

**PROCEEDINGS  
OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
BLUEFISH MANAGEMENT BOARD**

**May 10, 2006  
Doubletree Hotel Crystal City  
Arlington, Virginia**

## **ATTENDANCE**

### **Board Members**

Terry Stockwell, Maine DMR  
John Nelson, New Hampshire F&G  
Dennis Abbott, New Hampshire  
G. Ritchie White, New Hampshire  
William Adler, Massachusetts  
Vito Calomo, Massachusetts  
Everett Petronio, Rhode Island  
Gil Pope, Rhode Island  
Eric Smith, Connecticut DEP  
Lance Stewart, Connecticut  
Gordon Colvin, New York DEC  
Pat Augustine, New York  
Brian Culhane, New York  
Paul Scarlett, New Jersey DFG&W  
Erling Berg, New Jersey  
Roy Miller, Delaware DFW  
Russell Dize, proxy for Sen. Colburn (MD)  
Bruno Vasta, Maryland

Howard King, MD DNR  
A.C. Carpenter, PRFC  
Jack Travelstead, Virginia MRC  
Kelly Place, proxy for Sen. Chichester (VA)  
Ernest S. Bowden Jr., Virginia  
Preston Pate, North Carolina DMF  
Damon Tatem, North Carolina  
Jimmy Johnson, proxy for Rep. Wainwright (NC)  
John Frampton, South Carolina DNR  
Robert Boyles, South Carolina DNR  
Malcolm Rhodes, South Carolina  
John Duren, Georgia  
Susan Shipman, Georgia DNR  
April Price, Florida  
Gil McRae, Florida FWC  
Bob Ross, NMFS  
Wilson Laney, USFWS

### **ASMFC Staff**

Bob Beal  
Vince O'Shea

Toni Kerns  
Julie Nygard

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The Bluefish Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the Doubletree Hotel Crystal City, Arlington, Virginia, Wednesday morning, May 10, 2006, and was called to order at 8:30 o'clock a.m. by Chairman Robert Beal.

**WELCOME/BOARD CONSENT**

CHAIRMAN ROBERT BEAL: Good morning. This is the Bluefish Management Board. This board currently doesn't have a chair or a vice chair. I think this is the first meeting of the Bluefish Board on our turf in probably close to three years.

The annual meetings to set the quotas have taken place at the Mid-Atlantic Council. The previous chair and vice chair I think have both retired and so we're kind of short on leadership as far as this management board goes. As the ISFMP charter spells out, I will step in and chair this meeting.

Obviously, one of the agenda items will be election of a chair and vice chair. We'll get to that in a minute. The agenda was on the CD. Are there any additions or changes to the agenda? I have one. Under Other Business, we'll have a couple of Advisory Panel nominations.

Other than that, is there anything else that folks would like to talk about with respect to bluefish? Seeing none, any objections to

approving the agenda? The agenda is approved.

**PUBLIC COMMENT**

Next is Public Comment. Does anyone in the public -- We've got one or two members of the public back there and they are shaking their head no and so we will move forward. We see no public comment.

**DISCUSSION OF 2006 QUOTA**

The first agenda item that we need to discuss is the Discussion of the 2006 Quota and Julie will provide the background on that. I think a new table has been handed around or is coming around right now for folks to look at.

MS. JULIE NYGARD: Brad is handing out the revised table from the one that was in your supplemental mailing. On February 24, 2006, the National Marine Fisheries Service published the final 2006 quota for the bluefish commercial fishery.

Updated landings projections for the fishing year that were not available at the time of the joint board and council meeting held in August of 2005 suggests that recreational harvest levels would be exceeded if NMFS adopted the quota transfer from the recreational to the commercial fishery that was recommended by the council and approved by the board.

Based on this information, NMFS adjusted the transfer quota amount, resulting in a discrepancy between the federal and ASMFC quota. Following are the current federal and ASMFC state quotas for the 2006 commercial fishery.

As you can see on the table on the screen, we have listed, just for your information, the

2005 commercial quota and 2005 initial landings, based on the Northeast Regional Office weekly landings reports, and we also have the 2006 federal commercial quota adjacent to the ASMFC quota and the final column is the difference between the two quotas and the board will need to decide how they want to deal with this discrepancy.

CHAIRMAN BEAL: Thank you, Julie. As Julie mentioned, there's about a 1.5 million pound difference between the federal and state quota on the commercial side and this was due to a different level of recreational landings than we had anticipated at the August meeting when we set the original quota with the Mid-Atlantic Council.

I guess the question before the management board today is what, if anything, do you want to do about this quota discrepancy? It appears there's a few options. One is simply to do nothing and the states fish to higher levels than the federal government, which in the past has, for some fisheries, created a bookkeeping difficulty, if nothing else.

We've had times when state permit holders only could fish after the federal quota had been landed and the federal permit holders had been prevented from fishing. It's caused a -- I don't know if equity issue is the right word, but it's caused a difference in fishing opportunities for state and federal permit holders in the past.

