

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

Webinar

February 14, 2024
Approved February 4, 2026

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2. **Approval of Proceedings of March 23, 2023** by Consent (Page 1).
3. **Move to approve the range of state/regional options for 2024 and 2025 summer flounder recreational management measures developed using the Recreation Demand Model as presented today including maintenance of Connecticut’s enhanced shore sites for summer flounder which includes a 17” minimum size limit** (Page 11). Motion by Jason McNamee; second by Joe Grist. Motion passes without objection and one abstention from NOAA Fisheries (Page 13).
4. **Move to approve the range of state/regional options for 2024 and 2025 scup recreational management measures developed using the Recreation Demand Model as presented today for the states from Massachusetts through New Jersey. Recreational management measures for the states from Delaware through North Carolina will consist of a 30 fish bag limit, year-round open season, and 9-inch minimum size limit for 2024 and 2025** (Page 13). Motion by Jason McNamee; second by Emerson Hasbrouck. Motion carries (Roll Call: In Favor CT, NY, RI, NJ, NC, VA, MA, MD; Opposed – None; Abstentions – NH, PRFC, NOAA Fisheries; Null – DE) (Page 15).
5. **Move to approve the black sea bass season adjustments for Massachusetts and Connecticut for the 2024 fishing year as presented today** (Page 15). Motion by Jason McNamee; second by Emerson Hasbrouck. Motion carries without objection and one abstention from NOAA Fisheries (Page 15).
6. **Move to initiate an Addendum to address summer flounder commercial mesh exemptions including clarifying the definition of a flynet and moving the western boundary of the small-mesh exemption area** (Page 20). Motion by Eric Reid; second by Mike Luisi. Motion carries by unanimous consent (Page 20).
7. **Move to adjourn** by Consent (Page 21).

ATTENDANCE

Board Members

Renee Zobel, NH, proxy for C. Patterson (AA)	Joe Cimino, NJ (AA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)	Jeff Kaelin, NJ (GA)
Raymond Kane, MA (GA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	John Clark, DE (AA)
Jason McNamee, RI (AA)	Roy Miller, DE (GA)
David Borden, RI (GA)	Mike Luisi, MD, proxy for L. Fegley (AA, Acting)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Pat Geer, VA, proxy for J. Green (AA)
Justin Davis, CT (AA)	Joe Grist, VA, proxy for Sen. Mason (LA)
Bill Hyatt, CT (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Marty Gary, NY (AA)	Ron Owens, PRFC
Emerson Hasbrouck, NY (AA)	Emily Keiley, NMFS
Amy Karlnowski, NY (LA)	

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

Ex-Officio Members

Alexa Galvan, Technical Committee Chair	Jason Snellbaker, Law Enforcement Representative
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Staff

Bob Beal	Madeline Musante	Chelsea Tuohy
Toni Kerns	Tracey Bauer	Kurt Blanchard
Tina Berger	Emilie Franke	

Guests

Galvan Alexa, VMRC	Hermsen Jay, NOAA	Haertel Paul
Mabaka Arthur, Stony Brook Uni.	Brust Jeffrey, NJ DEP	Clarke Peter, NJ DEP
Muffley Brandon, MAFMC	Maniscalco John, NYS DEC	Bogan Raymond
Ingrid Braun, PRFC	Lim Jonathan, Stony Brook Uni.	St. Amand Renee, CT DEEP
McDonough Chris, SC DNR	Beneventine Joseph	Lazo Sarah, NOAA
Bouffard Colleen, CT DEEP	Beaty Julia, MAFMC	Curatolo-Wagemann Scott,
Truesdale Corinne, RI DEM	Neill Ken, MSN	Cornell Uni.
Weedon Craig, MD DNR	Dancy Kiley, MAFMC	Madsen Shanna, VMRC
Radel Dan, Gannett NJ	Gillingham Lewis, VMRC	Feller Skip
Koob Elise, MA DMF	De La Garza Lorena, NC DEQ	Smott Somers, VMRC
DiDomenico Greg	John Maniscalco, NYS DEC	Witthuhn Steven
Hart Hannah, MAFMC	Appleman Max, NOAA	Poston Will, Saltwater Guide
Braun-Ricks Ingrid, PRFC	Bowen Michael, Cornell	Assn.
Conway Jack	Armstrong Mike, MA DMF	
Creighton Jack	Augustine Pat	

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, February 14, 2024, and was called to order at 1:00 p.m. by Chair Nichola Meserve.

CALL TO ORDER

CHAIR NICHOLA MESERVE: Good afternoon to everyone, welcome to the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board meeting of February 14, 2024. My name is Nichola Meserve, I'm an Administrative Proxy for Massachusetts, and serving as your Board Chair today.

First, I would just like to thank Justin Davis for doing a remarkable job as our Board Chair for the past two years. Today I am joined by Commission FMP Coordinators Tracey Bauer and Chelsea Tuohy; to help steer us through our task today, as well as Toni Kerns. I think I would like to give all three of you, kind of carte blanche to jump in whenever you need, you know if I'm missing any hands that are raised, just juggling multiple screens here.

APPROVAL OF AGENDA

CHAIR MESERVE: We have a draft agenda before us. My one addition to it is for staff under Other Business, to give us a quick outlook on this Board's meeting schedule for 2024, as it is best known right now, of course. Given the joint nature of these species management with the Mid-Atlantic Council, we often meet outside of the normal ASMFC meeting schedule, and jointly with the Mid-Atlantic Council at some of their meetings.

To help with planning purposes, staff will just give us a quick preview of the year ahead. Other than that, are there any other additions or modifications that Board members would like to make to today's draft agenda? Look for any hands on the webinar for that. Seeing none; we will consider the agenda as modified approved by the Board by consent.

APPROVAL OF PROCEEDINGS

CHAIR MESERVE: We can move on to the draft record of this Board's proceedings from March of 2023 that needs to be approved today.

Are there any modifications to those draft proceedings? Again, I'm not seeing any hands online, so we will consider those approved by Board consent as well.

PUBLIC COMMENT

CHAIR MESERVE: Up next is public comment. This is an opportunity for members of the public to comment on items that are not on the agenda. I'll note that I do plan to provide for limited public comment on the action items that are on the agenda today.

But first, at this time, if there is any public that would like to comment on items not on the agenda, this is your opportunity, and you can show your interest by raising your hand on the webinar. All right, not seeing any hands.

CONSIDER FINAL APPROVAL OF PROPOSED SUMMER FLOUNDER AND SCUP RECREATIONAL MEASURES FOR THE 2024-2025 FISHING YEARS AND BLACK SEA BASS RECREATIONAL MEASURES FOR THE 2024 FISHING YEAR (FINAL ACTION)

CHAIR MESERVE: We can move on to our first major agenda item, which is to Consider Final Approval of the Proposed Summer Flounder and Scup Recreational Measures for 2024 and 2025, and the Black Sea Bass Recreational Measures for 2024. This Board, as well as the Mid-Atlantic Council, previously approved a 28 percent coastwide recreational harvest reduction for summer flounder, a 10 percent coastwide recreational harvest reduction for scup, and status quo recreational management measures for black sea bass, with an allowance for states to request minor seasonal modifications that are not projected to increase harvest.

The Board further provided guidance for setting state and/or regional measures for summer flounder and scup, through the Commission's processes, and each state or region has used the

recreation demand model to provide a range of options for the Board's consideration today. I want to stress that the Board is approving a range of options today, and that it is the states using their own public input and rulemaking processes, that will then go through the action of selecting and implementing measures from this approved range.

Then they will need to notify the ASMFC of the selected measures.

REVIEW PROPOSED REGIONAL MEASURES

CHAIR MESERVE: We'll begin first with a presentation from Chelsea and Tracey on the range of proposals. They are going to take us through the range for all three species before we take questions. Take it away, Chelsea and Tracey.

MS. CHELSEA TUOHY: Thank you for that overview. Today I'm going to start off by talking about the summer flounder and scup recreational management measures proposals, and Tracey will then wrap up the presentation with the black sea bass recreational management measure proposals.

In the presentation, we're first going to provide some background on the decisions made at the most recent joint meeting between the Board and Council in December of 2023, and some background information on the proposed recreational management measures, such as regions and things along those lines.

