

Atlantic States Marine Fisheries Commission

Bluefish Management Board

February 4, 2021

12:45 – 1:30 p.m.

Webinar

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 (<i>C. Batsavage</i>) | 12:45 p.m. |
| 2. Board Consent | 12:45 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from August 2020 | |
| 3. Public Comment | 12:50 p.m. |
| 4. Consider Revisions to the Addendum I Biological Monitoring Program
(<i>D. Colson Leaning</i>) Final Action | 1:00 p.m. |
| 5. Review and Populate Advisory Panel Membership (<i>T. Berger</i>) Action | 1:25 p.m. |
| 6. Other Business/Adjourn | 1:30 p.m. |

MEETING OVERVIEW

Bluefish Management Board
Thursday February 4, 2021
12:45 – 1:30 p.m.
Webinar

Chair: Chris Batsavage (NC) Assumed Chairmanship: 12/19	Technical Committee Chair: Mike Celestino (NJ)	Law Enforcement Committee Representative: Rob Kersey (MD)
Vice Chair: Joe Cimino (NJ)	Advisory Panel Chair: Vacant	Previous Board Meeting: December 15, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (17)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2020

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 should use the webinar raise your hand function and the Board Chair will let you know when to speak. 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 Board 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 Revisions to the Addendum I Biological Monitoring Program (1:00-1:25 p.m.)

Background

- In December 2020, the Bluefish Technical Committee (TC) presented a memo to the Bluefish Board with recommendations for changes to the Addendum I biological monitoring program. **(Supplemental Materials)**
- Following this meeting, it was determined that the revisions to the biological monitoring program could take place through Board Action. **(Supplemental Materials)**

Presentations

- Recommended revisions to the biological monitoring program by D. Colson Leaning

Board Actions for Consideration

- Consider approving revisions to the Addendum I Biological Monitoring Program

5. Review and Populate Advisory Panel Membership (1:25-1:30 p.m.)

Background

- John LaFountain from RI has been nominated to the Bluefish Advisory Panel

Presentations

- Nominations by T. Berger

Board Actions for Consideration

- Approve nomination

6. Other Business/Adjourn

Bluefish Technical Committee Task List

Activity Level: Medium

Committee Overlap Score: Medium

Committee Task List

- Meets twice a year to recommend commercial and recreational measures
- Spring 2021: Annual biological monitoring program requirement to collect a minimum of 100 bluefish to enhance age and length data used in stock assessments
- Annual state compliance reports are due May 1

TC Members

Michael Celestino (NJ DEP – Chair), Sam Truesdell (MA DMF – Vice-Chair), Amy Zimney (SC DNR), Sandra Dumais (NY DEC), Eric Durell (MD DNR), Jim Gartland (VA VIMS), Kurt Gottschall (CT DMF), BJ Hilton (GA DNR), Nicole Lengyel (RI DEM), Joseph Munyandorero (FL FWC) David Behringer (NC DMF), Melissa Smith (ME DMR), Kevin Sullivan (NH FGD), Richard Wong (DE DFW), Tony Wood (NEFSC), Matt Seeley (MAFMC)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
BLUEFISH MANAGEMENT BOARD AND
MID-ATLANTIC FISHERY MANAGEMENT COUNCIL**

**Webinar
August 6, 2020**

These minutes are draft and subject to approval by the Bluefish Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Bluefish Management Board and
Mid-Atlantic Marine Fisheries Council Meeting Webinar
August 2020

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of May 6, 2020** by consent (Page 1).
3. **Move to remove recreational for-hire sector separation from further development in the bluefish amendment. Further development of for-hire sector separations should be considered under comprehensive recreational reform initiatives.**
Board: Motion by Adam Nowalsky; second by Eric Reid (Page 28). Motion carried (14 in favor, 1 opposed) (Page 30).
Council: Motion by Adam Nowalsky; second by Joe Cimino. Motion carried by consent (Page 31).
4. **Move to approve PRT recommendations, the Bluefish Fishery Management Plan Review of the 2019 fishing year, state compliance reports, and *de minimis* requests for Maine, South Carolina and Georgia's commercial fisheries** (Page 35). Motion by Nichola Meserve; second by Justin Davis. Motion carried (Page 35).
5. **Adjourn** by consent (Page 35).

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ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Cheri Patterson, NH (AA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Bill Anderson, MD (AA)
Nichola Meserve, MA	Mike Luisi, MD, MAFMC Chair
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Phil Langley, MD, proxy for Del. Stein (LA)
Jason McNamee, RI (AA)	Ellen Bolen, VA, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Chris Batsavage, NC, ASMFC Chair
Justin Davis, CT (AA)	Mel Bell, SC, proxy for P. Maier
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Sen. Ronnie Cromer, SC (LA)
Emerson Hasbrouck, NY (GA)	Hannah Hart, FL, proxy for J. McCawley (AA)
Joe Cimino, NJ (AA)	Doug Haymans, GA (AA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Mike Ruccio, NMFS

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

Ex-Officio Members

Mike Celestino, Technical Committee Chair

Staff

Bob Beal	Jeff Kipp
Toni Kerns	Sarah Murray
Laura Leach	Joe Myers
Dustin Colson Leaning	Kirby Rootes-Murdy
Kristen Anstead	Mike Schmidtke
Max Appelman	Matt Seeley, MAFMC
Maya Drzewicki	Caitlin Starks
Sarah Hylton	Deke Tompkins
Chris Jacobs	Geoff White

Guests

Fred Akers	Erika Burgess, FL FWC
John Almeida, NOAA	Morgan Corey, NOAA
Pat Augustine, Coram, NY	Karson Courtre, MAFMC
Michael Auriemma, NJ DEP	Kiley Dancy, MAFMC
Joey Ballenger, SC DNR	Jessica Daher, NJ DFW
Julia Beaty, MAFMC	Jeff Deem, Lorton, VA
Alan Bianchi, NC DNR	Monty Deihl, OceanFleet Svc
Jason Boucher, DE DFW	Greg DiDomenico, Garden State Seafood
William Brantley, NC DNR	Anthony DiLernia
Jeff Brust, NJ DFW	Steve Doctor, MD DNR

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Guests (continued)

Michelle Duval	Brandon Muffley, MAFMC
Warren Elliott, PA (LA)	Steve Murphey, NC (AA)
Dan Farnham	Allison Murphy, NOAA
Cindy Ferrio, NOAA	Ken Neill
James Fletcher, Wanchese Fish	Brian Neilan, NJ DFW
Jared Flowers, GA DNR	Jeff Nichols, ME DMR
Tony Friedrich, SGA	Laurie Nolan
Mel Gardner	Derek Orner, NOAA
Matthew Gates, CT DEEP	Rich Pendleton, NYS DEC
Pat Geer, VMRC	Michael Pentony, NOAA
Angela Giuliano, MD DNR	Mariah Pflieger, Oceana
Brooke Goggins, CPB	Olivia Phillips, VMRC
Willy Goldsmith, SGA	Paul Piavis, MD DNR
Kurt Gottschall, CT DEP	Nicholas Popoff, US FWS
Sonny Gwinn, Berlin, MD	Jill Ramsey, VMRC
Brian Hall, NC DENR	Paul Risi
Steve Heins	Matthew Rogers, VMRC
Dewey Hemilright	Mary Sabo, MAFMC
Kyle Hoffman, SC DNR	Scott Sakowski, NOAA
Asm. Eric Houghtaling, NJ (LA)	Brandi Salmon, NC DENR
Rusty Hudson, DSF	C J Schlick, NC DENR
Peter Hughes, AtlanticCapes	Tara Scott, NOAA
Jeff Kaelin, Lund's Fisheries	Alexei Sharov, MD DNR
Emily Keiley, NOAA	Somers Smott, VMRC
Alexa Kretsch, VMRC	David Stormer, DE DFW
Kris Kuhn, PA F&B	H. Takade-Heumacher, EDF
Scott Lenox	Mark Terceiro, NOAA
Tom Little, NJ LEG	Wes Townsend
Dee Lupton, NC DNR	Corinne Truesdale, RI DEM
Loren Lustig, PA (GA)	Sam Truesdell, MA DMF
Chip Lynch, NOAA	Mike Waine, ASA
Shanna Madsen, VMRC	DeVonte Weems
John Maniscalco, NYS DEC	Kate Wilke, TNC
Casey Marker	Angel Willey, MD DNR
Genine McClair, MD DNR	Sara Winslow
Ashleigh McCord, NOAA	Charles Witek, W Babylon, NY
Dan McKiernan, MA (AA)	Chris Wright, NOAA
José Montañez, MAFMC	Amy Zimney, SC DNR
Chris Moore, MAFMC	

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The Bluefish Management Board of the Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council (MAFMC) convened via webinar; Thursday, August 6, 2020, and was called to order at 8:30 a.m. by Chairmen Chris Batsavage and Michael Luisi.

CALL TO ORDER

CHAIRMAN CHRIS BATSAVAGE: Good morning! I would like to welcome everyone to the joint meeting with the ASMFC Bluefish Management Board and the Mid-Atlantic Fishery Management Council. My name is Chris Batsavage. I am the Board Chair from North Carolina, the Administrative Proxy.

With me co-chairing today is Mike Luisi, the Mid-Atlantic Council Chair. Before I start going through the agenda, let's go through the normal housekeeping items for joint meetings. Since we're operating as a joint body, any motions that are made today, and I'm not sure there will be any, will need motions from both the Board and the Council, in order to debate the motion, and both will need to pass by both the Board and Council for it to move forward.

What we also do again, if we have motions today, is we'll alternate between which body goes first, in terms of voting, just to kind of balance things out. As always, the Board will be given time to caucus, and each state should have a designated Commissioner to cast the vote for their state. Mike, is there anything, any introductory comments you want to add, or things that I forgot before we get moving through the agenda?

CHAIRMAN MICHAEL LUISI: No, I think you covered it, Chris. Again, my name is Mike Luisi. I'll be co-Chairing today with Chris, and then later on with Adam Nowalsky, when we switch boards. No, Chris, I think you got it all. I just want to welcome everybody, and I look forward to the discussion today. It's all you, Chris.

APPROVAL OF AGENDA

CHAIRMAN BATSAVAGE: We'll move on to the approval of the agenda. Everyone got a chance to look at that. Are there any changes to the agenda, or additions to the agenda that anyone would like to make?

MS. KERNS: I don't see any hands raised.

APPROVAL OF PROCEEDINGS

CHAIRMAN BATSAVAGE: We'll consider that approved. Next is approval of the proceedings from the May 2020 meeting. Are there any changes, modifications, et cetera to the proceedings?

MS. KERNS: I do not see any hands raised.

CHAIRMAN BATSAVAGE: Okay then, we'll consider those approved.

PUBLIC COMMENT

CHAIRMAN BATSAVAGE: Next is public comment. This is an opportunity for the public to provide any comments on items that are not on the agenda. I'll pause here to see if any public would like to provide any comment at this time.

MS. KERNS: As a reminder, to raise your hand you just push on that hand button for the public. I don't see any hands.

**REVIEW OF THE FISHERY MANAGEMENT
ACTION TEAM DISCUSSION DOCUMENT ON
BLUEFISH ALLOCATION AND REBUILDING
DRAFT AMENDMENT**

CHAIRMAN BATSAVAGE: Moving on, the next item is a Review of the Fishery Management Action Team Discussion Document on Bluefish Allocation and Rebuilding Draft Amendment. Dustin Colson Leaning from the Commission, and Matt Seeley from the Council will be presenting that information today, so Dustin and Matt, it's all yours.

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MR. MATT SEELEY: Good morning, this is Matt, just making sure I get my screen and everything shows appropriately. Mr. Chairman, do you see the full screen presentation there?

CHAIRMAN BATSAVAGE: Yes, I do Matt, thanks.

MR. SEELEY: You can hear me okay? I've been having some audio issues with my phone, and if that does happen, please interrupt me as soon as you can tell, and I can backtrack. Good morning everyone. I know Dustin and myself were excited to talk to you about the Atlantic Bluefish Amendment here, and the progress that Fishery Management Action Team has been making.

I'm going to start the presentation and go through the first five issues, and then Dustin is going to take control after, and go through the remaining issues within the amendment, and then we'll conclude with some next steps, and then we'll take any questions that you have, so thank you. Here is a snapshot reminder of the timeline that this amendment is on.

While not a complete timeline, this shows some of the big steps taken thus far in blue, followed by upcoming big steps in the amendment process in green. The 2019 Operational Assessment indicated that the stock was overfished, and NOAA Fisheries released the overfished designation in November of 2019.

This began the two-year timeline for when a rebuilding plan must be implemented, and the goal is to have final action in the spring of 2021, so that the Rebuilding Plan can be implemented by the spring of 2022. As of now we have ten amendment issues that are being addressed through this action.

For the purpose of this meeting and insuring the FMAT receives all the information they need, we'll only be discussing the underlying issues. However, if you do have comments or concerns on any issues that we're not discussing today, we're happy to address those

comments via e-mail, and then again, all ten issues will be discussed at the joint December meeting. For each issue we present, we'll provide some background, tables, and then the FMAT recommendations and questions for the Council and Board. Starting with Issue 2, the Sector Allocations. Under the current fishery management plan for bluefish the acceptable biological catch equal to fishery level annual catch limit, which is then divided into a commercial and recreational annual catch target, based on the allocation percentages that are defined in the FMP. The percentages are currently 83 percent recreational, and 17 percent commercial.

Sector specific expected discards are subtracted from the sector-specific ACTs to derive a commercial quota and recreational harvest limit. Aside from the status quo option, the following approaches revise the allocation percentages, based on modified base years or different datasets. As background, we have two sets of sector allocation alternatives, both using four different time series, plus the status quo alternative.

The top alternative set is based on catch data using the MRIP discards, while the bottom alternative set is based on landings data. As you can see, some of the time series result in the same exact allocation percentages. We hope to soon slim down the alternative sets at the joint meeting in December.

For this presentation, we wanted to focus on the recommendations related to phasing in allocation changes, and implementing a trigger approach. Currently, both sectors are greatly impacted by a reduced quota, due to the overfished designation, and since recreational to commercial sector transfers have been set to zero.

Furthermore, the alternative currently in development for this amendment decreased the commercial allocation. To deal with these lower quotas, phasing in allocation changes

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allows for commercial and recreational allocation percentages to transition slowly over time, which we're hoping has the potential to reduce some economic burden.

