

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

Webinar
August 6, 2020

Approved February 1, 2021

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Mid-Atlantic Fishery Management Council Meeting Webinar
August 2020

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INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of May 2020** by Consent (Page 1).
3. **Main Motion**
Move to approve Draft Addendum XXXIII and Council public hearing document, as presented today, for public comment (Page 18). Motion by Jason McNamee on behalf of the Board.

Motion to Postpone
Move to postpone further action on the Commission's Black Sea Bass Addendum XXXIII and the Council's amendment public hearing document until the August 2021 meeting to allow progress on the commercial/recreational reallocation amendment (Page 22).
Board: Motion by Ellen Bolen; second by Tom Fote. Motion fails for lack of majority (5 in favor, 5 opposed, 2 abstentions) (Page 32).
Council: Motion by Ellen Bolen; second by Tony DiLernia

Main Motion
Move to approve Draft Addendum XXXIII and Council public hearing document as presented today, for public comment.
Council: Motion by Maureen Davidson; second by Ellen Bolen. Motion carried (Page 34).
Board: Motion by Jason McNamee; second by Justin Davis. Motion carried.
4. **Move to approve Option C in the Massachusetts conservation equivalency proposal to modify the black sea bass recreational for-hire season for the dates May 25-October 9** (Page 54). Motion by Raymond Kane; second by Justin Davis. Motion carried (Page 59).
5. **Motion to adjourn** by consent (Page 60).

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ATTENDANCE

Board Members

Dan McKiernan, MA (AA)	Adam Nowalsky, NJ, Legislative proxy
Nichola Meserve, MA, Administrative proxy	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Bill Anderson, MD (AA)
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)	Phil Langley, MD, proxy for Del. Stein (LA)
Justin Davis, CT (AA)	Ellen Bolen, VA, proxy for S. Bowman (AA)
Matt Gates, CT, proxy for Sen. Miner (LA)	Pat Geer, VA Administrative proxy
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Steve Murphey, NC (AA)
Emerson Hasbrouck, NY (GA)	Chris Batsavage, NC, Administrative proxy
Joe Cimino, NJ (AA)	Marty Gary, PRFC
Tom Fote, NJ (GA)	Mike Pentony, NMFS
Asm. Eric Houghtaling, NJ (LA)	Mike Ruccio, USFWS

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

Ex-Officio Members

Staff

Bob Beal	Laura Leach
Toni Kerns	Dustin Colson Leaning
Kristen Anstead	Sarah Murray
Max Appelman	Kirby Rootes-Murdy
Julia Beaty, MAFMC	Mike Schmidtke
Karson Coutre, MAFMC	Caitlin Starks
Kiley Dancy, MAFMC	Deke Tompkins
Maya Drzewicki	Geoff White
Tina Berger	
Jeff Kipp	

Guests

Karen Abrams, NOAA	Jeff Deem, Lorton, VA
John Almeida, NOAA	John DePersenaire, RFA
Pat Augustine, Coram, NY	Greg DiDomenico, Cape May, NJ
Alan Bianchi, NC DENR	David Dietz, NC DENR
William Brantley, NC DENR	Anthony DiLernia
Jeff Brust, NJ DEP	Steve Doctor, MD DNR
Morgan Corey, NOAA	Michelle Duval
Jessica Daher, NJ DEP	Warren Elliott, PA (LA)
Lorena de la Garza	Dan Farnham

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Guests (continued)

Marianne Ferguson, NOAA
James Fletcher, Wanchese Fish Co
Jared Flowers, GA DNR
Lew Gillingham, VMRC
Angela Giuliano, MD DNR
Sonny Gwin
Jon Hare, NOAA
Doug Haymans, GA (AA)
Steve Heins
Dewey Hemilright
Carol Hoffman, NYS DEC
Peter Hughes
Jeff Kaelin, Lund's Fisheries
Emily Keiley, NOAA
Alexa Kretsch, VMRC
Kris Kuhn, PA F&B
Dee Lupton, NC DENR
Chip Lynch, NOAA
Shanna Madsen, VMRC
John Maniscalco, NYS DEC
Casey Marker
Genine McClair, MD DNR
Mike Millard, FL FWS
Chris Moore, CBF
Allison Murphy, NOAA
Brian Neilan, NJ DEP
Ken Neill

Laurie Nolan
Gerry O'Neill, Cape Seafoods
Cheri Patterson, NH (AA)
Stephen Pearson, MAFMC
Rich Pendleton, NYS DEC
Olivia Phillips, VMRC
Jill Ramsey, VMRC
Mary Sabo, MAFMC
Scott Sakowski, NOAA
Brandi Salmon, NC DENR
Tata Scott, NOAA
Matt Seeley, MAFMC
Alexei Sharov, MD DNR
Thomas Sminkey
Somers Smott, VMRC
David Stormer, DE DFW
Helen Takade-Heumacher, FL FWS
Mark Terceiro, NOAA
Wes Townsend
Sam Truesdell, MA DMF
Mike Waine, ASA
Craig Weedon, MD DNR
DeVonte Weems
Angel Willey, MD DNR
Sara Winslow
Chris Wright, NOAA
Erik Zlokovitz, MD DNR

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The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council (MAFMC) convened via webinar; Thursday, August 6, 2020, and was called to order at 11:30 a.m. by Chairs Adam Nowalsky and Michael Luisi.

CALL TO ORDER

CHAIR ADAM NOWALSKY: Good morning everyone. My name is Adam Nowalsky; Legislative proxy for the ASMFC from New Jersey, and Council member. I would like to call to order the Summer Flounder, Scup, and Black Sea Bass Management Board meeting jointly with the Mid-Atlantic Fishery Management Council today.

I will be joined by Mike Luisi, as Chair of the Council. I'll go through a couple of items here. We'll follow the Commission process with regards to Board Consent for Agenda and Proceedings, which I'll get to here in just a moment. Also, what we have on the agenda right now is first a Commercial Draft Addendum, which we'll take up for commercial black sea bass reallocation.

We'll get this afternoon an update on recreational reform, with a possible action to formally initiate that. Then we'll have a Board only action after that. With regards to timing, we are starting a little bit late here. But what I do intend to do with the agenda, after speaking briefly here with Mike, is we intend to go for about an hour, intend to take a lunch break from approximately 12:30 to 1:00, which would get us back on schedule.

But, if we do have a logical stopping point, 12:15ish or something, we'll go ahead and propose we stop at that point. But the intention would be to resume at 1:00, whenever we do stop.

APPROVAL OF AGENDA

With that note regarding the agenda, the first item to come before us would be an approval of the agenda, as described to be modified here.

Is there any objection to that? Seeing none, and I do have the ability to see hands, but staff, if I miss someone who wants to speak, please bring it to our attention, so we don't miss anyone. But otherwise, I'll try to keep tabs on that. Without objection the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR ADAM NOWALSKY: Next item is approval of proceedings from the May 2020 Board.

Is there any objection to approval of those proceedings or recommended changes to them? Okay, not seeing any hands raised, and not hearing anything. We will approve those proceedings.

PUBLIC COMMENT

CHAIR ADAM NOWALSKY: The next item to come before us would be Public Comment for anything that is not on the agenda today. Are there any members of the public that want to speak to summer flounder, scup, and black sea bass for anything that is not on the agenda? Okay, I'm not seeing any hands nor hearing anyone speak up, so we will move on from that. The next item to come before us then will be to have a staff presentation of the Draft Addendum XXXIII, and Complementary Council Amendment for Commercial Black Sea Bass Management, and I'll turn to staff to get us going with that. Thank you very much.

**CONSIDERATION OF DRAFT ADDENDUM XXXIII,
AND COMPLEMENTARY COUNCIL AMENDMENT FOR
COMMERCIAL BLACK SEA BASS MANAGEMENT**

MS. CAITLIN STARKS: Please let me know if you can't hear me all right, or if the slides aren't showing up. But I'm going to get started. As Adam indicated, this is an overview of Draft Addendum XXXIII and the public hearing document for the Council's Amendment. As a reminder, this is a joint action that is considering changes to the black sea bass commercial state

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allocations, as well as several options for changes to federal management of commercial black sea bass.

We have a lot to go over, so I'll start with a brief background on the action, go over the problem and goal statement, status of the fishery, and then I'll review the proposed management options related to the commercial state-by-state allocations, which are listed on the slide here. Then I'll move to the proposed options for federal management of the state allocations, as well as in-season closures, and finally wrap up with next steps.

This is a shortened version of the timeline of this Draft Addendum leading up to today. As most of you know, work on this topic began in 2018 through a workgroup process of the Board, and then in October 2019, the Board initiated an Addendum to consider adjusting the state commercial allocations, based on the workgroup and then the PDTs recommendation.

Then in December 2019, the Council initiated an Amendment to make this a joint action, and then following that from January to July of this year, the PDT developed the options in Draft Addendum XXXIII, and today that draft document is being considered by the Board and Council for public comment.

BLACK SEA BASS COMMERCIAL ALLOCATION

MS. STARKS: The problem statement for this Addendum and Council Amendment addresses the issue that commercial black sea bass state allocations were originally implemented in 2003 through Amendment 13. That there have been significant changes to stock abundance and distribution in the last decade, as the stock has grown and expanded more to the north of Hudson Canyon, and as a result the current allocations are not aligned with the current distribution and availability of the resource.

This joint action has two goals, the first being to consider adjusting the current commercial black sea bass allocations, using current distribution and abundance of black sea bass as one of several adjustment factors, to achieve more balanced access to the resource. These adjustment factors will be identified as the development process moves forward.

The other goal is to consider whether the state allocations should continue to be managed only under the Commission's FMP, or whether they should be managed under both the Council and Commission FMPs. To save time on going over the options, I won't go into detail on this, but I did at least want to highlight the fact that this Draft Addendum includes a section on status of the fishery, which isn't something that we normally include in addenda, but the PDT did think it was important context for this action. This section includes some information on black sea bass landings, price, gear type, location of catch, and quota transfers among states. The information sources included dealer data, VTR data, and qualitative information provided by a few fishermen and dealers. Just a quick note. There is one area in the document that needs to be corrected in that section.

This is language that the PDT agreed on, but that revision didn't quite make it into the document in the meeting material. I just want to make sure everyone is aware that this change will be made after the meeting if the document gets approved. The text on this slide will replace the first two sentences of paragraph 3 on page 8, and this doesn't impact the rest of the document, but it's just a correction to the text that reflect the correction that was made to Figure 3 in the document.

Moving on to the proposed management options. There is a full flow chart included in Appendix 1 of the document, so that you can follow along. But this is the overall structure of the draft options, and as you can see there are quite a few of them. Not shown on this slide are many sub options included under each of the main options.

First, as always, there is Option A status quo. The table on the right shows the currency allocations

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established in 2003, and these were based again loosely on historical landings from 1980 to 2001, and are currently only managed under the Commission FMP, while the Council manages the coastwide quota.

Action B proposes to increase Connecticut's quota to 5 percent from its current 1 percent, and this is intended to address the disparity between their current quota and the increases in black sea bass availability that have occurred in recent years in Connecticut state waters. The method proposed to get to that 5 percent is to hold Delaware and New York constant, because they have also got relatively low quotas, and have seen some increases in New York.

The next step would be to move 0.25 percent each from Maine and New Hampshire to Connecticut, and lastly to move some quota from the remaining states to Connecticut, in proportion to their current allocations to get to the total of 5 percent. This option is intended to either stand alone or be combined with other options, so that the new allocations in the table would serve as the starting point for any additional allocation changes being considered.

Next is Option C, the DARA approach, which stands for Dynamic Adjustments to Regional Allocations. This is a formulaic method that aims to balance fishery stability in the changing stock distribution. The approach has two phases. Phase one is the transition period in which you start with the initial allocations, which are currently not influenced by soft distribution. Then you gradually adjust that through a formula to give the current stock distribution more weight in determining the state allocation.

At the end of the transition you have allocations that are based in part on stock distribution information. Then Phase two is that the state allocations are no longer being adjusted to give more weight to the stock distribution information, but rather they're only updated

when new information on regional stock distribution becomes available, such as when there is a new stock assessment. They still would have a dynamic component that changes with stock distribution. This approach is very flexible in the sub-options, but I'll go over can be used to set the scale and pace of the change in allocations during both phases. Before going into the various sub-options, I just want to note that the sub-options provided in each set are meant to represent a range recommended by the PDT, with the understanding that the final management option selected by the Board and Council could fall within the sub-option values provided for public comment.

The first set of sub-options shown here would determine at the end of the transition period what the relative importance of the initial allocation versus the resource distribution factors is in determining the state allocation. Option C1-A proposes allocations that would be based 90 percent on soft distribution, and 10 percent on the initial allocations.

This would result in allocations being more dependent on stock distribution information than on the initial allocation. Option C1-B proposes relative weights of 50 percent stock distribution, 50 percent initial allocation. This results in the two factors being equal in determining the allocation. The figure at the bottom just shows those percentage distributions, in comparison with each other.

The next set of sub-options determines during the transition period how much those relative weights assigned to each factor would change in each adjustment. Sub-option C2-A would change the relative weights by 5 percent per adjustment, and Sub-option C2-B would change the relative weight by 20 percent per adjustment.

If you imagine you're starting from the status quo allocations, which are based currently on 100 percent on the initial allocations, and 0 percent on resource distribution. In that first adjustment you could go from 100 percent initial allocation to either 80 percent initial allocations, 20 percent distribution or 95 percent initial allocations and 5 percent distribution under these two sub-options.

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As you can see with the figure, with Option C2-A it would take more adjustments and more time to get from the starting weights to the final weights of each factor that is chosen in the last set of sub-options, so that the overall transition period would take longer than it would under Option C2-B.

The third sub-options that determines how often during the transition period adjustments are made to the weights of the initial allocation and stock distribution factors, and the two options are to make adjustments either every year, or to make adjustments every other year, until you reach the final weights.

I'll just note again that once you reach the final weights of each factor the transition period ends, and adjustments are made to the allocations only when new regional stock distribution information is available. Then the fourth set of sub-options allow the cap to be set to limit the amount of change in the regional allocations per adjustment during the transition period.

There are three options here, a 3 percent cap, 10 percent cap, and no cap. This comes into play when, for example, an adjustment is made to the percent weights of the initial allocation and stock distribution factors. That results in the formula producing a change in the regional allocation. For example, if you have a 3 percent cap, the southern region quota could only change from 50 percent to 53 percent in one adjustment, even if the formula is dictating that it is supposed to change from 50 to 55 percent, based on the weights of those two factors and the regional stock distribution proportions.

No cap would allow for the regional allocation to just change as much as the formula dictates, based on the relative importance of those two factors. I'll note that the PDT recommended including no cap, along with the range of 3-10 percent, because caps higher than 10 percent would not really be likely to have much of an

impact, because even if no cap was included the regional allocations were not predicted to change by much greater percentage in a single adjustment.

Like the last set of sub-options, these two would also affect the length of the transition period. I know this option is pretty complicated, so I just want to do a quick rundown of how the formula works in the DARA approach, to produce the overall state allocations of the coastwide quota. With the formula you start with the coastwide quota, and then that gets divided into the portion based on the initial allocations and the portion based on stock distribution.

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

The sub-options I just reviewed would of course determine what the percentages are in the first step of this equation that I just showed, during each year of the transition and afterward. The next option in the document is Option D, the trigger approach. This approach set the minimum level of coastwide quota as a trigger for a change in the state allocations.

If the annual quota is higher than that quota trigger, then the amount of coastwide quota up to and including the trigger amount would be distributed to the states according to base allocations. The amount of quota above the established trigger, the surplus quota, would be distributed using a different allocation scheme.

The trigger amount in the allocation scheme for the surplus quota are determined by the sub-options that I'll go over. The first set of sub-options is to determine that trigger amount. Option B1-A is a three-million-pound trigger, which is lower than 11 of the 24 quotas that we had since 1998, and lower than the last three

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years of quota before the recent increase, based on the new stock assessment.

At the last meeting the Board requested that a 4.5-million-pound trigger be considered, so that is included as a higher sub-option level. As you can see on the figure, no quotas before 2020 are above that 4.5-million-pound trigger. Given that there are some sector allocation discussions going on, and not knowing what the result of those will be. I just want to note that this may not result in any changes to allocations if these quotas were to come back down to the levels that they were at before 2020, as a result of any sector reallocation or changes in the stock size. As with the DARA sub-options, these options are provided as a range, with the understanding that the Board and Council could select final options within the range of these values. For the next set of sub-options, which are focused on distribution of the surplus quota. The proposed options are to either distribute that surplus evenly to the states of Massachusetts through North Carolina, which is Option B2-A, or to distribute the surplus quota among regions, based on regional biomass proportions from the stock assessment, which is Option B2-B.

The percentages that are used in the document are 84 percent in the north and 16 percent in the south, and that is just according to the 2019 stock assessment. The figure on the right here, the visualization of what Option D2-B looks like with the regional distribution component, and I'll just note also that for Maine and New Hampshire, given their historically low participation in this fishery, and that they currently don't have a declared interest in the fishery.

Under both of these options each state would only receive 1 percent of the surplus quota, and for Sub-Option D2-B that 1 percent would come out of the northern region surplus quota. This next set of sub-options only applies if Option D2-B on the last slide is chosen. These options

would then determine how the regional surplus quotas get divided among the states in each region.

Option D3-A is that the regional quota would get divided evenly among the states in a region, and Option D3-B is that the regional quota would get divided among the states in a region, in proportion to their initial allocation. Again, Maine and New Hampshire are the exception, so only getting 1 percent of the northern region quota under either option.

I'll just note, in the figure on the right New Jersey is included with the southern region for this example, but there are options later that could result in a different regional configuration, so I just want to make that noted. The last set of sub-options for the trigger approach relates to whether the base allocations used to allocate the quota up to and including the trigger value would change over time.

Sub-option D4-A is for static base allocations, meaning they would not change over time, and every year the quota up to and including the trigger would be allocated using those initial allocations. Sub-option D4-B is for dynamic base allocations, meaning that a quota up to and including the trigger would be allocated according to the previous year's final state allocation.

The PDT recommended that these sub-options only apply under the regional surplus allocation option D2-B, because when combined with the other sub-option it would eventually just result in every state having the same allocation. The PDT also noted that the dynamic option has the potential to change the allocations more rapidly than the static options. The next option, Option E is a trigger approach that would apply the surplus quota to increase the Connecticut and New York allocations first.

It proposes using a three-million-pound trigger level, with the first three million pounds distributed based on the initial allocations, and the surplus distributed first to Connecticut to increase their overall allocation from 1 to 5 percent, and then to New York to increase their overall allocation from 7 to 9 percent of the

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coastwide quota, and then lastly any remaining surplus quota would be split between the northern and southern regions according to the proportion of biomass in each region, and then allocated to states

within each region in proportion to the intraregional allocation. There are no additional sub-options for this option. Action F is an approach in which a fixed percentage of the annual coastwide quota would be distributed, based on the initial allocations, and then the other percent would be distributed differently. This is a little bit different from the trigger approach in that the overall quota amount doesn't affect the percentage of quota allocated, using the base allocation.

It allows some of the quota to be allocated using a different distribution, even when there are lower coastwide quotas. The first sub-options that would determine what percentage of the coastwide quota would be allocated based on the initial allocations, and the PDT recommended the sub-options that range from 25 percent to 75 percent.

As you can see on the graph, those percentages would stay the same under different total quotas. The 25 percent option would result in allocations that are more different from the current allocations, while the 75 percent option would result in allocations that are more similar to the current allocations.

The next set of sub-options are very similar to those under the trigger approach, so I'm not going in too much detail. But this set determines how the remaining percentage of the annual quota is distributed to the states, and sub-option F2-A is for an even distribution to the states of Massachusetts through North Carolina.

Again, Maine and New Hampshire would receive 1 percent, and then F2-B is for the remaining quota to be distributed based on regional biomass from the stock assessment.

The options that determine how the regional quota is distributed to the states within the regions, again this is only applicable if the regional option F2-B is chosen.

The sub-options here are the same as under the trigger approach, with either regional quota being distributed evenly to the states within each region, or distributed in proportion to the intraregional allocation. That was all of the allocation approaches, but as you've seen Options C through F have the potential to incorporate regional distribution information from the stock assessment, and therefore they would require regional configuration. The PDT proposed two options for regional configuration.

Option D1 is to have two regions, Maine through New York and New Jersey through North Carolina. These generally align with the stock assessment spatial sub units, but New Jersey is included in the southern region. Then Option G2 would establish three regions, Maine through New York, New Jersey on its own, and Delaware through North Carolina. This option is aiming to attempt to address New Jersey's unique position straddling Hudson Canyon, which is used as the border between the northern/southern spatial sub units in the stock assessment.

If this option is selected, New Jersey's current 20 percent allocation would be treated as if 10 percent of it comes from the northern region, and 10 percent of it comes from the southern region. As the regional allocations change under those options that I went over, New Jersey's northern portion, 10 percent, would change according to the proportion of biomass in the northern region, and the southern 10 percent would change according to the proportion of biomass in the southern region. Therefore, New Jersey's total allocation would be the sum of those northern and southern components of the allocation. The PDT recommended this approach to New Jersey, because it is generally consistent with the spatial distribution in New Jersey's black sea bass commercial landings in recent years, which are roughly split evenly between north and south of Hudson Canyon on average.

Those are all the options relating to the commercial state quota allocations, and I'm going to go over those

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related to federal management of commercial black sea bass. The first issue under federal management options is whether to add the commercial state allocations to the Council's FMP or not.

Action A is status quo, which is that they would remain only in the Commission's FMP, and Option E is that they would be included in both the Commission and Council FMPs. If Option B is selected, it is noted that future allocation changes would be considered through joint action of both bodies, that state landings would be monitored by NOAA Fisheries, and then interstate transfers would also be monitored by NOAA Fisheries.

That does have potential to impact the possibility of interstate transfers. These sub-options would determine when payback of state quota overages is required, and they would only apply if state allocations are added to the Council FMP. Sub-option B1 would require payback to state overages, only if the coastwide quota is exceeded.

