

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

The Westin Crystal City
Arlington, Virginia
February 8, 2018

These minutes are draft and subject to approval by the Summer Flounder, Scup and Black Sea Bass Management Board.
The Board will review the minutes during its next meeting.

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

TABLE OF CONTENTS

Call to Order, Chairman Robert Ballou 1

Approval of Agenda 1

Approval of Proceedings, October 2017 1

Public Comment..... 2

Addendum XXX to the Summer Flounder, Scup and Black Sea Bass FMP 2

 Review Options and Public Comment Summary..... 2

 Advisory Panel Report 8

 Consider Final Approval of Addendum XXX..... 10

Review and Consider Approval of State Proposals for Recreational Summer Flounder and
Scup Measures for 2018 33

 Scup Recreational Proposals 37

Consider Approval of 2017 Scup FMP Review and State Compliance Reports 39

Election of Vice-Chair..... 40

Other Business 41

 Black Sea Bass Stock Status Update 41

Adjournment..... 45

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of October 2017** by consent (Page 1).
3. **Move to adopt Option 3.1.2 Regional Management, and under Section 3.1.2.1 Option B, Regional allocation based on exploitable biomass and historical harvest, and under Section 3.1.2.2 Option B, 3 Regions (Page 11).** Motion by David Pierce; second by Mike Luisi. Motion carried (Page 14).
4. **Move to approve Timeframe Option B, under Section 3.1.2.3, 2011-2015 timeframe** (Page 14). Motion by Eric Reid; second by Davie Pierce. Motion substituted.
5. **Motion to substitute; for section 3.1.2.3, an averaging of the allocations resulting from the two time series to be adopted that gives a 61.35 percent allocation to the north, a 38.65 percent allocation to the south, and then the southern allocation split based on the average historical harvest between the state of New Jersey (78.25%) and the states of Delaware to North Carolina (21.75%)** (Page 20). Motion by Adam Nowalsky; second by John Clark. Motion carried (Page 24).

Main Motion as Substituted: for section 3.1.2.3, an averaging of the allocations resulting from the two time series to be adopted that gives a 61.35 percent allocation to the north, a 38.65 percent allocation to the south, and then the southern allocation split based on the average historical harvest between the state of New Jersey (78.25%) and the states of Delaware to North Carolina (21.75%).
6. **Move that for Section 3.1.2.4 we adopt B, Regulatory standard with conservation equivalency allowed** (Page 24). Motion by David Pierce; second by Rob O'Reilly. Motion amended.
7. **Motion to amend: to waive the maximum deviation in days allowed for season length** (Page 24). Motion by Eric Reid; second by Mark Alexander. Motion carried (Page 25).

Main motion as amended: for Section 3.1.2.4 we adopt B, Regulatory standard with conservation equivalency allowed, with the maximum deviation in days allowed for season length waived. Motion carried (Page 25).
8. **Move to adopt Option B under Section 3.1.2.5 (in concept) adjusting management measures to the ACL, with implementation delayed pending further refinement by the Board/Council** (Page 26). Motion by Mike Luisi; second by Rob O'Reilly. Motion carried (Page 27).
9. **Move to approve Option A in Section 3.2, a 2-year timeframe for addendum provisions** (Page 27). Motion by Roy Miller; second by Dave Borden. Motion carried (Page 29).
10. **Move to approve Addendum XXX as modified today, with a March 31st implementation date** (Page 27). Motion by John Clark; second by Rob O'Reilly. Motion carried (Page 29).

11. **Motion brought back to the table *that the 2018 federal waters black sea bass measures include a 15-fish possession limit, 12.5-inch minimum size, and season from May 15-December 31. These measures assume the Commission process will develop measures to constrain harvest to the 2018 RHL. A backstop measure of 14 inches, 5-fish possession limit, and a season from May 15-September 15 would go into effect should the Commission not implement measures to constrain harvest to the 2018 RHL.*** Motion by Adam Nowalsky; second by Dave Borden. Motion carried (Page 33).
12. **Move to approve the methodology for the summer flounder proposals and methodologies for use in the 2018 recreational summer flounder fishing season as recommended by the Technical Committee** (Page 37). Motion by Adam Nowalsky; second by Eric Reid. Motion carried (Page 37).
13. **Move to approve a size limit change for the state of Massachusetts through New York of 9-inch minimum size limit for the 2018 recreational scup fishing season. For the states of Rhode Island and Connecticut, the minimum size limit at shore site programs would be set at 8 inch minimum size limit. Approve an open season length from January 1st through December 31st for the state of New Jersey** (Page 39). Motion by Adam Nowalsky; second by John Maniscalco. Motion carried (Page 39).
14. **Motion to accept the Scup Fishery Management Plan Review of the 2016 fishing year and approve de minimis request from Delaware** (Page 40). Motion by David Pierce; second by John Clark. Motion carried (Page 40).
15. **Move to nominate Adam Nowalsky as Vice-Chair to the Summer Flounder, Scup, and Black Sea Bass Management Board** (Page 40). Motion by John Clark; second by Eric Reid. Motion carried (Page 41).
16. **Move to adjourn** by consent (Page 45).

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

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Roy Miller, DE (GA)
Doug Grout, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Mike Luisi, MD, proxy for D. Blazer (AA)
David Pierce, MA (AA)	Rachel Dean, MD (GA)
Bob Ballou, RI (Chair)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Jason McNamee, RI (AA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Steve Murphey, NC (AA)
David Borden, RI (GA)	Chris Batsavage, NC, Administrative Proxy
Mark Alexander, CT (AA)	Doug Brady, NC (GA)
Matt Gates, CT, proxy for Sen. Miner (LA)	David Bush, NC, proxy for Rep. Steinburg (LA)
John Maniscalco, NY, proxy for J. Gilmore (AA)	Lindsay Fullenkamp, NMFS
John McMurray, NY, proxy for Sen. Boyle (LA)	Brandon Muffley, MAFMC
Heather Corbett, NJ, proxy for L. Herrighty (AA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Sherry White, USFWS

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

Ex-Officio Members

Staff

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

Guests

Kiley Dancy, MAFMC	Gray Rodding, DC
Jeff Deem, VMRC	Jack Travelstead, CCA
Emily Gilbert, NMFS	

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday, February 8, 2018, and was called to order at 1:35 o'clock p.m. by Chairman Robert Ballou.

CALL TO ORDER

CHAIRMAN ROBERT BALLOU: Good afternoon. I would like to call this meeting of the Summer Flounder, Scup, and Black Sea Bass Board to order. My name is Bob Ballou; I have the honor of serving as Board Chair. As originally scheduled this meeting is slated to run until 5:00 p.m. but thanks to our 1.5 hour jump start, I think we stand an excellent chance of adjourning on time, if not early.

Then again this is the Fluke, Scup, and Black Sea Bass Board, so let's see how we do. I would like to begin by introducing the staff who is here at the end of the table with me. To my immediate right is Caitlin Sparks, the Commission's Black Sea Bass, Starks, of course I know it's Starks. That's close to Kathy Sparks, who's a colleague of mine in Rhode Island.

Caitlin Starks is to my immediate right; the Commission's Black Sea Bass FMP Coordinator. To Caitlin's right is as you all know, Kirby Rootes-Murdy. He's continuing to serve as the FMP Coordinator for Summer Flounder and Scup. Greg Wojcik, the Board's Technical Committee Chair could not make it for this meeting. However, John Maniscalco who is at the table serving as a Board member with the New York delegation also serves as a member of the TC.

If during the meeting the Board has any questions for the TC, John has kindly agreed to make himself available for that purpose. Thanks, John; we appreciate your willingness to wear both hats on an as needed basis.

APPROVAL OF AGENDA

CHAIRMAN BALLOU: With that we will move right into the agenda for today. The first order of business is the approval of the agenda. Before I seek input from the Board, I would just like to offer one suggested addition.

Under other business I would like to address the issue of whether there might be a path forward for generating updated information on stock status for black sea bass this year, and coordinating that with the Mid-Atlantic Council's SSC. That is the only suggested addition that I have. Does anyone on the Board have any other recommended modifications to the agenda?

Seeing none; is there any objection to approving the agenda as revised? Seeing none; the agenda as revised stands approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN BALLOU: And we're on to Item 2b, which is the approval of the proceedings from the Boards October, 18, 2017 meeting in Norfolk, Virginia. Are there any recommended changes to those minutes? Seeing none; is there any objection to approving those minutes as proposed? Seeing none; those minutes stand approved by consent. I'll just briefly pause at this point and note for the record that the last meeting of the Board was actually held on December 12 and 13, 2017 in Annapolis. That was our semiannual joint meeting with the Mid-Atlantic Council. While many of us have gotten very used to the process of bouncing back and forth between the Commission's website and the Council's website to track our decision making process.

I think it would be helpful moving forward to begin adding the links to those meetings to the Commission's website; so we have a readily accessible chronological record of our proceedings, whether they be Board only

meetings such as today, or joint Board-Council meetings as occurs at least twice a year, and have them all sort of live in one place.

I just would like to offer that up and ask perhaps Caitlin and Kirby to coordinate with Tina, reach out to the Mid-Atlantic staff and see if that's doable, just a suggestion there to kind of help keep things centralized.

PUBLIC COMMENT

CHAIRMAN BALLOU: That brings us to our next item on the agenda which is Public Comment. First of all we had a sign up list; no one has signed up. Is there anyone from the public who would like to comment, address the Board on any issue that is not on our agenda today?

ADDENDUM XXX TO THE SUMMER FLOUNDER, SCUP AND BLACK SEA BASS FMP

CHAIRMAN BALLOU: Seeing no hands; we will move on to our next item which is Addendum XXX for final approval. This is a final action item. It's Addendum XXX to the Summer Flounder, Scup and Black Sea Bass FMP; which addresses black sea bass recreational management in 2018. Just quickly, before we launch into our review and consideration.

I really want to credit the Rec Working Group and the Board for having the foresight to develop some new and innovative approaches for consideration, and to the public for their many substantive and really helpful comments through the public hearing and public comment process. The public hearings I saw were very well attended up and down the coast.

I really think I speak for everyone here in offering our appreciation to the many folks who offered comments on this draft addendum. Certainly to Caitlin, our new FMP Coordinator who really has done an awesome job keeping things on track, and managing a pretty hefty portfolio, so thank you for all of that.

Here is how we plan to proceed. First Caitlin will review the options as set forth in the draft addendum, and the public comment summary. We don't have a TC report, although it's indicated on the agenda. But Caitlin will offer some brief comments on the process used by the Technical Committee to develop the example measures in the draft addendum. That is really the sole focus, if you will, of that item.

Caitlin will then present the AP report on the draft addendum; and we'll then proceed with final decisions moving forward on an issue-by-issue basis. I do not plan to allow for additional public comment, since that opportunity has already been provided. The only stipulation would be if a motion is considered that deviates substantively from the option set forth in the draft; which I don't anticipate. As such, we would not be entertaining additional public comment today. With that Caitlin, the floor is yours.

REVIEW OPTIONS AND PUBLIC COMMENT SUMMARY

MS. CAITLIN STARKS: I'll jump right in and get us going on this. I'll be presenting on Draft Addendum XXX for Board review; and to give you an outline of my presentation. I'll start with the timetable for the document's development, highlight some of the changes that have been made since the public comment period, then provide an overview of the public comment, give a quick refresher on the documents background, and then review the proposed management options in the Addendum, and summarize the public comments on those options.

Then before I take questions I'll provide the Advisory Panel report; and outline the Board's next steps on the Addendum. I know we have a lot to go through today; so if we can hold questions until the end I think that would help us keep moving smoothly. The Board initiated this Addendum in May of 2017; and then the document was developed over the course of

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

the year by the Recreational Working Group and PDT.

The Board approved the Draft Addendum for public comment at the December, 2017 joint ASMFC-MAFC meeting. Following the approval of the Draft Addendum it went out for public comment from December 22 through January 22; and during this period the public comments were submitted and gathered at state public hearings.

The comments are provided in the supplemental materials; and I'll also be including summaries of those in my presentation. Now we're at the juncture where the Board will consider the Addendum for approval; and take final action on the document. Before I get into the overview of the document and public comments, I want to point out those changes that have been made to the document since public comment.

There have been a few minor changes; if you look at the tables in Appendix 1 of the Addendum, you'll see they've been updated. The first reason for these updates was to correct an error found in the 2006 Harvest Estimates in the MRIP data that were being used to calculate the regional allocations proportional to harvest.

When this error was corrected, and the actual 2006 MRIP data were included, the regional allocations in all of those tables changed very slightly, by less than 1 percent in all of the cases. Now in these tables you will see the updated information highlighted in yellow; with the old values in parentheses for comparison.

The other update made was to the number of season days given in the example measures in Tables B-1 and B-2 for the northern region; and this update was just to reflect the most current projections for harvest in 2017, based on Wave 5 data, as previously they only included Wave 4 data. Now all the tables in the appendix are

updated through Wave 5; with those example measures.

To show you an example of how to read this; this is Table A-1 as is currently presented in the document, and all of the tables that have been updated are highlighted in this format. You can see the percent change in allocation and the resulting change in the allocation in pounds in yellow; and all of the other updates again are in the same format. As I mentioned; the public comment period was open from December 22 to January 22, and during the period of public comment there were hearings held in eight jurisdictions, including all of the states in the management unit except New Hampshire and North Carolina. In total 111 people were estimated to attend the hearings; and 87 provided comments at these hearings. We also received 54 total written comments; which included 1 form letter signed by 12 individuals, 8 letters from organizations, and 34 comments from individual stakeholders, including charterboat owners and operators, private anglers, and concerned citizens.

As I review the management options in the document in a few slides, I will also be summarizing the comments that are specific to each of the sections or options. Then at the end I'll summarize some of the more general comments received on the Addendum. I'll move into a quick review of the document; and propose management options starting with some background information.

As you'll recall, the Addendum was initiated in response to several challenges in recreational black sea bass management over the last several years; related to inequities in harvest reductions and accountability for the effectiveness of regulations. Under the FMP the recreational fishery for black sea bass is managed on a target quota basis; where a set portion of the total allowable landings every year is established as in a recreational harvest limit or RHL.

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

The states then establish their management measures that are expected to collectively achieve this RHL every year. From 1996 to 2010, to achieve the coastwide RHL there was one set of coastwide management measures being used. This became viewed as problematic; due to some differences in the stock, fish size and fishing interests along the coast, and disproportionate impacts to the states within the management unit.

Therefore, the Board approved a series of addenda which allowed for some more state-by-state flexibility; beginning in 2011 with Addendum XXI, which allowed the states to individually craft the recreational measures to constrain harvest to the RHL. Then an ad hoc regional management approach was used from 2012 to 2017.

Under this approach the northern region states have been subject to harvest reductions in most years; and the southern states have largely remained status quo, keeping their measures consistent with the federal measures. Also during these years of state-by-state and ad hoc regional management, the constant catch approach was being used to set coastwide catch limits, from 2010 to 2016, because there was not a peer reviewed and accepted stock assessment for management use.

The lack of information on the black sea bass stock made it a little difficult to manage the resource; and the mismatch between the constant catch limit and the actual stock status, resulted in states continually having to reduce measures. Under ad hoc regional management the states had some flexibility in reducing their measures; with state-specific adjustments to their regulations, but this also raised some concerns about the equity and accountability in constraining harvest to the coastwide catch limits.

All these concerns led to the motion in May of 2017; to develop alternative approaches for

regional management via an addendum, so that states in a region would have some more consistency in their measures and their catch limits, based on geographic differences in the stock in the fishery. As a reminder, the most current information on the black sea bass stock from the 2016 benchmark stock assessment indicates that as of 2015 the spawning stock biomass is well above the target; and the fishing mortality was also estimated to be below the target. The stock is not overfished and overfishing is not occurring. However, a challenge is that we don't have as much information about the new-year classes that will be coming into the exploitable portion of the biomass.