When considering the potential to phase in allocations, the FMAT recommends streamlining a phase-in timeline with a rebuilding timeline, and noted that changing allocations on a continual basis during the rebuilding plan may unnecessarily overcomplicate management. The FMAT also discussed what an appropriate trigger threshold level would be, once the quotas increase post-rebuilding plan.

The FMAT is concerned about the tradeoff between the perceived benefit and added complexity, and ultimately noted that a trigger approach is most likely not an appropriate management tool during rebuilding. Considering a post rebuilding bluefish world, the FMAT has tried to answer the question, what is an appropriate trigger threshold level?

The main considerations are that recent biomass levels have remained low. Using an average ABC approach may not be appropriate. The FMAT also noted that the reallocation scheme above at triggered threshold seems to be more of a policy decision, and the FMAT was unsure of how to reallocate.

We'll have these summary tables at the end of each issue that we discuss. To summarize the approaches being discussed within the sector allocations, the FMAT recommends keeping the phase-in approach for further development, and that the selected duration to phase in allocations should be streamlined with the preferred rebuilding plan. For the trigger approach, the FMAT recommends that it be removed from further consideration in the amendment, but the FMAT would like to see a provision included that would allow future implementation via a framework. Issue 3 is the commercial allocations for the states. There are three topics we need to discuss under this issue,

a phase-in approach and a trigger approach, which we just discussed under sector allocations, and minimum default allocations.

As background, this table represents the six different allocation alternatives using landings data. Unlike the sector allocations, many of these alternatives differ significantly from each other, so you know pay close attention to the specific time series and the percentages that are evident there, and again happy to come back to any of these slides at any time.

The first topic under Issue 3 is again the phase-in approach, and the FMAT noted that the same comments under the sector allocations apply here for the commercial allocations to states. Again, the commercial sector is greatly impacted by a reduced quota, and to deal with these lower quotas phasing in allocation changes allows for commercial state allocation percentages to transition slowly over time.

Again, hopefully with the potential to reduce some economic burden. The FMAT recommends streamlining a phase-in timeline with the rebuilding timeline, and noted that changing allocations on a continual basis again, may overcomplicate management. The second topic under Issue 3 is again the trigger approach.

Here we're presenting the baseline, or status quo bluefish state allocations under a 20-year, 10-year and 5-year average commercial quota as the trigger point. Staff proposed three options for the FMAT, with how additional commercial quota above a trigger could be allocated to the states. Under these examples, states with currently less than 1 percent of the coastwide quota would receive either 0.05 percent, 0.01 percent, or 0.25 percent of the additional quota.

Then other states would evenly split the remaining allocation. Those are those three columns that you see there, Option 1, 2, and 3 using the different allocation percentages that

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could be split up, based on the baseline quota. Some of the FMAT comments that applied, the same comments under the sector allocations apply here for the commercial allocations to the states.

The discussions surrounding an appropriate trigger threshold level led to the FMATs concern about the tradeoff between the perceived benefit and added complexity. However, the main considerations in trying to develop an appropriate trigger seemed to be more of a policy decision, especially since recent biomass levels have remained low, and using an average ABC approach may not be appropriate.

Therefore, the FMAT was unsure of how to reallocate in order to refine the equity across states. Overall, the FMAT does recommend further development of this approach. To deal with some of the equity issues we're talking about. The FMAT recommended staff develop a range of baseline quotas, and the associated additional quota allocation.

The justification behind this was, because states with a very small baseline allocation should not receive the same amount of additional quota as states that have a very large baseline quota. Under this example, the FMAT proposed that if a state's baseline quotas were 0 to 1 percent, they would receive 0.25 percent of the additional quota. From 1 to 5 percent, a state would receive 3 percent of the additional quota, and finally a baseline quota greater than 5 percent would result in 12.86 percent of the additional quota, which is the remainder of the allocation split evenly amongst states.

To summarize, the FMAT recommends further development of the trigger approach for the commercial allocations to the state. Now the third topic under Issue 3 is the ability to implement minimum default allocation. This was developed by the FMAT as a result of a recommendation from a Board member at the last joint meeting.

To develop these alternatives the FMAT modeled the approach off Amendment 3 for Atlantic menhaden. These alternatives apply a fixed-minimum quota, and the FMAT used a range of percentages from 0.1 to 1 percent. Then the remainder of the total allowable landings was allocated, based on the average landings, using the time series selected by the Council and Board for this amendment.

Provided here is an example of minimum default allocations, using 0.1 percent, and all of the other alternatives are within the FMAT summary as part of your briefing materials for the different ranges of percentages I was referring to. Towards the left of the table you see the true status quo allocations.

These are the current allocations that are existing in the FMP, with no minimum default allocation included. Then you see the status quo alternative, but with a minimum default allocation of 0.1 percent applied, and this is why the percentages are different. Then the remaining columns all also apply the same 0.1 percent to each proposed time series.

Ultimately, the FMAT recommends this remain in the amendment for further development. To summarize the approaches being discussed within the commercial allocations to the states, the FMAT recommends the phase-in approach be kept for further development, and streamlined with a preferred rebuilding timeline.

The trigger approach should also be kept for further development, but with refined equity across states. Staff has been going back and forth with the FMAT. The next FMAT meeting it will be further developed, that way we can have more detailed examples for you at the subsequent meeting. For minimum default allocations, the FMAT noted that the current alternatives include a sufficient range of percentages, and should be kept for further development.

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The FMAT also reviewed the proposal made by the state of Florida to implement regional-based allocations. This is now Issue 4. The proposal pools quota between states that occupy the same region, and the proposal stipulates that commercial trip limits could be used to ensure that all states have access to the resource.

The allocation percentages in the table also use the same time series that were presented for the other allocation-related issues in the amendment. The regionalization follows the initial logical geographic approach. We have New England, Mid-Atlantic, South Atlantic. The FMAT then noted that this could create a race to fish situation within a given region that could cause states to not hold as much interest in this approach. The FMAT then commented that the proposed geographic regions have no biological basis, so the FMAT is interested in identifying if there is a biological basis, and noted that if there is not, the regional approach may have less technical merit and should be removed from further development.

The FMAT further commented that the regional commercial allocations and the associated trip limits would require a high level of state cooperation and buy-in, and there is also concern that the regulations regarding commercial trip limits and transfers may be challenging to coordinate across states in each region.

Finally, the FMAT noted there would be a loss of autonomy and flexibility to manage fisheries at the state level. To help develop appropriate trip limits for a given region, the FMAT looked at the amount of trips landing quota in specific pound bins. As you can see in New England, the Mid-Atlantic and the South Atlantic, more than 94 percent of all trips in each year landed less than 500 pounds.

Using the trends present in the top table, and the current state commercial trip limits, staff developed the proposed trip limits in the

bottom table for FMAT discussion. Upon FMAT review, the group recommended staff redevelop the top table to display each trip limit bins percent contribution to the total landings for that year, instead of as a percentage of trips.

This will help identify if the majority of bluefish landings are coming from a small number of trips with very high landings, or many trips with a low amount of landings. Furthermore, the FMAT recommended reassessment of the proposed trip limits once the landings data have been analyzed.

Alternatively, to the regional commercial allocation approach, we wanted to emphasize that there are provisions in the current regulations for states to combine quotas, should they be interested. Any state may do so outside of this amendment on a voluntary case-by-case basis. The FMAT confirmed with GARFO that this regulatory language may still be applied.

States that want to combine quotas will need to write a joint letter to the Regional Administrator, and once approved the two or more states joint quota will be monitored as a combined entity. There are technically provisions currently in place that allow for these combined quotas. Now to summarize the Regional Commercial Allocations. The FMAT noted that they will evaluate whether the regional approach has biological basis.

Lacking biological backing the FMAT would recommend removal, especially considering regional allocation will lead to a loss of autonomy and reduce flexibility for states to manage their own fisheries. The Bluefish Advisors were mainly in support of further exploring regional allocations. Again, pending the associated management measures.

In considering trip limit step downs, the FMAT recommended staff refine the trip limit analysis to identify if most bluefish landings are coming from a small number of trips with very high

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landings, or many trips with a low amount of landings. Then we're going to reassess the proposed trip limits, and come back to you with more information here at that meeting.

Transitioning to Issue 5, the rebuilding plan. The Fishery Management Action Team wanted to again emphasize that adjustments to the Council's Risk Policy are necessary under Alternatives 5.3, 4, and 5. This is the only way that the Council and Board can consider a rebuilding plan longer than five years, and allow the higher associated catches. The FMAT also discussed the concerns raised by the Council and Board at the last meeting, in regards to the cyclical nature of bluefish abundance, and the influence that forage fish and the environment have on the species ability to rebuild biomass to the target, within the specified timeline.

The FMAT recognizes these concerns and the role that the calibrated MRIP estimates have had on the stock assessment. However, there was consensus that we need to wait, and at least see how the rebuilding plan initially performs. The FMAT noted that if the rebuilding plan is found to be making inadequate progress.

Adjustments can be made to the plan that include more restrictive management measures, and potentially increased funding for research, to understand why a rebuilding plan is not going as initially proposed. But ultimately, NOAA Fisheries has specific qualification criteria to assess if adequate rebuilding progress has been made, and there was consensus among the FMAT that it is important to first address fishing mortality, and then reassess.

As more data becomes available and stock assessment updates are conducted, the biological reference points may change and shift stakeholder perspective on the rebuilding process. But overall, this rebuilding plan should be thought of as a living plan, as it's regularly reviewed and revised when necessary.

You've seen this figure before. Magnuson-Stevens Act requires that a rebuilding plan be submitted to NOAA Fisheries by the end of September 2021. This will allow for implementation during the 2022 fishing year. Here we're presenting catch on the left, and biomass on the right for each rebuilding projection. Each color corresponds to a different rebuilding plan, and the colors are consistent on both figures. As you can see on the catch figure to the left, each rebuilding projection has different sets of catch over the rebuilding duration.

On the biomass figure to the right all projections have reached the spawning stock biomass MSY target of about 200,000 metric tons by 2031, which is within our ten-year timeline. Upon review during the Advisory Panel meeting, most bluefish Advisors commented that they prefer a longer rebuilding timeline, to encourage higher catches and stability within the fisheries.

In summary, there are five rebuilding projections to be considered, with an understanding that the constant fishing mortality or constant harvest scenarios will be updated next year, when a new assessment is available. This will include how long it will take to rebuild under an updated constant fishing mortality, or a constant harvest scenario, and should stay within the proposed duration. I'm going to transfer things over to Dustin now.

MR. DUSTIN COLSON LEANING: Same thing goes for me as well, if my audio starts breaking up, please do let me know. I'll be covering Issue 6, which addresses for-hire sector separation. As we have discussed before, there are three different potential structures for division of for-hire versus private allocation, not including the status quo alternative. This would take place at the ACL level, the Sub-ACL level, and the RHL level.

The allocation structures have different implications for accountability in the

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development of allocation percentages, and I will go over the pros and cons in the coming slides. Displayed here are status quo on the upper left, and the three different flowchart structures, for how the sector separation could occur. Option A is the current structure in the bluefish FMP, Option B would require the development of commercial and recreational and for-hire allocation alternatives.

Option C would maintain allocation between the commercial and recreational sectors, but then the recreational ACLs would be allocated between the private and for-hire sectors. Then Option D would split the RHL into two separate RHLs for the private and for-hire sectors. The FMAT recommends removal of Structure B.

The FMAT was concerned that this structure would require starting from scratch, in terms of developing allocations between all three sectors, when we have already developed alternatives that allocate between just two sectors, the commercial and recreational fisheries. The FMAT also recommends removal of Structure D, which includes separate management of harvest only, and accountability is problematic under this structure.

The FMAT recommends development of Structure C, where accountability measures are applied at the Sub-ACL level, and this option represents a true sector separation. I have prepared a scenario to demonstrate why accountability is problematic under Structure D, and hopefully this will shed some light on just the sector separation process in general.

You will notice that I have removed the commercial sector portion here, to simplify this example. In this example the recreational ACL is set at 18 million pounds under both structures, as noted in the bolded text. In Structure C, the two sectors allocated their own Sub-ACLs, and the private angler sector receives 12 million pounds, and the for-hire sector receives 6 million pounds.

Each sector's Sub-ACL are reduced slightly to account for discards. This results in the private angler sector RHL equaling 10 million pounds, and the for-hire sector RHL equaling 5 million pounds. In Structure D on the right, the recreational RHL is reduced to 50 million pounds to account for discards, and then the RHL is split. The private angler sector is allocated 10 million pounds and the for-hire sector is allocated 5 million pounds.

You notice that the resulting RHLs under both structures are the same. Let's say in this example that the private angler sector lands 10 million pounds. The corresponding RHLs under each structure are shaded in green, to represent that this sector harvested within its landing limits. Additionally, the private sector discarded 2 million fish. The private angler Sub-ACL is then highlighted in green under Structure C, to demonstrate that the Sub-ACL was not exceeded. Taking this example further, let's say that the for-hire sector also stays within its landings limit for the year by harvesting 5 million pounds of fish, so far so good under each structure. Unfortunately, in this example, let's just say that the for-hire sector also had higher than projected level of discards, with 2 million pounds of discards. On the left we can see that the for-hire Sub-ACL has been exceeded, as displayed in red. On the right under Structure D, we see that the recreational ACL was exceeded when you add up both sectors landings and discards.

Under Structure C, accountability measures in the form of a pound for pound payback would be applied to only the for-hire sector, due to its overage. The problem with sector separation Structure C becomes clear when you look at the right. Because the recreational ACL was exceeded, this affects both sectors in the form of a pound for pound payback, even though the private recreational sector harvested within its landing limits.

Under Structure D, both sectors are held accountable to the other sector's discards. The

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different allocation alternatives are displayed here using both landings and catch data, and if for-hire sector separation occurs at the Sub-ACL level, which would be Structure C, the FMAT recommends using catch data to develop the allocation percentages.

During scoping we received many comments from the public about using VTR data for management. However, the FMAT did not develop allocation alternatives using VTR data thus far, because most states do not require catch reporting from for-hire vessels operating within state waters.

During the most recent Monitoring/Technical Committee meeting, we polled the different members, and we found that only a handful of states actually require 100 percent coverage in data reporting. The FMAT also recommends utilizing MRIP data for accountability at first and catch accounting.

MRIP data could be replaced by VTR for accounting, once states have implemented the proper reporting requirements. Despite the FMATs preference for using MRIP for accountability, it has concerns about the reliability of MRIP data at the mode level, mainly the high PSE values. As a reminder, the FMAT previously recommended removing sector separation from this amendment prior to the June meeting, citing these same concerns.

