

Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board

*October 28, 2014
10:15 a.m.-12:15 p.m.
Mystic, Connecticut*

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.

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| 1. Welcome/Call to Order (<i>D. Pierce</i>) | 10:15 a.m. |
| 2. Board Consent | 10:15 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from August 2014 | |
| 3. Public Comment | 10:20 a.m. |
| 4. Review Marine Recreational Information Program Wave 4 Harvest Estimates for Summer Flounder, Scup, and Black Sea Bass (<i>K. Rootes-Murdy</i>) | 10:30 a.m. |
| 5. Discuss Available Management Approaches for the 2015 Summer Flounder and Black Sea Bass Recreational Fisheries (<i>K. Rootes-Murdy</i>) Action | 11:30 a.m. |
| 6. Review and Populate Advisory Panel Membership (<i>K. Rootes-Murdy</i>) Action | 12:05 p.m. |
| 7. Other Business/Adjourn | 12:15 p.m. |

The meeting will be held at:
The Mystic Hilton, 20 Coogan Boulevard, Mystic, Connecticut (860) 572.0731

MEETING OVERVIEW

Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
Tuesday, October 28, 2014
10:15 a.m.-12:15 p.m.
Mystic, Connecticut

Chair: David Pierce(MA) Assumed Chairmanship: 10/13	Technical Committee Chair: John Maniscalco (NY)	Law Enforcement Committee Representative: Jason Snellbaker
Vice Chair: Mike Luisi (MD)	Advisory Panel Chair: vacant	Previous Board Meeting: August 6, 2014
Voting Members: MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2014

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

4. Review Marine Recreational Information Program Wave 4 Harvest Estimates for Summer Flounder, Scup, and Black Sea Bass (10:30-11:30 a.m.)

Background

- Wave 4 harvest estimates should be posted by October 15, 2014
- Wave 3 harvest estimates were not close to the recreational harvest limit for Summer Flounder, Scup, or Black Sea Bass.

Presentations

- Presentation of wave 3 and 4 MRIP harvest estimates for summer flounder, scup and black sea bass by K. Rootes-Murdy

Board actions for consideration at this meeting

- None

5. Discuss Available Management Approaches for the 2015 Summer Flounder and Black Sea Bass Recreational Fisheries (11:30-12:05 p.m.) Action

Background

- Addendum XXV to the Summer Flounder, Scup, Black Sea Bass FMP allowed for the use of ad-hoc regional management approaches for the Black Sea Bass recreational fishery in 2014. The addendum also had a provision that allows the Board to extend this management strategy into 2015. **(meeting materials)**

- Addendum XXV allowed for the use of regional management for the Summer Flounder recreational fishery through conservation equivalency in 2014 only. For regional management to be continued into 2015, an addendum would need to be initiated. Without an addendum, coastwide management measures or conservation equivalency would be in effect for 2015.

Presentations

- Review of Summer Flounder and Black Sea Bass Recreational Management options for 2015 by K. Rootes-Murdy

Board actions for consideration at this meeting

- Initiation of an addendum for the Black Sea Bass recreational fishery in 2015 if neither the continuation of ad hoc regional management approaches nor coastwide management measures are preferred.
- Initiation of an addendum for the Summer Flounder recreational fishery in 2015 if the Board prefers to continue the management strategies used in 2014 through Addendum XXV.

6. Review and Populate Advisory Panel Membership (11:30-12:05 p.m.) Action

Background

- At the August meeting, the Board moved to consolidate its three APs into one. This was done to improve participation and engagement in the advisory panel process.
- Board members have communicated with staff on whether their state wishes to change current representation. (**supplemental materials**)

Presentations

- Review of the updated Summer Flounder, Scup, and Black Sea Bass AP by K. Rootes-Murdy

Board actions for consideration at this meeting

- Approval of updated Summer Flounder, Scup, and Black Sea Bass AP

7. Other Business/Adjourn

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

**Crowne Plaza - Old Town
Alexandria, Virginia
August 6, 2014**

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

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1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of February 2014 by consent** (Page 1).
3. **Move to adopt the adjustment for the states of Delaware to North Carolina for the recreational black sea bass 2014 season (extend the season to September 21)** (Page 9). Motion by Rob O'Reilly; second by David Borden. Motion carried (Page 10).
4. **Move to have the technical committee provide options for the northern states of Massachusetts to New Jersey to achieve the 5 percent reduction instead of the 7 percent reduction for the black sea bass recreational fishery** (Page 10). Motion by Adam Nowalsky; second by Bill Adler. Motion carried (Page 12).
5. **Motion to adjourn by consent** (Page 14).

ATTENDANCE

Board Members

Terry Stockwell, ME proxy for P. Keliher (AA)
G. Ritchie White, NH (GA)
Doug Grout, NH (AA)
Rep. Sarah Peake, MA (LA)
Bill Adler, MA (GA)
Bob Ballou, RI (AA)
David Borden, RI (GA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)
David Simpson, CT (AA)
Lance Stewart, CT (GA)
Rep. Craig Miner, CT (LA)
James Gilmore, NY (AA)
Emerson Hasbrouck, NY (GA)
Sen. Phil Boyle, NY (LA)
Tom Baum, NJ, proxy for D. Chanda (AA)

Tom Fote, NJ (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)
David Saveikis, DE (AA)
John Clark, DE, Administrative proxy
Mike Luisi, MD, proxy for T. O'Connell (AA)
Russell Dize, MD, proxy for Sen. Colburn (LA)
Bill Goldsborough, MD (GA)
John Bull, VA (AA)
Rob O'Reilly, VA, Administrative proxy
Kyle Schick, VA proxy for Sen. Stuart (LA)
Louis Daniel, NC (AA)
Martin Gary, PRFC
Michael Petnon, NMFS
Sherry White, USFWS

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns

Kirby Rootes-Murdy
Melissa Yuen

Guests

Paul Perra, NOAA
Kevin Chu, NOAA
Brandon Muffley, NJ DFW

Kiley Dancy, MAFMC
Raymond Kane, CHOIR

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 6, 2014, and was called to order at 3:55 o'clock p.m. by Chairman David Pierce.

CALL TO ORDER

CHAIRMAN DAVID PIERCE: All right, we have about one hour to do our business on scup, sea bass and fluke; so that will present quite a challenge for us, potentially. The agenda may go faster than we think or at least what I think. I call the meeting to order.

APPROVAL OF AGENDA

CHAIRMAN PIERCE: You have an addenda before you. Under other business I have two things I would like to add; however, they won't that much time.

They're agenda items under other business that came about after a discussion with Adam relative to two issues that are of concern to him; and I think they're of concern to the board as well. If I could have discussion around the board, Adam has got two issues that he wants to raise; so we'll have those under other business.

One relates to technical committee work relative to sex-specific assessment models for a stock assessment for fluke. There is another item that relates to the framework action that the Mid-Atlantic Council intends to take at its meeting next week. All board members will be there so we'll have an opportunity to address those issues at that time; but he at least wants to raise it under other business for all board members' consideration.

We will do that; we'll put those two items under other business. Anything else to add to the agenda? If there are no additions, I will conclude that we have an agenda that we will adopt by consent. All right, I see no indication that anything else needs to be added to the agenda; therefore, the agenda is adopted as written with those two additions that I've just mentioned.

APPROVAL OF PROCEEDINGS

CHAIRMAN PIERCE: Proceedings from February 2014; I assume everyone has had a chance to look at those proceedings and to determine if they are correct. Does anyone object to the proceedings; anyone have a suggestion for a change to those proceedings? I see no interest in suggesting or make

any change; therefore, we will consider the proceedings to be approved.

PUBLIC COMMENT

CHAIRMAN PIERCE: Public comment is always an opportunity for public comment for items not on our agenda. Does anyone in the audience care to come to the mike and address an issue that is not on the agenda? I see no interest from the public; therefore, we'll go on number 4, review of the public information document for Draft Amendment 21 for public comment.

PUBLIC INFORMATION DOCUMENT FOR DRAFT AMENDMENT 21 FOR PUBLIC COMMENT

CHAIRMAN PIERCE: Obviously we've jumped ahead quite a few amendments unknowingly from a low number to 21. Kirby will address that. This is the public information document that parallels very closely the scoping document that has been prepared by the Mid-Atlantic Council. The Mid-Atlantic Council, as I said, will be meeting next week. They have not yet approved that scoping document; and this is the commission's first looksee at the public information document prepared by staff. Kirby will walk us through that public information document.

Before he does, however, I'll just point out that in a June memo that I drafted and sent to all board members I indicated that it would be very useful for all board members to take a close look at the council's scoping document; and in that way you would be better prepared for today's meeting and for discussion on our PID. I assume you have had a chance to do that; and we welcome any comments you may have regarding the PID. With that said, I'll turn to Kirby and have him review what is in that document.

MR. KIRBY ROOTES-MURDY: The first item would be on the first page that says it's Amendment 21. The Mid-Atlantic Council has moved to call the amendment the Comprehensive Summer Flounder Amendment; and in turn it might not remain as Amendment 21 to us. It might be subject to change so just be aware of that.

In December of 2013 the Mid-Atlantic Council approved a motion to develop a draft amendment to Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The council staff developed a draft scoping document with the following objectives:

To perform a comprehensive review of all aspects to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan; relative to summer flounder, to update the FMP goals and objectives for summer flounder management; and to modify the management strategies and measures as necessary to achieve those goals and objectives. Today I want to emphasize that this is again a draft public information document; one, if you have edits that you were hoping to get incorporated into this to please get those edits to me as soon as possible as we will need to then around the document on a very short timetable.

On that note, the timeline given the board and council approving these concurrent documents, the scoping document on their end and the public information document on the board's end, if that were to take place next week, the timetable from when that starts through to the end of the amendment being approved for management use is approximately spring of 2017, which is a little less than three years from now.

In turn there will be a number of public hearings that would be going out and having the public provide comments on this document as well as working groups that would identify specific issues to be included in the document as well. What I intend to do now is go through the five issue items that the public information documents lists.

These were pulled from the scoping document that the council staff had drafted up in the June meeting. If you have any specific questions on them, I ask that you hold those to the end. I'll go through each of them relative to their statement of the problem generally and some of the management questions we're hoping to put forth to get specific comments from the public.

The first item is the FMP goals and objectives. Amendment 2, which was approved in 1993, contained the first shared objectives between the board and the council's FMP on summer flounder. Those six goals were first to reduce fishing mortality in the summer flounder fishery to assure overfishing does not occur; reduce fishing mortality on immature summer flounder to increase spawning stock biomass; to improve the yield from the fishery; to promote compatible management regulations between the state and federal jurisdictions; to promote uniform and effective enforcement of the regulations; and to minimize regulations to achieve the management objectives as stated.

The statement of the problem for this is simply that over last 20 years there has been many changes to the

FMP through amendments, framework adjustments and addendums while the management objectives have remained the same. In addition, during this period the status of the stock has changed with the stock being determined rebuilt.

In 2011 the question is posed do the management objectives still capture the needs and goals of the FMP? One thing also I'll highlight in going through these five, these five are not listed in particular order of importance, per se, so don't view it as ranking of them. It's simply just a listing of the way in which we pulled it from the list in the scoping document.

Issue 2, quota allocation between the commercial and recreational fisheries; Amendment 2 in 1993 also determined a 60/40 split between the commercial and recreational fisheries, which was based on the historical landings. Again, the characteristics have changed in the fishery over the last 20 years; so the questions to the public are is the existing allocation between the commercial and recreational sectors based on the total allowable landings appropriate for managing the summer flounder fishery? If not, how should those allocations be revised?

