



Atlantic States Marine Fisheries Commission

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

James J. Gilmore, Jr., (NY), Chair

Patrick C. Keliher., (ME), Vice-Chair

Robert E. Beal, Executive

Vision: Sustainably Managing Atlantic Coastal Fisheries

MEMORANDUM

January 24, 2018

TO: Commissioners; Proxies; American Eel Management Board; American Lobster Management Board; Atlantic Herring Section; Atlantic Menhaden Management Board; Atlantic Striped Bass Management Board; Executive Committee; ISFMP Policy Board; South Atlantic State/Federal Fisheries Management Board; Summer Flounder, Scup, and Black Sea Bass Management Board; Weakfish Management Board; Winter Flounder Management Board

FROM: Robert E. Beal *REB*
Executive Director

RE: ASMFC Winter Meeting: February 6 – 8, 2018 (TA 18-039)

The Atlantic States Marine Fisheries Commission's Winter Meeting will be February 6 – 8, 2018 at **The Westin Crystal City** (Telephone: 703.486.1111), located at 1800 Jefferson Davis Highway, Arlington, VA. Meeting materials are available on the Commission website at <http://www.asmfc.org/home/2018-winter-meeting>. Supplemental materials will be posted to the website on Wednesday, January 31, 2018.

Board meeting proceedings will be broadcast daily via webinar beginning February 6th at 9:30 a.m. and continuing daily until the conclusion of the meeting (expected to be 5:00 p.m.) on Thursday, February 8th. The webinar will allow registrants to listen to board/section deliberations and view presentations and motions as they occur. No comments or questions will be accepted via the webinar. Should technical difficulties arise while streaming the broadcast the boards/sections will continue their deliberations without interruption. We will attempt to resume the broadcast as soon as possible. Please go to <https://attendee.gotowebinar.com/register/930499486571392769> to register.

We look forward to seeing you at the Winter Meeting. If the staff or I can provide any further assistance to you, please call us at 703.842.0740.

Enclosures: Final Agenda, Hotel Directions, TA 18-039, and Travel Reimbursement Guidelines



Atlantic States Marine Fisheries Commission

Winter Meeting

February 6 – 8, 2018

The Westin Crystal City

Arlington, Virginia

Public Comment Guidelines

With the intent of developing policies in the Commission's procedures for public participation that result in a fair opportunity for public input, the ISFMP Policy Board has approved the following guidelines for use at management board meetings:

For issues that are not on the agenda, management boards will continue to provide opportunity to the public to bring matters of concern to the board's attention at the start of each board meeting. Board chairs will use a speaker sign-up list in deciding how to allocate the available time on the agenda (typically 10 minutes) to the number of people who want to speak.

For topics that are on the agenda, but have not gone out for public comment, board chairs will provide limited opportunity for comment, taking into account the time allotted on the agenda for the topic. Chairs will have flexibility in deciding how to allocate comment opportunities; this could include hearing one comment in favor and one in opposition until the chair is satisfied further comment will not provide additional insight to the board.

For agenda action items that have already gone out for public comment, it is the Policy Board's intent to end the occasional practice of allowing extensive and lengthy public comments. Currently, board chairs have the discretion to decide what public comment to allow in these circumstances.

In addition, the following timeline has been established for the **submission of written comment for issues for which the Commission has NOT established a specific public comment period** (i.e., in response to proposed management action).

1. Comments received 3 weeks prior to the start of a meeting week will be included in the briefing materials.
2. Comments received by 5:00 PM on the Tuesday immediately preceding the scheduled ASMFC Meeting (in this case, the Tuesday deadline will be **January 30, 2018**) will be distributed electronically to Commissioners/Board members prior to the meeting and a limited number of copies will be provided at the meeting.
3. Following the Tuesday, **January 30, 2018 5:00 PM deadline**, the commenter will be responsible for distributing the information to the management board prior to the board meeting or providing enough copies for the management board consideration at the meeting (a minimum of 50 copies).

The submitted comments must clearly indicate the commenter's expectation from the ASMFC staff regarding distribution. As with other public comment, it will be accepted via mail, fax, and email.

Final Agenda

The agenda is subject to change. The agenda reflects the current estimate of time required for scheduled Board meetings. The Commission may adjust this agenda in accordance with the actual duration of Board meetings. Interested parties should anticipate Boards starting earlier or later than indicated herein.

Tuesday, February 6

9:30 a.m. – Noon

American Lobster Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia

Other Members: NEFMC, NMFS

Chair: Train

Other Participants: Cloutier, Gwin, Reardon

Staff: Ware

1. Welcome/Call to Order (*S. Train*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from October 2017
3. Public Comment
4. Consider American Lobster Addendum XXVI and Jonah Crab Addendum III for Final Approval
Final Action
 - Review Management Options and Public Comment Summary (*M. Ware*)
 - Reports from the Law Enforcement Committee and Advisory Panels (*M. Robson, E. Gwin*)
 - Consider Final Approval of Addendum XXVI/III
5. Southern New England (SNE) Workgroup Report on Goals and Objectives for SNE Lobster Stock (*M. Ware*) **Possible Action**
6. Review and Consider Approval of 2020 American Lobster Benchmark Stock Assessment and Peer Review Terms of Reference (*J. Kipp*) **Action**
7. Elect Vice-chair **Action**
8. Other Business/Adjourn

1:00 – 2:00 p.m.

Atlantic Herring Section

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey
Other Members: NEFMC (Non-voting)
Chair: Beal (Acting)
Other Participants: Eastman, Zobel
Staff: Ware

1. Welcome/Call to Order (*R. Beal*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from October 2017
3. Public Comment
4. Elect Chair and Vice-chair (*R. Beal*) **Action**
5. Review Effectiveness of Current Spawning Closure Procedure **Possible Action**
 - Technical Committee Report (*R. Zobel*)
6. Other Business/Adjourn

2:15 – 4:15 p.m.

Winter Flounder Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey
Other Members: NMFS, USFWS
Chair: Beal (Acting)
Other Participants: Blanchard, Nitschke
Staff: Ware

1. Welcome/Call to Order (*R. Beal*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from January 2017
3. Public Comment
4. Elect Chair and Vice-chair (*R. Beal*) **Action**
5. Review 2017 Groundfish Operational Stock Assessment for Gulf of Maine and Southern New England/Mid-Atlantic Winter Flounder Stocks (*P. Nitschke*)
6. Discuss Potential Management Response to Operational Assessment **Possible Action**
7. Consider Specifications for the 2018 Fishing Year (*M. Ware*) **Final Action**
8. Consider Approval of 2017 Fishery Management Plan Review and State Compliance Reports (*M. Ware*) **Action**
9. Repopulate the Winter Flounder Advisory Panel (*M. Ware*)
10. Other Business/Adjourn

4:30 – 6: 00 p.m.

American Eel Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

Other Members: DC, NMFS, PRFC, USFWS

Chair: Gary

Other Participants: Cloutier, Wildman

Staff: Rootes-Murdy

1. Welcome/Call to Order (*M. Gary*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from October 2017
3. Public Comment
4. Consider Approval of Draft Addendum V for Public Comment **Action**
 - Presentation of Management Options (*K. Rootes-Murdy*)
 - Stock Assessment Subcommittee Report (*K. Anstead*)
5. Consider Approval of 2017 Fishery Management Plan Review and State Compliance Reports (*K. Rootes-Murdy*) **Action**
6. Advisory Panel Report (*K. Rootes-Murdy*)
7. Elect Vice-chair (*M. Gary*) **Action**
8. Other Business/Adjourn

Wednesday, February 7

8:00 – 9:30 a.m.

Executive Committee

Breakfast will be served when you arrive; you may arrive as early as 7:30 a.m. *(A portion of this meeting will be a closed session for Committee members and Commissioners only)*

Members: Abbott, Blazer, Brust, Boyles, Jr., Bull, Clark, Estes, Gilmore, Grout, Haymans, Keliher, McNamee, Miller, Miner, Murphey, Pierce, Shiels

Chair: Gilmore

Staff: Leach

1. Welcome/Call to Order (*J. Gilmore*)
2. Committee Consent
 - Approval of Agenda
 - Approval of Meeting Summary from October 2017
3. Public Comment
4. Atlantic Coastal Cooperative Statistics Program Update (*M. Cahall*)
5. Review Leadership Nominating and Election Process (*R. Beal*) **Possible Action**
6. Review Indirect Cost Rate (*L. Leach*)
7. Review Appeals Process (*R. Beal*)
8. Review Conservation Equivalency Process (*R. Beal*)
9. Other Business/Adjourn

9:45 – 11:15 a.m.

Strategic Planning Workshop

11:30 a.m. – 12:15 p.m. **Weakfish Management Board**

Member States: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

Other Members: NMFS, PRFC, USFWS

Chair: O'Reilly

Other Participants: Anthony, Levesque, Batsavage

Staff: Schmidtke

1. Welcome/Call to Order (*R. O'Reilly*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from May 2016
3. Public Comment
4. Consider Approval of 2017 Fishery Management Plan Review and State Compliance Reports (*M. Schmidtke*) **Action**
5. Consider the Use of Fishery-independent Samples in Fulfilling Biological Sampling Requirements of the Fishery Management Plan (*M. Schmidtke*) **Possible Action**
6. Discuss Recent Changes in Discards in North Carolina (*C. Batsavage*)
7. Other Business/Adjourn

12:15 – 12:45 p.m. **Lunch Provided for Commissioners, Proxies and Board Members**

12:45 – 2:45 p.m. **South Atlantic State/Federal Fisheries Management Board**

Member States: New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

Other Members: PRFC, NMFS, SAFMC, USFWS

Other Participants: Jiorle, Lynn, McDonough, Poland, Rickabaugh

Chair: Estes

Staff: Schmidtke

1. Welcome/Call to Order (*J. Estes*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from October 2017
3. Public Comment
4. Consider Approval of State Implementation Plans for the Interstate Cobia Fishery Management Plan **Final Action**
 - Technical Committee Report (*S. Poland*)
5. Consider Approval of Draft Addendum I to the Black Drum Fishery Management Plan for Public Comment (*M. Schmidtke*) **Action**
6. Review Technical Committee/Plan Review Team Report on Recommended Updates to the Annual Traffic Light Analyses for Atlantic Croaker and Spot (*C. McDonough*) **Possible Action**
7. Consider Approval of 2017 Fishery Management Plan Review and State Compliance Reports for Spanish Mackerel and Spot (*M. Schmidtke*) **Action**
8. Other Business/Adjourn

3:00 – 4:30 p.m.

Atlantic Striped Bass Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina

Other Members: DC, NMFS, PRFC, USFWS

Chair: Armstrong

Other Participants: Blanchard, Lengyel

Staff: Appelman

1. Welcome/Call to Order (*M. Armstrong*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from October 2017
3. Public Comment
4. Review and Consider Maryland Conservation Equivalency Proposal **Final Action**
 - Maryland Conservation Equivalency Proposal Overview (*M. Luisi*)
 - Technical Committee Report (*N. Lengyel*)
 - Law Enforcement Committee Report (*M. Robson*)
 - Advisory Panel Report (*M. Appelman*)
 - Consider Maryland Conservation Equivalency Proposal (*M. Armstrong*)
5. 2018 Benchmark Stock Assessment Progress Update (*K. Drew*)
6. Other Business/Adjourn

Thursday, February 8

8:00 – 10:00 a.m.

Risk and Uncertainty Policy Workshop

1. Welcome and Introductions (*R. Beal, J. Gilmore*)
2. Workshop Objectives and Structure (*J. McNamee*)
3. Instant Response Technology Tutorial
4. Risk and Uncertainty Exercise: Defining Risk and Uncertainty in Striped Bass Management (*J. McNamee*)
5. Commission Risk Policy Status and Next Steps (*J. McNamee*)
6. Adjourn

10:15 a.m. – 1:15 p.m. **Interstate Fisheries Management Program Policy Board**
Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida
Other Members: DC, NMFS, PRFC, USFWS
Other Participants: Asaro, Hooker
Chair: Gilmore
Staff: Kerns

1. Welcome/Call to Order (*J. Gilmore*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from October 2017
3. Public Comment
4. Update from Executive Committee (*J. Gilmore*)
5. Review and Consider Commonwealth of Virginia Appeal of Amendment 3 to the Atlantic Menhaden Fishery Management Plan (*T. Kerns*) **Final Action**
6. Review and Consider the Climate Change Working Group White Paper (*T. Kerns*) **Final Action**
7. Habitat Committee Report (*L. Havel*) **Final Action**
 - Review and Consider Climate Change Gaps and Recommendations Report
 - Review and Consider Submerged Aquatic Vegetation Policy Report
8. North Atlantic Right Whale 5-Year Review and Re-initiation of Endangered Species Act Section 7 Fishery Biological Opinion (*M. Asaro*)
9. Review and Consider Approval of 2019 American Shad Benchmark Stock Assessment and Peer Review Terms of Reference (*J. Kipp*) **Action**
10. Bureau of Ocean Energy Management Update Regarding Renewable Lease Status and Future Leasing (*B. Hooker*)
11. Other Business/Adjourn

Noon – 12:20 p.m. **Lunch Provided for Commissioners, Proxies and Board Members**

1:15 – 1: 30 p.m. **Business Session**
Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida
Chair: Gilmore
Staff: Beal

1. Welcome/Introductions (*J. Gilmore*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from October and November 2017
3. Public Comment
4. Review Non-compliance Findings, If Necessary
5. Other Business/Adjourn

1:45 – 2:45 p.m.

Atlantic Menhaden Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

Other Members: NMFS, PRFC, USFWS

Other Participants: McNamee, Kersey

Chair: Ballou

Staff: Appelman

1. Welcome/Call to Order (*R. Ballou*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from November 2017
3. Public Comment
4. Consider ISFMP Policy Board Recommendation Regarding Commonwealth of Virginia Amendment 3 Appeal, If Necessary (*T. Kerns*) **Final Action**
5. Other Business/Adjourn

3:00 – 5:00 p.m.

Summer Flounder, Scup, and Black Sea Bass Management Board

Member States: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina

Other Members: NMFS, PRFC, USFWS

Other Participants: Wojcik, Snellbaker

Chair: Ballou

Staff: Starks, Rootes-Murdy

1. Welcome/Call to Order (*B. Ballou*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from October 2017
3. Public Comment
4. Black Sea Bass Addendum XXX for Final Approval **Final Action**
 - Review Management Options and Public Comment Summary (*C. Starks*)
 - Technical Committee Report (*G. Wojcik*)
 - Advisory Panel Report (*C. Starks*)
 - Consider Final Approval of Addendum XXX
5. Consider Tabled Black Sea Bass Motion the December Joint Board and Council Meeting (*C. Starks*) **Final Action**

Move that the 2018 federal waters black sea bass measures include a 15-fish possession limit, 12.5-inch minimum size and season from May 15 – December 31. These measures assume the Commission process will develop measures to constrain harvest to the 2018 RHL. A backstop measure of 14 inches, 5 fish possession limit and a season from May 15 – September 15 would go into effect should the Commission not implement measures to constrain harvest to the 2018 RHL.
6. Review and Consider Approval of Summer Flounder and Scup Recreational State Proposals for 2018 Measures (*K. Rootes-Murdy*) **Final Action**
 - Technical Committee Report (*G. Wojcik*)

7. Consider Approval of 2017 Scup Fishery Management Plan Review and State Compliance Reports
(*K. Rootes-Murdy*) **Action**
8. Elect Vice-chair (*R. Ballou*) **Action**
9. Other Business/Adjourn



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

TO: American Lobster Management Board

FROM: Megan Ware, FMP Coordinator

DATE: January 24, 2018

SUBJECT: Draft Addendum XXVI/III Public Comment Summary

The following pages represent a summary of all comments received by ASMFC on American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III during the public comment period.

8 public hearings were held in 7 jurisdictions (Maine through New Jersey), with 130 individuals attending the hearings. A total of 13 written comments were received on the Draft Addendum. A majority (9) were from organizations including NGOs and industry associations, while the rest were from individuals. One comment letter was received after the deadline so its preferred management alternatives are not included in the subsequent tables; however, it is included at the end of the written comments should Board members wish to read it.

The following tables (pages 2-4) provide an overview of the support for specific options and issues contained in the Draft Addendum. A summary paragraph is also provided for each issue as an overview of the public comments. Public hearing summaries follow and are ordered north to south. This is then followed by written comments.

Issue 1: Percent Harvester Reporting

	Option A	Option B	Option C Sub-Option 1	Option C Sub-Option 2
Written Comments				
Individual		4		
Organization	1	2	11	2
Public Hearings				
ME	1	57		
NH				24
MA				
RI	1			
CT	3			
NY			5	
NJ				
Total	6	63	16	31

Overall, the greatest support was for maintaining current harvester reporting effort but allocating this through an optimal approach (Option B). Much of the support for this option came from the Maine public hearings, individual letters from Maine residents, and several industry organizations. Comments in favor of Option B included: it is the best use of Maine’s time and money; 10% harvester reporting is statistically valid; harvester reporting should focus on active permit holders. 100% harvester reporting (Option C) was the second most supported option, with much of the comments coming from the New Hampshire and New York hearings, letters from NGOs, and the NEFMC. Comments in support of Option C included: all fishermen should be treated the same and be required to report; 100% reporting should be required from Maine which comprises 83% of the fishery; 100% reporting is needed to address data gaps and understand the offshore movement of the fishery. In particular, several NGOs recommended immediate adoption of 100% harvester reporting rather than the five-year year phase-in approach outlined in the Draft Addendum. Finally, maintaining the status quo requirements (Option A) received the least amount of support. Comments in favor of Option A included: the current 10% reporting is statistically valid; 100% reporting is redundant given there is 100% dealer reporting; it is a better use of Maine’s budget to focus on biological sampling as opposed to harvester reporting. In addition to the comments above, there were 16 comments in support of 100% harvester reporting for federally permitted vessels. These individuals commented that there is a lack of data from the offshore waters, an area which is becoming increasingly important to the fishery. Finally, several NGOs supported the immediate adoption of electronic reporting while one industry organization supported the real-time collection of landings data.

Issue 2: Harvester Reporting Data Components

	Option A	Option B	Option C
Written Comments			
Individual			
Organization	1	8	12
Public Hearings			
ME	60		
NH	24		1
MA	1		
RI		1	1
CT	1		
NY	5		
NJ		10	10
Total	92	19	24

For Issue 2, the greatest support was for status quo (Option A). At almost every hearing, participants commented that their state is collecting more data elements than what is stipulated under the FMP, and so they are already exceeding the plan requirements. However, there was resistance to requiring additional data elements in the FMP as participants generally commented that they are already providing enough data. In particular, there was little support for requiring 'bait type' and 'depth', with concerns that a single trawl covers a wide depth range. The exception was at the Rhode Island and New Jersey hearings, where participants did not object to the data elements in Options B and C. Many of the NGOs, a few individuals at hearings, and the NEFMC supported requiring additional data elements, particularly those under Option C, given the on-going discussions regarding protected resources. An industry association (the ME MLA) supported the inclusion of depth, soak time, number of sets, and number of buoy lines on harvester reports.

Issue 3: Spatial Resolution of Harvester Data

	Option A	Option B	Option C	Option D	Option E
Written Comments					
Individual			2		
Organization	1	1	2	9	7
Public Hearings					
ME	51		50	3	
NH	2		3	3	
MA				2	
RI		1			
CT		1		1	
NY					
NJ				1	
Total	54	3	57	19	7

Overall, the greatest support was for including distance from shore (Option C) and statistical area (Option A) on harvester reports. Much of this support came from the Maine public hearings where fishermen already report statistical area and distance from shore, so Options A and C do not add additional requirements for those fishermen. At the Connecticut hearing, there were questions about the efficacy of distance from shore in Long Island Sound since it is all state waters. The addition of 10 minute squares (Option D) got moderate support at several hearings, as well as from several industry organizations, the NEFMC, and NGOs. These participants commented that a greater spatial resolution of data is needed to show a history of where the lobster and Jonah crab fisheries take place. Importantly, many participants commented fishermen should not be required to fill out a new trip report for every square fished since this would significantly increase the burden on fishermen. Finally, several NGOs recommended the immediate adoption of electronic tracking in the lobster fishery.

Additional Comments

- 5 individuals at hearings and 2 written comments supported the recommendation to develop a fixed-gear VTR for federal waters. Several fishermen commented that the federal VTR does not follow a logical order and different fishermen interpret the data columns differently. As a result, they recommended the VTR form be revised to focus on fixed gear and be more 'user friendly'.
- 1 individual and 2 written comments supported the recommendation for targeted biological sampling program in federal waters. Others cautioned that increased biological sampling should not mean increased observer coverage in the fishery.
- Several NGOs recommended the Lobster Board initiate subsequent action to address the recent North Atlantic right whale deaths. In particular, they recommended the Board require gear markings, 1,700 pound break-away rope, and evaluate ropeless fishing gear.
- At the Connecticut and New Jersey hearings, fishermen discussed the impacts of seasonal closures in LCMAs 4 and 6. In particular, they commented that the requirement to remove gear from the water extends the length of the season closure and prevents them from fishing for other species. They asked ASMFC and NOAA Fisheries to address these concerns.
- There was a comment regarding the applicability of provisions in the Draft Addendum to the recreational fishery. Specifically, there was a recommendation for a voluntary recreational report so that the recreational fishery can help address the data gaps and provide their knowledge to managers.
- There was a comment regarding a low-cost GSM device for electronic tracking in the lobster fishery.

American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing

Scarborough, Maine

January 10, 2018

10 Participants

Staff: Pat Keliher (ME DMR), Sarah Cotnoir (ME DMR), Kathleen Reardon (ME DMR), Megan Ware (ASMFC)

Issue 1: Percent Harvester Reporting

- One individual supported Option A: Status Quo. He commented that there is no reason to go to 100% reporting in Maine if 10% is statistically sufficient. He also stated that 100% reporting is asking a lot of fishermen, both in time and information provided, and the Board needs to recognize the effort associated with giving that information. He commented that he doesn't have the time for increased reporting. He also stated that sampling non-fishing licenses (latent licenses) is relevant information.
- Seven individuals, including a representative of the Maine Lobstermen's Association, supported Option B. These individuals generally supported the optimal reporting strategy because it does not increase the burden on the State while improving the statistical power of the data. One individual commented that he supports this option because reporting should focus on active permit holders. Another individual recommended that harvester reporting be stratified between state and federal permit holders so that enough information is collected from the offshore areas.
- Several individuals supported greater offshore sea sampling and commented that this is a better use of the State's funds than a higher percentage of harvester reporting.

Issue 2: Harvester Reporting Data Elements

- All participants supported Option A: Status Quo. One representative of the MLA commented that Maine is already exceeding the current requirements by collecting information on soak time, depth, and distance from shore.

Issue 3: Spatial Resolution of Harvester Reporting

- 1 individual supported Option A: Status Quo. He commented that a fisherman's information is akin to intellectual property. If the Commission wants this information, they should pay fishermen for the data.
- Several individuals expressed mild support for Option D: 10 Minute Squares. One individual commented that the statistical areas currently reported are big and as a result it is hard to show where the lobster fishery is, or isn't.
- One individual cautioned that just because someone doesn't fish in an area one year doesn't mean that that individual won't fish there in a future year.

American Lobster Draft Addendum XXVI/Jonah Crab Addendum III Public Hearing

Ellsworth, Maine

January 11, 2018

50 Participants

Staff: Pat Keliher (ME DMR), Sarah Cotnoir (ME DMR), Kathleen Reardon (ME DMR), Megan Ware (ASMFC)

Issue 1: Percent Harvester Reporting

- Participants did not support 100% harvester reporting and supported maintaining 10% harvester reporting in Maine. One individual commented that 100% harvester reporting is not needed because there is 100% dealer reporting; since we know what zone the dealers are in, it is easy to determine what zone the landings are coming from. Another participant commented that given the older age of lobstermen, 100% reporting is not feasible.
- Overall, there was support for the modified 10% harvester reporting (Option B), including support from the Maine Lobstermen's Association. Those who supported this option generally commented that fishermen who are not actively fishing (i.e. latent permits) should not be sampled for harvester reporting. Moreover, it is a better use of the state's funds and time to focus on those individuals who are actively fishing.
- There were several comments that Option A: Status Quo is not a true status quo option because it reads that there is an expectation of 100% reporting over time. They commented that a true status quo option should just require 10% harvester reporting.

Issue 2: Harvester Reporting Data Elements

- Participants were in support of status quo, but noted that status quo in Maine includes data elements from the other options including 'depth' and 'soak time'.
- There was no support for reporting on the 'bait type' used by fishermen (Option B).
- Several individuals who complete VTRs commented that this report includes some information on gear configuration.

Issue 3: Spatial Resolution of Data

- There was no support for the 10 minutes squares (Option D) or the electronic tracking pilot program (Option E). Overall, participants supported status quo (stat areas and distance from shore).
- Federal permit holders commented that the VTRs already include information on location via a lat/long.

Other Comments

- One participant expressed concern that not enough information is known about the offshore LCMA 1 fishery, and that there is increased effort and capacity in these regions. As a result, he supported 100% reporting from the federal permit holders so that the changes in the fishery can be documented. He commented that without good data, good management decisions cannot be made.

- Another individual recommended Maine survey fishermen at the start of the year to determine who plans on fishing. This would identify latent effort and inform the selection of those who have to complete trip reports.
- One individual recommended that Maine use the VTR reports for all fishermen so that way the state could collect lat/long information.

Maine, January 11

Name

Company/Organization

City, State

Richard Laitaber
 Richard Zuzak
 Mark Basnett
 Donald Jones
 KYLE THOMPSON
 Bill Under
 St. A. Harkins
 Loren Foulkington
 Kevin L. Beal
 Ted Bachman
 Daniel Backman
 Jason Blue
 Jeff Thompson
 Jeff Thompson
 Keith Eaton
 Zach Wight
 Mick Trandy
 Charles Smith
 Dan
 Ben Hardy
 Kenneth Hardy
 Jarome Briggs
 DARRELL WILLIAMS
 Brian Eaton
 Leroy Wood JR
 Justin Dunbar
 GREGG EATON
 Dennis Damon
 Donald Havenor
 Laurie Schermer
 Jeff Merrill
 Kathleen Reardon

Keith Eaton
 Zach Wight

Stonington
 Stonington
 Sordento
 Stonington
 Stonington
 Trescott ME
 Deer Isle
 Sordento
 Beal's ME
 WINTER HARBOR ME
 " "
 Deer Isle
 Deer Isle
 Deer Isle
 Deer Isle
 Jonesport
 Sea Therman
 Stonington
 Sullivan
 DEER ISLE, ME
 DEER ISLE ME
 Stonington ME
 CORCA ME
 STONINGTON ME
 Trenton ME
 BISSWORTH
 Westbrook, Me.

American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing

Portsmouth, New Hampshire

January 16, 2018

24 Participants

Staff: Doug Grout (NHFG), Ritchie White (NH Commissioner), Cheri Patterson (NHFG), Megan Ware (ASMFC)

Issue 1: Percent Harvester Reporting

- Participants supported 100% reporting for all harvesters (Option C, sub-option 2). Individuals commented that everyone should be treated the same and be required to report. Another participant commented that reporting requirements should be standardized across jurisdictions so there are not different requirements in different states. Several individuals expressed frustration that the largest producer of lobsters only completes 10% harvester reporting.
- One individual commented that he would support 10% harvester reporting inshore, but that there should be 100% reporting in federal waters. He also commented that he would have liked to see an option for a minimum of 20% or 50% harvester reporting.
- One individual commented that electronic reporting should be an option for fishermen, but it should not be a requirement. He noted that some fishermen prefer paper reports while others prefer the tablets.

Issue 2: Harvester Reporting Data Elements

- Participants supported status quo (Option A), but commented that NH has already gone above and beyond by collecting information on soak time and gear configuration. Participants did not support expanding the data elements to include 'bait type' and 'depth fished'.
- One individual commented that Option C should be mandatory for everyone from a whale standpoint.

Issue 3: Spatial Resolution of Harvester Reporting

- Two individuals supported status quo (Option A).
- Three individuals supported adding either distance from shore (Option C) or the 10 minute squares (Option D) to harvester reports. One participant commented that, from an ALWTRT perspective, it is important to improve the spatial resolution of harvester data so that the fishing effort in the co-occurrence model reflects where fishing is actually taking place.
- One individual did not support the 10 minute squares but commented that 30 minute squares would be ok.

Additional Comments

- Several individuals supported the recommendation to create a fixed-gear VTR form; however, they commented that the data required on the fixed-gear VTR should not exceed what is currently being asked. One individual asked, if there is a fixed-gear VTR, would he have to fill out a fixed-gear or regular VTR given he has both a lobster and groundfish permit.
- 3 individuals expressed concern about the recommendation for increased biological sampling in federal waters. They commented that the recommendation reeks of observers and they don't want to go down the road of the groundfish sector which now has to pay for observers.
- One individual commented that the federal VTR could be improved by having a cover page with all of a fisherman's basic information (permit number, name, etc) and then having sheets for each trip.
- One fisherman expressed concern that fishery managers, who have access to harvester reporting data, could use that information to go fishing in the most profitable areas. He recommended there be rules which prevent those who have access to harvester data from commercially fishing.

American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing

Hyannis, Massachusetts

January 19, 2018

21 Participants

Staff: Dan McKiernan (MA DMF), Bob Glenn (MA DMF), Story Reed (MA DMF), Tracy Pugh (MA DMF), Raymond Kane (MA Commissioner), Megan Ware (ASMFC)

Issue 1: Percent Harvester Reporting

No comments were given on this issue.

Issue 2: Harvester Reporting Data Elements

- One participant expressed concern with reporting 'depth fished', commenting that some trawls go from 10 feet to 10 fathom (60 feet). He also commented that reporting 'bait type' is asking too much given there are hundreds of different baits used in the fishery.

Issue 3: Spatial Resolution of Harvester Reporting

- Two participants supported use of the 10 minute squares (Option D). One individual commented that he supports this option as long as fishermen don't have to fill out a new trip report for each square fished. The other individual commented that this option will provide better detail of the fishery.
- One participant noted that MA already divides the inshore regions into sub-divisions which provide good spatial resolution.

Additional Comments

- One individual supported 100% reporting for federal permit holders.

American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing

Narragansett, Rhode Island

January 17, 2018

5 Participants

Staff: Scott Olszewski (RI DEM), Conor McManus (RI DEM), Megan Ware (ASMFC)

Issue 1: Percent Harvester Reporting

- One participant recommended 100% harvester reporting for federal permit holders.
- Another participant commented that, based off the TC analysis, it appears the 10% harvester reporting in Maine is cost effective and is providing the same information as 100% reporting. He expressed concern that 100% reporting in Maine could be redundant.
- One participant preferred not to comment since RI already has 100% reporting so the options don't affect him.

Issue 2: Harvester Reporting Data Elements

- Overall, participants did not object to the additional data elements in Options B and C. One participant commented that the only things he's not reporting on are 'depth' and 'bait type' and he doesn't mind reporting that information. Another individual commented that it doesn't hurt to have more data and it only takes a few minutes to fill out.

Issue 3: Spatial Resolution of Data

- Two participants were against the electronic tracking pilot program (Option E).
- One individual supported Option B (stat area and LCMA).
- Another individual commented that the 10 minute squares (Option D) could be fairly involved for the offshore fishermen.

Additional Comments

- One individual supported the recommendation for a fixed-gear VTR form.

American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III Public Hearing
Old Lyme, Connecticut
January 18, 2018
5 Participants

Staff: Mark Alexander (CT DEEP), Colleen Giannini (CT DEEP), Megan Ware (ASMFC)

Issue 1: Percent Harvester Reporting

- Three participants supported status quo (Option A).
 - One individual commented that the TC made a strong case that 10% harvester reporting in Maine is adequate and Maine should work internally to focus on sampling active permits. He expressed concern that implementing 100% harvester reporting in Maine would divert funds from critical surveys such as the VTS or settlement survey. This individual also commented that if 10% reporting is sufficient in Maine, other state like Massachusetts may be able to reduce their percent harvester reporting and put additional funds towards biological sampling.
 - Another individual commented that everything should stay status quo until we figure out what is happening in Long Island Sound vs. offshore. He recommended the Board focus on answering this question as opposed to instituting more regulations on fishermen.
 - A third individual supported status quo, commenting that there are so many regulations on fishing that it is not even worth putting traps in the water. He also commented that fishermen don't stand a chance with all of the pesticides in the water. He recommended that Connecticut manage its own waters as opposed to the Commission.

Issue 2: Harvester Reporting Data Elements

- One individual supported Option A, plus the inclusion of 'soak time' as a required data component. He did not support the inclusion of 'depth' or 'bait type', commenting that depth can be tricky since trawls can be set over a range of depths. This same individual had several comments on the federal VTR form, noting that the form does not follow a logical order and was created with enforcement in mind, not fishermen. He recommended that the form be reworked and that ASMFC create a harvester reporting form for the fishery that the states and NOAA can adopt. This way a uniform report is used throughout the fishery.

Issue 3: Spatial Resolution of Harvester Reporting

- Two participants did not support the electronic tracking pilot program (Option E). One individual commented that the fishery is becoming micro-managed. The other individual commented that tracking is not applicable to inshore waters or small boats.
- One individual did support the use of LCMA (Option B) and 10 minute squares (Option D) as long as fishermen do not have to fill out a new VTR form each time they enter a new square. This same individual did not support the use of distance from shore (Option C), commenting that it does not work inshore or in Long Island Sound.

- One individual did not support the use of 10 minute squares (Option D), commenting that it does not identify Connecticut vs. New York waters.

Additional Comments

- One participant commented that the Draft Addendum supports the claim that NOAA Fisheries is behind on data collection. He commented that NOAA should be found out of compliance and actions to address these deficiencies in federal waters are necessary right away.
- Several participants discussed the impacts of the September 8 -November 28 season closure in LCMA 6.
 - One individual commented that the season closure has ruined the fishery because fishermen are required to take their gear out of the water, lengthening the season closure. He commented that as a result, the season closure keeps fishermen out of the water until spring, making it impossible to earn a living. He noted that this impacts fishermen, trap companies, wholesalers, and bait companies. He also commented that the minimum gauge size is too high in Long Island Sound, with 3-1/4" being a recommended gauge size.
 - Another individual asked if there is a happy medium such that the season closure could be shortened for changes in the gauge size. He also commented that there is nowhere to store pots on land during the closure.
 - A third individual noted that there are only a few fishermen left. Specifically, in Connecticut there are only 183 lobster permits, of which 83 landed lobster last year.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Marine Resources

205 North Belle Mead Road, Suite 1, East Setauket, NY 11733
P: (631) 444-0430 | F: (631) 444-0434 | FW.Marine@dec.ny.gov
www.dec.ny.gov

Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III

ASMFC / NYDEC

January 9, 2018

Attendees:

NY 1 9 18 LCMT 6 attendees who commented on Addendum A Al Schaffer, Antone Skrezec, Larry McLoughlin

NY Public Hearing attendees John Davi, Daniel Hurley

ASMFC Emerson Hasbrouck (NY Commissioner), Kim McKown (NY Lobster Technical and Stock Assessment), Sean Reilly (NY Lieutenant Environmental Conservation)

Hearing Summary:

Issue 1: Percent Harvester Reporting

The attendees who voiced an opinion supported Option C. They believed all states should have 100% reporting, the same as New York

Issue 2: Reporting Data Components

The attendees who voiced an opinion supported Option A: Status Quo. New York permit holders are already required to submit most of the data elements. In general, they didn't want to collect additional data because it might take more time.

Issue 3: Spatial Resolution

The attendees had a strong opposition to Option E: Electronic tracking. They thought it would be too expensive and too invasive to their privacy.

American Lobster Draft Addendum XXVI/Jonah Crab Addendum III Public Hearing

Wall Township, New Jersey

January 8, 2018

10 Participants

Staff: Jeff Brust (NJ DFW), Peter Clarke (NJ DFW), Megan Ware (ASMFC)

Issue 1: Percent Harvester Reporting

- Given the fishermen at the hearing complete trip-level reporting with VTRs, they didn't have a preference on the percent harvester reporting; however, several participants commented that the stock assessment should have a greater reliance on fishery dependent data. They commented that data from fishermen reports should be used more frequently than information from the trawl surveys.
- One participant asked what implications there would be for Maine, in terms of cost, if the percent harvester reporting increased.

Issue 2: Harvester Reporting Data Elements

- One participant commented that NJ fishermen already report most of the data elements except 'bait type'.
- Overall, there was no objection to reporting on the data elements proposed in the addendum.

Issue 3: Spatial Resolution of Reporting

- Several fishermen commented that they already report latitude and longitude on VTRs so they are reporting their location. As a result they supported Option A (status quo). They commented that they are doing enough.
- Another individual commented that fishermen should either report lat/long or shade in boxes (i.e. the 10 minutes squares in Option D) but not both.
- Participants did not support the electronic tracking pilot program (Option E). One fishermen commented that those technologies are never cheap to fishermen.
- One fisherman expressed concern that giving more location data will lead to greater regulations because regulators will see where people are fishing.

General Comments

- Several fishermen expressed frustration regarding the LCMA 4 season closure and the requirement that traps be removed from the water. They commented that the 1 month closure is really a multi-month closure because it takes time to remove traps from the water and then put them back in the water following the closure. They also commented that removing the traps prohibits them from fishing for Jonah crab and that there are limited places to store traps on land. The fishermen asked for NOAA Fisheries to find a solution ahead of the 2018 fishing year.

- One fishermen recommended a new tagging program. He commented that this information would help fishermen, scientists, and fishery managers. He also expressed concern that fishermen are not respected as humans and they keep getting cut down by regulations.
- Another participant expressed concern that when people talk about the decline of the SNE stock, they don't talk about the decline in effort and active fishermen that contributed to the trends.

Conservation Law Foundation * Earthjustice *Greenpeace *
Natural Resources Defense Council * Oceana * The Pew Charitable Trusts

January 22, 2018

Ms. Megan Ware
Atlantic States Marine Fisheries Commission
States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, Virginia 22201

Re: Lobster Draft Addendum XXVI

Dear Ms. Ware:

The undersigned groups support the Atlantic States Marine Fisheries Commission's (ASMFC) efforts to improve catch reporting and monitoring in the lobster and Jonah crab fishery through Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan and Addendum III to the Jonah Crab Fishery Management Plan. Measures that require 100 percent reporting, finer spatial reporting requirements, and electronic vessel tracking will improve management of the lobster and Jonah crab fisheries, provide critical information on interactions with other commercial fisheries, improve marine planning and efforts to protect important habitat such as deep sea corals, and provide information to determine where risk of entanglements of marine mammals occurs, including the critically endangered North Atlantic right whale.

We urge the ASMFC to adopt measures that:

I.. Require 100 percent Catch Reporting for All State and Federal Permit Holders:

Catch reporting in the lobster and Jonah crab fishery has been inadequate for decades. Currently, in Maine where 83 percent of the total catch is landed, only 10 percent of the current lobster and crab permit holders submit landings reports and only 3 percent of all permit holders report through vessel trip reports (VTRs).¹ This creates a data gap that makes it impossible to ascertain when, where, and how this public resource is harvested. Additionally, new information shows that the offshore lobster fishery is growing rapidly. Because the same inadequate reporting requirements apply to offshore catch landed in Maine, there is an increasing amount of

¹ Nov. 2017. Atlantic States Marine Fisheries Commission. [Draft Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan](#); Draft Addendum to the Jonah Crab Fishery Management Plan. P. 5.

inadequate offshore catch reporting.² This 100 percent reporting requirement should be implemented immediately, rather than phased in over five years as proposed.³

In addition to 100 percent reporting, the ASMFC should require that additional data is reported to help ensure protection of important benthic habitat and marine mammals. All vessel trip reports should include information on the gear used, depth, trip length, length of time traps soaked, and landings data. In particular, reporting where traps are placed by large statistical area is simply not sufficient to make management decisions about the health of the marine resources with which this fishery interacts. Nor is it sufficient to make decisions about matters like habitat protection or development of offshore energy that can have economic impacts on this fishery and others. It is also insufficient to help determine where marine mammal entanglements are likely to occur. The ASMFC should immediately require that the location of fishing effort be reported on the finest scale possible or 10-minute squares (whichever offers the finest spatial resolution).⁴ This is already information that the offshore boats record for their own use.

Furthermore, the ASMFC should require permit holders to transition to electronic reporting as soon as possible. As the addendum acknowledges, the SAFIS application, eTrips, and eTrips Mobile “can be implemented at little to no cost to the states or fishermen, it is approved by GARFO as a platform to submit eVTRs, and there is a well-established working relationship between ASMFC and the data collection and storage program (Atlantic Coast Cooperative Statistics Program, ACCSP).”⁵ Swipe card reporting systems are fast, efficient, and used successfully in other fisheries including Maine’s American eel fishery where it reduced infractions from 200 in 2012, to fewer than 20 in 2014 and 2015.⁶ Additionally, lobster harvesters in New Hampshire state waters are already using eTrips, as are blue crab harvesters in Maryland,⁷ crab harvesters in New Jersey,⁸ and urchin harvesters in Maine.⁹ And as of March of 2018, all party and charter boats must submit reporting through eTrips.¹⁰ There is no reason why the transition to electronic reporting could not begin immediately.

² Daily or weekly vessel trip reports are required in every federal fishery except the lobster fishery in order to help ensure effective monitoring and sustainable management of fisheries and protected resources. Sept. 2017. Greater Atlantic Regional Fisheries Office (GARFO). [Fishing Vessel Trip Report \(VTR\) Reporting Instructions](#). P.1.

³ Nov. 2017. Atlantic States Marine Fisheries Commission. [Draft Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan](#); Draft Addendum to the Jonah Crab Fishery Management Plan. P. 18.

⁴ Even reporting by 10-minute squares (100 square miles) is inadequate, particularly around the shelf break where habitat changes are significant on a spatial scale, providing further support for electronic monitoring.

⁵ Nov. 2017. Atlantic States Marine Fisheries Commission. [Draft Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan](#); Draft Addendum to the Jonah Crab Fishery Management Plan. P. 16-17.

⁶ [ASMFC 2015 Annual Report](#). P. 13.

⁷ Maryland – Department of Natural Resources. [E-reporting with FACTS](#).

⁸ [New Jersey Application for Electronic Trip Reporting](#)

⁹ Sept. 2016. [Maine Goes Live with eDR/mobile for Sea Urchins](#).

¹⁰ Sept. 2017. GARFO. Mid-Atlantic Species Charter and Party Vessels - [Electronic Vessel Trip Reports Required for all Mid-Atlantic Charter and Party Trips](#).

Specifically, in this Addendum the ASMFC should:

- 1) Require 100 percent of active federal and state commercial harvesters in the lobster and Jonah crab fisheries to report trip-level landings (Issue 1: Option C, Sub-option 1).
- 2) Require that trip-level harvester reports contain an expanded set of data elements including bait type and soak time (Issue 2: Option B);
- 3) Require harvesters to report their fishing location based on 10 minute squares (Issue 3: Option D);
- 4) Require an expanded set of data elements focused on gear configuration including the number of traps per trawl and number of buoy lines (Issue 2: Option C); and
- 5) Recommend states implement an electronic catch and effort reporting requirements consistent with the SAFIS e-VTR approved by GARFO as soon as possible, not to exceed one year (see pages 16 and 17).

II.. Transition to Electronic Monitoring

To increase the precision of effort tracking, the ASMFC should require all participants in the lobster and Jonah crab fisheries use an electronic tracking system no later than the completion of the one year pilot program. Low cost technologies with fast ping rates currently exist and are used successfully in other fisheries. The electronic tracking system ultimately selected must ensure the highest level of spatial, temporal, and landings information based on a fast ping rate to provide accurate and precise information. In 2015 and 2016, the ACCSP did a pilot program testing the use of eTrips to implement electronic monitoring.¹¹ As of 2016, the eTrips application features an opt-in setting for any user to supply their location data if their tablet has the technical capability (GPS). This pilot project has created the foundation to expand electronic vessel monitoring to large-scale use.

Specifically the ASMFC should:

- 1) Establish a one year pilot program to test multiple electronic tracking devices (Issue 3: Option E);
- 2) At the same time, through this addendum, require a low cost, fast ping technology (such as including solar-powered devices and tracking through the eTrips Mobile application as recommended on page 20 of the addendum) while the pilot study program is being conducted; and
- 3) Through this addendum require that the results of the pilot program are evaluated and that adjustments are made to implement the electronic tracking technology that is determined to be most appropriate for the lobster and Jonah crab fishery within one year of completion of the pilot program.

III.. Recommend Complementary Measures in Federal Waters

We support the ASMFC's Recommendations for Actions in Federal Waters (Section 5.0), carried out through NMFS's promulgation of all necessary regulations to implement complementary measures in federal waters.

¹¹ ASSCP and SeaPlan. [2016 Pilot Party and Charter Vessel Mapping Study](#).

IV.V. Initiate a Trailing Action to Address North Atlantic Right Whales

In addition to the measure recommended above, ASMFC should initiate a trailing action to help address recent North Atlantic right whale deaths. Measures in this action, while necessary and steps in the right direction, are still inadequate to address the most recent North Atlantic right whale deaths due to entanglement in commercial fishing gear. We recognize that not all of these deaths were due to entanglements in U.S. lobster gear. However, fixed fishing gear, including lobster gear, is the biggest threat to the continued existence of right whales and it is incumbent upon the ASMFC to initiate and complete an action that includes additional gear modifications and reporting requirements to address this crisis. There is also important new research that concludes that whale entanglements with these fixed fishing gears may be adversely affecting the whale's physical condition, leading to unacceptable declines in reproduction success, even if the animal manages to disentangle itself.

Specifically, the new action should:

- 1) Require implementation of an electronic tracking system, if Addendum XXVI fails to ensure implementation, within one year;
- 2) If not otherwise required, all state and federal permit holders should be required to mark their gear at top, middle, and bottom¹² specific to fishery, area fished, and permit holder in order to establish the relevant fishery and location where gear was employed, within one year;
- 3) Require the transition to 1,700-pound breakaway rope¹³ in the lobster and Jonah crab fisheries, in those areas where a lower breaking strength is not already required, by January 1, 2019; and
- 4) Implement a pilot program to introduce and evaluate ropeless gear in the lobster and Jonah crab fisheries.

V.V. Conclusion

We appreciate the Commission's efforts to require accountability in the lobster and Jonah crab fisheries. Improved catch reporting and vessel monitoring are necessary and long overdue. Informed management that considers and evolves with new reporting and gear technology will help minimize interactions with other fisheries, important habitat, and protected species. We look forward to contributing further as the ASMFC works to ensure sustainability and accountability in the American lobster and Jonah crab fishery.

Sincerely,

¹² This is consistent with requirements of the Atlantic Large Whale Take Reduction Plan. See https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/Updated%20Docs%2082514/northeast_trap_pot_jan_2015_with_caveat.pdf, at p. 11. To ensure that all state and federal permit holders comply, we recommend the removal of any exemptions to ALWTRP requirements.

¹³ For example, in the Cape Cod Bay there are already requirements for breakaway ropes on various gear types that are less than 1,700 pounds. The breakaway strength required in any given area should adhere to the most restrictive regulation applicable.

Peter Shelley
Senior Counsel
Conservation Law Foundation

Roger Fleming
Attorney
Earthjustice

John Hocevar
Oceans Campaign Director
Greenpeace USA

Brad Sewell
Senior Attorney
Natural Resources Defense Council

Gib Brogan
Fisheries Campaign Manager
Oceana

Peter Baker
Director, U.S. Oceans, Northeast
The Pew Charitable Trusts

**The Humane Society of the United States • Humane Society International
Whale and Dolphin Conservation • Center for Biological Diversity
Defenders of Wildlife**

Megan Ware
Atlantic States Marine Fisheries Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA. 22201
VIA: comments@asmfc.org

January 22, 2018

RE: Lobster Draft Amendment XXVI

Dear Ms. Ware,

On behalf of the members and constituents of The Humane Society of the United States, the Humane Society Legislative Fund and Whale and Dolphin Conservation, Defenders of Wildlife and Center for Biological Diversity; we offer these brief comments on portions of the Atlantic States Marine Fisheries Commission (ASMFC) Draft Addendum XXVI to Amendment 3 to The American Lobster Fishery Management Plan and Draft Addendum III to The Jonah Crab Fishery Management Plan (the draft Amendment).¹ A major focus of our comments will be on portions of the draft Amendment that may affect our ability to understand impacts of these fisheries on critically endangered North American right whales (*Eubalaena glacialis*).

As noted in the draft Amendment, input is sought on three main issues:

- What percentage of harvesters should be required to report in the lobster and Jonah crab fisheries;
- Whether data elements currently collected should be expanded to provide a greater amount of information on lobster and Jonah crab fisheries; and
- How and at what resolution should spatial information be collected?

Percentage of harvesters required to report in the lobster and Jonah crab fisheries

We support a requirement for 100 percent catch reporting by all state and federal permit holders. As we understand it from information reported to the National Marine Fisheries Service's (NMFS') Atlantic Large Whale Take Reduction Team (ALWTRT), to which some of our organizations are appointed members, although the state of Maine accounts for over 80% of all lobster harvest, only approximately

¹ Available at:

http://www.asmfc.org/uploads/file//5a0f06afLobsterDraftAddXXVI_JonahDraftAddIII_PublicComment.pdf

10% of their harvesters report their effort and other information important to responsible management. Only a small minority of the Maine fishermen report through vessel trip reports (VTR). The draft Amendments note that an ASMFC advisory sub-group focused on reporting had recommended the creation of a fixed gear VTR for federal permit holders. This would appear to help alleviate confusion caused by the current VTR form that is used by a variety of gear types and limits the collection of information most pertinent to understanding effort and impact of fixed gear and trap/pot fisheries. We support the ASMFC recommendation that a fixed-gear VTR form be established to fulfill the data needs specific to these fisheries, including information on soak time, number of hauls, and total gear in water. Reporting should be required of all participants in state and federal lobster and Jonah crab fisheries, and should be required as well of lobster-only harvesters. We generally support the sub-option in Option C under "Issue 1" which would require 100% trip-level reporting. We also support the need to expand information collected.

Expansion of data elements to provide greater amount of information on lobster and Jonah crab fisheries

Discussion in the draft Amendment highlights the discrepancy between data collected in state and federal waters, particularly as effort in federal waters may be expanding and the Jonah crab fishery is conducted primarily in federal waters.² Section 2.6.2 of the draft Amendment delineates a number of areas in which sampling is deficient. As we understand it from information provided in several public meetings, most sampling surveys are conducted largely, sometime solely, within 12 nmi of shore. We agree with the recommendation that significant expansion is needed with regard to biological sampling in the offshore fisheries. To that purpose, we support Option C in Issue 2, expanding reporting to include the number of traps per trawl and number of buoy lines, all of which can help quantify risk of entanglement to whales.

That said, we take issue with some of the information provided in section 2.7 which discusses the ALWTRT. This team is mandated under the Marine Mammal Protection Act and exists with the primary mandate of advising NMFS on measures needed to reduce mortality of critically endangered North Atlantic right whales. The draft Amendment notes that part of the current take reduction plan (TRP) for reducing mortality rests on assessing risk via a "co-occurrence model which pairs information regarding the distribution of whales and commercial fishing gear to predict areas where whales may be prone to entanglement."³

The ALWTRT meets periodically to recommend measure to reduce mortality and, from time to time, small subsets of the ALWTRT that are self-selected "work groups" are convened to discuss challenges to the success of the TRP. As the draft Amendment notes, just such a meeting was convened in May of 2016. However, contrary to assertions in this draft Amendment, it was this small work group and *NOT* the ALWTRT that recommended surveys and other means of collecting additional information on important aspects of the fishery such as the color of the buoy line and buoy, weight of each trap, number of traps per trawl, buoy configuration, buoy line diameter, weight of anchor lies and general

² Draft Amendment at 10

³ Draft Amendment at 13

fishing areas.⁴ We agree that all of this information is critical but it was not the entire ALWTRT that recommended this and, it was not even discussed in the April 2017 meeting of the ALWTRT. It is manifestly inaccurate to state—as the draft Amendment states—that “[c]urrently, the ALWTRT is developing this annual survey” and that it is expected “that it would be implemented December 2018.”⁵ This task was intended for the NMFS to address. As of the date of these comments, we understand that the NMFS is working with their contractor, Industrial Economics, to develop such a survey that would be *entirely voluntary*, would target only some segments of the fishery (and may not include the Jonah crab fishery). This section (2.7) of the discussion in the draft Amendment paints an overly rosy picture of the status of data gathering to better inform effort and risk to endangered large whales. Indeed we believe the ASMFC could do a major service to conservation if it would make collection and provision of all this suite of information *mandatory* for both state and federal waters trap/pot fisheries.

Section 2.8 of the draft Amendment discusses the lobster Reporting Work Group convened by the Board to include “state agency staff, TC, members, Board members, federal representatives, ACCSP staff, and ASMFC staff.” As noted, this group met in September of 2016 with 5 goals for harvester reporting that included improving spatial resolution of harvester reporting, using latest technology to improve and increase reporting, collecting greater effort data in reports; defining inshore vs. offshore fishing; and “proactively address[ing] data concerns of the ALWTRT.” This discussion resulted in a list of short, intermediate and long term recommendations reported in this draft Amendment in Table 7, with time frames of less than one year, one to two years or longer term for intermediate goals and more than 2 years respectively.⁶ Given the dire straits for right whales, with scientists postulating that extinction of the species is possible within a slightly over two decades,⁷ we take issue with some of these time frames for implementation which appear overlong and thus risk prone.

For example, we strongly urge that some of the intermediate term objectives be made “short term” in order to expedite our understanding of both harvest of lobsters and crabs and the risk to protected species. This would include expediting the requirement to “[a]dd the following data components to current harvester reporting coastwide: number of trap hauls, soak time, catch disposition, gear configuration, number of vertical lines, LCMA, depth” which is currently listed as an intermediate goal in table 7. As noted above, ASMFC should also expedite and made universal, the requirement for 100% reporting of active harvesters for all state and federal permitted lobster license holders. This too should be a short-term goal. However, we are concerned that the language for this goal in table 7 is likely to moot any gains in information collection since it would allow “resource limited jurisdictions” to “require reporting [only] from a statistically valid sample.” This degree of flexibility seems likely to lead to having every state that does not currently require 100% reporting claim that they are “resource limited” and

⁴ See ALWTRT Monitoring Work Group Key Outcomes May 17-18, 2016 Gloucester, MA. At: https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/2016%20Monitoring%20Subgroup%20Meeting/key_outcomes.pdf,

⁵ Id.

⁶ See Table 7 in the draft Amendment

⁷ See “North Atlantic right whale faces extinction” Science Magazine. A publication of the American Association for the Advancement of Science. November 7, 2017. At: <http://www.sciencemag.org/news/2017/11/north-atlantic-right-whale-faces-extinction>

thus maintain something of a status quo of under-reporting. This language should be made firm—100% reporting should be required across the board.

With regard to Issue 2: Reporting Data Components; as noted above, we support Alternative C which appears would *add* the requirement to report number of traps per trawl and number of buoy lines in addition to the current requirement to report the unique trip ID, vessel number, trip start date, statistical area, number of traps hauled, number of traps set, species, pounds, trip length (and soak time for Jonah crab). All of this information should be mandates for reporting.

Recommendations for Actions in Federal Waters

Section 5 summarizes recommendations of ASMFC. As noted above, we support establishing a harvester reporting system that expands upon the amount of information collected, including “lobster only” permit holders. This information should be collected for all trap/pot fisheries including lobster and Jonah crab, however the Council should consider similar requirements for all trap/pot fisheries including snow crab, red crab, and other species not currently required to have reporting similar to that being sought here for lobster fisheries.

We also agree with the recommendation that would require fixed gear VTR for all federal permit holders. The revised reporting will allow clearer understanding of the types, places and temporal dimension of gear used and thus the risk to protected species as we are gaining greater understanding of the seasonal movements of right whales.⁸

We support the recommendation for a targeted lobster sampling program in federal waters, particularly in light of the apparent shift in effort to greater use of federal waters and growing interest in expanding fisheries for Jonah and snow crabs. Appendix 3 of this draft Amendment notes that “Statistical areas with the greatest need for increased sampling include 522, 525, 526, 561, 562, and 616. More specifically, four of these statistical areas (522, 525, 526, and 616) do not meet the minimum sampling threshold in three out of the four quarters.” We note with concern that areas 522, 525 and 526 are in the area of Georges Bank, which is a seasonal high use area for endangered whales who are at risk of entanglement in this gear type.⁹ It seems clear that shifts in trap/pot gear effort into offshore areas are increasing the encounter risk in well-known high use areas for endangered whales. Better quantifying effort, gear types and encounter risk should be a clear priority that this amendment may help address.

⁸ See for example a brief description of this seasonal movement and habitat use based on acoustic monitoring by NOAA/NMFS in “Distribution and seasonal occurrence throughout the Northeast U.S.” At: <https://www.nefsc.noaa.gov/psb/acoustics/psbAcousticsMigration.html> AND see figure 3 at Davis, G. and M. Baumgartner. 2017. Long-term passive acoustic recordings track the changing distribution of North Atlantic right whales (*Eubalaena glacialis*) from 2004 to 2014. *Scientific Reports* 7, Article number: 13460 <https://www.nature.com/articles/s41598-017-13359-3#Fig3>

⁹ Sightings information by area and across years is available from NMFS’ Protected Species Branch at: <https://www.nefsc.noaa.gov/psb/surveys/> and see right whale sightings aggregated off George’s Bank and eastward in Figure 4 at: NMFS undated: Ecology of the Northeast US Continental Shelf. At: <https://www.nefsc.noaa.gov/ecosys/ecosystem-ecology/cetaceans.html>

In addition, a variety of recent research has provided a broader understanding of the habitat use by whales in some of these under-sampled areas because many of these same areas are targeted for offshore commercial-grade wind energy facilities. One such marine mammal monitoring project has better mapped right whale use of the areas south of New England¹⁰ which lends urgency to the recommendation to increase sampling in co-occurring fisheries. Moreover, area 616, which was identified as not meeting minimum sampling in most quarters, has well-documented seasonal movements of right whales through the area.¹¹

We strongly support the need for increased sampling across statistical areas—particularly in those offshore area that are currently under-sampled.

Conclusion

We applaud the intent and effort of the ASMFC to better characterize gear and catch in lobster and Jonah crab fisheries. There is a clear need to collect additional information in order to assess impacts to the target species as well as to protected species, particularly in under-sampled areas. Better information on the prosecution of the lobster and Jonah crab fisheries—and other trap/pot fisheries—in state and federal waters is a key to assuring sustainability of catch of the target species and to better document the need for, or designing the type of, risk-reduction measures important to protected species.

Sincerely,



Sharon B. Young, Field Director for Marine Wildlife
The Humane Society of the United States
syoung@humanesociety.org



Regina Asmutis-Silvia, Executive Director
Whale and Dolphin Conservation North America
regina.asmutis-silvia@whales.org

¹⁰ See for example figures 3 and 4 in Leiter, S, K. Stone, J. Thompson, C. Accardo et al. 2017. North Atlantic right whale *Eubalaena glacialis* occurrence in offshore wind energy areas near Massachusetts and Rhode Island, USA. *Endangered Species Research*. v. 34 pp.45-59 At; <http://www.int-res.com/articles/esr2017/34/n034p045.pdf>

¹¹ See, for example, detections in all seasons except summer off the coast of NJ in figure 3 of Davis and Baumgartner, Fn 8.

Jane P. Davenport

Jane P. Davenport, Senior Attorney
Defenders of Wildlife
1130 17th St NW
Washington, DC 20036
jdavenport@defenders.org

Kristen Monsell

Kristen Monsell, Oceans Legal Director and Senior Attorney
Center for Biological Diversity
kmonsell@biologicaldiversity.org



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

December 11, 2017

Robert E. Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland St, Suite A-N
Arlington, VA 22201

Dear Bob:

On behalf of the New England Fishery Management Council, please accept the following comments on American Lobster Addendum XXVI/Jonah Crab Addendum III. While our comments below focus mainly on the lobster fishery, we support enacting these monitoring improvements in both the lobster and Jonah crab fishery management plans. In general, the Council supports adopting any recommendations for improved monitoring in federal waters (Section 5.0). While most of the species we manage occur in both state and federal waters, overlap between the lobster fishery and Council-managed fishing effort and Council management areas is most likely in federal waters.

Question 1 – Percent of harvesters reporting

On the first question, what percentage of harvesters should be required to report in the American lobster and Jonah crab fisheries, the Council supports Option C, 100% trip-level harvester reporting. Harvester reporting rates are 100% for most states, but only 10% for Maine. While many Maine vessels fish in state waters only, a large number fish in federal waters using federal permits. Requiring full reporting from these federally permitted vessels will create parity with other federal waters fisheries managed by the New England and Mid-Atlantic Fishery Management Councils.

More importantly, as the lobster fishery continues to shift its operations farther offshore, it will increasingly interact with other federally managed fisheries, and the species targeted in those fisheries. It is important that we understand patterns of effort so that we can better estimate bycatch and consider other overlaps between the lobster fleet and the fisheries and habitats we manage. As noted in the draft addendum, an eventual increase to 100% harvester reporting rate was a goal of Addendum X to the American Lobster FMP, which was approved ten years ago. Now is the time to achieve that goal, at least for federal waters.

The Commission's Lobster Technical Committee (TC) examined the statistical validity of harvester reporting using six different metrics – number of trips per year, number of trap hauls

per year, total landings, total soak nights, average number of traps in the water, and maximum number of traps in the water for the year. Coefficients of variation were low and stable across these six variables, suggesting that present levels of reporting are adequate to estimate these data elements. However, the TC did not examine whether present reporting rates are sufficient to fully understand the spatial distribution of fishing activity (see question 3, below). In the context of Council management actions, a solid understanding of the spatial distribution of fishing effort is very important.

We do not have a strong preference for Sub-Option A or B under Option C, but Sub-Option B that allows monthly reporting for vessels landing less than 1,000 lb of lobsters or crabs in the prior year appears to reduce administrative burden for vessels that land few lobsters. This seems a reasonable tradeoff between administrative costs and the need to better characterize fishing effort. Assuming monitoring rate Option C is selected by the Commission, as harvester reporting ramps up over time it seems appropriate to optimize sampling as suggested under Option B. Optimized sampling would allocate by permit type, according to an approach developed by the TC. Under this approach latent vessels are allocated less effort than active vessels.

Question 2 – Data elements

The second question is should current data elements be expanded to collect a greater amount of information in both fisheries. The Council supports Options B and C, which would expand data elements related to depth fished/bait type/soak time (Option B) and number of traps per trawl and number of buoy lines (Option C).

As you know, the Council manages the Atlantic herring fishery in federal waters, and herring is an important source of bait for the lobster fishery. It would be very informative to our management of Atlantic herring to have a clearer understanding of bait use by area and season. We suggest distinguishing between fresh, salted, and frozen herring when collecting data on bait usage. In addition, information on the number of traps and the number of traps per trawl will help us to estimate the seabed effects of the lobster fishery as we revise our habitat impact modeling in the coming years. Information on the number of buoy lines will inform estimates of risks to protected resources, an issue that is of concern to both the Council and the Commission.

Question 3 – Spatial scale

The third question is at what scale should spatial information be collected. The Council supports combining Options B-D in this section to obtain the most comprehensive understanding possible of the spatial distribution of lobster fishing effort. The Council supports Option B, NMFS Statistical Area and LCMA, at a minimum. Because vessels are permitted by LCMA this data element seems essential to the reporting program.

Higher resolution spatial data including distance from shore (Option C) and reporting catch by ten-minute square (Option D) would allow users of lobster fishery data to more accurately attribute effort to specific management areas. Maine already collects distance from shore data, and continued collection of this information seems prudent to track the seasonal shifts in effort by distance from shore, as well as increasing use of the portions of LCMA 1 that lie further from

shore. Reporting by ten-minute squares would allow the Council to estimate the magnitude of lobster and Jonah crab fishing at a scale relevant to the development and evaluation of spatial management area that are hundreds to thousands of square kilometers in size. We collaborated closely with your members, staff, and the TC during development of our Deep-Sea Coral Amendment, and additional data would have improved our analysis of potential effects on the lobster fishery.

Regardless of the spatial scale at which data are collected, the Council also supports Option E, electronic tracking, as a pilot program. Electronic tracking should improve accuracy and reduce costs.

Overall, the Council appreciates the Commission's work on these addenda. Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Nies".

Thomas A. Nies
Executive Director



MAINE

Lobstermen's Association, Inc.

2 Storer St, Ste 203 * Kennebunk, ME 04043
207-967-4555 * 866-407-3770 * www.maine lobstermen.org

Megan Ware
Atlantic States Marine Fisheries Commission
1050 North Highland St, Suite 200A-N
Arlington, VA 22201

January 22, 2018

Dear Ms. Ware:

The Maine Lobstermen's Association (MLA) provides the following comments on Draft Addendum 26 to the Lobster FMP. The MLA is Maine's oldest and largest fishing industry association dedicated to sustaining the lobster resource and the fishermen and communities that depend on it. Maine's lobster industry contributes \$1.5 billion to the Maine economy. The MLA fully supports collecting adequate data for scientists to assess the health of the stock and managers to have robust information to inform decisions that support a healthy lobster industry.

Dealer and Harvester Reporting – Issue 1

With regard to Issue 1, Percent Harvester Reporting, the MLA strongly supports Option B to maintain current harvester reporting effort and allocate reporting through an optimal approach.

Based on the Technical Committee's statistical analysis outlined on pages 6 and 7 of the document, Maine's current 10% harvester reporting program provides an excellent representation of the fishery, with confidence intervals ranging from 95% to 98%. Maine DMR estimates it would cost more than \$500,000 for Maine to meet a 100% lobster harvester reporting requirement. This level of investment is not justified given the marginal improvements in data that would be gained given the strong statistical validity of the current harvester reporting program.

The MLA strongly supports optimizing how the harvester reporting sample is conducted. This will improve the coverage of the fishery without requiring additional resources. To achieve this, the MLA supports stratifying the samples to maximize representation of active harvesters, geographic areas (by zone in Maine), license types, and state vs federal permit holders. The MLA does not support sampling latent lobster licenses as these can be accounted for through the dealer reporting system.

While the MLA does support the development of an electronic reporting system to streamline the collection of both dealer and harvester reporting data, the association does not support a future goal of all states achieving a 100% harvester reporting level.

The MLA strongly recommends that the Lobster Board instead adopt a valid statistical standard for harvester reporting programs, to be established by the TC, and require states and the federal government to implement the corresponding percentage of coverage to achieve that standard. Universally requiring a predetermined percentage ignores the widely varying sizes of the state's lobster fisheries, statistical validity of the data, and may impose unnecessary burden on states and fishermen with a minimal gain in better understanding the fishery.

Dealer and Harvester Reporting – Issue 2

With regard to Issue 2, the MLA supports expanding data collection elements but does not support any of the options directly outlined in the draft document. The MLA supports expanding the status quo to collect data on depth, soak time, number of sets and number of buoy lines. Average gear configuration can be calculated from number of traps hauled and number of sets.

The MLA is concerned about the potential to create redundant data collection programs. If ASMFC collects data on number of buoy lines and calculates average gear configuration, this data must be used to satisfy the data needs of the whale plan. The MLA strongly opposes the creation of multiple reporting programs that collect redundant information.

Spatial resolution of harvester data – Issue 3

The MLA supports improving the spatial resolution of harvester data. The MLA supports Maine continuing to collect data by zone and distance from shore, and would support the adoption of this method by all states (Option C).

The MLA further supports Option D to collect data by 10 minute squares. However, it is important that harvesters only fill out one report per day, even if they fish in more than one 10 minute square. The MLA recommends this spatial standard of data collection for both state and federal permit holders.

Fishery Dependent and Fishery Independent Sampling

The MLA supports adopting all of the minimum standards for both fishery dependent and fishery independent sampling outlined in the draft document. Maine already has programs in place that achieve these standards.

Recommendations for Actions in Federal Waters

The MLA supports improving harvester data collection standards in federal waters. The harvester reporting program, as currently executed, does not adequately represent federal permit holders across all geographic areas.

To remedy this, the MLA recommends that harvester reporting for federal lobster permit holders, who also hold a state lobster permit, be covered by each state's harvester reporting program. By optimizing how sampling is conducted as outlined under Issue 1, Option B, federal permit holders can be adequately sampled. This will require proper stratification by area, license type and by federal permit holders to ensure that an adequate percentage of federal permit holders are being sampled in each geographic area (by lobster zone in Maine).

The percentage of federal permit holders to be sampled should be determined through a statistical analysis to ensure robust data, as described above. Federal permit holders who do not hold a state permit should also report by 10 minute square.

The MLA supports ASMFC's efforts to improve the data collection programs for the lobster fishery to ensure a more comprehensive understanding of the fishery and its spatial footprint. The MLA supports creating a statistical standard for harvester data collection to determine the appropriate percent of lobstermen to be sampled in each state and in the federal fishery. The MLA opposes the creation of any redundant programs to collect the same data. We urge ASMFC to work closely with NMFS to ensure there are not duplicative programs for those who hold state and federal permits, or for those reporting through ASMFC and any future data collection programs which may be established under the whale plan.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Patrice McCarron". The signature is written in a cursive, flowing style.

Patrice McCarron
Executive Director

Megan Ware

From: Beth Casoni <beth.casoni@lobstermen.com>
Sent: Sunday, January 21, 2018 12:42 PM
To: Megan Ware
Cc: Beth Casoni
Subject: MLA Comments DRAFT ADDENDUM XXVI TO AMENDMENT 3

Good afternoon Megan,

The 1800 member Massachusetts Lobstermen's Association (MLA) submits the following comments to you regarding the *DRAFT ADDENDUM XXVI TO AMENDMENT 3 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN; DRAFT ADDENDUM III TO THE JONAH CRAB FISHERY MANAGEMENT PLAN*

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The MLA continues to work conscientiously with the Lobster Foundation of Massachusetts, MA Division of Marine Fisheries, the Atlantic States Marine Fisheries, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of the many resources in which our fishermen depend upon.

Issue 1: Percent Harvester Reporting

The MLA SUPPORTS - Option A: Minimum 10% Harvester Reporting (Status Quo)

Under this option, at least 10% of active commercial harvesters in the lobster and Jonah crab fisheries are required to report trip level landings, with the expectation of 100% harvester reporting over time. States which currently require greater than 10% harvester reporting are required to maintain that higher level of reporting.

Issue 2: Harvester Reporting Data Components

Option A: Status Quo

Harvester trip-level reports must include: a unique trip ID (link to dealer report), vessel number, trip start date, location (NMFS Statistical Area), number of traps hauled, traps set, species, quantity (lbs), and trip length. Soak time is also required on Jonah crab harvester reports. For

clarification, traps set means the total number of traps that are in the water for a permit holder, including traps that were hauled and re-set as well as traps which are in the water but were not hauled.

Issue 3: Spatial Resolution of Harvester Data

Option D: 10 Minute Squares

Under this option, harvesters will report their fishing location based on 10 squares which divide the North Atlantic coast. The intent of this option is to provide more fine-scale data on where the fishery is occurring. See Appendix 4 for a figure of 10 minute squares along the Atlantic coast.

While ASMFC is looking to increase reporting and reporting requirements we encouraged The Lobster Board members to think about the daily activities a fishermen must do and then to Have multiple reports to fill out on a weekly or monthly basis is daunting. Please look at consolidating ALL reports onto one page and for the 10 minute squares please make this one report for ALL Squares and not one report for one square.

The MLA recognizes the importance of increasing the data collection to document the spatial Footprint of the lobster fleet. We also understand how the lack of spatial data is putting the lobster industry at a Disadvantage by not being able to show where they are fishing as this has been demonstrated under the Obama Administration when the National Marine Monument Designation was created.

Thank you for your thought and consideration.

Kind regards,
Beth Casoni, *Executive Director*
Massachusetts Lobstermen's Association
8 Otis Place~Scituate, MA 02066
o. 781-545-6984 xt 1 c. 508-738-1245
www.lobstermen.com

NOTE: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.



January 22, 2018

Megan Ware
Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200A-N
Arlington, VA 22201

Re: Comments on Lobster Draft Addendum XXVI

Dear Megan:

I submit the following comments on behalf of Maine Certified Sustainable Lobster Association, Inc. (MCSLA).

The MCSLA supports efforts that will improve the quality of the scientific information that is collected and used by federal and state fishery management bodies. The MCSLA believes the following options are consistent with the intent of the Magnuson-Stevens Fishery Conservation and Management Act, which mandates that fishery conservation and management measures be based on the best scientific information available.

Issue 1: Option C, Sub-option 2. The MCSLA supports allowing management to phase-in trip level landings over 5 years as well as allowing a monthly summary of landings data by commercial harvesters landing less than 1,000lbs of lobster in the previous year.

Issue 2: Option B. The MCSLA supports maintaining the status quo that trip-level reports must include: a unique trip ID (link to dealer report), vessel number, trip start date, location (NMFS Statistical Area), number of traps hauled, traps set, species, quantity (lbs), and trip length, and also adds the data components of depth, bait type and soak time.

Issue 3: Option A. The MCSLA supports maintaining the status quo that requires harvesters continue to report their fishing location by NMFS statistical area on harvester reports.

The MCSLA appreciates the opportunity to provide these comments.

Regards,

/s/

John F. Whiteside, Jr.
General Counsel
John@JWhiteside.com



January 22, 2018

Lobster Draft Addendum XXVI

Ms. Megan Ware
Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200A-N
Arlington, VA 22201

Lobster Draft Addendum XXVI presents us with an excellent opportunity to assess the data we are currently collecting from the industry. We understand that the current 10% harvester reporting is statistically satisfactory and that the Maine Department of Marine Resources would be overwhelmed with an increased reporting requirement. But we believe that moving to a higher quality pool of data gatherers is to the advantage of the resource and the industry. We should not be collecting data from latent license holders and there should be a component to identify geospatial distribution of the fishery.

While it was not included in this addendum, we would be remiss to not mention the need for real-time landings data collection for this fishery. MLDA has collaborated with the DMR to acquire preliminary landings data with the understanding that the data is subject to change. The data is helpful for lobster wholesalers and processors as constantly struggle with supply chain management, staffing, customer expectations, etc. This data would also be helpful for DMR from a resource management perspective. Because this industry is not subject to a TAC or a season, there is no mandate to move to such a system. We know that there are hurdles to the implementation of a system that would support real-time landings data, but the long-term benefit would be financially and strategically significant for the many stakeholders in the Maine lobster industry.

Best regards,

A handwritten signature in blue ink, appearing to read 'Annie Tselikis', with a long, sweeping flourish extending to the right.

Annie Tselikis
Executive Director



NEW JERSEY COUNCIL OF DIVING CLUBS

32 Stratford Road
Tinton Falls, NJ 07724-3143
www.scubanj.org



Draft Lobster Addendum XXVI

Testimony

It appears that the purpose of this Addendum is to improve data collection, perhaps a laudable goal! As a recreational advisor to the ASMFC, it is very unclear to me how this Addendum will impact the recreational lobster fishery. The Addendum makes repeated reference to permits and dealer reporting, vessel number, pounds of lobster, all of which are not normally involved in the recreational fishery. In Federal waters, recreational divers can only take six lobsters a day. Where is the recreational fishery specifically addressed in the addendum? Does the Draft Lobster Addendum intend to require every recreational diver to report data elements on every lobster every day? Or maybe is it just addressed to commercial dive boats? The entire recreational fishery only takes 1 or 2 % of the total catch based of past performance.

Regarding electronic reporting, you cannot assume that all harvesters have E mail or an operating computer or other electronic devices, especially not all pot fishermen or recreational fishermen. There would have to be an alternative reporting method. Perhaps it could be a seasonal report for the recreational fishery. For example, I only took about 15 lobsters during the entire 2017 open lobster season in NJ. Perhaps commercial dive boat captains would have a monthly report?

One thing the sport diver can do is add data elements that would not be evident to pot fishermen. For example, in 1976 the NJ dive community reported observing lobster on the highest portion of the wrecks, something we had never seen before. It turned out that there was a lack of oxygen on bottom that also had very poor visibility and most of what you refer to as Southern New England area ended up having a fish kill that included lobster. Sport divers can observe the immediate u/w environment and may be able to report data elements a pot fisherman does not observe.

Regarding Issue 3 (Spatial Resolution), I would suggest option C for most Pot Fishing with day boats including location of where docked.. Almost all pot fishing and recreation lobster fishing is done in federal waters off NJ. If there is a large boat involved in multi day trips, that would be the boats to consider for electronic tracking.

