

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

The Harborside Hotel
Bar Harbor, Maine
October 25, 2016

Approved February 2, 2017

Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
October 2016

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of February 2016** by consent (Page 1).
3. **Move to initiate an addendum to consider adaptive management, including regional approaches, for the 2017 summer flounder recreational fishery** (Page 14). Motion by John Clark; second by David Simpson. Motion passes (Page 18).
4. **Motion to adjourn** by consent (Page 21).

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ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Roy Miller, DE (GA)
Sen. Brian Langley, ME (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Bill Adler, MA (GA)	David Blazer, MD (AA)
Nichola Meserve, MA, proxy for D. Pierce (AA)	Mike Luisi, MD (Chair)
Bob Ballou, RI, proxy for J. Coit (AA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rachel Dean, MD (GA)
David Simpson, CT (AA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Lance Stewart, CT (GA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Rep. Melissa Ziobron, CT, proxy for Rep. Miner (LA)	Cathy Davenport, VA (GA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Braxton Davis, NC (AA)
Emerson Hasbrouck, NY (GA)	Doug Brady, NC (GA)
Sen. Phil Boyle, NY (LA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Tom Baum, NJ, proxy for D. Chanda (AA)	Martin Gary, PRFC
Tom Fote, NJ (GA)	Mike Millard, USFWS
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Peter Burns, NMFS

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

Ex-Officio Members

Jason Snellbaker, Law Enforcement Representative

Staff

Robert Beal	Kirby Rootes-Murdy
Toni Kerns	Mark Robson

Guests

Wilson Langley, USFWS	Chris Batsavage, NC DNR	Arnold Leo, E. Hampton, NY
Kelly Denit, NOAA	Doug Christel, MA F&G	Pat Augustine, Coram, NY
Charles Lynch, NOAA	Brad Chase, MA DNR	Kevin Slattery, Onset, MA
Harold Mears, NMFS	Heather Corbett, NJ DFW	Rob Winkel, Seaside Park, NJ
Chris Wright, NMFS	Kevin Sullivan, NH F&G	Brett Hoffmeister, Assoc. of Cape Cod
Alan Risenhoover, NMFS	Matthew Gates, CT DEEP	Jerry Morgan, ACCSP
Phil Langley, PRFC	Phil Maier, SC DNR	
Jason McNamee, RI DEM	Jonathan Atwood, Ofc of Asm.	
Scott Olszewski, RI DEM	Andrzejczak	
Nicole Lengyel, RI DEM	Laura Millard	

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The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Stotesbury Grand Ballroom of the Bar Harbor Club, Harborside Hotel, Bar Harbor, Maine, October 25, 2016 and was called to order at 4:12 o'clock p.m. by Chairman Michael Luisi.

CALL TO ORDER

CHAIRMAN MICHAEL LUISI: Good afternoon, everyone. Welcome to the Summer Flounder, Scup and Black Sea Bass Management Board meeting. My name is Mike Luisi; and I am Maryland's administrative representative on the commission. I'll be serving as your Chair today.

APPROVAL OF AGENDA

CHAIRMAN LUISI: I would like to call the meeting to order and begin by approving the agenda. Now, I have had a request from staff that we would remove Item Number 7 from today's agenda, in order to give us more time for the discussion of other issues. Item 7 is the FMP Review and state compliance reports.

I have been told that there are no issues regarding compliance; therefore, unless anyone opposes that modification to the agenda, I would suggest approving state compliance and FMP reviews via e-mail. Is anyone opposed to that change in modification to the agenda? Seeing none; consider the agenda modified as just mentioned.

APPROVAL OF PROCEEDINGS

CHAIRMAN LUISI: Regarding proceedings, are there any changes to the proceedings from the February, 2016 meeting? Okay, seeing none; go ahead and the proceedings will stand approved.

PUBLIC COMMENT

CHAIRMAN LUISI: Is there anyone in the audience, any public comment on any issues that are not on the agenda today? Okay, seeing no one, we'll go ahead and move on.

Now when you looked at your agenda for this meeting, and saw that the Summer Flounder, Scup and Black Sea Bass Board was meeting for an hour; it probably sounded like, oh wow, that's going to be a nice easy little thing to get through. I'll be the first to say that the issues that we're currently facing are not reflective of the time that we have here to debate and discuss the issues.

We're facing some really serious challenges ahead. Before I turn over to Kirby to begin with the presentations, I would like to just let everybody know here that, unlike the other management boards that we all work on, this management board works jointly with the Mid-Atlantic Fisheries Management Council.

We have in our sites, a meeting not only today, but this board is planning to meet in December with the Mid-Atlantic Council. There will also be a February meeting of the board during the ASMFC winter meeting, and we're planning another meeting of this board with the Mid-Atlantic Council in Kitty Hawk, North Carolina in February. Between now and the Kitty Hawk meeting in February, there are a lot of things that we're going to have to discuss and talk about and make decisions on. But just know that there will be time to have those conversations. Today is more about getting the information out there, understanding what it is that we're all facing; as far as challenges and changes that we might need to consider.

But know that we will have that time to really dig down into it and debate on where we're going to go on summer flounder, scup and black sea bass into the future. With that said, Kirby, if you're ready, we can go ahead and move to Kirby's presentation. Now Kirby has combined Number 4 and Number 5, as far as a presentation to put all that information out there.

I do plan to stop in between Items Number 4 and 5 on the agenda for questions only. I would

rather hold off on any type of management conversation or questions regarding future management, until after Kirby finishes the second part of the presentation. With that, Kirby, let's go to Tom real quickly, and then we'll come back to you.

MR. THOMAS P. FOTE: Yes Mike, did I hear you talk about a February meeting at Kitty Hawk? That's a little tough that time of year to get down to Kitty Hawk. It is not convenient for anybody and it's snow time. It wasn't on the agenda, so I know I can't be there. There might be others that already have made plans for that time of year.

CHAIRMAN LUISI: Yes, because of the black sea bass assessment, and the timing of when that assessment is going to be available for discussion, we had been discussing that with ASMFC about having a meeting in Kitty Hawk. I realize it's planes, trains and automobiles to try to get down there sometimes.

That will be the opportunity that we'll have to review the assessment update and potentially change the specifications for 2017. If that assessment indicates that there could be an increase in the overall ABC, that would be the opportunity to do that. Toni, did you have anything to add? No, okay. Okay, with that, Kirby, if you could begin your presentation.

**REVIEW MRIP WAVE 4 HARVEST ESTIMATES
FOR SUMMER FLOUNDER, SCUP AND
BLACK SEA BASS**

MR. KIRBY ROOTES-MURDY: As Mike has laid out; I'm going to go through first the data that we got last Tuesday. I'm going to outline how harvest has gone this year through Wave 4; that is, again, July and August. I'm going to point out how those trends have changed relative to last year, 2015, as well as 2014.

Then how we've evaluated that harvest relative to this year's recreational harvest limit, and outline the 2017 recreational harvest limit and

some of the management implications. Then I'll take any questions, briefly again, just on the data at this point. Then we'll move into talking about specifically management options and approaches for 2017.

Getting into it, starting off with summer flounder, again on Tuesday of last week preliminary recreational harvest estimates were released for summer flounder. In terms of coastwide harvest in weight, we're looking at in 2016, 5.6 million pounds have been harvested this far in the year. That puts us over our recreational harvest limit for 2016 by about 5 percent.

