

# Atlantic States Marine Fisheries Commission

## Summer Flounder, Scup, and Black Sea Bass Management Board

*August 8, 2018  
2:30 - 4:30 p.m.  
Arlington, Virginia*

### 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 (*R. Ballou*) 2:30 p.m.
2. Board Consent 2:30 p.m.
  - Approval of Agenda
  - Approval of Proceedings from April and May 2018
3. Public Comment 2:35 p.m.
4. Update on Strategic Plan for Black Sea Bass Management (*C. Starks*) 2:45 p.m.
5. Consider Options for Black Sea Bass and Summer Flounder Recreational Management (*C. Starks, K. Rootes-Murdy*) **Possible Action** 3:00 p.m.
6. Consider Approval of 2018 Fishery Management Plan Reviews and State Compliance Reports for Summer Flounder, Scup, and Black Sea Bass (*K. Rootes-Murdy, J. Kuesel*) **Action** 4:10 p.m.
7. Other Business/Adjourn 4:30 p.m.

The meeting will be held at the Westin Crystal City, 1800 S. Eads Street, Arlington, Virginia; 703.486.1111

# MEETING OVERVIEW

## Summer Flounder, Scup, and Black Sea Bass Management Board

August 8, 2018

2:30 - 4:30 p.m.

Alexandria, Virginia

Chair: Bob Ballou (RI) Assumed Chairmanship: 10/17	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Snellbaker (NJ)
Vice Chair: Adam Nowlasky	Advisory Panel Chair: Vacant	Previous Board Meeting: April 30, 2018; May 3, 2018
Voting Members: NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (13 votes for Black Sea Bass; 12 votes for Summer Flounder and Scup)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from April and May 2018

**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. Update on Strategic Plan for Black Sea Bass Management (2:45-3:00 p.m.)

#### Background

- In April, the Board and Council reviewed a draft discussion document on reforming recreational black sea bass management to address wide-ranging concerns with the current management program. The Board and Council offered support for continued development of the strategy over the next few months, first, through direct input from members, then through a joint working group process. After the meeting, Board members provided written feedback on the draft document (**Briefing Materials**).
- In June, a group consisting of several Board members, ASMFC, Council, and NOAA staff met in Philadelphia to further develop ideas for reforming black sea bass management. The discussion focused on potential strategies to incorporate fishing mortality and stock condition into management to reduce annual fluctuations in measures.

#### Presentations

- Update on Strategic Plan for Black Sea Bass Management by C. Starks

**5. Consider Options for Black Sea Bass and Summer Flounder Recreational Management (3:00-4:10 p.m.) Possible Action**

**Background**

- In 2016 and 2017, the Board and the Mid-Atlantic Fishery Management Council set Recreational Harvest Limits (RHL) for both species ending in 2018. There is currently no RHL set for either species for the 2019 fishing season.
- The Marine Recreational Information Program recently revised recreational data for both species. These changes may impact stock condition for both species. The revised data will be incorporated in stock assessments over the next year (black sea bass in 2019; summer flounder in 2018).
- The Fishery Management Plans and recent addenda for both species outline some potential options for recreational management in 2019 (**Supplemental Materials**).
- The Working Group met via conference call in July to discuss potential options for black sea bass recreational management in 2019 and beyond and developed recommendations for options to consider in a draft addendum (**Briefing Materials**).

**Presentations**

- Options for Black Sea Bass and Summer Flounder Recreational Management for 2019 and beyond by C. Starks and K. Rootes-Murdy

**Board Actions for Consideration**

- Initiate addenda to specify recreational management for black sea bass and summer flounder for 2019 and beyond

**6. Consider 2018 FMP Reviews and State Compliance (4:10-4:30 p.m.) Action**

**Background**

- Summer Flounder, Scup, and Black Sea Bass Compliance Reports are due June 1.
- The Plan Review Team reviewed state reports and drafted the annual FMP Review (**Supplemental Materials**).
- Delaware has requested *de minimis* status for summer flounder and scup.

**Presentations**

- Overview of the Summer Flounder, Scup, and Black Sea Bass FMP Review Reports by K. Rootes-Murdy and J. Kuesel

**Board Actions for Consideration**

- Accept 2018 FMP Reviews and State Compliance Reports
- Approve *de minimis* requests from Delaware for summer flounder and scup

**7. Other Business/Adjourn**

**DRAFT PROCEEDINGS OF THE**  
**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD**  
**AND**  
**MID-ATLANTIC FISHERY MANAGEMENT COUNCIL**

**The Westin Crystal City**  
Arlington, Virginia  
**April 30, 2018**

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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    Review Preliminary February, 2018 Black Sea Bass Recreational Harvest Estimates ..... 63

Adjournment..... 65

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1. **Approval of agenda** by Consent (Page 1).
2. **Approval of proceedings of February 2018** by Consent (Page 1).
3. **Move to include two additional options to the summer flounder draft amendment: to negotiate permanent interstate quota shares, and the second option would be to include coastwide quota and management.** MAFMC: Motion by Tony DiLernia; second by Lori Nolan (Page 16). Motion failed (Page 28). ASMFC: Motion by Emerson Hasbrouck; second by Matt Gates.
4. **Move to develop two additional options to the summer flounder draft amendment: one, to negotiate new state quota shares; two, to include coastwide quota and management.** MAFMC: Motion by Steve Heins; second by Lori Nolan (Page 29). Motion failed (Page 32). ASMFC: Motion by Emerson Hasbrouck; second by Matt Gates (Page 29). Motion carried (Page 31).
5. **Move to approve the Draft Summer Flounder Commercial Issues Amendment Hearing Document for public comment as modified today.** MAFMC: Motion by Roger Mann; second by Chris Batsavage. Motion carried (Page 35). ASMFC: Motion by Rob O'Reilly; second by John Clark. Motions carried by both Council and Commission (Page 35).
6. **Move to approve the Commission's Summer Flounder Commercial Issues Draft Amendment document for public hearings** (Page 35). ASMFC: Motion by Rob O'Reilly; second by John Clark. Motion carried (Page 36).
7. **Move to include an additional option that defines a discrete transit zone from Rhode Island state waters around Block Island, Rhode Island to Rhode Island state waters to the north. Any legally Rhode Island permitted fisher fishing in Rhode Island waters for summer flounder, black sea bass, and scup will be allowed to transit the EEZ in this zone with legally harvested regulated species as long as gear stowage requirements are met, and no fishing occurs in the zone while transiting.** ASMFC: Motion by Eric Reid; second by Nichola Meserve (Page 55). Motion carried by Consent (Page 59). MAFMC: Motion by Rob O'Reilly; second by Stew Michels (Page 55). Motion carried by Consent (Page 59).
8. **Move to approve the draft alternatives as presented by staff and as modified today, for the recreational framework and addendum.** MAFMC: Motion by Steve Heins; second by Peter deFur (Page 63). Motion carried (Page 63). ASMFC: Motion by Emerson Hasbrouck; second by Rep. Sarah Peake (Page 63). Motion carried (Page 63).
9. **Move to adjourn** by Consent (Page 64).

**ATTENDANCE**

**Board Members**

Nichola Meserve, MA, proxy for D. Pierce (AA)  
Raymond Kane, MA (GA)  
Rep. Sarah Peake, MA (LA)  
Bob Ballou, RI (Chair)  
David Borden, RI (GA)  
Eric Reid, RI, proxy for Sen. Sosnowski (LA)  
Matt Gates, CT, proxy for Pete Aarrestad (AA)  
Jim Gilmore, NY (AA)  
Emerson Hasbrouck, NY (GA)  
John McMurray, NY, proxy for Sen. Boyle (LA)  
Maureen Davidson, NY, proxy for J. Gilmore (AA)  
Joe Cimino, NJ, proxy for L. Herrightly (AA)  
Tom Fote, NJ (GA)

Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)  
Roy Miller, DE (GA)  
John Clark, DE, proxy for D. Saveikis (AA)  
Roy Miller, DE (GA)  
Craig Pugh, DE, proxy for Rep. Carson (LA)  
Mike Luisi, MD (Chair, MAFMC)  
Rob O'Reilly, VA, proxy for S. Bowman (AA)  
Steve Murphey, NC (AA)  
Chris Batsavage, NC, Administrative Proxy  
Doug Brady, NC (GA)  
Mike Blanton, NC, proxy for Rep. Steinburg (LA)  
Marty Gary, PRFC  
Michael Pentony, NOAA

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

**Ex-Officio Members**

Jason Snellbaker, Law Enforcement Representative

**Staff**

Robert Beal  
Toni Kerns  
Kirby Rootes-Murdy

Caitlin Starks  
Jessica Kuesel

**Guests**

John Almeida, NOAA  
C. Mead Amory, Amory Seafood  
Russ Babb, NJ DFW  
Dave Bard, NMFS  
Julia Beaty, MAMFC  
Heather Corbett, NJ DFW  
Kiley Dancy, MAFMC  
Jeff Deem, VMRC  
Peter deFur, MAMFC  
Greg DiDomenico, GSSA  
Laura Diederick, NMFS  
Anthony DiLernia, MAMFC  
G. Warren Elliott, MAMFC  
Emily Gilbert, NMFS  
Sonny Gwin, MAMFC

Jon Hare, NOAA  
Steve Heins, MAMFC  
Dewey Hemilright, MAMFC  
Moiria Kelly, NOAA  
Arnold Leo, E. Hampton, NY  
Chip Lynch, NOAA  
Jason McNamee, RI, Administrative Appointee  
John Maniscalco, MAMFC  
Roger Mann, MAMFC  
Stew Michels, MAMFC  
Brandon Muffley, MAMFC  
Lori Nolan, MAMFC  
Jack Travelstead, CCA  
Sarah Winslow, MAMFC

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission jointly with the Mid-Atlantic Fishery Management Council, convened in the Jefferson Ballroom of the Westin Hotel, Arlington, Virginia, April 30, 2018, and was called to order at 10:00 o'clock a.m. by Chairmen Bob Ballou and Chairman Michael Luisi.

### **CALL TO ORDER**

CHAIRMAN BOB BALLOU: Good morning everyone. I would like to call this joint meeting of the Atlantic States Marine Fisheries Commission Summer Flounder, Scup and Black Sea Bass Board, and the Mid-Atlantic Fishery Management Council to order. My name is Bob Ballou. I have the honor as serving as Board Chair.

This is indeed a joint meeting; and as such we have two co-chairs, myself on behalf of the Board, and my good friend and colleague to my left Mike Luisi on behalf of the Council. I have agreed to serve as the primary meeting facilitator for the day; but Mike will have one hand on the wheel at all times, and will lead all council votes and weigh in as he sees fit.

On behalf of the entire Board, I would like to extend a warm welcome to our colleagues on the Mid-Atlantic Council. We meet together at least a couple times every year; but usually as part of a Council meeting week, and rarely as part of a Commission meeting week. On this rare occasion it is our pleasure to have you with us here in Arlington. I have just one housekeeping matter and it happens to pertain to the Rhode Island delegation; and that is to recognize Jason McNamee.

He's in the back right now, but he will be sitting today with the Rhode Island delegation to the Board. In accordance with Commission policy, when a proxy for an administrative commissioner serves as Board Chair, which is the case for me, the Administrative

Commissioner may sit with the state's delegation and may advise and consult with the delegation, but may not engage in Board discussion or in this case Board and Council discussion.

The Rhode Island delegation has decided to avail itself of that opportunity; and for that reason Jason will be at the table for at least a portion of today's meeting.

### **APPROVAL OF AGENDA**

CHAIRMAN BALLOU: With that let's move right into our agenda. The first item on the agenda is the agenda itself. Does anyone on the Board or Council have any recommended modifications to the agenda?

Boy, did my voice just go up a few notches. I'm not sure if that's better or worse. Does anyone on the Board or Council have any recommended modifications to the agenda? Seeing none; is there any objection to approving the agenda as proposed? Seeing no objection the agenda as proposed stands approved by consent; and we're on to the next item. I'm trying to talk softly, because I have a feeling this is going out very loudly.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BALLOU: The next item is a Board specific item that is approval of the minutes from the Board's meeting on February 8, 2018. Those meeting materials were provided to the Board via e-mail; and are posted as part of the meeting materials for today.

Are there any recommended modifications to those meeting minutes on the part of the Board? Seeing none; is there any objection to approving them as proposed? Seeing none; the minutes stand approved by consent.

### **PUBLIC COMMENT**

CHAIRMAN BALLOU: That brings us to public comment. This is an opportunity for anyone



from the public who would like to comment on any issue not on today's agenda to do so.

Please be advised that the two primary agenda items for today pertain to commercial summer flounder management; namely federal permit requalification, commercial allocation and landings flexibility, recreational black sea bass management, including conservation equivalency, slot limits and transiting in Block Island Sound.

There will be opportunities for public comment on those items once we get to them. Those wishing to comment on any other issue pertaining to summer flounder, scup or black sea bass, and who signed in on the sheet at the back of the room, which I now have, may do so now. There are no names on the list.

Is there anyone from the public who would like to address the Board or Council on any issue not on today's agenda? I see one hand. Yes sir, please come up to the microphone and identify yourself. In fact, I recognize who you are; but Jeff, for the record. Please identify yourself, thank you.

MR. JEFFREY BRUST: Good morning; Jeff Brust with New Jersey Marine Fisheries. Thank you to both the Council and the Commission for this opportunity. I was going to do this at the Policy Board, but I think it's probably a better opportunity to do it now with the Council here. As you're all aware, Brandon Muffley took his leave from us. You might say he abandoned us for greener pastures about 18 months ago.

Most days those of us in New Jersey are pretty happy for him; most days, but the struggle has been real for 18 months or so. I'm happy to say that things are starting to look a little bit better. I wanted to just make a public service announcement. I wanted to introduce a familiar face to you; but he's sitting in a new seat, he's not in the wrong spot.

Recently, Joe Cimino has taken the administrative position for New Jersey's Marine Fisheries. He'll be here all week. He'll be sitting at the table a couple of times for us; but he'll be here all week. Hopefully you can welcome him back in a new role; and offer him either your congratulations or condolences, however you see fit. Thank you very much; that is all I have.

CHAIRMAN BALLOU: Welcome Joe, nice to have you with us. Would anyone else from the public like to address the Council and Board at this point?

**CONSIDER APPROVAL OF THE DRAFT SUMMER FLOUNDER COMMERCIAL ISSUES PUBLIC HEARING DOCUMENT AND DRAFT AMENDMENT FOR PUBLIC COMMENT**

CHAIRMAN BALLOU: Seeing no hands, we'll move on to the next agenda item; which is to Consider Approval of the Draft Summer Flounder Commercial Issues Public Hearing Document and Draft Amendment for Public Comment. This issue, this action if you will, it is an action item, involves a single set of management issues. That said; the Council and Board will be pursuing separate but parallel tracks regarding the development of their respective management documents. The Council's track involves a public hearing document; which is up for joint consideration and approval today. The Council will then follow up on that at a later date with a completed draft EIS; which will serve as their full amendment document.

The Board's track involves just one draft amendment document; which will set forth the exact same set of issues and options that are agreed to by both bodies, and contained within the public hearing document and draft EIS, albeit in abbreviated form. If that all sounds a bit confusing, I think it will become clear as we move through the staff presentations.

But, I just wanted to note that we've got, actually we have three documents if you will; a public hearing document, a draft EIS, which is still in the process of being developed, but in its current form it is available in the Council meeting materials, and then a draft amendment, which is the Commission document. They are all intended to align exactly; and address the exact same set of issues and alternatives.

But I just wanted to note, in case people are flipping around and trying to figure out which document we're on. We're really on one document, a public hearing document that is going to be presented now by staff. Let's move on to that presentation. It will be given I believe in tandem by Kiley Dancy, Fishery Management Specialist with the Council, and Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator with the Commission. Kiley and Kirby the floor is yours.

#### **REVIEW MANAGEMENT ALTERNATIVES**

MS. KILEY DANCY: Good morning everyone. I'm going to run through the presentation and Kirby is going to be here to interject and jump in if I'm missing anything, and getting anything wrong. We're here to talk about the draft public hearing document for the Summer Flounder Commercial Issues Amendment.

The objectives of today's discussion are to review and approve that draft public hearing document as a joint action. Then as Bob Ballou already mentioned, the Board will consider approving their version of the amendment document as a Board-only motion. This was already covered well, but we have three documents associated with this amendment.

#### **PRESENTATION OF MANAGEMENT DOCUMENTS**

At this point the Joint Public Hearing Document, a Commission version of the Amendment, which the Board needs to approve before public

hearings, and a Council version of the Amendment, which consists of the draft EIS. The draft EIS is going to include our documentation of the Council's compliance with federal laws; so it's going to be a little bit longer and more complex than the other documents.

The Board version of the document doesn't need to include all of this analysis that the Council is required to do. It's going to be a little bit more of an abbreviated document; potentially with some additional information added as an appendix later on. The draft EIS will need to be approved by the Council prior to public hearings; and because that requires some more in-depth analysis that is not complete yet. We will have hopefully that document reviewed and approved at the June Council meeting; but there is no intent to change anything in the Amendment at that point, in terms of the options presented. Everything is going to be kept consistent with what is discussed today. In theory that should be more of a quick discussion, the approval of a draft EIS later on by the Council. To recap quickly the last two joint meetings on this Amendment. The Council and Board back in August and December approved a range of alternatives for federal permit requalification criteria for commercial allocation and for landings flexibility framework provisions.

In addition, this Amendment includes proposed revisions to the FMP goals and objectives for summer flounder. These only apply to summer flounder and they are not final until the Council and Board approve them. They are not included as an explicit alternative set in this document; because they don't really require analysis.

But, they are in the public hearing document as something for the public to comment on. I'm not going to go through the whole hearing document itself; but I just wanted to give an overview of what's contained in the document.

There is a table of contents and then comment instructions and public hearing schedule.

MS. DANCY: The hearing schedule as you'll notice has nothing in it right now. It hasn't been developed yet, and we will be working with states to get those hearings set up; once this document is approved. The document also contains a description of the purpose of each of these different alternative sets; and then a section describing federal permit requalification alternatives and impacts, commercial allocation alternatives and impacts, and landings flexibility framework provisions alternatives and impacts.

In terms of the actual content, the key point of the Hearing Document is that it's intended to be a summary document that has enough description of the actions and their impacts to communicate the proposed action to the public, as sort of a standalone document, but also referencing the longer document which will be the draft EIS.

The Public Hearing Document shouldn't be necessarily too long or go into too much detail, but it should be sufficient to communicate the proposed action to the public; that additional detail will be found in the draft EIS, and in the Commission's Amendment Document. The current version of the draft EIS with a lot of placeholders, is posted as supplemental materials on the Council's website for this meeting; just so Council and Board members can see kind of what that is looking like at the moment.

The analysis portions will be more substantial as we move toward finalizing that document. The impacts in the Hearing Document are mostly sort of qualitative and high level descriptions of potential outcomes of each of the alternatives; with a focus on the socioeconomic impacts, which are clearly going to be the biggest impacts of these proposed actions.

The questions for the Council and Board today are should this document go to public hearings with the alternatives described here; and does the document adequately communicate the options and their potential impacts to the public? I'm going to go through an overview of each amendment issue; starting extremely quickly with the FMP goals and objectives, and just a kind of reminder about this. As I mentioned, these proposed revisions were approved for public hearings back in December. They aren't actual alternatives in the document; but they're in Section 4. I'm not going to go through those proposed revisions today; but if you would like to take a look at them they are in Section 4 of the Public Hearing Document. It does note in the document that the Council and Board are seeking comments on those.

That is just a quick reminder about that. Now I'll go through the federal moratorium permit requalification alternatives. In the document there is one no action alternative and one action alternative with seven sub-alternatives for different requalifying criteria for federal moratorium commercial summer flounder permits.

Alternative 1A is the current status quo Amendment 2 qualifying criteria of at least one pound of summer flounder landed between January, 1985 and January, 1990. There are currently 941 eligible moratorium rights under those criteria; although that number does decrease over time. As some permit holders choose not to keep renewing their permits, or don't put it into CPH, confirmation of permit history, that number has decreased over time.

If selecting Alternative 1B, which is Implement Requalifying Criteria, the Council and Board would need to choose 1 of 7 sub-alternatives, which I will go through in this table. The 7 sub-alternatives are shown here; and consist of combinations of different qualifying time periods and landings thresholds.

These are the alternatives that were approved by the Council and Board back in December. This table includes the number of requalifying and eliminated moratorium rights. I do want to point out here that there has been an update in this analysis; in terms of the number of affected permits, or technically speaking moratorium rights, which is the number associated with a specific moratorium fishing right.

The previous analysis last fall had mistakenly included moratorium rights that had already been canceled; and it also excluded permits in CPH or confirmation of permit history. This has been corrected here; it's not a huge impact. Overall the number of requalifying permits went down in this new analysis; but in practical terms that doesn't really mean anything, because some of the permits that were previously identified as requalifying had already been canceled.

In reality it would have had no effect on those permits in the first place. The number of eliminated MRIs did go up somewhat between the two analysis; due to the inclusion of permits in CPH and many of those don't meet the requalifying criteria, so it's a little bit higher in terms of the number of eliminated permits, due to the inclusion of those permits.

Of the 7 sub-options here, they eliminate a range from between 25 percent to 55 percent of the existing moratorium rights. For the impacts, for each of these kinds of alternatives and alternative sets, I want to kind of touch on some of them; but I'm not going to go into a lot of detail in this presentation, because we don't really have time for that.

But I do want to go over some general themes of alternatives; so the alternative impacts. The Hearing Document contains sort of a general description of possible outcomes; and the draft EIS is going to have some more detail. In general for permit requalification alternatives, the extent to which they have an impact

depends on first of all the likelihood that latent effort vessels will reenter the fishery, and then the degree to which eliminated permits under Alternative 1B are actually active. The likelihood that latent effort vessels would reenter the fishery is extremely difficult to predict.

Reentry to the fishery could be caused by a broad range of management and economic factors; including potentially reallocation discussions that we'll talk about through Alternative Set 2. Overall the total amount of effort for summer flounder is not expected to be affected by these alternatives; because we are still constrained by annual commercial quotas, and because summer flounder is a high demand species.

It's likely those quotas are going to be the driving factor behind total effort; not the amount of permits out there. But the Alternative 1B would change the participant pool in theory. This may or may not have any practical impacts, which I'll talk about in a minute, depending on how active those vessels are.

Economic impacts are possible to individual permit holders and businesses; both positive impacts for remaining permit holders and negative impacts for eliminated permit holders, due to those direct changes in the distribution of access, as well as due to prevention of latent effort reentering the fishery.

This is a key point that the magnitude of those impacts is really going to depend on how active the eliminated permits have been, and how likely those vessels are to land summer flounder. Based on the table I'll show in the next slide, it seems that for all of these sub-alternatives there is a very low level of activity that seems to be going on for eliminated permits for summer flounder under these alternatives.

This table is in the Hearing Document and it summarizes recent landings and ex-vessel revenues for each combination of eliminated permits under each sub-alternative; and this analysis goes from August, 2009 to July, 2014. This is the shortest qualifying timeframe in the document. For this analysis it was kept consistent across all of these sub-options; in order to compare apples to apples, and be able to see what those look like across all those different options.

This shows total summer flounder landings combined for all of those eliminated permits for each sub-option; along with those associated values. Option 1B-2 and 1B-4, you'll note that there are no associated landings and revenues. This is not surprising. This is how it should be; given that the qualifying criteria for those options are landed at least 1 pound over this 5-year time period from 2009 to 2014, and Option 1B-4 is a 10-year qualifying timeframe that also includes that last 5-year timeframe.

This is how it should be. The other options are associated with relatively very low landings and revenues; the highest of which is associated with 1B6, which is 181,000 pounds total over that 5 years for all eliminated permits. As a percentage of the coastwide summer flounder landings and revenues, which is also shown in this table, you'll see that many of them are extremely small and nothing gets above 0.32 percent, and in fact most are much smaller. In the context of the whole coast, these eliminated permits look like they are landing very small amounts of summer flounder. It looks like the alternatives in this document are not going to have huge impacts on the distribution of effort among participants; given that there isn't much activity associated with those permits. I'm going to move on to the commercial allocation options now. We have four commercial allocation alternatives or four broader alternatives; one no action and three action alternatives, each with two sub-alternatives underneath them.

I'll go through each of these in the next few slides; but in summary they include the no action Alternative 2A. Alternative 2B is revised state allocations adjusted based on recent biomass distribution. Alternative 2C includes state allocations that are modified when the annual coastwide quota exceeds a specified trigger; and Alternative 2D is the scup model with two coastwide winter quota periods, and a state-by-state summer quota period.

A quick note on the precision, I've been asked you know there are a lot of tables with a lot of decimal places for allocations in the document. The current state allocations go out to 5 decimal places in the regulations and in the FMP. I haven't been able to track down exactly why that is; other than the assumption is that it's probably due to the very small allocation states like New Hampshire, you have to go out several decimal places to get any percentage at all.

