.

**CHAIRMAN WOODWARD: All right, so we have a motion before us to task the ERP Work Group to continue with analysis to address the listed recommended scenarios before the August Board meeting. Is there any opposition to the motion as presented? If so, raise your hand. I don't see any raised hands, and we will consider it is supported unanimously. We will move on.**

MS. KERNS: Spud, really quick. Justin Davis, you do have your hand raised. I don't know if it is left over from before. Okay, he took it down, so I think it was just leftover.

CHAIRMAN WOODWARD: Very good, all right motion passes unanimously. All right thank you Matt, thank you Katie. We appreciate the questions from everybody.

## **OTHER BUSINESS**

### **HYDROACOUSTIC SURVEY TASKING**

CHAIRMAN WOODWARD: All right we're going to move on to other business. Joe, you've got an item you want to bring before the Board?

MR. CIMINO: Yes, thank you Mr. Chair, and thanks to Matt and the ERP for all the work they've done, as well as the SAS and TC to date, getting us all this important information. Those of us that have been dealing with menhaden for a while know that past peer reviews, plural not just the most recent, have pointed out that despite the volumes of surveys used and reviewed for our assessments. You know we still lack a survey designed to target menhaden.

Both the peer reviews and the CIEs have pointed out that there needs to be a sampling of larger, older fish that are sampled across the range. There is a Saltonstall-Kennedy Grant that is a proposal that is out there right now that does intend to do that to some extent. It's a hydroacoustic survey, with principal investigators from the Chesapeake Bay Lab of University of Maryland, as well as co PIs from VIMS and Normandale.

Industry collaborators from Cape May New Jersey, since this is a Mid-Atlantic survey design, with industries assistance and federal partners from National Marine Fisheries Service at the Beaufort Lab, Northeast Fisheries Science Center, state partners with New Jersey's Marine Fisheries Association.

This hydroacoustic survey is a chance to get field confirmation of overwintering adult menhaden in the Mid-Atlantic region, which could shed some light on the existence of spawner biomass in the offshore wintering areas. It is an important component of our needs for the assessment. I believe that the Board would benefit greatly if the TC was able to review, well the survey methodology both from the proposal, as well as from the peer review article put out by Drs. Liang, Nesslage, and Wilberg from Chesapeake Bay Lab that we can provide for the Technical Committee. I would hope, I have personally three specific asks for the TC. That they would do a review of the survey design to assess the magnitude of the overwintering menhaden biomass off the coast of New Jersey, to gather biological samples on older fish in the northern portion of the range, and also reviewing it and providing information. If it's a decent index of relative abundance in the region, if this survey was able to be conducted long term. I just wanted to put that out there for Board consideration as a task to the TC.

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CHAIRMAN WOODWARD: All right thank you, Joe. Does anybody have any questions for Joe on this, since it is a tasking recommendation, we do not have to submit it in the form of a motion, unless there is some great concern about this. If so, raise your hand, if you have questions.

MS. KERNS: I don't see anybody with their hand raised, except for a member of the public, but that person has had their hand raised for a while, so I think it was on other issues.

CHAIRMAN WOODWARD: We'll get the public comment in just a second. Seeing no concerns or opposition to that then Joe, we will certainly get your recommendation to the Technical Committee.

MR. CIMINO: Many thanks.

CHAIRMAN WOODWARD: All right, well we are 30 minutes past our cut off time. We've got another Board meeting coming up shortly. Folks need to have lunch. We have two people in the queue for public comment. I will accept that public comment, but we're going to need to keep it brief, so three minutes for public comment. Toni, if you will just kind of help me keep up with that please. Who have we got up for public comment?

MS. KERNS: Will do. Steve Bowman did just raise his hand, so before we go to the public, do you want to go to Steve?

CHAIRMAN WOODWARD: All right, Steve.

MR. BOWMAN: Good afternoon, Mr. Chairman. I'll be very, very brief. I just want to take this opportunity on the behalf of the Commonwealth of Virginia. You all may know, and most people do know, but I just wanted to get it on the record that we appreciate the patience of the Commission through the past almost two years, as we have dealt with the

compliance issue with the Commonwealth of Virginia.

I'm just pleased to report to this Board. If you did not know that the General Assembly of the Commonwealth of Virginia transferred control of the menhaden fishery from the General Assembly to the Marine Resources Commission. At its April 28th meeting, the Marine Resources Commission unanimously adopted a regulation that has Virginia adopt the amended cap as it relates to menhaden.

I just wanted to thank everyone involved, the Commission for their patience during the time of patience, the Commission for their resolve, because if it were not for the resolve of the Commission to move forward, I believe with the last motion that took Virginia out of compliance, we would not have been in as strong a position as we were, as we move forward to attempt to have control moved to VMRC. On top of that. After that occurred, I would like to thank the stakeholders that were involved, recreational fishery and industry, and the Northam administration, Governor Northam and Secretary Strickler, and all who worked very, very diligently to get us where we are today.

I think that removes one less element of conflict that we will have to deal with as we move forward to manage this fishery in a productive manner. I just wanted to get that on the record, and thank you all very, very much for your patience, your resolve, and your assistance. I know we're going to be moving in the right direction, so thank you very much, Mr. Chairman.

CHAIRMAN WOODWARD: Thank you Steve, and kudos to you and your team for your persistence in trying to get this situation resolved. I think we're all much happier now of where we are versus where we were. As you said, it's one less point of conflict for us to deal with as we try to move menhaden management forward. With that public comment, Toni. What have we got?

MS. KERNS: We'll start with Jim Uphoff, Jim I'm unmuting you.

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MR. JAMES H. UPHOFF, JR.: Oh, I'm sorry that was just a mistake, I was pushing the wrong button. My apology.

(Whereupon the meeting adjourned at 12:15 p.m. on  
May 5, 2020)

MS. KERNS: Tom Lilly, Tom you are not connected, so I won't be able to unmute you. Tom, you should have received an audio pin from the webinar, so if you could enter that on the phone, do the pound, then the three-digit key, and then the pound that should let you be unmuted.

CHAIRMAN WOODWARD: Everyone should have received the written comment from Mr. Lilly, so we do have that.

MS. BERGER: Tom, in order for you to speak you have to enter an audio pin of 688#.

MS. KERNS: He still hasn't entered it yet, Spud.

CHAIRMAN WOODWARD: All right well in the interest of moving on, we've got ACCSP at one o'clock, so we're already impinging on people's flex time. Instead we do have some written comments from Mr. Lilly, I'm sure his verbal comments would be basically kind of similar to those. Sorry about that Mr. Lilly. We're in a whole new world here, and it comes with some technical difficulties.

**ADJOURNMENT**

CHAIRMAN WOODWARD: Is there any other business to come before the Atlantic Menhaden Management Board?

MS. KERNS: No hands are raised, Spud.

CHAIRMAN WOODWARD: All right very good, thank you all for your patience, for making this all work, and we're all optimistic that this is a temporary situation. Hopefully we can be back face-to-face for our next meeting, but if not, we will keep things moving, and as always, I'm available if you have questions and comments, things that will help me in my job as Chairman. Don't hesitate to let me know, and with that we will stand adjourned.

These minutes are draft and subject to approval by the Atlantic Menhaden Management Board.  
The Board will review the minutes during its next meeting.



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

July 15, 2020

**To:** Atlantic Menhaden Management Board

**From:** Ecological Reference Point Work Group and Atlantic Menhaden Technical Committee

**RE:** Recommendations for Use of the NWACS-MICE Tool to Develop Ecological Reference Points and Harvest Strategies for Atlantic Menhaden

At the 2020 Winter Meeting, the Atlantic Menhaden Board accepted the Atlantic menhaden single-species and ecological reference point (ERP) benchmark assessments and peer review reports for management use. The ERP assessment developed a tool, the NWACS-MICE model, which can be used in conjunction with the single-species assessment model to evaluate tradeoffs and develop ERPs and harvest strategies that account for Atlantic menhaden's role as a forage fish.

The exact values and definition of the ERPs depend on ecosystem management objectives and ecosystem conditions. The assessment proposed the following ERP definitions:

**ERP target:** the maximum  $F$  on Atlantic menhaden that sustains striped bass at their biomass target when striped bass are fished at their  $F$  target

**ERP threshold:** the maximum  $F$  on Atlantic menhaden that keeps striped bass at their biomass threshold when striped bass are fished at their  $F$  target

Atlantic striped bass was the focal species for the example ERP definitions because it was the most sensitive predator fish species to Atlantic menhaden harvest in the NWACS-MICE model, so an ERP target and threshold that sustained striped bass would likely not cause additional declines for other predators in the model assuming no other major perturbations to the food web/ecosystem structure. The assessment also provided example ERPs by applying this definition to a status quo ecosystem scenario where all other ERP focal species in the model (bluefish, weakfish, spiny dogfish, and Atlantic herring) were fished at status quo (i.e., 2017) levels.

The Board tasked the ERP Work Group (ERP WG) with additional follow-up work to explore the sensitivity of the NWACS-MICE ERPs to different ecosystem scenarios and better understand the performance of the NWACS-MICE tool. This memo summarizes the results of those analyses and the recommendations of the ERP WG and Atlantic Menhaden Technical Committee (TC) for the use of the NWACS-MICE model in management.

### Alternate Ecosystem Scenarios

At the 2020 Winter Meeting, the Board tasked the ERP WG with exploring alternate ecosystem scenarios to understand the sensitivity of the NWACS-MICE tool to different assumptions about ecosystem conditions before implementing it for management. The major ecosystem scenarios (i.e., assumptions

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about the other ERP focal species: bluefish, weakfish, spiny dogfish, Atlantic herring) explored are listed in Table 1.

While the *B* target and *B* threshold scenarios (scenarios 2- 3) provide additional context for the example ERPs, the status quo scenario (scenario 1) more closely approximates short-term conditions for the ecosystem. Running the alternative scenarios of the NWACS-MICE model showed that the NWACS-MICE output and resulting ERPs are sensitive to the levels of Atlantic herring biomass and the strength of the relationship between striped bass and Atlantic herring (Figure 1). At the 2020 Spring Meeting, the Board tasked the ERP WG with additional work to better understand the influence of Atlantic herring on the NWACS-MICE model.

**Table 1. ERP Ecosystem Scenarios**

<b>ERP Scenario</b>	<b>Striped Bass</b>	<b>Bluefish</b>	<b>Weakfish</b>	<b>Spiny Dogfish</b>	<b>Atlantic herring</b>
1. Example ERPs (2017 status quo)	<i>F</i> target	2017 status quo	2017 status quo	2017 status quo	2017 status quo
2. All at <i>B</i> target	<i>F</i> target	<i>F</i> target	<i>F</i> target	<i>F</i> target	<i>F</i> target
3. All at <i>B</i> threshold	<i>F</i> target	<i>F</i> threshold	<i>F</i> threshold	<i>F</i> threshold	<i>F</i> threshold

Note that for the other ERP focal species, “*F* target” and “*F* threshold” are defined as the *F* rates within the NWACS-MICE model that let these species approximate their biomass targets and thresholds, respectively.

*Influence of Atlantic herring in the NWACS-MICE model*

Although Atlantic herring are an important component of striped bass diets in some regions and seasons, sensitivity analyses indicate the model is overestimating the importance of Atlantic herring on a coastwide, annual level. For example, in the sensitivity run when all species were at their biomass targets (scenario 2), the Atlantic menhaden ERP target was much higher than the example ERP value due to the increase of Atlantic herring as alternate prey (Table 2). Atlantic herring was below its biomass target in 2017, so *B* target represents an increase in biomass. With more Atlantic herring in the system, the model predicted more Atlantic menhaden could be removed through fishing and the resulting ERP target was higher. However, in evaluating the sensitivity of striped bass to Atlantic herring, it was observed that the model predicted a higher proportion of Atlantic herring in the diets of striped bass than what has been observed in coastwide diet studies.

**Table 2: ERP targets and thresholds under different ecosystem scenarios, and the probability of exceeding the ERP values under the current TAC for 2019 - 2021**

Scenario	Atlantic Menhaden Full <i>F</i> equivalent		Probability of exceeding ERP target			Probability of exceeding ERP threshold		
	ERP target	ERP threshold	2019	2020	2021	2019	2020	2021
1. Example ERPs	0.19	0.57	60%	71%	66%	0%	0%	0%
2. All at <i>B</i> target	0.36	*	0%	3%	6%	0%	0%	0%
3. All at <i>B</i> threshold	0.03	0.32	100%	99.5%	99.5%	0%	13%	13%
	Target	Threshold	Probability of exceeding single-species target			Probability of exceeding single-species threshold		
Single species BRPs	0.31	0.86	0%	0%	17%	0%	0%	0%

\* When Atlantic herring were at their biomass target and striped bass were fished at their *F* target, the ERP threshold was undefined, meaning none of the Atlantic menhaden *F* values explored pushed striped bass to their biomass threshold.

The ERP WG conducted additional sensitivity runs to explore the possibility that the NWACS-MICE model may be overestimating the importance of Atlantic herring on a coastwide, annual level. These sensitivity runs used a range of different Atlantic herring biomass levels, including status quo levels, target biomass levels, and threshold levels as in the base model configuration. Sensitivity runs also used different fixed levels of vulnerability to predators and seasonally variable levels of Atlantic herring availability to striped bass.

For the seasonal variability sensitivity runs, the magnitude of variability was based on observed diet data, with availability peaking in the summer. With seasonal variability included, the predicted levels of Atlantic herring in striped bass diets were lower than the base configuration (the peer-reviewed model without seasonality incorporated) and more in line with observed data. Varying the availability of Atlantic herring to striped bass seasonally also resulted in a significant reduction in the sensitivity of the ERPs to the level of Atlantic herring in the ecosystem. For the base model, higher levels of Atlantic herring biomass (All at *B* target) produced higher estimates of the ERP target *F* value than the status quo scenario, while lower levels of Atlantic herring biomass (Atlantic herring at *B* threshold) produced lower estimates of the ERP target *F* value (Figure 2, left). When the seasonal component was added for the striped bass and Atlantic herring relationship, the different Atlantic herring levels (All at *B* target, Atlantic herring at *B* threshold) produced ERP *F* target values that were much closer to the status quo ERP *F* target (Figure 2, right). This analysis suggests that the sensitivity to Atlantic herring biomass levels in the base model configuration of the NWACS-MICE is likely due to the lack of seasonal and spatial dynamics in the model, rather than reflecting realistic ecological dynamics.



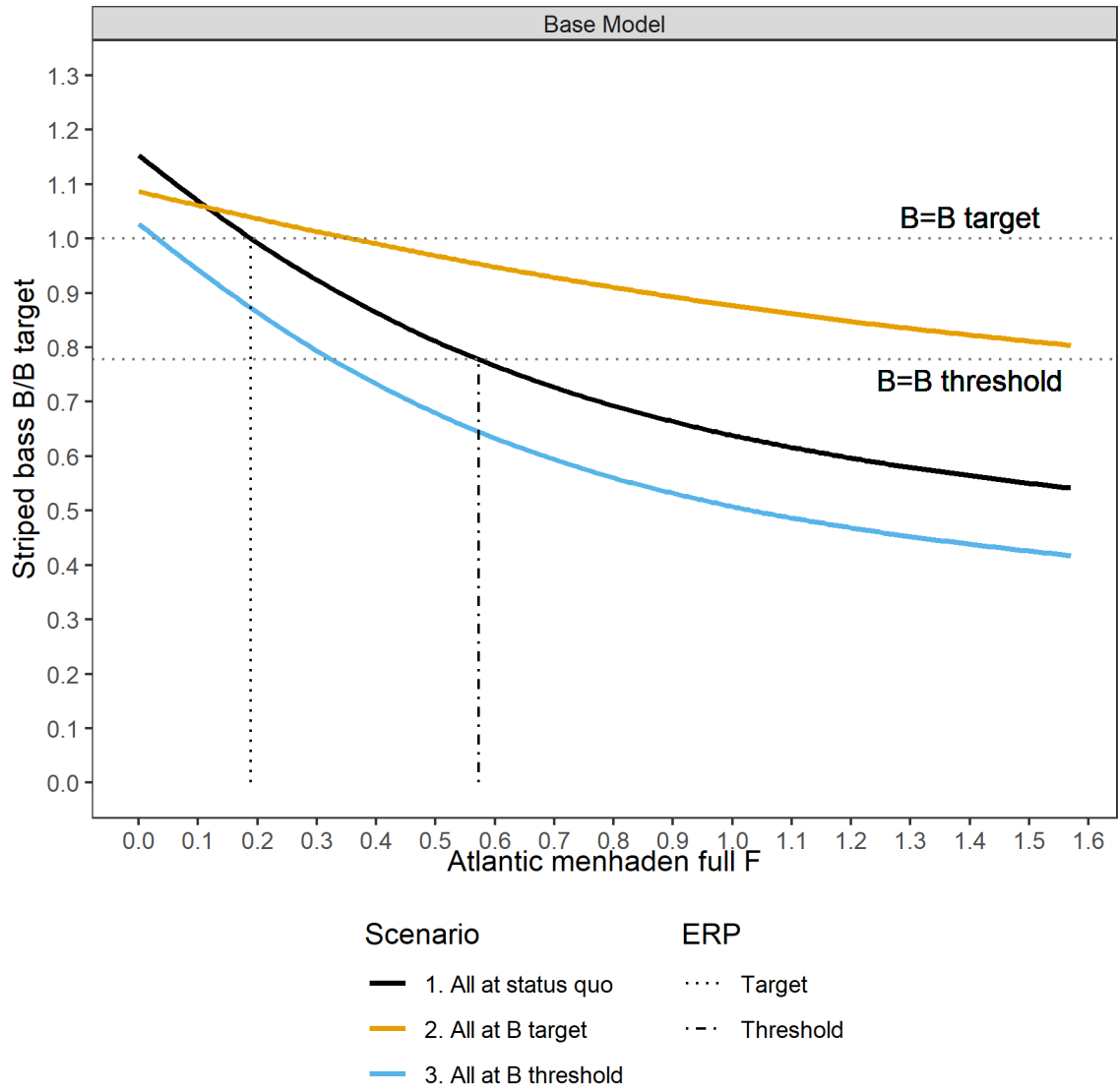
## Conclusions

The ERP WG and Menhaden TC recommend using the ERPs based on the status quo scenario (scenario 1), the original example ERPs presented in the assessment report, for the near-term management of Atlantic menhaden. The status quo scenario most closely approximates short-term conditions for the ecosystem. The example ERPs, as defined here, aim to provide enough menhaden to sustain striped bass, the most sensitive predator in these models, when striped bass are at their biomass target under these conditions.

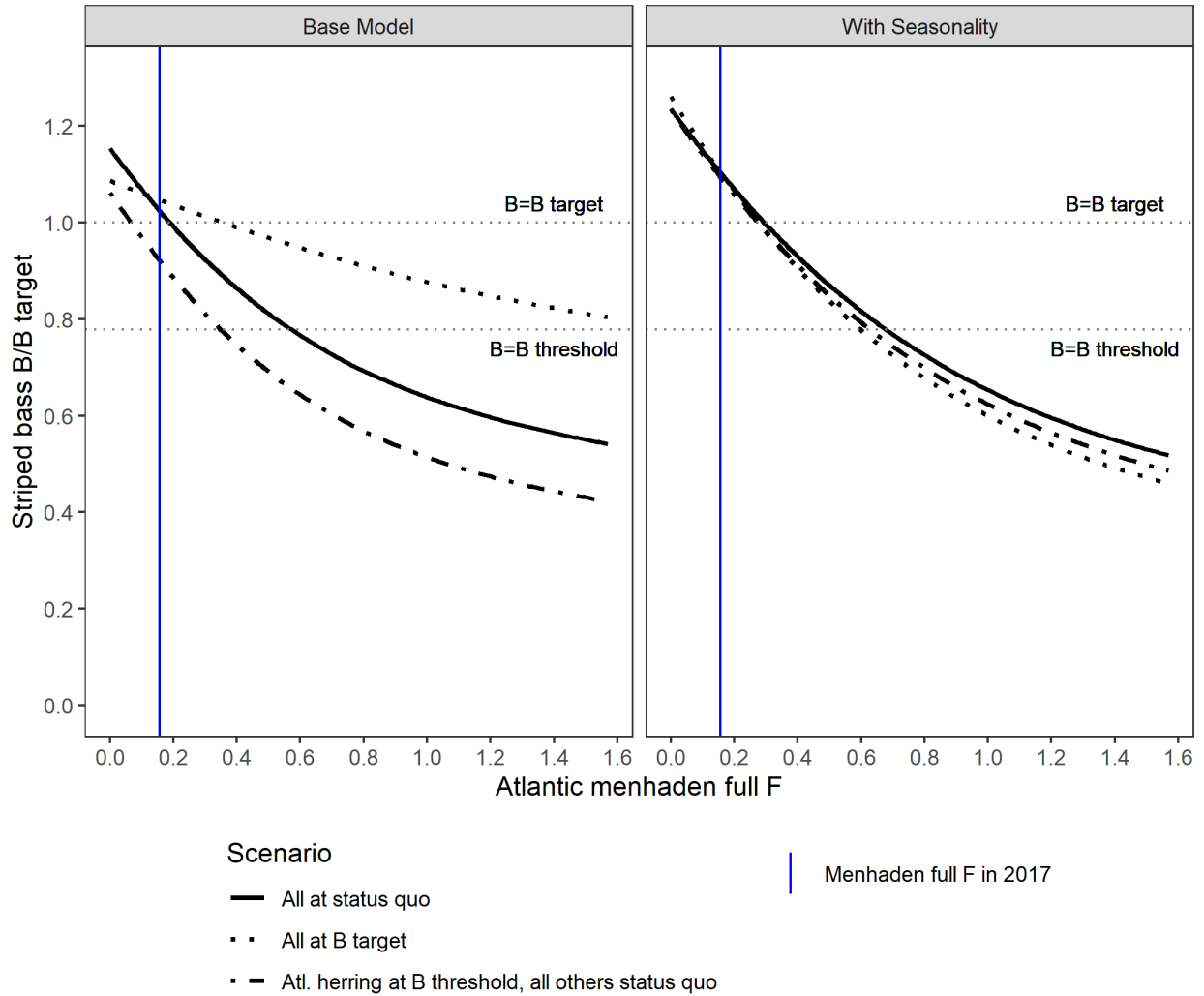
The ERP WG conducted additional runs of the NWACS-MICE tool to explore the sensitivity of the ERPs to alternate ecosystem scenarios. While these analyses (scenarios 2-3) show a sensitivity to Atlantic herring biomass levels, follow-up analyses suggest that this sensitivity is likely due the lack of seasonal and spatial dynamics in the model, rather than reflecting realistic ecological dynamics. However, this is a source of uncertainty that the Board could consider when setting specifications, particularly given Atlantic herring are now well below their biomass target. The Board may consider applying a buffer when setting the TAC based on the ERP  $F$  target or choose a TAC that has a lower probability of exceeding the ERP  $F$  target when Atlantic herring are at low biomass. Alternatively, the Board could select a TAC that has a higher probability of exceeding the ERP  $F$  target when Atlantic herring stocks are high. (See also the draft Risk and Uncertainty Policy included in the meeting materials for the ISFMP Policy Board for the 2020 Summer Meeting, which provides an explicit mechanism for turning qualitative assessments of uncertainty into an adjusted probability of achieving the  $F$  target.)

The seasonal variability sensitivity run presented here is a preliminary step in incorporating seasonality in the NWACS-MICE tool. While the results demonstrate potential sensitivity to seasonal dynamics, the seasonal parameterization has not been fully vetted and peer-reviewed. In addition, seasonality was only applied to the Atlantic herring – striped bass relationship, and not any of the other predator – prey relationships. The ERP WG and Menhaden TC recommends thoroughly investigating seasonal dynamics within the NWACS-MICE tool during the next benchmark assessment. The use of seasonal parametrization should be fully vetted and peer-reviewed before use in providing management advice.

The ERP WG also recommends revisiting the definition of ERPs after the next benchmark assessment is complete. The NWACS-MICE tool represents significant progress in managing Atlantic menhaden to account for its role as a forage fish, but it is a tool that should continue to be refined. The Commission's ecosystem approach to Atlantic menhaden management will continue to evolve as the science evolves.



**Figure 1:** Striped bass biomass levels relative to their biomass target under different levels of Atlantic menhaden F for different ecosystem scenarios from the original analysis. Striped bass are fished at their F target in all scenarios. The dashed vertical lines indicated the ERP F target and threshold for the status quo scenario.



**Figure 2:** Striped bass biomass levels relative to their biomass target under different levels of Atlantic menhaden  $F$  for different ecosystem scenarios for the base configuration of the NWACS-MICE model (left) and the exploratory model with seasonal dynamics (right). The vertical blue line indicates the estimate of  $F$  from the single-species assessment model in 2017. Striped bass are fished at their  $F$  target in all scenarios.

## Max Appelman

---

**From:** Capt. TJ Karbowski <tedkarbowski@yahoo.com>  
**Sent:** Saturday, May 9, 2020 8:49 AM  
**To:** Max Appelman  
**Subject:** [External] Comments- Spring Meeting.

Comments- Menhaden/Striped Bass/Bluefish- Spring Meeting.

This is not that complicated.

Do what you have to with the reduction fishery because that's your only tool, but the bottom line is- There needs to be enough menhaden to sustain Striped Bass and large Bluefish. THAT IS WHAT THEY PREFER TO EAT IN MOST OF THEIR RANGE. Right now there are MILLIONS of striped bass and bluefish that have grown up over the winter, are heading north and are going to be hungry. They are going to be sucking every bunker out of the ocean that they can and there needs to be enough to sustain them. If these fish aren't healthy and viable enough for proper spawning, it's NOT us the recreational fishermen that killed them, it's YOU the regulators. These juvenile fish ARE the answer to rebuilding the striped bass and bluefish populations.

Over the past 4 or 5 years I can count on my fingers how many days each season there has been menhaden in Long Island Sound. ....and guess what? When the bunker are there, we catch mature striped bass and bluefish. I don't care what your trawl surveys or spreadsheets say. I am on the water everyday for a living for 10 hours a day, you are not. I am right.

In regards to the recent years striped bass numbers....

Find the food, find the fish.

If there's not enough menhaden, they will look for alternative food sources that alter their migration patterns, thus throwing all traditional data off; rec. harvest, trawl survey's, everything will be off. - If cars needed to fill their tanks several times a day and all gas stations were moved from their current locations to somewhere miles away from where they used to be, our traditional traffic patterns would change and we would hear on the news everyday of the absence of traffic on the highways. – Yes, it's really that simple.

P.S.- Unless you like arguing with people all day long and plan to argue with people for the rest of your career, someone needs to get some guts and take the lead to put an end to the NEW MRIP. I'm sick of wasting my time sitting on webinars for hours on end listening to people throw these ridiculous numbers around like they are credible. The NEW MRIP is NOT the best available source. Using numbers that popped into your head while tripping on LSD would be more accurate. NEW MRIP IS A FARCE. You know it, I know it, and everyone else knows it, but no one has the guts or is just too lazy to do anything about it. In the meantime, these ridiculous regulations are ruining people's lives, and the ecosystem in the process.

Have a good weekend. - TJ

Thank you,  
Capt. TJ Karbowski  
Rock & Roll Charters  
Clinton, CT  
203.314.3765  
<https://rockandrollcharters.com/>

## Kirby Rootes-Murdy

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**From:** Phil Zalesak <flypax@md.metrocast.net>  
**Sent:** Friday, July 3, 2020 12:33 PM  
**To:** Spud Woodward  
**Cc:** PHIL LANGLEY; LYNN FEGLEY; Allison Colden; Kirby Rootes-Murdy; Toni Kerns; Tina Berger; STEVEN G. BOWMAN; Patrick Geer; BILL ANDERSON; Russell Dize; Del. Dana Stein; robert.t.brown@shopcove.net; 'Bill Bonner'; Chris Goudreau; Ron Smith; PHILIP ZALESAK; MARTIN GARY; THOMAS LILLY; Robert Beal; Capt Chris Dollar; dunnsville@gmail.com; jeannie.riccio@maryland.gov  
**Subject:** [External] Request for Public Comment on Addendum 1 to Amendment III of the Atlantic Menhaden Fishery Management Plan  
**Attachments:** 2017-11 AtlanticMenhadenAmendment3\_Nov2017.pdf; 2020-0701 Proposal to Improve the Atlantic Menhaden FMP.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

References: (a) SEDAR 69, Ecological Reference Points Stock Assessment Report, Atlantic Menhaden, January 2020

Mr. Woodward,

After soliciting ideas on how to improve the current Atlantic Menhaden Fishery Management Plan (attachment 1) from ASMFC Atlantic Menhaden Management Board members, Maryland Sport Fishery Advisory Board members, CCA-MD members, Southern Maryland Recreational Fishing Organization (SMRFO) members, charter captains, and Maryland recreational fishermen, I organized the ideas into four specific proposals. I then had the SMRFO Board of Directors evaluate the pros and cons of each proposal (attachment 2).

The Board voted unanimously on a proposal which **does not require a reallocation of the total allowable catch between the ASMFC states.** In fact, the proposal **does not reduce the Virginia allocation by one fish** (see attachment 2). But the proposal does “better equitably distribute the resource’s ecological and economic benefits between all user groups” in the Chesapeake Bay. The primary user groups include those who **extract and utilize menhaden for human use**, those who **extract and utilize predators which rely on menhaden as a source of prey**, and **those whose livelihood depends on the health of the marine ecosystem.**”

The recommended proposal is as follows: **Close reduction fishing for Atlantic Menhaden in the Chesapeake Bay and within the 3 nautical mile limit of the Economic Exclusive Zone.**

Current scientific studies (reference (a)) document the dependency of commercially and recreationally important predator fish on the availability of Atlantic menhaden. Further, the Maryland Department of Natural Resources, the Virginia Marine Resources Commission, and the Potomac River Fisheries Commission have documented a significant decline in the commercial harvesting of these predators, a significant decline in Maryland and Virginia commercial harvesters, a significant decline in Maryland and Virginia saltwater licenses, and a significant decline in for-hire trips in Maryland and Virginia (attachment 2). Given scientific studies and well established empirical data, there is sufficient justification for creating an addendum to the existing fishery management and putting it before the public for comment.

Addendum 1 would require a one sentence change to the current fishery management plan. Under “Chesapeake Bay Reduction Fishery Cap” the sentence would simply read “Reduction fishing is prohibited within the Chesapeake Bay and within the 3 nautical mile limit of the Economic Exclusive Zone.”

I respectfully request that you put this before the public as soon as humanly possible.

Phil Zalesak

President

Southern Maryland Recreational Fishing Organization

[www.smrfo.com](http://www.smrfo.com)

<https://www.facebook.com/groups/598428253621775/>

Finfish Advisory Committee Member

Potomac River Fisheries Commission

[http://prfc.us/finfish\\_advisory\\_committee.pdf](http://prfc.us/finfish_advisory_committee.pdf)

# Proposal to Improve the Atlantic Menhaden Fishery Management Plan



July 1, 2020

Phil Zalesak

President ([www.smrfo.com](http://www.smrfo.com))



# Agenda

- Goals and Objectives of the Atlantic Menhaden Fishery Management Plan (November 2017)
- Current Allocation of Atlantic Menhaden by State and Region (Potomac River)
- Atlantic Menhaden Migration Pattern
- Issues with the Current Plan
- Proposals to Improve the Plan
- Recommendation

# Atlantic Menhaden Fishery Management Plan

*Atlantic States Marine Fisheries Commission*

**Amendment 3 to the Interstate Fishery  
Management Plan for Atlantic Menhaden**



November 2017

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

# Goals and Objectives of Current Plan

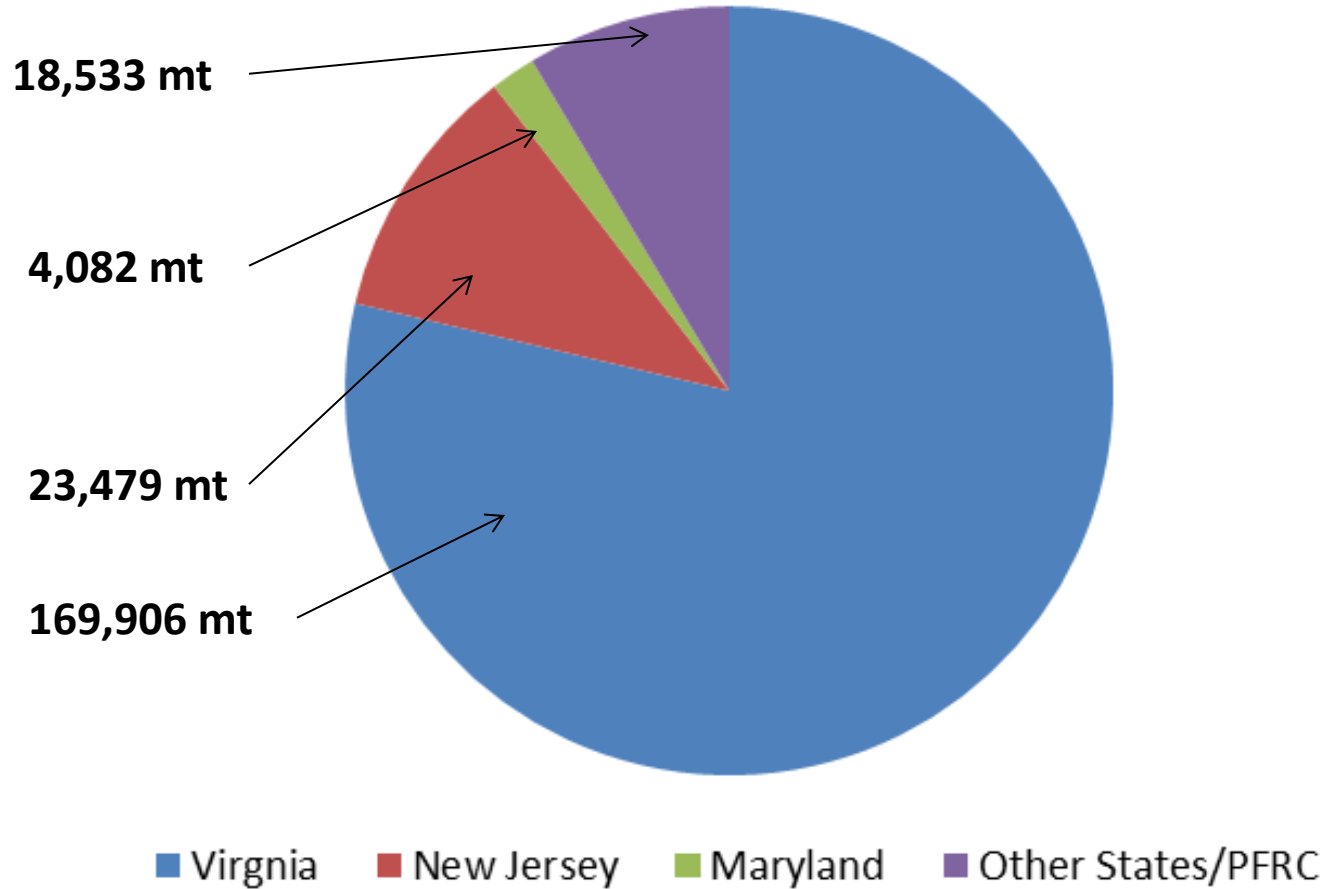
To manage the Atlantic menhaden fishery in a manner which equitably allocates the resource's ecological and economic benefits between all user groups.

The primary user groups include those who:

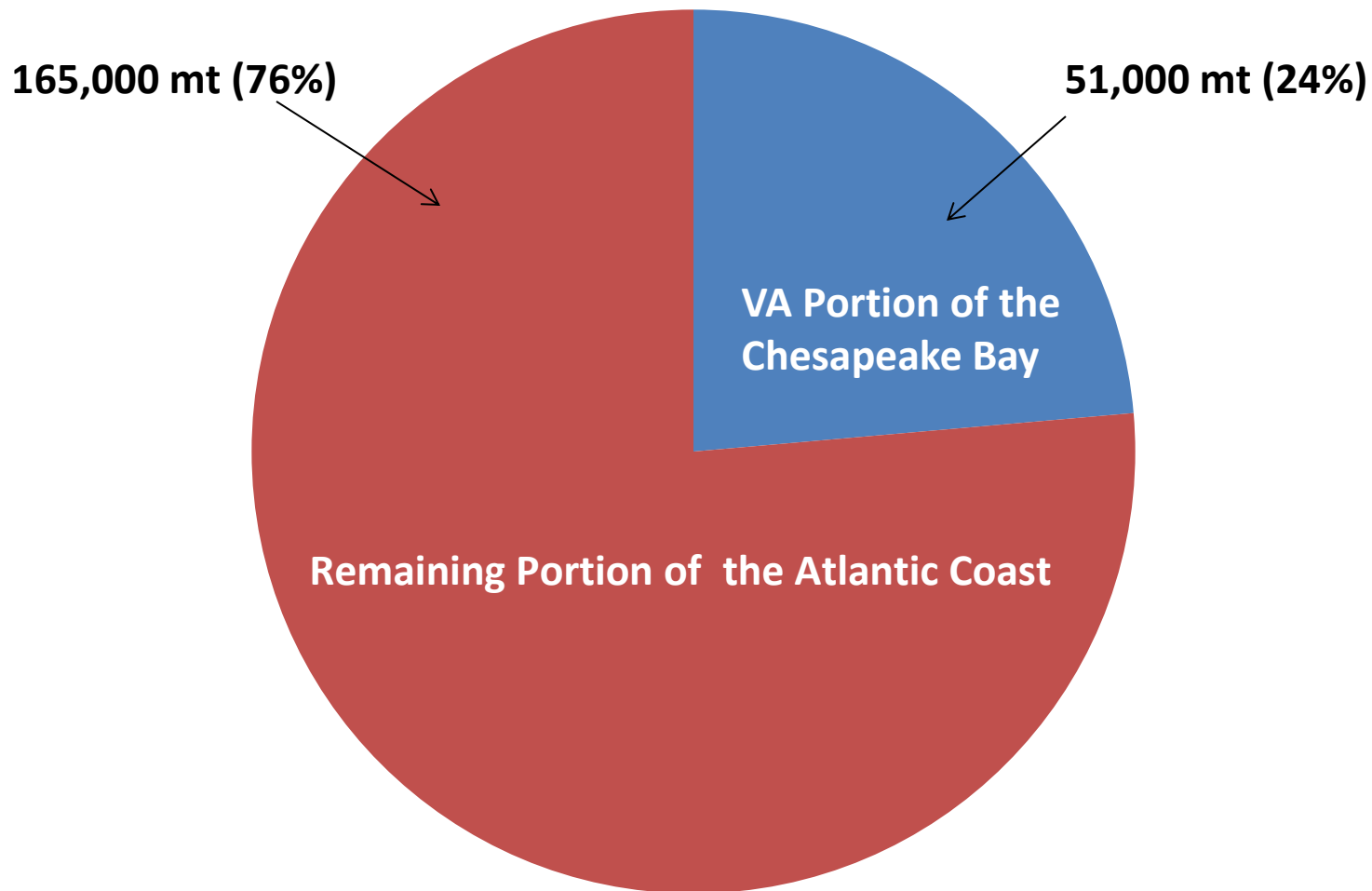
- extract and utilize menhaden for human use,
- extract and utilize predators which rely on menhaden as a source of prey, and
- whose livelihood depends on the health of the marine ecosystem.

# Current Allocation

## Total Allowable Catch (216,000 Metric Tons)



# Chesapeake Bay Cap for Reduction Fishery (51,000 Metric Tons)



# Atlantic Menhaden Migration Pattern (11/2/18)

Fisheries Research 210 (2019) 204–213



Contents lists available at ScienceDirect

Fisheries Research

journal homepage: [www.elsevier.com/locate/fishres](http://www.elsevier.com/locate/fishres)



## Estimation of movement and mortality of Atlantic menhaden during 1966–1969 using a Bayesian multi-state mark-recovery model



Emily M. Liljestrand<sup>a,\*</sup>, Michael J. Wilberg<sup>a</sup>, Amy M. Schueller<sup>b</sup>

<sup>a</sup> Chesapeake Biological Laboratory, University of Maryland Center for Environmental Science, P.O. Box 38, Solomons, MD, 20688, USA

<sup>b</sup> National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Fisheries Science Center, 101 Pivers Island Road, Beaufort, NC, 28516, USA

### ARTICLE INFO

Handled by A.E. Punt

Keywords:

Brownie dead recovery model

Forage Fish

Natural mortality

Fishing mortality

*Brevoortia tyrannus*

### ABSTRACT

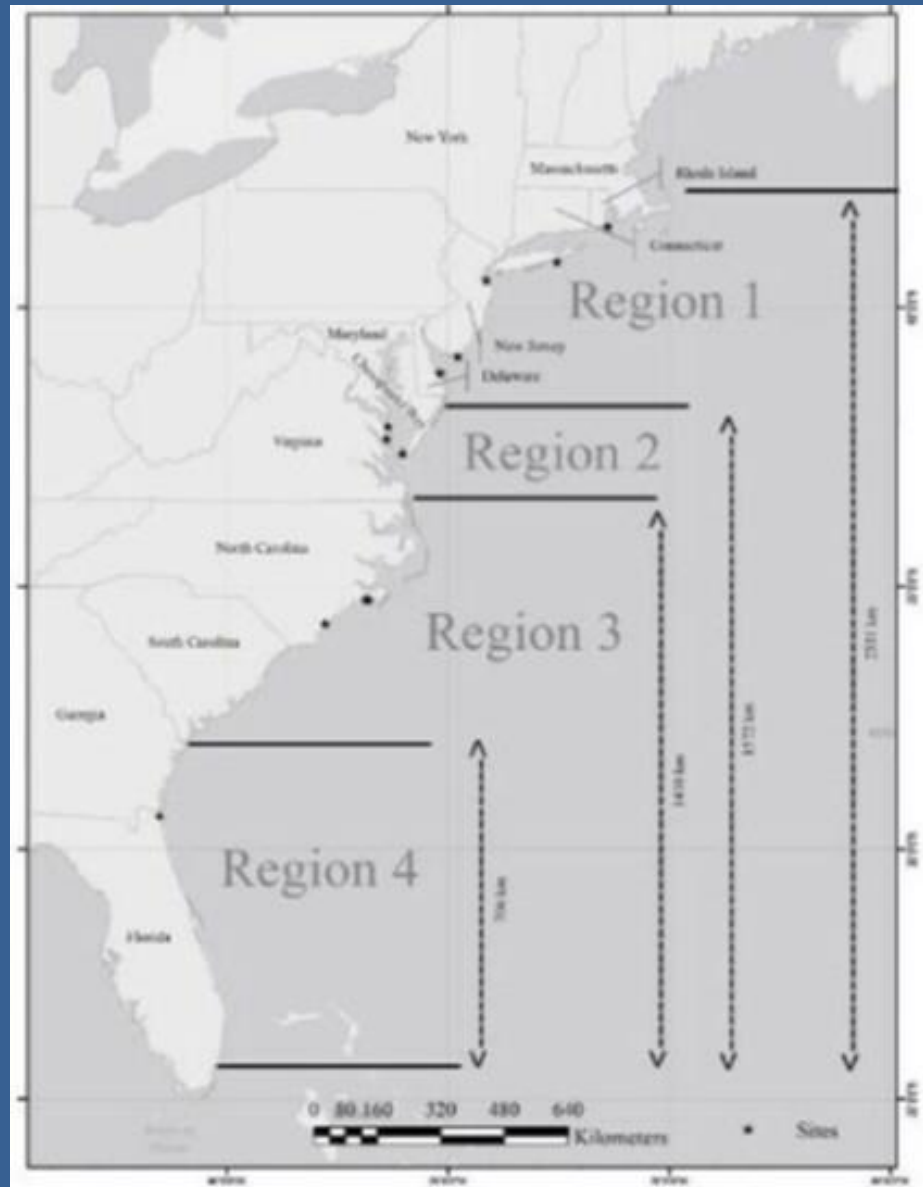
Atlantic Menhaden *Brevoortia tyrannus* is an economically and ecologically important forage fish targeted by large-scale commercial reduction and bait fisheries. In the late 1960s, the National Marine Fisheries Service conducted a mark-recovery study in which they tagged over one million adult Atlantic Menhaden. Mark-recapture models at the time did not allow for estimation of movement rates. Our objective was to reanalyze these data to simultaneously estimate natural mortality, fishing mortality, and movement probability during 1966–1969. We developed a Bayesian version of the Brownie model that incorporated fishing mortality, natural mortality, and movement among four regions of the northwest Atlantic continental shelf ecosystem at a monthly time step. The model also accounted for both tag loss and tag detection probability. During May–June, an estimated 91% of Atlantic Menhaden from North and South Carolina moved northwards. Atlantic Menhaden largely remained within the same coastal region from June to October. In the winter, an estimated 55% of the tagged sample north of the Chesapeake Bay moved southward to the Chesapeake Bay and North and South

substantially smaller  
9–1.23 yr<sup>-1</sup>, 95%  
temporally variable  
seasonal spatial

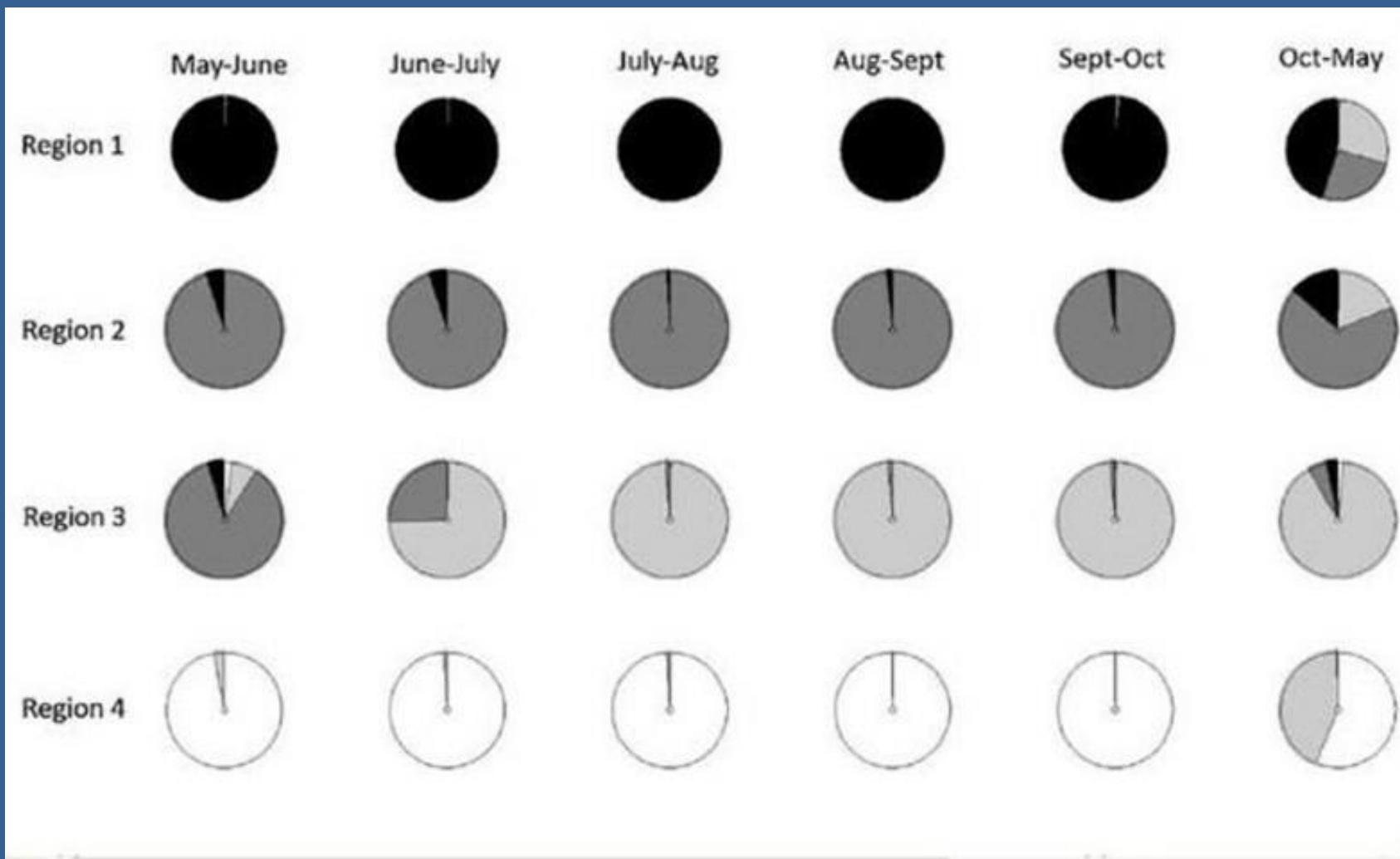


Estimating the dynamics of this stock will improve contemporary survey design and management, as these dynamics may

# Atlantic Menhaden Migration Pattern (page 205)

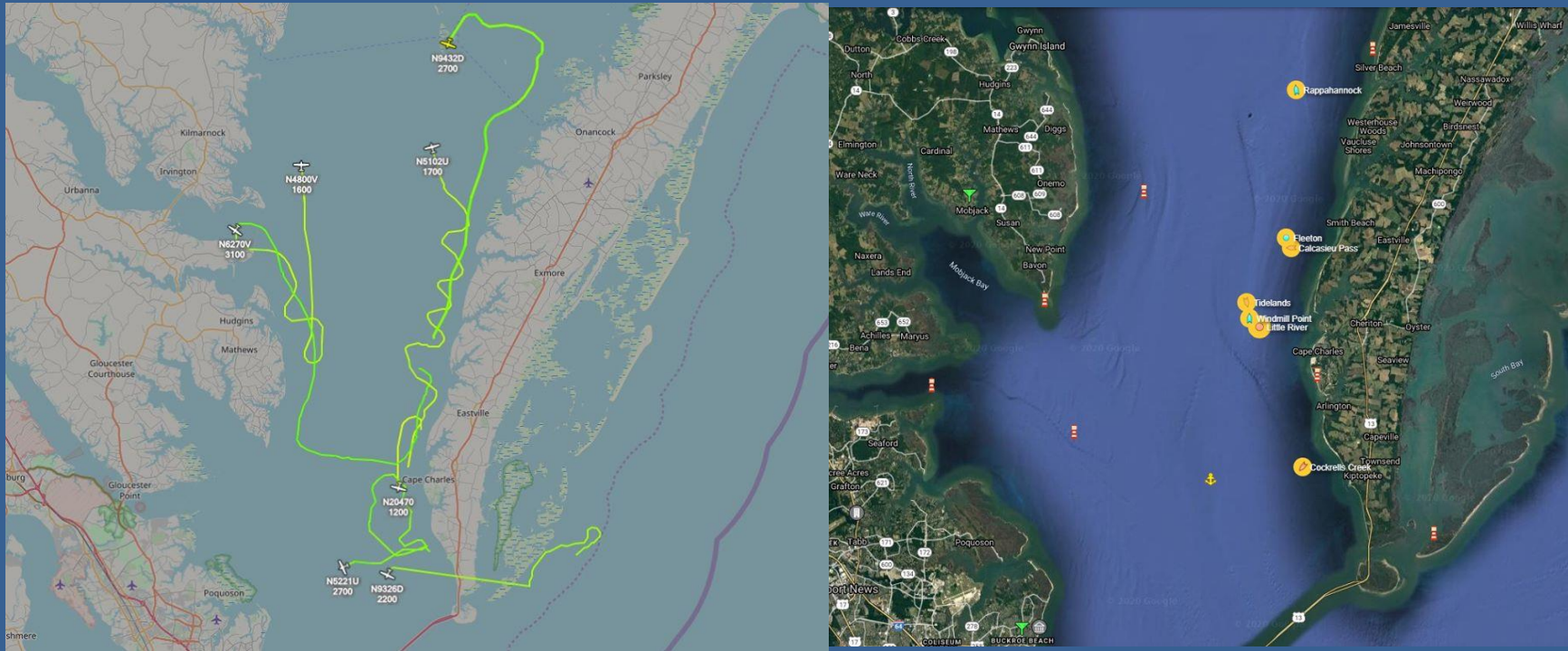


# Atlantic Menhaden Migration Pattern (page 210)





# Menhaden Reduction Industry Fleet (6/15/20)



Source: William Dunn, Facebook – 6/15/20

## Issues

- Current Plan is in violation of its Goals and Objectives as the allocation is not based on ecological or economic principles. It is based on history.
- Current Plan does not equitably allocate the resources ecological and economic benefits to all user groups. In fact, it penalizes the non-reduction commercial industry and recreational industry in the Chesapeake Bay Region and beyond.

# Data in Support of Issues

- Decline in Commercial Harvest of Predator Fish in the Chesapeake Bay and Potomac River
- Decline of Maryland and Virginia Fin Fish Harvesters
- Decline of Saltwater Fishing Licenses in Maryland and Virginia
- Decline of For-Hire Trips in Maryland and Virginia
- Decline in Economic Activity in the Chesapeake Bay Region and Beyond

# Predators Sensitive to the Decline in Menhaden



SEDAR

Southeast Data, Assessment, and Review

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SEDAR 69

Ecological Reference Points Stock Assessment  
Report

**Atlantic Menhaden**

January 2020

SEDAR

4055 Faber Place Drive, Suite 201 North Charleston, SC 29405

# Predators Sensitive to the Decline in Menhaden

*Special Report No. 83  
of the*

**Atlantic States Marine Fisheries Commission**

*Working towards healthy, self-sustaining populations for all Atlantic coast fish species  
or successful restoration well in progress by the year 2015*



**Atlantic Menhaden Workshop Report & Proceedings**

**December 2004**

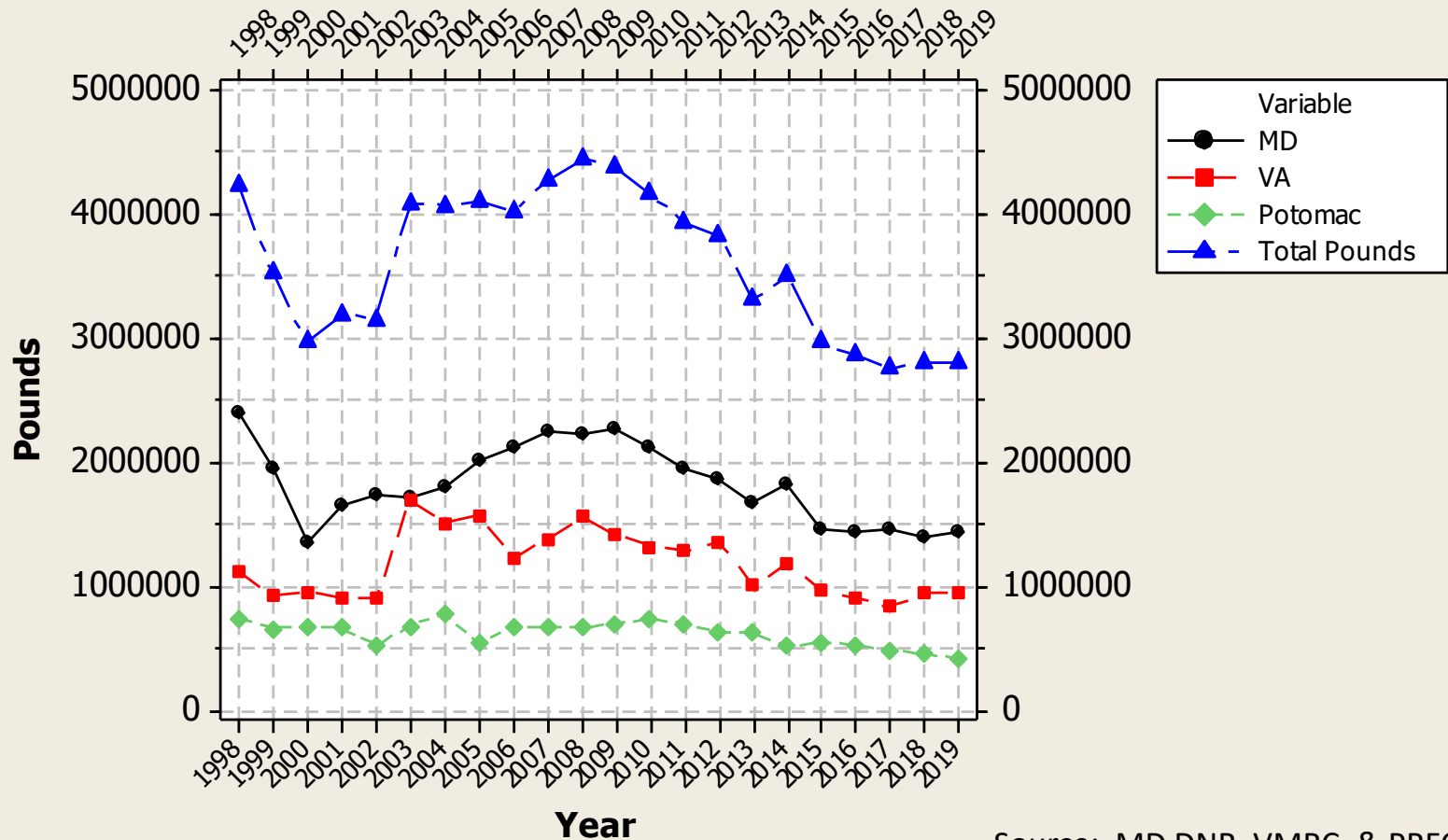
Predators Sensitive to the Decline in  
Atlantic Menhaden (Key Food Source)

SEDAR 69 Report of 1/2020

- Striped Bass
- Bluefish
- Weakfish

# Decline of Commercial Harvest of Striped Bass

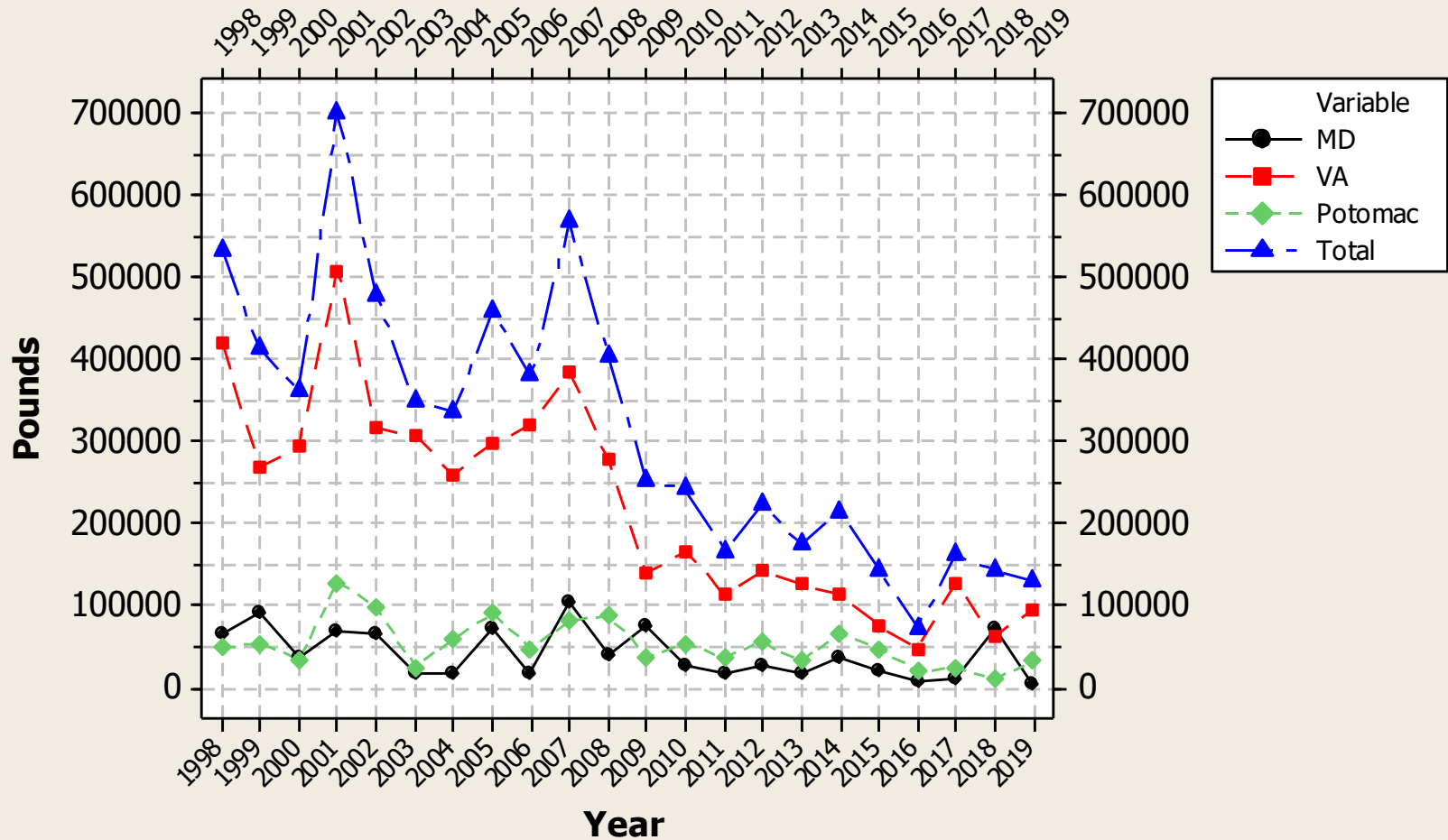
## Striped Bass Commercial Harvest for the Chesapeake Bay & Potomac



Source: MD DNR, VMRC, & PRFC

# Decline of Commercial Harvest of Blue Fish

## Bluefish Commercial Harvest for the Chesapeake Bay & Potomac

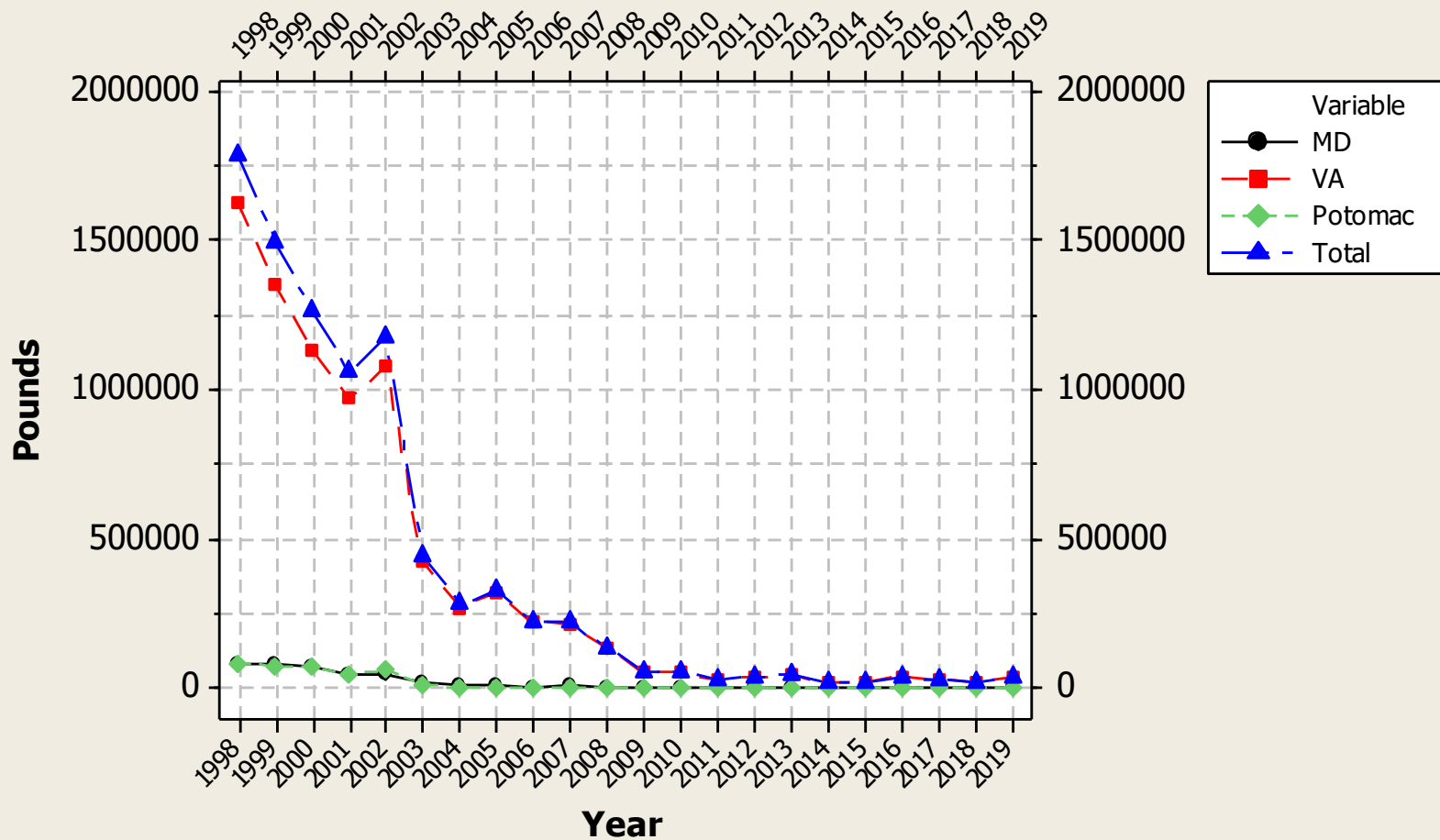


Source: MD DNR, VMRC, & PRFC



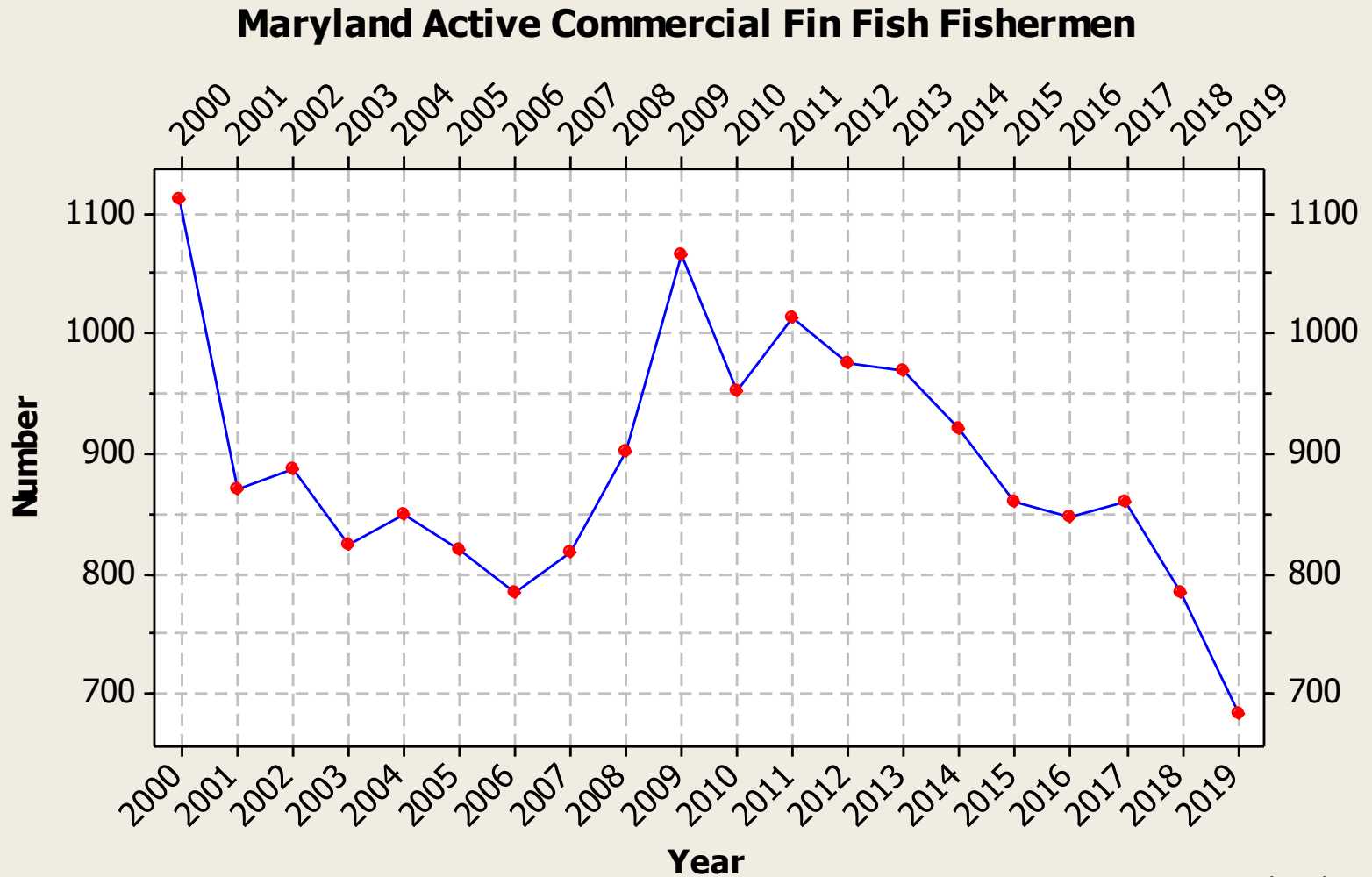
# Decline in the Commercial Harvest of Weakfish

## Weakfish Commercial Harvest for the Chesapeake Bay & Potomac



Source: MD DNR, VMRC, & PRFC

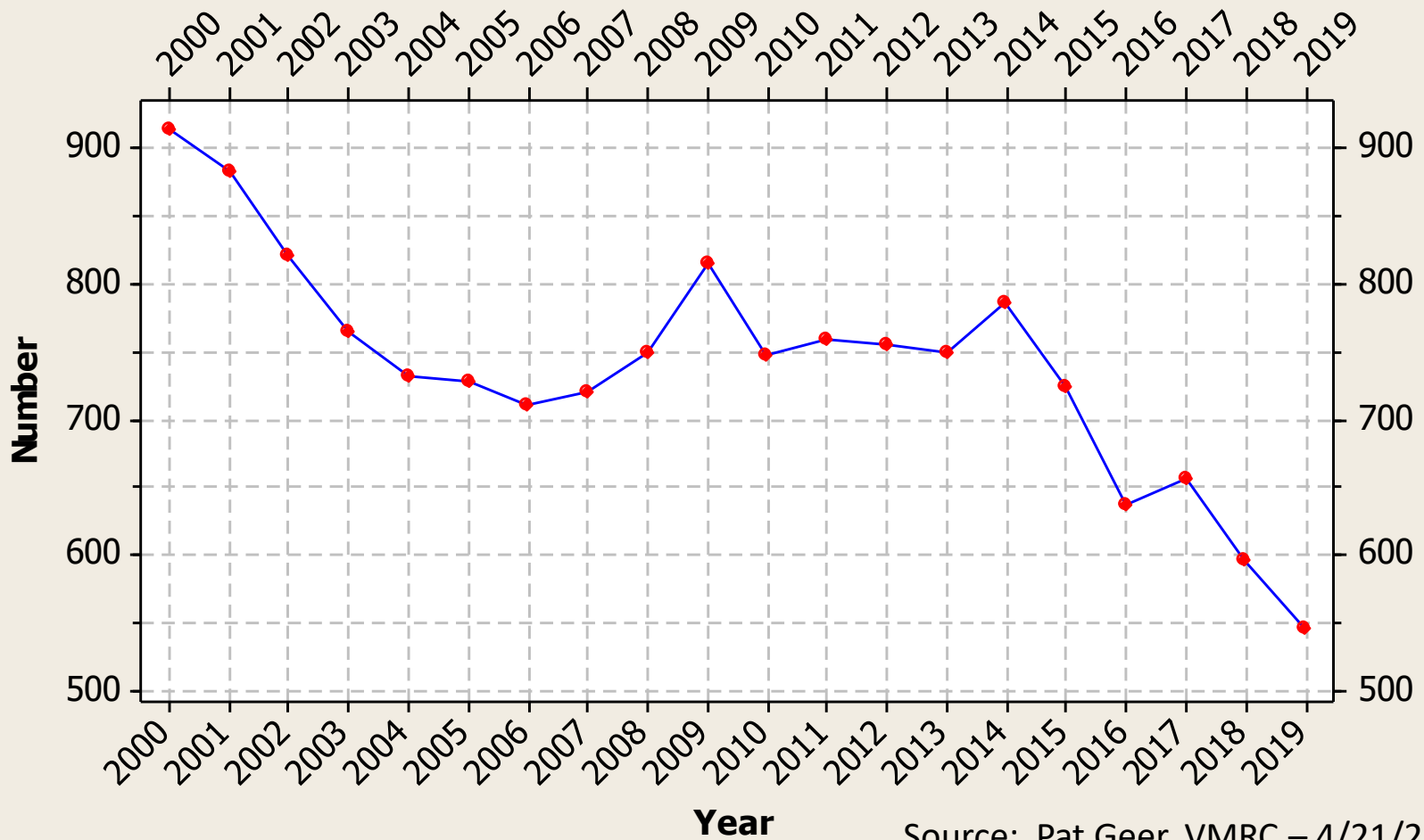
# Decline in MD Active Commercial Fish Fishermen



Source: Gina Hunt, MD DNR – 2/28/20

# Decline in VA Fin Fish Harvesters

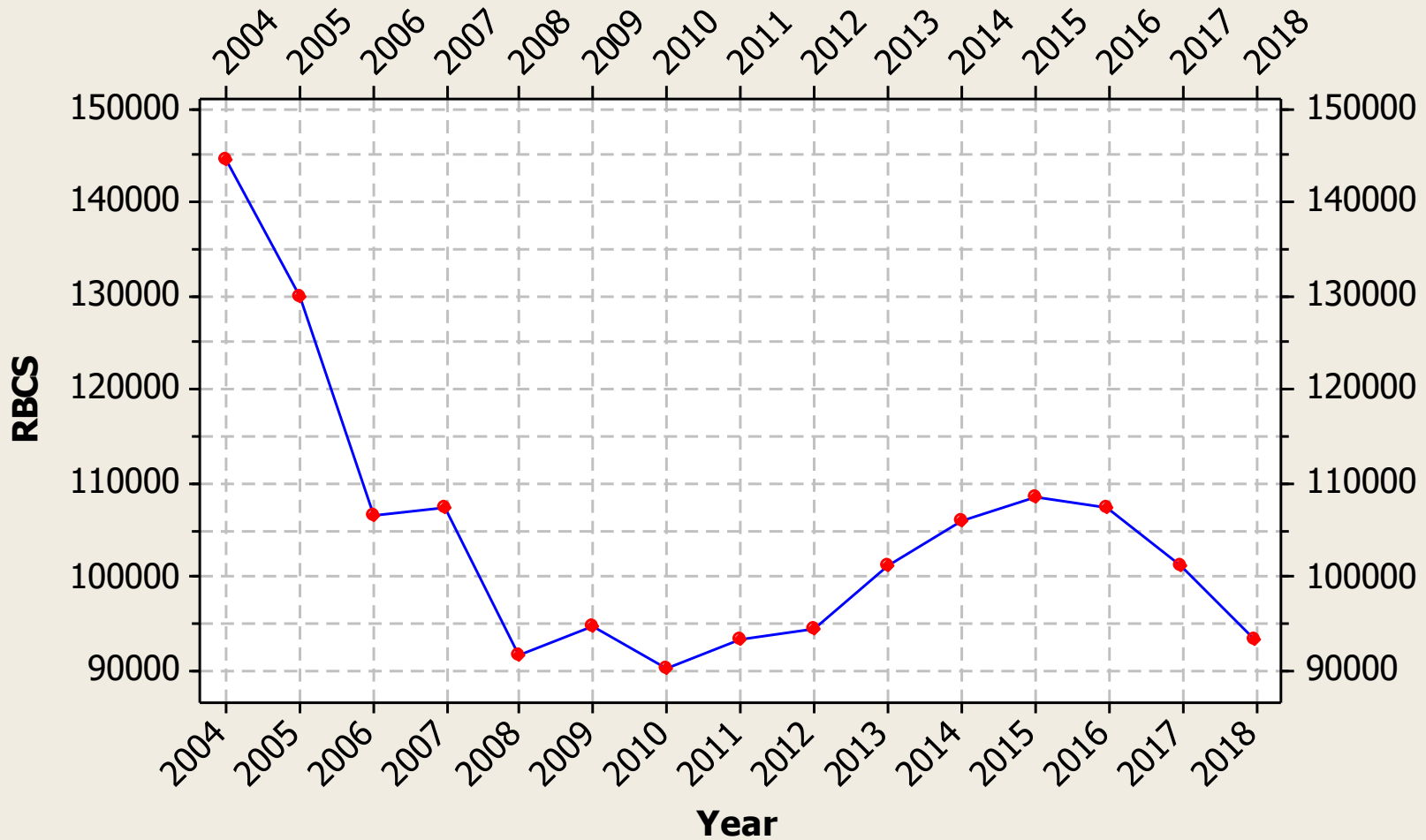
## Virginia Fin Fish Harvesters



Source: Pat Geer, VMRC – 4/21/20

# Decline in MD Saltwater Licenses

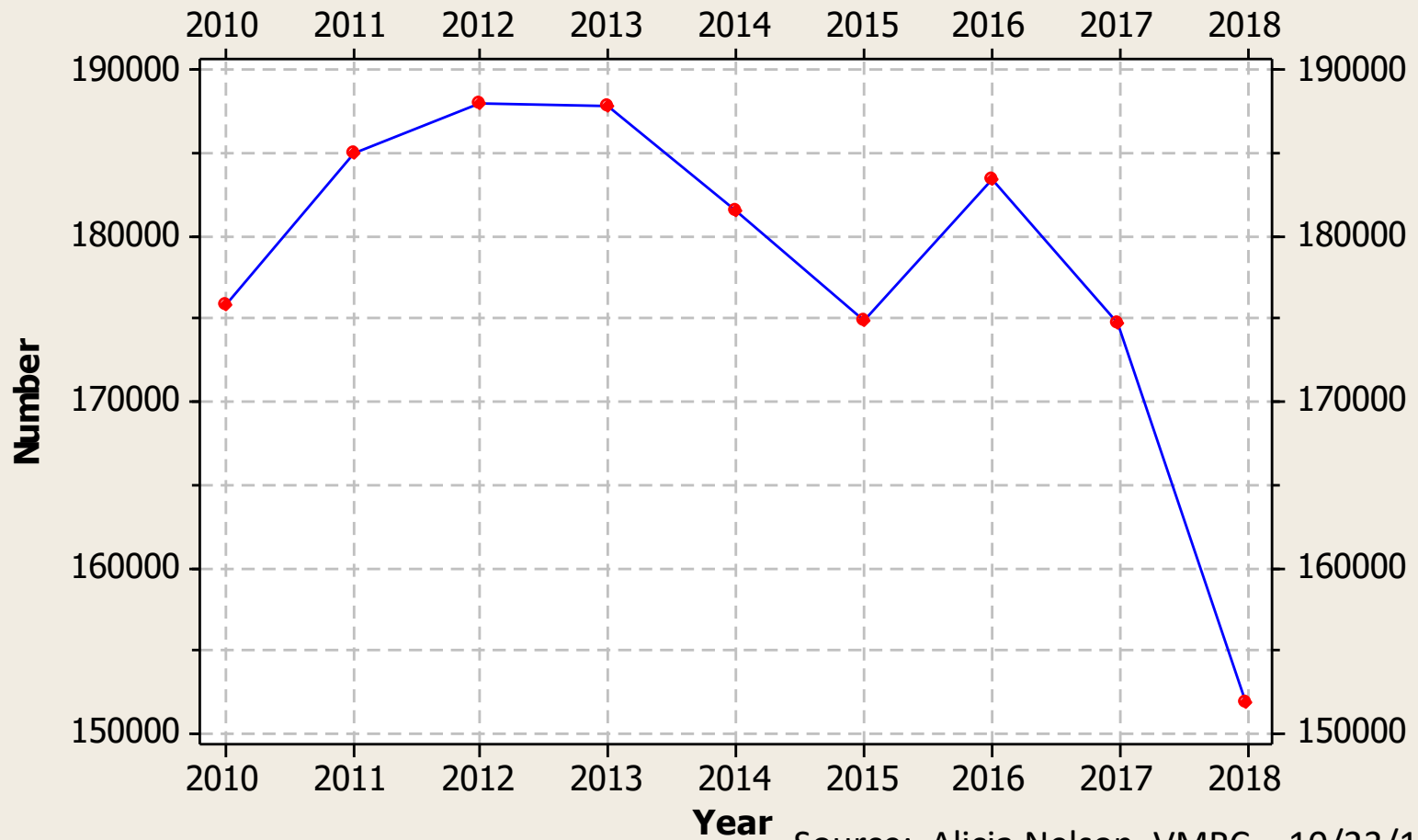
## Maryland Bay and Coastal Sport Licenses



Source: Paul Genovese, MD DNR 8/20/2019

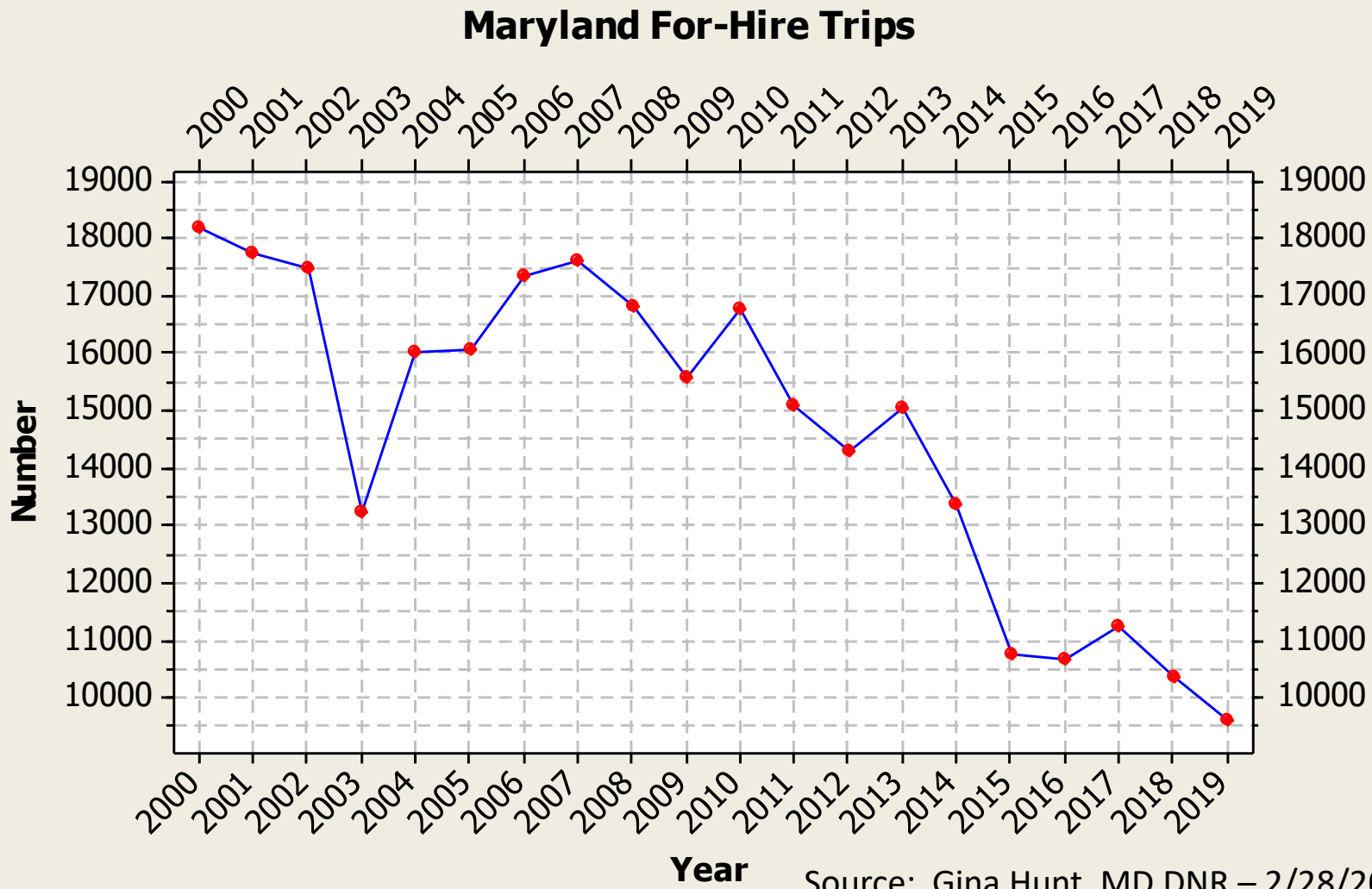
# Decline in VA Saltwater Licenses

## Virginia Recreational Saltwater Licenses

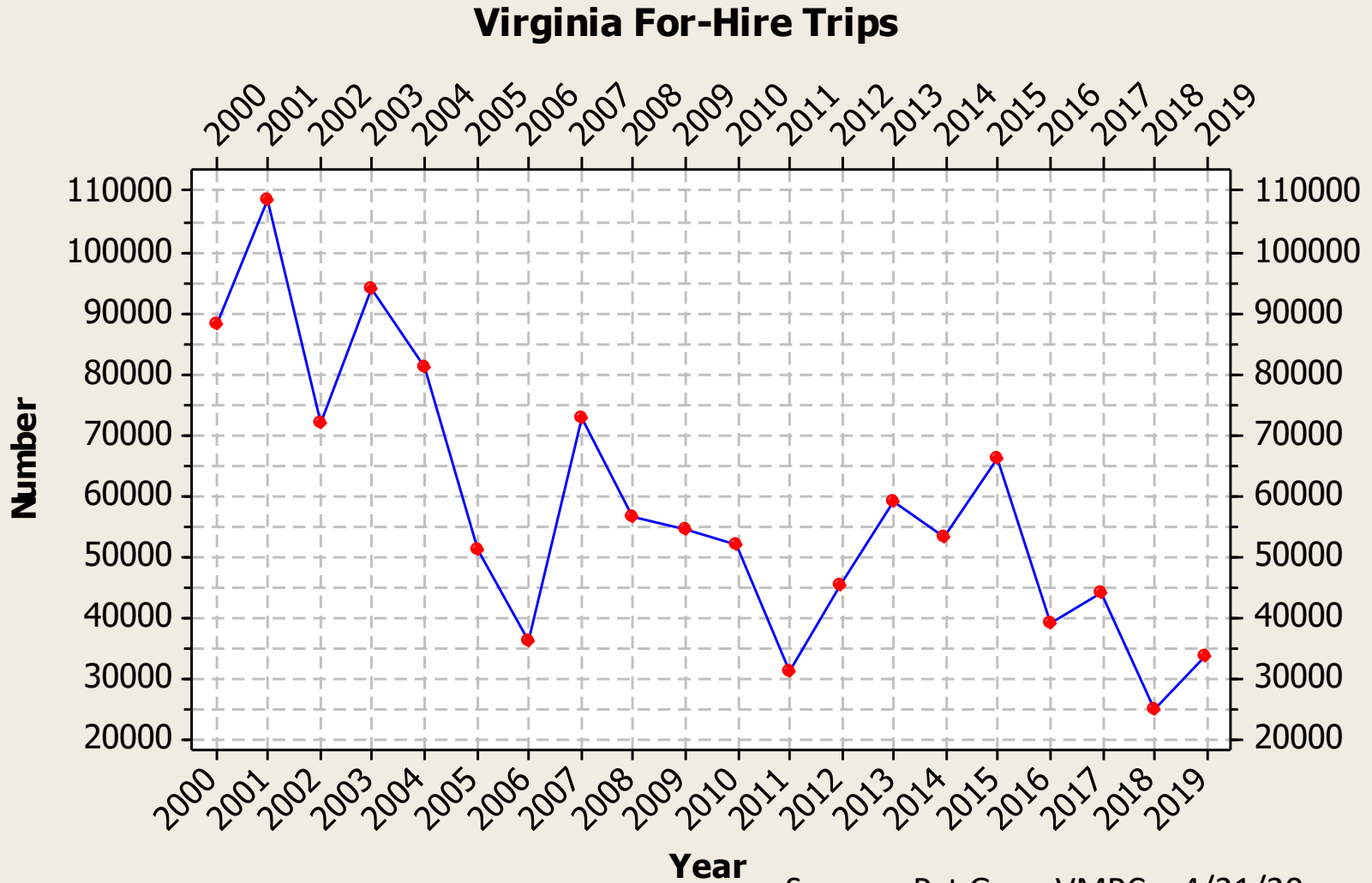


Source: Alicia Nelson, VMRC – 10/23/19

# Decline in Maryland For-Hire Trips



# Decline in Virginia For-Hire Trips



Source: Pat Geer, VMRC – 4/21/20

# Economic Impact

*Atlantic States Marine Fisheries Commission*

**ADDENDUM VI TO AMENDMENT 6  
TO THE ATLANTIC STRIPED BASS  
INTERSTATE FISHERY MANAGEMENT PLAN**



Approved October 30, 2019



Sustainable and Cooperative Management of Atlantic Coastal Fisheries



## Economic Impact

“The contribution of the commercial sector to the region’s gross domestic product (GDP), when attempting to account for all industries involved in harvesting, processing, distributing, and retailing striped bass to consumers, was \$103.2 million and supported 2,664 regional jobs. In comparison, the contribution of the recreational sector to the region’s GDP was \$7.7 billion and supported 104,867 jobs.” – page 6

## Conclusion

“The allocation of Atlantic menhaden in the current ASMFC Fishery Management Plan is an ecological and economic disaster for the Chesapeake Bay region and beyond.”

# Approach

Solicit Proposals from:

- ASMFC Atlantic Menhaden Management Board Members
- MD Sport Fishing Advisory Board Members
- CCA-MD Members
- Southern Maryland Recreational Fishing Organization Members
- Charter Captains
- Maryland Recreational Fishermen

# Proposals

- #1: Close reduction industrial fishing for Atlantic Menhaden in the Chesapeake Bay and within the 3 nautical mile limit of the Economic Exclusive Zone
- #2: Close reduction industrial fishing in the Chesapeake Bay until July 31st of each year
- #3: Close reduction industrial fishing for all member states of the Atlantic Maritime States Marine Fisheries Commission and retain the current allocation among members
- #4: Close reduction industrial fishing for all member states of the Atlantic Maritime States Marine Fisheries Commission and redistribute allocation in an agreed upon manner.

# Recommendation

Close reduction industrial fishing for Atlantic Menhaden in the Chesapeake Bay and within the 3 nautical mile limit of the Economic Exclusive Zone.

- Pros
  - Precludes overharvesting of Atlantic menhaden in the Chesapeake Bay
  - Results in no job loss in the reduction fishery industry
  - Least disruptive of all the options
- Cons
  - Adds greater effort and cost for reduction fishing

Backup

# Fishery Management Plan History

## 08/1981 – FISHERY MANAGEMENT PLAN FOR ATLANTIC MENHADEN

- Set limit that 10% 3 year old or older (spawners) should be represented in the landings

## 07/2001 – AMENDMENT 1

- Concern over a real and/or perceived decline in the Atlantic menhaden population
- Does not implement specific commercial fishery management measures to control the harvest of the fishery menhaden or limit effort in the fisheries at this time

## 08/2004 ADDENDUM I TO AMENDMENT I

- Establishes Biological Reference Points (Spawning Stock Biomass, Fecundity, Fishing Mortality)

## 12/2004 Special Report No. 83

- Status of menhaden's ecological role
- Reference points implications for menhaden's ecological role
- Effects of concentrated harvest in the Chesapeake Bay
- Recommendations for a revised or new direction in fisheries management

## 10/2005 - ADDENDUM II TO AMENDMENT 1

- Limiting the harvest of menhaden in the Chesapeake Bay by purse seine to no more than 110,400 metric tons or 730 million fish annually in 2006 and 2007

## 12/2012 - AMENDMENT II

- Total Allowable Catch of 170,800 metric tons effective in 2013
- Chesapeake Bay reduction fishery limited to no more than 87,216 metric tons.
- Virginia allocation 85.32% of total allowable catch

## 08/2016 - AMENDMENT III

- For the 2018 and 2019 fishing years, the Board implemented a total allowable catch of 216,000 metric tons
- Virginia allocation set at 78.66%
- Chesapeake Bay reduction fishery is limited to no more than 51,000 metric tons

# Proposal #2

**Proposal #2:** Close reduction industrial fishing in the Chesapeake Bay until July 31<sup>st</sup> of each year

- Pros
  - Allows Atlantic menhaden to enter the Chesapeake Bay in the spring without harvesting
- Cons
  - Doesn't preclude the overharvesting of Atlantic menhaden in the Chesapeake Bay for the entire year



## Proposal #3

Close reduction industrial fishing for all member states of the Atlantic Maritime States Marine Fisheries Commission and retain the current allocation among members.

- Pros
  - Precludes overharvesting of Atlantic menhaden in the Chesapeake Bay
  - Precludes harvesting of 78.66% of the Total Allowable Catch of 216,000 metric tons which results in 169,096 metric tons or 374,471,492 pounds or 772,079,442 fish left in the environment for foraging by natural predators.
- Cons
  - Ends reductions fishing operations in Virginia with associated job losses.

# Proposal #4

Close reduction industrial fishing for all member states of the Atlantic Maritime States Marine Fisheries Commission and redistribute allocation in an agreed upon manner.

- Pros
  - Precludes overharvesting of Atlantic menhaden in the Chesapeake Bay
  - Better equitably distributes the ecological and economic benefits harvesting Atlantic menhaden among the states and user groups
- Cons
  - Ends reductions fishing operations in Virginia with associated job losses.
  - Multiple undefined variations of this proposal causing delay in taking action

**From:** [Alejandro Arango](#)  
**To:** [Comments](#)  
**Subject:** [External] Menhaden  
**Date:** Friday, July 3, 2020 6:31:57 PM

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This Fish's help the Ecosystem in the bay , I don't know why you guys can't think about the other species that makes the ecology going ....without menhaden it will be no other species and the water will turn bad.

I'm just feel that the fishing has decreased drastically in the last few years.

**From:** [paul spitzer](#)  
**To:** [Comments](#)  
**Cc:** [juphoff@dnr.state.md.us](#); [Andre Buchheister](#); [Michael H Academia](#); [bdwatt@wm.edu](#); [Jan Reese](#); [afp7@cornell.edu](#); [Tom O'Connell](#); [mscheibel49@gmail.com](#); [Ben Wurst](#); [Kathy.Clark@dep.nj.gov](#)  
**Subject:** [External] PAUL SPITZER, PhD Cornell 1980: SELECT OSPREY COLONIES AS MENHADEN ERPS  
**Date:** Sunday, July 12, 2020 12:45:31 PM  
**Attachments:** [Osprey Colonies as Menhaden ERPs.docx](#)  
**Importance:** High

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ASMFC, Menhaden Management Committee

Dear Sirs: I have been studying East Coast ospreys for 50+ years, including famous coastal colonies in MD, NY, and CT whose current prime prey base is Menhaden.

My first decade, 1968-78, for my Cornell U. doctorate in Ecology and Evolutionary Biology and related publications, I focused on DDT effects (in Science 1978), then post-DDT population ecology (PhD Thesis 1980).

The most recent decade 2013-2018, I focused on select colonies dependent on menhaden; and simple field methodology to yield a quantitative assessment of local menhaden abundance from osprey reproductive success. Two years ago, I submitted to the ASMFC two complementary detailed "osprey-menhaden ERP" proposals: For the Ct. R. Estuary colony, CT; and the famous, now recovering (with renewed menhaden abundance) Gardiners Is., NY, colony. I have attached a short summary of this work. The full proposals are in my e-files, and can be provided at your request. The Gardiners Is. nest numbers and reproduction have roughly tracked what we know about local menhaden abundance over the last 50 years: This unique time-series, which I initiated in 1969, provides a solid, ongoing, field-testable hypothesis that this is a "Menhaden Colony".

I am copying several osprey and menhaden colleagues on this note.

Respectfully submitted, Paul R. Spitzer PhD, 31672 Old Orchard Rd., Trappe, MD 21673 tel 410-476-5163

Selected East Coast Osprey Colonies as Quantitative Biomonitoring of Regional Menhaden Abundance:  
Proposed to the ASMFC as “Ecological Reference Points” for Long-term Menhaden Management

Paul R. Spitzer, PhD, 31672 Old Orchard Rd., Trappe, MD 21673      spitzer\_paul@hotmail.com

Spitzer and colleagues have carried out 50 years of osprey field research since 1968. For the first decade, this was assessment of the profound destructive impact of DDT and dieldrin residues on reproduction and population dynamics (Spitzer *et al.* 1978, Spitzer 1980). Recovery followed, to a current state of abundance that enables precise study of food limitation, with no known contaminant effects. We have developed an array of simple, easy study techniques; plus intimate familiarity with the ecology of selected colonies where Atlantic Menhaden are the prime food fish during the eight-week nestling period and subsequent fledgling period. With adequate context, this enables annual quantitative assessment of regional menhaden abundance, using the osprey reproductive parameters “young fledged/active nest” (Y/AN) and “young fledged/successful nest” (Y/SN), or “mean brood size”.

Three East Coast osprey colonies are proposed to serve this scientific function:

1) High Menhaden Abundance: The Connecticut River Estuary, CT, colony has been studied since the 1930's, and was reduced to one active nest at the end of the DDT/dieldrin era (Spitzer 1980). The current active nest count is about 120, which continues to rise when appropriate nest sites are available. A pre-fledging Y/SN check of the predator-proof nest platforms at the Roger Tory Peterson Wildlife Area, Great Island, Old Lyme, CT, yields consistently large broods of young, with many three-young broods. This estuary and adjacent Long Island Sound are a consistent menhaden “hotspot” and sanctuary, with ecological parameters that enable the fishes' active habitat selection, and no local harvest pressure.

