

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

The Westin Alexandria
Alexandria, Virginia
February 2, 2017

Approved May 10, 2017

Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
February 2017

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of October 2016** by consent (Page 1).
3. **Move to postpone Addendum XXVIII until confirmation of a new Secretary of Commerce and NOAA Fisheries can submit new regulations directly to the federal register** (Page 21). Motion by Tom Baum; second by Martin Gary. Motion failed (Page 26).
Move to approve Option 5 (more coastwide consistency) from Section 3.2 with the removal of
4. **Move to approve Option 5 (more coastwide consistency) from Section 3.2 with the removal of the following language: of particular note, Option 5 is calculated to achieve a 28-32 percent coastwide reduction (depending on the sub-option) less than the required reduction of 41 percent that Options 1-4 are designed to address** (Page 26). Motion by Jim Gilmore; second by Matthew Gates.
5. **Move to substitute by adopting Option 2, revised by substituting the words one inch minimum size increase with the words 30 percent reduction. As revised, the option will require the regions of Massachusetts, Rhode Island, Delaware through Virginia and North Carolina to enact management measures for 2017 aimed at achieving a 30 percent reduction in harvest relative to 2016, and require the region of Connecticut through New Jersey to enact management measures for 2017 aimed at achieving a 43 percent reduction in harvest; relative to 2016** (Page 28). Motion by Bob Ballou; second by Nichola Meserve. Motion modified (Page 35).
6. **Modified Motion: Move to substitute to adopt Option 2, revised by substituting one inch minimum size increase with 30 percent reduction. As revised the option will require the regions of Massachusetts, Rhode Island, Delaware through Virginia and North Carolina to enact management measures for 2017 aimed at achieving a 30 percent reduction in harvest; relative to 2016, and require the region of Connecticut through New York and the region of New Jersey to enact management measures for 2017 aimed at achieving a 43 percent reduction in harvest relative to 2016, and that states within a region may adopt mode or area specific regulations; as long as they are afforded to all states in the region.** Motion fails for lack of majority (Page 35).
7. **Main Motion: Move to approve Option 5 (more coastwide consistency) from Section 3.2 with the removal of the following language: of particular note, Option 5 is calculated to achieve a 28-32 percent coastwide reduction (depending on the sub-option) less than the required reduction of 41 percent that Options 1-4 are designed to address.** Motion carried (Page 40).
8. **Move to approve Section 3.3 Timeframe Option 2 for the 2017 and the ability to extend Addendum XXVIII through 2018** (Page 42). Motion by Jim Gilmore; second by Chris Batsavage.
9. **Move to substitute Section 3.3 Timeframe Option 1 for 2017** (Page 41). Motion by Adam Nowalsky; second by Eric Reid. Motion failed (Page 42).

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10. **Main Motion: Move for Option 2 for 2017 and the ability to extend Addendum XXVIII through 2018.** Motion carried (Page 42).
11. **Move to approve Addendum XXVIII as modified today** (Page 42). Motion by Emerson Hasbrouck; second by John Clark.
12. **Move to postpone final action on this addendum until the joint meeting in Kitty Hawk** (Page 42). Motion by Adam Nowalsky; second by Eric Reid. Motion fails (Page 43).
13. **Main Motion: Move to approve Addendum XXVIII as modified today.** Motion carried (Page 44).
14. **Move to approve Addendum XXIX for public comment** (Page 46). Motion by Steve Heins; second by Adam Nowalsky. Motion carried (Page 46).
15. **Motion to adjourn** by consent (Page 46).

ATTENDANCE

Board Members

Steve Train, ME (GA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Doug Grout, NH (AA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Ritchie White, NJ (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	David Blazer, MD (AA)
Raymond Kane, MA (GA)	Mike Luisi, MD (Chair)
Nichola Meserve, MA, proxy for D. Pierce (AA)	Rachel Dean, MD (GA)
David Borden, RI (GA)	Rachel Dean, MD (GA)
Bob Ballou, RI, proxy for J. Coit (AA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Mark Alexander, CT (AA)	Michelle Duvall, NC, proxy for B. Davis (AA)
Lance Stewart, CT (GA)	Doug Brady, NC (GA)
Jim Gilmore, NY (AA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Emerson Hasbrouck, NY (GA)	Martin Gary, PRFC
John McMurray, NY, proxy for Sen. Boyle (LA)	Sherry White, USFWS
Tom Baum, NJ, proxy for D. Chanda (AA)	Peter Burns, NMFS
Chris Zeman, NJ, proxy for T. Fote (GA)	

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

Ex-Officio Members

Greg Wojcik, Technical Committee Chair

Staff

Robert Beal
Toni Kerns

Kirby Rootes-Murdy

Guests

Jack McGovern, NOAA	Dan McKiernan, MA DMF	Mike Toole, MD CBA
Derek Orner, NOAA	Katherine Hofmann, MD DNR	Joseph Sadler, MD CBA
Emily Gilbert, NOAA	Mark Belton, MD DNR	Mike Sadler, MD CBA
Mike Ruccio, NOAA	Russ Allen, NJ DFW	Steven Forsberg, Montauk, NY
Brandon Muffley, MAFMC	Larry Herrighty, NJ DFW	Steve Forsberg, Jr. Montauk, NY
Anthony DiLernia, MAFMC	Andy Shiels, PA Fish & Boat	Robin Scott, Margate, NJ
Kiley Dancy, MAFMC	Arnold Leo, E. Hampton, NY	Mike Shepherd, Linwood, NJ
Phil Langley, PRFC	Kevin Slattery, Onset, MA	Mike Rogers, Ofc. Rep Pallone, NJ
Matt Gates, CT DEEP	Aaron Kornbluth, PEW	Jonathan Atwood, Ofc of Asm
Jason McNamee, RI DEM	Purcie Bennett-Nickerson, PEW	Andrzejczak, NJ
Nicole Lengyel, RI DEM	Zach Greenberg, PEW	Bob Martin, NJ DEP
Chris Batsavage, NC DNR	Joseph Gordon, PEW	

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the

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Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 2, 2017, and was called to order at 8:00 o'clock a.m. by Chairman Michael Luisi.

CALL TO ORDER

CHAIRMAN MICHAEL LUISI: Good morning everyone. I would like to call the meeting to order; a meeting of the Summer Flounder, Scup and Black Sea Bass Management Board. My name is Mike Luisi; and I am a Representative from the state of Maryland.

APPROVAL OF AGENDA

CHAIRMAN LUISI: We've got a lot on the agenda here today, but to start I would like to suggest a modification to the agenda.

Staff approached me and asked if we can rearrange some of the items on the agenda, to be sure that we make sure we cover and are able to spend the amount of time that is needed on the action items of the agenda. There are two suggestions, the first is to just rearrange under Item 4, the Technical Committee Report and the Advisory Panel Report.

Staff indicated that it would be just a better flow into the discussion when we're considering Addendum XXVIII for final approval later. The second modification is to move Item 5, the Update on the 2015 Black Sea Bass Commercial Landings and 2017 Harvest Specifications to the end of the meeting, to follow; Setting the 2017 Scup Recreational Fisheries Specifications.

Is there any opposition to those modifications to the agenda today? Seeing none; we'll consider the agenda approved as modified.

APPROVAL OF PROCEEDINGS

CHAIRMAN LUISI: Now moving on to the approval of the proceedings from the October,

2016, is there any objection to the approval of the proceedings from 2016? Okay seeing none; the proceedings are approved.

PUBLIC COMMENT

CHAIRMAN LUISI: Okay down to Number 3 for Public Comment. It is during this time in our meetings where we reserve some time for the audience to discuss issues that are not on the agenda. However, it has been asked of me as Chair of this Board to consider allowing some flexibility under our normal operating procedures for public comment.

Therefore we have a list of a few individuals who would like to offer their thoughts; whether it is on items to be discussed later or not. Therefore, I'm going to turn to our first speaker. We have Commissioner Bob Martin, from the New Jersey Department of Environmental Protection. Bob is at the microphone, and Mr. Commissioner the microphone is yours.

COMMISSIONER BOB MARTIN: Thank you, Mr. Chairman, and thank you for allowing me to speak this morning about a matter of great importance to the state of New Jersey. I'm here representing the state of New Jersey and the Governor of New Jersey. I am now in my eighth year of Commissioner of DEP; and during my tenure in New Jersey, have always worked cooperatively with the Commission, the other states of the compact, the National Marine Fisheries Service, and we've always played by the rules and wanted to work cooperatively with everyone. We understand and strongly support the need to sustainably manage the Atlantic coast fisheries, and we always have. In 2013, the regionalization of Connecticut, New York, and New Jersey was adopted; even though we did not support it.

We tried and it has not worked. Now I am here today, because of the options being presented for summer flounder quotas for New Jersey for 2017; which would put it bluntly, destroy recreational summer flounder fishing in my

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state. Only about 15 percent of the fluke in New Jersey waters are at or above the 19 inches in length that is being proposed.

This would make it extremely unlikely that most of the recreational anglers would be able to find a fish they could keep. As a result of any of these options, New Jersey would be hit disproportionately hard, and essentially would kill 20,000 jobs and gut a 1.2 billion dollar industry.

This is completely unacceptable to the state of New Jersey; so I come to you with two important requests, to support adding a sixth option to Addendum XXVIII to maintain the status quo for recreational summer flounder fishing, and to vote to approve that sixth option. I make this request for four simple reasons.

One, the data at which any of these changes of status quo would be based on is terribly flawed. The benchmark stock assessment is old. The model used for evaluating the health of the fishery is unreliable and out-of-date, and New Jersey's own data shows that the summer flounder stock is healthy.

I strongly urge you not to move forward with changes to the size limit, bag limit, and length of season based on questionable data and an outdated model. We share; we all share in this room the difficult task of managing the fisheries based on sound science. In this case the science is clearly not where we want it to be.

Let me first address the data collection through the MRIP program. As you know the National Academies of Sciences Engineering and Medicine recently released a report evaluating MRIP. The report suggests 38 changes to that program. Many of these suggest changes to focus on data collection. They emphasize the urgent need to improve the way the data is collected.

For example, the intercept method of data collection is inadequate, because the sample sizes are way too small. Incredibly small sample sizes do not represent the whole population. Here is an example of one of those flaws. Several years ago MRIP personnel collecting data on black sea bass intercepted a boat in New Jersey with two anglers onboard.

One had caught 7 fish the other had caught 14 from a possible bag limit of 15. From a single intercept, MRIP expanded the catch to 150,000 fish. That single intercept represented 50 percent of New Jersey's total black sea bass harvest in 2015. They drew that conclusion based on two fishermen who had a very good day.

That is not only unscientific, it defies common sense. There are numerous other examples from New Jersey charterboat captains, which I've talked to over the last several weeks; in fact over the last several years, and many of these talk about other issues about the certain intercepts that have come to them only because they continue to catch fish, and not go after and talk to the boats that don't catch any fish. To compound the problem, MRIP is designed to show broad performance trends in the recreational fishing industry. It is not designed to be compared annually as currently being done.

Misapplying long-term data collection system by using it for short-term analysis makes no sense whatsoever. The whipsaw of annually going through quotas is unsettling and disruptive to the industry, and completely unnecessary. Although the National Academies report concluded that some progress had been made; it also concluded that MRIP still had some serious problems.

These challenges are serious, and get to the heart of the matter. We cannot make solid, scientific-based decisions based on data collection program that after ten years still has, according to National Academy of Sciences, statistical challenges. In addition to question of

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how data is collected, let's not forget the most recent benchmark stock assessment dates back to 2013.

The only way to correct this problem is to undertake a benchmark stock assessment now. New Jersey deems it important to undertake that assessment as soon as possible, and we are willing to provide a cost share from the state of New Jersey to get that started immediately; and I wish that all the other states, and request that all the other states join in as well, not just in doing that but it is also to contribute to that.

Let me now turn to the methodology being used for decisions for annual quotas. The current methodology is inadequate. It relies only on the age of the fish and ignores such important aspects as size, and sex. As a result this methodology has unintended consequences of encouraging the removal of females from the stock, because females tend to mature faster and grow larger than the males.

Increasing the minimum size requirement actually encourages the taking of females. No one has to be a biologist to know that reducing the population of females from the waters will lower recruitment rates and reduce the availability of the population to increase. As you all know, a new more accurate, more sustainable sex, age, length methodology is being developed by a team led by Dr. Patrick Sullivan of Cornell.

Again that initiative will correct the flaws that we've identified. As we've seen here from Dr. Sullivan's modeling, we know that this model would significantly improve our knowledge of the size and composition of a summer flounder fishery. That would increase the ability to achieve the goal we all share, ensuring the summer stock continues to thrive.

The consequence of those shortcomings of the current modeling, Mr. Chairman, will be profound; both on a fish stock and on the

recreational fishing industry. These shortcomings alone argue strongly for maintaining the status quo, until data collection is improved and new modeling by Dr. Sullivan and his team are used.

I also want to underscore that New Jersey's summer stock flounder stock is healthy. We have decades of data to prove that. We've been carrying out New Jersey ocean trawl surveys for nearly 30 years. This includes population trends for summer flounder. Our survey consists of five cruises a year through 35 randomly selected stations during each cruise; covering depths of 90 feet. In total that's 175 pulls per year. Our data has consistently shown that our fluke population has remained stable since 1992, and that in fact shows a slight but measurable improvement. That is what I mean by reliable, scientifically sound data. Apart from the unreliable data and the old methodology, there is yet another complication.

The recent directive from the white house that no new federal regulations are to be issued until the new president's appointees are in place and O and B has reviewed those rules. This ties NOAAs hands and NOAA Fisheries hands until new leadership is in place at Department of Commerce and at NOAA.

The new administration has the right to set NOAAs policies. This creates a high level of uncertainty about the policies of the new administration and how things are going to be pursued going forward. It could be months before those positions are filled, and it could render a decision on status quo and other issues going forward.

That is why I'm recommending that we stay with status quo at this point in time, at least until new decision makers are in place and a new benchmark stock is assessed; that is the best way to approach what we're going forward with. If the Commissioners in this room cannot accept status quo, then I strongly ask that you support postponing any actions until NMFS has

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clear authority to move forward and publish regulations in the Federal Register.

Mr. Chairman and members of the Management Board, I want to leave you with one final thought. If the Commission does not vote to approve proposed new option that I've requested of status quo, or to postpone it, the state of New Jersey will use every legal, administrative and political tool available to us to protect New Jersey's recreational summer flounder industry from the decision that we believe will destroy our industry.

We'll do everything to prevent the destruction of 1.2 million dollar industry that directly employs 20,000 people in our state and attracts tens of thousands more people to our coastal communities every year. There is nothing in Magnuson-Stevens that prohibits you from supporting status quo. I strongly urge you today to maintain the status quo for '17; or at the very least postpone any action. I thank you for your cooperation. I thank you for the time this morning, and I appreciate working with you. Thank you very much on the behalf of New Jersey.

CHAIRMAN LUISI: Thank you, Mr. Commissioner. I appreciate your time today and your thoughts. Next I have Mike Rogers with Congressman Pallone's office. Mike, do you want to step to the microphone?

MR. MICHAEL L. ROGERS: Thank you again for the opportunity to speak, and again I'm here representing my boss; Congressman Pallone from the Sixth District of New Jersey. I want to thank Chairman Grout, Vice-Chairman Gilmore, and all members and staff of the Atlantic States Marine Fisheries Commission; for allowing me to make a statement about the summer flounder quotas for 2017 and 2018, and for the work you do to serve fishermen in coastal communities.

While I am unable to make this statement in person, please be assured that this issue is a

priority for me. I also want to thank the New Jersey members of the Commission and especially want to thank New Jersey DEP Commissioner Martin for his efforts to protect New Jersey fishermen from these onerous cuts. On December 21st, NOAA announced finalized regulations to reduce the acceptable biological catch, recreational and commercial quotas for summer flounder in 2017 and 2018. These reductions are severe. The summer flounder ABC will be reduced 29 percent in 2017, and 16 percent in 2018. The recreational and commercial limits would both be reduced by approximately 30 percent in 2017 and 16 percent in 2018.

