PROCEEDINGS OF THE
eATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC STATES MARINE FISHERIES COMMISSION

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD

The Westin Alexandria
Alexandria, Virginia
February 2, 2016

Approved October 25, 2016

Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
February 2016

Table of Contents

Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
February 2016

INDEX OF MOTIONS

Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
February 2016

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)
Doug Grout, NH (AA)
Rep. Sarah Peake, MA (LA)
Bill Adler, MA (GA)
Nichola Meserve, MA, proxy for D. Pierce (AA)
Bob Ballou, RI, proxy for J. Coit (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)
David Simpson, CT (AA)
Lance Stewart, CT (GA)
Steve Heins, NY, proxy for J. Gilmore (AA)
Emerson Hasbrouck, NY (GA)
Pat Augustine, NY, proxy for Sen. Boyle (LA)
Brandon Muffley, NJ, proxy for D. Chanda (AA)
Tom Fote, NJ (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Roy Miller, DE (GA)
John Clark, DE, proxy for D. Saveikis (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
David Blazer, MD (AA)
Mike Luisi, MD (Chair)
Bill Goldsborough, MD (GA)
Ed O'Brien, MD, proxy for Del. Stein (LA)
Rob O'Reilly, VA, proxy for J. Bull (AA)
Kyle Schick, VA, proxy for Sen. Stuart (LA)
Louis Daniel, NC (AA)
Doug Brady, NC (GA)
Martin Gary, PRFC
Sherry White, USFWS
Mike Ruccio, NMFS

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

Ex-Officio Members

John Maniscalco, Technical Committee Chair

Staff

Robert Beal
Toni Kerns
Kirby Rootes-Murdy

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 2, 2016, and was called to order at 3:25 o'clock p.m. by Chairman Michael Luisi.

CALL TO ORDER

CHAIRMAN MICHAEL LUISI: Good afternoon everyone. I would like to call to order a meeting of the Summer Flounder, Scup and Black Sea Bass Management Board. My name is Michael Luisi; and I've been passed the baton from Dr. Pierce to serve as your chairman for the next couple years, for which the clock has already started ticking. We set the alarm this morning on two years from now.

APPROVAL OF AGENDA

CHAIRMAN LUISI: Thank you and we have a lot of different items on the agenda today, starting with consent of the approval; I'm sorry, approval of the agenda. Does anyone have any changes to the agenda? Seeing none, it is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN LUISI: Regarding the proceedings from the November, 2015 meeting is there any edits, additions or changes to the proceedings? Seeing none; those will be approved by consent.

PUBLIC COMMENT

CHAIRMAN LUISI: We didn't have anyone sign up for public comment, but does anyone in the audience wish to speak regarding anything that is not on this current agenda?

Seeing no one from the audience, we will have discussion today on final action that will need to be taken for the draft addendum for summer flounder and black sea bass. At that time there will be an opportunity for the public to provide comment; after we have a motion that is debated by the Board.

REVIEW OF THE 2016 BLACK SEA BASS COMMERCIAL QUOTAS

CHAIRMAN LUISI: With that I will go ahead and turn the microphone over to Kirby, who is going to discuss the review of the 2016 black sea bass commercial quotas.

MR. KIRBY ROOTES-MURDY: I'll go through this fairly quickly. Back in October of 2015 the Board revised the black sea bass commercial quota to 2.71 million pounds. In December of 2015, NOAA released the final rule on the 2016 commercial quota for summer flounder, scup, and black sea bass.

At that point through reconciliation between state data and data reported through SAFIS, the finalized 2014 landings and NOAA determined that there was an overage of about 8,896 pounds. In January of this year the Board received a memo on revised 2016 state quotas for black sea bass and 2016 summer period stakeholders for scup.

Up here on this slide we have what the final 2014 black sea bass landings are by state, and what the coastwide overage is. If any states are interested in how this played out relative to what was presented in October, I'm happy to go over that. Then after accounting for this coastwide overage, those states that were over their state specific quota took a reduction even with the increase in the coastwide quota. In that memo you have the final, or at least the initial 2016 black sea bass state-by-state quotas, and I say initial because depending on transfers throughout the season that number may change. With that if there are any questions on the black sea bass state quotas for 2016, I'm happy to answer them now.

CHAIRMAN LUISI: Any questions for Kirby on the presentation? Okay seeing none; we'll go

ahead and move on to the next item on the agenda.

DRAFT ADDENDUM XXVII FOR FINAL APPROVAL

CHAIRMAN LUISI: The next item, we have a series of presentations. Kirby is going to present some information regarding the Draft Addendum XXVII. John Maniscalco is here to report out on the TCs findings.

We also have Mark, who will be providing us some comments on the Law Enforcement Committee. What I thought we would do, since these issues while each and every one of them is new in some way, you know the issues in this addendum are things that we've had a lot of debate on over the last few years, regarding regional management, regarding black sea bass overages and the necessary reductions that come as a result of that.

REVIEW OPTIONS

CHAIRMAN LUISI: We'll kind of step through the presentations, and I'll try to find a time in there when I think we can get some questions on the addendum. We'll get through all of the presentations before we would consider motions to move the addendum along and finalize the addendum as needed today. With that Kirby is going to review the options in Addendum XXVII.

MR. ROOTES-MURDY: As Mike walked us through; I'm going to go through the addendum first, just so everyone is familiar with what the options are and what the public saw. I'll go through that fairly quickly and then I'm going to touch on what the public comment summary was. First the public hearings and then the written comments, after that I'll go through briefly what the advisory panel report was, and then John will walk through the Technical Committee's comments on the draft addendum specific to summer flounder.

After that Mark will give the Law Enforcement Committee report. The draft addendum was approved for public comment at the Joint ASMFC/Mid-Atlantic Council meeting in December, 2015. Proposed regional management options for summer flounder and black sea bass recreational fisheries in 2016 and 2017, and the public comment period closed on January 21, 2016. The Draft Addendum XXVII seeks to address concerns over the equitable access to summer flounder recreational fishery along the coast.

In previous years prior to 2014, state-by-state harvest targets were becoming viewed as increasingly problematic because of the need to take reductions when states went over their harvest allocation, as well as states that were under would have liberalizations, which caused big discrepancies on a state-by-state basis on what management measures were.

In addition to that fishery performance along the coast has also varied a lot during the last 20 years. In recent years we've been trying to address how that has been changing over time. In the draft addendum on Page 22 through 26, there is in that appendix a breakdown of how the states score out, so to speak, in terms of a couple of different metrics; retention rates, nearest neighbor management measures, trips that are targeting summer flounder.

Some interesting things the document puts out are that the retention rates are highest in the states of Virginia, Delaware, Rhode Island, and Massachusetts, and lowest in the states of New York, New Jersey, and Maryland. Interest or avidity in relation to successful trips is also varied across the coast as well. Trips targeting summer flounder are lowest in the states of Massachusetts, but highest in the states of New York and New Jersey; and the highest success rate for targeted trips has been in the state of Massachusetts. In recent years New Jersey has had the lowest score when you compare these metrics across the states and across the coast.

The draft Addendum XXVII outlines kind of a step approach to make a decision for 2016 and 2017. There is first Option 1 that lists either to go with a coastwide set of management measures, or conservation equivalency. Under conservation equivalency there is the ability to have state-by-state harvest targets, which were used as I said from 2001 until 2013.

The other route is to have adaptive regional management. That was what was used the last two years. Sub-option 2A has the regional alignment for what was in place in 2014 and 2015. Choosing that option would continue that regional alignment; Sub-option 2B allows for New Jersey to split its regulations east and west of the COLREGS Line in Delaware Bay.

This information again is on Page 8 and 9 of the draft addendum. Under Option 1 there is a breakdown of what the state-by-state harvest targets would have been in 2015, and what they will be in 2016 if that option is chosen. It also has a breakdown in what the state-by-state harvest estimates are through Wave 5, and what you can see is that a number of states would have been over their state harvest target; and therefore would need to take a reduction in 2016.

Option 2 as I mentioned before is adaptive regional management that has been in place the last two years. Under this option states implement the same bag and size limit within a region. The season start and end dates may vary, but the number of days within the season must stay the same among the states in a region.

The effort by the Technical Committee is to have the proposed measures within a region to be similar to the previous year's regulations so there aren't huge swings year to year on what the management measures are. It is important to note that this is not intended to implement new state allocations, nor is it intended to set a precedent for state allocations based on harvest.

The Technical Committee as I said would work to develop regional measures that the Board would review and approve. The document contains what the regional management measures would be for the states and the two regional alignments set ups for 2016. The first regional management option, Option 2A, has a breakdown of what the management measures were in 2014, 2015, and is proposed for 2016 in the draft addendum.

Option 2B, as I mentioned before draws a line in the Delaware Bay along the COLREGS Line. West of that New Jersey would have a different set of management measures in the Delaware Bay relative to Delaware. In previous years there has been a two inch difference in the minimum size.

This regional alignment would make a one inch difference, so New Jersey would effectively come down from 18 inches to 17 inches. For possession limit they would also come down to 4 fish instead of 5 fish for the rest of New Jersey, and a season length of 128 days, which would mirror the rest of the state of New Jersey. The difference is that once you get east of the COLREGS Line, the ocean side of New Jersey is held to the regional management measures that were in place the last two years and is consistent with New York and Connecticut.

East of the COLREGS Line, New Jersey's measures are 18 inch size limit, 5 fish possession limit, and 128 day season. It is important to understand that by the way that regional alignment in regions that can be formed under conservation equivalency stipulates that a state has to have the same management measures as the other states within a region; because no other states in the northern region that had been in place the last two years, Connecticut, New York, and New Jersey are looking to offer a similar area specific set of management measures.