We should have an assessment in 2019 to give us some more information on the stocks trajectory. Now I'll start going through the management options that are presented in the document. As you'll remember, there are two proposed management programs; Option 3.1.1 for coastwide measures, and Option 3.1.2 for regional allocation of the RHL.

Under regional allocation there are six additional decision points; which are shown up here that I'll go through individually over the next several slides. As I go through each of these management options, I'll also be summarizing the public comments that are specific to each one. After each of the decision points in the document, I'll provide summaries on those comments that were more general in nature.

Option 3.1.1 would be to use the default management program under the original FMP; and this would require one set of coastwide management measures for recreational black sea bass, and all states would have to follow the same set of measures. As you might have seen in the memo provided in supplemental materials, the Council proposed but did not approve federal backstop measures at the December joint meeting as follows.

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

They were 14 inches in minimum size, 5 fish in possession limit, and a season from May 15 to September 15. While these measures have not been approved by the Board and Council, they were analyzed by the Council staff and TC members; and were projected to result in a recreational harvest of 3.62 million pounds, compared to the 2018 RHL of 3.66 million pounds.

In this case the Board could consider these measures as de facto coastwide measures; under the coastwide management option. Following the discussion on this Addendum, the Board will also need to action on these federal measures. Also note that the two states participating in the February fishery, North Carolina and Virginia would be required to further reduce their measures to account for their Wave 1 harvest.

The second option is regional allocation of the RHL; and again under this management option there are six additional decision points that would need to be defined by the Board. There is the basis for allocation, the regional alignment, the timeframe used to specify the allocation, the consistency of measures within a region, the process for evaluation and specification, and the timeframe for the Addendum to stay in place.

Public comments on the management program overwhelmingly supported the regional allocation option. Only one commenter supported coastwide measures. The comments included that it's difficult to offer meaningful comments on the choice between coastwide and regional management; when there were no actual or proposed coastwide measures provided, which as you'll remember at the time there were no coastwide measures provided as examples for that option. Another comment mentioned that regional management would be more reasonable for all the states than coastwide measures would be. That regional allocation provides an opportunity to rationalize

black sea bass management; and that it's more logical, because the fisheries in different states and regions are quite different. There are also several comments that the Addendum should have included an option for state-by-state management as the original motion suggested. The next decision point, which is the first decision point under regional allocation, is Section 3.1.2.1 basis for allocation, and there are two alternatives.

Under Option A, only the average historical harvest data would be used to determine the proportion of the RHL allocated to each region. Option B would require a three-region alignment; where the northern states would be Massachusetts through New York, and then New Jersey would constitute a standalone region, and then the southern region would include Delaware through North Carolina, north of Cape Hatteras.

Just note that if this option is selected, this is the only regional alignment possible under the next section. Under this option the allocation of the RHL would be calculated using a combination of exploitable biomass and historical harvest information. The first step would initially allocate the RHL between the north and the south; split at the Hudson Canyon.

New Jersey would be included in the south at first. Then this would be based on a time series average of the exploitable biomass produced from the 2016 benchmark stock assessment. Then New Jersey would be proportioned out of the southern region; using their proportional historical harvest, compared to Delaware through North Carolina.

The exploitable biomass estimate is derived from recreational catch-per-angler and a catchability coefficient q . When you divided recreational catch per angler by q , you scale it to biomass for each of those regions. The majority of the comments received supported

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

Option B, which is allocation based on exploitable biomass at harvest.

The comments in support included that the exploitable biomass option has merit; but it needs further development, and also that it is good to incorporate information on the shifting distribution of biomass in the black sea bass stock into management. Some supporters of either of these two options commented that their preference was because it would allow them to get more liberal measures in their state.

The next decision point is the regional alignment; and in the document there are three options; A, two regions with Massachusetts through New Jersey, and Delaware through North Carolina. Then B, three regions, Massachusetts through New York as one, New Jersey as a standalone region, and Delaware through North Carolina as the third, and C, four regions, Massachusetts and Rhode Island as one region, Connecticut and New York as a second, New Jersey again as a standalone, and Delaware through North Carolina as the fourth.

Again, the Option B, three regions is the only option available to go with the exploitable biomass option in the previous section. For regional alignment the majority of the comments supported Option B; three regions. Many of the supporters of B preferred it by default; because they supported the option for allocation based on exploitable biomass and historical harvest. It was also commented that it's the best option for New Jersey to be in its own region; due to their differences in measures in harvest from both the north and the south. The 2-region option was the second most supported option. Supporters of this option commented that more states in a region would result in better estimates; and lower PSEs for the MRIP regional harvest estimates, and that New Jersey and New York having different measures would result in some unfair competition.

The third decision point is the timeframe for specifying the regional allocation. Option A is a 10-year timeframe from 2006 to 2015, and Option B is a 5-year timeframe from 2011 to 2015. The comments on these timeframes, overall the preferences for the 5-year timeframe outnumber the preferences for the 10-year timeframe; but not by much. There is a notable split between the northern and southern states on which options they support.

The supporters of the 5-year timeframe commented that it's more reflective of the current distribution of the resource; and the increased abundance of black sea bass in the northern states, and that since the 2011 recruitment the fishery has changed drastically, with a significant increase of abundance of black sea bass, and that it would result in a longer season for the northern states.

The supporters of Option A, the 10-year timeframe, commented that the longer time period provides a more historical average, which accounts for the northward shifts in biomass in recent years, and that using the 5-year timeframe would be unfair to New Jersey and southern states, because of the mandatory harvest cuts and lower catch limits that were occurring in that timeframe. Finally the 10-year timeframe results in more liberal measures for the southern states.

The next decision point is the consistency of measures within the regions. Option A would be for all the states in a region to have uniform measures; but note that the participation of two states in the February fishery, again North Carolina and Virginia, will remove the possibility of having truly uniform measures within some regions.

Option B is to have a regulatory standard for a set of measures within a region; with conservation equivalency allowed. The states within the region would be allowed to deviate minimally from that standard by 1 inch in size

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

limit, 3 fish in possession limit, and 30 days in total season length. Public comments overall indicated a greater preference for Option B; which is the regulatory standard with CE.

However, many commented that more flexibility should be allowed in these CE restrictions; because of seasons that occur at different times in the year, based on the resource availability, and many felt the 30 day time limit of difference is not enough to account for these differences. Some other comments included that this option would be necessary for Delaware through North Carolina; because Virginia and North Carolina are participating in the February fishery, while the other states are not. Each state should have the freedom to craft the appropriate regulations for their fishery without concern for the surrounding states.

Our fifth decision point is related to the process for evaluating and specifying measures. The first choice is to use essentially our status quo process of annually setting regional measures and evaluating regional harvest against the RHL. The second choice is to instead set regional measures to try and achieve the RHL; but to then evaluate regional harvest performance based on the recreational ACL or the annual catch limit. For example, the 2017 harvest would be used to set the regional measures to achieve the 2018 RHL; and then in 2019 the measures would be specified based on performance of the 2018 fishery relative to the ACL.

This would be looking at catch; which includes harvest and discards. If the coastwide ACL is not exceeded in the previous year, the states may demonstrate that maintaining current measures or liberalizing will constrain our catch of the ACL in the following year. If the ACL were exceeded, the catch would then be evaluated against a 3-year moving average of the ACL.

For example, if 2019 catch is over the ACL then the catch would be compared to a time series average, three years of the ACL, and if it's over that average then the region would have to reduce their recreational measures. Because this option does involve some better needs for discard information, the states would develop proposals to implement improved data collection and compliance from both private anglers and state-only permitted for-hire vessels, which recreationally target black sea bass.

These proposals would need to demonstrate that by 2020 significant improvements would be achieved in these five different areas; biological sampling, reduction and refusal rates of MRIP intercept surveys, discard and composition information, reduction in discarding, and improved angler compliance.

All of those who commented on this option supported Option B, adjusting measures to the ACL; and reasons for this included that this opportunity to provide additional discard information, to show the differences in mortality rates among the states would be beneficial, and also that status quo hasn't seemed to hit the right mark, so maybe this approach would.

I'll also note that at the hearings many members of the public were hesitant to comment on this due to their lack of understanding on how this ACL option would work in practice. There was a general feeling that the details of this option need to be further defined. It was mentioned also in the document that the document should not refer solely to overages; but also include examples of underages when evaluating the harvest to the RHL or the ACL.

Our last of the decision points under regional allocation is the timeframe for the Addendum provisions. Our choices in the document would either allow the Addendum provisions to stay in

place for either up to two or up to three years. After 2018, the Board could vote to extend the management program as specified in the Addendum for either one or two years; expiring at the end of 2019 or 2020.

Overall in the public comments there was more support for Option B, Addendum provisions in place for up to three years. The comments on this were that it would make it easier to extend the Addendum if it was working well; and it would reduce administrative burden. Some comments for the 2-year option included that the Addendum is unfair and should be replaced as soon as possible; and also that new information from upcoming stock assessments should be incorporated into management as soon as possible. There were also 14 commenters in Rhode Island that requested the Addendum only stay in place for one year. All right so those are all the specific management options and comments on those options; and these are some additional comments that are more general about the Addendum.

There were a large number of people who indicated that season length is an extremely important factor for the for-hire sector; and they're looking to have the longest season they can. There were also some comments that the for-hire sector should be a separate category within this Addendum; and that they should have different measures from private anglers, because they account for a smaller proportion of the recreational harvest coastwide.

There were also multiple comments expressing concern that the document is not explicit enough when it comes to regional and state accountability. It needs to be more clear how the states and regions would be actually held accountable for their harvest. Also comments were made on the distrust in the MRIP data being used for management; and in mortality estimates and also the management system for recreational black sea bass in general.

Many commenters also mentioned that current and proposed management is too restrictive; considering the large stock biomass. A couple of individuals brought up opposition to midseason closures specifically. Finally, various commenters felt it was difficult to comment on this addendum; considering the uncertainties in harvest estimates and measures resulting from the options.

Thank you for bearing with me through the overview of the document and the public comments. As Bob noted, our TC Chair is not here to give a report on the Addendum; so if there are questions on the specific work done by the TC on the example measures provided, I can attempt to answer those at the end. But first I'll quickly summarize the AP report on this document.

ADVISORY PANEL REPORT

MS. STARKS: Our Advisory Panel met via conference call; to review Draft Addendum XXX on January 25, and 9 advisors provided feedback on the options in the Addendum. One advisor from North Carolina preferred the coastwide option; and therefore didn't comment on the rest of the options under regional allocation. The other 8 supported regional management; and commented on the relevant decision points as follows.

Eight of them preferred the harvest-based allocation, Option A. Four preferred the 2-region alignment, one preferred 3-region alignment, and two preferred 4 regions. Eight of the advisors preferred a 5-year timeframe; seven preferred a regulatory standard with conservation equivalency. Eight preferred adjusting measures to the ACL rather than the RHL; and five preferred the Addendum stay in place for up to two years. I'll quickly go over the next steps for the Board on this Addendum. Today the Board will consider Draft Addendum XXX for final approval and select the Addendum provisions within the document. The first decision point again is to choose a management

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

program; either a coastwide versus regional allocation, and then if regional allocation is selected the Board will need to define their provisions under this option, again those six provisions that I went through today. If regional management is adopted, regions would then submit proposals for TC review; which the Board can define when the deadline for those proposals would be. The TC would review those proposals and then the Board would meet via conference call to review the proposals, the TC recommendations, and approve the regional measures. With that I will take any questions.

CHAIRMAN BALLOU: Very nicely done. Let's open the floor to questions to Caitlin on any aspect of her presentation; that being anything having to do with the Addendum, or public comments, or the AP report. Mark, did I just see your hand go up? Mark Alexander.

MR. MARK ALEXANDER: Yes you did. Caitlin, was the revised tables in the Addendum provided to the AP before they had their discussion; and was their discussion based on the revised tables, or was it based on the document that was taken out to public hearing?

MS. STARKS: I don't believe that the AP looked at the revised tables. However, there wasn't discussion on those numbers; and I did when presenting the document to the AP, indicate that the measures provided in the tables were all examples and subject to change. There weren't a whole lot of specific concerns about the measures that were in the tables at the time.

MR. ALEXANDER: It's not a question, but a comment. It has been expressed to me based on some of the people that attended our public hearing that they expressed their preferences based on what was in the document at the time. Since seeing the revised document they're very concerned that those preferences they expressed are no longer valid; and that it's

very important for the Commission to understand that when looking at the summaries that you gave. I think if people had a chance to look at the document as it stands today, they might reconsider their stance and opt for different preferences.

CHAIRMAN BALLOU: I think that's a very fair comment. I've heard some of their comments as well; so thank you for putting that on the record, Mark. Mike Luisi.

MR. MICHAEL LUISI: Caitlin, your last slide talked about the process moving forward after decisions were made today. I'm not clear as to how we would establish our seasons within regions. Are there representatives of the TC going to have some standard methodology that they'll use in moving forward; and just more try to get an understanding about what we do after today's meeting when we go home, if you can just clear that up for me; that would be great?

MS. STARKS: It's my understanding that the TC would work together to have, if not a standard methodology, methodologies for each region that are approved by the full TC. When each region comes forward with their measures that are developed by the TC that proposal should include the work that was done to come up with those measures, and that work will also be reviewed by the TC. If it's not accepted or not recommended to be used by the full TC, then they would need to make some revisions to that methodology. Does that answer your question?

CHAIRMAN BALLOU: Just to build on that a bit. You'll remember, Mike. At our December meeting the Board did reviewed and approved the TCs memo regarding smoothing approaches that the TC at that point was in the process of developing, wanted to get some direction from the Board as to whether they should continue with that development process, with the view to applying that to the evaluation of performance in 2017. Then of course they work on specifying measures for 2018. That's very

much in play pursuant to the Board's approval of that approach in December. It relates I think to your question. I just wanted to add that in. I saw another hand go up. Rob O'Reilly.

MR. ROB O'REILLY: Thank you, Caitlin. Caitlin, were you at the AP meeting or was it a conference call, I take it? I guess my question is. I can understand why the public was so enamored with the 5-year approach; as overall. Although it was split, I understand that. It looked like the AP had 8 votes for that.

My question is; was the AP informed about the results of the benchmark assessment, and the information that although the biomass is more of a northerly component, meaning more larger fish north that the abundance was also much more substantial than previously in the southern area, so south of Hudson Canyon, to be specific? Were those types of information presented to the Advisory Panel?

MS. STARKS: I presented the document; and basically gave the AP the explanation on all of the actions in the document that was provided at the public hearings and to the Board at the last meeting. I don't think I went into further detail on how the stock information went into those options. But they did have that information at their disposal before the AP meeting.

**CONSIDER FINAL
APPROVAL OF ADDENDUM XXX**

CHAIRMAN BALLOU: Additional questions for Caitlin. Seeing none; that does bring us to our point where we need to take up final decision on the issues that are before us. As reflected by the decision tree provided in the document, namely Appendix 3, and as Caitlin very well described. There are really two paths that the Board could take, and those paths are wholly dependent on the first decision point.

The decision is whether to revert back to a default coastwide program; subject to a single set of coastwide measures, or to proceed with a regional management approach. If the Board were to decide to revert back to a default coastwide program, there would be no other issues to consider, and the Draft Addendum in it's entirety would be rendered moot.

Alternatively, if the Board were to decide to proceed with a regional management program, decisions would need to be made on the issues that Caitlin outlined; and there were six of them. With that I'm going to open the floor to a motion on the first overarching issue; which is whether to adopt Option 3.1.1, default coastwide measures, or Option 3.1.2, regional allocation of the RHL. Would anyone like to make a motion to that affect? Dr. Pierce.

DR. DAVID PIERCE: I think the regional approach is the way to go. Along with our having a regional approach there is a need for us to follow through with what the organization, with what the Atlantic States Marine Fisheries Commission has decided to do; not just for black sea bass, but for the whole suite of species along the Atlantic coast, and that is to address changes in distribution, distribution and abundance of these different stocks.