There is no doubt that these reductions will have a significant negative impact on the state of New Jersey, where the recreational and commercial fishing industries generate about 2.5 billion dollars annually; and represent tens of thousands of jobs. Fishermen and their families will not be the only ones who suffer if these dramatic cuts are implemented. The tourism and boating industries along the shore will lose business as well.

I represent the New Jersey Sixth Congressional District, and there are many coastal communities in my district, which will be harmed if these regulations go into effect. That is why I have opposed these cuts ever since NOAA proposed them last year; working with my New Jersey Congressional colleagues.

By reaching out to NOAA, testifying before the Mid-Atlantic Fishery Management Council, and offering a statement to a public hearing conducted by this body, all to prevent these cuts from going into effect before we know whether they are actually necessary at all. All of us want a healthy fluke population. Having a sustainable population benefits both our economy and our environment.

However, members of the fishing industry have real concerns about the science and methodologies used to justify these draconian

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cuts. Last month I led a number of my congressional colleagues in sending a letter to former Commerce Secretary, Penny Pritzker, calling on her to use her emergency powers to prevent these damaging regulations from going into effect, and direct NOAA to reexamine its methodologies and conduct a new benchmark, summer flounder assessment before making a decision to reduce summer flounder quotas.

There are many compelling reasons to question the decision to cut summer flounder quotas, but the underlying issue is that we need to comprehensively change both how and how often we conduct stock assessments. In the letter we pointed out just one example of the questionable methods used to justify these cuts.

The Marine Recreational Information Program, MRIP, estimated that Connecticut and New York recreational fishermen greatly exceeded limits on summer flounder in 2016. A major reason for this supposed overfishing was an estimated increase in fishing trips in July and August, 2016. However, in order for MRIPs numbers to add up, there would have needed to be a 68 percent increase in fishing trips for Connecticut in those months, and a 35 percent increase for New York in those same months.

These supposed increases are dubious. According to the Jersey Coast Anglers Association, from 2007 to 2014, there was a drop of eight million fishing trips from New York to North Carolina. Another flaw is NOAA's reliance on annually estimating the number of flounder out in the sea, as opposed to relying on regularly updated scientific statistics and surveys.

Commissioner Martin put it well at an event last week and today, when he described the inherent weakness of relying on this method, which is essentially a guess about stock population. NOAA should instead use models that cover multiple years, which will bring certainty to the industry and better allow us to

measure which conservations work and which do not. Another issue I've heard from my constituents is the size limit of 19 inches for summer flounder. Most summer flounder larger than 18 inches in length are female.

If we're serious about growing the summer flounder stock, we should not be instituting policies that disproportionately remove females from the population. Additionally, this policy is going to result in more fish smaller than 19 inches being thrown back into the ocean after being caught. As any fisherman can tell you, many of these fish do not survive being caught and thrown back in.

Again, if we're serious about increasing the population of summer flounder, why are we putting regulations in place that will result in more fish being killed? These are just a few examples of why so many fishermen are frustrated and lack confidence in the data that NOAA uses to guide quota reductions.

Anglers have sacrificed year after year, and have yet to see real benefits for their sacrifices. New Jersey has made its view on these reductions clear. I and other members of the Congressional Delegation, the Governor and Commissioner Martin, have made our voices heard. The State Assembly has also passed a resolution calling for status quo to be maintained until a new assessment can be conducted.

In short, these cuts are unjust; based on questionable science, and NOAA should reexamine how it conducts these stock assessments before making decisions that threaten the livelihoods of so many New Jersey anglers and communities. The Commission should act on this, and take any and all steps that it can to protect recreational fishermen; especially to minimize the negative impacts of these quota cuts. Thank you.

CHAIRMAN LUISI: Thank you very much for your thoughts; and please thank the

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Congressman for providing his thoughts for us here today. Okay I have a couple other names on the list; but it appears from what was written down that additional comments may be directed on the options themselves. I will ask Robin Scott, would you be providing thoughts on a specific option as we debate it after moving on through the agenda? Is that your intent? Okay if it is a different option then please, come to the microphone.

MS. ROBIN SCOTT: Good morning. I'm Robin Scott; Margate, New Jersey, I'm the owner of a very tiny bait-and-tackle shop, 54-slip marina, and I rent boats and charterboats for a living, full service. We sell Tohatsu outboards. We're starting year 59, so I am one of your astute scientists out there with numbers and size and weights and anglers; and how many fish they bring in. Your stakeholders are obviously people that can contribute.

I would like you to consider, I am here to support Commissioner Martin; the fact that he made the trip and has spoken so well with our issues in New Jersey. I am to go one step further. I propose that you add a new option of matching status quo in the state of Delaware from the 2016 season for fish at 16 inches, which would entirely eliminate putting the pressure on the female breeders while we wait for new representatives to be elected and confirmed. That would seem to be the option that would genuinely grow the stock and allow us not to take even more breeding females. Thank you.

CHAIRMAN LUISI: Thank you, Ms. Scott. That concludes the list for now. There may be an opportunity, depending on how long the discussion takes place at the Board to have additional public comment; once we have a motion on the table. But I will reserve the right to that comment, depending on time and how we move on.

Let's talk about that for a second. I think it would be an understatement to say that the

issues in front of us right now are just important. It is coastwide in its reach and given the testimony we've already heard, there are certainly consequences that will come from decisions that we make today.

With that said, I just want to be mindful and I want you all to be mindful that we have about 40 minutes on the agenda for this discussion this morning. We have other Boards that are meeting after this throughout the day; and I am going to do my best to try to focus our conversation to stay within the time limits that we have.

Just please be mindful of that. We have a few presentations that both Kirby and Greg are going to give. I am going to hold off at this point right now on any comments or any motions. But I am going to let Kirby get through his presentation, and then Greg is going to provide us some thoughts; and I'll look out to the Board for motions as how to move forward. But before I do, I saw Mike's hand. Mike, do you want to make a point?

MR. MIKE RUCCIO: Good morning, and good morning to the Board. I don't want to get into a rebuttal of the comments that were offered. I appreciate those very much. I think everyone at the table, including the Service, appreciates the seriousness of what we're about to discuss; and no one enters into this lightly.

But I did want to speak a bit to the federal government's ability to issue regulations, because I think that is germane. It is true that right now we are under a regulatory freeze. However, we receive additional guidance daily. The work of the federal government continues. I think it would be critical that the Board continue its process, and that the Agency will continue its process.

We have numerous rules that are in process, slated for publication as soon as the regulatory ban is lifted. Certainly we'll work with whoever is appointed and selected to the political appointee positions within the agency; but the

agency has not shut down, and I don't think it would serve us well to postpone, with the rationale being that we can't issue rules.

Our work continues, I think this Board's work should continue. We will have more information undoubtedly, by the time we're co-convened with the Council in Kitty Hawk. There is a process to even issue rules now. Certain exemptions are allowed, there is an additional clearance process with the Office of Management and Budget, so I just wanted to speak to that point specifically.

CHAIRMAN LUISI: Thank you, Mike for that thought. I may come back to you later, depending on how the conversation goes, regarding timing. I know that there is an issue with taking action dependent on Board action. If everyone remembers back in December, both the Board and the Council moved for conservation equivalency and for the Board to consider conservation equivalency. If conservation equivalency is not met we find ourselves in the position where NOAA would be looking to establishing the non-preferred alternative along the coast. I think the timing of all that is going to be important to our discussion later; so Mike, I might come back to you on that.

CHAIRMAN LUISI: But for now I'm going to turn to Kirby. Kirby is going to provide us a presentation reviewing the options on the public comment summary and the Advisory Panel report; so Kirby, when you're ready.

SUMMER FLOUNDER DRAFT ADDENDUM XXVIII FOR FINAL APPROVAL

MR. KIRBY ROOTES-MURDY: For the presentation I'm going to go through, I'm going to review the management options very quickly; as you have all seen this, a number of times, both in the public comment period and at the joint meeting in December. Get into the public comment summary, specifically those

comments that were offered up during the last month.

Then I'm going to walk through the advisory panel report, and then focus on some of the discrepancies and language and tables that have come up through the Recreational Working Group's process, address those, and then I'll answer any questions. After I'm done with that then we're going to turn it over to Greg to give the Technical Committee report on the options in the addendum. After that's done then it's for the Board to consider final action on the document.

REVIEW MANAGEMENT OPTIONS

MR. ROOTES-MURDY: As you all know this addendum was initiated back in October at the ASMFC Annual Meeting, at the joint meeting in December the Board approved it for public comment. We went out for public comment last month, and today you guys are taking final action on this document; or considering final action on this document.

First I'm going to focus on the default approach within the summer flounder FMP, and then move on to the alternative approaches. As Mike mentioned, conservation equivalency was selected by the Board and Council in December. Under that approach we have Addendum VIII, which lays out state-by-state allocations.

I'm going to put that up on the board real quick, just to show you again what those would be. These are based on preliminary data projected through Wave 6. Again, these numbers would change once we get final data; but this is preliminarily what the allocations would be if the Board defaults back to state-by-state management under conservation equivalency.

The other thing to keep in mind is that as part of our kind of default process for summer flounder, if a state or region doesn't implement measures to address the reduction the Board agrees to, precautionary default measures

would be applied to the state or region. The Board and Council approved precautionary default measures of 20 inches minimum size, two fish possession limit, and an open season of July 1, through August 31.

Next moving on, I want to talk about the alternative approaches that are in the document, starting on Page 10 through 16. As you all know there are five alternative approaches, five options. Underneath each of them there is the ability to have it in place for either one or two years, and I'm just going to briefly walk through those again.

First, Option 1 is titled Fish Sharing. Under this approach regions that are under their 2017 allocation, based on 1998 proportions of catch, they stay status quo; in terms of their harvest levels and their management measures. For those regions that would be over their 2017 allocation, they take a reduction. By those other regions staying status quo, there are additional fish that allow for them to have a smaller reduction than they would if they were going at it state-by-state. Option 2 is where a one inch increase is applied across the entire coast. In this approach that adjusts the harvest targets for all the regions. Under this approach also, it should be noted that Rhode Island's reduction would be approximately 32 percent and not 34 percent. For the states of Connecticut through New Jersey, they take an additional reduction given their one inch increase would not still move them underneath the 2017 allocation of their pooled targets; and so they take further reduction in their season and bag limit.

Option 3 is where a 30 percent reduction is applied coastwide. For those regions that are over their 2017 allocation, which would be Rhode Island and Connecticut through New Jersey. They take the remainder of that reduction needed to keep harvest at the coastwide level to the coastwide harvest limit.

That means that their reduction is approximately 42.6 percent. Option 4 is similar to Option 3 in that it lays out that all regions would go up an inch in their minimum size; and as part of their 30 percent reduction process. For the states of Rhode Island and Connecticut through New Jersey, they would take the additional reduction that's needed as going up one inch as laid out in Option 2 wouldn't fully address the coastwide reduction.

Therefore, they would take an additional percentage reduction, which is approximately 42.6. Option 5 does not specify harvest targets nor does it specific regional reductions. What it proposes is that coastwide all regions with the exception of North Carolina go up an inch in their minimum size.

Additionally, all regions would have no more than a four fish possession limit. For the regions of Connecticut through New Jersey there is the potential for a three fish possession limit, but seasons remain status quo relative to 2016. Now for the timeframe, the timeframe option lays out that there are two approaches.

The first would be for whatever the selected alternative is that I just walked through. One of those five would be in place for one year, 2017. The second timeframe option would be for it to be in place for 2017; and the ability to continue into 2018. It's a two year implementation timeframe.

PUBLIC COMMENT SUMMARY

MR. ROOTES-MURDY: Next I'm going to move on to talking about the public comment summary. As you all know there were public hearings held in the month of January through the states of Virginia through Massachusetts; 224 people attended across eight states. It should be noted that North Carolina scheduled a public hearings, but that there was no public attendance at it; so we haven't included it in this summary.

In terms of written comments submitted, a total of 4,334 comments were received. Nine groups and organizations provided comments. In terms of the total comment summary, a majority of the comments were in favor of remaining status quo; in terms of management measures relative to 2016. In terms of comments that were in favor of options that were included in the document, which status quo for all regions was not included as an option in the document, the majority of folks who were in favor of an option in the document was Option 5.

Options 1 and 2 were also noted as having received the second most support and commonly second choice, if say Option 5 was not selected. One thing to keep in mind is that I mentioned that over 4,000 comments were received. A majority of those comments were attributed to an online petition that was submitted, 4,101 signatures and comments associated with that were submitted in the public comment summary that was sent to the Board. That petition specifically outlined that coastwide measures should stay the same relative to 2016; and the catch limits for 2016 should be carried over to 2017.

But this is also laying out in this table here what the associated timelines that people indicated a preference for. As you can see that it didn't always add up directly, because people do not always give a timeline option with their preferred alternative for Options 1 through 5. Reasons sighted in support of staying status quo.

A number of comments focused on disagreement over the MRIP harvest estimates at the state, regional, and coastwide level. Additionally there were concerns over the economic impacts to coastal economies that Options 1 through 5 could pose to their region. Other concerns focused on an increase in the size limit would potentially target more females and further exacerbate negative impacts that are currently underway relative to the resource.

Other comments focused on the status quo should be in place until a new benchmark stock assessment is completed. For reasons sighted in support of Option 5, there is an interest in maintaining the current season length. There is also a tolerance indicated for going up an inch and that that wouldn't significantly curtail the fishery at the state and regional level.

But there was concern that Options 1 through 4 would pose more significant economic impacts to local economies.

ADVISORY PANEL REPORT

MR. ROOTES-MURDY: Now for the AP report. AP members from both the Commission and Council provided comments. Of the AP members who were in attendance, four indicated that catch limits and management measures should remain status quo relative to 2016.

Those concerns that were raised in support of that approach sighted similar reasons that I've already walked through; concern over MRIP estimates, economic impact, and disagreement over what the stock assessment results indicate. Three indicated a preference for Option 5, and one indicated a preference for Option 1, and two were in favor of Option 2 as a secondary choice if Option 1 and 5 were not selected.

All right so now I'm going to walk through some of the discrepancies in the language versus the tables. A few weeks ago the Summer Flounder Recreational Working Group, who helped pull together the options for this document, a number of members on that group brought up that there was a discrepancy in how the language was indicating the reduction that should take place; relative to what the table was showing for the reduction and the subsequent harvest targets.

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One of the key things here is that there was a proportional reduction relative to an allocation, based on 1998 catch levels that were being applied; and not an equal reduction across those regions. For example, the state of Rhode Island in the draft addendum option, the tables indicate that they would have a 32 percent reduction approximately for Option 2.

When you apply a proportional reduction relative to their allocation, it is actually closer to a 59 percent reduction. For Option 3, it moves from a 43 percent or 42.6 percent up to a 51 percent reduction, and then for Option 4 it increases it from an approximate 42.6 percent reduction to a 58 percent reduction. The Summer Flounder Working Group came back and evaluated this, and they were of the mind that the group's intention was that the reductions listed in the tables was the intended way for reductions to be applied to these regions; and not by the prescriptive language in the text for these options. Greg is going to walk through later on the Technical Committee's review of that. Generally though, they agreed and confirmed that conclusion. Then subsequently the Recreational Working Group developed revised language and tables to address these discrepancies and make corrections.

As I said before, it's important to understand how these reductions change. The proportional reduction relative to '98 allocation is one where you're applying the reduction based on that allocation and not necessarily how that region performed in 2016; relative to the overage we would be seeing for 2017.

The other thing to keep in mind is that that approach also evaluates harvest from 2016 for 2017, as we normally do, to base regulatory changes on; and does not actually address how a region performed relative to their say projected harvest for 2016. That is an important point to keep in mind, because previous addenda that we've had on regional

management have not specified and held regions to a target per se.

There isn't the ability to go back and try to hold states to a target that was not in place as part of the addendum. To help explain this a little bit further, I've given an Option 3 here. Under Option 3, every region takes a 30 percent reduction. Regions over their '98 allocation for 2017, again based on 2016 harvest, take the remainder of the reduction.

Now that means that there is an approximate 230,000 fish left over when all regions take a 30 percent reduction. To still move those regions that were over their harvest, relative to that allocation, down to the 2017 recreational harvest limit, there is a scaled proportion that we apply. Rhode Island's proportion of the '98 harvest is 5.7 percent.

