

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

Hilton Mystic
Mystic, Connecticut
October 28, 2014

Approved February 4, 2015

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October 2014**

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1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of August 2014 by consent** (Page 1).
3. **Move to initiate an addendum to the Summer Flounder, Scup and Black Sea Bass Fisheries Management Plan to consider and develop alternate approaches for regional management of the recreational summer flounder fishery for 2015** (Page 4). Motion by James Gilmore; second by David Simpson. Motion carried (Page 10).
4. **Move to strike the word “regional”** (Page 6). Motion by Adam Nowalsky; second by Rick Bellavance. Motion defeated (Page 8).
5. **Move for approval of Michael Plaia, Frank Blount, Michael Hall, Aaron Gewirtz, Travis Barao, Kyle Douton, P. Wes Townsend, Clark Evans, Michael Hynson, John Martin, Allen “Buddy” Seigel, Steven Wray, Meade Amory, Ken Neill, Art Smith, Mark King, Arthur Kretschner, Robbie Mercer, and Michael “Jimbo” Ireland as members to the Summer Flounder, Scup, and Black Sea Bass Advisory Panel** (Page 13). Motion by Louis Daniel; second by Rob O’Reilly. Motion carried unanimously (Page 15).
6. **Motion to adjourn by consent** (Page 17).

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ATTENDANCE

Board Members

Terry Stockwell, ME proxy for P. Keliher (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Rep. Sarah Peake, MA (LA)	Roy Miller, DE (GA)
Bill Adler, MA (GA)	John Clark, DE, proxy for D. Saveikis (AA)
David Pierce, MA, proxy for P. Diodati (AA)	Mike Luisi, MD, proxy for T. O'Connell (AA)
Bob Ballou, RI (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
David Borden, RI (GA)	Bill Goldsborough, MD (GA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
David Simpson, CT (AA)	Cathy Davenport, VA (GA)
Lance Stewart, CT (GA)	Kyle Schick, VA proxy for Sen. Stuart (LA)
Rep. Craig Miner, CT (LA)	Louis Daniel, NC (AA)
James Gilmore, NY (AA)	Mike Johnson, NC, proxy for Sen. Jenkins (LA)
Emerson Hasbrouck, NY (GA)	Sen. Ronnie Cromer, SC (LA)
Katherine Heinlein, NY, proxy for Sen. Boyle (LA)	Martin Gary, PRFC
Tom Baum, NJ, proxy for D. Chanda (AA)	Michael Pentony, NMFS
Tom Fote, NJ (GA)	Sherry White, USFWS
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	

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

Ex-Officio Members

John Maniscalco, Technical Committee Chair

Staff

Robert Beal	Katie Drew
Toni Kerns	Mike Waive
Kirby Rootes-Murdy	

Guests

Derek Orner, NOAA	Brandon Muffley, NJ DFW
David Hilton, NMFS	Kiley Dancy, MAFMC
Harold Mears, NMFS	Joseph DiLernia, MAFMC
John Bullard, NMFS	Steve Heins, NYSDEC
Peter Burns, NMFS	Stew Michels, DE DFW
Jason Berthiaume, NMFS	Gregory Wocjik, CT DEEP
Kelly Denit, NMFS	Joseph Gordon, PEW
Lynn Fegley, MD DNR	Phil Langley, PRFC
Michael Bednarski, MA DMF	Jack Travelstead, CCA
Dan McKiernan, MA DMF	Arnold Leo, Town of E. Hampton, NY
Tom Hoopes, MD DMF	Michael Plaia, NEFMC
Eric Smith, Noank, CT	

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The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Grand Ballroom of The Mystic Hilton, Mystic, Connecticut, October 28, 2014, and was called to order at 10:15 o'clock a.m. by Chairman David Pierce.

CALL TO ORDER

CHAIRMAN DAVID PIERCE: The Summer Flounder, Scup and Black Sea Bass Management Board Meeting will come to order. We obviously have a quorum.

APPROVAL OF AGENDA

CHAIRMAN PIERCE: Everyone has an agenda. You've had an opportunity to review the agenda. Are there any revisions to the agenda? Adam.

MR. ADAM NOWALSKY: Mr. Chairman, I would just like a placeholder to continue the discussion we had at the end of the last meeting regarding discussions with the Science Center for a sex-based model.

CHAIRMAN PIERCE: Thank you, Adam. I neglected to talk to you before this meeting to give you an update regarding that; and we can certainly do that under other business. Any other suggested revisions to the agenda?

MR. THOMAS FOTE: I sent the tables around; they should have been submitted. I would like to talk about those tables that I sent around on summer flounder trips at the end of the meeting under other business.

CHAIRMAN PIERCE: Excuse me, Tom; you have made available some tables, you said?

MR. FOTE: Yes; they should have been circulated to all the board.

CHAIRMAN PIERCE: All right, we have those tables, Tom, and we will reference them under other business and you will have an opportunity to address the points you care to make. Any other revisions to the agenda? I see none; therefore, we will adopt the agenda by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN PIERCE: Proceedings from the August 2014 meeting; are there any corrections to the

minutes? I see no need for corrections; therefore, the minutes stand adopted.

PUBLIC COMMENT

All right, public comment; we do have one individual who has expressed an interest in addressing the board on an issue that is not on today's agenda. That individual is Justin Leblanc; so, Mr. Leblanc, if you care to speak on any issue that is not on today's agenda.

MR. JUSTIN LEBLANK: I'll pass at the moment; thank you.

CHAIRMAN PIERCE: All right, thank you very much. I expect that today's business will go rather smoothly because there is at least one motion that I know one board member is going to make. Perhaps there are two, but at least one that will enable us to potentially make some early decisions as to how we want to proceed for 2015 in light of 2014 information that we have in hand right now.

**REVIEW OF MARINE RECREATIONAL
INFORMATION PROGRAM WAVE 4
HARVEST ESTIMATES**

With regard to that information, I will now turn to Kirby and he will review the Marine Recreational Information Program Wave 4 Harvest Estimates for the three species that are near and dear to our hearts.

MR. KIRBY ROOTES-MURDY: As Dr. Pierce mentioned, I'll be going through a review of the MRIP Wave 4 preliminary estimates. That is January 1st through August 30th for summer flounder, scup and black sea bass. First I'm going to go through two tables for summer flounder; and these provide updates on the preliminary coast-wide harvest estimates for summer flounder relative to the 2013 numbers through Wave 4.

Harvested numbers of fish is down approximately 3.2 percent at 2.42 million fish compared to – or it is down 2.17 from 2.18 relative to this point last year. The 3.2 percent is a decrease in the RHL. The 2014 recreational harvest limit is 7.01 million pounds or approximately 2.4 fish. So while the number of fish harvested so far are lower, the RHL is also lower. As a percentage of that, it is at 89 percent in terms of numbers of fish.

In terms of the recreational harvest estimates through Wave 4 in terms of pounds, 6.6 million pounds of summer flounder have been harvested so far, which is

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approximately 94 percent of the RHL. For 2015 the RHL is set to go up to 7.38 million pounds next year. The next table I wanted to go over was with regard to the regional performance.

Back in February of this year, the board approved these adaptive regional management measures for the recreational summer flounder fishery. Currently these are the preliminary harvests through Wave 4 for each of the regions as well as when we crafted these regions and the management measures back – or management measures that were approved by the board back in March how each of those regions were expected to perform; and then relative to that what the harvest is through Wave 4 so far.

Just to give people some background on what those management measures were, it is important to note that all the states and regions were open through the end of September, which is the first month of Wave 5. The following regions are open through the end of the year, which is Rhode Island, Delaware through Virginia, and North Carolina.

Next is the scup recreational harvest in number of fish. I'm going to go through fairly quickly. This year up through Wave 4 the northern region is at approximately 87 percent of the harvest relative to where the states were at this point last year. The RHL is lower this year at 7.3 million pounds; but as you can see in the lower table, there isn't a concern of the RHL being exceeded. I've also put up just for reference what the management measures are for each of the states through the end of the year. As you can see, all states are open through the end of year at least in one mode.