The alternatives in this action for state allocations would maintain that level of precision; unless we get different guidance from the Council and Board. Alternative 2A, I'm not going to talk about this much, but just to touch on this. The no action status quo, as you know, is the Amendment 2 from 1993 allocations using a base year of 1980 to 1989 landings history by state.

Moving into the options for modifying the allocation, starting with 2B, this option adjusts state allocations using an analysis of the shift in regional relative exploitable biomass from the Northeast Fishery Science Center Trawl Survey data. This analysis looks at two regions, a north and a south region; divided approximately at Hudson Canyon, actually using the same survey strata division that we used in the benchmark stock assessment for black sea bass.

This results in a regional split of states from New York north and New Jersey south. This

analysis compares where the relative exploitable biomass was across two time periods; 1980 to 1989, during which time 67 percent of the exploitable biomass was in the north and 2007 to 2016, where 80 percent of the relative exploitable biomass was in the north.

There are two sub-alternatives in the hearing document; with different approaches to translating this change into an allocation change. You'll recall that back in December staff had recommended including one of these options for public hearings; and the Council and Board had requested some additional Commercial Working Group guidance on the configuration of this option.

The Working Group met in February; and there is a summary of that call in your briefing materials. The Working Group recommended in short that two sub-options be taken to public hearings. Both of these are mathematically appropriate; but they have somewhat different underlying policy intents, because they have different levels of emphasis on recent biomass distribution, with Alternative 2B-2 having more of an emphasis on recent biomass distribution than 2B-1. I'm not going to get into the math too much. The details are described in the draft EIS and in the Hearing Document. In summary, Alternative 2B-1 calculates the biomass regional change as a percent change in the north; relative to their biomass during the first time period. Then that's applied as a percent change in allocation relative to the northern region starting allocation.

Alternative 2B-2 calculates the biomass regional change as a shift, an additive shift relative to the coast; which is based on the simple change of the regional biomass in the north that 67 to 80 percent, and applies that as a 13 percent shift in allocation relative to the coast. In a bit more detail on what this means; 2B-1 again calculates both of the changes, biomass

changes and allocation changes as a percent change relative to the north.

Because percent changes are relative to a starting value, this method involves having to start with the northern region as the basis for the change and calculating the southern allocation as the remainder, to make things add to a hundred. In both alternatives the state allocations are then calculated from the regional change in allocation; based on states maintaining their current share of the combined regional allocation.

This again results in a more moderate shift in allocation, compared to Alternative 2B-2. Overall the percent change relative to the existing state allocations, in the northern states that results in a 19 percent increase to the northern states relative to each northern state's starting allocation, and a 9 percent decrease in southern states relative to the southern state's starting allocation.

The magnitude of those relative changes is different; because the northern and the southern states start with a different allocation by region. The south starts off with more allocation; so their change relative to their baseline is smaller in magnitude. When you're looking at the right-most column there in the table, in terms of the change in share of coastwide percentages, this option shifts 6 percent of the coastwide allocation from the south to the north.

Then the state outcomes in terms of change in share of the total coastwide quota ranges from a high of 3 percent to Rhode Island, and a reduction of 2.5 percent from the coastwide allocation in North Carolina. This is a similar table for Alternative 2B-2. Again, this option is calculated by applying that 13 percent shift in regional biomass toward the north as a 13 percent shift in regional allocation relative to the coast.

The southern region allocation is reduced by 13 percent; and the northern region is increased by 13 percent relative to the coast. This 13 percent as compared to the previous slide, which was a 6 percent shift, this is a more substantial change in regional allocations. It essentially creates a more substantial basis in recent biomass distribution; which was not part of the original basis for the current allocations at all, but it puts more emphasis on that recent biomass distribution.

Like the previous table, the change relative to each state's existing allocation is different in the north versus the south. The northern states increase their allocation by 40 percent relative to their starting allocation, and the southern states reduce theirs by 19 percent. In terms of changes in share of total coastwide quota, this shifts things to a maximum increase of 6 percent of the coastwide quota to Rhode Island, and a decrease of about 5 percent in North Carolina. Again, I don't have time to get too much into the impacts of this. Obviously this alternative is going to have socioeconomic impacts on states, on individual participants, and shoreside infrastructure and businesses. I will try to briefly summarize what is in the public hearing document; which is again a summarized version of what will be in the EIS. The economic impacts are more substantial under Alternative 2B-2 compared to 2B-1; because it again results in a larger shift in allocation.

It is not necessarily straightforward to predict the overall economic impacts on each state; although they will sort of generally be described in the documents as impacts by state, and to some extent breaking it down further than that where possible. The economic impacts are really going to depend on the characteristics of each state's fishery.

In addition the impacts on individual participants and shoreside business are also going to vary based on factors like current and

future restrictions on total fishing participation, and how each state would respond in terms of their management measures and general approach to management to an increased or reduced commercial allocation.

Moving on to Alternative 2C, 2C is another possible modification to the current allocations that would set an annual coastwide quota trigger for modifying state allocations. There are two sub-options for different quota triggers in this alternative. Alternative 2C-1 uses a 5-year-recent average of commercial quotas; which is equivalent to 8.4 million pounds, and then Alternative 2C-2 uses a 10-year average, which is a 10.71 million pound trigger. The way that this would work is in years where the quota is at or below the trigger; the allocations would be status quo.

In years where that trigger is exceeded, the additional quota beyond that trigger would be distributed differently. Note that it's only the additional quota that gets distributed differently. Up to the baseline still gets distributed status quo no matter what. In this case the additional quota beyond the trigger would be distributed by equal shares to each state; with the exception of Maine, New Hampshire and Delaware, which between the three of them would split 1 percent of the coastwide additional quota.

This means that Maine, New Hampshire and Delaware would receive 0.333 percent of the additional quota; and all other states would receive 12.375 percent of the additional quota. The total state allocation would vary by year; depending on the total annual quota and the amount of additional quota to be distributed, as I'll show in the next couple slides. For Option 2C-1 here, this figure shows the 8.4 million pound trigger amount.

The X-axis of this figure is the annual commercial quota; showing approximately the range of quotas that have been put in place

throughout the FMP history since 1993. That ranges from about 6 to 18 million pounds. Under 2C-1, this figure shows that allocations are stable up to that 8.4 million pound trigger; stable at status quo.

After that point the state shares get closer together; because this alternative distributes the additional quota equally, and the more additional quota there is to be distributed the more similar each state's total allocation share becomes, as the annual quota gets larger. The states that currently have more than 12 percent of the coastwide quota, which include North Carolina, Virginia, New Jersey and Rhode Island, eventually start to lose quota share as the quota goes beyond the trigger point; and all other states see an increase in their state share of the quota beyond that trigger point. This shows the same thing but for Option 2C-2, using a 10.71 million pound trigger. The differences here, the threshold is just higher, the state shares remain status quo for longer up until that 10.71 trigger amount.

We can get an idea of what a realistic range of outcomes might look like by looking back at historical quotas since 1993, and comparing them to the trigger as shown in this figure. The lower line is Alternative 2C-1, the 8.4 million pound trigger, and the coastwide quota has been above that in 22 of the last 26 years.

In Alternative 2C-2, the red dash line, the coastwide quota has been above that in 17 of the last 26 years. I quickly want to point out this table which is in the Hearing Document, and as an extension of the figure I just showed, I wanted to show this to note that the way that we can kind of estimate the plausible allocation percentage range for each state is essentially by looking at what those allocations would be under the time series low and time series high quotas.

The time series low is 5.66 million pounds from 2017 and the time series high is 17.9 million

pounds from 2005. Again for North Carolina, Virginia, Rhode Island and New Jersey, the high allocation share is going to be under status quo allocations; and for all other states the high would essentially be at the high end of expected coastwide quotas.

That's it for Alternative 2C. Moving on to 2D or the scup model, this would manage the commercial summer flounder fishery like scup; with two coastwide winter periods managed under coastwide quotas and measures, and one summer period that would be managed under state-by-state quotas and measures.

The proposed dates for the quota periods are shown here. There was some discussion at the last few meetings about the month of October, and where it should be relative to these quota periods. Recently the final rule for the modification to the scup quota period dates just published, and that moves October from the summer period into Winter II for scup.

For summer flounder as proposed in this document, the quota period dates would be like they were for scup before that change; with the month of October in the summer quota period. However, there is a note in the public hearing document that the Council and Board are seeking comments on the quota period dates, and in the draft EIS there is an appendix that includes more information about looking specifically at the month of October, and why it's proposed to be included in the summer.

During the winter periods there would be coastwide possession limits, closure triggers and quota rollover provisions like there are for scup currently. These would be reviewed and recommended by the Monitoring Committee each year; and adopted by the Council and Board during specifications.

There are not any specific measures proposed yet through this action. These would need to be developed by the Monitoring Committee if



needed; if this is the preferred alternative based on more in-depth analysis of expected participation in these fisheries, and then depending on the quota for the relevant fishing year. There are two sub-alternatives under this Alternative 2D; 2D-1 includes an exemption for the state of Maryland for this alternative, due to their management of their fishery under an IFQ system, which is sort of incompatible with coastwide management systems.

Maryland under 2D-1 would retain their current share of a little over 2 percent of the coastwide quota; and that would be sort of taken off the top of the annual coastwide quota every year, and Maryland would not be participating in those open coastwide quota periods. Alternative 2D-2 is no exemption for Maryland under this system.

The allocations between quota periods and by state for the summer shares are based on 1997 through 2016 landings history. For the summer shares it only includes landings during those summer months; so May through October. For Alternative 2D-1, the calculation of these allocations excludes Maryland.

It really doesn't make too much of a difference between the two alternatives; it's a pretty minor difference. This is showing 2D-2; and for Alternative 2D-2 Maryland is included. There is a table in the draft EIS that sort of compares the differences in allocations between these sub-options, and they are pretty minor.

In terms of impacts of Alternative 2D, the introduction of coastwide management periods results in a lot of uncertainty about what the impacts of this would be. We don't have a good sense of what the increase in participation might look like yet, what the specific measures would need to be during those coastwide periods.

It's possible that under this alternative as described in the document that there could be

some degree of latent effort; reentry to the fishery. If certain vessels are not participating right now due to restrictions in their current state, they could reenter the fishery if it was a little bit more open to participation from various states.

It's not clear, you know exactly in the grand scheme of things during the coastwide quota period, where the landings are going to tend to be landed relative to the current conditions. It's very unpredictable in terms of what would happen if we opened this fishery to coastwide management in the winter periods.

Another thing noted in the document is that it's going to probably be difficult to develop possession limits that are uniform in state and federal waters along the coast that are acceptable to varying states and participants; larger vessels, smaller vessels along the coast in the management unit. Another thing that is noted in the document is that the Council and Board, the last time this was discussed, brought up some concerns about the potential for derby fishing under open coastwide quota periods.

There was some suggestion that maybe this alternative should be taken out; but the Council and Board decision was to keep it in for public hearings, and specifically note the request for public comments on the potential for derby fishing during open coastwide quota periods. That is noted in the Public Hearing Document as well. Finally, briefly going into the third alternative set, which is the Landings Flexibility Framework Provisions. There are two options in the document. One is no action, status quo, landings flexibility would need to be done through an amendment on the Council side; if landings flexibility policies were to be implemented. The landings flexibility could include varying configurations of vessels being able to land in any state.

It could include things like multiple possession limits being allowed to be onboard a vessel for

offloading in multiple states. You could possess for example, two different states possession limits, land in one state and then go to the next state and offload the rest. Landings flexibility, there is an Option 3B to add that as a frameworkable item in the Council's FMP.

The Commission can likely already do this through an Addendum; so this isn't necessary to modify the Commission's FMP. This is to modify the Council's FMP; so that landings flexibility policies could be implemented through a future framework action. There is a variety of ways that landings flexibility could work.

Those details would need to be worked out at the time of a future framework action. Those future framework actions would include separate analyses and separate public comment processes for those actions. As described in the Hearing Document, the impacts of this are going to be primarily administrative.

This alternative does not propose any immediate changes to the way that landings for summer flounder work. There is no immediate proposal for landings flexibility in this amendment; so there are no direct impacts expected as the result of landings flexibility policies, it's just that we could through Alternative 3B do this through a framework instead of an amendment.

The impacts of that are going to vary based on the details of a future action. Landings flexibility does have the potential to impact the fishery substantially; depending on how it's configured. There are some concerns about how quota would be accounted for; how enforcement issues would work, some of the administrative burdens associated with landings flexibility, some of which is explained in the Hearing Document.

Given some of these issues it may mean that the impacts would be significant under NEPA; so for the Council's federal requirements we

may be required to do an EIS, depending on what is proposed for landings flexibility. In this case, although a framework theoretically saves time in terms of Magnuson requirements, having to do an EIS would essentially eliminate those time savings.

It depends on what specifically is proposed, but just so everyone understands that it's not necessarily going to be a quick framework action. If this happens in the future like some of our quick two-Council-meeting frameworks, it may require a little bit more in-depth analysis. Okay and that's it for the range of alternatives.

The next steps following approval of a public hearing document is to work with states to schedule public hearings, potentially for July and August if the document is approved today. The draft EIS is scheduled for approval at the June Council meeting and then we do have to on the federal side notice the public hearings 23 days in advance. Then we would have final action scheduled for December of this year. In addition to all these commercial issues, Chris Moore couldn't be here today. He wanted to be here but had a conflicting workshop this week. Chris did want me to kind of mention some issues ongoing for summer flounder, in addition to the commercial actions.

Specifically the Council's funded projects for summer flounder that could feed into future management actions; and potentially have applicability for other Council managed species as well. The first one is a quick update on that commercial recreational economic allocation model for summer flounder.

The Council and Board saw a presentation on this back in December of 2016, and that model we do plan to update that with revised MRIP data when that becomes available later this summer. That will feed into the process of reviewing the commercial recreational fishery allocations when the time comes to take that up.

Then the second project is a recently funded management strategy evaluation project to evaluate F-based management and other recreational management strategies in the recreational fishery. This proposal was posted as part of the meeting materials for the Council's first April meeting earlier this month.

For anyone that wants to take a look at that it is in the Executive Directors Report section of those meeting materials from a couple weeks ago. This project could feed into a modified recreational management strategy for summer flounder in the future; and we do expect preliminary results from that project by the end of this year, and final results sometime next year. Chris just wanted me to note that we have several things going on for summer flounder in addition to the commercial actions that we've talked about today. That's it for me, thank you.

CHAIRMAN BALLOU: Thank you, Kiley; well developed, well presented, reflecting a lot of hard work on the part of staff and drawing upon a lot of hard work on the part of the Demersal Committee that Rob O'Reilly chaired, and involving some contributions from the Board members as well, a lot here, a lot of good information that has been well developed over several months, and an impressive kind of pulling together of everything here in my opinion.

I'm going to open it up for questions. I'm going to just start with one. Kiley, does the current FMP allow for quota transfers between states; and would that continue forward under any of these options that you presented with regard to the commercial allocation issue?

MS. DANCY: Yes the FMP does allow for quota transfers between states; and there are no proposed changes to that so that would still be allowed under the current alternatives.

CHAIRMAN BALLOU: Thank you for that; questions for Kiley, Jim Gilmore.

MR. JAMES J. GILMORE: That was a great summary, Kiley. After reading this thing you answered about most of my questions. I just had one on impacts under 2D. You mentioned I guess the difficulty in analyzing the impacts because the latent permits I guess are different how they would be handled in each state. Is that the way it would work is each state would have to come up with some way of how they're going to deal with latent permits? There wouldn't be a general provision across the fishery would each state have to come up with a separate approach to how they're going to deal with the latent permits?

MS. DANCY: I think the point there is that it's difficult to analyze what the participation in the coastwide winter fisheries would be; because you may have vessels both at the state permitted level and federal permits that may chose to participate, if what's currently constraining them from participating is lack of opportunity in a current state due to management and allocation.

If things were opened up more broadly in a coastwide winter period, there may be a range of participation that we're not able to exactly predict. It's not necessarily to say that states would have to address latent effort, but it's a problem for analyzing the impacts.

CHAIRMAN BALLOU: Jim.

MR. GILMORE: Just to follow up. Just so you know, in New York we're starting an effort to look at that. We essentially are hiring a consultant to come up with how we're going to deal with that latent permit; because like we and a lot of other states, we have too many people in the fishery, so we're going to try to get at that.

Just a follow up question, so to Bob's point. There is quota transfers allowed in the FMP right now; but they are completely voluntary. There is no way to mandate them, and just a reference back to recreational fluke when we had that voluntary transfer issue, and how well it worked, because no one ever wanted to do it. It's a voluntary thing not a mandatory thing, correct?

MS. DANCY: Correct.

CHAIRMAN BALLOU: Rob O'Reilly.

MR. ROB O'REILLY: Thank you very much, Kiley. I'm wondering if it is sufficient for the public when we look at Page 14 of the information that we have, to indicate that the NEFSC Spring and Fall Survey catches about them that they were used because they represent the only datasets with enough coverage in space and time, to describe changes in geographic distribution of the stock over time.

It goes on to say that if you want more information go to the DEIS, and there will even be information on the strata and everything else. For the Public Hearing Document, does there need to be a little more explanation, because although you're indicating those are the surveys with the time series. When this first started out in the Demersal Committee, it was well talked about the fact that there are other surveys; there are other areas of coverage that won't be included.

I think that if there could be something a little bit more it might help to indicate that this is not a complete depiction of summer flounder distribution; it's a good depiction, because the survey has the time series. But when you talk about the strata and the depth involved, I think the public may not realize what they're looking at in terms of those two options, 2B-1 and 2B-2; where they're almost treated like absolute indices. I think there could be something else here, but I would ask not just Kiley, but also the

Chair if there should be something to describe that there are other surveys, they just weren't available. You seem to be saying that but you don't seem to be saying anything about the distribution of summer flounder isn't completely captured by the NEFSC Trawl Survey. Something I've been thinking about, thank you.

CHAIRMAN BALLOU: Kiley, do you have a thought on that?

MS. DANCY: Yes I think this Alternative 2B is probably the most difficult one to describe in the document; and we're certainly open to suggestions about how to describe what this option is about and the level of detail that is appropriate for the Hearing Document. I think what you're suggesting is probably a slight wording adjustment to that description, to just say although there are other state indices; the federal indices are the only ones that really provide the spatial and temporal coverage that we need.

CHAIRMAN BALLOU: Rob, maybe we'll circle back. I mean you have a follow and that's fine. I will go to you, next here. But I'm thinking right now this is questions when we circle back to any recommended changes that might be one you might want to bring up again. It seems like a fair request. Did you have something else right now? Lori Nolan.

MS. LORI NOLAN: Amazing presentation. Kirby, you brought us all up to speed thank you. I wonder if on the scup model alternatives you mentioned public comment fearing the creation of derby fishing if we were to shift over to that type of management.

If language could be added that the follow up intent to a scup model would be trip limits, weekly trip limits as the states currently implement, in order to prevent the derby fishing; that we wouldn't just open the gates and say go get it guys. The intent of the Council

and the Commission would be to create some sort of trip limit or mechanism that would reduce the odds of this going into a derby fishery.

MS. DANCY: Yes I think there are some language in there that reflects possession limits are needed and that kind of thing. I mean I think yes, we can clarify that derby fishing is not wide open, wide open but yes.

CHAIRMAN BALLOU: Lori again, when we get to the point of trying to make tweaks to the document, which is about to happen in a few minutes. If you want to suggest that kind of thing along the lines of what Rob suggested to that other part. That would be a good suggestion.

Again, we'll be pulling these together in the form of, because we're going to want consensus on the part of both the Board and the Council on moving forward with this document, subject to any of the changes that are currently being recommended. Keep those thoughts, because I want to make sure we capture them all when we get to the point of decision and motions. I had Chris Batsavage next.

MR. CHRIS BATSAVAGE: Kiley, on the federal permit requalification issue. In the public information document is it possible to show the impact of the sub-options at the state level? In other words, to show I guess the number of permits that could potentially be lost, I guess from looking at the home port of who owns them now, to get a sense of how things may be distributed under the different options. I'm kind of thinking along the lines of what was shown in the Squid Capacity Amendment last year.

MS. DANCY: That's something we've talked about doing; at least for the draft EIS. I think for the public hearing document we're trying to keep it a little simpler. But if the Council and Board think that information should be added

to the Hearing Document as well, we can certainly look into doing that. I'm not positive about how easy or difficult that is to do with summer flounder; but I think it's definitely something we've talked about doing for the EIS.

CHAIRMAN BALLOU: Roger Mann.

MR. ROGER L. MANN: First of all, my compliments Kiley for putting this together. This is a very dense, complex matter; and I think the document that you wrote was very well done. In your presentation you asked for some guidance on the use of precision estimates. Let me run through some numbers here.

We have a stock assessment that comes out at about 8 million pounds. It has, say a 60 percent lognormally distributed CV on it, which means that 8 million pounds is maybe plus or minus a million pounds. Then we take the point estimate in the middle, and we take it out to 5 decimal places of 1 percent; which means that we are attempting to manage this fishery, and that's what this document says in units of 12 ounces.

Now you state in the legend of Table 3 that quota percentages are taken out to 5 decimal places in FMPs and federal regulations. My question is; are you glued to that unit of 12 ounces, or can we actually put this in something that is more reasonable? Because what this document says is we can manage it in units of 12 ounces.

I don't think we can. What I'm trying to do here is to suggest that we have a conversation where the numbers that we put out here are rational; in terms of the way in which we manage things. If we can only get an assessment to plus or minus the CV of 60 percent, we're actually cutting up fish here. That doesn't work.

I know that this is something that's imposed on you. Now maybe we can't change this. But what I would like to suggest in fact, is that we

really ought to rationally think about the numbers that we put in these things; because they are a public document and they're a record of the conversations that we have around this table. By approving this document it says that all of us agree that we can manage this in units of 12 ounces.

CHAIRMAN BALLOU: Kiley, do you have a thought on that very interesting comment?

MS. DANCY: Yes I don't think we're glued to that level of precision. I guess the question is then just how do you handle states like New Hampshire where they have a very low allocation? I think that is why they are the way they are. You know when we set annual quotas, I think we take them to 2 decimal places in the regulations, and then we have sort of an even starting point. But we do have to then divide that by state down to the pound. There has to be some rounding somewhere; but yes we are open to different ways of doing that.

MR. MANN: I completely agree. As I see it, the New Hampshire quota is about 30 fish, middle-sized fish, give or take a fish. Lots of people around this table have way more experience in this conversation than I do. I would just like to see that when we put this document out for the public hearing it doesn't become a record of embarrassment of the fact that we didn't note this.

CHAIRMAN BALLOU: Duly noted, thank you, Roger. Additional questions for Kiley at this point or Kirby. Seeing none; let me now look to the audience before we take up our deliberations on this matter. I would like to see if there is anyone in the audience who would like to comment.

First let me just see if there are any hands. Seeing none; I will bring this back to the Board and Council, and let's open with basically the key questions that the Board and Council are being asked to come to terms with today. Are

the Board and Council comfortable with the draft document as presented?

Do the Board and Council feel that the document contains a clear explanation of the options and their impacts with an appropriate level of detail? If so, Mike and I would entertain dual motions from the Council and Board to approve the draft document for public comment. If there are any proposed changes, now would be the time to offer those proposals.

I think we have sort of two camps here. One would be, and I've already collected some thoughts offered by Rob and Lori and Chris and Roger about perhaps making some, what I would call tweaks to the document to better clarify its intent. Those I think are ones that can indeed be captured, and I'll ask those folks to sort of reiterate those suggestions now if they would like to make them.

Then if there is anyone that is proposing or would like to propose anything more substantive that will absolutely require a motion and discussion on the motion. That is where we are right now, and I'm looking to any member of the Board or Council for input in the way that I just framed the questions. Tom Fote.

MR. THOMAS P. FOTE: One concern I've always had about the growth of the biomass, and we start talking about migration up north. What I look at is the fact that the small fish have always been and always were where they are now. There really hasn't been a migration of those fish north. But as we've seen as we know the history of summer flounder, as the fish gets larger it has a tendency to migrate north.

To say that the whole stock is migrating north, I would like to see the biomass broken down by numbers of fish, so we have an idea of whether the same amount of fish is in the south than it was in the north years ago. Just the fact that you have bigger fish in the north, the quota

becomes large and the biomass becomes larger. No way do I see any of those figures that looked at the total number of fish broken down by the surveys. I would like to see that information in the document; just so I have an understanding, because we tend to see when we all sit around here and say well they're migrating north. I know there are stocks that are doing it. I can tell you surf clams in New Jersey and things like that. But summer flounder, I think it has to do more with the migrating of the big fish north that the increase in the poundage has come from those big 12 year old fish, 11 year old fish, 9 year old fish that would not, when we started this plan there was only 1s, 2s, and 3s, because I was sitting around the table and that is all we had as a biomass.

There wasn't a lot of fish up north. As we grew the size of the fish they migrated north. I would like to see the figures broken down that way, just for my own, and clarification. I really agree with what Mr. Mann said over there. We look sometimes ridiculous when we start doing things like that; managing by ounces, when we're looking at CVs of 60 percent and things like that, especially when we look up PSEs of such large percentages. I know we want to be exact and we know we want to try to do it by pounds; but sometimes it just doesn't make any sense.

