PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

SUMMER FLOUNDER, SCUP, and BLACK SEA BASS MANAGEMENT BOARD

WEBINAR

March 5, 2026
Approved November 12, 2026

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1. **Approval of agenda** by consent (Page 1).

2. **Main Motion**
   Move to approve regional option combinations D, I, J, L, M, N, O, P, Q, R, and T, as identified in Table 5 of the staff memo (Page 6). Motion by Nichola Meserve; second by Jason McNamee. Motion to substitute.

   Motion to Substitute
   Move to substitute to approve all regional options except A and G (Page 8). Motion by Adam Nowalski; second by Dave Sikorski. Motion fails for lack of majority (Roll Call: In Favor – MD, NH, NY, NJ, DE; Opposed – RI, VA, MA, NC, CT; Abstentions – NOAA) (Page 10).

   Main Motion
   Move to approve regional option combinations D, I, J, L, M, N, O, P, Q, R, and T, as identified in Table 5 of the staff memo. Motion passes (Roll Call: In Favor – RI, NH, VA, MA, NC, NY, CT; Opposed – MD, NJ, DE; Abstention – NOAA) (Page 11).

3. **E-mail Vote: Move to approve regional option combination S as identified in Table 5 of the staff memo.** Motion made by Nichola Meserve; seconded by Jason McNamee. Motion passes (Roll Call: In Favor – RI, NH, VA, MA, NC, NY, CT; Opposed – MD, NJ, DE; Abstentions – NOAA).

4. **Move to adjourn** by consent (Page 12).

ATTENDANCE

Board Members

Renee Zobel, NH (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)
Raymond Kane, MA (GA)
Jason McNamee, RI (AA)
David Borden, RI (GA)
Matthew Gates, CT (AA)
Bill Hyatt, CT (GA)
John Maniscalco, NY, proxy for M. Gary (AA)
Emerson Hasbrouck, NY (GA)
Joe Cimino, NJ (AA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
John Clark, DE (AA)
Roy Miller, DE (GA)
Michael Luisi, MD, proxy for K. Charbonneau (AA)
David Sikorski, MD, proxy for Del. Stein (LA)
Joe Grist, VA (Acting AA)
Chris Batsavage, NC, proxy for K. Rawls (AA)
Savannah Lewis, NMFS

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

Ex-Officio Members

Brain Scott, Law Enforcement Committee Rep.

Staff

Bob Beal
Toni Kerns
Tina Berger
Caitlin Starks
Jeff Kipp
Tracey Bauer
Katie Drew
Samara Nehemiah
Chelsea Tuohy

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, March 5, 2026, and was called to order at 1:00 p.m. by Chair John Maniscalco.

CALL TO ORDER

CHAIR JOHN MANISCALCO: Good afternoon, everyone. Welcome to the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Management Board today on March 5, 2025. My name is John Maniscalco; I am an Administrative Proxy for New York.

We have Commission FMP Coordinators Tracey Bauer and Chelsea Tuohy, as well as Toni Kerns to help us get through today's agenda, and I believe we have an hour and a half to do so.

APPROVAL OF AGENDA

CHAIR MANISCALCO: We do have a draft agenda and I'll look for a hand to see if there are any additions or modifications that Board members would like to make to today's agenda. Not seeing any; we'll consider the agenda approved by consent.

PUBLIC COMMENT

CHAIR MANISCALCO: Up next is public comment. This is an opportunity for members of the public to comment on items that are not on the agenda. At this time if there is any public online that would like to comment, please raise your hand on the webinar. I'm not seeing any hands.

CONSIDER FINAL APPROVAL OF PROPOSED BLACK SEA BASS RECREATIONAL MEASURES FOR THE 2026-2027 FISHING YEARS

CHAIR MANISCALCO: We will move on to the main purpose of today's meeting, which is Consider Final Approval of Proposed Black Sea Bass Recreational Measures for the 2026-2027 Fishing Years. This is a final action and I believe we're going to start with a Review of the Proposed Regional Measures by Tracey Bauer.

MS. TRACEY BAUER: For today's presentation I am going to start off with a little bit of background, how we got here. Then I'll move into reviewing the Black Sea Bass Proposed Regional and State Measures and the Coastwide Liberalizations that result from all the different combinations of those measures.

Then the Board action for consideration today is to consider the approval of the 2026-2027 recreational measure options for black sea bass. First, background. Back in December 2025 at the Joint Board and Council meeting, the Board and Council agreed on 20% liberalization for black sea bass.