For black sea bass, I have listed two tables; first in numbers of fish and then in pounds the recreational harvest up through Wave 4. The coast-wide harvest in numbers of fish has increased approximately 42 percent at 1.19 million fish compared to 846,000 fish in 2013 through Wave 4. The 2014 recreational harvest limit is 2.26 million pounds or approximately 1.17 million fish. The harvest estimates through Wave 4 has exceeded the RHL by approximately 2 percent.

The RHL has been set constant for the last two years; so 2013 and 2014 is was 2.26 million pounds; and due to the suspension of the research set-aside program in 2015, the RHL is expected to go up to 2.33 million pounds. In terms of regional performance, this is a breakdown for how the states – to classify the northern region, that is the states of Massachusetts through New Jersey; and the southern region is Delaware through North Carolina – showing

they have harvested in numbers of fish relative to this point last year.

As you can see, the northern region has gone up; whereas, the southern region is at a lower harvest level than they were at this point a year ago. Additionally for background, the board approved ad hoc regional management measures in February of this year. This table shows what those measures are by state.

All states with current regulations allow for the continued harvest of black sea bass with season closures varying from state to state between September 21st and December. In terms of the states that will be open through the end of the year, New Hampshire, Rhode Island, Connecticut, New York, New Jersey; and then Delaware down through North Carolina north of Cape Hatteras. That concludes the update of the MRIP Wave 4 estimates. If you have any questions; let me know.

CHAIRMAN PIERCE: Questions for Kirby? Rob.

MR. ROB O'REILLY: The question would be for the states that are open over the last couple of years what proportion of the landings would you attribute to Wave 6? I think in 2012 when there was an overage, everyone was engaged as to how they could not really step forward and get information out in time. Because now we're looking at Wave 6 possible closures, a couple of states did close and I'm just wondering how much is involved there, if there is going to be any discussion like there was in 2012 about closing for Wave 6.

CHAIRMAN PIERCE: All right, Rob has asked a question of board members who will have a state with an open season for the last part of this year; does anyone care to respond to the question asked by Rob? David.

MR. DAVID SIMPSON: As I've said a number of times on recreational fisheries, we're compelled to stay with the same set of rules for the entire year. Once we print our Anglers Guide, for better or for worse, those are the rules. There have been a couple of opportunities where we could have relaxed our rules and we did not. There we certainly have more latitude because it is not a law enforcement issue, but in this case our law enforcement has made it clear to us they would not enforce any rule that wasn't published in the guide.

MR. NOWALSKY: For New Jersey, Wave 6 is comprised about 5 percent of landings historically;

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but again I just have to take this opportunity to reiterate the huge volatility that the recreational program provides in particular with black sea bass just due to the lower number of people that fish for them as compared to something like summer flounder and striped bass. The numbers are highly volatile and to continue to try to make to the number management decisions here as we move forward, it is just something we're never going to be accomplished with the system we have in place.

CHAIRMAN PIERCE: All right, that provides the review of wave data as we have them right now. We still, of course, wait for the additional waves; information from Wave 5 and 6. And that is no surprise; we do this every year. Nevertheless, this is a meeting when we have an opportunity to have some more discussion about what to do in 2015, using the information we have in hand right now and with expectations for 5 and 6 as best that can be expected and projected. No additional actions are required regarding the review of the information that has just been provided by Kirby. David, you have a question or a point?

MR. SIMPSON: Yes, I just wanted to point out that these catch rates were not unexpected, I would say. Given the strength of the 2011 year class and the assessment and stock projection that was used for establishing the quotas, Greg Wojcik and I from Connecticut took a look at that 2011 year class and actually projected it forward into 2014.

Our catch estimated by MRIP is within a few thousand fish or what we had projected would occur. The stock is much bigger than was calculated and projected forward to establish the quota; so this is not a surprise to us. I think we knew we would have challenges staying within a black sea bass limit; and I just have to continue to express my frustration that Wave 1 would be open come January knowing that we had such problems and how difficult it is to monitor a Wave 1 fishery.

CHAIRMAN PIERCE: Before I turn to other board members, I will highlight what happened in Massachusetts. We now have a new individual within our agency devoted to assisting my agency and this board deal with only analyses required to determine what sorts of measures should be in place for every year, black sea bass, fluke and scup. His name is Michael Bednarski, Dr. Bednarski.

Paul Caruso who served in that capacity for many years assisting this board has retired; so Michael has taken over for him and has been thoroughly briefed

regarding the history of fluke, scup and black sea bass management by this board as well as by the Mid-Atlantic Council. We asked him recently what is going on, what do we know about 2014 in Massachusetts; and he did report to us that as expected, as all board members know and understand, there has been a shift in the distribution of black sea bass to some extent. Availability has gone up rather dramatically.

There is a 2011 black sea bass year class that is very abundant; it is recruiting to the fishery now; and as a consequence of that, catches in Massachusetts did go up despite the rules we had in place, as required. It appears that at least in Massachusetts we will have to address at least our bag limits in 2015; so wait and see, of course, but we realize that something else needs to be done in Massachusetts to bring black sea bass take down.

Regarding fluke, the same thing; there is increased availability of summer flounder in Massachusetts waters. It appears that the numbers of fish caught by recreational fishermen went up slightly. The bag was increased and fishermen took advantage of that bag; so once again we'll have to deal with that increased catch of fluke in our waters as well, consistent with increased availability; and as we all know, with increased availability comes the expectation that recreational fishermen will be more successful. I just wanted to highlight that is the situation in Massachusetts for those two species. Adam, you had your hand up?

MR. NOWALSKY: Yes; I just was wondering if the board had received any communication from the Service and perhaps they could respond today if they're contemplating any action given that the estimates have exceeded the RHL at this point.

CHAIRMAN PIERCE: Michael, would you care to respond to that?

MR. MICHAEL PENTONY: Mr. Chairman, as I'm sure you know, there has been no communication to the board from us regarding any potential closure; and we're not considering at this point taking any action. When the council revised the accountability measures for the recreational fishery the year before last, they removed the provision that would basically authorize the agency to take action to close a recreational fishery based on data in hand.

MR. FOTE: I don't think I have to remind anybody, but I remember last year what looked like we caught in wave went the opposite direction. After they

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reviewed it, what happened in the other wave went the other opposite direction. I know this is preliminary data. What had actually happened at the end year with the final figures I looked at were different than what we saw even in the December meeting. I always think of these preliminary numbers as preliminary and there seems to be wide turns especially last year.

CHAIRMAN PIERCE: Indeed, they are preliminary and we will wait and see. I assume that in December this board will be in a far better position to take – well, to better understand what has happened in 2014. We meet with the Mid-Atlantic Council I believe in 2014, later in December, so we'll see what those updates reveal.

**DISCUSSION OF AVAILABLE
MANAGEMENT APPROACHES**

CHAIRMAN PIERCE: All right, if there are no further questions or comments on this particular issue on the agenda, we'll turn to the next agenda item, which is a discussion of available management approaches for the 2015 summer flounder and black sea bass recreational fisheries. The agenda indicates that action is likely. Kirby, you have a presentation to provide?

MR. ROOTES-MURDY: Yes; thank you, Mr. Chairman. I'm going to go through quickly just what the background is on this and what the board needs to consider today. At this time last year the board initiated Draft Addendum XXV for the development of alternative management approaches for the summer flounder recreational fishery in 2014.

The board also initiated an addendum to develop ad hoc regional management options for the black sea bass recreational fishery in 2014 as well. At the December meeting last year, those addenda were combined into one and formed Addendum XXV, which went out for public comment. Addendum XXV was approved in February of 2014 with management measures voted on in March of this year.

A new addendum is required if the board wishes to continue the use of regional management in the summer flounder recreational fishery into 2015. If the board wishes not to do that, no action is needed at this point.

