

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

**The Westin Crystal City**  
Arlington, Virginia  
**May 1, 2019**

**Approved August 7, 2019**

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1. **Approval of agenda** by consent (Page 1).
2. **Move to approve Paul Caruso from MA to the Advisory Panel** (Page 26). Motion by Nichola Meserve; second by Emerson Hasbrouck. Motion carried (Page 26).
3. **Move to adjourn** by consent (Page 26).

**ATTENDANCE**

**Board Members**

David Pierce, MA (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Bob Ballou, RI (Chair), proxy for J. McNamee (AA)	Mike Luisi, MD, proxy for D. Blazer (AA)
David Borden, RI (GA)	Russell Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Phil Langley, MD, proxy for Del. Stein (LA)
Matthew Gates, CT, proxy for Justin Davis, CT (AA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Bill Hyatt, CT (GA)	Sen. Monty Mason, VA (LA)
Sen. Craig Miner, CT (LA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Jerry Mannen (GA)
Emerson Hasbrouck, NY (GA)	Marty Gary, PRFC
Joe Cimino, NJ (AA)	Emily Gilbert, NMFS
Tom Fote, NJ (GA)	Mike Millard, USFWS
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	

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

**Ex-Officio Members**

**Staff**

Robert Beal	Caitlin Starks
Toni Kerns	Jessica Kuesel
Kirby Rootes-Murdy	

**Guests**

Julia Beaty, MAFMC	Arnold Leo, E. Hampton, NY
Casey Brennan, NMFS	Loren Lustig, PA (GA)
Mike Celestino, NJ DFW	Conor McManus, RI DEM
Heather Corbett, NJ DFW	Jay McNamee, RI (AA)
Kiley Dancy, MAFMC	Nichola Meserve, MA DMF
Lynn Fegley, MD DNR	Stew Michels, DE DFW
Matthew Gates, CT DEEP	Alan Risenhoover, NMFS
Pat Geer, VMRC	Steve Train, ME (GA)
Doug Grout, NH (AA)	Jack Travelstead, CCA
Jon Hare, NOAA	Megan Ware, ME DMR
Pat Keliher, ME (AA)	Chris Wright, NMFS
Adena Leibman, Ofc. Sen. Whitehouse, DC	

Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting  
May 2019

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, May 1, 2019, and was called to order at 10:45 o'clock a.m. by Chairman Robert Ballou.

**CALL TO ORDER**

CHAIRMAN ROBERT BALLOU: Good morning and welcome. I'm going to call this meeting of the Summer Flounder, Scup, and Black Sea Bass Management Board to order. My name is Bob Ballou. I have the honor of serving as Board Chair. I would like to start out by welcoming two new members to the Board, Phil Langley from the state of Maryland, welcome, and Jerry Mannen from the state of North Carolina, welcome.

**APPROVAL OF AGENDA**

CHAIRMAN BALLOU: Having dispensed with Item 1 on the agenda, we're on to Item 2, which is the agenda itself. Before I ask whether any members of the Board have any requested changes, I do have one and that is a brief report out on the outcomes of the three Board votes, done via polling on the two conservation equivalency proposals for recreational fluke, submitted by Rhode Island and New Jersey, and the Virginia proposal for accounting for recreational black sea bass harvest during their February fishery.

Is there any objection to adding that brief update? Seeing none, we'll add that between Items 3 and 4. Then also under other business I would like to briefly address agenda items for our next Board meeting in August, in particular, a suggestion for a focused discussion on discard mortality in the recreational black sea bass fishery. Are there any other recommended changes or modifications to the agenda? Tom Fote.

MR. THOMAS P. FOTE: It's not a change or a modification, but I wanted to say just a few

words. I put Jersey Coast Newsletters back there, because I wrote an article on summer flounder. I basically commented to what a great job NMFS actually did with handling the MRIP numbers. They don't get credit for what they do.

But they did the job right by expanding the numbers out, and basically reevaluating what the stock was, instead of just saying we were overfished and overfishing is taking place. I really wanted to make sure I thanked them for doing that. But the bad part of it was that if you accepted those numbers, which I thought the commercial fishery should have got the 49 percent increase, and you're telling me you're accepting those numbers to increase by 49 percent.

We've been under for the last five years, up to the last three years 15 percent. They could have given us the 3.5 percent. I know the shut down came and stopped a lot of the paperwork, but that is not sitting well with the recreational community. They understand why the 49 percent was put there, but if you are trusting them to give a 49 percent increase and can't do a 3.5 percent increase on us, based on the 15 percent that we've been under for the last three years, it doesn't sound good.

CHAIRMAN BALLOU: Are there any other recommended changes to the agenda? Seeing none is there any objection to approving the agenda as modified?

**PUBLIC COMMENT**

CHAIRMAN BALLOU: Seeing none, the agenda as modified stands approved by consent, and we're on to Item 3, which is public comment. No one has signed up.

But is there anyone here from the public who would like to address the Board on any issue that is not on today's agenda?

**REPORT ON  
CONSERVATION EQUIVALENCY PROPOSALS**

CHAIRMAN BALLOU: Seeing no hands, we are on to the next item, and that is the item that I asked to be added, and that is just a brief report out on the votes taken by the Board on the three issues. I believe Kirby has a quick update on that, Kirby.

MR. KIRBY ROOTES-MURDY: As Bob noted, there was an e-mail vote regarding a conservation equivalency on summer flounder for Rhode Island, for New Jersey, and then for Virginia regarding black sea bass. Rhode Island had proposed to have a shore site for summer flounder allowing anglers to harvest fish at 17-inch minimum size and a 2-fish bag limit.

That is in addition to their current 19-inch size limit, and the state has a 6-fish bag limit. In total, anglers can harvest up to six fish from those sites; four of them may be at 19 inches, two have to be at 17 inches. For New Jersey they proposed to adjust their season by one day on either end of the start and end, so their new season for 2019 is a start date of May 24, and an end date of September 21.

Regarding Virginia, the change in their black sea bass measures is specific to their season, accounting for the February fishery that took place this year. They had a February fishery that lasted from February 1 to February 28. They now have an opening in May for two weeks, starting May 15 through May 31, and then opening again from June 22 through December 31. With that I'll take any questions but, as noted earlier, these proposals were approved without objection.

**REVIEW PLAN DEVELOPMENT TEAM ANALYSIS  
OF BLACK SEA BASS COMMERCIAL  
MANAGEMENT STRATEGIES TO ADDRESS  
FISHERY SHIFTS**

CHAIRMAN BALLOU: Any questions for Kirby? Seeing none, we're on to Item 4, which is a

Review of the Plan Development Team a/k/a PDT analysis of the Black Sea Bass Commercial Management Strategies to Address Fishery Shifts. Our meeting materials include two reports, one from the PDT the other from the Joint Advisory Panel meeting held to review that PDT report.

Our plan today, this is really the heart of the agenda. We'll be spending the majority of today's meeting on this agenda item. Our plan is to first have Caitlin provide a presentation on both reports, and that will be followed by Board review and discussion. With that Caitlin the floor is all yours.

MS. CAITLIN STARKS: Actually, before I get into the PDT report, the Board Chair had asked me to quickly go over the items that this Board has on its plate and has recently dispensed with. I'm going to do that really quickly, just to make sure everyone is on the same page with where we are today. Some of the recent actions this Board has taken included the Board and Council jointly recommending approval of the Summer Flounder Amendment at the joint meeting in March, and the Board and Council approving Addendum XXXI in December, and the Board approving Addendum XXXII in December as well.

Then as for ongoing activities and actions, this Board is looking at again the Summer Flounder Amendment will be considered for final approval by the Business Section today, so I just wanted to note that. Then black sea bass commercial management has been ongoing through the PDTs work, so we will review today the PDTs report, and have a possible action on that item.

Black Sea Bass Recreational Reform is also continuing work through a working group, jointly with the Council as well, and meetings on that likely will occur over this summer. Then lastly, for the Black Sea Bass and Scup Operational Assessments, we're scheduled to have those available for Board review in

October, 2019. I just wanted to quickly lay out the field for us before getting into the PDT report, and if there are any questions on that I can take them.

CHAIRMAN BALLOU: Are there any questions for Caitlin on that review? Seeing none, why don't we move on to the next agenda item, thank you?

#### **PLAN DEVELOPMENT TEAM REPORT**

MS. STARKS: Again I'll be going over the Plan Development Team's report, and going over the work that they've done in the last couple of months on additional analyses of potential approaches for black sea bass commercial management. I'll start out with some background information, and then review the problem statement that the Black Sea Bass Commercial Working Group presented at the last meeting in February.

Then go over the analysis that the PDT has put together on these potential management strategies that are related to commercial state-by-state allocations, and those include, the TMGC approach, a trigger approach, a quota option approach and some hybrid approaches. Then I'll present some of the general decision points that the PDT identified for these approaches, and wrap up with next steps for the Board and take questions.