We have some options of course before us that speak to that particular issue; about changed distribution and what should we do with that understood. I'm influenced by the fact that we have the latest assessment on black sea bass; indicating that about 87 percent of the black sea bass resource is found from New York to Massachusetts, and that's a change from the way it used to be. Ostensibly, it's because of ocean warming changes in distribution. Because this Addendum has an option that also provides for ability for us to revisit that assumption about changed distribution if new information is brought forward.

For example, if suddenly there are new year classes appearing, and after the assessment is done in future years we see that the distribution is changed somewhat, no longer to the north but more to the south, we can go back to that particular discussion about how the resource should be reallocated.

The document then provides a great deal of excellent explanation as to why we should be dealing now with changes in distribution of the biomass, exploitable biomass specifically, and at the same time not ignoring the fact that we do need to consider historical harvest. I'm very glad to see that we have this option that does deal with exploitable biomass and historical harvest.

With that said I'll make a motion to adopt under Section 3.1.2.1 Option B, regional allocation based on exploitable biomass and historical harvest and under regional alignment Section 3.1.2.2 Option B, 3 regions. That is my motion, Mr. Chairman.

CHAIRMAN BALLOU: We'll wait for Jess to see if she can get that up on the board, and as she's getting it up on the board I do think we might need to preface your motion with, in a sense you jumped, I think the first step. But I think in a way that's very easy to amend; and that would be to start out your motion with a move to adopt 3.1.2 regional management and then the rest would follow.

Meaning just to acknowledge, I think in the way I feel we might need to for the record that we're taking the regional management approach, and then pursuant thereto the rest of your motion I think follows very well. That is my suggestion just to keep things. I'll wait Dr. Pierce, to see if you concur with this. But Jess, I would suggest prefacing this, meaning at the very beginning of this motion if you could add, adopt 3.1.2 regional management. Then the rest would follow.

DR. PIERCE: That does make a great deal of sense. It's more to the point. I agree with you that that is a refinement that I find very acceptable.

CHAIRMAN BALLOU: Thank you for that let's just make sure we've got it up on the board and I'll read it and then I'll look for a second. Move to adopt Option 3.1.2 Regional Management, I would suggest adding and under Section 3.1.2.1 Option B, Regional allocation based on exploitable biomass and historical harvest, and under Section 3.1.2.2 Option B, 3 Regions. Is there a second to that motion; seconded by Mike Luisi? The motion has been made and seconded and it is before the Board for discussion. Discussion on the motion, I'll start with Ray Kane.

MR. RAYMOND W. KANE: Should the three regions be so stipulated in this motion?

CHAIRMAN BALLOU: I believe it is properly characterized in that there is only one 3-region approach in the document, and it's the 3-region approach that Caitlin indicated. I feel that it's clear enough as indicated. Do you concur, Caitlin? Okay, thank you for that Ray, but I think we're good. Emily Gilbert did I see your hand up?

MS. EMILY GILBERT: I just wanted to add for the sake of transparency that we're going to be abstaining from all of these votes, since these are really allocative decisions amongst the states. All of these alternatives are meeting the catch requirements in the regulations. I just want to make that clear so people know.

CHAIRMAN BALLOU: Thank you for that. I saw another hand and I'll start with Eric Reid.

MR. ERIC REID: Just a question. Under Option 3.1.2.1 Option B, New Jersey will be treated under historical harvest and the other two regions will be treated differently. Is that correct?

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

CHAIRMAN BALLOU: Yes, it is essentially a hybrid approach; and it has to do with the fact that you can only split into two regions north and south of the Hudson. New Jersey would have been in the southern region, but because the Board did not include an option with New Jersey in the southern region, there needed to be some other way to address the issue with regard to New Jersey.

Therefore, historical harvest is used in this option for New Jersey, to essentially peel them out of the southern region and provide them with a standalone allocation. It is a hybrid approach. It is based on exploitable biomass. But given New Jersey's position as a straddling state, if you will, there was a need to try to formulate this option in a way that was the only way doable. I'll just say it that way. Go ahead, Eric.

MR. REID: I just have a question about the future. What happens when we have the MRIP data that gets recalibrated in a few months? What's that going to do to the action we're doing today? Does anybody have any clue what that might look like?

CHAIRMAN BALLOU: I see Toni Kerns hand.

MS. TONI KERNS: What will happen is we'll get information with the new MRIP information, sometime late summer, early fall. That information will be worked into a stock assessment come 2019, early 2019. Then we'll have an updated stock assessment based on that. Until we have the updated stock assessment and quota numbers based on the revised assessment and the revised MRIP numbers.

We will calibrate the recreational data back to the old process, so that we're comparing sort of apples to apples, and to make sure that we're staying within the RHL and not using data that is

different than how we calculated the original RHL. Does that answer your question?

MR. REID: Yes, I'm sure the answer is a lot longer than that I'm thinking. I'm going to make a motion to amend. I don't like the fact that in Option B the two regions are treated separately than another, so my motion would be to amend to delete Option 3.1.2.1 Option B, and substitute 3.1.2.1 Option A.

CHAIRMAN BALLOU: I'm going to wait until Jess gets that up and we'll make sure it's clear. Then I'll look to see if there is a second. Whether it's a motion to amend or substitute. Right now it's being written as motion to substitute Option 3.1.2.1 Option A. Is that clearly written enough? Okay, we're still working on it. It's still being written but I'm going to read slowly.

Move to amend to substitute Option 3.1.2.1 Option A, regional allocation based on historical harvest for Option B, regional allocation based on exploitable biomass and historical harvest. There were essentially three parts to the first motion. This would substitute the second part as I read it. Is there a second to this motion to amend; or to substitute I should say? Seeing no hands; the motion fails for lack of a second, and we're back to the original motion, discussion on the original motion, Rob O'Reilly.

MR. ROB O'REILLY: I can support the motion; the sort of eloquent information presented by Dr. Pierce. I hope as we go forward we always remember that abundance in this situation is not the same as biomass. I'll leave it at that for right now; but certainly that's been something I've been harping on for about a year that we do have some abundance in the southern region, and albeit biomass depends on size of fish as well.

CHAIRMAN BALLOU: Mark Alexander, did you want to add additional comment? I saw your hand up before.

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

MR. ALEXANDER: I'll wait until the underlying motion is voted on.

CHAIRMAN BALLOU: Additional comments on the motion? David Borden.

MR. DAVID V. BORDEN: Question and a comment. The question is; it kind of follows up on Eric's question. Once we get the MRIP data, and as Toni characterized then they're going to do an updated stock assessment in 2019, correct?

CHAIRMAN BALLOU: We're going to be talking about this at the end of the meeting; but right now I believe there is an operational assessment update schedule for 2019, yes.

MR. BORDEN: Okay, but the last time we got together with the Mid-Atlantic Council there was some discussion of doing a framework or an amendment to the plan at that point; once we get that. Am I thinking of this correctly? All of this may be subject to change; depending upon the decisions that are made the next year or two, correct? Even though we might agree to two or three years here, there is a potential to change this.

CHAIRMAN BALLOU: I think the potential is absolutely there that things could change over the next year or two; absolutely.

MR. BORDEN: Then the second point is basically this issue of managing based on exploitable biomass at the joint Mid-Atlantic Council meeting I expressed support for that concept. But I would just note to everybody. Don't look at these tables and think, I'm a winner or I'm a loser. You can be the opposite in a couple of years. In other words, if you picked that alternative, exploitable biomass, it's subject to change as the biomass changes. I would hope people would look at it that way and not think of it, well right now I lose, and therefore I'm not going to support this. That all may change.

CHAIRMAN BALLOU: Mike Luisi.

MR. LUISI: I obviously support the motion; given that I seconded it. But I just wanted to clarify kind of where we stand regarding process, given the questions that have been raised. I spoke with Brandon with Council staff just a while ago. He explained to me that we currently do not have 2019 specifications on the books.

That will be something that we'll discuss at our August joint meeting; and setting those specifications. At that time we will not have an updated assessment. I know we're going to talk about this at the end of the meeting; the assessment schedule based on NRCC discussions has put the black sea bass operational MRIP assessment in early 2019, possibly spring of 2019.

If we were to be able to get the Science Center to move on that assessment as quickly as they can in 2019, any influence on quota that would come from a recommendation by the Council's SSC, could be made and adjusted for the 2019 season. While we are currently today looking at a recommendation from the SSC on a reduced 2019 quota for black sea bass, it is very possible that based on the updated assessment that adjustments can be made to the 2019 quota that would filter through and carry into the allocations that we're planning to set.

CHAIRMAN BALLOU: It is true. We do plan to circle back to that very discussion at the end of this meeting. It's an important issue; additional discussion on the motion that's before the Board. Mark Alexander.

MR. ALEXANDER: Within this motion we're weighing basically against the coastwide option. Just for making a fully informed decision, was an example measures for coastwide measures ever calculated, since the Addendum document was presented at public hearings?

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

CHAIRMAN BALLOU: The short answer is a de facto coastwide measure is available via the backstop measure that was developed by Mid-Atlantic Council staff and analyzed and found to be within the RHL. That was presented by Caitlin. We could put it back up if you want. It's in a memo in the meeting materials. There is a representative coastwide measure that is available to the Board for consideration; that has been analyzed, and could well be considered as the alternative to this approach.

MR. ALEXANDER: Is that backstop the precautionary default?

CHAIRMAN BALLOU: No. The short answer is no; because precautionary default is intended to be that hammer that is held. It's apparently up on the board now. This is intended to be just what it is; and that is a set of measures that would achieve the RHL if applied on a coastwide basis. Further discussion on the motion, and we'll make sure that's back up before the Board before we take the vote. Is the Board ready for the question? If so, 30 second caucus and then we'll vote on this. Barely a murmur, so I'm going to take that to mean the Board is ready to vote. **All in favor of the motion please raise your hand; thank you, hands down, no votes, abstentions. There are 3 abstentions, thank you, any null votes? The motion passes 8 to 0 with 3 abstentions.**

The next issue and maybe Caitlin if you wouldn't mind maybe just putting up to make sure the Board is clear on the two options. The next issue would be timeframe for specifying allocation. There are two options. Although I'm sure they're clear, it might be helpful to just put them up there. Option A would be 2006 through 2015; Option B would be 2011 through 2015, so 10 year versus 5 year and at this time I would entertain a motion on that issue. Eric Reid.

MR. REID: I move to adopt Option 3.1.2.3 Option B, which is 2011 through 2015.

CHAIRMAN BALLOU: We'll get that up but it's obviously clear; in terms of what the motion is, so with that I'll ask is there a second to that motion, seconded by Dr. Pierce. Moved by Eric Reid, seconded by Dr. Pierce, to adopt Option B under Section 3.1.2.3, which is the 2011 through 2015 timeframe; discussion on the motion. Adam Nowalsky.

MR. ADAM NOWALSKY: Allocation is never easy. When we go back to Addendum XXI, this started out very specifically talking about shares; we shied away from the use of the word allocation through an addendum process. But nevertheless, due to changes in the fishery, due to what the management process has unfortunately resulted in, in management measures. Here we are.

However, we're talking about what has really driven this fishery in recent years is a 2011 year class; and to go ahead and essentially use this 5-year timeframe to make an allocation decision, based primarily on a single year class. I can't imagine another species that this management body would make that decision on.

To say this is a year class, and we're going to use that for allocation. I can't even fathom that. At the joint meeting New Jersey had tried to put forth a third option; a 2006 to 2010 timeline. That was rejected at the time; and in hindsight it kind of didn't adequately capture the impacts of the 2011 year class; so I understand the reason for rejection at that time. But this motion is essentially the flip side of it; really relies on only the 2011 year class for making this allocation decision.

To that end I believe that the 2006 to 2015 10-year option is something that is fair and reasonable; in terms of incorporating what an allocation decision should be based on, a combination of history and current conditions. I think to Mr. Borden's point is based on what we're doing with this CPA approach; this could all look very different in a short amount of time.

To that end I move to substitute Option A, the 2006 to 2015 10-year timeframe.

CHAIRMAN BALLOU: There is a second by John Clark; so we have a motion to substitute Option A, 2006 through 2015, 10-year timeframe, moved by Mr. Nowalsky, seconded by Mr. Clark. I am going to go back to Eric Reid; because it was my fault. I should have actually started with him as the maker of the initial motion. Now I'm sensing that Mr. Reid may be wishing to speak in opposition to the substitute. Eric.

MR. REID: Yes allocation is always a tough decision. The AP had some information available to them; whether they used it or not, to Mr. O'Reilly's question earlier, I'm not really sure. They were 8 to 1 for this option. I would support that opinion. Generally speaking the biomass is trending north and east; and this timeframe will take that into account. To me, ignoring those points would cause a bigger disconnect between management and reality, higher angler frustration and higher discards.

CHAIRMAN BALLOU: Let me go back; because I have a sense there are going to be differences of opinion on this, so I'll alternate between those supporting the substitute and those opposing it. We just heard from one who opposes it. Who would like to speak in favor of the substitute? Rob O'Reilly.

MR. O'REILLY: I've been in that camp for quite a while. If the Board will remember, I had requested that we look at 2001 to 2010 data as also one of the frames that we would have for going forward here. Unfortunately that data for North Carolina at least for a few years there was not available, so staff could not do that analysis.

However, I can tell you and I know that you don't want me to belabor this. But looking at what's occurred from 2006 to '10, compared to 2011 to '15, should be fairly obvious. Every state from New Jersey to North Carolina, the

average harvest from 2006 to 2010 underwent a substantial decline in the 2011 to '15. The converse is true for states above New Jersey.

How do we level all of this? Adam had a nice explanation as to what we really are looking at in the future here; by relying on one strong year class. I looked at this whole situation when the assessment was done; that it did offer the abundance hope that we would be closer to the way things were below New York, in the coming few years.

That's the way I viewed the assessment. As a matter of fact I asked that question directly to Gary Shepherd. He was at pains to say listen, fish move essentially. It's not as if all this data doesn't mean that fish weren't moving back and forth to some extent. But there is an abundance that has increased in the southern area. Maybe it's not going to be the big fish that everyone would like, but the abundance is there. For that reason I certainly support the 10-year timeframe.

CHAIRMAN BALLOU: Is anyone wishing to speak in opposition? John Maniscalco.

MR. JOHN MANISCALCO: The 10-year timeframe doesn't reflect the current state of the fishery. The state of Connecticut in the last two years is the second largest recreational black sea bass harvester in the four-state northern region. Going back to 2006 up to sometime in the early 2010s, they had no fishery.

To adopt a time series that completely ignores the fact that the fishery has changed so drastically; that some states that used to harvest fish in the tens of thousands is now harvesting them in the many hundreds of thousands. It is ignoring the vast impact that would have, and the equity issue that that would have on the north, which has over the same time series. While the southern states remained at 12.5 inches, 200 days, a bag limit of

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

15 to 25 fish, has cut their seasons to no spring season and no fall season, 3-5 fish when the majority of anglers have access to the fishery, and continue to harvest the vast majority of fish on the coast, even at 15 inches.

CHAIRMAN BALLOU: In support of the substitute, John Clark.

MR. JOHN CLARK: I don't have anything to add to what Adam and Rob said. I just think it's a good compromise. It accounts for the full history of this fishery; and I think it's fair to both regions.

CHAIRMAN BALLOU: Dr. Pierce.

DR. PIERCE: I don't support the motion to substitute. I support the original motion. As noted already, the Advisory Panel was nearly unanimous in supporting the shorter timeframe. They said the fishery is changing very fast. They have said that it's very different from beyond five years ago.

Our focus should be on change and distribution of this resource; and the first motion that was adopted got to that particular point. I'll emphasize as well that biomass started shifting to the north before the 2011 year class. We're not talking just about the 2011 year class; it's more than that.