Regarding the recreational fishery, which is my main concern, I would suggest you try to enlist commercial dive boats on a voluntary basis, and decide what reporting would be most appropriate or most needed. Concepts such as soak time, number of lines and pots, etc. would be irrelevant in the recreational sport diver fishery.

Jack Fullmer

Legislative Committee

ASMFC Recreational Adviser

Megan Ware

From: Comments
Sent: Friday, January 19, 2018 11:55 AM
To: Megan Ware
Subject: FW: Lobster Draft Addendum XXVI

From: Josiah Hansen [mailto:jhansen2019@nhcshawks.org]
Sent: Friday, January 19, 2018 10:49 AM
To: Comments <comments@asmfc.org>
Cc: Lisa White <lwhite@nhcshawks.org>
Subject: Lobster Draft Addendum XXVI

Hello, I am a Junior at North Haven Community School and I am not in any fishing industry. I went into my research of issue one with the opinion that the most information we could get for science the better. I still believe this but I have changed my opinion to be in favor option B, after talking with my fishermen peers. It seems to me that with the current systems in place, any system of documentation looks like it would be a real pain for people actually doing the work. I encourage the development of very accessible options for fishermen to document their catch. If this can be easily done in 5 years, then I would support 100% reporting.

~ Josiah Hansen



P. O. Box 983
385 Norwich-New London Turnpike
Uncasville, CT 06382
860.848.9271
Fax: 860.848.2704

ENGINEERED *Excellence*[™]
An ISO9001-2008 Registered Company
www.FariaBeede.com

December 14, 2017

Ms. Megan Ware
Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Dear Ms. Ware,

I am submitting these comments in regards Lobster Addendum XXVI, specific to Option E: Electronic tracking.

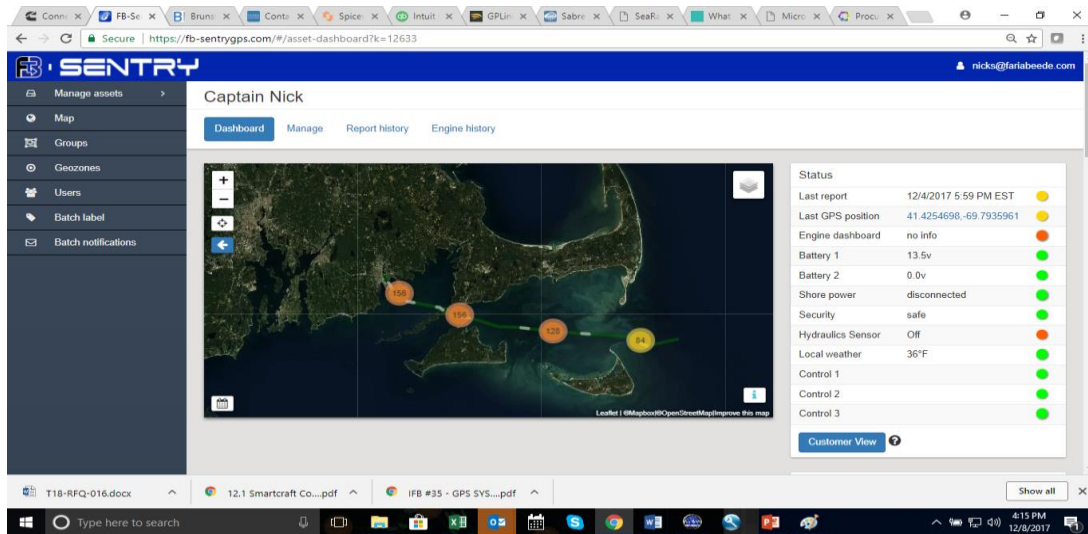
For the past several months Faria Beede Instruments, Inc., a long-standing type approved VMS supplier to NMFS/NOAA, has been conducting an evaluation of a low-cost GSM device and has demonstrated a highly efficient means of monitoring lobster vessels in New England. The subject vessel is an 80' deep sea lobster vessel and licensed permit holder within the Area 3 lobster fishery.

The new technology is a combination of a non-satellite based GSM (cellular) tracking device and a pressure sensor that monitors the winch's hydraulic line. The vessel and hydraulic sensor captures the specific PSI values from the hydraulic line powering the winch and confirms pot-hauling activity at all times. Both the vessel and winch are being monitored at a 1-minute interval during the entire voyage. All winch alerts confirm the specific time and location of when the vessel has engaged its pot-hauler and is harvesting/hauling lobster traps.

The cost of the entire hardware solution is less than \$400 (GSM device and pressure sensor). Install times vary between 2-3 hours.

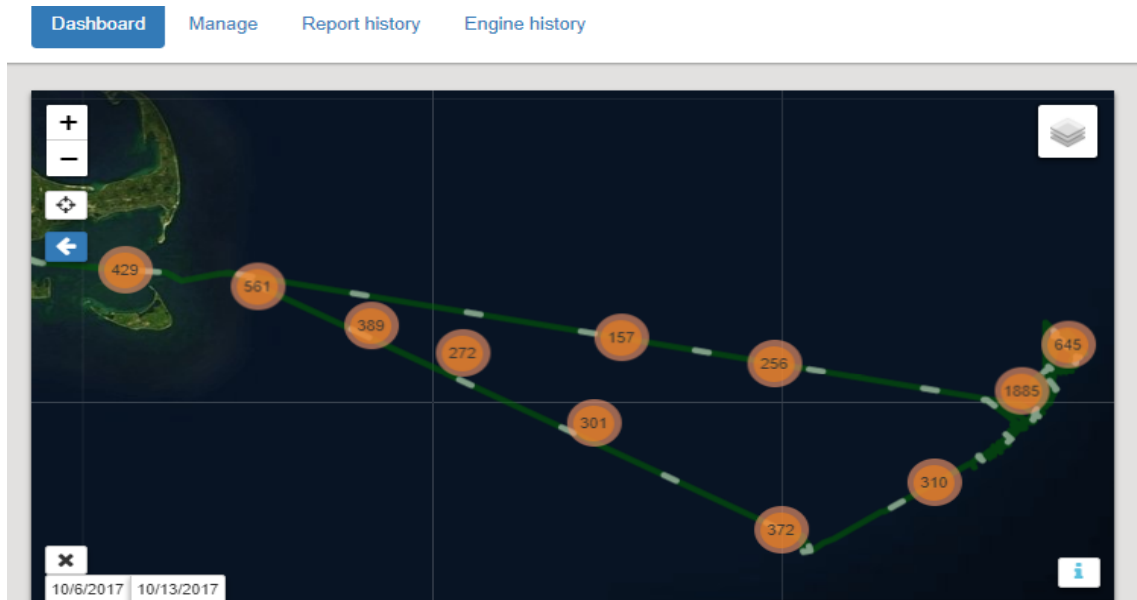
A data sample for this ongoing sea trial was presented to the Law Enforcement Committee during the ASMFC annual meeting in October 2017.

From October 6th – 13th the subject vessel was tracked at a 1-minute interval 24x7. The vessel exited the GSM coverage area footprint at approximately 12 miles off the coast of Nantucket Island on October 6th. During the next 6 days all of the vessel fishing and harvest activities were ongoing beyond the GSM coverage area.

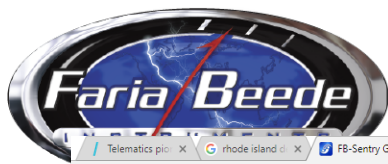


On October 13th, when the vessel returned into GSM range, the data-logger uploaded all 20k positions, 2k of which being confirmed winch/pot hauler alerts. The 1-minute “ping rate” provides a high-density track of the vessel’s location at all times while at sea. The 2k confirmed winch alerts confirmed where all lobster harvesting was actually occurring.

The software and website aggregate the 1-minute high-res position points into bundles (orange icons), which are then expanded on the map at varying zoom levels.



The results demonstrate the value and efficiency of this very low-cost technology available today.



P. O. Box 983
 385 Norwich-New London Turnpike
 Uncasville, CT 06382
 860.848.9271

ENGINEERED *Excellence*TM
 An ISO9001-2008 Registered Company
www.FariaBeede.com

The screenshot shows a web browser window displaying the SENTRY GPS dashboard. The browser address bar shows the URL: <https://fb-sentrygps.com/#/asset-dashboard?k=12633>. The dashboard is titled "Captain Nick" and includes a navigation menu on the left with options like "Manage assets", "Map", "Groups", "Geozones", "Users", "Batch label", and "Batch notifications". The main content area features a map with a green data track and several colored circular markers (yellow, orange, green). To the right of the map is a "Status" panel with the following information:

Item	Value	Status
Last report	10/11/2017 10:44 AM EDT	Green
Last GPS position	41.4465336, -70.177391	Green
Engine dashboard	no info	Red
Battery 1	13.3v	Green
Battery 2	0.0v	Green
Shore power	disconnected	Green
Security	safe	Green
Hydraulics Sensor	Off	Red
Local weather	63°F	Green
Control 1		Green
Control 2		Green
Control 3		Green

The Windows taskbar at the bottom shows the time as 10:48 AM on 10/11/2017.

The high-resolution data track provides fishermen, the scientific community and law enforcement with validation of where a vessel has been and where harvesting occurred.

The screenshot shows a web application titled "Specific Coordinates of Hauling Activity". It features a map on the left and a list of coordinates on the right. A blue arrow points from the map to the list. The list is titled "Coordinates (Format: lat, long in decimal form):" and contains the following data:

```

40.4987278, -67.4397573
40.5058758, -67.4379786
40.518303, -67.4417651
40.520495, -67.422228
40.5017418, -67.4040056
41.4929983, -67.0291538
41.486991, -67.0737691
41.47715, -67.0583345
41.4317058, -67.0152143
41.4371361, -67.0331463
41.460243, -67.0503603
41.4490966, -67.054654
41.4428076, -67.0656315
  
```

Below the list is a button labeled "Plot Map Points". The application also includes instructions for plotting points on the map.

Plot Lat/Long Points on Map by Coordinates

INSTRUCTIONS:
 Enter Lat/Long Coordinates (one per line in format: lat, long [no spaces] - [see example](#))
 Note: more than 2,000 points will be slow.

www.fariabeede.com

I hope these comments are helpful. Please share a copy of this document with the Lobster Board and the ASMFC lobster Enforcement Committee. Members of the Commission should also feel free to contact me directly if they have questions.

Best regards,

Nick Salvi
Vice President of Telematics
Faria Beede Instruments, Inc.
385 Norwich-New London Turnpike
Uncasville, CT 06382
e: nicks@fariabeede.com
o: 860-848-9271 ext. 1223
www.fariabeede.com

The Faria Beede is a **Type Approved** supplier for the National Marine Fishery Service for all fishery regions and is built to meet the demanding requirements of the commercial fishing industry.

Extensive & Reliable Worldwide Satellite & GSM Cellular Network Coverage.

Megan Ware

From: Comments
Sent: Friday, January 19, 2018 1:22 PM
To: Megan Ware
Subject: FW: Lobster Draft Addendum XXVI

From: Lisa White [mailto:lwhite@nhcshawks.org]
Sent: Friday, January 19, 2018 12:28 PM
To: Comments <comments@asmfc.org>
Subject: Fwd: Lobster Draft Addendum XXVI

----- Forwarded message -----

From: "Sean Haskell" <shaskell@nhcshawks.org>
Date: Jan 19, 2018 11:01 AM
Subject: Lobster Draft Addendum XXVI
To: <comments@asmfc.org>
Cc: "Lisa White" <lwhite@nhcshawks.org>

To whom it may concern:

We are high school students from the island of North Haven, Maine, including students with one student license and one commercial license. We would like to submit comments on Draft Addendum XXVI to Amendment 3 to the American Lobster Fishery Management Plan.

Regarding Issue 1: Percent Harvester Reporting, we support Option B: Maintain Current Harvester Reporting Effort and Allocate Reporting Through an Optimal Approach. Excluding latent permit holders from reporting will produce more accurate information. We support maintaining the current percentage harvester reporting because existing regulations on dealer reporting and licensing already document how many lobsters are caught, where they are caught, and how much fishermen make. We do not think that any information will be gained by requiring 100% reporting. There could be cost and space issues with the electronic reporting.

Thank you for the opportunity to comment.

Sincerely,

Sean Haskell

Arnd Metzdorf
Peyton Cooperx

Megan Ware

From: Comments
Sent: Wednesday, January 17, 2018 10:41 AM
To: Megan Ware
Subject: FW: Lobster and Crab Management Plan Comments

-----Original Message-----

From: Steve Joyce [mailto:stevejnh@gmail.com]
Sent: Wednesday, January 17, 2018 7:18 AM
To: Comments <comments@asmfc.org>; megan@asmfc.org
Subject: Lobster and Crab Management Plan Comments

I attended the meeting in Portsmouth last night. It's never easy getting a bunch of people in a room to agree on anything.

I haven't been involved in the Lobster management process, but I did live through the NMFS ground fishing mess.

What I don't understand is why it takes 36 pages to provide alternatives to what seems to be a simple problem that can be handled at the State level.

You don't want to get the NMFS involved any more than they are or the Lobster fishery will be over for the small boat fleet.

The problem appears to be that the State of Maine doesn't want to provide 100% landing data like other states. So your going to reach out to the feds because ASMFC figures if they pass a requirement requiring the State's to collect the data, Maine will be non-compliant.

Just pass the requirement that the State's need to collect the data.

Create a standard landing form with the data you agree is required, Lobsters can't be sold in the State to a dealer without the form filled out. This works for both State and Federal waters. The purchase State and Federal Trap tags can be used as an enforcement tool for report compliance.

As for gear location data, normally I wouldn't want this info given out, but the Whale entanglement issues will require more resolution of where gear is fished in the future. I think the 0-3, 3-12 mile, etc is likely the easiest to document. Bait used, I think that can be left off!

Thanks,

Steve Joyce

12 Dover Ave

Hampton NH 03842

Letter Received After Comment Deadline



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

Grant Moore, President
exec@offshorelobster.org

David Borden, Executive Director
dborden@offshorelobster.org

January 23, 2018

Megan Ware
Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200A-N
Arlington, VA 22201

Dear Megan,

The Atlantic Offshore Lobstermen's Association (AOLA) submits the following comments toward Draft Addendum XXVI/III to the American Lobster and Jonah Crab Fishery Management Plans.

Issue 1: Percent Harvester Reporting

The Association supports "Option C: 100% Harvester Reporting" with sub-option 2. If possible the phase in period for 100% reporting should be implemented in less than five years.

Issue 2: Harvester Reporting Data Components

The Association supports "Option B: Expanded Data Elements" and "Option C: Expanded Data Elements Regarding Gear Configuration." Most of this information is currently included in the federal VTR or can be calculated from those reports. However, we question the need of reporting bait type since most fishermen mix baits in the same trap. Bait information would be better obtained from sea sampling.

Issue 3: Spatial Resolution of Harvester Data

The Association supports "Option B: NMFS Stat Area and LCMA". This will greatly simplify the assessment process and provide staff information to track the performance of fisheries in specific LCMA's.

We also support the testing of an electronic tracking system with a hydraulic hauling monitor in federal waters as a means of improving federal enforcement. The system must be cost effective and address the electrical draw needs of smaller vessels maintained on moorings where they do not have access to shore power.

Fishery Dependent and Independent Sampling, Port Sampling, Sea Sampling

We support the continuation of these programs as described in the draft document. These sampling protocols are needed to fill assessment gaps and improve the spatial and temporal resolution of the state and federal data, and the conclusions rendered from those data.

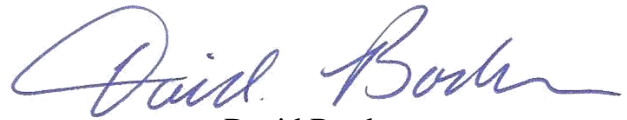
Letter Received After Comment Deadline

Recommendations for Actions in Federal Waters

The Association supports the establishment of a 100% harvester reporting requirement for lobster-only federal permit holders and the implementation of the NOAA offshore sampling program as proposed and outlined in Appendix 3 of the Draft Amendment. It is critical to fix the flaws in the offshore sampling program to improve the quality of the stock assessment given the importance of this fishery to the regional economy and coastal communities. NOAA should either implement the program as drafted or provide state and private organizations with funding to implement the program.

Thank you for the opportunity to comment.

Sincerely,



David Borden
Executive Director



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

TO: American Lobster Management Board
FROM: American Lobster and Jonah Crab Advisory Panels
DATE: January 22, 2018
SUBJECT: Recommendations Regarding Draft Addendum XXVI/III

The American Lobster and Jonah Crab Advisory Panels (APs) met via conference call on January 17th to discuss the management options in Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III. On the call, the APs reviewed the management issues, reviewed public comment to-date, and provided recommendations regarding the various management alternatives in the document. This memo summarizes the discussion had by the APs and their recommendations to the Board regarding Draft Addendum XXVI/III.

AP Attendance

Grant Moore (MA – Chair Lobster)	Robert Nudd (NH)
Sonny Gwin (MD – Chair Jonah Crab)	Sooky Sawyer (MA)
David Cousens (ME)	John Whittaker (CT)
Bob Baines (ME)	Jack Fullmer (NJ)

Issue 1: Percent Harvester Reporting

- 5 AP members supported 100% harvester reporting for all federally permitted lobster vessels. Two individuals commented that, as the lobster fishery moves further offshore, the data gaps which already exist in federal waters will become exacerbated. Another individual commented that, at present, there is not a clear picture of where the lobster fishery is taking place in federal waters.
 - Of the five AP members above, two commented that they support 10% harvester reporting in Maine state waters and 100% reporting in federal waters. One individual noted that the TC has shown 10% harvester reporting is sufficient in Maine but commented that greater reporting is needed offshore. The other individual expressed concern that 100% harvester reporting in Maine could force the State to divert funds away from biological sampling and towards harvester reporting.
- 2 AP members supported maintaining the 10% harvester reporting requirement in the lobster fishery. One individual commented that the TC concluded that the 10% harvester reporting in Maine is providing statically precise data and the State could not handle 100% reporting given the number of trips conducted annually. The other individual commented that 100% harvester reporting would be redundant in the lobster fishery and would not improve the statistical power of the data.

- Of the two AP members above, one supported redistributing the current 10% harvester reporting in Maine to focus on active, as opposed to latent, permits (Option B).
- One AP member asked if the recreational lobster fishery could help address the data gaps in the fishery. He recommended that there be an optional reporting program for recreational fishermen.

Issue 2: Harvester Reporting Data Components

- 4 AP members supported a re-design of the federal VTR so that the form encompasses all of the data needs in the lobster fishery and is easy for fishermen to fill out. Specifically, they recommended that NMFS and industry members work together to make the form logical in its design and effective in its content. One AP member commented that a re-design is necessary given the current data requirements on the federal form are interpreted differently by different fishermen.
- One AP member supported the inclusion of 'soak time' as a required data element but did not see the need to report on 'bait type' (both in Option B).
- Another AP member supported the inclusion of gear configuration data elements in harvester reports (Option C), commenting that it is pertinent to the ALWTRT.
- One AP member expressed concern about the inclusion of 'depth' as a data element given a single trawl can span a wide range of depths. He commented that information regarding depth fished could be gleaned from a latitude/longitude point or a 10 minute square.
- Another individual commented that it would be ideal if there was a single coastwide form for the lobster industry.

Issue 3: Spatial Resolution of Harvester Data

- 5 AP members did not support the establishment of an electronic tracking pilot program in the lobster fishery (Option E). One AP member expressed concern that the cost of tracking will fall on fishermen. Another AP member agreed that better spatial data is needed in the lobster fishery but that tracking is not the way to achieve this. Instead, he favored the other options in the document. Another AP member commented that there will be no resolution of data within 12 miles if tracking is used because all of the lines will cover one another. A final AP member commented that there is already VMS on some lobster boats (due to other species permits) and the Board should look to see what location data is currently available.
- One AP member did support the exploration of electronic tracking devices for federal vessels, but noted that this would be too much to ask of state permitted individuals. He commented that he would like to see the results of this pilot program, especially with the expansion of the Jonah crab fishery.
- 2 AP members supported the implementation of 10 minute squares, with one individual commenting that it is important a fisherman does not have to fill out a separate form for each square fished. The other individual commented that a single latitude/longitude point on the VTR form does not give a complete picture of where gear is situated and

improved spatial information will help the fishery in the long run because it will provide a history of where the fishery is taking place.

- One AP member did not support the use of distance from shore (Option C) since SA 616 is all within state waters.
- One AP member supported the inclusion of LCMA on harvester reports (Option B).

Additional Comments

- One AP member commented that the Board needs to push for greater sea/port sampling over the whole range of the fishery, highlighting the large biological data gap noted in the Draft Addendum.
- Another AP member highlighted the importance of reporting being fishermen friendly, meaning it is intuitive for fishermen to fill out and multiple reports are not needed for the same trip.
- One AP member expressed concern that some options in the document could force the lobster fishery to follow the reporting requirements of the groundfish fishery, and cautioned against making such changes.



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

TO: American Lobster Management Board
FROM: Southern New England Workgroup
DATE: January 26, 2018
SUBJECT: Goals and Objectives for the Southern New England Stock

The Southern New England (SNE) Workgroup met via conference call on January 22nd to discuss the goals and objectives by which the SNE lobster stock is managed. This discussion was prompted by the American Lobster Management Board's (Board's) discussion at the October 2017 meeting regarding future management of the SNE stock and concern that it may not be possible to rebuild the SNE stock to historic levels. As a result, the Board tasked the SNE Workgroup with reviewing the applicability of the goals and objectives in Amendment 3 and subsequent addenda. This memo summarizes the discussion of the SNE Workgroup and outlines potential objectives for Board consideration.

SNE Workgroup Members on Call

Dan McKiernan (MA - Board)	Kim McKown (NY - TC)
David Borden (RI - Board)	Lanny Dellinger (RI - AP)
Mark Alexander (CT - Board)	Grant Moore (MA - AP)
Jay McNamee (RI - Board)	Megan Ware (ASMFC)
Colleen Giannini (CT - TC)	

Review of Current Purpose, Goals, and Objectives

The SNE Workgroup began by reviewing the current purpose, goals, and objectives contained in Amendment 3 (a copy of these can be found in Appendix 1 of this memo). While the Workgroup found that some of these objectives are still pertinent, such as "ensuring that changes in geographic exploitation patterns do not undermine success of ASMFC management program", other objectives such as "minimizing the risk of stock depletion and recruitment failure" may no longer be germane given the Board's concern over the ability to rebuild the SNE stock. Overall, the SNE Workgroup concluded that the goals and objectives by which the lobster stock is managed may need to be updated to address current issues in the fishery, including climate change, expansion of a multi-crustacean fishery with Jonah crab, and latent effort. Specifically, members of the Workgroup commented that the goals and objectives in Amendment 3 were developed with the idea that stock health could be managed by dialing up or down regulations; however, today it is clear that changes in stock condition are caused by factors beyond the management measures put in place. This applies to both SNE, where environmental changes have contributed to a stock collapse, and Gulf of Maine/Georges Bank (GOM/GBK), where stock abundance has exponentially increased under a relatively constant

management plan. In addition, the Workgroup concluded that while it is valuable to have a set of overarching goals for the lobster fishery, it may also be appropriate to have further refined goals specific to the two biological stocks (SNE vs. GOM/GBK).

Potential Goals and Objectives for Board Consideration

Given the Workgroup's conclusion that the goals and objectives in Amendment 3 may need to be updated to address current issues in the fishery, the group brainstormed potential objectives for Board consideration. The objectives are divided between those that apply to the entire lobster fishery, and those that apply to SNE. At present, these objectives are intended to be additive to Amendment 3 to address stock changes and current management issues. Further discussion is warranted to determine if any goals/objectives currently included in Amendment 3 are no longer applicable to either biological stock.

A. Objectives Applicable to Entire Lobster Fishery

- Evaluate the differential spatial dynamics between inshore and offshore stocks and fisheries.
- Adopt and/or maintain programs in each management unit to reduce latent effort and manage active effort as a means of protecting and enhancing the lobster resource and reducing interactions with protected species.
- Promote consistency of regulations and regulatory timelines between states and NOAA Fisheries, where possible, to ensure cohesive and effective management of each management unit.
- Promote adequate and effective sampling of harvest, discard, and biological data throughout the lobster stock, particularly in offshore waters.
- Investigate further stock connectivity within, and between, the GOM/GBK and SNE stocks, particularly as it relates to environmental changes, to inform the appropriate scale for management of the species.
- In light of dramatic changes in stock condition in both GOM/GBK and SNE, promote further research of the species, including studies on growth and maturity, mating and reproductive success, and recruitment, particularly offshore. The TC should be consulted to add the most relevant research initiatives, and this list should be updated on a regular cycle.

B. Objectives Focused on the SNE Stock

- Given the apparent negative impacts of climate change on the SNE stock, enhance the protection of spawning stock biomass for lobster, where practical, in order to add resiliency to the remaining population by providing the potential for good recruitment if and when environmental conditions are conducive.
- Scale the SNE fishery to the diminished size of the SNE resource, while preserving a viable mixed lobster/ crab fishery.
- Manage the SNE lobster stock in the context of the current multi-species fishery for lobster and crab, ensuring compatible management of all species.

- In light of climate change, evaluate the reference points for SNE based on the current state of the environment, recognizing the effects of changes in habitat availability, predation, stock size, and temperature, which may limit rebuilding of the stock.

Steps Moving Forward

Moving forward from this discussion, there are several things for the Board to consider. Changes to the goals and objectives in Amendment 3 will require an Amendment. As a result, the Board needs to consider its desire to undertake such action, keeping in mind the on-going benchmark stock assessment, pending action on Draft Addendum XXVI, the development of Draft Addendum XXVII, and discussions regarding protected resources. In addition, if the Board is considering changes to the goals and objectives in Amendment 3, it may be pertinent to include representatives from the GOM/GBK stocks in the discussion. Members of the SNE Workgroup did discuss the potential applicability of a Management Strategy Evaluation (MSE) to understand what management measures are most robust to climate change and, while there is no formal recommendation from the Workgroup regarding a MSE, this is another consideration for the Board.

Appendix 1

The language below was pulled from Amendment 3 and associated addenda, and provided to the SNE Workgroup ahead of the call. For addenda which did not have a clearly identified goal, language related to the purpose of the regulatory action was used.

1. Amendment 3 (1997)

Purpose: Designed to minimize the chance of a population collapse due to recruitment failure

Goal: The Atlantic states will have a healthy American lobster resource and a management regime which provides for sustained harvest, maintains appropriate opportunities for participation, and provides for cooperative development of conservation measures by all stakeholders.

Objectives:

- 1) Protect, increase or maintain, as appropriate, the brood stock abundance at levels which would minimize risk of stock depletion and recruitment failure.
- 2) Develop flexible regional programs to control fishing effort and regulate fishing mortality rates;
- 3) Implement uniform collection, analysis, and dissemination of biological and economic information; improve understanding of the economics of harvest;
- 4) Maintain existing social and cultural features of the industry wherever possible;
- 5) Promote economic efficiency in harvesting and use of the resource;
- 6) Minimize lobster injury and discard mortality associated with fishing;
- 7) Increase understanding of biology of American lobster, improve data, improve stock assessment models; improve cooperation between fishermen and scientists;
- 8) Evaluate contributions of current management measures in achieving objectives of the lobster FMP;
- 9) Ensure that changes in geographic exploitation patterns do not undermine success of ASMFC management program;
- 10) Optimize yield from the fishery while maintaining harvest at a sustainable level;
- 11) Maintain stewardship relationship between fishermen and the resource.

2. Addendum II (2001)

Goal: The fishery management plan seeks to restore egg production from the American lobster resource in each of the management areas to greater than the overfishing definition before the end of 2008.

3. Addendum IV (2004)

Goal: Goal of reducing fishing mortality through active trap reductions. In addition, goal to rebuild the lobster stocks in Area 2 through an interim benchmark that specifies relative exploitation rates should be at or below the 75th percentile of the 1983-2002 time series in order to rebuild the population.

4. Addendum XI (2007)

Goals: Set management measures for Lobster Conservation Management Areas 2, 3, 4, 5, and 6 that should aid in the rebuilding of the SNE lobster stock. In addition, create a species-specific mechanism of ensuring that a state meets its obligations under the plan in a way that minimizes the probability that a state's delay in complying does not adversely affect other states' fisheries or conservation of the resource.

The plan seeks to decrease fishing mortality on the American lobster resource in the SNE stock to less than the fishing mortality reference point immediately.

The plan seeks to restore abundance in the American lobster resource in the SNE stock to greater than the abundance target reference point before the end of 2022.

5. Addendum XVI (2010)

Goal: Maintain a minimum stock size threshold or $\frac{1}{2}$ BMSY (or a reasonable proxy thereof) at levels which would minimize risk of stock depletion and recruitment failure.

6. Addendum XVII (2012)

Goal: Reduce exploitation in the SNE stock by 10% in each LCMA to initiate rebuilding of the SNE stock and enable each jurisdiction to prepare their fishing industries for more substantive reductions in a subsequent addendum.

7. Addendum XVIII, Addendum XXI, Addendum XXII (2012, 2013)

Goal: Scale the SNE fishery to the diminished size of the SNE resource, including an option that would result in a minimum reduction in traps allocated by 25%. Specific to Addendum XXI and XXII, goal of addressing latent effort in LCMAs 2 and 3 through changes to the transferability programs.

8. Draft Addendum XXV (Not approved for management use)

Goal: Recognizing the impact of climate change on the stock, the goal of Addendum XXV is to respond to the decline of the SNE stock and its decline in recruitment while preserving a functional portion of the lobster fishery in this area.



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

TO: American Lobster Management Board
FROM: Southern New England Workgroup
DATE: January 26, 2018
SUBJECT: Goals and Objectives for the Southern New England Stock

The Southern New England (SNE) Workgroup met via conference call on January 22nd to discuss the goals and objectives by which the SNE lobster stock is managed. This discussion was prompted by the American Lobster Management Board's (Board's) discussion at the October 2017 meeting regarding future management of the SNE stock and concern that it may not be possible to rebuild the SNE stock to historic levels. As a result, the Board tasked the SNE Workgroup with reviewing the applicability of the goals and objectives in Amendment 3 and subsequent addenda. This memo summarizes the discussion of the SNE Workgroup and outlines potential objectives for Board consideration.

SNE Workgroup Members on Call

Dan McKiernan (MA - Board)	Kim McKown (NY - TC)
David Borden (RI - Board)	Lanny Dellinger (RI - AP)
Mark Alexander (CT - Board)	Grant Moore (MA - AP)
Jay McNamee (RI - Board)	Megan Ware (ASMFC)
Colleen Giannini (CT - TC)	

Review of Current Purpose, Goals, and Objectives

The SNE Workgroup began by reviewing the current purpose, goals, and objectives contained in Amendment 3 (a copy of these can be found in Appendix 1 of this memo). While the Workgroup found that some of these objectives are still pertinent, such as "ensuring that changes in geographic exploitation patterns do not undermine success of ASMFC management program", other objectives such as "minimizing the risk of stock depletion and recruitment failure" may no longer be germane given the Board's concern over the ability to rebuild the SNE stock. Overall, the SNE Workgroup concluded that the goals and objectives by which the lobster stock is managed may need to be updated to address current issues in the fishery, including climate change, expansion of a multi-crustacean fishery with Jonah crab, and latent effort. Specifically, members of the Workgroup commented that the goals and objectives in Amendment 3 were developed with the idea that stock health could be managed by dialing up or down regulations; however, today it is clear that changes in stock condition are caused by factors beyond the management measures put in place. This applies to both SNE, where environmental changes have contributed to a stock collapse, and Gulf of Maine/Georges Bank (GOM/GBK), where stock abundance has exponentially increased under a relatively constant

management plan. In addition, the Workgroup concluded that while it is valuable to have a set of overarching goals for the lobster fishery, it may also be appropriate to have further refined goals specific to the two biological stocks (SNE vs. GOM/GBK).

Potential Goals and Objectives for Board Consideration

Given the Workgroup's conclusion that the goals and objectives in Amendment 3 may need to be updated to address current issues in the fishery, the group brainstormed potential objectives for Board consideration. The objectives are divided between those that apply to the entire lobster fishery, and those that apply to SNE. At present, these objectives are intended to be additive to Amendment 3 to address stock changes and current management issues. Further discussion is warranted to determine if any goals/objectives currently included in Amendment 3 are no longer applicable to either biological stock.

A. Objectives Applicable to Entire Lobster Fishery

- Evaluate the differential spatial dynamics between inshore and offshore stocks and fisheries.
- Adopt and/or maintain programs in each management unit to reduce latent effort and manage active effort as a means of protecting and enhancing the lobster resource and reducing interactions with protected species.
- Promote consistency of regulations and regulatory timelines between states and NOAA Fisheries, where possible, to ensure cohesive and effective management of each management unit.
- Promote adequate and effective sampling of harvest, discard, and biological data throughout the lobster stock, particularly in offshore waters.
- Investigate further stock connectivity within, and between, the GOM/GBK and SNE stocks, particularly as it relates to environmental changes, to inform the appropriate scale for management of the species.
- In light of dramatic changes in stock condition in both GOM/GBK and SNE, promote further research of the species, including studies on growth and maturity, mating and reproductive success, and recruitment, particularly offshore. The TC should be consulted to add the most relevant research initiatives, and this list should be updated on a regular cycle.

B. Objectives Focused on the SNE Stock

- Given the apparent negative impacts of climate change on the SNE stock, enhance the protection of spawning stock biomass for lobster, where practical, in order to add resiliency to the remaining population by providing the potential for good recruitment if and when environmental conditions are conducive.
- Scale the SNE fishery to the diminished size of the SNE resource, while preserving a viable mixed lobster/ crab fishery.
- Manage the SNE lobster stock in the context of the current multi-species fishery for lobster and crab, ensuring compatible management of all species.

- In light of climate change, evaluate the reference points for SNE based on the current state of the environment, recognizing the effects of changes in habitat availability, predation, stock size, and temperature, which may limit rebuilding of the stock.

Steps Moving Forward

Moving forward from this discussion, there are several things for the Board to consider. Changes to the goals and objectives in Amendment 3 will require an Amendment. As a result, the Board needs to consider its desire to undertake such action, keeping in mind the on-going benchmark stock assessment, pending action on Draft Addendum XXVI, the development of Draft Addendum XXVII, and discussions regarding protected resources. In addition, if the Board is considering changes to the goals and objectives in Amendment 3, it may be pertinent to include representatives from the GOM/GBK stocks in the discussion. Members of the SNE Workgroup did discuss the potential applicability of a Management Strategy Evaluation (MSE) to understand what management measures are most robust to climate change and, while there is no formal recommendation from the Workgroup regarding a MSE, this is another consideration for the Board.

Appendix 1

The language below was pulled from Amendment 3 and associated addenda, and provided to the SNE Workgroup ahead of the call. For addenda which did not have a clearly identified goal, language related to the purpose of the regulatory action was used.

1. Amendment 3 (1997)

Purpose: Designed to minimize the chance of a population collapse due to recruitment failure

Goal: The Atlantic states will have a healthy American lobster resource and a management regime which provides for sustained harvest, maintains appropriate opportunities for participation, and provides for cooperative development of conservation measures by all stakeholders.

Objectives:

- 1) Protect, increase or maintain, as appropriate, the brood stock abundance at levels which would minimize risk of stock depletion and recruitment failure.
- 2) Develop flexible regional programs to control fishing effort and regulate fishing mortality rates;
- 3) Implement uniform collection, analysis, and dissemination of biological and economic information; improve understanding of the economics of harvest;
- 4) Maintain existing social and cultural features of the industry wherever possible;
- 5) Promote economic efficiency in harvesting and use of the resource;
- 6) Minimize lobster injury and discard mortality associated with fishing;
- 7) Increase understanding of biology of American lobster, improve data, improve stock assessment models; improve cooperation between fishermen and scientists;
- 8) Evaluate contributions of current management measures in achieving objectives of the lobster FMP;
- 9) Ensure that changes in geographic exploitation patterns do not undermine success of ASMFC management program;
- 10) Optimize yield from the fishery while maintaining harvest at a sustainable level;
- 11) Maintain stewardship relationship between fishermen and the resource.

2. Addendum II (2001)

Goal: The fishery management plan seeks to restore egg production from the American lobster resource in each of the management areas to greater than the overfishing definition before the end of 2008.

3. Addendum IV (2004)

Goal: Goal of reducing fishing mortality through active trap reductions. In addition, goal to rebuild the lobster stocks in Area 2 through an interim benchmark that specifies relative exploitation rates should be at or below the 75th percentile of the 1983-2002 time series in order to rebuild the population.

4. Addendum XI (2007)

Goals: Set management measures for Lobster Conservation Management Areas 2, 3, 4, 5, and 6 that should aid in the rebuilding of the SNE lobster stock. In addition, create a species-specific mechanism of ensuring that a state meets its obligations under the plan in a way that minimizes the probability that a state's delay in complying does not adversely affect other states' fisheries or conservation of the resource.

The plan seeks to decrease fishing mortality on the American lobster resource in the SNE stock to less than the fishing mortality reference point immediately.

The plan seeks to restore abundance in the American lobster resource in the SNE stock to greater than the abundance target reference point before the end of 2022.

5. Addendum XVI (2010)

Goal: Maintain a minimum stock size threshold or $\frac{1}{2}$ BMSY (or a reasonable proxy thereof) at levels which would minimize risk of stock depletion and recruitment failure.

6. Addendum XVII (2012)

Goal: Reduce exploitation in the SNE stock by 10% in each LCMA to initiate rebuilding of the SNE stock and enable each jurisdiction to prepare their fishing industries for more substantive reductions in a subsequent addendum.

7. Addendum XVIII, Addendum XXI, Addendum XXII (2012, 2013)

Goal: Scale the SNE fishery to the diminished size of the SNE resource, including an option that would result in a minimum reduction in traps allocated by 25%. Specific to Addendum XXI and XXII, goal of addressing latent effort in LCMAs 2 and 3 through changes to the transferability programs.

8. Draft Addendum XXV (Not approved for management use)

Goal: Recognizing the impact of climate change on the stock, the goal of Addendum XXV is to respond to the decline of the SNE stock and its decline in recruitment while preserving a functional portion of the lobster fishery in this area.

Atlantic States Marine Fisheries Commission

A Review of the modified Gonadal-Somatic Index (GSI) Monitoring System for Atlantic Herring Spawning Closures in US Waters

By Micah Dean (Massachusetts Division of Marine Fisheries)
Dr. Matt Cieri (Maine Department of Marine Resources)
and Renee Zobel (New Hampshire Department of Fish and Game)
Of the ASMFC Atlantic Herring Plan Development Team

January 2018

Introduction

In 2015, the ASMFC adopted Amendment 3 to the Atlantic Herring FMP, which established a new model-based GSI monitoring program for herring spawning closures. This closure system, first implemented in 2016, replaced an earlier program that had operated for more than 15 years. The earlier system relied on monitoring the development of female herring (stages 3-5) within 2 size classes and compared the average observed GSI of each size class to its own threshold. Once three consecutive samples within a week showed that either size class exceeded their threshold, the fishery would close. If three consecutive samples were not available in the week prior, area-specific default closure dates would apply. Amendment 3 sought to critically evaluate the parameters and assumptions of this earlier system (size classes, GSI thresholds, default dates, closure duration) and implement modifications to improve performance.

Since the adoption of Amendment 3, there has been a concerted effort to collect GSI and maturity data from all sampled herring (not just stage 3-5 females) throughout the entire spawning season, including during the closure period. These new data provide an invaluable perspective from which to evaluate the performance of the current spawning closure program. The aim of this paper is to review the current spawning closure system in light of these new data, and evaluate the validity of the model's assumptions and whether the program in general is meeting its objectives.

Program Objectives

There are four main objectives of the ASMFC herring spawning closure program:

1) *Reduce interaction between fishing and spawning:*

From a management perspective, it is impractical to eliminate *all* fishery-spawning interaction and still allow full utilization of the annual quota. Consequently, there must be some acceptable low level of spawning fish present in the catch both before and after the spawning closure. A long-established rule allows the fishery to operate if a sample contains less than 25% spawning fish after the closure has been lifted (i.e., re-closure protocol). For the purpose of this review, we will mirror this logic and consider <25% spawning to be acceptable at the beginning of the season as well.

2) *Maximize coverage of the spawning season AND access to quota:*

To provide the greatest benefit with the least cost, the spawning closure should ideally cover the spawning season and no more. This requires understanding the timing and duration of spawning and aligning the closure system to the reproductive cycle. Closing the fishery too early or too late may unnecessarily restrict the fishery and provide inadequate protection for spawning herring.

3) *Account for interannual variation in spawning time:*

The onset of spawning in Atlantic herring can vary by several weeks from one year to the next. Measuring gonadal development via sequential GSI samples allows for predicting when spawning is likely to commence each year. Over-reliance on fixed closure dates (i.e., “default” dates) increases the possibility of a mismatch between the closure and spawning.

4) *Allow flexibility to extend closures, if necessary:*

Given the observation error inherent in small samples from a high-volume fishery, combined with the natural variability in reproductive biology, there may be instances when the timing and duration of the spawning closure is insufficiently matched to the actual spawning season. In these cases, a backup measure is needed to prevent the fishery from opening prematurely to significant spawning activity.

Current Closure Protocol

Samples are routinely collected from the directed herring fishery as it operates within the three defined spawning areas (EM = Eastern Maine; WM = Western Maine; MANH = Massachusetts/New Hampshire). Samples of 100+ fish are collected and the GSI of female herring in maturity stages 3-5 are recorded. To account for the effect of length on GSI, all values are standardized to that of a 30 cm fish (i.e., GSI_{30}), using a previously established formula. Once three samples from a given spawning area have been collected and processed, a linear model is fit to the mean GSI_{30} of stage 3-5 females, using sample date as the sole predictor variable. If a significant increase in GSI_{30} can be detected ($\alpha = 0.05$), the model is used to predict the closure date (i.e., when the threshold value of $GSI_{30} = 25$ will be reached). The model and predicted closure date are updated as additional samples are collected. Once the predicted closure date is five days away, the closure date is announced to the fishery (and thus ‘fixed’, regardless of subsequent samples). If an update to the model predicts that the threshold value will be reached in less than five days, the closure date will be set at five days from the model update date (i.e., a five day notice to the fishery will always be provided). If there are insufficient samples to predict a closure date, a default closure date, which represents the average date that the threshold value would have been reached in past sampling seasons, will apply.

Validity of Assumptions

Several assumptions underlie the current spawning closure program. The validity of each is evaluated here using recent full-season maturity and GSI data for the Massachusetts-New Hampshire (MANH) spawning area. Unfortunately, a lack of samples from the other spawning areas (Western Maine, Eastern Maine) prevents an equivalent analysis.

Assumption 1: Larger herring arrive and spawn earlier than smaller herring

It has long been noted that within a sample of fish, the GSI of smaller herring is less than that of larger herring. However, during the re-design of the spawning closure program, existing data suggested that this was due to larger herring maturing earlier, and that all sizes approached a similar maximum GSI prior to spawning. Consequently, the length effect on GSI was estimated from sample data and used to adjust all GSI values to that of a standard length (i.e., GSI_{30} = expected GSI of a 30 cm female herring).

Recent data confirm this assumption in that larger herring comprise a greater portion of fishery samples early in the season, and are replaced by smaller fish as the spawning season progresses (Figure 1). In addition, the average size of fish decreases sequentially as the population moves through the maturity stages (Figure 2). This suggests that not only are larger fish present earlier; they are also maturing and likely spawning before smaller fish. The 30 cm standardization also appears to be having the desired effect of combining information from all sizes to achieve a more consistent measure of the maturation for the spawning population as a whole (Figure 3).

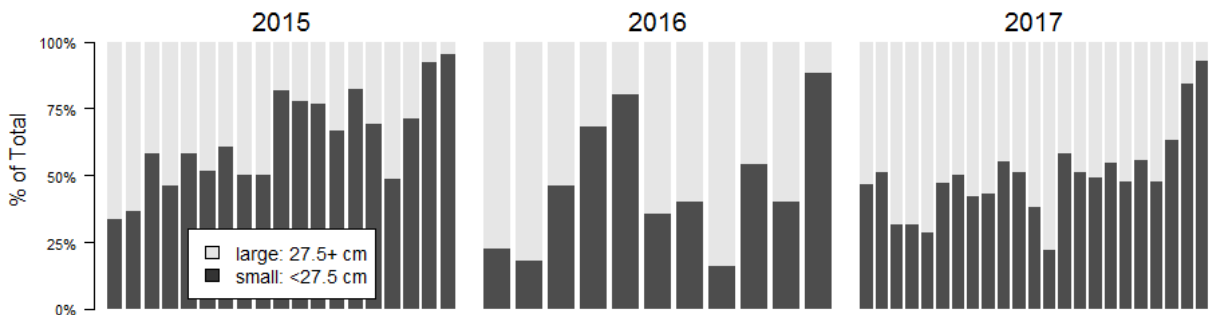


Figure 1. Fraction of herring in “large” or “small” size classes over the sequence of samples from the Massachusetts-New Hampshire spawning area, 2015-2017.

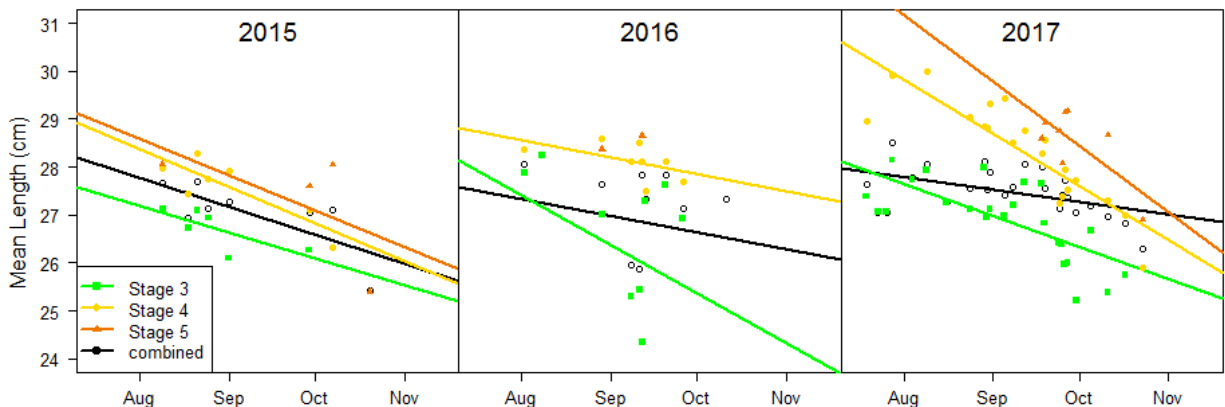


Figure 2. Mean length (cm) of female herring sampled for GSI, by maturity stage and sample date.

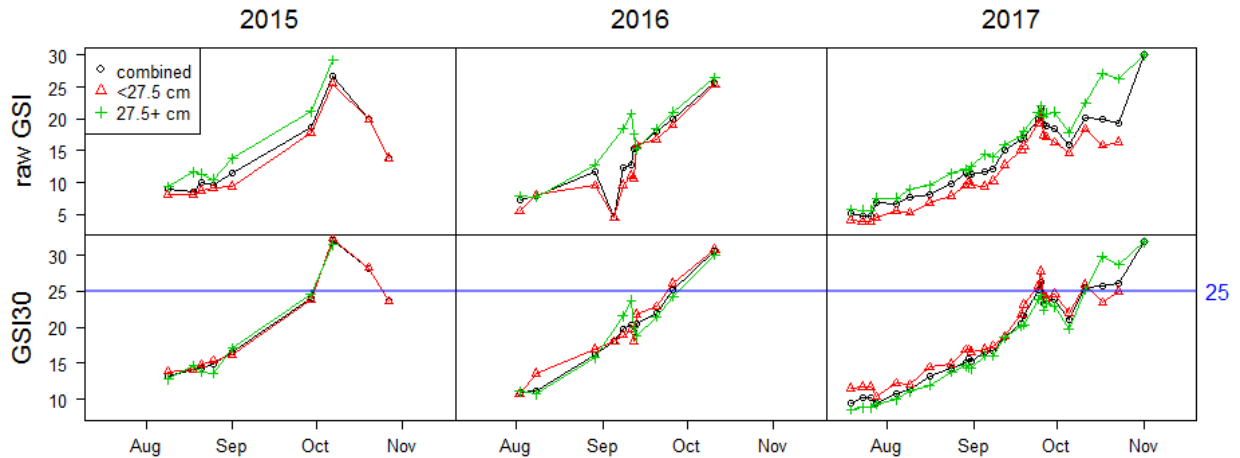


Figure 3. Mean GSI (top) and mean GSI₃₀ (bottom) by sample year, date, and size class.

Assumption 2: Spawning commences near the closure threshold of GSI₃₀ = 25

To adequately address this assumption, we need an objective measure of when spawning actually occurs. Prior to the collection of full-season maturity data, the only information available to us were pre-spawning GSI measurements from prior seasons. As such, the closure threshold was selected from a range of observed values at the high end of maturity stage 5, which is the last stage prior to spawning. While this approach is relevant for the maturation of an individual herring, the mean GSI of a sample (and the population) represents a mix of individuals with different developmental trajectories, even after accounting for the length effect. In other words, the peak GSI for the population may be less than that of individual fish due to this heterogeneity in spawning time.

Fortunately, by collecting maturity samples both during and after the spawning season, we can now quantitatively describe the timing and duration of the spawning season. Although more “noisy” than GSI data, we can clearly see a sequential progression of maturity stages in each of the last three years (Figure 4). The earliest samples are dominated by stage 3 (early maturing) fish, followed in sequence by later maturity stages and ending in post-season samples comprised primarily of spent (stage 7) and resting (stage 8) fish. Interestingly, the last sample in each year included some fish just entering the maturation cycle (stage 2), suggesting a portion of the population may spawn in the spring.

To describe the start of the spawning season, we fit a logistic regression to the proportion of fish in each sample that had begun to spawn (stages 6+). Likewise, to describe the end of the spawning season, we fit a logistic regression to the proportion of fish that had completed spawning (stages 7+). In both cases, stages 1 (juveniles) and 2 (initial maturation) were omitted from this analysis because it is not likely they would have spawned in the current season. A threshold percentage value can then be selected, above which we consider the “spawning season” to be underway (Figure 5). As mentioned previously, there is a long-standing rule that accepts 25% spawning herring in a fishery sample; however, lower values could be selected if there is a desire to further minimize the potential for fishery-spawning interaction. Please

keep in mind that a 25% threshold for defining for the spawning season refers to the expected value for the population, meaning that individual samples may contain greater than, or less than, 25% spawning herring.

The previous closure system was still in effect in 2015, yet for the first time we were able to collect maturity samples throughout the entire spawning season. The closure began on the default date of 9/21 in this year due to a lack of 3 consecutive GSI samples from either large or small herring above their respective thresholds. In retrospect, maturity data indicate that this resulted in closing the fishery nearly two weeks early (Figure 6). Consequently, when the initial four-week closure ended, additional samples contained more than 25% spawning fish, leading to an additional two-week closure. In total, the fishery was closed for six weeks, even though the spawning season (under the 25% definition) was only four weeks long. However, if the new model-based system had been in place in 2015, the closure would have achieved a better match to the spawning season, beginning 3 days after the 25% spawning point and likely without the need for a re-closure (Figure 7).

The progression of spawning appears to have occurred earlier and more rapidly in 2016 (Figure 8). However, with only one sample during the closure and one post-season sample, the description of the spawning season has the greatest uncertainty in this year. The newer model-based closure protocol was first implemented in this year, resulting in a closure 5 days after 25%¹. A sample collected 10 days into the closure period contained 87% spent or resting herring, indicating the bulk of the population had already spawned. No additional samples were available until early December, when it was further confirmed that the spawning season had concluded. The logistic model fit to these data suggested the entire 2016 spawning season was only 2.3 weeks long; However, it should be emphasized that the scarcity of samples toward the end of the season adds significant uncertainty to this estimate. It's possible that the season was several weeks longer and we simply lacked the temporal resolution to measure it.

The 2017 season resulted in the most detailed and complete description of spawning to date, with 29 samples collected between July 19th and November 1st (Figure 9). In this year, the model-based system resulted in a closure that was slightly before 25% spawning (2 days). The accumulation of fish entering and passing through the spawning stage can clearly be seen in the sequence of maturity samples. These data suggest that the 2017 spawning season was 4.9 weeks long (34 days), making the initial 4-week closure period insufficient. Samples collected during the fourth closure week indicated that 50% had yet to finish spawning, resulting in an additional 2-week re-closure.

The current GSI₃₀ threshold of 25 appears to result in a closure that starts within a few days of the point when 25% of the population is expected to be spawning, considered here to be the start of the spawning season. However, in years with few GSI samples (2015) or accelerated maturation (2016), the current threshold may result in greater than 25% spawners in the catch. Selecting a lower GSI₃₀ threshold (i.e. 23 or 24) would reduce this possibility. Regardless, the current model-based system

¹ The model actually recommended closing on 10/1/16, four days after 25% spawning, but managers opted to wait an additional day.

achieves a far better match to the spawning season than the prior version, which tended to close the fishery several weeks early and rely more heavily on default dates.

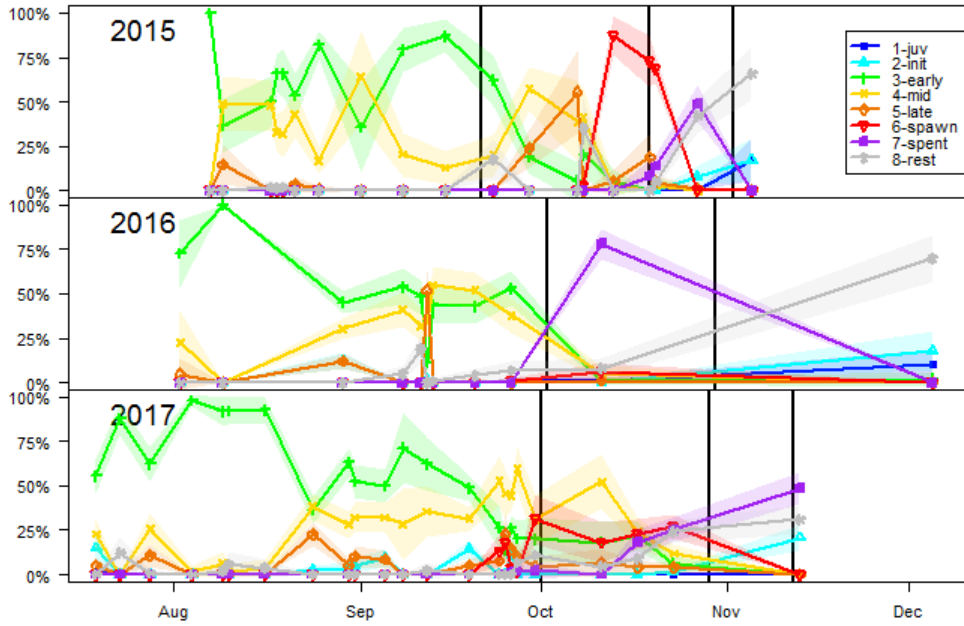


Figure 4. Fraction of MANH herring in each maturity stage by sample year and date. Black vertical lines indicate closures.

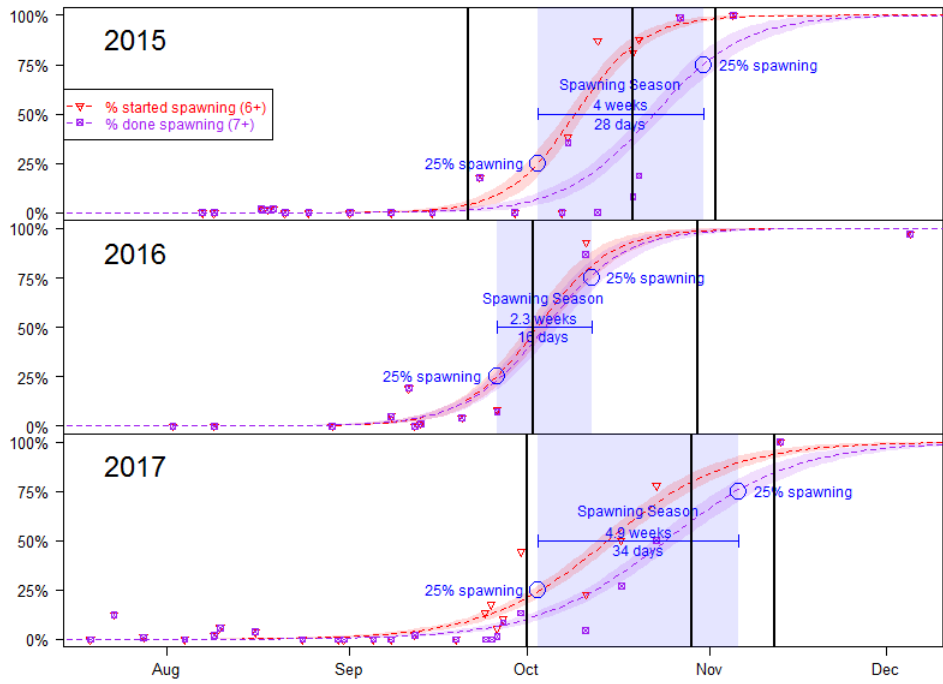


Figure 5. Observed fraction of sampled herring that had started spawning (red: stage 6+) and completed spawning (purple: stage 7+), with fitted logistic regression lines. The shaded blue region represents the

spawning season, as defined by the period between when 25% of fish had begun to spawn and when 25% of fish had yet to complete spawning. Vertical black lines represent spawning closures.

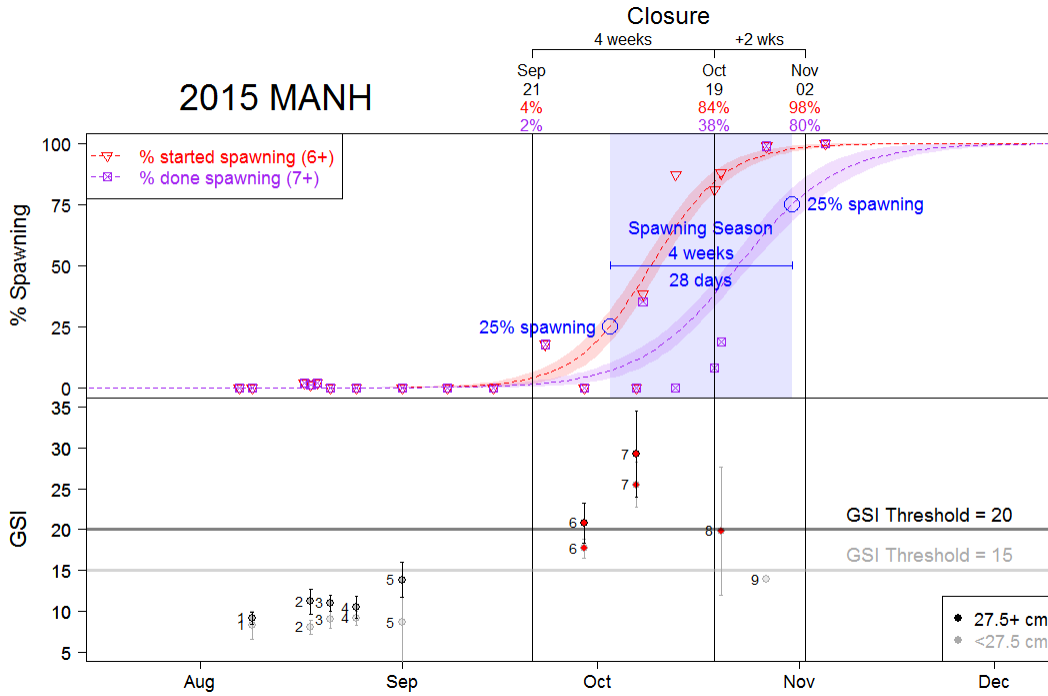


Figure 6. Estimated spawning season (top) and mean GSI (bottom) by sample date, for 2015 in the MANH spawning area. Closure dates refer to the actual closure dates under the old closure system.

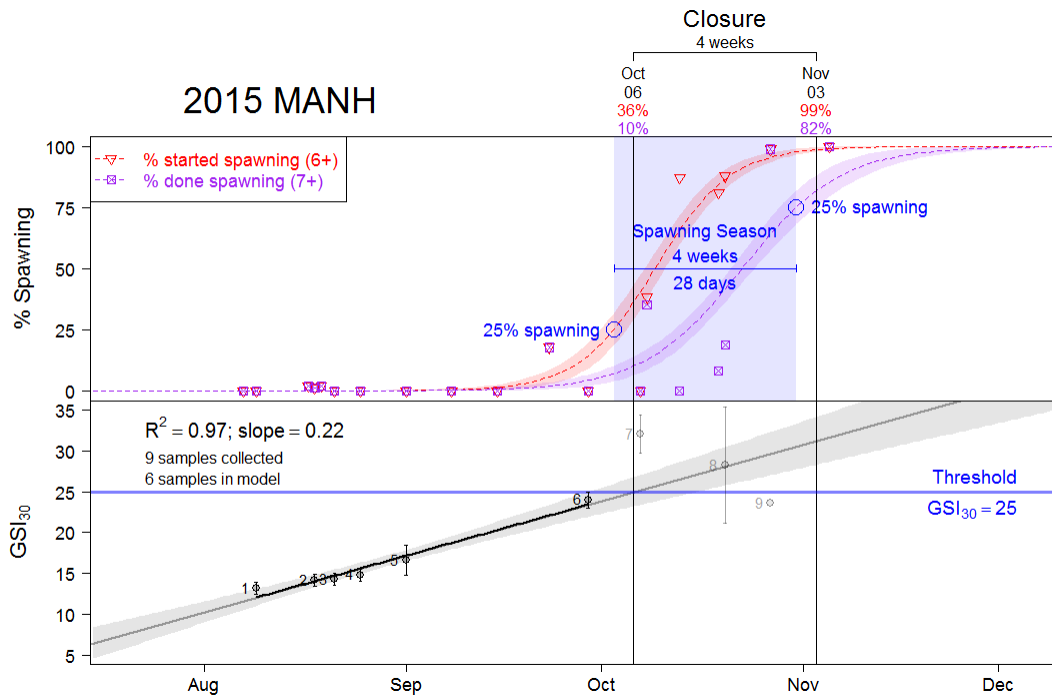


Figure 7. Estimated spawning season (top) and mean GSI₃₀ (bottom) for 2015 in the MANH spawning area. Closure dates refer to what would have occurred under the current model-based system.

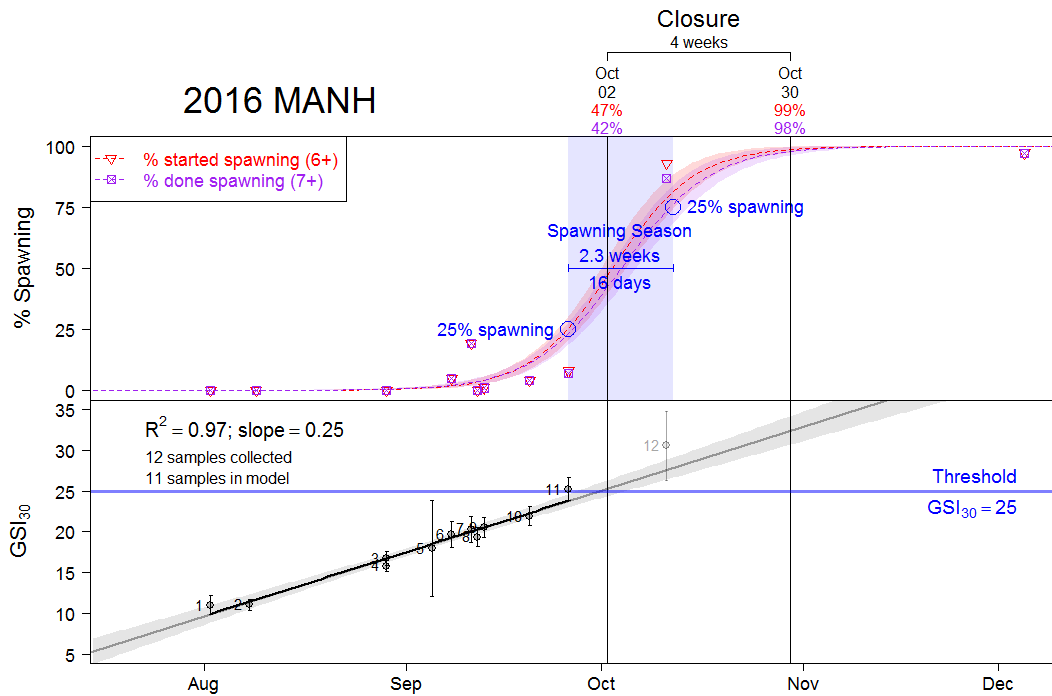


Figure 8. Estimated spawning season (top) and mean GSI (bottom) for 2016 in the MANH spawning area. Closure dates refer to the actual closure dates under the current closure system.

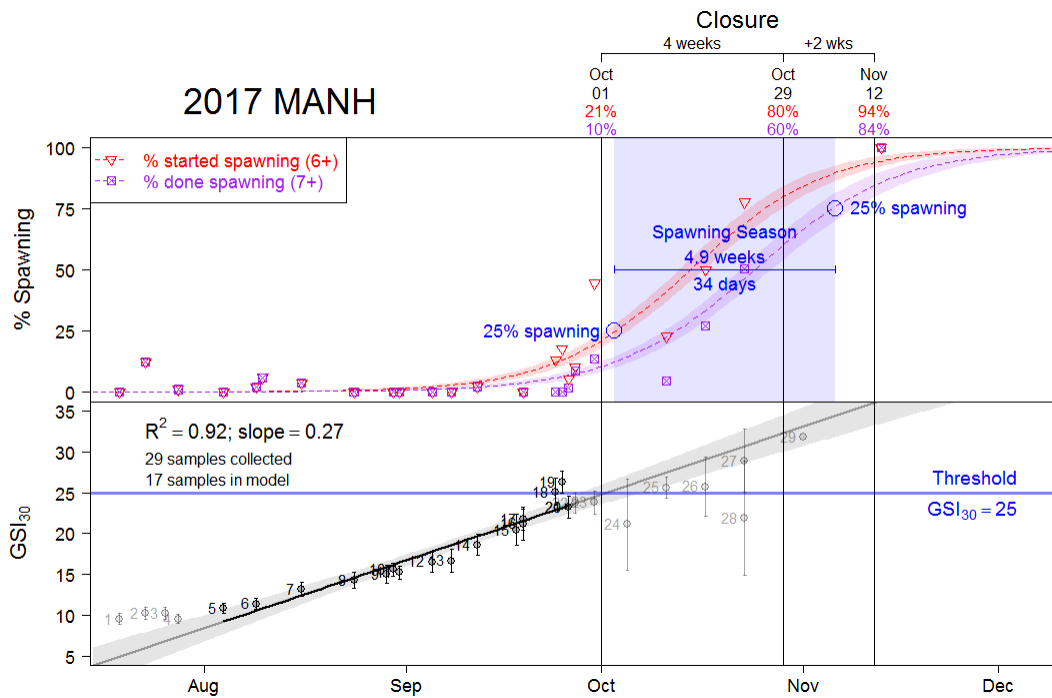


Figure 9. Estimated spawning season (top) and mean GSI (bottom) for 2015 in the MANH spawning area. Closure dates refer to the actual closure dates under the current closure system.

Assumption 3: Four weeks is a sufficient to cover the typical spawning season

The appropriate closure duration largely depends upon the percent of spawning fish deemed to be acceptable in fishery catches. Under the assumption that 25% spawning is acceptable, the spawning seasons of 2015-2017 were estimated to be between 2.3 to 4.9 weeks long; although, there is far greater confidence in the longer season estimates (2015 and 2017) than with the shorter (2016) due to a low number of samples from during/after the closure in that year. Consequently, an initial closure period of 4 weeks is likely to result in frequent use of the re-closure protocol to extend the closure. If the uncertainty inherent in frequent use of the re-closure protocol is deemed undesirable, the initial closure period could be lengthened (e.g., to 5 or 6 weeks). Furthermore, if 25% is considered an unacceptable level of spawners in the fishery, alternative values could be selected. However, it should be noted that lowering the management target for maximum acceptable % spawning will increase the defined spawning season (Figure 10) and therefore require a longer initial closure period, a lower GSI₃₀ threshold (Figure 11) and an earlier default date (Table 1).

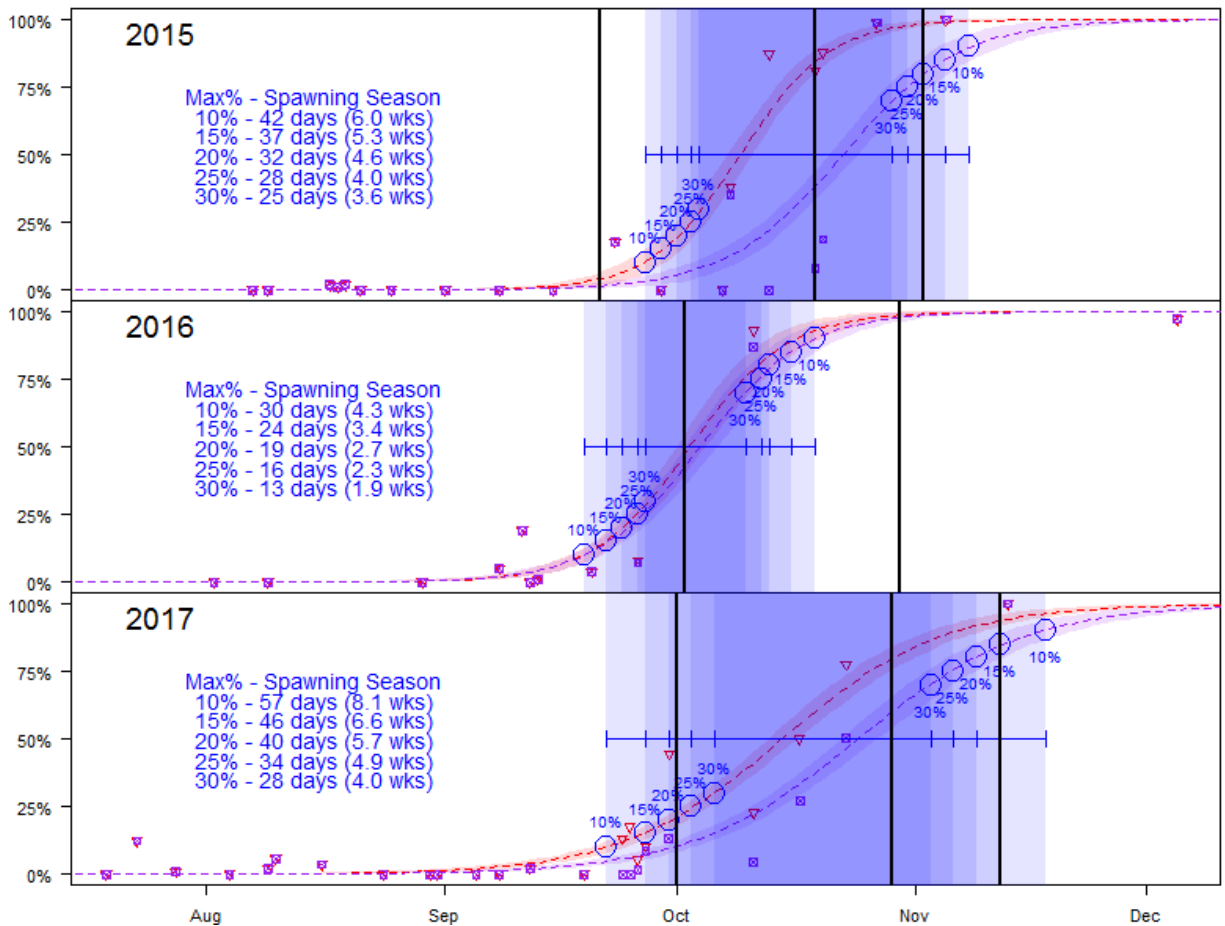


Figure 10. Effect of choice of maximum allowable % spawning in the catch on duration of the spawning season.

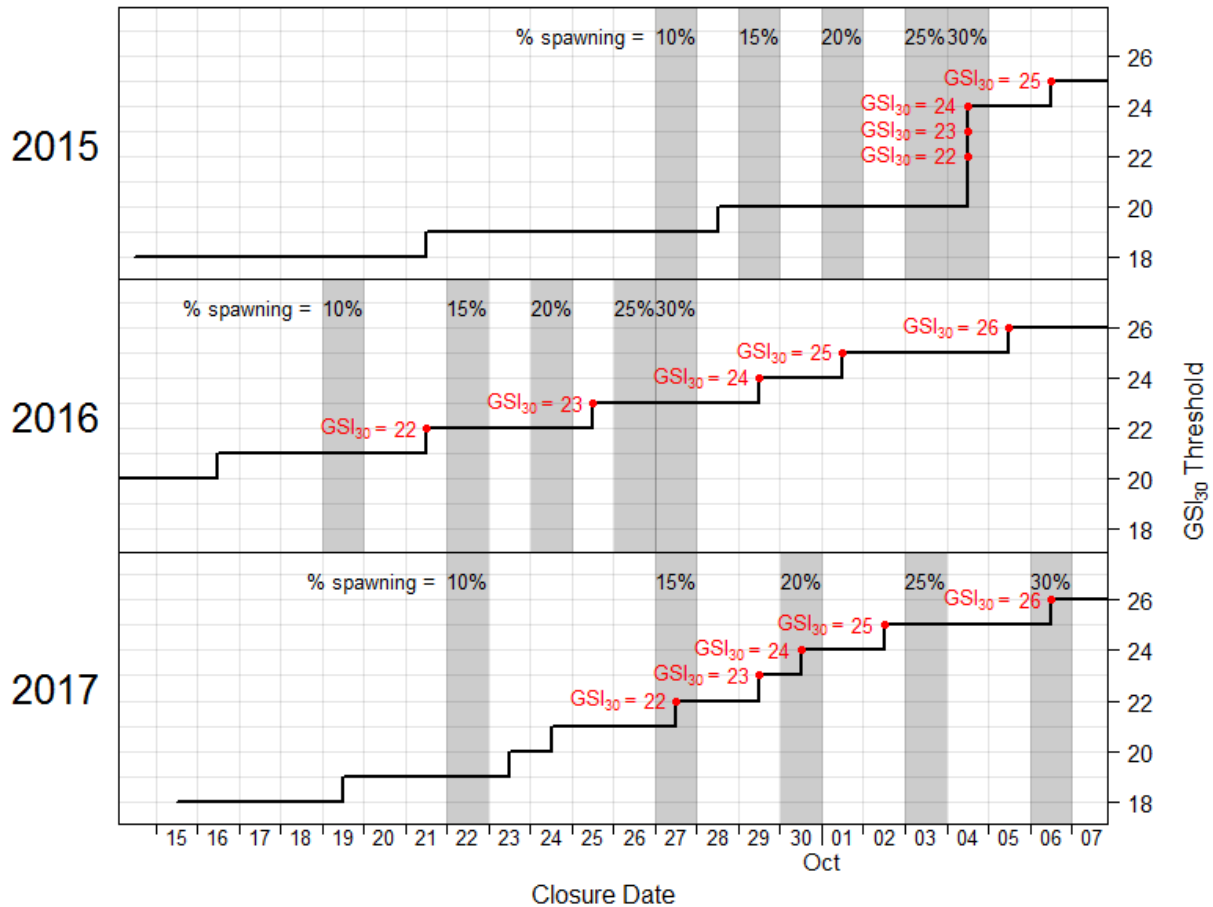


Figure 11. Date when the MANH spawning closure would have started, under different GSI_{30} thresholds. The vertical gray bands indicate the percent of the population expected to be spawning.

Table 1. Updated default dates for different GSI_{30} thresholds and spawning areas, using GSI observations from 2005-2017. As with the original analysis conducted under Amendment 3, sample data from the WM and MANH spawning areas were combined due to a lack of detectable difference in spawning time. There are insufficient samples from which to estimate a default date for the EM area. As such, the previous default date would remain (based on historical observations of herring eggs on lobster traps).