New Jersey is going to become its own region under this context, while setting its measures similar to the other states in the former region. On Page 28 and 29 in the draft addendum there is a decision tree to help the Board walk through the options that are included in the document. It is important also for the Board to keep in mind that conservation equivalency was approved by the Board in December of 2015.

That first step has already been taken. The next step down is to choose between either state-by-state or regional management. As I just walked through, there are two different options for regional management under adaptive regional management option. For summer flounder there are four options for a timeframe. The first one would make it so it is only in place for 2016.

Option 2 will give the Board the ability to extend it another year through 2017. Option 3 would give the Board the ability to extend it up to two years, so up through 2018 and then Option 4 would create a no sunset, so the addendum would continue in perpetuity until a new addendum that offered different regional management alignments was developed.

Unless there was an interest to change the regional alignment in a year or two years this would stay in place until such a document was developed. This is included on Page 13. I am going to go through the black sea bass part of the document fairly quickly. The statement of the problem is similar to what was outlined for summer flounder.

Regional management for the recreational fishery has been in place since 2011. It was crafted to alleviate the issue that coastwide set of measures was having on different states throughout the management unit. The draft addendum offers options for continuing the regional management approach that has been used from 2012 to 2015.

In the document there are two options put forward. The first is to go with the FMP status quo, which would be a coastwide set of management measures. The other option is to continue the ad hoc regional management approach, where the states of Massachusetts through New Jersey craft measures to the best needs of their state's interest and to account for harvest that primarily takes place in their state waters.

The states of Delaware south through North Carolina north of Hatteras would set their measures more consistently with the federal measures. I outlined a little bit more what Option 2 has in terms of the ad hoc regions. It is important to note in the document it lays out what the reduction is set for in 2016. Based on preliminary Wave 5 data, the northern states would need to take the reduction of about 23 percent.

John is going to go through a little bit more on the black sea bass proposals on how that breaks down and why the northern states would likely be taking that reduction. Similar to summer flounder there is a four-option approach for the timeframe. The first one, no extension beyond 2016, Option 2 would allow for the extension through 2017, Option 3 through 2018, and Option 4 would create a no sunset clause. That is the draft addendum. Unless there are any questions on the draft addendum I will continue on to the public comment summary. Public hearings were held in January of 2016 in the states of Virginia through Massachusetts, 105 people attended across seven states.

Commissioners were in attendance for a number of those public hearings. Written comments were submitted and a total of 52 comments were submitted by e-mail or by fax, and nine groups and organizations provided comments. A breakdown of how the public comment summary is included in the supplemental materials. We have hard copies in the back of the room if anybody needs one of those.

PUBLIC COMMENT SUMMARY

In terms of the public hearing summary for summer flounder, support was split between four states for Options 2A; the regional management status quo, and Option 2B, New Jersey/ Delaware Bay region. There was no clear majority in the other three states of New York, Virginia, and Massachusetts.

That is the breakdown on the state-by-state comparison of public hearings. In terms of total number of people at public hearings, the total number that were in favor of Option 2B, the New Jersey/Delaware Bay region was 42 compared to approximately 10 people who were in support of the regional management status quo.

Again, this is a breakdown on people who gave us confirmation or affirmation that they were in favor of one of the options that was included in the draft addendum. We received a number of public comments that didn't pertain to options that were in the draft addendum; and I'll go through those a little bit.

Reasons that were cited in support of Option 2B were concerns over the different size limits in the Delaware Bay and the economic impact that has had on southern New Jersey fishermen, particularly in concern over trips that they are losing to their southern neighbor Delaware, in terms of charterboats.

The other concerns that were raised were over different management measures that have been had on the shared water body as well as the fact that while the management measures have been different, they are fishing on the same size fish in these two states. The preferred time table that was indicated through public hearings under this option was Option 1, just for 2016.

As a majority of these comments came from the New Jersey public hearing I just want to make a note that the preference stated from that was a return to state-by-state conservation equivalency in 2017 or a majority of those who were in favor of Option 2B. There were a few comments in support of Option 2A. The main reasons that were given were that regional management measures have worked in the past two years.

Concern expressed over New Jersey becoming its own region and concern over the number of regions in management measures under Option 2B. Again what they're saying here is that there would be six regions as opposed to five, which is starting to mirror the number of states or close to the number of states in the management unit, which is getting closer to what the breakdown was under state-by-state harvest targets. The preferred timeframe option varied along the coast when it came to support of the status quo, but they were all for multiple years, so beyond 2016; either Options 2, 3, or 4. For black sea bass there were a few comments in support of options that were in the draft addendum. Thirteen were in support of Option 2, continuing the ad hoc regional approach.

Reasons cited were that it has worked well the past two years and that interest in maintaining the separate management measures for the southern states and those that the northern states craft, and the preferred timeframe that was indicated was for either Options 1, just for 2016 or for Option 2, 2016 and 2017.

But the majority of the comments we received were concerns over the mismatch and what anglers are observing in terms of the abundance out on the water and the current harvest limits. It was noted during the New Jersey public hearing the state is interested or should be considering going out of compliance.

In terms of written comment summary, the majority of comments received on summer flounder did not specify an option in the draft addendum. Many were requesting a 17 inch

size limit for southern New Jersey fishermen that extended north beyond the Delaware Bay to varying degrees. Some outlined it as to the extent of the Little Egg Inlet, others extended it further north.

Reasons cited were similar to those given in public hearings, concern over the different size limit in the Delaware Bay, and concern over different management measures in shared water bodies. The preferred time table that was a majority of those that were in favor of an option in the addendum was for just 2016.

There were also a few comments in favor of Option 2A, Regional Management Status Quo. Reasons cited were similar to those in the public hearing; the regional management has worked over the last two years, concern about New Jersey becoming its own region and preferred timetable varied, depending on the state in which the public comment came from.

For black sea bass the majority did not specify an option in the draft addendum. The overwhelming majority of the written comments we received took issue with the 23 percent reduction and recommended it not be implemented in 2016. Of written comments received, only three were in favor of continuing the ad hoc regional approach with reasons cited primarily that it has worked well for the past two years.

ADVISORY PANEL REPORT

We held an Advisory Panel call earlier last week to go over the options in the draft addendum. Six were in favor of Option 2B, the Delaware Bay Option with reasons cited that was similar to both the written comments and public hearing comments. Only two were in support of Option 2A, which was Regional Management Status Quo.

Six of the AP members were in favor of continuing Option 2B, the Ad Hoc Regional Management with a preference for ad hoc regional approaches versus coastwide set of measures. That is the summary of what the public comment was. I will take any questions if folks have them at this point.

CHAIRMAN LUISI: At this time I would like to direct questions to Kirby, if you can try to keep your thoughts to questions rather than comments on the actions in the addendum.

MR. BOB BALLOU: Kirby, I just want to make sure that I am clear on the actions taken by the Board to date with regard to summery flounder, 2016 reconciles with the decisions that are before the Board today. My understanding is, my recollection is that the Board – and you noted this – did agree to adopt conservation equivalency for 2016.

In addition, and that was at the joint meeting in December. In addition at our Board meeting in November, as I remember, the Board agreed to extend the provisions of Addendum XXVI, regional management for 2016 as well. In a sense those two issues have already been addressed and decided upon by the Board.

Now I think the key caveat is that Addendum XXVII, which sort of primarily addresses the issue of New Jersey's request to be a region by themselves, also includes extended timelines beyond 2016. Is it for that reason that we're back to looking at conservation equivalency and regional management again, having already essentially decided them at our last two meetings; if you follow my question?

MR. ROOTES-MURDY: Yes, you're correct in everything and I just want to make sure it is clear. The draft addendum offers multiple timeframes for when regional management could be extended out beyond 2016. Without that addendum, or if the addendum is not approved today, for 2016 summer flounder regional management just for 2016 is an option that is available.

CHAIRMAN LUISI: Bob, I can add to that. Thinking back to our meeting in November, there was a concern that if we initiate an addendum and it doesn't become finalized due to the change in the regional approach that we would find ourselves having to revert to straight conservation equivalency.

We almost put a backstop to how far back we would fall if this addendum today does not become final. If it is voted down we would revert to the current status quo, which are the regions that we're currently in. Does that help clarify? I was a little concerned, but confused a little bit too as to why in this draft it allows for the Board to go back and revisit all of that; and the Board certainly can.

If the Board wants to revisit each one of those options and vote for coastwide measures or change something. The Board can do that. It would require a two-thirds vote, since we've already voted on those options to this point. Maybe we won't have to do this too many more times down the road, but if we have to in the future perhaps that could be clarified. If we end up taking action with the council and by ourselves as a Board leading up to this, it should be made sure that it is clear so the public isn't confused; because I think in some cases that could confuse the public.

MR. ROOTES-MURDY: Just one other follow-up so that it is clear. The addendum also has options for black sea bass, a deviation from what the FMP status quo is. Without the addendum for black sea bass coastwide management measures would be in place for 2016. When we get to the Board's preference on what options to go forward with, then we'll handle it in two ways; summer flounder and black sea bass, but understand that without the addendum we also would be coastwide measures for 2016.

MR. DAVID G. SIMPSON: Was John going to speak to the alternatives for summer flounder? I'll hold my question then, thanks.

MR. ROOTES-MURDY: Yes, John is going to go over the Technical Committees review of the Draft Addendum XXVII.

MR. EMERSON C. HASBROUCK: Kirby thank you for your presentation. I have two questions. The first is, can somebody direct me to where in the document it specifically says that if we go with the New Jersey/Delaware Bay option that coastal New Jersey outside of Delaware Bay will in fact correlate and have its regulations the same as New York and Connecticut. That is one question.