In August 2018, the Board established a Commercial Working Group, in response to a Board motion last May to identify actions that would address changes in black sea bass abundance and distribution. The purpose of the Working Group was specifically to identify issues in commercial black sea bass fishery related to these changes, and brainstorm some ideas for management that could address those issues.

The Working Group presented their report in February, and after that point the Board established the Plan Development Team, to

continue fleshing out and analyzing the proposed management strategies that the Working Group identified, as well as a few others put forward by Board members. After that PDT was formed in February, the Board met jointly with the Mid-Atlantic Council in March to discuss this work on commercial issues that had been done at the Board.

At that meeting the Council initiated an amendment to address commercial issues, namely allocation and other related issues. The action taken by the Council at that meeting was mostly procedural at this point, as it will allow them to direct some of their staff resources towards supporting and contributing to the Board's ongoing work, and allow the Council and Board to coordinate on the development of options that would require Council involvement. As a result, the Council staff has participated on the PDT, and will continue to do so as their work continues, and we also held a joint Advisory Panel meeting at the beginning of April, to get feedback from the advisors of both bodies on the approaches that have been discussed by the PDT.

That leads us to today, where the Board will consider the PDT's report as well as the AP's feedback, and determine the best path forward for commercial management issues. Before getting into the PDT's work, I just want to quickly review the commercial issues that the Working Group identified and the Board supported in February.

The first of those issues was that the commercial state allocations, which were set back in 2003 under Amendment 13, are not reflective of the current distribution of the resource. These allocations were loosely based on landings for the period from 1980 to 2001, and they resulted in 33 percent of the quota being distributed between the states of Maine to New York, and 67 percent between New Jersey and North Carolina.

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The Working Group noted that these allocations have remained unchanged, though there have been some substantial changes observed in the distribution of the stock over the past 15 years. Those changes are shown by this figure, which is derived from the last stock assessment, and it shows the spawning stock biomass estimates for north and south of Hudson Canyon.

SSB in the southern region is shown by the blue line, and the orange line shows SSB in the northern region, and around 2007 you can see that orange line increases rapidly, while the blue line also increases but to a lesser extent. As of 2015, the majority of the spawning stock biomass is occurring north of Hudson Canyon.

The open circles at the end of the time series there, represent the retro adjusted regional values that were peer reviewed in late 2016, early 2017, and that have been used for management and projections since then. The second issue that the Working Group identified was related to the coastwide quota management by NOAA Fisheries, which can create the possibility for the fishery to be closed as soon as the coastwide quota is exceeded.

That could potentially leave states who have not harvested their full quota without the ability to do that. At the joint meeting in March with the Council, the Board and Council did discuss this issue, and noted that it could be addressed in collaboration with the Council and NOAA Fisheries, so the PDT did not focus on this issue.

Instead, the PDT focused on that first issue of commercial state-by-state allocations, and they specifically focused on the management strategies that were proposed in the Working Group Report, and those that were offered up in February by Board members. Those options are listed on this slide.

First is status quo, which is of course an option the Board can consider. The next three approaches that have been proposed are a

change from the current state allocation system. The first of those is the dynamic approach referred to as TMGC, which gradually shifts allocations over time, based on a combination of historical landings information and current biomass distribution information. Second is a trigger-based allocation approach, similar to that which was recently adopted for summer flounder. Third is a quota auction approach or ASQ, and fourth is the option of combining approaches to create a hybrid approach.

In addition to those, the Board could also consider establishing a timeline or a trigger, for reevaluating allocations on a regular basis. But this was not something that the PDT discussed. What is circled in red here is what the PDT focused on, and what I'll be going over in the next slides.

First is the TMGC approach, and again this approach was put forward by the Working Group, as a potential strategy for phasing in a new dynamic approach to allocation setting for the black sea bass fishery. It was modeled after the TMGC approach, which was originally used to adjust allocations for shared Georges Bank resources between the United States and Canada.

Essentially, the strategy uses a formula to gradually adjust state-by-state allocations, by transitioning from allocations that are based mostly on resource utilization or historic landings, and then over time shifting those allocations to be based more on regional resource distribution, or biomass information.

In the first years of implementation of this strategy, the historic landings or the current allocations would be the most important part in the formula, and then gradually over time that would shift, so that the distribution of the stock is more important in determining allocations for the states.

The equation that establishes the gradual transition is pretty flexible in how it can be set

up, and also because the current biomass distribution is what eventually becomes the most important factor in determining allocations. This equation can result in allocations that fluctuate in either direction, so it does allow for quota to move back and forth between areas, rather than from one area to another.

The last thing I'll say about this before showing some examples is that the strategy also has the option to establish a control rule, so that in any year the total allocation given to a region could not change by more than an established amount, and that can add some stability to this process as well. To give you an idea of the flexibility in this approach, these are the dials that can be adjusted within that formula, to determine how allocations would change over time.

For one, you can change the way the resource utilization and distribution information are weighted in that equation. For example, you could start out setting it at 90 percent utilization, 10 percent distribution at the beginning, and then at the end have that transition to 10 percent utilization versus 90 percent distribution at the end.

That can be modified so you can use different percentages if you would like. You can also increase or decrease the transition speed, so how frequently adjustments are made to allocations. They could either be set at annual or biannual adjustments. The total time that it takes for that transition to occur can also be altered, so that you either have a longer or shorter timeframe over which that transition occurs. The state allocations that you start out with for the resource utilization information can also be altered. They could either be set at status quo, or they could be changed to accommodate different objectives, for example maybe adjusting the states quotas that are deemed inequitable or disproportionate to their current resource availability.

For example, the Working Group did note in their report that Connecticut and New York have disproportionately low quotas, compared to what their resource availability is now. Then lastly there is that Control Rule again that can be adjusted to restrict the maximum amount that the allocations can change each time they're adjusted.

This is a visual aid to show how the different types of information in the allocation formula are applied over time. As I mentioned, you start out with the historic resource utilization or the current allocations being the larger contributor to the resulting allocations, and the weighted importance of that historic information is shown here in blue.

Then in red you have the importance of the resource distribution information, or the regional biomass information. What you see happening over time in this example is that each year, or however frequently you are setting those adjustments to occur, the percent contribution of the historic information decreases, as the percent contribution of the resource distribution information increases.

Eventually you get to a point where the allocations that are being produced by the equation are mostly being influenced by the resource distribution, rather than the historic information. In this example the ending weights are set at 90 percent resource distribution and 10 percent historic landings, but again those proportions could be modified to something like 70/30.

This is an example of how the actual allocations would shift over time, if you were to apply the weights that I showed on the last slide to those two types of information that go into the equation. In this example, the formula uses the current allocations as the starting point, or the resource utilization information, and the regional spawning stock biomass estimates from the last stock assessment as the resource distribution information.

It also has a Control Rule set, which caps the regional allocation change at a maximum of 3 percent per year, and the lines on the graph represent the state allocations that come out of the equation. To highlight the difference in the regional effects, the states between Massachusetts and New York are shown in shades of blue, and New Jersey to North Carolina are shown in shades of red or pink.

For this example, the TMGC equation was applied retrospectively to allocations in recent years. Starting in 2007, you have the current allocations, and then in 2008 that formula starts to transition the weights, so that the historic information contributes 90 percent to the allocation and the resource distribution contributes 10 percent.

Then in each year after that the weights continue to shift by 10 percent, so by 2015 it reaches a level where historic information contributes 10 percent, and resources distribution contributes 90. What you see in the allocations over time is that because the equation is gradually applying more weight to the resource distribution, and during this time period that proportion of spawning stock biomass in the northern region is increasing, you see the allocations of Massachusetts through New York generally increasing proportionally as well, while the southern region is proportionally decreasing.

But what I also want to point out is that from 2014 to 2015 you see the direction of those changes flips, so that the southern states are increasing and the north is decreasing, and that's because there was a change in the biomass distribution from the assessment during that year. I just wanted to point that out so you can see how this approach can result in multidirectional change in allocations to each region.

I also wanted to note that the PDT report does provide several retrospective examples of how

this approach could be used with different configurations, and it shows how those allocations would have changed in each of those scenarios, but for time I obviously couldn't go through all of those here. But just know that they are there to compare.

The next management strategy that the PDT discussed is the trigger-based allocation approach, and this approach would establish a quota trigger, or a base level of quota that is always allocated using the current state allocations, and then it would evenly allocate any quota above that trigger value to the states of Massachusetts through North Carolina.

As proposed, Maine and New Hampshire would receive a smaller allocation percentage, based on their historically low participation in the fishery. With this option there were two different trigger levels that were proposed, and those were 3 million and 4 million pounds. The first is approximately based on the average coastwide commercial quota between 2003 and 2018, but excluding the years where we were using the constant catch approach.

The second trigger is approximately based on the highest quota in our time series, which was 4.12 million pounds. This graph is just to show you how those two trigger values compare to the coastwide quotas from 1998 to 2018, and looking at the 3 million pound quota trigger, which is represented by the orange line, you have 10 coastwide quotas since 1998 that exceeded that trigger, and with the 4 million pound trigger shown by the green line, you have only the 2017 quota exceeding that trigger.