GSI_{30} Threshold	Default Date		
	MANH	WM	EM
26	Oct-6	Oct-6	Aug-28
25	Oct-1	Oct-1	Aug-28
24	Sep-27	Sep-27	Aug-28
23	Sep-23	Sep-23	Aug-28
22	Sep-19	Sep-19	Aug-28

Assumption 4: GSI increases linearly during the last 2 months prior to spawning

During the development of Amendment 3, a review of 15 years of sample data suggested that a linear model could adequately represent the increase in GSI during the pre-spawning period (i.e., ~2 months preceding spawning), despite an expected exponential relationship over the full course of gonadal development. The recent effort to sample the population over the full season now provides us with a longer time series of GSI observations to evaluate the conditions under which this assumption remains valid.

Data from the most recent 3 sampling seasons indicate that the rate of change in mean GSI_{30} (i.e., slope of the linear model) does increase slightly as the population approaches spawning (Figure 12). This results in a trend toward earlier forecasted closure dates with the addition of subsequent samples. However, the linear model continued to explain more than 90% of the variation in mean GSI_{30} (i.e., R^2) prior to the spawning closure in all years. In 2017 (the year with the best sampling coverage), it appears that GSI_{30} increased linearly over most of the pre-spawning period, and only departed from linearity in the days immediately preceding spawning (at the GSI_{30} threshold of 25). Subsequent samples during the closure period showed that mean GSI became more variable as fish moved out of the spawning stage, leaving behind a smaller pool of pre-spawning (stage 3-5) females to sample from. Although four GSI samples were collected from the MANH spawning area in July of 2017, the Herring PDT decided to omit these samples from the model due to concerns that further extending the period of observation could increase non-linearity, and because July samples were never included in the original analysis from which the system was developed.

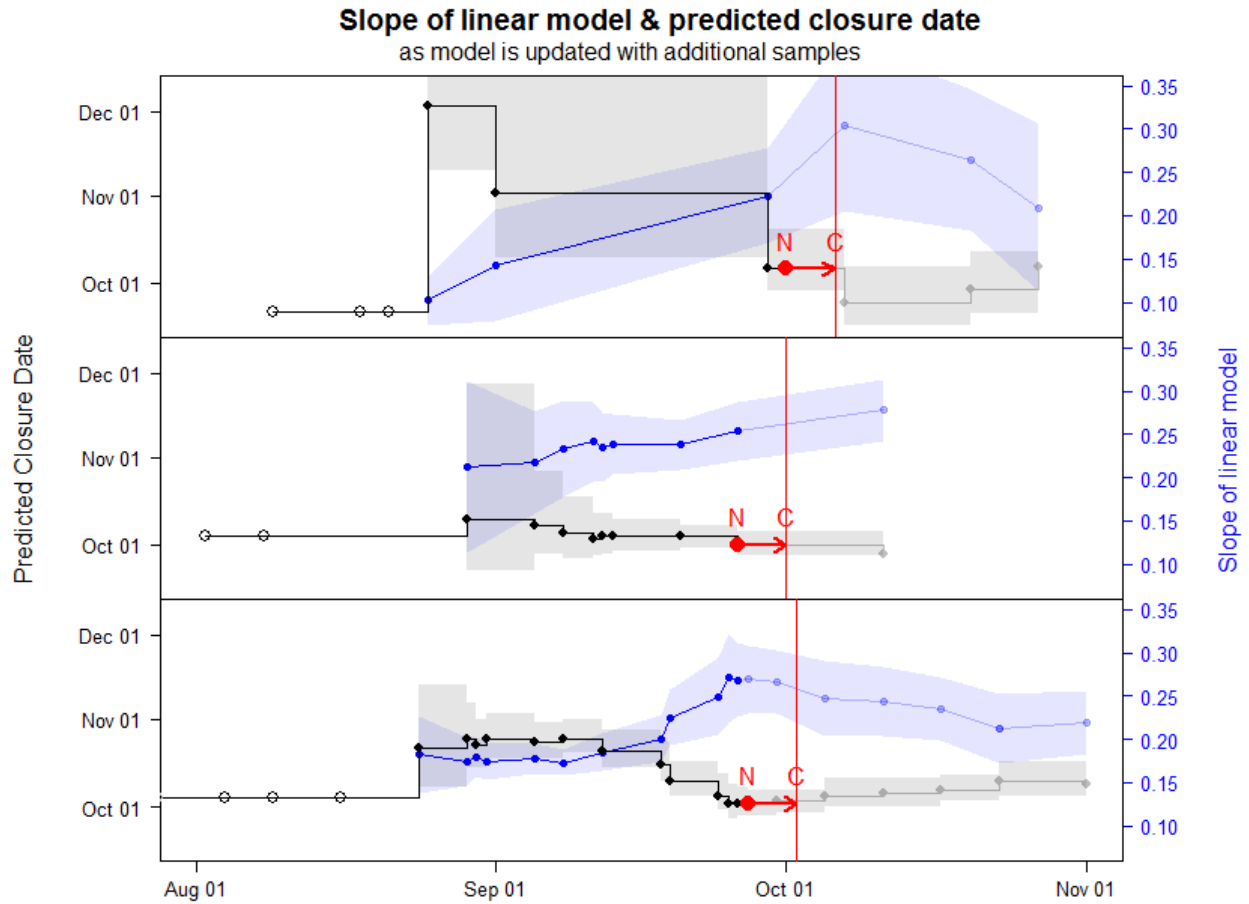


Figure 12. Slope of linear model $GSI_{30} \sim DATE$ (blue, right y-axis) and predicted closure date (black, left y-axis) as the model is updated with additional samples. Open black circles show where the default closure date would apply: when <3 samples have been collected and/or the model fails to detect a significant increase in GSI_{30} . The red point labeled “N” indicates when the closure date is finally selected and the fishery notified. The red vertical line labeled “C” indicates the final selected closure date (5 days after the notify date). Darker points and lines indicate samples used in the model, whereas lighter points and lines indicate samples collected after the final closure date was selected.

Conclusions and Considerations for the Section

The current model-based spawning closure system appears to be meeting all of the Section's main objectives. The assumptions regarding length effects and spawning time appear sound, which allows the new system to be far better aligned with the reproductive biology of the population. Overall, this represents a clear improvement over the previous system.

If managers want to further minimize the risk of spawning herring in the catch, the TC notes two changes for consideration by the Section.

1) The TC found that in the two years with the most comprehensive maturity data (2015, 2017), the spawning season lasted 28 days and 34 days, respectively. This suggests that 2 week re-closures may occur frequently in the herring fishery, given that the initial closure period is currently set at 4 weeks. To simplify the herring closure protocol, provide greater predictability to industry, and provide greater protection during the spawning season, the Section could consider a longer closure of 5 or 6 weeks, reducing the need for a 2-week re-closure.

2) To further minimize the risk of spawning herring at the beginning of the season, a lower GSI_{30} threshold could be selected. As a reminder, the current threshold is 25; however, analysis suggests that a GSI_{30} threshold of 23 or 24 would reduce the probability of greater than 25% spawners in the catch. In addition, this change would have the added benefit of shortening the monitoring period by restricting it to the portion of the season when GSI increases most linearly. This may result in more consistent closure forecast dates from one sample to the next. However, please note that lowering the GSI_{30} threshold will require an earlier default date (Table 1) and will further increase the likelihood for re-closures, if the initial closure period remains at 4 weeks.

Finally, the TC highlights the need for fishery independent sampling during the spawning closures, especially in eastern and western Maine where there are fewer fishery-dependent samples available. The information that these samples provide will be critical for our ability to further evaluate and improve the performance of this system.

Draft Document for Board Review. Not for Public comment.

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM V TO THE AMERICAN EEL FISHERY
MANAGEMENT PLAN**

Commercial Yellow and Glass/Elver Eel Allocation and Management



This draft document was developed for Management Board review and discussion.

This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.

ASMFC Vision:

Sustainably Managing Atlantic Coastal Fisheries

Draft Document for Board Review. Not for Public comment.

Table of Contents

1.0 Introduction3

2.0 Overview.....3

2.1 Statement of Problem3

2.2 Background4

2.3 Description of the Fishery6

2.3.1 Glass Eel/Elver Fishery6

2.3.2 Yellow Eel Fishery7

2.4 Status of the Stock 10

3.0 Proposed Management Program10

3.1 Proposed Options for Maine Glass Eel Quota 10

3.2 Proposed Options of Glass Eel Aquaculture Plans 12

**3.3 Proposed Options for Yellow Eel Coastwide Cap, Trigger, and State-by-state
Allocations 13**

Issue 1: Coastwide Cap13

Issue 2: Management Trigger15

Issue 3: Allocation17

Issue 4: Quota Transfers27

4.0 Compliance28

TBD28

References29

Appendix I. Addendum IV (2014) Aquaculture Plan Provisions30

Appendix II. Calculations for Option #5 Sub Options31

Draft Document for Board Review. Not for Public comment.

1.0 Introduction

The Atlantic States Marine Fisheries Commission (Commission) has coordinated interstate management of American eel (*Anguilla rostrata*) from 0-3 miles offshore since 2000. American eel is currently managed under the Interstate Fishery Management Plan (FMP) and Addenda I-IV to the FMP. Management authority in the exclusive economic zone (EEZ) from 3-200 miles from shore lies with NOAA Fisheries. The management unit is defined as the portion of the American eel population occurring in the territorial seas and inland waters along the Atlantic coast from Maine to Florida. The Commission's American eel Management Board (Board) approved the following motions on October 17, 2017:

Move to initiate an addendum to consider alternative allocations, management triggers, and coastwide caps relative to the current management program for both the yellow and glass eel commercial fisheries starting in the 2019 fishing season.

This Draft Addendum proposes alternate commercial quota and aquaculture provisions for glass eels (both glass and elvers); and alternative management triggers, coastwide landings caps, and commercial allocations for the yellow for eel fishery.

2.0 Overview

2.1 Statement of Problem

The Commission's Interstate Fisheries Management Program (ISFMP) Charter establishes fairness and equity as guiding principles for the conservation and management programs set forth in the Commission's FMPs. Allocations for the commercial fisheries of American eel have strived to achieve these principles through Addendum IV to the American eel FMP. In 2014, Addendum IV outlined a new coastwide commercial quota system for yellow and glass/elver life stage fisheries for American eel. Specifically for the yellow eel fishery, Addendum IV set an annual commercial coastwide quota (referred to as the Coastwide Catch Cap) of 907,671 pounds that included two management triggers:

1. The coastwide catch cap is exceeded by more than 10% in a given year (998,438 pounds); or
2. The coastwide catch cap is exceeded for two consecutive years, regardless of percent overage. Exceeding one of the two triggers would result in automatic implementation of state-by-state quotas.

Since the implementation of Addendum IV, states have raised several concerns about the current management structure. The management trigger that is tripped if there is a second-year overage of any amount is troublesome to some jurisdictions given the inherent uncertainty of the landings data. The FMP requires states to report commercial landings by life stage, gear type, month, and region although not all states were able to provide this level of information for either the benchmark (2012) or updated (2017) stock assessment. In addition to not always having a complete data set to distinguish landings by life stage, there are other potential biases present in the commercial yellow eel data set. At least a portion of commercial American eel landings are from non-marine waters.

Draft Document for Board Review. Not for Public comment.

Even with mandatory reporting, those requirements do not always extend outside marine districts. Additionally, misreporting between conger eel, hagfish, slime eel, and American eel has been known to occur. Despite these uncertainties, the commercial landings do represent the best data available and are indicative of the trend of total landings over time.

Estimated landings indicate that the Coastwide Cap was exceeded by less than 10% in 2016. Therefore, if the coastwide cap is exceeded by any amount in 2017, state by state quotas would be implemented. Many have expressed concern that a small overage in 2017 could result in significant economic consequences for multiple jurisdictions. States have also expressed concern that current Coastwide Cap is independent of any ability to quantify the amount of change in landings necessary to effect fishing mortality rates and spawning stock status. Neither of those stock status elements are currently calculated for American eel due to a lack of data. Finally, states have expressed concern that moving to state-specific quotas for the American eel yellow life stage fishery would create a new administrative burden. Finally, equitable allocation of this resource is particularly difficult given the variation in the availability of the resource and the market demand for eels up and down the East coast.

For the glass life-stage eel fishery, Addendum IV specified an annual glass eel commercial quota for Maine of 9,688 pounds for the 2015-2017 fishing seasons and that it be re-evaluated after 3 years (prior to the start of the 2018 fishing season). The state of Maine has expressed interest in increasing their glass eel quota, which requires a new addendum.

2.2 Background

American eel inhabit fresh, brackish, and coastal waters along the Atlantic, from the southern tip of Greenland to Brazil. American eel eggs are spawned and hatch in the Sargasso Sea. After hatching, leptocephali—the larval stage—are transported to the coasts of North America and the upper portions of South America by ocean currents. Leptocephali then transform into glass eels via metamorphosis. In most areas, glass eel enter nearshore waters and begin to migrate up-river, although there have been reports of leptocephali found in freshwater in Florida. Glass eels settle in fresh, brackish, and marine waters; where they undergo pigmentation, subsequently maturing into yellow eels.

The ASMFC American Eel Management Board (Board) first convened in November 1995 and finalized the Interstate Fishery Management Plan (FMP) for American Eel in November 1999 (ASMFC 2000a). The goal of the FMP is to conserve and protect the American eel resource to ensure its continued role in the ecosystems while providing the opportunity for its commercial, recreational, scientific, and educational use (ASMFC 2000a). The FMP requires all states and jurisdictions to implement an annual young-of-year (YOY) abundance survey to monitor annual recruitment of each year's cohort

Draft Document for Board Review. Not for Public comment.

(ASMFC 2000a, 2000b). In addition, the FMP requires a minimum recreational size and possession limit and a state license for recreational harvesters to sell eels. The FMP requires that states and jurisdictions maintain existing or more conservative American eel commercial fishery regulations for all life stages, including minimum size limits. Each state is responsible for implementing management measures within its jurisdiction to ensure the sustainability of its American eel population.

Since the FMP was approved in 1999 it has been modified 4 times. Addendum I (approved in February 2006) established a mandatory catch and effort monitoring program for American eel. Addendum II (approved in October 2008) made recommendations for improving upstream and downstream passage for American eels. Most recently, Addendum III (approved in August 2013) made changes to the commercial fishery, specifically implementing restrictions on pigmented eels, increasing the yellow eel size limit from 6 to 9 inches, and reducing the recreational creel limit from 50 fish to 25 fish per day. In October 2014, the Board approved Addendum IV which set goals of reducing overall mortality and maximizing the conservation benefit to American eel stocks (ASMFC 2014). The Addendum established a coastwide cap of 907,671 pounds of yellow eel, reduced Maine's glass eel quota to 9,688 pounds (2014 landings), and allowed for the continuation of New York's silver eel weir fishery in the Delaware River. For yellow eel fisheries, the Coastwide Cap was implemented starting in the 2015 fishing year and established two management triggers: (1) if the Coastwide Cap is exceeded by more than 10% in a given year, or (2) the Coastwide Cap is exceeded for two consecutive years regardless of the percent overage. If either one of the triggers are met then states would implement state-specific allocation based on average landings from 1998-2010 with allocation percentages derived from 2011-2013.

The objectives of Draft Addendum V are to:

- 1) Re-evaluate Maine's glass/elver eel quota based on updated information;
- 2) Re-evaluate the coast-wide cap and management triggers to include recent fishery performance and updated landings data, and to ensure the overarching goal of the FMP - *to conserve and protect the American eel resource to ensure its continued role in the ecosystems while providing the opportunity for its commercial, recreational, scientific, and educational use* - is met; and
- 3) Address allocation issues including difficulties in equitable allocation and the administrative burden that would result from state by state quotas.

2.3 Description of the Fishery

2.3.1 Glass Eel/Elver Fishery

Life stage glass and elver eel harvest along the Atlantic coast is prohibited in all states except Maine and South Carolina. In recent years, Maine was the only state reporting substantial glass eel or elver harvest.

Since the implementation of the 9,688 pound glass eel quota for Maine in 2015 through Addendum IV, landings have tracked close to the quota. In 2016 and preliminary 2017 landings information indicate that >94% of the quota based on preliminary landings information) after being much lower in 2015 (5,260 pounds).

Table 1. Maine's Glass/Elver Eel Landings 2007-2017 (Source: ACCSP)

Year	Landings	Value
2007	3,714	\$1,287,479
2008	6,951	\$1,486,353
2009	5,199	\$514,629
2010	3,158	\$592,405
2011	8,585	\$7,656,345
2012	21,610	\$38,791,627
2013	18,081	\$32,926,991
2014	9,688	\$8,440,333
2015	5,260	\$11,389,891
**2016	9,399	\$13,388,040
**2017	9,282	>\$12,000,000

**Preliminary landings

Prior to the implementation of the FMP, Maine was the only state compiling glass eel and elver fishery catch statistics. Under the FMP, all states are now required to submit fishery-dependent information. In 2013, the Maine Department of Marine Resources (MEDMR) began to develop a swipe card system that would allow dealers to enter daily data quickly and allow MEDMR staff to analyze that data within 24 hours of receipt, fishery management tool to implement an individual fishery quota (IFQ) for harvesters. The original harvester-to-dealer system was expanded in 2015 to include dealer-to-dealer transactions. Since 2014, the MEDMR has been able to effectively track the individual quotas of approximately 900 active harvesters each season as well as the overall quota.

Draft Document for Board Review. Not for Public comment.

In a two-year period, over 23,000 card swipes did not need to be entered by MEDMR staff, and only two card failures were reported. In addition, the number of fishery related infractions reported by the Marine Patrol dropped from over 200 in 2013 to under 20 in 2014 through 2016. The addition of the dealer-to-dealer swipe card program resulted in a difference of just over 120 pounds (approximately 2%) between what dealers reported purchasing directly from harvesters to what was exported from Maine dealers in 2015. These 120 pounds is likely attributed to shrinkage (die off between initial purchase to final shipment) and did not raise concerns for MEDMR staff.

Given their high market value, poaching of glass eels and elvers is known to be a serious problem in several states. Enforcement of the regulations is challenging due to the nature of the fishery (very mobile, nighttime operation, and high value for product). However, the recent cooperation between the State enforcement agencies and the USFWS remains a high priority and has resulted in several convictions for violation of the Lacey Act.

Addendum IV to the FMP also allows approved Aquaculture Plans from states and jurisdictions to harvest up to 200 pounds of glass/elver eel annually from within their state waters for use in domestic aquaculture activities. The American Eel Farm (AEF) in North Carolina is the only facility to have applied and approved for domestic aquaculture, which they have done annually since 2016. Fishing did not take place in 2016 due to permitting issues in North Carolina. In 2017, a total of 0.25 pounds of glass eels were harvested of the 200 pound quota. North Carolina Division of Marine Fisheries submitted an amended plan on behalf of AEF for 2018-2020 which was approved by the Board in August 2017.

2.3.2 Yellow Eel Fishery

Coastwide description

Yellow eel landings have varied considerably over the years due to a combination of market trends and availability. These fluctuations are evident both within states and jurisdictions, as well as at a regional level. Such fluctuations pose significant management challenges with regard to balancing sustainable landings and access to the resource with economic considerations. Over the last 19 years, total coastwide landings have ranged from a low of approximately 717,698 pounds in 2002 to a high of approximately 1,189,455 pounds in 2011. State reported landings of yellow/silver eels in 2016 totaled 943,808 pounds (Table 2), which represent an 8.7% increase in landings from 2015 (868,122 pounds). Yellow eel landings increased in Rhode Island, Connecticut, and Maryland through Virginia but decreased in all other states and jurisdictions.

Draft Document for Board Review. Not for Public comment.

Table 2. State by state Yellow Eel Landings: 1998-2016. Source: Personal communication from State and Jurisdictions, January 2018.

Year	ME	NH	MA	RI	CT	NY	NJ	DE	MD	PRFC	VA	NC	SC	GA	FL	Total
1998	0	Time series average of less than 400 pounds	3,456	967	5,606	16,867	94,327	131,478	301,833	209,008	123,837	91,084	Time series average of less than 400 pounds	Time series average of less than 400 pounds	13,819	992,741
1999	0		3,456	140	10,250	7,882	90,252	128,978	305,812	163,351	183,255	99,939			17,533	1,011,093
2000	0		2,976	25	4,643	5,824	45,393	119,180	259,552	208,549	114,972	127,099			6,054	894,577
2001	9,007		3,867	14,357	1,724	18,192	57,700	121,515	271,178	213,440	97,032	107,070			14,218	929,523
2002	11,617		3,949	22,965	3,710	30,930	64,600	99,529	208,659	128,595	75,549	59,940			7,587	717,698
2003	15,312		4,047	24,883	1,868	8,296	100,701	155,516	346,412	123,450	121,091	172,065			8,486	1,082,614
2004	29,646		5,328	19,858	1,374	5,354	120,607	137,489	273,142	116,263	123,812	128,875			7,330	969,318
2005	17,189		3,073	22,001	337	27,726	148,127	111,200	378,659	103,628	66,956	49,278			3,913	932,087
2006	27,489		3,676	1,034	3,443	10,601	158,917	123,994	362,966	83,622	82,756	33,581			1,248	894,192
2007	14,251		2,853	1,230	935	14,881	169,902	139,647	343,141	97,361	56,512	37,937			7,379	886,470
2008	3,882		3,297	8,866	6,046	15,025	137,687	80,002	381,993	71,655	84,031	23,833			15,624	832,475
2009	2,285		1,217	4,855	435	12,676	118,533	59,619	335,575	58,863	117,974	65,481			6,824	784,420
2010	2,605		322	3,860	167	12,179	105,089	69,355	524,768	57,755	77,263	122,104			11,287	986,937
2011	2,666		368	2,038	60	36,451	120,576	92,181	715,162	29,010	103,222	61,960			25,601	1,189,455
2012	12,775		462	1,484	2,228	35,603	113,806	54,304	590,412	90,037	121,605	64,110			11,845	1,100,881
2013	4,596		2,499	2,244	546	42,845	90,244	82,991	587,872	32,290	100,379	33,980			15,059	997,052
2014	4,320		3,903	2,353	1,390	38,143	91,225	62,388	619,935	49,293	109,537	60,755			14,092	1,057,467
2015	3,559	2,255	1,538	2,271	50,194	88,828	44,708	493,043	31,588	86,715	57,791	5,632	868,122			
2016	4,509	1,705	2,651	2,445	36,371	67,422	44,558	583,578	58,223	96,336	39,911	6,034	943,808			

Note: Due to data confidentiality rules, annual landings for New Hampshire, South Carolina, and Georgia are not shown rather the time series landings average of less than 400 pounds.

Draft Document for Board Review. Not for Public comment.

State by state descriptions

The yellow American eel fishery in Maine occurs in both inland and tidal waters. Yellow eel fisheries in southern Maine are primarily coastal pot fisheries managed under a license requirement, minimum size limit, and gear and mesh size restrictions. New Hampshire has monitored its yellow eel fishery since 1980; reporting effort in the form of trap haul set-over days for pots or hours for other gears has been mandatory since 1990. Small-scale, commercial eel fisheries occur in Massachusetts and Rhode Island and are mainly conducted in coastal rivers and embayments with pots during May through November. Connecticut has a similar small-scale, seasonal pot fishery for yellow eels in the tidal portions of the Connecticut and Housatonic rivers. All New England states presently require commercial eel fishing licenses and maintain trip-level reporting.

Licensed eel fishing in New York occurred primarily in Lake Ontario (prior to the 1982 closure), the Hudson River, the upper Delaware River (Blake 1982), and in the coastal marine district. A slot limit (greater than 6 inches and less than 14 inches to limit PCB exposure) exists for eels fished in the tidal Hudson River (from the Battery to Troy and all tributaries upstream to the first barrier), strictly for use as bait or for sale as bait only. Due to PCB contamination of the main stem, commercial fisheries have been closed on the freshwater portions of the Hudson River and its tributaries since 1976. The fishery in the New York portion of the Delaware River consists primarily of silver eels collected in a weir fishery. In 1995, New York approved a size limit in marine waters. New Jersey fishery regulations require a commercial license, a minimum mesh, and a minimum size limit. A minimum size limit was set in Delaware in 1995. Delaware mandated catch reporting in 1999 and more detailed effort reporting in 2007.

Maryland, Virginia, and Potomac River Fisheries Commission have primarily pot fisheries for American eels in Chesapeake Bay. Large eels are exported whereas small eels are used for bait in the crab trotline fishery. Catch reports were not required in Virginia prior to 1973 and Maryland did not require licenses until 1981. Effort reporting was not required in Maryland until 1990. The Potomac River Fisheries Commission has had harvester reporting since 1964, and has collected eel pot effort since 1988.

North Carolina has a small, primarily coastal pot fishery that fluctuates with market demands. The majority of landings come from the Albemarle Sound area and additional landings reported from the Pamlico Sound and "other areas." No catch records are maintained for freshwater inland waters, and no sale of eels harvested from these waters is permitted. Landings for "other areas" reported by the state come from southern waterbodies under the jurisdiction of NCDMF. South Carolina instituted a permitting system over ten years ago to document total eel gear and commercial landings. Pots and traps are permitted in coastal waters for yellow eel life stage fishery; other gear types such as fyke nets and dip nets are permitted for glass eels.

Draft Document for Board Review. Not for Public comment.

American eel fishing in Georgia was restricted to coastal waters prior to 1980 when inland fishing was permitted (Helfman et al. 1984). Catch data are available, but effort data is not because no specific license is required to fish eels. The Florida pot fishery has a minimum mesh size requirement in the fishery and it is operated under a permit system.

2.4 Status of the Stock

The last peer reviewed and accepted benchmark stock assessment was approved for management use in 2012. Analyses and results indicated that the American eel stock had declined and that there were significant downward trends in multiple surveys across the coast. It was determined that the stock was depleted but no overfishing determination could be made based on the analyses performed.

The 2012 benchmark stock assessment was updated in 2017 with data through 2016. All three trend analysis methods (Mann-Kendall, Manly, and ARIMA) detected significant downward trends in some indices. The Mann-Kendall test detected a significant downward trend in six of the 22 YOY indices, five of the 15 yellow eel indices, three of the nine regional trends, and the 30-year and 40-year yellow-phase abundance indices. The remaining surveys tested had no trend, except for two which had positive trends. The Manly meta-analysis showed a decline in at least one of the indices for both yellow and YOY life stages. For the ARIMA results, the probabilities of being less than the 25th percentile reference points in the terminal year for each of the surveys were similar to those in ASMFC 2012 and currently three of the 14 surveys in the analysis have a greater than 50% probability of the terminal year of each survey being less than the 25th percentile reference point. Overall, the occurrence of some significant downward trends in surveys across the coast remains a cause for concern and the assessment maintained that the stock remains depleted.

3.0 Proposed Management Program

The following options were developed from the Board motion from October 2017. The American Eel Allocation Working Group (Allocation WG) provided additional information for the Board to consider in selecting, removing, or further developing the options below. Again, these options can be further modified by the Board. The following options are organized by the specific life stage fishery and issue item.

3.1 Proposed Options for Maine Glass Eel Quota

Note: This addendum proposes changes to Maine's glass/elver eel quota as specified in Addendum IV. The following items remain a component of the commercial glass/elver eel fishery management program:

- **Quota Overages:** For any state or jurisdiction managed with a commercial glass/elver eel quota, if an overage occurs in a fishing year, that state or

Draft Document for Board Review. Not for Public comment.

jurisdiction will be required to deduct their entire overage from their quota the following year, on a pound for pound basis.

- **Reporting Requirements:** Any state or jurisdiction with a commercial glass eel fishery is required to implement daily trip level reporting with daily electronic accounting to the state for both harvesters and dealers in order to ensure accurate reporting of commercial glass eel harvest. The state of Maine's swipe card system is used by the state as a dealer report. Harvesters in Maine are currently reporting monthly via paper report submission. States or jurisdictions commercially harvesting less than 750 pounds of glass eels are exempt from this requirement.
- **Monitoring Requirements:** Any state or jurisdiction with a commercial glass eel fishery must implement a fishery-independent life cycle survey covering glass/elver, yellow, and silver eels within at least one river system. If possible and appropriate, the survey should be implemented in the river system where the glass eel survey (as required under Addendum III) is being conducted to take advantage of the long term glass eel survey data collection. At a minimum the survey must collect the following information: fishery-independent index of abundance, age of entry into the fishery/survey, biomass and mortality of glass and yellow eels, sex composition, age structure, prevalence of *A. crassus* (invasive nematode), and average length and weight of eels in the fishery/survey. Survey proposals will be subject to Technical Committee (TC) review and Board approval. States or jurisdictions commercially harvesting less than 750 pounds of glass eels are exempt from this requirement.

Glass Eel Harvest Allowance Based on Stock Enhancement Programs: Any state or jurisdiction can request an allowance for commercial harvest of glass eels based on stock enhancement programs implemented after January 1, 2011, subject to TC review and Board approval. Provisions of the stock enhancement program include: demonstration that the program has a measurable increase in glass eel passage and/or survival; harvest shall not be restricted to the basin of restoration (i.e. harvest may occur at any approved location within the state or jurisdiction); and harvest requests shall not exceed 25% of the quantified contribution provided by the stock enhancement program. See Addendum IV for more detail on specific stock enhancement program examples.

Option 1: Status Quo Quota for Maine of 9,688 pounds of glass eel

Maine's glass eel quota for 2018 and beyond would remain at 9,688 pounds. This quota level was specified based on the state's landings in 2014 and has been in place since 2015. To change the quota in future years, a new addendum would be required. Noted in the fishery description section is an overview of Maine's implementation of the swipe card program to improve the accuracy of state landings. As part of the provisions of Addendum IV and the 2015-2017 quota, the state also developed a life cycle fishery-independent

Draft Document for Board Review. Not for Public comment.

survey, aimed at getting more biological data on glass, yellow, and silver eel life stages within one river system. The state was unable to collect data in 2016 but continued developing the survey in 2017; results will be presented to the TC in 2018.

Option 2: 2014 Maine Quota

Maine's glass eel quota for 2018 and beyond would be set at 11,479 pounds. This quota level was specified for 2014 based on industry and tribal representatives and was a 35% reduction from 2012 landings. This quota is approximately a 19% increase from the 2015-2017 quota. Through the swipe card program, the state of Maine has made great efforts to curtail poaching of glass eels. The swipe card system coupled with individual fishing quotas ensures that that sale of an individual's eels are not comingled with poached eels. Maine also tracks dealer to dealer elver transactions as well as what is exported out of State by Maine licensed elver exporters. These transactions are compared to shipping invoices to ensure glass eels are not added to a shipment once it leaves Maine's jurisdiction. The Maine Marine Patrol has also been authorized to use as much overtime is needed to enforce all laws and regulations related to the glass eel fishery To adjust the quota in future years to higher level, a new addendum would be required.

3.2 Proposed Options of Glass Eel Aquaculture Plans

Due to the increased desire to bring eels to market, this addendum proposes a new option for allowing states and jurisdictions to pool harvest allocations for use in domestic aquaculture facilities.

Option 1: Status Quo

The Aquaculture Plan provisions as specified in Addendum IV would remain in place and pooling of harvest among states and jurisdictions for domestic aquacultures would not be allowed. For more information on the current aquaculture plan provisions please refer to Appendix I. Addendum IV Aquaculture Plan Provisions

Option 2: Pooling of Harvest allowance across states and jurisdictions

Under this option, up to **three contiguously bordered states** and jurisdictions would be allowed to pool their harvest of 200 pounds of glass eels up to a maximum of **600 pounds**. The 200 pounds allowable harvest would be harvested from each state within the pooled grouping of states and jurisdictions, unless the states and jurisdictions can make a strong argument to have all eels harvested from a single watershed system. As the pooling of harvest would be up to a maximum of 600 pounds, less than the 750 pounds that requires a life cycle survey, state and jurisdictions pooling harvest of glass eels for domestic aquaculture purposes would not need to implement a life cycle survey.

Additionally, it would be up to the states and jurisdictions to determine the number of aquaculture facilities per state. If under this option multiple facilities within a state or 'pooled' states are seeking glass eel harvest, it will be up to the states and jurisdictions to

Draft Document for Board Review. Not for Public comment.

determine how the allowable harvest would be allocated among aquaculture facilities. States and jurisdictions would need to define harvest areas in their proposal to the Board.

This option would also seek to maintain all other Addendum IV Aquaculture Plan provisions (see Appendix I for more detail) with the exception of requiring states to objectively show that harvest would only occur from watersheds that minimally contribute to the spawning stock of American eel. If this option is selected, states would no longer need to objectively demonstrate harvest of glass eels for domestic aquaculture purposes would only come from watersheds that minimally contributes to the spawning stock of American eel.

3.3 Proposed Options for Yellow Eel Coastwide Cap, Trigger, and State-by-state Allocations

Issue 1: Coastwide Cap

The Addendum IV coastwide cap of 907,671 pounds, was set at the average landings during the years 1998 through 2010, which was the period covered by the 2012 Benchmark Assessment. Although the 2017 Assessment Update repeated the 2012 Benchmark Assessment finding that the American Eel population is depleted, the American eel Allocation Working Group notes the following reasons to consider increasing the cap:

- Yellow eel landings have fluctuated over a narrow range during the period of 1998 through 2016, suggesting an annual landings cap set at the mean landings level during this period is sustainable.
- Yellow eel catch is difficult to verify in the time frame specified by the Addendum IV triggers because most yellow eels are sold as live product. Yellow eels are held live by harvesters until sold, so yellow eels can be harvested in one year, but not weighed, sold and reported until the following year. Yellow eels also are often transported out of the state of landing and sold in another state, requiring two states to reconcile the landings information to avoid reporting duplication. These problems may result in the triggers appearing to be exceeded based on initial catch reports and states being required to implement quotas unnecessarily before reports are finalized. The yellow eel landings reporting timeliness problem is exemplified by the Addendum IV coastwide cap, now that the landings data used to calculate the Addendum IV cap have been updated for Addendum V. As noted below, the Addendum IV cap calculated using the updated Addendum V landings for the same 1998-2010 timeframe is 916,469 lbs., almost 10,000 lbs. greater than the Addendum IV cap.

Draft Document for Board Review. Not for Public comment.

- Addendum IV allocated 88% of the yellow eel landings to the Delaware and Chesapeake Bay states in the event that state-by-state allocations were triggered. The yellow eel fishery in these states is conducted solely in estuarine waters. The yellow eel surveys conducted in Delaware and Chesapeake Bay states analyzed in the 2017 American Eel Assessment Update Report, either showed no trend or an increasing trend, suggesting the fishery is not diminishing the yellow eel abundance in this region. In addition, commercial fishery CPUE as reported in state compliance reports has not declined in this region.
- American eels reach maturity at a younger age and smaller size in estuarine water than in fresh water (Clark 2009), and the 19-year time series of landings likely represents at least two generations (COSEWIC 2012) of estuarine yellow eels that have been exposed to the yellow eel fishery. Given the American eel's panmictic life history, if the fishery were causing a population decline, that population decline should be evident in all areas of its range, especially the areas of maximum exploitation.

NOTE: For all coastwide landings cap options below, as this Addendum will alter management starting in 2019, the 2018 landings data will be used to evaluate against the selected option below. In turn, depending on the subsequent options selected under Section 3.3 Issue 2,3, and 4 the earliest potential state-by-state allocations or other management response would be implemented starting in 2020 (i.e. 2018 landings data available in 2019 would be evaluated in 2019 with management response in 2020).

Option 1: Status Quo

Under this option, the current coastwide cap of 907,671 pounds would remain in place as well as provisions of the coastwide cap as specified in Addendum IV. **Please note:** The coastwide cap was specified in Addendum IV based on available data through 2010. That data has been subsequently revised and new coastwide average from 1998-2010 is 916,473 pounds. If the Board wishes to specify a new coastwide cap of 916,473 pounds based on average landings from 1998-2010 that would be an additional option.

Option 2: Coastwide Landings Cap set at **943,808 pounds**; the 50th percentile or median of 1998-2016 landings

The yellow eel fishery is dependent on foreign market fluctuations, thus effort and landings can vary considerably between years regardless of the yellow eel population. The median (50th percentile) annual landings accounts for these variations by setting the coastwide landings cap at the mid-point in landings, which should reflect the midpoint in effort for the time series also.

Draft Document for Board Review. Not for Public comment.

*Option 3: Coastwide Landings Cap set at **951,102 pounds**; the mean or average of 1998-2016 landings*

The Addendum IV coastwide catch cap will be set at the mean of 1998 through 2016 landings. The mean of 1998 through 2016 landings option updates the coastwide landings cap to include more recent landings data.

Issue 2: Management Trigger

For all three of the options listed under Issue 2, a management response would be required. The potential management response would be dependent on the selected option under Issue 3 'Allocation'. If a state-by-state commercial yellow eel quota option is selected, states would be required to implement a management program that would allow the state to constrain landings to the state's quota allocation starting in the subsequent year the management trigger is tripped. As this Addendum outlines management starting in 2019, the earliest year state by state quotas would be implemented is 2020 (either Option 1A- Coastwide Cap exceeded by 10% in a given year or Option 2- One-year Trigger).

Option 1: Status Quo

Under this option the current (two) management triggers as outlined in Addendum IV would remain in place regardless of whether the coastwide catch cap is adjusted in the prior subsection (Issue 1). If either of these management triggers are tripped, a management response would be required. The potential management response would be dependent on the selected option under Issue 3 'Allocation' (below).

Management Triggers

1. The coastwide catch cap is exceeded by more than 10% in a given year (the value of exceedance is dependent on the selected option in Issue 1: Coastwide Cap).
2. The coastwide catch cap is exceeded for two consecutive years, regardless of percent over.

Options 2 and 3 below would establish a management trigger that takes into account the inter-annual variability of the coastwide landings and incorporates years subsequent to 2010. From 2011 through 2016 coastwide landings have fluctuated from 31% above the Coastwide Cap to 4% below it, with five of the six years above the Coastwide Cap (Figure 1). Note that the Coastwide Cap is set at 907, 671 pounds; a 10% exceedance of the Coastwide Cap is 998,438 pounds.

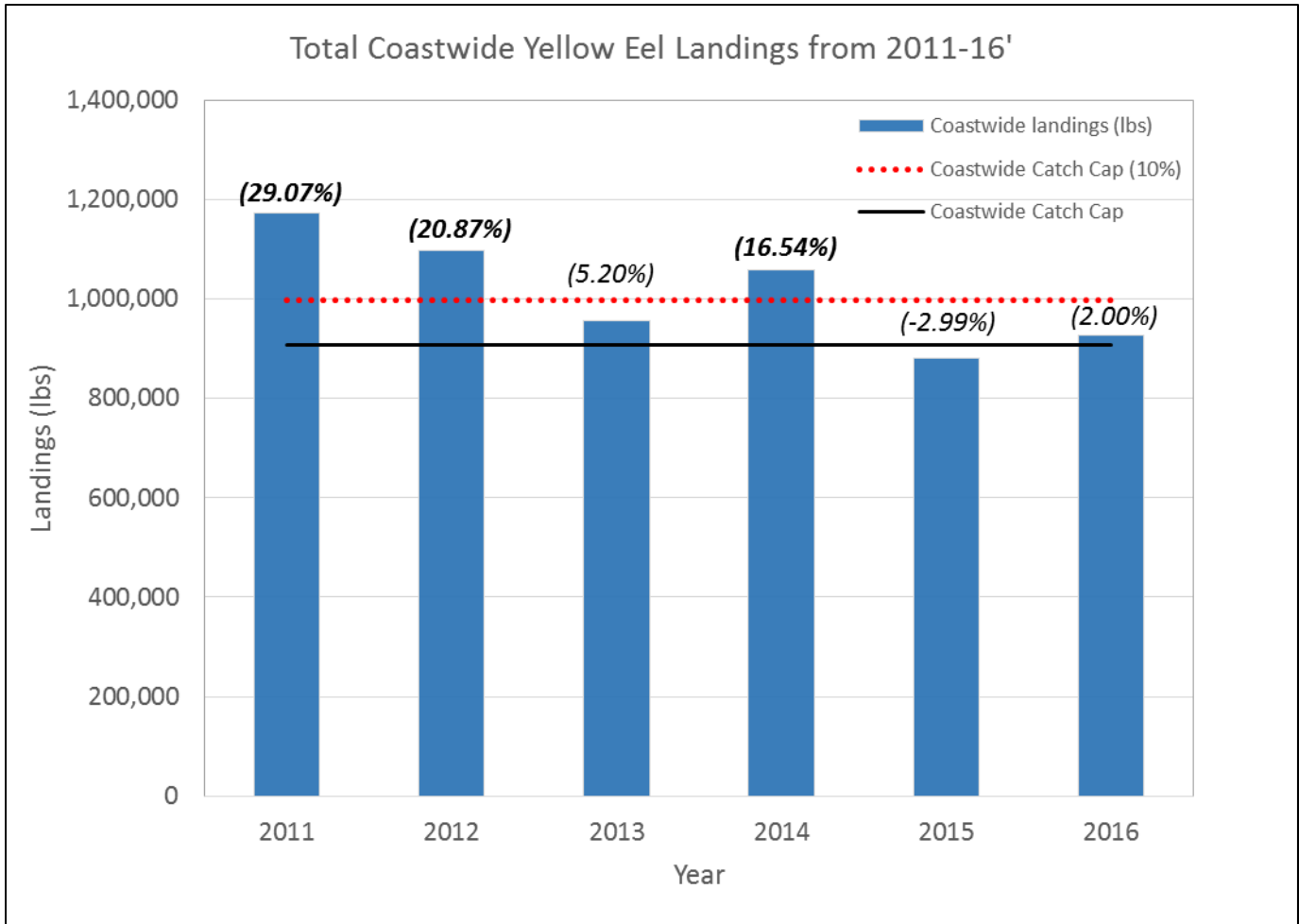


Figure 1. Coastwide yellow eel landings from 2011-2016 compared to Coastwide Cap and 10% exceedance of the Cap Management Trigger. Percentages above each bar indicate percent above (or below) the Coast-wide Catch Cap.

Option 2: One year of exceeding the Coastwide Cap by 10% (One year trigger)

Under this option, the coastwide landings would annually be evaluated against a new one year management trigger. If the coastwide catch cap is exceeded by 10% (the value of exceedance is dependent on the selected option in Issue 1: Coastwide Cap) the Board is required to alter the management program as specified below (Issue 3) in order to ensure the objectives of the management program are achieved.

Option 3: Two years of exceeding Coastwide Cap by 10% (Two year trigger)

Under this option, the coastwide landings would annually be evaluated against a new one year management trigger. If the coastwide catch cap is exceeded by 10% (the value of exceedance is dependent on the selected option in Issue 1: Coastwide Cap) the Board is required to alter the management program as specified below (Issue 3) in order to ensure the objectives of the management program are achieved.

Draft Document for Board Review. Not for Public comment.

Issue 3: Allocation

If the selected management trigger in the above subsection (Issue 2) is tripped, then states would be required to take action for the subsequent fishing year. Under issue 3, the following outlines options for state-by-state allocations as well as options for no state allocation. If a state by state allocation option is selected, states must ensure that a quota management program is implemented to address quota overages and allow quota transfers, as specified below. It is recommended that monitoring and reporting requirements be sufficient to prevent repeated overages. Additionally, the following provisions would apply to any state-by-state quota allocation options below:

- State Quotas will be evaluated on a calendar year basis.
- Final Landings data from the previous year will be evaluated against a state's quota from the same year. Final landings data from the previous year will be made available for the current year by the ASMFC Spring Meeting (i.e. May).
- The Board will confirm overages and adjusted quotas (as needed) for the following year no later than the ASMFC Annual Meeting (i.e. October-November) of the current year.
- States will put forward proposals demonstrating the following year's quota will not be exceeded no later than the ASMFC Winter Meeting (i.e. January-February) of the following year.

Option 1: Status quo

Addendum IV laid out the following process for specifying the coastwide cap and state-by-state allocations. The initial quota was set at 2010 landings levels (978,004 pounds). 2010 represented the last year of data included in the 2012 benchmark stock assessment. The TC recommended to reduce mortality from this level. From this level a 16% reduction was applied to the 2010 landings levels (821,523 pounds). Then average landings for the states from 2011-2013 were used to developed initial allocations. From this point a filtering method was applied to adjust allocations: 1) states are allocated a minimum 2,000-pound quota 2) no state is allocated a quota that is more than 2,000 pounds above its 2010 commercial yellow eel landings, and 3) no state is allocated a quota that is more than 15% reduction from its 2010 commercial yellow eel landings. After the filtering method was applied, the coastwide quota was 893,909 pounds. The difference between updated quota and TC recommendation was 13,762 pounds. This difference was split equally among the states negatively impacted by the quota relative to 2010 commercial landings (RI, NJ, DE, PRFC, NC). For states that qualify for the 2,000-pound base quota, any overages would be deducted from the 2,000 pound allocation.

Draft Document for Board Review. Not for Public comment.

Table 3. Quota Allocation for the Commercial Yellow Eel Fishery from Addendum IV. This quota would ONLY be implemented if the Board selected management trigger (Issue 2) is tripped.

	Allocation	Quota
Maine	0.43%	3,907
New Hampshire	0.22%	2,000
Massachusetts	0.22%	2,000
Rhode Island	0.51%	4,642
Connecticut	0.22%	2,000
New York	1.677%	15,220
New Jersey	10.45%	94,899
Delaware	6.79%	61,632
Maryland	51.33%	465,968
PRFC	5.76%	52,358
Virginia	8.67%	78,702
North Carolina	11.79%	107,054
South Carolina	0.22%	2,000
Georgia	0.22%	2,000
Florida	1.46%	13,287
Total	100%	907,669

Option 2: No state-by-state quota

Under this option, the yellow eel fishery would be managed without state-specific quotas through adaptive management. Should the management trigger be tripped the Board will engage the TC to determine the reduction necessary to return coast-wide landings to the cap in the subsequent fishing year and identify mechanisms that could achieve the desired reduction (e.g. trip limits, season closures, or other effort reductions). The reduction may be scaled among states to ensure equitable management. States will develop a plan to achieve assigned reductions and submit to the TC for review. The following sub-options specify how the states would work to achieve the required reduction.

Sub-Option 2A: Equitable reduction

Under this sub-option, all states would work collectively to achieve an equitable reduction in landings from the most recent year’s cumulative coastwide landings to the coastwide landings cap if the management trigger is tripped. For example, in 2019, if 2018 landings exceed the coastwide catch cap as specified in the prior section, then the states would collectively develop measures to achieve the needed reduction to achieve the coastwide catch cap in 2020 fishing year.

Sub-Option 2B: 1% rule for states to reduce landings

Under this sub-option, only states with landings greater than 1% of the coastwide landings in the year(s) when the management trigger is tripped will be responsible for reducing

Draft Document for Board Review. Not for Public comment.

their landings to achieve the coastwide landings cap in the subsequent year. Those states with landings greater than 1% of the coastwide landings will work collectively to achieve an equitable reduction to coast wide landings cap. For those states with landings less than 1% of the coastwide landings category, if in subsequent years a state's landings exceeds 1% of the coastwide landings after reductions have been applied, that state must reduce their individual state landings in the subsequent year to return to the <1% level.

Option 3: Modified Addendum IV Quotas

This is a modification of the Addendum IV allocation formula intended to offer greater flexibility given the variability in landings over time.

This option maintains the basic allocation structure from Addendum IV, but makes some adjustments in order to more evenly distribute the impacts of a quota relative to recent (2012-2016) fishery performance, while maintaining the spirit of Addendum IV allocation. Under this option, states whose quota would have resulted in reductions from average harvest over the most recent 5 years still will need to reduce, but these reductions are mitigated.

Quota was redistributed among the states from two sources:

- 1) A cap on allocations so that a state's assigned quota cannot exceed their 2012-2016 average harvest by more than 25%.
- 2) The 2,000 pound minimum quota assigned to New Hampshire, Massachusetts, Connecticut, South Carolina, and Georgia was initially removed and redistributed back to the remaining states.

The quota resulting from the removal of the 2,000 pound minimum and from capping states with more than a 25% increase was used two ways: 1) to set Maine's harvest equal to their 2012-2016 harvest (5,952 pounds) and therefore mitigate Maine's reduction if a quota is implemented. 2) The remainder (52,918 pounds) was divided evenly among and added to the Addendum IV quotas of New York, Maryland and Virginia - the only three states who would face a reduction from 2012-2016 average harvest levels under Addendum IV.

Finally, based on harvest history, 0.75% of the coast wide cap (6,808 pounds under the current cap) was set aside and divided evenly among those 5 states given the minimum 2,000 pound allocation under Addendum IV ($6,808/5 = 1,362$ pounds). The allocation of 1,262 pound was rounded down to 1,000 pounds for each of the states. The excess from this rounding (1,807.5 pounds) was added back to Maryland's proposed quota to further mitigate their impacts (Table 4 and Figure 1).

Draft Document for Board Review. Not for Public comment.

Table 4: An allocation option using Addendum IV allocation as a base but reallocating quota generated by lowering the minimum base allocation to an equal division of 0.75% of the cap and rounding down, and capping the assigned quota to no more than a 25% increase over the average harvest in 2012-2016. The final column shows how impacts of Addendum IV quotas relative to recent harvest are mitigated.

State	Average harvest 2012-2016 (pounds)	Addendum IV allocation in pounds	Percent change: average 2012-2016 harvest to Addendum IV quota	Addendum V option 3 quotas	Percent change: average 2012-2016 harvest to option 3 quota
Maine	5,952	3,907	-34.356	5,907	-0.7
New Hampshire		2,000		1,000	
Massachusetts	2,165	2,000		1,000	
Rhode Island	2,054	4,642	125.998	2,551	24.2
Connecticut	1,776	2,000		1,000	
New York	40,631	15,220	-62.541	32,613	-19.7
New Jersey	90,305	94,899	5.087	94,187	4.3
Delaware	57,790	61,632	6.649	61,170	5.8
Maryland	574,968	465,968	-18.958	481,788	-16
PRFC	52,286	52,358	0.137	51,965	-0.6
Virginia	102,914	78,702	-23.527	95,619	-7.1
North Carolina	51,309	107,054	108.644	63,818	24.4
South Carolina		2,000		1,000	
Georgia		2,000		1,000	
Florida	10,532	13,287	26.154	13,051	23.9
		907,669		907,669	

Draft Document for Board Review. Not for Public comment.

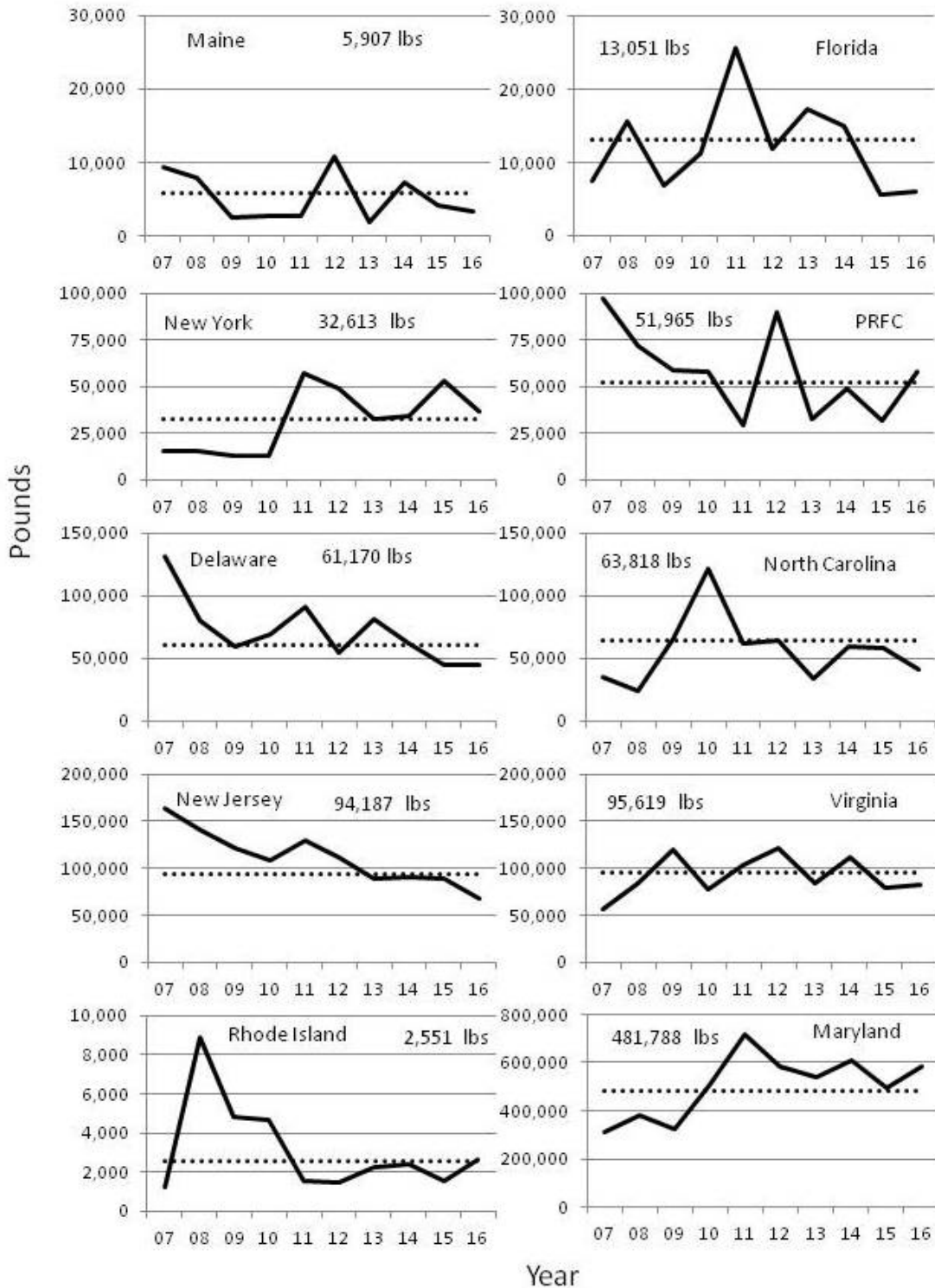


Figure 2. Potential Allocation Option. This shows proposed quotas (green line) compared to each state's landings over the past 10 years. State not shown are assigned a base quota of 1,500 pounds. The proposed quota assuming a status quo coastwide quota of 907,699 pounds.

Draft Document for Board Review. Not for Public comment.

Note: for Options 4 and 5 the following items on accountability will be carried over from Addendum IV:

- *Accountability:* States will be held accountable for their annual quota. If a state or jurisdiction has an overage in a given fishing year, then the state or jurisdiction is required to reduce their following year's quota by the same amount the quota was exceeded, pound for pound. For states that qualify for the automatic 2,000 pound quota, any overages would be deducted from the 2,000 pound allocation.

Under both the catch cap and quota systems all New York American eel landings (i.e. from both the yellow and silver eel fisheries) are included, until otherwise shown to preclude it.

Additionally for the following example tables in Sub-Option A & B, a breakdown of previous allocation under Addendum IV state by state quotas is compared against new state allocations of the same coastwide cap.

Option 4: Simple Time series Average of Yellow eel landings

Under this option states will be allocated a quota based on the state's average yellow eel landings data for a specific timeframe. In the example allocations listed below, the coastwide landings quota is set at 907,669 pounds (the Addendum IV coastwide quota) to help compare current state by state quotas under Addendum IV to the proposed quotas in options 4 A and B. Data used to develop average landings for each time series can be found in Table 2. **NOTE:** The state by state allocations below would differ if either option 2 or 3 under issue item 1 (Coastwide Cap) are selected. Additionally, please note that due to low landings and data confidentiality, New Hampshire, South Carolina, and Georgia's average landings for the two time periods are not specified below.

Draft Document for Board Review. Not for Public comment.

Sub Option 4A: Average Landings over recent 10-year time series (2007-2016)

State	Average Landings 2007-2016	New Percentage Allocation under Option 4A	Addendum IV Quota	New Quota under Option 4A
ME	5,545	0.57%	3,907	5,217
NH		0.01%	2,000	61
MA	1,888	0.20%	2,000	1,776
RI	3,112	0.32%	4,642	2,928
CT	1,652	0.17%	2,000	1,555
NY	29,437	3.05%	15,220	27,696
NJ	110,331	11.44%	94,899	103,808
DE	72,975	7.56%	61,632	68,661
MD	517,548	53.65%	465,968	486,947
PRFC	57,608	5.97%	52,358	54,201
VA	95,357	9.88%	78,702	89,719
NC	56,786	5.89%	107,054	53,429
SC		0.00%	2,000	3
GA		0.05%	2,000	436
FL	11,938	1.24%	13,287	11,232
Total	964,709	100%	907,669	907,669

Sub Option 4B: Average Landings over recent 5-year time series (2012-2016)

State	Average Landings 2012-2016	New Percentage Allocation under Option 4B	Addendum IV Quota	New Quota under Option 4B
ME	5,952	0.60%	3,907	5,438
NH		0.01%	2,000	50
MA	2,165	0.22%	2,000	1,978
RI	2,054	0.21%	4,642	1,877
CT	1,776	0.18%	2,000	1,623
NY	40,631	4.09%	15,220	37,122
NJ	90,305	9.09%	94,899	82,506
DE	57,790	5.82%	61,632	52,799
MD	574,968	57.87%	465,968	525,313
PRFC	52,286	5.26%	52,358	47,771
VA	102,914	10.36%	78,702	94,027
NC	51,309	5.16%	107,054	46,878
SC		0.00%	2,000	1
GA		0.07%	2,000	665
FL	10,532	1.06%	13,287	9,623
Total	993,466	100%	907,669	907,669

Draft Document for Board Review. Not for Public comment.

Option 5: Allocation Based on Weighted Time series Average of Yellow eel landings

Under this option states will be allocated a quota based on weighted average of a state's yellow eel landings data for a specific timeframe. For the example allocations listed below, the coastwide landings quota is set at 907,669 pounds (the Addendum IV coastwide quota) to help compare current state by state quotas under Addendum IV to the proposed quotas in options 5 A and B. Data used to develop weighted average landings for each time series can be found in Table 2. **NOTE:** The state by state allocations in the tables below will differ if either option 2 or 3 under issue item 1 (Coastwide Cap) are selected. Also included for the following sub options is an example equation demonstrating how the allocation was derived (Appendix II).

Sub Option 5A: Weighted average: 50 % of the time series (1998-2016) and 50% of the recent 10 years (2007-2016) (pg 25)

Sub Option 5B: Weighted average: 50 % of the time series (1998-2016) and 50% of the recent 5 years (2012-2016) (pg 26)

Draft Document for Board Review. Not for Public comment.

Sub Option 5A: Weighted average: 50 % of the time series (1998-2016) and 50% of the recent 10 years (2007-2016)

State	Addendum IV Percentage Allocation	Addendum IV Quota	New Percentage Allocation under Option 5A	New Quota under Option 5A
ME	0.430%	3,907	0.745%	6,759
NH	0.220%	2,000	0.009%	79
MA	0.220%	2,000	0.243%	2,209
RI	0.511%	4,642	0.540%	4,899
CT	0.220%	2,000	0.222%	2,017
NY	1.677%	15,220	2.707%	24,570
NJ	10.455%	94,899	11.209%	101,743
DE	6.790%	61,632	8.915%	80,920
MD	51.337%	465,968	48.673%	441,788
PRFC	5.768%	52,358	8.298%	75,319
VA	8.671%	78,702	10.315%	93,624
NC	11.794%	107,054	6.911%	62,731
SC	0.220%	2,000	0.000%	2
GA	0.220%	2,000	0.041%	376
FL	1.464%	13,287	1.171%	10,632
Coastwide	100.000%	907,669	100.000%	907,669

Draft Document for Board Review. Not for Public comment.

Sub Option 5B: Weighted average: 50 % of the time series (1998-2016) and 50% of the recent 5 years (2012-2016)

State	Addendum IV Percentage Allocation	Addendum IV Quota	New Percentage Allocation under Option 5A	New Quota under Option 5B
ME	0.430%	3,907	0.755%	6,849
NH	0.220%	2,000	0.008%	73
MA	0.220%	2,000	0.254%	2,305
RI	0.511%	4,642	0.477%	4,333
CT	0.220%	2,000	0.225%	2,045
NY	1.677%	15,220	3.243%	29,432
NJ	10.455%	94,899	10.014%	90,891
DE	6.790%	61,632	8.002%	72,636
MD	51.337%	465,968	50.906%	462,057
PRFC	5.768%	52,358	7.902%	71,721
VA	8.671%	78,702	10.551%	95,767
NC	11.794%	107,054	6.527%	59,247
SC	0.220%	2,000	0.000%	1
GA	0.220%	2,000	0.054%	493
FL	1.464%	13,287	1.082%	9,819
Coastwide	100.000%	907,669	100.000%	907,669

Draft Document for Board Review. Not for Public comment.

Issue 4: Quota Transfers

As noted in earlier sections, the Allocation Working Group highlighted concerns regarding the timing of when landings information becomes available and finalized, specifically in evaluating fishery performance. Addendum IV outlined the following provisions for the transfer of quota under state by state allocations:

- Any state or jurisdiction may request approval from the Board Chair or Commission Chair to transfer all or part of its annual quota to one or more states, including states that receive the automatic 2,000 pound quota. Requests for transfers must be made by individual or joint letters signed by the principal state official with marine fishery management authority for each state involved. The Chair will notify the requesting states within ten working days of the disposition of the request. In evaluating the request, the Chair will consider: if the transfer would preclude the overall annual quota from being achieved, the transfer addresses an unforeseen variation or contingency in the fishery, and if the transfer is consistent with the objects of the FMP. Transfer requests for the current fishing year must be submitted by December 31 of that fishing year.
- The transfer of quota would be valid for only the calendar year in which the request is made. These transfers do not permanently affect the state-specific shares of the quota, i.e., the states specific shares remain fixed. Once quota has been transferred to a state, the state receiving quota becomes responsible for any overages of transferred quota.

Many states are concerned that the implementation of state quotas will lead to fishery inefficiencies both at the state and coast-wide level. For example, late fall is often a peak yellow eel harvest period. If a state with unused quota was hesitant to transfer quota to a state that had filled its quota because it was unsure whether it could spare the unused quota, the quota in the potential donor state could go unused while the harvesters in the potential recipient state would be denied extra income. This inefficient use of the fishery and capricious reduction in fishery revenue is in direct contradiction of the ISFMP Charter. To avoid this potential problem, if a state by state allocation option is selected under Issue 3, the Allocation Working has put forward the following options:

Option 1: Status Quo (Transfers allowed no later than December 31)

Under this option, quota transfer requests must be submitted by December 31 of that fishing year.

Option 2: Extend transfer provisions to April 1 of the following fishing season.

Under this option transfers of quota between states be allowed until April 1 of the following calendar year. This strategy will allow both the donor and recipient state to have additional time to reconcile their landings data.

Draft Document for Board Review. Not for Public comment.

3.4 Timeframe for Addendum provisions

There is not a sunset for this Addendum. If a new or different management program is desired than what is specified in the prior sections, a new addendum is required. If state by state allocations are implemented based on a selected management trigger and coastwide catch cap specified above, state by state allocations will be revisited within 3 years (reviewed in 2021). During the revisiting process, the Board may reconsider if state by state by state quotas are needed for the 2022 fishing season if the following criteria are met:

- The implemented state by state quotas have not been exceeded for 2 years.

Specific to the Maine glass eel quota, the selected quota in the section above will be specified for 3 years moving forward (starting in the 2019; from 2019-2021), and that before year 4 (2022) it could be revisited. If the Board decides to maintain Maine's glass eel quota at its specified level in the section above, the quota be extended for an additional 3 years (2022-2024) without requiring a new addendum. If there is a desire to increase Maine's glass eel quota from the specified level in the section above, a new Addendum will be required.

4.0 Compliance

TBD

Draft Document for Board Review. Not for Public comment.

References

- Atlantic States Marine Fisheries Commission (ASMFC). 2000. Interstate Fishery Management Plan for American Eel (*Anguilla rostrata*). Washington D.C. NOAA Oceanic and Atmospheric Administration Award No. NA97 FGO 0034 and NA07 FGO 024.
- Atlantic States Marine Fisheries Commission (ASMFC). 2012. American Eel Benchmark Stock Assessment. Arlington, VA.
- Atlantic States Marine Fisheries Commission (ASMFC). 2014. Addendum IV to the Interstate Management Plan for American Eel. Arlington, VA.
- Atlantic States Marine Fisheries Commission (ASMFC). 2017. American Eel Stock Assessment Update. Arlington, VA.
- Blake, L. M. 1982. Commercial fishing for eel in New York State. In K. H. Loftus (ed). Proceedings of the 1980 North American eel conference. Ont. Fish. Tech. Rep. Ser. No. 4. 97pp
- Clark, J. 2009. The American Eel Fishery in Delaware. Pages 229-240 in J. M. Casselman and D. K. Cairns, editors. Eels at the edge: science, status and conservation concerns. American Fisheries Society Symposium 58, Bethesda, Maryland.
- COSEWIC. 2012. COSEWIC assessment and status report on the American Eel *Anguilla rostrata* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xii + 109 pp. (www.registrelep-sararegistry.gc.ca/default_e.cfm).
- Helfman, G.S., D.L. Stoneburner, E.L. Bozeman, P.A. Christian, and R. Whalen. 1983. Ultrasonic telemetry of American eel movements in a tidal creek. Transactions of the American Fisheries Society 112:105–110.

Draft Document for Board Review. Not for Public comment.

Appendix I. Addendum IV (2014) Aquaculture Plan Provisions

States and jurisdictions may develop a Plan for aquaculture purposes. Under an approved Aquaculture Plan, states and jurisdictions may harvest a maximum of 200 pounds of glass eel annually from within their waters for use in domestic aquaculture facilities provided the state can objectively show the harvest will occur from a watershed that minimally contributes to the spawning stock of American eel. The request shall include: pounds requested; location, method, and dates of harvest; duration of requested harvest; prior approval of any applicable permits; description of the facility, including the capacity of the facility the glass eels will be held, and husbandry methods; description of the markets the eels will be distributed to; monitoring program to ensure harvest is not exceeded; and adequate enforcement capabilities penalties for violations. Approval of a request does not guarantee approval of a request in future years. Eels harvested under an approved Aquaculture Plan may not be sold until they reach the legal size in the jurisdiction of operations, unless otherwise specified.

All Plans are subject to TC and LEC review and Board approval. The Fishing Mortality Based Plan must be submitted by June 1st of the preceding fishing year in order to provide enough time for review for the upcoming fishing season. Transfer and Aquaculture Plans must be submitted by June 1st of the preceding fishing year and approval will be determined by the Board by September 1st. Plans will initially be valid for only one year. After the first year of implementation the TC will evaluate the program and provide recommendations to the Board on the overall impact of and adherence to the plan. If the proposed regulatory changes, habitat improvements, or harvest impact cannot be assessed one year post-implementation, then a secondary review must occur within three to five years post-implementation if the action is still ongoing. If states use habitat improvements and changes to that habitat occurs in subsequent years, the Commission must be notified through the annual compliance report and a review of the Plan may be initiated. Any requests that include a stocking provision would have to ensure stocked eels were certified disease free according to standards developed by the TC and approved by the Board.

Draft Document for Board Review. Not for Public comment.

Appendix II. Calculations for Option #5 Sub Options

The following calculations are done using North Carolina landings data from Table 2 as an example for Option 5 A: *Weighted average: 50 % of the time series (1998-2016) and 50% of the recent 10 years (2007-2016)*. Note that the same process is applied to Option 5B with a 5 year time series (2012-2016).

Step 1. Weighting Time Series Average Landings

A state's weighted time series average landings is calculated by multiplying the specified time series average by the weighting percentage (50% or 0.5) and the two time series average landings are then summed together through the following equation:

$$0.5 \times 19 \text{ year Time Series Average (1998-2016)} + 0.5 \times 10 \text{ year Time Series Average (2007-2016)} \\ = \\ \text{Weighting Time Series Average Landings}$$

$$0.5 \times \text{NC 19 yr Time Series Avg (75,621 pounds)} + 0.5 \times \text{NC 10 yr Time Series Avg (56,786 pounds)} \\ = \\ \text{North Carolina Weighted Time Series Average Landings is } \mathbf{66,203 \text{ pounds}}$$

Step 2. Solving for New Allocation Percentage

The state's new weighted time series average landings is then divided by the weighted total coastwide average landings to derive a state's new allocation percentage through the following equation:

$$\text{State Weighted Time Series Average Landings} / \text{Coastwide Weighted Time Series Average Landings} \\ = \\ \text{Allocation Percentage}$$

$$\text{North Carolina Weighted Avg (66,203 pounds)} / \text{Coastwide Weighted Avg (957,905 pounds)} \\ = \\ \text{North Carolina's Allocation Percentage is } \mathbf{6.911\%}$$

Step 3. Solving for New State Allocation in pounds

The state's new allocation percentage is then multiplied by the coastwide quota of 907,669 pounds (Addendum IV total coastwide quota) to derive the state's allocation in pounds through the following equation:

$$\text{State Allocation Percentage} \times \text{Addendum IV Total Coastwide Quota} = \text{New State Allocation}$$

$$\text{NC Allocation Percentage (6.911\%)} \times \text{Total Coastwide Quota (907,669 pounds)} \\ = \\ \text{North Carolina's new allocation for Option 5A under a coastwide Quota of 907, 669 pounds is } \mathbf{62,731 \text{ pounds}}$$



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

January 29, 2017

To: American eel Management Board
From: American eel Stock Assessment Subcommittee
RE: Questions regarding draft Addendum IV

Attendees: Matt Cieri (ME), Brad Chase (MA), Greg Hinks (NJ), Jeff Brust (NJ; SAS Chair), Keith Whiteford (MD), Laura Lee (NC), Troy Tuckey (VA), Sheila Eyler (USFWS)

Staff: Kirby Rootes-Murdy (ASMFC), Dr. Kristen Anstead (ASMFC), Heather Konell (ACCSP)

The Commission's American eel Stock Assessment Subcommittee (SAS) met on Wednesday January 24th to discuss questions posed by the American eel Allocation Working Group. The following questions were posed during the development of Draft Addendum V:

1. Provide feedback on the accuracy of the following statement:
American eels reach maturity at a younger age and smaller size in estuarine water than in fresh water (Clark 2009), and the 19-year time series of landings likely represents at least two generations (COSEWIC 2012) of estuarine yellow eels that have been exposed to the yellow eel fishery. Given the American eel's panmictic life history, if the fishery were causing a population decline, that population decline should be evident in all areas of its range, especially the areas of maximum exploitation.
2. In considering new proposed Coastwide Landings Cap above the status quo, what are the implications for the stock if the coastwide cap is set a different (higher) level than its current level of 907,671 pounds
3. In considering changes to the current Management Triggers, what is the impact to the resource if the current coastwide cap is exceeded by two current management triggers (1. 10% overage= harvest at or above 998,438 pounds in one year; 2. Any overage of 907,671 pounds for two consecutive years)
4. What type of guidance can the SAS/Technical Committee provide the Board in addressing overages of the Coastwide Cap?

Lastly, the group was also updated on the additional proposed management option related to allowance of pooling harvest for glass eels (up to 600 pounds) to use for domestic aquaculture by up to three contiguously bordered states and removal of the provision requiring states to objectively show that harvest would only occur from watersheds that minimally contribute to the spawning stock of American eel. The SAS's response to each of these items is below in corresponding order.

1. In considering the statement that '...Given the American eel's panmictic life history, if the fishery were causing a population decline, that population decline should be

evident in all areas of its range, especially the areas of maximum exploitation’the SAS members were in agreement that the statement is incorrect. The SAS members noted that stocks decline from the edges inward with continued high harvest in the center of the population although populations may be declining at the edges of the species range. This statement also does not consider how sex ratios and maturation varies latitudinally, which may be important for population persistence. The population also includes areas outside the U.S. and ASMFC jurisdiction, so the current ASMFC stock assessment is not necessarily indicative of population trends. The assessment also only tracks the trends in the estuary and not the freshwater areas (which are not sampled adequately). The stock is only “stable” in our fishing areas, and our assessment says that the stock is depleted. The current “no trend” in many surveys does not mean there is not information on those stocks, it just means that stocks are not increasing or decreasing and that should not be used as a justification for increasing quota.

The SAS recommends that the Technical Committee review the draft Addendum V before it is released for public comment in order to review for accuracy of statements.

2. In considering new proposed Coastwide Landings Cap above the status quo, what are the implications for the stock if the coastwide cap is set a different (higher) level than its current level of 907,671 pounds?

The SAS highlighted that none of the proposed options listed under issue 1 in Section 3.3 are a 12% reduction from the time series average as was suggested by Technical Committee in 2014 prior to the approval of Addendum IV. At the time, the TC noted that based on the 2012 Benchmark Stock Assessment- that called for reducing mortality across all life stages- 12% reduction from the baseline period of 1998-2010 (equal to approximately 798,751 pounds) was deemed as an acceptable precautionary approach for the implementation of a coastwide quota. The Board opted instead to set the coastwide cap at the baseline level of 907,671 pounds.

As the 2012 and 2017 Stock Assessment did not have an accepted peer reviewed analytical model to develop biological reference points, the SAS is not able to run projections to answer this question (i.e. stock status at different removal levels). However, harvest has remained relatively stable over time period of 1998-2016. This suggests that current harvest (mean or average of recent landings) will not allow for stock rebuilding, and it may not even guarantee that the stock will stay stable if reductions are not taken.

3. In considering changes to the current Management Triggers, what is the impact to the resource if the current coastwide cap is exceeded by two current management triggers (1. 10% overage= harvest at or above 998,438 pounds in one year; 2. Any overage of 907,671 pounds for two consecutive years)?

The SAS highlighted that the current stock assessment is not rigorous enough to answer that question, but given our current depleted status, exceeding the Coastwide Cap by any

meaningful amount will hamper rebuilding and reduce the stocks ability to expand. The SAS has never been given direction by the Board on what condition of the stock they would like to manage for. It is not clear if the Board would like to maintain current status or try to rebuild. If rebuilding is desired, then we would need to be instructed by how much and over what time frame, as well as a risk tolerance. However, it would be difficult for the SAS to recommend harvest levels without reference points for the fishery.

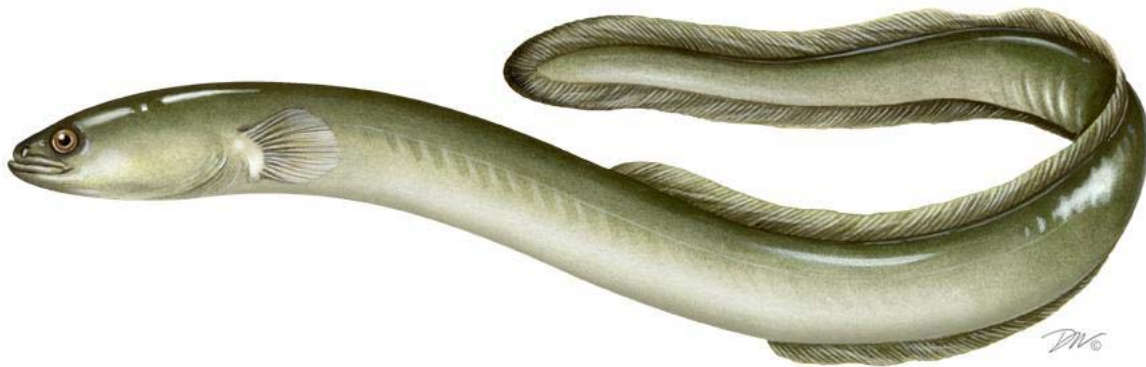
The SAS wishes to communicate the following overarching statement to the Board: Stock status has not changed from last update but is at historically low levels. Any liberalization of the Coastwide Cap will not promote rebuilding, and may lead to a population decline. The SAS is seeking a more clear management goals (rebuilding or maintaining current biomass) to better assess the questions being posed to us.

4. What type of guidance can the SAS/Technical Committee provide the Board in addressing overages of the Coastwide Cap?

The SAS members were in agreement on the call that this is an allocation issue and not a biological or population issue that the SAS can address. Decision on this issue may relate to rebuilding targets if the Board intends to rebuild the stock. Other options for harvest reduction could be completed by effort reduction (season, bag/possession limits, etc.), but the SAS does not have a firm recommendation.