2) Variable Menhaden Abundance: The Gardiners Island, NY, colony has supported 200-300 active nests since the historic visit of Alexander Wilson in 1803 (Wilson 1812). Spitzer first visited this colony in 1969, finding 38 nests near the end of the DDT era (Spitzer 1980). This isolated, predator-free island is surrounded by the open, tidal waters of Gardiners Bay and Block Island Sound (Atlantic Ocean). This is prime menhaden habitat—but the colony is apparently highly sensitive to variable regional abundance of these migratory fish. For much of our 50-year time-series (maintained by Michael Scheibel of TNC and NYSDEC), Y/AN and Y/SN appear to track menhaden abundance (the working hypothesis, supported by ample annual observations). Since the ASMFC limitation of harvest quotas in 2013, both Y/AN and Y/SN have been high, and this food-limited population has recovered from 20 nests to 55 nests. If current trends are maintained, we hope for increase toward historic levels. Thus Gardiners is a bellwether of menhaden management for ecosystem benefits. The owners of this private island are highly supportive of this objective.

3) Mediocre Menhaden Abundance: The Broad Creek colony, off the Choptank River, near St. Michaels, MD, on the eastern shore of Chesapeake Bay. Spitzer (unpublished) studied this breeding cluster in 1983-87 and 2018, finding consistent Y/AN slightly above replacement rate of ~0.8 Y/AN (Spitzer 1980): the 6-year mean is 0.95, and the range 0.72-1.17. Y/SN mean is 1.56, range 1.36-1.80, with dramatic losses due to nestling starvation and resulting brood size reduction. In three years of intense study, 1984-86, this nestling loss was 41%, 57%, and 43%. The 2018 active nest count was 39, compared to 1983-87 mean of 48 (range 46-53). (This is due to reduction of manmade predator-proof offshore nest sites—but the breeding population is considered to be stable. In the five years 1970-74, with less nest

## Kirby Rootes-Murdy

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**From:** Aaron Kornbluth <AKornbluth@pewtrusts.org>  
**Sent:** Monday, July 13, 2020 3:55 PM  
**To:** Comments  
**Cc:** Kirby Rootes-Murdy  
**Subject:** [External] Menhaden - Submission of joint letter regarding adoption of ERPs  
**Attachments:** ASMFC Menhaden Policy Letter on ERPs - Pew WO CLF Audubon - July 13 2020.pdf

Dear Menhaden Management Board and ASMFC staff,

Attached, please find a joint letter from The Pew Charitable Trusts, Conservation Law Foundation, National Audubon Society, and Wild Oceans urging the Menhaden Management Board to adopt the example ERPs and commit to using the new ERPs to set conservative future TACs and continue improving multi-species management.

Please include this email and attached comment letter in the meeting materials.

Thank you for your continued efforts to advance the management of this key forage species.

Sincerely,

### **Aaron Kornbluth**

Officer, Conserving Marine Life in the U.S. | The Pew Charitable Trusts

cell: 603-953-4040 | e: [akornbluth@pewtrusts.org](mailto:akornbluth@pewtrusts.org)

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**The Pew Charitable Trusts · Wild Oceans**  
**Conservation Law Foundation · National Audubon Society**  
**July 13, 2020**

The undersigned organizations write in support of the adoption of the example Ecological Reference Points (ERPs) by the Atlantic States Marine Fisheries Commission's (Commission) Menhaden Management Board (Board) and urge you to move forward with the conservative management of menhaden. We thank you for your many years of work to get to this pivotal decision point. If adopted at your August 2020 meeting, ERPs will represent the culmination of decades of work and input by the Commission, scientists, fishing interests, conservation organizations, coastal businesses, and the public. ERPs will set new guideposts to transition from single-species to multi-species management, providing a scientifically sound mechanism to set annual total allowable catches (TACs) that explicitly manage this forage species to protect its vital role in the Atlantic coastal ecosystem. This will be a big step forward to achieving the ASMFC's goal of achieving ecosystem-based management of its fisheries and will ensure there is sufficient forage for wildlife including seabirds, marine mammals, and sea turtles, as well as commercially and recreationally caught fish species.

**Adopt the Example ERPs now and manage conservatively to achieve the target.** We urge you to adopt the ERP Work Group-recommended and peer-reviewed ERP target of 0.19 and threshold of 0.57. We also encourage you to commit on the record and to the public that the Board intends to conservatively manage to this new *target* reference point, defined as the maximum fishing mortality rate (F) on Atlantic menhaden that sustains striped bass at their biomass target when striped bass are fished at their F target. As striped bass and other menhaden predators, as well as numerous prey species, along the Atlantic coast continue to struggle (see Appendix), managing to the new, more protective ERP target becomes key. Doing so will serve not only to encourage recovery of these species, but can also buffer the negative impacts of swings in menhaden population abundance and recruitment at a time when the ecosystem is rapidly changing. It will have the added benefit of bolstering forage availability for predators that also rely on depleted prey like Atlantic herring (whose 2019 spawning stock biomass is estimated to be at a mere 29% of its target<sup>1</sup>), particularly in New England where older fish return if the population is healthy<sup>2</sup> and hopefully in the South Atlantic where a recovery has not yet happened.

*Recent actions have paved the way for immediate ERP adoption.* ERPs have been years in the making, but several key steps highlight their importance, appropriateness, and readiness:

- The Board adopted Amendment 3 to the fishery management plan in 2017 with only one dissenting vote.<sup>3</sup> Amendment 3 Section 4.6.2 specifies that new reference points may be adopted through adaptive management and does not require a new amendment or addendum.<sup>4</sup>
- Hundreds of thousands of public comments,<sup>5</sup> including from scientists, fishing interests, coastal businesses, and the public have urged the Board to adopt ERPs to protect menhaden, their predators, and the wider Atlantic marine ecosystem.
- Two benchmark stock assessments, including the Board's first multi-species one, enthusiastically passed peer review in Dec. 2019.<sup>6</sup> The peer review panel agreed that the "... Northwest Atlantic Coastal Shelf Model of Intermediate Complexity for Ecosystems (NWACS-MICE model) is best able to address the full suite of management objectives when combined with [the Beaufort Assessment Model]," and that "[it is] ready to be used to provide management advice."<sup>7</sup> The Board then accepted the assessments for management use.<sup>8</sup>
- The Department of Commerce upheld ASMFC's decision to find Virginia out of compliance,<sup>9</sup> effectively affirming its "... support for the Commission's interstate fisheries management

process and, in particular, [ASMFC's] efforts to manage Atlantic menhaden, an important forage species, in a precautionary manner."<sup>10</sup> Virginia has since come back into compliance.<sup>11</sup>

- At the Board's May 2020 meeting, the Board committed to adopting ERPs in August 2020.<sup>12</sup> The ERP Work Group has now recommended the adoption of the Example ERPs, which represent a straightforward, common-sense balance of multiple objectives for the fishery.

*ERPs will be protective of menhaden, striped bass, and other predators.* Numerous species of fish, mammals, and seabirds depend on menhaden for high-quality forage. While the example ERPs do not explicitly account for the needs of all of these important predators, they "... would likely not cause additional declines for other predators in the model ... [because] Atlantic striped bass was the most sensitive predator fish species to Atlantic menhaden harvest."<sup>13</sup> The models used to generate the example ERPs can be used to add additional species, data, and objectives moving forward.

*A large body of science, and many scientists, supports menhaden-specific ERP adoption.* NOAA Fisheries' Ecosystem-Based Fisheries Management Road Map<sup>14</sup> urges state and federal managers to "Develop and monitor ecosystem-level reference points," and to "incorporate ecosystem considerations into appropriate ... assessments, control rules, and management decisions." A growing list of scientific literature<sup>15</sup> urges fishery managers to use tools like ERPs as precautionary measures to manage forage species differently than predators. The Board considered the use of rule-of-thumb ERPs through Amendment 3, but ultimately decided to pursue the development of models and reference points specific to menhaden, its key predators, and the Atlantic coast. This is in keeping with some recent science that suggests that "... models tailored for individual species and ecosystems are needed to guide fisheries management policy."<sup>16</sup>

*The NWACS-MICE model, working in concert with the BAM, is the right tool to use now.* The ERP Work Group and stock assessment peer reviewers evaluated the performance of five multi-species models and determined that the NWACS-MICE model is the best one available to use for setting reference points that inform TACs.<sup>17</sup> NWACS-MICE allows the Board to "...explore both the impacts of predators on Atlantic menhaden biomass and the effects of Atlantic menhaden harvest on predator populations, [and] ... could be updated on a timeframe that works for managers." "MICE [models] are context- and question-driven and limit complexity by restricting the focus to those components of the ecosystem needed to address the main effects of the management question under consideration."<sup>18</sup>

### **Use the new ERPs to set conservative future TACs and continue improving multi-species management.**

Once adopted in August, the Board must use the new ERPs to set 2021 and out-year TACs. The Board confirmed in May 2020 that this is both possible and necessary. The Board, ERP Work Group, Technical Committee, Advisory Panel, and the wider public must also continue to work to improve how menhaden are managed in the context of their predators, related prey like Atlantic herring, and the ecosystem. We support the research and modeling recommendations of the ERP Work Group,<sup>19</sup> including:

- evaluating other models (e.g., Multi-Species Statistical Catch-At-Age, Stock Synthesis 3) for use in addition to or as a replacement for the NWACS-MICE and/or BAM models;
- incorporating additional species, both predator and prey, into multi-species models and ERP-generation, especially groups found in the model to be sensitive to menhaden abundance (e.g., nearshore piscivorous birds)
- continuing to address uncertainties related to the changing population status of stocks like Atlantic herring and striped bass;



- improving collection of diet data and monitoring of population trends for non-fish predators (e.g., birds, marine mammals) and data-poor prey species (e.g., bay anchovies, sand eels, benthic invertebrates) to better parameterize the ecosystem models;
- conducting a management-strategy evaluation to identify harvest strategies that will maximize the likelihood of achieving the identified ecosystem management objectives;
- adding additional seasonal and spatial considerations to one or more models; and,
- continuing to review and update data and models, and model outputs, through the stock assessment process.

We greatly appreciate the work of the Board, ERP Work Group, Technical Committee, and ASMFC staff to develop and evaluate multiple multi-species models and develop first-of-their kind ERPs. With adoption of the recommended ERPs, the Board will set a national, even global precedent for how forage fish like menhaden should be managed.

Sincerely,

**Aaron Kornbluth**  
**The Pew Charitable Trusts**

**Pam Lyons Grommen**  
**Wild Oceans**

**Erica Fuller**  
**Conservation Law Foundation**

**Anna Weinstein**  
**National Audubon Society**

**APPENDIX.** Predators (species at left) depend on a sufficient forage base, especially menhaden, and many iconic species are in trouble. When alternative prey (species at right) are themselves in decline, healthy menhaden populations may buffer against impacts to predators.



**Striped bass** (assessed in 2018):

**Overfished and experiencing overfishing**

2017 Female SSB in 2017 was 25% below *threshold*



**Bluefish** (assessed in 2019):

**Overfished**, no overfishing

Stock experienced overfishing in all years back to 1985



**Weakfish** (assessed in 2019):

**Depleted since 2003**; experiences very high levels of total mortality preventing the stock from recovering



**Spiny dogfish** (assessed in 2018):

No overfishing, Not overfished; **Biomass recently declined**, requiring significant catch reductions 2019-20



**Western Atlantic bluefin tuna** (assessed in 2017):

No overfishing, overfished status unknown

**Recent biomass is estimated at just 18% of historic levels from the 1950s**

**Atlantic herring** (assessed in 2020):

**Overfished**, not experiencing overfishing

2019 SSB at 29% of the biomass target



**Shad** (assessed in 2007):

**Stocks are currently at all-time lows** and do not appear to be recovering



**River herring** (assessed in 2017):

**Depleted coastwide at near historic lows** and total mortality remains high



**Atlantic mackerel** (assessed in 2017):

**Overfished and experiencing overfishing**

2016 SSB was estimated to be 22% of the target



**Atlantic butterfish** (assessed in 2020):

No overfishing, Not overfished; **Biomass has been declining steadily because of poor recruitment** and is estimated at 69% of target



*Image sources:* Striped bass, Atlantic herring, Bluefish, Shad, Weakfish, River herring – AMSFC.org; Butterfish, Atlantic mackerel – MAFMC.org; Bluefin tuna – Fisheries.NOAA.gov.

*Data sources:* Striped bass-[ASMFC](#); Atlantic herring-[NEFSC](#); Bluefish-[ASMFC](#); Shad-[ASMFC](#); Weakfish-[ASMFC](#); River herring-[ASMFC](#); Spiny dogfish-[ASMFC](#); Butterfish-[MAFMC](#); Bluefin tuna-[ICCAT](#); Atlantic mackerel-[MAFMC](#).

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# Atlantic States Marine Fisheries Commission

## Executive Committee

*August 5, 2020  
8:00 – 10:00 a.m.  
Webinar*

### Draft Agenda

The order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Introductions (*P. Keliher*)
2. Board Consent
  - Approval of Agenda
  - Approval of Meeting Summary from February 2020
3. Public Comment
4. Administrative Oversight Committee Report (*S. Woodward*) **Action**
  - Consider FY21 Budget
  - Consider Policy on Commission Contracts (*L. Leach*)
5. CARES Act Update (*R. Beal*)
6. Consider Management and Science Committee Recommendations Regarding Improvements to Advisory Panel and Public Input Process (*K. Knowlton/S. Murray*) **Action**
7. Discuss Executive Director's Annual Performance Review (CLOSED SESSION)
8. Other Business/Adjourn

**MEETING SUMMARY OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
EXECUTIVE COMMITTEE**

**The Westin Crystal City  
Arlington, VA  
February 6, 2020**

## **INDEX OF MOTIONS**

- 1. Approval of Agenda by Consent. (Page 2)**
- 2. Approval of Meeting Summary from October 30, 2019 by Consent. (Page 2)**
- 3. Adjournment by Consent (Page 3)**

## **ATTENDANCE**

### **Committee Members**

Pat Keliher, ME	Roy Miller, DE (GA Chair)
Cheri Patterson, proxy for Ritchie White, NH	Kris Kuhn, PA
Dennis Abbott, NH (L Chair)	Bill Anderson, MD
Dan McKiernan, MA	Ellen Bolen, proxy for Steve Bowman, VA
Justin Davis, CT	Steve Murphey, NC
Jason McNamee, RI	Mel Bell, proxy for Robert Boyles, SC
Jim Gilmore, NY	Spud Woodward, GA
Joe Cimino, NJ	Jim Estes, FL
John Clark, DE	

### **Other Commissioners**

Raymond Kane, MA (GA)	Doug Haymans, GA
Ritchie White, NH (GA)	

### **Staff**

Bob Beal	Laura Leach
Tina Berger	Deke Tompkins
Toni Kerns	Geoff White
Pat Campfield	Max Appelman

### **Others**

Chris Batsavage, NC DMF	Pat Geer, VMRC
Lynn Fegley, MD DNR	Mike Millard, USFWS
Sarah Ferrara, Proxy for Sarah Peake, MA	Derek Orner, NOAA Fisheries



### **CALL TO ORDER**

The Executive Committee of the Atlantic States Marine Fisheries Commission convened in the Crystal V/VI Room of The Westin Crystal City in Arlington, Virginia February 6, 2020. The meeting was called to order at 8:00 a.m. by Chair Pat Keliher.

### **APPROVAL OF AGENDA**

The agenda was approved, with the addition of four additional topics: the Legislative Committee, Whelk Management, Pennsylvania's membership on the Atlantic Menhaden Board and MRIP invoicing.

### **APPROVAL OF PROCEEDINGS**

The summary minutes from the October 30, 2019 meeting were approved as presented.

### **PUBLIC COMMENT**

There was no public comment.

### **REMAINING PLUS-UP FUNDS ALLOCATION**

Staff presented options for allocating the remaining plus-up funds (~\$175K) and the Committee had a good discussion on the 9 potential projects. Dr. McNamee volunteered to develop an interactive spreadsheet for Executive Committee members to use in ranking the projects. Mr. Beal will add a cobia project mentioned by Mr. Bell, a whelk project suggested by Mr. Anderson, and cost estimates for the projects that do not have a cost associated with them. Mr. Gilmore will follow up on the Save the Summer Flounder Fishery Fund project to see if funding is still needed. The decision on allocating the remaining plus-up funds will be reconsidered at the Spring Executive Committee meeting.

### **PUBLIC INPUT PROCESS**

Staff presented the details of Advisory Panel (AP) participation by species panels, and it was determined that there is generally poor attendance and participation across most APs. After some discussion it was recognized that the old way of gathering public input is becoming less effective, due in large part to the use of social media and technology, and the Commission needs to update its public input process.

The Management & Science Committee (MSC) has been tasked with recommending better ways to engage stakeholders and capture public input. This will be on the agenda for the Spring Executive Committee meeting.

### **MANAGEMENT BOARD CHANGES TO ACCOMMODATE SPECIES DISTRIBUTION SHIFTS**

In light of species distribution shifts due to Climate Change, the question of when is a state obligated to participate in a species management board has been asked.

A healthy discussion ensued, with a number of thought-provoking ideas offered. The Chair recommended this be an issue for MSC discussion first, and tasked the MSC with developing some options for Executive Committee consideration. This will be on the agenda for the Summer Executive Committee meeting.

### **USE OF MODES SPLIT IN RECREATIONAL FISHERIES MANAGEMENT**

Concern has been raised about the fairness of allowing differential access to for-hire and private angler fisheries. The recent bluefish

decision to allow a larger possession limit for individuals on for-hire trips compared to private boat and shore anglers was used as an example of differential access.

After a lengthy discussion, the Chair determined a work group is needed to develop a policy on this issue. The Commission is charged with the responsibility of managing public resources and fairness is an important part of that charge.

The work group will be comprised of Bill Anderson, Steve Murphey, Dan McKiernan, Justin Davis, Jason McNamee, Joe Cimino, Cheri Patterson, Jim Estes, and Doug Haymans. The workgroup will develop policy options for the Executive Committee to consider at its Spring Meeting.

#### **FUTURE ANNUAL MEETINGS**

Mrs. Leach provided an update on future annual meetings, noting that October 19-22, 2020 we'll be in Long Branch, New Jersey; 2021 North Carolina; in 2022 Maryland and in 2023 we'll be in Delaware.

#### **LEGISLATIVE COMMITTEE**

Mr. Keliher noted the membership of the Legislative Committee was left blank on the Chair's memo detailing committee assignments since it has not been used much in recent years. He wants to formalize the Legislative Committee so that when the state delegations go to the Hill there is consistency regarding the Commission's message. Mr. Woodward and Ms. Bolen were appointed as Co-Chairs for this committee and Mr. Keliher will seek additional volunteers at the Policy Board meeting.

#### **WHELK FISHERY**

Mr. Geer brought up the concern that the Whelk fishery is a valuable fishery along the Atlantic Coast that is not consistently or compatibly regulated. He requested the Commission be used to bring the states together on Whelk management. Executive Committee members were in favor of a coordinated approach, and it was requested that the Commission consider convening a workshop to develop an approach. The states will also talk with local SeaGrant offices to determine if they could coordinate a whelk management workshop given the Commission staff workload.

#### **PENNSYLVANIA'S MEMBERSHIP ON NON-DIADROMOUS BOARDS**

Article 7, Section 2 of the Commission's Compact limits Pennsylvania's participation to diadromous (and anadromous) species, and the question has been raised about their membership on the Atlantic Menhaden board. Mr. Beal discussed this issue with our attorney and Mr. Donahue issued an opinion that the Commission should consider removing Pennsylvania from the Atlantic Menhaden Board. Mr. Beal will finalize and distribute Mr. Donahue's opinion to the Executive Committee and this issue will be on the Spring Executive Committee agenda.

#### **MRIP INVOICING**

Mrs. Leach requested, and received the support of the Executive Committee in insuring the state business offices submit MRIP invoices, bi-monthly, based on Waves.

#### **ADJOURN**

The Executive Committee adjourned at 10:10 a.m.



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Executive Committee

**FROM:** Sarah Murray, Science Committee Coordinator

**DATE:** July 20, 2020

**SUBJECT:** Management & Science Committee Recommendations Regarding Improvements to ASMFC Advisory Panel and Public Input Process

### **Addressing Challenges in ASMFC's Public Engagement Processes**

The MSC was tasked with developing ideas to improve ASMFC's public engagement processes. To better understand the challenges with public engagement processes and gather ideas about new approaches, the MSC surveyed member states and its regional fishery management council partners, and consulted with ISFMP staff. The highlights from the survey and ISFMP staff discussions are summarized below. Many of the challenges, as well as the potential solutions to them, are interconnected. The highlights are divided into two sections: advisory groups and public input.

#### **Advisory Groups**

An advisory group refers to a formal group of stakeholders that are consulted in fisheries management and decision-making processes. The following are common challenges with advisory groups, as well as potential strategies for addressing them, which were identified in the survey and conversations with ASMFC staff.

**ISSUE 1: Advisory group members do not believe that their input will be considered or that it will affect management, which leads to a lack of participation and buy-in.** Many indicated that a lack of engagement may be driven by the idea that advisory group input will not impact management decisions.

**SUB-ISSUE: Advisory group input is not incorporated into management decisions.**

- ➔ **Strategy 1:** Encourage Commissioners to engage with its advisors, acknowledging input and discussing reasons why management may have gone in a different direction.
- ➔ **Strategy 2:** Reinstate Advisory Committee of AP Chairs to work with Commissioners to improve communications
  - PRO: The Advisory Committee had been a highly functioning committee and did a lot to increase advisor engagement and buy-in.
  - CON: Very few ASMFC APs have chairs.
- ➔ **Strategy 3:** Reinstate Advisory Panel Oversight Committee, composed of a subset of Commissioners and AP Chairs, to work with boards to improve communications.
- ➔ **Strategy 4:** Incorporate advisory groups into plan development in a workshop format.
- ➔ **Strategy 5:** Develop communication materials that respond to key themes in public input (i.e. note when public comment has been considered, and when management actions differ from public input, briefly address the reasons why).

M20-81

- PRO: Where possible, it's important to explain to the public and stakeholders why a board took action contrary to public input. The best mechanism to do so would be in our press releases and meeting summaries. Since it is not always clear why a board took a particular action, it will be important to work closely with the Board chair to craft these messages. Rhode Island has had some success with this approach when it made decisions contrary to industries' wishes.
- CON: Unfortunately, changing this perception is an uphill battle especially when boards don't always take action based upon public input. It's possible that increasing outreach on the reasons for their decisions will not change public perception/opinion. Many times it is not clear why a board took a specific action counter to public comment. Under this approach, the responsibility for explaining board action falls on staff without clear direction from the board or its chair. In the late 1990s, ASMFC conducted a thorough review of the advisory panel (AP) process and the greatest impediment to AP input was the lack of board responsiveness to its input. There was a period following that review in which changes were made to the process to more fully engage the AP (including why boards took the actions they did), but unfortunately it takes a lot of effort by staff, board members and AP members and that effort could not be maintained over the long run. Nor did it change advisors' belief that the boards did not value their input.

**SUB-ISSUE: There are misunderstandings about decision-making processes and advisory group roles within it.**

→ **Strategy 6:** Create educational materials (e.g. a brief video, story map) on the management process.

**ISSUE 2: Busyness, conflicting schedules, and too many requests for input lead to a lack of participation.** Some noted challenges with scheduling meetings around at times that did not conflict with fishing schedule. Others noted that some members may be receiving too many requests for input.

→ **Strategy 7:** Better utilize standing state advisory groups to gather input on proposed ASMFC actions.

→ **Strategy 8:** Consider completely revamping current AP process to mirror state process, whereby ASMFC establishes one overarching advisory group to provide guidance on fisheries management issues across all species. This group would include diverse user group representation from all member states.

→ **Strategy 9:** Schedule meetings far in advance?

→ **Strategy 10:** Consider providing stipend to incentivize participation.

**ISSUE 3: Meetings cover topics that are not of interest to some members, leading to lower levels of engagement.**

→ **Strategy 11:** Develop an AP meeting week. This could include workshops with relevant issues, as determined by AP members, in addition to AP meetings.

- CON: Most AP members are either working fishermen or have fulltime jobs. Currently, they are reimbursed for travel and per diem. If this approach is taken, the Executive Committee should consider providing advisors a stipend to attend a week-long meeting.

**ISSUE 4: Advisory group input is perceived as biased towards certain interest groups or groups are unable to reach compromises (similar to Issue 7).**

**SUB-ISSUE: Conversations can be dominated by a few vocal members and some members speak from personal agendas.**

→ **Strategy 12:** Task CESS with exploring strategies for addressing this issue

**SUB-ISSUE: Advisory group membership is not representative of stakeholders.**

→ **Strategy 13:** Task either a reinstated Advisory Committee, a reinstated Advisory Panel Oversight Committee or CESS with exploring strategies for addressing this issue

**ISSUE 5: General lack of engagement.**

→ **Strategy 14:** Provide meals at meetings

→ **Strategy 15:** Have advisory groups meet at least once per year in person to continue engagement. This could be an opportunity to integrate CESS representatives to keep them apprised of dynamics in the fishery.

→ **Strategy 16:** Have members periodically reapply to indicate continued interest in participating.

### **Public Input**

A public input process refers to a variety of methods used for obtaining input from the general public on fisheries management. The following lists challenges with public input processes, as well as potential strategies for addressing them as identified in the survey and conversations with ISFMP staff. All survey respondents use public hearings and combine them with one or multiple other public input methods, including email, online forms, paper and online surveys, and webinars. Some also post videos of presentations to support online input.

**ISSUE 6: Busyness, conflicting schedules, and too many requests for input lead to a lack of participation and uninformed stakeholders.** Many survey respondents noted that stakeholders' busy schedules were a key driver in the lack of participation in input processes. In addition, some noted that busyness and being overwhelmed by the number of input requests led to uninformed stakeholders, as people do not have time to learn about a specific subject for a hearing, etc.

**SUB-ISSUE: Input processes are too time consuming.**

→ **Strategy 17:** Provide online videos of presentations or webinars

→ **Strategy 18:** Develop online survey for input. Some respondents indicated surveys have improved the quantity and quality of public input. (If this approach is taken, staff suggests tasking CESS with developing best practices for survey design.)

**SUB-ISSUE: Some stakeholders receive too many input requests.**

→ **Strategy 19:** Allow stakeholders to opt-in to specific topic lists to be notified only when issues relevant to that topic arise. (NOTE: The Commission already does this).

**ISSUE 7: Stakeholders do not believe that their input will be considered or that it will affect management, which leads to a lack of participation and buy-in.** Many respondents noted issues with stakeholders not believing that their input would be taken into account. This may be another factor in lower levels of engagement.

- ➔ **Strategy 5:** Develop communication materials that respond to key themes in public input (i.e. note when public comment has been considered, and when management actions differ from public input, briefly address the reasons why) (Refer to Pros Cons identified on page 2)
- ➔ **Strategy 20:** Host informal/casual meetings with stakeholders to build rapport and allow for more discussion.
  - For example, Maryland used to conduct "Open Houses" for the blue crab fishery. There weren't formal presentations, more like story boards around the room with information on issues and places for people to provide comments. These Open Houses were pretty successful.

**ISSUE 8: Input processes are often dominated by interest groups and have a lack of input from the general public, which leads to biases in the public input.** Many survey respondents noted issues with well-organized interest groups dominating the input processes. In addition, some noted limited input from the general public or difficulties in sorting the interest group responses from those by the general public.

**SUB-ISSUE: Interest groups often dominate the input process.**

- ➔ **See Strategies 17-19 under Issue 6** to increase opportunities for public input
- ➔ **Strategy 21:** Develop Commission policy for how to handle interest group input

**SUB-ISSUE: Form letters overwhelm input processes.**

- ➔ **Strategy 18:** Develop online survey for input. Some respondents indicated surveys have improved the quantity and quality of public input. (If this approach is taken, staff suggests tasking CESS with developing best practices for survey design).

**SUB-ISSUE: General public is not being effectively reached by input solicitation processes.**

Some respondents noted that using social media and other online outreach strategies could be effective in reaching more of the general public. However, others also noted that some portions of the public do not have access to or do not use online communication methods, so they would be left out of an online-only outreach approach.

- ➔ **Strategy 22:** Develop multi-pronged outreach strategies to effectively reach the public across different demographics (e.g. develop social media strategies; engage association leaders to encourage involvement of constituents)
- ➔ **Strategy 23:** Allow stakeholders to opt-in to specific topic lists to be notified only when issues relevant to that topic arise. (NOTE: The Commission already does this).

**ISSUE 9: Ineffective communication leads to uninformed stakeholders, resulting in unhelpful input.**

Some respondents noted challenges with effectively communicating management options etc. to stakeholders. These challenges included messaging that was not tailored towards the general public's understanding, being boxed in by formal processes, and not providing sufficient background information.

- **Strategy 24:** Create more public-friendly draft management documents and provide a 1-2 page summary of the issues explained in the simplest terms possible to increase input.
- **Strategy 25:** Where possible, tailor presentations to audience needs (e.g. some audiences might benefit from more concise messaging, while others may want the background details).
- **Strategy 6:** Create educational materials (e.g. a brief video, story maps) on the management process.

# Atlantic States Marine Fisheries Commission

## ISFMP Policy Board

August 5, 2020  
10:30 a.m.-12:15 p.m.  
Via Webinar

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- |   |            |
|---|------------|
| 1. Welcome/Call to Order ( <i>P. Keliher</i> )                              | 10:30 a.m. |
| 2. Board Consent ( <i>P. Keliher</i> )                                      | 10:30 a.m. |
| • Approval of Agenda  |            |
| • Approval of February and July Proceedings, 2020                           |            |
| 3. Public Comment   | 10:35 a.m. |
| 4. Executive Committee Report ( <i>P. Keliher</i> )                         | 10:45 a.m. |
| 5. Progress Update on the Risk and Uncertainty Policy ( <i>J. McNamee</i> ) | 11:00 a.m. |
| 6. Committee Reports  | 11:35 a.m. |
| • Assessment Science Committee ( <i>S. Murray</i> ) <b>Action</b>           |            |
| • Habitat Committee ( <i>L. Havel</i> )                                     |            |
| • Atlantic Coast Habitat Partnership ( <i>L. Havel</i> )                    |            |
| 7. Review Non-Compliance Actions, If Necessary <b>Action</b>                | 12:00 p.m. |
| 8. Other Business/Adjourn   | 12:05 p.m. |



# MEETING OVERVIEW

ISFMP Policy Board Meeting  
Wednesday August 5, 2020  
10:30 a.m.-12:15 p.m.  
Webinar

Chair: Pat Keliher (ME) Assumed Chairmanship: 10/19	Vice Chair: Spud Woodward (GA)	Previous Board Meetings: February 6 and July 14, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 6 and July 14, 2020

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

## 4. Executive Committee Report (10:45-11:00 a.m.)

### Background

- The Executive Committee will meet on August 5, 2020

### Presentations

- P. Keliher will provide an update of the committees work

### Board action for consideration at this meeting

- none

## 5. Progress Update on the Risk and Uncertainty Policy (11:00-11:35 a.m.)

### Background

- At the 2018 Winter Meeting, Commissioners participated in a workshop to explore a preliminary risk and uncertainty decision tool.
- The Policy Board tasked the Risk and Uncertainty Policy Workgroup with further refining the tool based on Commissioner feedback and consultation with the Striped Bass Technical Committee.

### Presentations

- J. McNamee will review the draft Risk and Uncertainty Policy

**Board discussion for consideration at this meeting**

- None

**6. Committee Reports Action (11:35 a.m. -12:00 p.m.)****Background**

- The Assessment Science Committee had a conference call on May 20, 2020 to review the ASMFC Stock Assessment Schedule.
- The Spring 2020 Steering Committee meeting was held in May and reviewed the Fish Habitat Conservation Mapping Project, FY2020 funded projects, and 2020 endorsed projects.
- The Habitat Committee meeting was held in May. Since the meeting, the Committee finalized the aquaculture document and discussed the need for a policy on living shorelines impacts to SAVs

**Presentations**

- S. Murray will review changes to the Commission's stock assessment schedule
- L. Havel will present the ACFHP Report
- L. Havel will present the Habitat Committee Report

**Board action for consideration at this meeting**

- Approve the revised stock assessment schedule
- Task the Habitat Committee with drafting a policy on living shorelines impact on SAVs

**8. Review Non-Compliance Findings, if Necessary Action****9. Other Business****10. Adjourn**

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ISFMP POLICY BOARD**

**The Westin Crystal City  
Arlington, Virginia  
February 6, 2020**

These minutes are draft and subject to approval by the ISFMP Policy Board.  
The Board will review the minutes during its next meeting.

Draft Proceedings of the ISFMP Policy Board Meeting  
February 2020

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**INDEX OF MOTIONS**

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of October 2019** by Consent (Page 1).
3. **Move to adjourn** by consent (Page 22).

**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Loren Lustig, PA (GA)
Cheri Patterson, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Ritchie White, NH (GA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dan McKiernan, MA (AA)	Lynn Fegley, MD, proxy for Bill Anderson (AA)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Ellen Bolen, VA, proxy for S. Bowman (AA)
Jason McNamee, RI (AA)	Steve Murphey, NC (AA)
Justin Davis, CT (AA)	Mel Bell, SC, proxy for R. Boyles, Jr. (AA)
Jim Gilmore, NY (AA)	Doug Haymans, GA (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Spud Woodward, GA (GA)
Joe Cimino, NJ (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Russ Allen, NJ, proxy for T. Fote (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Derek Orner, NMFS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Mike Millard, USFWS

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

**Ex-Officio Members**

**Staff**

Robert Beal  
Toni Kerns

Kirby Rootes-Murdy  
Maya Drzewicki

**Guests**

Chris Batsavage, NC DMF  
Pat Geer, VMRC

Jay Odell, TNC  
Mike Waine, ASA

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The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Thursday, February 6, 2020, and was called to order at 10:15 a.m. by Chairman Patrick C. Keliher.

**CALL TO ORDER**

CHAIRMAN PATRICK C. KELIHER: I am Pat Keliher; the newly appointed Chair of the Commission, and as I was reminded by Dave Borden yesterday, the honeymoon is over. You have an agenda in front of you. We already have one item of new business, just to touch base on something from the South Atlantic Board.

**APPROVAL OF AGENDA**

CHAIRMAN KELIHER: Are there any other items that would like to be added to the agenda at this time? Seeing none.

**APPROVAL OF PROCEEDINGS**

CHAIRMAN KELIHER: Within your packet you should have received the approval of the proceedings from the October, 2019 meeting. Are there any additions, deletions, or any general comments on those proceedings? Seeing none they are approved by consensus.

**PUBLIC COMMENT**

CHAIRMAN KELIHER: I know we have one item under Public Comment, Jay Odell, and Jay Mac is going to introduce him in a moment. Is there anybody else here, not that there is anybody here. Is there anybody else here that would like to comment on anything that is not on the agenda? Seeing none, I'll turn it over to Jason McNamee.

DR. JASON McNAMEE: We will hear a public comment this morning from Mr. Jay Odell. Some of you already know Mr. Odell from his years of service on the Commission's Habitat Committee when he was the Nature

Conservancy's Mid-Atlantic Marine Lead. He stepped off that committee a couple years ago, when he took a new position as TNCs North American Fisheries Director. He's been with TNC for 16 years, prior to that he had a 13 year career with the Washington State Department of Fish and Wildlife.

He worked on all aspects of fishery management, from running stock assessment surveys to intergovernmental policy coordination. He knows very well the difficulties and foibles of working for a state agency. Mr. Odell will be speaking with us today about a survey at the University of Washington and the Nature Conservancy is conducting to help characterize state managed and unmanaged fisheries in the United States.

They believe that the U.S. Fisheries not subject to federal management plans are a critically important and underappreciated public asset that deserves more attention and resources, and compared to the federally managed U.S fish stocks, there is very little national scale information available about their condition. That gives us a little bit of context for Mr. Odell's public comment, and with that I turn it over to you, Mr. Odell.

CHAIRMAN KELIHER: Mr. Odell, before you start, we have many people who have flights around the table around two or two thirty. We do have an ambitious agenda in front of us, so with that in mind I just try to make sure we're concise, and if needed a few times to ask any clarifying questions, so thank you.

MR. JAY ODELL: Thank you, Jason for that nice introduction, and thanks for the opportunity to see the Commission and talk to you today. It's nice to be back here. I will try to show you about five, six slides in five minutes, and try to keep it as brief as I can. I'll share our motivation and our investment in this topic.

State managed fisheries, state landed species, incredibly important, as you all know, for

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example, lobster and menhaden being in the top tier of all fisheries in the U.S., in terms of volume and value. We've done just some preliminary estimates, and figure that about well over 25 percent of both total landed volume of fish seafood products in the U.S. are under state management, and really close to 40 percent of the value, so it's a big deal.

This is not news to any of you all. The federal managed fisheries are very well studied. We have the annual reports that tend to briefly dominate the news and get big press. There is really no comparable summary information for unmanaged or state managed stocks, stocks that aren't subject to a federal FMP.

We really know that state managed fisheries and state managed fisheries managers, and ASMFC staff tend to be overlooked and underappreciated. We want sustainable. You know The Nature Conservancy is for fisheries. We want to see sustainably caught seafood in the water, in kitchens, in restaurants.

But on a national scale we really just can't say much about how they are doing, so the first step is to collect information, and hence the survey. We're partnering with Ray Hilborn and Mike Melnychuk at the University of Washington. We looked at what types of methods would be most useful.

They have a very well established and published methodology called the Fishery Management Index that covers things such as vulnerability, monitoring and assessment, stock condition, management practices, enforcement, socioeconomic attributes. The survey is designed to be filled out by an expert, a fishery manager, in roughly maybe 30 minutes, using information that is already in your head, not needing to consult external resources.

Our sampling design, we're trying to pull the top 50 species by volume and by value, and some additional ones that were added because they are iconic or have some kind of strong

cultural or ecological importance. We're surveying about 28 U.S. coastal states and territories, and aiming to capture in the neighborhood of 300 fisheries or stocks in this survey.

We've had some initial conversations that folks are a little bit puzzled sometimes with the list of species that we're including in the survey, and the ones that we're not. They will not include any that are covered under a federal FMP. We know it will include a lot that are basically unmanaged for all states. The survey does include questions and space to record explanatory variables, things that are largely beyond the control of managers, like climate and habitat, funding levels, et cetera. I go back and forth between describing this as a survey of state managed species or stocks versus state landed, which is probably more accurate. We know that many landed species are not considered or managed as fisheries, and we understand it is not realistic to expect that they all are.

We get, what do you mean the striped sea robin fishery? That's not a fishery, and that sort of thing. But we really want to just to get a handle on what's coming across the docks. We know that you know part of the reason that Fish and Wildlife agencies can't always pay the amount of attention they want to, to state managed fisheries is because the tremendous amount of time that you contribute to processes like this, and particularly the federal fishery management process that is largely run and powered by the work of states.

Our goal is very much a national and a regional scale characterization of patterns and trends for non-federally managed species fisheries. Answering questions like, are some species complexes, flat fish, crustaceans, what have you doing better than others, and what proportion of landed species actually have very limited information, and similar examination of some of the explanatory variables, patterns relating to

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commercial versus recreational fishing, landings proportions, climate or habitat issues.

How things like that relate to stock condition and other things. Are there common challenges with data collection, funding, enforcement? Some of these may be rhetorical questions, I'm not sure. But are all state fish and wildlife management agencies under-funded? Sometimes it's helpful to have a little bit of data; just to underpin something that everyone is pretty sure is true.

We really hope that we can bring some national and local attention to the challenges that the agencies face, really in service of increasing public funding. Lastly, we are very mindful that helping with this survey is probably pretty far outside the regular duties of you and your staff. We're hopeful that the results will be useful in different and diverse ways, including bringing useful attention to your work.

Our strategy is to, we know in some cases a tall ask, and we're reaching out through our staff in the coastal states to you and your staff. We've made some of those contacts already. We've had some initial very positive conversations and reactions in conversations in Connecticut and New Hampshire, Rhode Island, Alaska, and I think North Carolina.

Please be on the lookout for a letter or further contacts from us asking for your help to suggest staff that would be most qualified to fill out the survey for species in your state, and we will be so grateful for your help with this. We'll owe you, and we'll keep working on coastal habitat in all your states, and trying to make more fish. Thanks very much, and hopefully I left a little time for questions.

CHAIRMAN KELIHER: Thank you, Mr. Odell. I always like to hear it when a nonprofit such as The Nature Conservancy says they might owe us. Just one clarifying question from me, are you looking for one survey response from each state?

MR. ODELL: Yes. Well one survey response per species, and some states will be lucky winners and might get, we would love you to do ten species, if you can figure out a way to muster the capacity to do that.

MR. KELIHER: Thank you for that clarifying answer. Are there any questions for Mr. Odell at this time? Lynn.

MS. LYNN FEGLEY: Thank you for that it was very interesting. I just want to be clear, state managed. You mentioned federal FMPs, but are ASMFC FMPs included? Is an ASMFC managed species a state managed species, or are you talking about the real unmanaged stuff, like whelk?

MR. ODELL: Yes. In the early design of the survey we kind of scratched our head a bit about ASMFC, and how to treat those species. We decided that they are state. For the purposes of this survey they are state managed. We are not evaluating ASMFC as a unit, as a sampling unit, but we are including some of the species that are managed by the Commission.

CHAIRMAN KELIHER: Steve.

MR. STEVE MURPHY: Just a quick question. We have a lot of state species that we don't manage, but we do collect landings for them. We could provide that information. You can go online and find that right now. But I mean they may not have a formal management plan.

MR. ODELL: That's right. I think, I'm guessing that is going to be the case maybe for the majority of the hundreds of species in this list. For those that are where the landings are tracked, there is I think three or four questions that relate to our landings data collected on a regular basis, and such like. We would ask that you just kind of try to bear with us, and think about the species without, and if it is not managed as a fishery with a specific FMP that is totally fine. We just want to collect as much information as we can.

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CHAIRMAN KELIHER: Great. Seeing no more hands, I appreciate, Mr. Odell your time here this morning. I think this endeavor; anything that can make an underappreciated state manager feel more appreciated is worthwhile as far as we're concerned I think. Thank you very much for that information, and we'll look forward to seeing the surveys.

MR. ODELL: Thank you all.

**UPDATE FROM THE EXECUTIVE COMMITTEE**

CHAIRMAN KELIHER: Moving down the agenda. Item Number 4 is an update from the Executive Committee. I'm quickly going to go over some of the conversations and the results we had from the meeting just a few minutes ago, and I'm going to ask Bob Beal to chime in if he feels like I missed anything.

One of the first conversations that we had was around the allocation of the Plus-Up funds. We have about an additional \$175,000.00 remaining. After some very good conversations it was clear that there was no final decision could be made by the Executive Committee on the Plus-Up funds. Jay McNamee then offered to develop a little bit of a survey so we could do a better job of ranking them from the Executive Committee. The Executive Committee is going to follow that process Jay has raised his hand and willing to lead that. We hope to have a much more polished list, ranked list if you will for future meetings. There will be more to come on that. The next item revolved around the review of our advisory panels and public input process.

That rose from our luncheon with the governors and legislative appointees, came back to the Executive Committee. Tina did a great job pulling together the attendance from the Advisory Panels over the last bunch of years. It was very telling to see a decline in participation from the Advisory Panels.

We also talked quite a bit about the public hearing process, as well as the use of webinars

and surveys as a potential tool. The end result was that there is going to be additional work from the Management and Science Committee, and the Management and Science Committee will report to the Executive Committee, hopefully at their next meeting.

Next there was no shortage of kind of weighty topics here. Next on our list this morning was potential Board changes based on shift in species. Basically the focus of the conversation is when is it appropriate for a state to be obliged to participate in fisheries management. Currently we have this, we have *de minimis* status.

We've actually had states such as Maine and New Hampshire become involved in the fishery, even though we remain *de minimis*, because there was a growing interest with a shifting species. We certainly have other parameters that could be looked at as well. One of the ideas was to identify very different parameters to highlight the fact that a state was much more involved in a fishery, elevate that information to the Executive Committee and further to the Policy Board for discussions on whether a state should be brought into the process.

There is also conversations about, for instance with the South Atlantic. Should there be a multispecies approach to this in areas where we have shifting stocks? No final answer on any of those things. I think it was a very good conversation with the Executive Committee, and here again we're going to refer some of these questions back to the Management and Science Committee, and that information we'll ask to come either back to us at the May, or likely the summer meeting, considering we've got some additional work on their plate.

Bob, did you have anything you wanted to add on that one? Were you raising your hand, or were you just exercising your finger. Okay, flopping around. He's flopping around. The next item was splitting modes within

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recreational fisheries management between recreational party charter and the for-hire fleet.

This was a very interesting conversation with very different opinions around the table at the Executive Committee, on how to deal with this, and at the end of that conversation it was determined that we needed a working group to see if it would be possible to develop a broad policy that we could bring back to the Policy Board for further discussion in the future. We have asked for folks to raise their hand and sign up for that. I think we've got a good list started. Do you have that list in front of you, Bob?

EXECUTIVE DIRECTOR ROBERT E. BEAL: If I can read my handwriting I do. I think it's Cheri, Dan McKiernan, Doug, Jay McNamee, Justin, Bill Anderson, Steve Murphy and Jim Estes.

CHAIRMAN KELIHER: I think that is a good balance based on what I heard from people on both sides of the issue. I think it's going to be some work to see if we can come up with a common policy on this, but based on the conversation I certainly think it is important. We haven't determined a Chair on that.

But this particular one, based on the division we may need some additional staff direction on that and help on that. I think the Committee can talk about that and determine who the Chair would be. I don't have my agenda up in front of me. I think the next item moving on down the list was the Annual Meeting.

New Jersey will be hosting somewhere in New Jersey. I don't know anything about New Jersey, no offense, but Joe made it sound like we're going to have a good time and it will be a very worthwhile meeting. There will be additional information on that. Where is it? Long Branch, New Jersey.

There is such a place as Long Branch, New Jersey in northern New Jersey. I think they're holding it up north to make me feel better about the north. I appreciate that. I appreciate

the work, Joe that you guys are all doing on that. Obviously the Annual Meetings are critically important. Quickly under items that were not on the agenda. I recently with the help of Bob filled out some of the standing committees that we have here at the Commission.

The one that I left off was the Legislative Committee. The reason I did that is the Legislative Committee has really been a committee that has worked on these bigger issues, bigger federal policy issues, Magnuson-Stevens Reauthorization, and it kind of ebbs and flows as far as its participation with the Commission.

What I've asked is that we do a little bit more work to formalize that committee, and have it become much more active. I'm not looking for everybody to start throwing names forward right now, but Ellen Bolen has agreed to Chair this committee with Spud acting as Vice-Chair. What I'm looking for is a good representation from administrative Commissioners, Legislative, and Governor's Appointees to participate on this committee.

If you have an interest, as you're sitting around the table if you have an interest in this committee, please see Ellen or Spud or Bob or I, and we'll make sure you get added to the list. Deke up front will be the staff coordinator on this committee, and will ensure that it is meeting much more often.

Speaking of underutilized species, based on the TNC presentation, there was a conversation brought forth by Virginia around whelk issues in particular the size of the individuals that are being harvested, and the harvest of individuals that have not reached sexual maturity. There is an agreement amongst the states in regard to whelk that some coordination needs to happen. I think with Pat Geer's help and assistance in coordinating with some of the other states, they're going to reach out to Sea Grant to see if Sea Grant might be willing to help fund and

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coordinate a meeting of the states that have interest on this, and maybe facilitate it. But they are going to bring that back to the Executive Committee to see if additional help from the Commission might be needed.

Moving down the list is the issue of participation on boards. The Executive Committee at the last meeting discussed the participation of Pennsylvania on the Menhaden Board, and the Executive Committee asked for some legal advice on this particular issue, because it was clear in the charter that both Pennsylvania and Vermont could participate as it pertained to anadromous or diadromous species, and then the overarching legislation was very specific to participation within the Commission, but from a policy perspective.

Bob has asked for some legal advice based on comments from the Executive Committee. We've received that advice in draft form. That information is going to be finalized. The legal advice will be finalized, shared with members of the Executive Committee, as well as Pennsylvania for their ability to respond to the Executive Committee on this particular issue.

Obviously the Policy Board is the Board who will have final authority and say on that. Because of the sensitivities around it though, we wanted to start the conversation in the Executive Committee, and then we will bring that forward. Bob, do you have anything you want to add on this topic?

EXECUTIVE DIRECTOR BEAL: No, I think you've covered it very well. Only one technicality, at the beginning of your comments you mentioned that the charter limits Vermont and Pennsylvania to diadromous species, but it's actually the Compact. But other than that I think you covered it very well.

CHAIRMAN KELIHER: Lastly we had an issue around billing with APAIS. I think that has been settled. APAIS now has to be billed by waves, and so the states will be receiving invoices by

waves instead of the larger onetime payment that there has been in the past. I believe it's been a onetime payment in the past.

States that were having issues with that have been put on notice, and I think everything is going to be worked out, and it looks like we're moving in the right direction as far as APAIS and billing around APAIS. With that I will end my comments of the Executive Committee. Are there any comments? Joe Cimino.

MR. JOE CIMINO: One and I think it's important. Going back to that recreational mode split. I appreciate that there is going to be a further discussion on it. It's very important. As you mentioned there were a lot of differing opinions, but I would like to state for the public record that everyone around that table at the Executive Committee agreed that the way bluefish was handled wasn't the way to go forward. We are certainly intending to learn from that.

CHAIRMAN KELIHER: Thank you for that comment, Joe. I did have that in my notes and forgot to bring that forward. That certainly, this was brought up prior too, but the bluefish decision certainly elevated this as a topic of importance. Are there any additional questions regarding the Executive Committee meeting?

#### **REVIEW AND DISCUSS THE 2019 COMMISSIONER SURVEY**

CHAIRMAN KELIHER: Seeing none, let's move right down the agenda to Item Number 5, Review and Discuss the 2019 Commissioner Survey. Deke is prepared to go through the results of that. Deke.

MR. DEKE TOMPKINS: All right the survey was initiated in 2009, and the 2019 data was collected January 6 through 20th. It is just this last year comprised of 15 weighting questions and 5 comment questions. This slide shows the average score for each year of the survey and the number of participants each year.

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This year we had some good news. Scores increased for all but two questions from last year. Overall, looking at the entire time series there is a relatively small variation in scores from year to year. On the average score for all of the ranking questions through all years is 7.7, and the standard deviation is 7.2.

The highest levels of variation throughout the ten years are within the two cooperation questions, which is cooperation with our federal partners and cooperation between Commissioners. You can see a swing of 7.7 to 5.2 with our federal partner score, and the cooperation between Commissioners has maxed out at 8.2, but been as low as 6.5.

Okay we're ready for the next slide. These are the two scores that declined in 2019. These are the only two, tracking the number of stocks where fishing is no longer occurring as a metric of Commission progress, and satisfaction with progress to end overfishing. The four questions with the biggest gains are shown here: Commission actions to reflect progress toward its vision, cooperation with federal partners, cooperation between Commissioners, and a clear and achievable plan to reach the vision.

These best scores are perennially at the top of the list; use of fiscal human resources, resources spent on issues within our control, ISFMP and Science Department outputs, and securing fiscal resources for the Commission. The worst scores from this year are ability to manage rebuilt stocks, cooperation between Commissioners, and progress to end overfishing.

Then we move on to the comment section, which I think provides a little more insight into what folks were thinking this year. I have underlined the first three, because these seem to be persistent issues from year to year, so I put them right at the top. Impacts of climate change, cooperation among states and Commissioners, and again cooperation between ASMFC and our federal partners.

Some other issues that stood out, I didn't list every single answer. But some of the larger themes include responding to new information, especially stock assessments and the new MRIP FES survey. Balancing socioeconomics and conservation, commercial versus recreational interest, conservational equivalency came up, and then prioritizing all of the Commission's species groups.

Then some areas for increased focus and resources that were identified were again, stock distribution and abundance shifts, and tying that in with allocation. The frequency of stock assessments, we heard a request for more technical analysis of some of these issues like juvenile indices, environmental variables and habitat. We had a couple calls for more involvement from the Law Enforcement Committee. There was a comment about improving conservation practices, which has been occurring for striped bass. There were a couple calls to finalize the Risk and Uncertainty Policy, and there were a handful of different comments about federal legislation, addressing discrepancies between the Atlantic Coastal Act and the federal Magnuson Act.

Then there were a few comments tying back into distribution and allocation in climate change for some legislation possibly to deal with that. Then kind of wrapping up, the most useful Commission products are pretty similar from last year, so you can read those. But a lot of them you get in your inbox, and then the other thing that were big was just being able to reach out to staff for various issues that you have.

There were some requests for new products, and I think a lot of these if you aren't readily able to find them, if you reach out to staff they should be able to help you. If you're trying to get a table from one of our publications, if you reach out to Tina she can provide you an electronic copy that is in a format that you can get that.

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If you have questions about any of those, I think just go ahead and reach out directly to staff. There are a couple of logistical things from the comment section that folks were requesting electronic motions. They would like to see a little bit more of a democratic process, with regard to opportunities to speak at Board meetings, and a few technical things. But I think with that I'll end my presentation, and I thank you for the time.

CHAIRMAN KELIHER: Great, thank you very much, Deke. Are there any questions for Deke? Loren.

MR. LOREN W. LUSTIG: Thank you, Deke for that report. I was very interested on the slide that showed the number of responses over the last, say ten years. It looked like that this past cycle and a year before that there were 31 responses. I believe that eight or nine years ago there were 21 responses, sort of the lowest figure presented. Could you please relate to us any strategies that you might have to increase the percentage of responses, and it would be helpful to know what the number 31, what is the percentage that that would indicate of responses?

MR. TOMPKINS: There is one response per Commissioner, so if you have a proxy you just submit one form, so that would be approximately two-thirds, 66 percent response rate. We open the survey. We try to send reminders, and keep it open as long as we can, noting that we have to finalize it in time to put this on the briefing materials. We start about as early as possible in January this year, and I think we kept it open until two days before supplemental materials were closed. There were two to three e-mail reminders sent out to folks.

CHAIRMAN KELIHER: John Clark.

MR. JOHN CLARK: Deke, is there any way to save your survey for me? When I saw how small the changes were in some of those

questions, I just kind of wonder if I might have given it like a slightly higher mark this year than I did last year. It would be nice to know what I actually voted on some of these things last year.

MR. TOMPKINS: I remember that comment from last year that you made. I looked into it, and because it is anonymous, we don't have the option to really pull that out for you. We also use the free version of their software. Each year the survey goes on we're a little more limited in the add-ons that we can use. But I could definitely look into that again.

MR. CLARK: I'll just have to remember to write down my responses then, thanks.

CHAIRMAN KELIHER: I'm glad you offered that John, so I didn't have to. Are there any additional questions for Deke on the survey? In looking at the survey and Deke's report, the one question I have for the Policy Board is, is this a valuable annual survey? Should this be spread out? Do we utilize it?

I mean I went through, looked at the answers and it is nice to see, as Spud just said, you know we've had a lot of turnover, but the scores are remaining pretty consistent, which is telling as well. Are there any thoughts about the use of this annually, or whether we should be thinking about using it differently? Jim Gilmore.

MR. JAMES J. GILMORE: I think it's still useful for some corrective actions. I know there was the one comment about maybe monopolizing conversations, and I think that is a part of maybe that parliamentary training, which we're going to do again. For all the new Commissioners, you're only supposed to speak once.

Now that is up to the prerogative of the Chair, and I will violate that as much as anyone. Sometimes you're talking six, seven, eight times. But I think with that training, and again sometimes if you don't have the survey you

start getting away, or you get back into bad habits. It is still useful.

CHAIRMAN KELIHER: I'm glad you said you violated it, so I didn't have to. Are there any additional comments on the survey? Does anybody want to object to its annual use? Are we all in agreement with Jim, we should just continue it? No big strong feelings there. Why don't we continue?

We've got a couple of nodding heads now to continue, okay. Thank you very much, and thank you Deke for that information.

**DISCUSS STRATEGIES TO INCORPORATE  
ECOSYSTEMS MANAGEMENT INTO  
INTERSTATE FISHERIES MANAGEMENT  
PROCESSES**

CHAIRMAN KELIHER: Moving down the list, to Discuss Strategies to Incorporate Ecosystems Management into Interstate Fisheries Management Processes, we've got Toni Kerns and Katie Drew. Katie.

DR. KATIE DREW: I'm sure many of you were here yesterday for the Menhaden Board meeting and the discussion, and sort of the first reveal of the Ecosystem Reference Point Assessment for Menhaden. That obviously has implications for not just menhaden, but a lot of the species that we manage. I think we wanted to start this discussion at the Policy Board, to talk about issues outside of menhaden, species outside of menhaden, and how to start bringing the ERP approach into the Commission fully. I'm just going to go over a quick review of the 2020 ERP Assessment. I know a lot of you did see this yesterday, but I think it's good to refresh it for everybody, talk about some of the implications for other species, and then Toni is going to take over and talk about potential strategies for moving ecosystem-based management into the ASMFC process from sort of an FMP or from an ASMFC process perspective.

The 2020 ERP Assessment was reviewed at the end of 2019, accepted, passed peer review. It was accepted for management use yesterday, and the accepted model from the assessment process was what we're calling the NWACS MICE model. This is an ecopath with ecosim, or EwE model that uses a limited number of predator and prey species, where we have the most confidence in the data, and where those species are most relevant to the Commission.

That includes predators such as striped bass, bluefish, weakfish, and spiny dogfish, as well as prey such as menhaden, Atlantic herring, and bay anchovy. This tool allows managers to examine the tradeoff between menhaden harvest and predator biomass. I'm going to go through our rainbow plots in a moment, because I think they really illustrate the fact that there is no one right answer for ERPs.

This is something we tried to stress to the Menhaden Board, but it's also relevant to the Commission as a whole that the right answer is dependent on the management objectives for this entire ecosystem. What do you want your predator populations to look like? What do you want your predator fisheries to look like?

How heavily do you want to be able to fish these predators, and what do you want your prey fisheries to look like? Is it valuable for you to try to maximize harvest of some species over others? To do that we can use this NWACS MICE tool to kind of look at these tradeoffs. This is the graph that you guys all saw yesterday, without any lines on it, because the important part here is you have striped bass F on the Y axis.

You have menhaden F on the X axis, and those colors represent what happens to striped bass biomass if you fish them at these different rates. What you can see is that you have those red colors up in the corner where you have high striped bass F, and high menhaden F gives you low striped bass biomass.

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Then it moves into those cooler colors, and you have higher striped bass biomass and higher under lower striped bass F and lower menhaden F, which makes sense when you think about it that the more menhaden that are available to these predators, the better they will be able to do. The less you're fishing them the better they will be able to do.

But then you get the question of well, where should you be on this plot? What is that right intersection of striped bass F and menhaden F? The answer is, it depends on what you want. We can put these curves on the graph, where you have these solid black lines, where biomass is equal to the biomass threshold for striped bass, and where biomass is equal to the biomass target for striped bass.

But each of those lines still represents a combination of striped bass F and menhaden F. If you fish striped bass more heavily, you have to fish menhaden less heavily, in order to keep it at its target or to keep it at its threshold, and vice versa. If you fish menhaden more heavily, you have to fish striped bass less heavily, in order to keep them at their target or keep them at their threshold. Even if you fish striped bass, what the Menhaden Board saw yesterday was that once you start limiting the possibilities here that you fix your striped bass F, say at the F target.

Then there is essentially one menhaden F that will keep you at your target, and one that will keep you at your threshold. That is that straight line across is the striped bass F, and you can see where it intercepts with those curves. Those are your two options for menhaden F. However, I think you understand that this is relying on the Striped Bass Board having set the F target and the biomass target, and the biomass threshold for striped bass already.

In a sense that limits the options on this plot. If you decrease the striped bass F you can keep them at a different biomass with a different level of menhaden F, and vice versa. The

Menhaden Board is going to go forward with ERPs that allow other species to meet the reference points in their own FMPs, more or less.

There is still some discussion going on at this, but to a certain extent this is sort of the next logical step, and we're going to provide some of that information to help the Board evaluate this. But this is what you can do. To be clear, this is a huge step forward for ecosystem-based management. But this is only the first step.

These other reference points are set without considering the ecological tradeoffs or the ecosystem management objectives. Our predator species already have their single species reference points set in the single species context. There is no chance right now or no opportunity to use this tool for other species.

Right now we've already fixed our striped bass, we've set those lines on the plot, which is great, we can move forward with that. But the question is really now, how do we bring this conversation and this tool into other species and into the Commission's management process?

MS. TONI KERNS: This leads us to questions for the Commission as a whole, is how do we want to manage ecosystem management, and how do we want to move forward with this? Katie has shown us that you know an action taken by the Menhaden Board could have the potential to have an interaction with another species management board, and should one species management board be able to have implications for another species management board or not?

The model that was presented for ERPs includes four predator species, and three prey species. Some of those species are managed by the Commission solely, and others are jointly managed with our federal partners at the Councils, and some of them are complementary



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managed by our partners at the federal councils.

I think that there are a couple of things that the Commission, the Policy Board needs to think about, in terms of ecosystem management, before we I think make final decisions on sort of how to manage these is what is the goal of ecosystem-based management for the Commission? I have on the screen some goals that are set by NOAA for ecosystem-based fishery management, and then the Mid-Atlantic Council has ecosystem approaches to fishery based management. These are just two goals that are out there. But you may want to have a policy that takes into consideration the full range of cumulative effects and tradeoffs across various management regimes and human uses, as well as the impacts of these management decisions to our full environment.

I think that we'll also have to think about does the Board want to include the full gamut of species that are in the NWACS MICE model, or do you just want to take into consideration one or two of the species, and how we manage those as a first step. If any of those species, like I said before, are not solely managed by the Commission, then how do we bring in our federal partners?

Katie provided an example of the striped bass, and we know that coming up it's highly likely that the striped bass biological reference points are going to change, which will then change how the ERP reference points look. How do we manage that? Do we have joint board meetings, or does that decision come to the Policy Board, or some other management board that is created? I think there are a lot of questions that need to be answered by the Commission before we move forward, on how to utilize this framework. We'll leave it at that for now.

CHAIRMAN KELIHER: Leaving it at that for now. Thank you, Toni. Are there any questions for

Katie or Toni on this topic? Don't all jump in at once, Steve, and then Ritchie White?

MR. STEVE MURPHY: Yes, I think this is incredible work that you guys have done. I mean this is exciting to be here when we're taking these big steps. We've kind of talked about the forage role in the ecosystem-based management. But to me the sort of a big missing link in that is sort of a habitat inclusion, right?

Often it is the habitat that is the limiting factor, and I certainly wouldn't know how to begin to even include that. But I'm wondering if that is an approach that has merit in the future, bringing in some sort of habitat part of this type of look in ecosystem management.

DR. DREW: Yes, well I think the short answer is that is definitely future work. I think the key is in really understanding the effect of, we can go out and we can measure habitat to a certain degree, and we can measure changes in habitat over time. But then connecting that back to sort of a mortality component or an effect on the population is difficult.

But I do think that is one of the longer term goals of this project, is to have more spatial, and we talked yesterday, more spatial and more seasonal components, and that can include environmental drivers, which could be linked to habitat and things like that. I think obviously the more moving parts you have in this the more complex it becomes.

The more key data is really what is limiting you. But I think moving forward that is certainly something we would like to include in a more holistic framework, but kind of how do we bring that in, in sort of intermediate steps going forward, I think is something for the Policy Board to discuss.

CHAIRMAN KELIHER: Follow up.

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MR. MURPHY: Yes, there is a lot of data out there on habitat and spatial mapping of that habitat, whether it be hard bottom or SAV. What I kind of don't see the connection in, and we tend to do this, you know we do at our state level. Where we look at habitat and the habitat protection, and then we're over here managing fish on another side, but we don't look at sort of the spatial extent of say at high salinity SAV habitat versus stock status of a fish where that is a key part of the life history.

That is kind of like how do you plug those two things together I think is the big question that we need to ask for. Otherwise I think this type of an approach gets you so far, and then it is not going to produce anymore results. You really have to bring in that component, in order to make it sort of a more holistic approach to this.

CHAIRMAN KELIHER: To complicate that whole concept even more is through the effect of climate change on all that. Certainly, as Katie said, more work needs to be done in the future. I've got Ritchie White and Mel Bell.

MR. G. RITCHIE WHITE: Are you looking for just questions or comments?

CHAIRMAN KELIHER: Questions or comments are fine.

MR. WHITE: Yes, thinking about this since the meeting, and thinking about the role of the Policy Board. I think we ended up in a lucky place, where things all fit together with bluefish, striped bass, and menhaden. I'm hoping we adopt the reference points in May, and then I think we have to see how that plays out when things change.

Because I'm not sure we can figure out exactly a policy that will take us through dealing with councils and the Service, thinking dogfish, and even bluefish councils. Until the perfect situation that we now have, until that changes I think it is going to be hard to predict what an

overall policy would be, until we kind of get into that situation, and then try to figure out okay, how do we deal with it?

CHAIRMAN KELIHER: Mel Bell and then Jay Mac.

MR. MEL BELL: Yes to echo Steve's comments about this is a tremendous amount of work and great stuff. We're really on the cutting edge here, because I've been dealing with the concept at the Council level, in talking about ecosystem-based management, and at our SSC meetings and asking the question, what is it going to look like when we get ready to do it.

We're now at the point for us anyway, where we're considering the implementation of this. When we were talking about menhaden and striped bass, menhaden and striped bass, I get that and that is fairly simple. But then yesterday you remember we had the graphic. We added on four more species. To one of your points you had up earlier.

If we can start simple, if it's not oversimplifying this, but it seems like if you can sort of start at a level where you're trying to look at the effect of one thing on another species, and kind of keep it down to your juggling two balls, instead of trying to juggle six balls at once. If we can take that approach that would be great, and then kind of work into it, and if we get an outcome from an action over here results in potentially an outcome here, and we actually stay on the graph as predicted. That would seem to me to be kind of if we can start simple then move towards more advanced, unless I'm totally oversimplifying this.

Because I realize all of those other species that we listed, and a bunch of them that we didn't, are involved in the overall what happens with menhaden or other species. But if we can start simple and demonstrate the concept, sort of proof of concept that helps us to build on that it's kind of a crawl, walk, run approach maybe, if

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that is reasonable. That would be my suggestion.

CHAIRMAN KELIHER: I've got Jay McNamee and then John Clark.

DR. McNAMEE: I'm actually going to just support what Mel just said. I think taking it sequentially is the way to go. We've got our current situation, which is great. We kind of let the predators dictate where their Fs are going to be, and we adapt menhaden to it. Then the next step could be okay now we're going to get menhaden and striped bass together, and try to think about it a little more comprehensively.

Then scale it up from there. We need to kind of start small, see how it can work in this more controlled way. I think that is by far the best approach to do it that way. I think that will give us time as well. I think there are some you know additional tools, additional things to think about that can help when we get into the more complex scenarios down the road, applying some economics theory, like game theory and Nash equilibriums to try and figure out.

You know, what is a nice spot for all of these things? Rather than trying to wrestle each other, you know oh I want mine at F target. No, you can't be that sort of thing. We can get a good spot to start, using some of these economic theories and then adjust from that. We need some time for that but let's baby step our way up. I thought that was a great way to put it.

CHAIRMAN KELIHER: John Clark.

MR. CLARK: This really is very cutting edge, interesting work. A comment made yesterday, I think it was Bill Hyatt brought up about the seabirds. I know they are not in the model, but it did set off a cautionary note in my head, because I saw the same e-mails from some of these birding groups, and as you know we already have a species where we're managing

horseshoe crabs in conjunction with a bird species.

The most recent assessment of the Delaware Bay stock of horseshoe crab showed the female population is back to a level where we could possibly allow some female harvest. But of course on the bird side that is not the case, and I would say just knowing the other parts of the situation, the other aspects of the situation.

I doubt we're going to see female harvest of the Delaware Bay stock anytime soon. But just as we go forward with this, just something for us to all be aware of is that once you start adding these other species it can be probably hard to keep some of these other ones out. I was just wondering if that has been a consideration so far.

DR. DREW: I think the species that are included in the model can be dictated by the Policy Board and the Commission. We focused on species that from a scientific perspective had the best available data, and also from the trawl survey diet data it indicated they were major predators of menhaden.

This was the top set of species that had the largest component of menhaden in their diet, based on the trawl survey data. But certainly there is a policy component of it, and if it becomes important to the Board to consider seabirds or whales and marine mammals, I think that is something they can dictate to the ERP group, and we can work on incorporating that into the model.

I will say I think the horseshoe crab, ARM example is a great example, and should get more credit as really the first ecosystem approach to fisheries management that this Commission did, and has been in place for a while. But the way the ARM is set up is it doesn't really allow other sources of mortality on that bird population.

Obviously the ability to provide food for the birds is an important part of their survival, but

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you're also missing a lot of the other sources of mortality on that population that is not linked to horseshoe crab fishing. The EwE model allows more sources of external mortality, including fishing on these other predators.

As we saw yesterday, you can't rebuild striped bass by menhaden alone, and this model can recognize that. There is a little bit of difference in how those models are set up, and hopefully we could incorporate some of that information into the NWACS MICE model if we were to ever try to incorporate birds into them as well.

MR. CLARK: If I could just follow up. That is exactly what I was heading towards, Katie is just that that data will be out there for a lot of these other species, and there will be pressure put on. Once you've started adding species it's going to be like well, how can you consider spiny dogfish but not consider right whales, or whatever. I'm just saying it's going to be very interesting moving ahead with this, because for all its benefits it's going to add a lot of complications too.

MR. KELIHER: Somebody always has to bring up right whales, Justin Davis and Joe Cimino.

DR. JUSTIN DAVIS: I'll join everyone around the table who have spoken so far in saying that I think this is a really exciting development. I've been involved with fisheries management for about 20 years, and the whole time I've been in the field people have been talking about ecosystem management.

There have been a lot of challenges to actually implement it. It looks like we're getting ready to take potentially a big step here, which I think is great. I will also join the call for incremental moves. I think making a big move right off the bat is not only going to be challenging, but also might be difficult to sort of explain to the public how we're radically changing, potentially the way we manage some of these species. I think the NWACS MICE model, without really changing any of the way that our boards are

comprised right now, or how we're managing, can immediately play a role in our process, because it can just be used as another source of information when we're making decisions about how to set reference points or goals for any of these species, menhaden, bluefish, striped bass. It's just another source of information that can tell us what we're potentially going to achieve with different goals and objectives.

I think without even changing a whole lot it can really add to our process. It does seem to me that if we wanted to go another step further. If the Commission made a policy decision that essentially predator fisheries, predator populations are going to be the priority. Then we can set goals for those fisheries, for those stocks, and then manage menhaden in a way to support those goals.

We could do that by an amendment to the menhaden FMP possibly, where we make explicit in the FMP that we'll set ERPs that allow us to fish bluefish, striped bass, whatever else at F target. That would be one way without changing our current single-species board composition of essentially making a decision about tradeoffs using this tool, and doing more ecosystem-based management.

I think that is something to consider. In terms of combining boards, I think that may be where we ultimately have to head, but I think that is a tough thing to think about now, and to think about how we do that. I see that as something that is maybe three, four, five years down the road. I think that would be tough to accomplish in the short term.

I would just hope, you know thinking about how we're going to move here that we find a way to use this new tool immediately to improve our management process without having to engage in a multiyear three to five year process of trying to take the next step.

CHAIRMAN KELIHER: I've got Joe and then Marty.

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MR. CIMINO: This was something that I was thinking about during the Menhaden Management Board, and the task that we gave to the ERP. A species like weakfish where F values really don't play a role at this point, I think the Boards have to consider maybe shifting some of these species like weakfish in particular to that other level of whales and birds.

What is the biomass target that we feel there is an interaction and there is a need for these prey species, and not just having it based on F values. I'm sure there is a conversion currency there, Katie. I wanted to ask you, and mad about that a little, but of course menhaden was going along, so.

CHAIRMAN KELIHER: Marty.

MR. MARTIN GARY: Just jumping on the train that I'm hearing around the table of simplification and an iterative, sequential process. I don't know if that would be as Jason said as simple as striped bass on the predator side of the equation in menhaden, or maybe in the spirit of geographic inclusivity, adding striped bass and weakfish, something that all of our member states can get around with menhaden, but just a thought.

CHAIRMAN KELIHER: Are there any additional questions or comments? Path forward, we obviously don't need to make a decision today. The Menhaden Board has advanced the use of ERPs as a tool. We have had a motion to postpone, not to postpone but to task the Technical Committee for further information in regards to the other species.

I think that is information that will be very useful for the Menhaden Board and for all of us in the future. I know for myself as I've thought about this issue. It took us over ten years to get to this point. The concept of baby steps rings very true to me that we don't want to rush into this. I would have concerns.

I understand where Ritchie White is coming from. We want to make sure we can utilize these as a tool for management. But I want to make sure that we also think through the policy ramifications as it pertains to this, because if we jumped in with all these species, the scenarios and the management scenarios could become very complicated very quickly.

You have multiple management boards from the Council perspective as well that would overlay here from the Mid-Atlantic and New England, which certainly would complicate things going forward. Then there is the human nature side of this that we've never dealt with before as a management body.

We sit here around the table, and a silo, species by species, and all of a sudden we're going to be at a species management board thinking, how do I want to vote here as I think about what I'm going to do later in the week with menhaden, or with striped bass? That is certainly a dynamic that we've never had before, and one I don't think we should just glance over as something that we can work through.

I think we do need to be thinking about that and it could be that we just need to be thinking about it more between now and the spring meeting. We're obviously going to have a report back for menhaden. Other than Marty bringing up weakfish, I think there looks to be some consistent thoughts and nods around the table, as I was watching, about starting slowly with menhaden and striped bass.

But the question to the Policy Board is there anything that you believe we should be doing between now and the spring meeting, to think through some of these scenarios, think through some of the dynamics from a management perspective as it pertains to the use of ERPs? We've got Craig, and did I see another hand over here, and Adam.

MR. CRAIG D. PUGH: The biggest takeaway that the information has provided me was the

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affirmation of the appropriate action that we have taken with these species. I think that was highly valued. It gives us the sense that there is no real urgency here, there is no crisis. With that my recommendation would be a side-by-side approach, to see how they can be worked out, and give it some time in the future.

If we can apply, I am excited about the idea of looking into striped bass and the weakfish issue on the same level. But the cautionary period to see this work out together and make them match up for this Board and Commission, I believe would be prudent.

CHAIRMAN KELIHER: Adam Nowalsky.

MR. ADAM NOWALSKY: I would not be in favor of anything at the Policy Board level outside of continuing to monitor what the Menhaden Board is doing right now, and my reason for that is because I believe the Menhaden Board with the motion that came from your state, Mr. Chairman, essentially took the next step for us with regards to asking for what would this look like under different stock status levels, different fishing levels for a number of different species.

We took four or five different species. We've asked to see what those different variables would look like, potentially. That to me was the next logical step, so I think the Board did that work for us. We should continue to monitor that work, see what the outcome of it is, learn from what that Board is doing, and then revisit this issue later in the year.

CHAIRMAN KELIHER: I've got Spud and then we'll go back over here.

MR. A.G. "SPUD" WOODWARD: Just looking ahead to May and I just want us to all be conscious of something that could possibly happen. If we convene as a Menhaden Board, which is pretty much everybody that sits around this table right now, and we make a decision to adopt ERPs based on the analysis presented.

Then we come back here as a Policy Board and everybody's discomfort level goes up, and we say oh it's premature, and we're worried about unintended consequences. Then we sort of contradict what happens at the Menhaden Board. That is going to send a really strange, mixed message out to the folks that have been watching this process for all these years.

I don't know how the Menhaden Board will go, but I get a sense that there is going to be a lot of interest in moving forward with the adoption of some ERPs on menhaden, based on the models that have been presented to us, the results of those models. Again, just thinking ahead, it's something I think we all need to be pondering on as we move towards that meeting.

CHAIRMAN KELIHER: It's my belief that this Policy Board is the final word on what species. The Menhaden Board can't determine an action that is going to impact the other species boards, right? The Policy Board is going to have to make a call on what species are going to be included with the ERPs. Is there any disagreement with that from a policy perspective? Okay seeing none, we're all on the same page there. Lynn.

MS. LYNN FEGLEY: I was going a little bit in the same direction as Spud that I think we do need to go home and think about May, because in May we're going to see a range of values now. We're going to have a range of ERPs and their associated values, and it is likely at that point that the Menhaden Board will choose to adopt one of those values.

At that point then, we have simultaneously a Striped Bass Board that is on the cusp of developing a new Amendment, and there is talk about new, just switching up the reference points for striped bass. What that does is when that happens that will change that value for whatever the Menhaden Board adopts. I think there needs to be, and I think Justin you might have said it that we could set a policy where

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we're going to prioritize the predator species, and fish them at their targets and their biomass. But we need to be cognizant of a situation with a fishery like menhaden, where the Striped Bass Board could make an amendment decision that is going to very much impact you know that fishery. I think there has to be a place when we adopt, if and when the Menhaden Board adopts, I think we have to be very ready for how we're going to handle that feedback. I agree completely with the sentiment around the table that we should start simple.

We can do due diligence in looking at how tradeoffs happen when we set TACs for menhaden, and reference points for striped bass. But I do think that we need to be ready in May to figure out how that feedback loop is going to happen, so the Striped Bass Board isn't just by accident pulling the rug out from under the menhaden fishery.

CHAIRMAN KELIHER: Spud, do you have something you want to add?

MR. WOODWARD: I think that speaks for something that I brought up yesterday in the form of a question, and that is the synchronization of how these board actions occur, because if you get disconnects in decision making and stock status determinations, then you start adding in problems. As I understand it we would probably have another run of the single species assessment, and I guess conceivably the ecological reference point model in 2023, something like that 2024.

We're talking about three-year cycles. The Amendment would probably go into effect around 2023, and then you would have a new assessment. That is a resource management issue of how we manage our science assets, and how we manage our management assets. It is just something that we're going to have to. Again this is a paradigm shift of how we synchronize things different than what we've been doing in the past.

CHAIRMAN KELIHER: Jim Gilmore.

MR. GILMORE: I think one effort we should probably all do to help this out is as we go between now and the May meeting is to engage our stakeholders, so that they understand how complex this is. I think there were comments from yesterday about us kicking the can down the road, and I don't think the general public of a lot of the groups understand that we're really going from single species, first to multispecies into ecosystem, because we've only got a couple of species in this.

When we started this a decade ago that was the big concern. How do you get a dozen or more species habitat, everything factored into this with no data, and whatever. We really have to do this in increments, so that we make sure we don't completely undermine our efforts to manage the resources. I think that effort for a lot of the groups that are watching us right now is going to be worth the effort, so that they understand we're not kicking the can down the road, we're trying to implement this appropriately and successfully.

CHAIRMAN KELIHER: I've got Mel and then Jason.

MR. BELL: You kind of brought this up in thinking towards the future. Let's say we do initiate a process here and we start slowly. But at some point this might get more and more complex, and as you said it's going to touch on how different boards might work together. One way you can kind of explore how your, what I'll call Command Control Structure, your plans, your instructions, your operations, how they work under different scenarios is you can do the equivalent of sort of war gaming or tabletop exercises.

You work in different scenarios and see how does your structure adapt to that and then what changes might you need to make? Who needs to be involved in decisions? That is kind of more an exercise in exploring future use of

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this, or how this process might play out in our current structure here. But to the degree that you can invest time in that sort of, we'll call it training, or exercising. You sort of exercise the ASMFCs current structure and authorities, and policies, instructions, procedures. That is just something for the future to think about.

CHAIRMAN KELIHER: Jason.

DR. McNAMEE: Actually my thought is something I just wanted to put on the table as kind of a parting thing, so if you're driving at something, as long as I can stay in the queue I'll park it for now.

CHAIRMAN KELIHER: Why don't you go ahead, because I am ready to kind of give some direction and thought on next steps here?

DR. McNAMEE: Okay. The other consideration, so we're wrangling with the notion of this interaction between boards, and that's good, and so we'll kind of come to a resolution there. There is another aspect I just wanted to make sure people are aware of so it doesn't catch them off guard at some point in the future.

Not only is there this interaction between species, but the other characteristic of ecological reference points is the reference point's move, depending on what's going on. This is another thing we're going to have to think about, because it is outside of our current paradigm. It's not static anymore, it moves, unless we develop some system around it where we buffer so that it can stay static through time, again, just another thing to make your brain hurt between now and the spring.

CHAIRMAN KELIHER: I always appreciate your added thoughts, Jason to make my brain hurt. Several of us had conversations around kind of next steps. Where do we go from here? Almost every one of the thoughts has come up around the table here today. I think we were wrestling with; do we need kind of a work group across species?

However, considering that there seems to be kind of a growing consensus here for a simple start to scale up this process. My belief is we should let the Menhaden Board continue its work. Let's get the report back from the Technical Committee, and in the meantime instead of a working group, I think if we can continue to talk. We all have good relationships with each other. We're all interacting with each other through different meetings. Let's continue to think about this as it pertains to, as Jay just brought up, these moving reference points, the human dimension of management as it pertains to managing one species for another and the complexities around that. I would recommend that we just continue this conversation at the next Policy Board meeting, and then see if at that point in time whether we're going to need potentially a workgroup to kind of look towards the development of a goal.

The term goal has come up here several times here today. I think in this case a goal with some objectives to help give guidance, not only to this Policy Board, but to potentially Striped Bass and Menhaden is going to be a valuable tool. With that unless anybody has any objections or additional thoughts, I'm going to move on. Seeing none that is the direction we'll continue.

#### **PROGRESS UPDATE ON BENCHMARK STOCK ASSESSMENTS FOR AMERICAN SHAD AND AMERICAN LOBSTER**

CHAIRMAN KELIHER: Thank you very much for that discussion, moving on to Item Number 7, Progress Update on Benchmark Stock Assessments for Shad and Lobster. Here he comes, Jeff Kipp.

MR. JEFF KIPP: I have updates on two current benchmark stock assessments in progress. The first is American Shad. We do have our final Stock Assessment Subcommittee call scheduled, actually this coming Monday, to finalize a few decisions for that assessment. Following that call we will finish report writing, and the report



will go to the Technical Committee at the end of this month.

Then from that we'll go to the Peer Reviewers. Right now we're focusing in on either late May or early June for the Peer Review Workshop. Then the results of that peer review will be presented to the Shad and River Herring Board at the August Commission meeting. The other stock assessment I'll be providing an update on is the American Lobster Stock Assessment. We have our last in-person meeting for that stock assessment schedule at the end of this month.

That is going to be at URI. We'll be meeting to finalize our base models for that assessment, and address some of the other terms of reference as part of that assessment. That stock assessment is scheduled to go to Peer Review this summer. The results of that stock assessment will be presented to the American Lobster Board at the Commission's Annual Meeting this October. If there are any questions on those two stock assessments I can take those now.

CHAIRMAN KELIHER: Are there any questions for Jeff? Jason.

DR. McNAMEE: Thanks for that Jeff. I was wondering, I think I heard positive information on this, but has the help from NOAA kind of emerged from the right whale world, and so are you guys getting more support now from NOAA on the Lobster Assessment work?

MR. KIPP: Yes, it has become clear that our NOAA membership, their workload has been reduced on the right whale work and all of that. Yes that has come around, and we've been getting more interaction with those folks, so yes it has brought positive information to report back on that.

CHAIRMAN KELIHER: Are there any additional questions or comments for Jeff? Seeing none thank you very much, moving right along.

## **REVIEW AND CONSIDER REVISIONS TO STOCK STATUS DEFINITIONS**

CHAIRMAN KELIHER: Item Number 8 on the agenda is Review and Consider Revisions to Stock Status Definitions. Toni.

MS. KERNS: Back in August we go through, well every August we go through the Annual Performance of the Stocks. In that Annual Performance of the Stock we have five stock categories that we place all the stocks into; rebuilt sustainable, recovering rebuilding, concerned, depleted, and unknown.

This past year we realized we ran into an issue when we had the striped bass stock overfished and overfishing occurring that it didn't really fit into any of these categories. We spent quite a bit of time discussing that. We brought forward a memo that was in your briefing materials to recommend two new categories, overfished and overfishing.

Under our current categories, depleted is the only category that addressed overfished and overfishing, but for depleted we are very specific to the fact that it is unclear whether fishing mortality is the primary cause for reduced stock size. In the suggested addition of overfished and overfishing to these categories, in the overfished category it is very clear that the decline is driven primarily by fishing mortality.

We're making that distinction between depleted and overfished. We recognize that this is a little bit different than what Magnuson has in their definitions of overfished, but we're trying to be more transparent to the public about what's going on with these stocks, and that's why we made the recommendation to include these.

We had these definitions reviewed by the Management and Science Committee and that comment about the difference did come forward. What we're looking for today is to see if the Policy Board is okay with adding these

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two additional categories to the annual performance of the stock.

CHAIRMAN KELIHER: Cheri.

MS. CHERI PATTERSON: I don't have a problem with these being brought forward. I just have on your table in the materials you have a definition for concern that I would just recommend wordsmithing on that. It's a little confusing. I would just indicate a stock with emerging issues; developing and emerging are pretty much the same word.

MS. KERNS: Noted.

CHAIRMAN KELIHER: Jason.

DR. McNAMEE: I'm also okay with these. I just have a little hesitation. I'll start here. We have this tension of limited resources in a bunch of stocks that we continue to throw resources at that don't seem to help. I understand that. I get a little worried though, and to cut to the chase, at the MSC meeting I was present and offered.

I think something we need to start looking forward to is developing some sort of a control rule around these stocks, like a winter flounder, like a northern shrimp, where we kind of objectively set some parameters around when we're going to stop investing, but not giving up necessarily. If harvest drops below some amount, then we're just going to stop worrying about trying to chase it all the way down to zero. I have more detailed thoughts on that but I want to get it back on the table, because I want to get away from this idea. I think right now it's this binary thought process of, you know we need to keep worrying about it and investing in it or we're just going to forget it, throw our hands up and walk away from it. There is a middle way, so I just wanted to have that on the table.

MS. KERNS: I think, Jay that is a second part of some of the information that we had brought

back to the MSC, and sort of looking at ways to provide better information to the Policy Board when we present the Annual Performance of the Stock, in order to help you all engage either with the species management boards or discussion here at the Policy Board on what to do with the stocks when they're being presented, in particular those stocks that are depleted or have concern. The Management and Science Committee still has work to do on that issue, so I think it will continue and will come back to this Board.

CHAIRMAN KELIHER: Does that sound good, Jason? We do have some recommended new categories. Jim, did you have a question?

MR. GILMORE: Were you ready for a motion?

CHAIRMAN KELIHER: I was going to say that if we have consensus around the table I wasn't going to worry about a motion, we'll just adopt by consensus. Do we have consensus around the table, with the understanding of the wordsmithing from Cheri? I think we have consensus, so these new recommended categories are approved by consensus.

Moving right along, Review Noncompliance Findings. We don't have any. That is always nice. My first time at the Policy Board I appreciate the fact that that is the case.

#### **OTHER BUSINESS**

CHAIRMAN KELIHER: We do have some other business to be brought before the Board. I think something that came up at the South Atlantic Board, and Toni do you want to talk to that?

MS. KERNS: And Jeff, just make sure I don't say anything out of place, just for the red drum assessment timeframe. At the South Atlantic Board the Assessment Science Committee and the Stock Assessment Committee presented a roadmap for a new red drum assessment. Previously red drum was on the assessment schedule for 2022 through a SEDAR Review.

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The Management Board from recommendations from this group agreed that they should recommend to the Policy Board that that timeframe change. We've had difficulties moving forward with red drum assessments in the past, and we want to make sure that we bring forward something that is best for that species, and provides good management advice to the South Atlantic Board.

What is being recommended is to do a two-step process. First take two years to basically do a Modeling Workshop, so we can come forward with the best model to bring forward for red drum, and then take two additional years to actually do the assessment once we've provided a model to move forward with. That would change the assessment schedule for red drum. We just want to make sure that that is something that this Policy Board is okay with. We will still need to bring forward a full schedule for the stock assessments in the coming years.

When the Policy Board approved the assessment schedule the last time it was noted that there several assessments coming up next year, or two years from now. That would have to be revisited based on state staff time, as well as Commission staff time. When we do that recognizing that red drum is still on that schedule. We'll have to make some choices probably down the line soon.

CHAIRMAN KELIHER: Are there any questions or concerns on that? Seeing none, I think you've got your direction, Toni, perfect. That is the last item. Are there any other items of business, so much for that? Russell.

MR. H. RUSSELL DIZE: I just want to give a shout out to Tina Berger for her job that she did representing the Atlantic States Marine Fisheries Commission at the East Coast Commercial Fisherman's Trade Expo in Ocean City, Maryland in January. She did a good job of explaining what goes on at this organization. I

even learned a little bit from it. For the Q & A time she gave and she did a great job. Thank you! (Applause)

CHAIRMAN KELIHER: Roy, did you have your hand up?

MR. ROY W. MILLER: I did, Mr. Chair. I should have brought this up when we were talking about our previous agenda item concerning the ecosystem management. It occurred to me that we now have, thanks to the elegant presentations the other day concerning potential impacts of menhaden on striped bass, striped bass being the species that we have identified thus far that is most dependent on menhaden dynamics.

We don't know much about the other direction effects. In other words, are there effects of striped bass population abundance on menhaden, or effects of striped bass population abundance on weakfish, for instance? Maybe that is something we ought to have in the back of our mind that these ecological diagrams go both ways, and potential impacts in each direction.

CHAIRMAN KELIHER: Point well taken, Roy. We'll add that to the future list of thinking. It certainly is one that is reality. You are reminding me of a point that I forgot to bring up under the Executive Committee notes. It was brought up to the Executive Committee to our attention that we did start striped bass very, very early based on the time that was advertised. We left some people off the table. No actions were taken while they weren't here, but they were left out of the discussion.

It is a point well taken by myself as Chair, and staff. We're going to try to do our best to avoid those long. If we do see some sort of a long delay between the times we end a board and the time the next one starts, we'll ensure that we take those types of things into account, and I appreciate you bringing that to our attention, Roy.

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**ADJOURNMENT**

CHAIRMAN KELIHER: Are there any other items to be brought before the Policy Board? Seeing none, I would like a motion to adjourn, and we'll jump right into the Business Session.

(Whereupon the meeting adjourned at  
11:50 a.m. on February 6, 2020)

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ISFMP POLICY BOARD**

**Via Webinar  
July 14, 2020**

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**INDEX OF MOTIONS**

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve the guidance from the Executive Committee for states submitting proposals to adjust the individual species 2020 recreational measures to address lost fishing opportunities to the COVID-19 restrictions** (Page 8). Motion by Dan McKiernan; second by Eric Reid. The motion failed, 5 to 9, with no abstentions and no nulls (Page 11).
3. **Move to adjourn** by consent (Page 13).

**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Loren Lustig, PA (GA)
Cheri Patterson, NH (AA)	Roy Miller, DE (GA)
Ritchie White, NH (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Bill Anderson, MD (AA)
Dan McKiernan, MA (AA)	Steve Bowman, VA (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Pat Geer, VA, Administrative proxy
Matthew Gates, CT, proxy for J. Davis (AA)	Steve Murphey, NC (AA)
Jim Gilmore, NY (AA)	Chris Batsavage, NC, Administrative proxy
Emerson Hasbrouck, NY (GA)	Mel Bell, SC, proxy for P. Maier (AA)
Joe Cimino, NJ (AA)	Doug Haymans, GA (AA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Karen Abrams, NMFS

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

**Ex-Officio Members**

**Staff**

Robert Beal	Maya Drzewicki
Toni Kerns	Max Appelman
Tina Berger	Kirby Rootes-Murdy

**Guests**

Mike Armstrong, MA DMF	Brandon Muffley, MAFMC
David Bard, NOAA	Allison Murphy, NOAA
Erika Burgess, FL FWC	Derek Orner, NOAA
Derek Cox, FL FWC	Joanne Pellegrino, NOAA
Kiley Dancy, MAFMC	Nicholas Pieper, NOAA
Cynthia Ferrio, NOAA	Mike Ruccio, NOAA
Willy Goldsmith, SGA	Tim Sartwell, NOAA
Melanie Griffin, MA DMF	John Schoenig
Bob Humphrey	Ralph Vigmostad
Clifford Hutt, NOAA	Mike Wayne, ASA
Kathy Knowlton, GA DNR	Chris Wright, NOAA
Catherine Krikstan, NOAA	Douglas Zemeckis, Rutgers
Jose Martinez, MAFMC	Eric Zlokovitz, MD DNR
Nichola Meserve, MA DMF	

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The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, July 14, 2020, and was called to order at 1:05 p.m. by Chairman Patrick C. Keliher.

### **CALL TO ORDER**

CHAIRMAN PATRICK C. KELIHER: It is 1:05 p.m., July 14. This is the Atlantic States Marine Fisheries Commission ISFMP Policy Board meeting.

### **APPROVAL OF AGENDA**

CHAIRMAN KELIHER: We are going to discuss a recommendation from the Executive Committee to the Policy Board regarding adjustments to recreational management measures. Toni has sent out an agenda and you would have received another updated copy yesterday. Is there any objection to the agenda?

MS. TONI KERNS: I don't see any hands raised.

CHAIRMAN KELIHER: Okay great. With no objections to the agenda, no changes, we will go ahead with the consent of the Board to approve the agenda.

### **PUBLIC COMMENT**

CHAIRMAN KELIHER: Item Number 3 is Public Comment. Is there any member of the public who would like to bring forward any issues to the Policy Board that are not on the agenda? Any hands, Toni?

MS. KERNS: I don't see any hands, Pat.

### **REVIEW AND CONSIDER THE APPROVAL OF PROPOSED GUIDANCE ON ADJUSTING RECREATIONAL MEASURES DUE TO COVID-19 IMPACTS**

CHAIRMAN KELIHER: Okay, then we're going to run right down to Item Number 4, which is Review and Consider the Approval of Proposed Guidance. Just as a reminder, the Executive Committee back at the spring meeting several species boards

discussed the impacts of COVID and the ongoing impact of COVID. The Executive Committee has had several conversations around this issue, and developed a memo for the Policy Board to review, and their discussions potential approval. With that I'm going to turn it over to Toni to present this information.

MS. KERNS: Maya, if you could just throw up the PowerPoint presentation that would be fantastic. I'll just quickly go through the memo that looks at guidance for adjusting recreational management measures due to COVID-19 impacts. As Pat just said, the COVID-19 pandemic has had some impact on the different recreational fisheries. Several species boards requested guidance for receipts, if they are going to be considering changes to their 2020 recreational measures.

The Executive Committee has had several discussions regarding the issue. The Committee recognizes that there has been significant impact from COVID-19 on all U.S. fisheries, and there have been funds from the CARES Act that will provide some relief to the industry, including for-hire businesses. But we recognize that those funds may not make businesses whole. The lack of complete MRIP data makes evaluating proposals difficult, and the variability of the closures from each of the states make it very difficult to set a single set of measures for adjusting an individual species. For example, one state may have been closed March 15 through June 1, whereas another state was closed from April 15 to May 30. The Executive Committee is recommending that states be allowed to submit proposals to adjust their 2020 recreational measures.

But, the Committee is also recognizing that the precedent that could be set if measures were adjusted just due to lost fishing opportunities. We want to make sure that the proposals that are reviewed by the Technical Committees and the Boards are limited to fisheries that meet the criteria that I'm going to go over, and that they are specifically in response to the global pandemic.

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It is not that we're just adjusting recreational measures for poor weather or limited fish availability, or other reasons. The recommended guidelines include that there was a Civil Emergency Action or other state or federal action due to the COVID-19 pandemic that closes recreational fishing. This can include those specific closures.

There is verification that the state made a good effort to enforce that closures from the state. The proposals may only adjust season length. There can be no other measures that can be adjusted. The only species that can be considered are those that are no overfished and/or overfishing is occurring. It can be both or just one. That is the recommended guidelines. Are there any questions?

CHAIRMAN KELIHER: Are there any questions to the Policy Board? I can't see your hand, so Toni go ahead and call on people as they click on the hand.

MS. KERNS: We have a question from Matt Gates, Dennis Abbott, and Adam Nowalsky, and then Joe Cimino, and I'll let you know those folks again.

MR. MATTHEW GATES: Hi, this is Matt.

CHAIRMAN KELIHER: Yes, go ahead Matt.

MR. GATES: Thanks for the opportunity. Are these proposals, do they have to be conservationally equivalent? It doesn't really spell it out in there that that is one of the requirements. Do they have to be conservationally equivalent to the amount of time that they lost?

MS. KERNS: Pat, do you want me to answer that or do you want to?

CHAIRMAN KELIHER: Yes, go ahead, Toni.

MS. KERNS: They would be equivalent to the time that the closure occurred from the state.

MR. GATES: Does it exact a day for day?

MS. KERNS: It's not necessarily a day for day, because we recognize that a day in Wave 3 may not equal a day in Wave 5 or 6, so the TC would need to look at the MRIP information, evaluate and come back with information on that. For a lot of the species that already do recreational proposals this is a pretty normal process that they go through, so that there is something that is already set through their recreational settings process to deal with that issue. Then we had Dennis Abbott.

CHAIRMAN KELIHER: Yes, go ahead, Dennis.