The third issue are the commercial management measures and strategies. Here I've just listed out some of the items that could be seen as underneath or a part of that broader topic. They include commercial fishing gear requirements, minimum fish size requirements, possession limits and trigger requirements, time and area closures, exemption programming, licensing, commercial quota allocation strategies and the landing flexibilities, whether on a regional, coastwide or other basis. Again, these are things that we are hoping to get feedback from the public on regarding the management of summer flounder for the commercial fishery.

The fourth is regarding recreational management measures and strategies. The state-by-state conservation equivalency that was used up until recently was based on the 1998 estimated state harvests. As we outlined in Addendum XXV earlier this year, this was viewed as not a long-term solution.

As that 1998-based allocation formula doesn't account for changes in the socio-economic patterns across the coast during the last 15 years specifically with the regards to the number and distribution of anglers along the coast, the questions put forth are whether that is an appropriate way to continue to manage that fishery.

The fifth issue is with regards to discards in the commercial and recreational fisheries. Over the last

30 years discards in both sectors have persisted. On the recreational side they have increased from 30 percent of the total recreational catch in 1991 to approximately 84 percent of the catch in 2013.

On the commercial side, commercial discards have constituted 8 percent of the total catch since 1982 with commercial discard losses in the otter trawl and scallop dredge fisheries accounting for approximately 14 percent of the total commercial catch during this period. Lastly, we have included under other issues two items; first, pertaining to ecosystem, habitat, bycatch and protected species issues.

These items that are currently addressed in the fishery management plan; do they need to be updated; and if so, how. The second is pertaining to the data collection requirements and protocols for both the commercial and recreational sectors. Are the current requirements effective; and if now, how should they be revised as well? With that, I'll take any questions the board may have on this document. Thank you.

CHAIRMAN PIERCE: Thank you, Kirby. This public information document and the issues that were just described by Kirby should not be new to at least one-third of the individuals around the table since you are council members and you participated already in preparing this draft scoping document; but there are many board members who might find this document and the issues therein brand new. With that said, are there any questions of Kirby regarding what is in the document or perhaps what is not in the document? Jim.

MR. JAMES J. GILMORE, JR.: Let me see if I can get into this quickly or easily. The document I think is pretty comprehensive. I've gone through it and I think we've got most of the issues framed out in it. The one issue I see – and I'm throwing this out as more of a question – is if we have to reconcile the schedule.

When we started this last year and the amendment was initiated in December; because of all the things going back on in New York, we were trying to give an estimate and we were saying it would probably take about 18 to 24 months to complete the amendment; and that was based upon history. The schedule now has it looking at spring of 2017, which means if we get to that point we wouldn't have these changes or anything in terms of management implemented until 2018, which is four years from now, which is again a much longer period of time than we're thinking.

If you recall back at that time, back in the fall, there was legislation being proposed; and Senator Schumer had put in the Fluke Fairness Act to try to move these things along. That has gone away but has now been I guess inserted into Magnuson in its entirety. I don't think anybody believes Magnuson may be passing this year but probably next year.

That has a requirement to have a new management plan completed in one year. We have a difference of schedules right now and a very significant difference even based upon when we first looked at the Fluke Fairness Act based upon our two-year schedule. They were going to line up a little closer and now they're pretty far apart.

We have to deal with that because I don't know what we're going to do in Magnuson in terms of – I doubt that's going to get removed with the timeframe we have now. The simple thing is that we could expedite this; and I understand that's going to be difficult because there are a lot of issues we have to discuss; but we at least have to recognize that we sort of have parallel efforts going on here in trying to get to newer fluke management. I'm not sure how we're going to reconcile that; so it's a point just that we need to be aware of at this point. Thank you.

CHAIRMAN PIERCE: So your question, Jim, is how should the plan information document deal with what is going on with Magnuson?

MR. GILMORE: Not really; again, I think the schedule itself maybe could be expedited somewhat; and I think we need to look at that. It would be the only action we can take; but we need to reconcile the fact that if Magnuson directs us to put a management plan together or the council in one year, that schedule is going to go out the door. Again, I'm not sure how to resolve this, but that's a fact of life we have to deal with.

CHAIRMAN PIERCE: All right, thank you, Jim; that's informative. We will have opportunity for comment shortly. Toni.

MS. TONI KERNS: I was just going to respond to Jim in that I think that is an appropriate topic to bring up at the joint meeting with the council. Part of the longer process is that it's dependent on what issues get taken up in the document. Things like changes in allocation require significantly more impacts to be done, especially through what is required by the federal government for the council. Depending on what you put in will also determine the length that the document is being done; but if we do need to make this timeline shorter because of what is going

on with Magnuson, I think that's a discussion for both bodies to have.

CHAIRMAN PIERCE: Yes, I suspect that at our meeting next week your points will be raised again, Jim, by you or somebody else, perhaps by the executive director of the Mid-Atlantic Council, and then we'll see where we go from there. It is a very relevant point. You're quite correct; every version I've seen of Magnuson Reauthorization has that reference to fluke. Bob.

MR. ROBERT BALLOU: Mr. Chairman, my question to you is whether now is the appropriate time to offer suggested additions to the PID or whether that's next week? That's my first question; and depending on the answer, I may have a suggested addition.

CHAIRMAN PIERCE: Yes, every member of the board will have another bite at the apple, so to speak, next week. However, there may be some board members present today who will not be there next week; and you might, therefore – those board members, you might have something you feel has not been included in the PID and it needs to be included.

This is an opportunity especially for those individuals to weigh in and have an opportunity to contribute and to have your issues addressed if they're not already addressed in this PID and, of course, in the scoping document. A lot of ground has been covered in both documents. I'm guessing there is very little, if anything, that will be offered up as addition, but I could be wrong on that. Did you want to continue, Bob?

MR. BALLOU: Well, I just want to note for the board's edification I do have a suggested addition; and I'd be happy to offer that now if only as an FYI and perhaps bring it up again next week. I see Toni noting yes now; and I'll be brief. My suggestion is that Issue 2 on Page 11, which addresses quota allocation between the commercial and recreational fisheries, that as an additional management question the following should be added: Should consideration be given to a separate for-hire allocation for the summer flounder fishery? I think that would be a very useful management question to tee up early on in this process; and I think that might be the place to do it. That's my suggestion.

CHAIRMAN PIERCE: With no objection from the board, we'll add that to the list of questions that relates to that issue. Tom Fote.

MR. THOMAS FOTE: Jim, when they passed the 2006 Magnuson-Stevens Act, they told NMFS that they would have in place by 2009 a system to correct recreational fishing statistics. We're now sitting in 2014 and we're still working on it. They put deadlines and they don't fund them and things like that; so there is a lot of leeway when they said one year for implementation. I don't know if the Magnuson-Stevens Act will be passed next year or not. It's going to look like two years from now.

CHAIRMAN PIERCE: For the benefit of the board and especially for the staff as to something I suspect would go a long way towards improving the PID and also the scoping document – and we get to that next week with the full council – and that's on Page 5 of the PID where it makes mention of the fact that the commission and the council are proposing this action to evaluate the need for a management response to changing conditions in the summer flounder fishery.

This includes addressing apparent shifts in the distribution and center of the biomass for summer flounder possibly related to the effects of rebuilding and/or climate change, as well as changing social and economic drivers for these fisheries. Now, that language has appeared before in different documents.

I think it would be very useful for the public and certainly for us, but undoubtedly for the public, to have a better understanding as to what that means. There is no information under the purpose of the document or in the background material that would provide more clarity, a bit more explanation what exactly does that mean.

I think if it can be better explained what is being said there, the public would be in a much better position to respond with some informed comments. That is my suggestion to the staff, if the board agrees, to the extent that we can, it would be useful to include that information since a lot of it does reflect on the different issues and the questions that are posed relative to those issues. Any other suggestions for change?

MR. ROB O'REILLY: I just wanted to comment on that issue in that it may help to get sort of a composite of the information about climate variability and effects that have occurred. I know at the Mid-Atlantic Council there was a review done by the SSC and probably that information could be helpful as well.

DR. LOUIS B. DANIEL, III: On the bottom of Page 11 under the statement of the problem on commercial summer flounder management measures and

strategies, I'm going to make a pitch to remove commercial quota allocation strategies and landings' flexibility. That's going to create a mess for this commission and probably for the council.

The Fluke Fairness Act, some of that is not going to be really fair to everybody. It's going to create a battle between the states. If we start talking about trying to reallocate the summer flounder, you're going to end up with auditoriums of people in North Carolina and Virginia probably. I would strongly suggest to the board and to the council that they remove those two items from the list of options.

CHAIRMAN PIERCE: You're suggesting, Louis, that the commercial quota allocation strategies and landings' flexibility, those two should be deleted from the list, if I understood you correctly?

DR. DANIEL: Yes.

CHAIRMAN PIERCE: Okay, with those specific requests, I guess the question the board could ask and I'll ask as chair; if indeed we are identifying as a reason for this PID and, of course, for the scoping document the fact that there have been shifts in the distribution and center of the biomass, et cetera, et cetera, with that understood as having happened; doesn't that inevitably lead the board and then the full council to deal with those specific issues you would like to have removed from the document?

DR. DANIEL: No; I believe so. First, I don't know necessarily that is the case that there have been shifts in allocation. I believe that the larger fish are moving north, which one would expect as the stock rebuilds and the age structure expands. In the recreational fishery that may be appropriate.

If there are no longer summer flounder in North Carolina waters, there is really not a whole lot of need to have a lot of quota allocated to North Carolina recreational fishermen; but in the case of the mobile North Carolina and Virginia at least – and I'm not speaking for Virginia, but I'm familiar with their fishery – we move with the fish.

There is no reason for that quota to be reallocated when it is a mobile fleet. Our guys are fishing off of your area; our guys are fishing off of New York. They're working it out with the other states to land in those specific areas; and in many instances North Carolina boats, Virginia boats, whatever, are landing up and down the beach.

We've worked out a very good arrangement with Virginia and other states to land those fish in the

event that we have problems in Oregon Inlet. I think if the landings' flexibility is intended to help the commercial fishermen avoid fuel costs and provide them with more flexibility and opportunities, I'm not necessarily opposed to that. But if the concept here is to go in and readjust the state-by-state allocations; then I strongly object to that as the state of North Carolina representative.

CHAIRMAN PIERCE: If I may, have you made these arguments at the Mid-Atlantic Council?

DR. DANIEL: I am a member of the council; but my proxy Chris Batsavage is my designee on the council, and he will be making those comments as well. I mean, I need to make sure this board is aware of these issues because this I think will raise some real concerns for us in the future.

MR. O'REILLY: 2017 may not be enough time once we start getting into these issues; and I don't mean that facetiously. There are new generations; and I think when they first saw some of this information, it is really an issue of reallocation. Maybe before anyone looks at reallocation, they need to look at this climate situation.

The reason I mentioned the SSC from the Mid-Atlantic Council was because the conclusion was that it's not a biomass shift; it's a range extension; and there is a big difference. It follows more closely to what Louis is describing, but we all want to hold to something, and that seems to be something that we held onto for a while. I thought the fervor had died down. But more important than that, when you talk about the commercial fishery, it almost seems on Page 11 that it talks about when the commercial state-by-state quotas were set between 1980 and 1989; and depending on how you look at the next set of information about since that, a series of amendments, frameworks and addendums, it almost leads one to thinking that they're archaic; that the 1980 to 1989 allocation is archaic.

I'm not quite finished yet, but I've looked back to 1980 and 1989 and the areas where summer flounder were harvested commercially by Virginia vessels – and there is a great deal of overlap with Virginia and North Carolina vessels – really is somewhat similar to the current time. We all believe that the vessels go up off New Jersey or further and that's a modern phenomenon and it's not. I think we really are going to have some big discussions.

I haven't heard the word "community" today, but I heard that a lot recently in the last six months that do you value the community and the infrastructure that

has been built or do you value changes in distribution, no matter what you might call them, as being a cause for disrupting the community structure.

