

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

The Westin Alexandria Hotel
Alexandria, Virginia
February 4, 2015

Approved November 2, 2015

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February 2015**

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INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of October 2014 by consent** (Page 1).
3. **Move to approve Option 2, Adaptive Regional Management, as the management program under Addendum XXVI** (Page 11). Motion by James Gilmore; second by David Simpson. Motion carried (Page 13).
4. **Move to approve Regional Option 1, status quo** (Page 13). Motion by Dave Simpson; second by Emerson Hasbrouck. Motion carried (Page 16).
5. **Move to approve Option 2 under Section 3.1.1, Time Frame for Summer Flounder Measures** (Page 16). Motion by David Simpson; second by James Gilmore. Motion carried (Page 18).
6. **Motion to approve Addendum XXVI as modified today** (Page 20). Motion by Bill Adler; second by Emerson Hasbrouck. Motion carried (Page 21).
7. **Move to approve the black sea bass proposals and methodologies for use in 2015 management as approved by the technical committee** (Page 27). Motion by David Simpson; second by Bill Adler. Motion carried (Page 28).
8. **Move to approve Connecticut's reduction in minimum size to 10 inches and increase in bag limit to 30 fish to be consistent with the states of Rhode Island, Massachusetts and New York for 2015** (Page 31). Motion made by David Simpson; second by James Gilmore. Motion carried (Page 31).
9. **Motion to adjourn by consent** (Page 32).

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ATTENDANCE

Board Members

Doug Grout, NH (AA)	Tom Fote, NJ (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Bill Adler, MA (GA)	Roy Miller, DE (GA)
David Pierce, MA, proxy for P. Diodati (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Bob Ballou, RI (AA)	Mike Luisi, MD, proxy for T. O'Connell (AA)
Mark Gibson, RI, Administrative proxy	David Sikorski, MD, proxy for B. Goldsborough (GA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
David Simpson, CT (AA)	Kyle Schick, VA proxy for Sen. Stuart (LA)
James Gilmore, NY (AA)	Louis Daniel, NC (AA)
Emerson Hasbrouck, NY (GA)	Martin Gary, PRFC
Katherine Heinlein, NY, proxy for Sen. Boyle (LA)	Michael Ruccio, NMFS
Tom Baum, NJ, proxy for D. Chanda (AA)	Mike Millard, USFWS

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

Ex-Officio Members

John Maniscalco, Technical Committee Chair

Staff

Robert Beal	Marin Hawk
Toni Kerns	Mark Robson
Kirby Rootes-Murdy	

Guests

Russell Brown, NOAA	Tom Eidle, NYS DEC
John Bullard, NMFS	Mike Luisi, MD DNR
Kelly Denit, NMFS	Brandon Muffley, NJ DFW
Kiley Dancy, MAFMC	Raymond Kane, CHOIR
Jeff Deen, MAFMC	Ed O'Brien, Chesapeake Beach, MD
Jason McNamee, RI DEM	Jack Travelstead, CCA
Russ Allen, NJ DFW	Arnold Leo, Town of E. Hampton, NY
Michael Armstrong, MA DMF	
Michelle Duval, NC DMF	

Casey Kenney, NYS DEC

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The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 4, 2015, and was called to order at 3:20 o'clock p.m. by Chairman David Pierce.

CALL TO ORDER

CHAIRMAN DAVID PIERCE: We're starting a little bit early, which means we can end a little bit early. We scheduled for 3:30 to 6:30; and I suspect we can cut the meeting far short of 6:30 in light of what we expect to receive for advice and the decisions that we'll make on scup and on black sea bass.

Fluke I think will be the species that takes a bit more time in light of the fact that we have an addendum to discuss and to approve, hopefully. Fortunately, we begin this meeting with some good news. I don't mean the New England Patriots spectacular win. I mean that we have not exceeded the recreational harvest limit for fluke, the coast-wide limit, at least not by much.

I had been a bit of a pessimistic regarding that; and I had thought we might exceed it and I was wrong. Fortunately, that was the case.

APPROVAL OF AGENDA

CHAIRMAN PIERCE: We have an agenda before us. Does anyone have any suggested changes to the agenda? All right, I see none; therefore, we will adopt the agenda by consent. The proceedings from October 28; Jim.

MR. JAMES J. GILMORE, JR.: Just one minor change, Mr. Chairman; Anthony DiLernia was in the audience at the Mid-Atlantic Council. They listed him as Joseph DiLernia, so just that minor correction.

APPROVAL OF PROCEEDINGS

CHAIRMAN PIERCE: Thank you for that correction. Anything else regarding the

proceedings? A motion to approve the proceedings? All right, I see no one willing to make a motion; so with no objection to adopt the proceedings, we will consider the proceedings adopted.

PUBLIC COMMENT

CHAIRMAN PIERCE: Public comment; as always do, we afford the public an opportunity to address issues that are not on the agenda related to fluke, scup and black sea bass.

Is there anyone in the audience who cares to make a comment?

**DRAFT ADDENDUM XXVI
FOR FINAL APPROVAL**

CHAIRMAN PIERCE: With no interest expressed, we will then get to the first item on the agenda, which is Draft Addendum XXVI, final action. We brought that draft addendum to public hearing.

REVIEW OF OPTIONS

CHAIRMAN PIERCE: I will now turn to Kirby who will review the options in the addendum; and then after he does that, after he refreshes our memories, we will then have him go through the summary of public comments that were received at the many hearings that we scheduled on the addendum. That will be followed by the advisory panel report; and then we will get on to the discussion of the addendum itself and final approval.

MR. KIRBY ROOTES-MURDY: As Dr. Pierce mentioned, I'm going to go through the addendum real quickly just to refresh the board's memory and what the options are and then go into the public comment summary; first, the public hearing summary and then the written comment summary. After that, Mark Robson will walk us through the Law Enforcement Committee's Summary Review and we will conclude with the advisory panel summary comments.

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For some background, Draft Addendum XXVI was approved for public comment at the Joint ASMFC/Mid-Atlantic Council Meeting in December of 2014. It proposed status quo and regional management options for summer flounder. The public comment period closed on January 23rd. In terms of the purpose of the document, it moved to try to continue some of the provisions that were outlined in Addendum XXV, which sought to address concerns of equity across the management unit.

As many people know, summer flounder has changed both in terms of abundance and distribution over the last 20 years with the 2011 stock assessment update declaring the resource rebuilt. During the last 20 years, there have been changes to the resource and as such the states have shown an interest in moving away from state-by-state management towards regional management, which was approved in Addendum XXV.

Draft Addendum XXVI offered two main options. First was to go back to what we call the fishery management plan status quo, which is state-by-state conservation equivalency. That was approved for use at the joint meeting in December. The other option is Option 2, adaptive regional management, which can be done under conservation equivalency.

In the document it outlines a number of adaptive regional management options. I'll go through those now briefly. First, just as a refresher, what the state-by-state conservation equivalency could look like in 2015 if that was the preferred option by the board. Presented right now is what state harvests are through Wave 5 in number of fish.

Here is what the 2014 state-by-state harvest targets would have been if state-by-state conservation equivalency has gone with in 2015; those targets are what each of the states will be evaluated against. In the far right column is what the 2015 state-by-state harvest targets would be in number of fish.

Again, adaptive regional management offers for states within a region to have the same bag and size limit within the region. While season start and end dates may vary, they all must have the same length. The goal is to propose management measures that are similar to the previous year's regulation.

It is important that the option is not intended to implement new state allocations and is not intended to set the precedent for state allocations. If adaptive regional management is approved for continuation today, the technical committee will develop regional management measures based on the option chosen with direction from the board and will present those management measures back to the board for review and approval.

One other note is just in terms of the time frame. As outlined earlier, if the board chooses to go back to state-by-state management under conservation equivalency, the states will be evaluated against what their state targets would be, which is taking the proportion of their harvest in 1998 and applying it to a given year's recreational harvest limit; so that would applying their proportion in 2014 to that RHL. That would be done for 2015 as well.

In continuing adaptive regional management, depending on the option that is chosen by the board, the technical committee will look to the board for guidance on how and where changes to management measures are needed, depending on the regional alignment and what type of coast-wide buffer, there should be one, how big it should be for setting a projected coast-wide harvest.

In reviewing the adaptive regional management options, the first is to continue what was essentially the status quo from 2014. This slide differs from what was presented during the public hearings as it shows what the projected coast-wide harvest could be under these

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example measures which are what were in place in 2014.

Keep in mind that those projections, as they are for all the examples I'll go through, are based on data through Wave 5 of 2014, which is still preliminary and not finalized. As you can see, this projection harvest is about 99.4 percent of what the recreational harvest limit is in 2015. The next option is similar to the regional management status quo with the addition of Rhode Island into the northern region.

In terms of projected harvest, these set of management measures could achieve approximately 95 percent of the 2015 RHL. Then as a refresher for Options 3 through 5, Option A offers Massachusetts and Rhode Island to stay as individual separate regions; whereas, Option B has Rhode Island included in the northern states' region.

Regional Option 3A offers to split the state of New Jersey at approximately Little Egg Inlet, creating a set of management measures for Connecticut through northern New Jersey and a different set of management measures for southern New Jersey through Virginia. As noted in the document, in order to do this technically New Jersey would have to become its own state region in order to self-divide itself into northern and southern sections.

The example management measures in here would achieve approximately 97 percent of 2015 RHL. Regional Option 3B moves to include Rhode Island with that northern region. The projected harvest is listed. Regional Option 4 moves to extend the southern region up through the Delaware Bay and creating a set of management measures from Delaware Bay south through Virginia.

The northern region would constitute the states of Connecticut through New Jersey. The demarcation of that extent in Delaware Bay is yet to be determined, whether it be Cape May or a similar location. Options 3 and 4 both offer

a scenario where New Jersey would have to become its own state-specific region in order to divide area-specific management measures.

Option 4B moves to include Rhode Island in that northern region of states. Regional Option 5 creates a Delaware Bay specific set of management measures that differ from the rest of Delaware and differ from the management measures set for the rest of the state of New Jersey. The difference between Option 5 and the previous two options is that this would create state-specific regions for Delaware and New Jersey as well to self-divide area-specific management measures. Option 5B moves to include Rhode Island in that northern region.

The proposed time frame; the addendum offers the option for whatever is chosen of the adaptive regional management; they could either be continued for one year, just for the 2015 fishing year, or for 2015, Option 2, the option to have it for 2015 with the ability to extend it for an additional year, through 2016.

PUBLIC COMMENT SUMMARY

MR. ROOTES-MURDY: In moving through to the public comment summary, public hearings were held in the states of Virginia through Massachusetts in January 2015. Approximately 75 people attended these public hearings across the eight states. Commissioners were in attendance as well. Written comments were submitted in addition to public hearing comments that were recorded. A total of 63 comments were received with three comments being offered by organizations and/or groups.

In terms of attendance, it varied across the coast. Fifteen members of the public attended in Delaware; whereas, Virginia had one member of the public in attendance. Comments varied in terms of scope, stated preference and form. We did receive a number of comments both in the public hearing and in the written comments that did not offer a specific preferred regional

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option but did list preferred management measures.