This is the current process that is used by the Commission under Addendum XX. Then sub-option B2 would always require states to payback overages if their quota was exceeded, and the exact amount of pounds by which the quota is exceeded would be deducted from the state's allocation in a following year. The second issue for consideration under federal management is when federal in-season closures would occur.

This issue was raised by the Black Sea Bass Commercial Working Group, and PDT, with some states being concerned about the possibility of a coastwide closure unfairly impacting states that haven't totally utilized their quotas. To be clear, these options are available whether the allocations would be added to the Council FMP or not. Option A is status quo, which is that a coastwide federal in-

season closure would occur when landings are projected to exceed the coastwide quota.

Action B is that a coastwide closure would occur when landings are projected to exceed the coastwide quota, plus a buffer of up to 5 percent of the coastwide quota. That is to help minimize potential impacts of coastwide

closures on states that haven't fully harvested their quotas. With this option the Council and Board would agree to the appropriate buffer amount for the upcoming year through the specifications process.

The PDT felt that allowing the buffer to be set through specifications would make sense, because a larger or smaller buffer might be appropriate in any given year, based on a number of factors. But they did agree that the buffer amount should be capped at 5 percent of the coastwide quota, to help prevent notable overages. Then Option C is that a coastwide closure would occur when the commercial ACL is projected to be exceeded. The caveat for this option is that discards in weight cannot currently be monitored in-season, so it would require GARFO to make some assumptions about discards in the current year, in order to project when the ACL has been exceeded. That concludes the discussion of the proposed management options. Now we'll move on to next steps.

This is a potential timeline for the action, so if the Draft Addendum and Council Amendment Hearing Document are approved for public comment today, then joint public hearings could take place in the late summer and fall of this year, and this would allow the Board and Council to consider final approval of Addendum XXXIII, and the Council Amendment in December, 2020. That would mean the Commission Addendum could be effective for the 2021 fishing year.

But for the Council Amendment there would be a lag in the implementation, while the Council documents are being prepared and the federal rule making process occurs. For the Council, these changes would likely be effective for the 2022 fishing year at the

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earliest. Then I wanted to specifically highlight some thoughts on public hearings, which as I mentioned could take place this fall.

Adapting so all hearings could be considered joint Council and Commission hearings, and given the pandemic, we're assuming these hearings would be held virtually. If they are virtual hearings, that would mean holding individual state hearings might not be necessary or desired. We would suggest something about having several hearings that stakeholders from any state could attend.

Staff has discussed the idea of having each hearing kind of have a geographic focus on a species. But again, since they are virtual, anyone could really attend any hearing, and that would allow some more flexibility for the public. This is my last slide, and it's just to highlight the two decision points for the Board and Council today.

The first is to determine if any modifications to Draft Addendum XXXIII and the Council Amendment Hearing Document are desired, such as modifications to or removal of any of the proposed options. Once that is taken care of the Board and Council can consider approving the document for public comment. That concludes my presentation. I can take any questions.

CHAIR NOWALSKY: All right, thank you very much for that, Caitlin, very much appreciated. Thanks to the PDT for their work as well, as well as staff at both the Council and the Commission for their contributions in this, since this is not just a Commission issue. We've got a lot of people working on this. My thanks to everyone.

The process we're going to go through here next is, we'll ask for questions. But what I intend to do is ask for questions on a section-by-section basis, so that Caitlin and other staff that has to answer questions doesn't have to keep jumping around, and also so that we can

try to know where we are with getting through this.

It would be my intention to stop for a lunch break, after we get through questions. We'll go to questions on a section-by-section basis. I will then turn to the public for if they have any questions on the document as a whole. Then we'll do a time check at that point to see where we are. Let's start with Section 2 of the document, which is the overview, which includes statement of the problem, background, status of the stock, status of the fishery. Caitlin, maybe you can just go back to the beginning of the presentation around about where that is, so we're there.

I will turn to the Council and the Board to see if they have any questions on the document for the overview. Again, statement of the problem, background, status of the stock, status of the fishery, questions for Caitlin or other staff on the context of the document. Okay, looking for hands, not seeing any hands, not hearing anybody jump in.

MS. TONI KERNS: You have Tom Fote.

CHAIR NOWALSKY: All right, Tom, go ahead please.

MR. THOMAS P. FOTE: When I look at adding state allocations to the Council's FMPs. I think that is going to cause a lot of confusion. I'm wondering how we separate this out. You know just a little bit of history. When we tried to do this in 2002, basically in order to make it happen, New Jersey gave up 20 percent of its existing quota to basically make everybody agreeable, because it increased everybody's quota at that time.

But that was done state by state, and with state by state agreeing. Are we going to put it in the Mid-Atlantic Council, and then how do we get to New England? At least with the Commission, all three Commissioners sit, and we have this Board spread out through the states. That is my concern here, and I'm asking how do we avoid the problems? Are we going to have Council members from New England sitting there and three Council members? How do we deal with that problem?

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CHAIR NOWALSKY: Tom, you're asking that relative to the options in the document, or was that part of the overview and background of the document?

MR. FOTE: Well, I was looking at the one option for adding state allocations to the Council FMP, because if we have to add it to the FMP then it's the Mid-Atlantic Council that basically directs that. How do we do state allocations?

CHAIR NOWALSKY: I think we'll come back to that topic when we have discussion on that. I think it's a reasonable question, with regards to how we're going to move forward with it. I'm not sure it's a question on the construct of the document here. Let's hold that one. We'll come back to that. Do we have any other questions here on the overview section of the document?

Okay, not seeing anything, we're going to go into the management options for the document, and I would like to take these on an option-by-option basis, again questions. The first item would be under 3.1. We'll skip status quo, we'll go to B, increase Connecticut quota to 5 percent. Do we have any questions for staff about the presentation or the document for this section? Okay, and I've got a question from Nichola Meserve. Go ahead, Nichola.

MS. NICHOLA MESERVE: I'm not sure if it's a question or a comment, but hopefully you'll allow it. I don't support removing this option. But I guess I had hoped to see some more information to support 5 percent for Connecticut. I know it was, or I think it was selected because that's what Delaware's quota is, and it is the next lowest.

But to help make an informed decision, and to show the public why 5 percent is appropriate for Connecticut, it would be helpful to have some more information about, you know the number of harvesters in Connecticut, compared to other states, or what their trip limits are

now, in comparison to other states that would help provide some context to rationalize 5 percent as a number.

CHAIR NOWALSKY: Well, I'll turn to staff. I don't know what comments they could add, maybe augment this discussion with PDT discussion about one, if there is anything they could put on the record now to help justify that 5 percent, or two, if they think there is anything else that could be added to the document before it went out for public comment.

MS. STARKS: I have a couple of thoughts. First on PDT discussion. There wasn't any additional information provided to the PDT to support that 5 percent, since it was proposed a while back. But one thought I had that we could look at pretty quickly, and I might be able to do over lunch, is to quickly calculate what Connecticut's landings have been as a proportion of the total coastwide quota for the last couple of years after transfers, and I could do that pretty quickly at lunch.

CHAIR NOWALSKY: Nichola, is that something you would be interested in?

MS. MESERVE: Potentially. I don't want to deprive Caitlin of lunch. She's put a lot of effort into this document already. I guess it's more just a comment. In the end, I feel that I would need more information from Connecticut to support 5 percent. Maybe it's just a comment directed to Connecticut that I had hoped to see some more information to support 5 percent in the end.

I know that not too long-ago Caitlin had put out a request to the Technical Committee to get like a one pager that had each of the states' trip limits, and number of harvesters and things like that that were maybe to be included as an appendix. I think that would potentially be some helpful information to include with this option.

CHAIR NOWALSKY: Okay, Justin Davis, you've got your hand up. What can you add, in terms of trying to answer the question about what could be added to

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the document, or what may have been submitted previously to improve the justification here?

DR. JUSTIN DAVIS: Thanks for the question, Nichola, and the opportunity to talk about this a little bit. I will start out by saying, we did not submit any additional analysis to go along with this, the option for the increase to 5 percent. But we did take a look in-house when we were crafting this option, and tried to determine essentially what sort of percentage of the coastwide quota might we want to be able to have comparable trip limits with our neighbors. I think that went into this decision about 5 percent.

I will freely admit that one of the major rationales for the 5 percent was that we in Connecticut feel like we're particularly disadvantaged by our low quota, given the huge increase in sea bass in our local waters in recent years. But we didn't feel like it was appropriate for us to ask for a higher percentage of the quota than any other state currently has, and 5 percent was the lowest allocation, other than Maine and New Hampshire, where they have not had any landings, and don't have a real declared interest in the fishery. That was a big factor in choosing 5 percent.

My understanding is that as we move forward, if this option is in the document that goes out for public comment, then when it comes back and its time for final action, that the Board and the Council could consider some outcome that is within the range of what's proposed here. Certainly, we're proposing 5 percent.

But that doesn't mean that it's sort of all of nothing, it has to be 5 percent or nothing. The only other comment I'll make is that if there is going to be some effort to do some analysis to justify what level of increased quota Connecticut might need or deserve. We would obviously want some input into that.

I would like it to be carefully considered. I don't think the recent performance of our fishery would be an accurate measure of the potential for our fishery, because we've been operating under very restrictive trip limits, because of our low quota. I mean our fishery is operating most of the time in recent years at like an eight fish trip limit, and we've only sought out transfers over the last two years, I believe.

I don't believe prior to that we pursued quota transfers for black sea bass. I'll also just kind of make the general point that all of these options in the document consider potentially allocating more quota to certain states, and less to other states. I'm not aware that there has been an effort to undertake a comprehensive analysis to determine what level of quota is appropriate for each state, based on some measure of fishery performance or number of harvesters, or things like that.

While I'm not saying we're not willing to perhaps provide some more information that the PDT or the Board or Council would find informative. I do feel like that is singling Connecticut out a little bit, to sort of demonstrate why we need more quota, or how our fishery might be able to handle more quota. Thanks for the opportunity to comment on that, Mr. Chairman.

CHAIR NOWALSKY: All right great, thank you, Justin. I think there will probably be more discussion about this. But we did have the question about what could be offered. I'll just say to staff that I think the takeaway here at this point is that if there is anything you think you can bring to the table for the afternoon, without depriving yourself from lunch.

I don't think anybody would say no. But at the same time, take care of what you've got to take care of first. I got Joe Cimino's hand just went up, so a question. Let's stick to more questions or trying to answer the question about what additional information could be submitted to support Option B. Let's not have more comment or discussion about it, per say. But Joe, if you've got something to add, either as another question or to help answer the question about what else we have to support it, please go ahead.

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MR. JOE CIMINO: I agree with Justin that perhaps an analysis over lunch would be something that is singling Connecticut out. I don't really think that that is needed or necessarily appropriate at this time.

CHAIR NOWALSKY: All right, thank you for that Joe. I think that is a fair point, with regards to if there is going to be some analysis, it should be information that can be presented that would be informative across all states, not just one. I think that is a reasonable point, all right.

I'll move on to questions for Section C of 3.1, Dynamic Adjustments to Regional Allocations. Questions on this section. Okay, I'm not seeing any hands, not hearing anyone speak up. Let's go on to Section D, questions on the trigger approach as presented. No hands. Okay, I've got a couple hands that just went up. First Chairman of the Council, Mr. Luisi.

MR. MICHAL LUISI: Just a question about the comment that Caitlin made when she went over this. We're looking at the different trigger values, whether its 3 million pounds or 4.5 million pounds. It was discussed that there would be room in between those two to make some adjustments.

However, we have the Commercial/Recreational Allocation Amendment, which we'll talk about next week, playing into this, in that the adjustments made in that amendment could ultimately affect the trigger option, if it were selected as the final alternative in this action. To the point where the triggers may be set at a level where they cannot be attained, due to adjustments in the overall allocation between commercial and recreational fisheries.

My question would be, how much flexibility would there be ultimately at the end of the day, if this Amendment is finalized, and we select one of these triggers. Then we have the follow up action of the Commercial/Recreational

Allocation Amendment affect the decisions made here today. I mean, how much flexibility would there be to revisiting triggers, without having to go back through another full process to make those adjustments? Would that be something that could be modified, based on the results of the other amendment?

CHAIR NOWALSKY: I think the numbers are what they are here in the document. I'm not sure, I'll turn to staff. Is there anything short of an amendment, could this be done? Obviously, we're doing this as an addendum at the Board level, so it's a different process than amendment at the Council level.

If we felt the need to go back and revisit these triggers, I'll turn to staff. Would we need a full amendment to do those in the future? Are there thoughts about how the timeline on this could sync up better with the Rec/Commercial allocation, in order to be better informed before we make a final decision on this?

MS. STARKS: I want to say something first, and then I think Julia might have some things to add. One is that these values that are shown on the screen now are not final. You could change these today, if you wanted to give yourself a more broad range, and that means after public comment the Board and Council could select something within that range. Then Julia has some comments on if the state allocations are included in the Council FMP, what the process would have to be for adjusting a trigger later, if it was found to be not doing what we wanted it to do.

CHAIR NOWALSKY: Go ahead, Julia.

MS. JULIA BEATY: Yes, I agree with Caitlin that a simple thing to do might be just changing the range of trigger values that are in the document right now, and then we can just easily move forward with that. Then in terms of changing the trigger values through a future amendment or framework.

I think if we go all the way through this amendment, and take final action on something, and then later want to change the trigger value. I think that could pretty easily be done through a framework, if it's

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already been fully considered through this amendment. But if you're talking about taking this out to public hearings with the range shown on the screen here, and then later changing the trigger value, before you take final action on the amendment.

That would change the timeline. But if you're trying to say that the first option of go all the through this amendment, implement something, and then in the future change the trigger value. I feel like that could be done through a framework, if trigger values in general were considered through this action. GARFO might want to correct me on that, but that would be my take on that.

CHAIR NOWALSKY: What I'm hearing, Mike is two ways forward that are not necessarily mutually exclusive. One would be to, if your concern is that these triggers are not going to be compatible with final action on the Rec/Commercial Allocation Amendment, we could have discussion later today about modification to these trigger values.

It sounds like once this Amendment was taken and was finalized, in the future then the option would be a framework at the Council level, and I assume an addendum at the Commission level, this wouldn't be done via specifications, I wouldn't think.

MS. STARKS: Correct, I think we would need an addendum to change it.

CHAIR NOWALSKY: Okay. Does that answer your question, Mike?

MR. LUISI: It does, thanks. I do have some comment. I'll hold off for now, just regarding overall the parallel track that we're on with this amendment and the Commercial/Rec Allocation Amendment. I'll hold off on that until this afternoon. Thank you.

CHAIRAMN NOWALSKY: Any other questions on this section for Trigger Approach? I think I had seen Justin's hand, but it's now down. I'm guessing that he probably had a similar line of questioning that was answered here. If I don't see Justin's hand go back up or chime in, I'll assume he got the info he needed. Okay, not seeing any other hands or hearing anything, let's move on to Option Set E, Trigger Approach would increase to Connecticut and New York quotas first. Questions for staff about this option. Nichola Meserve.

MS. MESERVE: It's not actually about E, but I think we skipped over some of the sub-options under the trigger approach, and I wanted to ask a question about one of those.

CHAIR NOWALSKY: Please go ahead. It was my intention for questions with regards to sub-options to come up under that, so yes if you had, please. Anything under D, go ahead, and I'll just offer that if somebody has a question with something that we've already gone past, and feel the need to go back, I'll just ask for one more round of questions at the end. But let's go ahead and finish up on D here now, go ahead.

MS. MESERVE: Sub-option D2-A is the even distribution of surplus quota to all the states along the coast from Maine through North Carolina. When we talked about bluefish half an hour ago, there was a similar option, and the FMAT had voiced its opinion that equal amounts were, maybe not the most equitable way of doing that, and they have some bigger changes for some states than others.

I feel similarly with that here, wondering if FMAT had that discussion as well, and how in my view this option doesn't respond to the objective of the amendment, which is to respond to changing distribution. I'm just wondering if the FMAT had some similar, or any thoughts on under those considerations when it came to Sub-option B2-A.

CHAIR NOWALSKY: I'll turn to staff for that.

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MS. STARKS: The PDT did discuss this, and they did comment that it doesn't really seem to reflect the goal statement for the action, but it was included by Board request when these options were originally crafted back through the PDT and Working Group process. That was noted in the PDT discussion, and if its desired obviously the Board and Council have the ability to remove it today.

CHAIR NOWALSKY: Nichola, does that give, it may not make you happy the answer you hear, but does it at least answer the question at this point, with regards to the PDTs thoughts on it?

MS. MESERVE: It does. I appreciate that. I mean, I don't know if you're looking for this at this point, but I would support removing that option. You know if there are other Board members that feel the same way, I would just encourage them to speak up about that as well.

CHAIRMAN NOWALSKY: Okay, we'll stick to questions now, and we'll take up action after we break. All right, so getting back to Option E, the trigger approach with increase to Connecticut and New York quotas. Any questions on that? Okay seeing none, Option F, percentage of coastwide quota distributed based on initial allocations, question on that? No hands, no voice. Regional configuration options, Option G. We'll start with John Clark.

MR. JOHN CLARK: I just had a question, just a clarification. It's probably come up before, and I'm sorry if I missed it. I noticed for this one, the fiscal area is 616, which seems in recent years to have by far the biggest landings. For this one, New Jersey would be in the southern region. But half the landings of 616 would go to the south after the north, or something to that affect. But I'm just curious for all the other reallocations in the assessment. Is 616 always considered in the northern region on the assessments, or is that split between the north and the south?

CHAIR NOWALSKY: I'll go ahead and let staff answer that definitively.

MS. STARKS: Thanks, John, this image on the screen is showing the dividing line of the spatial sub units used in the assessment, and it does appear that 616 is included in the northern region.

MR. CLARK: Okay, so as I said that. I mean that is a huge amount of harvest from probably up from the entire management area. Even though it is considered for the assessment, as far as the north. Like I said, I just want to clarify that for some of the options that kind of depend on that north/south divide. A huge area for black sea bass is actually really kind of straddling the line between the north and south.

MS. STARKS: If I can respond. I do want to note, John that that is a good point, and that is kind of one reason why that second option for a three-region approach with New Jersey kind of split between the two regions, in a way, was proposed.

CHAIR NOWALSKY: Any other questions on regional configuration options, or anything else in Section 3.1 that you feel needs to be answered? Okay, not seeing any hands. We'll go to 3.2, Management Options for changes to federal regulations, and we'll take both of these together, 3.2.1 and 3.2.2.

We did have the question earlier from Tom, with regards to just how this would work functionally, once these allocations were put in place. Tom, if you would like to try to summarize that question again, and we'll see if we can get a more definitive answer for you, unless you think it's more along the lines of just a general comment about being concerned about the process. I'll just turn back to you there.

MR. FOTE: Yes, my concern is how do we separate? The Commission does an easier way of doing this. They have a system put in place and it goes through. We're not restricted about the same as the way the federal rules are in place of basically setting it up. When we add the Council's, do we add New England and the Atlantic Council, since it crosses those boundaries?

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How do we handle that with only one New England Council member on ours? That's why I'm saying, are we better off just leaving it just on the Commission side, or how would it work if we put it on the Council side? How do we make up for the distribution and handling in that way? I don't know if that is clear, but that is what my concerns are.

It just makes it more complicated. I know we do things like forgiving overages and things like that. We were talking about that in the latest part. But we basically have allowed states that haven't gone over the whole quota to basically absorb it. New York, Connecticut over time have not had to do dramatic cut backs if they were under the Council system, we would have to do that. I'm not sure how that would work, and that is why I'm concerned here.

CHAIR NOWALSKY: Does staff or GARFO have anything to add here? I mean we do manage black sea bass to the Mid-Atlantic Council. There are a number of states that are on the Board that fall north of the Mid-Atlantic Council, but we've been managing black sea bass throughout its range north of Cape Hatteras, even though that encompasses states north of the Mid-Atlantic Council range. We've been managing it in that direction anyway.

I don't know if staff or GARFO want to add anything else that much would really change here. What would change, in terms of our processes, there are three bullet points up on the screen here right now that I think would be specifics that would change, with regards to who is monitoring landings, how transfers would be managed. I think these are three very discreet changes that you see here. Is there anything else staff would want to bring to our attention, with regards to what would change by including this in the federal FMP as well, the state allocations.

MS. BEATY: Hey Adam, this is Julia, I can respond to that, unless GARFO wants to jump

in. To address some of those questions that Tom brought up. No, we're not planning to bring in the New England Council on this. This would stay just jointly managed in the Mid-Atlantic Council and the Commission.

We do have New England representation on our Summer Flounder, Scup, Black Sea Bass Committee, and then the question about what would it mean, in terms of payback. There are alternatives for that in the document, so it could stay exactly the same as it is now, in terms of when paybacks are required, or it could be handled differently.

But just because it's added to the Council's FMP, if that's the way it goes. That doesn't necessarily require any changes to how the paybacks are dealt with. That is a decision that would be made, should that change or not. But if they are added to the Council's FMP, the allocations, then it would require that GARFO would monitor the state landings, and you know monitor them against the state allocations.

But that would have to shift from the Commission to GARFO, and then also if there are any transfers among states, then GARFO would handle that. You could think of it as almost like an administrative change, in terms of who is monitoring and handling all that. But it wouldn't require any changes to when you have to do payback.

There are alternatives for that, about the decision point that could be made. Just a reminder that the goal for today is just to approve these range of alternatives in the document for public comment. We want public comment on if these should be added to the Council's FMP, and if any of those other changes should be made. I don't know if that helps, Tom. Think about it. Let me know if there are any other questions that I didn't answer, because I feel like there were a few questions bundled together there.

CHAIR NOWALSKY: Thanks for that Julia, much appreciated. Joe Cimino.

MR. CIMINO: Yes, just a question. Am I wrong, in the same management plan, isn't that how we do summer

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flounder? It is recognized as state by state and managed by the Atlantic.

CHAIR NOWALSKY: Does staff want to chime in? That would be my interpretation is that basically what we've been doing with summer flounder would translate to sea bass, would be my thought.