Summer flounder and scup the Council and Board agreed to remain status quo for 2026-2027, and also at that meeting the Board agreed to meet again in early February to discuss the distribution of the liberalization, based on direction from one of the black sea bass's addenda, Addendum XXXII. Addendum XXXII was approved back in 2018, it had established a 3-region framework for setting recreational measures for black sea bass with the northern region, which is Massachusetts through New York, New Jersey is its own separate region, and then the southern region, which is Delaware through North Carolina north of Cape Hatteras. This addendum has some guidelines for how to set recreational measures for black sea bass, including some direction for states to develop measures to meet the coastwide target in a manner that aims to reduce intraregional and interregional disparities where possible.

On this slide I have the status quo management measures for each region, with size limits ranging from 16 to 16.5 in the northern region, and this is status quo currently what the management measures are. Size limit of 12.5 inches in New Jersey and 13 inches in the southern region and then possession limit range between 2 and 7 fish in the north, 1 and 15 fish in New Jersey and 15 fish in the northern region, and the seasons themselves are all highly variable.

When the Board met again, it was on February 5, 2026, the motion as planned at their December meeting to discuss the distribution of that liberalization and the guidance in Addendum XXXII, to reduce the intra and inter regional disparities where possible.

After much deliberation the Board approved a distribution of the 20% coastwide liberalization, where the southern region would get a liberalization of 16.5%. The northern region would not be able to exceed 27%, and the New Jersey region would receive the remaining liberalization from the northern and southern region.

For this year's methodology, to be able to determine how all the different combinations of the regulations and what regulations are meeting what percentage liberalization we used the Recreation Demand Model, which with that information we calculated the median percent liberalization.

The process this year was a little bit different from previous years, in that this year we actually calculate the median coastwide liberalization for all the combinations of measures from the three regions. In the past we could only calculate the estimated percent change for a few different sets of example measures, so we didn't know the coastwide percent change until the very end of the recreational measure setting process in late spring.

REVIEW PROPOSED REGIONAL MEASURES

MS. TRACEY BAUER: But now we know at this meeting what combinations of measures are actually meeting our liberalization target. Now this is into the proposed 2026-2027 recreational measures for black sea bass starting with the northern region. The northern region submitted one action with specific sets of measures for each state that overall achieve an estimated 26.9% liberalization.

As a reminder, the Board motion has said the northern region cannot exceed 27% liberalization, so each state lowered their size limit by half an inch for both modes or just private and shore for Rhode Island, since their for-hire fishery was already at 16 inches. Then changes were also made to the possession limits and season for some of the states, and all of which the specific details on what has changed you can refer to the staff memo.

The southern region submitted two options, one of which achieves an estimated 13.3% liberalization and the other achieved an estimated 15.6% liberalization. One action lowers the size limit by half an inch for all four states and opens the season a few weeks earlier. The other option only increases the size limit in Delaware and Maryland, but Virginia and North Carolina would have a much earlier season start date, April 1 instead of May 15. New Jersey submitted 10 options, as the state was allowed to utilize all of the remaining liberalization.

We weren't sure how much would be available, and the options they submitted achieved an estimated liberalization between 16.1% and 17.8%. For other options they provided some combination of inter deposit it from 1 to 2 in the summer and then the season within the spring, summer or fall.

They tried out a lot of different combinations, basically, to see what would hit the overall 20% coastwide liberalization of 20%. I have the New Jersey options on these two different slides, and again you can look at the memo to see the differences between each and the results in percent liberalization achieved by each.

Once all of the states submitted all of their options we were able to go back and calculate the coastwide liberalization for every single combination of all of these different options. This came out to 20 total combinations possible that could be achieved by mixing and matching all of the different options.

The coastwide liberalization was rounded to the nearest whole number, just like the allowed liberalization in the motion, which we had some

discussions with GARFO about, and rounding to the nearest whole number recognizes the estimated liberalizations may not be precise after several decimal places.

Two combinations, A and D equaled a 21% liberalization, which I have in red there on the slide. These two options are both cases where the southern region option, the SR2 is combined with either NJ2 or NJ5. If the southern region selects SR3, the other two New Jersey combinations NJ2 and NJ5 come into C and H it would actually equal 20%.

It's only in some cases with these two New Jersey options when a certain southern region option is selected that we hit the 21%. If a different southern region option is selected then we are still at 20. That concludes all of the different options and the resulting coastwide liberalization from all of those options.

