PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

BLUEFISH MANAGEMENT BOARD

AND

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

The Westin Crystal City
Arlington, Virginia
April 30, 2018

Approved February 4, 2020

TABLE OF CONTENTS

INDEX OF MOTIONS

ATTENDANCE

Board Members

Doug Grout, NH (AA)
Sen. David Watters, NH (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Bob Ballou, RI, proxy for J. McNamee (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)
David Borden, RI (GA)
Matt Gates, CT, proxy for P. Aarrestad (AA)
James Gilmore, NY (AA)
John McMurray, NY, proxy for Sen. Boyle (LA)
Emerson Hasbrouck, NY (GA)
Tom Fote, NJ (GA)
Jeff Brust, NJ, proxy for L. Herrighty (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
John Clark, DE, proxy for D. Saveikis (AA)
Roy Miller, DE (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Ed O'Brien, MD, proxy for Del. Stein (LA)
Mike Luisi, MD, proxy for D. Blazer (AA), Chair
Russell Dize, MD (GA)
Steve Bowman, VA (AA)
Rob O'Reilly, VA, Administrative proxy
Chris Batsavage, NC, proxy for S. Murphey (AA)
Mike Blanton, NC, proxy for Rep. Steinburg (LA)
Jim Estes, FL, proxy for J. McCawley (AA)
Marty Gary, PRFC
Mike Pentony, NMFS

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns
Jess Kuesel
Caitlin Starks

Guests

John Almeida, NOAA
Russ Babb, NJ MFA
Peter DeFur, MAFMS
Tony DiLernia, MAFMC
G. Warren Elliott, MAFMC
Steve Heins, MAFMC
John Maniscalco, MAFMC
Stew Michels, DE DFW
Laurie Nolan, MAFMC
Moira Kelly, NMFS
Matt Seeley, MAFMC

The Bluefish Management Board of the Atlantic States Marine Fisheries Commission jointly with the Mid-Atlantic Fishery Management Council convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday, April 30, 2018, and was called to order at 3:15 o'clock p.m. by Chairman Michael Luisi.

CALL TO ORDER

CHAIRMAN MICHAEL LUISI: I would like to call this meeting of the Bluefish Management Board and the Mid-Atlantic Fisheries Management Council to order. Good afternoon everyone. My name is Mike Luisi; and I have the pleasure to serve you as Chair of both the Bluefish Board and the Mid-Atlantic Council here today.

APPROVAL OF AGENDA

CHAIRMAN LUISI: The first item on the agenda is Board Consent and approval of the agenda. Does anyone have anything they would like to offer? Seeing none; consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN LUISI: Next we have approval of the proceedings from February, 2012. I thought that was a typo at first. This Board hasn't met very much in the past few years.

If we move forward with the scoping materials, as we're going to hear about today, we'll certainly be getting together more often in the coming year or two. Is there any objection to approval of the proceedings from February, 2012? Seeing none.

PUBLIC COMMENT

CHAIRMAN LUISI: I'm going to look out to the public. I did not receive anybody on the list that would like to offer any public comment on something that is not on the agenda.

But I'll look out to the public now. Seeing no one from the public.

CONSIDER APPROVAL OF DRAFT SCOPING AND PUBLIC INFORMATION DOCUMENT FOR ALLOCATION AMENDMENT

CHAIRMAN LUISI: We're going to move on to Item Number 4, which is Consider Approval of Draft Scoping and Public Information Document for Allocation Amendment.

We're joined here today by Matt Seeley and Caitlin Starks. Matt is going to be providing us with the presentation. Whenever you're ready Matt; the floor is yours.

MR. MATTHEW SEELEY: Can everyone hear me all right? I'm excited to talk to you guys today about the Bluefish Allocation Amendment. The objectives are jointly for the Council and Board to review the Draft Scoping Document or Public Information Document. You can call it what you want.

It's the same document, just for the different Council and Board, and hopefully to approve this document for public scoping hearings. I want to emphasize that these are not public hearings on alternatives; we're simply trying to survey the public on issues they feel are important to try to include in the amendment. We understand the new MRIP numbers will be out soon; and things will change. But again, the point here is to simply survey the public on issues that they think should be incorporated into the amendment. As part of the Council's 2018 implementation plan, we initiated this Bluefish Allocation Amendment. This initiation came from comments made by different stakeholders; some of which were Council and Board members. The motion that was set in December of 2017 was to initiate a bluefish amendment to review; and if necessary revise allocations between the commercial and recreational fisheries,

the commercial allocations to the states, review the goals and objectives and transfers.