The assessment spoke to that particular issue. It's not just that year class. As I indicated before, if indeed we see a change in the distribution again because of incoming year classes or for whatever reason, then we can again go back to reconsideration of the shift of the distribution and modify, depending upon whatever new distribution there may be.

But frankly, I don't see that new distribution coming. I think we have gone down a path towards a shift; and that shift is going to continue into the future, even more so than right now. Again that is why I firmly believe

that using the most recent five years is a sensible way to go.

CHAIRMAN BALLOU: Mark Alexander.

MR. ALEXANDER: I won't reiterate what John Maniscalco said, but it's true. Our harvest has increased dramatically. The abundance index in our trawl survey has increased dramatically. But that increase has only been over the past four or five years. Like John said, we had almost no harvest in Connecticut prior to that.

The second thing is in choosing Option B, the Board has wanted to take this in a new direction; so that current abundance is reflected in how we approach management. I think the shorter time series is more consistent with that approach; and for that reason I will oppose the motion to substitute.

In addition in the tables that would result from either the choice of the motion to substitute or the original motion. Under the motion to substitute, spread between the change that would have to occur in the harvest between the 2017 harvest and 2018 allocation, for the motion to substitute that spread is about 37 percent. If you used the 5-year timeframe that spread is only about 7 or 8 percent. The shock to management would be a little more equitable if we oppose the substitute motion. That's all I have to say.

CHAIRMAN BALLOU: Thank you for pointing out that there are tables in the back of this Addendum; which right now help to kind of clarify the decision, if you will that is before the Board. That is essentially a decision between Table B-1 and B-2. With that David Borden, you had your hand up.

MR. BORDEN: I agree with the logic presented by the people that have spoken in favor of Option B. I think there is a compelling logic for picking that timeline. Having said that; the difficulty and having gone through this a

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

number of times in this venue, these types of decisions are always gnarly, because we end up making winners and losers.

To the extent that you pick Item B, it disadvantages to some extent the Mid-Atlantic states; if you pick Alternative A, it disadvantages the New England states, and then really flies in the face of the logic of what both the Board and the Commission have been talking about, in terms of recognize the impacts of climate change, and trying to make our allocations a little bit more flexible.

Having said that I would just throw this out, we have the flexibility as far as I'm concerned we have two options. We could make 50 percent of the allocation based on Option A, and 50 percent of the allocation based on Option B; that would not sway the allocations in any one direction. It would be benefits to both sides. Both sides would win something, both sides would lose something. I just throw that out as a concept.

CHAIRMAN BALLOU: Additional comments, yes Chris Batsavage.

MR. CHRIS BATSAVAGE: A lot of the comments that I would have said have been said already. In terms of which is the better one, obviously it depends on where you are on the coast. I think the thing that concerns me about the 5 year is it does capture the most recent state of where we are; and we can look at this again.

But I think we could end up getting ourselves into where we're just constantly changing the base allocations every few years; because we want the most recent years. You know we lose some stability that we try to achieve in the recreational regulations. You know the extreme case we deal with a small base allocation is 1998 for the recreational summer flounder fishery; which is brought up many times at this Board, where it is just one year.

Even though we're looking at a 5-year timeframe for '11 to '15, there is more than just the 2011 year class involved. The 2011 year class influences that pretty heavily. With that I lean towards supporting the 10 year, just to smooth things out. What David Borden said actually is also appealing too. If that's something that we could do today, if that was something where we just couldn't agree, if that would split the difference and maybe smooth things out for both the New England and Mid-Atlantic regions, but anyways.

CHAIRMAN BALLOU: Mike Luisi.

MR. LUISI: I've been inclined over the past years, and I always urge when we have allocation discussions to include some historical basis for that allocation decision. I would typically be inclined to go forward with the longer time series. I've yet to decide how I would vote in this case; and I hope there will be a few more comments to give me a few more minutes to think about how I'll do that.

But when I look at the tables the thing that bothers me with the shorter time period; and while I understand it is most reflective of the current status of the stock, when I look at the column of percent change from 2017 to the 2018 allocation, I'm just troubled in the fact that one particular state within the southern region would be impacted as greatly as those numbers indicate.

When I compare the shorter time series to the longer time series, to me not considering our region, which would be looking at liberalization there, but the reflection of a reduction just seems in my mind to be more balanced under the longer time series. Now I do just want to point out too that the concept that David brought up; regarding splitting of the baby, I guess you would say or not, or somehow merging the two allocations together and coming up with a hybrid.

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

We've already hybridized the concepts that we're going forward with. That would be interesting to see. I think we can all just do the math in our heads; determining if you take a northern region allocation of a little over 2 million pounds under one time series, and then 2.4 million pounds under another. You split the difference there and move forward. I would be interested in seeing what the Board would think about an alternative like that.

CHAIRMAN BALLOU: I believe we're starting to go around with our second round of comments, which is fine. But I'm going to try and hold it to just two each. I see a bunch of hands. I think Matt has yet to comment. I'm going to give everyone a chance to comment twice, and then we're going to need to call the question. Matt.

MR. MATTHEW GATES: I think the part that bothers me most about the longer time series would be the possibility of creating a mismatch between the availability and the allocation. I just worry that would set us up for failure to restrain our harvest; like we saw before the last stock assessment, where we had a lot more fish than we thought we had. We just couldn't move within that allocation; and just the possibility of creating a lot of discards in that case.

CHAIRMAN BALLOU: Rob O'Reilly.

MR. O'REILLY: I certainly understand that from 2010 up until now there has been one year that the states in the northern region have been able to constrain, to use that word, I don't like that word but constrain their harvest. We know that. We would like to see an end to that. How do we do that; because that is important?

That bears on any state to have a system where we can, not have to always fight against the RHL, and not have to be asking questions that were asked several months ago that it's less now. But at one time through 2015, the biomass was very large. Spawning stock

biomass was very large. We have to get out of the reduction mode somehow. I think I don't know what David Borden's premise would look like, it's not a precedent. This is how the spiny dogfish allocation was settled, because there couldn't be a deciding stance on any of the options, and we hybridized options for spiny dogfish back several years ago.

That might be something very good. I would like to see that. I think that is an interesting way to look at this, David. I think the southern region already knows it would like, and I will speak for them and they can tell me not to later. But they would like to sort of be in step as much as they can; even though this isn't summer flounder where regions were decided.

It was sort of de facto region for Delaware to North Carolina. But we all have talked, and we would all like to stay somewhat in step. You know the little wrinkle will be that February fishery; which probably won't be much at all in North Carolina, and be a little bit in Virginia. But more or less that is the way we feel. Any way to not have what I would call a compromise, but to sort of give a little bit of credence to the longer time period, while not sacrificing the way the biomass has shifted would be a very good thing.

CHAIRMAN BALLOU: John Maniscalco.

MR. MANISCALCO: A couple of things. We'll say the inability of the northern states to constrain harvest occurred while there was a constant catch scenario; used to establish harvest limits. That ended once there was an accepted benchmark stock assessment. One of the outputs of that benchmark stock assessment was regional F_s .

After bias correction in 2015, the regional F for the north was well below F_{MSY} . After bias correction for the south, the regional F was above F_{MSY} . The north under constant catch was forced to constrain, constrain, constrain, or

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

try to constrain harvest, 15-inch size limits, and things I've already spoken to; while the south was allowed to remain at 12.5 inches, 200 plus days, and large bag limits.

Here we are again; and if I look at these tables, the outcomes of this regional allocation decision we're about to make is going to what. If we accept or adopt 2006 to 2015, yet another cut for the northern states, the region that is well below F_{MSY} ; where at the same time, Delaware through North Carolina will be allowed to liberalize by as much as 36.75 percent. That doesn't sound like that is sound management.

CHAIRMAN BALLOU: I'm trying to go back and forth, but I don't see any hands to the right, so I'm going to stay to the left. Ray Kane.

MR. KANE: Yes I would like to remind the Commission members here at our joint meeting in December with the Mid-Atlantic Council. Brandon Muffley from the Mid-Atlantic Council put a graph up showing a decline in Massachusetts over the past 10 or 12 years. I keep hearing Rob referring to the 10-year timeline.

I was appalled, because I know in my state it wasn't because of the lack of abundance of fish. It was because we have been, and I'm going to use the word Rob doesn't want to here, constrained for that many years in Massachusetts. I agree with the gentleman from New York, who was the previous statement.

CHAIRMAN BALLOU: Adam Nowalsky.

MR. NOWALSKY: Would the Chair entertain a motion to recess for five minutes to discuss this idea that Mr. Borden and Mr. Luisi felt encouraged by; of maybe moving some numbers around here to find some middle ground between what appears to be a near evenly split item?

CHAIRMAN BALLOU: I would. We are recessed until 3:00 p.m. six minutes from now.

(Whereupon a recess was taken.)

CHAIRMAN BALLOU: Let's call the Board meeting back. We're back in business. After an unexpectedly long recess, but hopefully it was a productive one, whereby folks thought through some various options, in terms of how to proceed with where we are, although there is still some work going on, in terms of developing some spreadsheet analysis. I do need to look to the Board to see how the Board wishes to proceed from this point forward.

Would anyone like to offer a suggested way forward? We have right now on the Board a main motion and a substitute. Is there anyone that would like to offer any suggested way forward; or otherwise I would be calling the vote on the substitute motion. That was a long pause where I thought there was going to be a suggestion for how to move forward. I don't see any hands going up. If no hands are going to go up I'm going to call the question on the substitute. David Borden.

MR. BORDEN: I think the reason there was a long pause there is because I think the expectation is we were going to look at some numbers and see what the impacts were; and then we would talk about the process. I mean process wise, to answer your question. I think we've got a couple of options.

We could make another motion to substitute, we could table or postpone these actions, or set them aside temporarily and then vote on a different strategy. If that strategy passes then basically dispense with the other motions. But I think what people really want to see is the numbers.

CHAIRMAN BALLOU: I do believe that people are now seeing numbers; having a spreadsheet now appears on the screen. Is there anyone

who would like to address this spreadsheet, these numbers that are now upon the screen, to provide the Board with some guidance as to what might be an alternative approach? Adam Nowalsky.

MR. NOWALSKY: Again prior to the break, which I appreciate, the discussion was clearly split; probably just about right down the middle. We saw that in the public comment that was received, split pretty much right down the middle. We've talked a lot this week. We've heard this word compromise, working together. We've dealt with some recent appeals; and the challenges of those. I just can't help but think that if we get out of here with something that is more than a 6-4 decision or something, is better for all of us to take home. To take something home because I convince one more person to vote for me than you did, I just don't think it reflects well on this body. I think this approach of splitting something here down the middle is a reasonable compromise, is within the spirit that this Commission is trying to convey, and I can support this approach moving forward.

CHAIRMAN BALLOU: I appreciate that sentiment. I would like to have somebody characterize what this approach is. I know there has been talk about a compromise, splitting. I do see there are some numbers on the board here. I just think it behooves the public, who may be listening in right now, and frankly everyone involved in this process, to have somebody offer up a description as to what I sense is an alternative proposal is about, and where these numbers come from, what they mean.

Then I would look to any Board member to offer to substitute, if that is the intent. Otherwise we're simply looking at right now some numbers. It looks like somebody did some very good work. But we're in a decision making mode right now; and we need somebody to offer a way forward in the form of

a motion that fully characterizes what it is that is being suggested. Would anyone like to take the lead on that? Adam.

MR. NOWALSKY: I don't believe I could procedurally amend my own motion; so from a procedural perspective, I would be willing to with the consent of the Board, withdraw my motion to substitute, and at that time I'll make another motion to substitute with the consent of the Board.

CHAIRMAN BALLOU: Thank you for that suggestion. Is there any objection on the part of the Board to withdrawing the substitute motion? Seeing no objection; the substitute is withdrawn. We still have a main motion up on the board. But there is an opportunity to offer a different substitute; if anyone would like to offer that. Adam.

MR. NOWALSKY: I would move that for Section 3.1.2.3 a hybrid time series be adopted. A 61.35 percent allocation to the north, a 38.65 percent allocation to the south, and then the southern allocation split based on historical harvest between the states of New Jersey and the states of Delaware to North Carolina.

CHAIRMAN BALLOU: Let me first ask if there is a second to that motion? Seconded by Chris Batsavage, now that was obviously a long, but I think well phrased motion. Do we want to try to get that up there in all of its detail? I think it would be best to try and do that. Staff is working on doing that so we'll pause very briefly. We're not recessing; we're just going to pause, as we make sure that we have that substitute motion correctly and accurately set forth on the board.

MR. NOWALSKY: If I may, Mr. Chairman. I would just like to add based on the average historical harvest and I believe staff is going to insert those specific percentages as I had used for the north/south split. I believe they have them.

CHAIRMAN BALLOU: Caitlin has a suggested clarification; in terms of the nature of this substitute motion. Caitlin.

MS. STARKS: I just wanted to note that the work that was done to come up with these proportions isn't from making a new timeframe necessarily that is a hybrid timeframe; but rather it's a reorganization of the allocations that were resulting from the two timeframes presented previously. I don't know if the motion needs to be clarified as to that.

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: I'm open to rephrasing it however you think will pass muster. I suspect that if we wanted to go back; we could find some timeframe within 2006 to 2015, whether it's 2007 to 2014 or January 30, 2008 through June 6, 2015 that matches these numbers. I'll leave it to the discretion of the Board Chair and staff how best to phrase it.

CHAIRMAN BALLOU: Let's read what we have right now. This may be still changing on the fly; and I appreciate everyone's patience in trying to get this right. I think it's very important that we do so. Again, it's still being tweaked, so I'm not going to read it until we have something up there that we feel like we're ready to offer. Okay I'm going to go ahead and start reading it; and I'll certainly look to the Board to see whether the language is consistent with what the Board feels it should be.

Move to substitute for Section 3.1.2.3 an averaging of the allocations resulting from the two time series to be adopted that gives a 61.35 percent allocation to the north, a 38.65 percent allocation to the south, and then the southern allocation split based on the average historical harvest between the state of New Jersey (78.25%) and the states of Delaware to North Carolina (21.75%). This is in the nature of a substitute motion which has already been

made and seconded; discussions on this new substitute motion. Mark Alexander.

MR. ALEXANDER: Does that spreadsheet that was momentarily up on the screen extend those calculations, so that we could see what the percent change from 2017 harvest to 2018 allocation would be? Can it? I would really like to make an informed decision here.

CHAIRMAN BALLOU: Yes that is another request of an analysis that has not yet been done yet; which is the challenge of doing decision making in this way. We're coming up with new proposals that have not been analyzed; and so to your point Mark, I don't know how difficult that would be, but it has not been done yet. Caitlin is indicating that she's going to give it her best shot, so let's see where we are in a minute or two after we take additional comments. Dr. Pierce.

DR. PIERCE: I appreciate the effort to try to come up with something that all could approve; that some have said represents a compromise, and I appreciate that perspective. However, the spreadsheet has just been developed; the calculations have just been done. I appreciate the person who did it. However, I believe that the spreadsheet didn't use input values to two decimal places. That might have an impact on the final numbers in the table. Again, this is on the fly. I'm uneasy with the calculations. It makes it hard to support the motion to substitute.

CHAIRMAN BALLOU: Dr. Pierce, is it your point that in the tables provided in the appendix, the percentages are whole numbers or only out to a single decimal point versus these, which extend out to two decimal points, and therefore not an apples-to-apples type comparison? Is that your concern?

DR. PIERCE: That is my concern. Again, an immediate reaction to that which is being brought forward, I like to be more deliberative

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

with regards to using numbers in a spreadsheet table. In addition, I'm still wondering how if this motion to substitute passes, we're going to address biomass distribution changes that we may discover in the next assessment; be it a shift back to the south, which I doubt, or an even greater shift to the north. To me the path forward is unclear.

CHAIRMAN BALLOU: Let me go to Matt first and then Adam.