We will then walk through the proposed 2024 and 2025 measures for summer flounder and scup, and 2024 season adjustment proposal for black sea bass. Lastly, the Board will consider the proposed measures for final approval, and again that is the range of options, states will not be selecting specific options today.

Just a note for the Board, we will be looking for three separate motions to approve the range of options for each of the three species. Moving into some background on summer flounder and scup. At the joint Board and Council meeting in December, based on the results of the

Recreation Demand Model, and using the percent change approach, the Board and Council agreed that each summer flounder region take a 28 percent reduction in expected harvest in 2024, and those measures would remain unchanged in 2025.

The Board and Council agreed to adopt conservation equivalency for summer flounder 2024 and 2025 recreational management. As a reminder to everyone, the Board exempted North Carolina from taking a 28 percent reduction in harvest, given the rest of the coast is able to achieve the full 28 percent required reduction. That exemption is due to the fact that North Carolina manages multiple flounder species under a single set of regulations, which are currently very restrictive, in an effort to rebuild the southern flounder stock. As a result, the state's recreational summer flounder harvest estimates have remained low in recent years, compared to historic harvest. As another quick reminder, there are six summer flounder regions consisting of Massachusetts, Rhode Island, Connecticut and New York together are a region, New Jersey, the states from Delaware through Virginia are a region, and finally, North Carolina.

Each summer flounder region is required to propose recreational measures with the same minimum size limit, possession limit and season length. Moving on to some background on scup. For scup, the Board and Council agreed to a 10 percent reduction in expected harvest for 2024, with those measures remaining unchanged in 2025.

In December, the Board and Council also removed the early season federal waters closure from January 1 to April 30, in favor of the state's taking the full required 10 percent reduction through the Commission process. While scup regions are not outlined specifically in the FMP, states may work collaboratively as regions, as was done in 2023, to submit regional proposals that achieve the required reduction.

In 2023, scup regions were defined by the states as Massachusetts through New York, New Jersey, and Delaware through North Carolina. For 2024 and 2025, states submitted proposals that reflected the

same scup regions that were used in 2023, so those regions that you see up on the screen there.

As was done in 2023, the Technical Committee used the Recreation Demand Model for summer flounder and scup to determine the recreational management measures that would meet the 28 percent and 10 percent reductions respectively for their state or region. Those are the proposed measures that will be put forward today.

Because of how the model is set up, summer flounder measures that are input into the model affect the scup reduction and vice versa, so summer flounder and scup measures have to be paired together, to calculate the reduction for both species. You saw those paired options in the meeting materials in the fourth memo that went around a few weeks ago.

The reductions for the options provided in the memo are only for individual states or regions, and in that memo, there is one coastwide reduction example provided. Given the number of options that we received, it wasn't possible to calculate the coastwide reductions for every combination of options between the states, and the final coastwide reduction for summer flounder and scup will be calculated once all states select their final measures later in March.

As mentioned, I'll be covering the proposed measures for summer flounder and scup for each state or region. I will not be going through all the combinations of summer flounder and scup options. I will have all of the options up on the screen, and if you know folks are interested in looking in how all those options are paired together, again, they are outlined in that Board memo that went out a few weeks ago.

The option numbers referred to for the remainder of the presentation are the numbers listed in that Board memo. I'll start off with Massachusetts, and will make my way down the coast, and I will be discussing each of the scup regions separately, and then I'll provide a few example reductions for the coast as a whole for

summer flounder and scup. Although proposed summer flounder measures vary between some states in the scup region, the northern region has proposed scup options that are nearly identical, with one small difference. I'll go through, starting with scup.

For Massachusetts, Massachusetts has proposed three scup options in total, those are these three at the bottom of the screen there, and status quo is that first row. Two of the scup options have a May 1 open season start date, and one option has an April 1st start date, with all options having seasons closing on December 31st.

The first option has a 30 fish bag limit for the private and shore modes, and a bag limit that switches from 40 fish to 30 fish for the for-hire mode. Second option includes a 9-fish bag limit for the private and shore modes, and a bag limit that switches from 20 fish to 9 fish for the for-hire mode, and then that third option includes a 20-fish bag limit for the private and shore modes, and a bag limit that switches from 20 fish to 40 fish and then back to 20 fish for the for-hire mode.

Moving on to the remainder of the northern region, which is Rhode Island through New York. Their scup options are very similar, they are the same as Massachusetts, except the first two options include three for-hire bag limit changes throughout the seasons rather than two. The dates for those changing bag limits are not the same as Massachusetts, but that is the only difference.

Then in their third option, which is shown at the bottom of the screen there, the bag limits are the same for the for-hire mode, but again, those seasons are slightly different, they have the same start and end dates as Massachusetts, but the bag limits don't switch on the same dates as Massachusetts. Nearly identical scup options for the northern region there.

Now I'm going to be moving on into these state-specific options, and specifically discussing summer flounder here. Massachusetts in total provided 42 potential options that had different combinations of 14 summer flounder options and 3 scup options that were just discussed. Massachusetts' summer

flounder reductions range from 28.04 percent to 29.08 percent, and their scup options ranged from 6.74 percent to 13.69 percent.

Taking a look at the 14 summer flounder options that were proposed by Massachusetts. For a majority of those options the state kept their 16.5-inch size limit, or increased the size limit for a specific mode. Most options lowered the bag limit for the whole fishery, or for a specific mode, and options included a variety of seasons, all which are shown in that right most column.

For the state of Rhode Island, Rhode Island proposed 9 potential options that included combinations of 3 summer flounder options and those 3 scup options that were discussed earlier. Summer flounder option reductions ranged from 28.54 percent to 34.43 percent, and scup option reductions ranged from 4.69 percent to 15.66 percent.

The three proposed summer flounder options are shown in the table to the right, and included size limits from 18.5 to 19 inches, representing an increase from the current minimum size. There was a bag limit of 6 fish for that 19-inch size limit option, and a bag limit of 3 fish for both the 18.5-inch size limit options, and again a variety of seasons shown up there on the screen. It is important to note that for all options Rhode Island is proposing to maintain their 7 special shore sites, which allow for 2 fish to be kept at a minimum size of 17 inches.

There was no way to model these 7 shore sites in the recreation demand model, but Rhode Island provided MRIP estimates for all shore sites, not just those 7, compared to total harvest to demonstrate that the 7 special shore sites are likely to have a negligible impact on total harvest.

In 2022, Rhode Island estimated harvest from shore cumulative through Wave 5 was 35 pounds, compared to a total harvest of 330,908 pounds, and in 2023, the states estimated harvest from shore accumulative through Wave

5, was 11,219 pounds, compared to a total harvest of just under 300,000 pounds.

Moving down the coast from Rhode Island, we got to Connecticut and New York, which again, Connecticut and New York are represented as one summer flounder region, both of those states together. Connecticut and New York provided 18 total regional options that were a combination of 6 summer flounder options and 3 scup options.

Summer flounder reductions for the two states combined, represented reductions ranging from 28.2 percent to 36.52 percent. Then scup options for the two states combined ranged from 10.39 percent to 12.79 percent. Moving on to the Connecticut through New York regional summer flounder options.

Option size limits range from the current minimum size of 18.5 inches to 19.5 inches. Bag limits ranged from 3 to 4 fish and seasons were variable. Now we're moving out of the northern scup region into New Jersey. Overall, New Jersey provided six total options that were different combinations of summer flounder measures and scup measures.

Summer flounder reductions range from 28.02 percent to 28.98 percent, and scup reductions ranged from 10.08 percent to 12.11 percent. For summer flounder, size limits included a range of options with some options including different bag limits for different sizes or different sizes and bag limits for different modes.

Then finally, there was also some options that had different seasons for different bag limits. For scup, options maintain the 30-fish bag limit and 10-inch minimum size, but propose two different seasonal closures over the summer. Like Rhode Island, New Jersey has also proposed to maintain special regulations.

Specifically, they would like to maintain special regulations for all options in Delaware Bay, which has a minimum size limit of 17 inches, and a bag limit of 3 fish. At the special shore site on Island Beach State Park, which has a 16-inch minimum size limit and a 2-fish bag limit. Now moving into the southern scup region.