With regards to the public hearings, support was split between the eight states for regional management options one or two; as mentioned before, either status quo or the addition of Rhode Island into the northern region; and Options 4 and 5, which offer variations on splitting Delaware Bay either as part of the southern region or as a region-specific area.

Total number of comments from the public hearings favored either maintaining the regional alignment in 2014 or moving to include Rhode Island in the northern region were just slightly above comments offered for support of Regional Options 4 and 5. In terms of reasons that were cited in favor of either maintaining the regional status quo or adding Rhode Island to the northern region was signified by satisfaction the many anglers had in terms of the management measures that were in place in 2014.

Concerns were raised regarding how enforcement could be carried out for regional options three through five. The reasons cited for regional management option two was a preference to move Rhode Island in with the northern states that were in the 2014 northern region so as to have compatible management measures.

Reasons that were cited in support of Option 4 and 5 signified a preference for having the same regulations between neighboring states and bordering regions. For 2014 the states of New Jersey and Delaware had a difference of about two inches in their size limit and about 128 days in their season length.

There was also concern raised over loss of business to regions with less restrictive measures; so an effort shift from New Jersey to Delaware. There was concern that there was a different fish that many anglers were actually catching in southern New Jersey versus the rest

of the state as well as Delaware Bay in relation to northern New Jersey.

Another reason cited for support of these options was for the northern region to have a longer season under the example management measures that were included in the document. In terms of the written comments received, almost all of the individual comments that we received indicated a preference for continuing regional management with a slight majority in favor of splitting New Jersey either through regional option three, a split across the state, or regional option four.

Some of the concerns listed are similar to what was outlined in the public hearings regarding concern of loss of business from the northern region to the southern region as well as the availability of fish that were smaller than the legal size limit for the northern region in 2014. That was an 18-fish fish. Again, concern over fishing on the same water body of the Delaware Bay while having different management measures.

A breakdown of what those comments were is provided here. As noted in the document, some people offered both support and opposition with regards to certain options. People were offering comments that were not simply counted once but could counted twice depending on if they were specifying support for one and opposition to another.

**LAW ENFORCEMENT COMMITTEE
SUMMARY REVIEW**

CHAIRMAN PIERCE: The next is the LEC Summary Review and I will turn to Mark Robson to walk us through that.

MR. MARK ROBSON: The Law Enforcement Committee was able to convene a teleconference call on January 26th to review these various management options in the addendum and provide comments. I will try to summarize those for you. They're pretty well

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bulleted here on the display. In general, the LEC appreciated the efforts that were made when we went to the adaptive regional management in 2014 because it did appear to help make the size limits more consistent among the states than the previous iteration.

In general, as with many law enforcement comments, the larger or greater the regionalization that you can have with regard to regulation, the better it is in terms of enforceability, particularly when you have a number of states that are very contiguous to each other. It does help to minimize angler confusion and also unintentional violations by recreational anglers.

When we looked at the regional adaptive management proposals and the effort to try to deal with the problem between New Jersey and Delaware size limits, enforcement officers that were on the call – and we did have representation from New Jersey, Delaware, Maryland and Virginia on the call – they did not report any significant enforcement issues with that differing size limit.

However, as again with an effort always towards consistency, they felt that it would be much better if you could have the same size limit that would certainly aid enforceability; but they didn't note any significant enforcement issues dealing with those differences in size limits. There was a lot of discussion about the various options that split areas and geographically either splitting New Jersey in half or splitting the Bay; but for Option 3, which is splitting New Jersey into two regions, it was expressed pretty strongly that it would present a lot of enforcement challenges and would create confusion among anglers.

Of course, as a group not seeing specifics as to where these lines would be drawn, they were careful to point out that how and where that dividing line is created would determine the type and the level of enforceability concerns that we might have to deal with. Along those

lines, it came out eventually that obviously if you could use state boundary lines in any type of designation like this, these would be preferable from an enforcement perspective to any other type of geographical line or some other method of dividing a geographical area.

State lines are clear. They are well-established, obviously, and they are easier to enforce for the officer on the water or at the docks. They also are more understandable to the anglers. They do not recommend splitting states or water bodies without using established state boundaries. Depending on where the lines are drawn again, it may be possible for anglers to catch legal fish in one area and then cross the line, obviously, where their catch would become illegal. This is a problem for enforcement officers because in most situations they're enforcing strict liability standards.

It may be very clear that an angler did not intend to violate a regulation when he came back to port and had an undersized fish. Nonetheless, the officer is obligated to enforce the regulations at that location; and that is what we mean by strict liability regardless of intent. It puts the angler and the officer in a difficult situation and not a place where they would like to be if they can avoid it.

Option 4 presents the same concerns, again depending on where the dividing lines are drawn, but the potential does exist for enforcement problems and angler concerns particularly in the Cape May area, depending on, again, how that line is drawn between the two areas. For Option 5, creating Delaware Bay as a specific region, they felt that pretty much the same enforcement problems would ensue; but in this case instead of perhaps just on one side of the Bay, you'd have the same kinds of problems on both sides of the Bay.

Without the benefit of knowing how these boundaries would be drawn, it is difficult to assess in this conference call our specific enforcement concerns, but they could be significant particularly down in the southern

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part of the Bay area if that line is drawn in a particular way. For the option of time frame, obviously, the Law Enforcement Committee is pretty consistent in this recommendation a lot.

We would certainly like to see a regulation of whatever is implemented put in place and left in place for as long as possible. We would certainly prefer having implementation through at least 2016. Thank you, Mr. Chairman.

BOARD DISCUSSION

CHAIRMAN PIERCE: Are there any questions for Kirby or for Mark? Rob.

MR. O'REILLY: I direct a question to Kirby. Thank you, Kirby, for your presentation. You put a lot of information right out front and I think that's good. A couple of things that I'm interested in about your presentation, which will come up later, so I just want to sort of get a plug in now for equity because the word was a pretty big component of many calls we had last year and was used over and over again.

I just want to say that when it comes time to talk about maybe a failing of the regional approach, it might concern equity; that when there is trouble, when there is an overage of the RHL, which is more substantial than what we're looking at this year, if in fact depending on whether you look at the number of fish or whether you look at the weight where the overage is; but when we revisit some of those year such as 2006 and 2007 – and there are other years back in time – when there are overages and when we have some year classes that resemble the 2009 year class against, since we haven't really had one since then, then equity should apply.

I think it does to the way we approach addressing the overages. We're going to have a conversation about that later, but you brought up the word "equity" and I think it has two avenues. One is to allow for harvest. Since we

know from 2009 through 2013, we really didn't allow that; it didn't occur.

Most of the time was spent making sure that we were, I'll say, ultra-conservative that we didn't run any risk. I think that is really not the objective. I think the harvest objective is more important. Equity is one thing you mentioned. The second thing you mentioned was "buffer", talking about the buffer, and that is going to be a conversation in depth probably a little bit later as well. However, I think as we go forward today, we should have some information from you, Kirby.

It doesn't have to be exact; but where do we stand with Bmsy; where do we stand with our year class strengths; where do we stand with the next assessment update. My understanding is we did not have one recently. We're going to have one; and so that brings into question this idea that the ASAP Model has been showing sort of a diminution of that 2009 year class, 2008 year class, and some others. I think it is important when we talk about buffer later; that we talk about it in the context of the status of the stock or the best description you can give us right now. I didn't mean to load you down with that, but I think it is important as we move forward.

CHAIRMAN PIERCE: Thank you, Rob. There was a question in there, I know. You're a plan development team member so I cut you some slack. Next I'm asking for specific questions; no comments, please. Comments will be entertained when a motion is made. A question to Kirby or Mark. Jim.

MR. GILMORE: Kirby, I think I have this right, but say we take one of the examples and we did an Option 5 or whatever; that right now that says we have a set of numbers there that I think would be 18.5 inches or four fish. Again, that was emphasized clearly that was an example; so we could use that same option and have an 18-inch size limit if we wanted to adjust the numbers; is that correct?

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MR. ROOTES-MURDY: Yes; that is correct. These were example measures that the technical committee put together based on the regional alignment. Again, there was little to no guidance offered by the board when it came to offering what those management measures could be for each of the regions; but the technical committee did review and it technically was sound by their vote.

As I mentioned earlier, what the board should move forward with today, if they choose to go with a regional option, is choosing the preferred regional option with the understanding that off of that they would then provide the technical committee with guidance on what would be preferred management measures for a given region, understanding that constraints need to be put in place to constrain the coast-wide harvest to the recreational harvest limit. There are variations allowed from what was included in the document.

CHAIRMAN PIERCE: To iterate, we will be getting from the technical committee not today but at a subsequent gathering the specific regional measures that would enable us to not exceed the recreational harvest limit. All of the measures that are in these tables that we brought to public hearing were examples; and obviously that posed a challenge for many of the members of the public because they looked at those tables and they thought they were the measures, but we made it clear that they were not.

Those measures will be offered up to us for our consideration after we provide the technical committee with our decision as what option we are going to select for 2015 and perhaps beyond. In addition, those measures that they will provide based on the option we select will be influenced by another decision we might have to make today – and it is up to the board – are we going to be satisfied with the buffer that we adopted for 2014 or do we want to have a larger buffer, for example, in 2015. Depending

upon the decision that we make; that will provide guidance to the technical committee as to the measures they will then bring forward to us. David.

MR. DAVID SIMPSON: Hopefully, you can help me with this. I'm trying to figure out sort of to Rob's point about equity and what we're trying to achieve here. I'm thinking about Delaware Bay and wondering how many fish would be required to get the Jersey portion of Delaware Bay in line with Delaware's 16 inches and however many fish and open season. One of the challenges of the options – and you can't do an unlimited number – is embedded in the option that shows up in a proposal is that 95 percent target.

When I look at it, when my constituents look at that option, they see it costs Connecticut and neighboring states a half an inch to get Delaware Bay on the same page. Now, checking back home, the thought was it could be as much as 100,000 fish to bring the Jersey portion of Delaware Bay in line with Delaware or is it a fraction of that? Is this a rounding error or is it substantial, if John or Kirby could help?

CHAIRMAN PIERCE: John is working on the analysis; so while he is doing that, let me turn to you, John, and, David, we'll get to you with an answer, we hope.

MR. JOHN CLARK: Kirby, I'm just still kind of confused by the regions in some of these options. Last year my recollection, based on what was in Framework 2 and some of the earlier amendments, all states in a region had to have the same size limits and the same possession limits. Now we're at the point where we have regions that are states and within those states there are sub-regions.

For example, one of these options has Delaware having two different size limits within the state. I'm just curious is a region just whatever we say it is or are there any limits on what is called a region? Then the second part of that is if you

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can have different size limits within a state; is one of them kind of the actual limit for the region and then the other part of that is the state is being asked to be more conservative or more liberal in a certain part of the state? How does that work?