This table shows the percent allocations that would be distributed to each state for the quota up to and including the trigger, and those are the current allocations. Then the proportions that each state would get of the quota above the trigger, so you can see in that last column that each state from Massachusetts to North Carolina gets 10.89 percent of the quota above

the trigger, while Maine and New Hampshire get 1 percent of that additional quota.

This second table is to show how the final state allocations would look, if this trigger approach were applied to the 2017 quota of 4.12 million pounds using a 3 million pound trigger. You can see the final state allocations in the third column, and then in the last column you see the percent change from that state's current allocation. I just want to note here that you see allocation increases in the states whose original allocations were lower than the percent of additional quota, so 10.89 percent that they receive of the quota above the trigger value, and that would be true regardless of what trigger value is used. Those states are Maine, New Hampshire, Connecticut, New York and Delaware. As the PDT discussed this approach they also considered how it could be modified to address changes in black sea bass distribution. The idea that was put forward was to still allocate the quota up to and including the trigger with the current allocations.

But instead of distributing the quota above the trigger evenly to the states of Massachusetts through North Carolina, they suggested instead allocating the quota above the trigger based on regional biomass. In the examples that the PDT put together for this modification, they used the Rho-adjusted regional SSB in 2015, which is the terminal year of the stock assessment, and those values result in regional biomass proportions of 86 percent for the northern region and 14 percent for the southern region.

Using this approach, additional quota above the trigger would first be allocated to each region based on those proportions. Then for allocating that additional quota within each region, the PDT proposed two different options. One would be to allocate equally to the states within each region, and the other is to allocate to the states within each region based in proportion to their historic allocations. There are examples of both methods in the PDT report.

This slide here is just to visualize the trigger approach as it was originally proposed. You have the quota up to the trigger in blue, distributed based on the current allocations. Then here the quota above the trigger shown in green is being distributed to the states equally, except for Maine and New Hampshire, which get 1 percent each.

Then you can compare that to the modification developed by the PDT, and you can see in this case the quota above the trigger is being split up regionally, based on those biomass distribution proportions from the stock assessment, and then split equally or proportionally to the states within each region. The percent allocation that each state would end up with would be dependent on which of those two methods are chosen.

I want to point out here that this modified trigger approach does maintain the smaller proportion for Maine and New Hampshire, but here they are getting that 1 percent each, but it's coming directly from the northern region's proportion rather than from the coastwide quota above the trigger. For the trigger approach, the PDT also highlighted a few considerations that might require some more thought if this option were to move forward.

First they noted that though 3 and 4 million pounds were proposed as two options for a trigger value, there may also be other appropriate options to consider, depending on what the desired outcome is. Second, they noted that again there is multiple ways to choose how to allocate quota above the trigger, whether that's evenly or in proportion to historic allocations, or in some other proportions. That would be another decision point for this approach.

Then lastly, the group also brought up the idea of using a soft trigger instead of a hard trigger, and a soft trigger would be allocating a certain percentage of the quota above a trigger based on the current allocations, and the rest of it

based on a different set of allocations. The PDT thought that this might also be something the Board would want to consider. The last of the quota allocation strategies that the PDT discussed is the idea of an auctioned seasonal quota or ASQ System. To be clear in this case, the season refers to the full fishing year, so this option would occur on an annual basis. The idea that was put forward is to annually set aside a small portion of the quota, probably 10 to 20 percent to start looking at this option. That would be available for option to harvesters in the black sea bass management unit with all the required permits.

The auctionable quota would then be divided into smaller auction blocks by whichever agency is administering the auction, and there could be certain rules established to limit the amount of quota that any one permittee can get in any year, in order to reduce quota consolidation. All interested participants would be able to bid on those quota blocks, and then the highest bidders would be awarded with that quota, and any funds gained from the auction would be funneled back into administration and enforcement of the auction.

This is the idea as it was generally laid out in the proposal. But there are obviously a lot of additional details that would need to be hammered out if this is of interest. Quickly I'll just provide a summary of the pros and cons that the PDT discussed with this approach. There is more detail on this in the PDT report as well.

But on the positive side, the auction could potentially increase fishery efficiency, by directing quota to harvesters with the greatest capacity to take advantage of that quota, and it could also be a relatively flexible way of allocating quota independently from state allocations. However, the PDT did highlight a number of concerns and challenges involved with running and administering this type of program, and because of the nature of this

program it would need to be administered by either NOAA Fisheries or by ASMFC.

Both of those organizations have a number of concerns about running this type of program. For NOAA, this includes the fact that if they were running it they would only be able to auction quota to vessels with federal moratorium permits under the FMP regulations, and that would exclude state-only-permitted vessels.

They also noted that they would not be able to monitor landings at the vessel-specific level, so that would make enforcement difficult. There is also a concern that a quota auction could lead to consolidation of quota in the hands of operations with the most capital, and there is also uncertainty about how this program would interact with the ITQ systems that are already established in some of the Mid-Atlantic States.

Lastly, because we don't have the appropriate socioeconomic data at this point, it would be really difficult for us to analyze and predict the impacts of this type of program. The PDT emphasized that if this program is of interest it would require a high level of effort to develop. They felt that if it moves forward it would need to be the sole focus of the PDT.

In addition to those three strategies, the PDT also talked about the possibility of combining options to create a hybrid approach. For example, it could take 50 percent of the quota and allocate it using status quo allocations, and allocate the other 50 percent using something like TMGC or the trigger approach. But the PDT noted that if this is of interest, it would be important to weigh any potential flexibility that is gained from using a hybrid approach against any potential increases in complexity, and possible confusion among the public, since combining approaches might make it more difficult to parse out what the impacts of each component of the hybrid approach are. At the end of the PDT report, after considering all of these different approaches. They laid out some

broader decision points, to help the Board think through the potential management strategies that have been proposed related to black sea bass commercial state allocations.

First, the PDT noted that it might be beneficial to set a clear understanding of the Board's intentions or objectives with looking at commercial allocation changes, in order to provide some direction to the PDT if a management action moves forward. The PDT also noted that for the options where there is a regional component, the Board should consider the best way of allocating to states within each region, as was mentioned during the discussion of the trigger approach.

Additionally, the PDT emphasized that the regional biomass information that we have, and that we used in the examples, that may change depending on the outcome of the Operational Assessment. It is still uncertain whether that assessment will be able to produce regional biomass estimates, and if it doesn't then the Board may need to consider using something else like federal survey data, or a combination of federal and state survey data to get regional information.

Another decision point is how to define the regional configurations in these approaches. Most of the examples that the PDT put together used Massachusetts through New York as the northern region, and New Jersey through North Carolina as the southern region. But the Board could consider some different configurations if it was deemed more appropriate.

For example, the discussion about Maine and New Hampshire was something the PDT brought up, and how to treat those two states, as well as potentially treating New Jersey as a separate region like it was done in recreational black sea bass. Lastly, the PDT discussed the idea of stability in the fishery.

Maintaining stability has been a concern for a number of states as we've had these

discussions, and it's not clearly defined what stability means, so it might be useful for the Board to define stability, in terms of either a maximum percent change in allocations, or a minimum allocation or quota level that states would be comfortable with.

To wrap up my presentation, I have some next steps here for the Board. Today the Board may consider initiating a management action to address black sea bass commercial allocation issues, and as the PDT noted, it might be helpful to determine what the objectives of that management action would be, in order to guide the Board in choosing which strategies should be considered.

I'll also note here that the type of management document needed would probably depend on the options the Board wants to consider. The Board might also want to think about a potential timeline for developing a management action. For reference, this is an example timeline of what it could look like if an addendum were initiated today.

A draft document could be developed this summer with the options the Board is interested in considering. Then those options could be reviewed in August, but they likely wouldn't be fully fleshed out. The Board will not be able to review the operational assessment until October, so it might be appropriate to wait until October to consider approving a draft addendum for public comment, until we have that updated stock size and distribution information. If the Board were to approve a document for public comment in October, then public hearings could be held from November to December, and the Board could consider the document for final approval in February, 2020 at the earliest.

If it was approved in February 2020 that would make it difficult to implement for the 2020 fishing year, so it might be necessary to consider an implementation date of 2021. That is what I have for this presentation. Thank you

for bearing with me, and I think we could take a second for any quick questions.

CHAIRMAN BALLOU: We have the AP Report, and I was thinking that it might be good to run through that sort of next in sequence, and then get to questions and then get to discussion. If it's okay with the Board, I would like to just encourage Caitlin to move through the AP presentation next. Then we'll circle back to questions and discussions, so why don't we do that Caitlin.

MS. STARKS: Alright, sounds good. The Advisory Panel did have a meeting jointly with the Council Advisory Panel on April 2, to go over these potential management options for commercial black sea bass. At that meeting we had 12 Commission advisors in attendance and 16 Council advisors in attendance. Fourteen of those were representatives of the commercial sector, ten of the recreational sector, and three that overlapped with both.

Six additional comments were sent to us via e-mail after the meeting, and those were included in the summary as well. In the next few slides I'll just go over the APs comments related to each of the proposed approaches that we just discussed. Regarding status quo, 10 advisors were in support of status quo commercial allocations.