To address this 230,000 fish that is scaled up to 9 percent. For Connecticut through New Jersey, their pooled allocation of '98 proportions adds up to approximately 60.4 percent. That's scaled up to 91 percent. Associated to that then we applied the additional fish. It is an additional reduction that's added on top of the 30 percent reduction.

When you do that it increases the reduction disproportionate relative to that states harvest, when you compare it to the coastwide level. It doesn't account for the magnitude of harvest between the regions. For example, Rhode Island's share of the 2016 coastwide harvest was approximately 4 percent; but under this approach if you took the language literally, they would be taking a 51 percent reduction.

For Connecticut through New Jersey, their share of the 2016 coastwide harvest was approximately 82.9 percent. When you apply that proportional allocation for reduction, their reduction doesn't change significantly; given the magnitude of their harvest relative to the coastwide harvest.

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It is important to understand that this change in the reduction for regions of Rhode Island would violate one of the recommendations the Working Group had, and that was to not have a region take more than a 50 percent reduction. Again, another way to look at this was these alternatives were developed as a way to ameliorate or improve the reduction scenarios that regions would be facing under state-by-state allocations. In terms of understanding an equal percentage reduction for Option 3, regions that are below their '98 allocation for 2017 take a 30 percent reduction. That would be the states of Massachusetts, Delaware through Virginia, and North Carolina. At a 30 percent reduction for 2017, their associated pooled target would be 185,000 fish. Regions that are above their '98 allocation based on again 2016 harvest would be responsible for the remainder of that reduction.

When you combine Rhode Island and Connecticut through New Jersey's harvest for 2016, it is approximately 1.83 million fish. Now, they need to then get down to the remaining harvest that is allowed to not exceed the 2017 RHL, which is approximately 1.05 million fish. To get from 1.8 to 1.05, is an approximate 42.6 percent reduction; when you apply that to each of the regions harvest for 2016, it is less of a significant reduction than if you were taking a proportional reduction based on their allocation.

I'm now going to walk through the revised language very briefly on this. There was a letter sent out to the Board on Friday last week that laid out revised language for Options 2 through 4, as well as revised tables. In that letter it highlighted where the changes in the reduction were, as well as correcting mathematical errors.

This option as I said for Option 2 starts by applying a one inch increase to all regions, and projecting the regional harvest that would occur for 2017. If a region's projected harvest is below its combined 1998 based allocation for 2017, which are the states of Massachusetts,

Rhode Island, Delaware through Virginia and North Carolina, the projected regional harvest becomes the regions 2017 harvest target.

These regions take no further cut, and the reduction rate is then achieved by the one inch increase; and they forfeit the rest of their 2017 allocation projected to be unused. The region with its projected harvest still above its '98 based allocation for 2017 is the recipient of the shared fish; which is added to the 2017 allocation to generate its 2017 harvest target, and is responsible for the remainder of that coastwide reduction.

This is what the new associated table is with the corrections. As noted, Rhode Island's harvest reduction changes, in terms of the percentage. The harvest target for the states of Connecticut through New Jersey changes, and then Delaware through Virginia's harvest target is slightly altered as is North Carolinas.

Just for each of these three options I'm walking through, I have broken them out so that you can hopefully see them better on the screen. They are included in the letter together. For Option 3, any region in which the 2016 projected harvest is below its combined '98 based allocation for 2017, takes a 30 percent reduction; again, the states of Massachusetts, Delaware through Virginia/North Carolina.

The resulting projected regional harvest becomes the regions 2017 harvest target. The regions in which the 2016 projected harvest is above their combined '98 based allocation for 2017, Rhode Island and Connecticut through New Jersey, are responsible for the remainder of the coastwide reduction. This reduction burden is shared equally among those regions.

This is the associated revised table. As you can see, Rhode Island's harvest target is slightly adjusted, but it has the same reduction percentage as Connecticut through New Jersey. Delaware through Virginia's harvest target in numbers of fish is slightly changed as well. All

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right, bear with me, and we're just going to go through one last one. The revised language for Option 4 reads that any region in which 2016 projected harvest is below its combined '98 based allocation takes a 30 percent reduction. This region must include a one inch size increase.

If a one inch size increase achieves more than a 30 percent reduction, these regions can liberalize other measures accordingly. The projected regional harvest from the 30 percent reduction becomes the region's 2017 harvest target. The regions in which the 2016 projected harvest is above their combined 1998 based allocation for 2017, Rhode Island, Connecticut through New Jersey, are responsible for taking the remainder of the coastwide reduction necessary to achieve the 2017 RHL.

This reduction burden is shared equally among the regions, and this reduction must include a one inch size increase. The last associated table that has been revised is Option 4's table. As you can see the reduction percentage changes slightly for Rhode Island, and the harvest target changes for Rhode Island and Massachusetts.

The harvest target changes slightly for Connecticut through New Jersey. It is the same harvest target you have for the revised Option 3 table, as well as Delaware and Virginia's harvest target matches Option 3's table. Those are the revised changes to the language in the tables for Options 2 through 4. I will take any questions now if folks have them.

CHAIRMAN LUISI: Everybody got that? I'll be now asking for volunteers to the Striped Bass Workgroup if anybody would like to join in. Let me just make a comment before we get into questions. Kirby went through all the details of how these calculations were done. But the point of it all is that as the workgroup put together the tables, we were using the tables as the means to deciding which of those options were reasonable to expect states to be able to implement.

In the draft document the text didn't necessarily match the math that went into calculating those tables. The point of going through all of this and the point of the letter that was sent to you with the revised language is that when we get to the point in time today, if we get to the point in time today, we were considering an option.

We need to clarify in that motion that we would like to change the language from the draft document to what Kirby just went through; as far as the revised language. It's hard to think on the fly when you're looking at all those numbers. But I'll tell you that there was a tremendous amount of work that went into making sure that we have a document where the text and the intent of the workgroup match the tables that are presented to you.

Just know that a lot of work went into this and I hope that summarizes. Instead of in the weeds of the numbers, just that is kind of where we are at this point right now. Before we turn to the Technical Committee report, does anybody have any questions for Kirby regarding his presentation? Rob O'Reilly.

MR. ROB O'REILLY: Just trying to follow along here. Is this the first time that we've really gone back to the 1998 proportions and utilized those in the options, except for Option 5? For example, my understanding in 2014 was that whatever happened in 2013, as far as landings went, when we formed the regions, then that was the starting point. Then in 2015 that process was done again in 2016. This is I think the first time that using the basis of the 1998 proportions, and applying them to these reductions is somewhat different. I guess that's my question, but what I'm really thinking about is which of these options most closely parallels what has gone on before. In other words, if we just simply took the 2016 projected landings and seeded the regions with those landings, which option comes closest to that?

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MR. ROOTES-MURDY: For your first question. My understanding is that when we drafted draft documents for Addendum XXV, XXVI, XXVII, they were also loosely based on the approximate allocation that regions would have pooled that were based on their 1998 proportions.

They were not hard and fast, and they obviously had variations; given that the efforts of regional management were trying to ameliorate harvest changes that weren't quite matching with a '98 based allocation. This addendum does lay out to your point for the first time, holding states and regions to effectively their '98 allocation for 2017 harvest.

Now that is based again on 2016 preliminary data. You are correct in that this addendum is the first time we've applied for a reduction purpose, looking at how they fared relative to their '98 based allocation. For your second question, can you repeat it again?

MR. O'REILLY: Well I guess the idea is you sort of answered the second question, but really which option might come closest to that now, to the way things were previously moved forward when we started regional management in 2014. If we think of all these options, which one is closest to what we were doing before?

Really in a way what I recall was some minor changes was sort of using the specific landings for a region, and then taking that landing say for 2014, and then in 2015 that was seeded as the starting point; and it went from there. Are we close to something like that now with one of these options?

MR. ROOTES-MURDY: I think that is a little bit of a judgment call, but my read of the document would say that Option 1 probably is the closest to that; because you have a number of regions that are being asked to stay status quo relative to their 2016 harvest, based in part on how they performed relative to their '98 allocation.

Option 1 is maybe the closest, but again the previous addenda for regional management was trying to move away from the '98 based allocations. That is the only other caveat to note that it's not exactly the exact same as what you would see in Addendums XXV, XXVI, and XXVII.

CHAIRMAN LUISI: Adam.

MR. ADAM NOWALSKY: If I understand, well first let me thank staff leadership, the working group, everyone here that has been involved in this process. It's been a very difficult one. Also take a moment to thank our Commissioner for coming down with the support of our Governor's office. It means a lot having that backing here, members of our public.

The question I had was, if I understood your comments regarding the discrepancy between the language and the tables. While we actually have three options labeled Option 2, Option 3, and Option 4, if we selected one of those options today, we would then have to select between the text and the tables; which in fact means those three options represented six options. When this document went out for the public, were they clear in what they were commenting on between the text and the tables? Do we have any guidance about what people were really commenting on?

It has been the history of this process to always go ahead when we talk about reductions, liberalizations. We've always gone through the process of approving methodologies, not specific numbers. Now we had the methodology spelled out in text, but we're supposing that what we're really going to do is approve the actual numbers that were in the document. Again, I'll get back to the question of did people comment; recognize that difference that there were really six options not three?

MR. ROOTES-MURDY: I think Mike touched on this earlier in that one of the points the Recreational Working Group came to in trying to evaluate this discrepancy was that when a document like this goes out to the public, the public generally focuses on the tables; because that is the best measure to evaluate what is going to change in their associated management measures from one year to the next.

In that regard the tables were very much more the intent of what the working group had wanted, rather than the language; and that is where though there is a discrepancy, the working group felt that this is the best approach, which is revising the language to match better the tables; which was the intended way of handling the reductions for Options 2 through 4.

The only other thing I would note is that this is a draft document, one that the Board always has the ability to further adjust; in terms of the options that are selected. In looking at Options 2 through 4, if that is selected by the Board, one of those options, the revised language can be offered up with the motion to clarify exactly what the methodology is; and it can be noted that the associated table with that revised language, it was provided to the Board last week, would be in consideration for the document.

CHAIRMAN LUISI: Bob.

MR. BOB BALLOU: First, I certainly want to echo your comments also shared by Adam Nowalsky regarding the really hard and impressive amount of work that went into getting us to where we are today. I'm acutely aware that this was a very heavy lift, and I'm really impressed with the strong shoulders that were employed to get us to where we are.

I think we're in a much clearer place today than we were, and again that's thanks to the awesome work undertaken by many. My question for you, Kirby, and I think you did an

excellent job laying out the options. My reading of Option 2, comparing it to Option 3, is that when you look at the title it sounds like it's taking the same approach.

On the one hand using a one inch minimum size increase as the parameter, with regard to Option 3, using a 30 percent reduction as the parameter, but it seems clear to me that the approaches differ; in terms of how those are applied. I am really just looking for a yes or no answer here. Is it not true that Option 2 and Option 3 utilize different approaches? I'm just going to ask that question in that way.

MR. ROOTES-MURDY: Yes, you are correct.

MR. BALLOU: Thank you.

TECHNICAL COMMITTEE REPORT

CHAIRMAN LUISI: I'm going to turn now to Greg; who is going to provide us this Technical Committee report. We'll have time for questions for Greg, and then we'll be looking to take action in some way here.

MR. GREGORY WOJCIK: I'm going to wait for a second here for the slide to come up. Okay, the Technical Committee met via conference call on January 19, with a task to evaluate the options that were presented in Draft Addendum XXVIII. In this presentation I'll be summarizing what we covered in that conversation.

First of all we evaluated the discrepancies between the tables and the language describing Options 2 through 4. Kirby had just kind of covered this in some detail, but I just want to run through some points that the TC wanted to make. Next I'll go through the terms of references that were provided to us by the Chair of the Board.

There were four questions for us, basically to address the effectiveness of crafting measures to meet the recreational harvest limit. Then we can go over what steps may be needed in the future. Once we get through that I would be

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happy to address any questions the Board might have. In regards to Options 2 through 4 and the discrepancies that were identified between the tables and the language of the document.

The Technical Committee agreed with the working group in that the intent was to use the options as they were presented in the table, not the text. Now if the language were to be followed as originally written, it would have violated the guiding principles that went into the options. The TC noted that the intent of the Working Group was not to burden any region or state with more than a 50 percent reduction; in which case Rhode Island would have fallen into that category.

The TC also wanted to note that if the language in the document were strictly followed that Options 2, 3, and 4 would have virtually identical reductions associated with them. Now I'm going to be covering the terms of references that were provided to us by the Board. The first term of reference was to evaluate the effectiveness of the methodology that was used to craft measures; based on the previous year's harvest.

The standard method that we've been using, oh gosh for at least eight years now, takes into consideration the length of the season, the creel limit, as well as the minimum sizes. These are really the only tools that we have to work with at this point. In this formula you see here, we have X, which is the percent decrease associated with a season closure, and Y, representing percent savings associated with the size limits or the creel limit reductions.

When we use this formula, X plus Y minus X times Y, and what this really does is it takes into consideration any interaction that occurs when you change any more than one of these variables. Now, when the Technical Committee met to review our methodology, there were certainly some concerns with the effectiveness of these tools that we've been using. First of all

with the season lengths reductions, the current method uses an average catch per day rate; which are calculated using the full waves harvest, and then it is divided by the number of open days. This basically assumes that each day in a wave is considered equal, and we know that isn't really accurate. Also, harvest could possibly be recouped at a later day. As for creel limit reductions, the Technical Committee agreed that it was the most difficult of the three tools to measure its effectiveness. Since there are very few trips in the MRIP data with anglers limiting out, there is also very little savings in the calculations. Reducing by one or two fish rarely provides much reductions; at least in the calculations.

Also, it doesn't necessarily accurately account for angler behavior changes. For example, it is possible if the creel limit was reduced, the anglers would be inclined to make less trips targeting summer flounder; which would result in a greater reduction than what was first calculated. Minimum size increases, they had the most confidence using this tool.

The MRIP length distributions are used to see what proportions of the fish would be released under a new higher minimum size. Finally, because of the timing the Technical Committee is forced to use only the prior years, preliminary MRIP harvest estimates through Wave 5. When we make these calculations the Wave 6 data is not available yet.

Also, the final estimates are generally not released until well after the states need to start making their final rule process. This has been problematic in the past, mostly because when final estimates are released they incorporate additional effort information from the for-hire vessel logbooks; which changes the harvest estimates.

It is possible that a 41 percent reduction that we're facing now could change slightly when the final estimates are released. Okay so based on this, what does the performance look like?

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On the graph you have in front of you, the black diving line, if you can see it, is the recreational harvest limit.

The gray thin line is the MRIP harvest point estimates. Then those are bound by the standard errors. The dotted red line is the PSEs that are associated with MRIP, and then the red line is out two standard errors. As you can see, there are very few years in which crafting these measures have really put us within the PSEs coastwide.

It looks like in 2004, we were pretty close. Then you need to get up to what 2013 and 2014 before harvest was close to the RHL again. It is really only three out of the last 16 years or so that we've been close to RHL. Then you can also see the 30 percent drop in the RHL that is going to be needed for next year.

Under Term of Reference 2, we were asked to evaluate the utility of a single year for state specific harvest allocations. This is really in reference to the 1998 based allocation, and what the challenges are just using a single year of MRIP estimates to set a base year; and what the problems it might lead to moving forward.

We've grouped these challenges into two categories; we have inter-annual variability and nonrandom changes in harvest. First of all the biggest challenge we've had is MRIP survey variability. I'm going to be getting into this in a little more detail further in the presentation. But basically, within any one given year estimates at the state level or at the regional level, they can fluctuate significantly up or down. Basically, what that can do is create winners and losers when assigning allocations. Second of all, the fish availability can change from one year to the next. They could be more available in New York one year, and then more available in New Jersey, say the following year. This figure compares to 1998 based allocation to what the harvest looks like over more recent years; the blue bars being the 1998 allocation, and the red bars the average over the last three

years. Now, keep in mind back in 1998 all states had the same regulations, they were eight fish at 15 inches open year round.

Now, in more recent years the northern states such as Rhode Island, Connecticut and New York, have harvested a higher proportion of fish compared to the southern states. I would like you to take a look at Connecticut and Virginia as an example on how things have changed. In 1998 Virginia landed 17 percent of the coastwide total, and Connecticut landed 4 percent.