MR. ROOTES-MURDY: In terms of the conservation equivalency dictates that if regions are to be formed, they have to have the same, as you said, size limit, bag limit and season length. The reason for – and I tried to highlight – it was tried to be pointed out in the document; but for a state to divide itself and in order for it to do so, it would have to be its own region.

Otherwise, each state within that region would have the ability to self-divide. If it was New Jersey, say Option 3, each state within that northern region would have to be able to self-divide; so New York would be able to divide at some point, maybe on Long Island. Connecticut would have to be able to self-divide at some point in their state.

In order for only one state within a state to divide itself by area, you'd have to really just have that state as a stand-alone region, similar to how Massachusetts and Rhode Island were their own stand-alone regions in 2014.

MR. CLARK: If I could just follow up on that; but in these cases where the state has separate size limits within its own state, within one state, is there an option that is being passed now and then that state is being asked to be – like I said, take Delaware's here.

Are we given a 16-inch size limit and then said as a region, in Delaware Bay you have to be more conservative and have a 17-inch limit; or is this region, right off the bat, having two different size limits. In that case, it is not really a region, right? I mean, we'd have to – as a region we'd have one size limit and one possession limit; and then we could be more conservative or more liberal in the sub-region?

If that's the case, can we be compelled to do that?

MR. ROOTES-MURDY: What we tried to outline in the public hearing process was that the management measures on paper would be your regions; but how conservation equivalency defines regions in theory, that state that is self-dividing itself would be a region onto itself. All the other states within that region would set themselves to a certain bag, size, season; and then that single state – say, for example, Delaware where you have to have two separate sets of measures – the request would be for Delaware to have the two separate sets of measures that align with either their northern or their southern extent. In actuality, as I said, Delaware would be its own region, its own state-specific region. It would be requested that state would then fall in line with those regional measures. Does that make sense?

MR. CLARK: It does. Like I said, it just seems very convoluted for a regional approach, but thank you.

MR. JOHN MANISCALCO: In 2014 it is estimated that New Jersey's portion of Delaware Bay landed about 86,000 summer flounder; so by time you're done expanding the season and decreasing the size limit, that would require 113,000 fish.

MR. MICHAEL LUISI: Mr. Chairman, this question is either for you or Kirby regarding the question that you're looking for today from the board. I understand that we are going to make a decision regarding adaptive regional management, potentially selecting an option and then having a discussion regarding the buffer that would be put in place towards the 2015 TAC.

The next step to that would be the technical committee going back to create measures within the regions. However, there is no direction in the plan at all about which regions are going to be responsible for achieving let's

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say a small reduction in order to get down from a proposed 99 percent catch down to let's say the board decides on a 95 percent buffer or a 5 percent buffer.

I guess the question is, is that additional element? Are you looking for the board to provide direction as to which regions are going to be the ones who will need to take those hits? I think about this given there are some states within the regions who have given a lot of what they're kind of donating in there, the donor states, to this regional approach based on their 1998 allocation. It is just a thought about where you guys want to go with this at the end of the day.

MR. ROOTES-MURDY: Yes; that is correct. The technical committee, depending on what regional option is chosen, will need direction from the board, from today's meeting, on how to in turn craft management measures for that region.

CHAIRMAN PIERCE: Yes; it can be as Kirby said or we can do it across the board, all states having the same – having to take necessary steps to achieve that overall additional cut that would relate to a larger buffer, if indeed that's what the board decides to do. We haven't gotten there yet. Anyone else who hasn't yet asked a question? Rob.

MR. O'REILLY: This is my first question for the record.

MR. O'REILLY: Is made to sound as if something magical is going to happen from the technical committee and two thoughts here specifically to the examples, which were mentioned that these are examples. There has to be some realism about these examples.

I can't imagine the technical committee using the 2014 data as the base is going to have a lot more flexibility than what we see in these examples. They can change a little bit; but I'd like to hear about that, first of all, specifically

because when I look at some of the regions, looking at the option which as New Jersey split in Option 3A, Virginia falls to 102,299 fish.

I know this is coastwide, an offset of coastwide, and it is regional; but there are projections involved on the state still within a region. It gets a little worrisome when you realize that Virginia had 97,000 fish in 2013 just in its worst wave, Wave 2, March and April. My overall question is how much flexibility is the technical committee really going to have to make this to constrain to the RHL? That is the question.

MR. ROOTES-MURDY: In terms, as I mentioned before, of providing guidance to the technical committee and crafting up the potential regional management measures; the board can specify if they prefer a certain time frame within the fishery as a consideration for developing those measures. At this point, I think that is the extent I can probably speak to it.

CHAIRMAN PIERCE: We will have to come to that, Rob, because it is not clear to me and certainly not clear to you, the degree of flexibility, so we'll come back to that once we make a determination as to the option that we will pick for this year. Adam.

MR. ADAM NOWALSKY: To the end of a lot of these questions about what some alternative measures could be with regards to the three, four and five options, the state of New Jersey had put together some alternatives for 5A. Kirby, do you have those and were you planning to provide those to the board today as it might answer some of the questions about what some alternatives could be?

CHAIRMAN PIERCE: My understanding is that you and your New Jersey colleagues have provided some additional options to Kirby. I will turn to Kirby or Toni and ask for your opinion regarding whether or not those particular options can be entertained since I

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don't believe they were brought to public hearing.

MR. ROOTES-MURDY: New Jersey provided commission staff with variations on Regional Option 5A for consideration last week; in addition, another regional management option that was not included in the document. We have those items and we could put them up. In terms of the second one, commission staff found that Option 6 was outside of the scope of the document that went out to public comment and that the region was not in concert with other regions that were being offered or considered. In terms of Options 5A1 and 5A2, we can put those up if New Jersey wants to provide clarification on what they offer relative to the options in the document.

CHAIRMAN PIERCE: So you're saying then that a couple of suggestions offered up by New Jersey are consistent with the scope of the document we brought to public hearing? That's a very important point for us now because we don't want to discuss any options that cannot be seriously entertained because they were outside the scope of what we brought to public hearing.

MR. ROOTES-MURDY: That is correct. They offered two variations on Regional Option 5. It is further down the slide and I'll work with staff to get it up on the board. There were four total and the latter two were not within the scope of the document.

CHAIRMAN PIERCE: All right, do we have any handouts that would provide those specific options that New Jersey might want to offer up? We don't; okay. All right, board members, apparently these are within the scope of the public hearings. They potentially would be options that can be considered amongst the mix. With your forbearance, Adam, did you want to speak to these options to explain what we have up on the board? Is there any need for elaboration; that's my question?

MR. NOWALSKY: No; I think the intent of these, Mr. Chairman, was just to highlight that there were options. The information we put forth included some of the fish numbers that have been discussed here. With regards to Virginia, some of these numbers kept their numbers up near 140,000 fish, which was consistent with some of the other options that were here.

Again, the intent here was just to put forth some options to say Delaware Bay could be kept separate while maintaining the 18-inch size limit from New Jersey to Rhode Island. That was our intent to the board so that they would have that information in moving forward with what option to move forward with today.

MR. GILMORE: Mr. Chairman, I just wanted to get some clarification. As we went through this, we went through this quickly again this year. When we first put the addendum out, there was some numbers that were put in, and it was different things that were actually in the supplemental material. I just want to make sure we're on the same page; so just bear with me for a moment.

First off, when the addendum came out based upon the projections on Wave 5, we were 4 percent over the RHL. Then when we got to some of the public hearings, there were things like in Massachusetts that were indicating that not only did the region from New Jersey through Connecticut overharvest; they were actually maybe overharvesting affecting Massachusetts harvest.

Essentially there were other indications that the Connecticut through New Jersey region had gone way over. I just wanted to clarify that the most recent information that I have – and this is with talking through the technical committee folks, whatever – is that, first off, in terms of that issue about the harvest in the Connecticut through New Jersey region, we actually harvested 150,000 less fish than we had previously the year before.

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Then Massachusetts harvest actually went up three times; so I think we actually helped Massachusetts in terms of getting more fish, if you want to look at it, so those numbers were a little skewed from whatever. That seems to be the actual information right now that is correct.

When we looked at the New York Region with that 150 – New York through Connecticut and New Jersey, we actually harvested 150,000 less than the previous year; so we were at 99.6 percent of the target. So, just a long discussion about and what I'm trying to get at is that we hit the target.

There was information in the target by a little bit over, but slightly over but not dramatically where there was some – and I think that is what was put in some of the document; so I wanted to clarify that; that we pretty much hit the target that has worked pretty well. Again, if you looked at different versions of the documents as we went along, some of them were sort of saying wildly inaccurate things. When you're ready, Mr. Chairman, I do have a motion.

CHAIRMAN PIERCE: Yes; we all did an excellent job with regard to our planning and the execution of that plan and the target was not exceeded. A combination of luck, perhaps, and good planning; so, anyway, a pat on our collective backs.

ADVISORY PANEL REPORT

CHAIRMAN PIERCE: Before I entertain any motions, however, there was another report to be given; so let's get that report before we move on to specific options. That would be the report of the advisory panel.

MR. ROOTES-MURDY: The AP met by conference call last week and provided a few comments with regards to Draft Addendum XXVI. Overall, the group felt that regional management alignment and management measures worked well. There was concern raised over the restriction in harvest for the

northern region with regards to Wave 3 as 45 days were specified as part of the management measures.

Concern was also raised over how and where harvest effort may shift in 2015 depending on the region alignment changes. Two AP members also offered up some information from NEAMAP with regards to trawl information on length frequency as an effort to offer a justification on where a regional boundary could be drawn in the state of New Jersey.

The first one shows the length-frequency distribution for summer flounder caught by NEAMAP Trawl Survey north and south of Little Egg Inlet. As you can see, the trend mirrors across the spatial extent; the other one being the NEAMAP Trawl Survey for north and south of Barnegat Inlet where there is overlap but deviation between that spatial extent. That concludes the AP's comments.

CHAIRMAN PIERCE: All right, we have been at this for an hour or so. I think it is time for a motion; so, Jim, you indicated you had a motion to make and if you would, please, make that motion.

MR. GILMORE: Mr. Chairman, I would move to approve Option 2 Adaptive Regional Management as the management program under Addendum XXVI.

**CONSIDERATION OF FINAL APPROVAL OF
ADDENDUM XXVI**

CHAIRMAN PIERCE: All right, we have a motion. Is there a second to the motion? Second by David Simpson. I'll read the motion. The motion is to approve Option 2, Adaptive Regional Management, as the management program under Addendum XXVI. Motion by Mr. Gilmore; seconded by Mr. Simpson. Discussion on the motion. Rick.

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MR. RICK BELLAVANCE: Yes; just to clarify, that is the management option under the two options as opposed to conservation equivalency or a regional option. Is that what we're getting from that or is it Regional Option Number 2 in the options under regional options?

CHAIRMAN PIERCE: Jim, would you speak to that question?

MR. GILMORE: I'm sorry; could you state that again, Rick. There were only two options. It was either one or two, so took Option 2.

CHAIRMAN PIERCE: Well, let me jump in. To clarify; Option 2 is adaptive regional management, right, and then under adaptive regional management we have choices; Regional Option 1, Regional Option 2, Regional Option 3; so if you could clarify your intent.