I've included in this comparison, not just 2015, but as I said, 2014 as well; because 2015 was somewhat of an anomalous year, in terms of harvest levels not just through Wave 4, but in the total for the year. When you look at this, you can see the percent change relative to last year was up about 32 percent, relative to where we were at this point a year ago. When we look at it relative to 2014, we're actually down by about 15 percent. Now, it gets a little confusing when you're thinking about percent changes from one year to the next; but again, '14 is in there to offer a comparison, because last year was a little weird.

Moving down to state harvest levels, what you can see here is that a number of states have gone up; relative to where they were last year, Connecticut, New York, New Jersey, Delaware, Massachusetts have all increased their harvest relative to a year ago this time. Again, 2015 was a little anomalous, but persistent. We've seen that Connecticut and New York have also increased their harvest relative to 2014, the year we think was more similar to where we are right now.

When you switch over to numbers of fish, we see this is slightly accurate, but I give the first comparison in weight; because that is what the harvest levels are held to, in terms of our joint management with the Council. When you do

the conversion, you use an average fish size; that is the weight by the number of fish that have been harvested through the previous year's wave, and applying it to the next year to get that RHL.

You get slightly different percentages of the RHL that have been reached when you compare it to what it is in weight. When we're looking at 2016, it is only slightly less at 99 percent of the RHL. Even if you're going off numbers of fish, we will likely be exceeding the RHL in 2016. I offer this also by state, in terms of numbers of fish harvest.

A similar trend, you'll see that Connecticut, New York, New Jersey and Delaware have all increased their harvest relative to a year ago. Getting down to the specifics of what this means, when looking at the 2017 recreational harvest limit, the Board and council voted in August to reduce that by about 30 percent to 3.77 million pounds; that is approximately 1.23 million fish, again, going off these preliminary estimates of the average fish weight and doing that conversion.

When we're talking about a coastwide reduction for 2017, we had a 30 percent reduction that the Board and Council agreed to take. Based on harvest estimates through Wave 6, we're looking at a 41 percent reduction; and that is factoring in projected harvest in Wave's 5 and 6. It is important to note that we're projecting out harvest in those next two waves throughout this year, in part, because we know that Rhode Island and Delaware through North Carolina, their seasons remain open through the remainder of the year.

Next, moving on to black sea bass, I offer a comparison between last year, 2015, and this year similar trends; in terms of harvest levels. No reason to go back to 2014 at this point. When looking at this on a regional level, and then zooming out to coastwide; in 2016, we have harvested so far 3.4 million pounds of a recreational harvest limit that is 2.82.

There is already an overage by approximately 23 percent. When we compare it to where we were last year, it is about a 30 percent increase. Through Wave 4 in 2015, the states had collectively harvested about 2.6 million pounds. When drilling down to look at what the harvest is in weight by state, you can see that a number of states have increased; in terms of the percentage change. Massachusetts, Rhode Island, Connecticut, Delaware and Maryland have all increased their harvest relative to last year through Wave 4. When comparing this in numbers of fish, similar trend, the percentage of the RHL that has been exceeded goes up. It's approximately 36 percent having exceeded the RHL. The regional breakdown is pretty much the same; that is Massachusetts through New Jersey increased relative to where they were last year, whereas Delaware through North Carolina decreased their harvest.

In looking at it state-by-state, Massachusetts, Rhode Island, Connecticut again and Delaware and Maryland, have all increased their harvest through Wave 4. When we compare this information to the 2017 recreational harvest limit, right now on the books we have 2.82 million pounds; the same recreational harvest limits that are in place in 2016. That is approximately 1.2 million fish, based on preliminary harvest estimates.

Coastwide reduction based on harvest for 2017 right now is around 20 percent. I would offer that this number should be looked at with a big caveat that it will likely change. As many of you may remember, this summer we were reviewing and there was a delay in getting final harvest estimates for 2015.

There is a lot of uncertainty with these estimates for sea bass through Wave 4; the reduction that is going to be needed will likely change. I have not included in this, projections for Waves 5 and 6, because of that uncertainty; and the season remains open for Maine

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through North Carolina, with the exception of Massachusetts.

The harvest is likely to continue to increase through the remainder of the year. Switching over to scup, just generally I am going to give you the breakdown that harvest is increased relative to last year by about 52 percent through Wave 4. We are at 65 percent of the recreational harvest limit. I'm just offering this in pounds right now.

As many of you are aware, the harvest of scup is primarily concentrated on the recreational side, between the states of Massachusetts through New York. When we look at the 2017 specifications and what harvest through 2016, so far, shows us, we're looking at a reduction in the RHL by approximately 10 percent. It's going to go down from where it's at right now of 6.09 million pounds to 5.5 million pounds.

I will just want to make clear to the Board that there is the possibility that a reduction may be needed for scup coming out of this year. Through Wave 4, we've harvested, as I said, 4 million pounds. With that RHL dropping next year and a good chance that the harvest will continue to increase, there may be a needed reduction in 2017 or for the 2017 fishery; but I don't have those numbers yet. As I said, they're preliminary and we haven't quite gotten to that analysis.

I've harped on a couple of these things so far, but I just want to make sure that they're clear for the Board and to keep them in mind. These are preliminary estimates; they will likely change. The analysis that has been done on them, there have been significant time restraints, as I said. The estimates came out on Tuesday of last week.

I can say that the black sea bass numbers have also changed slightly since their release on Tuesday of last week, so in less than a week the numbers have actually changed a little bit more. We have evaluated them relative to the PSEs at

the state level, and we haven't evaluated harvest and catch together; we've only been looking at A plus B1 of the data. One thing to keep in mind, I highlighted this for each species, the 2016 regulations. A number of states are open through the remainder of the year for these species. As it was pointed out when we had a call regarding how to deal with management in 2017 for summer flounder, it was requested that the Board be at least reminded of the changes in regulations over the last few years. For brevity purposes, I've offered kind of a short bit on how each of them has changed. For summer flounder, as many of you know, regional management measures have not changed significantly over the last three years. For black sea bass though, there have been significant changes.

In 2015, there was a 33 percent reduction to states, adjusted their measures to try to achieve that and not go over the RHL; again, we're looking at another reduction this year in addition to the one that was taken for 2016. Then for scup there have been no changes in the management measures, with the exception of Connecticut, who increased their size and possession limit back in 2015 to come in line with the other states in the northern region. At this point, I'll take any questions specific to the data update through Wave 4.

CHAIRMAN LUISI: Any questions for Kirby regarding the data, and we'll keep it to questions if we can. Rob O'Reilly.

MR. ROBERT O'REILLY: I'll see if I can get this right, but I think one of the surprises at the end of the 2015 data, was that the VTRs from the for-hire were added in -- elements from that were added in -- and there was sort of an increase in the overall reduction that was part of the 2015 data. The second question is, MRIP has adjusted the estimate landings last year for small sample sizes, and so I wonder.

First question is, is it accurate that the VTR data now is loaded by wave rather than at the end.

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The second question is when you look at the situation we have with the small sample sizes, that may or may not pertain to black sea bass; but I was wondering if that part of program of MRIP continues in 2016?

MR. ROOTES-MURDY: Thanks for those questions, Rob. Honestly, at this hour, I can't remember how those changes have been adjusted for starting in this 2016 year. I know that I have a couple members from the Technical Committee who are in the audience; if they are brave enough to step up and answer them, they are welcome to. Otherwise, I can get back to you with a specific answer for both those questions.

MR. O'REILLY: That's fine, I appreciate it.

CHAIRMAN LUISI: Any other questions for Kirby? Dave Simpson.