I mean, those are the types of issues that are going to come forward; and I know it's going to be a tug of war, but, really, we are going to bog way down. I agree with Louis; if we keep the landings' allocation strategies there and as really the top card in a lot of people's minds that I've talked to over the last ten months.

CHAIRMAN PIERCE: All right, we're not going to vote on this PID today; that's inappropriate. As I indicated, we're going to discuss this further at our meeting next week with the Mid-Atlantic Council. I suspect that the points made by Rob and by Louis will come up again. Therefore, I don't look to the board to decide that indeed these should be taken out or we should have a position against these particular descriptions of the statement of the problem.

We don't have time to deal with that, anyway, because it is already a half an hour into our one-hour meeting. We'll just acknowledge the fact that we have these two very strong points of view, which will be expressed next week and then collectively the commission and board will have to deal with those points of view. Louis.

DR. DANIEL: I'm fine with that approach, Mr. Chairman. I just wanted to point out, too, and just provide a little additional information for the record on what Rob indicated. One of the main reasons that our fleet has shifted north is because of the TED requirements. We could catch the fish off North Carolina; but we can't catch them with a TED.

We have to have a TED up to Cape Charles. If you've ever floundered and trawled with a TED, they shoot right out of the TED, especially at the size limits that we're looking at. That's the other confounding factor of the allocation scheme. Our guys are willing to go north to avoid the TED requirements in the southern region.

CHAIRMAN PIERCE: Thank you for that, Louis. Does anyone else have anything to offer up now relative to the PID that needs to be discussed today as opposed to next week; again in light of the time? Jim.

MR. GILMORE: Just a quick point; and I just wanted to make a statement that I think that Issue 3 is probably one of the most important points in the addendum. We'll have this next week; but, quite frankly, I know it is going to be messy, Louis, but

we've got to do it someday, so here we are and we'll see what happens next week. Thank you.

CHAIRMAN PIERCE: I'm only acknowledging hands from board members, sorry. All right, any other comment on the PID? However, I will recognize you because of your enthusiasm for getting an opportunity to speak; so why don't you come to the microphone.

MR. LEO: Arnold Leo; I represent the fishing industry of the Town of East Hampton, Long Island. I might say I always thought that any of these discussions always included the public comment sector; and I'll keep this brief, though. Under Issue 2, when you ask the question is the existing allocation between commercial and recreational sectors appropriate for managing the summer flounder fishery; do you know how many more recreational fishermen there are than commercial fishermen? What do you expect the answer is going to be here?

I mean, this is a loaded question the way it is phrased here; and I object to it. The second question I have, Issue 5, you mention the discards of the recreational fishery without identifying what the mortality rate of the recreational discards are. I think that should be added in because you have that information for the commercial fisheries there. Thank you.

REVIEW OF SUMMER FLOUNDER, SCUP AND BLACK SEA BASS ADVISORY PANELS

CHAIRMAN PIERCE: All right, without objection, we'll go on to the next agenda item, which would be a review of the Summer Flounder, Scup and Black Sea Bass Advisory Panels. I believe you have a memo and a memo has been made available describing the issue; and I'll turn now to Kirby for some elaboration.

MR. ROOTES-MURDY: We had a memo that we sent out to the board last week; and then today at the beginning of this meeting we also distributed a copy of it, so you should have one of those two copies in front of you. I'm going to go through briefly just to outline some of the more salient points that were raised in that memo.

Back in 2007 the board worked to coordinate the AP membership with the Mid-Atlantic Council's membership. Since then the coordination hasn't been maintained and participation among the ASMFC AP members has been dwindling. Currently the ASMFC AP for summer flounder, scup and black sea bass

consists of three separate groups; whereas, the council has one AP for all three species.

Given the recent declaration of interest in the black sea bass fishery by the states of New Hampshire and Maine, those two states would also have an opportunity to have representation in the advisory panel as well. I wasn't able to pull that great table that Tina helped me craft last week onto the PowerPoint presentation; but if everyone who has a copy of it, it's important to note that we've tried to color-code this table to highlight how attendance diminished over time.

Primarily we've identified people where they have not been attending – they have either attended two or less meetings over the last seven years or none at all. For that, we think it's really needed to improve the attendance membership by having this reconfigured.

As outlined in the memo, the staff recommends that the board consider consolidating the advisory panels into one group similar to the Mid-Council's AP in which the commission's AP would supplement the council's AP membership. The recommendation is to remove AP members with poor attendance and to recommend that for those AP members that are being replaced, that you seek to replace them with people who have expertise among all three species. If you have any questions, please let me know now. We're open to suggestions, but this was the staff's recommendation based on our review of the AP participation. Thanks.

CHAIRMAN PIERCE: Okay, the staff has done some legwork on this and have given us a recommendation. Does anyone object to the recommendation that we consolidate our three panels into one panel similar to what the Mid-Atlantic Council has done; is there an objection? Rob, you object?

MR. O'REILLY: Not an objection as such; I just don't know how this is going to work. Kirby, I did not see your e-mail from last week, but I have an indication that a couple of Virginia representatives haven't been very active. I don't know about some of the others you haven't listed in particular for when they've attended.

I'm fine with the change, but just let me know is there going to be one representative commercial and one representative recreational. Fundamentally, my understanding is the most critical meeting is when the monitoring committee and the technical committee meet and then the advisors meet at that time; is that correct?

MR. ROOTES-MURDY: Yes, that is correct; so the next instance in which we would have the APs meet would be in November, coinciding with the next monitoring committee meeting, to review recreational measures for 2015.

CHAIRMAN PIERCE: All right, with that said, with there being no objection – so is there objection to our combining the three into one; that's the first question. If there is an objection, let's hear it. You did not object, I don't think, Rob?

MR. O'REILLY: No; I am just seeking some guidance. I need to know what we need to do in order to accommodate this new process because obviously we would like to send some other recommendations in for personnel that would attend these meetings. That's all I'm asking.

CHAIRMAN PIERCE: Okay, the response would be what staff has recommended; and that is take a look at the list of advisors from your state right now, take a look at the attendance of those individual members, and then use that list and that list of attendance as a way to give you guidance as to whether you should say to the staff, yes, you would like those people to continue. If not, who else should be recommended to take their place or added to the list of advisors so that each individual state feels comfortable with the representation of both members of the recreational fishery as well as the commercial fishery. Tina.

MS. TINA L. BERGER: It was plan, if the board approved the consolidation to one AP, to contact all the states and give them a little more information on attendance and participation. It is not our hope or intent that you would simply go with the Mid-Atlantic advisors. We clearly want a fair representation of all the states involved.

Several states are not on the Mid-Atlantic Council so we want to make sure they have adequate representation. It is hard for us to give you a number, Rob, given that you're looking at three different species and you have various user groups. We are basically asking the states to consider who would be the best fit for the panel and make those nominations on their best guess or estimate of what will work best for them. Then if we find that's it is too unwieldy, then we will bring it back to the board and you guys can talk about if it's too big or if the representation is adequate.

CHAIRMAN PIERCE: Okay, so Tina, representing the staff, is providing us with I guess a two-step process; and I suggest that we follow her lead and wait for her and staff to distribute that information.

Each state would then have an opportunity to look it over and make some suggestions and then staff would evaluate what is provided to see if we've got a nice cross-section of user groups and representation from all the individual states.

If they feel that we've got it, then, good, they'll report back to us with their conclusion. If not, they'll let me know early on so I can get back to all board members and indicate that there is still a problem and we need to give this some further thought. That's the procedure I would like to follow; and if there is no objection, that's what we'll do. Adam.

MR. ADAM NOWALSKY: As part of that process, Mr. Chairman, could we get some input about how this AP would act in terms of it being similar to other board APs. Specifically, this AP had a history of basically following the Mid-Atlantic process and meeting jointly with their APs. The AP historically, prior to two to three years ago, used to meet, as Rob was alluding to, immediately following the monitoring committee meeting.

A couple of years ago that process changed following the Mid-Atlantic's lead with APs to basically develop an AP Fishery Performance Report, which would then serve to inform the SSC, which would meet thereafter, and then subsequently the monitoring committee and ultimately give us quota recommendations or regulation recommendations on which to act.

The functioning of the AP has already changed quite a bit. I think the Mid-Atlantic has done a very good job of helping to try to formulate a more formal way for their AP to work. I think we're kind of tagging along, if you will, at this point. I don't think that's necessarily a bad thing, but I do think there might be a need to look at how this AP functions to be consistent with other APs as well.

CHAIRMAN PIERCE: Okay, Adam, it sounds like a good suggestion and Tina has heard it. I'll just assume that we'll follow through with that suggestion. Representative Miner.

REPRESENTATIVE CRAIG A. MINER: Mr. Chairman, I don't have an issue with the consolidation. I would just ask that when the communication comes that it be directed to the commissioners. I'm looking through the list here; and I do recognize some of the names. I'm thinking that rather than a cold letter that came from the commission let's say talking about reorganization rather than an opportunity I think for us to discuss

what our vision might be might not be received as well; that's all.

MR. DAVID SIMPSON: I wasn't clear on the number of members per state. Would we be looking for one person from each state? You know, we have the party/charter, we have recreational, we have commercial. Tina I think can help me with that or Toni.

MS. BERGER: Again, we didn't want to tell a state they needed two people if they felt that they needed three to represent their for-hire, commercial and recreational fisheries. The thing that we were hoping is we don't get six because we're trying to get people that have a knowledge base of all three fisheries, if possible, recognizing there are differences in those fisheries. Again, I didn't want to give you guidance on you must have two and then people felt that really want three.

We're really asking the state to look at whom will best fit this advisory panel. Connecticut, since you're not represented on the Mid-Atlantic Council, you certainly would have at least two if not more. I can't give you any further guidance because I don't know who is going to fit best for your fisheries.

CHAIRMAN PIERCE: I would suggest that each state will use its judgment as to what is the best number, what is the best coverage and then offer that up. We all need to feel comfortable with what we have as representation for the industry in our states. We will go with the procedure as detailed by Tina and as described by me. Mike.

MR. MICHAEL LUISI: Mr. Chairman, can you answer the question as to the current membership and the communication with the current membership? Are we essentially doing a review and starting from scratch again and are the folks on this list going to be informed that they're no longer pegged as an AP member and that they coordinate with the state and so forth or are we going to just come out with new membership and then the communication will happen after that with the current members? Thank you.

MS. BERGER: I will tell you that I did send a copy of the memo and the spreadsheet to the advisors to keep them informed on what is going on. We follow your lead. If you want the state to be the person to contact that person that they want to replace, that's fine. If you want the commission to be the one, that's fine as well.

In my correspondence to you all, I'll give you detailed information about current participation, how

well they're doing, how many people, up to how many people you can have as well as give you the prerogative to let me know whether you want me to correspond to the people that you're replacing or you want to handle that.

CHAIRMAN PIERCE: All right, thank you, Tina; that sounds like a good way to go. Bill.

MR. WILLIAM A. ADLER: I think it should be up to the state to get hold of those people and let them decide whether they're going to stay or not rather than all hanging on Tina. Thank you.

CHAIRMAN PIERCE: Yes; that's the procedure we'll use.

CONSIDER ADJUSTMENT TO THE 2014 BLACK SEA BASS RECREATIONAL SEASON

CHAIRMAN PIERCE: All right, let's move on from the advisory panel discussion to Item 6 on the agenda, which is consider adjustment to the 2014 black sea bass recreational season for the southern states. This is an action item. I believe we all have a handout that describes the nature of that action. Kirby will summarize what we have before us and the sorts of decisions we need to make.