In 2016, the Connecticut regulations have had a two inch higher minimum size than Virginia; and a season that's one-third the length. Yet regardless, Connecticut's harvest is now higher than Virginia. Okay Terms of Reference 3, we were asked if the reduction targets in Options 1 through 4 were achievable using the standard methodology.

The Technical Committee broke it down into two groups and looked at both predicting harvest at the state and regional level, as well as the coastwide level. At the state regional level, it is just very difficult. For example, in 2014 through 2016, all the states had their consistent measures; but there were still extreme fluctuations in harvest within each state; up to 261 percent in one example.

Now, as far as the coastwide level, it is much more likely that we can get close, but it is still difficult to predict. Once again we had consistent measures over the last three years, but harvest estimates have fluctuated by up to 50 percent; and with consistent measures you would expect harvest to be relatively stable.

Now this figure shows the harvest estimate fluctuations under consistent measures over the last three years; relative to the three-year average. The first bar on the left, it shows the variations coastwide, ranging in each direction from the average by about 20 percent. The second one from the left is the Connecticut to

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New Jersey region, then there's the Delmarva region; which is followed by each individual state from north to south, Massachusetts through North Carolina.

This fluctuation in harvest estimates under consistent measures makes it difficult to craft measures that meet the RHL. Okay Terms of Reference 4, based on the previous evaluation of Terms of Reference 1 through 3, we were asked; what is the TCs confidence in using the standard methodology moving forward?

Basically the TC recommended making adjustments to methods in the future years for these reasons. The time constraints we have to deal with, the preliminary data isn't available until mid-December, which can change when the final estimates are released and then that really only gives us a few weeks to complete the analysis; and then finally the data limitations that I've outlined in the previous slides.

Okay so moving forward. The TC recognizes the 2013 stock assessment and its updates to currently be the best available science, and believes that there should likely be some sort of a reduction. We would also like to develop new methods in the future, possibly working on something over the summer. But first of all, the TC would like to consider using multiple years of MRIP data in crafting measures. Also, the MRIP harvest is in fact an estimate. The TC feels that the standard errors around the estimates should be incorporated into setting the measures. Also, the TC recommends using more broad strokes or uniform actions when setting regulations; such as what's presented in Option 5 of the addendum.

Finally, the TC wanted to point out that the problems we've addressed here are not necessarily limited to just the summer flounder; and there are other species that could have similar problems. Taking into consideration the TCs recommendations of incorporating the PSEs and using three-year averages, this is an

example of how Option 5 meets the 2017 recreational harvest limit.

Using standard methodology, Option 5, which is a one inch increase in minimum size with the lower possession limits. It results in a 31 percent reduction. Using a three-year average of harvest, if 39 percent reduction is needed to achieve the RHL, instead of that 41 percent with a single year, so with a projected PSE of about 8 percent around the 2017 estimates; the Option 5 projections would put the RHL within a standard error. That's it, if anybody has any questions.

CHAIRMAN LUISI: We'll take a limit of questions for Greg. Rob O'Reilly.

MR. O'REILLY: Thank you, Greg and thank you to the Technical Committee. I am well aware of how you've kept pace and really moved ahead in a lot of these approaches. I did have one question for you on your slide where you were comparing Connecticut and Virginia. A couple of days ago my staff looked at directed effort, and I submitted that to the Working Group.

It is fairly interesting in that directed effort where either that was the target species, summer flounder, or summer flounder were indeed part of what was caught. It showed some interesting trends there in that really other than Virginia, which is in evident decline in directed effort as we move forward through the last several years. Most of the regions or states within the region stayed somewhat flat. Did you have a chance to look at that?

MR. WOJCIK: Yes I did, Rob. I definitely agree with the observations that you had seen. It seems like the majority of the harvest that is being shifted towards the north is coming from Virginia. The effort sort of shows that as well.

MR. O'REILLY: As a follow up, is that a tool that the Technical Committee will maybe use a little bit more? It was even surprising to me in the Delaware/Maryland/Virginia region, Delaware

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had the highest harvest. I don't know about the total catch. It did show that there was an upturn in Delaware with their directed effort as well. I'm sure you've talked about that. But if that's another way to sort of look at the progress of this that would be really good to know.

MR. WOJCIK: Thank you, Rob. That is definitely something that we could look a little bit closer to, as we're moving forward in the future.

MR. NOWALSKY: Two questions. The first is regarding the terms of reference. You had indicated at the beginning of the presentation that the TORs were provided by the Board; yet the TC memo says that they were provided by the Board Chair. I'm trying to get clarity. I don't remember the Board having specifically voted on these TORs. I think that they're certainly very good questions to ask, wherever they came from. I appreciate the TCs attention to them. But I just wanted to get some clarity on the source of them, and if they did in fact come from the Board Chair directly, if he could perhaps give some insight as to the thinking behind those specific questions. The second item I was hoping you could touch on, because it wasn't included as those TORs is that Option 5 presents three areas where there would be two inch divisions between neighboring states; Virginia/North Carolina, Massachusetts/Rhode Island, and New Jersey/Delaware.

But yet the whole impetus for regionalization was to bring states closer together, and at that time there was just one pair of states that had that great of a discrepancy, New York and New Jersey. We're now talking about moving to three separate neighboring states that would have that distinction, so I would like some TC input on that matter.

CHAIRMAN LUISI: I'll handle the first question regarding the terms of reference. I'll say that it was a timing issue. The proposal that was put forth after our joint meeting in December with the Council, there was a proposal put forth Option 5 from the state of New York. As the

Work Group discussed Option 5, we needed some clarification from the Technical Committee on that option, as well as a consideration of achieving the RHL for the other option.

I worked specifically with New York to come up with those questions. Because of timing, the need for the Technical Committee to get to work right away without having a debate on those terms of reference. I used my position as Chair to forward that to the Technical Committee. That is where we are with the terms of reference. The other question regarding the more technical work, I think I can go to Greg for that one.

MR. WOJCIK: Looking at the Option 5 and the example size limits. Basically it increases the minimum size by one inch across the board and for all states, with the exception of North Carolina. You're still going to have the same break from Massachusetts to Rhode Island; so it's just that one additional change.

CHAIRMAN LUISI: Okay I'm going to take two more questions and then we're going to need to move on. I had Chris Zeman and then I'll come to Nichola, and then we'll go to Mike.

MR. CHRISTOPHER ZEMAN: During Kirby's presentation he was saying how several of these options, states that were under their catch relative to the 1998 allocation would basically automatically lose that sort of credit, and it would be shifted to other states that exceeded their 1998 allocation or regions. Now in your presentation you said that there is an extreme variability every year for catches for each individual state. Do you see that as sort of a disconnect or a problem; in terms of achieving our targets, at least at more of a regional level or a state level?

MR. WOJCIK: Right so the variability that you're speaking about is much more evident at the state level. The more you end up combining the MRIP data, the smaller you see that variability.

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Regions seem to have much tighter grouping; at least looking over the last three years, and then coastwide seems to be the best.

MS. NICHOLA MESERVE: Thanks for the report, Greg and to the Technical Committee for its quick work every year on these issues for us. You reminded us that Option 5 has a 31 percent chance or a 31 percent reduction rate overall, estimated. Can that be broken down by the regions in the Option 5 table? It was noted at our public hearing and through other comment that the Option 5 table differs from the other options; and that regional rates are not shown, reduction rates. If those are available, it might benefit the conversation today if we had those. A second question if I may, while you're thinking about that. There was a comment in the Technical Committee's report that the TC agreed that Option 5 is more likely to achieve a 30 percent harvest reduction and Options 1 through 4 are likely to achieve a 41 percent reduction.

If we put those on the same scale of achieving a 30 percent reduction, would the Technical Committee have gone further to say that Option 1 through 4 have the similar rate as Option 5 of achieving a 30 percent reduction or a greater likelihood of achieving more than 30 percent?

MR. WOJCIK: First of all just for clarification, the Technical Committee felt that the 31 percent reduction with Option 5 was more accurate than the Options 1 through 4 and the 41 percent reduction. Not necessarily that they felt that 1 through 4 would achieve a greater reduction. The reason why they felt that they had more confidence with Option 5 is mostly because it is more of a broad stroke action across the coast, and also it utilizes just the minimum length mostly.

Like I had mentioned earlier, coming down a couple fish doesn't really add much to the reduction. For those reasons they were making a better estimate at 30 percent. Then back to

your first question. Just a clarification, you're looking for the breakdown of what the percent reduction would be by region?

MS. MESERVE: Correct, similar to what was presented for Options 1 through 4 in the public document.

MR. ROOTES-MURDY: I think as you're aware, Nichola, we didn't include that in the draft document; because the intent of New York was to not have harvest targets for those. But I believe we can pull those together if that's of interest to the Board.

CHAIRMAN LUISI: Let's check where we are here. We've received all the reports that we were going to under Item 4 on our agenda; and I would like to at this point move towards considering final action. Oh, I'm sorry. Mike go ahead, I'm sorry, I missed you.

MR. RUCCIO: I wanted to thank Greg and the Technical Committee for their work on this. I very much appreciate the fact that the Technical Committee is also trying to move the ball forward a little bit. I know we've used many of the same methods for many, many years now; and I appreciate you guys thinking outside the box.

But that does leave me with a question, specifically on Option 5. The approach of saying that it falls within the standard error of the estimate is a new concept for us. I wonder; how do we have assurances that it will be at the point estimate or below and not above? You know when you look at the performance of the fishery that you had in one of the graphics earlier in the presentation, we have pretty routinely gone over the marks that we've set.

There can be a number of very valid reasons for that. But it gives me some pause when we look at one that on the onset is described as having a much lower percentage; in terms of outright reduction that we're trying to achieve on a coastwide basis. Then we're relying on it falling

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within one standard error. To me, which states there is equal probability that it could be above or below that point estimate. If it is at the point estimate or below, great we've achieved what we needed to in terms of the recreational harvest limit. If it's above then we've set ourselves up to not achieve what we've set out to do. I wondered if you could comment a little bit about how the Technical Committee approached that; what assurances there are that is a robust enough approach to ensure that we're not setting up to exceed the recreational harvest limit, if we're wrong in terms of where it falls in that distribution.

MR. WOJCIK: Okay so the Technical Committee's feelings were mostly that since the MRIP data was so variable that by trying to meet that point estimate was almost impossible. The way we looked at it is that the range between the two PSEs was really the target that we really should be trying to reach.

CHAIRMAN LUISI: Follow up, Mike?

MR. RUCCIO: Just a quick follow up and I appreciate that. But the challenge I think we have is the potential disconnect in looking at it that way, and how the FMP is constructed. We're beholden to a point estimate, in terms of the recreational harvest limit. We don't have the ability to look at a range for the recreational harvest limit. Certainly we can discuss this more as we move forward into the actual discussion on the alternatives.

CHAIRMAN LUISI: I think in moving forward, depending on what gets put on the Board for discussion. We're going to need to get some clarification as to how GARFO would move on, in the event that certain options are selected; because of the risk associated with the consequence of a disapproval of a certain action.

Stay tuned, Mike. I'll probably come back to you here in just a bit. But with that said, I think it's time now we need to move away from

question and answer and get to a more broad discussion about whether or not to consider final action. Looking at the time, I am absolutely guaranteeing you that we will not finish this discussion in 15 minutes.

But it was probably unrealistic to think that with a 40 minute time slot that we were going to get this done. With that said, I would like to instead of just opening the floor for discussion, I would like to actually turn to the Board and look around the table for a suggested motion. That way we can focus our discussion on that motion; rather than a more broad and general discussion regarding what we're going to do with Addendum XXVIII. I'll look to the table. Bob Ballou, oops Tom, I saw you, you were first. I'm sorry.

MR. TOM BAUM: I am prepared with a motion. I provided staff with a motion. It's up on the board so I'll read it. Based on what I've heard from the public hearings and our Commissioner, **I move to postpone Addendum XXVIII until confirmation of a new Secretary of Commerce and NOAA Fisheries can submit new regulations directly to the Federal Register.**

CHAIRMAN LUISI: Okay so we have a motion by Tom Baum, do we have a second on that motion? Again, is there a second on the motion; Marty Gary seconds the motion. Discussion by the Board, Tom, would you like to justify or provide comment to your motion?

MR. BAUM: I would. People who know me know that I'm not a man of many words; but that might change. The message we received at our public hearing and from Commissioner Martin is clear. New Jersey stakeholders just cannot survive more restrictive measures on its recreational summer flounder fishery. Size limit increased to 19 inches, equates to a 50 percent decrease in the available summer flounder in New Jersey waters. For years under state-by-state conservation equivalency, New Jersey opted to provide our anglers a reasonable size limit, by sacrificing the season length. Our

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Marine Fisheries Council always strived to ensure that the recreational summer flounder season was always open, at the very least from Memorial weekend through Labor Day.

Our March Council meetings were always very contentious when size, season and possession limits were debated; actually as state-by-state conservation equivalency came to an end, they were debating like four days, how to cut four days from either the beginning or the end of the season.

This management Board has had numerous discussions concerning recreational regulatory discards, and I'm sure that that issue will be included and investigated in this ongoing comprehensive summer flounder amendment. But we need to decrease these discards now. Raising the size limit does not address this issue.

Up to 90 percent of the recreational catch is discarded, 90 percent. I can't imagine how high that percentage will go when we increase the size limit. It might go to 100 percent. I recall the answer to a question about stock assessments and dealing with uncertainty, and it went something like; we need to be certain about the uncertainty.

But right now there is a lot of uncertainty about summer flounder management that we are not certain about. I'm very fortunate that I share an office with Jeff Brust, he's our research scientist, and a lot of people around this table and in the audience know him. If you don't, well I have the highest regards for him.

When we ask him questions about summer flounder he'll say, I've watched him at his computer, well let me check on this option, and he'll be writing the code for the size and bag limit reduction. He'll do the table right there. That code used to be available from the Mid-Atlantic Council when MRFSS became MRIP; the code was not good any more.

But Jeff has worked on it. He did the calculations, came up with similar percent reductions as what is up on some of the options included in the addendum. When we discussed recreational harvest estimates just last week, and how variable they were; obviously we heard that from the TC report. He pointed out that yes they are, but they are more variable within waves; more specifically Wave 5 has been highly variable.

Our season isn't even open the entire part of Wave 5, yet the estimates that are calculated could encompass a whole season; almost 200,000 fish in Wave 5 that's not even open for two months. I remembered that 2015 recreational harvest preliminary estimates when they were published. They were the lowest in the history of the survey for some of the waves and some of the states.

I couldn't help but think, this is the direct result of the conduct of the intercept survey and/or the effort survey. I'll come to an end, thank you, Mr. Chairman; but today is groundhog day, and just like Bill Murray's character, Phil Connors, I am not looking forward to the next time I wake up and I hear Sonny and Cher's, "I Got You Babe" when that alarm goes off. Am I going to end up back in this room? I'll conclude. In this hotel, I get on that elevator and it just reminds me of dealing with summer flounder reductions as it says, "going down."

CHAIRMAN LUISI: Let me just remind the Board that a motion to postpone is debatable. However, the portion of the motion that is debatable is the time certain portion of the motion. The time certain here would be when NOAA Fisheries can submit new regulations directly to the Federal Register.

That's the portion of the motion that is debatable by the Board. I may look; I'm going to look around to see if anybody has any specific direction here. But again, this is a timing issue. I think we are faced with the challenge of finding ourselves essentially

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running out of time to make a decision as to how we move forward.

There are consequences of not moving forward, and delaying to the point where the Board does not achieve a conservation equivalency that NOAA will have no other choice but to implement the non-preferred alternative. As far as timing goes, this Board will convene again with the Mid-Atlantic Council in North Carolina in two weeks.

The next meeting of the Board will be in May. I look to staff and to GARFO to maybe consider timing and how this timing would work. I assume that if NOAA Fisheries gets the authority to move forward with new regulations; that the Board would need to convene in some way. But May might be too late for that. I'll look to staff. Bob, maybe Toni or Mike can give us some thought as to the timing of all this and how it might work.

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

CHAIRMAN LUISI: State your point.