To date thus far we have formed our Fishery Management Action Team, the FMAT. The FMAT consists of Council and Commission staff, GARFO and Science Center staff, as well as the TC Chair. We had our first meeting; where we reviewed the action plan and the scoping document, went through multiple edits back and forth.

Obviously, those two documents are prepared. You should have had an opportunity to see them; if not, you should be able to see them today. Presented here is a tentative Amendment timeline. There is a slightly more detailed version in the actual scoping document. Looking forward in the summer of 2018, we are hoping to hold the scoping hearings and the public comment period.

Into the fall of 2018, the Council and Commission will identify priority issues for inclusion in the Amendment. Later on in 2018 and early '19, development of different options and alternatives, the Council and Commission will then review and draft the range of options. Later in spring of 2019, that range of options will be refined and approved.

In spring/summer of 2019, we'll select those preferred options and hold public hearings. Then fall, 2019 into summer 2020, way down the road, hopefully considering public comments, final action, and eventually rulemaking. As far as the scoping process goes, it is a NEPA requirement for the Council for all EIS actions.

Public scoping hearings are done to inform the development of the range of alternatives. We plan to hold these hearings potentially in a range from Maine all the way to Florida; most likely in June to July. There will be a written comment period lasting about 30 days, and those comments can be submitted either to the Council or the Commission.

Next, I'm going to go through the different issues that are potentially going to be covered in this Amendment. It's not subject to just these issues though. The first issue is a review of the objectives of the FMP; which are listed here as well as in the scoping document. These have been the same since 1990; and so this Amendment will consider updating them.

I'm not going to go through them all; but they are listed out in the document. The second issue is related to the commercial and recreational allocations. These allocations were set in Amendment 1; back in 1999 at 83 percent recreational, 17 percent commercial of the total allowable landings.

This is developed from 1981 to 1989 landings data. The third potential issue is the commercial allocations to the states. Again, these were developed in Amendment 1 using catch histories from 1981 to 1989. Trends in state harvest have shifted; especially with yearly state-to-state transfers in the recent years. The fourth issue is the quota transfers; commercial state-to-state quota transfers occur on a yearly basis and become repetitive amongst a few states, especially in recent years, and transfers from the recreational to commercial sector have occurred in every year since 2001. The fifth issue, fairly important, this issue is in place to allow the public to identify any other associated issues with the fishery that they would want involved in this Amendment. Again, these comments don't need to be limited to issues included in the Scoping Document.

As far as public comment is concerned, the scoping process was going to seek comments on current measures and strategies that should or should not be modified; new measures and strategies that should or should not be considered, fishery trends that managers should consider, and any other issues or concerns that should be considered or addressed in the Amendment.

Considering next steps, we hope to approve this Public Scoping Document today. We'll move right into public scoping hearings once they get set. The dates are currently to be determined, and locations. The written comments and hearing summaries will be compiled for review by both the Council and Commission.

Then either the joint meeting in August or December of 2018 will review the comments and identify those priorities for inclusion in this Amendment. Moving forward, so Caitlin and I will work with state representatives via e-mail and some of you today if available to discuss interest in having scoping hearings in your states, and that's it. I will take any questions or comments.

CHAIRMAN LUISI: Any questions for Matt? John Maniscalco.

MR. JOHN MANISCALCO: Do you intend to incorporate data into the scoping document; including the new MRIP estimates?

MR. SEELEY: We don't plan to include any of that information into this scoping document; as we stand now.

CHAIRMAN LUISI: Would that be something, John that you would want to see in the document; as a follow up to your question?

MR. MANISCALCO: I mean I think it certainly has large implications for the commercial/recreational shift; and since we are talking about that it would help, yes.

CHAIRMAN LUISI: Matt, follow up.

MR. SEELEY: My direction and understanding is that the point of this scoping document is to simply go out and survey the public. We're not trying to develop any ranges of alternatives; simply just see what other issues are out there that the public would like to consider, and potentially have involved in this amendment.

CHAIRMAN LUISI: Okay thank you, Matt. This is the opportunity if there is something about the document that you want to make a comment to. If there is anything in addition, I'm sorry, David Pierce.

DR. DAVID PIERCE: Yes, it's a good document. One thing that is missing though is on Page 6, why is this action being proposed? Obviously that's quite an important question to ask; and in the text of that particular section it references that we are, the Council and Commission, proposing this set of actions due to changing conditions in the bluefish fishery.