CHAIRMAN BALLOU: Kiley, can Tom's suggestion be accommodated as you understand it?

MS. DANCY: I will note that the analysis that is represented in the document does include exploitable biomass based on a cutoff of 14 inches; to focus on biomass that is able to be retained by the commercial fishery. It doesn't include the smallest fish; it includes fish above 14 inches. I'm not sure about the numbers of fish suggestion; I would have to check with the Science Center about that. I'm not sure if that's possible or not, if we do whether that should be included in this document or in the draft EIS. I

think we would have to check in with the Science Center about that.

CHAIRMAN BALLOU: I had Tony DiLernia next.

MR. ANTHONY DiLERNIA: Mr. Chairman, I would like to include a couple of additional options to the Public Hearing Document. Again, let me emphasize reminding everyone that this is just a public hearing document. By including these two options doesn't mean that this is going to be the way to go.

But I would like them to be included in the public hearing document, so that when public hearings are held up and down the coast, members from all of the different states hear what those options would be. I would like to, I guess if you need a motion. **I would move to include two additional options to the Summer Flounder Draft Amendment.**

**One would be negotiated permanent interstate quota transfers, and two coastwide measures.** If I receive a second if you would like me to speak further to my motion I would be happy to. But that's my motion. Negotiated permanent interstate quota transfers are one option, and the second option would be coastwide measures.

CHAIRMAN BALLOU: Is there a second to Tony's motion on the part of any member of the Council who is not from New York. Oh the Council. I misunderstood. Lori, you are perfectly eligible to be the seconder of that motion; so moved and seconded by Tony DiLernia and Lori Nolan on behalf of the Council. **We'll need a like motion on behalf of the Board. Emerson, would you like to make that motion?**

MR. EMERSON C. HASBROUCK: Yes, do you need me to read it into the record?

CHAIRMAN BALLOU: Not at this moment, because I assume it's the same motion.

MR. HASBROUCK: Correct.

CHAIRMAN BALLOU: We'll catch up. But I think for now we know what you're moving. Is there a second on the part of any Board member who is not from New York to Emerson's motion on behalf of the Board? We have Matt Gates. Moved and seconded by both the Council and the Board; and I trust the language is up on the screen and I'll make sure, Tony, it concurs that is the motion you wish to make. He's nodding yes, so we now have a motion moved and seconded and Tony, you would like to speak to your motion, go ahead.

MR. DiLERNIA: I would like to note that again these are options that I feel should be available to the public for public comment. At one of the joint committee meetings I was asked by a Council member after some of the other proposed solutions were presented, if any of those proposed solutions would be acceptable to the state of New York.

At that time my response was I didn't know, because I couldn't just speak for myself but rather the proposed measures had to be reviewed by those others in New York; fishermen, legislators, et cetera. Since then I can tell you that the proposed options that have been included in the Amendment up to this point, don't satisfy some of the issues that the state of New York is concerned with.

New York could not support any of the options included in the current draft amendment. I would also like to point out that the draft amendment that we're discussing taking out to public hearing is still using the 1980s data. By the time we get done that data will be 40 years old. We have guidance from the Agency that basically says that data that is 40 years old should be considered suspect.

I think there was a current agreement at the CCC meetings that data and that quota should be reexamined about every 10 years. Well this

quota system using the '80s data distribution, it's 30 years overdue based on the current agreement at the CCC meeting. Finally, we need to bring this out to public hearing.

Let's see what some of the affected states with the fishermen from the affected states would say, because I believe that the fishermen believe that they would like to see us come to a solution and negotiate a solution here at the table, being negotiated permanent interstate quota transfers or whatever, rather than have elected officials or the judges and the courts decide this issue for us. We're hearing lots of noise from elected officials that if we don't come to a solution soon, they will try to fix it for us from the floor of the House of the Senate.

We also hear government officials saying if we can't come to a solution they are very happy to go to Federal Court to challenge it. Well, I've got a feeling if we go to Federal Court and it's challenged. Then if the Judge does negate the current FMP, the only option then would be to institute coastwide measures for a number of years to reestablish a new baseline. Folks are very concerned and worried about that and I could understand why. Perhaps with some of the provisions that Lori is asking for that coastwide management system would not be as draconian; but it could be. I would like to see a really open discussion amongst the states. Let's face it, some of the southern states could lose a few percentage points.

But perhaps those southern states might be willing to consider transferring a few percentage points versus what some of the options may be with some of the other alternatives, if we're given a solution from the U.S. Congress or given a solution by the Federal Courts. I would like to bring them out to public hearing.

Once it goes to public hearing and we hear what people say, well then we have to make a decision. We don't have to make a permanent



decision now. The only decision we have to do right now is decide whether or not we want these two options in the public hearing document. Thank you.

CHAIRMAN BALLOU: Could you provide me anyway with some clarification? I think I'll go to the easiest one first, Number 2. Would that be better worded coastwide quota, or do you intend it to be coastwide measures? I'm trying to think of what measures means. I think I know what a coastwide quota means; but can you clarify your intent there?

MR. DiLERNIA: Well, coastwide quota and I guess from the coastwide quota would come the coastwide measures. We don't want a gold rush wide open fishery; I mean that's something no one wants. I'm afraid that that is what the Court might give us, if it's challenged in Federal Court and if the state of New York prevails; coastwide quota measures, coastwide management, consistent coastwide management, the same management amongst all the states to the quota.

CHAIRMAN BALLOU: Okay thank you and then to the first point. Can you provide some more clarification on what that option would entail; to negotiate permanent interstate quota transfers? Could you just provide a little bit more edification on your intent there with that proposed option?

MR. DiLERNIA: I would be happy to, yes sir, thank you. If you look at the current distribution of quota amongst the states, and again I would probably use New York being sandwiched between Rhode Island and New Jersey. I forget the percentage points, but it's basically New York has about 50 percent of the quota compared to New Jersey or compared to Rhode Island.

It's clear that and we know that that fishery basically took place offshore South Shore of Long Island in the Hudson Canyon, and yet the

current percentage distribution New York is 50 percent of its neighbors. We also have evidence that the stock has shifted; contrary to perhaps my colleague from the state of New Jersey may differ with me on that.

We have lots of evidence from the Northeast Fisheries Science Center that there has been a stock shift. We keep hearing. We held a workshop at one point in having to do with climate change and fisheries management in the future. It may be possible that some of the have states may want to sacrifice a couple of percentage points of total quota, and transfer them to New York. If New York were not to be equal to its neighbors, but if New York were able to somehow get to around 14 percent or so, I believe that New York would at that point say okay, well we're close enough to the solution. That would mean that perhaps some of the southern states like North Carolina or Virginia may have to give up a couple of percentage points. Perhaps New Jersey might have to give up some; maybe Rhode Island might give up a percentage point or so.

But if that can be a negotiated settlement, I believe that that is better perhaps than the alternatives, which could be again negating the current FMP and going to just coastwide management for everybody the same rules. I suspect if we ended up with coastwide management, many of the boats from the southern states would relocate to New Jersey and to Long Island, to get in on the fish and the coastwide gold rush if that occurred.

Well if that happens a lot of fish are going to come across the dock in New York, and not as many fish are going to come across the dock in Virginia and North Carolina. Those states could see a much more significant reduction in their total statewide quota, current percentage ownership now, than they would see if there was a negotiated transfer.

CHAIRMAN BALLOU: Mike Pentony.

MR. MICHAEL PENTONY: You actually asked my question, which was for clarification on Point Number 2, as to whether that meant to include coastwide quotas rather than coastwide management measures. Thank you for answering the question, but I do think the wording of the motion would be more clear if it specifically said to include coastwide quota and management.

CHAIRMAN BALLOU: With that and with Tony DiLernia nodding yes. But this really belongs to the Board now, so let me ask is there any objection to modifying the motion to reword Number 2 to read to include coastwide quota and management. Is there any objection to that rewording of the motion? Seeing no objection; the motion has been amended as such, and we're now continuing with our discussion and next I have Tom Fote.

MR. FOTE: When I start hearing law suits. I've been threatened for the last; I guess the Commission has threatened for the last seven years if New York doesn't get its way it's going to sue. That was one of the reasons we got stuck in a region with New York. I'm tired of it. Go ahead and sue. I mean if that's what you want to do.

But we here are supposed to be working as collegians, get this together. New Jersey did that many years ago when we gave away 20 percent of our black sea bass commercial quota to other states to make this plan work on black sea bass. Look at how we've been rewarded over the years for doing things like that. It's not very conducive to making us think, I mean the latest example is when I look at the map of where basically New York is proposing all its windmills, and basically it's off the shores of New Jersey.

It's sometimes 40 miles away from New York, but it's about 15 miles away from my coastline. It doesn't seem to be this collegiality that we need to establish between groups working

together. It basically, it just turns me off when I get here. I mean because I could say New Jersey will do the same thing and start transferring out quota away from the historic that we have. As far as historical references, we're using striped bass references that go back 80 years; young of the year indexes and things like that. That data has been proven to be as valid as we can get over the years with time spans and things like that. Tell me 40 year old data is not good, because we have it on sturgeon; we have it on many species that we sit here and manage at the Commission, because we put in the research to do it. I've been sitting around the table for almost 40 years; not at this table, but at the Council table. It just really burns me.

CHAIRMAN BALLOU: Emerson Hasbrouck.

MR. HASBROUCK: I agree with everything that Tony said and the issues that he raised. You know the baseline period that we're working off of is over 30 years, getting close to be 40 years ago. We have evidence that there has been a northward shift in summer flounder biomass, as well as a northward shift in fishing effort.

This Amendment was originally being developed to address the severe inequities inherent in the current state-by-state allocation from 30 to 40 years ago. The alternatives in this document do not address these inequities right now. Let's include these new items in the document and hear what the public has to say. Let's get some input and let's take care of this here around this table rather than in the courts.

CHAIRMAN BALLOU: Chris Batsavage.

MR. BATSAVAGE: Kiley how much time will this add to the timeline for going out to public comment if we include these two options? If any further delays in the development of this Amendment occur, is that going to impact anything else coming down the pike with

summer flounder, such as you know the MRIP recalibration and looking at recreational issues?

MS. DANCY: Yes, I'm glad you asked that question. I was thinking about raising timeline issues as well. Essentially, if we make substantive changes to the document today and add alternatives, it's going to delay the timeline probably substantially. We have tentative final action scheduled for December, 2018. That would not happen if we added additional options.

What happens essentially around June is that work on fluke, scup, sea bass stuff is going to – it ramps up every year around that time. This year is going to be even worse with the MRIP numbers coming down the pipe, 2019 specifications need to be developed for summer flounder, and we also have the development of a benchmark stock assessment that involves multiple working group meetings over the second half of this year.

There are a lot of other things going on for summer flounder, and the addition of extra alternatives is going to involve modification of all three of those documents we talked about, and additional work from partners at the Science Center and GARFO to help analyze those. The short answer is we're not sure how long it would delay the Amendment, but it would delay final action definitely until sometime in 2019.

CHAIRMAN BALLOU: Adam Nowalsky.

MR. ADAM NOWALSKY: That was the issue I wanted to touch on, thank you.

CHAIRMAN BALLOU: Rob O'Reilly.

MR. ROB O'REILLY: I too had those concerns; and I think in the documents that we received the briefing materials; it even went so far to say that it could bring this process to a halt. Then on the coastwide, just a little while ago Kiley, when she presented the coastwide approach

for the scup model, she indicated how difficult it is to even understand what the impacts might be. I think we ought to keep that in mind as well.

CHAIRMAN BALLOU: Jim Gilmore.

MR. GILMORE: I tend to disagree completely with the impacts on the timeline. The two options we're putting up, first off the negotiated share with Option 1, essentially there is no way to analyze that. There is nothing to analyze, because you're going to have dozens of iterations. The whole idea, and maybe to describe it a little bit better is if you looked at Option 2B-2 in the document right now that gives percentages.

But actually the problem I saw with it is that you're taking states that actually have a pretty large share, and you're actually giving them more that they probably don't need. There is no way to adjust that in the document right now. All we're saying is that you could take that say as a basis and then maybe use those percentages to distribute them differently.

But again, there is nothing in the document that allows that to happen. For Option 1 there is nothing to analyze right now that would slow this document down if we put this option in. Coastwide measures are Number 2. Again, it's in the document under the scup model that that is something that would have to be considered, because you would have a coastwide management during part of the year.

Again that is something; you said in your presentation before, Kiley, it's something that's very difficult to manage because we don't know how latent effort is going to work up and down the coast. There is actually nothing to analyze at this point. If you include both of these right now, we can still put this document out on the street, and still meet the deadline.

Remember, the deadline is this would not go into effect until 2020 that's assuming if it goes out today. That is six years since we started this Amendment. Right now we want those two measures in as Emerson and Tony had both said, because we want to have the public review a full range of options that will solve the issue that we're trying to deal with. Without these options I don't think we're going to have that happen.

CHAIRMAN BALLOU: Kiley, did you have a thought on that?

MS. DANCY: Yes, so I think there would be quite a bit of work involved with adding those alternatives; because the first thing we would have to do is sort of rewrite and restructure the description of the alternatives. To your point about analysis, we do have to analyze those as part of our NEPA requirements. As you mentioned, there is a lot of uncertainty about what that would mean. We would have no real way of knowing what those permanent quota transfers would be. But what we have to do for our federal requirements is essentially come up with a realistic range of what might happen; and use that to describe possible impacts. We can't in our federal process get away with not describing the impacts of that at all. The other thing that I will mention is for the EIS, we do have to analyze. We have to do cumulative effects analysis, and we have to analyze every combination of alternatives with different permit requalification alternatives.

We essentially have to look at the overall picture of what is happening and analyze every alternative in combination with others, and in combination with other factors that are external to the Amendment. It does involve some additional analysis.

CHAIRMAN BALLOU: Mike Pentony.

MR. PENTONY: Once again my point was already addressed. I just wanted to stress that while we're certainly sensitive to the notion

that this would require additional analysis, as Kiley said, and that will extend the timeline. I did want to stress the point that Jim Gilmore made that December 2018 is a great target for completing this action.

But we're not going to see changes to the implemented quotas until 2020; regardless. A three or four month delay in completion of this document, in order to make sure that we have fully considered and analyzed all reasonable alternatives, still can allow us to have those new quotas, if there are any, in place January of 2020.

CHAIRMAN BALLOU: John Clark.

MR. JOHN CLARK: I think my question has been mostly answered, but this just more has to do with the mechanics of this. As has been pointed out, it's taken four years to get to this point where you have four allocation options. What would this option actually look like? Is it just to be determined what the actual allocation would be?

I guess this is a question for the maker of the motion; because just from some of the back and forth here, it seems like it's either no extra effort or it is a lot of extra effort to come up with all these new and different options here. It's just kind of vague at this point as to how this would actually be included in the Amendment. I would just like a little more explanation of that.

CHAIRMAN BALLOU: Tony, do you want to take a crack at that?

MR. DiLERNIA: Yes, I would be happy to, thank you. I mean for negotiated permanent state quota transfers. Let me just remind everyone Amendment 4 to this plan, which was done in 1994, created or transferred quota was a negotiated transfer of quota from all the effected states to the state of Connecticut.

If you read the language and the justification in Amendment 4 to the Plan, and substitute the word or the state New York for wherever you see the state Connecticut, you have a justification for this transfer. I think the only other person sitting here; I think I see Dave Borden. I think Dave remembers when we did this.

MR. DAVID V. BORDEN: I'm not that old.

MR. DiLERNIA: But it was states' recognizing that Connecticut didn't get what was considered its fair share, and some of the states gave up quota. New York State even gave up quota to the state of Connecticut; to try to make the state of Connecticut whole. What this negotiated permanent interstate quota transfer would be, would be similar to what we did in Amendment 4; in which some of the states would give up no more than 2.5 percent to transfer to increase New York State's quota, some of the other states would give up 1, 1.5 percent.

I mean if I had a first crack at it, I would ask North Carolina for 2.5 percent, Virginia for maybe 2 percent, Rhode Island for 1 percent, 1.5 percent, New Jersey for 1.5 percent. I think I could get to around 14 percent there; which again gives New York less than its neighbors, but it recognizes that there was an injustice in a sense done to the state of New York when this was first developed and tries to smooth that out. John, I don't know if that answers your question there. Hopefully we could do that.

MR. CLARK: I think so. Yes, just to follow up. I was just curious, so in other words let's say Option 2B or 2C or whatever is chosen. Then as part of that you would say states can permanently transfer part of whatever quota they get under this allocation to New York; based on negotiations at what is going to be specified. That would take place before the Amendment is approved, or after it's approved?

MR. DiLERNIA: Well, I would think that if we have this go out, and in a sense if we take it out to public hearing and there is a discussion at the public hearings of perhaps what that could be. Well, then we could come back and look at what some of the percentage transfers would be. Then I think the analysis would have to be done if some states gave up 2 percent, 2.5 percent. Then you would do the analysis. Then perhaps we would have to go out for public hearing again.

I'm not sure what the process would be there. But right now we don't even have this ability to have a negotiated transfer. It's not even an option in the public hearing document. All I'm saying is include it in the public hearing document. If folks say yes, possibly this is something we want to do. Well, then let's come back and then let's sit around this table again and let's see who can give the state of New York a couple of percentage points.

CHAIRMAN BALLOU: Kirby.

MR. KIRBY ROOTES-MURDY: As staff here we're trying to better understand what these options may look like in the document. In your response to what John had asked, I was starting to hear that this would actually modify some of the other options that are in the document; in terms of whatever is chosen down the road, in terms of new state quotas, or is this supposed to be a standalone option in the document that modifies the current status quo allocations by moving 1 or 2 percent? Is it a range or would it be one specific percentage amount that would go from certain states to New York?

MR. DiLERNIA: First of all to answer your first question it would be a standalone. How much that transfer would be, it should be negotiated amongst the states. We should be able to discuss that. To put that into public hearing document now, a real hard number now. That would require analysis. But just leaving it as an option and the percentage points to be

determined later I don't think would require as much analysis.

CHAIRMAN BALLOU: Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a question for the makers of the motion. Option Number 1, negotiate permanent interstate quota transfers. It seems to me it's really negotiated new state shares. It's a onetime movement of fish or quota from one state to another, but really I think it is negotiated quotas. Maybe that's not a question that is sort of the way I read it.

The question is what does permanent mean? Nothing we ever do is really permanent. I assume it means the new state shares would be maintained until the next management action came along and modified them. In other words, this action can't preclude future boards from modifying, you know making future modifications to states shares or commercial management in some way. I guess the question is what is meant by permanent in that motion?

MR. DiLERNIA: Well, it would be. Bob is right. It would be new state shares or new percentages state shares. New York is looking to get about 6.5 percent total; complete from this. Which states would give us that we would negotiate that. But it would be new state shares. To another point that Bob just raised that you might be surprised to hear from me.

I would like to see this reexamined every ten years. I don't think these quotas should stay in place forever. I mean if we're going to see movement and shifts, I can't sit here and on one hand negotiate or ask to argue well, we should make a transfer based on the stock shift, and then say okay got mine. I'm going to go home; I'm never going to discuss this again.

That would be hypocritical. I would like to perhaps see it in the future reexamined about every ten years or so. I think that is where we

should be going with all these state quotas. Would it be to negotiate new state quota shares? Perhaps that's how it should be amended, to negotiate new state quota shares.

CHAIRMAN BALLOU: Let's first see if there is any objection to revising the motion to read under Number 1, new option Number 1, to negotiate new state quota shares. I think the rest would come out if I'm not mistaken. Then I guess in parentheses, permanent interstate. It's up to the Board. But it seems to me that just saying to negotiate new state quota shares is just what Tony had suggested. Is there any objection to revising the motion to read that way? Is there an objection? Eric Reid.

MR. ERIC REID: Yes I object. I object, period. It seems to be that this whole exercise of going through this Amendment is to negotiate new state quota shares. That is what the Amendment is doing. We don't need to have a line item that tells us that we're going to negotiate shares. I also don't like, some of the rationale is well you know if you give us a couple of points now then we won't sue. I don't care for that. We're trying to figure this out to provide more equitable solutions to certain states. But I want to look at how we got here. Originally we looked at landings and that's how we got where we were. Some certain states by their own Congressional admission and in testimony in front of the Senate, they said well we can't count. That's how we got where we were. We didn't do a good job of counting; so here we are.

My question is to certain states is what have you done since that time to assure us that you're going to be able to count or enforce in the future? It seems to me that the answer to that is really nothing has changed. Budgets aren't any better than they used to be. I'm not really sure what this is all about. As far as the analysis goes, when you start talking about looking at a coastwide quota, of course the scup model in portion is a coastwide quota.

I am wondering if just the scup model alternative will elicit conversation about a coastwide quota for the full year; instead of a portion of the year in which case that makes this unnecessary. As long as certain states are willing to have their constituents talk about a coastwide quota in full, as opposed to a coastwide quota in portions of the year.

My other question is how many states are underutilizing their existing quota on a regular basis; then they would be in a position to under threat of lawsuit, give up a couple of points now as opposed to maybe getting sued? I think the answer is everybody is using their quota. I'm totally against this motion. I think the document the way it is is perfectly sufficient to elicit public comment.

CHAIRMAN BALLOU: Eric, if it's okay, I just want to make sure because we're getting sort of bogged down in details; as far as the wording of the motion goes, not that this discussion is not getting bogged down in detail. It's a very substantive discussion on a very important issue. But as far as amending the motion to just simply reword Number 1. Are you willing to at last leave it up on the board as such for now?

MR. REID: Personally the word permanent I think is useless. We've already had that conversation. If they have that extra language I think it's a waste of time. But if the maker of the motion and the Commission and the Council want it, I mean that's fine with me. It just seems useless.

CHAIRMAN BALLOU: Understood. Let's leave the wording as such as amended per consent of the Board and Council. I want to bring this to a vote very soon. I know Mike Luisi wanted to make one comment. I would like to afford him that opportunity, and then if there are any other burning comments, particularly from members who have not yet commented. I see John Maniscalco's hand go up. I will provide for

some additional opportunity. But we do need to vote on this soon. Mike.

CHAIRMAN LUISI: I just wanted to make the point that you know the public has waited a long time for this document; to get something in their hands that they can comment on. We do have the ability to make modifications after public comment. Even if these options are not in the document, the public can still offer comment to the idea that the Council and the Commission could then fold back into the Plan at a future date. What that would do is it would keep us on our timeline that Kiley mentioned; progressing towards the end. But then I just wanted to make sure everybody was aware of the fact that we could modify the document after the public comment this summer; just so everyone was clear.

CHAIRMAN BALLOU: John Maniscalco.

MR. JOHN MANISCALCO: I just wanted to address a few points made around the table. The options currently in place are still heavily weighted by the old allocation systems. Biomass has shifted; we've kind of covered that. Landings reporting systems were different back then. To address Eric's comments, federal dealer reporting was implemented in 1993 as part of Amendment 2.

These allocations were based upon data from 1980 to 1989, prior to any coastwide systematic system for collecting landings data. The system has changed and budgets as they exist now have no impact upon that. Minimum size, first minimum size was different along the coast, 11 inches, 12 inches, 13 inches up through New Jersey, 14 inches New York and north.

That was part of the 1980s to 1989 landings. That situation has changed now. There are many reasons why the current allocation system the data it's based upon, is no longer appropriate. Since all of the options included in the draft amendment are heavily based upon

those that's why New York needs these other considerations.

CHAIRMAN BALLOU: I'm about ready to call the vote. It looks like every hand that's gone up is someone who has already spoke. I know we could go around a second time; I just am being thoughtful about our timeframe here. It's hard to know whether there are any other issues that we're going to need to address this morning. That's why I'm being a little reluctant here to keep the discussion going. I might try for another five minutes or so; and ask everyone to keep their comments as brief as possible. But let me first go to Kiley.

MS. DANCY: To Mike's point about submitting additional options through public comment. I do just want to note both for the Commission and the Council's process if there are options submitted through public comment, the Council and Board can consider those. If they are substantially different from what is in the document now, we would most likely need to go out to a supplemental comment period again.

A general comment on the motion, and specifically this quota transfer, trying to understand what this means as staff. I think the current state shares are hardwired into both the Commission and the Council's FMPs and in the federal regulations. If we are going to permanently or until future modifications change those, we need to have specific numbers that are going to go out to public comment.

Putting the language like this out to public comment, and then coming up with the permanent transfers after that might be a little problematic. We're still trying to figure out exactly how this would work, and when these numbers would come into play. Putting new shares into the Amendment and into the federal regulations might require a follow up action, or if they're going to be done might

need to be just done through this action and figure it out before the public comment process.

CHAIRMAN BALLOU: I certainly am feeling increasingly convinced that if this motion were to prevail, it would need to come back before this joint body for additional consideration. I just want to let you know from my perch here. I can't imagine going out to public hearing on something like this that has not yet been fully analyzed.