As a reminder, that southern scup region contains the states of Delaware through North Carolina. These states proposed two potential scup options for the 2024 and 2025 fishing years. Before I get into those scup options, it's important to know that the Recreation Demand Model is currently unable to pick up scup harvest south of New Jersey, due to the low levels of harvest from that southern region. However, because the Board did not exempt the southern region from a scup reduction, the states were required to propose measures that provided some amount of potential reduction, even though it could not be modeled by the RDM. The southern scup region from Delaware through North Carolina has proposed one option that includes status quo measures.

Those status quo measures are a 40-fish bag limit, except in Virginia, which has a 30-fish bag limit, a year-round open season, and a 9-inch minimum size limit. Then the second scup option that was proposed by those southern states is a bag limit reduction of 5 fish, so a bag limit of 35 fish, again 30 fish in Virginia, a year-round open season and a 9-inch minimum size limit.

Both of these southern region scup options were discussed and supported by the Technical Committee. Again, just as a reminder, for both of those options the bag limit in Virginia would stay at 30 fish, as they are lower than the rest of that southern region there. Now moving on to the southern flounder region in the south, which is made of the states Delaware through Virginia.

The states of Delaware through Virginia again had those two scup options, and they've also proposed six summer flounder options. Summer flounder reductions range from 28.01 percent to 33.53 percent, and as just mentioned, the scup reductions were 0 percent, due to the recreation demand model's inability to pick up scup harvest in that southern region.

Taking a look at the summer flounder options here for the states of Delaware through Virginia, options included size limits ranging

from 17 to 17.5 inches, and bag limits ranging from 2-4 fish, with some options considering different bag limits for different seasons. Now one thing I will note for this southern region here, Delaware through Virginia, is we did receive a new option from the region recently that was not able to be included in that Board memo, so we are presenting it here for the first time today.

This new option for summer flounder includes a 4-fish bag limit, and year-round open season, with the size limit increasing starting in June. It's a size limit increase of 16 inches to 17.5 inches starting in June. Finally, wrapping up the coast with North Carolina. As mentioned earlier, North Carolina was exempt from taking further summer flounder reductions, and proposed status quo recreational management measures for the 2024 and '25 fishing year is for summer flounder.

Those status quo measures include a size limit of 15 inches, a bag limit of 1 fish, and an open season from August 16th through September 30th. Due to the number of options submitted by the states, again it wasn't possible to calculate the coastwide summer flounder and scup reductions for every possible combination of these options. In the memo sent out to the Board as part of the meeting materials, an example set of options was selected to demonstrate what a coastwide reduction may look like.

In the following slides I will present the coastwide reductions that result from the most liberal summer flounder reductions and the corresponding scup measures, and vice versa for scup, and the most conservative summer flounder reduction measures and corresponding scup measures. Then same thing for scup. There are four tables as the options that results in the most liberal and most conservative summer flounder harvest estimates, are not the options that result in the most liberal or most conservative scup harvest estimates.

As a reminder, because that northern region for scup has proposed the same options, when we're calculating these coastwide reductions, it was assumed that the northern region would all select the same scup options. The coastwide percent reduction is likely to change from what is shown on

the following slides, depending on what options are ultimately selected by the states and regions, as each option varies in the reduction achieved.

Using the northern region's third scup option that they presented, that was at the bottom of the screen that I showed earlier for the states of Massachusetts through New York. If each state down the entire coast chose the option associated with the most liberal summer flounder harvest measures and associated scup measures, the coastwide summer flounder reduction is estimated to be 28.09 percent, and the scup reduction is estimated to be 11.46 percent.

Again, if we assume that the northern region chooses their third proposed scup option, the states of Massachusetts through New York. If each state down the coast chose their option that was associated with the most conservative summer flounder reduction and associated scup measures, the summer flounder reduction is estimated to be 32.7 percent, and the scup reduction is estimated to be 11.54 percent.

Now we're going to switch gears and look at scup here. If we use Scup Option 1 for the states of Massachusetts through New York, if each state chose their option associated with the most liberal scup harvest measures and the associated summer flounder measures, the coastwide summer flounder reduction is estimated to be 28.18 percent, and the scup reduction is estimated to be 9.96 percent.

Then finally, using northern region Scup Option 3. If each state chose the option associated with the most conservative scup harvest measures and associated summer flounder measures, the coastwide summer flounder reduction is estimated to be 32.62 percent, and the scup reduction is estimated to be 11.57 percent. Those are just some examples of what a coastwide reduction might look like, given the options put forth by the states and regions.

Looking at the next steps here. The Board's next steps following any questions will be to

consider the range of proposed measures for final approval today. The states and regions will then need to notify ASMFC staff once a final set of measures has been selected by March 20th at the latest.

ASMFC staff will then submit the letter with the final summer flounder and scup recreational measures to GARFO, and once implemented, the states will keep the same summer flounder and scup recreational regulations in place for the 2024 and the 2025 fishing years. Now I'm going to pass it over to Tracey, who is going to take it away and go over some black sea bass season adjustments.

MS. TRACEY BAUER: Thanks, Chelsea. Before I present the black sea bass season adjustments that are being proposed by the states, I wanted to very briefly provide a reminder of what was previously decided at the December Board and Council meeting. The Board and Council had agreed to leave recreational black sea bass measures unchanged from 2023 in 2024.

This is due to several reasons, including the last of an updated management track assessment and its associated results, which won't be available until later this year. Some states however, did request the ability to make slight adjustments to their black sea bass season, so that they would open on a specific day of the week, which was allowed.

After some discussion with the states, they did make the request. It was established that the recreation demand model must be used to determine how many days of the season needed to be taken off of the end of the season, to account for any additional days at the beginning of the season to maintain status quo black sea bass harvest, and to make sure we're not increasing harvest by making changes to the season.

In addition, another requirement was that the aforementioned summer flounder and scup reductions for 2024 through 2025 could not be used to account for adjustment to the 2024 black sea bass season, because in the model any changes from summer flounder and scup will have smaller changes to black sea bass harvest.

Two states requested to make minor adjustments to their black sea bass season to maintain a Saturday opening. Both Massachusetts and Connecticut are requesting a May 18th opening day for their 2024 black sea bass season. Based on recreation demand model runs, have removed several days from the end of their season in 2024 to account for this extra harvest.

In addition to each state's status quo measures, the proposed minor adjustments made to each state's black sea bass season are showing red on this slide. You can see how the seasons were adjusted, by moving up the start of the season to May 18, and adjusting the end of the season to account for that extra harvest.

Then we can see the reduction, the desired reductions achieved by these changes on the far right. Lastly, just as a minor side note to update. The Summer Flounder, Scup and Black Sea Bass Board related to Black Sea Bass 2024 measures. I wanted to provide an update on Virginia's February recreational black sea bass fishery.

As a reminder, when the Board met the last day in December, as part of maintaining black sea bass measures status quo from 2023 to 2024, Virginia had the option of opening their February fishery like last year. At that time Virginia did not know if they would be opening their February fishery, as their Marine Resources Commission needed to discuss it first.

Very recently, Virginia reached out to us to let us know that their Marine Resources Commission did vote to open February fishery for February 1st through 29th this year, and as in the past they will be monitoring harvest and will reach back out to us in late March, early April, when they have the harvest data with their proposed plan to adjust their black sea bass season to account for February harvest, so stay tuned for that. With that, both Chelsea and I can take any questions on any of the species, not just black sea bass.

CHAIR MESERVE: Thank you, Chelsea and Tracey. There is a lot in that presentation to absorb, so we're going to look to the Board for questions. I have one that I'll start with before going to Justin, who I see your hand is up. That pertains to the slide that was about New Jersey's portion of the Delaware Bay staying status quo. I didn't realize from the memo that that was part of the proposal, if I've gotten that correct.

I guess I'm curious if that is part of the RDM modeling, if that Delaware Bay staying status quo is considered in achieving the 28 percent reduction. I have in my mind, it's a little foggy, a history that New Jersey was its own region, in part so that the rules in Delaware Bay could align. By staying status quo, is that the objective of that, that this area is kind of getting an exemption from the 28 percent reduction?