MR. ROOTES-MURDY: Again, this is reviewing the 2014 black sea bass recreational season for the southern states; and that is the states of Delaware through North Carolina. As background, in March of 2014 the board approved the black sea bass recreational management measures for Delaware through North Carolina that equated to an approximate 7 percent reduction in the 2014 harvest relative to the 2013 harvest. That 7 percent reduction was based on accounting for the 2012 and 2013 overage and preliminary 2013 data.

Once the 2013 data was finalized, the board sent a letter to NMFS requesting consideration of this updated data with regards to the required reduction needed. Last month NMFS recently published their specifications for federal black sea bass recreational management measures resulted in approximately a 5 percent reduction in harvest relative to the 2013 harvest.

This difference going from 7 percent to 5 percent resulted in approximately three additional days in September; whereas, currently it is open for the states of Delaware through North Carolina until September 19. The federal rule was up through September 21. Today the board should consider adjustments to the

2014 black recreational season for the states of Delaware to North Carolina north of Cape Hatteras. If you have any questions, please let me know. Thank you.

CHAIRMAN PIERCE: Okay, thank you to the National Marine Fisheries Service for having a lesser cut than what was initially thought would be required and gifting us with three additional days. That's the action; should we consider adjusting the 2014 recreational season for the states of Delaware to North Carolina? As I understand it, the only option here relative to adjustment would be to add three days? Toni or Kirby, could you explain if there are any other options?

MR. ROOTES-MURDY: Yes; it would just be an adjustment to the season length. The size limit and possession limits are the same between the states and the federal final rule.

CHAIRMAN PIERCE: Right; dose anyone care to make a motion regarding this particular issue?

MR. O'REILLY: **Mr. Chairman, I would like to move that the commission consider adopting the adjustment to the recreational black sea bass season of 2014 that would add an additional three days to that season.**

CHAIRMAN PIERCE: Second from David Borden. All right, discussion on the motion. Well, is there any discussion on the motion? I do see some discussion requested. Adam.

MR. NOWALSKY: Well, at least it's obvious to me the question is why we are not having this discussion for the northern states. Discussion in the past had included discussion about the entire coast; so if we're talking about a recovery for the southern states, which I'm all in favor of, what do we do to gain a couple of days back for the northern region as well?

CHAIRMAN PIERCE: All right, I'll turn to staff on this one. Toni or Kirby, do you have an explanation?

MS. KERNS: If you recall on the conference call we discussed whether not the board wanted to approve the 5 percent or the 7 percent. The board did discuss what you could potentially do down the road. The board had indicated due to the uncertainty in the plan, that you wanted to stick with the 7 percent and that you would just stick with the measures you had approved.

We would have to have the technical committee go back and figure out for each of the states how many

additional days that potentially could give you. For each state it would likely be different. It wouldn't just be a straight across the board every state could get three days because of the harvest per day. Maybe a state could get more than three days; I don't have the math in front of me. Because of the uncertainty in the data and that several of the states had done mode splits, the board had discussed just keeping the northern states the same; and that if the federal measures did change, that the southern states would like the opportunity to discuss changing their regulations.

That is why we only brought this forward as a southern state change. If the board would like to consider changes for the northern states, we can do that. I guess in order to expedite it, we would have to have the technical committee meet via conference call and then the board would have to make those changes via e-mail vote and would be the fastest way we could do that. That was the direction that the board had given us back in May on that conference call.

CHAIRMAN PIERCE: All right, thank you for reminding us of the direction we've already given the staff. I appreciate that, Toni; so that should answer your question, Adam. Right now we have a motion before us; and unless someone cares to go in a different direction, we'll vote on it. I will go back to you, Adam, as a follow-up.

MR. NOWALSKY: Well, Mr. Chairman, as long as there will be the opportunity to make a subsequent motion, I will let us vote this up or down first as opposed to amending it to include what Toni has proposed as a way forward.

CHAIRMAN PIERCE: Rob, to the motion?

MR. O'REILLY: Yes, just to clarify that it is for the states of Delaware through North Carolina.

CHAIRMAN PIERCE: All right, thank you for that clarification. All right, I'd like to read the motion into the record. Rob, if you'd look at the screen and tell me if that is your motion.

MR. O'REILLY: Mr. Chairman, I indicated adding three days; and that would be September 21 for the end of it. I did mention in my motion to add the three days in and that would be equivalent to September 21; so that's fine.

CHAIRMAN PIERCE: All right, the maker of the motion is pleased with the language on the screen; therefore, I will read it into the record. Move to

adopt the adjustment for the states of Delaware to North Carolina for the recreational black sea bass 2014 season (extend the season to September 21). Motion by Mr. O'Reilly; seconded by Mr. Borden.

Okay, that is the motion. Any discussion on the motion or further discussion? I see none. Is there any objection to the motion? I see none; therefore, the motion is adopted. Adam.

MR. NOWALSKY: **I would like to make the motion to move that the technical committee provide options to the northern states for a change in the reduction from 7 percent to 5 percent.**

CHAIRMAN PIERCE: Would you repeat that, Adam; staff is having a bit of a difficult time getting it right.

MR. NOWALSKY: Move to have the technical committee provide options for the northern states, Massachusetts through New Jersey, to achieve the 5 percent reduction instead of the current 7 percent. If there is any wordsmithing suggested, I'm open to it.

CHAIRMAN PIERCE: All right, Adam, take a look at the language on the screen and tell us if it is correct.

MR. NOWALSKY: That works for me.

CHAIRMAN PIERCE: All right, that works for Adam. A motion is made by Adam Nowalsky; seconded by William Adler. The motion is move to have the technical committee provide options for the northern states of Massachusetts to New Jersey to achieve the 5 percent reduction instead of the 7 percent reduction for the black sea bass recreational fishery. Motion by Mr. Nowalsky; seconded by Mr. Adler. That is the motion before us. Is there any objection to the motion? David.

MR. SIMPSON: Not so much objection; so the last thing we just did was to be consistent with the final rule. Okay, and it's only three days. Where are we, on August 6 or thereabouts today; we're probably a week from getting estimates through Wave 3. I don't know where we stand relative to hitting our objective.

Playing around with a couple of percent now; we may, for lack of a better way to say it, look foolish by the end of the year depending on how this fishery plays out. I suspect if that 2011 year class shows up this fall, we're going to catch a lot of black sea bass and then the Mid-Atlantic Council is on a path to open up Wave 1 for all those states that have offshore partyboat fisheries. I don't know whose pocket that's

coming out of, but somebody is going to pay for that, and then opening up May 1. I've got my reservations about relaxing even a little bit more now on sea bass.

CHAIRMAN PIERCE: Okay, thank you, David; those are very legitimate concerns expressed by the state of Connecticut. I suspect Massachusetts would have similar concerns. Three percent is a relatively number and the year is not yet over. All right, we have a motion on the screen. Is there any objection to the motion? All right, I do see an objection. David.

MR. BORDEN: This will be very fast, Mr. Chairman. I just point out for everyone's edification is we're just asking the technical committee to do the analysis. We're not committing to the action; so we'll vote on it later on.

CHAIRMAN PIERCE: Correct observation. Toni.

MS. KERNS: My question back to the board I guess before we finalize this motion is what is the timeframe you want the technical committee to provide these options back to you? Do you want to carry forward in the way that I described as the board would have an e-mail vote if they brought back options? If we bring back options to you in October, this doesn't really help anybody because most of your fisheries are open for the rest of the year I believe during that time. Your closures are more in the fall period, right around the annual meeting.

CHAIRMAN PIERCE: I'm assuming that – well, I shouldn't assume anything relative to black sea bass. It has redistributed itself so this year should be a real surprise for everyone. Well, if this motion does pass, then we have to wait for the technical committee to provide some options and then those options would have to be distributed to all the board members for their consideration. What is the board's pleasure? How would you like to proceed with getting the information and then following up afterwards once you have that information in hand? Bob.

MR. BALLOU: Well, gee, it would be great to get it for next week, but I don't think that's going to happen. I would think it would have to be as soon as possible; and it would have to be via conference call, just understanding full well that we are late in the season; so as soon as possible means as soon as possible. I don't see what other direction we can provide other than the obvious, which is at least give us the opportunity to try to evaluate and respond to the technical committee options by the end of August, but as soon as possible. Thank you.

CHAIRMAN PIERCE: I suggest that the chair and staff will discuss the different options available to move this forward as fast as possible. We will wait for the technical committee's review and then go according to the approach that would be best in terms of our having those technical committee options reviewed and then the states will be able to move forward, if they choose to do so.

After all, it is August and by the time the technical committee looks at this, it might be the middle of August, if not the latter part of August; the weeks are ticking away; the states have administrative procedures to follow in order to make changes; so to make a change for three days or so, again it is going to be up to each individual state to determine whether it is worth the effort to go through all the administrative changes.

It is unfortunate that it has taken this long to get this decision from the Service relative to this change for the additional three days, but that is the way it is. Let's wait for the technical committee's review, see what that reveals and go from there. As I said, in the meantime staff and I will work out a procedure that we feel makes sense and we will make that procedure known to all board members way ahead of time so no one is caught off guard.

MR. RICK BELLAVANCE: Mr. Chairman, just for clarification on my part, the options provided from the technical committee; will they just be related to extra days or will there also be suites for bag limit increases and sizes and all that or just days?

MS. KERNS: It's the board's prerogative. I would think that the number of days would be the fastest for them to do their analysis. It is more complicated to do the bag limit analysis and size changes. We look to your direction.

CHAIRMAN PIERCE: I'm assuming that it will be days and nothing else. It seems hard to believe that anyone is going to be able to suggest a change in the minimum size or anything else that would result in the additional catch that would equate to three days. I could be wrong; the technical committee can look at it, I would be very surprised. Bob.

MR. BALLOU: Mr. Chairman, the reason why Rick asked the question is we're open through the rest of the year; so our adjustment would only – the only way we could benefit from this would be a bag limit adjustment as I see it; so thank you.

CHAIRMAN PIERCE: Well, we'll ask the technical committee to look at that as well and see if they can.

That's the best we can do relative to a request to the technical committee to help us out with this interesting situation. **All right, if there is no objection to this motion, we will consider it to be approved. There is no objection; therefore, the motion is adopted.** We will now pass that on through Toni and Kirby to the technical committee for its evaluation.

DISCUSSION OF THE RESEARCH SET-ASIDE PROGRAM

CHAIRMAN PIERCE: Number 7 on the list is a discussion of the research set-aside program for summer flounder, scup and black sea bass. I put this on the agenda. At first I thought it was a good idea; and after thinking about it, it is not such a good idea. I had assumed that it might be good to consider this as something to put in the PID; but it dawned on me that this particular issue has to be dealt with very, very soon; if not yesterday, then certainly tomorrow.

The Mid-Atlantic Council will be addressing this again, dealing with the research set-aside, I think the day before the board meets. I had thought maybe it will be useful to have the board comment on the research set-aside, the option and the like, but we have no time for that. I suggest that board members, if you care to further comment on the research set-aside, suggested changes to the research set-aside, you can participate in your presence at the Mid-Atlantic Council discussion on this issue, which I believe is next Tuesday, something like that. I think it is next Tuesday. That's the best we can do in light of the time available to us now. Mike.

MR. LUISI: To your point, I'll speak to this point and then also to what was brought up under other business, which I think is next on the agenda. The council convenes next Tuesday. The morning session of the council we will be talking about the framework that deals with sea bass and the Wave 1 opening and adjustments to the early portion of the federal season.

Research set-aside is after lunch. Then the council gets together with the commission in a joint fashion to discuss bluefish specifications. I spoke with Adam yesterday and given the concern about the commission's involvement in the discussion with the black sea bass framework, I reached out to Rick Robins today, the chairman of the council.