One important change in condition that is identified in the document is apparent shifts in bluefish distribution; potentially related to the effects of climate change. Yet there is nothing in the document, I don't think that touches on that. The public is going to ask questions; okay what do we have? What evidence do we have that the distribution has changed as a consequence of climate change; or anything else for that matter?

In addition, the end of that section talks about possible changing fishery conditions; so it suggests that we know that the fishery

conditions have changed. There needs to be more information in the scoping document that would address those issues; so we're able to give the public a more informed understanding as to why we're proposing this action.

CHAIRMAN LUISI: Matt, Caitlin, is that something that we can work to include?

MR. SEELEY: Yes that's a very good point. That is definitely something that we can include; and we can work with the FMAT to get that into the document.

CHAIRMAN LUISI: Tom Fote.

MR. THOMAS P. FOTE: I wasn't sure that we were doing this because of the effects of climate change on bluefish. I've had really no effects that I know of bluefish. It's always been a fish that's been from Florida to Maine, and it depends on years it actually receded back to the Mid-Atlantic and it hasn't gone back up to Maine. I'm not sure climate change is playing any role. I thought we were doing it to look at commercial/recreational allocations on bluefish. Maybe I'm missing something.

CHAIRMAN LUISI: Caitlin.

MS. CAITLIN STARKS: I'll just make a note and Matt can follow up if he has something to add; but I agree with you, Tom that I think the Amendment was initiated to kind of look at all of these issues. This isn't necessarily saying that climate change is causing these shifts; but it's just something that we want to look into. During this scoping period we would be asking for information on that topic.

CHAIRMAN LUISI: Tom, did you want to follow up to that?

MR. FOTE: Yes, because I just never heard anything about bluefish because of climate change. There are other reasons, because of bait distribution and things like that but not climate change. That's why I was just curious.

CHAIRMAN LUISI: I had Roy Miller.

MR. ROY W. MILLER: Just harking back to a remark Jim Gilmore made earlier about potentially one trip biasing catch estimates. If you look at Table 1, I just want to point out something strange in Table 1 with regard to Delaware's landings in 2016 and before, relative to their landing in 2017.

It almost looks like there is an order of magnitude typo there. It's such an enormous jump in landings. If it's not a typo, then I wonder what happened that landings would be nine times greater in one year; when you don't see concurrent leaps in landings in neighboring states of New Jersey and Maryland, for instance.

MR. JOHN CLARK: We had a couple of days with very successful interviews, Roy.

MR. MILLER: Yes that is what I'm afraid of; a couple of days where the interviewers, just by chance, happened to catch a bluefish targeted trip. It looks like an anomaly of low sample size to me; thank you.

CHAIRMAN LUISI: You're questioning MRIP Roy, right? Okay, I just wanted to get that clear; David Watters.

SENATOR DAVID H. WATTERS: Thank you, Senator Watters; New Hampshire. To Tom Fote's point, it does seem to me that who knows whether the relative absence of bluefish in the Gulf of Maine has anything to do with the several degrees of water temperature rise. It's hard to tell whether we would be able to find out whether ocean acidification is starting to have any effect on this species.

But given the opportunity this presents, I would hope that we would at least look at those things in the context of, in Number 5 where it says look at potential ecosystem changes. Why not see what our scientists might be able to say? There may be really nothing for bluefish; but it's something to think about.

CHAIRMAN LUISI: John McMurray.

MR. JOHN G. McMURRAY: Regarding Issue 2. There was a recent discussion at the NOAA Recreational Fishing Summit a few weeks ago about, well during one of the breakout sessions we talked about managers considering recreational encounters and availability, instead of just yield.

Given the history of the bluefish fishery, and the fact that on the recreational side this is really a fishery that is valued for sport rather than meat, it's mostly a release fishery. At least it is now. I would like to see some analysis of quantification of those fish release. Maybe there should be some analysis regarding what the value of keeping fish in the water is; rather than just abstracting them.

I think that should definitely be considered when reviewing allocations. I guess what I'm talking about is maybe part of the recreational quota could be considered in regard to keeping fish in the water for anglers to encounter. I mean I don't see any discussion of that in the document; and maybe that's something that needs to be brought up by the public during scoping. But that certainly is I think a valid concern with the recreational fishing community.

CHAIRMAN LUISI: Yes John, I think I can probably fold in maybe some language to that. But as far as getting in the weeds of an analysis, I'm not so sure that this is the place and time, but maybe as a follow up to the public comment; if you're okay with that. Are you guys okay with that?