With regards to black sea bass, if the board prefers to continue the ad hoc regional approach, an addendum is not required; but if a different management regime is desired for next year, then an addendum would be

needed. Next steps are for the board to determine whether to initiate addenda for both summer flounder and black sea bass in 2015. If you have any questions, just me know.

CHAIRMAN PIERCE: All right, let's see if I can follow up on what Kirby just said to make sure we all understand what is before us now. We could, if we decide to today, move to – well, black sea bass first; let's deal with black sea bass first. We could take action today on black sea bass if we decide to go in a different direction from what we have decided to do in 2014. We could do that; but if we're satisfied that, indeed, we would like to repeat in 2015 what we did this year, then no action is needed.

If someone does want to take some additional action on black sea bass to go in a different direction; I would suggest that we consider doing that when we meet with the Mid-Atlantic Council in December. In the interest of our partnership with the Mid-Atlantic Council, that would make sense. No action really is required today on black sea bass.

However, on fluke it is a slightly different story. There would be a need for us to move forward with an addendum to continue regional management of the recreational fishery for summer flounder in 2015. That is something we would need to do. Let's focus on summer flounder. David.

MR. SIMPSON: **I would move that we initiate an addendum to allow regional management in 2015. I guess it might more efficient to use Jim's that we already provided; so I would suspect it would get the job done; so I'll second it.**

CHAIRMAN PIERCE: Jim's hand did not shoot up; and I suppose I should have said, "Jim, do you have a motion?" You were Johnny on the Spot, David; so with that understanding, Jim, do you have a motion to make?

MR. JAMES J. GILMORE, JR.: My apologies for not being quicker. I was going to let Kirby get some questions. I think just in terms of the motion, obviously we need a little tweaking on this; but this seemed to be an improvement. At least the region we're in, we've heard very good things from the three states about how well this worked.

I understand this was only one year; so we've obviously got to try to do this another year and we're going to do it for the 2015 season. We're going to hopefully look at maybe putting option for 2016 in lieu of the amendments coming up. With those

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options in there; again, it would be for the upcoming season; and I think it is a good way to go at this point.

CHAIRMAN PIERCE: All right, read the motion.

MR. GILMORE: Move to initiate an addendum to the Summer Flounder, Scup and Black Sea Bass Fisheries Management Plan to consider and develop alternate approaches for regional management of the recreational summer flounder fishery.

CHAIRMAN PIERCE: All right, so we have a motion by Jim Gilmore and a second by David Simpson. If you would, Jim, to make sure we all understand exactly what you've offered up; this is a continuation of the 2014 approach into 2015; correct? Would you clarify in the motion what you mean by alternate approaches?

MR. GILMORE: Last year with this addendum, remember we were going state by state. We looked at various options for regional management, which included some different regions. I think under those alternate approaches we would probably consider different regions since there were some changes – there were some states that were over and some that were under; so we would consider different regional mixes to see if we could improve on the performance. Overall along the coast, I think we performed well because it looks like we will stay under the coast-wide RHL; and that was I guess the overall intent of this. This would allow for consideration of different regional combinations in addition to maintaining the ones that we had for 2014.

CHAIRMAN PIERCE: Anyone care to speak in favor of the motion? Question; go ahead.

MR. ROY MILLER: Jim, can you give me a preview of some of these alternate regional approaches that you might be considering because just bringing up any changes to what we had last year gives me some angst?

MR. GILMORE: Well, just to state I was fine with the way the regions were in terms of the way the performance went. I know one of the options we had was a consideration of the Delaware Bay because of the dividing line between Jersey and Delaware. One of the options then was to have a special limit at that point, whatever, and I know that was I guess changed by Delaware.

They wanted to go off with the southern region. Again, that is completely okay with us. However, I

think there was some harvest increases, whatever, so that would be I guess to reconsider that after we look at the detailed information. The states of Rhode Island and Massachusetts; obviously they went off on their own and that didn't work particularly well; so we would have to consider options on how that would be included.

If they went off on their own, I think they'd have to have adjustments to their limits. I think one of the proposals we had last year was that actually Rhode Island would be included with the northern region. Well, I guess we'd have to reevaluate that relative to their landings. Any other options that – I think when we first proposed it, Roy, there was probably seven different combinations we had.

We could reevaluate those, but again I'm not in any great – I'm not in an opinion right now that we have to change what we did at least from Connecticut south. I think that worked pretty well and I think that was generally the sense of most people that worked okay. I think the bigger issue we've got is really the northern states there and what we would do with those.

CHAIRMAN PIERCE: Anyone care to speak against the motion? Tom.

MR. FOTE: There might have been a couple of states happy north; but there was one that was not happy, New Jersey. I'm going to hear that, well, you're over, you basically spread it out. One of the reasons we were over is that because that the southern fish were divided between two other states but not New Jersey.

Then there was an allocation of our fish to the other two states that helped put us over. If we would have had those two allocations, we wouldn't be over. The projections right now; they are preliminary. The impact that it had on Delaware Bay for our fishermen is that it basically cost them a lot of money because nobody is going on a party or charterboat to go fishing out of Delaware Bay when they can take the bus or train or drive to Delaware and fish on 16-inch fish for the whole season when we only have a 126-day season down there on 18-inch fish.

The disparity you basically put in effect and complained about between New York and New Jersey is now between New Jersey and Delaware, which has a huge economic impact. The three states were not all happy about how this turned out. The other problem here was this was not a regionalization . It was a reallocation. If we had done – and it was

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also interesting that at the final minute states were allowed to opt out except for New Jersey.

Rhode Island and Massachusetts were allowed to basically separate; but when we tried to do that, we get voted down. Massachusetts and Rhode Island did get agreement. That is not how you play a fair and equitable part on this. I mean, I was looking at the fact that if there was going to be regionalization, that it would be voluntary.

I also said if we're going to do regionalization, let's do three regionalization; and that means breaking up states in some parts of the area. Let's look at what we basically discussed – and this we discussed 15 years ago when we started talking about state by state. We looked at an area from Barnegat down to the Delaware because they have a similar type fishery.

We looked at Barnegat to Shinnecock Canal because again a similar type fishery. Then we looked at Shinnecock to the Long Island Sound. And a lot of these species, they see bigger fish; they see different fish than – like the Western End of Long Island actually sees a lot smaller fish than the Eastern End of Long Island.

I grew up in Brooklyn and I fished that area until I moved to New Jersey in late eighties or the early eighties. Anyway, that is what we would do under true regionalization. What we did here was not regionalization; it was reallocation. If we want to look at regionalization, first of all it should be voluntary.

You should not compel one state – over the objections of one state to be forced in two other states. If it is beneficial to all states, then they will agree to basically do regionalization; but if it has no benefit and it disadvantages one state for the other two, then it basically has real problems here; and that is what we did last year.

I have real concerns moving forward with this. Hopefully, some of those points will be addressed; and if we're going to look at regionalization and actually look at where those fisheries take place, where the fisheries are similar, and where we will have the greatest impact. We need to go look outside the box. We need to look outside of state lines and actually do true regionalization. I would support that in a heartbeat. I have said that for 15 years.

A lot of state directors said we can't split a state. Well, you can split a state. We do it with other

fisheries and we do it with other things that go on in a state. I think we should do that and that should part of this amendment. If it goes forward, I want to make sure that voluntary is back in there, that we can discuss this and vote on it; because, again, what happened last year was not voluntary as far as New Jersey was.

It was as far as Massachusetts; it was as far as Delaware was concerned; it was as far as Rhode Island was concerned. It was forced on New Jersey; so that is not the way we play at a table and as a compact of all the states. I mean, I know Virginia wouldn't like us if we did that and North Carolina wouldn't like it if we did that. But as long as it didn't affect them, they were pretty good; and they says we don't have a problem with it; so as long as it only affected New Jersey. Thank you for your time and patience.