MR. DENNIS ABBOTT: It was my understanding from the Executive Committee when we talked about this issue, we talked about it several times that there were pros and cons expressed by the Executive Committee. It wasn't my understanding that the Committee recommended states be allowed to submit proposals, but that we felt that this issue should be brought to the Policy Board for their decision.

I think that it came from the Executive Committee, at least in my opinion, without recommendation from the Executive Committee. A number of issues were raised that there was a feeling that all the Commissioners should be involved in this decision. I would also ask Toni, you don't have to answer the question now, but how many of the LGAs are able to participate today?

You know, it occurred to be that asking the LGAs to meet in the middle of a week is probably quite burdensome for some that have jobs, unlike myself who is a retiree. I would like to know how much attendance we have from the LGAs. But again, I think it's my understanding that we didn't recommend that this be a given by the Executive Committee, but a decision to be made by the Policy Board.

CHAIRMAN KELIHER: Dennis, thanks for that. That is what I believe we're doing here. Our

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Executive Committee made a determination based on consensus to move the issue to the Policy Board for a final decision on whether this would move forward or not.

MR. ABBOTT: That's correct then.

CHAIRMAN KELIHER: Yes. Toni, I'll just let you continue on with identifying the other people on the list.

MS. KERNS: I'll let Dennis know that I think my count is correct that there are 9 LGAs on this call right now, and 15 non LGAs. The next person was Adam Nowalsky.

MR. ADAM NOWALSKY: Thanks to the Executive Committee for their work in looking at this issue. This is certainly something of very much interest by the public, in fact our Marine Fisheries Council here in New Jersey last Thursday night passed a motion asking our Bureau of Marine Fisheries to look at what we could do for black sea bass specifically.

I'm trying to get some clarity about what the bounds of this first bullet point actually entail. I think in the case of where a mode-specific closure occurs very prescriptively for a number of days that is very clear to pursue. With regards to our black sea bass, in New Jersey our season was slated to open on a Friday originally. We had direction that the fishery was closed. On that Friday for-hire vessels were told they could begin sailing on Saturday. Now very few, if any, vessels actually sailed, just because the ability to get fuel, get bait, get customers under that circumstance for that entire weekend and much of the following weekend, even into the week or so beyond that.

It was really a couple weeks until those vessels could get going again. The first question would be, would this allow us to submit a proposal that takes that into account, using VCR or some other information. That even though our vessels were told explicitly to stay tied at the dock for one day,

because of the late notice they lost more than, a week or more of days that they could actually sail.

Then when they were allowed to sail those vessels, inspected vessels specifically that are capable of carrying 100 or more passengers, were initially constrained to a passenger limit of only 10 people. The result of that basically discouraged a number of those vessels to continue to stay tied to the docks, because it wasn't reasonable to go with that light of a load.

That was incrementally increased up from there. Essentially, our black sea bass season, which our Marine Fisheries Council has directed our Bureau of Marine Fisheries to look for some relief on for the fall, was physically closed on one day. However, the late notice caused many folks to stay tied to the dock beyond that and then a number of those boats stayed to the dock longer, because of the limited load capacity. How would this first bullet point, what would our directive be for a state like New Jersey, and I'm sure other states had similar examples.

CHAIRMAN KELIHER: I think certainly that is a complicated case in my mind, and it is one that I think the Executive Committee kind of wrestled with, as far as trying to keep this as clean and concise as possible, because of the complexities around different scenarios. I think all states certainly saw impacts based on inspected vessels, number of passengers they could carry. But in this case, we certainly kept it strictly to "the season was closed."

We know, even if you look at the CARES Act, the fact that nobody is going to actually be made whole through this process, whether it's going to be financially or from a trip perspective. Toni, I would like you to jump in, or Bob can jump in. But I know I would have some concern. I don't have concern about the state submitting something, I would have concerns about how far we would go with that type of example. But, Bob or Toni, do you have anything you want to add?

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MS. KERNS: The Executive Committee when they talked about this issue. The issue arose that it would be very difficult for, I guess it comes back to the Technical Committee then to determine the number of days that there was actually a closure. Without having specific information from an essential closure, then how do you interpret what that loss was?

It asks them to be subjective on the loss when you don't have MRIP data for the species. It made it really hard, and we were trying to fit some, in the discussions it sounded like you wanted to have clear, hard lines, in order for the committees to then evaluate state proposals, and so hence that recommendation came forward.

MR. NOWALSKY: I think the question from New Jersey would be with the information I've provided. If a motion came to the floor to approve these bullet points as recommended, would New Jersey at least be allowed to submit a proposal, and then ultimately have it come down to the TCs recommendation and Board approval whether or not to do anything for New Jersey?

CHAIRMAN KELIHER: My read is you would be able to submit a proposal as it pertained to the closed portion of the fishery and what the impact was around that. What I heard you say was it was closed, then it reopened, and then there was kind of a lag effect, and how it impacted the fleet. The Executive Committee I don't think was thinking about that lag effect, it was the footprint of the closure itself.

MS. KERNS: You have Joe Cimino and then Jim Gilmore.

MR. JOE CIMINO: I guess yes, to follow up on Adam's question. You know one would be a discussion on tying the two when we're talking about that specific sector. If a state has 100 percent requirement for a vessel trip reporting. I'm curious what the Policy Board thinks on using that VTR data to show changes from 2020s fishery compared to previous years. I was hoping to get some folks to weigh in on that as well.

CHAIRMAN KELIHER: You're suggesting then outside of a closure that we use VTR data to show an impact, and then potentially make adjustment to the season?

MR. CIMINO: As the Administrator for New Jersey, you know this becomes a task for my staff, since our Marine Fisheries Council has asked us to look into this. At this point in time they've only asked us to look into it. They haven't said that they absolutely submit something. The only way I can see doing that is using VTR data. That is why I'm putting it out there.

CHAIRMAN KELIHER: Does anybody on the Policy Board have any thoughts that they would like to bring up around Joe's point?

MS. KERNS: I don't know if these are in response to Joe's point, but we have new hands, well Matt Gates and Cheri Patterson and Dennis Abbott. But prior to them Jim Gilmore's hand was up.

CHAIRMAN KELIHER: As we're going through, if you have a member of the Policy Board has a comment on Joe's, as you're being recognized why don't you just bring it up then. Let's just stay in line with the hands that went up and go there. Is Jim Gilmore next, Toni?

MS. KERNS: Yes, and then Cheri. I don't know if Adam's hand is up again after that.

CHAIRMAN KELIHER: Okay, Jim Gilmore.

MR. JAMES J. GILMORE: No, I'll put mine down, I'm sorry.

MR. GATES: This is primarily a question for Toni. Toni, I think the assumption was, and I think it's pretty accurate that when the party boats or for-hire guys were not fishing, essentially there was no harvest from that sector. Essentially, doing the math would be pretty straightforward, and the TC could pretty much evaluate that even on a state-by-state basis.

However, we know the individual fishermen were out, and in fact some of them were out it appears

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in larger numbers. We don't have any MRIP data on that. When the TC gets to evaluate, you know one of these proposals, are they just going to assume no harvest? Are they just going to ignore the individual boats or the individual anglers, or how are they going to address that? Is there any thought given to that yet?

MS. KERNS: It is very complicated, and that is why when the Executive Committee was making these recommendations that I think they drew some of these hard lines around it, because we are not sure what is exactly happening in the fishery as you just stated. In some areas we're hearing that the private fishery effort has been higher than it's been in a long time, just based on what people are seeing out on the waters.

But, the Technical Committee won't be able to evaluate that. That information won't be available at the time when the Committee is evaluating those measures. All they can really go off of is the information that they have in front of them. Whether that be from VTRs if there is compliance in states in filling out VTRs.

Obviously, some states have requirements, other states do not, or if it's just from you know these closures that have been mandated by the state, either all fisheries fishing or just a sector of the recreational fishery. No, I don't think that they'll be evaluating the private sector at this time, unless they were closed. Next, we have Cheri, and then we have Dan.

MS. CHERI PATTERSON: Our problem is those charter vessels, not the party boats but the charter vessels that fish solely in state waters, so they have no federal permit, which is the mandated VTR reporting process. We would have no clear understanding of the number of trips that a state-only-licensed charter vessel took in the past or took this year, for that matter. Using VTRs is fine for those that have that federal mandate reporting process. However, I'm not sure all states have mandated reporting process to cover those that fish only in state waters.

MS. KERNS: We have Dan McKiernan, Eric Reid, and Bill Anderson.

MR. DANIEL MCKIERNAN: I would be concerned as Cheri is about the lack of data for the charter boats. I also think it would be incredibly complex, because what happened in Massachusetts, and I'm sure in other states that even when the fishery was opened to the for-hire sector.

The limit on passengers resulted in the head boats still not being able to go at full capacity. I think we're going to be creating an unacceptable level of complexity. Then you're going to be relying on MRIP estimates, which are already highly variable. I would prefer that the Policy Board adopt the four bullet points that we see on the screen.

CHAIRMAN KELIHER: Eric Reid.

MR. ERIC REID: This is essentially an income recovery program, is that correct?

CHAIRMAN KELIHER: Certainly, gives a segment of the industry the ability to try to recover some, if in fact they were closed due to COVID, and would give an option to be able to reopen.

MR. REID: But what happens to any vessel that may have taken advantage of like PPP or some other source of funds to help them through this time, as opposed to other vessels who did not?

CHAIRMAN KELIHER: I think that's a great question. That is something that came up for the Executive Committee, the fact that some segments of the fleet certainly would have taken advantage of PPP or unemployment insurance for the self-employed. I think it would be very difficult for us to make that determination, whether this action would make them whole or not if they did receive that information.

That being said, you know we're not under the bounds of the CARES Act here, where making business whole becomes problematic. I'm not sure we would have any way to take those type of

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things into consideration on whether we should approve or not approve.

MS. KERNS: Bill Anderson.

MR. BILL ANDERSON: Whether folks think it's right or wrong, I think the Executive Committee did try to draw a very bright, clear line as to what would be included in the recommendation and what would not. Certainly the New Jersey example is compelling, and as every other state has indicated, we probably all have similar issues and concerns.

But, if you kind of begin to open that Pandora's Box a little bit, how far do you go? Sure, every state had a maximum group sizes, which impacted especially the big head boats for a while, for us a very long time. We know of situations where charter boats were getting cancelations of trips that went well beyond the end of the fishing ban, and they didn't recover all of those trips.

Then we have people, and I'm sure this is the case around the other states, people who book trips, then cancel the trips for concern about the ability to have social distancing on these vessels. Exactly how far do we go down that road, and allow it to be included in here? Maryland is very supportive of the guidelines as they're written. I just don't know how you make that value judgment of where you stop if you cross that clear line, Pat. I just don't know where you take it.

CHAIRMAN KELIHER: Yes, thanks Bill for that comment, and I think that is a reminder that I was going to make. I think the Executive Committee certainly with the memo that was brought forward from the Executive Committee, tried to create that distinction between open and closed, and the fact that we were very, very concerned in regards to the precedent setting nature of this action, by keeping it very black and white with open and closed. It gave us a little bit of comfort to advance this issue to the Policy Board. Toni, who did you have next on your list?

MS. KERNS: It's hard to tell if Cheri and Eric had their hands up from before. Now, Eric put his hand down. I think that it was Dennis then Cheri, and then Steve Bowman.

CHAIRMAN KELIHER: Dennis.

MR. ABBOTT: Going back to when we started discussing this. Dan McKiernan seemed to have a very clear situation. Massachusetts was closed for X number of days. He said he had a formula where he would be asking for X number of days at the end of his season, and that seemed sort of reasonable. Except one of the thoughts that came to my mind was he was going to add days at the end of the season for the for-hire fishery.

But the recreational fishermen in the same area would be shut out, and that would cause problems, you know within his own state. In trying to make this black and white that became the big issue on the Executive Committee. All the things that were mentioned today by Eric and others were issues that we wrestled with.

If we do have something and don't keep it completely black and white it's not going to be a good thing. It's going to set precedence. Everybody is going to have a problem with this, so all in all it just doesn't seem like it's a good idea. Eric brought up the financial issues about, you know whether people have been reimbursed for lost fishing days through the CARES Act or PPP or whatever. We have to be careful, because this is potentially a real bucket of worms.

CHAIRMAN KELIHER: Cheri.

MS. PATTERSON: The very first bullet indicates closed recreational fishing. I guess I'm struggling with that terminology, considering that that would include private boats, not just the for-hire industry. At least in New Hampshire, the private boats could go out and do whatever kind of fishing they wanted to do, as long as they could find a ramp that was open. This primarily pertained, in my mind, to the for-hire recreational

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industry, and not the recreational industry as a whole.

CHAIRMAN KELIHER: Yes, I think what we were trying to do is recognize the fact that the state may have actually closed all of their fisheries, and have that potential ability to add on to the end of the season if that was the case. I'm not sure if there are any examples of those out there. Most of them that I heard of were the for-hire segments of the fleet. I think we were trying to, correct me if I'm wrong, Toni. I think in the development of the memo, we were trying to be inclusive.

MS. KERNS: Pat, you're correct, and that is why we added that bit of language at the end that said it could include both specific closures.

CHAIRMAN KELIHER: Any additional questions around the memo?

MS. KERNS: Steve Bowman had his hand up.

CHAIRMAN KELIHER: Yes Steve, I'm sorry. Steve, go ahead.

MR. STEVEN G. BOWMAN: A lot of good debate today. I think as good managers we try to go down the path to do what is right in this situation. Just a couple things, and we I think have heard, this has been batted around, and Dennis Abbott pretty much hit the same points. But just a few things. Number one, we have insufficient data. That is the bottom line, if you get right down to it, as far as what we're trying to make good decisions upon. That is, I think our charge.

Number two, it really puts our Technical Committee in a bad position. These Technical Committees we rely upon heavily to give us good information that can withstand any test that gets thrown at us. I think that to put them in this position, when we have what we have out there, as far as data for them to work with, is putting them really in a bad place.

Last but not least, this Commission has a responsibility to be credible, and has to be able to

withstand again the test of what comes at us. I think the old saying about the road to hell being paved with good intentions. This is very much well intended, but I think there are just too many variables out there that allow this to withstand the test. If we're still here at two o'clock, because I have a meeting at two, I will not be voting for the measure.

CHAIRMAN KELIHER: Is there anyone else on your list, Toni?

MS. KERNS: Dan McKiernan has his hand up.

CHAIRMAN KELIHER: Dan, go ahead.

MR. MCKIERNAN: Toni, is it appropriate at this time to make a motion?

MS. KERNS: Ask your Chairman.

CHAIRMAN KELIHER: I am fine with that. I think we've had good discussion on this, so I'm kind of both sides of the coin, and I think make your motion at this point in time would be warranted.

**MR. MCKIERNAN: Okay then, I would like to move to approve the guidance from the Executive Committee for states submitting proposals to adjust individual species 2020 recreational measures to address lost fishing opportunity due to COVID-19 restrictions.**

CHAIRMAN KELIHER: All right, thank you Dan. We have a motion on the board, is there a second?

MS. KERNS: Steve Bowman, are you seconding that with your hand up, or is your hand up from before?

MR. BOWMAN: No, I would like to make a substitute motion.

CHAIRMAN KELIHER: We need a second here on this one first. Is there a second to this motion?

MS. KERNS: Eric Reid.

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CHAIRMAN KELIHER: Eric, you are seconding the motion?

MR. REID: Yes, I am.

CHAIRMAN KELIHER: We have a motion by Dan McKiernan, seconded by Eric Reid. I'm just going to read it quickly and then we'll open the floor back up. Move to approve the guidance from the Executive Committee for states submitting proposals to adjust the individual species 2020 recreational measures to address lost fishing opportunities to the COVID-19 restrictions. Are there any questions or comments on the motion?

MS. KERNS: Dan, did you want to want to comment on your motion?

MR. McKIERNAN: Yes, if I could. Consistent with what Dennis mentioned earlier. This is a very conservative motion by Massachusetts to address the legally binding closures that were enacted on our for-hire fleet specifically. That will be the net effect, where not only did the governor announce that the for-hire fishing shouldn't take place, or would not take place, but DMF conditioned every for-hire boat permit, prohibiting them from doing that.

We did enforce the closure. We did have one violation. We would like to use what has been described as the exchange rate, based on the expected catch rates from the Wave 3 period to extend our fishery for some time period going into Wave 5. We think that is reasonable. We also think it's very conservative, because the foot traffic on that sector still remains fairly low, given the problems of the pandemic and people's fear about being in crowded settings.

But some of the members of that industry are able to take trips out with entire families that live together, or at reduced densities. This is the appropriate thing to do to help them. It is not going to make them whole in any fashion, and our CARES Act payments are still going to be very modest, something in the range of about \$3,000 to \$4,000 per charterboat, a little bit more for a party boat. But that industry has really been hurt,

I think the worst of all the industries that we're hoping to assist through the CARES Act. I hope there will be support for this motion.

CHAIRMAN KELIHER: Does the seconder of the motion like to make a comment?

MR. REID: No, I think Mr. McKiernan did a fine job. You know my previous comments aside that that sector has suffered and is suffering. I watch those guys leave in the morning every morning. Some of them go and some of them don't. Most of them there is plenty of room on those boats, so they're having a hard time.

I will speak for my roots in Point Pleasant, New Jersey. They are having the same problem. I have no problem trying to bolster those guys up a little bit. They really need it. I can't speak for the rest of the coast, but for those two communities, I really think that we should do the best that we can to help them out.

CHAIRMAN KELIHER: Toni, any other hands up?

MS. KERNS: We have Roy Miller and Adam Nowalsky.

CHAIRMAN KELIHER: Roy.

MR. ROY W. MILLER: Just a question of clarification in the motion as it's stated. If the season is adjusted, let's say the impetus for the proposed season adjustment was the for-hire fleet. Would the extended season that would be granted if the proposal was approved be only for the for-hire fleet, or would there be additional recreational fishing opportunity for everyone during the extended period if it's approved?

MS. KERNS: Roy, from how I understand it is if there was a closure for only the for-hire fleet, then that extended season would only impact the for-hire fleet. If there was a closure for the entire recreational fishery then it would impact the entire recreational fishery. It just depends on how the closure was set up by the state.



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MR. MILLER: All right, thank you for that clarification.

CHAIRMAN KELIHER: Adam Nowalsky.

MR. NOWALSKY: As written, and based on the earlier direction that the advice of the Executive Committee would allow in New Jersey's case the opportunity for black sea bass to recover at most one day. I can't vote in favor of this motion. I would hope we could have some additional conversation and clarification, and there could be some guidance given that would allow a state to make a determination if they have enough data, to bring something substantive to a Technical Committee.

When we look at what the language here is, taken verbatim of the Executive Committee recommendation, due to the COVID-19 pandemic that closed recreational fishing. I think there are two types of closures. One, there is a regulatory closure. I think Massachusetts proposal brings something that addresses that.

But then you have the closure that occurred, the lag effect as our Chairman mentioned before, and I believe I heard him say that that wasn't fully considered by the Executive Committee that effect. Mr. Reid's comments about helping Point Pleasant. This motion and the previous discussion, this isn't going to help Point Pleasant at all, as I suspect a lot of other states are going to be in.

I would like to see flexibility provided for states, we're talking about in New Jersey use of CARES Act money requiring a minimum \$10,000 loss to recover \$1,000. We're not talking about making anybody whole or beyond that even with PPP money or anything. This gets nowhere near any of that.

We've heard conversation on this call today about the low carrying rates, or lack of sailing entirely that continue to impact the for-hire sector. To simply say, well we're going to take the most conservative approach we can in a time of a

world-wide and national pandemic. I think it sends a horrible message to the fishermen we claim to represent. We need to provide flexibility to the states that if they feel they have data to provide to a Technical Committee and a species board, to at least give them the flexibility to do so. Again, based on the previous direction I can't support this. If the conversation moves to support a record that allows states to have that flexibility, to at least submit a proposal that would go beyond purely the regulatory closure, then I would fully support moving forward with this.

CHAIRMAN KELIHER: Toni, any other hands?

MS. KERNS: Cheri Patterson and then Tom Fote.

CHAIRMAN KELIHER: Cheri. You may be muted.

MS. KERNS: No, she put her hand down.

MS. PATTERSON: No, I'm sorry. I'm here. I was muted. I'm still struggling with this to some degree. Are we trying to help the for-hire industry, or are we trying to help a recreational industry as a whole? I think if we're just addressing a for-hire industry that actually got an economic loss scenario.

I can sort of support this maybe. But for the whole recreational fishery, I'm not sure why we would be doing that when probably most of them would still be able to go out and fish. I don't know how many states actually had access not allowed. This just still kind of confounds me. It seems too vague to me.

CHAIRMAN KELIHER: I think the intention was to ensure that if any segment of the fishery was closed, to give the state the ability to bring forward a proposal, and the case of Massachusetts, it's a discreet segment of the for-hire industry. Tom Fote.

MR. THOMAS P. FOTE: Adam made my points on the for-hire industry, so I'm not going to repeat what Adam said. But I also want, I just listened to Cheri, when we basically look at the recreational fishing industry. The recreational fishery should

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consist of more than just party and charterboat. It consists of the tackle stores, the marinas, the gas pumps, and everything else that depends on it.

When the recreational boats weren't sailing, like in New Jersey, because the only people that could be on your boat, on your private boat is your family, and also most people were not actually sailing. We basically lose the impact, not on that. When you increase the season you not only increase the season for the recreational boats to go out to fish, but you also increase the marina, the gas, everything else that goes on there.

Tackle stores, because they sell tackle. I mean they were eating all kinds of crabs that they had hoarded, because nobody was going out black sea bass fishing, they wanted to use the baits for the clams and everything else. I'm just looking at how we're basically doing it. It's always tough on a community when we sit here a compact for 15 states, and we design a program that only one state can basically meet the guidelines for. States like New Jersey are left out in the cold, and we say well, how is that fair and equitable, because we had the same economic impact? We're not sailing. We don't have the same amount of people on the boats due to social distancing. The economic impact there. Pretty much for all the party and charter boats the same, and to basically write up rules that only one state can basically deal with, when the rec boat would represent a compact of 15 states it doesn't sound right.

I have a real serious problem with it, and I guess I cannot vote for the motion as stated, if New Jersey cannot basically put in at least a ? How do I explain that to my fishermen? The captains, because they're losing money, but you don't count because you don't follow the special guidelines that were only put up to basically benefit one state. We can't do that.

CHAIRMAN KELIHER: Are there any other hands up, Toni?

MS. KERNS: One more, Dan McKiernan.

MR. McKIERNAN: Yes, I would just want to sort of respond to some of those comments, because recreational fishing in Massachusetts was not closed. But the for-hire businesses were told to stay tied up completely. We're just trying to address those rules, not the reduced traffic but the rules that were levied on them.

Believe me, I am not a big fan of split modes management in the recreational sector. But in this case, this mode was split, not by a fisheries management decision, but by the governor and his restrictions for COVID-19. This is a very clean proposal. I understand that it doesn't shower benefits on every state. But I think it's a fair way to address this for any state that was subjected to this kind of a rule. I would urge the Policy Board to support the motion as presented.

CHAIRMAN KELIHER: Toni, is there any other hands up?

MS. KERNS: That is all your hands.

CHAIRMAN KELIHER: I'm going to call the question. Toni, if you could do a roll call, please.

MS. KERNS: Will do, Pat. Pat, are you going to vote today? You're the only. Ritchie had his hand up.

MR. G. RITCHIE WHITE: I need a caucus; can we have five minutes to caucus?

CHAIRMAN KELIHER: Yes. Do we need five minutes? Can we do it in two or three?

MR. WHITE: Three.

CHAIRMAN KELIHER: Thank you, three-minute caucus. Okay, it's been three minutes. Toni, are you there?

MS. KERNS: I'm here.

CHAIRMAN KELIHER: All right, hopefully that gave states a sufficient time to caucus. Toni, if you

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could do the roll call please, and I will not be voting unless there is a tie.

MS. KERNS: I know some states the Administrative Commissioner is not on the line, so I'm just going to call the state and someone from the state can give me your state's vote.

MS. KERNS: New Hampshire.

MR. ABBOTT: No.

MS. KERNS: Massachusetts

MR. McKIERNAN: Yes.

MS. KERNS: Rhode Island.

MR. REID: Yes.

MS. KERNS: Connecticut.

MR. GATES: Yes.

MS. KERNS: New York.

MR. GILMORE: No.

MS. KERNS: New Jersey.

MR. CIMINO: No.

MS. KERNS: Delaware.

MR. MILLER: No.

MS. KERNS: Pennsylvania. Loren, are you still on the phone? Maryland.

MR. ANDERSON: Yes.

MS. KERNS: Virginia.

MR. BOWMAN: No.

MS. KERNS: PRFC.

MR. MARTIN GARY: No.

MS. KERNS: North Carolina. I'm not hearing you, Steve. I'll come back to you. South Carolina.

SOUTH CAROLINA: No.

MS. KERNS: Georgia.

MR. DOUG HAYMANS: No.

MS. KERNS: Florida. I don't believe anyone from Florida is on the call. NOAA Fisheries.

NOAA FISHERIES: Yes.

MS. KERNS: I'm going to go back to North Carolina. I don't know if you're in contact with Steve, but we can't hear him.

MS. TINA BERGER: Erica Burgess is on the call.

MS. KERNS: I didn't know she was proxying, sorry Erica. She might not be able to speak, actually. Hold on, I'll go back to you Erica. I apologize. You can talk, Erica.

MS. ERICA BURGESS: Hi Toni. I'm not a proxy at this meeting, I'm just listening in.

MS. KERNS: Thanks.

MR. BOWMAN: Hey Toni, Steve Murphey says it won't let him unmute. He's voting no, if he could.

MS. KERNS: Okay.

MS. BERGER: It just unmuted, Steve.

MR. MURPHEY: No.

MS. KERNS: Thank you, Steve. I counted 5 yesses and 9 noes.

CHAIRMAN KELIHER: Yes, that is my count. **The motion fails, 5 to 9, with no abstentions and no nulls.** Unless anybody has another motion that would conclude the business of the Policy Board, unless there is anything else under Other Business that a member would like to bring up.

These minutes are draft and subject to approval by the ISFMP Policy Board.  
The Board will review the minutes during its next meeting.

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MS. KERNS: Pat, I have four hands that are raised; Adam Nowalsky, Ritchie White, Tom Fote, and Dennis Abbott. Ritchie's hand just went down so it's Adam, Tom, and just Adam.

CHAIRMAN KELIHER: Adam, go ahead.

MR. NOWALSKY: I certainly don't want to draw this out, and the difficulty I have right now is with 9 no votes. I heard a couple of those people that voted no, I think I've got a sense of where they're coming from in their rationale for the noes. But a lot of the other states I didn't hear from, and I don't know if they are opposed to this in its entirety, or if they are opposed to it for some of the reasons I offered.

I would make a motion that is similar to what was up on the board, with the caveat to allow some additional flexibility for lost fishing effort, not just regulatorily. But before I did that Mr. Chairman, if you had the willingness to just poll a couple of those other states that voted no, in particular maybe some from the south, New York that we didn't hear from during the discussion, just to get a sense of where they were coming from.

There is no point in my making a motion if they shared similar concerns that we heard from, I believe Virginia and New Hampshire. But if they shared my concerns, then I would be prepared to make a motion to offer a little bit more liberalization to states to at least submit proposals for more specific DTs.

CHAIRMAN KELIHER: Adam, I appreciate that. I am also very cognizant of the time. We had this scheduled from one to two. While I did not vote, I have very serious concerns about setting precedence, and creating a slippery slope, because I'm not sure where this ends, and are we then kind of opening up the door.

We've only talked about the recreational side. There have certainly been impacts on the commercial side as well, due to lost markets. Where do we stop this conversation? If there is anybody that did vote no that has an interest in

the direction that Adam is looking. If any of you want to offer up any additional comments, I would be hearing those now.

MS. KERNS: You have Steve Murphey and Dennis Abbott.

MR. MURPHEY: I agree with that Mr. Chair. I think it is a slippery slope, and a troublesome precedent to set. You know we did not close our for-hire fleet didn't do anything during that period of time, because nobody was traveling. There was not a closure, per se, but there was just a reticence on the part of the public to even go. There were impacts there that wouldn't fit into this.

But on a broader scale, you know if we get back-to-back hurricanes, can we do the same thing in the south? I mean Ocracoke, for example, and Hatteras their charter fleet is still not back to where it was two years ago. I just think, I sympathize with the for-hire fleet on that. What we're seeing, they are making up for lost ground. But I just think it's a bad precedent to set to sort of allow these types of these management issues, because like you said, you just don't really know where it's going to end.

CHAIRMAN KELIHER: Dennis Abbott.

MR. ABBOTT: I think we had a good discussion. I think we had a good vote. I think everybody realizes the complexity of the situation. Everyone, and I'm sure some of us that voted no sympathize, et cetera and et cetera. It's been brought up repeatedly that it is precedent setting, and it's not what we should be doing. At this point I would like to make a motion to adjourn. Before I go. You know I asked early in this meeting about how many LGAs there were, and I think Toni told me 9.

That's out of 30, so having these meetings like this Policy Board meetings, you know short of having our spring/summer meeting that we've had is problematic. We really need to do these things with everyone involved, and we don't have

that right now. But I think we made a good decision, and again I think we should adjourn. Everybody made a good, honest effort today.

CHAIRMAN KELIHER: Thank you, Dennis, and I think we can bring the other issue back up at the Executive Committee. I do know that we did a Doodle Poll to try to ensure good participation. But we can have that be further discussed at the Executive Committee. We did have another hand up, and I don't want to miss that. I appreciate your intent here, but I know we're running a little bit long, but I don't want to cut conversations off too prematurely. I think Ritchie White also had his hand up.

MS. KERNS: It wasn't Ritchie, unless I'm wrong. I don't see his hand up right now. We had Tom and Joe.

CHAIRMAN KELIHER: Okay, Tom. Specific to Adam.

MR. FOTE: I just want to reiterate what Dennis just said. If we're going to do these, like these virtual calls, during the week when people are working, people have other committees, especially LGAs, maybe we actually should be doing it like we do Advisors, at night after six o'clock. To me it makes no difference, I'm around, I'm home. But there are other people that cannot do that. They're on call for their businesses and everything else, and it's hard enough doing business over the phone. I would recommend that.

CHAIRMAN KELIHER: Thank you, Tom. We'll bring this back up at the Executive Committee level for further discussion. Adam, last word.

MS. KERNS: It was Joe Cimino.

CHAIRMAN KELIHER: Sorry, I'm looking at my old list. Joe.

MR. CIMINO: You know this all sprouted out of the Executive Committee deciding to try and give guidance on proposals that come in as

Massachusetts has put one forward. To me this vote was a vote for what the guidance is. I don't understand how a no vote would stop anyone from still putting in proposals. Now there is just no guidance in doing that. Is that correct, so states can still submit proposals?

CHAIRMAN KELIHER: I think a state is free to submit proposals, but it would have to be considered under conservation equivalency. Wouldn't that be correct, Toni? I mean, I'm not sure how would you do that.

MS. KERNS: I would have to think through that. But I think that would be what they would need to do, is make a request to change their measures from their state and use conservation equivalency to do that.

CHAIRMAN KELIHER: Does that answer your question?

MR. CIMINO: Yes, Mr. Chair, thank you.

CHAIRMAN KELIHER: I think we've had good conversation around this, and at this time we do have before we adjourn there was Item Number 5 for Other Business. Is there any other business to be brought before the Policy Board? If there is, I would ask you to be brief.

MS. KERNS: Is your hand up, Joe, or did you just not put it down from before? It's down.

#### **ADJOURNMENT**

CHAIRMAN KELIHER: If there is no other business to be brought before the Policy Board, Dennis your motion would be in order.

MR. ABBOTT: Adjourn.

CHAIRMAN KELIHER: Motion to adjourn. I'm assuming we've got a second for that. I want to thank everybody for their time today, and for the conversation around this issue. If there are additional thoughts that we need to discuss going forward, the Policy Board continues to have weekly catch-up calls. They are continuing to be

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scheduled, so if there is anything to be brought forward the Administrative Commissioner certainly could do that on behalf of the states. With that I want to appreciate everybody's time, and ask you all to be safe. Thank you very much.

(Whereupon the meeting adjourned at 2:05 p.m.  
on July 14, 2020)

These minutes are draft and subject to approval by the ISFMP Policy Board.  
The Board will review the minutes during its next meeting.



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

July 19, 2020

**To: ISFMP Policy Board**  
**From: Risk and Uncertainty Policy Work Group**  
**RE: Risk and Uncertainty Policy**

At the 2018 Winter Meeting, Commissioners participated in a workshop to explore a preliminary risk and uncertainty decision tool. The Policy Board tasked the Risk and Uncertainty Policy Work Group (R&U WG) with further refining the tool based on Commissioner feedback and consultation with the Striped Bass Technical Committee (TC).

Through collaboration with the Striped Bass TC and Committee on Economics and Social Sciences (CESS), the R&U WG developed a revised risk and uncertainty decision tool, as well as documentation of the proposed approach and process. The revised decision tool follows the same basic premise of the preliminary tool: it incorporates diverse information about risk and uncertainty for a species into a final probability of management success, which can then be used for developing management options. However, the revised decision tool has a number of advantages: 1. it is easily adaptable to different species or new information; 2. it is able to handle extreme scenarios while still providing a reasonable output; and 3. it separates the technical inputs from the value judgements about the relative importance of information and risk tolerance levels, allowing for greater transparency and a more straightforward process.

The R&U WG met on June 26<sup>th</sup> to review and approve the revised Risk and Uncertainty Policy, including the proposed process, decision tool, and supporting documentation. The R&U WG recommended presenting this approach to the ISFMP Policy Board. They also recommended that the ISFMP Policy Board discuss methods for determining weightings and the possibility of both positive and negative weightings. Finally, they recommended tasking the Assessment Science Committee and CESS with developing more specific criteria for the responses to the decision tool input questions.

The following documents are provided to describe and demonstrate the proposed risk and uncertainty process:

- a Risk and Uncertainty Policy document, which describes the general proposed approach to managing risk and uncertainty in decision-making
- a Risk and Uncertainty TC Guidance Document, which outlines the specifics of the proposed risk and uncertainty process
- the Risk and Uncertainty Decision Tool

The R&U WG is looking for specific feedback on two aspects of the decision tool (see the blue boxes in the Risk & Uncertainty TC Guidance Document, briefing materials), as well as general feedback on the new tool and whether to continue development.

## **DRAFT ASMFC Risk and Uncertainty Policy**

### **Risk and Uncertainty Policy Statement**

The Commission recognizes that fishery information is inherently variable, and that successful management requires full consideration of this uncertainty and the associated risks on management decisions. The purpose of the Commission's Risk and Uncertainty Policy is to provide a consistent yet flexible mechanism to account for both scientific and management uncertainty in the Commission's decision-making process in order to protect all Commission-managed stocks from the risk of overfishing, while minimizing any adverse social, economic, or ecosystem effects. This Policy seeks to maximize the long-term benefits across all of our marine fishery resources by providing objective criteria to characterize both scientific and management uncertainty, and to evaluate management risk. Additionally, the Policy improves transparency in the management process, allowing for better communication among managers, industry, and other stakeholders.

### **Risk and Uncertainty Approach**

The Commission's approach consists of a framework, the Risk and Uncertainty Decision Tool (decision tool), that can be adapted to fit the needs of a particular species, while also providing transparency and consistency across species. The logistic tool incorporates diverse information about risk and uncertainty, as well as the relative importance of this information, into a single value. The current version of the tool arrives at a probability of management success, to be used with projections for that species; however, it could be adapted for other management questions in the future.

The Risk and Uncertainty Decision Tool consists of a series of questions related to the risk and uncertainty of a species' management. Responses to the questions may be quantitative or qualitative, and may be indices or scores composed of multiple pieces of information. All responses will be converted to the same numerical scale for entry in the decision tool. These responses are then weighted based on relative importance of the information for the species. The decision tool combines all of this information into a single value, in this case the probability of management success, through a sigmoid function.

The resulting probability of management success can then be applied to a management action. The probability of success will help determine the available options for meeting the management action goals for the species being examined and help the Technical Committee (TC) or Plan Development Team (PDT) constrain the continuum of options to only those that meet the Board's risk tolerance.

### **Development of Risk and Uncertainty Tools**

The ISFMP Policy Board will develop a general ASMFC Risk and Uncertainty Decision Tool, which can be used as a template for the species-specific tool. A species Board can adapt the ASMFC decision tool to meet the specific needs of a species (e.g. by adjusting the weightings for different categories or adding additional information). However, information on stock status, modeling uncertainty, environmental uncertainty, and social and economic considerations should always be incorporated. The Policy Board may develop further guidance for species-specific decision tools.

If a risk and uncertainty tool has not yet been created for a species, the species Board may either approve the template ASMFC decision tool for use for the species or develop a species-specific decision



tool. To develop a species-specific decision tool, the species Board, in consultation with the TC, will adapt the template to fit the species characteristics, type of stock assessment, and nature of the fishery, while ensuring that it still addresses the key risk and uncertainty categories. The TC will also develop a species matrix, a document recording the information relevant to the decision tree questions, for the species.

### **Risk and Uncertainty Process**

The species Board will first provide guidance on the information to be included in the species decision tool (e.g., new decision tool questions) and the weightings (i.e., relative importance of the information). The species Board may develop the weightings by discussion at a meeting or by another method for determining collective input, such as a survey. This information will then be passed on to the species TC.

The species TC, including a representative from the Committee on Economics and Social Sciences (CESS), will create the species matrix with information relevant to the decision tool. The TC, including the CESS representative, will use this information to assign responses to the decision tool input questions, arriving at a preliminary probability of management success.

The TC will present a report outlining the initial risk and uncertainty input determinations to the species Board. The report will efficiently detail the responses to the decision tool input questions, a concise explanation of the reasoning behind each response, and the preliminary probability of management success output.

The species Board will review the report, including the TC's responses to the decision tool input questions, in a public setting, allowing for maximum transparency in the process. The species Board may make changes to the question weightings (i.e., the relative importance of the information). In addition, the Board may make changes to the responses to the input questions if warranted, though the quantitative sections should be accepted unless there is a significant reason to change them. The species Board will approve the finalized responses to the risk and uncertainty decision tree and the associated result (e.g., the final probability of management success).

Once the report is finalized, it will be transferred as guidance to the TC or PDT responsible for developing management action documents. The probability of management success will be used for developing management options that reflect the species Board's risk preferences.

As new information arises, the decision tool may be updated and a new probability of management success produced. The species TC should periodically review the species matrix and decision tool inputs to ensure that all information is up-to-date. A determination that management action is needed for a species will trigger a review, and possible update, of the species matrix and decision tool. If the decision tool is updated, the TC will produce a revised risk and uncertainty report, including the new probability of management success, and present it to the Board. This revised probability may be approved without revisiting the decision tool weightings. The species Board should revisit weightings every 5 years to ensure that they still reflect the Boards' preferences.

## DRAFT Risk & Uncertainty TC Guidance Document

### The Risk & Uncertainty Decision Tool

The Risk and Uncertainty Decision Tool consists of a series of questions related to the risk and uncertainty of a species' management. Responses to the questions may be quantitative or qualitative, and may be indices or scores composed of multiple pieces of information. All responses will be converted to the same numerical scale for entry in the decision tool. These responses are then weighted based on relative importance of the information for the species. The decision tool combines all of this information into a single value, in this case the probability of management success, through a sigmoid function.

The logistic function for calculating the probability of management success is:

$$p(Z) = \frac{1}{1 + e^{-Z}}$$

Where  $Z = a + b_1x_1 + b_2x_2 + \dots$ , denoting a list of inputs times their weighting coefficients. The intercept,  $a$ , sets the initial scale of the  $Z$  score. An  $a$  of 0, as used here, corresponds to a default value of 50% when the stock is at or above its biomass target and at or below its  $F$  target, and no additional risk or uncertainty factors are considered. The intercept can also be adjusted.

“Management success” is defined relative to the goals of the analysis required. The initial implementation of the logistic tool would be to set a total allowable catch (TAC) or harvest strategy to that would have the recommended probability of meeting a specific objective. That objective could be being at or below the  $F$  target (for setting annual specifications), being at or below the  $F$  threshold (for ending overfishing), or being at or above the SSB target or threshold at a specified point in time (for stock rebuilding).

### Template Decision Tool Inputs & Default Weightings

The following is a template decision tool inputs and default weightings, which may be adapted to suit the needs of a particular species.

Decision Tool Inputs	Default Weighting
<i>1. Stock Assessment &amp; Technical Determinations (0 to 1 scale)</i>	
Stock status: is stock overfished/depleted?	0.10
Stock status: is stock above or below biomass target?	0.10
Stock status: is overfishing occurring?	0.10
Stock status: is fishing mortality above or below the target?	0.10
<i>2. Additional Uncertainty Determinations (0 to 5 scale)</i>	
Model uncertainty	0.10
Management uncertainty	0.10
Environmental uncertainty	0.10
<i>3. Additional Risk Determinations (0 to 5 scale)</i>	
Trophic importance	0.10
<i>4. Social &amp; Economic Determinations* (-5 to 5 scale)</i>	
Commercial short-term economic & social considerations	0.05

Commercial long-term economic & social considerations	0.05
Recreational short-term economic & social considerations	0.05
Recreational long-term economic & social considerations	0.05

Note: The Board can adjust the weightings of short-term and long-term socioeconomic considerations in order to indicate their relative preference for mitigating short-term negative impacts versus ensuring long-term sustainability.

**Policy Board input requested:** In this example of the decision tool, the additional uncertainty and risk determinations only increase the recommended probability of management success. The social & economic determinations can result in either an increase (when being more risk averse will have positive socioeconomic impacts) or a decrease (when the socioeconomic impacts of being more risk averse are negative) in the probability of success.

- Is this the preferred approach, or should risk and uncertainty scores also have the possibility of decreasing the recommended probability of management success? E.g., should models with low uncertainty result in a lower probability of management success?

### Species-Specific Decision Tools

Species-specific Risk and Uncertainty Decision Tools will be developed as relevant management needs for ASMFC species occur. A species Board, in consultation with the TC, can adapt the template decision tool questions and weightings to meet the specific needs of a species (e.g. by adjusting the weightings for different categories or adding additional information). However, all decision tools should incorporate information on stock status, modeling uncertainty, environmental uncertainty, and social and economic considerations.

### Risk and Uncertainty Process

If it is the first time the process is triggered for a species, the species-specific decision tool and supporting documents will be created following the process outlined below.

1. Development or revision of a species-specific decision tool is initiated by the species Board, including:
  - a. guidance on changes to or additional categories for the decision tool
  - b. preliminary weightings for the decision tool input categories

**Policy Board input requested:** In the process outlined here, the species Board will determine the weightings (i.e., relative importance) of the various inputs to the decision tool (e.g. stock status, socioeconomic factors, etc.). There are multiple methods that could be used to arrive at these weightings collectively, including a standard Board discussion. However, the Risk & Uncertainty Policy Workgroup recommended using surveys and/or real-time voting technology (clickers) to arrive at collective weighting preferences. Commissioners would individually rate the relative importance of the different components, then their responses would be averaged to produce the weightings.

→ What is the preferred approach for determining weighting preferences?

2. TC, including a Committee on Economics and Social Sciences (CESS) representative, gathers information relevant to the input questions and compiles it in a species matrix (see Species Matrix)
3. TC, including CESS representative, provides responses to the input questions (see Decision Tool Questions below), converting responses to the appropriate scale. The decision tool's logistic formula is used to arrive at a preliminary probability of management success.
4. The TC drafts a report including:
  - a. The responses to the input questions
  - b. A brief summary of the reasoning behind the responses to the questions, including supporting information/data from the species matrix
  - c. The preliminary recommended probability of management success
5. The TC will present the report to the species Board
6. During a meeting, the Board may make revisions to the decision tool and report, including:
  - a. Adjusting the weightings of the categories
  - b. Revising the responses to the input questions
    - i. Note: responses to the Stock Assessment & Technical Determinations questions should be accepted unless there is a significant reason to change them
    - ii. The reasoning behind any changes to the input questions should be documented in the report, including any additional relevant information
7. The Board approves the final report, including the final probability of management success
8. The final probability of management success will be provided to the TC or PDT as guidance for developing management options.

### Updating the Decision Tool

As new information arises, the decision tool may be updated and a new probability of management success produced. The species TC should periodically review the species matrix and decision tool inputs to ensure that all information is up-to-date. A determination that management action is needed for a species will trigger a review, and possible update, of the species matrix and decision tool.

1. Decision tool review triggered by review schedule or future management action
  - a. If the TC determines that not updates are needed at that time, the existing probability of management success will continue to be used

- b. If the TC determines that updates are needed, they will follow the process outlined below
2. Species matrix and decision tool updated by TC, including CESS representative, with new information and revised input determinations, as needed. A new probability of management success is generated.
3. The TC drafts a report including:
  - a. The responses to the input questions, highlighting changes to the responses
  - b. A brief summary of the reasoning behind the responses to the questions, including supporting information/data from the species matrix
  - c. The preliminary recommended probability of management success
4. The TC will present the report to the species Board
5. During the meeting, the species Board may make adjustments to the decision tool and report, if warranted. The species Board will then approve the revised decision tool, report, and final probability of management success
6. The final probability of management success will be provided to the TC or PDT as guidance for developing management options.

In addition, the species Board should revisit weightings every 5 years to ensure that they still reflect the Boards' preferences. The revised weightings will be passed on to the species TC to update the species decision tool.

### Decision Tool Questions

The following lists the template decision tool input questions and the types of information that could be used to generate responses; however, these may be adapted to fit species needs and information availability. Further criteria for assessing and providing responses to the decision tool questions will be developed by the Assessment Science Committee and CESS.

Input Question	Information to Determine Response
<i>Stock Assessment &amp; Technical Determinations (0 to 1 scale)</i>	
<b>Is the stock overfished/depleted?</b> Responses: overfished/depleted, not overfished, unknown	Overfished = stock biomass below <b>threshold</b> established by the FMP Depleted = reflects low levels of abundance, though it is unclear whether fishing mortality is the primary cause for reduced stock size Not overfished = stock biomass above <b>threshold</b> established by the FMP Unknown = there is no accepted stock assessment to estimate stock status Input as the probability of being below the biomass threshold if available from the assessment, or as a binary (0=not overfished/depleted, 1=overfished/depleted, unknown scored by TC as appropriate to the scenario)
<b>Is biomass above or below the target?</b> Responses: above, below, unknown	At or Above = Biomass is at or above <b>target</b> established by the FMP Below = Biomass is below the <b>target</b> established by the FMP Unknown = there is no accepted stock assessment to estimate stock status

	Input as the probability of being below the biomass target if available from the assessment, or as a binary (0=above the target, 1=below the target, unknown scored by TC as appropriate to the scenario)
<b>Is overfishing occurring?</b> Responses: overfishing occurring, no overfishing occurring, unknown	Overfishing occurring = Fishing mortality exceeds <b>threshold</b> established by the FMP No Overfishing occurring = Fishing mortality below the <b>threshold</b> established by the FMP Unknown = there is no accepted stock assessment to estimate stock status Input as the probability of being above the F threshold if available from the assessment, or as a binary (0=not overfishing, 1=overfishing, unknown scored by TC as appropriate to the scenario)
<b>Is fishing mortality above or below the target?</b> Responses: above, below, unknown	Above = Fishing mortality exceeds <b>target</b> established by the FMP At or Below = Fishing mortality at or below the <b>target</b> established by the FMP Unknown = there is no accepted stock assessment to estimate stock status Input as the probability of being above the F target if available from the assessment, or as a binary (0=below the target, 1=above the target, unknown scored by TC as appropriate to the scenario)
<i>Additional Uncertainty Determinations (0 to 5 scale)</i>	
<i>0=No additional uncertainty or already included, 1=Low uncertainty, 5=High uncertainty</i>	
<b>Is model uncertainty accounted for? If no, how much model uncertainty is there?</b>	How well does the model perform and are all sources of uncertainty included in the probabilities for stock status? Important model diagnostics to consider: retrospectives, sensitivities, bootstrap bounds, ability to estimate recruitment
<b>Is management uncertainty accounted for?</b>  <b>If no, how much management uncertainty is there?</b>	Is management uncertainty already accounted for in assessment and/or management? If it is not, how much management uncertainty is there?  Examples of information to be considered: stock assessments, management plans, and performance of management towards goals, including quantitative information if available (e.g. Management Strategy Evaluation), etc.
<b>Is environmental uncertainty accounted for?</b> <b>If no, how much environmental uncertainty is there?</b>	Is environmental uncertainty already accounted for in assessment and/or management? If it is not, how much environmental uncertainty is there?  Examples of information to be considered: recruitment dynamics, sensitivity to environmental drivers, climate vulnerability, trophic interactions (i.e. do other species impact this species), etc.
<i>Additional Risk Determinations (0 to 5 scale)</i>	
<i>0=No additional precaution needed or already included, 1=Low precaution, 5=High precaution</i>	
<b>Is there a need for precaution due to trophic importance?</b>	Does the importance of this species for other species or the ecosystem as a whole warrant a decrease in risk tolerance? If so, how important is the species (how much should risk tolerance be changed)?

<b>If yes, how important is the species to the ecosystem?</b>	Examples of information to be considered: importance to key trophic dynamics, importance to key ecosystem functions, importance to other fished species, importance to endangered or threatened species
<i>Human Dimensions Determinations* (-5 to 5 scale)</i>	
<i>-5=very negative impacts of being more risk averse in management, 0=neutral/negligible impacts, 5=very positive impacts of being more risk averse in management</i>	
<b>What are the short-term social and economic impacts of management actions on the commercial fishery?</b>	To what extent are the fishery and its communities sensitive or resilient to short-term changes in management (e.g. reductions in quota)?  Examples of information to be considered: economic impact of commercial fishery, value of landings, dependence on fishery, jobs created by fishery, vulnerability of fishing communities, cultural importance
<b>What are the long-term social and economic impacts of management actions to the commercial fishery?</b>	To what extent are the fishery and its communities sensitive or resilient to long-term changes in the fishery or stock (i.e. how important is long-term sustainability of the fishery)?  Examples of information to be considered: economic impact of commercial fishery, value of landings, dependence on fishery, jobs created by fishery, vulnerability of fishing communities, cultural importance
<b>What are the short-term social and economic impacts of management actions to the recreational fishery?</b>	To what extent are the fishery and its communities sensitive or resilient to short-term changes in management (e.g. reductions in quota)?  Examples of information to be considered: economic impact of recreational fishery, value of landings and trips, dependence on fishery, jobs created by fishery, vulnerability of fishing communities, cultural importance
<b>What are the long-term social and economic impacts of management actions to the recreational fishery?</b>	To what extent are the fishery and its communities sensitive or resilient to long-term changes in the fishery or stock (i.e. how important is long-term sustainability of the fishery)?  Examples of information to be considered: economic impact of recreational fishery, value of landings and trips, dependence on fishery, jobs created by fishery, vulnerability of fishing communities, cultural importance

\*Note: The human dimensions questions may incorporate much of the same information in the short-term and long-term responses. However, by weighting the two categories (short-term and long-term) differently, the Board can indicate to what extent they are prioritizing short-term impacts over long-term sustainability, or vice-versa.

### **Species Matrix**

The species matrix is a document for recording all information relevant to the risk and uncertainty decision tool. This document can be periodically updated by the TC and CESS representative, and should

be updated each time the risk and uncertainty process is initiated. The matrix should be adapted to fit the needs of the species and its decision tool.

**Risk and Uncertainty Report**

The TC will draft and the Board will revise a Risk and Uncertainty Report for each risk and uncertainty process. The report will efficiently detail the responses to the decision tool input questions, a concise explanation of the reasoning behind each response, and the probability of management success output. The report will be standardized across species, with some variation allowed to account for the differences between species-specific management objectives.

DRAFT



# Atlantic States Marine Fisheries Commission

## Assessment Science Committee Report

The Assessment Science Committee (ASC) met on May 20<sup>th</sup>, 2020 to address several agenda items, including assessment report streamlining, rescheduling the advanced stock assessment training, and revising the ASMFC stock assessment schedule.

### Revised ASMFC Stock Assessment Schedule

The following proposed changes were made to the ASMFC Stock Assessment Schedule since the previous schedule was approved by the ISFMP Policy Board in October 2019:

- The years 2023 and 2024 were added to the schedule and populated based on NMFS assessment schedules and standard ASMFC assessment frequencies.
- **Horseshoe Crab:** a separate line for the Adaptive Resource Management (ARM) Framework was included and the ARM benchmark in 2021 was added to the schedule.
- **Jonah Crab:** a first-time assessment was tentatively scheduled for 2023.
- In the schedule approved in 2019, eleven benchmark assessments and four assessment updates were scheduled for 2022. Recognizing the 2022 workload bottleneck, the ASC recommends the following changes to redistribute the workload to other years:
  - **Atlantic croaker:** shift the benchmark assessment from 2022 to 2024.
  - **Atlantic sturgeon:** shift the assessment update from 2022 to 2024.
  - **Spot:** shift the benchmark assessment from 2022 to 2024.
- **River herring:** shift the assessment update from 2022 to 2023 to reflect the substantial workload and time needed to complete the update.
- **Striped bass:** While the schedule for striped bass remained the same, with a tentative assessment update in 2021, the ASC recommended consulting the Striped Bass Management Board and Technical Committee on the pros and cons of shifting the update to a later year.

**DRAFT Long-Term Stock Assessment and Peer Review Schedule (Revised May 2020)**

Species	2012	2015	2016	2017	2018	2019		2020	2021	2022	2023	2024
American Eel	ASMFC			Update						x		
American Shad								ASMFC				
American Lobster		ASMFC						ASMFC				
Atlantic Croaker				ASMFC								x
Atlantic Menhaden	Update			Update		SEDAR				Update		
Atl. Menhaden ERPs	Update					SEDAR				Update		
Atlantic Sea Herring	SARC 54	Update			SARC-Spring			Management		Management		Management
Atlantic Striped Bass		Update	Update		SARC-Fall				<i>Update</i>		Update	
Atlantic Sturgeon				ASMFC								x
Black Drum										x		
Black Sea Bass	Update	Update	SARC- Fall	Update	Update	Operational*			Management	SARC - Fall	Management	
Bluefish	Update	SARC-Spring	Update	Update	Update	Operational*			Management	SARC - Fall	Management	
Coastal Sharks		SEDAR	SEDAR	SEDAR				SEDAR		SEDAR		
Cobia						SEDAR						
Horseshoe Crab						ASMFC			ASMFC (ARM)			Update
Jonah Crab											Management	
Northern Shrimp	Update	Update	Update	Update	ASMFC				<i>Update</i>		Update	
Red Drum		SEDAR								ASMFC		SEDAR
River Herring	ASMFC			Update							Update	
Scup	Update	SARC-Spring	Update	Update	Update	Operational*			Management		Management	
Spanish Mackerel	SEDAR 28								Operational			
Spiny Dogfish	Update	Update	Update	Update	Update					SARC - Spring		
Spot				ASMFC								x
Spotted Seatrout		VA/NC	FL									
Summer Flounder	Update	Update	Update	Update	SARC-Fall				Management		Management	
Tautog			ASMFC						Update			
Weakfish			ASMFC			Update						
Winter Flounder		Update		Update				Management		Management		Management

Note all species scheduled for review must be prioritized by management boards and Policy Board.

**Additional Notes:**

- BSB, Bluefish, Scup      \*Summer 2019 operational assessments with new MRIP data
- Coastal Sharks          Blacktip benchmark assessment Fall 2020; Hammerhead benchmark assessment 2022
- Spotted Seatrout        States conduct individual assessments
- Management Track      Northeast region assessments allowing small to moderate changes (similar to Assessment Updates)
- Research Track          Northeast region assessments open to all changes; also includes Research Topics (similar to Benchmark Assessments)

	SEDAR Peer Review
	ASMFC Peer Review
	Fall SARC Review (November) (Research Track)
	Spring SARC Review (June) (Research Track)
	x = 5 year trigger date or potential review
	Completed

*Italics = under consideration, not officially scheduled*

## Problem Statement - Living Shorelines and Natural Material Impacts to SAV

Over the past several years, there has been an increased interest in using natural and nature-based solutions to provide shoreline stabilization, wave attenuation, and erosion control rather than using bulkheads and other shoreline hardening measures. The use of these “living shorelines” has become the preferred practice for shoreline stabilization in many states along the Atlantic coast. Some states have codified this preference in their laws and regulations. The term “living shoreline” has itself progressed to take on a more general meaning, encompassing a wide variety of projects that simply integrate ecological principles into the engineering design. Streamlined permitting processes have also been developed on the federal and state level. In general, these are positive developments, but not when they come at the expense of rooted seagrass (hereafter referred to as submerged aquatic vegetation (SAV)) conservation.

“Living shoreline” is a broad term that encompasses a range of shoreline stabilization techniques along, ideally, stretches of lower wave energy systems, like estuarine coasts, bays, sheltered coastlines, and tributaries. A living shoreline has a footprint that is made up mostly of native and inert, natural material. It incorporates vegetation or other living, natural “soft” elements alone or in combination with some type of harder shoreline structure (e.g. oyster reefs or rock sills) for added stability. Living shorelines typically maintain continuity of the natural land-water interface and reduce erosion while providing habitat value and enhancing coastal resilience to storm events and the overall effects of sea level rise. A brief [factsheet](#) on living shorelines, and some [case studies and resources](#), are available on the ASMFC [habitat webpage](#).

While the Habitat Committee fully supports the use of these softer, more ecologically beneficial means of stabilizing and protecting eroding shorelines, they are increasingly being proposed in areas supporting SAV and designed in a manner that either directly or indirectly impacts this important SAV habitat. The Commission has [highlighted the importance](#) of SAV to our managed species and the need for the conservation and enhancement of coastal SAV resources in multiple publications including our SAV policy document issued in [1997](#) and updated in [2018](#). Declines in SAV habitat continues to be reported in most Atlantic coastal states, and SAV is one of the most rapidly declining habitats around the world, with up to 7% loss in area annually due to human impacts<sup>1</sup>. Our primary goal is to preserve and conserve SAV where possible, and restore or mitigate if preservation is not possible, in order to achieve a net gain in distribution and abundance of this important fishery-supporting habitat along the Atlantic coast and within tidal tributaries, and to prevent any further losses of SAV in individual states by encouraging the following:

- Protect existing SAV beds from further losses due to degradation of water quality, physical destruction to the plants, or disruption to the local benthic environment;
- Continue to promote state or regional water and habitat quality objectives that will result in restoration of SAV through natural re-vegetation;
- Continue to promote, develop, attain, and update as needed, state SAV restoration goals in terms of acreage, abundance, and species diversity, considering historical distribution records and estimates of potential habitat.
- Continue to promote SAV protection at local, state, and federal levels and when unavoidable impacts to SAV occur from permitted coastal alterations or other unintended actions, agencies should implement in-kind compensatory mitigation for the functional and temporal impacts.

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<sup>1</sup> Waycott et al. 2009. Accelerating loss of seagrasses across the globe threatens coastal ecosystems. *Proceedings of the National Academy of Sciences of the United States of America* 106: 12377 – 12381.

SAV beds are one of the most productive ecosystems in the world. These areas provide chemical cycling, carbon sequestration, food, and shelter to valuable nearshore aquatic communities. They stabilize sediments and absorb wave energy, thus reducing erosion. In some cases, the loss of SAV can hasten the erosion that property owners are trying to avoid by installing living shorelines. Healthy SAV beds form the basis for healthy fish and invertebrate stocks, successful fisheries, and long-term community sustainability. In addition, the Mid-Atlantic Fishery Management Council has designated SAV as Habitat Areas of Particular Concern (HAPC) for summer flounder due to its exceptional ecological value as fisheries habitat, relative scarcity, and susceptibility to environmental and human disturbance. SAV beds are also highlighted in the New England Fishery Management Council's Essential Fish Habitat (EFH) designations for winter flounder early life stages. The South Atlantic Fishery Management Council designated SAV as EFH for several federally managed species, including Penaeid shrimp, spiny lobster, snapper-grouper species, and Atlantic group cobia. It is also designated as an HAPC for snapper-grouper species and juvenile summer flounder. The U.S. Environmental Protection Agency (EPA) has designated SAV as a special aquatic site under Section 404(b)(1) of the federal Clean Water Act because of its importance as nesting, spawning, nursery cover, and forage areas for fish and wildlife.

While SAV can be found at greater depths in New England due to generally colder, clearer water, areas of deeper water (>1 m) throughout the estuaries of the Mid-Atlantic (specifically the lower Chesapeake Bay and its tributaries), as well as South Carolina and Georgia waters, do not support persistent beds of SAV due to higher water temperature, less water clarity, higher tidal range and stronger tidal currents (South Carolina and Georgia), and limited light availability on the bottom. When SAV is present, living shorelines and other nature-based or engineered structures should be designed to avoid direct and indirect impacts to SAV. SAV should be considered an integral part of any living shoreline or nature based solution. However, stabilization measures are increasingly being proposed in locations that result in direct or indirect losses of SAV. This may be a result of a lack of understanding that the purpose of a living shoreline is to stabilize the shore and that it is not a flood protection measure, nor will it eliminate the effects of sea level rise. States that provide incentives or encourage the use of living shorelines should ensure that there are controls in place to avoid impacts to SAV.

SAV can also be present and persistent in areas where the shoreline is extremely dynamic and/or experiencing active detrimental erosion. In these situations, preserving SAV habitat can come into conflict with efforts to stabilize the shoreline, even when stabilization uses living shoreline techniques. In these instances, alternatives that avoid or minimize impacts to SAV should be considered. For example, offshore shoreline erosion control structures such as breakwaters and stone sills, often used in conjunction with and to protect "softer" more natural or nature-based living shoreline techniques, can either be sited or configured landward (sills) or channelward (breakwaters) of SAV to avoid impacts.

A hierarchical approach to siting and design of living shorelines that incorporates avoidance and minimization measures should always be demonstrated before unavoidable impacts to SAV are considered. Generally, avoidance of SAV habitat (i.e. either present or historically present) should be a critical constraint that influences the selection and design of a living shoreline or nature-based project. Where impacts to SAV are truly unavoidable to accomplish project goals without compromising the integrity of the design, compensatory in-kind mitigation may be needed to offset the lost ecological functions. However, as our existing SAV policy states, a concerted effort should be made to protect those areas where SAV currently exists since experience shows that it is often challenging to successfully restore or mitigate SAV losses. Often when compensatory mitigation for SAV losses is undertaken, it is out-of-kind, and occurs outside of the affected water body. This results in the loss of the important ecological functions of SAV in some locations where it may be needed most.

Because of the ecological importance of SAV and the increasing instances of living shoreline and nature-based projects being proposed that are in conflict with this highly productive habitat, the continued reported losses of SAV habitat along the Atlantic coast and worldwide, and the difficulties associated with mitigating and restoring SAV, the Habitat Committee requests Policy Board approval to develop a Living Shoreline Policy that would be protective of SAV.

# Atlantic States Marine Fisheries Commission

## Atlantic Herring Management Board

*August 5, 2020*

*1:15 - 2:30 p.m.*

*Webinar*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- |  |           |
|--|-----------|
| 1. Welcome/Call to Order ( <i>C. Patterson</i> )   | 1:15 p.m. |
| 2. Board Consent   | 1:15 p.m. |
| • Approval of Agenda   |           |
| • Approval of Proceedings from May 2020  |           |
| 3. Public Comment  | 1:20 p.m. |
| 4. Review the 2020 Atlantic Herring Management Track Assessment and Peer Review Reports ( <i>J. Deroba</i> ) | 1:30 p.m. |
| 5. Progress Update on 2020 Area 1A Fishery ( <i>R. Zobel</i> )   | 2:15 p.m. |
| 6. Elect Vice-Chair ( <i>C. Patterson</i> ) <b>Action</b>  | 2:25 p.m. |
| 7. Other Business/Adjourn  | 2:30 p.m. |

# MEETING OVERVIEW

**Atlantic Herring Management Board Webinar**  
**August 5, 2020**  
**1:15 – 2:30 p.m.**

Chair: Cheri Patterson (NH) Assumed Chairmanship: 2/20	Technical Committee Chair: Renee Zobel (NH)	Law Enforcement Committee Representative: Delayne Brown (NH)
Vice-Chair: VACANT	Advisory Panel Chair: Jeff Kaelin (NJ)	Previous Board Meeting: May 5, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, NEFMC (9 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2020

**Public Comment** – For items not on the agenda, public comment will be taken at the end of the meeting. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

<b>4. Review the 2020 Atlantic Herring Management Assessment and Peer Review Reports (1:30 – 2:15 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"> <li>• The Management Track Assessment was completed in June and peer-reviewed in July 2020 (<b>Supplemental Materials</b>).</li> <li>• The SSC is scheduled to meet July 29 to develop specification recommendations for the NEFMC’s consideration in September when it meets to review the assessment results.</li> </ul>
<b>Presentations</b> <ul style="list-style-type: none"> <li>• Presentation of management track assessment J. Deroba</li> </ul>

<b>5. Progress Update on the 2020 Area 1A Fishery (2:15 – 2:25 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"> <li>• The Area 1A sub-annual catch limit (ACL) is 2,957 metric tons (mt) after adjusting for the research set-aside, the 30 mt fixed gear set-aside, and the fact that Area 1A closes at 92% of the sub-ACL.</li> <li>• In October 2019, the Board implemented seasonal allocations for the 2020 fishery which allocates the Area 1A sub-ACL between June-September (72.8%) and October-December (27.2%).</li> </ul>

- |   |
|---|
| <ul style="list-style-type: none"><li>• In May 2020, the Board set effort controls for the 2020 Area 1A fishery for Season 1 (<b>briefing materials</b>). The fishery begins in ME on July 19 (6:00 pm) and in NH/MA on July 20 (12:00 am).</li></ul> |
|---|

<p><b>Presentations</b></p>
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- |  |
|--|
| <ul style="list-style-type: none"><li>• Overview of the 2020 Area 1A Fishery by R. Zobel</li></ul> |
|--|

**6. Elect Vice-Chair (2:25- 2:30 p.m.)**

**7. Other Business/Adjourn (2:30 p.m.)**

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC HERRING MANAGEMENT BOARD**

**Webinar  
May 5, 2020**

These minutes are draft and subject to approval by the Atlantic Herring Board Management Board.  
The Board will review the minutes during its next meeting.



Draft Proceedings of the Atlantic Herring Board Management Board Webinar  
May 2020

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Adjournment..... 8

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**INDEX OF MOTIONS**

1. **Move to approve agenda** by Consent (Page 1).
2. **Move to approve proceedings of February, 2020** by Consent (Page 1).
3. **Move to postpone final action on Draft Addendum III until after a final rule on Amendment 8 is published and Council/Commission leadership can meet to discuss herring management** (Page 4). Motion by Megan Ware; second by Ritchie White. Motion carried (Page 6).
4. **Motion to adjourn** by Consent (Page 7).

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**ATTENDANCE**

**Board Members**

Megan Ware, ME, proxy for P. Keliher (AA)	Matt Gates, CT, proxy for J. Davis (AA)
Sen. David Miramant, ME (LA)	Bill Hyatt, CT (GA)
Cheri Patterson, NH (AA), Chair	Jim Gilmore, NY (AA)
G. Ritchie White, NH (GA)	Emerson Hasbrouck, NY (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John McMurray, NY, proxy for Sen. Kaminsky (LA)
Dan McKiernan, MA (AA)	Joe Cimino, NJ (AA)
Raymond Kane, MA (GA)	Tom Fote, NJ (GA)
Rep. Sarah Peake, MA (LA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Conor McManus, RI, proxy for J. McNamee (AA)	Peter Kendall, NEFMC, proxy for T. Nies
Dave Borden, RI (GA)	Allison Murphy, NMFS
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	

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

**Ex-Officio Members**

Renee Zobel, Technical Committee Chair	Delayne Brown, Law Enforcement Rep.
Jeff Kaelin, Advisory Panel Chair	

**Staff**

Robert Beal	Max Appelman
Toni Kerns	Maya Drzewicki
Kirby Rootes-Murdy	

**Guests**

(No guest list distributed as meeting held via webinar)

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Draft Proceedings of the Atlantic Herring Management Board Webinar  
May 2020

The Atlantic Herring Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, May 5, 2020, and was called to order at 9:30 a.m. by Chairman Cheri Patterson.

**CALL TO ORDER**

CHAIRMAN CHERI PATTERSON: Good morning, and welcome to the Atlantic Herring Management Board webinar. I'm Cheri Patterson; the current Chairperson. I would like to start by saying I hope everyone is doing well, and staying safe during these unprecedented times. As Toni said, this is our first meeting with this sort of webinar.

I would like to just remind members to use the hand raising button to be called on, and to please have patience with everybody. We want to make sure that people have a voice, so we might be asking them to unmute themselves, and go through processes to make sure that they have a voice.

All that being said, I would now like to call the meeting to order. To account for those present at this Board meeting, Kirby Rootes-Murdy will conduct a roll call. Again, please unmute yourself when your name is called, and acknowledge with a yes. We will start from north and move towards the southern states. Kirby.

**ROLL CALL**

MR. KIRBY ROOTES-MURDY: Great, thank you Madam Chair, hopefully everyone can hear me all right. We'll start off with the state of Maine, Megan Ware.

MS. MEGAN WARE: I'm here.

MR. ROOTES-MURDY: Steve Train. All right, so not hearing Steve Train I've got him noted as absent. Senator Miramant.

SENATOR DAVID MIRAMANT: I'm here. Sorry, the control panel went away, I'm here.

MR. ROOTES-MURDY: No worries, thank you. Moving to the state of New Hampshire, our Madam Chair, Cheri Patterson is present, next Ritchie White.

MR. G. RITCHIE WHITE: Present.

MR. ROOTES-MURDY: Great, Dennis Abbott.

MR. DENNIS ABBOTT: Present.

MR. ROOTES-MURDY: Next moving to Massachusetts, Dan McKiernan.

MR. DANIEL MCKIERNAN: Present.

MR. ROOTES-MURDY: Ray Kane.

MR. RAYMOND W. KANE: Present.

MR. ROOTES-MURDY: Next Representative Sarah Peake.

REPRESENTATIVE SARAH PEAKE: Here.

MR. ROOTES-MURDY: Next Rhode Island, Conor McManus.

MR. CONOR MCMANUS: Here.

MR. ROOTES-MURDY: David Borden.

MR. DAVID V. BORDEN: Here.

MR. ROOTES-MURDY: Next Eric Reid.

MR. ERIC REID: Yes.

MR. ROOTES-MURDY: Next moving to Connecticut, Matt Gates.

MR. MATTHEW GATES: Can you hear me now? I'm here.

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MR. ROOTES-MURDY: Yes, thank you, Matt.  
Next Bill Hyatt.

MR. WILLIAM HYATT: Present.

MR. ROOTES-MURDY: Next Representative  
Craig Miner, all right not hearing Representative  
Miner I have him noted as absent. Next, Jim  
Gilmore.

MR. JAMES J. GILMORE: Living the dream.

MR. ROOTES-MURDY: Thank you, Jim, next  
Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Here.

MR. ROOTES-MURDY: Next I have John  
McMurray.

MR. GILMORE: Kirby, John is on but he's having  
trouble connecting, so he's on Zoom with us  
right now, so he may need to have somebody  
call him and give him a hand.

MR. ROOTES-MURDY: Okay thank you for that  
heads up, Jim. I appreciate it.

MS. TONI KERNS: Jim, could you text me John's  
cell phone number so that I could get someone  
to call him? I just don't have it, unless Tina  
does.

MR. GILMORE: Will do, Toni.

MR. ROOTES-MURDY: All right, moving to New  
Jersey. Joe Cimino.

MR. JOE CIMINO: Present.

MR. ROOTES-MURDY: Tom Fote.

MR. THOMAS P. FOTE: Present.

MR. ROOTES-MURDY: Adam Nowalsky.

MR. ADAM NOWALSKY: Present.

MR. ROOTES-MURDY: Now to the New England  
Fishery Management Council. Peter Kendall.

MR. PETER KENDALL: I'm on.

MR. ROOTES-MURDY: Okay thank you, and  
then last National Marine Fisheries Service,  
Alison Murphy.

MS. ALISON MURPHY: Present, thank you.

MR. ROOTES-MURPHY: Great, thanks. I guess  
before I'll turn it back over to Cheri, has there  
been any resolution to John McMurray's  
connectivity issues?

MS. TINA L. BURGER: We're working on it.  
Mike is going to connect with him.

MR. JOHN G. McMURRAY: Okay guys, I think  
I'm good now. It's McMurray.

MR. ROOTES-MURDY: Great, thank you John,  
good to hear. Madam Chair it's yours.

**APPROVAL OF AGENDA**

CHAIRMAN PATTERSON: Moving on. With the  
Board's consent I would like to approve the  
agenda. Are there any objections or edits to  
approving the agenda? Please raise your hands  
and Toni will call on you.

MS. KERNS: Alli Murphy has her hand up, Cheri.  
Alli.

CHAIRMAN PATTERSON: Go ahead, Alli.

MS. MURPHY: Thank you Toni, thank you  
Madam Chair. If time permits, may I make a  
brief announcement under other business?

CHAIRMAN PATTERSON: Okay, thank you very  
much.

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MS. KERNS: Cheri, in addition Senator Miramant has his hand up.

CHAIRMAN PATTERSON: Senator Miramant go ahead.

SENATOR MIRAMANT: Well it looked like the green arrow was pointing up that was up, but I hadn't put it up, so I just put it down. I'm not looking for anything.

CHAIRMAN PATTERSON: Toni, is there anybody else?

MS. KERNS: Conor McManus has his hand up.

CHAIRMAN PATTERSON: Conor.

MR. McMANUS: I'm sorry that might have been an accident.

CHAIRMAN PATTERSON: We'll all get the hang of this quickly, I'm sure. Anybody else have?

MS. KERNS: That is all, Cheri.

MS. BERGER: Thad Altman has his hand up.

MS. KERNS: I think that has to do with sound check, which we will do later with him, since he is not on this Board.

CHAIRMAN PATTERSON: Okay, with those changes then the agenda is approved.

**APPROVAL OF PROCEEDINGS**

CHAIRMAN PATTERSON: With the Board's approval I would like to get consent to approve the proceedings from the February, 2020 meeting. Are there any objections or changes to the proceedings? If so, please raise your hand and Toni will call on you.

MS. KERNS: I do not see any hands raised, Cheri.

CHAIRMAN PATTERSON: Seeing none, then the proceedings are approved.

**CONSIDER FINAL APPROVAL OF ADDENDUM III**

CHAIRMAN PATTERSON: Next item on the agenda is to address the final approval of Addendum III. However, before we get started with a presentation of the Draft Addendum, it has been brought to my attention that there are concerns with moving forward with the Addendum at this time.

Some of the concerns that have been expressed are: The New England Fisheries Management Council has concerns that MSA may be violated by excluding some fishing gears with some of the proposed seasonal quotas; that this Addendum may be impaired of Amendment 8 of the New England Fishery Management Council's Atlantic Herring Management Plan. Where the Commission had spoken of work in managing Atlantic Herring may be in conflict, and maybe we want to wait until the Council and the Commission leadership meet, which was a request at the last Council meeting and voted on by Council members. All of that being said, I would like to ask Kirby to show as a reminder the 2020 specifications of Area 1A as it stood this February, and also the allocation distribution that was approved in October of 2019.

I have also been made aware that there is a motion that is proposed for the Board's consideration. Would the maker of the motion please present their motion? If someone would like to second the motion please raise your hand, and Toni will acknowledge that person as a seconder. But I would like to hear from the maker of the motion first.

MS. KERNS: Cheri, I think Megan Ware might be the maker of the motion, as she has her hand up.

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CHARMAN PATTERSON: Megan, if you can move forward with making the motion.

MS. WARE: Thank you Madam Chair, good morning everyone. Just to follow up on what the Chair has said. I think there are kind of several loose ends right now regarding herring management action. We don't have a final rule on Amendment 8, which could prohibit midwater trawl gear within 12 nautical miles of Area 1A year-round. I don't have a sense of which way that Amendment will go, but it could significantly impact the midwater trawl fleet.

We also have a new assessment that is going to be out, in I think a little over a month. It is possible that that assessment will come back with poorer results for the herring stock, so I think that will have impact on upcoming specifications. Then as the Chair mentioned, at the last Council meeting there was a decision to have discussions between the Council and the Commission regarding herring management, and the cooperation between the two bodies.

This meeting hasn't happened yet. Given these things, I think it might be important just to take a breath right now, and let these actions play out. The motion I have is; move to postpone final action on Draft Addendum III until after a Final Rule on Amendment 8 is published, and the Council/Commission leadership can meet to discuss herring management.

MS. KERNS: Cheri, Ritchie White has his hand up, I assume that is for a second.

CHAIRMAN PATTERSON: Ritchie, is that a second?

MR. WHITE: Yes, Madam Chair, I would like to second that motion.

**CHAIRMAN PATTERSON: Based on the motion that is in front of the Board, which is to postpone final action on Draft Addendum III**

**until after a Final Rule on Amendment 8 is published, and the Council/Commission leadership can meet to discuss herring management.** I would like to hear discussion, so please raise your hand and remember to unmute yourself when Toni calls on you.

MS. KERNS: Peter Kendall has his hand raised.

CHAIRMAN PATTERSON: Peter.

MR. KENDALL: Yes, thank you Madam Chair, and I can support this motion. I appreciate the fact that in delaying this Addendum as Madam Chair you stated that the Council, you know support part of this Addendum, and with the number of moving targets going on right now I can appreciate the fact that we need to see what happens to Amendment 8 with the Final Rule.

With the current assessment that is being updated right now. Like Ms. Ware said, probably another month we'll have results from that. But I think it's wise at the time to put Addendum III on the shelf for just a little bit, and see how it plays out, so I appreciate this motion.

CHAIRMAN PATTERSON: Thank you PK, anybody else, Toni?

MS. KERNS: Currently only a member of the public. It is John Hare. I don't know if he wants to speak to the assessment, and then also Alli Murphy has her hand up.

CHAIRMAN PATTERSON: I'll go with Alli first, since she's a council member, then I'll go to the public.

MS. MURPHY: Thank you Madam Chairwoman. I agree with some of the comments from Ms. Ware and from Mr. Kendall. I think a slight delay to the final approval of this action will give the Commission and the Council, and NMFS

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as well, time to meet to discuss our issues, to ensure consistency between the state plan and the federal plan, and move forward in a more concerted way. I can support this motion, thank you.

CHAIRMAN PATTERSON: Okay, we have time so I will take a couple of public comments. Toni, if you could direct to commenting for the Board to hear their names, thank you.

MS. KERNS: First I've unmuted John Hare.

MR. JOHN HARE: I just wanted to provide some more details about the timing of the assessment. The peer review is the 22nd to 26th of June, so the results for all the assessments that will be part of that peer review should be available in the mid-July timeframe.

CHAIRMAN PATTERSON: Toni, is there anyone else from the public?

MS. KERNS: I'm just scrolling through the list to make sure. We have Mary Beth Tooley, Mary Beth, I will unmute you, and then on deck I have Jeff Kaelin. Go ahead, Mary Beth.

MS. MARY BETH TOOLEY: Thank you very much, thank you Madam Chair. I just had one question. I'm wondering if that leadership meeting has been scheduled.

CHAIRMAN PATTERSON: Not to my knowledge.

MS. TOOLEY: Okay thank you. I'll follow up after the meeting.

MS. KERNS: Jeff Kaelin, you should be unmuted. Go ahead, Jeff.

MR. JEFF KAELIN: Good morning everybody, I hope everybody is well. I'm Jeff Kaelin from Lund's Fisheries. I was getting ready to read the AP report, but I guess I'm not going to have to

do that now. I just wanted to say that I really support Ms. Ware's motion, Madam Chair, and I really think it was the right thing to do. I appreciate that and will stay tuned. The question I have is does the Board have to take action again on the October, 2019 decision on allocations in 1A, or does that just stand if it's not changed?

CHAIRMAN PATTERSON: It is my understanding that it stands.

MR. KAELIN: Okay that's great, thank you Cheri, I'm glad to hear that.

CHAIRMAN PATTERSON: I would like to go back to the Board. After we've heard the comments from the public is there any further discussion from the Board? If there is please raise your hand.

MS. KERNS: Cheri, I'm scrolling through the list really quick. I don't see anybody else with their hand up. Give me one more second here. Nope, no one else has their hand up.

**CHAIRMAN PATTERSON: Then we will vote on the motion. The motion again is to postpone final action on Draft Addendum III until after a Final Rule on Amendment 8 is published, and Council/Commission leadership can meet to discuss herring management. The motion was made by Ms. Ware, seconded by Mr. White.** We ask that the Administrative Commissioners be the ones to vote on behalf of the state. If there is a need to caucus, please raise your hand now.

MR. ROOTES-MURDY: Madam Chair, just the point of clarification for the Board and members of the public. I want people to be aware that Amendment 8 is the New England Council's Amendment, and the Draft Addendum obviously is the Commission's, just in a point of clarification, and it will be reflected with the recording for this meeting.

These minutes are draft and subject to approval by the Atlantic Herring Management Board.  
The Board will review the minutes during its next meeting.



Draft Proceedings of the Atlantic Herring Management Board Webinar  
May 2020

CHAIRMAN PATTERSON: Thank you, Kirby. Toni, does anybody have their hand raised?

MS. KERNS: Cheri, I do not see anybody with their hand raised.

CHAIRMAN PATTERSON: Okay, then we'll have Kirby conduct the roll call from north to south.

MR. ROOTES-MURDY: All right great, thanks Madam Chair. We're starting with the state of Maine, and we'll go south.

MS. WARE: This is Megan, yes.

MR. ROOTES-MURDY: New Hampshire.

MR. WHITE: Yes, this is Ritchie, New Hampshire votes yes.

MR. ROOTES-MURDY: Massachusetts.

MR. McKIERNAN: This is Dan McKiernan voting yes.

MR. ROOTES-MURDY: Rhode Island.

MR. McMANUS: This is Conor McManus voting yes.

MR. ROOTES-MURDY: Connecticut.

MR. GATES: This is Matthew Gates voting yes.

MR. ROOTES-MURDY: New York.

MR. GILMORE: Jim Gilmore, yes.

MR. ROOTES-MURDY: New Jersey.

MR. CIMINO: Joe Cimino, yes.

MR. ROOTES-MURDY: New England Fishery Management Council.

MR. KENDALL: Peter Kendall for the New England Council, yes.

MR. ROOTES-MURDY: National Marine Fisheries Service.

MS. MURPHY: This is Alli Murphy, I vote yes.

MR. ROOTES-MURDY: There are 9 yesses, 0 noes, 0 abstentions, 0 null votes.

**CHAIRMAN PATTERSON: The motion was passed, thank you everyone.**

**OTHER BUSINESS**

CHAIRMAN PATTERSON: Seeing that Addendum III is being postponed, there will be no need to reconsider the 2020 Area 1 Specifications. We can move on to other business.

**UPDATE TO THE FINAL RULE FILING OF THE ATLANTIC HERRING SPECIFICATIONS**

CHAIRMAN PATTERSON: Alli, if you could please provide your update to the Final Rule filing of the Atlantic Herring Specifications. If anybody else would like to bring up Other Business please raise your hand in the interim.

MS. MURPHY: I just wanted to let the Board know that this morning our Final Rule approving the measures in Framework Adjustment 6, including the 2020 specifications and some other minor corrections filed in the Federal Register and is effective today. The Rule approved specifications as were proposed in the Proposed Rule, and as recommended by the New England Council. Following this meeting I will be working with other GARFO staff to update our website in quota monitoring, and send out our e-mail notifications. But we wanted to let the Board know this morning. Thank you.

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Draft Proceedings of the Atlantic Herring Management Board Webinar  
May 2020

CHAIRMAN PATTERSON: Toni, does anybody else have their hands raised for other business?

MS. KERNS: I do not see any other hands raised for Other Business, Cheri.

CHAIRMAN PATTERSON: Well this is going faster than I thought it would. Seeing no other business, is there any public that would like to comment? If so, please raise your hand. This is apart from what we have already discussed.

MS. KERNS: Cheri, Mary Beth Tooley has her hand raised, I can unmute her if that is okay with you. Hold on Mary Beth. Mary Beth, you are self-muted, you should be able to unmute yourself now. There you go.

MS. TOOLEY: I just wanted to note one thing. The AP did meet prior to this meeting to comment on the Addendum, but the AP also had a discussion about the fact that the group did not feel that the Commission was utilizing the group to its best ability, and would prefer that when the Commission moves forward with actions that the AP is consulted early in the process during the development of the measures.

There was a bit of confusion about how the measures came together, and who was affected and things like that that took a while to sort of get through that. As a group we just felt that earlier feedback from the AP would help the process greatly, and I wanted to bring that to the attention of the Board. Thank you.

CHAIRMAN PATTERSON: Thank you, Mary Beth. Is there any other comment, Toni?

MS. KERNS: Jeff Kaelin has his hand up.

CHAIRMAN PATTERSON: Jeff.

MR. KAELIN: Yes, Mary Beth just reminded me. The one thing I want to mention as the AP Chair

is, we only had 5 of 14 members attend. I really do appreciate the Board using the AP to the extent that we have been able to provide information to you, but I think the states need to realize that only 5 of 14 members attended. Madam Chair, maybe the Board can be reconstituted. I don't know what kind of a process the Commission is using. But I just wanted to point that out. That's it thanks very much.

CHAIRMAN PATTERSON: Is there anything else, Toni?

MS. KERNS: I do not see any other members of the public.

CHAIRMAN PATTERSON: Is there any response from the Board in regard to the public comments?

MS. KERNS: Dennis Abbott has his hand up.

CHAIRMAN PATTERSON: Dennis go ahead.

MR. ABBOTT: Procedural issue. We went through a manual roll call, which took quite a bit of time and it will take more time when we really have north to south. When we have a normal Board meeting, we just look around the room and determine that we have a quorum. You have a list of everyone that is signed on. Can that not be used as the roll call for attendance, rather than go through an individual roll call?

MS. KERNS: Well Dennis, the roll call was just to know how each state is voting. At the beginning of the meeting we are just calling attendance. One, it helps to make sure that everybody's sound is working, and to know for sure that people are present at their computer on the meeting.

MR. ABBOTT: Thank you.

These minutes are draft and subject to approval by the Atlantic Herring Management Board.  
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Herring Management Board Webinar  
May 2020

**ADJOURNMENT**

CHAIRMAN PATTERSON: Okay if there is no other business before this Board, I would like to say one last thing. I would like to thank ASMFC staff for their organizational skills in running this webinar very efficiently, and we're very appreciative of you guys. With that being said, this meeting is adjourned.

(Whereupon the meeting adjourned at 10:00  
a.m. on May 4, 2020)

- - -

These minutes are draft and subject to approval by the Atlantic Herring Management Board.  
The Board will review the minutes during its next meeting.



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • [www.asmfmc.org](http://www.asmfmc.org)

## MEMORANDUM

May 13, 2020

**To:** Atlantic Herring Management Board, Atlantic Herring Technical Committee, Atlantic Herring Advisory Panel, Interested Parties

**From:** Toni Kerns, ISFMP Director *TK*

**RE:** Area 1A 2020 Effort Controls

The Atlantic States Marine Fisheries Commission's Atlantic Herring Management Board members from Maine, New Hampshire, and Massachusetts set the effort control measures for the 2020 Area 1A (inshore Gulf of Maine) fishery for Season 1 (June-September).

The Area 1A sub-annual catch limit (ACL) is 2,957 metric tons (mt) after adjusting for the research set-aside, the 30 mt fixed gear set-aside, and the fact that Area 1A closes at 92% of the sub-ACL. In October 2019, the Atlantic Herring Management Board implemented seasonal allocations for the 2020 fishery which allocates the Area 1A sub-ACL between June-September (72.8%) and October-December (27.2%).

### 2020 Atlantic Herring 1A Quota (in mt) Allocation by Season

Season	1A Quota
Season 1: June-September	2,152 mt
Season 2: October-December	804 mt

### Days Out of the Fishery

- Landing days will be set at zero from June 1 until the start of the fishery on July 19 in Maine and July 20 in New Hampshire and Massachusetts.
- Vessels with an Atlantic herring Limited Access Category A permit that have declared into the Area 1A fishery may land herring four (4) consecutive days a week. One landing per 24 hour period. Vessels are prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery.
  - Landings days in Maine begin on Sunday of each week at 6:00 p.m. starting July 19.
  - Landing days in New Hampshire and Massachusetts begin on Monday of each week at 12:01 a.m. starting July 20.
- Small mesh bottom trawl vessels with an Atlantic herring Limited Access Category C or Open Access D permit that have declared into the fishery may land herring five (5) consecutive days a week.

M20-50

### **Weekly Landing Limit**

- Vessels with an Atlantic herring Category A permit may harvest up to 240,000 lbs. (6 trucks) per harvester vessel, per week starting July 19 in Maine and July 20 in New Hampshire and Massachusetts

### **At-Sea Transfer and Carrier Restrictions**

The following applies to harvester vessels with an Atlantic herring Category A permit and carrier vessels landing herring caught in Area 1A to a Maine, New Hampshire, or Massachusetts port.

- A harvester vessel may transfer herring at-sea to another harvester vessel.
- A harvester vessel may not make any at-sea transfers to a carrier vessel.
- Carrier vessels may not receive at-sea transfers from a harvester vessel.

Fishermen are prohibited from landing more than 2,000 pounds of Atlantic herring per trip from Area 1A until July 19 or 20, 2020, depending on the state. Landings will be closely monitored and the fishery will be adjusted to zero landing days when the seasonal period quota is projected to be reached.

Please contact Max Appelman, Fishery Management Plan Coordinator, at [mappelman@asmfc.org](mailto:mappelman@asmfc.org) or 703.842.0740 for more information.

### **Motions**

**Move to have season 1 start July 19 (ME) at 6 p.m.; July 20 for MA and NH vessels at 12:01 a.m. Zero landing days prior to July 19-20.**

Motion made by Ms. Ware and seconded by Mr. McKiernan. Motion passed by consent.

### **Main Motion**

**Move to implement 4 landing days and an 8 truck weekly landing limit for the Category A permit vessels.**

Motion made by Ms. Ware and seconded by Mr. Abbott. Motion substituted.

### **Motion to Substitute**

**Move to implement 4 landing days and a 6 truck weekly landing limit for the Category A permit vessels.**

Motion made by Ms. Ware and seconded by Mr. Abbott. Motion passed by consent.

### **Main Motion as Substituted**

**Move to implement 4 landing days and a 6 truck weekly landing limit for the Category A permit vessels.**

Motion passed by consent.

**Move to implement 5 landing days for Category C and D permits under the Small Mesh Bottom Trawl program.**

Motion made by Ms. Ware and seconded by Mr. White. Motion passes by consent.

**Move to allow harvester-to-harvester transfers at sea, but not allow transfers to carriers.**

Motion made by Ms. Ware and seconded by Mr. White. Motion passed by consent.

# Atlantic States Marine Fisheries Commission

## Business Session

*August 5, 2020*

*4:30 – 4:45 p.m.*

*Webinar*

## Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Introductions (*P. Keliher*) 4:30 p.m.
2. Board Consent 4:30 p.m.
  - Approval of Agenda
  - Approval of Proceedings from February 2020
3. Public Comment 4:35 p.m.
4. Consider Noncompliance Findings (if necessary) **Final Action** 4:40 p.m.
5. Other Business/Adjourn 4:45 p.m.

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
BUSINESS SESSION**

**The Westin Crystal City**  
Arlington, Virginia  
**February 6, 2020**

These minutes are draft and subject to approval.  
The Board will review the minutes during its next meeting.



Draft Proceedings of the Business Session  
February 2020

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**Call to Order, Chairman Patrick C. Keliher ..... 1**

**Approval of Agenda ..... 1**

**Approval of Proceedings October 2019 ..... 1**

**Update on the Commonwealth of Virginia’s Compliance with the Atlantic Menhaden  
Fishery Management Plan..... 1**

**Adjournment ..... 2**

These minutes are draft and subject to approval.  
The Board will review the minutes during its next meeting.

**INDEX OF MOTIONS**

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings from October 2019** by consent (Page 1)
3. **Move to adjourn** by consent (Page 2).

**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Loren Lustig, PA (GA)
Cheri Patterson, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Ritchie White, NH (GA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dan McKiernan, MA (AA)	Lynn Fegley, MD, proxy for Bill Anderson (AA)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Ellen Bolen, VA, proxy for S. Bowman (AA)
Jason McNamee, RI (AA)	Steve Murphey, NC (AA)
Justin Davis, CT (AA)	Mel Bell, SC, proxy for R. Boyles, Jr. (AA)
Jim Gilmore, NY (AA)	Doug Haymans, GA (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Spud Woodward, GA (GA)
Joe Cimino, NJ (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Russ Allen, NJ, proxy for T. Fote (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Derek Orner, NMFS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Mike Millard, USFWS

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

**Ex-Officio Members**

**Staff**

Robert Beal  
Toni Kerns

Kirby Rootes-Murdy  
Maya Drzewicki

**Guests**

Chris Batsavage, NC DMF  
Pat Geer, VMRC

Jay Odell, TNC  
Mike Waine, ASA

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Thursday, February 6, 2020, and was called to order at 11:50 o'clock a.m. by Chairman Patrick C. Keliher.

#### **CALL TO ORDER**

CHAIRMAN PATRICK C. KELIHER: Welcome to the Business Session of the ASMFC. We're going to quickly roll through this. We do have one update as part of this.

#### **APPROVAL OF AGENDA**

CHAIRMAN KELIHER: Are there any items that need to be added to this agenda? Seeing none.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN KELIHER: We need to approve the proceedings from the October 2019 meeting. Are there any changes, additions, deletions, seeing none? They are approved by consensus. Is there anybody from the public here that would like to comment? Seeing none, we do not need to consider noncompliance findings.

#### **UPDATE ON THE COMMONWEALTH OF VIRGINIA'S COMPLIANCE WITH THE ATLANTIC MENHADEN FISHERY MANAGEMENT PLAN**

CHAIRMAN KELIHER: The last item of business for the winter meeting is an update on the Commonwealth of Virginia's compliance with the Atlantic menhaden FMP, and I'll turn that over to Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think everyone remembers a bit of the background on this. I think the important thing here to note, and to thank the Secretary of Commerce for backing up the Commission, and agreeing with the Commission's determination that in fact the Commonwealth was out of compliance. The Secretary, I know very well that he put a lot of thought and consideration into this, and it wasn't an easy decision for the Secretary.

I know a number of folks at NOAA Fisheries, Derek and Kelly, and all the way up to Sam Rauch and Chris Oliver were involved, and Alan Risenhoover and many others. I just want to on the record thank the Secretary for all the effort, and backing up the Commission. I think it's a very important decision for the Commission.

With that the update on where things stand with compliance. As everyone knows, I think, Virginia needed to take legislative action to come back into compliance with the FMP. I think Pat, down there they can chime in. But my understanding of where things stand is at one point there were 12 different bills bouncing around down in Richmond, and things have been a bit of a beehive down there on menhaden issues. On Tuesday the House passed House Bill 1448, which would bring Virginia back into compliance.

That bill would move the management of Atlantic menhaden authority over to the Virginia Marine Resources Commission from the state legislature, so that will be a pretty significant shift. A comparable bill, which is Senate Bill 791, passed the Subcommittee unanimously, 14-0 on Tuesday as well, and coincidentally that Committee is chaired by Senator Monty Mason, who is one of our Commissioners, the legislative commissioner from Virginia. My understanding is there will be a full senate vote next week. I think it is next week. I don't know if the timing has been set on the Senate Bill, and if both of those bills move forward for the Governor's signature that should bring the management authority of Atlantic menhaden over to Virginia Marine Resources Commission, then the VMRC would have to take action to implement the appropriate quotas and provisions to bring the Commonwealth back into compliance.

Just as a reminder of what that means. Once a state is back into compliance, and they notify the Commission in writing that all the necessary provisions have been implemented, the Chairman of the Commission sends a letter off

These minutes are draft and subject to approval.  
The Board will review the minutes during its next meeting.

Draft Proceedings of the Business Session  
February 2020

to the state and to the Secretary, and withdrawal of that determination of compliance is sort of effective immediately. Those are the steps. I'm sure Ellen and Pat may be able to fill in some of the details that I either mixed up or left out, but that is the update as of right now.

CHAIRMAN KELIHER: Thank you, Bob. Ellen, do you want to fill in any blanks?

MS. ELLEN BOMEN: Sure, thank you Mr. Chair. Bob covered most of the highlights. We are working to move both of those bills through. The bills are a little different right now. One has an emergency action clause, which means the bill would go into effect upon the Governor's signature.

Without that it means the legislation would be effective July 1, which is 15 days after the moratorium would go into place on June 17. We're just working through with all parties involved to hopefully ensure that we can keep them fishing, and happy to answer any questions. We will have a much better sense of where things stand middle of next week.

CHAIRMAN KELIHER: Great, thank you, Ellen. Are there any questions for either Bob or Ellen? Seeing none, just while we're putting things on the record, first I would like to thank staff for the work that they did, Toni in particular working with Katie and others did a great job pulling the letter together on this issue, and I got to see Bob in action when we met with Commerce and NOAA staff, in particular with the follow up meeting with Bob and Spud with the Secretary.

A lot of thanks to spread around, but in particular I would like to thank the Commonwealth of Virginia. It takes more than a little bit of courage to vote yourself out of compliance, and with that I want to make sure it is noted that it is appreciated by your fellow member states, so thank you very much.

**ADJOURNMENT**

CHAIRMAN KELIHER: Are there any other items to be brought before the Business Session? Seeing none, motion is ordered to adjourn the winter meeting, so moved, thank you very much everybody.