We've already heard from staff that that analysis will take some time. Without speaking to the merits, pro or con, but rather to the need to ensure that this document, which I think we all indicated right off the bat was so well developed, so comprehensive, so thorough. To just plug this in without that kind of associated thoroughness; to me would be a disservice.

Again, without speaking to the merits of the proposal, but rather the timeframe, my sense is that if this motion were to prevail it would require us to reconvene at a later date and take up this issue and determine whether it's ready for inclusion in the document. That is just my opinion; but I just wanted to offer it at this time. Mike Pentony.

MR. PENTONY: I agree with your statement that if we're going to put something in the document it needs to be very well identified. It needs to have a table; I think like we would see in the existing document that shows what the shares would be for each state. That is what the staff would need to do the analysis.

But just in terms of timelines. I do want to suggest that the notion that we could go out to public hearing with the document as is, and if there was significant public comment on the types of approaches that Tony has outlined in this motion, the Council and the Commission could at a later date add those back in; and go back out to public hearing I think.



That would really be a substantial change to undermine the timeline. Earlier I mentioned that three to four month slip in completion of this action would not likely jeopardize being able to implement any new quotas for fishing year 2020. Given the requirements of the EIS process under NEPA that the Council is required to go through; and we're required to go through.

Going back out to public hearing would almost certainly prevent us from having this action implemented prior to 2020; so we would be looking at potentially a full year, 2021 before we could implement any new or changes to the quotas.

CHAIRMAN BALLOU: Is there anyone other than Tom, Adam and Emerson who would like to comment on this before I call the question, Lori, anyone else, Nichola; those five and then we're going to vote? Tom Fote.

MR. FOTE: I'm just commenting on Jim Gilmore's comment about the suffering and it just costs a few points, you know because we have the benefits. All of us took a hit when we started putting the plans in place. As a matter of fact the states with the biggest quota, which was basically the biggest landings at the time, took the biggest hit. We've been working on rebuilding these stocks; so we could see the benefit to those people over the years that have been suffering through what we've done here to actually reduce quotas that we didn't have in place ten years ago. It took big cuts from that. We had more fishermen depending on those quotas; and to say it's well matter of fact that was going on, we all took equal, our landing took equal cuts and I was here in 1990, Tony, I mean before you were. Let's be honest here. I know what went on and the transfers that went on; and a lot of that I agreed with back then.

I'll leave it at that. But all of us took equal cuts, and we also get punished every year more. My

fishermen look at fish they've got to throw back; they have short seasons, they have small quotas, and it affects more fishermen, because we had bigger quota that depended on summer flounder for a living.

CHAIRMAN BALLOU: Emerson Hasbrouck.

MR. HASBROUCK: I think that it needs to be explicit that the public can comment on these two items. I don't want to go to public hearing, you know implying that people can comment on these if they wish to. Oftentimes the public thinks that they can just comment on specifically what's in the document. I think this needs to be in there to get that public input.

I had my hand up earlier when we were having the discussion about permanency. I just want to go on the record that I realize that it's not going to be permanent; that it will be in effect until there is another amendment or addendum perhaps. But we don't want to go through this process every year. That's what we as the original makers of the motion had in mind.

This is not going to be an annual renegotiation. Then let's take as much time as it takes to get this right. As we just heard from Mike Pentony, we do have some time. Our time is better spent including this in a public hearing document now; rather than putting it out for public hearing, getting some public comment, and then has to go through the process again. Let's include it. Let's hear what the public has to say.

CHAIRMAN BALLOU: Adam Nowalsky.

MR. NOWALSKY: We heard the comment that none of these options work. Knowing what's on the agenda the rest of this week, I think that might be the theme of the week that we're dealing with here. I certainly think it behooves us as a body to take every action we can in advance; to develop option that will work for people.

When I hear that comment that none of these options work; and then we're going to put another option in here, which we ultimately may not vote in favor of implementation. What have we done other than delay whatever action that particular state intends to take; other than delay it for a couple years?

Either these options are acceptable or they're not. If they're not acceptable, then we ought to do in my opinion one of two things. Either we go ahead, send this document out as it is now, and let those states that find the options unacceptable get the ball rolling on whatever it is that they're going to do. Let's not put it off for us to have another option in the document; but ultimately not vote on it. All we've done is waste everybody's time; including the public at that point, or if we as a body decide that these options are not going to work for everyone, and we want to take action on that. Then we hold the document back; go back to the drawing board. This sense of negotiating new state quota shares, maybe that's what we really need to do is go back; and it's been great that we've had these very mathematical and thorough ways of describing how we're going to allocate.

But if the goal was to negotiate new state quota shares, then let's just put them up on the board, send it back to the Demersal Committee, cross some things out, put some new numbers in until we find something that everybody can agree with. Otherwise, I feel like all we're doing at that point is just wasting everybody's time

CHAIRMAN BALLOU: Nichola Meserve.

MS. NICHOLA MESERVE: In terms of negotiating new shares. It seems like a difficult enterprise; unless it is based on one of the other options that are already in the document. The way Jim Gilmore was explaining the need for this wording so that that could be a part of the Council outcome. I can get behind that. I know that is something that the Commission has the ability to do to modify the options and pick

something in the middle at the final decision point.

I just wanted to also get on the record that if this does move forward, the negotiations would not have only New York on the receiving end; potentially as has been discussed around the table. Then lastly, one question to staff about the coastwide quota option, if you could remind me kind of where we've been with the Demersal Committee developing these options. Was that something that was on the table and removed? I seem to remember there being a seasonal option; which is essentially a derivative of a coastwide quota.

MS. DANCY: Yes we did have discussions at the Demersal Committee and Board Subset about coastwide options that were essentially quarterly, trimester, bimonthly coastwide quotas; and those were taken out of the document pretty quickly.

CHAIRMAN BALLOU: Lori Nolan.

MS. NOLAN: It just seems I mean Adam touched on it. Everyone is touching on it. If the document doesn't have an alternative in it that we may as well just say it, satisfies New York. If by negotiating we could come up with the answer, it just seems a shame not to have it as part of the document when we go out to public hearing.

To sit here now and say New York is looking for 6.4 percent; and they'll go away happy. That could be a better outcome for any state; when you look at the alternatives in this document. By everybody giving up a little, you could end up with more than what you have in say the scup model, or some of these alternatives.

To not include it today, are we saying it can't be included unless we put numbers to what the new state allocations would be when it goes out to public hearing? We have to have the new lineup on what the allocations would be; in

order for this alternative to go out to the public, and try to stay on a timeline, or can it be somewhat vague at this point, and just let it be known that it will be flushed out more thoroughly in the future and that as everyone is saying, it shouldn't be set in stone for the next 40 years.

CHAIRMAN BALLOU: Kiley.

MS. DANCY: Yes I think if it goes out to the public in a very vague form; without actual proposed transfers. I mean it may be more of a legal question. But I'm not sure how we could take final action on that and implement it without getting public comment on those numbers. That may involve additional public comment periods; but I'll let GARFO answer that.

CHAIRMAN BALLOU: Mike Pentony.

MR. PENTONY: One possible outcome, in relation to what Kiley just described is if the final numbers effectively, are within the range of what has been analyzed in the document. I'm just looking for example at Table 2B-1. North Carolina is currently at 27.4 percent; 2B-1 would have their allocation drop to 24.9.

If under the scenario that Tony has described the final outcome with North Carolina was somewhere within that range, 24.9 to 27.4, and that translated for all of the states. Then presumably we could make the case under NEPA that because the impacts are within the range already considered. We would not need to go back out to public hearing. But it's hard to draw that conclusion in advance of seeing what the actual numbers would be. It's just if the outcome was within the range, and we may be able to make that reach that conclusion.

CHAIRMAN BALLOU: Yes, Kiley.

MS. DANCY: Yes it's a possibility, depending on the outcome. But I think the reason why we're

sort of in this situation is because none of the range of outcomes in the current document is satisfying New York, or it comes close to that. I think we have had the conversation of you know maybe we can modify one of the alternatives at final action. But none of the current alternatives have New York getting higher than I think 10 percent. I think that was sort of why we're in this situation currently.

CHAIRMAN BALLOU: Okay one minute caucus and then I'm going to call for a vote. If everyone could take their seats, I'm going to preface the vote, make this sort of a conditional vote. That is, if the vote were to prevail, this issue would need to be subject to further analysis and development by staff; and would need to come back before both bodies for review and approval. I've already been offered some suggested specification that might be appropriate specification to kind of lend further clarity to it.

But I don't think it's appropriate here on the fly to try to figure out what that all is. I think it's something that could be developed over the next month or two or three. Potentially by August we would have I guess two new options that would be potentially ready for consideration. I just want to offer that as my suggestion that is the conditional basis for this vote; and that is if it were to prevail it would essentially prevent the document from going out to public hearing as is, and would require further development before it's brought back before both bodies. That's my sense. It seems to be consistent with everything I've heard from staff, from GARFO, and others. That's going to be my suggestion. I'm not sure it's a ruling. It's a suggestion as to the implications of this vote. With that I am going to call the question. I'll ask Mike to call the question first on behalf of the Council.

MR. HASBROUCK: Can we get a roll call?

CHAIRMAN BALLOU: We'll do that in the form of a roll call.

CHAIRMAN MICHAEL LUISI: Kiley, do we have a list for roll call? I assume it's for both the Council and the Commission roll call?

CHAIRMAN BALLOU: Sure go ahead, Roy.

MR. ROY W. MILLER: Mr. Chairman, having just heard your explanation of the implications of a positive vote for this motion. That kind of changes my mind. I would have liked your guidance in that before we went to caucus; because I may have an entirely different viewpoint, as a result of what you just said.

CHAIRMAN BALLOU: I did offer it, and I frankly reiterated it. But I reiterated it perhaps with a little bit more certainty; and I appreciate your thought, Roy. But again, I don't think there is a point in re-caucusing. I just think it's very clear to me; and again based on everything I've heard from every side here that if this were to prevail, it would require further analysis and development and have to come back before the Board and Council.

That is the conditional basis for this vote on this issue. I apologize if I didn't make that clear enough. But I did want to offer that before the vote. Granted, it is very close to the vote, but I want that to be on the record as my understanding of the implications of this outcome. Mike.

CHAIRMAN LUISI: Let me ask members of the Council. Does the Council want to do a roll call as well? No. It makes it a little easier; since we have so many people around the table. Okay, so I'm going to read the motion and we'll vote as part of the Council. Move to include two additional options to the summer flounder draft amendment: **One, to negotiate new state quota shares; two, to include coastwide quota and management.** Is the Council ready for the question?

**All those Council members in favor of the motion please indicate by raising your hand. That is six in favor, all those opposed same sign. That is ten opposed any abstentions? Okay seeing none; the motion fails for lack of a majority.** Bob.

CHAIRMAN BALLOU: No need to take a Board vote, the matter has essentially been nullified by the Council's vote. We're back to sort of square one; in terms of looking for an overall motion on the package of issues and alternatives. Emerson.

**MR. HASBROUCK: I would like to offer the following motion that we move to develop two additional options to the summer flounder draft amendment: one, to negotiate new state quota shares; two, to include coastwide quota and management.**

CHAIRMAN BALLOU: Emerson, I'm sorry that's the same motion isn't it?

MR. HASBROUCK: No, it's a different motion.

CHAIRMAN BALLOU: Can you explain your motion?

MR. HASBROUCK: Yes, it is to develop two additional options. It's to take care of the background work that we need to do to include it in the public hearing document. Let's develop those two additional options.

CHAIRMAN BALLOU: Is there a second to that? Are you offering that on behalf of the Board or the Council?

MR. HASBROUCK: Only on behalf of the Board.

CHAIRMAN BALLOU: I'm sorry. People should be wearing hats. I sometimes forget who is who. **Okay, is there a second to that motion on behalf of the Board? Matt Gates seconds it. Is there a Council member who would like to offer that? Steve Heins is there a second by**

**another member of the Council, Lori Nolan.** We now have a new motion. I need clarification though on whether this motion is substantively different from the motion just voted on and its implications. I'm going to have to turn to staff for their take on that; Bob Beal.

EXECUTIVE DIRECTOR BEAL: I'm not sure. Emerson is the intent here to obviously have staff work on developing these options. Where does the sequencing go? In other words, the next question that is going to come before this Board and the Council is; is the document ready to go out for public comment? Is the idea that the potential for the Board and Council to approve the document for public comment and the staff would be developing options for later consideration that would be added into the process somehow later?

MR. HASBROUCK: I'm taking my lead here and offering this motion. I'm taking my lead from the Chairman, who voiced his opinion just before we took our vote that we need to flesh this out a little bit and develop this option. If it means delaying approving the final public hearing document until August, then so be it. But let's get this work done now. We have the time to do it now. Let's take care of it; and if it delays things by a couple of months, so be it, let's get it right.

CHAIRMAN BALLOU: My sense is that this was inherent in the first vote; this notion of needing to develop. But I hear you Emerson, and particularly given Roy's comment, I'm going to allow this to be subjected to another vote. I don't think there is a need for a whole lot of additional discussion; unless anyone has a burning need to offer a thought. If not I would like to call the question on this new version, if you will, of the, okay some sidebars here in terms of the sequencing of the voting. I think what we'll do is just to be fair. We will alternate between Board and Council all day long. Regardless of the issue, it will always switch back and forth; meaning we will first

vote as a Board on this motion, and then we will vote on a Council. Thirty seconds to caucus on this new motion; and then we'll vote on it. Okay I'm going to call the question, and again just for clarification.

I'm essentially reiterating what I've said twice; I'm going to say it a third time. If this motion were to prevail, it would suspend all further discussion on the document for today. There is no point in continuing to deliberate on whether the document is ready to be approved for public comment, if this were to prevail. It would suspend that portion of our proceedings today, and essentially end this agenda item. That's my sense. Is there anyone who has a different take on that? Adam.

MR. NOWALSKY: I would just ask that additional discussion today be centered around what specific actions this body expects to take place to support this development. Is it back to the Demersal Committee? Is it back to the FMAT? Is it just staff bringing some things forward for another document for us to review at the next joint meeting? I think we would need clarification on that here today.

CHAIRMAN BALLOU: We'll cross that bridge if we come to it. Right now I'm ready to call the vote for the Board. Is the Board ready to vote?

MR. HASBROUCK: Roll call please.

CHAIRMAN BALLOU: Roll call, I'll have Kirby call the roll.

MR. ROOTES-MURDY: We'll go south to north on this, first North Carolina.

MR. CHRIS BATSAVAGE: No.

MR. ROOTES-MURDY: Commonwealth of Virginia.

MR. O'REILLY: No.

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MR. ROOTES-MURDY: Potomac River Fisheries Commission.

MR. MARTIN GARY: No.

MR. ROOTES-MURDY: Maryland.

MARYLAND: No.

CHAIRMAN BALLOU: Can we just restate Maryland's vote, you weren't on the microphone; if Maryland could restate their vote.

MARYLAND: No.

MR. ROOTES-MURDY: Delaware.

MR. CLARK: Yes.

MR. ROOTES-MURDY: New Jersey.

MR. JOE CIMINO: No.

MR. ROOTES-MURDY: New York.

MR. GILMORE: Yes.

MR. ROOTES-MURDY: Connecticut.

MR. MATTHEW GATES: Yes.

MR. ROOTES-MURDY: Rhode Island.

MR. BORDEN: Yes.

MR. ROOTES-MURDY: Commonwealth of Massachusetts.

MS. MESERVE: Yes.

MR. ROOTES-MURDY: National Marine Fisheries Service.

MR. PENTONY: Yes.

MR. ROOTES-MURDY: U.S. Fish and Wildlife; absent.

**CHAIRMAN BALLOU: The motion prevails; 6 to 5, with no null votes and no abstentions to the Council. Mike.**

CHAIRMAN LUISI: Is the Council ready for the question? Peter deFur.

MR. PETER deFur: Yes, point of order. I would like a ruling from the Council that this is not the same motion that we voted on already.

CHAIRMAN LUISI: The way that I understand this motion is that as was stated by Bob. We essentially suspend all continued development, or we suspend action today on approving the document for the public comment; that was the plan that was part of the timeline. If this were to pass, what we would do next would be something that I would need to speak with Chris about; and Bob and Toni and others, to figure out where we go from here.

It was mentioned, does the Demersal Committee want to reconvene to discuss the issue? Do we just have staff develop a few options under Number 1 and Number 2 and just see what that looks like? I do agree that we're going to need to see this document again before it would go to the public; which would be maybe our August meeting, but you know with staff load working up specifications, I don't know if that's going to be the case. I can't speak for; we kind of need Chris here to speak to what staff has planned. I can look to Kiley to maybe provide some thought to the Council about what her workload is leading up to our next joint meeting in August. But Kiley if you're not comfortable with speaking to that at this point, just let me know.

MS. DANCY: In my conversations with Chris, he has indicated essentially adding new options at this point, working them up to the level of public hearing document and draft EIS inclusion

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is going to take some time, and it's unlikely that we would be able to do it in August; given all of our other priorities. I'm not going to say it's impossible; but I think it's unlikely, and it partially depends on how much this option is developed by staff and how much it's provided to us if it has some work behind it from the folks that are proposing it.

CHAIRMAN LUISI: Did that answer your question, Peter? Okay.

MR. DiLERNIA: Roll call.

Okay, we'll do a Council roll call. I'm just going to go down my list in no particular order.

CHAIRMAN LUISI: Steve Heins.

MR. STEVE HEINS: Yes.

CHAIRMAN LUISI: Lori Nolan.

MS. NOLAN: Yes.

CHAIRMAN LUISI: Jim Gilmore.

MR. MANISCALCO: John Maniscalco for Jim, yes.

CHAIRMAN LUISI: You are also sitting for Maureen? Okay. Tony DiLernia.

MR. DiLERNIA: Yes.

CHAIRMAN LUISI: Peter Hughes is absent. Adam Nowalsky.

MR. NOWALSKY: Yes.

CHAIRMAN LUISI: Warren Elliott.

MR. WARREN ELLIOTT: Yes.

CHAIRMAN LUISI: Russ Babb.

MR. RUSS BABB: No.

CHAIRMAN LUISI: Andy Shiels is absent. Stew Michels.

MR. STEW MICHELS: No.

CHAIRMAN LUISI: Wes Townsend; Wes is absent, Sonny Gwin.

MR. SONNY GWIN: No.

CHAIRMAN LUISI: Ward Slacum, absent, Peter deFUR.

MR. deFUR: No.

CHAIRMAN LUISI: Roger Mann.

MR. MANN: No.

CHAIRMAN LUISI: Rob O'Reilly.

MR. O'REILLY: No.

CHAIRMAN LUISI: Chris Batsavage.

MR. BATSAVAGE: No.

CHAIRMAN LUISI: Dewey Hemilright.

MR. DEWEY HEMILRIGHT: No.

CHAIRMAN LUISI: Sara Winslow.

MS. SARA WINSLOW: No.

CHAIRMAN LUISI: GARFO.

MR. PENTONY: Yes.

**CHAIRMAN LUISI: Okay give me one second to tally. Okay the vote was 7 in favor, 9 against. The motion fails. Bob.**

CHAIRMAN BALLOU: Okay, so we are I think done with that issue. I can't imagine another way to skin that cat. Are there any other members of the Board or Council who would

like to propose any other changes to the document; substantive changes? Rob.

MR. O'REILLY: It seems a while, but I'm back to that situation with the NEFSC Trawl Survey, and I can add one sentence if I may, and it's "after calculations were based on NEFSCs spring and fall trawl survey catches. I would like to add, there are near coastal and state water surveys that also characterize the distribution and biomass of summer flounder."

However, the only datasets with enough coverage in space and time to describe changes in geographic distribution of the stock over time, so that's the NEFSC, so essentially I have an additional sentence in there. I think the public when you look at those two options of either a complete changeover, 13 percent north versus south, or a percent change, they would benefit from knowing that there is more than the Northeast Fisheries Science Center Trawl Survey characterizing summer flounder.

CHAIRMAN BALLOU: Two things. First of all we all write fast. But I'm not sure anyone was able to capture all that. If you're able to provide that to staff that would be helpful. Is there any objection to adding that language to the document? It's clarifying language as I take it. Is there any objection? Seeing none; that language will be added.

Rob is providing it to staff to make sure that the record accurately reflects what he just read into it, or the document I should say accurately reflects what he just offered. Other changes and I can go back to my notes. I think there were several folks. Rob, I had Lori Nolan indicating an interest in some language speaking to the derby fishing issue.

It was essentially noting that there are existing and potential controls in place that would address that. Do you have anything more specific to that point; or does that cover it? Kiley, are you comfortable with that suggestion

that you could develop some language regarding Lori's proposal?

MS. DANCY: Yes.

CHAIRMAN BALLOU: Is there any objection to that proposal from Lori Nolan? Seeing none; that will be incorporated as well. Chris Batsavage, I think you had a suggestion and I can't remember what it was. Do you want to reiterate it?

MR. BATSAVAGE: Earlier I asked about for the federal latent permits to kind of get a sense for the different sub-options where permits are lost, if that could be at the state level and have that in the Public Hearing Document. I think it would be useful to have; just so the public has a full understanding of the impacts.

However, I know we're on a really tight schedule, as far as trying to get this out and with the timeline that we have in front of us. It's going to be in the EIS. I guess I would say if it can be done and keep everything on schedule it would be great; but if not, then having it in the EIS is probably the best way to go.

CHAIRMAN BALLOU: Kiley, are you comfortable with that suggestion?

MS. DANCY: Yes, we can talk to GARFO staff to figure out if that's feasible. Roger Mann, the 12 ounce issue. Point well taken, I'm not sure exactly how to address it. I would offer you the floor again to speak to how you would like to see the document modified to reflect your concern.

MR. MANN: I would leave the document as is; at this point in time. It's not clear to me whether or not this particular use of numbers is enforced upon us by something that is already in federal regulation; in which case we can't change it. I've had a discussion with my colleague Pete deFur.



At some point perhaps we can have a more of a round table about the appropriate use of significant numbers. I don't think it's appropriate to try and complete that before we do this; and indeed I'm happy with this document, and when the point comes I will forward a motion to accept as is and send it to public comment.

CHAIRMAN BALLOU: Thank you, and the last suggestion was from Tom Fote, who spoke to his interest in having the document reflect total numbers of fish in the north and south; when we get into that north/south breakout issue. Kiley explained that right now exploitable biomass relates to exploitable biomass, which is fish over 14 inches in size. But Tom, you were speaking to your interest to include additional data on, I guess the biomass as a whole; numbers of fish reflecting overall biomass on a north/south breakout. Is that correct?

MR. FOTE: Yes, because back in the days when we basically set the recreational limits they were on 12 inch fish; and we moved that size up, so we should look at the total number of fish.

CHAIRMAN BALLOU: To Kiley, is that something that you feel that you can fold into the document?

MS. DANCY: That is something I would have to check with the Science Center staff and I'm not exactly sure on how or where we would fold it in. I mean right now what we have in the document is essentially 67 percent of the relative exploitable biomass was in the north during this time period; and 80 percent in the second time period. We don't have poundage broken down in there by north and south; so I'm not totally clear on where it would fit in. But I can check with the Science Center if that is feasible to do it in numbers of fish.

MR. FOTE: That's all I'm asking.

CHAIRMAN BALLOU: Kiley will follow up. With that I think we have taken care of all the comments that I know of that were offered; and I appreciate those. I think it helped to improve the document. **At this time Mike and I would be ready to entertain motions from both the Council and the Board that would seek to approve the Draft Summer Flounder Commercial Issues Amendment Hearing Document for public comment.** Would anyone like to make a motion, Roger Mann on behalf of the Council?

**MR. MANN: On behalf of the Council a motion to accept the document as presented for distribution for public comment.**

CHAIRMAN BALLOU: Is there a second to that from the Council? Chris Batsavage so moved and seconded by the Council. We'll need a like motion from the Board. Would any member of the Board like to make that motion? Rob O'Reilly, and is there anyone from the Board who would be interested in seconding the motion, John Clark.

**Moved and seconded by both the Council and the Board to approve the Draft Summer Flounder Commercial Issues Amendment Hearing Document for public comment.** Is there any further discussion on the motion? This would be the final action of the day. No. Oh, I'm sorry we have one more after this. But I guess on this issue it would be the final. David Borden.

MR. BORDEN: Just a quick question. Since there is a potential for 400 permit holders to be eliminated, there is bound to be some concern about that. Is there a central source that those individuals can contact; in order to figure out whether or not they meet the requirements under a particular alternative?

CHAIRMAN BALLOU: I was looking at Kiley, Kiley was looking at GARFO, and everyone is looking at everyone else. We're waiting as

GARFO undertakes some sidebar discussions and hoping Mike might be able to offer something for the record.

MR. PENTONY: Yes, generally individuals should contact us. We can provide landings history for their permit. However, we cannot provide necessarily all of the landing history associated with a set of permits; because if those permits have changed hands over the years, and we don't have a signed authorization to release the prior owner's history, we cannot release it to the current owner, unless and until we're actually making decisions as a result of final action by the Council for a limited access program.

CHAIRMAN BALLOU: Eric Reid.