MS. TUOHY: Thank you for that question. Like with Rhode Island, their special shore sites, one area such as the Delaware Bay cannot be, the RDM can model different modes, you know different options for different modes, but cannot model area-specific outside of individual state harvest, so that is something that cannot be evaluated through the RDM.

CHAIR MESERVE: Will the status quo measures, will they align with other options for the rest of Delaware Bay?

MS. TUOHY: Flip back to the slides here.

CHAIR MESERVE: We might benefit from having a better understanding of the same way that Rhode Island presented their shore harvest and how minimal it is. We might benefit from a better understanding of how significant or insignificant is the New Jersey's harvest and Delaware Bay and what this exemption really means to their overall ability to achieve 28 percent reduction. I see Joe Cimino's hand up, so if you would like to contribute, Joe, I welcome you now.

MR. JOE CIMINO: Yes. I'm not sure if they have any numbers here, but the estimated harvest has always been small, I think we were looking at like 8,000 fish a year.

CHAIR MESERVE: Okay, great, thanks for that clarification, Joe. I'll turn to other Board members now, Justin Davis and then Chris Batsavage. Go ahead, Justin.

DR. JUSTIN DAVIS: I noticed there was specific mention in the presentation of Rhode Island's shore site program, where they have a lower minimum length for summer flounder. Connecticut has a similar program, where at a limited number of sites we have a 17-inch minimum length went in place for summer flounder. Our intent was to continue that program, so I just wanted to doublecheck to make sure that was the intent or that was captured in the proposals, and that was just an oversight in the presentation.

MS. TUOHY: Let me doublecheck that, I can pull that up very quickly here. But I want to say off the top of my head, I don't know if that was captured in the proposal.

MS. TONI KERNS: Chelsea, this is Toni. I've looked at the memo that is in the meeting materials and I see shore modes for the New York and Connecticut table. I just wasn't sure what was in, I couldn't remember what was in your Power Point.

MS. TUOHY: Yes, Justin, you're talking about sites that are different from what Toni is mentioning, correct, not that scup? This is for summer flounder.

DR. DAVIS: Yes, correct, for summer flounder.

MS. TUOHY: Yes, so in the proposal there is no mention of those special sites in Connecticut for summer flounder, if they have different regulations than what was presented in the Board memo.

DR. DAVIS: Could I follow up?

CHAIR MESERVE: Please, go ahead.

DR. DAVIS: Given that I've had some offline exchanges with our TC member, and we were not under the impression that they needed to be included in the proposal, because they were

site-specific measures. Would there be some way when we take action today to include that in the memo, so that we don't have to discontinue the program, I'm sorry included in the motion.

CHAIR MESERVE: I believe so, that we could work on that in the development of the motion, or have it to be part of the record here that that was the intention of Connecticut for those special summer flounder access sites, similar to Rhode Island. Does staff have any guidance on whether you would want to see that as part of the motion?

MS. KERNS: Nichola, I agree it should be part of the motion, since it wasn't something that was presented today, nor was it presented in the memo to the Board. Justin, perhaps you could, while I know that offhand that those sites have very low harvest levels, it's maybe while folks are talking but before we get the motion on the table, if you could come back to the record and you happen to have any numbers associated with those sites, so that we can have that as part of the record, similar to what Rhode Island had done in their state proposal that would be great.

DR. DAVIS: Got it, thank you.

CHAIR MESERVE: Okay, so we'll come back to that topic. Chris Batsavage, your hand was up next.

MR. CHRIS BATSAVAGE: Chelsea, can you go back to the next steps slide on, I guess it's Number 33.

MS. TUOHY: Yes.

MR. BATSAVAGE: A question specific to North Carolina being exempt from taking a reduction. As I mentioned at the Board meeting back in December, that we have a set season statewide for our recreational flounder fishery here is from August 16 through September 30, which we included in our proposal. But we've adjusted that season almost every year to account for overages of southern flounder catches the previous year. In a lot of cases the season is shorter than that six-week period. But it can change from year to year. I know the intent of this process is to set the same regulations for two years in a row.

But if we get our proposal approved for the full six weeks, could that allow us some leeway to have different seasons that are no greater than that six-week period? For instance, it was like two weeks last year, it might be two weeks again this year, or some other amount and in '25 it might be a different amount, but it will never extend beyond the six-week period that is in the proposal. I was just wondering if that's allowable under this process.

CHAIR MESERVE: That sounds to me that it would be, Chris. We would be approving the most liberal regulations and it's always within the states ability to implement something more restrictive. If staff wants to correct anything I just said, but otherwise that would be my interpretation.

MS. KERNS: I agree, Nichola, and we can work with you, Chris, if you don't have those regulations in place before we send our letter to NOAA. We'll put some caveat in there so that it is clear to the public that North Carolina does adjust the season typically, so there is not misinformation out there when NOAA publishes their federal rule, and then North Carolina ends up having a different season. We'll make sure that is clear that you guys adjust at a certain timeframe.

MR. BATSAVAGE: Yes, we'll see if we can get things finalized by March of this year, but if not, that will be a very corrective issue.

CHAIR MESERVE: Very good, we'll go to Joe Grist next.

MR. JOSEPH GRIST: Thank you, Madam Chair, and this slide is the slide I need you to be on. Just looking at this timeline, we are already internally with our State Commission to announce this issue in April, at the time we take up black sea bass, make the adjustments to our season. Obviously, that timeline is going to put us behind.

Even if we queue this up for our March Commission, we're still not going to meet the March 20th date. You know what flexibility do we have here for notifying you as to which

measures that we are going to take, especially with summer flounder? I'm just trying it so I can best guide our Commission on how we're going to act on this.

CHAIR MESERVE: Toni, could you comment on that if there is leeway to April 1st or such?

MS. KERNS: Joe, we can work with you. The reason why we have this date is so that we can get the conservation equivalency letter to NOAA Fisheries and then they can do their rulemaking. We try to work with Emilie and staff at GARFO to be as flexible with those states as possible, without being too tardy and getting the rulemaking out. We will work with you or any other state that can't make that March 20th, if we could on the side go ahead and tell us what date you think you'll have that by, and we can see how we can move forward.

MR. GRIST: Okay, thank you so much, we're going to have some internal discussion and see what we can do, if there is any way we can expedite. Thank you.

CHAIR MESERVE: Okay, we'll move on to Joe Cimino for a question. Oh, leftover hand, okay, Roy Miller, you're up.

MR. ROY W. MILLER: As we consider these proposals, could I ask a ground rule type question. Namely, are we allowed to consider any state-specific proposals that don't meet the required reduction? In other words, if a state's proposal, a specific option, doesn't meet 10 percent for scup, are we allowed to consider that in a regional perspective, or must all of our decisions be whether the state proposal meets the minimum? Can you help me out here? We probably already decided on this, if so a quick review for me would be helpful.

CHAIR MESERVE: Good question, Roy. It's on a regional basis, where states are part of a region. When I look at the scup options that Massachusetts presented there were some that as an individual state it was 5 or 6 percent, for example. But as a region in the north, when we all implement those measures, it meets the 10 percent requirement. That's the number that we're looking for.

MR. MILLER: Okay.

CHAIR MESERVE: Then also on a coastwide basis.

MR. MILLER: The same rationale would apply to Rhode Island proposals, for instance, that were less than 10 percent for scup.

CHAIR MESERVE: Correct. For scup. But then when I come to the summer flounder using those same examples, Massachusetts is its own region, Rhode Island is its own region. In those cases, we're looking for a 20 percent reduction for that state. Mike Luisi.

MR. MICHAEL LUISI: I want to build just very quickly on what Joe Grist mentioned. For summer flounder, down in the southern region we are in a multi-jurisdictional region. We had a discussion this week about trying to find an implementation date so that we can all implement the regulation that is selected for summer flounder as a start date on the same date.

I don't know that April 1st is going to give the jurisdictions enough time to get that done. Is there an actual implementation date that you are aware of or that staff would prefer, so that we can coordinate? What we didn't want to do is have different rules in a different jurisdiction for a short period of time until it all comes together once the last state implements the measures. We wanted to find a common date that we could all implement at the same time.