CHAIRMAN PIERCE: Jim, in light of the points just made by Tom, I think the board can benefit from further clarification of your motion. It indicates alternate regional approaches. Would you please help us understand if an alternate regional approach could involve a revisitation of the New Jersey and the New York approach for dealing with the recreational fishery?

MR. GILMORE: I imagine any of those; the technical committee would be looking at different options. I don't know if that one made sense the last time we went through it. I think any option would be possible under this; but considering that New York and New Jersey are the big players in this, I don't think any of the numbers worked out.

I think John and the technical committee could probably attest to that; that when we tried to split different regions between New York and New Jersey, the numbers really didn't work out. Again, if that is an option that New Jersey would like to consider; I think that would be fine. However, I recognize the fact that for the last three years, including this one now, it is like Jersey has been significantly over on their harvest; so would seem kind of funny that would want to stay in a region that now they're going to be I think covered by the two northern states. Again, that is the best I can add at this point.

CHAIRMAN PIERCE: Okay, thank you for that clarification. Anyone care to speak in favor of the motion? Mike.

MR. MICHAEL LUISI: I support the motion; and the reason that I say that is because when we were

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here a year ago discussing regional management, we were looking at spreadsheets and trying to project in some way what we could potentially land in 2014. There was no silver bullet that was going to take care of all the issues surrounding summer flounder along the coast.

Although what we said was let's give this a shot, let's see if it can begin to strike a balance between mitigating some of the controversy surrounding this fishery and then potentially let's tweak it in such a way that we can through time find ourselves in a place where the states fishing in this fishery are happy with what they have; I see this motion as a way to continue the tweaking or the development of this regional approach into 2015, which I fully support. Thank you.

CHAIRMAN PIERCE: Opposed to the motion? Adam.

MR. NOWALSKY: I'm actually going to take it one step further and I'm going to move to amend the motion to strike the word "regional"; and if I can get a second to that, I'll further discuss that.

CHAIRMAN PIERCE: So there is a motion to amend to strike the word "regional"?

MR. NOWALSKY: That is correct. We've had a number of –

CHAIRMAN PIERCE: Before you do that, Adam; is there a second to that motion. Rick Bellavance has seconded the motion. Go ahead, Adam.

MR. NOWALSKY: The overriding concern by this board should be to constrain the harvest to a level that is sustainable for the resource. Prior to the regional management implemented last year, on a coast-wide basis this board has done an overall good job in the last five years of achieving that goal. In 2013 we implemented an ad hoc approach that we refer to as fish-sharing that did a very good job of constraining the harvest. I understand that left a sense of inequity with regards to certain neighboring states; and certainly New Jersey's fishermen directly experienced that inequity in the southern part of the state that was described in heartfelt detail by New York in the past.

We are certainly acutely aware of the need for measures that are close within states. At this point my reason for striking the word "regional" is just so that we could include – I would like to specifically see included that ad hoc approach – the alternate

approaches such as fish-sharing that worked at constraining the harvest in 2013, which is our overriding goal, without being tied solely into the box of mandatory regionalization. That would be the specific one I would like to see added.

CHAIRMAN PIERCE: All right, we have a motion to amend. Who could care to speak in favor of the motion to amend? Rob.

MR. O'REILLY: I will speak in favor because last year we were also informed as we were going through the regionalization that it was, after all, only one year. It was one year. I mean those were the type of premises that all of us went forward with the regionalization. I think Adam has brought in the idea that conservation equivalency is still available.

We were told that as well last year; not to worry, conservation equivalency is still there. I think it should be, but I also like what Adam is talking about with the fish-sharing or other ideas. If we're going to start to come up with alternate plans, then we really do need to have some pretty big discussions. There has been a reallocation.

Maybe right now, the last couple of years, it is a situation where New Jersey and New York are the big players; but things change and right now larger fish are being fished on. We're probably about 80 percent of the target where we should be for summer flounder; so we have to really keep all that in mind. I do agree that management over the last five years has been pretty good overall. I mean none of us like the underages that we saw in some cases to that extent; but otherwise I think this is a good motion.

MR. GILMORE: I think I'll remind everyone that the fish-sharing worked for that first year; but it was a step in terms of keeping us under the RHL. That first year we tried it, it was a help, but we still had very disparate regulations. Even during that fish-sharing episode, we tried to work with the adjacent states to come up with consistent limits. It didn't work.

We went right back into very disparate size limits; so that is why we went to regional management. Regional management this year seems to be working. It has worked much better. It has gotten the elimination of those disparate regulations for the most part. There is some, maybe, tweaking we can do.

But on top of that, I have the advantage of fishing in both New York and New Jersey; and quite frankly

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the surprise I heard was the amount of positive things I heard from New Jersey about how there was some sanity this year. I think that went up all the way through Long Island Sound and into Connecticut. Obviously, the New York fishermen were thrilled because for the first time in a decade they had consistent limits. The goal of this when I first proposed this was we had to have productive fisheries for all the states involved.

I think we had this year. I mean for the most part, with a couple of exceptions, it was a very productive year for summer flounder. There wasn't as much noise and screaming and yelling about how we weren't managing this properly. To me regional management was the experiment for one year. It was a vast improvement for the most part.

If we go back to fish-sharing, we're going to go backwards. We're going to start coming up with different size limits, different seasons, different bags; and we're going to get right back to where we were before. I strongly suggest that we vote this down and go with regional management, which again is a positive step forward and we to go to the next step to see if we can tweak it and make it work better. Thank you.

MR. FOTE: Jim might have heard a lot of nice comments. I have been at advisors' meetings; I've sat through three of them in New Jersey; and I did not hear a lot of nice comments. I heard about boats being sold, boats moving out of the area, boats trying to figure out – especially when you get from Wildwood south, there was just complete chaos in the fishery down there.

You might not have gotten down that far, Jim, but you do not hear the same words that Adam, Tom, Brandon and I heard at the advisors' meetings we sat at. Every time I go out, I get hammered in all the clubs from down south that really give me a hard time about what went on. Again, we say fish-sharing; what fish-sharing meant in this thing is the fish went to – and I'll be blunt; they went to Connecticut and New York from the southern region and also some went out of New Jersey when we did the region here by going up in size limits and the way we reallocated.

People are debating whether it is 40,000 fish or 60,000 fish; but it was a number of fish and what those fish were given to us, especially some of the southern, we wouldn't be looking at and preliminary figures being over. It worked fine for five years. And he says, well, we took care of the disadvantaged

problems; well, tell that to fishermen that have now on Delaware Bay that are fishing at 126-day season and 18-inch size limit, which is higher than they were the year before; and the state next to them is fishing on a 16-inch size limit with a 360-day season.

That is not fair and equitable and that is not good the way we're doing. Now, I can understand why some states would like that. I mean, I can understand if one of our neighbors – actually two of our neighbors love it because they really reap the benefits of it while New Jersey seems to reap the loss.

I wouldn't care if it was voluntary; and we accepted to do this when we saw some advantage; but we were the only state under this present regime that was forced into regionalization and basically got hit on both sides, from Delaware and New York. Now if that is how we're going to play the game, in the future it is going to raise serious concerns on summer flounder management.

Again, that is why I support Adam's motion because it puts everything back on the table, regionalization, whether we want to state by state. We shouldn't come in with a motion that only says we're going to do regionalization next year. It should open all avenues. We do that with every other species when we're looking at what options you put on there. This really is not saying we can't do regionalization next year. That is going to be part of the process; but it leaves all the options open.

CHAIRMAN PIERCE: Are we ready to vote? In opposition to the motion; David Simpson.

MR. SIMPSON: I just remind us all how much time and energy this board invested in the measures in 2014. The board and the technical committee; I think we found everything in fisheries management and life is a compromise. I think we found something that worked, that addressed a very serious issue that we had in terms of how 1998; the arbitrary year that was chosen for conservation equivalency has treated states.

I think it would be a mistake to strike "regional" management from the main motion here. If Adam's amendment had simply said consider and develop alternative approaches, including regional management, I would be okay with that. I am concerned about opening months more of work, throwing out this year, what seemed to work reasonably well this year and with some tweaks could work even better.