MR. ROOTES-MURDY: In the draft addendum it says on Page 12, New Jersey/Delaware Bay option will have a similar size limit as Delaware, and the same possession limit as Delaware, and the same season as the rest of New Jersey north of Delaware Bay. Then in the table it lists what those measures are explicitly.

MR. HASBROUCK: Thank you. My second question may be a little premature, depending on what John's presentation is. I'll ask the question and if I need to ask it after John's presentation I will. I recall that there was some discussion about how the Delaware Bay option with New Jersey was going to require an additional 30,000 more or less fish to be able to accommodate that. Should I follow up that question now, or should I wait 'til John's discussion, because I'm not sure what John is going to cover?

MR. ROOTES-MURDY: Yes so John is going to go over what the number of fish that the Technical Committee has considered, in terms of the different regional breakdowns relative to the harvest limit.

MR. PATRICK AUGUSTINE: Excellent report, Kirby. Question would be that if we do it through 2018, and I should know this answer but I don't. If in fact the harvest report that comes in at the end of 2016 is off the wall, completely out of whack because of this change

that we make in Delaware Bay. Does the document allow us to move forward and quickly change that back or are we cast in concrete through 2017/'18? I should know the answer but I don't.

MR. ROOTES-MURDY: Can you repeat the question? I was getting a little confused; and specify are you talking about summer flounder?

MR. AUGUSTINE: On summer flounder if we in fact separate the Delaware Bay between the two sections or regions, if you will, with an inch difference or whatever it is. If at the end of the harvest year and you do your preliminary reporting and we find out that one section or the other has significantly over past their quota, surpassed it by some outrageous amount.

Are we in a position to go ahead and reset that? Who will be penalized? Will it be both regions? I need a little clarification on it, because I personally am supportive of giving this a shot. I'm more concerned that if we go down this road and if we run amok for some reason, what do we do to recoup it, and who pays the balances? I don't know if you can help me with that Kirby.

CHAIRMAN LUISI: Yes Pat, I can try to speak to that and you brought up the point that I was planning to discuss briefly with the Board at the end of the meeting, regarding new business. Your concern is it should be on all of our minds. It is something that has been brought up a number of times over the years that we have been manipulating and modifying this regional management approach. The question as I understand it is, if we exceed the recreational harvest limit in 2016, or it is projected that we're going to exceed that limit. We don't have a real mechanism in place in order to deal with that overage regarding who is responsible, or who pays back. Because the regions while they have a theoretical allocation that each region kind of carries along with itself from the 1998 allocations, with the help from other states that provided extra cap space for the fish sharing concept that we use.

There really is nothing to fall back to, to determine who pays back overages and who has to change their regulations to fix that. My thought moving away from today's meeting was, let's put this on the agenda to begin that discussion in May; somewhat of an accountability amendment on how we handle regional management in the future.

I don't have the answer, but what I can tell you is if we do vote to have this in place for a couple years and along the way we see it going off the rails. I believe another addendum could be initiated in that event. We won't have to wait until 2018 to do something. We'll have some flexibility to initiate something new.

By establishing 2018 for instance, if this is sounding familiar to some of you, this is something we've done every year now for two or three years. We would just hold off on having to have this conversation unless there is something new that we want to consider. Does that help answer your question?

MR. AUGUSTINE: Yes it sure does, and he did alert the whole Board. That was my concern that maybe only a few of us were paying attention to it and we're just going to say, well, let it happen. Unfortunately when it does happen then we're going to have to scurry. I hope you bring that up for May.

MR. ROB O'REILLY: I promise to stay out of that for right now. But I do have some questions and I'm wondering. I remember that the striped bass Addendum IV drew about 100, 101 participants to public hearings and Kirby, you may have said in total how many attended these meetings. But do you happen to have a rough estimate?

MR. ROOTES-MURDY: For the coast? For the coast I believe it was 105. I had it on one of my earlier slides.

MR. O'REILLY: I guess my question is, I know I was at one public hearing, but did everyone understand this question about one year, two years, three years; no sunset as to where it was coming from? It is a bit unusual, and I think that I understand it and I'm sure others around the table understand why. But did the public have any questions as to why this was posed for Addendum XXVII?

MR. ROOTES-MURDY: I'm not aware of the public requesting additional information on how the timeframe options came up. I attended one public hearing in person, and other staff attended the others. There weren't specific questions as to why multiple timeframes were being offered that I'm aware of.

CHAIRMAN LUISI: Follow up, Rob?

MR. O'REILLY: Very small. We know about adaptive management and we have a very small segment of the public who are attending these meetings. Would there be a good way to at least convey the information that whatever is chosen, in terms of the timeframe for Addendum XXVII measures that the public will understand there is adaptive management.

Already had a couple of comments about what happens if things don't work out, and certainly that is something the public should know about as well that there is adaptive management there. Even if there is a three year or a sunset that doesn't mean that these issues don't come back. I'm just wondering, is that something that staff thinks it would be easy to convey somehow, when this information, these decisions come out later on?

MR. ROOTES-MURDY: Yes, it is included earlier on in the document, but I'll just reiterate it that each year the Technical Committee has to evaluate how the coastwide harvest is proceeding relative to the harvest limit; and in doing so have to make adjustments if there is the anticipation that the following year the harvest is going to go over the harvest limit.

Management measures have to be reevaluated every year. Under Option 2B it kind of locks in how New Jersey would set its measures relative to its neighbors, but the other option, Regional Management Status Quo, doesn't specify what the year-to-year regional management measures are per se. Under both you kind of have the ability to change every year as needed, but we can make sure that that is more explicit in terms of what the management measures are.

MR. BRANDON MUFFLEY: Just to follow up on your point. I wholeheartedly agree that we need to discuss how we deal with overages and how penalties occur in the future. But I just want to point out that regardless of what we do today, if we decide to put New Jersey in its own region for Delaware Bay or we stay at status quo that discussion needs to be had. Because we never really kind of fully fleshed that out in terms of how we would deal with overages; even under the current structure.

CHAIRMAN LUISI: You're correct and before we adjourn today I'll get the Board to weigh in on possible ways that we can consider moving forward with that.

MR. THOMAS P. FOTE: There were more than 104 people at the striped bass hearings, Rob. I had 150 in New Jersey alone, so I don't know where that number came from. I'm thinking, yes there weren't a lot of people, I actually did count heads throughout here and if it wasn't for Massachusetts and New Jersey we would only have 25 people at all the other hearings.

That is with 100 on summer flounder, but on striped bass we had a lot more than 100 at all the hearings. We had 150 in New Jersey. There is also nothing in the document that would tap in this year to New Jersey. I mean one of the reasons we don't really have to take as drastic a reduction, can pretty much stay status quo.

But of course New Jersey was actually under 40 percent of what we could have harvested under the other rules, what we were supposed to have harvested. By us basically harvesting way under what we should have, or we could have, we basically helped everybody out. There is no way of rewarding that. In the old days we at least could have actually gotten relaxed on regulations instead of going the other direction, but that is not possible under regionalization. We don't do it one way or the other, we don't penalize. It is one of the things to look at if you're going to reward or penalize somebody for doing that. That is what I'm looking at. But we also know that we were 40 percent under this year. In 2013 when we had no boats in the water and one Wave when we had no boats in the water, all the marinas were still closed because of Sandy in June and July; we went over quota.

We almost doubled the quota we caught, tripled the quota we caught the year before. I might as well get a dice and throw it sometimes when we look at MRFSS figures. We know that next year we could be in the same spot that somebody else is, and that is why we help each other along the way. The south did it. Even when we went conservation equivalency helped bail us out a couple of times in the northeast region.

MS. NICOLA MESERVE: A quick question for staff about some language on Page 14 of the document. The guidance to states about black sea bass regulations puts a threshold at 15 percent for a PSE to set in mode or area specific measures. My recollection was that that 15 percent value was a hangover from MRFSS, so I am wondering if that should be updated for this document in terms of the states setting or their proposals that we're going to look at as part of this meeting today.

MR. ROOTES-MURDY: You are correct. That is a consideration that was put forward by the Technical Committee. I don't think we have a new PSE for mode or area for MRIP specific, so that is also something that would need to be specified. But it is a point that the Technical Committee has brought to the Board's attention before.

TECHNICAL COMMITTEE REPORT

CHAIRMAN LUISI: Okay at this time I am going to turn to John to provide us a report on the technical aspects of the addendum, and then we'll have the law enforcement committee report and then move on to taking up the action items in the addendum.

MR. JOHN MANISCALCO: A lot of this has already been covered, but this is just a quick look at harvest from 2013 through 2015. Certainly in 2014 and 2015 the same regulations were in place; 2013 was somewhat different. In the far right column you can see a comparison from 2015 to 2014 it is essentially a ratio of harvest.

In general there was a decline in most states along the coast. New York stayed essentially the same, Virginia increased slightly. All other states decreased, but most significantly in that Mid-Atlantic region with New Jersey being 60 percent lower than they did the previous year with the same regulations.

There has been some concern about the magnitude of harvest coming out of Delaware Bay, so the TC wanted to clarify that; 2015 Delaware Bay harvest was about 15,000 fish. With a proposed liberalization of regulations in Delaware Bay, New Jersey only 17 inches so the size limit decreases by one inch to 17 inches. The possession limit decreases by one fish to four fish; 128 days remains the same.