MR. DAVID G. SIMPSON: Yes, I guess the first thing that occurs to me in looking at 2016 statistics is, this is the first year that the states and ASMFC have been conducting the APAIS Interviews. Has there been any thought given to how that might affect estimates, and how much it might be influencing what we're seeing here? With such a dramatic change in Connecticut, I'm looking for some rational explanation, because certainly the experience isn't that fishing has been five times or three times better this year than last.

CHAIRMAN LUISI: I'll take a shot from the state perspective in Maryland. We have absorbed the program, and we are operating this year. However, we are operating under the same protocols that had been used in the past. Unless, and I can't speak for all the other states as to how anything might have changed. I would look to the other states if their new APAIS program has been changed from the previous protocols; that could be a reason why estimates are being changed. However, I just didn't think that that was in the interest of the states to operate any differently than they had.

MR. SIMPSON: I guess one perspective is NOAA wanted the states involved for a reason, and that was to improve the survey. Certainly, we've had good response from the public, and our observations have been we've got some good people on and they're doing good work. I'm wondering how that might affect outcomes.

I know I may be one of the few people that has been interviewed in two different states, and the last time I got interviewed in Connecticut, it was a woman approaching the boat; three or four of us were in it, and her lead question was did you keep any fish today; which I don't think is how the survey is designed to be conducted.

I'm wondering about how these changes may have affected results for 2016. Certainly, we were looking for improvements; that doesn't mean changes in statistics, it means improvements in the conduct of the survey. That is going to come out in certain ways. It leaves a question in my mind to try to explain how we went from, what was it 82,000 fluke to 250,000 fluke in one year. It was not a particularly good fishing year.

MR. ROOTES-MURDY: Dave, I would just follow up. It is a great question and one that I planned for the Technical Committee to be getting into. We have a joint meeting with council staff in the early part of November. But given the time constraints we had with this getting this data on Tuesday, we had a call that was very focused on just management approaches and evaluating the data relative to that for 2017. But with more time, we can definitely look into that more.

MR. STEPHEN HEINS: I just wanted to kind of speak to that point that Dave raised. I think that since we took over for the APAIS in New York, I think that we're doing a pretty good job, and we are finding that we're making improvements.

Just speaking to the question that Rob O'Reilly brought up, I think that we are not going to have that small sample size problem like we had for black sea bass in New York last year and bluefish; because of the improvements we've made. We've done a lot to bring those sample sizes up. I think that that issue has been addressed for us. Otherwise, I can't explain why our landings numbers are increasing while supposedly, the stock is declining.

MS. NICHOLA MESERVE: Regarding Kirby's point about an upcoming Technical Committee meeting, will the TC also be looking to do some black sea bass projections through the end of the year at that meeting and possibly also looking at why there is such a difference and how the states performed with the attempted 23 percent cut?

MR. ROOTES-MURDY: Yes, to that question. I mean, even today it was something we were trying to get nailed down, but there is so much uncertainty with how those estimates have even changed in the last week, given changes to the data. At this point, the smaller subset of the group that I've been consulting with on this, we felt that it didn't make sense to try to give you an estimate of what those projections are going to be, given we don't have a good handle on what the uncertainty is right now, with the change from Tuesday to the recent incorporation of, I think it was charterboat information in New York.

CHAIRMAN LUISI: Okay, seeing no other questions; before we turn to Kirby, he's already mentioned it once. Seeing this coming down the road, I took it upon myself to ask staff to help me pull together a group of all of you, a smaller group; to begin discussing, I guess, concepts that we might be able to apply to management for 2017, and maybe even beyond. But I think right now, given what we're looking at, 2017 is something that we need to deal with.

We haven't been in a situation yet as a Board, where under the regional management approach, we had to look to make reductions; such that is being projected right now. Based on what we're hearing about the data and how they continue to change, what I would like for you to do, as Kirby goes through this next presentation, is to just think about applying the methodology that you'll see.

Rather than being solely focused on the values, because I think the values are ultimately going to change by the time we make the decisions, if we make the decisions, to maintain a regional approach. Numbers are going to change. Keep in the back of your mind the methods and the ways in which we're going to get from A to B for 2017, as Kirby goes through this presentation.

CONSIDER MANAGEMENT APPROACHES FOR 2017 SUMMER FLOUNDER AND BLACK SEA BASS RECREATIONAL FISHERIES

MR. ROOTES-MURDY: I'm going to go through the second part. This is Item 5, and I'm going to walk through what the FMP for the three species have in place for 2017. Next, I'm going to go over the Summer Flounder Working Group's call, specifically laying out the options the group discussed and reviewed; and then what the overall call summary was on it, next steps, and then take any questions you may have.

Under the summer flounder, scup, black sea bass FMP right now we have Addendum XXVII, which lays out for summer flounder that regional management ends in 2016. Without an addendum in 2017, the mechanisms or tools available to the Board for managing summer flounder are a coastwide set of management measures, or state-by-state conservation equivalency allocations.

For black sea bass, there is the ability to continue the ad hoc regional approach for an additional year. The Board voted on this in February. I'm going to walk through the

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timetable in terms of the annual decision process you guys all go through. In looking at summer flounder, as Mike had laid out, there is the joint meeting between the council and the Board in December.

At that meeting, the Board and council have to make a decision on how to manage fluke in 2017. The options are either to go with coastwide management measures or conservation equivalency. That is usually the decision that the Board makes at that point. If you want to continue adaptive regional management into 2017, you'll need an addendum.

If you want to continue state-by-state conservation equivalency with state allocations that were in place prior to regional management, you do not need an addendum. For black sea bass, the decision again is coastwide management measures or to continue the ad hoc regional approach. No addendum is required for that in 2017. Regarding scup, as I did highlight that there is the possibility of having an overage going into the 2017 season, there is not a required addendum to continue the state-by-state regional approach we've been using for the states of Massachusetts through New York. What I'm next going to go through is the preliminary analysis of these options. They are laid out. There are a total of eight options. In addition to two other ones that I received within the last 24 hours from Virginia, I will take a stab at explaining those to you; but I may lean on Rob O'Reilly to further explain some of the mechanisms or understanding behind it.

I've grouped them by kind of the categories. The first four operate under this state-by-state allocation; so it is either pooling those allocations together into a region, so it's simply summing those up; or just looking at them as straightforward state allocations as they've worked under conservation equivalency in the past.

There are then regional targets that are laid out in Options 5 and 6. These options, they have listed there a target and not a specific allocation. A distinction that technical members made in trying to pool these options together very quickly, is that they are not just a straight summing at the regional level of state-by-state allocations; they account for reductions based on recent management actions or trying to adjust for the needed reduction in 2017.

Then the last two options, Option 7 and 8 moves to offer a new region from what has been in place the last three years now. That would be combining Rhode Island with the states of Connecticut through New Jersey. Option 1 as I said is state-by-state conservation equivalency. On the Board you can see what the state allocations would be in 2017, and also is listed as the projected harvest through the end of the year for summer flounder for these states.

In the far column, bolded is what the reduction would be needed for those states in 2017. Think back to 2013 and prior to that how states would manage their fishery, based on a needed reduction and adjust their management measures in order to achieve that needed reduction. That is Option 1.

Option 2 is state-by-state conservation equivalency with fish sharing, so this concept was included in Addendum XXV. It had been used prior to that as well, and it tries to address the ability for states that may not be able to reach that reduction that is needed; while also taking into account the liberalizations that other states could be going for with their ability to stay under their target.

It lays out three possible ways to proportion those fish. One is based on allocation, so it is proportioning it based on allocation. The second is based on a needed proportion, and the third is reductions that decrease an

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additional 10 percent from what the set reduction would have been, otherwise.