CHAIR MESERVE: Thanks for the question, Mike. Thus far we haven't discussed an actual implementation deadline. You know March 20th is the deadline to tell ASMFC the measures with some flexibility as we've discussed, and April 1st is the date that ASMFC would notify GARFO of the measures. But if staff has any input, if we need to specify a deadline or if it is assumed that it will be as quick as possible in each state following April 1st. That is our way forward as well.

MS. KERNS: Nichola, I would say it would be the latter, it is as soon as possible, as these are the measures for 2024, and in order to get the

reductions from the measures. They need to be in place as quickly as possible.

CHAIR MESERVE: Thank you, Toni, and so would you be looking for states to also indicate what that date will be to their best guess, and when we notify you of the measures?

MS. KERNS: Yes.

CHAIR MESERVE: Okay.

MS. KERNS: Then that way we can tell GARFO that. I think everybody knows this, but we send the conservation equivalency letter for summer flounder and black sea bass, because NOAA is considering whether or not they are going to wave federal measures in lieu of the state plans, and those state plans have to meet the overall conservation goal, as what was agreed upon with the Board and Council back in December for that 28 percent coastwide reduction.

GARFO puts that information out for the public, and so we want to be able to provide that information to the public as soon as possible, so that the fishing public know what the regulations are. That is sort of the rationale behind all of these timelines for those that are new to this process, or just a reminder for all of us. I need them sometimes.

MR. LUISI: That is helpful, thank you for answering that for me.

CHAIR MESERVE: Okay, turning to the Board for any additional questions. Mike, your hand is still up is that a leftover hand, Mike Luisi. He's muted, so I assume it was left over. I had one question about how the RDM essentially doesn't pick up any scup harvest for the states of Delaware through North Carolina, and it can't model any associated reduction.

Did the Technical Committee make any back of the envelope guesses as to how much of a harvest reduction a 5-fish bag limit decrease would achieve, or how much reopening January through April might increase harvest? I know when we looked at the northern region's ability to achieve a 10 percent reduction through a bag limit change it required a

much more significant drop in the bag than 5 fish to get to a 10 percent reduction. Did the Technical Committee discuss any alternative ways to estimate reduction than the RDM for the southern region's scup measures?

MS. TUOHY: The Technical Committee did not discuss different ways to calculate what a reduction might look like. They did look at previous MRIP estimates for the southern region. Off the top of my head, for example, in 2022 the harvest from the states of Delaware through North Carolina was about 6,000, 7,000 pounds total for all of those states. They just kind of looked at how minimal the harvest was for scup, compared to the rest of the coast. It was, I believe less than a couple of percent, 1 to 2 percent in every year that they briefly reviewed it.

CHAIR MESERVE: These states would, for the most part be de minimis if there was such a thing as a de minimis recreational fishery standard for scup.

MS. TUOHY: Exactly.

CHAIR MESERVE: Are there any additional questions from the Board? All right.

CONSIDER FINAL APPROVAL OF PROPOSED REGIONAL MEASURES

CHAIR MESERVE: As staff, we'll look to move into motions and discussion then at this point. As Chelsea said earlier, we would like to move through the species one at a time and start with summer flounder for a motion.

That would approve the range of proposals. Staff does have some draft language that a Board member could look to use if desired, to approve the range of options presented. We did discuss how Connecticut might be interested to insert into that some additional allowance for their special access shoreside rules to remain the same.

That is something that we would work into this motion to continue that. Are there any Board

members that would like to start us off with a motion for summer flounder? Perhaps it would help to bring up kind of the generic motion that could be available to approve the range of proposals, and see how this could be tweaked. Jason McNamee.

DR. JASON McNAMEE: Yes, I would be happy to make that motion, Madam Chair. I'll read it just to help out here. **Move to approve the range of state and regional options for 2024 and 2025 summer flounder recreational management measures developed using the Recreational Demand Model as presented today.**

CHAIR MESERVE: Is there a second to that motion? Joe Grist, thank you. Jay, were you interested to provide any rationale for the motion?

DR. McNAMEE: No, I think it's pretty straightforward, Madam Chair. Maybe I'll just also, I think you made a note of all the nice work, and the nice way of presenting the information that Chelsea and Tracey did, so I'll echo that sentiment. It's a lot, the different combinations become multiplicative.

I think you guys did a nice job of presenting this. I feel like all of the different combinations were rung out pretty good. It seems like no matter what ends up happening in the end, we're in a safe spot to meet our reduction goals. I'm comfortable moving forward with the motion as presented.

CHAIR MESERVE: All right, thank you, Jay. Joe, did you want to say anything as a seconder of the motion?

MR. GRIST: No, I think Jay covered it to let us move forward with what we've got and work it out, I'm sure.

CHAIR MESERVE: Very good, thank you. Justin Davis, would you like to make an amendment to this motion?

DR. DAVIS: I would, thank you, Madam Chair. I guess this could either be a formal move to amend, or I don't know if the maker and seconder of the motion would accept it as a **friendly amendment**, if that is possible. But I would like to add some

language at the end of this to say something to the effect of, **with the addition of maintenance of Connecticut's enhanced shore site program for summer flounder, which includes a 17-inch minimum length limit.**

MS. TUOHY: Justin, just for my typing. Maintenance of Connecticut's shore sites for summer flounder, which includes a 17-inch minimum size limit.

DR. DAVIS: Correct, and then the rest of the measures are the same as the prevailing measures for the other modes, so the only difference is the 17-inch minimum length limit.

CHAIR MESERVE: Jason and Joe, would you be willing to accept that as a friendly amendment to the motion? I see your hand, Jason, go ahead.

DR. McNAMEE: Yes, I'm perfectly willing to have that added as a friendly if that can work.

CHAIR MESERVE: Joe, you as well?

MR. GRIST: Agreed.

CHAIR MESERVE: Thank you. I'm going to give staff a moment to get this up here, make sure, Justin that this captures your motion, your friendly amendment. Was it Connecticut's enhanced shoreside program?

DR. DAVIS: Enhanced shore sites would do it.

CHAIR MESERVE: Including maintenance of Connecticut's enhanced shore sites for summer flounder, which includes a 17-inch minimum size limit. Okay, Justin, could you just speak to that if you have any additional information about the level of harvest associated with these shore sites, if that was available to you on short notice.

DR. DAVIS: Yes, sure, thanks, happy to provide what I can. Unfortunately, we don't have something like an expanded harvest estimate for summer flounder from just these specific sites in Connecticut, where we have this

allowance for a lower minimum size limit. What I can say is, you know this is a program we've had in place for over ten years.

Really quickly, our TC member was able to do some quick diving into MRIP, and in Connecticut, we generally have statewide very few MRIP intercepts for summer flounder. You know the PSEs on our summer flounder shore mode harvest estimates on an annual basis tend to range from 55 to 91 percent. In 2023 we had an estimate of 0 pounds of summer flounder harvested from shore. In general, summer flounder not a species that are caught very commonly from shore in Connecticut. Allowing a 1 to 2-inch difference in minimum size limit at a limited number of these shore sites, I feel very comfortable saying produces a negligible increase in harvest of summer flounder overall in our state every year.

CHAIR MESERVE: Thank you, Justin, that is helpful information. Is there any discussion by the Board as to the motion as perfected?

MS. KERNS: Nichola, could you just read it before you guys vote on it, please?

CHAIR MESERVE: Certainly, certainly. Give everyone a chance to please, caucus as I'm reading the motion, if there are no other hands raised. We'll look to approve this after I've read it into the record. **Move to approve the range of state/regional options for 2024 and 2025 summer flounder recreational management measures developed using the Recreation Demand Model as presented today, including maintenance of Connecticut's enhanced shore sites for summer flounder, which includes a 17-inch minimum size limit.**

The motion was made by Dr. McNamee and seconded by Joe Grist. Again, I'll look to the Board for any comments. I don't see any. I did mention earlier that I would provide opportunity for the public to comment on the motions as they were made, so I'll look to see if there is any comment from the public to this motion. You can signify your interest to comment by raising your hand on the webinar. I'm not seeing any hands raised from the public, so we'll see if this can be done the easy way.

I'll ask if there is any objection from the Board to this motion.

MS. KERNS: Nichola, I know that there is one abstention, so maybe you can ask for abstentions as well.