This graph just shows even further why it may not be a great idea to use VTR data to develop allocations. This graph displays a large disparity in MRIP estimates to VTR data, and if we use VTR data the for-hire sector would get a much smaller allocation, most likely because not all of the for-hire vessels are reporting.

When presented this information during the APs Fishery Performance Review, the AP provided some mixed feedback regarding sector separation. One advisor spoke in support of using MRIP data to develop allocations, since not all for-hire vessels submit VTRs. The AP

member in support of using VTR data said that if people do not submit VTRs they should not be part of the for-hire allocation.

That same AP member also thought that there should be a committee of for-hire members to help inform management, with setting recreational measures such as size, season, and bag limit. Another AP member spoke in opposition to for-hire sector separation, saying that the difference in bag limits for bluefish are not fair anymore. If the for-hire sector separation must happen, there needs to be a good look at what a fair allocation would be. This table presents the summary of FMAT recommendations and considerations. The FMAT is recommending that sector separation flowchart structures B and D be removed, and C be kept in for further development.

Additionally, relying on VTRs and ensuring all states implement the same requirements in a timely manner is a large undertaking, which will require significant administrative effort and stakeholder buy-in. Developing 100 percent reporting may also be necessary prior to implementing for-hire sector separation.

Moving on to Issue 7, which covers the sector transfers. The FMAT has refined the alternatives in the sector transfer process, but still has some areas that we're asking for input from the Board and Council. As is done under the current sector transfer process, the need for a transfer would be addressed annually through specifications.

Prior to the August meeting the Monitoring Committee would develop a projection of next year's catch or landings for both the recreational and commercial sectors, using considerations such as catch in prior years. Changes in management measures, such as bag limits and quotas, trends in fishery effort and changes in abundance in biomass level.

The need for a transfer would be identified through the projections process, and the table

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identifies scenarios when a transfer would or would not occur. Under the existing sector transfer process, specifications are implemented in January for the new fishing year, and NOAA Fisheries later reassesses the transfer amount in February, based on new data, mainly MRIP preliminary data for the prior year, and an adjustment notice is released in March or April.

The FMAT did not think this post-specification adjustment could be made if quota is transferred from the commercial fishery to the recreational fishery, mainly because recreational measures are set in December, based off of an RHL that is determined in August. To revisit this RHL in March of the next year, would upend this process, and really throw the recreational measure setting process into territory which would potentially be dangerous, and cause more overages.

That being said, without adjustments projections are based off of incomplete data during the prior year in August. In the case of the recreational fishery, only Wave 2 data is available by the August meeting, and this uncertainty in the projections does increase the risk of overages. The transition from old uncalibrated MRIP data to new calibrated MRIP data in recent years, does add uncertainty in analyzing past performance, relative to catch and landings limits.

It calls into question whether any analyses can actually inform the size of the transfer cap that may be needed in future years. As you may recall, the current process sets a 10.5-million-pound cap, but the FMAT settled on a 5 to 15 percent cap, looking at 5 to 15 percent of the ABC, and thought this would be a reasonable range of alternatives to present for the draft amendment. While this prevents any major one-year swings in allocation, the cap does refine that, which the FMAT thought was more appropriate than the fixed 10.5 million pounds that is currently in the FMP. The FMAT also discussed criteria for prohibiting a transfer, and

came up with a few options. Transfers could be prohibited when the stock is overfished, overfishing is occurring, or when the stock is rebuilding. The FMAT is seeking feedback from the Board and Council on the appropriateness of these criteria. Lastly, sector transfers become quite complicated if for-hire sector separation is implemented, and the FMAT discussed several options under this sector separation scenario. Option 1 is that the transfers between the sectors are prohibited.

The main idea behind this, is that any new regulatory structure involved with developing recreational sector separation would create additional complexity, in developing the transfer provision. Transfers also have the potential to increase the probability of ABC overages, especially considering the greater uncertainty in breaking down recreational data by mode.

Option 2 would be the tri-directional transfer approach, where transfers can occur between all three sectors. The big proponents for this method would be equity and flexibility. However, there are numerous reasons against using this option. This option firstly greatly complicates the specifications process with the need to address additional considerations, such as which directions transfers should occur, and how much should be allocated to each sector.

Those are decisions that would become quite contentious, and very challenging for the Monitoring Committee to analyze. The FMAT also put forward Option 3 as a potential alternative. Option 3 it seems that the recreational sector separation occurs at the Sub-ACL level, and landings are projected for the for-hire sector, private angler sector, and the commercial sector individually, in comparison to the respective landings limit.

If the transfer is from the recreational sector to the commercial sector, any projected underage is deducted from the respective sectors landings limit, and then added to the

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commercial quota. The ACL should be updated accordingly if the transfer is from the commercial sector to the recreational sector. The transfer quota is then allocated between the private angler and for-hire sectors, based on predefined allocation percentages that would be determined from this amendment.

It is also important to note here that the FMAT had concerns about utilizing MRIP data in this way. Projecting recreational landings has already proven to be a challenge through the current process, and there is not an insignificant degree of uncertainty in projecting landings by mode, when recreational measures are changing year to year, which seems to be a territory we might be moving into, now that we have a very restrictive bag limit.

The AP had some concerns about this whole process as well. One AP member said that the MRIP estimates may cause problems for transfers, due to the timing of when data is released, and the consistent delay is going to affect the recreational projections. Conversely, commercial data is a census and not an estimate, and he thought it was better suited for informing the transfer process, as it currently exists.

In summary, we are looking for Board and Council feedback on the criteria for prohibiting a transfer, in the several options for transfers discussed thus far. Any discussion on reservations about these methods or potential ways forward, would be very helpful. Issue 8, and the last issue we'll cover, covers the commercial state to state transfers. The status quo is that any state implementing a state commercial quota for bluefish, may request approval from the Regional Administrator to transfer part or all of this annual quota to one or more states. As a reminder, this idea of the Refereed Transfer Provision was offered forward by the Board and Council, to be developed further by the FMAT.

Lacking details on how this process would operate, the FMAT attempted to flesh out the process, to create a workable alternative. This alternative offers that a neutral party match up transfer partners, to ensure one or more states are not requesting too much quota or requesting transfers too early in the year.

States are to project their own landings, to determine when a transfer is needed, and once a state reaches 75 percent of their own quota, state personnel may notify the neutral party, which would most likely be the Commission's FMP coordinator for bluefish. The coordinator would also maintain a spreadsheet of landings and projections by state.

Once states submit a transfer request, the appropriate transfer amount would be determined by the neutral party. The refereed approach would be accompanied by this transfer rule, and what we've come with so far is that any transfer requested by a state is reduced by multiplying the requesting state's percent share of the coastwide projected overage.

That remaining quota is not transferred, it stays with the state as a surplus of quota, in reserve for other states to request. This may be a little bit confusing written down on paper, but we also have it listed in the FMAT summary, where we walked through step by step, and provide some tables that might make it a little bit clearer.

Then I'll also pull up a few of these tables, just to quickly demonstrate what this means. The neutral party would utilize recent trends in commercial fishing effort, to determine the projected landings for the year. For example, this table displays the average commercial landings by month, in pounds for 2017 to 2019. This would help inform when states land their quota and at what time of the year, based on recent trends.

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The neutral party would utilize the same method used annually by Council staff to project recreational landings. The column to the far right presents the projected underages in green, and the projected overages in red. Under the transfer rule, if New York requested 100,000 pounds of quota from New Jersey, New York's share of the coastwide overage is 36 percent.

As you can see here, Rhode Island also comprises a large percent of the projected overage, and they represent 64 percent. New York would only receive 36 percent of their transfer request, which equals 36,000 pounds, and 64,000 pounds are left with New Jersey, not transferred, which would help serve as a reserve quota should Rhode Island request a transfer from New Jersey. After FMAT discussion, a recommendation for removal of this alternative was made.

While the FMAT liked the idea of equitability, the proposed method may simply replicate the current process, with added restrictions and analysis requirements that will overcomplicate the current system. The FMAT was concerned that states would not be inclined to opt into a system that restricts flexibility in negotiating transfers, and provides a loss of autonomy. The refereed approach may also provide an unfair advantage to states that harvest their quota earlier in the year, allowing them to request for transfers earlier. The FMAT thought that the rule would increase the frequency of transfers as well, as you can see in the example that when a request is made, almost always it would be reduced by a certain amount, as well as the fact that each state's projections would need to be updated continuously, every time a transfer was requested.

Altogether, all these concerns create a significant burden on state personnel, and would be challenging for the neutral party to coordinate. The AP also had opportunities to comment on the state to state transfers, and two of its members were in support of the

refereed approach, and a third member was concerned that transfers can lead to localized depletion.

Another AP member emphasized that if the refereed approach is not adopted, the current method for state transfers should remain in the plan, seeing that it adds much needed flexibility and provides stability for states with reduced quotas. We also received comment from the public that also voiced support for state to state transfers, as they currently operate within the current FMP.

He explained that the tool provides a much-needed relief for states that are dealing with reduced quotas, and without a state transfer this year, Rhode Island fishermen will be forced to increase regulatory discards when they catch bluefish when targeting other species. Here is the summary of what I just went over, and as a reminder, the FMAT identified a number of concerns, and recommends removal of this refereed approach for further development.

Then to wrap up we've got all the recommendations for removal here. The FMAT found that sector allocations using the trigger approach was difficult to analyze, wasn't sure what the basis would be, and recommended removal. Pending a lack of biological basis, the FMAT recommends removal of the regional commercial allocations.

This would be determined between now and the next meeting. Then Structure B and D under recreational sector separation are recommended for removal, and then lastly of course what we just went over, the refereed transfer approach is also recommended for removal. This is the timeline we have as of today.

But of course, things may shift, depending on whether the Council and Board decide to remove for building from this amendment. As a reminder, that this decision needs to be made either at this meeting, or in December to allow

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enough time for the rebuilding plan to go into effect, due to the Magnuson-Stevens Act requirements of a two-year rebuilding plan once the overfished designation is given.

Between August, right now and December, the FMAT will further refine the draft alternative. In December 2020 we'll approve a final range of alternatives for inclusion in the draft amendment, also referred to by the Council as the public hearing document. In February of 2021, we'll approve the draft amendment for public comment, and this will keep us in line to have a formal submission of the amendment and the rebuilding plan to NOAA Fisheries by September 2021. With that, if anyone has any questions, we would be happy to take them.

CHAIRMAN BATSAVAGE: Thanks Dustin and Matt, and many thanks to the FMAT for all the work they've put in so far, for looking at these different issues and options for us to discuss. I'll go ahead and open it up for some questions right now. I think if anyone has any questions that really drill down to any of the issues that Matt and Dustin presented today, I ask that you hold off on those for when we provide some guidance to the FMAT on this document. Any questions on the presentation?

MS. TONI KERNS: You have Joe Cimino and then Dewey Hemilright.

CHAIRMAN BATSAVAGE: Okay Joe, go ahead.

MR. JOE CIMINO: Thanks to both Matt and Dustin. That was a lot of info. I do have one big question. I'll lead with, you know I support the idea of sector separations for a couple reasons, one being I want to get away from MRIP as much as possible. I thought B did that for one sector, but that could only happen, as the FMAT pointed out, when we closed the loophole and have 100 percent reporting. That is down the line now, in my opinion.

But the idea that there is no accountability at this Sub-ACL level surprises me. We're

rebuilding this stock, and Dustin's example let's flip it, because you know the private has so much more on that allocation. Let's say they go over considerably. The FMAT is suggesting that with C, at a Sub-ACL level, NOAA is going to be okay with still filtering down that entire target for, say the for-hire fleet.

There is no accountability at the ACL level. I almost don't see the difference then with having their own ACLs, if the only accountability is that a Sub-ACL has. I'm confused, and would like an explanation of how that actually differs, if the payback for accountability measures weren't at the ACL level.

MR. COLSON LEANING: Hi Joe, happy to take that one. I just switched headsets, so can you hear me?

MR. CIMINO: We can.

MR. COLSON LEANING: Just to clarify. Are you saying you're unsure of why B is not the preferable alternative, Structure B up in the top right?

MR. CIMINO: Well, I am surprised to hear that accountability would only happen at the Sub-ACL. In other words, using C there is a recreational ACL, the private mode goes way over theirs, but we still give the for-hire fleet the next year their entire allocation at a Sub-ACL level, because there is no accountability at the ACL level. That surprises me.

MR. COLSON LEANING: I see. I mean that is the big difference between how things operate right now, and how things would operate under this recreational sector separation idea. The reason, or at least one of the reasons why the for-hire sector has voiced concern time and time again about not wanting to be part of the private angler sector. Not part of the whole recreational sector, is that they are tired of the wild swings in MRIP data. The fact that participation by private anglers may vary considerably year to year, and that they don't

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want to face these accountability measures as they have in the past, which requires that management measures be reduced, or potential pound for pound payback be implemented. They don't want to be affected by that any longer.

By splitting at the Sub-ACL level, you're basically jumping down accountability one step, so it's more targeted. If the for-hire sector operates within this limit, utilizes the bag limit, the minimum size that they are afforded, and they do not exceed their landings limit, and they do not have a large amount of discards.

Then they would be unaffected by the private angler sector, which may way exceed its limits in any given year. That was why this is taken. But you're right. If it's the desire of the stakeholders, and the desire of the Board and Council that any recreational overage, regardless of sector, be applied to everyone, then sure yes. The current system we have in place would be the way to go.

CHAIRMAN BATSAVAGE: Do you have a follow up on that Joe, or is that good?

MR. CIMINO: No, I think that's good. I mean GARFOs here. If they're confirming that that can happen at the Sub-ACL level, then that answers my question. Thank you.

CHAIRMAN BATSAVAGE: Next up is Dewey Hemilright.

MR. DEWEY HEMILRIGHT: I've got a few questions, one of them might be for Dustin. On his last comment about bluefish bycatch, I was curious as what species or what fisheries would Rhode Island be targeting fish that they will have bluefish bycatch, and what gear would they be using if that is the case? That is one question, and I'll wait for the second question.

MR. COLSON LEANING: Dean Pesante from Rhode Island was actually the person who spoke to me, a really nice guy. We had a few

conversations. I don't actually know; he didn't get into the gear type that he was using. But he did mention off hand that fishing for scup he occasionally gets bluefish bycatch. He named like one or two other species, and I'm forgetting at this moment, but I think scup was mentioned.