MS. BEATY: Yes, this is Julia again. There is just one nuance to that is that the FMP for summer flounder does require paybacks of state overages, regardless of whether or not the coastwide quota is exceeded. Again, that is something that if the black sea bass allocations are added to the Council's FMP that doesn't have to be done for black sea bass too.

That is a decision point that can be made. But in general, the other considerations are the same for summer flounder. That is managed under both FMPs. GARFO handles transfers, monitors, quotas to state level, and things like that. Issues related to in-season closures and overage payback, there could be some differences between how it is done for black sea bass and summer flounder. We wouldn't have to make it the same as summer flounder in those aspects.

CHAIR NOWALSKY: I saw a couple hands had gone up. Two of the three went down after that, Julia, so great job on your part. One hand is still up, I've got Chris Batsavage.

MR. CHRIS BATSAVAGE: I didn't recall seeing it in the draft document, and if its there I apologize. But just the differences in how quota transfers are handled, the difference of timing of how quota transfers are handled at the ASMFC level versus the GARFO level, where you know for just regular quota transfers.

Then GARFO requires those to occur by December 15, unless it is for safe harbor reasons, while ASMFC allows for quota transfers to occur up to 45 days after the fishing year ends. If that is not in there, does staff and

others think that is an important distinction to make for the public? I mean it's something that matters a lot to folks like me who do this for my agency, but I didn't know if that is something that is important to include for the public as well.

CHAIR NOWALSKY: Does staff have anything to add about the history of discussion with transfers in this document?

MS. STARKS: Yes, Adam. Chris, the information that you just said out loud is in the document on Page 21, under Option B, 3.22 Option B, so it does describe the differences in timing between GARFO and the Commission.

MR. BATSAVAGE: Thanks, my apologies.

MS. KERNS: Adam, I just would like to note that there is not only a difference in timing, but there is also a difference in rationale. The Commission usually allows for end of the year, so the bookkeeping transfers, and NOAA Fisheries does not usually approve transfers for those types of transfers at the end of the year. There is a difference in approvals as well, the rationale for those approvals.

CHAIR NOWALSKY: All right great, thank you for those clarifications. Nichola Meserve.

MS. MESERVE: The point that Chris raised about one of those differences and the 45 days after the season for allowing transfers. Is there also a difference that should be highlighted in the speed at which transfer requirements are completed? I know when we send them to the ASMFC for menhaden and sea bass, you know it is a one-day turnaround if that. If there is a difference when it comes to a NOAA Fisheries approval of a transfer, plus I think that it would be beneficial to point that out as well in the text.

MS. STARKS: I believe that would be a simple thing to add after today.

CHAIR NOWALSKY: All right, I'll jot a note down here to myself about that, because yes, in terms of a question, no that information is not explicitly included in the document. But I think that is a reasonable thing

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to see about getting consent about later on. Okay, I'm not seeing any other hands up on this section.

I'll ask if there are any questions from the Board or Council on the timeline next steps that were presented. I think we would have more discussion about that, including the public hearings, depending on the motions for releasing this document for public comment. But any questions about next steps or a timeline that you would need to be informed about how to move forward.

Okay, seeing none, in the way of hands or voices, for anyone who is just on the phone. Let me go ahead and turn to the public to see if there are any questions from the public, regarding the presentation of this for public comment. Okay, I'm not seeing any hands from the public or hearing any voices. Tom, I see you've got your hand up, something you wanted to ask about the timeline next step?

MR. FOTE: Not the timeline, but the joint public hearing comments.

CHAIR NOWALSKY: Yes, well I think we'll have discussion about that, depending on where the conversation goes for releasing this. But did you have a specific question about the hearings right now that you need to ask?

MR. FOTE: I know they said it would be easy to do, you know regions. But I think that is going to be a real problem, and I wanted to have some discussion on that. But I don't know where appropriate place is to do that.

CHAIR NOWALSKY: We'll have discussion about it before we conclude today. Mike Luisi, you've got your hand up?

MR. LUISI: Yes thanks, Adam. I got in just a second late to ask a question regarding this. Just for the timeline. I see here that we would make joint decisions in December, if this moves

forward as proposed. Then in January the Addendum would become effective for the Commission, with a follow up in 2021 by the Feds through Council documents.

The question is to staff, when do the actual allocation changes happen at the level for which states like mine would make the adjustments for our individual transferable quotas? Would it be for the 2021 fishery, or would we have to wait until the federal process is complete, and we would be looking at the 2021 fishery, when everything is done for us to implement new allocations to our fishermen, based on adjustments as a result of this document?

CHAIR NOWALSKY: My initial reaction to that, Mike, before I turn to staff would be that it is joint, and we may or may not have different implementation timelines. I would like to think that ultimately the Board would set some implementation date that would be complementary to a final rule being promulgated by the Service. But I'll turn to staff if they have any other thoughts about that.

MS. STARKS: Toni, do you have thoughts? I personally am not sure.

MS. KERNS: The Board determines the implementation date for a document, so it is up to the Board as a collective to determine, to figure that out. I would say that I guess it would be a question to the states, and how it would impact your allocations to your ITQs, because the quota changes from year to year, so how much you have to give to your ITQs changes from year to year. While I understand that it may be a little bit different in how the change happens, but I don't think that that would be much different in terms of process, in that sense.

CHAIR NOWALSKY: My thought would be that this next to last line here, January 2021 Addendum XXXIII effective for Commission. That line is dependent on the Board setting that as an effective date, when final approval was taken by the Board in this timeline in December, 2020.

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At that point in time the Board would say whether or not Addendum XXXIII would in fact be effective for January '21. Mike, you wanted to follow up? I think that's the direction we would head is that while this is what is on the timeline here, it would ultimately be at the discretion of the Board, when they vote for final approval on this document when this effective date actually is.

MR. LUISI: It's understood, it's just an important piece to all of this, because as I mentioned earlier, we have another parallel amendment happening that deals with allocation as well. I think it's really important for us to all understand what the intent would be. If I were a state receiving more allocation, based on a decision made by the Council and the Board off this Amendment and this Addendum.

If I were getting more allocation, I would hope that that would be available to me in 2021. However, we don't need to get into comment. That was my question. It sounds like it is not specifically defined as to which calendar year we would be managing our new allocations under, and that would be for a Board discussion at a future time. I just think it adds a little bit to the complexity of what percentages are we going to be using in 2021 versus 2022. Thanks, I'll leave it there Adam, for now.

CHAIR NOWALSKY: All right, so with that having gone through presentation of the document in question. I think where we're at here is, we're going to Mike, with your agreement as Chair. We'll go ahead and break for a half hour. We'll reconvene as a Board and Council at 1:15, at that time I think what I would like to do is to allow some time for some general comments, maybe 15 minutes or so, about this as a whole. Then after we've taken a few minutes for general comments, at that point in time I would then ask for some motion to be made with regards to how the Board and Council want to move forward with that. I would ask everybody

over lunch to come back at 1:15, be prepared to offer some comments initially, with a motion shortly thereafter, and we will go from there. Any objections, Mike?

MR. LUISI: No, I'm good with that, Adam, thanks.

CHAIRMAN NOWALSKY: Very good, so with that we are in recess until 1:15.

RECESS

RECONVENE

CALL TO ORDER

CHAIR NOWALSKY: All right, I've got 1:15 here on my end. We'll give everybody another minute or two to get settled in, and we'll resume the Summer Flounder, Scup, and Black Sea Bass Council Board Meeting. All right, we'll get started here. Anybody who is not here can raise their hand. All right, seeing no hands then I guess that means we can get started.

**CONSIDER DRAFT ADDENDUM XXXIII AND THE
MAFMC AMENDMENT REGARDING
COMMERCIAL BLACK SEA BASS (CONTINUED)**

CHAIR NOWALSKY: Welcome back everyone. I hope you had some time for lunch. Again, we're convened as the Summer Flounder, Scup, and Black Sea Bass Board with the Mid-Atlantic Council, discussing Addendum XXXIII and the Council Amendment regarding commercial black sea bass. Our plan here for the next hour to an hour and a half is going to be to first allow a little bit of time for some discussion/comments people would like to make.

In about 15/20 minutes time, well when it looks like those comments have concluded, I will go ahead and ask for someone to make a motion, with regards to how this joint body wants to proceed, with respect to releasing this hearing document for public comment. Then we'll go ahead and debate that or subsequent motions.

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Before we take a vote on a motion, we'll allow some public comment, as well as time to caucus. With that I will open the floor to hands for people that want to make comments on a proposed way forward. All right, well I'm not seeing any comments. All right, we've got one hand up. Ellen Bolen, go ahead, please.

BLACK SEA BASS COMMERCIAL REALLOCATION

MS. ELLEN BOLEN: I will I guess kick off what I think is probably going to be a broader discussion, more about the timing of the document than the contents of the document. I think back at the December Council meeting I first expressed my concern with moving this document forward concurrently with the Commercial/Recreational Reallocation Document for a variety of reasons. As I've gone through the document for today's meeting, and started to go through the Commercial/Recreational document for next week's meeting.

I have the same concerns for a couple of reasons, sort of the overall is that we are trying to decide the size of the pie, and trying to divide the pie all at the same time, which I think creates a lot of challenges for managers to understand how the different actions will impact their constituents, and I think it also creates a lot of uncertainty in the industry when these changes are going to come down, what it means for them. I'm particularly sensitive to that point right now, at a time in a year on the industry, I mean everybody has gone through some pretty significant upheavals, and the consistent thing we hear from them is, you know make changes but try to smooth the curve when you do. That is one of my concerns. The other thing I have is that not knowing what the resulting Commercial/Recreational reallocation will be, assuming there is a reallocation I think impacts different alternatives differently, which I think creates additional problems down the line.

As Mike Luisi mentioned earlier, and staff mentioned earlier, it's particularly problematic for the trigger approach, because we don't know sort of how different triggers will interact. We ran some back of the envelope calculations, and depending on the different alternatives for Commercial/Rec, you're looking at a commercial quota somewhere between 6.5 and like 2.92 million pounds.

Again, those are the bookends, but I think there are still some that are, you know around 3 or below 4. Depending on if we were to pick a trigger option, it could result in not actually trying to achieve what we're doing, and that's an option I think that is very intriguing to a lot of people. I'm going to pause there, I think, and express my ongoing concern for moving these processes concurrently.

CHAIR NOWALSKY: Thank you very much, Ellen. Additional hands? All right, I'm not seeing any hands. Given that there are no hands up for additional discussion. Well we've got one. Go ahead, Tom Fote.

MR. FOTE: Sorry, I just got back. Are we going to talk about how we do the public hearings now or later?

CHAIR NOWALSKY: I think we can hold off on that for right now yet, Tom.

MR. FOTE: Okay, so when you get to that point, please recognize me then.

CHAIR NOWALSKY: I will make sure that that topic does not go undiscussed. Thank you. I think where we're at here at this point, is that I am looking for either a specific suggestion request for a modification to the document. If there is a specific request for modification to the document, we can take it up. If there is what appears to be unanimous direction, we can try to take it up by consensus. Otherwise, we'll need motions for that.

If somebody wants to move forward with a motion on the document as a whole, moving it forward now. I think Ellen was suggesting possibly some other timeline, I'm not sure what that is. But if she has a motion, so that is what I would be looking for, one,

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discussion on changes to the document, with specific suggestions for modification and/or two, a motion on the document as a whole. I've got three hands up right now, I'll try to do them in the order I thought I saw them go up, with Jay McNamee, Ellen Bolen, and then Justin Davis. Let's go to Jay.

DR. JASON McNAMEE: Actually, before I start. I guess I was of a mind to throw a motion out. Is that okay, Mr. Chair?

CHAIR NOWALSKY: Yes, please. Go ahead.

DR. McNAMEE: Again, before I make the actual motion, I'll just note. I think this could work with potential adjustments to the timeline, so I'm going to go ahead and move forward with it. **My motion is, I move to approve Draft Addendum XXXIII and Council public hearing document, as presented today, for public comment.**

CHAIR NOWALSKY: We have a motion to approve the Addendum and Amendment as presented today, for public comment. That motion by Dr. Jason McNamee from Rhode Island, that is on behalf of the Board. Let me first look for a second to that from the Board. I understand, I've got Ellen and Justin. I have you in the queue for hands, but only leave your hand up right now if you want to second it. Justin, you want to second the motion?

DR. DAVIS: That is correct, Mr. Chairman.

CHAIR NOWALSKY: Okay, we'll accept a second from Dr. Davis. We would need a like motion from the Council. Is there someone from the Council that would like to make this motion? Maureen Davidson, you'll make this motion on behalf of the Council? I saw Maureen's microphone go green, but I didn't actually hear anything. Did staff hear anything from Maureen?

MS. MAUREEN DAVIDSON: Sorry, I was doubly muted. Yes, I would like to make the motion for the Council. I think that the Addendum covers a wide variety of options that we should be able to present to the public, and look for comment.

CHAIR NOWALSKY: We're looking for a second to the motion from the Council. I see Laurie Nolan's hand up. Laurie, are you seconding the motion for the Council? Please be sure to unmute yourself both in the webinar and on your local device so we can hear you.

MS. LAURIE NOLAN: Yes Adam, if you hear me, yes.

CHAIR NOWALSKY: Yes, Laurie, thank you very much. We have a motion on behalf of the Board and on behalf of the Council. Discussion on the motion. Jay, did you want to offer anything else on this motion, or did you feel your comments before making the motion encapsulated it?

DR. McNAMEE: Maybe just to quickly reiterate, thank you, Mr. Chair. Generally, everything Maureen said I agree with. I think there is a lot of different types of options in here, and a fair amount for the public to consider. The timeline changes, I think that's okay. But the document itself will be good whenever it's ready to go out for public comment.

CHAIR NOWALSKY: All right, Maureen, did you want to add anything additional as maker on the side of the Council?

MS. DAVIDSON: No thank you, Adam, no. I'm good, thank you.

CHAIR NOWALSKY: All right. What I'm going to do now, is because I think there are some people that are going to want to speak both for and against this, is I'm first going to ask for if everyone could put their hands down. Let me ask for a show of hands that right now would like to speak in favor of the motion. I've got two hands, Justin and Nichola that want to speak in favor of the motion. Emerson, and I'll go back and ask again.

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This isn't going to be the last crack at this. All right, put those hands down. Let me see a show of hands of people that are going to speak against the motion. I've got Ellen Bolen, and I've got Joe Cimino. All right, great. What I'm going to do is I'm going to go ahead and start with Justin, since he seconded the motion, and then I'll go back and forth between for and against, and then we'll see where that takes us. Go ahead, Justin.

DR. DAVIS: I'm in favor of this motion. I think it's time for us to send this document out for public comment. I'll remind folks that even though at the beginning of the presentation in the last segment of the meeting, it was stated that this action was started in October of 2019. If I recall correctly, the PDT was formed before we initially initiated the action, and this is really something that we've been working on for much longer than since October, 2019.

I believe there was even a Working Group before the PDT that started developing options. This is something that has been worked on for quite a while now. I think there is a number of really excellent options in the document that will really, you know provide a model for not only this action and this species, but reallocation decisions for other species and other management plans. I think really, we're at a point now, we've discussed this enough, there are enough great options in the document. It's time to take the next step and get it out for public comment.

CHAIR NOWALSKY: We'll go to Ellen Bolen next.

MS. BOLEN: Sure, I have a question for the maker of the motion for a comment that he made. This is to approve the draft addendum, and then he said something regarding the timeline. I'm curious if he was talking about the implementation timeline or the timeline for which we would actually send it out to the public? My question is, are these two different

actions, approval of the document and when we send it out, or is it all the same action?

CHAIR NOWALSKY: By speaking and voting in favor of these motions, this would be to go ahead and release this document for public hearings, with any other final edits that are needed to be made. The document would be out for public comment in the near future, with public hearings occurring later this year.

MS. BOLEN: Okay, thank you.

CHAIR NOWALSKY: Jay, if you had something different that you were intending in the motion, please let us know. But that is my read of the motion as it's up on the board. Jay, did you have anything else to add?

DR. McNAMEE: Yes, sorry. I had raised my hand. I was trying to be formal. When I made the motion I didn't, I'm going to start from this direction. In making the motion, what I was trying to do is approve this document. I then made the comment about the timeline, because I thought, were it the desire of either the Board or the Council to delay actually sending it out to allow for in-person meetings or you know a lot of the stuff that we've been talking about, with regard to our current situation with COVID.

I didn't see those as being mutually exclusive. I thought we could approve the document, meaning we wouldn't need to work on the document anymore, the stuff that is in there is adequate and ready for public perusal, and then a second motion kind of specifying when it would go out could happen from there, if somebody wanted to change it. That was my intent with the motion.

CHAIR NOWALSKY: All right, so let me go ahead and read the motion, and then we might have to start this over. The motion as we currently have it attributed to you as the maker for the Board is; Move to approve Draft Addendum XXXIII, and the Council public hearing document as presented today for public comment.

That would start the process of getting it posted on the Council/Commission websites, would begin the process of scheduling public hearings. I think if this

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was not your intention. I think if it was your intention for that process to actually begin at some other point. I don't think is the correct way forward. I think we would want to look for some alternative motion. Let me first ask, if it is your intent to start the public comment process now, and based on that answer I'll offer us a way forward.

DR. McNAMEE: I guess from my perspective; I would be fine with it starting as soon as was appropriate. I guess my comments again were just, I didn't think my motion precluded someone else offering an alternate timeline. I'm fine with it starting right away.

CHAIR NOWALSKY: Let me turn it to staff then, because I don't think we would typically approve a comment for public comment, but not start the process until sometime in the future. Again, I'll look to staff for direction on this. Mike, as Council Chair, please add your thoughts to this as well.

I would think if the intent ultimately today is not to start that public process until sometime in the future, another either not making a motion today, and just making it clear on the record that we would go ahead and take this up at some future date, or an explicit motion to postpone action until some future meeting, I think would probably be the better way forward. But I'll turn to staff if there is any precedent for a vote like this, but not starting the process, and I would turn to my Chairman at the Council level as well.

MR. LUISI: I'm sorry, I was distracted. I had a call come in quickly. Can you just repeat your question to me? I heard my name.

CHAIR NOWALSKY: Okay, no problem. We've got a little bit of discussion right now about whether there is the option for voting to approve this for public comment today, but not actually starting the process until some future time, scheduling public hearings, et cetera,

based on concerns about a desire to do this in person, or whatever other individual concerns there may be. The question is, I'm not familiar with any history of approving a document for public comment, but delaying the start of that public process. My initial thought as Board Chair is that if that is the intent of the Board today, to either not take action on this today, or make some motion that postpones further action, until some time-sensitive or other actions that we knew when we would take this back up again.

That is my inclination. But I would turn to you for your thoughts, as well as staff thoughts from both the Commission and the Council about doing this motion, potentially voting in favor of starting public comment, but not actually starting the process in the immediate future.

MR. LUISI: I followed along there; I just missed the last couple seconds. Yes, so my thoughts on that are that if we were to approve this motion as it stands, unless it's modified, I would say that the intent would begin to schedule and move forward with public hearings, as normal. I think if there is an intent, if somebody has an interest in postponing to sometime certain, whether that is a certain meeting.

You know we have a few meetings coming up. I think if there is an intent to delay this action for whatever reason it might be. We've heard in-person meetings, COVID issues. We heard some timing issues as a result of having another amendment dealing with allocations as well. I think what we would need, is we would need a substitute motion that may do both.

It could approve the document, so that we're not inclined to revisit it again. But it would delay public hearings to some certain time in the future. My suggestion would be, if that is the intent of a Board member or someone on the Council, to make a substitute motion to that intent, and we can take that up if it's seconded. That's my thought.

CHAIR NOWALSKY: Are there any other comments from staff with regards to that, because I think where I'm inclined to go right now. One option, Jay is maker of the motion, and from Ms. Davidson and the

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seconders, is if everybody wants to withdraw the motion with the consent of the Board. We could withdraw this motion.

If you're comfortable with leaving this motion as is, understanding that as written it means we're going to start the process in the near future, and then we can continue going through my list of speakers, and see if the motion gets substituted or amended, to delay actually starting something. Let me turn back to Jay. Jay, are you comfortable with the motion as we've discussed it right now, letting the Board do with it as they see fit, with regards to substituting or amending it, or are you going to request withdrawing the motion?

DR. McNAMEE: No, I'm comfortable with the motion, so I would be happy just proceeding forward and seeing what happens.

CHAIR NOWALSKY: All right, is there any objection to that from Ms. Davidson, Ms. Nolan, or Dr. Davis?

MS. DAVIDSON: No, Adam, I'm good. It was my intent that we would move forward with the public hearings.

CHAIR NOWALSKY: I'm glad that we had that discussion. We're going to go ahead and leave the motion up as is. It is clear what the intent is right now. Hopefully it is clear to the rest of the Board and Council what actions would be needed here if they want to change the timeline. Let me go back to Ellen. You had asked the question. I think we've got your question answered at this point, with regards to where the motion stands and the intent of it as of right now. I'll turn to you if you have any further comment on it.

MS. BOLEN: Based on the answer to that question, I do have a substitute motion, if now is the appropriate time to make that.

CHAIR NOWALSKY: Please, go ahead.

MS. BOLEN: I move to postpone further action on the Draft Joint Black Sea Bass Commercial State Reallocation Document until the August 2021 meeting to allow progress on the commercial/recreational reallocation amendment. If I get a second, I will provide a little bit of additional clarity in addition to what I've already said.

MS. TINA BERGER: Maya that's 2021.

MS. MAYA DRZEWICKI: Yes, I didn't get the full motion. If some people could help me fill in the gaps.

MS. NOLAN: I can type it in the box if that would be helpful.

MS. DRZEWICKI: Yes, whatever works.

CHAIR NOWALSKY: All right, so we've got a motion coming up here from Council. While we're working on getting that up on the board. Mike Pentony, did you want to just speak with regards to the range of motions, or did you have something pertinent to share relative to what occurred right prior to this motion we're working on now?

MR. MICHAEL PENTONY: No, I just had a comment/question, really directed at the Council piece of this action, which is, and this is in response to the original motion. Just to note that I think typically when the Council gets to the point of approving a draft amendment to take out to public hearing, there is at least some discussion around selecting preferred alternatives to take out to the public for review, so that the public has some sense of the direction the Council is intending to go.