2017 REVIEW OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
FISHERY MANAGEMENT PLAN FOR
AMERICAN EEL
(Anguilla rostrata)

2016 FISHING YEAR



Prepared by the American Eel Plan Review Team
January 2018

**2017 REVIEW OF THE ASMFC FISHERY MANAGEMENT PLAN FOR
AMERICAN EEL
(*Anguilla rostrata*)**

I. Status of the Fishery Management Plan

<u>Date of FMP approval:</u>	November 1999
<u>Addenda:</u>	Addendum I (February 2006) Addendum II (October 2008) Addendum III (August 2013) Addendum IV (October 2014)
<u>Management unit:</u>	Migratory stocks of American Eel from Maine through Florida
<u>States with a declared interest:</u>	Maine through Florida, including the District of Columbia and the Potomac River Fisheries Commission
<u>Active committees:</u>	American Eel Management Board, Plan Review Team, Technical Committee, Stock Assessment Subcommittee, and Advisory Panel

The ASMFC American Eel Management Board first convened in November 1995 and finalized the Fishery Management Plan (FMP) for American Eel in November 1999 (ASMFC 2000). The goal of the FMP is to conserve and protect the American eel resource to ensure ecological stability while providing for sustainable fisheries. In support of this goal, the following objectives are included:

The FMP requires all states and jurisdictions to implement an annual young-of-year (YOY) abundance survey to monitor annual recruitment of each year's cohort. In addition, the FMP requires a minimum recreational size, a possession limit and a state license for recreational fishermen to sell eels. The FMP requires that states and jurisdictions maintain existing or more conservative American eel commercial fishery regulations for all life stages, including minimum size limits. Each state is responsible for implementing management measures within its jurisdiction to ensure the sustainability of its American eel population.

In August 2005, the American Eel Management Board directed the American Eel Plan Development Team (PDT) to initiate an addendum to establish a mandatory catch and effort monitoring program for American eel. The Board approved Addendum I at the February 2006 Board meeting.

In January 2007, the Management Board initiated a draft addendum with the goal of increasing escapement of silver eels to spawning grounds. In October 2008, the Management Board approved Addendum II, which placed increased emphasis on improving the upstream and downstream passage of American eel. The Management Board chose to delay action on management measures in order to incorporate the results of the 2012 stock assessment.

In August 2012, the Management Board initiated Draft Addendum III with the goal of reducing mortality on all life stages of American eel. The Addendum was initiated in response to the findings of the 2012 Benchmark Stock Assessment, which declared American eel stock along the US East Coast depleted. The Management Board approved Addendum III in August 2013.

Addendum III requires states to reduce the yellow eel recreational possession limit to 25 eel/person/day, with the option to allow an exception of 50 eel/person/day for party/charter employees for bait purposes. The recreational and commercial size limit increased to a minimum of 9". Eel pots are required to be ½" by ½" minimum mesh size or have at least a 4" by 4" escape panel of ½" by ½" mesh escape panel. The glass eel fishery is required to implement a maximum tolerance of 25 pigmented eels per pound of glass eel catch. The silver eel fishery is prohibited to take eels from September 1st to December 31st from any gear type other than baited traps/pots or spears. The Addendum also set minimum monitoring standards for states and required dealer and harvester reporting in the commercial fishery.

In October 2014, the Board approved Addendum IV. This addendum was also initiated in response to the 2012 American Eel Benchmark Stock Assessment and the need to reduce mortality on all life stages. The Addendum established a coastwide cap of 907,671 pounds of yellow eel, reduced Maine's glass eel quota to 9,688 pounds (2014 landings), and allowed for the continuation of New York's silver eel weir fishery in the Delaware River. For yellow eel fisheries, the coastwide cap was implemented for the 2015 fishing year and established two management triggers: (1) if the cap is exceeded by more than 10% in a given year, or (2) the cap is exceeded for two consecutive years regardless of the percent overage. If either one of the triggers are met, then states would implement state-specific allocation based on average landings from 2011-2013. The addendum also requires any state or jurisdiction with a commercial glass eel fishery to implement a fishery independent life cycle survey covering glass, yellow, and silver eels within at least one river system.

In October 2017, the Board initiated draft Addendum V. The draft Addendum will explore new management options for provisions included in Addendum IV, specifically the coastwide cap, the management triggers, and state by state allocations for the yellow eel fishery as well as Maine's glass eel quota. The Board will take final action on the document in 2018.

II. Status of the Stock

In 2009, the Management Board initiated a benchmark stock assessment. After reviewing over 100 surveys and studies, the American Eel Stock Assessment Subcommittee (SAS) selected 19 YOY surveys and 15 yellow eel surveys along the East Coast for use as indices of abundance in the assessment. Despite the large number of surveys and studies available for use, the American eel stock is still considered data-poor because very few surveys target eels and collect information on length, age, and sex of the animals caught. Additionally, eels have an extremely complex life history that is difficult to describe using traditional stock assessment models. Therefore, several data-poor methods were used to assess the American eel resource.

The first set of analyses (trend analyses) aimed to determine if there was a statistically significant trend in the fishery-independent survey data and whether or not there was evidence for significant trends on the regional and coastwide scales. The second approach involved a Depletion-Based Stock Reduction Analysis (DB-SRA) model, which uses trends in historical catch to estimate biomass trends and maximum sustainable yield. Both the trend analyses and DB-SRA results indicated that the American eel stock declined in recent decades, and the prevalence of significant downward trends in multiple surveys across the coast is cause for concern. Therefore, the stock status for American eels is depleted, although overfishing and overfished status in relation to the reference points could not be determined with confidence. The benchmark stock assessment was peer reviewed in March 2012 and was approved for management use in May 2012 (ASMFC 2012).

In 2003, declarations from the International Eel Symposium (AFS 2003, Quebec City, Quebec, Canada) and the Great Lakes Fisheries Commission (GLFC) highlighted concerns regarding the health of eel stocks worldwide. In 2010, the Canada Department of Fisheries and Oceans (DFO) conducted a stock assessment on American eels in Canadian waters and found that region-specific status indices show that abundance is very low in comparison to levels in the 1980s for the Lake Ontario and upper St. Lawrence River stock, and is either unchanged or increasing in the Atlantic Provinces.

The 2017 American Eel Stock Assessment Update updates the 2012 American Eel Benchmark Stock Assessment with data from 2010-2016. The trend analysis results in this stock assessment update are consistent with the 2012 results, with few exceptions. Despite downward trends in the indices, commercial yellow American eel landings have been stable in recent decades along the Atlantic coast (U.S. and Canada), although landings still remain much lower than historical landings. The trend analysis and stable low landings support the Assessment Update's conclusion that the American eel population in the assessment range is similar to five years ago and remains depleted. Therefore, the resource is considered depleted and no stock status specific to overfishing determination can be made based on the trend analyses performed (ASMFC 2017).

III. Status of the Fishery

American eel currently support commercial fisheries throughout their range in North America, with significant fisheries occurring in the US Mid-Atlantic region and Canada. These fisheries are executed in riverine, estuarine, and ocean waters. In the US, commercial fisheries for glass eel/elvers exist in Maine and South Carolina and a silver eel weir fishery exists in New York's Delaware River, whereas yellow eel fisheries exist in all states and jurisdictions with the exception of Pennsylvania and the District of Columbia.

Although eel have been continuously harvested, consistent data on harvest are often not available. Harvest data from the Atlantic coastal states (Maine to Florida) indicate that the harvest fluctuated widely between 1970 and 1980, but showed an increasing trend that peaked

in 1979 at 3,951,936 pounds. Harvest has declined since then, with the lowest harvest of 641,225 pounds occurring in 2002. Because fishing effort data are unavailable for the entire time series, finding a correlation between population numbers and landings data is difficult.

Commercial

Please Note: Landings information for the following section are from state compliance reports. The states are working with ACCSP to provide updated and correct landings information; as such, some of the information below may not reflect updated landings information.

Commercial landings have decreased from a high of 3.95 million pounds in 1979 to a low of 641,000 pounds in 2002, and have only recently begun to exceed one million pounds. State reported landings of yellow/silver eels in 2016 totaled 937,346 pounds¹ (Table 1), which represents an 8.4% increase in landings from 2015 (865,070 pounds). Yellow eel landings increased in seven states and jurisdictions, while decreasing in six others. In 2016, state reported landings from Maryland and Virginia together accounted for 72% of the coastwide commercial total landings. Landings of glass eels were reported from Maine and South Carolina, totaling 9,399.61 pounds.

Table 1. 2016 Commercial Landings by State and Life Stage¹

	State Reported	
	Glass	Yellow
Maine	9,399.61	4166
New Hampshire	No Fishery	0
Massachusetts	No Fishery	1,705
Rhode Island	No Fishery	2,651
Connecticut	No Fishery	266
New York	No Fishery	36,371
New Jersey	No Fishery	67,422
Pennsylvania	No Fishery	No Fishery
Delaware	No Fishery	44,398
Maryland	No Fishery	583,578
D.C.	No Fishery	No Fishery
PRFC	No Fishery	58,223
Virginia	No Fishery	96,336
North Carolina	No Fishery	39,911
South Carolina	Confidential (<750 pounds)	0
Georgia	No Fishery	Confidential

¹ Harvest data for 2016 comes from the 2017 State Compliance Reports.

Florida	Glass: 0 Elver: 0	6,034
Total	Glass: 9,399.61 Elver: 0	937,346

Table 2. State commercial regulations for the 2016 fishing year.*

State	Min Size Limit	License/Permit	Other
ME	Glass No minimum size	Daily dealer reports/swipe card program; monthly harvester report of daily landings. Tribal permit system in place for some Native American groups.	The harvester license lottery was previously suspended by the Legislature for improvements, but will be reinstated for 2018 fishing season.
	Yellow 9"	Harvester/dealer license and monthly reporting. Tribal permit system in place for some Native American groups.	Seasonal closures. Gear restrictions. Weekly closures.
NH	9"	Commercial saltwater license and wholesaler license. No dealer reports. Monthly harvester reporting includes dealer information.	Gear restrictions in freshwater.
MA	9"	Commercial permit with annual catch report requirement. Registration for dealers with purchase record requirement. Dealer/harvester reporting.	Traps, pots, spears, and angling only. Mesh restrictions.
RI	9"	Commercial fishing license. Dealer/harvester reporting.	Seasonal gear restrictions.
CT	9"	Commercial license (not required for personal use). Dealer/harvester reporting.	Gear restrictions.
NY	9"	Harvester/dealer license and monthly reporting.	Gear restrictions. Maximum limit of 14" in some rivers.

State	Min Size Limit	License/Permit	Other
NJ	9"	License required. No dealer reports. Monthly harvester reporting includes dealer information.	Gear restrictions.
PA	NO COMMERCIAL FISHERY		
DE	9"	Harvester reporting, no dealer reporting. License required.	Commercial fishing in tidal waters only. Gear restrictions.
MD	9"	Dealer/harvester license and monthly reporting.	Prohibited in non-tidal waters. Gear restrictions. Commercial crabbers may fish 50 pots per day, must submit catch reports.
DC	NO COMMERCIAL FISHERY		
PRFC	9"	Harvester license and reporting. No dealer reporting.	Seasonal gear restrictions. Mesh size restrictions on eel pots.
VA	9"	Harvester license required. Dealer/harvester monthly reporting.	Mesh size restrictions on eel pots. Seasonal closures.
NC	9"	Standard Commercial Fishing License for all commercial fishing. Dealer/harvester monthly combined reports on trip ticket.	Mesh size restrictions on eel pots. Seasonal closures.
SC	Glass No minimum size	Fyke and dip net only permitted. Dealer/harvester monthly combined reports on trip ticket. License required.	Max 10 individuals. Gear and area restrictions.
	Yellow 9"	Pots and traps permitted only. Dealer/harvester monthly combined reports on trip ticket. License required.	Gear restrictions.
GA	9"	Personal commercial fishing license and commercial fishing boat license. Dealer/harvester monthly combined reports on trip ticket.	Gear restrictions on traps and pots. Area restrictions.
FL	9"	Permits and licenses. Harvester reporting. No dealer reporting.	Gear restrictions.

* For specifics on licenses, gear restrictions, and area restrictions, please contact the individual state.

Recreational

Available information indicates that few recreational anglers directly target American eel. For the most part, hook-and-line fishermen catch eel incidentally when fishing for other species. American eel are often purchased by recreational fishermen for use as bait for larger gamefish such as striped bass, and some recreational fishermen may catch their own to use as bait.

The National Marine Fisheries Service (NMFS) Marine Recreational Information Program (MRIP, formerly the Marine Recreational Fisheries Statistics Survey) shows a declining trend in the catch of eel during the latter part of the 1990s. As of 2009, recreational data are no longer provided for American eel, due to the unreliable design of MRIP that focuses on active fishing sites along coastal and estuarine areas.

Table 3. State recreational regulations for the 2016 fishing year.*

State	Size Limit	Possession Limit	Other
ME	9"	25 eels/person/day	Gear restrictions. License requirement and seasonal closures (inland waters only). Bait limit of 50 eels/day for party/charter boat captain and crew.
NH	9"	25 eels/person/day	Coastal harvest permit needed if taking eels other than by angling. Gear restrictions in freshwater.
MA	9"	25 eels/person/day	Nets, pots, traps, spears, and angling only; seasonal gear restrictions and mesh requirements. Bait limit of 50 eels/day for party/charter boat captain and crew.
RI	9"	25 eels/person/day	Bait limit of 50 eels/day for party/charter boat captain and crew.
CT	9"	25 eels/person/day	
NY	9"	25 eels/person/day	Maximum limit of 14" in some rivers. Bait limit of 50 eels/day for party/charter boat captain and crew.
NJ	9"	25 eels/person/day	Bait limit of 50 eels/day for party/charter boat captain and crew. Mesh size restriction on pots.
PA	9"	25 eels/person/day	Gear restrictions.
DE	9"	25 eels/person/day	Two pot limit/person.
MD	9"	25 eels/person/day	Gear restrictions.
DC	9"	10 eels/person/day	
PRFC	9"	25 eels/person/day	

VA	9"	25 eels/person/day	Recreational license. Two pot limit. Mandatory monthly catch report. Gear restrictions. Bait limit of 50 eels/day for party/charter boat captain and crew.
NC	9"	25 eels/person/day	Gear restrictions. Non-commercial special device license. Two eel pots allowed under Recreational Commercial Gear license. Bait limit of 50 eels/day for party/charter boat captain and crew.
SC	9"	25 eels/person/day	Gear restrictions. Permits and licenses. Two pot limit.
GA	9"	25 eels/person/day	
FL	9"	25 eels/person/day	Gear restrictions. Wholesale/retail purchase exemption applies to possession limit for bait.

* For specifics on licenses, gear restrictions, and area restrictions, please contact the individual state.

IV. Status of Research and Monitoring

The FMP requires states and jurisdictions with a declared interest in the species to conduct an annual YOY survey to monitor annual recruitment of each year's cohort. In 2015, the states of Maine (West Harbor Pond), New Hampshire (Lamprey River), New Jersey (Patcong Creek), Delaware (Millsboro Pond), and Maryland (Turville Creek) had above average YOY counts. The 2016 catch at Maine's West Harbor Pond site was the third largest catch on record. The 2016 catch at New Hampshire's Lamprey River site was similarly the third highest in the time series. The 2016 catch at New Jersey's Patcong Creek site was the sixth highest in the 15 year time series. The 2016 catch at Delaware's Millsboro Pond was the sixth highest in the 17 year time series. The 2016 CPUE at Maryland's Irish elver ramp on Turville Creek was above average. All other states with YOY surveys (Massachusetts-New York, PRFC, South Carolina, and Florida) had below average survey counts. Pennsylvania, D.C., North Carolina, and Georgia do not have YOY surveys, but instead have yellow eel surveys. The results from Virginia's YOY surveys are forthcoming. North Carolina is relying solely on NOAA's Beaufort Bridgenet Ichthyoplankton Sampling Program (BBISP) to develop a YOY abundance index for American eel. The program is currently backlogged, but sampling is continuing and funds have been secured to process the newly generated backlog, as well as samples through 2019. New Jersey additionally developed and implemented a fishery-independent eel pot survey to collect abundance data of yellow American eels within nursery grounds. This survey, which began in 2015, supplements the current glass eel survey by sampling more life stages and will allow biologists to collect additional biological samples (age-length-weight data).

As required by Addendum IV, Maine initiated a fishery independent life cycle survey covering glass, yellow, and silver eels within at least one river system in 2016.

North Carolina's aquaculture plan for an American Eel Farm was approved for 2016, and they were given a quota of 200 pounds of glass eel, though they caught 0 pounds in the 2016 fishery.

The FMP does not require any other research initiatives in participating states and jurisdictions. Nonetheless, the American Eel TC has identified several research topics to further understanding of the species' life history, behavior, and biology. Research needs for American eel include:

High Priority

- Accurately document the commercial eel fishery to understand participation in the fishery and the amount of directed effort.
- Investigate, develop, and improve technologies for American eel passage upstream and downstream at various barriers for each life stage. In particular, investigate low-cost alternatives to traditional fishway designs for passage of eel.
- Formulate a coastwide sampling program for yellow and silver American eels using standardized and statistically robust methodologies.
- Conduct regular periodic stock assessments and establish sustainable reference points for eel to develop a sustainable harvest rate and to determine whether the population is stable, decreasing, or increasing.
- Research the effects of the swim bladder parasite *Anguillacolla crassus* on the American eel's growth and maturation, migration to the Sargasso Sea, and spawning potential.
- Evaluate the impact, both upstream and downstream, of barriers to eel movement with respect to population and distribution effects. Determine relative contribution of historic loss of habitat to potential eel population and reproductive capacity.

Medium Priority

- Investigate survival and mortality rates of different life stages (leptocephalus, glass eel, yellow eel, and silver eel) to assist in the assessment of annual recruitment. Continuing and initiating new tagging programs with individual states could aid such research.
- Tagging Programs: A number of issues could be addressed with a properly designed tagging program. These include:
 - Natural, fishing, and/or discard mortality; survival
 - Growth
 - Validation of aging method(s)
 - Reporting rates
 - Tag shedding or tag attrition rate
- Research contaminant effects on eel and the effects of bioaccumulation with respect to impacts on survival and growth (by age) and effect on maturation and reproductive success.
- Investigate fecundity, length, and weight relationships for females throughout their range; growth rates for males and females throughout their range; predator-prey relationships; behavior and movement of eel during their freshwater residency; oceanic behavior, movement, and spawning location of adult mature eel; and all information on

the leptocephalus stage of eel.

- Assess characteristics and distribution of eel habitat and the value of habitat with respect to growth and sex determination.
- Identify triggering mechanism for metamorphosis to mature adult, the silver eel life stage, with specific emphasis on the size and age of the onset of maturity, by sex. A maturity schedule (proportion mature by size or age) would be extremely useful in combination with migration rates.

Low Priority

- Perform economics studies to determine the value of the fishery and the impact of regulatory management.
- Review the historic participation level of subsistence fishers in wildlife management planning and relevant issues brought forth with respect to those subsistence fishers involved with American eel.
- Examine the mechanisms for exit from the Sargasso Sea and transport across the continental shelf.
- Research mechanisms of recognition of the spawning area by silver eel, mate location in the Sargasso Sea, spawning behavior, and gonadal development in maturation.
- Examine age at entry of glass eel into estuaries and fresh waters.
- Examine migratory routes and guidance mechanisms for silver eel in the ocean.
- Investigate the degree of dependence on the American eel resource by subsistence harvesters (e.g., Native American Tribes, Asian and European ethnic groups).
- Examine the mode of nutrition for leptocephalus in the ocean.
- Provide analysis of food habits of glass eel while at sea.

V. Status of Management Measures and Issues

The FMP required that all states and jurisdictions implement an annual YOY abundance survey by 2001 in order to monitor annual recruitment of each year's cohort. Addendum III requires a 9 inch minimum size restriction in the commercial and recreational yellow eel fisheries, as well as the use of ½ by ½ mesh in the commercial yellow eel pot fishery. The recreational bag limit is 25 fish/angler/day, and the silver eel fishery is restricted, as is the development of pigmented eel fisheries.

Proposed Endangered Species Act Listing of American Eel

The US Fish and Wildlife Service (USFWS) reviewed the status of American eel in 2007 and found that, at that time, protection under the Endangered Species Act was not warranted. American eel was later petitioned for listing as threatened under the Endangered Species Act (ESA) in April 2010 by the Center for Environmental Science, Accuracy, and Reliability (CESAR, formally the Council for Endangered Species Act Reliability). The USFWS published a positive 90 day finding on the petition in September 2011, acknowledging that the petition may be warranted and that a status review would be conducted. CESAR filed a lawsuit in August 2012 against the USFWS for failure to comply with the statutes of the ESA, which specifies a proposed rule based on the status

review be published within one year of the receipt of the petition. A Settlement Agreement was approved by the court in April 2013, which required the USFWS to publish a 12-month finding by September 30, 2015. In the published finding, the USFWS determined that a listing under the ESA was not warranted.

VI. Current State-by-State Implementation of FMP Compliance Requirements

The PRT reviewed the state compliance reports for 2015. The PRT notes the following changes with states implementing the required provisions of the American Eel Fishery Management Plan:

Silver Eel Fishery Measures:

- Florida does not have a regulation preventing harvest of eels from pound nets from September 1 through December 31, but the state is unaware of any active pound net fishery in the past 10-15 years.

Reporting Measures:

- New Hampshire and New Jersey do not have dealer reporting, but harvesters report some information on dealers. Delaware, the Potomac River Fisheries Commission, and Florida do not have dealer reporting.

In addition to the monitoring program changes implemented with Addendum III and Addendum IV, the following changes were made to the YOY survey in 2016:

- Maine – The state initiated the required eel life cycle study in 2016.
- New Hampshire – An Irish elver trap was installed on the Lamprey River and a box trap was installed on the Oyster river in order to expand the YOY monitoring program. Sampling occurred on the Oysters River in 2014, 2015, and 2016, and on the Lamprey River since 2001.
- Maryland – Trap functionality and efficiency has been affected at Maryland’s Bishopville prong by the removal of the Bishopville dam in 2014. Maryland made several modifications to traps at the site in 2016, including the addition of both an attraction sprayer and a second intake hose, but observed limited success.
- South Carolina – The state transitioned to using eel ramps for the 2016 survey, as opposed to the stake fyke-net gear used in previous years.

Section 4.4.2 of the FMP stipulates that states may apply for *de minimis* status for each life stage if (given the availability of data), for the preceding two years, their average commercial landings (by weight) of that life stage constitute less than 1% of the coastwide commercial landings for that life stage for the same two-year period. States meeting this criterion are exempted from having to adopt commercial and recreational fishery regulations for a particular life stage listed in Section 4 and any fishery-dependent monitoring elements for that life stage listed in Section 3.4.1.

Qualification for *de minimis* is determined from state-reported landings found in compliance

reports. In 2016, New Hampshire, Massachusetts, Pennsylvania, South Carolina, Georgia, and Florida requested *de minimis* status for their yellow eel fisheries. All states that applied for *de minimis* of the yellow eel fishery meet the *de minimis* criteria. The state of South Carolina additionally requested *de minimis* status for its glass eel fishery, but does not meet the 1% landings criteria for this life stage.

The District of Columbia has traditionally been granted *de minimis* status in this fishery; however, D.C. has not submitted a compliance report for 2016. While there is no active fishery for American eel, D.C. conducts a yellow eel survey each year, and the survey results need to be passed on the Stock Assessment Subcommittee.

VII. Recommendations/Findings of the Plan Review Team

1. The PRT recommends the Board consider state compliance issues as detailed in Section VI.
2. The PRT recommends *de minimis* be granted to New Hampshire, Massachusetts, Pennsylvania, South Carolina, Georgia, and Florida for their yellow eel fisheries.
3. The PRT requests that the Board reevaluate the requirement that states provide estimates of the percent of harvest going to food versus bait, as there is a high level of uncertainty and subjectivity inherent in the data.
4. The PRT requests that states work with the law enforcement agencies to include information on any confiscated poundage from illegal or undocumented fisheries, and that the Board continue to encourage interstate enforcement actions with regards to poaching, due to the broad geographic scale at which the issue occurs.
5. The PRT requests that New York separate its yellow and silver eel landings, if possible, when reporting harvest.
6. The PRT recommends the Board investigate whether North Carolina's American Eel Farm source its glass eels solely from North Carolina waters, as a recent article in the Outer Banks Times indicated the Farm was importing eel from nearby states.
7. The PRT requests that states quantify upstream and downstream passage at blockages, if possible, and provide the information to the Technical Committee for evaluation.

VIII. Works Cited

Atlantic States Marine Fisheries Commission (ASMFC). 1998. Interstate Fishery Management Plan for American Eel (*Anguilla rostrata*). Washington D.C. NOAA Oceanic and Atmospheric Administration Award No. NA97 FGO 0034 and NA07 FGO 024.

Atlantic States Marine Fisheries Commission (ASMFC). 2012. American Eel Benchmark Stock Assessment. Arlington, VA.

Atlantic States Marine Fisheries Commission (ASMFC). 2017. American Eel Stock Assessment Update. Arlington, VA.

ACCSP Update – February, 2018

Funding Process

- Eight Maintenance Projects Approved
 - Last year of full funding for extant maintenance projects
- Three New Projects Approved
 - Voice Recognition for trip data collection
 - New approach for Black Sea Bass Data Collection
 - Create SAFIS data feed for SC data system
 - Possibly universal applicability for Bluefin VESL tool

Data Collection

- Preparing for For-Hire Mid-Atlantic and South-East mandatory reporting
 - Completing final adjustments to Etrips/Mobile and On-line tools
 - Additional work needed on data exchange to SE systems
 - Participating in training of harvesters
 - Beginning process of integrating data in to effort/catch estimates
 - Working with MRIP to get SC project methodology approved

Data Dissemination

- Preliminary data for 2017 in process
 - Working with agencies to get data (due March 9)
- Planning to meet with NRCC to work our realistic deadlines and expectations.
- Revised query tool up and running, some adjustments will continue to be made
- New coast-wide confidentiality policy agreed to, system will reflect in the near future
- Support for Stock Assessments
 - Striped Bass,
 - Horseshoe Crab,
 - Atlantic Menhaden,
 - Shad,
 - Lobster

APAIS

- Project achieved fiscal efficiencies in 2016-2017 with some states under budget
- 2017 Interviews realized 9% increase over 2016 (61,400 in 2017, 56,100 in 2016)
- 2017 Social-Economic Survey successful (75% of intercepts completed SEAS)
- 2018 preparations complete
 - NOAA Launched online Vessel Directory
 - NC sampling in progress
 - 3 APAIS regional trainings scheduled (Feb & March)



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

TO: Executive Committee 1/24/18
FROM: Bob Beal
RE: ASMFC Officer Nomination Process

Attached please find the ASMFC Leadership Nomination and Election Process which was developed in 2009 and has guided our nomination and election process since then. The process spells out that all Commissioners should be contacted to solicit recommendations for nominees – but it does not give guidance for how that should happen.

The Nomination and Election Process does not define the eligibility criteria for who can serve as an officer. Traditionally only active Commissioners have served as the Chair or Vice Chair. While occasionally a Governors' Appointee has become an officer, it was the prevailing opinion amongst Commissioners that serving as an officer is a significant time commitment, and it seemed that this work was best done by an Administrative Commissioner since they work in fisheries management day in and day out. Governors' Appointee and Legislative Appointees are eligible to be officers. Heretofore proxies have not been deemed eligible to serve as officers.

The Commission's Compact/ Rules and Regulations addresses officers as follows:

ARTICLE V

The Commission shall elect from its number a Chair and a Vice Chair and shall appoint, at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation.

Issue 1. What is the appropriate approach to contact Commissioners for nominations?

1. A member of the Nominating Committee shall contact each Commissioner directly (via phone or email)
2. A member of the Nominating Committee will contact the Administrative Commissioner from each state and request they communicate with the States' L/GA Commissioners.

Issue 2. Who should be eligible to serve as an officer?

1. Only Commissioners are eligible (no proxies) to serve as an Officer.
2. Commissioners and Ongoing Proxies are eligible to serve as Officers. However the appointing Commissioner must agree to the eligibility of a proxy.
3. Commissioners and Ongoing Proxies are eligible to serve as Officers.

*Atlantic States Marine Fisheries Commission
1444 E e Street, N , 6th Floor
ashington, D.C. 20005
202 289-6400 hone
202 289-6051 ax*

MEMORANDUM

6 October 2009

TO: ASMFC Commissioners
FROM: John V. O'Shea, Executive Director
SUBJ: ASMFC LEADERSHIP NOMINATION AND ELECTION PROCESS

Attached please find the guidance document detailing the Commission's nomination and election process for Chair and Vice-Chair. This document reflects the decisions made by the Commission at the Spring and Summer Meetings earlier this year. This process will be used for the nomination and election of Commission leadership at the 2009 Annual Meeting and in future years unless modified by the Commission.

During the Business Session at the Summer Meeting, there was a discussion as to whether Commissioners should be allowed to vote independently for Commission Chair and Vice-Chair. This would be a change from the current one vote per state process. The Commission agreed there was not sufficient time to amend the Rules and Regulations for this year's election.

The Commission tasked staff with investigating what changes would need to be made to Commission guidance documents should the Commission decide to revise their current voting procedures. Staff will report the findings at the Annual Meeting.

Enclosure: ASMFC Leadership Nomination and Election Process

M09-105

ASMFC Leadership Nomination and Election Process

September 18, 2009

Term Limits – The current annual election process and practice of a two-year term should be maintained when possible. The two-year term could be extended or shortened to accommodate circumstances with the leadership and Commission membership.

Regional Rotation of Leadership – The practice of having the chair and vice-chair rotate between the north, mid-Atlantic, and south should be maintained when possible. However, this practice should not be followed at the expense of electing the most qualified leadership.

Membership of Nominating Committee – The current three-member Nominating Committee will be maintained. The membership will generally consist of one Commissioner from the north, mid-Atlantic, and south and will be appointed annually by the Chair.

Role of Nominating Committee Prior to Election

- Contact all Commissioners to solicit recommendations for nominees.
- Follow-up on Commissioner recommendations to gauge the individual's interest in being included as a nominee.
- Develop separate ballots for chair and vice-chair based on input from Commissioners. A ballot will be prepared even if there is only one nominee in order to provide the opportunity to write-in a candidate.

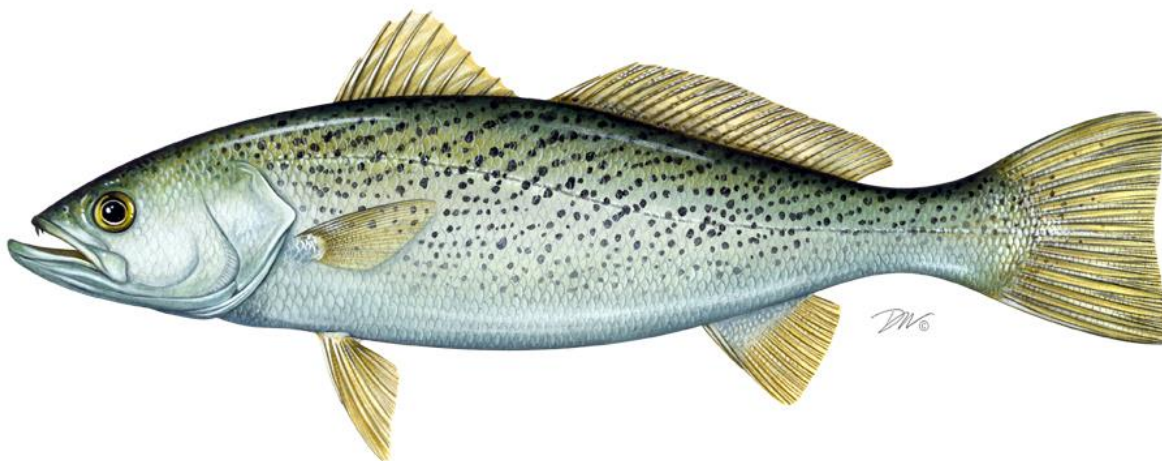
Election Process

- Ballots will be distributed to state delegations at the Commission Business Session when the election is held (usually at the Annual Meeting).
- Each state delegation will receive one ballot and cast one vote based on the result of the Commissioner caucus from that state.
- State delegations may identify a write-in candidate. States should verify the interest of their candidate before submitting his or her name on the ballot.
- In the event that more than two candidates receive votes for either Chair or Vice-Chair, a run-off will be conducted between the two candidates that received the most votes.
- In the event of a tie, a vote will be retaken until there is a majority winner.
- The Nominations Committee will tally the votes and report the results to the Commission after each vote.

**2017 REVIEW OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
FISHERY MANAGEMENT PLAN FOR**

**WEAKFISH
(*Cynoscion regalis*)**

2016 FISHING YEAR



Weakfish Plan Review Team

Sydney Alhale, Virginia Marine Resources Commission
Wilson Laney, United States Fish and Wildlife Service
Erin Levesque, South Carolina Department of Natural Resources
Michael Schmidtke, Atlantic States Marine Fisheries Commission, Chair

2017 WEAKFISH FMP REVIEW

Tables of Contents

I. Status of the Fishery Management Plan 1

II. Status of the Stock..... 2

III. Status of the Fishery..... 2

IV. Status of Assessment Advice 4

V. Status of Research and Monitoring..... 5

VI. Status of Management Measures and Issues 5

VII. Implementation of FMP Compliance Requirements for 2016 7

VIII. Recommendations of the Plan Review Team 8

IX. References 9

X. Tables..... 11

XI. Figures 11

2017 WEAKFISH FMP REVIEW

I. Status of the Fishery Management Plan

The Atlantic States Marine Fisheries Commission (Commission) adopted its first Fishery Management Plan (FMP) for Weakfish in 1985. Amendment 1 to the FMP (1992) unsuccessfully aimed to improve the status of Weakfish. Amendment 2 (1995) resulted in some improvement to the stock, but several signs indicated that further improvement was necessary. Thus, Amendment 3 (1996) was implemented to increase the sustainability of the fishery. Addendum I to Amendment 3 was approved in 2000 in order to extend the management program until the next amendment was implemented.

Amendment 4, approved in 2002, strives to establish two goals. One is the utilization of interstate management so that Atlantic coastal weakfish recover to healthy levels that will maintain commercial and recreational harvest consistent with a self-sustaining spawning stock. The second goal is to provide for restoration and maintenance of essential habitat (ASMFC 2002). The management objectives are to:

- 1) establish and maintain an overfishing definition which includes target and threshold fishing mortality rates and a threshold spawning stock biomass in order to prevent overfishing and to maintain a sustainable weakfish population;
- 2) restore the weakfish age and size structure to that necessary for the restoration of the fishery;
- 3) return weakfish to their previous geographic range;
- 4) achieve compatible and equitable management measures among jurisdictions throughout the fishery management unit, including states' waters and the federal EEZ;
- 5) promote cooperative interstate research, monitoring, and law enforcement necessary to support management of weakfish;
- 6) promote identification and conservation of habitat essential for the long term stability in the weakfish population; and
- 7) establish standards and procedures for both the implementation of Amendment 4 and for determination of states' compliance with provisions of the management plan.

Amendment 4 established target and threshold fishing mortality rates and a threshold spawning stock biomass level to determine overfishing and overfished stock status. The amendment requires states to implement recreational and commercial management measures to achieve annual fishing mortality targets. Some management measures are specified (e.g., minimum size limit, minimum mesh size, bycatch limit), while the Amendment provides the states flexibility in implementing other regulations (e.g., trip limits, area or season closures). States may request implementation of alternative management plans with conservationally equivalent measures. States deemed to have insignificant landings were exempt from the recreational and commercial requirements, with the exception of the bycatch reduction device requirements.

The Commission adopted Addendum I to Amendment 4 (2005) to replace the biological sampling program in Section 3.0 of Amendment 4. In response to a significant decline in stock abundance and increasing total mortality since 1999, the Commission approved Addendum II to Amendment 4 (2007) to reduce the recreational creel limit and commercial bycatch limit, and set landings levels that when met will trigger a re-evaluation of management measures. Addendum III to

2017 WEAKFISH FMP REVIEW

Amendment 4 (2007) altered the bycatch reduction device certification requirements in Section 4.2.8 of Amendment 4 for consistency with the South Atlantic Fishery Management Council's Shrimp FMP. The Commission approved Addendum IV to Amendment 4 in 2009 to respond to the results of the 2009 benchmark stock assessment (additional information is provided in Section VI. Status of Management Measures and Issues).

Weakfish are managed under this plan as a single stock throughout their coastal range. All Atlantic coast states from Massachusetts through Florida and the Potomac River Fisheries Commission have a declared interest in weakfish, as do FWS and NMFS; Maine, New Hampshire, Pennsylvania, and the District of Columbia do not. See Table 1 for a summary of state-by-state regulations in 2015.

II. Status of the Stock

According to the last stock assessment, completed in 2016, the weakfish stock is depleted and overfishing is not occurring (ASMFC 2016). While overfishing has not occurred in recent years, harvest was reduced by an estimated 60% in Addendum IV to reduce additional mortality from fishing and poise the stock for a quicker recovery should natural mortality decline.

Between 1986 and 1993, spawning stock biomass (SSB) declined drastically from 48.5 million pounds (the time series maximum) to 16.0 million pounds (Figure 1). Overfishing was the main cause of this decline, with fishing mortality (F) accounting for about 90% of total mortality (fishing plus natural mortality) during the period (Figure 1). With the implementation of management measures in the early to mid-1990s, F declined to 0.60 in 1996 and biomass responded favorably by increasing to a peak of 38.1 million pounds in 1997 (Figure 1). Despite low and declining harvests since the early 2000s, SSB continued to decline, reaching a time-series low of 4.2 million pounds in 2009. However, the contribution of fishing mortality to total mortality was substantially reduced during this period; from 2001-2010, 60-75% of total mortality is attributed to fishing mortality. After the 2009 stock assessment (48th SAW), harvest quotas were reduced, further reducing the contribution of fishing mortality to less than 25% of total mortality from 2011-2014. SSB increased slightly at the end of the assessment time series, but further monitoring is necessary to determine whether this increase is sustainable. Conversely, natural mortality has risen substantially since the mid-1990s (Figure 1). Annual natural mortality estimates did not exceed 0.17 from 1982-1997 but had an average of 0.93 from 2007-2014. Factors such as predation, competition, and changes in the environment are believed to be having a stronger influence on recent weakfish stock dynamics than fishing mortality.

III. Status of the Fishery

At 247,416 pounds in 2016, the total coastwide landings of weakfish have declined in every year since 2012 (512,589 lbs) and are below the most recent ten-year (2007-2016) average of 542,736 pounds. The commercial fishery (171,039 lbs) accounted for 69% of the total 2016 landings, and the recreational fishery (76,377 lbs) for 31% (Table 2).

Commercial Fishery

Commercial data are cooperatively collected and compiled by the Atlantic Coastal Cooperative Statistics Program (ACCSP) and state fishery agencies from state mandated trip-tickets, landing

2017 WEAKFISH FMP REVIEW

weigh-out reports from seafood dealers, federal logbooks, shipboard and portside interviews, and biological sampling of catches. In this report, commercial landings from 2015 and earlier are from ACCSP and landings from 2016 are from state compliance reports, unless otherwise stated (see notes for Table 3).

Between 1982 and 2016, coastwide commercial weakfish landings have ranged from the high of 21.1 million pounds in 1986 to the low of 132,261 pounds in 2011 (Figure 2). Commercial landings have generally declined throughout the time series. Landings in 2016 were the third-lowest on record at 171,039 pounds, but did increase from 142,609 pounds in 2015. North Carolina (47%) and Virginia (23%) landed the largest shares of the 2016 coastwide commercial weakfish landings (Table 3).

The dominant commercial gears were gill nets (about 63% of commercial landings). There has been a shift in the dominant source of landings from trawls in the 1950s-1980s to gill nets in the 1990s-present. The majority of commercial landings tend to occur in the fall and winter months, presumably as the fish congregate to migrate to over-wintering grounds in the South Atlantic (Hogarth et al. 1995).

Recreational Fishery

Recreational catch statistics are collected by the NMFS. Effort data are collected through telephone interviews. Catch expansions are based on angler interviews and biological sampling conducted by trained interviewers stationed at fishing access sites. Recreational data from 2015 and earlier in this report are from the NMFS Fisheries Statistics Division queried from the Marine Recreational Information Program (MRIP; 2017), except as noted in Section VI of this report for Florida's estimates. Some states also monitor and report recreational landings through their own sampling and estimation efforts. Recreational landings for 2016 are calculated from landings reported in state compliance reports.

Since 1982, coastwide recreational landings have ranged from the high of 11.4 million pounds in 1983 to the low of 27,081 pounds in 2011 (Figure 2). Landings averaged 7.8 million pounds from 1982-1988, before falling to between one and four million pounds from 1990-2002. In 2003, recreational landings dropped below one million pounds (Figure 2). Landings have averaged 153 thousand pounds from 2012-2016, and are estimated at 76,377 pounds (66,151 fish) in 2016 (Tables 4 and 5), the third-lowest year for recreational landings by both number and weight on record. The number of fish released alive by anglers remained above 1 million fish from 1992 to 2008, peaked at over 5 million in 1996, and decreased to 363,669 fish in 2013 (Figure 3). In 2016, 975 thousand fish were released (Table 6). In 2010, all states implemented a one fish bag limit, which impacted landings and discards from that point on.

New Jersey anglers consistently harvested the most weakfish by pounds along the coast until 2009. In the 1980s and 1990s, anglers in Delaware, Maryland, and Virginia often took the next largest shares of the recreational total amount. In the 2000s, New Jersey anglers led in the harvest, whereas anglers in Virginia and North Carolina tended to take the second and third largest amounts (Tables 4 and 5). However, from 2009-2011, North Carolina anglers landed the largest share while South Carolina and Virginia had the next largest shares of the recreational

2017 WEAKFISH FMP REVIEW

harvest. Between 2012 and 2013, New Jersey again recreationally harvested the most weakfish, in pounds; however, in 2014-2016 North Carolina was the largest recreational harvester. North Carolina harvested 34,860 pounds (45.6% of recreational harvest) of weakfish in 2016.

The size of fish sampled to provide the MRIP weight estimates has historically varied in a latitudinal fashion, with larger fish caught in the north and smaller fish caught in the south. The mean weight per fish sampled throughout the recreational time series (1982-2016) is less than 1.5 pounds for all states from Florida through Maryland and over 1.5 pounds for all states north of Maryland. In 2016, the mean weights for fish caught in New Jersey, Delaware, North Carolina, and South Carolina (1.88, 1.79, 1.04, and 1.36 lbs, respectively) were greater than each state's time series mean (1.74, 1.57, 0.99, and 0.99 lbs, respectively), and the mean weights for fish caught in Massachusetts, Connecticut, New York, Maryland, Virginia, Georgia, and the east coast of Florida (3.41, 2.65, 0.17, 0.63, 1.06, 0.72, and 0.52 lbs, respectively) were less than each state's time series mean (6.01, 4.94, 3.31, 1.23, 1.10, 0.87, and 1.02 lbs, respectively).

The recreational fishery catches weakfish using live or cut bait, jigging, trolling, and chumming. The majority of recreationally harvested weakfish are caught in state waters (98.6% in 2016 by pounds). In 2016, nearly all recreationally harvested fish were caught on private or rental boats (65.5%) or from shore (26.9%).

IV. Status of Assessment Advice

The 2016 assessment was completed by the ASMFC Weakfish Stock Assessment Subcommittee (SAS) (ASMFC 2016) and peer reviewed by the ASMFC Weakfish Stock Assessment Review Panel (ASMFC 2016). The assessment includes fishery data and survey indices through 2014.

As a result of this assessment, the Weakfish TC recommends new Z and SSB reference points along with a two-stage control rule for evaluating weakfish stock status and management response.

Under conditions of time-varying natural mortality, there is no long-term stable equilibrium population size, so an SSB target is not informative for management. The Weakfish TC recommends an SSB threshold of $SSB_{30\%} = 6,880$ MT that is equivalent to 30% of the projected SSB under average natural mortality and no fishing. When SSB is below that threshold, the stock is considered depleted.

SSB in 2014 was 2,548 MT, below the SSB threshold, indicating the stock is depleted (Table 9.2.1, Figure 9.2.1). SSB has been below the threshold for the last 13 years.

The TC recommends the use of total mortality benchmarks to prevent an increase in fishing pressure when F is low but M is high. When Z is below the Z target, F reference points can be used to assess overfishing status.

Z in 2014 was 1.11, above the Z target, but below the Z threshold, indicating total mortality is still high but within acceptable limits (Table 9.2.1, Figure 9.2.2). Z was above the threshold from 2002-2013.

2017 WEAKFISH FMP REVIEW

V. Status of Research and Monitoring

Fishery-Independent Data

Young-of-year indices of relative abundance are provided by Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Florida. Massachusetts, Connecticut, New Jersey, Delaware, North Carolina, Georgia, and Florida provide age- 0+ or 1+ indices of relative abundance. The Northeast Fisheries Science Center Groundfish Trawl Survey also produces an age-structured index for the Mid-Atlantic coast, while the Southeast Area Monitoring and Assessment Program (SEAMAP) survey produces another index for the South Atlantic Coast. The Northeast Area Monitoring and Assessment Program (NEAMAP) began spring and fall surveys between Martha's Vineyard and Cape Hatteras in the fall of 2007, and provided an Age 1+ index which is included in the 2016 assessment. Stomach content analysis was also done to assess food habit changes and investigate the possible decrease in preferred food availability as a driver of natural mortality, however results were inconclusive. The Chesapeake Bay Multispecies Monitoring and Assessment Program (ChesMMAP), which began in 2002, collects data on relative abundance, length, weight, age, sex, and trophic interactions in the Bay. See Table 7 for the indices provided in the 2016 compliance reports. While the most recent years of data are shown, full data sets for each survey are available upon request to the state or Commission.

Fishery-Dependent Data

The coastal states and the NMFS collect data on commercial and recreational landings. Addendum I to Amendment 4 requires the collection of otoliths and lengths to characterize the catch; the number of samples required is based on the magnitude of each state's fisheries. Each spring, the states are required to submit biological sampling plans, and each fall, through the compliance reports, the states are required to provide the actual sampling levels completed. See Section VII for more information.

VI. Status of Management Measures and Issues

Fishery Management Plan

Addendum IV to Amendment 4 was approved in November 2009, and was implemented in May 2010. In response to the 2009 stock assessment results, the addendum implements more appropriate biological reference points in response to recent stock dynamics and reduces harvest while attempting to minimize unnecessary bycatch waste. Addendum IV requires all states in the management unit (including those that are *de minimis*) to implement a recreational creel limit no greater than 1 fish, commercial trip and bycatch limits no greater than 100 pounds, and a finfish trawl fishery allowance for up to 100 undersized fish. The addendum adopted percentage based biological reference points with an overfished/depleted threshold of 20% SSB and a target of 30% SSB. Results of the 2016 assessment support continued use of these reference points. The biological sampling requirements under Addendum I are unchanged, and all regulations previously enacted to protect weakfish and reduce bycatch are to remain effective.

No additional amendments or addenda are under development.

2017 WEAKFISH FMP REVIEW

Florida Management Area and Landings Data

In November 2009, the Management Board approved a proposal from Florida to reduce the state's weakfish management area to a small area in northeast Florida where pure weakfish are known to occur based on genetics data. The revision is intended to address the misidentification of weakfish, sand seatrout, silver seatrout, and their hybrids, and the consequential law enforcement issue. Inside the newly established weakfish management area (St. Mary's River only), any fish that resembles weakfish will be considered weakfish for enforcement purposes, both for commercial and recreational limits. Outside the weakfish management area, all fish that resemble weakfish will be considered sand seatrout.

As a result of the approved proposal, the commercial and recreational landings data provided in Florida's 2016 compliance report represent the best estimate of pure weakfish landings in the state. Commercial landings data from Florida's trip ticket program and recreational landings from the NMFS's Marine Recreational Fisheries Statistics Survey include only weakfish landed in Nassau and Duval counties, as revised on the basis of the genome proportions within the *Cynoscion*-complex found in the counties (48% weakfish in Nassau County and 17% in Duval County). The landings, tables, and figures in this report use the landings as reported by Florida.

De Minimis Status

Amendment 4 permits states to request *de minimis* status if, for the last two years, their combined average commercial and recreational landings (by weight) constitute less than 1% of the coastwide commercial and recreational landings for the same two year period. The *de minimis* threshold for the 2016 fishing year, calculated with 2015 and 2016 harvest data, is 2,608 pounds.

Four states requested *de minimis* status in their 2016 compliance reports: Massachusetts, Connecticut, Georgia, and Florida. Massachusetts, Georgia, and Florida qualify for *de minimis* status (Massachusetts 0.38%, Georgia 0.27%, Florida 0.41%). Connecticut's 2015-2016 average landings are 1.48% of the coastwide total, exceeding the *de minimis* threshold by 0.48%.

Addendum II Management Triggers

In 2010, the recreational and commercial management measures in Addendum IV replaced those in Addendum II. However, the Plan Review Team will continue to include an evaluation of the two management triggers as they provide perspective on the magnitude of fishery landings (but hitting a trigger will not require Board reconsideration of the management measures).

Addendum II established two management triggers that would require the Board to consider modifying management measures if reached. First, commercial management measures are to be re-evaluated if coastwide commercial landings exceed 80% of the mean commercial landings from 2000-2004, or 2.99 million pounds. Second, commercial and recreational management measures are to be re-evaluated if any single state's landings exceed its five-year mean by more than 25% in any single year.

The 2016 coastwide commercial landings are 171,039 pounds, thus the first trigger has not been exceeded. The second trigger was met in Connecticut because their total estimated landings in

2017 WEAKFISH FMP REVIEW

2016 (5,958 lbs) were 38% greater than their average total landings from 2012-2016 (4,330 lbs). While landings of this level are not out of the range of the historical time series for Connecticut, landings greater than 5,000 lbs have only occurred in one other year since 2007. Due to the low level of landings in Connecticut with respect to the rest of the coast, the PRT does not find the 2016 harvest to be a cause for concern (Table 8).

VII. Implementation of FMP Compliance Requirements for 2016

Mandatory compliance elements for 2015 were provided by Amendment 4 and its four addenda.

Regulatory Requirements

The management program includes regulatory requirements for non *de minimis* states as follows:

- Recreational management measures including minimum size limits and a maximum creel limit of one fish (see Addenda II and IV to Amendment 4)
- Commercial management measures including minimum size limits, minimum mesh size limits, landings limits, trip limits, bycatch limits, closed seasons and areas, and bycatch reduction device requirements (see Section 4.2 of Amendment 4, and Addendum IV)

The PRT finds all states to have implemented the plan's compliance requirements.

See Table 1 for a summary of state commercial and recreational regulations in 2015.

Monitoring Requirements

Addendum I implemented monitoring requirements for non *de minimis* states as follows:

- Maintenance of at least the 2005 level of recreational sampling of individual lengths through the Marine Recreational Fisheries Statistics Survey;
- Collection of six individual fish lengths for each metric ton of weakfish landed commercially;
- Collection of three individual fish ages for each metric ton of total weakfish landed, with a maximum of 1000 ages annually per state [Samples may come from commercial and/or recreational fishery as long as they come from the same general area (inshore versus offshore) that those fisheries are prosecuted in.].

Table 9 provides the otolith and length collection requirements for 2015. These are based on the best available 2015 landings data provided to the Commission by the ACCSP, NMFS, and the states. Table 9 also provides the number of otoliths and lengths collected by the states in 2016. All states except Rhode Island and New York met the biological sampling requirements in 2016, as reported in state compliance reports. Rhode Island specifically stated in their compliance report that they had difficulty attaining weakfish samples. They collected an adequate number of lengths but collected 6 ages less than their required 9 ages. New York collected an adequate number of ages but collected 5 lengths less than their required 66 lengths. Although these states did not meet their sampling requirements, the PRT recognizes the difficulty in acquiring weakfish samples and has no reason to believe that these states did not make a good faith effort to fulfill the requirements of the FMP.

2017 WEAKFISH FMP REVIEW

VIII. Recommendations of the Plan Review Team

Management Recommendations

- That the Board approve the *de minimis* requests from Massachusetts, Connecticut, Georgia, and Florida.
- That the Board consider for management the use of biological reference points from the 2016 stock assessment.
- That the Board consider updating management triggers established in Addendum II to Amendment 4.
- That the Board clarify the use of fishery-independent samples in fulfilling biological sampling requirements as set forth in Addendum I to Amendment 4.

Research Recommendations

Fishery-Dependent Priorities

High

- Increase observer coverage to identify the magnitude of discards for all commercial gear types from both directed and non-directed fisheries.¹

Moderate

- Continue studies on temperature, size, and depth specific recreational hook and release mortality rates, particularly catches from warm, deep waters. Investigate methods to increase survival of released fish.
- Continue studies on mesh size selectivity, particularly trawl fisheries.²
- Improve methods to estimate commercial bycatch. Refine estimates of discard mortality based on factors such as distance from shore and other geographical differences for all sizes including below minimum size.

Low

- Determine the onshore versus offshore components of the weakfish fishery.
- Collect catch and effort data including size and age composition of the catch, determine stock mortality throughout the range, and define gear characteristics. In particular, increase length frequency sampling in fisheries from Maryland and further north.
- Develop latitudinal, seasonal, and gear-specific age-length keys coast wide. Increase sample sizes for gear specific keys.

Modeling / Quantitative Priorities

High

- Evaluate predation of weakfish with a more advanced multispecies model (e.g., the ASMFC MSVPA or Ecopath with Ecosim); consider an expanded suite of predators (e.g., marine mammals) and include weakfish as predator and prey.
- Develop a bioenergetics model that encompasses a broader range of ages than Hartman and Brandt (1995) and use it to evaluate diet and growth data.

¹ Some Mid-Atlantic trawl fleet observer coverage has been implemented under ACCSP funding.

² Gillnet selectivity has been investigated by Swihart et al (2000). Some gear selectivity information in Amendment 3 to the ASMFC Weakfish FMP. Information can also be obtained from the North Carolina Pamlico Sound Independent Gill Net Survey.

2017 WEAKFISH FMP REVIEW

Life History, Biological, and Habitat Priorities

High

- Develop a coastwide tagging program to identify stocks and determine migration, stock mixing, and characteristics of stocks in over wintering grounds. Determine the relationship between migratory aspects and the observed trend in weight at age.³
- Estimate weakfish mortality through independent approaches (e.g., alternative models, tagging) to corroborate trends in mortality from the assessment model.
- Determine the impact of scientific monitoring surveys on juvenile weakfish mortality. Calculate the resulting impact on adult stock size.
- Monitor weakfish diets over a broad regional and spatial scale, with emphasis on new studies within estuaries.
- Continue to investigate the geographical extent of weakfish hybridization.

Moderate

- Identify and delineate weakfish spawning habitat locations and environmental preferences to quantify spawning habitat.
- Compile data on larval and juvenile distribution from existing databases to obtain indications of spawning and nursery habitat location and extant.
- Examine geographical and temporal differences in growth rate (length and weight at age).
- Determine the impact of power plants and other water intakes on larval, post larval, and juvenile weakfish mortality in spawning and nursery areas. Calculate the resulting impact on adult stock size.⁴
- Monitor predation on weakfish from bird, fish, and marine mammal species.

Management, Law Enforcement, and Socioeconomic Priorities

Moderate

- Assemble socioeconomic data as it becomes available from ACCSP.

Low

- Define restrictions necessary for implementation of projects in spawning and over wintering areas and develop policies on limiting development projects seasonally or spatially.

³ A university led weakfish tagging study has been ongoing in North Carolina and Delaware since 2014. The objective of the study is to evaluate movement and stock mixing of weakfish along the U.S. east coast and to estimate seasonal and annual rates of fishing and natural mortality. The study is slated to be completed in late 2017 with results available to the weakfish TC in early 2018.

⁴ Data are available for power plants in the Delaware Bay area and North Carolina. Also see Heimbuch et al. 2007. Assessing coastwide effects of power plant entrainment and impingement on fish populations: Atlantic menhaden example. *North American Journal of Fisheries Management*. 27: 569-577.

2017 WEAKFISH FMP REVIEW

IX. References

- Atlantic States Marine Fisheries Commission (ASMFC). 2002. Amendment 4 to the Interstate Fishery management Plan for Weakfish. Washington (DC): ASMFC Fishery Management Report No. 29. 84 p.
- ASMFC. 2016. Weakfish Stock Assessment and Peer Review Report. Atlantic States Marine Fisheries Commission, Stock Assessment Report, 435 p.
- Hogarth WT, Meyer T, Perra P, Shaefer RH. 1995. Final environmental impact statement and draft regulatory impact review for a regulatory amendment for the Atlantic Coast weakfish fishery in the Exclusive Economic Zone (EEZ). Silver Spring (MD): US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Fisheries Conservation and Management, Recreational and Interjurisdictional Fisheries Division. 84 p.
- National Marine Fisheries Service (NMFS). 2009. Personal communication with the Fisheries Statistics Division. See: <http://www.st.nmfs.gov/st1/>
- Northeast Fisheries Science Center (NEFSC). 2009a. 48th Northeast Regional Stock Assessment Workshop (48th SAW) Assessment Summary Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 09-10; 50 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026, or online at <http://www.nefsc.noaa.gov/nefsc/saw/>
- Northeast Fisheries Science Center. 2009b. 48th Northeast Regional Stock Assessment Workshop (48th SAW) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 09-15; 834 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026, or online at <http://www.nefsc.noaa.gov/nefsc/saw/>
- Sullivan PJ, Bell M, Gibson J, Kupschus S. 2009. Summary Report of the 48th Northeast Regional Stock Assessment Review Committee (SARC 48). Report prepared for the Northeast Regional Stock Assessment Workshop. 39 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026, or online at <http://www.nefsc.noaa.gov/nefsc/saw/>

2017 WEAKFISH FMP REVIEW

X. Tables

Table 1. Summary of state regulations for weakfish in 2016.

State	Commercial	Recreational	Implementation Date
MA	16", open 1/1-12/31, 100 lb possession limit.	16", 1 fish	June 2010
RI	16"; open 6/1-6/30 & 8/7-11/8, 100 lb possession limit. Other times of year: 100 pound bycatch limit with at least an equal poundage of other species as weakfish. Trawl codend mesh size $\geq 4.5''$ diamond or 4.0" square.	16", 1 fish	April 28, 2010
CT	16"; open 1/1-12/31, 100 lb possession limit.	16", 1 fish	April 25, 2010
NY	16" (12" dressed & 10" filleted); Hook and line open 4/1-6/24 & 8/28-11/15; 0 lb bycatch limit. All other gears open 4/1-6/24 and 8/28-11/15; 100 lb bycatch limit.	16" (12" dressed, 10" fillet), 1 fish	By May 1, 2010
NJ	Gill net: 13"; open 1/1-5/20 & 9/3-10/19 & 10/27-12/31, 100 lb possession limit; mesh $\geq 3.25''$ stretched except 2.75 - 3.25" allowed within 2nm for permitted fishermen doing monthly reporting. Otter trawl: 13"; open 1/1-7/31 & 10/13-12/31, 100 lb possession limit; mesh $\geq 3.75''$ diamond or 3.375 square. Pound net: 13"; open 1/1-6/6 & 7/1-12/31, 100 lb possession limit. 100 lb bycatch limit & 50% rule. Hook & line: 13", 1 fish, open 1/1-12/31.	13", 1 fish	March 25, 2010
DE	Gill net: 12"; only nets with stretch mesh $\geq 3.125''$ allowed in water 4/1-6/30, none permitted weekends and legal holidays 5/10-9/30, 100 lb possession limit. Drift gill net: open 1/1-12/31 except 34 specified days of gear out of water in May and June. Anchor gill net: open 1/1-5/9 and 10/1-12/31, otherwise gear out of water. Hook & line: 13"; 100 lb possession limit 4 days/week during 5/1-10/31, 1 fish creel limit all other times.	13", 1 fish	April 11, 2010
MD	12". Ocean all gears: 100 lb bycatch limit & 50% rule. Chesapeake Bay hook & line: open 8/1-9/30, 50 lb possession limit, 0 lb bycatch. Chesapeake Bay all other gears: 50 lb bycatch limit & 50% rule. Gillnet: mesh $\geq 3.0''$ stretched. Trawl: mesh $\geq 3.375''$ square or 3.75" diamond.	13", 1 fish	June 28, 2010
PRFC	12"; open 7/28-12/31, 50 lb possession limit; 50 lb bycatch limit & 50% rule for certified pound nets with approved cull panels, and 0 lb bycatch for all other gears. Pound net: limited entry.	12", 1 fish	January 1, 2010

2017 WEAKFISH FMP REVIEW

VA	Gill net: 12"; open 3/16-5/13 & 10/21-12/30, 100 lb possession limit. Pound net: no minimum size; limited entry; open 4/1-4/30 & 5/23-9/12 unless exempted by license forfeit, 100 lb possession limit. Haul seine: no minimum size; open 4/16-6/10 & 8/21-9/24, 100 lb possession limit. Out of state trawl: 12" except 100 undersized fish allowed; open 4/1-9/25, 100 lb possession limit; codend mesh \geq 3.0". Hook & line: 12"; open 1/1-12/31, 100 lb possession limit. 100 lb bycatch limit (per vessel), 50% rule for all gears during closed seasons.	12", 1 fish	May 1, 2010
NC	12", except 10" for long haul seines & pound nets in internal waters 4/1-11/15; open 1/1-12/31, 100 lbs trip limit. Gill net: mesh \geq 2.875" stretch. Gill nets and flynets that do not meet mesh requirements can only take weakfish as bycatch provided the weight of weakfish doesn't exceed 50% of catch up to 100lbs, 100lb limit in shrimp or crab trawl.	12", 1 fish	August 20, 2010
SC	12", 1 fish. BRDs in shrimp trawls.	12", 1 fish	July 1, 2010
GA	13", 1 fish. BRDs in shrimp trawls.	13", 1 fish	June 3, 2010
FL	12", 100 lb possession limit. BRDs in shrimp trawls.	12", 1 fish	July 27, 2010

2017 WEAKFISH FMP REVIEW

Table 2. Comparison of commercial and recreational Atlantic coast weakfish landings from 2000 to 2016 (see Tables 3 and 4 for source information and state-specific landings).

Year	Recreational Landings (lbs)	Commercial Landings (lbs)	Total Landings (lbs)	% Com
2000	4,046,525	5,062,705	9,109,230	56%
2001	2,684,146	4,802,221	7,486,367	64%
2002	2,135,037	4,594,956	6,729,993	68%
2003	843,359	1,999,040	2,842,399	70%
2004	887,312	1,538,517	2,425,829	63%
2005	1,407,490	1,264,102	2,671,592	47%
2006	1,129,741	1,075,964	2,205,705	49%
2007	690,552	900,958	1,591,510	57%
2008	594,000	456,793	1,050,793	43%
2009	169,823	372,985	542,808	69%
2010	75,421	202,626	278,047	73%
2011	27,081	132,261	159,342	83%
2012	265,824	246,765	512,589	48%
2013	165,366	343,959	509,325	68%
2014	77,231	192,009	269,240	71%
2015	123,678	142,609	266,287	54%
2016	76,377	171,039	247,416	69%

Table 3. Commercial landings (pounds) of weakfish by state, 2000-2016 (Source: ACCSP for 2015 and earlier and state compliance reports for 2016, except as noted below). Starred values are confidential.

Year	MA	RI	CT	NY	NJ	DE	MD	PRFC	VA	NC	SC	GA	FL	Total
2000	527	189,362	7,920	352,832	1,071,428	*	200,299	68,574	1,302,271	1,869,044			448	5,062,705
2001	231	109,568	6,774	578,797	837,550	*	181,188	44,219	1,082,369	1,960,324		*	1,201	4,802,221
2002	842	122,781	10,223	513,977	863,088	*	108,318	57,818	1,089,323	1,828,150	42		394	4,594,956
2003	519	63,337	*	144,416	340,269	*	46,427	5,273	455,094	848,822		*	288	1,999,040
2004	59	34,209	6,206	150,046	204,585	51,276	55,100	1,986	349,395	685,463	*	*	192	1,538,517
2005	2,840	41,558	6,118	90,238	208,232	70,669	35,527	1,004	385,584	421,779		*	553	1,264,102
2006	*	47,474	7,012	152,922	*	34,434	51,081	689	187,849	363,078		*	337	1,075,964
2007	*	20,586	1,910	86,723	164,506	24,579	22,284	20	403,873	175,589			888	900,958
2008	73	9,703	1,024	42,621	57,013	11,186	6,364	74	165,223	162,516		*	996	456,793
2009	*	6,286	506	101,561	30,196	*	5,230	17	65,589	163,146			453	372,985
2010	58	5,400	960	13,102	12,053	*	2,930	80	61,651	106,319			73	202,626
2011	615	5,766	2,105	17,136	13,324	*	646	45	26,119	65,897		*	608	132,261
2012	616	17,908	4,723	63,119	19,291	*	2,078	98	45,551	91,383			1,999	246,765
2013	3,400	31,826	5,960	108,656	14,829	*	3,404	24	54,607	120,188		*	1,065	343,959
2014	918	15,583	3,343	33,303	8,415	*	2,126	10	22,508	105,246			557	192,009
2015	473	6,327	1,666	24,238	9,655	*	1,394	3	17,882	80,230			741	142,609
2016	882	12,022	2,838	30,308	*	5,303	603	0	38,823	79,640	0	0	621	171,039

Notes: FL: state-reported landings 1984-present (NMFS-reported landings limited to Nassau and Duval Counties and adjusted on the basis of the genome proportions of weakfish within the Cynoscion-complex in those counties' waters). NC: state-reported landings 1994-present. VA: NMFS-reported landings minus the PRFC-reported harvest landed in VA 1982-1992; state reported landings 1993-present (exclude Potomac River harvest). PRFC: agency-reported landings 1982-present (fish caught in Potomac River and landed in MD and VA). MD: state-reported landings 1982-present (exclude Potomac River harvest). DE: state-reported landings 1985-present. NJ: state-reported landings 2005-present. CT: state-reported landings 1995-present. RI: SAFIS landings 2005-present.

Table 4. Recreational landings (pounds) of weakfish by state, 2000-2016 (Source: MRIP, except as noted below).

Year	MA	RI	CT	NY	NJ	DE	MD	VA	NC	SC	GA	FL	Total
2000		1,923	35,096	164,524	1,916,092	635,339	696,662	496,204	87,926	6,312	3,504	2,943	4,046,525
2001			4,884	151,584	1,251,151	172,969	567,625	373,206	158,423		2,982	1,322	2,684,146
2002		3,800	11,286	58,626	1,213,558	243,157	174,065	295,397	82,746	50,141	684	1,577	2,135,037
2003	874	2,379	3,537	37,106	333,690	57,867	24,698	215,522	161,474	4,305	1,327	580	843,359
2004		0	0	50,624	284,420	3,915	21,617	221,283	244,023	54,364	6,129	937	887,312
2005		12,340		532	1,093,492	36,627	29,404	30,924	142,140	52,315	8,151	1,565	1,407,490
2006		69,501		64,091	789,330	21,070	719	35,888	143,525	1,512	2,585	1,520	1,129,741
2007		0		3,900	433,567	3,360	13,727	98,981	111,754	13,345	3,472	8,446	690,552
2008				57,980	365,125	4,071	1,968	29,500	114,192	15,314	4,653	1,197	594,000
2009				0	24,069	10,634	3,425	20,923	89,652	14,502	4,666	1,952	169,823
2010	0			6,981	3,541	57	3,161	1,664	38,721	18,177	2,664	455	75,421
2011				172	2,449	21	134	2,635	17,621	3,089	430	530	27,081
2012				15,125	156,495	4,442	6,192	20,952	46,081	12,244	3,625	668	265,824
2013		1,825		28,611	77,848	9,697	3,501	1,692	34,731	5,572	952	937	165,366
2014			0	5,016	17,311	3,531	2,144	5,902	25,957	12,905	3,703	762	77,231
2015				1,713	21,990	141	1,695	6,124	50,903	40,626	384	102	123,678
2016	610	0	3,120	335	13,347	757	635	12,128	34,860	8,931	1,001	653	76,377

Notes: FL: state-reported landings 1983-present (NMFS-reported estimates limited to Nassau and Duval Counties and adjusted on the basis of the genome proportions of weakfish within the Cynoscion-complex found in those counties' waters.

Table 5. Recreational landings (numbers) of weakfish by state, 2000-2016 (Source: MRIP, except as noted below).

Year	MA	RI	CT	NY	NJ	DE	MD	VA	NC	SC	GA	FL	Total
2000		712	7,342	42,406	760,279	311,553	475,348	286,752	71,247	5,585	4,181	3,276	1,968,681
2001		2,301	715	28,126	736,069	72,451	302,719	175,872	158,605		3,316	1,542	1,481,716
2002		1,420	1,796	24,962	492,876	121,884	100,467	178,110	90,170	90,245	852	1,842	1,104,624
2003	109	298	443	9,234	151,101	20,124	41,048	86,112	153,753	4,162	1,573	774	468,731
2004		0	0	10,634	228,536	4,499	15,832	158,111	211,787	97,019	5,040	1,114	732,572
2005		1,473		315	1,008,393	19,533	32,243	44,088	151,597	76,299	6,634	1,539	1,342,114
2006		5,948		9,759	489,440	10,457	754	43,081	151,502	2,086	2,433	1,578	717,038
2007		0		3,602	229,755	3,782	6,980	87,470	94,398	19,891	3,884	961	450,723
2008				40,027	298,076	4,032	2,000	27,929	108,389	22,930	4,807	1,470	509,660
2009				0	11,928	5,995	4,169	15,523	68,553	15,699	8,450	2,028	132,345
2010	0			3,423	2,261	88	4,784	4,303	41,598	11,599	2,840	589	71,485
2011				111	3,003	27	237	4,374	13,464	4,107	973	471	26,767
2012				5,055	114,330	4,246	11,401	21,791	40,299	13,593	4,603	988	216,306
2013		331		7,003	30,697	7,518	1,807	2,171	33,851	5,711	1,080	2,086	92,255
2014			0	644	6,520	3,295	1,062	9,084	26,308	11,065	3,423	905	62,306
2015				620	30,273	74	3,093	4,122	39,842	29,215	492	143	107,874
2016	179	0	1,179	1,987	7,116	422	1,013	11,448	33,585	6,582	1,389	1,251	66,151

Notes: FL: state-reported landings 1983-present (NMFS-reported estimates limited to Nassau and Duval Counties and adjusted on the basis of the genome proportions of weakfish within the Cynoscion-complex found in those counties' waters).

Table 6. Recreational releases (numbers) of weakfish by state, 2000-2016 (Source: MRIP, except as noted below).

Year	MA	RI	CT	NY	NJ	DE	MD	VA	NC	SC	GA	FL	Total
2000		931	1,285	68,531	1,605,024	465,496	1,209,290	935,594	346,212	15,869	12,895	5,551	4,666,678
2001		358	0	69,123	1,064,609	227,214	737,240	633,443	886,943		13,537	2,541	3,635,008
2002		1,932	0	62,803	350,810	101,282	286,182	888,337	336,709	1,019	9,540	2,113	2,040,727
2003	0	0	1,233	7,286	631,438	39,314	180,827	504,129	153,563	1,966	21,212	2,556	1,543,524
2004		187	12,331	38,306	534,836	72,556	231,092	544,776	242,135	71,556	10,953	3,395	1,762,123
2005		0		76,318	1,372,057	104,955	60,721	355,792	206,481	29,595	38,010	2,007	2,245,936
2006		0		17,120	1,335,489	95,802	47,107	556,763	302,429	15,572	5,858	5,132	2,381,272
2007		1,784		108,709	612,698	23,113	63,515	229,453	122,717	27,867	20,197	949	1,211,002
2008				25,450	1,435,551	61,470	37,219	427,616	113,886	131,346	14,171	711	2,247,420
2009				3,179	79,023	4,431	8,185	84,700	165,992	26,989	9,776	285	382,560
2010	931			3,073	102,787	12,682	162,733	177,395	200,274	54,203	8,331	38	722,447
2011				55,172	99,964	6,568	18,500	288,304	109,483	5,165	14,576	520	598,252
2012				11,454	731,563	84,856	24,898	102,245	165,891	50,026	37,247	0	1,208,180
2013		14,520		6,010	93,877	22,443	9,852	78,951	109,006	7,602	8,362	561	351,184
2014			315	239	79,756	22,730	4,819	109,115	281,226	54,139	1,772	614	554,725
2015				3,893	246,280	16,109	117,606	125,238	505,666	76,940	11,193	0	1,102,925
2016	1,140	0	1,615	2,108	136,187	26,153	81,011	271,867	423,482	28,643	2,848	0	975,054

Notes: FL: state-reported landings 1983-present (NMFS-reported estimates limited to Nassau and Duval Counties and adjusted on the basis of the genome proportions of weakfish within the Cynoscion-complex found in those counties' waters).

Table 7. Indices of relative weakfish abundance from 2000 to 2016.

Year	MA Tr BB & VS YOY	MA Tr BB & VS 1+	RI Tr Coast YOY	CT Tr LIS YOY	CT Tr LIS 1+	NY Tr Coast YOY	NJ Tr DE Bay YOY	NJ Tr Ocean 1+	DE Tr DE Bay YOY	DE Tr Inland YOY	DE Tr DE Bay 1+
	mean#/ tow	mean#/ tow	mean #/ tow	GM#/ tow	GM#/ tow	AM#/ tow	GM#/ tow	GM#/ tow	GM#/ tow	GM#/ tow	#/ nm
2000	*	*	9.38	63.31	0.30	167.10	0.59	2.36	14.14	1.64	179.12
2001	*	*	19.33	40.09	0.52	113.70	15.03	0.68	7.56	1.53	80.70
2002	*	*	8.40	41.35	0.16	145.20	19.70	1.59	5.96	1.31	144.98
2003	*	*	198.00	49.41	0.07	69.80	3.11	0.08	10.44	2.44	65.78
2004	*	*	1.88	58.98	0.21	43.90	8.48	1.79	8.39	3.32	48.88
2005	*	*	128.93	25.86	0.12	226.50	20.60	0.46	16.82	3.84	29.00
2006	*	*	0.36	1.05	0.29	55.10	12.24	0.19	5.35	1.60	106.31
2007	*	*	36.10	63.93	0.06	92.12	25.53	0.83	13.70	2.98	43.16
2008	*	*	0.55	9.07	0.08	51.50	7.86	0.35	6.74	1.02	45.94
2009	*	*	7.29	6.48	0.30	13.30	7.29	0.33	8.56	5.91	35.83
2010	*	*	7.95	-	-	15.30	10.51	0.69	11.98	3.49	43.57
2011	*	*	70.63	11.64	0.68	34.50	15.80	22.32	7.89	3.30	89.22
2012	*	*	122.30	21.96	0.73	9.40	1.26	0.23	7.55	3.44	106.43
2013	*	*	13.20	7.01	0.52	22.60	15.55	0.39	13.49	4.47	71.78
2014	*	*	1.27	41.53	0.08	97.70	4.87	0.98	13.67	4.71	38.01
2015	0.21	*	46.47	30.91	0.46	56.00	2.27	1.44	10.22	3.88	76.46
2016	23.00	0.29	4.14	5.87	0.81	57.60	2.34	1.34	7.47	3.00	154.40

Table 7 (continued). Indices of relative weakfish abundance from 2000 to 2016.

Year	MD Tr ChesBay YOY	MD Tr Coast YOY	VA Tr ChesBay YOY	NC Tr Pamlico YOY	NC Tr Pamlico YOY	NC Gn Pamlico 1+	SC Tr Inshore YOY	SC SEAMAP Summer 0+/1+	SC SEAMAP Fall 0+/1+	GA Tr Coast 0+	FL Tr Jax YOY	FL Tr IR & Jax 1+
	GM#/ tow	GM#/ ha	GM#/ tow	#/ tow	#/ tow	#/ set	#/ tow	#/ tow	#/ tow	#/ obs hr	med/ tow	med/ tow
2000	6.54	2.34	8.35	62.99	*	*	*	20.30	5.10	*	*	*
2001	8.10	2.56	5.09	30.30	*	1.42	*	19.20	5.40	*	0.79	0.23
2002	3.92	0.61	6.93	22.00	*	1.40	*	16.20	2.80	*	1.45	0.52
2003	4.89	5.64	9.23	23.93	*	1.22	*	14.20	3.90	105.44	4.35	0.34
2004	1.62	3.39	6.66	28.75	*	1.32	*	3.10	3.40	94.42	4.04	0.19
2005	3.55	4.98	5.69	28.76	*	1.24	*	1.80	9.40	32.08	1.83	0.73
2006	2.41	1.50	6.34	39.09	*	0.92	*	4.10	3.10	79.96	1.78	0.44
2007	1.60	2.32	5.35	56.80	*	0.43	*	11.40	18.40	159.64	1.68	0.46
2008	0.79	0.23	5.77	50.30	*	0.49	*	11.30	17.70	75.55	1.66	0.39
2009	1.42	1.33	6.18	58.89	*	0.31	*	15.30	11.90	104.76	2.12	1.17
2010	1.68	2.16	14.11	32.45	*	0.48	*	14.80	14.60	128.48	0.74	0.70
2011	2.04	1.90	5.23	33.69	*	0.36	*	74.10	13.90	104.20	0.74	0.52
2012	0.46	0.46	3.02	40.66	*	0.92	*	18.80	9.80	91.64	1.79	0.65
2013	2.15	1.02	9.41	58.53	*	0.69	*	25.50	0.20	131.52	0.69	0.12
2014	2.95	1.28	3.77	32.83	*	0.50	*	12.00	7.60	64.16	0.62	0.19
2015	2.23	0.88	3.77	43.30	*		19.30	18.20	257.80	3.61	1.08	0.03
2016	0.71	1.69	1.44	43.00	34.50	0.04	22.60	14.50	24.30	3.75	0.69	0.21

Table 8. Evaluation of the Coastwide Management Trigger (Section 3.3.1 of Addendum II to Amendment 4): percent change of each state’s 2016 total landings (lbs) to its five-year (2012-2016) mean total landings.