In terms of next steps, today again, the Board action for consideration is final approval of the proposed Black Sea Bass Recreational Measure Options for 2026-2027. The states will have a deadline of April 1 to inform Commission staff of their final selection of measures that they wish to implement.

We as Commission staff are aiming for providing the Commission's letter to GARFO with all the final measures by April 15, and then the states will implement their selected black sea bass measures this spring. With that, that is the end of my presentation and I'm happy to take any questions.

CHAIR MANISCALCO: Thanks for the presentation, Tracey. Are there any questions from the Board? Nichola.

MS. NICHOLA MESERVE: Regarding the table that has all the combinations together and the coastwide percent liberalizations shown. The decision that was made to round to the nearest whole number, was that a Technical Committee decision, and was it made at a time in the process that it could apply to each of the regions? For example, I believe the answer is no here. Did the northern region understand that they could aim for 27.2 or 27.3 percent?

MS. BAUER: I'll just jump in here. Nichola, thank you for your question. Rounding, I do not believe was discussed by the TC, it was something with discussions with staff when we were talking about how to present the information. It's more of a more recent decision.

MS. TONI KERNS: Nichola, we just did it for the final product, based off of these principals around what happens when we're finished with the model, like combining all of the regional options together.

MS. MESERVE: As a follow up, might I ask for the table to be shown without that rounding, to get a sense?

MS. KERNS: Certainly can. Tracey, did you have a backup?

MS. BAUER: Yes, there we go.

MS. MESERVE: Okay, thank you, I'm probably going to reference this later in some comments. Thank you for having it available.

CHAIR MANISCALCO: Next hand I see is Adam Nowalsky.

MR. ADAM NOWALSKY: My question here is regarding the Recreation Demand Model's treating of North Carolina harvest. My understanding is that it does not presently parse out the harvest north and south of north of Cape Hatteras. Our management area is the harvest north of Cape Hatteras.

I believe the last three years of MRIP harvest south of Cape Hatteras has varied between, in the neighborhood of a low couple hundred thousand fish averaging about 219,000 pounds of fish. Has there been any conversation about deducting for that number, because I believe that if we backed out that approximately 219,000 pounds of fish, it

would actually bring all of these percentages under 20%. Could you talk a little bit about conversations that have been had about backing out that text south of Cape Hatteras that the RDM is presently including?

MS. BAUER: Yes, thanks, Adam. That was something that the TC did discuss. Where we ended that conversation of what the TC concluded was not to deduct that harvest out, because it is still in the model that harvest south of Cape Hatteras in North Carolina. But to use it as sort of like to be risk averse by including it, basically.

CHAIR MANISCALCO: Next hand is David Sikorski.

MR. DAVID SIKORSKI: I'm wondering about the decimal points here, and trying to think about this from a risk perspective. Having the decimal points is fine, but not having them seems fine to me as well. I'm thinking about kind of our resolution here, how it zoomed in early, thinking back to December when we discussed anywhere from 0 to, I think 39% liberalization.

We ended up in the middle. Is there a way to describe this kind of for the public and the Board to think about this on a scale level and how it relates to risk, and then can we measure that? Is it even something we should really be considering those small decimal points? That is where my head is right now. I think it's a question/comment, but I think there are questions in there. What do the decimal points mean here? What a big picture risk?

CHAIR MANISCALCO: David, is that a question for staff or for other Board members?

MR. SIKORSKI: I think staff, I'm thinking the technical folk, but I'm happy to hear from anyone, because I just want to kind of wrap my head around it in that frame of thinking.

MS. BAUER: It's a good question, and it's one I think currently, at least on the staff perspective we're viewing it as that the RDM is great, but we are unsure that it really has the level of precision out to like 2.11 or whatever. Multiple decimal places we're not sure if the precision is there, and that is sort of where we landed, at least in our discussions.

In past years we would say like a reduction of 20.7. Our reduction liberalization table is a whole number, so we thought you know, there is some uncertainty in the data so we go with just rounding to the nearest whole number and say that these numbers are 20%, essentially. Not consider those decimal places other than you know using it to round to the nearest whole number.

MR. SIKORSKI: Thank you, I appreciate that. There was a lot of heartburn with the decimal points here in Maryland with their favorite fish the striped bass. It's really helpful and thank you.

CHAIR MANISCALCO: Joe Cimino.