It does seem like, although we walked through all of the issues that are being covered in the Amendment, there really hasn't been any discussion around preferred alternatives at this point. I just wanted to raise that point/question for the Council, recognizing that the Commission process through the Addendum is often quite different.

CHAIR NOWALSKY: All right that's great. I think that is important information, and certainly going to be

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relevant to this next motion here. Did you want me to keep you in the queue of speakers here, or was that just the one point you wanted to make right now?

MR. PENTONY: Yes, that was the only point I had, thanks.

CHAIR NOWALSKY: Do we have Ellen's motion up at this point? Ellen, is what you see on the screen what your intended motion is, and if yes, I'll then ask you to read it into the record.

MS. NOLAN: It is.

CHAIR NOWALSKY: All right, please go ahead and read it, and then state whether you're making it on behalf of the Board, the Council or both, please.

MS. NOLAN: Sure. I move to postpone further action on the Draft joint Black Sea Bass state/commercial allocation document until the August 2021 meeting to allow progress on the commercial/recreational reallocation amendment, and I'm making this on behalf for both the Commission and the Council.

CHAIR NOWALSKY: Since the last motion we asked for a second first for the Board, I'll go to the Council first looking for a second this time. Do I have a second from the Council for this motion? There are a number of hands that are up right now. I'm sorry, I was jotting notes down. If you could put your hands down, and the first hand that goes up after that I will go ahead and accept as the second. That is going to be Tony DiLernia, sorry, Steve.

Tony DiLernia is going to be the seconder for the Council. I will then turn to the Board; do we have a second for this motion from the Board? The first hand up from the Board was Tom Fote. I'll just confirm those seconds. Tony DiLernia, you were seconding this motion on behalf of the Council, correct?

MR. TONY DiLERNIA: Correct.

CHAIR NOWALSKY: Okay, and Tom Fote, you were seconding this motion on behalf of the Board, correct?

MR. FOTE: Correct.

CHAIR NOWALSKY: Okay. Let me go ahead and reset my speaker list, and then I'll ask for a set of speakers. Where we were at was, we were with Ellen, who was speaking. I'll turn to her first for further rationalization on the motion. Then the list of speakers that I had was Nichola, Joe Cimino, Emerson Hasbrouck.

I will go back to those people in that order after Ellen. Additional people that want to speak. After I go through that list, I will then go back and ask for a show of hands for people that want to speak in favor and in opposition to the motion. Ellen, do you have anything further to add regarding justification for the motion?

MS. NOLAN: Sure, thank you. Just a quick addition to some of what I've already voiced, which is I think it's challenging to figure out what is the suite of available options to both Virginia as well as northern states around this issue. Allocation is a tough decision, and one that we don't enjoy having to make time and time again. I think it's really important to get it right the first go round. You know, to be very blunt, Virginia recognizes that this stock is expanding and we will need to address this. This is not intended to not do this. This is intended to be able to do this once, and to do it right, so thanks.

CHAIR NOWALSKY: Bob Beal, you put your hand up. Did you have something to add for us, some correction for me administratively or guidance here? I think staff has to unmute their boss again.

MS. BERGER: Bob, you're unmuted.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Thank you, Tina. Yes, they like to keep me quiet. It's a plan. Just a quick comment on the motion, not in favor or against it obviously. But technically this is not a joint document. The Council and Commission agreed to do

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two parallel documents, our Addendum XXXIII, and then the Council's Amendment. Both bodies agreed to work in parallel and not make any decisions independently. I think you know, and that is just that (breaking up).

CHAIR NOWALSKY: You're breaking up on us, Bob.

MS. KERNS: Adam, I think I can try to finish what Bob was saying, if that is helpful.

CHAIR NOWALSKY: I'm sure Bob appreciates you finishing his thoughts for him. Go ahead.

MS. KERNS: I don't know about that. These are parallel documents, not a joint document, while we tried to craft a document to be as like and similar as possible. Obviously, the Council has an Amendment, we have an Addendum. We're trying to work in lock step together, to make the choices together as we had agreed to back over a year ago. We may need to.

CHAIR NOWALSKY: Is the takeaway here that we need to change the language of this motion to be more similar to the language of the original motion that reflected two separate documents, or do you feel that we need some different scope of motions all together?

MS. KERNS: I think if we just said further action on the draft Addendum and the draft Amendment, you know the Commission's draft Addendum and the Council's draft Amendment that would work.

CHAIR NOWALSKY: Is there any objection by those associated with making this motion to perfecting the language as such?

MS. NOLAN: No.

MR. FOTE: No.

CHAIR NOWALSKY: All right, so let's go ahead and get that modification done, hopefully it can

be pulled from the main motion or pulled from the conversation here.

MS. BEATY: Hey Mr. Chair, this is Julia, can I speak to that point about the documents?

CHAIR NOWALSKY: Please do.

MS. BEATY: I worked closely with Caitlin, in terms of writing the draft. Well, she did most of the work, but I helped edit it a little bit. We tried to make it so that it would actually work as both a Council and a Commission document for public hearings. Throughout it says the Council and Board will decide. On the cover page it has both of our logos and both of our names for the two organizations there.

We weren't actually planning to have a separate Council document for public hearings, unless the Council really wanted to. We'll have to have a separate document later down the road for the rulemaking process, but for public hearings we were hoping that what is in the briefing book, as modified today, would be the same document that is used for the Council and the Commission for public hearings.

CHAIR NOWALSKY: That's helpful. I think the takeaway is that at the end of the day there is two separate documents, an Addendum and an Amendment that would ultimately become promulgated as final rules through the Service and through the Commission process, but we're talking about one public hearing document.

Let's see what we've got. Move to postpone further action on the Commission's Black Sea Bass Addendum XXXIII and the Council's amendment public hearing document. Where we're at right now is that we're referencing that they are two separate initiatives, but it is one public hearing document. How does that work for both staff?

MS. BEATY: That works for me, this is Julia.

MS. STARKS: Yes, that's fine to me as well.

CHAIR NOWALSKY: Okay.

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MR. LUISI: Adam, can I jump in really quick?

CHAIR NOWALSKY: Yes, please.

MR. LUISI: If we're perfecting the motion to make sure it's clear, this was a motion to substitute, so can we be sure to move to substitute to postpone, so that we know that there is a main motion still being considered?

CHAIR NOWALSKY: Yes, I'm not sure on that, Mike, whether it's a motion to substitute or whether we're just postponing everything. Are we postponing the previous, and I guess we need to get clarification? Are we postponing action on the previous motion, which would then automatically bring it back before us, or are we substituting to postpone anything further, which would make the main motion go away? I think they are two separate things; I think.

MR. LUISI: You're right.

MS. KERNS: You're postponing the action until August of 2021, so it's not a substitute, you're just postponing taking up that motion that was previously made until August of 2021.

CHAIR NOWALSKY: That motion would come back. If we go with the original language that was here 30 seconds ago, move to postpone further action, then the main motion would come back before both of these bodies in August of 2021, or again I'll go back to the makers of the motion to see if their preference was to substitute to postpone. What were they postponing, the previous motion or the further action? I think that is what we want clarification on. Would you agree, Mike?

MR. LUISI: I'll stay quiet. I think it was fine the first time.

CHAIR NOWALSKY: No, you brought up a great point, absolutely. Let me turn to Ellen again. Did you want to postpone the previous motion,

which would have it automatically come back to us in August, which is what the language currently reflects, or did you want to substitute for the last motion, and just start with a fresh slate on this next August?

MS. NOLAN: Okay, I wanted it to just come back. I don't think we need to start with a fresh slate. I think the document is in good shape. I'm trying to track here, but I can't see the previous motion.

CHAIR NOWALSKY: That's where we're at. Let's go ahead and put that previous motion up, because as I think we've clarified, if we could get both on the screen at the same time, maybe split some pods or something here would be great, because that is where we're at. I'll wait until they get those up. All right, so let me go through and just go through my list of speakers. Nichola, do you still want to speak, yes or no?

MS. MESERVE: Yes, thank you.

CHAIR NOWALSKY: Joe Cimino, you're still going to want to speak? Yes or no, Joe. I'll assume with the hands up that means he still wants to speak while he's getting unmuted. Emerson, you're going to want to speak on the motion to postpone? All right, I've got a hand up there. Let me get through those three, and then let me reach out.

MR. EMERSON C. HASBROUCK: There has been a problem with unmuting here, I think, Adam, and Joe may be experiencing the same thing. It took a while to unmute here. I had to push the button about 20 times.

CHAIR NOWALSKY: I'll try to give you a heads up. What I'll let people know here is to who the next speaker is, and then they can unmute themselves beforehand, and try to just mute their local device. All right, let me go to Nichola. We'll go to Nichola, Joe, and Emerson, and then I'll reset the list with both for and against for the motion to postpone. Nichola, you're up.

MS. MESERVE: I had given consideration to the interplay between the sector allocation Amendment

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and the sea bass commercial allocation Addendum. Regardless of the overall size of the pie. I think it is time that we consider how the pie is split. The interplay that most of the concern seems to be based on, on the trigger option itself.

But there are with it the specific poundage amounts. But there are other options here that wouldn't put us in a bind with waiting for the commercial/recreational allocation Amendment, and how that would play into it. I also think we have heard some ways where if that were the approved approach, the trigger, where it could be further modified with the commercial/recreational allocation Amendment. Lastly, the date of August 2021, I would note in the motion.

I would note the recreational/commercial allocation then is currently schedule to go to public hearing in early 2021. If there were to be some delay in the commercial reallocation amendment, I could possibly go along with having those public hearings all happening at the same time, and final action on both of these documents happening at the same time. I don't think we have to wait for a commercial/recreational allocation Amendment to conclude before taking action on this document.

CHAIR NOWALSKY: Joe Cimino.

MR. CIMINO: I agree with a lot of what Justin Davis said, in that I would move to approve this document, because I think it's a great template for what we should be looking at for this very difficult decision of reallocation. I applaud the work, especially of the PDT and staff on this. But I do have major concerns with the timing.

You know, we lived through this with bluefish. We tried to bring out a bluefish commercial reallocation Amendment, before we knew what new MRIP numbers were. We had to put a stop to that. I think we're in the same exact

situation right now, and I think we could potentially come back from public hearings with not enough information to move ahead, because the public isn't willing to say, until they know more.

You know the only good news on that is these public hearings won't be as laborious as having, I think we had three in New Jersey for the bluefish reallocation, when we decided to wait and get on the other side of the new recreational numbers. It's the reason why I'm unfortunately speaking for the postponement of this.

CHAIR NOWALSKY: Emerson Hasbrouck.

MR. HASBROUCK: I agree with the comments Nichola just made, and I am opposed to this motion to postpone. We don't need to slow this current Addendum/Amendment down. It's been in the works for over two years now, starting with a Working Group of the Board. We don't need to delay bringing this draft Addendum/Amendment, because there is another action for summer flounder, scup and sea bass in the works for commercial/recreational allocation. Let these two separate actions go forward independently. Whatever the outcome is of the summer flounder, scup, and sea bass reallocation Amendment. This Addendum/Amendment that we're talking about today can be incorporated when that action is finalized. We don't know what the output is going to be on that.

One of the options is status quo for sea bass, right. The only thing that this motion is going to do, this motion took away. The only thing this motion took away is going to do, is to put off making some hard decisions for another year. Let's get on with our jobs of making hard decisions for sea bass management.

CHAIR NOWALSKY: All right, let me see a show of hands from people that want to speak in favor of the motion to postpone right now. If you're not in favor of the motion to postpone, please keep your hand down for a moment. Hands up only if you want to speak in favor of the motion to postpone.

All right, so the three I have right now, are going to be Mike Luisi, Tom Fote, and Tony DiLernia. If you could

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briefly put your hands down, and let me see a show of hands of additional people that want to speak against the motion to postpone. Okay, and I've got Justin Davis, Jay McNamee, and Eric Reid in opposition to the motion to postpone. All right, so I'll go back and forth between those two lists.

Please try to keep your comments, if they're new, only if somebody else has made your comments, just feel to reference it. But try to focus on new information that you're bringing to the table. Everybody can put their hand down right now. Out of Mike Luisi, Justin Davis, Tom Fote, Jay McNamee, Tony DiLernia, Eric Reid. That is where we're at right now, and then I'll come back for another round of speakers at that point. Mike, you're up, Mr. Chairman.

MR. LUISI: I didn't actually raise my hand. My hand was still up from before, but I'll just go ahead and add a thought to the discussion. I'm kind of in the middle here. I don't know if postponing the entirety of the action, which would be to approve the document and get it to the public needs to wait a year.

I do fall in line with some of the comments, and I agree with some of the comments regarding being informed, as to what potential changes are happening at a parallel track, and how they may result in compounding effects on a state, regarding its commercial allocation for black seas bass. I think it would be best to leave my point at that right now.

I just also wanted to offer the concept and the idea that there has been a lot of work done on this, it has gone back a few years now. There is still an opportunity to allow the public to weigh in on this. We've been talking about it for quite some time. With that information that we get from the public, before final action is taken there would be an opportunity to consider delaying that final action, based on some of the concerns we've heard.

I see this as it could happen in a couple different ways. We could postpone until next year, move forward now, and potentially delay later, or just continue to move forward now without considering delay. I'll leave it there, Mr. Chairman, and thanks for recognizing me. I appreciate it.

CHAIR NOWALSKY: We will before final vote is taken; I will go out to the public for comment on this motion to postpone as well. Justin Davis.

DR. DAVIS: I'm in opposition to this motion. I'll start off by saying that I am sympathetic to the concern over trying to move forward with this at the same time while we're considering recreational versus commercial allocations. The two actions obviously have implications for each other.

But I feel like this action is much further along, as several folks have mentioned we've been working on this for well over two years. There has been a ton of work that's put into this. The maker of this motion said a few minutes ago the document is in good shape. You know we've got a really good document here.

I feel like we can take it out now for public comment, and what we're really going to be asking the public to do is choose between different management schemes, or different management frameworks, a trigger framework versus just a straight-up reallocation framework, versus a different framework where you're taking a certain percentage of the quota, and allocating it differently. All of these options essentially include a range, the trigger option, the Connecticut only 5 percent option. Any of these are essentially describing a range of potential changes. I think the range that is that is being considered in any of the options in this document will allow more than enough flexibility, when it comes time for final action. That when the other action is moved along, the recreational versus commercial action, we'll be able to adjust to the outcome there.

I reject the premise that we sort of need to put this thing on a shelf until we know what's going on with the other action, because I think you could turn

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around and make that same argument for the other action. We could get together next week and say, well jeez, we can't move forward with the recreational versus commercial amendment, until we know what's going to happen with allocations on sea bass commercial quota.

I'm not confident that in August 2021 we're going to be in a substantially better place, understanding what's going to happen with recreational versus commercial allocation, to allow the public to make that much more of an informed judgement on the different options that are laid out in this document.

I'll also just say that there will be other opportunities to delay action on this after public comment. We can keep pushing off taking final action on this. I wouldn't, personally endorse that. I think there is a certain urgency here. Some states are very disadvantaged by their current quota allocation.

We'll have other opportunities to get public input, even after this public comment period. I know that in our state we have an Advisory Council. I have folks in the industry that I talk to regularly, and I'll continue to get input from those folks, even after the normal public comment period, which I suspect all the other folks on this call will as well. I'm receptive to the general concept behind this. I just really don't feel like this particular motion is going to put these two bodies in a better place to move forward with what I think is important action. I just don't think it's justified.

CHAIR NOWALSKY: Tom Fote, and then after Tom again I've got Jay McNamee, and Tony DiLernia and Eric Reid. Go ahead, Tom.

MR. FOTE: My problem is I support the document going out. My problem is the public hearing process. I really am concerned that we move anything as a final action, which this is a final action we're moving now, the public

hearing can make a final action, and we're going to do this at virtual public hearings.

I'm not too confident that that basically handles all the public. I've done enough Zoom calls with different organizations and different meetings with MAFAC, with the Commission, Jersey Coast, and a whole number of other organizations, Clear Water Action, to realize it's not the same as having a sit down with a public hearing.

I've been going through a document, asking questions with the group sitting in an audience, and then basically putting things out. It's not the document that is giving me a problem. I would have supported going with this document if we had public hearings. But virtual hearings are another ballgame, and I will have the same problem with it, and I'm going to have the same problem moving the other document out for the same reason, because I just don't think it's fair.

There are a lot of people like me that still use a flip phone that don't feel comfortable getting on Zooms and things like that. I do it, because it's a necessity of life, and I, and I've learned how to appropriately do it. But I mean, I sit with calls and trying to explain takes me two day sometimes to explain to some of the people that are supposed to be on the call, how to actually get to a Zoom call, which is a lot easier than this type of call.

That was my concern. It had nothing to do with the document, just the public hearing process. That's what I've been waiting to talk about all this time. I don't want to do joint public hearings, where we cover a bunch of states at a virtual reality. I think that could be another disaster. We're not really finding out how the people in New Jersey, New York deal with speaking to their fishery and staff at the same time.

I know it is more intensive to do that and it's more work. But I think that's part of our job. I go to the public hearings. I don't get paid. That is my volunteer job, and that is what I signed up for when I went on the Commission years ago and pushed for public hearings. Public hearings, and that was part of the process. That was my problems with it.

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CHAIR NOWALSKY: Great, thank you, Tom. I think what is important. The last couple comments have been hitting on some new information, and other items to consider, so that is great and I appreciate that from the speakers. Next up, Jay McNamee.

DR. McNAMEE: Hopefully I'm not just about to disappoint you. I just wanted to think back to when I made the original motion. I was comfortable if things kind of paused for a little bit. My main reason for applying that was concerns over, the same concerns that Tom just voiced. You know I also am concerned about that. I think the Zoom meetings and the virtual hearings have been working okay, you know for a lot of different things that I've been involved in. But I know some folks feel differently about that.

I was okay with a modest delay in kind of bringing this stuff out, but you know a year seems like overkill to me. That is why I'm thinking back to what Nichola said earlier. You know if something got delayed and it started back up after the first of the year or something like that. I think that would be reasonable, but waiting a full year to even just let it go out for public comment is far too long. I'll be in opposition to this new motion.

CHAIR NOWALSKY: Thanks, Jay, I promise I'm never disappointed, much appreciated. Tony DiLernia.

MR. DiLERNIA: First of all, we say if this goes forward, most of the options include to giving New York an increase, New York and Connecticut in most cases get an increase. You would think right away I would want to jump in on this, so yes, sure let's go forward. But I'm a Council member, and speaking as a Council member I want to make sure that the Council process is fully respected.

I think coordinating the Council and Commission's actions. If this goes forward the

Commission will be a full year ahead of the Council, and I don't think that's where we want to be. Finally, we don't know what the reallocation between the commercial/recreational process. We don't know where that is doing to turn out, as far as changes to the commercial allocation.

To be divvying up stuff that we aren't even sure how much is going to be reallocated, if anything should be reallocated, you know commercial allocation will be decreased. I think it's a bit premature. You know the Commission has been working with these state-by-state quota systems in this process for years, and it seems to have been working.

To give them another year to continue to work with the process they have in place doesn't seem to be a problem to me, and at the same time we can continue to collaboratively work on this together, and coordinate our actions together, rather than having one body jump ahead of the other. It's for that reason why I seconded the motion, and I believe we should wait until August 2021. Thank you.

CHAIRMAN NOWALSKY: Thank you, Tony for providing Council perspective, as it is a joint action that's important. Eric Reid.

MR. ERIC REID: This is a public hearing document, and I agree that it should go forward. Mr. Luisi's comment I agree with what Mike said. You know he mentioned a delay or change to the timeline for final action. That is after the public gets a hold of this document. There is nothing that says the timeline has to be maintained as it is. I agree with Dr. Davis that the range of alternatives in this document are substantial enough that the public can give us their input, and then we can digest it in however much time that may take. This notion about, well if we wait things will change, as far as public hearing format goes. Yes, okay, buy me a couple of lottery tickets today as well, because I don't believe that. I just want to point out, in New England we have two very contentious amendments, A21 to the Scallop Plan, and A23 the Groundfish Plan.

Those are very contentious, and we are doing our best to accommodate the public. But sooner or later final

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action is going to have to take place regardless. I don't like it, but that's reality. I would point out that the Mid-Atlantic of course just went through their process of their Illex Amendment, of course the Illex Amendment was a totally commercial issue, there is no recreational component, and I understand that.

There are apples and oranges there, but the reality of that is, and Mr. Hughes was on this call, can probably tell you better than I. There were a series of public hearings that were attended by 60, 70, 80, 90 people, and final action was attended by the same. That was managed very well by the Council and by Mr. Hughes himself. I know it's a complex issue, but you know at the end of the day my question is to the supporters of this motion to postpone.

Do you really think that between now and next August that without public input this document is going to be so changed, so substantially changed after we hear from the public, and the response to the options that we have in this document, that they would present the possibility we would have to go back out to the public. I don't see that happening.

The suite of options is pretty broad, and we can gather a lot of input. We're not going to final action, we can adjust our final action timeline, even if we go to public hearing now. I would suggest with all that in mind that we approve this document, get public input. If we've got to adjust it then we do it. If that happens to be after August of 2021, so be it. But there is no reason to avoid the public anymore in this document. Let's send it out to them, let's get it back, let's do our job.

CHAIR NOWALSKY: I'll second the kudos to Mr. Hughes for the great work he did at the Council, and everyone who does great work, staff and Chairs included. Let me ask, at this point is there anyone else from the Council and Board that would like to speak to offer new

information in helping both bodies make a decision, either for or against the motion.

If so, raise your hand at this point. I'm not seeing any other hands, so at this point I'm going to go out to the public for comments on the motion to postpone. The first hand I see up is Greg DiDomenico. Good afternoon, Greg.

MR. GREG DiDOMENICO: Good morning, sorry good afternoon, Mr. Chairman, can you hear me pretty well?

CHAIR NOWALSKY: I can hear you like you're right next to me.