MR. GILMORE: I guess there were three sections to this, Mr. Chairman, and I thought it might be easier to take them one at a time; so we're going to go with the management option and then we go with the regions and then we would go with the time frame. This was just to the first part.

CHAIRMAN PIERCE: All right, thank you; that makes discussion on the motion I think a little bit easier. Clarification has been given by Jim; we're talking about regional management versus – we're talking about Option 1 versus Option 2; Option 1 being the FMP status quo, coastwide or conservation equivalency; and then Option 2 being the adaptive regional management; so we're talking about adaptive regional management. Further discussion on the motion? I see none. All those in favor of the motion, please signify by raising your hand. I apologize; is there a need for a caucus? Apparently there is.

MR. THOMAS FOTE: David, can we have a little discussion on the fact, too?

CHAIRMAN PIERCE: I asked if there was any discussion on the motion and I saw no hands. The motion is on the board. Do you care to discuss the motion? If you do, fine, go ahead, Tom.

MR. FOTE: I just wanted to comment on what happened last year and what we're looking for this year in the discussion. As you know, New Jersey opposed regional management last year very strongly; and states forced us into regional management and then changed its mind in the following conference call and let two other regions split out as their own individual regions but still not allowing New Jersey to do that.

There were some changes as we went out to public hearings in what we did. The consequences of what you did last year; you did it to basically – you know, the National Marine Fisheries Service pushed it because we weren't being fair and equitable with New York because our size limits were different. What it did create was a little bit of a windfall for Delaware and a real problem with the people that fish in Delaware Bay.

I mean, you only had not even a one-inch size limit; you had a two-inch size limit and a difference of a 128-day season now and a year-round season. We're looking at going forward with this, but we need that issue addressed as we get further down the line. That's one of the reasons we're not voting against it today.

CHAIRMAN PIERCE: All right, thank you, Tom. Is there a need for a caucus? I see no need. All those in favor of the motion, please signify by raising your hand; those in opposition; null votes; abstentions, one abstention. **All right, the motion passes; so adaptive regional management is the choice of the board.** I look now to the board for any additional motions regarding the nature of that adaptive regional management. David Simpson.

MR. SIMPSON: Our great experiment last year, I'll call it, seemed to work out pretty well. It

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was a long journey to get there. I think it certainly improved equity; and we apparently have hit the numbers; some combination of being good and lucky, perhaps, but it always takes a little bit of luck in this business.

In terms of looking at region-by-region expected harvest; region by region I think we did pretty well with the exception of Rhode Island, perhaps. It was over the expected harvest and the expected harvest if we were working on '98-based allocations. I'm also sensitive – this is a long prelude, but I think it is important. In terms of issues of timeliness, it is February. We do need to get on with rulemaking; and I'm loathe to consider starting all over again if we pick Options 2 through – and that we aren't done. We will have another month or two of this.

With the understanding or hope that Rhode Island could make some adjustments to come a little closer toward where the Connecticut to New Jersey Region is in terms of their management measures; **I would move Regional Option 1, status quo.**

CHAIRMAN PIERCE: All right, the motion is Regional Option 1; the regional approach used in 2014. Is there a second to the motion; Emerson, okay. We have a motion and I will read it: move to approve Regional Optional 1, status quo. Motion by Mr. Simpson and seconded by Mr. Hasbrouck. Discussion on the motion. Adam.

MR. NOWALSKY: Mr. Chairman, clearly, the move to regional management was in deference to the inequities and shared waters and essentially all we have done is displaced that inequity. Therefore, I would move to substitute Option 5A. I would also add to 5A that no region would have greater than an 18-inch size limit. If I can get a second to that and then we can have further discussion on that.

CHAIRMAN PIERCE: All right, there is a motion to substitute. Is there a second to Adam's

motion to substitute? Is there a second? I see no second. All right, we're back on the motion as made by David. Rob.

MR. O'REILLY: Although I realize that there are quite a few options to look at and it is difficult to balance everything; I think we're still in the experimental phase. I think that it makes sense to me to stay put and have status quo at this time. I know that doesn't sit well with some, but I think we need to see another round of this at least.

CHAIRMAN PIERCE: Anything further on the motion? Tom.

MR. FOTE: I've talked to a lot of you over the last couple of days and you were kind of understanding what was going on in Delaware Bay, but let me reiterate what went on. When you raised the size limit by two inches in Delaware Bay on the New Jersey side and dropped Delaware to a 16-inch size, it made for a reallocation of where people fished.

Unlike the border between New York and New Jersey, people are not running from northern New Jersey to New York to fish or back and forth like that mainly because it costs you twenty-seven dollars just for the two bridge tolls before you make the trip over unlike going to Delaware to fish. The boats that are fishing on the Delaware Bay, out of Fortescue and those areas, really suffered a huge setback in monetary means.

Now, this is what you put in regionalization last year. I sat here and listened to John Bullard basically push this point that we needed to be fair and equitable about this and this will make the size limit the same. Right now you're telling us that you cannot do that at the other end of the state; and you don't care what the other economic impact it is to those fishermen, which was greater than was the impact that was going on between New York and New Jersey by having a different size limit.

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This has really you put a community in bankruptcy by selling boats. I mean, it is just as simple as that when you can't take people out fishing because it is easier from Pennsylvania to go down to Delaware and it doesn't cost you any difference in tolls or anything else. It is just what you can catch.

If you can go down there and catch 16-inch size limit, why should I come to Fortesque or any of those ports along there and basically fish. We were hoping that would be addressed because it was an experiment; and we felt the effects of that experiment in New Jersey very hard. It didn't affect anybody else; and, of course, Delaware felt a good windfall on that.

I can understand why they want to stay status quo, but this is supposed to be a commission that works together. People said, well, we have to reallocate. Well, you did a lot of reallocating last year and we're looking for some relief from that reallocation. What I hear around this table is there is no support for that. It is kind of like burying heads under the table and saying, well, tough for New Jersey again like we did last year.

It doesn't send the right message. New York came in complained and threatened lawsuits, got their senators involved and everything else. I guess that is the only recourse New Jersey has of getting fair and equitable treatment at the commission on this issue because it has really affected the people.

When you're taking money out of people's pockets – and that is a depressed area of the state as you look at the joblessness rate that is going down there and sport fishing was important to those people on the Delaware Bay. It is one of the few industries we've got there that is located on the bay. You take a town like Fortesque, which totally depends on fishing, and basically take their only means of making an income, it affects all the businesses down there. We're just asking for a small recourse and completely get shut out with the status quo. I'm very, very upset.

MR. CLARK: I don't want to get into the whole Delaware Bay issue, but just to say that it hasn't been a windfall for Delaware that Tom is making it seem like. As Roy brought up last year, we've had differences in the size limits across the bay for years and years except the shoe has always been on the other foot. We haven't had complaints about it. I was just curious based on the estimation that Option 1 would lead to us pretty much filling the RHL; what is Rhode Island planning to do to lower the take there, because I see Option 2 would put us down into a safer area of 95 percent of RHL?

MR. LUISI: My question was just answered but my comment was to what Mr. Simpson kind of alluded to as he was preparing to make the motion; his point that we can go with Option 1 at status quo if Rhode Island can do a little something to balance off the RHL from being at that 100 percent or 99 – I don't have the number in front of me – 99.9 percent – point 4 – I'm getting yelled at from one side here. My other side is all messed up.

I would like to hear a little bit about the speculating that will be the case because the question I asked earlier was once we make the decision on the option and then we discuss as a board what buffer we'd like to consider, the technical committee is going to need some more guidance on that. If that guidance is that Rhode Island make some change to account for a buffer that we discuss, I would like to hear what the thoughts are on that from Rhode Island.

CHAIRMAN PIERCE: Well, John and Michael have asked the question of Rhode Island and I'll ask if Rhode Island would care to comment?

MR. ROBERT BALLOU: Thank you for the consideration in terms of asking Rhode Island to look at what it can do to help address its overage with regard to the region that it is in under Regional Option 1. I will say that there is

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an opportunity here to come down a bit on bag and season I think in particular; but I don't that is going to necessarily make much of a difference in terms of the buffer issue.

I think that is more of an optics issue than anything else. There are not many options available to us, as I see it, that would lead to significant reductions, if you will, in the coast-wide RHL. I just have to be honest about that. I think we're talking about two different issues here. I think on the one hand there might be sense that because Rhode Island did go over – and, by the way, several states went over their state-based RHL.

I guess on a regional basis there is the issue for Rhode Island that we would have to address; and we would be prepared to address it in whatever way the technical committee advises. I think that is the best answer I can offer you, Mike. I really don't see what we can offer right here right now in the way of concrete adjustments that address the buffer issue because I think that is a lot fish.

Five percent of the coast-wide RHL is a lot of fish, a lot more than Rhode Island could possibly accommodate in terms of any reduction. I think the board just needs to be aware of that; that we might be looking at a situation very similar in 2015 to the one that we had in 2014, which, by the way, resulted in being right on the target. It is really a discussion more about the buffer and whether the board wants to pursue that and how we should get there. I don't know what else we can offer.

CHAIRMAN PIERCE: Thank you for your frankness; I appreciate that. David.

MR. SIMPSON: Yes; to be clear because I don't want to choose an option that forces one state to make a change and not others, but I really do feel that gestures are important and some movement in that harvest reduction and direction I think will be very helpful to know

when they review our conservation equivalency proposal.

I certainly understand Rhode Island can't reduce harvest to achieve a 5 percent reduction on the coast. They only have about a 5 or 8 percent share on the coast. I would not expect them to go up on the minimum size. I think my hope and expectation would be that they would match the Connecticut to New Jersey area in terms of measures.

Eighteen 18 inches, five fish and 128-day open season, I think the public would see as a very fair and very reasonable thing to do, even recognizing that it is not going to bring Rhode Island's harvest within the requirements that the '98-based allocation would argue or what our expected harvest from last year would argue; but I think it would be a very important gesture for a couple of reasons if they could make that kind of commitment.

CHAIRMAN PIERCE: Again, to the motion? All right, is there a need for a caucus? There is.

(Whereupon, a caucus was held.)

CHAIRMAN PIERCE: Are we all set? All those in favor of the motion, please signify by raising your hand; those in opposition; any null votes; any abstentions. **All right, the motion passes;** nine in favor, one opposition and two abstentions. We have selected the regional option for this year. David.

MR. SIMPSON: I'm anticipating you're looking for another motion and that would be do this for one year or one year with an option two; **and I would move the latter, one year with an option for a follow-up year without going out to addendum.**

CHAIRMAN PIERCE: Okay, your motion is?

MR. SIMPSON: **Jim says I'm moving Option 2.**

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CHAIRMAN PIERCE: All right, let's make sure we've got the correct language. Option 2 would be on Page 17 of the addendum, I believe. **Option 2 is one year with the option to extend for one year.** To be complete with regard to a description of what this option is, just so everyone understands; the board would take action through a board vote to extend the addendum for one year, expiring at the end of 2016.