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For example, I hear and understand the concern in Delaware Bay. I would love to see a proposal from New Jersey that treated their bay coastline differently than their ocean coastline for consistency with Delaware Bay.

I think that would be a good thing for the commission to pursue for consistency within water bodies. I think we made some good progress this year; and I think we can make this work into the future; and I just hope we're starting at Square One again in January. Thanks.

CHAIRMAN PIERCE: I'll take one more in favor and one more opposed and then I would like to caucus on this. Bob.

MR. ROBERT BALLOU: I am in favor of this amendment. As I understand Mr. Nowalsky's intent, it is exactly what Dave Simpson just indicated. It is to allow for consideration of a range of options, including regional management. Dave, it does do just what you suggested it should do; and as such I strongly support the amendment as it would give the board the opportunity to consider a range of options; and I think that is the wisest way to move forward.

MR. EMERSON C. HASBROUCK: It seems that the biggest issue here relative to the regional approach is inconsistency of regulations for adjoining regions. That is what we tried to get at with the regional approach is to provide consistency among or between adjacent and regional states so that one state isn't put at – or fishermen in one state aren't put at a disadvantage.

A region is what we want to define it as. It doesn't have to be an entire state; so if New Jersey thinks that Fortescue and perhaps Cape May and other ports need to be in a region with Delaware for that Delaware Bay Fishery, I think we could accommodate that type of an approach. I think we need to have, again, consistency of regulations between states.

CHAIRMAN PIERCE: All right, let's caucus and then vote

(Whereupon, a caucus was held.)

CHAIRMAN PIERCE: All right, I assume everyone has finished caucusing. **Those in favor of the motion to amend, please indicate so; those in opposition; any null votes; any abstentions. The motion to amend fails.** We're now on the main

motion. Any further discussion on the main motion? Adam.

MR. NOWALSKY: Well, again, Mr. Chairman, hearing the discussion, I don't know if there was confusion. My goal was not to exclude regional management. My goal was to be inclusive in the range of options we would be considering moving forward and not to exclude.

At that point I would move to amend to change the word "for regional management" to "including regional management because from the comments we heard around the board there was at least voting member who felt confusion about the intent of the original motion; and that is what I would do. We need to be inclusive, not exclusive, and to simply say we're going to have blinders on and proceed down only one road for management of a fishery; we're doing ourselves and the fishermen and communities we represent a huge disservice.

CHAIRMAN PIERCE: I am going to rule that motion out of order, Adam, because the motion does say "regional management". I think it is clear. Further discussion on this motion? Louis.

DR. LOUIS B. DANIEL, III: I want to speak as the chairman here. I don't want it to be sounding like we're not trying to be inclusive of the options. It is my understanding that staff has done a tremendous amount of work getting us to this point of regional management. It is a workload issue to a large degree and it is replowing the same ground again as much as anything else. It is not that I don't believe the folks that voted against the amendment don't want to be inclusive. It is just that we've been there before. I hope that was the sense of the board vote and not that it was to be not inclusive.

CHAIRMAN PIERCE: Again, the motion is before us; any further discussion on the motion?

MR. BALLOU: Mr. Chairman, is the intent of this motion to initiate an addendum for 2015 only? If so, I wonder if it should say that.

CHAIRMAN PIERCE: My understand is it is for 2015 only; am I correct, Jim?

MR. GILMORE: Yes; it was for 2015, but I believe last year we did include an option for the following year. As I mentioned before, I think one option would be for consideration for 2016 to save work for next year if indeed those continue to work well.

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CHAIRMAN PIERCE: Will, it is 2015 and not 2016; so right now the motion is for 2015, next year. Rob.

MR. O'REILLY: I just need an idea if the motion passes and we go forward with this type of an approach; where is conservation equivalency, which in Addendum XXV it was stated that was still available. Is that still available if there is gridlock concerning these new approaches to regional management or does this supersede conservation equivalency completely?

CHAIRMAN PIERCE: I'm going to turn to staff on this. However, I will note that the language in our meeting overview does say that Addendum XXV allowed for the use of regional management for the summer flounder recreational fishery through conservation equivalency in 2014 only; so I'm assuming, therefore, that this also includes conservation equivalency, but it is 2015. We're not talking about '16. That is the inference would be my understanding. Am I correct, Jim?

MR. GILMORE: Yes, Mr. Chairman, that is my recollection, too.

CHAIRMAN PIERCE: Again, the motion is before us; it is for 2015 only. Let's make it clear. Since that is the intent, let's put that in the motion to make it clear. Michael.

MR. LUISI: Mr. Chairman, I also want to be clear regarding the conservation equivalency issue. What I believe would be the course to take here when we have our joint meeting with the council in December; that's the time when the council and commission need to decide whether or not to implement coast-wide measures or conservationally equivalent measures.

The conservation equivalent measures would need to be voted in favor during that meeting for which this addendum would then apply. If coast-wide management measures were determined at that point, we wouldn't be able to approve this addendum. In that same pathway forward, I also understand it to be that if we approve conservation equivalency in December and ultimately this addendum would fail, we would revert back to the state-by-state management measures as the conservation equivalency describes.

Given the couple years that we've had to go through that routine, I think that's where we would find ourselves in a couple months. If I can just add one

more quick thing; I think it is important to add to what some of the other speakers have said regarding the amount of time that was spent going into this regional approach.

I want to remind everybody that we have a fully comprehensive amendment by both the council and the commission that has just been opened that is going to be a two- maybe three-year process for which recreational fisheries management is going to be addressed. That may be the place now to begin putting more of our effort into rather than to revisit and revisit and replot the ground that we've worked so hard to find ourselves where we are today. Thanks.

CHAIRMAN PIERCE: Thank you, Michael, for that reminder that conservation equivalency is definitely relevant to our cooperation with the Mid-Atlantic Council. That issue will definitely come up again at our December meeting when we meet with them. Michael and other board members have made the point that this board has put a lot of time into this particular concept of regional management.

Indeed, there are some individual and some states that are still dissatisfied, and that dissatisfaction has been made very clear here this morning. With that said, we do have this motion before us and I would like to take action on this motion. We have other business before us and we've already gone by one hour of our two-hour agenda. Any further discussion on this motion; anything new that needs to be brought up?

MR. THOMAS BAUM: It is not all new; but I would reiterate I've been to those advisors' meetings but also the public scoping hearings for the comprehensive amendment. Although it was for the amendment, many people brought up the regional management. Obviously, it was a resounding against the regional management. I heard the word "tweaked" brought up a few times.

If there is an addendum, I would like to see water body included, specifically Delaware Bay, because not only was there a size limit disparity but also a severe seasonal disparity. So tweak should include – I would be disheartened if the addendum, if it goes forward, doesn't address water body. I would be very disheartened; and I do appreciate and realize the amount of work that has been done by the technical committee already.

CHAIRMAN PIERCE: My assumption is between now and when we take final action what to do for

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2015; the issues that have been raised by some board members, by New Jersey, by New York, will be addressed. There will be communication between those states and that this board will then have something brought to it relative to ways to address what appear to be some problems that still exist in the minds of some, anyways. Rob.

MR. O'REILLY: I still have difficulty with the main motion because what Adam Nowalsky proposed has now been blessed by several comments saying that conservation equivalency is still there at regional and state by state. Coastwide is still there, but this motion focus strictly on regional; so I have to vote against it.

CHAIRMAN PIERCE: All right, we're I think covering old ground. Everyone has had an opportunity to speak to this motion and I'm going to call the question and give opportunity for a caucus.

(Whereupon, a caucus was held.)

CHAIRMAN PIERCE: The motion is to initiate an addendum to the Summer Flounder, Scup and Black Sea Bass Fisheries Management Plan to consider and develop alternate approaches for regional management of the recreational summer flounder fishery for 2015. Motion by Mr. Gilmore; seconded by Mr. Simpson.