MR. DiDOMENICO: All righty. I'm going to be brief.

CHAIR NOWALSKY: Just for the record, he's not.

Mr. DiDOMENICO: I'll be brief. Let me support the motion to postpone for one basic reason. All along this process I was willing to go ahead, in haste and in good faith, and hopefully to help or assist those commercial folks up north, who have been disadvantaged by low quota. I was willing to go ahead and do that.

But quite frankly, given the complexion of the recreational/commercial allocation document, and specifically the most recent information that leads me to believe that catch-based management will be applied, and the other demersal species, which could very easily from the newest analysis, shift and reduce commercial fishing quota or percentages by 20 percent.

I'm no longer willing to take the risk of losing additional quota for anybody at this point. It would be good to postpone, and it would be good to understand that at some point this issue of commercial, this issue of catch-based versus landings-based approach needs to be fully vetted, and again repeat what I said earlier this morning, the application of which should be applied differently to stakeholders.

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CHAIR NOWALSKY: Are there any other members of the public who would like to speak, either raise your hand, or if you don't have the ability to do so through the webinar, please just go ahead and speak up, and let me know that you want to speak. Okay, seeing no other hands. Greg, if you would be kind enough to put yours down it would be appreciated, if you don't have anything else to add.

Thank you very much. Hearing nothing else, I will bring it back to the virtual table. Does the Board and Council have anything additional they would like to add for or against this motion, before we go ahead and do the vote? All right, seeing none. If I could ask staff to go ahead and just put up the makers and the seconders of the motion to postpone. I'll go ahead and read this one more time, and just make clear what this will do.

Move to postpone further action on the Commission's Black Sea Bass Addendum XXXIII and the Council's amendment public hearing document until the August 2021 meeting to allow progress on the commercial/recreational reallocation amendment. That motion was made on behalf of both the Board and the Council by Ellen Bolan, seconded for the Board by Tom Fote, seconded for the Council by Tony DiLernia.

I'll go ahead and call the question first for the Board, and then I'll turn to Council Chair to go ahead and call the question for the Council. I'll first go ahead and give Commissioner members about three minutes or so here to go ahead and caucus, and then we'll go ahead and take the vote. Justin Davis, did you have one last thing to add before we caucus?

DR. DAVIS: Yes, thank you, Mr. Chairman. I just wanted to clarify it for the Board vote. Are we going to use the procedure we seem to have adopted today, where when the Board votes are tallied up it will be announced which states voted in which direction?

CHAIR NOWALSKY: Yes, I'm comfortable with that. While it is not formally a roll call vote, I think it's important to recognize that the process if we were around the table, we could all see everything. If somebody is not in front of a computer, they can't see the hands, so that will be my intention. I will ask for one Commissioner from each state to go ahead and raise their hand. I will ask staff to run down that list, announce the votes that they have as the yea, nay, abstention and nulls, and then that way we have everything as a record, and I'll defer to the Council Chair if he would like to do things the same way there as well. Roy Miller.

MR. ROY W. MILLER: I would like to know procedurally what we're doing here. We're going to vote on the motion to postpone. Now if the motion to postpone passes, what happens to the previous motion? Do we then vote on that, or by approving or disapproving the motion to postpone, does that do away with the need for the previous motion? Can you clarify it for me, Mr. Chairman what the intent is?

CHAIR NOWALSKY: I most certainly can, Roy. A vote in favor of the motion to postpone, if this motion to postpone passes, we will have no further business to conduct regarding the Addendum and Amendment today, and the document will sit as is, and will come back before the joint body in August of 2021. If the motion to postpone fails, then we will go back to the main motion and take it up at that point in time, with either a vote or any further additions, amendments, substitutions or other actions. Does that make clear to you what we're doing?

MR. MILLER: Thank you for that clarification.

CHAIR NOWALSKY: Let's take three minutes or so here, and then we'll go ahead and take the vote. I'll ask the Board, is there any other states that need more time to caucus, either raise a hand or just chime in with more time, please. Okay, I'm not hearing anything, so I believe we're ready to vote. We will go ahead and take the question first to the Board. Let me just quickly turn to Council Chair. Is there anything else you want to offer before we take this vote up, Mr. Chairman?

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MR. LUISI: No, thank you Adam. I think we've had a good discussion. There has been a lot of back and forth about the concerns about moving forward now. I think it has been recognized that there is an intent to address the situation of abundance and access. However, given the complexities of the global pandemic, and data that may be changing as a result of the commercial allocation. I think those concerns were made clear. I don't think there is anything else we need to cover. It's been a good back and forth, and I think it's time to call the question, as you have suggested.

CHAIR NOWALSKY: All right let me go to just a quick question to staff. Do we have Fish and Wildlife Service present, so we make sure we get an accurate number of votes, or are we just looking at 11 votes and not 12?

MS. KERNS: Hold on Adam. No, Fish and Wildlife is here.

CHAIR NOWALSKY: Okay, so we're going to be looking for a total of 12 votes is what the number we're going to be looking for.

MS. KERNS: If everybody votes, yes.

CHAIR NOWALSKY: Well everybody should vote one way or the other, yes, no, abstain or null. We'll do it as many times as we need to, to get to 12. Let's hope it's just once. All right, all those in favor of the motion to postpone, please go ahead and raise a hand. One vote for delegation, and then I'll ask staff to just run down that list after we've given everyone enough time.

MS. KERNS: Please don't take your hand down. I will take it down for you. I have New Jersey, Delaware, Maryland, Virginia and PRFC.

CHAIR NOWALSKY: I thought I had summarized. New Jersey, Delaware, Virginia and Maryland, PRFC, correct?

MS. STARKS: Yes, that is 5.

CHAIR NOWALSKY: All right, those hands have been cleared. All those in opposition to the motion to postpone raise your hands please.

MS. KERNS: I have New York, Rhode Island, Connecticut, Massachusetts, sorry I had some hands move on me. North Carolina that is 5, right Caitlin?

MS. STARKS: Yes.

MS. KERNS: And Rhode Island, did I say Rhode Island, I'm sorry if I didn't.

CHAIR NOWALSKY: I've got Rhode Island, Connecticut, Massachusetts, North Carolina, and New York in opposition to the motion to postpone. Okay, abstentions on the motion to postpone.

MS. KERNS: Fish and Wildlife Service and NOAA Fisheries.

MS. STARKS: That's 2.

CHAIR NOWALSKY: There should be no null votes. We've got 5 votes in favor of the motion to postpone, 5 in opposition, 2 abstentions. The motion fails for a lack of majority, therefore there is no need to take this motion to the Council. That brings us back then to the main motion. Let me ask, is there anyone who want, I believe the majority of the discussion that we had on the motion to postpone addressed a lot of the issues here.

I will ask if there is anyone who wants to make any subsequent motions to the motion before us at this point. Okay, I'm not seeing any. I am going to ask, is there anyone who wants to make any final comments. Otherwise, I'll go ahead and give caucus time for a minute on this. I'll ask if there are any additional comments that people want to make now on this main motion. We've got Tony DiLernia.

MR. DiLERNIA: I voted for the motion that just failed. You heard my reasons before. I have to say that as a Chairman of the Council's Committee that is going to

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deal with this, I am still going to vote no regarding sending it out. I don't think we should be sending it out until we coordinate with the 2021. I am going to be voting no.

CHAIR NOWALSKY: I'll just offer that from a procedure perspective to the answer of where we're at is that if this motion passes staff will begin the process of finalizing the document, making sure all i's are dotted, t's are crossed, getting it posted to Council and Commission websites, and beginning the process of scheduling public hearings.

If this motion were to fail, then I think we would be in a state of limbo. I would be looking for some direction from the Council and Board at that point as to what they want staff to do with this document, should this motion fail. We had a motion to postpone basically any further consideration for a year. There may be some interim ground, if this motion fails.

But we would take that discussion up likely not today, due to other things on the agenda. Likely what I think I would do is direct staff to basically schedule this topic for a future meeting, to take it back up again, is I think where we would be at if this motion fails. Chairman Luisi, you've got your hand up. I don't know if you wanted to comment in the motion, or just talk about where we are should this motion pass or fail.

MR. LUISI: I did have, you started to cover it there at the end. I'm wondering what happens in the event that this motion then fails, and you stated that we would leave it up to staff to bring it back before us at some later date. I would almost think that staff would probably return a question to the Board and the Council at that point, as to when they would like to see it again. I don't know that we want to put that on staff to just make that decision.

If this were to fail, we should have a discussion about when we would like to see this again. I'll

hold comment. I would like to see if anybody else has any comment to offer. I may offer comment on behalf of the state of Maryland, not as Chair of the Council, regarding where my position was on the previous vote, and then what I might be thinking about for this vote. I'll hold that for now, see if anyone else has anything to offer. But keep in mind that we may need to provide guidance to staff, as to when we might want to see this again if this fails.

CHAIR NOWALSKY: That is completely true. It wasn't my intention to suggest it would be staff's decision. I think what I was alluding to was that we would need some direction from staff when they might think we could next bring it forward as well. Yes, I agree it would ultimately be the will of the Board and the Council what we would do with this, with guidance from staff.

All right, any other new information to bring forward on the motion prior to giving the Board another moment to caucus, and then calling the vote? All right, seeing none I'll give the Board one minute here to caucus, I would think the last caucus probably covered it, but go ahead. What we'll do when we come back with the vote, Mike, since the voted first last time, we'll turn to the Council first for you to conduct that vote if you're ready for that when we come back from caucus.

MR. LUISI: I can do that, thanks.

MS. KERNS: Mike, I don't know what happens here, but Scott Lennox sent us a note and told us that he had to leave the meeting, but if he can he would like to vote in favor of this motion. I give that information to you.

MR. LUISI: Okay, and I think procedurally this is all new territory. Not that it's new territory, but procedurally the way we've done things at the Council is that if you are not present during the casting of a vote, then that vote will not be counted. If his intent was to try to vote but not on the call, then I'm not going to include that vote. But his comment regarding what he would have done will be taken in the record.

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CHAIR NOWALSKY: Is there any delegations that need additional time to caucus for the Board? Okay, we'll take another moment. All right, let's go ahead and bring the vote back to the table. Chairman Luisi, I'll turn to you to go ahead and conduct the vote for the Council first, since the last vote was done at the Board level first.

CHAIR MICHAEL LUISI: Thank you, Chairman Nowalsky. I'm going to go ahead and read the motion to the Council, and I'll be asking for the Council's vote. Unlike you, Adam, I do not see the attendees and hands, so what I'm going to do is ask staff to just count the hands in support and in opposition, and present those counts.

I can't tell you who is voting for and against at this point. That said, the motion is to approve Draft Addendum XXXIII and Council public hearing document, as presented today, for public comment. All those members of the Council who support this action, please raise your hand.

MS. KERNS: Mike, I'm just waiting until everyone raises their hand, because it moves the names all around.

CHAIR LUISI: Understood, take your time.

MS. KERNS: You have Joe Cimino, Maureen Davidson, John Clark, Sara Winslow, Chris Coon, Mike Pentony, Chris Batsavage, Laurie Nolan, and Warren Elliott. If somebody else had their hand raised and I didn't call their name, please speak up.

CHAIR LUISI: Okay Toni, I counted 9 as you read that out. I'll just confirm with you.

MS. KERNS: Yes, I count 9 as well.

CHAIR LUISI: If you can clear the hands for me. Everyone's hands should be down at this point. I am going to now.

CHAIR NOWALSKY: Sorry to interrupt. Toni, did you get my note about my voting relative to.

MS. KERNS: Yes.

CHAIR LUISI: Okay, so I'll go ahead and call for all those opposed to the motion, please raise your hand.

MS. KERNS: You have Peter Hughes, Sonny Gwin, Wes Townsend, Ellen Bolen, Steve Heins, Tony DiLernia, Dewey Hemilright, and Adam Nowalsky.

CHAIR LUISI: I counted 8.

MS. KERNS: As did I.

CHAIR LUISI: Let me ask if there are any abstentions.

MS. KERNS: I just cleared the deck, so abstentions if you raise your hand now. I do not see any hands.

CHAIR LUISI: That count makes sense, there were a couple Council members, given that Scott had to leave and Peter deFur was also not available today. That count makes sense, as far as the number goes. With a 9 to 8 vote on this motion, the motion is approved by the Council, and Adam I'll turn it back to you for a Board vote.

CHAIR NOWALSKY: All right very good, thank you very much. For the Board. All those that are in favor of the motion, please go ahead and cast your vote by raising your hand. One vote per delegation, please.

MS. KERNS: Okay, we have Rhode Island, Delaware, Connecticut, Massachusetts, NOAA Fisheries, North Carolina, and New York. I'm going to clear the deck.

MR. LUISI: Toni. I'm sorry, Toni, I lost my screen. Something happened and I don't see my hand raise function anymore.

MS. KERNS: That's because when you said you couldn't see people, I made you the organizer. Do you want to vote in favor?

MR. LUISI: I do not.

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MS. KERNS: Okay, no worries. Let me know what Maryland's vote will be. That is 7 in favor, Caitlin, right?

MS. STARKS: Yes.

CHAIRAMN NOWALSKY: Those hands have now been put down. Can I get all the votes that are no votes, in opposition to the motion to go ahead and raise a hand, one vote per delegation, please?

MS. KERNS: Mike, is Maryland a no?

MR. LUISI: That is correct.

MS. KERNS: We'll have Maryland, New Jersey, Virginia, and PRFC, so 4.

CHAIR NOWALSKY: Thank you very much, abstentions.

MS. KERNS: Fish and Wildlife Service.

CHAIR NOWALSKY: Great that will make 12, and we'll have no null votes. The motion passes the Board, 7 votes in favor, 4 opposed, 1 abstention, and no null votes. Okay, so I think where that brings us now is back to the topic of public hearings. We have passed the motion to go ahead and approve this document. We had the timeline up earlier with next steps.

There was a proposal. I think maybe if staff could bring up the slide related to public hearings. There was a discussion item there that maybe public hearings move from a state by state type of public hearing venue to something more comprehensive, or less geographic based. I mean I'll just add that from my own experience of public hearings, for various topics and different entities, what I've definitely seen occur first hand is there are no more travel restrictions.

We certainly had people that traveled out of state, sometimes great distances, to attend public hearings that were not in their same state. But certainly, the virtual aspect of things has taken that away. We saw a lot of the same people at places, we saw people from out of state taking places.

I do think there is some merit to consideration about what we do here moving forward, and whether those hearings adequately reflect an individual state interest, and/or whether or not that really matters. I'm not here to make that decision. But again, I think if we could get the slide up that has the information about the public hearings, and I would turn to staff to state what the specific needs are that they have, that they need direction from to move forward to begin scheduling these.

MS. KERNS: Adam, I think I am going to try to help Caitlin out here. One of the things that we had talked about, relayed earlier in the week with striped bass and some other things were other species that have passed addendums, is that the Executive Committee next week would talk about public hearings and the best way to move forward with public hearings.

I thought maybe we could get the advice from those folks, and then still reach out to the states and talk to you all about determining whether or not we can find some ways to do some consolidation of hearings as well. I'm not saying that no, we won't give your state a hearing or anything like that, if that is what you really need. But if that is okay with you then we would just wait to hear the Executive Committee's advice, and then reach back out to the Board, in asking about hearings.

CHAIR NOWALSKY: The one question I have with that Toni is, traditionally outside of a closed topic, such as personnel issues. The Commission's Executive Committee meetings are a public process, with materials available, agendas as well as the opportunity for public to attend. I understand that the needs for the Executive Committee to meet on topics has increased. I understand there is regular and/or a standing meeting now posted. But if we go that route, what opportunity does that then provide this Board or

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any other member of the public to weigh in on that decision-making process?

MS. KERNS: Definitely the Board can come listen to the Executive Committee. Obviously, it's up to the Chairman to determine, you know to recognize other speakers, depending on how much time there is. But as I said before, what we thought we would do is get the advice of the Executive Committee, but again I don't think that it precludes a state from being able to ask for a hearing. I think that we're just trying to reduce fatigue of folks on the hearings, and that's why we're trying to do some consolidation.

Especially because they are all webinars, and we recognize that sometimes some states have some individual needs. I think that it's highly likely following the positive feedback that the Council found with recording the hearings that we might do something like that as well. Again, we would want to run that past the Executive Committee. There are just a couple of different ideas that have been put out there, in talking about webinar hearings. Again, an individual state still has always had the ability to ask for a specific hearing.

CHAIR NOWALSKY: What I'm hearing then is your proposed way forward is to get some input from the Executive Committee, which would be meeting next Thursday, despite there being a Council meeting still at that time?

MS. KERNS: I think it depends. Bob just sent me a note, and I forgot that the Council meeting may still be going on. Either next week or the week after.

CHAIR NOWALSKY: Sometimes within the next two weeks you would get some feedback from the Commission's Executive Committee on what they recommend, and that would be a recommendation from the Commission side. Given that this is a joint public hearing document, do we have any direction from

Council staff that they want to weigh in about moving forward with these hearings?

MS. BEATY: This is Julia. Not necessarily. Honestly, I was looking at something else when you asked that question. But I think I understand the gist of the question. We were comfortable moving forward with virtual hearings at this point, but like has been discussed planning to keep this a joint process, and do everything together.

CHAIR NOWALSKY: What I'm hearing right now is the plan would be for the Commission's Executive Committee to have discussion, some thoughts about how best to move forward with virtual hearings. That information would then come back to this Board, and I think to the Council, and then at that point staff would propose times for hearings.

I mean typically the states have to work with Council staff to schedule them. I'm not sure, is that still what, or we just don't know what it's going to look like, and basically what you're telling us is just hang on, we'll give you some information in the next two weeks.

MS. STARKS: I don't know if Toni wants to weigh in, Adam. But it sounded to me like once we have some feedback from Executive Committee, we can still work with the states to figure out a schedule that works for everybody. We wouldn't necessarily come up with the schedule, but we would still be reaching back out to the states.

MS. KERNS: Correct.

CHAIRAMN NOWALSKY: All right, well let me turn to the Board and the Council then for any other comments from them at this point. Tom Fote.

MR. FOTE: Yes, two comments. One, I'm suggesting that we have our own hearing in New Jersey. I don't see the inconvenience of having multiple hearings, since there is no travel involved. All you need to do is sit behind a screen someplace. It's not where you're spending days on the road. I mean all you have to do is spend two hours, so it is a lot easier to do virtual hearings than it is to do person to person hearings.

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Second of all, I would like to make sure I get notified when the Executive Committee is now meeting, since there are a couple of issues that I'm involved in that I would like to hear, and I have not been getting those notices, so please send me those notices as a Board member. I'll leave it at that. But I still have concerns about how we do public hearings on final actions, without having the public being able at the hearings.

CHAIR NOWALSKY: Next up I've got Joe Cimino.

MR. CIMINO: Just as a Council member now, go back to the Regional Administrator's questions. You know we're going forward with, as I pointed out I think is a really well written document, but without any preferred alternatives. Is there a possibility at some point to consider that? Even if it's after a first round of public hearings.

CHAIR NOWALSKY: Dr. Moore, good afternoon.

DR. CHRISTOPHER M. MOORE: Good afternoon everyone. I would disagree with Mike's earlier comments. We've actually, it's a little fuzzy, but we've gone out to public hearings with documents that don't have preferred alternatives. It's really up to the Council and the Board to decide if in fact you want to wait to pick a preferred alternative. But we don't have to.

CHAIR NOWALSKY: Well, so let me offer this up then, is that we've had quite a bit of discussion earlier on about when we would send this out. We've now approved the document for public hearing. Is there any possibility that the Council, in working with the Board before public hearings occur, could take another bite at this with regards to selecting preferred alternatives, or would we say we're too late for that at this point?

MS. KERNS: Adam, I don't know if that is a question for the Board and Council members,

but I will tell you typically the Commission does not put out preferred alternatives.

CHAIR NOWALSKY: Well I think it's a question for staff to weigh in as to whether that might be a compromised position way forward, if they think it's reasonable. If it's unreasonable after we've voted to take it to take it out for public comment, to then go back and delay those hearings until after a preferred alternative has been chosen by the Council, well then that is off the table entirely. Dr. Moore, did you have any input on this?

DR. MOORE: I would say it was unreasonable.

MR. LUISI: I lost my ability to raise my hand, so I'm just going to have to yell out when I want to speak. There are other ways about this too. We could go out to the public, get their feedback, and we could convene, you know our Summer Flounder, Scup, Black Sea Bass Committee, with representatives from the Board at some point this winter.

If we decided that would be an appropriate way to go forward, to perhaps make a recommendation on preferred alternatives based on feedback from the public. There are a couple different ways of you know moving forward with this, rather than just hearing from the public and taking up final action in December. Just something to be thinking about what our next steps are.

CHAIR NOWALSKY: Yes, and I think what occurred here today is that we did not take up the issue of preferred alternatives prior to going ahead and voting to take the document out for public comment. I think that's where the opportunity was for the Council to jump in. Chris Moore, did you want to add something?

DR. MOORE: Yes, I just want to make sure that we're all on the same page. We're talking about adding a preferred alternative before we go out to the public, correct? If we decided to do that, that would obviously delay the public hearings. My recommendation at this point would be to move forward with the process.

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Hold the public hearings in late summer or early fall, as identified in the timeline, and see where that puts up after that. But again, there is nothing that suggests we have to pick a preferred alternative before we go out to public hearings. It sounds like, from a Board perspective that is the way that you typically do it anyway.

CHAIR NOWALSKY: Mike Pentony, I've seen your hand up. It's now down. I'll just give you an opportunity, in case you wanted to weigh in on anything else on your perspective of ultimately final action that the Service would take if we go out to public hearings without a preferred alternative on the Council side.

MR. PENTONY: Yes, I was just going to correct the record. I didn't say that the Council has to select preferred alternatives. Clearly the Council often goes out to public hearings without them. But I believe the Council generally at least has a discussion about whether to go out to public hearings with preferred alternatives. In this case, I was simply drawing attention to the fact that the Council hadn't had any discussion around preferred alternatives before voting to take a document out for public hearing, and acknowledging that the Commission process is different, and they rarely do.