CHAIR MESERVE: Certainly. Please, identify any abstentions for the record. One from NOAA Fisheries, so the motion passes without objection and one abstention by NOAA Fisheries. Just giving Staff a moment to add that. Very good it's written down. We will now look to move on to scup. Again, we'll look to the Board to make any motion that would be approving all or part of the range of options that were presented today, and I do see a hand from Dr. McNamee. Please, go ahead, Jay.

DR. McNAMEE: I have a motion here, I think folks there have the text for this, so I'll just go ahead and start reading it. **Move to approve the range of state/regional options for 2024 and 2025 scup recreational management measures developed using the Recreational Demand Model as presented today for the states from Massachusetts through New Jersey. Recreational management measures for the states from Delaware through North Carolina will consist of a 30-fish bag limit, a year-round open season, and a 9-inch minimum size limit for 2024 and 2025.** If I get a second, I will give you some a little bit of reasoning for that.

CHAIR MESERVE: Is there a second to that motion? Emerson, are you seconding that? I saw that your hand went up before the motion was fully read.

MR. EMERSON HASBROUCK: Yes, I'll second that.

CHAIR MESERVE: Great, thank you, Emerson. Please, go ahead, Jay.

DR. McNAMEE: Okay, I'll keep this fairly simple. I think there was a lot of discussion about the inability to kind of make calculations for scup for this region. To go along with that, it seemed

to make sense to me to have some alignment in that region, as far as the bag limit went. In addition, because there was a reduction being made, and what we saw was a reduction of 5 fish in the bag limit.

I thought as we know with bag limit as a tool, you tend to need larger steps to actually get an affect from the bag limit as a management measure. Aligning the Delaware through North Carolina at 30 fish, which aligns with New Jersey, aligns with Virginia, and under the impression that there was a desire to take some reduction in the scup management measures in this area.

I thought a 30 fish bag limit made the most sense. Coupled with that, having the year-round open season, the 10-fish bag rather than the 5-fish bag seemed like a more appropriate tradeoff to kind of keep either status quo or have a little bit of reduction, potential reduction in that region. Hopefully that made some sense to folks.

CHAIR MESERVE: Emerson, would you like to speak to the motion as the seconder?

MR. HASBROUCK: Yes, I don't have anything to add to what Jason said. I think he justified it quite well. Chelsea gave a pretty good explanation of all the different options during her presentation, so thank you.

CHAIR MESERVE: Is there further Board discussion on this motion? John Clark. John, I saw your hand go up and down, so maybe not. Any hands to discuss this motion? John Clark, your hand is back up again, please go ahead.

MR. JOHN CLARK: I just brought it up on other things. I just don't understand why we need to take an unnecessary move like this in the southern region. As was pointed out, we're barely catching any scup in this region. Any time there is a regulatory change it imposes cost and problems on the state, plus in the case like this, like I said, it just makes us look like it's just kind of ridiculous. We're not catching them.

Does it matter whether it's 30, 20, 40? It's just an additional burden on the states to put something

into effect that is not going to do anything to improve the scup population. I wish we could just remove the last part of this motion, and change it to one that just accepts the whole range of state and regional options.

CHAIR MESERVE: Okay, thank you, John. That sounds in part like an argument for *de minimis* measures that the states wouldn't have to change on an annual basis. But the Board would have to determine what type of minimum standards would apply for *de minimis* states in that case. But I thank you for the comment, and do have another hand up from Joe Cimino.

MR. CIMINO: I understand where John is coming from, but I'm going to speak in favor of the motion. I think these are three species that we're regularly changing regulations. I understand that it's a more complicated process to some states than others. But we've been striving for consistency here. I think Jay's motion gets us to that. I just wanted to speak in favor.

CHAIR MESERVE: Thank you, Joe. Are there any other comments on this motion? John Clark, your hand is up, did you have something to add?

MR. CLARK: Sorry, Madam Chair, I didn't see that. I'll take it down.

CHAIR MESERVE: Okay, no worries, thank you. Last call for any other comments from the Board. If not, we'll turn to the public to see if there is any public comment on this motion. You can signify your interest to provide comment by raising your hand. Not seeing any public comment, we'll return to the motion. It's already been read into the record, do states need a moment to caucus? Let's take two minutes to caucus.

Okay, that was two minutes by my watch, maybe it's fast. But if you need any more time, throw up a hand really quick. If not, we'll go back to the motion, and I will ask if there is any objection to the motion.

MR. CLARK: We're going to be null in Delaware, Madam Chair, null.

CHAIR MESERVE: Null vote, very good. Toni, should I proceed with a full vote?

MS. KERNS: Yes, because these are roll-call, so when there are objections then we should note them.

CHAIR MESERVE: Very good. We'll return to the beginning on the motion. **All those in favor of the motion, please raise their hand, and I'll ask Toni to get the count for me.**

MS. KERNS: Thanks, Nichola, I'm just going to let the hands settle for a minute here. I have Connecticut, New York, Rhode Island, New Jersey, North Carolina, Massachusetts and Virginia. If anybody else thinks they have their hand up just call out. I will put everybody's hand down.

CHAIR MESERVE: All those opposed to the motion like sign.

MS. KERNS: Maryland. I'll put their hand down.

CHAIR MESERVE: I'll look for any null votes, N-U-L-L, null.

MS. KERNS: We have Delaware.

CHAIR MESERVE: Any abstentions, please.

MS. KERNS: We have New Hampshire, Potomac River Fisheries Commission, NOAA Fisheries, and Mike Luisi, you have your hand up again.

MR. LUISI: I made a mistake, I hit the button too late, I wanted to vote in favor.

MS. KERNS: In favor, okay, so we have Maryland is in favor. We do not have any states opposed then, the one null vote of Delaware. The abstentions, I believe are Potomac River Fisheries Commission and NOAA Fisheries. Those are the hands that I have up.

CHAIR MESERVE: And New Hampshire.

MS. KERNS: New Hampshire, sorry. Your hand went down, I had already forgotten.

CHAIR MESERVE: Okay, so the motion carries 8 in favor, 0 opposed, 1 null and 3 abstentions.

We can move on to black sea bass, slightly different situation for black sea bass. We have two states that provided minor seasonal modifications, and we would be looking for the Board to approve those if that is their will. I'm not sure if staff has some guidance language for this motion. Is there anyone on the Board that would be willing to make this motion? Jason McNamee. Motion by Jason McNamee, do you mind reading it into the record, Jay?

DR. McNAMEE: Not at all, figured I would make it a hat trick here. Move to approve the black sea bass season adjustments for Massachusetts and Connecticut for the 2024 fishing year as presented today.

CHAIR MESERVE: Is there a second to the motion? Emerson Hasbrouck, thank you, Emerson. Anything further to add, Jay?

MR. HASBROUCK: I'm seconding Jay's motion again; I have nothing to add.

CHAIR MESERVE: Okay, thank you, I think this is pretty straightforward. I'll look to the Board for any discussion on the motion. Seeing none; is there any objection to this motion? Any abstentions? One abstention from NOAA Fisheries, the motion carries without objection and one abstention. I will look to Chelsea or Tracey. Is there anything further on this agenda item that you need before we move on to the commercial issue?

MS. BAUER: I don't think there is anything from us. I do see Adam's hand up.

CHAIR MESERVE: Adam Nowalsky.

MR. ADAM NOWALSKY: Yes, thanks very much. Could you remind me at what point we had approved Virginia's black sea bass winter time fishery? I recall that we had a motion back at the December, 2022 joint meeting to approve

them for 2023. I do not recall, nor did I see in the materials from the joint December meeting where we had approved that.

Just wondering, again, just a reminder. I'm sure we must have at some point. I know we had a very thorough discussion about having to wait on reopening scup at the state level until we went through this process. Just so we've got a reminder on the books here when we had approved that motion for Virginia.

CHAIR MESERVE: My recollection is that when we approved status quo for sea bass for this year, it was with the understanding that status quo for Virginia meant the option to continue that February fishery, but I will look to staff for any correction there.

MS. BAUER: That is correct, Madam Chair.

CHAIR MESERVE: Thank you, Tracey, does that answer the question for you, Adam?