After 2016 measures would revert back to the FMP status quo coast-wide measures. That is Option 2. Is there a second to the motion; Jim. All right, the motion is before the board. I'll read it again: **motion to approve Option 2 under Section 3.1.1, time frame for summer flounder measures.** Motion by Mr. Simpson; seconded by Mr. Gilmore. Discussion on the motion? Rob.

MR. O'REILLY: It is difficult enough having gone through one year of regional management and it fit to some extent. The management measures in the region that Virginia is in are the same that were available in 2013 and that hasn't changed. Despite the difficulty, I think as long as we don't get into these situations where we're wondering about intent and good faith and the ad hoc approach, I think it makes sense to go forward right now what a two-year approach; but I think there has to be some afterwards about what we do for the future. I'll have something to follow up on that minute.

MR. MANISCALCO: I just want to state that as far as a two-year option goes, it prolongs this board from looking at the discrepancy in measures amongst water bodies; and that will remain for that much longer.

MR. GILMORE: I think what Dave hopefully put this up for was that really to save work. I mean, if we hopefully get to the same point next year, we'll shortcut the addendum process a bit. If we get to the point where we are having problems, I think we'll have to revisit this whole thing. That was my intent in seconding this;

that it was really a work-saving measure if we do indeed have a good year again in 2015.

CHAIRMAN PIERCE: Yes; my assumption is that in light of the discussions we've have had about New Jersey and Delaware in particular; that there would be further conversations between the states, between the industry and between the board members as to what can be done and what should be done; is it possible for the two states to come up with something that this board could entertain as a satisfactory outcome for both states. David.

MR. SIMPSON: Yes; and I don't make this motion to preclude that discussion and investigation. That is why I asked early on how many fish would it take to address the Delaware Bay issue. My hope is we do a little better this year and we can come back to that with some fish to work with. We're not foreclosing on it by any means. I'm not.

CHAIRMAN PIERCE: David has made it clear that there is no foreclosure. Toni.

MS. TONI KERNS: I was going to say in addition we're working on this Omnibus Amendment with the Mid-Atlantic Council; and as we build that amendment we are looking at recreational measures and how to move forward with that. I'm assuming that this board will be working on this very issue with that and hopefully that amendment would be completed by the end of 2017, fingers crossed, so that we would have something to work forward with and not have to go out for another addendum later on.

MR. BELLAVANCE: Mr. Chairman, actually Toni just brought up what I was going to also state that this will give us a chance to get a few years of one consistent type of management. If everything goes well next year, we can continue that trend and hopefully use that information as we work towards that more Omnibus Amendment.

MR. NOWALSKY: Thank you very much; I appreciate the comments that doing for

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potentially two years doesn't preclude work on addressing the Delaware Bay discrepancy; but I would ask, Mr. Chairman, if we don't have Delaware Bay as a separate region, what is there to work on? If New Jersey is constrained by the same regulations in terms of number of days, size and bag limit as New York and Connecticut and Delaware is constrained by the same with Maryland and Virginia, what exactly is there to work on?

CHAIRMAN PIERCE: Further comments on the motion? Tom.

MR. FOTE: When we discussed regionalization many years ago, we looked at what real regions are with similar fisheries and how they would be affected by changing regulations and putting it together. I mean, we're going to look at tautog later; and one of the things about tautog is that we should be looking at a region like Long Island Sound as a separate region.

We're going to wind up with the same thing; well, how do you divide it between the states? Well, that is a region. I mean, I lived on the North Shore. I fished on the North Shore many years before I moved to New Jersey. I understand that it is a separate region. It is a lot different from the west end of Long Island, which I grew up in Brooklyn, than the east end of Long Island.

When we basically did this, we were saying we were going to be fair and equitable and try to reduce to people's problems. You created a giant problem. Boats are going out of business in Delaware Bay because of this problem on the Jersey side. In another year we will have more boats going out of business.

If this was Rhode Island or Massachusetts, there would be screaming and yelling and carrying on and we'd be doing a separate amendment to look at this. It just seems that we've got caught in the middle, as we usually do, because as we sit in the middle of the Mason/Dixon Line they formed coalitions on both sides and we get kind

of caught in the middle of a lot of these plans as they go forward. It is just very depressing that we have an industry in New Jersey and a community that is really based on fishing; that is suffering so greatly in a low income area; and we're going to basically cause problems. I can see this coming.

We had the options to handle this problem in this document that went out to public hearings. We couldn't even get a second to look at this. A lot of people for the last couple of days says, yes, we should look at this; but even for discussion you wouldn't give it. You're going to be doing this again next year unless we put some real pressure from other places. Sorry about that.

CHAIRMAN PIERCE: With no objection, I'm going to call the question. **All those in favor of the motion, please signify by raising your hand; those in opposition; any null votes; any abstentions. Nine in favor, one opposed and two abstentions; so the motion carries.** Does the board care to address the question of the buffer. If not, then we will continue with the buffer that we used for 2014, the 5 percent buffer, I believe. Adam.

MR. NOWALSKY: Could you just provide a clarification on that statement; what in the addendum would require us to use the 5 percent?

MR. ROOTES-MURDY: As mentioned before, there is actually nothing in the addendum that specifies what the buffer would be under any of the management options; nor does it specify specifically where changes will be made to regional management options. Again, as outlined in the document, the board would need to provide direction to the technical committee on both of those fronts.

CHAIRMAN PIERCE: Well, again, my assumption is that the 5 percent buffer that we subscribed to for 2014 would be used again for 2015 unless the board decides to go in a different direction;

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7 percent, less than 5. What is the board's pleasure? David.

MR. SIMPSON: My understanding and my intent from my motion was we're going to do exactly what we did last year. When we developed those rules last year, we incorporated some sort of buffer, 4 or 5 percent, and so I hope what you're saying is that by applying the same rules this year, in '15 that we applied in '14, we have incorporated a buffer. My intention, after that motion passes, is to adopt an 18-inch minimum size, 5-fish limit and an open season from May 17th to September 21st, just what we did last year.

CHAIRMAN PIERCE: All right, there is some confusion about the buffer on my part apparently, but Kirby is going to provide some clarification. Toni.

MS. KERNS: Dave, I think what you're asking is when the technical committee comes back to the board with a set of management measures that would achieve but not exceed the RHL; that we provide you with options that actually achieves 95 percent of the RHL as we provided you last year; that is what we did. That is not what you're asking for? Okay.

CHAIRMAN PIERCE: Well, that colors things a little bit. David, if you would –

MR. SIMPSON: Right; specifically to avoid everyone having to go back through these questions of which regions cut how much and all that; my intent in my motion that passed and I thought it was everyone's understanding is we're going to adopt the measures we adopted last year. That is the end of it.

That precludes the discussion about if we choose an alternative to what we did last year; is our target 100 percent of our RHL 95 percent? I mean, I can make a case that adopting the same measures incorporates the same buffer; but if you feel we need a vote now for 100 percent of the target or 95, fine, you

can ask for that motion. My intention and my expectation is we're going to adopt status quo measures.

CHAIRMAN PIERCE: All right, there is a need for a clarification. Kirby.

MR. ROOTES-MURDY: Just to clarify; as I mentioned at the beginning of my presentation, there was a request that the board choose which regional management option, if that was the pleasure of the board. That didn't specify what the management measures would be in that regional management alignment.

Just to understand what the management measures for 2014 could possibly affect for the coast-wide harvest in 2015; it is a different projection than it was in 2014. As such, that is a different buffer than what the technical committee crafted last year. Again, to try to make sense of it, if you set the buffer relative to what the 2015 recreational harvest limit is; that will give you a coast-wide harvest to work with that would create different management measures. If you approve a set of management measures that were in line with what was in place in 2014; that will not ensure the same buffer that was in place in 2014.

CHAIRMAN PIERCE: All right, so it wouldn't necessarily ensure the same buffer; are you saying, Kirby, that at this point in time we don't know what that buffer would be?

MR. ROOTES-MURDY: Well, as included in the document based on data through Wave 5, if management measures were held constant, under regional management status quo the projected coast-wide harvest would be approximately 99.4 percent of the RHL. Again, these are based on projections. The difference between that and setting say a 5 percent buffer to what the 2015 recreational harvest limit is, is that coast-wide harvest then would require a different set of management measures by regions.

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CHAIRMAN PIERCE: Toni, you're having a little bit of a sidebar here; is there a disagreement within staff? No? All right, well, anyways, we did vote and we did vote to go with Regional Option Number 1, which would be the same measures for 2015. That was the motion that was adopted. Michael.

MR. LUISI: Mr. Chairman, I'm still a little bit confused. This is the same issue I've brought up twice now about the further direction to the technical committee. If the board is happy at this point with going forward in 2015 with like measures from 2014 with a 99.4 percent chance of reaching the RHL; then we all go home today and nobody has to make any changes. There was some discussion and there were some questions asked and answered regarding the possibility for Rhode Island – I'll be specific – to go back and say, well, maybe we can do a little more to find a little more balance to that northern region.

I'm understanding if we don't have any more discussion or motions on this point right now, the technical committee is not going to go and provide any recommendations or options for the states. Let's say we pick a 4 percent buffer; it is my understanding that the technical committee would go back, they would look at the regions, and we all may face some changes for next year, for which I think is going to be an incredible challenge for me and my state to go back – if the technical committee recommends that we all share in that burden; to have to go back to my fishermen and say we've given up two-thirds of our 1998 allocation; we have underachieved as a region yet we're going to have to cut a few months off the season or make an adjustment to the size limit.

There is two different paths we can take right now; and I would like to get some more feedback and thought from other board members on which path they think is the appropriate path. I personally feel like we should come up with some buffer of more than 99.4 percent as the projected catch in 2015 is

being presented to us under status quo measures. Thank you.

CHAIRMAN PIERCE: All right, thank you, Michael. When Kirby gave his presentation initially, he mentioned that particular option would likely result in 99.4 percent of the total RHL for 2015. That is the number we were given. A motion was made relative to that particular option and was adopted by the board. That is the way it stands right now. Rob.

MR. O'REILLY: So just to let everyone know, the plan development team have had a conference call and this was one of the issues. I don't think it really came to any type of consensus. I know the technical committee is very anxious to have what the amount of the buffer is. My thoughts on the buffer are that there is a pretty good number of years where states applied buffers for the most part on their own under conservation equivalency when it was state-specific.

The three years 2008 through '10 it was about a 38 percent underage of the RHL. If there is going to be problems, I don't think the difference between 95 percent and 99.4 percent really is going to be a big issue. The reason I asked about the stock status – and I'm not going to ask now – is just to give everyone a feel for what to expect what is out there, what is the SSB, what is really going on with the stock. I support the 99.4 percent. In the background, I'm still wary.

I'm still wary of the future of what we're doing. I would like to ask, when the time is right, to ask about what the PDT can do to move towards these situations that will face us in the future when we're not worried about 99.4 or 95; we're worried about 20 percent over the RHL. I would like to talk about that when the chair allows. I will support the current 99.4 percent that Dave Simpson included.