MR. JOE CIMINO: I appreciate a chance to follow up to David's question, because I think what New Jersey was trying to show with their supplemental memo, and I think what it boiled down to is about a half a percentage in this, the difference between one of our options it says 20.5 and one that is right at 20 is about 12,000 pounds for half a percentage. Some of these are even fractions in that. We're talking about 2/10 of a percentage.

Even at half a percent we're talking about 20,000 pounds. As we mentioned, the North Carolina harvest that is in there that shouldn't be is closer to 200,000 pounds, so about 10 times what these percentages over are looking at. That's the worst offenders here, so that is what we were trying to show with those tables and the scale of the fractions of a percent. Thank you.

CHAIR MANISCALCO: Any other Board members want to comment on rounding and decimal points? Not seeing any other hands.

CONSIDER FINAL APPROVAL OF PROPOSED REGIONAL MEASURES

CHAIR MANISCALCO: I'll just offer my own perspective. I mean rounding is a convention that is used commonplace. I don't think we'll find ourselves in any trouble rounding to the nearest whole number. While I recognizes New Jersey's assertion that half a percent is maybe 12,000 pounds and really, you're right. That is a relatively small amount I think, going beyond the 20% that we agreed to in December would put all the states totals in some danger of rejection from NOAA. That would cause quite a bit of chaos. Matt Gates.

MR. MATTHEW GATES: Thanks for the presentation today. To offer a slightly different perspective. For some of the smaller states 12,000 pounds is a significant amount of fish. If we were looking at this earlier on in the process with what we do, that could have made the difference between for a state like Connecticut possibly going even smaller on minimum size or something, which is a probably significant impact. I think there is some significant impact to even small decimal point changes.

CHAIR MANISCALCO: Jason McNamee:

DR. JASON McNAMEE: I'll just quickly work off what Matt just offered. I'll offer the perspective of the northern region. We had four states trying to come to consensus on you know something to put forward. We encountered the same thing where we were getting variations that were slightly over the amount that we were trying to achieve. We held ourselves to kind of sticking to the letter of the law there, and it was meaningful.

You know it could have meant extra time in Massachusetts or smaller size in Connecticut, or more fish in the bag in Rhode Island. We all kind of compromised. I don't dispute anything anybody said about rounding, and these discussions are always kind of hilarious in hindsight, how nuanced we get with this stuff. I don't disagree with the 12,000 pounds and whether that is biologically meaningful. It's really not the point. We in the northern region kind of went into the process with hard threshold and stuck to that, so that is kind of the perspective that I'm approaching this.

CHAIR MANISCALCO: I'm not seeing any, oh Nichola Meserve.

MS. MESERVE: I was just going to offer that I have a motion when you feel like the discussion has resolved.

CHAIR MANISCALCO: Okay, noted. I do see a hand from Mike Luisi.

MR. MICHAEL LUISI: I appreciate the comment that you made, and I wonder if NOAA is online maybe to comment. You know coming into this meeting I was sitting here thinking about the efforts that we've all made to do one of the hardest liberalizations, I think, that we've ever had to do with black sea bass in recent years.

We all made a solid attempt to try to maintain the level of liberalization that we walked out of the meeting with in December, or I guess that was when we decided on the 20%. You know New Jersey was the one state that didn't have a number to shoot for, they had a written number. I don't even know if the range that was presented today was available to New Jersey while they were preparing theirs. That would be something that maybe Joe or Adam could help me understand. But if we were faced with this table and we were sitting at the table talking about how much we would liberalize, if we did it backwards. I would easily be convinced that we could achieve a 21% liberalization and then everybody's options would be okay, and I don't see there being a whole lot of risk in that.

I do, my level of concern raised, John, when you mentioned that if we were to submit a series of regulatory actions by the states that exceeded that 20% that we could all be in jeopardy based on what

NOAAs decision would be, whether that is I guess conservationally equivalent. That concerns me.

I don't know if there is anymore information that we can hear from the Service on, on where they stand with this rounding. I was inclined to support the options as they were presented and not take any of them out today. I'm getting a sense that that is the direction we're going, but it would be helpful to hear from the Service if they are able to comment.

CHAIR MANISCALCO: Savannah Lewis, I see your hand up.

MS. SAVANNAH LEWIS: Just to comment on this briefly. This is largely a discussion for the Board and for the states themselves. But overall, the way we look at it is that the motion in December was move to adopt conservation equivalency with a 20% liberalization from status quo measures.