MR. GATES: This whole idea of creating these allocations based on a long time series, whether it's 10 or 5 or 7 years. It bothers me that we're now going to maybe set these allocations in stone. I would feel more comfortable if we could amend any motion that we come up with at the end here, to require consideration of the allocation at the time of the next stock assessment. Whether it be this motion here or if this doesn't pass, to go on to the original five year one. That would address some of the concerns from other partners too.

CHAIRMAN BALLOU: Yes Kirby just reminded me, and again this is the issue that we had punted to the end of the agenda. But it's certainly becoming more and more relevant to the current discussion, and that is as of right now there is an operational update scheduled for early in 2019, or in 2019.

I think there is an interest in perhaps making that as early as possible. There is a possibility that there could be new information from an assessment available to this Board in 2019; whether that would be early enough to effect specifications and allocations for 2019 or not is certainly a question that remains up in the air. Adam Nowalsky.

MR. NOWALSKY: To those last two points. Given that we as a Board have made the decision to do allocation through an Addendum. We can revisit this. That's how we're choosing to do it. We've been revisiting it virtually every

year for the last seven years. I don't see that changing. I'll also offer that every other table in Appendix 1, with the exception of the Option B tables, had allocations taken out to two decimal places. I don't think the revised average is a problem here.

CHAIRMAN BALLOU: Additional comments on the substitute motion? I do think we're going to have to try and wrap this as soon as possible. Although I realize how consequential this is, we have to try and get to a decision. I do want to take at least a few more comments if there are some; and then I think we're going to have to call the question. John.

MR. MANISCALCO: I appreciate the spirit of compromise involved with putting this option on the table. But I do have issue with the fact that we're in a situation here where there are four northern states. Essentially, given the current management structure, the way we have chosen to split up regions because of the way the fisheries occur.

Northern states will never have the votes to get fair access to the resource. I don't want that to be lost on anyone here. Four states, four votes, it's never going to do it when there are ten people sitting around the table. We will be talking about ACLs in a little while. Northern states are going to take a look at the number of fish they have to work with; and they're going to be forced to make decisions about it. Oh, do I need to consider going up in size again, going to 16 inches? We're talking about increasing discards just to maintain the fishery we currently have.

I'll remind you New York has no spring, Massachusetts has no fall, 3 fish, 5 fish, and we're going to be further restricting those fisheries. In order to maintain just what we have, consider we'll have to be entertaining an increase in size limit and more discards.

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

CHAIRMAN BALLOU: I'll take a few more comments; but before I do so, Caitlin has on the fly done her best I believe to calculate the percent changes that this substitute motion would be, relative to 2017 harvest, I believe. Caitlin, can you offer that?

MS. STARKS: Yes, it's essentially what's in the column that says percent change from 2017 harvest to 2018 allocation; except with the averages as proposed by Adam.

CHAIRMAN BALLOU: That's under Column G here; if I'm not mistaken. To compare the tables now, where you have percent change from 2017 harvest to 2018. You have Tables B-1 and B-2, which show the percentages as set forth in the Addendum with the two options that were initially being considered.

Now we have this new substitute motion with these new revised percentages; just over 10 percent reduction for the north, a 21.7 percent reduction for New Jersey, and 19.34 percent liberalization for the states of Delaware through North Carolina. That is my understanding of the math that has just been done to enable the Board to compare this proposal to the two that are in the Addendum. Mark Alexander.

MR. ALEXANDER: Jessica, if you could put up that figure please. It's a little hard to read, but the bar on the right is black sea bass. The bar on the left is summer flounder. In the summer flounder recreational fishery, we are considering a relaxation of measures, and it's barely above the threshold. Sea bass is at 229 percent of the target; and this proposal is asking the northern states to take a 10 percent cut.

Our fishermen are going to be so frustrated they're going to be crazy. There is no possible way that we can explain to them why this is happening. This is going to totally undermine their confidence in our ability to manage this resource. This is crazy. I don't know what else to say. It just doesn't make sense.

CHAIRMAN BALLOU: I'll take two more comments; and then we're going to need to vote. David Borden.

MR. BORDEN: I don't say this in a defensive manner at all. If individuals don't like what is up on the board, then propose something different. They have the option to do that.

CHAIRMAN BALLOU: Yes thank you that is true. I see just one more hand; and unless there is someone else with a compelling interest in commenting, I'm going to call the question after this last comment. Eric Reid.

MR. REID: I don't need to go to two decimal places to count 6 to 4. That is my problem. I do appreciate the fact that we just spent a lot of time trying to cooperate. When you're bargaining from a losing position to start with, it really doesn't make you all that comfortable. What is going to happen in the north is going to be the discard rate is going to be so high that the payback for us is going to make it more foolish than it is now.

That is where we're going; and that's where we're going to say we're going to do. We all know. We all know what happens. Those fish are going to go over the side, we're going to have to pay them back, and we're going to go down again. Yesterday we talked about waste. The gentleman from New Jersey mentioned waste when we were talking about the Maryland CE program.

Of course we also didn't look that far back in that effort. But this is going to create waste that is going to be insurmountable for the northern states; until we redo this all again, and I'm not willing to support that. In our first action today the northern region already lost 100,000 fish. That's what we lost already. We started out the day we're down 100,000 fish.

Here we are you know, we're not going to come out of this well; and that's where those fish are

going to be. We're just going to throw them over the side; and then we're going to pay it back. That doesn't work for me. That's not what it's about. Cooperation is great; and I really do appreciate that. But we're not going to get anything that's close to being acceptable to us.

I understand it is allocation; and my partners to the south, God bless you, you're going to get fish that you probably don't need. It's unfortunate that we can't transfer in the beginning of the year as opposed to the end of the year. Maybe we could solve some of these problems. But that is not going to happen.

Just be aware that if we go down even this road here, I mean okay we lose, but we don't lose that much at 6 to 4, because that's where we're at. But yesterday we talked about waste. Today all we're going to do is create waste. I'm glad we all had a nice kumbaya moment yesterday, but we're not having it today.

CHAIRMAN BALLOU: Before I call the question; I'm just going to offer this thought for the Board to think about as you deliberate on your vote, and that is the importance of the consistency of this decision making process. The Board has already adopted by a prior vote, an approach based on exploitable biomass. There were percentages associated with that approach; and there are now new percentages that are being offered up in this substitute, which I'm not sure relate as well to the prior decision by the Board, to take this exploitable biomass approach.

I just am trying to be as fair and objective as I can in that comment. It's about the consistency of the decision making process; not necessarily what's the right or wrong vote. With that I'll call a one minute caucus and then I'll call the question. **Is the Board ready for the question? This is on the motion to substitute. All in favor please raise your hand; that's 6, opposed please raise your hand that's 4, abstentions, there are 2. Are there any null votes? The**

motion passes 6 to 4 with 2 abstentions. The substitute becomes the main motion. Is there any further discussion on the main motion? Is the Board ready for the question? If so all in favor please raise your hand. There are 6, opposed please raise your hand, there are 4, abstentions there are 2. The motion passes 6 to 4 with 2 abstentions.

We are on to the next issue which is management measures within a region. There are two options. A would be uniform regulations within a region; B would be a regulatory standard with conservation equivalency allowed. Would anyone on the Board like to make a motion on this issue? Dr. Pierce.

DR. PIERCE: I would move that for Section 3.1.2.4 we adopt B, Regulatory standard with conservation equivalency allowed.

CHAIRMAN BALLOU: Is there a second to that motion? Seconded by Rob O'Reilly, moved and seconded to adopt under Section 3.1.2.4 Option B, Regulatory standard with conservation equivalency allowed; discussion on the motion, John Maniscalco.

MR. MANISCALCO: Northern states will need as much flexibility as possible; in order to try to maintain some semblance of a fishery, so I support this motion.

CHAIRMAN BALLOU: Eric Reid.

MR. REID: Thank you Mr. Maniscalco. To that I want to amend, or maybe make a friendly amendment to say something like Regulatory standard with conservation equivalency allowed, and wave the maximum deviation in days allowed for season length.

CHAIRMAN BALLOU: Eric Reid is moving to amend the main motion by waiving the maximum deviation in days allowed for season length. **I believe the current deviation is 30**

days. This would waive that and there would therefore be no limit on deviation with regard to season. Is there as second to that motion? Seconded by Mark Alexander, moved and seconded, is there discussion on the motion?
Eric, do you want to go further?

MR. REID: The states are going to need flexibility to deal with the issues that are going to be in front of them. I don't think; given our conversation earlier that this is a very heavy lift. Any conservation equivalence has to pass muster. Whether it is 31 days or 45 days or 46.5 days, we're going to need to be able to deal with that. I would really appreciate the fact if people would grant the flexibility, not only to states like mine, but to states that might need it in the future. That's my reasoning for it and I would appreciate your support.

CHAIRMAN BALLOU: Mark, did you want to speak to this?

MR. ALEXANDER: Yes, thank you. In Connecticut we have a peculiar situation where the abundance of legal size fish varies by longitude and season. There is a seasonal component to where the fish are distributed in Connecticut waters. It's critical that we be able to maximize our season; to give equitable access to all our anglers, and our for-hire industry. I would really appreciate; considering the hit we're going to take from the previous vote that we do have the latitude here to try to at least provide our fishery some semblance of a decent season and equitable access.

CHAIRMAN BALLOU: Would anyone like to speak in opposition to this motion? Is there any objection to this motion to amend? Seeing no objection; the motion passes by consent, and we now have an amended main motion. Further discussion on the amended main motion, Mike Luisi?

MR. LUISI: I just wanted to ask the northern states. Given that I think through time, through

the ad hoc approach, when there weren't limits to what the states could do, as far as being flexible. Do you have a concern that by waiving this maximum daily allowance, is going to then not speak to what this Addendum was for, which was to try to converge the states in that region that went in separate paths over the last four or five years? It's just a question; and if you don't have the concern, I'll certainly support this going forward.

CHAIRMAN BALLOU: Let me go to John, and then I'll go to Mark.

MR. MANISCALCO: I don't think it is ideal. But I think the fact that the states would be required to kind of always return to a base set of regulations in any given year does constrain just how far we might diverge.

CHAIRMAN BALLOU: Mark.

MR. ALEXANDER: I was just going to say the other two measures still would constrain us to how much we can change it. We're never going to get back to where we were. But at least we'll be able to have some workable solutions in the state.

CHAIRMAN BALLOU: Anyone else wishing to speak on this now amended main motion? Is the Board ready for the question? Is there any need to caucus? Seeing none; all in favor please raise your hand, thank you, opposed, any null votes, and any abstentions? The motion passes 11 to 0 with no abstentions.

We're on to the next issue. We have two more to go on this Addendum, and the next issue is the **evaluation and specification of measures**. There are two options; A is status quo, B is adjusting management measures to the ACL. Would anyone like to make a motion on this issue? Mike Luisi.

MR. LUISI: I would like to move to adopt under Section 3.1.2.5 Option B. I'm not sure that's the

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

same one. Is that the same motion on the screen?

CHAIRMAN BALLOU: No, I think we're going to catch up quickly.

MR. LUISI: I have a slight adjustment to what you and I had discussed earlier, Mr. Chairman. I'll go back and start over. **Move to adopt under Section 3.1.2.5 Option B (in concept), adjusting management measures to the ACL with implementation delayed until pending further refinement by the Board/Council.** If I get a second for that Mr. Chairman, I can speak to my reasoning behind the motion.

CHAIRMAN BALLOU: Let me just make sure we've got that up there correctly. I don't know Jess, were you able to follow that or do you need it said again? Okay, is there a second to the motion, seconded by Rob O'Reilly, so moved and seconded to move to adopt Option B under Section 3.1.2.5(in concept), adjusting management measures to the ACL, with implementation delayed pending further refinement by the Board/Council. Mike, would you like to speak to your motion?

MR. LUISI: Yes thank you, Mr. Chairman. I think the idea behind this section of the Addendum speaks to the direction in management that we seem to be going; managing to the ACL. You know we've had that discussion a number of times; even just this week, considering discards in our recreational fisheries management is something that I think is important for us to move forward on.

When Caitlin was providing the comments from the AP, and she spoke to the fact that not everybody commented on this section, because they weren't quite sure what it meant. Well I was there at our hearing; and I would have fallen in with the rest of the folks there that wouldn't be able to comment on this section, because they weren't quite sure what it meant.

I think it is complicated. I believe that this action requires some consideration by the Council as well; given that it would change the regulations and our Council FMP. My proposal here is that we approve this section just in concept; and we put it on the docket for further discussions with the Council and with GARFO and with staff. It will come to fruition at a later date. I didn't think that adding a date to this would help; given the amount of work that we already have on our plate. I'll leave it at that and see if anybody else has anything to offer.

CHAIRMAN BALLOU: Would anyone else like to speak to this motion? Rob O'Reilly.

MR. O'REILLY: When you think about this, we have been managing by way of the RHL; and this is a situation that could be a potential benefit to the states, because MRIP, if you read the criteria or the task or the chores, or however you look at them that are embodied in going to a management system to ACL.

It really is clearly can you do a better job with MRIP? Can you have less hostile intercepts, interviews? You know can you have better samples? The criteria indicate that there is a chance to do that. A few years ago I would say no; this isn't very good. But now all the states have authority over MRIP.

There is a direct link to the states being able to improve on the elements that are defined under this particular strategy. I think it's a really good thing. It does take some coordination through the Council. We know that. I understand fully why Mike Luisi is framing this as a concept.

CHAIRMAN BALLOU: Just chatting with staff here. There is some interest in at least a sense from the Board as to how long a delay the Board has in mind here. Is there intent to have this worked out during say this current calendar year, or is it something that may just take as long as it needs to? Obviously if it is postponed

indefinitely, what does it really mean? But if it's postponed until either a date certain or at least a projected year, then maybe we have a little bit more to go on in terms of what it is we're trying to achieve within whatever timeframe that might be. I'm just wondering if the Board wishes to add any of that clarity; or is comfortable leaving it as is. Rob.

MR. O'REILLY: I can't attach a date to that of course. But I think we would need a follow up report; so that we then can talk about it again. I think that is where we are now.

CHAIRMAN BALLOU: Okay. John.

MR. MANISCALCO: If we're going to manage by the ACL, I think it would be important to have up-to-date stock biomass information, so that we're actually somewhere in the realm of trying to work with a target that's actually close. I would hold off on any implementation until we actually had a stock assessment updated. That's my first comment.

My second comment with regards to MRIP and their success. I have a lot of faith in the people who are currently running APAIS for New York State. But the decisions we make here, the regulations we use to constrain our fisheries, colors our anglers response to our samplers. When we're forced to adopt more restrictive rules that fly in the face of what the anglers are seeing out on the water that appear counterintuitive. They are not going to cooperate, and we're not going to get better data. We're not going to get better responses.

CHAIRMAN BALLOU: Is there any further discussion on this motion? Is the Board ready for the question? Is there a need to caucus? Seeing no need or interest in a caucus, I'll call the question. All in favor please raise your hand. That is 9, thank you, opposed, and null votes, abstentions, 2 abstentions. The motion passes 9 to 0 with 2 abstentions.

We are on to the last issue under Addendum XXX, which is the timeframe for addendum provisions. There were two options set forth in the draft; one is up to two years through 2019, the other is up to three years through 2020. Would anyone like to make a motion on this last issue?

Of course as always, regardless of the timeframe adopted that doesn't preclude the Board from moving forward with action in the meantime if so inclined. It just means that the Board could allow this Addendum to roll for up to two years, or up to three years, depending on which timeframe is adopted. Would anyone like to make a motion? Roy Miller.

MR. ROY W. MILLER: I would like to move adoption of 3.2A, two years.

CHAIRMAN BALLOU: Is there a second to that; seconded by David Borden. Roy, would you like to speak to your motion?

MR. MILLER: Just quickly. For all the reasons that were discussed this afternoon, I think we would be wise to consider a two-year timeframe rather than a three.

CHAIRMAN BALLOU: Any further discussion on the motion? Make sure we get it up first. Oh there it is. I'm sorry. Move to approve Option A in Section 3.2, a two-year timeframe for addendum provisions. Is the Board ready for the question? Mark.