The reasons that they gave included that the southern states are still catching their full quotas, and that there is too much uncertainty regarding both what the resource distribution looks like now, a few years after the stock assessment, as well as the impacts of the proposed approaches for reallocation. Two advisors opposed status quo, referencing that resource availability in the northern states is high, but the current quotas do not allow them to have the ability to take advantage of that availability.

For TMGC, 6 advisors opposed that approach, most of whom were from New Jersey to North

Carolina. The reasons that they gave for the opposition were that they felt the results of the approach are too uncertain, and that it's unfair to the southern states, and that the allocations would not actually respond in real time to changes in biomass distribution, and lastly that there are still concerns about using the Northeast Fisheries Science Center Trawl Survey data to inform regional allocations.

There were also two advisors from Massachusetts and New York that supported the TMGC approach, and then one general comment that was given on this approach was that a minimum allocation level should be set in the approach, so that state allocations can't drop too low.

Looking at the trigger approach, there were 3 advisors that commented in support, and their comments included that this option would protect investments in the fishery, that areas where black sea bass has expanded should be able to get some of that excess quota, and that it is a start towards more flexibility for the northern region.

Six advisors said that they supported continued evaluation of this approach, though they didn't necessarily support it at the time. They noted that it needs further development before they could support it, and the focus should first be on getting updated stock information before looking into an approach like this.

As for the ASQ approach, 8 advisors opposed it, and only 1 supported it, and those opposing comments included that it would cause the same issues as the research set aside program, but under a different name, that it would produce more Carlos Rafaels, and that those with more capital shouldn't necessary get more quota.

The supporter of the ASQ comment said that maybe a Letter of Authorization program could be used to improve enforcement of a program like this. The advisors also gave a few more

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general comments on black sea bass commercial management, and one theme that they addressed was that changes to allocation shouldn't be made until after the Operational Assessment is complete.

Another comment that was given by multiple advisors was that the black sea bass stock is not shifting to the north, but rather expanding. One advisor also commented that it makes more sense to include New Jersey in the northern region than it does in the southern region. Another commented on the need to reduce bycatch mortality, and suggested that quotas could be subdivided by gear type.

Finally there was a comment that abundance should also be considered in the regional approaches, in addition to biomass. That is what I have for the AP report, and I just figured I would just put this slide back up to bring us back to the Board's discussion for today. With that I can take any questions.

CHAIRMAN BALLOU: Thanks so much, Caitlin and I really do want to just pause briefly and just thank the members of the PDT for what I think has been yeoman's work on this initial analysis. I think the report was extremely well written, and I think Caitlin's presentation was excellent.

I also want to thank the members of the AP, the joint AP, both from the Council and Commission for their input, which again was I thought very meaningful and helpful, and well detailed in the report. With that we're going to first take questions on the presentation that Caitlin just provided. We'll then be spending the rest of the meeting pretty much on a discussion regarding these issues. We'll move to that discussion after we take questions. First will be questions. Adam Nowalsky.

MR. ADAM NOWALSKY: The presentation on timelines showed a timeline for an addendum. Should we be considering this as an

amendment process as well, or if we go through this process it would be by addendum only?

MS. STARKS: You could choose to do this through an addendum, if it was just an action that was to alter the state-by-state allocations. But something like the ASQ approach would require an addendum. It really just depends on the options that are wanting to be considered.

CHAIRMAN BALLOU: I think she meant would require an amendment for the latter; Adam, a follow up.

MR. NOWALSKY: ASQ would require an amendment, TMGC or trigger could be done through addendum, but could either of those first two. Could we choose to do it through an amendment process if we so desired?

CHAIRMAN BALLOU: Yes, I think that's the Board's prerogative. Either option is available. Additional questions, David Borden.

MR. DAVID V. BORDEN: I'm looking at one comment by Mr. Ruhle on Page 3, and I was just wondering if anybody could explain what the basis for the comment. I'll just read it, it's short. He's talking about the performance of the NOAA trawl project. He is quoted as saying "49 percent of the tows are invalid by their own admission." Is there any basis for that? Is there a factual basis for that statement?

CHAIRMAN BALLOU: I see Mike Luisi's hand up.

MR. MICHAEL LUISI: To the question. I can't say whether or not that value is accurate, I would assume that Mr. Ruhle in his work with the Northeast Trawl Advisory Panel that I sit on as a member of the Mid-Atlantic Council. The Council has been working with the Northeast Fisheries Science Center in evaluating the trawl survey.

Over the last year there has been the identification by the Science Center for a high number of their trawls. This is getting outside

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of the specifics of what I understand about how trawls work. But the geometry of the trawl has been outside of what has been defined as an optimal trawl setting.

Therefore, it's been agreed that a high number of these trawls that have been conducted over the years have been outside of that, which means that they're not fishing at that optimum geometry to capture the fish being targeted. I saw Dr. Hare here earlier. I don't want to necessarily want to put him on the spot. He might be better to explain and answer your question. I just thought I would give you what I know. Jon.

CHAIRMAN BALLOU: Dr. Hare, are you better able to explain and respond, and if you are please do so.

DR. JONATHAN A. HARE: I'll try, and you can determine if I'm better able. How's that? Jon Hare, Northeast Fisheries Science Center, Director, you know we very much appreciate working with Captain Ruhle on NEAMAP and working with the Trawl Advisory Panel. I don't know if 49 percent is the right number or not. But there are some large number of Northeast Fishery Science Center trawls which are outside of the specific bounds that are placed, in terms of the sort of how the trawl has worked on NEAMAP. It's an issue which the Northeast Trawl Advisory Panel and the Northeast Fisheries Science Center is looking at. The way we've been approaching it is several fold. One is doing field work, both on the Bigelow and on commercial vessels to understand the magnitude.

Captain Ruhle uses the word invalid. I wouldn't use the word invalid. But there is the catchability of a trawl when it's not the optimal shape is a question, and we're trying to sort of quantify what that catchability is in these different trawl performance areas, sort of deepwater mid-shelf and shallow water.

The other approach that we are taking is we are going to do some flume tank work to look at the trawl under different sort of spreads. That work was scheduled for January, because of the shutdown we were unable to do it, and we're in the process of rescheduling that work. That will also be open to the Trawl Advisory Panel as a group.

Then the third approach that we are taking is looking at, as we do an assessment, looking at the potential impact of catchability in the trawl, in the range of tows and how that would sort of impact the index that's coming out of the Bigelow, and then how that would impact an assessment. We've done it so far with yellowtail flounder.

Yellowtail flounder step distribution is in sort of a mid-range, which is where the trawl is performing well, so there is minimal impact. It was also looked at in the summer flounder assessment. The Bigelow time series was adjusted for catchability as the NTAP group thought that the catchability might be impacted.

That was included in the assessment. We are going to continue to work on this. I think the term invalid, I wouldn't use that term, but there are a large percentage of trawls which were outside of the narrow bounds, which the NEAMAP survey is conducted under. But we are going to continue to work on this.

CHAIRMAN BALLOU: David. Did you have a follow, David?

MR. BORDEN: Please. Thank you, Dr. Hare. Just so I'm clear in my own mind. Is this a problem with the NOAA trawl project or the NEAMAP project or both?

DR. HARE: No, it's a Northeast Fisheries Science Center Trawl Survey issue. The NEAMAP Survey has very tight protocols, and Captain Ruhle fishes very efficiently, uses the protocols and then they throw out any trawl which is outside

of the bounds. Just to be clear, it's not an issue of the NEAMAP Survey, it's an issue of the Northeast Fisheries Science Center Trawl Survey.

MR. BORDEN: Thank you very much.

CHAIRMAN BALLOU: Additional questions, Nicola Meserve.

MS. NICOLA MESERVE: With regards to the trigger approach. The PDT offered up two trigger levels, a 3 and 4 million pound trigger. Looking at the 4 million pound trigger there is only one year in the time series where he would have been above that. I guess I'm looking for a little more context as to the PDTs discussion as to how that would have provided for meaningful reallocation, and possibly whether it was based on assumption that we might have higher quotas in the future, similar to what happened with fluke recently in the new assessment.

CHAIRMAN BALLOU: Caitlin.

MS. STARKS: The PDT didn't put those two options forward. That was put forward with the original proposal by Rob O'Reilly. He might have something to say about those two options, but the PDT did suggest that there might be other levels that could be considered.

CHAIRMAN BALLOU: Rob, do you want to weigh in?

MR. ROB O'REILLY: Thank you, Caitlin for your report. Yes that is exactly it. We came through a very nice assessment result in 2016. We keep hearing about the tremendous biomass and abundance of black sea bass throughout the range. I think there should be an expectation that quotas will indeed remain somewhat on the higher end than they have since 2003 overall.

If that's the case, then it makes sense to bracket this trigger point evaluation with a high value.

That is the only reason to do that. The 3 million pound trigger point is a little different in that is the average over time, with the exception of the years where constant catch was what the fishery was bound by.