	MA	RI	CT	NY	NJ	DE	MD	PRFC	VA	NC	SC	GA	FL
2012-2016	1,380	17,098	4,330	62,085	67,836	4,774	4,754	27	45,234	133,844	16,056	1,933	1,621
2016	1,492	12,022	5,958	30,643	13,347	6,060	1,238	0	50,951	114,500	8,931	1,001	1,274
% change	8%	-30%	38%	-51%	-80%	27%	-74%	-100%	13%	-14%	-44%	-48%	-21%

Table 9. Biological sampling of weakfish in 2016, Massachusetts-Florida (Sampling requirements are based on Addendum I to Amendment 4 and 2016 landings data and are reported in state compliance reports; values highlighted with red bold font do not meet sampling requirements).

	Samples Required		Samples Completed		Fisheries Sampled
	Ages	Lengths	Ages	Lengths	
MA*			0		NA
RI	9	17	3	232	commercial, RIDFW Trawl Survey
CT*			0	0	NA
NY	35	66	61	61	commercial (GN, TR, PN, H&L)
NJ	43	26	76	80	NJ Ocean Trawl Survey/ research surveys
DE	2	4	48	49	commercial (GN)
MD	4	4	63	64	commercial (PN)
PRFC	0	0	0	0	NA
VA	33	49	284	284	commercial (GN, PN, HS)
NC	178	218	570	2,664	commercial (SN, GN, PN, HS, TR, H&L), recreational
SC	55	0	174	379	fishery independent, recreational
GA*			0	0	NA
FL*			0	0	NA

* *de minimis* in 2016; not required to conduct sampling; sample numbers provided to show from what states were exempt
 NA=not applicable, GN= gill net, TR=trawl, PN=pound net, H&L=hook and line, HS=haul seine, BS=beach seine, SN=sink net

XI. Figures

Figure 1. Estimated weakfish age 1+ biomass, fishing mortality, and natural mortality from 1982 to 2008 (NMFS 2009a, NMFS 2009b).

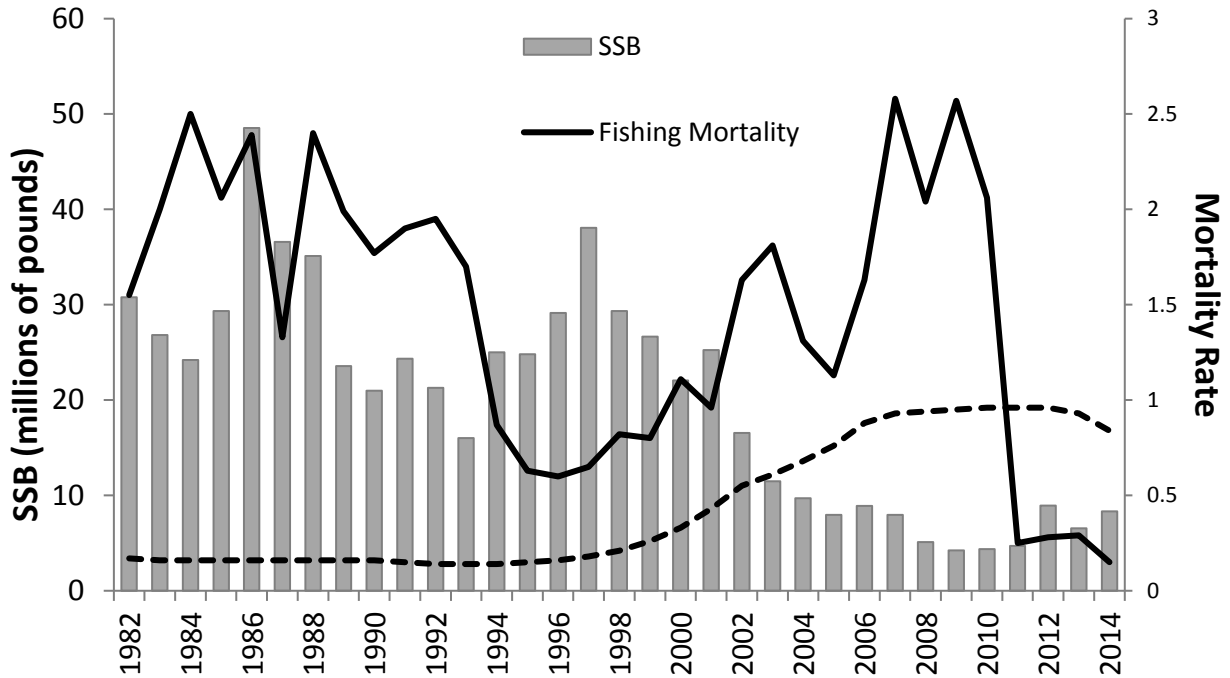


Figure 2. Commercial and recreational weakfish harvest (pounds), from 1982 to 2016 (see Tables 3 and 4 for source information and values).

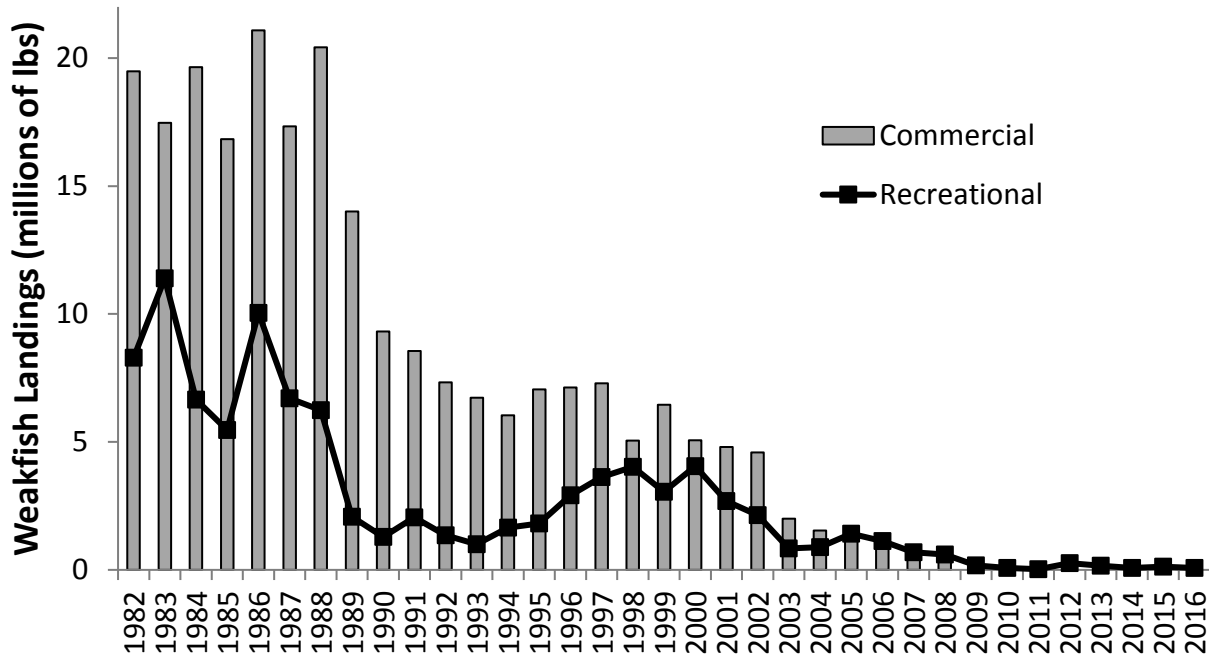
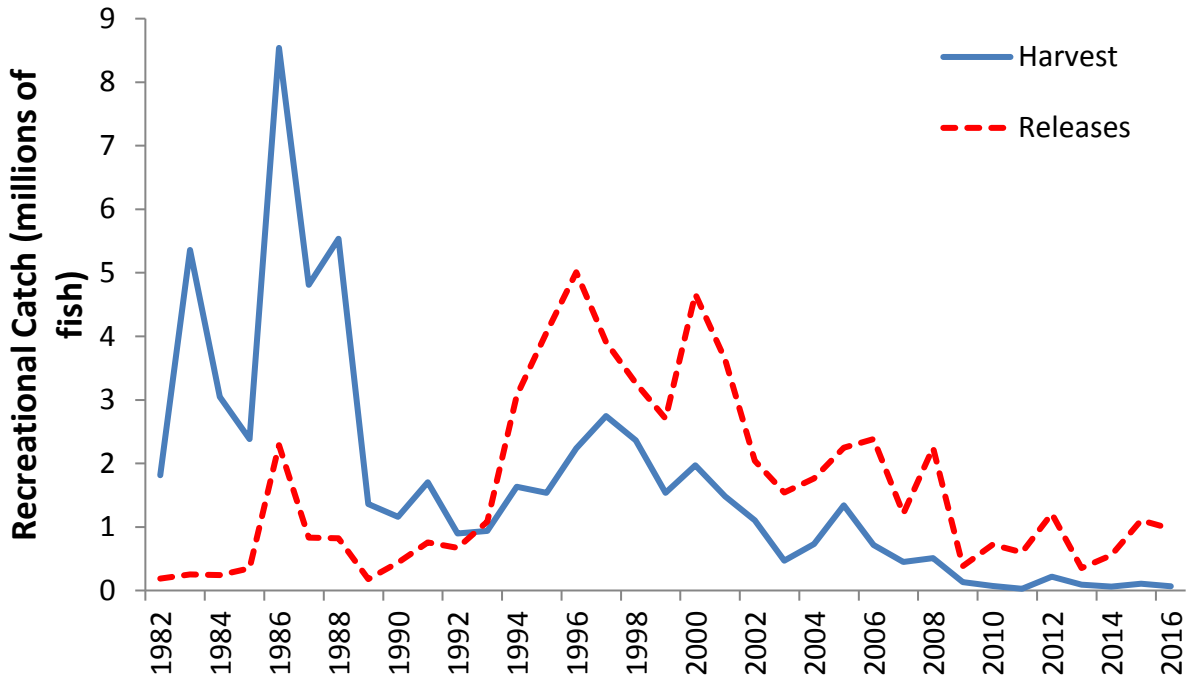


Figure 3. Recreational weakfish harvest and releases (number of fish), from 1982 to 2016 (see Tables 5 and 6 for source information and values).



New Jersey's Implementation Plan for the Atlantic Migratory Group Cobia

January 17, 2018

1. Recreational Fishery Management Measures

A. *De Minimis* States

- I. New Jersey recreational harvest data, in pounds, were obtained from MRIP. These harvest estimates were compared to the coast wide estimates of recreational harvest from the Atlantic Coast. Based on this analysis, New Jersey qualifies for *de minimis* status with less than 1% of the coastwide recreational landings for all three years from 2014-2016.

	2014	2015	2016
NJ Recreational Harvest	0	0	0
Coastwide Recreational Harvest	1,049,100 lbs	2,211,251 lbs	1,724,992 lbs
Percentage of Coastwide Harvest	0	0	0

- II. In order to satisfy the *de minimis* management options required in the cobia fishery management plan, New Jersey will implement one of the following management options:
 - a. A *de minimis* state may match the recreational regulations of an adjacent (or the nearest) non-*de minimis* state. Please list the state non-*de minimis* state being matched as well as regulatory language that matches that of the non-*de minimis* state.
 - b. A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.

New Jersey will implement management option a, and will therefore match Virginia's cobia regulations. Virginia will finalize its 2018 Cobia regulations in early 2018. Based on Virginia's implementation plan, these regulations include a minimum size limit of 40 inches total length (equivalent to 36 inches fork length), a bag limit of 1 fish per person per day, a daily vessel limit of 3 or 4 fish, and a season starting no earlier than May 15 and ending no later than September 30. New Jersey's regulations allow the adjustment of creel, minimum size, and season by public notice. As Virginia completes their stakeholder process and finalizes their 2018 regulations, New Jersey will have the authority and the ability to rapidly match their regulations.

2. Commercial Fishery Management Measures

In all New Jersey waters, commercial regulations will be:

- A. A minimum size limit of 33 inches fork length or 37 inches total length.

- B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.

The federal annual quota is 50,000 lbs. and is shared by all states from Georgia to New York. The season will be open until the coast wide quota is projected to be reached, as determined by NOAA Fisheries.

3. Implementation Timeline

New Jersey has submitted draft regulations for review by the office of the Commissioner of the Department of Environmental Protection (see below). Although there is some uncertainty in the timing of formal approval, New Jersey anticipates having regulations effective in April 2018.

Full text of the changed rule follows (additions indicated in boldface **thus**, deletions indicated in brackets [thus]):

7:25-18.1 Size, season, and possession limits

(a) (No change.)

(b) A person shall not purchase, sell, offer for sale, expose for sale, barter, trade, or exchange for money or for any other thing of value, or attempt to purchase, sell, offer for sale, barter, trade, or exchange for money or for any other thing of value, any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed or permitted vessel or person shall be presumed to possess the following species for sale purposed and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

Species

Minimum Size (inches)

• • •

• • •

1. – 2. (No change.)

3. A person shall not take in any one day or possess more than the possession limit specified below for each species listed, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section.

Species

Possession Limit

Cobia

2 per person, no more than 6 per vessel

Red Drum

1, no more than 27 inches

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section as may be provided elsewhere in this subchapter shall be subject to the specific provisions of any such section. Fish length shall measure from the tip of the snout to the tip of the tail (total length), except as noted below:

Species

Minimum Size In Inches

Open Season

Possession Limit

• • •

Cobia

DEPENDENT ON VIRGINIA'S REGULATIONS

• • •

1. – 6. (No change.)

(d) – (r) (No change.)



State of Delaware Cobia Compliance Plan

January 1, 2018

1. Recreational Fishery Management Measures

B. *De minimis* States

I. Delaware's had no reported recreational landings of Cobia during 2014 through 2016, thus it had less than 1% of coastwide recreational landings during this period. While there is anecdotal evidence that Cobia were caught in Delaware during this period, none of these Cobia were picked up in APAIS intercepts.

II. Delaware has started its regulatory process to comply with the *de minimis* measures (see below). Delaware will present both *de minimis* options (default and nearest state) in a public hearing before finalizing an option.

2. Commercial Fishery Management Measures

Delaware has started its regulatory process to comply with the Cobia commercial fishery management measures (see below).

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Fish and Wildlife

3500 Tidal Finfish

3550 Cobia (*Rachycentron canadum*)

1.0 Recreational Possession Limits

1.1 It is unlawful for a recreational finfisher to take and reduce to possession more than one Cobia per day or per trip, whichever is longer.

1.2 Except in accordance with 3.0 of this section, it is unlawful to have aboard any boat or vessel more than one Cobia.

2.0 Recreational Size Limit

2.1 It is unlawful for a recreational fisher to possess a Cobia that measures less than 32 inches in total length.

3.0 Commercial Possession Limits

3.1 A commercial food fish licensee may take and reduce to possession no more than two Cobia per day or per trip, whichever is longer, using commercial fishing gear for which the licensee is lawfully permitted.

3.2 It is unlawful for a commercial finfisher to possess more than two Cobia per day or per trip, whichever is longer.

3.3 Notwithstanding 3.1 and 3.2, a commercial fishing vessel may have up to six Cobia per day or per trip, whichever is longer, onboard provided the number Cobia does not exceed twice the number of commercial foodfish licensees onboard that vessel.

4.0 Commercial Size Limit

4.1 It is unlawful for a commercial foodfish licensee to possess, trade, barter or sell or attempt to trade, barter or sell any Cobia that measure less than 37 inches in total length.

OR

1.0 Recreational Season(s)

1.1 It is unlawful for a recreational finfisher to possess any Cobia during the periods January 1 through May 31 and September 16 through December 31.

1.2 It is lawful for a recreational finfisher to possess Cobia during the period June 1 through September 15 in accordance with sections 2.0 and 3.0.

2.0 Recreational Possession Limits

2.1 It is unlawful for a recreational finfisher possess more than one Cobia per day or per trip, whichever is longer.

2.2 Except in accordance with 4.0 of this section, it is unlawful to have aboard any vessel more than three Cobia.

3.0 Recreational Size Limit

3.1 It is unlawful for a recreational finfisher to possess any Cobia that measures less than 40 inches in total length.

4.0 Commercial Possession Limits

4.1 A commercial food fish licensee may take and reduce to possession no more than two Cobia per day or per trip, whichever is longer, using commercial fishing gear for which the licensee is lawfully permitted.

4.2 It is unlawful for a commercial finfisher to possess more than two Cobia per day or per trip, whichever is longer.

4.3 Notwithstanding 3.1 and 3.2, a commercial fishing vessel may have up to six Cobia per day or per trip, whichever is longer, onboard provided the number Cobia does not exceed twice the number of commercial foodfish licensees onboard that vessel.

5.0 Commercial Size Limit

5.1 It is unlawful for a commercial foodfish licensee to possess, trade, barter or sell or attempt to trade, barter or sell any Cobia that measure less than 37 inches in total length.

Maryland’s Implementation Plan for the Atlantic Migratory Group Cobia

December 29, 2017

1. Recreational Fishery Management Measures

A. *De minimis* States

I. Maryland recreational harvest data, in pounds, were obtained from the Southeast Fishery Science Center (SEFSC). These harvest estimates were compared to the coast wide estimates of recreational harvest from Virginia, North Carolina, South Carolina, and Georgia. Based on this analysis, Maryland qualifies for *de minimis* status with less than 1% of the coast wide recreational harvest in all three of the years examined.

	2014	2015	2016
Maryland Recreational Harvest	0 lbs	0 lbs	1,762 lbs
Coastwide Recreational Harvest	544,050 lbs	1,540,978 lbs	1,289,993 lbs
Percentage of Coastwide Harvest	0%	0%	0.14%

- II. In order to satisfy the *de minimis* management options required in the cobia fishery management plan, Maryland will implement one of the following management options:
- a. A *de minimis* state may match the recreational regulations of an adjacent (or the nearest) non-*de minimis* state. Please list the state non-*de minimis* state being matched as well as regulatory language that matches that of the non-*de minimis* state.
 - b. A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.

Maryland will implement management option a, and will therefore match Virginia’s cobia regulations. Virginia will finalize its 2018 Cobia regulations in early 2018. Based on Virginia’s implementation plan, these regulations include a minimum size limit of 40 inches total length (equivalent to 36 inches fork length), a bag limit of 1 fish per person per day, a daily vessel limit of 3 or 4 fish, and a season starting no earlier than May 15 and ending no later than September

30. Maryland's proposed regulation allows the adjustment of creel, minimum size, and season by public notice. As Virginia completes their stakeholder process and finalizes their 2018 regulations, Maryland will have the authority and the ability to rapidly match their regulations.

2. Commercial Fishery Management Measures

In all Maryland waters, commercial regulations will be:

- A. A minimum size limit of 33 inches fork length or 37 inches total length.
- B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.

The federal annual quota is 50,000 lbs. and is shared by all states from Georgia to New York. The season will be open until the coast wide quota is projected to be reached, as determined by NOAA Fisheries.

3. Implementation Timeline

Maryland has submitted draft regulations to the Maryland Legislature (see below). Although there is some uncertainty in the timing of formal approval, Maryland anticipates having regulations effective in April 2018.

Maryland's Proposed Cobia Regulations

Chapter 05 Fish

.17 [Repealed]Cobia.

A. Recreational. The recreational size limit, catch limit, and season for cobia shall be established and made known through a public notice issued in accordance with Code of this regulation.

B. Commercial.

1 Minimum Size. An individual who harvests cobia or commercial purposes may not catch or possess a cobia with a fork length that is less than 33 inches.

2 Daily Catch Limits.

a Except as provided in 2 b and c of this regulation, a commercial licensee may not catch, possess, or land more than two cobia per person per day.

b A commercial licensee with one additional individual on board the vessel may not catch, possess, or land more than four cobia per vessel per day.

c A commercial licensee with two or more additional individuals on board the vessel may not catch, possess, or land more than six cobia per vessel per day.

3 A person may not catch, possess, or land cobia or commercial purposes when the National Oceanic and Atmospheric Administration closes the fishery in several waters.

4 Cobia harvested or commercial purposes from Maryland waters of the Atlantic Ocean or from the waters of the Exclusive Economic Zone shall be sold to a dealer.

C. Public Notice.

1 The Secretary may establish or modify catch limits, size limits and seasons for cobia in order to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan or the Atlantic Migratory Group of Cobia, by issuing a public notice on the Department's website.

(2) The public notice shall state its effective hour and date and shall be published on the Department's website at least 48 hours in advance of the effective hour and date.

3 The Secretary shall make a reasonable effort to disseminate a public notice issued under this section through various other media so that an affected individual has a reasonable opportunity to be informed.

4 A violation of the restrictions set by the Secretary in accordance with this section is a violation of this regulation.

Chapter 12 Endangered and Threatened Fish Species

.03 Listing of Species.

A. The following species are listed as in need of conservation:

(1)—(17) (text unchanged)

(18) Atlantic menhaden (*Brevoortia tyrannus*); [and]

(19) Jonah crab (*Cancer borealis*)[.]; and

20 *Cobia* *Rachycentron canadum*.

B. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources



MARYLAND - VIRGINIA
"Potomac River Compact of 1958"

Potomac River Fisheries Commission

222 Taylor Street
P.O. BOX 9

Colonial Beach, Virginia 22443

TELEPHONE: (804) 224-7148 · (800) 266-3904 · FAX: (804) 224-2712

www.prfc.us prfc@verizon.net



Cobia Implementation Plan

January 2018

1. Recreational Fishery Management Measures

A) *Non-De Minimis States* - N/A

B) *De Minimis States/Jurisdictions*

(i) Potomac River landings are recorded and reported by either Maryland or Virginia, and we believe they have been very minimal.

(ii) The Potomac River Fisheries Commission will adopt at their next meeting on March 2, 2018 either the recreational regulations of Virginia or a one fish per vessel per trip and a minimum size limit of 32 inches total length.

2. Commercial Fishery Management Measures

A) The Potomac River Fisheries Commission will adopt at their next meeting on March 2, 2018 a minimum size limit of 37 inches total length, and a possession limit no greater than two fish per person and no greater than six fish per vessel.

Note: the Potomac River Fisheries Commission will meet at their next quarterly meeting on March 2, 2018. At this meeting, an Order will be adopted that will bring the PRFC into compliance with the Interstate Fishery Management Plan for Cobia.



COMMONWEALTH OF VIRGINIA

Marine Resources Commission

2600 Washington Avenue

Third Floor

Newport News, Virginia 23607

Molly Joseph Ward
Secretary of Natural Resources

John M.R. Bull
Commissioner

TO: Michael Schmidtke, FMP Coordinator

**FROM: Ryan Jiorle, Virginia Representative for the ASMFC Cobia TC
Fisheries Management Division, Virginia Marine Resources Commission**
DATE: 12/29/2017

SUBJECT: Virginia Cobia Fishery Management Plan Implementation Plan

At its October meeting, the South Atlantic State/Federal Fisheries Management Board (Board) took final action on the Interstate Fishery Management Plan (FMP) for Cobia. Per the agreement of the Board, implementation plans are due January 1, 2018. Jurisdictions must implement the FMP regulations by April 1, 2018.

Recreational Fishery Management Measures

A. Non-De Minimis States

- I. A minimum size limit of 36 inches fork length or 40 inches total length (converted using combined sex length-length conversion function from SEDAR 28).
 - Virginia will maintain its current 40-inch, total length, minimum size limit (See Appendix I).
- II. A bag limit of 1 fish per person.
 - Virginia will maintain its current, 1-fish-per-person daily possession limit (Appendix I).
- III. A daily vessel limit no greater than 6 fish per vessel.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

- Virginia will either maintain its current 3-fish daily vessel limit (Appendix I) or increase to a 4-fish daily vessel limit. See subsection IV, Table 1 for potential options.

IV. A fishing season that, in conjunction with previously defined measures, will achieve a harvest that is at or below a state’s allocated recreational harvest target. State recreational harvest targets are shown in the following table. Note: Recreational management measures will be developed by the state, reviewed by the Technical Committee, and approved by the Management Board.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

Table 1: A comparison of predicted 2018 recreational landings, in pounds, for multiple season lengths and daily vessel limits. Included are calculations based on the 2011-2015 average weight estimate from the Southeast Fisheries Science Center (SEFSC column) and calculations based on year-by-year average weight estimates from the Virginia Marine Resources Commission’s Marine Sportfish Collection Project (VMRC donations column). Due to lack of sufficient sample sizes, the SEFSC average weight estimate for Virginia had to be derived by pooling samples across the entire 5 years, leading to one average weight estimate of 34.04 pounds for all 5 years. More information on the Marine Sportfish Collection Project Data is provided in Table 2.

Open season	Vessel limit	Predicted landings (SEFSC average weight)	Predicted landings (VMRC donations average weight)
May 15-September 15	3	270,058	225,445
May 15-August 31	3	268,238	223,470
June 1-September 30	3	238,908	200,368
June 1-September 15	3	237,088	198,393
May 15-August 31	4	268,238	223,470
June 1-September 30	4	239,622	201,142
June 1-September 15	4	237,445	198,780

The VMRC does not yet have a preferred option because it would first like to solicit public comment on which vessel limit and elements of the recreational season are most important to stakeholders.

Table 2: Length data from the Virginia Marine Resources Commission’s Marine Sportfish Collection Project. The number of samples refers to the number of fish measured for length, which were then converted to weight using the equation from SEDAR 28:

$$\text{Weight (kg)} = 2\text{E-}9 * (\text{Fork length, mm})^3.28.$$

Year	Number of samples	Average fork length (mm)	Average weight (SEDAR conversion, kg)	Average weight (pounds)
2011	90	1069.29	17.24	37.92
2012	77	1011.92	14.39	31.65
2013	198	985.90	13.21	29.06
2014	296	979.62	12.93	28.45
2015	350	961.61	12.17	26.77

B. *De minimis* States

- I. Justification of *de minimis* status, shown by recreational harvests, in weight, that are less than 1% of the coastwide recreational landings for 2 of 3 years from 2014-2016.
- II. Management measures that satisfy the *de minimis* management requirements of the FMP. Please include language that satisfies one of the following management methods:
 - a. A *de minimis* state may match the recreational regulations of an adjacent (or the nearest) non-*de minimis* state. Please list the state non-*de minimis* state being matched as well as regulatory language that matches that of the non-*de minimis* state.
 - b. A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.

Commercial Fishery Management Measures

- A. A minimum size limit of 33 inches fork length or 37 inches total length.
 - Virginia will maintain its current 37-inch, total length, minimum size limit (Appendix I).
- B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.
 - Currently, the only gear that has a vessel limit is the commercial hook-and-line fishery, which operates under an exemption that allows any commercial hook-and-line licensee to harvest 6 cobia per vessel per day, regardless of how many crew members are on board. Because this is in conflict with the “2-perperson” provision of the FMP, the VMRC will be adjusting or eliminating this exemption at its February 27, 2018 Commission meeting. The VMRC will establish either a 2-per-person possession limit or 2-per-commercial-licensee

possession limit for hook-and-line fishing. Although it is unclear which will be adopted, both regulations are within the above requirements. All other commercial gears are set at 2 per commercial licensee, but without any vessel limit. Thus, the VMRC will establish a 6-fish vessel limit (or something more restrictive) for all other gears while maintaining the 6-fish vessel limit already in place for hook-and-line.

3. Timeline for Implementation

- The VMRC will be addressing its commercial and recreational cobia measures at its February 27, 2018 Commission meeting.

VIRGINIA MARINE RESOURCES COMMISSION**PAGE 1 OF 5****"PERTAINING TO AMBERJACK AND COBIA"****CHAPTER 4 VAC 20-510-10 ET SEQ.****PREAMBLE**

This chapter establishes possession limits and minimum size limits for cobia and amberjack in Virginia waters.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This chapter amends and re-adopts previous Chapter 4 VAC 20-510-10 et seq. which was adopted on March 28, 2017 and effective on April 1, 2017. The effective date of this chapter, as amended, is October 25, 2017.

4VAC20-510-10. PURPOSE.

The purpose of this chapter is to control the harvest, protect the spawning stocks, minimize the possibility of recruitment failure and increase yield in the amberjack and cobia fisheries. The provisions pertaining to aquaculture serve to prevent cobia raised in an aquaculture facility from being placed into Virginia waters and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this chapter.

4 VAC 20-510-12. DEFINITIONS.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Recreational vessel” means any vessel, kayak, charter vessel, or headboat participating in the recreational cobia fishery.

4VAC20-510-15. RECREATIONAL COBIA PERMIT AND MANDATORY REPORTING.

A. It shall be unlawful for any person to possess or land any cobia harvested from a recreational vessel unless the captain or operator of that recreational vessel has obtained a Recreational Cobia Permit from the Marine Resources Commission. The captain or operator shall be responsible for reporting for all anglers on the recreational vessel and shall provide his MRC ID number; the date of harvest; the number of individuals on board; the mode of fishing; and the number of cobia kept or released.

B. It shall be unlawful for any person to possess or land any cobia harvested recreationally from shore, a pier, or any other manmade structure without first having obtained a Recreational Cobia Permit from the Marine Resources Commission. Any such permittee shall provide his MRC ID number; the date of harvest; the mode of fishing; and the number

VIRGINIA MARINE RESOURCES COMMISSION**PAGE 2 OF 5****"PERTAINING TO AMBERJACK AND COBIA"****CHAPTER 4 VAC 20-510-10 ET SEQ.**

of cobia kept or released on that report to the Commission.

C. It shall be unlawful for any permittee to fail to report trips where cobia were caught, whether harvested, released, or possessed in accordance with this section, on forms provided by the commission within seven days after the trip occurred. It shall be unlawful for any permittee to fail to report trips where cobia were targeted but not successfully caught, by the 15th day after the close of any recreational cobia fishery season.

1. Any permittee who did not participate in the recreational cobia season shall notify the commission of their lack of participation by the 15th day after the close of the recreational cobia season on forms provided by the commission.

2. Any permittee who either fails to report the harvest of cobia or did not participate in any recreational cobia season and fails to report no activity shall be ineligible to receive a Recreational Cobia Permit in the following year.

4VAC20-510-20. RECREATIONAL FISHERY POSSESSION LIMITS; SEASON CLOSURE; VESSEL ALLOWANCE; AND, PROHIBITION ON GAFFING.

- A. It shall be unlawful for any person fishing recreationally to possess more than two amberjack or more than one cobia at any time. Any amberjack or cobia caught after the possession limit has been reached shall be returned to the water immediately. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by two for amberjack or one for cobia, except there is a maximum vessel limit of three cobia per vessel per day. That vessel limit may only include one cobia greater than 50 inches in total length. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.
- B. In 2017 it shall be unlawful for any person, fishing recreationally, to harvest or possess any cobia before June 1st or after September 15th.
- C. It shall be unlawful for any person fishing recreationally to gaff or attempt to gaff any cobia.

4VAC20-510-25. COMMERCIAL FISHERY POSSESSION LIMITS AND SEASON.

- A. It shall be unlawful for any person fishing commercially to possess more than two amberjack or more than two cobia at any time, except as described in 4VAC 20-510-

VIRGINIA MARINE RESOURCES COMMISSION**PAGE 3 OF 5****"PERTAINING TO AMBERJACK AND COBIA"****CHAPTER 4 VAC 20-510-10 ET SEQ.**

33. Any amberjack or cobia caught after the possession limit has been reached shall be returned to the water immediately. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by two. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

- B. In 2017 it shall be unlawful for any person, fishing commercially, to harvest or possess any cobia after September 30.

4VAC20-510-30. MINIMUM SIZE LIMITS.

- A. It shall be unlawful for any person to take, catch or have in possession any amberjack less than 32 inches in total length.
- B. It shall be unlawful for any person fishing commercially to take, harvest or possess any cobia less than 37 inches in total length.
- C. It shall be unlawful for any person to take, catch or have in possession any recreationally harvested cobia less than 40 inches in total length.
- D. Total length is measured in a straight line from tip of nose to tip of tail.

4VAC20-510-33. EXCEPTIONS TO POSSESSION LIMITS AND MINIMUM SIZE LIMITS.

- A. Nothing in 4VAC20-510-25 shall limit the possession of amberjack or cobia by licensed seafood buyers or wholesale and retail seafood establishments when operating in their capacity as buyer, wholesaler or retailer.
- B. Nothing in 4VAC20-510-25 and 4VAC20-510-30 shall limit the possession of cobia by an aquaculture facility that is permitted in accordance with the provisions of 4VAC20-510-35.
- C. Any person employed by a permitted cobia aquaculture facility for the purpose of harvesting cobia as broodstock for the aquaculture facility shall be exempt from the provisions of 4VAC20-510-20 and 4VAC20-510-30 provided that person possesses a scientific collection permit issued by the commissioner.
- D. The daily possession limit, for cobia, for any vessel operated by at least one legal

VIRGINIA MARINE RESOURCES COMMISSION**PAGE 4 OF 5****"PERTAINING TO AMBERJACK AND COBIA"****CHAPTER 4 VAC 20-510-10 ET SEQ.**

commercial hook-and-line licensee shall be no more than 6 cobia, regardless of the number of crew on that vessel.

4VAC20-510-35. AQUACULTURE OF COBIA; PERMIT REQUIRED.

- A. Any person operating an aquaculture facility in which cobia that exceed the possession limit or are of sublegal size will be cultured, possessed, offered for sale or sold shall first obtain a permit from the commissioner for the facility. That permit shall exempt the facility from the possession requirements described in 4VAC20-510-20 and authorize the possession, culturing and sale of sublegal size cobia.
- B. The application for a cobia aquaculture permit shall list the name and address of the applicant, the type and location of the facility, and an estimate of production capacity. An aquaculture permit shall be valid for 10 years from the date of issue and may be renewed by the commissioner provided the permittee has complied with all of the provisions of this chapter. The issuance and continuation of any person's cobia aquaculture permit are contingent on that designated facility being open for inspection by the Marine Resources Commission for the purposes of determining compliance with this regulation. An aquaculture permit is not transferable.

4VAC20-510-37. SALE, RECORDS, IMPORTATION, RELEASE.

- A. All cobia produced by an aquaculture facility permitted under this section shall be packaged prior to sale with a printed label indicating the product is of aquaculture origin. When packaged and labeled according to these requirements, such fish may be transported and sold at retail or wholesale or for commercial distribution through normal channels of trade until reaching the consumer.
- B. Cobia that measure less than the lawful minimum size described in 4VAC20-510-30 B but are the product of a permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labeled in accordance with the provisions contained in subsection A of this section.
- C. Release of live fish. Under no circumstance shall any cobia produced by an aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commissioner and having received written permission from the commissioner.

4VAC20-510-40. PENALTY.

VIRGINIA MARINE RESOURCES COMMISSION

"PERTAINING TO AMBERJACK AND COBIA"

CHAPTER 4 VAC 20-510-10 ET SEQ.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

* * * * *

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on October 24, 2017.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: *Matthew R. Hull for*
John M. R. Bull
Commissioner

Subscribed and sworn to before me this 27 day of October, 2017.

Jennifer G. Farmer
Notary Public



Cobia Fishery Management Plan Implementation Plan – North Carolina

The North Carolina Division of Marine Fisheries (NC DMF) solicited input from the public and the North Carolina Marine Fisheries Commission (NC MFC) advisory committees on potential season and/or vessel limit options for the 2018-2020 cobia seasons. Numerous management options were analyzed and presented to the NC MFC for their consideration. The NC DMF presents two options for consideration by the South Atlantic State/ Federal Fisheries Management Board at their February 2018 business meeting. Following is a description of each proposed management option and a description of the analysis used to estimate expected landings under different management scenarios. Selected and approved management measures will be implemented under the NC DMF Director's proclamation authority granted by North Carolina General Statutes (G.S. 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52) and NC MFC rules (15A NCAC 03H .0103, and 03M .0512) 48-hours after issuance. Currently, the recreational cobia fishery in North Carolina is closed until April 30, 2018 and the commercial fishery will re-open on January 1, 2018 (Proclamation FF-32-2017; attached).

4. Recreational Fishery Management Measures

A. Non-De Minimis States

- I. A minimum size limit of 36 inches fork length or 40 inches total length (converted using combined sex length-length conversion function from SEDAR 28).*

Option 1 and Option 2 both propose adopting a 36-inch fork length minimum size limit for the cobia fishery in North Carolina. For each option, proposed regulatory language to be included in the proclamation will read as follows:

It is unlawful to possess cobia less than 36 inches fork length.

- II. A bag limit of 1 fish per person.*

Option 1 and Option 2 both propose adopting a bag limit of one fish per person for the cobia fishery in North Carolina. For each option, proposed regulatory language to be included in the proclamation will read as follows:

It is unlawful to possess more than one (1) cobia per person per day

- III. A daily vessel limit no greater than 6 fish per vessel.*

Option 1, recommended by the NC MFC, would allow vessel limits of four fish per vessel for for-hire vessels and two fish per vessel for private vessels. Proposed regulatory language to be included in the proclamation will read as follows:

FOR-HIRE VESSEL (While engaged in a For-Hire Vessel operation)

It is unlawful to possess more than four (4) cobia per vessel per day or one (1) cobia per person per day if fewer than four (4) people are on board.

PRIVATE VESSEL (All vessels not engaged in a For-Hire Vessel operation)

It is unlawful to possess more than two (2) cobia per vessel per day or one (1) cobia per person per day, if there is only one person on board.

Option 2 would allow vessel limits of three fish per vessel for for-hire vessels and a one fish per vessel limit for private vessels. Proposed regulatory language to be included in the proclamation will read as follows:

FOR-HIRE VESSEL (While engaged in a For-Hire Vessel operation)

It is unlawful to possess more than three (3) cobia per vessel per day or one (1) cobia per person per day if fewer than three (3) people are on board.

PRIVATE VESSEL (All vessels not engaged in a For-Hire Vessel operation)

It is unlawful to possess more than one (1) cobia per vessel per day.

IV. A fishing season that, in conjunction with previously defined measures, will achieve a harvest that is at or below a state's allocated recreational harvest target. State recreational harvest targets are shown in the following table. Note: Recreational management measures will be developed by the state, reviewed by the Technical Committee, and approved by the Management Board.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

A season for the cobia fishery in North Carolina is not proposed for either option. Stakeholder input was almost unanimous in the desire to maintain an open season throughout the year. The harvest measures needed to achieve North Carolina's Recreational Harvest Limit of 236,313 pounds are attained with the proposed vessel limit options.

Staff with the NC DMF analyzed various vessel limit options between the for-hire and private modes and presented these analyses to the public and the NC MFC for their input. The initial analysis relied on Marine Recreational Information Program (MRIP) intercepts (size, number of fish, and weight) and total catch estimated from the 2011-2015 fishing years. This period was selected because it represented the most recent five-year period of landings in the fishery with consistent regulations (33-inch fork length minimum size and two per person possession limit for all sectors). The percent reduction of harvest for each management change was then calculated by pooling all the available intercept data across the period into two week segments and then calculating reductions in number of fish and weight of fish harvested from the observed intercept values to the various vessel limit options. For size limit, the estimated

reduction of harvest was calculated and applied to the data before vessel limit and season reductions were calculated. This simulated the reduction in landings expected from increasing the size limit in the fishery from 33-inches fork length to 36-inches fork length. These values were then pooled across the weeks and subtracted from the total number or weight of harvested fish, by mode, to calculate the expected reduction for a given vessel limit. Average weights of fish were estimated directly from MRIP intercepts for the two-week period. After discussion among the Cobia Technical Committee, it was decided to use consistent average weight methods across all the states. Annual average weights of cobia from the Southeast Fisheries Science Center were then applied to the analysis at the annual level and the reduction percentages were re-calculated. Percent reductions were then converted to expected pounds of harvest by subtracting the percent reduction of landings from the 2011-2015 average of landings, by mode. These figures are presented in the table below for the two proposed management options (Table 1).

Table 1. Vessel limit options and associated expected landings (pounds) based on the 5-year average landings from 2011-2015. Analysis assumes a 36-inch fork length limit and a 1 fish/person bag limit for all modes

	For-hire	Private*	Total estimated landings
Option 1	4 fish/vessel 40,102 lbs	2 fish/vessel 216,435 lbs	256,537 lbs
Option 2	3 fish/vessel 35,540 lbs	1 fish/vessel 166,568 lbs	202,108 lbs

*Private landings include man-made and shore based modes

Estimated landings for Option 1 exceed the RHL set for North Carolina by 20,244 pounds. The NC MFC cited input received from its standing advisory committees and considerable public comment concerning the uncertainty surrounding the MRIP catch estimates as justification for recommending management measures that exceed the RHL. Along with the management measures recommended by the NC MFC, they also instructed the NC DMF to develop a mandatory reporting program for the recreational cobia fishery in the state to help improve accuracy of catch estimates. Preliminary 2017 SEFSC harvest estimates through wave four was 202,965 pounds for North Carolina, 33,348 pounds under the RHL. North Carolina realized these landings with the same management measures proposed in Option 1 with the addition of a May 1 – August 31 season. During the 2011 – 2015 period, North Carolina harvested approximately 98 percent of its cobia by September 1 (Figure 1). Additionally, the NC MFC cited the under harvest in 2017 compared to the projected landings NC DMF staff presented to them before the season. Under the 2017 management measures adopted by the NC MFC, the NC DMF estimated 297,240 pounds of harvest for 2017. Preliminary MRIP harvest estimated through Wave four were 261,514 pounds, a difference of 35,726 pounds.

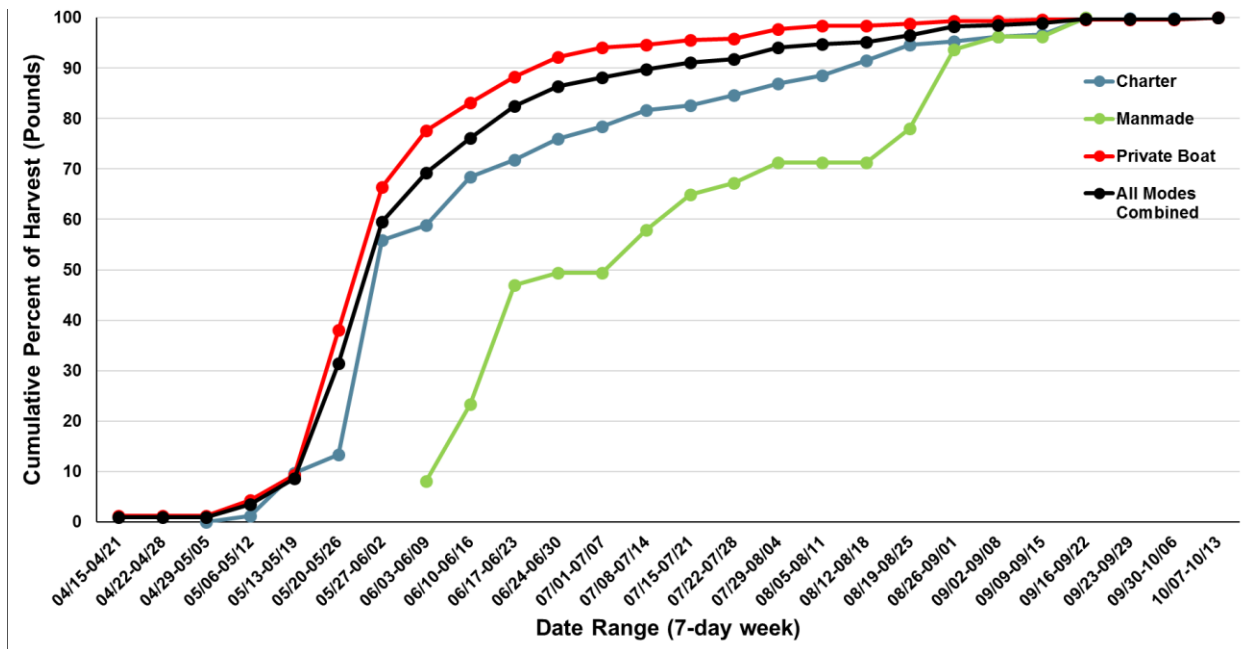


Figure 1. Cumulative percent of harvest, by mode, of cobia in North Carolina from the 2011 – 2015 period.

B. De minimis States

North Carolina does not request *de minimis status*.

5. Commercial Fishery Management Measures

A. A minimum size limit of 33 inches fork length or 37 inches total length.

North Carolina Proposes implementing a 33-inch fork length minimum size for the commercial fishery. Proposed regulatory language to be included in the Director’s proclamation will read as follows:

It is unlawful to possess cobia less than 33 inches fork length.

B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.

North Carolina proposes implementing a two fish per person commercial limit, not to exceed six fish per vessel. Proposed regulatory language to be included in the Director’s proclamation will read as follows:

It is unlawful to possess more than two (2) cobia per person per day or six (6) per vessel per day, whichever is more restrictive.

FF-32-2017

PROCLAMATION

RE: COBIA - COASTAL FISHING WATERS - RECREATIONAL AND COMMERCIAL

This proclamation supersedes proclamation [FF-13-2017](#) dated April 10, 2017 and [FF-31-2017](#) dated August 25, 2017. This proclamation closes the commercial fishery due to the federal annual catch limit being met. See the following NOAA Fishery Bulletin for more information: (http://sero.nmfs.noaa.gov/fishery_bulletins/2017/047/FB17-034index.html).

The commercial season for cobia will re-open at 12:01 AM on January 1, 2018. This proclamation also maintains the recreational season closure for cobia through April 30, 2018.

Braxton C. Davis, Director, Division of Marine Fisheries, hereby announces that effective at 12:01 A.M., Tuesday, September 5, 2017, the following restrictions will apply to the cobia fishery in *Coastal Fishing Waters*:

I. SUSPENSION OF N.C. MARINE FISHERIES COMMISSION RULE 15A NCAC 03M .0516

N.C. Marine Fisheries Commission Rule 15A NCAC 03M. 0516 that reads as follows *is suspended in its entirety*:

A. It is unlawful to possess cobia less than 33 inches fork length.

B. It is unlawful to possess more than two (2) cobia per person per day.

II. RECREATIONAL SEASON

A. It is unlawful to possess Cobia. The fishery will remain closed through April 30, 2018.

III. COMMERCIAL SIZE AND HARVEST LIMIT

A. It is unlawful to possess Cobia.

B. Effective at 12:01 A.M., Monday, January 1, 2018, the following restrictions will apply:

1. It is unlawful to possess cobia less than 33 inches fork length.

2. It is unlawful to possess more than two (2) cobia per person per day or six (6) per vessel per day, whichever is more restrictive.

IV. GENERAL INFORMATION

A. This proclamation is issued under the authority of North Carolina G.S. 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52 and North Carolina Marine Fisheries Commission Rules 15A NCAC 03H .0103, and 03M .0512.

B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority pursuant to North Carolina Marine Fisheries Commission Rule 15A NCAC 03H .0103.

C. The intent of this proclamation is to manage the commercial fishery in Coastal Fishing Waters consistently with federal commercial management measures.

D. All cobia shall be immediately returned to the waters where taken, regardless of the condition of the fish.

E. Proclamation [FF-31-2017](#) dated August 25, 2017 closed the recreational fishery through April 30, 2018 and implemented commercial provisions of Framework Amendment 4 to the federal Coastal Migratory Pelagics Fishery Management Plan to constrain coastwide landings to the commercial Annual Catch Limit established by NOAA Fisheries. It maintained a commercial minimum size limit of 33 inches fork length and instituted a commercial trip limit of two (2) fish per person per day or six (6) fish per vessel per day, whichever is more restrictive.

F. Contact the North Carolina Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557 252-726-7021 or 800-682-2632 for more information or visit the division website at www.ncmarinefisheries.net.

G. In accordance with North Carolina General Statute 113-221.1(c) all persons who may be affected by proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current proclamations.

H. *This proclamation supersedes proclamation [FF-13-2017](#) dated April 10, 2017 and [FF-31-2017](#) dated August 25, 2017. This proclamation closes the commercial fishery due to the federal annual catch limit being met. See the following NOAA Fishery Bulletin for more information: (http://sero.nmfs.noaa.gov/fishery_bulletins/2017/047/FB17-034index.html).*

The commercial season for cobia will re-open at 12:01 AM on January 1, 2018. This proclamation also maintains the recreational season closure for cobia through April 30, 2018.



Braxton C. Davis, Director
DIVISION OF MARINE FISHERIES

August 31, 2017
12:52 P.M.
FF-32-2017

South Carolina Fisheries Management Implementation Plan for Cobia

Prepared under the Guidelines for the current Atlantic States Marine Fisheries Commission Interstate Fisheries Management Plan for Cobia (*Rachycentron canadum*).



Prepared By:

Christopher McDonough
Office of Fisheries Management
South Carolina Department of Natural Resources
Charleston, South Carolina

1. Recreational Fishery Management Measures

Pursuant to South Carolina Code of Laws 50-5-2730(A), *Unless otherwise provided by law, any regulations promulgated by the Federal Government under the Fisheries Conservation and Management Act PL 94-265 or the Atlantic Tuna Conservation Act PL 94-70 which establishes seasons, fishing periods, gear restrictions, sales restrictions, or bag, catch, size, or possession limits on fish are declared to be the law of this State and a law state if included in state waters.*

A. Non-De Minimis States

I. A minimum size limit of 36 inches fork length or 40 inches total length (converted using combined sex length-length conversion function from SEDAR 28).

- Minimum size limit follows federal law under SC Code of Laws: 50-5-2730(A) in all state jurisdictional waters.

II. A bag limit of 1 fish per person.

- Daily bag limit follows federal law under SC Code of Laws: 50-5-2730(A) in all state jurisdictional waters.

III. A daily vessel limit no greater than 6 fish per vessel.

- SC Code of Laws: 50-5-2730(B-2) states: *cobia *Rachycentron canadum* located in the Southern Cobia Management Zone. Subject to the size limit established by the Federal regulation, possession of cobia caught in the Southern Cobia Management Zone is limited to one per person per day, and no more than three per boat per day, from June 1 to April 30.*

- Vessel limit follows federal law in all other state waters outside the Southern Cobia Management Zone as per SC Code of Laws 50-5-2730(A).

IV. A fishing season that, in conjunction with previously defined measures, will achieve a harvest that is at or below a state’s allocated recreational harvest target. State recreational harvest targets are shown in the following table. Note: Recreational management measures will be developed by the state, reviewed by the Technical Committee, and approved by the Management Board.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

- Under SC Code of Laws 50-5-2730(B-2): *It is unlawful to take or possess cobia in the Southern Cobia Management Zone from May 1 to May 31, and at any time the Federal regulations provide for the closure of the recreational cobia season in the waters of the South Atlantic Ocean.*

B. *De minimis* States

- I. Justification of *de minimis* status, shown by recreational harvests, in weight, that are less than 1% of the coastwide recreational landings for 2 of 3 years from 2014-2016.
 - Recreational harvest for South Carolina during 2014-2016 was greater than 1% of the coastwide landings for all three years, thus South Carolina does not qualify for *de minimis* status.
- II. Management measures that satisfy the *de minimis* management requirements of the FMP. Please include language that satisfies one of the following management methods:
 - a. A *de minimis* state may match the recreational regulations of an adjacent (or the nearest) non-*de minimis* state. Please list the state non-*de minimis* state being matched as well as regulatory language that matches that of the non-*de minimis* state.
 - b. A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.

2. Commercial Fishery Management Measures

Cobia are designated as a Gamefish in South Carolina state jurisdictional waters. As a Gamefish, there is no commercial fishing for cobia in state waters under South Carolina Code of laws 50-5-1700(E) which states: *It is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter cobia taken from state waters.*

Cobia caught in federal waters may be landed and sold to SC Licensed Wholesale Seafood Dealers. Commercial fishers selling Cobia in South Carolina must be SC Licensed Commercial Fishermen and must follow all pertinent Federal Regulations.

- A. A minimum size limit of 33 inches fork length or 37 inches total length.
 - Applies only to Cobia caught in federal waters for commercial purposes by licensed commercial fishers.
- B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.
 - Applies only to Cobia caught in federal waters for commercial purposes by licensed and permitted commercial fishers.
 - Personal and commercial boat limits for cobia caught in federal waters follow federal law per SC Code of Laws 50-5-2730(A).

State of Georgia Cobia Implementation Plan
As Required in ASMFC's Cobia Fishery Management Plan January 1, 2018

Introduction

Cobia along the Atlantic Coast have been managed by the National Marine Fisheries Service (NMFS) through the federal Magnuson-Stevens Act since 1991 and by states that have chosen to regulate the species. However, until recently, there has been no cooperative interstate management of the species although nearly 80% of harvest occurs in state territorial waters. Atlantic Coast Cobia are separated into two federal management units based on genetic studies: Atlantic Migratory Group Cobia (Atlantic Cobia - Georgia to New York) and Gulf of Mexico Migratory Group Cobia (Florida to Texas). The annual catch limit for Atlantic Migratory Group Cobia is 670,000 pounds of which 620,000 pounds is allocated to recreational harvest and 50,000 pounds allocated to commercial harvest.

There has been a marked increase in estimated recreational harvest of Cobia within the state waters of North Carolina and Virginia. This resulted in the annual catch limit for Atlantic Cobia being exceeded by 947,000 pounds in 2015 and 715,000 pounds in 2016. On June 20, 2016, NMFS closed federal waters of the Atlantic Ocean to Atlantic Migratory Group Cobia harvest for the remainder of 2016 and again on January 24, 2017 for the duration of 2017. NMFS took this action to reduce the likelihood that the annual catch limit for Atlantic Cobia would be exceeded.

The closure of federal waters effectively denied access to Cobia in some states while others were unaffected since the fishery occurs in state waters. The lack of consistency in fishing regulations amongst states with Cobia fisheries and the ongoing risk of exceedance of the federal annual catch limit prompted federal fishery managers to request the Atlantic States Marine Fisheries Commission (ASMFC), develop an Atlantic Cobia management plan. The plan would require member states to regulate the harvest cobia in such a manner as to prevent harvest in excess of the annual catch limit.

The Commission's Interstate Fishery Management Plan for Atlantic Cobia was adopted on November 14, 2017. The plan stipulates that the 670,000 pounds ACL would be divided among the states as follows: Georgia - 58,311 pounds; South Carolina - 74,885 pounds; North Carolina - 236,316 pounds; and Virginia - 244,292 pounds. The plan requires each state to adopt fishing regulations that will result in the annual harvest being at or below the aforementioned numbers. Each state must have recreational fishing regulations that match or are more conservative than the following requirements: minimum size of 36 inches, fork length, a possession limit of one per fish per person, and a vessel limit not to exceed six fish. Each state must also propose a season to complement the size and possession regulations. The current commercial fishery management measures remain identical to the federal plan: minimum size of 33 inches, fork length, a possession limit of two fish per person, and a vessel limit of six fish. The federal annual catch limit of 50,000 pounds is allocated to the entire commercial fishery from Georgia through New York. The commercial Cobia fishery will close once the annual catch limit is reached.

Regulatory Process

Based on sound principles of wildlife research and management, the Georgia Department of Natural Resources (GADNR) regulates the fishing of Cobia under the authority granted to it by the state legislature (O.C.G.A. 27-1-4 and 27-4-10). Board Rule 391-2-4-.04, Saltwater Finfishing (Rule) establishes the seasons, methods of fishing and disposition, size, creel and possession limits, and gear and landing specifications for certain finfish, including Cobia.

Currently there is no closed season on Cobia in Georgia. Recreational fishers are allowed a daily creel/possession limit of two (2) fish with a minimum size of 33 inches, fork length. There is no recreational season. Commercial regulations for Cobia are the same as the recreational fishery.

Changes to the Cobia fishery in Georgia were presented to the Board of Natural Resources in December 2017 with final approval set for January 2018. Assuming Board approval, the new regulations will be effective March 1, 2018.

1. Recreational Fishery Management Measures A.

Non-De Minimis Status:

- I. ***A minimum size limit of 36 inches fork length or 40 inches total length (converted using combined sex length-length conversion function from SEDAR 28).***

A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will increase the minimum size for cobia from 33 inches fork length to 36 inches fork length effective no later than March 1, 2018.

- II. ***A bag limit of 1 fish per person.***

A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will decrease the bag limit to one (1) cobia per person per day, effective no later than March 1, 2018.

- III. ***A daily vessel limit of no greater than 6 fish per vessel.***

A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will limit the daily vessel limit to no more than six (6) cobia per vessel, effective no later than March 1, 2018.

- IV. ***A fishing season that, in conjunction with previously defined measures, will achieve a harvest that is at or below a state's allocated recreational harvest target.***

State recreational harvest targets are shown in the following table. Note:

Recreational management measures will be developed by the state, reviewed by the Technical Committee, and approved by the Management Board.

State	GA	SC	NC	VA
-------	----	----	----	----

Harvest Target (pounds)	58,311	74,885	236,313	244,292
--------------------------------	--------	--------	---------	---------

A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will limit the cobia fishing season from March 1 through October 31, effective no later than March 1, 2018. The Commission’s Georgia specific allocation of 58,311 pounds will be maintained through the measures described above and by closely monitoring catch data associated with the Marine Recreational Information Program (MRIP). MRIP intercepts for cobia are a rare occurrence in Georgia with annual PSEs routinely over 70%. Even so, a preliminary analysis suggests a 28% reduction in Georgia harvest (pounds) with solely a 36 inches minimum size. When combined with the one cobia per angler creel limit a 37% reduction in harvest is gained. There was no additional benefit to delaying the season opening until May 1, however a June 1 start date (with 36 inch minimum and 1 fish creel limit) would result in a 60% reduction in harvest – although the small sample sizes in Georgia make this very unreliable and would effectively eliminate most of the fishery for Georgia anglers.

Over the past ten years, harvest of Cobia was uncommon in Georgia during Wave 2 (March/April, < 8%) and peaks during Wave 3 (May/June – 79%). Wave 4 (July/August) represents nearly 12% of the annual harvest during that same period, with Waves 5 and 6 (September/October and November/December) representing < 0.3% of the annual harvest.

Cobia is a fishery of opportunity in Georgia rather than a targeted fishery. The State’s position on wanting a season through October is to allow anglers the possibility of harvesting a cobia as it migrates southward. Although it is a rare occurrence, anglers have stated they are available occasionally during those early fall months. Our proposal for managing Georgia’s allocation is to assess the state annual harvest using a three-year running average, and shorten the season the following year (year four) if the target quota is exceeded. The season in year four will be shortened appropriately to address any overage. This method, using MRIP harvest estimates (A + B1, in pounds), has only exceeded the 58,331 lbs target 3 of the past 8 years (20102017) (Table 1). The Department has some flexibility with seasons. The DNR Commissioner has the power to close all or any portion of the salt waters of the state to commercial and noncommercial fishing up to six months under O.C.G.A. 27-4-130 if deemed necessary for the protection of the resource.

Table 1. Georgia recreational harvest statistics indicating when the three year average exceeded the present state allocation of 58,331 lbs.

Georgia Recreational Cobia Harvest				
Year	Harvest (A+B1) lbs	PSE	3-yr Avg.	3-yr Avg. Exceeds Allocation
1999	5,192	54.6	5,192	N
2000	0	.	2,596	N
2001	10,074	100	5,089	N

2002	1,172	100	3,749	N
2003	342	100.5	3,863	N
2004	44,045	94.5	15,186	N
2005	774	100.7	15,054	N
2006	1,733	99.4	15,517	N
2007	46,729	42.8	16,412	N
2008	320,174	66.3	122,879	Y
2009	2,009	110.1	122,971	Y
2010	89,840	56.1	137,341	Y
2011	74,651	67	55,500	N
2012	97,766	57.6	87,419	Y
2013	25,183	56.3	65,867	Y
2014	19,079	71.5	47,343	N
2015	26,499	71.4	23,587	N
2016	0	.	15,193	N
2017 (Preliminary)	286	112.4	8,928	N
State Allocation	58,331			

Source: <https://www.st.nmfs.noaa.gov/st1/recreational/queries/index.html> (12/27/17)

B. *De minimis* States

I. *Justification of de minimis status, shown by recreational harvests, in weight, that are less than 1% of the coastwide recreational landings for 2 of 3 years from 2014-2016.*

II. *Management measures that satisfy the de minimis management requirements of the FMP. Please include language that satisfies one of the following management methods:*

1. *A de minimis state may match the recreational regulations of an adjacent (or the nearest) non-de minimis state. Please list the state non-de minimis state being matched as well as regulatory language that matches that of the non-de minimis state.*

2. *A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.*

Georgia does not request nor qualify for *de minimis* at this time

2. Commercial Fishery Management Measures

A. A minimum size limit of 33 inches fork length or 37 inches total length.

Georgia will implement the same regulations for commercial harvest as recreational harvest. A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will increase the minimum size for cobia from 33 inches fork length to 36 inches fork length effective no later than March 1, 2018.

B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.

Georgia will implement the same regulations for commercial harvest as recreational harvest. A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will decrease the bag limit to one (1) cobia per person per day and a maximum of six (6) cobia per vessel, effective no later than March 1, 2018.

Catch will be monitored through mandatory trip ticket reporting by the 10th of each month.

These proposed amendments were presented to the Board of Natural Resources on December 6, 2017. The public comment period will close on January 8, 2018 with final Board approval of amended Rule 391-2-4-.04 on January 26, 2018. The amended rule will be effective no later than March 1, 2018.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION**

CHAPTER 391-2-4

SALTWATER FISHING REGULATIONS

TABLE OF CONTENTS

391-2-4-.04 Saltwater Finfishing

391-2-4-.04 Saltwater Finfishing.

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the seasons, methods of fishing, and disposition; size, possession, and creel limits; and gear and landing specifications for certain finfish.

(2) **Definitions.**

(a) "Daily creel limit" means the lawful amount of a species of finfish that a person may take in one day or possess at any one time, except at one's place of abode or at a commercial storage facility provided the Board has not prohibited sale of that species.

(a.1) "Landed" means to bring fish to shore in this state, regardless of the jurisdiction from which they were taken or harvested.

Chapter 391-2-4

Saltwater Fishing Regulations

(b) "Minimum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, below which size it is unlawful to possess that finfish species.

(b.1) "Maximum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, above which size it is unlawful to possess that finfish species.

(c) "Open Season" means that specified period of time during which one may take from any of the waters of this state certain finfish species.

(d) "Sharks" means all species of sharks other than those comprising the small shark composite as defined in subparagraph 2(e), hammerhead sharks as defined in subparagraph 2(g), and prohibited sharks as defined in subparagraph 2(h).

(e) "Small Shark Composite" means a group of sharks inclusive of Atlantic sharpnose shark (*Rhionotus terraenovae*), bonnethead *Sphyrna tiburo*, and spiny dogfish *Squalus acanthias*.

(f) "Handline" means a mainline to which no more than two hooks are attached and which is retrieved by hand without the aid of mechanical devices.

(g) "Hammerhead Sharks" means a group of sharks inclusive of great hammerhead (*Sphyrna mokarran*), scalloped hammerhead (*Sphyrna lewini*) and smooth hammerhead (*Sphyrna tiburo*).

(h) "Prohibited Sharks" means a group of sharks inclusive of sand tiger (*Carcharias taurus*, sandbar shark (*Carcharhinus lumbeus*, silky shark (*Carcharhinus alcockii*, bigeye sand

Chapter 391-2-4

Saltwater Fishing Regulations

tiger (*Oxyporhynchus noronhai*, whale shark (*Rhincodon tylos*, basking shark (*Cetorhinus maximus*, white shark (*Carcharodon carcharias*, dusky shark (*Carcharhinus obscurus*, bignose shark (*Carcharhinus altimus*, Galapagos shark (*Carcharhinus galapagensis*, night shark (*Carcharhinus signatus*, reef shark (*Carcharhinus perezi*, narrowtooth shark (*Carcharhinus brachyurus*, Caribbean sharpnose shark (*Rhionotus orosus*, smalltail shark (*Carcharhinus porosus*, Atlantic angel shark (*Squatina tiberi*, longfin mako (*Isurus paucus*, bigeye thresher (*Alopias superciliosus*, sharpnose sevengill shark (*Heterobranchius erlangeri*, bluntnose sixgill shark (*Hexanchus griseus*, and bigeye sixgill shark (*Hexanchus naomurai*).

(3) Seasons, Daily Creel and Possession Limits, Minimum and Maximum Size Limits. The following species may be taken in accordance with the seasons, daily creel and possession limits, and minimum and maximum size limits set forth below, except as otherwise specifically provided herein:

SPECIES	SEASON	Daily Creel and Possession Limit	Minimum Size (inches)	Maximum Size (inches)
(a) Amberjack	All Year	1	28 FL	
(b) Atlantic croaker	All Year	25		
(c) Atlantic sturgeon	No Open Season has been established by the Board of Natural Resources.			
(d) Black drum	All Year	15	14 TL	
(e) Black sea bass	All Year	15	12 TL	
(f) Blue marlin	No Open Season has been established by the Board of Natural Resources.			
(g) Bluefish	All Year	15	10 TL	
(h) Cobia	All Year March 1 – October 31	2, 1 per person not to exceed 6 per boat.	33 36 FL	
(i) Dolphin	All Year	10 per person not to exceed 60 per boat.	20 FL	10 per paying passenger.
1. Headboats with a valid certificate of inspection		are allowed 10 dolphins		
(j) Flounder (<i>Paralichthys</i>)	All Year	15	12 TL	
(k) Gag grouper	All Year	2	24 TL	
(l) King mackerel	All Year	3	24 FL	
(m) Red Drum	All Year	5	14 TL	23 TL
(n) Red Porgy	All Year	3	14 TL	
(o) Red Snapper	All Year	2	20 TL	
(p) Sailfish	No Open Season has been established by the Board of Natural Resources.			

Chapter 391-2-4

Saltwater Fishing Regulations

(q) Prohibited Sharks	Unlawful to possess.			
(r) Sharks	All Year	1 per person or boat	54 FL	
(s) Sheepshead	All Year	15	10 TL	
(t) Small Shark Composite	All Year	1	30 FL	
(u) Spanish mackerel	All Year	15	12 FL	equal to five percent by
1. A catch of Spanish mackerel under the minimum size limit is allowed on board a trawler.				
(v) Spot	All Year	25		
(w) Spotted sea trout	All Year	15	14 TL	
(x) Tarpon	All Year	1	68 FL	
(y) Tripletail	All Year	2	18 TL	
(z) Weakfish	All Year	1	13 TL	
(aa) White marlin	No Open Season has been established by the Board of Natural Resources.			
(bb) American eel	All Year	25	9 TL	
(cc) Hammerhead Sharks	All Year	1 per person or boat	78 FL	

(4) Restrictions on Sale. It shall be unlawful for any person in this state to sell, purchase, or barter any of the following species or part thereof, except as otherwise specifically provided herein:

(a) No person operating as a dealer may buy or sell sharks, small shark composite species, and hammerhead sharks caught in state waters without first obtaining a federal Commercial Shark Dealer Permit and when state or federal quotas for species within those groups have been reached.

(b) Tarpon.

(c) ~~From April 1 through April 30, no~~ No person may sell ~~amberjack~~ any fish managed under federal law and harvested from either Georgia waters or ~~from~~ the South Atlantic Exclusive Economic Zone ~~except when the catch of such fish is allowed by applicable federal law.~~ ~~The~~ This prohibition ~~on~~ of sale ~~during April~~ does not apply to ~~amberjack fish~~ that were harvested, landed ashore, and sold ~~prior to April 1 in compliance with applicable federal law~~ and were held in cold storage by a seafood dealer or

Saltwater Fishing Regulations

Chapter 391-2-4

processor. This prohibition also does not apply to a seafood dealer's purchase or sale

of ~~amberjack fish~~ harvested from waters ~~another management area~~ other than those of Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of legal harvest outside of Georgia waters or the South Atlantic

~~(d) From March 1 through April 30, no person may sell gag grouper harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale from March 1 through April 30 does not apply to gag grouper that were harvested, landed ashore, and sold prior to March 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of gag grouper harvested from another management area other than Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.~~

~~—(e) From January 1 through April 30, no person may sell red porgy harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale from January 1 through April 30 does not apply to red porgy that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red porgy harvested from another management area other than Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.~~

Saltwater Fishing Regulations

Chapter 391-2-4

(5) Possession and Landing Specifications.

- (a) All fish subject to restrictions specified in this Rule may be possessed in state waters or landed only with head and fins intact, except that when landed for commercial purposes, all sharks, small shark composite species, and hammerhead sharks may have the heads removed but fins and tail must remain naturally attached.
- (b) It shall be unlawful to transfer at sea in State waters from a fishing vessel to any other vessel or person any fish caught which are subject to the restrictions specified in this Rule.
- (c) Except as otherwise provided by law, it shall be unlawful to fish for sharks, small shark composite species, or hammerhead sharks for recreational purposes with any gear other than rod and reel or handline as defined in subparagraph (2)(f) above.
- (d) Except as otherwise provided by law, trawlers fishing for shrimp for human consumption pursuant to Code Section 27-4-133 shall be exempt from the creel and possession limits for spot and Atlantic croaker.

§ 27-1-4. Powers and duties of board generally

The board shall have the following powers and duties relative to this title:

- (1) Establishment of the general policies to be followed by the department under this title;
- (2) Promulgation of all rules and regulations necessary for the administration of this title including, but not limited to, rules and regulations to regulate the times, places, numbers, species, sizes, manner, methods, ways, means, and devices of killing, taking, capturing, transporting, storing, selling, using, and consuming wildlife and to carry out this title, and rules and regulations requiring daily, season, or annual use permits for the privilege of hunting and fishing in designated streams, lakes, or game management areas; and
- (3) Promulgation of rules and regulations to protect wildlife, the public, and the natural resources of this state in the event of fire, flood, disease, pollution, or other emergency situation without complying with Chapter 13 of Title 50, the "Georgia

Administrative Procedure Act." Such rules and regulations shall have the force and effect of law upon promulgation by the board.

§ 27-4-10. Creel and possession limits; size restrictions

(a) It shall be unlawful to take in one day or to possess at any one time, except at a commercial storage facility or at one's place of abode, more than the creel and possession limits established by the board for that fish species; provided, however, that it shall be illegal to possess more than a total of 50 individuals of all fresh water species named in this Code section. It shall be unlawful to take from the waters of this state or to possess any fish species larger or smaller or in numbers greater than the limits established by the board in accordance with this Code section. The board shall establish creel and possession limits which shall be no greater than the following limits and shall establish sizes of fish species within the following ranges which may not be taken:

Species	Ranges of Sizes		Maximum Daily Creel And Possession Limit
	Within Which Fish May Not Be Taken		
(1) Largemouth bass	0 -- 24 inches		10
(2) Smallmouth bass	0 -- 18 inches		10
(3) Shoal bass	0 -- 18 inches		10
(4) Suwannee bass	0 -- 18 inches		10
(5) Spotted bass or Kentucky bass	0 -- 18 inches		10
(6) Redeye bass or Coosa bass	0 -- 12 inches		10
(7) Mountain trout	0 -- 24 inches		8
(8) White bass	0 -- 36 inches		15
(9) Striped bass	0 -- 36 inches		15
(10) Striped white bass hybrids	0 -- 36 inches		15
(11) Any one or combination of the species of bream or sunfish	0 -- 10 inches		50
(12) Walleye	0 -- 24 inches		15
(13) Sauger	0 -- 24 inches		15
(14) Chain pickerel	0 -- 24 inches		15
(15) Grass pickerel	0 -- 12 inches		15
(16) Redfin pickerel	0 -- 12 inches		15
(17) Black crappie	0 -- 14 inches		30
(18) White crappie	0 -- 14 inches		30
(19) American shad	0 -- 30 inches		8
(20) Hickory shad	0 -- 24 inches		8
(21) Amberjack	0 -- 50 inches		5
(22) Atlantic croaker	0 -- 10 inches		25
(23) Atlantic sturgeon	0 -- 86 inches		1
(24) Black drum	0 -- 36 inches		15
(25) Black sea bass	0 -- 15 inches		15
(26) Blue marlin			3
(27) Bluefish	0 -- 20 inches		15
(28) Cobia	0 -- 40 inches		5
(29) Dolphin	0 -- 24 inches		15
(30) Flounder (Paralichthys spp.)	0 -- 15 inches		15
(31) Gag grouper	0 -- 25 inches		5
(32) King mackerel	0 -- 36 inches		5
(33) Red drum	0 -- 36 inches		5
(34) Red porgy	0 -- 20 inches		10
(35) Red snapper	0 -- 25 inches		5

(36) Sailfish		3
(37) Sand tiger shark	0 -- 140 inches	1
(38) Sharks	0 -- 120 inches	2
(39) Sheepshead	0 -- 20 inches	15
(40) Small sharks composite	0 -- 54 inches	4
(Atlantic sharpnose, bonnethead, and spiny dogfish)		
(41) Spanish mackerel	0 -- 20 inches	20
(42) Spot	0 -- 10 inches	25
(43) Spotted sea trout	0 -- 25 inches	15
(44) Tarpon	0 -- 90 inches	1
(45) Tripletail	0 -- 25 inches	5
(46) Weakfish	0 -- 15 inches	15
(47) White marlin		3

(b) In accordance with sound principles of wildlife research and management, the board shall have the authority to promulgate rules and regulations establishing size limits, open seasons, creel and possession limits, and possession and landing specifications on a state-wide, regional, or local basis in accordance with this Code section. The board is further authorized to designate certain areas as catch and release fishing areas and to promulgate rules and regulations necessary for the management of such areas for catch and release fishing.

O.C.G.A. 27-4-130. Authority to close salt waters; notice; regulations prohibiting sale of seafood

- (a) The commissioner shall have the power to close all or any portion of the salt waters of this state to commercial and noncommercial fishing by species for a period not to exceed six months within a calendar year. Any determination to close the salt waters pursuant to this subsection or to reopen such waters shall be made in accordance with current, sound principles of wildlife research and management.
- (b) Nothing in this Code section shall prohibit a person from landing in this state any fish or seafood taken in federal waters pursuant to a valid commercial federal permit.
- (c) For the purposes of enforcing this article, the department is authorized to zone the salt waters of this state.
- (d) Public notice of the opening or closing of salt waters as provided in this article shall be given by posting a notice of such opening or closing at the courthouse in each coastal county and by such other means as may appear feasible to inform interested persons of the opening or closing. Such notices shall be posted at least 24 hours prior to any enforcement action taken pursuant to this Code section.
- (e) In accordance with current, sound principles of wildlife research and management, the board is authorized to promulgate rules and regulations to prohibit the sale of any or all seafood in this state.



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

January 29, 2018

To: South Atlantic State/Federal Fisheries Management Board
From: Cobia Technical Committee
Subject: Cobia TC Review of FMP Implementation Plans

At their October 2017 meeting, the South Atlantic State/Federal Fisheries Management Board (Board) took final action to approve the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia. In January 2018, the Cobia Technical Committee (TC) met via conference call to review state-submitted plans for implementing the FMP. State-submitted implementation plans were included as Briefing Materials for the February 2018 Board meeting.

Brief summaries of state implementation plans, as well as comments and recommendations from the TC for each plan are below. All states are required to implement the following commercial measures: a minimum size limit of 33 inches fork length or 37 inches total length, a possession limit of no more than 2 fish per person, and a vessel limit of no more than 6 fish per vessel. All states are required to implement the following recreational regulations: a minimum size limit of 36 inches fork length or 40 inches total length, a bag limit of 1 fish per person, and a daily vessel limit of no more than 6 fish per vessel, and/or a season that, combined with other regulations, will achieve a harvest at or below the state's recreational harvest target (see Table 1) allocated from the coastwide recreational harvest limit (RHL). Upon Board approval, jurisdictions must implement the FMP regulations by April 1, 2018.