If you have any questions on this when I get to the end, I can come back and try to explain it further; but these are just options of doing fish sharing with state-by-state allocation. Option 3 lays out a regional management approach that combines those state-by-state allocations at the regional level.

What you'll see here is that Connecticut through New Jersey is one region, Delaware through Virginia are another region, and then the other state regions are listed. This is where it is just straight pulling those state allocations when they're in a region together and coming up with what that region would be using as an allocation; and then making a management decision on the 2017. As you can see for the region of Connecticut through New Jersey there would be a 56 percent reduction. Rhode Island would be a 24 percent reduction where the other regions would not have to reduce. Option 4 lays out a regional management approach that combines the '98 allocations at that regional level with fish sharing. This tries to smooth out the ability of states that could liberalize but would stay at 2016 harvest levels into 2017; and using those additional fish that could then be shared to the regions that need them.

Therefore, they would be able to increase their harvest allowance to have less of a reduction than they would otherwise. Moving to Option 5, this is where we get to these targets; and this is where it is not simply just summing state allocations at the regional level. For this option here, it lays out the similar regions that were in place the last three years.

But because of the 41 percent reduction that is needed to address the harvest through Wave 4 in 2016, all regions would be taking a 41 percent reduction. The difference here is that the amount of fish varies by region that would

be needed to get at that reduction; based on harvest levels in 2016.

Option 6 is similar to Option 5, but this approach tries to account for a minimum level of reduction that all regions would take; which would be 30 percent and that is to line up with what the Board and council agreed to do back in August. But for then those regions that exceeded what their summed regional allocation would have been if you were taking those '98 allocations and summing them at the regional level; attributing an additional reduction to those regions.

For Connecticut through New Jersey it would be a 42 percent reduction. It is important to note for this option it would actually be a higher reduction for Rhode Island. I believe it is closer to a 50 percent reduction. Sorry, that was Option 7, 42 percent is in line for what the Option 6 is for Rhode Island, but again this is based on preliminary estimates.

Option 7 is the new regional approach where Rhode Island would be included with the states of Connecticut through New Jersey; and I'm seeing now that I actually made a mistake. Imagine moving that bar up and it would be Rhode Island through New Jersey, and that is where that 46 percent would be.

The thing to note here is that instead of a 46 percent reduction for Rhode Island, it would actually be closer to a 57 percent reduction; and that is to account for different management measures that were in place the last three years, relative to the states directly south of it, Connecticut, New York, and New Jersey.

But under this option those regions that could liberalize would be staying at 2016 harvest levels, and then that fish sharing that has been mentioned in these other options would be applied to allow for a lower reduction than would otherwise be required for that region. Then the last option lays out similar to, I believe

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it is Option 5, where you have a set minimum 30 percent reduction for all states and regions.

Under this, you would have Massachusetts would be at a 30 percent reduction. Delaware through Virginia would be at a 30 percent reduction, and North Carolina would also be there. But Rhode Island through New Jersey would be taking an approximate 41 percent reduction. Those are the eight options that have been discussed by the Summer Flounder Working Group. Some key points to just keep in mind regarding the working group. They met last Thursday to discuss these options. They were pulled together very quickly, based on the timing of the data release. The members wanted to make note for the Board that the 30 percent reduction in the 2017 recreational harvest limit, relative to 2016 levels, is based on the Board action took in August of this year.

The other thing is that based on the preliminary harvest estimates through Wave 4, as I mentioned before, the coastwide reduction that's needed is about a 41 percent reduction. The group kind of coalesced around two of the options; those were Option 4, which was a regional allocation with fish sharing and Option 6, which was a regional allocation with a minimum reduction of 30 percent that was highlighted by the working group members for the Board to focus on moving forward.

I'm just going to quickly walk through the additional call summary comments. There was concern about fish sharing being arbitrary at times. That is where that second option tries to lay out how fish sharing could be done, depending on what you prefer to be in place; whether it's proportional to their allocation based on '98 harvest levels or based on how they've exceeded their recent fishing performance.

Other members of the call recommended that there would be a guiding principal in place to make sure the measures that are crafted for 2017 are not extreme; that you don't run into

having super high size limits or low bag limits or little to no season. Another working group member recommended that recent fishing performance should also be taken into consideration, such as the underperformance of 2016 harvest targets for a number of those states should be taken into consideration, and modified if a minimum reduction is needed; so less than 30 percent.

There was also a question regarding the 2016 region that allows for different management measures in New Jersey's side of Delaware Bay. Carrying that forward into 2017, through Wave 4 of this year New Jersey's Delaware Bay fluke harvest was about 0.9 percent of the states harvest. In walking through options at this point, it seemed to be an insignificant number of fish to be considered for the needed reduction at this point.

I only have a couple more slides here. There were two additional options that Virginia put forward. The first would be freezing Massachusetts, Maryland, Virginia, North Carolina's harvest levels at 2016 levels and distributing the additional fish proportional across states; similar to options that have been included of the eight that I walked through.

The other was to keep them at 2016 harvest levels. States not projected to exceed their 2016 allocation, Rhode Island and New Jersey, would take the 2017 allocation based on their 1998 proportions, and states projected to exceed their allocation, which would be Connecticut, New York, and Delaware; based on preliminary data, would take the reduction in 2017 proportional to the projected harvest.

With all that again, I want some key things for you to keep in mind. These are preliminary harvest estimates and analysis, so these numbers will likely change. The timeframe for turning around this analysis and these options to you have been very tight. The call was on Thursday of last week. This is not an exhaustive list of possible options. Addendum XXVII and

prior addenda have laid out state-by-state conservation equivalency language regarding how states would be held to their allocations in years subsequent to the ending of regional management. That language could be included in an addendum if initiated today. Lastly, there are accountability measures that may be triggered based on harvest in 2016. I've only been able to briefly consult with my counterpart at the Mid-Atlantic Council on this.

The way it's handled is that they look at harvest and catch on a three-year basis, and they use an average from that. The other factor that's considered is the biomass relative to the biomass target, because biomass has been trending down in recent years. There is the possibility that ratio could come into effect.

The analysis has yet to be done on comparing catch over the last three years, to then determine if an accountability measure would be triggered in 2017. Some last thoughts for you to consider in whether to initiate an addendum, and if so, in considering the addendum the last three years, this Board has moved to do an addendum each year for adaptive regional management.

It is important to keep in mind that there is a comprehensive summer flounder amendment that is continuing along at the same time. It might be useful to not silo work around how to manage this fishery year-to-year relative to how this comprehensive amendment is progressing, the linking up how say accountability would be considered or reductions may be useful to think in a longer timeframe.

Additionally, a longer implementation timeframe may be helpful, as well. As this has changed slightly from one year to the next over the last three years, it may be useful for any addendum that's initiated to think on a slightly longer timeframe; two to four years possibly. Lastly, considering how reductions may be handled in the future, as laid out in Addendums XXV and XXVII, there were not very concrete

steps that the states would take to handle those reductions; given an overall coastwide overage.

Lastly, to account for any data uncertainty, it was laid out when we presented this information to the Board in early 2015 that there was likely going to be an overage, and that a buffer may be a useful way to account for data uncertainty and changes in estimates; and then maybe building that into the addendum would be a helpful process. In terms of next steps, it is at the Board's pleasure whether to initiate an addendum today for management of summer flounder in 2017. I'll take any questions at this time.

CHAIRMAN LUISI: Thanks to you and the Technical Committee for the extreme amount of work that went into putting this presentation together in the very tight turnaround, given the data challenges that we're faced with. Special thanks to you guys for that. John Clark, question?