MR. ALEXANDER: I would like to make a motion to amend; change that to one year.

CHAIRMAN BALLOU: Is there a second to that; seconded by Eric Reid, discussion on the motion, Mark?

MR. ALEXANDER: I can't help but think that what we did today is half baked. I don't want to live with that for two years. That's essentially it.

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

CHAIRMAN BALLOU: Of course this would force us now to start, probably at our May meeting at the earliest with a new addendum, which is fine, just making sure we're all clear on what this means. If it's a one-year only that means we've got a new addendum process starting relatively soon. Toni Kerns.

MS. KERNS: I would just like to remind the Board that we do have this framework/addendum that we started with the Council that will look at conservation equivalency for black sea bass. All of these types of issues can be included in that document; because however, just like summer flounder, all the measures for the shares could be tied into that document.

You could take all of this and redo it during that timeframe. Whether or not we can finish that in time for 2019 or not, I don't know. But again, if we do this again just like we did this year. I don't know how that would work; where we would start our own addendum and then have this framework/addendum that we're trying to do for conservation equivalency with the Council at the same time.

The overlap seems like it's duplicative. I can't promise that the framework/addendum will get done in time for 2019 or not. We will do our best to try to do that. But it depends on the types of options that get included into the document, and how long it takes to get it to move forward through the two bodies.

But if we're doing two documents that are practically the same on top of each other that might prove to be confusing to the public; as well as difficult on staff load. Having a two-year timeframe might be good for this document, in the sense that if that other framework doesn't get finalized for 2019, you would have something to fall into. It makes it difficult to do another document in one year's turnaround when we have this other document ongoing at the same time.

MR. BORDEN: At the risk of leaping off the waterfall one more time. I totally agree with Toni's logic. We've done this before. Why not just, I would be happy to perfect the motion, the underlying motion basically says to implement it for one year, and the Board retains the right to extend it for a year, which would put us in the position that if we have to extend it then we do, but the one-year deadline. I like the one-year deadline and I'm glad it was suggested.

CHAIRMAN BALLOU: Caitlin, do you want to respond to what David just said?

MS. STARKS: Yes. Option A under timeframe for addendum provisions does include that possibility. In both of these options it's written that the Board could through a vote extend the management program for either one year or two years. But if they chose to not extend the addendum that would also be possible.

CHAIRMAN BALLOU: Eric, did you want to jump in?

MR. REID: My question is, but is it extended from two years to three or two years to four, or is it one year to two? I'm sorry; you have to tell me specifically.

MS. STARKS: Option A would be that at the end of 2018 the Board could vote to extend the Addendum into 2019, and it would end at the end of 2019.

CHAIRMAN BALLOU: There has been some interesting discussion on sort of the variances on the motions. With that we have a motion to amend to substitute a 1-year timeframe; that is before the Board right now. Is there further discussion on that motion to amend to substitute? Rob O'Reilly.

MR. O'REILLY: I just want to make sure that I can keep up with Caitlin there; who did a very good job at our public hearing by the way,

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

thank you. A, under 3.2 at least, on looking at that talks about after 2019. I think what was just talked about was after 2018. I'm trying to make sure that yes, this will carry through 2018, and yes the Board could come back and say let's go another year. Is that exactly what you're indicating, Caitlin?

MS. STARKS: Yes.

MR. O'REILLY: Okay, thank you.

CHAIRMAN BALLOU: This is different than the substitute motion; which would force the Board's hand to come up with a new addendum for 2019, so we really are talking about two different things here. I just want to make sure the Board is clear on the decision that you're about to make; as to whether you're going to only have this addendum that is about to be approved in effect for one year, or up to two years. Mike Luisi.

MR. LUISI: I'll just add, having been in your seat for the last few years, and having been a part of these addenda that just continue. We would have to start an addendum in the late summer in order for it to be complete through the winter; to set regulations for 2019. I'm not sure one year, there is not going to be any new information that's going to inform a new addendum. I would certainly support the flexibility under the original option and I'm going to have to oppose the substitute.

CHAIRMAN BALLOU: Again, I don't want to get into a repetitive mode here. But I'm just going to remind the Board that if Option A were selected, it does not preclude the Board from deciding at some point, whether it be at the May meeting, the August meeting whatever, to initiate a new addendum, perhaps based on any feedback that might come as a result of today's decision. Then of course as Toni indicated, there is this parallel process that the Board is already engaged in with the Council, which could very well overlap. A lot of moving

parts, I realize we're getting long in the tooth here, but I would like to call the question unless Mark, you want to offer something, Mark?

MR. ALEXANDER: I am now reading Option A more carefully. Just to confirm that I understand this correctly. This Addendum if approved, would be in effect for 2018, and would only be extended to 2019 with a Board vote. Is that correct?

CHAIRMAN BALLOU: That's correct.

MR. ALEXANDER: That is what I proposed and Dave Borden proposed to add on to it, basically, right?

CHAIRMAN BALLOU: I think David Borden did correctly understand the issue associated with his motion Option A. Your motion, Mark is a different motion. It means the Board has to have another addendum developed. Let's put it this way; if the Board were not to vote.

Under Option A, if the Board were not to vote to continue the Addendum in 2019, we would go back to default coastwide measures. There would be no addendum in place. Staff is nodding yes. That would be the decision that the Board would have to make at the end of 2018 is do they want to continue the program or not. If not, we go back to default.

MR. ALEXANDER: I'm going to withdraw the motion.

CHAIRMAN BALLOU: Well that's a Board decision. Is there any objection to withdrawing the motion to amend to substitute to one year? Seeing no objection; I don't want to move too quickly. I don't see any objections, so that motion is withdrawn and we're back to the main motion. Further discussion on the main motion; is the Board ready for the question? **If so, all in favor please raise your hand; 10 thank you, opposed, abstentions, 1 abstention. The motion passes 10 to 1 with 1 abstention.**

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

Believe it or not, I think we've completed the process. We have one final vote. **I may have mischaracterized the last vote; it was 10 to 0 with 1 abstention.** I apologize. The final motion will need to be on final adoption of Addendum XXX as modified today, or in accordance, I believe I have a motion up on the board and there it is. Move to approve, no that's not it. We need a motion up on the board to reflect the final approval. Here it is.

Move to approve Addendum XXX as modified today. Would anyone like to make that motion? Moved by John Clark; is there a second to the motion, Rob O'Reilly thank you. Moved and seconded by Mr. Clark and Mr. O'Reilly to approve Addendum XXX as modified today. Does the Board need any time to caucus? This is a final action. Toni.

MS. KERNS: We should probably determine the implementation timeframe. It's either effective immediately or we could work out the dates in which the proposals would come forward; and the Board would approve those. I think you could use like no later than the end of March for that Board approval.

CHAIRMAN BALLOU: You think it's important to do that before final approval of the Addendum. Okay, so just to make sure. I think Caitlin put this very well; but my notes here indicate that the next steps would be states within each region need to submit proposed measures to achieve their allocation of the RHL by a date certain, and that's what we need.

We need to specify that today. The measures should be submitted to Caitlin, who in turn will forward them to the TC for review. Assuming that we would want the TC to include Wave 6 data in their evaluation, the due date should probably be some time after February 15, maybe even sooner.

The TC will then review and evaluate the proposals; and make recommendations to the

Board regarding their viability, and smoothing would be applied. Once the TC completes its review it will report out to the Board and the Board will meet via conference call to review and approve the final measures for each state within each region.

That should happen no later than mid-March. I just want to make sure the Board is clear on that process, and as Toni had suggested, I think it would help to have a date certain for the submittal of management measures to Caitlin. Today is the 8th, a week from today would be the 15th, and two weeks from today would be the 22nd. Toni.

MS. KERNS: I would just want confirmation that we do want to use the Wave 6 numbers from the Board; and then all I would need for a compliance date from you then would be the end of March. We could say March 31st, and we would be able to make sure we had a Board meeting by then.

CHAIRMAN BALLOU: Two questions to the Board I guess. One is does the Board wish to include Wave 6 data in the analysis by the TC? Then I guess, I think we also need a date for proposals to be submitted to Caitlin?

MS. KERNS: Well that will depend on whether or not Wave 6 data actually comes out on time; which we have indications that it will. But if it doesn't, I don't want to hammer the TC into a date that they can't meet.

CHAIRMAN BALLOU: Understood. Question to the Board. What is the will of the Board as far as including Wave 6 data? Rob O'Reilly.

MR. O'REILLY: Just a question. Wave 6 data may be available, but it would still be preliminary. Is that the case?

CHAIRMAN BALLOU: Yes. Are there any other thoughts on this issue? Is there any objection to using Wave 6 data in the analysis that the TC

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

will undertake? Seeing no objection; we'll take that to be the consensus opinion of the Board to proceed in that fashion. If Wave 6 comes out on time that's the 15th, which is a week from today, but as Toni indicated, we don't know exactly when. Do we just sort of leave it fluid in terms of states developing proposals; understanding that it would have to probably be at least a week or two from now?

MS. KERNS: Yes the proposals would roughly need to be in a week after we have the Wave 6 data released; and then we can set up a conference call. Caitlin will try to use her crystal ball, and predetermine their call date, so the TC has some time saved. Then from there we will do a quick turnaround for a Board conference call as well. Then if we have a compliance date by March 31, then that gives us enough wiggle room for everything.

CHAIRMAN BALLOU: My sense is that let's say two weeks from today is the 22nd. That means two weeks from tomorrow is the 23rd. Let's say the 23rd as a rough estimate for when states should be trying to get their proposals into the TC. As far as a March 31 compliance date, is that something that we need sort of baked in here right now, in terms of the motion, or is that by consent?

MS. KERNS: Implementation date, just to say that that is when the Addendum is final; because we would have all those proposals that we could put in as an appendix that the states have given us. Then recognizes that the states may not tell us their exact measures on March 31st, but at least we have a set of measures that would meet the requirements of the Plan, so that we can send a letter to NOAA letting them know that we are moving forward as the FMP states.

CHAIRMAN BALLOU: Would you suggest amending this motion to add at the end with a March 31 implementation date? Is there any objection to modifying the motion as indicated;

that is by adding a March 31 implementation date? Seeing no objection; the motion is so amended, and we're ready for the final vote on it, unless there is any further discussion. This will conclude our deliberations on Addendum XXX. Is the Board ready for a vote? Do we need a roll call? It is a roll call; so Caitlin will call the roll.

MS. STARKS: Are there any objections to the motion? Okay then we'll do a roll call vote. New Hampshire. Absent. Massachusetts.

DR. PIERCE: No.

MS. STARKS: Rhode Island.

MR. REID: No.

MS. STARKS: Connecticut.

MR. ALEXANDER: No.

MS. STARKS: New York.

MR. MANISCALCO: No.

MS. STARKS: New Jersey.

MS. HEATHER CORBETT: Yes.

MS. STARKS: Delaware.

MR. CLARK: Yes.

MS. STARKS: Maryland.

MR. LUISI: Yes.

MS. STARKS: PRFC

MR. MARTY GARY: Yes.

MS. STARKS: Virginia.

MR. O'REILLY: Yes.

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

MS. STARKS: North Carolina.

MR. BATSAVAGE: Yes.

MS. STARKS: Fish and Wildlife Service, absent.
NMFS.

MS. GILBERT: Abstain.

CHAIRMAN BALLOU: The motion passes 6 to 4 with 1 abstention. I'm going to just keep rolling. David Borden.

MR. BORDEN: Just a quick point. Mr. Chairman, we voted based on that revised table. I don't think any of us have it electronically, so I would ask Caitlin to circulate it. I think it would be handy to actually calculate the poundage and put the poundage in the table. Circulate it to everybody including our advisors, so that they can actually see what the impact is, one alternative strategy versus another.

CHAIRMAN BALLOU: Yes, I'm going to suggest we put that right in the addendum. That is the final decision of the Board. The Addendum should be very clear on what the decision was as reflected by those tables. To your point, yes distributed to the Board and yes add it into the Addendum itself.

MR. BORDEN: I think it will be handy to have that as soon as possible.

CHAIRMAN BALLOU: Agreed. Adam.

MR. NOWALSKY: I understand that there are smoothing approaches that the TC has not fully worked through or implemented; which may change those numbers. I don't know at what point you want to distribute those. Between a document that went out for public, something that we modified here today, something that the TC then modifies, a week, two weeks down the road you may just wish to consider those percentages and pounds until that smoothing

approach has been clarified; so we know what we're doing in 2018, and trying to best inform the public.

CHAIRMAN BALLOU: My understanding is that the smoothing approach would only affect the measures; it would not affect the percentages or the poundage.

MR. NOWALSKY: It would affect the Column G that was the percent reduction for 2018; but I agree with you, it wouldn't affect the pounds or the percent allocations.

CHAIRMAN BALLOU: Okay, I think we've spent quite a bit of time on Addendum XXX, and isn't it ironic that we may well go right until five o'clock here. But we'll try and move through the rest of this agenda as quickly as we can. I'm not going to pause for a break; because we already have paused enough, I think.

Item 5 is to consider the tabled Black Sea Bass Motion. This is a final action item. There is a memo to the Board from Caitlin in the meeting materials that refreshes this item; to summarize at our joint meeting in December, the Board and Council considered but did not approve, a set of measures for federal waters.

The motion which will be put up on the screen, if it isn't already up, was tabled for the purpose of enabling the Board to first take final action on Addendum XXX. Now that that has happened, we're ready to take up the tabled motion. I'll just note that the Mid-Atlantic Council is slated to take final action on this very same motion at its meeting next week in North Carolina. We're back into parallel actions here; with the intent to now finalize this, having now the dust having cleared, so to speak, on the Addendum XXX approach.

We're ready to now finalize action on this measure. My understanding is that the measure is up on the board. It's properly before the Board in that it was tabled to this

meeting; and therefore we don't need a motion to bring it back, it's already back and before the Board. I guess it's already been moved and seconded; so we're actually ready to just simply have any final discussion on it, if need be. If there is no other discussion we would vote on it. Mike Luisi.

MR. LUISI: I think something that I just feel we should point out. There was a lot of discussion over the last year, even the last couple years, about the current federal water mid-season closure that occurs, I believe it starts in September and goes until October. The motion before us would eliminate that closure; and allow states the flexibility under what we just determined to be the 2018 allocations, to have an open season during that closure. It also, I know there was a lot of interest from Rhode Island and the Block Island fishermen that this would cover them; as far as not having that closure to be accounted for. It's just something to point out.

CHAIRMAN BALLOU: Any further discussion on this motion? Is the Board ready to vote, any need to caucus? **It is a roll call, because it's a final action. Is there a need to caucus? I don't see any need, so I guess I can in lieu of a roll call I can ask is there any objection to the motion. Seeing no objection the motion passes by consent.**

REVIEW AND CONSIDER APPROVAL OF STATE PROPOSALS FOR RECREATIONAL SUMMER FLOUNDER AND SCUP MEASURES FOR 2018

CHAIRMAN BALLOU: We are on to the next item, which is Review and Consider Approval of State Proposals for Recreational Summer Flounder and Scup measures for 2018. This is as every item on the agenda I think, another final action item. Two issues to be addressed. I think Kirby is going to be taking the microphone on this; to kind of brief the Board on exactly what's before the Board.

The first issue pertains to the recreational summer flounder measures for 2018. The Board will need to consider and approve the methodologies proposed by the states and regions; which have been reviewed by the Technical Committee. The second issue pertains to the recreational scup measures for 2018.

The Board will need to consider and approve the specific measures proposed by the states; which have also been reviewed by the TC. I think Kirby has a presentation; or at least some sort of characterization on both issues, so I'll turn the floor over to Kirby.

MR. KIRBY ROOTES-MURDY: I'll try to be quick; because I know you all have been around the table for quite some time. As an FYI, we have my colleague Jeff Kipp up on the table as well. He was on the call; and he will be helping me answer any questions that might come up on some of the more technical components.