MR. REID: Just a quick question, a follow up. If I ask for my permit history today, how long is it going to take me to get that? That may affect our public hearing schedule, if we want to go down that road.

MR. PENTONY: Yes I think to Eric's question. Eric, if you asked us today we could probably get it relatively quickly. If a thousand people ask us tomorrow, it's going to take us a while to get all of those responses out.

CHAIRMAN BALLOU: Kirby was just reminding me that it's really to approve the Draft Summer Flounder Commercial Issues Amendment Hearing Document as modified today for public comment; to make it clear that those modifications that were offered on the record and accepted by both the Board and Council would be considered part of this motion.

Is there any objection to that? I think we might want to amend the motion accordingly. Is there any objection to amending the motion by adding "as modified today?" Seeing no objection; the motion will be so modified and that will be the motion that we will now vote on. Are there any further questions or

comments before we call the vote? Hearing none; let's see, I think we're back to Council first.

**CHAIRMAN LUISI: Okay, for the Council. Move to approve the Draft Summer Flounder Commercial Issues Amendment Hearing Document for public comment as modified today. All those in favor please indicate by raising your hand. That's 12 in favor, all those opposed; 4 opposed, any abstentions? Seeing none; motion carries 12 to 4 to 0. Mr. Chairman.**

CHAIRMAN BALLOU: Thank you, Mr. Chairman. **To the Board, those in favor of the motion please raise your hand. Those opposed please raise your hand. Thank you, any abstentions, and any null votes? The motion passes 9 to 2, no null votes, no abstentions.** That completes the joint action on the Public Hearing Document.

We now need to quickly follow; I think this will be a quick follow. It's rather pro forma in its nature. The Commission as noted earlier needs to move forward with its own companion document; it's a draft amendment, and we do need a Board vote on the draft amendment that would again be exactly the same in terms of substance, issues and alternatives.

It's just that it is a different document. If anyone needs any further clarification, now would be the time to ask; **otherwise I would be looking for a motion to approve the Commission's Summer Flounder Commercial Issues Amendment Document for public hearing. Would any member of the Board like to move?**

**This is doing the same thing we just did; but on the Board side. Moved by Rob O'Reilly; seconded by John Clark. Is there any discussion on the motion, any need to caucus? Seeing none; I'll call the question. All in favor of the motion please raise your hand. This is**

**Board only, thank you, opposed, abstentions, and null votes. The motion passes 9 to 2.** I'm sorry, Toni Kerns.

MS. TONI KERNS: Just to get on record that this is a draft amendment, it's not a final document. If we have the number that would be good to add in there, there is no number, okay. Thanks, it will say draft amendment, Commercial Issues draft.

CHAIRMAN BALLOU: Okay thank you, we're ready for lunch. We will break and reconvene. What time shall we reconvene? One hour. We will reconvene at 1:21, we'll see you then. Have a good lunch, thank you.

(Whereupon a recess was taken.)

## **DRAFT STRATEGIC PLAN FOR REFORMING THE RECREATIONAL BLACK SEA BASS MANAGEMENT**

### **OVERVIEW OF BLACK SEA BASS RECREATIONAL MANAGEMENT DISCUSSION DOCUMENT**

CHAIRMAN BALLOU: A brief presentation on a Draft Strategic Plan for Reforming the Recreational Black Sea Bass Management. For that Adam Nowalsky, our Board Vice-Chair has agreed to offer that presentation and so I'll turn things over to Adam.

MR. NOWALSKY: Now we can move from commercial summer flounder, where at least one state is unhappy to recreational black sea bass where we have at least four unhappy states. Thank you for the opportunity here. The presentation we're going to go over details a document that can be found in the supplemental materials; referred to as the Strategic Plan for Reforming Black Sea Bass Recreational Management. Our purpose here today is not to go ahead and have discussion in the document. The purpose here today is to go ahead and introduce the process of what leadership has been working towards to put these ideas out there for consumption; and at

least go ahead and get consent from these management bodies to continue to move forward with the process as we've outlined it. The presentation we've put together will have a timeline of what reforming black sea bass recreational management might look like.

We'll describe the major tracks that have been identified to date as areas that we think we can make strides in. We'll discuss next steps both here today and for the next couple of months; and just highlight what we're looking for some feedback for and those action items. I think the first bullet point on this slide recreational management is a work in progress isn't any great surprise to anybody here in the room.

I think it's been very clear in the last couple months that Addendum XXX didn't quite get us to where we hoped we would be with recreational black sea bass. It has been made very clear by Board members. There have been a lot of ideas that have been discussed through a number of the working groups that have been formed to work on this issue; ideas from the public, ideas from other Board and Council members.

The purpose of this document was really to help synthesize all of the different ideas that we've heard about to date; and try to put them in one place in an organized manner about how we might be able to use them. With the goal to improve the overall management program, principally by providing reasonable and equitable access to the resource; taking into account stock status and distribution, and bolstering accountability.

What this would highlight is an approach that would develop an interim program that would be in place for the next couple of years; through 2020, and then paving the way for a fully amended program in 2021. This next slide with the timeline here highlights the timeframe that we would be looking at to implement this.

I don't think there is much surprise that we're going to be having ongoing discussions; Addendum XXX is not likely to be our venue for black sea bass management in 2019. It would be the goal to develop for 2019 and '20, another management document. In that same timeframe we would have a parallel program in place that would look at a full program for fully modifying what we need to change in recreational black sea bass management; with that implementation going into place in 2021.

As we go on to the next slide, which highlight the four tracks for this parallel implementation, kind of goes ahead and highlights what things are going to be dovetailing together. Our first area is with regards to stock status. We know that the SSB is well above the target; high biomass despite ACL/RHL overages that have occurred in recreational management, and we have as a result of the last stock assessment sub spatial units that have allowed for how we change management.

Catch and effort data, we've spoken ad nauseum about concerns about both the MRIP data; as well as discards would have been largely driven by management decisions. We also think there are opportunities to better involve the public here with regards to self-reported data; to go ahead and help either strengthen what we know about MRIP, for the better or for the worse, in order to get better data. From a management perspective, again we've had a lot of these different ideas approached in an effort to change how we manage black sea bass; catch versus harvest, F-based approaches, multiyear specifications and evaluations, and again the goal being to achieve that equity in access that anglers have really talked about.

Then the fourth track that we've talked about is stakeholder engagement; getting the public here involved in the process, reporting, best handling techniques, venting fish in deeper water with some of the studies that we've had

recently. We've got a number of those different ideas here. I'm not going to get into a great amount of detail with each of the individual tracks that are here.

Again, our goal isn't today to go ahead and speak about the pros and the cons of them. But what is important is that we do need all Board and Council members to go back, look through the document, and get back to us; Board leadership, Council leadership, Council and Board staff, with regards to have we encompassed in this document the ideas that you all envision for how we can improve our recreational management.

Again, we tried to capture the ideas we had heard over the years; but if there is some new ideas or some things you don't feel that have been captured, we need to go ahead and get them captured. How are we going to go ahead and move forward with this information; and what's going to be the use of the document?

Today we're presenting this document; so it's fully transparent, and that it becomes a Board owned document. Bob wants to call it my document; I want to call it his document. We gave it to Caitlin; right now it is Caitlin's document. I don't think she wants it long term. Hopefully we can leave here today and this can be a Board and Council document moving forward.

What we would be looking for is just consent here today for leadership to continue working forward with staff on development. Now what's that going to look like? Over the course of the next month, again what we would need to do is we need to solicit further input from yourselves, as well as in working with individual state fishery councils, stakeholders. Are there ideas that we don't see in this document right now that you think we need to be looking at?

Is there anything in the document right now that is just completely egregious, and there

should be no further consideration of; if that's the case than we need to hear about that as well? Once we go ahead and get that input, it would be the intention of Board and Council leadership to work with staff and GARFO to identify and clarify the tasks, actions, and timeframes needed to achieve those key elements and strategies that we've identified in the document.

Once we've gone ahead and identified how we can accomplish a number of those things within the timelines we've set forth. We would then want to see a joint working group; and we've heard from both Board and Council leadership. Chris Moore has been involved in those discussions as well, who is not here today; that we would convene a joint working group between the Board and the Council.

We frequently heard the Board say, well we don't have as much say in the quotas as we would like. We've heard the Council say, we don't have as much say in the setting of measures as we would like. This would be an opportunity for those two groups to continue to work together; primarily with an initial goal of what's that 2019 and 2020 management program going to look like. In parallel to that there will be the larger, long term tasks to look at implementing three years down the road.

Why are we focusing on that three-year timeframe? The primary reason for that is because we expect another benchmark stock assessment to occur in 2020; to inform 2021 management, so that is our reason for looking at that three-year timeframe to implement something more substantial.

In terms of moving forward with 2019/2020 management, in August we'll again be convened jointly, where we'll discuss a 2019 ABC. It is currently our hope and our expectation that the number that what we come up with for the ABC in 2019 may wind up

changing. Now we just went through this process last year; where we decided on an ABC.

We then got an updated stock assessment, a new stock assessment, and we had to go through a process of revising it. We expect something similar is going to happen this year. We'll get a data update from the Science Center; as well as the revised MRIP numbers. We expect what we'll do this summer is just going to be an interim placeholder number.

We expect to be able to bring back to the Board an additional synthesis of the ideas that you've had; in consideration of additions or removals from the document. We can then begin crafting an addendum or whatever management document we need to address 2019 and 2020 management; which is hopefully a big step forward instead of initiating that process in October.

In October we would then have that draft addendum; again with the idea that it's been a work in place not just being initiated out of the blue at that point, but a work in place for four to six months at that time. Then ultimately December would approve that addendum for 2019 management.

I'm sure there are lots of questions about what specifically is in the document. But again, our goal here today is not to debate those items; but again what we're looking for is does the idea of having a strategy document serve as a useful and appropriate platform for guiding reform moving forward. Then the question we need answered from you in the next month is does it capture the most important elements; any key issues to be added, removed, or modified.

Our action items, I mentioned the data update. The Council has previously discussed stressing to the NRCC the need to get an operational update for black sea bass as soon as possible; prior to that benchmark occurring. We've had

some discussion about that here at the Commission as well, and I'll turn back to the Board Chair for further discussion about what other actions he might request here today.

CHAIRMAN BALLOU: Thank you, Adam. I really appreciate that presentation. Just to reiterate. This is really intended to be the initiation of a brainstorming exercise. We recognize that that will take some time. This is a document that we wanted to introduce today; and briefly present, as Adam has just done, but then basically park it and let it develop, if you will over the course of the next several months via your input. I mean the most phenomenal outcome from my standpoint would be to hear from each and every member of the Board and Commission; having reviewed this document over the next month or so, to see does it address the key issues that you think need to be addressed in order of move forward with regard to managing this fishery.

Then start to maybe hone in on some priorities; and by the time we hit our joint meeting in August, maybe have something that's a little bit more fully developed, hopefully fully supported. It may well serve as a guidepost for our efforts over the next two to three years. Frankly, I think we really do need something like that to guide our efforts over the next two to three years.

That was the intent. We purposefully wanted to provide it today; but not engage in any substantive discussion today, it's too early for that. We just simply wanted to tee it up; let you know where it came from, what it is about. It is rather ambitious. It is comprehensive. It speaks both to short term and long term issues. It speaks to science and management, and stakeholder engagement. It's really intended to be the full enchilada; to hopefully get us over the endline with regard to the challenges we've been facing managing this fishery.

With that and again, the only real action item if you want to call it that would be to just reiterate something that this Board and Council have already expressed; and that is the importance of conveying to our leadership on the NRCC, which I understand will be meeting in just a few weeks. The importance of prioritizing that operational update for late 2018, early 2019, so that it can be used for management purposes in 2019.

It seems absolutely essential that we have updated stock assessment information; in order to move forward over the next couple years. That does seem to be the most important short term issue that is in this document. Other than that and maybe Caitlin, if you could just switch back to the prior slide. Again, only looking today for a high level discussion. Maybe there is no need for any discussion; maybe just a comment or two if one exists.

We don't plan to spend more than another five, or ten minutes on this agenda item; unless there is a strong interest in doing more. But we're really going to try to hold this at just five or ten minutes at the most. But again, these are the issues that we just simply wanted to tee up today. With that I'll look to any member of the Board or Council who would like to comment. Jim Gilmore.

MR. GILMORE: Great plan, fully support it, move ahead. Thank you.

CHAIRMAN BALLOU: With that we'll move on to the next item. Seriously, thank you, Jim. We are really indeed looking for that kind of indication of support; if it exists. Again, deeply appreciate it. I see Dr. Hare's hand up in the back. I also saw Tony DiLernia's hand up. Let me first, John if it's okay, let me just go to some of the Council members and Board members who wish to speak, and then I will absolutely get to you. Tony DiLernia.

MR. DiLERNIA: I guess my question is for the Chairman of the Council, to Mr. Luisi. Where does the development of the Letter of Authorization Proposal stand in this process?

CHAIRMAN BALLOU: I'll answer if I can and then let Mike jump in. There is a, I don't know exactly where it is, I would have to pull up the document. But there is a line in there that addresses the Wave 1 fishery issue. When I say addresses it that tees up the Wave 1 fishery issue to be further addressed. Grant it, Tony, it doesn't get into the kind of detail letter of authorization approach.

To be honest with you that's exactly the kind of input we're looking for. I think hopefully what you and other members of the Board and Council could do is find the issues in this document that you deem most important; and then help us flesh them out. Give us what we need as leadership to say here it is; and now I want to add some flesh to those bones. I want to make sure that this document reflects the plan that you want to pursue as a member of the Council in this case, to pursue that LOA program. Go ahead.

MR. DiLERNIA: To that point. My primary goal would be to reopen the Wave 1 fishery; but secondary goal. The aspects that are contained in the Letter of Authorization, I believe help us move towards better managing recreational fishermen; and have recreational fishermen take more responsibility for their fishery, for the management of their fishery. While folks say well, we'll just reopen it to a Wave 1 fishery with a quota and let it go at that. I don't think that's the type of progress that we should be making.

Yes, I would like to see it opened. But I think there are elements that my Letter of Authorization proposal that also must be considered as a small step towards recreational fishermen taking more responsibility for their fishery; and towards us experimenting with the

evolution of the management of recreational fisheries. That is why I believe the LOA program is very important; and I would not like to see that suffer, as a result of just having a Wave 1 fishery open without any additional restrictions.

CHAIRMAN BALLOU: David Borden.

MR. BORDEN: Just a question. You had an action item up there relative to the Operational Assessment. Do you want a motion?

CHAIRMAN BALLOU: Let's hear from Dr. Hare first. I have a feeling he may be able to speak to that issue. I'm not sure if that is why his hand was up. But John, why don't you come up and offer your thoughts; whatever they may be, whether they're in response to David Borden's question just now or not.

DR. JON HARE: I just wanted to comment on the stock assessment schedule that the NRCC has approved. The NRCC has prioritized benchmark assessments for summer flounder and striped bass for the fall of 2018. That fall of 2018 calendar is full; unless the NRCC wants to change its decision in our upcoming May meeting.

Those benchmark assessments will include the new MRIP data; so those are being treated as benchmarks to evaluate a variety of different methods for including those data. The NRCC is currently on schedule, plan to schedule for operational assessments in the first half of 2019. Those operational assessments would include presumably a black sea bass operational assessment.

CHAIRMAN BALLOU: Thank you for that. I really think David that we don't need a motion so much as we just need to know whether there is any objection on the part of members of the Council or Board to ask our leadership and those participating in the NRCC meeting in a couple weeks, to ensure that this is an item that's prioritized. David.

MR. BORDEN: I mean the follow up question then is, will the Operational Assessment in the spring of 2019 be available at the point that we set the specifications for the year?

CHAIRMAN BALLOU: Let's put it this way, we've been discussion this issue; and my understanding is that it is our intent to try. I say our, it's our intent to advise NRCC, our representatives on the NRCC that it is our hope and our expectation to see if it's possible to get the Operational Assessment done in time for use for 2019.

MR. BORDEN: I totally support that intent. But I would just point out to everybody; and I'm not telling the members of the Mid-Atlantic Council anything. The reason we're in this bind is because when the SSC at the Mid did the stock assessment, the status of the 2015 year class was somewhat uncertain; and therefore they couldn't characterize it properly.

They had to assume that the 2011 year class was going to decline; because it is kind of exiting the fishery. That is one of the reasons we face this cut this year; and have gone through all the pain this year. Unless we expedite this and get this done between now and the time we do the specifications, we're going to have a repeat of this year; and we don't want to go there.

CHAIRMAN BALLOU: Mike Luisi.

CHAIRMAN LUISI: To the point we're going to need to do specs in August. We won't have the new information from the Operational Assessment available in August, obviously. However, we've done it before where once the specs are set for 2019; we could make a modification to those specifications after the turn of that Operational Assessment Update.

If it informs us to the point where we can modify that quota, it's certainly the Council's intent to work with staff to get that done. But

it's important that it happen as early in the year as possible; after the other benchmarks are finished. If we wait too long, the process in and of itself, it wouldn't be until the end of next year before we could modify that quota. That's kind of what we're looking at; at this point.

CHAIRMAN BALLOU: Adam Nowalsky.

MR. NOWALSKY: The interim program that we're looking to develop is not going to be solely dependent on getting a revised ABC or new information. That was one of the points of having four different tracks; science, management, stakeholder input, et cetera, so that we could go ahead and work in areas where we do get improved information, improved ways of doing things. We can leverage those and go ahead and work with. Our goal would be to get this new information; but again, if we don't that doesn't mean this whole interim program we're proposing to develop comes to a halt.

CHAIRMAN BALLOU: Any further, yes Dr. Hare.

DR. HARE: Just to remind the Council and the Commission. The Center will be providing a data update in June; and presumably that information would be available for setting specs in August.

CHAIRMAN BALLOU: Thank you for that. Are there any additional comments, questions? If not again, we just want to leave you with those two discussion and guidance prompts, if you will. Please take those to heart over the next few weeks as you return home, read through this document, and mark it up.

Literally mark it up, and send it back in to I think Caitlin Starks will serve as our point person on staff for this; as well I'm sure the Mid might be able to partner with her on this, let's say Brandon Muffley as well. Brandon and Caitlin would be your two points of contact on staff for submitting any comments you might have.



Again, we urge you to offer your thoughts and comments on this document. We will then do our best to try to put it through the viability threshold test, in terms of what's actually doable; meeting with staff, with the Science Center, with GARFO. Then work with a working group, then bring it to a working group process and do that in say July.

I realize this is rather ambitious; but we do want to move forward with this in an expeditious way. The last thing I would say is that if you're interested in participating in that recreational working group process, it is definitely intended to be joint Council and Board. Please let us know, and again probably let staff know. That would be the best way to respond.

Not looking for a show of hands right now. But to the extent that you're interested in working with us to kind of further develop this document for a more thorough vetting at our August meeting. Please do so. We would welcome your participation; and we again hope that this is something that can really help to guide us forward in the years to come.

If there is nothing else I am happy to put an end to this discussion and move on to our next agenda item. Thank you, Adam, for your presentation and your support on this, let me just say for the record, is there any objection to moving forward in the short term as proposed? Seeing no objection, we appreciate your support and we will move forward with this initiative and there will be a lot more to come in the weeks, months ahead.

**REVIEW ALTERNATIVES FOR A RECREATIONAL FRAMEWORK AND ADDENDUM ON RECREATIONAL ISSUES**

CHAIRMAN BALLOU: With that we will move on to our next item. Our next item is to Review Alternatives for a Recreational Framework and Addendum on recreational issues. We were actually talking during lunch as to what to actually call this. Let's call it a Framework and

Addendum on Recreational Issues Pertaining to Summer Flounder, Scup, and Black Sea Bass. This is a joint action item. It involves the review of draft alternatives that would address three issues; conservation equivalency in the recreational black sea bass management program, transiting in Block Island Sound for all three species, and slot limits for all three species. The goal today is to seek consensus on a range of alternatives for further development by staff. We're not approving a document per se today; we're really looking to just get consensus on a range of alternatives for further development.

Then the plan would be to have those ready for final consideration as drafts for public comment by our August joint meeting. Again, I'm sure Julia will be speaking more specifically to that timeframe, so I'll stop talking and move the microphone over to Julia Beaty from the Fishery Management Specialist with the Council, who with Caitlin Starks the Fishery Management Plan Coordinator with the Commission will offer a presentation on these issues, so Julia the floor is yours.

MS. JULIA BEATY: Hello everybody. Caitlin and I are going to tag team on this presentation. I'm going to start out; Bob already covered some of the things that I was going to say. Just to reiterate that the goal today is to decide what alternatives will be included in this framework and addendum; so that between now and the joint August meeting we can develop a draft public hearing document.

Now is the time to make any substantial changes. If we do that now, you know we have time to address that and still meet our goal for when we take final action. If any substantial changes are made further down the road that will delay things; but again, now is the time that if you want any changes, hopefully let us know today.

Again, the framework and addendum covers these three topics; conservation equivalency for black sea bass, transit provisions for Block Island Sound, and slot limits. I'm going to present on this part of it. Then there is another issue that has been discussed by both the Board and the Council; which is the idea of evaluating and modifying recreational management measures, based on the ACL rather than the RHL.

This was something that was part of Addendum XXX; and this is technically not part of the framework and addendum, but it's kind of been discussed along the same lines. It could have some implications for at least the black sea bass conservation equivalency alternatives. Caitlin is going to talk more about this particular aspect. But again, this is technically not part of the framework and addendum at this time.

We formed an FMAT for this framework and addendum. An FMAT is a Fishery Management Action Team. They are groups that the Council forms for amendments typically. We don't typically form them for frameworks; but we decided to do that for this one, because some of the analysis might be a little bit more involved than the typical framework. The FMAT is a technical team that assists with developing and analyzing alternatives.

They've discussed this action; and then we also had a meeting of the Demersal Committee, and a subset of the Board. For each of these topics we'll summarize recommendations from both the FMAT and the Committee and Board subset. It just has Committee; but it should also say and Board subset, sorry about that. Jumping right into the framework and addendum alternatives, the first set of alternatives is for conservation equivalency. Every time we consider an action we always consider the no action alternative; so that would be what would happen if we didn't do anything. That is Alternative 1.A; draft alternative. Under the no action alternative we can't use conservation equivalency for black sea bass; which means that the federal waters

measures in the recreational fishery can't be waived in favor of the state waters measures, like is done for summer flounder.

Alternative 1.B would be to update both the Council and the Commission's FMPs to allow conservation equivalency to be used for black sea bass in the future. Then there are two different ways of doing that; two sub-alternatives. The first one is we could use exactly the same process as the summer flounder conservation equivalency; and then the second option is use the summer flounder process, but with one or more specific modifications.

We want to be able to call out any specific modifications that we're considering; call them out as sub-alternatives, so it can be clear like this is specifically what is going to be considered in terms of changes. There are three specific changes that were brought forward, considered by the FMAT and the Committee and Board subgroup. If you have any additional modifications that you want to consider, let us know today.

The first modification to the summer flounder process is to allow conservation equivalency to roll over from year to year; when appropriate. What that means is that the federal waters measures would continue to be waived from one year to the next. Under the summer flounder process, conservation equivalency expires at the end of the year.

It's not implemented again for the next year until usually the spring of the next year; so there is a gap in the beginning of the year, when technically the federal waters measures are in place until conservation equivalency is implemented again, and those measures are waived. This can be confusing.

The idea is that if conservation equivalency could roll over from one year to the next, then the federal waters measures could stay waived,

and it just might add a little bit more efficiency to the process. But we would still have to ensure that the precautionary default in the non-preferred coastwide measures would still need to be appropriate for the next year.

The Council and Board would still need to review the use of conservation equivalency each year; it's just there might be some savings in terms of the rulemaking process that is needed to be done. That is one specific change that could be considered from how we do things for summer flounder.

Another specific change that has come up as an idea is having the council and Board decide together what the state and regional allocations of the RHL would be. Those allocations are very important. They are like the basis for how the states and regions come up with their measures under conservation equivalency; and currently the Council doesn't have a role in those allocation decisions, it's just decided by the Board.

One option would be to have it be a joint decision. Then the last specific modification is to have the option to manage to the ACL rather than the RHL. The summer flounder conservation equivalency regulations say that harvest must be constrained to the RHL in a given year. That is the only place in the regulations for all three species that it says that harvest has to be constrained to the RHL. The black sea bass conservation equivalency regulations could be written to have a little bit more flexibility. We could just not specify that it has to be the RHL; so you could have the option of doing one or the other, or it could specify ACL.

That is something that if you read that Strategic Plan Document that this ACL issue is something that has come up in something that we've been asked to consider. A little bit more background on all of those alternatives, just to remind you how the summer flounder process works. In

terms of how it could be done for black sea bass, and how it could be done differently. Every year in December the Council and Board decide together whether to use coastwide measures or conservation equivalency.

If they agree to conservation equivalency, then they need to also agree to a set of non-preferred-coastwide measures and a set of precautionary default measures. The non-preferred-coastwide measures are supposed to be what collectively the state and regional measures are supposed to be aiming to be equivalent to that.