Really, I think it's just a matter of one comment that we just looked at was from the AP, was let's see essentially what the next assessment looks like as well. Then there is a choice there. There is a choice; you have a 3 million pound trigger which you saw has quite a few entries of quotas above that and then the 4 million only one now.

It's sort of planning for the future. That is what we hope the future looks like. The other part, if I may Mr. Chair, to talk about that option for just a second more is that certainly putting in the option and having the PDT come out with the variation is fine, on the soft trigger. It's just that I'm wondering if it was looked at as a way to have an intersection with the TMGC approach, where I realize it's early.

Nothing was really done on the soft trigger. There was sort of a recommendation there that if it was 50 percent and a couple of examples are given in the document, but clearly that is sort of bridging the two approaches a little bit, because the TMGC would also at some point, some number of years, end up with that situation as a soft trigger would as well. I'm wondering did the PDT have a discussion about that? Was that the rationale for the soft trigger?

CHAIRMAN BALLOU: I'm not sure, but Caitlin you want to take a stab at that?

MS. STARKS: Sure. I don't know if it was exactly the rationale for looking at a soft trigger. But it was just another idea that was brought up by the PDT of something that could be done. It does kind of intersect with the hybrid approaches part of the PDT report. You could choose to use kind of a soft trigger to set 50 percent that's going to be allocated based on

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the current allocations. Then something above that could be allocated using TMGC, but it could also be allocated using the trigger approach, and it could also be allocated in a different way. It was just a suggestion that they also put forward for consideration.

CHAIRMAN BALLOU: Any other questions, yes, Joe Cimino?

MR. JOE CIMINO: Thank you, Caitlin. That was a great presentation. I think you may have a slide that we didn't have. Could you bring up the TMGC example? Well actually, it might help if I speak to this a little bit. What we saw in the document was some very smooth lines that looked like they had long time periods. With examples, it talks about regional distribution assumptions being based on spawning stock biomass by region from the assessment time period 2004 to 2012.

I don't know if I'm putting you or Jay on the spot. In those long time periods in the projections that we have in the document is that a single value for the biomass, and then just using all the other levers if you will to slowly adjust it over time? Is this doing something different? I guess it must be, because it's changing throughout.

CHAIRMAN BALLOU: Caitlin is going to take a stab at that.

MS. STARKS: I'll try, and if Jay is around maybe he can correct me if I'm wrong. But I believe the examples that were provided in the report are also retrospective, which did allow them to use the changing biomass information from the stock assessment. It shouldn't be a constant value that was used for those projections.

CHAIRMAN BALLOU: I see Jay in the back nodding his head in the affirmative. He is concurring with Caitlin's response.

MR. CIMINO: Then there was the potential for each year. It could have been a jagged line. It's

shifting towards the northern states, but a year or two later for whatever reason; the Trawl Survey would bring it back to the southern states. That's happening in the projections. Okay that is something that was not clear.

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: Let me build on that question then. In the examples that we saw, the quotas that were shown in a given year, how far did the assessment lag, in terms of the information used for that decision? Were we essentially seeing a quota in a given year was based on distribution from four or more years prior in those examples?

I understand the TMGC approach talked about, and the PDT review talked about, the concerns about the lag between an assessment and actually using it, which would be on this four-year timeline approximately, versus possible using state surveys or something else. But for the examples that we're looking at, are we looking at essentially a four-year lag between when we're going to have a quota for fishermen to utilize, and the distribution that that would have been based on?

CHAIRMAN BALLOU: I think the answer is yes that the projections were based on the assessments that were done, and the projections associated with those assessments. Yes to your comment. There was a lag, there is a lag, there always is, with regard to looking back on the most recent assessment. I believe that's how these projections were developed.

Right, and each time there is an update that would get folded in. That is the concept and that was the attempt made here, with regard to these examples, to show how it would have played out had this process been in place, and based on the information we had in hand. It looks like that answered the question. Mike Luisi.

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MR. LUISI: Based on Adam's question. Could we assume that the same lag would be part of the formula that would go into the regional biomass example for the trigger alternative, rather than an equal distribution of the extra fish above the trigger? I mean I would assume that there would be some basis to assign those differences within the region, which would also be lagged. Can we assume that?

MS. STARKS: Yes, I believe that's the case.

CHAIRMAN BALLOU: Any further questions?  
Nicola.

MS. MESERVE: To this point, Mr. Chairman. The assessments are on a two-year schedule, right, moving forward. The next one is in 2021. That would include data through 2020. But in 2021 we get the assessment, there is only a one-year lag between incorporating data on regional biomass from 2020 into the approach for the next year.

If you were doing it on an every two year basis that is all of the assessment. I'm not seeing as much concern about a multiyear lag in incorporating stock information into that approach. Right now we're not doing it at all. It is certainly an improvement beyond that.

CHAIRMAN BALLOU: With that let's see if we can pivot now to discussion. I'm just going to kind of reset that discussion briefly. The Working Group Report, which preceded the PDT Report, identified two main issues. The first being, state commercial allocations implemented in 2003 do not reflect the current distribution of the resource, which has expanded significantly north of Hudson Canyon.

Two, federal coastwide quota management can limit harvest opportunities for some states, if another state's harvest overage results in a coastwide fishery closure. That second issue, identified by the Working Group is slated to be addressed in collaboration with the Mid-Atlantic Council and NOAA Fisheries, and will

likely be brought back for consideration at our next joint meeting in October, or as early as that.

The first issue is what we want to focus on today. The PDT undertook an initial analysis of management options and alternatives suggested by members of the Board. As noted in the report, and by Caitlin in her presentation, some of the options relate well to the problem statement, others less so. Thus it would behoove the Board to offer a clearer sense of direction to the PDT regarding the Board's intent on the issue of reallocation. In other words, what is the primary purpose for revisiting allocations for commercial black sea bass, and what is the primary goal for the options and alternatives to be further developed and considered? One version offered solely for the purposes of seeding today's discussion, might be something like this.

Given the shift in resource distribution and abundance, the Board should consider changes in commercial allocation to provide fair and equitable access to the resource, by better aligning allocations with updated scientific information on resource distribution and abundance, while affording due consideration to the socioeconomic needs and interest of coastal communities.

That straw man language draws from the initial problem statement developed by the Working Group, and comports with key relevant provisions in the Commission's Strategic Plan. I reviewed that plan and I have them in front of me. But I can circle back to them if anybody wishes. I'm game to put that straw man goal statement that I just offered up on the screen, for purposes of seeding today's discussion upon request, but won't do so unless so requested.

I just wanted to kind of set the stage, and now open the floor to discussion on a proposed goal statement, and any other set of objectives related thereto, that's one. Two, some clarification and guidance as to which

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management strategies the PDT should continue developing, and three, what our potential timeline should be as we move forward with this initiative.

Those are the sort of three. I want to frame this discussion with regard to those three issues. I think it was bracketed the same way in Caitlin's slide, so just kind of resetting this next phase of our meeting today. With that I will now open the floor to discussion, comments, and suggestions. I don't anticipate the need for motions.

We're not adopting anything today. We're really just in a mode of trying to provide guidance on these issues. But it's an important step in the process, because it will inform what happens over the next several months. With that the floor is open for anyone who wishes to weigh in on any of those questions, or any of the issues that have been raised. Who would like to go first? Tom Fote.

MR. FOTE: I asked a while ago about when we're doing biomass, and we basically put it in numbers of fish, and compare the numbers of fish over the period of time, because as we know black sea bass like summer flounder, if you put higher size limits you reallocate by doing that because the bigger fish move north.

I'm looking at what were the figures by numbers of fish that basically has that change over the period of time. I can understand why they get bigger fish, because basically like summer flounder, black sea bass they do the old go out to the Canyon and come back further north, as they get larger.

We've been providing a nursery for the south for the big fish to go north. When we started raising the size limit, we did over the years from the smaller size limit on black sea bass and summer flounder, we started doing the reallocation ourselves of where the biomass, because the bigger fish are up north. I've asked for that a couple of times. I wonder if we could

get that and we can probably start really looking at this.

CHAIRMAN BALLOU: Before I go to the next hand, I just want to note that I misspoke when I said no motion would be needed. A motion would clearly be needed if we were to initiate a management action today. I just want to clarify that point. On these issues, who is ready to weigh in and provide guidance on some of these areas? David Borden.

MR. BORDEN: I don't have a problem with the statement that you put up there. I do have some issues with some of the options that are in the document; specifically the Auction Option. I think should be taken out, unless somebody can convince me that they've fixed the problems that manifested themselves with the RSA project. If you want to just focus on this, I'm happy with this statement.

CHAIRMAN BALLOU: Just to keep the meeting moving along well. How does the Board feel about this straw man proposal for a goal statement? I say this. I'm pointing to the language that's up on the board. Again, this was just offered based on what I drew from, based on drawing from the sort of record if you will, the problem statement developed by the Working Group, principles that I drew upon from the Commission's Guiding Documents.