You know the motion wasn't 21% nor was it really vague in terms of what the increase is. Our standard of review is what this Board decides, so we will review what the Commission will send us in a letter and the documentation that they provide to support that decision, that all states have achieved the requirement in the motion that was passed by both this body and the Council. That is kind of the insight I can provide. I hope that that is helpful.

CHIAR MANISCALCO: Thanks, Savannah. Okay, so we're about 30 minutes in. Mike Wain, your hand has been up for a while, is this a question regarding the presentation?

MR. MIKE WAIN: Yes.

CHAIR MANISCALCO: Okay, we'll allow one question from the public on the presentation.

MR. MIKE WAIN: Thank you for the opportunity, Mr. Chairman. Mike Wain with the American Sportfishing Association. I'm wondering if staff has a slide that shows what the RHL is compared to what the expected harvest is under the RDM runs that occurred to create this table.

MS. BAUER: Hi, Mike, good question. I do not have any real harvest estimates in this presentation, mainly because we were calculating the percent liberalization a little differently than what we have in the past this year. We were calculating everything. The RDM puts out 100 draws of information, and before that we were taking a median of the estimated harvest from those hundred draws. We had some conversations with the RDM team and the Decision Support Tool was outputting information a certain way, so we this year are calculating everything at the draw level, not just the harvest but also the percent liberalization. For each individual draw we are calculating the percent liberalization, comparing coastwide harvest for status quo and the proposed regulations in that individual draw.

Then we take the median of every single of a 100% liberalization we're taking the median. These coastwide percent liberalizations are median numbers based on all the median calculations and so it is not really a one-to-one ratio between this and the harvest. There is a little bit of a disconnect there.

But this, as you recall from the RDM team was a more specifically accurate way of calculating the coastwide percent liberalization. That is the way we move forward this year. Sorry, I do not have those numbers.

CHAIR MANISCALCO: Thanks, Tracey, are there any more questions for Tracey on her presentation? Not seeing any hands, Nichola, you mentioned you had a motion.

MS. MESERVE: I will get it up on the board and then hope to provide rationale if I get a second to it. I would **move to approve regional option configurations D, I, J, L, M, N, O, P, Q, R and T as identified in Table 5 of the staff memo.**

CHAIR MANISCALCO: I see a hand from Jason McNamee, is that a second?

DR. McNAMEE: Yes, Mr. Chair.

CHAIR MANISCALCO: Nichola, please justify your motion. Yes.

MS. KERNS: Nichola, just because you can't circle on the fly. I think these are all of the ones that fall less than the 20% or less, correct?

MS. MESERVE: That is correct, anything that shows here as 20.0% or less are those corresponding letters. I'm making this motion, not because I think that there is a significant difference between 20.0 and 20.1 % or that there is a risk to the resource of overfishing from approving the full range of options, but because it is consistent with my understanding of what the assignment was given to the regions in the Board's prior motion.

It seemed to me that from the comment from GARFO that they had a similar understanding. As Jason McNamee pointed out, the northern region worked really hard to get to an option that was 27% and no more. That was difficult because we were dealing with some equity issues in the region and went through a pretty funky series of calls to get to that.

I'm sure that had we thought that 27.4% was allowed for our region, we would have submitted a different option. That would have had a couple more days here or there, and while those might sound like inconsequential differences, if you look at the range of options submitted by New Jersey, like the actual measures. What you see is that there are multiple versions of essentially the same option that only differ by a day. They are essentially asking for that leeway that the northern region said we didn't have, and that we had to stick specifically to 27%. I believe that it's my perception that in removing some of these options, as this motion does, it still leaves New Jersey with the three or four basic options that it seems they want to be able to take out to public comment and consider the options that look at 2 fish instead of 1 fish in that summer period or an option that reopens the closures or gets to 10 fish for a longer time period in the spring.

I don't see that removing a couple of these options that are over that line that we drew is a significant hindrance to anyone here. Lastly, I don't see that the argument about the North Carolina south of Hatteras data being really relevant to this part of it, as those estimates were included in both the status quo runs and the alternative runs here. I think it is a little bit of misleading to be talking about any type of 4% coastwide overestimation from those estimates being included.

I guess, you know I said lastly, but while I have the microphone, I would just like to acknowledge the cooperation and collaboration that the northern region states used when developing our option, and it makes a lot of significant progress towards better regional alignment. I just wanted to thank Rhode Island, Connecticut and New York for the process that we undertook. Thank you.

CHAIR MANISCALCO: Jason, did you want to add anything?

