

Atlantic States Marine Fisheries Commission

ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board concurrent with the Mid-Atlantic Fishery Management Council

*August 4, 2021
10:15 a.m.–12:15 p.m.
Webinar*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- | | |
|--|------------|
| 1. Welcome/Call to Order (<i>A. Nowalsky</i>) | 10:15 a.m. |
| 2. Board Consent | 10:15 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from February 2021 | |
| 3. Public Comment | 10:20 a.m. |
| 4. Consider ISFMP Policy Board Directive for Changes to Addendum XXXIII: Black Sea Bass Commercial Allocation Final Action | 10:30 a.m. |
| 5. Consider Fishery Management Plan Reviews and State Compliance for the 2020 Fishing Year for Summer Flounder, Scup, and Black Sea Bass (<i>D. Colson Leaning/S. Lewis</i>) Action | 11:45 a.m. |
| 6. Other Business/Adjourn | 12:15 p.m. |

MEETING OVERVIEW

ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board concurrent with the Mid-Atlantic Fishery Management Council

August 4, 2021

10:15 a.m. – 12:15 p.m.

Webinar

Chair: Adam Nowalsky (NJ) Assumed Chairmanship: 12/19	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Snellbaker (MD)
Vice Chair: Justin Davis (CT)	Advisory Panel Chair: Vacant	Previous Board Meeting: April 6, 2021
Voting Members: NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider ISFMP Policy Board Directive for Changes to Addendum XXXIII: Black Sea Bass Commercial Allocation (10:30-11:45 a.m.) Final Action

Background

- At the May 2021 meeting of the Commission’s ISFMP Policy Board, the state of New York filed an appeal for Section 3.1.1 of Addendum XXXIII regarding baseline quota allocations. The Policy Board found New York’s appeal justified and remanded Section 3.1.1. Baseline Quota Allocations, back to the Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York’s baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound (see draft ISFMP Policy Board Minutes in briefing materials).
- Based on the Policy Board motion corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Board should not result in a decrease in Connecticut’s baseline allocation to less than 3% or decrease the percentage of quota redistributed according to regional biomass

Presentations

- Staff will present Policy Board decision and direction for Board.

Board Actions for Consideration

- Final approval of change section 3.1.1 of Addendum XXXIII

5. Consider Fishery Management Plan Reviews and State Compliance for the 2020 Fishing Year for Summer Flounder, Scup, and Black Sea Bass (11:45-12:15 p.m.) Action**Background**

- Summer Flounder, Scup, and Black Sea Bass state compliance reports are due on June 1. The SFSBSB Plan Review Team (PRT) has reviewed state reports and compiled the annual FMP Review. (**Supplemental Materials**)

Presentations

- 2020 FMP Reviews for Summer Flounder, Scup, and Black Sea Bass by D. Colson Leaning and S. Lewis

Board Actions for Consideration

- Consider approval of the 2020 FMP Reviews and state compliance reports.

6. Other Business/Adjourn

Summer Flounder, Scup, & Black Sea Bass 2021 TC Tasks

Activity level: High

Committee Overlap Score: High (Multi-species committees for this Board)

Committee Task List

- July 2021: Develop recommendations on 2022 specifications (coastwide quota and RHLs) and commercial management measures for summer flounder, scup and black sea bass
- November 2021: Meeting on 2022 recreational measures

TC Members: Greg Wojcik (CT, TC Chair), Julia Beaty (MAFMC), Peter Clarke (NJ), Dustin Colson Leaning (ASMFC), Karson Coutre (MAFMC), Kiley Dancy (MAFMC), Lorena de la Garza (NC), Steve Doctor (MD), Emily Keiley (NOAA), Jeff Kipp (ASMFC), Alexa Kretsch (VA), Savannah Lewis (ASMFC), John Maniscalco (NY), Gary Shepherd (NOAA), Corinne Truesdale (RI), Sam Truesdell (MA), Mark Terceiro (NOAA), Richard Wong (DE)

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

**Webinar
February 1, 2021**

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

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of May 2020** by Consent (Page 1).
3. **Board Only Motions**
Move to approve the following 2021 recreational conservational equivalency season adjustments: New Jersey summer flounder fishery (May 28 through September 28), and Massachusetts's black sea bass fishery (options A, May 15 – Sept 3, and B, May 22 – Sept 14), and approve Virginia's proposal for adjusting recreational black sea bass measures to account for February harvest (Page 3). Motion by Jim Gilmore; second by Mike Luisi. Motion carried (Page 3).
4. **Board and Council Motions**
Main Motion
Move to Approve:
Modified Option B - Increase CT to 3% and NY to 9%, with the change occurring over 2 years,

Option C - DARA approach, with the following sub options:
 - **Sub-option C1-B: allocations based 50% on stock distribution and 50% on the initial allocations at the end of the transition phase**
 - **Sub-option C2-A: 5% change in weights per adjustment**
 - **Sub-option C3-A: annual adjustment to factor weights**
 - **Modified allocation adjustment cap (C4-A): cap the change in regional allocations at a maximum of 5% per adjustment.**
Regional configuration option G2 – NJ as separate region
Board: Motion by Jason McNamee; second by Emerson Hasbrouck (Page 19).
Council: Motion by Tony DiLernia; second by Maureen Davidson (Page 20).

Motion to Substitute
Move to substitute to address Black Sea Bass Commercial State Allocations by approving Option B - Increase Connecticut Quota to 3%; Option D - Trigger Approach, with a trigger of 4 M lbs. (a trigger value between Sub Options D1-A and D1-B); Sub-option D2-B - Distribution of surplus quota based on regional biomass from stock assessment; Sub-option D3-B - Proportional distribution of regional surplus quota; Sub-option D4-A - Static base allocations; Option G - Regional Configuration Options; and Sub-option G2 - Establishing three regions with New Jersey as a separate region.
Board: Motion by John Clark; second by Ellen Bolen (Page 21).
Council: Motion by Ellen Bolen; second by Joe Cimino (Page 21).

Motion to Amend Substitute Motion
Move to amend the substitute motion option b: "increase Connecticut's base allocation to 3% and New York's base allocation to 9%."
Board: Motion by David Borden; second by Justin Davis. Motion fails for lack of a majority (5 in favor, 6 opposed, 1 abstention) (Page 30).
Council: Motion by Dan Farnham; second by Tony DiLernia (Page 30).

INDEX OF MOTIONS (continued)

Motion to Substitute

Move to substitute to address Black Sea Bass Commercial State Allocations by approving Option B - Increase Connecticut Quota to 3%; Option D - Trigger Approach, with a trigger of 4 M lbs. (a trigger value between Sub Options D1-A and D1-B); Sub-option D2-B - Distribution of surplus quota based on regional biomass from stock assessment; Sub-option D3-B - Proportional distribution of regional surplus quota; Sub-option D4-A - Static base allocations; Option G - Regional Configuration Options; and Sub-option G2 - Establishing three regions with New Jersey as a separate region.

Board: Motion by John Clark; second by Ellen Bolen (Page 21). Motion fails for lack of a majority (6 in favor, 6 opposed) (Page 38).

Council: Motion by Ellen Bolen (Page 21); second by Joe Cimino.

Main Motion

Move to approve:

Modified Option B – Increase CT to 3% and NY to 9%, with the change occurring over 2 years

Option C – DARA approach, with the following sub options:

- **Sub-option C1-B: allocations based 50% on stock distribution and 50% on the initial allocations at the end of the transition phase**
- **Sub-option C2-A: 5% change in weights per adjustment**
- **Sub-option C3-A: annual adjustment to factor weights**
- **Modified allocation adjustment cap (C4-A): cap the change in regional allocations at a maximum of 5% per adjustment.**

Regional configuration option G2 – NJ as separate region

Board: Motion by Justin McNamee; second by Emerson Hasbrouck (Page 19). Motion fails for lack of a majority (6 in favor, 6 opposed) (Page 37).

Council: Motion made by Mr. DiLernia and seconded by Ms. Davidson (Page 20).

Main Motion

Move to adopt the following options for black sea bass commercial allocations:

- **Modified Alternative B: Increase CT's base allocation to 3% and NY's base allocation to 9%.**
- **Alternative F: Percentage of coastwide quota distributed based on initial allocations:**
- **Sub-alternative F1-B: 75% of the coastwide quota allocated using the initial allocations.**
- **Sub-alternative F2-B: Remaining quota (25%) allocated based on regional biomass from the stock assessment.**
- **Sub-alternative F3-B: Proportional distribution of regional quota.**
- **Sub-alternative G2: Establish three regions: 1) ME-NY; 2) NJ; and 3) DE-NC.**

Board: Motion by Nichola Meserve; second by Justin Davis (Page 40).

Council: Motion by Maureen Davidson; second by Dan Farnham (Page 41).

Motion to Amend

Move to amend to modify alternative B to remove “and NY's base allocation to 9%” and add at the end of the motion “to review the state by state allocations in not more than 5 years”.

Board: Motion by Chris Batsavage; second by John Clark (Page 42). Motion carried (6 in favor, 5 opposed, 1 abstention) (Page 48).

Council: Motion by Chris Batsavage; second by Joe Cimino. Motion carried (14 in favor, 5 opposed, 1 abstention) (Page 42).

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INDEX OF MOTIONS (continued)

Main Motion as Amended

Move to adopt the following options for black sea bass commercial allocations:

- **Modified Alternative B: Increase CT's base allocation to 3%.**
- **Alternative F: Percentage of coastwide quota distributed based on initial allocations:**
- **Sub-alternative F1-B: 75% of the coastwide quota allocated using the initial allocations.**
- **Sub-alternative F2-B: Remaining quota (25%) allocated based on regional biomass from the stock assessment.**
- **Sub-alternative F3-B: Proportional distribution of regional quota.**
- **Sub-alternative G2: Establish three regions: 1) ME-NY; 2) NJ; and 3) DE-NC.**

Review the state by state allocations in not more than 5 years.

Board: Motion carried (10 in favor, 2 opposed) (Page 52).

Council: Motion carried (13 in favor, 7 opposed) (Page 52).

5. **Board Only:**

Move to approve Addendum XXXIII, as modified today, with an implementation date of January 1, 2022 (Page 54). Motion by Nichola Meserve; second by Justin Davis. Motion carried with one abstention (NOAA Fisheries (11 in favor, 1 abstention) (Page 53).

6. **Council Only:**

Move to submit the Black Sea Bass Commercial State Allocation Amendment, with identification of the preferred alternatives, to NMFS (Page 54). Motion by Peter defur; second by Joe Cimino. Motion carried (13 in favor, 2 opposed, 3 abstentions) (Page 54).

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board and
Mid-Atlantic Marine Fisheries Council Meeting Webinar

February 2021

ATTENDANCE

Board Members

Cheri Patterson, NH (AA)	Tom Fote, NJ (GA)
Ritchie White, NH (GA)	Adam Nowalsky, NJ, Legislative proxy
Nichola Meserve, MA, proxy for D. McKiernan (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Mike Luisi, MD, proxy for B. Anderson (AA)
David Borden, RI (GA)	Russell Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Justin Davis, CT (AA)	Ellen Bolen, VA, proxy for S. Bowman (AA)
Bill Hyatt, CT (GA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
Matt Gates, CT, proxy for Sen. Miner (LA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Jim Gilmore, NY (AA)	Jerry Mannen, NC (GA)
Emerson Hasbrouck, NY (GA)	Bill Gorham, NC, proxy for Sen. Steinburg (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Marty Gary, PRFC
Joe Cimino, NJ (AA)	Mike Pentony, NMFS

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

Ex-Officio Members

Staff

Bob Beal	Dustin Colson Leaning
Toni Kerns	Savannah Lewis
Kristen Anstead	Sarah Murray
Maya Drzewicki	Kirby Rootes-Murdy
Emilie Franke	Mike Rinaldi
Chris Jacobs	Caitlin Starks
Jeff Kipp	Deke Tompkins
Laura Leach	Geoff White

Guests

Dennis Abbott, Newmarket, NH	K. Bradbury, Ofc. Sen. Whitehouse	Peter deFur
Karen Abrams, NOAA	Bonnie Brady	John DePersenaire, RFA
Fred Akers	William Brantley, NC DENR	Greg DiDomenico
John Almeida, NOAA	Delayne Brown, NH F&G	Anthony DiLernia
Bill Anderson, MD (AA)	Jeff Brust, NJ DEP	Steve Doctor, MD DNR
Nathan Andrews, RI DEM	Richard Cody, NOAA	Michelle Duval, MAFMC
Max Appelman, NOAA	Heather Corbett, NJ DEP	Warren Elliott, PA (LA)
Regina Asmutis-Silvia	Morgan Corey, NOAA	Julie Evans
Pat Augustine, Coram, NY	Karson Coutre, MAFMC	Dan Farnham
Richard Balouskus, RI DEM	Jessica Daher, NJ DEP	Lynn Fegley, MD DNR
Julia Beaty, MAFMC	Kiley Dancy, MAFMC	Marianne Ferguson, NOAA
David Behringer, NC DENR	Jessica Daher, NJ DEP	Cynthia Ferrio, NOAA
Rick Bellavance	Maureen Davidson, NYS DEC	James Fletcher
Alan Bianchi, NC DENR	Lorena de la Garza, NC DENR	Tony Friedrich, SGA
Sarah Bland, NOAA	Jeff Deem	Jack Fullmer

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Guests (continued)

Alexa Galvan, VMRC
Angela Giuliano, MD DNR
Kurt Gottschall, CT
Sonny Gwin
Jon Hare, NOAA
Bridget Harner, NOAA
Amalia Harrington, Univ. Maine
Dewey Hemilright
Jay Hermsen, NOAA
Helen Takade-Heumacher, EDF
Rich Hittinger
Asm. Eric Houghtaling, NJ (LA)
Rachel Howland, NC DENR
Peter Hughes
Bob Humphrey
Miluska Olivera-Hyde, USGS
Jeff Kaelin, Lund's Fisheries
Emily Keiley, NOAA
Moirra Kelly, NOAA
Adam Kenyon, VMRC
Tony Kratowicz
Kris Kuhn, PA F&B
Robert LaFrance, Quinnipiac U.
Nicole Lengyel, RI DEM
Scott Lenox
Tom Little, Ofc. Asm. Houghtaling
Paul Lozeau
Pat Geer, VMRC
Chip Lynch, NOAA

John Maniscalco, NYS DEC
Genine McClair, MD DNR
Ashleigh McCord, NOAA
Chris McDonough, SC DNR
Dan McKiernan, MA (AA)
Conor McManus, RI DEM
Mike Millard, FL FWS
Chris Moore, MAFMC
Patrick Moran, MA Env. Police
Jerry Morgan
Wendy Morrison, NOAA
Brandon Muffley, MAFMC
Allison Murphy, NOAA
Kennedy Neill
Gerry O'Neill, Cape Seafoods
Derek Orner, NOAA
Hanna Rose Peralta
Mike Plaia
Chad Power, NJ DEP
Paul Rago
Jill Ramsey, VMRC
Paul Risi, City Univ. of NY
Jessica Ruggieri, URI
Mary Sabo, NOAA
Scott Sakowski, NOAA
John Schoenig
Tara Scott, NOAA
Lewis Gillingham
Matthew Seeley, MAFMC

McLean Seward, NC DENR
Thomas Sminkey, NOAA
Somers Smott, VMRC
Scott Steinback, NOAA
David Stormer, DE DFW
Mark Taylor
Mark Terceiro, NOAA
John Toth, JCIA
Wes Townsend, Dogsboro, DE
Corinne Truesdale, RI DEM
Sam Truesdell, MA DMF
Mike Waine, ASA
Megan Ware, ME DMR
Craig Weedon, MD DNR
Philip Welsh
Peter Whelan
Patrick White
Meredith Whitten, NC DENR
Kate Wilke, TNC
Angel Willey, MD DNR
Sara Winslow
Steven Whitthuhn
Anthony Wood, NOAA
Chris Wright, NOAA
Phil Zalesak
Erik Zlokovitz, MD DNR

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Monday, February 1, 2021, and was called to order at 9:30 a.m. by Chair Adam Nowalsky.

CALL TO ORDER

CHAIR ADAM NOWALSKY: Let's welcome everyone to the winter meeting of the ASMFC. This is the Summer Flounder, Scup, and Black Sea Bass Management Board. This will be Board action only this morning, but we are joined by the Mid-Atlantic Council today. We will have joint actions that will be taken up throughout the day, the Policy Board meeting coming up after this meeting, followed by continuation of this Board meeting for Black Sea Bass Commercial Addendum action, which will be joint actions with the Council.

Welcome everyone! To those being impacted by weather today, be safe. Enjoy, if you like the snow. If not, well put the shades down on that side. This meeting has been called to order.

APPROVAL OF AGENDA

CHAIR NOWALSKY: We'll begin with an approval of an agenda, the agenda that was provided in the meeting materials. We'll note that after we recess this morning, we do plan to reconvene jointly at 12:45, not one o'clock. Are there any other objections to the agenda as provided, or changes?

Seeing no changes and hearing no objections, the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR NOWALSKY: Next, we'll go on to approval of proceedings from the August, 2020 Board meeting. Are there any objections to approval of those proceedings? Okay, I'm not seeing any objections, so those proceedings will stand approved as provided.

PUBLIC COMMENT

CHAIR NOWALSKY: Next, we'll go on to public comment for any actions that are not on this

morning's portion of the agenda, which is state proposals for the 2021 recreational season.

Is there any public comment for anything else that is not on our agenda? Not seeing any hands raised or hearing anything, we will then proceed.

2021 RECREATIONAL MANAGEMENT MEASURES FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS

CHAIR NOWALSKY: The next agenda item is a presentation for 2021 Recreational Management Measure changes by a select number of states. We'll turn it over to staff for that, thank you very much.

CONSIDER STATE PROPOSALS FOR ADJUSTING 2021 RECREATIONAL MEASURES

MR. DUSTIN COLSON LEANING: As was just alluded to, this is the Summer Flounder, Black Sea Bass and Recreational Proposals Consideration for the Board. This agenda item was originally an hour and 15 minutes, and it got whittled down to 30 minutes, so I'll keep it very concise and to the point.

We'll just cover the background, give a little perspective on what this process is about, and then we'll cover the proposals to modify recreational fisheries themselves, then followed by the TC recommendations, and then the Board Action today will be considering approval of the proposals. Just to jog your memory, this happened before the holiday break. The joint meeting in December that was hosted by the Council was with the Board as well, and they voted to maintain status quo of summer flounder, scup, and black sea bass recreational measures for 2021. However, there was the exception made where the Board was allowed to have states submit proposals for small adjustments to season for recreational fisheries through the conservation equivalency process.

This would just allow states to add some flexibility, if they wanted to start on a Friday or a Saturday, considering that the dates were set as a number not a day of the week. In all, we received three proposals. Two are going through the conservation

equivalency process, New Jersey and Massachusetts for summer flounder and black sea bass respectively.

Then we have the annual Virginia February fishery proposal for black sea bass, and Savannah will be covering the black sea bass items. I'll launch right into the New Jersey proposal for summer flounder. This proposal is actually very similar to last year's proposal; New Jersey is very keen on opening on the Friday of Memorial Day Weekend, which would mean a May 28 to September 28 season.

This proposal would actually delay the start of the season by six days, compared to the status quo dates of last year, and it would then add nine days to the end of the season to account for the delay. It's not a one-for-one adjustment there, or a day-for-day adjustment, because we estimated effect of moving the season forward by six days would have a greater reduction than six days being added to the end of the season.

When you look at daily harvest rates, computed by taking total landings per wave in numbers of fish, and dividing by the number of days in each wave for each year. Then you get a daily harvest rate for Wave 3 and Wave 5. This analysis found that Wave 3 harvest daily average harvest is greater than Wave 5, using 2018 and 2019 MRIP data.

The proposal ends with just three more days than they would have had last year, but the actual harvest itself is projected to be 0.09 percent lower than harvest done under the status quo season. It's important to note here that all other regulations will be kept consistent. We're only talking about a small seasonal adjustment. Next slide, and Savannah, you can take it from here.

CONSIDER VIRGINIA PROPOSAL FOR WAVE 1 RECREATIONAL BLACK SEA BASS FISHERY

MS. SAVANNAH LEWIS: Now I'm going to review the proposals that we got for black sea bass. We received a proposal from Massachusetts to modify their 2021 recreational black sea bass fishery under conservation equivalency. Traditionally they've had

a Saturday opening. Currently, under status quo, the season will open on a Tuesday.

They came up with two different alternative options to have the season opening on a Saturday. Option A, which opens the Saturday before status quo on May 15, and Option B, which opens the Saturday after status quo on May 22. To account for the shift in season opening, they looked at modified season closure dates.

These dates were calculated using the mean daily harvest rates by wave for 2018 and 2019. The TC ended up approving a combined 2018 and 2019 methodology. Due to the difference in harvest rates for Wave 3 compared to Wave 5, different season openings resulted in different season closures dates. For Option A the season will close on September 3, for a total of 112 days. For Option B the season will close on September 14, for a total of 116 days. All other regulations will be kept consistent, and the options, if approved today, will be taken out for public comment to determine which option Massachusetts will go with. Both options are expected to produce harvest that is similar or less than previous harvest rates. They have to calculate the differences in season closures due to the different harvest rates between Wave 3 and Wave 5.

For Virginia, as Dustin alluded, this is again a traditional opening now for them. They will be opening their recreational black sea bass from February 1 to February 28, as a response to NOAA Fisheries opening in federal waters.

They intend to calculate landings in February from their mandatory angler reporting, and make appropriate season adjustments. Due to the lack of MRIP data in 2020, 2021 harvest will be compared to daily harvest rates by wave from 2018 and 2019 MRIP landings in pounds, and the number of days open in each wave by year.

VMRC will then submit a proposal for season adjustments for the remainder of 2021, to account for all February harvest. All other regulations will be kept consistent. The Technical Committee met on January 19 via webinar, to review the proposals from

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The Board will review the minutes during its next meeting.

the three states. The Technical Committee had no concern for the proposals, and found all of the methods to be technically sound.

The Technical Committee recommends approval of all three proposals for adjusting measures. The Technical Committee was also supportive of streamlining this process, such that the TC would review proposals over e-mail, and the Board would then vote via e-mail instead of at a meeting.

Finally, here is a list of the Board actions to be taken today. First, the Board can consider approval of 2021 Summer Flounder Recreational Fishery Proposal from New Jersey, consider the approval of the 2021 Black Sea Bass Recreational Fishery for Massachusetts, and consider approval of 2021 Black Sea Bass February Recreational Fishery Proposal from Virginia. With that Dustin and I are happy to take any questions.