MR. NOWALSKY: I think that is perfect, and just so we've got it clearly on the record here again, because there is no explicit motion for this year like we've had in past years, so thanks very much.

CHAIR MESERVE: Great, thank you for helping us get that on the record, Adam. We are doing pretty well on our schedule, and we can move on to the next agenda item at this point, which is on for the Board to Consider Initiating an Addendum to Address the Flynet Definition and Boundaries of the Small-Mesh Exemption Program; as related to the summer flounder trawl mesh requirements.

Consideration of these changes is intended to modernizes these requirements, with consideration of current fishing industry gear use and practices, and to provide additional flexibility to fishery participants, while continuing to meet the conservation objectives of the FMP. The Mid-Atlantic Council is a step ahead of the Board on this item, having already initiated a compatible framework, and forming a fishery management action team to meet an intended implementation date of November 1, 2024.

The Commission's Policy Board did add this action to the 2024 Action Plan at the winter meeting at this Board's request though. At this point, I will turn to Chelsea to provide us with some additional background on this, and then we will go from there. Okay, go ahead, Chelsea.

MS. KERNS: Chelsea, sorry to interrupt, Nichola. Before you go, Roy Miller had his hand up, and I just want to make sure it is not on the past business, before you move forward.

CHAIR MESERVE: Okay, thank you for flagging that. Roy, do you want to go ahead?

MR. MILLER: It is on the past business. If you would indulge me for just half a second, Madam Chair.

CHAIR MESERVE: Go ahead.

MR. MILLER: During the striped bass regulatory process associated with Amendment 7 there were a lot of public comment requesting simplicity when it came to state proposals for management measures. I just want to note that somehow, we've lost track of simplicity in our proposals, when we have 42, for instance, proposals from a particular region to consider.

I don't see how 42 can be considered at all, approaching simplicity. I just wondered if in the future we might take more formal action regarding limiting the number of potential proposals for consideration. Thank you, Madam Chair, just throwing that out there, not really intending any action. I just wanted it on the record that I thought it was an unspoken or unspecified goal to try to achieve some simplicity, in terms of management proposals, thank you.

CHAIR MESERVE: Thank you, Roy, I agree and can point the finger at my own state for a large number of proposals. I think part of the complication or challenge here is that states are asked to develop a range of proposals for approval, prior to any public comment process. In order to not rule out options that might come through scoping with the public, the

range of options that gets approved at this Board meeting tends to be on the wider side.

I know that having spoken with staff that they did have some challenges or compiling all the options, so that there is interest to make kind of a standard template that would at least ease the burden on staff, in terms of compiling the options and getting them ready for the Board's review and approval. That is one place the we'll look to simplify things in the future, to make it less of a burden on staff, in terms of compiling the options. It's a challenge, I think, when we have this approval prior to public comment processes and states. Did you want to add more, Roy?

MR. MILLER: No, thank you, Madam Chair, for hearing me out on that.

CHAIR MESERVE: It's well taken.

**CONSIDER INITIATION OF ADDENDUM TO
ADDRESS FLYNET DEFINITION AND BOUNDARIES
OF THE SMALL-MESH EXEMPTION PROGRAM**

CHAIR MESERVE: We'll come back to Chelsea for the Summer Flounder Commercial Mesh Exemption presentation.

MS. TUOHY: The Summer Flounder Mesh Exemption Programs and the exploration into their current utilization was discussed at length at the joint Board and Council meeting in December. Today I'm going to do my best to keep this presentation short, but to give an overview here. I will first discuss the background for this potential action, followed by the background on the two exemption programs that are being considered through this potential action.

Next, I will go over a possible timeline. I'll take a pause for questions, and then the Board will consider initiating an addendum to address summer flounder commercial mesh exemption. Throughout 2023, Council staff and a Council contractor evaluated the historic and current use of a number of summer flounder commercial mesh regulations.

They collected public comment on the use of these regulations. The regulations explored included the

current 5.5-inch diamond, and 6-inch square minimum mesh sizes. The Summer Flounder Small Mesh Exemption Program and the Summer Flounder Fly Net Exemption. The Board and Council received a presentation on the results of the Council staff and contractors work in December of 2023.

At that joint meeting in December, the Council and Board recommended no change to the current summer flounder minimum mesh sizes, due to the lack of sufficient evidence to suggest that a change is warranted. Those two bodies also agreed that selectivity studies should be considered as a research priority in the future.

While the Board and Council did not choose to make changes to the commercial minimum mesh size for summer flounder, the two groups did put forward a motion that read, move to consider as a potential 2024 priority a framework adjustment addendum to clarify the definition of a flynet, and to consider moving the western boundary of the small mesh exemption area. The intent of this framework addendum is for possible implementation by November 1, 2024. Following that joint Board and Council meeting in December, the Council added this framework action to their implementation plan, which replaced the potential scup gear restricted area framework from the main list of deliverables for 2024.

As mentioned before, the Council has already initiated this framework, and now we're looking for follow up Board action. In January of 2024, at the Business Session of the Commission, the Commission's 2024 Action Plan was edited to add in an item that read; develop an addendum in collaboration with the Mid-Atlantic Fishery Management Council to address define a definition and boundaries of the Small Mesh Exemption Area.

Now I'm going to move into some background, just as a reminder for the Board, on what the Summer Flounder Small Mesh Exemption Program is, and what is included in that flynet exemption. Starting off with the Small Mesh Exemption Program. This exemption was

initially developed under Amendment 2, and then modified under Amendment 3 to the fishery management plan.

The purpose of the Small Mesh Exemption Program is to allow vessels to retain some bycatch of summer flounder, while operating in other small mesh fisheries. The exemption states that vessels fishing east of the line from November 1st through April 30th, and using mesh smaller than 5.5-inch diamond or 6-inch square, may land more than 200 pounds of summer flounder.

However, it should be noted that vessels cannot fish west of the line while participating in the program. Vessel participation in the Small Mesh Exemption Program has remained stable over time, with approximately 75 letters of authorization issued annually. When soliciting stakeholder input, many participants in the fishery noted the importance of the exemption program, and proposed moving the Small Mesh Exemption Program line, approximately 5 miles westward, to align with the northeast corner of the southern scup gear restricted area. The participants in the fishery noted that this change would allow more flexibility for those participating in multiple fisheries. Then the Summer Flounder, Scup and Black Sea Bass Technical Committee and Monitoring Committee reviewed staff work and industry feedback. Those groups recommended that additional analysis be conducted on this industry proposed change to the program area, and the potential biological impacts to summer flounder.

The TC and MC also noted that a future FMAT PDT or subgroup should explore the potential to update evaluation methods to avoid relying solely on observer data to estimate summer flounder catches using this exemption. Again, as a reminder, this map up on the screen demonstrates the industry proposed change to that exemption area, which represents an additional area of 1,901 square miles, excluding the deep-sea coral zones.

The current exemption area is displayed in green, I'm not sure that it's showing up green on your computers, it's a very light green, and the proposed changes shown in red. The scup GRAs are shown in that blue-turquoise color, and then the deep-sea

coral protection area is that purple area in the bottom right-hand side of that first figure. Now moving on to the Summer Flounder Flynet Exemption Program. This program was implemented under Amendment 2 to the fishery management plan in 1993. Usual purpose of the exemption was to allow vessels fishing with a two-seam otter trawl to be exempt from the summer flounder minimum mesh size requirements.

This exemption was developed specifically to accommodate fisheries targeting other species, and catching limited amounts of summer flounder in the states of Delaware through North Carolina. However, Council staff and the contractor evaluation of the program indicated that the exemption is no longer being utilized in the way that it used to in that area or fishery.

The exemption specifically states that vessels fishing in the flynet fishery again are exempt from the minimum mesh size requirement, and defined the flynet as a two-seam otter trawl with the following configurations. A, the net has a large mesh webbing in the wings, with a stretch mesh measure of 8 inches to 64 inches.

B. the first body or belly section of the net consists of 35 meshes or more of 8-inch stretch mesh webbing or larger. C. In the body section of the net, the stretch mesh decreases in size relative to the wings, and continues to decrease throughout the extensions to the cod end, which generally has a webbing of 2 inches stretch mesh. Industry members proposed a number of changes to the flynet definition, to better reflect current gear use and fishing practices. These proposed changes are shown up on the screen there.