Does this speak to the purpose upon which this Board is looking to move forward with this issue of revisiting commercial allocation? If there is no objection, again we are not formally adopting anything today. We're just making sure that we're clear on what it is that we're looking to achieve. Is there any objection or any recommended changes to this language? John Clark.

MR. JOHN CLARK: It would just be a clarification, Bob. I'm just wondering by having a goal like this. Are we saying as we get further into these discussions, which if summer flounder was any indication are going to be long

and excruciating, that we would have to base any allocation on, you know we said in our goal we were going to allocate based on the new distribution of the species.

It almost seems that this goal would say the status quo is not an option. I know from just from what we saw from the AP report for example, status quo is favored by a lot of the fishermen in our region. I just want to make it clear that if that goal is in there, there could be a situation where status quo is something that would not be seen as an option.

CHAIRMAN BALLOU: My response would be status quo is always an option, and the key word here is the first word, consider. This is just indicating the purpose by which this initiative would move forward. It doesn't mean that anything has to be adopted, but it would guide the development of the options and alternatives. John.

MR. CLARK: I understand Dave said to remove the Auction Option. I had come up with that. I just didn't put much effort into that because I didn't figure it would go anywhere. But one of the real advantages that was not really brought up in the PDT report, was that it would take us out of this allocation effort here, because we would have a situation where the allocation would be allocated based on whoever would be best able to take advantage of it.

I think what I've heard from some of the joint meetings is there is already a de facto reallocation going on, and that some of the quota from permit holders in some of the southern states has been bought by commercial boats in other states. In any event, as I said, I certainly understand the difficulties with going to that. But it would be one thing to think about for the future, to try to avoid these long-drawn-out-allocation arguments.

CHAIRMAN BALLOU: Understood, thanks. Mike.

MR. LUISI: I'm comfortable with what's on the board and what we're discussing here, and I'm happy that the first sentence doesn't reference shifts or expansion, and that we've kind of steered clear of that and we're talking more about distribution and abundance. I think there is a debate still over whether or not the stock is shifting, or if it's just been redistributed and expanding in certain areas. I think that I would be happy to leave that alone.

Last, just for the record, I'm assuming that reading the last part of the sentence, "the socioeconomic needs and interest of coastal communities," is in reference to what's been developed over the time that the allocations have allowed for those states to capitalize and put forth in their communities the harvest of that resource at the level that they're harvesting now. I think in my mind this does address the issue, but it also secures to some degree that historical nature of the fishery as an important element as we move forward.

CHAIRMAN BALLOU: I think you put it well. That is certainly my take. Eric Reid.

MR. ERIC REID: I just have a question about our current utilization of the resource. Is there any state that is underperforming on their current quota?

CHAIRMAN BALLOU: Well, I'm going to let Caitlin answer that. She just whispered in my ear, if you want to I can put that on the record.

MS. STARKS: I have taken a look at the recent years, and there isn't any state that is significantly and consistently underperforming. It does alter from year to year, and there has only been a couple states in the last few years that have been under their quota, but it's only been by a few percent.

CHAIRMAN BALLOU: Why don't we by consensus, agree that the goal statement that's on the Board is worth adopting. But I use that word loosely with a small "a" for the purposes

of guiding future development. I was next going to turn to the management strategies and options, but Adam you have your hand up, go ahead.

MR. NOWALSKY: My one concern with this approach is that it tells us, in my opinion relatively prescriptively, that fair and equitable access is based on resource distribution and abundance. I don't disagree with the statement that resource distribution and abundance should be one of the considerations.

But I have a level of discomfort with this statement as written, whereby fair and equitable access to the resource by better aligning allocations. I would be more comfortable with replacing "by better" with something along the lines of "including consideration of," whereby we're clearly identifying this as something we want to consider. But I appreciate the effort you put here, in terms of trying to guide us. I'm just uncomfortable with the focus on that as the means for equitable access.

CHAIRMAN BALLOU: I appreciate that. I would just kind of revisit Mike Luisi's comment and that is that the last part is aimed at identifying a second key factor, socioeconomic needs and interest of coastal communities. You could say balanced by or in due consideration to that. I sort of read this as addressing two key factors, the one that you just spoke to is one, but it's not limited to that.

It's also sort of balanced by or also complemented by that last part. But to your point, if the language were changed to just say, including consideration of, it leaves it more open ended. It means that other factors could be introduced, and I guess the point that I would want to focus on today is what would those other factors be? If so, let's try and identify them now. If this is missing pieces, let's try to get those missing pieces in. Adam.

MR. NOWALSKY: I think historical allocation is the first one that was highlighted by the Working Group here. I don't disagree that while affording due consideration touches on that. I don't think it's as clear that saying historical allocation or whatever it might be. I don't think we have to list them all.

I think having gone through the summer flounder process; we've touched on a lot of the issues. I'm just looking to whatever they may be, whether they're here today. I don't view this as a guiding principle for the next three weeks, three months, or three years, Mr. Chairman. I think this is something this Board could hold true for a longer period of time potentially.

I think it's important that we don't box ourselves into a corner by saying fair and equitable access is defined by aligning allocations with updated scientific information, without stating that that is just one of the items we want to. If you specifically need another, I would offer historical allocation as an item to have here as another example if you needed one.

CHAIRMAN BALLOU: Responses to Adam's suggestion. Toni, sounds like you've got an idea.

MS. TONI KERNS: I just have a question, Adam. Maybe it's by interpretation, which will be subject to question or something, I don't know. But by saying that we're trying to better align allocations with updated scientific information on resource distribution in abundance, I would say that underlying that is the historical allocation, so that's what you're starting with is historical allocation.

Then this is saying that you want to consider changes to take those historical allocations and somewhere realign. How much you realign is a big question with this updated information on distribution and abundance. I'm trying to think like how to fit that in, because this sort of goal

statement or whatever we're going to call it, is telling you what you're considering the options to shift to. If you already have historical allocation as the underlying current allocation, then how do you blend that in here? Do you know what I'm saying?

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: This is the crux of the issue is that is resource distribution and abundance the right way to reallocate? That is the question that is put before us. My point is that's one consideration. I'm not comfortable leaving this room with that being the phrase that we're using as the means for fair and equitable access.

I think the AP was very clear in highlighting that. I think we would be doing the AP process a huge disservice by essentially disregarding that. Again, I was fine with leaving it. My specific suggestion, which is replacing "by better" with "including consideration of," I thought that left this as a focus, but didn't explicitly say this was our means for fair and equitable access.

I think it comes down to if you are in favor of abundance distribution as the means for reallocation, then you could say okay, this includes historical allocation. This includes all the other things, because you like this. If you have concerns that that way forward is not necessarily the best way forward, I think it's clear where I land on the issue here.

I think you're going to have some more considerations, and you're going to look for a little bit more consideration of the other side of the coin. I don't know what more I could say than that. I mean this is a decision the Board ultimately has to make in how we move forward, and that's my proposed way forward is by changing "by better" to "including consideration of."

CHAIRMAN BALLOU: I'll take Tom, and then we do want to kind of come to terms on this, move to the other issues, and we're about 15 minutes

away from I think needing to wrap up. We do have to move through this as quickly as we can. Tom Fote.

MR. FOTE: As I read this it says that we haven't been fair and equitable in the way we've been managing black sea bass. That is what you just said here; consider changes in commercial allocation to provide fair and equitable. Are we not doing that now, as by doing it historically? Now we're talking differently. I mean I agree with Adam. This wording is not the right wording.

CHAIRMAN BALLOU: Eric.

MR. REID: Other than I'm trying to avoid a nervous breakdown at this moment. I do agree with Adam, because my definition of better is going to be substantially different than maybe Rob O'Reilly's for example. I agree with Adam that we should change that a little bit.

CHAIRMAN BALLOU: Okay. What I'm thinking is that we don't necessarily have to arrive at a finite decision today on the exact wording. We can certainly take the Board's input, and work on continuing to craft this goal statement. We're trying to move the ball forward. It doesn't mean we have to score a touchdown today. But we do need to get through a couple of other issues, so I'll take two or three additional comments; Joe, Matt, and Rob, and then we'll need to move on to the next issue. Joe Cimino.

MR. CIMINO: I think to me socioeconomic means more than just the historical allocation. The fact that we're going to set something in motion that is constantly shifting, I think. We've seen the concerns with summer flounder industry saying, even in Rhode Island where they're saying we might benefit at town dock, but this does not seem safe to us.

A concept of telling sea bass fishermen, you know you're going to lose this quota for ten years, but don't worry you may get it back. In

that amount of time if they had to sell their sea bass pots to survive, getting it back in ten years isn't exactly helpful to them. I think moving forward, socioeconomic needs puts a lot of onus on us to do something we don't always do, and have good information on the gear types, on the capacity of the fisheries, on the capacity of the docks and stuff like that.

CHAIRMAN BALLOU: Matt Gates.

MR. MATTHEW GATES: I think the allocations originally set in 2003 were probably what people thought at the time is fair, and probably were fair at the time, because the change in resource distribution has created a situation where it's a lot I think less fair for certain states, Connecticut being one of them, with a 1 percent share of the allocation. I think I like keeping the term better aligning with allocation with updated scientific information. I wouldn't want to make it worse than it is now. I think keeping better in there is a good descriptor of that.