Table 1. Recreational harvest targets for non-*de minimis* states.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

A state or jurisdiction may apply for *de minimis* status for their recreational fishery if their recreational landings, in weight, are less than 1% of the coastwide recreational landings for 2 of 3 years from 2014-2016. *De minimis* states may choose to match the recreational regulations of the nearest non-*de minimis* state. *De minimis* states that do not choose to match the recreational regulations of another state are required to implement the following recreational regulations: no more than 1 fish per vessel per trip and a minimum size limit of 29 inches fork length or 32 inches total length.

M18-17

Technical Committee Review and Recommendations

All states submitted regulatory language that adhered to the coastwide commercial requirements of the FMP (minimum size limit, possession limit, vessel limit). Any deviations from the required regulations described above were more conservative and are noted in the descriptions below. All non-*de minimis* states (GA-VA) submitted regulatory language that adhered to the coastwide recreational requirements of the FMP (minimum size, bag limit). Any deviations from the required regulations described above were more conservative and are noted in the descriptions below. The following descriptions of state implementation plans include whether states qualify for *de minimis*, proposed recreational seasons or vessel limits, comments on whether any measures deviated from those described in the FMP (also described above), and the TC's recommendation for approval. If multiple sets of regulations are proposed, the recommendation for each is listed respectively.

New Jersey

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Match Virginia

Notes/TC Comments: None

TC Recommendation: **Approve**

Delaware

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Two options proposed

1. Season: None; Vessel limit: 1 fish
2. Match Virginia

Notes/TC Comments: None

TC Recommendation:

1. **Approve**
2. **Approve**

Maryland

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Match Virginia

TC Comments: None

TC Recommendation: **Approve**

Potomac River Fisheries Commission

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Two options proposed

1. Season: None; Vessel limit: 1 fish
2. Match Virginia

TC Comments: No recreational landings data to justify *de minimis* because landings would be reported as Maryland or Virginia.

TC Recommendation:

1. **Approve**
2. **Approve**

Virginia

De minimis: No

Proposed Recreational Season/Vessel Limit: Seven options proposed

1. Season: May 15-Sept. 15; Vessel Limit: 3 fish
2. Season: May 15-Aug. 31; Vessel Limit: 3 fish
3. Season: June 1-Sept. 30; Vessel Limit: 3 fish
4. Season: June 1-Sept. 15; Vessel Limit: 3 fish
5. Season: May 15-Aug. 31; Vessel Limit: 4 fish
6. Season: June 1-Sept. 30; Vessel Limit: 4 fish
7. Season: June 1-Sept. 15; Vessel Limit: 4 fish

TC Comments:

The Virginia Marine Resources Commission (VMRC) does not yet have a preferred option because it would first like to solicit public comment on which vessel limit and elements of the recreational season are most important to stakeholders. They have proposed and predicted landings for several management options, summarized above and outline in their proposed implementation plan. Table 1 from the Virginia implementation plan shows these options with predicted landings using average weights from the Southeast Fisheries Science Center (SEFSC) and VMRC's Marine Sportfish Collection Project.

The TC notes that three of these options, denoted above as options 1, 2, and 5, exceed Virginia's harvest target (244,292 lbs) when predicted landings are estimated using average weights from the SEFSC. None of the proposed options exceed the target when predicted landings are estimated using average weights from VMRC. **The TC recommends that options denoted above as 3, 4, 6, and 7 be approved for management use as predicted landings using either average weight method would achieve the harvest target.**

Due to lack of sufficient sample sizes, the SEFSC average weight estimate for Virginia had to be derived by pooling samples across the entire 5 years, leading to one average weight estimate of 34.04 pounds for all 5 years. The VMRC Sportfish Collection Project collects length samples as frozen carcasses donated by recreational anglers. Annual average lengths were calculated for 2011-2015 and converted to average weights, using the length-weight conversion factor from Southeast Data, Assessment, and Review (SEDAR) 28, to provide annual average weight estimates. These data are summarized in Table 2 of the Virginia implementation plan.

Due to an inadequate number of samples for annual average weights to be estimated through SEFSC methods and discrepancies between the SEFSC average weight and those estimated based on samples from the VMRC Sportfish Collection Project, VMRC has contacted the National Oceanic and Atmospheric Administration Southeast Regional Office (SERO) to request that VMRC length and weight data be considered for incorporation in future cobia landings projections for Virginia. NOAA would evaluate the methods and resultant average weights to determine whether VMRC data are representative of cobia caught in the state.

Given the potentially great difference in landings predictions depending on which average weight method is used and the much greater number of samples that are incorporated into the VMRC average weight estimates, **the TC recommends that options 1, 2, and 5 be approved for management use, conditional upon approval for their use in federal landings projections by the SERO.** If the SERO does not determine that VMRC methods and average weights are usable prior to the FMP implementation date of April 1, 2018, the only options that would be recommended for management in 2018 would be options 3, 4, 6, and 7.

The TC also notes that VMRC has proposed two methods for implementing the two fish per person commercial possession limit, particularly with respect to the commercial hook-and-line fishery, which currently operates under an exemption that allows up to 6 cobia per vessel, regardless of how many crew members are on board. VMRC indicates in their plan that they will implement either a 2-per-person possession limit or 2-per-commercial-licensee possession limit for hook-and-line fishing, either of which would satisfy the requirements of the FMP. Thus, **the TC recommends approval of all proposed commercial options.**

TC Recommendation:

- Recreational Season/Vessel Limit:
 1. **Approve, conditional**
 2. **Approve, conditional**
 3. **Approve**
 4. **Approve**
 5. **Approve, conditional**
 6. **Approve**
 7. **Approve**
- Commercial: **Approve all proposed commercial options**

North Carolina

De minimis: No

Proposed Measures: Two options proposed

1. Season: None; Vessel Limits: For-hire: 4 fish, Private: 2 fish
2. Season: None; Vessel Limits: For-hire: 3 fish, Private: 1 fish

TC Comments:

North Carolina has proposed two recreational season and vessel limit options. Using the above numerical denotations, option 1 is predicted to exceed North Carolina's harvest target by 20,244 pounds. Option 2 is predicted to land 34,205 pounds less than the harvest target.

Justification for the proposed option 1 is included in North Carolina's proposed implementation plan. Briefly, this justification cites uncertainty surrounding landings estimates from the Marine Recreational Information Program (MRIP) and North Carolina's 2017 harvest, which was less than the harvest target through wave four, after which landings are typically minimal (2% or less of the annual total).

Despite the justification provided for option 1, which exceeds North Carolina's harvest target, the TC notes that recreational landings estimates and management decisions based on recreational landings under the Interstate FMP will be made using numbers from MRIP and average weights from the SEFSC, in accordance with the complementary nature of the Interstate FMP with the South Atlantic Fishery Management Council's (SAFMC) Coastal Migratory Pelagics (CMP) FMP. Therefore, **the TC recommends that the Board not approve North Carolina's proposed option 1 for management use because this option is not expected to achieve the state's harvest target. The TC recommends that option 2 be approved for management use, because this option is expected to achieve the state's harvest target.**

TC Recommendation:

1. **Do not approve**
2. **Approve**

South Carolina

De minimis: No

Proposed Measures: Season: None, but will close when federal waters close; Vessel Limit: 3 fish from June 1-April 30 within the Southern Cobia Management Zone

TC Comments:

South Carolina intends to match federal regulations for determining its recreational season for cobia. In addition to federal availability of the fishery, South Carolina has a Southern cobia management zone in state waters (area south of Jeremy Inlet, SC to the SC/GA border) that places a 1 fish per person per day limit and a 3 fish/daily boat limit as well as restricting recreational harvest from May 1-May 31 within the Southern Cobia Management Zone.

While no specific analyses predicting landings under the proposed regulatory measures were provided, based on knowledge of recent catch histories and likely reductions due to proposed measures, **the TC does not expect the proposed measures to exceed South Carolina's recreational harvest target.**

TC Recommendation: **Approve**

Georgia

De minimis: No

Proposed Measures: Season: March 1-October 31; Vessel Limit: 6 fish

TC Comments:

In addition to the proposed recreational season, the Department of Natural Resources (DNR) Commissioner has the power to close all or any portion of state water for up to six months if deemed necessary for the protection of the resource. The TC noted that if Georgia is using MRIP to project state landings, the time lag of data entry and release may limit how quickly such a closure could occur.

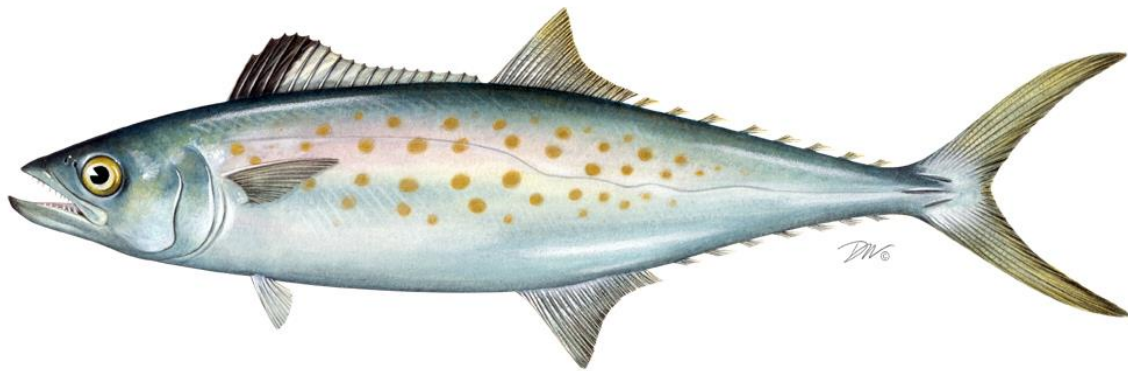
While no specific analyses predicting landings under the proposed regulatory measures were provided, based on knowledge of recent catch histories and likely reductions due to proposed measures, **the TC does not expect the proposed measures to exceed Georgia's recreational harvest target.**

TC Recommendation: **Approve**

2017 REVIEW OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
FISHERY MANAGEMENT PLAN FOR

SPANISH MACKEREL
(Scomberomorus maculatus)

2016 FISHING YEAR



Prepared by the

Spanish Mackerel Plan Review Team

Mike Schmidtke, Atlantic States Marine Fisheries Commission, Chair

Randy Gregory, North Carolina Division of Marine Fisheries

Dustin Addis, Florida Fish and Wildlife Conservation Commission

BJ Hilton, Georgia Department of Natural Resources

Christina Wiegand, South Atlantic Fishery Management Council

Table of Contents

I.	Status of the Plan	3
II.	Status of the Stocks.....	4
III.	Status of the Fishery	5
IV.	Status of Assessment Advice	5
V.	Status of Research and Monitoring	6
VI.	Status of Management Measures.....	6
VII.	Implementation of FMP Compliance Requirements for 2015	9
VIII.	Recommendations of the Plan Review Team	10
IX.	References	11
X.	Figures.....	13
XI.	Tables	14

I. Status of the Plan

<u>Date of FMP Approval:</u>	Original FMP – November 1990
<u>Amendments:</u>	Omnibus Amendment to Spanish Mackerel, Spot, and Spotted Seatrout (Amendment 2)- August 2011 Addendum I- August 2013
<u>Management Area:</u>	The Atlantic coast distribution of the resource from New York through the east coast of Florida
<u>Active Boards/Committees:</u>	South Atlantic State/Federal Fisheries Management Board; Spanish Mackerel Plan Review Team; South Atlantic Species Advisory Panel

The Fishery Management Plan (FMP) for Coastal Migratory Pelagic Resources (1983 and subsequent amendments) and the Interstate Fishery Management Plan for Spanish Mackerel (1990) manage Atlantic group Spanish mackerel in federal and state Atlantic waters from New York through the east coast of Florida. All states in that range, excluding Pennsylvania, have a declared interest in the Interstate FMP for Spanish mackerel. The South Atlantic State/Federal Fisheries Management Board serves to manage Spanish mackerel for the Commission. The Interstate FMP for Spanish mackerel is a flexible document intended to track the federal FMP; thus, the South Atlantic Fishery Management Council (SAFMC) has the lead on Atlantic group Spanish mackerel management.

The SAFMC manages Atlantic group Spanish mackerel based on guidance from its Scientific and Statistical Committee (SSC). The SAFMC determines needed adjustments to regulatory measures, including allowable catch, bag limits, size limits, and trip limits. The SAFMC deliberations are assisted by a Mackerel Committee that includes representatives from the Mid-Atlantic Fishery Management Council, and an Advisory Panel with South Atlantic and Mid-Atlantic industry representation. Since the Coastal Migratory Pelagic Resources FMP is a joint plan with the Gulf of Mexico Fishery Management Council (GMFMC), any amendments to this FMP must be approved by both Councils.

The SAFMC and GMFMC approved Amendment 18 to the Coastal Migratory Pelagic Resources FMP in December 2011 which established a new Allowable Biological Catch (ABC) based on the SSC recommendation of using median landings of the last 10 years (2001-2011). With this change, the ABC was set equal to the Annual Catch Limit (ACL) and Optimum Yield (OY) [ABC=ACL=OY] at approximately 5.29 million lbs. With this the commercial ACL was 3.13 million lbs and the recreational ACL was 2.56 million lbs.

Under the federal FMP, the 2015-2016 fishing year ran from March 1, 2015 to February 28, 2016. The 2016-2017 fishing year began on March 1st, 2016. The federal FMP divides the commercial fishery into a quota system between the Atlantic and Gulf migratory groups. Within the Atlantic migratory group, there are two zones- the Northern (consisting of the states from New York

through North Carolina) and the Southern (South Carolina to Florida). For the Atlantic migratory group, the 2013/2014 year, the full quota was 3.13 million pounds and the adjusted quota was 2.88 million pounds. The adjusted quota is used to determine trip limit reductions. For the 2015/2016 fishing season, the full quota was increased to 3.33 million pounds following CMP Framework Amendment 1 (See *Section VI*).

The federal commercial trip limit was a year-round 3,500 pound daily possession/landings limit for the states from New York through Georgia, with Florida's commercial trip limit varying depending on the percent of quota remaining. Following the implementation of Amendment 20B and CMP Framework Amendment 2, the federal trip limit for the Southern zone (SC through FL) decreases as quota is caught. When 75% of the "adjusted" Southern Zone quota¹ (1,812,998 lbs ww) is caught, the trip limit is reduced from 3,500 lbs to 1,500 lbs. When 100% of the adjusted Southern Zone quota (2,417, 330 lbs ww) is caught, the commercial trip limit is further reduced to 500 lbs. When 100% of the Southern Zone quota is met, harvest is prohibited for the remainder of the fishing year. In both the Northern and Southern zones, the recreational bag limit is set at 15 fish. The minimum size limit for both fisheries is 12" fork length or 14" total length.

The goals of the interstate FMP are to complement federal management in state waters, to conserve the Atlantic group Spanish mackerel resource throughout its range, and to achieve compatible management among the states that harvest Spanish mackerel. In accordance with the 2011 Omnibus Amendment, the updated FMP's objectives are to: (1.) Manage the Spanish mackerel fishery by restricting fishing mortality to rates below the threshold fishing mortality rates to provide adequate spawning potential to sustain long-term abundance of the Spanish mackerel populations. (2.) Manage the Spanish mackerel stock to maintain the spawning stock biomass above the target biomass levels. (3.) Minimize endangered species bycatch in the Spanish mackerel fishery. (4.) Provide a flexible management system that coordinates management activities between state and federal waters to promote complementary regulations throughout Spanish mackerel's range which minimizes regulatory delay while retaining substantial ASMFC, Council, and public input into management decisions; and which can adapt to changes in resource abundance, new scientific information and changes in fishing patterns among user groups or by area. (5.) Develop research priorities that will further refine the Spanish mackerel management program to maximize the biological, social, and economic benefits derived from the Spanish mackerel population. See Table 1 for state Spanish mackerel regulations in 2016.

II. Status of the Stocks

The resource is not overfished, nor experiencing overfishing (SEDAR 2012). The SEDAR 28 Stock Assessment Report estimates current stock biomass at $SSB_{2011}/MSST=2.29$, and current fishing level (exploitation rate) at $F_{2009-2011}/F_{MSY}=0.526$, with $F_{2011}/F_{MSY}=0.521$. The overfished ratio (B/B_{MSY}) shows that high fishing mortality caused a decline in biomass, though biomass has increased in recent years and remains above B_{MSY} (Figure 1). The overfishing ratio (F/F_{MSY}) shows that fishing mortality increased from the late 1970s through 1994 but has since declined (Figure 2).

¹ The adjusted quota is the Southern Zone quota minus 250,000 lbs.

Fishery-dependent data also indicate increasing biomass, excepting the decline seen over the last four years. The current fishing mortality rate does not seem to be inhibiting stock growth.

III. Status of the Fishery

Spanish mackerel are an important recreational and commercial fishery in South Atlantic waters, with limited and sporadic recreational landings north of Maryland (Tables 2 and 4). Trip limits implemented in state and federal waters continue to prevent premature closure of the commercial fishery. Total landings of Spanish mackerel in 2016 are estimated at 4.4 million pounds (compared to the 6.063 million pound ACL). The commercial fishery harvested approximately 70% of the total, and the recreational fishery about 30%.

From 1950 to 2016, commercial landings of Atlantic coast Spanish mackerel have ranged between 1.8 and 11.1 million pounds, although only 4 years in that timespan have exceeded 6 million pounds. Since 1981, total landings have averaged 3.6 million pounds. Coastwide commercial landings have generally been below 4 million pounds since 1995 (exception of 2010 and 2011; landings of 4.52 and 4.35 million pounds, respectively); this coincided with the entanglement net ban in Florida. Gill nets were the dominant commercial gear in Florida prior to the ban. After the ban was instituted, the use of cast nets increased. The 2016 commercial landings were 3.10 million pounds (Figure 3), of which 2.46 million pounds (79% of coastwide commercial harvest) were landed in Florida and 601,615 pounds (19%) were landed in North Carolina (Table 2).

Recreational anglers harvested 957,282 Spanish mackerel (1.3 million pounds) in 2016, an increase from the 627,632 fish caught in 2015 (Tables 3 and 4). The number of recreationally harvested fish appears to show a cyclical trend, with low harvests in the early to mid-80s and mid to late 90s, interspersed with higher harvests (Figure 4). Florida and North Carolina have historically accounted for the majority of recreational landings in both number and weight. In 2016, Florida harvested 38% and North Carolina harvested 44% of recreational fish. The number of recreational releases of Spanish mackerel has generally increased over time, reaching a peak of over one million fish in 2008 (Table 5, Figure 4). Recreational releases in 2016 were 413,220 fish, slightly increased from 406,561 fish in 2015.

IV. Status of Assessment Advice

The most recent stock assessment was completed in 2012 through the Southeast Data, Assessment, and Review (SEDAR) process (SEDAR, 2012). The input data (through 2011) were applied to two assessment models, with the primary model being a statistical catch at age model called the Beaufort Assessment Model (BAM); while a secondary surplus-production model (ASPIC) provided a comparison of model results. The Review Panel concluded that the statistical catch at age model was the most appropriate model to characterize the stock status for management purposes.

The SSC reviewed the assessment during its December 2012 meeting and accepted the SEDAR 28 Spanish mackerel stock assessment as best available science. The SSC concurred with the Review Panel's conclusion that the stock is not experiencing overfishing and the stock is not overfished.

V. Status of Research and Monitoring

The National Marine Fisheries Service (NMFS) Southeast Fisheries Science Center (SEFSC) continues to monitor length and weight at age and size frequencies, fishing mortality, and migration; collect age data and catch per unit effort by area, season, fishery, and gear; monitor shrimp trawl bycatch; investigate methods to predict year class strength; calculate estimates of recruitment, and develop conservation gear to reduce bycatch. The NMFS is also collecting discard data through a bycatch logbook in the mackerel and snapper-grouper fisheries. The Gulf and South Atlantic Fisheries Development Foundation and several states (North Carolina, South Carolina, Georgia, and Florida) have evaluated finfish bycatch in the southeastern shrimp trawl fishery, including bycatch of Spanish mackerel. The South Atlantic component of the Southeast Area Monitoring and Assessment Program (SEAMAP) collects Spanish mackerel data in its coastal trawl survey from Cape Hatteras to Cape Canaveral. Additionally, the Northeast Area Monitoring and Assessment Program (NEAMAP) began regular spring and fall surveys between Martha's Vineyard and Cape Hatteras in the fall of 2007.

Abundance trends continue to be monitored primarily through fishery-dependent sources. The states and the SEFSC monitor catch data through the cooperative commercial statistics collection program and the recreational fisheries survey. Commercial trip reports are tallied more frequently in the winter and early spring by the state of Florida and NMFS as the commercial quota is approached.

North Carolina also conducts fishery independent monitoring. Three fishery independent gill net surveys were initiated by the North Carolina Division of Marine Fisheries in May of 2001, 2003 and 2008, respectively. These surveys utilize a stratified random sampling scheme designed to characterize the size and age distribution for key estuarine species in Atlantic Ocean and Pamlico Sound as well as the Pamlico, Pungo, Neuse, Cape Fear and New rivers. The overall Spanish mackerel CPUE from these surveys was extremely low and therefore lacks the desired precision and confidence needed for the data to be used for management purposes.

VI. Status of Management Measures

2008 Framework Adjustment (Federal)

In February 2008, NOAA Fisheries finalized a framework adjustment to change the beginning date for trip limits in the Atlantic Spanish mackerel fishery off the east coast of Florida. The 3,500 pound trip limit begins March 1 each year to correspond with the beginning of the fishing year (as changed in Amendment 15).

Omnibus Amendment (Interstate)

In August 2011, the Management Board approved an amendment to the Spanish Mackerel FMP to address three issues: compliance measures, consistency with federal management in the exclusive economic zone, and alignment with Commission standards. Through the Omnibus Amendment, the following fisheries management measures are required for states within the management unit range;

Recreational Fishery

- 12" Fork Length (FL) or 14" Total Length (TL) minimum size limit

- 15 fish creel limit
- Must be landed with head and fins intact
- Calendar year season
- Prohibited gear: Drift gill nets prohibited south of Cape Lookout, NC
- Decrease in the recreational quota the following year via reduced bag limits if the Total Annual Catch Limit (ACL) is exceeded and stock is overfished.

Commercial Fishery

- Prohibited: purse seines; drift gill nets south of Cape Lookout, NC
- 12" FL or 14" TL minimum size limit
- March 1 – end of February season
- Trip limits (per vessel, per day)
 - NY-GA: 3500 lbs
 - FL: 3500 lbs, 3/1-11/30;
 - 3500 lbs Mon-Fri & 1500 lbs Sat-Sun, 12/1 until 75% adjusted quota taken;
 - 1500 lbs, when 75% adjusted quota taken until 100% adjusted quotas taken;
 - 500 lbs after 100% of adjusted quotas taken (the adjusted quota compensates for estimated catches of 500 lbs per vessel per day to the end of the season)
- Commercial quotas decreased the following year if Total ACL is exceeded and stock is overfished

Amendment 18 (Federal)

In August 2011, the Gulf of Mexico and South Atlantic, Fishery Management Councils approved Amendment 18 to the joint FMP for Coastal Migratory Pelagics. The primary action under consideration established Annual Catch Limits (ACLs) and Accountability Measures (AMs) for the cobia, king mackerel, and Spanish mackerel. The amendment designates ACLs and Annual Catch Targets (ACTs) for each of the two migratory groups of Spanish mackerel (Atlantic and Gulf). For the Atlantic migratory group, the commercial sector ACL is set equivalent to the commercial sector quota of 3.13 million pounds. The AM for the commercial sector is that the commercial sector will close when the commercial quota is reached or projected to be reached. In addition, current trip limit adjustments will remain in place. When the commercial sector closes, harvest and possession of Spanish mackerel would be prohibited for persons aboard a vessel for which a commercial permit for Spanish mackerel has been issued.

For the recreational sector, the ACT is set to 2.32 million pounds, while the ACL is set at 2.56 million pounds. Regarding the AM, if the stock ACL is exceeded in any year, the bag limit will be reduced the next fishing year by the amount necessary to ensure recreational landings achieve the recreational ACT, but do not exceed the recreational ACL in the following fishing year. A payback will be assessed if the Atlantic migratory group Spanish mackerel is determined to be overfished and the stock ACL is exceeded. The payback will include a reduction in the sector ACL for the following year by the amount of the overage by that sector in the prior fishing year.

Addendum I

In August 2013, the Commission's South Atlantic State-Federal Fisheries Management Board approved Addendum I to the Omnibus Amendment to for Spanish mackerel, Spot, and Spotted Seatrout.

Addendum I to the Omnibus Amendment establishes a pilot program that would allow states to reduce the Spanish mackerel minimum size limit for the commercial pound net fishery to 11 ½ inches during the summer months of July through September for the 2013 and 2014 fishing years only. The measure is intended to reduce waste of these shorter fish, which are discarded dead in the summer months, by converting them to landed fish that will be counted against the quota.

The Addendum responds to reports about the increased incidence of Spanish mackerel ¼ to ½ inch short of the 12 inch fork length minimum size limit in pound nets during the summer months. While the fish are alive in the pound, once the net is bunted and bailing commences, they die before being released. This may be due to a combination of temperature, stress and crowding. While individual fishermen have experimented with different wall or panel mesh sizes depending on the target species, there is no consistent use of cull panels. Those who have used cull panels have noted the difficulty and lack of success in being able to release the undersized fish quickly enough to prevent dead discards during this time of year.

The measures in Addendum I only applied for the 2013 and 2014 fishing seasons. In August 2015, the South Atlantic Board formally extended the provisions of Addendum I for the 2015 and 2016 fishing seasons. Reports by North Carolina, the only state to reduce their minimum size, will be reviewed annually.

Amendment 20A (Federal)

Effective July 2014, this Amendment addresses the sale of bag limit caught Spanish mackerel. The amendment rose from concerns that the recreational sales of bag limit caught fish, which are counted toward commercial quotas, are contributing to early closures of the commercial sector. In addition potential double counting of these fish could be causing erroneous landings estimates. In response, the Amendment prohibits bag limit sales with the exception of recreationally caught fish from state permitted tournaments in the South Atlantic region. This amendment also included an action to remove income requirements for federal CMP permits.

South Atlantic CMP Framework Action (Federal)

Effective December 2014, this action allows Spanish mackerel, harvested with gillnet gear in the South Atlantic in excess of the trip limit, to be transferred to another federally permitted vessel that has not yet harvested the trip limit. The Framework stipulates that the transfer can only occur if: 1) allowable gillnet gear was used to harvest Spanish mackerel; 2) the transfer takes place in federal waters between vessels with valid commercial permits; 3) the receiving vessel does not have more than 3 gillnets aboard after the transfer; 4) all fish remain entangled in the meshes of the net until the transfer; 5) the quantity of the fish transferred does not exceed the daily trip limit; and 6) there is only one transfer per vessel per day.

CMP Framework Amendment 1 (Federal)

This Framework Amendment, effective December 2014, increases the Atlantic Spanish mackerel ACL to 6.063 million pounds. The modification to the ACL followed the 2013 stock assessment

which concluded that the stock is not overfished and overfishing is not occurring. The Amendment divides the ACL between the commercial sector (3.33 million pounds) and the recreational sector (2.727 million pounds).

Amendment 20B (Federal)

Effective March 2015, this Amendment separates commercial quotas of Atlantic Spanish mackerel between a Northern zone (north of NC/SC line) and a Southern zone (South of NC/SC line). The Amendment rose from concerns that the commercial quota could be filled by fishermen in one state before fish are available to fishermen in another state. In order to prevent this from happening, a zone is closed when its respective quota is met. Quota for each zones was based on landings from 2002/2003-2011/2012.

CMP Framework Amendment 2 (Federal)

Implemented July 2015, this Amendment modifies the commercial trip limit system in the Southern zone. The rule establishes a trip limit of 3,500 lbs for Spanish mackerel in Federal waters offshore of South Carolina, Georgia, and Florida. When 75% of the adjusted southern zone commercial quota is caught, the commercial trip limit is reduced to 1,500 lbs. When 100% of the adjusted southern zone commercial quota is met, the commercial trip limit is further reduced to 500 lbs. This limit remains until the end of the year or the quota is met.

VII. Implementation of FMP Compliance Requirements for 2016

All states must implement the requirements specified in section 5 (5.1 Mandatory Compliance Elements for States; 5.1.1 Mandatory Elements of State Programs; 5.1.1.1 Regulatory Requirements). The PRT finds all states in compliance.

De Minimis Requests

A state qualifies for *de minimis* status if its previous three-year average combined commercial and recreational catch is less than 1% of the previous three-year average coastwide combined commercial and recreational catch. Those states that qualify for *de minimis* are not required to implement any monitoring requirements, as none are included in the plan.

The states of New Jersey, Delaware, and Georgia request *de minimis* status. The PRT notes that all three states meet the requirements of *de minimis*.

Regulation Changes

No state regulatory changes were reported for 2016. In 2017, Framework Amendment 5 to the Fishery Management Plan for Coastal Migratory Pelagics in the Gulf of Mexico and Atlantic Regions was approved by the SAFMC and GMFMC. This Framework Amendment allows commercially permitted vessels to operate as private recreational vessels when the commercial season is closed for Spanish or king mackerel.

VIII. Recommendations of the Plan Review Team

Research and Monitoring Recommendations

High Priority

- Length, sex, age, and CPUE data are needed for improved stock assessment accuracy. Simulations on CPUE trends should be explored and impacts on VPA and assessment results determined. Data collection is needed for all states, particularly from Virginia north.
- Evaluation of weight and especially length at age of Spanish mackerel.
- Development of fishery-independent methods to monitor stock size of Atlantic Spanish mackerel (consider aerial surveys used in south Florida waters).
- More timely reporting of mid-Atlantic catches for quota monitoring.
- Provide better estimates of recruitment, natural mortality rates, fishing mortality rates, and standing stock. Specific information should include an estimate of total amount caught and distribution of catch by area, season, and type of gear.
- Develop methodology for predicting year class strength and determination of the relationship between larval abundance and subsequent year class strength.
- Commission and member states should support and provide the identified data & input needed to improve the SAFMC's SEDAR process.
- The full implementation of ecosystem-based management and the implementation of monitoring/research efforts needed to support ecosystem-based management needs should be conducted.

Medium Priority

- Yield per recruit analyses should be conducted relative to alternative selective fishing patterns.
- Determine the bycatch of Spanish mackerel in the directed shrimp fishery in Atlantic Coastal waters (partially met: Branstetter, 1997; Ottley et al., 1998; Gaddis et al., 2001; Page et al., 2004).
- Evaluate potential bias of the lack of appropriate stratification of the data used to generate age-length keys for Atlantic and Gulf Spanish mackerel.
- Evaluate CPUE indices related to standardization methods and management history, with emphasis on greater temporal and spatial resolution in estimates of CPUE.
- Consideration of MRFSS add-ons or other mechanisms for collection of socioeconomic data for recreational and commercial fisheries.
- Determine normal Spanish mackerel migration routes and changes therein, as well as the climatic or other factors responsible for changes in the environmental and habitat conditions which may affect the habitat and availability of stocks.
- Determine the relationship, if any, between migration of prey species (i.e., engraulids, clupeids, carangids), and migration patterns of the Spanish mackerel stock.

Low Priority

- Final identification of Spanish mackerel stocks through multiple research techniques.
- Complete research on the application of assessment and management models relative to dynamic species such as Spanish mackerel.
- Delineation of spawning areas and areas of larval abundance through temporal and spatial sampling.

IX. References

- Branstetter, S. 1997. Final implementation of high-priority objectives of a bycatch reduction research program for the Gulf of Mexico and South Atlantic shrimp fishery. NMFS 93-SER-059.
- Gaddis, G., D. Haymans, J.L. Music, Jr., and J. Page. 2001. Interstate fisheries management planning and implementation. Final Report. Award No. NA86FG0116. USDOC/NOAA/NMFS. Atlantic Coastal Fisheries Management Act (P.L. 103-206).
- GMFMC (Gulf of Mexico Fishery Management Council)/SAFMC (South Atlantic Fishery Management Council). 2011. Amendment 18 to the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic regions. Available at: http://safmc.net/Library/pdf/Final_CMP_Amend18.pdf
- GMFMC (Gulf of Mexico Fishery Management Council)/SAFMC (South Atlantic Fishery Management Council). 2013. Amendment 20A to the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic regions. Available at: http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/2014/am20a/documents/pdfs/cmp_am20a_ea.pdf
- GMFMC (Gulf of Mexico Fishery Management Council)/SAFMC (South Atlantic Fishery Management Council). 2014. Amendment 20B to the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic regions. Available at: http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/2014/am20b/documents/pdfs/cmp_a20b_ea.pdf
- Mackerel Stock Assessment Panel (MSAP). 2003. 2003 Report of the Mackerel Stock Assessment Panel. Award No. NA17FC2203 and NA17FC1053. Gulf of Mexico Fishery Management Council, Tampa, Florida & South Atlantic Fishery Management Council, Charleston, South Carolina. 31 pp.
- Ottley, A., C.N. Belcher, B. Good, J.L. Music, Jr., and C. Evans. 1998. Interstate fisheries management planning and implementation. Final Report. Award No. NA57FG0170. USDOC/NOAA/NMFS. Atlantic Coastal Fisheries Management Act (P.L. 103-206).
- Page, J., D. Haymans, and P. Geer. 2004. Interstate fisheries management planning and implementation. Final Report. Award No. NA16FG1219. USDOC/NOAA/NMFS. Atlantic Coastal Fisheries Management Act (P.L. 103-206).
- SAFMC (South Atlantic Fishery Management Council). 2013. South Atlantic Coastal Migratory Pelagics Framework Action 2013 for the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic regions. Available at: http://safmc.net/sites/default/files/Resource%20Library/pdf/CMPFramework_Decision_Doc_Sept2013_draft.pdf
- SAFMC (South Atlantic Fishery Management Council). 2014. Framework Amendment 1 to the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic regions. Available at: http://safmc.net/sites/default/files/Resource%20Library/pdf/CMP%20Am/CMPFrameworkAmendment1_29May2014_FINAL.pdf

- SAFMC (South Atlantic Fishery Management Council). 2014. Framework Amendment 2 to the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic regions. Available at:
http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/cmp/2014/framework_am2/documents/pdfs/cmp_frameworka2_ea.pdf
- SEDAR. 2012. SEDAR 28- South Atlantic Spanish Mackerel Stock Assessment Report. SEDAR, North Charleston SC. 438 pp. available online at:
http://www.sefsc.noaa.gov/sedar/Sedar_Workshops.jsp?WorkshopNum=28

X. Figures

Figure 1. Estimated total biomass (metric tons) at start of year. Horizontal dashed line indicates B_{MSY} (SEDAR, 2012).

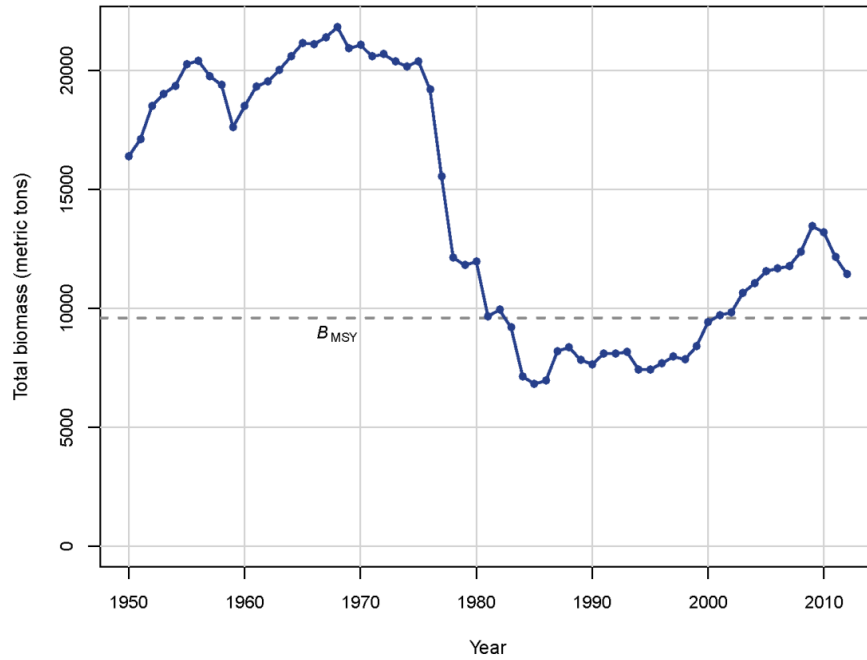


Figure 2. Estimated time series of Atlantic group Spanish mackerel fishing mortality rate (F) relative to F_{MSY} benchmark. Solid line indicates estimates from base run of the Beaufort Assessment Model; gray error bands indicate 5th and 95th percentiles of the Monte Carlo Bootstrap analysis trials (SEDAR, 2012).

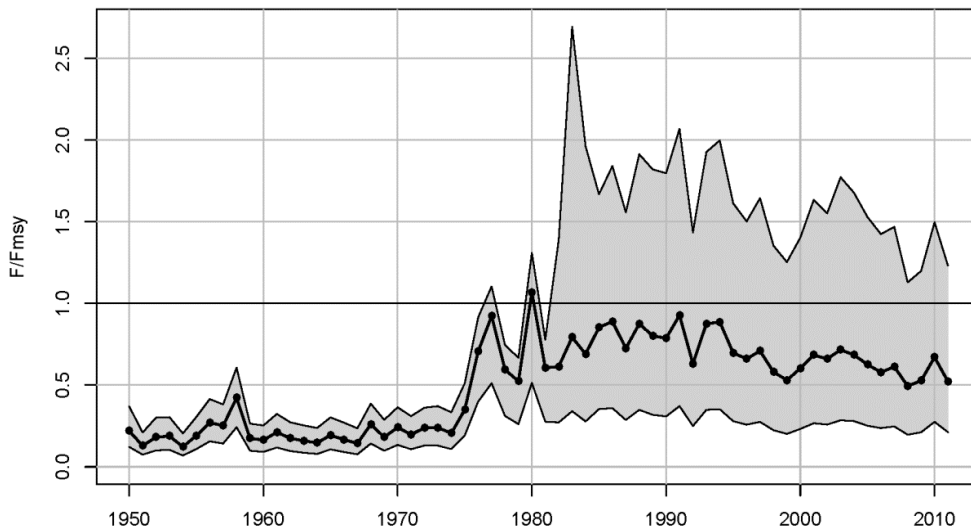


Figure 3. Commercial and recreational harvest (pounds) of Spanish mackerel, 1950-2016.
 (Recreational data available from 1981-present only; see Tables 2 and 4 for values and sources)

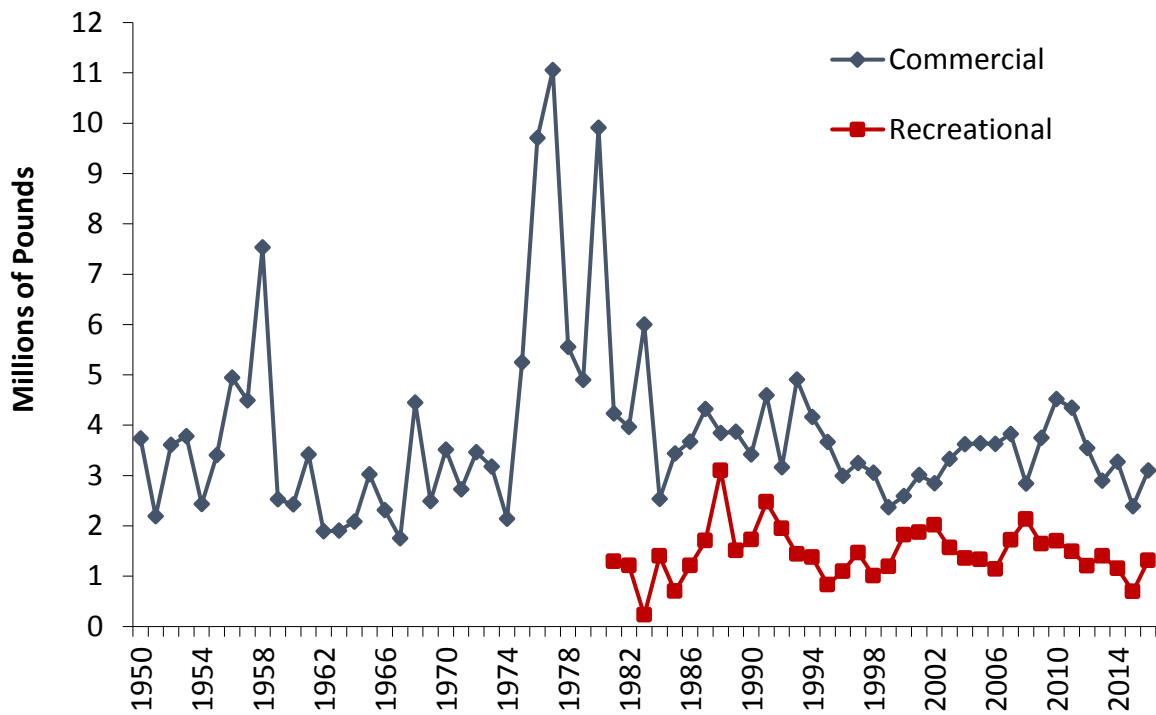
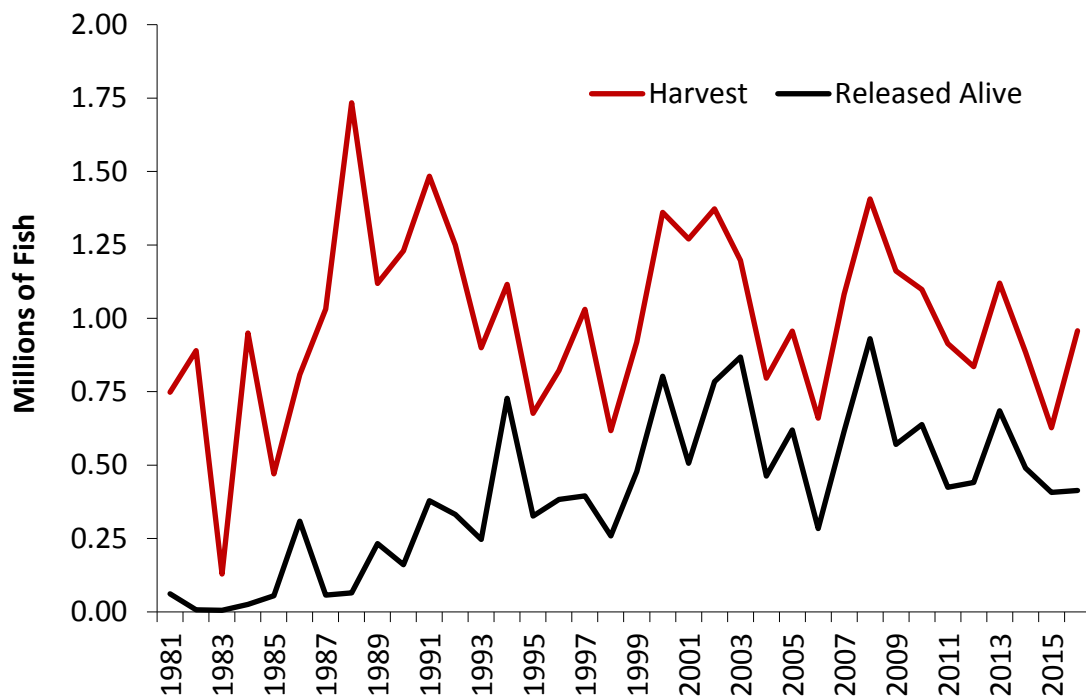


Figure 4. Recreational harvest and releases (numbers of fish) of Spanish mackerel, 1981-2016.
 (See Tables 3 and 5 for values and sources)



XI. Tables

Table 1. Summary of state regulations for Spanish mackerel in 2016.

Notes: A commercial license is required to sell Spanish mackerel in all states; other general gear restrictions apply to the harvest of Spanish mackerel. Purse seines and drift gill nets are prohibited south of Cape Lookout, NC.

State	Recreational	Commercial
NY	14" TL, 15 fish	14" TL. 3,500 lb trip limit.
NJ	14" TL, 10 fish	14" TL. 3,500 lb trip limit.
DE	14" TL, 15 fish	14" TL. 3,500 lb trip limit.
MD	14" TL, 15 fish	14" TL. 3,500 lb trip limit. March-Feb.
PRFC	14" TL, 15 fish	14" TL. Closure if/when MD and VA fisheries close.
VA	14" TL, 15 fish	14" TL. 3,500 lb trip limit. Closure if/when federal waters close.
NC	12" FL, 15 fish	12" FL; 11.5" FL in pound net fishery July 4 th – Sept 30 th , 2016. 3,500 lb trip limit for combined Spanish and king mackerel landings.
SC	12" FL, 15 fish	12" FL. 15 fish. 3,500 lb trip limit. March-Feb. Closure if/when federal waters close.
GA	12" FL, 15 fish	12" FL. 3,500 lb trip limit.
FL	12" FL or 14" TL, 15 fish. Cast nets less than 14' and beach or haul seines within 2" stretched mesh allowed	12" FL or 14" TL. Trip limits: April 1 until Nov. 30 - 3500 lb; Dec. 1 until 75% of adjusted quota reached – 3500 lb Mon-Fri. & 1500 lb Sat-Sun; >75% adjusted quota until quota filled -1500 lb; > 100% of adjusted quota - 500 lb. Restricted Species Endorsement Required Allowed gear: beach or haul seine, cast net, hook and line, or spearing.

Table 2. Commercial landings (pounds, calendar year) of Spanish mackerel by state, 1997-2016. (Source: ACCSP for 2015 and earlier for all jurisdictions, except PRFC; annual compliance reports for 2016 and for all PRFC years. Starred values are confidential. Total values adhere to the ACCSP rule of 3, i.e. totals are reflective of the true total if 0 or at least 3 states' data are confidential in a given year. Otherwise, they are sums of non-confidential data. Data dating back to 1950 are available upon request to ACCSP.)

Year	NY	NJ	DE	MD	PRFC	VA	NC	SC	GA	FL	Total
1997	31,107	12,122		*	557	164,113	766,958	66	*	2,269,289	3,244,212
1998	37,238	13,242		*	2,513	118,854	372,415	160	*	2,498,458	3,042,880
1999	47,831	17,144		*	31,945	222,113	459,100		*	1,566,706	2,344,839
2000	35,825	11,757		*	46,972	*	659,726	192	*	1,675,458	2,578,262
2001	13,851	9,401	*	*	25,970	152,833	653,673		*	2,115,774	2,990,224
2002	18,741	11,196		20,232	14,922	87,988	698,448	9	*	1,994,195	2,845,732
2003	18,339	5,432		4,684	21,267	*	456,784	214	*	2,739,176	3,245,896
2004	16,921	3,060		4,797	917	66,146	456,242		*	3,065,324	3,613,407
2005	5,197	2,074	*	7,539	2,725	41,065	446,001		*	3,132,626	3,637,227
2006	*	*	*	230	2,019	*	470,662	*		3,141,531	3,628,686
2007	7,240	2,075		3,297	4,915	53,607	487,879	*	*	3,263,245	3,822,259
2008	2,512	1,210	*	6,912	3,253	150,547	415,405		*	2,262,504	2,842,342
2009	3,463	3,324	*	*	494	137,573	961,811			2,629,343	3,736,009
2010	3,712	829		4,939	68	47,373	911,866	*		3,551,357	4,520,144
2011	1,147	305		5,088	675	35,601	871,217			3,432,932	4,346,965
2012	2,293	2,806		3,634	270	18,047	916,439			2,596,917	3,540,407
2013	4,467	265		2,395	302	7,602	620,752			2,265,390	2,901,172
2014	2,550	292		1,632	12	7,859	673,974	*		2,585,281	3,271,599
2015	1,357	2,746		2,222	6	14,493	561,407	28		1,807,967	2,390,227
2016	813	1,997	0	16,205	548	33,242	601,615	133		2,461,334	3,101,783

2017 REVIEW OF THE ASMFC SPANISH MACKEREL FMP

Table 3. Recreational harvest (numbers) of Spanish mackerel by state, state, 1997-2016. (Source: MRIP for 2015 and earlier and annual compliance reports for 2016. Data dating back to 1981 are available upon request to the NMFS Fisheries Statistics Division via MRIP.)

Year	NY	NJ	DE	MD	VA	NC	SC	GA	FL	Total
1997			0		68,517	585,765	101,067	28,396	246,885	1,030,630
1998		4,046	186	3,633	33,140	239,052	65,584	28,002	244,235	617,878
1999	0	1,335	226	1,220	75,972	476,019	27,477	9,007	327,621	918,877
2000	4,453	923	0	15,219	71,249	671,353	28,283	20,545	547,315	1,359,340
2001	802	0	0	8,025	29,590	400,706	43,501	11,013	774,065	1,267,702
2002				0	17,433	401,982	24,235	1,927	926,600	1,372,177
2003				6,975	17,063	349,170	24,879	11,235	784,385	1,193,707
2004		813		4,180	28,301	326,781	56,524	7,412	368,998	793,009
2005				14,348	10,573	335,760	70,124	12,852	512,607	956,264
2006		1,079		4,408	40	306,274	23,529	1,555	322,789	659,674
2007				20,049	16	495,476	94,636	15,539	455,689	1,081,405
2008		344		7,515	83,903	744,139	52,725	14,682	503,398	1,406,706
2009		215		19,901	16,451	677,787	73,611	4,476	368,615	1,161,056
2010				5,580	20,524	483,956	70,351	4,955	512,295	1,097,661
2011				10,554	35,054	367,086	87,109	7,486	406,068	913,357
2012				2,962	11,847	491,238	80,204	2,119	246,866	835,236
2013			31	2,905	61,260	497,329	22,414	1,299	534,042	1,119,280
2014				5,494	15,776	398,398	80,935	1,903	381,839	884,345
2015				11,366	12,072	388,157	133,446	527	82,064	627,632
2016			9	11,465	75,068	424,341	78,100	1,510	366,789	957,282

2017 REVIEW OF THE ASMFC SPANISH MACKEREL FMP

Table 4. Recreational harvest (pounds) of Spanish mackerel by state, 1997-2016. (Source: MRIP for 2015 and earlier and annual compliance reports for 2016. Data dating back to 1981 are available upon request to the NMFS Fisheries Statistics Division via MRIP.)

Year	NY	NJ	DE	MD	VA	NC	SC	GA	FL	Total
1997					22,234	862,497	143,297	37,877	400,148	1,466,053
1998		9,190	380	5,724	57,467	305,631	106,208	112,563	408,871	1,006,034
1999		2,207	240	1,715	79,602	469,259	44,915	10,030	578,124	1,186,092
2000	10,799	1,119		20,642	83,297	671,615	30,542	47,136	946,396	1,811,546
2001	1,168			14,526	42,047	499,828	46,945	23,055	1,232,506	1,860,075
2002					12,163	475,741	47,057	4,796	1,475,233	2,014,990
2003				9,761	22,030	446,052	29,108	34,854	1,021,204	1,563,009
2004		2,150		7,534	38,606	493,666	73,795	7,819	730,736	1,354,306
2005				26,281	14,459	294,537	101,618	17,910	873,527	1,328,332
2006		2,022		9,327	57	509,357	41,945	2,197	576,979	1,141,884
2007				39,708	25	699,809	97,677	34,667	847,028	1,718,914
2008		513		11,558	113,127	968,108	84,244	36,154	919,711	2,133,415
2009		302		37,284	22,131	824,225	96,827	6,909	651,494	1,639,172
2010				11,383	27,503	565,830	103,956	5,383	983,764	1,697,819
2011				22,630	41,325	470,541	73,605	9,439	873,222	1,490,762
2012				5,223	17,806	665,201	98,316	4,536	411,935	1,203,017
2013			43	6,949	68,165	625,035	50,865	2,158	646,996	1,400,211
2014				12,440	17,597	449,709	126,345	2,356	544,791	1,153,238
2015				16,820	10,746	431,082	108,423	1,879	124,199	693,149
2016			8	18,995	71,869	411,353	74,475	2,853	732,652	1,312,205

2017 REVIEW OF THE ASMFC SPANISH MACKEREL FMP

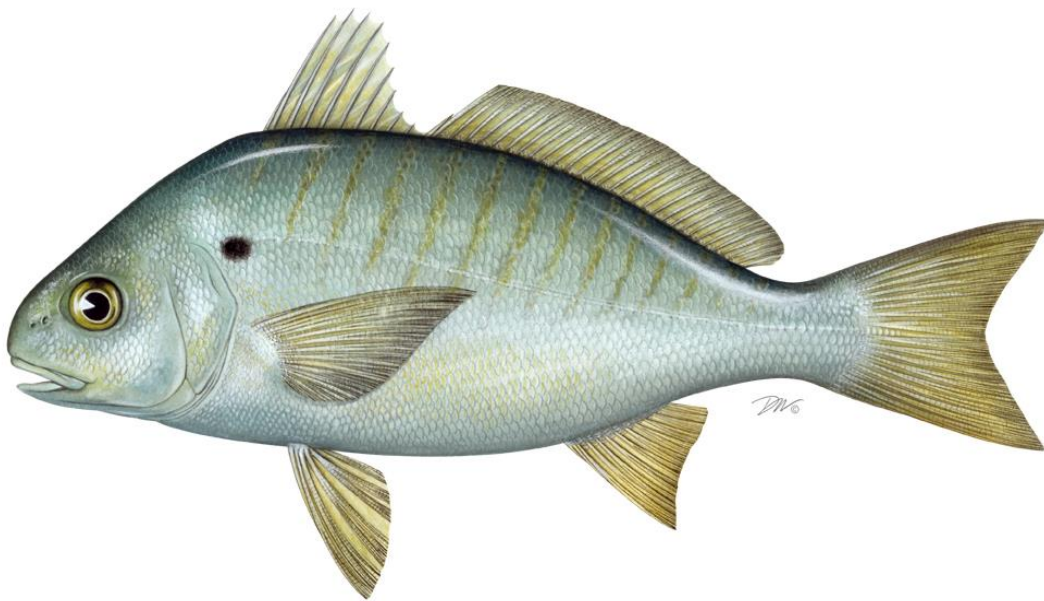
Table 5. Recreational releases (numbers) of Spanish mackerel by state, 1997-2016. (Source: MRIP for 2015 and earlier and annual compliance reports for 2016. Data dating back to 1981 are available upon request to the NMFS Fisheries Statistics Division via MRIP.)

Year	NY	NJ	DE	MD	VA	NC	SC	GA	FL	Total
1997			338		22,658	140,704	62,356	0	168,815	394,871
1998		0	0	1,075	49,429	80,700	32,087	7,351	87,804	258,446
1999	1,415	2,670	0	0	36,276	205,870	46,400	495	185,106	478,232
2000	0	0	608	1,656	82,227	300,384	47,273	16,479	353,042	801,669
2001	1,657	4,907	825	7,265	30,158	160,591	9,711	3,188	285,738	504,040
2002				4,449	9,923	196,967	9,206	8,641	554,743	783,929
2003				6,994	20,539	164,787	223,116	6,501	445,965	867,902
2004		0		386	14,456	149,542	84,747	2,900	207,784	459,815
2005				2,169	0	180,326	184,637	4,056	248,636	619,824
2006		0		564	8,504	96,413	27,640	9,236	140,986	283,343
2007				8,461	279	257,841	96,779	54,044	197,529	614,933
2008		0		6,951	37,850	449,095	67,686	5,300	363,542	930,424
2009		26,741		3,630	20,980	313,030	55,600	982	149,825	570,788
2010				0	33,103	294,350	28,200	65	282,252	637,970
2011				0	28,526	170,926	67,144	10,131	147,399	424,126
2012				0	17,150	234,905	98,371	1,724	88,592	440,742
2013			94	0	5,583	289,216	24,862	0	365,107	684,862
2014				881	3,450	240,731	36,082	851	208,266	490,261
2015				357	4,224	216,011	99,530	466	85,973	406,561
2016			213	0	14,072	187,878	69,882	137	141,038	413,220

2017 REVIEW OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
FISHERY MANAGEMENT PLAN FOR

SPOT
(Leiostomus xanthurus)

2016 FISHING YEAR



The Spot Plan Review Team

Michael Schmidtke, Atlantic States Marine Fisheries Commission, Chair
Harry Rickabaugh, Maryland Department of Natural Resources
Ryan Jiorle, Virginia Marine Resources Commission
Dan Zapf, North Carolina Division of Marine Fisheries
Chris McDonough, South Carolina Department of Natural Resources
Dawn Franco, Georgia Department of Natural Resources

Table of Contents

I.	Status of the Fishery Management Plan	1
II.	Status of the Stock.....	2
III.	Status of the Fishery.....	2
IV.	Status of Assessment Advice	3
V.	Status of Research and Monitoring.....	4
VI.	Status of Management Measures and Issues	7
VII.	Implementation of FMP Compliance Requirements for 2015	8
VIII.	Recommendations of the Plan Review Team	9
X.	Figures	12
XI.	Tables	1

I. Status of the Fishery Management Plan

Date of FMP Approval: October 1987; Omnibus Amendment August 2011

Management Area: The Atlantic coast distribution of the resource from Delaware through Florida

Active Boards/Committees: South Atlantic State/Federal Fisheries Management Board; Spot Plan Review Team; South Atlantic Species Advisory Panel; Omnibus Amendment Plan Development Team

The Fishery Management Plan (FMP) for Spot was adopted in 1987 and includes the states from Delaware through Florida (ASMFC 1987). In reviewing the early plans created under the Interstate Fisheries Management Plan process, the ASMFC found the Spot FMP to be in need of evaluation and possible revision. A Wallop-Breaux grant from the U.S. Fish and Wildlife Service was provided to conduct a comprehensive data collection workshop for spot. The October 1993 workshop at the Virginia Institute of Marine Science was attended by university and state agency representatives from six states. Presentations on fishery-dependent and fishery-independent data, population dynamics, and bycatch reduction devices were made and discussed. All state reports and a set of recommendations were included in the workshop report (Kline and Speir 1993).

Subsequent to the workshop and independent of it, the South Atlantic State/Federal Fisheries Management Board (Management Board) reviewed the status of several plans in order to define the compliance issues to be enforced under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). The Management Board found recommendations in the plan to be vague and perhaps no longer valid, and recommended that an amendment be prepared to the Spot FMP to define the management measures necessary to achieve the goals of the FMP. In their final schedule for compliance under the ACFCMA, the ISFMP Policy Board adopted the finding that the FMP does not contain any management measures that states are required to implement. In August 2009, the Management Board expanded the initiated amendment to the Spanish Mackerel FMP to include Spot and Spotted Seatrout, creating the Omnibus Amendment for Spot, Spotted Seatrout and Spanish Mackerel. The goal of the Omnibus Amendment was to update all three plans with requirements specified under the Atlantic Coastal Fisheries Cooperative Management Act (1993) and the Interstate Fishery Management Program Charter (1995). In August 2011, the Management Board approved the Omnibus Amendment for Spot, Spotted Seatrout, and Spanish Mackerel. This Amendment did not set specific management measures for Spot but it did align management of the species with the requirements of ACFCMA.

In August 2014, the Board approved Addendum I to the Omnibus Amendment. The Addendum establishes use of a Traffic Light Analysis (TLA) to evaluate fisheries trends and develop state-specified management actions (e.g., bag limits, size restrictions, time and area closures, and gear restrictions) when harvest and abundance thresholds are exceeded for two consecutive years.

II. Status of the Stock

A benchmark stock assessment for spot was completed in 2017 but was not recommended for management use by the Peer Review Panel. Therefore, stock status is unknown. The stock is monitored annually using the Traffic Light Analysis, described below.

Traffic Light Approach

As part of the requirements under the 2011 Omnibus Amendment, for years in-between benchmark stock assessments, the Spot PRT was tasked with conducting annual monitoring analysis. These trigger exercises compared five data sources to the 10th percentile of the data sets' time series. If two terminal values of the five data sources (at least one of which must be fishery independent) fell below the 10th percentile, the Management Board would be prompted to consider management action.

In August 2014, the Board approved Addendum I to the Omnibus Amendment. The Addendum established the Traffic Light Approach (TLA) as the new precautionary management framework to evaluate fishery trends and develop management actions. The TLA framework replaces the management trigger stipulated in the Omnibus Amendment after concern that the triggers were limited in their ability to illustrate long-term declines or increases in stock abundance. In contrast, the TLA is a statistically-robust way to incorporate multiple data sources (both fishery-independent and -dependent) into a single, easily understood metric for management advice. It is an effective method to illustrate long-term trends in the fishery.

The TLA was originally developed as a management tool for data poor fisheries. The name comes from assigning a color (red, yellow, or green) to categorize relative levels of population indicators. When a population characteristic improves, the proportion of green in the given year increases. Harvest and abundances thresholds of 30% and 60% red were established in Addendum I, representing moderate and significant concern for the fishery. If thresholds for both population characteristics achieve or exceed a threshold for a two year period, then management action is enacted.

Analysis of the composite harvest index showed a general decline beginning in 2005 (Figure 1). This decline was driven mostly by the decline in commercial landings rather than the recreational harvest. The composite harvest index tripped in 2015-2016 with a 2-year red proportion greater than 30%.

The TLA composite abundance index for adult spot (NMFS and SEAMAP surveys) was run using the 1989-2016 time period since that was when the two surveys overlapped (Figure 1). The TLA composite characteristic did not trigger in 2016 and has not tripped in a single year since 2007.

The TLA composite characteristic indices tripped for juvenile spot index (60% threshold) but not for the adult composite characteristic index. The harvest composite characteristic also triggered at the 30% threshold in 2016 due to declines in both commercial and recreational harvest. Because the harvest index and adult composite index did not both trip for 2015-2016, management action is not triggered by the TLA. With the benchmark stock assessment now complete, further refinement of the TLA for spot is under consideration. The PRT and Atlantic

Croaker TC have submitted several adjustments to the TLA for Board consideration, which include incorporation of additional indices and alterations to the TLA metrics and triggering mechanism.

III. Status of the Fishery

Total landings of spot from NY to FL in 2016 are estimated at 1.39 million pounds, a decrease of approximately 3 million pounds from 2015 and roughly 4.6 million pounds less than the average of the last 10 years (Tables 1 and 3). The recreational fishery harvested more than the commercial fishery (54% and 46% respectively, by pounds). Although, historical commercial harvests were larger than recreational harvests, over the last 10 years proportions of commercial and recreational harvests have been more even (57% and 43% respectively, by pounds).

Commercial spot landings have ranged between 632,000 and 14.52 million pounds from 1950-2016 (Figure 2), with 2016 landings (632,790 pounds) being the lowest commercial harvest on record. Coastwide, gill nets were used to capture 59% of commercially harvested spot (Table 2). Virginia landed approximately 45% of the commercial harvest (by pounds) in 2016, followed by North Carolina with 37% of the harvest. Spot are a major component of Atlantic coast scrap landings (NCDMF 2001). A scrap fishery is one in which fish species that are unmarketable as food, due to size or palatability, are sold unsorted, usually as bait. The largest bycatch component for spot comes from the South Atlantic shrimp trawl fishery.

The recreational harvest of spot along the Atlantic coast from 1981 to 2016 has varied between 2.8 and 20.1 million fish (or 753,000 and 6.9 million pounds; Tables 3 and 4). There was an increasing trend in the recreational harvest from a low in 1999 of 3.6 million fish to 15.7 million fish in 2007. Since then, harvest has generally declined, with a 2016 harvest of 2.8 million fish (753,353 pounds), down 3.4 million fish (1.5 million pounds) from 2015 and the lowest recreational harvest on record by both numbers of fish and pounds (Figure 3). Anglers in Virginia were responsible for 38% of the total number of fish harvested in 2016, followed by anglers in South Carolina (25%) and North Carolina (18%). Many anglers are known to catch spot to use as bait, as well as for other recreational purposes. The estimated number of spot released annually by recreational anglers has varied between 1.9 and 11.2 million fish, with 2016 releases estimated at 1.9 million fish, the second lowest year on record (Figure 3).

IV. Status of Assessment Advice

A benchmark stock assessment for spot was completed in 2017 but was not recommended by the Peer Review Panel for management use due to uncertainty in biomass estimates due to conflicting signals among abundance indices and catch time series, as well as sensitivity of model results to assumptions and model inputs. The Review Panel recommended continued annual monitoring of spot through the TLA, with incorporation of shrimp trawl discard estimates, and another benchmark assessment in 5 years.

V. Status of Research and Monitoring

Catch and effort data are collected by the commercial and recreational statistics programs conducted by the states and the National Marine Fisheries Service (NMFS). Biological characterization data from fishery landings are also available from several states. Specifically, age data are now available from Maryland, Virginia, North Carolina, and South Carolina. Recruitment indices are available from surveys in Delaware, Maryland, Virginia, North Carolina, and South Carolina. Adult or aggregate (mix of juvenile and older spot) relative abundance indices are available from New Jersey, Delaware, North Carolina, South Carolina, Georgia, and SEAMAP (covering North Carolina through Florida). These surveys, in addition to the Northeast Fisheries Science Center Bottom Trawl Survey, the Northeast Area Monitoring and Assessment Program (NEAMAP), the Chesapeake Bay Multispecies Monitoring and Assessment Program (ChesMMAP), and the Chesapeake Bay Fishery-Independent Multispecies Survey (CHESFIMS), collect a variety of biological data elements.

Below is a description of the fishery dependent sampling conducted by states.

Maryland: Maryland conducts an onboard commercial pound net survey on the Potomac River and the Chesapeake Bay, sampling once per week from May through September and collecting length and age data.

Virginia: Virginia's Marine Resources Commission collects biological data from Virginia's commercial and recreational fisheries, with total length, weight, sex, and age measured whenever possible. The fish are aged by examining otoliths, which is done by Old Dominion University's Center for Quantitative Fisheries Ecology.

North Carolina: Commercial fishing activity is monitored through fishery-dependent sampling conducted under Title III of the Interjurisdictional Fisheries Act and has been ongoing since 1982. Data collected in this program allows the size distribution of spot to be characterized by gear/fishery. Further sub-sampling is conducted to procure samples for age determination (whole otoliths), sex ratio, reproductive condition, and weight.

South Carolina: South Carolina's Spot fishery is generally recreational in nature. Fishery dependent data related to Spot has been available primarily through the SCDNR State Finfish Survey (SFS), the National Marine Fisheries Service's Marine Recreational Information Program (MRIP), and a SCDNR managed mandatory trip reporting system for licensed charterboat operators. Beginning in 2013, the SCDNR took over the MRIP data collection in South Carolina. Since the data previously coming from the SC-SFS is now incorporated into the MRIP data set they will not be reported separately. The one exception to this occurs during wave 1 (Jan-Feb) sampling. The MRIP survey had not sampled during this wave in the past and so the SC-SFS will still be used to cover this time period.

Georgia: The Marine Sportfish Carcass Recovery Project, a partnership with recreational anglers along the Georgia coast, was used to collect biological data from finfish. In 2016, a total of 3,555 fish carcasses were donated through this program. Spot are not on the list of requested species and none were donated in 2016.

Below is a description of fishery independent sampling conducted by states.

New Jersey: The New Jersey Bureau of Marine Fisheries conducts an Ocean Trawl Survey, Delaware River Seine Survey, and Delaware Bay Trawl Survey. Respective indices of abundance (GM) for the three surveys in 2016 were: 0.12, 0.00, and 0.05 (2014 values were: 0.63, 0.02, and 0.19, respectively).

Delaware: Annual relative abundance estimates (number/nautical mile) of spot in Delaware are monitored through the Division's adult ground fish bottom trawl survey. The relative abundance of spot increased to 3.97 (#/nm). The Division monitors juvenile fish abundance through a 16-ft bottom trawl survey which has been conducted annually since 1980. Separate spot young of the year (YOY) indices are generated for the Delaware Estuary (Bay and River) and Delaware's "Inland Bays" (Indian River and Rehoboth Bays). YOY spot recruitment, 0.44 per tow (geometric mean), increased in 2016 relative to 2015 for the Delaware Estuary and was below the time series mean and median. The Inland Bays YOY index decreased to 1.77 per tow, and remained below the time series mean in 2016.

Maryland: Maryland conducted an onboard commercial pound net survey on the Potomac River and the Chesapeake Bay, sampling once per week from May 24, 2016 through September 7, 2016. Spot mean length from onboard sampling decrease in 2016 to 175 mm total length (TL). Seventy percent of spot encountered in the onboard pound net survey were between 170 and 209 mm TL, and the length frequency distribution remained truncated relative to the distributions of the early to mid-2000s. In 2016, 57% of sampled fish were age zero and 43% were age one, with no age two plus fish being sampled (111 ages and 137 lengths). 2016 was the first year that age one spot did not account for a majority of the age distribution, and only the second year no age two plus spot were sampled.

Finfish collected by Maryland's Chesapeake Bay Blue Crab Trawl Survey have been enumerated since 1980, (Davis et al.1995). Spot juvenile trawl index values from 1989-2016 were quite variable. The 2010 GM value of 104.5 spot per tow was the highest value of the time series, the 2011 value declined to the second lowest of the 27 year time series, and the 2012 value increased to nearly the time series mean. The index values declined since 2012 to the time series low in 2015 (0.29 fish per tow). The 2016 value increased to 1.36 fish per tow, but was still the 7th lowest value of the 28 year time series. A second JI was derived from the Striped Bass Juvenile Seine Survey (JSS). The 2016 GM catch per haul of 0.32 was the second lowest value of the 50 year time series, and well below the mean value of 1.44 fish per haul. A 4.9-m semi-balloon otter trawl has also been used to sample Maryland's Atlantic coastal bays since 1972. The 2016 GM of 5.4 spot per hectare increased for the second consecutive year, but was still below the 28 year time series mean of 8.9 fish per hectare. The final juvenile index is derived from the coastal bays seine survey. The coastal bays seine survey increased in 2016 to 9.6 spot per haul, and was above the time series mean of 7.4 for the first time since 2012.

Virginia: The Virginia Institute of Marine Science (VIMS) has been conducting a monthly juvenile trawl survey since 1955 to monitor the abundance and seasonal distribution of finfish and invertebrates in the Chesapeake Bay and its tributaries. An index of age-0 spot abundance is available from 1988 up to 2016, with sampling coming from tributaries of the Chesapeake Bay

(fixed and random sites) as well as the bay itself (random sites). The average index value from 1988 through 2016 is 13.43, and the geometric mean value for 2016 was 2.39. This represents an increase from the 0.83 in 2015, but is still one of the lowest values in the time series. Note that the values for 2015 and 2016 were calibrated due to a change in vessel/gear.

North Carolina: North Carolina has no current fishery-independent monitoring programs specifically for spot. However, the NCDMF has conducted a stratified random trawl survey in Pamlico Sound (Pamlico Sound Survey, Program 195) since 1987 to obtain juvenile abundance indices (JAI) for several economically important species, including spot. Spot less than 120 mm from the June portion of the Pamlico Sound Survey are considered in calculating the JAI. The 2016 spot JAI (mean number of individuals/tow) was 291.0, a decline from the 2015 JAI of 405.5. From 1987-2016 the average JAI was 413.1 with many large fluctuations.

South Carolina: While Spot are not necessarily a specifically targeted species for SCDNR monitoring programs or projects, they are a common component species of four fishery independent monitoring efforts conducted by the SCDNR. The Southeast Area Monitoring and Assessment – South Atlantic Program (SEAMAP-SA) is a shallow water (15 to 30 ft depth) trawl survey that monitors status and trends of numerous coastal species within the South Atlantic Bight seasonally (spring, summer and fall) from Cape Canaveral, FL to Cape Hatteras, NC. The annual stratified mean catch per tow in weight for the entire survey in 2016 declined by 9.2% (11.1kg/tow) over 2015 (12.2 kg/tow). The second survey is an inshore estuarine trammel net survey conducted by the SCDNR. In 2016, CPUE decreased (68.8%) from 2015 representing the lowest annual value in the time series. Catch levels in 2016 remained below the long term mean for a seventh year. The overall trend for Spot in the trammel survey has been in decline since 1999, with only 5 years exceeding the long term mean catch since 2000. The third survey was an electroshock survey conducted in low salinity brackish and tidal freshwater portions of different South Carolina estuaries. The CPUE in 2016 (3.98 ± 0.78 fish per set) declined from 2015 by 24% and was the lowest annual CPUE on record for the survey. The fourth survey is the South Carolina Estuarine and Coastal Assessment Program (SCECAP). The CPUE increased (27.9%) in 2016 from 2015, although both years represent the lowest values in the time series (0.5 and 0.7 fish per hectare, respectively) and remained well below the series long term mean.

Georgia: Spot are occasionally observed during the red drum gillnet survey and the trammel net survey. Lengths of captured spot were recorded and then fish were released. During 2016, 150 trammel and 216 gill net sets captured 193 and 324 spot, respectively. Average fork length of spot in trammel nets was 209 mm and in the gillnet survey was 197 mm. The 2016 geometric mean (#/net set) from trammel nets (0.81) was greater and the mean from gillnets (0.59) was less than those of 2015 (0.54 and 0.89, respectively). The monthly Ecological Monitoring Survey (EMS) samples estuarine finfish from a total of 42 stations, distributed amongst 6 estuaries, from January to December. In 2016, a total of 416 tows were completed with an estimated 12,673 Spot captured. Lengths ranged from 11 to 223 millimeters fork length with a mean of 130.5 millimeters fork length

Florida: The FWC-FWRI's FIM program initiated surveys on estuarine, bay and coastal systems of the Florida Atlantic at northern Indian River Lagoon in 1990, southern Indian River Lagoon in 1997, and northeast Florida (Jacksonville study area) in 2001. Indices of abundance (IOAs) data

for juvenile (YOY) spot (<30 mm standard length, SL) were available from 21.3-m seine and 6.1-m trawl samples. IOAs for YOY and sub-adult/adult spot have been low and showed little variations; except in 2010 and 2011.

VI. Status of Management Measures and Issues

The FMP for Spot identified two management measures for implementation: 1) promote the development and use of bycatch reduction devices through demonstration and application in trawl fisheries, and 2) promote increases in yield per recruit through delaying entry to spot fisheries to age one and older.

Considerable progress has been made in developing bycatch reduction devices (BRDs) and evaluating their effectiveness. Proceedings from a 1993 spot and croaker workshop summarized much of the experimental work on bycatch reduction, and many states have conducted subsequent testing. For example, North Carolina Division of Marine Fisheries (NCDMF) conducted research on the four main gear types (shrimp trawl, flynet, long haul seine, and pound net) responsible for the bulk of the scrap fish landings in order to reduce the catch of small fish. State testing of shrimp trawl BRDs achieved finfish reductions of 50-70% with little loss of shrimp, although total bycatch numbers relative to shrimp fishery effort are still unknown. The Virginia Marine Resources Commission investigated the use of culling panels in pound nets and long haul seines to release small croaker, spot, and weakfish. The Potomac River Fisheries Commission (PRFC) also investigated the use of culling panels in pound nets, finding that the panels allowed the release of 28% of captured spot less than six inches in length.

Following favorable testing, devices have been made mandatory or recommended in several state fisheries. The use of BRDs is required in all penaeid shrimp trawl fisheries in the South Atlantic. The PRFC recommends the use of culling panels in pound nets and allows those nets with panels to keep one bushel of bycatch of flounder and weakfish. In North Carolina, escapement panels have been required in the bunt nets of long haul seines in an area south and west of Bluff Shoals in the Pamlico Sound since April 1999. However, evaluation of the beneficial effects of BRDs to spot stocks continues to need further study.

General gear restrictions, such as minimum mesh sizes or area trawling bans, have helped protect some age classes of spot. Georgia has implemented a spot creel limit (25 fish, both recreational and commercial, except for shrimp trawlers). South Carolina has also implemented an aggregate bag limit (50 fish) for hook and line fishing of spot, Atlantic croaker, and kingfish/whiting (*Menticirrhus* sp.).

Omnibus Amendment (Interstate)

In August 2011, the Management Board approved the development of an amendment to the Spot FMP to address three issues: compliance measures, consistency with federal management in the exclusive economic zone, and alignment with Commission standards. The updated FMP's objectives are to: (1.) Increase the level of research and monitoring on spot bycatch in other fisheries, in order to complete a coastwide stock assessment (2.) Manage the Spot fishery stock to maintain the spawning stock biomass above the target biomass levels. (3.) Develop research

priorities that will further refine the spot management program to maximize the biological, social, and economic benefits derived from the spot population. The Omnibus Amendment does not require specific fishery management measures in either the recreational or commercial fisheries for states within the management unit.