That liberalizes harvest in Delaware Bay, New Jersey by 35 percent, which is equivalent to approximately 5,500 fish going by 2015 harvest numbers. As noted, New Jersey 2015 harvest was particularly low. If you look at Delaware Bay harvest in a year like 2012 or 2014, where it

is closer to1, 1.2 million, Delaware Bay harvest is approximately 85,000 fish. If you take that same 35 percent liberalization, you're looking at approximately 30,000 fish. If you take the 30,000 fish that is relative to 1.87 million fish in the 2016 RHL, so even if New Jersey does harvest at, we'll say more normal rate, the impact from the Delaware Bay liberalization is likely to be small; at least judging by the previous four years of harvest. The current projection for 2016 based upon regional Options 2A and 2B are both approximately 1.6 million fish.

The 2016 RHL is 1.87 million fish. These options are projecting underharvest of the 2016 RHL by over 200,000 fish. But the TC wishes to remind the Board that under the same, or essentially the same exact regulations in 2014, the coast harvested 2.46 million fish. The RHL will drop again in 2017 by an additional 2.6 percent according to the annual specs.

Continued depressed recreational harvest, which only corroborate the most recent assessment update findings, and that we can look forward to another assessment update this summer. Finally the Technical Committee wanted to address a proposal from Rhode Island Charter Captain's Cooperative.

We've seen something similar before, this is kind of a limited entry group of charter vessels that is seeking an allotment of summer flounder to better serve their customers and their business. What they're doing is asking for a number of fish so they can seek flexibility with regards to size limit, while harvesting under the per angler possession limit.

They wish to reduce discards and provide a more stable business environment. Another aspect of this program is higher quality catch reporting and monitoring, which the Technical Committee representative from Rhode Island did say was for him the best part of this program. In 2013/2014 they had a pilot program that utilized RSA fish.

RSA has been suspended and a similar program request failed to gain Board support in 2015. Technical Committee concerns with this program have to do with the biasing of MRIP data and confounding of the intercept data. This would be a mode split. Charter vessels within Rhode Island would be fishing under different sets of regulations.

This is problematic and if you're looking at intercept data would be next to impossible to separate out which vessels were fishing under the cooperative and which vessels were fishing under regulations in place for the rest of Rhode Island. Another aspect of this that is problematic is, as has already been noted, each region or state has a projection or expectation of harvest for the coming year.

But no state has been held to that number it has been kind of fluid, and as long as we remained underneath the RHL, no state has been held accountable or have been forced to change their measures. The question with a cooperative like this is, where do those fish come from and who is held accountable, and what happens if the RHL is exceeded?

Finally just one more note. The TC appreciates the stability in measures. It gives us data to work with having three years or similar measures provides some idea of how much variability you can expect from, you know when stock size and/or MRIP changes what's being harvested in states. That is all I have for now.

LAW ENFORCEMENT COMMITTEE REPORT

CHAIRMAN LUISI: Before we take questions let's go ahead and get the Law Enforcement Committee report. Okay I'm sorry, Bob, did you have something? Are we ready for the Law Enforcement Committee report? Mark, are you ready for that? We'll finish up the presentations, get questions for Mark and John, Kirby and I and then move forward with consideration of the options.

MR. MARK ROBSON: The Law Enforcement Committee was able to meet during our conference call to discuss this addendum on January 7th. There were 18 enforcement members of the committee participating, and before I get into specifics on summer flounder or black sea bass, a general note for both species regarding the timing; specifically in discussing this issue focusing on the conservation equivalency and the regional adaptive measures, the regional management measures.

The Law Enforcement Committee would certainly prefer that timeframes be extended as long as possible. This is kind of a general consistency and stability issue that we've referenced in our enforceability guidelines that the possibilities of changing from year to year and how boundaries are drawn or where regions are laid out creates some real uncertainty and some problems for law enforcement.

That is the reason they just express that desire to try to extend those decision making processes out as far as possible. With regard to summer flounder, the LEC really focused its review on the new option for the region for New Jersey and the Delaware Bay. I'll say right off the bat, we didn't have consensus, so I'll skip right to the bottom bullet on this one.

Part of the reason there is not a consensus is because obviously the members recognize there was an intent to try to provide more consistency within Delaware Bay and recognizing the importance of that. But this was a case where there was a consistency tradeoff, in particular discussing how this might affect enforcement in the southern part of New Jersey, where you have waterways and water bodies that can connect the ocean side to the Bay side of Delaware Bay.

It was pointed out that this was likely to create a lot of enforcement difficulty from the southern end of New Jersey up towards those northern areas where you may have more of the ocean regulations in place. Just as an aside, the comment was made about previous problems with differing recreational regulations in some of the parks in New Jersey as opposed to regular statewide regulations; and at a local and regional level how difficult these things can become for enforcement officers.

We may be thinking in terms of big, broad, geographical areas but what it comes down to in this case is a problem for enforcement in southern New Jersey. On the other hand, I don't think there was a significant concern raised about how this might play out for the state of Delaware. Therefore again, we don't really have a consensus.

But going back to our enforceability guidelines, you know the issue of adaptive regional measures and trying to move to conservation equivalency, recognizing as we do how important this may be to you as a commission. The broader you can have consistency in regulations, especially in recreational regulations; the better off it is from the law enforcement perspective.

This is a situation where we recognize that it is difficult to get to that happy place, but again we go back to our enforceability guidelines in seeking out the broadest possible regions or areas for coastwide regulations; especially where you have a lot of contiguous jurisdictional boundaries. For black sea bass we support the continuation of the ad hoc measures that were in place; again going back to our general guidelines of strongly recommending continuing efforts to maximize regional consistency to the broadest extent possible.

CHAIRMAN LUISI: Questions for John or Mark?

MR. JOHN CLARK: Mark, for the summer flounder I noticed you said there was not consensus among the enforcement agents. I

was just curious, because the subject came up at our hearing. How confident is New Jersey enforcement that they could properly enforce the two different size limits around Cape May?

MR. ROBSON: I believe that the answer to that if they were here and able to do that. I don't want to speak too much for the members of the committee, but I think the answer would be they would do everything possible to enforce the regulations that they're presented with.

But the descriptions of inland waterways, and I'm not that familiar with that part of southern New Jersey, obviously. But the combination of access to both the ocean side and the Delaware Bay side, and the difference in regulations in the movements of vessels in and out of those areas will create a lot of challenges for enforcement officers.

MR. O'REILLY: Thank you for the reports. I had a question about the data that John presented, and possibly this will be talked about a little bit later. But our chairman early on said we will look at situations, or at least get a dialogue started how to look at situations when there is a RHL exceedance which is beyond what was in 2014, which was 6 percent but was covered by the 2015 RHL; so there was essentially no payback.

One thing that might be good, and John, maybe you can speak for this that you may already have it. I know that you were the one who originally seeded the 2014 harvest scheme that started regional management. From what I recall it was more or less the 2013 harvest. There were a few changes. I guess what I am really interested in as we go along here is the composite of everything that has occurred since 2013, so 2014 created, I'll call it a de facto target by region.

Then there were landings in 2014. Then there was a de facto 2015 target by region and landings. As we go forward it would be good to be able to trace that when we need to, to know where the shortages were, where the excesses were so that we really can have a clear understanding once we find ourselves in the situation we don't want to be that at least we have a pretty clear idea of what has occurred region by region, and of course state within state. I don't' think that that is difficult, unless you tell me it is.

MR. MANISCALCO: That wouldn't be difficult to generate.

CHAIRMAN LUISI: Okay thanks, John; Steve Heins.

MR. STEPHEN HEINS: John, the New Jersey/Delaware Bay option under Region Option 2B. Would you consider, this is going to be several questions. You mentioned something about even if New Jersey was to harvest at a more normal rate. What is a more normal rate? We've got a number here for a regional harvest target of 490,000 plus fish. What is a more normal rate and would you consider what happened in 2015 to be anomalous? I mean are we setting New Jersey up to greatly exceed this harvest estimate for 2016?

MR. MANISCALCO: New Jersey over the last three years, so 2012, 2013, and 2014 harvests approximately a million fish. I don't think anyone expected them to harvest under 500,000 fish for 2015. The stock assessment does say there is a decline. I've heard reports from fishermen that the fish stayed offshore in that area.

I think the Maryland and Delaware data also show less harvest than we expected. Given the decrease in the RHL for 2016 and the following year, I think that if New Jersey was to harvest a million fish, regardless of changes made to Delaware Bay, we would have to review the measures in place for the coast.

CHAIRMAN LUISI: Did you have another question, Steve? I'll also say that I don't think that the option in Option 2B in this addendum is

going to be the cause of an overage. I think the cause of an overage will just be more fish caught, or a variation in the MRIP estimate or whatever it might be. But I'm not convinced that the allowance of one less inch with the reduction in creel limit in Delaware Bay is going to trigger some great response on the harvest end. That is just my opinion.

MR. HEINS: I don't think I have a concern about the 17 inches. I'm just more concerned with that only allocating 490,000 to New Jersey as its own region. It just seems like it is setting them up. We already talked about what potential consequences if we have a mess, and I just see a mess coming.

MR. FOTE: I was a little concerned, I was getting this Rhode Island report about the particular charter boat going to the Technical Committee and basically asking this to get reviewed. If I remember right, this came before the Board and we turned it down and didn't send it. Usually the Board, we progress when we do something like this. When Louis comes with a proposal for North Carolina or New Jersey comes with a proposal.

We basically get our technical people to put it together, bring it to the Board and if the Board is going to approve it, it goes then to the Technical Committee. It took me a little aghast how we were going through this thing that had not come before the Board first, to say whether we would even consider this to send it to the Technical Committee to be looked at. I am kind of lost. I have never seen that happen before, so I was kind of lost on how that worked. Is that the regular precedent of the way we do things, because from what I know that is not it.

