

Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board

February 5, 2019
1:00 – 2:30 p.m.
Arlington, Virginia

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*R. Ballou*) 1:00 p.m.
2. Board Consent 1:00 p.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2018
3. Public Comment 1:00 p.m.
4. Consider Approval of Scup Proposals for 2019 Recreational Measures (*J. McNamee*) **Final Action** 1:15 p.m.
5. 2019 Black Sea Bass Recreational Measures (*J. McNamee*) 1:45 p.m.
 - Consider Approval of Status Quo Measures **Possible Final Action**
 - Consider Methodology for Adjusting 2019 Recreational Measures **Possible Action**
 - Consider Virginia and North Carolina proposals for Wave 1 recreational Fishery **Final Action**
6. Report from Black Sea Bass Commercial Working Group (*C. Starks*) **Possible Action** 2:15 p.m.
7. Other Business/Adjourn 2:30 p.m.

The meeting will be held at the Westin Crystal City, 1800 S. Eads Street, Arlington, Virginia; 703.486.1111

MEETING OVERVIEW

Summer Flounder, Scup, and Black Sea Bass Management Board

February 5, 2019

1:00 - 2:30 p.m.

Arlington, Virginia

Chair: Bob Ballou (RI) Assumed Chairmanship: 10/17	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Snellbaker (NJ)
Vice Chair: Adam Nowalsky (NJ)	Advisory Panel Chair: Vacant	Previous Board Meeting: October 24, 2018
Voting Members: NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (13 votes for Black Sea Bass; 12 votes for Summer Flounder and Scup)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2018

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider Approval of Scup Proposals for 2019 Recreational Measures (1:15-1:45 p.m.)

Final Action

Background

- At the December 2018 joint ASMFC/MAFMC meeting the Board approved the continued use of regional management approaches to set state scup recreational measures for 2019. Based on preliminary harvest data, states could collectively liberalize their measures by approximately 27% to achieve the 2019 Recreational Harvest Limit (RHL).
- Representatives from the northern region states (MA-NY) met on January 11 to consider preliminary analysis and provide guidance on further analysis for Technical Committee (TC) evaluation.
- The TC met on January 29 to consider analysis and make recommendations on 2019 scup measures. **(Supplemental Materials)**

Presentations

- Regional Proposal and TC recommendations for 2019 scup recreational measures by J. McNamee

Board Actions for Consideration

- Approve proposals for 2019 scup recreational measures

5. 2019 Black Sea Bass Recreational Measures (1:45-2:15 p.m.) Possible Final Action

Background

- For 2019, the black sea bass RHL is 3.66 million lbs, status quo from 2018. The TC met to review available data and evaluate the impacts of status quo or alternative measures on harvest in 2019. Based on TC calculations, projected harvest for 2018 is approximately 3.92 million lbs, or 107% of the 2018 and 2019 RHL. **(Supplemental Materials)**
- Addendum XXXII was approved in December 2018; it maintained the regional management structure set forth in Addendum XXX, and specifies that the Board will annually determine how any coastwide harvest liberalization or reduction is distributed among the regions.
- NOAA Fisheries will reopen the black sea bass recreational fishery for February 1-28 (during MRIP Wave 1) with the following recreational management measures: 12.5-inch minimum size and 15 fish possession limit. Virginia and North Carolina have submitted proposals to participate in this fishery by matching the federal regulations, and will adjust their measures later in the season to account for any February black sea bass harvest. **(Briefing Materials)**

Presentations

- Technical Committee Recommendations for 2019 Black Sea Bass Recreational Measures by J. McNamee

Board Actions for Consideration

- Consider status quo recreational measures or methodologies for adjusting 2019 recreational measures
- Consider approval of Virginia and North Carolina proposals for February recreational fishery

6. Report from Black Sea Bass Commercial Working Group (2:15-2:30 p.m.) Possible Action

Background

- In August, the Board created a working group to address commercial management issues for black sea bass fishery. The working group met several times to identify issues, goals and objectives for commercial black sea bass management.
- The Working Group presented a proposed statement of the problem and commercial management objectives to the Board at the 2018 Annual Meeting. The Board supported the proposal and continuing the working group process to develop potential management options for Board consideration.
- The Working Group has developed a revised problem statement highlighting key concerns for the commercial fishery, as well as several potential management strategies for Board consideration. **(Briefing Materials)**

Presentations

- Black Sea Bass Commercial Working Group Report by C. Starks

Board Actions for Consideration

- Initiate an addendum to address commercial black sea bass management

7. Other Business/Adjourn

Summer Flounder, Scup, & Black Sea Bass 2019 TC Tasks

Activity level: High

Committee Overlap Score: High (Multi-species committees for this Board)

Committee Task List

- January 2019: conference calls on Black Sea Bass and Scup rec measures proposals
- TBD- Review 2018 Summer Flounder Benchmark Assessment and develop 2019 Summer Flounder rec measures
- February 2019: conference calls to update regional rec measures based on Wave 6 data
- June 1st: Annual compliance reports due
- July 2019: In person meeting to develop recommendations on 2020 specifications (Coastwide Quota and RHLs) for summer flounder, scup and black sea bass
- November 2019: In person meeting on 2020 rec measures
- 2019 Scup Operational Assessment
 - TC – TBD 2019: Data Deadline and review of recreational data
- 2019 Black Sea Bass Operational Assessment
 - TC – TBD 2019: Data Deadline and review of recreational data

TC Members: Greg Wojcik (CT, TC Chair), Alex Aspinwall (VA), Julia Beaty (MAFMC), Joe Cimino (VA), Peter Clarke (NJ), Kiley Dancy (MAFMC), Steve Doctor (MD), Emily Gilbert (NOAA), Jeff Kipp (ASMFC), John Maniscalco (NY), Jason McNamee (RI), Brandon Muffley (MAFMC), Kirby Rootes-Murdy (ASMFC), Gary Shepherd (NOAA), Caitlin Starks (ASMFC), Mark Terceiro (NOAA), Todd VanMiddlesworth (NC), Tiffany Cunningham (MA, TC Vice Chair), Richard Wong (DE)

Summer Flounder SAW Working Group: Tiffany Cunningham, Jason McNamee, Mark Terceiro

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

The Roosevelt Hotel
New York, New York
October 24, 2018

These minutes are draft and subject to approval by the Summer Flounder, Scup and
Black Sea Bass Management Board.
The Board will review the minutes during its next meeting.

TABLE OF CONTENTS

Call to Order, Chairman Robert Ballou	1
Approval of Agenda	1
Approval of Proceedings, August 2018.....	1
Public Comment.....	1
Review of Ongoing Board Activities and Actions	1
Consider Approval of Draft Addendum XXXII (Black Sea Bass and Summer Flounder Recreational Management) for Public Comment	5
Progress Update on the Black Sea Bass Commercial Working Group	15
Advisory Panel Membership	19
Adjournment.....	20

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of August 8, 2018** by consent (Page 1).
3. **Move to approve Draft Addendum XXXII for public comment, as modified today** (Page 15).
Motion by Mike Luisi; second by Nichola Meserve. Motion carried (Page 15).
4. **Move to approve Summer Flounder, Scup, and Black Sea Bass Advisory Panel nominations for Rob Haas, Kurt Martin, Brent Fulcher, James Ruhle, and Jay Little** (Page 19). Motion by Mike Blanton; second by Ray Kane. Motion carried (Page 20).
5. **Move to adjourn** by consent (Page 20).

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
October 2018

ATTENDANCE

Board Members

Doug Grout, NH (AA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Nichola Meserve, MA, proxy for D. Pierce (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Bob Ballou, RI (Chair)	Robert Brown, MD, proxy for R. Dize (GA)
David Borden, RI (GA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Matt Gates, CT, proxy for P. Aarrestad (AA)	Bryan Plumlee, VA (GA)
Sen. Craig Miner, CT (LA)	Sen. Monty Mason, VA (LA)
Bill Hyatt, CT (GA)	Steve Murphey, NC (AA)
John Maniscalco, NY, proxy for J. Gilmore (AA)	Chris Batsavage, NC, Administrative proxy
Emerson Hasbrouck, NY (GA)	Mike Blanton, NC, proxy for Rep. Steinburg (LA)
Mike Falk, NY, proxy for Sen. Boyle (LA)	Marty Gary, PRFC
Joe Cimino, NJ, proxy for L. Herrighty (AA)	Emily Gilbert, NMFS
Tom Fote, NJ (GA)	Mike Millard, USFWS

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

Ex-Officio Members

Staff

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

Guests

Rachel Baker, NOAA	Arnold Leo, E. Hampton, NY
John Carmichael, SAFMC	Dan McKiernan, MA DMF
Heather Corbett, NJ DFW	Cheri Patterson, NH F&G
Maureen Davidson, NYS DEC	Mike Pentony, NMFS
Justin Davis, CT DEEP	Julia Socrates, NYS DEC
Pat Geer, VMRC	Jack Travelstead, CCA
Lewis Gillingham, VMRC	Chris Wright, NMFS
Jonathan Hare, NOAA	

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Terrace Ballroom of the Roosevelt Hotel, New York, New York; Monday, October 24, 2018, and was called to order at 1:30 o'clock p.m. by Chairman Robert Ballou.

CALL TO ORDER

CHAIRMAN ROBERT BALLOU: Good afternoon 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.

APPROVAL OF AGENDA

CHAIRMAN BALLOU: The first item on today's agenda is the agenda itself.

Are there any recommended changes to the agenda? Seeing no hands; is there any objection to approving the agenda as proposed? Seeing no objections; the agenda as proposed stands approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN BALLOU: And we're on to the next item which is the approval of the minutes from the last Board meeting held on August 8, 2018. Are there any recommended changes to those meeting minutes? If not is there any objection to approving those minutes as proposed?

Seeing no objection; those minutes as proposed stand approved by consent.

PUBLIC COMMENT

CHAIRMAN BALLOU: We're up to the next item which is Public Comment. This is an opportunity for anyone from the public who would like to address the Board on any issue that is not on today's agenda to do so. No one signed up; is there anyone who nonetheless would like to address the Board? I see Toni

Kerns; who would like to address the Board, thank you.

MS. TONI KERNS: This isn't a Board issue; but there was a large sum of money found in the hallway; so check your pockets. If you had some significant chunk of change that is no longer in your pockets; please come and see me, and then you know maybe tell me roughly how much it was and I'll give it back to you, if you're missing money.

REVIEW OF ONGOING BOARD ACTIVITIES AND ACTIONS

CHAIRMAN BALLOU: Thank you for that and I hope it gets returned to the right person. We are now on to Item 4 on the agenda; which is A Review of Ongoing Board Activities and Actions. There is indeed ongoing progress being made on a number of fronts; reflecting the commitment of this Board and the Mid-Atlantic Council to address a range of issues associated with summer flounder, scup and black sea bass.