After that decision is made in December then the states and regions work on their proposals. The TC reviews them, and then the Board considers them for approval. If a proposal is not considered, state or region can typically resubmit; and if they don't get to a place where they have an approved proposal, then they're supposed to implement the precautionary default measures.

Then after the proposals are all approved or it's decided that the precautionary default needs to be used. Then the Commission sends a letter to NMFS certifying that the combination of all those proposals will collectively constrain harvest to the RHL, and then if NMFS agrees then they waive the federal waters measures.

That can kind of give you an idea of why it takes until the spring of the next year to implement conservation equivalency; because there are a lot of steps that need to happen. Some FMAT recommendations related to this is that the FMAT recommended that this action focus on simply updating the FMPs to allow conservation equivalency to be used in a future year, instead of coming up with a plan for how to use it in 2019.

That is partly because of the timeline that we have planned for this action. We're hoping to take final action in December; which that alone

might be kind of ambitious. But then we have all these other actions happening. We have the new MRIP numbers coming soon. Then also, if we were to come up with options for use in 2019, it might be worth coming up with a set of backup measures; in case this framework and addendum isn't actually approved in time to be used in time for the start of the 2019 fishing year.

Basically, there are a lot of decisions that need to be made. Again, allocations are an important part of conservational equivalency; and we don't have an acceptable allocation scheme at the moment that could be incorporated into this. There is a lot that goes into this; and it would be pretty challenging to actually use conservation equivalency for black sea bass in 2019. The FMAT is recommending just using this action to update the FMP to say that it could be used in a future year; and then in a future action use it for a particular year. The Committee and Board talked about this; and there was agreement that the conservation equivalency process is already fairly drawn out, and anything that can be done to streamline that process would be beneficial.

Conservation equivalency rollover was a specific example of something that could help streamline the process and make it more efficient; so there was support for that. In terms of having the Council and Board jointly decide on RHL allocations. Some concerns were raised about that.

There was concern that it would make the whole process a little bit less efficient, because with the Council's requirements for analysis, and the documents that we need to do, it could drag the process out a little bit. Then also there was concern about the balance of representation among the states; if the Council and Board were to vote together, because the states are evenly represented on the Board.

But Massachusetts, Connecticut and Rhode Island are not on the Council; so if the Council were added into the voting mix that would change the balance of representation among the states. Then in terms of the FMATs recommendation to not develop alternatives for 2019, the Committee and the Board said they wanted to keep that option on the table; at least at the time of that meeting. They did talk about the concerns about the feasibility of that. But they weren't willing to take that off the table at that point in time.

Also, something that I didn't include a bullet on; but there was some discussion of the conservation equivalency rollover. There was discussion about needing to make sure that the measures are appropriate to rollover from one year to the next. At the Committee and Board Subgroup meeting there was discussion of maybe in the future crafting the precautionary default and non-preferred-coastwide measures with that flexibility in mind to hopefully allow rollover to happen.

That is all I had for that set of alternatives. Again, my plan is to run through all the alternatives in the Framework Addendum and then have discussion at the end. The next set of alternatives is Block Island Sound transit provisions. This has been an issue for the black sea bass recreational fishery in recent years; because the federal waters in recent years were closed from September 22, through October 21.

Some of the states around Block Island were open during that time of year; not in every year, but in some years there were situations where federal waters were closed and state waters were open. In those cases if you were fishing for black sea bass recreationally off of Block Island in state waters, and you wanted to travel back to the mainland.

You have to travel through federal waters to get there; and so technically if you kept any black sea bass while you were going through federal

waters, then you were in violation, even if you caught those black sea bass in state waters. This is considering adding transiting provisions similar to what exists for striped bass; so that vessels could catch black sea bass in state waters off Block Island and then transit back to the mainland. This is something that would require a change to the federal regulations. It could just be something that's done through the Council's FMP. But we're proposing including it in both the Council and the Commission's documents; even if it doesn't necessarily need a change to the Commission's FMP, but just to make it clear that we're considering this and that it's something that can be decided on together, and to help get more public input just include it in both documents, even though it doesn't necessarily mean a change to the Commission's FMP.

The alternatives here are again no action. Then 2.b is to have these transit provisions for Block Island Sound. When this was initially discussed, it was discussed as it should only be a recreational issue; and only situations where state waters are open and federal waters are closed. But when the Committee and Board Subgroup talked about this, they wanted to add in consideration of commercial vessels as well; and also situations where the bag limit or the minimum fish size is more restrictive in state waters than in federal waters.

That's how we laid out the alternatives here; is that there could be sub-alternatives where you would decide if it's for recreational only or for commercial and recreational, and which measures it applies to. Again, it's been discussed as if the striped bass regulations could be an example; we could use the same area, the same definition of the area, because that would simplify things for enforcement.

The FMAT recommended that this apply to summer flounder, scup, and black sea bass. It hasn't been an issue for summer flounder in recent years; because of conservation

equivalency the federal waters measures are waived. It hasn't been an issue for scup; because the federal waters season has been opened year round for several years.

But the FMAT recommended just making these transiting provisions apply to all three species; and the FMAT recommended that it only apply to recreational fisheries, and only situations where federal waters are closed and state waters are open, because that would be much more simple to enforce than if bag limits and minimum fish sizes were also considered.

Back at the December joint meeting there was some discussion of should this apply to other species besides summer flounder, scup and black sea bass? The FMAT said no, keep it to those species for now; because if doing it for other species would require changes to other FMPs, and that is outside the scope of this action.

But it's not that complicated of a change; so as new actions come up for other species it could be added on to those. I already said this. The Committee and the Board recommended adding in consideration of commercial fisheries; and situations where the minimum fish size and possession limits are different in state and federal waters.

The Commercial fisheries issue, my understanding is that it's an issue for state-only-permitted vessels in Rhode Island. The FMAT didn't really discuss that in detail; because it's something that came up at the Committee and Board Subgroup meeting, which was after the FMAT meeting. The last set of alternatives for the framework and addendum is slot limits. Again, this is something that only the Council needs to take action on; because the Council's FMP does not allow specification of a maximum size limit. We need to do a framework to add that in there; but an FMP change is not needed on the Commission side. Again, although this is something that is Council only, we're

recommending keeping it in the documents for both Council and Commission; but making it clear that the Commission's FMP doesn't need to change to do this. This is really simple, you either take no action or you update the FMP to allow specification of a maximum size.

If we could use the maximum size then that allows for use of regular slot limits, split slot limits, and trophy fish. It's just a simple change that's needed to do all those different things. Again, the FMAT recommended that this change to the FMP be made for all three species; just so it can be an option that could be used in the future.

It could be a tool in the toolbox, even if it might not ever be used; for scup for example, because scup aren't really that big so we might not ever really want to use the maximum size. Again, like conservation equivalency, if this were to be used in 2019 that could be a little bit logistically challenging; given the proposed timeline and the analysis that would be needed to analyze specific slot limits.

But if the Council and Board wanted to go that way, it might be helpful to also consider a backup set of measures without slot limits, just in case slot limits can't be approved in time to use at the start of the 2019 fishing season. Then the FMAT also wanted to remind everyone that the Monitoring Committee has analyzed slot limits for summer flounder in the past; and that they should have a chance to revisit and weigh in on any specific slot-limit alternatives that are considered in the future.

Committee and Board Subgroup recommendations on this, so again the FMAT said that this should be a tool in the toolbox for all three species. But some Committee and Board members had concerns about using it for black sea bass; because a slot limit could increase discarding of larger fish, and there was concern that larger black sea bass have a higher

mortality from barotrauma than smaller black sea bass.

There were concerns that that could be problematic with slot limits. Then there was some discussion of previous Monitoring Committee analysis of summer flounder slot limits that said that in order to be effective and to constrain harvest to the RHL, a slot limit would need to be very narrow for summer flounder.

Given the stock status of summer flounder at the moment, it might not be worth considering a slot limit at this point in time; because a narrow slot limit probably wouldn't really be all that palatable to anglers. Again, there was some discussion about using it in 2019; concerns about timing. But the Committee and Board didn't want to take that option off the table at this point in time.

The discussion points for the framework and addendum is these alternatives that I have laid out, are these acceptable? Are there any changes needed; and if so what are the specific changes, so that we can take those recommendations and work them into a draft Public Hearing Document. Just to remind you what the alternatives are. These are the conservation equivalency alternatives for black sea bass, and then these are the Block Island Sound transit provisions and slot limit alternatives. We can flip back to these when we get to the discussion points. That is all I had for the things that are included in the framework and addendum right now; and the Caitlin has a few slides about this ACL issue.

MS. CAITLIN STARKS: Thanks, Julia. As she mentioned, the last issue we have to discuss on this is whether to include options for specification and evaluation of measures using the ACL instead of the RHL; and whether to include those specifically in this Framework Addendum. As we currently do it, management of black sea bass uses the RHL to specify and evaluate measures.

As she explained a little bit earlier, Addendum XXX provided an option to use the ACL instead of the RHL. When the Board approved Addendum XXX in February, 2018, they approved this option in concept with delayed implementation pending further refinement by the Board and Council. That is why we've been discussing it as the FMAT; and with the Demersal Committee and subset of the Board as a possible item to include here in this Framework Addendum.

The provision as written in Addendum XXX allows measures to be specified based on the previous year's projected catch; so including harvest discards, and then allows fishery performance to be evaluated by comparing a single year's catch to that year's ACL. If the ACL is exceeded then the catch would be compared to a three-year-moving average of the ACL.

To give a picture of what this looks like; the figure up here shows the catch ACL and the three-year average of the ACL for 2018 going back to 2012. You can see that in addition to harvest exceeding the RHL for the past several years, as we know it has, catch has also exceeded the ACL in all of these years. It has also exceeded the three-year-moving average of the ACL in all of these years.

Also to note in all of these cases, the three-year average ACL is either the same or lower than the single year ACL. If the intent of this approach is to provide some more stability from year to year, and reduce the need to annually adjust measures based on comparing harvest to the RHL. Based on the data in this figure, we can see that comparing catch to the ACL wouldn't necessarily get us to that desired outcome.

In Addendum XXX, the ACL provision also specifies that the states would be required to make improvements in data collection and compliance in five different areas; which are

biological sampling, reduction in refusal rates of MRIP intercept surveys, discard composition information, reduction in discarding, and improved angler compliance.

As Julia said, as of now the Council and Board have not approved this issue for inclusion in the recreational management framework addendum. However, as she mentioned, it could have implications for black sea bass conservation equivalency. We're asking the Board and Council to choose whether or not to include this issue in the Framework Addendum.

Alternatively it could be addressed through a different process; such as the strategic planning that we talked about a little bit earlier today. When the FMAT discussed this issue, they noted that the FMP and regulation changes may not be needed to implement this approach; because for black sea bass and scup, the FMP requires constraining catch to a single-year ACL, although currently the RHL is used as the annual management target. However, for summer flounder conservation equivalency, it does require constraining harvest to the RHL. Another issue that the FMAT discussed is that this approach proposes comparing one year of catch to a three-year average of the ACL; which is inconsistent with the way that ACL evaluation is used for the Council's accountability measures.

It might be worth considering using instead a comparison of three years of catch to a three-year average of the ACL. In years of increasing ACLs, comparing one year of catch against three years of the ACL could result in a need for more reductions than if catch is compared to a single year of the ACL. Again, comparing three years of both would not result in that issue.

A third point that the FMAT brought up is the concern with the timing of data availability. As we know, discard estimates for one year are not available until midway through the following year; which would make it really difficult to

evaluate fishery performance and craft measures on this same timeline that we currently follow for black sea bass.

We wouldn't be able to implement changes based on year-one-discard overages or underages until late in year two at the absolute earliest. Overall the FMAT just noted that the ACL topic warrants further development by the TC and MC; and some further clarification is needed on the intent of this approach.

In March when the Demersal Committee and subset of the Board discussed this topic, some Committee and Board members were concerned that managing to the ACL would disadvantage the northern states; given the regional differences in availability and size distribution of black sea bass.

In addition, the group noted that concerns regarding the accuracy and precision of the data that we use in our current process, as well as the challenges with the timing of our current process, would be exacerbated if measures were evaluated against the ACL; because then we would have to be incorporating discard information from MRIP.

The group lastly discussed the potential for evaluating recreational fisheries on multiple years of performance and multiple years of RHLs and/or ACLs; and that this could improve the efficiency of the process, and result in less frequent modifications of our recreational management measures. That might be worth considering alongside this ACL issue.

Today what we're looking for is for the Board and Council to consider whether or not to include these alternatives for evaluating the fishery against the ACL in this Framework Addendum. If this is something the Board and Council do choose to include in the document, then we have several items that need some clarification.

First, is the intent of this to set measures to achieve the RHL and then evaluate against the ACL; or is it to use the ACL for both setting specifications and for fishery evaluation? It's worth keeping in mind with that question that discards are much more difficult than landings to control, estimate and project; and that the new MRIP information will likely have implications for this. Second, the Board and Council should specify which years would be included in a three-year-moving average of the ACL. Then lastly, clarify whether this process is meant to be applied just to black sea bass or also to scup and fluke. With that I'll pass it back to Julia.

MS. BEATY: I just wanted to go over the timeline to help everybody think about what we're trying to do; and the amount of time that we have to do it in, when you're thinking about what to add on to this action. Again, the goal today is to approve a set of draft alternatives; so that between now and the August joint meeting, staff and the FMAT and maybe even the Monitoring and Technical Committee can develop those alternatives and do some preliminary analysis of them.

We also have the AP and Monitoring Committees are already planning to meet in June and July to talk about specifications; like they do every year. We might have them weigh in on this action at that point too; since they'll be meeting any way. After a public hearing document is approved at the August joint meeting; then the Commission can go out and do public hearings in the fall.

The Council doesn't need to do public hearings for frameworks, so we're planning for that just to be a Commission thing. In the fall again, the AP and Monitoring Committee, they're going to meet anyway to talk about recreational specifications, so if we want them to weigh in on this again we could do it then.



Then again the goal is to take final action in December. This is a framework for the Council. We need to have at least two framework meetings; and so we're going to call the August meeting our Framework 1, like the official Framework 1 meeting, and the December meeting the Framework 2 meeting.

That's all we had; and again the decision points and discussion for today is do you have any suggested changes to the alternatives that we laid out? Do you want to add anything? Then again, this ACL issue. Is that something that should be included in this Framework and Addendum, or should it be done through a separate process; maybe through this workgroup that sounds like is going to be moving forward.

Then again with the ACL, depending on the specific changes, we might not even need an FMP or regulation change. It might be worth maybe considering thinking about it a little bit more through that workgroup; as opposed as through this Framework and Addendum. Those are the points that we would like clarification on; and that's all we had.

CHAIRMAN BALLOU: Thank you very much Julia and Caitlin; excellent presentation. I would like to organize both questions and discussion; and even suggested changes around the sort of four issues that have been presented. I think that might be the easiest way. If there is some cross fertilization that's fine.

If we could start with conservation equivalency; if you could bring back that slide that was halfway through. I'm about to turn the microphone over to my colleague here, because I'm having trouble talking. I'm sorry. Let's start with conservation equivalency. There was a slide about halfway through, two-thirds the way through I think that had a nice summary of the issues. There we go. I think that might be it; starting with the conservation equivalency, questions for Julia and any suggested changes,

in terms of the alternatives that are being offered here. Tony DiLernia.

MR. DiLERNIA: Mr. Chairman, I think actually the very last item listed there, manage option and manage to the ACL rather than the RHL. I think that should be decided first; because there is a significant difference in how each state is affected, based on the availability of the fish, the stock, the size of the fish in the waters nearby a particular state, north/south split.

There are a lot of issues that vary. You get significant differences between ACL and RHL between the northern part of the range and the southern part of the range. I think before you get the conservation equivalency, we should first decide whether or not we're going to manage to the ACL or the RHL.

CHAIRMAN BALLOU: I'll take you up on that Tony. Let's begin with that; because it really was an issue that was given quite a bit of thought by staff, by the FMAT and by the Demersal Committee. I think there was a sort of inclination to lean toward not having it addressed in this framework action; but perhaps having it folded more into our Planning Document that we spoke to earlier today.

Maybe I'll start with that as the sort of lead question. I'm sorry, because we now probably have the wrong slide up there; but that's okay. That is on the issue of managing to the ACL. You've heard some of the pros and cons; some of the issues associated with that concept. What do the Council and Board wish to do in terms of addressing or not addressing that issue in this current action that we're considering? Rob O'Reilly.

MR. O'REILLY: From what I gathered from the conference calls that I was involved with, there was initial enthusiasm about the ACL process. As the calls went on, that enthusiasm waned quite a bit; because of the differential issues

that were expressed a moment ago, depending on where you are in the range.

I like the idea that there are recommendations essentially about MRIP; on how MRIP can improve. MRIP has been with all the states since 2016; so it may be a little early to know how that will change. I would think it should not be included at this time. But I would think we monitor the elements that were recommended to us concerning, really it's MRIP, in terms of that list of five items. That is my take, Sir.

CHARIMAN BALLOU: Other thoughts on this issue in particular. John Maniscalco.

MR. MANISCALCO: In addition to the issues Tony pointed out; there was also delays with data, increased reliance on estimation of discards, and other things that I think make management by ACLs highly problematic. I'm personally not in favor of it; but if we were to continue to pursue ACLs, I would rather it be folded into Adam's kind of concept paper, rather than pursued under this framework adjustment.

CHAIRMAN BALLOU: Thoughts on that idea in particular; of pulling the ACL issue out of this action and folding it, or leaving it in where it now lives in this strategy development process, to see how it might be applied down the road. Again, not have it be part of this current action that so far those are the two comments indicating that preference.

Is there concurrence on that as an approach; or does anyone have a different opinion on the issue? Seeing no hands; I'll say is there any objection to removing the issue from this current action, and leaving it just to the three issues that we're now going to be discussing? We can come back to it if we want.

But seeing no objection, I'll take that as the will of the Board and Council that we will defer on

this and leave it in the mix; as John indicated for our broader strategy development, but not ask that it be further developed for this current action. I'll take that as the will of the Council and Board; unless there are any comments to the contrary. With that Tony, now I would like to go back to conservation equivalency. I don't know if you had a comment on that issue.

MR. DiLERNIA: Now, regarding conservation equivalency. I see it being compared often to summer flounder. In my experience, while summer flounder are often caught in state waters, I believe the black sea bass fishery is very often prosecuted in federal waters; much more so than in state waters.

While I understand the concept of conservation equivalency, if it's going to end up in a state-by-state system, I can't support that. I mean we just have to look at the behavior of some of the boats. I mean we have boats from New Jersey going to Block Island on a regular basis; to catch black sea bass.

It's not uncommon for boats to transfer state lines to prosecute the fishery on a regular basis. Block Island last year had what, a 15 inch minimum size. New Jersey had a 12.5 inch minimum size. Then you end up with the same old story of you know, boats fishing side by side with differential size limits and possession limits.

If we're going to use conservation equivalency, it would have to be on a regional approach. I would again prefer coastwide measures; but I understand what happens to the southern states, and I don't want to hurt them. If there is going to be conservation equivalency, it has to be on a regional basis. If we go back to the state-by-state system, it's more of a violation than what we have right now with the summer flounder process.

CHAIRMAN BALLOU: Julia, would you like to speak to that comment?

MS. BEATY: Yes. Under the current summer flounder process, there is still the option to do state-by-state. The way the alternatives are laid out that could be something that could be like a decision that is made every year; if it's state-by-state or regional. We were kind of thinking it doesn't necessarily need to be specified in the alternatives; because the way it's written right now it could go either way, unless you wanted to say it has to be one or the way either every year. But that's encompassed within the current summer flounder process technically.

CHAIRMAN BALLOU: A regional approach is going to be part of the range of options that would be considered with regard to conservation equivalency; and its potential applicability to black sea bass fishery, is what I just heard Julia say. It doesn't direct that it be that way; but it certainly allows for it to be addressed that way. Additional comments, thoughts on the issue of moving forward with conservation equivalency as an issue in this action. Nichola.

MS. MESERVE: I'm looking for some clarity from staff about the joint Council/Board allocation decision aspect of it; because the document says that that would likely have to happen through a Council FMP, to put allocations in. I don't see it as being relevant to this addendum if it's not feasible through a framework or am I misinterpreting?

CHAIRMAN BALLOU: Julia.

MS. BEATY: It could still be done through this; but it would just mean that instead of this being a framework, it might have to be an amendment. It could still be the same action; it just might elevate it to an amendment. We typically talk about them as if amendments take longer to do; because we do public hearings for amendments but not for frameworks.

But typically whenever the Council revises allocations or implements new allocations through the Council process; then typically we're told that it needs to be an amendment instead of a framework. It will just change this whole thing to an amendment instead of a framework for us.

CHAIRMAN BALLOU: I guess that doesn't change my opinion that it is a more complicated option that is not appropriate to this addendum framework; which I'm thinking is meant mainly to put some tools in the toolbox, and get some things in place that we can use possibly next year. I think it's a larger lift.

CHAIRMAN BALLOU: Just to keep tabs on where we are. We've sort of deleted that third bullet under 1B-2, Option to manage to the ACL. We now have a suggestion to remove that second bullet, joint Council/Board determination of state regional allocations of RHL. Any further thoughts on what we're now doing; which is winnowing down these potential additional modifications to further development of the conservation equivalency option beyond that which currently exists for summer flounder. Chris Batsavage.

MR. BATSAVAGE: Regarding the conservation equivalency rollover. It is mentioned in the briefing materials that during the Demersal Committee call we talked about the possibility of considering a rollover for summer flounder; because right now we don't have conservation equivalency rollover. If that was to be included in this Addendum, would that be just a separate option; or now that we're kind of winnowing this down that summer flounder would be part of this sub-option looking at conservation equivalency rollover?

CHAIRMAN BALLOU: Good question. Julia, do you have a thought on that?

MS. BEATY: I think the way that it's framed right now, it would probably have to be a

separate alternative. But I don't think it would be all that complicated; because it's the same thing that we're considering for black sea bass. Sorry I forgot to mention that the Committee and Board Subgroup did recommend that.

CHAIRMAN BALLOU: Just so I understand, and I think I do. The suggestion now is that that conservation equivalency rollover would stay as applied to black sea bass; but it would also be extended, or at least there would be an alternative that would allow it to be extended to apply to summer flounder as well. Is that your suggestion, Chris?

MR. BATSAVAGE: Yes.

CHAIRMAN BALLOU: Thank you. We have that suggestion on the floor. Further discussion, we've had some I think pretty good work done, at least from the comments so far on sort of winnowing this down to just one bullet if you will under 1B-2, and we've just actually added a sort of corollary to that.

It would be both for black sea bass and for summer flounder. Is the Board and Council comfortable moving forward with this conservation equivalency module; in the way that has been discussed and suggested so far? I see pretty much everyone nodding yes; so I'm going to take that as without objection.

We'll move forward, and Julia, are you clear on the guidance on that? Okay, so let's move to the next issue; which is transiting. To summarize, we have a sort of a draft proposal right now to address transiting in a somewhat limited way; and there has been differences of opinion on whether that can or should be expanded, and if so to what extent.

I think what we need, and there it is. That is the slide that I was looking for is Board and Council discussion on all of the issues that have question marks associated with them. Let's start out with that. I realize there might be

some other suggestions as well. I'll just open the floor to discussion on this issue. Emerson Hasbrouck.

MR. HASBROUCK: I actually have three questions relative to this; to help me formulate some discussion. In terms of transit, are we talking about transit for the three states of Rhode Island, Connecticut and New York; relative to Block Island? That's part one.

CHAIRMAN BALLOU: I'm not sure it's been clarified yet. It's a good question; and I think maybe now is the time to be talking about whether this is intended to apply to any vessel from any state, or only those vessels from certain states. You suggested one potential approach. This is the kind of guidance that we need right now; is how best to frame this issue.

MR. HASBROUCK: My second question is that I guess the recreational only was the recommendation from the FMAT. Then I have one further question; and then I could offer a comment.

CHAIRMAN BALLOU: I believe it was the FMAT recommendation it be recreational. Well, let's put it this way. This is a recreational action; recreationally-based action. On that basis everything was recreational to begin with. Then as I remember, at the Demersal Committee or during the Demersal Committee discussion, there was a suggestion made by one of the members of the Committee to have it apply to commercial as well. That is why we now have again, as a question mark, commercial as well. These are the very issues that we need Board and Council guidance on today. Did you want to follow now Emerson; or did you want to wait?

MR. HASBROUCK: Yes, I have one final question and then a comment. My final question is did I understand it correctly; where it was mentioned that this is a Council issue not a Commission issue? This is just going to be a

Council decision not Commission? Then I'll offer my comment.

CHAIRMAN BALLOU: I'm going to let Julia. I think you said it well; but I'm going to let you say it again. Go ahead.

MS. BEATY: My understanding is that both groups could decide on it; but the regulation changes only need to be made for federal waters. The actual change to the FMP could be done just through the Council's FMP; but both groups could still vote on it together is how I was thinking about it. I don't know if that's wrong. But that is my understanding.