MR. NOWALSKY: The point is I believe the motion actually has two elements of time certain; confirmation of a new Secretary and the ability to submit new regulations. I believe you had indicated the only time certain point was the ability to submit new regulations; if that needs to be clarified with the maker of the motion, I would ask you do so.

CHAIRMAN LUISI: I missed that Adam, thank you for pointing that out. I think both points there are of time certain. We'll state that for the record that we can discuss either point as a time certain. Mike.

MR. RUCCIO: I think we need some clarification on what is intended with the regulation here. Technically we can submit regulations now; they're just not going anywhere depending on the substance and content of what they are. We are able to currently effectively promulgate

in-season actions, which are regulations. It is hair splitting to a degree; but what's the intent here?

Further, the Secretary of Commerce appointment has no certainty as to when that will happen. Certainly confirmation hearings are occurring now. But it could be years. Under some prior administrations we've not had political appointees in place for the first seated year of the administration.

I just question how that is helpful to either the resource or the public to stick our heads in the sand and take no action. I don't see how this is productive or helpful. I understand the frustrations. We've had many conversations around this table about MRIP, about assessments. Many of the points that Tom made are ones that have come up frequently; and I understand that. But to the time specific elements of this motion to postpone, one has absolutely no certainty, and one I don't think is technically correct as it's written. We have issue with this.

CHAIRMAN LUISI: If I may I would like to ask you a direct question regarding timing again. If NOAA Fisheries feels as if we're getting further along into the season, in some cases the season has already begun in some states; and you're stating that you are able to, even though there are more hoops to get through.

But you are able to move forward and promulgate regulation now. Would NOAA Fisheries look to this delay as a problem for achieving the RHL, and you may take it upon yourselves with the uncertainty in the points in the motion, to moving forward without any Board action on the precautionary default that was determined back when the Board met with the Council jointly?

MR. RUCCIO: It is certainly something that we would have to consider. I think that we view it as we have an obligation under the Act to try to ensure that we're meeting the objectives

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related to mortality for the stock. As we discussed in December, the indications are it's not in good shape. It is subject to overfishing and it is perilously close to becoming overfished.

I think it would be irresponsible for us not to have management on the stock for this year, which this motion may result in. As to whether or not we would have to take a unilateral action to either implement the non-preferred coastwide or precautionary default; that is something that we would have to take a look at relative to what comes out here and the timing that's associated with it. But it's certainly something we would have to consider.

CHAIRMAN LUISI: Chris Zeman.

MR. ZEMAN: Contrary to NOAA's position, I believe a postponement is absolutely appropriate now, and will be very helpful. I do think the new administration should have the opportunity to review these regulations before these draconian cuts go into effect. This has been an experiment that has been happening since 2013.

This was supposed to be a one year measure to try this out. It is now into its fourth year. I was on the Mid-Atlantic Council back in 2013. I opposed this approach, because this plan was not prepared. It was missing key components and there was a lot of pressure to get to push that plan through.

I see now three years later we're seeing the results of that decision. We threw away a plan of conservation equivalency that had a longstanding history of complying with targets, 10 out of 12 years, I believe. We replaced that with a plan now that has been in place for three years and has failed to achieve its targets two out of those three years.

Now it was intended or it was proposed, it was advocated aggressively by the Regional Administrator, the active Regional

Administrator at that time to address the inequities of one state. Four years later we now have four states in crisis, including that one state. For these reasons I think we really do need to take a break here.

Really consider the track that we're going down; because frankly I think regional management is a disaster. We need to really address this. I've never been more concerned about the status and the management of summer flounder since I've been on the Council since 2009 to 2015. We had a long history of complying with our targets and stability. I'm seeing that now we're losing that because regional management seems to be shifting the responsibility of every state and diffusing it among regions. We're losing that direct ability where a state is responsible for its own destiny. It sets its own measures and it gets the benefits of its conservation. We have a system where those states that actually do.

CHAIRMAN LUISI: Chris, with all respect could you try to focus your comment to the time specific point of the motion. I don't want to deviate from it.

MR. ZEMAN: It is actually crucial this is reviewed. We don't want to just go through the motions here and then we go with another addendum; because 2018 will be no better than we are at now.

MR. EMERSON HASBROUCK: I have a question, in terms of where we would end up if this motion should pass. I'm looking at the language in the Draft Addendum for Public Comment that says that unless an alternative management approach is selected for implementation via this addendum, management of the 2017 recreational summer flounder fishery will default to state-by-state allocations regulations based on 1998.

That is what one paragraph says. The following paragraph says that under any alternative to coastwide measure implemented by the

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Commission, NOAA Fisheries has the authority to supersede those regulations; essentially going to the precautionary default measures. I'm not sure where we would be headed here.

I don't know if anybody has an answer to that; and if postponing action here does that just defer in a way what it said in the first paragraph that unless an alternative management approach is selected? It doesn't say by what time. What happens if we get to May or June and we haven't acted on this?

CHAIRMAN LUISI: Thanks for the question, Emerson; and I think that was the point I tried to make a little earlier and Mike clarified. If we approve the postponement here, and that postponement of taking any action on this addendum, if we have to wait until there is a confirmation of a new Secretary and NOAA Fisheries can submit new regulations, it is indeterminate as to when that time would be.

It is not that we are selecting in any way the no action alternative in the addendum. It is just we're putting on hold everything that is in the addendum right now for some future discussion. There is risk with that. The risk is that by taking no action NOAA Fisheries might take their own action.

The Board committed to conservation equivalency back in December with the Council. I view it as a hold. The hold could be for a week, the hold could be for six months; and as Mike alluded to a year, as to when we take final action. The timing is critical and there is risk associated with the timing of this.

If this motion were to fail, obviously we would have a discussion about the alternatives in the plan. If the alternative were selected for no action, we would essentially default to state-by-state conservation equivalency by not continuing this addendum. In my mind that's how these pieces all come together. Do I have any other comment on the time issue of the motion? Rob O'Reilly.

MR. O'REILLY: Certainly have heard some good information this morning from New Jersey, both from Commissioner Martin, from the Governor's proxy and from Tom. I have to say that I'm bothered that there can't be some other avenue for New Jersey now. I was hoping, and I was concerned that the motion wasn't going to get seconded for a second.

But I was hoping that hearing Greg from the Technical Committee, and we could have explored that further, that there might be some other avenue here. I know this is about the timing, because what is the alternative to this? The alternative is not to delay. In order not to delay, what could New Jersey have that would give them a better sense that disaster wasn't so acute?

Just to go another little step further. Many, many years some of us have spent watching this situation where you have to make a target; and the success rate was really not good, as many of you know, all the way until about the last five years before we went regional. It is very difficult; you know that is why you're hearing things from the Technical Committee about Option 5 that might have more accuracy to it.

The other situation is that with all these situations we're in, we never come back and say; well, we needed a 28 percent reduction, we got 14 percent. Move on, let's go for the next round, and that's what we did for years and years. I think my opinion is the reason regional management worked is because the stock has been sliding.

I know everyone would like assessments each year and a benchmark every three years. We're pretty close to that. The benchmark was 2013, the update was 2015. I'm not going to repeat all the statistics, but suffice it to say the stock doesn't want to have us wait, I don't think, overall. I'm hoping there is something that we can consider and that New Jersey can consider that maybe with the right impetus, NOAA will

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look upon it as something that is reasonable. I think that is the way I look at this.

CHAIRMAN LUISI: I'm going to take one last comment, and then we're going to move on the question. David Borden.

MR. DAVID V. D. BORDEN: This will be quick. I'm opposed to the motion, but I have a timing question. The first opportunity we're going to have, as I understand it if this passes, in a perfect world if both of these criteria are met; we wouldn't meet again until May 1st. My timing question relates to the harvest. What portion of the harvest will have been already taken at that date? Can somebody in the Technical Group characterize that just using the historic data? I think it will help with the timing issue.

MR. ROOTES-MURDY: I think it's a great question, David. The problem is that when we're looking at the states that have over like the last three years been the largest contributors to the coastwide harvest, their season hasn't started until towards the end of May. While you have the states of Delaware through Virginia, and North Carolina open before that point. Their harvest is very small compared to the coastwide annual harvest. There is a certain percentage that would be harvested in theory, but to what degree it would be it is hard to pinpoint what that percentage would be.

CHAIRMAN LUISI: Let's take a one minute caucus and then we'll call the question.

MR. NOWALSKY: Mr. Chairman, if I may, the state of New Jersey had requested a roll call vote on this topic.

CHAIRMAN LUISI: We can do that. Let us get prepared for that and then we'll go around the table and call the question; after I read the motion into the record. We have a motion and it's been asked that we do a roll call. The roll call will be from the states of Massachusetts

through North Carolina, and including the Potomac River Fisheries Commission.

Let me read the motion into the record. **Move to postpone Addendum XXVIII until confirmation of a new Secretary of Commerce and NOAA Fisheries can submit new regulations directly to the Federal Register. Motion by Mr. Baum, seconded by Mr. Gary, and I'll turn to Kirby for the roll call.**

MR. ROOTES-MURDY: Going north to south, the Commonwealth of Massachusetts.

MS. MESERVE: No.

MR. ROOTES-MURDY: Rhode Island.

MR. BALLOU: No.

MR. ROOTES-MURDY: Connecticut.

MR. MARK ALEXANDER: No.

MR. ROOTES-MURDY: New York.

MR. HASBROUCK: No.

MR. ROOTES-MURDY: New Jersey.

MR. TOM BAUM: Yes.

MR. ROOTES-MURDY: Delaware.

MR. JOHN CLARK: Yes.

MR. ROOTES-MURDY: Maryland.

MS. RACHEL DEAN: No.

MR. ROOTES-MURDY: Potomac River Fisheries Commission.

MR. KYLE SCHICK: No.

MR. ROOTES-MURDY: Virginia.

MR. O'REILLY: No.

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MR. ROOTES-MURDY: North Carolina.

MR. CHRIS BATSAVAGE: No.

MR. ROOTES-MURDY: U.S. Fish and Wildlife Service.

MS. SHERRY WHITE: No.

MR. ROOTES-MURDY: National Marine Fisheries Service.

MR. RUCCIO: No.

CHAIRMAN LUISI: **Okay motion fails 10 opposed and 2 in favor.** Since everybody voted, or assuming there are no abstentions or no null votes. Okay back to the Board. Now that the postponement of taking action has been addressed, I will look to the Board for a motion regarding an option to finalize the addendum. Jim Gilmore.

MR. JAMES GILMORE, JR.: **I would like to propose that we adopt Option 5. Kirby has gotten a motion crafted before so we didn't have to waste time, so if you could get that up. Move to approve Option 5 (more coastwide consistency) from Section 3.2 with the removal of the following language: of particular note, Option 5 is calculated to achieve a 28-32 percent coastwide reduction (depending on the sub-option) less than the required reduction of 41 percent that Options 1-4 are designed to address.**

CHAIRMAN LUISI: Okay we have a motion; do we have a second on this motion? Matt Gates. Jim, would you like to speak to the motion?

MR. GILMORE: I'm proposing Option 5, because I sincerely believe this is the best most equitable solution for the difficult decision that we all face today in going forward. Again, it provides a viable fishery for all states in 2017, and hopefully in 2018. Just in terms of a little history, this marks my tenth year with this

body; and the first meeting I went to ten years ago was on summer flounder and allocations, and how we're going to manage the fishery.

Back then it was sort of difficult. I thought the Commission was about cooperation, and there wasn't a lot of leeway back then. It was sort of every state for themselves. But then three years ago this body should be commended that we got into regional management, because we took a leap of faith; and it focused less on the numbers and more on trying to keep a viable fishery for all the states that were involved.

We initiated regional management then, and contrary to the comments around the table, I think it's worked very well. The stock decline is what the problem is right now, not so much that regional management hasn't worked. We've had a lot less ojida because we have consistent rules between New York, New Jersey, and Connecticut now. There have been some hiccups, but it works pretty well. Now in 2017 we are facing a 40 percent reduction, and again a coastwide reduction on New York's most important fishery; it's not only New Jersey's. But this reduction is two parts; it is 30 percent from the stock assessment, which we believe. We believe we need to take action. Ten or 11 percent whatever is from the MRIP estimates. We believe the data mainly for a whole lot of reasons. First off, the stock assessment looked good. A lot of the reports we were getting back up and down the coast was that fishing was not good this year; including personal experience. Then MRIP comes out and says gee, we exceeded the RHL. It makes no sense.

That is why Option 5 is looking into MRIP being a predictor. Dr. Jones spoke yesterday about the improvements to MRIP, and I think it's getting there; but it's not ready for prime time. We're not there yet to use this, because there is so much variability. It is supposed to give us accurate estimates of effort and harvest; and it is not doing that not yet.

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Again, it is a very difficult survey to try to estimate millions of anglers and what they're actually catching. MRIP is a tool, but it's an imperfect tool; and we have to use that in management and look at it from that perspective that it's not exact science at this point, and hopefully someday it will. Option 5 looks at the stock assessment but challenges MRIP.

It essentially let's take a reduction that is really looking at a significant action to try to improve this. I'm just going to jump down a little bit here, because I don't want to get too long into this. But again it is keeping the fishery viable for all the states in 2017 and hopefully 2018. Options 1 through 4 to me are looking backwards.

We moved ahead three years ago when we went into regional management, and started managing the fishery with a more comprehensive and cooperative approach to it. We go back to those other options; they are all based on 1998. Three years ago we finally got past '98. It is 20 years ago. It doesn't really make any sense for management today, because of what the stock has done.

Just in terms of statistics, our fishery is a billion dollar industry, a lot of fishermen just like New Jersey. We're trying to keep it viable. We used to have 180 day season, it went down to 128 days. Options 1 through 4 give us a 59 to a 90 day season. Our industry is just killed under that. All those options are not going to give New York a viable fishery.

Again I'll jump down to the end here and let some other folks jump into this. I just believe that the Working Group has done a good job at getting the concern that I've heard around the table that NOAA Fisheries may not accept it, because it doesn't meet the 41 percent required reduction.

I firmly believe it does. I think the TC has done a great job and that the Working Group got

together and essentially if you look at all the variability with MRIP, I think that Option 5 not only gives a viable fishery and a fair distribution of that coastwide 30 percent reduction, it also takes into account that extra 11 percent.

Option 5 if we approve it, I think hopefully the NOAA Fisheries will accept that as being a viable option; because I believe it is. I've heard that they are considering it, and they've looked at that information. In summary, I just ask everyone today that we need to support Option 5 to continue to move forward. Take another leap of faith today like we did four years ago, and live up to the standards of the Commission of cooperating to keep us all in a viable industry and a viable fishery; and not go back to the best thing I can get for my state. We've given up a lot; I know the other states have. We appreciate that and we hope that cooperation continues today.

CHAIRMAN LUISI: Your point to not only quantitatively but the qualitative aspect of the Technical Committee work relates to your point about, in your mind this will achieve the desired reduction that's needed on a coastwide basis. Okay, I had Mark Alexander.

MR. ALEXANDER: I appreciate Jim's motion here. It is a hard choice that we all have to make. I recognize that there is a tremendous impact to the state of New Jersey, also the state of New York. Connecticut is a small player in our region, but it is no less important to us as well. Our recreational fishermen and our party charter industry are equally going to feel the implications of the choice we make here today.

I echo the concern about the MRIP estimates. We have had in our region static management measures for three years. For the first two years of those three years, our harvest estimates were pretty stable. Last year the harvest estimate doubled. We find that hard to swallow. At our public hearing for this addendum, our fishermen were unanimously

adamant that if anything the fishing in 2016 was poorer than it was in 2015.

For our estimate to double is hard to believe and we're very skeptical about that estimate, we appreciate the work that the Technical Committee has done; especially in regard to the effectiveness of the various changes and the various management measures.

As distasteful as a size increase is for everybody, the Technical Committee did show us that size matters here, and that everybody going up an inch will very much increase the likelihood that if we implement this option that we will achieve a harvest reduction that is within the range of the PSCs. I hope that NOAA Fisheries recognizes that and takes that into consideration when they consider whatever comes out of the Commission's deliberations today.

MR. BALLOU: I would like to move to substitute, if I may.

MR. LUISI: When you're ready.