As we have gotten used to doing or routinely doing, at the beginning of every meeting we're going to just review where things stand on all of those fronts; and Caitlin has a brief presentation that she's about to give, so Caitlin the floor is yours.

MS. CAITLIN STARKS: As Bob said we have quite a number of things going on for summer flounder, scup and black sea bass; so the intent of this presentation is just to make sure everybody is aware of all of those ongoing activities. First, we have Addendum XXXI, which covers conservation equivalency and Block Island Sound Transit. That was approved for public comment at the August joint meeting.

Addendum XXXII covers recreational management for summer flounder and black sea bass; and that will be reviewed today for consideration for approval for public comment, and then following this meeting hearings for both of those addenda would occur in

November. Third is the fluke allocation amendment. That will be considered for final approval at the joint meeting with the Council in December.

Fourth is the strategic planning that was started in May; and developed some over the summer. This focuses on broad management reform; intended to address several issues in the recreational black sea bass fishery, including instability and also some reporting and compliance issues. Fifth, we have a working group that was formed in August; to focus on black sea bass commercial fishery issues and the Board will receive a progress report on that later in this meeting.

Sixth, there are several assessments; benchmark assessment for summer flounder is underway and will be peer reviewed in November, and then black sea bass and scup have operational assessments that will be completed in April, 2019. Then seventh and eighth on this list are some activities of the TC.

For scup the TC is working on analysis of commercial discards, and for all three species; looking at gear analysis, specifically with regard to mesh size. The TC continues to develop some processes for evaluating recreational data and setting the measures. That is the laundry list. But I'm going to put a little bit more focus on and talk about timelines for the items that are circled here: Addenda XXXI and XXXII, the Strategic Plan for long term sea bass management, and the Commercial Working Group.

Here is the timeline for Addenda XXXI and XXXII; again, XXXI was approved for public comment in August, and you'll be looking at Addendum XXXII today to consider it for approval for public comment.

Following today, public hearings for both addenda would occur in November. In December, 2018, The Board would take these

documents both up for approval at the joint meeting. Then in February, depending on the outcomes of Addendum XXXII, the Board could be looking at approval of coastwide or regional measures, proposals, or methodologies.

Then, in March, 2019 would be the time when the Board would likely approve final recreational measures for both summer flounder and black sea bass. Looking at the timeline for the Strategic Plan, again this was kind of initiated in the summer of 2018; and developed in June. A group of ASMFC, Council, and NOAA staff met to further develop some of the ideas that were presented in the draft Strategic Plan. As a reminder, the Plan was separated into a short term or interim phase, and a long term phase. Following the August meeting, a Recreational Working Group met several times to work on the interim program; which is not partially encompassed by draft Addendum XXXII, which we'll be discussing later today. As Addendum XXXII will likely be considered for final approval in December and implemented in 2019, the recreational group will be able to refocus some of their efforts on the long term management program.

I'll note here that since many of the ideas that were tossed around within the Recreational Working Group and that group of staff from all three agencies would require changes in the Council's FMP; as well as the Commissions. We'll continue working closely with NOAA and the Mid-Atlantic Council to advance some of those ideas in the Strategic Plan over the next several months and into 2019.

In April, 2019, the Black Sea Bass Operational Assessment will be peer reviewed; and likely the Board and Council will together take a look at that in August, 2019. This should provide some more current information on the status of the resource on which we can look at developing the long term management program. Then ultimately the Board would need to initiate a joint action; likely to

implement some of those management changes that are desired.

Lastly, this is a quick draft timeline for the activities of the Board; with regard to commercial black sea bass management. The Working Group was formed in August, 2018, met once in September, 2018, and now at this October meeting you'll be receiving a Working Group report on the statement of the problem and management goals for the commercial black sea bass fishery.

Then depending on the feedback received, the Working Group can continue to develop some strategies to address these issues; and then again the Board would likely want to initiate an action if they want to take action to change or address any of the issues brought up by the Working Group. That is a quick overview; and if there are any questions I can take them.

CHAIRMAN BALLOU: Questions for Caitlin. Adam Nowalsky.

MR. ADAM NOWALSKY: Two questions with that. If you could go back to the Black Sea Bass Strategic Plan first, the bottom row with the question marks here. Even though it's at the end of this timeline, would it not be fair to believe that this action may take place some time earlier in 2019; given the length of time those actions may take to complete that we wouldn't necessarily have to wait until after August in order to initiate those actions? Is that reasonable?

MS. STARKS: Yes, absolutely.

MR. NOWALSKY: Okay, so the second item on this slide is that relative to black sea bass for 2019, we had a lot of conversation about the April Operational Assessment, and our hopes for that when we met in Virginia Beach jointly. Our hope was that we would be able to use the output of that Operational Assessment for management use in 2019.

This slide now contemplates a review of that assessment not until August. I see a bit of a disconnect here from what we talked about in Virginia Beach. I'm hoping to get some clarification here. Has something changed about our knowledge about that Operational Assessment, about when we're going to get the results, about when we're going to be able to use it? Are we throwing in the towel on any potential changes to 2019 management based on that assessment?

CHAIRMAN BALLOU: Toni Kerns.

MS. KERNS: I don't want to put Emily on the spot; but I'm going to ask her to follow up when I'm done. Through conversations that we've had with NOAA, I think that it would be very difficult to make any changes to the specifications by the time we get this assessment information and then it got carried through the federal process, that most of the fisheries would have already started; and that Mid-Atlantic fishery changes would be difficult for the states to get done, and then make any impact on this year's fishery. NOAA has been contemplating some other options; and I will let Emily speak to those that led to this timeline.

CHAIRMAN BALLOU: Emily.

MS. EMILY GILBERT: Yes, thank you for asking the question. We are considering a number of options for the 2019 specifications for black sea bass. I know what we came out of the Council meeting with; but another thing that's under consideration is potentially maintaining status quo. No decisions have been made. We're hoping to have a proposed rule out in the next couple weeks that will clarify what the Agency's proposed measures are for the 2019 fishing year; but that's just an update on where we stand right now.

CHAIRMAN BALLOU: I guess I'll follow and just ask; is it possible that there is a bridge that could be crossed as early as May, or is that to

really kind of echo what Adam Nowalsky asked. Is that being foreclosed in your opinion or is it an open question; as to whether there might be an opportunity to at least address the results of the assessment at an earlier date than August? Yes, I'm sorry. I meant to direct that to Emily Gilbert; I'm sorry, Emily.

MS. GILBERT: No that's fine. Yes, I don't think we've ever said that it's impossible for any adjustments to happen. I think it's just been waiting to see what the results of the assessment are and when they're available; and also that people have to keep in mind that the timing of everything. By the time it's April, we have to have a joint meeting to make these decisions.

It takes a few months after that joint meeting to have all the paperwork in place to be able to implement any sort of adjustments. That would just make it closer to the end of the fishing year; talking about July or later. It really depends on what the results of the assessment are; but changes are possible.

CHAIRMAN BALLOU: Mike Luisi.

MR. MICHAEL LUISI: To the timing. I think that what we could probably do based on an April assessment, Emily, would be to have the SSC review that assessment in May for potentially a discussion as a joint body at our June meeting. I believe the June meeting is here; two blocks from here in New York again. As far as timing goes, I think that's probably the earliest possible time period for the start of an in-season adjustment to the ABC, based on the assessment results.

CHAIRMAN BALLOU: Toni Kerns.

MS. KERNs: If we were to have another joint meeting that will be the fourth joint meeting that we would have. We already have a high cost for having three joint meetings this coming year. We would have to really evaluate the

budget to see if we would be able to do that; because the Commission would be going to all of the Council's meetings.

Right now the way the timing is with the summer flounder assessment, we can't have the Council come to us, we have to go to them; because the report won't be available in time for our meeting to still allow the SSC to review it. That could be a problematic step in there to have a fourth joint meeting budget wise; but I would have to talk to Bob and Laura about that.

CHAIRMAN BALLOU: I think that was a good discussion on an important issue. Mike Luisi, something more to add?

MR. LUISI: Yes, I have another question for Caitlin regarding planning. The way I see it here there is a possibility that we could take on both kind of this long term management change on the recreational fishery; but there's also a Commercial Working Group discussing potential changes on the commercial side as well.

Do you envision that being, at the end of the day when we get to that point, when we may initiate something? Are you thinking that we may initiate a comprehensive amendment that is going to deal with both recreational and commercial all packaged together; or are you thinking one might be better served by separating the two out?

MS. STARKs: I think the timelines might be a little bit different; so it might be best to separate them out. If commercial action is wanted by the Board, then they could choose to do an addendum; that would take less time, so it might be best to separate those two items.

**CONSIDER APPROVAL OF
DRAFT ADDENDUM XXXII (BLACK SEA BASS
AND SUMMER FLOUNDER RECREATIONAL
MANAGEMENT) FOR PUBLIC COMMENT**

CHAIRMAN BALLOU: Any further questions for Caitlin? Seeing no hands; we will move on to the next item, it is the main item on our agenda for today and it is an action item. It is to Review Draft Addendum XXXII for public comment; review, consider and approve draft Addendum XXXII for public comment. I believe Kirby and Caitlin may be jointly presenting the document; so we'll start with that presentation, and then we'll move to questions, comments, and any proposed changes. I think to Caitlin first.

MS. STARKS: Kirby is just here for moral support; so I'll be giving you an overview of Draft Addendum XXXII. I'll start off with some background information; go into the management options presented in the document and some detail on each of those, including standards and guiding principles that would be associated with the second option of setting measures through specifications. Those apply to both species; and then I'll wrap up with the next steps for the Board. Summer flounder is currently managed under Addendum XXVIII; and black sea bass is currently managed under Addendum XXX for the recreational fisheries. Both of these addenda expire in 2018; and there is currently no management program in place to replace them, except for the FMP. In May, 2018, the Board made a motion to develop a new action for black sea bass that would address changes in the black sea bass abundance and distribution, and consider management based on the distribution of the resource.

Then after this meeting in August, the Board agreed to add summer flounder to the same Draft Addendum. Now we're dealing with both summer flounder and black sea bass in Draft Addendum XXXII. Following the August meeting a Recreational Working Group met twice, and worked with staff to develop the draft

Addendum document that you'll be discussing today.

This Addendum has several objectives beyond just putting in place a management program for these two species; and those are to improve equity and regulatory stability, to make sure that harvest opportunities are commensurate with species abundance and distribution, make sure that management measures are responsive to harvest estimates that may come out late in the year, and that stock status information and public input are also considered.

Additionally this recreational program could be in place for both species until long term management changes are made and implemented through another action. The management options that are in this document for both summer flounder and black sea bass include Option A, which is status quo or coastwide measures, and B, which is setting measures through the specifications process.