CHAIRMAN BALLOU: That's the proposal, Emerson. It doesn't have to involve the Board; but there is a suggestion that the Board should be part of the joint decision making process.

MR. HASBROUCK: Thank you for allowing me to ask those three questions. My comment is; as this goes forward, I would suggest that we speak about vessels from Rhode Island, Connecticut and New York transiting between the states waters of Block Island; and Long Island, New York, coastal Connecticut and coastal Rhode Island.

CHAIRMAN BALLOU: Thank you, I've taken note of that suggestion; and looking for additional Board and Council comments and feedback on that and any other thoughts and suggestions. Jim Gilmore.

MR. GILMORE: Julia, if this is going to be based upon the striped bass provisions that are right now, I just wanted to clarify that. Right now striped bass, well since striped bass is closed in the EEZ. Essentially you can transit the zone; but you can't fish within that area, and there are provisions about how you would store gear and stuff, I believe.

Secondly now, if we model this. You would be allowed to fish for those three species; if

they're open in federal waters in this area. That would be a difference in striped bass. Lastly, the question is so for the striped bass, and I don't remember. Was this recreational and commercial or is it just recreational?

CHAIRMAN BALLOU: I think it's just recreational; if I'm not mistaken. Yes, so the answer is yes. It's just recreational transiting allowed in the zone for striped bass. Toni.

MS. KERNS: The rationale for that was that federal waters don't close for summer flounder, scup and black sea bass. It's the state waters that sometimes can close; and that's why we didn't do it for commercial.

CHAIRMAN BALLOU: Thank you for that; helpful. Eric Reid.

MR. REID: I appreciate the Council and the Commission taking the time on this. I heard Mr. Hasbrouck's comments and I'm fine with that. I'm prepared to offer a motion. The state of Rhode Island, we have an issue because we have state waters that are inaccessible through federal waters; and that's our problem.

It would be my intent to include commercial fishing; because we have fishermen who are permitted for state waters only and not federal permits, and they can't access Block Island from the mainland or from the other way around. I have a Rhode Island specific motion; I'm happy to do it. We've already delineated a pretty narrow area that is on Chart 13.2.18; and it's actually bounded by a cable area that is already on that chart, and it can be designated with four points.

I have no problem if the striped bass zone is open to fluke, sea bass and scup. That will be fine with me. I mean right now fluke; sea bass and scup are off limits in the transit provision. You tell me Mr. Chairman, what do you want to do? Do you want a specific motion for the state of Rhode Island; or is it sufficient to advise the

staff of what our motion is, and perhaps New York can do a similar thing, or is the striped bass zone going to be acceptable for transit with these three species?

CHAIRMAN BALLOU: I think we're here this afternoon to kind of work through these very issues. I would say Eric, why don't you go ahead and put your motion up on the board; and we'll see how it flies.

MR. REID: Yes, Jessica has it. Sorry, Dr. Pierce wrote it for me; but that's another story. **Move to include an additional option that defines a discrete transit zone from Rhode Island state waters around Block Island, Rhode Island to Rhode Island state waters to the north. Any legally Rhode Island permitted fisher fishing in Rhode Island waters for summer flounder, black sea bass, and scup will be allowed to transit the EEZ in this zone with legally harvested regulated species as long as gear stowage requirements are met, and no fishing occurs in the zone while transiting.**

CHAIRMAN BALLOU: Is there a second to that motion? Seconded by Nichola Meserve, Eric did you want to speak further to the motion?

MR. REID: Well, I think I spoke to it already. It is a Rhode Island specific area. I think it's about 6 square miles; as opposed to what the striped bass area is now. We worked with our DEM to develop that narrow area. I apologize for being fairly greedy; because I only did it for Rhode Island. I'm happy to do one for New York. But we do have an issue with Block Island being the 51st state, and we would like to bring them back into the great state of Rhode Island as a whole.

CHAIRMAN BALLOU: Clearly, just as a reminder and we need a Council motion, by the way, a like motion from the Council in order to move this motion forward. Again, just as a reminder. This is about building out alternatives for

further development by staff to be brought back before both bodies in August.

It's not as if this is about choosing which transiting option you feel is better or worse than the other; it's about making sure we've sufficiently framed the issue of transiting within Block Island Sound. I just feel it's important to note that as a reminder; because it almost feels like we're trying to come to terms with the issue, and that's not where we are yet. We're just trying to ensure that we've got sufficient alternatives that are developed in ultimately if agreed to by the Board and Council, offered for public comment.

**With that I need to see if there is a like motion from the Council to move this motion forward. Would anyone from the Council like to make this motion? Rob O'Reilly, thank you; is there a second, seconded by Stew Michels.** Moved and seconded by both the Board and the Council; discussion on the motion; Emerson Hasbrouck.

MR. HASBROUCK: I understand what Rhode Island wants to do here. Basically I would not oppose that. I'm just not clear how this might impact transit from Rhode Island waters around Block Island to Long Island, New York and Connecticut. I'm not sure what the staff is going to come back with on this. But I don't want this to eliminate transit for vessels from those other states. The answer to that question will determine whether I support or oppose this motion.

CHAIRMAN BALLOU: If I might just offer this thought; and that is my sense is that this would be in addition to an option that would be either similar to or identical to the one that you had suggested, which is an option involving something very similar to the striped bass zone, perhaps, and perhaps specifically pertaining to vessels from the three states as you had suggested.

That could be further developed via subsequent discussion after this motion is addressed. It seems to me that would be a nice sort of bookend, if you will, to sort of have one option that addresses Rhode Island; one option like this and another option that is say broader in its applicability. Then look to get some further development and feedback on it. That's my sense as to where this seems to be heading. Mike Pentony.

MR. PENTONY: Just a question to try to clarify the intent of the motion. The intent is that this would only apply to vessels that only have state permits; and not those vessels that are dual permitted in both state and federal waters.

CHAIRMAN BALLOU: I'm going to look to Eric for a response on that.

MR. REID: The answer is no. If you have a Rhode Island state permit that doesn't preclude you from having a federal permit. That's not the problem. The problem is state only permitted vessels. My intention is if you have a state permit you are permitted legally in the state of Rhode Island. This would apply to you. Of course if you have a federal permit that is in addition and really we don't have to have a big discussion about that. Federal waters are not an issue for these fish it's when you bring them home.

CHAIRMAN BALLOU: Mike Pentony.

MR. PENTONY: Okay the reason I raised the question is that vessels that hold both state and federal permits are as a condition of their federal permit, always subject to the more restrictive regulations. In cases where state waters may be open and federal waters are closed, then those dually permitted vessels are tied to the dock by virtue of their federal permit; and the more restrictive measures. It's the state only permitted vessels where they would be otherwise free to fish in state waters; but then are challenged trying to transit across

federal waters where fishing is closed. That's why I was looking for that clarification.

CHAIRMAN BALLOU: Point well taken. It looks like we've got some interest on the Rhode Island delegation to offer a response.

MR. REID: I mean there is no response. Mike is absolutely right, sorry Mr. Pentony is absolutely right; the most restrictive permit rules. But the reality of it is we have to be able to get from state waters to state waters; regardless of what the permit holder has. I mean if the most restrictive permit doesn't allow them to go fishing that's one thing.

But at this point we're trying to address a problem that we have. But if you've got a federal permit and it's shut down in federal waters, I mean that's the end of it. But if you have a state permit you need to be able to get from one side of the state to the other. I guess that's my point.

CHAIRMAN BALLOU: Eric, my question would be how would this apply to recreational fishermen? It looks very commercially oriented to me in the way that it is developed. I'm thinking that it wasn't intended to preclude transit by recreational fishermen; and I'm wondering if you concur, and if so how we might potentially tweak this. Eric.

MR. REID: Well, basically Bob, it says Rhode Island permitted fisher. It doesn't say whether it's a commercial or recreational fishing permit. If you've got a recreational salt water fishing permit that is a permit, if you don't have a recreational saltwater fishing permit you're not fishing anyway. It's not specific to whether it is a federal or state permit.

I mean obviously you're fishing in state waters, you need a state permit. Whether you're commercial or recreational, you still need a permit. Like I said, we could put another couple of paragraphs on this thing. But I was really

trying to make it as simple as possible. Regardless of what the permit is for state waters fishing, you can transit in that zone. I guess that's where I'm coming from; recreational or commercial.

CHAIRMAN BALLOU: Thank you, understood. Yes, Matt Gates.

MR. GATES: To that point. The states of Connecticut and Mass and some others have reciprocity recreational fishing. Would that apply to this also; or would it just be if they had the Rhode Island license only?

CHAIRMAN BALLOU: Eric.

MR. REID: I'm assuming your reciprocity means if you have a license that is legal in one state it's legal in another. It would be considered a legal permit. My intent is if you can fish in Rhode Island state waters legally, then you're going to have at it. I'm probably going to need some help on whether or not that is acceptable or not.

Of course once you get back to your own state, you have issues. But I don't want to get too crazy with saying reciprocity et cetera, et cetera. But it's my intent to be able to get from one side of the state to the other. That is my intent; and if Connecticut is part of the other side of the state of Rhode Island that's fine.

CHAIRMAN BALLOU: But I do take it from that very good exchange that reciprocity should be part of the development of this option to address how that would apply. I think Matt raises a very good point; and I think that's exactly what we would look to staff to help us do. Toni.

MS. KERNS: Just for the PDTs clarification; because I'm a little confused based on Mike's question and then your response. Are you saying that there should be an exception to the most restrictive rule? People with dual permits

should be able to fish; or is it just state water permit holders?

Because normally if you have both a federal and a state water permit and you want to fish in state waters when federal waters is closed, you would drop that federal permit, or that is something that does happen. I don't know what the PDT would do based on your feedback back to Mike.

MR. REID: I'm not suggesting that anybody drop their permit to subvert the rules by any means. Does that help you?

MS. KERNS: But are you saying there would be an exception to the most restrictive rule for this one issue; to be able to possess?

MR. REID: No that is not what I'm saying at all; not at all.

MS. KERNS: Then it wouldn't be for dual permit holders; it would be for state permit holders only.

MR. REID: Okay, yes.

CHAIRMAN BALLOU: Okay good clarification there.

MR. REID: Dr. McNamee, you didn't see his lips move at all, but anyway thanks for that Dr.

CHAIRMAN BALLOU: I think that was a very helpful exchange; and it does sound like based on the input and the questions and the responses that we're talking state only as worded. In other words the motion as worded is accurate from the standpoint of what's intended; further discussion, Bob Beal.

EXECUTIVE DIRECTOR BEAL: Just a quick point. I think we're using striped bass as an example. I think people are using that differently. In other words, I think some folks are saying implement the exact corridor that exists for striped bass;



for summer flounder, scup and black sea bass, which is essentially a north/south corridor between Block Island and Point Judith area and that's it. You can't go east/west. You can't leave Block Island with striped bass on your vessel, head east a little bit south and end up in Montauk. You have to go up and around.

You have to do something creative and different. If the intent of the Council and the Board is to allow folks to leave Block Island and head west to Montauk, there is going to be additional corridors that need to be established. I think that is what has to be defined. Which part of that federal water area between Block Island and mainland sort of Rhode Island, Connecticut and New York are we seeking to have vessels allowed to possess but not fish for summer flounder, scup and black sea bass when the federal waters are closed?

CHAIRMAN BALLOU: That's a great question. My sense is that we have two options that are emerging here. One would be an option that would essentially parallel or mirror the current striped bass transiting; and just like that staff has pulled that up. That whole shaded area in green is the current federally authorized striped bass transit zone.

That as I understand it, might be perhaps should be Option A under transiting for fluke, black sea bass and scup; that it would be the same area mirroring the striped bass transit zone. A separate suggestion that Eric has offered would be to have a more narrowly defined transit zone just north/south; pretty close to that red line there, probably pretty much hugging that red line between the north end of Block Island and Point Judith.

It strikes me that where we are in this discussion is considering two options for how to address transiting within Block Island Sound. One being more or less consistent with the way striped bass is currently addressed, the other being an alternative approach that Eric Reid has

proposed with his motion. Bob, does that jive with your understanding?

EXECUTIVE DIRECTOR BEAL: Yes I think it just has to be defined. What is the expectation on where you're going to be able to possess summer flounder, scup and black sea bass during a closed federal water period?

CHAIRMAN BALLOU: I think having charts like this would be enormously helpful. Maybe that could be part of the development of these two options. I think there could be well a chart developed for Eric's motion if I'm not mistaken. David Borden; and we need to stay focused on the motion right now on the board. This was put up to help answer or address Bob Beal's question. This does not pertain to the current motion before the Board and Council; but it's offered to help differentiate if you will. David Borden.

MR. BORDEN: Just so everyone is clear. When we originally discussed it, the three of us discussed it with our enforcement agency and we crafted this as a Rhode Island solution, namely because we have a problem of going. I mean it's still part of Rhode Island. You want the boats from Rhode Island to fish in Rhode Island and get back; and they've got to cross that small sliver of green just to the west of the red line there. We proposed this as a solution to the Rhode Island problem; but if the Board wants to include a broader application of this to include New York and Connecticut, we would have no objections. Just make it a separate option, that's all. I mean the issue with enforcement is the broader (and we have representation here who can probably speak to this better than me).

I mean our enforcement agency basically said if you're going to have a transit zone they can't fish, you've got to have all the gear stowed in accordance with the regulations; then you want that transit zone to basically be as narrow as possible. That was the advice that we got.

CHAIRMAN BALLOU: Let's if we could, let's put back up on the board the motion pending before both bodies. I would like to see if there is any further discussion on the motion and then call for a vote on it. We weren't necessarily planning to do a lot of motions here by the way. A lot of this was intended to be developed via consensus.

But in this case, because it is so specific obviously, I think it does lend itself to a motion. But just know that we don't necessarily have to follow this process for each and every proposed tweak or change. In fact, I can even ask right now if there is any objection to moving forward with this motion that would add an additional option to the transiting issue.

I'll let you think about that. We can put it to a vote, or I can just simply ask if there is any objection. I'm leaning toward the latter. Let's put it this way. Is there any objection? If there is we'll caucus and we'll vote. Is there any objection to adding this as an alternative? Steve Heins, go ahead.

MR. HEINS: Just a question. I'm assuming that this doesn't preclude us adopting the other alternative as well.

CHAIRMAN BALLOU: We're about to go right back to that and make sure that we've got that ironed out consistent with what I think Emerson has suggested; and may perhaps get that subject to any modifications as well. That's where we're going to go next. But on this issue I just wanted to see if we could dispense of it.

**Is there any further discussion, I'm sorry I'll ask it for the last time, any objection? Seeing none; we'll consider this adopted by consent and we'll now go back to maybe the slide that had those other issues in it.** Emerson, I didn't know whether you wanted to. Mike, did you want to make a comment? Oh I'm sorry. Yes,

go ahead. I didn't mean to rush through that. I may have sounded like I was. Go ahead, Mike.

**CHAIRMAN LUISI: I might as well just ask the Council is there any opposition to moving forward? Okay seeing none; the motion carries, thanks.**

CHAIRMAN BALLOU: Thank you very much and I apologize. I realize sometimes I am forgetting that we have two separate bodies here, and I'm doing my best to facilitate; but thank you, Mike for clarifying that. We do have now both Board and Council without objection agreeing to task staff with further development of this option.

Now, if we want to sort of take this down or bring back up the slide that had the other question marks on it with regard to the transiting issue. My sense is, and I'll look to Julia for clarification or confirmation. But my sense is that that sort of Option A if you will is intended to mirror the striped bass zone; that that was going to be the intent.

Is that your sense as well, Julia? Oh, I'm sorry 2.b. There it is. Block Island Sound transit, well it actually doesn't say that. Block Island Sound transit positions 2.b. Would it make sense to clarify that this would be one that would be modeled after the striped bass zone; to provide a sort of a complement if you will to the Rhode Island proposal? Emerson.

MR. HASBROUCK: Yes, I would make that suggestion and support that suggestion; as well as to make it specific for the states of New York, Connecticut and Rhode Island as well, depending on the fate of that other option. I don't know if Massachusetts needs to be included there or not. I'll let them speak for themselves.

I also don't see these as exclusionary, where perhaps both in the end perhaps both options get adopted here. One does not exclude the adoption of the other. Just to clarify my

reasoning. Particularly out of Montauk, we have quite a few private anglers as well as charter party boats that fish in that area around Block Island, and need to be able to transit from those Rhode Island waters back to Montauk.

CHAIRMAN BALLOU: On that issue. Now we have, per Emerson's suggestion on the floor is the suggestion that this 2.b only apply to vessels from those three states; Rhode Island, Connecticut and New York. We still need clarification on whether it should be recreational only or commercial and recreational.

Then pretty much with regard to both measures, so these can be really I think addressed with regard to both the motion that was just passed that Eric Reid offered, as well as this one. Whether we're talking just season, as I believe the FMAT had recommended, or bag and size as well. These are the issues that we need clarification on. I think they could be addressed for both options; thoughts on those issues. I don't know whether we could just maybe. I'm sorry, go ahead Steve.

MR. HEINS: Just getting back to something Mike Pentony said earlier. As far as commercial goes, you know you are bound by the most restrictive rule then the point is moot. I mean you shouldn't be fishing, state waters included.

CHAIRMAN BALLOU: Okay, how about season, bag, size? Again, I guess some of these can be just sort of further developed and offered up as alternatives. I suppose that could be. It doesn't have to be decided right now. Everything can roll. We don't really need to winnow this down necessarily; unless anyone thinks it should.

This can all roll forward in the way of alternatives that would be developed for both proposals; recreational or recreational and commercial. But it sounds like there is some pretty strong reasoning weighing against commercial. Again that would have to be

folded into the development of the alternative. Then again, whether it be just season or bag and size as well. We don't necessarily need to address those issues; other than to make sure that the Board and Council are comfortable rolling forward with all those. David Borden.

MR. BORDEN: I would prefer it if all three of those were included; so it would be both recreational and commercial and all three of those items.

CHAIRMAN BALLOU: The way I'll do it then, because I don't see too many other hands going up; so I get the sense that we're moving through this issue. Is there anyone on the Board who has any objection to including all of these issues in the development of what I believe are going to be the two alternatives to address transiting in Block Island Sound? Seeing no objection by the Board; we'll consider those agreed upon by consent. Mike, do you want to ask the Council?

CHAIRMAN LUISI: Certainly, any opposition, members of the Council? Okay seeing none; we'll go ahead and move forward as suggested.

CHAIRMAN BALLOU: Is there anything else, Julia that we need to do on this issue that you can think of? Good, you got the guidance that you were looking for? Perfect. Thank you so much. Last issue I believe is slot limits. I think this was a fairly straightforward issue; but I'll let you all be the judge of that. I think with slot limits I'll ask for that slide to be put back up.

I'm not sure if there is a sidebar going on over there. I'll just ask whether anyone has any thoughts on the issue of slot limits. The proposal as I understand it is that it would apply to all three species; although again, questions as to whether or not it may ultimately be applicable, given some of the downsides of adopting some of those provisions. Adopting a slot limit approach but nonetheless having it as

a tool in the toolbox. Are there any thoughts on this? Rob O'Reilly.

MR. O'REILLY: Although since 2009 we've heard the impractical part of slot limits, and at that time the Monitoring Committee had said if there was a restored or a fishery that had achieved its target SSB that would be a great time to have an experiment with slot limits. I'm not sure that's completely true. But I do know there has been a lot of interest over the years from the public, many different times expressed in many different states. I think at least until we know for certain that they are impractical, we should at least follow through here.

CHAIRMAN BALLOU: Thank you. Tony DiLernia.

MR. DiLERNIA: In the Committee call I spoke against the use of slot limits in the black sea bass fishery. The reason I do so is because I had mentioned earlier that I believe that the black sea bass fishery, much of it occurred in federal waters; which means deeper waters. Barotrauma becomes a significant issue when you're dealing with the maximum size for black sea bass.

I don't believe the descending devices that have been advocated for by the Agency would be effective. If you try to descend a large black sea bass on a descending device, in November what you do is you hold it captive while a spiny dogfish comes along to eat it on the way down. I don't think the slot limit would be an effective way of managing the fishery; if we're going to have a maximum size limit. Also, I've spoken again and again and again, you've heard me ad nauseum on the Letter of Authorization. That Letter of Authorization program is designed really to target the larger fish from deep water. The slot limit would actually speak against that fishery completely. I don't believe a slot limit for black sea bass would be appropriate. Summer flounder is a different story; shallower water, a little bit different, but not for black sea bass.

CHAIRMAN BALLOU: During staff presentation it was also noted that scup seems to have very little relevance as well. I think the real question to both the Council and Board is whether this should be limited to just summer flounder; or whether it should include and be applicable to black sea bass and scup as well, recognizing that there may well be very strong reasons not to consider ever imposing or enacting a slot limit. But rather, is it a tool that should be in the toolbox for potential use or not even in the toolbox at all; not available for any fishery other than summer flounder? That's the sense I get in terms of the discussion so far. Rob O'Reilly.

MR. O'REILLY: Yes, so I agree on the summer flounder end of it; that states can do now under conservation equivalency. If there are some changes and it ends up that there is not conservation equivalency; then that's my only take on this that we want to make sure that we still follow through here.

But the way things stand now, the way I understand it, the states and the regions could go ahead and have slot limits for summer flounder. The black sea bass issue I understand perfectly well. But I just wondered if this would give any more emphasis to what a lot of the public has wanted for a number of years for summer flounder.

CHAIRMAN BALLOU: John Maniscalco.

MR. MANISCALCO: I'm in favor of having maximum size as a potential tool. But I would just remind everyone that if your minimum size is much larger than minimum sizes found elsewhere, then a maximum size has a very different impact on the access your fisheries have. It should be used judiciously.

CHAIRMAN BALLOU: I guess the way I look at it is; if it's offered up as an option to have slot limits be applicable to all three species during the Board's final consideration in August. There

could be a final decision as to whether or not to include it; and of course based on public comment and the final Board decision in December, it could stay or go, depending.

But at this point typically I know what happens is we try to be as inclusive as possible with regard to options; and the document, and I'm sure staff are aware of this, should speak to the pros and cons of the issue. I am sensing I'm hearing two different perspectives and I'm trying to find a comfortable middle ground here; in terms of whether we include all three species or just limit it to one or two. Adam Nowalsky.

MR. NOWALSKY: I'll offer a voice of concurrence for what you just stated; that there is no harm in leaving them in. I'm not aware that staff has indicated this increases the workload in any way that I've been aware. Leave it in here for right now; and if we ultimately decide later to take it out, fine. If we don't but we have the tool but never use it in the next ten years, we didn't do any additional work; so I concur with your latest comments.

CHAIRMAN BALLOU: David Borden.

MR. BORDEN: Yes, I would agree with that basically and again encourage us to standardize the rules in this particular plan. Try to standardize the rules across the recreational fishery. In other words the management options; it gets too confusing otherwise. When somebody brings up a point like Tony's and there is a good logic for not doing something; then you don't use the technique. But at least you don't have three sets of rules for three different species.

CHAIRMAN BALLOU: Thanks, additional comments. I'm getting a sense that the Board is starting to come around in support of keeping it applicable to all three. But I'll ask for any final comments. Tom Fote.

MR. FOTE: I kind of agree with Tony. It's a different species. It's not like summer flounder. It changes from female to male. Usually we are protecting the females; because we figure they're laying more eggs. This is just the opposite. I really don't get the point here of why we need to put black sea bass in it.

CHAIRMAN BALLOU: Okay here is where it gets fun. Because there is a difference of opinion, we're going to have to do a motion I think. For right now the proposals have it applied to all three. If anyone would like to make a motion to have it be limited to one or two of the three species, now would be the time to make that motion. Tony.

MR. DiLERNIA: You're saying by including it we're not increasing staff time, we're not delaying anything. Everything is going to be just fine. Okay, so you want to do it and go ahead take it out to public hearing, go right ahead. I think it's a dumb idea, really. But so long as it's not going to increase workload and it's going to make everybody feel happy; leave it there.

CHAIRMAN BALLOU: This is not what I want to do. This is what you all want to do. But thank you for essentially backing off. **With that is there any objection to moving forward with this issue in the way it's been presented by staff? I'm asking the Board. Seeing no objection; Mike, do you want to query the Council?**

**CHAIRMAN LUISI: Anyone have any opposition? Okay seeing none; back to you, Bob.**

CHAIRMAN BALLOU: Julia, we've pretty much dispensed I think with all the issues; if I'm not mistaken. But I'll look to you and Caitlin to see if there is anything left to address; and whether you have enough guidance to go on for further development of this document.

MS. STARKS: As long as there are no additional alternatives that anyone wants to add then I think we're good.