MR. JOHN CLARK: Yes I have a question. Kirby, on the fish sharing regional options, those shared fish would be taken away from the region before the season starts. It's if the region went over that amount that was set there they could be over quota, no matter what happened in the other regions, or does the fish share just kind of go into a pool that is used by all regions?

MR. ROOTES-MURDY: At this point, because there is no set forward procedure, it is at the Board's pleasure how that would play out. We have language from previous addenda that lay out how those fish, once all the allocations would be set, would be pooled together for where the liberalized states would be pooling their shared fish, and then any state that wanted to petition the Board to have a proportion of those fish applied to their harvest targets in 2017, that that would be a formal process. That language could be carried over into this addendum. But it is at the Board's pleasure on how that option should play out.

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As staff, we would be looking for guidance on what specifically the Board would want under each of these options that allow for fish sharing or keeping states at a level harvest in 2017 in applying those additional fish to other regions or states.

MR. O'REILLY: Not a question so much as I just wanted to add a little bit. We had a call on Thursday, and on Friday I submitted an option to the working group. Then by Monday that was dressed up a little bit to make it clear what the option was doing, and a second option was provided, as well.

I wanted to just elaborate if I may, very briefly that the VMRC staff did some intricate work, I think. They looked at the four states that have not had an overage in 2016, based on the projected final 2016 landings. For the other states, the other five states, the assignment of the fish that could be shared was determined by the proportion of the 2017 RHL; as goes back to the 1998 shares.

The last point to make is that it is a 38 percent reduction for those five states. That wasn't mentioned, and I realize we're all moving fast. That is why it wasn't mentioned. The second option, very briefly, probably wouldn't be very palatable; and we talked about this at the staff level, because it does assign a much higher proportion to New York than other states for the 2016 overage.

But nonetheless, I'm hoping that there will be time to look at these and we can move them with the eight options. I think once the states look at especially Option 1, we can talk about fairness next time around. But I think it is a very fair option. As long as I'm making a comment, I'll extend it and say that the staff at the Mid-Atlantic Council came up with recommendations that the SSC essentially said no, not conservative enough.

Not only are we in a lot of trouble going forward, but the stock is in a bit of trouble as

well; as the SSC indicated that it was very close to becoming overfished. I think we have to keep that in mind. That doesn't take away from our problem for 2017. But the stock has been in sort of a swan dive.

CHAIRMAN LUISI: Bob Ballou.

MR. ROBERT BALLOU: Kirby, do we have an option that is a direct reflection of the performance of the regions in 2016, relative to their regional targets? I'm looking at Table 1 in the addendum that is currently in place, and comparing that to the MRIP estimates. I'm pretty sure that the Massachusetts region came in under.

The Rhode Island region came in well under. The Connecticut/New York region came in well over, significantly over. Delaware was over; they're in the region with Maryland and Virginia. I didn't actually do the math on that. I know Maryland and Virginia states came in way under, and I know North Carolina as a region came in way under. Irrespective of the '98 based allocation percentages, is there an option in here that speaks directly to the performance of the regions in 2016 relative to their targets?

MR. ROOTES-MURDY: Thank you for that question, Bob. I don't believe there is right now. The regional targets that were laid out in the addendum were specified for a condition where maybe in the future if regional management were to continue, it could be considered. But the addendum laid out that in the absence of continuing regional management within the next year, states will revert back to their state-by-state allocations. My understanding is the options that were pulled together, one through eight; do not have an option in there that considers regional performance based on those targets that were laid out.

MR. BALLOU: I would like to suggest that we explore that option. I know what we have in place now, as far as our accountability, but I also know that we're considering a new

addendum that could, if I'm not mistaken, establish a new accountability. I would like to explore that option, because if we're going to talk the talk, we need to walk the walk; as far as regional management goes. I mean the whole point of moving forward with adaptive regional management was to try to configure regions that made sense.

Establish targets and then assess performance relative to those targets. My review shows that certain regions performed well; in fact, they came way under their target; other regions not as well. To be perfectly blunt, the regions that went well over are the reason why we're in the pickle that we're in. This isn't a blame game; this is just making sure that we have an option included that addresses that aspect of regional management.

CHAIRMAN LUISI: What I would say is I think where we find ourselves in trouble is that this concept of a target, we don't necessarily even have anything hardwired as to what a target is. We interchange, I think, the words target and allocation. We all have a 1998 allocation, yet the targets that we're using in these are based on the catch of a region that becomes its target under the fish-sharing model.

I would also say that I think another reason we're having a problem, is we don't have any accountability of the regions within the current plan. There is nothing to direct the traffic when the intersection gets jammed like it is right now. That is why we're having this debate today, and I think it is, in my mind it is why we need to continue having this conversation if we want to maintain this regional approach. I have Chris Batsavage and then Dave; I'll come back to you.

MR. CHRIS BATSAVAGE: Two questions, one to the option that Rob introduced, where it talks about freezing harvest. I just want to make sure I understand the difference between freezing and fish sharing. That basically it would set those states at where they were 2016, and if for some reason, the states didn't think that we

would have the same harvest again next year, under the same regulations that those states would probably have to put in some measures to ensure that the landings stay at the appropriate level.

I'm just looking at North Carolina, where we're projected at 13,000 fish, but we've never had landings that low before. The last few years have been in the 40,000 "ish" range and then just before then in the 60,000 range. Second question regarding accountability measures from NOAA. Would that be applied, if indeed it needs to be applied, would it be applied in 2017 or would that kick in in 2018, due to kind of the time lag involved in getting that in place?

MR. ROOTES-MURDY: Yes, my understanding in briefly consulting with council staff on this is that it would be two years out, so we're talking in 2018. But I can also direct that question possibly to the GARFO staff who are in the room for their interpretation on that.

MR. SIMPSON: A small but important point. The regional catches, they are not targets, they are expected harvest. We simply did math to calculate what the expected harvest for Rhode Island would be if they didn't change their rules. What was the expected harvest for New Jersey, New York and Connecticut if they maintained the same rules in '16 as we had in '15? It is not a target; it was a way to share fish.

It goes back to the work that the Technical Committee did, which I thought was great. Trying to quantify what reasonable access was. What is the appropriate, equivalent minimum size in Virginia to Rhode Island, given the size composition of fish you see; your release rate and that sort of thing? That is what we were trying to accomplish. I just think we need to remember these regional allocations were a way to share fish.

The idea of a payback, I suppose it has benefited us to be with the two gorillas in the room in a region, but there is this liability too

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that we sink with them too. Again, in 2013 Connecticut had an estimated catch of, do you remember this, 888,000 fish for Connecticut, almost three times what Rhode Island caught; and here we are again in 2016 with a great big number.

It comes back to the question of reliability, of MRIP statistics at the state level and how we deal with this. Yes, 2017 we have a problem, the stock is smaller, and we need to cut harvest from this year; 30 percent from the target, 41 percent or 2 percent from what may be the realized landings. But in 2018 we're going to be delivered a whole new set of numbers for every state.

I hope that washes away this idea that that number from almost 20 years ago, 1998, bears any relevance to a conversation today about summer flounder allocations. There are some very persistent patterns in underage and overage geographically, very persistent patterns. I really appreciate the work that the group you put together did.

I thought there was some very creative ways to approach this 30 percent reduction and the overage. I was very pleased to see that. But I think we need to be eyes open as we solve the 2017 problem that the new reality of what we all are catching and have caught, our perception of that is going to change radically in a year or two.