CHAIRMAN PIERCE: All right, we've made our decision. However, in light of what Rob just

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said, it would be useful for the board to be given a brief summary of the conference call that was held by the plan development team. As you indicated, Rob, the plan development team did have some thoughts relative to future planning for how we should do our business relative to the RHL and the buffer.

Kirby, would you provide us with a summary of what was discussed and if there were any conclusions or recommendations. After Kirby is through, if there is something that he has not covered, then I will turn to other members of the plan development team and get your views as well.

MR. ROOTES-MURDY: As Rob noted, yes, the plan development team met via conference call on Friday of last week to discuss the two elements regarding the Draft Addendum XXVI; the first being how and where reductions could be made to regions under different scenarios if there was a preferred consensus on the approach. The group did not offer one in particular.

The other discussion point was with regards to developing a set of management measures that account for a buffer relative to the coast-wide recreational harvest limit. The technical committee members on the call were able to explain that under different scenarios that different buffers could possibly be applied in terms of increased precision; but again there was no consensus offered on how addressing a buffer under any of the specific regional management options should go forward. Lastly, the plan development team also was able to review the options that New Jersey had provided and did not offer any specific comments on those options.

CHAIRMAN PIERCE: So the issues were discussed; there was no consensus; just different points of view were expressed. I'm assuming, therefore, the plan development team will continue those discussions. In the meantime we have made our decision for 2015;

status quo measures. We'll see how it plays out. Bill Adler.

MR. WILLIAM A. ADLER: Mr. Chairman, do you need a motion to approve the addendum as approved today; do we need that?

CHAIRMAN PIERCE: Yes, I believe we've finished our business on the different options for consideration in the addendum; so I would entertain a motion along those lines.

MR. ADLER: Okay, I will make that motion to approve Addendum XXVI as modified today.

CHAIRMAN PIERCE: Motion by Bill Adler; seconded by Emerson. I will read it: move to approve Addendum XXVI as modified today. Motion by Mr. Adler; seconded by Mr. Hasbrouck. Discussion on the motion. Tom.

MR. FOTE: I just remind you it is a roll call vote.

CHAIRMAN PIERCE: Thank you for that, Tom; unless it is unanimous, but I suspect it is not; so we will have a roll call vote. Kirby, please read the roll.

MR. ROOTES-MURDY: Commonwealth of Massachusetts.

MASSACHUSETTS: Yes.

MR. ROOTES-MURDY: State of Rhode Island.

RHODE ISLAND: Yes.

MR. ROOTES-MURDY: State of Connecticut.

CONNECTICUT: Yes.

MR. ROOTES-MURDY: State of New York.

NEW YORK: Yes.

MR. ROOTES-MURDY: State of New Jersey.

NEW JERSEY: No.

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MR. ROOTES-MURDY: State of Delaware.

DELAWARE: Yes.

MR. ROOTES-MURDY: State of Maryland.

MARYLAND: Yes.

MR. ROOTES-MURDY: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MR. ROOTES-MURDY: Commonwealth of Virginia.

VIRGINIA: Yes.

MR. ROOTES-MURDY: State of North Carolina.

NORTH CAROLINA: Yes.

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

U.S. FISH AND WILDLIFE SERVICE: Abstain.

MR. ROOTES-MURDY: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

MR. ROOTES-MURDY: **The motion passes nine to one to zero to two.**

CHAIRMAN PIERCE: All right, so the motion passes and the addendum has been adopted.

**CONSIDERATION OF
STATE 2015 BLACK SEA BASS
RECREATIONAL PROPOSALS**

CHAIRMAN PIERCE: Next on the agenda is consider approval of the state 2015 black sea bass recreational proposals. This is final action.

We have, first of all, the technical committee report from John.

TECHNICAL COMMITTEE REPORT

MR. MANISCALCO: In 2014 the board and council voted to continue ad hoc regional management. This splits the coast into a northern region of Massachusetts to New Jersey, where they have individual state proposals; and the southern region, which adopts federal measures. In 2015 that will be 12.5 inches, 15 fish possession limit, May 15th through September 21st and October 22nd through December 31st.

Total harvest for 2014 is projected to be 1.9 million fish, which is significantly over the 2014 RHL. The 2015 RHL is approximately 1.3 million fish, which requires a 32.8 percent reduction. That reduction is going to come out of the northern states where the overharvest has occurred. Some of these states are considering using changes to the minimum size as a tool to achieve that reduction. To illustrate the impacts of that size change we've calculated the number of additional dead discards due to size change. You will see that in the proposals from Rhode Island, Connecticut, New York and New Jersey.

The Massachusetts 2014 fishery harvested 438,000 fish. All modes had a possession limit of eight fish at 14 inches from May 17th through September 15th. There was also the for-hire Letter of Authorization Program, which had a 20-fish possession limit during September and did not fish during Wave 4.

There were no MRIP intercepts in Massachusetts for black sea bass during Wave 5, which is the period of the increased possession limit for LOA Program in the for-hire modes actually possessed more than eight fish per contributor. Harvest by the LOA fishery has not been reviewed by the technical committee.

All we really know about it is that there were eight vessels that participated and therefore it

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is difficult to assess the impact of the LOA Program on state harvest. All of the Massachusetts proposals included a 14-inch minimum size limit. All of the options have the same measures for all modes. The status of the LOA Program is uncertain at this time.

Possession limits that use to achieve their reduction ranged from one to eight fish with various seasons. This table should be available to you in your material; so I'm not going to go through all the options at this time.

Rhode Island's 2014 black sea bass fishery landed 203,000 fish. They had a 13-inch minimum size, a split possession limit of three and seven fish with a season that ranged from June 29th through December 31st. The proposal for Rhode Island was straightforward, and they will use a combination of season, size and possession limit changes to achieve their reduction.

Again this table is available; and I'm going to go through it. I'll just point that the options at the bottom utilized the 14-inch minimum size, which is a one-inch size increase. The additional dead discards associated with these measures is equivalent to approximately 6,000 fish.

Connecticut's 2014 recreational sea bass fishery harvested 373,000 fish. They had a 13-inch minimum size. All modes had a split possession limit, three fish and eight fish, with a season that went from June 21st through December 31st. They did have a for-hire exemption program, which is equivalent to Massachusetts LOA, in which the eight-fish possession limit existed throughout the entire season.

Connecticut has a logbook program for their exemption program; and they reported that 31 out of 40 vessels participated. They reported 593 trips and approximately 20,000 fish harvested. Connecticut's for-hire mode is 16 percent of the state's recreational black sea bass harvest. I will say that after Connecticut

analyzed their logbook data only a small percentage of the harvest actually was attributed to possession limits over the three-fish possession limit.

Something like three to four thousand fish were actually a result of the increased bag limit. Connecticut's measures consider size limits of 13 through 14 inches, split possession limits and season contractions and extensions. In some cases if you utilize a 14-inch minimum size, you could actually extend your season because you account for more than the required reduction. They also anticipate continuing their LOA Program or their exemption program.

In this case in instances where there were 13.5 inch minimum sizes used, there is approximately 9,000 additional discards; and when the 14-inch minimum size is used, approximately 20,000 additional discards.

New York's 2014 recreational black sea bass fishery had a 13-inch minimum size, eight fish from July 15th through December 31st and harvested approximately 517,000 fish. The proposal from New York is also straightforward. We used season, length and possession limit changes to achieve the reduction. In New York measures that utilized the 13.5 inches generated approximately 9,000 additional dead discards; whereas, when we used 14 inches, it is about 25,000 additional discards.

New Jersey's measures included 12.5 inches, 15 fish from a number of interrupted seasons with a three-fish possession limit during Wave 4. They harvested 386,000 fish. New Jersey also had a straightforward proposal using season, possession and minimum size to achieve the reduction. When New Jersey utilized the 13-inch minimum size limit, they do have 9,000 additional discards.

CHAIRMAN PIERCE: The technical committee report has been given by John; and my understanding is that the technical committee has approved all of the black sea bass

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recreational proposals for 2015. Okay, that has been confirmed. Questions of the technical committee report and their findings. Tom.

MR. FOTE: Since they were all charterboats in that program, did you happen to look at the logbooks to see what the logbooks said on the catch since the logbooks are mandatory with federal permits?

MR. MANISCALCO: Tom, what state are you referring?

MR. FOTE: Massachusetts, when you had no report from MRIP and nobody sampled those boats, I was wondering if you had looked at the logbooks to get some information on what went on since you did that with Connecticut; they had logbooks.

MR. MANISCALCO: Connecticut did that analysis and presented it to the technical committee. We haven't received any analysis of the LOA Program from Massachusetts yet.

CHAIRMAN PIERCE: If I may, Tom, our new staff taking over for Paul Caruso, Michael Bednarski, he, of course, is involved in the technical committee's deliberations. He has been given the charge within our state to take a look at all of those logbooks. He hasn't yet finished that work.

Obviously, my agency is curious as to how well did it work, how well was the LOA, was it effective, how many black sea bass were caught. Whether or not we're going to have that LOA for 2015 is still an open question; we may not. We have to evaluate it first. That is all the information I can give you for now.

MR. FOTE: So when that work is done you will bring it before the board?

CHAIRMAN PIERCE: We will bring it before the board to let you know the conclusions that we have reached, bring the data to the board so you will know. Obviously, we don't want to

approve an LOA Program and let it go forward that will cause problems relative to the take of black sea bass in 2015.

We did the LOA in 2014 because partyboat operators, primarily charterboat operators, felt that they needed the option for fall fishing; so we gave them the option of making a choice of you can fish earlier in the year or not, LOA in the fall. Some did take advantage of it; but too many, but some did. We will see what the results are; and then we get those results, we'll share them with the board. David.

MR. SIMPSON: Yes, just related, I was going to say for Connecticut – you know, I understand there were some changes in the MRIP procedures in terms of how they handled charterboats last year. I will say between 2013 and 2014 we saw much better correspondence between the MRIP harvest estimate for those modes and the information we got from the logbook; so that was reassuring.

That lined up much better in 2014. In 2013 MRIP didn't pick up more than a couple of party/charter trips; and so that segment of the fishery really wasn't represented at all. That was actually one of our initial motivations for having the program because they were very concerned that their small but important to them fishery would not be recognized and wouldn't have a chance in the future.

I guess while I have the mike, as we think about meeting our expectations here for black sea bass and back to summer flounder – I've made this comment to a couple other individuals – I guess it is too late, but we could use some help in federal waters is my point. We could use some more aggressive, more conservative management in federal waters in terms of minimum sizes for black sea bass and summer flounder. That would help the buffer a lot.

I guess that ship has sailed for 2015; but it creates incredible problems for our state's ability to manage these harvest limits and get

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enforcement and compliance on these two species in particular. I have shared of the experiences I know people on my staff have had on for-hire vessels fishing in federal waters where it is pretty much perceived to be a free fishing day.

You can pretty do anything you want in federal waters; just have all the fish processed and put away before you come back into state waters. That is very concerning to me. I brought that up on summer flounder last year, pretty good evidence of that, a lot of non-compliance with minimum sizes because there is not much in the way of conservation measures in place in federal waters. I think it is any area – if we're looking to be a little more conservative, we could do that with a fairly level playing field up and down the coast.