MR. HEMILRIGHT: You don't know what gear type he uses, is that correct? For Rhode Island, what is the appropriate gear that harvests the amount of bluefish?

MS. KERNS: Why don't we let, Jason has his hand up, Joe. He might be able to answer.

CHAIRMAN BATSAVAGE: Yes, let's go to Jason McNamee of someone from Rhode Island will probably be able to better answer that question. Jay.

DR. JASON McNAMEE: We are talking about a gillnet, in the case of Dean. I do have some comments I want to make, but you can call on me whenever you're ready.

CHAIRMAN BATSAVAGE: Yes, thanks. Dewey has another question, and we'll go to that right now.

MR. COLSON LEANING: Just to add, Dean's comment letter on this action is part of the briefing materials there as well, if people want more information. Thank you.

MR. HEMILRIGHT: I read his comment letter, but it didn't drill down to specifics, it was kind of an overall thing, and I was just curious. You know a scup is a lot smaller fish sometimes than a bluefish, and I was just curious what the gear would be used. Also, my next question would be for Issue 3. I think the last slide, and this is for Matt.

Given that you have the averages of some of the fisheries of the species caught bluefish in the different months. Have you done any analysis, particularly I know for North Carolina

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we have an offshore fishery in federal waters, and we've got an inshore fishery? I was just curious. I think we did the average as a pound for each month the last three years. I think it's the last slide, maybe, I'm not sure for Issue 3.

But have you done anything to look at, I don't think it gave a clear picture? You know some states have offshore fisheries, and some are inshore that might want to give a different picture, as far as the different scenarios that we're looking at here for things. I was just curious, has any of that been looked at, and when you gave the average of caught each month, is it by state landings or is it by VTR landings, state reported landings, state fisheries, or VTR landings?

MR. SEELEY: Thanks for your question, Dewey. I need a little bit of clarification. Are you referring to the minimum default allocation, the slide on the screen?

MR. HEMILRIGHT: No, I'm referring to the part where the table, and it might have not been Issue 3. The table that showed the average weight landed each month for bluefish, an average for three years, I think '17, '18, and '19 is the graph I was looking at.

MR. SEELEY: I'm trying to recall.

MR. HEMILRIGHT: Yes, that right there. The average there, and is this from VTRs or is it from state reported landings? I'm trying to get an idea what part is federal waters and what part state waters, and I don't know what I'm looking at.

MR. SEELEY: Okay, I understand. Yes, this is Issue 8, related to the commercial state to state transfers. This I believe, and Dustin, please correct me if I'm wrong, is from the ACCSP commercial database. These are predominantly state landings through the dealer database that ACCSP works through. You know based off the monthly, this is how things have been set up.

MR. HEMILRIGHT: What I'm after, trying to get to. Where in this document can I find the difference of VTR reported federal landings by the vessels, and then you've got the state landings, which are separate, and then sometimes you don't have to have a bluefish permit, is what I'm asking for, because I'm not seeing that separation. It's important, because we've got two different fisheries in some states, to give a clear picture. I was wondering if that could be possible in the future, to break this down by, you know how much being caught in federal waters, and then what is the amount in state waters.

MR. SEELEY: Right, okay I understand, Dewey. Yes, I don't think we have anything in this presentation that really hones in on that. However, in the specification's presentation, you may recall there is a figure in there that shows the exact percentage of landings in state vs. federal waters in a given year, and I believe that it's more than 90 percent of the landings are coming from state waters. I can pull up that information and get it over to you at some point. However, it's not in this presentation.

MR. HEMILRIGHT: If we're really drilling down with these different method things, some states are affected. I mean everybody is getting affected by the bluefish, these sub packs commercially big time. But what I'm saying is, in certain states 90 percent of our bluefish don't come from state waters in North Carolina.

MR. SEELEY: Right.

MR. HEMILRIGHT: I'm just trying to paint that picture to give a total things of the different scenarios here of just what's for trade here? But thank you, and we can talk more offline.

MR. SEELEY: All right, thanks for your question, Dewey. I understand the discrepancies there, that some of the VTRs are not captured in the commercial database, and add that ACCSP uses. We've worked pretty closely with them to ensure that the commercial landings that we

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are seeing, encompass you know the full universe of those landings. But yes, I would be interested to talking a little more offline about that as well, so thank you.

MR. HEMILRIGHT: One last thing. When you looked at this issue here, and you talk about 90 percent of the landings, according to what you looked at came from state waters. Well, in North Carolina in January and February, I promise you that 90 percent of those two gears there in those two months didn't come from state water landings. Just to show you how it's kind of skewed a little bit of the average here, looking at the particular year and where they came from. It's just to paint a clearer picture is what I'm looking for.

MR. SEELEY: I understand, thanks, Dewey.

CHAIRMAN BATSAVAGE: Before we go to other questions, I just want to circle back to Jay McNamee, to see if his comments were about Dewey's questions of the Rhode Island fishery, or are they just comments in general. If they're comments in general on these issues, we'll just hold those for now to when we get into that part. Jay.

DR. McNAMEE: They are kind of related to what we were just discussing, but they are separate and apart, so you can kind of keep the queue in order.

CHAIRMAN BATSAVAGE: Great. Any other questions on the presentation?

MS. KERNS: Jay did have his hand up as next in line for questions, and then there was Adam Nowalsky, and then there are some members of the public that have questions. I don't know if you are going to take those or not.

CHAIRMAN BATSAVAGE: Let's see how this goes, in terms of time. Adam, you're up.

MR. NOWALSKY: With regards to the recreational sector separation. You touched on

a lot of issues that have come up, and this was the purpose. This was the interest in having this item in the development process so far by the Board and the Council. Clearly, you're aware of the recreational issues, clearly there have been some members of the for-hire sector that have been pushing for this, and we certainly unearthed a lot of issues here.

We're now at the point where we're saying, if I heard you correctly that we would continue to hold the for-hire sector accountable to MRIP with everything right now, because of lack of complete VTR reporting. We have concerns about development of other options in this document, including transfers.

I guess what I'm wondering at this point is, if we leave it in at this point, what kind of development would we actually expect on this option in the coming months, given the complexities you've raised so far, and has there been any discussion by the FMAT? I know this Board has not been as included on the concept of recreational reform, as the Summer Flounder, Scup, and Black Sea Bass Board, but certainly the Council is aware.

Given the need to move this forward, with regards to the rebuilding timeline, could the FMAT have any discussion so far about the possibility that this could be moved somewhere else, recreational sector separation, like recreational reform, which hasn't been completely launched off the ground. We're hoping to accomplish that this afternoon. I believe, Mr. Chairman, you're going to make an announcement to the Bluefish Board that they are invited to listen in, and potentially participate, since it may include them.

Those would be the questions. Given all the issues that have been raised, what would we expect with development if we leave Option C in, and has there been any discussion about possibly moving it to a different venue that would give us the time to do the things you said you would need time to do, including looking at

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completing all of the state by state VTR reporting, so we get a complete picture that way.

MR. COLSON LEANING: Thanks Adam, I'll take on this one. Yes, you've identified the fact that recreational sector separation does complicate a number of other issues in this amendment. If we were to leave it in using Structure C as the preferred approach, we would come back to the Board and Council with different allocation alternatives that we've already identified, I'm going to bring them up here on the screen.

Essentially, we would be using the FMAT recommendation, and really the only way that the FMAT could move forward is developing alternatives that would be using MRIP data to develop allocations, and at first accountability using MRIP data. That would be the next step forward, and really all we have is an alternative here, given the rebuilding plan timeline. If the Board and Council is concerned about moving forward with this approach, want more time for recreational sector separation to be developed, considered. The FMAT has not discussed it, since at their last meeting, in terms of moving it to recreational reform. But I do recall from our FMAT meeting back in, I want to say it was April. The initial reaction to recreational sector separation as an option, was that it should be a more than one species consideration.

The original FMAT thought was that maybe this should be handled on a multispecies basis. I could see support from the FMAT removing this from the amendment as is, and putting it into recreational reform, but at this time I would also need to consult, and make sure we build consensus from the FMAT. Maybe Cynthia and Matt might be able to chime in as well, since they are also on the FMAT.

MR. SEELEY: Yes, just to add. This is Matt. Dustin kind of hit the nail on the head there, the way that things have been developed. I think honing in on the specific flowchart that the FMAT would like to recommend here, which

was Option C as you indicated, Adam. That will really allow the FMAT to continue to develop the provisions that would be set up within the for-hire sector separation.

We would be able to focus on transfers as we move forward, since we know what the flowchart would actually be, how things would be allocated. It would give us a little bit more leeway and flexibility, to kind of explore a little bit more widely surrounding this issue, instead of having a variety of different flowcharts that we're trying to, you know hone in on and develop these provisions for four different options instead of just one.

There is definitely more work that can be done here that the FMAT would look into after this meeting, once we receive direction from the Council and Board. But Dustin was absolutely correct, back at the April FMAT meeting the FMAT did recommend removal from this action, and potential inclusion with other species, to you know make it more of a multispecies comprehensive action. So yes.

CHAIRMAN BATSAVAGE: Yes, we'll definitely circle back to this as Matt and Dustin go through these issues to get specific feedback from the Board and Council. That is a good question. I think it's something for all of us to think about. Any other questions from either the Board or Council? If not, I may just go to the public really quickly for any questions they might have.

MS. KERNS: You have Jason McNamee and Tom Fote.

CHAIRMAN BATSAVAGE: We'll go ahead and take Jason and Tom, go to the public, and then I would like to then get into the discussion of providing feedback to the FMAT on these issues. Jay, you're up.

DR. McNAMEE: My question is back on the state to state quota transfers. You had a table up earlier that I think might be helpful to pop

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back up, it was that average by month. Yes, that one. I do have a question, I promise. What I'm trying to get at is the FMAT has suggested this notion of a refereed approach is kind of like what we have now, but worse. That is actually what I want to drill into a little bit. But I thought just to be very specific about why I've been a proponent of trying to do a better job with this system. As you saw earlier in the presentation, it's actually the next table down you see that. Rhode Island and New York are kind of some of the bigger movers of quota along the coast. If you flip back to the last table you also see that the New York fishery tends to be more in the spring, the Rhode Island fishery tends to be more in the fall.

It kind of sets up this weird dynamic, where you know New York will have issues earlier in the year, and will be, you know kind of out, going to different states, seeing if they can get quota transfers earlier, and then Rhode Island wouldn't do that until later. Rhode Island is incentivized to go out and ask for transfers before we actually need them.

My whole point of kind of playing this idea up was to try and get away from, or develop a system that is a little bit, like we don't want to compete with New York, and kind of rush out and ask for things that we might now need, you know at the time. I guess now to my question, Dustin, it sounds like the things that shook out of this idea were sticking with what we have now.

For all intents and purposes, it's been working okay, even this year, even though New York got out before we did, we were still able to get some transfers, which I'm really appreciative of. But the only other option that we still have available is this refereed approach. If you could clarify a little bit more why the FMAT thought, you know what makes that worse? You know I sort of have described the issue that we face in Rhode Island. Could you help me understand why the refereed approach really doesn't help that?

MR. COLSON LEANING: I'll try. It was difficult. I think the most challenging part of developing this alternative is understanding how a neutral party would decide who can and who cannot receive quota from a state that is willing to transfer. Lacking any sort of you know arbitrary decisions as the way to move forward, you have to do some sort of mathematical calculation. The only way that we thought that this could be done from an objective standpoint, is by projecting catch as we have done here in the table.

Finding out who's projected to exceed their quota, based on prior years of landings, which would capture Rhode Island's trend, given that they harvest later in the year. Then reducing any transfer request from one state to another by their share of that overage, and then basically that reduction allows for a buffer of surplus quota to be accessed later by another state. However, the FMAT identified there are a few ways of kind of gaming the system.

One way being you just request quota several times, or you request more than you need, all of which increases the amount of communication that needs to go back and forth, and it kind of increases the workload of both state personnel and the neutral party, without altogether too much benefit in the end.

Perhaps the reason this refereed approach didn't go far enough forward or to everyone's liking is we just didn't have our brilliant "ah ha" moment, where we were able to find a rule that satisfied the requirement of making it fair and equitable. Lacking a great idea yet from the FMAT, from myself or from the Board on how exactly that would operate, this is kind of what we ended up with, and the FMAT thought it would just increase paperwork, increase communication, and may not actually end up with that much better of a result. I hope that helped. I would be happy to take any follow up.

CHAIRMAN BATSAVAGE: Thanks for that explanation, Dustin. Yes, just from my

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perspective since we receive a lot of calls for quota transfers for a variety of species, one thing we've done in North Carolina, in the case of menhaden, for example, is we anticipate that multiple states will contact us during the year.

We try to ration out our quota transfers to the different states, knowing that we'll probably get contacted multiple times. Other times we, in the case of spiny dogfish, since we're really not sure what our landings will be in any given year, we will, instead of doing one big transfer to a state, we'll do multiple smaller transfers, to ensure that that state can have their fishery remain open, but also not result in us closing early because we've transferred too much quota.

I guess every state deals with it differently, and I guess when we get to this issue, a question that I would have, not now, but when we talk about it, is how is the state to state transfer issue for bluefish different than other species that we have that we do quota transfers for? All right, next up is Tom Fote.

MR. THOMAS P. FOTE: I put my hand down.

CHAIRMAN BATSAVAGE: You did, okay yes sorry, I can't see the hand raise function there, my apologies. Toni, how many members of the public would like to ask a question?

MS. KERNS: Really quickly, Dewey do you still need to have your hand up?

MR. HEMILRIGHT: Yes.

MS. KERNS: You have both Maureen Davidson and Dewey Hemilright as Council and Commission members that have questions, and then you have three members of the public that have questions.

CHAIRMAN BATSAVAGE: Okay, I'll stay with the Council and the Board. Maureen Davidson.

MS. MAUREEN DAVIDSON: I wanted to speak in response to Jason about transfers going to both New York and Rhode Island. Right now, we're not comfortable with the refereed approach to transfers. So far bluefish transfers have definitely worked for the benefit of New York state fishermen.

We do like the ability to sort of talk to another state directly, and talk about how much fish is available, is this a good time to ask, and sort of work cooperatively with our neighboring states. I would like to say that we don't want to be competitive with Rhode Island for transfers. I do realize that we do tend to get our fish earlier in the year than Rhode Island. But now that it has sort of been brought to the forefront of my mind, when I have to think about transfers. I think I would rather talk with Rhode Island to see if we could work cooperatively, to make sure that we can get the transfers that we need when we need them, and sort of not letting New York sweep the market before Rhode Island can get their fish. That is just something that I think we could do, before we would consider perhaps going to a refereed transfer system. All right, thank you.