(Whereupon the meeting adjourned at 11:55 o'clock a.m. on February 6, 2020)

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These minutes are draft and subject to approval.  
The Board will review the minutes during its next meeting.

# Atlantic States Marine Fisheries Commission

## ASMFC Bluefish Management Board and Mid-Atlantic Fishery Management Council

August 6, 2020  
8:30 – 11:00 a.m.  
Webinar

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*C. Batsavage, ASMFC/M. Luisi, MAFMC*) 8:30 a.m.
2. Board Consent 8:30 a.m.
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment 8:35 a.m.
4. Review Plan Development Team/Fishery Management Action Team (PDT/FMAT) Discussion Document on Bluefish Allocation and Rebuilding Draft Amendment (*D. Colson Leaning, M. Seeley*) 8:45 a.m.
5. Provide Guidance to PDT/FMAT on Bluefish Allocation and Rebuilding Draft Amendment (*C. Batsavage, ASMFC/M. Luisi, MAFMC*) 9:15 a.m.
6. Consider FMP Review and State Compliance (*D. Colson Leaning*) **Action** Fishing Year 10:45 a.m.
7. Other Business/Adjourn 10:55 a.m.

# MEETING OVERVIEW

## ASMFC Bluefish Management Board and Mid-Atlantic Fishery Management Council Webinar

August 6, 2020

8:30 a.m. – 11:00 a.m.

Chair: Chris Batsavage (NC) Assumed Chairmanship: 12/19	Technical Committee Chair: Mike Celestino (NJ)	Law Enforcement Committee Representative: Rob Kersey (MD)
Vice Chair: Joe Cimino (NJ)	Advisory Panel Chair: Vacant	Previous Board Meeting: May 6, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (17)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2020

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

### 4. Review Fishery Management Action Team (FMAT) Discussion Document on Bluefish Allocation and Rebuilding Draft Amendment (8:45-9:15 a.m.)

#### Background

- In December 2017, the Board and Council jointly initiated the development of an amendment to consider modifications to the fishery management plan's goals and objectives, commercial/recreational allocations, commercial allocations to the states, the quota transfer processes, and any other issues pertinent to management of the fishery.
- The 2019 operational stock assessment indicated that the stock was overfished relative to the updated biological reference points. In response to the overfished designation, a rebuilding plan was incorporated into the amendment.
- At the June meeting, the Board and Council directed the FMAT to further develop and analyze a range of management approaches including, but not limited to, recreational sector separation, the refereed commercial quota transfer provision, sector transfers, and regional commercial quotas.
- The Fishery Management Action Team (FMAT) met in July to review staff progress in developing the management approaches and provide recommendations. **(Supplemental Materials)**

#### Presentations

- FMAT Report by M. Seeley & D. Colson Leaning

**5. Provide Guidance to the FMAT on Bluefish Allocation and Rebuilding Draft Amendment (9:15-10:45 a.m.)**

**Background**

- The Board and Council should provide guidance to the FMAT on the specific approaches to be considered for further analysis and those that should not be pursued further in this action.
- The FMAT will reconvene following the meeting to further develop draft management alternatives. At the next meeting in December, the Council and Board will consider approval of a range of alternatives for inclusion in a public hearing document.

**6. Consider Approval of FMP Review and State Compliance for the 2019 Fishing Year (10:45-10:55 a.m.)**

**Background**

- Annual state compliance reports for bluefish are due May 1. The Plan Review Team reviewed the reports and drafted the FMP review report for the 2019 fishing year. **(Briefing Materials)**
- The PRT review indicated that all states implemented regulations consistent with the intent of Amendment 1 and Addendum I of the Bluefish FMP and Maine, South Carolina and Georgia meet the requirements for *de minimis* status for 2020.
- The PRT recommends that the Board task the TC with reviewing the effectiveness of the Addendum I sampling design and reevaluate the optimal geographic range and sample size for bluefish age data. Additionally, the PRT recommends that the TC look into the increased importance of recreational discards in stock assessments. Generating reliable discard length data from recreational anglers could improve the robustness of stock assessments moving forward.

**Presentations**

- FMP Review of the 2019 fishing year by D. Colson Leaning

**Board Actions for Consideration**

- Consider approving the FMP Review Report and state compliance
- Consider tasking the TC with the PRT recommendations listed above in the background section.

**7. Other Business (10:55-11:00 a.m.)**

**8. Adjourn**



## Bluefish Technical Committee Task List

Activity Level: Medium

Committee Overlap Score: Medium

### Committee Task List

- July 2020: Meeting to review recommendations on 2021 specifications (coastwide quota and RHLs). Changes to the Council's risk policy may warrant changes to previously implemented specifications for 2021
- November 2020: Develop recommendations on 2021 recreational measures
- Spring 2021: Annual Biological Monitoring Program requirement to collect a minimum of 100 bluefish to enhance age and length data used in stock assessments
- Annual state compliance reports are due May 1

### TC Members

Michael Celestino (NJ DEP – Chair), Sam Truesdell (MA DMF – Vice-Chair), Amy Zimney (SC DNR), Sandra Dumais (NY DEC), Eric Durell (MD DNR), Jim Gartland (VA VIMS), Kurt Gottschall (CT DMF), BJ Hilton (GA DNR), Nicole Lengyel (RI DEM), Joseph Munyandorero (FL FWC) Lee Paramore (NC DENR), Melissa Smith (ME DMR), Kevin Sullivan (NH FGD), Richard Wong (DE DFW), Tony Wood (NEFSC), Matt Seeley (MAFMC)

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
BLUEFISH MANAGEMENT BOARD AND  
MID-ATLANTIC FISHERY MANAGEMENT COUNCIL**

**Webinar  
May 6, 2020**

These minutes are draft and subject to approval by the Bluefish Management Board.  
The Board will review the minutes during its next meeting.

Draft Proceedings of the Bluefish Management Board and  
Mid-Atlantic Marine Fisheries Council Meeting Webinar  
May 2020

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These minutes are draft and subject to approval by the Bluefish Management Board.  
The Board will review the minutes during its next meeting.

**INDEX OF MOTIONS**

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of February 4, 2020** by consent (Page 1).
3. **Adjourn** by consent (Page 44).

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

Draft Proceedings of the Bluefish Management Board and  
Mid-Atlantic Marine Fisheries Council Meeting Webinar  
May 2020

**ATTENDANCE**

Board Members

Nichola Meserve, MA	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Bill Anderson, MD (AA)
David Borden, RI (GA)	Mike Luisi, MD, Administrative proxy
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Russell Dize, MD (GA)
Justin Davis, CT (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
Bill Hyatt, CT (GA)	Steve Bowman, VA (AA)
Matthew Gates, CT, proxy for Sen. Miner (LA)	Ellen Bolen, VA, Administrative proxy
Jim Gilmore, NY (AA)	Bryan Plumlee, VA (GA)
Maureen Davidson, NY, Administrative proxy	Sen. Monty Mason
Emerson Hasbrouck, NY (GA)	Steve Murphey, NC (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Chris Batsavage, NC, Administrative proxy
Joe Cimino, NJ (AA)	Jerry Mannen, NC (GA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Asm. Eric Houghtaling, NJ (LA)	Mike Ruccio, NMFS
Adam Nowalsky, NJ, Legislative proxy (Chair)	

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

**Ex-Officio Members**

**Staff**

Bob Beal	Dustin Colson Leaning
Toni Kerns	Tina Berger
Max Appelman	Jeff Kipp
Maya Drzewicki	Julia Beaty, MAFMC
Kirby Rootes-Murdy	Kiley Dancy, MAFMC
Caitlin Starks	

**Guests**

John Almeida, NOAA	William Brantley, NC DNR	Jeff Deem, Lorton, VA
Rep. Thad Altman, FL (LA)	Delayne Brown, NH F&G	Peter deFur, ESC
Coly Ares, RI DEM	Jeff Brust, NJ DFW	John DePersenaire, RFA
Mike Armstrong, MA DMF	Erika Burgess, FL FWC	Greg DiDomenico
Pat Augustine, Coram, NY	John Carmichael, SAFMC	Anthony DiLernia
Dave Bard, NOAA	Patrick Cassidy	Steve Doctor, MD DNR
David Behringer, NC DNR	Mike Celestino, NJ DFW	Russell Dunn, NOAA
Mel Bell, SC DNR	Peter Clarke, NJ DFW	Steve Newellman
Alan Bianchi, NC DNR	Allison Colden, CBF	Warren Elliott, PA (LA)
Jessie Bisette	Heather Corbett, NJ DFW	Peter Fallon, Maine
Sarah Bland, NOAA	Nicole Costa, RI DEM	Lynn Fegley, MD DNR
Jason Boucher, DE DFW	Derek Cox, FL FWC	Marianne Ferguson, NOAA
Ray Bogan, Pt. Pleasant, NJ	Sandra Dumais, NYS DEC	Cindy Ferrio, NOAA
Karen Bradbury, Office of Sen. Whitehouse	Jessica Daher, NJ DFW	Dawn Franco GA DNR
	Tim Daniels, NJ DFW	Rick Frenzel

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Tony Friedrich	Melissa Leone, NYS DEC	Dr. Malcolm Rhodes, SC (GA)
Thomas Fuda	Tom Little, NJ LEG	Al Ristori
G. Kara	Carl LoBue	Mary Sabo, MAFMC
Lew Gillingham, VMRC	Chris Ludford	Scott Sakowski, NOAA
Angela Giuliano, MD DNR	Dee Lupton, NC DNR	John Schoenig
Willy Goldsmith	Loren Lustig, PA (GA)	Chris Scott, NOAA
Sonny Gwinn, Berlin, MD	Chip Lynch, NOAA	Tara Scott, NOAA
Paul Haertel	Shanna Madsen, VMRC	Richard Seagraves
Jon Hare, NOAA	Kyle Martin, NYS DEC	Matthew Seeley, MAFMC
Bridget Harner, NOAA	Genine McClair, MD DNR	Alexei Sharov, MD DNR
Hannah Hart, FL FWC	Ashleigh McCord, NOAA	Gary Shepherd, NOAA
Doug Haymans, GA (AA)	Dan McKiernan, MA (AA)	Jared Silva, MA DMF
Steve Heins	Nichola Meserve, MA DMF	Somers Smott, VMRC
Dewey Hemilright	Mike Millard, US FWS	Julia Socrates, NYS DEC
Pete Himchak	Sen. Dave Miramant, ME (LA)	Scott Steinback, NOAA
Carol Hoffman, NYS DEC	Jose Montanez, MAMFC	CJ Sweetman, FL FWC
Rusty Hudson	Chris Moore, MAFMC	H. Takade-Heumacher, USFWS
Peter Hughes	Wendy Morrison, NOAA	Mark Terceiro, NOAA
Jason Jarvis	Brandon Muffley, MAFMC	Wes Townsend
Yan Jiao, Univ. VT	Amanda Mullikin	Howard Townsend, NOAA
Lane Johnston	Steve Murphey, NC (AA)	Sam Truesdell, MA DMF
Cynthia Jones, ODU	Allison Murphy, NOAA	Mike Waine, ASA
Jeff Kaelin, Lund's Fisheries	Brian Neilan, NJ DFW	Megan Ware, ME DMR
Chad Keith, NOAA	Laurie Nolan	Samatha Werner, NOAA
Loren Kellogg, NOAA	Derek Orner, NOAA	Patrick White
Moira Kelly, NOAA	Cheri Patterson, NH (AA)	Ritchie White, NH (GA)
Lara Klibansky, NC DNR	Michael Pentony, NOAA	Kate Wilke, TNC
Kathy Knowlton, GA DNR	Mariah Pflieger, Oceana	Angel Willey, MD DNR
Adrienne Kotula	Olivia Phillips, VMRC	Sara Winslow
Alexa Kretsch, VMRC	Michael Pirri	Charles Witek
Kris Kuhn, PA F&B	Nicholas Popoff, US FWS	Steven Witthuhn
Ben Landry	Chad Power, NJ DFW	Anthony Wood, NOAA
Wilson Laney	Jill Ramsey, VMRC	Chris Wright, NOAA
Katie Latanich	Kathy Rawls, NC DNR	Amy Zimney, SC DNR
Scott Lenox	Stephanie Rekemeyer, NYSDEC	Erik Zlokovitz, MD DNR

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The Bluefish Management Board of the Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council (MAFMC) convened via webinar; Wednesday, May 6, 2020, and was called to order at 10:15 a.m. by Co-Chairmen Chris Batsavage and Michael Luisi.

**CALL TO ORDER**

CHAIRMAN CHRIS BATSAVAGE: Welcome everyone to Day 2 of the ASMFC Webinar Week. I would like to call the Bluefish Management Board meeting to order. This is a joint meeting with the Bluefish Board and the Mid-Atlantic Council. My name is Chris Batsavage; I'm the Administrative Proxy from North Carolina, serving as Board Chair.

I also serve as one of North Carolina's representatives on the Mid-Atlantic Council. With me today is Co-Chair sitting to my right, give or take 400 miles away is Mike Luisi, Chair of the Mid-Atlantic Council, and also up here at the virtual table, maybe not quite as far away as Mike is our bluefish lead for ASMFC Dustin Colson Leaning, and for the Mid-Atlantic Council Matt Seeley.

The main item on today's agenda is the development of the Bluefish Allocation and Rebuilding Amendment. There aren't any action items on today's agenda, so I don't anticipate any motions today. However, if the need for a motion arises, and since this is a joint meeting, then we'll need a motion and a second from the Board and Council to debate the motion, and both the Board and Council will need to vote in favor of the motion for it to carry.

I know all of you are familiar with that but just wanted to make sure that members of the public knew how we conduct business during the joint meetings.

**APPROVAL OF AGENDA**

CHAIRMAN BATSAVAGE: I'll move on through the agenda, we'll start with Approval of the Agenda. Does any Board or Council members have any modifications to the agenda? If you do, please use the hand raise button.

MR. DUSTIN COLSON LEANING: Chris, just this short introduction here, I'm sorry. We just were hoping to read out a few names of Commissioners and Council members who may be in attendance who haven't been accounted for yet. If you don't mind us doing that at some point soon.

CHAIRMAN BATSAVAGE: Okay actually yes. I guess we'll just doublecheck and make sure there are no changes to the agenda, and after that we'll go ahead and do that. Toni, does anyone have their hand up for any modifications to the agenda?

MS. TONI KERNS: I do not see any hands raised.  
CHAIRMAN BATSAVAGE: Okay great, thanks. Yes, so Dustin if you want to go ahead and just check through the names.

MR. COLSON LEANING: Thanks Chris, and sorry for the interruption before. It looks like we have most of everyone here, so please do just raise your hand so we can notify our staff to unmute you if your name is read out, so Stephen Train, was not in attendance yesterday, I don't think he's here today. We also have Melissa Ziobron.

MS. KERNS: Not here.

MR. COLSON LEANING: Okay, then we also have Senator Ronnie Cromer, and then we have Representative Trey Rhodes, Senator Thad Altman, and Bill Orndorf. That's the names, everyone else has been accounted for. Matt, do you have the list?

CHAIRMAN BATSAVAGE: Thanks, Dustin.

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MR. MATT SEELEY: Yes, this is Matt Seeley, I have the list in front of me. I believe for all voting members of the Council; I believe that everyone is in attendance.

REPRESENTATIVE THAD ALTMAN: This is Representative Thad Altman, I'm also in attendance. Are you able to hear me?

MR. COLSON LEANING: We can, thank you.

MS. KERNS: Thanks Thad, we do hear you.

REPRESENTATIVE ALTMAN: Great.

CHAIRMAN BATSAVAGE: Thanks for this double-checking on Board and Council members.

**APPROVAL OF PROCEEDINGS**

CHAIRMAN BATSAVAGE: Moving on, next is Approval of the Proceedings from the February Board Meeting. Does anyone have any changes to the minutes that were including in the briefing materials? Are there any hands raised for that Toni?

MS. KERNS: No hands are raised.

**REVIEW PUBLIC COMMENT SUMMARY ON  
BLUEFISH ALLOCATION AND REBUILDING  
AMENDMENT PUBLIC INFORMATION AND  
SCOPING DOCUMENT**

CHAIRMAN BATSAVAGE: Then we will consider those approved. The next item is to Review the Public Comment Summary on the Bluefish Allocation and Rebuilding Amendment Public Information and Scoping Document. Dustin and Matt will present a summary of the scoping hearings and comments, as well as present information on the FMAT and PDT meeting, where they reviewed scoping comments to provide recommendations on the scope of the Amendment. Dustin and Matt the floor is yours.

MR. COLSON LEANING: Thanks everybody for joining us on our first stop on our virtual meetings for the joint meetings, and thank you to Toni for checking to make sure everyone was here this morning. I know that's a daunting task, given that we have so many people in these joint meetings. Today I'll begin with a recap of the Scoping Comment Summary, first by recapping the Amendment goal, and our current timeline, followed by a review of the Public Comment Summary. Afterwards Matt will present the FMAT report, and then we will open up the meeting for Board and Council discussion on the Amendment. Our objective today is to receive guidance on the scope of the Amendment, so that the FMAT can focus their attention on specific issues for further development. I just want to check, is my sound okay?

MS. KERNS: Yes.

**RECAP OF THE SCOPING COMMENT SUMMARY**

MR. COLSON LEANING: All right, perfect. The goal of this Amendment is to review and possibly revise the allocations between the commercial and recreational fisheries, and the commercial allocations to the states. This action is also need to rebuild the bluefish stock, avoid overages, and achieve optimum yield, prevent overfishing, and reduce the need for quota transfers.

While not a complete timeline, this shows some of the big steps taken thus far in blue, followed by upcoming big steps in the amendment process in green. As a reminder, the Amendment was initiated in December of 2017, and the first round of scoping happened that summer. Most comments received supported status quo, or delaying any changes to the FMP until after the MRIP estimates were incorporated into management.

The 2019 Operational Stock Assessment indicated that the stock was overfished, and

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NOAA released overfished designation in November of last year. This began the two-year countdown for when a rebuilding plan must be implemented. Several months of scoping was held in February and March of this year, and today we'll be presenting the Scoping Comment Summary.

Our hope is that draft management alternatives will be refined in June, and approved in August, which will give staff just enough time to develop the Public Hearing Document for approval in December. The goal is to have final action in the spring of 2021, so that the Rebuilding Plan can be implemented by the spring of 2022.

#### **PUBLIC COMMENT SUMMARY**

The supplemental scoping period occurred in February and March, and 11 hearings were held from Massachusetts to Florida. Staff recorded a total number of 273 comments received in writing and in person at hearings. The public was asked to comment on five issues that were defined through the first round of scoping, in addition to the new issue of rebuilding the stock.

As a reminder these issues are; the fishery management plan goals and objectives, the commercial and recreational sector allocations, the commercial allocations to the states, transfers, including both the recreational and the commercial sector transfers, and the commercial state-to-state transfers.

The rebuilding plan, as well as this Issue 6 Other Issues, which is used as a placeholder to gather additional information from the public on any management issues that they felt needed to be addressed through this action. Amendment 1, established the following goals and objectives. In short, the goal is to conserve bluefish along the Atlantic Coast, and the objectives include increasing understanding of the stock, providing the highest availability, providing for management cooperation and preventing

recruitment overfishing and reducing waste. The majority of comments supported revision of the current FMP goals and objectives, and called for inclusion of new considerations. Some of these suggested revisions include accounting for the needs of the bait and snapper fishery, emphasizing the importance of shore-based fishing, and encompassing environmental conditions in shifting baselines.

There was also a call to maximize abundance, and the importance of reflecting the value of the bluefish to the recreational fishery, and the intrinsic value of the released fish, and the importance of catch and release to the fishery.

Issue 2 covers the commercial and recreational allocation. Many comments here supported status quo, as you can see up there on the top of the table, 17 comments received supported status quo. Reasons for status quo included just general disbelief in the new MRIP estimates, a desire to prevent any reductions to the commercial quota, and the reasoning that no change to the allocation is to be made, as long as the ability to transfer quota between the recreational and commercial sector remains in place in the plan.

Then five comments received supported updating the time series and using revised MRIP data to generate new sector allocations, and several of those comments called for the most recent ten years of data to be used as a baseline. In addition, one hearing we heard a recommendation that we should consider socioeconomic data to help inform allocation decisions. This was also followed up in a letter from an organization.

Those who spoke in support of catch-based allocations said that a landings-based allocation ignores the catch and release nature of the fishery, and as such should be updated with catch-based allocations. Allocations should not ignore the conservation decision made by

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thousands of anglers who decided to release to be good stewards of the fishery was their argument. Is everyone seeing commercial allocations to the states on the screen? I had a temporary freeze on my computer. I want to make sure it's up to date.

MS. KERNS: Yes.

MR. COLSON LEANING: Okay perfect, I had a minor heart attack there, but I'll keep going. Commercial Allocations for the States is Issue 3, and public opinion was split on this issue. However, the majority of comments in support of status quo were from individuals from southern states, and conversely the majority of comments supporting updated allocations were received from stakeholders from northern states.

Several comments desired status quo, until at least the stock is rebuilt. Other comments in support of status quo preferred to utilize transfers, rather than reallocate quota. Comments in support of reallocation had several reoccurring ideas. Those being the base allocation should be on the last ten years of landings, and states that repeatedly underutilize quota should be facing reductions.

Third, a lot of people just called for reallocation of quota to the northern states. Issue 4 covers the quota transfer processes, and the public commented on both the recreational to commercial sector transfer, as well as the state-to-state commercial transfers. Public opinion was split on this issue as well, on allowing transfers from the recreational to the commercial sector, with slightly more comments being in opposition to the transfer. Those who commented in opposition said that sector transfers increased fishing pressure on the stock, and goes against the catch and release nature of the fishery.

A few comments were simply asking for no transfers while the stock rebuilds, and possible continuation after it's rebuilt to the target. A suggestion was also made to make sector transfers bidirectional, to allow greater equity and flexibility within the plan. On the flip side, when looking at commercial state-to-state transfers, it is a widely popular tool with 14 comments in support of keeping them status quo, and only a few comments in opposition. Those who support the transfers often said that they offer flexibility and economic opportunity.

Issue 5 being rebuilding, received a good amount of input as well. There are two viewpoints on rebuilding that seem to come out. Some commented that rebuilding should be done as quickly as possible to ensure that the stock recovers, and conversely others felt that a fast rebuilding plan should take place.

However, the majority in opposition to a fast rebuilding plan called for rebuilding over ten years, to allow more fishing to occur in the short term, and have less drastic changes to management measures. Many people called for more research on the changing environmental effects on the fishery, and they said that environmental protection for bluefish habitat is critical. Others said that better data needed to be gathered on population dynamics and distribution for understanding of the stock before rebuilding was tackled.

Those who doubted the overfished status suggested several possible reasons as to why available abundance has decreased. We heard migration patterns have shifted. They are living further offshore. Several have pointed to the cyclical nature of the stock, and others of course doubted the credibility of MRIP and thought that the new estimates were the only reason for the overfished designation, when prior data has been showing that the stock was doing well, or at least above the threshold.

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Several individuals were concerned that drastic changes to measures would turn bluefish into a discard fishery, and stakeholders requested a full suite of rebuilding plans and projections incorporated into the draft amendment for public comment. Lastly, a few individuals asked why the SSC maximum sustainable yield target proxy was at the level which the fishery had never seen before, and wondered if rebuilding to this new target level was even possible.

This graph displays the SSB in the solid line over time, and as you can see it does not cross the top dotted SSB target level going all the way back to 1985. That was feeling some of the concern of the people who thought it would be very challenging to rebuild the stock. However, when we looked at the fishing effort it has been above the threshold throughout the time series, with the exception of 2018.

Initial projections provided by Tony Wood, indicate that preventing overfishing should allow the stock to bounce back quickly. There was a large amount of comments received that did not directly pertain to the established amendment issues, and we attempted to categorize them based on reoccurring comments here. We received 11 comments on sector separation, which I'll go into greater detail on a later slide. Throughout the scoping process, it was clear that many people don't have faith in the MRIP estimates, and the methodology used to produce them. One commenter said that NOAA Fisheries needs to do a better job of outreach about MRIP methods, so stakeholders increase confidence in the data.

At this same hearing in Massachusetts, there was frustration that there is never an MRIP representative at public hearings. The vast majority of comments received on bag limits were in favor of increasing the bag limit, most likely a reaction to the pretty significant

decrease in the bag limit that happened very recently.

There were also a large variety of other comments, many of them only one or two on a particular concept. Many of them were observations out at sea. I'll display some of the comment themes on the next slide. We had comments on adding a minimum size limit, often for the protection of the fishery, and in hope that it would rebuild quicker.

A lot of comments talked about identifying the intrinsic value of fish left in the water, as well as the catch and release aspect of the fishery. A lot of people called for maximizing abundance, and addressing discard mortality assumption rates. There were a few comments in regards to looking into ecosystem-based management, something which we could potentially look into incorporating into the FMP goals and objectives.

Again, people called for more research on stock dynamics. A few said close the fishery entirely until it is rebuilt, and then we also received a request from the Georgia Department of Natural Resources to consider the inclusion of de minimis status for the recreational fishery in the amendment. The request is that the Board and Council consider waiving recreational fishery regulations if a state comprises less than 1 percent of coastwide harvest.

Before we take questions from the Board and Council on the Public Comment Summary, this slide provides a closer look at the discussion surrounding the for-hire sector separation. During the public comment period individuals suggested two ways in which for-hire sector separation should be handled.

This could take the form of a sub-ACL, where the for-hire sector is provided its own allocation. Other individuals from the public asked for a for-hire, what they called an

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allowance, which would formally develop a policy that continues the use of different management measures for the for-hire fleet, but that doesn't involve a specific sector allocation.

During scoping members of the public provided several reasons for adopting a for-hire sector separation. Some noted that for-hire catch is such a small proportion of overall catch, and thus it would be justifiable to have their own allocations. Others commented that the for-hire fleet is better managed and accounted for under VTR data, and lastly the for-hire sector that relies on a steady bag limit to sell trips, may be sheltered from the wild swings in MRIP estimates from year to year, and the sector may be better able to maintain consistent recreational measures.

Public comments opposed to this idea often stated that for-hire sector separation was not fair and equitable to other recreational anglers, and they thought it unfair that some individuals who could afford to pay to go on a charter get a higher bag limit than those who fish from shore, or their own boat.

Additional recreational measures also create challenges for enforcement, especially when intercepted at marinas. That wraps up the public comment summary. If people could mute their lines, just we're getting a little bit of feedback. Again, that wraps up the public comment summary.

#### **FMAT SUMMARY AND RECOMMENDATIONS**

MR. COLSON LEANING: Next, Matt will dive into the FMAT summary and recommendations. Just give us a moment as we transition to sharing Matt's screen. Over to you.

MR. MATT SEELEY: Thanks, Dustin for giving a great review of the Scoping Comment Summary Documents, and all of the comments that we did receive. As Dustin and Chris both indicated,

I'm going to go through the FMAT report to try to give you a brief summary of what the FMAT was thinking, based on all of these comments and going through.

As a little background here, the FMAT consists of ten individuals, including staff from the Council, GARFO, the Science Center, Commission, and the New Jersey Division of Fish and Wildlife. The FMAT last met via webinar on April 13, to discuss the Scoping Comment Summary Document, and to develop questions or recommendations for Council and Board discussion.

Before I really get going. I just want to emphasize that we're working on a very stringent timeline here, with the goal of having a public hearing document in front of you all at the joint December meeting. We definitely feel we can meet this deadline, if we continue to follow along the timeline that Dustin provided, and we make the necessary progress here today, which includes identifying what –

MS. KERNS: Matt, we lost you.

MR. COLSON LEANING: We lost you for about a minute and a half. It was probably because it was going through your phone, and your phone lost service or something like that. I'm not sure. But you were just talking about how important it was to stay on the timeline, and then it went blank. If it happens again, I would recommend going through computer audio, but hopefully we'll be all set from here.

MR. SEELEY: Typically, this is the best way for me to go. But if something doesn't work, just interrupt me and I'll fix that again. Apologies everyone. I may backtrack a little bit here. But I think it's important. I was talking about the timeline. I wanted to emphasize that we're working on a very strict timeline, with a goal of having a Public Hearing Document in front of you all at the Joint December meeting.

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We feel, Dustin and I both feel that we can meet this deadline, if we continue to follow the timeline you provided, and make the necessary progress here today. That includes identifying which issues to keep within the Amendment. I'm first going to go through the whole presentation, issue by issue, and then I'm going to return to each slide that indicates action items need to be addressed. As Chris Batsavage indicated earlier on these action items, are mainly points of discussion. We want to hear what the Council and Board think. We don't necessarily need motions to move forward with things, we just need those recommendations. But again, just please keep in mind that the goal here is to identify which issues to include in the amendment, and have the FMAT further pursue. Dustin, just checking in. Are you still following along?

MR. COLSON LEANING: Yes, still with you.

MR. SEELEY: The first issue discussed by the FMAT was the fishery management plan, The FMP Goals and Objectives. Similar to how other FMP Amendments have addressed goals and objectives, the FMAT here plans to recommend one alternative, in addition to the status quo FMP Goals and Objectives.

This is intended to be a working set that we'll go through with revisions at each meeting, as we continue to discuss alternatives. Since this action item will continue to be a work in progress, I don't plan to dwell on the current proposed language. However, if you have had a chance to review the briefing materials, you may already have suggestions or revisions that we would appreciate hearing, once we come back to each of these items.

If available, the FMAT is requesting input on if there are important aspects of the fishery that are not currently captured by the proposed goals and objectives. If a goal and objective should be removed entirely, or if there are any

recommended revisions that you do have. Here I understand there is a lot of text.

This is here mainly for me to come back to if we do decide to dive into things. This is also in the briefing material, and so I don't really want to dwell on these in detail right now. However, as I indicated in the last slide, if anyone has any additional input, we would love to hear it when we return to this item.

But just to give you a little bit more detail. We have broken up these goals and objectives into kind of sub-categories, where the goals here are the overarching aspects we're trying to achieve. The objectives are the steps we can take to ultimately reach our goal, and then the strategies are the approaches we take to meet our objective, and then ultimately our goal.

The second issue are the sector-based allocations. You all have probably seen this slide before, indicating that the original FMP back in 1990 set the allocations at 80 percent recreational, and 20 percent commercial of the total ACL. Then that was revised through Amendment 1 in 1999 that set the allocations to be 83 percent recreational, and 17 percent commercial, developed with data from 1981 to 1989.

The table on the bottom here shows a variety of different time series, using both the new and the old MRIP data. If you reference the Amendment 1 column, under the old MRIP numbers you will see that that is where the 83-17 allocation is developed from. If the new MRIP data was used for that same time series, the allocation would be closer to 90 percent recreational, 10 percent commercial. Then you can see what the other time series look like when you use the new MRIP numbers as you continue across the table. Under this sector allocation issue, the FMAT is requesting feedback on a variety of different topics. If you pay attention to the headings that I have over

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the next few slides, you'll see they are all related to this Issue 2, Sector Allocation, but there are a few different topics within that that would help you follow along.

If you do have the FMAT Summary in front of you, we're essentially following along that table that is available. We're requesting feedback on which time series should be considered for further development. Is there a specific time series that Council and Board members are more interested in seeing, and how can we revise that as we continue to move along?

Their FMAT recommendation is to use a time series with a minimum of ten years, it helps encompass more of the history of what's been going on, for recent history that is within the fishery. For the commercial/recreational split, the FMAT recommends catch-based allocation, since the fishery is predominantly allocated to the recreational sector, as opposed to the landings-based allocations that are currently in place in Amendment 1.

Then to go a little bit further, just because the FMAT is requesting catch-based allocations, obviously doesn't mean that is the only allocation that needs to be presented, so we would love some feedback on if the catch and landings-based allocations should be further developed. Still under the same issue, the commercial and recreational allocation, but now focusing a little bit more to help us understand how to develop these alternatives.

We need to talk about discards, and this is something that has been brought up at previous Council and Board meetings, where there are two different methods of calculating recreational discards for management use. The FMAT is now requesting guidance on which approach to use. You know they feel it's time we really hone in on this and try to understand one solid method.

The two different methods that are available are the one used by the Northeast Fisheries Science Center, where they use weight-at-length data from MRIP, the American Littoral Society Tag Releases, and Voluntary Angler Surveys from Connecticut, Rhode Island, and New Jersey. The Science Center method is what is used in the stock assessment.

We then have the MRIP method, which is what is used by GARFO for catch accounting, and this is what was also used to set the 2020 to 2021 specifications. Ultimately, which method should be used in developing those catch-based allocations? The final part of Issue 2 that the FMAT is requesting input on are to develop sector allocations.

Which other options should we potentially consider? There are a few different options that were proposed that have not really been dove into yet, those being a trigger-based approach. This could look something like where you have a catch up to a specified ABC level using one set of allocation percentages, and any additional allowable catch above the level would be allocated differently between the sectors.

There are also socioeconomic approaches we can take, and then we wanted to survey to see if there are any other approaches that the Council and Board would like us to look into. Transitioning now to the third issue, the commercial allocations to the states. Similarly, you've seen this slide before in Amendment 1. In 1999 we developed these allocations from 1981 to 1989 data, and trends in state harvest have shifted, especially with annual state-to-state transfers in recent years. The table on the bottom here, the top row are the states. The second row are the current allocations that are present due to Amendment 1. Then there is a ten and a three-year time series there for reference. The colors are indicating the average state share that is more than one standard

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deviation below or above allocation percent in the fishery management plan.

Here you can kind of see which states have been using more of their quota through the transfer provision, and as I move on to the next issue, Issue 4, you'll see the actual transfers that have occurred. You may note that the states that have been having higher allocations, for example Massachusetts, Rhode Island, and New York, are the states that have been receiving the majority of the transfers as we move forward.

When we return to this, we're going to talk about a few different action items that the FMAT would like input on, specifically if there is any input on a time series that is to be considered. Again, should both catch and landings-based allocations be further developed? However, the FMAT recommends use of landings-based allocations here, and that is in part due to the fact that commercial discards are considered negligible in the stock assessment.

Transitioning to Issue 4, but focusing now on just the commercial state-to-state transfers. I'll get to the sector-based transfers in a couple slides. But here the FMAT commented that the state-to-state transfers are likely to be used less frequently following successful commercial state quota reallocation, but it's still a very useful tool for adaptive management.

In the table below you can see in light gray which states consistently have been receiving quota, in the form of a transfer, and in dark gray which states have consistently sent quota to another state. This is where I was talking about those similarities between the commercial state allocations and these transfers that have been occurring.

It's important to note that the majority of public opinion supports the ability to transfer

commercial quota between states. Some action items we're going to need to focus on here that the FMAT is requesting input on. Should this management tool be further developed, if so how? Do we not want to adjust this provision, because it's been a great tool that we've been able to use?

Now focusing on the sector transfers. This is part of Issue 4. I really like this table. I know there is a lot of information on here, but since everyone is in front of their computers, we figured it may be a good representation here. This table is showing all of the sector-based transfers from the recreational to the commercial fishery since 2000. The red rectangle around the column all the way to the right, is there to highlight the percentage of the transfer that is actually used.

Whereas you can see in recent years the percentage of the transfer used is much lower than what has been utilized further back in the time series. At times a transfer occurs even when the commercial sector did not land the initial commercial quota. This indicates that the transfers were not utilized as much as in the years past. However, just because a small percentage of the overall transfer was used or was not used, does not mean that states that often meet their own commercial quota do not appreciate the allocated percentage increase to their specific state quota. As this sector-based transfer comes across from recreational to commercial, it is divided up amongst the states. Some of those states may be using more of that extra little bump than others. I just wanted to note that that is definitely still appreciated here. As we think about the action items we need to address here, the FMAT is requesting guidance on whether additional modifications to the transfer process should be considered.

Some of those modifications could include conditions that allow or prevent those transfers. They could invoke a transfer cap that

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is potentially different than that 10.5 million pounds that is currently set to be the maximum transfer as the commercial quota. Then we also received a lot of comments from the public on potential bidirectional sector transfers.

Right now, we just go from recreational to commercial. There was a lot of input about the transferring potentially from commercial to recreational. The next issue we have to cover is the latest rebuilding plan. The Magnuson-Stevens Act requires that rebuilding plan be initiated by November, 2021 for us. That is two years after the notice we received from GARFO.

The FMAT supports removing the rebuilding plan from this Amendment, because of concerns about rushing the development of alternatives. However though, after a lot of review internally, staff recommends leaving rebuilding in the Amendment for now. There are a lot more efficiencies that staff was able to go through, with keeping the development of alternatives together.

There are quite a few different overlapping analyses, and then it sets deadlines for us to work through within this Amendment. As I mentioned, we have our timeline set up now that we can definitely achieve. We're going to have a public hearing document in front of you in December, as long as we continue to proceed as we have set things today.

Then lastly, it's important to note that if we do determine at a later date that the Amendment with rebuilding could not be completed by the two-year deadline, staff would then recommend separation of the rebuilding alternatives from the Amendment, and development of a framework action to rebuild the bluefish stock through a section action at a later date, but still prior to that two-year deadline.

There are multiple opportunities that we'll have to remove this later down the road, if that should be necessary. However, staff recommends that we keep it in thus far. To dive into some of the projections that we have. The FMAT has selected five different projection-shift scenarios to request of the stock assessment scientists at the Northeast Fisheries Science Center. The first one is a constant harvest approach of 7,300 metric tons, is what our current ABC is.

Through some initial reviews of this, we've noted that if these measures stayed exactly the same the management measures (blank space for a second) variety of initial assumptions. But that would get us to the estimated SSB, the spawning stock biomass our target of over 200,000 metric tons.

Additional projections that have been requested are a constant fishing mortality that rebuilds the stock within ten years and seven years, and then also constant harvest strategies that will allow the fishery to rebuild within the ten-year timespan, but that allow for the highest catch possible. Then finally, the Council has a risk policy that we have to follow, so we are requesting a projection that follows that risk policy, which is a rebuilding strategy that utilizes the P-star approach.

This considers the risk of overfishing, given the current stock biomass compared to the target biomass. The action items we need to target here; are additional projection scenarios needed, do we want to review anything else, and then should the rebuilding plan be removed or kept within the Amendment?

I'm nearing towards the end here, as I get into Issue 6, but there again there are two main topics that the FMAT focused on. In the first here is Sector Specific Management Uncertainty. As previously discussed, there is no standard across all management groups on

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how recreational discard projections are estimated.

This leads to very different discard projections. The FMAT is recommending further development of sector-specific management uncertainty. I'll have a visual for you in the next slide to kind of hone in on this. But there is no accepted standard on how recreational discard projections are estimated. Therefore, our recreational management uncertainty is high.

However, the commercial management uncertainty remains low. You've seen this flow chart before. As it stands, any concerns regarding sector-specific management uncertainty may only be addressed by increasing that management uncertainty for both sectors. You can see our ABC equals our ACL here, and then management uncertainty is taken out.

There is no sector-specific aspect of this. The proposal that is being made here is to shift this flow chart to look something like this, where your ABC still equals your ACL, and then you have your sector split. But each sector split has their own management uncertainty. There is a recreational and a commercial, and we would love to receive some feedback on this as we move forward.

The last issue and topic that we need to talk about are related to the for-hire sector separation. This is only needed if the Council and Board decide that they want separate allocations and separate accountability. If you're only looking for separate measures that is something that we already have, and did not need to include in the Amendment.

But again, if you're looking for sector separation the FMAT will need further guidance. The FMAT noted that an allocation based on a recent time series, which is how we've been doing things in the past, would result in a share

of less than 3 percent to the for-hire sector. There are two major factors that influence the development of the sub-ACL for the for-hire sector.

That would be choosing an appropriate time series, and then selecting which data to base allocations on. However, again we may not need to have separate allocations, because we do have these separate measures, which have been developed and revised through specifications and will continue to be developed and revised through specs, as we need to try to target our ACLs. Again, FMAT is requesting feedback on whether this should be further pursued, with the understanding that we already have those separate measures for the for-hire sector, and the ability to change those measures through specs. Remove this, pursue it further, or allocations again could be based on landings or catch, and then the sector allowance. It is beneficial to further develop a policy on how separate measures are developed.

There are different aspects of accountability, et cetera. Then the FMAT is concerned about obviously the fair and equitable access across user groups, so that is something we need to keep in mind. Now the last slide, just next steps and questions. As Dustin indicated, you know we have a timeline set. It's a very strict timeline that we can definitely meet to have our public hearing document prepared by December. As you can see, you know the FMAT is going to continue to meet. We'll present draft alternatives in June, refine them in July.

In August we'll present those to you, and hopefully approve for a public hearing document, and then actually have that document in front of you at the joint December meeting. With that Mr. Chairman that concludes the presentation. I believe Dustin and I would first, if it's okay with you, accept

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questions on the presentation itself first. Thank you.

CHAIRMAN BATSAVAGE: Thank you Dustin and Matt, for the very comprehensive presentation on the scoping comments, and the FMAT recommendations, and feedback they are seeking. Yes, I will open it up to the Board and Council for just questions on Dustin and Matt's presentation. I'm not looking for any input on specific issues at this time. That will be coming up after this. Does anyone have any questions?

MS. KERNS: Chris, I'm going to read the names that I see with hands raised, for the Commissioners and Council members for now, and if you don't hear me call your name, please somehow indicate either by speaking up or what not, if repeatedly I don't call your name. I have John McMurray, Tony DiLernia, Joe Cimino, Peter DeFur, and Adam Nowalsky.

CHAIRMAN BATSAVAGE: We'll start with John McMurray.

MR. JOHN G. McMURRAY: I had a question about catch versus landing-based allocations. It was mentioned that the catch based captures the catch and release aspect of the recreational fishery. But what exactly does that mean? It just captures dead discards, or it captures all releases?

MR. COLSON LEANING: I can take that one.

MR. SEELEY: Yes, go ahead, Dustin.

MR. COLSON LEANING: In terms of commercial/recreational allocation. If you base allocations on just landings, you're looking at dividing up the fishery based on what people are taking home with them. But I guess that the argument from a few commenters was that the fishery itself is of greater importance for recreational fishermen than it is represented by just landings-based allocation, because you

have all of those fish that were released. Some of those fish died, there is a discard mortality ratio.

Typically, as is the case with scup being an example, allocation is based on landings plus dead discards. You know there is the potential for looking at all discards. However, to my knowledge that isn't as common practice, but it is a possibility.

MR. McMURRAY: Okay so, I'm sorry Mr. Chairman, can I ask a follow up?

CHAIRMAN BATSAVAGE: Yes sure, go ahead.

MR. McMURRAY: Just trying to understand what you said. It could be landings plus dead discards, or landings plus all releases when you're considering different allocation scenarios.

MR. COLSON LEANING: I believe so. However, standard practice using scup as an example was that landings plus dead discards. In that sense, you know if you do a catch-based allocation there is incentive to reduce your dead discards, to practice better release practices, such as circle hooks and so on, which would help reduce that dead discard amount, and be able to utilize more of your quota in landings instead of dead discards.

MR. McMURRAY: That was useful, thank you.

CHAIRMAN BATSAVAGE: Next is Tony DiLernia, and I forget who is on deck.

MR. ANTHONY DiLERNIA: I have a couple questions regarding the release mortality, and I may have a follow up after I receive my answer, if I may, Mr. Chairman. Matt, could you just please review again how the release is calculated by both the Fisheries Science Center, you mentioned two methods of calculating release, or two values that are used. There is a

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value that is generated by Northeast Fisheries Science Center, and a second value that's generated by the MRIP process. Can you please review for me what goes into the development of each of those different values?

MR. SEELEY: Yes Tony, thanks for your question. That is a great question, a very important topic for us. Just before I answer that. I do believe we have Tony Wood on the line, who is the stock assessment scientist at the Northeast Fisheries Science Center. He definitely would be able to speak, obviously in much more detail than I can, about the Science Center method. Toni Kerns, or someone. If there is any way to allow Tony Wood to have an open phone line that would be great if he could address that.

MS. KERNS: Do you know if he is listed as Anthony Wood?

MR. DiLERNIA: I see Anthony Wood in the listing of names.

MS. KERNS: Okay, I see it. His microphone is open. Tony.

MR. SEELEY: Prior to just the Science Center method, Tony DiLernia. The MRIP approach that we have here is to actually go in and do the simple query that we always do of the B-2s, and those B-2s are all of the released fish, and then the 15 percent accepted mortality rate that has been used in the recent history, is what we apply to those overall B-2s to estimate the recreational dead discards. That's what we do to look at the MRIP estimates to get the discards. If Tony Wood's line is open, I'm sure he would be happy to explain the Science Center approach.

CHAIRMAN BATSAVAGE: If you're available, please go ahead.

MS. KERNS: He's unmuted, but it sounds like we cannot hear him.

MR. COLSON LEANING: He just wrote in the questions box saying he's trying to speak.

MR. SEELEY: While Tony Wood is trying to get that going, Tony DiLernia, the information that I do have that I can articulate is that they use a variety of different data, like weight at length data to incorporate here. They use some of the MRIP data that is available, the American Littoral Society Tag Releases.

Then they also have Volunteer Angler Surveys from Connecticut, Rhode Island, and New Jersey. Then I believe they incorporate some seasonality to there as well. Then Tony has a spread sheet that he uses to generate the discards that they actually do use in the stock assessment.

MR. DiLERNIA: Okay thank you. First of all, I would like to point out that using the data that the Northeast Fisheries Science Center processed will skew the number of fish that are released, for two reasons. Number one, using the American Littoral Society information. That Society is one which is devoted to and promotes, and is most recognized for the process of catch and release fishing.

Their current website lists that there are approximately 1,000 of their members are active taggers, and that 15,000 tags a year are typically deployed. I don't believe that is representative of the bluefish fishery coastal water, I believe that skews the release data significantly. Also, if I recall from a previous council meeting when there was some discussion regarding the volunteer tagging program.

I seem to think that the number of individuals involved in that voluntary tagging program, Connecticut, Rhode Island, and New Jersey, was

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low. It was so low; I remember thinking to myself that it's probably significantly insignificant. It's for that reason that I would continue to support using, although I don't really like MRIP, I believe of the two processes, I believe the MRIP data is less biased in coming up with a release mortality. I'll mute myself unless there are any questions.

CHAIRMAN BATSAVAGE: We will certainly talk a little more about that as well as the other action items that the FMAT is looking for from us today. Toni Kerns, who do we have next in the queue?

MS. KERNS: I think we have Tony Wood connected, and Tony DiLernia, your microphone is not muted, just to let you know. There you go. Tony Wood, are you there?

DR. KATIE DREW: This is Katie Drew, the Commission's scientist who works on the bluefish assessment. Can I just make a comment in response to that question, really quick?

CHAIRMAN BATSAVAGE: Yes, really quick, and I think in the interest of time after this Katie, if we can connect with Tony Wood, he can chime in later when we come back to that. But yes, Katie, please go ahead right now.

DR. DREW: I just wanted to make sure that people understood the difference between what the Science Center is doing and GARFO is doing is not about the total numbers of fish released, it's about how you translate that numbers into the weight of fish. The volunteer angler programs and the Littoral Society data are strictly going in to help calculate what the average size of a fish released, and we're using the total numbers and the same discard mortality rate that GARFO was using, rather than trying to calculate a new set of numbers.

But because MRIP had very limited sample size data on the size of fish that are released, and we know that the size of fish that are released are different than the size of fish harvested, we use a wider range of data to get a better average size. Although we do recognize that of course the people who are filling out those volunteer angler logbook surveys, and the Littoral Society tagging program, are maybe not as representative of the whole population, in terms of the size of fish that they release. But it's not about coming up with a new number of fish that are released.

CHAIRMAN BATSAVAGE: Thanks Katie that is an important point for all of us to understand on those two methodologies. Toni Kerns, who do we have next on the queue?

MS. KERNS: We have Joe Cimino then Peter deFur, Adam Nowalsky and then Justin Davis.

CHAIRMAN BATSAVAGE: Joe Cimino, you're up.

MR. JOE CIMINO: Thanks Matt and Dustin. I have plenty of comments which I'll hold. The question I have right now is MRFSS transfers, and maybe this goes to Matt. Is there a deadline, a time deadline on when that stops? If a state just went over slightly, and they didn't realize it until the end of 2019, or January of 2020. Would they be able to request from a state that still had quota, sort of a paper exercise in January or February of the following year to do a transfer, or does it not even matter?

MR. SEELEY: Thanks for that question, Joe. That's a great question. Unfortunately, since I'm not the one that facilitates those transfers, I believe that would be GARFO and then state agencies that someone else may be better well versed to answer that question. I don't know if Cynthia Ferrio with GARFO would be able to tackle that or maybe Mike Ruccio.

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CHAIRMAN BATSAVAGE: If someone from GARFO can answer that question for Joe Cimino, if they can. I know being a federally managed species there are some restrictions on when quota transfers can happen, usually a December 15th cutoff, but I'll see if someone from GARFO can provide some more information on that.

MS. KERNS: Mike Pentony has his hand raised to do so; I believe.

CHAIRMAN BATSAVAGE: Okay, Mike.

MR. MICHAEL PENTONY: Yes, you just stated the date, it's December 15. Every year we get a letter out to all the states, reminding everyone. Any in-season transfers of quota for either bluefish or summer flounder should be submitted to us by December 15th, which ensures that we can get the transfer in place by the end of the calendar year.

The one accommodation we have for kind of late season or after the fishing year transfers is for any unexpected situations, you know for vessel safety or harbor safety. We often get some end of December vessel can't land in Carolina, so Virginia will get a request for a safe harbor type transfer. Those we authorize after the end of the year, but for simple quota management purposes, December 15 is the deadline.

CHAIRMAN BATSAVAGE: Joe, did you have a follow up on that?

MR. CIMINO: No, I'm good, thank you.

CHAIRMAN BATSAVAGE: Who do we have up next, and I just want to remind folks that I guess if you think about the questions you want to ask about the presentation now, definitely feel free to do that. We'll take a few more. If your questions are probably better suited for providing input to the FMAT, I ask that you hold

those so we allow enough time to give Matt and Dustin the input they need to go back to the FMAT. Toni, who do we have next on the queue?

MS. KERNS: WE have Peter deFur, Adam Nowalsky, and Justin Davis, and Matt Seeley, just a reminder to mute your phone when you're not talking.

MR. PETER deFUR: I have a question for Matt. Matt you mentioned that I think the FMAT or maybe staff recommended including the rebuilding plan in this Amendment action, if I understood that correctly. Could you explain what the advantage to that is, and why go through that administrative direction as opposed to a different one?

MR. SEELEY: Thanks for that question, Peter. You kind of brought up part of it that makes great sense too is the administrative direction. You know there is potentially no need to remove the rebuilding plan from the Amendment and put that administrative burden out there right now, because the way that the rebuilding plan is set up is to be initiated when this Amendment should be going into its conclusion.

The timeline is set up perfectly right now, where things are going to be flowing along. On top of that there is analyses that are going to be conducted that are somewhat overlapping, between what is necessary for the rebuilding plan and the rest of the issues within the Amendment. Then even further, this aspect of the rebuilding plan can be removed from the Amendment at any point that we feel we may not hit this deadline, or this needs to be targeted in a different way.

Then that could be addressed through some other action that the Council can uptake. You know maybe a framework action or something like that to be completed within that same

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timeline. But again, just to reiterate the fact that the timeline that we have set up thus far includes the rebuilding plan being implemented within the deadlines that we have to abide by through what Magnuson says.

MR. COLSON LEANING: Yes, I just want to clarify that was a staff recommendation. The FMAT's recommendation did differ, and they thought that it should be broken out to allow more time for development of Amendment alternatives. But yes, I just wanted to make that distinction.

CHAIRMAN BATSAVAGE: Next up is Adam Nowalsky.

MR. ADAM NOWALSKY: Early in the presentation there was a slide that offered feedback from the public during scoping about number of comments received in favor of commercial allocation increasing, commercial allocation decreasing, recreational allocation increasing, and recreational allocation decreasing.

What I noticed is that the number, I would have expected that people that were in favor of one sector or the other have an increasing allocation, would have translated to a similar comment related to the allocation decreasing for the other sector. What I'm wondering here is that when people offered input about an increase for one sector allocation to the other. Where were they recommending that allocation come from, if it wasn't related to a decrease in the other sector allocation, and vice versa?

MR. COLSON LEANING: I can take a first stab at it. It's sometimes challenging to place comments into specific categories. Matt and I did discuss the kind of, in a way it seems like having four categories with increasing and decreasing each sector. It's kind of duplicative. But a lot of comments that we grouped into these categories were often saying like, the

recreational sector needs more allocation for this, this, and this reason.

I don't believe at least in some of the comments that they were necessarily saying that the commercial sector should see a decrease, while the recreational sector sees an increase. A lot of comments were just kind of calling for a liberation of landings for their particular sector. Some of that may stem from just a misunderstanding on how allocations are done, the fact that it is like a zero-sum game.

We went back and forth on how to display this information, but we thought with a lot of comments, specifically only addressing a need for an increase or greater access within a specific fishery that we should present it this way. I don't know if Matt you can expand upon that.

MR. NOWALSKY: I think all I was looking for is was there a piece of information we as managers needed to have from this process, whereby if a comment advocated for an increase in one side, but not necessarily a decrease in the other. Was there a recommendation that went along with these for some other allocation mechanism, or if there was a decrease in an allocation that whatever wasn't utilized should be left for conservation benefit, or something else. I think that was what I'm most interested in knowing, in understanding how to interpret these comments.

CHAIRMAN BATSAVAGE: Probably won't have a real answer for that. Kind of hard to figure, but I think we'll have to work through that. Next up is Justin Davis. Who was that? We'll go with Justin Davis.

DR. JUSTIN DAVIS: Matt, I was wondering if you could put up the slide again that had the different projections to inform the rebuilding plan. I'm hoping you can talk a little bit about

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the difference between a constant F and a constant harvest strategy, and how that intersects with the specification setting process, and the degree to which either of those strategies are informed by stock assessment updates that might come during the ten-year rebuilding plan.

Also, not having been through this process before with implementation of one of these ten-year rebuilding plans, is the idea that at the onset of the rebuilding plan you decide on a certain strategy for the rebuilding plan, and then that strategy remains fixed for the entire ten-years, or do you have the ability to adjust course during the ten-year period, depending on how the stock is responding?

MR. SEELEY: Yes, thanks for that question, Justin. I'm going to try to tackle that as best as I can. I obviously haven't been through one of these rebuilding plans yet either, so I'm going to look to some of my colleagues here who have experienced that for some support as we go through, whether that's GARFO or any other Council staff, or State Directors that have experience here.

Yes, the constant F that is relating to obviously the fishing mortality. Keeping certain levels of fishing consistent over the time periods, to see what the ABC would be over ten years. We have the same thing there for seven years. My understanding is that we continue to go through the spec cycle as normal, while trying to follow along with its rebuilding plan.

The SSC and the Advisory Panel and Monitoring Committee will also go through their same processes, where they review the specs and things get adjusted over time. But these rebuilding plans are set just to show you what the tentative plan would be for how things will change over time, and you know it is reviewed each year, and the specs are set every couple of years, while that review process is going.

This is all while trying to follow along with this ten, or seven, or however many years rebuilding plan that is actually set. I think that kind of answers one of your questions, and I'm again going to look to anyone else if anyone can kind of bolster that. Then I believe the difference here between the constant F vs the constant harvest would be the ABC here.

Fishing mortality may be at the same level, but if our spawning stock biomass is different that pressure is going to change according to what our SSB is like, whereas constant harvest would be trying to maintain the same harvest level across the entire rebuilding plan. Having that catch be essentially as high as possible each year, over ten years, and this is mainly as a reference point for us to try to understand where these rebuilding projections are looking.

We don't have these rebuilding projections yet at our disposal. They are still being developed, and the projections are being run by the Science Center. At the next FMAT meeting, if you want to listen in, or you can see the report. All of that information will be presented back to the Council and Board with the actual parameters and information that we need under each plan. That is pretty much what I've got for you here. If anyone else wants to add to that I would appreciate any additional support.

CHAIRMAN BATSAVAGE: Does anyone else have anything to add on to what Matt just said? Okay if not, Toni, anyone else in the queue for questions?

MS. KERNS: You do not have anyone else in the queue. There are no other Commissioners with their hands raised. During the presentation there was a member of the public that reached out that said that they wanted to comment. I don't know if you want to wait to take public comment until later, Chris, or if you plan on taking comments at some point later.

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CHAIRMAN BATSAVAGE: I would like to wait until the end, because I know that we have to work through these items. I'll definitely try to set some time aside at the end for public comment.

**PROVIDE GUIDANCE TO PDT/FMAT ON  
BLUEFISH ALLOCATION AND REBUILDING  
DRAFT AMENDMENT**

CHAIRMAN BATSAVAGE: Now, Dustin and Matt will go back through the presentation to slides that have items in red, so the Council and Board can address all the FMAT questions and recommendations that will eventually help guide the development of the alternatives. Dustin and Matt, the floor is yours again.

MR. SEELEY: Dustin if you want, I can just tackle this first one, then we can just go along and see how this goes. The first issue are obviously the FMP Goals and Objectives. This is the Action Item slide. As I go through this, I'm just going to leave this slide up there for those of you that haven't had a chance to reference it yet.

As I mentioned, we don't really want to dwell on this, because the way that we plan on doing the, and when I say we I'm referring to the FMAT. The way that the FMAT is planning on proposing these options, they are not even alternatives, is by having the status quo FMP Goals and Objectives, and then one set of revised goals and objectives. Just to spend maybe a minute or two here. I know we have a lot to get through.

We're curious if there are any initial thoughts on any important aspects of the fishery that are not currently captured by these proposals and objectives. Do you think there is a goal or objective that should be removed entirely, or is there any recommended revision? I would just recommend, Chris if we can leave this up for a couple seconds, see if anyone has any thoughts.

If not, we can move on, and this will be addressed again as we talk about alternatives.

CHAIRMAN BATSAVAGE: Yes, we could do that. Any input from the Board and Council on the proposed Goals and Objectives?

MS. KERNS: Right now, I see two hands raised, John McMurray and Adam Nowalsky.

CHAIRMAN BATSAVAGE: John McMurray:

MR. McMURRAY: Regarding the first goal, Ensure the biological sustainability of the bluefish resource in order to maintain a sustainable bluefish fishery. Achieve and maintain a sustainable spawning stock biomass rate of fishing mortality, and then B is, promote catch and release within the recreational fishery. I'm trying to understand why that is in there. I mean of course it's already primarily a release fishery, somewhere upwards up 70 percent, I think. I think the intent is to try and communicate the importance of the release fishery. Well it's economically, and I think you used the word intrinsically important. But I don't think it does that very well, and I'm just wondering what the thought process was for including that and what the reason for including it was.

MR. SEELEY: Go ahead Dustin.

MR. COLSON LEANING: Go ahead, Matt. I was just saying that I think we got a lot of comments on public scoping about the importance of released fish, and I think just a continuation of promoting circle hooks, or anything we can do to keep discard mortality down, as well as the concept of maybe a catch-based allocation. These are all things that can promote catch and release within the recreational fishery. I think that is why it was included, since it seemed to be a reoccurring theme.

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MR. McMURRAY: Okay that makes sense. I'm not going to dwell on it, but presumably we're going to have a chance to tweak these. I certainly don't want to get into wordsmithing right now. But that is the intent, right?

MR. COLSON LEANING: Yes, we'll be revisiting these as well as the FMAT. This is just kind of a first take, and if there is anything that is a big theme that needs to be changed, or something completely left out. That is what we're looking for here. We'll continue working on wordsmithing as we move forward through the process.

CHAIRMAN BATSAVAGE: Adam Nowalsky.

MR. NOWALSKY: Following in that same theme on this proposed strategy 1.2. I would recommend that 1.2 be modified, specifically referencing promoting reduction in discards in the catch and release, unless it is the intent of the FMAT that the goal and strategy should be to promote catch and release.

If the latter is in fact the case, I would ask that the FMAT come back to the management body with some examples of some other fisheries under management, where some similar goal is being utilized to help inform us that that is the direction that we intend to go. My preference is not to have this as a goal that we're specifically promoting it.

But again, I'm willing to consider it if there is some sound rationale presented why. If it is in fact the intention to focus more on minimizing discards, making that catch and release aspect of the fishery more responsible, relative to resource health. Then I would definitely encourage work on modifying it a such.

CHAIRMAN BATSAVAGE: Are there any other comments, questions, input from the Board and Council on the proposed FMP Goals and Objectives?

MS. KERNS: I have Jason McNamee, Phil Langley, Eric Reid, and Tom Fote, and then John McMurray again. Jason and Phil have their hands up and took them down. I don't know if it was by accident or not.

CHAIRMAN BATSAVAGE: Okay so I think if memory serves me, next is Eric Reid.

MR. ERIC REID: If we're going to promote catch and release within the recreational fishery, we have to minimize dead discards. I'm following on Adam's point, I guess. But if that language is going to remain, we have to do something to minimize dead discards in a catch and release fishery, if we're going to promote that. I don't see that in there anywhere.

MR. SEELEY: That's a great point, Eric. Chris, I just want to emphasize. You guys are hitting on a great point. This is kind of the feedback that we're looking for here, where you know we're not wordsmithing anything right now, but you're giving us these suggestions on how we can revise this language as we continue to move forward, so thank you.

CHAIRMAN BATSAVAGE: Thanks for that clarification, Matt. Yes, I think really, it's key today to make sure we provide the input that the FMAT needs, make sure we're on the right track. Confirming we're on the right track is definitely helpful at this stage. Next up is Tom Fote.

MR. THOMAS P. FOTE: Yes, I guess I'm going to be jumping on the same point. I don't think it's our job to promote (very low volume)

MS. TINA L. BERGER: Tom, we're having trouble hearing you.

MR. FOTE: Can you hear me better now?

MR. COLSON LEANING: It's very distant.

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MS. BERGER: You're better now though.

MR. FOTE: Yes, I changed my microphone from one spot to another, hold on one second. Is that better?

MS. BERGER: Much.

MR. FOTE: Basically, what I'm saying is we are not in the job of promoting catch and release fisheries, we're basically in the position of telling people if they're going to catch and release, they need to do it in the best manner that is available. I think that is what that 1.2 should be changed to, because we're in the business of allowing people to fish, and what they do with their fish is up to them. But we should be telling them, if you're going to do just catch and release, you better do it in the way that causes the least damage to the fishery.

CHAIRMAN BATSAVAGE: I appreciate those comments. Toni, anyone else in the queue for Proposals and Objectives?

MS. KERNS: John McMurray.

CHAIRMAN BATSAVAGE: Oh yes, sorry. John McMurray.

MR. McMURRAY: No that's okay. I put my hand down and then put it back up. I would just, instead of beating a dead horse. FMAT really needs to clarify what promoting catch and release within the recreational fishery means. I think a good explanation was provided to me. It just needs to go in this document somehow. I'm certainly not opposed to minimizing discard mortality as being part of that. But that doesn't appear like that was the meaning behind this, or the fuss behind this. It just needs further clarification, thank you.

CHAIRMAN BATSAVAGE: If there aren't any more questions and input, Matt and Dustin, did

you get what you needed for the Goals and Objectives issue?

MR. COLSON LEANING: Yes, that is a good start, and what we needed to revise.

CHAIRMAN BATSAVAGE: Okay, and this is a reminder. We'll get another bite off the apple for the Goals and Objectives when we have this come back to us, right?

MR. COLSON LEANING: Exactly.

MR. SEELEY: There will be a few more opportunities.

CHAIRMAN BATSAVAGE: Yes thanks, I think that's important to know. Time is of the essence, but this isn't all set in stone today. If you want to move on to the Action Items for Issue 2, please?

MS. KERNS: Chris Batsavage, just really quick. I just want to make sure Phil Langley didn't want to speak. He had his hand up, it went down, it went back up again, it went back down again. I wasn't sure if there was trouble with the hand raising button for him or not.

CHAIRMAN BATSAVAGE: Okay, we'll quickly circle back to Phil Langley then. Phil.

MR. PHIL LANGLEY: Yes, thanks Chris and thanks Toni. But no, I took it back down. They kind of touched based already on what I was going to discuss, and that was with the use of circle hooks in the catch and release fishery. But I think we've got time to dig deeper into that as we move forward.

CHAIRMAN BATSAVAGE: Yes, so Matt and Dustin I'll move on to Issue 2, Action Items, please.

MR. COLSON LEANING: Here we'll start off with direction on what types of time series should be

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considered for further development. We've received some guidance from the FMAT on a suggestion of looking at time series that are of ten years or greater, just to account for the cyclical nature of the stock. But what types of analyses are Board members and Council members interested in? Are we looking at three different approaches where we look at something recent, something over a long time period, or something more just like updating the old base years? We'll start with that.

CHAIRMAN BATSAVAGE: Is there any input from the Board and Council on the commercial and recreational allocations issue?

MS. KERNS: Okay we have Jason McNamee, Tom Fote, and Joe Cimino.

CHAIRMAN BATSAVAGE: Jason McNamee.

DR. JASON McNAMEE: I had a question about, well I'll make it a question/comment. I think of the recommendations of the FMAT in high regard. This one I'm struggling a little bit. I see that they recommend the minimum of ten-year time series. However, given that the majority of this fishery is recreational, and we only have a couple of years where they did that calibration experiment, where we actually have the data calibrated on actual side-by-side comparisons of the old method and the new method for MRIP.

I was thinking that that shorter five-year time period might be a little bit better, because there is more of the, I guess empirical information between the two, rather than just the straight calibration on which to extend that time period out. That is my comment, and the question is did the FMAT discuss that aspect of this at all, or is this more based on the variability? The normal concept is with the more years you lump in, the more it kind of tamps down the year to year variability.

CHAIRMAN BATSAVAGE: Matt and Dustin, did FMAT talk about that point at all?

MR. COLSON LEANING: Yes, the main consideration there was the year to year variability. You know five years is still a decent amount of time. The point that you brought up is a good one, and that wasn't brought up, so that is an important consideration, and we can look into a more recent time series, so I appreciate that.

DR. McNAMEE: If I could follow up, Mr. Chair.

CHAIRMAN BATSAVAGE: Yes, go ahead.

DR. McNAMEE: I know all we're doing at this point is trying to sort of hone in a little bit, to refine the number of options. I think it's fair to leave in ten year, and I would prefer the five year stay in. If there was a desire to, I think dropping the longer time period I would be okay with that. Then just a final comment is on the catch versus landings.

I like the idea of adding in the catch basis. I guess my recommendation at this point would be to leave both versions in the landings, because that is kind of a more typical approach. But given the focus on catch and release that you just had a couple minutes ago. I like the idea of having this catch in their catch basis as well. My recommendation is to leave them both.

CHAIRMAN BATSAVAGE: Next up is Tom Fote.

MR. FOTE: Yes, I'm not surprised that I don't agree with Jason, because I was around when we started putting the bluefish plan in the late eighties. At that point we had a fishery that didn't have recreational or commercial restrictions on it. It was just the amount of fish being caught. When we started putting the regulations in '95, it effected the catch figures, because we put a ten-fish bag limit on the

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recreational, complying the commercial through quotas.

Then as we went on, we transferred quotas to allow a bigger catch by the commercial sector. The only real base year they have that basically looked at an unrestricted fishery was way back when. It is also interesting that when we put the regulations in place, and if you look at the numbers, the chart you put up earlier.

Back in the eighties we had these great numbers until 1989, when we started talking about what we were going to put in. Also, you see that the fishery started going down, down dramatically in the numbers of fish. It wasn't fishing pressure that was pushing it, there was some other reason why, was it cyclical or the amount of forage species available.

The stock started crashing. I'm looking at the 38-year table you just put up, and that surely reflects what it was without, because remember when we first put the thing, it was a ten-fish bluefish limit in, until 2000 and I think it was 3 or 4, when we allowed states that wanted to go to a 15.

You basically restricted the recreational catch, and then you started transferring unused recreational quota to increase the commercial catch. Anyway, I just figured I would get that on the record, because I always kid Jim McKuen. He put the ten-fish bag limit in and then fish started going the opposite direction. I said, see what happens when you put regulations on the fishery, you start collapsing it.

CHAIRMAN BATSAVAGE: Next up is Joe Cimino.

MR. CIMINO: To speak to the slide. I do have some concern with the catch based, so I would like to see both continue to be developed, although I'll go on record right now as saying that I wouldn't want to leave this meeting without hearing anything other than this needs

to be decoupled from the rebuilding plan, which obviously needs to move forward, and we need to spend more time on this.

I mean this is a very tough decision. The majority of people were talking status quo. We're proceeding with two other species, or three really that are looking at this that are pursuing a whole host of different options. I think really, we should be walking the bluefish discussion on commercial and recreational, along with summer flounder, scup, and sea bass instead.

CHAIRMAN BATSAVAGE: Toni, are there anymore Board and Council members with input on this issue?

MS. KERNS: Yes, we have Mike Luisi here.

CHAIRMAN BATSAVAGE: Go ahead, Mike.

MR. MICHAEL LUISI: To that point that Joe just made. I'm just wondering how this fits in with the commercial/recreational allocation issues that we're dealing with, well we're going to deal with after lunch today. I wanted to put it out there and maybe get your thoughts, and maybe staff's thoughts about how we could, I don't know bring all of this together.

I do have concerns that we're going to find ourselves in a place where we're going to be dealing with allocation issues differently between species, and I would prefer a kind of a standard approach, if we're going to make adjustments. Joe just mentioned it. I wanted to put it out there, maybe get your thoughts.

I don't have the luxury of sitting next to you, and whispering this to you while we're going through the meeting today. But maybe your thoughts about how this commercial/recreational allocation issue kind of couples with the other species that we're

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dealing with as a joint body, and maybe just put it out there to get some feedback on that.

CHAIRMAN BATSAVAGE: I guess that's an important point, one I know I thought of and probably others as well as we have the same issue for summer flounder, scup, and black sea bass. The question is, is it appropriate to have different options or strategies for addressing the commercial and recreational allocation for bluefish, compared to summer flounder, scup, and black sea bass, or should they be more aligned? Yes, I think any thoughts from the Board and Council on that to provide the FMAT at this point, I think would be really helpful. Does anyone have any thoughts on that?

MR. SEELEY: Chris, this is Matt Seeley. May I just add something here?

CHAIRMAN BATSAVAGE: Yes.

MR. SEELEY: Just to emphasize again. You know I want to really bring into play the timeline that we're working with here. We have a very, very strict timeline. We're following along with it as necessary. The FMAT already has meetings set up, as we continue to move along with goals and sub-goals at each point, to have all of our alternatives ready, which encompasses all of the necessary action and review and analyses necessary to come up with those alternatives.

Keeping in mind the fact that we do have this timeline that rebuilding fits within it, and that these alternatives are going to be developed following along with that. You know the FMAT feels comfortable knowing that we can proceed as is. I just want to emphasize that and make everyone comfortable that staff is okay with the associated work that is coming along with this.

CHAIRMAN BATSAVAGE: Any other input from the Board and Council on Issue 2?

MS. KERNS: You have Tony DiLernia.

CHAIRMAN BATSAVAGE: Tony DiLernia.

MR. TONY DiLERNIA: I support what Matt just said. I agree with him there. Also, I would like to point out to something that Chairman Luisi just brought up. I understand the need to try to be consistent across all the fisheries. But when you look at the bluefish fishery, the percentage division between the commercial and recreational. It's significantly greater than the percentage distribution for summer flounder, scup, and black sea bass. While for those fisheries I could see developing a single policy. As far as the bluefish is concerned, because there is such a large difference to the percentage allocations, I believe it would be appropriate to have perhaps a slightly different policy.

CHAIRMAN BATSAVAGE: I appreciate that comment, and I think yes, it's going to be kind of how we have to look at this. If we do go a different route for summer flounder, scup, and black sea bass, why is that? What are the differences, and you just mentioned one compared to the other three species? Any other Council and Board members with input on Issue 2?

MS. KERNS: I do not see any other hands raised.

CHAIRMAN BATSAVAGE: Matt and Dustin, let's see you still need some input on the discard aspect of this, right?

MR. SEELEY: Yes, thank you Mr. Chairman. We still have two other slides that are related to Issue 2. However, it is still just general input following along this process that will affect each issue. Yes, Dustin sorry to interrupt, go ahead.

MR. COLSON LEANING: No, you got it Matt, just some guidance if possible, on which. Since

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we've received some interest in developing catch-based allocations, along with landings-based allocations, and guidance on which method should be used for calculating the dead discards would be appreciated.

CHAIRMAN BATSAVAGE: There was a question asked about this earlier, and we did discuss this pretty thoroughly at the October meeting. I think Tony DiLernia accurately described some of the issues with the two different methods, in terms of you know who is collecting the fish, where the fish are coming from.

One issue is the volunteer angler survey, and ALS data doesn't cover the entire range of bluefish. You know larger bluefish are found in the northern end of the range where the data is being collected, versus the southern. The MRIP method assumes that all the released fish are the same exact size as the catch fish, which there is evidence to show that that is probably not always the case.

Any input from the Board and Council on this issue is definitely appreciated. Also, if Tony Wood is able to get his audio to work. If he wanted to use this opportunity now to provide any clarifications for the method the Science Center uses for calculating the discard estimates, I'll offer that to him right now too.

DR. ANTHONY WOOD: Sorry about the earlier issues. I think both Matt and Katie did a good job describing the differences. The reason we use a different method for the stock assessment is because we want to use all of the data that is available to us, including those Volunteer Angler Surveys and the ALS Tag Release Data. Some years we get thousands of measurements, which is valuable data in a stock assessment, especially to inform discard release sizes. At the last benchmark, an analysis comparing discard release sizes versus landed fish sizes show that the discards are actually much larger than the landed fish, which

probably has to do with palatability issues for bluefish when they get really big.

People don't tend to eat them, so they let them go. In order to incorporate all this information into the assessment, we convert those extra thousands of lengths into weights, using length/weight equations. Whereas, for the MRIP method they are using the average weight of bluefish landed to represent their discard weights. That is why in some years there is a huge discrepancy between the two methods.

CHAIRMAN BATSAVAGE: I'll go ahead and open it up for comments from the Board and Council on how to address discards.

MS. KERNS: You have Jason McNamee, followed by Tony DiLernia, and then followed by Tom Fote and Justin Davis.

CHAIRMAN BATSAVAGE: Okay, Jason.

DR. McNAMEE: This is a tough one. I think in general the Science Center method is more refined, I think than pick up on variability that is just on a more refined scale. I have a lot more comfort that that is as accurate as we can probably get with regard to this. However, I also understand the pragmatism of the other approach.

My recommendation would be to use the Science Center method. However, in the end you end up with disconnect, because your accountability is going to be calculated potentially using a different method. I don't know. I'm struggling to hone in on not understanding exactly how this will translate into accountability in the future. If it syncs everything up to a single method, then we can get the data in a timely fashion in any given year.

The other kind of hang up is collecting all of the information from the disparate entities that are

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collecting it. On its face I would say I would prefer the Science Center method. However, there is probably some pragmatic reasons why we might want to stick with the MRIP method. I don't know if Dustin or Matt want to speak to that at all. I don't know if what I just said is helpful at all, other than I'm not sure we can get to a spot where I can pick one over the other and move forward.

MR. COLSON LEANING: If you don't mind, Chris, I'll take this one. The allocations, the percentages in the FMP can be based on any data that the Board and Council deems fit. If it seems to be more appropriate to use the Science Center's approach for developing the percentages that is a method that can be pushed forward, or the MRIP method.

However, you're right. When accounting, and when GARFO is doing the catch accounting, we will be using the MRIP method. Perhaps there is some inconsistency or disconnect if we base allocations based off of the Science Center method. But it's really at the discretion of the Board and Council today.

CHAIRMAN BATSAVAGE: Next I have Tony DiLernia.

MR. DiLERNIA: If I understood Mr. Wood correctly, I just heard him say that the Science Center is not as confident in the MRIP information or data compared to their own data and information. Again, I just heard the Science Center say, well you know what, MRIP may not be accurate. If that is the case, I was going to like to apply that thinking and thought to a lot of other pieces of data that are come out of MRIP.

CHAIRMAN BATSAVAGE: In all honesty, the issue is more that there are actual lengths of the released fish from the different Volunteer Angler Surveys compared to the MRIP release information, which there are no lengths

associated with it. Yes, I don't know if we're going to be able to really resolve the differences between the two. I have concerns with both, quite frankly. This is probably one of the tougher issues to tackle moving forward, for sure. Next step, oh sorry do you have a follow up, Tony?

MR. DiLERNIA: Just again, the Science Center is saying well you know, I've got some MRIP data, but you know what we're not going to go with that completely. We kind of don't like that. Maybe we'll substitute our own judgment to some of this. If that is the new set of guidelines that we're going to operate under, I've got other suggestions regarding MRIP myself. I'll let it go at that. I don't expect an answer. Just an observation.

MS. KERNS: Chris Batsavage, Jon Hare has his hand up, as does Tony. You may want to go to one of them to respond, perhaps. I lost you, Chris.

CHAIRMAN BATSAVAGE: Can you hear me? I'll go with Jon Hare and then Tony, if that's okay in that order. Does that work?

DR. JONATHAN HARE: Go with Tony first, and then I'll follow up.

CHAIRMAN BATSAVAGE: That works for me. Tony, go ahead.

DR. WOOD: The bluefish assessment doesn't, I wasn't commenting on the reliability of MRIP estimates, because MRIP doesn't provide discard lengths. I'm not sure how my comment got misconstrued that way. We use the best available information to us, and luckily, we have a lot of states that can provide information on those discard lengths.

For the landed fish weight, we use MRIP information. For the discard length information, we draw a variety of different

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surveys from a variety of different states. I just wanted to clarify that and make sure that my comments, they are not directed toward MRIP, they are just directed toward how we gather data for the assessment process.

CHAIRMAN BATSAVAGE: Thank you for that clarification, Tony. John Hare, do you want to follow up?

DR. HARE: Yes, I just would like to reiterate Dr. Wood's response, and it's not saying anything about the quality of MRIP data, it's using all the data that's available to put together the best assessment for Mid-Atlantic Fisheries Management Council and ASMFC to make decisions. It's using all the available information that is available. Thank you, Tony, for your clear answer.

CHAIRMAN BATSAVAGE: Next up is Tom Fote.

MR. FOTE: I'm looking at what you're using, and like the American Littoral Society Tag Program. Those are from people that mostly catch and release, so they're basically maybe targeting bigger fish. If you're going out to catch and eat, you're targeting smaller fish, so your discards will be a lot smaller.

You know, we change the whole fishery when we started putting bag limits, especially in a state like New Jersey, because what happened when you put ten-fish bag limits. The people that were coming from Pennsylvania, the people that were coming from church groups up north, who used to come down and fill up their coolers with bluefish to basically take home to eat, stopped fishing.

We basically lost all the data from them. They basically didn't come, because they weren't going to pay to go get ten bluefish on a trip. It redirected the anglers that were fishing. Then when you start using volunteer surveys and American Littoral Society, you're getting a

different sector of the recreational fishery. I don't know whether those numbers are minute compared to the overall recreational sector or not.

But if you think about the amount of anglers that are in, say in a state like New Jersey, and look at how many fill out the volunteer survey, and how many are supposed to be, according to the National Marine Fisheries Service, fishing in it. It's a very small percentage, and it's a very different section of the overall fishing body. That is my concern when you start using those surveys, to look like that and to calculate that. Because you're putting strictly biases in them, so that is my concern.

CHAIRMAN BATSAVAGE: Justin Davis.

DR. DAVIS: I've got a two-part question. The first part is for Tony, and the question is whether peer review panels who have looked at the stock assessments that have used this Northeast Science Center method have had any reservations or comments about that method, or whether they've actually had a chance to look at the two different methods, weigh in one way or the other.

My second question is to staff. Just to clarify, the input that you're looking for right now is just which discard method should we be using to estimate discards to inform catch-based allocation schemes for this issue. We're not making a decision about what method of discard estimation we're going to use going into the future for either stock assessments or specification setting.

DR. WOOD: This is Tony. Regarding the peer review question. Peer reviewers have brought up some of the exact things that the last gentleman prior to you brought up, you know there are inherent biases in these datasets. But through past working groups, it's been decided that it is better to try and get an overall picture

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of discard length information, than relying on the lengths of only landed fish, since analyses have shown that there are differences between the length distribution of landed fish, and the length distribution of discarded fish. In the assessment process we're just trying to get the best picture of that using the best available information. Yes, there are issues with it, and they have been noted in past peer reviews, but the peer reviewers have also agreed with the working groups that we've done the best we can with the information available to best represent those discards.

CHAIRMAN BATSAVAGE: Dustin and Matt, I think Justin's second question was in terms of just what you're looking for. Justin, I don't know if you want to restate your question again for them.

DR. DAVIS: Yes, sure. I just wanted to clarify that the input that they're seeking right now is just what discard methodology we should use for developing catch-based allocation schemes for this issue in the Amendment. We're not talking about making a decision on what discard methodology is going to be used going forward for stock assessments or specification setting in the future.

MR. COLSON LEANING: That's correct.

MR. SEELEY: I think it may be important to note here. You know this simple decision of either using one approach or wanting to keep both approaches. You know if we were to use both approaches that obviously will double the work that goes into the allocations here, which is fine. But I just want to make sure that that is understood.

CHAIRMAN BATSAVAGE: Based on that I probably shouldn't even ask this question, but I think just kind of thinking ahead, because obviously this issue won't get resolved today. But has there been any discussion, either by the

Science Center or GARFO or the FMAT on, you have these two different methods?

They both have caveats associated with them and uncertainty, of looking at what the estimated discard weight would be, like the average, or is that just adding uncertainty to uncertainty? I don't know if anyone had any thoughts on that option, if that has even been considered.

MR. SEELEY: I'll chime in. I don't believe that that has been considered.

MS. KERNS: Jon Hare has his hand up, Mr. Chairman.

CHAIRMAN BATSAVAGE: Yes, Jon Hare.

DR. HARE: The Science Center and the Regional Office, it's been a topic of conversation at the Northeast Regional Coordinating Council for a couple of years, not specific to bluefish. But just in general in terms of the discard using different methodologies. We are working on an integrated catch-accounting system.

But in this particular case, because it's sort of the weight estimates that are sort of being used, this will probably take a more specific, more focused effort on bluefish. But you know we can talk about it at the next NRCC meeting, if the Mid-Atlantic Council or Atlantic States would like to.

CHAIRMAN BATSAVAGE: Thanks for that John. Any other input from the Board and Council on the discard portion of this Commercial/Recreational Allocation Issue?

MS. KERNS: Mr. Chairman, we have Eric Reid, John McMurray, and I think Tony DiLernia re-raised his hand, and I'm not sure if Tom Fote has re-raised his hand or not. That is your list.

CHAIRMAN BATSAVAGE: I'll go to Eric Reid first.

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MR. REID: I have two questions, and honestly, I prefer the Science Center's methodology. I don't really want to get into whether or not MRIP is good or bad, I'm more than happy to do that later on today, I'm sure we'll all look forward to that. But my first question is for Mr. Wood. I just want to know if the results of the assessment can change as it gets updated, since that was a first try with the new MRIP data.

My second question is about what they used for the length/weight conversion. Is there any accounting for inter-seasonal variability in bluefish? Bluefish they come up the coast in May and June that are 30 inches long weigh one thing. That same bluefish four months later is a much more substantial animal. You know I don't know what the percentage change is, but I would be interested to know if there is any sliding scale based on season.

DR. WOOD: The second question yes, we use a seasonal length/weight relationship and apply it to seasonal lengths to cover that issue. What was the first question again?

MR. REID: Sorry, it's do you expect the results of the assessment might change as it gets updated, since it was the first try with the new MRIP data?

DR. WOOD: Not this year, because this year we're just updating data, but during the next management track update yes, the results will change. I'm not going to speculate on the direction, but I do anticipate they will change, as will the reference points.

CHAIRMAN BATSAVAGE: Next up is John McMurray.

MR. McMURRAY: From what I understand the Science Center method is the more scientifically rigorous one, likely more accurate. It is absolutely true that big fish get released and we

keep the small ones. Very few people in this fishery keep big fish. This appears to be a science question, not a management one. What is the best available science? That is what we should be required to use. We shouldn't pick the one that makes things easier, we should pick the right one, and at this point it certainly appears that the Science Center method is the right one.

CHAIRMAN BATSAVAGE: Tony DiLernia, did you have your hand up again for this issue?

MR. DiLERNIA: Yes, thank you Mr. Chairman. Matt is looking for guidance of which method to use. He did say though that they could calculate using both methods, but that it would add additional work. My question is, how much would this delay by doing both methods? The reason I ask that is because I would very much like to see what the difference in the results are using the two different methods. Matthew, can you give some advice if it will be delayed that much by going with both methods?

MR. SEELEY: Yes, thanks for your question, Tony. If you recall from, I believe it was the August meeting when we were last discussing the two different discard approaches. There were definitely substantial differences, I think it was close to 4 million pounds between what the final recreational harvest limit would be.

There is a lot of discrepancy there. But in terms of time and the amount of work. You know this will only be applied to the second issue, maybe applied to the third issue, the commercial allocations to the states. Whatever alternatives we decide to move forward with, you know we've heard ten-year time series, five-year time series.

The longer one we would have those approaches and then also put in front of you the two different methods. I don't think our timeline would be extended much at all for this.

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You know I am confident that staff can get it done under the timeline that we do have now, so short answer, it can be done.

MR. DiLERNIA: Mr. Chairman if I may, I would recommend that we use the ten-year time series. I don't want to go back in 20 or 30 years. That is something I haven't advocated in summer flounder, I haven't advocated in any of the other fisheries, so I'm not going to advocate it here either. Use the ten-year timeline, and I would like to see both methods. I am curious to see what the results would be, the difference in the results of the two methods.

CHAIRMAN BATSAVAGE: Matt, I don't know if this will be helpful or not as far as the analysis, looking at the two different methods. As mentioned before, you know the available length data doesn't cover the whole range of bluefish. Would it be helpful to show which state the B2s are coming from in those reference years, to get an idea of how much does the location of the length data align with just the overall B2s, where they're being caught along the coast, or is that just going to muddy up the water, add more time to what you guys needed it?

MR. SEELEY: That's a great question, thanks Mr. Chairman. I think it would definitely be informative. Just to clarify, are you referring from MRIP or from these volunteer surveys?

CHAIRMAN BATSAVAGE: Yes, we know where the volunteer surveys come from. Maybe ALS it might be dependent on the state in which the volunteer angler lives. But what I was asking for is just the B2 estimates from the different states from MRIP, you know to kind of see how that aligns with the location of the volunteer length data that is the question.

MR. SEELEY: Yes, I can't speak to if that will muddy up the waters yet, but I believe that the FMAT can prepare a table that can present that. It will be available for discussion. We can

develop our alternatives for the next meeting as we planned, have that available that table alongside, and then as we start to refine the alternatives over the following couple months, we can incorporate any other changes that are warranted.

CHAIRMAN BATSAVAGE: Great, thanks. Tom Fote, did you have your hand up again for this issue?

MR. FOTE: Yes, I did. I'm looking at what Tony said, and I agree with one point that I want to see both. Unlike John McMurray, I don't trust whether the Science Center is more scientifically right than the MRIP's. When you ask people face to face when you do the intercepts, you are at least getting a person has to answer the question standing in front of you.

Again, it's not the different people that are in the volunteer surveys, which are basically a separate class altogether. I don't know if that's the best scientific. I don't disagree with science, it's a good way of obtaining information. But I don't know whether it's best or not. Then the second thing, I disagree with Tony. I think we should look at the long term, just because history is an important part of this fishery, and I don't want to forget the history.

CHAIRMAN BATSAVAGE: Matt and Dustin, did you get what you need from the Board and Council as far as moving forward on Issue 2?

MR. COLSON LEANING: Yes, it sounds like we'll be running both analyses, so just moving on to the next number of action items I think would be helpful, since you've got a lot to get through today.

CHAIRMAN BATSAVAGE: Yes, we do. Before we jump into Issue 3, and I'm going to try to save time for the public at the very end. However, we did get a request from Karen Bradbury from Senator Whitehouse's office.

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She had a comment earlier about the Goals and Objectives, and yes just in the interest of time I just want to go ahead and give her the opportunity to comment on that issue right now, before jumping to Issue 3.

MS. KERNS: Karen, we cannot hear you. I'm not sure if you're trying to make a comment. If you still are trying to make a comment, maybe you could send us a chat in the questions box. Then if you still are, maybe we'll come back to you after we finish with Issue 3, Chris, because I'm not hearing her.

CHAIRMAN BATSAVAGE: Okay, yes, I think that is the best approach, Toni, thanks. We'll just go move on to Issue 3. Matt and Dustin, please continue.

MR. COLSON LEANING: Just to clarify. There are a few other things that I think deserve the time to be addressed just yet, before I move on to Issue 3, namely should other approaches be developed for consideration, a trigger-based approach as Matt discussed before, using socioeconomic data, or are there any other approaches that the FMAT should look into further?

CHAIRMAN BATSAVAGE: Yes, thanks, forgot about those. Any input from the Board and Council on these approaches for the commercial/recreational allocation?

MS. KERNS: Chris, in the interest of time, maybe if there is anything that has been left out for Issue 2, Board or Council members could e-mail Matt or Dustin those additional items, and we could just move on to Issue 3.

CHAIRMAN BATSAVAGE: Yes, I think that is a great idea. This may come up again for e-mailing items, so Matt and Dustin, if any Board or Council members do that. What deadline would you like those comments?

MR. SEELEY: I believe, you know, as soon as possible would be appreciated, but.

MR. COLSON LEANING: Wednesday of next week, does that sound doable?

MR. SEELEY: You know by the end of the week would be great.

MR. COLSON LEANING: Okay. The official deadline, just in case it is a busy week for some people, we'll say Wednesday of next week will give us just a little bit of time.

CHAIRMAN BATSAVAGE: I think that is more than fair, yes. On those last few items and anything else that comes up we run out of time on it. Provide those comments to Dustin and Matt by close of business on Wednesday, May 13th. Issue 3.

MR. SEELEY: I'll tackle this one here. I think things will move a little bit more quickly now, because some of these issues are related to things that we had already talked about. Focusing on the commercial allocations for the states, we would like some input again on the time series that should be considered. You know I have my notes here going about different time series we've already talked about.

I've heard that we like the ten years as a good base reference, a five-year time series is also very interesting, because of the recalibration through MRIP and new estimates, and then we also have some favor for the longer time period. We can apply all of that here, so we have all of those options already in place. If someone that made one of those comments would like to supplement that please do.

Again, any input on catch or landings states allocations, but similarly we've heard to do both approaches already. Again, the FMAT recommendation is to use a landings-based

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allocation, which is what is already set in place through Amendment 1, so we can continue that. Then again, noting that the commercial discards are considered to be negligible in the stock assessment. That is what we have for Issue 3, so thanks Mr. Chairman.

CHAIRMAN BATSAVAGE: Is there any input from the Board and Council on commercial allocations that issue?

MS. KERNS: I do not see; oh, Jason McNamee has his hand raised.

CHAIRMAN BATSAVAGE: Great, Jason.

DR. McNAMEE: I'll maybe just go briefly, so the shorter timeframe for the recreational piece I think, the discussion about the recalibration is, you know more important. That is still going to come into play with commercial size. But I still think there is relevant, a more recent period of time just given there has been a lot of commercial activity to the north in recent years as being driven by climate change. I prefer a more recent and shorter timeframe for the commercial allocation discussion as well.

CHAIRMAN BATSAVAGE: Are there any other comments?

MS. KERNS: We have David Borden and Tony DiLernia.

CHAIRMAN BATSAVAGE: Okay, David Borden.

MR. COLSON LEANING: I can't hear anything. Is that specific to me?

MS. KERNS: David, you were muted by us, I think try again. Right now, you're muted by yourself, so try to unmute yourself and then see if you can talk, David.

MR. BORDEN: Okay. I agree with what Jason just offered, in terms of using a recent

timeframe because of the same logic, you know landings are shifting. But I would also point out that landings are going to shift regardless. They could go inshore or offshore; they could go north to south.

I think there would be merit in having another option in the document which would be based on a composite of two values. One would be the original landings period of '81 through '89. Use 50 percent of that value, and then use 50 percent of the value from the last ten years. The quick logic for using that would be that the stocks are moving in unpredictable manners.

The original baselines, using the original baseline, some component of it, kind of recognizes some of these disparate investments in infrastructure that are made. But also coupling it with the last ten years, would recognize the stock shift. I think there is some logic in also having that be one of the options with that.

CHAIRMAN BATSAVAGE: Yes, a similar method that has been use at times, like in the South Atlantic Council, I think. Tony DiLernia.

MR. DiLERNIA: To be consistent with my previous remarks, I would suggest that we use the most recent ten years. It's been said before, I'll say it again. That's a theme that you said current for you, current for me, climate change, having management adapt to what is offshore of their states at that time. That is what we're supposed to be doing as fishery managers. I would stay with the most recent ten years.

CHAIRMAN BATSAVAGE: Is there anyone else with input and comments on this issue?

MS. KERNS: You have Joe Cimino, followed by Steve Heins.

CHAIRMAN BATSAVAGE: Okay Joe, you're up.

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MR. CIMINO: I just quickly wanted to plant some support for the option that David Borden just mentioned, at least for us to get a chance to see that since it has provided a good balance for some other species, and I'll leave it at that.

CHAIRMAN BATSAVAGE: Steve Heins.

MR. STEPHEN W. HEINS: I just don't see any utility in further development of catch-base and allocation, as far as commercial fishery goes, so I would recommend that be dropped.

CHAIRMAN BATSAVAGE: Is there any more input on this issue?

MR. SEELEY: Mr. Chairman, this is Matt Seeley, if I may. I think that is a great point brought up by Mr. Heins about potentially dropping the catch-based approach here. If we can get anymore comment or input from any other Council and Board members on moving forward with potentially just one of the approaches, whether it's capture or landings that would be great.

CHAIRMAN BATSAVAGE: Yes, is there any objections from the Board and Council for removing the catch-based allocations for the commercial allocations, and I guess Toni if anyone raises their hands.

MS. KERNS: I do not see anyone raising their hand to object. Chris, Jason McNamee did have his hand up previously I think to make a comment.

CHAIRMAN BATSAVAGE: Yes, if there are no objections to that that gives the FMAT a little more focus on this, and one less set of calculations. Yes, I'll go back to Jay McNamee.

DR. McNAMEE: I was just raising my hand to support what Steve Heins said, so when we switched it up, I dropped my hand.

CHAIRMAN BATSAVAGE: Okay, good enough. Matt and Dustin, anything else we need for this issue?

MR. SEELEY: No, I think that was some great guidance, and I think we're ready to move on for the transfers. We're trying to move quickly here, so sorry everyone for going over.

CHAIRMAN BATSAVAGE: Oh no, you're doing great. There is a lot here to cover, and I appreciate the Board and Council providing some pretty thorough input for the FMAT, so yes Issue 4.

MR. COLSON LEANING: We'll start with just the commercial state-to-state transfers. This one could be a simple thing to move forward on. Should this management tool be further developed, if so how, or do not adjust this provision, given that the majority of public comment has been in support of keeping this provision in the plan? Any comments on that would be appreciated.

CHAIRMAN BATSAVAGE: Is there any input from the Board and Council on commercial state-to-state transfer?

MS. KERNS: You have Jason McNamee, David Borden, followed by Steve Heins.

CHAIRMAN BATSAVAGE: Okay, Jason.

DR. McNAMEE: I don't have any issues. I guess my recommendation would be to further develop some potential better ways of managing this. Right now, it's just kind of a first come first served type of a system. When there was a lot of fish available it seemed to work out. You could find a state that hadn't been set up for a quota transfer.

My fear is that is not going to be the space for the foreseeable future. It just seems like not a

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growth system, where you're incentivized to go out panhandling early, just so you beat out the other states. I think there could be a better system put in place. I would love for there to be some other options.

The interstate transfer is a good thing, it gives us a lot of flexibility, a mechanism for initiating that transfer that is what I'm referring to. Further development on some options, I think would be really valuable. I would be happy to not do that right now, but I could send something into Matt and Dustin by way of some more detail on that.

CHAIRMAN BATSAVAGE: Yes thanks, I think that would be really helpful for them. Yes, it is a challenge for the different states when it comes to quota transfers. There is only so much quota available, and sometimes not enough. I think this year is definitely the case for that. Next up is David Borden.

MR. BORDEN: I agree with Jason's suggestions, but in a minimum, I would support if we don't do that, I would support maintaining then existing system, because it works. It has worked and states selectively make good use of it.

CHAIRMAN BATSAVAGE: Steve Heins.

MR. HEINS: I agree completely with what was just said, especially let's find a way to better manage this. Having been the receiver of many, many transfers. I can tell you that this is a real challenge. I have always thought that if we had some sort of a neutral referee for this, maybe an ASMFC staff. I'm not going to go there, but whatever. Some kind of a way of better managing this that that quota could be better utilized among the states that request transfers.

CHAIRMAN BATSAVAGE: Anymore input from the Board and Council on commercial state-to-state transfers?

MS. KERNS: You have Sonny Gwin.

MR. EARL "SONNY" GWIN: I am definitely for state-to-state transfers. I support it. We've transferred menhaden, Maryland has. We just recently did dogfish, I believe to Virginia, and I know we've done bluefish too. I firmly believe that we don't want to give up these fish, because it is an economic opportunity for commercial fishermen in our state. If we give up these fish and reallocate them, well that economic opportunity is gone. There is no fish to be had, and it doesn't give the commercial fisherman a chance to go out and work on something. Our state seems to be getting less and less every year, and we still need that economic opportunity. I'm definitely a supporter of state-to-state transfers.