He suggested that for any commissioners who were interested in participating in that discussion – even though we won't be meeting jointly as a Demersal Committee and Black Sea Bass, Summer Flounder,

Scup Board, he has offered that any commissioners that will be present that day that want to engage in those discussions with the council, he is inviting everybody to participate during that early portion of the day outside of the joint meeting that we have scheduled for later that day.

CHAIRMAN PIERCE: Thank you, Mike, in the very efficient way you have addressed that other business item. We appreciate the effort to reach out to Rick Robins to get that offer. It is much appreciated. With that said, we don't need to deal with that other business item. Adam, I feel it has been adequately covered; do you agree? I see your head shaking up and down.

OTHER BUSINESS

CHAIRMAN PIERCE: We'll go on to the last business on other business. Adam, if you would introduce the issue as briefly as you can.

MR. NOWALSKY: Thank you, Mike, for following up on our conversation yesterday. The last summer flounder stock assessment under peer review brought forth a suggestion that one of the ways forward would be to develop a sex-specific model. A number of different groups, primarily previously recreationally funded, had been involved with an effort to bring additional resources to the 2011 stock assessment, which helped lead to a significant change in the SSB target at that time, bringing it down from over 200 million pounds to approximately 132 million pounds.

It resulted in the stock status being declared rebuilt and providing for some of the liberalizations that we have enjoyed in recent years on summer flounder. Following up on this issue of a sex-based model, a number of those groups, with some additional groups, both recreational and commercial, are now working with Pat Sullivan from Cornell on developing that sex-based model.

One of the greatest concerns in the development of that model is going to be the data sources for doing so. Over the last four to five months I've had numerous conversations with both Mid-Atlantic Council staff and ASMFC staff. Dr. Pierce has had conversations with the science center. It is our goal at this point as we move forward with development of that model to identify the gaps that need to be covered in the data that we're going to have in order to actually put this model into use for management as suggested by the peer review.

In our conversation with Dr. Pierce, he has laid forward path whereby the commission would be aware of the efforts to develop this sex-based model. The commission would reach out to the science center requesting more information about the data that would be needed to feed that; and that would potentially lead to the technical committee getting involved in order to help identify what data sources currently are there and what would need to be created either through private funding, RSA, now that we have NEAMAP available or other means to make sure is of this sex-based model.

The request is at this point, Dr. Pierce had suggested that a letter be sent to the science center asking about these gaps in data so that we could use a sex-based model and then potentially getting the technical committee involved as well to help with that assessment. I will turn it back over Dr. Pierce for his comments. Thank you.

CHAIRMAN PIERCE: I don't know why, Adam; you covered that very well. That is the issue; it is really not an issue. It's something that I'm going to pursue with the Northeast Fisheries Science Center. This sex-specific model that could be developed for fluke actually came out of a recommendation from a past SARC of the Northeast Fisheries Science Center.

They said it should it be done; it should be looked at; and we have individuals out there, scientists and others, who are willing to pursue this. I asked Paul Rago if we did have these models, what data would be needed to go into the models in order for them to be used. He said, well, all they have right now is bottom trawl survey information.

They would have to take that survey information and develop sex ratios, male and female, for the tows and then apply that to the commercial database and recreational fishery database. I said to him that seems awful inadequate and I doubt very much that anyone would want to use that approach for determining the stock status for male and female fluke.

We need the data from the commercial fishery and the recreational fishery. What I told Adam what I would do, with no board objection, is just contact Paul Rago, Dr. Rago, and ask him to further elaborate what data would be needed to go into that sex-specific model. If it is developed and accepted as a useable model, what data would be necessary, how would that data have to be gathered, by port coverage, fishery coverage – in other words, give us the nuts and the bolts; what is needed.

With that explanation in hand, then our technical committee would be in a far better position to address the models and we would know as a board whether it is really necessary and useful for us to pursue that strategy. If we can't get the data, then there is no reason to have the models; there is no data to go into the models.

Now, with the research set-aside potentially being available for specific research, fisherman research, cooperative research with fishermen, which is now the likelihood, this issue becomes important because it may be possible for the fishing industry, recreational and commercial, to work with scientists, with academia to propose that this information be collected.

I say it is not possible because it appears the National Marine Fisheries Service is paying for NEAMAP, which means that all of the research set-aside that has been going into NEAMAP, just about all of it, will not be available for this sort of research. It is therefore relevant for us to pursue this further with Paul Rago, with the center and to follow up on the request by Adam and other researchers. Without objection, that is what I will do and further pursue this with Paul Rago and keep you up to date as to our progress on this issue and see where it brings us. Toni.

MS. KERNS: And another thing for the board to think about as we move into action planning for 2015, summer flounder is currently not scheduled on either the SAR/SARC assessment nor is it on the commission's assessment. If it's the board's prerogative to move forward with such a model, then we would need to get it on to the schedule but also into the action planning, whether that be for next year or the year ahead. This is just to make sure that board does give staff direction on that as we go forward.

CHAIRMAN PIERCE: Okay, we're ten minutes over. Unless there is something really important that needs to be addressed right now, I would like to adjourn, but I see a hand up, so, therefore, it must be important. Yes, sir.

MR. EMERSON C. HASBROUCK, JR.: Mr. Chairman, I'm encouraged to hear that you're exploring the possibility – that you and Adam are putting forth here to explore the possibility of using the sex-based model in the summer flounder assessment. I'd like to request, if I could, if you could include me in those discussions as they go forward.

I was involved in the last benchmark assessment for summer flounder where we had explored the possibility of using the sex-based model. Also, we have two years' worth of data for some states, sex-based for the commercial fishery and the recreational fishery. We have one year that includes the entire commercial and recreational fishery from Massachusetts to – I forgot if it was Virginia or North Carolina. I think we got some samples from North Carolina.

There wasn't enough funding to do all of those states in year two; so year two we have the commercial and recreational fisheries for New York and New Jersey. That was through funding through PMAFS, the Partnership for Mid-Atlantic Fisheries Science. There is a final report on that available through the Cooperative Research Program. There is a basis for that information.

Some of the discussion at the last benchmark assessment was that is the type of information we need to go forward with a sex-based model and we just need more of it. Then the question becomes, right, who is going to pay for it.

We also, as part of that project looked at utilizing the NMFS Survey information, you know, the sex information that collect on the survey. We did an analysis to see how well that information correlated with the actual information we collected in the ports for both the commercial and recreational fisheries; and it does not correlate late.

CHAIRMAN PIERCE: Thank you very much. We appreciate your offer and, yes, indeed, we'll make sure that you're included with all these future discussions as to what can be done and what should be done. David, did you have something else.

MR. SIMPSON: Just quickly to say states can go back that have surveys and talk with their survey people about what work we should anticipate doing to get sex-specific indices of abundance, age structure and all that.

ADJOURNMENT

CHAIRMAN PIERCE: Thank you. Do I have a motion to adjourn? So moved; it is seconded, I'm sure. The meeting is adjourned.

(Whereupon, the meeting was adjourned at 5:15 o'clock p.m., August 6, 2014.)

Atlantic States Marine Fisheries Commission

**ADDENDUM XXV TO THE SUMMER FLOUNDER, SCUP,
BLACK SEA BASS FISHERY MANAGEMENT PLAN**

Summer Flounder and Black Sea Bass Recreational Management in 2014



Vision: Sustainably Managing Atlantic Coastal Fisheries

Approved February 4, 2014

1.0 Introduction

Summer flounder, scup, and black sea bass fisheries are managed cooperatively by the states through the Atlantic States Marine Fisheries Commission (Commission) in state waters (0-3 miles), and through the Mid-Atlantic Fishery Management Council (Council) and the NOAA Fisheries in federal waters (3-200 miles). The management unit for summer flounder, scup, and black sea bass in US waters is the western Atlantic Ocean from Cape Hatteras, North Carolina northward to the US-Canadian border.

This Addendum is adopted under the adaptive management/framework procedures of Amendment 12 and Framework 2 that are a part of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP).

This Addendum establishes regional management of the summer flounder and black sea bass recreational fisheries for the 2014 fishing year. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) initiated this addendum with the following motion on October 29, 2013:

- 1) *Move to initiate an addendum to the summer flounder, scup, and black sea bass fisheries management plan to consider and develop alternate approaches for management of the recreational summer flounder fishery for the 2014 fishing season;*
- 2) *Move to initiate an addendum using an ad hoc regional approach in the recreational black sea bass fishery.*

2.0 Overview

2.1 Statement of the Problem

2.1.1 Summer Flounder

It is important that Commission fishery management plans strive to provide recreational anglers with equitable access to shared fishery resources throughout the range of each managed species. While equitable access is difficult to characterize, it generally relates to the distribution, abundance, and size composition of the resource vis-à-vis the abundance and distribution of anglers along the coast.

There is a growing concern that the management measures set forth under the Summer Flounder FMP are not providing recreational fishermen along the coast with equitable access to the summer flounder fishery. Those measures, involving the use of conservation equivalency on a state-by-state basis, are increasingly being viewed as problematic due to several factors, including: reliance upon recreational harvest estimates for a single year (1998) as the basis for individual state allocations; a change in the abundance and distribution of the resource; and changes in the socio-economic characteristics of the fishery.

The dynamic stock characteristics of summer flounder, such as recruitment, spawning stock biomass and age class expansion, have challenged managers for the last 20 years.

These elements of the fishery have created a need for more dynamic and adaptive management that can handle potential inequities that may arise.

2.1.2 Black Sea Bass

During the past 15 years, the black sea bass recreational harvest target was exceeded six times, most recently in 2010, 2012, and 2013 when the harvest target was the lowest in the time series. The management plan for black sea bass does not provide an opportunity to craft recreational measures by regions or state; it only allows for a coastwide measure. Due to the wide geographic range of this species, the application of coastwide minimum size, possession limit, and season restrictions may not affect every area involved in the fishery the same way. States are concerned that the coastwide regulations have disproportionately impacted states within the management unit. To address these concerns, the Board approved Addendum XXIII to provide the necessary management flexibility to mitigate potential disproportionate impacts on states in 2013. Addendum XXIII established regional management for only the 2013 black sea bass recreational fishery. This Addendum XXV continues the regional approaches for black sea bass recreational fishery management in 2014.

2.2 Background

2.2.1 Summer flounder

Amendment 2, which introduced quota-based management to the summer flounder fishery, initially required each state (Massachusetts to North Carolina) to adopt the same minimum size and possession limit as established in federal waters, allowing only for different open seasons. The consistent measures were intended to achieve conservation equivalency in all state and federal waters throughout the range of the resource. However, states soon found that one set of measures applied coastwide did not achieve equivalent conservation due to the significant geographic differences in summer flounder abundance and size composition.

To address this disparity, the FMP was amended via Addendum IV (2001) and Addendum VIII (2003) to allow for the use of state conservation equivalency to manage recreational harvests. Since 2001, the FMP has allowed for, and the Commission and Council have utilized, a state-by-state allocation formula, based on estimates of state recreational landings in 1998, to establish individual state harvest targets. Individual states have the flexibility to tailor their regulations – namely, minimum size, possession, and season limits – to meet the needs and interests of their fishermen, provided that the targets are not exceeded. The individual state allocations, as a percentage of the total coastwide recreational harvest limit, are set forth in Table 1.

Re-assessing in the Face of Changing Conditions:

The interim solution of state-by-state conservation equivalency based on estimated state harvests in 1998 succeeded, initially, in mitigating the disparity in conservation burden among states, but the approach is increasingly being viewed as an inadequate long-term solution, given recent changes in resource status and fishery performance. Fifteen years have passed since 1998. Even if the allocations were perfectly equitable when adopted

over a decade ago, they are now likely out of synch given the substantial variation in stock dynamics that has occurred since then. Over the many years since Amendment 2 was first implemented, the summer flounder stock spawning stock biomass has increased approximately six-fold, and the number of age classes has increased from 2-3 to 7 or more. These changes have led to geographic shifts in the distribution of the resource (As the stock has rebuilt, its range has expanded). Climate change may also be contributing to shifts in migratory patterns, spatially and temporally. Taken together, these changing conditions have altered the dynamics regarding the challenge of maintaining balance in equivalent conservation burden across the range of the species.