CHAIRMAN BATSAVAGE: Yes, I think we're definitely going into questions and comments on the issues that provide feedback. I'm going to hold off on any more for that. But I just want to give the public a quick opportunity if they have any questions on the presentation. Just keep it to the questions right now. Again, being very mindful of the time we have here. I want to make sure that we give the FMAT the feedback that we need. Toni, who from the public do we have that would like to ask a question at this point?

MS. KERNS: Greg DiDomenico, Jim Fletcher, and Mike Waine.

CHAIRMAN BATSAVAGE: Okay Greg, you're up. Thanks.

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MR. GREG DiDOMENICO: This question is for Matt and Dustin. You guys realize how curious I have been regarding the issue of catch-based approach versus landings-based approach. Can you guys explain to me what measurable results there would be, and/or biological results or management results related to choosing catch-based versus landings-based. Then my second question is, regardless of which one you choose, is it possible to keep the commercial fishery managed by landings, and choose what you guys want for the other groups?

MR. SEELEY: I can tackle this one, give it a try. Thanks for those questions, Greg. I'm going to try to address your second question first, if it's possible to do commercial allocations with landings data, and then recreational allocations with catch data. My first thought there would be that that is not able to happen, since we're using the full population of landings, or catch, whatever data that is.

When you're allocating you need the same overall sum, to try to get the complete allocation percentages. That would be my first instinct there is that that is not able to happen. However, it's something that we could discuss with the FMAT to see if there is any different perspective along there. In regards to your first question, what sort of results we would be expecting. I think I would need a little bit of clarification from you on exactly what you mean. However, you know in terms of the reason that we're discussing the catch-based allocation.

You know we've discussed this back and forth quite a bit. But the main reason for the catch data being proposed, and continued to be available here as an option, is due to the vast number of scoping comments that we're getting, you know talking about recreational anglers being interested in the catch and release aspect of bluefish. The FMAT does understand that this fishery is not catch and release for everybody.

Obviously, there is a commercial aspect, and there is a recreational aspect of people that like to take home some fish. But trying to account for the vast number of comments that we did get surrounding the catch and release aspect. That is why this catch data has been continued to be presented throughout this amendment development. I'm not positive if that answered your question related to the results, so if not, if you could kind of either reword or clarify what you meant, I would appreciate it.

MR. DiDOMENICO: Sure, Matt. I understand the genesis of this entire issue. You and I know that I've been asking you these questions since this amendment started, and one of your responses is what made me curious, and the response was recognition of recreational discards. That is all fine and good. They're asking for a different form of management to accommodate their fisheries.

In accommodating their fisheries, will it make it easier on you to manage their landings? Will it decrease uncertainty? Will it contribute to the rebuilding of the species during the time we're in rebuilding? Of course, that begs the question. If you have high certainty on commercial landings, we know that the discards have been debated, and we know that they are small.

That is why I'm begging the question that you should consider, first the reasons why you're doing it, and articulate them from a biological standpoint, or as it relates to the uncertainty of recreational landings. Then of course, the second point being you have to give a pretty good reason what you can continue to manage the commercial sector on landings.

MR. SEELEY: Thanks for the clarification.

CHAIRMAN BATSAVAGE: Next up is James Fletcher. James, do you have a question?

MR. JAMES FLETCHER: The question is, does the President's Executive Order change the way

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that the ASMFC and Council were doing business, because at the present time, 13.1 million recreational fishermen in saltwater are getting in excess of 80 percent of the boat. Now, it seems to me that the 300 million people in this country that need fish should be able to get them.

My question to you is, does the Executive Order change the way that we have been doing business, and does the Council and ASMFC look at the allocation as a different matter, given 13.1 million people, 60 to 80 percent of the fish, so I would like an answer. Thank you.

CHAIRMAN BATSAVAGE: Thanks, James. I don't think I have an answer, unless someone else in the Council does. I know this will be discussed; the Executive Order will be discussed at next week's Mid-Atlantic Council meeting. I guess we can just kind of address that there, unless somebody had an immediate answer for Mr. Fletcher. Hearing none, the next question I'll get to, or person that asked the question is Mike Wayne. Mike.

MR. MIKE WAINE: My question is about MRIP data, and we all know some of the challenges associated with an uncertainty using the MRIP data at the sector level. I'm just wondering what FMAT said about using MRIP data at the mode level that tied to the allocations for sector separation. Has the Service weighed in on that at all?

MR. SEELEY: This is Matt, I can try to tackle that one. Thanks for the question, Mike. Obviously, there are concerns with the MRIP data. As we indicated, you know the MRIP data has very different numbers of fish landings compared to the VTR data. We're all pretty familiar that the further that you break down the MRIP data, you know by state, by mode, the higher that the PSEs can get. The FMAT has taken this into consideration, and trying to account for it as best they can. However, as Dustin indicated during the presentation, not all states require

VTRs to the degree that would be necessary to monitor for-hire sector separation.

At this point MRIP is what we have, and what we're working with, and the FMAT is continuing to discuss the best ways to work through for-hire sector separation. But breaking down the data at the mode level creates these higher PSEs, which is definitely an area of concern. I think the FMAT captured it fairly well in the discussion document as well.

CHAIRMAN BATSAVAGE: Does that answer your question, Mike, or do you have a follow up?

MR. WAINE: Yes, I was just curious if the Agency has weighed in on the use of MRIP data at the mode level for these sector separation discussions.

MR. SEELEY: Yes, so we do have GARFO representation on the FMAT. I would think that the FMAT recommendations include the approval by all FMAT members, if there is someone that doesn't confirm exact agreement with something that is being stated in the FMAT that would be clearly articulated in the document. I think the way that things were laid out in the document has GARFOs recognition within it, and if I'm kind of overstepping there, I would turn to GARFO just for any additional comments.

**PROVIDE GUIDANCE TO THE FMAT ON THE
BLUEFISH ALLOCATION AND
REBUILDING DRAFT AMENDMENT**

CHAIRMAN BATSAVAGE: We'll go ahead and move on to the fifth item on the agenda, which is to Provide Guidance to the FMAT on the Bluefish Allocation and Rebuilding Draft Amendment. Before we do, Matt and Dustin, are you going to kind of go through, I guess a similar format that you did with our last meeting, where you go issue by issue, and the Board and Council provide feedback on each of those?

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MR. COLSON LEANING: Yes, I'll bring up those summary tables now that provide kind of questions. If we do move into motion territory, I will turn it over to Maya to take control of the presentation. Just so you know, Maya, all we're doing is covering these tables here one by one. Maybe once we get into more Board and Council discussion at the very end, maybe I'll turn it over to you.

CHAIRMAN BATSAVAGE: Yes, we'll go ahead and open up to the Board and Council on any feedback on these issues. As I said, we'll just go issue by issue. I think the Board and Council at this point, we all need to think about any options, approaches, et cetera that should be removed from the Amendment, and the FMAT has made some recommendations for that.

This would allow the FMAT time to focus on the items that the Board and Council think are the most important, and would also keep this Amendment on schedule. Anyways, open it up for questions and comments by the Board and Council. Toni, who do we have in the queue?

MS. KERNS: Right now, I don't have anyone. Tony DiLernia. Dustin, you're on Issue 2. I don't know if you're planning on starting with 2 or 1.

MR. COLSON LEANING: One was not discussed, that's FMP goals and objectives, so we'll be starting with two today. But thanks.

MS. KERNS: You're only showing partial screen, not the full screen slide.

MR. COLSON LEANING: I'm not in presentation mode, so that I can flip through more easily. Is that what you're referring to?

MS. KERNS: It's fine.

CHAIRMAN BATSAVAGE: Okay, Tony DiLernia.

MR. TONY DiLERNIA: It's my understanding you're asking for a recommendation as to what to do regarding this issue, and I agree with the

FMAT. Remove the trigger, and I would recommend that we stay with the phased-in approach. That's all, thank you.

CHAIRMAN BATSAVAGE: Any other comments and feedback on Issue 2, Sector Allocations?

MS. KERNS: I don't see any additional hands.

CHAIRMAN BATSAVAGE: Okay, is there any objection to the feedback on removing the trigger option from Sector Allocations?

MS. KERNS: I don't see any hands, and if somebody thinks they have their hand up, they do not currently.

CHAIRMAN BATSAVAGE: Great. That was easy. Let's move on to Issue 3, please.

MR. COLSON LEANING: Chris, here we have a just basically update of FMAT progress. At this point there is no recommendations for removal, so perhaps we can move through this quickly. But perhaps if any Board or Council members have any concerns with how this has been shaking out thus far, in regards to the phase-in trigger or minimum default allocations, any comment there would be helpful.

CHAIRMAN BATSAVAGE: I did have a question on the trigger options. I think in the presentation you showed the trigger being the average commercial quota over a certain time period, I think that match up with the options in the amendment. Were those the commercial quotas that were in place after the transfer from the recreational fishery?

MR. SEELEY: Yes, so those should be the final commercial quotas at the end of the year, so yes.

CHAIRMAN BATSAVAGE: I guess, did the FMAT discuss the possibility that with the low ACLs while we're rebuilding that transfers may not happen at all, or they won't happen to that magnitude, and maybe looking at, I guess a

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different trigger threshold that maybe I guess matches the base commercial allocation before the transfers that they received in the past.

MR. SEELEY: Yes, I think that was discussed a little bit, not to any crazy extent. You know staff proposed the 20-year, 10-year, and 5-year average commercial quotas as a trigger point, because you now right now we're in rebuilding, so when you encompass that longer timeline, where the quotas were larger. Obviously, that is going to inflate these trigger points, or these trigger thresholds. I believe that the FMAT was concerned about, you know hitting a trigger during the rebuilding plan.

You know just trying to make sure things are consistent and stable. That was a point of concern. However, I think the FMAT would be happy to discuss different levels or thresholds for that trigger, whether we could consider a moving average or a different time series. Any sort of information or direction that you could provide, in terms of some other approach that you would like to see, would definitely be appreciated.

CHAIRMAN BATSAVAGE: As we go through these issues, if any other members of the Board and Council have any thoughts on that. That was a good answer, gave me some things I didn't think about. Toni, who do we have in the queue for providing feedback on this issue?

MS. KERNS: Nichola Meserve.

CHAIRMAN BATSAVAGE: Okay, Nichola.

MS. NICHOLA MESERVE: I agree with, I think what you just read there is to have the FMAT look at different trigger levels. I was struck by the fact that the lowest trigger level considered right now is 6.67 million pounds, and right now we have a commercial quota of 2.77, I believe it is million pounds.

I think I liked your idea of having FMAT look at the commercial quota history prior to the

transfer to the recreational fishery, to possibly get a trigger that would be lower than 6.67 million pounds. I wasn't clear if the FMAT is recommending removal of the trigger approach that would evenly distribute the surplus to all states, except for those that are very minimal. I have a follow up as well, okay.

MR. SEELEY: I do believe in the document there was no formal recommendation from the FMAT to do away with what I would call Option 1, 2, and 3. Dustin, if you can go to Slide 11. Nichola, just to provide that background again for everyone. Once the trigger level is hit the FMAT discussed the three options of the different trigger percentages that could be allocated.

You can see that is a 0.05, 0.1, and 0.25 for states that have less than 1 percent baseline allocation, and then the remaining allocation is divided evenly amongst those states. The FMAT didn't think that this was the best approach. I don't recall them specifically recommending removal. But the reason that they didn't think it was the best approach was, because for example, we set this threshold of 1 percent, and if you look for example at Connecticut. Connecticut has a baseline allocation of 1.27 percent, and North Carolina, for example has a baseline allocation of 32.03 percent. There is a vast discrepancy between that baseline allocation that would result in the same additional allocation, after the trigger has been hit. The FMAT discussed that that may not be as appropriate as what we see here on slide 13, which was the Option 4 that was proposed. That is why the FMAT decided to add this range of baseline quotas, and have a couple different levels of how additional quota can be set up.

You see the 0.25 percent, and then you have 3 percent for the range of 1 to 5 percent, and then once you get beyond a 5 percent baseline quota, the additional quotas went easily amongst the remaining states. The FMAT did feel that this was the best option provided, and I think would be happy to explore additional

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options. Long story short, to answer your question. There was no specific recommendation to remove Options 1 through 3, but Option 4 is definitely the preferred by the FMAT that they are willing to continue to look at other options that would be similar.

CHAIRMAN BATSAVAGE: Follow up, Nichola?

MS. MESERVE: Yes, thank you, Mr. Chairman. I agree with the FMAT that the equal distribution options 1 through 3 are problematic, and I would support their being removed, and this Option 4 continuing to be developed. I would also suggest another option that would have the surplus distributed, based on a different timeframe, like is being considered in the other options looking at either the 5 or the 10-year average of landings, to determine where the surplus is distributed.

CHAIRMAN BATSAVAGE: Any other feedback on Issue 3? Toni, is anyone in the queue?

MS. KERNS: I do not see any other hands raised.

CHAIRMAN BATSAVAGE: Okay, any objection.

MS. KERNS: Hold on. Sorry, Mike Luisi's hand just went up.

CHAIRMAN BATSAVAGE: All right, Mike Luisi.

MR. LUISI: Based on the comments that Matt made a minute ago regarding the equal distribution and the vast difference between a state like Connecticut, and a state like North Carolina, given their baseline allocation. I wonder if under this alternative, if it would make sense to perhaps add another range of baseline quota, perhaps looking at states that have maybe more than 10 percent, and just adding one additional consideration.

You know, when Matt was discussing the difference between Connecticut and North Carolina at 1.2 versus 32 percent, but if you

look at a state like New York and North Carolina, North Carolina still has three times as much baseline allocation as New York, yet they're getting treated equally, and I just wonder if it's something that the Board and the Council would support, perhaps just adding another range there. Maybe over 10, so you have 0 to 1, 1 to 5, 5 to 10, and then over 10. Just something that came to mind as this discussion has been going on.

CHAIRMAN BATSAVAGE: Any thoughts from the Board and Council on the FMAT looking at that option, in addition to the one here on the screen, and the one that Nichola suggested? Okay, if not I think those would be good ones for the FMAT to continue developing. Any objections to the FMAT not moving forward with the options that provide an equal distribution to all the states?

MS. KERNS: Maureen Davidson has her hand up. I don't know if it was to object or for a comment.