CHAIR NOWALSKY: All right, thank you very much to staff for that presentation. Are there any questions from anyone around the table on the information provided? Okay, not seeing any hands up or hearing anything for anyone that can't raise their hand. Our next step would be to entertain a motion for approval of these. Would anyone be willing to make that motion? First hand up I saw was Jim Gilmore. Would you like to make a motion regarding these proposals, Jim?

MR. JAMES J. GILMORE, JR.: Sure, Mr. Chairman. I move to approve the recreational measures for summer flounder for New Jersey, black sea bass for Massachusetts, black sea bass for Virginia. Oh, you've got one up already, all right, I'll go with that.

MS. TONI KERNS: Jim, we'll need you to read that for the record, please.

MR. GILMORE: Move to approve the following 2021 recreational conservational equivalency season adjustments: New Jersey summer flounder fishery (May 28 through September 28), and Massachusetts's black sea bass fishery (Options A, May 15 – September 3, and B, May 22 – September 19), and approve Virginia's proposal for adjusting

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recreational black sea bass measures to account for February harvest.

CHAIR NOWALSKY: Very good, thank you very much, I see a hand raised from Mike Luisi. Is that to second this motion?

MR. MICHAEL LUISI: That is Adam, thank you, yes, I'll second that.

CHAIR NOWALSKY: Very good, so we have a motion that has been made and seconded. Is there any discussion on this motion? Jim, did you want to go ahead and provide any other information, or was your hand still up from making the motion?

MR. GILMORE: Sorry, Mr. Chairman, my hand was just up. I'll put it down and I'm good to go.

CHAIR NOWALSKY: Very good, thank you very much, I've got a hand raised from Nichola Meserve.

MS. NICHOLA MESERVE: I just wanted to point out that the date for Option B in Massachusetts should be September 14.

CHAIR NOWALSKY: All right, we've corrected that on screen. Is there any objection to having that that perfected on screen with the Option B motion being corrected to an end date of September 14? Not seeing any objections to that. Would you like me to go ahead and reread the motion, since there was that change made to it since it was originally read in, or is that not necessary, Toni?

MS. KERNS: I think it's okay, since we have that correction on the record.

CHAIR NOWALSKY: Very good, is there any public comment on this motion? All right, not seeing any public comment, I am going to go ahead and ask the Board. **Is there any objection to this motion? Okay, seeing no objections the motion stands approved.** Thank you very much. With that, unless there is any other business to come before us this morning, we're ready to move to recess, Toni, for Policy Board.

MS. KERNS: That's correct, Adam. Policy Board starts at 10:15.

**RECESS FOR ISFMP POLICY BOARD & MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL (MAFMC)
DISCUSSION ON RECREATIONAL MANAGEMENT
REFORM INITIATIVE**

(Whereupon a recess was taken and the Board and Council reconvened at 12:45.)

RECONVENE AS A JOINT MEETING WITH MAFMC

ATLANTIC STATES MARINE FISHERIES COMMISSION
SUMMER FLOUNDER, SCUP, AND BLACK SEA
BASS MANAGEMENT BOARD AND
MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

**CONSIDER ADDENDUM XXXIII AND COUNCIL
AMENDMENT ON BLACK SEA BASS COMMERCIAL
STATE ALLOCATIONS FOR
FINAL APPROVAL**

MS. CAITLIN STARKS: Okay, this is Caitlin Starks. I am the, I guess outgoing FMP Coordinator for black sea bass. After this meeting we'll be passing that off to Savannah Lewis. But I'll be going over the Draft Addendum XXXIII and Council Amendment presentation today. In this presentation I'll first cover some background information on this action leading up to this meeting.

Then, I'll review the different options for the black sea bass commercial state allocations, go over the way forward versus the action on the Addendum and Amendment, and take steps for implementation. As a reminder, Draft Addendum XXXIII and the Council Amendment mainly address two things.

First is, considering modifying the state commercial allocations as the black sea bass quota, and second is whether to add those state allocations to the Council's FMP. In the December joint meeting the Board and Council met at the Mid-Atlantic Council meeting, and they reviewed Draft Addendum XXXIII and the Council Amendment, the public comment, AP input and a Draft Impact Analysis.

At that meeting the Board and Council selected alternatives for the federal management portion to the action, but agreed to postpone decisions on the allocation and the final action on the document until February 2021, for this meeting. This table summarizes the proposed alternatives for federal management that were selected, and the boxes highlighted in green are those alternatives that were selected by the Board and Council at the December meeting.

For the first issue, the Board and Council voted to add the state allocations to the Council FMP, and maintain status quo for payback of state quota overages, and on the next issue they voted to modify the regulations for federal in-season closures, so that a quota would occur when landings are projected to exceed the coastwide quota, plus a buffer of up to 5 percent, which would be established annually through specifications by the Board and Council.

Today the Board and Council will consider which of the options for the state allocations to adopt. I'll go over each of those options, which are summarized again on this flow chart, and I'm going to move fairly quickly through these, since they have been presented to the Board and Council before, but I can always come back with questions on more detail if there any at the end.

Option A is status quo state allocations, which are shown in the table at the right, and these allocations were implemented in 2003 through Amendment 13, and were loosely based on historical landings from 1980 to 2001. Option B proposes to increase Connecticut's allocation from 1 percent to 5 percent, in order to address the disparity between their current allocation and the increased availability of black sea bass in Connecticut state waters.

The option proposes to get that allocation from 1 percent to 5 percent by holding Delaware and New York constant, moving 0.25 percent each from Maine and New Hampshire to Connecticut, and finally moving some quota from each of the remaining states to Connecticut, in proportion to their current allocation as we get to that total of 5 percent for Connecticut overall allocation.

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The last column in the table shows what the allocations would be that result from this method. I'll note again that this option is intended either as a standalone change to the allocation, or as a starting point for additional allocation changes through one of the other options. Option C is dynamic adjustments to regional allocations a.k.a. the DARA approach, which aims to practically address the state allocations while incorporating information on the changing stock distribution.

During the first phase a transition would take place over several years, where the initial allocations are gradually adjusted using a formula to become more dependent on the current stock distribution. At the end of that transition period the allocations would be based partially on stock distribution information, and partially on the initial allocation.

In Phase 2, the formula is no longer being adjusted to give more weight to the stock distribution component, but instead allocations would only be updated when new information on regional stock distribution becomes available, such as when there is a new stock assessment. The sub-options for this approach are designed to represent ranges of values that the Board and Council can work within to determine how fast and how much the allocations are changed overall through this approach.

As a quick reminder of how the DARA approach works, the first step is to divide the coastwide quota into one portion that would be allocated based on the initial allocations, and one portion that would be allocated according to the stock distribution. What those percentages are in each year would be determined by the sub-options that are selected.

Next, the first portion gets distributed to all states, based on their initial allocation, and the second portion is divided regionally, based on the proportion of stock biomass in each region. Then those regional portions get allocated to the states in each region in proportion to their initial allocation, and finally each state gets its overall allocation from the part of it that got allocated using initial allocation, plus the part of the quota that allocated regionally.

As a quick note, this would look slightly different in the last few steps if New Jersey were made an individual region. Sub-option set C-1 for the DARA approach determines the relative weight of the initial allocations, versus the resource distribution information in determining the state allocations at the end of the transition phase.

Option C1-A is that at the end of the transition phase the allocations would be 90 percent based on stock distribution, and 10 percent based on the initial allocations. Option C1-B is that the allocations end up being based 50 percent on stock distribution and 50 percent on the initial allocation.

As a reminder, the Board and Council could choose a final option falling between these two if desired. These are just examples of how those would be split out under these two options. Sub-options set C2 would determine how much the relative weights of the initial allocation and the resource distribution factors change with each adjustment during the transition phase. Sub-option C2-A is that the relative weight could change by 5 percent per adjustment, which is a slower transition, and Sub-option C2-B is that the relative weights would change by 20 percent per adjustment, and that would give you a faster transition to those final weights. DARA Sub-option set C3 determines how often during the transition period those adjustments are made to the weight of the initial allocation and stock distribution factors, and the two actions are either to do adjustments every year or every other year.

Set C4 provides the option to set a task on the amount of change in the regional allocations per adjustment during the transition period. There are three options here, a 3 percent cap, a 10 percent cap, or no cap. The general function of a cap is that it reduces the amount of change in the allocations that can happen during a single adjustment.

If during an adjustment the formula is dictating that there be no allocations to change by 9 percent overall, but you have that 3 percent cap in place. In that adjustment the regional change would only be 3 percent. That does end up drawing out the

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transition period over time if the cap is needed during all full years.

The next proposed option is Option D, which is the trigger approach, and this establishes a minimum level of coastwide quota as a trigger for a change in the state allocations, and if the annual coastwide quota exceeds that trigger then the amount of coastwide quota up to and including that amount, would be distributed to the states according to the base allocation, their initial allocation, and the surplus quota above the trigger would be distributed differently.

Sub-options D1-A or D1-E would determine the trigger levels, and D1-A is a 3-million-pound trigger, whereas D1-B is a 4.5-million-pound trigger. The figure just shows how the trigger levels compare to the coastwide quotas since 1998, and as a reminder these sub-options are also meant to provide a range so the Board and Council could select something between 3 and 4.5 million pounds.

Sub-option set D2 determines how the surplus quota above the trigger value is distributed to the states. Option B2-A is to distribute the surplus quota evenly for all states from Massachusetts through North Carolina, and Option B2-B is to distribute the surplus quota among regions, based on regional biomass proportions from the stock assessment.

Under both of these options, Maine and New Hampshire would each be receiving only 1 percent of the surplus quota. If Option D2-B is chosen from the last set, then there are two sub-options that would determine how the regional surplus quotas would be divided among states within each region.

D3-A is that the states would each get equal shares of the regional surplus, and D3-C is that the regional quota would be divided among the states in a region in proportion to their initial allocations. Again, Maine and New Hampshire are the exception, each only getting 1 percent of the northern region surplus.

The last set of options for the trigger approach determines if the base allocations for the quota up to and including the trigger would change over time,

and these sub-options are only applicable if the options for regional surplus allocations is selected. Sub-option D4-A is for a static based allocation, where the quota up to and including the trigger would always be allocated using the same initial allocation, and Sub-Option D4-B is for dynamic based allocations. That means that each year the quota up to and including the trigger amount would be allocated according to the previous year's final state allocation. That results in those base allocations changing over time. Next in Option E, this is also a trigger approach, but the surplus quota would be applied to increase the Connecticut and New York allocations first, before going to other states.

It proposes using the 3-million-pound trigger level, and the first 3 million pounds would be distributed based on those initial allocations, and then surplus quota would first be used to increase Connecticut's allocation from 1 percent to 5 percent, and then additional surplus after that would be to increase New York's allocation from 7 percent to 9 percent.

Then lastly, any remaining surplus quota would be split between the northern and southern regions, based on the proportion of biomass in each region from the stock assessment, and then allocated to the states within each region in proportion to their initial allocation. The last approach is Option F, which we're calling the percentage approach.

The way it would work is that it would allocate a certain fixed percentage of the annual coastwide quota to the states, based on the initial allocation, and the remaining percentage would be allocated in a different way, either evenly among the states or regionally. Sub-option set F1 determines the percentage of coastwide quota that would be allocated based on the initial allocations.

The two options are either 25 percent or 75 percent, and like other sub-options these are also meant to represent a range for the Board and Council to work within. The 25 percent option would result in allocations that are more different from the current allocations, and the 75 percent option would result in allocations that are more similar to the current allocations.

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Like the trigger approach, this percentage approach also has sub-options that determine how to distribute the percentage of the annual quota that is not allocated based on the initial allocation. With Sub-option F2-A, remaining quota would be allocated to all states equally, except for Maine and New Hampshire, which again get 1 percent each of the remaining portion.

With Sub-option F2-B the remaining quota is distributed based on the regional biomass from the stock assessment, and if Option F2-B is chosen then Option set F3 determines how the regional quota is distributed to those states within a region. F3-A is to distribute the regional quota evenly to states within each region, and F3-B is to distribute the regional quota in proportion to the initial interregional allocation.

Again, under both these options Maine and New Hampshire are getting 1 percent of the northern region quota. For those options that would use a regional distribution of black sea bass from the stock assessment as a basis for regional allocation. There are two options for defining the regional configuration.

Option G1 would establish two regions, a northern region, including Maine through New York, and a southern region including New Jersey through North Carolina, and Option G2 would establish three regions, Maine through New York would make up the northern region. New Jersey would be an individual region, and Delaware through North Carolina would make up the southern region. While both of these are generally aligned with the spatial sub units used in the stock assessment, which are just divided approximately at Hudson Canyon, Option G2 is attempting to address New Jersey's unique position where some of its waters are in the northern region and some in the south.

Under Option G2, New Jersey is treated as if half of its initial 20 percent allocation comes from the northern region and half from the southern region. That covers all of the options for the state commercial allocations, and this is just a summary table of everything I just went over for reference.

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That brings us to today, the Board and Council will be considering which of the state allocations to adopt, and following that decision considering final approval of Addendum XXXIII and the Council Amendment. If the Addendum and Amendment are approved today, then these are the next steps for each action.

For the Commission Addendum, the Board can select the implementation date, and that's when a new allocation would go into effect for the states. For the Council Amendment, if approved, the Council would need to write out the Draft Environmental Assessment and submit that with the Amendment to NOAA Fisheries, and then additional changes to the document might be made based on the feedback from NOAA Fisheries, and once that's done, the federal rule making process would begin, including the proposed rule and public comment period, and then Final Rule.

From today to publishing the Final Rule, you would usually expect this process will take between 10 and 16 months, but there is a possibility of that taking longer if there is additional workload of some other actions ongoing. With that, that is all I have to cover, but I will pass it over to Julia Beaty of Council staff now, to go over the Council staff recommendation.

MS. JULIA BEATY: Just to kind of kick off the discussion. This is the Council staff recommendation for changes to the allocation percentages among states. It's based on the percentage approach, but it does first allow for that increase for Connecticut, the increase from 1 percent to 5 percent.

Then it uses the percentage approach to first allocate 75 percent of the annual quota, based on those initial allocations, which would account for that Connecticut increase to 5 percent, and then the remaining 25 percent of the quota will be allocated based on the most recent regional biomass distribution information from the assessment.

Then that regional amount is further divided among the states within the regions in proportion to their initial state allocations, which would account for that Connecticut increase to 5 percent, and accept that

Maine and New Hampshire would each receive 1 percent of the northern region quota, as Caitlin described.

Under this recommendation there is the three-region approach, with Maine through New York as one region, New Jersey as its own region, and Delaware through North Carolina as a third region. The reason that this combination of alternatives is the Council staff recommendation, is that first of all it addresses the unique position of both Connecticut and New Jersey, and they are unique for different ways. As Caitlin described, Connecticut has this particularly low current allocation, which is kind of a mismatch with the big increase in availability that they've seen in recent years, so this recommendation addresses that.

Then it also addresses the fact that New Jersey is in a unique position, in that it straddles the border between the northern and southern sub-units as defined in the stock assessment, so it allows for that kind of, for New Jersey to be treated as if it's different from the other states in that way.

But also, the rationale behind the percentage approach is that it allows for some amount of the quota to account for recent distribution information, regardless of whatever the overall quota level is. This is different than this trigger approach, for example. A trigger approach would have the allocations change, depending on what the overall quota level is.

This approach is the same no matter what the overall quota is. You always have some amount of the quota that would account for distribution information, but most of the quota, 75 percent would be allocated according to these initial allocations, so it is seeking to balance a desire to account for the historical dependence of states on the fishery, that is that 75 percent, and then while also allowing for some amount of allocation to shift around to account for more current biomass distribution.

This would be updated every time we get new distribution information from the stock assessment.

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In that way it will help to provide continued fair access to the resource, because it is not going to send allocation, this is going to stay completely unchanged for you know two decades, because part of it would be always updated every time, we get that new biomass distribution information.

There is an example of what the recommendations would look like under that most recent biomass distribution information, which is based on data through 2018, the information that we have right now. Again, the staff recommendation is to approve that process that I described. You wouldn't be approving a specific percentage to a state in any given year, but this is an example of what that process would result in with the current biomass distribution information.

To kind of walk through this table, there is a row for every state, and then that first column there is what the allocations currently are, and then the next column is what would be to find the initial allocations accounting for first bringing Connecticut up to 5 percent. Then the next column is the revised allocations, where 75 percent of the allocations is based on those initial allocations, and the remaining 25 percent accounts for biomass distribution, according to the most recent information that we have.

Then the last column is the difference between that revised allocations column and the current allocations column. You can see that under this example, no state would lose more than 4.21 percent of the total coastwide quota, and no state besides Connecticut would be more than 2.1 percent. It moves a total of 10.21 percent from New Jersey to North Carolina to Maine through New York. It does move some allocations to account for recent biomass distributions, but it's not taking a huge amount from some states and giving a huge amount to other states, so it's trying to keep a balance in that way. That's all I have for the Council staff recommendation for the group to consider, and I think that's it for the whole presentation. I don't know if Caitlin, you needed to say anything else at this point. But that's all I have to say for the Council staff recommendations.

MS. STARKS: Thanks, Julia, no that is all I have as well, so I think we're happy to take any questions, if that's okay with the Chairs.

CHAIR NOWALSKY: All right, thank you very much both Caitlin and Julia. First, let me begin for thanking Caitlin for all her time and efforts on black sea bass over the years. It's been a pleasure working with her. I suspect no one is counting down the clock until 4:30 faster than Caitlin today. That being said, let me first turn to Mike Luisi, to see if he's got anything he would like to add, based on the presentation we've heard. Then we will turn to the Board and Council for questions.

CHAIR LUISI: No, I don't have anything to add, other than I think what we need to discuss is process. During our December meeting we had the conversation about voting on these alternatives. We decided that at the time the Council would vote first on whether or not to add the allocations into the federal FMP, and we did that.

I think at this point, you know Adam, you and I have talked. We're at the point where any motion that is made regarding a state-by-state allocation will be taken up first by the Board, then the Council will follow, and I'll call the question for the Council. As far as process that is the one thing I wanted to add. The other thing I wanted. I had a question, if it's okay, Mr. Chairman, if I ask a question of Julia or Caitlin, is that okay?

CHAIR NOWALSKY: One hundred percent okay.

CHAIR LUISI: I wanted to get a little better handle on what the difference is between New Jersey being its own region or being within the southern region. Is there information about how allocations would be different, or does it all basically smooth out and, you know once it is all said and done, if New Jersey is its own region.

Are the allocations all the same? I just want to get a little bit better understanding about what the difference is between them being by themselves, or being with the southern region, as far as allocations go, based on the alternatives? Maybe that's a

question for Julia, or Caitlin, but if you can help me with that that will be great, thanks.

MS. STARKS: Mike, this is Caitlin. I'm happy to try and answer that in a general sense. In Draft Addendum XXXIII there were some analyses done in the appendix with all the different examples of the trigger approach and the percentage approach, and how those outcomes might look. Some of those examples included a two-region approach, and some included a New Jersey individual region. That is a good place to look if you want some specifics. But in general, I would say, from looking through most of those examples that were done, is that New Jersey when it's treated as an individual region, because it's treated as if some of its quota is coming from the northern region and some of it is coming from the southern region. As those allocations are shifted, based on the regional distribution of biomass, New Jersey has seen some increases for a part of this.

Its quota is derived from the northern region in part, so it is seeing an increase from that part, and a decrease simultaneously from the southern region. New Jersey's allocation doesn't change as much as some of the other states do over time, and I would say it kind of hovers around that 20 percent, more closely than some of the other state allocations, if that makes sense.

CHAIR LUISI: Yes, that helps, thank you.

CHAIR NOWALSKY: All right, so a full disclosure in the list of questions. Mike did have his hand up first, so that contributes to his 100 percent okay rating for going ahead and answering questions. In terms of hands that I see right now. I've got Jim Gilmore, Tony DiLernia, and then Jay McNamee, so we'll go to Jim Gilmore first.

MR. GILMORE: I got it pretty clear from Julia and Caitlin, so the staff recommendation was under F, and I think you explained pretty well the rationale behind it. However, the one thing you didn't elaborate on and I wish you could, is that I guess it supposes that this is better than the DARA option.

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But I'm still having a little trouble understanding why the DARA options are not being considered, or the F option was a higher priority than the DARA option, because the one thing that any of the triggers or Option F does, we're still holding onto the past. We're going to forever use data that we have that will become at some time 50 to 80 years old, and we're going to possibly include that.

To me the one thing that the DARA option provides is that it does this gradually, and it really looks at leaving the past and going into the future may be the right way to do it. Some of those DARA options provide less impact to the southern states, the percentages are a lot smaller. Could you just elaborate a little bit more, as to why the DARA options were not chosen, and why the F ones are really superior to them?

CHAIR NOWALSKY: Jim, before I turn to staff, let me just make a couple of clarifications. Number one, the recommendation that is before us right now is a Council staff recommendation, it is not an ASMFC staff recommendation at the present time, and Julia was kind enough to offer that up as a starting point for discussion. But let me say that as we go through the day, after we get through questions and we get to motions.

It is not my intention to have that be the first motion. It will be at the discretion of the Board. If in the order of operations of people speaking, we get to a point where we're ready for motions, and somebody chooses to make that motion and it becomes the first motion, so be it. But it is not the default first motion that we're going to consider, it is a Council staff motion and it is not an ASMFC staff motion. I just want to provide that little bit of clarity before we turn to Julia, if she wants to elaborate, since it was a Council staff recommendation or any other staff members that would be appropriate to provide feedback to Jim.

MS. BEATY: This is Julia, I can respond to that. You know in short, the reasons this was preferred by staff over the DARA approach is that it's more simple. The intent by half behind having it be the 75/25

percentage, is that gets at a similar idea to what you said with DARA, where it's not making a big change.

It would be updated every time you get new biomass distribution information that 25 percent as provided among the regions would shift, potentially every time you get new biomass distribution information. But you're right with the DARA approach, you could kind of phase the changes in more explicitly, and if you wanted a bigger change you could phase that in over time through the DARA approach, and this does not have a phase-in.

But because this 75 percent is always distributed based on the initial allocations, Council staff thought that this could be okay to not phase it in, because it's not a tremendous change. If there is any other part of the question that I missed, I can elaborate. But you know as far as this is a more simple, straightforward approach that was trying to achieve some similar things to what the DARA approach is trying to achieve.

MR. GILMORE: Thanks, Julia, that's good.

CHAIR NOWALSKY: I suspect there is going to be a lot more discussion as we get into motions about the merits of the opposed view, so thank you. Next up we're going to Tony DiLernia.