All right, we've had enough time for a caucus. **All those in favor of the motion, please indicate so; opposed; any null votes; any abstentions. The motion is adopted.** I would once again repeat this board would anticipate that unresolved issues regarding water bodies, some of the other issues that have been raised this morning will be thoroughly addressed by the states of concern; and something hopefully will be brought forward to this board when next we meet so we can effectively address this issue. Tom, go ahead.

MR. FOTE: I listened to the water body and it is an interesting discussion. I would like to be considered in this – could you put it in there that we should look at whether Delaware Bay should just get moved to the southern region and the rest of the state go into the northern region. That would actually split the state up differently.

If we're going to do regionalization, let's put that on the table and look at and how it does. The way the regionalization is set up right now, I am having real difficulties with it; but really then we need to look at how that would happen. Other states should be agreeable to looking at that; so they fall into southern

region quota and not the northern quota. That is when we get to the idea of true regionalization and start looking at fisheries that are different.

CHAIRMAN PIERCE: Thank you, Tom; you have got a good idea; others have those good ideas as well; so we would anticipate, again, something useful to be brought forward to this board at our next meeting if indeed something can be agreed to. That brings us to our next agenda item – I'm assuming that no action will be taken on black sea bass at this meeting; that we will wait until the Mid-Atlantic Council meeting with this board to address the continuation of what we've done for 2014 or to go in a different direction. A different direction, if that is the way we decide to go, it will be done in concert with the Mid-Atlantic Council. Michael, as the Chair of Demersal Committee for the Mid-Atlantic Council, what I just said; is it with your understanding as what will happen in December on black sea bass.

MR. LUISI: I'm trying to keep it all straight. From my understand of what we can do in December is without an addendum we can just move the regional approach forward for another year and then that would give states the opportunity to come up their own regional and state-wide limits. I'm a little concerned regarding the timing of how this has happened in the past where we've made those decisions in December only to have to fast-track something through the early part of the winter. As long as Kirby thinks the timing will work out where states can get new regulations in place before the fishery begins, I think wait until December would be fine.

CHAIRMAN PIERCE: My belief is that we will, as a board, decide to continue with the ad hoc management approaches for black sea bass for the recreational fishery in 2015. My understanding is that we will conclude that 2014 was a success. There will be a need for some adjustments in 2015 by some states, notably Massachusetts, but the ad hoc approach would continue. That is my understanding. Unless someone at this board meeting today feels that is the wrong direction in which to go, I believe that is what will happen; ad hoc. Adam.

MR. NOWALSKY: I might bring up that under that ad hoc approach, as it is currently defined, the southern states are constrained or required to implement the federal measures' regulations. Given the projected overage on paper right now, those federal measures could be significantly more restrictive than what we saw this year.

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My question at this point would be whether what we have in place would continue to require the southern states – without some other addendum; would the southern states be required to match the federal regulations, which they may not want to do or they may wish to seek alternate approaches moving forward, without some action here today or in the near future by this board?

CHAIRMAN PIERCE: Michael, can you address Adam's question?

MR. LUISI: Well, I can't speak for all the southern states. It has been a few years now where Delaware south have implemented the federal rules. Over the past two years I believe the National Marine Fisheries Service has turned – you know, based on the decisions and the discussions at the December joint meeting, they have put the onus on the states to come up the reductions, such that they've been able to maintain kind of a status quo opening in federal waters.

Then all the states, through the addendum or through the regional management ad hoc approach, would then find themselves in the position to come up with those reductions. I don't necessarily think moving forward with this ad hoc approach puts the southern states in any tough spot, because I would expect that moving forward as we have in the past few years the federal government would maintain status quo and then they would turn over the reductions to the states. As long as long as the states come up with a proposal to meet the necessary reductions; in the past they've been able to agree to that. I would ask Mike maybe to add to that if I spoke out of line there.

CHAIRMAN PIERCE: Okay, thank you, Michael; that's my understanding as well. Michael, would you care to speak to the issue?

MR. PENTONY: Yes, Mike Luisi is correct; that's what we've done in the last couple of years. We would certainly look at that for a repeat; but again we'll have to wait and see what the catch projections tell us at the end of the year and see what the council and the commission decide at the December meeting.

MS. TONI KERNS: Under that regional approach that we have taken through the addendum, the southern states are not required to follow the federal measures. It is just what they have chosen to do in the past. When the board and the council have made the motions for the coast-wide black sea bass measure at the December meeting, until the commission moves forward with their regional approach, they've said that the coast-wide measure

will be this if we don't come up with an agreement between the states. Then you do an "if then" motion and so that is how we have behaved in the past as well; so it is not a guaranteed reduction, as Mike said. From the service of things, that is how we have approached it.

MR. RICK BELLAVANCE: Mr. Chairman, I apologize but I was sidebarring with my fellow commissioner here when we shifted from summer flounder to sea bass. I had something I wanted to add to the addendum before for summer flounder. I was curious if that is still appropriate or if I missed my chance on that one.

CHAIRMAN PIERCE: We have left that item; we are now on black sea bass. Tom.

MR. FOTE: When we set the quota for a three-year period, I was very concerned about doing that at that period of time because of the SSC continuously putting black sea bass at a Tier 4 or Tier 5 – I don't remember which one; as I get older the memory gets a lot less. Basically we were constrained and we lost quota which scientifically could have been put out there to actually have a higher quota on black sea bass.

Well, we're seeing the effects of this because is getting very hard to getting those numbers because the sea bass numbers have greatly grown throughout the region and not just in the north but in the south and everywhere else; and yet we can't take advantage because we're held to that same quota for 2015 probably into 2000, you know, further.

I would really like to revisit the quota and take a look at it. I don't we can't do without an addendum; so that is where my concern is. I mean, because that is what happened to us last year; because we wanted to raise the quota last year, and they said without an addendum you can't do that; and we're locked into this three years because that is the decision that the SSC made and we agreed to it two years ago.

I'd like to at least be able to consider looking at an increase in the thing. The RSA is not going to basically cover the great growth in black sea bass numbers; and we're going to be sitting here in 2015 going over the same problem that a lot of states are what are we going to do about it. I'd like to start addressing the quota problem and not what is going on between the states, because that is the real problem. We have a lot more sea bass as Dave Simpson has pointed out and we've all pointed out

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over the years than is being estimated by the National Marine Fisheries Service.

CHAIRMAN PIERCE: All right, we're now on to our next agenda item. Something else on black sea bass; go ahead, Rob.

MR. O'REILLY: Just a couple of points. One is that 2010, '12 and now for '14 it looks like the northern region will be doing some reductions and each time the southern region has not liberalized; so I think maybe that will be some help here but not a lot given the way these data look through Wave 4.

There is still going to be quite a few deliberations as we go forward about what Toni mentioned whether in the southern region you stick with the federal measures or not. But the other thing I wanted to mention so another year doesn't go by, about six or seven years ago the National Marine Fisheries Service told me that they could provide monthly estimates of the landings.

They wouldn't be as precise as wave two-month landings, but they could do it. Recently there was a phone call with Gordon Colvin and MRIP staff – and maybe some of you were on that call – and what Gordon indicated was as we go forward with money being the key object of how to do several things; one, improve precision of the estimates or have a Wave 1 fishery, which was mentioned earlier; or perhaps to get samples up, which has been a problem with MRIP; and have a one-month approach to getting estimates.

With this species it certainly seems like a one-month approach really would help a lot. The problem is, as Gordon put it, they're all tradeoffs and they're all at expense; but I think we ought to think about that as we go forward; because 2010 and 2014, there seems to be a pattern here for black sea bass, to say the least.

We need all the help we can to be able to at least forecast or do a little better job closing. We can't close in Wave 6 because of some practical considerations that have been mentioned; but by the time we get this information, that is about all that is left to us. We're on a little bit of a tough path; and I hope as we go forward that these types of tradeoffs will be considered by the commission as well.