CHAIR NOWALSKY: Is there anyone from the Council who wants to offer anything else at this point regarding the fact that the document was approved for public comment, there was no preferred alternatives chosen then at this point? All right, well seeing no other hands, and hearing nothing else. I think then where we're at is the document was approved for public comment. There were no preferred alternatives chosen.

There is going to be some work done by staff, who will get information back out about some thoughts about how hearings would be conducted. States have the ability to request

specific hearings, and unless anyone has anything else or staff has anything else to add, I believe that's where we're at with this agenda item. All right, seeing no other hands or hearing anything else, does staff need anything else on this agenda item, or have we concluded our business for it?

MS. STARKS: I'm all set.

CHAIR NOWALSKY: All right very good, we'll thank both bodies. We are behind schedule. It is my intention to wrap up by 4:00 p.m. today, to give everyone a chance to attend to whatever other matters they have. We have another item to come before both the Board and the Council, with Recreational Reform Initiative.

The additional item on the agenda will be a Board only decision, so I'll defer to the Chairman after we get through Recreational Reform Initiative what charge he wants to give the Council after we get through Recreational Reform. We're going to take a seven-minute break, we will come back at 3:10.

We will take up the Recreational Reform Initiative, where there will be consideration of initiating a management action. It would be my intention to wrap that up within a 30-minute timeline or so, in order to give the Board time to consider the Massachusetts proposal for their black sea bass season. We will reconvene at 3:10, and go ahead and take up the Recreational Reform Initiative.

(Whereupon a recess was taken)

CHAIR NOWALSKY: We'll go ahead and reconvene our meeting this afternoon. Our next agenda item is an Update on Recreational Reform Initiative. This has been to date primarily a Summer Flounder, Scup and Black Sea Bass Board issue, in conjunction with the Council. I will bring to the attention of any Summer Flounder, Scup, and Black Sea Bass Board members who were not also Bluefish Board members, and did not attend the Bluefish Board this morning.

That the Bluefish Board with the Council, did vote to remove for-hire sector separation from their

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Allocation Amendment, and recommended it be added to Recreational Reform. I've had an opportunity over some of the breaks to speak briefly with Chairman Luisi, as well as staff about that.

Since we are not convened with the Board formally this afternoon, I did invite Bluefish Board members to joint with us this afternoon, so they can get up to speed with what is going on, as well as participate in the discussion. Then we'll offer some more guidance later on about how to best integrate that. Our action item for today would be to consider initiation of a framework and addendum or amendment, to address any management options considered through this initiative. Staff will have some updates for us in the presentation about what management document they think is most appropriate to achieve what end, and with that I will turn to Julia Beaty from Council staff. Thank you.

**UPDATE ON RECREATIONAL REFORM
INITIATIVE**

MS. BEATY: Good afternoon everybody. Like Adam just said, this is a joint initiative of the Council and the Commission and we have been thinking about it as if it does also consider implications for bluefish. Although we haven't had many formal interactions to Bluefish Board so far.

But, everything under consideration so far has been considered in terms of how it might apply for all four species, and none of the changes are specific to any particular species, and everything could apply to any of the four, but the details might vary, based on stock status considerations, which of course vary across the four species.

The Chair just described the objective of this discussion, so I'm going to skip over that. I just wanted to like really briefly remind you all of what has happened so far in this initiative. We

call it an initiative, because it's not a management action yet, it's not a framework or an addendum or an amendment.

A Steering Committee was formed in March of 2019, and they have been working on this since then. They developed a draft outline for the initiative with their recommendation for the goal and vision and objectives for how to meet that goal and vision, and I'm just going to really quickly touch on what is in there, just to remind you of the potential topics that might be included in this initiative.

But there are more details in the briefing materials, if you want to read more about that. We had the Monitoring Committees talk about that outline, and they were generally supportive of continued development of everything in that outline. Then as the Chair touched on, of course there are topics that have been discussed through other actions, so specifically through the amendments for bluefish, and the summer flounder, scup, black sea bass commercial/ recreational allocation amendment.

There has been a few topics that have been discussed through those actions, but taken out of those actions, and there has been some discussion of, did they belong in recreational reform, or did they belong somewhere else. It would be helpful to quickly revisit all of these topics, and then have the Council and Board weigh in on, do you actually want to move forward with a management action for any of this, and if so, what are the specific topics that you want included?

This slide shows the goal and vision statement that the Steering Committee came up with for the Recreational Reform Initiative, and there are three parts to it. The first is stability in recreational management measures, the second is flexibility in the management process, and the third is accessibility aligned with availability and stock status. The Steering Committee wanted to make it clear that the intent of this Goal and Vision Statement is not to circumvent our requirements to constrain catch to ACLs, and it's not intending to change our current system of how we come up with catch and landings limits, but rather

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how can we work within our current requirements under the FMP and the Magnuson Act, to achieve more stability, flexibility, and accessibility in the recreational fisheries. There are five objectives in the Steering Committee outline for how to address that Goal and Vision Statement, and I'm just going to really briefly touch on each of them, just to remind you what they are.

The first is the most complex one, I guess in terms of having the most number of sub bullets underneath it, but it's to think about how to better incorporate uncertainty in the MRIP data into the management process, and there are three specific suggestions for how you could go about doing that.

The first is to adopt a standardized process for identifying and smoothing outlier MRIP estimates. This would be applied to both high and low outlier estimates, it could be applied across the entire time series of data, and could be used across multiple species. The second is to use what we're calling an "envelope of uncertainty" approach.

What this means is every year when we're thinking about next year's recreational management measures, we come up with projections of what we think harvest is going to be next year. There is uncertainty in those projections, so the projection is not just a point estimate, but it also has a range of uncertainty around it.

This approach would be you would predetermine, based on statistical considerations what the appropriate range of uncertainty around that estimate, like how is that going to be calculated. Then if next year's RHL falls within that range of uncertainty, then you wouldn't make any changes to management measures.

Then the third suggestion is to further evaluate the pros and cons of using preliminary current

year MRIP data in the process, which is something that we are currently doing a little bit differently for summer flounder, scup, black sea bass and for bluefish. It would just be to think more about what is the most appropriate way to use that data.

The second objective in the Steering Committee outline is to develop a process for considering recreational harvest, as well as multiple stock status metrics, when determining if recreational management measures should remain unchanged from one year to the next. This is something that we're already kind of doing, but the intent behind this is to agree to a standardized, transparent process that we're going to use each year.

Instead of having these considerations be on a case by case basis, we have this predetermined process. The Steering Committee has talked about it like it's almost a check list of indicators, like you're seeing good trends in biomass, fishing mortality, and recruitment. If you can check all the boxes for those and say, those all look good, maybe that gives you a stronger argument for leaving your measures unchanged, when you might otherwise require some small tweaks to them.

The third objective is to develop a process for setting recreational management measures that apply for two years at a time, and the idea would be that you would predetermine these management measures at both the state and federal level, and everybody involved would agree that these are the management measures that are going to stay in place for two years, and there has to be a strong commitment to leaving them along for two years. If you get data in the interim year, to suggest that you might otherwise be allowed to have a liberalization, or you might otherwise be required to take a restriction. You're not reacting to that data.

The Steering Committee and the Monitoring Committee agree that this works best if there is that really strong commitment to making no changes. That would mean that conservation equivalency proposals from states would also be discouraged in that interim

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year, and you would be waiting for that third year to make any changes.

The exception is that if you get information in the interim year to suggest that the stock is experiencing overfishing or is overfished, then you would react to that. But otherwise, you have a very strong commitment to leaving measures alone for two years at a time, and then waiting for that third year to reevaluate.

The fourth objective is to think about when you do need to make changes to management measures from one year to the next. How do you go about making those changes, and are there improvements to the process that could be made? This is something that hasn't been discussed in great detail by the Steering Committee.

They have focused more on situations when you can make the argument that you can leave things unchanged, and have that stability aspect of it. This idea that maybe we could think about, when we do make changes how do we go about that? That is something that could be part of recreational reform, if you think that is important to include.

The last objective in the Steering Committee outline is to consider the timing of when we make the federal waters management measure recommendation for the following year. For summer flounder, scup, black sea bass for example, every December you're making recommendations for the next year's federal waters management measures.

That doesn't leave a lot of time for the rulemaking process and for states to react to that. The Steering Committee wants everybody to think a little harder about what are the pros and cons of making that decision in December versus earlier in the year. You would have different data available to you, but maybe it would be outweighed by the benefits of having

more advanced notice of what those changes are.

That is something that the Steering Committee just wants to think through a little bit more. Like I said, the Monitoring Committee reviewed that Steering Committee outline, and they were generally supportive of continued development of everything in the outline. But they also had a suggestion for an additional kind of alternative, I guess.

The idea would be that you would consider more explicitly tying changes in management measures to the stock assessment. Of course, management measures are already derived from the stock assessment to a large extent, but the idea behind this is that right now we react to the stock assessment information, and we also react to the MRIP harvest information. In some years, we don't have updated stock assessment information, and we only have harvest information that has changed. Of course, there is concerns about variability in the harvest estimates, and uncertainty in that data. The idea behind this is could you maybe consider not reacting just to that harvest data, and especially if moving forward in the future, if we're going to be getting stock assessment updates every other year.

Could we wait to make our management measure changes until we have that updated information? Just sync up the timing with when we get stock assessment updates, which again moving forward we're anticipating will be every other year, so we wouldn't necessarily be waiting a very long time to make changes.

This is definitely very closely related to that objective for setting measures for two years at a time, but the Monitoring Committee felt this would be worth considering as a standalone change as well. Then of course we have all these other items that were talked about through other amendments, removed from them, potentially added to recreational reform, but no official decision has been made on that yet.

There are three items that came out of the summer flounder, scup, and black sea bass commercial/recreational allocation amendment, after

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the June joint meeting discussion of that action. I'll remind you what those are, and then just this morning the Bluefish Board removed sector separation from that and talked about addressing it more comprehensively for multiple species through this action.

One topic that came out of the summer flounder, scup, black sea bass allocation amendment is what is called a harvest control rule, and this was put forward by six recreational organizations through the scoping process for that amendment. It was put forward as an allocation proposal, so allocation between the commercial and recreational fisheries.

It seems clear that that aspect of the proposal, where it deals with allocations. The specifics with how that was proposed, it seems clear that that is not feasible under the Magnuson Act requirements related to constraining catch to an annual catch limit, for example. But there are other aspects of the proposal that might warrant further development.

Specifically, the proposal has a suggestion for recreational management measures that might be worth further evaluating, as kind of a standalone option separating it from the allocation aspects of the proposal. The way it was put forward in this proposal through scoping, is that there is a range of management measures for the recreational fishery that are predefined.

They are described as steps, and this figure on the screen here came from that proposal. Step A is your set of management measures that you use in federal waters and state waters, and under the proposal it says that states could have different measures, and they couldn't be different from federal water measures.

But you would have the group of all those measures would be predefined under Step A, and Step A would be the highest level of access

for the recreational fishery, and that would be used when biomass is very high. Then as biomass declines, and you kind of move down this ladder, and you have more restrictive management measures. But the idea is that all these steps are predefined. Then the proposal also suggests that the steps, especially the upper and lower bounds are defined based on a lot of stakeholder input. It suggests that the upper bounds of Step A could be the most liberal set of measures that are preferred by anglers when biomass is high.

This is just kind of a conceptual concept at this point in time. We haven't really tried to figure out what those management measures might be. But the idea that was put forward was that there is a certain level of management measures that anything that is more liberal than that wouldn't be a benefit to anglers, because maybe they only need a bag limit of so many fish, for example, or a minimum size of whatever length.

Anything more liberal than that wouldn't really be seen as a benefit. That is the concept behind what would be Step A, and then the most restrictive step would be the most restrictive set of management measures that could be tolerated, without major losses of recreational businesses, such as for-hire vessels and bait and tackle shops.

Again, these are things that we haven't evaluated, we haven't tried to figure out if it's really possible to define those in a way that they could be realistic upper and lower bounds, based on other conditions or other factors such as biological information. Then obviously, the in between steps would be, you have a variety of interim steps in between the upper and lower bounds.

The Recreational Reform Steering Committee talked about this, and agreed that that concept of having these predefined management measures that would be used at different levels of biomass, that that is a concept that is worth further developing, but a lot of further analysis is needed. Like I said, it's conceptual at this stage.

We don't know if it's even really possible to come up with the highest desired level of access. For example,

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is there even enough fish to go around to make that possible? These are things that are worth exploring, and also the Steering Committee has talked about, you know we're still going to have RHLs and annual catch limits, and we still need to constrain catch to catch limits.

All of those steps have to be associated with a certain level of harvest. It can be difficult to predict harvest in the future. Obviously, we have difficulty right now, when we're trying to predict next year's harvest just based on the next year, and the idea behind this is that these would be measures that, you know you could have predetermined for multiple years.

There are a lot of factors that influence harvest, besides just the regulations, availability, weather, what's happening in other fisheries. That would be something to evaluate. Can we really come up with these predetermined management measures, and say that they have strong predictive capabilities for years into the future?

Kind of related to that the Steering Committee thought it would be really important to say that you have these predetermined management measures, but they're just going to be a starting point for consideration, and they would have to be regularly reevaluated, because conditions change. If you think this step of management measures is going to have whatever expected harvest, that expectation might change as you get new information. That will be especially important to communicate it that way, in terms of the upper and lower bound. You might want to say this is (broke up) consider, but you couldn't commit to not being more restrictive than that, if you get new information. But in general, the Steering Committee thought this was a concept that would be worth exploring further, and doing the analysis to see how well it would actually work.

Another topic that was removed from the summer flounder, scup and black sea bass

commercial/recreational allocation amendment is recreational accountability. This is something that was suggested through scoping, and specific suggestions that came up through scoping for the amendment included having the recreational fishery pay back their overages more frequently than they do currently, and to bring back the ability to close the recreational fishery in-season, due to an overage.

This would represent a reversal of changes made through Amendment 19, which was the Omnibus Recreational Accountability Measures Amendment. It seems clear that all the reasons for making those changes through Amendment 19 are still valid, so it would be helpful to really talk about what is the intent behind these suggestions? Do you really want to consider these specific changes, or are there other changes related to recreational accountability that you want to consider?

Then also past discussions of this have kind of blurred the distinction between accountability and catch accounting, which is on the next slide. Again, it would just be helpful to know, if you want to move forward with considering changes to accountability measures, what specifically do you want to consider, and what is the intent behind it? The next topic that was removed from the summer flounder, scup, black sea bass commercial/recreational allocation amendment relates to recreational catch accounting.

This is also something that we received a lot of comments on through scoping, and suggestions included things like requiring private anglers to report their catch, managing recreational harvest with a tag system, requiring tournaments to report, and changes to the VTR requirements, such as requiring additional vessels to submit VTRs, bringing back did-not-fish reports, and other changes.

There has been some discussion of, you know are any of these worth pursuing? Are they worth pursuing for just these species, or is this something that should be considered more broadly for all recreational species, or for more recreational species, similar to the discussions that you had this morning about recreational sector separation?

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Then also there has been some discussion of, there have been initiatives related to trying to improve catch accounting in the recreational fishery, things like private angler reporting, for example. There have been some initiatives in other regions for specific fisheries. Maybe it would be worth trying to think more about the lessons learned from those other initiatives, before we really jump in to moving forward with a management action related to this for these species.

Also, of course we have our blueline tilefish private angler reporting that is just starting very soon. You know maybe it will be worth seeing how that plays out, and then moving on from there. Then of course lastly, sector separation was something that was removed from the bluefish amendment this morning. It is technically still in the summer flounder, scup, black sea bass commercial/recreational allocation amendment. That amendment is not going to be discussed until next week. There was a desire expressed this morning to consider how recreational sector separation would work for multiple species in a more comprehensive way, rather than just considering it separately for bluefish through that amendment, and federally for summer flounder, scup, black sea bass through that allocation amendment.

I'm hoping that everybody knows what I'm talking about, because I guess I didn't think that there would be some Board members who were not present for the Bluefish Board meeting this morning, but I'm happy to go into more detail if anyone is not familiar with what I'm talking about here. But I think most of you are aware of the issues for that.

At the June joint meeting, when we last talked about recreational management reform, staff was tasked with providing more input on, for all those changes that are under consideration, which could be made through a framework and addendum, and which would require an FMP amendment.

There is some information on this in the briefing materials, and it seems pretty clear that basically everything that is in the Steering Committee outline could be done through a framework and addendum. Changes to accountability measures could also be done that way, the harvest control rule proposals, the aspect of that that dealt only with those predefined management measure steps, that could be done through a framework and addendum.

Any changes to the data that is reported through VTRs, without changing who is required to submit VTRs, could be done through a framework and addendum. In terms of things that would require an amendment, anything that would change who submits data on their recreational catch and harvest, that would probably require an amendment.

If we were to require private anglers to report, if we were to require tournaments to report, if we were to require state-only vessels to submit VTRs, those would be big enough changes that they would require an amendment. Moving towards a tag system for managing recreational harvest would be an amendment.

We hadn't necessarily thought really hard about sector separation, but it seems likely that that might need an amendment as well. Basically, anything that represents a significant departure from what was previously contemplated, or would be otherwise a big change in the FMP, that would require an amendment.

Any decision about framework and addendum versus amendment, it depends on the specifics of what is actually proposed. This is just a general idea of what we think could be done in one type of action versus another. But the actual guidance would depend on the specifics. This is a timeline that staff put together that assumes that a framework and addendum is used.

It also considers other ongoing management actions for all of these species. If you wanted to initiate a framework and addendum today, we could move forward with further developing some of these

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alternatives throughout the fall. You would probably also want to continue that into early 2021. We could form an FMAT or a PDT or some other type of group to help staff develop these alternatives. We think it would be important to bring in the Monitoring and Technical Committee, for specific aspects of it. They've already had a lot of discussions about how does that deal with uncertainty in the MRIP data, which is a big part of that Steering Committee outline.

They have some really good ideas for how to move forward with that. I think it would be really important to bring them in for that part of this action, if that is something that you want to prioritize through this action. If that could happen, then early next year the Council and Board could consider discussing a preliminary range of alternatives for this action, and then if necessary we could further develop it from there, and then you could approve a final range of alternatives in a draft document for public hearings in the spring of next year.

Then if it's a framework and addendum, it's kind of optional if you do public hearings or not, but those could also occur in the spring if desired. Then you could take final action in the summer of next year, and then the rest of next year will be used for federal rulemaking, with that probably extending into 2022.

Again, this assumes it is a framework and addendum, and if it's an amendment this timeline would take longer. That is all I had, and again the objective of the discussion is to talk about, do the Council and Board actually want to initiate the management action to pursue any of these topics? If so, what topics do you want to include. The topics that you include will determine if it's a framework and addendum or if it's an amendment. That is all I had. I'm happy to take any questions.

CHAIR NOWALSKY: Thank you very much, Julia, I appreciate it very much. Also, thank you very

much for getting this presentation updated to reflect the actions from this morning in it already. That was fantastic. Before we turn to the full body for discussion, I think given what transpired this morning, and the question of how that best kicked in.

One of the questions that came up when I briefly spoke with Chairman Luisi and staff, was the feasibility of taking recreational reform back up next week. All of our initial reaction was that because recreational reform does not exist on next week's Council agenda specifically, that that wouldn't be a topic that would allow for any actionable items to transpire next week on.

Does anyone from the Council staff able to weigh in on that aspect, because I didn't get the opportunity to talk to any Council staff members since this morning. But given what transpired, and the possibility of similar action for summer flounder, scup, and black sea bass amendment. That is my initial thought is that we couldn't take recreational reform up anywhere on the agenda next week. Is there any advice to the contrary on that?

MS. BEATY: No, none from me.

CHAIR NOWALSKY: Dr. Moore.

DR. MOORE: Yes, you're right, Adam, we couldn't.

CHAIR NOWALSKY: Okay, so that would leave us then with either doing something today, and what the discussion was, if a motion did come forward today it would have to be a motion that left room for the record to reflect what the intention was. We're meeting as the Summer Flounder, Scup, and Black Sea Bass Board.

Again, I've invited members of the Bluefish Board to listen in and participate if they desire. But we really can't make any decisions for that species ourselves. It was our thought process that if there was any specific action that came forward, it would be done in a way that the record would reflect that staff and leadership would work to provide those bodies with a direction forward in the not to distant future, to make sure we

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could include all of the bodies that need to be included.

But it's clear that that is not going to be next week, per se. That brings us then to the point of discussion about initiation of a document today. There were, I think Julia, probably best if you bring up the screen that has the two columns of framework addendum options and amendment options, about if we want to initiate one of these documents.

I'm not sure if we initiate one or the other. Another thing I think it would be helpful for staff to weigh in on, is the ability to elevate one management document. For example, if we initiate a framework or addendum today to get this rolling, what is the feasibility of elevating that to an amendment, to accommodate sector separation potentially, or something else, or potentially downsizing.

If we initiated an amendment, could we go the framework/addendum route? I'm thinking, if I recall correctly, and again I'll look to staff, is that we would have the ability if a framework/addendum developed into something that required amendment. I believe we could go that route. But I'll turn to staff, and I would also ask staff to provide some input to the Board and Council about what initiating a management document gives us, with regards to access to staff time, both at the staff and the Board, and potentially the Service.

As we've gone through the Steering Committee work, the Service has been a very willing partner. They have expressed many times that having a management document initiated would likely facilitate access to more resources. Again, I would ask staff to just provide input to the Board about being able to move from one document to the other, and what initiating a document today would mean to us, with regards to getting resources onboard.

MS. BEATY: I'll take a first crack at responding to that, and then other staff can jump in if they

have other things to add. In terms of starting with one type of management action, and then either upgrading or downgrading later. I think you could do that depending on what goes in there. I don't think it would necessarily be appropriate to initiate a framework and addendum right now, with something like private angler reporting in it, because we have guidance that that requires an amendment.