They include removing the two-seam otter trawl requirement to replace the language with, at least two seams, removing the upper limit of the large mesh webbing in the wing's requirement, which is 64 inches, so that it just reads greater than 8 inches. Adding high rise to the flynet definition to incorporate regional differences in language, and removing the

number of meshes requirement in the belly of the net, which currently reads 35 or more.

Like with the Small Mesh Exemption Program, the Summer Flounder, Scup and Black Sea Bass Technical Committee and Monitoring Committee reviewed staff work and the industry feedback, and commented that the exemption is not currently being used for the fishery or area that it was designed for, and that the definition may need to be updated to reflect changes in the fishery, and then also changes in gear over time.

However, the Technical Committee and Monitoring Committee noted that this definition should be examined to determine if the language would codify existing practices or expand the use of the exemption. Then finally, the TC and MC also recommended that methods for evaluation of the exemption should be explored, given that the flynet fishery off North Carolina has not been very active in recent years.

As noted, the Council has already initiated a framework for this action, to explore the issues just discussed, and has formed a Fishery Management Action Team or FMAT, and that FMAT is shown on the screen. If/when the Board decides to initiate an addendum to address summer flounder mesh exemptions, the Board can choose to form a PDT. You know if there are aspects of state regulations that the Board members think may need to get incorporated into an addendum. But a PDT is not required for this action. If the Board chooses to not form a PDT, we will rely heavily on the Council's FMAT to come up with, you know this addendum, so that it is consistent with what is being proposed in the framework. I'll reach out to Board members after this meeting, to touch base on if a PDT is needed. But if there are any thoughts at this point, you know we're happy to discuss them following the presentation.

Then finally, to wrap up the presentation, I'm just going to briefly cover the timeline for this proposed action. Starting off with today, where the Board will potentially initiate an addendum to address the summer flounder flynet definition, and the boundaries of the Summer Flounder Small Mesh Exemption Program area.

Then from February to March, the FMAT will work on developing the range of alternatives and a draft document for Meeting 1. Meeting 1 for this action will occur at the Council's April, 2024 meeting, where the Board and Council will approve the range of alternatives, and the Board will approve a draft document for public hearing.

Next, there will be a public comment period for the Commission's document from April through May, which public hearings will also take place if desired. Final action for this framework addendum will occur at the Council meeting in June, for an effective date of implemented changes on November 1, 2024.

As a note, you know you will see up on the screen here that there are some upcoming joint meetings between the Board and Council that fall outside of the typical meeting schedule, and we will cover all of those meetings shortly during the other business portion of this meeting today. That is all I have for you all, and I'm happy to take any questions.

CHAIR MESERVE: Great, thank you, Chelsea, very informative presentation. Are there questions for Chelsea about the information presented, about the need for this addendum, anything else? Hey, I'm not seeing any questions. It speaks to the quality of your presentation, Chelsea, thank you, but we'll look to the Board then for a motion that would initiate an addendum. Staff does have some language that could be used for that if it's needed. Erick Reid, I see your hand up, please go ahead.

MR. ERIC REID: I appreciate it. **I move to initiate an Addendum to address summer flounder commercial mesh exemptions, including clarifying the definition of a flynet and moving the western boundary of the small-mesh exemption area.**

CHAIR MESERVE: Thank you, Eric, is there a second to the motion? Mike Luisi. Eric, would you like to speak to the motion?

MR. REID: No, honestly, the rationale that was presented in December has not changed. This is a 31-year-old regulation that no longer applies in reality. I would prefer to turn discards into landings and reduce the regulatory burden on the commercial fishery. Taking into account the fact that gear has changed, and the majority of the squid fleet, which fishes' east of that sub-GRA in the winter, is towing rope nets now. You know the face of those nets are 8 or 10 feet long, and in the bottom belly they don't go below 8 inches until about the fifth belly panel. That is a standard net. Thank you, Madam Chair.

CHAIR MESERVE: The second was by Mike Luisi, and I'll ask him or any other members of the Board if they would like to raise their hand to provide any additional rationale for this motion. Mike Luisi.

MR. LUISI: I think it was made clear in the presentation that both the Council and the Commission have prioritized this as something that they would like to get done this year. I seconded this in that interest. Eric already made the points I was going to make, so that's it.

CHAIR MESERVE: Okay, very good. Could we get the second up on the screen, just for the record? Any further comment from the Board, any discussion from the Board on this motion? Also, look to any public input at this time, noting of course that this is just the initiation of this action. There will be a lot more time for comment. But we'll look for any comment, and I see Greg DiDomenico with your hand, please go ahead.

MR. GREG DiDOMENICO: There you go, Greg DiDomenico, Lunds Fisheries. Just wanted to say thank you for moving this along and making this a priority, thank you.

CHAIR MESERVE: Short and sweet, Greg, very good, thank you. Any other comment from the public? Seeing none; we'll move to a vote on this, and I'll ask if there is any objection to the motion from the Board. Seeing no hands, **are there any abstentions? Also seeing none; so, this motion carries unanimously.**

OTHER BUSINESS

CHAIR MESERVE: That is going to bring us back to Other Business at this time.

QUICK PREVIEW OF UPCOMING MEETING SCHEDULES THIS YEAR

CHAIR MESERVE: As Chelsea was just saying, she'll give us just a quick outlook on what the calendar looks like for the Board, given both our normally scheduled ASMFC meetings, and also a joint meeting schedule. If you're ready, Chelsea. All right, great, go ahead.

MS. TUOHY: We'll provide all of this information in an e-mail to the Board following the meeting today. But as staff, we just wanted to highlight the remainder of the joint meetings between the Summer Flounder, Scup and Black Sea Bass Board, the Policy Board, and the Mid-Atlantic Council for the remainder of 2024. We're going to start off with that April 9 through 11, 2024 meeting in Atlantic City, New Jersey, which will be a meeting of the Summer Flounder, Scup, Black Sea Bass Board and the Mid-Atlantic Council. These two groups will meet to approve summer flounder commercial mesh exemptions framework addendum for public comment, as I just mentioned earlier. Moving on to that next Council meeting there, which falls outside of the typical meeting schedule.

That meeting is from June 4 through 6 of 2024, it will be held in Riverhead, New York, and that meeting will be between the Summer Flounder, Scup, Black Sea Bass Board and the Council, and then also between the Policy Board and the Council, and the topics for discussion are the final action on the Summer Flounder Commercial Mesh Exemptions Framework Addendum.

The Policy Board will be receiving an update on their recreational measure setting process, framework and Addendum. Then the last two Council meetings on that list are typical joint meetings. Those are in August and December. The meeting in August as always, will be between, well I guess that's always in recent

years. Summer Flounder, Scup, Black Sea Bass Board and the Council, and then the Policy Board and the Council. In August, we will be setting 2025 black sea bass specifications, reviewing 2025 summer flounder and scup specifications, and approving the recreational measure setting process framework addendum for public comment.

Then finally in December of 2024, the Summer Flounder, Scup, Black Sea Bass Board will meet jointly with the Mid-Atlantic Council in Annapolis, at the Council's meeting to adopt 2025 black sea bass recreational management measures, and then review those 2025 measures for summer flounder and scup. Then just to wrap up today.

As a brief note, we anticipate that the joint aspect of the April and June meetings will take no longer than 2 hours for the April meeting and around 3 to 4 hours for the June meeting. Given the brief nature of these action items, and that these meetings fall outside of the typical meeting schedule, we encourage virtual participation, and we know it is a lot for folks to travel. Yes, I guess I'll just leave it off at that and hold for questions if there are any.

CHAIR MESERVE: We'll look forward to a lot of meetings this year. Are there any questions about the schedule? Again, it will be sent to you in an e-mail. Not seeing any.

ADJOURNMENT

CHAIR MESERVE: Is there any other business to come before the Board today? Again, I'm not seeing any, so that brings us to the end of our agenda. We'll consider this meeting adjourned at this time. I thank everyone for their participation today, hope you have a good night and enjoy some heart shaped chocolates. Thank you!

(Whereupon the meeting adjourned at 3:30 p.m. on February 14, 2024)