Doing nothing would be one option. The other option would be for the commission to amend its quota to be consistent with the federal level would be the second option. The third option that I can see is the realization that a number of states don't fully utilize their commercial bluefish quota and there may be opportunities for quota transfers to provide the states that do fully utilize their bluefish quota with enough

quota to get them through this year.

Historically, or at least since the current amendment has been in place, the total commercial landings have not been -- We have not come that close to the commercial coastwide quota. Some of the states have landed their quotas, but overall we have not landed the commercial coastwide quota. We've come on the order of 50 or 60 percent of that total quota has been landed, on average.

Those are the options that I see before the management board. Clearly there may be some additional options, if folks want to consider those, but that's just my initial thoughts on it and we can open up the discussion from there.

MR. GORDON COLVIN: I have just a question maybe that Julie can help us with to get started. I noticed that in 2005 our landings are only a little over half of the quota. It's a little under six million, as compared to 10.4.

I suspect that's been a fairly consistent pattern, but can you give us some indication of whether that magnitude of a gap between landings in quota has existed in prior years as well?

MS. NYGARD: Yes, it's been about that for several years now.

MR. COLVIN: It seems that, given that, I'm not sure we need to do anything, other than have some frank discussion, perhaps, among us about the prospect for quota transfers that would enable some of the states that are more likely to want to land close to their current ASMFC quota and to avoid the prospect of having to go through any federal stuff.

CHAIRMAN BEAL: Are there any comments on the differences in quota levels?

MR. GIL POPE: Did any of the commercial fisheries close? Did any states have to close them because of overages or -- Do you know?

MS. NYGARD: I don't believe so, no.

CHAIRMAN BEAL: Gil, you're asking about 2005?

MR. POPE: In any of the years did any of the states have to close their fisheries because they actually met the quota or were they just open all year and then they just tallied it at the end of the year?

CHAIRMAN BEAL: Gordon, correct me if I'm wrong. I think New York has closed on occasion for either fully utilizing or coming close to their quota.

MR. COLVIN: No, because of transfers, but there was one year, and I alluded to this yesterday in one of our meetings, that we got notice in July of year two that we had an extra 500,000 pounds or something like that of landings from year one and at that point, NMFS did put out a closure notice, because they had to subtract it from the current year, even though we were seven months into it.

That obviously put us over at that point, but then we were able to work some transfers with other states that caused that closure not to have to be ultimately implemented.

MR. WILLIAM ADLER: Once again, why was the federal quota over is the first question and the second question is we do have in our plan the transfer ability of quota, right?

CHAIRMAN BEAL: Yes, there is the ability to transfer quotas. I'm not sure I understand your first question about the federal quota.

MR. ADLER: The first question was why did the feds lower their -- What was the reason behind that again?

MS. NYGARD: We do the transfer at the August meeting, joint board and council meeting, and not all of the landings information is available at that time and so when NMFS goes and looks at it to publish the final rule in the early part of the year, they have the full year of landings information and they use that to make the projections for the year coming forward.

The recreational harvest was almost to their harvest limit and therefore, they project that this year they could meet or exceed that, thus transferring the amount that the board and council approved might make the recreational go over.

MR. ADLER: Therefore, because of the recreational increases, we're talking about doing something with the commercial quota?

MS. NYGARD: To clarify, 83 percent of it goes to the recreational, but in the FMP you're allowed to transfer the commercial quota up to ten-and-a-half million pounds and so after the initial allocation of 83 percent to recreational and 17 percent to the commercial, then a transfer happens from there to increase the commercial amount and it can go up to ten-and-a-half million pounds. It's the transfer amount after that initial allocation that is based on the projected landings for the recreational harvest.

MR. ADLER: Since the commercial people didn't go over their quotas here, I don't see why the commercial side has to be penalized by something that happened in the recreational thing and that's all.

CHAIRMAN BEAL: Bill, the commercial side isn't being penalized. If the recreational industry or community is not going to fully utilize their available quota, which is 83 percent of the total coastwide TAL, then there can be a transfer up to ten-and-a-half million pounds.

Following the August meeting, the projections for the recreational landings were higher than we had anticipated in August and therefore, the quota transfer to the commercial fishery is smaller than anticipated at the time and so it's not a penalty. It's just a smaller transfer to the commercial side.

MR. PAT AUGUSTINE: I think we've had enough discussion. I move that the board take the position of no action in this line item.

CHAIRMAN BEAL: Unless I'm wrong, I don't think we need a motion to take no action. We can maintain what we currently have, but I'm not sure if Gordon wants to follow up on his suggestion of some discussions regarding quota transfers at this point.

MR. COLVIN: I would like to hear from some other board members on the subject. I think it's no surprise how I feel about it. I do have a question for Julie, just to clarify and I think to really make it absolutely that the point that Bill just raised is appreciated.

This year, the commercial quota begins. The quota to which the commercial fishery is entitled under the plan is about 17 percent

of the overall quota, correct, and that is what?

MS. NYGARD: 17 percent is about 4.2 million pounds.