MR. FOTE: Kirby, could you put up the table of the regions this year, because I thought that would explain what Bob was asking about. If I looked at those tables right, Massachusetts was under, Rhode Island was over by 24, New York was over by 56, Connecticut was over and New Jersey was over by 21 percent; because this year, 2016, we had a separate region for New Jersey, because of the way we did it.

MR. ROOTES-MURDY: I think this is the option you're talking about?

MR. FOTE: What actually happened in 2016, because you know that is not set up with the regions that were in 2016. The regions in 2016 are Massachusetts by itself, Rhode Island by itself, Connecticut and New York by itself, and New Jersey. That's one of the tables you sent out; and you put it up before.

MR. ROOTES-MURDY: As I mentioned earlier on in this presentation, four of these options that were crafted, there was not one that was a New Jersey-specific option.

MR. FOTE: I'm looking at, when Bob asked what the performance was this year, and that is the result of what you put up there is the tables from this year. Rhode Island did go over, Massachusetts was under, Connecticut and New York were both under, and there was a separate amount for New Jersey; which was 26 percent.

MR. ROOTES-MURDY: I think what you're thinking of, Tom, is the state-by-state allocations under conservation equivalency; where there is a 26 percent reduction for New Jersey.

MR. FOTE: No. There is a table that you put out that was in the form of what was actually the regulations this year in the regions that were this year. The regions this year were Massachusetts separate, Rhode Island was separate, Connecticut and New York were one region, and New Jersey was another region. You showed the overages in that table.

MR. ROOTES-MURDY: Again, Tom, I'm not familiar with what you're speaking to.

MR. FOTE: It's in the paper you sent out the other day.

CHAIRMAN LUISI: Do you have a page number on the paper that you're looking at?

MR. FOTE: I'll get it to you and then we'll go back to it.

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CHAIRMAN LUISI: While you guys are working on that. What is facing the Board right now is a decision about whether or not you would like to have regional management as an option for 2017. That is the question. It is not about committing to any of the examples that Kirby presented as a result of the working group call that we had.

We're not committing to regional management in any way. However, given the timing of all of the gears and everything that needs to fall in place between now and the start of next year's season, in order to keep regional management as an option for this Board in moving forward, we would need to initiate an addendum today.

That addendum would begin to being developed, and then when the Board meets with the council in December, that is when that decision tree falls into play. Based on the decisions made at that time, again another set of scenarios, we would be going down one path or another. If you want to have a path where regional management is part of that path, today we would need to initiate an addendum.

I ask, in order to get the conversation going I had staff draft a motion, so if we can put the motion up. **I had staff draft a motion to move to initiate an addendum to consider adaptive regional management approaches for the 2017 summer flounder fishery. John Clark, are you making that motion?**

MR. CLARK: **I am making that motion.**

CHAIRMAN LUISI: Do I have a second, Dave Simpson. Now that we have a motion, I can look to the table for discussion of the motion. Steve Heins.

MR. HEINS: Looking at the document that the working group put together, I'm assuming that most of this information will be included in development of this addendum. But some of the approaches in the document are not truly

regional management. I brought that up during the call that we had with the working group.

I'm not saying that we need to remove them, but maybe we ought to consider naming the addendum conservation equivalency approaches for 2017, rather than just adaptive regional management; because we're including things potentially that are not regional management.

CHAIRMAN LUISI: I can go along with that if that is okay with the maker and the seconder of the motion. I know what Steve is referring to; it's just the straight up fish-sharing option that doesn't involve regions; if you want to keep that in play. Something that complicates all of this is that the FMP defaults to, under conservation equivalency, state-by-state allocations from 1998.

Even though there is an addendum that we would be moving forward with that would have regions as part of that addendum, there is always the option in that conservation equivalency addendum to go with state-by-state management. I know that stakeholders often get confused when we refer to that; because here we have an addendum addressing regions; but there is a state-by-state option in it.

I don't want to confuse the matter in that we call it conservation equivalency without some initiative to keep the regions as part of it, and I think, Steve based on your comments, you would want to keep all the regional approaches in there, as well, so it would just be more inclusive of conservation equivalency.

Maybe we could use conservation equivalency/regional approaches, just to keep the regional part of that in the motion; if you're okay. I'll look to the Board to see what you guys want to do. I know we drafted this, and it didn't come directly from one of you, but look for some advice on how to change this if you

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want to change it; before we go forward with the discussion.

MS. MESERVE: I was going to speak towards the motion as it is currently. I can support this motion. Looking at our alternatives, we have coastwide management, which we haven't used for 16 years and we moved away from for very clear reasons; or we have conservation equivalency, which has cuts ranging from plus 412 percent to minus 81 percent.

That is not a palatable option for me. It does seem that there are a number of options in this document, but also Board members are looking at this; many of us for the first time today. Gears are turning, so I'm under the assumption that Board members can forward other options to the Plan Development Team, and the Board will make final decisions for what is included in the draft addendum at the December joint meeting.

If that's correct, my last point. There are a number of options that zero out any cuts for Mass, Maryland, Virginia, North Carolina and in some cases Delaware. I would just point out that for those states, the 2016 projected harvest are below their 2016 target, based on the regional approach. They are also below the 2016 allocations; based on 1998 harvest, and also below the 2017 allocations based on 1998 harvest. They all have state contributions to the coastwide total that are at or below 4.5 percent. Those are some of the reasons that I see for including those options that do leave those states at a 0 percent cut for next year.

MR. ADAM NOWALSKY: Did we clarify first this motion to just be adaptive management and not adaptive regional, which is still up there? Was that what we did?

CHAIRMAN LUISI: I'm comfortable with that, but I'll look to John and David to confirm if that is the way you would like to go.

MR. CLARK: I don't mind adding something to indicate that it's not just regional management, but I would like regional to stay in the motion; because I think once that's out, there is a chance it won't go back in.

MS. TONI KERNES: What if it is, initiate an addendum to consider adaptive management, including regional approaches for the 2017 summer flounder fishery?

MR. CLARK: I think that would be acceptable.

CHAIRMAN LUISI: Any other Board members have any other refinements? David.

MR. SIMPSON: Well, it is related to this but sort of continuing on my theme for the last few years that usually at the December meeting, I continue to look to NOAA to set some rules in federal waters that support their FMP. I don't know how much that will help us, but I do think it is part of the solution; that we have some conservation that is consistent in our largest partner's waters.

I think that could be set up. It could also be very protective of states with smaller minimum sizes, that in their state waters when you're fishing up in the Bay, you can fish by rules that are more appropriate to that small water body. But if you are on a boat fishing 30 miles offshore, you ought to be able to play by the big boy rules, as I've said before.

I continue to be disappointed that the council and the federal government don't step up and set rules that will make sure that people fishing in federal waters are contributing to conservation. If this were just a commission plan, I would look at it differently. This is a federal plan, and we're bound by all these federal rules; and the federal government doesn't do anything to make this happen. I really look to them to contribute something meaningfully to the EEZ component of this fishery.

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CHAIRMAN LUISI: Rob O'Reilly -- did you still have -- I saw your hand.

MR. O'REILLY: I'm still here. I wanted to just say that I can support this motion, but I would also like to indicate that we really have spent a lot of time in the past with the 1998 issue of allocation. But I also want to mention, and David has the right idea, I think, about how things have worked with regional. But one way they've worked is that your landings have essentially been a de facto target. In other words, when we started out, I'll just say DelMarVa for an example, the landings we had in 2013 rolled over into 2014. The landings we had in 2014 rolled over into 2015. For the most part, that has been the mechanism of the regional. Pretty much it has worked up until now, and there are some factors that we didn't expect. But to Chris Batsavage's question, we do have an increase in the RHL for 2018, but I wouldn't count on it. You know, it is about 600,000 pounds now, but it probably won't materialize once there is further information.