CHAIRMAN BALLOU: Got you. Let me go to Rob and Maureen, and then we're going to move on. Rob.

MR. O'REILLY: Joe has covered my thoughts there, so thank you.

CHAIRMAN BALLOU: Maureen.

MS. MAUREEN DAVIDSON: Right now the Board is considering changes in the commercial allocation to black sea bass. Obviously, we can foresee which states might want change, and which states don't want to change. Are we considering changing our commercial allocations to black sea bass?

If we're not, for historical reasons, for socioeconomic reasons, fine. But I think that if we're going to change the allocations for black sea bass, we have to have some justification for why we're changing it, and the direction we're

going to go in the change, and what we're going to use as the basis for making these decisions.

I know this is hard. I got to watch parts of the summer flounder discussion. I don't want to go back to the basics, but I really want to ask, do we want to change it? I mean I'm from New York, I want to change it. But there are other states that are comfortable where they are now. Before we start arguing, are we willing to consider real change to our black sea bass commercial allocation?

CHAIRMAN BALLOU: I'm going to take this position. We have not reached consensus on a goal statement. We have some language that I think is something that we can circle back to, incorporating input received today by the Board, and then bring it back before the Board at our next meeting. I don't think we're going to achieve any sort of sense of finality on this today. What I would like to do next is just see if, and this is a little awkward, because the next issue has to relate to this first issue.

But are there any alternatives or options that are currently being analyzed by the PDT that should be struck, or are there any new options or alternatives that should be added? This would be for the purpose of giving guidance and direction to the PDT, and their continuing efforts to work on this issue. I would like to get some input on those questions, they are related. Anything new to be added, anything that is in there now to be struck? Emily Gilbert.

MS. EMILY GILBERT: GARFOs input on the ASQ Approach, the Auction Seasonal Quota Approach, was already discussed a bit during the presentation. It's discussed more in the PDT Document itself. But I just wanted to reiterate that given the difficulty in effectively enforcing, monitoring and managing such a program, in addition to the limitations of staff and resources to administer an auction. These are thoughts similarly shared by the Commission staff. We would have strong reservations over our ability to ultimately be

able to successfully implement that program. That's my comment.

CHAIRMAN BALLOU: That echoes sentiments that David Borden mentioned earlier. Are there any other thoughts on this, and I would put it in the form of is there any objection to removing the, we're calling it the Auction, I'm sorry I forget the name, the ASQ Option. Is there any objection to removing that from the document for now?

Sorry John, appreciate, it was teed up well and I thought it actually received a good amount of analysis. I don't sense that you're objecting to removing it for now. It can certainly be placed on a back burner and be brought forward again, but for now in terms of focusing our resources, is there any objection to pulling that third option?

I see no objection, so we'll take that as a consensus opinion on the part of the Board. Then the last issue is the timeline, and this does relate to the sort of core final issue, and that is whether or not there is any interest in formally initiating an addendum or any sort of management action. I guess it could be an amendment today. That doesn't need to happen. It could, but certainly it relates to the timeline, and Caitlin if you could put that timeline, the one that you had offered up back on the board to help that would be wonderful. Rob O'Reilly.

MR. O'REILLY: I didn't know you were closing the door on the option, so I do have a comment on that if I may.

CHAIRMAN BALLOU: Oh sure, I'm sorry, thank you.

MR. O'REILLY: In February meeting, winter meeting at the very end. The Chair allowed other options to be brought forward, and at the time just speaking about my thought process, having one option available at that time, the TMGC, with four key decision points, which I

could see would be a big hurdle to overcome to figure out when, where, and who is going to make those decisions with that approach. I did supply both you and Caitlin with the trigger point approach, and I think the PDT certainly is welcome to flesh out other options. But by putting in the soft trigger, it sort of mutes the effect of what I had intended when I supplied that. Now granted, I borrowed that from elsewhere, you know from the flounder document, the Summer Flounder Commercial Amendment Document, and made some modifications for the constant catch to not include that.

But to see in the document that there's going to be taking that particular option, putting a 50 percent would be the approach, which would rest with historical allocation. The other 50 percent would be with some other type of allocation. To me that's a pretty big departure. I don't mind that departure, as long as the documentation is separated.

That is not really something that was introduced for that purpose; it was introduced so that there could be a stepping stone to reallocation that would be a little more moderate. My supposition early on, based on Nicola's question was that yes, 3 million pounds is something that would prove to be a pretty good trigger point.

If we come back after the next assessment and the assessment after that, and this resource is showing that 5 million, 6 million pound quotas are available, well then yes the Board can come back, the Board and the Council can get together and say, well you know what? We really do have something that we can rely on here.

But in the meantime, to put in the soft trigger does mute the effect of putting in that option, and so I would request that as this goes further that that be set aside, and not included as part of the trigger point option. It may be included however the PDT wishes to characterize it. But

clearly it's confounding, and I just want to make that statement for the record.

CHAIRMAN BALLOU: Caitlin, do you want to respond to that?

MS. STARKS: Sure, I just want to say understood, and if the Board didn't want that option in there at all that is also your prerogative. I think right now I'm looking for some direction, on which of the things the PDT put forward as additional ideas you guys are interested in moving forward, versus not interested in moving forward. That's helpful feedback, Rob, and I think if that stays in based on the rest of the Board's will, we can definitely separate it out as a different kind of option than the trigger option.

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: Just continuing in that vein. The quotas that we see coming out of the next assessment, as a result of the revised MRIP numbers, I'm not sure we're comparing apples to apples anymore, in quotas that we have for 2022 and beyond, relative to where we were in 2012, 2015, because they're going to be based on very different information.

I would request, I support moving forward with further development of a trigger based option. But I would ask the PDT to specifically look at what this means, and we now have the example of summer flounder to look at, where our quota for 2019 now means something very different. Even though the quota went up, it's not to say that the quota went up because suddenly the resource doubled in size. That is not what happened. The resource didn't change in size, our understanding of it did. What the quota means today is very different relative to where we are. I would ask for that consideration. In terms of a timeline moving forward, I'm of the opinion that allocation should not be done through an addendum process.

I think if you're trying to hold this meeting to a timeline today, a motion to initiate a management document today is probably going to take you significantly over the time that's been allocated. That would be your discretion where we go from there. But I would be a proponent, if we're going to go through an allocation it should be done through an amendment timeline process.

CHAIRMAN BALLOU: I'm going to take two more comments and then try to bring this to a conclusion. I think, was it David? Did you have your hand up? Yes, go ahead.

MR. BORDEN: I'll just follow up on Adam's point. I look at the whole MRIP recalibration as an opportunity for us to fix problems. In other words, given the experience that we've all had on summer flounder, where the quota went up by 72 percent. Had we had the benefit of actually taking a step back and taking some portion of that quota, and I'm just using this as an example, not to argue summer flounder at a black sea bass meeting, but had we taken advantage of that 72 percent increase, and tried to fix some of the problems that some of the states around the table have been having, particular New York and Connecticut. It was a way forward, and a painless way forward.

In other words, the states wouldn't have had to give up their basic allocations. We could have fixed the problems, and then figured out a way to move forward. We're going to have, at least my own understanding of where we're going to be is we're going to be in almost that exact same position on black sea bass, if things transpire the same way.

I'm more inclined to pick up the pace of this, and try to pick up the pace of it so that we can take advantage of that opportunity to try to solve, particularly the situation with Connecticut and New York on black sea bass is feeling intolerable. Connecticut gets 1 percent of the allocation, it's just unheard of.

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They've got 1,400 square miles of area in Long Island Sound that's packed with black sea bass that didn't exist back in the initial timeline. But we've got the opportunity to fix that if the quota goes up. I'm more inclined to accelerate this rather than slow it down.

CHAIRMAN BALLOU: Nicola Meserve, and then we're going to have to try to bring this to a conclusion. Nicola.

MS. MESERVE: With regards to the trigger option. I think it's really important to note that the PDT said that in its original design, it does not respond to the problem statement. Moving forward, I would oppose to continuing with a trigger approach that has equal shares of the quota above the trigger level. What that does is distribute the extra quota to states, indifferent of their geographic location along the coast. It doesn't respond to the statement of the problem. I am much more interested in a modification to the trigger approach, as provided by the PDT, that would include the regional resource availability, and how the quota above the trigger level is distributed.

CHAIRMAN BALLOU: Duly noted. I think that would be good guidance that we'll be able to draw upon. At this point what I want to do is try to bring this portion of the meeting, this agenda item to a conclusion. One way to do that is to entertain a motion to initiate a management action. If anyone feels a burning desire to do that I'll entertain it.

Another way forward is to just pause. You know hit that pause button as we sometimes do. Our next meeting is in August. We could take the guidance provided today on all the issues that we discussed, work to further massage and develop the document, bring it back in August, see where we are, maybe drill down a little bit more to some of these issues we discussed today.