MR. TONY DiLERNIA: To continue this discussion on the DARA approach and what Julia was mentioning. Julia, the DARA approach basically is a percentage distribution, but could you use the formula in the DARA percentage distribution and apply it to the regions? Is that a way that this could be, the calculation of the DARA approach be applied towards the different regions. Can you do that?

MS. STARKS: This is Caitlin. I'm just going to jump in front of Julia, because I think I probably can answer that. First, I want to make sure it's clear that the DARA approach does a regional approach. That is the first part. I guess with that knowledge, does that answer your question?

MR. DiLERNIA: No, no, that is what I thought. I thought I could use the DARA approach; it is

extremely clear as a regional approach. Then, I guess the next question is a process question to leadership again, to you, Mr. Chairman. If there is going to be a decision tree that occurs in this discussion.

I would think that the first decision would be what the regions would look like. If we're going to use a regional approach and what the regions would look like, because once that is determined then I think everything else flows from the composition of the different regions. That's my thought. I don't know what your preference was, Mr. Chairman, in making again, following this decision tree. But my recommendation would be first to decide if we're going to use regions, and if we are going to use regions what those regions would look like.

CHAIR NOWALSKY: Well, I'll offer my thoughts on that. The document as it currently lays out would suggest that perhaps the greater precedent is what to do with regards to any slot late adjustment to any state, Connecticut in particular. With regards to the regional approach, I think the implication of those regions vary by approach that we take, and for example, once we get down to the trigger, the trigger does what it does regardless of what the configuration of the regions are.

From my perspective, in our conversations with leadership and staff. We did not come into this discussion with any preconceived notion of what the order of decisions would be. Again, I think I would leave it to the Board and the Council, and the preference of motions that are made, to actually decide that. I'll turn to Mike if he's got any other thoughts with regards to the preference, and whether he feels there is a need for a regional decision to be made before any other decisions.

CHAIR LUISI: No, nothing more to add. To Tony's question. Tony, I think what's going to happen, from discussions that I've had with folks over the week, last week, is that kind of a full suite of the allocation decision is going to be kind of packaged together like a suite of options that combined together present the direction forward.

But like Adam said, if you would rather take it piece by piece that's okay too. I just think that it might be cleaner if all of it presented, all of the allocation alternatives are presented in one package. I think of it as like a package. That might be an easier way to make decisions, because you're making a decision based on the full suite of options, instead of one option at a time.

MR. DiLERNIA: You're right, I understand what you're staying.

CHAIR LUISI: It's up to the Board and the Council how they want to deal with it.

MR. DiLERNIA: Okay, but there is a lot of moving parts here all at the same time. Maybe going back to what Adam was discussing, I want to say suggesting that maybe we make the decision first, do we want to use the trigger approach or not? If you don't want to use the trigger approach, if you discount the trigger approach, then that discounts automatically a whole bunch of different options, so that you can begin to focus on other options as you go down that decision tree.

That's fine. My suggestion would be somehow to try to just make this a linear type of decision process in which you decide trigger or no trigger. If there is no trigger then what's the next, that would probably be DARA, and then once you get there, well it would be DARA, and then do we want to do what are the regions going to look like? Just try to kind of slow down all these parts going in a different direction. Right now, I feel like an octopus here, trying to cover everything at the same time.

CHAIR NOWALSKY: What I've got on a list of people right now, and this is questions. Let's make sure that we leave ourselves enough time. Again, I'm expecting a number of motions to be made on this topic, and I think we're going to have a lot of debate and we're going to need time on them. Let's make sure that any questions right now are relevant to what is going to impact your decision making, as to whether or not you want to put a motion up. I'm going to go through a list of people that I have right

now to speak, and if you have a question, raise your hand now.

We'll go through this process one more time after this bout of questions, to see if it raised any other questions. Then after we get through the list of questions, then I'll come back and we'll go ahead and we'll have a race to raise hands to see who can get the first motion on the table first. Let me see a show of hands of people that have a distinct question that is going to impact their decision making. I had Jay McNamee from before, other hands have gone up.

I've got Eric Reid, I've got Emerson Hasbrouck, I've got Dan Farnham, and I've got Dave Borden. We're going to go with that for a list of questions, and then again, I'll ask one more time after we go through these five individuals, and then we'll get on to the business of decision making. Jay, you're up next with a question. I see Jay toggling back and forth in the webinar, but we're not getting anything on this end. Let me go on to the next person, Eric Reid, and then I'll come back to Jay again after Eric.

MR. ERIC REID: I've got a general question on, maybe on the process. Would that be fair game right now?

CHAIR NOWALSKY: Go ahead.

MR. REID: Since this is now a joint action of the Commission and the Council, my question relates to National Standard 4, which is allocations, and it's with regards to two specific states. Section B, National Standard 4 is discrimination amongst residence of different states, and it says that an FMP may not differentiate among U.S. citizens, national resident aliens or corporations on the basis of their state of residence.

Subsection 1 further states that an FMP that restricts fishing in the EEZ to those holding a permit from State X that violates Standard 4, with State X fishing permits only their own citizens. I asked this question. State X relates to Maryland and Delaware, and their ITQ fisheries which occur in the EEZ. Is there any guidance on how this action affects those?

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CHAIR NOWALSKY: Thanks for the question. Let me turn to staff to see if they've given any consideration, as I know they've done a lot of analysis work that would have to be included in an Amendment. Let me turn to staff first, and depending on what they're able to provide, perhaps we can go to Fisheries Service. I'm guessing if we were all in a room together, they would probably be looking at each other, wondering who was going to try to kick it.

MS. BEATY: This is Julia. I can start, I guess. On the one hand, from the federal perspective, it's not restricting who can have a permit in which state. It's just saying how much black sea bass can be landed in each state. The federal side of things isn't going to restrict to individuals as a resident of a state for example, it's just going to say where can these black sea bass be landed, and I'm not sure if there is anything else to add to that from the individual state perspective. Also, maybe GARFO might have other things to weigh in on that. But that's all I can say from my initial first thoughts on that from a Council staff perspective.

CHAIR NOWALSKY: Anything from the Service or legal from the Service might want to weigh in on National Standard 4 on the discussion so far, understanding that they haven't seen all the documents of the analysis, but based on Eric's questions? Mike Pentony, I see your hand is up. Is this to weigh in on this question?

MR. MIKE PENTONY: Yes.

CHAIR NOWALSKY: Go ahead, please.

MR. PENTONY: I'm actually trying to figure out, or see exactly what it was that Eric Reid was just reading, because there was some text that he was reading that went beyond the script reading of what is in National Standards 4 in the Magnuson Act, which in terms of this approach is. National Standard 4 says that allocation shall be fair and equitable to all fishermen, reasonably calculated to promote conservation, and carried out so that no individual has an excessive share. I'm hoping to get,

maybe Mr. Reid can point me to the additional text that he was reading.

CHAIR NOWALSKY: Eric, are you able to help Mike out on that?

MR. REID: Yes, sure. I'm reading an electronic code of federal regulations CFR data, current as of January 1, 2021. It's National Standard 4, which is 600-325, and I'm referring to Section B and Subsection 1 in that line.

MR. PENTONY: That's also sent out from the National Standard Guidelines. Let me take a quick look at that and I can get back to the Board and the Council on that.

CHAIR NOWALSKY: Yes, that would be great. If you just go ahead and put your hand down, and put your hand back up when you're prepared to go ahead and provide some more input, we'll come back to you. Next, Jay McNamee. How are you making out with audio on your end?

DR. JASON McNAMEE: Hi Mr. Chair, can you hear me?

CHAIR NOWALSKY: Outstanding, you're good to go.

DR. McNAMEE: Okay, and what I will do is say never mind, I'm good. Thank you.

CHAIR NOWALSKY: All right, well we've proved that we can get your audio going, so that gets you in a good spot. All right, next up Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Thank you, Caitlin and Julia for your presentations. I have a couple of questions. Jim already asked kind of what I was going to ask, so I don't need to repeat that. But I'm wondering, Caitlin or Julia, would you have any information or a table that shows what percentage of the state quota each state harvested, in like 2020 or 2019? Have all states been harvesting 100 percent of their quota? I would like to see that; you know what percentage of the individual state quota states are harvesting.

CHAIR NOWALSKY: Do we have that information available, or would that be something we would have to pull up and come back to?

MS. STARKS: I would have to pull it up and come back to it. We do have the information for previous years, although I would say for 2020 data is still preliminary, so definitely not final. I don't know if we should share those data or not. More vetted, but I can pull up information from 2019 and previous.

CHAIR NOWALSKY: All right, we'll give you an opportunity to do that and come back to that. Emerson, did you have another question you wanted to ask? Right now, you're on mute on the webinar, Emerson.

MR. HASBROUCK: Yes, I'm sorry, Mr. Chairman. I couldn't hear what the response was. I lost audio from the webinar.

CHAIR NOWALSKY: The response from staff was they don't have that information immediately available; they will try to pull up 2019 info in short order. They may not be able to provide 2020 at this point, due to it not being finalized. We'll try to get an answer to that percentage of state allocation that was harvested as quickly as they can. While they are looking at that did you have another question you wanted to ask?

MR. HASBROUCK: No, thank you, Mr. Chairman, I'm good for now.

CHAIR NOWALSKY: We'll check back with staff. Just chime in, since I can't see hands raised for staff. Just when there is a break here just go ahead and chime in if you've got an answer to that. Let me go back to Mike Pentony, he's got his hand back up to try to address Eric's question about NS4 document. Mike.

MR. PENTONY: Yes, thanks. This isn't probably going to be a terribly helpful response, and John Almeida may want to follow on. As I'm reading the National Standard Guidelines, the section that Eric Reid was reading is kind of an expansion of National Standard 4, Subpart A. The National Standard is that all allocations, well allocations shall not discriminate between residence of different states.

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Any allocations that are necessary should be fair and equitable to all such fishermen. Then the National Standard 4 kind of expansion of that is getting at that you can't differentiate among citizens on the basis of their state of residence. I've always interpreted that, and I believe the Agency has always interpreted and applied that to mean that our regulations can't be based on the state of residence.

In other words, if we issue a fishing permit to Vessel A. We can't say, well your possession limit is 10,000 pounds if you come from Massachusetts, but if you come from New York your possession limit is 100 pounds. We issue a federal permit, and the federal permit does not discriminate what you can or can't do based on your state of residence. Now that's a very different issue than allocating quota of what can be landed in a state, which we've clearly done in a number of FMPs on the federal side, summer flounder and bluefish jump immediately to mind, and we've never had any National Standard 4 issues with the state-by-state allocation.

Allocating quota to a state for landing is, in my mind, a very different question than discriminating of the residence of the state, in terms of what they can or can't do with their federal permit. I hope that helps a little bit.

CHAIR NOWALSKY: All right, thanks Mike, we'll take that as a reply for right now, and as we get into motions later, perhaps that information will be used in rationalization for the motions, thank you. Next up I've got Dan Farnham, and Dan you are presently muted in the webinar. There you go, you are unmuted in the webinar, make sure your local device is not muted and go ahead.

MR. DAN FARNHAM: Number one, my internet is starting to go, I'm sure I might lose it here. If I do, I'm going to call you on my cell phone. But in the meantime, I just have a quick question for staff. On the memo for staff recommendations that I have. For regional configuration alternatives, I thought the original memo had down Sub-alternative 1G-1, which is two regions. But now in the presentation, if I heard it correctly it's 1G-2 with three, with New Jersey being alone. If that's the case, is there any

rationale. If I read this right and I see it right, what was the rationale for changing the opinion, if you did?

CHAIR NOWALSKY: You did read that correctly. That was a change in the Council staff recommendation from the December meeting. Julia, would you like to go ahead and offer Dan some feedback on that?

MS. BEATY: Sure, yes, that is correct. Back in December the Council staff recommendation was for two regions. Again, because it was a more simple approach, kind of just directly taking the regions and splitting them up that way. But then after further consideration, and you know discussion with staff and others. You know it was determined that New Jersey is in a unique position, and the stock assessment itself did acknowledge that New Jersey straddles that boundary.

It's not overly complicated to add on another step to it, split New Jersey out the way that is described in the document, where New Jersey will be treated as if half of its allocation is associated with the north and half associated with the south. Just further consideration it did seem appropriate to add one additional step in the calculations to acknowledge the unique position of New Jersey.

CHAIR NOWALSKY: Great, thanks, Julia. Next up I've got Dave Borden.

MR. DAVID V. BORDEN: I've got a couple of questions, simple ones. It's highly likely that somebody is going to propose something that is between, the values will be between some of the values that have been analyzed. Do we have all of this information in a spreadsheet, so it can be analyzed on the spot to answer questions about its impact on different states?

CHAIR NOWALSKY: I can't promise, Dave, that we're going to have every analysis for every possible range of percent option that could be come up with between status quo and the changes that these documents contemplate at their greatest divergence, if staff is able to at the time provide information. We will certainly ask them to provide as much as they

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can. But I can't guarantee that for every motion that comes before us today you're going to be able to see a concrete analysis of what that percent change means to every state, and in what timeline that is going to be.

MR. BORDEN: Okay, and then the follow up would be. On the landing information, I looked earlier on the NOAA site at the landing information. Basically, I recognize that it's preliminary, subject to change, and it will change. But that landing information basically indicates that most of the New England states, with the exception of Rhode Island, caught their quota in 2020, and the states south of New Jersey did not, some by very substantial amounts.

I would just make the comment that that I think is a significant factor we're all going to have to take into consideration. The last question relates to an issue that has already come up, which is ITQs. I'm just wondering whether or not the Council staff has gotten any guidance from NOAA about this issue. We have three states in the Mid that have ITQs, which is certainly their right. Do they have, has the Council staff looked at the issue of extending those ITQ fishing rights into federal waters without going through the formal process that is required by Magnuson?

CHAIR NOWALSKY: We'll turn to staff, if they have any input again, or the Regional Office, with regards to the implications of ITQs, and these allocations being written into the federal fishery management plan.

MS. BEATY: That sounded like a question related to alternatives impacting federal waters, so I think I'll take a stab at. This is Julia. If I understood the question it was, does the document contemplate using ITQs in federal waters basically, or extending the state waters ITQ to federal waters. The answer is no.

There are no changes to the federal waters permit, which the federal waters permit allows you to fish anywhere in federal waters, and that would continue to be the same under any of the alternatives in the document. The changes in this document that we're

talking about today just relate to how many fish can be landed in any particular state. Anybody who has the appropriate permits could land in whatever state.

If you have a federal permit you can catch your fish anywhere in federal waters, and you know all the states have different requirements for who can get a permit. There are plenty of fishermen who have permits in multiple states. Anything under consideration in this document you could continue to land in the states that is open, if you have the right permits. If you have a federal permit you could continue to fish anywhere in federal waters. There is no contemplation of extending ITQs into federal waters in this document.

CHAIR NOWALSKY: Thanks for that. It's a direct answer with regards to not extending the ITQs into federal waters. I appreciate that. Again, since we've already had the motion to go ahead and move that into the federal FMP, we'll leave that there, absent some motion to reconsider, which I don't think that anyone is intending to make that has been brought to my attention so far. We went through a list of initial people.

Additional hands have gone up during that discussion include John Clark and Wes Townsend, so I am going to go to both of those individuals. Let me also just bring to Dave Borden, Dan Farnham, Mike Pentony and Emerson Hasbrouck that your hands are still up. If you do have something else you need to add, I see we've got a lot of them down with that so that's good. But if you did have something else to add, then go ahead and leave the hand up. Let me go to John Clark and then Wes Townsend. John, you're up.

MR. JOHN CLARK: We have direct experience. Eric mentioned Delaware specifically on the question about the ITQs. We did have a black sea bass federal permit that was up for sale a couple years ago. We were challenged about the fact that you also needed a Delaware permit to land in Delaware.

Not to belabor the point, the upshot was that yes, we were found to be fine. We were operating under

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Magnuson Stevens, and there was no problem at the federal side, as far as us requiring both a federal and a state permit to land black sea bass in Delaware, and it was also fine for us to allocate our black sea bass by ITQ. Thank you.

CHAIR NOWALSKY: Thanks for that follow up, John. Wes Townsend, question?

MR. WES TOWNSEND: No, Mr. Chairman, just to answer Eric. Similar to what John had to say. There is, all Delaware permits are not owned by Delaware residents, and it's the same way in Maryland. All Maryland permits are not owned by Maryland residents. All right, thank you.

CHAIRMAN NOWALSKY: Paul Risi, did you have a question you wanted to ask? All right, I'll give him a moment. Again, I've got Paul's hand up, but I see he is muted in the webinar right now. We'll give him a moment. We're an hour into the agenda, we've gone through presentations, we've gone through quite a few questions. I'm going to ask one last time.

I've got Jay McNamee's hand up, we'll come back to him. We'll try to get Paul Risi here. Are there any other pressing questions before I ask everybody to put their hands down? Then I think we'll get onto the business of somebody getting a motion before us. Hands up if you have any more questions that have to get answered before we move forward. Let me go back to Jay McNamee, and then again, we'll try Paul, if he can get unmuted off the webinar, go ahead, Jay.

DR. McNAMEE: I was just nervous before that somebody had asked my question. I didn't want to waste everyone's time, but I don't think it has. My question is, there was a little bit of economic information in the document itself. My question is, I was wondering if there has been any synthesis of that information, either by the Mid-Atlantic Council or the ASMFC. I'm not sure, seeing as how this wasn't in the federal plan up until recently. I'm not sure if NOAA has looked at the economics, or doing any economic analysis. But I would be curious if there is any information on the economics of these various options that anybody is willing to share.

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CHAIR NOWALSKY: I'll turn to staff for trying to answer the question. Is there any economic information to help inform our decision making today?

MS. BEATY: This is Julia, I think I might be the best one to jump in here, unless Commission staff want to. But we did have some pretty simple economic analysis in the document. It's one of those backup slides, it looks like it's Slide Number 57, if someone could move to that slide. There is a figure in the document that shows the relationship between the average price per pound and total landings broken down by region. Yes, that one.

This is as fancy as we got. Landings, and sorry about that X axis. It's supposed to say 0.51, 1.52, not 11-22-33, so sorry about that. Anyway, the open circle, so the average price per pound associated with the landings in that year for the northern region states of Maine through New York, and in this figure, New Jersey is included with the southern region.

Then New Jersey through North Carolina are lumped together in those solid gray dots. What this is showing is that when you, if you first look at those gray dots, and there is a gray line associated with it. There is generally more towards the white, because there are higher landings on the right.

The states of New Jersey through North Carolina as a group have a greater amount of the allocation than the other states, but they have higher landings in any given year. Then you can see that that line is kind of like angling down, and that means that in years when there are higher landings in those states, the average price per pound tends to be a little bit lower.

Then for the northern region states that are over to the left, with the open circles, I guess. There is also a downward sloping line there, but you can see the equations on the chart that lower our squared value means that it's not a significant relationship. You can see that those open circles are kind of all over the place, they are not forming a clear downward trend like the gray circles.

Long story short that there does seem to be more of a relationship between price and volume landed in the southern region states compared to the northern region states. But the southern region states have been able to land more historically than the northern region. We didn't get into any particular specific alternative, in terms of quantifying the economic impacts in this way.

But in general, if you look at a figure like this you could make a conclusion, based on this price and volume relationship, maybe this would suggest that if you have a high amount of total allowable landings, and you shift some of that to the north. You know maybe that would have different economic impacts in the north than the south, because the south does seem to have more of this negative relationship between price in volume landed.

At the higher landing's levels, they are not seeing, you know from just this whole, some of that increase is mitigated by this relationship between price per pound, and there is not that same relationship in the north. Maybe the total economic benefits to harvesters could be increased if you moved some amount of allocation from the south to the north. But we didn't specify, this is the exact percentage that would maximize economic benefits. We didn't try to spell it out for any individual alternatives.

Also, you could make a socioeconomic statement along the lines of, you know if you knew how the states manage things differently. Maybe there are differences in terms of number of people that can participate in the fisheries, as you shift things to different states. It kind of makes some general statements along those lines, but nothing that can conclusively say, like this is the alternative. These are the allocation percentages that would maximize your economic benefits.

CHAIR NOWALSKY: I think the answer to your question, Jay, is that there has been some economic analysis done. Whether or not you feel it is complete enough or accurate is a different question. But I think this is something that there is some economic analysis has been done so far.

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DR. McNAMEE: I appreciate that, thank you.

CHAIR NOWALSKY: Let me try Paul again, I did see him get the webinar to toggle off his muting. Let's see if he can get that again. Paul Risi. Yes, there you go, you are able to speak on the webinar. Make sure your device is not muted, go ahead.

MR. PAUL RISI: My question is about the Council recommendation. I'm curious. Can staff offer any insight about how maintaining the volume harvest rate of the present state is affecting, and going forward how it is going to affect the already diminishing biomass that is down there? Like is there a table of local fishing mortality in each state, compared to the FMPs target F?

CHAIR NOWALSKY: With regards to the question about diminishing biomass. I think we've got a lot of information about increasing biomass in the north. I'll defer to staff if they think that information has suggested there has been a decrease in southern biomass, or if this increase is the increasing at the northern end at a faster rate. Then beyond that I'll turn to staff, to see if they've got anything else that they would like to add.

MS. STARKS: This is Caitlin, and I can at least answer the first part of the question related to the stock biomasses in each region. You are correct in saying that the southern region hasn't necessarily diminished over time, it's kind of a flattish line with a slightly increasing slope at the end of the last couple of years of the time series.

But the northern region has increased much more drastically over time, and you know there has also been a slight decrease in the northern region in the last year or two, according to the stock assessment. Then as for the question related to F in the different states. I don't believe we have that information. Julia, feel free to jump in if you have a different answer than that, but when it's appropriate I also have an answer to the previous question that was asked about the states harvesting their quotas as a percentage averaged over time.

CHAIR NOWALSKY: Great, so let me just see if Julia has anything else that she would like to add on this topic, and then we'll come back to you about that question that Emerson had. Julia.

MS. BEATY: I would like to add on to that. It's true, there is a figure that we didn't put in the presentation, but it's in a document that shows biomass remaining fairly stable over time in the south, but increasing in the north. In general, the stock assessment does show that overall biomass is on, last we knew anyway, it's still very, very high overall, but on a downward trend compared to a peak of a few years ago.

But I also wanted to make it clear that we don't have separate regional like target biomass levels or reference points. We're not managing them separately, so we're not aiming for like a target fishing mortality level for each region, or a target biomass level for each region. That is not the intent of this action at all. We're still managing it as one stock, with one biomass target, you know one overall catch limit.