I'll explain that in a little more detail shortly; but under that option there are also some sets of standards and guiding principles that would structure and provide some boundaries on how measures are set following the specifications process. For summer flounder the standards and guiding principles are predetermined; and that just means that they go along with the option and there are no suboptions, but for black sea bass there are two suboptions that would determine what the final set of standards and guiding principles would be.

Option A for both species is status quo. For both species the default management program under the FMP is coastwide measures; however for summer flounder, conservation equivalency may also be used. For black sea bass status quo would mean reverting to a single set of uniform measures for the coast; as we don't have conservation equivalency for black sea bass yet.

If this option were selected an Addendum would not be required; and these management programs would stay in place until a new management document was to take their place. For both species again, Option B is to set measures through the specifications process. At the most basic level all this means is that measures would not have to be put in place through a formal addendum process.

Rather, the Board would not be limited by a range of options that are included in a draft addendum, but instead would be able to use information that's provided by the Technical Committee to determine measures that constrain harvest to the RHL on an annual basis. The TC would be able to use their same general procedures for analyzing the MRIP harvest estimates in developing combinations of measures that constrain harvest. But the timeline on which they do this could be different from what we've done in recent years; and with regard to public input the difference would be that instead of ASMFC leading public hearings to gather comment, the states would have the responsibility of receiving input and feedback from the public and providing that information to the Board to contribute to the decision making process. Again, all of this would occur without a physical addendum document dictating what the schedule is or what formal shares of the resource might be.

That is not to say that there wouldn't be any limits on how measures are set for each species. As I mentioned, for this process to be effective the Recreational Working Group determined it would be necessary to include some sets of standards and guiding principles that would structure the development of recreational measures; and the standards and principles are different for summer flounder and for black sea bass, and address issues that are specific to each fishery.

But for both, the general goals are still regulatory stability and equitable access to the

resources. To clarify what the difference is between the two categories; standards refers to more strict and measurable rules for the states to follow in this process, while principles are more qualitative, and therefore a little bit more flexible.

For summer flounder, these are the standards that were developed by the Working Group. First, measures will be developed in a six-region approach; where one region is Massachusetts, one region is Rhode Island, and then Connecticut through New York, New Jersey as a region, Delaware through Virginia as a region, and North Carolina is the sixth region.

Second, all states in a region will have consistent minimum size limits, bag limits, and season length; and lastly any methodology for developing measures or other types of regulatory changes that have not been vetted by the TC must first be approved by the Board. As a guiding principle, the draft Addendum states that recreational measures for summer flounder should be as similar to the prior year's measures as possible.

This is to ensure that regional measures do not change significantly from year to year; and that measures for states and bordering regions do not get more disparate over time. The intent is to adjust regional measures in the same direction each year along the coast; based on the fishery performance and availability, while still maintaining flexibility for the region, and equitable harvest opportunity for all stakeholders.

Moving to black sea bass, there are two standards that will be automatically included with Option B, if it's selected at final approval; and those are one, that measures would be developed using a three-region approach, which is the same as was used in draft Addendum XXX, and those regions are defined as Massachusetts through New York, New Jersey as a standalone, and Delaware through

North Carolina north of Cape Hatteras as the third.

Second, annually the Board would determine how coastwide harvest liberalizations or reductions are distributed among those regions; based on a variety of factors, including but not limited to resource distribution, expected availability, angler effort, prior-year-fishery performance, and TC recommendations. This will result in annual de facto harvest targets for each region; but those are not to be confused with allocations or precedence for future allocations. The regions would then take those de facto harvest targets and work together to develop recreational measures that would achieve them; all while staying in the coastwide RHL. A third standard for black sea bass would be determined by the selection of two suboptions; which I'll go over next. Each of the suboptions presents a different way of structuring the development of regional measures for black sea bass.

The first method, Option B1 is that recreational measures within a region would be crafted using the prior year's measures as the starting point. Then states within the region would develop measures that collectively achieve but don't exceed the de facto harvest targets that were set by the Board.

Different conditions would also apply; depending on whether the region is required to take a harvest reduction or allowed to liberalize from the prior year. If a region is not required to reduce harvest from the prior year, then no state would be required to restrict their measures. If the region is allowed to liberalize harvest, then states would develop their measures in a manner that collectively reduces interregional disparities.

That means states with relatively restrictive measures; as determined by the TC based on performance, should be allowed a larger liberalization, while states with relatively liberal

measures should take smaller liberalizations or remain at status quo. If the region must reduce harvest, then states would develop their measures in a way that ensures each state takes an equitable reduction with consideration given to their prior year fishery performance, resource distribution, and expected availability, angler effort, and other TC recommendations.

I'll just note here that equitable in this case is not necessarily defined as reducing harvest by the same percent. It would be up to the region to determine what is equitable. The second option for how to develop black sea bass recreational measures is that the regions would start crafting the measures with a regional regulatory standard as a starting point.

The regulatory standard would be jointly agreed on by all states in the region; and would include a minimum size limit, possession limit, and season to achieve the region's target harvest. Each state would then adopt the same minimum size limit; but flexibility would be allowed for the possession limit and the season, as long as the measures are conservationally-equivalent to the regulatory standard, based on state-specific-projected harvest.

Specifically a state's possession limit could defer by no more than three fish from the regulatory standard. For season the only limit to the difference would be that the difference between the longest season, or the least restrictive season, and the shortest season, or most restrictive season within each region, could not increase in number of open days from the prior year.

For example, the difference right now between Massachusetts' and Connecticut's seasons is 110 days; so under this option hypothetically next year, any two northern regions states difference in seasons could not exceed 110 days. For black sea bass guiding principles, they are to limit disproportionate harvest reductions for individual states, and where possible reduce

interregional differences between measures, while of course always recognizing regional differences and resource availability. That concludes my overview of the options presented in the draft Addendum; but here I put together an example timeline to hopefully clarify what the differences are between the addendum process as we've done it in recent years, and the proposed process of setting measures through specifications. On the left, you can see in recent years the Board has typically initiated an addendum for recreational measures in August; with various options for how to divvy up the RHL between states or regions.

Then that draft document was developed by staff or a working group in September; and then presented to the Board for approval for public comment in October. It's important to note that by this time the draft document would have only been able to include MRIP estimates through Wave 3; because those are released in mid-October.

That is the only data that would have gone into those example measures that might go into a draft Addendum and those are based mainly projections based on the previous year's harvest. Then the Addendum would go out for public comment in November; and comes back before the Board in December for final approval, and at times the Board has not approved the draft Addendum until February, so you can imagine all of these steps shifting a little further down the timeline.

But if approved in December, it would still not be until February 15 that the MRIP estimates for the full year are released; so at that point the TC then has to take that full year of data and adjust the example measures provided in the draft document, to come up with final measures that meet but don't exceed the RHL, and the Board has then typically approved those final measures in March.

If the estimates for Waves 5 and 6 are significantly different from the projections, and usually for black sea bass they are; the final measures can look a lot different from what the public saw during the comment period, which can create some confusion. Moving to the right side, with the specifications process, everything would really start with the TC beginning to evaluate the preliminary MRIP data around November.

By that point we have Waves 1 through 4; so it would be a good time for them to start thinking about how to use the data to develop measures, and then in December and January as the TC continues to work with harvest data as it's released, and come up with a methodology for developing measures, the states could also be starting their processes of gathering input from the public.

At the February meeting then, taking into account the TCs analysis and recommendations, the Board would approve proposed methodologies for determining regional measures; and for black sea bass this would be the time when the Board would set out those de facto harvest targets, or decide how coastwide harvest liberalizations or reductions are distributed between regions.

If you think back to February meeting about Addendum XXX, at the beginning of this year, you'll remember that the Board ended up coming together to establish an allocation scheme that was somewhere in the middle of the options presented in the Addendum. With the specifications process essentially the Board would need to come to this kind of agreement on an annual basis; considering all the information about harvest and resource availability, and distribution provided by the TC, in order to create de facto harvest targets for each region. For both species the intent is that Board members from the states could be communicating with each other in advance; to figure out how they might do this, so that when

we get to the February meeting we're not starting completely from scratch. But once the full year of MRIP data is available in mid-February, the TC would still be evaluating those data; and using the approved methodologies to determine what the sets of final measures are, and those final measures again would be brought back before the Board, likely in March on a conference call for approval.

Here I just want to make a quick note about public input and how that fits into this process. While on the table it looks like the process would end in February, it really could continue as long as the states choose, and it could start later than November. If preferred the states could wait until later on in the process; after there is more information available, or after the Board approves methodologies in February.

But because there is no Commission addendum, it's really up to the states to decide how and when to gather that input. With that I'll wrap up. The Board actions for today are to consider any changes to the draft Addendum as it's presented in the meeting materials; and then consider approval of the document for public comment. I'm sure that was a lot of information; and there are probably questions, so I can take those now.

CHAIRMAN BALLOU: I will open the floor to questions; but before I do so, I just really want to thank and commend the Recreational Working Group, and of course Caitlin and Kirby as staff to the group, with regard to the hard work they put in since our last meeting. They were at least two calls, I believe, and they were substantive calls.

There was a lot of good discussion; a lot of back and forth, and I think through that process we've come forward with a document that's fairly-well honed. That doesn't mean it's done and ready; that's what we're now going to decide upon. I say ready for public comment; but again, I just want to acknowledge and

appreciate the hard work that has gone into the development of the document to date.

We are looking at a deadline of; I believe it's this Friday, the day after tomorrow, for getting this out to the public. I just want to kind of make sure the Board is aware that to the extent that there are going to be suggested changes; that we do our best to really work through them effectively today, and that we avoid any delay beyond this meeting, because that would impact the process as set forth.

I just want to make sure the Board is aware of that; and there have been times in the past where we've sort of pushed comments, or allowed for additional comments beyond the meeting that is not my intent for this document at this state of the process. Now is our time to roll up our sleeves and go at it; but we'll start with questions, questions for Caitlin based on her presentation, or to Kirby on any aspects of the document pertaining to summer flounder. David Borden.

MR. DAVID V. BORDEN: Caitlin, on the Section 3.2 on black sea bass, you've got the status quo; and correct me if I don't interpret this correctly. Status quo is basically we set the coastwide measures; but NOAA is going to specify measures for February, okay. Option B is also that same condition. In other words, we would establish the measures through the specification process; and NOAA would also. I think, and maybe I'm not reading this correctly, but I think it would help to describe that to the industry; to make sure that they understand that takes place the same way in both options. Okay that's one point. The second point is on the paragraph, this is on Page 15 if anyone is looking. You've got the characterization about NOAA.

But that characterization is essentially silent on what happens to an overage. I think that's important. This basically says that if there is a February fishery the states with participants are

going to basically adjust their allocations to accommodate that. I'll give you a hypothetical example.