MR. ROOTES-MURDY: Rhode Island representatives came to us. There is an interest group in Rhode Island that is interested in having this continue, this charterboat program. Jason McNamee was interested in getting review by the Technical Committee on the merits of the program.

I was not under the impression that Rhode Island is considering doing this for 2016, as it was indicated that there isn't a set allocation set up for subsector, or even at the state level under regional management for allocation. My understanding was that Rhode Island is not interested in pursuing this per se for 2016, but wanted to get feedback from the Technical Committee on its technical merits, so if Rhode Island has a different opinion on that feel free for them to speak up. But that was my understanding.

MR. MARK GIBSON: I agree with Kirby, we are not looking for this for 2016 we were looking for the technical merits and/or warts, with the possible consideration of a future date.

MR. FOTE: Follow up on that question. Yes but that is not the usual way we do something, especially on a proposal that has been turned down by the Board before. It comes to the Board first and then the board would recommend it going on. I'm just trying to make sure we have a procedure; because that is a procedure we've been following for years.

I don't want to all of a sudden say how we go around that procedure and go directly to the Technical Committee. We're tasking the Technical Committee with enough work to be done and to basically add some task that one of, even including New Jersey can walk in and say, well we would like you to look at this; while they're doing an addendum and doing everything else. It seems like out of the realm. It should come from the Board.

DR. LOUIS B. DANIEL: I've been wrapped around southern flounder management for about the last year, for any of you keeping up with what is going on in North Carolina. I see some parallels here that I would like to bring up to the Board just for your consideration as you move into these discussions.

I've not been as involved in this, because it is a jointly managed fishery with the Mid-Atlantic Council and I have staff that handles that for me. But one of the points that were made in the public hearing I think was a mismatch of the information. What the fishermen are seeing on the water and what we're seeing in the stock assessment.

My first question would be, wouldn't some observer program coverage on party charterboats and logbooks really help to get us the better information that we need in order to dispel some of those mismatches? That is question one, because I think that is a critical need that we're still lagging way behind on.

The other issue that we've talked about on several occasions, and we seem to be moving down the same path that we always move, and I think there is time for a change, is in these size limits. I think if you look at the stock status we're overfishing. Spawning stock biomass is not looking as good as it could.

I think a lot of that – and we've got a good recruitment year coming in – which seems to make me believe that recruitment is more variable based on environmental conditions rather than a stable spawning stock biomass. I think one of the reasons why we probably don't have a stable spawning stock biomass is because our entire harvest is female fish.

That is a concern, and we just keep moving in this direction of having 17 and 18 inch size limits, and we're destroying our spawning stock biomass and it looks like we're just going to continue to move in that direction. North Carolina we're looking very closely at the catch rates and how we could save hundreds of thousands of pounds of female biomass by lowering our size limit and trying to put some F on the male fish. I don't know that we've even had that discussion yet. I encourage us to have that discussion with the Technical Committee. I know some folks think, oh my God, dropping the size limit is verboten, you know? But if your Fs on males are zero and your Fs on females are resulting in overfishing you've got a pretty substantive problem. I can't help but look at the landings for North Carolina, where we've landed about a third of our quota over the last many years.

The reason for that is because we have a 15 inch size limit and we don't see fish 15 inches in North Carolina. The stock is not overfished. Right now we've got overfishing occurring. But it has consistently impacted North Carolina over any other state, because we just simply don't see the fish at the southern end of the range that meet the size limit that has been selected.

We're actually taking action in North Carolina. I'm going to be making some changes to our flounder management plan that is going to protect more summer flounder in North Carolina, not harvest more but protect more. But we will be looking at trying to come up with methods to reduce our size limit to harvest more males, and I encourage the commission and this Board to begin looking at a similar approach.

CHAIRMAN LUISI: I'll just make a couple quick points. Regarding the disconnect, I think what I heard from the public comments that disconnect I think more applies to black sea bass then it does with flounder. I don't think there is a person here that doesn't truly believe there is some disconnect to what the science is allowing us to take and what fishermen see on the water.

I hope that through the next assessment there will be some solution there or there will be something that will help balance that disconnect, or at least piece it together a bit. Regarding the sex specific issue on flounder, there was a presentation given to the joint meeting of the council and Board by Dr. Pat Sullivan, I believe last summer. I think it might have been the August meeting.

There has been some forward movement on factoring in sex specific information for the

purposes to help the issue that you bring up, to try to figure out a mechanism for which we could focus harvest not solely on female summer flounder. The idea would be that that information would be factored into the next summer flounder assessment. I'm not sure when that is going to take place, but hopefully by that point that model will be up and running.

CONSIDER FINAL APPROVAL OF ADDENDUM XXVII

At this point right now I would like to move on in the agenda and get away from questions, and get to the last item under the Agenda Item 5, which is consider the approval of the components of Addendum XXVII. The way we intend to do this, we'll need to take up a couple actions. The first action I would like to take up would be the summer flounder action.

We'll then need another action for the black sea bass part of the addendum and then we'll need a Board action to finalize the addendum. We need three specific actions at this time, and I'll look to any Board member to put a motion on the table so we can begin that debate.

MR. MUFFLEY: I would like to make a motion in regards to the summer flounder aspect of the addendum. **I would like to move to approve Option 2B, Adaptive Regional Management for summer flounder under Section 3.1 and then Option 1, no extension beyond 2016 under Section 3.1.1. If I get a second I'll speak to the motion.**

CHAIRMAN LUISI: Okay the motion is on the Board, Dave Simpson second to that motion. Go ahead, Brandon.

MR. MUFFLEY: We've talked about the issue quite a bit and I appreciate the Board's willingness to talk about some flexibility. Our inflexibility under state-by-state allocations is kind of why we went to regional management in the first place, adaptive regional management. I think we need to be flexible and evaluate situations as they come up so that we can get these regions aligned as best as we can.

I think this approach that we've taken allows us to address the two inch size limit in Delaware Bay that had never been in existence prior to implementation of regional management. We will constrain the bag limit there to help ensure as best as we can that the harvest stays within the constraints that we have.

I don't think going down this path, based on the analysis that the TC has evaluated, even under the assumption of a higher level harvest back to more normal levels in New Jersey that this is going to be the issue that causes any great problems going forward. We are only putting it up for one year to evaluate how this option plays out for this year, see what the 2016 stock assessment tells us, and then we can reevaluate moving forward.

CHAIRMAN LUISI: Okay we have a motion is there any further discussion on the motion by the Board?

MR. HEINS: I am all for supporting each other and I am very much in favor of doing whatever we can to help New Jersey. However, Marine Resources Advisory Council for New York State took up this issue in January and basically voted to oppose Option 2B. They asked that we oppose it here at the table.

I'm not opposed to it. But I do want to share their concerns that the separation of New Jersey out as a separate state could have potential ramifications, not just for New Jersey but for everybody. We do know that the MRIP, we struggle with these estimates. By breaking up into less precise bits we're setting ourselves up for getting back to what we were going through with state-by-state.

I have really concerns about this. I'm glad to hear Brandon day that he would only have this go through 2016 so we could evaluate it. That

gives me some measure of comfort, but I'm still very, very concerned that if New Jersey does go back to a normal harvest that we could have some real problems on our hands in 2016.

MR. O'REILLY: I do want to support the motion. I at first thought that there might be two purposes in the no extension beyond 2016, so I definitely would support it. I was a proponent of geographical splits in the past. It was very well intentioned, but ill-fated in Virginia. I still think it would be something in the future when we again have a rebuilt stock.

That would be good to consider not just in Virginia but other states. I know Maryland has had split geographical areas as well. To me the important thing here as well is, we really do need to get back together on all this. I know that there is a shortage of resources, not only at the ASMFC, but also in the states to keep bringing these forward, the addendums forward. But in this case I think it is going to be necessary for several reasons, and also we do have to pay attention that this might be our first challenge in 2016, since 2009 with the year class that is average or subpar with the 2014 year class making its way partly into fisheries by late summer, early fall. For those reasons I'll support the motion.

MR. SIMPSON: I support the motion as well. I think because this is the right thing to do. This is what we should be doing working together to address some of the issues that have developed, frankly as we try to resolve each other's concerns and problems. This started two or three years ago largely over a concern for New York, and frankly New Jersey was a big part of the solution to that. I have faith that they are going to do the best they can to make this work.

I was relieved to see that the sort of cost for accommodating the Delaware Bay/New Jersey side is not great. It won't be the difference between making this and not. I do have my concerns as everyone does that a closer return to normal catch for New Jersey could put us over. But I'll return to my plea every time we get together that especially with the prospect of paybacks that are incorporated into federal plans, mandated through a federal process; that our federal partner do something for conservation on the recreational side for summer flounder.

I do think we need an 18 inch minimum size in federal waters to backstop what we're trying to do in a small water body, upper Delaware Bay where larger fish very arguably that they do not frequent. The same thing for Chesapeake Bay and other areas, so it is another plea that federal government if you're serious about staying within harvest limits and paybacks, you need to be a partner in making sure we don't go over and set some reasonable rules out in federal waters.

MR. HASBROUCK: Back to my 31,000 fish question then. Those 31,000 fish for Option 2B here for the Delaware Bay option. Am I correct in understanding that those fish are going to come out of the coastwide allocation, the coastwide quota so that every region is going to give up a few fish to come up with that 31,000 or do I have that incorrect?

CHAIRMAN LUISI: Let me take a stab at it and then you guys can tell me if I got it completely wrong. The reason why we're considering this option is because there is a difference between the catch in 2015 as it is projected and the quota that was set for 2016. Due to the fact that the catch in 2015 was lower than what we anticipated, I know that I am not the only one. After we set the quota in August and reduced the quota for summer flounder by 25, 26, and 27 percent.