CHAIRMAN BATSAVAGE: Okay, Maureen.

MS. DAVIDSON: No, I just wanted to comment on what Mike had said, because there are other states that would be in the same category as New York, such as New Jersey, Virginia, Rhode Island and Massachusetts, and so perhaps Mike's point might be something that would be good for the FMAT to consider.

CHAIRMAN BATSAVAGE: Okay thanks, yes, I think it kind of rounds out the options. Before we leave this issue, one that is up on the screen here is the minimum default allocations. I would like to get some feedback from the Board and Council on which range of percentages is minimum default allocations the FMAT should continue to develop?

MS. KERNS: So far, no hands up.

MR. SEELEY: I can just add a little context here for you. In terms of the minimum default

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allocations, the FMAT did feel that the range provided was a sufficient range of percentages. However, as detailed in the discussion document, they did confirm that 1 percent is way too high, which obviously if we're thinking about *de minimis*, you know 1 percent is much, much higher than what that would actually be. We're trying to model that off of, you know the *de minimis* aspect, and then developing that sufficiently and moving forward, so 1 percent definitely too high, but happy with the range that we do have.

CHAIRMAN BATSAVAGE: Yes, thanks Matt. I noticed that in the tables that 1 percent could result in quota being allocated to states that really don't have a directed fishery or a fishery at all, and just further complicates quota monitoring for the other states, and maybe add more quota transfer requests. Any thought from Board and Council on not pursuing the 1 percent minimum default allocation option, or any of the other options listed there in the table?

MS. KERNS: Nichola Meserve.

CHAIRMAN BATSAVAGE: Okay, Nichola.

MS. MESERVE: Yes, I would be comfortable removing the 1 percent allocation. When I had suggested the minimum default allocations, I was certainly thinking more in line with a 0.1 percent, which was similar to what those very minimal quota states have currently. I think 0.5 percent is a sufficient maximum to be considered in the range of alternatives.

CHAIRMAN BATSAVAGE: Any other Board of Council members with comments or thoughts on amendment default allocations or anything else for issues there?

MS. KERNS: I see no hands, Chris.

CHAIRMAN BATSAVAGE: We'll move on to Issue 4, regional commercial allocations, so any

feedback from the Board and Council on this option?

MS. KERNS: Tony DiLernia.

CHAIRMAN BATSAVAGE: Okay, Tony.

MR. DiLERNIA: I would like to see this remain in place. You know I'm a very strong proponent of regional management. I would like to see this remain in place for further development.

CHAIRMAN BATSAVAGE: Any other comments or feedback from the Board and Council on regional commercial allocations?

MS. KERNS: Tom Fote.

CHAIRMAN BATSAVAGE: Go ahead, Tom.

MR. FOTE: Unlike Tony, I have not been a supporter of regional allocation, because a lot of times New Jersey has tried to be forced into putting into regions that it didn't want to be in. I have a problem with that.

CHAIRMAN BATSAVAGE: Anyone else?

MS. KERNS: I do not see any other names.

CHAIRMAN BATSAVAGE: I guess there are two different thoughts on this one. Are there any objections by Board or Council members on the FMAT continuing to develop this option? Not asking if you support it or not, but for just the FMAT to continue developing this option for the amendment?

MS. KERNS: I do not see any hands raised at this time.

CHAIRMAN BATSAVAGE: I guess that will continue to be developed by the FMAT, and for further development. On to the next issue, unless Matt and Dustin, you're looking for more feedback from the Board and Council on Issue 4.

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MR. SEELEY: I think that's it for Issue 4, you know kind of like the summary says, the FMAT already intends on looking to see if there is any biological backing to the regional allocations, and if not would recommend removal at the next meeting.

CHAIRMAN BATSAVAGE: Yes, and as there were some additional analysis suggested by the FMAT, such as looking at the contribution of landings by the small number of trips landing high amounts of bluefish. I look forward to seeing more development on that. I guess with that we'll move on to the next issue for feedback. Yes, for-hire sector separation. Any feedback, comments on this?

MS. KERNS: Adam Nowalsky, Doug Haymans, and that is all for now.

CHAIRMAN BATSAVAGE: Thanks, Adam.

MR. NOWALSKY: Since our last decision to leave this in for further development, I think the FMAT has done a great job of continuing to look at this issue. They've offered us some different scenarios, recommended which ones would definitely be a no go, and one of those elements of a no-go would be Option B, which would be at the ACL level.

Now that we're talking about taking this and splitting it pretty much entirely at the recreation level, I think this has almost become a recreational issue, as opposed to a recreational/commercial issue. Given the number of issues that have been highlighted already, including the fact that we are now proposing holding, if we do these allocations we're going to hold the for-hire accountable to the MRIP numbers, at least in the short term, which has really been the cause of most of our problems we've had all along.

We've highlighted the need to find a way to get all for-hire operators reporting via VTRs. The suggestion that for-hire operators be excluded from an allocation if they have not been

submitting VTRs, I don't think is reasonable, assuming they've not been submitting VTRs because they've not been required to.

To go ahead and punish someone to adhere to a regulation that they didn't have to adhere to, I think that is unreasonable. The concerns about further development of other options, and most importantly, since we last had this discussion, we're now on the cusp of having another venue with recreational reform, where we continue to develop this option.

I am in favor of moving it there. I have spoken to a number of other Board and Council members, not everyone. I don't know if there is enough support to do this by consensus, or if I need to make a motion on behalf of the Board and the Council, which I'm prepared to do. But specifically, that would be to move further development of for-hire sector separation specifically, looking at further development of Option C.

Moving that to recreational reform, including looking at full implementation of VTRs, including those vessels that only operate in state waters. Mr. Chairman, if you would like me to go ahead with a formal motion, or if you would like to query the group about whether or not it could be done by consent, and then come back to me if a motion is needed.

CHAIRMAN BATSAVAGE: Yes, we'll look for a little more Board and Council feedback, and if there are different opinions, I'll definitely come back to you for a motion. Next up is Doug Haymans.

MR. DOUG HAYMANS: I think it's apparent where I stand on sector separation of the recreational fishery. I echo all of Adam's statements, with the exception of I would rather see it removed completely. Sector separation is a much larger issue than just bluefish. It does go across all species. The South Atlantic wrestled with it for over two years, for just a snapper group species. I would

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rather see it removed from this, and I would support Adam in that motion, if he makes that motion.

CHAIRMAN BATSAVAGE: Any other thoughts on this idea of removing the for-hire sector separation issue from this amendment, and to address it more comprehensively in a recreational reform action?

MS. KERNS: You have Jason McNamee, Dewey Hemilright, Tom Fote, Mike Luisi, Nichola Meserve, and Justin Davis.

CHAIRMAN BATSAVAGE: Start off with Jason McNamee.

DR. McNAMEE: I'll answer the question that you asked. I did have another comment on the more specific question in front of us here. But I'll maybe start answering the question you just asked, and sorry, I was kind of processing what Adam said. I do agree that it needs to be addressed more comprehensively. I will say that I am nervous to remove it from here, because of a comment I think it was Dewey made, and that I don't want it to go away altogether.

Having it kind of live at a couple different levels I understand creates work, but it gives me some comfort that it just won't disappear. If I could be given some comfort that it will actually move to a more comprehensive, higher level. We will get a change to make the case for it, and think it through, get some public comment on it. I think I could support that. But I need to know exactly where it's going, exactly what we're talking about before I would be comfortable with that.

CHAIRMAN BATSAVAGE: I guess you had some other comments on this issue in general too, right?

MR. McNAMEE: Yes, thanks. Maybe just really quick. I would be fine with moving, so if this ends on staying in. I would be fine with removing Option B. I'm not as keen about

removing Option D at this point, and in large part that has to do with, I'm having a little difficulty understanding the FMAT comments on that and the nuance between D and C. For the time being I would prefer leaving D in, but would be okay removing E.

CHAIRMAN BATSAVAGE: Appreciate that. Dewey Hemilright.

MR. HEMILRIGHT: I had my hand up, it went down. But I agree with Jason about where this is going. The South Atlantic Council looked at some of these things for the snapper grouper species, and chose not this route. But different regions and different species and most of fishing are different. I would be interested in how this is going to play out, because I have a bunch of questions with it. I would like for us to see how it is going to play out, whether it's in another amendment or something different, and just how it's going to work.

CHAIRMAN BATSAVAGE: Tom Fote.

MR. FOTE: I think this is more of a comprehensive thing we should look at with other species. I don't want a hodgepodge of rules, one for bluefish, one for summer flounder, one for black sea bass. It should be a uniform set of rules, how we handle this, if we're going to ever do this. I've always had my doubts about splitting the recreational sector, because of some of the problems I've seen over the years.

One sector fighting with another sector, whether it was the Gulf, whether it was in Maryland in the early days. But I really think it should be in an overall amendment to look at how we do it, and if we are going to do it, how do we do it for summer flounder, black sea bass, and other species to make it easier? I would approve moving this out of the rebuilding amendment, because I think it's just going to add confusion and a lot more controversy to something that you need to get done.

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CHAIRMAN BATSAVAGE: Mike Luisi.

MR. LUISI: I will say, I'll just put it out there as a member of the Board, speaking for the state of Maryland. I do think, I support Adam's suggestion. I have enough concern in moving forward with just bluefish, given that we would be required to use MRIP data to establish those allocations for the sectors, provides enough concern in my mind.

I think taking some time to consider how we might better inform those allocations to the sectors, through possibly implementing mandatory state level VTR data down the road, is where we should go. I do like the idea that under the Recreational Reform Initiative, which we'll be discussing later this afternoon, that this is developed further. If it were to stay in the document, I would agree that B and D, I would like to see those removed.

I think accountability at the sector level, which is how I view Option C, is where sector separation should be, and therefore if it stays in, I would like to see the other two options removed. But I would support the removal completely, with an acknowledgement that it would be developed further, and considered along with summer flounder, scup, and black sea bass under the Recreational Reform Initiative.

MS. KERNS: Chris, I just wanted to let you know that Joe Cimino and Mike Pentony, and I think Tony DiLernia, if I haven't told you him before, also raised their hands.

CHAIRMAN BATSAVAGE: Oh great, thanks. Nichola Meserve.

MS. MESERVE: I think my points have really been made already, so I'll be quick. Just to say that I agree that this should be removed from the bluefish amendment, and considered in a more comprehensive and multispecies approach. When we do talk about recreational reform later today, eVTRs is there as an issue

that will require an amendment. I think this for-hire sector separation and eVTRs for the for-hire fleet really belong together in their own document, where they can be fully considered.

CHAIRMAN BATSAVAGE: Justin Davis.

DR. JUSTIN DAVIS: I think my comments are going to largely echo those of Jason McNamee that I'm concerned about taking this out. The way I've felt about this all along was absent the idea of whether this is something we should ultimately do. That we sort of owed it to the for-hire sector to pursue this, and have this discussion, because it's something that there has been a lot of interest in.

Hopefully, if we put some work into it, really flesh this out, and put it out in front of the public and get some public comment, we could maybe kind of put this to bed one way or the other, for maybe not forever, but at least for a long period of time. My concern about taking this out, in favor of putting it in some larger comprehensive initiative, whether that is the Recreational Reform Initiative, or something else, is that that management action doesn't yet exist.

While I sense there is a commitment to undertaking such a management action. You know it's not clear to me what that is going to be. My concern is just that this will sort of get lost in limbo, and also if the Fluke, Scup, Black Sea Bass Board initiates a Recreational Reform management action, I think that's great. But then obviously it's kind of unclear to me how that would include bluefish, unless this Board was working jointly with that Board on that action. Those are my concerns about removing it at this point.

CHAIRMAN BATSAVAGE: Joe Cimino.

MR. CIMINO: I want to put my support towards most of what's been mentioned. To alleviate Justin's fears that they do need to move together, that is bluefish with flounder, scup,

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and sea bass, and really just a holistic approach to how this happens. As the FMAT pointed out, maybe it doesn't happen until further down the road, and so recreational reform discussions need to happen first. I do hope as both the Council and a Board member that we do show that commitment today, and then again next week.

CHAIRMAN BATSAVAGE: Mike Pentony.

MR. MICHAEL PENTONY: I just wanted to echo a lot of the previous comments supporting Adam's proposal to remove this at this time from this action, but address it more comprehensively, as we'll be discussing this afternoon in the holistic recreational reform approach.

CHAIRMAN BATSAVAGE: Tony DiLernia.

MR. DILERNIA: I support sector separation, but before you go to sector separation, you're going to have to have mandatory reporting for all the for-hire vessels, both on the state and federal level, and you're going to need a few years' worth of data to see exactly what's being caught. Until that process is in place, I think sector separation, pursuing it at this time is going to be an exercise in futility.

CHAIRMAN BATSAVAGE: We've heard a mixed perspective on this. I guess, Adam, I'll go back to you. It might be the easiest way to do this is if you want to put a motion up to see where people fall on whether to remove sector separation from this amendment, and take it up in a more comprehensive amendment. I'll allow you to do that if you would like.

MR. NOWALSKY: On behalf of the Bluefish Board and the Council, I would move to stop further development of recreational sector separation by the FMAT as part of this amendment. I recommend that once the Recreational Reform Initiative be formally started, this issue be added to recreational reform for bluefish.

MR. COLSON LEANING: Sorry Adam, I wasn't able to transition over to Maya in time, and I am admittedly one of the worst motion takers at the Commission. If you don't mind repeating it.

MS. KERNS: Dustin, in order to keep everything correct in our files can we actually switch over to Maya, so we do this properly?

MR. COLSON LEANING: I will happily.

MR. NOWALSKY: I'll offer another alternative if you want to move on. I'll type something up and send it over, or if you want to dispense with this now, we'll take the time to do it. Whatever your preference is.

MS. KERNS: I think it's fine, Adam, just give us one second. Then if you can just read slowly for Maya, and you will be able to see what she's typing, so you will be able to see the pace that she's going.

MS. MAYA DRZEWICKI: I'm ready whenever.

MS. KERNS: She's ready for you.

MR. NOWALSKY: I move to remove recreational for-hire sector separation from further development of this amendment. Further development of for-hire sector separation should be considered under comprehensive recreational reform initiatives. That motion would be on behalf of the Board and the Council.

MS. KERNS: Maya, if you could just write motion by and then below that say Board and then Council below Board. Then put Mr. Nowalsky next to the semicolons for each of those, and then we'll find out who our seconders are.

MS. KERNS: Eric Reid, are you seconding that?

MR. ERIC REID: Yes, for the Board.