Also, Chris, on the other hand, with the North Carolina situation, it applies to Virginia and Maryland, as well; that you're going to find this 2014 year class, which is the first somewhat good year class since 2009, is going to be available. It's a model driven recruitment approach, but nonetheless, it is the first good sign we've had for quite a while.

States that are already low on the landings regime could cause another problem that was unexpected, because all of a sudden the reduction in their harvest stops. You saw that a little bit with Delaware this year, and maybe they tapped into some of that 2014 year class it would have been of size. I hope we all keep that in mind as we go forward with this, but I will support the motion.

MR. NOWALSKY: We've got eight options in this document. We had two more that Virginia put forth. We've heard a couple of other comments about more coming potentially. That

will get us in the neighborhood of a dozen. What is our plan to whittle that down before December? I can't see bringing a dozen options to the table, all presumably equal, at least on paper. We know some have no chance of moving forward. I would need some way to move forward leading up to December, to feel comfortable supporting this.

CHAIRMAN LUISI: If you remember, Adam, on the call I did my best to try to whittle it down and go overruled by the group. I would expect that if the Board is okay with this concept; that we would continue working as that working group that we put together. We could set up a call or two between now and December to provide a recommendation and advice back to the Board in December, by making an attempt at whittling some of these options down.

That would be the way. That is the only way that I see whittling it down, to provide that advice back to the Board for their approval. Okay, with that, I would like to go to the audience for any comments regarding the motion that is on the Board. Yes, sir. If you could come up, we have a public microphone; all the way to my left. Sir, if you could just state your name and any affiliation that you have. If you could be mindful of the time, if we could limit comment to three minutes or less, that would be fantastic.

MR. KEVIN SLATTERY: Hi, my name is Kevin Slattery; I'm a charter captain from Massachusetts. I'll take about two minutes. There are two points I would like to hit on. It is not only about flounder, it is also and more importantly to me about black sea bass. The other point is about enforcement, but first, the enforcement business.

When Dan McKiernan spoke over here he was talking about the tautog and how the enforcement factor has kind of changed the whole game; and it does, it absolutely does. In the bigger picture you need to incorporate

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enforcement into all these decisions. I don't know how. It is for smarter people than me.

Enforcement makes or breaks all these other numbers. Black sea bass is what I have made my living off of up until this year. The numbers have gotten whittled down, and that's part of my second point about ad hoc management. In the black sea bass world they have different levels of enforcement state-to-state, which entirely changed the game. All the other numbers matter up to a point, but for me as a charter captain and for the recreational fisherman, the enforcement is night and day.

In Massachusetts, if I'm on my charter boat and I get stopped by the Marine Police, and there is a violation found; and it could be very slight, in one fisherman's cooler. Guess who gets the ticket? Me. The Marine Police in Massachusetts have made me a cop, which is fine. New York needs to do it, too, New Jersey; because it's apples and oranges.

My fishermen that would normally fish with me go down there, they're held liable. They don't care. They couldn't care less, walk away from the cooler; take the \$50.00 fine. Sea bass are worth \$100.00. No problems. I ask this Board or the federal government, or whoever has the power to do it, make it the same deal up and down the coast.

I pick, if you ask me, what I have in Massachusetts, because you need to enforce these laws not send them out there and see if they fly. They don't fly on their own. That is my discussion about enforcement. My other discussion is, I urge the Board not to do ad hoc management again as we know it. This is a failure.

It was okay for a year or two, while we were all waiting for the stock assessment. I'm pretty well versed in what we were waiting for, and I'm not flying out of left field with it. I know we were waiting for a stock assessment. I know you had to do something, okay. But after this

many years of it, it has become like a guy with vacation days, use them or lose them.

The more you grab each year the more you've got next year. If you went over 360 percent, you took a 30 percent cut, ding, ding. You've got 330 percent, nice grab. Let's try it again for next year. Now comes the stock assessment. What are we going to do with the fish we expect to get? Are we going to give -- the new baseline is what you've grabbed over the years, it's wrong.

It would be very wrong for this Board to say good grab, everyone, will you pay it back? That's where you start from. I'm the example; I'm out of business as a fisherman. Massachusetts had a 99 day season or 103 days, I think; five fish. Nobody went on my boat for five fish. They're down in New Jersey, New York for 10 and 15 fish.

Those guys are fishing today, I'm here in Maine. It didn't work out. We need to reset the numbers. Go back to some point where there was an equality here, not building overage upon overage. The other sub point to that is, to achieve these cuts this year in particular, this business of we'll make the fish one inch bigger and get, in the case of Connecticut I know 40 percent, New York, 20 odd percent. That was a farce and I think everyone should have known that.

It was not controlled for effort. You came on my boat last year when it was eight fish; it took us one hour and 15 minutes to catch our eight fish, theoretically at 14 inches. You came out this year, the 15 inch fish; it took us one hour and 25 minutes. This isn't bluefin tuna. It took us like a second longer to get those fish.

That did not result in a 40 percent cut. The 40 percent cut that some states took, gave them more season and more fish in a year when they were supposed to cut for the sake of that one inch. It was a farce. To do it again would be double wrong. I really think you knew what was

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going on; if you give me one second to look at my notes.

CHAIRMAN LUISI: If you can begin to just wrap up your summary here on the motion.

MR. SLATTERY: Okay, a lot of what I said applies to fluke, the same thing. The states like my own state of Massachusetts that did not go over on sea bass or on fluke; yet again we're looking at a cut. Each time they cut we have a new floor. Even like this guy from down south there, I forget where, asked if we give up these fish, what if we need them next year? We've given them up, and they're gone. We need a reset. I don't know how you're going to do it, God bless you if you can figure it out. I can't. But to continue with ad hoc, it's wrong, but thank you very much for letting me speak.

CHAIRMAN LUISI: Any other members of the audience have any comment regarding moving forward with the motion on the Board? All right seeing none; we're going to come back to the table. Are there any last minute comments regarding the motion? Seeing none; do you guys need a second to caucus, 30 second caucus?

Okay, I'm going to make one last comment before I call the question. Just to reiterate Adam's point earlier about taking something that seems to be almost a little unruly and boiling it down to something manageable. Kirby and I just spoke briefly about the idea that this working group will take the options that it's presented, and likely include all of those options for review in December.

However, I would look to the working group to provide some focus, maybe select five or six out of whatever develops from the different states in going forward. I think that would put us in a good spot in December, and seeing what would be available in the addendum. Okay is the Board ready for the question? I am going to read it into the record.

The motion is: move to initiate an addendum to consider adaptive management, including regional approaches for the 2017 summer flounder fishery. One second. Bob just made a point that we should probably put recreational summer flounder fishery, so after '17, I'll read it back into the record.

Move to initiate an addendum to consider adaptive management, including regional approaches for the 2017 summer flounder recreational fishery. Is the Board ready for the question? **All those in favor, please indicate by raising your hand. All those opposed: same sign. Any abstentions, any null votes; the motion passes; 11 to 1 to 0 to 0.** Okay, I'm going to go to the last item on the agenda, which is an update; second to last item on the agenda. Kirby is going to give us a very brief update on the stock assessment progress for black sea bass.

**UPDATE ON STOCK ASSESSMENT PROGRESS
FOR BLACK SEA BASS**

MR. ROOTES-MURDY: I'll try to brief as possible with this update for the Board. As I am not a stock assessment scientist, I can guarantee it will be very brief. In terms of work that has been completed, so far, for this 2016 benchmark stock assessment for black sea bass, a data workshop was held in June, 21016.