I know I am not the only one that went home and started trying to figure out how we were going to do that. But then by December we were looking at liberalizing in some way. I believe that these few extra thousand fish that will be coming from Delaware Bay, the

allowance is there because of the catch from 2015.

If the catch in 2016 reflects more closely what we had in 2014 we are going to find ourselves working through some process to handle that as regions on who essentially does the payback. In my opinion I don't believe that these few extra thousand fish are going to make us or break us at that point. It all depends on how this next fishery operates and what we end up with as harvest at the end of the year.

MR. GIBSON: I can support the motion as well in a similar spirit that Dave Simpson cast it in that this is what we're supposed to be trying to do. We can't give everybody everything that they want, but we can try to give the majority of people some of what they want. I think this works towards that. However, I'm very mindful, and I hope the rest of the Board is of some of the things that Louis Daniel said. The last assessment update was a remarkable turnabout in our perception of the status of summer flounder.

If you look at the graphs of SSB and F we have never rebuilt summer flounder, in fact we didn't even really get close to the current rebuilding target. We got over the threshold; we didn't get to the rebuilding target. In every year except one, which I think was two years ago, stock was subject to overfishing.

We have recruitment events that look big first hand and then poof, they vaporize and get moderated down. It is almost like New England Council déjà vu, we think we're on the verge of a success story and then poof the disappearing fish and we're in a lot of trouble. I am very mindful of those and I look forward to the next benchmark assessment. We need to realize that all is not well with our summer flounder. We need to be careful of what we're doing.

CHAIRMAN LUISI: Any other questions? Roy Miller.

MR. ROY W. MILLER: It is not a question Mr. Chair; it is a comment; may I?

CHAIRMAN LUISI: Absolutely.

MR. MILLER: I just wanted to say that I am going to vote in favor of the proposed motion, and my reasoning is the New Jersey delegation approached the Delaware delegation to discuss a potential compromise for 2016. Not everyone may be aware of the process that went on. In my opinion I think that they went about it correctly.

They made a good faith effort to put forth a proposal that in my view is at least worth trying for one year. I have some comfort over the fact that Brandon proposed this only for one year. I have some concerns about the difficulty of enforcement and some concerns obviously if we overshoot the coastwide quota, but for one year I think it is worth a try.

CHAIRMAN LUISI: Okay seeing no additional comments, I'm sorry, Nicola, please.

MS. MESERVE: I can also support this motion. It is consistent with the Board's objectives for regional management. I also appreciate the no extension beyond 2016. While I recognize the burden that these addenda put on staff on an every year basis, if we want to do something other than coastwide or conservation equivalency for 2017, it gives the Board the option to incorporate those discussions that we plan to have this year about what happens in the event of an overage of the RHL.

CHAIRMAN LUISI: I'll try this one more time; the third time's a charm. Seeing no additional comments; I would like to go to the public for anyone in the audience who would like to provide any comment regarding the motion. Brian. There is a microphone at the end of the table here and if you could just state your name. Brian, also before you begin I know that you may have comment on the black sea bass portion of the addendum too. Feel free to just

go into all of that and we can include that as part of the record, thank you.

MR. BRIAN LAUGHLIN: Thank you all for allowing me to speak today. I'm Brian Laughlin, I'm Congressman Frank Pallone's Deputy Chief of Staff, and he has asked me to be here today to speak because he is on the House floor voting, so he was unable to be here. He wrote a letter a couple weeks ago and it is I believe in your packets; but he asked me to come to read from that letter so I'll get started.

"I write today regarding the Atlantic States Marine Fisheries Commission Draft Addendum XXVII to the summer flounder, scup, and sea bass fishery management plan. This addendum proposes actions relating to two important fisheries in New Jersey; summer flounder and sea bass.

Recreational fishing directed at summer flounder and sea bass is a critical component of the state's economy. My district has thousands of private anglers and attracts individual anglers from all over the nation. These anglers support local small businesses and drive the coastal economy of my home state.

It is critical for New Jersey to receive fair treatment in the development of restrictions placed on key recreational species. With respect to summer flounder I request the commission adapt Regional Option 2B, the New Jersey/Delaware Bay proposed region. The option will enable New Jersey to become its own region and allow anglers to have a more equitable size limit within the Delaware Bay area.

As the commission considers the timeframe for summer flounder measures, I request the commission adopt Option 1, which would hold this addendum expires at the end of 2016. Further, I support a less restrictive quota than the proposed 23 percent reduction that is included in the draft addendum for recreational sea bass harvest.

There continues to be a troubling lack of confidence among fishermen and many fisheries managers in the data that guides stock assessments. As Congress considers reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, the reliability of data collection remains one of our primary concerns.

We must ensure that inaccurate and out-of-date science is not guiding decisions to needlessly restrict fisheries. Recreational anglers in New Jersey and along the Atlantic Coast deserve fair quotas based on sound science. According to NOAA Fisheries, commercial and recreational fishing supported approximately 1.7 million jobs in 2012. New Jersey relies greatly upon the critical industry. I appreciate your attention to this important matter. Frank Pallone."

CHAIRMAN LUISI: Any other public comment on the motion? Seeing none I'm going to bring it back to the Board. Any additional comments before we call the vote? Need 30 seconds to caucus? **All those in favor of the motion, please raise your hand; that is 12 in favor, all those opposed, any abstentions, null votes? Seeing none; the motion carries**. Moving on to black sea bass, Tom, I'm going to hold off right now. Very quickly.

MR. FOTE: One of the reasons we're talking about numbers going down and we're looking at what is happening as a trend. When we looked at the statistics from 2007 to 2014, we were down 8 million trips in the Mid-Atlantic region and New Jersey was down 2 million trips. We would like the Technical Committee to please bring in the next meeting, if they could, as to how many trips. Are we continuing on that downward trend on number of trips as we have been going since 2007? Because one of my feelings is we've had a lot less trips and a lot less boats. We've also been down over 50,000 boats in New Jersey since 2007, and it seems to be a continuous slide. That is one of the reason

maybe we're getting less trips, because 40 percent of our directed trips were summer flounder.

CHAIRMAN LUISI: Okay thanks, Tom, we'll put that on the list for a future Technical Committee report. Moving on to the alternative we need to take up for black sea bass. I would like to move to look at the Board for anyone who is willing to make a motion to get this discussion started.

MR. SIMPSON**: I move to approve Option 2, ad hoc regional measures for black sea bass under Section 3.2 and Timeframe Option 2, one year extension through 2017 under Section 3.2.1 in Addendum XXVII.**

CHAIRMAN LUISI: Max, it is Option 2. Okay we have a motion by David Simpson and a second by Steve Heins. Any discussion on the motion?

MR. ADAM NOWALSKY: **I'll cut right to the chase and I'm going to move to amend that that it be for just no extension Option 1, no extension; and if I can get a second I'll speak further.**

CHAIRMAN LUISI: Let me get that on the Board, Adam before I ask for a second. Adam just made a motion to amend. We have a seconder of the first motion was Steve Heins. Yes, the motion by Adam was to amend under Section 3.2 Option 1. However that language reads after Option 1, no extension beyond 2016. Is that your motion, Adam?

MR. NOWALSKY: Yes it is thank you.

CHAIRMAN LUISI: Is there a second to the motion to amend? Rob 'O'Reilly. Adam, do you want to speak to your justification for the motion?

MR. NOWALSKY: Putting aside for a moment the issues with the 23 percent reduction, which I could spend an extended period of time debating here today. Putting that aside for a moment though, we know that there has been a tremendous amount of work that has been put forth largely with the help of the Technical Committee from this Board in changing the black sea bass quota.

If not for that work and the 20 percent increase in quota for 2016, we would be looking at something even more drastic here before us today. That work on quota is not done. It continues to be an ongoing process, and I believe that we need to continue to have the flexibility, and we need to have the responsibility to work on this issue.

We have before us today in the northern region, states that were under their target by up to 30 percent this past year, and unfortunately the reported data from one state, a 70 percent increase over the previous year, is what is driving this. This is the variability of the data that is driving this. We need to continue to work as a Board. We need to continue to work with our Technical Committee, with our partners at the Mid-Atlantic Council to find a better way to do this. To tell our fishermen that we had a 20 percent increase in quota, but we have to change our regulations to account for a 23 percent reduction. We all go home with egg on our face when we pass measures like that. The need to continue to do so, if we sit here today and just say okay we're going to leave this process in place for two years. I think that the people doing the work, including ourselves, we know we can do better. We're going to continue to do better and this sends the message to our constituents that we're committed to that.

CHAIRMAN LUISI: For a point of clarification. I want to make sure that I am understanding from staff correctly the difference between the options. It is my understanding that the first motion, which includes Option 2. It establishes the ad hoc regional management for 2016, and gives the Board the option to just extend those same conditions for one additional year. The Board could choose at a later time than today

to not extend those conditions for one additional year.

The amended motion simply eliminates that option later down the road, and it will essentially, the way I understand this, if we want to continue regional management we will need to initiate a new addendum at that time, and do the whole process again from start to end. Without that simple extension it will just be a longer term process. I just want to make sure that I'm clear that everyone is clear about the differences between the two. Was I good on that Kirby?

MR. ROOTES-MURDY: Yes that a new addendum is needed if you go with Timeframe Option 1, and you want to do something different than coastwide measures in 2017.

CHAIRMAN LUISI: Okay thank you. Are there any other comments or discussion on the amended motion?