CHAIRMAN PIERCE: Thank you, David. Since Tom raised the question about Massachusetts, a legitimate question, I should make a couple points for the benefit of the board. A presentation was given at the NEAMAP meeting a little earlier on regarding our bottom trawl survey that we do in the spring and the fall in Massachusetts.

We use, of course, as a way to judge availability of black sea bass and other species to recreational and commercial fisheries. The 2014 index of abundance for black sea bass skyrocketed; I mean, really skyrocketed; again pointing out that abundance of black sea bass certainly in the New England area and absolutely in Massachusetts waters it continues to rise.

Fish, of course, are moving around the Cape and have been heading up to the state Maine and New Hampshire, which is why Terry Stockwell is sitting here and why Steve Train is here as well, and Doug Grout, for that matter; so the abundance is there. As a consequence of that, Massachusetts Division of Marine Fisheries with our advisory commission; we've taken some further steps to deal with all sorts of

issues regarding black sea bass compliance, recreational fisheries compliance.

In 2014, last year, we actually went to public hearing with some proposals that would affect charter vessels, the headboat operators; and we then, as a consequence of those proposals, public hearings, we enacted some regulations that will make charterboat and headboat operators responsible for any violations that may be committed on their vessels.

We have taken a rather significant step in putting the burden on the captains and the vessel owners to hold their clients accountable. Otherwise, they will pay the price for any compliance problems that may exist on board their vessels on any particular trip. In addition, we're seeking an increase in fines for any fish violations that may occur.

We're also stepping up our meetings with our Massachusetts Environmental Law Enforcement to call to their attention the likelihood of there being a compliance problem in 2015 because of this increased abundance of black sea bass. In addition, now they know we have this improvement in enforcement relative to who is going to bear the responsibility of any infractions and then, of course, the possibility of increase in fines.

We're taking non-compliance very seriously in our state through actions that we've taken. The partyboat operators and the for-hire operators are supportive of it as well, reluctantly, but they understand the need to be held accountable as well in light of this resurgence of black sea bass – this high abundance of black sea bass in waters. I just wanted to give that information to the board so you'd know that we're doing everything we can to be on top of the situation. Tom.

MR. FOTE: I didn't say any comments when we got to the discussion about summer flounder, whether we should be 95 or 99, because we're still listed in summer flounder as Tier 3. That

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means we have a lot of buffers built in because they're not satisfied with the data so they take it right off the top of the stock assessment.

I always ask the question since summer flounder we have the most information on and we're still at Tier 3; what do we do to get to Tier 2 or Tier 1, where it should be. The same thing with black sea bass when we talk about buffers; they still have it listed as Tier 4. We're fishing below what the stock assessment tells us what we should be fishing at and probably underestimating what the stock is because that is so data poor.

Now, that wouldn't be problem if we had just started having this data-poor problem, but I remember sitting here in '93 when we started the plan saying it was data poor and we needed to do something better for black sea bass and scup. We're sitting here 21 years later and have not done anything better.

The fishermen, both commercial and recreational, suffer the consequences; and we're having all these problems trying to stay within a quota that is based on a stock that is way above the size that they're setting up regulations, so it makes our job very difficult every year in trying to do this. I wish sooner or later we start moving them up the steps. Can somebody from the Mid-Atlantic actually tell me how long we're going to have to wait for that? I know about a year ago they said there was going to be some progress in moving those up I got from the National Marine Fisheries Service and I don't really see any progress in moving them up.

CHAIRMAN PIERCE: Before I ask for a motion regarding the black sea bass recreational proposals for 2015; we should be updated with regards to what possibly may happen this year relative to the overall quota for black sea bass that would affect, of course, the recreational take as well. My understanding is that there have been some discussions between our technical committee and the Mid-Atlantic

Council's SSC. This has implications for 2015 and maybe even 2016, more likely '16. Kirby or John, could you give us an update as to where we stand with that?

MR. ROOTES-MURDY: In follow-up to the December joint meeting between the Mid-Atlantic Council and the ASMFC, a subsection of the technical committee in concert with the Mid-Atlantic staff have met to plan out and try to address a strategy to put forward to the SSC by their March 2015 meeting alternative approaches for setting the 2015 ABC, allowable biological catch.

In doing so, a subsection of the technical committee in concert with a subsection of the SCC are going to evaluate a couple of different strategies to be considered and then presented which could allow for the SSC to reconsider the current 2015 ABC. That has yet to be forward officially to the SSC in terms of results.

Another important point to point out is that in doing so, timing-wise has been communicated to the commission by the Mid-Atlantic staff is that it will likely not be in time to change the federal measures; and as such if there is a change to the 2015 ABC, it may only affect what the subsequent ACL and accountability measures may be as those are multiyear running averages.

CHAIRMAN PIERCE: All right, so these are discussions in progress with the technical committee with some ideas being offered up to the SSC. We'll see how it works out and possibly we would have an increase in the ABC or obviously the SSC would have to recommend to the Mid-Atlantic Council an increase in the ABC.

The National Marine Fisheries Service would have a review that and consider whether it was appropriate. If indeed it was increased for 2015; that would have implications for 2016; meaning if there is an overage in '15, it might not be as great. In other words, it may not be

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as much payback, if any payback in 2016. Again, it is up in the area.

We don't know, but at least credit needs to be given to our technical committee for the work that they've done on this, with ideas that they have generated, so we'll just have the technical committee keep us updated as to their progress. Certainly, Mid-Council members around this table will be well aware of the nature of those discussions through your involvement with your own SSC. Rob.

MR. O'REILLY: So as much as I'd like to be that optimistic, I think probably things won't occur as fast. As Tom Fote said, they've already been 21 years in a situation. The technical committee is doing an incredible volume of work already. It is really something. Having been there in the past, by far they're really just doing incredible work. I want to commend the technical committee.

I have one suggestion which is now that there has been four out of five overages because there is a lot of fish and because regulations constrain the amount of fish that can be taken; so in five years there have been four overages. They bounced around a little bit. The last two I remember – of course, the one today that John presented, 32.8 percent; we finally settled on around 3 percent last time around.

Since the constant catch is still there and having an influence for black sea bass; is there something the technical committee either has looked at or could look at in terms of the seasons? I was really surprised to hear the way the technical committee or some of the members can work with MRIP data down to very small levels.

I think if the tradition is still now – the new tradition from about ten years ago to look at a wave and to look at harvest as spread across that wave evenly; that if there hasn't been time to look at the data that has gone the last four or five years to sort of pinpoint that there might

be a better way to look at these seasonal closures. I don't whether that has been done. I don't know how much of an impact we've had. The only reason I bring it up is if we're stuck in this system that we've been in, anything might help the swings that we seem to be having year to year in the management.

CHAIRMAN PIERCE: Thank you, Rob; those are good comments. I'm going to hold them in abeyance for a second, though, because I would like to get a motion on the board relative to the black sea bass proposals for this year. Rick.

MR. BELLAVANCE: Mr. Chairman, I just have one quick question, if I could, for John. My question is in regards to the tables that were submitted by Rhode Island, is it that the methodology used to create those options is what was approved or is it those specific numbers? I asked because maybe due to public hearings at our state, we may end up with a little variation of those. If the methodology is the same; could it be assumed that those would be also approved or are we stuck with the measures that are listed in that particular table?

MR. MANISCALCO: For the past several years, we've always asked the board to essentially approve the methodology and left that flexibility for states to adjust as long as they still constrain their harvest to the required reduction.

CHAIRMAN PIERCE: All right, is there a motion? David.

MR. SIMPSON: **Move to approve the proposals and methodologies for use in 2015 management as reviewed and approved by the technical committee.**

CHAIRMAN PIERCE: All right, the motion is on the screen. David, is that your motion?

MR. SIMPSON: That's it, yes. Do I need to say black sea bass, the black sea bass proposals just to be real clear?

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CHAIRMAN PIERCE: Yes, please. There is the motion; is there a second? Bill Adler has seconded the motion. I will read the motion: move to approve the black sea bass proposals and methodologies for use in 2015 management as approved by the technical committee. Motion by Mr. Simpson; second by Mr. Adler. Is there discussion on the motion? Adam.

MR. NOWALSKY: Let me first say again I appreciate the efforts of the technical committee recently working with the Mid-Atlantic's SSC, the Mid-Atlantic staff, the Mid-Atlantic Council members and members of this commission. Five years ago we were looking at an ABC of less than 2.5 million pounds for black sea bass; we're now at 5.5 million. Clearly, the efforts of all those involved have been good for the fishery headed in the right direction.

That being said, the measures that we put forth today are essentially untenable to the for-hire sector; untenable to a targeted black sea bass fishery that affects marinas, bait and tackle stores, restaurants involved with this fishery. I'm embarrassed to be sitting here today looking at these regulations and knowing that there hasn't been something better to do for fishermen.

It is painful to see those. It is painful to see the impact that it has had. It is painful to hear that the regulations we put forth today are going to waste fish by discards. This is not the intent of this commission. This is not the intent of federal laws under Magnuson-Stevens of what we should be done. It is just painful to me to sit here today and do this.

I feel I've already used my quota of motions that won't get a second, so I'll refrain from moving forward with a motion for status quo on measures although I believe is in the best interest of the fishermen that we represent and probably the fish that we are supposedly here to protect and make the best decisions for as

well. But that being said, there is no way that I can support this motion that is before the board today.

CHAIRMAN PIERCE: Further discussion on the motion? Is there a need for a caucus? Okay, 60 seconds or so for a caucus.

(Whereupon, a caucus was held.)

CHAIRMAN PIERCE: All right, are through with the caucusing? I believe we are. Okay, all those in favor of the motion, please signify by raising your hand – I'm sorry; it is a roll call vote.

MR. ROOTES-MURDY: Maine.

MAINE: Yes.

MR. ROOTES-MURDY: New Hampshire.

NEW HAMSHIRE: Yes.

MR. ROOTES-MURDY: Commonwealth of Massachusetts.

MASSACHUSETTS: Yes.

MR. ROOTES-MURDY: State of Rhode Island.

RHODE ISLAND: Yes.

MR. ROOTES-MURDY: Connecticut.

CONNECTICUT: Yes.

MR. ROOTES-MURDY: State of New York.

NEW YORK: Abstain.

MR. ROOTES-MURDY: State of New Jersey.

NEW JERSEY: No.

MR. ROOTES-MURDY: State of Delaware.

DELAWARE: Yes.

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MR. ROOTES-MURDY: State of Maryland.

MARYLAND: Yes.

MR. ROOTES-MURDY: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MR. ROOTES-MURDY: Commonwealth of Virginia.

VIRGINIA: Yes.

MR. ROOTES-MURDY: State of North Carolina.

NORTH CAROLINA: Yes.

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

U.S. FISH AND WILDLIFE SERVICE: Abstain.