CHAIRMAN BATSAVAGE: Is there anymore comment on this? If not, is there any other input you're looking for, Matt and Dustin, for this issue.

MR. COLSON LEANING: It sounds like Jason will be following up with some ideas on how this could be revised. I would just encourage other members to either work with Jason, maybe David Borden, or to come up with additional ideas. If you don't have them at the moment, if you get those ideas in to Matt and I before Wednesday. It sounds like we'll be keeping this in, but potentially looking at a better system for how transfers are initiated and allocated to different states.

CHAIRMAN BATSAVAGE: Okay great, I guess move on to the next portion of this if you're ready, unless there is someone else that had comment on the state-to-state transfers.

MS. KERNS: Chris, Maureen Davidson did have here hand up.

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CHAIRMAN BATSAVAGE: Yes thanks, before we go to the sector transfer, I'll go to Maureen.

MS. MAUREEN DAVIDSON: I sort of just wanted to add that transfers are important. They do allow a resource to be used by those that are in the position to use it, and it does benefit the commercial fishermen. New York state, we would like to see it continue, if there can be a means to improve how we do it, so that it can be managed better, I would support that also. But I just really wanted to say on the record that the transfers are important for our commercial fishermen.

CHAIRMAN BATSAVAGE: All right, yes Dustin and Matt, go ahead and move on to the Sector Transfer part of Issue 4.

MR. COLSON LEANING: Yes, the FMAT is looking for guidance on whether this should be developed further. Some potential modifications that the FMAT identified were should we look into potential policies on allowing or preventing transfers, maybe the Board and Council will have decisions there. Should the transfer cap be reanalyzed, and whether there should be considerations for a bidirectional transfer, should the FMAT develop something in that regards. Helpful advice is also if anything should just be left status quo.

CHAIRMAN BATSAVAGE: Yes, comments and input from the Board and Council for the sector transfers.

MS. KERNS: You have Tony DiLernia.

CHAIRMAN BATSAVAGE: Tony.

MR. DiLERNIA: I would recommend that we consider now looking at bidirectional sector transfer. I think that is a tool that we may find to be useful, not just in the bluefish fishery, but also in other fisheries that have significant recreational and commercial components in

them. That should be applied. I would like to look at it now here, with a possibility for applying that process towards different fisheries in the future.

As far as the transfer cap of 10.5 million pounds are concerned. I was part of the Council when we came up with that number. I'm still very comfortable with that number, and again if there is going to be excess recreational quota in the water, I have no problems with transferring it to the commercial side, again must be excess recreational quota. I think a 10.5 million pounds cap is, I don't think we've ever used it, or we just most recently used it. Those are my two comments.

CHAIRMAN BATSAVAGE: Anyone else with comments?

MS. KERNS: We have Nichola Meserve, and then followed by Roy Miller after Nichola.

CHAIRMAN BATSAVAGE: Nichola.

MS. NICHOLA MESERVE: A follow up on Mr. DiLernia's comment about looking at bidirectional transfers. Then I also wanted to ask how the 10.5 million pounds was selected, and whether at that time or now consideration should be given to that being based on a percentage of the allowed harvest, as opposed to a set number, which makes it very different, depending on what the allowed harvest is for a sector in any given year.

CHAIRMAN BATSAVAGE: Matt or Dustin, do you have any background on the basis for the 10.5-million-pound cap that was set in Amendment 1?

MR. SEELEY: I was going to say, due to Dustin's silence I'm thinking that we are probably both in the same boat here. I'm not sure where the 10.5 million exactly came from. I'm happy to take a look back at them and then we'll know in

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detail, and Nichola I can follow up with you on that.

MR. COLSON LEANING: I'm wondering also if Tony DiLernia might have some input there, since he indicates that he was part of that decision-making process.

CHAIRMAN BATSAVAGE: Definitely, I think if you look at the landings probably when Amendment 1 was done, commercial bluefish landings were higher. I mean that is something where, I guess we want to come back to us. Tony DiLernia has something really quick to add, since he was involved.

MR. DiLERNIA: Mr. Chairman that at the time, it was basically a percentage. I think Nichola made a very good suggestion regarding the percentage of the total quota. I think we should go back to look and see. That 10.5 million, if I remember correctly, was a certain percentage of what was in effect at that time. Let's take a look at that percentage, and apply it towards future catches. I think Nichola made a very good suggestion.

CHAIRMAN BATSAVAGE: Thanks for that clarification, Tony. Next up is Roy Miller.

MR. ROY W. MILLER: I just wonder if we should be a bit cautious about allowing transfers to a stock that is experiencing overfishing and is currently overfished. There would be some conservation benefit when those conditions exist from not transferring. In other words, having less than allowable landings. I just throw that out there for consideration. It is something that I recall hearing in one of our public hearings as well.

CHAIRMAN BATSAVAGE: Any other Board or Council members with input or comments on Sector Transfers?

MS. KERNS: I think that is everybody. We can move on to the next issue.

CHAIRMAN BATSAVAGE: On to Issue 5, the Rebuilding Plan.

MR. SEELEY: You all have seen the initial projections that we've put out there, and they haven't been completed yet. Once they are completed, they will be incorporated into the next FMAT Meeting Summary. That meeting is scheduled for a few weeks from now, so they will be available then.

But the FMAT is curious if outside of what we do have available here, are there any other projections that you're interested in exploring further? Then the other main point is what are we doing with the Rebuilding Plan? Again, the FMAT recommendation is to remove it. However, the staff highly recommends leaving it in due to a variety of reasons already explained.

CHAIRMAN BATSAVAGE: Yes, does the Board and Council have any input on the options for rebuilding, any alternative options? This may be an opportunity where after this meeting if any Board or Council members want to provide input to Matt and Dustin or maybe some other projections. But also, importantly the question of whether to address the Rebuilding Plan in this Amendment or a separate action. I'll open up to Council and Board members for input on those items.

MS. KERNS: Jason McNamee has his hand up.

CHAIRMAN BATSAVAGE: Jason.

DR. McNAMEE: I'm wondering, we've got the projection scenarios here. I think it's a good set of projections. I'm wondering if there are any changes to how they're dealing with, like the recruitment assumption, any of those things in the projections? I'm not sure if that is a

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question for Dustin or Matt, or maybe even Dr. Wood. That is my question. I think these are all good. I wonder if they have any alternative assumptions for recruitment. My assumption is they're using sampling from the entire time series. I'm wondering if they could do like a shorter time series, and kind of use those on the projections as well. If I'm out of line, I'm not sure if this is the right place for that kind of discussion. You could tell me that too.

CHAIRMAN BATSAVAGE: Dustin and Matt, do you have an answer to that or if that is something that Dr. Wood can quickly answer, as far as how that is handled in these projections.

DR. WOOD: Yes, I can answer that. This is Anthony Wood. We are sampling like you said, Jason, from the entire recruitment time series. I would have to rerun projections, but I can specify any time series to sample from.

CHAIRMAN BATSAVAGE: Matt, did you have anything to add to that or does that pretty much cover the question that Jason asked?

MR. SEELEY: I think Dr. Wood is the best one to answer that question, so I think that was great.

CHAIRMAN BATSAVAGE: Any other input on this issue from the Board and Council?

MR. COLSON LEANING: A quick interjection, sorry Chris, I can't raise my hand so I have to just interrupt sometimes. I'm wondering if Jason McNamee would be able to expand upon a suggestion, or maybe the best case would be him just emailing some ideas. But it sounds like Tony Wood can look at a variety of different recruitment averages over time, and maybe more direction would be helpful.

CHAIRMAN BATSAVAGE: I don't know. Jason, if you have any thoughts on that right now, or would you just rather e-mail Dustin and Matt with your ideas after that or any other

additional questions? I'll leave that up to you right now.

DR. McNAMEE: You know I could sort of pick an arbitrary number. I guess maybe what I can, I don't know if this is appropriate. If there is no reason to do something like that. If recruitment doesn't seem to be different more recently than it was in the past, or anything like that. Then I don't see the need to make anyone do any extra work.

But if there are differences, I think it's worth an investigation of a shorter time period, like the last, and here I am making ad hoc, just throwing an ad hoc number out, but the last ten years or something like that. I'm happy to take that offline, but I don't want to do anything inappropriate, like to have them come forward with some projection scenario that the rest of the Board and Council didn't have a chance to weigh in on.

CHAIRMAN BATSAVAGE: Any other comments or input on Issue 5?

MS. KERNS: Hannah Hart and Joe Cimino.

CHAIRMAN BATSAVAGE: Hannah.

MS. HANNAH HART: I just kind of want to put this out there that given the status of the stock and the strict timeline that we're on. I would kind of side with the FMAT to recommend pulling the rebuilding plan out of the Amendment. I would also like to note that the majority of the comments are pushing for status quo in the first few issues. Given that with some of the disbelief in the MRIP estimates, you know maybe it's time to focus on the rebuilding plan, and kind of keep working on the other issues, but take our time looking through them.

CHAIRMAN BATSAVAGE: Joe.

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MR. CIMINO: I've already said it once, but I strongly report removing the rebuilding plan and moving that forward first.

CHAIRMAN BATSAVAGE: I have a question for Matt. If we didn't remove it today, and we came back in June after the FMAT, and after this meeting and saw the timeline for getting this all done within two years is probably not going to work. We would have the opportunity to separate out the rebuilding plan at our June meeting. Is that correct?

MR. SEELEY: Yes, thank you for that question, Mr. Chairman. That is correct. You know as of now, as I've mentioned before, our timeline is set. We are working to meet that timeline. We can review this process as we continue along. It can be removed at a later date, put into a separate action, and still completed within the two-year timeline.

I personally think that as you're going through this that it may be a little bit too early to remove. However, it's up to the Council and Board for a decision. But I just want to again reemphasize that our timeline is very strict, and we are following along with it as it has been presented, so thank you.

CHAIRMAN BATSAVAGE: Any other thoughts on that point, as far as whether to continue to include the Rebuilding Plan in this Amendment, or remove it today. I've heard two comments about removing it today, but we have other options later on. This isn't the last opportunity to do this. Looking for a little more comment on which direction the FMAT should go for the Rebuilding Plan in this Amendment.

MS. KERNS: Chris, you have Nichola Meserve and then Emerson Hasbrouck.

CHAIRMAN BATSAVAGE: Okay, Nichola.

MS. MESERVE: I would support the approach of keeping them together for now, let the FMAT leave this meeting with its new instructions, and come back to the Board and Council with their thoughts on whether they can continue to work on the same timeline for both things. There are some issues in the initial amendment, state-by-state commercial allocations that have been a longstanding issue that certain states have wanted to address. I wouldn't like to see those issues get bumped, unless it's necessary to meet the timeline for rebuilding separately.

CHAIRMAN BATSAVAGE: Emerson.

MR. HASBROUCK: I would like to see them continue together for the time being, although what concerns me is that I heard several times today that we're under a real tight timeline for this process, which I think is probably based on initiating the Rebuilding Plan. I think that we're going to need more time for discussion about the allocation issues, but for now let's move both of these components together, and then separate them out this summer if we need to.

CHAIRMAN BATSAVAGE: I guess we've heard our even support for both options. I guess is there any objection by the Council and Board to leave the Rebuilding Plan in the Amendment for now? We will definitely revisit this in June, and probably have a better idea, as far as whether the timing works, and you can take this up in June to decide whether it's best to take it out. Is there any objection to going with that option?

MS. KERNS: Chris, I'm not sure. I don't see any hands raised. Cheri Patterson did have her hand up earlier to comment, as an FYI.

CHAIRMAN BATSAVAGE: I'll go to Cheri Patterson.

MS. CHERI PATTERSON: Yes, I was just going to indicate I would prefer to see them together a

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little while longer, but the minute you said that you were looking for opposition from that I took my hand down.

CHAIRMAN BATSAVAGE: All right thanks, Cheri. Yes, I guess we'll see where we are in June on this, and leave it in for now. Dustin and Matt, I guess you're ready to move on to Issue 6.

MR. COLSON LEANING: There are a few other issues that we want to examine. This one must be very simple. The FMAT recommends further development of Sector-Specific Management Uncertainty. We showed a draft flow chart of what that might look like. Basically, we're just looking for guidance, should this be considered further or should it be dropped out, and if there is like a drastic change that should be considered that isn't evident in the flow chart, what consideration would that be?

CHAIRMAN BATSAVAGE: Any comment from the Board and Council on how to address recreational and commercial management uncertainty?

MS. KERNS: We have Eric Reid, followed by Emerson Hasbrouck.

CHAIRMAN BATSAVAGE: Eric.

MR. REID: I prefer to have them separate, just like what I'm looking at right here, I prefer that.

CHAIRMAN BATSAVAGE: Emerson.

MR. HASBROUCK: I also prefer to see the uncertainty split, as is shown in the slide that we're looking at right now.

CHAIRMAN BATSAVAGE: Any objection to the approach up on the screen right now?

MS. KERNS: We have one Mid-Atlantic Council staff member that has his hand raised, Jose Montanez.

CHAIRMAN BATSAVAGE: Yes, Jose.

MS. KERNS: But he is not connected via audio, so that actually won't work.

CHAIRMAN BATSAVAGE: Yes, if there are no objections to this, I guess Matt and Dustin do you have the direction you need for this item under Issue 6?

MR. COLSON LEANING: For this one we're asking if for-hire sector separation should be considered further, and on top of that should both a sub-ACL option as well as a potential policy, while not a specific allocation, maybe a policy for different measures be considered.

MR. SEELEY: Dustin, if I may just add on to that again. Just to emphasize the fact that these policy changes and things that we're kind of referencing. Depending on the degree of what sort of change, a lot of these management measures that we are allowed to put into place can address this different management option.

You know we have different bag limits that can be imposed, and there are different measures that are in place for the for-hire as opposed to the private angler. That is something that can be continued to be revised over time, as we get more information from the stock assessment updates and things like that. Just please keep that in mind if you think about this action moving forward.

CHAIRMAN BATSAVAGE: Thanks for that clarification, Matt. Basically, through specifications we can have different regulations for the private anglers and the for-hire anglers like we're doing now, without having to go through the Amendment. But if we wanted to have actual sector allocations for the for-hire sector that would have to go through this Amendment, am I understanding that correctly?

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MR. SEELEY: Yes, that is exactly right.

CHAIRMAN BATSAVAGE: Any input from the Board and Council on Sector Separation?

MS. KERNS: You have Adam then Jason then Emerson then Tony, then Doug Haymans.

CHAIRMAN BATSAVAGE: Okay long list. I'll probably have to ask again after Adam, but we're able to start with Adam Nowalsky.

MR. NOWALSKY: I'm going to speak against continued development of separate allocations. That recommendation is based on a number of factors. Number one is the high degree of MRIP uncertainty that we currently have that has led us to this rebuilding time. We're basing something on a very recent change, and to go ahead and make what would be another significant change I think would be very concerning. Secondly, based on the very low percentage numbers we see to that allocation could be considered right now; I would be very concerned about the implications that that could have on the operation of the for-hire sector with numbers that would potentially be so extremely low. Third, I think we have something in place that we're working on with regards to separate measures.

I would encourage some additional guidance from the FMAT in this process on ideas on how we could further codify what we're already doing through specification. If there is any management recommendation that comes out of that either through the amendment process, or a recommendation for a different management document venue such as a framework or addendum. I think that would be worthwhile for the FMAT to consider as they move forward with this work.

CHAIRMAN BATSAVAGE: Toni, who do we have next on the list?

MS. KERNS: I think the order I gave you was Jason, Emerson, Tony DiLernia, and then Doug Haymans.

CHAIRMAN BATSAVAGE: Okay, Jason.

DR. McNAMEE: This would be counter to what Mr. Nowalsky just offered. I fully support continuing to develop, so pursue this further. I think there were some good options in there. You know I think most folk are most concerned about setting a quota-like allocation for this sector, but it doesn't have to be that way.

In a sub-ACL one of the ways it would characterize in the document, and I think that's a good approach, so I fully support continuing to develop some of these for-hire sector separation options. I think it's imperative for this industry that we start looking at them differently than we look at the general recreational fishery for a lot of different reasons. I would like to see this pursued further.

CHAIRMAN BATSAVAGE: Next up is Emerson.

MR. HASBROUCK: I would suggest that we keep the for-hire sector separation included in this. Let's see what actions get developed, and then let's see what the public has to say about it. Let's keep it in.

CHAIRMAN BATSAVAGE: Tony.

MR. DiLERNIA: I agree with everything Adam said on this issue when he was first to speak. I agree with everything he said. At the same time, I think it will be useful to keep this in, because at least in New York I keep hearing, and I'm sure in other states. They look at, we want sector separation, we want sector separation.

Much of that is driven by what they saw occur in the Gulf of Mexico in the sector separation process there. I think once they see what they

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would actually get in the sector separation scenario, they may change their tune. But the only way we're going to do that is if we jump through the hoops that are necessary to come up with the numbers. While I agree with everything Adam said, I would still keep it there until you get the final product, to let those that have been asking for sector separation, to see what they actually get. You know to quote the old proverb, be careful what you're asking for, you may just get it. I think that would apply to this case.

CHAIRMAN BATSAVAGE: Doug Haymans.

MR. DOUG HAYMANS: I had taken my hand down, because I agree with everything that Adam said, but seeing as how Tony just did, but went the opposite way. I would agree with Adam to remove it from this action. I leave it there.

CHAIRMAN BATSAVAGE: Are there any other comments on how to handle the for-hire sector separation? Definitely have different opinions on this one.

MR. FOTE: I had my hand raised, Tom Fote.

MS. KERNS: Yes, I'm getting back to you. The order that I have here is Tom then Justin then Joe, and then Emerson has his hand back up again. I don't know if that is on purpose or a carryover.

CHAIRMAN BATSAVAGE: We'll deal with Tom, Justin, and Joe for now, so start off with Tom Fote.

MR. FOTE: I understand where Adam is coming from, but I agree with Tony. To be transparent, and there was a lot of discussion in New Jersey about fair and equitable, how this basically came about. I think we should go through and show exactly what the allowance would be.

I think we need to do all the data to basically be transparent to the recreational, because I caught a lot of flak on this, and it did not go to public hearings. It was done by the Council, mostly surprising all of us about the suggestion when it came in. I think we need to go out with everything, I think that is why I agree with Tony and what Tony DiLernia said.

CHAIRMAN BATSAVAGE: Justin.

DR. DAVIS: I'll be brief. I just want to speak in favor of keeping this in for now, and working on it further. I agree with what Emerson and Tom and Tony said is that there is definitely a lot of interest in this from the for-hire sector. I think given that we should keep it in, develop it a little further.

It sounds like a simple concept, but when you start really thinking about it and how to actually implement it, it could be incredibly tricky to do. I think it really just would be in our best interest to flesh this out a little bit, and then put those different types of options and approaches out there in front of the for-hire sector and the public at large, and get further feedback. I'm in favor of keeping it in.

CHAIRMAN BATSAVAGE: Joe Cimino.

MR. CIMINO: Just ditto what Tony said. I share Adam's concerns, but I think it needs to stay in for now.

CHAIRMAN BATSAVAGE: I guess is there any objection to keeping it in for now, not that we're looking whether we support Sector Separation, but to at least include it among the issues based on the comments we received.

MS. KERNS: I see Justin Davis and Emerson have their hands up from before. I don't know if that was on purpose, and then Adam did raise his hand to object.

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CHAIRMAN BATSAVAGE: Adam, I'll let you go ahead and speak on this again. I'll let you go speak on this again.

MR. NOWALSKY: I'm not going to attempt to force a motion on this at this point. There are certainly merits of leaving it in from a transparency perspective, from helping complete the administrative record and consideration of this topic. I think what I would ask for would be some directive that if there is a need to focus on one aspect of this or another that priority be given towards consideration of fine tuning what we're doing now, with regards to different measures by mode, and that be a priority that comes out of this.

However, allow some continued development again to address, I acknowledge that there are members of the public that are interested in this. My concerns remain, if I had to make a final vote on this today, I would be opposed to it, sounds like I would not be alone in that position. But I don't want to push this to any motion today. I just think there is some merit in some further looking at it, but I wouldn't want it to cause pushback on anything else, or loss of some more effort on fine tuning what we're doing on our specifications process.

CHAIRMAN BATSAVAGE: Dustin and Matt, did you get the input that you need for Sector Separation, or do you need a little more guidance from the Board and Council at this point?

MR. COLSON LEANING: Yes, so it sounds like we'll be developing this further with the FMAT. Possibly a little bit more guidance on should all different types of allocations be considered, or should one specific type of allocation be considered? The options that the FMAT and staff have put together is there is of course the landings-based allocation, and MRIP is A plus B1.

There is the catch-based allocation, which is A plus B1 plus B2, B2 being all live releases. That is possibly the biggest look at an allocation, and the alternative to that is A plus B1, and then B2 is times the 15 percent mortality ratio, so that is landings plus dead discards. The FMAT can look at all these three different types of allocation. It might thoroughly complicate the issue, or if the Board and Council have any guidance today, we could pursue one or two of these different options.

CHAIRMAN BATSAVAGE: I think the list of things for the FMAT is already getting pretty long. I guess is there any thoughts from the Council and Board on winnowing down these options for how to look at allocations, or is the Board and Council comfortable with the FMAT analyzing all of them.

MS. KERNS: Mr. Chairman, Emerson Hasbrouck has his hand up. If there are not some specifics, maybe folks could e-mail, again Dustin and Matt the specific ways they would like them to review, and maybe that would help eliminate some. But Emerson just took his hand down, so I'm not sure maybe he didn't need to talk.

CHAIRMAN BATSAVAGE: Based on Toni's suggestion there, I guess also in the interest of time. You know if there is any input that the Board and Council want to provide Dustin and Matt on how to look at this. Unless there are any specific thoughts on that right now, if not I'll ask Dustin and Matt to move on to any other issues under Issue 6 that they need to put on this.

MS. KERNS: I don't see any hands raised.

CHAIRMAN BATSAVAGE: All right thanks. Anything else for Issue 6?

MS. KERNS: Doug Haymans has his hand up.

CHAIRMAN BATSAVAGE: Okay, Doug.

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MR. HAYMANS: Mr. Chairman, I sincerely am saddened that we've got until 1:10 for me to get to the one issue I was really interested in. But in the interest of time, Georgia is very interested in having this plan consider adding a recreational component to de minimis. I'm prepared with a motion if you would like that if needed. Otherwise, I would like for us to consider adding recreational de minimis into the bluefish.

CHAIRMAN BATSAVAGE: I guess a quick question I have, for I guess from ASMFC and Council staff is this is a joint plan. If we decided to include an option for recreational de minimis status, how would that work since de minimis is really just on the ASMFC side of this FMP?

MR. COLSON LEANING: This is Dustin speaking. I did a little bit of checking around with GARFO staff and Council staff. As you eluded to, in the federal plan de minimis has not really been incorporated. It's been put forward before in a couple other plans. Actually, it was brought up in Amendment 1 for bluefish. It does complicate the issue, but I don't think there is any rule specifically prohibiting the use of de minimis in a federal plan, and I'll let others weigh in on that if they want to elaborate.

MR. SEELEY: Yes, this is Matt. I think I can add a little bit there. I do believe that it's okay and it can be added in. I think that it can be actually a Commission only alternative as well. If that is not right, correct guidance please someone chime in there. But I do believe that is correct.

CHAIRMAN BATSAVAGE: Any other input or clarification on how de minimis would work, and if not, I'll look for any thoughts from the Board and Council on including this issue in the Amendment.

MS. KERNS: I think Doug has a follow up, and then we have Hannah Hart on deck.

CHAIRMAN BATSAVAGE: Okay, Doug.

MR. HAYMANS: That is part of why I would like to have it in, so I can get a complete and thorough explanation of whether or not it is allowed through the Council process or not. Yes.

CHAIRMAN BATSAVAGE: Hannah.

MS. HART: Mine is more of a question than related to this. Do you want me to hold off for now?

CHAIRMAN BATSAVAGE: Yes, we'll go ahead and just handle the question of de minimis for now, and we can come back to you after that if that is okay.

MS. HART: Okay yes that is perfect, thank you.

CHAIRMAN BATSAVAGE: I guess just to speed things up. Is there any objection from the Council and Board on the FMAT exploring the possibility of recreational de minimis in this amendment?

MS. KERNS: I do not see any hands raised.

CHAIRMAN BATSAVAGE: All right, great. I guess that will be something for the FMAT to consider. Before I go back to Dustin and Matt, I'll go back to Hannah, she had a question on something else.

MS. HART: I'm curious, has the Council Board ever discussed maybe handing management over to ASMFC? I know the South Atlantic Council did this with cobia, and I'm just curious if we were to discuss that or anything would that allow more flexibility with management, and what that might look like, or if that is even something of interest from this body.

CHAIRMAN BATSAVAGE: I don't ever recall the question coming up for bluefish, but I'll open up

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for either Council staff or GARFO or whoever, if they have an answer for Hannah on that.

MS, KERNS: You don't have any GARFO hands up, but Tony DiLernia does have his hand up.

CHAIRMAN BATSAVAGE: Okay, Tony.

MR. DiLERNIA: This request actually came to the Council in the mid '90s during the Clinton administration, when there was a desire to reduce the number of federal regulations on the books. There was a request at that time for the Council to consider Council withdrawing management of the bluefish, and turning it all over to ASMFC. Because at that time a lot of it was still occurring in federal waters, the Council decided against that. It has been discussed, but again it was the mid-nineties, I would say maybe '96, '97. The Council at that time decided to maintain and keep the management of bluefish. That is the last time I heard it was ever discussed.

CHAIRMAN BATSAVAGE: Okay, Dustin and Matt, anything else for the Other Issues? I can't remember if there are any others, or did we cover all the ones that FMAT wanted input on?

MR. SEELEY: I do believe we've covered everything. I just would request that you know in the essence of time. If any Commissioners or Council members do have input on how they would like to see the for-hire sector separation allocations based on either landings or catch. If they do, please reach out to us it's an important topic that will help guide development. But I think that is it from my end, Dustin, if there is anything else to add.

MR. COLSON LEANING: Yes, I'll say this is what the FMAT and staff prepared based on public feedback. You know it certainly doesn't preclude any other items being added on to this Amendment, but as we can see it's already quite a robust Amendment. But if there are

additional considerations that are very important for a Board or Council member to include, we encourage you to e-mail us within the next week.

CHAIRMAN BATSAVAGE: Just really quick, is there any items that we haven't discussed today that any Board and Council members right now would like the FMAT to consider?

MS. KERNS: I don't see any hands up from Commissioners. I will tell you that we did have a couple of public comment requests throughout, going through the issues.

**PUBLIC COMMENT**

CHAIRMAN BATSAVAGE: I know we still have Other Business, but I know the public has been waiting very patiently on that. I'll open it up for public comment, you're going to have to keep it pretty brief, 60 seconds for comments. Toni, is there any public that are still interested in providing some comments?

MS. KERNS: I would ask the public that had previously reached out to use the raise your hand function to comment. Your hand will be raised when the red arrow is pointing down, and Gregg DiDomenico has his hand up. I will unmute him.

CHAIRMAN BATSAVAGE: Gregg, go ahead.

MR. GREGG DiDOMENICO: One quick question. If a catch-based approach is going to remain in this Amendment or Addendum, if it finds its way to be implemented in bluefish. Is catch-based management going to be considered in black sea bass, scup, and fluke?

CHAIRMAN BATSAVAGE: We'll talk about that this afternoon, or later this afternoon. Is there any other public with comments?

MS. KERNS: I don't see anybody else who is raising their hands.

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CHAIRMAN BATSAVAGE: If there is no other public comment, I'll then bring it back to the Board and Council to see if there is any other business that needs to be discussed today.

MS. KERNS: Okay, I'm sorry. I did just get a text from the folks who are managing the question box, and they are saying that previously Chris Ledford had asked to speak, so I'm going to unmute Chris.

CHAIRMAN BATSAVAGE: Yes, Chris go ahead.

MR. CHRIS LEDFORD: (Feedback)

DR. DREW: I believe we were getting some feedback on Chris's line. I've muted him now. It sounds like he was on another call, so maybe we can come back to him.

MS. KERNS: All right, the other person Chris was Jason Jarvis. Let me just get down to, I am not seeing him on the webinar anymore, Katie. Do you see him?

DR. DREW: No.

MS. KERNS: Okay, so the only other person was Mr. Ledford.

CHAIRMAN BATSAVAGE: Yes, and I apologize to the public for having to wait, but you saw and heard today that we had a lot to cover, in order for the FMAT to move forward on this. Anyways, so yes, I'll just bring it back, unless the public chimes in here in the next few seconds. I'll bring it back to the Board and Council, to see if there is any Other Business, they have for the Bluefish Board today.

MS. KERNS: I don't see any.

CHAIRMAN BATSAVAGE: Hearing none, I see Matt and Dustin have the next step slide up, as far as the timeline goes. I don't know if you

wanted to add, Matt or Dustin if you want to add anything to this before we adjourn.

MR. SEELEY: I just wanted to put this out, just for people to reference one last time, and I just want to say thank you very, very much to everyone on the call, Council and Commission members especially. This is extremely productive. We have a lot of work ahead of us, but we're looking forward to going through it. Thank you everyone so much for all of your input.

CHAIRMAN BATSAVAGE: Yes, thank you to you Matt and Dustin for walking us through all of this, and I thank the Board and Council for all the input that you provided them today, so the FMAT can move forward and to see the timeline is pretty tight, and we'll be pretty busy when it comes to bluefish, and talking about this a lot.

But look forward to the progress that they make on that. Of course, many thanks to ASMFC staff for keeping the webinar moving along smoothly, and keeping me from going off the rails. Sorry it took so long, but I think we got a lot of good work done today. Unless there are any objections, I will go ahead and adjourn the meeting. Thanks everyone!

MS. KERNS: Chris Batsavage, Chris Ledford does have his hand up now. I don't know if you want to take his comment or not. I know he was patiently waiting.

CHAIRMAN BATSAVAGE: Yes, sure Chris, go ahead.

MR. CHRIS LEDFORD: Thank you for the opportunity. I appreciate that time. I just wanted to weigh in on a couple things, just the for-hire sector separating that out, the challenges that that can create. It can potentially be a loophole, you know for people to take advantage of a different limit, especially when people are holding a commercial license and a for-hire.

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You know I'm not getting into the philosophy of that. I'm just saying as long as the reporting is correct. It's created loopholes in the past, especially, well I won't get into that. But it's just something we've got to watch, as well as the problem it creates amongst the user group there. My only other issue was that well actually, just voting for a status quo on a lot of this Bluefish Amendment, if you will.

I'm sorry my verbiage may not be 100 percent correct. I'm outside so there might be a little wind. I hope you can still hear me. But the other issue is, a lot of the quota transfers have helped commercial fishermen, and I get that. But I hate to see it at the expense of other commercial fishermen. I appreciate the opportunity to speak, just want to monitor this. Again, I want to try to keep people fishing in the commercial sector, and I appreciate the opportunity. Thank you.

**ADJOURNMENT**

CHAIRMAN BATSAVAGE: Thanks, Chris. As you see we'll be meeting about this issue quite a bit this summer. Definitely, I hope you continue to listen in and participate, and stay tuned, thanks.

(Whereupon the meeting adjourned at 1:30  
p.m. on May 6, 2020)

To the Atlantic States Marine Fisheries Commission,

My name is Dean Pesante, owner/operator of the F/V Oceana Inshore Gillnet Vessel based out of Point Judith, Rhode Island. I have been working as a commercial fisherman since 1984 and have captained my own vessel since 1991. On behalf of myself, other commercial fishermen, and shoreside dealerships and businesses throughout the state of Rhode Island, I am writing to you today to express my concern and request action be taken on issues pertaining to recent changes in Bluefish management. Specifically, I am referring to 1) quota distribution between commercial and recreational sectors and 2) commercial quota distributions between the Atlantic states. I am expressing my concerns because the new drastic cuts in quota for the commercial sector would create tremendous hardships for people in the Bluefish industry.

### **Adjustment of Recreational and Commercial Quota**

Currently, Bluefish are in greater demand in the marketplace than they ever have been. More people are buying Bluefish every year, and they have become an extremely desirable fish to eat. The increasing demand for Bluefish has made the fishery more valuable and important to commercial fishermen and related businesses. Consequently, more commercial fishermen and related businesses have come to rely on this fishery and need an appropriate amount of quota to sustain their businesses.

Recent management measures have cut the commercial quota by more than 50%. These measures will create enormous financial and economic hardships for the commercial fishing industry. In keeping true to its mission of providing food to consumers, the commercial fishing industry is considered an essential business, and the reduction in quota will prevent the industry from operating sufficiently. It is important to understand that cutting the commercial Bluefish quota in half will have detrimental social and economic impacts as well as severely and directly hurt the livelihoods of Bluefish fishermen and associated businesses. In creating policies, please consider how you would feel if your income were cut in half.

The commercial fishery is managed with empirical data reported in a responsible manner under Federal and State Laws by both fishermen and dealers. ALL commercial fishermen provide accurate and realistic information to Federal and State entities. In contrast, recreational fishermen are not required by any law to report data nor any information. They only provide information voluntarily, and the data received from recreational fishermen is marginal at best. Because they are not regulated by Federal or State Laws, recreational fishermen that voluntarily report information have the ability to inflate data and exaggerate landings.

It is difficult to understand how such severe quota reductions to the commercial Bluefish industry were made with consideration to incredibly uncertain data from the recreational sector.

14 July 2020

For these reasons, we feel the Bluefish quota needs to be reallocated with a much higher percentage given back to the commercial industry.

### **Adjustment of Commercial Bluefish Quota between Atlantic States**

The second issue I would like to discuss is the commercial Bluefish quota distribution between the Atlantic states. Evidence suggests the trend of both Bluefish populations and associated landings by commercial fishermen have changed immensely in recent years on the Atlantic coast. While the population of Bluefish and consequent landings have together increased significantly in northern Atlantic waters, the population and landings have decreased significantly in southern Atlantic waters. These changes are most likely due to climate change and water temperatures.

Southern states that currently have a larger percentage of Bluefish quota have consistently reported landings significantly below their allocation. The opposite is true in Northern states (New York, Rhode Island, and Massachusetts), who have consistently landed an amount of fish that exceeded their quotas. Consequently, northern States have had to request quota be transferred from the Southern states.

I believe an adjustment of quota allocation between the States should be made to accommodate the current state of the Bluefish population and landings. A more accurate and appropriate allocation of Bluefish quota is necessary.

Reductions in quota in the commercial Bluefish industry will have dire consequences for fishermen and related businesses. In this letter, I have proposed the following two solutions to resolve the current problems: 1) Reallocate quota from the recreational sector to the commercial sector and 2) Modify the percentage of commercial quota between Atlantic States to better represent the current trends in Bluefish populations and landings. Please consider these solutions and take prompt action.

Respectfully,

Dean Pesante

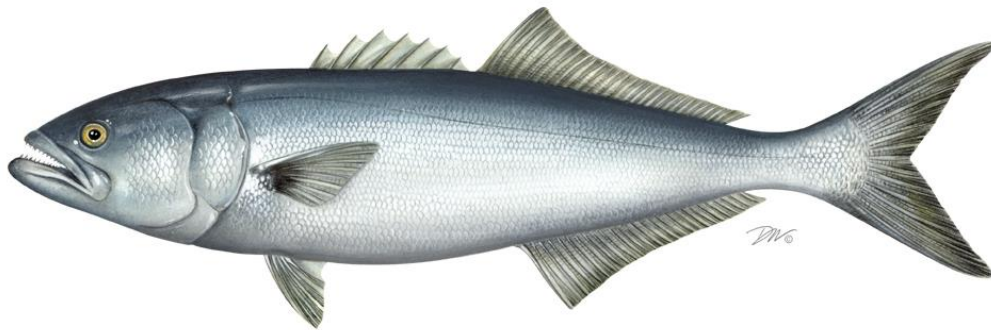
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**ATLANTIC STATES MARINE FISHERIES COMMISSION**

**REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN**

**FOR BLUEFISH**  
***(Pomatomus saltatrix)***

**2019 FISHING YEAR**



Prepared by the Plan Review Team



*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

## Executive Summary

Bluefish from Maine through Florida are jointly managed by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission under Amendment 1 and Addendum I to the Interstate Fishery Management Plan (ISFMP).

Based on the 2019 operational stock assessment and peer review conducted by the Northeast Regional Stock Assessment Workshop, bluefish are overfished, but are not experiencing overfishing relative to the updated biological reference points. The updated stock assessment incorporated data through 2018 and included calibrated estimates of recreational catch and effort from the Marine Recreational Information Program (MRIP).

2019 recreational bluefish harvest was estimated at 12.1 million fish weighing 15.6 million pounds (Tables 2 and 3). Recreational dead discards were estimated at 4.0 million fish. 2019 recreational landings cannot be compared against the recreational harvest limit (RHL), because the RHL was set using uncalibrated MRIP estimates and the landings estimate uses calibrated MRIP estimates. 2019 commercial bluefish landings were recorded at approximately 3.0 million pounds, which falls below the quota of 7.7 million pounds (Table 1). Total removals of 16.1 million fish in 2019 remains near the time series low of 13.3 million fish reached in 2018 (Figure 2).

In 2019, all states implemented management programs consistent with the intent of Amendment 1 and Addendum I to the ISFMP. Maine, South Carolina, and Georgia requested *de minimis* status for 2020. Maine, South Carolina, and Georgia all qualify for *de minimis* status because their commercial landings in 2019 were less than 0.1% of the coastwide commercial landings estimate.

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## **2019 REVIEW OF THE ASMFC FISHERY MANAGEMENT PLAN FOR BLUEFISH (*Pomatomus saltatrix*)**

### **I. Status of the Fishery Management Plan**

<u>Date of FMP Approval:</u>	1989
<u>Amendments:</u>	Amendment 1 (1998); Addendum I (2012)
<u>Management Unit:</u>	Migratory stocks of bluefish in U.S. state and federal waters of the western North Atlantic
<u>States with Declared Interest:</u>	Maine through Florida, excluding Pennsylvania and the District of Columbia
<u>Active Committees:</u>	ASMFC: Bluefish Management Board, Technical Committee, Advisory Panel, Plan Review Team, and Stock Assessment Subcommittee MAFMC: Bluefish Committee, Monitoring Committee, Advisory Panel, and Scientific and Statistical Committee

The Fishery Management Plan (FMP) for bluefish was adopted by the Atlantic States Marine Fisheries Commission (ASMFC or Commission) and the Mid-Atlantic Fishery Management Council (MAFMC) in October 1989. It was the first FMP developed jointly by an interstate commission and a federal fishery management council.

Bluefish is currently managed under Amendment 1 to the FMP approved in October 1998 and implemented in 2000. The goal of the Amendment is to conserve the bluefish resource along the Atlantic coast, specifically to:

1. Increase understanding of the stock and fishery
2. Provide highest availability of bluefish to U.S. fishermen while maintaining, within limits, traditional uses of bluefish
3. Provide for cooperation among the coastal states, the various regional marine fishery management councils, and federal agencies involved along the coast to enhance the management of bluefish throughout its range
4. Promote compatible management regulations between State and Federal jurisdictions
5. Prevent recruitment overfishing
6. Reduce the waste in both the commercial and recreational fisheries.

States and jurisdictions with a declared interest in the bluefish FMP include all ASMFC member states and jurisdictions, with the exception of Pennsylvania and the District of Columbia. Management issues are addressed jointly through the ASMFC Bluefish Management Board (Board) and the MAFMC (Council). The MAFMC's Bluefish Technical Monitoring Committee (MC) conducts annual plan monitoring, which is reviewed jointly by the Council's and Board's

Bluefish Advisory Panels (AP), and all committee recommendations are then provided to the Board and Council for review. A working group comprised of members from the Commission's Bluefish Stock Assessment Subcommittee (SAS), the Commission's Bluefish Technical Committee (TC), and the MC addresses stock assessment matters. The Board may implement changes to the FMP in state waters through the adaptive management process. The TC, Plan Review Team (PRT), Plan Development Team (PDT), and AP provide technical and industry advice to the Board throughout the adaptive management process.

In February 2012, the Board approved Addendum I to Amendment 1 to the Bluefish FMP. The Addendum establishes a coastwide biological monitoring program to improve the quantity and quality of information available for use in bluefish stock assessments. A summary of these findings from the most recent year are found in Section V.

### Annual Fishery Specifications

Commercial and recreational bluefish harvests are managed via sector-specific landings limits (i.e., a coastwide commercial fishery quota and a recreational harvest limit, or RHL). The Council's Scientific and Statistical Committee (SSC) and Bluefish MC annually review the best available information and make fishery specification recommendations to the Council and Board for the subsequent fishing year. Recommendations include commercial quota, RHL, research set-aside (RSA), and other management measures such as minimum size limits and bag limits. The Council and Board meet jointly (typically in August) to consider the SSC's and MC's fishery specification recommendations and formalize commercial and recreational catch limits, and other management measures.

Annual fishery specification recommendations are typically developed as follows: final commercial quota and RHL recommendations are derived from an annual catch limit (ACL), which the FMP defines as equal to the allowable biological catch (ABC), and is in turn equal to or less than an overfishing limit (OFL). The stock's OFL is a catch level that corresponds to the stock's maximum sustainable yield, which is determined through the most recent stock assessment. After accounting for management uncertainty, 17% of the ACL is allocated to the commercial sector and 83% to the recreational sector; these are the commercial and recreational annual catch targets (ACTs). Discard estimates are deducted from ACTs to derive commercial and recreational total allowable landings (TALs). If the recreational fishery is not projected to land its TAL (by comparison of the recreational landings estimate from the previous year), then at the discretion of the Board and Council, quota may be transferred from the recreational to the commercial sector, not to exceed a commercial quota of 10.5 million pounds (the average commercial landings during the period 1990-1997). The final commercial quota is then allocated to the states of Maine through Florida based on average commercial landings during 1981-1989. The state-specific shares are detailed in Table 1.

## II. Status of the Stock

The 2019 operational assessment for bluefish was peer reviewed at the Northeast Regional Stock Assessment Workshop and was approved by the Board and Council for management use.

The biological reference points from SARC 41 were based on maximum sustainable yield (MSY). MSY reference points require a reliable stock-recruitment relationship and the 2015 SAW determined that this relationship is poorly defined for bluefish. Therefore, for SAW 60, spawning potential ratio (SPR) reference points were used as a proxy for MSY reference points.  $F_{40\%SPR}$  was selected at SAW 60 as the  $F_{MSY}$  proxy for the overfishing threshold. This threshold was modified by the SSC to  $F_{35\%SPR}$ , noting that  $F_{40\%SPR}$  might be inappropriate for bluefish, a highly productive species. The biomass target ( $SSB_{MSY}$  proxy) was established by projecting the population forward until an equilibrium spawning stock biomass was reached (NEFSC 2015). The  $F_{35\%SPR}$  and corresponding  $SSB_{35\%SPR}$  proxy biological reference points for bluefish were updated for this 2019 operational assessment

The results of the 2019 operational assessment indicate that bluefish are overfished, but overfishing is not occurring. Spawning stock biomass (SSB) in 2018 was estimated at 91,041 metric tons which is below the SSB threshold of 99,359 metric tons. The bluefish stock has experienced a decline in SSB over the past decade, coinciding with an increasing trend in fishing mortality (F). Recruitment (age-0 fish) has remained fairly steady, fluctuating just below the time series mean of 46 million fish. As a result of very low catch in 2018, F was estimated to be 0.146 which is below the F threshold ( $F_{35\%SPR}=0.183$ ) for the first time in the time-series.

## III. Status of the Fishery

From 2010-2019, recreational catch (harvest plus fish caught and released) of bluefish in U.S. waters of the Atlantic coast averaged 47.6 million fish annually (Table 2). In 2019, recreational catch was estimated at 38.6 million fish which is a 25% increase relative to 2018. In 2019, recreational anglers harvested an estimated 12.1 million fish weighing 15.6 million pounds (7,056 metric tons). Both 2018 and 2019 represent years of low harvest relative to the time series average in both pounds and numbers of fish. Additionally the average weight of landed fish for both years is approximately 1.3 pounds, which is significantly lower than the time series average of 2.6 pounds. This is likely due to reduced availability of mature fish, a direct result from the stock's overfished status. The majority of the recreational harvest (pounds) came from New York (23%), North Carolina (19%), Florida (18%) and New Jersey (11%) (Table 3). In 2019, recreational dead discards (15% of B2) were estimated at 4.0 million fish (Table 2).

From 1985-1999, annual commercial landings of bluefish in U.S. waters of the Atlantic coast averaged 11.3 million pounds (5,129 metric tons). After the implementation of the Amendment 1 quota system, from 2000-2019 commercial landings of bluefish have averaged 5.9 million pounds (2,698 metric tons) annually (Figure 2). In 2019, commercial landings were estimated at 3.0 million pounds (1,357 metric tons), an increase of 23% relative to 2018 landings and a 61% underage of the 2019 commercial quota (7.7 million pounds). The majority of commercial

landings came from North Carolina (37%), New York (20%), and Rhode Island (14%). Commercial dead discards are considered negligible.

#### **IV. Status of Research and Monitoring**

Many states, Northeast Fisheries Science Center (NEFSC) National Marine Fisheries Service (NMFS), the Northeast Area Monitoring and Assessment Program (NEAMAP), and the Southeast Area Monitoring and Assessment Program (SEAMAP) conduct fishery-independent surveys. New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, and South Carolina (SEAMAP) provide indices of juvenile bluefish abundance for stock assessment, and Connecticut, New Jersey, Virginia (NEAMAP), and North Carolina provide indices of adult abundance. Year class strength is monitored through a number of fishery-independent surveys (NEFSC 2015). Although not included in the 2019 operational assessment, Massachusetts, Delaware, Georgia and Florida also maintain indices of abundance from surveys that encounter bluefish. Refer to Table 4 for status of monitoring efforts by state in 2019.

Commercial landings information is collected by most states from dealer or fisherman reporting programs, which is provided to the Atlantic Coastal Cooperative Statistics Program's (ACCSP) Standard Atlantic Fisheries Information System (SAFIS). Fishermen fishing in federal waters are required to report their landings to NOAA Fisheries. Recreational catch and harvest is monitored by the Marine Recreational Information Program (MRIP).

Addendum I to Amendment 1 (2012) implemented a biological monitoring program to enhance age and length data used in bluefish stock assessments. Under Addendum I, states that accounted for more than 5% of total coastwide bluefish harvest (recreational and commercial combined) for the 1998-2008 period are required to collect a minimum of 100 bluefish ages (50 from January through June, 50 from July through December). Those states are Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Virginia, and North Carolina. Age samples are primarily collected from fishery-dependent sources (e.g., party/charter boats, fishing tournaments and volunteer anglers), although samples collected from fishery-independent sources are sometimes utilized as needed to fulfill this requirement. In 2019, most of these states were able to collect the minimum of 100 age samples (Table 4), and all states made a good effort to collect 50 age samples from both spring and fall. Massachusetts collected just 96 samples, just under the 100 sample requirement. South Carolina also reported -- age samples collected by personnel of the SEAMAP-SA Coastal Trawl Survey, and from the South Carolina Inshore Finfish Monitoring program.

As prescribed in the addendum, following the end of the first year of the sampling program, the TC reviewed the sampling design and evaluated the optimal geographic range and sample size for bluefish age data. The TC found the sampling program design to be satisfactory. However, additional TC reviews may be warranted as the program continues, especially in light of the difficulties expressed by some states to collect samples before July.

## **V. Status of Management Measures and Issues**

The Board and Council recommend adjustments to the commercial quota and RHL annually using the specification setting process detailed in Amendment 1 (Section 3.1.1.6) and in Section I of this report. The recreational fishery is allocated 83% of the ACL, and 17% is allocated to the commercial fishery. The coastwide commercial quota is allocated to the states via state-specific percentage shares based on landings from 1981-1989 (Table 1).

The 2019 ACL was 21.8 million pounds (9,895 metric tons); after a transfer of 4.0 million pounds from the recreational to commercial sector, the commercial quota was 7.7 million pounds (3,497 metric tons) and the RHL was 11.6 million pounds (5,271 metric tons). 2019 commercial bluefish landings were recorded at approximately 3.0 million pounds, which falls below the quota. 2019 recreational landings cannot be compared against the RHL, because the RHL was set using uncalibrated MRIP estimates and the landings estimate uses the calibrated MRIP estimates. Therefore, no federal accountability measures have been triggered for 2020. 2019 state-specific shares and landings, and initial 2020 state-specific shares are listed in Table 1.

The MAFMC and ASMFC are continuing to work on the development of a rebuilding plan as part of the Bluefish Allocation and Rebuilding Amendment, which will involve a comprehensive review of the Bluefish FMP's sector-based allocations, commercial allocations to the states, transfer processes, as well as the FMP goals and objectives.

## **VI. State-by-State Implementation of 2019 FMP Compliance Requirements**

These states and jurisdictions are required to comply with the provisions of the Bluefish FMP: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Potomac River Fisheries Commission, Virginia, North Carolina, South Carolina, Georgia, and Florida. The following are specific FMP compliance requirements for 2019:

- Each state must restrict the possession of bluefish by recreational anglers to no more than fifteen fish per day, or have an ASMFC-approved equivalent conservation program.
- Each state must restrict its commercial fishery to the quota adopted under procedures specified in the FMP.
- These states are required to collect a minimum of 100 age samples per Addendum I to Amendment 1: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Virginia, and North Carolina.
- States must submit annual compliance reports verifying that the above listed FMP requirements have been implemented. Compliance reports should also include an overview of permitting requirements for commercial and party/charter vessels and commercial dealers.

Based on the annual state compliance reports, the PRT determined all states and jurisdictions implemented a management program in 2019 consistent with the intent of the ISFMP for Bluefish (Amendment 1 and Addendum I). All states implemented a recreational possession limit not exceeding 15 fish per person and were able to collect all or nearly all of the 100 required biological samples. Refer to Table 4 for state monitoring and reporting requirements, Table 5 for fishery regulations by state in 2019, and Table 1 for commercial quota monitoring and harvest.

Maine, South Carolina, and Georgia requested *de minimis* status for 2020. Maine, South Carolina, and Georgia qualify for *de minimis* status because their commercial landings from the most recent year were less than 0.1% of the coastwide commercial landings estimate (Table 1).

### **Developing Issues:**

When developing the 2020 specifications in 2019, the MC's analysis indicated that landings were projected to exceed the RHL. As such, the Board and Council approved recreational fishery measures that would prevent a landings limit overage. The measures include a coastwide bag limit of 3-fish for private anglers and shore-based anglers, and a 5-fish limit for for-hire anglers. The one exception is Georgia, which has a bag limit of 15 fish, a minimum size of 12 inches, and a seasonal closure which begins March 1 and ends on April 30, 2020. Georgia's measures were approved by the Board through the Commission's Conservation Equivalency Policy.

## **VII. Prioritized Research Needs**

The following research recommendations were identified at the 60<sup>th</sup> SAW/SARC:

### *High Priority*

1. Determine whether NC scale data from 1985-1995 are available for age determination; if available, re-age based on protocols outlined in ASMFC (2001); if re-aging results in changes to age assignments, quantify the effects of scale data on the assessment.
2. Develop additional adult bluefish indices of abundance (e.g., broad spatial scale longline survey or gillnet survey).
3. Expand age structure of SEAMAP index.

### *Moderate Priority*

4. Investigate species associations with recreational angler trips targeting bluefish (on a regional and seasonal basis) to potentially modify the MRIP index used in the assessment model.
5. Explore age- and time-varying natural mortality from, for example, predator-prey relationships; quantify effects of age- and time-varying mortality on the assessment model.
6. Continue to evaluate the spatial, temporal, and sector-specific trends in bluefish growth and quantify their effects in the assessment model.

7. Continue to examine alternative models that take advantage of length-based assessment frameworks. Evaluate the source of bimodal length frequency in the catch (e.g., migration, differential growth rates – also multiple cohorts as noted by the PRT).
8. Modify thermal niche model to incorporate water temperature data more appropriate for bluefish in a timelier manner [e.g., sea surface temperature data & temperature data that cover the full range of bluefish habitat (including South Atlantic Bight and estuaries)].

### **VIII. Plan Review Team Comments and Recommendations**

- The PRT found that all states implemented regulations consistent with the intent of Amendment 1 and Addendum I of the Bluefish Interstate FMP.
- Maine, South Carolina and Georgia requested and meet the requirements for *de minimis* status for 2020.
- Results from an August 2019 operational assessment of bluefish (with data through 2018, including calibrated MRIP estimates) suggest the bluefish stock was overfished and overfishing was not occurring in 2018 relative to updated biological reference points.
- The TC should review the effectiveness of the Addendum I sampling design and reevaluate the optimal geographic range and sample size for bluefish age data.
- The PRT recommends that the TC look into the increased importance of recreational discards in stock assessments. Generating reliable discard length data from recreational anglers could improve the robustness of stock assessments moving forward.

### **IX. References**

Atlantic States Marine Fisheries Commission (ASMFC). 2011. Proceedings of the Atlantic States Marine Fisheries Commission Bluefish Ageing Workshop. ASMFC, Alexandria, VA. 26p

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Mid-Atlantic Fishery Management Council (MAFMC) and Atlantic States Marine Fisheries Commission (ASFMC). 1998. Amendment 1 to the Bluefish Fishery Management Plan.

Mid-Atlantic Fishery Management Council (MAFMC) and Atlantic States Marine Fisheries Commission (ASFMC). 2012. Addendum 1 to the Bluefish Fishery Management Plan.

Northeast Fisheries Science Center. 2015. 60th Northeast Regional Stock Assessment Workshop (60th SAW) Assessment Summary Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 15-07; 36 p. doi: 10.7289/V5D21VKV



## X. Tables

Table 1. 2019 and 2020 state-specific shares of commercial bluefish quota and 2019 estimated harvest by weight (lbs). Landings data source: SAFIS (query date: June 6, 2019). C = landings values are confidential.

State	% of Federal Quota	2019 Initial Quota*	2019 Transfers	2019 Final Quota	2019 Landings	Overages	% Quota Used	% Coastwide Total	2020 Initial Quota
ME	0.6685	51,538		51,538	0	0	0.0%	0.0%	18,496
NH	0.4145	31,956		31,956	C	C	C	C	11,468
MA	6.7167	517,828		517,828	184,171.15	0	37.9%	6.2%	185,838
RI	6.8081	524,875		524,873	415,809.28	0	84.3%	13.9%	188,367
CT	1.2663	97,626		97,626	35,550.7	0	38.8%	1.2%	35,036
NY	10.3851	800,646		800,646	594,841.98	0	79.1%	19.9%	287,335
NJ	14.8162	1,142,265		1,142,263	203,271.95	0	18.9%	6.8%	409,935
DE	1.8782	144,801		144,801	17,165.5	0	12.6%	0.6%	51,966
MD	3.0018	231,426		231,426	22,775.5	0	10.5%	0.8%	83,054
VA	11.8795	915,858		915,858	12,4681	0	14.5%	4.2%	328,682
NC	32.0608	2,471,748		2,471,747	1,107,902.48	0	47.7%	37.0%	887,059
SC	0.0352	2,714		2,714	C	C	C	C	974
GA	0.0095	732		732	C	C	C	C	263
FL	10.0597	775,559		775,559	284696	0	39.1%	9.5%	278,332
<b>TOTAL<sup>^</sup></b>	<b>100.00</b>	<b>7,709,565</b>	<b>0</b>	<b>7,709,565</b>	<b>2,990,866</b>	<b>0</b>	<b>41%</b>		<b>2,766,801</b>

<sup>^</sup> totals in table may not match listed quotas due to rounding

Table 2. Estimated bluefish recreational harvest (A + B1), releases (B2), dead discards (DD; 15% of B2), total catch (A+B1+B2), and total removals (Harvest + DDs) in numbers of fish by marine recreational anglers, 2010 to 2019. Source: MRIP. These estimates may differ from MRIP estimates depending on query date (Data queried June 5, 2020).

<b>Year</b>	<b>Total Catch (A+B1+B2)</b>	<b>Harvest (A+B1)</b>	<b>Released (B2)</b>	<b>DDs (15% of B2)</b>	<b>Total Removals (Harvest + DD)</b>
2010	62,350,110	21,929,519	40,420,591	6,063,089	27,992,608
2011	58,290,651	20,814,884	37,475,767	5,621,365	26,436,249
2012	50,658,364	18,578,836	32,079,528	4,811,929	23,390,765
2013	53,494,663	19,975,050	33,519,613	5,027,942	25,002,992
2014	55,093,764	21,510,650	33,583,114	5,037,467	26,548,117
2015	42,148,963	13,725,107	28,423,856	4,263,578	17,988,685
2016	42,528,744	14,899,721	27,629,023	4,144,353	19,044,074
2017	42,163,134	13,845,808	28,317,326	4,247,599	18,093,407
2018	30,928,700	10,245,708	20,682,992	3,102,449	13,348,157
2019	38,631,935	12,137,289	26,494,646	3,974,197	16,111,486
<b>Average</b>	<b>47,628,903</b>	<b>16,766,257</b>	<b>30,862,646</b>	<b>4,629,397</b>	<b>21,395,654</b>

Table 3. Bluefish Commercial Landings and Recreational Harvest (A + B1) by weight (metric tons, pounds), 2010-2019. Source: ACCSP Data Warehouse (personal correspondence with Joseph Myers) and MRIP. Estimates may differ from source websites depending on query date (2019 commercial data queried April 2020; recreational data queried June 6, 2020).

Year	Commercial		Recreational (A + B1)		Total	
	MT	Pounds	MT	Pounds	MT	Pounds
2010	3,304	7,284,462	21,003	46,302,792	24,307	53,587,254
2011	2,454	5,409,957	15,522	34,218,747	17,975	39,628,704
2012	2,212	4,876,858	14,756	32,530,917	16,968	37,407,775
2013	1,977	4,359,274	15,603	34,398,329	17,580	38,757,603
2014	2,251	4,962,903	12,267	27,044,276	14,518	32,007,179
2015	1,917	4,225,547	13,653	30,098,649	15,569	34,324,196
2016	1,946	4,289,427	10,957	24,155,304	12,902	28,444,731
2017	1,876	4,135,726	14,548	32,071,433	16,423	36,207,159
2018	1,102	2,429,190	6,020	13,270,862	7,121	15,700,052
2019	1,357	2,990,889	7,056	15,555,889	8,413	18,546,778
<b>Average</b>	<b>2,040</b>	<b>4,496,423</b>	<b>13,138</b>	<b>28,964,720</b>	<b>15,178</b>	<b>33,461,143</b>

Table 4. Status of compliance with monitoring and reporting requirements, 2019 (Y = compliance standards met, N = compliance standards not met, NA = not applicable).

State/ Jurisdiction	Fishery-independent monitoring		Fishery-dependent monitoring		Annual Reporting Status
	Survey(s)	Status	Type(s)	Status (num. of age samples)	
ME*	NA	NA	Rec and Com harvest	NA	Y
NH	Juvenile	Y	Rec and Com harvest	NA	Y
MA	Juvenile	Y	Rec and Com harvest, Age Samples	Y (96)	Y
RI	Juvenile, Adult	Y	Rec and Com harvest, Age Samples	Y (123)	Y
CT	Juvenile, Adult	Y	Rec and Com harvest, Age Samples	Y (140)	Y
NY	Juvenile	Y	Rec and Com harvest, Age Samples	Y (205)	Y
NJ	Juvenile, Adult	Y	Rec and Com harvest, Age Samples	Y (201)	Y
DE	Juvenile, Adult	Y	Rec and Com harvest	NA	Y
MD	Juvenile	Y	Rec and Com harvest	NA	Y
PRFC	Juvenile	Y	Rec and Com harvest	NA	Y
VA	Juvenile, Adult	Y	Rec and Com harvest, Age Samples	Y (399)	Y
NC	Adult	Y	Rec and Com harvest, Age Samples	Y (965)	Y
SC*	NA	NA	Rec and Com harvest	NA	Y
GA*	NA	NA	Rec and Com harvest	NA	Y
FL	Juvenile, Adult	Y	Rec and Com harvest	NA	Y

\*granted *de minimis* for 2019 fishing season

Table 5. Fishery regulations by state, 2019. Minimum size are in total length (TL) except for GA and FL are in fork length (FL).

State/ Jurisdiction	Recreational			Commercial	
	Bag Limit	Season	Size Limit	Trip and Size Limit	Open Season
ME	3 fish	All year	None	No Restrictions	All year
NH	10 fish	All year	None	No Restrictions	July 1 - Sept 30
MA	10 fish	All year	None	5,000 lbs/day or trip (whichever is longer)	All year
RI	15 fish	All year	None	12" min size; 1,000 lbs/bi-wk (1.1-4.30) 8,000 lbs/wk (5.1-11.09) 500 lbs/wk (11.10-12.31)	All year
CT	10 fish	All year	None	9" min size; 1,200 lbs/trip	All year
NY	15 fish	All year	Only 10 fish <12"	9" min size; Trip Limit: 5,000 lbs (Jan- April); 750 lbs (May-Aug); 500 lbs (Sept-Oct); 1,000 lbs (Nov-Dec)	All year
NJ	15 fish	All year	None	9" min size	Closed to H&L from 1.1-6.15 and 8.8-12.31
DE	10 fish	All year	None	No Restrictions	All year
MD	10 fish	All year	8" min size	8" min size	All year
PRFC	10 fish	All year	8" min size	Trip limits after 80% of VA- MD quota is landed	All year
VA	10 fish	All year	None	No Restrictions	All year
NC	15 fish	All year	Only 5 fish > 24"	No Restrictions	All year
SC	15 fish	All year	None	No directed fishery	All year
GA	15 fish	All year	12" min size	12" min size; 15 fish	All Year
FL	10 fish	All year	12" min size	12" min size; 7,500 lbs/day	All year

## XI. Figures

Figure 1. Estimated recreational bluefish harvest (A + B1), releases (B2) and dead discards by recreational anglers in numbers of fish, 1985-2019. Note: Harvest and dead discards are additive. Source: MRIP. Estimates may differ from source websites depending on query date (data queried June 5, 2020).

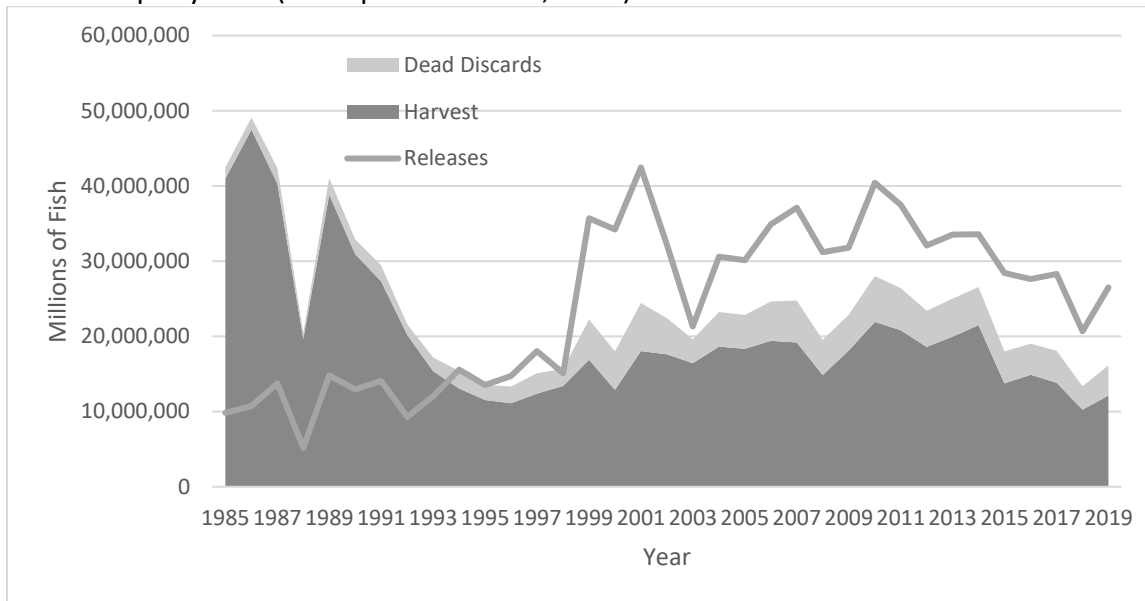
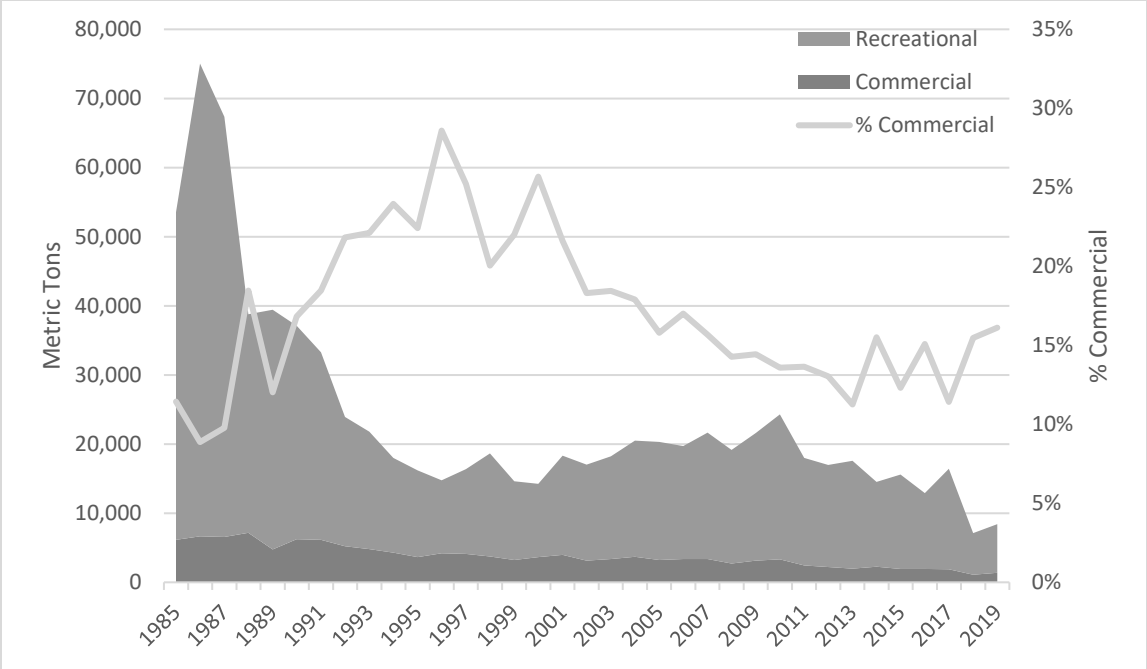


Figure 2. Bluefish recreational harvest and commercial landings estimates by weight, 1985-2019. Source: ACCSP Data Warehouse (personal correspondence with Joseph Myers) and MRIP. Estimates may differ from source websites depending on query date (Commercial data queried April 2020).



# Atlantic States Marine Fisheries Commission

## ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council

*August 6, 2020  
11:15 a.m. – 3:45 p.m.  
Webinar*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*A. Nowalsky, ASMFC/M. Luisi, MAFMC*) 11:15 a.m.
2. Board Consent 11:15 a.m.
  - Approval of Agenda
  - Approval of Proceedings from May 2020
3. Public Comment 11:20 a.m.
4. Consider Draft Addendum XXXIII for Public Comment (*C. Starks*) **Action** 11:30 a.m.
  - Black Sea Bass Commercial Allocation
5. Lunch Break 12:00 p.m.
6. Consider Draft Addendum XXXIII for Public Comment, *continued* 1:00 p.m.
  - Black Sea Bass Commercial Allocation
7. Update on Recreational Reform Initiative (*J. Beaty*) **Possible Action** 2:25 p.m.
8. Review and Consider Approval of Massachusetts 2020 Black Sea Bass Recreational Proposal (*N. Meserve*) **Action** 3:10 p.m.
9. Other Business/Adjourn 3:40 p.m.



# MEETING OVERVIEW

**ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council Webinar**  
**August 6, 2020**  
**11:15 a.m. – 3:45 p.m.**

Chair: Adam Nowalsky (NJ) Assumed Chairmanship: 12/19	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Snellbaker (MD)
Vice Chair: Justin Davis (CT)	Advisory Panel Chair: Vacant	Previous Board Meeting: May 6, 2020
Voting Members: MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (12 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2020

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

## 4. Consider Draft Addendum XXXIII for Public Comment (11:30-2:25 p.m.) Action

### Background

- In October 2019, the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) initiated development of Draft Addendum XXXIII to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The Draft Addendum considers modifications to the black sea bass commercial state allocations. In December 2019, the Mid-Atlantic Fishery Management Council (Council) initiated a complementary amendment to make this a joint action between the Board and Council. The amendment would consider including the state specific commercial allocations in the Council FMP.
- The goal of this action is to “consider adjusting the current commercial black sea bass allocations using current distribution and abundance of black sea bass as one of several adjustment factors to achieve more balanced access to the resource. These adjustment factors will be identified as the development process moves forward.”
- Draft Addendum XXXIII proposes various management options for modifying the commercial state allocations, including an approach to increase Connecticut’s current 1% quota to 5%, an approach using dynamic regional allocation adjustments, trigger-based approaches, and allocating a certain percentage of the coastwide quota based on historical allocations.

Several options incorporate current (**Briefing Materials**). The document also includes management options for including the commercial state shares in the Council FMP.

- If the draft addendum is approved for public comment in August, public hearings could take place in late summer/fall 2020, and the Board and Council could consider final action in December.

**Presentations**

- Overview of Draft Addendum XXXIII by C. Starks

**Board Actions for Consideration**

- Approve Draft Addendum XXXIII for public comment

**5. Lunch Break (12:00-1:00 p.m.)**

**6. Consider Draft Addendum XXXIII for Public Comment, *continued***

**7. Update on Recreational Reform Initiative (2:25-3:10 p.m.) Possible Action**

**Board Discussion**

- The Recreational Reform Initiative is an ongoing joint effort of the Commission and Council, which aims to propose and develop strategies to increase recreational management flexibility and stability for jointly managed species (summer flounder, scup, black sea bass, and bluefish).
- At their June joint meeting, the Council and Board reviewed a draft outline of topics under consideration through the Recreational Reform Initiative and Monitoring Committee discussion on the initiative (**Briefing Materials**). After considering the topics currently under consideration, as well as items removed from further consideration through the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment, the Council and Board tasked staff with determining which items could be addressed through a joint framework/addendum and which changes would require an amendment (**Supplemental Materials**).

**Presentations**

- Update on Recreational Reform Initiative by J. Beaty

**Board Actions for Consideration**

- Consider initiating a framework/addendum or amendment to address any management options considered through the Recreational Reform Initiative

**8. Review and Consider Approval of Massachusetts 2020 Black Sea Bass Recreational Proposal (3:10-3:40 p.m.) Possible Action**

**Board Discussion**

- Massachusetts submitted a proposal for recreational black sea bass conservation equivalency to extend the end of the state's for-hire recreational black sea bass season in 2020 to account for days closed to for-hire fishing at the beginning of the season due to the COVID-19 pandemic (**Briefing Materials**).
- The Technical Committee reviewed the proposal in May, and provided recommendations on the data that should be used to calculate the daily harvest rate and resulting season modification to achieve conservation equivalency (**Briefing Materials**).

**Presentations**

- |   |
|---|
| <ul style="list-style-type: none"><li>• Overview of Massachusetts conservation equivalency proposal by N. Meserve</li><li>• Technical Committee recommendations on MA conservation equivalency proposal</li></ul> |
|---|

<b>Board Actions for Consideration</b>
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- |   |
|---|
| <ul style="list-style-type: none"><li>• Approve Massachusetts conservation equivalency proposal</li></ul> |
|---|

**9. Other Business (3:40-3:45 p.m.)**

**10. Adjourn**

## Summer Flounder, Scup, & Black Sea Bass 2020 TC Tasks

**Activity level: High**

**Committee Overlap Score:** High (Multi-species committees for this Board)

### Committee Task List

- July 2020: Meeting to review recommendations on 2021 specifications (coastwide quota and RHLs) for summer flounder, scup and black sea bass
- Fall 2020: *Tentative* – develop recommendations on recreational reform strategies (e.g. considering MRIP data uncertainty into the management process, development of recreational measures)
- November 2020: Develop recommendations on 2021 recreational measures

**TC Members:** Greg Wojcik (CT, TC Chair), Alexa Kretsch (VA), Julia Beaty (MAFMC), Peter Clarke (NJ), Dustin Colson Leaning (ASMFC), Karson Coutre (MAFMC), Kiley Dancy (MAFMC), Steve Doctor (MD), Emily Keiley (NOAA), Jeff Kipp (ASMFC), John Maniscalco (NY), Jason McNamee (RI), Gary Shepherd (NOAA), Caitlin Starks (ASMFC), Mark Terceiro (NOAA), Lee Paramore (NC), Richard Wong (DE)

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

**Webinar**  
**May 6, 2020**

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

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2. **Approval of Proceedings of August 2019** by Consent (Page 1).
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**ATTENDANCE**

**Board Members**

Nichola Meserve, MA	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Bill Anderson, MD (AA)
David Borden, RI (GA)	Mike Luisi, MD, Administrative proxy
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Russell Dize, MD (GA)
Justin Davis, CT (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
Bill Hyatt, CT (GA)	Steve Bowman, VA (AA)
Matthew Gates, CT, proxy for Sen. Miner (LA)	Ellen Bolen, VA, Administrative proxy
Jim Gilmore, NY (AA)	Bryan Plumlee, VA (GA)
Maureen Davidson, NY, Administrative proxy	Sen. Monty Mason
Emerson Hasbrouck, NY (GA)	Steve Murphey, NC (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Chris Batsavage, NC, Administrative proxy
Joe Cimino, NJ (AA)	Jerry Mannen, NC (GA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Asm. Eric Houghtaling, NJ (LA)	Mike Ruccio, NMFS
Adam Nowalsky, NJ, Legislative proxy (Chair)	

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

**Ex-Officio Members**

**Staff**

Bob Beal	Dustin Colson Leaning
Toni Kerns	Tina Berger
Max Appelman	Jeff Kipp
Maya Drzewicki	Julia Beaty, MAFMC
Kirby Rootes-Murdy	Kiley Dancy, MAFMC
Caitlin Starks	

**Guests**

John Almeida, NOAA	William Brantley, NC DNR	Jeff Deem, Lorton, VA
Rep. Thad Altman, FL (LA)	Delayne Brown, NH F&G	Peter deFur, ESC
Coly Ares, RI DEM	Jeff Brust, NJ DFW	John DePersenaire, RFA
Mike Armstrong, MA DMF	Erika Burgess, FL FWC	Greg DiDomenico
Pat Augustine, Coram, NY	John Carmichael, SAFMC	Anthony DiLernia
Dave Bard, NOAA	Patrick Cassidy	Steve Doctor, MD DNR
David Behringer, NC DNR	Mike Celestino, NJ DFW	Russell Dunn, NOAA
Mel Bell, SC DNR	Peter Clarke, NJ DFW	Steve Newellman
Alan Bianchi, NC DNR	Allison Colden, CBF	Warren Elliott, PA (LA)
Jessie Bisette	Heather Corbett, NJ DFW	Peter Fallon, Maine
Sarah Bland, NOAA	Nicole Costa, RI DEM	Lynn Fegley, MD DNR
Jason Boucher, DE DFW	Derek Cox, FL FWC	Marianne Ferguson, NOAA
Ray Bogan, Pt. Pleasant, NJ	Sandra Dumais, NYS DEC	Cindy Ferrio, NOAA
Karen Bradbury, Office of Sen. Whitehouse	Jessica Daher, NJ DFW	Dawn Franco GA DNR
	Tim Daniels, NJ DFW	Rick Frenzel

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Tony Friedrich	Chris Ludford	Tara Scott, NOAA
Thomas Fuda	Dee Lupton, NC DNR	Richard Seagraves
G. Kara	Loren Lustig, PA (GA)	Matthew Seeley, MAFMC
Lew Gillingham, VMRC	Chip Lynch, NOAA	Alexei Sharov, MD DNR
Angela Giuliano, MD DNR	Shanna Madsen, VMRC	Gary Shepherd, NOAA
Willy Goldsmith	Kyle Martin, NYS DEC	Jared Silva, MA DMF
Sonny Gwinn, Berlin, MD	Genine McClair, MD DNR	Somers Smott, VMRC
Paul Haertel	Ashleigh McCord, NOAA	Julia Socrates, NYS DEC
Jon Hare, NOAA	Dan McKiernan, MA (AA)	Scott Steinback, NOAA
Bridget Harner, NOAA	Nichola Meserve, MA DMF	CJ Sweetman, FL FWC
Hannah Hart, FL FWC	Mike Millard, US FWS	H. Takade-Heumacher, USFWS
Doug Haymans, GA (AA)	Sen. Dave Miramant, ME (LA)	Mark Terceiro, NOAA
Steve Heins	Jose Montanez, MAMFC	Wes Townsend
Dewey Hemilright	Chris Moore, MAFMC	Howard Townsend, NOAA
Pete Himchak	Wendy Morrison, NOAA	Sam Truesdell, MA DMF
Carol Hoffman, NYS DEC	Brandon Muffley, MAFMC	Mike Waive, ASA
Rusty Hudson	Amanda Mullikin	Megan Ware, ME DMR
Peter Hughes	Steve Murphey, NC (AA)	Samatha Werner, NOAA
Jason Jarvis	Allison Murphy, NOAA	Patrick White
Yan Jiao, Univ. VT	Brian Neilan, NJ DFW	Ritchie White, NH (GA)
Lane Johnston	Laurie Nolan	Kate Wilke, TNC
Cynthia Jones, ODU	Derek Orner, NOAA	Angel Willey, MD DNR
Jeff Kaelin, Lund's Fisheries	Cheri Patterson, NH (AA)	Sara Winslow
Chad Keith, NOAA	Michael Pentony, NOAA	Charles Witek
Loren Kellogg, NOAA	Mariah Pflieger, Oceana	Steven Witthuhn
Moira Kelly, NOAA	Olivia Phillips, VMRC	Anthony Wood, NOAA
Lara Klibansky, NC DNR	Michael Pirri	Chris Wright, NOAA
Kathy Knowlton, GA DNR	Nicholas Popoff, US FWS	Amy Zimney, SC DNR
Adrienne Kotula	Chad Power, NJ DFW	Erik Zlokovitz, MD DNR
Alexa Kretsch, VMRC	Jill Ramsey, VMRC	
Kris Kuhn, PA F&B	Kathy Rawls, NC DNR	
Ben Landry	Stephanie Rekemeyer, NYS DEC	
Wilson Laney	Dr. Malcolm Rhodes, SC (GA)	
Katie Latanich	Al Ristori	
Scott Lenox	Mary Sabo, MAFMC	
Melissa Leone, NYS DEC	Scott Sakowski, NOAA	
Tom Little, NJ LEG	John Schoenig	
Carl LoBue	Chris Scott, NOAA	

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May 2020

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council (MAFMC) convened via webinar; Wednesday, May 6, 2020, and was called to order at 2:00 p.m. by Chairmen Adam Nowalsky and Michael Luisi.

#### **CALL TO ORDER**

CHAIRMAN ADAM NOWALSKY: Good afternoon everybody, my name is Adam Nowalsky. I'm going to be calling to order the Summer Flounder, Scup, and Black Sea Bass Management Board meeting with the Mid-Atlantic Council via webinar. Taking a look at the roster of names here onboard. Most of you were connected here this morning, but I do see a quorum, both for the Council and the Board, so we're good to begin.

#### **APPROVAL OF AGENDA**

CHAIRMAN NOWALSKY: Our first order of business here this afternoon is going to be Board consent for approval of the agenda. There is going to be a proposed change to the agenda, two items. Number one, we intend to complete our business here this afternoon by 4:15. That would put us an hour over the previous end agenda time.

Hopefully everyone can hang in there with us until then, including the public. But with the consent that is our intention is to end this meeting by 4:15 today. Additionally, prior to beginning the review of the public comment summary on the public information and scoping document.

It is our intention, staff has a one-slide presentation, and just provides some information to the Board and Council. A lot of you have been asking about what potential changes there might be to 2020 measures that states could enact as a result of lost harvest. That is the proposed changes to the agenda. Which brings us to the approval of the agenda.

Is there any objection to approving the agenda with those two changes?

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN NOWALSKY: All right, seeing none that will bring us to the second item on the agenda. Second item is the Approval of the Proceedings from, we're going back to, is August, 2019 right or we should be approving something more recent than that Toni?

MR. DUSTIN COLSON LEANING: That's correct, Adam, because that was the last time it was a Commission only meeting.

CHAIRMAN NOWALSKY: Okay great, thanks for that clarification, Dustin. That is the Approval of the Proceedings from the August, 2019 meeting that we're looking for consent on. Is there any objection to the approval of the proceedings from that meeting? All right, seeing none that will bring us to the first revised agenda item.

#### **POTENTIAL CHANGES TO 2020 MEASURES**

CHAIRMAN NOWALSKY: It is our intention to keep this to just a few minutes. I asked staff to put together a very brief slide here that is going to provide some information.

That will help provide some input on what states might be able to do for the 2020 fishing year. Then also we can touch base on some feedback we got from one of our other boards. Yesterday the Tautog Management Board that had a recommendation for how to proceed with guidance across all boards. I'll turn it over to you, Toni.

MS. TONI KERNS: Thanks Adam. I think Bob is actually going to take this slide, and Maya, this is the time for that one slide to go up, but just the next one, Maya.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Hi Mr. Chairman, this is Bob Beal. Good afternoon everybody, I haven't spoken much today, which is a good thing. Just really quickly. You know it is kind of uncertain how we can move forward and make adjustments to recreational fishing opportunities,

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both private boats and shore-based, as well as for-hire fisheries.

Obviously, the conversation has started. People want to know what they can do. It gets difficult. For fisheries that have opened, and there is some level of fishing going on the private side. It gets a little bit tricky. You know some folks have said that fishing is down because partially some ramps are closed, some marinas are closed, some are open.

Due to social distancing you can't put your normal crew on a boat that you might take out fishing. Families may be out, but normal groups of a half dozen or so folks that fish together a lot can't go out, because they are not in the same family, and all sorts of things. There is sort of two different scenarios moving forward.

One is what we're calling "simple" conservation equivalency, and this is the idea that if a fishery has not opened or you want to keep a fishery closed longer than what has currently been approved by a management board. You can keep your fishery closed, with the recognition that only limited amount of fishing is going on anyway right now for all species, in some areas.

Say keep black sea bass fishery closed for a little while, a month or so, and then you could take those days and move them to the fall season. It won't be necessarily a one-for-one translation, because a day in Wave 3 may not be exact same as a day in Wave 5 or Wave 6; as far as average level of landings.

We're going to have to be able to work that. That is sort of a simple scenario, where you've got days that were fully closed, nobody was fishing, no sectors were open your for-hire or private boats or anything, and you're going to move those closed days to some ratio of days in the fall. That is kind of what we're calling simpler.

The other approach would be to have the Technical Committee start digging into the data,

and trying to estimate, you know how much fishing has changed from what we anticipated when the seasons and bag limits and size limits were established this year. That's going to be a little bit difficult, because the APAIS sampling, the site intercept sampling through MRIP has been suspended in essentially all the states. The for-hire effort survey you hear of the FES. That is the postcard survey done by MRIP, and that is ongoing and we'll get the number of trips that have been taken. We will have some insight as to what the level of fishing activity is anyway.

Then I think you know the Technical Committees will have to dig into that sort of on a species-by-species basis, to see what has happened and what hasn't happened, and probably a state-by-state basis, so it won't be a simple thing to do necessarily. There will probably be some proposals that need to be developed by individual states for review by the Technical Committee.

Those are the two different scenarios. Adam, as you mentioned the Tautog Management Board talked about this yesterday. The number of Commissioners on that meeting said hey, you know it may be better not to do this sort of piecemeal across individual species. It may be better to get a Commission-wide strategy or policy together, to figure out what we want to do, because fishing is limited now, and hopefully it's better in the fall, you know how do we want to tackle that?

I suggested getting the Executive Committee together, which represents all the states up and down the east coast, and have them initiate the conversation and give some feedback to the management board. Following my recommendation, I got a number of texts that said, well you know what maybe the Executive Committee is not necessarily the right venue for the final decision.

The Policy Board, which is all 45 of our Commissioners and the federal services might be a better venue for that. I think the best course is actually go ahead and start with the Executive Committee, because get a smaller group to start the conversation, recommend something to the Policy Board, have the Policy Board

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sign off on it, and then we can decide where we want to go.

That is kind of a long answer to your question, Adam. But the bottom line is we're going to have to work on this over the next couple months, and try to figure it out. It's not going to be a simple, you know the fishery has been kind of slow for the last six weeks, we can tack on six weeks in the fall. It's going to be a bit more complex than that. Happy to answer questions if you have them.

CHAIRMAN NOWALSKY: Thank you very much, Bob. These two options as they have been presented here would not be meant to be exclusive from one another. If someone wanted to take proactive action on this first option, it is what I've referred to a number of people that I've had this conversation with as the "bird in hand approach." That would be pretty straightforward.

If you haven't opened the season, have the means to delay the start to that season, you could follow the same policies that you did when those measures were set originally, and then pursue adding those days on pretty much immediately. Then there is going to be ongoing discussion. We know that at the present time this Board is scheduled to meet again jointly with the Council in June. It would be our hope that the discussion that Bob referenced with regards to Executive Committee/Policy Board, hopefully with some input from TC and states, we could have some feedback and some guidance at that point on what next steps would be. We don't have all the answers here. I'll open it up to hands for very specific questions. If there is any specific guidance or a suggestion that someone has for consideration by the Executive Board, Policy Board or TC, it would be helpful to put it out there now, but it's certainly not necessary, as we all know the situation is changing on a daily basis.

Whenever you have information available, 4:30 today, tomorrow, next week, bring it forward

and we'll do the best we can to integrate it. But this is what the intention is right now for consideration, both what we've heard from the public, as well as from managers, on how to consider what we've lost so far while maintaining consideration of necessary conservation.

This is what we're putting forward at the present time. Do we have any hands for anyone that needs anything specific they would want to offer on this right now? Otherwise, it's a work in progress. All right one, Emerson Hasbrouck. Go ahead, Emerson.

MR. EMERSON C. HASBROUCK: I think this is a good idea, and I would suggest that we pursue this. I'll also bring up something that I think is relative, two things that are relative to this as well. One is we've got some similar issues taking place on the commercial side of things, you know and I'm thinking of scup in the Winter 1 fishery.

We're going to have severe restrictions in the summer fishery for scup. Can we account for that somehow you know? Move some of that Winter 1 scup into the summer period? I don't know if we can just do that, if it's going to need an amendment. I don't know what the process is. But that leads me to a bigger issue.

Maybe we can talk about this later in the meeting if you think it's more appropriate then, Mr. Chairman. I think we need to initiate some discussion about the possibility of asking NMFS to move unused quota or unused ABC from 2020 into 2021, and we're not going to know how things are until we get through more of this year.

But right now, there has been hardly anything that is being caught by either the commercial fishery or the recreational fishery. I think that some discussion is in order about how do we perhaps move some of that to the next fishing year, and the New England Council did just that with sea scallops and groundfish. I think they already have some flexibility in their FMP to do that. But I think we need to look at it similarly.

CHAIRMAN NOWALSKY: Thanks for that Emerson. The Council has already taken action on tilefish, with regards to requesting some information for rollover.

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We're not going to decide anything here today. What I would ask of all Council members, Commissioners, if you have specific concerns like the ones you brought forward.

Get them to Council and Commission staff, they will begin compiling and adding to a list of those issues that they already have, can begin having discussion about ideas on how to address them, and then I think one of the agenda items on our next board meeting is going to be 2020 issues across the board.

**PRESENTATION ON THE PUBLIC COMMENT  
SUMMARY FOR THE RECREATIONAL AND  
COMMERCIAL ALLOCATION AMENDMENT  
PUBLIC INFORMATION AND  
SCOPING DOCUMENT**

CHAIRMAN NOWALSKY: All right, not seeing anything else on this issue, let's move on to the next agenda item and begin discussion with staff presentation on the public comment summary for the Recreational and Commercial Allocation Amendment Public Information and Scoping Document.

MR. DUSTIN COLSON LEANING: Thanks everyone. Thanks for joining us today for the review of scoping comments and the Advisory Panel report on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. Can everyone see the screen, and can you hear me clearly?

MS. KERNS: Yes, you're good.

MR. COLSON LEANING: I'll begin this presentation with a recap of the Amendment background and purpose, followed by review of the scoping comment summary and the Advisory Panel report. Kiley will then take over, serve you the FMAT recommendations, and then we can open the floor to Board and Council discussion.

**PUBLIC COMMENT SUMMARY**

MR. COLSON LEANING: As a reminder to the public stakeholders on the call, this action's purpose is to consider the potential modifications to the allocations of catch or landings between the commercial and recreational sectors for summer flounder, scup, and black sea bass. This timeline here serves as a reminder of the need for a fast-paced amendment, if it is still the Board and Council's desire to implement this amendment by the 2022 fishing year.

Following this meeting the FMAT will further develop draft management alternatives for Board and Council feedback in June, and the Council and Board will then approve a range of alternatives for inclusion in the Public Hearing Document at the August meeting. During the course of scoping, Council and Commission staff hosted 11 hearings that were attended by approximately 280 people.

Most hearings were well attended, but not all attendees provided comments. Ninety-eight individuals and 14 organizations provided written comments, some of whom also attended hearings and gave comments in person. We also tried out a new method of putting up the scoping presentation on YouTube, which was well received, and received 644 views.

This table here provides an overview of all individuals who commented in person, and provided written comment. The majority of individuals, coming in at 74 percent, are part of the recreational sector, and of those 151 people 94 individuals identified themselves as private anglers, followed by 43 from the for-hire industry.

Forty-five fishermen from the commercial sector provided comments as well, and there was also a small percentage of individuals that didn't identify with either the recreational or commercial sector. I will present the comment topics in table format. The first column on the left provides a brief overview of the comment topic.

The second column presents the number of individuals and organizations that commented under that topic. Comments made by three or fewer people

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that don't pertain to allocation issues, were not included in the following summary tables that I'll be presenting. However, it is important to remember that although certain comments are not included in this table, all comments are in the summary document, which is provided to the Board and Council through briefing materials. Two hundred and five individuals and organizations that provided comments in total, and the percent displayed on the last column there is basically the percent out of all the comments on that particular topic.

The Council and Board received comments from 80 individuals and organizations that expressed strong concerns with MRIP data, ranging from general disbelief in the estimates to concerns with specific aspects for the recreational data collection. Thirty-two individuals thought that the recreational sector should have increased accountability to their limits.

Ideas for achieving this included overage payback, in-season closures, among others. Twenty individuals and organizations thought that additional or improved recreational data should be used in management, and this could include mandatory private angler reporting, tagging systems, mandatory tournament reporting, and other ideas.

Fifteen individuals and organizations commented in support of greater use of VTR data, many of whom supported its greater reliability compared to MRIP data. A few others thought that the for-hire fleet should have additional requirements, such as VTRs for non-federal vessels, while reinstating did not fish reporting.

Fifty-eight individuals and organizations commented on potential reallocation approaches, 16 individuals and organizations voiced opposition to update an allocation using base years with this new data. Reasons for this being that fisheries were fundamentally different than they are now, and the data from the 1980s was very unreliable.

In contrast, 10 individuals thought that the allocation should be updated using the base years. Thirteen people commented that management should consider socioeconomics when making allocation decisions, and 12 people supported looking at the non-traditional allocation approaches such as a needs-based approach or a harvest control rule, such as the one put forward by the American Sportfishing Association, in partnership with five other organizations.

Nine individuals supported a decrease to the commercial allocation, while four individuals spoke in favor of increasing commercial allocations. Eight people supported revising the allocation base years. Several ideas for this approach included using years of good stock health or post-rebuilding years, using a long time period or using the most five recent years, and some people even suggested using a 10-year moving average for developing allocation base years. A few people emphasized the need for management to act fast, to prevent the drastic restriction on recreational fisheries. Four others commented that allocation should be catch-based, which includes discards.

We also received a large amount of comments regarding recreational sector separation, 37 individuals and organizations for support for separate allocations, or measures for the for-hire fleet versus private anglers. The most common rationale was that the for-hire sector had better catch accounting and accountability, due to the use of VTRs. In contrast, nine people thought that the sector separation should not be implemented or even considered. Six individuals thought that making future allocations changes through frameworks or addenda would be a good idea, which would allow for more frequent review of allocations, with a less cumbersome management process, while two individuals opposed this idea. Four people commented that the Board and Council should reconsider allocations on a regular basis, or have dynamic allocations.

Nine individuals and organizations supported allocation transfers to help prevent overages from occurring. Although several comments added that this shouldn't be allowed if a fishery is overfished, and

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one comment received opposed this idea. Several individuals supported allocation set-asides to account for private recreational variability in effort, and help prevent the need for paybacks.

A few individuals thought that one sector should be allowed to buy allocation from another sector at the state level, while one person at a hearing spoke in opposition to this idea when it was presented. We also received various other allocation related comments, 12 individuals commented that the commercial fishery is well-controlled and monitored, and several comments supported the option of basing allocations in pounds or numbers of fish. People also expressed concerns about commercial data, especially regarding discards in the 1980s. Some noted that more people eat fish than fish recreationally, and allocations should account for that. We also received many comments that did not directly relate to the issue of commercial and recreational allocation. Many of them could be categorized into the reoccurring themes.

For example, 31 individuals and organizations explained that discards are too high, or that they drew issue with the discard mortality rate used for the three species. Many also expressed dissatisfaction with recreational measures specific to summer flounder, often relating to the minimum size limit being too high.

Many people also expressed dissatisfaction with recreational management approaches in general, and shared that management had caused the loss of recreational fishing businesses, such as bait and tackle shops and for-hire vessels. Fifteen individuals and organizations countered that commercial vessels are harming the health of the fishery by catching too many fish, damaging the habitat, or creating too many discards.

Some were of the sentiment about loss of recreational businesses. Several people shared

that management had caused the loss of commercial businesses. There was also an assortment of other concerns discussed as listed under “other issues” on this slide.

#### **ADVISORY PANEL REPORT**

MR. COLSON LEANING: Now I’ll go into the Advisory Panel Report.

The Advisory Panel met via conference call on April 2, to review the scoping comments received, and provide recommendations to the Council and Board on issues that should be addressed in this action, and also provide recommendations for removing actions that they saw as unfit for this action.

In all we had good attendance, 27 members were in attendance from Massachusetts to North Carolina. The majority of advisors in the meeting have no confidence in the Marine Recreational Information Program estimation methodology, and the estimates that it produces. One advisor recommended that the National Marine Fisheries Service reexamine MRIP, and improve its estimation methodology before any allocation actions are taken. Several advisors from the commercial industry were in support of status quo, allocations for all three species, if MRIP must be adopted.

Only one advisor supported using the revised MRIP estimates to generate new allocation percentages, specifically for the summer flounder fishery. One advisor supported the continuation of the type of catch accounting that happened last year, where the recreational sector isn’t penalized for an RHL overage, so long as the Acceptable Biological Catch is not exceeded for a fishery.

Several advisors recommended further development of the recreational management reform harvest control rule. They supported the view that the recreational sector’s allocation should be considered through the lens of reasonable access, and not a specific harvest limit in pounds. One advisor stated that future allocation changes should not be done through a framework or addendum, because allocating quota between sectors is a very contentious

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issue that deserves full public presentation through standard amendment processes.

One AP member supported implementing the ability to transfer allocation from one sector to another based on a needs basis, and in contrast one advisor was against allocation transfers because they increase fishing pressure on stocks, and they jeopardize their ability to remain at the target level.

AP feedback on the for-hire and private angler sector separation was mixed. Those who supported it said that the current recreational measures are not working for the for-hire fleet, and that bag limits must remain high enough to sell trips. Those who opposed for-hire and private angler sector separation, said that VTR is not always accurate, and can't be relied upon, because it is in the for-hire captain's best interest to underreport catch.

Another AP member added that MRIP is not accurate enough to develop allocations for the recreational sector either. Three advisors commented in support of mandatory reporting at all recreational fishing tournaments, and one advisor was concerned that the recreational anglers are still primarily fishing on mature female fluke, rather than males, due to the high minimum size, thinking that this minimum size should be lowered to help reduce fishing pressure on the spawner population.

One AP member requested that managers pay greater attention to regional depletion, and at the end of the call, as well as at the beginning of the call, AP members shared their concerns about the effect that Covid-19 and social distancing is having on the recreational and commercial fisheries.

Several advisors requested that NOAA Fisheries take action to economically support fishermen during the crisis, and some advisors said that commercial and recreational measures should be liberalized to promote fishing for all stakeholders. That is all I have for the Public

Comment Summary and AP Report, and I'll transfer it over to you, Kiley, if you're ready.

CHAIRMAN NOWALSKY: While she's getting that up, I'll just extend a word of thanks here to Kiley for jumping in. Karson was unable, or unavailable to do this presentation today, so thank you very much, Kiley for being able to do it for us.

#### **PDT/FMAT REPORT**

MS. Kiley DANCY: Yes, absolutely. The Fishery Management Action Team, or FMAT met on April 14, to provide recommendations to the Council and Board on the scope of this action, including some broad categories of alternatives to potentially include. They discussed some example approaches informed by scoping comments that you all just reviewed from Dustin, so the full FMAT summary is also included in your briefing materials.

A few general comments to start. The FMAT briefly discussed a legal case regarding a 2015 reallocation in the Gulf of Mexico for red snapper, and in 2017 a court determined that this reallocation was inconsistent with Magnuson National Standard 4, for fairness and equity, based on the justification provided in the amendment.