MR. BALLOU: I've provided this to staff, so if they could put it up on the board I'll read it. **I would move to substitute by adopting Option 2, revised by substituting the words one inch minimum size increase with the words 30 percent reduction.**

As revised, the option will require the regions of Massachusetts, Rhode Island, Delaware through Virginia and North Carolina to enact management measures for 2017 aimed at achieving a 30 percent reduction in harvest relative to 2016, and require the region of Connecticut through New Jersey to enact management measures for 2017 aimed at achieving a 43 percent reduction in harvest; relative to 2016. If I receive a second, I would appreciate the opportunity to speak to it.

CHAIRMAN LUISI: Okay we have a motion, do we have a second; Nichola Meserve. Bob.

MR. BALLOU: In accordance with the comments offered at the Rhode Island public hearing and the preliminary review undertaken by the Rhode Island delegation, Option 1 is our preferred approach. That said, we feel a variation of Option 2 as just moved, would constitute a more fair and reasonable compromise for all states and regions for the following reasons. I have ten points and it will take me about one minute to provide them to the Board. Number 1, it meets the 2017 RHL and is thus consistent with the 2017 fishery specifications approved by this Board at its December 13, 2016 joint meeting with the Mid-Atlantic Council. Two, it addresses the Board priority goals of ending overfishing and preventing the resource from becoming overfished.

Three, it maintains a regional approach to conservation equivalency, coupled with regional targets. Four, it applies as a minimum a uniform 30 percent reduction to all regions consistent with the 30 percent decrease in allowable biological catch for 2017; which was approved by this Board at its August 9th, 2016 joint meeting with the Mid-Atlantic Council, and which has already been enacted for the 2017 commercial summer flounder fishery.

Five, it applies a uniform 30 percent reduction in lieu of a uniform one inch minimum size increase; thereby affording regions the flexibility to adopt management measures that are best suited to address the needs and interest of their recreational fisheries. Six, it recognizes that a uniform 30 percent reduction applied to all regions.

It lowers the 2017 harvest targets for the regions of Massachusetts, Rhode Island, Delaware through Virginia and North Carolina to levels that are below their 1998 based allocations for 2017, thereby holding them to a more restrictive standard than they otherwise would be held to under 1998 based state-specific conservation equivalency.

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Seven, it requires the regions of Massachusetts, Rhode Island, Delaware through Virginia and North Carolina to share the fish they would otherwise have had access to under 1998 based state-specific conservation equivalency with the region of Connecticut through New Jersey; resulting in a de facto transfer of approximately 240,000 fish to that region.

Eight, it applies an additional 13 percent reduction to the Connecticut through New Jersey region, as needed to achieve the coastwide RHL; resulting in a 43 percent total reduction for that region. But it also results in a final 2017 harvest target for that region that is 32 percent greater than its 1998 based allocation for 2017.

As such, the Connecticut through New Jersey region would become the only collection of states able to harvest in 2017 at levels that are higher than their 1998 based allocations. Nine, it recognizes that under management measures that remained unchanged in 2015 and 2016, harvest decreased significantly in the regions of Massachusetts, Rhode Island, Delaware through Virginia and North Carolina; while harvest increased significantly in the region of Connecticut through New Jersey.

Ten, and finally it results in an allocation of 80 percent of the entire coastwide RHL to the region of Connecticut through New Jersey, which is a huge jump from the 60 percent they were afforded collectively under the 1998 based allocations. Mr. Chairman, I cannot conceive of a more fair and equitable and reasonable way to manage the recreational fluke fishery in 2017.

CHAIRMAN LUISI: Let me just take a second to clarify. This is more so a hybrid approach of the two options, not specifically directing states to take a mandatory one inch size increase, but to deal with the 30 percent reduction in the way that they would choose to; the difference being between Option 2 and Option 3. The way it's

laid out is that in the case that you presented the states of Massachusetts, Delaware, Maryland, Virginia and North Carolina don't differ from what's in the table; but Rhode Island would fall into the category of just achieving the 30 percent reduction, rather than what is shown here in the tables of a slightly higher reduction.

MR. BALLOU: That's correct, Mr. Chairman. It adopts the methodology of Option 2, rather than the methodology of Option 3.

CHAIRMAN LUISI: Let's take a few comments. Adam, did you still have a comment? You're on my list.

MR. NOWALSKY: I certainly do have a comment. I did have a question about the original motion, which I think is still relevant. I know it is not the motion on the board, but I'll ask it; because it may influence this, and then if I may make a comment. Option 5 included language below the table that stated, New Jersey's ocean waters effectively shall have a size and bag limit consistent with New York and Connecticut; even though they're not technically part of it.

We heard comments earlier that a region would be held accountable, and if they were not submitting measures that were consistent with the reduction needed that the region would be held accountable. Under the previous option contemplated prior to this substitute, how would New York and Connecticut potentially be held accountable should New Jersey's measures not be the same in their ocean waters as New York's and Connecticut's? Because technically they're not in the same region, but the document says that they shall have the same size and bag limit.

MR. ROOTES-MURDY: I think what gets a little confusing here is that this is a motion to substitute for Option 5, so it would really be to the motion maker whether they would allow for

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that change in having separate measures in Delaware Bay for New Jersey.

CHAIRMAN LUISI: Well Adam, I think to your point too, and I don't want to spend too much time on Option 5; since we need to focus on what's on the board. Given that New Jersey is within its own region, I would say that you could use, if a certain percent reduction is needed you could achieve that percent reduction with measures that are different from what are shown in the example.

MR. NOWALSKY: My reason for the question at this time still is that given that we're two layers deep, and we could according to Roberts Rules go three layers deep. I would entertain amending this motion to include a Delaware Bay option. But I would like to know what the complexity that would entail, relative to that constraint in the text about New Jersey having the same size and bag limit in its coastal waters.

CHAIRMAN LUISI: I'm going to pass that to the motion maker. I would rather not go three layers deep, but I'll look to Bob to see if that's something that could be considered here.

MR. BALLOU: I would strongly support an added provision addressing the Delaware Bay issue, essentially the issue that Adam Nowalsky is raising. In terms of how best to do that in terms of crafting the language that would achieve it, I don't have anything prepared. But I certainly feel it is consistent with the substitute motion; and I would strongly support it.

CHAIRMAN LUISI: Nichola.

MS. MESERVE: Yes that's fine and I would note that this revision to Option 2 actually frees up more fish to be shared with Connecticut and New Jersey, thus making it very easy to accommodate the small change in harvest for the Delaware Bay part of New Jersey.

CHAIRMAN LUISI: Given that both the motion maker and the seconder have supported the

idea, I hate friendly amendment but I think we can maybe take that as a friendly amendment here, and we can have staff work on language while we get some other comments around the table. I have Jim Gilmore then Rob O'Reilly. Jim, if you could focus comment to the option that is on the board right now I would appreciate that.

MR. GILMORE: Will do, Mr. Chairman. Just to Bob Ballou's comments. First off as I said before, 1998 its 20 years ago, we have an amendment before the joint Mid-Atlantic Council and the Commission to finally get past that because it is not useful data any more. The more important, I'll give you Point 11.

If we go with Option 2, New York, New Jersey and Connecticut get a 96 day season three-fish bag limit. Rhode Island has 184 day season and an eight-fish bag limit. That will create chaos on the border waters of Block Island Sound, Long Island Sound, and the South Shore of Long Island and all the Peconics.

That is exactly what we need to get away from. We got into regional management to prevent all of this chaos between widely different limits between different border waters. Adding that in is going to have economic impacts, and it is going to create a whole lot of havoc on the east end. I am opposed to that motion.

MR. O'REILLY: I am opposed to the motion. I know that we say things and different people hear them differently, but providing fish, sharing fish is great. Freeing up fish depends on the circumstance. I am worried with taking the original Option 2 and modifying it that it puts us in a position in the Delaware, Maryland, and Virginia region that we face some serious problems.

I liked where Bob Ballou started that he liked Option 1, because the Virginia anglers liked Option 1; and it went on from there. But I think the way things are going, I mentioned earlier Delaware had 95,000 fish more than Virginia,

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and more than Virginia and Maryland perhaps; I would have to look at that.

But nonetheless, there has been a shrinking situation. The days of worrying about an 800,000 fish target being eclipsed are over; that was a decade ago. But nonetheless, there was a fair 2014 year class. I would hate to see us that vulnerable that we would even drop down from 140,087 fish and drop down there to 134,145.

That means Maryland and Virginia would have 40,000, and I just can't support that. I am remiss for not pushing harder back in 2014 that we had a contingency plan for all this; because now it's too late. The idea that we could have reset these targets from 1998 to the advent of regional management would have been a wise thing to do; because it would give some security in a disequilibrium stock. But that didn't happen, so Jim Gilmore's comments are correct.

CHAIRMAN LUISI: One last comment and then I'm going to call the question. Chris Batsavage.

MR. BATSAVAGE: While I appreciate the motion doesn't require a size limit increase as part of that reduction, I can't support this motion. As has been discussed in prior meetings, flounder management in North Carolina gets complicated; where we have the same regulations for summer and southern flounder.

Here lately southern flounder management has kind of taken precedent over summer flounder; although it's been the other way around in the past. Basically what would happen with 30 percent reduction, you see on the table, it would reduce our already very small harvest. It would also have a very significant impact on southern flounder harvest as well; which goes against the current management in place.

Kind of going back to that management real quick, through our southern flounder fishery management plan, we were supposed to have

an October 16th through December 31st recreational harvest closure. However, those measures and other measures weren't implemented due to a lawsuit and an injunction that stopped those.

We don't know what the status of all that is, whether that will go back in place. If it did, for instance in 2016 it would have accounted for about 20 percent of our summer flounder harvest; so it would have a secondary benefit of kind of holding our harvest set at a low level, or at least keep it in check. Since that is uncertain and having to go another 10 percent beyond that to reach the reduction for summer flounder, and their impacts to southern flounder is just more than we could really feasibly do; so therefore I can't support it.

CHAIRMAN LUISI: I do apologize. Mark, I had you on my list. I skipped you by accident, so Mark Alexander and then I'm going to go to Mike; and then we're going to caucus and vote on the option.

MR. ALEXANDER: I oppose this motion. The region from Connecticut to New York is in this position because of two things, one is some questionable MRIP estimates, and the other is that the shift in abundance to this species has put us in harm's way. I think that as these options were developed by the working group, the intent was to try to move away from state-by-state management; based on the 1998 shares. I think that this option draws us more back in that direction. I think to truly address the issues in this fishery for this year; I don't believe that this option is fair and equitable for our region.

CHAIRMAN LUISI: Mike, did you have one last comment?

MR. RUCCIO: We plan to abstain on not only the motion to substitute, but probably all of the alternatives that are under consideration; and part of the reason for that and what I wanted to say. It was germane, maybe more so to Option

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Number 5, but possibly even to this one is, under the conservation equivalency regulations the Regional Administrator makes a determination that conservational equivalency has been achieved.

The basis for that determination is a recommendation from this Board. As options are debated, we will need to, whatever system is finally enacted, understand that that has from the Board's perspective both through their gut feeling in some of these and through analysis and explanation, has achieved conservation equivalency. That usually comes in the form of a letter. But on the specifics of which alternative, we're going to abstain on those and then we'll make our judgment on the determination whether or not conservation equivalency has been achieved by what we get back from the Commission.

CHAIRMAN LUISI: Thanks for clarifying that Mike. Toni, did you have a point of clarification?

MS. TONI KERNS: I just want to clarify to the Board that under the way this option is established, New Jersey is a part of the Connecticut through or the New Jersey through Connecticut region, and that they have a provision within there to adopt area mode specific regulations within that region. But they are still part of the region, so if one state does not put in place measures that are conservation equivalent it impacts the whole region; is the way the addendum is set up, versus that just impacting the state.

CHAIRMAN LUISI: The way I see this though is that New Jersey would have the option for a Delaware Bay fishery and size limits, as long as all the other states within that region were afforded that same opportunity. They may not enact that opportunity, but they would be afforded the opportunity.

MS. KERNS: That is correct; and the cumulative regulations from the region add up to what the reduction is needed.

CHAIRMAN LUISI: Okay thanks for that clarification Toni and Bob. Let's take a one minute caucus and we'll come back and call the question. Okay so back to the Board. While in Kirby's presentation earlier he addressed that there was considerable discussion and comment raised by the public through the public comment process.

I will entertain public comment, but I'm only going to take one comment in support of and one comment in opposition of the current motion that we're about to call the question on. I would ask that you keep that comment to two minutes. I'll look at the room right now. Is there anybody in the audience that would like to comment in support of the Option 2, as modified? Okay seeing no support. Frank.

MR. FRANK BLOUNT: I would like to speak in favor of this motion. I think Bob Ballou laid out a very, very good case there on the ten points. If you go through the last few years, I'm going to represent the party and charterboat side, especially the party boat side. Party boat landings are down to about one-third of what they used to be.

The private shore mode is down to about a third of what they were. The problem we're seeing now, whether it's the data or the fishery, is the private recreational anglers catch has not changed significantly. It has gone from 2.1 million fish to over 1.8. There is a reduction, but the other two modes are down to about a third of what they were.

We don't have specific regulations for party and charter. Well we do have specific regulations for the shore mode in some states. I think this motion addresses some of those concerns with the shore mode and the Delaware Bay and how that works down that way. I know people say we're 20 years away from the 1998 allocation, which we are. In this motion it changes that allocation from 60 to over 80 percent for those states. If you're fish sharing, I think this does

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accomplish that. The comment was made with the different regulations between the states. Massachusetts and Rhode Island have had different regulations for years with different size limit, and we've had no problems there. There are problems between New York, Connecticut and Rhode Island; I've perceived problems there. I do feel bad. Most of my good friends live in New York and they're here in the room today.

But this motion and what this Commission and Council have done for the last few years has not addressed the problems. The fluke amendment has been on the board for years, and the Council has chosen not to do anything with it. I urge that you move forward with the amendment and I also urge that you would support this motion. Thank you.

CHAIRMAN LUISI: Thank you Frank. I will look to somebody speaking in opposition. Tony DiLernia.

MR. ANTHONY DiLERNIA: I don't support the motion. The primary reason why I don't support the motion is because recreational fishermen want the opportunity to go fishing. It's that simple. When a fishery is closed they can't go fishing. Option 2 for most of the states, well for Connecticut, New York, and New Jersey, the number of days available for fishing opportunities goes down to 96 days.

That cuts right into when summer flounder are typically available in those waters. At the same time it gives Rhode Island 184 days of fishing opportunity. Well, quite frankly that covers the entire time summer flounder are in the waters of Rhode Island. Option 5 gives the states of Connecticut and New York, New Jersey 128 days; which still cuts into when the fish are available to the recreational fishermen of the state.

But it gives them more days than Option 2. By the way, Option 5 gives Rhode Island 245 days of fishing opportunity. Summer flounder are

not in the waters of Rhode Island that amount of time. What this comes down to in a sense is for some states well, good for us, hooray for me; and for other states, well too bad for you.

That's what Option 2 does. I don't agree with that. I think that Option 5, which gives the maximum number of fishing days to the entire recreational community along the coast, is the way we should go. I understand New Jersey's issue with the minimum size of 19 inches in ocean waters.

Perhaps if Option 5 is passed, the Board can later on revisit the concept for something New Jersey has been asking for, for years. Whereas, I believe Barnegat Bay south that the minimum size be more consistent with the Delaware Bay regulations. That is something I believe has merit and should be examined, but only after Option 5 is adopted.

CHAIRMAN LUISI: Okay we're going to come back to the Board, and during that public comment I received some guidance from the Service, and staff is going to provide us the thoughts on the guidance from the Service.

MS. KERNS: In thinking about how we did this last year, we allowed New Jersey to be their own region. Part of the rationale for having New Jersey be their own region is because in the Council framework to do regions, all states within the region have to have the exact same size, bag and season. In order for conservation equivalency to work under the federal plan, all the regulations have to be the same. Under this option, if New Jersey were to adopt separate regulations for Delaware Bay, then there would be different regulations within the region and that would not work for the federal government; under the framework that the Council has for regional approach. In order for this to work in both state waters as well as federal waters, we would need to have New Jersey be their own region.

CHAIRMAN LUISI: Are we able to modify this, Toni? Was there a thought as to how we would modify this motion to make it clear that New Jersey could and will be their own region, since it hasn't been analyzed?