If the estimate is that the catch is 50,000 fish, but the catch actually is 150,000 fish, what happens to the overage? My recollection is it comes off coastwide quota; in which case I think it's important for the public to understand that. I'm not trying to complicate your life; but this is important for us to get straight. Thank you.

MS. STARKS: Thanks, David. I think that's a good point; and I definitely think we can clarify to your first point that the federal measures process would happen in both of these options. As for the February fishery, I think you are correct that it was laid out that it would come off the coastwide RHL.

That is something we can make clear as well. But I think it might be good for the Board to think about how if individual states are participating in that February fishery, how they are responsible for accounting for that later in their measures. The way it's laid out now is there is 100,000 pounds that are set aside; so if it were to go over that I do think the Board can make a decision about individual states being responsible for adjusting their measures for those overages.

CHAIRMAN BALLOU: David.

MR. BORDEN: Yes. Understand I'm not arguing pro or con strategy; I'm saying it's got to be clear whatever the options are in the document that's all.

CHAIRMAN BALLOU: Nichola Meserve.

MS. NICHOLA MESERVE: To David's point, I think I have a different recollection of the way the February fishery works; that there was only kind of a proactive attempt to account for it by the states changing their regulations for the rest

of the year. But if the harvest is more than what was projected, there is no in-season accountability for that or directed accountability for next year, other than we're going to have to set measures again that are going to meet the RHL. If we differ, I have some more follow up about what type of language we would put in there about that.

MS. STARKS: I think you're correct, Nichola. We can work on making this language clear to that point.

CHAIRMAN BALLOU: I think this is a really vital discussion. I just would remind the Board that the challenge here is trying to set forth the Board's process; which is complementary to the Council's process and GARFOs process for setting federal regulations. We need to reflect the process accurately; but of course there is that separate federal and Mid-Atlantic Council process that will be undertaken at our joint meeting in December, which this document should reflect but can't really modify, because that's already baked in. That is my sense. Rob O'Reilly.

MR. ROB O'REILLY: I think you may have just covered my thought a little bit; but with David Borden, I think we just need to have this spelled out pretty clearly. For example, it could be different this year, so last year it was the Region that accounted for the February fishery actually, and it was already established by NOAA that the accounting process would be done.

If there was needed to be an adjustment that would be done for 2019. That was for the 2018 February fishery. I think things will be a little bit different this year; and it's really important, especially for those states that do want to have a February fishery that the stakeholders know exactly what's involved there. I kind of agree with the sentiments there.

CHAIRMAN BALLOU: Additional questions? Mike Luisi. Let's hold on comments. I would

like to just try to keep this structured as much as possible in the way we typically do things; which is questions first and then absolutely right into comments and any suggested changes. Mike, if you could hold your comment, are there any other questions for Caitlin right now or Kirby, regarding the draft document? Okay Mike, you're on with your comment.

MR. LUISI: In Section 3.2.1 on Page 16. My glasses are in my bag; I'm going to do the best I can here. Under Standards and Guiding Principles for Establishing Measures for Black Sea Bass, I think Caitlin you've done a nice job of explaining, or at least setting the stage for what an annual de facto harvest target is and what it isn't. I think it needs to be very clear when we speak to the public about this that these de facto harvest targets are not allocations that the Region is going to take hold of for future years.

But where I can't seem to find a better description; and correct me if it's in here and I just missed it. I'm wondering whether the Region, I'm thinking in terms of what is the trigger that is going to set us up for either future reductions or future liberalizations. Is it going to be the comparison of an annual harvest along the coast with the next year's RHL; or in some way are these de facto harvest targets within the regions going to be used as a basis for whether a particular region takes a reduction or liberalization as we move on into the future.

I'm hoping that's clear. Personally I thought that we were at the point where if we did not go over harvest as a coast, then we would look for liberalizations. That's where the Board would be able to determine how those liberalizations would be chopped up and divided out into the regions. If that's the case, if that is the intent, it needs to be spelled out that that is the trigger.

The trigger isn't that in a given year we're going to look at catch estimates as a region, and compare them with the de facto harvest target; so one region would have to make adjustments while other regions don't have to make adjustment. I just think that that trigger and de facto regional harvest target part needs to just be plussed up a little bit to make that clear; that the intent would be on a coastwide landing, not a Regional aggregate of the states within the region being compared to next year's targets.

MS. STARKS: You're correct. I think the trigger would be coastwide comparison of harvest to the next year's RHL. Then like it says in the document; annually the Board would decide how that liberalization or reduction is distributed among the regions. Then they could look at how each region harvested compared to what their harvest target was to develop those measures.

CHAIRMAN BALLOU: Good exchange there. At this point the floor is open to comments in general; as well any proposed changes to the document. Would anyone like to offer a change or a comment? Nichola Meserve.

MS. MESERVE: I think that we're going to be ready for this document to go out today. That is certainly my hope. A couple small things, just I know there is a lot of staff work at the end to get this ready, so there are just a couple small typos that I would just point out. On Page 8, the last paragraph there is a sentence that is repeated twice.

Part of this is, I'm correcting myself because I drafted some of these sections at this point. On Page 9 in the second paragraph there are references to Addenda 12 and 13, and so forth for black sea bass. Those are all missing an X, wrong numbers. On Page 10 the last paragraph, there is a reference to an appendix that is no longer in the document.

Then more substantively, the Guiding Principles for Summer Flounder on Page 14, it starts off by saying that recreational measures should be as similar to the prior year's measures as possible. I believe that the intent there was to strive for stability from year to year. But if I take away what I know about the Working Group's calls, and I was just a member of the public reading that.

It might suggest to me that the Board would not take liberalization if that were allowed. I gave staff a small tweaking of that paragraph; which I think reflects what the Working Group had discussed and that is that we would be crafting measures from the prior year's measures as a starting point, and then while allowing for a reasonable amount of flexibility based on the performance of the fishery and the stock availability.

The regional measures should be adjusted unidirectionally along the coast to maintain an equitable opportunity to harvest fish for all stakeholders. The intent is to establish regional measures that do not change significantly on an annual basis; or diverge significantly between bordering states over time.

We had a lot of discussion about what unidirectionally means. Does that mean every region is taking the same percent increase; or are we all increasing by an inch or something? But that flexibility is still built in I think with that word unidirectionally; but the intent is not to have one or two states responsible for a coastwide reduction, and move away from the equity that we've been striving to meet at this point. I'm hoping that this wordsmithing can just be approved by consent in the document.

CHAIRMAN BALLOU: Let's see if that can happen. Are there thoughts from the Board on Nichola's suggested rewording of the Guiding Principles Section for summer flounder? Adam Nowalsky.

MR. NOWALSKY: I appreciate Nichola's efforts both on the Working Group and her efforts in the document; and with this I agree with here wholeheartedly in putting more emphasis on what is now her second sentence here; which is the third sentence in the paragraph she referenced. I do think that is an important component; so I would consent to that.

I don't agree with the take that the existing sentence recreational measures should be similar to the prior year's measures as possible, would mitigate our willingness to take a liberalization if desired. I think that if her concern is that that sentence would mitigate our ability to take a liberalization; if we made it very clear on the record here today, and/or added a sentence to the document that did so, hopefully that would address that concern.

But moreover, I have a concern about use of the language "using the prior year's measures as a starting point." That is what we've been doing for the better part of the last decade now. The FMP does not tell us to do that. The FMP tells us explicitly to set measures to constrain the catch to the harvest limit.

We have decided over time that how we would do that is to compare catch from MRIP to last year's harvest; and use those measures. We have moved away from that in the last couple of years, with both summer flounder and our efforts here with black sea bass; and the Service have been receptive to those efforts.

It's that using the prior year's measures as the basis for our decision making that in my opinion has created the deficit we are in with the regulations we have; by compounding year after year the errors in the MRIP data, and we continue to use it. I think the sense of what the options that we have in the sea bass section, provide us the ability to choose one or the other. I know which one I'll be supporting when we actually move this document forward for final decision making.

But right now I have a great concern about continuing to use the prior year's measures as a starting point. I think it's too constraining. I think if the intent of this document is to give us flexibility, we want to give ourselves more flexibility than that specific sentence provides. Otherwise, I'm in support of what we have here; and hopefully we can just work around that element to finalize consensus on this change.

CHAIRMAN BALLOU: Just so I'm clear. Your suggestion is that you support the suggested changes that follow that first sentence; but would prefer to maintain the current language for the first sentence which reads recreational measures, should be as similar to the prior year's measures as possible. Is that your recommendation to maintain that sentence?

MR. NOWALSKY: That would be my recommendation; given again that these are guidelines and not specific constraints, they're guidelines to us. Then again, if the concern is that that sentence would mitigate our ability to take a liberalization, maybe we can add something that clarifies that that is not in fact the case.

CHAIRMAN BALLOU: We are now looking for a compromise or a Board recommendation for one or the other of the two approaches that have been offered for Board members. I'm going to take additional comment on the two suggestions that have just been made; which are close but not the same, thoughts on this issue, John Clark.

MR. JOHN CLARK: Yes Adam, I'm just not really sure how I see there being a huge difference between the two. In what way do you find that more constraining; because the one that's in the document says you're going to be as similar as possible to the prior year's measures, right? This one says you're using the prior year's measures as a starting point. I'm just having a hard time seeing what other than the syntax, I

mean the wording. They seem to get you to the same place. What's the difference?

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: I think I've made clear here on the record many times over that what is needed in our recreational measures is some type of reset that gets us to some other starting point. If in consultation with the Service, as we work through this with our Technical Committees, we get advice that there is some other starting point we could use in a given year, for setting our measures and evaluating our performance relative to the RHL. We should be able to take advantage of that. I think that this language is just too prescriptive at the present time.

CHAIRMAN BALLOU: John.

MR. CLARK: In other words, you're saying that what's in the document just says you're going to try to be similar to what you had; but you're not necessarily starting from what you had. Okay, I see there is a difference there.

CHAIRMAN BALLOU: Nichola, I'll let you respond.

MS. MESERVE: The heart of this guiding principle for me again is that unidirectionally moving in the same way to try to stay similar, not diverge over time. I think the paragraph would actually even work without the first sentence. If it's a compromise just take it out either way, then that might get us where we want to be.

CHAIRMAN BALLOU: Now we have a couple of suggestions on the floor. One would be to take it out entirely; the other would be to retain the sentence that's in there now as suggested by Adam, on those two suggestions, Rob O'Reilly.

MR. O'REILLY: I'm wondering if what Adam is asking is something along the lines that a flexible approach, including using prior year's

measures, shall be used to develop recreational measures. I didn't work out the words. But I think that's what he's indicating, not to close the door on a single approach that we have up there now.

I'm not sure taking it out would be a good thing. At the same time, I think we are learning and understanding what standards are versus guiding principles. But by the time we share this, and the ASFMC shares it with the public, it may be a little bit of an event to get that understanding across too. It probably should say something along the lines of what I was saying; I would welcome him to come back and see if that is what he has intended.