That is just a reminder that we need to think through thorough justifications for all of our alternatives, and evaluate all the alternatives for consistency with National Standard 4. The FMAT also agreed that alternatives for both catch and landings-based allocations should be developed. We have a little bit of this discussion for bluefish, but it's a little bit of a different situation with these fisheries.

The pros and cons of each of these approaches should be further explored. Scup currently has a catch-based allocation, meaning that both landings and dead discards are included in the allocation in the FMP, whereas summer flounder and black sea bass just have landings-based allocations.

The percentages in the FMP only apply to the landings portion of the total ABC, and the thinking with catch-based allocations is that if discards are included directly in the allocation, there may be a greater

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incentive for each sector to reduce discards to increase their total allowable landings. The FMAT noted both of those should be further explored at this stage, potentially as sub-alternatives under each allocation approach.

This is an overview of the broad categories of alternatives that the FMAT discussed that I'll cover in this presentation, some of which have multiple possible sub-approaches under them, so in the interest of time I'm not going to read these. But I'll go into details on each of these in the next few slides.

The first category is no action, no changes to the existing allocations. The FMAT discussed that as the Council and Board have discussed a few times the revised MRIP estimates have resulted in much higher recreational catch estimates than those that were used to develop the existing allocations.

That is one of the reasons the Council and Board initiated this action, and keeping status quo allocation percentages does not necessarily mean that management measures for each sector will be able to be kept status quo, particularly for the recreational sector. We are now using the revised MRIP estimates in our recreational management, and because allocations have remained the same, the recreational catch limits that came out of the new assessments, incorporating the new data. They did not all increase to the degree that would have been needed to kind of cover that increase in the recreational estimates. Depending on the species, no changes to the current allocation could lead to large reductions needed in the recreational fishery, even for species like scup that based on the old data, were previously determined to be under harvested.

This is the issue that was discussed back in December, when black sea bass and scup were facing large recreational reductions. However, the Council and Board decided to keep things status quo for 2020, due to this Amendment

being developed, and while this was possible for 2020, it might not be possible for 2021 and beyond.

The second approach, the FMAT walked through a few different approaches that fall under a broader category of revised allocation percentages based on revised data or different time series, and I'll explain each of these sub approaches on the following slides. The first option for modified percentage allocations is keeping the existing base years, and updating it with revised catch and landings data for the commercial and recreational fisheries.

The FMAT noted that there is lack of reliable discard estimates in some of the earlier base years, particularly for summer flounder and black sea bass where the base years go back earlier. We might not be able to develop catch-based allocations for those species using the existing base years. We also do plan to look into the reliability of discard estimates over the time series and back into the early years.

Updating the existing base years with new data would shift 5 percent of the summer flounder allocations to the recreational fishery, 13 percent to the recreational fishery for scup, and 4 percent of the black sea bass allocation to the recreational fishery, if all of those species stayed within their current either catch or landings-based allocation.

Depending on the species, this might not prevent the need for near term restrictions to the recreational measures, particularly for a species like black sea bass. The FMAT also acknowledge some scoping comments that noted that the fisheries were very different in the 1980s and 1990s, and did support, considering the ways that the fisheries changed over the years since these allocation base years.

The yellow text that I'm going to highlight in kind of each of these slides is sort of the summary of the FMAT recommendation for keeping or removing each approach. The summary for this approach is if the FMAT recommends keeping this for further development. The second idea for modified allocation percentages includes updating the base years to use more recent years. For example, the last 5, 10, or 15

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years of catch or landings, and these examples were suggested in scoping.

The FMAT noted that these changes would be a fairly substantial shifts in allocation for these species, which may or may not be politically feasible, and in addition using recent years to define allocations is a little bit confounded by the fact that these were all years when we had the existing allocations in place, and the fisheries were theoretically constrained by the current allocations. But the FMAT also noted that the commercial fisheries have been generally closer to their allocation in each of these years than the recreational fishery, which as we know the recreational fishery performance is more difficult to control, and relative to their recreational limits has been more variable, depending on the species with some species having consistent overages, and some having overages and underages. The FMAT also discussed that using recent years for allocation should be evaluated for bias towards the recreational sector, as was suggested during scoping.

That is partly related to that issue of the difficulty in constraining the recreational fishery for some species in recent years. But ultimately the FMAT felt that this approach should be kept for now for further development at this stage. Another approach suggested during scoping was developing revised base years using the five years following the rebuilt declaration for each species.

As was the approach just described, the FMAT noted that these would be fairly substantial shifts in allocation, and we have some similar issues to the previous approach that it relies on base years when the fisheries had those allocations, and were theoretically constrained. Then the FMAT also noted in addition the outcomes of this approach don't really seem to be that much different than using just the recent year's approach to stuff in the last slide.

One issue particular to black sea bass is that the FMAT noted, and a public comment noted that for black sea bass during these post rebuilt years after 2010, these may not be appropriate base years for black sea bass, given that catch limits at the time did not reflect biomass, and there was no accepted assessment during those years. Recreational overages during this time period occurred as the result of high availability, and then the commercial fishery was constrained by quotas that in retrospect were artificially low.

The FMAT considered removing this option due to some of these factors, particularly the fact that it was so close to the previous approach, but noted that it might be worth further exploring this idea, and exploring variations on it, such as using a combination of high and low availability years, and it might be beneficial to map out the trends in biomass for each species over the various resulting time periods and pre and post rebuilding time periods for each species.

Recommended keeping it for further development for now. Using socioeconomic information was also suggested as a basis for allocations. The FMAT discussed that the Council has an ongoing contract for a project for summer flounder, which aims to determine which allocations would maximize marginal benefits to the commercial and recreational sectors, and this analysis is currently being updated with revised MRIP data.

Those results are expected sometime this summer. This type of evaluation is not available currently for black sea bass or scup, so we would have to find different approaches for a socioeconomic analysis for these species. One FMAT member noted that we could possibly use the Northeast Fisheries Science Center input/output model for the commercial fishery, to evaluate socioeconomic impacts.

Then a member of the FMAT was going to check in with the social sciences branch, to see what information may be available for the recreational sector, and how those could be used in combination to develop alternatives. We're going to plan to further explore this. The FMAT recommended keeping this approach for further evaluation for now. Another concept suggested during scoping is

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allocating in numbers of fish instead of pounds. The FMAT noted this could in theory produce different allocation percentages, but it's not clear to the FMAT how this approach would work, in terms of its methodology, and what the implications would be.

Because our overall biomass estimates and catch limits are in weight of fish, it's not really clear to the FMAT how an allocation in numbers of fish would work, and whether it would actually have any management advantages over the current method of allocating in pounds. At some point in the specification setting process, if we did allocate in numbers of fish, we would have to have that conversion from pounds to numbers, which could introduce some additional uncertainty in our specifications process.

FMAT members also noted that using numbers of fish is currently used by the Technical Committee in development of recreational measures, and if there are benefits at other points in the process managers could consider whether relying more on estimates in numbers of fish may be beneficial elsewhere, but the FMAT didn't really feel it was appropriate to keep in the allocation options for this Amendment, and recommended removing it from consideration at this time.

The third category of approaches discussed is an approach that would attempt, this is a little bit complicated so bear with me, but the approach that would attempt to maintain approximately status quo harvest by sector from the most recent year, prior to the last assessment updates, where the MRIP information was incorporated into this assessment.

Assessments incorporating the revised MRIP data were conducted in 2018 for summer flounder, and 2019 for scup and sea bass. Revised catch limits based on those assessments were implemented in the following years. The idea behind this alternative is

basically you would look at landings by sector prior to the catch limit revisions, and see what allocations would be necessary to keep these landings approximately status quo.

It would use 2018 and 2019 information as a basis, but would revise the percentage allocated to each sector in the FMP. It would revise that percentage going forward, and as such it would not guarantee status quo landings by sector in the long term. Staff looked into whether this is even possible.

Based on our preliminary analysis we found that it would be possible for summer flounder, and close but not quite for scup and sea bass. We would need some additional manipulation of different options for scup and sea bass. As a reminder, when the catch limits were revised based on the most recent assessment updates, it did include increases for summer flounder and black sea bass of about 50 percent or more.

However, the recreational sector was not able to liberalize, due to that transition to the higher MRIP estimates, now that we're fully using those new MRIP estimates. For scup the ABC actually decreased overall with the new assessment. However, since the commercial scup sector has under harvested since 2007 that allowed a little bit more flexibility in making this option almost work for scup. In discussing this option, the FMAT indicated that preliminary calculated percentages would represent a substantial modification to the allocations for all three of these species, and may not be feasible in the long term. However, this could have some potential as a short-term approach.

The FMAT considered that this might not be viable, but did support further development prior to the next joint meeting, to see whether it could be refined into something that could work, either as a short or a long-term approach. The fourth concept is recreational sector separation. Starting with first the idea of full sector separation, which would include separate allocations and accountability for the private angler and the for-hire recreational sectors.

As discussed in many scoping comments, the FMAT recognized that there are potential, there are

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different datasets that we can look at for private recreational and for-hire data, including the VTR data. But the FMAT also acknowledged that some stakeholders may not support sector separation if only the MRIP data is used in these calculations.

But for-hire VTR data does have a couple of issues we need to consider, including that it only provides catch in numbers of fish and not weight, and that in addition VTRs aren't required for some state vessels, so some data may be missing when looking at VTR data. The FMAT also wanted to highlight for the Council and Board that under Magnuson, any separate allocations of catch to the for-hire sector as either a separate ACL or a separate sub-ACL, would require the development of separate accountability measures.

Perhaps there is something that we could do on more of a target basis rather than a limit basis, and maybe that wouldn't be required then, but any separate ACL allocation would require separate accountability measures to be developed for each sector. Overall, the FMAT recommended keeping this approach for further development.

Then another option for recreational sector separation is separate management measures, which is already used in a limited manner in this FMP in state waters. The FMAT did recommend that if it's going to be used consistently going forward, it would be beneficial to develop a transparent policy on how these measures should be developed, and how each sector should be kept accountable, and how measures should be adjusted.

Again, the FMAT noted the same concern with stakeholder buy-in if using primarily MRIP data. Then the FMAT's recommendation at this time is to keep this for further development, but it is worth noting that in follow up conversations we have confirmed that this approach isn't something that necessarily needs to be taken up for an amendment, it can be done through a

framework or addendum, or possibly through specifications, depending on the measures considered.

This is something we could consider moving to a separate action at some point if desired. The fifth approach discussed by the FMAT is a proposal submitted during scoping by a group of six recreational organizations, and this can be found in the Scoping Summary Document on Page 146. The idea behind this proposal is that allocation would not be defined as a set percentage of the total catch, but instead at a level of access, defined by management measures. Recreational allocation would be defined as a specific combination of bag, size, and season likely variable by state, with some kind of ideal level of recreational access when the stock biomass is high. As the stock biomass declines measures would get more restrictive in a step-wise fashion. Then the commercial allocation would similarly be determined based on a generally agreed upon preferred quota levels, after considering various market factors, and then quotas would decrease as biomass declines relative to the target.

This is the basic overview of the idea, but there are more nuanced details in the proposal. On this approach the FMAT acknowledged that this is a creative way to look at setting measures, but the FMAT was not sure at this point that the proposal was really directly related to the allocations between commercial and recreational fisheries, at least as it is currently described.

As it is currently described, it seems to be a little bit more relevant to the recreational measures setting process, and might be more appropriate for a separate action, such as the ongoing recreational reform initiative. One really important issue that the FMAT highlighted was it doesn't seem like this approach as described would be necessarily feasible under the current Magnuson requirements for catch limits and accountability measures.

Because it's unlikely that we can sort of redefine allocation as a set of management measures, unless that set of management measures is associated with a projected level of catch. Magnuson requires catch

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limits in pounds of fish. We would need to do quite a bit of analysis to determine what the projected catch is associated with different combinations of measures.

As we know from our recreational measures process, catch can vary under the same measures from year to year, so this could be really uncertain and kind of complicated. The FMAT ultimately supports further exploration of the concept at this stage, but noted that they do have reservations with the approach, and noted that we do need additional thought into this to determine whether it can be made more directly applicable to commercial/recreational allocation, and whether it's feasible under our existing legal requirements.

The sixth issue was recreational accountability alternatives. Although this concept was raised frequently during scoping, there were not a lot of specific suggestions of how to improve recreational accountability, except for the general ideas of more frequent overage paybacks, and bringing back in-season closures.

The FMAT discussed that these two items would largely be a reversal of policies that were adopted in recent years to address issues with the uncertainty and the timeliness of the recreational data, and specifically a reversal of some of the actions taken through the Council's 2013 Omnibus Recreational Accountability Amendment.

The FMAT stated that there could be ways to incorporate aspects of accountability into some of our allocation alternatives we develop in this action, but these sort of major changes to the accountability measures, including in-season measures and paybacks. That would potentially be a broader scope, and would potentially delay the development of this action. The seventh issue is Recreational Catch Accounting. Examples of improved recreational catch accounting suggested through scoping, things like mandatory private angler reporting, mandatory tournament reporting, VTRs for all

state for-hire vessels, reinstating did not fish reports on recreational VTR requirements. Some of these ideas could theoretically reduce the uncertainties in recreational data, but this is a big ask in some of these elements. They do have tradeoffs associated with increasing the reporting burden on a very large number of private anglers, and also tradeoffs with enforceability and compliance challenges.

The FMAT noted that we do need to think about what is realistic within the scope of this action, if the Council and Board want to keep this to their intended timeline and action purpose. The FMAT recommended that potentially more minor changes to recreational catch accounting could be considered for further development. But overall, the FMAT believes that major initiatives to modify the entire system of catch accounting are beyond the scope of this action, as the FMAT understands it, and could substantially delay the amendment timeline.

The eighth approach discussed was development of dynamic allocation approaches, and consideration of options for future revisions. Things like moving average approaches, trigger mechanisms and allowing for allocations to be changed through a framework or addendum process, rather than through an amendment.

Regarding a trigger approach that would allocate catch in a certain manner up to a specified ABC level, and allocate differently above that specified ABC trigger. This could help address the issue that it is more difficult to constrain the recreational fishery in times of high availability, and the FMAT recommended further exploring this issue for the next meeting.

In discussing the issue of future modifications to allocations, the FMAT noted that frameworks and addenda are more expedient processes, but this comes at the expense of reduced public input opportunities, so managers could also consider allowing modifications through frameworks or addenda possibly only for temporary adjustments, if desired.

Then the FMAT also noted that we can always have the option of doing an amendment instead of a

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framework or addendum if you so choose, and allowing for frameworks and addenda could potentially be a useful tool in the toolbox for more minor changes. Overall, they were supportive of leaving this option in for further development. Then finally, the last issue was allocation transfers and set-asides. Again, this is something that the ideas in here are a little bit more vague, and there were not a lot of specifics suggested during scoping.

The FMAT discussed that allowing transfers between sectors, which is not currently in place in this FMP, could reduce the chances of under harvesting by some sectors, and supported keeping this issue for at least taking a further look at. Then another idea suggested during scoping was to allow one sector to buy allocations from another sector, specifically the for-hire and commercial sectors being able to buy quota from each other. The FMAT noted that there is currently not the infrastructure to manage this type of system.

There would be a lot of complications with this approach, and they did not recommend further development of this idea. Another option discussed was set-asides, or allowing allocation to be set aside, basically during the specifications process with a to-be-determined process for how it would be used as needed later in the year by one of those sectors. In addition to not really being fully clear on how this would work, the FMAT noted some potential equity concerns with this approach, as it could be that this is more likely to be used by the recreational fisheries, which are not generally as easily held to their limit. It's also not clear how this would work in practice, but the FMAT recommended keeping the concept for further development.

This is an area where we would sort of welcome some suggestions on how such a system might work. That's it for specific approaches. A few other considerations to note for this amendment in general. First, there is a tradeoff with this action between the quantity and

complexity of alternatives that we can consider, and the plan amendment timeline.

Staff and the FMAT have thought very hard about this timeline. That is outlined in our current action plan in the briefing materials, and this was given the need for a fast track amendment, as indicated by the Council and Board to address some of the pressing implications of the MRIP revisions.

The current timeline has approval of a range of alternatives this August, approval of a public hearing document in December, and an expected implementation date of January 1, 2022. The current number and complexity of the approaches contained in the list we just covered, proposes challenges for meeting this timeline.

I will say that the FMAT recommendations were more focused on the concepts themselves rather than on the timeline issues. I just want to remind folks that you know the earlier the Council and Board can narrow the range of approaches to be considered, the more thoroughly we will be able to consider the remaining options to address the amendment objective.

Then related to that point there are some issues on a list as I mentioned that could be addressed through separate processes, if the Council and Board still want to pursue them. Another point discussed by staff following the FMAT call was that we recognize that not all of these approaches would necessarily work for all species.

As we refine these ideas, we do expect species specific approaches to emerge if the Council and Board are supportive of organizing the alternatives that way. Then finally while the FMAT didn't explicitly discuss this, staff had some discussions about how phase-in approaches could be developed if there are more major changes to allocations if necessary.

Coming back to the main decision points, the objective for the Council and Board is to define the scope of the action and recommend broad categories of alternatives for further development, or removal from this action. Based on that feedback, after today the

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FMAT will begin developing more specific draft alternatives for consideration at the joint June meeting, which has recently been moved to a webinar.

On the following few slides, for discussion I do have tables that are similar to the summary table in the FMAT meeting report, which kind of highlight the main ideas in the FMAT recommendations. We can kind of keep these three slides with all nine issues to walk through as we move through this discussion. That is it, for the presentation that I have at this time, and happy to take questions, thank you.

**PROVIDE GUIDANCE TO THE PDT/FMAT ON  
SUMMER FLOUNDER, SCUP, AND BLACK SEA  
BASS COMMERCIAL/RECREATIONAL  
ALLOCATION DRAFT AMENDMENT**

CHAIRMAN NOWALSKY: All right thank you very much to staff for presenting that. Lots of information here. The process we're going to follow is we'll next open it up to Council and the Board for questions specific to the public hearing, the AP report, or the FMAT. We will then pull up these slides that have these nine categories on them.

We'll ask the question for each of the nine categories. If there is a desire to remove it, in most cases we have a summary of the FMAT recommendation in front of us. It will be my hope that we can do those by consent. Anything that we do not remove today would be left in, and would come back to this joint body in June for some more discussion.

I think there was a lot of discussion during the bluefish call on some of the topics. That there were questions about whether those items would ultimately be part of the final range of alternatives, and ultimately a public hearing document. But there was support for leaving some things in.

There may be similar level of concern about certain items, but a willingness to leave them in

to give them some time for some additional development. With that we've got an hour and 20 minutes to go through these, so let's start with any questions that are specific about the public hearing process, the AP summary or what we've heard from the FMAT, knowing that we're going to come to each one of these topics for some more discussion.

All right, so it looks like everybody wants to get right to the discussion here without substantive questions. That is a tip of the hat to staff for doing a great job presenting things here. Certainly, as each topic comes up, if there is a specific question to ask, we can do that. Let's start going through these then.

The first item here is a no action, status quo. That needs to remain in the document, so there is no discussion to be had here. Kiley, Dustin, would it be your preference here to tackle a category in its entirety, or do you want to focus on one approach at a time? What is going to be easier for the two of you to respond?

MS. DANCY: I would say that some of these are more closely related than others. I think looking at Category 2, the first three are more related. They are basically changing the data of the base years, and then the socioeconomic, and numbers in pounds are a little bit different concept. Maybe we could group the first three together.

CHAIRMAN NOWALSKY: Okay, so we'll start with the first, go ahead.

MS. DANCY: Then for other issues, things like sector separation I think can be discussed together, and I think that's it.

CHAIRMAN NOWALSKY: Okay, well we'll start with the first couple here then as the large approach. We've got the category here, revised percentages based on different data or time series. As a result of the public hearings, there were five different approaches that were drafted. The FMAT recommendation is to keep four in for further development, and remove one from further consideration. I would open it up to the Board and the Council for discussion on this. Again, it is my hope

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that we can do these by consent, with consent being to do things according to the FMAT recommendation. If not, make a case for something otherwise. Two people I've got with hands up so far are Eric Reid and Emerson Hasbrouck. I'll just ask that when you go ahead and start speaking, please put your hand down and remember to unmute yourself. Go ahead, Eric.

MR. ERIC REID: Well, I'm glad you had the desire to get right to work, but I have a question. If you look at the public comments, 98 people supported some modification to allocation. But 81 people have strong concerns about MRIP. My concern is addressing the 81 comments in this entire action.

At what point do we have the discussion about honoring the public's comments, the 81 comments about the data collection system and other issues with the recreational fishery as a whole? I don't know if we have that discussion before we go through all these alternatives or after, but we have to have that conversation in order to honor the public's comments.

You know we have some serious issues that have been identified by the public, of course we know most of them already. But I'm very concerned that we're going to move ahead with all these options, without addressing the shortfalls in the recreational fishery as a whole. I would like to know your timeline on that Mr. Chairman, thank you.

CHAIRMAN NOWALSKY: Well, I don't think the timeline belongs to me, Eric. I think the timeline belongs to the Council and the Board here. These are options that have been brought forward. Most all have some reliance on recreational catch data, largely generated by MRIP or its predecessor, with some consideration of VTR data.

I would bring it back to the Council and the Board here with regards to how you want to address these things, or as staff has said is there

a specific need to bring forth another option that addresses that concern? There is at least one option in these range of categories that offers a different approach. Perhaps there would be support for that in your consideration. But I think ultimately, we've had many, many, hours of discussion about the merits of MRIP and its use.

Now it's the opportunity for the Board and the Council to pick which options they want to use moving forward on that. I don't want to get into a long discussion about the merits of MRIP, because we've been through that. It comes down to, which of these options do you think use MRIP the best and which don't? That is the recommendation I think that is most suitable moving forward. Next, I had Emerson Hasbrouck, then Justin Davis.

MR. EMERSON C. HASBROUCK: Yes, I'm sorry I didn't raise this before when you asked if there were any questions for Dustin and Kiley, but I was trying to get my thoughts together with such an extensive presentation. I do have a couple of questions, and in a way they're somewhat related to what Eric just raised.

On the public comments, all right if I'm looking at Table 3 under public comments. There were the 47 percent of the total comments on the topic for support allocation changes versus support no allocation changes for status quo, 47 percent supported allocation changes, 23 percent did not.

That adds up to 70 percent. I'm wondering what happens to the other 30 percent of respondents for this category? I'm wondering, so that is Question 1A, Question 1B is, only 47 percent of the people in public comment thought that we even needed to go forward with this amendment. That raises a concern on my part about the effort and energy we're expending on this. Then I also have a question about the AP summary. I'll wait until my first two sub-questions are answered, and then I'll go on to the AP.

MR. COLSON LEANING: I can take on the first.

CHAIRMAN NOWALSKY: Go ahead, Dustin. My guess is the answer is going to be similar to the question I had asked on bluefish. My guess is that 47 percent of



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the responses supported allocation, 23 percent didn't, and the other 30 percent were silent on that question is my guess. But Dustin, if you've got a different answer please go ahead.

MR. COLSON LEANING: Right, so the percent that is displayed there is what percent of people who commented shared that opinion. Out of like all comments received on any of the topics, if that makes any sense. It's not like 100 percent, there is some zero sum game between supporting and not supporting that specific allocation change or status quo, it's all the percentages displayed, and all the tables are just what percent of all comments received voiced that opinion.

CHAIRMAN NOWALSKY: The answer Emerson is the other 30 percent didn't chime in on that topic. With regards to moving forward with this, we know that for the 2020 fishing year our 2019 harvest on at least two of the recreational species were significantly above what our 2020 RHL was.

The Commission and Council made what was ultimately a compelling argument that supported, in conjunction with stock status, and other questions about the MRIP revisions and how it affected the stock assessment, and the fact that we had this document initiated. Those were the main arguments that supported status quo measures for 2020.

If these bodies do not move forward with this, then we're going to have a discussion about what we do with 2021 later in the year. Well we're going to have that discussion anyway, but that would be the concern for later in the year. Obviously when we initiated this document no one that I know foresaw what we're dealing with right now with reduced effort, reduced harvest.

That was not part of the discussion. That just injects a totally other part of the discussion here, but that would be the rationale for moving forward. If these bodies choose not to

move forward with it, I think the Service would certainly have a position on it. It might not be too kind to angling communities. Mike Luisi, you've got your hand up. Do you want to add something as Council Chair with regards to this action?

MR. MICHAEL LUISI: If I may.

MR. HASBROUCK: I had a second question, Adam, if you could come back to me. When I first asked my question, I said I had another, so before we lose it.

CHAIRMAN NOWALSKY: Yes. I wanted to address those first two issues you brought up for us. Let me see if Mike has any feedback here. We'll come back to you. I've still got Justin, and then hopefully we can get back to discussing what is in this document here. Mike.

MR. LUISI: Yes thanks, Adam. I just wanted to Emerson's point. I think one of the things that was lacking in the public hearings, the one that I attended in Maryland, was what happens as a result of doing nothing? I don't think that it was made clear to the audience, you know the consequences of doing nothing. There was a lot of comment. I know specifically from the hearing that I attended in Maryland, where you know folks said oh just kind of leave things alone, just kind of let it be.

But there was no real discussion about what those consequences would be, as far as changes. You know the implications of no action; I'm looking at the screen now and seeing the slide. I want to put it on record that that may not have been discussed, at least it wasn't discussed at the hearing that I attended. It may not have been as pronounced as what it should have been, you know as far as getting feedback.

CHAIRMAN NOWALSKY: Emerson, you said you had a second question.

MR. HASBROUCK: Yes, I do, about the AP. Before I ask that in reference to what Mike was just saying. We're going to have to address 2021 anyhow, because this Amendment is not going to be ready for what we have to do for 2021, so we're going to have to have that discussion anyhow. My question on the AP

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meeting was, and I listened in on that webinar for the AP meeting.

Other than a general displeasure with MRIP, and I know Mr. Chairman you said you don't want to get into a discussion about MRIP, and I'm fine with that. But on that AP meeting, other than a general displeasure with MRIP, I didn't get a strong sense that anybody really wanted to do much of anything with reallocation. That is my question relative to AP.

CHAIRMAN NOWALSKY: I'll turn to staff for a characterization of what your thinking is what the takeaway by staff was about the desire of the public on action on this document.

MR. COLSON LEANING: I can agree with Emerson that there seemed to be, the majority of comments were discontent with how MRIP is managed, and the implications for management and how we set recreational measures and so on. It was challenging to pull out recommendations from the AP that differed from displeasure with MRIP. However, there were some comments here and there that were helpful and on par with developing analysis forward. I don't know if Kiley wants to expand upon that.

MS. DANCY: I don't if that's okay (fuzzy)

CHAIRMAN NOWALSKY: Okay. Again, the categories that we're trying to get to here for discussion did come from the scoping public hearing process. That is where these came from. They may not have been the majority of comments, but they came out of the process, and that is why we're trying to get to discuss them today. Again, we're trying to get to specifics on the categories here. Hopefully once we get discussion going on the first one, we can keep that going. I've got Justin Davis and then Tom Fote, and again if we can have discussion on the categories that would be helpful, and if staff could put the slide back up on what Number 2 was that would be helpful. Justin.

DR. JUSTIN DAVIS: I will start really quickly by just noting that I couldn't agree with Eric Reid more that we absolutely need to acknowledge the widespread, sort of lack of faith in the MRIP estimates, and that I think poses a real sort of crisis for this action generally. I think what the public is looking for from us as managers is to move beyond just sort of acknowledgement of that widespread misgiving.

Some positive action towards either validating MRIP estimates, providing some corroboration of those, or moving towards approaches for management that don't rely on the MRIP data. To bring it back to this slide 2.4. I'm intrigued by the possibility of coming up with an allocation scheme that is based on socioeconomic analyses, and that maybe moves us away from reliance on the MRIP data.

But a question to staff. You know it says here explore possible data sources. I'm just wondering, how feasible is this? I mean are there ideas about what data sources we would use? Are there models for approaches out there that have been used previously in other fisheries by other management bodies?

I think this is an intriguing idea, but given the big slate of stuff that is proposed right now, if this is something that is likely not going to bear fruit, I would maybe think about removing it. As much as I would like to see us explore something that doesn't rely on MRIP.

MS. DANCY: Yes, I can speak to that. I think this is something we're really going to have to further explore. I don't think we know right now, or the FMAT hasn't really gotten into in-depth discussions about what would be available, with the exception of that summer flounder model that we contracted, which the Council and Board saw the results of back in 2016.

But it was using the old MRIP data. We're updating that with the revised MRIP data. That is going to potentially be informative for summer flounder, but for scup and sea bass I'm not sure exactly what we're going to be able to accomplish with this evaluation in the timespan of this Amendment.

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But we certainly want to explore what data sources we have available, and what other regions have done. This could potentially be something that you know if we know that we could do something along these lines, but it's going to take a while. Potentially this could be used as more of a long-term approach, with something else in place prior to that and put that into a separate process.

CHAIRMAN NOWALSKY: Next up I've got Tom Fote and then John Clark.

MR. THOMAS P. FOTE: Just a simple question. Since I missed the February meeting. I'm trying to wrap my head around the fact that we were down by 24 percent in recreational participation last year, but we were over on black sea bass and scup, even with a 24 percent reduction in recreational participation? It makes me think about MRIP even more. Is that what I'm hearing?

CHAIRMAN NOWALSKY: I think the slide with the implications of no action were accurate with regards to reflecting what MRIP offered for 2019 harvest, relative to 2020 RHLs, Tom.

MR. FOTE: Okay that is all I wanted to know.

CHAIRMAN NOWALSKY: Whether we agree or disagree with them is a totally different issue, but that reflects what was generated by MRIP.

MR. FOTE: I just couldn't imagine those figures with what I knew about the 2019 season, but now I understand it's on MRIP. Thank you.

CHAIRMAN NOWALSKY: All right, John Clark.

MR. JOHN CLARK: I agree with the recommendation from the FMAT to remove 2.5. But my question had to do with the other options. Some of them as the report pointed out, will result in pretty large changes in allocations. The FMAT document mentioned that National Standard 4 case with the red snapper fishery in the Gulf.

The little bit of reading I did on that made it seem like it was a very extreme example for reallocation. But I was just wondering if there is any guidance that had come out of that that would lead us to know whether some of these reallocations would be something that could be challenged in court, or it's fairness in the eye of the beholder, and any reallocation could be challenged?

CHAIRMAN NOWALSKY: I fully expect that if we leave something in, John, when we next see this in June that would be part of the consideration, and we may get a different recommendation in June than what we have before us right now. I'll turn to staff if they have a different opinion of what the next step would be, but that is what I believe how this would move forward.

MS. DANCY: Yes, I think we will, as we further develop some of these ideas we were definitely working with, with GARFO and Legal Counsel on issues like that and making sure this is consistent with National Standards. We ultimately have to demonstrate that anything the Council chooses is consistent with all of our national standards.

We will definitely work on exploring that. In looking at the implications of that case, I think there may have been some fishery specific issues associated with the red snapper fishery, and the history of recreational overages and things like that. We'll have to explore kind of the applicability of certain elements of that case to these fisheries.

CHAIRMAN NOWALSKY: All right, so where we're at is we've got one recommendation for keeping this in as offered, 2.1, 2.2, 2.3, 2.4. One concurrence with removal of 2.5, and a question mark about whether we should leave 2.4 in. Continued discussion and consent towards one of those positions is helpful. Eric Reid, you've got your hand back up again.

MR. REID: Regarding 2.4, the report we got back in 2016, of course it found that the allocation split that we were at the time was fine. I don't think that was exactly what they said, but that is what they said. But in that analysis, one of the things that's included on the recreational sector is willingness to pay. That was not included in the commercial sector.

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I just want to know if that updated analysis that we're going to get in June is going to revisit the willingness to pay of the commercial sector in the fishery. That will make some changes where the conversions point of the two sectors will change substantially, at least in my mind. But if it is not included then I think that the analysis that we're going to get is going to be flawed. That is one of the flaws. I want to know if they are going to include willingness to pay on the commercial sector in their re-write.

CHAIRMAN NOWALSKY: Well I think the answer to that Eric, is that given the advice we put forward today that is what they're looking for, recommendations of what we want them to look at. I believe it is your recommendation to have them look at it, it would be so noted, and if they could they would do so based on that recommendation. Would that be a fair read from staff?

MS. DANCY: We're talking specifically about the Council contract for summer flounder, I mean they are well underway in making those updates to it, and they are basically using the same methodology that they used in the 2016 report, just updated with additional data for both the recreational and commercial fishery.

But my understanding is that the willingness to pay element is included for the recreational fishery, because that is the data that we have for the recreational fishery, and there are other you know more concrete, economic metrics for the commercial fishery. If willingness to pay was not included for the commercial fishery in the first round, it would not be in this round.

CHAIRMAN NOWALSKY: Eric, do you have any follow up to that?

MR. REID: Well I think it absolutely should be included, but if they're going to use the same data that they used in the first one, I actually am looking forward to that because Rhode Island's share of black sea bass in that paper was 51 percent. I guess I could trade off

willingness to pay for the commercial sector for that 51 percent Rhode Island has for black sea bass.

CHAIRMAN NOWALSKY: Next up I've got the Regional Administrator, Mike Pentony.

REGIONAL ADMINISTRATOR MICHAEL PENTONY: I just wanted to weigh in briefly on the issue of Option 2.5. I understand the FMATs recommendation to remove this at this time. I think I understand why. I think I support the idea that it could be very difficult to be setting ABCs and making allocation decisions based on numbers rather than pounds. But I'm going to recommend that we keep it in, just so that we have the opportunity to talk about an idea that I've been thinking about, where we manage the recreational fishery via numbers of fish rather than pounds. In other words, once we've made the allocation between the commercial and the recreational fishery, however we end up doing that. We would manage the recreational ACL, ACT, RHL, in terms of numbers of fish.

Particularly for determining whether AMs are triggered, you know that may not inherently depend on 2.5, but I think the opportunity to have that discussion about how that might work, how that might stem off of how we do the allocation approach, would benefit from leaving this option in, at least for now.

CHAIRMAN NOWALSKY: There is a nod towards leaving that option in. Joe Cimino.

MR. JOE CIMINO: Thanks Mr. Chair, and I want to thank staff as well. I sat through the AP and the FMAT calls, and I did not envy anyone putting this together, and Kiley did a great job presenting. Then I just wanted to raise my hand quickly to just support what Mike just said.

CHAIRMAN NOWALSKY: All right again, appreciate the comments with guidance towards keeping things in or taking them out. Tom Fote, got your hand up gain, hopefully to the point of what to keep in versus take out, and Mike you've still got your hand up also. Let's go with Tom Fote here next if he's got something additional.

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MR. FOTE: Yes, I agree with Mike. The reason I'm agreeing with Mike on this is the fact that because we're raising the size limit. What it means to the recreational community is success on a trip. When they go out and catch 30 fish and basically have to throw them all back, because they haven't caught a keeper. They come home really upset.

When we basically look at the catch figures and we look at the pounds of fish, and I've done this a couple of times, analyze when we were back in the '80s and '90s even, we were looking at 1.3 pounds, 1.2 pounds for an average size summer flounder going home when we got 14 inches. When we started going big, fattest, we started getting less and less fish and bigger fish.

Really, we're having less success among the anglers, a few people are going home with big fish. That means a lot of people are disappointed, and that is the frustration you hear when you go out to public hearings is that they're not taking home fish to eat. Unlike striped bass, which is a catch and release fishery, the way the fish is promulgated.

Summer flounder was never a catch and release fishery, it's catch and eat, and that is the frustration here. Anything we can do to get to the point where we can at least give a better success rate than we have per trip, then less than like, I think it's down to 0.8 fish per trip. That would be helpful in alleviating some of the concerns of the recreational sector.

MS. DANCY: Kind of a response to these questions, whenever it is appropriate, Adam.

CHAIRMAN NOWALSKY: No, go ahead, Kiley.

MS. DANCY: I understand that idea of keeping that to explore managing the recreational fishery in numbers of fish, and to a certain extent we already do develop recreational measures in numbers of fish on the Commission's technical side, when we come up with state measures.

But, I guess I'm just not clear on what to take back to the FMAT, in terms of how exactly that is connected to the allocation in numbers of pounds. I don't really see the need to necessarily keep this in this action that is specific to commercial/recreational allocation, in order to apply management in numbers of fish to the recreational fishery, if that makes sense.

CHAIRMAN NOWALSKY: Well I'm going to look what would usually be to my right and say, Mike Pentony, if you could go ahead and chime in on that that would be great. Go ahead, Mike.

REGIONAL ADMINISTRATOR PENTONY: Yes, I understand Kiley's point that there are obviously ways to look at this. I guess I was thinking a little bit more broadly that if 2.5 stays in there then it kind of provides a vector, or a basis for the FMAT and the AP to have a conversation about the allocation to the recreational sector being in numbers of fish, rather than in pounds.

Now, I recognize that that creates, it looks like a chicken and the egg problem, in terms of how you get that allocation in numbers if you're starting with pounds, and allocating the commercial fishery pounds. But that nuance. That trick of trying to get there is why I think leaving this in for now provides an avenue for us to have that conversation, and to kind of delve into that issue, and try to come up with some solutions, to see if those would be workable.

CHAIRMAN NOWALSKY: Kiley, is that helpful?

MS. DANCY: Yes, I think so. I don't necessarily know if that needs to go through an amendment, because I think we could take it just saying either recreational ACLs or RHLs and convert them to numbers. But you know perhaps it does, perhaps it needs a little bit of further discussion by the FMAT. Yes, I guess that helps things.

CHAIRMAN NOWALSKY: What I see would occur over the next six weeks prior to the June meeting is, and we're going to come up to a number of other ideas that the FMAT has already identified as, may not be appropriate in this Amendment. What I would hope could happen, if we choose as a body to leave those

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in, is that there could be some more refined suggestion from the FMAT leading to June what the alternative venue for that item would be.

This may fall into that category whereby, you do a little bit more work with it, you tell us, we did some more work, here is what we recommend is the appropriate venue if you choose not to pursue it in the Allocation Amendment. That's what I perceive is the benefit as deciding to leave things in over the next six weeks.

Where I am at, is there anyone from the Board or Council at this point that wants to speak in opposition to leaving all five of these items in? I haven't heard much debate regarding 2.1, 2.2, and 2.3, anyone having a difference of opinion about leaving those in. With regards to 2.4, I haven't heard anybody speak against it. There have been some questions in it, and we've had three speakers in a row that spoke in favor of leaving 2.5 in. Is there anyone right now that wants to speak against any one of these remaining in until we hear back in June? All right, I'm not seeing any hands raised. The consensus from the Board and the Council is to leave these five items in, again, for the FMAT to continue to look at with coming back to us with some more development in June, or some alternative venue that they would propose for it.

All right let's go on to the next slide, Category 3. Allocations to maintain status quo harvest by sector. No sub approaches identified at this point. The FMAT recommendation is to keep for further development. Recommendation from the Board and Council about any opposition to keeping this in for further development. Seeing no opposition or additional discussion, we'll leave this in for further development.

Next item, Category 4, Recreational Sector Separation. We heard comments that broke this down into two separate approaches, one that would provide allocations for-hire versus private. Second, which would break it down

just with separate management measures. I think this group had, well we had substantial discussion about this topic this morning and into the afternoon on bluefish.

I expect a lot of the discussion would be similar. The FMAT recommendation is to keep both in for right now. Let me hear from anyone who wants to speak on these topics, and or oppose the recommendation of the FMAT or looking at these for further development. Tom Fote and then Tony DiLernia.

MR. FOTE: I have no problem. Even though I don't support sector separation, I never have. I thought we always should stay in the same. Recreational is recreational. I have no problem keeping this out to go out and get what the public wants to do on this. I think it needs further research, and I think it's good to bring this out to the public, regardless of my feelings on it.

CHAIRMAN NOWALSKY: Tony DiLernia.

MR. ANTHONY DILERNIA: Yes, I would leave it in, for many of the reasons that I stated this morning. Also, let's remind ourselves. If you hang onto a serious sector separation program, you're going to have a limited access program for the for-hire fleet. You're going to have to increase the number of permits. Is the public or the for-hire community prepared for that? Let's leave it in. Let's have the discussion, and let's see where it goes.

CHAIRMAN NOWALSKY: Chris Batsavage.

MR. CHRIS BATSAVAGE: I might have missed it in the presentation, but think back to when we discussed this for bluefish. Separate management measures for for-hire versus private sector, I think could be done through specifications. Does that need to be part of the Amendment in order for that to occur for summer flounder, scup, and black sea bass?

CHAIRMAN NOWALSKY: I'll turn to staff for any specific directives they would need from the Board and Council for further development, based on what we've done in the past or believe we can do presently.

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MS. DANCY: I don't know that the federal FMP necessarily directly speaks to this. We have done separate management measures by mode for some of the state measures for scup, and I believe black sea bass. We can do some of this through specifications.

I did mention in that presentation that the FMAT recommends that if this is going to be used on a broader scale consistently that we have some kind of transparent policy, for figuring out how to modify the sector-specific management measures from year to year, and how to keep each sector sort of accountable for their own kind of target, or something like that.

While the FMAT did recommend kind of developing a more comprehensive policy for this, it doesn't necessarily need to be in an amendment, it could be done either through a framework or addendum, or possibly specifications, depending on what degree of changes were made.

MR. COLSON LEANING: If I could just tack on. It seems like this has been a broader conversation across management boards, both coming up in tautog, potential implications for striped bass and bluefish as well. Perhaps it would be pertinent to look at it at a bigger scale rather than this particular amendment issue.

CHAIRMAN NOWALSKY: Yes, and it is an issue at the Commission level, where they've taken it up and now have a working group that would look at this on a broader scale. Joe Cimino.

MR. CIMINO: But isn't this I guess a question of you know whether or not they have separate targets, so an RHL and something else as a possibility, and that is different than some of the other options we're talking about?

MS. DANCY: I think as defined right now, really just specific to it is just regarding separate management measures. I think the way that you do that could be done it a couple different ways. I think you could have sub-targets of the

RHL or something like that. That again would probably be something that we would want to clearly define in some kind of policy.

I think that would be probably appropriate for a framework addendum. You would have to have further discussions on exactly what that would mean. But I don't think it necessarily, unless we're implementing separate allocations with separate ACLs or sub-ACLs. I don't think it necessarily requires an amendment.

MS. KERNS: Kiley, this is Toni.

CHAIRMAN NOWALSKY: Go ahead, Toni.

MS. KERNS: I was under the impression from one of the comments that someone is looking for a separate allocation, as in a quota. I don't know if it has to be an ACL or not.

MS. DANCY: Yes, and that was kind of the idea behind this approach 4.1, Separate Allocations, meaning there is a specified percent or something in the FMP that says the for-hire sector gets this, and the private recreational sector gets this. That I believe would need an amendment. We do recommend keeping that for further development. But if it is just the idea of developing separate management measures, we are sort of already doing that to a degree, and probably wouldn't rise to the level of an amendment.

CHAIRMAN NOWALSKY: Was my characterization earlier Kiley that choosing to leave something in today could ultimately, between now and June, the FMAT would just clearly define what the alternative management document then you would be. If they don't feel it is appropriate in this Amendment, write separate measures. Is that fair?

MS. DANCY: Yes, I think that is fair. For things that are left in we can further elaborate on them and talk about how to approach each of them, including through separate action.

CHAIRMAN NOWALSKY: Okay, great. Again, by leaving it in you might have a different answer come June, whether it's in here. But choosing to leave it in today gives the FMAT the opportunity to help define

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that. It looks like we went backwards on one of the slides here. Joe and Toni, I've still got your hands up.

I'm not sure if you still wanted to speak. If you did, leave it up. Okay, Joe and Toni are both back down. I'll go once more to Tom Fote, since I don't see any other hands up, and then at that point if anybody wants to speak in opposition to leaving these in, please do so. Otherwise, we'll move on to the next items. Tom Fote.

MR. FOTE: Yes, most of the sector separations were done by states. They allocated in state waters, or they basically put the rules and regulations in. When you did this on bluefish coastwide, you forced New Jersey to do something it had not wanted to do before, and put us without any regard, where it didn't go through our New Jersey Marine Fisheries Council, or any of that process. This is why I think we need to basically really hash this out, because you force something that maybe New Jersey did not want.

But New Jersey had to implement, because this was coastwide on bluefish that had never been done before. When we had it on black sea bass and scup, it was basically done by some of the New England states, because that is the way they wanted it, and some of the southern states, because they have sector separations in their states, other states do not. If you're going to oppose it on the coastwide, then we really need to go through and figure out how we are going to do it to be transparent, and fair and equitable.

CHAIRMAN NOWALSKY: All right I'm not seeing any hands in opposition to leaving these in. That brings us down to the next one, this harvest control rule-based approach. During public comment there was a lot of discussion about a hope to see something different. This was one approach that was put forward by some groups that proposed something different.

I'll just take a little bit of liberty as Chair, and offering in full disclosure that this has been something that I've been working with the group that submitted this proposal on. I think it's fair to characterize as the words up here clearly say, needs additional evaluation to determine whether it addresses purpose. I think that conversation was very well brought out at the FMAT level. Ultimately the FMAT decided it was worthy of keeping in development at this time, with the idea they could look at it a little bit more in the coming weeks. If they ultimately decided it wasn't appropriate could provide a different venue. The recommendation from the FMAT is to leave it in right now. Is there anyone that wants to speak in opposition to that recommendation or offer further discussion on this item? I've got Justin Davis, all right, Justin.

DR. DAVIS: I'll just mention really quick, going back to the comment I made earlier in the meeting about the widespread concerns we heard about MRIP. I think that this approach, while I sort of agree it might be a little bit of a stretch to say that it directly addresses what we envisioned as the original purpose of the amendment.

I think this does speak to the concerns we've heard from the public about the instability in the MRIP estimates, and that this approach would move us away from managing strictly using MRIP, and would hopefully provide a little bit more stability for regulations year to year. I think it's an intriguing idea, and I would like to see it explored further, so I'm just speaking in support of leaving it in.

CHAIRMAN NOWALSKY: It is so much easier to remember putting your hand down in public, when you're sitting around the table with it up in the air. You click the mouse and you forget about it here. All right, does anyone else want to speak on this item? Mike Luisi.

MR. LUISI: I've been having audio issues. I just want to go on record to say that I fully support the continued efforts in developing this idea. It's the out of the box thinking that I think we all need to spend some time, you know understanding. It doesn't sound like there is any opposition, but if there is any I would



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suggest holding off at this point, letting this develop further so we can learn from what the FMAT has to say about this idea.

CHAIRMAN NOWALSKY: Hopefully audio troubles are the least of all our troubles today. Joe Cimino.

MR. CIMINO: I'm sorry to jump in again. But just to the concept of whether or not this could work within the restrictions of Magnuson right now. I fully support this. I'm glad it's staying in, and hopefully down the line someday we can figure out a way that works. But I would like some exploration, maybe the FMAT can't do it. But at some level between the Council and NMFS staff, to try and explore how this could even be implemented within our current restrictions of limits.

CHAIRMAN NOWALSKY: Not seeing any other hands up, let's go on to the next item, Recreational Accountability Alternatives. This has a little bit of information about it under the approach column. I believe that would be because staff believes this may have multiple approaches, but just not sure what they all might look like right now. Let me just go back to staff, if they could clarify a little bit more what the FMAT recommendation is, because it is not entirely clear to me on this slide what the recommendation is before us.

MS. DANCY: Sure. I think the FMAT was a little confused on the recommendation for this, because there weren't a lot of specifics suggested in scoping about how to improve recreational accountability, you know as related to the allocation alternatives, with the exception of the idea of more frequent overage paybacks or in-season closure. The FMAT wasn't sure that that would be something that Council and Board would really want to pursue, as it gets away from a lot of the policies that the Council and Board have considered over the last few years. I guess the FMAT recommendation is if we are going to sort of pursue this in a way that is not an upheaval of our current

accountability measures, we need a little bit more guidance on how to incorporate accountability into these alternatives.

CHAIRMAN NOWALSKY: Okay great. That helps clear it up. Where we are with this is that if we want to include this here, then we need to provide some specifics to the FMAT on how to move forward. Tom Fote, I saw your hand up first.

MR. FOTE: I have a real problem with this. Unlike the commercial quotas, we basically know how many fish you can land, where you basically catch those fish landed. We basically shut the fishery down, and that is the end of the season. What the recreational community relies on NMFS and the Councils and the Commission to put rules in place that keeps us within our quota.

This is not because we're poaching, this is not because we're doing anything illegal. We're basically following the rules that was pointed out by the Commission and the Council and the National Marine Fisheries Service to stay within our quota. Now because you make a bad estimate of what the numbers are, or that you go and reevaluate the MRIP figures, and make all these miles that we basically caught more than we were supposed to catch.

Not through any fault of the recreational community, not because any of the anglers did this purposefully, or the party and charterboat, you are now going to penalize us for following the rules and regulations that you've put in place. Now I don't know how we explain that to the public.

You can't explain it to me, because if we do our job right and set the proper bag limit, size limit, the season to keep you within your quota, and then we're doing it wrong, because we're underestimating what is out there, or underestimating what the public is doing. Then it is our fault not the public's fault, and how do we make them penalized because we make bad decisions based on the best available data that we have?

CHAIRMAN NOWALSKY: What we need for this is if we're going to leave this in, we need to offer specific

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direction. Dustin, Kiley, if you don't get specific direction on what to look at here, would that essentially be removal of this item, or would the FMAT do anything else still on it if you didn't get specific direction today?

MS. DANCY: I guess one of the things we could do is develop options for more frequent overage paybacks, or in-season closure. I mean again, this would be kind of going back to the discussions that the Council and Board have had in recent years, and particularly that Council's 2015 Amendment on Recreational Accountability Measures.

Essentially, we would be drafting alternatives that might be a reversal of some of those policies. That is really the only thing I think I can think of at this point that we would go forward with, if we don't get any additional ideas. I'm not sure if Dustin or any other staff have any other thoughts on that.

MR. COLSON LEANING: I think that is spot on, Kiley, seeing as we received not too much input on how a new recreational accountability alternative should look like. All we could look at what we have in existence, which is frequent overage paybacks or in-season closures, which would be a reversal of the 2015 Amendment.

MS. DANCY: Just another follow-up on that. The reason why those changes were made was related to data concerns with MRIP, and the timeliness of MRIP data and the uncertainty around MRIP data, and those changes were made to address those concerns. None of those circumstances around those data issues have really changed.

CHAIRMAN NOWALSKY: Okay so we've got three paths forward, one is explicit direction to remove this item. Path two is silence, which would endorse the FMAT continuing to look at this item with frequent overage paybacks or in-season closure as two approaches for development, or three, for Board and Council to

provide other ways to look at this. I've got three hands up so far. We've got Nichola Meserve followed by Eric Reid, and then Emerson Hasbrouck. We'll go to Nichola first.

MS. NICHOLA MESERVE: I was raising my hand to try to help move it along, and recommend removal of this issue from the Amendment. I don't think we want to go back to in-season closures, which had widely disparate effects on the states along the coast. I believe we have the accountability measures that we need.

It's at the Board and Council's discretion at times as to how we apply them. Perhaps at times we could do that better. Maybe this is a reminder of that, the amount of public comment that we received on this issue. I would rather the FMAT focus its time on further developing something like a harvest control rule, as opposed to this.

CHAIRMAN NOWALSKY: Eric Reid.

MR. REID: Yes, I want to leave it in. I'm fumbling with some advice. Back to Tom Fote's question. The commercial sector. That is a limited number of participants. The recreational sector, through no fault of their own, is an open-access fishery. It can go up in number of participants, can increase or decrease in any given year. How do you analyze the number of participants in any given year in the recreational fishery?

Do you look at saltwater fishing licenses? I know in Rhode Island the first-year saltwater fishing licenses we had 20,000 licenses. The second year we were well into the 30,000 range. You know you've got a lag in data, but you have some idea of what effort is going to be, in which case you have to set your catch advice based on your anticipated number of entrants in that fishery. It makes it really complicated, and it probably doesn't make it any more screwed up than MRIP, but it is a way forward. I have no desire to see this come out of this document.

CHAIRMAN NOWALSKY: We've got one out, one in so far. Emerson Hasbrouck.

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MR. HASBROUCK: I think we need to keep this in. We don't know what options we're going to end up with in the end of this process. We may have to have some accountability alternatives in there, depending on the different options that we end up with in the other categories. I think we need to keep it in.

In terms of recommendations, I'm not sure if I have any recommendations right now, other than perhaps, how can we have accountability measures within some of the constraints that we already have? How do we do that other than in-season closures, or how do we build accountability measures going forward?

I don't know the answer to either of those. Also, I mean an option here could be yes, we're going to have accountability measures that kick in the following year, but if we don't exceed the ABC or the ACL then we don't need to worry about it. I think there are things that the FMAT can flesh out here for us.

CHAIRMAN NOWALSKY: To that point, Emerson. We are not without accountability measures for the recreational side. As mandated by Magnuson, there are accountability measures. They are now tied to stock status. They've been refined in the last decade to remove some of the items that were deemed no to have been working as well.

It's not that we are without accountability measures right now. This is an option that would potentially look at putting additional ones back in, and one or more of the items up here on the screen would actually be a reversal of what we've done before. But to be clear, we're not without accountability measures. We've got a number of additional hands here. I've got Dewey Hemilright, Kate Wilke, Joe Cimino, next. Dewey, you're up next.

MR. DEWEY HEMILRIGHT: On this particular issue, I would be in favor of leaving it in there. In the constituents that I heard from, if it was status quo for the allocation that we presently

have, we have enough accountability measures maybe in place, but if it was to change for the future, and the allocations were to be given more fish to the recreational industry, there might be something in the future of a way of more accountability than what we already have. I don't know what the makeup of that would be, but that was something I would be in favor of leaving it in there.

CHAIRMAN NOWALSKY: Kate Wilke.

MS. KATE WILKE: I agree with what Emerson and Dewey were just saying. I think that we need to keep this piece in right now, and depending on what comes out of further analysis of the different options, you know we might need to talk more about accountability, and how do we build better accountability measures going forward.

Measures that might make more sense, I think it was Tom Fote who was talking about how you know recreational fishermen stick to harvest limits and bag limits that the Council sets forth, and then still are dinged for going over limits. I appreciate that and understand it, and hope that maybe we can find something better going forward.

CHAIRMAN NOWALSKY: Joe Cimino.

MR. CIMINO: In general, I supported Nichola's comments. I would really like for the FMAT to be working on other things. But knowing that there is an option in here that 78 percent of the black sea bass would be allocated to the recreational fishery. I don't think we could not have some explanation of accountability alternatives, and think that we can still manage an ABC, so I say leave it in.

CHAIRMAN NOWALSKY: I've still got two hands up, Tom Fote and Emerson. I'm not sure if they were left up or if they want to speak. Do you have something additional to talk about on this topic that hasn't already been discussed? I'll ask Tom Fote first. I see Emerson put his hand down. Do you have anything new to add on this, Tom?

MR. FOTE: Well the first question I asked you today, because I hadn't been at the February meeting that

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even with recreational trips down 24 percent last year, we were such high numbers on black sea bass and scup above, and you said well that is what the numbers showed. Now if you asked me in 2018 when we set the regulations on 2019, I would have said well, if I knew they were down by 24 percent there is no way in hell we were going over.

The same way I said in 2012, because of Sandy that we weren't going to go over 2,013 on summer flounder. For some reason that is beyond my comprehension, we actually caught more fish in April and May in 2012 than we did the year before, with half the marinas closed, with no boats fishing anything else, and the answer I got from the MRIP people at that time. They go, well you must have better fishermen out there, which was no answer at all, they just laughed.

That is when I basically worry about when you talk about accountability. We should be accountable for what we do, but we should have some control about what we do also. Since we have no control, we have to listen to the states, to the Councils, to the Commission, to NMFS on how we basically fish. What are we supposed to do? That is my problem with this. We should be accountable, but we don't basically have any control over what we do, because you set the size limit, bag limit, season, and we just have to follow your direction.

CHAIRMAN NOWALSKY: All right, so we've heard a number of comments. I would characterize the discussion so far as we've heard more comments in favor of leaving them in, in terms of people that have spoken. I think I've heard from people that have suggested we should take this out. One of their reasons for wanting to take it out is for focus on other items.

If the directive was to leave this in, but give the FMAT some discretion on where to prioritize this item, based on what they've heard so far today. What would the comfort level of the

Board and Council be with that? If we left today, we're going to leave this here, but we're going to give the FMAT some leeway with how to prioritize it as they move forward. I'm not seeing an objection to that. Do you want to speak, Nichola or not?

MS. MESERVE: Sure Adam, thanks. I was just going to say as someone that recommended removing it. I don't oppose to this new approach that you suggested. Thank you.

CHAIRMAN NOWALSKY: Emerson, do you want to talk to that specific point?

MR. HASBROUCK: Yes, thank you Mr. Chairman. I'm not clear in terms of what your suggestion really means. Does that mean as the FMAT gets into the workload here they kind of leave this toward the end, and then if they still have time to look at it, if they run out of time, they won't look at it? I'm not comfortable with that. I want to keep this in as an action item for them to work on.

MS. DANCY: This is Kiley, I have a suggestion on the approach.

CHAIRMAN NOWALSKY: Go ahead, Kiley.

MS. DANCY: I think that I mentioned it would be helpful for the FMAT to have more guidance on what this means, but kind of lacking that at this meeting. But hearing that folks want it to be further explored. I think we can go into our next FMAT meeting and have the FMAT describe our existing accountability measures, and revisit some of the decisions that have been made recently on those, and describe why they were made and maybe brainstorm a little bit of ways that we could incorporate accountability into this action, without necessarily.

We may not be able to develop concrete draft alternatives, but we can provide a little bit more guidance to the Council and Board on what we're looking at here, what the problem is, what decisions have been made recently in the past, and what kind of specific guidance we would need to move forward with alternatives, so we can kind of prepare that for the June meeting, if that makes sense.

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CHAIRMAN NOWALSKY: Emerson, would that address your concern?

MR. HASBROUCK: Sorry Mr. Chairman, I'm doing two things at once here. I couldn't get my microphone turned back on. I think that is a good way to move forward, and we'll see where this leads.

CHAIRMAN NOWALSKY: All right, so the direction to the FMAT would be to just go ahead and clearly say what exists right now, what has been done in the past, and brainstorm if there is any bridge between those two, and they bring that information back to us. All right, any additional discussion, and thank you very much for having good discussion on that and bringing that forward.

All right let's jump on to the next slide here. Again, just let me reset. We're trying to wrap this up here in the next ten minutes. With what's up on the screen here we've got everything is labeled as for further development, with one recommendation to remove from consideration. Again, that is the guidance you want to provide here.

The first topic, recreational catch accounting alternative, keep for further development is the FMAT recommendation. Major modifications to current catch accounting systems may be likely beyond the intended scope of this action. Does anyone want to speak on this item? Is there anyone that wants to speak in opposition to keeping this in the document? Eric, your hand is up in opposition to keeping this in the document?

MR. REID: Yes, I think I'm a little bit out of turn, Adam. I was going to address 9.3.

CHAIRMAN NOWALSKY: Okay, we'll come back to you. Does staff have any specific questions they want Council or Board to respond to on this, or given that there is no objection to

keeping it in, does staff feel there is enough meat here for the FMAT presently?

MR. COLSON LEANING: I think Adam, some direction on what approach should be taken would be helpful, at least in terms of prioritizing what different considerations there are. There are a number of approaches there in that second column, so identifying which ones should be considered for further FMAT analysis could be helpful.

CHAIRMAN NOWALSKY: Okay, so let's try to get some direction on one of the approaches in Column 2 are people most interested in prioritizing? Chris Batsavage.

MR. BATSAVAGE: Maybe not so much prioritizing, instead of maybe narrowing down. But looking at Category 7, Tournament Reporting. I guess I would like to hear from Kiley and Dustin on what kind of bang for our buck are we going to get from Tournament Reporting in the grand scheme of things? Are you thinking about all the fish harvested recreationally? What kind of information will that gain, compared to the other approaches that you have listed under Number 7?

MS. DANCY: The Tournament Reporting is a concern we heard in the scoping process from a couple folks regarding concern that there are tournaments, I think in particular for summer flounder that are catching a lot of fish that is going unaccounted for somehow. I think there was a request to further explore that and provide alternatives to require mandatory reporting for all tournament catch.

CHAIRMAN NOWALSKY: Chris, based on that answer does that help you help us with a direction, whether that is something you're definitely interested in?

MR. BATSAVAGE: I guess I wouldn't mind maybe hearing more from the FMAT on that. That is just my opinion. It's probably a little low priority, yes just kind of knowing how many black sea bass, scup, and summer flounder are harvested in coastwide recreationally, you know compared to the tournaments. I would like to hear more about what

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we'll gain from that in terms of better managing the recreational fishery. Yes, I'll just leave it at that.

CHAIRMAN NOWALSKY: Tom Fote.

MR. FOTE: To that point. Years ago, Bill Hogarth was at Jersey Coast when he was the head of NMFS, and we started talking about that we were going to survey everybody in our boat nets in our tournament, and that was when we had 1,000 boats. Basically, we did. We surveyed what the bycatch was, how many fish they landed, how many they released, what was the size of the fish, where they caught dogfish, where they caught everything else. We put all that data together, and Dr. Eleanor Bochenek basically helped us, and the first year we spent \$40,000 putting that information together. NMFS actually helped pay for half of it, we gave them the data. Basically, we continued to do that for four years, since Eleanor volunteered here time to do that. But nobody ever used the data.

I mean we put all that information together, and it sat on people's desk. We supplied them with the disc, we kept on doing it on our own for years. The problem here is when we do things like that you need to use the data if we're going to put it together, but it was a lot of time and effort by the community to do that.

Now where the fluke totals are all disaster. We went from 1,000 boats, and last year we had 160 boats in the tournament. Most of what I could tell you is most of the boats had probably 30-1 ratio about catch and release. There is information there if you want to use it, and I think most tournaments would basically give you the information freely. But if we do that and go through all the trouble of making that available, we really want it used.

Bill Hogarth is the reason for doing that. He wanted to see it in all species, whether tournaments make a difference in how people fish during that period of time. Do they fish differently than they would on a normal day?

That was the pretense back then to doing it all. I just figured I would offer you, because we did it. We did it for about ten years and then we stopped doing it, because nobody used the information.

CHAIRMAN NOWALSKY: Dustin, Kiley, I don't have any other hands up, so where are you with this issue without any further guidance from the Board and Council?

MS. CAITLIN STARKS: Adam, this is Caitlin. Staff has been chatting off of the webinar, but I can chime in a little bit in answering Chris Batsavage's question about trying to think about these issues. I just want to note first that at the FMAT meeting when this was discussed, these came up in the scoping comments from the public, so these were not put forward by the FMAT.

The FMAT did definitely bring up concerns that these are not directly related to allocation, but they could go along with some allocation changes, if that is the desire of the Board and Council. But like it was noted in the presentation, they could definitely be addressed through other actions, and if the draft did this action, they might extend our timeline.

What we are looking for is Board and Council feedback on are any of these issues under recreational catch accounting, you know something that you very much want us to focus on for this amendment, or are there things here that we could remove and think about looking at through other processes or actions?

CHAIRMAN NOWALSKY: In the absence of further Board and Council direction, Caitlin, I think what I would offer the FMAT is to bring back to us in June which of these would in fact impact the timeline. You know, just bring back to us, here are the approaches. We weren't given much more direction. We think we could bring us your recommendation on this range of approaches, and a definitive word on what it would do to the timeline. In the absence of additional guidance from the Board and Council, I think is that a reasonable request from the FMAT without additional guidance?

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MS. STARKS: Yes, I think that is reasonable, and Kiley or Dustin feel free to add. We can definitely think a little bit more about the timeline, and how all of these things added together will impact that.

MS. DANCY: Yes, I agree we can provide a little bit of additional information about what exploring each of these would mean, in the context of this Amendment.

CHAIRMAN NOWALSKY: During the conversation earlier today on bluefish, it was offered that if people from the Board and Council have specific ideas about these moving forward, this conversation doesn't have to end when we disconnect here. The scope of what the approach is are laid out, they've been presented to the Board and the Council in a transparent manner to the public. If you have feedback on these approaches, please go ahead and pass those along.

The next item we've got Dynamic Allocation Approach, and Options for Future Revisions. These are three different approaches offered here. The recommendation from the FMAT is to keep all three approaches in here, and open the floor for discussion specific to if there is a request to remove any of these, as well as input from staff about is there specific questions you need us to answer today.

MS. DANCY: Regarding the Dynamic Allocation Approaches, I think you know we would, I'm not sure that we need any specific guidance, other than confirming that we should be using the FMAT recommendation for withdrawal. (fuzzed out)

CHAIRMAN NOWALSKY: Okay, I'm not seeing any objection. Last call from the Council and Board for removing any of these from further development. Okay that brings us down to Item 9, Allocation Transfers and Set-Asides. One is left with a recommendation, keep for further development, one is recommended for removal.

The third one is to keep for further development with some concerns about how it might affect sectors differently. Input from Board and Council on these FMAT regulations. Eric, I had you up. You had raised your hand before about it, so I'll go to you first, and then I've got Joe Cimino next.

MR. REID: Thank you Mr. Chairman for remembering me. As far as 9.2, I agree that that should come out, 9.3 I do not think that should be left in for further development. I don't see the benefit of that. I think there is no equity there at all. I would just as soon put all the fish out on the table right at the beginning.

I would say remove 9.3, and as far as 9.1 goes, I'm really not sure what that looks like. Maybe that would be a reason enough for me to keep it for further development, but I'm very leery of 9.1, so I'll leave it up to my fellow Council and Commissioners to chime in on that. But I think 9.3 should come out.

CHAIRMAN NOWALSKY: Joe Cimino.

MR. CIMINO: You're doing a great job here today. I support keeping 9.1 in. I think the possibility of annual allowance of transfers may be a very useful tool. For 9.2 I would definitely support FMAT recommendation of getting that out of there, 9.3 I have some concerns about, but if it goes back to some possibility of the recreational accountability, I agree again with the FMAT. Keep it in for further development. I have the same concerns they have.

CHAIRMAN NOWALSKY: We've got, keep 9.1 in, remove 9.2 and 9.3 so far. Tom Fote.

MR. FOTE: Yes, I would keep 9.1 in. I would take out 9.2 and I would take out 9.3.

CHAIRMAN NOWALSKY: Okay, another vote for 9.1 in, remove 9.2, 9.3. Nichola Meserve.

MS. MESERVE: My question is to staff about 9.3, and how that differs from management uncertainty that is included in the specification setting process.

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MS. DANCY: My understanding is that so management uncertainty is done on a sector-specific basis that comes off the sector-specific annual catch limit, to set an annual catch target for each sector. My understanding of the way that set-asides were proposed is that it's taken off of the total catch limits and set aside to be used by one or both sectors later in the year, depending on which sector needs it, given certain circumstances. I believe that is the way it was kind of described, and this is again an idea where we don't have a ton of guidance on what exactly it means, but that is my understanding.

MS. MESERVE: With that I follow up, Mr. Chair. Based on that description, you could include me in the vote to remove it from the document, thank you.

CHAIRMAN NOWALSKY: All right, does anyone want to speak in favor of keeping 9.2 or 9.3 in the document? Okay seeing no new hands, except Nichola's hand go up, the recommendation will be then to keep 9.1 in, and remove 9.2 and 9.3. With that have we gone through all of the categories for recommendations about what to keep in for further development? That would be the question to staff.

MS. DANCY: Yes.

CHAIRMAN NOWALSKY: Let me do this. Let me go out to the public at this point. Does anyone from the public want to specifically speak towards Board and Council's recommendations to keeping something in or come out of the document, please raise your hands, give you the opportunity to speak in favor of keeping something in or taking it out.

Specifically, I would request if you have a comment that opposes one of the recommended actions that we've had here today. I'm not seeing anyone from the public that wants to speak on that. With that I believe we've completed this agenda item, and staff

would then take this information back to the FMAT, and then we would move forward at the joint meeting. Again, if there is anyone who has input on some of the approaches here that they would like to pass along, I think now that we have discussed this here jointly. If there are things they want to pass along directly regarding the approaches, as we did with the bluefish this morning, it would be appropriate to reach out to staff for that. Staff, I'll just ask, anything else to come before us on this topic, or have we addressed this agenda item? Okay.

### **PUBLIC COMMENT**

CHAIRMAN NOWALSKY: All right, the next item on our agenda is any other business to come before the Board today. I think we're still connected. It looks like the presentation just got closed. Do we still have connection, everybody?

MS. DANCY: Yes, I just stopped it here on my screen.

CHAIRMAN NOWALSKY: Okay great. I've got one hand up here that I didn't see, Ray Bogan. Is your comment, Ray going back to what we did.

MR. RAY BOGAN: I just unmuted myself.

CHAIRMAN NOWALSKY: Yes, is your comment going back to the Allocation Amendment, or is your comment on Other Business?

MR. BOGAN: Yes, I think it is. Let me express the issue and then you can tell me whether I'm within the confines. The issue that I wanted to raise was the Accountability Measure in particular. I just wanted to go on record, I'm sorry.

CHAIRMAN NOWALSKY: Go ahead, Ray.

MR. BOGAN: Okay thank you. I wanted to go on record as supporting what Tom was saying earlier, and that is that all of you are aware of the severe challenges that have been presented by the data collection system that have been utilized for many years. I won't reiterate those, the turmoil they've caused and the severe damage to people's livelihoods.

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But what I will also mention is that that is the challenge with any accountability measure, to the extent that is in any way tied in to the uncertainty of MRIP. What many of us recognize, and are certain of unfortunately, and we've unfortunately been proven true on this many times, is that the data from MRIP will eventually be corrected, edited, scrubbed, whatever it may be.

In the meantime, our livelihoods will have been impacted by the preliminary and often incorrect data from MRIP. In that regard when it comes to accountability measures, I would respectfully suggest that in order for a body to implement accountability measures, it is incumbent upon them, it is my opinion, to have the appropriate means by which to hold someone to account.

At the present time you do not have an appropriate or accurate enough means by which to do so. I just want to go on record as saying respectfully, I heard Dewey's comments and others, and I understand them completely in theory, I just don't agree in practice, because of the challenges associated with the data collection process and the havoc that they have wreaked over the years.

#### **ADJOURNMENT**

CHAIRMAN NOWALSKY: Thank you Ray for joining us today. All right, so is there any other business to come before the Board today? Okay seeing none, is there any public comment for any issues that were not on our agenda today? All right, seeing and hearing nothing to that end, and having completed the agenda as it was approved, this meeting stands adjourned. Thank you so much everyone.

(Whereupon the meeting adjourned at 4:28  
p.m. on May 6, 2020)

Draft Document for Board Review. Not for Public comment.

***Atlantic States Marine Fisheries Commission***

**DRAFT ADDENDUM XXXIII TO THE SUMMER FLOUNDER, SCUP, BLACK  
SEA BASS FISHERY MANAGEMENT PLAN FOR  
PUBLIC COMMENT**

***Black Sea Bass Commercial Management***



This draft document was developed for Management Board review and discussion. This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.



**Sustainable and Cooperative Management of Atlantic Coastal Fisheries**

**Draft Document for Board Review. Not for Public comment.**

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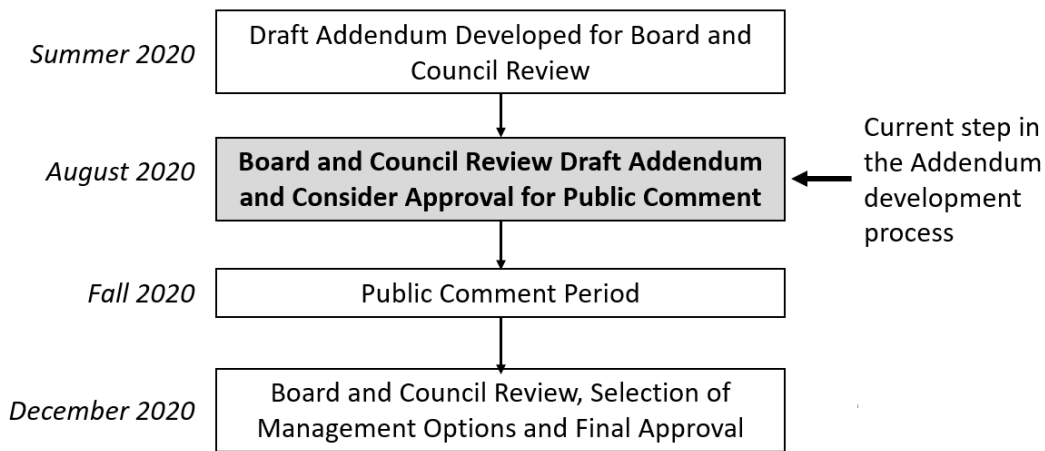
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### Public Comment Process and Proposed Timeline

In October 2019, the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) initiated development of Draft Addendum XXXIII to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The Draft Addendum considers modifications to the black sea bass commercial state allocations. In December 2019, the Mid-Atlantic Fishery Management Council (Council) initiated a complementary amendment to make this a joint action between the Board and Council. The amendment would consider including the state specific commercial allocations in the Council FMP. This document presents background on black sea bass commercial management; the addendum process and expected timeline; and the problem statement. It also provides a range of management options for public consideration and comment.



The public is encouraged to submit comments regarding this document at any time during the public comment period. The final date comments will be accepted is [DATE], 2020 at 11:59 p.m. Comments may be submitted at state public hearings or by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

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### 1.0 Introduction

Draft Addendum XXXIII proposes alternative approaches for allocating the coastwide black sea bass commercial quota among the states<sup>1</sup>. On October 9, 2019, the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motion:

*Move to initiate an addendum to consider adjustments to the commercial black sea bass allocations consistent with the goal statement and options developed by the Board.*

In December 2019, the Council initiated a complementary amendment to make this a joint action between the Board and Council and consider including the state specific commercial allocations in the Council FMP. This joint action has two goals:

- To consider adjusting the current commercial black sea bass allocations using current distribution and abundance of black sea bass as one of several adjustment factors to achieve more balanced access to the resource. These adjustment factors will be identified as the development process moves forward.
- To consider whether the state allocations should continue to be managed only under the Commission's FMP or whether they should be managed under both the Commission and Council FMPs<sup>2</sup>.

The management unit for black sea bass in US waters is the western Atlantic Ocean from Cape Hatteras, North Carolina northward to the US-Canadian border. The black sea bass fisheries are managed cooperatively by the states through the Commission in state waters (0-3 miles), and through the Mid-Atlantic Fishery Management Council (Council) and NOAA Fisheries in federal waters (3-200 miles).

The Council and Commission are both responsible for implementing the annual coastwide commercial quota, but only the Commission is responsible for managing the state by state allocation of the coastwide quota. The current state quota allocations were established in 2003 through Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP, and extended indefinitely through Addendum XIX (2007).

This draft addendum is proposed under the adaptive management procedures of Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass FMP.

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<sup>1</sup> The Commission and Council are also in the process of developing a joint Amendment for Summer Flounder, Scup and Black Sea Bass to consider modifications to the commercial and recreational sectors allocation. A change to the overall allocation to the commercial sector could impact the amount of quota available to the states, but would not impact the state allocations of the commercial quota. Information on Commercial/Recreational Allocation Amendment can be found at <http://www.mafmc.org/actions/sfsbsb-allocation-amendment>.

<sup>2</sup> In this document it is noted that the Board **and** Council could choose between proposed management options to modify the black sea bass state commercial allocations. However, if the two management bodies elect not to include the black sea bass state commercial allocations in the Council's FMP, only the Board would select the management program.

## 2.0 Overview

### 2.1 Statement of Problem

State allocations of the commercial black sea bass coastwide quota were originally implemented in 2003 as part of Amendment 13, loosely based on historical landings from 1980-2001. The state shares in Amendment 13 allocated 67% of the coast-wide commercial quota among the states of New Jersey through North Carolina (North of Cape Hatteras) and 33% among the states of New York through Maine. These state commercial allocations have been unchanged for 17 years.

Over the last decade, the distribution of the black sea bass stock has changed, abundance and biomass have increased significantly, and there have been corresponding changes in fishing effort and behavior. According to the most recent black sea bass stock assessment, which modeled fish north and south of Hudson Canyon separately, the majority of the stock occurred in the southern region prior to the mid-2000s (NEFSC 2019). Since then the biomass in the northern region has grown considerably. Although the amount of biomass in the southern region has not declined in recent years, the northern region currently accounts for the majority of spawning stock biomass (Figure 1). This shift in black sea biomass distribution has also been supported by peer reviewed scientific research (e.g., Bell et al., 2015).

In some cases, expansion of the black sea bass stock into areas with historically minimal fishing effort has created significant disparities between state allocations and current abundance and resource availability. The most noteworthy example is Connecticut, which has experienced significant increases in black sea bass abundance and fishery availability in Long Island Sound in recent years but is only allocated 1% of the coastwide commercial quota (this allocation was based loosely on landings from 1980-2001).

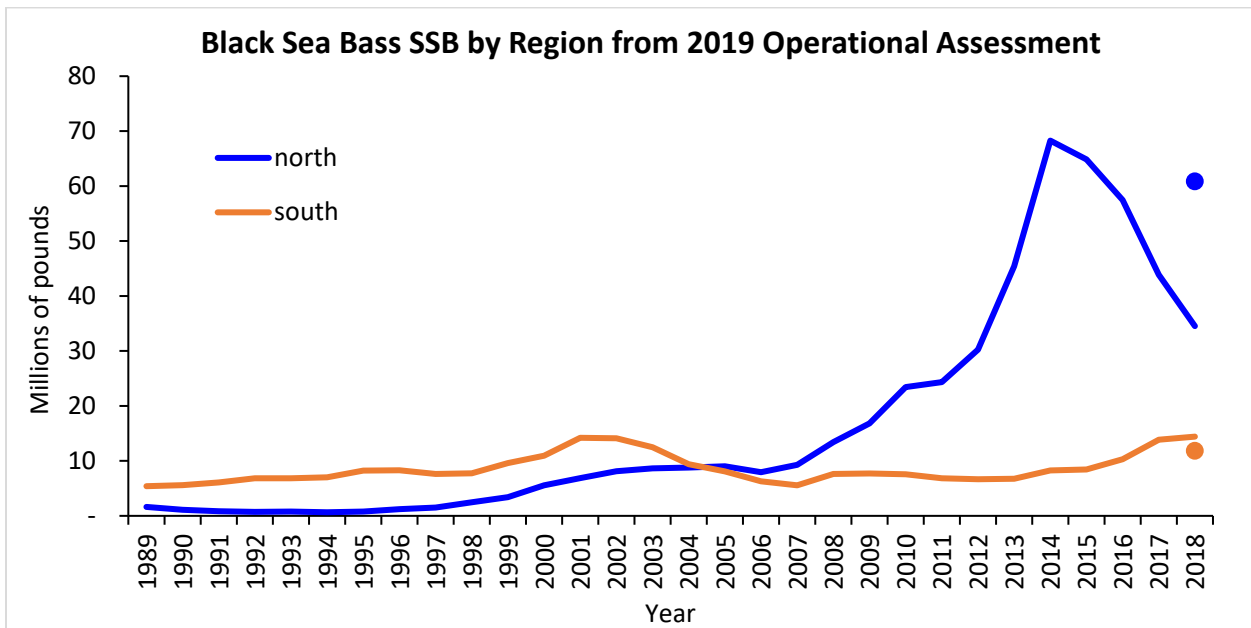


Figure 1. Black sea bass spawning stock biomass by region from the 2019 Operational Assessment Update. Open marks represent retro-adjusted values (used to set catch limits). Source: Personal communication with Northeast Fishery Science Center.

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### **2.2 Background**

The Commission's FMP for black sea bass was approved in October 1996. The Council added black sea bass to their summer flounder FMP in 1996 through Amendment 9. Both FMPs established an annual process of developing commercial quotas, recreational harvest limits, and recreational and commercial management measures, as well as a series of permitting and reporting requirements. Under the original FMP, the annual coastwide commercial quota was divided into four quarters: January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

Under the quarterly quota allocation system, the fishery was subjected to lengthy closures and some significant quota overages. Fishery closures occurring as a result of quotas being fully utilized or exceeded resulted in increased discards of legal sized black sea bass in mixed species fisheries for the remainder of the closure period. Significant financial hardship on the part of the fishing industry also resulted from a decrease in market demand caused by a fluctuating supply. To address these issues, the Management Board enacted a series of emergency rules in 2001 establishing initial possession limits, triggers, and adjusted possession limits. While these measures helped reduce the length of fishery closures, the frequent regulatory changes confused fishermen and added significant administrative burden to the states. Addendum VI (2002) provided a mechanism for setting initial possession limits, triggers, and adjusted possession limits during the annual specification setting process without the need for further emergency rules.

The quarterly quota system was replaced with an annual quota system under Amendment 13, approved by the Commission and Council in May 2002. The Amendment implemented a federal coastwide commercial quota, and a state-by-state allocation system for 2003 and 2004 to be managed by the Commission. This system was adopted to reduce fishery closures, achieve more equitable distribution of quota to fishermen, and allow the states to manage their commercial quota for the greatest benefit of the industry in their state.

At the time of final action on Amendment 13, the Council expressed a desire that the state allocations be managed at both the state and federal levels and contained in both the Council and Commission's FMPs. However, the NOAA Fisheries Regional Administrator at the time said a state quota system at the federal level could not be monitored effectively with the then current monitoring methods due to the anticipated low allocations in some states. As a result, the Council approved a federal annual coastwide quota, acknowledging that this would facilitate the use of state allocations through the Commission's FMP. Many of the concerns with monitoring state quotas at the federal level have subsequently been resolved with changes to how commercial landings are reported.

State-specific shares were adopted as follows: Maine and New Hampshire 0.5%, Connecticut 1%, Delaware 5%, New York 7%, Rhode Island, North Carolina and Maryland 11%, Massachusetts 13%, New Jersey and Virginia 20% (Table 1).

The individual state shares management program was continued in 2005 and 2006 through Addendum XII (2004). Addendum XIX, approved in 2007, extended the state shares of the commercial black sea bass quota indefinitely. No further changes have been made to the black sea bass commercial state shares. Addenda XII and XIX (2004 and 2007, respectively) allowed

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for the transfer of black sea bass commercial quota among states, and Addendum XX (2009) established the process for state to state quota transfers. Under the management program established through these Addenda, states have the responsibility of managing their quota to provide the greatest benefit to their commercial black sea bass industry. The ability to transfer or combine quota further increased the flexibility of the system to respond to annual variations in fishing practices or landings patterns.

In response to some states’ concerns about changing resource availability and associated fishery impacts, the Board formed a Commercial Black Sea Bass Working Group in August 2018 to identify management issues related to changes in stock distribution and abundance, and propose potential management strategies for Board consideration. In February 2019, the Board reviewed the Working Group report. The key issue the Working Group identified is that the state commercial allocations implemented in 2003 do not reflect the current distribution of the resource, which has expanded significantly north of Hudson Canyon. The Board then requested the Plan Development Team (PDT) perform additional analyses and further develop proposed management options related to the issue of state commercial allocations. After reviewing the PDT report, in October 2019 the Board initiated Draft Addendum XXXIII to consider changes to the black sea bass commercial state allocations. In December 2019, the Council initiated a complementary amendment to consider including the state shares in the Council FMP.

Table 1. State shares of Black Sea Bass as allocated by Addendum XIX to Amendment 13.

<b>State</b>	<b>Percent of Coastwide Quota</b>
Maine	0.5 %
New Hampshire	0.5 %
Massachusetts	13 %
Rhode Island	11 %
Connecticut	1 %
New York	7 %
New Jersey	20 %
Delaware	5 %
Maryland	11 %
Virginia	20 %
North Carolina	11 %

**2.3 Status of the Stock**

The most recent stock status information comes from the 2019 operational stock assessment, which was peer-reviewed in August 2019 and approved for management use in October 2019 (NEFSC 2019). The assessment indicated that the black sea bass stock north of Cape Hatteras, North Carolina was not overfished and overfishing was not occurring in 2018, the terminal year of data used in the assessment.

The operational stock assessment updated the Age Structured Assessment Program (ASAP) models used in the 2016 benchmark stock assessment with commercial and recreational catch



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data, research survey and fishery-dependent indices of abundance, and analyses of those data through 2018<sup>3</sup>. For modeling purposes, the stock was partitioned into two sub-units divided approximately at Hudson Canyon to account for spatial differences in abundance and size at age. The sub-units are not considered separate stocks. Although the stock was assessed by sub-unit, the combined results were used to develop reference points, determine stock status, and recommend fishery specifications.

Spawning stock biomass (SSB), which includes both mature male and female biomass, averaged around 8 million pounds during the late 1980s and early 1990s and then steadily increased from 1997 to 2002 when it reached 22.2 million pounds. From 2007 to 2014, SSB dramatically increased, reaching a peak in 2014 at 76.5 million pounds; since 2014 SSB has trended back down. After adjusting for retrospective error in the model, SSB in the terminal year (2018) is estimated at 73.6 million pounds, approximately 2.4 times the target SSB reference point ( $SSB_{MSY}$  proxy=  $SSB_{40\%}$  = 31.1 million pounds) (Figure 2). The (similarly adjusted) fishing mortality rate (F) in 2018 was 0.42, about 91% of the fishing mortality threshold reference point ( $F_{MSY}$  proxy=  $F_{40\%}$ ) of 0.46. Except for 2017, F has been below the  $F_{MSY}$  proxy for the last five years. Average recruitment of black sea bass from 1989 to 2018 was 36 million fish at age 1. The 2011 year class was estimated to be the largest in the time series at 144.7 million fish and the 2015 year class was the second largest at 79.2 million fish. Recruitment of the 2017 year class as age 1 in 2018 was estimated at 16.0 million, well below the time series average.

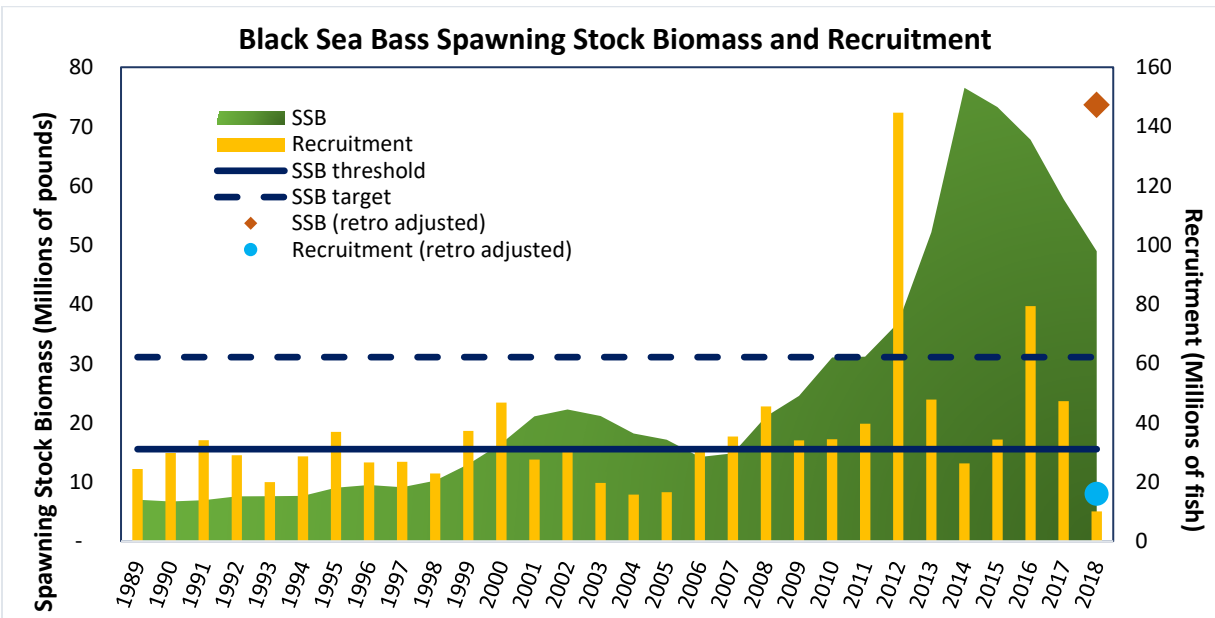


Figure 2. Black sea bass spawning stock biomass and recruitment. Source: 2019 Operational Assessment Prepublication Report, Northeast Fishery Science Center.

<sup>3</sup> In July 2018, the Marine Recreational Information Program (MRIP) replaced the existing estimates of recreational catch with a calibrated 1981-2017 time series that corresponds to new survey methods that were fully implemented in 2018. The new calibrated recreational estimates are significantly higher than previous estimates, especially in later years of the time series. These revised data were incorporated into the 2019 operational stock assessment. This change was one of multiple factors which impacted the understanding of overall biomass levels.

## **2.4 Status of the Fishery**

The following information is based on commercial fishery dealer data (landings), the most recent stock assessment (discards), federal vessel trip reports (gear types and area of catch), and input from a small sample of fishermen and dealers. Input was provided by 6 individuals who primarily identify as fishermen and 4 individuals who represent two commercial fish dealers. Collectively, these 10 individuals are from 5 states and use three different gear types (i.e., bottom otter trawl, pot/trap, and hand line). Their input is not intended to be a representative sample of the commercial black sea bass fishery as a whole, but was solicited to provide context to trends shown in the data and document relevant information not captured in the available data.

Commercial landings have been constrained by a coastwide (i.e., Maine through Cape Hatteras, North Carolina) commercial quota since 1998, and state allocations were introduced in 2003. From 1998 to 2019, coastwide landings have closely followed quotas, ranging from a low of 1.16 million pounds in 2009 to a high of 3.98 million pounds in 2017. State landings have also closely followed quotas since they were implemented in 2003. A process for interstate quota transfers was established in 2009, but until 2017 states were highly constrained by low quotas and thus there was not much opportunity for transfers. Under higher quotas more interstate transfers have occurred; in the last three years, the states of Massachusetts through New Jersey have all received quota transfers from other states to prevent or mitigate overages of their state quotas. Since the coastwide quota was implemented in 1998, on average commercial discards have constituted 17% of total commercial removals. Over the last five years of the time series (2014-2018) discards were generally higher, averaging 33% of total commercial removals; discards in recent years have likely been influenced by high availability coupled with quota and minimum fish size limitations.

A comparison of average ex-vessel price per pound (i.e., the price paid to fishermen by dealers) to total annual commercial black sea bass landings during 2010-2019 suggests that the average price (adjusted to account for inflation) increased with increases in landings up to a point, with the average price peaking at \$3.92 per pound in 2016 when about 2.59 million pounds were landed. At higher levels of landings (e.g., the levels seen in 2017-2019 when 3.46-4.01 million pounds were landed), the average price per pound declined again (Figure 3). Some fishermen and dealers said temporary price drops can occur at both local and regional levels due to increases in the coastwide quota, state-specific seasonal openings, or individual trawl trips with high landings, all of which can be interrelated. They note that these sudden price drops are often temporary and the price usually rises again. This is evident in the coastwide relationship between average price per pound and the coastwide quota, which increased by 52% mid-year in 2017 and then decreased by 15% from 2017 to 2018. The average coastwide price per pound dropped from \$3.92 in 2016 to \$3.49 in 2017, but increased to \$3.82 in 2018 (all prices are adjusted to 2019 values based on the Gross Domestic Product Price Deflator).

Input from fishermen and federal vessel trip report data from 2009-2019 suggest that in years with higher quotas, bottom trawl gear accounted for a greater proportion and pots/traps accounted for a smaller proportion of total commercial landings compared to years with lower quotas. For example, the lowest quotas during 2010-2019 occurred in 2010-2012. During those years, bottom trawl gear accounted for around 39-41% of total commercial black sea bass

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landings (depending on the year) and pots/traps accounted for about 33-36%. In comparison, the highest quotas occurred in 2016-2019, during which around 52-61% of total commercial black sea bass landings could be attributed to bottom trawl gear and around 21-26% to pot/trap gear. Some fishermen have said trawlers are better able to take advantage of increases in quota as they can land higher volumes than vessels using pot/trap gear. This can be especially beneficial when the price of black sea bass drops (usually temporarily) in response to sudden increases of fish on the market.

According to commercial dealer data for 2010-2019, the average coastwide ex-vessel price per pound for black sea bass caught with bottom trawl gear was \$3.90 (adjusted to 2019 values), 6% greater than the average price for black sea bass caught with pots/traps (\$3.70). However, some fishermen report that they can get higher prices for black sea bass caught with pots/traps as they can market their fish as fresher and better quality than trawl-caught fish. Pot/trap and hook and line commercial fishermen in some states also sell black sea bass to live markets, which offer even higher prices. Some fishermen and dealers say size has a greater impact on price than gear, though the two are interrelated as fishermen using bottom trawl gear tend to land larger black sea bass than those using pots/traps.

The states have taken different approaches to managing their commercial black sea bass fisheries. Delaware, Maryland, and Virginia use Individual Transferable Quota (ITQ) systems, while other states utilize different combinations of quota periods, closed seasons, and initial or adjustable trip and possession limits to prevent quota overages<sup>4</sup>. For some states like Connecticut, quota availability and resulting management measures are highly dependent on quota transfers from other states. Some fishermen and dealers say they take these differences in state management measures into account when deciding when to fish, where to sell fish, and what price to offer for fish. For example, the price offered by local dealers may be higher when neighboring states are closed. Alternatively, some fishermen and dealers in comparatively low allocation states say they generally do not make business decisions based on black sea bass. Due to the low allocations in some states, black sea bass provides supplemental income for these fishermen and dealers, but is not a primary target species. For these reasons, the economic impacts of changes to state quotas can vary in part based on how states adjust their management measures in response to quota changes. For example, an increase in the possession limit could have different impacts than an extension of the open season. ITQ fishermen may be impacted differently than non-ITQ fishermen, and impacts may vary between gear types.

From 2010-2017, the commercial black sea bass landings from Maine through North Carolina which were caught in the northern region (as defined in the stock assessment, corresponding to approximately Hudson Canyon and north) increased steadily, with the greatest increases occurring during 2015-2017. After 2017, the proportion caught in the northern region declined, but remained much higher than the proportion from the southern region. During 2010-2019, the amount of commercial black sea bass landings caught in the southern region did not vary greatly (Figure 4).

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<sup>4</sup> Additional information on state quota management systems can be made available upon request.

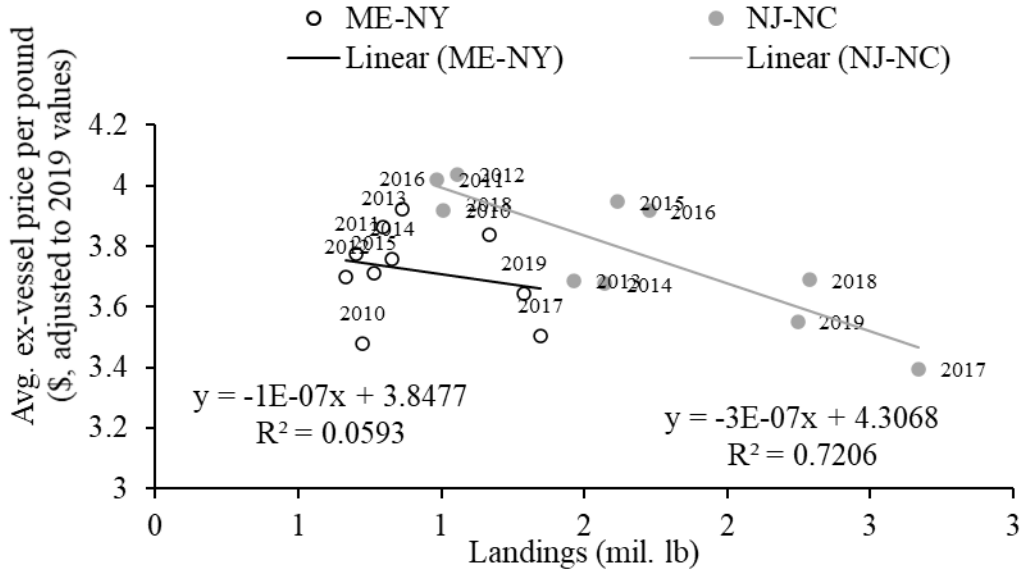


Figure 3. Average annual ex-vessel price per pound for black sea bass compared to annual black sea bass commercial landings by region (ME-NY and NJ-NC), 2010-2019, with associated linear relationship. Prices are adjusted to 2019 values based on the Gross Domestic Product Price Deflator. Data source: dealer data (CFDERS, provided by the NOAA Fisheries Greater Atlantic Regional Fisheries Office Analysis and Program Support Division).