An assessment workshop was held in September, 2016. There had 111been multiple calls of the working group in between those meetings, and since; we have explored modeling techniques to try to get at spatial and unique life history characteristics and are on schedule right now to complete the assessment report in time for the December, 2016 peer review. The time table moving forward is that the assessment report will be completed by early November, 2016. The peer review is set to take place during November 29th through December 2nd, 2016.

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It is important to note that this document won't be ready for the Board and council to consider for management at the joint meeting in December of this year. That is going to take place in Baltimore. After the peer review, the Mid-Atlantic Council's SSC will review the peer review report, as well as the stock assessment report in January, 2017.

Once that has been completed it will be shared with the Board and council, in preparation for a joint ASMFC/Mid-Atlantic Council meeting to consider the assessment and management action in February. The dates for that meeting right now are set as February 14th through the 16th, in Kitty Hawk, North Carolina. With that, I'll take any questions regarding the timetable and work completed at this point.

CHAIRMAN LUISI: Questions for Kirby on the time table of the black sea bass assessment? Bob Ballou.

MR. BALLOU: Just a related question if I can, Mr. Chair, and that is the sense of where we go from the assessment; as far as management. Is there anything teed up specifically, perhaps jointly with the Mid-Atlantic on black sea bass management, commercial and recreational, looking ahead to what would have to be 2018; I would think. In other words for reconsideration, is there any consideration of changes to the recreational and/or commercial management program for black sea bass that would follow on the assessment?

MR. ROOTES-MURDY: Right now, there is a commercial quota in place for 2017, and a recreational harvest limit in place for 2017. The Board and council jointly voted on that in August; so that's in place. This joint meeting that's set for February, 2017, is going to consider the results of the assessment and depending on those results, there could be the ability to change 2017 specifications. Now at this point, without having the assessment ready, we can't speak to what changes might be

possible. But that, is in part, why the meeting is scheduled to take place in February.

MR. BALLOU: Not just on specifications, but on management broadly, is there any move afoot or any consideration being given to reopening discussions on management of the black sea bass fishery; both commercially and recreationally in 2017, as a follow up to this assessment?

CHAIRMAN LUISI: What we currently have in place, the ability to continue with the ad hoc approach. We don't need to take any action on that today, because it is something that is written into the plan. It's written into the addendum that we could go forward in 2017 with that same approach, just through a motion. We don't need a new addendum.

We do have the ability to go to the default, as well, if ad hoc approach is not what the Board wants to go forward with. But those decisions will begin in December, when the council and the commission decide on whether or not to go forward with coastwide measures for black sea bass or continue with the idea of the ad hoc approach. As far as a long term outlook, I should be more up to speed on this than I might be right now, but there is an amendment that was initiated to look at the commercial fishery for black sea bass and how quotas are managed by the feds in order to mitigate the impacts of federal closures due to overages of the quota that impacts states that can land fish from state waters. When federal waters close, certain states are impacted very greatly as a result of that. That is something that has been started, but it hasn't developed to the point where you've heard too much about it at this point. Dave Simpson, do you still have a comment?

MR. SIMPSON: Yes, I think so. The assessment is taking a two, basically sub stock approach; there is a northern sub stock right, and a southern sub stock. That is how it will be assessed and the only way it will be assessed this time? Is that right?

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MR. ROOTES-MURDY: As I said, I am hesitant to get into the specifics of the assessment without the report being ready yet, but I can offer that they have looked at the spatial components of the fishery, as well as trying to understand possibly sub units of the stock; both on a north/south scale as well as on an offshore/inshore component. Those have been considered, but to whether that is the specified way the assessment model is going to proceed, and what the report will be read up, I can't speak to that.

MR. SIMPSON: Okay, but my sense is, my information is that that is the approach they're taking, so that would seem to me to immediately beg the question of whether overfishing is occurring within each of the two regions. I think it is going to cause some issues for the Mid-Atlantic Council and the feds, and I could anticipate that it will really beg for a discussion here about allocation between states on a commercial fishery; if there are two different sub stocks that are exploited differentially by each state.

MR. ROOTES-MURDY: To what Mike was trying to explain before, there had been an amendment initiated by the Board and council in conjunction on sea bass. Then that was shelved in light of kind of priorities going into 2016. At that joint meeting in February would be the time for the Board and council to reconsider that amendment that had been initiated, and determine what other components maybe should be factored in with that amendment. If the Board and council choose to have that reinvigorated and started up again.

CHAIRMAN LUISI: We're going to need to wrap this meeting up, where we're well over time. I think we're all going to have another opportunity. We're going to have many opportunities in the coming months to be together; which I look very forward to, spending as much time as possible with this group. With

that, I'm going to move on to the last agenda item, which is other business. Does anybody have any other business they want to bring before the commission? Steve Heins.

MR. HEINS: Very quickly, for the past four years or so, we've had a mid-season closure in the recreational black sea bass fishery in the federal regulations, whereas in the states in the northern region have remained open. That hasn't been a problem for us, other than some initial confusion.

But this year now we've had quite a few complaints of anglers that are fishing in Rhode Island waters and then transiting back into New York; and are being intercepted in the so-called Striped Bass Transit Zone between New York and Rhode Island, and being ticketed for being in possession of black sea bass. That is a little bit of a problem, as I see it, that we're allowing people to transit that zone with striped bass, but not black sea bass that are legally harvested in Block Island waters. The question that has been presented to us is why is there additional enforcement this year? I can't answer that one. But then why not allow black sea bass to be possessed when you're in transit; in other words you're not stopped in the transit zone.

There is the same principal there for striped bass and black sea bass, I believe. From what I understand, it is simply a federal regulation that allows that transit zone; that provides for it. My request to this Board is to maybe present this to the Policy Board and request a change to the federal regulation that would allow possession of black sea bass during the closed season.

CHAIRMAN LUISI: Does anybody have any objections with moving forward as Steve suggested which would be a presentation of this to the Policy Board the next time they meet? Dave Simpson?

MR. SIMPSON: No, I don't have an objection, I just want to reinforce that this has been a problem that was brought to my attention. It is

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basically too late for this year, but a boat fully in transit from Block Island/Rhode Island waters through federal waters back to Connecticut got stopped, and they are scratching their heads trying to figure out.

You know I asked this question two or three years ago, what's the deal? Block Island waters are open; it's a productive fishing area. Is it open? What are the feds doing about it, I got no answer. Block Island waters become an attractive nuisance in effect that you go out there but you don't dare come home. Unless it is only open to Block Island residents, we really have a problem that needs to be addressed.

MR. FOTE: Looking over the table, I was looking for Kirby, I realized what I was looking for was the performance this year of the 2016 regions as they were set up; and we basically had in place this year. I must have interpreted it by looking at the numbers, but it isn't set up that way. I would like to see the performance at the next meeting of what happened in 2016 with the regions, they were set up for 2016, which was different from 2015; and it's not one of the options put forward for 2017. I would like to see that option also put forward.

CHAIRMAN LUISI: Okay, Tom, work with Kirby and through Adam, who is representing New Jersey on our Striped Bass Working Group. All right, any objections to Steve Heins recommendation to take that issue to the Policy Board? Seeing none; Steve we'll go ahead and take care of that.

ADJOURNMENT

Is there any other business to come before this Board? Okay, seeing none; thank you for all your work and this meeting stands adjourned.

(Whereupon the meeting adjourned at 5:44 o'clock p.m. on October 25, 2016.)