The stock assessment does use a regional structure, but in the various levels of peer review of the assessment it was kind of very clear that they are not meant to be managed as separate stocks, that they're modeled separately because it helps into the model, but they are not separate stocks. We are going to continue to manage them kind of as a coastwide unit, and all these alternatives would do is just shift around where those fish could be landed.

Like I said earlier, if you have a federal permit you can still fish anywhere in federal waters, and then you can land them in any state that you have the permit for. States do allow you to have permits in multiple states, like was discussed you don't have to be a resident of the state to be able to land in that state.

You might have to meet some other conditions, depending on the state, but this is not expected to really change where the fish are harvested. It is going to change where they are landed. If you only have a state permit, maybe that will impact where

you harvest your fish, if you're not already fishing in federal waters.

But if you're already fishing in federal waters, to some extent you're already going where the fish are. You are choosing where to fish, based on a number of factors, and then you're landing also based on a number of factors, one of which is the allocation. I just want to make it really clear that we're not going to manage these with separate catch limits. We're not managing separate regions. We're just considering changing how many fish can be landed in each state.

CHAIR NOWALSKY: All right, thanks for that, Julie, I appreciate it very much. Let's go back to Caitlin at this point to try to wrap up Emerson's earlier question.

MS. STARKS: As I mentioned, 2020 data is not final, so I am going to be talking just about 2019 back to 2015 as kind of the most recent years. In those years, in general the states from Massachusetts to New Jersey have harvested their share of the coastwide quota, and then some of those states have also harvested beyond that through the use of transfers from other states. As for the states of Delaware through North Carolina, they've generally been close to their allocation. In some years they've fallen a little bit more below, and they have provided transfers to other states. That's a general sense, I don't know if you would like me to give more specific percentages, but that's kind of the average across those years.

CHAIR NOWALSKY: Emerson, is that generalization satisfactory right now, or do you need to see specific percentages inform you that are going to inform your actions as we go through motions today?

MR. HASBROUCK: Well, it's okay but it's just general, right. I mean it was some years they were generally below their quota. I don't know what that means, you know was it 5 percent below, or was it more significant than that? Dave Borden mentioned before that he had some preliminary 2020 data that showed that the southern states were utilizing far less than what their quota is.

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CHAIR NOWALSKY: Emerson, magic is appearing right before your very eyes, kind of like snowflakes out of the sky.

MR. HASBROUCK: That's great, thank you.

CHAIR NOWALSKY: I'll give staff an opportunity to go ahead and put this up here. I don't intend to get into a long discussion about it, but I'll ask staff to leave it up here for consumption by everyone.

What we're going to do at this point is I'm going to ask if anybody has still got a hand up from the Board and Council, we're going to go ahead and put hands down.

We will go to the public with regards to comments on motions before we vote on anything. We'll be sure to go to the public before we take a vote on motions. What we're going to do, is in a moment I'm going to go ahead and ask for hands to go up of people that intend to make a motion here.

I'll call on the first one that I see that goes up at that point. That motion will need to, it can be made by either the Council or the Board. It will need a second from the same body. It will then need to be made and seconded by the other body, either the Board or the Council. We will then go ahead, and if somebody has a substitute motion, I'm going to get right to getting that substitute motion posted at the same time.

Once somebody makes a motion, if there is a desire to make a substitute to the motion that is posted. We're going to get that up at the same time. At that point I'll then get a show of hands, and we'll go ahead and begin debating the motions. I expect they are going to be somewhat in opposition to each other. Then we'll make sure that if one of those motions, if we get to a point that we vote on it up or down, it becomes the main motion. If there is another action that needs to be taken on it, we'll go ahead and do that as well.

The vote again, as Chairman Luisi mentioned earlier, will be done Board first, and then assuming it passes,

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the Board, motions will then need to go before the Council. With that let me go ahead and see a show of hands of people that intend to make a motion on these state allocations.

All right, so I saw three hands up. In the order that I saw them, I saw Jay McNamee, John Clark, and then I saw Nichola put her hand down. Let me first go to Jay McNamee, for an opportunity here to make a motion. From Jay it would be coming on behalf of the Board, so it would need a second by a Board member, and then it will need like motions from the Council. Then we'll go ahead and turn to John Clark afterwards. Go ahead, Jay.

DR. McNAMEE: I'll make the motion, and then if I get a second, I'll come back to my reasoning. **The motion is, I move to approve a modified Option B, which is to increase Connecticut to 3 percent, New York to 9 percent, with a change occurring over two years. Then further that motion to approve Option C, the DARA approach, with the following sub-options. Sub-option C1-B, which is the allocations will be based on 50 percent on the stock distribution and 50 percent on the initial allocations at the end of the transition phase.**

Sub-option C2-A, which is a 5 percent change in weights per adjustment. Sub-option C3-A, that there will be annual adjustments to the factor weight, a modified allocation adjustment cap, which is a modification for C4-A, which is to cap the change in regional allocations at a maximum of 5 percent per adjustment. Then finally, I will offer a regional configuration of Option G2, which has New Jersey as a separate region.

CHAIR NOWALSKY: All right great, thanks for reading that and sparing me. I appreciate it very much. Let me just make a note to staff. Be prepared, please resize this, so we could fit something of similar size on the screen at the same time, when we get another motion. As you suggested, once we go ahead and get a valid motion with seconds and like motions.

I will come back to you to offer rationalization before I go back to John Clark. A second from the Board for

this. John Clark's hand was still up, but I don't believe that was to make a second. If I'm wrong, John, just let me know. I believe I saw Emerson Hasbrouck's hand go up. Emerson, are you seconding this motion for the Board?

MR. HASBROUCK: Yes, Mr. Chairman, I am.

CHAIR NOWALSKY: The next hand I saw go up from a Council member was Tony DiLernia. **Tony, are you making this motion on behalf of the Council?**

MR. DiLERNIA: Yes, Mr. Chairman, I so move, thank you.

CHAIR NOWALSKY: Thank you very much. We'll need a second from the Council to move forward. Do we have a second for this motion from the Council? We've got Maureen Davidson with her hand raised. Maureen, are you seconding this motion on behalf of the Council?

MS. MAUREEN DAVIDSON: Yes, I am.

CHAIR NOWALSKY: Okay, very good. We now have a valid motion before us. I'm going to turn back to Dr. McNamee to offer opportunity for rationalization on his motion, and then I'm going to turn to John Clark next. Then we'll debate the motion's pros and cons. Go ahead, Dr. McNamee.

DR. McNAMEE: I'm going to start off, I know there was a lot of hesitancy with the DARA approach, at least early on, where folks were concerned about its complexity. What I'll offer is, it's not actually at its core that complex. It's just the, it's addition, you know with some weighting. But it's fairly simple, and what made it appear complex was all of the options that got added in.

But those options were added in, not for the sake of complexity, but to give the Board maximum control over how they wanted this approach to work, and how fast they wanted it to go and how far they wanted it to go. I guess I just wanted to offer a comment that at its core it's really not that complex, it's just simply taking those distributions and

historical allocation, weighting them, and kind of combining them together.

The proposal that I've offered here kind of locks those things that made it seem kind of complex. It locks them in, so it takes away some of the mystique of the proposal. What this particular configuration does, it allows the change to occur slowly over a fairly long period, and it continues to give high weight to the historical allocations, even at the end.

It's still half of the weight on the historical allocation. I believe that this is the only option that truly addresses, Caitlin showed those two objectives of the document, and this one truly addresses that initial bullet. You know this one can account for climate driven population shifts, but it's also important to remember that these shifts can occur in both directions.

A lot of what happens with climate driven effects is there is a lot of uncertainty, a lot of variability in what goes on. The DARA approach can account for that. This configuration, it's a really slow transition. It continues to weight the historical, and it also addresses at the top there the inequities that have been voiced both by the state of Connecticut and New York, so it gets them lined up with the rest of the state.

Then the rest of the process kind of goes along. They do something like this right now with the Canadians, so this isn't a new approach, it's been used in other applications for a long time, over a decade at least. If we can do it with a whole separate country, I'm sure we could do it amongst the states. A couple of final points, Mr. Chair, and I'll wrap it up.

One thing I'll note with some of the trigger options is that when you're putting in a hard threshold, based on poundage. You're going to run into an issue if the assessment rescales at some point, and we've seen that happen with a number of different Commission stocks over recent years.

I just caution folks that that hard biomass trigger that's in there. You're going to run into difficulty if the assessment rescales it. Those 3 million, 4 million,

5-million-pound thresholds might not make as much sense in the future. Again, this approach is truly dynamic, so if the biomass shifts back to the south, you know south of the Hudson Canyon. This approach is going to be able to track that, and it will be able to adjust to that reverse shift in biomass. I think I've said enough there, Mr. Chair, so I'll let others have a chance to speak.

CHAIR NOWALSKY: With regards to the seconder for the Board, and the motion makers for the Council, I will come back to them and give them the opportunity to speak on this. Let me next go to John Clark, however, to see if in fact he had raised his hand when I asked for people who wanted to make a motion. John, do you have a substitute motion that you would like to offer us?

MR. CLARK: I do have a substitute motion. I sent it to staff before, it's a motion developed by the Administrative Commissioners of the southern region, and I will read it. Move to substitute to address Black Sea Bass Commercial State Allocations by approving Option B – Increase Connecticut quota to 3 percent.

Option D – Trigger Approach, with a trigger of 4 million pounds, which is a value between sub-options D1-A and D1-B; Sub-option D2-B, Distribution of surplus quota based on the regional biomass from stock assessment. Sub-option D3-B, proportional distribution of regional surplus quota, and Sub-option D4-A, Static base allocations, and Option G – Regional Configuration Options, and Sub-option G2 – Establishing three regions with New Jersey as a separate region.

CHAIR NOWALSKY: All right, thank you very much, John. Maureen and Jay McNamee, your hands are still up. Unless you intend to make a motion as part of John's motion, if you could put them down that would be great. Again, we'll come back to you with the opportunity to speak. Do we have a second for this motion on behalf of the Board?

We have a second on behalf of the Board from Ellen Bolen. Okay, let me next turn to the Council. Do we have an individual from the Council who would like

to make this motion on behalf of the Council? Ellen, did you want to make it both as a second for the Board and as a motion for the Council?

MS. ELLEN BOLEN: I am happy to make the motion for the Council as well.

CHAIR NOWALSKY: We'll have that motion made by Ellen Bolen. I had seen Joe Cimino's hand. Joe, were you going to second this on behalf of the Council?

MR. JOE CIMINO: I will, Mr. Chair.

CHAIR NOWALSKY: All right, very good. In like manner to the last motion, let me turn to John to offer rationalization on his motion, and then what we're going to do is we're going to take a five-minute break, we've been at this for an hour and a half.

During that five-minute time, I'm going to ask staff to take these two motions, format them a little bit to get the like sections in a similar order, so we can compare and contrast these motions on the screen very easily. We'll start by going through the individuals that had seconded and made the motion, and speaking for them, and then we'll open it up to the rest of the Board and Council members. John, you're up.

MR. CLARK: Going through the motion bit by bit, the first part of course it does provide a chance for Connecticut fishery, which we all recognize is a unique situation. A fixed trigger gives the necessary stability to harvesters in the southern region, who haven't been catching their allocations. Four million pounds is between the two options in the plan that's mentioned, and it's about a 66 percent of the 2021 total quota. It redistributes more of the current quota than the percentage approach, allocating 75 percent, as it would allow a third of the quota to be allocated based on distribution.

As it's been expressed at a previous meeting, and on this call right now, while the center of black sea bass distribution shifted north, there are still plenty of black sea bass in the southern region. Once again, we are not having a problem in the southern region,

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most of the southern region, we're catching the black sea bass.

We also recognize the fact that due to the changes in the sector allocations and commercial quota based on the assessment, there could be changes necessary for the future, and I think the southern region is well aware of that, and will consider those down the road. But for the time being, this motion provides more of the quota to the north, and also provides stability for the southern region. Thank you.

CHAIR NOWALSKY: All right, very good. We're going to take a five-minute break. We're going to come back at 2:25. Let's just go ahead and change the Board motion by Mr. Clark, to be consistent with everything else that we've done, and then during the five-minute break, if I could just ask staff to reformat this motion here, to make it look like it's divided the same way that the previous motion was. Perfect, they've already done that.

We're still going to go ahead and take the five-minute break though. Now staff gets a break also, so I'm actually really happy to see this, because I don't have to feel bad about myself now. Five minutes, 2:25, we'll have Emerson, Tony, Maureen, Ellen, and Joe up, and then we'll get a show of hands for additional people that want to speak on these motions. Thanks, see you in five minutes.

(Whereupon a five-minute break was taken.)

CHAIR NOWALSKY: I've got 2:25, so let's continue now that we've got a couple valid motions here. Let me begin by going back to the seconders and the makers of the motion for the Council. I will first ask individuals if they want to speak on it. Emerson, would you like to speak on behalf of the first motion, which is essentially in speaking.

When we vote, our first vote that we'll be taking will be on the substitute motion. Essentially, if you're speaking in opposition to the substitute at this point, you're basically speaking in favor of the main motion. Let me go to Emerson, would you like to speak?

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MR. HASBROUCK: Yes, thank you, Mr. Chairman. I'm opposed to the substitute motion. Stand by for a second, I've got several devices going here, and our caucus is still talking in the background. Sorry, Mr. Chairman. I'm in opposition to the substitute motion, and obviously I'm in favor of the original motion, for all of the reasons that Jason outlined when he made the motion. The substitute motion keeps us stuck in the past, stuck on those base allocations that for a variety of reasons were detrimental to New York and some of the other states. We need to move forward with an allocation based on biomass, not based on landings from 20 years ago or more. The northern region has 84 percent of the biomass, but it only has 33 percent of the allocation. We need to go into the future with this, not stuck in the past.

Also, I think all of you have seen the letter from New York Senator Schumer, who is also now the majority leader of the Senate, who is watching this very closely on behalf of fluke. We can either take care of business ourselves here with the Board and the Council, or we can chance having this decided for us through federal legislation. I would rather we take care of business ourselves, and I think the best option is the original motion. I cannot support the substitute motion. That's all I have right now, Mr. Chairman.

CHAIR NOWALSKY: Ellen Bolen, would you like to speak in favor of the motion to substitute?

MS. BOLEN: Sure, thank you, Mr. Chair. I want to echo Mr. Clark's comments, since he laid out a lot of the reasons that we support this. I think one of the things that I would stress is that we have a lot of uncertainties on the table right now for our commercial fisheries, when it comes to commercial recreation reallocation, stock assessments et cetera. One of my objectives is going to be to try to get some certainty for the commercial fishery, and I think that the DARA approach will create a lot of havoc initially, and I think that the trigger approach is the best way forward right now.

CHAIR NOWALSKY: Tony DiLernia, would you like to speak?

MR. DiLERNIA: I would like to speak to my motion. I think Jason mentioned that he said that this approach has been in use for quite some time. Actually, I think it was first developed when we had to deal with the Hague Line in the late seventies and the early eighties. It's up in New England for cod fish, and it's worked out pretty good.

I agree with everything that Jason said, that's why I was quick to jump on making that motion for the Council, because I believe that it is very consistent with, some of you may have seen a position paper that I've written recently regarding addressing species shift, how we should be managing species shifts.

I think this is consistent with some of the sentiments in the paper that has to be distributed to you, as well as it's consistent with the thinking of the current administration in DC, regarding how we're going to deal with climate change. Clearly, we're going to have to deal with climate change and species shifts in the management of our stocks.

As a matter of fact, in 2014 the Agency, NMFS, ran a whole workshop about dealing with species shifts, and very little has come out of it since then, but this is a good attempt at dealing with and addressing the species shift. It also does preserve the southern states ability to fish. We're not just swiping fish, but we're looking at it, and it's consistent with you know trying to preserve the past, while at the same time we address what's carrying the future. That's really about it. We either have to stay in the past, which is the substitute motion, or we can go forward in the future. Again, let me emphasize something that Jay said, this should go both ways. This goes back and forth. This is a way of addressing where the biomass is, which is consistent with the Magnuson Act. The Magnuson Act said, fishermen get to manage fish offshore of their states. Well, that's what this does. For all a whole bunch of reasons I think that are right, I made the motion, and I continue to support my original motion, and I oppose the substitute.

CHAIR NOWALSKY: Before I go to Maureen and Joe, and then get a list of hands that want to speak. I see

John Almeida's hand up. If you want to raise an issue with the process we're following here.

MR. JOHN ALMEIDA: Just process wise. If I could make a suggestion. It might be the best approach with a motion to substitute that the bodies try to perfect the motion, so that when the vote for whether to substitute or not comes up, we have the motions as the bodies would best like them to be, so they can make the choice then. Does that make sense?

CHAIR NOWALSKY: Certainly. I haven't heard any suggestions for perfection of these motions along the way. Did I miss a comment that suggested a perfection of one or both of these motions from the speakers so far?

MR. ALMEIDA: I might have misunderstood. But I thought I heard the path that you were proposing was to go straight to the motion to substitute, but not necessarily entertaining motions to amend to perfect the two options here. But if I misunderstood, and that option is still on the table, then by all means I would suggest that would be the way to go.

CHAIR NOWALSKY: No. Thank you for that clarification, and no I would certainly not be precluding anything that would be under normal operations of Roberts Rules at this point. It's not my intention to preclude any other parliamentary procedures outside of the motion.

MR. ALMEIDA: Thank you, Mr. Chair.

CHAIR NOWALSKY: No, thank you very much. I appreciate it very much. All right, so let me go to Joe Cimino. Did you want to speak on these motions, Joe?

MR. CIMINO: Yes, thanks, Mr. Chair. I want to say, I appreciate all the work that has gone into this document by staff and others, including Jason McNamee for bringing this DARA approach along. I have a lot of respect for it. Jay mentioned a concern that there is a lot of strong feelings that the model is too complex. To me, I agree, the model is math. It's not too complex. But there are a lot of moving parts

within this. When we talked about the socioeconomic impacts of any of these many, many alternatives.

To me that is where the DARA approach seems to be too complex. If we're slowly shifting quota away from states, only to get to a point where we're slowly shifting them back, in such short order that no state has a chance to really increase trip limits, or have extended seasons, compared to what they had. I don't know what it buys us, and I have great concerns over that, especially considering we have commercial rec reallocation looming. I support the substitute motion for that reason. I think despite this idea that we have to move on from the past. I think many state representatives would agree that you also have to protect the infrastructure and businesses that this has been so important to all these years. The trigger amount in the motion that is here is going to get more quota to the north in the short term. As I said, we're going to get by a new allocation amendment, that being commercial and recreational, and we'll have an updated assessment in the near future. I don't see this not being revisited in the future. I think for right now this is the best motion.

CHAIR NOWALSKY: Maureen Davidson, would you like to speak?

MS. DAVIDSON: Yes, thank you. I would like to speak in defense of the original motion. The motion to amend is heavily based on historic landings. Now, are we now and will continue to rely on landings that occurred decades in the past, regardless of where the actual biomass distribution is?

I understand now one of the reasons why we're doing this is to protect the investment and infrastructure of certain states. But in doing so, we're leaving other states to struggle economically, and not be able to improve their infrastructure, despite the fact fish are right there off their shores.

I understand the need to protect what you have and what your state has invested in. But through the DARA system the changes would be gradual, not as though one day your state has fish, and the next day

your state doesn't. Okay, we're just looking for a more fair and equitable opportunity to catch the fish that are right on our shore.

Now, the DARA system is responsive to where the biomass is located. Instead of us being chosen, we're going to be constantly competing for the fish that are there, either protecting our infrastructure, or trying to promote our economy in other states. You would have something that as we see the biomass change through a stock assessment, we would be able to adjust.

All of the states would be able to adjust to what is actually happening to the stock. I am very concerned that we are going to remain locked into the landings that happened a long time ago, and sort of for some people could remain feeling secure that their fisheries are fine, nothing is going to change, we'll always have that, and other states will not be able to have that kind of security.

I understand that we're all trying to protect our fisheries. We're trying to protect our investments. But how long will we do this? I would like to see some change. Let's move away from these historic landings, maybe not 100 percent, but let's step away from this, so that all the states can have an opportunity to benefit from, shall we say the amount of black sea bass we now have off our coast. All right, thank you very much. I didn't mean to go on for too long.

CHAIR NOWALSKY: Thank you very much, much appreciated. I do have a hand up from the public. Again, I will go to the public for any other questions or comments, prior to taking a vote on the motion. John Almeida, your hand was still up. Did you have anything else to add, or was that just up from your comments before, John?

MR. ALMEIDA: Yes, I'm sorry, it was up from before. Is it still up? I'm sorry.

CHAIR NOWALSKY: Still up as of right now. Great, now it's down, thank you so much. Let me now go ahead, and let me get a show of hands. If everybody could put their hand down for a moment. Let me get

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a show of hands that want to speak in favor of the motion to substitute. Okay, I've got Mike Luisi and Tom Fote, and I had Peter Hughes.

I don't have Peter Hughes any more, it's one of those up and down things in the room that we looked at and was not sure what it is. I try to look at this screen, and I try to envision people's faces and hands going up when I see it. It makes it more real here for me. For right now I've just got Mike and Tom. Let me see a show of hands.

If you two could put your hands down for a moment, of individuals that want to speak in opposition to the motion to substitute. I'm jotting them down; I've got a fairly substantial list here. In terms of Council and Board members, we've got Dave Borden, Justin Davis, Dan Farnham, Mike Pentony, Jim Gilmore, Nichola Meserve and Tony DiLernia. I see Dave Borden's hand went down. Dave was that just because I had recognized you added to the list, or because you did not want to speak in opposition to the substitute?

MR. BORDEN: Because you recognized me.

CHAIR NOWALSKY: All right great, thank you. Is there anyone else who would like to speak, but they aren't sure that they want to commit to the substitute in favor of/in opposition, but they know they want to speak and get something with regards to Board and Council members? Okay, nobody on the fence here right now.

I'm going to try to split this up somewhat evenly here, to try to maintain some decorum of debate. Let me go with Dave Borden and Justin Davis. Then I'll go back to Mike Luisi, then I'll take a couple more in opposition, and then I'll come back to Tom Fote. I would request that when you're making comments, please make comments that are new rationale for your position. We can save some time hopefully by not rehashing comments that other people have made. Dave Borden, you're up.

MR. BORDEN: I favor the underlying motion. I'm opposed to the motion to substitute. Jason did an excellent job of characterizing the reasons to do that,

and Emerson's added. I won't repeat that in the interest of time. But what I would like to emphasize is that part of the reason we're in this situation is we've had an underlying deficiency, in terms of Connecticut, for going on two decades.