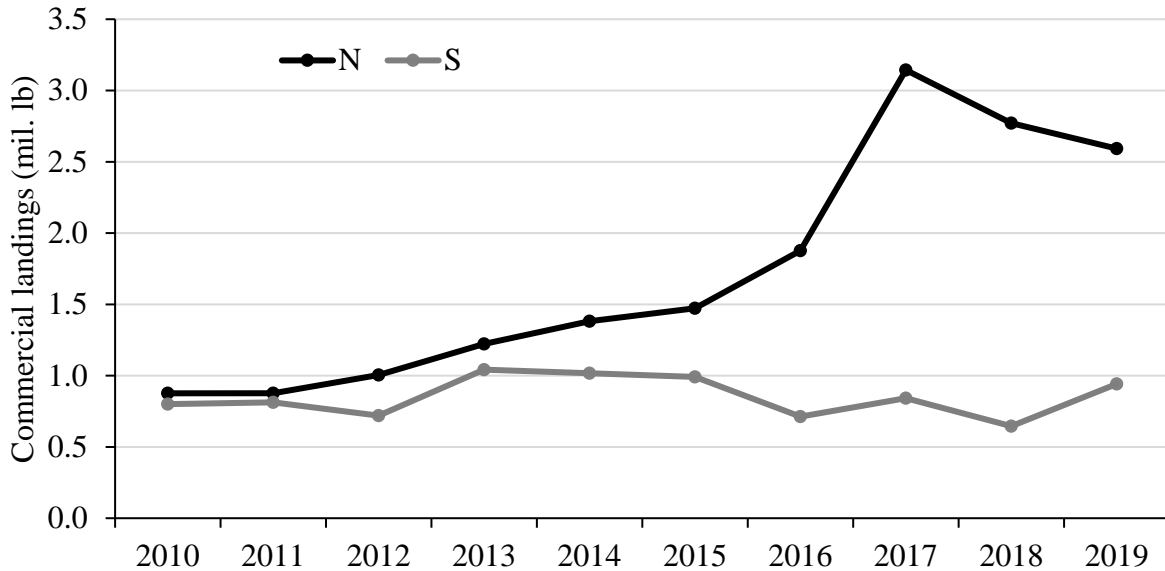


Figure 4. Total commercial black sea bass landings, 2010-2019, Maine through North Carolina, by region of catch location (North or South). Region is assigned based on statistical area of catch using the delineation defined in the stock assessment. Landings with an unknown statistical area were assigned to region based on the state of landing. Data source: dealer AA tables provided by the Northeast Fisheries Science Center

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### 3.0 Proposed Management Program

The Board is seeking public comment on each of the options included in the Draft Addendum. A flowchart of all management options for modifying the commercial state allocations is found in Appendix 1. Note that the options listed in Section 3.2 would result in changes to the Council's FMP and the federal regulations, but not the Commission's FMP.

### 3.1 Management Options for Commercial State Allocations

#### A. Status Quo (Current Commercial State Allocations)

This option would maintain the current state allocation percentages (Table 1).

#### B. Increase Connecticut Quota to 5%

*Note: This option is proposed for consideration before, or in addition to any of the following allocation options. It could also be selected as a standalone option if no other changes are desired. If this option is selected, the base allocations under any other option will be equal to the % New Allocations shown in Table 2.*

This option would increase Connecticut's 1% allocation of the coastal quota to 5%. Connecticut has experienced a substantial increase in abundance of black sea bass in state waters over the last seven years (see Figure 5), though the state's 1% allocation has remained unchanged. This option attempts to reduce the disparity between the abundance of black sea bass in Connecticut waters and Connecticut's quota allocation by increasing Connecticut's allocation to 5%, using the following approach:

- 1) Hold New York and Delaware allocations constant. New York has experienced a similar substantial increase in black sea bass abundance in state waters; therefore, a reduction to the New York allocation is not proposed. Delaware's current allocation is 5%. This option does not seek to make Connecticut's percent allocation larger than any other state.
- 2) Move half of Maine and New Hampshire quotas to Connecticut. Since 2012, neither Maine nor New Hampshire has reported commercial black sea bass landings, and neither state currently has declared an interest in the fishery.
- 3) Move some allocation from Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, and North Carolina to Connecticut; the amount moved from each state would be proportional to that state's current percent allocation.

Table 2. Proposed changes in state allocations.

State	Current % Allocation	Change in % Allocation	New % Allocation
ME	0.5%	-0.25%	0.25%
NH	0.5%	-0.25%	0.25%
MA	13.0%	-0.53%	12.47%
RI	11.0%	-0.45%	10.55%
CT	1.0%	4.00%	5.00%
NY	7.0%	0.00%	7.00%
NJ	20.0%	-0.81%	19.19%
DE	5.0%	0.00%	5.00%
MD	11.0%	-0.45%	10.55%
VA	20.0%	-0.81%	19.19%
NC	11.0%	-0.45%	10.55%

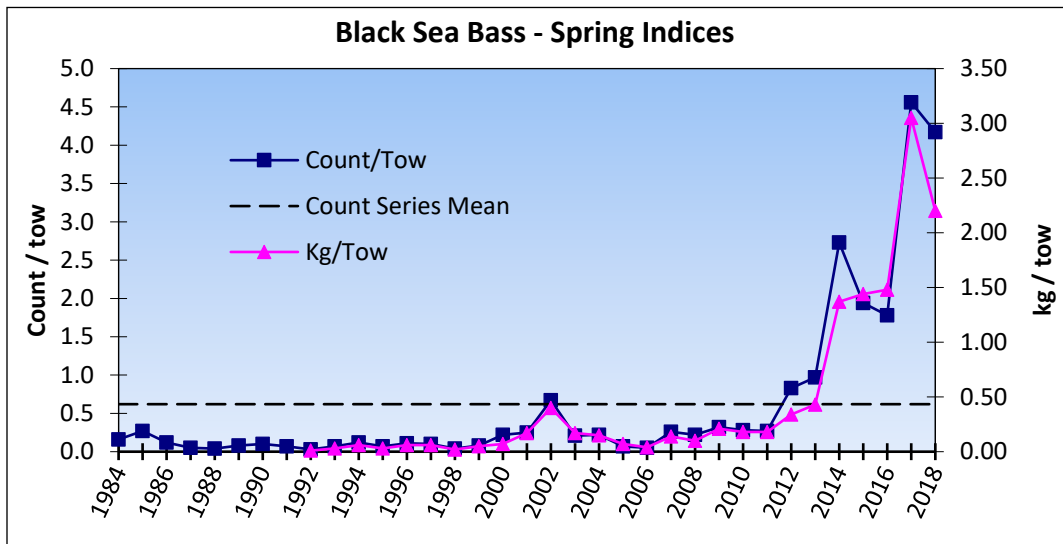


Figure 5. Connecticut Long Island Sound Trawl Survey Spring Black Sea Bass Index

**C. Dynamic Adjustments to Regional Allocations**

The Dynamic Adjustments to Regional Allocations approach (DARA approach) is a formulaic method that aims to balance fishery stability and responsiveness to the changing distribution of the stock. State allocations would be gradually adjusted based on regional shifts in biomass distribution. Stock distribution (defined as proportion of exploitable biomass by assessment sub-area) would be derived from updated stock

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assessments or surveys<sup>5</sup>. This approach recognizes traditional involvement and investment in the development of the fishery, and addresses the changing distribution of the stock and the resulting effects within the fishery.

There are two phases to the DARA approach. The first is the transition phase, during which the initial allocations (either the current allocations, or allocations modified through option B) are gradually adjusted to allocations partially based on distribution of the stock. During this phase, the state allocations become less dependent on the initial allocations and more dependent on regional stock distribution.

After the transition phase is complete, the relative importance of the initial allocations and current stock distribution in determining the allocations would be fixed, but allocations would continue to be adjusted when updated stock distribution information becomes available. The DARA approach proposes use of the 2019 operational stock assessment results (NEFSC, 2019) and additional stock assessments thereafter to determine the values for regional stock distribution<sup>6</sup>. Taking into account the initial allocations and regional stock distribution, the two components are integrated to produce dynamic regional allocation shares, which are then subdivided into state-specific allocations. The formulas for calculating regional and state shares can be found in Appendix 2.

As described below, there are various sub-options to set the scale and pace of the change in allocations. Appendix 2 includes a complete description of the method and examples of the DARA approach retrospectively applied to recent years. If this option is selected, a regional configuration would also need to be selected under option set G.

### **Sub-options for Dynamic Adjustments to Regional Allocations Approach**

The DARA approach affords considerable flexibility, with regard to both the initial configuration and application of the allocation formula over time. The overall approach can be modified in various ways to achieve different results. Below are descriptions and proposed sub-options for each adjustable component of the approach. Note that the sub-options for each component represent the minimum and maximum bounds on the range of options; the Board and Council could select an alternative configuration within this range.

#### **1. Final relative importance of initial allocations versus resource distribution**

The sub-options below determine the final relative importance of the initial allocations compared to stock distribution at the end of the transition phase. Before the transition begins (year 0), the allocations are 100% based on the initial allocations, and 0% based

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<sup>5</sup> This option is modeled after the Transboundary Management Guidance Committee (TMGC) approach, which was developed and used for the management of Georges Bank resources shared by the United States and Canada (TMGC, 2002).

<sup>6</sup> The Board may specify alternative information (e.g. NEFSC Trawl Survey) to be used in the case that future assessments cannot provide information on regional stock distribution.

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on stock distribution. The weights assigned to initial allocations and stock distribution must always sum to 100%; therefore, if the final weight of the initial allocations is 10%, the final weight of the resource distribution factor is 90%. As the final weight of the distribution factor increases, the weight of the initial allocations decreases, and the regional allocations resulting from the DARA approach become more dependent on the spatial distribution of black sea bass biomass, and less dependent on the initial allocations.

- **Sub-option C1-A:** Under this option, at the end of the transition phase allocations are based 90% on stock distribution and 10% on the initial allocations.
- **Sub-option C1-B:** Under this option, at the end of the transition phase allocations are based 50% on stock distribution and 50% on the initial allocations.

### **2. Change in relative weights of each factor per adjustment**

The transition to allocations based partially on historical allocations and partially on resource distribution would occur through incremental adjustments to the relative importance of each factor. These sub-options would determine how much the relative weights of the initial allocations and stock distribution factors would change with each adjustment. Larger adjustments could potentially result in a faster transition away from the initial allocations (see above). Smaller adjustments would likely result in a slower transition. Adjustments to the relative weights of each factor also have the potential to impact the regional allocations during the transition; smaller changes to the weights would likely produce smaller changes in the regional allocations during each adjustment.

- **Sub-option C2-A:** Under this option the relative weights of each factor (initial allocations and stock distribution) would change by 5% per adjustment. For example, in the first adjustment, the respective weights assigned to the initial allocations and stock distribution would change from 100%/0% to 95%/5%. This would result in a slower transition to the final weighting scheme, and a slower change in the allocations compared to sub-option C2-B.
- **Sub-option C2-B:** Under this option the relative weights of each factor (initial allocations and stock distribution) would change by 20% per adjustment. For example, in the first adjustment, the respective weights assigned to the initial allocations and stock distribution would change from 100%/0% to 80%/20%. This would result in a faster transition to the final weighting scheme and a faster change in the allocations compared to sub-option C2-A.

### **3. Frequency of weight adjustments**

These sub-options determine how often the weights assigned to each factor (initial allocations and stock distribution) would be adjusted during the transition phase. More frequent adjustments to the weights will result in a faster transition to the final weighting scheme. Note that each time an adjustment is made to the weights, it would



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likely result in a change to the allocations, even if the distribution information remains unchanged.

- **Sub-option C3-A:** Under this option adjustments to the weights assigned to the initial allocations and stock distribution would occur every year. This would result in a faster transition from the initial weights to the final weights. It could also result in yearly changes in the allocations, even if stock distribution information remains unchanged.
- **Sub-option C3-B:** Under this option adjustments to the weights assigned to the initial allocations and stock distribution would occur every other year. This would result in a slower transition from the initial weights to the final weights. It could also result in changes to the allocations every other year, even if stock distribution information remains unchanged.

#### 4. Regional allocation adjustment cap

These sub-options would establish a cap for the maximum percent by which the regional allocations could change at one time. A lower % cap would result in smaller incremental changes to the allocations, and could increase the total duration of the transition phase.

- **Sub-option C4-A:** This option would cap the change in regional allocations at a maximum of 3% per adjustment.
- **Sub-option C4-C:** This option would cap the change in regional allocations at a maximum of 10% per adjustment.
- **Sub-option C4-D:** Under this option there would be no cap to the change in regional allocations per adjustment. This means the regional allocations would change according to the formula based only on changes in the weights assigned to the initial allocations and stock distribution and any changes in resource distribution values.

#### D. Trigger Approach

Using a trigger-based approach, a minimum level of coastwide quota would be established as a trigger for a change in allocations to the states. If the coastwide quota in a given year were higher than the established quota trigger value, then the coastwide quota would be distributed to the states in two steps: 1) the amount of coastwide quota up to and including the trigger would be distributed to the states according to “base allocations” (dependent on Option B, and sub-option set D4); and 2) the amount of quota in excess of the established trigger amount, hereafter referred to as the surplus quota, would be distributed using a different allocation scheme. This method somewhat reduces fishery disruption or instability by allowing changes to state allocations only when the coastwide quota exceeds a predetermined amount.

##### Trigger Approach Sub-options

Below are all sets of sub-options for configuration of the trigger approach. The first set of sub-options relates to the established trigger value (sub-options D1-A and D1-B). The second set relates to how surplus quota above the trigger would be distributed among

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the states (sub-options D2-A, and D2-B). The third and fourth sub-option sets are only applicable if option D2-B is selected, and would establish how surplus quota would be distributed within a region, and whether base allocations would remain the same each year or change over time. Examples of several trigger approach configurations are provided in examples 1-6 in Appendix 3.

**1. Trigger value**

*Note that the Board and Council could select an alternative value within the range of sub-options below.*

- **Sub-option D1-A: Trigger value of 3 million pounds**  
A 3 million pound trigger represents approximately the average coastwide commercial quota from 2003 through 2018, excluding years in which specifications were set using a constant catch approach (Figure 6).
- **Sub-option D1-B: Trigger value of 4.5 million pounds**  
A 4.5 million pound trigger was selected by the Board as the maximum trigger level for consideration under this approach. It is greater than all quotas implemented prior to 2020 (i.e., maximum quota of 4.12 million pounds in 2017), but lower than the 2020 quota of 5.58 million pounds (Figure 6).

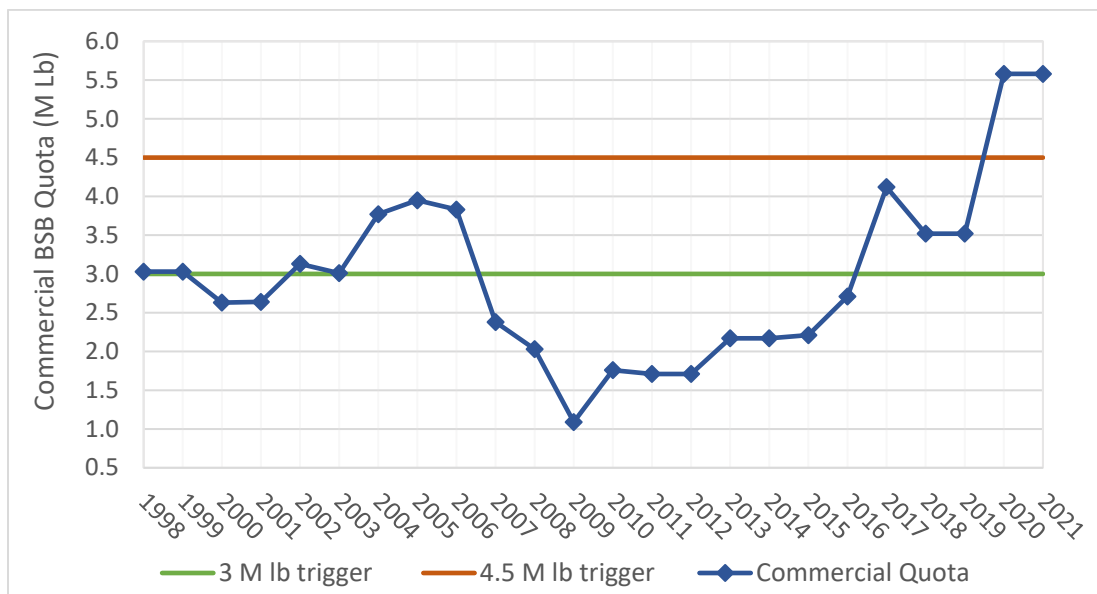


Figure 6. Black sea bass commercial quotas over time compared to 3 million, 4 million and 4.5 million pound triggers. Note that the Board and Council may recommend revisions to the 2021 quota during their August 2020 meeting.

**2. Distribution of surplus quota**

- **Sub-option D2-A: Even distribution of surplus quota**  
If the coastwide quota in a given year is higher than the trigger, then the surplus quota would be distributed equally to the states of Massachusetts through North Carolina. Maine and New Hampshire would each receive 1% of the surplus, based on their historically low participation in the fishery. Should the annual

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coastwide quota be less than or equal to the established quota trigger, allocation percentages would default to the base allocations.

- **Sub-option D2-B: Distribution of surplus quota based on regional biomass from stock assessment**

This sub-option attempts to address the goal statement of this action by incorporating the regional biomass distribution. If the coastwide quota in a given year were higher than the trigger, then the surplus quota would first be allocated to each region based on regional biomass proportions from the stock assessment, and then the regional quotas would be distributed to the states within each region. A method for distributing quota to states within each region would be specified by selecting sub-option D3-A or D3-B. If this option is selected, a regional configuration would also need to be selected under option set G.

### 3. Distribution of regional surplus quota to states within a region (*only applicable if Sub-option D2-B is selected*)

- **Sub-option D3-A: Even distribution of regional surplus quota**

Regional surplus quota would be distributed to the states within each region equally. ME and NH would each receive 1% of the northern region surplus quota. Examples of this allocation approach are provided in Appendix 3 (examples 3 and 5).

- **Sub-option D3-B: Proportional distribution of regional surplus quota**

Regional surplus quota would be distributed to the states within each region in proportion to their initial allocations (see sub-option set D4). ME and NH would each receive 1% of the northern region surplus quota.

### 4. Allowing base allocations to change over time (*only applicable if Sub-option D2-B is selected*).

- **Sub-option D4-A: Static base allocations**

Under, this sub-option, the quota up to and including the trigger amount would be allocated based on the initial base allocations every year (status quo, or the modified allocations proposed in Option B). Examples of this allocation approach are provided in Appendix 3 (examples 1-3).

- **Sub-option D4-B: Dynamic base allocations**

Under this option, the quota up to and including the trigger amount would be allocated according to the previous year's final state allocations. This sub-option has the potential to change allocations more quickly than the static base allocations sub-option. Examples of this allocation approach are provided in Appendix 3 (examples 4-6).

## E. Trigger Approach with Increase to Connecticut and New York Quotas First

This option proposes a 3 million pound trigger (see previous section). Annually, the coastwide quota up to and including 3 million pounds would be distributed based on the initial allocations (Table 1). Surplus quota above 3 million pounds would first be used to

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increase Connecticut's allocation to 5% of the overall quota, and then to increase New York's allocation to 9% of the overall quota. Any remaining additional quota would be split between the regions according to the proportion of biomass in each region based on the most recent stock assessment information, and then allocated among the states within each region in proportion to the initial allocations. Examples of this option are provided in Appendix 3 (examples 7 and 7-B). If this option is selected, a regional configuration would also need to be selected under option set G.

### F. Percentage of Coastwide Quota Distributed Based on Initial Allocations

This approach would allocate a fixed percentage of the annual coastwide quota using the initial allocations regardless of the coastwide quota level. Fluctuations in annual quota values would result in similar fluctuations in the number of pounds allocated using the initial allocations (equal to the status quo allocations, or the modified allocations proposed under Option B). For example, if the established percentage of quota to be distributed using the initial allocations is 50%, 2 million pounds of a 4 million pound coastwide quota would be distributed using the initial allocations. Unlike the trigger approach, this approach would still allow a portion of the quota to be allocated using a distribution other than the initial allocations even under lower coastwide quotas. The sub-options below establish how the remaining quota would be allocated to the states.

#### Percentage Approach Sub-options

Below are all sets of sub-options for configuration of the percentage approach. Examples of several percentage approach configurations are provided in Appendix 3 (examples 8-12).

#### 1. Percentage of quota to be allocated using initial allocations

*Note that the Board and Council could select an alternative value within the range of sub-options below.*

- **Sub-option F1-A: 25%**  
Under this sub-option, 25% of the annual coastwide quota would be allocated to the states using the initial allocations. Therefore, 75% of the coastwide quota would be allocated to the states according to the sub-options selected in the following sets.
- **Sub-option F1-B: 75%**  
Under this sub-option, 75% of the annual coastwide quota would be allocated to the states using the initial allocations. Therefore, 25% of the coastwide quota would be allocated to the states according to the sub-options selected in the following sets.

#### 2. Distribution of remaining quota

- **Sub-option F2-A: Even distribution of remaining quota**

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Remaining quota would be distributed equally to the states of Massachusetts through North Carolina. Maine and New Hampshire would each receive 1% of the remaining quota, based on their historically low participation in the fishery.

- **Sub-option F2-B: Distribution of remaining quota based on regional biomass from stock assessment**

Remaining quota would first be allocated to each region based on regional biomass proportions from the stock assessment, then regional quotas would be distributed to the states within each region. A method for distributing quota to states within each region would be specified by selecting sub-option F3-A or F3-B. If this option is selected, a regional configuration would also need to be selected under option set G.

### 3. Distribution of regional quota to states within a region

*(Only applicable if Sub-option F2-B is selected)*

- **Sub-option F3-A: Even distribution of regional quota**

Remaining quota would be distributed to the states within each region equally, except ME and NH would each receive 1% of the northern region quota.

- **Sub-option F3-B: Proportional distribution of regional quota**

Remaining quota would be distributed to the states within each region in proportion to their initial allocations, except ME and NH would each receive 1% of the northern region quota.

## G. Regional Configuration Options

Options C through F consider changing the current state allocations to incorporate regional distribution information from the stock assessment. In order to apply a regional component to the allocations, it is necessary to establish a regional configuration. The following sub-options establish which states would be grouped together as regions for the purposes of allocating a combined regional quota which would then be distributed to the states in each region. Though neither state has declared an interest in the fishery, Maine and New Hampshire are included in the northern region and their allocations will be determined according to the allocation approach selected above.

- **Sub-option G1:** This option would establish two regions: 1) ME-NY, and 2) NJ-NC. These regions generally align with those used for the assessment, which used Hudson Canyon as the dividing line based on several pieces of evidence that stock dynamics have an important break in this area.
- **Sub-option G2:** This option would establish three regions: 1) ME-NY; 2) NJ; and 3) DE-NC. This option attempts to address the unique position of New Jersey by treating it as a separate region, as the state straddles the border between the northern and southern spatial sub-units at Hudson Canyon (Figure 7). Under this option, New Jersey's initial 20% allocation is treated as follows: 10% is considered to come from the northern region, and 10% from the southern region. As the regional allocations change, NJ's "northern" 10% of the coastwide quota will change according to the proportion of biomass in northern region, and

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the “southern” 10% will change according to the proportion of biomass in the southern region. NJ’s total allocation will be the sum of the northern and southern components of its allocation. This is consistent with the spatial distribution of black sea bass landings in recent years, which is roughly an even split between north and south of Hudson canyon (see Table 3 and Figure 8).

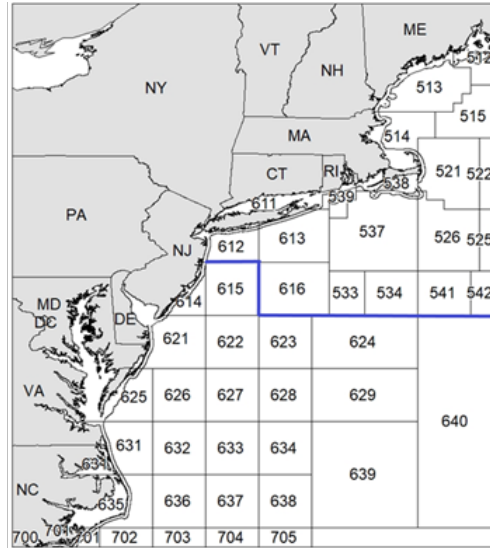


Figure 7. NMFS statistical areas showing the dividing line between the northern and southern regions as defined in the black sea bass stock assessment.

Table 3. Proportion of black sea bass commercial harvest landed in New Jersey from northern and southern region statistical areas. Only landings associated with valid northeast region statistical areas were included in the calculations. Data were provided by the ACCSP. Landings by area were estimated by applying VTR proportions of landings by area to dealer data.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Average 2010-2019	Average 2010-2014	Average 2015-2019
% North	38%	28%	47%	46%	54%	78%	65%	74%	58%	57%	54%	43%	66%
% South	62%	72%	53%	54%	46%	22%	35%	26%	42%	43%	46%	57%	34%

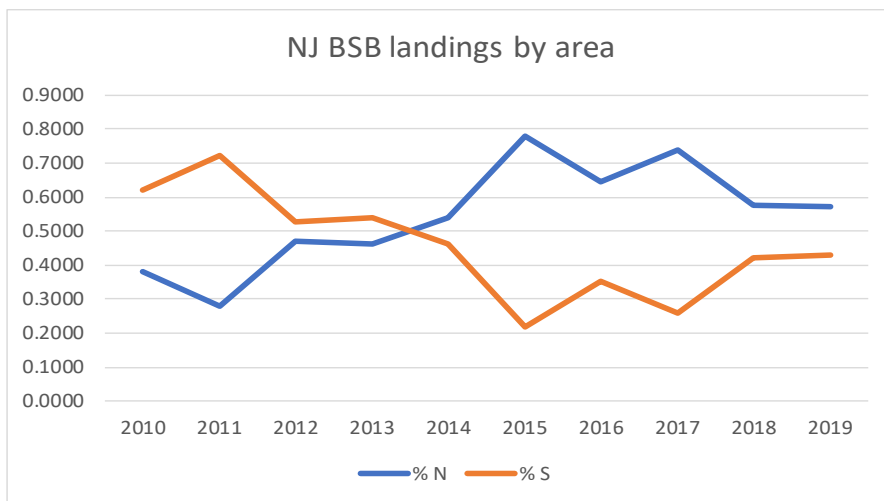


Figure 8. Proportion of black sea bass commercial harvest landed in New Jersey from northern and southern region statistical areas by year.

### 3.2 Management Options for Changes to Federal Regulations

This action will also consider whether the state allocations should be added to the Council’s FMP or if they should remain only in the Commission’s FMP. The following options relate to Council management and the federal regulations.

The sub-options listed below also address other changes which could also be considered if the allocations are added to the Council’s FMP.

#### A. Status Quo (Commercial state allocations included only in the Commission’s FMP)

Under this option, the black sea bass commercial state allocations would remain only in the Commission’s FMP. Changes to these allocations would not require a joint action with the Council.

#### B. Commercial state allocations for black sea bass included in both Commission and Council FMPs

Under this option, the state allocations would be added to the Council’s FMP. Future changes to the allocations would be considered through a joint action between the Commission and Council.

Including the state allocations in both FMPs would require NOAA Fisheries to monitor landings at the state level. Transfers of quota between states would continue to be allowed, but would be managed by NOAA Fisheries, rather than the Commission.

If the Council and Board select this option, the following sub-options could modify the Council’s FMP to establish 1) how overages of state quotas are handled, and 2) when the commercial fishery would close in-season for all federal permit holders coastwide.

##### 1. Sub-options for response to state quota overages

Summer flounder and black sea bass are managed under the same FMP. Given differences in how state quota overages are currently addressed for black sea bass and

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summer flounder, the Council and Board agreed to consider the following two sub-options related to overages of black sea bass state allocations.

- **Sub-option B1-A: Paybacks only if coastwide quota is exceeded.** Under this option, states would only pay back overages of their allocations if the entire coastwide quota is exceeded. This is the current process for state-level quota overages under the Commission's FMP. No other changes to the current commercial accountability measure regulations would be made.
- **Sub-option B1-B: States always pay back overages.** Under this option, the exact amount in pounds by which a state exceeds its allocation would be deducted from their allocation in a following year, regardless of if the coastwide quota was exceeded or not. This is how state quota overages are addressed for summer flounder. All other aspects of the commercial accountability measures would remain unchanged.

### 2. Sub-options for in-season closures

The Board and Council are considering three options related to in-season federal closures. The current regulations for in-season closures require the entire commercial fishery to close in-season for all federally permitted vessels and dealers, regardless of state, once the coastwide quota is projected to be landed. This has not occurred to date; however, concerns have been expressed about the potential for overages in some states to impact all states through in-season closures.

The following sub-options specify when the commercial fishery would close in-season for all federal permit holders coastwide. Under all sub-options below, individual states would close in-season if their allocations are reached prior to the end of the year, as is currently required under the Commission's FMP.

- **Sub-option B2-A: No action - coastwide federal in-season closure when landings are projected to exceed the coastwide quota.**  
Under this option, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once the coastwide quota is projected to be landed, as is currently required under the Council's FMP.
- **Sub-option B2-B: Coastwide federal in-season closure when landings are projected to exceed the commercial quota plus a buffer of up to 5%.**  
Under this option, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once landings exceed the coastwide quota plus an additional buffer of up to 5%. The Council and Board would agree to the appropriate buffer for the upcoming year through the specifications process. The intent behind allowing an additional buffer is to help minimize negative economic impacts of coastwide closures on states that have not fully harvested their allocations. This is not expected to create an incentive for quota overages as states would still be required to close when their state-specific quotas are reached and would still be required to pay back quota overages (see sub-option set above).



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- **Sub-option B2-C: Coastwide federal in-season closure when the commercial ACL is projected to be exceeded.**

Under this option, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once the coastwide commercial ACL is projected to be landed, as opposed to when the quota is projected to be landed under the current regulations. Discards in weight cannot be monitored in-season using current discard estimation methods. Therefore, in practice, this option would require GARFO to make assumptions about discards in the current year.

### 4.0 Compliance

TBD

### 5.0 Literature Cited

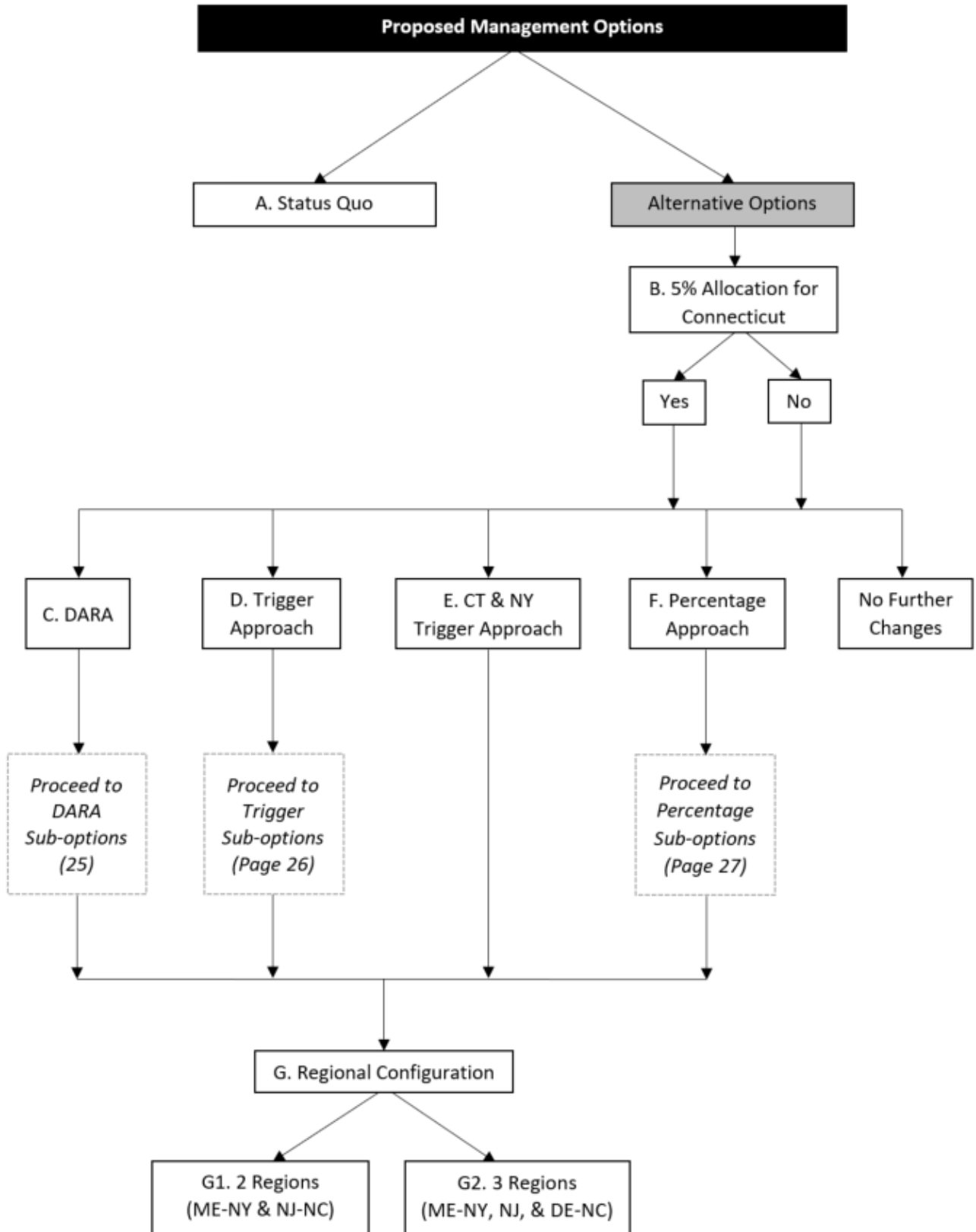
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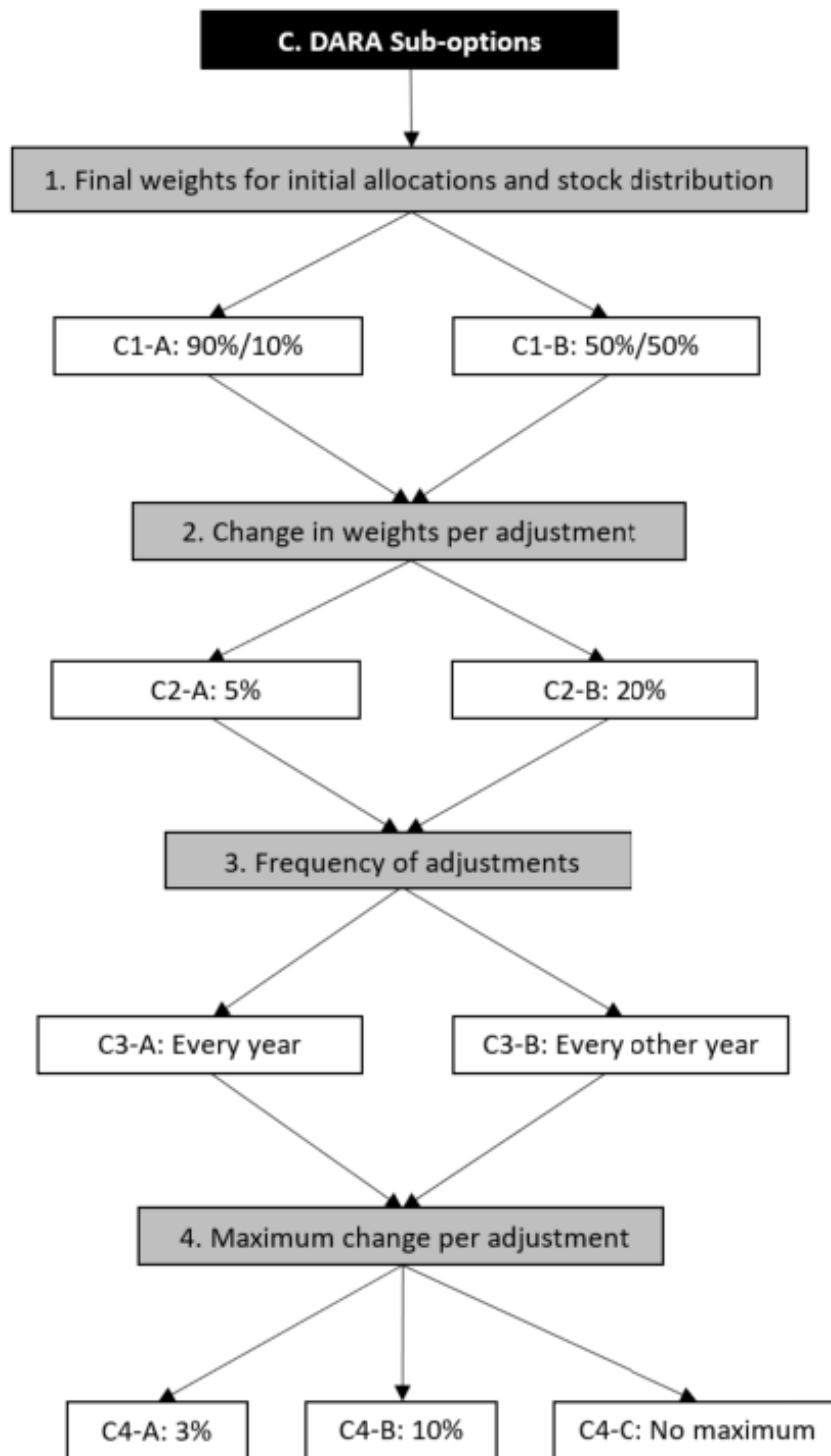
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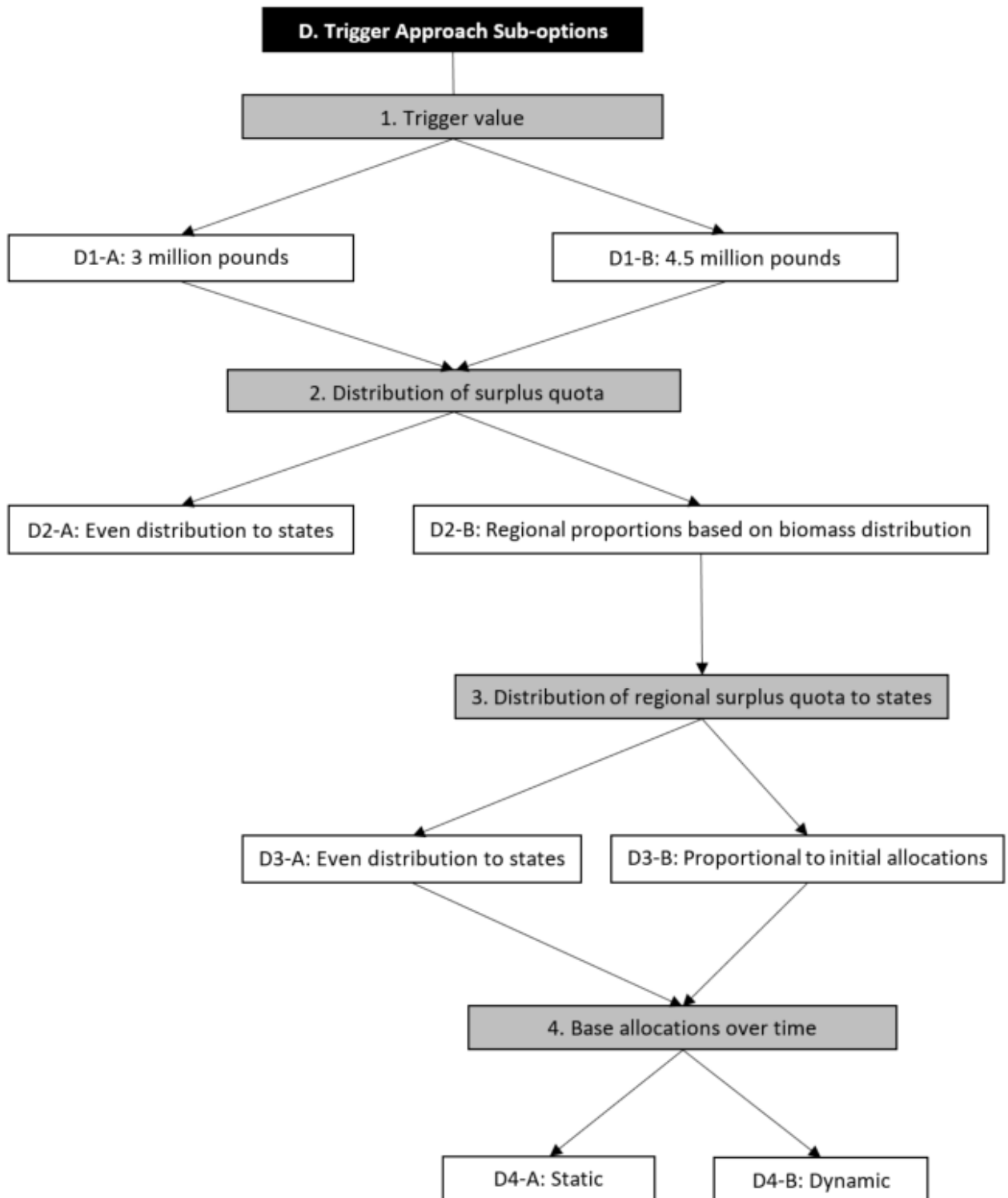
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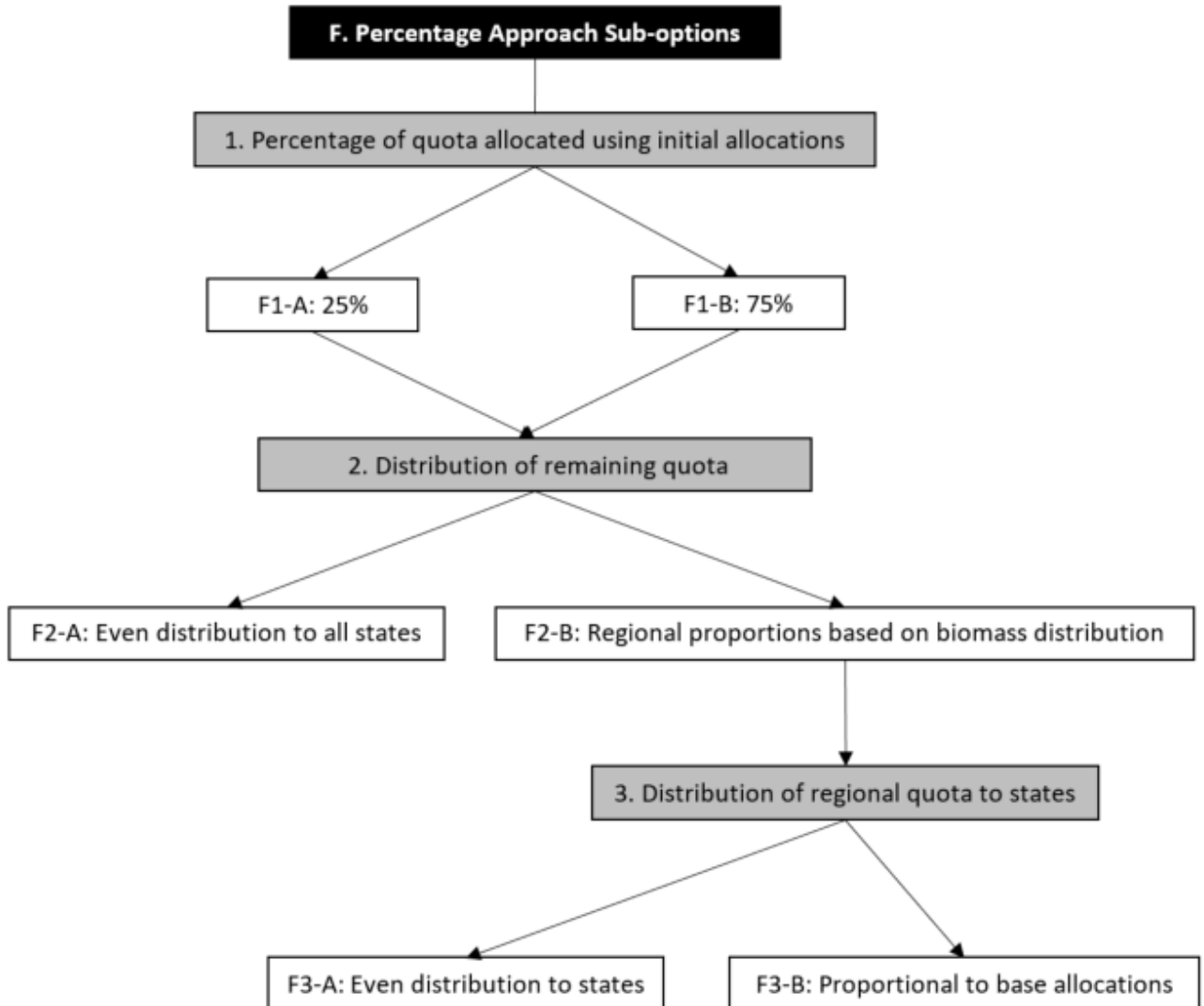
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Appendix 1. Flowchart of Management Options for Commercial State Allocations









# Proposed New Allocation Alternative For Black Sea Bass: Dynamic Adjustment to Regional Allocations (DARA)

Black Sea Bass PDT

17 July 2020

## Introduction

This proposal offers a new alternative for modifying the allocation of the commercial black sea bass quota. It involves a dynamic approach for gradually adjusting state-specific allocations using a combination of historical allocations and current levels of stock distribution. The alternative is modeled after the Transboundary Management Guidance Committee (TMGC) approach, which was developed and used for the management of shared Georges Bank resources between the United States and Canada.

As noted by Gulland (1980), the designation of units for management entails a compromise between the biological realities of stock structure and the practical convenience of analysis and policy making. For black sea bass, the Atlantic Coast states from North Carolina to Maine - acting through and by the MAFMC, ASMFC, and GARFO – use a single management unit encompassing the entire region occupied by the stock, from the southern border of North Carolina northward to the U.S.- Canadian border. While there is a general scientific consensus that the black sea bass population has shifted its center of biomass to the northern portion of its range (Bell et al. 2014 and NEFSC 2017), the current management structure, as reflected by current state-by-state allocations, does not recognize this new population dynamic.

This new alternative sets forth an approach that balances stability within the fishery, based on historical allocations, with gradual adjustments to the fishery, based on regional shifts in stock distribution emanating from updated stock assessments or surveys. The approach affords considerable flexibility, both with regard to initial configuration and application over time. A key feature involves the use of an algorithm to guard against abrupt shifts in allocations.

This new alternative draws upon established principles of resource sharing, which include consideration of access to resources occurring or produced in close spatial proximity to the states in the management unit and historical participation in the exploitation of the resources (Gavaris and Murawski 2004). The former has emerged from the changing distribution of the black sea bass resource and the effects this creates within the fishery. The latter recognizes traditional involvement and investment in the development of the fishery since the beginning of black sea bass joint management in 1996. Both principles were incorporated in the TMGC approach; historical participation was initially afforded primary emphasis, then gradually down-weighted so that, after a nine-year phase-in period, the annual allocation was based primarily on stock distribution (Murawski and Gavaris 2004). The approach proposed here for black sea bass is similar; the proposal envisions a gradual transition, giving more weight to historical participation at first, then slowly phasing in the distributional aspects over time, and then implements changes to state specific allocations through a two-step process.

Details for the calculations used for the TMGC approach were described by Murawski and Gavaris (2004). Modifications to that approach are necessary, given key differences between the shared Georges Bank resources and the shared black sea bass resource. Those differences include the state-by-state allocation system currently in place for black sea bass, the need to translate from regional to state-specific allocations, and the need to accommodate multiple jurisdictional differences in the fishery.

This new alternative proposes use of existing state-by-state allocations to reflect initial values for historical participation (aka initial allocations) and proposes use of the 2019 update stock assessment results (NEFSC 2019) to determine the values for stock distribution; the two values are then integrated in the form of regional shares. An alternative to using the stock assessment would be to use synoptic trawl survey information. This potential alternative is described in more detail below. The two regions as defined in the assessment are proposed: (1) ME - NY, (2) NJ - NC. They emanate from the spatial stratification of the stock in to units that generally align with those used for the assessment, which used the Hudson Canyon as the dividing line based on several pieces of evidence that stock dynamics had an important break in this area. These regional shares are then sub-divided into state-specific allocations.

The overall approach can be modified by the Board and Council in various ways. For example, sub-alternatives can be developed for:

- the regional configuration;
- the values for historical participation/initial allocations (e.g., current, status quo allocations, or some variant thereof);
- the weighting values for Initial Allocation and Stock Distribution (90:10, or some variant thereof);
- the increment of change in these values from one year to the next (10%/year, or some variant thereof, and;
- the periodicity of adjustments (e.g., annually vs. biannually).

A cap can also be established to limit the amount of change to the allocations during an adjustment (e.g. 3%-10%).

## Data and Methods

### Formula

Adapted from the TMGC application (TMGC 2002), the approach for calculating the respective regional shares, which takes historical utilization in to account and adapts to shifts in stock distribution, is as follows:

$$\%RegionalShare = (\alpha_y * \sum_r StateSpecAlloc) + (\beta_y * \%ResDistr_{r,y}) \quad (1)$$

Where  $\alpha_y$  = percentage weighting for utilization by year;  $\beta_y$  = percentage weighting for stock distribution by year;  $\alpha_y + \beta_y = 100\%$ ;  $StateSpecAlloc$  = state specific allocation;  $ResDistr$  = stock distribution;  $r$  = region;  $y$  = year

*Proposed regions:*

There are two choices for regional configuration: (1) ME - NY and NJ - NC, or (2) ME - NY, NJ, and DE - NC.

*Proposed values for historical participation/initial allocation:*

See Initial Allocation section below.

*Proposed values for stock distribution:*

The current proposal is to use the distribution in the two regions based on the stock assessment exploitable biomass calculations. This could be altered to use synoptic trawl survey information, therefore stock distribution would be based on most recent trawl survey information in that case.

*Proposed percentage weighting values for initial allocation and stock distribution:*

The initial sharing formula is proposed to be based on the weighting of initial allocation (from historical allocations) by 90% and the weighting of stock distribution by 10%. By the end of the period the shares will be the reciprocal; initial allocation at 10% and stock distribution at 90%. Additional alternatives are presented below.

*Proposed increments of change in the weighting values from one adjustment period to the next:* Initially proposed at 10% per period. Thus, 90:10 to begin, then: 80:20, 70:30, 60:40, 50:50; 40:60; 30:70; 20:80,

concluding at 10:90. Other alternatives are tested below.

*Proposed periodicity of the adjustments:*

Bi-annually based on stock assessment updates. If the survey alternative were used, this could be increased to annually.

*Overall time horizon for the transition:*

The initial proposal would conclude in 9 years. If commenced in 2020, it would conclude in 2028. The duration is dependent on the other options chosen

With these - or alternative - parameters assigned, the region-specific shares then need to be prorated into the existing state-specific allocation structure. This can be accomplished by the equation:

$$NewStateAllocation = \frac{Allocation_s}{\sum_r StateSpecAlloc} * \%RegionalShare \quad (2)$$

Where  $Allocation_s$  = the specific state being calculated and the other parameters have already been defined above. This formula basically takes the existing state specific allocations and repropotions them in to the share they represent within the region.

## Initial Allocations

Historical state-specific commercial allocations for black sea bass are codified in Amendment 13 to the Fishery Management Plan for Black Sea Bass (FMP) (MAFMC 2003) (Table 2). These allocations can serve as the basis for the initial allocation values in the allocation formula. These values, as used in the formula, would remain consistent throughout the reallocation process, even as the final state allocations change over time, based on equations 1 and 2. This is philosophically consistent with the FMP, as this portion of the allocation formula is meant to represent the historical fishing aspects of the black sea bass fishery.

However, alternative strategies (set forth in the form of sub-alternatives) could be used to set the initial allocation design. That is, the initial initial allocation portion of the allocation design could be adjusted, via revised state allocations, before transitioning into the formulaic approach to be used as the process moves forward.

One way to implement this type of approach would be the following, working from equation 2 above:

$$NewStateAllocation = \frac{Allocation_s + \lambda_s}{\sum_r StateSpecAlloc} * \%RegionalShare \quad (3)$$

Where  $\lambda$  = a state specific allocation additive or reduction factor and  $s$  = the state being calculated.

This formula allows for a shift in initial (status quo) allocations to account for potential discrepancies believed to be represented in the existing allocations. Currently, a proposal to add an initial amount to CT's allocation has been considered by the black sea bass management board, so using the equation above, a new allocation amount ( $\lambda$ ) would be added to the historical allocation for CT ( $s$ ).

## Stock Distribution

This proposal offers two options for calculating the stock distribution. The first option would be to use the spatial stock assessment to determine the amount of resource in each region (north = NY, CT, RI, MA, NH, ME; south = NJ, DE, MD, VA, NC). The spatial stock assessment calculates a north and south exploitable biomass value, which can then be turned in to a proportion. The benefit of this approach is this number is calculated through a synthesis of many biological parameters and represents the best available science for the population. The drawback is that the assessment is updated periodically (not every year), therefore the information will not be evaluated every year, but would depend on the assessment cycle. Additionally, if the spatial stock assessment were to fail at some point in the future, this would impact the ability to do the dynamic allocation calculations. The current estimated allocation from the 2019 update assessment would be 5,272 MT (2018 exploitable biomass) in the south, 16,924 MT (2018 exploitable biomass) in the north,



equating to 24% of the exploitable biomass in the south and 76% of the exploitable biomass in the north (NEFSC 2019). It is important to note that these are the unadjusted exploitable biomass amounts from the assessment. Since data are readily available for this option, an example calculation and projection has been developed below. The process set forth below addresses total biomass, but it could be modified (and presented as a sub-alternative) to address exploitable biomass.

As an alternative, values for stock distribution can be obtained and calculated using scientific surveys, with results apportioned into regions. Since surveys are undertaken annually, the values for stock distribution, by region, can be recalculated and updated annually, biannually, or upon whatever timeframe is deemed most appropriate, affording an opportunity to regularly adjust allocations in sync with shifts in stock distribution. Such shifts may, or may not, follow consistent trends. Accordingly, the technique affords a dynamic approach, consistent with actual changes in stock distribution. Drawing upon the TMGC approach, a swept area biomass, considered a relative index of abundance, can be computed in each stratum, then summed to derive the biomass index for each region. The biomass index estimate derived from each survey would represent a synoptic snapshot of stock distribution at a specific time during a year. Combining the results of multiple surveys requires an understanding of seasonal movement patterns and how much of the biological year each survey represents. For this reason, it is proposed to use the National Marine Fisheries Service (NMFS) Trawl Survey in combination with the North East Area Monitoring and Assessment Program (NEAMAP) Survey. These are both well-established surveys, currently used in the stock assessment, and are synoptic, covering both offshore and inshore strata. As proposed in this alternative, the existing survey strata could be used to partition the survey information into two stock regions: (1) ME - NY, and (2) NJ - NC. The strata do not align perfectly with these two spatial configurations, but they are relatively close (Figures 1 and 2). Table 1 provides an example of how the strata could be applied for each region.

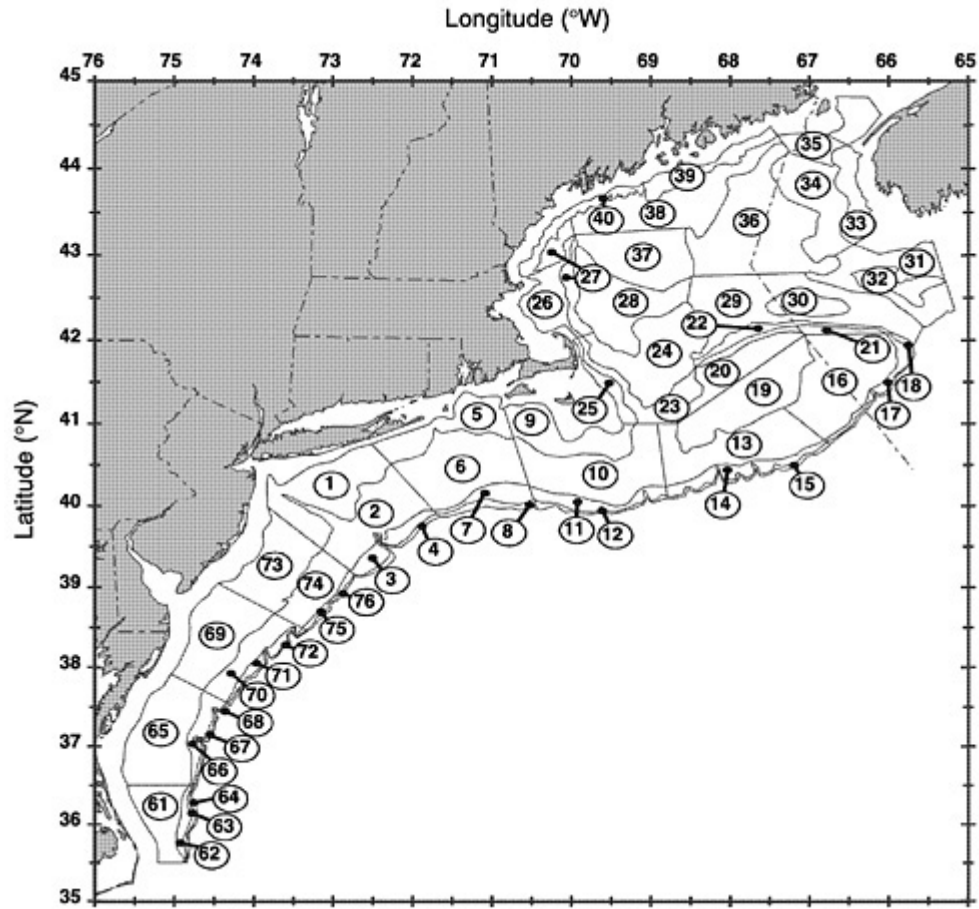


Figure 1: Map of National Marine Fisheries Service trawl survey strata.

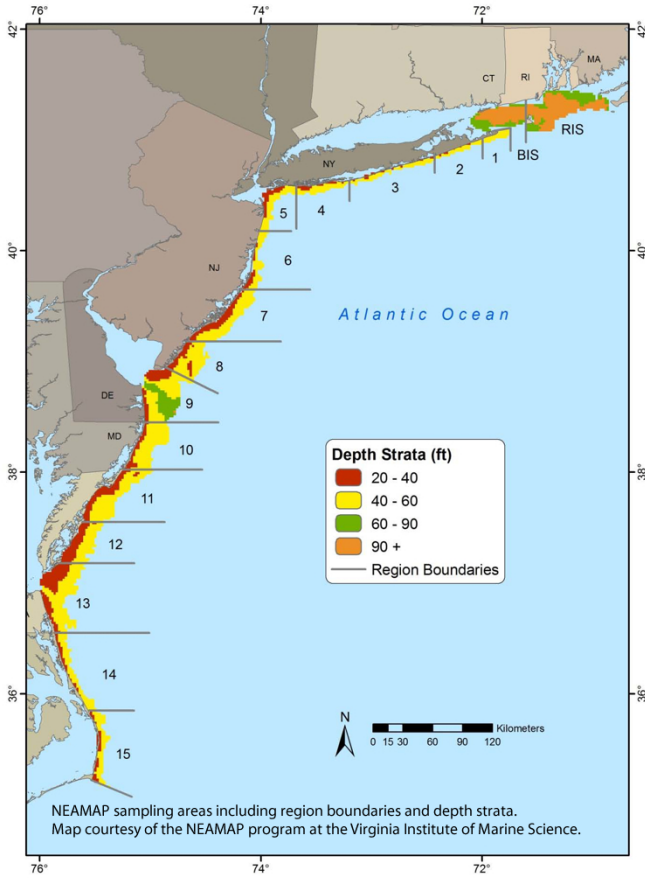


Figure 2: Map of North East Area Monitoring and Assessment Program trawl survey strata.

Table 1 - Strata or Region assigned to each region for stock distribution calculations.

Regions	NMFS Strata	NEAMAP Regions
Region 1: ME - NY	1 - 40	1 - 5, BIS, RIS
Region 2: NJ - NC	3, 61 - 76	6 - 15

\*Note: This is a first cut, these should be finalized through discussions between the TC and survey staff.

This approach could be refined over time by developing area polygons that better align with the boards desired regional configuration. Then, using the spatial information from the surveys, the survey information could be partitioned into the polygons.

Additionally, there may be ways to use state survey information within the analysis – either directly by averaging those surveys into the swept area biomass calculations, or indirectly such as using them to verify or corroborate the information from the surveys used in the calculations. Such use of state survey information could be developed and integrated into the process over time via analysis and recommendations from the monitoring and technical committees.

A robust, locally weighted regression algorithm (Cleveland 1979), referred to as LOESS, could then be used to mitigate excessive variations in sampling results. Per the TMGC approach, a 30% smoothing parameter could be used. That level of smoothing was chosen because it reflected current trends, was responsive to changes, and provided the most appropriate results for contemporary resource sharing. The recommended

default of two robustness iterations also was adopted (Cleveland 1979) in the TMGC approach and could also be adopted here. Stock distributions could then be updated annually by incorporating data from the latest survey year available and dropping data from the earliest survey used in the previous year so that a consistent window of data is maintained. After the surveys are combined, the LOESS smoother would be applied to the survey data. The fixed initial allocation (90% weighting in year 1) and the most recent stock distributions as calculated by the surveys (10% weighting in year 1) can then be applied to the sharing formula to determine regional allocation shares for the upcoming fishing year.

The benefit of this approach is that it could be performed annually with the most contemporary data. The drawback is that survey data are prone to variability. The LOESS smoothing and the adjustment cap that is set forth below are designed to account for some of this variability to keep it from causing unreasonable changes in a single year.

As a final nuance to the survey alternative, a sophisticated modeling approach could be developed to achieve the same information as above. Techniques like the use of the VAST model (Thorson 2015) have been shown to be appropriate for this type of an analysis and could be adopted, in lieu of the swept area biomass technique, as a method for calculating stock distribution by region.

For this proposal, the assessment technique will be used as there is actual data that can be used to examine an example. With additional work, a retrospective analysis using trawl survey information could be developed.

## Adjustment cap

In addition to the formula for calculating the regional allocations and then translating into the state specific allocations, additional measures could be added by way of an adjustment cap. Such measures would enable various checks and balances to be incorporated into the process to guard against unintended consequences.

One such algorithm, proposed here, is to guard against any abrupt change occurring to any regional allocation in any given year (or other time frame), and thus minimize short-term impacts, by capping the amount of any annual or bi-annual change to the regional shares anywhere between 3 - 10%. This can be shown as:

$$\%RegionalShare = \begin{cases} 3to10\%, & \text{if } \Delta AnnualChange > 3to10\% \\ \%RegionalShare, & \text{if } \Delta AnnualChange \leq 3to10\% \end{cases} \quad (1)$$

The effect would be to ensure that any changes to allocations occur incrementally, even in a case of large shifts in stock distribution in any given year or period. This algorithm serves as an additional layer of protection against large changes, in addition to the other factors outlined above that are also built in to contend with uncertainty and variability.

## Flexibility

A key attribute of this proposed new approach for modifying the allocation system is its flexibility. All of the decision points set forth in this proposal, once agreed to, can be adjusted as the process moves forward. Such adjustments, emanating from routine reviews by the Board and Council, can address any of the range of parameters initially set by the Board and Council. The Board and Council could define how changes to the system would be considered and enacted moving forward - e.g., via Addenda and Frameworks, the specifications process, or some other mechanism. The ranges of parameters/issues that readily lend themselves to such adjustment include:

- The  $\alpha$  and  $\beta$  parameters can be adjusted to change the way the utilization and distribution are weighted in the equation;
- The increment of change in the  $\alpha$  and  $\beta$  parameters can be adjusted to increase or decrease the transition speed;
- The initial state allocations can be set at status quo, or shifted to accommodate various objectives; and
- The adjustment cap can be adjusted to be more or less protective of incremental changes.

Given such flexibility, the Board and Council could decide to implement a transition program that begins in 2021, with either current, status quo allocations, or some variant thereof, and based on assessment information through 2018 (same information used for the proposed 2019 operational stock assessment update), establish stock distribution values for each of the two regions. Using those parameters, and a weighting of allocations by 90% and stock distribution by 10%, enact new, slightly revised state-specific allocations for 2021. If the Board and Council opted for a transitional program involving 10% annual increments, until the weightings reached 10% utilization from initial allocations and 90% stock distribution, this sharing formula would transition from a 90:10 initial allocation-to-stock distribution weighting in 2021 to a 10:90 weighting by 2029. During every adjustment, the trawl survey information would be updated and factored into the stock distribution values. As such, each regional and associated state-specific adjustment would not necessarily be the same, whether in magnitude or direction.

Alternatively, the Board and Council could opt for a transitional program involving 10% increments every two years, or 5% annual increments, or 5% increments every two years, etc. Those alternatives would significantly slow the transition. Some of these variants are illustrated below as examples.

## Example

The following are examples of how the new approach can be applied; it incorporates various proposed or strawman parameters, all of which can be modified upon review and consideration by the Board and Council:

- The assessment information is used to calculate the Stock Distribution values.
- Step 1: Apply the state-specific allocations and stock distribution information to equation 1.
  - Summed state allocations for Region 1 (sum of ME-NY)

```
sum.reg1
```

```
## [1] 0.33
```

- Summed state allocation for Region 2 (NJ - NC)

```
sum.reg2
```

```
## [1] 0.67
```

- Step 2: Apply the Stock Distribution information to equation 1.
  - Strawman values:

```
dist.reg1 = 0.76
```

```
dist.reg2 = 0.24
```

- Step 3: Select the increment of adjustment, which will determine the  $\alpha$  and  $\beta$  parameters for equation 1 for year 1:
  - The initial sharing formula is proposed to be based on an annual 10% adjustment resulting in the weighting of historical allocations by 90% and the weighting of stock distribution by 10%. Thus:

```
alpha = 0.9
```

```
beta = 0.1
```

- Step 4: Calculate the results, in the form of proportional regional shares, from equation 1:

```
# Region 1 equation and result
```

```
Reg1.Share = (alpha*sum.reg1) + (beta*dist.reg1)
```

```
Reg1.Share
```

```
## [1] 0.373
```

```
# Region 2 equation and result
Reg2.Share = (alpha*sum.reg2) + (beta*dist.reg2)
Reg2.Share
```

```
## [1] 0.627
```

– This does not account for any change to the original allocations, see step 6 below.

- Step 5: Determine need to apply the adjustment cap

```
# Algorithm
if (abs(Reg1.Share-sum.reg1) > 0.1 | abs(Reg2.Share-sum.reg2) > 0.1 ) {
  if (Reg1.Share-sum.reg1 > 0) {
    Reg1.Share = (sum.reg1*(0.1))+sum.reg1
    Reg2.Share = (sum.reg2*(-0.1))+sum.reg2
  }
  if (Reg2.Share-sum.reg2 > 0) {
    Reg1.Share = (sum.reg1*(-.1))+sum.reg1
    Reg2.Share = (sum.reg2*(0.1))+sum.reg2
  }
}
}
```

– As proposed, the rule would cap any change at 10%. Since none of the resulting shares change by more than 10%, the algorithm would not apply in this case.

- Step 6: Establish the state-specific allocation structure to be pro-rated by the regional shares. This example **does not** apply a  $\lambda$  value to alter the allocations per equation 3.
  - The state-specific allocations could be the current, status quo allocations; or they could be variants, established via equation 3.

Table 2 - Current state by state allocations.

State	Current Allocation
Maine	0.005
New Hampshire	0.005
Massachusetts	0.130
Rhode Island	0.110
Connecticut	0.010
New York	0.070
New Jersey	0.200
Delaware	0.050
Maryland	0.110
Virginia	0.200
North Carolina	0.110

Four hypothetical examples of state-specific allocations under the new program were performed and are presented below (Tables 3, 4, and 5; Figures 3, 4, and 5).

*Example 1:* The first example represents a configuration resulting in more liberal change in state allocations. The parameters are set as follows: 2 regions (ME - NY; NJ - NC); initial allocation = status quo allocations ; transition from 90:10 to 10:90; 10% per year change in the transition from utilization to distribution; annual adjustments; the transition time to 90% weight on the stock distribution is 9 years; 10% adjustment cap; distribution assumption is based on the exploitable biomass by region from the assessment for the time period of 2004 - 2012; distribution of adjustments to states within a region are based on initial allocations.

*Example 2:* The second example represents a more conservative configuration, with more limited changes to state allocations. The parameters are set as follows: 2 regions (ME - NY; NJ - NC); initial allocation = status quo allocations; transition from 90:10 to 30:70; 5% per year change in the transition from utilization to distribution; annual adjustments; the transition time to 70% weight on the stock distribution is 12 years; 3% adjustment cap; distribution assumption is based on the exploitable biomass by region from the assessment for the time period of 2004 - 2015; distribution of adjustments to states within a region are based on initial allocations.

*Example 3:* The final example is intended to showcase a number of additional modifications that could be made to the approach to achieve certain objectives. In discussions amongst the PDT (and previously the Board regarding recreational black sea bass) it has been noted that it may be appropriate to treat New Jersey as an individual region due to its geographic position straddling the division of the Northern and Southern regions adjacent to Hudson Canyon. Additionally, this option increases the allocations for Connecticut and New York due to their allocations being disproportionate to their current resource availability (as defined in Equation 3 above). Lastly, the PDT discussed the option of holding Maine and New Hampshire's current allocations static throughout the transaction. To demonstrate these modifications, the parameters are set as follows: 4 regions (ME and NH remaining as a non-dynamic region with static allocations; MA - NY; NJ as a stand-alone region; and DE - NC); initial allocation = CT and NY base allocations increased by 1% in each of the first three years; transition from 90:10 to 10:90; 10% per year change in the transition from utilization to distribution; annual adjustments; the transition time to 90% weight on the stock distribution is 9 years; 10% adjustment cap; distribution assumption is based on the exploitable biomass by region from the assessment for the time period of 2004 - 2012, and assumes NJ gets 10% of its allocation from the northern region distribution and 10% of its allocation from the southern region distribution; distribution of adjustments to states within a region are based on initial allocations plus the incremental change as noted above.

The allocations presented in these tables would be different if any of the parameters were changed. Additionally, note that these examples are based on a scenario where the approach was implemented in 2004. The example shows how the system would work and the effects to the states over the initial period of adjustment from initial allocation having the highest weight in the equation to stock distribution having the highest weight during a period of time where the exploitable biomass was rapidly changing.

Table 3 - Allocation trajectory for all states under the parameters outlined in example 1 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012
Maine	0.005	0.006	0.006	0.007	0.008	0.008	0.009	0.011	0.011
New Hampshire	0.005	0.006	0.006	0.007	0.008	0.008	0.009	0.011	0.011
Massachusetts	0.137	0.147	0.158	0.174	0.195	0.210	0.238	0.275	0.293
Rhode Island	0.116	0.125	0.134	0.147	0.165	0.178	0.201	0.233	0.248
Connecticut	0.011	0.011	0.012	0.013	0.015	0.016	0.018	0.021	0.023
New York	0.074	0.079	0.085	0.094	0.105	0.113	0.128	0.148	0.158
New Jersey	0.195	0.187	0.179	0.167	0.151	0.139	0.119	0.090	0.076
Delaware	0.049	0.047	0.045	0.042	0.038	0.035	0.030	0.023	0.019
Maryland	0.107	0.103	0.098	0.092	0.083	0.077	0.065	0.050	0.042
Virginia	0.195	0.187	0.179	0.167	0.151	0.139	0.119	0.090	0.076
North Carolina	0.107	0.103	0.098	0.092	0.083	0.077	0.065	0.050	0.042

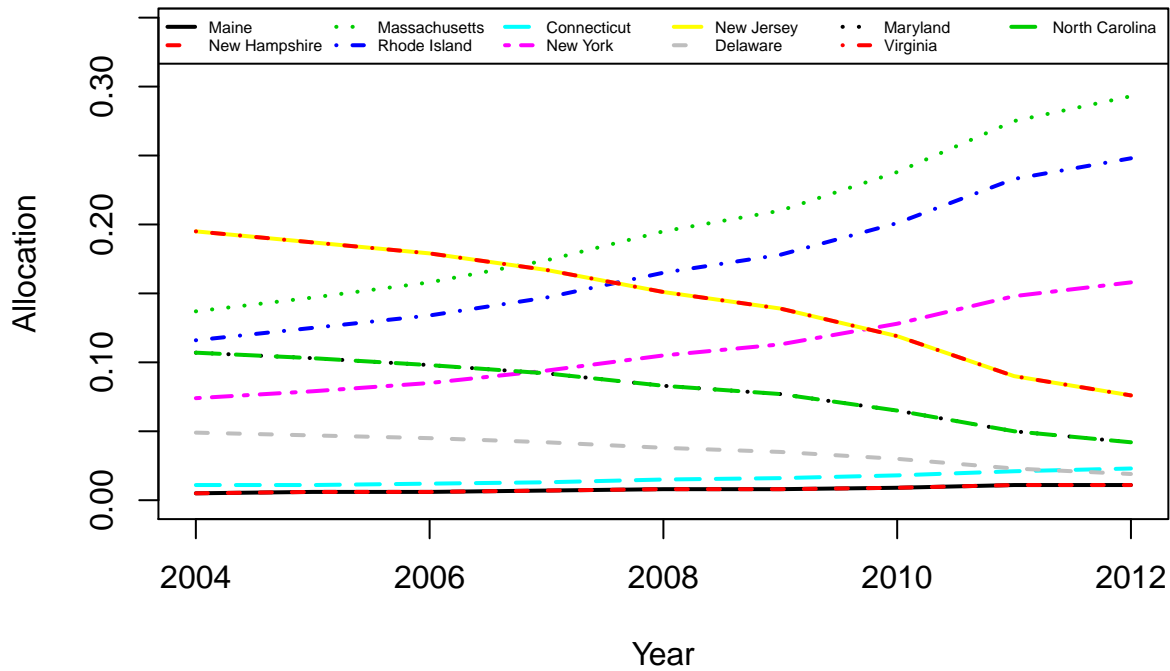


Figure 3: Allocation trajectory for all states under the parameters outlined in example 1 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.



Table 4 - Allocation trajectory for all states under the parameters outlined in example 2 above. The adjustment cap is triggered in each year from 2012 through 2015 in this example. This is a retrospective analysis as if this method were in place beginning in 2004. The adjustment cap is triggered in 2012 - 2015 in this example.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Maine	0.005	0.005	0.006	0.006	0.006	0.007	0.007	0.007	0.007	0.007	0.008	0.008
New Hampshire	0.005	0.005	0.006	0.006	0.006	0.007	0.007	0.007	0.007	0.007	0.008	0.008
Massachusetts	0.134	0.139	0.144	0.152	0.162	0.170	0.176	0.182	0.187	0.193	0.198	0.205
Rhode Island	0.113	0.117	0.122	0.129	0.137	0.144	0.149	0.154	0.159	0.163	0.168	0.173
Connecticut	0.010	0.011	0.011	0.012	0.012	0.013	0.014	0.014	0.014	0.015	0.015	0.016
New York	0.072	0.075	0.078	0.082	0.088	0.092	0.095	0.098	0.101	0.104	0.107	0.110
New Jersey	0.197	0.193	0.189	0.183	0.175	0.170	0.164	0.159	0.154	0.150	0.145	0.141
Delaware	0.049	0.048	0.047	0.046	0.044	0.042	0.041	0.040	0.039	0.037	0.036	0.035
Maryland	0.109	0.106	0.104	0.101	0.096	0.093	0.090	0.087	0.085	0.082	0.080	0.077
Virginia	0.197	0.193	0.189	0.183	0.175	0.170	0.164	0.159	0.154	0.150	0.145	0.141
North Carolina	0.109	0.106	0.104	0.101	0.096	0.093	0.090	0.087	0.085	0.082	0.080	0.077

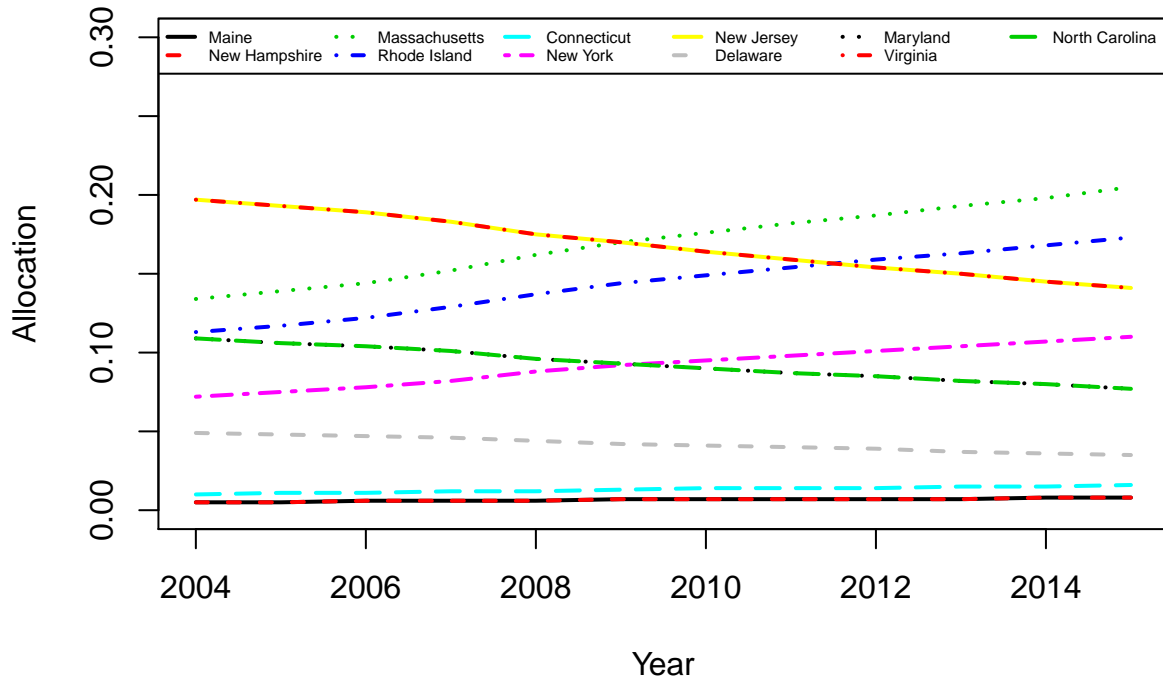


Figure 4: Allocation trajectory for all states under the parameters outlined in example 2 above. The adjustment cap is triggered in each year from 2012 through 2015 in this example. This is a retrospective analysis as if this method were in place beginning in 2004. The adjustment cap is triggered in 2012 - 2015 in this example.

Table 5 - Allocation trajectory for all states under the parameters outlined in example 3 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012
Maine	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005
New Hampshire	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005
Massachusetts	0.128	0.125	0.122	0.131	0.143	0.154	0.171	0.190	0.200
Rhode Island	0.108	0.105	0.102	0.109	0.120	0.128	0.143	0.159	0.167
Connecticut	0.020	0.030	0.040	0.043	0.047	0.051	0.056	0.063	0.066
New York	0.081	0.090	0.100	0.108	0.118	0.127	0.141	0.157	0.164
New Jersey	0.194	0.194	0.195	0.197	0.199	0.201	0.210	0.213	0.216
Delaware	0.046	0.043	0.040	0.037	0.033	0.030	0.025	0.019	0.017
Maryland	0.105	0.100	0.098	0.090	0.081	0.073	0.061	0.047	0.041
Virginia	0.193	0.187	0.184	0.170	0.152	0.138	0.115	0.089	0.077
North Carolina	0.105	0.100	0.098	0.090	0.081	0.073	0.061	0.047	0.041

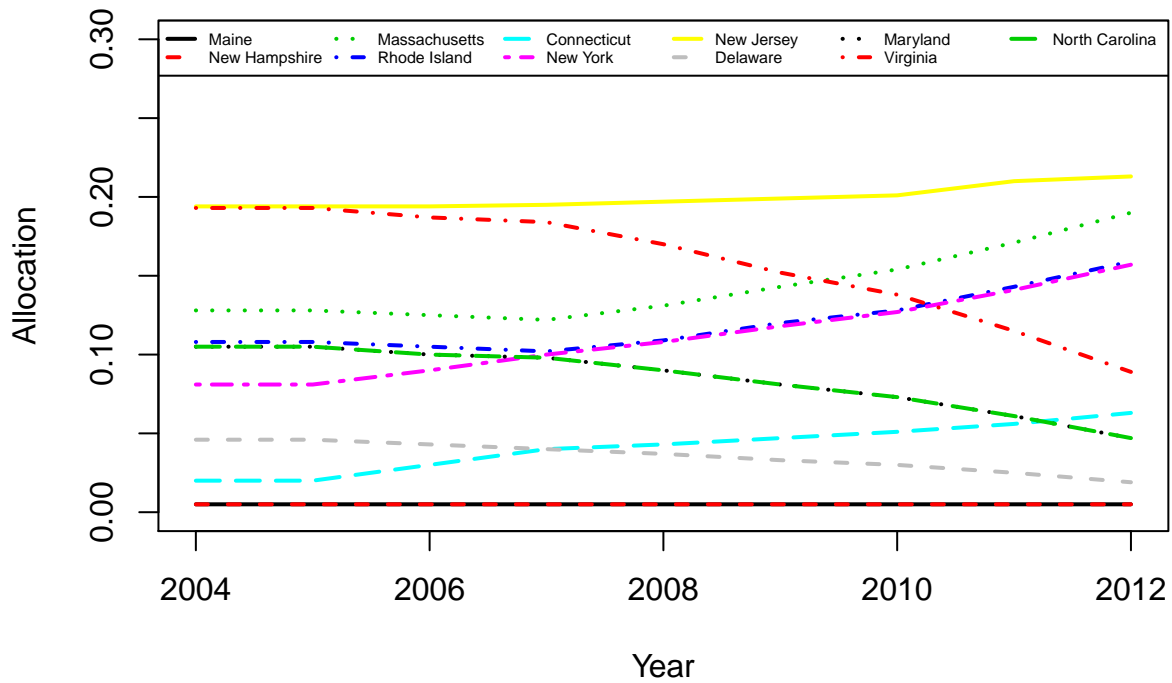


Figure 5: Allocation trajectory for all states under the parameters outlined in example 3 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

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**Appendix 3. Example changes in allocation distribution under various trigger and percentage approaches**

<b>Appendix X Examples</b>			
<b>Example</b>	<b>Option</b>	<b>Trigger/Percentage</b>	<b>Approach</b>
1-A	Trigger	3 million	Static trigger with surplus allocated regionally and proportional to states' initial allocations
1-B	Trigger	3 million	1-A, if one year's quota is below the trigger
2	Trigger, Three regions	3 million	Static trigger with surplus allocated regionally and proportional to states' initial allocations with NJ as a third region
3	Trigger	3 million	Static trigger with surplus allocated regionally and equally between states
4-A	Trigger	3 million	Dynamic trigger with surplus allocated regionally and proportional to states' base allocations
4-B	Trigger	3 million	4-A, if one year's quota is below the trigger
5	Trigger	3 million	Dynamic trigger with surplus allocated regionally and equally between states
6	Trigger	4.5 million	Dynamic trigger with surplus allocated regionally and proportional to states' base allocations
7-A	Trigger with Increase to CT and NY First	3 million	Static trigger with surplus allocated regionally and proportional to states' initial allocations
7-B	Trigger with Increase to CT and NY First	3 million	7-A, if one year's quota is below the trigger
8	Percentage	25%	Surplus allocated equally between states
9	Percentage	25%	Surplus allocated regionally and equally between the states
10	Percentage	25%	Surplus allocated regionally and proportional to states' initial allocations
11	Percentage	75%	Surplus allocated regionally and equally between the states
12	Percentage	75%	Surplus allocated regionally and proportional to states' initial allocations

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**EXAMPLE 1-A**

Trigger Value: 3 million pounds

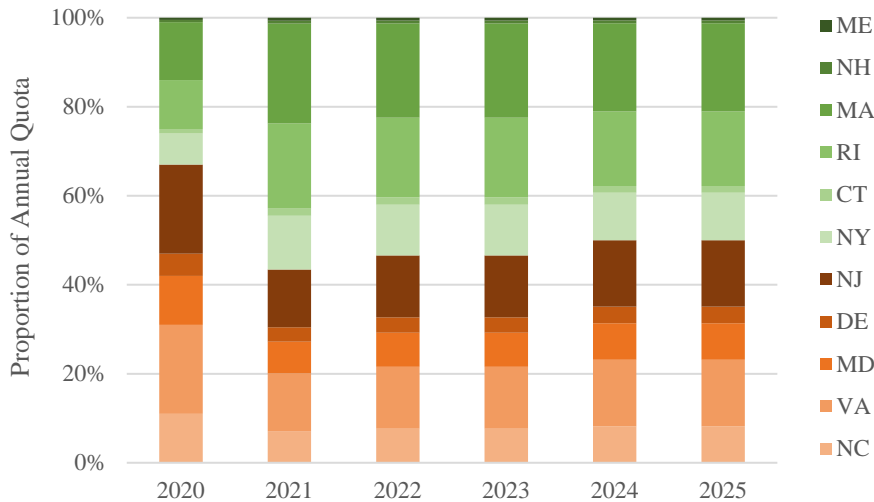
Base allocations: Static

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to initial allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	22.5%	21.2%	21.2%	19.8%	19.8%
RI	11.0%	19.0%	17.9%	17.9%	16.8%	16.8%
CT	1.0%	1.7%	1.6%	1.6%	1.5%	1.5%
NY	7.0%	12.1%	11.4%	11.4%	10.7%	10.7%
NJ	20.0%	13.0%	13.9%	13.9%	14.9%	14.9%
DE	5.0%	3.2%	3.5%	3.5%	3.7%	3.7%
MD	11.0%	7.1%	7.7%	7.7%	8.2%	8.2%
VA	20.0%	13.0%	13.9%	13.9%	14.9%	14.9%
NC	11.0%	7.1%	7.7%	7.7%	8.2%	8.2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>North</b>	<b>33.0%</b>	<b>56.6%</b>	<b>53.4%</b>	<b>53.4%</b>	<b>50.0%</b>	<b>50.0%</b>
<b>South</b>	<b>67.0%</b>	<b>43.4%</b>	<b>46.6%</b>	<b>46.6%</b>	<b>50.0%</b>	<b>50.0%</b>



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**EXAMPLE 1-B (1-A approach with one year’s quota under the trigger)**

Trigger Value: 3 million pounds

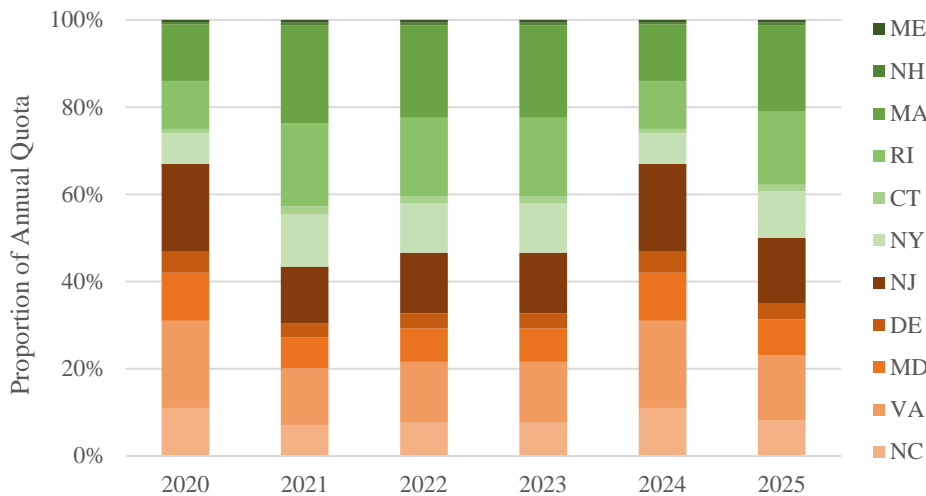
Base allocations: Static

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to initial allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	<b>2,800,000</b>	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.7%	0.6%	0.6%	0.5%	0.6%
<b>NH</b>	0.5%	0.7%	0.6%	0.6%	0.5%	0.6%
<b>MA</b>	13.0%	22.5%	21.2%	21.2%	13.0%	19.8%
<b>RI</b>	11.0%	19.0%	17.9%	17.9%	11.0%	16.8%
<b>CT</b>	1.0%	1.7%	1.6%	1.6%	1.0%	1.5%
<b>NY</b>	7.0%	12.1%	11.4%	11.4%	7.0%	10.7%
<b>NJ</b>	20.0%	13.0%	13.9%	13.9%	20.0%	14.9%
<b>DE</b>	5.0%	3.2%	3.5%	3.5%	5.0%	3.7%
<b>MD</b>	11.0%	7.1%	7.7%	7.7%	11.0%	8.2%
<b>VA</b>	20.0%	13.0%	13.9%	13.9%	20.0%	14.9%
<b>NC</b>	11.0%	7.1%	7.7%	7.7%	11.0%	8.2%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	56.6%	53.4%	53.4%	33.0%	50.0%
<b>South</b>	67.0%	43.4%	46.6%	46.6%	67.0%	50.0%



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**EXAMPLE 2**

Trigger Value: 3 million pounds

Base allocations: Static

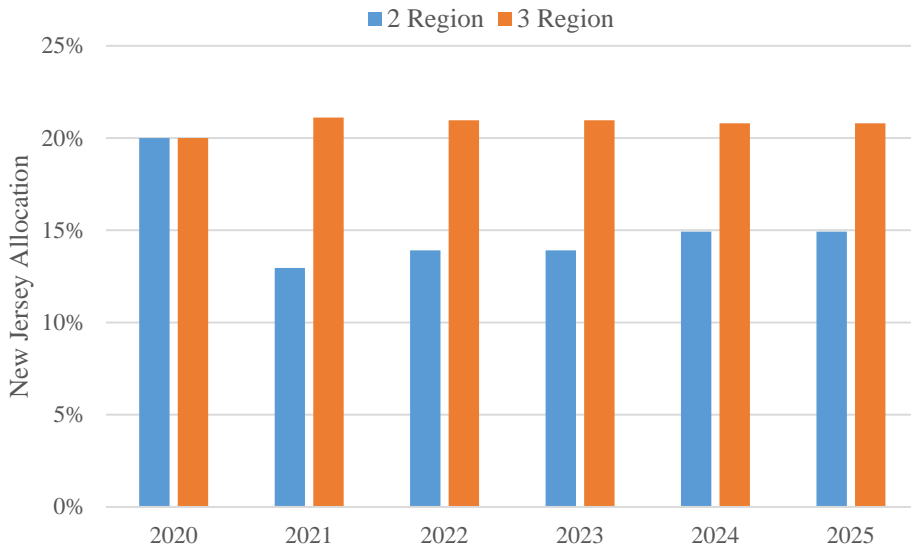
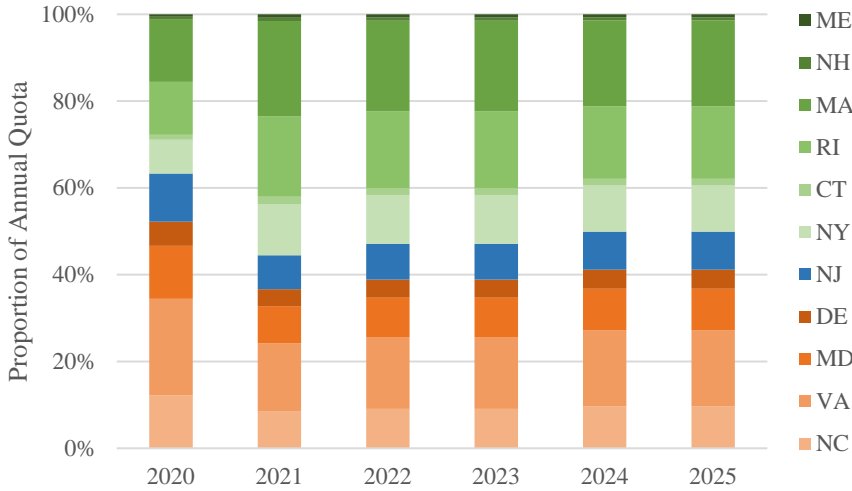
Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to initial allocations.

Regional configuration: ME-NY, NJ, DE-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
<b>NH</b>	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
<b>MA</b>	13.0%	18.8%	18.0%	18.0%	17.2%	17.2%
<b>RI</b>	11.0%	15.9%	15.2%	15.2%	14.5%	14.5%
<b>CT</b>	1.0%	1.4%	1.4%	1.4%	1.3%	1.3%
<b>NY</b>	7.0%	10.1%	9.7%	9.7%	9.2%	9.2%
<b>NJ</b>	20.0%	21.1%	21.0%	21.0%	20.8%	20.8%
<b>DE</b>	5.0%	3.3%	3.6%	3.6%	3.8%	3.8%
<b>MD</b>	11.0%	7.3%	7.8%	7.8%	8.4%	8.4%
<b>VA</b>	20.0%	13.3%	14.2%	14.2%	15.2%	15.2%
<b>NC</b>	11.0%	7.3%	7.8%	7.8%	8.4%	8.4%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	47.5%	45.6%	45.6%	43.5%	43.5%
<b>NJ</b>	20.0%	21.1%	21.0%	21.0%	20.8%	20.8%
<b>South</b>	47.0%	31.4%	33.5%	33.5%	35.7%	35.7%

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The above Figure provides a comparison of NJ’s percent allocation under the 2 region configuration provided in Example 1 (blue bars) and the 3 region configuration provided in Example 2 (orange bars). All other variables are held constant between Example 1-A and Example 2.