ADVISORY PANEL MEMBERSHIP

CHAIRMAN PIERCE: All right, let's move on to the next agenda item, which is the review and the

population of the advisory panel membership. We turn to Tina for that review.

MS. TINA L. BERGER: As we talked about at our last meeting, we are reconfiguring our Summer Flounder, Scup and Black Sea Bass Panel into one panel versus three. Just to give you some history, back in 2007 we worked to coordinate our AP with that of the Mid-Atlantic Council. Since then coordination hasn't been maintained and participation of the commission's three-panel members have been dwindling as you saw the last time when we reviewed attendance of those members.

At our last meeting we talked about consolidating the APs. That was approved by the board. We received a number of new nominations; and I received four since Friday that I will add to your list for you to review today. Basically what you have before you are the names up on the screen of Rhode Island, Connecticut, Delaware, Maryland, Virginia and North Carolina.

We added Art Smith. He is not on your handout. We received his nomination on Friday. He is a commercial fisherman out of North Carolina. I also received another name from North Carolina and that would be Robbie Mercer, a commercial fisherman. I received updated information from New York. They are going to maintain Hoffman and Forsberg and ask that Mark King and Arthur Kretschner, both commercial fishermen targeting all three species, be added to that list.

At the same time the Mid-Atlantic Council has been soliciting members to its panel. The solicitation is going to be going out through February with final review and action in May. Staff will work closely with the council to make sure that the membership overlaps to the greatest degree possible to keep the meetings of the AP efficient and effective. At this time we offer up those names for your approval. We still seek confirmation from Massachusetts about their advisors. Again, Maine and New Hampshire have the ability to nominate black sea bass advisors at the time they choose to do so. Thank you.

CHAIRMAN PIERCE: All right, thank you, Tina, for your work on this. Massachusetts does confirm – we do support the names of the individuals who are on the list. For those of you with a hard copy, the names that Tina has indicated, those that are in bold face, those new individuals who have been nominated by the different states.

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Those names that are in yellow, those are the ones that await confirmation. That is the list we have before us now. Does anyone have any comments regarding the names that have been offered up or is there anyone else that needs to be put on the list that has not yet been offered up as a candidate?

DR. DANIEL: I was just going to make a motion to accept the list of candidates.

CHAIRMAN PIERCE: We have a motion to accept the list; is there a second? Tom Fote has seconded the motion. We have a motion on the floor to adopt this list of individuals who will serve as our advisors. Discussion on the motion? Yes, Rob.

MR. O'REILLY: I certainly support the motion; but I don't want to forget how difficult this process is and really congratulate Tina and staff for making this happen. This is a critical juncture because the comprehensive amendment is underway or has just been opened, as Mike said, and I think we'll have the benefit of a lot of industry expertise that will be a big help. I think since there is really more than one issue involved in this comprehensive amendment, we need these people to help us out.

CHAIRMAN PIERCE: Thank you, Rob, very good point. Thank you for emphasizing that. Any further discussion on the motion? David.

MR. SIMPSON: Just quickly; I note that a couple of states have more than three, and I know that we didn't have a hard-and-fast rule about three; but I wonder about the cost if we have face-to-face meetings and how we handle that if a state is sending half a dozen AP members versus the standard of three. I wonder if Tina could help.

MS. BERGER: Yes, we did give a guideline of three people per state with the options for states to nominate additional people if they felt that the coverage was not necessary. We will note that there was a condensing of three APs to one; so there is some savings there; but recognizing that many people did not attend.

It was not staff's prerogative to choose among the people that were selected; so if the board does have concerns regarding the size, it will have an increased cost. It is your prerogative to decide how you want to move forward on that. One recommendation, if you're not happy with the size, would be to create a small working group or a subcommittee to review the nominations and make final selections.

CHAIRMAN PIERCE: All right, Tina has given us a suggestion and we can consider that suggestion. Nevertheless, there is a motion before us now regarding the names of individuals who will be added or confirmed to represent the sea bass recreational fishery. Indeed, as noted, some states have offered up and will have more advisors than others; but those are the names offered up by the states indicating the state's desire to have that sort of representation. Again, more discussion on the motion. David.

MR. SIMPSON: In the interest of managing costs and fairness, frankly, to states, I would suggest that if a state wants to have more than three AP members, I guess I'm okay with that, but I would suggest that the commission not fund travel for more than three per state. If a state wants to send six or eight, they should pay for the balance, the difference between – anything over three.

CHAIRMAN PIERCE: Well, I'll have to turn to staff regarding that; that is an administrative issue, cost of advisors coming to a meeting. David has just made a suggestion; any response from staff on this?

MS. KERNS: That is the prerogative of the board. If you want to put a limit on the cost of how many people you want the commission to pay for, then it is the prerogative of the board to do so. The commission wouldn't do that unless you tell us to.

CHAIRMAN PIERCE: All right, is this an issue for the Policy Board regarding costs relative to advisors' support? There is a motion before us now relative to this composition; and if it passes, these are the individuals; and the assumption will be that ASMFC will pick up the cost.

MS. KERNS: We will pick up the cost for who you tell us to pick the costs for. We will put it forward as part of the budget each year for what you would like us to put the costs towards. Mr. Chairman, you need a seconder to your motion.

CHAIRMAN PIERCE: Yes; I've been reminded by Kirby we need a second. Rob, thank you for the second. All right, interesting, this is generating some discussion. Well, it is an important issue, obviously, and we are going to have some very difficult discussions in the near future on this amendment that will involve some major changes potentially to how we manage these three stocks. All right, Adam.

MR. NOWALSKY: Mr. Chairman, I appreciate given that we are still pretty well ahead of schedule you're giving us the time for the discussion that we

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need here. There were a couple of names that had been sent in from New Jersey that were on the AP previously, I believe, and is that the reason why they don't need to be included at this point because they are part of the AP? I just wanted to get that clarification.

MS. BERGER: Yes; if they were previously nominated and approved; I assumed that if you wanted to continue them, that they were on the panel.

MR. WILLIAM A. ADLER: I just wanted to ask if we have somebody on here that isn't going to be interested, we can put in a new name because we do have somebody in Massachusetts that hasn't attended a meeting at all and you're about to vote him back in? We could replace him if we need to?

MS. BERGER: Yes.

REPRESENTATIVE CRAIG A. MINER: Mr. Chairman, I'm trying to reconcile moving ahead with this motion given the question that has been asked about finances and how that decision gets made. In theory if this motion passes and then someone were to offer a motion that I guess the full Policy Board take up to what degree we're going to fund these types of efforts; would it be up to the state to determine who they would send on their list? For instance, if Connecticut had five members of this group, how would that be reconciled?

CHAIRMAN PIERCE: My assumption would be that the state would have to make the call as to as to what members they wish to send and reimburse for their expenses if indeed there is a limit on the amount that will be spent by ASMFC on advisor participation. But as it stands right now, there is no restraint. The ASMFC would have to pay all of those advisors, assuming they all attended. Tina.

MS. BERGER: I would just make one last comment. The Mid-Atlantic Council is still looking at advisors. We will make every effort we can to make sure that there is duplication or the same people that sit on it; and that way we can share the cost. I can't presume that is how it will go, but we will make every effort to make that happen.

CHAIRMAN PIERCE: Yes; there will be some overlap and there will be some administrative requirement for staff to determine who will pay for what individuals. That will be worked out by staff down the road, I suspect. Rob.

MR. O'REILLY: Yes; I don't think the three was really intended to be binding because there was an invitation that if you had someone else, that was fine. In looking through at least some of the nominations, what I see is that some of the recreational folks indicate that they are involved in one or two of the three species. Some of the commercial do the same.

It also seemed to me for a state benefit that four is the magic number because then you know you can get coverage on both the commercial and the recreational fisheries. I think that would be really important and perhaps there is a way to cap it at four and then leave it to the state which four they send if there are six or seven or whatever it might be.

I don't want to lose sight of the fact that there are three species involved here. This was a collapsing effect to make sure that there was good attendance. Also it does have financial implications for ASMFC, but I think four is the number.