That same deficiency exists for the state of New York. New York basically controls half of Long Island Sound, and that is where the Connecticut fish have been most abundant. I think we should, and I would be willing to make a motion to amend, a motion to substitute to add a provision, which would increase the New York base allocation to 9 percent.

CHAIR NOWALSKY: All right, so you're offering an amendment to the substitute, which would be a third level, which under Roberts Rules we could entertain. Are you offering that increase to 9 percent in conjunction, I guess, with the Connecticut increase, so it would look similar to what Jay's initial motion was, Dave?

MR. BORDEN: That is correct. You could use the exact language, so it would read Option B, increase Connecticut's quota to 3 percent, and increase New York's quota to 9 percent. I so move.

CHAIR NOWALSKY: Let me ask you this question, Dave. Before we take this up now, do you think this will materially change the vote on the motion to substitute, that it's worth taking that amendment up right now, or we should see whether or not the substitute becomes the main motion, and then pursue that amendment, if it should become the main motion.

MR. BORDEN: My answer, Mr. Chairman is yes, and I'm also prepared to make a motion to adjust the trigger.

CHAIR NOWALSKY: Well, we can go three levels deep with Roberts Rules, so if there is a modification to the motion to substitute that you would like to make, we can entertain those. Let me do the following. Let me go through our list of speakers, see where we are at that point, and then I'll come back to you with that potential modification.

Joe Cimino, were you raising a point of order? No, I don't think that's what it was, or were you just speaking, we're okay then. Let me go through a couple more comments, and you're suggesting that, and can you just describe the proposed change to the trigger that you would be offering also, Dave?

MR. BORDEN: I'm going to do it in separate motions. In the interest of time, it might be better to take it up separately. The concept would be to lower the trigger to Sub-option B1-A, the trigger value of 3 million pounds.

CHAIR NOWALSKY: Okay, so at least we know that that is out there. Let me get through a few more comments, and then we'll come back to pursuing an amendment to the motion to substitute. Justin Davis.

DR. JUSTIN DAVIS: It seems like Dave Borden and I are thinking along the same lines, so I think I'll save some of the comments I was going to make until the point at which we're able to have those motions for an amendment to the substitute motion on the board to discuss. I'll just make a couple of general points.

One is that I wanted to specifically address the fact that both these motions incorporate an increase of Connecticut's quota to 3 percent, rather than the 5 percent contemplated in Option B. I just wanted to get on the record that Connecticut is okay with that. Our ask under Option B had been for 5 percent.

We feel that generally the state was within its rights, wasn't making unreasonable ask to propose being increased to 5 percent, given that is sort of the de facto minimum allocation along the coast right now. As everyone around the table seems to agree, Connecticut's quota being at 1 percent was just way too low, and didn't make sense. Connecticut would acquiesce to an initial increase to 3 percent, for the sake of creating more room and more flexibility to achieve a follow-on action for broader reallocation along the coast. Along those lines, I do support the original motion, but not the substitute motion, for one reason being that incorporates an increase to New York as well as to Connecticut initially.

New York has also experienced a substantial rise in abundance of the species in their waters, particularly in the shared waters of Long Island Sound. Like Connecticut, they also do a relatively low current allocation within the northern region. I think an initial increase to New York, as well as Connecticut is completely appropriate. If you think about it, if you're thinking of increasing Connecticut from 1 to 5 percent that's a 4-percentage point increase.

Taking that and splitting it in half, and giving 2 percent to Connecticut and 2 percent to New York, I think is a very reasonable approach. I'll also just make a general point that I prefer the DARA approach to the trigger approach, because I think it is more forward looking. When you think about these approaches on a gradient of, to what degree are we using historical information and historical patterns of landings, and not incorporating new scientific information.

I view the DARA approach as being all the way on one side, where we're really making a big loop towards a more dynamic way of thinking about allocation that incorporates more information, and the trigger approach being all the way on the other side, where it's more conservative, particularly with a trigger formally in pounds, which I view as too high, and sort of giving heavy weight to historical allocations.

I completely understand the appeal of the trigger approach to those states that currently have high allocations, and has a history built up around those allocations. I recognize that a trigger approach might be the only path forward that is palatable to those states. But I expect we'll have some more conversation later on, when there is an amendment to this motion, about what the appropriate level of a trigger ought to be.

CHAIR NOWALSKY: I was planning to go to Mike Luisi next to speak in favor of the motion to substitute. However, the Chairman has indicated he's dealing with some technical difficulties, so let me go to Tom Fote to speak on behalf of the motion to substitute.

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MR. THOMAS P. FOTE: When I look at species distribution, it's been used I think in some ways wrongly. When we started making adjustments, back when we first put the black sea bass in the summer flounder plan, we started raising the size limits on black sea bass. We started to raise the size limit of summer flounder.

As we basically have known historically, as we raise the size limit and fish move to the north. The bigger they are, and it keeps going further and further north. When you wound up with the distribution of bigger fish up north, which means the poundage was larger. I don't know if the numbers of fish are any larger.

Nobody has really given me, and I've asked that question a couple of times, but we redistributed the number of fish that you can catch by doing this. I look at what was going on. No matter what happens, New Jersey is going to pretty much remain the same. In order to make this plan work years ago, New Jersey gave up 20 percent of its commercial quota. Though we look like we're going to be giving up a few percentages here no matter which way we say. We have no problem with that.

But most of that quota was given to New York, to basically firm up, because they said they didn't have a quota, so we used that 20 percent. We did not give it to the south, as far as I can remember. But I wasn't sitting on the Board at that time. That was the year I was off, way back when. I look at that and I basically say, okay. I have no problem giving Connecticut. I would have given you the 5 percent, because they really have gotten stuck by this.

But again, when I look at New York, I don't hear them saying, well we'll take 8 percent or 7 percent instead of going to 9 percent. They're just looking for an increase, and the same way they have looked at summer flounder and other species. They use the excuse of climate change and those fish are moving north, and a lot of time it's just because there are bigger fish up north, and they're landing by the size of the fish, and you pushed us out.

I also remember that when we first did this, the southern state's summer flounder took a huge hit, when we raised the size limit of summer flounder. The same thing happened with bass. New York, New Jersey, and other states didn't take a hit at all. We just increased our catch, because we basically got bigger fish.

History means something. I've been around a long time, and I get a lot of heat when I basically do history lessons here, but it does mean something. I'm not prone to basically flip a switch and just arbitrarily decide that we should move it here, and so I'm really, not really understand what is going on besides climate change. I agree climate change is sad to see. I mean look at cobia, and how its moving further and further north.

But again, we don't know what happens with some species. I don't know what's happened to weakfish, and I don't know what's happening with the clams. I think I know what happened, but we don't manage for environmental conditions, and it's a lot more than climate change that's the problem, it's the pollution and everything else we're doing in the Bays and estuaries. To conserve time, I'll just stop where I am right now. That's why I'm supporting the substitute.

CHAIR NOWALSKY: Next up we'll go to Dan Farnham. Do you have something you would like to add in opposition to the motion to substitute that we haven't heard so far? Dan, if you did want to speak, you're presently muted on the webinar. All right, while we're waiting on Dan, let me go to Mike Pentony.

MR. PENTONY: I'm not sure if I was jumping the line, or if you had me on your list already.

CHAIR NOWALSKY: I had you on the list.

MR. PENTONY: Okay, thanks. I think everybody recalls from the last meeting, I voted in opposition to the motion that proposed to bring the state-by-state allocations into the federal FMP. But given that I did not prevail on that, we are now looking at a joint amendment that would bring the state-by-state

allocations into the federal FMP, you know I'm paying close attention to this discussion. I will say that, you know at times there is discussions of, we need to do what is legal, and I don't know that this is one of those. I guess what I mean is, I think we're not talking about something that is legal versus something that is not legal.

I think what we're talking about is, how can we get the optimal outcome in this situation, given these discussions?. I think in this case, I have some concerns about the trigger approach, you know largely because it's not as adaptive as the DARA approach. I think with climate change, changes in stock distribution.

I'm hoping that the Commission, the Board, the Council, you know can start moving the needle to be responsive, and look at management strategies and approaches that can adapt more easily, and evolve as conditions change in the ocean. I'm concerned that the trigger approach as currently described, really doesn't do that. It certainly, you know is an approach to the right, you know it's going in the right direction when black sea bass stock levels are high, as they are right now.

But should we see a downturn in the stock, which obviously with climate change things can be pretty unpredictable. We could easily find ourselves back in a situation with 3.5, 4-million-pound quotas, and the stock having moved significantly during that time, or contracted to the north as the stock declines, and yet the allocations would still be based on the original allocations that don't reflect a shift to the north.

I'm going to vote against the motion to substitute, because I really want to see the DARA approach, you know kind of get its day in court, if you will, for a full discussion. I think what the DARA approach presents is an opportunity for the Council and the Board, as I said, to move the needle forward, to look at a more responsive, more adaptive management approach that can evolve as conditions in the fishery and in the resource change.

CHAIR NOWALSKY: Dan Farnham, did you get the, yes you are able to unmute yourself, go ahead.

MR. FARNHAM: I did, thank you, Mr. Chairman. I had to switch modes there. We lost our power at the east end of Long Island. I'm going to be brief here. I want to reiterate everything that Mr. Pentony just said, and I'm going to elaborate a little bit on that. In my mind we're going to have to address the discard issue, and potentially increasing discard issue that this fishery is going under right now. I mean we're not just seeing a slow increase in the biomass up here; we're seeing a large push to the east and the north with these fish.

We've had fish catch black sea bass last week on the Hague Line. Now, as these things start moving that way and become more prolific up in that area. If we don't allow more opportunity for the fishermen to keep what they're catching, they're not even targeting these fish. But right now, they have to discard them, and unless we give them more access to them as they move north and east, we're going to continue to have discards. Now this is an opportunity to turn discards into landings, if I've ever seen one.

CHAIR NOWALSKY: Mike Luisi, you're back with us, Mr. Chairman, I believe.

MR. LUISI: Wow, so after Mr. Pentony's comments, I'm a little, first of all let me just say that I support the substitute motion. I am not in favor of the leap, which I see it as, regarding the first motion on the DARA approach. You know it's really easy when you are a state asking for more, you can ask for more, it's really easy to do that.

But as a state that is going to be giving something up, it makes it very challenging. There are six states, including New Jersey, in the southern region that have discussed how we would approach this allocation review. We're committed, all of us are committed to finding a solution that works for everybody, something that works for our industry, as well as providing for additional resources, allocation resources, in New England, where their stock is plentiful.

I've heard a number of times during this conversation, I've heard a number of people say that the stock has shifted into New England. Well, that's not the case. Okay, everybody needs to understand that this is an expansion of the stock, and not a shift. We have lost nothing down in the Mid-Atlantic. We have the same resource that we had ten years ago here now.

You know our commitment to finding a solution to give more access to southern New England, is a real one. There are issues like Connecticut has with the quota that they have. You know we're committed to finding a little bit extra for them. But this leap into this DARA approach. There is so much uncertainty.

The uncertainty is where I personally, and where I won't speak for my other states in the southern region. But I think they would all agree, the uncertainty about where we're going to be in the near future, not only with the stock assessment coming up, but with the sector allocation amendment that we're dealing with. The uncertainty is too much.

The state of Maryland relies entirely on its black sea bass quota. The fishermen, and there are a few of them on this call today. They will support me in what I'm saying, in that black sea bass is the glue holding our fort together. If we give up too much, it's going to fall apart. What I'm committed to, what we are committed to in Maryland, is the substitute motion, which would give Connecticut a slight increase in their quota, so that they can have a directed fishery, and set an appropriate trigger.

We're talking about a 4-million-pound trigger. The quota is at 6 million pounds right now. That's a third of the quota is going to get distributed, 85 percent to New England. I don't understand why there are so many people against the idea of moving forward in that direction. It's making me crazy a little bit.

You know here we are as a group of states, where the stock has not changed. We have the resource available to us. We're trying to deal with the problem, and we've come up with a solution. We're

saying that we would send some quota north to increase all the northern states quotas to some degree, and we can all get onboard with that. All I've been hearing is negative criticism around that. We've built an industry. Our industry has built the infrastructure around black sea bass. If we lose too much, it's going to fall apart. This is a first step. I see it as a first step, this substitute motion is a first step in getting the time to try to solve some of the problems. But not taking away so much from the industry and the infrastructure that we have that things collapse. I hope that there are more people on this call that will support that idea, and you know continue to review. Maybe we review this in five years, and we'll see where we are.

I would have no problem with that. But right now, jumping to the main motion and going to the DARA approach, is just too much of a leap. There is too much uncertainty, and I can't support that. I'm going to support the new motion, thank you, Mr. Chairman, sorry for the long-winded explanation.

CHAIR NOWALSKY: Thank you, Mr. Chairman, for getting yourself back online. I appreciate it. We all have to take on this new role of being Tech Support pros for ourselves here that we didn't see coming a year ago. We've heard a number of comments in favor and in opposition. I had three more speakers that I was going to acknowledge on the opposition to the substitute, but one of the speakers so far has expressed a desire to amend the substitute motion.

At this point I'm going to go back to Dave Borden, who wants to offer a motion to, I believe his intention is to offer a motion to amend the substitute, and assuming that's the case, then we'll go to those other speakers I had in the queue. Dave Borden, let me come back to you now. You wanted to take these one at a time, which I think would be great. Do you intend to make a motion to amend the substitute?

MR. BORDEN: Yes, sir. Are you ready?

CHAIR NOWALSKY: Please go ahead with your motion to amend the substitute.

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MR. BORDEN: I would amend Option B to read, increase Connecticut's quota to 3 percent, and New York to 9 percent.

CHAIR NOWALSKY: That would not incorporate the two-year change that was in Dr. McNamee's original motion. Your period was your period.

MR. BORDEN: Correct.

CHAIR NOWALSKY: All right, thank you, I did not want to put words in your mouth, but you were very clear with the period, so thank you. Waiting for staff to complete getting that up on my screen. I don't know if they're still working on that.

MS. MYRA DRZEWICKI: Could you repeat the motion, please.

CHAIR NOWALSKY: Sorry Dave, can you repeat that once more?

MR. BORDEN: The motion would read: To move to amend the substitute motion to increase Connecticut's quota to 3 percent, and New York to 9 percent.

CHAIR NOWALSKY: Let's just change the wording of the beginning of this. Move to amend the substitute motion Option B.

MR. BORDEN: Correct. Thank you, Mr. Chairman.

CHAIR NOWALSKY: Thank you for your patience. Okay, you're making that on behalf of the Board. Again, if I could just get everybody else to drop their hands. Justin, do you want to make the motion to second on behalf of the Board?

DR. DAVIS: That's correct, Mr. Chairman. I'm also wondering if I could offer a friendly suggestion of the wording, if that's appropriate at this point.

CHAIR NOWALSKY: Go ahead.

DR. DAVIS: I'm wondering if it would be better worded as increase Connecticut's base allocation to 3 percent and New York's base allocation to 9

percent, to reflect that that is what we're doing is increasing the base allocation, and not setting Connecticut and New York's overall quota to 3 and 9 percent.

CHAIR NOWALSKY: Let me turn to staff, if they think that is more appropriate.

MS. STARKS: All right, I was trying to find my mute button, but I do agree with that. It does reflect that it's the base allocation that is changing to 3 percent and New York 9 percent.

CHAIR NOWALSKY: Then I assume when we get back to the other motion, we can make a similar perfection on those. But let's just deal with this right now. We're going to change the word quota to base allocation in the motion here. Dave, you're fine with that?

MR. BORDEN: Correct.

CHAIR NOWALSKY: We've got the motion by Dave Borden now read, move to amend the substitute motion, Option B, increase Connecticut's base allocation to 3 percent and New York's base allocation to 9 percent. Motion for the Board by Mr. Borden, seconded by Mr. Davis. Would someone like to make this motion on behalf of the Council? Mike Luisi, I saw your hand go up. Was that a comment as my Co-Chair here today, or was that actually to make that motion?

CHAIR LUISI: No, thank you, Mr. Chairman. No, I will not be making that motion. I had a question. But let's see if it becomes a motion first, before I ask my question.

CHAIR NOWALSKY: All right, I've got Dan Farnham's hand up. Dan, you would like to make this motion on behalf of the Council?

MR. FARNHAM: Yes, I would, Mr. Chairman, thank you.

CHAIR NOWALSKY: Do I have a second on behalf of the Council? Tony DiLernia, are you seconding this

motion on behalf of the Council? You are presently on mute on the webinar, Tony.

MR. DiLERNIA: Yes, Mr. Chairman, I will second this on behalf of the Council, but do not presume that I endorse the substitute motion. But I will second the amendment to the substitute motion.

CHAIR NOWALSKY: We have a motion by Mr. Farnham, seconded by Mr. DiLernia. All right, so now let's discuss and debate the amendment to the substitute only. Let's stay very focused just on that. People that I had listed to speak previously, do you want to speak on this motion? I had Jim Gilmore, Nichola Meserve, and Tony DiLernia. Jim, do you want to speak on this motion?

MR. GILMORE: Yes, Mr. Chairman.

CHAIR NOWALSKY: Go ahead, please. Are you speaking in favor or in opposition?

MR. GILMORE: I'm speaking in opposition to it, and I didn't get a chance before, so I'm going to delve back into the reasoning for the whole deal here. First off, it is an improvement, the 9 percent. Thanks to Dave Borden for recognizing the south side of Long Island Sound is indeed New York, so thank you, Dave.

It's an improvement in the motion, but it's still problematic to me, because it is the past, as I said before. I won't reiterate a lot of that. But what we've done in my entire time with the Commission and the Council and before that, was our management is snapshots. We take a snapshot.

We have these battles in these meetings, and then we come up with a solution, and then everybody doesn't want to touch it again for five, ten years, and sorry Mike, in five years we may want to look at it. No one is going to want to look at this again in five years, after the pain we're going through.

What we need is a change, an overall management change approach to a lot of what we're doing, not just black sea bass, not just summer flounder. John Hare's study a few years ago, and it's continued to, I

think there are only 30 species that are moving up and down the coast from climate change.

If we keep continuing to do these little tweaks to fixing this problem, we're all probably going to be in health problems, because of like the arguments we have to go through. We need a new approach to this. Unfortunately, the substitute motion is just taking what we've done for decades and tweaking it a little bit more, just to think that we're trying to fix this overall problem, when in indeed we're not doing that at all.

The DARA approach is really where we need to go in the future, for not only black sea bass, but a whole lot of species. It is the future. The way Jason McNamee has proposed it, it minimizes impact over a very long period of time, so these issues about infrastructure change and loss of fisheries. We're all talking about little tiny changes over time that eventually focuses us in on what the populations are doing, and how they're moving, and we should be managing for that, because that's what we all signed up for, to manage the resources as they change.

Additionally, that DARA approach doesn't run in conflict with Magnuson, it's using the most recent data. It's using the equity. It's essentially providing equity for all the states, so Magnuson there is no issue with that. It really comes up with, Mike Pentony used the word, it's an adaptive way to doing management, and it's really the way we should be going.

Just my last point to what was said earlier was that we've got a lot of focus on this from the federal government. Beyond some of the elected officials that wrote letters, we also have the Hoffman Bill, and now we've got the west coast looking at this, and looking at changes in distribution because of climate change, and recognizing that the way we've managed since Magnuson was passed in '76 is just not working anymore.

DARA is the future, and it's where we've got to go, so I am opposed to the amended motion, the substitute, and I'm back to the original motion, because I firmly believe it's where we need to go,

and with that we can minimize impacts to each one of the members. I understand going back to your state and saying I lost 1 percent is difficult to do, they think they are being betrayed. But the reality is they are probably not going to harvest that 1 percent, because it's moving away, and we really need to move forward on this.

CHAIR NOWALSKY: All right, so I'm going to go to Nichola and Tony, because I had their hands up still from before. Speaking on this motion, or since you had your hands up before on the other motion. Nichola Meserve.

MS. MESERVE: My comment was going to be on the initial substitute motion. I do support the amendment to the substitute, because I think it helps to move New York in the direction that they seek to move away from the historical allocations that are incomplete for their state. But I don't support the substitute, because it uses the trigger approach, and as has been said, it fails to address the change in the stock, and the fishery conditions, as soon as you get one pound pull that trigger.

It doesn't meet, you know neither the Council or Commission's strategic plans that call for us to have adaptive management approaches that respond to these changing fishery conditions. It's been referenced as kind of good enough for now, and since it's a short-term fix, but I'm really more interested in a longer-term solution to the issue.

The semantics of a stock shift and expansion continue to come up, and I just wanted to address the fact that I recognize that the southern states have not seen a decline in their sea bass availability, but we are awash in them in the north. The increasing quotas that all the states have enjoyed last year is the consequence of that northern expansion growth/shift, all of it.

I do appreciate that the more southern states come in with this motion, and putting forward something that would reallocate 34 percent of the quota. However, it doesn't provide any stability, in that sense, as the quota may change. I go back to supporting the initial motion for DARA, thank you.

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CHAIR NOWALSKY: Thank you, Nichola, Tony DiLernia.

MR. DiLERNIA: I agree completely what I just heard come from Jim Gilmore and Nichola Meserve, 100 percent I agree with them. Let me just point out that this morning the Commission listened to petitions from northern states to add the speckled sea trout and Spanish mackerel. We recognized those states and put them on the management board for those species. It's consistent with the Commission's philosophy of managing, giving the states the ability to have a say in managing the fish offshore of their coastlines.

That is what the DARA approach does. I supported the amendment to the substitute motion, because I like the amendment, but I still oppose the substitute motion, and I will support the original DARA approach, because it is consistent with everything what we're trying to do here, recognizing climate change. It is not a shift; it is an expansion of the stock and it lets those states manage the expanded stocks offshore of their coasts. For all those reasons I will support the amendment and oppose the substitute. Thank you.

CHAIR NOWALSKY: All right, so at this point I'm going to ask for a show of hands of Board and Council members that wish to speak solely on the amendment to the substitute. Who would like to speak in favor of the amendment to substitute? Only keep your hand up if that is what you would like to speak to.

All right, I have no hands of people to speak in favor of the motion to substitute. Hands of people who would like to speak in opposition to the amendment to substitute. Yes, I've got two hands, three hands, and I've got a Dave Borden hand. Dave, you were going to speak in opposition of your amendment?

MR. BORDEN: No, sir. I would just like to, and I don't have to do it right now, you can call on the rest of the list. But I would like to comment on Mr. Gilmore's comment.

CHAIR NOWALSKY: We're going to go ahead and I've got Mike Luisi, I've got Justin Davis, and I've got Tom Fote. Let me start, the first hand I saw go up was Justin, so Justin you can speak in opposition to the amendment to substitute, and then I'm going to ask Mike and Tom to consider whether what they need to offer is going to materially change the conversation. Justin, you're up.