Anyone else from the Board of the Council have any other thoughts for Matt and Caitlin? Okay seeing no other comments or questions; I am looking for, we do need to take an action today, and that action would be to approve this document as presented and modified, based on the comment. Chris Batsavage.

MR. CHRIS BATSAVAGE**: I move to approve the document for public comment as modified today; and I'll make that on behalf of the Council and the Board.**

CHAIRMAN LUISI: Okay, so we have a motion made by Chris Batsavage for both the Council and the Board. Peter deFur is going to second that for the Council. Do I have another Board member that would like to second it? David Borden. Okay, so we do have a motion before us. But Caitlin has asked for a second for clarification. Caitlin.

MS. STARKS: I just wanted to ask if we could get some clarification on how to add in language on looking at an analysis of percent release versus kept. I have a suggestion for just add that in as a bullet under Issue 5, so that it is in the document and we can take that out for public comment, and see if anyone has comments on that issue. Does that sound good?

CHAIRMAN LUISI: I think that was a question to you, John.

MR. McMURRAY: I'm sorry, I wasn't paying attention. Can you ask that question again?

CHAIRMAN LUISI: Caitlin just wanted to know if the issue that you brought up, if it would be reasonable just to add it under other issues on Issue 5 as just a bullet, with

very little description. But at least it would be in there for the public to make comment about.

MR. McMURRAY: Yes, I think that would be acceptable, just something that would generate some input on that level I think that would be useful. Thank you.

CHAIRMAN LUISI: Okay, any other discussion on the motion to approve the document. Tony DiLernia.

MR. ANTHONY DiLERNIA: Yes Mr. Chairman, I'm going to abstain on the motion. I know you want to move it forward; and I think it's a good idea moving it forward. But moving it forward without having the MRIP estimates put in place I think could get us in trouble later on. I argued against it the last time we discussed this, and I lost. I'm not going to oppose you this time. I am going to abstain on it; because I think we could be making a mistake doing this without the new MRIP estimates.

CHAIRMAN LUISI: Thank you, Tony, I appreciate the comment. Tom Fote.

MR. FOTE: God, this is twice in one day I agree with Tony. When we look at striped bass, it's called the glory fish. When we look at bluefish in the recreational fishing community it's called the money fish; because when you have a blitz of bluefish on the beach or in the boat, people have to go buy so much more tackle.

You know striped bass fishermen use the same plug for 22 years, change the hooks, repaint it and everything else; but bluefish doesn't give you that option. They're the ones that make the money; and then when they're not around that's when the party and charterboats can't really make a lot of trips, because they're the ones they book to take the tourists out and everything else.

As I said, it's the money fish, because anybody can catch a bluefish and they fight like hell. I have concerns over this. I also want to see what the MRIP data is, because we're getting closer and closer that we're not having any transfer of quota, and that is because we're starting to fully utilize that with all the restriction of the species in the recreational fishing community. At some point we need to look at the economics of this, and what the transfer would do.

CHAIRMAN LUISI: Seeing no other hands; does anyone from the audience have anything they would like to offer to the motion? Greg DiDomenico.

MR. GREG DiDOMENICO: I'll wait to make the bulk of my comments when you take it out to public hearing; but I would also, John McMurray's comment sort of reminded me that could we also do an analysis on the other end, which is what would be the cost of leaving under used quota in the water. Thank you.

CHAIRMAN LUISI: Thanks for that Greg. We'll take that under consideration. Okay, seeing no other comments; I'm going to bring it back to the table. I'm going to read the motion and then I'm going to call the question first for the Council; and then we'll take a Board vote after the Council vote. **Okay, the motion is move to approve the draft scoping document for public comment as modified today**.

All those members of the Council please indicate by raising your right hand if you approve; that is 12, any null votes, I'm sorry, any no votes, we did have an abstention, one abstention. To the Board, all those in favor; that's 11 in favor, all those opposed same sign with one opposed, any null votes, any abstentions? Okay the motion carries. Caitlin, Matt, do we have any other business before the

Bluefish Management Board and/or the Council at this time?

MR. SEELEY: I think that's it.

CHAIRMAN LUISI: Caitlin.

MS. STARKS: I'll just end by saying we'll follow up with the Board and Council state representatives on whether you're interested in having a state hearing.

ADJOURNMENT

CHAIRMAN LUISI: Okay, with that if there is no other business to come before the Board and the Council at this time, meeting is adjourned.

(Whereupon the meeting adjourned at 4:45 o'clock p.m. on April 30, 2018)