DR. McNAMEE: Nicola hit every single point that I've got on the notebook there, so I won't retread that ground. But maybe I actually appreciated here last comment there. We had a really good process, you know a lot of good iteration between the states, you know frank discussions but collegial discussions. It was a good process, so my appreciation to the other northern region states as well.

CHAIR MANISCALCO: David, I see your hand is up.

MR. SIKORSKI: I just wanted to speak in opposition to this motion. I think removing all the options makes sense. We talked about the risk today and that is the most important, I think. Given the size of the biomass of this fishery, I think there is some wiggle room. This Board, if I heard NOAA correctly can make its own decisions today. Our hands are

not tied by what we did in December and what we did in the previous meeting.

We can talk about this an make this decision to say that there is really a negligible difference between any of the options because of this decimal point component and in the imprecision of all of this. We know that. We know it exists in all our fisheries. I think it's unfortunate that we'll have to spend time debating this over this back and forth. Because if the northern states had been the region that received the uncertainty like New Jersey ended up with after our last meeting.

I would be sitting here using the same exact logic asking, is it a risk and if it's not a risk to the biomass biologically, let's just move on and accept the fact that things get lost in the margins, because guess what, our margins are really, really wide here. I think this is a key example of where the public really kind of just gets like, oh my gosh, this is exhausting, because frankly, it's exhausting. I totally understands where everybody is coming from, and that's why if the shoe was on the other foot and if the north didn't really know what they were trying to get and came back with something else, I would have given them wiggle room there too, because it's only fair. You know the biomass can take it and I think we need one less point of conflict across all of our lives. Frankly, I don't support this. I'm not prepared to make a motion, but I hope somebody does, I would gladly second it.

CHAIR MANISCALCO: I'm going to go to Matt Gates next and then Adam Nowalsky.

MR. GATES: I think I'll speak in support of the motion. I understand the tough position we put New Jersey in, by having them sort of get the scraps after the other states figured out what they needed. They didn't know exactly what they were shooting for. I think it was appropriate for them to put forward a whole bunch of options with small degrees of variation, because they don't really know how things are going to work out with the RDM and the percent that they get.

But now that we know that some of those options came out over 20%, I think it's appropriate to eliminate those options now. It still leaves them with a bunch of options that they can go out to public with that have different management outcomes. I think I can end up supporting this.

CHAIR MANISCALCO: Adam.

MR. NOWALSKY: I am prepared to substitute and I'll speak to it if I can get a second. I **move to substitute to approve all regional options except A and G.**

CHAIR MANISCALCO: David Sikorski, is that a second?

MR. SIKORSKI: Yes, Sir.

CHAIR MANISCALCO: Adam, would you like to speak to it?

MR. NOWALSKY: Yes, thank you very much. I think Mr. Sikorski's comments about approving all of these, in particular in light of the North Carolina harvest is a reasonable way forward. However, I am going to choose a middle ground here deferring to the Technical Committee's position on leaving the harvest in and that the status quo was calculated with it in originally.

I can understand the case that we do have to draw a line somewhere. However, what I'm concerned with the original motion is that it basically sets a precedent that says we can't round decimal points that equate to a couple thousand pounds of fish, which I think is just ludicrous. The motion back in December did not say up to it said a 20% liberalization. Staff clearly found that they could make the case for the rounding that has taken place here.

I'm highly confident that if we went back in time and looked, we would find similar cases of rounding would be allowed. While I understand the original

motion's makers comments and concerns about, well if we're going to round why couldn't we do 27.1, 2 or 3 in the northern region. My response to that is at the joint meeting last month we explicitly set the northern region at up to 27%. That is what was included there at that time. I think that by going forward with this motion that I'm comfortable with, it still gives New Jersey flexibility to potentially implement Options 2 and 5 if the southern region goes ahead and chooses 3, we would be in contact with the southern region to try to get a sense. Our states, Marine Fishery's Council will meet later this month.

I am confident that we can still go ahead and get our option in by April 1. Our state would not choose Option 2 or 5 until we knew whether or not it would conflict with the southern region. We certainly don't want to put this entire plan at risk. I think this is a reasonable way forward at this time, and I hope the Board can support this motion. Thank you very much.

CHAIR MANISCALCO: Thanks, Adam. David, would you like to add anything?

MR. SIKORSKI: No, I think Adam's comments and my previous comments speak for themselves, thank you.

CHAIR MANISCALCO: Is there any further discussion from the Board on this motion? Nichola, I see your hand.