DR. DAVIS: I think there was a miscommunication. I was planning on speaking in favor of the Amendment. I'll defer to you as to whether you would like to give me the floor at this point or not.

CHAIR NOWALSKY: No, go ahead. I was somewhat surprised to see you as the seconder, so go ahead in favor of the amendment to substitute, Justin.

DR. DAVIS: I'll just real briefly reiterate some of what I said earlier in the discussions about the two motions we had up on the board. I think New York has also experienced a substantial increase in black sea bass abundance in their local waters, particularly in the shared waters of Long Island Sound. I think providing some initial increase to their base allocation, as well as Connecticut is appropriate.

I've heard at least one person around the table today say that they were in favor of Connecticut increasing to 5 percent in our base allocation need, that means that person is in favor of a 4 percent increase being given to Connecticut. What this is essentially doing is taking that 4 percent and splitting it between Connecticut and New York, which I think is appropriate, so I am in favor of the motion to amend here.

CHAIR NOWALSKY: Mike Luisi, in opposition of the motion to amend the substitute.

CHAIR. LUISI: Going into this discussion and considering these changes to allocation. I was comfortable with Connecticut's suggestion for increasing their allocation. They only have a 1 percent allocation. With 1 percent of the coastwide quota there is no way to have any type of directed fishery.

With the expansion of the stock into the Sound, I totally understand Connecticut's ask for additional quota, so that they can actually try to manage a commercial fishery. Under the alternative that I would be supportive of, which is the substitute motions for the trigger approach, two-thirds of the quota is going to be moved, 84 percent of it is going to move to New England.

I think that under that scenario, New York, Rhode Island, and Massachusetts, the other states that are in that area are going to receive additional allocation to help supplement their baseline quota. Therefore, I do not support the handout to New York with its base allocation increasing it to 9 percent. I feel like Connecticut had a point; we're going to address that point. But I cannot agree on just a handout to New York from a state perspective.

CHAIR NOWALSKY: Tom Fote, do you have anything to add that's going to materially change people's minds on the motion to amend the substitute?

MR. FOTE: I guess I think I do, Adam. I mainly was listening to the National Marine Fisheries Service, justifying his shift to the north. Instead of really looking at the quota, realize that we've had an artificially low quota, not based on what I consider real science, but basically considered on a lot of precautionary approaches, and because the north and the south again were not allowed to harvest, which should have been harvesting a larger quota for the last five years on black sea bass.

Now to get out of the fact that we haven't been able to basically harvest those, NMFS is agreeing that we should shift the quota to the north. I really find this strictly objectionable. I mean I really have a hard time dealing with this. You know, when we start talking about politicians, we've got the same politicians, and they happen to belong to the same party as the ones in charge of New York, so it's going to be an interesting battle if we want to go to Congress over this. I didn't want to use that; you know I think that's a false herring putting on us in this environment. But again, I will state what I said before. There is not any less fish in the south than there was before. That is why this trigger approach,

basically, and I didn't talk about it before. I agree with what Mike Luisi just said. You're giving them allocation of more fish up north. I don't know where New Jersey is going to fall.

I mean, a place where we're going to be by ourselves or are we going to be put in the south, where we really get penalized, and you take away more than the 20 percent we gave years ago? I really have to look at, and when you say well, it's only going to be a small percentage in the southern states. We'll all surviving on small percentages.

With the COVID-19 and everything else that we've had in the south, and basically, we watched markets dry up the same way as New England has. Our industry is suffering unbelievably, and a lot of people are going out of business, both commercially and recreationally. Anything you do that will affect the next couple of years will have a dramatic effect of maybe putting those businesses out of business. I've really got to look out for what's going on to all the states south of me.

CHAIR NOWALSKY: Dave Borden, last word on this motion. Then I'm going to go to the public, specifically on the motion to amend the substitute. We're going to caucus, and then we're going to vote.

MR. BORDEN: I would just like to follow up on Jim Gilmore's comment. I totally agree with all the logic that he presented. I just want to be clear on the record that I like the original motion that Jason made, but since we have a substitute that's on the table, and we're going to vote on it first, which we may never get back to the original motion in that case, under certain circumstances.

I'm trying to make the underlying motion as palatable as possible, not because I prefer it, because I want to fine tune the ingredients in that motion, so that should it have, it addresses some of the concerns that various Board members have raised. That is my purpose, in terms of making these amendments. I still support the underlying motion, the original motion that Jason made, and will probably vote that way in the end. But I'm trying to at least correct some of these deficiencies.

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CHAIR NOWALSKY: If I could have Board and Council members put their hands down. Most everybody, I've got four still up that are people that have spoken recently. Let me next turn to the public, specifically for or against comments on the motion to amend the substitute motion. I've got Greg DiDomenico, go ahead.

MR. GREG DiDOMENICO: This is Greg DiDomenico, Lund's Fisheries, Cape May, New Jersey. On behalf of Lund's Fishery, we oppose the substitute motion, thank you.

CHAIR NOWALSKY: Thank you very much for being very direct, greatly appreciated. James Fletcher, comment with regards to the motion to amend the substitute?

MR. JAMES FLETCHER: We at National Fishermen's Association oppose this motion, but we also think it's right that we have put on the table a way to enhance the stock that New York and Connecticut can get fish, rule in hand, and not have to take anything from the southern states, and it has not been discussed. But we oppose this motion.

CHAIR NOWALSKY: Okay thank you very much, Mr. Fletcher. We're now going to take two minutes to caucus. What I'm going to ask states to do during their caucusing also, and maybe we'll extend this out to three minutes, is to begin the conversation at the state level on the other motions as well.

Let's take a couple moments to caucus. We will come back. We will call the question on the motion to amend for the Board. If it passes the Board, Chairman Luisi will then take the motion up for the Council. Three minutes, 3:33. All right, I've got 3:33, is there any state delegation on the Commission side that is not prepared to vote? Okay, I'm not seeing any indication of that.

MS. KERNS: Adam, I'm going to take these hands down, if that's okay. There are three hands that are up, I think they are leftover.

CHAIR NOWALSKY: Greg DiDomenico, Dave Borden, Mike Luisi, Justin Davis. Toni is about to remove

your hands. All right, it gives new meaning to all thumbs now. **Okay, on behalf of the motion, move to amend the substitute motion, Option B, Increase Connecticut's base allocation to 3 percent and New York's base allocation to 9 percent.**

All those state delegations in favor of the motion, please raise your hand. I have four in favor, Connecticut, Rhode Island, New York, Massachusetts. Please lower those hands. All those state delegations in opposition to the motion to amend the substitute please raise a hand. I count six, I have Virginia, Delaware, Maryland, New Jersey, North Carolina, Potomac River Fisheries Commission.

Please go ahead and put those hands down. Abstentions on the motion to amend, I have two, New Hampshire and National Marine Fisheries Service. **That is 12 votes. The motion fails the Board, 4 in favor, 6 opposed, 2 abstentions.** Chairman Luisi, did you have something to add with your hand?

CHAIR. LUISI: No Adam, sorry, I thought I put it down.

CHAIR NOWALSKY: The motion fails, 4 in favor, 6 opposed, 2 abstentions.

CHAIR. LUISI: It doesn't need to go to the Council at this point, because it failed the Board.

CHAIR NOWALSKY: That is correct.

CHAIR. LUISI: We're back to the substitute and the main motion.

CHAIR NOWALSKY: That is correct. I'm going to come back to Dave Borden. You had suggested you might have something to further modify Option D. However, given that the Option B Amendment did not pass, again I'll ask you, do you think this is going to materially change the vote on the motion to substitute, or does it make sense to move forward on dispensing with this motion, and potentially take further action, should the substitute become the main motion? Dave, how would you like to proceed?

MR. BORDEN: I think it changes the results. In other words, I think 3 million pounds is a lot more consistent with the quotas that we've had over the last few years, and that 4 is setting the value too high. But given the vote on the last motion, I think we all know the results without voting. I'm not going to make that. If somebody else thinks that is important, please step up and make that motion.

CHAIR NOWALSKY: We've had an awful lot of debate on this so far. What I'm going to do at this point is I'm going to go back to the public for an opportunity to comment on the motion to substitute, with the allowance for going ahead and providing comments on the main motion at this point as well.

At that point I will then come back and ask for any more for and against, or any other action to modify the motion to substitute, before we vote on that. Let me go back to the public again for public comment on the motion to substitute and the main motion. Yes, I've got a hand up Captain Julie Evans you can go ahead and speak. Please provide your name and any affiliations that you are speaking on behalf of today, thank you very much for doing that.

CAPTAIN JULIE EVANS: Yes, nice to meet you and thank you for recognizing me. I'm assuming you can hear me now. I represent the East Hampton Town Fisheries Advisory Committee, and I am very impressed by the way everyone is speaking and is so knowledgeable about this very complicated situation we have going forward.

I appreciate both sides of the issue, having been running commercial and charter boats in the Florida Keys and in Montauk with my late husband, Captain Mike Brown. You know it's important that people who are in the industry and have the ability to catch fish, can put them in the boat and provide them for public consumption when they're available.

My industry tells me there are a lot of fish in the area right now, I don't know black sea bass. I am for the first, the original Option B that would increase New York to 9 percent, because the fish are here. I also believe that the DARA approach is a nimble approach and will allow our people to make changes when

necessary, and I do like the fact that it will go over two years, it's not going to be something we're going to just jump into.

However, I do appreciate the people in the south, you know being a little anxiety ridden about losing any quota. We've gone through that too here. I do think that we need to change the way things are done, and so I ultimately, I hope that the people that can vote will vote for Option B, thank you.

CHAIR NOWALSKY: Thank you so much for joining us today, and taking the time to comment. I don't see any other hands up from the public. Is there anybody who is on the phone only, and doesn't have access to the webinar that wanted to comment on these motions? Okay, seeing no other comments from the public. I still have hands up from Mike and Cheri. Did either or both of you need to speak on something, before I go ahead and ask for, for and against of the motions here for any further debate? Mike's hand is down. Cheri Patterson.

MS. CHERI PATTERSON: I don't know what happened. There was some sort of delay. We were voting yes on that last, or we were going to vote yes on that last motion, and it ended up being an abstention.

CHAIR NOWALSKY: All right, let me turn to staff. Given the fact that that would not materially have changed the outcome of the vote, is there a level of comfort with just modifying this to reflect 5, 6, 1, or at this point that we've moved forward, should we leave it as such? How would staff like to proceed?

MS. KERNS: Adam, I think we can just reflect the 5, 6, 1 in the vote in this record. It doesn't change the outcome, you are correct.

CHAIR NOWALSKY: All right, so let the record reflect that the vote then will be 5 to 6, 1 that New Hampshire had a vote and did not abstain, had voted in favor of the previous motion. All right, let me ask again. We've had a lot of debate on this. I'm not still sure where we go. I think I'll just put out there that I believe there is a possibility that should the motion

to substitute become the main motion, that there may be another motion yet to come before us.

Again, given where we're at in time for the day, is there anyone else who needs to speak in favor or against the motion to substitute, before we go ahead and take the vote? All right, so I'm not seeing any hands. I had requested delegations consider caucusing on the last topic as well. I've got Mike Pentony's hand up, Mike.

MR. PENTONY: I guess this is a point of order question, which is, we have a motion to substitute and a main motion. I know this was mentioned earlier. I've certainly been at meetings where the idea is both motions get perfected before you vote on the motion to substitute, with the idea that if the motion to substitute passes, becomes the main motion, then you bar any future amendments, because those should have been brought forward while it was a motion to substitute. I'm not clear if you were going to entertain motions after this point, or if these two motions are effectively frozen as of right now.

CHAIR NOWALSKY: Well, at this point, Mike, we've had an awful lot of discussion. I did not hear anyone else, other than Dave Borden, offer suggestions for modifications to the motion to substitute. He had two options, one of them we went forward and voted on. The second item he decided to withhold. I haven't had anyone else bring anything forward.

I did not hear anything during discussion about interest in changing anything about the main motion, but following on John Almeida's comments earlier, I will allow before we go ahead and vote on the motion to substitute, is there any specific interest in making a modification to the main motion. Again, let me ask it with, do you think it's going to materially change the outcome of the motion to substitute of the vote? Again, to go ahead and to make a motion for something to change. Again, let's hear what you've got, but I would ask that it comes forward only if you think it's going to materially change the outcome of the motion to substitute. I've got one hand went up, Justin Davis, go ahead.

DR. DAVIS: Just a clarifying statement, I don't have a motion to amend the substitute now that were it to become the main motion, that at that point you wouldn't entertain any more motions to amend it.

CHAIR NOWALSKY: No, what I'm saying is that should the substitute motion become the main motion, I will entertain whatever other motions the Board would like to make, that are in order at that point to modify the motion that has become the main motion. What I'm saying is that if you believe there is something about the current main motion made by Dr. McNamee, that you think at this point.

Given the discussion we've had, we need to have discussion about modifying that main motion made by Dr. McNamee that's going to materially change the outcome of the vote on the motion to substitute, I'm willing to entertain that now. But any other motions, should the substitute become the main motion, we will then entertain those. That didn't quite come out as clearly as I hoped it would, but did that get through?

DR. DAVIS: It did, thank you, Mr. Chairman.

CHAIR NOWALSKY: I'm not seeing anything else. Mike Pentony, your hand was still up from raising that question, or did you? That's down, Justin, if you're good you can put your hand down please. **We are back to going ahead, and we are now going to vote on the motion to substitute.**

Does the Board need additional time to caucus? I'm not seeing any hands raised, nor am I hearing anything. Therefore, we're going to proceed with the vote on the motion to substitute. All those delegations in favor of the motion to substitute, for the Board, please go ahead and raise a hand.

I'll just note for Council members that we're presently on a Board vote, so if you're a Council member, please do not raise your hand right now. I'm not even saying that was the case, I'll just say that was a reminder, in case anybody was thinking about it. Okay, I have 6 votes in favor of the motion to substitute; Virginia, Delaware, Maryland, New Jersey, North Carolina, PRFC.

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Please go ahead and put those hands down. Those have been cleared. All delegations in opposition to the motion to substitute. Okay, I have 6 in opposition. I have New Hampshire, Connecticut, National Marine Fisheries Service, I'm back to 5, I lost one. Just make sure everybody who is in opposition please go ahead and raise your hand. All right, I'm back to 6 again. I've got 6 hands up; I'm going to read them again.

New Hampshire, Connecticut, National Marine Fisheries Service, Rhode Island, New York, and Massachusetts. Okay, so you can go ahead and put those hands down. **That is 12 votes, 6 in favor, 6 opposed. The motion fails for lack of a majority.** No action is required by the Council. We are now back to the main motion. I think at this point staff can go ahead and push everything below the main motion down the screen below the main motion back up, and we can then entertain a way to proceed on that. I've got a hand up from Dennis Abbott. Dennis, you're muted on the webinar presently, if you are trying to speak, and now unmuted on the webinar, go ahead.

MR. DENNIS ABBOTT: Thank you, Adam, you've been doing a wonderful job keeping this going. I don't think anyone could have done better. A question I would have. The substitute motion failed. Can I assume that anything that was in the substitute motion cannot be amended to be put into the main motion, being that it has failed previously? That would be my question.

CHAIR NOWALSKY: If the question is can you take anything from the substitute motion, and bring it into the main motion. I would say I would entertain that. I think the substantive point of the two was a trigger approach versus the DARA approach. I think if there is some element of things that want to modify something, I would certainly entertain it, and hear it, and then I would have to rule on it. But right now, I think my position is that that was the substantive difference between these two motions was the DARA approach versus the trigger approach.

MR. ABBOTT: Follow up, Adam?

CHAIR NOWALSKY: Yes, please go ahead, and your comments are greatly appreciated.

MR. ABBOTT: On Option C, we're really talking basically DARA versus trigger approach. I don't think that someone could come in and substitute Number 2 the DARA approach with the trigger approach. Maybe some sub-parts of that but not the major part. That's my issue. But thank you, Adam.

CHAIR NOWALSKY: All right, Chairman Luisi, where we're at, at this point. Would you like to add something?

CHAIR LUISI: Yes, thanks, Adam. I'm just going to jump ahead and say that I think we all know where we stand on all of this. With the votes being 6, 6, I don't expect that there is going to be any difference in any vote that is made over the next hour or two, where the southern region and the northern region are going to find compromise.

If we were to take a vote on this option right now, which is the main motion, it's going to be 6, 6, it's going to fail. The southern region has worked really hard to try to find some compromise, as a region who is giving up an enormous amount of fish to try to address the problem, and I'm just disappointed in the fact that we couldn't see through the options and find some compromising solution to something that the group that is giving up the most was okay with.

I'm just disappointed in that. I'm not going to support this motion. I would support another motion, perhaps that stayed with the trigger approach, perhaps with maybe some different numbers, but I'm not going to support the DARA approach. I think it's too much of a leap with the uncertainty that we have, and it's not something that I'm going to be able to support. I'll leave it there, thanks, Adam, I appreciate you calling on me.

CHAIR NOWALSKY: Thanks for that insight, and in full disclosure, my goal is to wrap this up in 37 minutes, not another hour or two, but we'll do the best we can. I do think it would be reasonable, given, we don't know for sure. I think we've got

some insight. If we took a vote on this motion right now, what would occur?

I think we've got some insight to that at this point. I think it warrants some discussion about what happens at that point. Should that fail, any motion fails on setting allocations. I think at that point we have no document, and this process stops entirely, or I'll defer to you, Mike. I'll defer to staff for some other way forward.

I'm of the opinion at this point that if we can't come up with an option that is acceptable to both bodies here today, that essentially it brings these documents to a halt. Again, I'm open to other thoughts on that. Let me hear. Mike, if you've got something to add, staff has something to add. Then I think my next step is to say, is there anyone that wants to make any other motion relative to the main motion.

My thinking again was that the difference between the two approaches in the motion was substantially the DARA approach versus the trigger approach. If there is another approach that someone felt a motion to make, I think we could entertain that. If anyone wanted to make any material modifications to this main motion, I think we can entertain that.

Mike, staff, do you have any thoughts about that if we can't move forward with this today, we're pretty much tossing this process, and everything just remains as it is, without anything in the FMP at the federal level. Then once we complete that, then we move into if anyone wants to make any other motions.

CHAIR LUISI: Yes, thanks Adam, you know I appreciate you recognizing me. I'll take that. I won't be long winded. Yes, we're at the point where, based on the previous vote in the interest of the southern region, unless one of the states decides to support this, this isn't going to pass either. That leaves us at status quo.

Status quo, it's not solving any of the problems that exist. The challenge is, the southern region put up a proposal that we thought was going to get some

support, in an attempt to provide more allocation, more resources to southern New England, but it failed, and now we're here. My biggest fear is that we end up with nothing, because I've been committed all along, and I made a point on the record and to my colleagues from other states that we're committed to trying to find some solutions.

This isn't the answer. This option is not the answer. It's too much of a reach with the uncertainties that exist. I'm hoping that maybe we can try to find something. Maybe there is a way. Maybe somebody can come up with another substitute motion. I don't know, I would like to hear from states about maybe dropping the trigger line down to 3.75 rather than 4. I mean its another 250,000 pounds being allocated to the northern states.

But Adam to your question, I think we need to end this. This isn't something, in my opinion, that should go on to another meeting. I think we need to come up with some kind of compromise today, and we need to solve the issues at hand at best we can as managers today, rather than punting this until, you know the spring meeting, or you know a meeting of the Council. That's where I am. As your Co-Chair that is my advice, but I'll leave it up to you to decide how we move forward, thank you. I appreciate that, Adam.

CHAIR NOWALSKY: Well, Mike, I want you to know that I really appreciate your making sure that this wound up at this Commission meeting for me to resolve that, thank you. I greatly appreciate it.

CHAIR LUISI: Yes, if we postpone it again, it will make us make sure that it's the Commission's spring meeting instead of the Council's June meeting.

CHAIR NOWALSKY: I don't want to go back and forth and have discussion about where we are, we've got to complete this or not. What I really want to do is if somebody has, one of two things is going to happen. One, we're going to take a vote on this motion, or two, somebody is going to offer a substantive change to the motion, via amendment or substitute, that they believe is likely to change the outcome of this process.

That's where we're at. Either we're going to vote on it, or somebody is going to make a motion to change something. I have a number of hands that are up. But I'm going to ask you to only leave your hand up, if you are ready to make a motion to modify this main motion.

MR. PENTONY: Point of order, Mr. Chairman.

CHAIR NOWALSKY: Yes, go ahead.

MR. PENTONY: I guess I'm trying to understand why those are the only two options. We have a motion, a main motion. We had a motion to substitute, a lengthy discussion over the motion to substitute. We're back to the main motion. This could pass, it could fail. If it fails, I fail to understand why at that point someone wouldn't be free to make a new motion.

CHAIR NOWALSKY: My preference would be at this point. I think we have a good sense of what will likely happen at this point. You raise a good point. No, just because we take a vote on this motion, the meeting does not come to an end. That is a valid point, thank you for raising it, and if I've provided that as the sense of things, fine.

But my sense is if somebody is going to make another motion, now is the time for that motion to come forward, is my sense. You want from the procedural perspective that if this fails, then some other motion may come forward afterward. But I think my preference would be to get that out on the table now. Nichola Meserve.

MS. MESERVE: You may have seen my hand go up and down a couple times there, because I'm a bit conflicted. I do potentially have a motion for another option, but I do not want to make it before I know for certain that the DARA approach cannot pass, so I'll just put it out there that if we can take this vote, conclude whether or not DARA can pass, then I would be in a position to make a different motion for an option that I think breaches the two.

CHAIR NOWALSKY: Okay. Emerson, do you have your hand up to make a motion?

MR. HASBROUCK: I have my hand up to call the question.

CHAIR NOWALSKY: All right thank you for that. I'll go ahead and give one last chance here, and again, in line with Mike's comments, which again are completely valid that just because this motion fails doesn't mean we can't entertain any additional motions. But the point is that if we don't take definitive action on the allocations today that is when things come to a halt.

Do any of the state delegations need to caucus at this point? Then not seeing any hands nor hearing anything, we are going to go to the judges. **We are back to the main motion. All of those delegations in favor of the main motion, please go ahead and raise your hand. I have six in favor, New Hampshire, Connecticut, National Marine Fisheries Service, Rhode Island, New York, Massachusetts.**

Let's go ahead and put those hands down. Waiting on Connecticut, all right thank you. All those delegations that are opposed to the motion, please raise your hands. **We have six opposed, Virginia, Delaware, Maryland, New Jersey, North Carolina, and PRFC. The motion for the Board fails, 6 in favor, 6 opposed.** Are there any other motions that someone would like to put forward today? Nichola Meserve.