Addendum I

In August 2014, the Board approved Addendum I which establishes a new management framework (i.e., Traffic Light Approach) to evaluate fisheries trends and develop state-specified management actions (i.e., bag limits, size restrictions, time & area closures, and gear restrictions) when harvest and abundance thresholds are exceeded over two years. Management measures would remain in place for two years.

Recent Changes in State Regulations

North Carolina: There are no direct restrictions on the commercial harvest of spot within coastal, joint, or inland waters of North Carolina. There are however numerous indirect restrictions that effect the commercial harvest and bycatch of spot in North Carolina. Changes to such restrictions for 2016 include: Gill net restrictions for Internal Coastal Waters pertaining to area closures/openings, gear modifications and attendance rules to avoid interactions with endangered species, and requiring the use of an additional BRD for shrimp trawlers (Proclamation SH-2-2015).

South Carolina: In 2015, the SCDNR established a trip ticket monitoring system for all commercial bait harvesters in South Carolina. The purpose of the program is to track which species are being harvested for use in state and federal waters for commercial fishermen holding a commercial bait harvesting license. Previously, there was some monitoring of which species might be captured by bait harvesters through voluntary reporting, but there was no record of the actual quantities harvested unless they were sold to wholesale seafood dealers who would have reported fish utilized as bait in that system. Small Sciaenidae species (including spot) were one of the species of concern and why the program was initiated.

De minimis Guidelines

A state qualifies for *de minimis* status if its past 3-years' average of the combined commercial and recreational catch is less than 1% of the past 3-years' average of the coastwide combined commercial and recreational catch. Those states that qualify for *de minimis* are not required to implement any monitoring requirements, none of which are included in the plan.

VII. De Minimis Requests

Georgia requests *de minimis* status. The PRT notes that Georgia meets the requirements of *de minimis*.

VIII. Implementation of FMP Compliance Requirements for 2016

All states within the management unit have submitted compliance reports for the 2016 fishing year. The PRT found no compliance issues.

IX. Recommendations of the Plan Review Team

Management and Regulatory Recommendation

The Spot PRT will continue to monitor the fishery through the Traffic Light Approach. The Spot PRT recommends that the Board consider incorporation of adjustments to the TLA submitted in their collaborative memo with the Atlantic Croaker Technical Committee.

Research and Monitoring Recommendations

High Priority

- Explore adjustments to the annual TLA that can reduce or explain the conflict between harvest and abundance metrics. Potential adjustments may include incorporation of additional indices, region-specific metrics, age-partitioned indices, or alteration of the management-triggering mechanism.
- Expand collection of life history data for examination of lengths and age, especially fishery-dependent data sources.
- Organize an otolith exchange and develop an ageing protocol between ageing labs.
- Increase observer coverage for commercial discards, particularly the shrimp trawl fishery. Develop a standardized, representative sampling protocol and pursue collection of individual lengths and ages of discarded finfish.
- Continue state and multi-state fisheries-independent surveys throughout the species range and subsample for individual lengths and ages. Ensure NEFSC trawl survey continues to take lengths and ages. Examine potential factors affecting catchability in long-term fishery independent surveys.
- Continue to develop estimates of length-at-maturity and year-round reproductive dynamics throughout the species range. Assess whether temporal and/or density-dependent shifts in reproductive dynamics have occurred.
- Re-examine historical ichthyoplankton studies for an indication of the magnitude of estuarine and coastal spawning, as well as for potential inclusion as indices of spawning stock biomass in future assessments. Pursue specific estuarine data sets from the states (NJ, VA, NC, SC, DE, ME) and coastal data sets (MARMAP, EcoMon).

Medium Priority

- Develop and implement sampling programs for state-specific commercial scrap and bait fisheries in order to monitor the relative importance of Spot. Incorporate biological data collection into program.
- Conduct studies of discard mortality for commercial fisheries. Ask commercial fishermen about catch processing behavior for spot when trawl/gillnets brought over the rail to determine if the discard mortality rate used in the assessment is reasonable.
- Conduct studies of discard mortality for recreational fisheries.
- Collect data to develop gear-specific fishing effort estimates and investigate methods to develop historical estimates of effort.
- Identify stocks and determine coastal movements and the extent of stock mixing, via genetic and tagging studies.
- Investigate environmental and recruitment/ natural mortality covariates and develop a time series of potential covariates to be used in stock assessment models.

- Investigate environmental covariates in stock assessment models, including climate cycles (e.g., Atlantic Multi-decadal Oscillation, AMO, and El Nino Southern Oscillation, El Nino) and recruitment and/or year class strength, spawning stock biomass, stock distribution, maturity schedules, and habitat degradation.
- Investigate the effects of environmental changes (especially climate change) on maturity schedules for spot, particularly because this is an early-maturing species, and because the sSPR estimates are sensitive to changes in the proportion mature.
- Investigate environmental and oceanic processes in order to develop better understanding of larval migration patterns into nursery grounds.
- Investigate the relationship between estuarine nursery areas and their proportional contribution to adult biomass. I.e., are select nursery areas along Atlantic coast contributing more to SSB than others, reflecting better juvenile habitat quality?
- Develop estimates of gear-specific selectivity.

X. References

- Atlantic States Marine Fisheries Commission (ASMFC). 1987. Fishery Management Plan for Spot. Washington (DC): ASMFC. Fisheries Management Report #11. 90 p.
- Kline LL, Speir H (editors). 1993. Proceedings of a Workshop on Spot (*Leiostomus xanthurus*) and Atlantic Croaker (*Micropogonias undulatus*). Washington (DC): Atlantic States Marine Fisheries Commission. Special Report #25. 175 p.
- NCDMF. 2001. Assessment of North Carolina commercial finfisheries, 1997–2000. Final Report, North Carolina Department of Environment and Natural Resources, Division of Marine Fisheries, Award Number NA 76 FI 0286, 1-3.
- Spot Plan Review Team (PRT). 2012. Spot Data Availability and Stock Monitoring Report, 2009. Washington (DC): Atlantic States Marine Fisheries Commission. Report to the South Atlantic State-Federal Fisheries Management Board. 85 p.

X. Figures

Figure 1: Traffic Light Approach for spot, 2016. Top figure shows the harvest composite index and the bottom figure shows the abundance composite index.

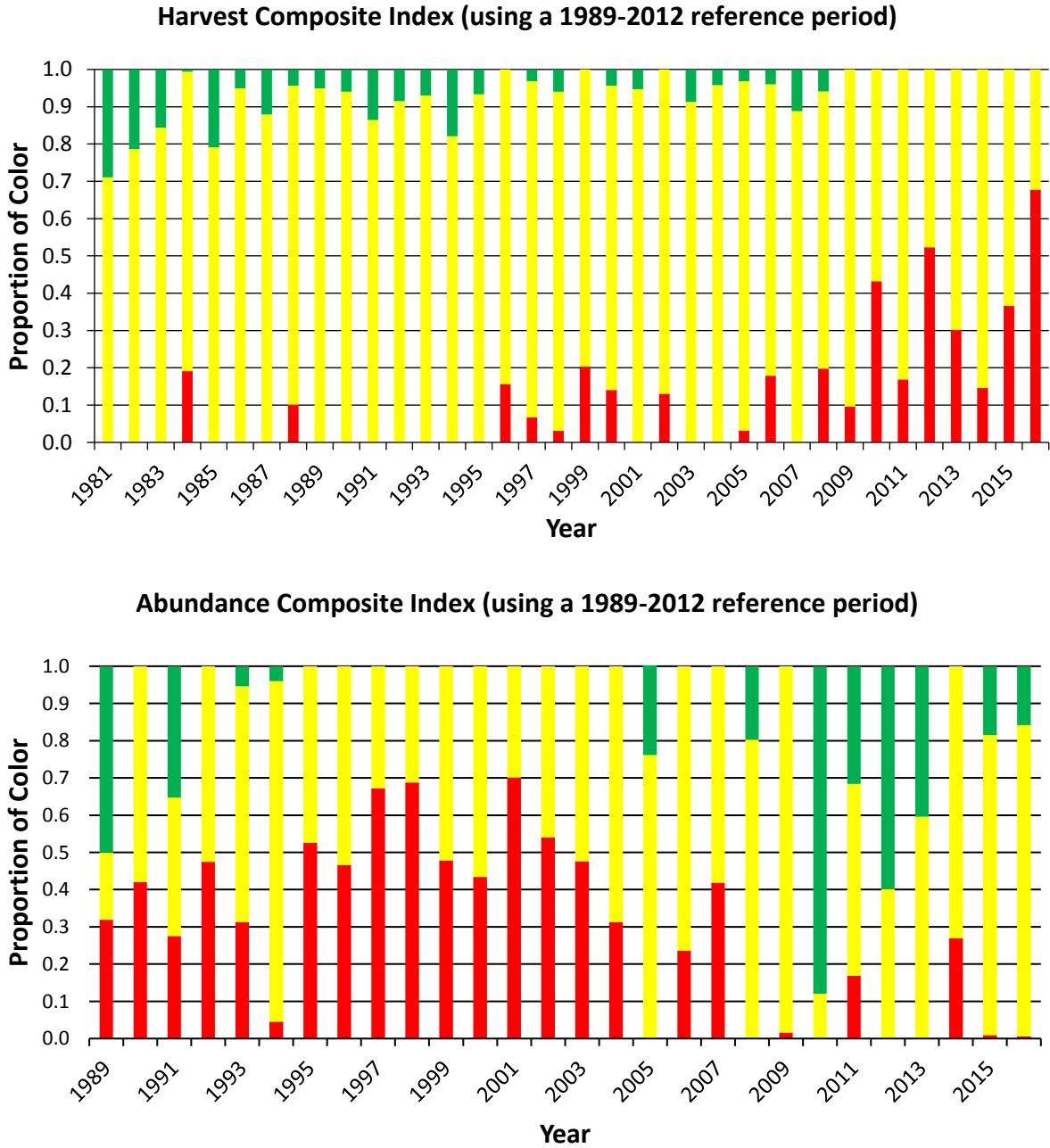


Figure 2: Spot commercial and recreational landings (pounds), 1950-2016. (Recreational landings available from 1981-present; see Tables 1 and 3 for state-by-state values and data sources)

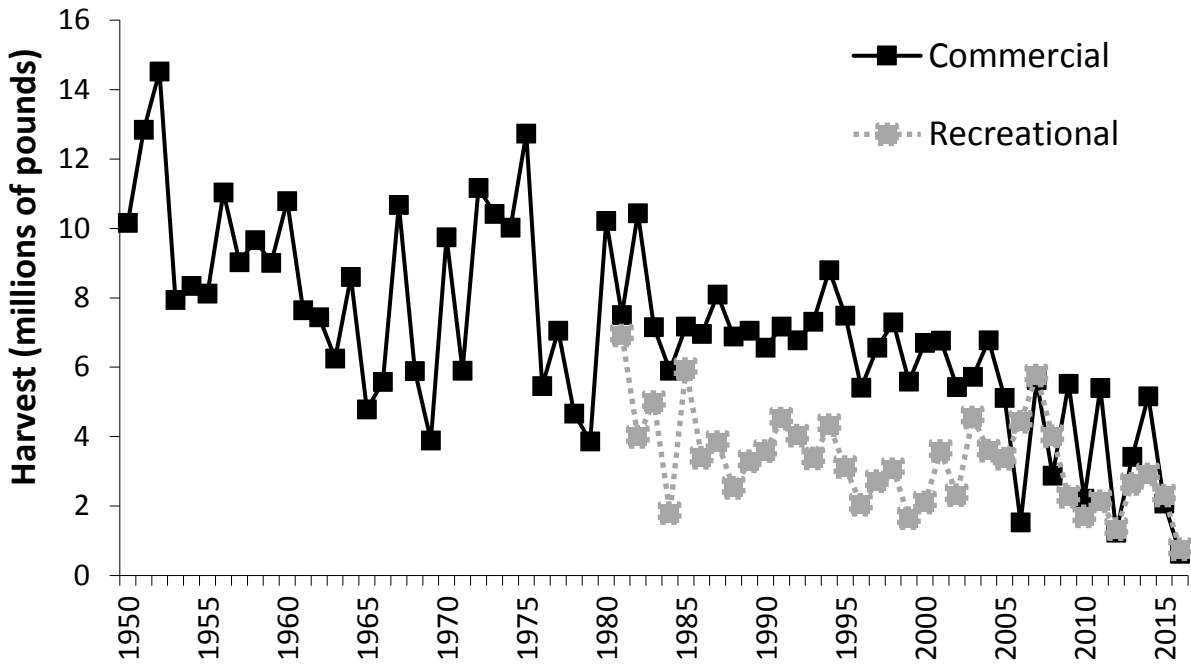
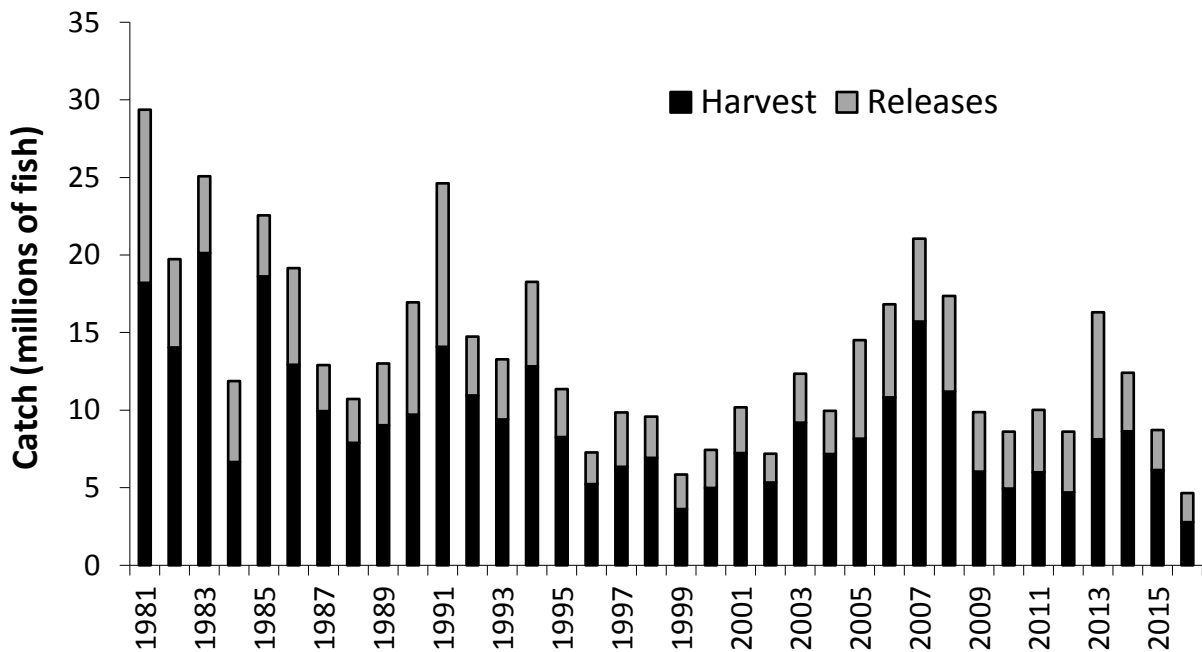


Figure 3. Spot recreational harvest and releases (numbers of fish), 1981-2016. (See Tables 4 and 5 for state-by-state values and data source)



XI. Tables

Table 1. Commercial landings (pounds) of spot by state 1997-2016. (Source: ACCSP for 2015 and earlier for all jurisdictions, except PRFC; annual compliance reports for 2016 and for all PRFC years. Starred values are confidential. Total values adhere to the ACCSP rule of 3, i.e. totals are reflective of the true total if 0 or at least 3 states' data are confidential in a given year. Otherwise, they are sums of non-confidential data. Data dating back to 1950 are available upon request to ACCSP.)

Year	NY	NJ	DE	MD	PRFC	VA	NC	SC	GA	FL	Total
1997	189	6,175	35,686	*	134,591	3,343,884	*	87,170	*	227,097	6,570,132
1998	*	27,582	140,363	*	117,580	4,170,072	2,396,979	*	*	161,205	7,293,859
1999		7,822	*	*	108,326	2,860,784	2,262,175	9,393	*	73,018	5,589,288
2000	939	13,852	*	*	120,642	3,677,628	2,829,843	8,519		57,957	6,709,380
2001	160	20,034	*	*	176,546	3,131,044	3,093,872	12,950	*	33,029	6,770,093
2002	5,737	1,326	*	132,346	140,776	2,927,729	2,184,032	22,628	*	21,258	5,435,832
2003	35	6,003	*	170,009	227,430	3,258,482	2,043,387	17,059		9,260	5,731,665
2004	*	1,652	58,502	27,131	131,605	4,223,075	2,317,169	2,649	*	12,681	6,774,463
2005	435	769	157,563	84,841	95,350	3,037,612	1,714,485	10,468		21,154	5,120,448
2006	3,099	3,646	62,934	27,908	40,777	*	1,364,743	5,691	*	22,501	1,531,299
2007	1,080	4,474	128,207	387,420	70,514	4,259,469	879,082	6,357		14,334	5,637,154
2008	650	1,942	32,650	121,201	29,835	1,949,319	736,484	1,492	*	9,177	2,882,748
2009	317	34,065	*	522,659	63,470	3,852,408	1,006,500	22,557		22,057	5,524,033
2010	447	6,048	*	587,028	44,025	984,892	572,315	3,957	*	13,420	2,212,132
2011	*	54,890	*	618,569	60,106	3,687,377	936,970	12,162		33,889	5,403,962
2012	90,141	9,935	*	*	14,563	600,351	489,676	541		36,744	1,241,950
2013	156,751	48,324	*	332,692	41,286	2,044,538	768,592	2,446		31,368	3,425,996
2014	2,112	29,683	*	348,435	148,908	3,843,869	765,824	5,917	*	16,742	5,161,490
2015	901	86	*	96,102	86,972	1,490,127	377,135	1,619		27,969	2,080,911
2016	1,895	105	*	18,110	8,480	284,596	235,670	1,059		82,875	632,790

Table 2. Commercial landings (pounds) by gear, 2016.

[Source: NMFS Fisheries Statistics Division (queried 1/25/2018)]

Gear	Percent of Total
Gill nets	58.9%
Haul Seines	15.2%
Pound Net	2.9%
Trawl	2.1%
Other	20.9%

Table 3. Recreational harvest (pounds) of spot by state, 1997-2016. (Source: MRIP for 2015 and earlier and annual compliance reports for 2016. Data dating back to 1981 are available upon request to the NMFS Fisheries Statistics Division via MRIP.)

Year	NY	NJ	DE	MD	VA	NC	SC	GA	FL	Total
1997		8,608	50,781	401,275	1,263,447	722,869	254,795	2,071	13,961	2,717,807
1998			36,659	631,421	866,618	1,249,542	228,503	2,087	47,195	3,062,025
1999			10,886	272,293	244,498	646,663	391,402	2,275	84,511	1,652,528
2000	130,650	46,244	32,968	600,302	252,886	893,834	128,669	1,403	14,129	2,101,085
2001			20,110	629,862	523,202	1,773,671	346,879	1,719	284,706	3,580,149
2002			10,870	336,661	829,973	984,899	140,164	2,857	7,839	2,313,263
2003			14,386	1,690,502	875,729	1,714,159	227,821	5,711	26,504	4,554,812
2004			6,867	433,825	1,132,309	1,749,843	272,056	448	1,706	3,597,054
2005		24,612	68,743	656,191	1,373,341	1,102,398	124,954	945	8,344	3,359,528
2006		24,896	34,616	991,192	1,869,212	1,059,852	444,709	688	2,696	4,427,861
2007	600	0	74,548	1,276,466	3,239,708	982,463	174,059	2,026	13,697	5,763,567
2008		21,862	40,835	618,950	1,827,978	670,511	809,205	3,771	18,835	4,011,947
2009		2,222	48,269	805,894	823,928	363,998	209,974	5,895	9,081	2,269,261
2010		227,812	74,457	442,890	566,838	260,341	98,155	214	34,881	1,705,588
2011		755	52,095	313,721	1,091,139	410,317	215,960	171	51,760	2,135,918
2012	32,917	104,028	21,558	253,103	410,777	230,250	264,795	91	19,090	1,336,609
2013	6,131	119,348	107,362	277,173	1,321,886	460,928	301,307	1,614	42,267	2,638,016
2014		6,477	210,001	404,080	1,255,500	704,445	157,258	3,968	165,159	2,906,888
2015	0	0	3,274	187,061	378,959	395,268	1,202,646	575	134,444	2,302,227
2016		385	2,766	118,442	242,657	151,352	211,292	3,968	22,491	753,353

Table 4. Recreational harvest (numbers) of spot by state, 1997-2016. (Source: MRIP for 2015 and earlier and annual compliance reports for 2016. Data dating back to 1981 are available upon request to the NMFS Fisheries Statistics Division via MRIP.)

Year	NY	NJ	DE	MD	VA	NC	SC	GA	FL	Total
1997		20,148	126,089	713,657	3,328,144	1,440,661	680,842	5,471	31,987	6,346,999
1998		0	96,389	1,327,259	2,023,756	2,865,190	489,068	6,788	120,389	6,928,839
1999			19,911	655,289	569,250	1,308,167	801,785	5,578	264,233	3,624,213
2000	498,470	281,481	65,952	1,389,505	527,259	1,924,107	246,291	2,950	40,908	4,976,923
2001		0	51,096	1,088,997	1,056,365	3,650,711	735,551	3,681	652,975	7,239,376
2002	0	0	22,013	690,515	1,601,837	2,586,313	393,597	6,987	25,907	5,327,169
2003		0	30,165	3,300,594	1,441,002	3,796,557	524,513	11,524	84,685	9,189,040
2004			17,494	867,589	1,717,416	3,825,768	729,851	1,563	6,789	7,166,470
2005		46,795	150,772	1,788,679	2,781,973	3,012,872	358,550	3,199	23,795	8,166,635
2006		68,168	110,608	2,895,783	3,584,930	2,978,506	1,170,610	1,761	7,990	10,818,356
2007	1,813	0	176,997	3,615,346	8,203,377	3,078,346	605,024	6,529	30,184	15,717,616
2008		132,473	133,996	1,892,115	4,398,473	1,843,343	2,731,815	8,903	58,731	11,199,849
2009		6,720	128,799	2,064,326	2,146,607	1,056,346	589,027	17,948	25,391	6,035,164
2010		650,259	214,180	1,164,091	1,669,843	834,560	322,885	851	94,670	4,951,339
2011		1,370	150,650	912,704	2,967,030	1,207,335	596,680	968	152,329	5,989,066
2012	39,912	627,663	65,555	766,145	1,350,153	784,272	1,001,664	348	65,598	4,701,310
2013	13,365	329,162	248,456	935,539	4,264,524	1,464,592	732,413	6,573	132,204	8,126,828
2014		13,062	344,930	1,254,029	3,832,452	2,111,880	466,106	15,620	608,813	8,646,892
2015	0	0	10,277	524,079	867,365	1,081,083	3,258,544	1,800	391,653	6,134,801
2016		1,164	9,474	466,856	1,058,410	513,320	690,469	15,620	27,579	2,782,892

Table 5. Recreational releases (numbers) of spot by state, 1997-2016. (Source: MRIP for 2015 and earlier and annual compliance reports for 2016. Data dating back to 1981 are available upon request to the NMFS Fisheries Statistics Division via MRIP.)

Year	NY	NJ	DE	MD	VA	NC	SC	GA	FL	Total
1997		21,512	88,751	1,316,341	1,365,809	450,663	245,349	990	18,102	3,507,517
1998		12,542	75,985	633,914	900,352	650,157	307,480	12,286	58,264	2,650,980
1999			15,789	618,742	339,988	633,112	86,894	10,675	530,849	2,236,049
2000	157,991	16,633	30,522	1,080,310	502,923	481,995	115,682	17,376	54,388	2,457,820
2001		2,040	13,139	577,417	968,976	1,143,695	154,077	11,714	74,232	2,945,290
2002	2,127	3,331	27,220	501,111	481,765	671,669	103,914	20,038	44,584	1,855,759
2003		39,049	13,273	670,382	933,842	1,132,992	231,612	31,055	106,918	3,159,123
2004			39,998	383,292	882,136	1,257,887	210,215	12,536	9,427	2,795,491
2005		5,772	157,445	2,135,086	2,456,981	1,334,559	183,819	25,117	41,773	6,340,552
2006		65,244	92,864	1,355,280	1,371,751	2,588,647	496,870	3,774	21,755	5,996,185
2007	535	119,976	44,455	1,618,690	2,156,839	1,197,005	151,481	17,600	26,675	5,333,256
2008		1,166,532	98,304	1,737,665	1,487,665	1,322,408	188,746	25,908	128,942	6,156,170
2009		7,691	140,014	632,595	1,457,588	1,222,053	326,065	10,486	40,890	3,837,382
2010		191,745	72,216	1,155,003	1,155,882	871,054	166,679	562	57,924	3,671,065
2011		1,370	66,661	296,513	2,245,221	1,000,566	222,623	9,766	196,294	4,039,014
2012	37634	477938	60,334	919,896	1,145,960	759,081	142,093	3,968	373,916	3,920,820
2013	332	747,906	214,067	2,622,037	2,214,061	1,314,199	957,781	8,623	110,865	8,189,871
2014		15,323	78,691	565,679	1,185,087	890,831	427,049	27,224	575,251	3,765,135
2015	512	74,530	11,404	242,912	509,194	708,122	772,410	34,884	238,078	2,592,046
2016		1,903	7,300	229,987	489,621	498,424	384,284	27,224	238,647	1,877,390

January 17, 2018

Tina Berger, Director of Communications
Max Appelman, Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland Street
Arlington, VA 22201

Dear Tina and Max,

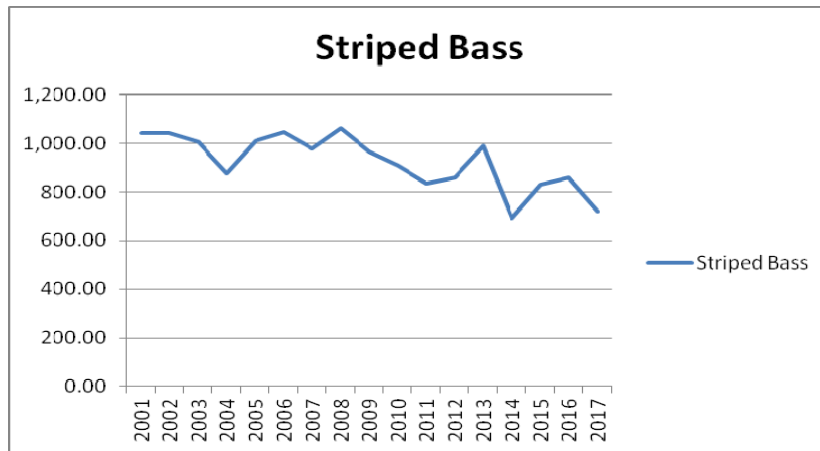
I am writing this letter to the Striped Bass Management Board in the hopes that it can serve as another data point as they consider future striped bass management approaches. As a bit of background, for the past several years I have served as the Contest Officer for the NY Surf Fishing Contest. The contest has been in existence since 1980 and in this year's contest we had 12 fishing clubs participate and 287 eligible anglers. The clubs are all located on Long Island. The contest area extends from the Tappan Zee Bridge south to NYC and east to Montauk and Orient Points. A large percentage of anglers in the contest are serious hard-core surfcasters and most follow a catch and release ethic - in 2017, 96% of all striped bass were released. To qualify for the NY Surf Fishing Contest, striped bass must weigh a minimum of 10 pounds.

While large numbers of significant striped bass were taken in the Cape Cod Canal throughout the summer and by boats during the moon tides in the rips off Montauk, the Long Island shoreline was sparse for many surfcasters. In 2017 the Contest experienced a significant decline over 2016 levels. The results included:

- The average striped bass points per club decreased 16.6% from 2016 levels.
- Average bluefish points were down 16.9% over 2016 levels.
- The average size of striped bass entered was 16.0 pounds compared to 18.8 lbs in 2016.
- The number of significant striped bass entered (20+ lbs) declined by 47.3% over 2016.
- The total points of the Top Five Anglers saw a 32% decrease from 2016.
- The total points of the Top Five Clubs saw a 25% decrease from 2016.
- The total release points of the Top Three clubs saw a 64% decrease from 2016.
- For the third consecutive year the Montauk "Fall Run" never materialized with a total of only 13 striped bass entered from Montauk in the months of October and November.

While the *catch per unit effort* or the amount of effort required to catch fish is difficult to quantify, to a man, the great majority of anglers queried reported needing to invest substantially more time on the water in 2017 in an attempt to catch a similar amount of qualifying fish compared to previous years.

The following chart shows the NYSFC historical accounting of average club striped bass point totals from 2001-2017.



We did see good numbers of 14"-22" inch striped bass during late October and through the end of our contest on November 30th. These fish and the other above average year classes over the past few years in the Chesapeake and the Hudson should be protected.

It is the hope of the NY Surf Fishing Contest that Board Members take this data into consideration as striped bass fisheries management decisions are considered. We see no justification at this time for an easing of the current striped bass regulations that would result in increased harvests.

I appreciate your time and attention.

Sincerely,

Ross Squire
NY Surf Fishing Contest
Contest Officer

264 Fillmore Street
Centerport, NY 11721

Example Decision Tree



Initial Decision

Management Needed

Decision on Information Available

Data Rich

Data Poor

No Overfishing Occurring

Overfishing Occurring

Unknown

To Be Developed...

Below target

Above target

Not overfished

Overfished

Unknown

At or above target

Below target

Model Diagnostics Good

Model Diagnostic Issues

Management Uncertainty Accounted for

Management Uncertainty Unaccounted for

Low

Medium

High

Ecosystem: Climate Effects Accounted for

Ecosystem: Climate Effects Unaccounted for

Low

Medium

High

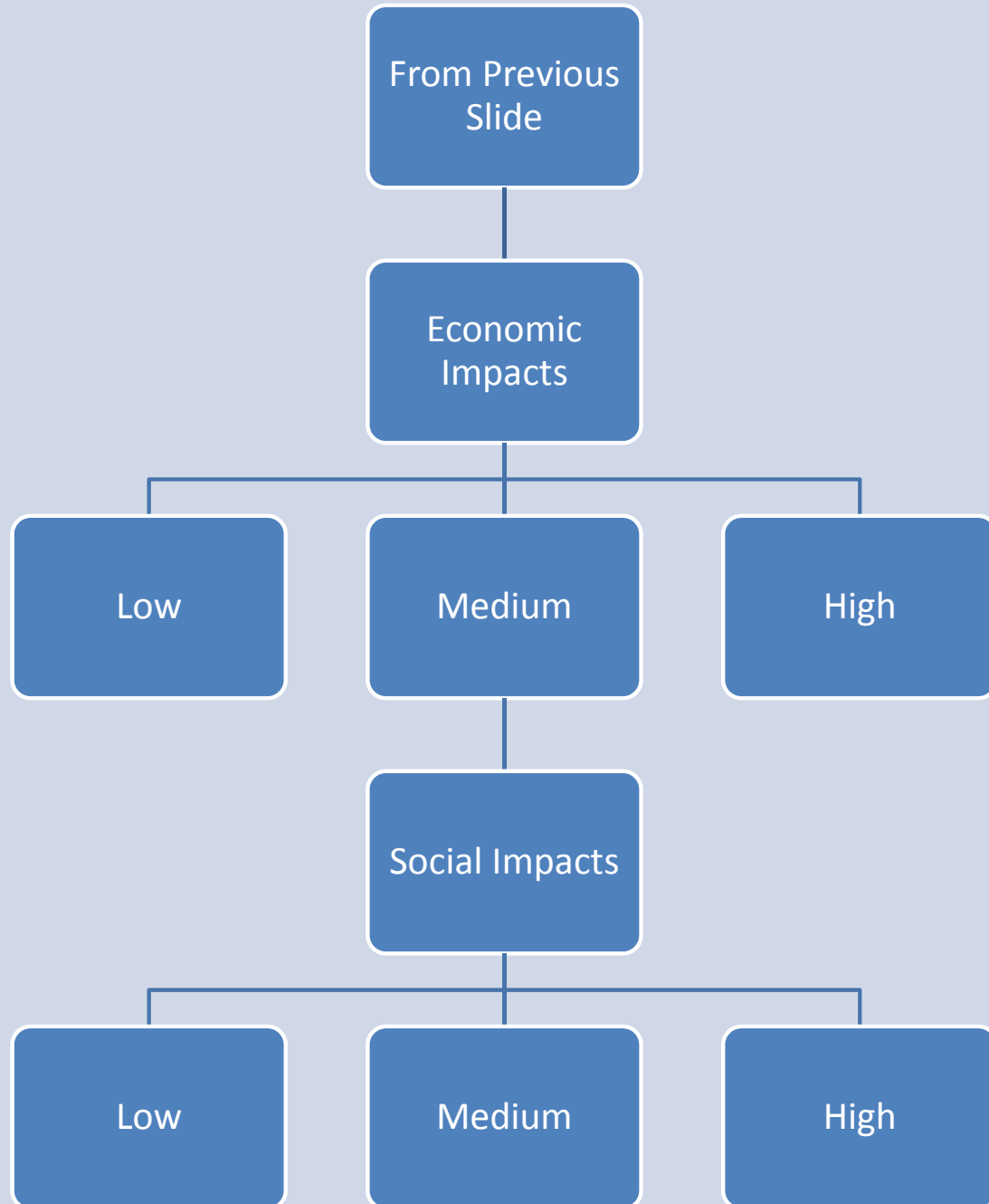
Quantifiable Decisions

Qualitative Decisions

Example Decision Tree



Qualitative Decisions





Atlantic States Marine Fisheries Commission

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

James J. Gilmore, Jr. (NY), Chair

Patrick C. Keliher (ME), Vice-Chair

Robert E. Beal, Executive Director

Vision: Sustainably Managing Atlantic Coastal Fisheries

TO: ASMFC Commissioners and Proxies
DATE: January 29, 2018
SUBJECT: 2017 Commissioner Survey Results

34 Commissioners or Proxies completed the 2017 ASMFC Commissioner Survey. The survey is based on the 2014-2018 Strategic Plan and will be used to shape the 2019-2023 Strategic Plan. This document contains an Executive Summary, charts summarizing responses for questions 1-15, a summary of the five open-ended questions, and unabridged responses to the five open-ended questions.

Executive Summary

Questions 1-15 prompted respondents to rate their answer on a scale of 1 to 10 (ten point Likert scale). Key takeaways from this portion of the survey:

1. Scores increased for all but four questions from 2016 to 2017.
2. The largest increases were for engaging state legislators and Congress (Q10); reacting/adapting to new information (Q12); and securing adequate fiscal resources (Q6). The highest scores were given for Science and ISFMP products (Q15, 14); spending the appropriate amount of resources on issues within our control (Q13); and utilizing fiscal and human resources (Q11).
3. The lowest scores in 2017 were cooperation between Commissioners (Q3); the Commission's ability to manage rebuilt stocks (Q9); cooperation with federal partners (Q4); and working relationships with stakeholders (Q5). Only two questions decreased more than 1% from 2017 to 2016:
 - (Q3) Cooperation between Commissioners to achieve the Commission's Vision decreased sharply in 2016 and more moderately in 2017.
 - (Q7) Satisfaction with using 'the number of stocks where overfishing is no longer occurring as a metric for progress' has dropped each year since it was introduced to the survey in 2015.

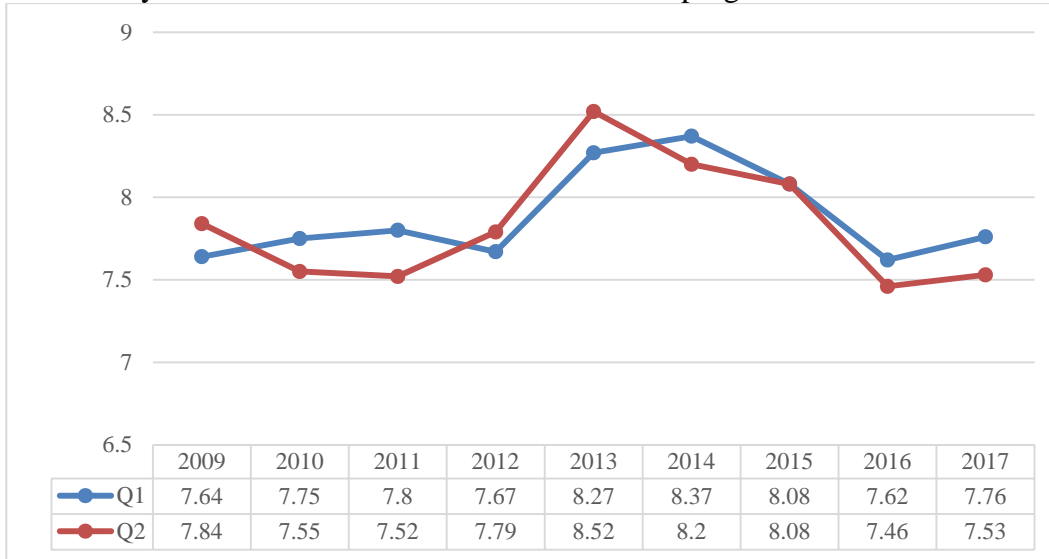
Questions 16-20 prompted respondents for open-ended responses. A few themes emerged. Throughout questions 16 (stock rebuilding obstacles), 19 (issues to focus on), and 20 (additional comments), the most frequently mentioned topic was cooperation within the Commission. Many respondents referenced 2017 summer flounder specifications and the Commerce Secretary's response, and others noted a more general shift towards managing for a single state's benefit. The second most frequent comments related to climate change, shifting stocks and the Commission's inability to adapt management to reallocate resources. Other frequent comments included developing a risk policy, inadequate funding for data collection, and improving recreational data.

Likert Scale Questions 1-15

Questions 1-15 prompted respondents to rate their answer on a scale of 1 to 10. The higher the average, the more positive the response. For each question, the average score by year is presented. The 2010 results were based on a response ranging from 1 through 5, so the value was doubled for comparison to future responses. Questions 7, 8, 14 and 15 were new to the 2015 survey, as the survey was simplified to increase participation.

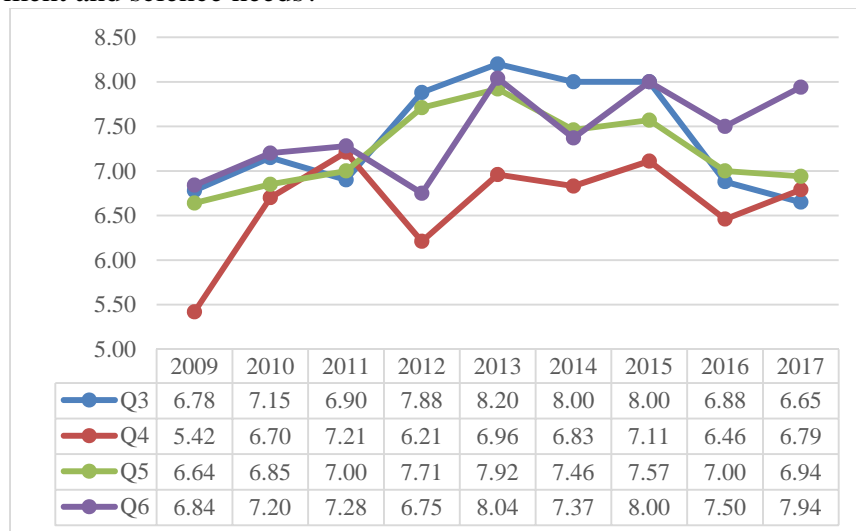
Commission Progress

1. How comfortable are you that the Commission has a clear and achievable plan to reach the Vision (Sustainably managing Atlantic Coastal Fisheries)?
2. How confident are you that the Commission’s actions reflect progress toward its Vision?



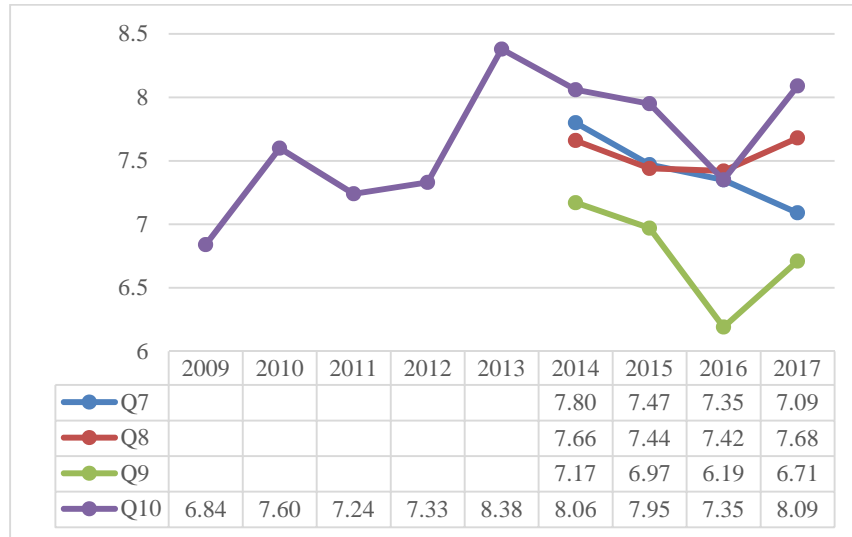
Commission Execution and Results

3. How satisfied are you with the cooperation between Commissioners to achieve the Commission's Vision?
4. How satisfied are you that the Commission has an appropriate level of cooperation with federal partners?
5. How satisfied are you with the Commission's working relationship with our constituent partners (commercial, recreational, and environmental)?
6. How satisfied are you with the Commission's effort and success in securing adequate fiscal resources to support management and science needs?



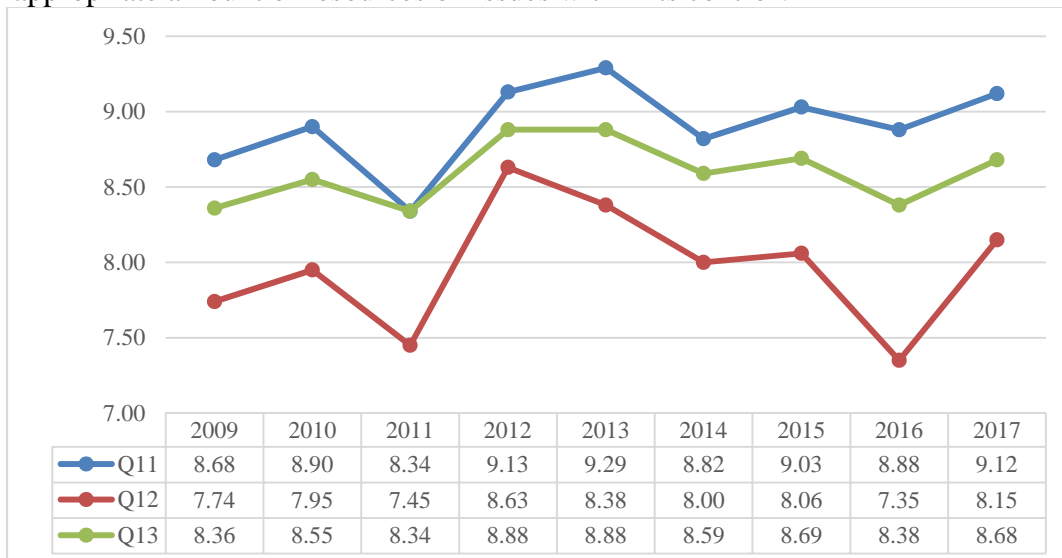
Measuring the Commission’s Progress and Results

- 7. One of the metrics the Commission uses to measure progress is tracking the number of stocks where overfishing is no longer occurring. Is this a clear metric to measure progress?
- 8. How satisfied are you with the Commission's progress to end overfishing?
- 9. Are you satisfied with the Commission's ability to manage rebuilt stocks?
- 10. How satisfied are you with the Commission's efforts to engage with state legislators and members of Congress?



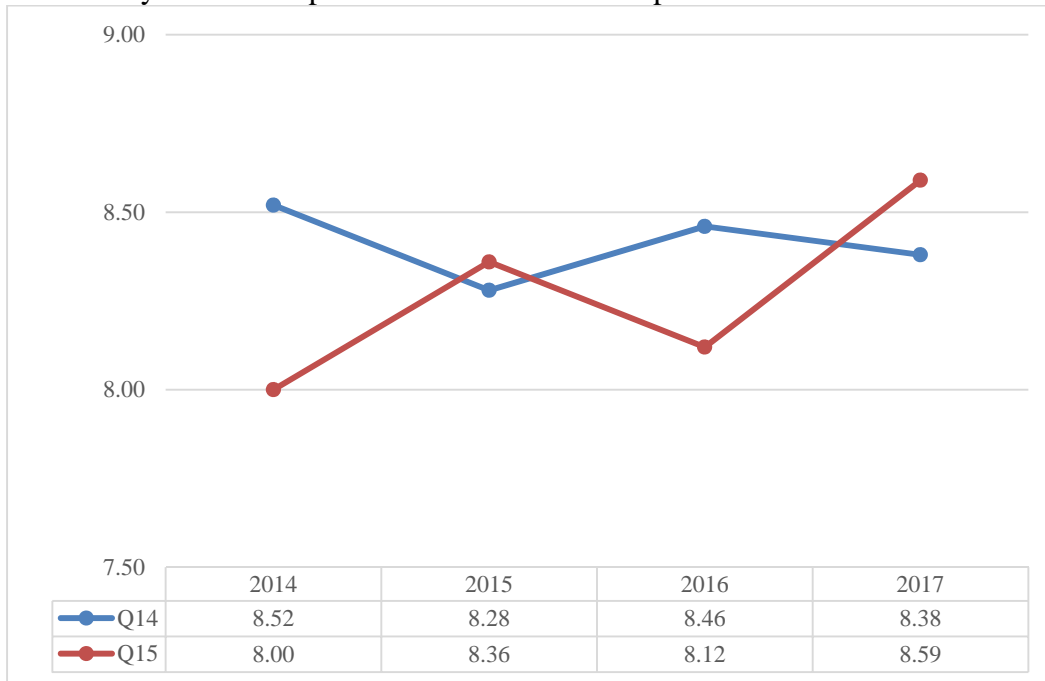
Measuring the Availability and Utilization of Commission Resources

- 11. How satisfied are you that the Commission efficiently and effectively utilizes available fiscal and human resources?
- 12. How comfortable are you with the Commission's performance in reacting to new information and adapting accordingly to achieve Commission Goals?
- 13. The Commission has a limited scope of authority. How comfortable are you that the Commission spends the appropriate amount of resources on issues within its control?



Commission Products

- 14. How satisfied are you with the products of the ISFMP Department?
- 15. How satisfied are you with the products of the Science Department?



Discussion Questions

The most mentioned **obstacle to the Commission's success in rebuilding stocks (Q16)**, according to the 2017 Survey, was poor Commissioner cooperation and a degradation of the Atlantic Coastal Act resulting from recent compliance issues. The second most mentioned obstacle was climate change and the management of shifting stocks. Other obstacles mentioned include: uncertainty in recreational harvest estimates, inability to sustain consensus among the states to support shared goals, lack of a clearly defined policy towards risk, finite resources (staff, time, funding), coordination with the Councils and NOAA on joint FMP's, managing rebuilt stocks, political interference and special interests, lack of confidence in stock assessments and management actions, and failure to implement Ecological Assessment Point Methodology.

The most **useful products produced by the Commission (Q17)**, according to the 2017 Survey, include: Annual status of the stocks reports, meeting materials and summaries, science training for staff, support for public hearings, support for technical and management analyses, the Commission website and meeting archives, AP and TC reports, fishery management plans/amendments/addenda, workgroups, Annual Reports, management decision timelines, guidance on conservation equivalency, stock assessment process, and an understanding of the dynamic relationship between recreational and commercial anglers.

Additional products the Commission could create to make your job easier (Q18), according to the 2017 Survey, include: plan updates to ensure agencies adopt management provisions, updated stock assessments using Commission stocks as examples, meetings summaries and press releases specifically for state media and state legislators, online travel reimbursement, direct phone numbers to Commission

staff, a presentation on Commission funding needs, a "Report Card" that measures management actions to determine the impacts, a risk and uncertainty policy, prioritization of problems, plans that reflect what is happening in the ocean, a fisheries monitoring dashboard, evaluation of NEAMAP, reevaluation of the TC tasking process, socioeconomic presentations for the public, lunch at all the meetings, AP fishery performance reports, population graphs and annual harvest data back to 1950, and the determination of estimated sustainable harvest of fully recovered populations under ideal environmental conditions.

Issues the Commission should focus on more (Q19), according to the 2017 Survey, include: adapting management to climate change, habitat impacts of offshore energy, quota allocation/reallocation, collecting and using socioeconomic data, accounting for management uncertainty, consistency in specification setting among states, a management strategy evaluation, staff retention, regionally and temporally stable management measures for recreational fisheries, depleted stocks, developing and researching new management techniques, characterizing sustainable and recovered fisheries for stakeholders, reducing discards, prioritizing Meeting Week Agendas, cooperation with the Councils, improving MRIP, and improving the appeals process.

'Additional Comments' (Q20) from the 2017 Survey were not conducive to summary and may be viewed in their entirety at the end of this document.

Unabridged Answers to Questions 16-20

Q16 What is the single biggest obstacle to the Commission's success in rebuilding stocks?

- Inadequate data to rely on, sample size issues
- Uncertainty, particularly in the recreational harvest estimates.
- State level reluctance to accept and act on measures needed to restore overfished or depleted fish stocks. Lately there has been federal support for this reluctance.
- Baseline creep and the inability to sustain consensus among the states to support shared goals. It was extremely disappointing to see the appeal last year which threatens to undermine our work. We also need to shift more decisively to multi-species management. And we need to find ways to factor in climate change which may undermine the capacity of management practices to deal with declines of populations and shifts of populations. We also need to find ways to project changes due to ocean acidification that may create obstacles to rebuilding stocks.
- The lack of a clearly defined policy towards risk which allows for too much on the spot subjectivity in final management selections.
- Resources: Staff, time, funding
- For some species, impacts from climate change.
- The uncertainty in the sanctity of the Commission process that resulted in from the Secretary of Commerce's decision in the 2017 NJ Summer Flounder non-compliance case.
- Super abundance achievement theory for dominate species puts other species in precarious levels. More foxes in the hen house means less chickens no matter how big the hen house is.
- Addressing issues relating to overfishing, specifically those that are not actually the result of overfishing. I.e., overprotection of predator species, or anthropogenic impacts to the resource, both of which would require further reductions in harvest by recreational and commercial fishermen who in reality are not the cause, but still must react. Solely. This is where interagency support needs to be bolstered, EPA, CWA, and support or reconstitution demanded of those damaging habitat.
- Unclear commitment by all parties to the collective mission/goals

- Need better coordination with the Councils and NOAA. Need to develop a different and more efficient way of working on joint FMP's
- Dynamic (negative) changes in stock distribution and reproductive success. The former has created a 'what's in it for me' attitude that does not foster cooperative management efforts.
- managing rebuilt stocks
- Recreational data and politics
- Political interference and special interests on the commercial side. State representatives who choose a side to vote for rather than the wishes of the majority of their state's constituents.
- Lack of funds for monitoring progress in rebuilding and lack of confidence in quality and accuracy of stock assessments (status of stocks)
- Reluctance to make the tough vote for a resource if it affects one's home state. Political influence over commissioners and the attempted political influenza of the commission. No direct enforcement capability on individuals.
- State's self interests and the new federal administration dictating MSY
- Resources (in the sense that we rarely have all the data we need because getting data costs money): the lack thereof results in less public confidence in the actions taken by ASMFC.
- global warming
- Environmental conditions out of the Commission's control, either from nature or human induced.
- Conservation equivalencies are creatively circumventing the methods and requirements put in place to rebuild stocks.
- Not having the appropriate support of NOAA fisheries and/or the Secretary of Commerce
- State cooperation
- Climate change and interannual changes in environmental conditions in general. These issues are already having a tremendous impact on the Commission's ability to manage shifting/expanding/shrinking stocks effectively.
- Reallocation of rebuilt coastal stocks.
- time, uncertainty of the technical information and the NMFS decision on NJ flounder (apparent lack of collaboration, trust and consistent goals in decision making)
- Failure to implement Ecological Assessment Point Methodology for all species
- shifting stocks

Q17 What are the most useful products the Commission produces for you?

- Annual state of the stocks reports.
- All the materials for the meetings.
- Science training for staff, staff support for local public hearings, staff support for technical and management analyses
- Summaries of meeting materials and post meeting actions
- briefing materials
- The most useful product the Commission produces is the Commission web site. it is a well-organized site where a huge range of current and historical information is easily and quickly accessible.
- AP and hearing opinion.
- Multiple things, but to me, impartial summaries of large documents and research results. Everything should be read, but realistically, commissioner have other responsibilities and many use these summaries to manage where they devote their available time. The staff does a pretty

good job at providing such products. Although they may be relied upon too heavily by a few, they are still appreciated by those who really want to do a good job.

- Clear fishery management plans/amendments/addenda
- Stock assessments and annual plan updates. Plan updates need to do a better job of ensuring that all management agencies adopt the management provisions or if they fail to do so, point is out in the annual review. So for example the lobster plan would point out that the Commission recommended x, y, z on the following date and NOAA has not adopted these provision as of x date.
- Involvement of work groups to assist with a burgeoning load of species issues
- stock assessments
- meeting materials
- Staff summaries, annual reports, compilation of public hearing results.
- Technical Committee reports with conclusions and recommendations
- Provide excellent meeting materials as prep and documenting meetings
- The FMP, Amendments, and Addendums are usually very useful in explaining to the public why we are considering management actions. The stock assessments are also great and very useful at explaining why we are taking actions. Also, the meeting archives are very useful as there are often bits of information I will remember from a Board presentation that I can't find elsewhere, but now I can pull it out of the meeting archive.
- stock assessments , public input documents , addendum and amendment documents
- Stock status reports
- Clear synopses when discussing timelines prior to management decisions
- Everything is useful. ACCSP not so.
- The guidance documents (e.g., Conservation Equivalency guidance, Stock Assessment process guidance, Technical Committee guidance), the FMP reviews, Stock Assessment Overviews and the Meeting Week Summaries. The guidance documents are great resources for new commissioners and stakeholders just becoming involved in the process, while the FMP Reviews and Stock Assessment overviews are concise reviews of both the management and scientific processes that help one to remember what happened when; additionally, they are a great resource to provide to stakeholders and state-level commissioners. Finally, the Meeting Week Summaries are fantastic for helping us to discuss what actions occurred back home, and to answer specific questions regarding support for a particular motion, etc. While the Meeting Summaries are a lot of work for staff during the week, having those available by the time we all head home for the weekend is invaluable!
- stock assessments, reports and updates
- An understanding of the dynamic relationship between recreational and commercial anglers
- FMP development and general communications

Q18 What additional products could the Commission create to make your job easier?

- Updates on definitions of the terms used in stock assessments, using as examples stocks that we manage.
- Summaries of meetings and press releases on Board actions that could be sent out by commissioners to media in their states and to state legislators.
- You already make my job easier, you are a great partner.
- Online travel Reimbursement

- Direct phone numbers to Commission staff.
- What presentation can a State Commissioner make in regards to securing funding, that may be quick and extremely focused. Time and reception are always key when presenting a asking opportunity.
- A "Report Card." While future stock assessments and updates are generally used in this capacity, there should be specific goals stated in management actions that are measured periodically to determine the impacts they have made. Ex) reduce harvest by X for a year to increase SSB to Y. After that year, specifically address whether the action achieved Y, and or why it did not. This needs to be available to stakeholders as well. Constituents lose faith in a body that causes them harm with a promise of relief, but it never comes. When a reduction in harvest does not achieve the desired impact, it would also be obvious that something different may need to be done. Instead, stakeholders see another reduction with more promises. refer to questions #16 & 19.
- Policy guidance on risk/uncertainty
- A better prioritization of pending problems and issues to allow complete focus and understanding on these issues.
- plans that reflect what is happening in the ocean
- A dashboard format for monitoring fisheries through the years and within the current year.
- Evaluation of NEAMAP usefulness in stock assessments. Where have data been used and to what extent? Did NEAMAP have a substantial effect on assessments by stock and resulting management decisions?
- Some TC's overtasked. Evaluate tasking process and explore ways to improve.
- If the ASMFC states can ever get to an agreement on how to incorporate socioeconomic data into the FMP, it would be great to present that information to the public.
- lunch at all the meetings
- Press packets to distribute to local media outlets explaining our managed species during and after decision making processes
- Perhaps consider development of fishery performance reports by the APs, similar to what the MAFMC (and now SAFMC) have developed -- these could be very useful in getting an annual on-the-water picture of how the fishery has operated, any unusual or unexpected changes, etc. and might provide another avenue for the fishing public to feel invested in the process.
- not sure - ASMFC is responsive to the many needs we have and do a good job of providing what they can.
- Determine estimated sustainable harvest for various species if the populations were able to fully recover and the quality of the aquatic environment was excellent.

Q19 What issue(s) should the Commission focus more attention/time on?

- What can we as a Commission do for depleted stocks? What can the Commission accomplish for overarching habitat issues like offshore oil and gas development, wind power construction, climate change and others outside of the regulatory purview of the Commission or even its partners.
- Climate change and OA.
- Development of systems to account for management uncertainty, development of ways to develop consistency in specification setting among states, and the commission should initiate its first management strategy evaluation in the coming year or two.
- staff retention

- adapting management to fish movement and changes in stock abundance that are the result of warming ocean waters.
- Moving away from managing recreational fisheries based on harvest targets and MRIP estimates. A new approach needs to be developed that will provide more regionally and temporally stable management measures. 2) Revisitation of species allocations, especially for those species that were allocated long ago under different environmental and populations conditions.
- Each and every State has particular issues that may be considered Major Priorities. These identified issues should be addressed and worked through to the satisfaction of said States needs being considered. Often the bigger issues are left unaddressed because of an agenda's secondary information convoluting the discussion. Focus on the major problems identified by representative states should relieve most feelings of distress with a state's involvement with the ASMFC.
- Developing and researching new management techniques. 2) Addressing what the "sustainable" fishery might be expected to look like. Simply put, when recovery strategies do have the desired effect, what can stakeholders expect the fishery to look like afterwards. Reductions from most of the management bodies are put into place to recover or build a fishery, but are then rarely removed or relaxed even close to earlier levels. While that may be appropriate for some species, stakeholders need to know what to expect once the stock is good shape. 3) Making an apparent effort to reduce discards. There are many ways to achieve this, but it seems as though most of our actions tend to increase discards. This is compounded by states wanting their own regulations to fit their fishery, but a prerequisite of any plan should have this as a top priority for states to tackle within it.
- number 16 above on joint plan
- As in 18,, above, the Commission schedule is too hectic. Many issues that are fast-tracked need not be expedited at a quick pace; conversely, some species issues and problems do not need the immediate attention given, solely because of the ASMFC meeting schedule. Work groups seem to be helpful with this logjam of issues and problems.
- Getting better data
- cooperation with our Council partners
- Obtaining more accurate and reliable MRIP data.
- MRIP re-working and consequences of "new" effort data on management measures
- Re-evaluate the appeals process in the face of real and potential increased use. Concerning allocations mandatory periodic re-evaluations
- I have been on ASMFC Boards long enough to see aspects of management that perhaps were not as thoroughly considered in previous FMP take center stage, get contentious as going from the hypothetical to the concrete is always difficult, and then fade away again. I am sure there are issues more deserving of attention, but, given the current plethora of FMP, it is hard to imagine Commissioners having the time or energy to shift the ASMFC focus to other issues.
- Economic impact of decisions.
- Quota management. How reliance on historical quotas doesn't match present condition of various stocks. How to move away from the past and look at the present.
- Seems like all of our time (commissioners and staff) is already maxed out!! The commission does a great job of managing time efficiently and scheduling board meetings when needed, following up via email for certain types of Board votes (e.g., FMP reviews). Tough to think of how to do better.
- Reallocation of rebuilt coastal stocks.

- Provide species population graphs and annual harvest data back to 1950. This would give Commissioners a chance to grapple with changes over decades.
- Relocation of shifting stocks

Q20 Additional comments?

- Recently confidence that our federal partners will support Commission positions has been shaken. This trust must be restored.
- The lack of consideration for the written process to work during the Summer Flounder issue, was embarrassing to witness. If a state is willing to consider non-compliance: then there must be some real issues with said FMP that must be given additional negotiation time. On the better side, an example for the ASMFC would be, the negotiations that took place under the Menhaden Amendment Three process. Much regard was brought to light of different states fisheries ability to prosecute them successfully and sustainably.
- It has been a privilege to serve on this commission. The staff is extremely knowledgeable, and their "opinions" should be as welcome as their products, and for the most part, they are. Every meeting is an educational opportunity for me, and should be for everyone else. I would like to see the commission step outside the box much more often when traditional concepts do not appear to bear fruit. Finally, protecting the species and sectors that rely in them are very important, but traditional reliance on a fishery should also be an apparent top concern. This commission has the capacity to pick winners and losers. It should be better stated in our Values and possibly Mission that no state should lose just so another can win. Any state utilizing its historical fishery, has grown to depend on it. A state without, cannot be dependent on it. This could be better stated, but the point stands.
- I am concerned that we have entered a "post-institutional" age wherein we (our members, our constituents) may consider abandoning traditional institutions (such as the Commission) in favor of "rent-seeking" behavior of "going-it-alone" to seek better outcomes. I think we need to acknowledge this tendency and reinforce incentives to cooperation and disincentives to "going rogue."
- The frenetic pace that quite a few ISFMP coordinators take to detail issues and problems can be slowed down by ensuring coordinators give extra time to thorny problems and issues and de-emphasize minor issues relative to management.
- We are not allowing commercial and recreational industries to harvest what they could especially in joint managed stocks since NMFS manage to avoid lawsuits
- Very concerned about NJ's behavior over the fluke issues. Concerned about a veiled threat by VA to go out of compliance over menhaden. Concerned that more states will ignore ASMFC rules and processes when things don't go their way. We need to find a way to ensure that states' cannot go around the Commission to defeat its processes. Need to finally fund the angler catch & harvest surveys on the Rec. and Commercial sides to bring credibility to the data. Need to allow the public more comment time during the meetings when the Commission is taking action. Time limits for speakers, one shot at the podium. Too much time taken up by the same speakers getting multiple opportunities.
- Overall, doing a great job.
- As in past years, the ASMFC staff did a phenomenal job again in 2017. The quantity and quality of the work done by ASMFC continues to impress. I know it isn't easy and, given the comments sometimes made by curmudgeonly Commissioners (not me, of course...haha!), it might seem

unappreciated, but I think all Commissioners appreciate and value the continually excellent work done by ASMFC staff. Thank you very much!

- Good job by staff again this past year. Especially kudos to plan coordinators!
- Overfishing is often a tough metric to use, b/c while valuable, it needs to be considered in context with other relevant information about a fishery, and our score on that particular question reflects this viewpoint.
- I think the successes far outweigh any shortcomings of ASMFC and the process we go through for fishery management. It is the best approach even with the issues where there is disagreement.
- It has been a distinct joy to serve my state and the ASMFC.

Virginia Saltwater Sportfishing Association, Inc (VSSA)

PO Box 28898
Henrico, VA 23228
www.ifishva.org

RECEIVED

JAN 22 2018



ASMFC

Mike Avery
President

January 17, 2018

Curtis Tomlin
Vice President

James J. Gilmore Chair
Atlantic States Marine Fisheries Commission
1050 North Highland St. 200 A-N
Arlington VA, 22201

Kevin Smith
Treasurer

Lanie Avery
Secretary

Dear Mr. Gilmore

Board of Directors

John Bello,
Chairman

John Earle

Mike Avery

Jerry Aycok

Brent Boshier

Jerry Hughes

Nelson Smither

York Fee

Mark Roy

Kevin Smith

Curtis Tomlin

I am writing on behalf of VSSA's more than 600 members to express our disappointment and displeasure over Virginia's appeal of the Amendment 3 provisions to Interstate Fishery Management Plan for Atlantic Menhaden. Virginia is challenging the decision as being unfair to Virginia. In our view, the arguments offered are without merit. They appear to be based on the greed from a single member that didn't get their way. Be assured, the arguments offered do not reflect the views of all Virginians. First the Coastwide Total Allowable Catch (TAC) was increased. Virginia is upset claiming they did not get their fair share of the increase based on the methodology chosen to distribute the total quota. The commission sought to spread the increase among the member states. Why is that unfair to Virginia? It isn't unfair to Virginia; provisions were included giving Virginia the opportunity and ability to negotiate with other states for their unused or unneeded quota.

Virginia is complaining because the Cap on the reduction fishery in Chesapeake Bay was reduced. The fact is the reduced cap was set above the average for the previous five year landings. Virginia argues there is no science to justify the decrease. Science or no science, the Menhaden Management Board feels the cap is necessary and has demonstrated this by originally implementing a Chesapeake Bay cap in 2005. In reality, if the menhaden were in Virginia's portion of the Chesapeake bay, the one and only reduction fishery company would have landed them from the bay rather than incur the additional time and expense of going to the Ocean to catch them. It should also be noted that Virginia is the only remaining state allowing purse seign fishing in their waters.

Amendment 3 considered changing Menhaden Management from a single species management to an Eco system based management philosophy. There were in excess of 150,000 written comments supporting the inclusion of Ecological Reference Points (ERP's) in Amendment 3 submitted to ASMFC. As additional information, there were over 2200 comments from Virginia residents, as well as 118 from scientists, and 180 businesses included in that total. This number of comments was both historical and unprecedented. Yet, the board decided to ignore the wishes of the public and continue



Mr. James J. Gilmore
Atlantic States Marine Fisheries Commission
Pg. 2

with single species management for at least two more years. Had ERP's been implemented, the TAC would no doubt have been decreased rather than increased.

I urge you to consider, the appeal from Virginia does not reflect the view of all Virginians. Accordingly, VSSA does not support Virginia's appeal and strongly encourages the ISMFP board deny this appeal in its entirety.

Respectfully,


Chairman

This form letter was submitted by 114 individuals.

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 12 3

First Name Aaron

Last Name Aaron

Street Address 14 Lakeview Dr

City, State Zip Code 23662

Email aaronkhomes@gmail.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny

Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

Following are the individual comments that have been received:

From:
To: _____
Cc: _____
Subject: _____ 3
Date: 1 2 1 1 23

First Name Murray

Last Name deMuth

Street Address 314 Thornhill Rd

City, State Zip Code Baltimore, MD 21212

Email demuth4@comcast.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. A historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC. To add, it is well known that Omega spent significant resources to upgrade its Trawling Fleet and Spotter Aircraft with the intention of being able to land the 87,000 MT of menhaden. The records for the previous 3 years show that Omega was not successful in attaining that goal and the annual catch was 57,000 MT. So the important question is why? It certainly was not from a lack of effort of equipment. Then it must point to the fact that the fish simply are not there. Now that is science results directly from the field which can not be refuted. Which leads into the next section.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

4. As a result of the actual lower catch of 57,000 MT Omega missed its financial forecast and goals and the institutional investors (stock holders) forced the sale of the company to Cook Industries. They now own the resource and this is obviously an attempt through back door politics and lobbying to placate the new owner. This is simply wrong. Let's understand that the new owners are looking for a cheap and reliable food source for their aquaculture business (Farm Raised Fish) for the general Grocery Store Market. As such, they should be responsible stewards of the resource they now own.

5. I personally attended the public meetings and raised the following issues. The math of allocation is all wrong. Why do I say this? First, how is it that one company gets 75%+/- of all the Atlantic Coast menhaden. Just because this is the way its always been done is not a science based answer. Second, how is it that only the employees of Omega have the right to harvest more menhaden then all of the recreational and commercial fishermen combined. This is a gross imbalance to allocate the harvest of a public resource. Third, there has not been an economic impact study to determine what would happen to the cost of goods and services if the menhaden harvest and rendering were shut down. Again, there is no science or study of what happens to the economy by shutting down the industry. So again a very important piece of the decision making matrix is missing. Fourth, as in any industries there is a social/public benefit policy of do no harm. How is it that Omega can take 51,000 MT of fish from the water and not do any harm to the environment? The short answer is they can't. There has never been an offset for public benefit to improve habitat, water quality, or to ensure that the heath of the Chesapeake Bay will not be harmed by the harvest. As general citizen if I damage the environment I am held criminally responsible for such actions and/or correcting the problem at my own expense. How is it that the laws of the land do not apply to Omega?

So based upon the above information I respectfully and strongly request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If not then this shows me and every other citizen that the decisions for ASMFC are being made by NOAA as a result of Government policy being made behind closed doors to the benefit of a select few. Any action to change or reverse the hard work of many stake holders should be done in a Public Forum and open to all. If not then it is the duty of the citizens to demand a congressional investigation to uncover, expose and prosecute any criminal activity involved in reversing the new menhaden policy. I think it's fitting to end that it is very clear that based upon the outcome of the Public Comment Period and the final results that ASMFC takes its orders from NOAA or ASMFC will be disbanded.

Sincerely,

Murray deMuth

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 2 3 1

First Name jerry

Last Name llaneza

Street Address 11020 whistlinf swan place

City, State Zip Code chesterfield, va 23838

Email llanezaj@verizon.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. I have a home at Windmill Point and have fished in the Bay frequently for many years. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: _____ 3
Date: 1 2 1 2 2

First Name David

Last Name Madison

Street Address 6262 charles city rd

City, State Zip Code Henrico

Email dnmadison@gmail.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

There are a lot of reasons that I believe the menhaden population is being depleted. The humpback whales that were being hit in the shipping channel leading into the bay last winter/spring was a big one. The bay used to be covered with menhaden now they are all focused in the channel. When rockfishing was good in the bay years ago depth finders would should huge globs of bait, now you can't find bait balls and fish are feeding on small minnows near the surface. I used to be able to easily catch menhaden in a cast net within 20 mins now I feel lucky to see any at all. Not catching the same amount of rockfish, bluefish, and cobia as I have in recent years also means there is a decline in the bait keeping fish out of the Chesapeake bay.

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision they would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower

Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 3

First Name Percy

Last Name Blackburn

Street Address 21 Old canal Road

City, State Zip Code Richmond, VA 23221

Email billyblack3@aol.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. It is obvious that this effort is politically motivated by lobbyists with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be

scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject:
Date: 1 2 1 3 3

First Name Brian

Last Name Ford

Street Address 2280 Cramer Ln

City, State, Zip Code Hayes

Email bford620@gmail.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message You morons are allowing Omega to destroy the lower bay. The amount of bait in the lower bay is pathetic. The alga blooms and red tides get worse every summer. There hasn't been a coastal rockfish season in 10 years. Menhaden are the most important fish in the water and the bay is being raped of them.

Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has so many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

Brian Ford

From:
To: _____
Cc: _____
Subject:
Date: 1 2 1 3 1 3

First Name Overton

Last Name Hughlett

Street Address 9110 Pantego Ln

City, State Zip Code Mechanicsville, VA 23116

Email ohughlett@comcast.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT which is still too high. I believe for ASMFC to reverse this decision should require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence? Not only are our observations real but our sport fishing has a much more significant economic impact for Virginia than Omega,

3. The long letter from Virginia has so many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

I request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 3

First Name Will

Last Name Filomarino

Street Address 1209 Tyler Court

City, State Zip Code Virginia Beach, Va 23456

Email wgfilo@cox.net

Subject VA Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting.

As a life time resident and recreational fisherman of 35+ years in the Tidewater area, I have witnessed first hand the complete collapse and mis-management of the menhaden fishery in the Chesapeake Bay and Virginia waters. The water quality issues and decline in gamefish stocks which the Chesapeake Bay is experiencing are a direct result of the depleted menhaden stocks.

I fully understand the dollars the menhaden provide to a limited commercial fishing industry that targets this species. However, the Common Wealth of Virginia over the last few years has lost and enormous amount of recreational fishermen dollars as a result of poor fishing in the Chesapeake Bay. This can be directly tied to the menhaden decline.

This past November 2017 decision to adopt Menhaden Amendment #3, was the first small positive step in a long time to help stop this decline and hopefully start to rebuild the menhaden stocks within the Chesapeake Bay and Virginia waters which is so desperately needed.

At this time, I express my wish for the ASMFC Interstate Fisheries Management Policy Board (ISFMP) to deny Virginia's appeal. It is time to limit the over harvesting of menhaden in Virginia which is impacting the ecosystem, and majority people of the Common Wealth of Virginia, instead of just providing profits for a just the few that target this species

commercially.

Sincerely,

Will Filomarino
Life time Virginia Beach Resident

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 1 2

First Name Jurgin

Last Name Korb

Street Address 9102 Sherwood Drive

City, State Zip Code Quinton, VA. 23141

Email krazykraut56@verizon.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I charter 7 - 8 times each year and have personally witnessed the significant decline of menhaden and game fish in the lower Chesapeake Bay year after year. I and many others out here know you have been hearing from thousands of anglers over the years regarding the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence? Or do the perks from lobbyists supersede the voices of the thousands of fisherman? Even our Governor McAuliffe, like many other public officials in Virginia, has benefited from Omega, receiving \$25,000 in 2014 for the governor-elect's inaugural committee. In all, the company has contributed \$385,749 to the campaigns of Virginia candidates.

That matters because Virginia's menhaden fishery is controlled by the General Assembly rather than by regulators, as all other saltwater fish are. Virginia is the only state on the Atlantic coast where lawmakers manage the menhaden fishery.

3. The long letter from Virginia has so many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia, bad for the sport fishing anglers who pay millions of dollars a year, and as I am sure you are abundantly aware for the health and Ecosystem of the Chesapeake Bay. The only winning party in all this is Omega Protein, but they too shall find that the supply of Menhaden is not limitless. These fish play a critical ecological role as forage feeders that eat plankton and generate protein and fat that nourish animals higher up in the food chain including sea birds, dolphins, whales and striped bass and more. Omega Protein, the sole industrial menhaden reduction fishing operation, catches nearly its entire Atlantic quota in Virginia waters, with fully half its quota taken inside the Chesapeake Bay."Unfortunately Thru lobbying and pocket padding Virginia remains the only state to still allow purse seining in our near shore waters.

I request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 3 2

First Name Janet

Last Name Worsham

Street Address 1435 westbrook ave

City, State Zip Code richmond

Email jmwors@comcast.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny

Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

I am an angler, and have fished the bay my entire life. I know the truth.

Sincerely,

Janet Worsham, CW4, USAR, RET.

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 1 1 1

First Name Lud

Last Name Kimbrough

Street Address 107 Kennard Lane

City, State Zip Code Deltaville

Email lud.kimbrough@gmail.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I am a sportfisherman based in Deltaville, VA and I consider the decline in availability of sportfish such as striped bass, bluefish, trout etc. to be directly caused by the continued taking of menaden from the Chesapeake Bay. Commercial fishing for menhaden is a tragedy to the entire ecosystem.

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,
Lud Kimbrough

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 3

First Name Steve

Last Name Atkinson

Street Address 2631 Robys way

City, State Zip Code Midlothian va 23113

Email steveatkinson52@verizon.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.
Please help save menhaden in the Chesapeake Bay which is the largest nursery for menhaden.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to be given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,
Steve Atkinson

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 1 2 2

First Name James

Last Name Stout

Street Address 4237 Brixton Road

City, State Zip Code Chesterfield, Va 23832

Email lpgtrout@aol.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have fished the Bay for over 40 years and have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. The Menhaden boats have been fishing closer and closer to shore, removing bait fish and reducing the number of fish I catch. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

James E. Stout
Recreational Fisherman

From:
To: _____
Cc: _____
Subject:
Date: 1 2 1 1 1 3 3

First Name tom

Last Name herendeen

Street Address 912 sharon dr.

City, State Zip Code chesapeake VA 23320

Email twoherrons@aol.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence? " If NOT" Common sense would indicate that when, essentially ONE company is taking approximately 80-85% of all MENHADDEN LANDED ALONG THE ENTIRE ATLANTIC COAST, & THEIR CATCH COMES PRIMARLY FROM THE CHESAPEAKE BAY, with a few landings along the Atlantic coastal beach areas within the 3mile limit. It would have an impact on predator fish and the overall health of the Chesapeake Bay.