CHAIRMAN BALLOU: As he mulls that over Kirby wants to offer a thought.

MR. KIRBY ROOTES-MURDY: I just want to get a clarification. Nichola, again this is a guiding principle, right?

MS. MESERVE: Correct.

MR. ROOTES-MURDY: It's not a standard. It's something that will help guide us; guide staff, guide the Technical Committee. I would just kind of offer to kind of keep that in mind; in terms of this wordsmithing exercise at this point, because how much do you? I understand your concern, Adam.

But in terms of what the public will read into this. It does not by any means limit us to how we try to evaluate harvest. As you know, we go off of the measures we have from a technical standpoint, to help us evaluate how we performed. But it does not limit us; so that is just something to keep in mind.

CHAIRMAN BALLOU: John Maniscalco.

MR. JOHN MANISCALCO: I think Nichola's suggestion to just remove the first sentence, which seems to be the one that Adam has taken

issue with, still leaves all the intent of the paragraph in place. We're still talking the flexibility; we're still talking the unidirectional management changes, while holding to a certain amount of stability and not having any kind of significant change in any given year. I think her suggestion to remove the first sentence should settle the matter.

CHAIRMAN BALLOU: Trying to move this along; so far there is at least growing support for just removing the first sentence, and then going with the rest of the suggested changes that are presented on the board. Thoughts on that proposal, is there any objection to modifying that section of the document as just described? Mike.

MR. LUISI: No objection, Mr. Chairman. I just want to be clear; on Page 14 the first two sentences of that guiding principle would remain in place. The recreational measures should be as similar to the prior year's measures as possible; this principle will ensure that regional measures do not change significantly on an annual basis, or those measures for states and bordering regions diverge significantly over time. Then it will pick up as while allowing is that not correct, or is this paragraph going to replace that entire paragraph? None of those first two sentences would be a part of the paragraph anymore.

CHAIRMAN BALLOU: Although no one can tell who is listening in, there is a lot of headshaking going on at the front of this table, and that is to say that I think what you said at the end is actually the case. But Caitlin, do you want to clarify that please?

MS. STARKS: It will be what's up on the screen; except without the first sentence. Start with, "while allowing" and continue through that paragraph, and that would replace the entire guiding principle.

CHAIRMAN BALLOU: As the Board considers that suggested change; and I'm mindful of what Kirby suggested about this is a guiding principle, and I'm also mindful of the fact that this is a draft document that's on its way out to public comment, which we'll get another crack at for final approval in December.

Although it's a good idea to spend the time necessary to work on these issues, I don't want to get too bogged down with what might be really a wordsmithing or semantics, largely a semantics exercise. I'm going to repeat the question to the Board and that is; is there any objection to adopting the proposed language that's on the screen, minus the first sentence as the replacement language in full for the guiding principle for the summer flounder section?

Seeing no objection; we'll consider that agreed to by consent. There have been some other suggested changes that I know we're taking note of here; including all the editorial suggestions that Nichola offered. David Borden had also made a suggestion; I think a very critical one, in terms of making sure that the black sea bass Option B accurately reflects the process that will continue, particularly in the absence of conservation equivalency for 2019, regarding the setting of federal measures.

That will be folded in for the public's clarity and for all of us into Option B; so far those are the issues that I have made note of, in terms of changes. Are there any other suggested changes to the document? Seeing none; I believe at this point we might be ready for a motion to approve the document for public comment. Mike Luisi.

MR. LUISI: I would be happy to make that motion, Mr. Chairman. Move to approve Draft Addendum XXXII for public comment, as modified today.

CHAIRMAN BALLOU: Seconded by Nichola Meserve. Moved by Mike Luisi and seconded

by Nichola Meserve to approve Draft Addendum XXXII for public comment as modified today. **Discussion on the motion, is there any objection to the motion? Seeing no objection; the motion is approved by consent.** We don't need a vote, right? No we don't, because there is no objection. Thank you. This is a final action on the draft document. Thank you very much for all the work that's gone into this, and for today's discussion.

I think it was very spot on. I think we've got a very good document to bring out to the public and look forward to returning to the issue in December; after it has gone through the public comment process.

PROGRESS UPDATE ON THE BLACK SEA BASS COMMERCIAL WORKING GROUP

CHAIRMAN BALLOU: With that I believe we've completed Item 5, and we are now on to Item 6, which is a Progress Update on the Black Sea Bass Commercial Working Group. I believe Caitlin again has a presentation teed up. Caitlin.

MS. STARKS: As you know, this Commercial Working Group was established in August, to address issues in the commercial black sea bass fishery related to changes in abundance and distribution of the resource. The Chair of the Working Group is David Borden; and other participating members are Nichola Meserve, John Maniscalco, and Rob O'Reilly. This group met on a conference call in September, 2018, to start addressing these issues. On their call the Working Group discussed the issues that they see the commercial black sea bass fishery facing currently.

First, they noted that the commercial allocations haven't changed for 15 years. They were set in 2003; based on landings from 1980 to 2001, loosely, and under those allocations 33 percent of the coastwide commercial quota goes to Maine through New York, and 67 percent goes to New Jersey through North Carolina.

I'll just make a quick note here that in the memo New Jersey was excluded by accident; but it is here now. The issue with this is that there has been scientific evidence showing shifts in the fishery and stock abundance and distribution; and the Working Group noted that management has not necessarily been responsive to those changes.

Another issue that the group brought up is that coastwide quota management can sometimes have some negative impacts; specifically in the case that one state's quota overage causes the coastwide quota to be exceeded, and the fishery is closed for all states. In that situation those states that didn't harvest their full quota miss out on that opportunity altogether.

Again, on this call the Working Group proposed several management objectives for the commercial fishery and those include maintaining fishing mortality and spawning stock biomass within the established thresholds and targets, improving equity and access to the resource among the states, and improving fishery efficiency. That can be in terms of use of resources like time and fuel; as well as reducing discards.

Lastly the group came up with a list of some potential management strategies that could address the issues they identified. For example, they suggested exploring some options such as adjustments to the state-by-state allocations, shared trip limits between states, similar strategies to what the Scott model has in order to increase equitability and access for federal vessels, establishing criteria to trigger review and/or revision of allocations, and the landings flexibility.

Today we're just looking to the Board to provide some feedback to the Working Group on these issues, objectives, and strategies that they've proposed. Specifically it would be helpful to hear if the Board agrees with the Working Group's statement of the problem and

objectives as they've identified them; or whether there are additional thoughts or ideas for management strategies that could be explored.

With the Board's feedback today, the Working Group will continue to work on identifying potential management strategies for further development. I'll just throw this timeline back up on the board; just to note that again the Board could initiate at any time an action that would address issues in the commercial fishery. That's all I have so I'll take any questions.

CHAIRMAN BALLOU: Thanks to the Commercial Working Group for what looks to be a very excellent start to what I know is going to be a challenging and multifaceted undertaking. It looks like the ball is in motion on this; so thank you for that. Are there questions for Caitlin or comments? David Borden.

MR. BORDEN: I just wanted to encourage everyone around the table. This is pretty much a work in progress; it just started. Truth be known, we spent about an hour and forty-five minutes on a conference call on this issue. We haven't even scratched the surface on it. I would just like to encourage anyone around the table; if you have comments, suggestions, strategies that you think we need to consider as part of this process, please talk to any one of the Working Group members.

I would just voice my personal view that our task is not to decide anything; it's basically to collect information from everyone in this room, and try to put it down in an orderly format that kind of represents all of the divergent perspectives on it. Then bring that back to the Board where we can actually have a policy discussion on it. If you've got input and suggestions, please bring those forward.

CHAIRMAN BALLOU: Sounds like that could be done at this time or at any time following this

meeting. Is there any suggested input right now? Matt Gates.

MR. MATTHEW GATES: Is membership in the Working Group sort of set in stone now; or could we add members at this time?

CHAIRMAN BALLOU: I think I would be open to that suggestion if you want to make a suggestion regarding the Working Group membership.

MR. GATES: Sure, I think Connecticut would like to be involved in the Working Group from this point on.

CHAIRMAN BALLOU: I have also heard from New Jersey along similar lines. Herein lies the challenge; and that is a working group is of course most quick on their feet, so to speak, if it's a relatively small group and not essentially a facsimile of the Board itself. We do have a bit of an interesting issue, and challenge you might say, in terms of how many additional members we want to accommodate.

I like the idea of having it be a big tent approach; but I'm also mindful of the fact, as staff has reminded me that it can be more difficult to make headway when you basically include every state. Right now, if I understand correctly. The intent is that the Board reflects both northern and southern interest, New England Council and Mid-Atlantic Council interests, and is therefore balanced. But I understand that balance is in the eye of the beholder.

I guess I would look to the Board. I realize this may be my call ultimately; but I would look to the Board for input on both the suggestion that Connecticut be added as well, and I don't want to speak for New Jersey, although I actually talked to Joe Cimino prior to this meeting, and believe that he has a similar interest. Joe, let me just let you offer your thoughts on the

record; and then I'll look to other Board members for thoughts.

MR. JOE CIMINO: I absolutely would like to be able to participate here. I'm kind of surprised at how this is developing so differently than what we did with the Recreational Working Group; which seemed to have made great progress and strides as a larger group, and I guess without a Chair to my knowledge.

CHAIRMAN BALLOU: John Clark.

MR. CLARK: I think that especially having New Jersey in. If I recall from the first slide there you said that it's 33 percent is allocated now to New York north, and 67 percent south. If you add Connecticut you'll have well, three representatives from New York north and then just Rob O'Reilly representing the region where most of the stock is allocated right now. I think it would make a lot of sense to add New Jersey; if you're going to add Connecticut also.

CHAIRMAN BALLOU: Toni, did I see your hand up; and if not, I am actually going to call on you to offer your thoughts on proper configuration of a commercial working group. Not to put you on the spot.

MS. KERNS: Excellent, thank you. We had worked with David to establish a working group earlier; and then we sent out an e-mail to the Board letting folks know, and asked if anybody had had any concerns or questions on the membership of that Working Group, and we didn't get any feedback from folks, and so we left it there.

I did the budget for next year based on these members of the Working Group. We will have a couple of in-person meetings. We recognize that there was a Recreational Working Group ongoing at that same time; and we were trying to spread the workload around to different individuals, in order to try not to make everybody do the same work all the time.

That was where we came up with that configuration; and we were hoping that this group would function in a way that allowed us to get a lot of ideas out there and back to the Board for their consideration, if a new amendment gets done, and have these individuals be workhorses to help staff get ideas on paper, do analyses themselves as well, hence why we have a TC member on there as well.

CHAIRMAN BALLOU: Rob O'Reilly.