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MS. KERNS: Joe Cimino, are you seconding that for the Council?

MR. CIMINO: Yes.

MS. KERNS: Maya, for Council you can write Mr. Nowalsky and Mr. Cimino.

CHAIRMAN LUISI: Chris, as Co-Chair, can I jump in really quickly with a suggested edit to the motion?

CHAIRMAN BATSAVAGE: Oh yes, absolutely.

CHAIRMAN LUISI: May I suggest in the first sentence that we just be a little clearer, so separation from further development in the bluefish amendment, since we are talking about a lot of different actions. Yes, we are talking about bluefish right now, but I think it would just help clarify, with all the joint meetings and with all the joint actions that we're considering at the same time right now. If Adam and Eric and Joe are okay with that, that would be my recommendation.

CHAIRMAN BATSAVAGE: Is that modification acceptable to the maker and the two seconding the motion?

MR. NOWALSKY: Sure, further specification is definitely appropriate here. I think it will be even more important that we continue with those type of definitions. I suspect this Board will need to begin meeting jointly at some point in time with other boards, so I'll try to keep that in mind in future motions, to make sure things stick with the species they are intended for, thank you.

CHAIRMAN BATSAVAGE: Eric and Joe, are you okay with that?

MR. REID: Eric is okay.

MR. CIMINO: Yes.

CHAIRMAN BATSAVAGE: I'll see if there is any further discussion on this motion. I know we've talked about it a little bit already beforehand, but see if there is anyone else who has any thoughts. I guess while we do that Maya can just make that modification to the amendment, just to make it clear this is for bluefish. Any other comments or discussion by the Board and Council?

MS. KERNS: You have Jason McNamee and Tony DiLernia.

CHAIRMAN BATSAVAGE: Okay, Jason.

DR. McNAMEE: I'll be brief. I'll just state that I will likely support this, but I just want to be clear on the record that that support is because my read of this motion is that this will be put into the Recreational Reform Initiative. I'm taking it as some confirmation that it's not just disappearing, that it's going into another venue.

CHAIRMAN BATSAVAGE: Toni, you said Tony DiLernia is next in the queue?

MR. DiLERNIA: I was going to, I thought I had my hand up. I support the motion, we'll just let it go at that. Thank you.

CHAIRMAN BATSAVAGE: Any other discussion on the motion?

MS. KERNS: I do not see any additional hands at this time.

CHAIRMAN BATSAVAGE: Okay, I'll go ahead and read it into the record. Move to remove recreational for-hire sector separation from further development to the bluefish amendment. Further development of the for-hire sector separations should be considered under comprehensive recreational reform initiatives. We'll try this first. Is there any objection to this motion? If there is then we'll go ahead and do formal votes.

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MS. KERNS: Chris, do we need time for a caucus? I didn't know. I heard some talking back and forth in the sound, so I wasn't sure if that was people talking to each other. I see a hand up from Emerson. I don't know if he's asking for a caucus or he's objecting.

CHAIRMAN BATSAVAGE: Emerson.

MR. EMERSON C. HASBROUCK: Both.

CHAIRMAN BATSAVAGE: Okay great, no worries. I'll go ahead and maybe two minutes for the Board to caucus, and then we'll call the question.

MS. KERNS: Chris, we can do what we did in striped bass, where we can have one person from each state raise their hand to vote, and I'll just call off the state, and that way states can hear that I'm counting them, to make sure they actually do have their hand raised under the proper category.

CHAIRMAN BATSAVAGE: Yes, that will be great, thanks. Okay, do any Board members or states still need time to caucus, or is everyone ready to call the question?

MS. KERNS: I don't see any hands asking for more time.

CHAIRMAN BATSAVAGE: All right, so we will start with the Bluefish Board, and just FYI, I will not be voting on behalf of North Carolina, our Governor's Appointee is unable to join us, due to widespread internet outages in the Wilmington area after the hurricane this week. But I just choose not to vote on this as a Board member. Call the question for the Board, all those in favor, the designated person for your state, please raise your hand.

MS. KERNS: Again, I'll read off each state and if you thought you voted in favor yes, and I don't read your name, please speak up. We have Delaware, Rhode Island, New Jersey, Maryland, Connecticut, Massachusetts, New Hampshire, Maine, Florida, Georgia, NOAA Fisheries, South

Carolina, PRFC. Dustin, how many states did I count out?

MS. ELLEN BOLEN: Hey Toni, this is Ellen. I should have my hand up for Virginia.

MS. KERNS: You do not, just so you know. Now you do, now your hand it up, and Virginia.

CHAIRMAN BATSAVAGE: Say it again, Dustin.

MR. COLSON LEANING: That would be a total of 14.

MS. KERNS: Okay.

CHAIRMAN BATSAVAGE: Okay, all those opposed please raise your hand.

MS. KERNS: I have New York, and that is all.

CHAIRMAN BATSAVAGE: Okay, abstentions.

MS. KERNS: I do not see any abstentions.

CHAIRMAN BATSAVAGE: Okay, null votes.

MS. KERNS: I do not see any null votes.

CHAIRMAN BATSAVAGE: Okay, the motion passes 14 to 1 to 0 to 0. For the Council, I'll turn it over to Mike Luisi.

CHAIRMAN LUISI: For the Council, let me ask this. Is there any opposition to the motion?

MS. KERNS: I don't see any hands, Mike.

CHAIRMAN LUISI: Okay, we'll give it another five seconds. If you oppose the motion as a member of the Council, just please raise your hand and Toni will call that out, and if so then we'll call the vote. Anything, Toni?

MS. KERNS: No hands.

CHAIRMAN LUISI: Okay, I'll call it a motion then is approved by consensus, so the motion

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passes both the Board and the Council. Back to you, Chris.

CHAIRMAN BATSAVAGE: Dustin and Matt, I think you've got everything you needed for that issue, so we can move on to Issue number 7, sector transfers, whenever you're ready, I know you've got a couple screens right now.

MR. COLSON LEANING: Yes, this is Dustin. Maya, are you able to pull up the presentation we shared with you? Perhaps it would be easier in case another motion comes. Otherwise, I can just take control back.

MR. SEELEY: Maya, it's Slide 47.

MR. COLSON LEANING: Slide 47 with Issue 7 Sector Transfers displayed on top. Thanks, Maya.

CHAIRMAN BATSAVAGE: Any comments or feedback from the Board and Council on this issue?

MR. COLSON LEANING: Mr. Chair, if I may. Now that we have removed recreational sector separation, this last row is no longer pertinent, so we can skip that. Really the only feedback we're receiving here is criteria for prohibiting a transfer. Maybe some discussion on what that may be if the stock is overfished or overfishing is occurring, or the stock is rebuilding. Should we prohibit the use of transfers?

CHAIRMAN BATSAVAGE: Thanks, Dustin, for focusing in on where we need the feedback the most. Again, any feedback or comments from the Board and Council on criteria for prohibited transfers.

MS. KERNS: I don't have any hands.

CHAIRMAN BATSAVAGE: I guess Dustin, if no feedback then is the FMAT able to develop this further? Are you going to need a little more to really do this, or just do all of it? I don't want to

leave this meeting without giving the FMAT the guidance that they need.

MR. COLSON LEANING: Yes, so this is a relatively simple point. What the FMAT can do is put forward an option that they see as best fit, and when it comes to approve the final range of alternatives for inclusion in a public hearing document or a draft amendment, the Board and Council can change what the FMAT has decided, if they have any more thoughts on this issue later on. I think we have what we need for now, and we can move on to Issue 8.

CHAIRMAN BATSAVAGE: Unless any other Board or Council members have a last-minute thought, we'll just move on to Issue 8.

MS. KERNS: I see no hands raised.

MR. COLSON LEANING: As a reminder, the FMAT is recommending removal of this approach.

CHAIRMAN BATSAVAGE: Any comments, feedback on this issue?

MS. KERNS: You have Nichola Meserve and Jason McNamee, and Tony DiLernia.

CHAIRMAN BATSAVAGE: Okay, Nichola.

MS. MESERVE: I agree with the FMAT's recommendation to remove it in its current format as it has been proposed. I think I applaud the FMAT for trying to come up with something that responded to the Board's request for a refereed approach, but I think this is really overly complicated and burdensome, and won't necessarily improve our current system. I would separately just offer a suggestion to ASMFC. I think, to somehow provide some more transparency in when states seek quota transfers. Right now, we get a weekly e-mail that says when a transfer has been approved, but that might be too late to state that's considering asking that same state for a transfer. You might have missed it. If

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there could be some consideration given to some way that transfer requests could be made more transparently, then I think that would be a benefit to all the states, whether on the receiving or requesting side.

MS. KERNS: Mr. Chairman, can I just put something out there? The Commission doesn't approve the transfers for bluefish. Those get approved by NOAA Fisheries. We would have to work something out with them in order to help out with that Nichola.

MS. MESERVE: All right that makes sense. I guess I just saw the ASMFC as before, and where all of the states are included. I still think it would be useful for all of us to know more openly when transfers are being requested between the states. Thanks.

CHAIRMAN BATSAVAGE: That's I guess a question I asked earlier. Are there any issues different with bluefish and other quota transfers, but to kind of build on that? A question for Toni Kerns. Is this something that at least on the ASMFC side of things should be discussed in more detail for all of the quota managed species that have quota transfers, instead of just bluefish. I see some common themes, you know with bluefish versus menhaden versus spiny dogfish, et cetera.

MS. KERNS: Most of them are somewhat similar, we get a state transfer letter from the receiving and accepting state, and then we approve them. In the past we have not sent out letters to the Board letting the Board know that we have received these letters from the states making requests or receiving.

We do it after the transfer has been finalized. We could send an e-mail out, I guess prior to finalizing the transfer, but I do believe that we're typically cc'd on transfers for summer flounder and bluefish, but we are not the finalizer of those transfers, NOAA Fisheries is. We do the transfers for scup and black sea bass,

and obviously for other species as well, as you mentioned.

We could come up with a general policy for communication. Perhaps it's something that could get discussed at the Executive Committee level, and then the Policy Board, to finalize an overarching policy. Each plan is a little bit different, how it's written in and how the rules are supposed to be followed, in terms of the transfers themselves for individual species.

CHAIRMAN BATSAVAGE: That might be something to think about long term with this issue. Next up is Jay.

DR. McNAMEE: Yes, I just wanted to also, just because I spoke on it earlier, just kind of acknowledge that I also support removing the refereed approach. I applaud the effort, and as someone who is a proponent of doing something here. I didn't offer any great ideas. I applaud the FMAT for giving it a shot, but also agree with them that this doesn't work. I also appreciated what Maureen said earlier, and I think that could be a good approach for bluefish moving forward, if Rhode Island and New York could communicate a bit. I am happy to do so. Just wanted to offer my thoughts on that.

CHAIRMAN BATSAVAGE: Tony DiLernia.

MR. DiLERNIA: This is an unnecessary complication. I would remove it. I agree with what Nichola said, so long as everyone knows who shares bringing what you're okay. This just complicates things, and I would definitely remove it.

CHAIRMAN BATSAVAGE: Any objection from any Board or Council members on removing the refereed approach from this amendment?

MS. KERNS: I do not see any hands, Mr. Chairman.

CHAIRMAN BATSAVAGE: All right, great, thanks. That covers the issues that the FMAT

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was really looking for feedback from the Board and Council on. Are there any other issues in the amendment that any Board or Council members want to address at this point?

MR. SEELEY: Mr. Chairman, if I may. This is Matt. I do believe that we skipped over the rebuilding plan, Issue 5. I don't think there are any changes that would be expected here are necessary, but I do think since we're not meeting again until December, that we should maybe pull that up and see if there are any comments.

CHAIRMAN BATSAVAGE: Good catch, thanks.

MR. SEELEY: Maya that would be Slide 24.

CHAIRMAN BATSAVAGE: As you see on the screen here, the FMAT is requesting further guidance on which alternatives, if any should be removed for a rebuilding plan option. Open up for feedback on that.

MS. KERNS: So far, I don't have any hands.

CHAIRMAN BATSAVAGE: Unless anyone objects, then yes, the FMAT will continue developing all of these options for rebuilding.

MS. KERNS: I have Adam Nowalsky.

CHAIRMAN BATSAVAGE: Adam.

MR. NOWALSKY: I know we're not quite done with the Bluefish Board, but I just wanted to extend on my further comments earlier that given the decision we made on the for-hire sector separation, that those members of the Bluefish Board that are not part of the Summer Flounder, Scup, and Black Sea Bass Board. I would like to invite them to the recreational reform discussion this afternoon, it's on the agenda for a set time right now. I know we're running a little behind here, so I'm not exactly sure what time that will occur specifically on the agenda. It will occur after lunch, and I will certainly include any members of the Bluefish

Board that are not members of the Summer Flounder, Scup, and Black Sea Bass Board that would like to comment during those discussions, they are invited to do so.

MS. KERNS: Mr. Chairman, you have Doug Haymans.

MR. DOUG HAYMANS: I was just going to make that exact point, I guess Adam and I are on the same wave length, since South Carolina, Georgia, and Florida aren't on that. I would suggest maybe during that next meeting that we can move or attempt to move that recreational amendment out of. Oh, I guess is there a platform somewhere where the entire Commission can be part of it, rather than it being within a species board?

CHAIRMAN BATSAVAGE: If I understood Adam correctly, he's going to allow the states, not on the Flounder, Scup, and Black Sea Bass Board this afternoon to join in on the conversation over the Recreational Reform Initiative. Adam, if I misspoke, please let me know. But I think that's the invitation that you're offering to the Bluefish Board, particularly the members who aren't on Summer Flounder, Scup, and Black Sea Bass or on the Mid-Atlantic Council.

MR. NOWALSKY: For today, yes that is my invitation. Leadership has discussed the fact that given previous comments that recreational reform may become a more comprehensive species approach, beyond just summer flounder, scup, and black sea bass. We are aware of the fact that we're going to need to have discussions about to find the correct venue for recreational reform discussions moving forward with the Council.

Whether that's to meet jointly, not just with one of the two Boards with the Council, but to have Bluefish Board meetings jointly with the Summer Flounder, Scup, and Black Sea Bass Board at the same time, or some other mechanism that is on the radar of staff and leadership, both the Council and the

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Commission with the Board Chairs, and we can expect to have more information for Commissioners as we move forward.