MR. ROOTES-MURDY: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

CHAIRMAN PIERCE: **Okay, the motion is adopted with a vote of ten in favor, one opposed, no null votes and three abstentions.**

**CONSIDERATION OF STATE 2015 SCUP
RECREATIONAL PROPOSALS**

CHAIRMAN PIERCE: Next on the agenda is the state 2015 scup recreational proposals for final action. The technical committee report from John.

MR. MANISCALCO: I probably should have brought this up with the black sea bass proposals, and I apologize. How we handle non-compliance in the intercepts has been an issue that we have been discussion actually for the last couple of years. We're still working on a method or at a least policy of how we handle

things in a standardized manner so that all states calculate their reductions in the same way.

This is a work in progress for the technical committee; but with regards to the proposal you saw today for black sea bass, in general we assumed that non-compliance with respect to possession limits and size limits will remain non-compliant in the face of new more restrictive measures. We feel that this is generally a conservative approach.

So 2014 measures for the states of Massachusetts, Rhode Island and New York was a 10-inch minimum size, 30-fish possession limit and a season from May 1st to December 31st. This is for scup. Each table also had a single-wave bonus season for the for-hire vessels in which the possession limit was 45 fish for anglers fishing from them.

Connecticut had different measures in 2014. They had 10.5-inch minimum size for private anglers and an 11-inch minimum size for the for-hire vessels and a 9-inch minimum size at their enhanced shore sites. The possession limit was 20 fish for all, although Connecticut did have a for-hire bonus season of 45 fish during Wave 5.

The 2014 recreational harvest of scup was approximately 4.4 million pounds or 4.1 million fish. The northern states, Massachusetts through New York, accounted for 99 percent of the coast-wide harvest in 2014; and that is a pretty consistent trend, 99 percent/98 percent of the coast-wide harvest. The 2013 harvest was 5 million pounds so there was a decrease despite the liberalization of regulations.

The RHL for 2015 is 6.8 million pounds, so there is room for as much as a 50 percent liberalization although there is a new stock assessment in 2016 and there is a great deal of uncertainty regarding just how large that biomass actually is. The 2015 measures for

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Massachusetts, Rhode Island and New York propose to remain at status quo.

However, changes to federal measures will allow for-hire vessels to pursue the higher possession limits during the bonus season in federal waters. In 2015 Connecticut proposes to liberalize their regulations to match those in the other states in the northern region; so that would include again a 10-inch minimum size, 30-fish possession limit, the season going from May 1st to December 31st with the 45-fish bonus season for the for-hire fleet in Wave 5. They also will continue to offer a 9-inch minimum size at enhanced shore sides. While there is a 56 percent liberalization for Connecticut, it is only an 8 percent liberalization for the northern region.

CHAIRMAN PIERCE: Any questions for John? Bob.

MR. BALLOU: John, with reference to the increased federal allowance on the bonus to 50 fish; is it your representation that the states of Massachusetts, Rhode Island and New York are offering regulations that are compliant with that; that are consistent, I should say, with that; or is there a need to adjust to become consistent?

MR. MANISCALCO: None of the states offered proposals to increase their bonus season possession limit beyond 45.

CHAIRMAN PIERCE: If I could follow up, Mr. Chair, I think we would want to do that. I'm wondering if this is the time and place. I think we would be out of sync if didn't have state water regulations that were consistent with the newly adopted federal water regulations. As I remember, they were adopted at the joint meeting in December.

If this is too late – if Rhode Island among perhaps the other neighboring states didn't get the proposals in on time, then I guess we would have to deal with that; but is there a time and

opportunity here today to propose state measures that would be consistent with the federal – particularly given where we with scup? Thank you.

MS. KERNS: We would need to know what the impacts are, but the federal measures are not consistent with your entire set of measures, anyway. I mean, that would put your bag limits the same, but the federal measures are typically designed – let me go back for a second.

Because 97 percent of the harvest is really caught in these four northern states with a small portion being caught in New Jersey, we do this conservation equivalency program through the commission so that we can set regulations that meet the needs of those five states and that federal measures are typically set in conjunction more in line with New Jersey, which has the actual fishery in federal waters; whereas, the majority of the northern states fishery is occurring in state waters.

So your season and your size limits do not line up with the federal measures either; so typically we don't even look at the federal measures when we're putting together these four states' proposals. Unless we can do it on the fly, we would need to know what the impacts of changing the bag limit would be right now in order put that proposal forward.

Typically, we haven't lined up in the past with federal measures for these states because they have been so divergent in how we've had to put those measures together in order to provide that flexibility to those northern states to meet the needs of their fishermen in particular in times when we've had to be more restrictive.

CHAIRMAN PIERCE: Thank you, Toni. All right, is there a motion? David.

MR. SIMPSON: Yes; the feds adopting 50 fish just like with the other species again frustrates me because state waters fishermen always have to carry the load in these federally driven plans; so that is very frustrating to me. Reluctantly,

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you know, we've held status quo measures in Connecticut for something like three years.

When we were allowed to liberalize, we didn't for two reasons. One, we were trying to provide that stability in measures over time that the public asked for; and, two, I've believed for a long time that the stock isn't as big as the stock assessment suggests it is. That is why all of a sudden the recreational fishery has gone from can't be constrained to the harvest to can't possibly catch it even with 45-fish bag limits in the partyboats and 10-inch minimum sizes and so forth.

The commercial fishery can't come close to catching their quota no matter what they set for a trip limit. Having said all that, facing a stock assessment next year, I have to protect our fishery and I have to liberalize so that we don't get stuck with a lower allocation in the future if there is this expected-to-me correction in the actual stock size. With that long preamble, I'm going to move approval of Connecticut's measures for 2015 to bring our state consistent with our neighbors and what the plan allows.

CHAIRMAN PIERCE: Okay, so your motion is specific to Connecticut. I'll wait until it is up on the board. Could I make a suggestion for a change to make this simpler; because we don't know – something along the lines of to approve the New York, Rhode Island and Massachusetts measures for 2015 and Connecticut's measures for 2015 to ensure consistency with the other states, something like that.

MR. SIMPSON: That is fine or I can just spell them out. I think it should be clear Connecticut's reduction in minimum size and increase in bag limit to be consistent with Massachusetts, Rhode Island and New York, perhaps.

CHAIRMAN PIERCE: All right, we'll go with your wording. Is that your motion?

MR. SIMPSON: Marin, maybe we'll just start again; **move to approve Connecticut's reduction in minimum size to 10 inches and increase in bag limit to 30 fish to be consistent with the states of Rhode Island, Massachusetts and New York for 2015** with the understanding that we will – I don't think this needs to be in the motion, but the understanding for everyone that our 9-inch shore mode would also be continued in 2015. I think that will be clear enough six months from now when people read what we did.

CHAIRMAN PIERCE: All right, that is the motion; is there a second. Okay, Jim. All right, I'll read the motion: **move to approve Connecticut's reduction in minimum size to 10 inches and increase in bag limit to 30 fish to be consistent with the states of Rhode Island, Massachusetts and New York for 2015.** Motion by Mr. Simpson; seconded by Mr. Gilmore.

This is specific to Connecticut; it doesn't include any reference to what will be in place in the other states. We need a roll call vote this, I assume. This is a final action specific to Connecticut with consistency with the other states being made clear.

All right, any discussion on the motion? I see no discussion. Caucus? **No, so roll call vote. All right, any objections? No objections. All right, so with no objection, the motion is adopted.** Any other motions relative to scup measures for 2015? I assume with no motion; it will be status quo for the other states. All right, is that clear to the board? Bob.

MR. BALLOU: Mr. Chairman, I realize it is late in the day so this is my thought. I'm going to ask Toni or Kirby to walk me through again this issue of where we are with regard to the federal regulations on scup for 2015 and how they compare with the – I guess it would be the status quo state regulations.

I'm just concerned about the disconnect. I will just stop there and ask if you could please review so I can be reminded as to where we

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stand because there were changes made at the joint meeting in December and I just want to try to reconcile those with where we are here today.

CHAIRMAN PIERCE: Toni, are you up to that? Okay, Kirby.

MR. ROOTES-MURDY: At the joint meeting in December, the board/council approved for federal measures to be 9 inches, 50 fish and an open year-round season. In previous years the southern states, which constitutes Delaware south through – New Jersey south, excuse me, through North Carolina, have made their measures match those of the federal measures. As such, the intention is for them to continue with matching their measures in 2015 with that of the federal measures.

MR. BALLOU: Thank you for that; so it is clear that the federal waters regulations for 2015 will be 9-inch minimum size, 50 fish and a year-round season. Unless there is another motion, the board seems prepared to allow or to continue status quo measures for the four states, Connecticut, Rhode Island, Massachusetts and New York.

That has a 45-fish bonus season, as I understand it, associated with them. For Rhode Island and the other three states, the increase in the bag limit to 50 fish will not be something that the states can avail themselves – for-hire vessels and others from those four states cannot avail themselves of those more liberal federal regulations. Am I correct in my understanding of how that will work?

MR. ROOTES-MURDY: That is correct.

CHAIRMAN PIERCE: Yes, that correct unless a motion is made to increase it to 50. If a motion is made to increase it to 50, if I understand Toni correctly, that would necessitate some technical committee review. I would assume that review would indicate there is no problem in light of the fact that we are falling far short of

the harvest – falling far short of our target for 2014.

MS. KERNS: We haven't done an analysis. You are correct, Dave, we fell far short of our RHL for scup. I don't know what the measure would be, but normally our process is that the states would submit proposals after the December meeting in order to come to this meeting with measures. We approve those measures here and go forward.

If it is the will of the board to want to consider this, we can move forward with having the technical committee just do a check on it to make sure that it is copasetic with our RHL; is it something that the board is interested in doing; then we can either do an e-mail vote to increase it if that is something that you are interested in doing.

CHAIRMAN PIERCE: It is February and if there is a desire to increase it by 5 fish for the bonus season, then we will have to postpone any final action. Each state will have to postpone final action on what to do in 2015 until after that review occurs. It is up to the board as to whether or not it is a desired action. David.

MR. SIMPSON: It is not to me. As I've said every opportunity I get, the federal government does not do as much as the states. They're more liberal. They're more liberal on summer flounder; they're more liberal on black sea bass; they're more liberal on scup. It always falls to the states to do the bulk of the conservation.

I do not want to consider a 9-inch minimum size and a 50-fish limit with an open season year round for all our fisheries. I don't think that would be the right thing to do a year before a stock assessment unless you want to set the stage for a reallocation argument, but I don't think it would be reasonable to do on the fly.

CHAIRMAN PIERCE: Thank you, David. I have to turn to staff for some clarification. We did take action on Connecticut. Are we going to need

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action on scup recreational proposals for the balance of the states?

MS. KERNS: As you said on the record before, you were all indicating that you wanted to stay status quo; so therefore no motion is necessary because you put that on the record.

ADJOURNMENT

CHAIRMAN PIERCE: All right, thank you; I just wanted to make sure. We've gone through fluke, scup and black sea bass. There is nothing else on the agenda regarding those stocks. Is there any other business before the board? I see none; therefore, the meeting is adjourned.

(Whereupon, the meeting was adjourned at 5:45 o'clock p.m., February 4, 2015.)