It wouldn't necessarily be appropriate to start that as a framework, if we already know that it probably requires an amendment. But if you wanted to start an amendment and downgrade later that is possible. Another idea that staff have really just briefly thrown around, just today is that if you wanted to pursue a combination of things, some of which need an amendment, and some of which require a framework and addendum. Maybe you could do two separate actions. If you really wanted to pursue sector separation, for example, and we really think that's an amendment, but you also want to consider some of those things that are in the Steering Committee outline. I think some of those other things are more low-hanging fruit, then an amendment would probably be overkill for them.

You might want to consider doing two different actions to address, some things through a framework addendum, and some things through an amendment. In terms of initiating an action and staff time, I do think that would be helpful, because it would make it very clear that this is a priority for the Council and Board, if there is an action initiated, whether or not it is a framework or an amendment.

Because this is something that has been talked about for about a year and a half now, almost. It would be helpful to know that this is a high enough priority for both groups that you want to see a management action, and I think that would make it easier to dedicate staff time, and ask the Monitoring Committee, for example to do things, and move forward with forming FMAT or PDT, so I think it would be helpful from that prioritization aspect.

CHAIR NOWALSKY: I sure hope Toni Kerns was sitting down when you talked about two more documents

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for staff to handle there. All right, so in terms of trying to guide the discussion here, and where we are timewise. I am not really sure the merits of trying to debate each of these individual topics here today are necessarily the most efficient use of our time.

I think I would like to try to steer comments and direction of the Board and the Council at this point, into whether we want to initiate a management document. Some brief discussion so that we have something on the record about what that would entail, knowing that staff and leadership would work to make sure that whatever has transpired so far today, at other Boards as well, and what may transpire next week with regards to the allocation.

The list may not define whatever we need to accommodate. Let me try taking a couple of hands, and see if they can get us going in that direction to start out with. I've got three hands to start with, Justin Davis, Tom Fote, and Jason McNamee. Then let me reevaluate where we are, so we can figure out what we can accomplish today. Justin, you're up.

DR. DAVIS: I've got two questions, and I apologize if this was already addressed. If we aren't going to be able to take this up next week, when would be the next opportunity when these bodies are going to meet jointly, when we could put this on the agenda and address it? That is my first question, and the second question is, obviously the thing here is that this is of concern to the Bluefish Board as well.

Would it be possible, I don't know if this kind of thing has been done before, but could we have in the future at that next opportunity, a joint meeting of the Mid-Atlantic Council, this Board and the Bluefish Board? Because that would seem to be the most efficient way to discuss starting a management action specifically related to sector separation, but possibly for some of these other things too.

CHAIR NOWALSKY: The second question I agree with you that that is one way forward. But again, I think we need some time to figure out what the most efficient way forward is going to be. That is one way forward. I'm not sure that is going to be "the" way forward. With regards to when we would next take these up.

We know we would have joint meetings on the schedule for December. It seems like a long time, but it's only four months here at this point. There were again the intermediate conversations that I had though, since this morning, another idea was since we seem to be continuing to do things virtually, getting people together virtually seems to be easier in many cases, then getting together in person.

There may be consideration of doing something joint, either as part of the Commission's October meeting, something separate, something else as part of the Council's October meeting. I'll defer to staff here if they want to jump in with anything else. But I think my experience with where we're at virtually, is it has certainly opened some avenues to take some things up that we wouldn't typically do, and say well we're just going to have another meeting to do it. Chairman Luisi, maybe you would like to chime in on that.

MR. LUISI: Here is how I see it. Over the last few meetings, as we have debated both the bluefish and the summer flounder, scup, black sea bass recreational/commercial amendments. We seem to be following a trend of kind of peeling some things away from those amendments, and they're falling in to this Recreational Reform Initiative.

You know the work that has been put into this to this point has been great, and I don't question whether or not there is an interest by the Board or the Council in moving forward. I just think that before we dive into initiating something, that we should have all of the different elements of what we're considering working on in front of us.

We're very close, I think. But Adam brought up the point that just this morning sector separation from the bluefish amendment was dropped into this

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Recreational Reform Initiative. Next week we are going to be considering the commercial/recreational allocation amendment again as a joint body.

There is a possibility that some additional elements may fall out of that as well, given the interest today by the Bluefish Board, which many of us serve on, of going forward with more of a sector separation idea as a multispecies, more overarching conceptual issue, rather than a species by species specific level. I think that we certainly could, it has already been determined by ASMFC, and I'm almost certain that Chris and I will be having a virtual meeting in October.

What we should do is we should agree that in October we get together with both the Bluefish, the Summer Flounder, Scup, and Black Sea Bass Boards, and the Council as a joint body, to contemplate and debate the full suite of options that would be available to the Recreational Reform Initiative, and then determine a path forward from there.

Rather than initiating something today, only to then find that we need to change our direction based on a discussion that happens next week, with the inability to reconsider recreational reform, because it wasn't noticed in the Federal Register. Those are my thoughts, Mr. Chairman, and we'll see what others think. Thanks.

CHAIR NOWALSKY: Yes great, thank you very much. Again, we haven't had a lot of time to talk to staff. Can either of the staffs weigh in? I understand we've heard a lot of concern, specifically on the Commissioner side about continuing to ask them to attend things. We do have the Commission meeting coming up in October, that as you mentioned has now been confirmed will be done virtually. Can we hear anything from either staff about scheduling something that we would have Council

members for part of the day, potentially as a joint meeting one of those Commission days?

MS. KERNS: Adam, since this meeting week is just wrapping up, I don't know how many boards need to meet in October. But usually we try to meet the needs of all of the boards, so if that is something that needs to happen, we can obviously try to make sure to accommodate that, to have another similar joint meeting.

CHAIRMAN NOWALSKY: Dr. Moore.

DR. MOORE: Like you said, this virtual format offers us some flexibility. Certainly, if we decided that we could have something for the Board and the Council to consider in October, then certainly we could set up a meeting, either jointly with our meeting week, or maybe you know half a day or part of a day with the Board.

But that highlights an important variable that we need to consider, which is the ability of staff to actually get something done for us to look at. I think, you know based on what I've seen from Julia, and the Steering Committee, we would have enough with a little bit more icing on the cake for discussions in October.

If that's the case, and Julia can tell me if I'm wrong. If that is the case then I suggest we do that. We basically move forward with a joint October meeting to consider what we actually want to do with this Recreational Reform Initiative. Also, remember that it's part of our 2020 Implementation Plan.

The Council has already considered that we're going to be working on this particular action, so that's why Julia is involved and will be involved. I think October is doable based on what I know. Julia, you can correct me if I'm wrong. Certainly, I think that's probably the preferred way to do it, and at the same time get it done today.

CHAIR NOWALSKY: Do we feel there would be any specific motion needed today, or if we just said that's what we're comfortable and there is no opposition from the body, we could move forward with that by consent without a specific motion? I don't think we

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would need a specific motion to schedule that, is my thought.

DR. MOORE: Yes, I don't think we need anything today, Adam.

CHAIR NOWALSKY: All right, so I had a couple other hands up. Let me get to them. I think what I would like to do is to steer conversation towards that concept. Is the Board and Council comfortable with getting through next week, seeing if there is anything else that comes out of next week that would also fall into Recreational Reform, giving staff some time to then consolidate that, refine the document with regards to, there is a document if you didn't see it in the meeting materials from staff that summarizes the amendment versus framework addendum.

Potentially revise that, and then work towards getting back together in October to initiate the correct action with a priority of items. Let's try to steer conversation in that direction, unless there is somebody that feels strongly otherwise. I've got Tom Fote, and Jay McNamee, and Mike Luisi, I've still got your hand up if you had anything to add as Chair. No, all right. We'll go to Tom and then Jay, and again if we can steer conversation towards that great, unless you feel strongly otherwise.

MR. FOTE: Thanks for moving this forward. I have some concerns. The reason I have concerns is that we basically start doing this. What do we look at from NMFS about funding this? What I'm talking about is the fact that many years ago we did a survey, because Bill Hogarth when he was director of NMFS actually gave us some money to do it.

We actually put in a lot of money, to find out what it was costing the fluke tournament. We pulled all the information, we spent \$40,000.00 from Jersey Coast at the time to get that information, kept it going for the next five years, and it sat on somebody's desk. We did

the same thing in New Jersey to find out what was being caught on artificial reefs. We spent a lot of money, got grant money to do that, and it sat on somebody's desk.

We need appropriations. It's like Dr. Boreman pointed out on MRIP. When he basically took over, he said that he went into Congress in 2007 and asked for 15 million dollars to really do the program right, and we're still running over the same 11 million dollars. Unless we spend money, we're never going to get better.

I want a commitment from NOAA or NMFS that we are basically going to look at the money that's necessary to do this, because it's going to cost money no matter what we do. Now the second point I'll make, and it's MAFAC, and I sit on MAFAC, it's been working on, we are Dr. Sullivan, and Tony Ralston from ASA, and they are chairing the committee.

We're looking at electronic reporting recreationally, and really centering on the Gulf, because there is a lot of information going off of private recreational anglers, to try to get what catch figures are. We should be looking at the electronic reporting, since that movement is already going forward.

But my concern is we start doing this, we really need, because we basically told the recreational sector, we're going to do this. We're going to get better, and we never put the money to actually accomplish the task we're going to do. I always feel like I hang people out to dry, because we don't do what we're supposed to be doing, because of lack of funds.

CHAIRMAN NOWALSKY: I'm not sure there is anything that we've listed in Recreational Reform necessarily that promises the angling community that we're changing the process for catch estimates. I think what the impetus for Recreational Reform has been, has been to recognize the concerns about those catch estimates.

Then find ways to manage our process, specification setting, et cetera, to take those concerns into better account, where we can get better data potentially.

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We certainly can. I think the state level VTR reporting is an area that's been highlighted by both Boards, so thanks for that. I appreciate it.
Jay McNamee.

DR. McNAMEE: I'll be super quick. I really support this idea of getting back together in October, to focus in on this, pulling in the Bluefish Board as well. I just wanted one last comment to just really emphasize. You know we've pulled the sector separation item out this morning, with the explicit notion it was going to get dropped. I want to make sure that that is a part of our discussion in October. But generally, I like the concept that kind of developed during this discussion.

CHAIR NOWALSKY: Dewy Hemilright.

MR. DEWEY HEMILRIGHT: It's almost, and this is my thoughts. It's almost like there are two tracks here of thinking on the Recreational Reform. I guess from what little bit I've read, and the work that has been done up to date, it's looking like the Recreational Reform is having to do with staying with MRIP, reforming MRIP, or smoothing it over, the numbers aren't right, or something like that.

My idea is totally different, and it might not be in my lifetime on the Council, or later on, but I'm looking at the private reporting that's going to have to be more accountability, and less impact too. I look at the bluefish debacle, and I do call it that. But I know what's in North Carolina and other states commercially, and it is my understanding that if it wouldn't be for MRIP and these new MRIP updates, that we probably wouldn't have the mess that we're in with bluefish right now.

While we're looking at the Recreational Reform Initiative, I'm not looking at smoothing over MRIP. I'm looking at another way of accountability, because I can tell you this, each one of us here, you wouldn't allow your livelihood to be managed the way MRIP is. Not

managed, let me take that back, the outcome, because of all the unknowns and the highs and lows.

It's affecting folks. It's affecting the recreational industry. I think they deserve to have a better accounting, but right now this is the best available. I'm looking for something that is more directly tied. If you want to use a cat gut resource, you're going to have to somehow figure out some way to drive the angler reporting, whether they like it or not.

You can do compliance assisting for three or four years, but I'm looking and hoping that that Recreational Reform is going to be more than just smoothing stuff over, and trying to figure out the season, because I don't think that going the same route. I want to "so to speak" kind of laugh, a stiff vodka drink. I don't want something watered down. Thank you.

CHAIR NOWALSKY: Thanks Dewey, I appreciate that. One of the items that is on the type of management actions listed under the amendment column is mandatory angler reporting, so that is an item that is in there for consideration. Let me do this at this point. Is there any objection from the Board or Council to taking this up as a joint action with the Bluefish Board in October, after we see what comes out of next week?

That gives staff time to compile what the items are that have dropped into Recreational Reform? I'm not seeing any hands raised, not hearing anything else. Let me briefly turn to the public. Is there anyone from the public who wants to comment on this? Again, I would just ask if you to make your comment brief.

Offering some reason for us to not head in that direction, or offering your support for what we intend to do, which would be to take this up jointly with the Bluefish, Summer Flounder, Scup, Black Sea Bass Boards and full Council jointly in October. Okay, I'm not seeing or hearing anything there. All right, well given that. I'll turn to staff. Is there anything else we can get out of this agenda item for today, or does that at least give us a direction to know what our next steps will be?

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MS. BEATY: I don't necessarily need anything else, so we could be good with that.

CHAIRAMN NOWALSKY: Okay, Chairman Luisi, do you have anything to add?

MR. LUISI: No.

CHAIRAMN NOWALSKY: With that, I believe we have completed all of the joint agenda items for today. The next order of business would be Board only. I don't know, Mr. Chairman, if you want to provide any direction to the Council at this point.

MR. LUISI: Well, I would offer that anybody that wants to participate and hang on the call to listen to the Board's discussion regarding the next topic, they are certainly welcome. But it will be a Board only action, given that we're in this as a joint body, I would recommend staying around if you can for a few minutes.

But I understand, given the time of the day that we're a little bit over our allotted time on the agenda. If you need to go, you know you're welcome to. But we will be taking up the next action as a Board, only to reconvene again next week. I guess, Mr. Chairman, depending on who's going to stay and who's going to go.

I will recognize that this is Warren Elliot, Laurie Nolan and Steve Heins last, this is their last joint meeting as Council members. Each of them will be leaving the Council. They have one more day next week, and the new appointees will be coming in, they've each had the nine years on the Council, and Steve is moving out of the state of New York.

I do want to take the time to thank them for all their time over the years, participating with me as Council members with the Board. I don't know if you have anything else you want to add, Mr. Chairman, but I just wanted to recognize them, thank them for their service and their

time, and wish them the best as they move on to new things. Thank you.

CHAIR NOWALSKY: Yes, and I would like to extend the same word of thanks from the Board's perspective. Thank you very much. Warren has now joined us at the Commission. However, the state of Pennsylvania is not on this Board. Maybe Warren will find a way to petition the Commission to get Pennsylvania added for Summer Flounder, Scup, and Black Sea Bass. But again, I'll echo those thanks to those Commissioners as well. Thank you very much.

**REVIEW AND CONSIDER APPROVAL OF THE
MASSACHUSETTS 2020 BLACK SEA BASS
RECREATIONAL PROPOSAL**

CHAIRAMN NOWALSKY: With that, let's go ahead and move on to the next agenda item. Again, this is a Board only decision item. Review and Consider Approval of the Massachusetts 2020 Black Sea Bass Recreational Proposal. I will go ahead and turn to staff, in conjunction with the state of Massachusetts for a presentation on the decision before us today.

MS. MESERVE: Caitlin, did you have any introductory remarks before I go ahead?

MS. STARKS: No, I think you can go ahead. I will follow up with the Technical Committee, AP, and LEP comments.

MS. MESERVE: Okay, great. Being the last issue on the last day of a four-day meeting, I don't know if that is a blessing or a curse, but I appreciate everyone sticking around for it, given our overdue agenda at this time. Massachusetts has submitted this proposal for black sea bass, the for-hire fishery as a conservation equivalency proposal.

This is a slightly different version than what was given to the Board in June, when discussion on it did not occur, because a decision was made to wait for a pending Executive Committee or Policy Board guidance on this type of proposals for this year, and it was determined that there wouldn't be any particular constraints placed on it.

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With the Board Chair and staff's blessing we put this forward to the Board for today. I just have a couple slides to walk through to brief everyone on it. This proposal is to add days to the end of the Mass for-hire black sea bass season, to account for a later season opening. It would be for 2020 only. It results because we issued permit conditions that prohibited all for-hire fishing activity in the state of Massachusetts from April 27 to May 24, due to COVID-19 safety measures that came from an Executive Order.

Permit conditions, if you're not familiar with them, they essentially have the same force and effect as regulations. They are enforced by law enforcement. DMF would sanction a permit, revoke it or suspend it, potentially for violations of permit conditions, the same as we would regulations.

Law Enforcement did report that these permit conditions that prohibited for our activity during that time period were well complied with, and they did conduct normal in-person operations during that time. The consequence to the for-hire black sea bass season, which normally opens on May 18, is that there were seven days closed for for-hire fleet. We would like to add a number of days to the end of the season that would project to have a status quo harvest for the for-hire fleet. We're not proposing any revisions to the private angler season, because it was not closed during that same period. That season will continue to end on September 8. This would create a temporary sector separation in Massachusetts. That is something that we have had in the past in the sea bass fishery in Massachusetts, seven or eight years ago, but not in recent years.

It is something already occurring elsewhere along the coast, so that wouldn't be a precedent setting action to have sector separation here. I wanted to just give a couple descriptions of our sea bass fishery in Massachusetts. This graph shows the harvest

by week, with the red box being around Wave 3. You can see that there is really a spike there in the Wave 3 landings. It is generally the most important time of the season, it is when black sea bass arrive in state waters, they are aggregated.

They are near shore, they are aggressive feeders, and it's a very productive fishery, as you can see in this graph. Why the big fuss about seven days, you might be asking yourself. It's because we already have that short season of 114 days, the shortest along the coast for the sea bass fishery, and because of the importance of Wave 3 to a fishery.

The other thing to note in this graph is the season length. Those three bars, you near the end of at the gray bars going across. That shows our season length. If you go to the next slide, Maya. That red box now is around our Wave 5 data. You can see we don't have much of it, but the trend is very different. Our catch rates are much lower.

Because we haven't been allowed to have a season that is opened very far into September, we don't have great data. But anecdotally, we certainly know that after Labor Day effort declines, as summer vacation is coming to an end. The weather starts to turn, and there are less favorable days to be out there, and fish availability declines as the fish move offshore, and boats have to travel much further to harvest them.

We do have some higher PSE data on our Wave 5 data, which comes into play when we talk about the actual calculations that were done to figure out the conservationally equivalent number of days to add to the end of the season. This uses a very standard conservation equivalency message, to look at a seasonal change where we compared a wave specific daily harvest rate in Wave 3, to that in Wave 5, using a prior multi-year average.

Because we're using prior year data, this proposal was not impacted by MRIP data availability issues in 2020 via the late onsets of APHIS sampling or the fact that we don't have Wave 3 data yet. It's similar to the type of approach that Virginia and North Carolina use when they are offset for the harvest that they have in their

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February fishery, and account for it later in the year. Using a comparison of Wave 3 or Wave 5 daily harvest, averages in the for-hire fishery alone, we would be able to add 9 days in Wave 5 for every day that we closed in Wave 5.

That was our initial analysis that we put forward to the Technical Committee. The TC did have concerns about what we knew with those high PSEs on the Wave 5 data, because there are not a lot of intercepts available when your fishery has only been allowed to be open for one or two weeks in that wave. As an alternative, we offered up using Wave 4 data, the adjacent wave. The catch estimates then, which have lower PSEs as a conservative alternative, as a proxy for the Wave 5 data. Using that we could add two days in Wave 5 for every day that was closed in Wave 3. That's what you'll see as Option B in the proposal. Last, in this version of our proposal, we included in Option C, which is really our preferred. We appreciate the Technical Committee's concerns about the high PSE data that were associated with Option A, which would extend our season to October 31 for the for-hire fishery.

But we really believe that Wave 4 data overly exaggerates Wave 5 harvest, which is shown as Option B, which will just get us out to September 21. We're presenting a compromised option, which would get us through October 9, and that day is half way in between Option A and B, and it also is the closures of our summer flounder recreational fishery, two species that are frequently targeted together, and black sea bass discarding is certainly happening while fluke are being targeted by the for-hire fishery, or they would be as the for-hire fishery continues into October.

Again, this is a proposal. It's specific to the for-hire fishery. We would put any seasonal extension into place through permit conditions, the same as the fishery was closed in the beginning of the year. The last point I wanted

to make is that we don't think that the concern that has been expressed in some conversations, about what's been going on with 2020 private recreational harvest, to be relevant to this proposal.

Had this been a seed proposal that was submitted in February, if we had been able to know what the Governor was going to do to respond to COVID-19, and that the for-hire fleet was going to be closed for so many days, and been able to put this proposal forward prior to the season. We would only be looking at the for-hire data, without any knowledge of what was going on in the private recreational fishery.

We have been trying to look at, and we really don't know yet what May and June or the rest of the season looks like in Massachusetts. Some of our Wave 2 upper data that came out shows an increase in shore-based effort for all the species targeted, but black sea bass is rarely caught in Massachusetts from shore.

During that wave at least there was a decline in vessel trips being taken. We're also aware of some things, you know just anecdotally. Some marinas are being threatened with lawsuits, because they didn't get people's boats ready for the season when they wanted them. There are some reasons to believe that we might not have the huge increase in private recreational harvest that has come up in some conversations.

I appreciate the Board's time on this. Option B here is our preferred option, a May 25 to October 9 season, just in 2020 for the for-hire black sea bass season in Massachusetts. After Caitlin gives the Technical Committee's input then any questions, I think Ray Kane may have a motion that he would like to make. Thank you.

CHAIR NOWALSKY: Yes, I'm next going to go to staff, and then instead of stopping for questions, I'm going to go right to Ray Kane for a motion. Then we can take up questions and comments relative to that motion. I will just caveat that with, should there be a hesitation on the Board to offer a second, because somebody wants an answer to a question before offering a second. I'll accept that first. If we can't get

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a second then we'll go back and do questions. Otherwise, my preference is staff does their presentation on AP and Law Enforcement. We'll see if we can get a motion up, and then we'll take them from there. Okay Caitlin, thank you very much.

**SUMMARY OF TECHNICAL COMMITTEE,
ADVISORY PANEL, AND LAW ENFORCEMENT
COMMITTEE COMMENTS**

MS. STARKS: I'll just summarize quickly the Technical Committee's recommendations on the proposal, as well as some comments from the AP and the LEC. First the TC didn't have time for a second call to discuss the updated proposal that Nichola just presented on, but they did review it by e-mail and they added some things to their recommendations. Via e-mail from the memo dated June 11, 2020, so I'm mainly focusing on those. They added that on Option A the TC has some significant concerns with the low precision of the data that was used, being the very high PSEs for Wave 5. Therefore, it does not support this option for conservation equivalency.