I think what we need to do is one, have the discussion this afternoon, where the possibility is on the table of a formal action being initiated and then once we have that I think it will also depend somewhat on where this issue falls, with regards to summer flounder, scup and black sea bass specifically, because for-hire sector separation as part of that amendment will not be taken up this afternoon. That won't be taken up until next week for summer flounder, scup, and black sea bass.

CHAIRMAN BATSAVAGE: Thanks for the clarification on that, Adam. Yes, definitely encourage the folks to my south to listen in this afternoon and participate in that discussion. I think it is very pertinent to bluefish. Is there anything else from the Board and Council on the bluefish amendment?

MS. KERNS: I do not see any additional hands.

CHAIRMAN BATSAVAGE: Matt and Dustin, anything else? Did you get everything you needed for the FMAT to continue developing this?

MR. COLSON LEANING: I think so, Matt.

MR. SEELEY: Yes, I think we're good, thanks Dustin, thanks Mr. Chairman.

CHAIRMAN BATSAVAGE: Thanks again, as always for walking us through the issues in this amendment, I know it's not an easy task, and the FMAT has been working hard to get to this point. Now they've got some work ahead.

**CONSIDER APPROVAL OF THE FMP AND STATE
COMPLIANCE FOR BLUEFISH FOR THE
2019 FISHING YEAR**

CHAIRMAN BATSAVAGE: The last item on the agenda is just a Bluefish Board specific item,

and that is Consider Approval of the FMP and State Compliance for Bluefish for the 2019 fishing year. I just want to do a time check. I know we're running a little behind schedule, but Toni, do we have time to get this completed before we adjourn?

MS. KERNS: Chris, yes. Dustin, if you could just go to the specific recommendations and skip the rest of the presentation, since most of that will be covered next week during the Monitoring Committee Report, that would be great. Just specific to the recommendations.

MR. COLSON LEANING: Yes, happy to. Toni, are you suggesting that we just put it forward to the Board for consensus about taking the PRT recommendations, and then doing the FMP Review motion separately through e-mail?

MS. KERNS: No, just giving the PRT recommendations, and then do the FMP review approval.

CHAIRMAN BATSAVAGE: This is included in the briefing materials, so folks had the chance to look at it or can. Yes, I'll just hand it over to Dustin, so he can go over the recommendation.

MR. COLSON LEANING: Yes, so I'll try to do a very truncated version of this presentation. Essentially, the PRT found that all states implemented regulations and monitoring programs that were consistent with the intent of the FMP, and we also had three states that requested *de minimis* status for 2020; Maine, South Carolina, and Georgia.

Then in addition to those recommendations for approval of the state compliance reports and State Compliance, the PRT also recommends that the Board task the TC with reviewing the effectiveness of the Addendum 1 sampling design, and reevaluating the optimal geographic range and sample size for bluefish data.

Essentially, by reviewing state by state Addendum 1 sampling progress, the PRT noted

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that it can be especially challenging for some northern states to achieve 50 samples before July, considering that bluefish may only begin to become available in June. The PRT thought that this would be helpful to reconsider the seasonal requirements for samples, based on updated recreational data.

In addition to this, the PRT also recommends that the TC look into the increased importance of recreational discards in stock assessments, and know that generating reliable discard lengths data from recreational anglers can improve the robustness of stock assessments moving forward. That is a very quick and dirty version of what I was going to present. But essentially, we have the PRT recommendation for approval of the FMP Review, State Compliance Reports, and *de minimis* requests from Maine, South Carolina, and Georgia's commercial fisheries, as well as the PRT recommendations listed here.

CHAIRMAN BATSAVAGE: I appreciate you getting through that very quickly, but I think you covered everything, the most important things. Any questions for Dustin on the FMP review?

MS. KERNS: Mr. Chairman, I think we could do an approval of the document and the *de minimis* request, and if the Board is interested in having the TC look into these items, then we could just do all of that by consensus.

CHAIRMAN BATSAVAGE: Instead of a formal motion? Just seeing if just by consensus if the Board approves the FMP Review and the tasks the PRT is recommending the TC do?

MS. KERNS: Correct. I see Nichola with her hand up.

CHAIRMAN BATSAVAGE: Nichola.

MS. MESERVE: I definitely agree with these recommendations from the PRT. The second one really gets to the discussion that we've

been having a lot lately, when we talk about should we use the GARFO method or the MRIP Method for doing the discard estimates in the recreational fishery. It's pointed to us the fact that we really need some additional discard length data. **That one is really key, but I support those recommendations, and additionally, I would move to accept the FMP Review and approve the *de minimis* requests from Maine, South Carolina, and Georgia.**

CHAIRMAN BATSAVAGE: Yes, we have a motion up, it will be up on the board here soon to approve the FMP Review and *de minimis* status for those states. Get that up on the screen.

MS. KERNS: Justin Davis is seconding that.

CHAIRMAN BATSAVAGE: Move to approve the PRT recommendations, the Bluefish Fishery Management Plan Review of the 2019 fishing year, state compliance reports, and *de minimis* requests for Maine, South Carolina and Georgia's commercial fisheries. No objections?

MS. KERNS: No, I don't see any hands.

CHAIRMAN BATSAVAGE: Great, so that's approved and I look forward to the work by the Technical Committee, especially looking at ways to collect more lengths on released recreational bluefish.

ADJOURNMENT

CHAIRMAN BATSAVAGE: Last thing on the agenda is any Other Business. Does any Board or Council members have any other business to discuss for today's meeting?

MS. KERNS: I don't see any additional hands.

CHAIRMAN BATSAVAGE: Unless there is any objection, the Bluefish Board meeting with the Council is adjourned.

(Whereupon the meeting adjourned at 11:10
a.m. on August 6, 2020)

These minutes are draft and subject to approval by Bluefish Management Board.
The Board will review the minutes during its next meeting.



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

MEMORANDUM

January 12, 2021

To: Bluefish Management Board
From: Tina Berger, Director of Communications
RE: Advisory Panel Nominations

Please find attached a nomination to the Bluefish Advisory Panel – John G. LaFountain, a seafood processor/dealer from Rhode Island. Please review this nomination for action at the next Board meeting.

If you have any questions, please feel free to contact me at (703) 842-0749 or tberger@asmfc.org.

Enc.

cc: Dustin Colson Leaning

M21-05

BLUEFISH ADVISORY PANEL

Bolded names await approval by the Bluefish Management Board

January 12, 2021

Maine

David W. Gittins (rec)
85 Bog Road
York, ME 03909
Phone: (207)363-3874
fishtale@maineflyfishing.net
Appt. Confirmed 8/10/04
Appt. Reconfirmed 8/08

Vacancy

New Hampshire

1 Vacancy – recreational

Massachusetts

Tom Smith (comm. strike gillnet)
17 Beach Plum Lane
Orleans, MA 02653
Phone: 508.922.9737
Bluefish4@comcast.net
Appt. Confirmed 2/19

Rhode Island

Francis W. Blount Jr. (charterboat)
390 Bridgetown Road
Saunderstown, RI 02883
Phone (day): (401)783-4988
Phone (eve): (401)789-2374
FAX: (401) 782-8520
francesflt@aol.com
Appt. Confirmed 5/10/06
Appt Reconfirmed 5/10

John G. LaFountain (seafood processor/dealer)

65 Turner Way
Wakefield, RI 02879
Phone: 401.575.8765
foxseafood@gmail.com

Connecticut

Robert Streich (rec)
290 Lakeside Drive
Bridgeport, CT 06606
Phone: (203)374-3664
streichrc@aol.com
Appt. Confirmed 8/10/04

Appt. Reconfirmed 8/08

T.J. Karbowski (for-hire)
24 Norwill Drive
North Branford, CT 06471
Phone: 203.314.3765
tedkarbowski@yahoo.com
Appt. Confirmed 12/10/19

New York

Thomas E. Melton (rec)
48 Dongan Boulevard
Manorville, NY 11949
Phone (day): (516)345-5200
Phone (eve): (516)878-8146
FAX: (516)345-5304
71240.347@compuser.com
Appt. Confirmed: 6/4/98
Appt. Reconfirmed 10/02; 10/06; and 5/10

James Kaminsky (comm)
75 Woodcliff Drive
Mattituck, NY 11952
Phone: (631)298-4791
FAX: (631)298-2120
Appt. Confirmed 10/17/94
Appt. Reconfirmed: 10/98; 10/02; and 10/06

New Jersey

Capt. Kevin Wark (comm)
1508 Bayview Avenue
Barnegat Light, NJ
Phone (dock): (609)494-0133
Phone (home): (609)494-8123
Appt. Confirmed 10/17/94
Appt. Reconfirmed: 10/98; 10/02; 2/9/06;
5/17/10

Robert Bogan (rec/charterboat)
520 Summit Dr
Pt Pleasant Beach, NJ 08742-2779
Phone (day) (732)295-7569
Phone (eve): (732)295-1247
Appt. Confirmed 4/2000
Appt Reconfirmed 2/9/06 and 5/17/10

Delaware

Albert Adams, Jr. (comm)
RD 1, Box 406
Milford, DE 19963
Phone: (302)422-8940
Appt. Confirmed 10/17/94
Appt. Reconfirmed: 10/98; 10/02; and 10/06

Robert L. Tribbitt, Sr (rec)
34795 Pepper Road
Frankford, DE 19945
Phone (day): (302)856-5488
Phone (eve): (302)732-6400
FAX: (302)856-4381
Appt. Confirmed 10/17/94
Appt. Reconfirmed: 10/98; 10/02 and 10/06

Maryland

2 Vacancies

Virginia

Larry Snider
213 Skipper Court
Hampton, VA 23669
Phone: (804)850-4912
Appt. Confirmed 10/24/96
Appt. Reconfirmed 9/15/00; 1/05; and 5/10

Vacancy (for-hire & rec)

North Carolina

Robert J. Lorenz (rec)
1509 Meridian Terrace
Wilmington, NC 28411
Phone: 910.232.4755
blpinfisher@gmail.com
Appt. Confirmed 2/19

Vacancy – commercial

South Carolina

Buddy Bullard (rec)
805 West Fifth St.
Hampton, SC 29924
Phone (day): (803)522-2121
Phone (eve): (803)943-2100
FAX (day): (803)522-3107
FAX (eve): (803)943-5700

Email: bullard@coldwellbanker.com

Appt. Confirmed 10/17/94
Appt. Reconfirmed: 10/98; 10/02; 10/06 and 5/10

Georgia

2 vacancies

Potomac River Fisheries Comm.

Thomas L. Crowder, Jr. (comm/pound net)
2135 Dasher Drive
Lusby, MD 20657
Phone (day): (410)610-3117
Phone (eve): (410)326-6377
kimchwdr@worldnet.att.net
Appt. Confirmed 4/2000
Appt. Reconfirmed 1/05 and 5/10

Vacancy – recreational

Florida

Russell Howard Hudson (comm. hook & line/for-hire captain)
1045 West International Speedway Boulevard
Daytona Beach, FL 32114
Phone (home): 386.239.0948
Phone (cell): 386.253.2843
FAX: 386.253.2843
Email: DSF2009@aol.com
Appt. Confirmed 2/19

George J. Geiger (charterboat)
566 Ponoka Street
Sebastian, FL 32958
Phone: (407)388-3183
Fax: (407)723-4107
Appt. Confirmed 10/30/95
Appt. Reconfirmed: 8/99
Appt. Reconfirmed: 4/06
Appt Reconfirmed 5/10



ATLANTIC STATES MARINE FISHERIES COMMISSION

Advisory Panel Nomination Form

This form is designed to help nominate Advisors to the Commission's Species Advisory Panels. The information on the returned form will be provided to the Commission's relevant species management board or section. Please answer the questions in the categories (All Nominees, Commercial Fisherman, Charter/Headboat Captain, Recreational Fisherman, Dealer/Processor, or Other Interested Parties) that pertain to the nominee's experience. If the nominee fits into more than one category, answer the questions for all categories that fit the situation. **Also, please fill in the sections which pertain to All Nominees (pages 1 and 2). In addition, nominee signatures are required to verify the provided information (page 4), and Commissioner signatures are requested to verify Commissioner consensus (page 4). Please print and use a black pen.**

Form submitted by: John G LaFountain State: RI
(your name)

Name of Nominee: John G LaFountain

Address: 65 Turner Cove Way

City, State, Zip: Wakefield RI 02879

Please provide the appropriate numbers where the nominee can be reached:

Phone (day): 401-575-8765 Phone (evening): _____

FAX: _____ Email: Foxseafood@gmail.com

.....
FOR ALL NOMINEES:

1. Please list, in order of preference, the Advisory Panel for which you are nominating the above person.

1. Bluefish

2. _____

3. _____

4. _____

2. Has the nominee been found in violation of criminal or civil federal fishery law or regulation or convicted of any felony or crime over the last three years?

yes _____ no

3. Is the nominee a member of any fishermen's organizations or clubs?

yes _____ no

If "yes," please list them below by name.

FOR RECREATIONAL FISHERMEN:

1. How long has the nominee engaged in recreational fishing? _____ years
2. Is the nominee working, or has the nominee ever worked in any area related to the fishing industry? yes _____ no _____

If "yes," please explain.

FOR SEAFOOD PROCESSORS & DEALERS:

1. How long has the nominee been employed in the business of seafood processing/dealing? 13 years

2. Is the nominee employed only in the business of seafood processing/dealing?

yes no _____ If "no," please list other type(s) of business(es) and/or occupation(s):

3. How many years has the nominee lived in the home port community? 13 years

If less than five years, please indicate the nominee's previous home port community.

FOR OTHER INTERESTED PARTIES:

1. How long has the nominee been interested in fishing and/or fisheries management? _____ years
2. Is the nominee employed in the fishing business or the field of fisheries management? yes _____ no _____

If "no," please list other type(s) of business(es) and/or occupation(s):

FOR ALL NOMINEES:

In the space provided below, please provide the Commission with any additional information which you feel would assist us in making choosing new Advisors. You may use as many pages as needed.

Hello,

I am a large stakeholder in the bluefish fishery. Smoked Bluefish is one of our most popular products that we produce at Fox Seafood Inc. of which my wife and I are the principle owners. We buy fish directly from fishing vessels here in RI and from many vendors on the East Coast. I have studied the history of bluefish landings historically and always keep tabs on what is being landed up and down the coast weekly speaking to my suppliers and fisherman in multiple states. I have a good feel for how the fish are moving. Thank you

Nominee Signature: 

Date: 12.14.20

Name: John G LaFountain
(please print)

COMMISSIONERS SIGN-OFF (not required for non-traditional stakeholders)

State Director

State Legislator

Governor's Appointee