MR. O'REILLY: I didn't realize I was holding down the fort until John Clark said that for a certain area. I think we could use a little more assistance; quite frankly. We did have our homework assignment already; and we are trying to, I think John Maniscalco was able to say you ought to look at the last two years to start off with here.

Get the fishing areas; that kind of information. It would be a little more expedient to have New Jersey involved with that or Connecticut even if the Board so desires. I think it would help our process a little bit. By no means would I think that that would bog us down. That is just my recommendation.

CHAIRMAN BALLOU: My sense is I lean toward being more inclusive rather than exclusive. I would be comfortable from my perch welcoming Connecticut and New Jersey to the Working Group, provided you guys are ready to work. I assume that's the case. Is there any objection to adding those two states; and it would believe Joe in particular, and Matt would you be representing Connecticut on this?

MR. GATES: Yes.

CHAIRMAN BALLOU: Adding Joe and Matt to the Working Group. David Borden.

MR. BORDEN: I just wanted to emphasize what I said before. This is just a caution to everybody that joins. The task is not to represent your

state interest; it's to bring the different regional perspectives to the table. As long as everybody does that I think it will be fairly efficient. But if individuals come to the table and start arguing about their specific state interest in this, or arguing for a particular state perspective, it's going to bog down the Working Group.

CHAIRMAN BALLOU: Understood, thank you. Let's try and ensure that doesn't happen. That is not the intent; further discussion on this agenda item? Mike Luisi.

MR. LUISI: It's clear in notes that I'm reading here. It says that the Working Group agreed that a wide range of options could be considered; and that some of the strategies may require coordination with the Mid-Atlantic Council. I feel obligated to say; and I know it's only early, but as this develops if alternatives and issues come into play that would require Council participation. I think it would be good to bring a Council staff person in, or maybe even a Council member in to the conversation, to make sure that there is that communication between the Council and the Board.

CHAIRMAN BALLOU: Duly noted, and we'll address that issue if and when it arises. Chris Batsavage.

MR. CHRIS BATSAVAGE: I know there are kind of high level discussions by the Work Group at this point; but I did have a question on, for potential management strategies, landings flexibility. Is that included just to make sure that we have all the grounds covered; or was it put in there since this could potentially result in joint action with the Mid-Atlantic Council that landings flexibility would need to be an option for that to occur in federal waters, since that can already occur in state waters right now?

CHAIRMAN BALLOU: Caitlin, do you want to take a crack at that?

MS. STARKS: I can try. If the Working Group member that suggested it wants to follow up that would be fine. I believe it was just to have all the bases covered. If there is cooperation with the Council, some action that would require it; then we can look into it.

CHAIRMAN BALLOU: Are there any further comments? Adam Nowalsky.

MR. NOWALSKY: Under Statement of the Problem, the next to the last paragraph on Page 1 that begins with, "Management should be responsive," includes in the next sentence, "allocations should be reviewed and revised on a regular basis." I'm certainly all in support of the reviewing element.

I'm not sure we want to commit ourselves to frequent revisions to them. Obviously if they are warranted based on that review, sure, but I would encourage some alternative language here that reflects consideration of revision as opposed to saying that they should be revised on a regular basis.

CHAIRMAN BALLOU: Duly noted. I think if I'm not mistaken it should read, potentially revised as appropriate. But I do think that's an important clarification; and I think it's consistent with the intent of the report, so thank you. We'll note that for the record. Good input; additional input, additional comments, thoughts on the Commercial Working Group progress report?

ADVISORY PANEL MEMBERSHIP

CHAIRMAN BALLOU: Seeing no hands; we'll move on to our next agenda item, which is Item 7, and that is Advisory Panel membership. I believe we might have a presentation. Tina was deep in thought and is now making her way up to the table to provide the Board with the AP nominees.

MS. TINA BERGER: Hello, thank you Mr. Chairman. I have a bunch of nominations for

your consideration and approval; these include Kurt Martin, a commercial fisherman who fishes a number of different gear types from Massachusetts. Brent Fulcher and Jimmy Ruhle, commercial fishermen from North Carolina, as well as a couple of late entries, Jay Little and Rob Haas, both recreational anglers from Delaware.

CHAIRMAN BALLOU: Thank you, Tina, and those last two, did they go out in the supplemental, their nominations?

MS. BERGER: Jay we received later. I have the nomination form; and I am happy to send it to the Board following this meeting, for both Jay and Rob Haas.

CHAIRMAN BALLOU: Okay so to the Board we have a total of, it looks like five nominees, three of which their nomination packets have been included in the materials. The other two are in Tina's hands; and can be made available. What's the pleasure of the Board as far as these five nominees? Yes, I'm sorry, I should know your name but I can't see from this far away.

MR. MICHAEL BLANTON: That's fine, Mike Blanton.

CHAIRMAN BALLOU: Thank you, Mike.

MR. BLANTON: I have a list of four that I was to nominate; but let me speak with Caitlin real quick, just one second.

CHAIRMAN BALLOU: That's fine; we'll be at ease for a minute or so.

MR. BLANTON: All right, I'm sorry. **I move to approve Summer Flounder, Scup, and Black Sea Bass Advisory Panel nominations for Rob Haas, Kurt Martin, Brent Fulcher, James Jimmy Ruhle, and Jay Little.**

CHAIRMAN BALLOU: Thank you for that Mike, and is there a second to that motion?

Seconded by Ray Kane, so moved and seconded to approve all five nominees, is there any discussion on the motion, any objection to the motion? **Seeing no objection; all five nominees are approved, and we appreciate their interest.**

I will say that now thinking back over the several Board meetings that have happened this week, we're clearly repopulating our APs, and that's a wonderful thing. We appreciate the interest of our stakeholders in engaging with the Board.

ADJOURNMENT

CHAIRMAN BALLOU: With that I believe we have completed our agenda for today. I'll ask; is there any other business to be brought before the Board? Seeing no hands; is there any objection to adjourning? Seeing no objections we are adjourned. Thank you very much.

(Whereupon the meeting adjourned at 2:46
o'clock p.m. on October 24, 2018)



COMMONWEALTH of VIRGINIA

*Marine Resources Commission
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Matthew J. Strickler
Secretary of Natural Resources

Steven G. Bowman
Commissioner

To: Caitlin Starks, ASMFC
Julia Beaty, MAFMC

From: Alex Aspinwall, VMRC

Date: January 11, 2019

Subject: February 2019 Recreational Black Sea Bass Season

The Virginia Marine Resources Commission (VMRC) will open the recreational black sea bass fishery on February 1- 28, 2019 with a 12.5" minimum size limit and a 15 fish bag limit in response to the National Marine Fisheries Service opening Federal waters in February 2019. VMRC will make season adjustments to account for additional landings that occur in February 2019 using either of the following options:

Option 1: Close 14 days in wave 3
Options 2: Close 14 days in wave 5

In 2018, VMRC reported a total of 6,459 pounds of black sea bass were landed in Virginia during the February 2018 black sea bass fishery. Recreational landings were monitored through the mandatory permit reporting requirements (kept, released) and biological data (length and weight) was collected by VMRC MRIP staff and Virginia's Biological Sampling Program. Landings and biological data will continue to be collected in 2019 to ensure the characterization of the February fishery.

Season adjustments to the 2019 season are based on average daily landings rates from the most recent two years (2017-2018) of MRIP landings (pounds). A closure of 14 days in wave 3 would result in savings of 6,802 pounds and a closure of 14 days in wave 5 would result in savings of 6,755 pounds. Both options would account for landings that occurred in February 2018 (6,459 pounds). Adjustments to the bag limit will be considered and those results will be provided to the committee when they are available. Virginia asks that the technical committee support both options to account for landings in February 2019.

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ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

To: Caitlin Starks, ASMFC
Julia Beaty, MAFMC

From: Chris Batsavage and T.D. VanMiddlesworth, NCDMF

Date: January 9, 2019

Subject: February 2019 Recreational Black Sea Bass Season Participation, Mitigation, and Monitoring Measures

The North Carolina Division of Marine Fisheries (NCDMF) will open the recreational black sea bass fishery north of Cape Hatteras from February 1-28, 2019 with a 12.5-inch minimum size limit and a 15-fish bag limit. The NCDMF has two options for additional closed fishing days later in the year to account for the expected harvest during February (62 pounds):

Option 1: One additional day in Wave 3 (May 15)
Option 2: Two additional days in Wave 3 (May 15 & 16)

The recreational fishing community has not expressed any concerns over a limited number of additional closed days during Wave 3 to allow for an open season in February.

The season closure calculations were based on the annual average Wave 3 harvest in pounds of fish in North Carolina (north of Cape Hatteras) in 2017 and 2018 divided by the number of open days during Wave 3 (47 days). Please refer to the accompanying spreadsheet for the calculations. The daily harvest rate in Wave 3 was 134 pounds per day in 2017, 35 pounds per day in 2018, and averaged 84 pounds per day for 2017 and 2018.

The two options for accounting for the expected harvest in February result from the different Wave 3 harvest rates in 2017 and 2018. The NCDMF recommends Option 2 to mitigate against harvest in February that is higher than expected.

The NCDMF will rely on Marine Recreational Information Program (MRIP) intercepts to collect length and weight data on black sea bass harvested in February as well as information on reported releases, catch/harvest per angler, and fishing locations. NCDMF staff responsible for MRIP sampling assignments are aware that this fishery will be open in February. In addition, NCDMF staff will work with charter boat captains who target black sea bass north of Cape Hatteras to collect black sea bass carcasses for age and growth samples.



Black Sea Bass Commercial Working Group Report

January 17, 2019

Statement of the Problem

The working group has identified two problems associated with the current FMP.

First, the commercial black sea bass allocations to the states were originally implemented in 2003 as part of Amendment 13, loosely based on historical landings from 1980-2001. The state shares in Amendment 13 allocated 67% of the coast-wide commercial quota among the states of New Jersey through North Carolina (North of Cape Hatteras) and 33% among the states of New York through Maine. These state commercial allocations have been unchanged for 15 years. Meanwhile, the resource has experienced shifts in distribution and abundance, and changes in fishing effort and fishing behaviors have occurred.

There is scientific information to support these shifts. For example, according to the last black sea bass stock assessment, which modeled fish north and south of Hudson Canyon separately, the majority of the stock occurred in the south prior to the mid-2000s. Since then the biomass in the north has grown considerably and currently accounts for the majority of spawning stock biomass (Figure 1). While the region specific models created for the assessment were never intended to be stand-alone, this shift in black sea biomass distribution has been supported by peer reviewed journal articles (e.g., Bell et al., 2015).