That is a second option. Is there any preference on the part of any Board member to move

forward with one versus the other, and I'll take that in the form of is there anyone who wishes to make a motion pertaining to initiating a management action today? Seeing no hands, I'll assume there is consensus on the second approach that I just mentioned. I think with that do we need anything else today? Caitlin, what else do you need today?

MS. STARKS: I think if you're going this route of continuing PDT work on developing management options that could be considered in August, then the PDT would definitely need some more direction from you all on which of those options to include. I obviously heard that you would prefer to scratch the ASQ Option, so they won't look at that anymore.

But with the TMGC and Trigger Approach they've put forward several examples, so it would be very helpful to know which of those you're interested in. Are there other examples that you would like to see of how those two options could be configured? I heard Nicola say to keep looking at a modification that would take into account regional biomass information. But are there other things that the PDT could do from now until August, to bring back to the Board?

CHAIRMAN BALLOU: That's a good question. It's a question asked three minutes following what was supposed to be the end of this meeting. I wish we had more time to delve into that. I'm not sure that we do. But if anyone has any immediate thoughts, I really want to honor Caitlin's request.

On the other hand I'm not sure we have enough time to really get into. Well, e-mailing is fine. The problem with e-mailing is it doesn't necessarily represent the consensus view of the Board, it represents individual interest. That said there is no harm done given where we are in the process, to open the door to individual suggestions from individual Board members, provided to Caitlin via e-mail. Any such input will be vetted at our August meeting.

We're not going to move forward in any new direction or any particular direction based on any individual Board member's wishes. But it is invited. It will be conveyed to the PDT, if anyone wishes to weigh in. I don't know how else I can handle this at this point, given where we are with regard to timing. But if any Board member has a different take on how best to proceed, I'm open. Otherwise I want to try to move on to our last agenda item. Matt, it looks like you had a thought. Did you want to offer something?

MR. GATES: I just had one suggestion for Caitlin, but I can handle it in an e-mail if you like.

CHAIRMAN BALLOU: Yes, why don't we do that? Why don't we live up to that suggestion? E-mail input is open; the door is open to that. Rob.

MR. O'REILLY: I'll be very brief. The trigger point option we saw what the AP thought, so three AP members thought go forward, six thought it can go forward, give it some idea. I think what I am objecting to is the open-endedness that I saw in the document. If the PDT wants to refine that and take into consideration the resource, then that's fine, but there has to be some decisions on how that goes in time.

For example, the current trigger option that came out the Summer Flounder Commercial Amendment, it is cut and dried. You reach a certain point, allocation changes. The PDT can change the allocations, not make them evenhanded to the states. That is fine. That is a different option and that's fine. Then there has to be a decision on how much, so there has to be some information on how much of the range, not just throw out 50 percent and say well, here is some examples of 50 percent.

It has to be worked up with data. Unfortunately, when we went through the Summer Flounder Commercial Amendment, I

don't think a lot of the states at the time had everything worked out as to how that actually changed allocation, and what amount of poundage was transferred through the trigger point option, for example. That is my recommendation; I'll put it in e-mail as well.

CHAIRMAN BALLOU: Toni.

MS. KERNS: I guess Rob just gave one piece of a question for the PDT. In that though, you know the PDT isn't making these management decisions. You all are making those management decisions, and then they are working up those examples for you. The PDT really needs advice on what more do you want from them, outside of what they have here?

Based on the discussion today, I'm not really sure they are going to provide you anything different than what you have here today, unless you say I want a TMGC Approach with no more than 1 percent movement per year, and a trigger here. That's what they need from you all, in order to bring you a document, or you can say we want a range of these pieces.

But they can't make those management decisions. That's what this body is here to do. They've built the program for you, and I think they did an excellent job with this document, to provide you all with some really good background and backbone to then turn into a document. But they need that advice back. I'm just not sure they're going to give you anything new from what they already have, so I just hope that there is not this big expectation that you're going to get much of a different document.

CHAIRMAN BALLOU: I think that is a fair comment. I think that seems to be where we are. I'll just leave it at that. Again, I'm trying to wrap up, but I see Adam's hand up. I realize I didn't go to the audience, so Arnold I will allow you to offer a comment. But go ahead, Adam.

MR. NOWALSKY: Taking those comments to heart, I would propose we leave here with a

date, May 15 maybe, of anyone who wants to provide specific things they want to see, or comments on the variation to get back to staff. This is what we would like the PDT to do for us. You could give that to them. You could distribute it if you felt so inclined to the entirety of the Board, so they knew what everybody was doing. That might be a way forward where we are, given the timeframe today, and hopefully get something back then for our next meeting.

CHAIRMAN BALLOU: Here is how we're going to resolve it. I'm going to take Adam up on his suggestion, but it's with a caveat, and that is by May 15 we will, with staff. I will review any and all input provided. If I think that input veers off from what I would consider to be a direction that the Board as a whole would support, I'm going to really hit the pause button and wait until we reconvene in August.

Because I do not want to see the PDT engaging in analysis on options and alternatives that may be of interest to a particular Board member, but might not be shared by the Board as a whole. I'll make that judgment call as to whether the input provided by May 15, based on this meeting and any additional input provided by May 15, warrants continued work by the PDT.

I'll consult with staff obviously, and with my Vice-Chair, and we'll try and make that determination. I will be very vigilant on behalf of the Board to make sure that we don't put too much time and effort into any new ideas or options that haven't been sort of cleared by the Board. With that we may end up not making a whole lot more progress until August.

But, I will challenge you to be ready in August to kind of get a little bit more concrete in our direction forward. But I think this is a process of the ball moving forward, I think we have moved the ball forward today, and I appreciate that. I'm ready to wind it up, but Arnold I will give you this opportunity to comment, and while he's coming up Tina, if you're not already

ready. I'm going to be calling on Tina next for the AP membership issue. Go ahead, Arnold.

MR. ARNOLD LEO: Thanks, a recommendation to include in the possible addendum. It has occurred to me that when it comes to these questions of allocation among the states or the user groups, they're always stalled, because obviously the states or user groups who are going to lose will oppose change, and those who might gain will be in favor of change.

We're constantly stalled at making any progress. I wonder if it's not time to consider the appointment of a wholly independent body, say consisting of three marine scientists from like Iceland, England, and Portugal who don't have a dog in this fight, to consider the allocation questions, and make the decision that obviously is a torturous process for the Commission to make the way it's presently set up. That would be my suggestion for an item to be included. Thanks.

#### **REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP**

CHAIRMAN BALLOU: Thank you. Any other input from the public on this matter? Seeing none; we'll move on to our next agenda item, which is to review and populate AP membership, Tina, welcome, thank you.

MS. TINA BERGER: I offer for your consideration and approval the nomination of Paul Caruso, a recreational angler from Massachusetts as an addition to the Summer Flounder, Scup, and Black Sea Bass AP.

CHAIRMAN BALLOU: **Thank you is there a motion to approve the appointment of Paul Caruso, made by Nicola Meserve, seconded by Emerson Hasbrouck. Is there any objection to the motion? Seeing no objection, Paul is appointed.** Thank you and we welcome Paul to the AP.

**OTHER BUSINESS**

**AGENDA ITEMS FOR AUGUST BOARD MEETING**

CHAIRMAN BALLOU: Under other business, I just want to briefly speak to an issue that I had referred to earlier.

For our next Board meeting in August, I am anticipating that there will be a report out on the status of the ongoing preliminary work being done by the Recreational Working Group regarding management reform. That effort being undertaken initially by a relatively small group, involving myself and Adam Nowalsky, as well as Caitlin and Toni.

Mike Luisi and Rob O'Reilly on behalf of the Mid-Atlantic Council, along with staff from the Mid-Atlantic Council, as well as staff from GARFO, is seeking to frame a set of priority issues associated with recreational management, particularly the desire to achieve more inter-annual stability that is obviating or at least lessening the need to engage in our annual process of chasing the RHL.

As part of that effort, or as a corollary to that effort, I would like to engage in a long overdue discussion on reducing discard mortality in our recreational fisheries, particularly black sea bass, but perhaps summer flounder as well. My good friend and colleague, Ray Kane, who I thought was here but may have left, from the Commonwealth of Massachusetts, has been pushing for consideration of this issue, backed by the results of a couple of recent studies.

We've been so inundated with issues over the past year, and as a result this issue of discard mortality has unfortunately gotten pushed back in line time and again. But I think the time is a good one now to bring this to the fore at our next meeting in August. I am therefore proposing we do that. If there are no objections to the idea, I will work with staff to ensure that we get that teed up, and invite all

Board members to contact us if you have any specific ideas related to the project.

Again, this is picking up on an issue that has been recommended to me by one Board member repeatedly, and I just want to honor that request by acknowledging that it will be folded into our August meeting.

**ADJOURNMENT**

With that is there any other business to be brought before the Board? Seeing no hands is there any objection to adjourning? Seeing no objection, we are adjourned. Thank you very much.

(Whereupon the meeting adjourned at 12:30  
o'clock p.m. on May 1, 2019)