With that we'll get into it. The outline I'm going to give a little bit of background for you all; in terms of the Board's previous discussion on summer flounder and scup measures for 2018. I will go through the proposals; first for summer flounder and then for scup. After each one I will take any questions; and then it will be for the Board to take up management action separate motions specific to summer flounder and to scup.

For background, the Board voted to extend regional management under Addendum XXVIII, for summer flounder back in December 2017. The Board specified that states and regions could liberalize harvest through their measures in 2018 up to 17 percent above 2017 preliminary harvest through Wave 4.

What this created was a de facto 2018 coastwide harvest target of about 3.78 million pounds. The 2018 recreational harvest limit is 4.42 million pounds; so again there is a little bit

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

of a buffer between that de facto harvest target and what our actual RHL is. There was a call that the Technical Committee held on January 16. Summer flounder and scup proposals were reviewed on that call.

An important note is that all states and regions, with the exception of North Carolina, submitted proposals, and that overall the TC recommended the approval of methodologies used to develop those summer flounder proposals. Before I get into each of those proposals, I want to highlight some of the comments that the Technical Committee put forward.

Two important ones, first that there is a continual issue, in terms of the lack of uniformity and how analysis is done in these annual adjustments to management measures, based on MRIP data regarding taking either reductions or liberalizations. The TC wanted to make clear to the Board that if the intent is to continue annual adjustments for these measures into the foreseeable future. Prioritizing the development of a new set of standard operating procedures or SOPs as has been presented to the Board at previous meetings, should be prioritized. The second point is that the TC remains concerned about the status of the summer flounder resource. While liberalizations are on the table for 2018, reductions may be needed for the 2019 fishing season and beyond, based on the results of the 2018 benchmark stock assessment that will be completed later this year.

To the point on methodologies, they varied by state and by the measures that were changed. There are three components that we on the Technical Committee go through in evaluating harvest, and then adjusting measures. They are either bag limit analysis, they are size limit analysis, and season analysis.

Under each of those, depending on the state or region, different approaches were used. For

the bag limit analysis there is an additive approach. What this does is it assumes that every intercept at the current bag limit, would catch one more fish if allowed by regulations, and adds that fish to those intercepts in a decaying manner.

For example, if the proposed bag limit represents a 1-fish increase from the current bag limit, one fish is added to the intercept at the current bag limit. The other types of approaches were either statistical Poisson or negative binomial distributions and regressions done off of that. For the size limit analysis, either log regressions or generalized linear model GOMs were used to try to determine what reductions in size limit would result in increases in harvest.

Then for season analysis, data across multiple years and Waves were used to come up with daily percent harvest rates; to determine how either increasing or decreasing the season in numbers of days would affect the harvest. For some states that involved if multiple changes in measures were looked at in an interaction equation. But not all states put forward multiple changes. With that I will go through the proposals now by state.

Starting in the north, these just to clarify, all these proposals are included in the meeting materials. I'm trying to give you guys the highlights on them. On the screen right now is Massachusetts 2017 measures; 17-inch minimum size, 4-fish bag limit and a season of May 22-September 23. That resulted in 2017 in a 26,000 fish harvest.

In terms of that percentage change from 2016, as you remember Addendum XXVIII laid out that we needed to achieve a certain harvest reduction, in order to maintain harvest at or below the 2017 RHL. For Massachusetts it was a 54 percent reduction in harvest. For 2018, their proposal includes increasing their bag limit by one fish, and extending their season up to 16

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

days. It would be from May 23 through October 9.

For Rhode Island, the 2017 measures were a 19-inch minimum size, 4-fish possession limit, and a season of May 1 through December 31. In terms of their performance in 2017, it was a 31 percent reduction relative to 2016; so approximately 58,000 fish were harvested. For 2018 they are proposing to increase their bag limit by 2 fish.

In considering the Connecticut through New York proposal, their measures in 2017 were a 19-inch minimum size, a 3-fish possession limit and a season of May 17-September 21. This resulted in a harvest of approximately 352,840 fish. I want to make clear in the memo what was listed; in terms of their harvest for 2017 was their harvest in weight. There was maybe some confusion there if you saw that; because it was 1.2 million fish. It was in fact in pounds. In terms of their change in harvest from 2016 to 2017 that was a decrease in harvest of about 68 percent.

They proposed a number of options; and I'm not going to try to go through all of them; but they involved either increasing the number of days in their season, increasing the bag limit, or reducing the size limit by a half inch. There were four proposed options that were included. They are up on the screen now; and are included in the memo.

Next there was New Jersey's proposal. As you all are aware in 2017, the minimum size for New Jersey was 18 inches, the bag limit was 3 fish, and the season was May 25-September 5, 104 days. This resulted in a harvest of about 433,000 fish; which was a 42 percent reduction in their harvest from 2016.

The initial proposal options that were put forward used an average 2018 harvest target; which was higher than the 17 percent increase in harvest from 2017 levels. On our call that

analysis was further refined, and made to match the corrected 2018 harvest target for the state of a 17 percent increase.

Similar to Connecticut through New York, they proposed multiple options. All of the options that they put forward sought to increase their season length from 104 days up to either 121, 122, or 125 days. Continuing to move down the coast, the states of Delaware through Virginia put forward a proposal.

In 2017 their measures were 17-inch minimum size, a 4-fish possession limit, and a season of 365 days. This resulted in a harvest of about 148,000 fish, which was a 231 percent increase from 2016 levels. In terms of the proposed measures for 2018, they proposed reducing their size limit by a half inch.

It's important to note that on the call the Technical Committee discussed that depending on the dataset used, the regression analysis could show varying levels of percent increases in harvest from 12 percent up to 26 percent. That being said, the Technical Committee did not find issue with the methodology used, and recommended approval of the proposal.

Having gone through all the proposals, I thought it would be helpful for the Board to consider how performance across the coast in aggregate looked in 2017; what 17 percent liberalization in harvest for 2018 would look like, and what the 2018 harvest would look like based on the numbers put forward in the proposals.

The main takeaway here is that based on the proposals submitted the harvest in 2018 would increase to about 15.8 percent from 2017 levels. This is approximately 81 percent of the 2018 RHL in numbers of fish. As we often do, we calculated this by coming up with an average fish weight, using 2017 data, and dividing the 2018 RHL by that average fish weight. With that I will take any questions.

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

CHAIRMAN BALLOU: Questions for Kirby? Seeing none; do we have a motion teed up yet? There is a motion teed up; so let's get that up on the screen. This will be, oh I'm sorry, I moved too quickly. Mike.

MR. LUISI: Just a question. I'm wondering, and maybe this is a question for you Mr. Chairman, or Kirby can help us out. Have we as a Board already decided to allow a state, or all of us as states within our regions. Have we already agreed to allow for that 17 percent liberalization; or have we only agreed at this point, to have the states propose those measures?

Do we need to make a final decision today as to whether or not we can go home as a unit, and implement 17 percent liberalizations? I'm just unclear about what we've already decided. Have we said that 17 percent liberalization is completely fine, given the status of the stock, and those proposals if implemented will achieve that? Because I wasn't clear coming to the meeting today that that was the case.

CHAIRMAN BALLOU: Kirby.

MR. ROOTES-MURDY: Mike, based on the Board's discussion in December, the Board agreed to allow proposals that have no more than 17 percent liberalization in harvest relative to 2017. Now, as we do annually, the states put forward those proposals. If the Board were to approve the methodologies of those proposals today, then that means that the states could go home and under those proposals, possibly implement measures up to a 17 percent increase in harvest.

CHAIRMAN BALLOU: Go ahead.

MR. LUISI: The flip side of that would be for the Board to take action today to maintain status quo for 2018, and not allow for liberalizations. We could still do that today if that's the pleasure of the Board.

MR. ROOTES-MURDY: If it's the pleasure of the Board that is correct.

CHAIRMAN BALLOU: I was just going to go look for the motion. I mean I do remember this being an issue that was decided upon by the Board. I believe there was a motion, and the issue had to do with the liberalization based on what. I would have to go back and review that. But if I remember correctly, there was already a decision made by the Board via a motion that was adopted at the meeting, or am I mixing?

MR. ROOTES-MURDY: Well, just to clarify. The Board has not specified what the measures are for 2018. The Board did specify continuing the regional management approach that is outlined under Addendum XXVIII, and that there was the ability for states to go back and develop proposals to achieve no more than 17 percent liberalization in harvest relative to 2017 levels for 2018.

But right now there are no measures specified for 2018, so it is at the pleasure of the Board, in terms of whether to approve the methodologies in those proposals. Then go home and potentially implement an increase in harvest up to 17 percent collectively on the coastwide level, or to maintain status quo measures. Those are both possible options.

CHAIRMAN BALLOU: I'm sorry; I'm just trying to look through my notes to find that motion. I was quite sure that I remembered that that had already been moved and adopted, but at any rate, Dr. Pierce.

DR. PIERCE: I'm a bit confused now. You described the methodology that the different states used. All right, maybe I missed it. Weren't the proposals offered up by all the individual states given thumbs up by the Technical Committee?

MR. ROOTES-MURDY: Yes, the Technical Committee signed off on the technical nature of

it; in terms of the data used and the analysis conducted.

DR. PIERCE: Right, all consistent with the previous decision that the states can have up to 17 percent increase.

MR. ROOTES-MURDY: That's correct.

DR. PIERCE: Going back to a status quo makes no sense to me; in light of where we've been, and where we now need to go. With that said, again a clarification if I may. I'm a bit confused from Delaware to North Carolina; did any of those states meet the fluke reduction required in 2017? I'm just trying to figure that one out. I don't think they did.

MR. ROOTES-MURDY: Regarding state or region-specific harvest, as I laid out, we have information on how their harvest performed relative to the measures. Collectively, on a coastwide level, the needed reduction to meet the 2017 RHL was achieved. When looking at region or state-specific performance, it varied across the coast. Many regions had a reduction in harvest; but some regions did have an increase in harvest.

CHAIRMAN BALLOU: Further discussion on this? Adam Nowalsky.

MR. NOWALSKY: I'm ready to make a motion if you are so inclined.

CHAIRMAN BALLOU: Yes please.

MR. NOWALSKY: Move to approve the methodology for the state summer flounder 2018 proposals.

CHAIRMAN BALLOU: Is there a second to that? Moved by Adam Nowalsky and seconded by Eric Reid to approve the methodology for the 2018 summer flounder recreational proposals. Here it is. Move to approve the methodology for the summer flounder proposals, and methodologies

for use in the 2018 recreational summer flounder fishing season as recommended by the Technical Committee. Adam, are you comfortable with that language?

MR. NOWALSKY: Yes I am, and I'll just add while I have the microphone that this is already precautionary, this 17 percent. We had the opportunity to do something much larger; based on the ABC recommendation from the SSC, but we agreed to be extremely conservative in that. That last slide that said these measures only would account for 81 percent of the RHL.

I understand that some people have concerns about the status of the stock. But that's a number for people listening in here that we're setting forth measures that potentially leave up to 20 percent of the available harvest in the water. We're extremely precautionary. I'm very comfortable with this. I wouldn't support maintaining status quo for 2018 with the information we have.

CHAIRMAN BALLOU: Further discussion on the motion? Is the Board ready for the question? Is there any need to caucus? It looks like everyone looks like they're ready to vote. **I'll call the question; all in favor please raise your hand. It's a final action, so if you could put your hands down let me ask it this way. Is there any objection to the motion? Seeing none; the motion passes by unanimous consent.** I think we're on to scup.

SCUP RECREATIONAL PROPOSALS

MR. ROOTES-MURDY: I'll move on to the scup proposals. Again, trying to go through this as quickly as possible, as background the Board voted to extend the ad hoc regional management for scup for the 2018 fishing season. The Board also tasked the Technical Committee with doing analysis on what a 1-inch size limit decrease for the states of Massachusetts through New York would result in; in terms of 2018 harvest.

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

The Board specified that the states and regions could liberalize harvest through measures in 2018 to achieve the RHL of 7.37 million pounds. In 2017, preliminary harvest through Wave 5 was 4.65 million pounds; based on performance in 2017, and the 2018 RHL that would be approximately 59 percent liberalization in harvest.

As part of the Technical Committee call I referenced before, Massachusetts through New York put forward their analysis, as well as a proposal. The state of New Jersey also put forward a proposal. Massachusetts through New York's proposal initially was unclear of what the proposed measure changes they were interested in achieving.

Analysis had been done on both a size limit change, as well as a bag limit increase on the bonus season, which varies depending on the state and the region. The proposal was subsequently revised to only request the size limit change; and overall the TC found the analysis and methodology technically sound, and recommended both proposals for approval.

Regarding the Massachusetts through New York proposal, analysis was done as I said on both size limit and bag limit changes. For 2017, the states of Massachusetts through New York had a 10-inch minimum size, and that was specific to all fishing modes, with the exception of the shore-based selected sites in the states of Rhode Island and Connecticut, which had a 9-inch minimum size.

The analysis found that a decrease in 1 inch for the size limit would increase harvest by approximately 27 percent for the region. Regarding the bonus season change in the bag limit that was also explored, and that would be moving from a 45-fish bag limit to a 50-fish bag limit. A Poisson and additive approach was used to do this analysis; and it showed that an increase in harvest from both size and bag limit

changes would be in the range of about 47 percent to 39 percent.

The TC acknowledge when looking at this report that there was some risk in the assumption that the harvest of 9-inch fish would be the same at 10 inches or 11 inches or 12 inches, largely because there is a higher availability of smaller fish at lower size. MRIP length frequency data indicates that anglers in the region are likely already self-selecting for fish larger than 10 inches.

The TC noted that when looking at information regarding the shore-based harvest, and dropping that minimum size from 9 inches to 8 inches, the harvest would be significantly less in terms of that change than the other fishing mode. In looking at the New Jersey proposal, New Jersey was not interested in changing their size limit, as they were already at a 9-inch minimum size, and instead proposed changing their season length from 243 days to a 365 day season.

New Jersey's season in recent years has included January 1 through February 28, and July 1 through December 31. There is high variability in harvest between years and waves, and so this created some challenge for the Technical Committee member from New Jersey in estimating harvest during some of the previously closed periods.

Gap filling was done by averaging harvest across multiple waves, and the proposed change in the season length would result in an approximately 34 percent increase in harvest. In terms of Technical Committee feedback, the group was in agreement that the gap filling approach used was sufficient.

There were some questions about characterizing New Jersey's recreational scup fishery; and it was noted by the TC member that increasing the season to include March through June would likely not significantly

increase harvest, as the species is not as sought after as summer flounder and black sea bass.

Similar to what I put forward regarding summer flounder combined harvest increases, for Massachusetts through New York in looking at a 27 percent increase in their harvest. That would result in approximately 5.1 million pounds. Again, this includes just the size limit analysis of going from 10 inches to 9 inches.

For New Jersey, in terms of a 34 percent increase in their harvest from 2017 that would be approximately 794,000 pounds. The combined harvest increases from these two changes for those two proposals, would be approximately 6.73 million pounds, which is below the 2018 RHL of 7.37, approximately 91 percent of it. With that I will take any questions.

CHAIRMAN BALLOU: Questions for Kirby? Seeing none; we would need a motion, and I believe in this case it's a motion to approve the specific measures, not the methodology. Adam Nowalsky.

MR. NOWALSKY: I think I've got what the desired changes are here. Move to approve a size limit change for the states of Massachusetts through New York, to a 9-inch minimum size for the 2018 season. For the states of Rhode Island and Connecticut, I'm sorry let me back up. Move to approve a size limit change for the states of Massachusetts and New York for a 9-inch minimum size limit for 2018. I had it right the first time.

CHAIRMAN BALLOU: It's up on the board.