CHAIRMAN BALLOU: Thank you for that prompt. Are there any additional alternatives that anyone would like to add; other than those that have been presented? Seeing none; is there anyone from the public that would like to comment? I think we've had a pretty healthy discussion; and of course the public is going to have full opportunity to weigh in, once this goes out to the public. **Having reached consensus on a way forward on all three issues, we do need a final motion from both the Council and the Board. That would be to move to approve the draft alternatives, as presented by staff and as modified today, by the actions of the Board and Council for the recreational framework and addendum. I would like to see if there is a motion by the Board to approve; and I see Emerson on behalf of the Board, and a second by Representative Peake.**

**Moved and seconded by the Board. The Council, like motion from the Council to move forward with this as proposed and as modified today; Steve Heins, is there a second? Seconded by Peter deFur.** We have Council and Board motions that have been made and seconded. Is there any further discussion? Is there any need to caucus?

Make sure the motion is up on the board. I'll read it again into the record. **Move to approve the draft alternatives, as presented by staff and as modified today, for the Recreational Framework and Addendum. Any need to caucus? Is there any objection on the part of the Board? Seeing none; Mike, would you like to call the question for the Council?**

CHAIRMAN LUISI: Same question for the Council, any objection? **Okay seeing no objection; the motion carries.**

CHAIRMAN BALLOU: Thank you and that completes this agenda item and we're on to our last item of the day, I believe; and that's a presentation of preliminary February harvest estimates for recreational black sea bass, and I believe Caitlin Starks is planning to offer that.

#### **REVIEW PRELIMINARY FEBRUARY, 2018 BLACK SEA BASS RECREATIONAL HARVEST ESTIMATES**

MS. STARKS: I'll go through this very briefly, just give you a quick overview of the 2018 February black sea bass recreational harvest estimates. As you recall the Board and Council approved like motions to open a black sea bass recreational fishery for February, 2018, with a 15 fish possession limit and 12.5 inch minimum size limit, and 100,000 pounds were set aside for this fishery.

The Board and Council agreed to allocate this amount among the states; based on their average Wave 1 black sea bass catch, which was estimated by using federal for-hire VTR data from 1996 to 2009, and of 2013 as well. Only Virginia and North Carolina ended up opting into the February fishery.

In this table you can see each state's proportion of Wave 1 harvest that was allocated to them based on historical data, and the resulting allocation in pounds for each of these states when that percentage was applied to the 100,000 pounds for the February fishery. Virginia and North Carolina's allocations, highlighted in blue, were 5,496 pounds for Virginia, and 62 pounds for North Carolina.

The total anticipated harvest for this February was 5,558 pounds. We now have preliminary harvest estimates for each state; which are shown up here. Virginia's preliminary estimate is between 4,826 pounds and 5,206 pounds; which I'll explain in a moment. North Carolina's estimate is 0 pounds. The Virginia Marine Resources Commission required mandatory reporting for all black sea bass harvested during 2018 February season, and estimated that there

were about 550 hours of law enforcement that went in during February. A total of 2,540 black sea bass were reported as kept, and this was between private anglers and the for-hire fleet. Of these trips the VMRC staff sampled 75 fish from four private recreational trips, and rode on four of five party boat trips that occurred in February. As you saw on the last slide, their estimate for harvest is a range; which has to do with the average weight that was used to convert this number of fish to ponds.

The average weight from private vessels was 1.7 pounds per fish; and the staff also reviewed MRIP average weights across all modes for Waves 5 and 6 in 2017, and found that the averages were 1.7 pounds for Wave 5 and 1.9 pounds for Wave 6. When this 1.9 pound average is applied to all modes for February, Virginia's harvest estimate is 4,826 pounds.

Because sampling on party boats only included lengths and not weights, the VMRC staff used the 2015 to 2017 length-weight regression from data collected by the Northeast Fisheries Science Center for the southern region, and calculated an average weight of 2.18 pounds for the party boat samples.

Applying that weight to the fish harvested by the party boats, and still using the 1.9 pound for the private mode, the total estimate for Virginia's February harvest goes up to 5,206 pounds. For North Carolina things were a little easier. Division of Marine Fisheries staff intended to collect black sea bass carcasses for age and growth samples from charterboat captains that were targeting black sea bass north of Cape Hatteras.

But there was very low fishing effort during the season. There were only two known trips, and no carcasses were able to be collected. MRIP staff also reported zero intercepts with black sea bass north of Cape Hatteras in February. Weather conditions prevented a lot of boats from going out through Oregon Inlet, and that

played a role in the minimal fishing effort, so again their estimate is 0.

As a reminder, the Board and Council will consider 2019 Wave 1 fishery at the next joint meeting in August. It may be worth thinking about any desired changes to this process, or the requirements that were implemented this year for the February fishery for next year's fishery. Additionally if desired, the Board and Council can task the Technical and Monitoring Committees to evaluate these harvest estimates from Virginia and North Carolina when they meet in their July meeting, and that's all I have.

CHAIRMAN BALLOU: I know Roger Mann has left the room. But I just couldn't help but note that North Carolina's 62 pounds comes out to 992 ounces. I just thought that was important to note. Are there any questions for Caitlin? Jim Gilmore.

MR. GILMORE: I just have to say this. If the MRIP guys had hit one of those two trips, I would like to see what the landings would have come out to be. It probably would have been 200,000 pounds of black sea bass.

CHAIRMAN BALLOU: Any further comments? Is there any desire to have the Board and Council task the TC and Monitoring Committee to evaluate harvest estimates as part of their July meeting? I don't see any indication, so I guess there is not a desire to do so, unless anyone wishes to offer that. With that are there any further questions or comments on this agenda item; yes, Tony DiLernia?

MR. DiLERNIA: Mr. Chairman, I find it, 550 law enforcement hours for 5,000 pounds worth of fish. There is something wrong there. We're doing something wrong. I mean the cost of enforcing a 5,000 pound limit, there has to be a better way. I think it's called the LOA. Thanks.

**ADJOURNMENT**

CHAIRMAN BALLOU: Any further comments? Seeing none; is there any other business to come before the Board? Seeing none; is there any objection to adjourning? Seeing none; we are adjourned, and the Bluefish Board will be meeting jointly I guess with the Mid in ten minutes. That would be 3:32, 3:32 we'll reconvene Bluefish Board with the Mid, thank you.

(Whereupon the meeting adjourned at 3:22 o'clock p.m. on April 30, 2018)



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

**The Westin Crystal City**  
Arlington, Virginia  
**May 3, 2018**

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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## INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **On behalf of the Policy Board, stemming from the resolution of the appeal to Addendum XXX submitted by the states of MA, RI, CT, and NY, move to: 1) approve the 2018 recreational black sea bass regulations and make the necessary changes to Addendum XXX consistent with these regulations; 2) develop a new action for the 2019 recreational fishery to address the changes in black sea bass abundance and distribution that consider management based on the distribution of the resource along with any other options recommended by the Management Board; 3) task the plan development team to develop a white paper that would identify the actions of considering the changes in the black sea bass abundance for future commercial and recreational management actions** (Page 1). Motion by Pat Keliher on behalf of the ISFMP Policy Board. Motion carried (2 abstentions – NOAA and USFWS; one null – NC) (Page 2).
3. **Move to adjourn** by consent (Page 2).

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting  
May 2018

**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Joe Cimino, NJ, proxy for L. Herrightly (AA)
Steve Train, ME (GA)	Tom Fote, NJ (GA)
Doug Grout, NH (AA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Nichola Meserve, MA, proxy for D. Pierce (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Rep. Sarah Peaks, MA (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Bob Ballou, RI (Chair)	Mike Luisi, MD, proxy for D. Blazer (AA)
David Borden, RI (GA)	Russell Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Pete Aarrestad, CT (AA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Matt Gates, CT, proxy for Sen. Miner (LA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Jim Gilmore, NY (AA)	Mike Blanton, NC, proxy for Rep. Steinburg (LA)
Maureen Davidson, NY, Administrative proxy	Mike Ruccio, NMFS
Emerson Hasbrouck, NY (GA)	Marty Gary, PRFC
John McMurray, NY, proxy for Sen. Boyle (LA)	Wilson Laney, USFWS

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

**Ex-Officio Members**

**Staff**

Robert Beal	Caitlin Starks
Toni Kerns	Jessica Kuesel
Kirby Rootes-Murdy	

**Guests**

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Hotel, Arlington, Virginia, May 3, 2018, and was called to order at 10:50 o'clock a.m. by Chairman Bob Ballou.

### CALL TO ORDER

CHAIRMAN BOB BALLOU: I would like to call the Summer Flounder, Scup and Black Sea Bass Management Board to order. My name is Bob Ballou; I have the honor of serving as Board Chair.

### APPROVAL OF AGENDA

CHAIRMAN BALLOU: We have a brief agenda for this meeting; and we plan to move through it quickly. Item 1 is actually what I just did, which is Welcome and Call to Order.

Item 2 is Board Consent of the Agenda. Are there any recommended modifications to the agenda? Seeing none; is there any objection to approving the agenda as proposed? Seeing none; the agenda as proposed stands approved by consent,

### PUBLIC COMMENT

CHAIRMAN BALLOU: And we're on to Item 3, which is Public Comment. Is there anyone from the public who would like to address the Board on any issue that is not on the agenda?

### CONSIDER THE ISFMP POLICY BOARD RECOMMENDATION REGARDING MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, AND NEW YORK ADDENDUM XXX APPEAL

CHAIRMAN BALLOU: Seeing no hands; we'll move on to Item 4, which is Consider the ISFMP Policy Board Recommendation Regarding Massachusetts, Rhode Island, Connecticut, and New York Addendum XXX Appeal if Necessary,

and it is necessary. This would be a final action. We have a motion that will be offered by, I believe Pat Keliher, on behalf of the Policy Board. At this point I would offer the floor to Mr. Keliher for that motion.

MR. PATRICK C. KELIHER: On behalf of the Policy Board, stemming from the resolution of the appeal to. It's a vote, I feel like I'm at the Legislature. Thank you, Mr. Chairman. **On behalf of the Policy Board, stemming from the resolution of the appeal to Addendum XXX, submitted by the states of Massachusetts, Rhode Island, Connecticut, and New York.**

**I move to 1) approve the 2018 recreational black sea bass regulations; and make the necessary changes to Addendum XXX consistent with these regulations, and 2) develop a new action for the 2019 recreational fishery to address the changes in black sea bass abundance and distribution that consider management based on the distribution of the resources, along with any other options recommended by the Management Board; 3) task the Plan Development Team to develop a white paper that would identify the actions of considering the changes in the black sea bass abundance for future commercial and recreational management actions.**

CHAIRMAN BALLOU: Thank you; this does not need a second, because it comes from the Policy Board, and so it is now before the Summer Flounder, Scup, and Black Sea Bass Board for discussion. Is there any discussion on the motion? Adam Nowalsky.

MR. ADAM NOWALSKY: Just from a timeframe and procedural perspective of what we would need to do today. I would hope that some of the actions already taken by the management board earlier this week, indicating that there is already a desire by this Board to pursue that revised recreational management. I would think that the discussions with the PDT would not require us initiate specific actions today; but

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting  
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that they would be ongoing and we would report back presumably at the summer meeting.

CHAIRMAN BALLOU: Thank you that does seem consistent with the intent of the motion. Is there any further discussion on the motion? Is the Board ready for the question? If so, is there any need to caucus? Seeing no need; I will call the question. I don't want to rush this too fast. But I don't see any indication to the contrary.

I will call the question. All in favor of the motion please raise your hand. I'm sorry, I'm going to rescind what I just said, and because this is a final action it would need a roll call vote, unless there is no objection. Is there any objection to the motion? I'm sorry, Mr. Batsavage.

MR. CHRIS BATSAVAGE: No objection, Mr. Chairman, but we're going to null on this one as well.

CHAIRMAN BALLOU: Thank you that's fine. Is there any other comments or objection? I'm sorry, Mike Ruccio.

MR. MIKE RUCCIO: We wouldn't object to the motion. We would likely abstain, and I know that one of the concerns that people had raised during the Policy Board is what the Service will do in terms of the backstop provisions. It is our understanding that we're going to get a letter from the Commission that kind of outlines that this action has been taken; and that the measures that states will be implementing are consistent, and they're designed to achieve the RHL. I think we're wholly supportive of that. But to not kind of bias our decisions making process, we'll abstain I think at this point.

CHAIRMAN BALLOU: Mike Luisi.

MR. MICHAEL LUISI: We were all in the room a half an hour ago when we saw what is being referenced here regarding the point under

Number 1, Approve the 2018 Recreational Black Sea Bass Regulations. But I just wonder for the purpose of transparency and making sure that we're complete in our discussion here.

That we put that table that we're all referencing in this motion just up on the screen for a moment, so that if anyone was not in the room when the Policy Board discussed this that they can at least get a visual about what is being suggested, as the agreement and the compromise that we discussed just a little while ago.

CHAIRMAN BALLOU: Excellent point. That visual is now up on the board. It is embedded, if you will, within the motion that these are the regulations that this Board is now approving. Is there any further discussion? Yes.

DR. WILSON LANEY: The Fish and Wildlife Service also would abstain on the vote.

CHAIRMAN BALLOU: At this point there is no objection. **There are two abstentions and one null vote; as I understand it. Is that an accurate reflection of the Board's vote on this issue? No objection, two abstentions from the NOAA Fisheries and the U.S. Fish and Wildlife Service, one null vote from the State of North Carolina. Therefore the motion carries; and we are on to other business.**

#### ADJOURNMENT

CHAIRMAN BALLOU: Is there any other business to be brought before this Board? Seeing no hands; is there any objection to adjourning? Seeing no hands we are adjourned, thank you very much.

(Whereupon the meeting adjourned at 10:57 o'clock p.m. on May 3, 2018)

# Summary of Comments provided by Board Members on Strategic Plan for Reforming Recreational Black Sea Bass Management

July 2018

## 1. Stock Status

- Annual assessment updates should be required for BSB and fluke.
- Once we introduce the recalibrated MRIP results we may need to address the rec/commercial split; current sector allocation was based on harvest estimates generated by the pre recalibrated harvest estimates, with the new estimates being 2-4 or more times higher.
- Assessment may need to produce separate F rates for rec and commercial fisheries.
- We have guidance from the lead stock assessment scientist that the **current assessment model should not be used to provide catch advice for the two sub-units**. This could be part of the full program developed after the next benchmark assessment. That is not to say that regional allocations of the Rec ACL or RHL are not possible in the interim program. But that may be more appropriate under the management track instead of the stock status track.
  - Task the TC with describing what is possible/appropriate for regional evaluation/management under the current stock assessment model?
  - Offshore mixing of stock during winter could affect clarity of regional abundance/distribution/ biomass
  - Operational update items may not be feasible with this assessment (Northern and Southern F, ACLs)
- It isn't clear how the SSC could, quantitatively, increase the 2019 ABC (in summer 2018) without an updated assessment.
- How would NJ be addressed if there are 2 management regions, N and S?
- Fluke and striped bass are being peer reviewed the end of November which would allow the SSC to consider the assessments and catch advice in a January meeting. The planned operational assessment for black seabass is unlikely to begin before then and must incorporate index and catch data from 2017-2018, and update the entire time series of catch at age data that includes revised MRIP harvest estimates. The timing required for the resulting catch advice to be applied in 2019 is uncertain.
- The time disconnect (data from 2015 catch and indices used to inform 2017 management) is a significant issue that needs to be addressed.
- What is the goal of the proposed 2020 benchmark? Valid regional biological reference points?

## 2. Catch & Effort Data

- There is a need to better incorporate state or regional and/or seasonal differences in release mortality rate to assessment and management.
- To say MRIP should not be used for annual catch estimates and projections is overly simplistic. What is the alternative? We should not be using annual ACLs to manage the rec fishery. F rates should be the basis. This would lead to less regulation changes, more consistent regs for anglers, less reliance on exact harvest estimates and equally effective conservation.
- MRIP currently uses federal For-Hire VTRs to improve effort estimates (at the trip level, does it utilize reported anglers on board?). It does not use the reported catch and harvest data. Dockside validation is very important if the program was going to try and use catch and harvest,

self-reported data. The ACCSP Recreational Technical Committee has talked at length about state for-hire reporting. A small number of states already require reporting for For-Hire vessels that are only state licensed. Many (most?) don't/won't. Geoff White (ACCSP) would be a good resource for details on this issue.

- Moving to a multi-year management program (instead of annual) and evaluating the effectiveness with the results of assessment updates may help get us away from the inappropriate use of MRIP data in management.
- With self-reporting, there needs to be a plan to account for anglers that do not self-report
- For interim, add a part E that addresses discard mortality rates, such as:
  - 2019-2020: Regional discard mortality rates considered in establishing regional allocations of rec ACL/RHL
  - 2020: Benchmark stock assessment considers regional/seasonal discard mortality rates
- Smoothing can continue to be used/improved by the TC, would not be integrated into MRIP.
  - Smoothing should be viewed as a potential tool, not as the single solution to dealing with variability in estimates. F-based mgmt. is another tool. Fully employing conf. intervals around estimates is another option.
  - Smoothing may continue to be necessary as long as management requires annual accounting relative to the RHL or other catch limit.

### 3. Management

- Add to Track 3: There is a need to improve compliance with regulations and establish uniform enforcement of regulations among the states.
- The statement *“There is a need to transition the management program from one that involves chasing RHL-based hard targets on an annual basis to one that is focused on achieving ACL-based targets over multi-year periods”* might be jumping ahead too far. Transitioning management from annual to multi-year may be the goal, but ACL based targets may not be only/best solution considering challenges.
  - Utilization of the ACL in the black sea bass recreational fishery is problematic for reasons of (1) data timing, (2) the probability of a disproportionately greater impact in the north, and (3) additional reliance upon estimated discards which are likely less precise/more volatile than current harvest estimates. Moving away from annual accounting of recreational fisheries diminishes the importance of reason 1. Additional steps would have to be taken, such as coastwide measures, to equitably apply ACLs to address reason 2. Discard estimation remains problematic.
  - ACLs continue to be problematic until recreational regulations in the northern and southern region are equitable, discards would be higher in N region with more restrictive measures.
- Limit multi-year periods to 3 years
- The definition of equity may warrant further discussion – equity is not necessarily equivalent to similar yields. May need to further define “angling experience.”
- Update interim program to reflect current management situation (no Addendum XXX)
- Baseline measures should be designed to achieve a specific F rate, not a harvest.
- The proposed baseline measures make large strides towards coastal equity. The current availability of fish at size necessitates some gradient of minimum size limits. However, the great



disparity in bag limits between regions remains problematic. What reason supports a doubling or tripling of possession limits along the coast?

- Should consider simplifying baseline rules. Having 3 or 4 seasons with differing possession limits will create enforcement and compliance issues.
- May have excessively high harvest estimates with such a small min size.
- Regional Fs may not be feasible for interim program, or long term program if a new assessment does not provide multiple BRPs to split into multiple stocks.
- Creating rules and outreach programs to reduce discard mortality should be supported. Enforcement of reporting requirements for recreational fishermen would place a huge burden on agency resources. Voluntary reporting of lengths should be encouraged and would be useful data for management
- Minimizing discard mortality, through decreasing the rate of discards and better handling practices, is a worthy goal. It is important to recognize that what works in one region may not be appropriate in another. This may lead to real or perceived inequities in angler access.
- How to deal with NJ needs to be addressed
- Confusion surrounding the meaning(s) of conservation equivalency in this document. Need to clarify language to differentiate CE with federal coastwide measures from CE where states can flex from a regional standard
- Slot limits remain a questionable tool for BSB due to late season/deep water fisheries and barotrauma. Recent research suggests that a slot limit for BSB should go hand in hand with venting. As has been previously raised, slot limits may have different impacts, region to region, depending upon availability of fish at size.
- Full program: Will the regional commercial fishery continue to be managed under hard commercial targets that changes annually while the rec fishery maintains stable measures in between assessment updates?
- Agreement that maintaining measures for multiple years would benefit fisheries and management
  - One obvious downside to this management structure is that F may exceed Fmsy more often than currently deemed acceptable unless precautionary measures are implemented.
- A Wave 1 fishery should have associated reporting. One of the issues in 2018 with the opt-in nature of the February fishery was the reductions states tentatively faced, making additional trade-offs unpalatable.

#### **4. Stakeholder Engagement**

- Address accountability of for-hire vessel operators
- Some doubts about the feasibility of angler reporting
- Angler reporting should build off of existing state programs
  - Need to ensure usefulness of collected data and that it will be used
- Angler reported data is problematic in a number of ways and would require careful consideration and vetting. MRIP strives to minimize bias, whereas bias in angler reported catch/effort is likely to be variable and unquantifiable.
- The Stakeholder Engagement Section (Track 4) addresses improving angler compliance with MRIP to minimize the problems with MRIP (unexpected harvest estimates). Should increased

intercepts be listed as an initiative in Track 2 (Catch & Effort Data) or is that captured under “ongoing refinements to state-administered Access Point Angler Intercept Survey program”?

- Under the Comprehensive and Accurate Catch Reporting Section in Track 4, it might be worth exploring the SAFMC’s efforts for improved recreational reporting through the MyFishCount website and smartphone app.



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

July 24, 2018

**To: Summer Flounder, Scup and Black Sea Bass Management Board**  
**From: Caitlin Starks, FMP Coordinator**  
**RE: Working Group Recommendations for Black Sea Bass Recreational Management**

On July 16, a working group including members of the Summer Flounder, Scup and Black Sea Bass Management Board (Board) and NOAA Fisheries met via conference call to discuss potential options for black sea bass recreational management in the coming years. This memo provides call attendance, a summary of the discussion, and working group recommendations.

### Attendance

Caitlin Starks (ASMFC)	Toni Kerns (ASMFC)	Bob Ballou (Board Chair, RI)
Adam Nowalsky (Board Vice Chair, NJ)	Nichola Meserve (MA)	Matthew Gates (CT)
Greg Wojcik (CT)	Justin Davis (CT)	Maureen Davidson (NY)
John Maniscalco (NY)	Tom Fote (NJ)	John Clark (DE)
Michael Luisi (MD)	Rob O'Reilly (VA)	Emily Gilbert (NMFS)
Mike Ruccio (NMFS)		

### Call Summary

In May 2018 the Board approved a motion to develop a new action for the 2019 recreational fishery to address the changes in black sea bass abundance and distribution that consider management based on the distribution of the resource along with any other options recommended by the Management Board.

ASMFC Staff provided a brief presentation on the range of potential management options the Board could consider for 2019 management, given the requirement to constrain the recreational fishery to the 2019 recreational harvest limit (RHL) and Board directive to address changes in abundance and distribution of the resource. Options include coastwide measures, regional measures, and state-by-state measures. The Fishery Management Plan (FMP) already requires coastwide measures as a default, so this option would not require the development of an addendum for 2019; regional or state-by-state measures would.

Staff also noted an addendum could include an option to allow measures to be set through a fishery specifications process. This would not require specific measures or allocations to be included in the addendum. At the joint meeting with the Mid-Atlantic Fishery Management Council in December, the Board and Council would decide whether to adopt coastwide measures or if the states would implement regional measures to constrain harvest to the RHL. If the latter, the Board could then determine measures at the February meeting or when sufficient information becomes available. This option would avoid public confusion and mistrust produced when the example measures are presented before enough harvest information is available to accurately project harvest for the coming year.

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Some working group members expressed concern that a specification process would not address the Board's directive to consider the abundance and distribution of the resource in management. It was concluded it could be addressed in the short term during the specification setting process by considering survey information, effort data, and other information in decision-making when setting regional measures. Longer term management changes to address the spatial distribution and abundance of black sea bass are being developed by the working group, ASMFC, Council and NOAA staff and could be implemented through a future amendment.

One member also brought up the Board's October 2017 motion to develop options to reduce non-compliance in the fishery, and others agreed an addendum for 2019 could address this motion.

### **Working Group Recommendations**

The working group recommended the Board consider an addendum allowing measures to be set through specifications, recognizing the difficulties created by the timing of recreational harvest estimate availability and completion of the new stock assessment incorporating recalibrated recreational harvest estimates. They agreed this process would provide them more flexibility to react to new information in 2019, and that the public could be involved by state processes to gather input on potential measures.

The group recommended including the following guiding principles in the addendum to structure how measures would be developed during specification setting:

- A regional management approach with the three regions as defined in Addendum XXX (MA-NY, NJ, and DE-VA).
- For each region, a regulatory standard could require states' measures within the region to either be completely consistent, or differ by no more than prescribed amounts. Options discussed included: one inch in minimum size, up to three fish in bag limit, and include a limit on the difference in season length (to be determined).
- Along the coast, differences in measures between regions could be limited to better address equitable access coastwide. Discussion focused on possession limits, with one option being no state having a bag limit more than double that of another state. The draft addendum could also consider limits to differences in season length and minimum size, with consideration given to regional differences in seasonal availability and size distribution.
- The 2018 measures could serve as a cap on the disparity of measures between states/regions.
- Available information on resource distribution and angler effort should be taken into account in setting specifications.

The Working Group also recommended considering options to improve compliance in the for-hire fishery with regard to size, season, and possession limit rules. Examples of rules discussed include:

- Fillet laws (e.g., skin-on requirement for species identification, no filleting for size limit enforcement)
- Accountability for angler violations by charter and party boat captains
- Assignment of harvest to individual anglers (e.g., comingling rules, labeled containers)
- Limitations on commercial and recreational fishing during the same trip