MS. MESERVE: I appreciate working through the steps with you. I would like to make a motion that maintains some elements of the first motion, but changes the most substantive change is changing the Option F, which is the Option in where a set percent of the coastwise quota is distributed based on the initial allocations.

This is very similar to the staff's recommended motion, but does make that change for the modified alternative B, where Connecticut goes to 3 percent and New York goes to 9 percent. I'll read it into the record, and I'll hope to get a second. **Move to adopt the following options for Black Sea Bass Commercial Allocations, modified Alternative B, increase Connecticut's allocation to 3 percent and New York allocation to 9 percent.**

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Alternative F, percentage of coastwise quota distributed based on initial allocations, Sub-alternative F1-B, 75 percent of the coastwise quota allocated using the initial allocations. Sub-alternative F2-B, remaining quota (25%) allocated based on regional biomass from the stock assessment. Sub-alternative F3-B, proportional distribution of regional quota, and Sub-alternative G2, establish three regions, 1, Maine through New York, 2, New Jersey, and 3 Delaware through North Carolina.

CHAIR NOWALSKY: Thank you, Nichola. Before I ask for a second for that, just to confirm, so this is the Council staff recommendation with a change to Alternative B. Instead of increasing only Connecticut, it is a change to both Connecticut and New York by increasing each of those state's base allocations by 2 percent. I'll just note that the language you have for Sub-alternative F3-B, differs slightly from how staff has worded it. But you make no modifications in your motion to F3-B from what appears in the document.

MS. MESERVE: That is correct.

CHAIR NOWALSKY: Thank you very much for clarifying that. Do I have a second from the Board? John Clark, are you raising your hand to second this on behalf of the Board?

MR. CLARK: No, Mr. Chair. I didn't realize my hand was up, sorry.

CHAIR NOWALSKY: Okay, Justin Davis, are you raising your hand to second this on behalf of the Board?

DR. DAVIS: That's correct, Mr. Chairman.

CHAIR NOWALSKY: Okay, thank you, Justin, we now have a valid motion for the Board. **Do we have a like motion on behalf of the Council? Maureen Davidson, are you raising your hand to make this motion on behalf of the Council?**

MS. DAVIDSON: Yes.

CHAIR NOWALSKY: Dan Farnham, are you raising your hand to second this motion on behalf of the Council?

MR. FARNHAM: Yes, I am Mr. Chairman, thank you.

CHAIR NOWALSKY: Nichola, let me turn to you, to give you an opportunity to further. I mean I think you went into pretty good detail before you made the motion. Now that you know it's a valid motion before us, would you like to add anything else?

MS. MESERVE: Just to reiterate a couple of points that were kind of already made on the prior motions. You know the problem with the DARA, I believe, was that the 50 percent redistribution was too much. This is 25 percent, which is less than the trigger option that was proposed using a 4-million-pound quota, based on the current quota. That would have reallocated 33 or 34 percent of the quota, so this is only 25 percent, so this moderates that problem.

But the problem with the trigger approach from a number of our standpoints is that it does not do any reallocation, if you go below that trigger level. It was my attempt here to find an option that is in between the two, and hopefully finds enough for both sides to support, so that we can do something here today, and not leave with the status quo situation, which you know is my sense that is really not a tenable situation at this point, so I appreciate it.

MR. NOWALSKY: Well, we appreciate your patience in getting to this as well. I think we worked through every possible combination before getting back here. Let me ask for a show of hands of Board and Council members that would like to speak in favor of this motion. Just put your hand up if you think you need to speak in favor of it. Again, I think we've had substantive discussion, so if you need to speak in favor because you think what you have to say you really need to sway somebody else's vote, I want to hear from you. Otherwise, we've had an awful lot today. All right, so I've got Justin and Tony to speak in favor. Is there anyone that wants to be recognized to speak in opposition to the motion? Mike Luisi, did you raise your hand to speak in opposition?

CHAIR LUISI: Yes.

CHAIR NOWALSKY: Okay. Chris Batsavage, I've had your hand come up. Were you going to speak for or against or somewhere in between?

MR. CHRIS BATSAVAGE: Probably more along the lines of somewhere in between. We'll see how it goes.

CHAIR NOWALSKY: All right. I'm going to go Justin in favor, Mike against, Tony DiLernia in favor, and then I'll come back to Chris. All right Justin, you're up.

DR. DAVIS: In the interest of time, I will try to be brief here. I think this option is sort of a Goldilocks option, it's just right, it's kind of in the middle. From the standpoint of trying to preserve some of the historic access to the resource that states with higher allocations have enjoyed, this option takes 75 percent of the quota, three-quarters of it, and says we will allocate that according to the initial allocations.

To me that represents a substantial sort of pretension of the historic allocation. However, it does take 25 percent, and say we will allocate that based on science, based on regional biomass, regardless of the overall quota levels. This gets away from the issue of the trigger option, where we're going to do reallocation, but only when the quota is above some level when times are good.

Then when times are tough, we're just going to resort back to the old way of allocating, and make those states that were enjoying the above trigger reallocation, essentially bear the brunt of conservation when we drop below the trigger. I think this incorporates options that I think there was general consensus around today at the table that there is some value in increasing Connecticut and New York states allocations, and of establishing three regions.

But for me I think, you know this option sort of meets that need that if these two bodies do our job, everybody should walk away from the table feeling like they got some of the things they wanted, but not

everything. This is sort of a good compromise middle ground. I'll just add that I think it would be really just a disaster, if at the end of this multiyear process all these meetings, all this work put in by staff and the Agency folks, contributions from the public.

If we get to a point where we can't take action and do something here, I just think that is a real black eye for both the Commission and Council. I really urge my fellow folks around the table today to give this some serious consideration as a reasonable compromise, and maybe just takes a small change to this to get it over the line, then somebody should offer an amendment. Thank you.

CHAIR NOWALSKY: Mike Luisi.

CHAIR LUISI: Thanks Justin for your comment. I agree with a lot of what you said. You know based on my previous comments, I have a little bit of a problem with modified Alternative B, considering New York in this case. In looking at the numbers, under the scenario that we're in with the quota that we have, this alternative actually provides less fish to the southern New England region than the trigger alternative.

But that is under the current situation. The concern that I have, speaking for my industry. If this quota were to fall, and get below 4 million pounds, we're going to really start to feel the pinch in our state. I don't know, I know we've talked a little bit about the idea of reviewing kind of how the quota allocation scenario plays out over the next few years.

I know there is an assessment this summer. I would feel a little more comfortable under this scenario right now, if the increase was only to Connecticut. Maybe there is something added to the language for a review of the allocation alternatives, if the quota drops below what the southern region kind of figured was kind of the hard line at 4 million pounds.

If the quota was to drop below 4 million pounds, maybe it would initiate some further review or action by the Council and the Board. I'm just thinking out loud, which is never a good thing. But I

would feel more comfortable in moving forward with those two provisions added to this motion, thanks, Adam.

MS. KERNS: Adam, I can't raise my hand, it's Toni. I just thought I would point out that at least through the Board action process, and I think through the Council process as well, the Board and Council can choose to bring up an addendum at any point in time for a framework through the Council process. If the stock assessment shows something, the Board and Council can always do an addendum or a framework.

CHAIR NOWALSKY: Thank you, Toni, now that you have everybody else's, you can just jump in whenever you need to, so that's appreciated. Next up, Tony DiLernia.

MR. DiLERNIA: My hand was up, I guess from before, so I didn't mean to put it up. But now that I have the floor and the base of what Toni just said. That is where I was going to go. Can we revisit this? If what I think is occurring is occurring, and there is a distribution of the stock, and trying to deal with a species shift.

I would be very comfortable if somehow, we're obligated to revisit this in five years. I don't know if you wanted it to be to amend the motion. But if we could revisit this in five years, as far as what the distribution of the stock looks like five years from now, I would be much more comfortable with this motion. Thank you.

CHAIR NOWALSKY: Chris Batsavage.

MR. BATSAVAGE: I am willing to offer an amendment to this motion, I'll just see if we can move things forward. I would, I guess start by amending in Modified Alternative B, to remove New York's base allocations to 9 percent, and maybe at the end add language that the allocations will be reviewed in no greater than five years. I can make that on behalf of the Board and the Council.

CHAIR NOWALSKY: All right, so we have Chris Batsavage that is going to move to amend to modify Alternative B to remove "and New York's base

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allocation to 9 percent” and add at the end of the motion “to review the state-by-state allocations in not more than five years.” Did I hear you correctly?

MR. BATSAVAGE: Yes, I think that will do, and if there are any perfection that we need to that language, I’m willing to do that.

CHAIR NOWALSKY: You’re making that motion on behalf of both the Board and the Council.

MR. BATSAVAGE: Yes, please.

CHAIR NOWALSKY: Okay, thank you very much, do I have a second to the motion for the Board? There were some other hands up. John Clark, your hand is one I recognize as a new hand that popped up. Are you making this as a second for the Board?

MR. CLARK: I will second for the Board.

CHAIR NOWALSKY: Thank you, John, do I have a second for the Council? Joe Cimino, I see your hand pop up. I wasn’t sure if that was to be a second, or to comment. Are you seconding this motion for the Council?

MR. CIMINO: Yes, Mr. Chair, it’s to second.

CHAIR NOWALSKY: All right, so we now have a motion to amend. Chris, would you like to comment on the motion to add anything beyond what you’ve already added?

MR. BATSAVAGE: Yes, really quick, Mr. Chair, because I think the other points have been made already. I think the motion Nichola offered is the best middle road approach to take, based on the how the votes have gone so far. The amendments I think are to cover some of the other concerns we heard today, to see if we could maybe find a solution here to reallocate the state quotas in some meaningful way.

CHAIR NOWALSKY: Let me see a show of hands, or if you have raised your hand previously, keep it up, so people that want to speak in favor of this motion. Hands to speak in favor of the motion only. Dave

Borden, your hand was up prior, did you want to speak in favor of this motion, or not?

MR. BORDEN: I would like to speak on the motion,

Mr. Chairman. Could the staff put up a table of state allocations that would result if this motion passes? The underlying motion.

CHAIR NOWALSKY: The main motion?

MR. BORDEN: Correct.

CHAIR NOWALSKY: I’ll go ahead and give staff a chance to think about that for a moment. We had in favor, all those people that want to speak in opposition to the motion to amend. All right, I’ve got Jim Gilmore, Emerson Hasbrouck, and Dan Farnham. Let me first briefly go to staff. Staff, do you feel that you can with some time or in short order, pull up something that reflects what those changes in quotas would be that would incorporate the modified alternative, or is that not something you think you would be able to pull up in short order?

MS. STARKS: This is Caitlin. I believe that if Nichola, who put the proposal together, were to send me her Excel spreadsheet, I could do it relatively quickly.

CHAIR NOWALSKY: All right, we’ll go to some speakers, and then we’ll see where we are. We last heard from Chris Batsavage in favor, I’ll go to Jim Gilmore in opposition to the motion.

MR. GILMORE: Before when I put my hand up, I was actually sort of on the fence about this, because the one thing I clearly liked was the 9 percent for New York. I’ll come back to that in a second. The thing that was concerning me still is that we were going with the past. However, with the five-year addition, that got me back over the edge.

But now that we’ve taken the 9 percent out, one thing that maybe some folks aren’t aware of, but like several species, New York is trying to get equity within the region. If you look across the states, take Connecticut out of it, because they are obviously, I

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think everybody agrees they need to have a higher percentage.

But if you go through New Jersey, New York, Rhode Island, and Massachusetts, New York's allocation has been half of those states, which I've said many times before makes absolutely no sense. If you've got a historic fishery that was harvesting those fish, and that those fish exist in the water equally, then New York gets some equal access to it.

At least the 2 percent increase for New York was making this at least going in the right direction, so I was supportive of it. However, if the 9 percent is taken out, then I cannot support this motion, because I think it's just somewhat punitive, quite frankly. Anyway, if someone wants to consider changing their mind on this, and putting the 9 percent back in, I would vote for it.

CHAIR NOWALSKY: Joe Cimino.

MR. CIMINO: I think if I was in Mr. Gilmore's place, I would feel exactly the same way, it just seems like it's punitive. I support this motion, and that's not what it is to me at all. I don't like the concept of just putting quota on the table for the sake of doing it, but none of these options were going to help Connecticut out enough to get them started in a fishery.

I hoped that 3 percent would do that. I was supportive of 5. For New York at a base of 7 percent right now, there are other states that are in a similar situation, and with some of these shifts in quotas, they'll be moving beyond that. Some states might be moving below that. I don't think 9 is necessarily a reasonable or needed baseline. These allocation discussions are tough, but you know doing it as a regional approach isn't necessarily that accurate either, right, because Connecticut is always going to be below everyone.

CHAIR NOWALSKY: Emerson Hasbrouck, on the motion to amend.

MR. HASBROUCK: I agree fully with what Jim Gilmore just said. I could support the underlying

motion, but I cannot support this amendment. I think that my esteemed colleagues from the south of New York need a bit of a refresher here on geography. You have a body of water up there called Long Island Sound, and it's situated between New York and Connecticut.

The increase of fish in Long Island Sound, are within both New York and Connecticut's waters. To say that New York should not get an increase here as part of Alternative B, is like saying that in the Chesapeake if there was an increase in abundance of fish, that perhaps Virginia should get an increase in allocation, but Maryland should not, even though they fish in the same water.

CHAIR NOWALSKY: Dan Farnham.

MR. FARNHAM: I haven't been here that long. I'm not sure what New York did before I got here, to get the reaction I'm hearing on this webinar today. I don't know. New York, I can understand one thing, these fish are being caught. Fish are being caught; they are being discarded. What we are trying to do is turn discards into landings.

I cannot support this motion to amend. I can support the main motion, but not with the motion to amend. When you take away the 2 percent from New York, New York goes up from 7 percent to 8.9 percent of the overall quota. It's not going to be enough to cover what we're catching and throwing back into the water right now. That's where I stand, thank you.

MS. STARKS: Mr. Chair, I believe staff has a table of what was asked.

CHAIR NOWALSKY: All right, let's go ahead and pull that table up, thank you. While staff is pulling that table up, Tony DiLernia, you still had your hand up. Did you have something substantive to add to this?

MR. DiLERNIA: Yes, I do, Mr. Chairman. I think some of the states are being a bit disingenuous. The states to our south. Boats know what happens when boats leave that coast, they're from New Jersey, they are steaming northeast. Those boats are steaming

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northeast to fish, and very often they are closer to the state of New York than they are to the state of New Jersey, when they are coming up to the northeast to fish.

They say that well, New York shouldn't get an increase in allocation of 9 percent. It's a bit disingenuous, because you realize the fish are there. You're steaming up here to fish for them in the first place, but then you say well, no, no, you guys shouldn't get an increase. Anyone who really knows how this fishery is being prosecuted understands that, and they are being a big disingenuous when you say New York should not get an increase to 9 percent.

CHAIR NOWALSKY: Thanks to staff for bringing this table up. This reflects the percentages on the main motion, and just for comparison's sake, if we were to apply the proposed amendment, I believe what that would do, is slightly decrease Mass, Rhode Island, New Jersey, Delaware, Maryland, Virginia, and North Carolina by a distribution that adds up to 2 percent, and would then increase New York by that 2 percent. Do I interpret that correctly what the amendment would do?

MS. STARKS: Mr. Chair, this table is showing the amendment that was suggested, and I also have a table for Massachusetts, the main motion that Nichola presented.

CHAIR NOWALSKY: This would include the New York 2 percent increase?

MS. STARKS: No, this includes New York with 7 percent only.

CHAIR NOWALSKY: This is the main motion as it stands, not the amendment to the main motion.

MS. STARKS: If I understand correctly, the amendment is to remove New York's getting 9 percent at the beginning, so this is the amended motion, and this is the main motion, let me make it larger.

CHAIR NOWALSKY: Okay, you're correct, thank you. You are 100 percent correct, thank you. Okay, so what we're going to do at this point is, I'm going to go to the public. I'm going to ask for comments on the motion to amend, as well as the main motion. We're then going to caucus as needed, and vote on the motion to amend.

The caucus, we're going to go ahead and take a five-minute caucus, to give people opportunity to one, get a break, because we've been at this over two hours, as well as to try to consolidate the caucus between the motion to amend and the main motion. Let me go ahead and get hands from the public. We're going to go ahead and entertain comments on the motion to amend and the main motion. I think at this point if staff could bring those both up again, so the public can comment, then I would appreciate that. Let me first go to Julie Evans, please.

CAPTAIN EVANS: Thank you for letting me speak. I have to urge people that will make this a reality to listen very closely to Jim Gilmore's comments, Emerson Hasbrouck, and Dan Farnham. This is a very small amount New York is asking for this increase. It seems very stingy, I have to say, on the part of the southern states exactly, not to allow New York a small increase of the fish that live in the waters where they fish.

These fish are going to be caught anyway, you know. They are going to be caught anyway, so I urge the people that can vote to allow New York a very small 2 percent increase, and let this proposal go forward. I do not support the amendment. I do support the original alternative, the modified alternative as presented, but I do not support the amendment on behalf of the East Hampton Town Fisheries Advisory Committee. Thank you.

CHAIR NOWALSKY: Thank you, Greg DiDomenico.

MR. DiDOMENICO: Good afternoon, Mr. Chairman. This is Greg DiDomenico, speaking on behalf of Lund's Fisheries. First, I would like to support the amendment to modify Alternative B from Mr. Batsavage and Mr. Farnham and Mr. Cimino. I would also like to point out, I believe that the intent in this

motion is not to cap New York at 9 percent, but I think they are saying 9 percent is not an appropriate baseline.

If I need to be corrected on that, that would be great. But I think I understand the intent of the motion, and consider the intent of the motion to be friendly, not stingy, and very generous. I look forward to continuing working on this amendment as it develops. But for now, I would like to see this, I do support this amendment to modify Alternative B, thank you very much.

CHAIR NOWALSKY: Bonnie Brady.

MS. BONNIE BRADY: Can you all hear me?

CHAIR NOWALSKY: Yes, Bonnie, go ahead.

MS. BRADY: Great, thank you, Bonnie Brady, Long Island Commercial Fishing Association. We cannot support the amendment. We've been asking for this on a myriad of fisheries. I've been at it for 20 years; you all have heard me. At this point, especially since we share the same waters, specifically around Connecticut. It would be really nice listening to other states who don't want to lose any of theirs, to feel the need to help to frankly throw New York a bone.

We have had one fishery after another lost via state by state, and it's always a have versus have not. Two percent for New York is amazing. Compared to everyone else, when we know to the north and south you both caught, we were on equal par 25 years ago. Please, I can't support the motion to amend, we support the motion as is by Ms. Davidson and Mr. Farnham, thank you.

CHAIR NOWALSKY: James Fletcher.

MR. FLETCHER: I find it amazing that those in advised where I put it on the table a number of times. I'm opposed, but I put it on the table a number of times for New York and Connecticut, if it will enhance both their stock, and justify increasing their landings more than 3 to 5 percent. All they have to do is stock enhancement program. I find it amazing that it's

been on the table for at least the last four years and it never makes his point. But I'm opposed to giving, United American Fishermen's Association is opposed to giving them quota. Thank you.

CHAIR NOWALSKY: Is there any member of the public who is on the phone only, and not on the webinar, and cannot raise their hand? All right, not hearing anything. We are at the point where I'm going to ask if there is anyone else who feels they have something substantive to add at this point, prior to taking a five-minute caucus break. Dave Borden and Emerson Hasbrouck, are your hands still up from before?

Emerson's is down, Dave, your hand. All right, that hand is down. I've got four hands that are up of people that want to speak at this point, so we're going to do those four people, and then we're going to take a five-minute break, and then we're going to call the question. I'm going to do them in the order I saw them go up. Joe Cimino.

MR. CIMINO: I felt I had to raise my hand, because some of the most recent comments sounded as if this is a vote to keep New York from being able to achieve 9 percent of the coastwide quota. This is a motion that says, we don't feel that 9 percent is a needed baseline. It's not that New York won't get that amount of quota.

If the biomass is there, that 25 percent reallocation that's moving around should get them there. If it goes away, then it won't. That is part of what we're dealing with, with these baselines. Again, you know we all felt that Connecticut was in somewhat of a different situation, being so low that none of these options could help.

CHAIR NOWALSKY: Thanks Joe. I've got Justin Davis, Mike Luisi, Ellen Bolen, and then we're taking a break.

DR. DAVIS: I just wanted to make a very quick comment that Connecticut does not support the amendment here, but it's because of the first part, about removing that about New York's base allocation being increased to 9 percent. Connecticut

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does support the idea of coming up with a timeline to revisit these decisions, five years seems appropriate.

I would just want to communicate that to other states that if that sort of requirement is something that might help states see their way to vote on the main motion, that even though we're going to vote no on this amendment, that is something that I think we would consider. Thanks.

CHAIR NOWALSKY: Mike Luisi.

CHAIR LUISI: Yes, I wanted to make sure that we would have the opportunity to comment after we caucused, in case there is something that comes up during that caucus regarding the motion. If we can, maybe just have an opportunity if need be, to make comments that would be great, before we cast a vote.

CHAIR NOWALSKY: Would you be comfortable with taking the vote on the motion to amend, and then take any further comments, or you think those comments may affect the motion to amend?

CHAIR LUISI: Honestly Adam, I think we're at a good stopping point. I need to talk with my representatives from Maryland. At this point, I think if we take a five- or ten-minute break, and we can talk about all of it, so that we don't have to take another caucus. You've made that recommendation before. But I think we're at a good stopping point for that discussion to happen.

CHAIR NOWALSKY: All right, Ellen Bolen.

MS. BOLEN: I think actually I was following up; I think what Mike was saying is, is there going to be a chance to speak to the underlying amendment after caucus? I know you had requested comments for both, but I just wanted to sort of figure out when those would best be spoken.

CHAIR NOWALSKY: Ellen, are you asking for a comment period from the Board and Council on the main motion or on the amendment after we come back from caucus?

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MS. BOLEN: Asking clarification, not asking for further comment on the amendment, because there is going to be additional conversation on the underlying motion.

CHAIR NOWALSKY: All right, so the plan is five-minute break, we're back at 4:50. We are going to vote on the motion to amend. We are then going to open the floor for any final comments on the main motion. We are then going to vote on the main motion. See everybody in five minutes, thank you.

(Whereupon a recess was taken.)