MR. NOWALSKY: **Move to approve a size limit change for the states of Massachusetts through New York of 9-inch minimum size limit for the 2018 recreational scup fishing season. For the states of Rhode Island and Connecticut, the minimum size limit at shore site programs would be set at an 8 inch minimum size limit.**

I'd also like to add to move to approve an open season length from January 1st through December 31st for the state of New Jersey for the 2018 recreational scup season.

CHAIRMAN BALLOU: The first part is up; the second part is being typed as we speak. Let me first ask; is there a second to the motion? I realize it's still being put up; but I think it is clear in terms of the intent. John Maniscalco seconds it, but we'll pause until we get it up. We have it moved and seconded.

I won't reread it, because Adam did such a great job the first time. With that is there any discussion on the motion? This is a final action item, so I'll have to ask. Let me just make sure we don't rush too quickly. Is there any discussion on the motion? Is the Board ready for the question?

If so, is there any objection to the motion? Seeing no objection; the motion passes by unanimous consent. We're on to sort of the second to last issue on the agenda.

CONSIDER APPROVAL OF 2017 SCUP FMP REVIEW AND STATE COMPLIANCE REPORTS

Oh no, I'm sorry. First we need to do. Item 7; Consider Approval of 2017 Scup FMP Review and State Compliance Reports. Staff is deftly getting this teed up and ready; so we'll wait for that Kirby.

MR. ROOTES-MURDY: We're just working to try to truncate the FMP review presentation. As the Board is aware, at the October meeting the Summer Flounder and Black Sea Bass FMP Reviews were taken up, and subsequently done by Board vote. The Scup FMP Review was delayed; due to a concern with Massachusetts state compliance. At the time Massachusetts did not have measures in place to enforce the minimum size requirements for the threshold for triggering the requirements in its small-mesh squid fishery.

In January of this year we received the memo that was included in the briefing materials that outline how the state of Massachusetts would come back into compliance with those components of the FMP, prior to the start of their small-mesh squid fishery. Additionally, the only other note regarding the FMP Review and State Compliance Reports is that the state of Delaware is requesting de minimis. With that if there are any questions, I'm happy to answer them now.

CHAIRMAN BALLOU: Questions for Kirby? It looks like Massachusetts is all set; they've offered a way forward that would bring them into compliance. **With that I think the Board is ready to take final action on the FMP review and that would be a move to approve the FMP review for scup. Is there anyone who would like to make that motion? Moved by Dr. Pierce, is there a second, seconded by John Clark?** Discussion on the motion, is there any opposition to the motion? Toni.

MS. KERNS: Can you just read into the record, since we don't have our minute taker.

CHAIRMAN BALLOU: Yes. Move to accept the Scup Fishery Management Plan Review of the 2016 fishing year, and approve de minimis request from Delaware. Moved by Dr. Pierce, seconded by Mr. Clark, is the Board ready for the question? **Is there any objection to the motion? Seeing none; the motion passes by unanimous consent.** Is that it on that item, Kirby?

MR. ROOTES-MURDY: Yes, Mr. Chair.

ELECTION OF VICE-CHAIR

CHAIRMAN BALLOU: Item 8, Election of Vice-Chair. David.

MR. BORDEN: Just like about 30 seconds to make just a general point and use this as an example. The scup stock, in terms of fishing

mortality, is basically one-half of what it could be. In other words we could liberalize the fishing mortality substantially. The SSB is two times what it needs to be; and yet we continue to agonize over these yearly adjustments and minor tinkering with regulations.

We've got to find a different strategy here; where we relieve some of the pressure on our technical people to do these types of reports. Like a two-year system or whatever. There just isn't the need to agonize over these fine details every single year; when we have that big a buffer on the stock, personal opinion.

CHAIRMAN BALLOU: Shall we just leave that as an opinion? Does anyone want to offer a response? Toni.

MS. KERNS: These are annual compliance requirements of the FMP, so it's hard for us to not do them. But we'll talk about it and see what we can do, and come back to the Board.

MR. BORDEN: Not to debate Toni, because she is correct. But all that means to me is we should be changing the FMP to change the way we do business. That's the point.

MS. KERNS: David, I'm sorry I misunderstood you. I thought you meant do the Compliance Reports every year; you meant recreational measures every year.

CHAIRMAN BALLOU: Okay, well we'll take that advice and see what we can do with it. Thank you, David. Is there anything else on scup? Seeing none; we'll move on to Item 8, which is the election of a Vice-Chair. The position is currently vacant and needs to be filled. Are there any nominations for the position? John Clark.

MR. CLARK: I would like to nominate our esteemed colleague from New Jersey, Mr. Adam Nowalsky.

CHAIRMAN BALLOU: Is there a second to that motion? Seconded by Eric Reid, is there any discussion on the motion? Are there any other nominations that the Board would like to make? Seeing none; we'll close – I forget how Pat used to say it, I could never duplicate that – **but let's ask is there any objection to the election of Adam Nowalsky as Vice-Chair of the Fluke, Scup, and Black Sea Bass Board? Seeing no objections; congratulations Adam, look forward to working with you.**

MR. NOWALSKY: I appreciate that vote of confidence from the Board; look forward to working with you as well. I've got to say that especially to the states to my right. I take no pride in what we did here today. I go home and I gave up my business because of what this management body has done with these regulations.

Mark put up the SSB chart before with these regulations; and I know firsthand what this does. It's wrong, it needs improvement. I'm encouraged by some of the steps that have been taken here. They don't go far enough yet. But you have my word that as Vice-Chair, and hopefully I'm here long enough to become Chair; that I'm fully committed to not putting ourselves in these positions to have to go home and tell our stakeholders that we're reducing, making more restrictive regulations on biomass that's double its target. Thank you.

OTHER BUSINESS

UPDATED BLACK SEA BASS STOCK STATUS

CHAIRMAN BALLOU: With that we're on to other business. I did add one item; and I would just like to quickly move through it. There has already been very good discussion on it, Mike Luisi, John Maniscalco and others have already called attention to the issue that I think is a very important one for this Board to consider, and I'll just briefly summarize it.

The Mid-Atlantic Council's SSC has offered a recommended RHL for 2019, this is for black sea bass, of 3.27 million pounds, and as a reminder in 2017 the RHL was 4.29. It dropped to 3.66 this year, and therefore is slated to go down even more so in 2019. Now the Council and Board have not yet considered or approved the specifications for 2019; so that RHL is not cast in stone.

But absent any new information, there may not be much to go on unless this fishery could become even more constrained in the year ahead. Against that backdrop, it's widely understood that the 2015 year class is very strong; again, it was not captured by the 2016 benchmark, since 2015 was the terminal year.

As that strong year class moves into the fishery, as it currently is as I understand it, this year and next. We run the risk of missing it, and thus facing an all too familiar situation where abundance continues to increase, while harvest limits continue to decline. The upshot is that we need an operational assessment update for black sea bass, and we need it as soon as possible.

My understanding is that the current assessment schedule is primarily focused on new benchmarks for summer flounder and striped bass; both of which will be the first to incorporate the new recalibrated MRIP data, which is slated to be released this summer. Once those benchmarks are completed, the Science Center plans to conduct a series of operational updates in 2019, which will include black sea bass. My concern and I think it's shared by many on this Board, is that an operational update completed in say the spring of 2019, will be too late. Since it won't enable the Council and Commission to consider adjustments to specifications for 2019 that reflect the strength of the resource as a whole; particularly the 2015 year class. I think we have two potential directions that we can pursue; one would be to conduct whatever analysis we

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

can in coordination with the Science Center, at some point during the current calendar year, so that at the very least we can make the case for holding measures at status quo for 2019 vis-a-vis a status quo RHL.

Another potentially more impactful approach would be to make a request to the NRCC that the Operational Assessment Update for black sea bass be given first priority, with a view to having that update completed early enough in 2019, to influence 2019 specifications. That is my take on sort of where we are and what this Board might wish to pursue.

I would look to either Mike as Chair of the Mid, and/or John who I know has had a strong interest in this issue, to kind of expound a bit on the foundation that I just set forth. But my sense is that it would be perhaps appropriate. I would maybe say it would behoove the Board to perhaps make a request, and see how it flies given where we are with this resource, and the chance that we take of missing this year class with a two-year delay, if you will, before we can ratchet up the specs to match up the levels of abundance. Mike.

MR. LUISI: I'm a current member of the NRCC; and when we sit down and discuss assessment calendars, there is often conflict between the Mid-Atlantic and the New England Council as what comes first. But I think given the interest of black sea bass for both Councils and the member states.

I think what you already mentioned, and I think a strong ask by this Board for the NRCC to convince the Science Center that the sooner the better would help with that 2019 spec setting, if that's the case, would be something I would suggest. I'll commit now as the Mid-Atlantic Chair to make sure that I speak strongly at the next NRCC meeting on this issue.

CHAIRMAN BALLOU: Thank you for that. Does anyone want to add anything to this? David Borden.

MR. BORDEN: A question, Mr. Chairman. Do we need a motion on this?

CHAIRMAN BALLOU: I'm going to look to Toni, because I'm not sure what the outcome would be. I'm assuming this is in the form of a letter. Is the Board able at this point to by consent support the development of a letter that would speak to the issues that were just raised? Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I don't think we necessarily need a letter. I'm a representative on the NRCC as is Mike; and there are other states represented there. The Council staff is here, and Chris Moore is a member. I think if there is consensus by this Board that accelerating black sea bass operational assessment as much as possible to potentially impact the 2019 fishery. We can take that forward. That is all the direction we need, and we're all set.

CHAIRMAN BALLOU: The record would be clear enough. All we need from the Board is whether there is unanimous consent to move forward in this direction. Rob O'Reilly.

MR. O'REILLY: I think that's fine. I still think it's an uphill battle probably. Sound science is supposed to be reproducible. This is sort of probably an older framework. But who really has to do this operational assessment? I realize that at one time, and Toni Kerns certainly remembers, the ASMFC was going to have a professor from New Hampshire do the bluefish assessment; until I think he fell into illness, if I remember.

Then a few years ago there was some talk about having an outside the scope of ASMFC or Council do the assessment. I don't know what the contractual cost would be. I guarantee

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

there are individuals who could do this operational assessment, and that may be one of the possibilities to consider rather than for having the only shot being having the NRCC change its mind. That's something that may or may not be feasible; I don't know. It hasn't been tried in a few years. But clearly, it's a possibility.

CHAIRMAN BALLOU: Mike, I'm wondering if you could carry that message with you at the NRCC meeting; in that to Rob's point. To the extent that the Board, a Commission can bring resources to bear, and either through contractual arrangements or through collaboration with the Science Center, you know make this happen.

I think my sense is that we're ready to do whatever we can to try to make this happen; offering whatever resources we might have available. I don't know if that helps or not. But I think that is the sense I get from Rob's comment. Are you willing to bring that thought forward at the next NRCC? By the way, when is that meeting, and when might we know what the response is?

MR. LUISI: I have no idea when the next meeting is. All I know is that I have another meeting to go to next week. I'm one week at a time at this point. We don't typically talk assessment schedules in our spring meeting. We can certainly bring it up as a point of discussion, as far as on the agenda.

I don't know what we gain. An operational assessment is new terminology that's being used, because of the influence of the MRIP calibrations. The Science Center, I can't speak for the Science Center, but they're not quite sure how that's all going to translate into the new assessment work that's done.

This is not just a simple turning of the crank on just a new year's worth or a new two-year's worth of data. There could be some changes. I

think collaboration with the Science Center certainly has to be part of that. I'm happy to, as Bob and I can discuss. If we decide that we don't necessarily need a letter. But we can bring this forth and see; you know what the Feds have to say.

I don't think there is much difference in a late 2018 or an early 2019 operational assessment anyway. I think we could get this done. There is enough interest, and there will be enough pressure put on the Science Center to get it done in time that it could help influence a 2019 quota. I'm pretty confident that we can pass that message strongly.

CHAIRMAN BALLOU: Chris Batsavage.

MR. BATSAVAGE: If the assessment stayed on the original schedule, and I think earlier we talked about if that was the case then we could then reconsider the 2019 ABC, and then have it implemented later in the year. Is that correct? If we didn't make this request, or this request wasn't accepted, we could still make a change in 2019; it would just come a little later in the year, correct?

MR. BALLOU: I guess the answer is yes. I don't know how feasible it is to make a change; if the assessment doesn't happen until the spring, deep into the year. It seems to me you get into an awkward situation then trying to modify specifications midyear. Go ahead, Chris.

MR. BATSAVAGE: I guess it would probably be worse than what we just went through this past year. We're rightfully so, focused very much on the recreational fishery today. But when we had the new assessment update, new benchmark assessment late in 2016, early 2017, the ABC changed about midway through the year.

That had a pretty big impact on the commercial fishery; where there was a lot of quota that just wasn't available until middle part of the year,

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

and then towards the end of the year it was all available, and had a pretty negative impact on the markets. What I'm doing, I'm just adding kind of further justification for this request; where we're talking about to try to get this done as soon as possible. This affects more than just the recreational fishery; it can impact the commercial one too.

CHAIRMAN BALLOU: Good point, appreciate that. Toni.

MS. KERNS: I would just also suggest that the states pull together as much data as they can from their survey work; in order to provide that to the SSC when they do their review this summer, because the SSC still has to make a recommendation to have something on the books. If we are seeing these fish starting to move in their surveys, the SSC will have to take that under consideration. If the states could compile that information in time for them to look at it, it will influence.

CHAIRMAN BALLOU: I think that's an excellent suggestion; and I see Caitlin making a note. I'm going to suggest on behalf of the Board that Caitlin kind of reiterate what Toni just indicated, by reaching out to the states and urging them to try to do their best to get that updated survey information assembled and to the SSC in time for them to at least consider it for specification setting that will be undertaken this summer.

In other words, we're going to move forward in various ways; that being one. Then we'll certainly continue to exert the pressure as best we can through the NRCC process. Additional discussion on this, I know there are a lot of folks in this room are very keenly aware of the importance of this issue, and aware of where things stand. Adam.

MR. NOWALSKY: Just briefly on that SSC issue; and I completely support what we're doing here. I believe the SSC has that ABC of 3.27

million pounds. We as a joint body just didn't approve recommending it to the Service to promulgate as a final rule yet. I don't know if the SSC even has their late June/July meeting, where this is even on their agenda yet. I think it is one step further than that. We've got to make sure that we get black sea bass in front of them; because as of right now they're of the opinion they don't need to do anything. They've created the ABC calculation; which the Council is not allowed to exceed by Magnuson, so it's that one-step further that I think we need to make sure we get pushed onto their schedule.

CHAIRMAN BALLOU: Okay. Kirby, do you want to just say that into the record rather than repeating it?

MR. ROOTES-MURDY: I'm communicating with my colleagues at the Council in the back; but from what they've communicated to me, the SSC is set to meet in July, and they are going to consider black sea bass ABC for 2019 at that meeting.

CHAIRMAN BALLOU: All the more reason to follow through in the way that Toni just suggested; so let's really do our best, because obviously this has been a very difficult process today working through this Addendum XXX exercise. I think we really need to turn to where we can to try to improve the situation. It seems to be that stock status is a huge and important issue here; because if we can increase the size of the pie, we can perhaps achieve a little better relief on the allocation and specification side. David Borden.

MR. BORDEN: My suggestion would be that the staff send a memo out to all the states; and basically ask for them to update the information by a certain deadline, provide that deadline, and then consolidate all that information for the SSC.

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

CHAIRMAN BALLOU: Good suggestion. This is exactly what I was hoping for; is to make sure this issue is front and center on the part of all of us, including our colleagues at the Mid, so we can communicate this up the chain as effectively as possible. It is indicated that the states will do their best to put their best foot forward on contributing information in a timely fashion.

ADJOURNMENT

Is there any further discussion on this issue? I appreciate your time on it; I think it's obviously an important issue. Is there any other business to come before this Board? Seeing none; is there any objection to adjourning. Seeing no objection we are adjourned. Thank you very much, have a safe travel home.

(Whereupon the meeting adjourned at 4:50
o'clock p.m. on February 8, 2018)