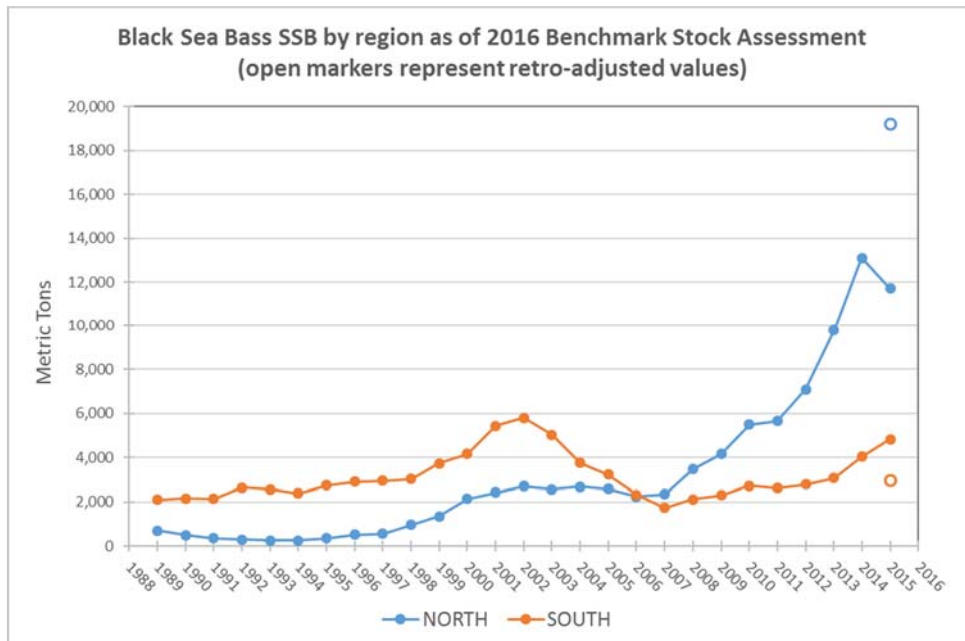


Figure 1: Black Sea Bass SSB by Region, 1989-2016. Source: 2016 Black Sea Bass Stock Assessment.

In some cases, expansion of the black sea bass stock into areas with historically minimal fishing effort has created significant disparities between state allocations and current abundance and resource availability. The most noteworthy example is Connecticut, which has experienced significant increases in black sea bass abundance and fishery availability in Long Island Sound in recent years but was only allocated 1% of the coastwide commercial quota based on landings from 1980-2001.

Any consideration of management changes by the Commission should be responsive to shifts in black sea bass distribution, abundance, behavior, fishing effort and harvest by gear type. However, there are many additional factors requiring rigorous discussion and evaluation should reallocation be considered. Changes in allocations should take into account the following considerations and issues:

1. Allocations should be reviewed and revised on a regular basis to ensure equity of access and improve fishery efficiency (human safety, fuel use, and discards), using the latest and most appropriate data sources.
2. Changes in allocations should be linked to stock assessments to the extent practicable, or use other peer reviewed data sources. If such sources are unavailable, other scientific information such as state and federal survey indices could be used.
3. The relatively recent shift in spawning stock biomass does not mean that future abundance dynamics will proceed in the same manner, especially since a strong or weak year-class can provide an increase or decrease in abundance throughout the range or a portion of the range.
4. For states where resource availability has shifted significantly in recent years, the current allocations may provide either a disproportionate advantage or disadvantage if used as the basis for allocation adjustments (e.g. Connecticut's 1% allocation). Small changes to the original allocations may not reflect resource abundance, thus, adjustments may need to be made using a formula other than a simple percent change.
5. Participants in different areas have invested in the commercial fishery based on historic landing patterns as well as state management programs. For example, some mid-Atlantic states have adopted management through Individual Transferrable Quotas (ITQs), and the industry has invested in these fishing rights and infrastructure. To avoid unnecessary economic hardships and enhance the ability of the industry to respond and make long term business decisions, slow or gradual implementation of allocation changes should be considered.
6. Due to the high abundance relative to current allocations in the northern area, some states have lengthy closures that promote discards. Any reallocation formula should consider these factors and attempt to reduce closures and discards.
7. Review and reevaluation of commercial quota allocations should not occur in a vacuum and should take into account changes in recreational information. In particular, new recreational harvest estimates should be incorporated into the stock assessment before commercial changes are adopted.

A second problem relates to the provision in the FMP that prescribes a coastwide black sea bass quota managed by NOAA Fisheries. Under the current regulations, all states in the management unit are subject to fishery closures if a coastwide quota overage occurs, despite state-by-state quota management by the ASMFC. These closures can leave states with remaining commercial quota, especially ITQ, unable to utilize their full allocation of the resource. Management should aim to reduce impacts of state-specific commercial quota overages to other states. The working group recommends that the Mid-Atlantic Council consider actions to address this issue. For example, the working group suggested the Council consider allowing conservation equivalency for the commercial fishery, similar to what is allowed for recreational black sea bass and summer flounder.

Objectives and Goals to Address the Problem

The WG identified the following as management objectives for commercial black sea bass:

- Ensure fishing mortality and spawning stock biomass are maintained within established thresholds and targets, and the stock is not overfished nor experiencing overfishing
- Improve equity in access to the fishery among the states
- Improve fishery efficiency (e.g. use of time, fuel and other resources; reducing discards)

The WG discussed the need to determine what metric(s) would be used to evaluate equity in access to the fishery. Some ideas discussed were socioeconomic benefits or opportunities, as well as resource availability related to the distribution of exploitable biomass and abundance. The WG noted discard reductions and increased efficiency would likely result from allocations based on more current information on the resource's distribution along the coast. However it was noted that fishery efficiency may also be impacted by factors other than resource allocation (e.g., allowances to possess multiple states' limits in the same trip).

The WG proposed the following information, particularly for recent years, should guide further development of management objectives and strategies.

- Descriptions of each state's fishery including but not limited to: management program, participation, effort, landings by gear, distribution of landings and trips, commercial size distribution, and socioeconomic information
- A comprehensive review of survey data for black sea bass to inform understanding of stock biomass/abundance distribution and availability to state commercial fisheries
- Current scientific information on the geographic shifts in black sea bass biomass

Potential Management Strategies

The WG agreed a wide range of options should be considered, and that some management strategies may require coordination with the Mid-Atlantic Fishery Management Council. Some of the ideas the WG supported exploring further included:

1. Adjustments to the state by state allocations. Potential options include:
 - a. Status quo
 - b. Dynamic approach modeled after the Transboundary Management Guidance Committee (TMGC) approach (Appendix I)
2. Defined timeline or trigger for reevaluation of allocations
 - a. Future consideration of a strategy similar to the scup model to increase equitability in access for federal vessels (i.e. winter coastwide quota management and summer state-by-state quota management) (Appendix II)

As indicated in the problem statement, consideration should be given to how management approaches may impact fishery stakeholders in each region, and efforts made to balance negative economic impacts with enhanced equity and efficiency of the fishery along the coast.

Appendix I: Allocation Adjustment Strategies for Black Sea Bass

Northern Region Working Group

December 27, 2018

Introduction

The following proposal outlines a potential strategy for phasing in a new dynamic approach to allocation setting for the black sea bass fishery. This approach is modeled after the Transboundary Management Guidance Committee (TMGC) approach which set forth a similar approach for the management of shared Georges Bank resources between the United States of America and Canada.

As noted by Gulland (1980), the designation of units for management entails a compromise between the biological realities of stock structure and the practical convenience of analysis and policy making. For Black Sea Bass, the Atlantic Coast states from North Carolina to Maine use a single management unit encompassing the entire region. In 2016, the Black Sea Bass stock assessment went through a peer review process, and the model that was approved for management use split this stock in to two metapopulations; one north of the Hudson Canyon and the other south of the same. For a full description of the assessment and the stock structure discussion, see NEFSC (2017). Despite implementing this structure, the Black Sea Bass fishery is still managed as a single stock. This is logical in that there are not two distinct populations, however there have been some significant population dynamics differences between the two metapopulations that warrant consideration for allocation setting. This proposal sets forth an approach that creates a single management program for Black Sea Bass, while at the same time recognizing the best available science for this species population dynamics by allowing the allocations to shift in response to changes in these two metapopulations.

Principles of resource sharing include consideration of access to resources occurring or produced in close spatial proximity to the states in the management unit and historical participation in exploitation of the resources (Gavaris and Murawski 2004). The former has emerged from the changing distribution of the resource and the effects this creates within the fishery. The latter recognizes traditional involvement and investment in the development of a fishery. Both principles were incorporated in the TMGC sharing proposal, but historical participation was gradually down-weighted so that after an eight year phase-in period the annual allocation would be based primarily on resource distribution (Murawski and Gavaris 2004). The concept for the case of Black Sea Bass will be similar, though the change will be more gradual and will give more weight to the historical fishing effort to start, while slowly phasing in the distributional aspects over time.

Details for the calculations were described by Murawski and Gavaris (2004). Modifications to the original approach need to be made to recognize some of the major differences between the TMGC approach and the case of Black Sea Bass. Some of the major differences include the ability to use distributional differences as defined by a spatially explicit stock assessment, the state by state allocation system currently in place, the need to translate from regional to state specific allocations, and the potential to incorporate synoptic trawl survey information. This proposal uses the 2016 benchmark stock assessment results, the existing state by state allocations, and proposes some potential alternatives that make use of existing trawl survey information. As an additional element, a control rule is proposed that caps any annual change from being too large as an additional effort to keep changes over the short term from causing economic stress to a state jurisdiction.

Data and Methods

Formula

Adapted from the TMGC application (TMGC 2002), the approach for calculating the respective regional shares, which takes historical utilization in to account and adapts to shifts in resource distribution, is as follows:

$$\%RegionalShare = (\alpha_y * \sum_r StateSpecAlloc) + (\beta_y * \%ResDistr_{r,y}) \quad (1)$$

Where α_y = percentage weighting for utilization by year; β_y = percentage weighting for resource distribution by year; $\alpha_y + \beta_y = 100\%$; *StateSpecAlloc* = state specific allocation; *ResDistr* = resource distribution; *r* = region; *y* = year

The region specific shares then need to be prorated in to the existing state specific allocation structure. This can be accomplished by:

$$NewStateAllocation = \frac{Allocation_s}{\sum_r StateSpecAlloc} * \%RegionalShare \quad (2)$$

Where $Allocation_s$ = the specific state being calculated

The initial sharing formula is proposed to be based on the weighting of state utilization by 90% and resource distribution from the assessment by 10%. Thereafter, the percentage weighting will be changed in 10% annual increments until the weightings reached 10% utilization from historical allocations and 90% resource distribution from the assessment. This sharing agreement if implemented in 2020, will transition to a 90:10 resource distribution-to-utilization weighting by the 2027 fishing year if done annually. If longer durations are needed between recalculations, this would impact the end year accordingly.