MS. KERNS: I could give it to you in words; I couldn't give it to you in percentages and numbers. Do you want me to give you words?

CHAIRMAN LUISI: There have been a lot of words today, so yes words are fine.

MS. KERNS: And require the region of – I'm going to say it slowly for Amy – Connecticut through New York and the region of New Jersey to enact management measures for 2017 aimed at achieving a 43 percent reduction in harvest relative to 2016. The table would no longer apply, because I don't know what the numbers would be and I don't know how you would share those 240,988 fish. I don't know how to proportion all of that out on the fly.

CHAIRMAN LUISI: I understand that and it is the reason why sometimes on the fly doesn't work best for the Board. They should have been thinking about this as we developed these tables. It is a hard thing, because you certainly have an intention. There was support for that intention to be included.

But not knowing now what that table looks like I think is a challenge for the Board. In my mind it is. I'll leave it at that. Given that we made an adjustment here to the motion, I'll look to the Board for any particular comment before we call the question. Seeing none; is there a need for another caucus? All right seeing none; I'm going to go ahead and call the question. I guess I need to read the motion into the record first.
Move to substitute to adopt Option 2, revised by substituting one inch minimum size increase with 30 percent reduction.

As revised the option will require the regions of Massachusetts, Rhode Island, Delaware through Virginia and North Carolina to enact

management measures for 2017 aimed at achieving a 30 percent reduction in harvest; relative to 2016, and require the region of Connecticut through New York and the region of New Jersey to enact management measures for 2017 aimed at achieving a 43 percent reduction in harvest relative to 2016, and that states within a region may adopt mode or area specific regulations; as long as they are afforded to all states in the region.

Is the Board ready for the question? All those in favor of the motion to substitute please indicate by raising your hand. **Two, all those opposed like sign, it is eight opposed, any null votes, any abstentions; two abstentions, the motion fails for lack of majority. We are now back to the main motion, any comments on the main motion?** Eric Reid.

MR. ERIC REID: I just have a question. Because of the nature of this motion, this is new ground; where 28 to 32 percent equals 41 percent in some magic math. I love magic math. But what happens if we approve this and the Service says no?

CHAIRMAN LUISI: If we approve this and the Service says no, the non-preferred alternative, which was agreed upon in December; jointly with the Council, would be what the Service would implement on a coastwide basis.

That motion would establish, based on the motion a 19 inch total length minimum size fish with a four fish possession limit and an open season from June 1st through September 15th; would be what the coastwide measures would be, with the caveat that when final MRIP estimates are available that 41 percent reduction may change and that the non-preferred alternative may therefore change, as it relates to the MRIP estimate from 2016. That was part of the discussion on what I had mentioned earlier about risk, and Mike spoke to the issue.

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We heard the Technical Committee report that their both quantitative and qualitative approach to this is something that they feel confident in. Mike Ruccio mentioned that in order for us as a Board to be seen as achieving conservation equivalency, we would need to state that this option achieves conservation equivalency, and we need to be confident in that; not only using quantitative approaches, but more qualitative approaches as well, given MRIP estimations and error around the point estimate. I'll leave it at that for now. Toni and we'll come back to you, Jim.

MS. KERNS: Mike, I just want to ask a clarifying question to Mike Ruccio. Would it be the non-preferred or would it be the actual coastwide measure that was established? Not the precautionary default, but the coastwide measure, which I believe – I thought it was 20 inches – but I could be wrong.

MR. RUCCIO: Happy to clarify. The precautionary default is 20 inches, two fish, July 1st to August 31st. The non-preferred coastwide was 19 inches, four fish, June 1st to September 15th.

MS. KERNS: Which one would you enact?

MR. RUCCIO: If the Board were unable to achieve conservation equivalency, we would implement the non-preferred coastwide measure.

MS. KERNS: And if you did not agree with Option 5, what would you pick?

MR. RUCCIO: I believe it's the non-preferred coastwide measure. The precautionary default, if you kind of sort through when Framework 2 I think it was, was put into place. There were some concerns that perhaps states would not comply with the Board's development of measures; and so the precautionary default is more of a backstop for a state that either was unable to or unwilling to implement measures that were agreed upon by the Board.

There is I guess a variation on a theme. If the letter came to us and said we've achieved conservational equivalency for all states except X, the Commission would actually recommend that we implement the precautionary default for that state. Then it would be up to its own devices to consider whether it needed to consider finding noncompliance and so on.

CHARIMAN LUISI: Thanks for that clarification. Do we need to caucus? I think we may. Jim.

MR. GILMORE: Just one addition to that. I think it has been stated a little bit too black and white in terms of how we do this. A few years ago in San Diego, when we met with the state directors and NOAA Fisheries, we kind of established that we actually, we're not even partners in managing this fishery, we're allies.

I don't think we're going to give them Option 5 and then wait anxiously until something comes out the other end. Any of that decision by the federal government will be iterative, and we're hoping that that process or whatever will get us to where we need to go. Again, I think it is the required reduction. If they can do it quickly enough, if there was an issue with it that it couldn't accept that I imagine we would still have an emergency option to come back to this Board and put up another option.

MR. O'REILLY: The last thing Jim said is what was on my mind as to why we didn't have a backup option; just in case. More and more I feel from my perspective that Option 1 would be a choice for Virginia, but this is the first time being in a region that you have three different states trying to decide something.

Option 1 is not going to be something that I'm going to move forward. I have stated before that I do like Option 5, because I've been through the mill, as some of us have, trying to either liberalize or reduce with lack of success. I think Option 5 sort of gets right at the heart of that. But I don't know whether what Jim said

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about having an emergency has to be that way, or should today if it is at all possible can we even have a backup option; should these coastwide default be put in place, because that certainly would be not very palatable down the southern end.

CHAIRMAN LUISI: Rob, if that's a question for me, I would see a backup option as weakening the position that the Board would take with the Service as to what Option 5 is. I'll leave it at that. I don't have any other comment regarding having a backup for that. I see hands going up. Folks, we do need to wrap this up. We're well outside of our time allotted. I do understand the importance. I'll take a couple more quick comments, and then we're going to have a caucus and then call the question.

MR. BALLOU: This is déjà vu all over again, because this discussion we're having right now is very reminiscent of a discussion we had at our meeting in December. The Addendum on Page 9 under 3.1, Default Management Approaches states; Unless an alternative management approach is selected for implementation via this addendum, management of the 2017 recreational summer flounder fishery will default to state-by-state allocations based on 1998 harvest in order to restrict harvest to the RHL.

I need clarification as to what would be the ramifications of this option not being approved by NOAA Fisheries. Would the default be to our 1998 based conservation equivalency program, or would it be to the measures that Mike spoke to; in terms of the precautionary default or the coastwide measure?

MR. LUISI: If NOAA Fisheries does not approve the selected option, it is of my opinion, and I can be corrected that the non-preferred coastwide measure will be put in place. The only way to return to conservation equivalency at a state-by-state level is to move on Draft Addendum XXVIII with the no action alternative. By taking no action at all on this addendum, we

now default back to the prior to regional management, because this is a continuation of regional management into 2017. The only way to get there is to vote on the option of no action in this addendum. Okay, Nichola.

MS. MESERVE: I just wanted to turn the question to staff as to whether they agreed to the timeline that has been suggested for the ability to come back and select a default measure, in the event that NOAA Fisheries determines this does not achieve conservation equivalency. Without a commitment today from NOAA Fisheries, I am really struggling to even consider this option, because of the risk of the coastwide measures.

Other than that I am concerned that this option does also not revise the RHL or the Recreational ACL, which is what we will be measured against down the road; in terms of the accountability measures. There is a risk down the road as well of reduced harvest limits, because of those accountability measures from the action that we take today.

Lastly, while there has been hesitation to say what the resulting reduction rates are per region from this option; it is notable that Rhode Island, for example, ends up with a projected harvest or target, whatever you want to call it; that is 34 percent under Option 5, and Connecticut through New Jersey's is 32. As you've said, 83 percent of the coastwide harvest in 2016 was attributed to that region. If we're not taking the cuts there then whatever we do along the coast is not going to make a difference, in terms of achieving the RHL.

CHAIRMAN LUISI: Regarding your question about how with process if NOAA Fisheries does not support Option 5 if it were to pass, would there be a process for which the Board could have an emergency meeting and select another alternative. I don't know, Bob, if you want to address that.

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EXECUTIVE DIRECTOR ROBERT E. BEAL: There definitely is a process where the Board can get back together and take additional action to decide what the next alternative would be, if this one is not accepted by NOAA Fisheries. The question is what would that venue look like; would it be a conference call, which is kind of cumbersome and unwieldy?

Would it be a face-to-face meeting, which would be difficult to schedule. NOAA Fisheries probably isn't going to make this decision over the next few days. We may not know for a little while, and that may get us close to the May meeting anyway. The timing of this probably is a bigger part of the decision than can we get back together.

We can definitely find a way to get the Board back together, it's just we don't exactly when to do that and we don't know the outcome. Given your statement that as a Chair you're concerned it would weaken your position to do that now, and kind of dilute the Board's support for Option 5. Then maybe we wait, see what NOAA Fisheries says, and then react to that through another meeting or some other opportunity to get back together.

CHAIRMAN LUISI: Okay so there is a process for which, if an addendum is finalized that you could go back and revisit the selected alternative in an addendum without initiating a new addendum and going through a full public process. I guess that was more my question.

EXECUTIVE DIRECTOR BEAL: Yes. Given the conversation that's on the record right now, and the Board is doing this with the realization that in order for this to be effective NOAA Fisheries will have to recognize this action taken by the Board and accept the conservation equivalency statement from the Commission, then I think the record is clear that if this doesn't work the Board is going to have to do something else.

CHAIRMAN LUISI: I have one last comment with Adam and then we'll finish up with you, Mike and then we're going to move on.

MR. NOWALSKY: The comments we've heard from New Jersey today notwithstanding, let me just offer that I am heartened by a lot of the things, not only have I heard but a number of actions that I've seen, documents I've seen. TC documents finally recognizing in paper, in writing for us to consider that the process we have of using the previous year's landings to project next year's landings simply don't work. Whether it is a function of that process, a function of the data, something combined. (beep)

CHAIRMAN LUISI: I'm sorry, Adam that was my mistake. I was just turning off my microphone.

MR. NOWALSKY: Was that retaliation (beep). I see where this is going. Apparently my good luck comments this morning were not well received. That being said, I remain heartened by the fact we're finally realizing that. I do not believe in my heart that there have been any ill intentions of the last ten years of our attempts at management.

But that being said, our management program has failed us. Our management program has failed the fishermen we represent, and now today more so than ever the management program is going to fail the resource by directing efforts onto the biological reproductive capacity of the fish. That is just a terrible statement to come from this Commission.

We heard the comments that this option was going to go ahead and provide a fishery for every state that this would affect. The Chairman made the comment about the earlier motion to postpone had risk inherent in it. Well let me tell you what, this option has no risk. It will destroy the fishery in New Jersey. It does not provide a sustainable option. It should come as no surprise that New Jersey will not

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support this option. We've heard some comments around the table today about a preference for Option 1.

I might encourage some more debate and discussion about that on the merits of the fact that it keeps a majority of states that this would affect at status quo; which is a position that New Jersey has advocated for. I think it would behoove the Board and those states that have considered it, to further put it on the record and have more discussion about it.

CHAIRMAN LUISI: Okay I'm going to take a one minute caucus; I'm sorry, Mike.

MR. RUCCIO: You can feel free to beep me off too if you need to, people might welcome that. I just wanted to speak a little bit to the concerns that we've heard around the table about what the Service may or may not do; with specifically this alternative. Let me try to be as clear and as transparent as I can be.

The way the conservation equivalency process works actually shifts quite a bit of that burden back to this body, the Board. We're awaiting a recommendation from the Board that conservation equivalency has been achieved; the white smoke. What we need to have is documentation that explains how these measures, or whatever measures are ultimately decided upon, are in fact going to be the conservationally equivalent measures that ensure that we have a high probability of achieving the recreational harvest limit.

Earlier today you heard me raise some concerns about relying on the percent standard error or one standard deviation and the RHL falling within there. I think we need to better understand the Technical Committee's analysis on that and their thoughts on that; as I phrased it earlier, the assurances that it won't be on the high end of the range.

We'll be looking for that kind of documentation, but that's going to come from this body and this

body's staff. Our determination to implement conservation equivalency becomes a function of the documentation that we receive that give us assurances that the measures that are put forward are going to work.

In years past it's been this very formulaic approach, where here's the percent reduction that's necessary, here is the percent reduction that all states used in crafting their measures. I also spoke highly of and am pleased to see that there are alternative approaches being attempted for this year.

But at the same time on the back end of that regardless of the fact that there are new approaches, trying to deal with the uncertainty of the MRIP estimates, we're bound by a point estimate for the RHL. The ACL is a point estimate, and so we need to understand how what comes forward will function with that.

I know that doesn't directly answer, but it is something that we're poised and ready to consider. It's something we'd like to work with, but we have to understand when it comes to us that it's going to work. If the documentation can support that decision then I think you have our answer. If it's not then we're going to have to think about it. I think until that process unfolds that is as directly as I can answer; will we or will we not.

CHAIRMAN LUISI: I'm not sure anybody ever expects a direct answer without seeing all the information available. But thank you for that clarification. We're going to take a one minute caucus, because I need to talk with my delegation and we'll come back for the vote. Okay back to the Board. I'm going to read the motion into the record.

Move to approve Option 5, more coastwide consistency from Section 3.2 with the removal of the following language. Of particular note, Option 5 is calculated to achieve a 28 to 32 percent coastwide reduction; depending on the sub-option. Less than the required

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reduction of 41 percent that Options 1 through 4 are designed to address; motion by Mr. Gilmore, second by Mr. Gates. Is the Board ready for the question?

MR. BALLOU: Roll call, please.

CHAIRMAN LUISI: We can do a roll call. I'll turn it over to Kirby for the roll call.

MR. ROOTES-MURDY: Going north to south again; Commonwealth of Massachusetts.

MS. MESERVE: No.

MR. ROOTES-MURDY: Rhode Island.

MR. BALLOU: No.

MR. ROOTES-MURDY: Connecticut.

MR. ALEXANDER: Yes.

MR. ROOTES-MURDY: New York.

MR. GILMORE: Yes.

MR. ROOTES-MURDY: New Jersey.

MR. BAUM: No.

MR. ROOTES-MURDY: Delaware.

MR. CLARK: Yes.

MR. ROOTES-MURDY: Maryland.

MS. DEAN: Yes.

MR. ROOTES-MURDY: Potomac River Fisheries Commission.

MR. SCHICK: Yes.

MR. ROOTES-MURDY: Virginia.

MR. O'REILLY: Yes.

MR. ROOTES-MURDY: North Carolina.

MR. BATSAVAGE: Yes.

MR. ROOTES-MURDY: U.S. Fish and Wildlife Service.

MS. WHITE: Abstain.

MR. ROOTES-MURDY: National Marine Fisheries Service.

MR. RUCCIO: Abstain.

CHAIRMAN LUISI: **All right motion carries 7 to 3 with 2 abstentions.** The next thing we have to do, we're going to take up the timeframe of the addendum; whether the timeframe will be for one year or two years. I'm going to look to the Board for a motion to that. Jim.

MR. GILMORE: **I move to approve Option B for the two-year timeframe.**

CHAIRMAN LUISI: Is there a second for that motion? I'm looking for the option here in the draft. Kirby is telling me it's Option 2.

MR. ROOTES-MURDY: Yes just to clarify in reference to the timeframe option it is Option 2, for two years or for 2017 and the ability to extend through 2018 in Section 3.3.

CHAIRMAN GILMORE: That's correct, I agree.

CHAIRMAN LUISI: That does not require that the addendum is in place for 2018, it just allows the Board to make an extension so that we don't necessarily have to have a three hour debate next year in February. I'll leave it at that. Is there a second on the option for 2017 with the extension? I know I'm looking for a second. Chris Batsavage seconds. Is there discussion on the motion? Okay seeing no discussion do you need to caucus on this?