CHAIRMAN PIERCE: All right, there is no motion at this point in time to amend to limit it to four; and we have the motion that pertains to the list before us now. Any further discussion on the motion? I see no need for further discussion.

I will read the motion: Move approval of Michael Plaia, Frank Blount, Michael Hall, Aaron Gewirtz, Travis Barao, Kyle Douton, P. Wes Townsend, Clark Evans, Michael Hynson, John Martin, Allen "Buddy" Seigel, Steven Wray, Meade Amory, Ken Neill, Art Smith, Mark King, Arthur Kretschner, Robbie Mercer, and Michael "Jimbo" Ireland as members to the Summer Flounder, Scup, and Black Sea Bass Advisory Panel. Motion by Dr. Daniel and seconded by Mr. O'Reilly. All right in favor of the motion, please signify; opposition. All right, it is unanimous.

OTHER BUSINESS

CHAIRMAN PIERCE: We're on to other business, I believe, and there are two items of other business. The first other business was raised by Adam. Adam, would you care to make your points?

MR. NOWALSKY: Yes, thank you, Mr. Chairman. At the end of the last meeting I had provided an overview of a sex-based study work that is being done by Dr. Pat Sullivan. We had some discussion here and had endorsed some communication through the chair with the science center with regards to data sources for that.

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I wanted to get some follow-up on that to get an update here and to see if we need to take some further action with regards to a formal letter or getting something formal from Dr. Sullivan. I would also request that this board put something forth to the full commission or I will be bringing it up individually to having support for that sex-based study as endorsed by the last peer review as part of the commission's action plan for 2015.

CHAIRMAN PIERCE: As a follow-up to the discussion we had at our last board meeting, the issue that you raised, the request that you made, I did initiate some communication with Dr. Paul Rago at the Northeast Fisheries Science Center. I made the language of the motion available to him so he would understand what we were looking for from the center.

I have not yet received a response from Dr. Rago, but I will follow up and find out if he has had an opportunity with his staff to put the time in to give us a better understanding as to the nature of the sampling that would be required in order for us to acquire from commercial landings and the recreational fishery, good estimates of the sex composition of flounder being landed in those fisheries.

MR. NOWALSKY: I appreciate that effort, Mr. Chairman. I do have to express my concern about the time frame of getting some response from them. Is there something we can be doing as a board to help expedite that? Having almost three months since the last meeting and not having any response at this point is somewhat disconcerting to me; and I'd like to request some direction on how to be more efficient in getting a response.

CHAIRMAN PIERCE: All right, the lack of response is due primarily to my making contact with Paul Rago a little late in the game; so it is not the center's responsibility. The Chair takes responsibility for any delay in getting a response back to this board. I will this week contact Dr. Rago to see if I can get a follow-up and to respond to the points that you raised and to the concerns expressed by this board relative to sex-based assessments.

MR. NOWALSKY: That is greatly appreciated; thank you.

CHAIRMAN PIERCE: Tom Fote, you indicated that there is a table or a figure that you would like to reference; and I assume you've got some comments relative that information.

MR. FOTE: I'm going to make this really short. What I did was send around four tables for you to take a look at. When happened is when Sandy occurred, I was looking at the loss of boats in New Jersey to see how many we lost and what the impact it was. Then when I looked at the numbers, I says this is strange. I'm looking at 149,000 boats. We didn't lose that many boats; where did this number come from.

When I started going back – because I realized in the nineties, we had been at 230,000 boats. I realized we had lost 88,000 boats from that period of time; so I started looking for a table that would show me exactly what we did coastwide. One of those tables shows that states like New York, Connecticut, and New Jersey have all lost a lot of boats since 2003.

As a matter of fact, New Jersey is the highest I think. Looking at the states along the east coast, we have lost 25.7 percent of our boats that have not reregistered since 2003. That means we have lost 50,000 boats. New York is 11 percent. I wrote that in an article – it is the New Jersey Coast Newspaper in the back.

Then I started looking at trips; and what really kind of stretched me out, because I looked at the trips in the Mid-Atlantic Region. Of course, that covers from part of North Carolina up to New York; and we went from 22 million trips in 2007 to under like 14 million trips; so we lost 8 million trips in a short period of time, recreational trips.

That is a lot of money and a lot of economic impact. When I looked at summer flounder trips, it is the same thing, it is one of those graphs. I'd really like to thank Dave Voorhees for putting that together for me. He explained what that table stands for; but we're really gone dramatically down on summer flounder trips.

The other table there shows state by state in the Mid-Atlantic on the reduction in trips that we made. Well, we're having a socio-economic commissioner's workshop tomorrow and we should be discussing this. It kind of gets caught by not looking at this as it comes. Unless you sit down and start looking at the figures; I never realized there were that many drops in numbers and everything over that period of time.

What it means is if you take New Jersey and we went from 6 million trips down to about 4 million trips; so we're down to 4 million trips, that is like shutting down New Jersey economically in the recreational fishing industry for two years. That is the economic

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impact those number of trips do. We should look at it.

Some of it I think was because of the economy and some of it was because of gas, but also there has been some dramatic changes in regulations since 2007 when it comes to summer flounder, black sea bass and scup. I mean, I'm just looking at this year and in New Jersey we had a month; the only thing you can go out and catch is one tautog legally.

If you caught black sea bass or summer flounder you had to basically release them all. Striped bass weren't available at that period of time, so nobody was making trips. We should looking at these figures and how affects other states. I figured for your information I'd put these tables forward.

CHAIRMAN PIERCE: Tom, would you look at the screen for a second. The figure that is before us now; does that represent party and charterboat vessels or does that represent all recreational fishermen from those states?

MR. FOTE: That is not one of the tables I sent. The tables I had is a summer flounder table –

CHAIRMAN PIERCE: All right, let's make sure that the table is up on the screen. I thought it was but apparently it was not.

MR. FOTE: It is trips by state.

DR. KATIE DREW: This is at least according the file. I don't know how easy it is to read. This is recreational boat registrations by state over the last ten years. The previous one that we were looking was the directed trips estimates for summer flounder. Directed trips, depending on how you do it, from MRIP is usually either targeted or caught. I'm assuming that is usually the default definition.

MR. FOTE: The one Dave Voorhees sent me was a graph. It wasn't this kind of representation; it was a graph representation. I didn't have those tables. That is the table I have.

DR. DREW: I believe this is total trips from all the states. The previous graph obviously was state by state by year. This is for all states combined, the recreational directed trips for summer flounder.

MR. FOTE: So you do have a table of the directed summer flounder tables set state by state because I couldn't get that table.

DR. DREW: That is what this appears to be based on my reading of this graph.

MR. FOTE: I don't have that table.

CHAIRMAN PIERCE: Well, thank you, Tom, for the data and for the additional insights. It probably would be good for you to talk to staff after the meeting to make sure that they do indeed have what you have gotten and then those tables and the graphs can be made available to all board members for additional information. Any additional business? Louis.

DR. DANIEL: I guess a comment on this for the meeting tomorrow; one thing we've noticed in North Carolina with the reduction in boat registrations is we had a big jump in boat registration cost; and that has resulted in a lot of folks that would normally register their boats either waiting or failing to do so. I don't know how to take this information; is it good or is it bad?

From my perspective we might be overcapacity just as much in our recreational fishery as we are in our commercial fisheries. In commercial fisheries we're trying to consolidate and reduce effort and put in things to reduce effort; but if you take this as an alarm bell that perhaps we need to relax restrictions to get more people fishing; is that in our best interest? Just a comment, Mr. Chairman, for the discussion with the socio-economic group that it is definitely a concern for most of the fisheries that we manage, both recreationally and commercially.

ADJOURNMENT

CHAIRMAN PIERCE: Thanks for highlighting that, Louis. All right, if there is no other business, and I see none, the meeting is adjourned.

(Whereupon, the meeting was adjourned at 12:05 o'clock p.m., October 28, 2014.)