MS. MESERVE: I just wanted to respond to one part of Mr. Nowalsky's comments, and that the motion previously approved set the northern region at no more than 27%. By the same logic, the southern region was explicitly given 16.5% in that motion. If that is a compelling rationale for anyone then we should also be only assigning, we should be assigning 16.5 to the southern region and leaving whatever is left from that number. I'll second the comment that it's strange how much harder it is to liberalize than to reduce.

CHAIR MANISCALCO: Joe.

MR. CIMINO: I disagree with a lot of what Nichola said, but I agree that we can't say exactly what that North Carolina harvest included means. But originally the Technical Committee came to the Board and said it's a buffer. Now they're saying its more risk averse. They obviously think that it would change these percentages if it was left out.

Again, what we are arguing for in this motion isn't to move above the line that we all set, it is simply to say that we're not 100% sure where that line is, and we believe that this option still would if the data was run correctly, get us there.

CHAIR MANISCALCO: Okay, anymore discussion from the Board? I'm not seeing any hands, so I'm wondering if there is anyone from the public who would like to speak on this motion before we call a vote. Stephen, I see your hand, Stephen Machalaba.

MS. KERNS: Still showing that you are muted on your end. Maybe John go to the next.

CHAIR MANISCALCO: Yes, we'll go over to Mike Wain and we'll come back to you and give it another try. Mike Wain, please.

MR. WAIN: Thank you, Mr. Chairman. Mike Wain with the American Sportfishing Association. I just want to take a step back from that and remind the Board that through the Recreational Reform Initiative, specifically the Harvest Control Rule, and then the Rec Measure Setting Process that implemented the percent change approach.

The whole intent of that action was to try to acknowledge that there is significant imprecision in the catch data, and chasing decimal point levels of precision is a fool's errand. Yet here we are, doing exactly the same thing and fighting over decimal places later in the process. It just seems very inconsistent with the entire intent of this action, which is the recreational catch data are not precise enough to drive these types of calculations.

There is no statistical difference between any of those options. I'm not sure why staff was unable to answer the question I asked previously, because I was simply asking what is the target that this increase would equate to relative to the RHL? Is there a distance between that? Is there a buffer? I believe the answer to that question is yes, considering we were previously considering increases all the way up to 39%.

The 20% is already a conservative target. The level of precision that is being debated right now is eroding the credibility of this process. I think it's silly that we continue to do this. I would recommend that the Board, really sit down after this decision and this spec setting and think more specifically about that so we don't end up in this place again. Thank you.

CHAIR MANISCALCO: All right, Steve, I've going to try you again. Try to unmute yourself, please. Okay, Stephen, apologies. Maybe we could work offline at sometime in the future and figure that out for you. Okay, anything further from the Board before we take a vote? Can I see hands if anyone needs to caucus? I'm not seeing any hands, so I'm assuming that no caucus is necessary. Toni, would you mind handling the vote?

MS. KERNS: Not at all. **All in favor raise your hand. I'm just going to give it a second to let everyone's hands go up. I have Maryland, New Hampshire, and this is to the substitute motion, I didn't say that, I apologize. New York, New Jersey, Delaware. New Hampshire took their hand down; Renee are you not in favor of the substitute?**

MS. RENEE ZOBEL: Toni, we are in favor of the substitute.

MS. KERNS: Okay, just making sure, thank you. I'm going to put your hands down for you. Those that are against the substitute motion. I have Rhode Island, Virginia, Massachusetts, North Carolina and Connecticut. Going to put the hands down. Any null votes? Any abstentions; NOAA Fisheries. Tracey, am I right on the count is 5, 5, 0, 1?

MS. BAUER: That's what I got.

MS. KERNS: Mr. Chair, that would be the motion would not carry for lack of majority.

CHAIR MANISCALCO: Thank you, Toni, so back to the original motion then. Any further discussion on this motion? Not seeing any hands, I am going to request a minute for caucus. Toni, is there a timer set you could show on the presentation?

MS. KERNS: I started one on my cell phone. I'll let you know when a minute is up and if you need more time that is fine. It's been a minute, let me know if you need another minute.

CHAIR MANISCALCO: Okay, looking for any hands that feel they need additional time. Not seeing any. **All who support the motion, please raise your hand.**

MS. KERNS: I have Rhode Island, New Hampshire, Virginia, Massachusetts, North Carolina, New York and Connecticut.

CHAIR MANISCALCO: Okay, putting your hands down now. All opposed, please raise your hand.