Resource Utilization

Historical state specific commercial allocations for Black Sea Bass were last codified in Addendum XIX to the Fishery Management Plan for Black Sea Bass (FMP) (Table 1). These allocations could be used as the basis for the state utilization portion of the allocation formula. These allocations could remain intact even as the final yearly allocation changes based on equations 1 and 2, which is philisophically appropriate as this portion of the allocation formula is meant to represent the historical fishing aspects of the black sea bass fishery. Additional strategies could be used to set the intitial allocation design as this is one important area of discussion amongst board members. The historical allocation design could also be adjusted incrementally to get the states in to a preferred alignment before codifying in to a static system that will be used in the allocation formula moving forward. Not having guidance on this aspect at this time, the example illustrated in this document will use the existing FMP state allocations.

Resource Distribution

This proposal offers two options for calculating the resource distribution. The first option would be to use the spatial stock assessment to determine the amount of resource in each region (north = NY, CT, RI, MA, NH, ME; south = NJ, DE, MD, VA, NC). The spatial stock assessment calculates a north and south biomass value, which can then be turned in to a proportion. The benefit of this approach is this number is calculated through a synthesis of many biological parameters and represents the best available science for the population. The drawback is that the assessment is updated periodically (not every year), therefore the information will not be evaluated every year, but would depend on the assessment cycle. Additionally, if the spatial stock assessment were to fail at some point in the future, this would impact the ability to do the dynamic allocation calculations. The current estimated allocation from the benchmark assessment would be 6,800 MT (January 1 biomass) in the south, 17,000 MT (January 1 biomass) in the north, equating to 29% of the biomass in the south and 71% of the biomass in the north (NEFSC 2017). It is important to note that these are estimated amounts from plots in the assessment document, if this were to be carried forward, exact amounts from the terminal year of the assessment would be used. Since data are readily available for this option, an example calculation and projection has been developed below.

A second option could be to use scientific surveys to allocate the resource. As in the TMGC method, a swept area biomass, considered a relative index of abundance, can be computed in each stratum and apportioned to the north and south regions in each year. The swept area biomasses can be summed to derive the biomass index for each area. This biomass index estimate derived from each survey represents a synoptic snapshot of resource distribution at a specific time during a year. Combining the results of multiple surveys requires an understanding of seasonal movement patterns and how much of the biological year each survey represents. For this reason it is proposed to use the National Marine Fisheries Service (NMFS) Trawl Survey in combination with the North East Area Monitoring and Assessment Program (NEAMAP) Survey. These are both well studied surveys, are currently used in the stock assessment, and are synoptic, covering both offshore and inshore strata. As an initial attempt, existing survey strata could be used to partition the survey information in to the two stock areas. The strata do not line up perfectly but are relatively close. This could be refined over time by developing area polygons that better align with the stock areas and using the spatial information from the surveys to partition in to the polygons. Additionally, there may be ways to use the state survey information within the analysis either directly by averaging those surveys in to the area swept biomass calculations or indirectly such as using them to verify or corroborate the information from the surveys used in the calculations. This is something that could be developed and integrated in to the process over time through discussions with the technical committee.

A robust locally-weighted regression algorithm (Cleveland 1979), referred to as LOESS, could then be used to remove both unpredictable fluctuations and sampling variation from survey observations. Per the TMGC approach, the proposal is to use a 30% smoothing parameter. The TMGC approach chose the level of smoothing as it reflected current trends, was responsive to changes, and provided the most appropriate results for contemporary resource sharing. The recommended default of two robustness iterations also was adopted (Cleveland 1979). Resource distributions could then be updated annually by incorporating data from the latest survey year available and dropping data from the earliest survey used in the previous year so that a consistent window of data is maintained. After the surveys are combined, the LOESS smoother will be applied to the survey data. The fixed resource utilization (90% weighting in year 1) and the most recent resource distributions as calculated by the surveys (10% weighting in year 1) can then be applied to the sharing formula to determine regional allocation shares for the upcoming fishing year. The

benefit of this approach is that it could be performed annually with more contemporary data. The drawback is that survey data is prone to variability. The LOESS smoothing and the control rule offered below are elements that are included to account for some of this variability to keep it from causing unreasonable changes in a single year.

Control Rule

In addition to the formula for calculating the regional allocations and then translating in to the state specific allocations, a secondary protective measure could also be added by way of a control rule. As an initial proposal, we are offering the following control rule structure:

$$\%RegionalShare = \begin{cases} 10\%, & \text{if } \Delta AnnualChange > 10\% \\ \%RegionalShare, & \text{if } \Delta AnnualChange \leq 10\% \end{cases}$$

This will protect against any abrupt change occurring in any given year and will allow the changes in allocation to occur incrementally.

Flexibility

By its nature, this approach has multiple areas of flexibility. These are all decision points that, once agreed to, can be added in to the equations so the approach can be standardized moving forward.

The list of areas that can be adjusted are:

- The α and β parameters can be adjusted to change the way the utilization and distribution are weighted in the equation
- The increment of change in the α and β parameters can be adjusted to increase or decrease the transition speed
- The time horizon for the transition can be changed
- The initial state allocations can be changed or transitioned from those codified in Addendum XIX (see *Resource Utilization* section for various options)
- The technique for calculating the resource distribution has multiple options (see *Resource Distribution* section for various options)
- If a trawl survey approach were to be used, the way the LOESS algorithm is parameterized can be adjusted
- The control rule can be adjusted to be more or less protective of incremental changes

The optimal approach would be to work through all of these options and agree to a final set up for moving forward.

Results

Example

The following is an example using the output from the last assessment as the option for calculating the resource distribution. The first step is to apply the state specific allocations and resource distribution information to equation 1.

Sum of the southern allocations:

```
sum.south
## [1] 0.67
```

Sum of the northern allocations:

```
sum.north
## [1] 0.33
```

Resource distributions for the northern and southern areas based on the benchmark assessment:

```
dist.south = 0.29
dist.north = 0.71
```

These are the α and β parameters for equation 1 for year 1:

```
alpha = 0.9
beta = 0.1
```

This is equation 1 for each region, and implements the control rule:

```
# Region Specific Equation 1
South.Share = (alpha*sum.south) + (beta*dist.south)
North.Share = (alpha*sum.north) + (beta*dist.north)

# Control Rule
if (abs(South.Share-sum.south) > 0.1 | abs(North.Share-sum.north) > 0.1) {
  if (South.Share-sum.south > 0) {
    South.Share = (sum.south*(0.1))+sum.south
    North.Share = (sum.north*(-0.1))+sum.north}
  else {
    South.Share = (sum.south*(-0.1))+sum.south
    North.Share = (sum.north*(0.1))+sum.north}
}
```

This results in the following regional allocations in year 1:

```
## [1] 0.63
## [1] 0.37
```

In this case the change in allocation is less than 10%, so per the control rule the percent regional shares will not be changed to ten percent.

The second step is to prorate these in to state specific allocations.

```
state = c("Maine", "New Hampshire", "Massachusetts", "Rhode Island", "Connecticut", "New York", "New Jersey", "Delaware", "Maryland", "Virginia", "North Carolina")

for (i in 7:11) {
  New.South.Shares = (state.alloc[i]/sum.south)*South.Share
  print(paste(state[i], "=", round(New.South.Shares, digits=2)))
}
```

```

## [1] "New Jersey = 0.19"
## [1] "Delaware = 0.05"
## [1] "Maryland = 0.1"
## [1] "Virginia = 0.19"
## [1] "North Carolina = 0.1"

for (j in 1:6) {
  New.North.Shares = (state.alloc[j]/sum.north)*North.Share
  print(paste(state[j], "=", round(New.North.Shares, digits = 2)))
}

## [1] "Maine = 0.01"
## [1] "New Hampshire = 0.01"
## [1] "Massachusetts = 0.14"
## [1] "Rhode Island = 0.12"
## [1] "Connecticut = 0.01"
## [1] "New York = 0.08"

```

Assuming that the resource distribution remains the same and that these calculations could be done annually, a projection was performed and is presented in Table 2 below.

Tables

Table 1 - State by state allocations (ASMFC 2007)

State	Allocation
Maine	0.5
New Hampshire	0.5
Massachusetts	13.0
Rhode Island	11.0
Connecticut	1.0
New York	7.0
New Jersey	20.0
Delaware	5.0
Maryland	11.0
Virginia	20.0
North Carolina	11.0

Table 2 - A ten year projection assuming the resource distribution remains at the same amount as calculated in the last assessment and that the calculations could be performed annually. This projection follows the schedule as outlined in the "Formula" section of this document.

Year	Southern Share	Northern Share
2020	0.59	0.41
2021	0.56	0.44
2022	0.52	0.48
2023	0.48	0.52

2024	0.44	0.56
2025	0.40	0.60
2026	0.37	0.63
2027	0.33	0.67

References

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Appendix II. Stepwise Transformation to "Scup Model" Quota System for Black Sea Bass

Concept:

Ultimately, this alternative would allocate quota into three unequal seasonal periods, as is done for scup. During the two winter periods, **January-April* ("Winter I") and **November-December* ("Winter II"), a coastwide quota system would be implemented in conjunction with a system of coastwide possession limits and other measures. In a "Summer" period, **May-October*, a state-by-state quota system would be implemented by the Commission, and state-specific measures would be set to constrain landings to the summer state quotas.

**Note: Quota periods could be refined, data is not yet available to fully describe the commercial harvest of black sea bass in time (by month) and space (state vs. federal waters).*

The switch to coastwide winter period management would occur after 5-10 years of incremental quota adjustments (as in the TMGC approach detailed by Jay McNamee) in response to changes in patterns of biomass distribution. That would allow managers to utilize more appropriate patterns of harvest in time and space to allocate among periods. As part of the Working Groups commitment to slow or gradual implementation of allocation changes to limit disruption, coastwide management during Winter I and Winter II could be implemented in subsequent years. Regular adjustments to the allocations among states (and potentially periods) should continue in perpetuity, in order to reflect the current distribution of the resource.

Rationale:

A significant portion of the commercial fishery is prosecuted in federal waters during the colder months, primarily by otter trawl. Utilizing a scup style management approach is particularly appropriate for black sea bass because this winter fishery is fishing on the mixed stock, fish from all across the northern and southern subunits of the stock aggregate together on the continental shelf. Commercial fishermen pursuing black sea bass at this time should have equitable access to the resource since all are traveling great distances from their home ports, expending fuel, and assuming similar safety risks. Fishing on relatively the same grounds under the same limits would also lend itself to improved sampling and discard estimation during this period. During the warmer months when the fish move inshore, state specific management of the commercial fishery is more appropriate.

Issues that require additional consideration:

36% of the coastwide quota is currently held by DE, MD, and VA; all states with ITQs fisheries for black sea bass. There may be no easy transition for states w/ ITQ fisheries because that model is so different from what the rest of the coast utilizes. Further information on when and where these states prosecute their fisheries is required to understand the potential impacts.