The TC recommended using Option B for the Massachusetts conservation equivalency proposal, because this uses the ETC recommended method to calculate the daily harvest rate, which is to use the average of the 2018 to 2019 Wave 4 for-hire harvest rate as a proxy for Wave 5. That is used to calculate the resulting use of modification to achieve conservation equivalency.

In addition, it also addresses their concerns about data uncertainty, and reduces the risk of producing higher than expected harvest in Wave 5. Then on Option C, the TC noted that this option doesn't have a quantitative basis, and therefore it does not meet conservation equivalency standards from a technical standpoint.

I'll just quickly note that one TC member added a comment about the assumption to justify Options A and C that harvest rate in Wave 5 would be substantially lower than Wave 3 or 4. They thought that this was most likely not a valid assumption, given that states that have had Wave 5 open in recent years have seen some of their highest harvest rates in that wave.

That TC member also noted that Wave 5 harvest rates are very, very dependent on weather. The updated proposal was also distributed to the AP by e-mail, and several e-mail comments were received. A few were also given at the end of the July 29th AP meeting. Three AP members supported the Massachusetts proposal.

One added that all states should have the same opportunity as Massachusetts, because for-hire boats in all states were and will be limited, due to COVID-19 restrictions. This person recognized that all states have a chance to submit proposals, but their claim was that some state agencies don't have the capacity to produce a proposal like Massachusetts. They thought that more states should be afforded more of an opportunity.

Then another comment opposed the Massachusetts proposal, stating that the recreational harvest is not separated by sector, and so for-hire boats were limited. The private effort increased during the early part of the season, and therefore this Advisor thought we shouldn't approve the proposal without more information on the private sector harvest. The LEC also reviewed this proposal, and seven members sent comments on the proposal by e-mail. The overarching message from the LEC is that they continue to emphasize the importance of consistent regulations in shared water bodies. Several members repeated that differences in size, season and bag limits create confusion, and can reduce compliance and enforceability. But they also noted that this is kind of a moot point, with regards to the Massachusetts proposal, because Massachusetts regulations are already different from their neighboring states.

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However, they would prefer if consistent regulations were in state waters that are shared. Then in general, the LEC supported this particular conservation equivalency proposal in light of COVID-19, and the potential it has to mitigate some impacts of the pandemic on the for-hire fishery. But two members did express that they only support it on a temporary basis under the current conditions, and not as a standard allowance. That should be the last slide, so I can take any questions as Adam stated, to the motion.

CHAIR NOWALSKY: Thank you very much, Caitlin, I appreciate it. Given that, let me go ahead and turn to Ray Kane. Let's see what happens with regards to a motion, and then once we get a motion up, we'll go ahead and have discussion or questions about the proposal. Ray, you're up. Welcome! Good afternoon. In the interim, Nichola, by chance do you have Ray's motion?

MR. RAYMOND W. KANE: Am I unmuted now?

CHAIR NOWALSKY: Yes, you are wonderful right now, thank you.

MR. KANE: Caitlin, have you got my motion that you can put on the board?

MS. STARKS: I think we have one that will suit your needs. Maya.

MR. KANE: Well, I can read the motion. Move to approve Option C in the Massachusetts conservation equivalency proposal to modify the state's 2020 black sea bass for-hire season to May 25-October 9.

CHAIR NOWALSKY: I think the only difference from what's on the screen right now is that Mr. Kane offered the specific dates. If we could include the change there, that would say May 25-October 9. Does the motion on the screen reflect your intended motion?

MR. KANE: Yes, it does

CHAIR NOWALSKY: Okay, and that has already been read by Mr. Kane. Do I have a second for the motion? I've got Justin Davis' hand up. Justin, were you seconding the motion?

DR. DAVIS: That's correct, yes.

CHAIR NOWALSKY: Let me get a show of hands at this point of people that want to speak in favor of the motion. First let me do this. Is there anyone that has specific questions first that wants to speak, because they don't know where they stand on the motion. If you need to ask a question first, with regards to forming your opinion on where you stand on the motion, because of a question. Let's go ahead and get those hands first. Nichola, your hand was still up. Was your hand just up from trying to help Ray, or did you have something else to add? No, your hand is down. The two people I've got right now that have questions, are Roy Miller and Mike Luisi. Roy, you're up. Let's start there.

MR. MILLER: Is this the very first proposal that we've seen as a management body for conservation equivalency using COVID-19 as the reason for the proposal? My recollection, it is the first time we've seen such a proposal. Therefore, my question. Go ahead.

CHAIRAMN NOWALSKY: I was going to say, I would call this Proposal 1A. We saw the proposal from Massachusetts back in June that included only Options A and B. Since then they've resubmitted the proposal that included Option C. I won't speak for other boards, but I will say that this Board has received no other state proposals for a change to their season related to COVID-19.

MR. MILLER: Let me elaborate on why I asked that. Let's assume for the moment that this could be precedent setting. I looked at Delaware's seasonality for black sea bass, and we have a season that opens in mid-May and closes the end of December. Now let's assume that Delaware lost a couple weeks of opportunity for the for-hire fishery to pursue black sea

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bass in May, because we were only in Phase 1 of the Governor's reopening scenarios.

We didn't achieve Phase 2 until later in May. Is it reasonable to wonder then, if Delaware missed a couple of weeks of opportunity for the for-hire fishery, could Delaware apply for some days in January to make up for the lost days in May? If you follow my logic, I'm wondering if action taken today, if it's positive.

I'm not saying I disagree with the Massachusetts proposal. I certainly understand and sympathize with what they're doing. But is it precedent setting, and would other states like Delaware then be encouraged to submit proposals for extensions beyond the end of the calendar year, say into January? That is my question. Thank you.

CHAIR NOWALSKY: Roy, let me first say that I think a state could potentially ask for something anytime they wanted to, whatever that ask may be. I'll follow that up with number one, that a CE proposal would need to bring forth some documentable proof that by a regulation, the fishery was shut down for some point in time, and as a result of the fishery being shut down by a regulation, you're looking to extend the season to some other timeframe via a change in regulation.

Now with regards to Massachusetts CE proposal, I think there is a little bit of a gray area here, with regards to, as Nichola highlighted. Technically they didn't shut down via regulation, but from their interpretation, because of their permitting conditions, even though they weren't shut down via regulations, permitting regulation had them shut down.

I don't know if staff wants to weigh in any more. You know there has been discussion about whether this was a true CE. I will offer that I was willing, as Board Chair, to allow this to come forward to the Board to give Massachusetts the opportunity to state their

case for why, even if it didn't technically have the season shut down in Wave 3 via regulation. They had regulations in place via permit to shut the fishery down. Ultimately, it's going to be at the discretion of the individual delegates here, as to whether or not they agree with that or not, as to whether this is an actual CE proposal. The second thing I'll add is that there were discussed by this Board previously, some timelines put in place for submitting proposals if states were going to do so.

That deadline has since passed. I think there was a grace period, if you will, that was extended after the Policy Board had met to decide whether or not to set forth sideboards on regulations that would come forward, to allow for anything else, and nobody else brought anything forward. With regards to your question about precedent setting.

What I told the Executive Committee at one of their meetings, is that I as Board Chair would allow a proposal to come forward to my Board, unless the Executive Committee and/or staff and Commission leadership said no, this flies in the face of what our processes are, and should not be allowed.

Nobody told me that, that that was the case with regards to the Massachusetts CE proposal. Therefore, that is why we're here today. Beyond that, all I could say is any state can submit anything they want, whether or not I get new advice from Commission leadership whether to allow that to come before the full Board. I don't know the answer to that. If Commission leadership wants to weigh in, they're welcome to.

But I think that is where I would stand is one, does the Board have something in place? I believe, personally that this Board has set forth some guidelines for when proposals are due. I would say the deadline has since passed. I would say that as Board Chair, unless I was told by Commission leadership, you should consider this proposal. I would be inclined at this point not to bring any additional proposals before the Board.

MS. KERNS: Adam, can I clarify one point for you to that?

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CHAIR NOWALSKY: Please, by all means do.

MS. KERNS: I think that the deadlines that we gave you were for this meeting. Based on the Policy Board not adopting those guidelines that had come out of the Executive Committee, it put an opportunity out there for any state to submit a conservation equivalency proposal, to change the recreational measures for any species.

They just have to provide the evidence that the measures were equivalent to their current set of measures. I don't even know if a state would have to actually show that there is a regulation. You know it would depend on how they went about saying that this versus that is conservation equivalent.

At any point in time, if a state wants to bring forward a conservation equivalency proposal. They just have to follow the timelines that are outlined in the conservation equivalency guidelines, in terms of when it would be taken up by a management board. Obviously, you know if it's outside. If that state hasn't brought something forward to the Board to request it to be reviewed, it can be reviewed by the Board Chair, and the Board Chair can determine if they can fall within. There is a one-month timeframe, I think it is, in which you have to be within to submit for the next meeting. The Board Chair can make an exception for that timeline, if he feels like it's a possibility and an important issue to be taken up immediately at that next meeting. I think there is, under the conservation equivalency guidelines there is opportunity for other proposals to come forward.

CHAIR NOWALSKY: Well, that's great, Toni. I will not be considering any other state proposals at this Board meeting. To Roy's question then, if somebody wanted to bring something forward, they could review those CE proposal guidelines, and be considered at some future data. Now, it wouldn't be next week,

because that is outside that timeframe. I think if somebody brought something forward to me prior to next week's meeting.

They would have to document one heck of an emergency to have to bring it forward next week. I won't say it's impossible, but that would leave us with the next scheduled Board meeting being sometime in October, so I'm not sure what relief that would get any other states for the remainder of the 2020 fishing year. Roy, have we gone into enough detail for you, or do you have anything still lacking in information, with respect to your question?

MR. MILLER: Thank you for your thorough response, and thank you, Toni. The only question I had is, if the state were to put together a proposal that carried over into the new year, particularly during a portion of the year that is normally closed in that state to fishing. Is that something that can be considered, or does everything stop at the end of the calendar year in this regard?

MS. KERNS: Roy, I think it would stop at the end of the calendar year, because you would be asking for a change in your measure that is conservation equivalent to your current fishing year's measures. I suppose you could ask for changes in bag and size limit, but your season, since it's already going to the end of the year. I don't know how you would ask for conservation equivalency within that year, for a change in your season.

MR. MILLER: That is what I wanted to find out, if it might be possible to extend the season into January that is otherwise closed by state regulations.

MS. STARKS: This is Caitlin, just also adding that federal waters are closed in January, so for some states that is a problem.

MR. MILLER: Yes, a problem in our state too. Thank you.

CHAIR NOWALSKY: Mike Luisi, you've been very patient. Go ahead.

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MR. LUISI: I'll be brief. I do want to say that I fully support the concept of conservation equivalency, and states using conservation equivalency to address needs of their fisheries based on whatever needs they might be. I am troubled though by two things. One of them is something that you brought up, Adam, and I might need somebody from Massachusetts to help me understand, whether the for-hire fleet had the ability to fish during this closed period, or not. When I read through this, my understanding was that the fishery was closed, and that gave me less concern for the for-hire fleet if they were closed, and we can get some assurance from Massachusetts that they weren't fishing anyway. You know this kind of goes towards Roy's point about setting a precedent for lost opportunity. If this was just the case that based on the COVID pandemic that we are going to extend the season, because of the perception of lost opportunity.

It would be an easy decision for me to say no, that is not a precedent that I want to start. However, if the fishery was closed, and the for-hire fleet was unable to participate for the number of days being claimed. I do have no problem in the use of conservation equivalency for an extension later in the year.

The one area of concern is the gray area that was mentioned. My second area of concern has to do with the method used to calculate that extension. My question to Massachusetts would be, if this were a normal set of circumstances and you were just making adjustments to your season, to account for the needs of your fishery, and you had an approved method based on the Technical Committee advice.

I'm just wondering why you have failed to move forward with that advice, rather than putting forth an option that as a Technical Committee has commented, does not have the quantitative analysis to back up the extension. I certainly would support the Option D, which is supported

by the Technical Committee. I'm just having trouble with, I guess it's a hybrid version, or a massaged version of the standard methodology.

MS. MESERVE: May I respond, Adam?

CHAIR NOWALSKY: Yes, go ahead, Nichola. I'll just let you take it.

MS. MESERVE: Thank you. Yes, so this was a closure to all for-hire fishing activity for those seven days. The permit conditions restricted all for-hire fishing activity. They were off the water. This is not a proposal to respond to not being able to get clients, or anything else. There was a closed fishery.

I think the gray area that Adam may have used that terminology, is that it was done by permit conditions as opposed to a change in our regulations, which could not be completed, given the timeline of the evolving situation, and the ability to do regulations that quickly. The second part there about the methods is that what we offered to the Technical Committee, Option B, the more restrictive one. That was an alternative that we put forward, and it does have their blessing.

But in more thinking about it, just feel that it's very restrictive. The Wave 5 data may be the best reflection of what is happening in Wave 5 that we have. It just has high PSEs. We put forward the better option. We have as much uncertainty about Wave 4 being a valid proxy for Wave 5. But everything that we know about sea bass migration, and when they leave our waters, suggests that the rates should decline, from Wave 4 to Wave 5 in Massachusetts.

We're at the northern extent of the species range. The for-hire fleet will tell you that they have travel further to get fish in Wave 5, that they're not aggregated like they are earlier in the season when they're nearshore. The comments that there are other states where they have some of their highest landings in Wave 5. I assure you that those are states further to the south of us, who have a different seasonality of sea bass accessibility to their anglers.

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MR. LUISI: Thank you, Nichola. I appreciate that.

CHAIR NOWALSKY: At this point in time, I'm going to turn to Justin Davis, if he would like to speak as seconder of the motion, followed by that I will ask for a show of hands for people that want to speak in favor, as well as those who want to speak against, where against might also include. Well either side can go ahead and provide some modification to this motion, if they wanted to go with that route, as opposed to just voting it up or down. First Justin, and then I'll ask for additional hands.

DR. DAVIS: I would like to speak in support of the motion. I think this is a clear-cut case, where the COVID-19 pandemic has had a negative impact on this particular fishery sector. It is clear that they were prohibited from fishing for this period of time, based on that Figure 1 we saw in the proposal it's clear there was substantial lost opportunity during that time.

I think the proposal is certainly justified. I find the rationale of using the Wave 5 data, despite the high PSEs to be persuasive. Certainly, MRIP data, when you start splitting it down into the mode level for a lot of fisheries is going to have high PSEs, and that is just something we live with all the time when we're setting measures.

From my experience with the black sea bass fishery in New England at that time of year, certainly availability is changing on almost a week to week basis. The fish are on the move, moving offshore, and so I definitely find the rationale that although the data are sparse there in Wave 5, they are probably more reflective of the availability of the resource at that time to the fleet.

Just in general I feel like this is a situation where the risk of sort of a big increase in harvest that is going to cause like a big overage of the RHL is really minimal. We're talking about providing a little bit more opportunity for one sector in one

state. This is a species where the stock is very robust, not overfished. Frankly, this is a species where we've overshot RHLs in recent years, and have still kept status quo recreational measures, for a variety of reasons.

I'm personally not troubled by the very small possibility here of you know harvest maybe being slightly higher in Massachusetts than it would have been otherwise. I think that just basically comes down to inherent variability in the fishery. I'm fully in support of this proposal. Almost everybody in our states, we've been hearing from our for-hire folks that they've been hugely impacted by this pandemic. I think we should be doing whatever we can to help those folks out, and I support this proposal. Thanks.

CHAIR NOWALSKY: All right, so let me turn to the Board, a show of hands of people that want to speak in favor of the motion right now. Okay, I've got Jay McNamee. Thank you, you could put that hand down. Let me get a show of hands to those who want to speak against. Okay, I've got Joe Cimino and Chris Batsavage. All right, so I will start with, since we've heard from Nichola and Ray Kane made the motion, and Dr. Davis. Let me go to Joe, then I'll go to Jay McNamee, then I'll come back to Chris Batsavage. Go ahead, Joe Cimino, you're up.

MR. CIMINO: Once again I find myself following Justin and have a hard time disagreeing, at least to an extent. However, once again I find myself in a slightly different position, in that Mass is in a unique position. Here in New Jersey, they certainly wanted to do something like this. It really wasn't appropriate for us to do, because we didn't have fully closed days, except for a single day.

However, I do have some concerns with an RHL. We all deal with the frustration of a healthy stock, and an RHL that is still prohibitive to us. But yet there it is, and you know we have the possibility of exceeding that this year, and it's something that as managers we need to deal with. I am supportive of the TCs recommendation, so please keep that in consideration. However, I don't think I can support this motion.

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CHAIR NOWALSKY: Jay McNamee.

DR. McNAMEE: You know for me this one is really straightforward. It's specific to what happened this spring, where the state of Massachusetts closed their fishery, clearly closed it. It wasn't like an indirect act. It wasn't conjecture or anecdote. They closed the fishery. That part for me is really cut and dry, and it's what makes this proposal compelling for me.

That fact, coupled with, they're asking for days during the part of the year that they have actually really low landings, just to eke out a couple of additional days. It is unfortunate the nuance between Option B and Option C. But in the end, it's kind of quibbling over a couple of days here and there during what is a very minimal time of year for them anyways.

I'm comfortable. If they want Option C, I'm okay with that. They did the math, and as Nichola noted, you know the nuance that the Technical Committee was hanging their hat on, versus what the state of Massachusetts is trying to get after. I'm not super hung up on that. I wish it synced up, but it didn't in this case. I'm in support. I don't see, in this really clear cut, really unique situation why we can't accept this CE to allow that party and charter fishery to get a couple of days in the fall.

CHAIR NOWALSKY: Chris Batsavage.

MR. BATSAVAGE: The people in support of the motion I think framed out why. You know Massachusetts proposal, and how unique it is, in terms of it being a CE proposal for this, and how it differs from others. But we've also heard that this, in terms of precedent setting, which is a concern of mine, and also other CE proposals that could come forward, and also the MRIP uncertainty, which again I think with the time of year the landings probably won't be very high.

But as we found out this year, where you start opening up a season during times, the shoulder period, so to speak. A couple of intercepts could lead to some surprises, as far as MRIP estimates go. But I think the one thing that concerns me about any CE proposal, not just Massachusetts, for this year, is we are really flying blind, as far as essentially very few fishery independent surveys taking place this year. All of us get notices in our e-mails about NEMAP and other federal science surveys being postponed or canceled this year, due to COVID-19 concerns. Although the stock of black sea bass is robust right now, as of the last stock assessment. There is just that underlying concern that we're really just missing a lot of data on all these species in 2020.

Then we'll be going into future years with just kind of a big dark area of data, and try to figure out what's going on in the future. That is really my concerns over the CEs in general, not necessarily Massachusetts in particular. I think they made their case very well, but this isn't the year with everything else going on.

CHAIRMAN NOWALSKY: Let me ask for one more round of hands here. Do I have a show of hands for additional people that want to speak in favor? Nichola. Okay, do I have any other hands that want to speak in opposition? Okay, seeing none. What I'm going to do is I'm going to go to Nichola.

I will then ask if there is any public comment on this, and then I will bring it back to the Board, and if there is no other hands, we'll call the question, unless there is anyone else that feels the need to respond based on what we heard from the public or from Nichola. Nichola, go ahead please.

MS. MESERVE: I just wanted to point out, which probably doesn't need to be said. There is an additional buffer on the for-hire fishery, likely in all of our states, which is the ongoing COVID situation, quarantine rules that are in effect that likely are going to last into the fall. I think that adds the additional buffer to the uncertainty that is associated with us gating these days on the end of the season.

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CHAIRMAN NOWALSKY: Is there anyone from the public that would like to comment on this motion, raise your hand, or if you don't have the ability to do so, or are having technical difficulties, just go ahead and speak up, please. All right, seeing nothing from the public regarding hands or anything on here.

I'm going to give the Board two minutes to caucus on this. I know I've got an issue here in that I think I just lost our Administrative Commissioner, due to a power problem. I at least need two minutes to try to get back up with him, so we'll come back here shortly. A couple minutes to caucus.

Okay, let's go ahead and bring this back to the Board then. Move to approve Option C in the Massachusetts conservation equivalency proposal to modify the black sea bass recreational for-hire season for the dates of May 25-October 9. Motion by Mr. Kane, second by Dr. Davis. All those in favor of the motion, please raise a hand. One vote per delegation.

MS. KERNS: I have Maryland, Rhode Island, Connecticut, Mass, Delaware, PRFC.

CHAIR NOWALSKY: Thank you that would be 6 votes in favor, I agree. You can clear those hands, please.

MS. KERNS: I will clear them. Cleared.

CHAIR NOWALSKY: They all appear to be down. Let's just make sure we're starting with a clean slate here. All those states in opposition to the motion, please go ahead and raise a hand, one vote per delegation.

MS. KERNS: I have New Jersey, Virginia, North Carolina, and New York.

CHAIR NOWALSKY: Okay that's four. You can clear those hands. Abstentions.

MS. KERNS: I have NOAA Fisheries and U.S. Fish and Wildlife Service.

CHAIR NOWALSKY: Okay. The motion carries, 6 in favor, 4 opposed, 2 abstentions and that is all 12 votes, so there are no null votes. All right, thank you very much. Is there any other business to come before the Board urgently that we can't take up? I know Justin Davis had an item.

He and I have exchanged some communications offline. He is going to bring it to us next week as other business. Hopefully we don't run into the same time constraints then. Is there anyone else who has urgent business to come before the Board under other business? Okay, not seeing any hands raised nor voices, and having completed the agenda before us. Staff, anything else I missed here to get before the Board?

MS. KERNS: Not that I know of Adam, thank you so much.

ADJOURNMENT

CHAIR NOWALSKY: Okay, my thanks to everyone again as well, and we are adjourned, and we'll talk to everybody next week when we're convened again shortly with the Council. Thanks again.

(Whereupon the meeting adjourned at 5:10 p.m. on
August 6, 2020)