MR. COLVIN: In response to Bill's question, the quota would be -- If the recreational fishery were projected to take what it's entitled to, the commercial fishery coastwide would be getting under five million pounds and so really all that's happening here is that the amount of the benefit of the transfer of the projected under harvest in the recreational fishery has been reduced as a result of late season MRFSS projected bluefish landings from 2005.

MR. PRES PATE: Gordon made partially the point that I wanted to make, that to be clear, we're talking about two transfers. One is from the recreational allowable landings to the commercial to increase the commercial percentage of the TAL and the other is the opportunity for the states to transfer unused commercial quota between and among states and that's very important to us, because we project we'll probably go over our quota this year without the largess of Virginia and I can't remember if we've asked anybody else, but Virginia has transferred quota to us. We asked Florida and they haven't responded yet, that I'm aware of, but certainly any help that we could get in that regard could keep us whole for the rest of the year.

We have had instances in the past that we have actually had to close our season and those would have been more numerous had we not had the opportunity to transfer quota from some of the other states.

CHAIRMAN BEAL: Any other comments? I think to the latter type of quota transfer that Pres was talking about, which is

commercial quota from one state to another and in other words, a state that doesn't anticipate fully utilizing their quota to a state that historically has fully utilized their quota.

MR. TERRY STOCKWELL: As you all know, Maine has very low bluefish landings and we're going to continue to be willing to transfer our quota to the other states.

CHAIRMAN BEAL: I'm sure somebody will take you up on that offer, Terry. Any other discussion on the bluefish quota issue? Seeing no other discussion, I think where the management board is is there has not been a motion made to adjust the commercial quota or the transfer to the commercial side and so the states will leave the quota as it is and they will communicate with each other directly and states will request quota of other states that are anticipated not to fully utilize their quota.

The board will take no formal action today, other than sort of endorse the ability or kind of reiterate the ability of states to transfer quota between themselves on the commercial fishery. Does that sound like a reasonable course for everyone? That sounds good.

#### **ELECTION OF CHAIR & VICE-CHAIR**

Moving on then, we got that out of the way fairly quickly and here's my favorite agenda item, which is the Election of the Chair and the Vice Chair.

MR. JOHN NELSON: **I would like to nominate Howard King for Chair.**

CHAIRMAN BEAL: Any other nominations for Chair?

**MR. AUGUSTINE: Motion to close the nominations and cast one vote. Congratulations, Howard.**

CHAIRMAN BEAL: Congratulations, Howard. Any nominations for Vice Chair?

**MR. NELSON: I would like to nominate Pat Augustine.**

CHAIRMAN BEAL: Bill Adler seconds the motion. Any other motions or nominations for Vice Chair for the Bluefish Management Board? Seeing none, any objections to Pat becoming the Vice Chair of the Bluefish Board? Seeing none, we've got -- Once again, the Bluefish Board has full leadership, which is good. That brings us to the next agenda item, which is the Plan Review Team Membership. Julie, do you want to handle that one?

#### **REVIEW OF PLAN REVIEW TEAM MEMBERSHIP**

MS. NYGARD: It's going to be time to do our FMP review with the plan review team and I thought this would be a good time, since the Bluefish Board is meeting, to review that, since there are several members of the current team that are not active in their current roles. We are soliciting the board for recommendations to update the plan review team membership.

CHAIRMAN BEAL: I think at least two of those folks have retired and one has moved on to a different position and so we just need some updated membership for the Bluefish Plan Review Team. We'll send around an email to solicit further from folks, unless there are some nominations that people want to bring forward today. If not, I think we can -- We'll go ahead and remove the retired folks from the list and any other

nominations that the states have will be appreciated.

MR. COLVIN: Is this a plan -- I know this is a joint plan with the Mid-Atlantic, but is this one that also has a monitoring committee like fluke? That's distinct from the plan review team.

CHAIRMAN BEAL: Yes, it does have a monitoring committee that's distinct. The way the monitoring committee is made up is that the commission representation on the monitoring committee is our plan review team.

MR. COLVIN: These folks would be members of the monitoring committee, along with the council's additional members?

CHAIRMAN BEAL: Yes, exactly. Seeing no nominations from the states right now, we'll ask for nominations via email following this meeting. Under Other Business, we have Advisory Panel Nominations. Julie, do you have the names of those folks?

MS. NYGARD: Yes, from the State of Rhode Island, they have nominated Francis Blount and from the State of New Hampshire, Silas Gordon has been nominated to the Bluefish Advisory Panel.

CHAIRMAN BEAL: Any motions regarding the Advisory Panel nominations?

**MR. NELSON: I would like to move acceptance of both candidates for the Advisory Panel, Mr. Chairman.**

CHAIRMAN BEAL: Second by John Duren. **Any objections to approving the two nominations that have been brought forward for the Advisory Panel? Seeing**

**no objections, the motion carries.** I think that's all the business to come before the Bluefish Management Board.

Is there anything else folks want to talk about with respect to bluefish? We haven't had the opportunity for a while and we've got some free time, but I don't think there's any other business and so unless I hear objection, we will stand adjourned.

(Whereupon, the meeting adjourned at 8:50 o'clock a.m., May 10, 2006.)

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