CHAIR NOWALSKY: We have before us a motion, move to amend to modify Alternative B to remove "and New York state's allocation to 9 percent" and add at the end of the motion "to review the state-by-state allocation in not more than 5 years." Again, we're going to go ahead and we're going to vote on this motion.

We'll then open the floor for some limited additional debate, and then move on to either polling the question on the main motion, or if there are any further modifications, perfections needed there. Let me just run down a couple of hands here. Jim Gilmore, you had your hand up, was there an issue regarding the caucus still, Jim?

MR. GILMORE: It was in the caucus, Mr. Chairman, so I had my microphone off before. We just discussed a possible modification to the amendment that maybe will get us through this quicker. Is that appropriate at this point?

CHAIR NOWALSKY: How would you like to modify it, Jim?

MR. GILMORE: I would move to amend to modify Alternative B, and add at the end of the motion to review the state-by-state allocations in not more than five years. Essentially, remove this piece on the 9 percent.

CHAIR NOWALSKY: Here is what we're going to do. We're going to vote on this motion, and then if we

want to add back that five-year part to the main motion, we'll do that. Mike Luisi, did you have something else to add?

CHAIR LUISI: Yes, I was going to ask for an extra minute. I was still having a caucus with my Commissioners, but we can probably handle that without an extra minute. I'm just going to go on mute and talk with them before we cast the vote. Yes, I'll leave it there.

CHAIR NOWALSKY: I'll take a long time adding the votes up. To Jim Gilmore's point, what we'll do if the goal of delegations and possibly Council members, is to ultimately have this first part of the motion to amend removed, but keep in the second part, vote no on this motion, and then we'll come up with a way to add a review back to the main motion. All right, let's go ahead and have all delegations in favor of the motion to amend, as posted on the screen, please raise your hand. I have five in favor of the motion to amend; **I now have six in favor of the motion to amend. Virginia, Delaware, Maryland, New Jersey, North Carolina, PRFC. I'm guessing I probably didn't need to read those six. But those are the six in the record.** Those hands can go down, please.

All those delegations in opposition to the motion, please raise your hands. I need to get the hands that were in favor down. Let's go ahead. Toni, can you just clear all the hands for me, please? If everybody could just leave their hands for a moment. Toni has cleared everybody, please have the delegations in opposition to the motion raise their hand.

I have five in opposition, New Hampshire, Connecticut, Rhode Island, New York, Massachusetts. Please lower those hands. Abstentions on this motion, I have one abstention from the National Marine Fisheries Service. This vote carries, 6 in favor, 5 opposed, 1 abstention. Mr. Chairman Luisi, you may now go ahead and call the question for the Council.

CHAIR LUISI: To the members of the Council. The motion is: Move to amend to modify Alternative B to remove "and New York's base allocation to 9

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percent," and add at the end of the motion "to review the state-by-state allocations in not more than 5 years". All those members of the Council that support the motion, please raise your hand. Toni, I'm going to ask you, I can't see that, so if you can give me a count.

MS. KERNS: Do you need me to read the names as well, or just count?

CHAIR LUISI: For the record, it wouldn't hurt to read the names. Yes.

MS. KERNS: I have **Adam Nowalsky, David Stormer, Kate Wilke, Ellen Bolen, Sara Winslow, Peter Hughes, Peter deFur, Sonny Gwin, Kris Kuhn, Chris Batsavage, Joe Cimino, Michelle Duval, Dewey Hemilright, and Scott Lenox.** If I didn't call your name and your hand is up, someone added their name as I was reading, and it goes in alphabetical order, so it's hard. I have 14, is that what you have, Julia?

MS. BEATY: I think I actually can't see all this, so sorry I couldn't run that.

MS. KERNS: Okay, I didn't know if you were counting or not. I have 14, I'll put your hands down.

CHAIR LUISI: Thanks, Toni, we'll get the count right, but let's go ahead and, I can't see it but are the hands down at this point?

MS. KERNS: Hands are down.

CHAIR LUISI: Let me ask, for those members of the Council that oppose this motion to amend, please raise your hand. I'm going to have Toni call that out, and I'll count as she calls it out.

MS. KERNS: Just going to give everybody a quick opportunity to get the hands up. **I have Maureen Davidson, Wes Townsend, Dan Farnham, Tony DiLernia, and Paul Risi.**

CHAIR LUISI: Is that five? I think it was five.

MS. KERNS: Yes, I had five.

CHAIR LUISI: Five and 17, that is too many people. It should be 5 and 15.

MS. KERNS: I said 14.

CHAIR LUISI: Oh, I'm sorry, I thought you said 17. Okay, so 14 and 5 is 19, without my vote, there is one person missing. Maybe we could ask for abstentions.

MS. KERNS: We have one abstention from NOAA Fisheries.

CHAIR LUISI: Okay, perfect. One abstention, the motion carries. Therefore, we've amended the main motion, and so I'm going to turn it back over to Adam, and allow staff to amend that motion, and then you can take a vote on the main motion, or consider any alternative to that motion.

CHAIR NOWALSKY: Very good, thank you very much, Mr. Chairman. We're going to take a moment and staff is going to provide the amended motion, which is now the property of both bodies, by removing "and New York states allocation to 9 percent" from the modified Alternative B, and going ahead and adding a line in about review in not more than 5 years, so we could see that as a main motion if we could get that amendment taken care of, please. We'll give staff a moment to do that.

MS. KERNS: Caitlin, for the wording of this, is that just an alternative B? Oh no, it's been modified still, because it's 3 percent. Never mind, I apologize.

CHAIR NOWALSKY: Again, this motion is now the property of the joint body, after the modifications that were made to it. At this point, again let me ask for a show of hands in favor of the modified motion. Again, please raise your hand if you think your comments are going to materially change the outcome at this point. Peter deFur, were you wanting to speak in favor, or did you have a general question, or did you want to speak in opposition?

MR. PETER deFUR: It's a general question, and I wanted to get clarification on a comment that I

thought I heard staff say is that will the review in 5 years take the form of an amendment or a framework? I thought I understood him to say that because we've had such extensive discussion that it would be a framework-able item, is that true?

CHAIR NOWALSKY: I'll turn to staff for that, with one answering is it a framework on the Council side? We know it can be done by addendum on the Commission side, since that's what we're doing. Then the second element of that is would this language be interpreted as begin that process within 5 years, not more than 5 years, or have the review process completed in not more than 5 years.

MS. BEATY: I can answer that, this is Julia. Right now, this is an amendment for the Council. Once this amendment is complete, then after that we can make changes to the allocation through a framework in the future. I would assume that this would mean that that review would start within not more than 5 years. I don't think that would mean completed. I would assume it would mean that it would start.

CHAIR NOWALSKY: All right, so let's go ahead with the review. The allocations to change via framework, the review would begin in not more than 5 years from the time this goes into effect.

MS. KERNS: Adam, just to make sure I'm clear of the Board's and Council's intention here, because the way the question was just given, not. But when the Commission has had review allocation in a certain time within its management documents, it doesn't mean that you have to initiate a management document. The Board can have a discussion, review information in front of them, and then decide if they're going to initiate a management document or not. It doesn't require the management document to occur. But they do have to review data, and then make that decision.

CHAIR NOWALSKY: I think that's a good clarification. I would just request removal of the form the time this goes into effect, because it wasn't actually written into the motion before. It is in the record now that we've heard it here today. All right, so people go ahead and raise hands if you feel you need

to speak on this motion. Right now, I have Jim Gilmore and Mike Pentony. Is there anyone else that feels they need to speak on this motion before we go ahead and vote on it? Jim Gilmore, are you going to be in favor or opposed to this motion? Your hand has gone down.

MR. GILMORE: I will be opposed to the motion, Mr. Chairman.

CHAIR NOWALSKY: We've got you opposed. Mike Pentony, are you going to be in favor or against?

MR. PENTONY: It's actually a comment on the preceding discussion about the review process.

CHAIR NOWALSKY: All right, Ellen, are you going to be in favor or against?

MS. BOLEN: I think it is just more commenting on the overall situation.

CHAIR NOWALSKY: Okay, so we've got lots of commenting on the overall situation. Go ahead, Jim Gilmore.

MR. GILMORE: Just quickly too, we're going to need a caucus for a couple minutes after this, so we can put that on the list. Just quickly, and I felt obliged that Mr. Luisi commented before how he was disappointed. I am disappointed right now in that we are trying to work towards equity in the future, and it seems we're getting stuck right now.

The one comment I will make is my 13-year experience with the Commission and the Council, every time we have gotten to the point where one vote decides a management approach, we're in a lot of trouble, and a lot of agita coming up. I just wanted to make that point, and we'll be voting shortly, thank you.

CHAIR NOWALSKY: Mike Pentony.

MR. PENTONY: I just hope we can be clear on the review of state-by-state allocations in not more than 5 years, does not compel either the Council or the Board to take an action. It seems to me that is

tasking the staff to conduct a review and present information for the Council and the Board, which then could be used to initiate an action.

But, whether that action is a framework or an amendment, at least I think a minor shift in allocation it probably could be done through a framework adjustment based on the current reading of this amendment. But even a substantial change or shift in how we determine the allocations in 5 years, could require an amendment, regardless of what is in the regulations regarding what can be done via framework action.

CHAIR NOWALSKY: Ellen Bolen.

MS. BOLEN: I wasn't being purposely obtuse when you asked support or opposed, but I think it's going to be a fairly last second decision for Virginia. I mean it's always a hard vote to take when it comes to allocation. I've been on the record saying that we understand that things need to shift as the stock expands.

The stock is expanding, but this stock would take quota from Virginia, when we still catch all of our quota. We catch all of our quota relatively close to our coast. It's a pretty hard vote to take, and I know that people will be walking away from the table sort of feeling like nothing went right. Anyway, I wanted it on the record that this is a pretty hard vote to take, and I also want to say that I really appreciate everybody's being willing to listen, and trying to come up with creative solutions to this. Thanks.

CHAIR NOWALSKY: We've got a number of hands that went up. Again, I'm going to come back to the point of, we're at a point where if you think there is something you want to change about this motion to change the outcome. I think it goes without saying at this point that there has been a lot of efforts been made, a lot of people have worked very hard today.

We've gone down a lot of different roads. Yes, we want to get to a point of something that we can all live with. There are no guarantees every time we come into this discussion we're going to get there. With the hands that are up, I'm going to ask, and

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those additional hands at this point would include Chris Batsavage, Tony DiLernia, and Emerson Hasbrouck.

I would ask, do you intend to modify this motion, to change the outcome of the vote? I don't think that having another period of how difficult this is. We all recognize how difficult it is. Either we've got something to move this forward, or we vote on the matter, and we accept the consequence. Tony DiLernia, you still have your hand up, so I'll assume that means you've got something substantial to add.

MR. DiLERNIA: My question is actually for the Regional Administrator, who just recently said, well relatively minor. How would we define relatively minor to a change in the state by state that would require that could be done by framework, versus an amendment? Based on the answer to that question, I'll decide whether or not I'm going to vote or not vote for this motion.

CHAIR NOWALSKY: Mike, are you prepared to answer that?

MR. PENTONY: Not with anything concrete. I don't have, so I think it's a discussion that we had in the December meeting that would authorize changes to the commercial quota allocation system in the framework. I'm not sure if there are any parameters around that contemplated in this current amendment.

Council staff might be better able to answer that part of it. But in general, I think we would have to look at the situation, and determine whether we're making, you know a small shift. Small, I don't know what that would mean. But within the overall structure, or completely changing the structure.

For example, shifting from alternative F to a trigger approach, or implementing DARA in a more comprehensive way. Those types of substantial changes would clearly require an amendment, in my view. Sticking with this approach, but making sort of small change to one of the parameters might be something we could do for a framework adjustment.

CHAIR NOWALSKY: All right thanks for that. I think that's the answer we're going to move forward with. Dan Farnham, last word, and then we're going to vote.

MR. FARNHAM: I think it might be helpful if we could take another look at the revised table from the Massachusetts option here. The revised table, but with New York not at 9 percent, at 7 percent. Is there any way we could take a look at that before we caucus and vote?

CHAIR NOWALSKY: We should be able to put that up. We'll take a three-minute caucus. Staff, you can put that back up as this motion is written, correct? I'm going to take their silence as they're working really hard to make that happen. While they are going to either get it up, or they're not. We're going to take three minutes to caucus, and we'll be back. Hopefully during that three-minute period, we'll get that up there.

CHAIR LUISI: Hey Adam, this is Mike. Do you think you can maybe add a few minutes to that caucus, maybe five?

CHAIR NOWALSKY: We'll go five, Mike. We'll see everybody back here at 5:20.

CHAIR LUISI: Sounds good, thanks.

CHAIR NOWALSKY: Those that are diligently caucusing, but can still see the screen and hear me. Staff has completed putting up the percentages as they apply to the current motion. Thanks so much for your efforts. All right, we're back. Here is what we're going to do. We're going to go ahead and vote on this motion.

If the motion passes, we're then going to go ahead and dispense with the other matters regarding implementation dates. If it doesn't pass, then what we're going to do is we're going to take another five-minute break to allow myself to consult with Mike and other staff about what they think we might still be able to accomplish today, should this not pass, or just to give a final what our path forward here is at this point. But again, the shortcoming here is not

being able to be in a room to huddle somewhere. If this passes then we'll move on with our business.

If it doesn't, then I'm going to need a couple minutes just to consult with staff, and Mike as Chair of the Council, to determine what else he thinks we could possibly accomplish today. If staff could go ahead and put the motion back up on the board, please. All right, the motion is back up. For the Board, all those delegations in favor.

If you could go ahead and clear the hands, Toni. Okay, for the Board, all those delegations in favor of the motion, please raise a hand. All right, I count 10 in favor, Delaware, Maryland, New Hampshire, New Jersey, Connecticut, National Marine Fisheries Service, North Carolina, Rhode Island, PRFC, and Massachusetts. Please clear the hands.

I'm waiting for all the hands to go down. They are now all down. All delegations opposed. I have two opposed, Virginia and New York. The motion carries the Board by a vote of 10 to 2. I'll turn it over to you, Mr. Chairman to call the Council question.

MS. KERNS: Did we lose Mike?

CHAIR NOWALSKY: Well, he's on mute on the webinar. We're waiting, you're back off mute on the webinar, Mike.

CHAIR LUISI: I'm sorry about that, I was having a sidebar on the other line. Okay, so I don't need to read the motion back into the record. I'm just going to call the question of the Council. With the question before us, for those members of the Mid-Atlantic Council that support the motion, can you please raise your hand? I'm going to have Toni call your names out, since I can't see those.

MS. KERNS: Mike, I'm just letting the hands come up, because they shift in order.

CHAIR LUISI: Take your time. Once everybody gets settled, if you could just read the names of those in support, and then we'll do opposition.

MS. KERNS: I have David Stormer, Kate Wilke, Sara Winslow, Peter Hughes, Peter deFur, Sonny Gwin, Kris Kuhn, Chris Batsavage, Joe Cimino, Michelle Duval, Mike Pentony, and Scott Lenox, so I have 12.

CHAIR NOWALSKY: Add Adam Nowalsky to that list, I can't raise the hand as the organizer, thank you very much.

MS. KERNS: Thanks Adam, sorry I wasn't looking at my phone, so that is 13 in favor. I'm going to put your hands down. The hands are down, Mike.

MS. TINA L. BERGER: Toni, I count 14, sorry.

MS. KERNS: There was a member of the public with their hand up, so it's okay, thanks though.

MS. BERGER: Got you!

CHAIR LUISI: We have 13 in favor, all of those who oppose the motion, please raise your hand. Toni will count those down.

MS. KERNS: I have Ellen Bolen, Maureen Davidson, Wes Townsend, Dan Farnham, Tony DiLernia, Dewey Hemilright, and Paul Risi, so I have 7.

CHAIR LUISI: That sounds right, are there any abstentions?

MS. KERNS: I don't see any hands raised with an abstention.

CHAIR LUISI: There are 0 abstentions, motion carries the Council. Back to you, Adam.

CHAIR NOWALSKY: Thank you very much. I think everyone has done a tremendous job in working forward on this today. This has definitely been very hard, and we're not quite done yet. Now that we have approved options for the document, there are two separate actions that would still need to occur for the Board only, an implementation date would have to be approved.

I think we had seen earlier today in the presentation, it doesn't seem like today anymore, but it still is. I

think we have seen a proposed January 1, 2022 implementation date from staff. On the Council side we would need a motion to submit the Allocation Amendment to the Service. Let me start on the Board side, and again, many, many, thanks to everyone involved here today around the table, and thank you to the public for participating. We would need a motion for the Board for an implementation date.

MS. KERNS: Mike Luisi, your microphone is on.

CHAIR NOWALSKY: Nichola.

MS. MESERVE: Could I do both of those things in one motion?

CHAIR NOWALSKY: No, unfortunately not, as a Board member you're going to have to make the Board motion only, I believe.

MS. MESERVE: Right, I meant, okay if they have to be like motions then I would move to approve a January 1, 2022 implementation date for Addendum XXXIII. That was the combined motion I wanted to make, thank you, staff. Move to approve Addendum XXXIII as modified today, with an implementation date of January 1, 2022.

CHAIR NOWALSKY: Thank you, Nichola. Is there a second, Justin Davis, you are seconding this motion, is that correct?

DR. DAVIS: That is correct.

CHAIR NOWALSKY: Thank you very much. Again, this is a Board only motion. Given the nature of the last vote, I'm going to go ahead and ask for a show of hands on this. All delegations in favor of the motion, please go ahead and raise your hands. **I'm counting 9 in favor; Delaware, New Hampshire, New Jersey, Connecticut, North Carolina, Rhode Island, New York, PRFC, and Massachusetts.** Go ahead and put all those hands down. Delegations in opposition, please go ahead and raise your hands. No hands raised, abstentions.

MS. BOLEN: Mr. Chair, this isn't an abstention, I was trying to vote yes to approve as modified. I think I got my hand up late, this is Ellen.

CHAIR NOWALSKY: Let's go backwards for a moment. Let's clear the hands. We've come this far, let's do this right. All delegations in favor of the motion. **Eleven in favor, and that is going to be all states, and this is going to be an abstention from the Service, would that be correct?**

MR. PENTONY: Yes.

CHAIR NOWALSKY: This motion carries 11 in favor, no opposition, one abstention.

MS. KERNS: Adam, when you say without opposition, is NOAA Fisheries? You already, sorry.

CHAIR NOWALSKY: That's correct. There are 11 in favor, no opposed, 1 abstention, and that abstention is NOAA Fisheries.

MS. KERNS: I'm not sure if that's Maya or Caitlin now. Can you just write motion carries without objection, with one abstention from NOAA Fisheries? Thank you, because this is final action, so I just need to make that note.

CHAIR NOWALSKY: I will turn it over now to Chairman Luisi, who has now gone offline. Mike, are you still with us? Well, Wes Townsend, you're on the spot.

MR. WES TOWNSEND: All right, not a problem. I guess I don't have to read the motion either.

CHAIR NOWALSKY: Wes, you are going to have to ask for the motion to submit the Allocation Amendment to the Service.

MR. TOWNSEND: Okay, so I guess I am going to have to take the motion to ask the Council to send the recommendation to the Service, is that correct?

CHAIR NOWALSKY: I think staff will.

MR. TOWNSEND: Move to submit the Black Sea Bass Commercial State Allocation Amendment, with identification of the preferred alternative to National Marine Fisheries Service.

MR. deFUR: Move to submit, Peter deFur.

MR. TOWNSEND: Do we have a second?

MS. KERNS: Joe Cimino.

MR. TOWNSEND: All right, I don't think we need really any more discussion on this, so all those in favor raise your hand.

MS. KERNS: I'm just waiting for the hands to settle, Wes, and then I will read them out for you. I have David Stormer, Ellen Bolen, Sara Winslow, Peter Hughes, Peter deFur, Sonny Gwin, Kris Kuhn, Chris Batsavage, Joe Cimino, Michelle Duval, Dewey Hemilright, and Adam Nowalsky.

MR. TOWNSEND: All right, should be 12.

MS. KERNS: I have 12, yes, and I'm going to put the hands down for everybody when the hands are clear we'll move on.

MR. TOWNSEND: All right, all those in opposition, please raise your hands.

MS. KERNS: Waiting for the hands to settle here. I've lost some Council members. I have Tony DiLernia and Paul Risi.

MS. BOLEN: Hey Toni, this is Ellen again. I'm speaking up for Kate Wilke, who is saying that she cannot raise her hand and cannot speak.

MS. KERNS: Okay.

MS. BOLEN: But she supported the motion.

MR. deFUR: Yes, she was a yes, this is Peter deFur. Exactly what Ellen said.

MR. TOWNSEND: That means our total now should be 13 to 2, so it passes.

CHAIR NOWALSKY: Would you like to confirm any abstentions on that vote?

MR. TOWNSEND: Oh, yes, any abstentions? Thank you, Adam.

MS. KERNS: I hadn't put the hands down yet, so if you guys don't mind, let me just get the hands down, and Wes, if you could ask them to raise their hands again.

MR. TOWNSEND: Tell me when you're ready, Toni.

MS. KERNS: I'm ready now.

MR. TOWNSEND: All right, any abstentions?

MS. KERNS: I have three abstentions, Maureen Davidson, Dan Farnham, and Mike Pentony.

MR. TOWNSEND: All right, that should make our totals 13, 2 to 3, is that what you have?

MS. KERNS: Yes.

MR. TOWNSEND: With that the motion passes this time, and Adam, I guess it's back to you now.

CHAIR NOWALSKY: Mike looks like he's on about four different times now. Are you with us, Mr. Chairman? No, all right, struggling. Thanks so much for that, Wes, appreciate it. If I haven't said thank you, I'll say thank you again. Let me turn to staff. Is there any other business that needs to come before us on this action today?

MS. KERNS: Adam, I just wanted to say thank you to Caitlin for all her hard work on black sea bass, in particular this document. I don't know if everybody realizes if all the Council members know that Caitlin has switched on to some new species, and Savannah Lewis is going to be taking over full time for black sea bass. I just wanted to say thank you to Caitlin for this, and onward to new challenges with lobster.

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Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board and
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CHAIR NOWALSKY: I'll reiterate my thanks as well from earlier today, and we managed to get an extra 68 minutes out of her on sea bass today, Toni.

MS. KERNS: I'm sure she loved it.

ADJOURNMENT

CHAIR NOWALSKY: I'm sure she did. All right, seeing no further business, and having completed the agenda as it was provided, we are adjourned. Thank you very much everyone, and many thanks to the Council for joining us today, and we look forward to you hosting us next week on the bluefish side. Thanks so much.

(Whereupon the meeting adjourned at 5:40 p.m. on
February 1, 2021)