MR. HEINS: I just want to speak to what Adam said about the data, because frankly he did mention that one state is driving all this, and I agree. I am glad he said data not harvest, because I find our number for 2015 to be a little bit no believable, all right. It is way out of whack with everybody else. Although I still support the original motion, I just wanted to support Adam's contention with the data.

CHAIRMAN LUISI: Any other comments? Okay seeing none I will provide another opportunity for any member of the public. Would anyone like to speak on the motion? Okay seeing none; bring it back to the Board and take 30 seconds to caucus.

MR. ROOTES-MURDY: Just for the Board's clarity on this motion, because New Hampshire and Maine have a declared interest in black sea bass, they will be voting with the Board on this matter.

CHAIRMAN LUISI: Is the Board ready for the question**? All those in favor of the motion to amend, please raise your hand; that is 5, all those opposed same sign, 7 opposed, any abstentions, 2 abstentions, any null votes? Zero null votes, the motion fails; back to the main motion**. Do we need any further discussion on the main motion? Tom Fote.

MR. FOTE: After attending the public hearing in New Jersey and we had 50 percent of all the people that attend the public hearing, and a lot of them they were not there really so much on summer flounder but black sea bass. Before I did that I attended the New Jersey Marine Fisheries Council, and all the shows I've gone to since, everybody says no, hell no. As far as I'm concerned I'm going to vote against this motion. The stock assessment says we can be fishing at a higher quota. The Mid-Atlantic Council, because of the ways they set up their rules and everything it put us in a quota that we are that we are doomed to failure, even without the 23 percent reduction. Even if we were just at what the quota was we're doomed to failure anyway, because they have underestimated the number of fish.

They're building our catch figures on an underestimation of the stock and we're catching more fish because the stock is much bigger. For that reason I cannot support this motion, because I have been directed by a whole bunch of people, including the two senators and the Congressman who I was on a podium with on this Sunday. That is the reason I'm going to vote against this.

CHAIRMAN LUISI: Any other comments? Seeing none; need time to caucus? Okay let's go ahead and call the question**. All those in favor of the motion, please raise your hand; 13 in favor, those opposed like sign, 1, null votes, any abstentions, 0, 0 motion carries**. That concludes the action items we needed to take for the black sea bass portion of the addendum. What I'm now looking for is someone on the Board to put forth a motion to finalize and move the addendum forward to final. Yes.

MR. WILLIAM A. ADLER: Did you want a motion to approve as adjusted today?

CHAIRMAN LUISI: Absolutely, yes.

MR. ADLER: Okay I'll make that motion to approve this addendum as modified/directed today, however you want.

CHAIRMAN LUISI: That sounds good, okay the motion by Bill Adler; move to approve Addendum XXVII as modified today. Do I have a second? David Simpson. Any discussion on the motion?

DR. DANIEL: Point of Order, Mr. Chairman I think you said XXVII.

CHAIRMAN LUISI: Yes it is XXVII, it says XXVI, but we are on Addendum XXVII. Thank you. Any discussion on the motion?

MR. FOTE: This is tearing New Jersey, because we don't want to vote for black sea bass yet we want to vote for summer flounder. In the spirit of cooperation I am going to have to support the motion.

CHAIRMAN LUISI: All right thanks, Tom. Because this is final action we're going to need to take a roll call vote, and since New Jersey is going to support I'm kind of looking for – **is there any objection to the motion? Seeing no objection the motion passes unanimously.** Thank you! Okay we are pressing up against some time difficulty here today.

We have another meeting after this one, so what I am going to do is ask Kirby to very quickly go through what he had planned for Agenda Item 6 and Agenda Item 7, and we will just try to limit any discussion or questions on those items. I just wanted to make sure that you guys had the information that they plan to present. But we will be selecting a Vice-Chair before we leave. That is one thing we're doing.

SET 2016 SCUP RECREATIONAL FISHERY SPECIFICATIONS

MR. ROOTES-MURDY: We'll go through this very quickly. We are going to go through scup and then we're going to go through sea bass. For scup, the Board approved the federal measures in December of 2015 for 2016. They are 9 inch minimum size, 50 fish possession limit and open season from January 1 to December 31st. The Board moved to continue the regional approach in state waters for 2016, and finalize state measures at the winter meeting.

There are no proposals for new management measures in 2016. This is a background in terms of what the harvest was. In 2015, 70 percent of the RHL was achieved, the northern region could liberalize by 28 percent, but as I mentioned there has been no interest from the states or indicated by the states to change.

The states of Massachusetts, Rhode Island, Connecticut, and New York will maintain status quo measures; 10 inch minimum size, 30 fish possession limit, and an open season of May 1 through December 31st. With a single bonus season Wave for the for-hire vessels at 45 fish possession limit.

The states of New Jersey through North Carolina will set their measures consistent with the federal measures set in December. Because states are staying status quo there is no need for a motion on scup recreational management measures in 2016. If you have any questions let me know.

CHAIRMAN LUISI: Any questions? Seeing none; go ahead, Kirby move on to the next agenda item.

MR. ROOTES-MURDY: All right so for black sea bass, I am going to go through it quickly, but switch it over to John to walk through the Technical Committee's comments on the sea bass proposals. In December of 2015 the Board

and council voted to continue the ad hoc regional approach stipulated to include it in Addendum XXVII.

The regions have two sets of proposals, there is the northern region proposal that John is going to walk through and then the southern states agreed to set their measures consistent with the federal regulations. Again it is an if/then approach that is applied under that condition. In 2015 total harvest is estimated to be about 3.64 million pounds for black sea bass.

The RHL is 2.3 million pounds, so there is an overage; there is a need to take a 23 percent reduction. The 2016 RHL is going to be 2.82 million pounds and 97 percent of the harvest in 2015 was accounted for through the northern region which is the states of Massachusetts through New Jersey. I'll turn it over to John now to go through the Technical Committee review.

MR. MANISCALCO: As usual the Technical Committee is seeking Board approval of methodologies and general principles for future consideration of Wave 6 data, which will be available in mid-February, and public input into final measures adopted by each state. Use of minimum size, increases in harvest reductions; a number of states have submitted proposals with minimum size increases.

When you do that what you're doing is you're increasing the average fish size and the average fish weight of those harvested, which means the full reduction is not necessarily being realized and the TC will address that in a methodology sometime in 2016, so that in the future we can consider that properly. Success in meeting our harvest reductions varies year to year and from state to state, but under the current construct the entire region is subject to the same uniform reduction. If states are unhappy with this arrangement then a different management scheme will be necessary. Regulatory complexity continues to be a problem. We have different possession limits and season lengths, depending on mode and wave in a given state.

This results in calculation and evaluation difficulties. Methods across states have not yet been standardized and some TC members object to liberalizing aspects of measures during a reduction. For example, increasing a minimum size limit and regaining 30 days to your season. Under ad hoc regional management we're not required, but states are encouraged to develop consistent regulations. Measures from state to state lack any sense of consistency. One TC member suggested that future liberalizations when that happens be utilized to create greater regional consistency. As you all know, current management is heavily impaired by catch limits, repeated year-to-year reductions in the face of incredible availability has eroded the ability, credibility and compliance of the fisheries.

There is a 26 benchmark stock assessment to be peer reviewed for December, 2016. Post review new regional alignments may be appropriate. Currently the northern region goes from Massachusetts through New Jersey, and I think New Jersey noted that in their proposal that in the event that the stock assessment includes spatial structure that their placement in the northern region be reconsidered.

On to the state-by-state proposals, Massachusetts in 2015 had a 14 inch minimum size limit, eight fish, and they fished from late in May to the end of August. Their proposals consider using season length and bag limit to achieve the reduction. I am not going to dwell on any individual table for the sake of time.

Rhode Island's 2015 regulations were 14 inch minimum size, one fish for July and August, and then seven fish from September through December. They also used season length and bag limit to achieve their reduction. An additional proposal from Rhode Island considered a load split. In this case, so TC has

opposed most splits in the past due to data quality issues, regulatory complexity, and the future difficulties with calculating and evaluating such proposals.

Regardless, most of those have occurred in Connecticut and Massachusetts. The for-hire portion of the black sea bass fishery is relatively small in Rhode Island, and the TC member from Rhode Island calculated it greater than 23 percent reduction to account for some of this uncertainty. However, the most split suggested is optional, meaning for-hire vessels can opt in, which produces additional issues with MRIP data; potentially biasing estimates and confounding the data.

Connecticut in 2015 had a 14 inch minimum size and a mode split, their private mode has three fish from June through August and then five fish from September through December. Their party and charter program had eight fish from late June through the end of December 31st. Connecticut wishes to continue their mode split, however it is not an optional program so some of that data confounding issues do not exist. There are additional reporting requirements for this program. I should say that Rhode Island also implied that they would also impose additional reporting programs for their mode split. Connecticut, their proposal includes minimum size limit changes, season length changes and possession limit changes. New York had a 14 inch minimum size, eight fish and mid-July to the end of December 31st. They will be using season length changes and possession limit changes to achieve the reduction, including multiple possession limits, possession limits differing by Wave.

New Jersey's recreational 2015 fishery included a 12.5 inch minimum size and possession limits that vary from 15 fish to 2 fish. They fished for the last half of Wave 3, the month of July and then from the end of October through December 31st. Their proposals include changes to the minimum size limit, season length, and bag limit to achieve the necessary reduction. That is all I have.

CHAIRMAN LUISI: Okay thank you, any questions? Dave Simpson.

MR. SIMPSON: Yes, just one clarification that Connecticut's party charter letter of authorization program; it is optional, they have to opt in. That obligates them to provide the logbook reports, which is one of the things we really wanted. It does appear that the logbook number is a fair bit higher than the MRIP estimate for that mode, and that is one of the things we wanted to learn about it. But I just want to make that clarification.