Further, the 1998-based allocation formula set forth by the FMP does not reflect changes in socio-economic patterns over the past fifteen years, particularly with regard to the number and distribution of anglers along the coast. During this time, estimates of angler participation have increased 35% from 4.6 million in 1998 to 6.2 million in 2012 (Table 2). Landings by mode have also changed over the past 15 years, with decreases across all modes (Table 3). Additionally, the Summer Flounder Advisory Panel members for the Commission and Council have noted that the continuing rising cost of fuel, bait and other trip expenditures have impacted anglers financially.

Finally, any attempt to allocate harvest opportunities on the basis of estimated recreational harvests for a given year is necessarily fraught with uncertainty and error, given the general difficulty of measuring recreational catch and effort, and the particular difficulty of doing so on a state-by-state basis. Over the past 15 years, there have been strides made by NOAA Fisheries to more accurately estimate catch and effort data by reducing the potential for bias. This has been and will continue to be a process in improving precision in estimates for species such as summer flounder, due to factors including weighting survey intercepts, variety of fishing modes, and catch rates.

Alternative Approaches:

A more realistic and flexible gauge of equitable conservation may be needed to enable the summer flounder management program to adjust to past, current, and future changes in the resource and the fishery. The biological characteristics of the summer flounder stock have changed with the restoration of this stock that occurred in 2010. In particular, there has been a substantial expansion in the size and age composition, as more large summer flounder and greater overall abundance have resulted from management conservation measures over the course of a decade. Since 2011 there have been reductions in the recreational harvest limit (RHL) partly because the spawning stock biomass has been less than the SSBMSY proxy = $SSB_{35\%} = 137.555$ million pounds. In addition, recruitment has been below average since 2009, and these two stock conditions could lower future recreational harvest limits and this would present additional challenges to equitability in fishing and harvest opportunities among states.

2.2.2 Black Sea Bass

The black sea bass recreational fishery is managed on a “target quota” basis. Fifty-one percent of the total allowable landings are allocated as a recreational harvest target and forty-nine percent is allocated to the commercial sector. From 1996 to 2010, a uniform

coastwide size, season, and bag limits had been used by the Commission and Council to constrain the recreational fishery to the annual harvest limit (Table 4). States were concerned that the coastwide regulations disproportionately impacted states within the management unit; therefore, the Board approved several addenda which allowed for state-by-state and regional measures for 2011 through 2013 in state waters only. Each of the addenda expired at the end of one year. The Board passed Addendum XXIII in 2013 to provide the necessary management flexibility to mitigate potential disproportionate impacts through the use of regional ad hoc management. Table 5 shows the individual state regulations for the 2013 fishing year. In 2013, the projected coastwide harvest is estimated at 2.46 million pounds or, approximately 200,000 pounds over the harvest target (2.26 million pounds) (Tables 4 & 6). The management plan for black sea bass does not provide an opportunity to craft recreational measures by regions or state, it only allowed for a single coastwide measure. Due to the wide geographic range of this species, the application of coastwide minimum size, possession limit, and season restrictions may not affect every area involved in the fishery the same way. Additionally, black sea bass migrations may result in differences in availability to the recreational fishery in each state.

2.3 Description of the Fishery

2.3.1 Summer Flounder

In practice, the recreational fishery for summer flounder is managed on a “target quota” basis. A set portion of the total allowable landings is established as a RHL, and management measures are established by the states that can reasonably be expected to constrain the recreational fishery to this limit each year. It has historically been deemed impractical, because of the limitations of producing timely landing estimates, to try to manage these recreational fisheries based on a real-time quota.

With a catch of over 5.5 million fish and a harvest of over 500,000 fish in 2012, New York is second only to New Jersey (1 million fish harvested in 2012) in the size of its fluke fishery (Table 7). Virginia ranks third with 259,973 fish harvested. Catch and harvest levels diminish rapidly, thereafter, such that the smallest landing state (Maryland) landed 22,617 fish and the combined harvest of six states (MA, RI, CT, DE, MD, NC) totals 372,632 fish.

Minimum sizes adopted by states follow a general south to north pattern of increasing size. In 2013, they ranged from 15 inches in North Carolina (smallest) to 19 inches in New York (largest), and then drop again northward to Massachusetts (Table 8). Despite the wide range in minimum sizes, only two states: New York and New Jersey exceeded their targets in 2012 (Table 7). For many other states, harvest fell significantly below 2012 targets despite expectations that the adopted regulatory programs would produce landings near their targets. These states were allowed to adopt more liberal regulations in 2013 even with lower harvest targets, because their 2012 harvest was lower than the 2013 target.

In assessing the performance of the summer flounder recreational fishery in 2012, fishing opportunities and success vary across the range of the management unit (Table 9,

Appendix A assesses the performance of the 2010 and 2011 fishery). Using metrics including retention rate, fishing trips, possession limits, season length, and scoring each state in relation to each of other, the fishing opportunity differs on a state by state basis with little to no regional distinction; for example, retention rates are highest in the states of Virginia and Massachusetts, and the lowest in New York and Maryland (Table 9). Fishing seasons also vary significantly along the coast, with states such as North Carolina and Virginia open all year, while Massachusetts and New Jersey have the shortest seasons within the management unit (132 and 147 days respectively). Interest or avidity in relation to successful trips also varies widely as well; for example, trips targeting summer flounder are lowest in Maryland (3.4 % of all trips) and highest in New Jersey and New York, yet the highest success rates for targeted trips in relation to harvest is in Maryland (Table 9). Bag limits also vary across the states from the most restrictive in Maryland (3 fish possession limit) to least in Rhode Island (8 fish possession limit). Lastly, in comparing states to their nearest neighboring state regarding size limit, states differ significantly, with New York having the highest difference between its two neighbors (1.8 inch average difference compared to Connecticut and New Jersey) and smallest between Maryland and its neighboring states.

Recreational Survey Estimates

The Marine Recreational Information Program, or MRIP, is the new way NOAA Fisheries is counting and reporting marine recreational catch and effort. It is an angler-driven initiative that will not only produce better estimates, but will do so through a process grounded in the principles of transparency, accountability and engagement. MRIP replaces the Marine Recreational Fisheries Statistics Survey, or MRFSS, which has been in place since 1979. MRIP is designed to meet two critical needs: (1) provide the detailed, timely, scientifically sound estimates that fisheries managers, stock assessors and marine scientists need to ensure the sustainability of ocean resources and (2) address head-on stakeholder concerns about the reliability and credibility of recreational fishing catch and effort estimates.

The MRIP is an evolving program with ongoing improvements. Most recently, NOAA Fisheries scientists, in partnership with leading outside experts, have created an improved method for estimating recreational catch using data from existing shoreside angler survey data. The new method addresses a major concern raised by the National Research Council's evaluation of MRFSS –that the MRFSS catch estimation method was not correctly matched with the sampling design used gathering data, leading to potential bias in the estimates. Eliminating potential sources of bias is a fundamental change that lays the groundwork for future improvement and innovations, many of which are already being piloted. More detailed information on the improvement to the MRIP program can be found at <https://www.st.nmfs.noaa.gov/mrip/aboutus/timeline.html> .

2.3.2 Black Sea Bass

Black sea bass are generally considered structure oriented, preferring live-bottom and reef habitats. Within the stock area, distribution changes on a seasonal basis and the extent of the seasonal change varies by location. In the northern end of the range (Massachusetts to New York), sea bass move offshore crossing the continental shelf, then

south along the edge of the shelf . By late winter, northern fish may travel as far south as Virginia, however most return to the northern inshore areas by May. Black sea bass along the Mid-Atlantic (New Jersey to Maryland) head offshore to the shelf edge during late autumn, traveling in a southeasterly direction. They also return inshore in spring to the general area from which they originated, (Moser and Shepherd, 2009). Black sea bass in the southern end of the stock (Virginia and North Carolina) move offshore in late autumn/early winter. Because they are close to the continental shelf, they transit a relatively short distance, due east, to reach over-wintering areas (Moser and Shepherd, 2009). Fisheries also change seasonally with changes in distribution; recreational fisheries generally occur during the period that sea bass are inshore.

An examination of the previous 7 years of recreational harvest data shows there is no systematic pattern in state harvest. In the most recent years, the states of Delaware and Massachusetts have seen an increase in harvest (Figures 1 and 2); Maryland and Virginia have seen a decline in harvest (Figures 2); and Connecticut and Rhode Island have remained fairly stable (Figures 1 and 2). For the past 3 years, the states of Massachusetts, New York and New Jersey make up the majority of the coastwide harvest. An examination of average state-specific MRIP harvest estimates by ‘Area Harvested’ (State v. EEZ waters) for the last 3 years indicate that the majority of the black sea bass fishery occurs in state waters in Massachusetts, Rhode Island, Connecticut, and New York (60%). For the states of Delaware to North Carolina, the majority of fishery operates in the waters of the EEZ (NJ and VA 31% and DE, MD and NC 9%).

2.4 Status of the Stock

2.4.1 Summer Flounder

The most recent peer-reviewed benchmark assessment for summer flounder was conducted by the July 2013 Stock Assessment Workshop/Stock Assessment Review Committee. The assessment utilizes an age-structured assessment model called ASAP. Results of the benchmark assessment indicate that the summer flounder stock was not overfished and overfishing was not occurring in 2012 relative to the biological reference points. The fishing mortality rate has been below 1.0 since 1997 and was estimated to be 0.285 in 2012, below the threshold fishing mortality reference point $F_{MSY} = 0.309$. Spawning stock biomass (SSB) was estimated to be 113 million pounds (51,238 mt) in 2012, about 82% of $SSB_{MSY} = 137.555$ million pounds (62,394 mt). NOAA Fisheries declared the summer flounder stock rebuilt in 2010, based on the 2011 assessment update.

2.4.2 Black Sea Bass

The most recently approved benchmark assessment on black sea bass was peer-reviewed and accepted in December 2008 by the Data Poor Stock Work Group (DPSWG) Peer Review Panel. Based on the June 2012 update, the stock is not overfished and overfishing is not occurring, relative to the biological reference points. Fishing mortality in 2011 is $F = 0.21$, a decrease from 2010. This point estimate of F in 2011 is below the fishing mortality threshold of $F=0.44$. Estimates for 2011 total biomass remain above the biomass maximum sustainable yield. SSB in 2011 is 24.6 million pounds, which is 0.6 million pounds above the SSB_{MSY} target (24 million pounds) and a small decrease from

the 2010 SSB estimate. Recruitment at age 1 averaged 26.4 million fish during 1968-1999 and in 2000, peaking at 56 million fish. Recruitment estimated by the model was relatively constant through the time series with the exception of 1975, 1999, and 2001 year classes. The 2011 year class was 21.0 million fish.

3.0 Management Program

3.1 Summer Flounder Recreational Fisheries Management Adaptive Regional Management

Due to the wide geographic range of this species, the application of a single coastwide minimum size, possession limit, and season restrictions does not affect all jurisdictions involved in the fishery the same way; and the application of state-by-state conservation equivalency can result in disparate measures by neighboring states.