MR. O'REILLY: What are we extending? I guess that's my thought. Are we extending this

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particular option for two years, are we extending what's in the addendum as possibilities for two years? I want to be clear on that. Then there is probably merit to the two years, if you think that MRIP by 2018, somewhere in that process maybe later in the year is when we all get hit with that. That is going to be enough to deal with for everything, and staff does have a lot of incredible work just to get through to where they did now. I guess my question though is still what's that entail? What will be carried over?

MR. ROOTES-MURDY: On Page 17 of the document, management for 2018, it lays out that if the Board chooses to continue one of these alternative options that's selected, it lays out that if the coastwide RHL is exceeded then region specific harvest will be evaluated with the understanding that more restrictive management measures will be needed to constrain regional harvest in 2018.

If the predicted 2018 combined regional harvest is higher than the 2018 RHL, regions will have to adjust their management measures in 2018. Now I will note that that offers a direction or information on how we go in one direction, but it doesn't necessarily give good guidance on how we go in say another direction; if it's well under the 2018 recreational harvest limit.

MS. KERNS: Just to clarify for Rob. I think it just approves this methodology that you're choosing, and that it has the ability to extend that into the next year. The numbers are the new numbers every year.

CHAIRMAN LUISI: And in the event we choose not to extend the methodologies, we could initiate a new addendum to reconsider alternatives that were discussed today or other options that we could come up with.

MS. KERNS: Correct, yes.

MR. NOWALSKY: I cannot in good conscience support any option that only provides us

unidirectional information on how to adjust measures moving forward. As Rob indicated earlier that is what got us in the box in the first place. We had no mechanism in place for how to account for reductions. That is why we've sat here for three plus hours now. To now say we're going to put a reduction methodology in place but not have one to have potential to go in the other direction; I can't support that. **I move to substitute Option 1; one year only.**

CHAIRMAN LUISI: Okay let's get that on the board and then I'll look for a second. I guess that's what Amy thought of your option there.

MR. NOWALSKY: Would "Go Eagles" help, Mr. Chairman?

CHAIRMAN LUISI: "Go Falcons" is more like it; nothing against my colleagues from New England. All right while we're working on getting that back up on the screen I'll take questions. Eric. Eric will second the motion; any discussion on the motion? We won't vote on it until it comes back on the screen, but if there is any discussion on the motion just to stay with 2017. What that would mean is that we would need to consider another addendum next year for moving forward in 2018. Nichola.

MS. MESERVE: I'm in support of the substitute motion. Despite the language in the draft addendum, I'm still not really sure what extending the provisions mean. Option 5 picked a size limit and a bag limit and applied them to states, so that methodology would mean that the Board would be making those decisions without the opportunity of public comment through an addendum process.

It doesn't sit very well with me, so I would prefer to the one year. In addition we've heard that the Technical Committee wants to suggest some revised methodologies. We still have 1998 as a reference year on the books; and there is some interest in moving away from that. The addendum process is the avenue for that if desired.

MR. GILMORE: Just to echo your comments, Mr. Chairman, all this does is give us the option that if this does work that we don't have to go through this laborious process next year. If we want to just do something different, going for the two year doesn't preclude that. I'm opposed to the motion; but again I don't think a lot of people understand this is not tying our hands in doing this next year. We can completely go for a whole new thing. But if this works or whatever, we can just cut the corners and not have to sit through another multi hour meeting.

CHAIRMAN LUISI: Yes it's not just the multi hour meeting, but again to the point if this were to work the addendum could be extended without going back to the public and doing public hearings. It's an administrative efficiency. That's how I see it. We still have the option next year to move for a new addendum to address concerns that may arise. Bob.

CONSIDER FINAL APPROVAL OF ADDENDUM XXVIII

EXECUTIVE DIRECTOR BEAL: This technological situation may take more than a minute. The motion is straightforward; do you want it one year? You know the current motion to substitute is just for the current year. Vote on that. If that passes then that is the main motion or it goes back to the two year.

CHAIRMAN LUISI: Okay so let's, based on that advice let's go ahead. Do we need a caucus? Rob.

MR. O'REILLY: So just listened to a couple comments. I think they're right, and I think Nichola's comment is very good. Is there some way that even though we extend the addendum that we also leave room to look at the new technical information and anything else that pertains to the 2018 fishery; without making it exactly like we went through today. Is there some way to do that? That's a question.

CHAIRMAN LUISI: I think Rob that if we wanted to explore something different than what Option 5's methodologies were for next year, we would have to initiate an addendum to do so. But it is completely within the Board's per view to do that. The option to extend is an efficiency for the Board.

That's the way I've seen it and thought about it in the past. We're going to go ahead and call the question. **We have a substitute motion for Addendum XXVIII for 2017 only. All those in favor of the motion for the 2017 only, please raise your hand. All those opposed like sign; any abstentions, two abstentions any null votes? Motion fails four to six to two.**

Back to the main motion for Option 2 for the 2017 and the ability to extend Addendum XXVIII through 2018. Is the Board ready for the question? All those in favor please indicate by raising your hand. **Eight in favor, all those opposed like sign, and two opposed any null votes, any abstentions; two abstentions, motion carries.** Okay we need one last motion to approve the addendum as modified today. Emerson.

MR. HASBROUCK: I move to approve the addendum as modified today. Do I need to name the addendum?

CHAIRMAN LUISI: That would be good.

MR. HASBROUCK: I move to approve Addendum XXVIII as modified today.

CHAIRMAN LUISI: Do I have a second? John Clark. Any discussion on the motion? Adam.

MR. NOWALSKY: There has been a lot of discussion here today. My primary takeaway at this point is that we remain concerned about the Service's ability to implement Option 5. I think the Service has information to take home today that the intent of the Commission would be to implement Option 5.

Given that and the fact that we're going to meet in two weeks, **I think it would behoove this Board to give the Service time to evaluate that and give us a final answer before we take action, and to that end I would move to postpone final action on this addendum until the joint meeting in Kitty Hawk.**

CHAIRMAN LUISI: Okay I have a motion; do I have a second on the motion to postpone final action? Eric Reid. Discussion on the motion? Mike.

MR. RUCCIO: I appreciate the intent of this, and as I referenced earlier I know people are uncomfortable with the uncertainty; and there is probably a really bad MRIP joke there that I won't make. I don't know that we're going to be able to tell you definitively, because our decision is predicated on receiving the memo that conservation equivalency has been achieved.

In two weeks-time I don't expect that states are going to be able to go off and codify the measures that are outlined in Option 5, so I'm not sure the Commission would be able to bring us that letter. If I'm mistaken on that process wise, great. But that is the process as it normally unfolds. We typically get that letter in late spring, April sometimes even into May; depending on states individual process. That's our decision point in the conservation equivalency process, so I think two weeks is a very tall order.

CHAIRMAN LUISI: Any other comments on the motion to postpone? Rob.

MR. O'REILLY: I also understand what Adam has just said, but I think our role is to have some certainty about what we just passed. Regardless of how it ends up, I think that that is a part of what we're doing today. A lot of comments that the methods we've tried in the past didn't work. Year X to year X plus one

doesn't work very well, never has. I think we should just go ahead and not wait.

MR. RUCCIO: One other quick thought here to is we have been working with the Technical Committee, we certainly will continue to work with the Technical Committee. We will continue to work with states through this. I don't want people to think that we are now separate groups. You're going to send us a letter and we're either going to go thumbs up or thumbs down and that's it.

We envision and plan on in the interim before we get that letter to continue to try to understand how these things are going to work, how and why the measures would be successful. I think it will be an ongoing process; rather than just a stark decision point on our behalf.

CHAIRMAN LUISI: Does the Board need time for a caucus on this? Are you ready for the question? Seeing no caucus; **so the motion to postpone final action on Addendum XXVIII until the joint meeting in Kitty Hawk; motion by Mr. Nowalsky and seconded by Mr. Reid. All those in favor of the motion please indicate by raising your hand.**

That is two in favor, all those opposed raise your hand please; that's ten opposed, any null votes, seeing no abstentions, motion fails for lack of majority so we're back to the main motion. We have move to approve Addendum XXVIII as modified today; motion by Mr. Hasbrouck, seconded by Mr. Clark. This is a final action of the Board so we're going to do a roll call vote on this action. Kirby.

MR. ROOTES-MURDY: Going from north to south, Commonwealth of Massachusetts.

MS. MESERVE: Yes.

MR. ROOTES-MURDY: Rhode Island.

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MR. REID: We're not sour grapes, we all have planes to catch; we vote no. Just so you know we're not walking out.

MR. ROOTES-MURDY: Connecticut.

MR. ALEXANDER: Yes.

MR. ROOTES-MURDY: New York.

MR. GILMORE: Yes.

MR. ROOTES-MURDY: New Jersey.

MR. BAUM: No.

MR. ROOTES-MURDY: Delaware.

MR. CLARK: Yes.

MR. ROOTES-MURDY: Maryland.

MS. DEAN: Yes.

MR. ROOTES-MURDY: Potomac River Fisheries Commission.

MR. SCHICK: Yes.

MR. ROOTES-MURDY: Commonwealth of Virginia.

MR. O'REILLY: Yes.

MR. ROOTES-MURDY: North Carolina.

MR. BATSAVAGE: Yes.

MR. ROOTES-MURDY: U.S. Fish and Wildlife Service.

MS. WHITE: Yes.

MR. ROOTES-MURDY: National Marine Fisheries Service.

MR. RUCCIO: Yes.

CHAIRMAN LUISI: **Motion carries 10 to 2 with no null votes and no abstentions.** Okay so that concludes Item 4 on our agenda. Now I know that there are people who have planes to catch. There is an interest from folks from what I've heard from Bob about recessing this Board until the conclusion of the Striped Bass Board, which would mean I would need a motion to recess until the conclusion of the Striped Bass Board if that's the wish of this Board. We would come back after the Striped Bass Board and take up the final items on the agenda dealing with scup and black sea bass. Is that in the interest? We're well beyond the time that we've dedicated for this agenda item, but it was a good discussion and it was a needed discussion. We have a number of members of the audience who are here I know for the Striped Bass Board, as well as folks from New England who want to participate in that discussion. I'll look to the Board for that direction. Bob.

EXECUTIVE DIRECTOR BEAL: Just before the Board comments. I think as you say we're running a bit late, and that is not a criticism at all. Item Number 5, Black Sea Bass Commercial Landings; that was really just a precursor to the Kitty Hawk meeting, I think we can probably skip that one altogether.

When you look at the striped bass agenda there are two items on there, which are the Terms of Reference for the 2018 Stock Assessment and the Population of the Stock Assessment Subcommittee, I think we can do both of those via mail or you know electronic; circulate those and see if there is Board approval.

I think we can accelerate by removing those agenda items from the Striped Bass Board and from this Board. If the group agrees to recess now, we'll just handle essentially the Technical Committee report and any discussion in the Striped Bass Board and then come back here for the scup addendum, as well as the scup recreational regulations.

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The scup recreational regulations, good news is I don't think the states have to take any reductions there. The MRIP numbers worked out. I think we can do all those things pretty quickly. But there are some folks on the Striped Bass Board that need to catch flights and wanted to participate in that discussion of the Technical Committee report.

CHAIRMAN LUISI: Okay so again, we have a few items over the next short bit of time that we want to cover. Is there an interest of this Board to just get through the last two action items, Considering the Scup Draft Addendum for Public Comment and Scup Recreational Fishery Specifications? I'm looking at Kirby to give us an idea.

MR. ROOTES-MURDY: We can go through that in five minutes or less.

CHAIRMAN LUISI: Okay let's, unless there is an interest to recess we'll go ahead and try to get through these two very quickly. Then we'll convene the Striped Bass Board. But if the discussion begins we're going to recess, because we certainly want all of the members of the Striped Bass Board to participate on the Technical Committee Report.

**CONSIDER SCUP DRAFT ADDENDUM XXIX FOR
PUBLIC COMMENT**

MR. ROOTES-MURDY: We're talking about Draft Addendum XXIX. This addendum was initiated by the Board in conjunction with the Council at their joint meeting in December last year, and I'm going to skip over much of my presentation and just focus on the proposed management programs.

What we're talking about today is the start and end dates for the summer period of the trimester quotas. The first alternative that is proposed in the management program of this draft addendum document is for a no action or status quo; which would be leaving the current trimester start and end dates the same. The

second alternative is to move October to the Winter 2 period, so basically it would change the number of days you have open in Winter 2 starting it on October 1st, rather than on November 1st. The third alternative and it has subcomponents to it that I'll walk through quickly, is to move October to the Winter 2 period, and to move the first two weeks of May, to the summer period.

That's pretty straightforward in that you move two weeks into May it increases the Winter 1 period. It also increases the Winter 2. Now the three sub-alternatives are that Alternative 3A is to modify the dates of the quota periods as described under Alternative 3 and leave the Winter 1 and summer quota counting procedures unchanged.

The Alternative 3B is to modify the dates of the quota periods as described under Alternative 3 and modify the end date of Winter 1 and summer quota counting procedures. Alternative 3C is to modify the dates of the quota period as described under Alternative 3 and modify the start and end dates of Winter 1 and the summer quota counting procedure.

With that the Board would need to consider approving this draft addendum for public comment, and then the Board and Council would take up final action on this draft document at the ASMFC Spring meeting in May. I know I went through that very quickly; but I'll take any questions if needed.

CHAIRMAN LUISI: Do we have any questions then we'll take comments as well from Kirby. Steve Heins.

MR. STEVE HEINS: Kirby, can you assure me as to the quota periods, the quota for the periods. The quotas will not change, right?

MR. ROOTES-MURDY: That's correct. The quotas under these alternatives do not change; it is the start and end dates for Winter 1, summer and Winter 2.

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CHAIRMAN LUISI: Steve, follow up.

MR. HEINS: But the change to the procedures for accounting that doesn't affect the quotas, right?

MR. ROOTES-MURDY: I don't believe so. Basically, for example for Alternative 3C, state only permitted vessels in state waters during May 1 through May 15 could count towards the Summer period quota for those states; although these dates would be modified, the length of the period during which these special quota counting procedures could be in effect would remain unchanged for two weeks. The regulations would also be modified such that the states would have to request the special provisions by May 1. There is some changing in how we normally do our procedures for accounting of that quota; if that makes sense.

MR. O'REILLY: I have a different kind of question. In Virginia we have such a small summer quota. A day can make a difference, so which of the options, since you put them up there pretty quickly; and I have seen variations of this before. But which of those options reduces the summer period the most?

MR. ROOTES-MURDY: In terms of options that reduces the summer period the most in terms of the number of days that this summer period is open; that would be Option 3, it reduces it down to 138 days. Currently it is at 184 days, Option 2 reduces it down to 153 days.

CHAIRMAN LUISI: Okay I'm looking to the Board for direction as to whether or not we want to move on this to take it out to the public. Steve.

MR. HEINS: I would move to take this out to the public. I'm assuming there is a motion made. Move to approve Addendum XXIX for public comment.

CHAIRMAN LUISI: Motion by Steve, we need a second. Adam.

MR. NOWALSKY: Mr. Chairman I'll be happy to second that. I believe the correct reflection is XXIX and that also needs to be changed on the cover page of the document, I believe.

CHAIRMAN LUISI: You're amazing, Adam. Thank you. Nichola.

MS. MESERVE: I'm fine with the motion; I would just ask that staff add a life history section to the draft addendum. At the joint meeting I expressed some concerns about the May change and implications on spawning, so I think some information on life history would benefit the public comment.

CHAIRMAN LUISI: We can make sure that happens. Okay any other discussion on the motion? Do we need a caucus on this one?
Okay so the motion is to approve Addendum XXIX for public comment; motion by Mr. Heins, second by Mr. Nowalsky. All those in favor of the motion please indicate by raising your hand. It is 11 in favor, all those opposed same sign; seeing none any null votes or abstentions, zero, zero motion carries.

ADJOURNMENT

CHAIRMAN LUISI: Okay we're going to take up one last issue. Okay so I just got told that we don't need to do anything on the last agenda item, so with that do I have a motion to adjourn the Summer Flounder, Scup and Black Sea Bass Board? Meeting is adjourned. Next will be the Striped Bass Board and thank you all very much for your patience as we worked through what was a very challenging Board discussion today. Meeting is adjourned.

(Whereupon the meeting adjourned at 11:30 o'clock a.m. on February 2, 2017)