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**EXAMPLE 3**

Trigger Value: 3 million pounds

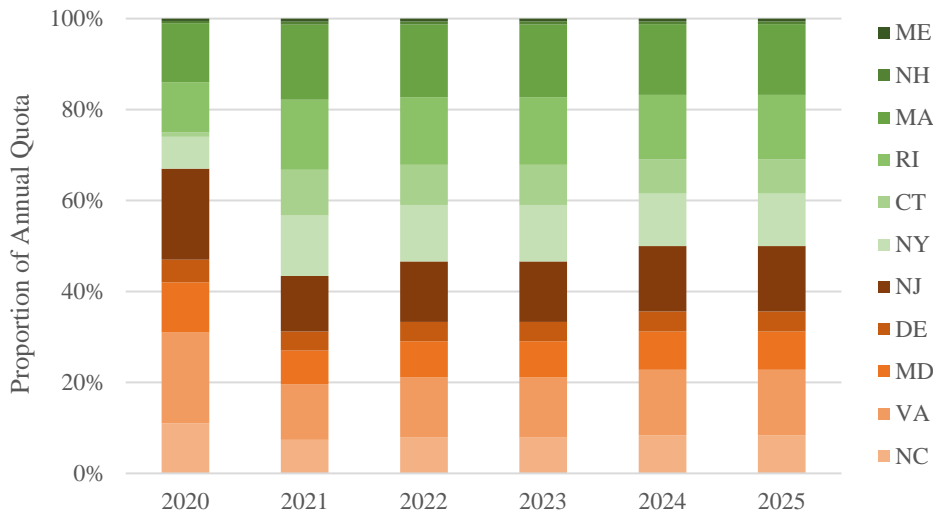
Base allocations: Static

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
<b>NH</b>	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
<b>MA</b>	13.0%	16.5%	16.0%	16.0%	15.5%	15.5%
<b>RI</b>	11.0%	15.4%	14.8%	14.8%	14.2%	14.2%
<b>CT</b>	1.0%	10.1%	8.8%	8.8%	7.5%	7.5%
<b>NY</b>	7.0%	13.3%	12.4%	12.4%	11.5%	11.5%
<b>NJ</b>	20.0%	12.2%	13.3%	13.3%	14.4%	14.4%
<b>DE</b>	5.0%	4.2%	4.3%	4.3%	4.4%	4.4%
<b>MD</b>	11.0%	7.4%	7.9%	7.9%	8.4%	8.4%
<b>VA</b>	20.0%	12.2%	13.3%	13.3%	14.4%	14.4%
<b>NC</b>	11.0%	7.4%	7.9%	7.9%	8.4%	8.4%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	56.6%	53.4%	53.4%	50.0%	50.0%
<b>South</b>	67.0%	43.4%	46.6%	46.6%	50.0%	50.0%



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**EXAMPLE 4-A**

Trigger Value: 3 million pounds

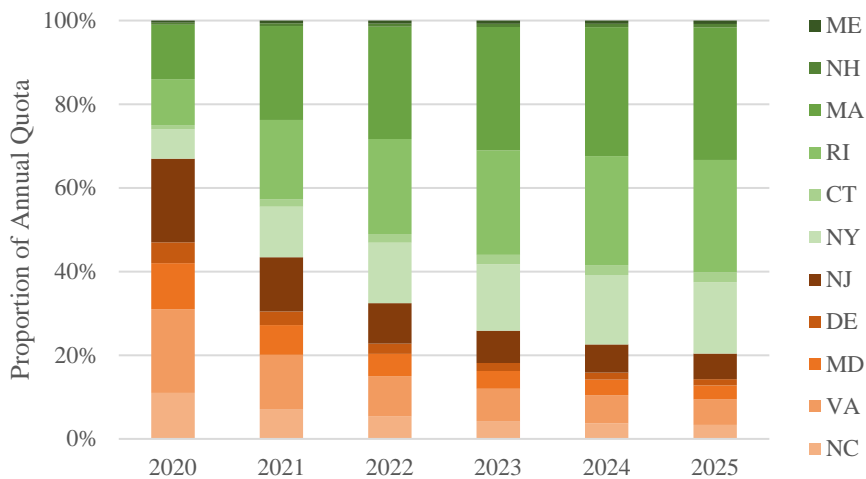
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to base allocations.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
<b>NH</b>	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
<b>MA</b>	13.0%	22.5%	26.8%	29.5%	30.8%	31.7%
<b>RI</b>	11.0%	19.0%	22.7%	24.9%	26.1%	26.8%
<b>CT</b>	1.0%	1.7%	2.1%	2.3%	2.4%	2.4%
<b>NY</b>	7.0%	12.1%	14.5%	15.9%	16.6%	17.1%
<b>NJ</b>	20.0%	13.0%	9.7%	7.7%	6.7%	6.1%
<b>DE</b>	5.0%	3.2%	2.4%	1.9%	1.7%	1.5%
<b>MD</b>	11.0%	7.1%	5.3%	4.2%	3.7%	3.3%
<b>VA</b>	20.0%	13.0%	9.7%	7.7%	6.7%	6.1%
<b>NC</b>	11.0%	7.1%	5.3%	4.2%	3.7%	3.3%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	56.6%	67.5%	74.1%	77.4%	79.6%
<b>South</b>	67.0%	43.4%	32.5%	25.9%	22.6%	20.4%



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**EXAMPLE 4-B (4-A approach with one year’s quota under the trigger)**

Trigger Value: 3 million pounds

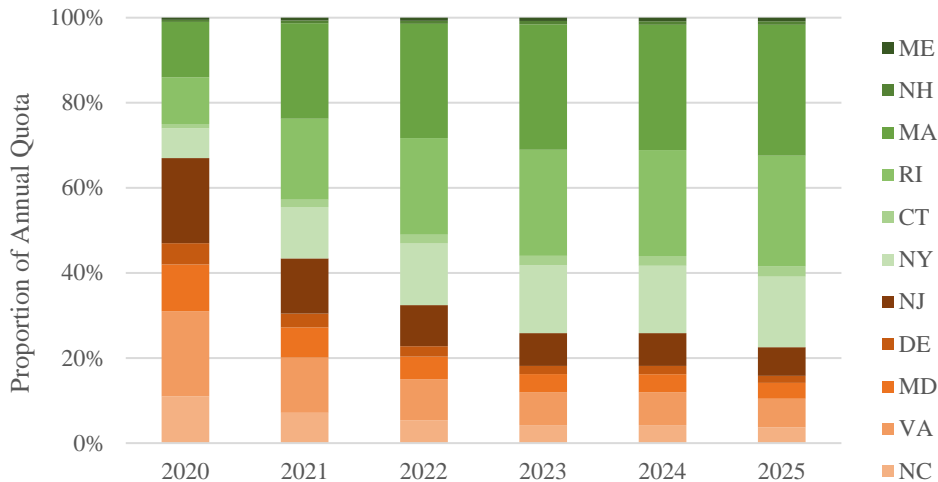
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to base allocations.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	<b>2,800,000</b>	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
<b>NH</b>	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
<b>MA</b>	13.0%	22.5%	26.8%	29.5%	29.5%	30.8%
<b>RI</b>	11.0%	19.0%	22.7%	24.9%	24.9%	26.0%
<b>CT</b>	1.0%	1.7%	2.1%	2.3%	2.3%	2.4%
<b>NY</b>	7.0%	12.1%	14.5%	15.9%	15.9%	16.6%
<b>NJ</b>	20.0%	13.0%	9.7%	7.7%	7.7%	6.7%
<b>DE</b>	5.0%	3.2%	2.4%	1.9%	1.9%	1.7%
<b>MD</b>	11.0%	7.1%	5.3%	4.2%	4.2%	3.7%
<b>VA</b>	20.0%	13.0%	9.7%	7.7%	7.7%	6.7%
<b>NC</b>	11.0%	7.1%	5.3%	4.2%	4.2%	3.7%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	56.6%	67.5%	74.1%	74.2%	77.4%
<b>South</b>	67.0%	43.4%	32.5%	25.9%	25.8%	22.6%



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**EXAMPLE 5**

Trigger Value: 3 million pounds

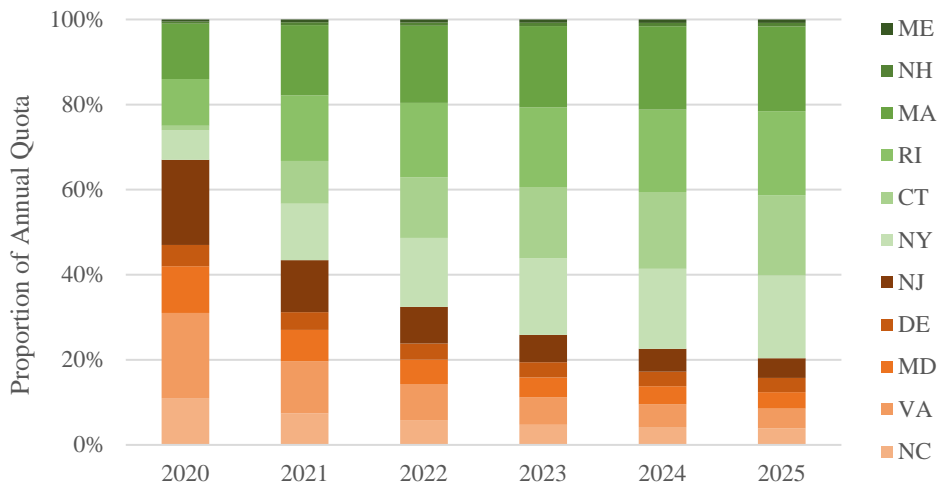
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
<b>NH</b>	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
<b>MA</b>	13.0%	16.5%	18.1%	19.1%	19.6%	19.9%
<b>RI</b>	11.0%	15.4%	17.5%	18.7%	19.3%	19.8%
<b>CT</b>	1.0%	10.1%	14.3%	16.8%	18.1%	18.9%
<b>NY</b>	7.0%	13.3%	16.2%	18.0%	18.8%	19.4%
<b>NJ</b>	20.0%	12.2%	8.6%	6.5%	5.4%	4.6%
<b>DE</b>	5.0%	4.2%	3.8%	3.5%	3.4%	3.4%
<b>MD</b>	11.0%	7.4%	5.7%	4.7%	4.2%	3.9%
<b>VA</b>	20.0%	12.2%	8.6%	6.5%	5.4%	4.6%
<b>NC</b>	11.0%	7.4%	5.7%	4.7%	4.2%	3.9%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	56.6%	67.5%	74.1%	77.4%	79.6%
<b>South</b>	67.0%	43.4%	32.5%	25.9%	22.6%	20.4%



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**EXAMPLE 6**

Trigger Value: 4.5 million pounds

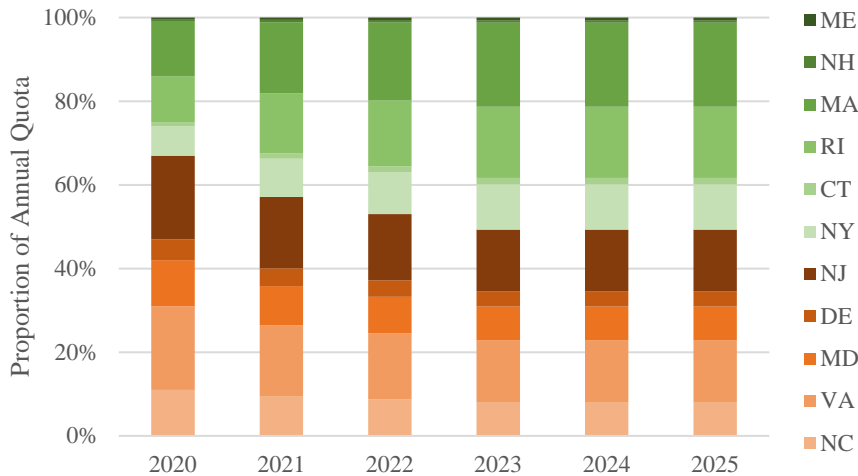
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to base allocations.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
<b>NH</b>	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
<b>MA</b>	13.0%	17.0%	18.6%	20.1%	20.1%	20.1%
<b>RI</b>	11.0%	14.3%	15.7%	17.0%	17.0%	17.0%
<b>CT</b>	1.0%	1.3%	1.4%	1.5%	1.5%	1.5%
<b>NY</b>	7.0%	9.1%	10.0%	10.8%	10.8%	10.8%
<b>NJ</b>	20.0%	17.1%	15.8%	14.7%	14.7%	14.7%
<b>DE</b>	5.0%	4.3%	4.0%	3.7%	3.7%	3.7%
<b>MD</b>	11.0%	9.4%	8.7%	8.1%	8.1%	8.1%
<b>VA</b>	20.0%	17.1%	15.8%	14.7%	14.7%	14.7%
<b>NC</b>	11.0%	9.4%	8.7%	8.1%	8.1%	8.1%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	42.9%	47.0%	50.7%	50.7%	50.7%
<b>South</b>	67.0%	57.1%	53.0%	49.3%	49.3%	49.3%



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**EXAMPLE 7-A (Increase to Connecticut and New York Quotas First)**

Trigger Value: 3 million pounds

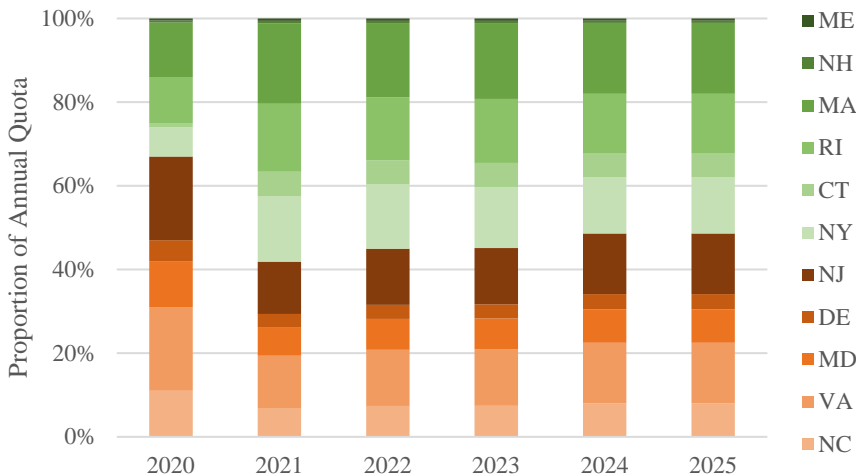
Base allocations: Static

Distribution of surplus quota: Surplus quota first allocated to increase Connecticut to 5%, then to increase New York to 9%. Further surplus is allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to historic allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
NH	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
MA	13.0%	19.2%	17.8%	18.1%	16.9%	16.9%
RI	11.0%	16.3%	15.0%	15.3%	14.3%	14.3%
CT	1.0%	5.9%	5.8%	5.8%	5.6%	5.6%
NY	7.0%	15.6%	15.4%	14.5%	13.4%	13.4%
NJ	20.0%	12.5%	13.4%	13.5%	14.5%	14.5%
DE	5.0%	3.1%	3.4%	3.4%	3.6%	3.6%
MD	11.0%	6.9%	7.4%	7.4%	8.0%	8.0%
VA	20.0%	12.5%	13.4%	13.5%	14.5%	14.5%
NC	11.0%	6.9%	7.4%	7.4%	8.0%	8.0%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	58.1%	55.0%	54.9%	51.4%	51.4%
<b>South</b>	67.0%	41.9%	45.0%	45.1%	48.6%	48.6%



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**EXAMPLE 7-B (7-A approach with one year’s quota under the trigger)**

Trigger Value: 3 million pounds

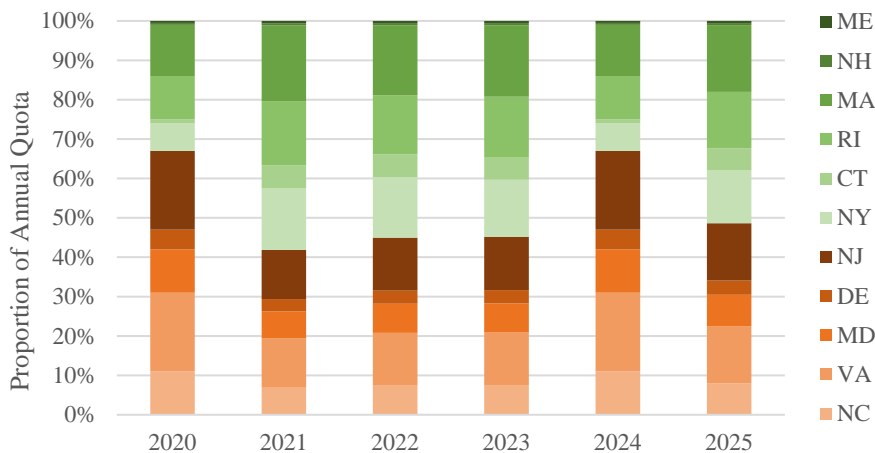
Base allocations: Static

Distribution of surplus quota: Surplus quota first allocated to increase Connecticut to 5%, then to increase New York to 9%. Further surplus is allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to historic allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	<b>2,800,000</b>	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
NH	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
MA	13.0%	19.2%	17.8%	18.1%	13.0%	16.9%
RI	11.0%	16.3%	15.0%	15.3%	11.0%	14.3%
CT	1.0%	5.9%	5.8%	5.8%	1.0%	5.6%
NY	7.0%	15.6%	15.4%	14.5%	7.0%	13.4%
NJ	20.0%	12.5%	13.4%	13.5%	20.0%	14.5%
DE	5.0%	3.1%	3.4%	3.4%	5.0%	3.6%
MD	11.0%	6.9%	7.4%	7.4%	11.0%	8.0%
VA	20.0%	12.5%	13.4%	13.5%	20.0%	14.5%
NC	11.0%	6.9%	7.4%	7.4%	11.0%	8.0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>North</b>	<b>33.0%</b>	<b>58.1%</b>	<b>55.0%</b>	<b>54.9%</b>	<b>33.0%</b>	<b>51.4%</b>
<b>South</b>	<b>67.0%</b>	<b>41.9%</b>	<b>45.0%</b>	<b>45.1%</b>	<b>67.0%</b>	<b>48.6%</b>



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**EXAMPLE 8**

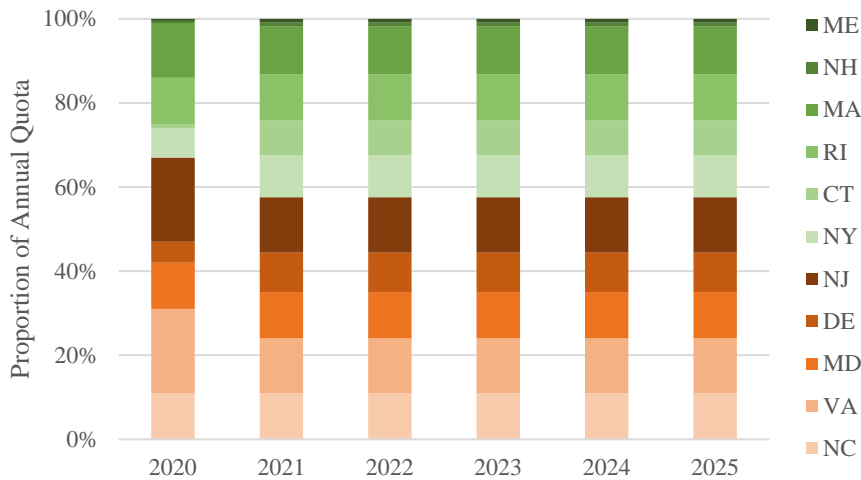
Base percentage: 25%

Distribution of surplus quota: Surplus quota allocated equally to each state from Massachusetts to North Carolina.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.9%	0.9%	0.9%	0.9%	0.9%
<b>NH</b>	0.5%	0.9%	0.9%	0.9%	0.9%	0.9%
<b>MA</b>	13.0%	11.4%	11.4%	11.4%	11.4%	11.4%
<b>RI</b>	11.0%	10.9%	10.9%	10.9%	10.9%	10.9%
<b>CT</b>	1.0%	8.4%	8.4%	8.4%	8.4%	8.4%
<b>NY</b>	7.0%	9.9%	9.9%	9.9%	9.9%	9.9%
<b>NJ</b>	20.0%	13.2%	13.2%	13.2%	13.2%	13.2%
<b>DE</b>	5.0%	9.4%	9.4%	9.4%	9.4%	9.4%
<b>MD</b>	11.0%	10.9%	10.9%	10.9%	10.9%	10.9%
<b>VA</b>	20.0%	13.2%	13.2%	13.2%	13.2%	13.2%
<b>NC</b>	11.0%	10.9%	10.9%	10.9%	10.9%	10.9%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	42.4%	42.4%	42.4%	42.4%	42.4%
<b>South</b>	67.0%	57.6%	57.6%	57.6%	57.6%	57.6%





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**EXAMPLE 9**

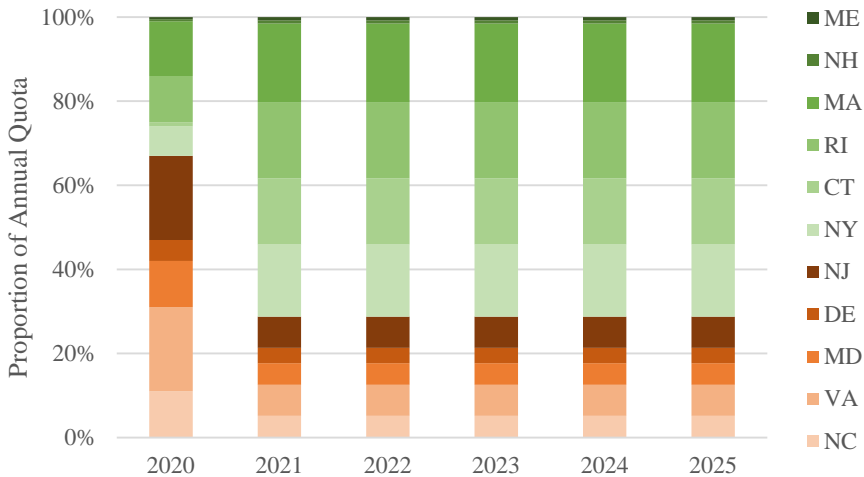
Base percentage: 25%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
<b>NH</b>	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
<b>MA</b>	13.0%	18.7%	18.7%	18.7%	18.7%	18.7%
<b>RI</b>	11.0%	18.2%	18.2%	18.2%	18.2%	18.2%
<b>CT</b>	1.0%	15.7%	15.7%	15.7%	15.7%	15.7%
<b>NY</b>	7.0%	17.2%	17.2%	17.2%	17.2%	17.2%
<b>NJ</b>	20.0%	7.4%	7.4%	7.4%	7.4%	7.4%
<b>DE</b>	5.0%	3.7%	3.7%	3.7%	3.7%	3.7%
<b>MD</b>	11.0%	5.2%	5.2%	5.2%	5.2%	5.2%
<b>VA</b>	20.0%	7.4%	7.4%	7.4%	7.4%	7.4%
<b>NC</b>	11.0%	5.2%	5.2%	5.2%	5.2%	5.2%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	71.3%	71.3%	71.3%	71.3%	71.3%
<b>South</b>	67.0%	28.8%	28.8%	28.8%	28.8%	28.8%



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**EXAMPLE 10**

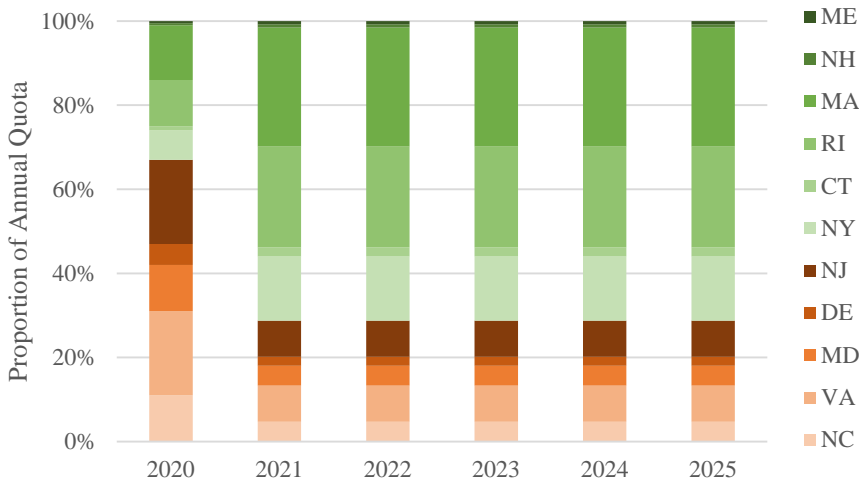
Base percentage: 25%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated according to initial proportions.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
<b>NH</b>	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
<b>MA</b>	13.0%	28.3%	28.3%	28.3%	28.3%	28.3%
<b>RI</b>	11.0%	24.0%	24.0%	24.0%	24.0%	24.0%
<b>CT</b>	1.0%	2.2%	2.2%	2.2%	2.2%	2.2%
<b>NY</b>	7.0%	15.3%	15.3%	15.3%	15.3%	15.3%
<b>NJ</b>	20.0%	8.6%	8.6%	8.6%	8.6%	8.6%
<b>DE</b>	5.0%	2.1%	2.1%	2.1%	2.1%	2.1%
<b>MD</b>	11.0%	4.7%	4.7%	4.7%	4.7%	4.7%
<b>VA</b>	20.0%	8.6%	8.6%	8.6%	8.6%	8.6%
<b>NC</b>	11.0%	4.7%	4.7%	4.7%	4.7%	4.7%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	71.3%	71.3%	71.3%	71.3%	71.3%
<b>South</b>	67.0%	28.8%	28.8%	28.8%	28.8%	28.8%



**Draft Document for Board Review. Not for Public comment.**

**EXAMPLE 11**

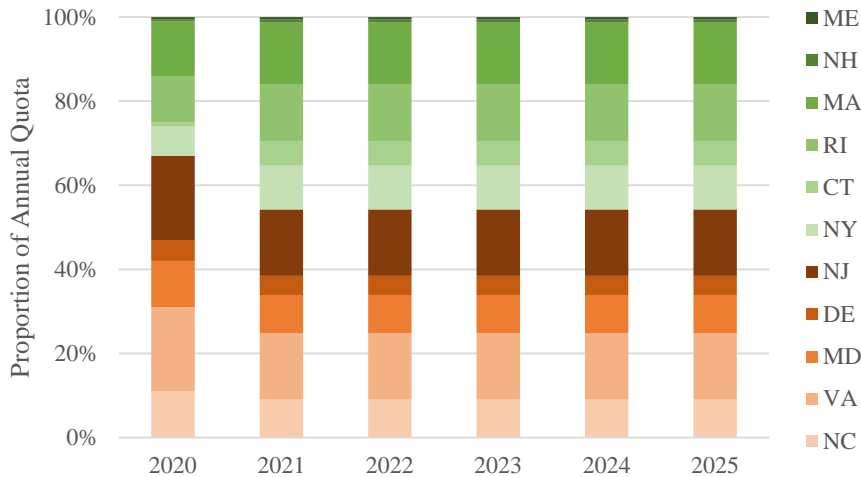
Base percentage: 75%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
<b>NH</b>	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
<b>MA</b>	13.0%	14.9%	14.9%	14.9%	14.9%	14.9%
<b>RI</b>	11.0%	13.4%	13.4%	13.4%	13.4%	13.4%
<b>CT</b>	1.0%	5.9%	5.9%	5.9%	5.9%	5.9%
<b>NY</b>	7.0%	10.4%	10.4%	10.4%	10.4%	10.4%
<b>NJ</b>	20.0%	15.8%	15.8%	15.8%	15.8%	15.8%
<b>DE</b>	5.0%	4.6%	4.6%	4.6%	4.6%	4.6%
<b>MD</b>	11.0%	9.1%	9.1%	9.1%	9.1%	9.1%
<b>VA</b>	20.0%	15.8%	15.8%	15.8%	15.8%	15.8%
<b>NC</b>	11.0%	9.1%	9.1%	9.1%	9.1%	9.1%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	45.8%	45.8%	45.8%	45.8%	45.8%
<b>South</b>	67.0%	54.3%	54.3%	54.3%	54.3%	54.3%



**Draft Document for Board Review. Not for Public comment.**

**EXAMPLE 12**

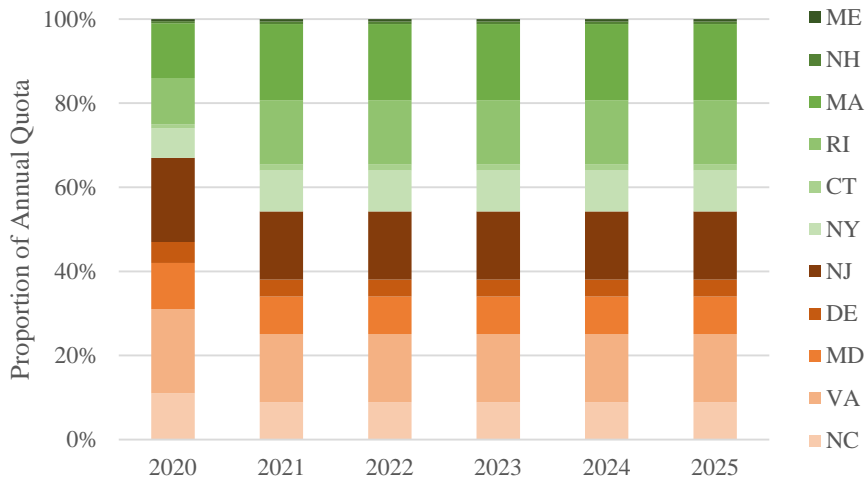
Base percentage: 75%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated according to initial proportions.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
<b>Coastwide Quota</b>	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
<b>ME</b>	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
<b>NH</b>	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
<b>MA</b>	13.0%	18.1%	18.1%	18.1%	18.1%	18.1%
<b>RI</b>	11.0%	15.3%	15.3%	15.3%	15.3%	15.3%
<b>CT</b>	1.0%	1.4%	1.4%	1.4%	1.4%	1.4%
<b>NY</b>	7.0%	9.8%	9.8%	9.8%	9.8%	9.8%
<b>NJ</b>	20.0%	16.2%	16.2%	16.2%	16.2%	16.2%
<b>DE</b>	5.0%	4.0%	4.0%	4.0%	4.0%	4.0%
<b>MD</b>	11.0%	8.9%	8.9%	8.9%	8.9%	8.9%
<b>VA</b>	20.0%	16.2%	16.2%	16.2%	16.2%	16.2%
<b>NC</b>	11.0%	8.9%	8.9%	8.9%	8.9%	8.9%
<b>Total</b>	100%	100%	100%	100%	100%	100%
<b>North</b>	33.0%	45.8%	45.8%	45.8%	45.8%	45.8%
<b>South</b>	67.0%	54.3%	54.3%	54.3%	54.3%	54.3%





**Mid-Atlantic Fishery Management Council**  
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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** July 16, 2020  
**To:** Chris Moore, Executive Director  
**From:** Julia Beaty, staff  
**Subject:** Recreational Reform Initiative

During their August 2020 joint meeting, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) will discuss next steps for the Recreational Reform Initiative. The goal of this discussion is to determine if a framework/addendum or amendment should be initiated to address any management options considered through the Recreational Reform Initiative.

The following documents are included behind this tab for Council and Board consideration:

- Draft outline of the Recreational Reform Initiative developed by the Recreational Reform Steering Committee
- Summary of May 28, 2020 Monitoring Committee discussion of the Recreational Reform Initiative
- Summary of topics removed from the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment, including FMAT recommendations for those topics
- Summer flounder, scup, and black sea bass regulations regarding framework adjustments (regulations are identical for all three species)

The following documents will be added to the briefing book as supplemental materials:

- Summary of July 14, 2020 Recreational Reform Steering Committee call
- Staff memo on which options currently under consideration could likely be pursued through an FMP framework/addendum and which would likely require an FMP amendment

# Recreational Management Reform

Joint initiative of the Mid-Atlantic Fishery Management Council (MAFMC), Atlantic States Marine Fisheries Commission (ASMFC), and the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) addressing recreational management of black sea bass, summer flounder, scup, and bluefish

**Draft** initiative outline developed by the Recreational Management Reform Steering Committee  
This document is intended for discussion purposes by the Monitoring and Technical Committees.  
It has not been approved by the MAFMC and ASMFC for other purposes.

4/27/2020

## Goal/Vision

- **Stability** in recreational management measures (bag/size/season)
- **Flexibility** in the management process
- **Accessibility** aligned with availability/stock status\*

\* This component of the goal/vision is meant to address the perception from some stakeholders that management measures are not aligned with stock status (e.g., restrictive black sea bass measures when spawning stock biomass is more than double the target level). The intent is not to circumvent the requirement to constrain recreational catch to the annual catch limit, nor is the intent to change the current method for deriving catch and landings limits as defined in the fishery management plans (FMPs).

## Objective 1: Better incorporate uncertainty in the MRIP data into the management process

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- This is not a standalone objective. Everything listed below could be used in conjunction with all other objectives.
- Adopt a process for **identifying and smoothing outlier estimates**, to be applied to both high and low outlier estimates as appropriate. Develop a standard, repeatable process to be used each year. The Monitoring and Technical Committees would maintain the discretion to deviate from this process if they provide justification for doing so. The process currently used by the Monitoring and Technical Committees is not codified in the FMPs; therefore, it is not anticipated that a change to this method would require an FMP framework/addendum or amendment. However, it would be beneficial to include an approved process in a technical statement of organization, practices, and procedures (SOPPs) document for the development of recreational measures.
  - *Status*: Starting in 2018, the Summer Flounder, Scup, Black Sea Bass Technical Committee recommended using the Modified Thompson's Tau approach to identify outlier MRIP estimates. They used two different approaches to smooth two black sea bass outlier estimates (i.e., New York 2016 wave 6 for all modes and New Jersey 2017 wave 3 private/rental mode only). They agreed that the appropriate smoothing method may vary on a case by case basis.
  - *Potential next steps*: Establish a process to be used for all four species to identify and smooth outlier MRIP estimates, as appropriate. The process described above

for black sea bass could be used for this purpose. Discuss whether smoothed estimates should be used in other parts of the process, in addition to determining if changes to recreational management measures are needed (e.g., ACL evaluation and discards, should low estimates also be smoothed). Guidelines for how these smoothed estimates will be used should also be established. Monitoring/Technical Committee input would be beneficial.

- *Suggested immediate next step*: Task the Monitoring/Technical Committees with developing a draft process for identifying and smoothing outlier MRIP estimates for all four species.
- Use an **envelope of uncertainty approach** when determining if changes in recreational management measures are needed. Under this approach, a certain range above and below the projected harvest estimate (e.g., based on percent standard error) would be defined to be compared against the upcoming year's RHL. If the RHL falls within the pre-defined range above and below the projected harvest estimate, then no changes would be made to management measures. The intent is to develop a standard, repeatable, and transparent process to be used each year. The Monitoring and Technical Committees would maintain the discretion to deviate from this process if they saw sufficient justification to do so. The process currently used by the Monitoring and Technical Committees to determine if changes are needed to recreational management measures is not codified in the FMPs; therefore, a change to this method may not require an FMP framework/addendum or amendment. However, it would be beneficial to include an approved process in a technical SOPPs document for the development of recreational measures.
- *Status*: The 2013 Omnibus Recreational Accountability Measures Amendment considered a similar approach using confidence intervals around catch estimates to determine if the recreational ACL had been exceeded; however, that amendment proposed using only the lower bound of the confidence interval, rather than the upper and lower bounds. For this reason, that portion of the amendment was disapproved by NOAA Fisheries. In some recent years, the Monitoring and Technical Committees have made arguments for maintaining *status quo* measures for black sea bass and summer flounder based on percent standard error (PSE) values associated with MRIP estimates.
  - *Potential next steps*: Work with the Monitoring/Technical Committee to define the most appropriate confidence interval around the projected harvest estimate for comparison against the upcoming year's RHL (e.g., +/- 1 PSE). Technical analysis (e.g., simulations) may also be needed to evaluate the impacts of maintaining *status quo* recreational management measures when small to moderate restrictions or liberalizations would otherwise be required or allowed.
  - *Suggested immediate next step*: Task the Monitoring/Technical Committee with developing recommendations for this approach.
- **Evaluate the pros and cons of using preliminary current year data** combined with data from a single previous year, or multiple previous years, to project harvest for comparison against the upcoming year's RHL. The FMPs do not currently prescribe which data should be used to develop recreational management measures, beyond requiring use of the best scientific information available. If the Council and Board wish to provide guidance to the Monitoring and Technical Committees on which data to use, or if they wish to place restrictions on the use of certain types of data (e.g., preliminary

current year data), then a technical SOPPS document or an FMP framework/addendum or amendment may be necessary

- *Status:* Each year MAFMC staff develop initial projections of recreational harvest of summer flounder, scup, and black sea bass in the current year to compare against the upcoming year's RHL. These projections combine preliminary current year harvest estimates through wave 4 with the proportion of harvest by wave in one or more past years. The Monitoring Committee provides recommendations on the appropriate methodology in any given year and the data used (e.g., one or multiple previous years) varies on a case by case basis. A different process is used for bluefish. Historically, expected bluefish recreational harvest has been evaluated when considering a recreational to commercial transfer. Expected bluefish harvest was typically based on the previous year or a multiple year average and did not account for preliminary current year data. These different methodologies were developed based on Monitoring Committee guidance and are not prescribed in the FMP. The Recreational Reform Steering Committee has suggested that consideration should be given to the appropriateness of using preliminary current year data and data from one or multiple previous years. No progress has been made on this topic beyond preliminary discussions at the steering committee level.
- *Potential next steps:* Evaluate the various methodologies that have been used to project recreational harvest of the four species in the past and how this intersects with other changes under consideration (e.g., setting measures for two years at a time, objective 3). Discuss if changes should be considered and if analysis is needed.
- *Suggested immediate next step:* Seek Monitoring/Technical Committee input on whether changes to the current process for calculating expected recreational harvest are needed.

## **Objective 2: Develop guidelines for maintaining *status quo* measures**

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- This is not a standalone objective. It could be used in conjunction with objectives 1, 3 (with the exception of the interim year, as described under objective 3), and 5.
- Develop a process for considering both recreational harvest data (all considerations under objective 1 could apply) and multiple stock status metrics (biomass, fishing mortality, recruitment) when deciding if measures should remain unchanged. For example, poor or declining stock status indicators could require changes when *status quo* would otherwise be preferred. Depending on the specific changes under consideration, an FMP framework/addendum or amendment may be necessary, or a technical SOPPS document could be developed.
  - *Status:* The steering committee drafted a preliminary example which was discussed at the [October 2019 joint Council/Board meeting](#).
  - *Potential next steps:* Recommend draft guidelines for maintaining *status quo* measures and consider which, if any, types of technical analysis are needed to consider the potential impacts. Consider if socioeconomic factors (e.g., trends in fishing effort) should also be included in these guidelines.
  - *Suggested immediate next step:* Seek Monitoring/Technical Committee input on the initial draft guidelines developed by the steering committee.



### **Objective 3: Develop process for setting multi-year recreational management measures**

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- This is not a standalone objective. It could be used in conjunction with objectives 1, 2, and 5.
- Develop a process for setting recreational management measures for two years at a time with a commitment to making no changes in the interim year. This would include not reacting to new data that would otherwise allow for liberalizations or require restrictions. Objective 2 (control rules for maintaining *status quo* measures) would not apply in the interim year. Everything under objective 1 (incorporate uncertainty in the MRIP data) could also apply here. An FMP framework/addendum may be needed to make this change. For example, changes to the current accountability measure regulations may be needed. Additional discussions with GARFO are needed regarding Magnuson-Stevens Act requirements.
  - *Status:* The steering committee drafted a preliminary example process which was discussed at the [October 2019 joint Council/Board meeting](#). Previous steering committee discussions indicated that this is a high priority topic and it is central to the draft mission statement previously proposed by the steering committee (i.e., allow for more regulatory stability and flexibility in the recreational management programs for summer flounder, scup, black sea bass, and bluefish by revising the current annual timeframe for evaluating fishery performance and setting recreational specifications to a new multi-year process.)
  - *Potential next steps:* Consider if changes are needed to the draft timeline included in the [October 2019 joint meeting briefing materials](#). Further evaluate how the Magnuson-Stevens Act requirement for annual evaluation of annual catch limit overages and accountability would factor into this approach.
  - *Suggested immediate next step:* Work with GARFO to determine if there are major impediments to this potential change based on Magnuson-Stevens Act requirements.

### **Objective 4: Consider improvements to the process used to make changes to state and federal recreational management measures**

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- This is not a standalone objective. It could be used in conjunction with objectives 1, 3 (with the exception of the interim year, as described under objective 3), and 5.
- The steering committee has discussed various considerations related to maintaining *status quo* management measures; however, they have not discussed the process that should be used when changes are needed. In recent years, federal waters measures have been adjusted at the coastwide level and state waters measures have been adjusted at the state/region and wave level. Improvements to various aspects of the current process for changing measures may warrant consideration. Topics which could be addressed could include state by state versus regional management measures, the federal conservation equivalency process, guidelines for using MRIP data at coastwide/regional/state/wave/mode levels, using data sources other than MRIP, and other topics. Depending on the specific changes desired, this may require an FMP framework/addendum or amendment.
  - *Status:* Not currently identified as a priority by the steering committee.

- *Suggested immediate next step*: Clarify if this is a priority for the Council and Board and which specific topics should be addressed.

## **Objective 5: Consider making recommendations for federal waters recreational management measures earlier in the year**

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- This is not a standalone objective. Everything listed below could be used in conjunction with all other objectives.
- The steering committee has discussed the idea of recommending federal waters recreational management measures in August or October rather than December of each year (or every other year, see objective 3). The current process of recommending federal waters measures for the upcoming year in December can pose challenges for implementing needed changes in both federal and state waters in a timely and coordinated manner. It also limits how far in advance for-hire businesses can plan their trips for the upcoming year. In recent years, changes to the federal recreational measures for summer flounder, scup, and/or black sea bass have not been implemented until May-July of the year in which the changes are needed. Adopting recommendations for federal waters measures in August or October could allow for changes to be implemented earlier in the year; however, fewer data on current year fishery performance would be available for consideration. If there is a significant change in the process to establish measures, an FMP framework/addendum or amendment may be necessary.
  - *Status*: Has been identified by steering committee as a potential priority, but the pros and cons have not yet been given thorough consideration.
  - *Potential next steps*: Evaluate the pros and cons of this change and how it would intersect with other changes under consideration (e.g., setting measures for two years at a time, objective 3). Discuss if analysis is needed. Monitoring/Technical Committee input could be beneficial, especially regarding implications related to the timing of data availability.
  - *Suggested immediate next step*: Seek Monitoring/Technical Committee input on the pros and cons of recommending federal waters recreational management measures for the following year in August, October, or December of the current year.

### Steering Committee membership (in alphabetical order):

Julia Beaty (MAFMC staff)  
 Joe Cimino (MAFMC Summer Flounder, Scup, Black Sea Bass Committee Vice Chair)  
 Justin Davis (ASMFC Summer Flounder, Scup, Black Sea Bass Management Board Vice Chair)  
 Tony DiLernia (MAFMC Summer Flounder, Scup, Black Sea Bass Committee Chair)  
 Emily Keiley (GARFO staff)  
 Toni Kerns (ASMFC staff)  
 Mike Luisi (MAFMC chair)  
 Adam Nowalsky (ASMFC Summer Flounder, Scup, Black Sea Bass Management Board Chair)  
 Mike Ruccio (GARFO staff)  
 Caitlin Starks (ASMFC staff)



**Summer Flounder, Scup, and Black Sea Bass Monitoring Committee  
Webinar Meeting  
May 28, 2020  
Partial Meeting Summary (Recreational Reform Initiative Only)**

**Monitoring Committee Attendees:** Julia Beaty (MAFMC staff), Peter Clarke (NJ DEP), Dustin Colson Leaning (ASMFC staff), Karson Coutré (MAFMC staff), Kiley Dancy (MAFMC staff), Steve Doctor (MD DNR), Emily Keiley (GARFO), Alexa Kretsch (VMRC), John Maniscalco (NY DEC), Lee Paramore (NC DMF), Caitlin Starks (ASFMC staff), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Corinne Truesdale (RI DEM), Sam Truesdell (MA DMF), Greg Wojcik (CT DEP), Rich Wong (DNREC), Tony Wood (NEFSC)

**Additional Attendees:** Annie, Steve Cannizzo (NY RFFA), Mike Celestino (NJ DEP, Bluefish MC), Nicole Lengyel Costa (RI DEM, Bluefish MC), Maureen Davidson (NY DEC, Council/Board member), Greg DiDomenico (Lund's Fisheries), Tony DiLernia (Council member), Cynthia Ferrio (GARFO, Bluefish MC), James Fletcher (United National Fishermen's Association), Jeff Kaelin (Lund's Fisheries), Joseph Munyandorero (FL FWC, Bluefish MC), Adam Nowalsky (Council/Board member), Eric Reid (Council member), SRW, Mike Waine (ASA), Kate Wilke (Council member), Amy Zimney (SC DNR, Bluefish MC)

### **Meeting Summary**

The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee met via webinar on Thursday May 28, 2020 to discuss several topics. The Bluefish Monitoring Committee was invited to participate in the discussion of the Recreational Reform Initiative as this initiative also addresses bluefish.

Briefing materials considered by the Monitoring Committee are available at:  
<https://www.mafmc.org/council-events/2020/sfsbsb-mc-may28>.

*Note: This document summarizes only the Monitoring Committee's discussion of the Recreational Reform Initiative. A more complete summary addressing all topics discussed by the Monitoring Committee will be compiled at a later date.*

### **Recreational Reform Initiative**

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Council staff summarized a draft outline of the Recreational Reform Initiative developed by the Recreational Reform Steering Committee. The Monitoring Committee was generally supportive of continued development of all approaches in the Steering Committee outline. Comments on each objective in the outline are summarized below.

Objective 1: Better incorporate uncertainty in the MRIP data into the management process

Objective 1 in the Steering Committee outline contains three specific suggestions for better considering uncertainty in the MRIP data. The first suggestion is to adopt a standardized process for identifying and smoothing outlier MRIP estimates to be applied to both high and low outliers. The Monitoring Committee agreed that it would be very beneficial to adopt such a process.

The group agreed that outliers could be identified using the Modified Thompson Tau approach used in the past for some black sea bass outliers, or other methods. One Monitoring Committee member said there are multiple potentially appropriate methods for identifying outliers and consideration should be given to which methods are most appropriate for different circumstances. For example, a multi-faceted approach could be considered. Another Monitoring Committee member said consideration should be given to the appropriate level at which the estimates are examined for outliers, for example, at the state/wave/mode/year level or the coastwide annual level.

MRIP estimates are used in many parts of the management process, including in the stock assessment, development of annual catch and landings limits, comparison of catch to the annual catch limit (ACL) to determine if accountability measures are triggered, and development of recreational management measures. To date, smoothed outliers have only been used in a few instances to develop recreational management measures for black sea bass. They have not been used for other purposes for summer flounder, scup, and black sea bass. For example, the smoothed black sea bass estimates for 2016 and 2017 were not used in the 2019 operational stock assessment due to concerns about the appropriateness of smoothing only two high estimates in recent years without examining the entire time series for both high and low outliers. Several Monitoring Committee members noted that this creates a potentially problematic disconnect with other parts of the management process. The group agreed that adoption of a standardized method for identifying and smoothing both high and low outliers would increase the likelihood of being able to use smoothed estimates in all parts of the management process. The group agreed that it would be very important to identify and smooth both high and low outliers and to have a standardized process.

One Monitoring Committee member noted that even if smoothed estimates are used in management, no change would be made to the official MRIP estimates. The group agreed that it could be beneficial to have MRIP staff provide feedback on the process to identify and smooth outliers to help increase buy-in for using smoothed estimates in multiple parts of the management process. The intent would not be to have MRIP staff approve the smoothed estimates, but rather to provide feedback on the appropriateness of any methods developed.

The second specific suggestion under objective 1 is to use an “envelope of uncertainty” approach to determine if changes to recreational management measures are needed. Under this approach, a certain range above and below the projected harvest estimate (e.g., based on percent standard error) would be defined for comparison against the upcoming year’s recreational harvest limit (RHL). If the RHL falls within the pre-defined range above and below the projected harvest estimate, then no changes would be made to management measures. The Monitoring Committee agreed that this is worth pursuing and that further discussion is needed on defining the appropriate envelope. One Monitoring Committee member noted that the group has struggled to define similar metrics in the past and asked if the Council and Board would determine how to define the envelope or if it would be a Monitoring Committee decision. One Monitoring

Committee member said that, given their technical expertise, it may be more appropriate for the Monitoring Committee to recommend the appropriate envelope, rather than the Council and Board.

The third specific suggestion under objective 1 is to consider the appropriateness of using preliminary current year MRIP data in the management process. The Monitoring Committee agreed that this may warrant further consideration. One member noted that MRIP has changed the timing of when they incorporate for-hire data into their estimates. In the past, preliminary estimates were sometimes released without the incorporation of for-hire vessel trip report (VTR) data. VTR data were incorporated into the final estimates. Under the current process, VTRs are incorporated into the preliminary estimates, so the differences between the preliminary and final estimates may not be as great as they were in the past. He recommended an evaluation of the scale of the change from preliminary to final estimates under the current MRIP estimation methodology. He also noted that final data may be appropriate for longer-term decisions including development of management measures that are intended to be in place for multiple years. However, he cautioned that if only final data are used for annual adjustments to measures, there will be a greater disconnect between the data used and current operating conditions than if preliminary current year data were also considered. A few Monitoring Committee members agreed that there are certain situations in which it is beneficial to use preliminary current year data, including making annual adjustments to measures and considering how variation in harvest might be influenced by factors such as year class strength.

One Steering Committee member said the Steering Committee's intent for all three suggestions under objective 1 was not to ask the Monitoring Committee to second-guess and revise the MRIP estimates, but rather to think about the impact outliers can have on recreational management. For example, outlier estimates can lead to significant changes in management measures from year to year which may not be reflective of a true conservation need.

*Objective 2: Develop guidelines for maintaining status quo measures*

The second objective in the Steering Committee outline is to develop a process for considering both recreational harvest data (all considerations under objective 1 could apply) and multiple stock status metrics (biomass, fishing mortality, recruitment) when deciding if measures should remain unchanged. The Monitoring Committee was generally supportive of this approach.

One Monitoring Committee member said it would be helpful to give greater consideration to how expected catch (i.e., landings and dead discards) compares to the ACL, rather than focusing on the RHL as the primary management target when setting management measures for the following year. She questioned whether the Fishery Management Plan would need to be modified to provide more flexibility in this regard.

Another Monitoring Committee member said the group tends to be most comfortable with estimates of expected landings and dead discards when they are based on assessment data. He thought it could be helpful to give stock status metrics from the assessments greater consideration in the process of determining how to change management measures. For example, he feels more confident in the need for more restrictive measures in response to a stock assessment rather than in response to recreational harvest estimates alone, which can be quite variable.

Objective 3: Develop process for setting multi-year recreational management measures

The third objective in the Steering Committee outline is to develop a process for setting recreational management measures for two years at a time with a commitment to making no changes in the interim year. This would include not reacting to new data that would otherwise allow for liberalizations or require restrictions. The Monitoring Committee was very supportive of this approach.

The Monitoring Committee agreed that this approach could lead to compounding overages or underages of catch and harvest limits. However, this could represent just as much of a conservation benefit as a conservation risk.

Multiple Monitoring Committee members said maintaining the same measures for at least two years can allow for better evaluation of the effectiveness of the measures at constraining harvest. The group discussed how harvest can fluctuate widely under constant management measures. Having more years of constant measures would allow for a better understanding of the variations in harvest.

One member clarified that the proposal was for two years and not a longer time period because it is anticipated that updated stock assessment information will be available every two years. This would allow management to react to updated stock assessment information.

One Monitoring Committee member said this approach could pull together many aspects of the other approaches in the Steering Committee outline and it could be a good way to move forward with the goal of stability in management measures. For example, it could allow for use of final MRIP estimates (see objective 1), would allow for consideration of the timing of the management measures recommendation (see objective 5), would allow for changes to be considered in response to updated stock assessment information, and would allow for year-to-year stability in recreational management measures.

Another Monitoring Committee member said this approach would work best if the RHL is the same across the two years.

The group discussed how state conservation equivalency could work under this approach. There was a general consensus that the approach would work best with a strong commitment to no changes at the federal or state level during the two years, including no changes made through conservation equivalency.

One Monitoring Committee member noted that it could be difficult to explain to stakeholders why they may have to forego potential liberalizations in the interim year under this approach. She recommended that this approach be evaluated from a socioeconomic perspective. Another Monitoring Committee member recommended consideration of the benefits of this approach in terms of compliance with and enforcement of the management measures.

Objective 4: Consider improvements to the process used to make changes to state and federal recreational management measures

The fourth objective in the Steering Committee outline relates to improvements to the process used to make changes to state and federal waters recreational management measures. The Steering Committee has not discussed this objective in great detail.

A few Monitoring Committee members said it would be beneficial to have guidelines on how to best use MRIP data at the state/mode/wave levels. The group agreed that additional analysis is

needed to better understand the limitations of the MRIP data for any given species before recommendations can be made for how to best use the MRIP data. For example, one Monitoring Committee member said it may be challenging to develop robust guidelines that could be applied uniformly across all states as MRIP sampling is not consistent across states and states with more frequent intercepts of the species in question may be put at an advantage. Other Monitoring Committee members agreed.

One bluefish Monitoring Committee member said regional measures, especially for shared water bodies, are worth considering and can help address concerns about using MRIP data at too fine of a scale.

*Objective 5: Consider making recommendations for federal waters recreational management measures earlier in the year*

The Steering Committee has discussed the idea of recommending federal waters recreational management measures in August or October rather than December of each year. The Monitoring Committee supported further consideration of this approach. Many members noted that it has been challenging for states to develop measures and for the Technical Committee to review proposals under the tight deadlines that are needed under the current process. Moving some of the decision making to earlier in the year could allow more time for robust review of proposals. However, the group also noted that earlier decision making would not allow for consideration of preliminary current year data when developing recreational management measures for the following year. This may be acceptable when measures are intended to be in place for multiple years (e.g., see objective 3).

*General comments on the Recreational Reform outline*

The group noted that the Council and Board may wish to include additional topics in the Recreational Reform Initiative after discussing the ongoing commercial/recreational allocation amendment during their next meeting.

Several Monitoring Committee members supported consideration of an additional approach that would more explicitly tie changes in management measures to the stock assessment, for example by considering changes only when new stock assessment information is available. This may be feasible under the anticipated every other year timeline for stock assessment updates in the future.

One member of the public asked how the Recreational Reform Initiative complies with the recent executive order to produce seafood. One Steering Committee member emphasized that the initiative relates to recreational fishing only and not commercial fishing. Another Steering Committee member said the initiative would help ensure a supply of seafood by maintaining harvest at sustainable levels.

## *Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment Partial Summary of May 2020 FMAT Meetings*

This document summarizes input from the Fishery Management Action Team (FMAT) on three topics which the Council and Board agreed to remove from the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment and consider pursuing through a separate action (i.e., a “harvest control rule” proposal, recreational accountability, and recreational catch accounting). A full summary of the May 2020 FMAT meetings is available here: [https://www.mafmc.org/s/Tab03\\_SFSBSB-ComRecAllocationAmd\\_2020-06.pdf](https://www.mafmc.org/s/Tab03_SFSBSB-ComRecAllocationAmd_2020-06.pdf).

### **1. "Harvest control rule" based approaches**

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Under this approach, proposed by six recreational organizations (see pages 147-152 of [this document](#) for the full proposal), recreational “allocation” would not be defined as a set percentage of the total catch limit but as a specific combination of bag/size/season limits preferred by recreational fishermen in each state, which would become more restrictive when estimated biomass changes declines below the target level. The restrictions would occur in a pre-determined, stepwise manner. The commercial “allocation” would be the commercial quota preferred by the commercial industry when biomass is high and it would be reduced as biomass declines below the target level in proportion with the restrictions on the recreational fishery. This approach is largely conceptual at this stage and is not yet associated with specific proposed measures.

The FMAT and Council/Board previously discussed that this approach as currently configured may be less directly related to the allocation of catch between the commercial and recreational sectors and more related to how measures are determined for each sector. The FMAT previously recommended exploring how this proposal could be tied in more directly with allocation and whether it would be feasible under our current management system and legal constraints.

#### ***FMAT Comments and Recommendations:***

**The FMAT recommended removing this approach from consideration in this amendment and considering similar concepts through a separate action, likely the ongoing recreational reform initiative.** The FMAT recognized that there is interest in further pursuing this approach from members of the public as well as Council/Board members; however, the FMAT still had a number of concerns about the applicability and feasibility of this proposal. Ultimately, for the reasons described below, the FMAT determined that a) this approach would likely not be consistent with the Magnuson-Stevens Act (MSA) without substantially revising its intent and design; b) this approach as currently conceptualized still does not have a strong connection to commercial/recreational allocations, and c) concepts from this proposal seem well-suited to consideration for the recreational management process, such as the ongoing recreational reform initiative. In addition, the FMAT discussed the potential for exploring ways to apply the tiered management concept from this approach to the dynamic allocation mechanisms category.

#### **Magnuson-Stevens Act Compliance**

The FMAT previously questioned whether this approach could be designed to comply with existing MSA requirements for catch limits and accountability measures. The MSA requires that



ACLs be set each year in pounds or numbers of fish, and that each ACL have associated AMs to prevent exceeding the ACL and to trigger a management response if an ACL is exceeded. At this meeting, the FMAT reiterated that under the MSA, the FMP needs to define a way to measure total removals (total dead catch) and to evaluate performance relative to an ACL set in numbers of fish or pounds. This does not mean it's impossible to start with preferred measures and translate those into catch, but managers are still required to demonstrate that catch associated with the measures is not expected to exceed each sector's ACL, and collectively not expected to exceed the ABC. Ultimately, managers must demonstrate that measures are expected to prevent overfishing.

This proposal as currently described does not appear consistent with these MSA requirements, unless each set of recreational measures and commercial quotas could be clearly associated with projected catch levels and the uncertainty and variability in that process could be appropriately accounted for. A major concern with this approach is the feasibility of accurately predicting catch levels at each of the various management measure thresholds, particularly for the recreational fishery. The FMAT has previously noted that even when recreational measures have remained similar across years, the resulting MRIP estimates can vary significantly. For both fisheries, total dead catch can vary substantially with external factors such as changing total and regional availability, recruitment events, or changing effort based on factors other than measures.

In addition, there could be substantial uncertainty with projecting discards for both sectors based on the commercial quotas and recreational management measures associated with each threshold. All these factors would pose challenges for justifying how this approach could constrain catch to the ACLs and ABC without additional management uncertainty buffers.

### **Process/Analysis Considerations and Connection to Allocation**

The proposal suggests that there is a limit to how much access each sector “needs” (e.g., there is a range and maximum amount of fish that recreational anglers will want to take home, and there is a limit to where profit will be maximized for the commercial fishery). The proposal also suggests that measures or quotas under each threshold should consider state or regional variation in fishery needs. The FMAT noted that determining the needs of each sector under various threshold levels is likely to be a very involved and potentially political process, with heavy analysis and stakeholder input needs.

While some suggestions have been made for how to analyze and determine optimal commercial and recreational access levels at each biomass threshold, expertise outside of the FMAT and Council/Board would likely be required, particularly for establishing an economic basis for the commercial quota levels. In addition, it is still unclear how the balance of access for each sector would be negotiated. The discussion of measures at each threshold for each fishery would also need to reconcile those separate levels of access to ensure that overall catch/removals are still expected to be constrained to the ABC. For some species, such as black sea bass, it is unlikely that both sectors could operate at their preferred levels of access even under positive stock conditions without exceeding the ABC and/or OFL. A process for balancing/negotiating preferred levels of access between the commercial and recreational sectors could be very time and work intensive in terms of analysis and gathering stakeholder input and would potentially delay this action.

The FMAT also discussed that the step-wise approach proposes that higher levels of biomass correspond to higher levels of access, which could allow for liberalization of recreational measures. However, the very large recreational fishery capacity means that effort and catch also typically scales with biomass and availability, in some cases even under highly restrictive recreational measures. This complicates the assumption that recreational measures can liberalize when biomass increases. In addition, changes in the recreational fishery over the years (general effort increases, species-specific effort changes, legal/policy constraints, and improved technology for targeting fish) further complicate the assumption that past recreational measures can be used to estimate expected future catch. The FMAT also noted that it could be easier to agree on measures associated with good stock biomass conditions, but setting measures for lower biomass thresholds may be much more difficult.

### **Potential Application of Ideas Through a Separate Action**

The FMAT agreed that there are several concepts in this proposal that would be worthwhile to explore in terms of application to the process of setting recreational measures. For example, the FMAT noted benefits of the transparency provided by a tiered management approach with clearly defined measures at each level. Additional exploration of the relationship between the effectiveness of recreational management measures and estimated biomass would also be worthwhile. Recreational reform is currently identified as a priority for the Council and Board, and an action to address recreational management is listed on the Council's 2020 implementation plan. The FMAT felt comfortable recommending removal of this option from this action given that there is a pre-existing process that appears to be more appropriate for its discussion.

The FMAT also suggested the possibility of creating a tiered allocation approach under "dynamic allocation approaches" (section 8). While this would not necessarily have the same basis and intent as this approach, some of the ideas discussed under this proposal could be transferable to an allocation framework where thresholds for different allocations could be created. This differs from a trigger-based allocation approach (section 8.2) given that it would not involve completely separate allocation tiers as opposed to a baseline allocation up to a certain point with excess quota allocated differently.

### ***Public Comments:***

One member of the public stated that this feels like an apples to oranges conversation, and that if both sectors are not held to the same standards, the commercial sector will get penalized. She stated that the recreational sector has gone way over their limits in recent years. When this happens, stock biomass can go down which impacts both sectors. She stated that this option seems likely to negatively impact the commercial fishery.

Another member of the public stated that although this approach would require difficult in-depth analysis, he supported its further evaluation.

## **2. Recreational accountability alternatives**

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The theme of increased recreational accountability was prominent in many scoping comments. For example, some comments suggested more frequent recreational overage paybacks and bringing back recreational in-season closures. The FMAT previously noted that large scale revisions to

recreational accountability may be outside the intended scope of this action as the FMAT understands it.

At the May joint meeting, the Council and Board discussed this issue and agreed to leave it in the range of alternatives until it becomes more clear what types of allocation alternatives will be considered. Some Board and Council members suggested that while the current AMs may be appropriate for the current allocations, alternatives that would drastically change the management approach may require modified or additional AMs.

### **Current Recreational Accountability Measures**

Federal regulations include proactive AMs to prevent the recreational ACL from being exceeded and reactive AMs to respond when an ACL is exceeded. Proactive recreational accountability measures include **adjusting management measures (bag limits, size limits, and season) for the upcoming fishing year** that are designed to prevent the RHL and ACL from being exceeded. The NMFS Regional Administrator no longer has in-season closure authority for the recreational fishery if the RHL or ACL is expected to be exceeded. For reactive AMs, **paybacks of ACL overages may be required in a subsequent fishing year, depending on stock status and the magnitude of the overage**, as described below. ACL overages in the recreational fishery are evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational dead catch (i.e., landings and dead discards). If average catch exceeds the average ACL, then the appropriate AM is determined based on the following criteria:

1. If the stock is overfished ( $B < \frac{1}{2} B_{MSY}$ ), under a rebuilding plan, or the stock status is unknown: The exact amount, in pounds, by which the most recent year's recreational ACL has been exceeded, will be deducted in the following fishing year, or as soon as possible once catch data are available.
2. If biomass is above the threshold, but below the target ( $\frac{1}{2} B_{MSY} < B < B_{MSY}$ ), and the stock is not under a rebuilding plan:
  - If only the recreational ACL has been exceeded, then adjustments to the recreational management measures (bag, size, and seasonal limits) would be made in the following year, or as soon as possible once catch data are available. These adjustments would take into account the performance of the measures and the conditions that precipitated the overage.
  - If the Acceptable Biological Catch ( $ABC = \text{recreational ACL} + \text{commercial ACL}$ ) is exceeded in addition to the recreational ACL, then a single year deduction will be made as a payback, scaled based on stock biomass. The calculation for the payback amount in this case is:  $(\text{overage amount}) * (B_{msy} - B) / \frac{1}{2} B_{msy}$ .
3. If biomass is above the target ( $B > B_{MSY}$ ): Adjustments to the recreational management measures (bag, size, and seasonal limits) would be considered for the following year, or as soon as possible once catch data are available. These adjustments would take into account the performance of the measures and the conditions that precipitated the overage.

### *FMAT Comments and Recommendations:*

**The FMAT recommended removing recreational AMs as a separate alternative and felt that recreational accountability could be considered within this action as it relates to other management alternatives being considered.** For example, if the sector separation approach is pursued, different AMs may need to be developed as a part of that alternative. The current AMs were established through the Omnibus Recreational Accountability Amendment (Amendment 19 to this FMP, adopted in 2013). This amendment removed the in-season closure authority held by the NMFS regional administrator, which allowed for coastwide closures of the recreational fisheries if they were projected to exceed the RHL based on preliminary data. Amendment 19 also increased the flexibility in evaluation and response to recreational overages given the uncertainty associated with the MRIP data and tied overage responses to stock status as described above. The FMAT felt that much of the rationale for the changes made through Amendment 19 remains valid. For example, the timing of recreational data availability and the potential for revisions between preliminary and final estimates still pose challenges for in-season closures. One potential avenue for reconsideration of recreational AMs is through the recreational reform initiative.

### *Public Comments:*

One member of the public commented that in-season closures or changes are tough on the for-hire industry and did not support bringing that back as an AM.

### **3. Recreational catch accounting alternatives**

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Examples of changes to recreational catch accounting recommended through scoping are listed below. The intent behind these recommendations is to reduce uncertainty in the recreational data. It is worth keeping in mind that MRIP is currently considered the best scientific information available for the recreational fisheries and will continue to be used for stock assessments and catch limit evaluations for the foreseeable future. MRIP is a national-level program and the Council and Commission have a very limited ability to influence changes to the MRIP estimates.

- **Mandatory private angler reporting:** Private angler reporting through smart phone apps has been explored in specific fisheries in other regions, and will soon be required in this region for blueline tilefish. Consideration could be given to the feasibility of private angler reporting for summer flounder, scup, and black sea bass given that these fisheries take place in state and federal waters, from shore and from private and for-hire vessels, and that there are millions of directed trips per year for each species (e.g., an estimated 8.7 angler trips for which summer flounder was the primary target, 2.7 million for which scup was the primary target, and 1.4 million for which black sea bass was the primary target in 2019). Given the scale of these recreational fisheries, mandatory private angler reporting may be a challenge to implement. Thorough consideration should be given to the potential levels of non-compliance and how this may impact the resulting data.
- **Tagging programs:** A few scoping comments suggested that anglers be issued tags for a specific number of fish each year. Tagging programs are used in some recreational fisheries, but they may be more appropriate for species with much lower harvest levels than summer flounder, scup, and black sea bass. The FMAT should consider the pros and cons of moving forward with this approach compared to a traditional possession limit, especially

considering the millions of participating anglers in the fisheries for these species. Ensuring that the program is fair and equitable is a challenge. For example, consideration would need to be given to who receives tags, how they are distributed, and how the program is administered.

- **Mandatory tournament reporting:** A few scoping comments recommended mandatory catch reporting for recreational fishing tournaments. During the May 2020 joint meeting, one Council/Board member questioned the value of mandatory reporting for tournaments given that tournament catch likely constitutes a very small percentage of total catch. An evaluation of summer flounder, scup, and black sea bass catch in tournaments has not been performed and may not be possible given that there does not seem to be a central list of non-HMS tournaments. Recreational catch from tournaments for summer flounder, scup, and black sea bass should be included in MRIP estimates but is not specifically designated as tournament catch.
- **Enhanced VTR requirements:** A few scoping comments recommended additional VTR requirements, such as requiring VTRs for for-hire vessels that do not have federal permits and reinstating “did not fish” reports for federal permit holders to better understand fishing effort.

#### *FMAT Comments and Recommendations:*

**The FMAT recommended removing this issue from the amendment but supported the continued exploration of improving recreational data through other avenues.** Although the FMAT felt that this alternative was outside of the scope of this allocation action, especially with implementation timeline concerns, they recognized that these recreational catch accounting and accountability topics were important issues. The FMAT also noted that recreational catch accounting is an issue that fisheries outside of this FMP are addressing so it may be more appropriate to pursue for multiple species outside of this amendment. One FMAT member asked about scoping comments related to this topic and whether the general sentiment was to address recreational catch accounting before considering changes to the allocations. Staff responded that several scoping comments suggested this, while other scoping comments voiced a general mistrust or need to improve MRIP with no additional comments regarding allocation.

#### *Public Comments:*

One member of the public is currently involved in helping with private angler reporting for blueline tilefish and noted that although it is a relatively small group of anglers, the process is already a large undertaking and felt that for summer flounder, scup and black sea bass, this concept should be held off for a later time.

A Council and Board member noted that since the FMAT recommended the removal of some alternatives it would be helpful if there were time allocated to have a specific discussion with the Council and Board to understand what potential management actions would be appropriate for those issues.

One member of the public commented that he had mentioned mandatory reporting for tournaments during scoping because he believes it would be important to have more information on that. He

added that less than 50% of permit holders are reporting in some cases. Because of this, he feels it is very important to either reinstate did not fish reports or attempt to determine for-hire effort in state waters. One FMAT member agreed that it would be worth exploring ways to identify or quantify tournament catch in the future, separate from this action. A Council and Board member wondered why it was important to estimate tournament catch separately from the current MRIP surveys or if there is evidence that tournament catch is not being captured adequately.

## § 648.110 Summer flounder framework adjustments to management measures.

- a *Within season management action.* The MAFMC may, at any time, initiate action to add or adjust management measures within the Summer Flounder, Scup, and Black Sea Bass FMP if it finds that action is necessary to meet or be consistent with the goals and objectives of the FMP.
- 1 *Adjustment process.* The MAFMC shall develop and analyze appropriate management actions over the span of at least two MAFMC meetings. The MAFMC must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting and prior to and at the second MAFMC meeting. The MAFMC's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Adjustments within existing ABC control rule levels; adjustments to the existing MAFMC risk policy; introduction of new AMs, including sub-ACTs; minimum fish size; maximum fish size; gear restrictions; gear requirements or prohibitions; permitting restrictions; recreational possession limit; recreational seasons; closed areas; commercial seasons; commercial trip limits; commercial quota system including commercial quota allocation procedure and possible quota set asides to mitigate bycatch; recreational harvest limit; specification quota setting process; FMP Monitoring Committee composition and process; description and identification of essential fish habitat (and fishing gear management measures that impact EFH); description and identification of habitat areas of particular concern; regional gear restrictions; regional season restrictions (including option to split seasons); restrictions on vessel size (LOA and GRT) or shaft horsepower; operator permits; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; any other commercial or recreational management measures; any other management measures currently included in the FMP; and set aside quota for scientific research. Issues that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require an amendment of the FMP instead of a framework adjustment.
- 2 *MAFMC recommendation.* After developing management actions and receiving public testimony, the MAFMC shall make a recommendation to the Regional Administrator. The MAFMC's recommendation must include supporting rationale, if management measures are recommended, an analysis of impacts, and a recommendation to the Regional Administrator on whether to issue the management measures as a final rule. If the MAFMC recommends that the management measures should be issued as a final rule, it must consider at least

the following factors and provide support and analysis for each factor considered:

- i Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule, and whether the regulations would have to be in place for an entire harvest/fishing season;
    - ii Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of recommended management measures;
    - iii Whether there is an immediate need to protect the resource; and
    - iv Whether there will be a continuing evaluation of management measures adopted following their implementation as a final rule.
  - 3 **NMFS action.** If the MAFMC's recommendation includes adjustments or additions to management measures and, if after reviewing the MAFMC's recommendation and supporting information:
    - i NMFS concurs with the MAFMC's recommended management measures and determines that the recommended management measures should be issued as a final rule based on the factors in paragraph (a)(2) of this section, the measures will be issued as a final rule in the FEDERAL REGISTER.
    - ii If NMFS concurs with the MAFMC's recommended management measures and determines that the recommended management measures should be published first as a proposed rule, the measures will be published as a proposed rule in the FEDERAL REGISTER. After additional public comment, if NMFS concurs with the MAFMC recommendation, the measures will be published as a final rule in the FEDERAL REGISTER.
    - iii If NMFS does not concur, the MAFMC will be notified in writing of the reasons for the non-concurrence.
  - 4 **Emergency actions.** Nothing in this section is meant to derogate from the authority of the Secretary to take emergency action under section 305(e) of the Magnuson-Stevens Act.
- b [Reserved]

[76 FR 60630, Sept. 29, 2011, as amended at 76 FR 1849, Dec.. 29, 2011; 80 FR 37196, June 30, 2015]





# The Commonwealth of Massachusetts

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### Massachusetts 2020 Black Sea Bass For-hire Fishery Conservation Equivalency Proposal

July 17, 2020

#### Overview

The Massachusetts Division of Marine Fisheries (DMF) submits this conservation equivalency proposal to extend the end of the state’s for-hire recreational black sea bass season in 2020 to account for seven days closed to for-hire fishing at the beginning of the season due to the COVID-19 pandemic. Three alternatives are presented (Table 1).

Option A was DMF’s initial proposal and would extend the season 53 days. The approach of Option A best represents expected values for a conservationally equivalent exchange for days lost in the beginning of the season, except that the MRIP data have high PSEs caused by a paucity of intercept data in Wave 5 due to so few days being historically opened in September. Option B was added to the proposal to allay Technical Committee concerns about the high PSEs and instead uses lower PSE data from the adjacent Wave 4 as a proxy for Wave 5 harvest estimates. However, DMF believes that given annual pattern of landings and decreasing catch rates and angler participation after Labor Day, it is excessively conservative to apply Wave 4 daily landings values to wave 5. DMF proposes Option C, a compromise approach that falls in between the first two and extends the fishery only through October 9, the final open fishing day for summer flounder.

*Table 1. Massachusetts status quo and proposed rules for recreational black sea bass fishing aboard for-hire vessels in 2020 via conservation equivalency.*

	Season	Daily Bag Limit	Minimum Size
Status Quo	May 18 – September 8	5 fish	15”
Option A	May 25 – October 31	5 fish	15”
Option B	May 25 – September 21	5 fish	15”
Option C (preferred)	May 25 – October 9	5 fish	15”

#### Introduction

Consistent with executive orders of the Governor of Massachusetts in response to the COVID-19 pandemic and further guidance from the Administration, DMF issued Permit Conditions for all 2020 For-hire Permit holders making it unlawful to conduct any for-hire fishing activity in the Commonwealth effective April 27, 2020<sup>1</sup>. These permit conditions were rescinded effective May 25, 2020, when for-hire fishing operators were authorized to resume operations provided they comply with specific restrictions and safety standards under the phased-in re-opening guidance<sup>2</sup>.

<sup>1</sup> <https://www.mass.gov/doc/042720-statement-of-permit-conditions-to-restrict-for-hire-fishing-during-covid-19-stay-at-home/download>

<sup>2</sup> <https://www.mass.gov/doc/051820-statement-of-permit-conditions-on-2020-for-hire-permit-and-workplace-safety-and/download>

These permit conditions were issued pursuant to the authority set forth at G.L. c. 130, §§17C and 80 and 322 CMR 7.01(7) and 7.10(7). Violation of these permit conditions would result in an adjudicatory hearing to suspend or revoke the for-hire permit, as well as any other fines and penalties provided in G.L. c.130. The Massachusetts Environmental Police (MEP) enforce permit conditions the same as regulations. During the for-hire fishing closure, MEP conducted normal enforcement operations, reporting high compliance with the permit conditions and only one documented violation by an individual who was not a holder of a 2020 for-hire permit.

DMF submits this conservation equivalency proposal to amend the 2020 Massachusetts black sea bass for-hire fishing season in response to this closure of the for-hire fishery. Private recreational fishing, while likely impacted by social distancing measures, was not prohibited during the same period. If an alternative conservationally equivalent for-hire season is authorized by the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board, DMF would implement the revision to the 2020 for-hire season by permit condition. The for-hire season would revert in 2021 to that in the regulations (May 18–September 8), unless subsequently amended through a Board-approved revision.

This action would cause a temporary regulatory mode-split in the MA recreational black sea bass where non currently exists. DMF is on the record expressing concerns with recreational mode-splits between for-hire and private anglers; however, the unprecedented nature of this situation in which only one mode was closed by factors external to fisheries management outweighs these concerns and provides our rationale for responding with a mode-specific recoupment. A recreational black sea bass mode split currently exists elsewhere along the coast and they have been authorized for other species as well.

The analysis of conservation equivalency included in this proposal applies standard, previously approved methods and data for evaluating conservation equivalency. It relies on prior year harvest data to project harvest under proposed regulatory changes in the current year. For this reason, coupled with it being an evaluation for a complete closure of the for-hire fishery during May 18-24, 2020, the analysis is not impacted by the lack of MRIP APAIS conduct caused by COVID-19 during that time (which was resumed in Massachusetts on May 20) or the pending availability of Wave 3 MRIP catch and effort estimates. As a mode-specific proposal, consideration is not given to any changes in private angler recreational harvest that may have occurred this spring; it is our position that this would not be expected of a conservation equivalency proposal submitted in advance of the fishery's season. Complete MRIP surveying and sampling is expected to occur throughout the for-hire black sea season in Massachusetts providing an estimate of for-hire harvest in 2020 to compare to 2019 for an evaluation of the impacts of this conservation equivalency proposal.

### **Proposal Timeline**

The ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board discussed the potential for states to make regulatory adjustments in response to COVID-19 impacts at its May 6 meeting. The first version of this proposal was submitted to the ASMFC on May 26 with a request for Board consideration at its June 16 meeting. This aggressive timeline was pursued in hopes of providing the for-hire industry the most benefit in terms of lead-time from an approved proposal. A second version, adding the Option B approach following review by the Technical Committee, was submitted to ASMFC on June 8. The second version and the TC's review were included in the Board's briefing materials for June 16; however, action was deferred to await guidance from the Commission's Executive Committee on conservation equivalency proposals of this nature. The Board did agree at that time to consider the Massachusetts proposal (and any others) no later than the August 2020 meeting. The ISFMP Policy Board did not adopt the Executive Committee's eventual guidance, but had it, the MA propose would have met the narrow criteria intended to limit the precedence setting nature of allowing states to

modify in-season regulations to address lost fishing opportunity. The Policy Board did conclude that states could still submit proposed changes to their recreational measures following the guidelines outlined in the Commission's Conservation Equivalency Policy and Technical Guidance Document. This third version of the proposal, submitted July 17, does not alter the analysis but provides additional information to meet that document's standards for state conservation equivalency proposals, and adds the compromise approach of Option C. Given this history and that the submission of this third version meets the two-week cut-off for consideration prior to the next Board meeting, DMF is requesting that the Board chair use his discretion to allow its review and consideration for approval at the August 6 meeting of the Summer Flounder, Scup, and Black Sea Bass Management Board.

### **Analysis**

On December 10, 2019, the Summer Flounder, Scup, and Black Sea Bass Management Board approved status quo recreational black sea bass management measures in state and federal waters for 2020. This meant a May 18–September 8 open season, 5 fish limit, and 15" minimum size limit for Massachusetts. As a consequence of the Governor's for-hire fishery closure, the Massachusetts for-hire fishery missed seven open fishing days of the 2020 recreational black sea bass season (i.e., May 18–May 24).

MRIP data for the past two years were used to estimate lost for-hire harvest due to the fishery closure and determine the conservationally equivalent number of days that could be added to the end of the season for for-hire activity (Tables 2–3). The average daily harvests per wave were calculated for both the most recent year (2019) and a two-year average (2018–2019). The premise of the analysis was to add an equivalent of seven Wave 3 days (the number of days lost) to the end of the season during Wave 5. Notably, Wave 3 had the highest daily catch rates, meaning that the equivalent number of Wave 5 days was larger than seven in all cases. Note that 2018 and 2019 are the only recent years in which the fishery was open during Wave 5 to provide harvest data. Less than a quarter of Wave 5 was open in either year which helps explain the high PSE values. During Wave 5 in 2018, 47 intercepts encountered black sea bass and 19 intercepts encountered black sea bass during 2019.

### **Option A**

This option compares daily harvest rates in Wave 3 to rates in Wave 5 to determine the number of equivalent Wave 5 days to add at the end of the season (Tables 2–3). Using the 2-year average approach, closing seven days in Wave 3 provides for opening 65 days at Wave 5 harvest. This is more than the number of days that could possibly be opened in Wave 5 (53 days remaining). Massachusetts has no Wave 6 data with which to produce a daily harvest rate, but it can be assumed to be—at most—equal to Wave 5 given declining seasonal availability of black sea bass and fishing effort. Extending equally into Wave 6 would result in a conservationally equivalent season of May 25–November 12. Using 2019 data alone, closing seven days in Wave 3 provides for opening 39 days at Wave 5 harvest. This would result in a conservationally equivalent season of May 25–October 17.

Under Option A, DMF is proposing a season extension until October 31 only. This is mid-way between the 2-year and 1-year approaches' results. The Technical Committee has in recent years supported an averaging approach for seasonal revisions through conservation equivalency (which would provide for additional open days). However, opening in Wave 6 is not anticipated to provide much benefit to the industry and could provide for spurious MRIP harvest estimates with few intercepts. This choice also recognized the high PSE values for the Wave 5 harvest estimates used for analysis. Extending the season further into Wave 5 should help improve the precision of the estimates.

While the Wave 3:5 exchange rates are substantial, differential harvest between the waves is not unexpected. The commencement of the recreational black sea bass season in Massachusetts in mid-May

is much anticipated, with large aggregations of fish available in shallow waters nearshore and favorable weather producing high effort and high catch rates. Delayed season openings in several other northeast states until mid-June further drives for-hire business in May and early June in Massachusetts.

Harvest rates in Wave 5 are also not anticipated to be constant throughout the proposed season extension, but rather drop off steeply with declining local availability of fish and fishing effort at the onset of fall. While there are no data that explicitly describe the expected harvest rates through the end of Wave 5 (the fishery has not been open during this time due to regulations), weekly harvest rates across modes are typically near annual lows at the beginning of Wave 5 (Figure 1). Also of note is that for-hire activity contributes less than 15% to the state's total recreational black sea bass harvest on average for 2017–2019.

#### Option B

An alternative approach is also proposed as a strategy to satisfy Technical Committee concerns to avoid using the Wave 5 data with high PSEs. The assumption under this conservative approach is that Wave 4 daily catch rates during 2018 and 2019 could serve as representative proxies for the Wave 5 rates during 2020. The Wave 4 data had lower PSEs than Wave 5 (55.2 in 2018 and 34.1 in 2019; Table 2). The Option B analysis estimated that 13 additional days could be added to the end of the season using the average 2018-2019 daily harvest rates and 8 days could be added using the 2019 rates alone (Table 3). Under this proposal, 13 additional days would be added to the end of the season, representing the average daily harvest rate from 2018 and 2019; in the past, averaging years has been supported by the TC. The Option A proposed extension of 53 days was between the 2018/2019 average daily harvest rate and the 2019 rate alone (Tables 2 and 3). Option A did not propose to use the 2018/2019 average because there was little benefit to the fishery of remaining open into November and because the end of a wave was a convenient marker for closing the fishery; these factors did not apply to the Option B proposal.

#### Option C

DMF requests the Board approve a preferred Option C that is not based on a specific analysis but falls between Options A and B in the length of the season extension. DMF appreciates the concerns of the Technical Committee about the use of high PSE catch data, but it is reasonable to assume that given the seasonal pattern of declining landings after Labor Day caused by offshore migrations of black sea bass, decreasing catch rates, decreasing angler participation, and decaying weather conditions, Wave 5 landings will invariably be lower than Wave 4. DMF's Option C is a compromise option that falls in between the two disparate Options: A (53 days) and B (13 days). This option would extend the fishery for just 30 days through October 9, the last open fishing day for summer flounder, thereby resulting in for-hire anglers being able to enjoy the retention of two species that are commonly targeted and retained together.

#### **Summary**

Options A and B represent two disparate outcomes with Option B being sensitive to the comfort level of the Technical Committee. DMF has presented these and highlighted their challenges and has recommended a compromise option for Board consideration for extending Massachusetts' for-hire fishing season during Wave 5 for 30 days to accommodate for-hire vessel operators and anglers who were closed out of the fishery due to the COVID-19 pandemic in May when sea bass fishing is at its peak in the Commonwealth.

Table 2. Massachusetts wave-specific daily for-hire harvest rates, # of fish (MRIP query date 5/18/20)

	Wave 3	Wave 4	Wave 5
2018 For-hire Harvest, # fish (PSE)	36,083 (22.2)	13,659 (55.2)	455 (80)
# Open Days (May 19–Sep 12)	43	62	12
Daily Harvest Rate	839	220	38
2019 For-hire Harvest, # fish (PSE)	30,685 (24.1)	34,040 (34.1)	1,001 (106)
# Open Days (May 18–Sep 8)	44	62	8
Daily Harvest Rate	697	549	125
2018–2019 Avg. Daily For-hire Harvest	768	385	82
2019 Avg. Daily For-hire Harvest	697	549	125

Table 3. Calculation of conservationally equivalent for-hire season lengths for Options A and B.

	Exchange Rate	Days added in Wave 5 to account for 7 fewer days in Wave 3	Resulting Season Length
<i>Option A (Waves 3:5 Exchange Rate)</i>			
Two-year Average	9.424	65	May 25 – November 12
Most Recent Year	5.574	39	May 25 – October 17
Proposed	-	53	May 25 – October 31
<i>Option B (Waves 3:4 Exchange Rate)</i>			
Two-year Average	2.00	13	May 25 – Sep 21
Most Recent Year	1.27	8	May 25 – Sep 16
Proposed	-	13	May 25 – Sep 21

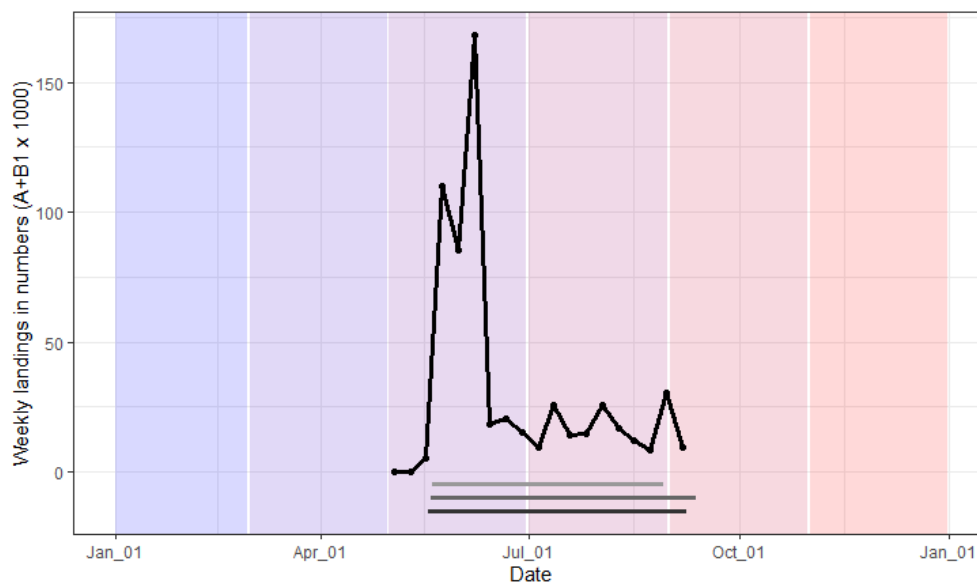


Figure 1. Average black sea bass harvest in numbers (given in thousands) by week over 2017-2019. Horizontal lines at the bottom of the figure indicate the season length in 2017 (top), 2018 and 2019 (bottom). Vertical rectangles indicate waves. Note that the harvest quantities provided are across all modes to increase the sample size.

## **Appendix 1.**

**Methods.** The steps below outline the methodology used in this proposal for calculations leading to a conservationally equivalent season extension. Subscripts in the table below refer to the Option A approach; for Option B the reference to Wave 5 can be replaced with Wave 4.

Steps	Equation		Definitions
(1) Calculate the average daily harvest rate by wave for each year by dividing the total harvest in numbers in each year and wave by the number of days that were open in that year and wave.	$r_{w,y} = \frac{h_{w,y}}{d_{w,y}}$	$r_{w,y}$ $w$ $y$ $h_{w,y}$ $d_{w,y}$	Average daily harvest rate by wave and year. wave. Year. Total harvest in numbers during wave $w$ of year $y$ . Number of open days during wave $w$ of year $y$ .
(2) Calculate the average of the average daily harvest rates by wave across all years in the set.	$\bar{r}_w = \frac{1}{Y} \sum_{y=1}^Y r_{w,y}$	$\bar{r}_w$ $Y$	Average harvest rate by wave over all $y$ years Total number of years
(3) Calculate the exchange rate – the ratio of average daily harvest rate in wave 3 to average daily harvest rate in wave 5.	$x_{w3w5} = \frac{\bar{r}_{w=3}}{\bar{r}_{w=5}}$	$x_{w3w5}$	Exchange rate ratio (waves 3:5)
(4) Determine the number of additional days in wave 5 that account for the days lost during wave 3 (7 days were lost).	$\tilde{d}_{w5} = 7x_{w3w5}$	$\tilde{d}_{w5}$	Number of additional days during wave 5



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Summer Flounder, Scup, and Black Sea Bass Management Board

**FROM:** Summer Flounder, Scup, and Black Sea Bass Technical Committee

**DATE:** June 11, 2020

**SUBJECT:** TC Recommendations on Massachusetts Conservation Equivalency Proposal for Black Sea Bass Recreational For-Hire Fishery

The Technical Committee (TC) received a conservation equivalency proposal from Massachusetts to adjust the 2020 for-hire black sea bass season to account for days closed to for-hire fishing at the beginning of the season due to the COVID-19 pandemic. The proposal was reviewed and discussed by the TC via email. Below is a summary of the Massachusetts proposal as well as TC comments and recommendations.

### Summary of Massachusetts CE Proposal

The premise of the proposal was to add additional days to the end of the season during Wave 5, with the number of days being conservatively equivalent to seven Wave 3 days (the number of days closed). To accomplish this, the daily harvest rates during Wave 3 and Wave 5 were compared using 2018 and 2019 MRIP for-hire mode harvest in numbers from Waves 3-5. The proposal had two options. Option A compared Wave 3 daily harvest rates to Wave 5 rates and resulted in 65 additional Wave 5 days (based on 2018-2019 data) or 39 additional days (based on 2019 only). Under Option A Massachusetts proposed opening 53 additional days in Wave 5. The PSEs associated with the Wave 5 data used in Option A were high (>80); thus an alternative approach was also presented. Option B assumed Wave 4 daily harvest rates were a representative proxy for Wave 5 rates. Wave 4 harvest estimates had lower PSEs (55.2 in 2018 and 34.1 in 2019). Option B resulted in 13 additional Wave 5 days (based on 2018-2019 data) or 8 additional days (based on 2019 only). Under Option B Massachusetts proposed 13 additional days. See the attached proposal for additional details on methodology and calculations.

### TC Discussion and Recommendations

While the TC agreed that the methods used to calculate the proposed season adjustment were mathematically correct, several members were concerned with the data used under Option A. In particular, the MRIP estimates used to calculate the wave 5 for-hire daily harvest rates had very high PSEs (>80). The TC recommended validating the magnitude of the Wave 5 harvest estimates by comparing them with available VTR or logbook data, but MA does not have any for-hire VTR or logbook reporting after 2014.

In addition to data concerns, the TC noted that recreational harvest was projected to exceed the RHL and ABC in 2020. The final 2019 MRIP harvest estimate is 8.61 million lb, 48% higher than the 2020-2021 RHL of 5.82 mil lb. While incomplete MRIP sampling due to COVID-19 has created substantial uncertainty for 2020 recreational harvest estimates, private fishing effort was likely only slightly impacted by COVID-19. Because the private mode accounts for most black sea bass harvest (e.g., 88% during 2016-2019) under the current MRIP methodology, the 2020 RHL is still likely to be exceeded even with COVID-19 impacts.

M20-64

Considering these factors, the TC was more comfortable with the method proposed under Option B of using the most recent two-year average of the Wave 4 for-hire daily harvest rates as a proxy for the Wave 5 rates. Wave 4 estimates for black sea bass harvest in MA are generally more reliable due to more available trip-level data and lower PSEs. The TC found it reasonable to assume that the Wave 5 harvest rate would be similar to the Wave 4 rate based on typical declining effort (due to a combination of weather and behavioral changes at onset of fall), and possible decrease in availability as fish redistribute to the south. The TC recommends using the average of the 2018-2019 Wave 4 for-hire harvest estimates as a proxy for Wave 5 to calculate the daily harvest rate and resulting season modification to achieve conservation equivalency. This provides for opening 13 additional days in Wave 5, 2020. The TC agreed this is a more conservative approach that addresses concerns about data uncertainty and reduces the risk of producing higher than expected harvest in Wave 5; however, the group notes that a significant amount of uncertainty is still involved.



## Dustin C. Leaning

---

**To:** Steve Beer  
**Subject:** RE: [External] Flounder regulations

-----Original Message-----

From: Steve Beer [mailto:beerplumbing91@gmail.com]  
Sent: Friday, July 10, 2020 6:52 PM  
To: Comments <comments@asmfc.org>  
Subject: [External] Flounder regulations

Sent from my iPhone. I believe that the size limit is causing us anglers to release to many fish that will not survive. Make it 2 fish 14 to 18 inches and one fish over 18". Thanks.

## Dustin C. Leaning

---

**To:** David Doebley  
**Subject:** RE: [External] SUMMER FLOUNDER COMMENTS

**From:** David Doebley [mailto:david.nevermoor@gmail.com]  
**Sent:** Friday, July 10, 2020 7:14 PM  
**To:** Comments <comments@asmfc.org>  
**Subject:** [External] SUMMER FLOUNDER COMMENTS

Please, please stop the killing of breeding female flounder by setting regulations that force us to keep only female fluke. I keep a record of all my fish that I keep and clean. It has been years since I have harvested a male fluke. As your regulations increase the minimum size the stock goes down.

There is also the problem of waste since most fishermen in this area of South Jersey only catch one keeper for every 10 to 14 fish they catch. That means that more fish die from release than go home for the plate.

We need a slot limit to allow fishermen to harvest fish without killing breeders. You have the numbers. Design a slot that stops the waste from dead discards and turns those fish in to keepers. Something like 15-18 and one fish over 24".

Sincerely,  
David Doebley

## Dustin C. Leaning

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**From:** Eugene J. Doebley  
**Sent:** Friday, July 10, 2020 6:37 PM  
**To:** Comments  
**Subject:** [External] SUMMER FLOUNDER COMMENTS

Please, please stop the killing of breeding female flounder by setting regulations that force us to keep only female fluke. I keep a record of all my fish that I keep and clean. It has been years since I have harvested a male fluke. As your regulations increase the minimum size the stock goes down.

There is also the problem of waste since most fishermen in this area of South Jersey only catch one keeper for every 10 to 14 fish they catch. That means that more fish die from release than go home for the plate.

We need a slot limit to allow fishermen to harvest fish without killing breeders. You have the numbers. Design a slot that stops the waste from dead discards and turns those fish in to keepers. Something like 15-18 and one fish over 24".

Sincerely,

Gene Doebley

## Dustin C. Leaning

---

**To:** outlook\_4DED777E41A67605@outlook.com  
**Subject:** RE: flounder regulations

---

**From:** outlook\_4DED777E41A67605@outlook.com [mailto:outlook\_4DED777E41A67605@outlook.com]  
**Sent:** Sunday, July 12, 2020 10:51 AM  
**To:** Comments <comments@asmfc.org>  
**Subject:** [External] flounder regulations

Dear Sir/Madam:

Current flounder regulations are depleting the stock of breeding females. Please consider reducing the limits to smaller fish & protect the larger breeding females. Thanks! Bill Garrity

104 Sherman Ave  
Strathmere NJ 08248

Sent from [Mail](#) for Windows 10

## Dustin C. Leaning

---

**To:** Don Mace  
**Subject:** RE: [External] Summer Flounder Comments

-----Original Message-----

From: Don Mace [mailto:don.mace@verizon.net]  
Sent: Sunday, July 12, 2020 10:39 PM  
To: Comments <comments@asmfc.org>  
Subject: [External] Summer Flounder Comments

We need to stop taking all the female flounder out of the population. I'm in favor of a slot in the 14-17.99" range and allowing one additional keeper 18" or larger.

Thank you.

Don Mace  
Ocean City, NJ

Sent from my iPhone

## Dustin C. Leaning

---

**To:** RAY SCOTT'S DOCK  
**Subject:** RE: [External] Summer flounder regs

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**From:** RAY SCOTT'S DOCK [mailto:raycottsdock@comcast.net]  
**Sent:** Sunday, July 12, 2020 6:27 PM  
**To:** Comments <comments@asmfc.org>  
**Subject:** [External] Summer flounder regs

It continues to be RIDICULOUS to target the 18 inch female breeding stock of summer flounder while expecting to grow the fishery. In addition, the mortality rate of “throwbacks” during the summer months with water temps at 75 degrees is estimated at 60%. We need to drop the size limit to 16.5 inches to relieve the pressure off the females. Summer flounder stocks were growing steadily up until the 18 inch size limit was implemented. It has been in a state of decline since. Fewer throwbacks dramatically reduces the overage tonnage of fish caught and wasted which has not been factored into the fishery. Recreational angler effort will be greatly reduced as a bag limit of four fish at sixteen and a half inches can be readily achieved with a massive reduction in waste. Summer flounder are a dinner fish, not a trophy fish. They feed families. Regards, Robin Scott

## Dustin C. Leaning

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**To:** BILL SHILLINGFORD  
**Subject:** RE: [External] : 2021 summer flounder regulations

**From:** bucktail [<mailto:bucktail8@aol.com>]  
**Sent:** Wednesday, July 8, 2020 11:31 PM  
**To:** Comments <[comments@asmfc.org](mailto:comments@asmfc.org)>  
**Subject:** [External] : 2021 summer flounder regulations

---

### **ASMFC comments on SUMMER FLOUNDER for August meeting**

**REGULATORS need to lower the size on summer flounder, as under current regulations of 18" we are only removing females from population and if this continues the population will never have a chance to grow....There also needs to be different seasons for inshore waters and outside waters..Summer flounder arrive in South Jersey and other areas with shallow bays as early as April and stay in the inshore waters for 8-12 weeks depending on water temps.Once water temps settle into 70's majority of fluke over 18" quickly leave for off shore cooler waters leaving mostly under 18" fish which also increases mortality on thrown back fish..An inshore season of April 15th to August 1 and a 17" size would result in a quick population growth as there would be a better male to female ratio..Give offshore fishermen a season from Mid-July -mid Oct. The current methods being used to determine summer flounder season,size and bag limit has been ineffective for past 6-10 years and decreasing population is all the evidence you need to prove that current recreational regulations are ineffective..If the Commercial guys can keep 14"fish and take them during the prime spawning in late /fall and winter surely you can relax the recreational size to 17"**  
**thank you for listening**  
**Bill Shillingford**  
**21 Pinewood Ct\**  
**Swainton,NJ 08210**  
**email [bucktail8@aol.com](mailto:bucktail8@aol.com)**

## Dustin C. Leaning

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**To:** nverducci@icloud.com  
**Subject:** RE: [External] Summer Flounder Management

-----Original Message-----

From: Nick Verducci [mailto:nverducci@icloud.com]  
Sent: Thursday, July 9, 2020 3:35 PM  
To: Comments <comments@asmfc.org>  
Subject: [External] Summer Flounder Management

As a lifelong angler and one who has been advising a fishing club for students at my school in Ocean City, NJ for 17 years I implore that you take a new look on how to manage the summer flounder stock. The fishery is in dire need for a new approach. Through these years it is more and more difficult to find decent numbers with flounder. These 18" requirements has decimated the female population. It is time for a slot limit, similar to what Bill Shillingford has mentioned in many of his posts. I hope you all finally say it's time for something new that benefits not only the fishermen, but the flounder population as well.

Thank you  
Nick Verducci

Sent from my iPhone



## Dustin C. Leaning

---

**To:** J Webster  
**Subject:** RE: [External] summer flounder comments

**From:** J Webster [mailto:yardbird721@verizon.net]  
**Sent:** Sunday, July 12, 2020 12:45 PM  
**To:** Comments <comments@asmfc.org>  
**Subject:** [External] summer flounder comments

we would like to see a slot limit on fluke something like 2 @ 15 1/2" to under 18" and 1 over 20" per angler a day as most of the fluke over 18" are females could try for a year or 2 and reassess. thanks john c. webster

## Dustin C. Leaning

---

**To:** Scott Wilson  
**Subject:** RE: [External] Fluke regs

-----Original Message-----

From: Scott Wilson [mailto:cornhill@netzero.net]  
Sent: Saturday, July 11, 2020 8:33 PM  
To: Comments <comments@asmfc.org>  
Subject: [External] Fluke regs

I think the current regs of 3 fish @18" is not the way to rebuild the stock. Every fish I fillet over 18" is female. That is not the way to build and keep a sustainable fishery. I would propose 2 fish 14-16" and one trophy 18" or greater. Please think about all the dead fish released while trying to catch an 18" fish. This is not the way to rebuild a stock and fishery.

Thanks  
Scott Wilson

Sent from my iPhone

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Trump Wears a Mask for the First Time

<http://thirdpartyoffers.netzero.net/TGL3241/5f0a5a33ad07c5a3238f2st02vuc1>

Widow: Face-Mask Killing 'Destroyed' My Family

<http://thirdpartyoffers.netzero.net/TGL3241/5f0a5a33c7bc65a3238f2st02vuc2>

FDA: These Hand Sanitizers Have Possibly Fatal Ingredient

<http://thirdpartyoffers.netzero.net/TGL3241/5f0a5a33e6ff95a3238f2st02vuc3>