Dividing the coastal states into regions allows states the flexibility to mitigate potential disproportionate impacts resulting from coastwide measures and to pursue more equitable harvest opportunities, while providing consistent measures to states within the same region, in many cases sharing the same fishing grounds. **This option is not intended to implement new state allocations and is not intended to set a precedent for new state allocations. Under the adaptive regional approach, states would not give up their (1998-based) allocated portion of the Recreational Harvest Limit (RHL), would not be held accountable for anything other than their allocated portion of the RHL, and would retain the future opportunity (depending on what management approach is adopted for 2015) to continue managing their fisheries in accordance with their allocated portion of the RHL.**

Under adaptive regional management, the Technical Committee (TC) will develop measures for each region that, when combined with other regions, constrain the coastwide harvest to the RHL. The measures will be similar to the 2013 regulations for each state, but allow for some flexibility to achieve consistent harvest opportunities among the regions. States within each region would be required to implement the same bag limits, size limits, and number of open season days. The final measures are subject to Board review and approval.

Any number of size, possession, and season combinations can be evaluated when looking at regional management. **One example of possible measures is given for each region for use in this document (this example may change as additional MRIP data are released).** The projected harvests listed in each example are based on the management constraints of size limits, possession limits, and season length and compared to the projected 2013 harvest.

The coastwide recreational harvest limit will be divided into four regions: 1) Massachusetts-Rhode Island 2) Connecticut-New Jersey 3) Delaware-Virginia and 4) North Carolina.

Example of 2014 regional measures:

STATE	Size Limit	Possession Limit	# of Days Open	Projected 2014 Harvest	Projected 2014 Regional Harvest
MASSACHUSETTS	17	5	132	21,079	
RHODE ISLAND	17	5	132	162,448	183,528
CONNECTICUT	18	4	128	227,939	
NEW YORK	18	4	128	640,523	
NEW JERSEY	18	4	128	906,348	1,774,810
DELAWARE	16	4	365	76,161	
MARYLAND	16	4	365	48,521	
VIRGINIA	16	4	365	187,428	312,110
NORTH CAROLINA	15	6	365	45,936	45,936
TOTAL				2,316,384	

3.1.1 Timeframe for Summer Flounder Measures

The adaptive summer flounder regional management provision outlined in section 3.1 expires on December 31, 2014. After 2014, measures would revert back to the FMP status quo: The Board and Council specify coastwide measures to achieve a coastwide recreational harvest limit or permit conservation equivalent management measures using guidelines agreed upon by both management authorities in Framework 2 and Addenda XIV and XVII. Under conservation equivalency, states can implement state-by-state measures or adjacent/contiguous states can voluntarily enter into an agreement forming regions. Under either option, the combined measures of all the states or regions need to constrain recreational landings to the coastwide RHL.

3.2 Black Sea Bass

The federal FMP does not allow for conservation equivalency and would require an amendment to the plan to make the necessary changes consistent with those proposed in this document; therefore, a single coastwide measure is set in federal waters. Federal permit holders have to follow regulations set by the NOAA Fisheries regardless of where they are fishing. The Council recommended to NOAA Fisheries that the federal measures for the 2014 fishing year be: 12.5 inch TL minimum fish size, 15 fish possession limit, and open season of May 19-September 18 and Oct 18-December 31 so long as reductions the combined reduction in state waters and federal waters landings meet NOAA requirements. If action is not taken to meet the required reduction specified by NOAA, coastwide measures would include a 13 inch TL minimum fish size, a 5 fish possession limit, and a season from June 1-September 30. Under the ad hoc regional measures approach, regions will implement recreational black sea bass management programs that utilize minimum size limits, maximum possession limits, and seasonal closures that are

designed to achieve a specific harvest reduction/liberalization that, when combined with the other regions in the management unit, achieve the required coastwide reduction for 2014 of 7% in numbers of fish (based on preliminary wave 1-5 data with wave 6 projected using prior years data)

Reduction tables, provided by the TC, will be used to determine which suite of possession limits, size limits, and closed seasons would constrain recreational landings to the recreational harvest limit for the state/region. Tables will be adjusted for each region to account for past effectiveness of the regulations. Each region will propose a combination of size limit, possession limit, and closed season that would constrain landings to the appropriate level. These regulations will be reviewed by the Technical Committee and approved by the Board. States will not implement measures by mode or area unless the PSE of the mode or area for that region is less than 15%.

Note: The MRIP data used to set state-specific conservation equivalent measures produces more variable results when used on a state-by-state basis. As the coverage area increases, the variability of the data decreases; therefore, adopting regional or coastwide approaches will give more precision to the data.

The measures in section 3.2 of this addendum are not intended to implement state allocations and are not intended to set a precedent for state allocations. The Technical Committee (TC) recommends that monitoring of harvest and catch should be conducted for the duration that the fishery is open in a given year.

Ad Hoc Recreational Black Sea Bass Regional Measures for 2014

This addendum establishes a northern and the southern region. Each region will implement recreational black sea bass management programs that utilize minimum size limits, maximum possession limits, and seasonal closures that are designed to achieve a specific harvest reduction that, when combined with the other regions in the management unit, achieve the required coastwide limit for 2014. The northern region will contain the states of Massachusetts through New Jersey and the southern region will contain the states of Delaware through North Carolina (North of Cape Hatteras). All states will agree to the regulations implemented within the region. While not required, states will work together to develop consistent regulations to allow for as seamless as possible recreational management program within the region. The states of the northern region (Massachusetts through New Jersey) will reduce their regulations based on the region's performance in 2013. The states of the southern region [Delaware through North Carolina (North of Cape Hatteras)] will set their measures consistent with federal regulations (current recommend Federal measures are: 12.5 inch TL minimum fish size, 15 fish possession limit, and open season from May 19-September 18 and October 18-December 31). The regulations of the two regions combined would require a total harvest reduction of 7% in numbers of fish to achieve the 2014 recreational harvest limit (RHL) (2.26 million pounds or 1,189,474 fish).

3.2.1 Timeframe for Black Sea Bass Measures

The measures in section 3.2 are for state waters in 2014. The Board can take action to extend this the provisions in section 3.2 ad hoc regional black sea bass management for one year, with the regulations in state waters expiring at the end of 2015. After 2015, measures would revert back to the FMP single coastwide measures.

4.0 Compliance:

The measures contained in Section 3.0 of Addendum XXV are effective immediately upon its approval (February 4, 2014). The Technical Committee recommends that monitoring of harvest and catch should be conducted for the duration that the fishery is open in a given year.

Table 1. State summer flounder harvest in 1998 and the proportion of harvest conservation equivalency is based on

State	1998 estimated harvest (thousands)	Percent of the 1998 harvest
MA	383	5.5%
RI	395	5.7%
CT	261	3.7%
NY	1,230	17.6%
NJ	2,728	39.1%
DE	219	3.1%
MD	206	3.0%
VA	1,165	16.7%
NC	391	5.6%

Table 2. Angler Participation on the Atlantic Coast with percent change from 1998-2012

Angler Participation coastwide from 1998-2012				
Year	Coastal	Non-Coastal	Total	Percent Change from 1998
1998	4,137,554	447,172	4,584,726	
1999	3,797,901	480,630	4,278,531	-6.68%
2000	5,074,359	653,104	5,727,463	24.92%
2001	5,537,676	717,490	6,255,166	36.43%
2002	4,660,668	597,327	5,257,995	14.69%
2003	5,697,540	768,372	6,465,912	41.03%
2004	5,623,004	832,386	6,455,390	40.80%
2005	6,965,785	892,768	7,858,553	71.41%
2006	6,886,353	889,097	7,775,450	69.59%
2007	7,799,919	910,168	8,710,087	89.98%
2008	6,541,755	944,118	7,485,873	63.28%
2009	5,581,259	812,991	6,394,250	39.47%
2010	5,848,691	882,858	6,731,549	46.83%
2011	5,293,098	726,760	6,019,858	31.30%
2012	5,399,706	821,199	6,220,905	35.69%

Source: Personal Communication from National Marine Fisheries Service, Fisheries Statistics Division, 12/3/2013

Table 3. The number of summer flounder landed from Maine through North Carolina by mode, 1981-2012.

Year	Shore	Party/Charter	Private/Rental
1981	3,145,683	1,362,252	5,058,639
1982	1,120,521	5,936,006	8,416,173
1983	3,963,680	3,574,229	13,458,398
1984	1,355,595	2,495,733	13,623,843
1985	786,185	1,152,247	9,127,759
1986	1,237,033	1,608,907	8,774,921
1987	406,095	1,150,095	6,308,572
1988	945,864	1,134,353	7,879,442
1989	180,268	141,320	1,395,177
1990	261,898	413,240	3,118,447
1991	565,404	597,610	4,904,637
1992	275,474	375,245	4,351,387
1993	342,225	1,013,464	5,138,352
1994	447,184	836,362	5,419,145
1995	241,906	267,348	2,816,460
1996	206,927	659,876	6,130,182
1997	255,066	930,633	5,981,121
1998	316,314	360,777	6,302,004
1999	213,447	300,807	3,592,741
2000	569,612	648,755	6,582,707
2001	226,996	329,705	4,736,910
2002	154,958	261,554	2,845,647
2003	203,717	389,142	3,965,811
2004	200,368	463,776	3,652,354
2005	104,295	498,614	3,424,557
2006	154,414	315,935	3,479,934
2007	98,418	499,160	2,510,000
2008	79,339	171,951	2,098,583
2009	62,691	176,997	1,566,490
2010	59,812	160,109	1,281,546
2011	34,849	137,787	1,667,240
2012	106,342	96,386	1,996,407
% of Total, 1981-2012	9%	14%	77%
% of Total, 2008-2012	3%	8%	89%

Source: Summer Flounder AP Information Document. Mid-Atlantic Fishery Management Council. August 2013.

Table 4. Black Sea Bass Specifications and Harvest estimates from 1998-2013

Year	1998	1999	2000	2001	2002	2003	2004	2005
Harvest Limit (mlbs)	3.15	3.15	3.15	3.15	3.43	3.43	4.01	4.13
Harvest (mlbs)	1.51	1.94	4.30	3.98	4.65	3.44	2.88	2.55
Size (inches)	10	10	10	11	11.5	12	12	12
Bag[^]	--	--	--	25	25	25	25	25
Open Season	1/1-7/30 and 8/16-12/31	All year	All year	1/1-2/28 and 5/10-12/31	All year	1/1-9/1 and 9/16-11/30	1/1-9/7 and 9/22-11/30	All year

Year	2006	2007	2008	2009	2010	2011	2012	2013
Harvest Limit (mlbs)	3.99	2.47	2.11	1.14	1.83	1.84	1.32	2.26
Harvest (mlbs)	2.31	2.64	2.40	2.78	3.72	1.54	3.57	2.46**
Size (inches)	12	12	12	12.5	12.5	Varied by region	Varied by region	Varied by region
Bag[^]	25	25	25	25	25	Varied by region	Varied by region	Varied by region
Open Season	All year	All year	All year	All year*	5/22-10/11 and 11/1-12/31	Varied by region	Varied by region	Varied by region

[^] The state of Massachusetts has a more conservative bag limit of 20 fish.