MS. KERNS: I have Maryland, New Jersey and Delaware.

CHAIR MANISCALCO: Okay, hands down, null votes. Not seeing any, and abstentions.

MS. KERNS: NOAA Fisheries abstains. John, I do have one question for Tracey and Nichola, and I apologize that I did not ask this beforehand, I meant to. I think Option F shows at 20.0 in the table. I think it should be included, but I might have misread it or missed saw my lines not lining up. Am I wrong?

MS. BAUER: I am doublechecking right now.

CHAIR MANISCALCO: I have it as 20.04.

MS. KERNS: Okay, thank you.

CHAIR MANISCALCO: Tracey, I don't know if you want to confirm that.

MS. BAUER: Yes, that sounds right.

MS. KERNS: Okay, thanks, sorry about that.

CHAIR MANISCALCO: I believe the motion passed.

MS. BAUER: Yes, it did. I **got 7 to 3 with 1 abstention**. Toni, is that what you?

MS. KERNS: I did not do the count, so you just read them there. Thanks, Chelsea.

CHAIR MANISCALCO: **Motion passes** and I believe that concludes the business on this particular item. I will just look to the Board to see if anyone has anything final to say. Jay McNamee, I see your hand.

DR. McNAMEE: I just wanted to offer two things so that we don't loose track of them, and I think they are a request for a task to the Technical Committee. The first is, if folks remember back to the, I think it was at the joint meeting where we had a long, tortured discussion on the uncertainty bounds and which size of uncertainty bounds we should be using.

In the end I think our motion sort of detached itself from that discussion, which was fine. But I think that is something that will come up again, and so it would be good to be out ahead of that. I am hoping, at least starting with the Technical Committee to kind of look into some way to optimize what the confidence limits should be, so that is one thing.

I think there is enough in that previous discussion to kind of provide a little more guidance than I just did now. Then the other thing, which is our task for the Technical Committee is, I have developed a little calculation to figure out and compare when the region is getting closer or further apart by way of regulations across the different states.

I think it's fairly straightforward, but I would love for the Technical Committee to take a look at that and vet it as a tool. It probably has some application beyond black sea bass, maybe not a ton of application, but I think it would be worthwhile for them to vet that.

The other aspect is there is a couple of bells and whistles within there where you can upweight certain components and down weight them and things like that. That could use some additional vetting and guidance, so I'm hoping we could put those two things in front of the Technical Committee, so that we're prepared with some information for them next go at this.

CHAIR MANISCALCO: Thank you, Jay. Tracey and Chelsea, is that clear enough for the tasking for the TC for you to move forward on?

MS. CHELSEA TUOHY: Yes, I think so. Thank you.

CHAIR MANISCALCO: Thanks. Matt Gates, I see your hand. Matt, I don't hear anything, your hand appears to be down.

MR. GATES: Yes, that's because I pressed the wrong button, sorry about that. I just wanted to comment on a process we used this time. We used the RDM sort of in this regional context. I thought it was productive to work with the other states in generating options. But I feel like it sort of left out the public comment period portion of it.

We could only really generate one option for the northern region, and you couldn't come up with state-specific options because each state's actions influenced the percent liberalization in the different states. I think maybe if we just think about that when we do this process again in the future, how we can get a little bit more public participation in the process. Thanks.

MS. KERNS: John, can I speak to that?

CHAIR MANISCALCO: Of course, Toni.

MS. KERNS: Matt, we can try to explore ways to do that. What we have been relying on is for the states to utilize your administrative processes to get as much public input as you can on possibilities. The timeline is so tight in between all of when we make these decisions. For us to hold public hearings or something like that is virtually impossible.

We are happy to try to explore options with you all. It is not that we are trying to exclude the public from these decisions, it's just that we have been relying on the state process, in order to glean what your regional or state folks are looking for. We don't have the information soon enough, like Tracey was still working and running the numbers up until last week. It is very tight timelines for this process.

MR. GATES: Yes, I agree, the state timelines are tight even in the state processes it's tough. Hopefully there is enough brainpower in the group here to just come up with a little bit better system.

ADJOURNMENT

CHAIR MANISCALCO: Thanks for that. Is there any other business to come before the Board before we adjourn? I'm not seeing anything, so I think we're done here today. I want to thank of course all my Commission staff that worked to get this meeting together. Thank you.

(Whereupon the meeting adjourned at 2:00 p.m. on Thursday, March 5, 2026)