MS. MESERVE: A question for John. Is it appropriate to characterize the TCs review of the Rhode Island and Connecticut proposals about the mode within a mode option that Dave just referenced as the TC not endorsing them, because of the implications for MRIP and ability to project regulatory adjustments in future years?

MR. MANISCALCO: That is correct. A mode split, especially when you have potentially different regulations within the same mode, create difficulties in terms of potential bias in the estimates; because once one portion of that mode, we'll say some charterboats might be fishing under different conditions during a season that is otherwise closed to the rest of the charter fleet.

But the way effort is estimated those catches are potentially applied to all charter vessels, for example, so the data is confounded and the estimate potentially biased. Then in future years when you want to try to utilize the intercept data to generate regulations, it is problematic.

MR. SIMPSON: I'm embarrassed. I have to correct my correction. Greg is right. This past year it was mandated. When we changed the season we mandated the party and

charterboats what the different season prompted that. Party and charterboats started three weeks later this year than the private sector fishery. I apologize for the confusion.

CHAIRMAN LUISI: I'm surprised you were confused over all that up there. It is quite a challenge to try to figure out and it speaks to the point of how confusing things can often get when we're trying to maximize or make the best use of the resource we're managing. I do need a Board action here.

What I do need is an approval of the state specific proposals based on the TC recommendation, and in addition to that we also need the Board approval of the methodologies that are used in calculating these regulations, just in case there are changes that happen as a result of the Wave 6 data, which will be upon us shortly.

MR. NOWALSKY: We saw a couple of points of information in that last presentation, TC concerns about increase in size not necessarily gaining the full reduction required. Generally the increase in size is used to offset some change in season. We've historically heard that the best way to constrain the harvest, again according to the data by the TC, is through changes in the number of days, reducing it.

We've also heard today that as these regulations become more restrictive, it has been promoting more noncompliance. The more days open that we have with lower bag limits is promoting noncompliance with that issue. **I am prepared to make a motion to approve the methodologies as presented today. However, no state may have more open days in any mode in 2016 than in 2015.**

CHAIRMAN LUISI: Okay let's get that on the Board.

MR. NOWALSKY: Would it help if I repeated that at this point?

CHAIRMAN LUISI: I think we have it. It must be up on the ceiling; Toni is looking on the ceiling.

MR. NOWALSKY: Yes, I just also included the by mode, because we have a number of different modes in a couple of different states at this point.

CHAIRMAN LUISI: I was of the understanding that due to lack of support by the TC on the mode specific options that that wouldn't be part of what the TC was recommending.

MR. NOWALSKY: Well, I believe we're already doing it in Massachusetts and Connecticut, and it looked like the Rhode Island proposal was approved.

MR. CLARK: At one time Massachusetts did have a mode split. They removed it. Rhode Island has a proposal for a mode split this year, and Connecticut has an ongoing mode split.

MR. NOWALSKY: Again, I would just perfect that with no state may have more open days in any mode in 2016 than in 2015.

CHAIRMAN LUISI: Okay we have a motion; do we have a second for the motion? Pat Augustine seconds the motion. Discussion on the motion.

MR. SIMPSON: I'm opposed to the motion, because I don't think there is good evidence to support Adam's suggestion that limiting days is more effective than bag limit. I think I could make a very good argument, but especially in the party charter mode. Limiting the bag drastically limits their incentive to book trips and sell trips and so forth.

It is even true in the recreational fishery. When we are at three fish in July and August, they're not targeting those fish it is a bycatch allowance. I think all of us do this balancing act, right of even with the little state of Connecticut. The variation in the fishery from east to west is fairly profound, so where folks in the Central

Sound and Western Sound see fish very early in the season, in the east they do not. Last year was a compromise, we added three weeks to the season to, for the first time in two or three years, give the folks in the Central and Western Sound a little opportunity to take sea bass. I'm opposed to putting any additional restrictions on states as they develop options.

CHAIRMAN LUISI: Okay we had a comment in opposition. Given the time I am going to go back and forth. Do we have anyone that would like to speak in support of the motion? Okay seeing none; I would like to call the question. Why don't we take 30 seconds to caucus? Okay is the Board ready for the question? **All those in favor of the motion please raise your hand, 1, all those opposed; that is 8 opposed, any abstentions, 4, null votes; seeing none, the motion fails for lack of a majority.** Okay back to the Board.

MS. MESERVE: I would make a motion to approve the black sea bass proposals and methodologies for use in 2016 management as recommended by the Technical Committee, with the exception of the mode within a mode splitting. By that I mean the Connecticut and Rhode Island options or other states that have an optional program for their for-hire fleets. If I get a second I'll speak to the motion.

CHAIRMAN LUISI: Okay Nicola, let's get that up in the way that you want to see it and then I'll ask for a second.

MS. MESERVE: Mode within a mode or the optional for-hire programs.

CHAIRMAN LUISI: How does that read?

MS. MESERVE: With the exception of the mode within a mode splitting within the for-hire fisheries.

CHAIRMAN LUISI: Do you want fisheries up there or program is okay? Let's put fisheries up there. Okay do I have a second for the motion on the Board? Seeing no second; the motion fails for lack of a second; back to the Board for additional consideration on the issue.

MR. GIBSON: I would move simply the first part of the motion, move to approve the black sea bass proposal methodologies for use in 2016 management as recommended by the Technical Committee.

CHAIRMAN LUISI: Okay we have a motion by Mark Gibson, is there a second; Steve Heins. Any discussion on the motion?

MR. AUGUSTINE: Yes Mr. Chairman, clarification, would it not be appropriate to do it in one motion, because the other part is the state recommendations that the TC reviewed? The state proposals and TC recommendations, isn't that what we're trying to accomplish?

CHAIRMAN LUISI: I think everything is in here. It says the black sea bass proposals and methodologies for 2016.

MR. AUGUSTINE: Okay, I thought the state would be in there but that's fine, got it.

CHAIRMAN LUISI: It is the whole package. Any additional comments, is the Board ready for the question? Do you need time to caucus? Okay not seeing any let's go ahead and call the question. **All those in favor of the motion please raise your hand, it is 11, all those opposed same sign; it is 1, any abstentions, null votes? Seeing none; motion carries**. Thank you.

UPDATE ON THE BLACK SEA BASS AND SUMMER FLOUNDER AMENDMENTS

CHAIRMAN LUISI: We have one very quick item on the agenda Kirby is going to provide. He told me it would take a minute, so let's see what he can do here, just a quick update on the black sea bass and summer flounder amendments and then I'll be looking to someone on the

Board to provide nominations for the Vice-Chair.

MR. ROOTES-MURDY: As I said, I'll go through this very quickly. In August of 2015 the Board and council agreed to initiate a scoping process for the draft scup amendment before the amendment before the end of the year. In October of 2015 the council discussed tabling the scup amendment process and to move forward with a new black sea bass amendment.

In December of 2015 the Board and council agreed to initiate a draft amendment for black sea bass and to effectively table the scup amendment. The Board expressed interest in addressing black sea bass ahead of scup due to some of the current challenges; these include the 2016 benchmark stock assessment, overages in harvest limits over the recent years, commercial landings accountability, and regional approaches to recreational management.

The next steps and these are loosely set forward right now. We do not have an official timetable, but between council and commission staff we're working on the following. The Summer Flounder Amendment, the FMAP would convene over the spring and summer to begin development of management alternatives to be included in the draft amendment, and those draft amendment alternatives would be presented to the Board and council at the August, 2016 joint meeting for feedback.

For black sea bass the draft amendment would proceed with a draft scoping document that would be developed over the spring and summer of 2016, and the Board would consider that draft document for public comment at that joint August, 2016 meeting. Following that meeting we would move to have a public comment period and scoping hearings in the fall of 2016. I will take any questions if there are at this point.

CHAIRMAN LUISI: Any questions for Kirby okay seeing none; thanks for the presentation, Kirby and I'm sure there will be a lot more to follow up throughout this year on those two amendments.

ELECTION OF VICE-CHAIR

All right the last item on the agenda is for the election of a Vice-Chair.

MR. HEINS: **Mr. Chairman, I nominate Bob Ballou from the Ocean State for Vice-Chairman of the Summer Flounder, Scup and Black Sea Bass Board.**

CHAIRMAN LUISI: Okay we have a motion for Bob Ballou, you can't second that Pat. David Simpson seconds.

MR. AUGUSTINE: You know I want to make a motion. I move that the Board cast one vote on behalf of Bob Ballou, greet the new Vice-Chairman of this Board.

CHAIRMAN LUISI: Is there any opposition to having Bob serve as our Vice-Chair on this Board? **Seeing none; the motion is approved and this is an absolutely classic example of why you should not leave the table and go somewhere else when your name could get called.** No, looking forward to working with Bob. Are there any items to come to the Board under new business? Okay motion to adjourn my Bill Adler. Yes, Brandon.

MR. MUFFLEY: Sorry Mr. Chairman, not that I want to hold us up, but do we need to go back and revisit the discussion we had earlier about revisiting overages and how we address those types of issues going forward, or we were just under the assumption we're going to try to do something going forward on that?

CHAIRMAN LUISI: I had planned to talk about it now, but since we talked about it already. I think what I'll do is I'll work with staff to try to get something planned for a discussion at our

next meeting in the spring, and we'll move forward from there.

ADJOURNMENT

CHAIRMAN LUISI: Okay I have the motion to adjourn. We are adjourned, see you all later. Thank you.

(Whereupon the meeting was adjourned at 5:36 o'clock p.m. on February 2, 2016.)