* In 2009 Federal waters were closed on October 5, 2009

** 2013 Projected harvest estimate using MRIP waves 1-5 preliminary data (projecting wave 6 data)

Table 5. 2013 Black Sea Bass recreational management measures

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts (Private and For-hire)	14	4 fish	May 11- October 31
Massachusetts (For-hire with Letter of Authorization from MA DMF)	14	10 fish	May 11- June 14
		20 fish	July 1- August 11 September 1- October 10
Rhode Island	13	3 fish	June 15- August 31
		7 fish	September 1- December 31
Connecticut (Private and Shore)	13	3 fish	June 15- August 31
		8 fish	September 1- October 29
For-hire*		8 fish	June 15-November 30
New York	13	8 fish	July 10- December 31
New Jersey	12.5	15 fish	January 1-February 28;
		20 fish	May 19- August 8; September 27- October 14; November 1- December 31
Delaware	12.5	15 fish	January 1- February 28
		20 fish	May 19 - October 14 and November 1 - December 31
Maryland	12.5	15 fish	January 1 - February 28
		20 fish	May 19 - October 14 and November 1 - December 31
PRFC	12.5	15 fish	January 1 - February 28
		20 fish	May 19 - October 14 and November 1 - December 31
Virginia	12.5	15 fish	January 1 - February 28
		20 fish	May 19 - October 14 and November 1 - December 31
North Carolina (North of Cape Hatterass 35° 15'N Latitude)	12.5	15 fish	January 1 - February 28
		20 fish	May 19 - October 14 and November 1 - December 31

Table 6. Black Sea Bass MRIP Harvest Estimates (in numbers of fish)

State	Year			
	2010	2011	2012	2013*
NH	0	0	3,195	12,347
MA	702,138	194,753	519,910	304,013
RI	160,428	50,204	102,548	75,506
CT	15,682	8,377	110,858	106,149
NY	543,245	274,475	321,516	366,307
NJ	687,450	148,486	734,928	356,505
DE	21,029	42,962	40,141	26,316
MD	36,019	47,444	33,080	4,478
VA	29,717	18,964	4,075	21,219
NC**	34,741	23,751	3,664	9,149
Total	2,230,449	809,416	1,873,915	1,281,989
NH-NJ	2,108,943	676,295	1,792,955	1,220,827
DE-NC	121,506	133,121	80,960	61,162
*2013 estimates are preliminary (wave 6 is projected using prior year data)				
** post-stratified data unavailable, North of Hatteras landings estimated at 1/4 of total NC landings				

Table 7. Summer flounder recreational landings ('000 fish) by state, waves 1-6, 2003-2012.

State	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
ME	-	-	-	-	-	-	-	-	-	-
NH	<1	-	-	<1	-	<1	-	-	-	<1
MA	177	225	267	239	138	232	50	45	58	76
RI	205	249	165	264	176	204	72	118	161	103
CT	166	216	157	138	112	146	45	35	47	63
NY	1,539	1,025	1,163	752	866	609	299	334	376	482
NJ	1,784	1,617	1,300	1,556	1,067	762	825	552	737	1,130
DE	106	111	73	88	108	35	87	54	67	45
MD	41	42	117	37	104	58	65	25	15	23
VA	451	675	684	763	397	260	289	260	318	260
NC	88	157	101	112	139	44	75	77	60	63

Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 1, 2013. For 1981- 2003 data are based on MRFSS, 2004-2012 are MRIP.

Table 8. 2013 Summer Flounder recreational management measures

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	16	5 fish	May 22-September 30 (131 days)
Rhode Island	18	8 fish	May 1-December 31 (244 days)
Connecticut*	17.5	5 fish	May 15-October 31 (176 days)
*At 42 designated shore sites	16		
New York	19	4 fish	May 1-September 29 (151 days)
New Jersey	17.5	5 fish	May 18-September 24 (133 days)
Delaware	17	4 fish	All year (356 days)
Maryland	16	4 fish	March 28-December 31 (275 days)
PRFC	16	4 fish	All year (365 days)
Virginia	16	4 fish	All year (365 days)
North Carolina	15	6 fish	All Year (365 days)

Table 9. 2012 Summer Flounder Recreational Fishery Performance Matrix

STATE	MA	RI	CT	NY	NJ	DE	MD	VA	NC*
RETENTION RATE (%)	23.2	21.3	16.9	9.2	13.9	15.2	9.6	23.3	NA
SIZE LIMIT	16.5	18.5	18.0	19.5	17.5	18.0	17.0	16.5	15
% of ALL S/W TRIPS TARGETING SF	3.4	13.9	17.2	31.7	39.3	19.2	5.7	23.7	NA
TRIPS w/ HARVEST : TARGETED TRIPS	0.37	0.31	0.16	0.20	0.29	0.16	0.22	0.28	NA
INTERCEPTS HARVEST : CATCH	0.50	0.43	0.28	0.22	0.35	0.23	0.20	0.41	NA
BAG LIMIT	5	8	5	4	5	4	3	4	6
SEASON (DAYS)	132	245	170	153	147	296	248	365	365
NEAREST NEIGHBOR SIZE LIMIT	1.8	0.8	-0.3	-1.0	-1.3	0.5	1.3	-2.0	-1.5

*The North Carolina recreational flounder fishery regularly catches 3 species of flounder. Due to problems with angler identification, released flounder are included in MRIP categories for lefteye flounder genus or family. Trip targets are also generally reported as lefteye flounder although it is likely that some trips are more likely to catch a particular flounder species. Determining the number of releases and targeted trips for summer flounder based on available information would require assumptions that cannot be tested without further study. Therefore, any fishery metric that includes released or trips targeting summer flounder for North Carolina is too uncertain to be used for management decisions and is listed as NA.

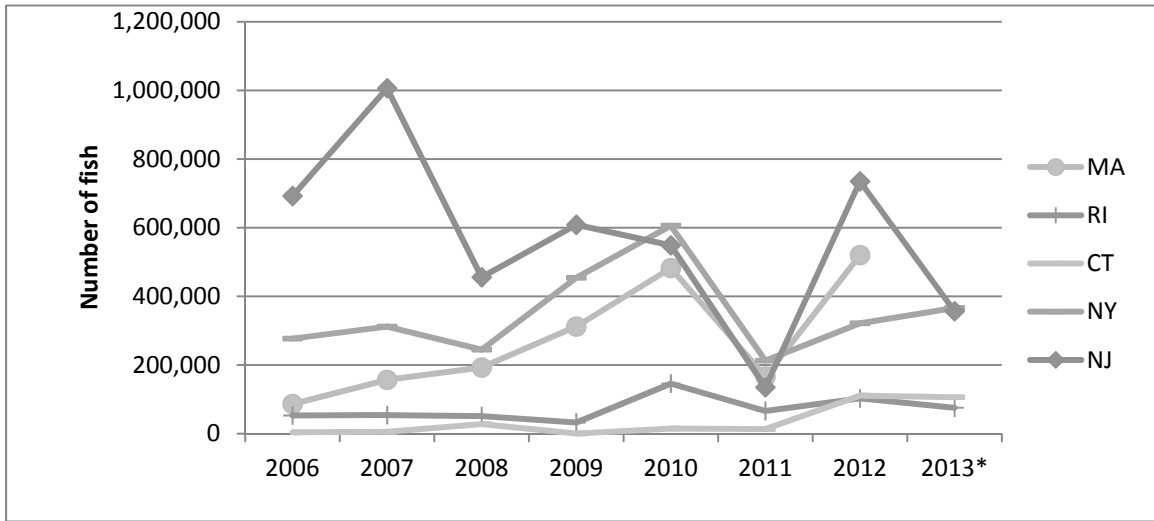


Figure 1. Recreational harvest estimates by state (MA-NJ) from 2006 to 2012. 2013 estimates are preliminary (waves 5 & 6 are projected using prior year data).

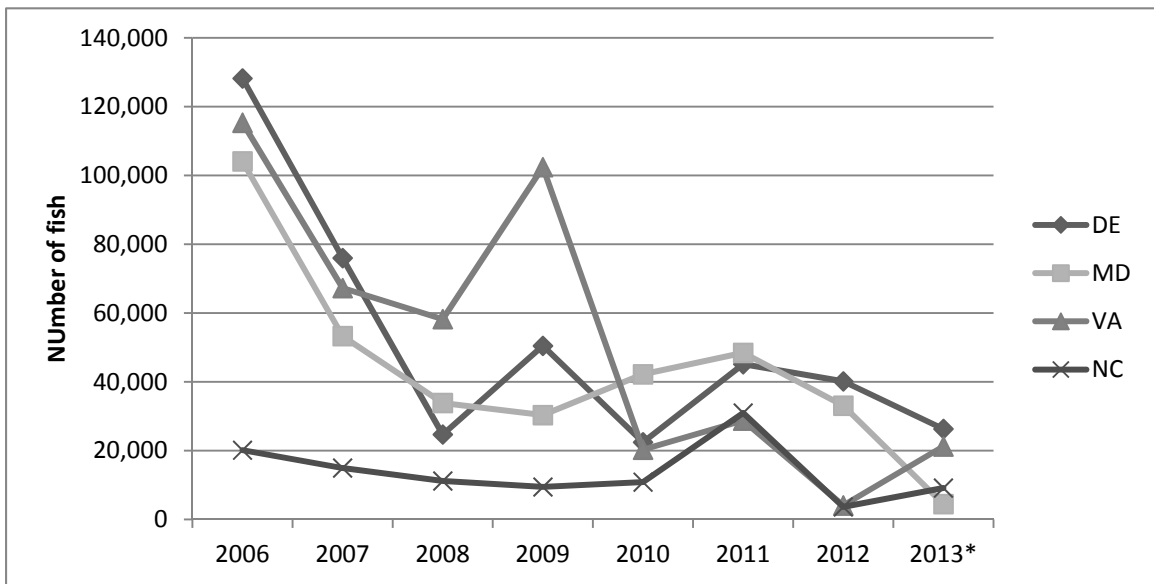


Figure 2. Recreational harvest estimates by state (DE-NC) from 2006 to 2012. 2013 estimates are preliminary (waves 5 & 6 are projected using prior year data).

Appendix A

2010 Summer Flounder Recreational Fishery Performance Matrix

STATE	MA	RI	CT	NY	NJ	DE	MD	VA	NC*
RETENTION RATE (%)	17.4	34.0	8.6	4.8	5.0	8.0	2.0	9.7	NA
SIZE LIMIT	18.5	19.5	19.5	21	18	18.5	19	18.5	15
% of ALL S/W TRIPS TARGETING SF	1.4	11.5	9.2	28.5	35.0	26.4	9.5	24.4	NA
TRIPS w/ HARVEST : TARGETED TRIPS	0.40	0.21	0.23	0.16	0.16	0.19	0.10	0.25	NA
INTERCEPTS HARVEST : CATCH	0.55	0.31	0.24	0.18	0.19	0.22	0.07	0.28	NA
BAG LIMIT	5	6	3	2	6	4	3	4	8
SEASON (DAYS)	108	245	103	115	101	285	219	365	365
NEAREST NEIGHBOR SIZE LIMIT	-1.0	0.5	-0.75	2.25	-1.75	0	0.5	1.5	-3.5

2011 Summer Flounder Recreational Fishery Performance Matrix

STATE	MA	RI	CT	NY	NJ	DE	MD	VA	NC*
RETENTION RATE (%)	24.2	18.2	12.0	4.9	8.3	9.8	3.1	13.8	NA
SIZE LIMIT	17.5	18.5	18.5	20.5	18	18	18	17.5	15
% of ALL S/W TRIPS TARGETING SF	2.6	18.6	9.3	33.5	36.4	25.8	5.5	22.4	NA
TRIPS w/ HARVEST : TARGETED TRIPS	0.31	0.37	0.23	0.16	0.20	0.17	0.11	0.21	NA
INTERCEPTS HARVEST : CATCH	0.40	0.43	0.24	0.18	0.26	0.20	0.08	0.29	NA
BAG LIMIT	5	7	3	3	8	4	3	4	6
SEASON (DAYS)	132	245	113	153	142	296	229	365	365
NEAREST NEIGHBOR SIZE LIMIT	-1.0	0.5	-1	2.25	-1.25	0	0.25	1	-2.5

*The North Carolina recreational flounder fishery regularly catches 3 species of flounder. Due to problems with angler identification, released flounder are included in MRIP categories for left eye flounder genus or family. Trip targets are also generally reported as left eye flounder although it is likely that some trips are more likely to catch a particular flounder species. Determining the number of releases and targeted trips for summer flounder based on available information would require assumptions that cannot be tested without further study. Therefore, any fishery metric that includes released or trips targeting summer flounder for North Carolina is too uncertain to be used for management decisions and is listed as NA.