3. The long letter from Virginia has so many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,
Tom Herendeen
Concerned citizen & steward for Chesapeake Bay

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 1 32 3

First Name Scott

Last Name Houghtaling

Street Address 10676 Anna Marie Drive

City, State Zip Code Richmond, Virginia 23060

Email scott@haiboiler.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

4. Are the local scientists aware that thousands of fish including menhaden, striped bass and

more just died due to hard freezes in the Chesapeake area? I know this is solely a natural event but with thousands dead in one event I think that needs to be considered along with commercial harvest numbers.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to be given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,
Scott Houghtaling

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 3 1 1

First Name edward

Last Name fortunato

Street Address 8803 general couches court

City, State Zip Code fredericksburg, VA 22407

Email ed.fort.translog@comcast.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

After 30 years of recreational fishing in Virginia's Chesapeake Bay and watching the fish getting worse year after year, I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 3

First Name Joseph

Last Name Shaw

Street Address 1629 Kettle Creek Ter

City, State Zip Code Chesapeake

Email jshaw4428@aol.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I have been fishing the Chesapeake for over 50 years both from the CBBT pier as a kid to owning a boat for almost 25 years. I have a 15 year old special needs son who love fishing the bay, but not catching fish is turning him off from fishing the bay. As a child I caught fish all day, now as an adult its much harder to catch. I am not a scientist but something is defiantly going on. If things don't change to the better I will sale my boat and fishing gear which will be a sad day for me, my friends and family. Please help and do the right thing. Thank you for taking the time to read this. I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1

First Name ROBERT

Last Name MORGAN

Street Address 3417 SPRINGDALE AVE

City, State Zip Code FORESTVILLE, MD 20747

Email captchawk@aol.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following personal reason. The work that went into the current harvest limits was extensive. I really think there should have been greater reductions in the limits, but at least some consideration was given to the Chesapeake. I don't need science to tell me the state of the menhaden stock in the bay. I remember the 60's and 70's when huge shoals of jumbo alewives were everywhere on the surface. I haven't seen that for many years, and now a self serving group in VA wants to keep it that way. Their philosophy of "he who catches the last fish wins" is not in the best interest of of our resource.

I realize that I'm in Maryland, but what VA commercial interests remove from the bay impacts what the stripers up the bay have to eat. Please let the current limit stand.

Thanks for your consideration, R. Morgan

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 23 1

First Name kennedy

Last Name daniels

Street Address 3423 lake view road

City, State Zip Code mechanicsville, va 23111

Email kdaniels@weoc.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny

Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

How could it be possible that allowing menhaden depletion in our waters would be considered a good thing?

Sincerely,

Kennedy Daniels MD

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 1 3 2

First Name Robert

Last Name Wells

Street Address 271 Chesapeake Watch Rd.

City, State Zip Code Deltaville, VA 23043

Email rockfish.robin@gmail.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence? You know that this is a "form" letter that concerned anglers in the Bay region were asked to send you but the following is personal anecdotal information that is certainly, in my mind, worth your consideration. I Rockfished 19 times this year from the 2nd week of the season through the last week. The first 7 times, I did not catch a keeper fish. The largest fish caught was 28". This was not a good year. Part of the reason is that there is very little bait (Menhaden) and what we have is what we call Peanut Bunker (2" to 3" approx.). Big fish want the big baits (10" to 12"). You folks,

VMRC, VIMS and the like really need to start listening to those of us who put in the time on the water,

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject:
Date: 1 2 1 11 11 3

First Name Eddie, Jr.

Last Name Cutts

Street Address 306 Tilghman Street

City, State Zip Code Oxford, Maryland 21654

Email eddiecutts@me.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

2a. I moved into my parents boatyard facility in 1965. I was 9 and began fishing hook and line almost immediately. When I took sailing lessons there were large pods of menhaden of several hundred acres on the Tred Avon and Choptank rivers. They were mistaken by me many times for a fresh breeze coming in. The menhaden have been in decline for many years. Jim Price had pointed this out to you many many times. It appears the small \$ gain of

a few is not as important as the Bay's needs as a whole. Menhaden filter the water, they eat algae. They are need to clean the Bay. They are a forage fish and a needed food for predator fish. Pleas limit the commercial take of menhaden.

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: 3
Date: 1 2 1 11 2 21

First Name anthony

Last Name marchetti

Street Address 41 cedar cir

City, State Zip Code irvington, va 22480

Email anthony@rroysters.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny

Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

If you don't believe the menhaden stocks are declining in the Chesapeake Bay, then you haven't been fishing on the Chesapeake Bay.

Sincerely,

Anthony Marchetti

From:
To: _____
Cc: _____
Subject: 3
Date: 2 2 1 11

First Name Mike

Last Name Ostrander

Street Address 7239 Lookout Drive

City, State Zip Code Richmond, VA 23225

Email mike@discoverthejames.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

Isn't it about time menhaden the historic biomass lows are recognized as a problem? There is a fix for this and it's pretty obvious the answer is a much lower cap for commercial catch. It's the only way to begin a fix f this.

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me

that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject:
Date: 21 2 1 1 3 21 3

First Name Robert

Last Name Hudson

Street Address 116 BRIDGE LN

City, State Zip Code REEDVILLE, VA 22539

Email karisma@hughes.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting. I have been fishing the bay since 1960. It is obvious to me that there has been a serious decline of the menhaden stock over the past 20 years. This is why I can so strongly support the following key points:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has so many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to be given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,
Robert Hudson
116 Bridge Lane
Reedville, VA 22439

From:
To: _____
Cc: _____
Subject:
Date: 21 2 1 2 3

First Name Mike

Last Name Mike

Street Address 3841 Jefferson Blvd

City, State Zip Code 23455

Email mwills98@yahoo.com

Subject VA's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

As a saltwater Chesapeake Bay angler for over 25 years, I encourage the ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting. I attended the meeting in person as well as several VMRC meetings in preparation and was appalled the VA delegation failed to fairly represent the majority of all VA interested parties. As evidenced by the unprecedented volume of public comment, the majority fully supported a change to an ecosystem based management plan for menhaden.

A change to an ERP plan would have undoubtedly called for a reduction in the coastwide TAC in addition to a reduction in the bay cap. Regardless of the VA's delegation refusal to support the change to a ERP management plan, the reduction of the bay cap from 87,000 MT to 51,000MT was one small step in the right direction by the ASMFC.

Virginia's claim that there is no evidence suggesting that localized depletion of menhaden in the Chesapeake Bay has occurred is laughable. Having spent one day a week on average from April through October (used to be through January before rockfish disappeared), often covering as much as 100 miles on the water from Cape Henry to Cape Charles, I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. Also gone are the schools of peanut bunker that used swim along the beachfront all summer near my home in Lynnhaven. As a result, catches of the most popular sport fish in the lower Chesapeake has been in steady decline. There are thousands of other anglers who have confirmed the same findings. I don't know how you have more conclusive evidence than direct observation? The "wild guess" VMRC representatives either spend too

much time in the office to see the evidence or they are being unduly influenced by industry.

Please do not undo the first small step in the right direction to help restore ecosystem balance in the Chesapeake Bay and deny Virginia's appeal to raise the bay cap. If consideration is to given to VA's appeal, I demand a full and open public hearing be scheduled.

Sincerely,

Mike Wills

From:
To: _____
Cc: _____
Subject:
Date: 23 2 1 11 1 13 3

First Name Steve

Last Name Atkinson

Street Address 2631 Robys way

City, State Zip Code Midlothian va 23113

Email steveatkinson52@verizon.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC has acknowledged Virginia's appeal claim that the evidence of menhaden depletion in the bay. The truth is very few studies have looked at the bay and thousands of fishermen have provided input on the rapidly declining bay population. Further, if the bay wasn't being depleted why would Omega catch consistently fall well below the bay cap? But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision they would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Please, we need the lower cap in place to protect these fish in case they return some day!

Sincerely,
steve Atkinson

From:
To: _____
Cc: _____
Subject:
Date: 2 2 1 3 1 3

First Name james

Last Name shadbolt

Street Address 2200 Pump Rd #227

City, State Zip Code henrico

Email jshadbolt@verizon.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.I PERSONALLY WITTNESS WHILE ROCKFISHING NEAR PLANTATION LIGHT IN THE LOWER BAY THE FLEET FROM OMEGA COME THRU AND SCOOP UP ALL OF THE FISH IN THE AREA THE

SMELL IS HORRIBLE AND ALAS WE END UP GOING HOME BECAUSE THE BITE THAT WAS ON IS COMPLETELY DESOLATE. I HAVE ALSO SEEN THEM TAKE MENHADEN AND ALL OF THE SPANISH MACKEREL OUT IN FRONT OF RUDEE INLET AND THE FISHING WAS IMMEDIATELY STOPPED FOR ANY MORE SPANISH MACKEREL UNTIL 1 MONTH LATER AS ALL OF THE BAIT AND SPANISH WERE SCOOPED UP 2017

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: 3
Date: 2 2 1 3 2

First Name Keith

Last Name Koontz

Street Address 2340 Haversham Close

City, State, Zip Code Virginia Beach

Email kkhokie@gmail.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

The sad fact is that our governing institutions are corrupt and that most people dont care. So, we live with the consequences of having 99% of the Bays striper and bluefish populations GONE. They've been spotted far offshore by researchers headed due South to the Outer Banks for wintering over till the northern migration. Here in Virginia, our infamous menhaden fleet (Omega Protein)STILL sells them for fertilizer even though soybean works just as well! They have just a couple dozen employees who get paid squat. The profit is in the hands of the owners and goes to soft money for our politicians in campaign contributions.

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the

years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: 3
Date: 2 2 1 11 2

First Name Westley

Last Name Chesser

Street Address 151 FAIRMONT DR.

City, State Zip Code STAUNTON

Email wc4x@virginia.edu

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has so many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny

Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Please consider our children and grand children's use of the bay, if the current direction continues the bay will no longer have a viable fishery, so the state will loose millions of dollars in revenue.

Sincerely,

Westley Chesser

From:
To: _____
Cc: _____
Subject: 3
Date: 2 2 1

First Name Gary

Last Name Whiting

Street Address 222 Milstead Rd

City, State Zip Code
Newport News, VA 23606

Email nkingfish@gmail.com

Subject Keep Lower Cap on Menhaden Harvest in Ches. Bay: VSSA - Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Please deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

A) ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC. It was proper for ASMFC to reduce the bay cap from 87,000 MT to 51,000MT. I believe that if ASMFC considers a reversal of this decision, they should also request a new round of public input. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

B) The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden and its impact on local wildlife in the lower Chesapeake Bay over the past 20 years. Whale populations feeding during the fall and winter at the mouth of the bay have shown evidence of reduced food availability. Increased frequency of whales washing up dead on our local bay and coastal beaches and reduced populations visiting our coastal waters during the winter appear to be our canary in the coal mine.

I request that the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. Please protect our coastal ecosystems - especially so our hungry winter visitors to our local waters have young bay menhaden to eat!

Sincerely,

Gary Whiting
Newport News, VA

From:
To: _____
Cc: _____
Subject: 3
Date: 2 2 1 1 12

First Name Boyd

Last Name Chapman

Street Address 1705 Bruce Ave

City, State Zip Code Charlottesville, VA 22903

Email boydchapman@yahoo.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny

Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

Boyd Chapman

PS: The VMRC scientists alone should manage the Virginia population, not politics.

From:
To: _____
Cc: _____
Subject: 3
Date: 2 2 1 12 3

First Name Burnley

Last Name Taylor

Street Address 204 windway drive

City, State Zip Code Orange, VA. 22485

Email burnley.taylor@yahoo.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

Please save The Bay by protecting the most important fish in The Bay! Enough is enough!

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

From:
To: _____
Cc: _____
Subject: 3
Date: 2 2 1 2

First Name Glen

Last Name Groat

Street Address 2411 Corner Rock Road

City, State Zip Code Midlothian, Virginia 23113

Email midloglen@verizon.net

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I wanted to add a personal note to this factual email. I have been fishing the lower Potomac river as well as the bay for about the last 20 years and have seen the changes in numbers as well as size of Rockfish drop over that time. Menhaden are a primary food source for these and other migratory fish. Please deny Virginia's request.

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has so many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

Glen Groat

This form letter was submitted by 114 individuals.

From:
To: _____
Cc: _____
Subject: _____ 3
Date: 2 2 1 1 1

First Name Tyler

Last Name Sondberg

Street Address 102 Franklin St

City, State Zip Code Cambridge, MD, 21613

Email TMS4659@gmail.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Please deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

A) ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC. It was proper for ASMFC to reduce the bay cap from 87,000 MT to 51,000MT. I believe that if ASMFC considers a reversal of this decision, they should also request a new round of public input. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

B) I am 29 years old and have a BS in Biology and Marine Environmental Science. Although I studied Menhaden in school the most obvious signs that the bay needs more of them is seen out on the water while fishing. My castnet used to easily fill with several handfuls of small menhaden to use for bait. Now I struggle to find schools of smaller Menhaden to catch for bait. Rockfish appear more sickly than ever due to the lack of Menhaden (the main portion of their diet).

I request that the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. Please protect our coastal ecosystems - especially so our hungry winter visitors to our local waters have young bay menhaden to eat!

Sincerely,

Tyler

From:
To: _____
Cc: _____
Subject:
Date: 2 2 1 1 3 3

First Name Byron

Last Name Quinley

Street Address 104 Chestnut Ct

City, State Zip Code Yorktown

Email byron.quinley@gmail.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

Anyone on the water can tell you menhaden IN THE BAY has been declining. Please protect our coastal ecosystems for the health of The Bay and all it means to Virginia - commercial fishing outside of menhaden, recreation, tourism, and the whale migration.

I request that the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's Atlantic Menhaden Amendment 3 appeal.

The 51,000 metric ton cap represents an approximation of the five-year average of reduction harvest from the Chesapeake Bay between 2012 and 2016. This shows The Bay population was down and lower cap needed to be set, but in effect, they can catch the same amount as they have been catching!

Therefore, there is no reason to appeal Amendment 3.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,

Byron & Cassandra Quinley

From:
To: _____
Cc: _____
Subject: _____ 3
Date: 2 2 1 1

First Name David

Last Name Harmon

Street Address 8233 N. Mayfield Ln

City, State Zip Code Mechanicsville, Va 23111

Email firedkvh@yahoo.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

Please respect my View on This IMPORTANT subject.

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for

Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,
D K Harmon

From:
To: _____
Cc: _____
Subject: 3
Date: 2 2 1 1 2

First Name Robert

Last Name Robert

Street Address 33232 Hickman St.

City, State Zip Code 23420

Email btytus@hotmail.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny

Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

As a lifelong angler (I'm 72) of the Chesapeake bay I have seen a decline in the quality of the fish in the bay, I believe that menhaden play a extremely important role in the bay , first as a filter feeder and more important as a food source for most fish in the bay , The menhaden are a political issue that generates a tremendous amount of money for politicians , I hope that politics will not affect your thinking.

Sincerely,
Bob Tytus

From:
To: _____
Cc: _____
Subject:
Date: 1 2 1 1 1 3 3

First Name ZACHARY

Last Name DUKE

Street Address 9609 BAY POINT DR

City, State, Zip Code Norfolk

Email dukezb@yahoo.com

Subject VSSA -- Virginia's Atlantic Menhaden Amendment 3 Appeal

Message Mr. James Gilmore Jr.
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N

What's happening with the menhaden in va is a joke to anglers throughout the east coast. Let's take pride in our state's waters and work to rectify the Canadian corporation that is allowed to put in minimal work to meet their needs by scraping the mouth of our bay clean of its most important fish.

I respectfully request ASMFC deny Virginia's appeal regarding the Atlantic Menhaden Amendment 3 decision's made during the November 2017 ASMFC meeting for the following reasons:

1. ASMFC conducted public hearings and comment period for Amendment 3. An historic number of 153,000 comments were submitted to ASMFC which were largely ignored by the board. But the one victory was the reduction of the bay cap from 87,000 MT to 51,000MT. We believe for ASMFC to reverse this decision the would require another series of public comments. Reversing a decision without another public comment period would set a very bad precedence for ASMFC.

2. The idea that no localized depletion of menhaden in the Chesapeake Bay is absolutely false. I have personally witnessed the significant decline of menhaden in the lower Chesapeake Bay year after year. You have been hearing from thousands of anglers over the years the same message, that menhaden stocks and the predators that feed on them have been in serious decline for years. How can the direct testimony from thousands of anglers on the water not be considered scientific evidence?

3. The long letter from Virginia has no many errors and misinformation, it is evident to me that this effort is highly political written by lobbyist with paid agendas. This is bad for Virginia and bad for the Chesapeake Bay.

Request the ASMFC Interstate Fisheries Management Policy Board (ISFMP) deny Virginia's appeal. If consideration is to given, request a full and open public hearing be scheduled in the future before deciding.

Sincerely,
Zac Duke

January 28,2017

Atlantic States Marine Fisheries Commission
c/o James J. Gilmore, Chair and Robert E. Beal, Executive Director
1050 N. Highland Street, Suite 200 A-N,
Arlington, VA 22201

Re: "Virginia's" Appeal of the November 2017 Commission Decision related to
Amendment 3 provisions, and setting the Menhaden cap for the Chesapeake Bay at
51,000 Metric Tons

Dear Commission Members and Staff:

A. Introduction - I write this letter solely in my own behalf as a lifelong Virginian, who for the past 14 years running, has fished in or near the Bay, usually in shallow water, and on incoming tides. The early years (04-06), were a time when one could almost walk across the water on schools of incoming Menhaden. My fishing and observation point was on the Bay's Western shore near the Virginia-Maryland line not far from Reedville, Va., home of Omega Protein. In the interest of brevity and clarity what I am about to say may sound overly caustic or strident. It is not intended as such and I assume the folks who signed the letter trying to effect this appeal, allegedly in behalf of Virginia, are good people, just like other good people who work for Omega.

B. Standing - This appeal asks you as Commissioners to believe that the three persons who signed it represent the views of citizens of the Commonwealth of Virginia, or at least a significant majority of such Virginians. That's fiction. Instead, this appeal letter with no letterhead should carry Omega Protein's official imprimatur. How is it not written by Omega Protein, for Omega Protein? Please reject the appeal solely on the basis that it lacks standing. Whatever statutory and related regulatory underpinnings cited to claim that the three people who signed this appeal are somehow "authorized" to speak for an entire state has to be suspect, and probably is an improper delegation of power, and certainly wrongheaded.

C. The Merits - Omega's appeal letter (as I would name it) seems designed, intentionally or not, to have this Commission treat this appeal as if it were about a Menhaden allocation between a number of Atlantic States. That's off the mark. This is about the Chesapeake. The juvenile Menhaden population has evolved from being wonderfully, beautifully abundant in 2004 to almost non-existent now. Something is wrong. Short term, Omega should and can live with your November decision and take a few less tons (36,000 MT??) from our Bay. What Omega seems to forget or has never acknowledged is that Menhaden in the Bay are not owned by Omega. Instead these forage fish, these filter feeders, are a natural resource vital to the the Striper population and the overall health of the Bay. As such they belong to the public. If Omega is left unchecked it will plunder our Bay until there are no more Menhaden. There will be nothing to allocate. Any economic argument about jobs lost or gained will be academic and moot. Please deny this appeal.

Thank you,

Clyde Gouldman
Charlottesville, Va.

From: _____
To: _____
Subject:
Date: 1 2 1 11 2

From: gradymania [mailto:blueseas65319@yahoo.com]
Sent: Wednesday, January 17, 2018 12:38 PM
To: info <info@asmfc.org>
Subject: on menhaden

Im not surprised at the reversal of position on the limits of "harvesting" menhaden being increased again. I have no doubt as to the cause - soft money. Someone is getting bribed, period. My 70 years on the planet and a lifetime of support to causes that benefit the Chesapeake and coast marine fisheries, have shown me that the governing organizations have no shortage of corruption and self interest - as do most other ruling bodies. The place is loaded with self serving individuals who could care less about their public obligation, much less the welfare of the species.

thanks for nothing.

P Paul
Surry, Va

Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board

February 8, 2018
3:00 – 5:00 p.m.
Arlington, Virginia

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*R. Ballou*) 3:00 p.m.
2. Board Consent 3:00 p.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2017
3. Public Comment 3:05 p.m.
4. Black Sea Bass Addendum XXX for Final Approval **Final Action** 3:15 p.m.
 - Review Options and Public Comment Summary (*C. Starks*)
 - Technical Committee Report (*G. Wojcik*)
 - Advisory Panel Report (*C. Starks*)
 - Consider Final Approval of Addendum XXX
5. Consider Tabled Sea Bass Motion (*C. Starks*) **Final Action** 4:05 p.m.
 - Consider Tabled Motion from the December Joint Board and Council Meeting
Move that the 2018 federal waters black sea bass measures include a 15-fish possession limit, 12.5-inch minimum size and season from May 15 – December 31. These measures assume the Commission process will develop measures to constrain harvest to the 2018 RHL. A backstop measure of 14 inches, 5 fish possession limit and a season from May 15 – September 15 would go into effect should the Commission not implement measures to constrain harvest to the 2018 RHL.
6. Review and Consider Approval of Summer Flounder and Scup Recreational State Proposals for 2018 Measures **Final Action** (*K. Rootes-Murdy*) 4:10 p.m.
 - Technical Committee Report (*G. Wojcik*)
7. Consider Approval of 2017 Scup FMP Review and State Compliance Reports (*K. Rootes-Murdy*) **Action** 4:40 p.m.
8. Elect Vice-Chair (*R. Ballou*) **Action** 4:55 p.m.
9. Other Business/Adjourn 5:00 p.m.

The meeting will be held at the Westin Crystal City, 1800 Jefferson Davis Highway Arlington, Virginia; 703.486.1111

MEETING OVERVIEW

Summer Flounder, Scup, and Black Sea Bass Management Board

February 8, 2018

3:00 p.m.-5:00 p.m.

Arlington, Virginia

Chair: Bob Ballou (RI) Assumed Chairmanship: 10/17	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Snellbaker (NJ)
Vice Chair: Vacant	Advisory Panel Chair: Vacant	Previous Board Meeting: October 18, 2017
Voting Members: NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (13 votes for Black Sea Bass; 12 votes for Summer Flounder and Scup)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2017

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

4. Black Sea Bass Draft Addendum XXX for Final Approval (3:15-4:10 p.m.) Final Action

Background

- In May 2017 the Board initiated draft addendum XXX to consider new regional approaches to managing the recreational black sea bass fishery.
- The Board approved Draft Addendum XXX for public comment in December 2017. **(Briefing Materials)**
- Public comment was collected between December and January. Public hearings were held in MA, RI, CT, NY, NJ, DE, MD, and VA. **(Supplemental Materials)**
- The Advisory Panel met on January 25th to review the draft addendum **(Supplemental Materials)**

Presentations

- Review of management options and public comment by C. Starks
- Technical Committee Report by G. Wojcik
- Advisory Panel Report by C. Starks

Board Actions for Consideration

- Select management options
- Approve final document

5. Consider Tabled Black Sea Bass Motion (4:05-4:10 p.m.) Final Action

Background

- At the December 2017 joint ASMFC/MAFMC meeting the Board and Council made the following motion:
Move that the 2018 federal waters black sea bass measures include a 15-fish possession limit, 12.5-inch minimum size and season from May 15 – December 31. These measures assume the Commission process will develop measures to constrain harvest to the 2018 RHL. A backstop measure of 14 inches, 5 fish possession limit and a season from May 15 – September 15 would go into effect should the Commission not implement measures to constrain harvest to the 2018 RHL.
- The motion was tabled until the February meeting due to uncertainty on the outcome of Draft Addendum XXX in relation to the federal specifications.

Board Actions for Consideration

- Consider the tabled motion

6. Review and Consider Approval of Summer Flounder and Scup Recreational State Proposals for 2018 Measures (4:10-4:40 p.m.) Final Action

Background

- At the December 2017 joint ASMFC/MAFMC meeting the Board moved to extend Addendum XXVIII through 2018, re-establishing regional conservation equivalency, and specifying that regions could collectively liberalize harvest through their 2018 measures up to 17% above the projected 2017 coastwide harvest of 3.23 million (approximately 3.78 million pounds).
- At the same meeting, the Board also approved the continued use of regional management approaches to set state scup recreational measures for 2018.
- The Technical Committee met on January 16 to review proposals on summer flounder regional measures (**Briefing Materials**) and scup northern region measures (**Supplemental Materials**).

Presentations

- Technical Committee Report

Board Actions for Consideration

- Approve 2018 Summer Flounder and Scup Recreational Proposals

7. Consider Approval of 2017 Scup FMP Review and State Compliance Reports (4:40-4:55 pm) Action

Background

- Scup Compliance Reports are due June 1.
- In October 2017, the Commonwealth of Massachusetts indicated their squid fishery was out of compliance with the FMP requirements for the minimum mesh size and trigger for minimum mesh size in their small-mesh squid fishery.
- The Board postponed action on the 2017 Scup FMP review (**Briefing Materials**) until the Winter Meeting to allow Massachusetts to come into compliance.

- | |
|--|
| <ul style="list-style-type: none">• Massachusetts has outlined a timeline for coming into compliance in 2018 (Briefing Materials)• Delaware has requested <i>de minimis</i> status |
| Presentations <ul style="list-style-type: none">• Overview of the Scup FMP Review and State Compliance by K. Rootes-Murdy |
| Board Actions for Consideration <ul style="list-style-type: none">• Accept 2017 FMP Review• Approve <i>de minimis</i> requests from Delaware for scup |

Presentations

- Overview of the Scup FMP Review and State Compliance by K. Rootes-Murdy

Board Actions for Consideration

- Accept 2017 FMP Review
- Approve *de minimis* requests from Delaware for scup

8. Elect Vice Chair

9. Other Business/Adjourn

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM XXX TO THE SUMMER FLOUNDER, SCUP, BLACK
SEA BASS FISHERY MANAGEMENT PLAN FOR BOARD REVIEW**

Black Sea Bass Recreational Management in 2018

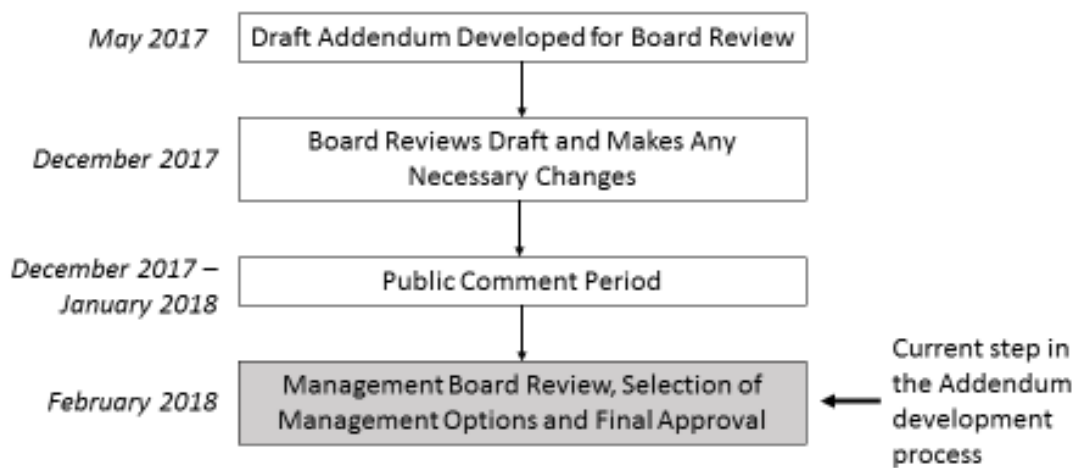


Vision: Sustainably Managing Atlantic Coastal Fisheries

February 2018

Proposed Timeline

In May 2017, the Summer Flounder, Scup, and Black Sea Bass Management Board initiated the development of an addendum to the Interstate Fishery Management Plan (FMP) for Black Sea Bass to address the recreational management of black sea bass for 2018. This Draft Addendum presents background on the Atlantic States Marine Fisheries Commission's (Commission) management of black sea bass; the addendum process and timeline; and a statement of the problem.



Draft Addendum for Board Review

Table of Contents

1.0 Introduction	3
2.0 Overview	3
2.1 Statement of Problem.....	3
2.2 Background	4
2.3 Description of the Fishery	5
2.4 Status of the Stock.....	9
3.0 Proposed Management Program.....	10
3.1 Management Options	11
3.1.2.1 Options for Allocation of the RHL.....	12
3.1.2.2 Regional Alignment	13
3.1.2.3 Timeframe for specifying regional allocation.....	14
3.1.2.4 Management measures within a region*	14
3.1.3 Specification and evaluation of measures	14
3.2 Timeframe for Addendum provisions	17
4.0 Compliance.....	17
Appendix I. Regional Allocation Scenarios.....	18
Appendix II. Management of February 2018 fishery	22
Appendix III. Decision Tree for Draft Addendum XXX Options	23

Draft Addendum for Board Review

1.0 Introduction

This Draft Addendum proposes alternate approaches for state management of the recreational black sea bass fishery for the 2018 fishing year and beyond. The management unit for black sea bass in US waters is the western Atlantic Ocean from Cape Hatteras, North Carolina northward to the US-Canadian border.

Black sea bass fisheries are managed cooperatively by the states through the Atlantic States Marine Fisheries Commission (Commission) in state waters (0-3 miles off shore), and through the Mid-Atlantic Fishery Management Council (Council) and NOAA Fisheries in federal waters (3-200 miles off shore). This Draft Addendum is proposed under the adaptive management/framework procedures of Amendment 12 and Framework 2 that are a part of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP).

The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motion on May 10, 2017:

Move to initiate an addendum for 2018 recreational black sea bass management with options as recommended by the Working Group and Plan Development Team. Options for regional allocations shall include approaches with uniform regulations (e.g., number of days) and other alternatives to the current North/South regional delineation (MA-NJ/DE-NC) such as those applied for summer flounder, i.e., one-state regions.

2.0 Overview

2.1 Statement of Problem

The Commission's Interstate Fishery Management Program Charter establishes fairness and equity as guiding principles for the conservation and management programs set forth in the Commission's FMPs. In recent years, challenges in the black sea bass recreational fishery have centered on providing equitable access to the resource in the face of uncertain population size, structure, and distribution. In the absence of an accepted peer reviewed stock assessment, the Board and Council had set coastwide catch limits at conservative levels to ensure sustainability of the resource. Coastwide catch limits set from 2010-2016 were largely based on a constant catch approach used to maintain or increase the size of the population based on historical catch data. For 2016, a Management Strategy Evaluation was considered and approved by the Board and Council to increase both the recreational and commercial catch limits. In recent years, fishery-independent and dependent information and the 2016 benchmark stock assessment have indicated a much higher abundance of the resource than previously assumed. This presented challenges in both restricting recreational harvest to the coastwide recreational harvest limit (RHL) as well as crafting recreational measures that ensured equitable access to the resource along the coast.

Starting in 2011, the Board approved addenda that allowed states to craft individual measures to reduce harvest to the annual coastwide RHL while maintaining state flexibility. After a single year of management by state shares, the Board adopted what became officially known as the

Draft Addendum for Board Review

ad-hoc regional management approach, whereby the northern region states of Massachusetts through New Jersey would individually craft state measures aimed to reduce harvest by the same *percent*, while the southern region states of Delaware through North Carolina set their regulations consistent with the measures set for federal waters.

This approach, while allowing the states flexibility in setting their measures, created discrepancies in conservation measures that were not tied to any original management plan baseline or goal (e.g., state allocations). Inequities resulted in how much of a harvest reduction states were addressing through their measures, with no accountability for the effectiveness of regulations. Most visibly, the ad-hoc approach did not provide uniformity in measures nor in evaluating harvest reductions.

2.2 Background

The black sea bass recreational fishery is managed on a “target quota” basis. Fifty-one percent of the total allowable landings are allocated to the recreational sector as the coastwide RHL. Regulations are established each year that are projected to restrict harvest to the RHL; however, due to the timing of when recreational harvest estimates are available, the recreational fishery is not subject to a “quota” closure (like the commercial fishery). The Marine Recreational Information Program (MRIP) is the primary source of recreational catch and effort data used to manage the fishery.

From 1996 to 2010, uniform coastwide size, season, and bag limits were used by the Commission and Council to constrain the recreational fishery to the annual RHL. Over time, the states grew concerned that the coastwide regulations disproportionately impacted states within the management unit; therefore, the Board approved a series of addenda which allowed for state-by-state flexibility, first through state shares in 2011 and then through the ad-hoc regional management approach for 2012–2017. The northern region states have been subject to harvest reductions in all years except 2012 (liberalization) and 2017 (status quo), while the southern region states have been largely status quo. Approximately 96% of the coastwide harvest comes from the northern region states; therefore, the Board has differentially applied the required reductions between the two regions. The states’ regulations for 2017 are provided in Table 1.

Draft Addendum for Board Review

Table 1. State by State Black Sea Bass Recreational Measures for 2017.

State	Minimum Size (inches)	Possession Limit	Open Season	Total Days Open
Maine	13	10 fish	May 19 - September 21; October 18 - December 31	201
New Hampshire	13	10 fish	January 1 - December 31	365
Massachusetts	15	5 fish	May 20 - August 29	102
Rhode Island	15	3 fish	May 25 - August 31	191
		7 fish	September 1 - September 21; October 22 - December 31	
Connecticut (Private & Shore)	15	5 fish	May 1-December 31	245
CT Authorized Party/Charter Monitoring Program Vessels		8 fish		
New York	15	3 fish	June 27- August 31	188
		8 fish	September 1- October 31	
		10 fish	November 1 - December 31	
New Jersey	12.5	10 fish	May 26 - June 18	157
		2 fish	July 1 - August 31	
		15 fish	October 22 - December 31	
Delaware, Maryland, Virginia, and North Carolina, North of Cape Hatteras (N of 35° 15'N)	12.5	15 fish	May 15 - September 21; October 22 - December 31	201

Note: cells are shared to help with table readability and do not indicate regional alignment.

2.3 Description of the Fishery

Black sea bass are a popular recreational fish in the Mid-Atlantic and Southern New England regions. Most recreational harvest occurs in the states of Massachusetts through New Jersey (Table 2 & 3, Figure 1). In 2016, these five states account for 94% of all black sea bass harvest in the management unit (Maine through Cape Hatteras, North Carolina).

Since 2008, the majority of harvest has occurred in state waters (Table 4). In 2016, 67% of recreational harvest of black sea bass (by weight) occurred in state waters. In general, the majority of harvest from New York north is from state waters, while the majority of harvest from New Jersey south is from federal waters. Also since 2008, harvest by private anglers has surpassed harvest by anglers fishing on charter or party boats (Figure 2). In 2016, an all-time high of 84% of harvest is attributed to the private mode, including shore-based and private/rental boat harvest.

Draft Addendum for Board Review

For much of the last decade, coastwide harvest has exceeded the RHL (Table 5). In 2016, an estimated 5.19 million pounds of black sea bass were harvested, exceeding the 2016 RHL by 2.37 million pounds. RHLs through 2016 approved by the Board and Council were largely based upon a conservative constant catch approach developed by the Council’s Scientific and Statistical Committee in the absence of an accepted peer-reviewed stock assessment. Constraining harvest in these years of increasing stock biomass through highly restrictive measures led to repeated exceedances of the RHL and increasingly restrictive measures in the northern region.

As of December 22, 2017, preliminary harvest data for 2017 are only available through October. These data estimate a recreational harvest of 3.7 million pounds for Maine through North Carolina during January–October 2017. This represents a 13% decrease from the same time period in 2016. The proportions of annual harvest per two-month wave in 2016 were used to project an annual harvest estimate for 2017 of 4.17 million pounds, 2.8% below the 2017 RHL of 4.29 million pounds, and 13.9% above the 2018 RHL of 3.66 million pounds. This harvest projection is highly uncertain given the interannual variability in harvest estimates.

Table 2. State-by-state recreational harvest of black sea bass (in numbers of fish), 2006–2016. Harvest data are restricted to the management unit. Source: MRIP, 2017.

State	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
ME						0	0				
NH					0		3,195	12,283	0	0	0
MA	105,162	149,434	246,136	430,748	702,138	194,752	519,910	291,678	457,099	342,554	392,239
RI	41,021	44,024	52,303	35,972	160,427	50,203	102,548	74,727	214,463	233,631	254,704
CT	3,470	23,574	59,751	465	15,682	8,378	110,858	109,807	397,033	330,628	435,624
NY	268,526	409,697	259,511	566,483	543,243	274,473	321,516	353,036	469,150	876,630	1,032,604
NJ	530,727	724,591	579,617	583,373	687,451	148,487	734,928	345,337	468,402	310,298	294,312
DE	113,696	93,147	22,621	37,345	21,028	42,961	40,141	36,557	23,879	22,899	24,168
MD	120,803	38,669	26,429	33,082	36,018	47,445	33,080	29,677	68,469	57,631	79,951
VA	83,292	36,152	38,045	114,805	29,718	18,964	4,076	21,295	18,802	38,763	28,913
NC	18,829	8,517	9,353	3,307	10,850	30,975	3,664	8,002	696	1,920	864

Draft Addendum for Board Review

Table 3. State-by-state recreational harvest of black sea bass (in pounds), 2006–2016. Harvest data are restricted to the management unit. Source: MRIP, 2017.

State	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
ME						0	0				
NH					0		4,587	19,228	0	0	0
MA	156,682	169,853	380,126	621,596	1,052,441	318,384	1,052,050	660,797	1,087,848	718,101	891,441
RI	57,913	65,091	84,536	50,657	246,229	85,903	226,131	144,723	370,530	444,337	564,370
CT	3,686	37,016	90,120	1,025	24,138	13,759	261,163	262,391	586,113	495,675	914,014
NY	476,391	558,204	521,073	878,045	975,622	399,030	545,222	734,729	847,181	1,531,492	2,211,292
NJ	685,525	1,076,468	830,821	768,731	780,116	181,699	993,614	515,176	631,457	428,318	398,482
DE	143,159	137,202	27,389	45,496	29,429	46,233	49,967	44,365	30,962	26,892	31,939
MD	135,906	49,046	33,550	40,553	41,506	51,730	42,175	39,170	87,086	78,052	103,995
VA	112,323	60,093	51,421	145,183	24,702	26,748	2,599	33,660	24,433	63,695	70,188
NC	28,352	21,863	11,489	7,043	16,265	47,310	7,153	9,992	1,180	3,878	1,249

Table 4. Percentage of recreational harvest (by weight) attributed to state waters, 2006–2016; the remaining harvest is attributed to federal waters. Note: North Carolina is omitted because location-specific harvest data for only north of Cape Hatteras are not readily available. Source: MRIP, 2017.

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2006-2016 average
ME	-	-	-	-	-	-	-	-	-	-	-	-
NH	-	-	-	-	-	-	100%	100%	-	-	-	100%
MA	96%	100%	98%	100%	100%	96%	100%	95%	88%	100%	94%	97%
RI	77%	97%	91%	99%	82%	95%	92%	69%	79%	75%	83%	82%
CT	100%	100%	100%	100%	100%	100%	100%	93%	93%	97%	95%	96%
NY	73%	48%	91%	86%	93%	94%	100%	63%	81%	73%	49%	72%
NJ	17%	14%	31%	54%	43%	33%	48%	57%	9%	19%	36%	33%
DE	18%	14%	10%	11%	47%	15%	8%	6%	3%	5%	8%	14%
MD	0%	0%	6%	0%	0%	3%	2%	0%	0%	21%	51%	11%
VA	6%	59%	61%	13%	54%	5%	19%	20%	83%	4%	9%	23%
Total	39%	35%	65%	73%	80%	75%	80%	71%	70%	72%	67%	68%

Draft Addendum for Board Review

Table 5. Black sea bass recreational harvest relative to the RHL, 2006–2016. Note: Harvest data are restricted to the management unit. Source: MRIP, 2017.

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Coastwide Harvest (mil. lb)	1.78	2.18	2.03	2.56	3.19	1.17	3.19	2.46	3.66	3.79	5.19
Coastwide RHL (mil. lb)	3.99	2.47	2.11	1.14	1.83	1.78	1.32	2.26	2.26	2.33	2.82
Percent of RHL harvested	45%	88%	96%	225%	174%	66%	242%	109%	162%	163%	184%

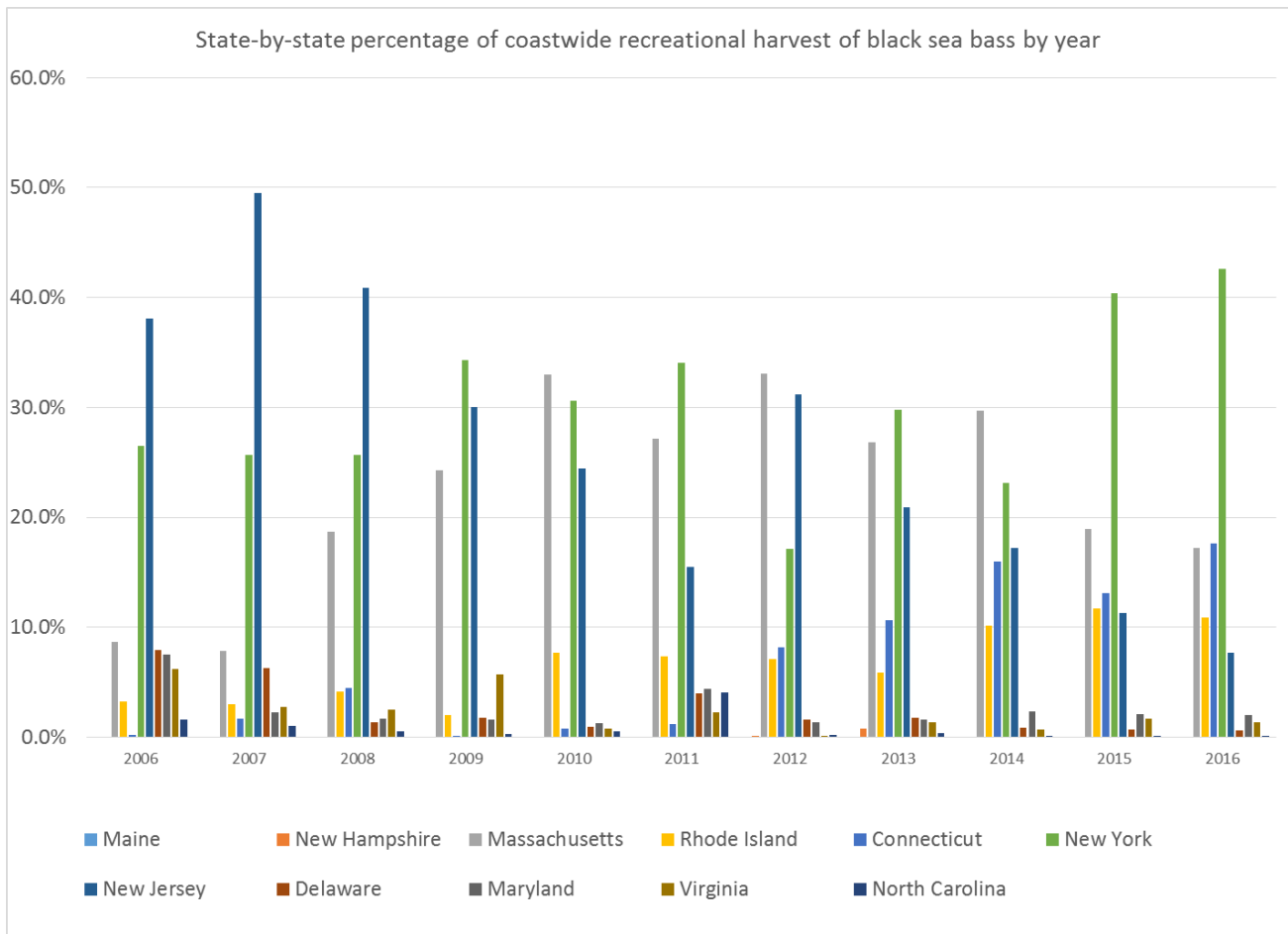


Figure 1. State-by-state contribution (as a percentage) to total recreational harvest of black sea bass (in weight) in the management unit, 2006–2016. Source: MRIP, 2017.

Draft Addendum for Board Review

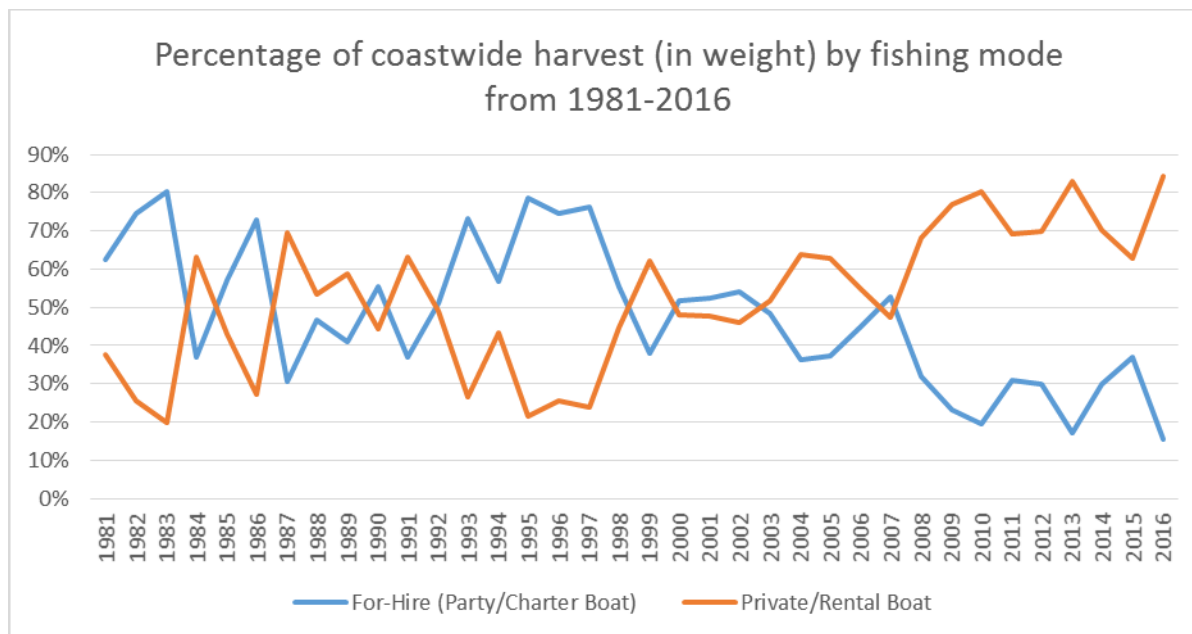


Figure 2. Percentage of coastwide harvest (in weight) by fishing mode from 1981-2016. Private/Rental Boat includes shore mode. Source: MRIP, 2017.

2.4 Status of the Stock

The most recent stock status information comes from the 2016 benchmark stock assessment, which was peer-reviewed and approved for management use in December 2016 (SARC 62). The assessment indicated that the black sea bass stock north of Cape Hatteras, North Carolina was not overfished and overfishing was not occurring in 2015, the terminal year of data used in the assessment.

For modeling purposes, the stock was partitioned into two sub-units approximately at Hudson Canyon to account for spatial differences in abundance and size at age. The sub-units are not considered to be separate stocks. Although the stock was assessed by sub-unit, the combined results were used to develop reference points, determine stock status, and recommend fishery specifications.

Spawning stock biomass (SSB), which includes both mature male and female biomass, averaged around 6 million pounds during the late 1980s and early 1990s and then steadily increased from 1997 to 2002 when it reached 18.7 million pounds. Since 2007, SSB has steadily and dramatically increased, reaching its highest level in 2015 (48.89 million pounds). SSB in the terminal year (2015) is considered underestimated, and was adjusted up for comparison to the reference points (Figure 3). The (similarly adjusted) fishing mortality rate (F) in 2015 was 0.27, below the fishing mortality threshold reference point (F_{MSY} PROXY= F40%) of 0.36. Fishing mortality has been below the F_{MSY} PROXY for the last five years. Model estimated recruitment has been relatively constant throughout the time series except for large peaks from the 1999 and 2011 year classes. Average recruitment of age 1 black sea bass from 1989–2015 was estimated at 24.3 million fish with the 1999 year class estimated at 37.3 million fish and the

Draft Addendum for Board Review

2011 year class estimated at 68.9 million fish. The 2011 year class is dominant in the northern area (north of Hudson Canyon) and less so in the southern area (south of Hudson Canyon).

Based on the stock assessment, the Board and Council set the 2017 RHL at 4.29 million pounds, an increase of over 52% from the 2016 RHL. Biomass is projected to decline in 2018 as the strong 2011 year class exits the fishery. Consequently, the Board and Council set the 2018 RHL at 3.66 million pounds, an approximate 15% reduction from the 2017 RHL.

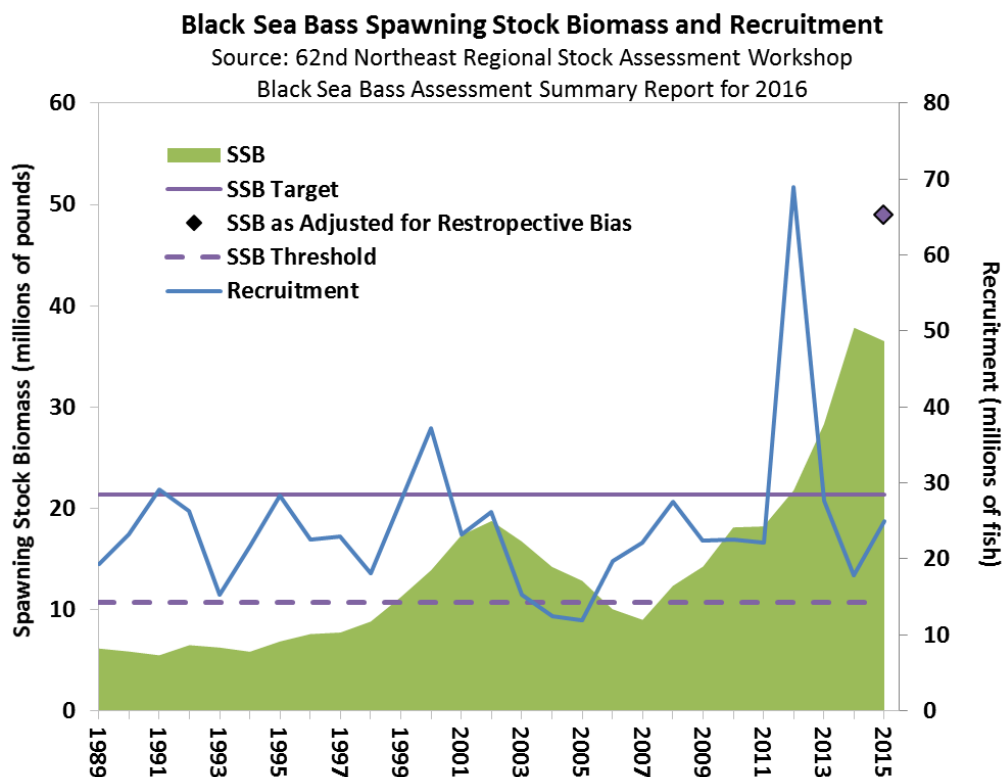


Figure 3. Black Sea Bass SSB and recruitment at age 1 by calendar year.

3.0 Proposed Management Program

The Board needs to consider management measures for the 2018 recreational black sea bass fishery that will constrain harvest to the 2018 RHL. In doing so, the Board is considering alternate approaches for managing the fishery.

The following options were developed from the May 2017 Board motion with guidance from the Black Sea Bass Recreational Working Group. While the motion referenced one-state regions as part of the suite of options to be considered, the Working Group advised against this approach. Thus, it is not included as an option. The following options are only specific to Massachusetts through North Carolina; none of the options specifies management for the states of Maine and New Hampshire. To date, no recreational black sea bass harvest has been attributed to Maine, and only two years of modest harvest (2012 and 2013) have been

Draft Addendum for Board Review

attributed to New Hampshire. Neither state is expected to harvest a significant proportion of the RHL in 2018. Both states will maintain their status quo measures in 2018, and monitor their harvests, if any. If either state harvests a significant amount in 2018 or thereafter, the Board will consider their inclusion in the management program.

The Board is seeking public comment on each of the options included in the Draft Addendum. Public comments should indicate preference for the proposed management options:

- 1) coastwide versus regional management
- 2) basis for regional allocation of the RHL
- 3) regional alignment
- 4) timeframe used for allocation
- 5) consistency of management measures within a region
- 6) process for specification and evaluation of management measures
- 7) timeframe for the addendum provisions

A flow chart of decision points for all of the management options is included in Appendix III, starting on page 23.

In October 2017, the Council and Board approved a motion to allow a February 2018 recreational black sea bass fishery for interested states in federal waters. Anglers would be limited to 15 fish per day at a minimum size of 12.5". States opting into this February 2018 fishery would be required to declare their participation by January 15, 2018 and specify how they will reduce harvest elsewhere in the year to account for their projected Wave 1 harvest. A preliminary estimate of the projected harvest, assuming all states participate, is 100,000 pounds. Appendix II outlines the allocation approach for the 2018 February fishery.

3.1 Management Options

3.1.1 Default Management Program (Coastwide Measures)

For 2018, coastwide measures (size limit, possession limit, and season length) would be specified to constrain recreational harvest to the RHL. These coastwide measures would be implemented in both state and federal waters.

NOAA Fisheries would also open federal waters during February 1–28, 2018 at a 12.5" size limit and 15 fish possession limit. States that participate in the February 2018 fishery by also adopting these rules would be required to adjust their regulations for the remainder of the fishing year to account for their projected harvest during February (see Appendix II, Table 1).

Note: If the default management program is selected by the Board and Council, Addendum XXX is no longer needed.

Draft Addendum for Board Review

3.1.2 Regional Allocation of Annual RHL

For 2018, exploitable biomass and historical harvest, or historical harvest alone (Section 3.1.2.1) within a specified timeframe (Section 3.1.2.3) would determine allocation of the RHL to specified regions (Section 3.1.2.2). The states in each region would be collectively responsible for developing measures that constrain harvest to their allocation, and account for any state participation in the February 2018 fishery. Consistency in management measures for states within a region would need to be specified (Section 3.1.2.4). Regional proposals would be submitted for the Board's consideration and approval following the 2018 ASMFC Winter Meeting. For 2018, measures would be specified through the status quo process of adjusting to the coastwide RHL based on MRIP harvest estimates; for 2019, an option is set forth that would allow for evaluation and specification based on achieving the coastwide recreational annual catch limit (ACL) (Section 3.1.3).

3.1.2.1 Options for Allocation of the RHL

A) Regional allocation based on historical harvest

Under this option, recreational harvest estimates from MRIP in numbers of fish would be used to determine each regional allocation of the annual RHL. Allocation of the RHL would be proportional to the average estimated harvest of the specified region (Section 3.1.2.2) across a specified timeframe (Section 3.1.2.3). See tables A1-A6 in Appendix I for the resulting regional allocations and example management measures.

B) Regional allocation based on exploitable biomass and historical harvest

Under this option, the recreational management of black sea bass in the management unit will be split into three regions. The northern region would include the states of Massachusetts through New York; New Jersey would constitute a stand-alone region; and the southern region would include the states of Delaware through North Carolina north of Cape Hatteras. **NOTE: If this option is selected, only option B under Section 3.1.2.2, Regional Alignment, would apply.**

The annual RHL would be allocated initially between the northern and southern regions, with the southern region including New Jersey, based on a time-series average of *exploitable biomass* produced from the 2016 benchmark stock assessment. The estimates of exploitable biomass are derived from the assessment's recreational catch per angler (CPA) effort data, divided by the catchability coefficient (q), for each region. Then, New Jersey's portion of the southern region's *historical harvest* would be applied to the southern region allocation to establish New Jersey's allocation of the coastwide RHL, with the balance constituting the southern region's (DE-NC) allocation of the coastwide RHL. See Tables B1 and B2 in Appendix I for the resulting regional allocations and example management measures.

This option provides an alternative to sole reliance on recreational harvest estimates to determine allocations. In recent years, there have been changes to how harvest

Draft Addendum for Board Review

estimates have been calculated. Additionally, harvest is in part a product of the regulations that have been in place. This approach seeks to address changes in both the resource's distribution and abundance, and the avidity of the recreational angling community targeting black sea bass. A strictly biomass-based allocation approach for New Jersey is not currently possible with the available scientific information. This hybrid approach (using exploitable biomass and also historical harvest for the states of NJ-NC) recognizes that New Jersey waters essentially straddle the biomass partition at Hudson Canyon, and assumes that New Jersey's harvest levels over time bear some relation to the exploitable biomass available to New Jersey anglers.

3.1.2.2 Regional Alignment

The following options would specify the alignment for regional allocation in 2018. (Regional allocation scenarios under the regional alignment and timeframe combinations are included in Appendix I.)

NOTE: Because individual states may opt into the February 2018 recreational fishery, some states within affected regions may have two sets of measures: those specific to the February fishery and those for the remainder of the year. States declaring participation in the February 2018 fishery would need to make such a declaration by January 15, 2018, and factor their participation (i.e. projected harvest) into the development of proposals for Board consideration and approval following the 2018 ASMFC Winter Meeting.

- A) 2 Regions:** Massachusetts through New Jersey (northern region); and Delaware through North Carolina north of Cape Hatteras (southern region). This regional alignment was in place during ad-hoc regional management (2012-2017), and thus constitutes the status quo regional alignment. Regions were based on both amount of harvest and area of harvest (state vs federal waters).
- B) 3 Regions:** Massachusetts through New York (northern region); New Jersey as a state-specific region (New Jersey Region); and Delaware through North Carolina north of Cape Hatteras (southern region). This regional alignment is based in part on the results of the 2016 benchmark stock assessment, which indicated different levels of abundance for black sea bass north of Hudson Canyon. As the demarcation line of abundance is not fixed, this regional alignment seeks to allow New Jersey to set state level measures to address spatial variation in size and abundance of black sea bass along the New Jersey coast.
- C) 4 Regions:** Massachusetts through Rhode Island (northern region); Connecticut through New York (Long Island Region); New Jersey as a state-specific region (New Jersey Region); and Delaware through North Carolina north of Cape Hatteras (southern region). This regional alignment is aimed at achieving generally consistent measures between neighboring states and within shared water bodies.

Draft Addendum for Board Review

3.1.2.3 Timeframe for specifying regional allocation

Data from one of the following timeframe options would be used to set the allocations relative to the 2018 RHL, for either the exploitable biomass-based or harvest-based allocation approaches. The option would specify the timeframe for calculating regional average CPA (for the exploitable-biomass-based approach), or regional average harvest (for the harvest-based approach). The following timeframes were determined by the Recreational Working Group to encompass harvest information from two recent time periods to reflect current harvest trends. 2016 was excluded from the timeframe options due to uncertainty in 2016 MRIP harvest estimates, and 2015 being the terminal year of the stock assessment.

A) 2006-2015 (10 years)

B) 2011-2015 (5 years)

3.1.2.4 Management measures within a region*

A) Uniform regulations within a region: The states within a region must implement a set of uniform management measures (size limit, possession limit, and season length). (**NOTE:** This option is only viable if no states participate in the February 2018 recreational fishery or all states within a region participate and evenly share accountability for the projected harvest.)

B) Regulatory standard with conservation equivalency allowed: A uniform set of regulations would be developed for a region (a regulatory standard). States within the region could then submit proposals to implement alternative measures deemed conservationally equivalent to the regulatory standard, although management measures may not exceed a difference of more than 1" in size limit, 3 fish in possession limit, and 30 days in season length (refers to total number of days) from the regulatory standard.

*As noted above, some states may have two sets of measures depending on their participation in the February 2018 recreational black sea bass fishery.

3.1.3 Specification and evaluation of measures

A) Status Quo

Recreational measures would be set annually based on the most current year's projected harvest and fishery performance to manage harvest in the subsequent year to the regional allocation of the RHL (i.e., projected 2017 harvest used to achieve 2018 RHL; and 2018 projected harvest used to achieve 2019 RHL).

Draft Addendum for Board Review

For 2018

December 2017- January 2018: Public comment period

February 2018: The Board considers approval of Addendum XXX at the 2018 ASMFC Winter Meeting. If Section 3.1.2, Regional Allocation of the RHL, is selected with specified regional alignment, timeframe, and management measures consistency, the states would collectively develop regional proposals for their 2018 management measures, and submit them for Technical Committee review following the Winter Meeting. The Board would then consider and approve the regional proposals. If states within a region are unable to reach consensus on regional proposals, the measures for the region will be specified by the Board, based on guidance from the Technical Committee.

States would go through the implementation process to set 2018 regional management measures prior to the start of the Wave 3 (May 1, 2018) recreational fishing season.

For 2019 and thereafter

The states within a region would collectively develop management measures to achieve their regional allocation of the RHL prior to the beginning of the recreational fishing season. The Board may specify provisions of the regional management measures, such as how much they may change (i.e., size limit, possession limit, season length) from year to year in order to achieve the regional harvest allocation.

B) Adjusting management measures to the ACL

Given uncertainty in MRIP harvest estimates, this option proposes a change from the status quo method of annually evaluating recreational fishery performance based only on harvest against the RHL. It proposes a performance evaluation process that better incorporates biological information and efforts to reduce discard mortality into the metrics used for evaluation and management response by evaluating fishery performance against the ACL. This option seeks to integrate information from the 2016 assessment into the management process, enhance the angling experience of the recreational community, improve the reporting of recreational information, and achieve meaningful reductions in discard mortality to better inform management responses to changes in the condition of the resource.

Initially, recreational measures would be specified based on the most current year's projected *harvest* and fishery performance to manage *harvest* in the subsequent year to the regional allocation of the *RHL* (i.e., projected 2017 harvest used to achieve 2018 RHL). Starting in 2019, measures would be specified based on the most current year's projected *catch* (including harvest and discards) and fishery performance to manage

Draft Addendum for Board Review

catch in the subsequent year to the regional allocation of the ACL (i.e., 2018 projected catch used to achieve 2019 ACL).

For 2018

December 2017- January 2018: Public comment period

February 2018: The Board considers approval of Addendum XXX at the 2018 ASMFC Winter Meeting. If Section 3.1.2, Regional Allocation of the RHL, is selected with specified regional alignment, timeframe, and management measures consistency, the states would collectively develop regional proposals for their 2018 management measures, and submit them for Technical Committee review following the Winter Meeting. The Board would then consider and approve the regional proposals. If states within a region are unable to reach consensus on regional proposals, the measures for the region will be specified by the Board, based on guidance from the Technical Committee.

States would go through the implementation process to set 2018 regional management measures prior to the start of the Wave 3 (May 1, 2018) recreational fishing season.

In addition, states would develop proposals to implement improved data collection and compliance, and reduced discard mortality, for both private anglers and state-permitted for-hire vessels¹ recreationally targeting black sea bass. State proposals would need to demonstrate that by the 2020 fishing season, significant improvements would be achieved in the following five parameters:

- 1) Biological sampling (length and weight)
- 2) Reduction in refusal rates of dockside MRIP intercepts/interviews
- 3) Discard composition information (i.e., reason discarded, length)
- 4) Reduction in discarding relative to 2010-2015
- 5) Improved compliance with management measures

For 2019 and thereafter

The states within a region would collectively develop management measures to achieve their regional allocation of the RHL prior to the beginning of the recreational fishing season. The Board may specify provisions of the regional management measures, such as how much they may change (i.e., size limit, possession limit, season length) from year to year in order to achieve the regional harvest allocation.

¹ Effective March 12, 2018 as federally permitted for-hire vessels are required to submit electronic Vessel Trip Reports (VTRs) electronically and within 48 hours of ending a fishing trip (reporting all trips and all fish). VTRs from federally permitted vessels are required to report all fish kept or discarded (not just fish the vessel is permitted for) and for all fishing-related trips the vessel conducts. <http://www.mafmc.org/newsfeed/2017/mid-atlantic-for-hire-vessel-permitting-and-reporting-electronic-only-submission-requirement-starts-march-12-2018>

Draft Addendum for Board Review

Fishery performance would be evaluated relative to the ACL. If the coastwide ACL is not exceeded in the previous year, states may demonstrate that maintaining current or similar management measures will constrain total catch to the ACL for the following year. This analysis must be prepared before the Joint ASMFC/MAFMC meeting annually scheduled in December to set recreational specifications for the upcoming year.

If the coastwide ACL has been exceeded in the previous year, it will then be evaluated against a 3-year moving average of the ACL. If the ACL overage exceeds the 3-year moving average of the ACL, the states within a region will develop proposals to reduce their recreational management measures (bag, size, and seasonal limits) for the following year, based on available catch data. These adjustments would take into account the performance of the measure and conditions that precipitated the overage.

The Board will also annually review progress made by the states regarding achievement of the five parameters addressed by the state proposals to improve data and reduce discards.

3.2 Timeframe for Addendum provisions

A) 2 years (2018-2019)

All of the options selected in Section 3.1 would constitute the management program for 2018. The Board could take action, through a Board vote, to extend the management program as specified in the addendum for one year, expiring at the end of 2019. After 2019, measures would revert back to the FMP status quo of coastwide measures.

B) 3 years (2018-2020)

All of the options selected in Section 3.1 would constitute the management program for 2018. The Board could take action, through a Board vote, to extend the management program as specified in the addendum for up to two years, expiring at the end of 2020. After 2020, measures would revert back to the FMP status quo of coastwide measures.

4.0 Compliance

TBD

Draft Addendum for Board Review

Appendix I. Regional Allocation Scenarios

PLEASE NOTE: Each option in the addendum includes an example of state regulations that could be implemented to achieve the regional allocation of the RHL. These are just examples, and are based on preliminary 2017 data. The states and/or Technical Committee would develop the actual regulations using updated harvest estimates for state adoption following the finalization of the Addendum, subject to Board approval.

Section 3.1.2.1, Option A: Regional allocation based on historical harvest²

1) 2 Regions: Massachusetts through New Jersey (northern region); Delaware through North Carolina north of Cape Hatteras (southern region).

Table A1. Time Series Option “A” 2006-2015 harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	3,439,611	14,964,052	91.19% (90.01%)*	3.66 million lbs	3,339,267 (3,332,685)*	3,910,840	-14.62%	15"	5	219
RI	1,009,319									
CT	1,059,646									
NY	4,342,265									
NJ	5,113,211									
DE	454,274	1,445,602	8.81% (8.99%)*	3.66 million lbs	322,611 (329,193)*	257,943	25.07%	12.5"	15	225
MD	491,303									
VA	403,912									
NC	96,113									
Grand Total	16,409,654		100.00%							

*Value that went out for public comment (in parentheses) differs from updated value based on most current data

Table A2. Time Series Option “B” 2011-2015 harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	1,805,993	7,740,526	93.37%	3.66 million lbs	3,418,989	3,910,840	-12.577%	15"	5	227
RI	675,572									
CT	956,704									
NY	229,480									
NJ	200,745									
DE	166,437	549,896	6.63%	3.66 million lbs	242,889	257,943	-5.84%	12.5"	15	195
MD	236,302									
VA	101,900									
NC	45,257									
Grand Total	8,290,422		100.00%							

² Please Note: Harvest from New Hampshire is <1% of the coastwide total harvest in these time series, and is not considered in the coastwide harvest used for regional allocation. Projected harvest for 2017 was based on preliminary 2017 data through wave 5 by assuming the same proportion of catch and landings in 2016.

Draft Addendum for Board Review

- 2) 3 Regions: Massachusetts through New York (northern region); New Jersey as a state-specific region (New Jersey Region); Delaware through North Carolina north of Cape Hatteras (southern region).

Table A3. Time Series Option "A" 2006-2015 harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	3,439,611	9,850,841	60.03% (59.81%)*	3.66 million lbs	2,198,225 (2,190,257)*	2,496,841	-11.96%	15"	5	107
RI	1,009,319									
CT	1,059,646									
NY	4,342,265									
NJ	5,113,211	5,113,211	31.16% (31.20%)*		1,141,041 (1,142,428)*	1,413,999	-19.30%	12.5"	w3: 10 w4: 2 w5-6: 15	137
DE	454,274	1,445,602	8.81% (8.99%)*		322,611 (329,193)*	257,943	25.07%	12.5"	15	225
MD	491,303									
VA	403,912									
NC	96,113									
Grand Total	16,409,654		100.00%							

*Value that went out for public comment (in parentheses) differs from updated value based on most current data

Table A4. Time Series Option "B" 2011-2015 Harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	1,805,993	5,733,074	69.15%	3.66 million lbs	2,532,298	2,496,841	1.42%	15"	5	126
RI	675,572									
CT	956,704									
NY	2,294,805									
NJ	2,007,452	2,007,452	24.21%		886,691	1,413,999	-37.29%	13"	w3: 10 w4: 2 w5-6: 10	131
DE	166,437	549,896	6.63%		242,889	257,943	-5.84%	12.5"	15	195
MD	236,302									
VA	101,900									
NC	45,257									
Grand Total	8,305,900		100.00%							

Draft Addendum for Board Review

3) 4 Regions: Massachusetts through Rhode Island (northern region); Connecticut through New York (Long Island Region); New Jersey as a state specific region (New Jersey Region); Delaware through North Carolina north of Cape Hatteras (southern region).

Table A5. Time Series Option “A” 2006-2015 Harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	3,439,611	4,448,930	27.11%	3.66 million lbs	992,735 (979,221)*	1,008,198	-1.53%	15"	5	114
RI	1,009,319		(26.74%)*							
CT	1,059,646	5,401,911	32.92%		1,205,490 (1,211,036)*	1,488,642	-19.02%	15"	5	99
NY	4,342,265		(33.07%)*							
NJ	5,113,211	5,113,211	31.16% (31.20%)*		1,141,041 (1,142,428)*	1,413,999	-19.30%	13"	w3: 10 w4: 2 w5-6: 10	155
DE	454,274	1,445,602	8.81% (8.99%)*		322,611 (329,193)*	257,943	25.07%	12.5"	15	225
MD	491,303									
VA	403,912									
NC	96,113									
Grand Total	16,409,654		100.00%							

** Value that went out for public comment (in parentheses) differs from updated value based on most current data

Table A6. Time Series Option “B” 2011-2015 Harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	1,805,993	2,481,565	29.93%	3.66 million lbs	1,096,107	1,008,198	8.72%	15"	5	126
RI	675,572									
CT	956,704	3,251,509	39.22%		1,436,191	1,488,642	-3.52%	15"	5	125
NY	2,294,805									
NJ	2,007,452	2,007,452	24.21%		886,691	1,413,999	-37.29%	12.5"	w3: 10 w4: 2 w5-6: 10	122
DE	166,437	549,896	6.63%		242,889	257,943	-5.84%	12.5"	15	195
MD	236,302									
VA	101,900									
NC	45,257									
Grand Total	8,305,900		100.00%							

Draft Addendum for Board Review

Section 3.1.2.1, Option B: Regional allocation based on exploitable biomass and historical harvest

Table B1: Regional Allocation based on Exploitable Biomass and Historical Harvest for 2006-2015

Region	Time series average (2006-2015) CPA by Region	Catchability coefficient (q) scaler (For entire time series)	Regional Allocation % under time series 2006-2015		2018 RHL	Regional Allocation under time series 2006-2015 (lbs)		Projected 2017 Harvest (lbs)	% Change from 2017 harvest to 2018 Allocation	Potential Management		
										Min. Size Limit	Bag Limit (# fish)	Season (# of days)
North: MA-NY	1.09 fish per trip	0.0000528	57%		3.66 million pounds	2,087,270		2,496,841	-16.40%	15"	5	102 (144)**
South: NJ	1.87 fish per trip	0.0001197	43%	78.0%* (77.6%)**		1,574,608	1,228,194 (1,221,895)*	1,413,999	-13.14%	12.5"	w3: 10	140
South: DE-NC				22.0%* (22.4%)**			346,414 (352,712)*				257,943	

Table B2: Regional Allocation based on Exploitable Biomass and Historical Harvest for 2011-2015

Region	Time series average (2011-2015) CPA by Region	Catchability coefficient (q) scaler (For entire time series)	Regional Allocation % under time series 2011-2015		2018 RHL	Regional Allocation under time series 2011-2015 (lbs)		Projected 2017 Harvest (lbs)	% Change from 2017 harvest to 2018 Allocation	Potential Management		
										Min. Size Limit	Bag Limit	Season (# of days)
North: MA-NY	1.51 fish per trip	0.0000528	65.7%		3.66 million pounds	2,405,854		2,496,841	-3.64%	15"	5	119 (185)**
South: NJ	1.78 fish per trip	0.0001197	34.3%	78.5%*		1,256,024	985,979	1,413,999	-30.27%	12.5"	w3-5: 10	w3: 10
South: DE-NC				21.5%*			270,045				257,943	4.69%

* Proportion of southern region allocation based on historical harvest

** Value that went out for public comment (in parentheses) differs from updated value based on most current data

Draft Addendum for Board Review

Appendix II. Management of February 2018 fishery

Table 1. Allocation of February 2018 Fishery 100,000 pounds

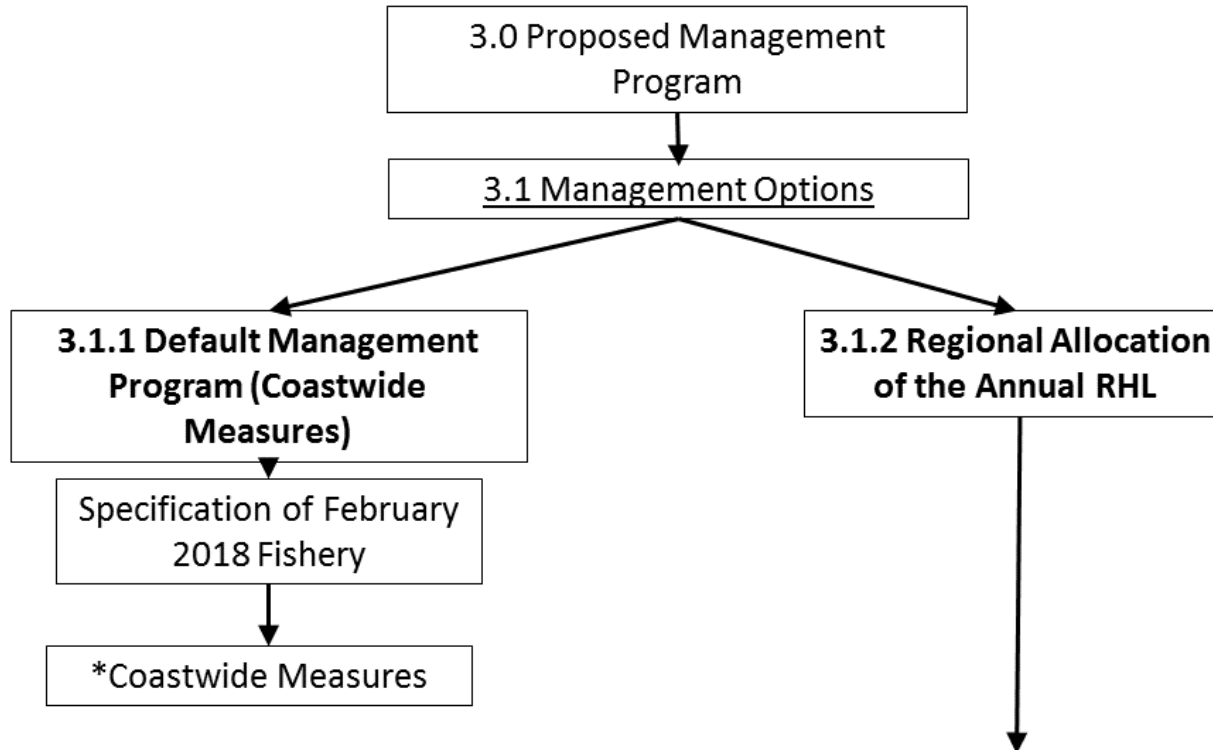
State	Proportion of Wave 1 Harvest	Allocation of Wave 1 100,000 pounds in weight
RI	0.29%	288
CT	0.06%	57
NY	9.41%	9,410
NJ	82.85%	82,850
DE	1.30%	1,297
MD	0.54%	541
VA	5.50%	5,496
NC	0.06%	62
Total	100.00%	100,000

The above table gives each state's proportion of total harvest during wave 1, based on wave 1 landings data from 1996-2009 and 2013. Per the Board and Council decision, the 100,000 pounds allowed for the February 2018 fishery will be allocated to the participating states based on these average proportions.

Draft Addendum for Board Review

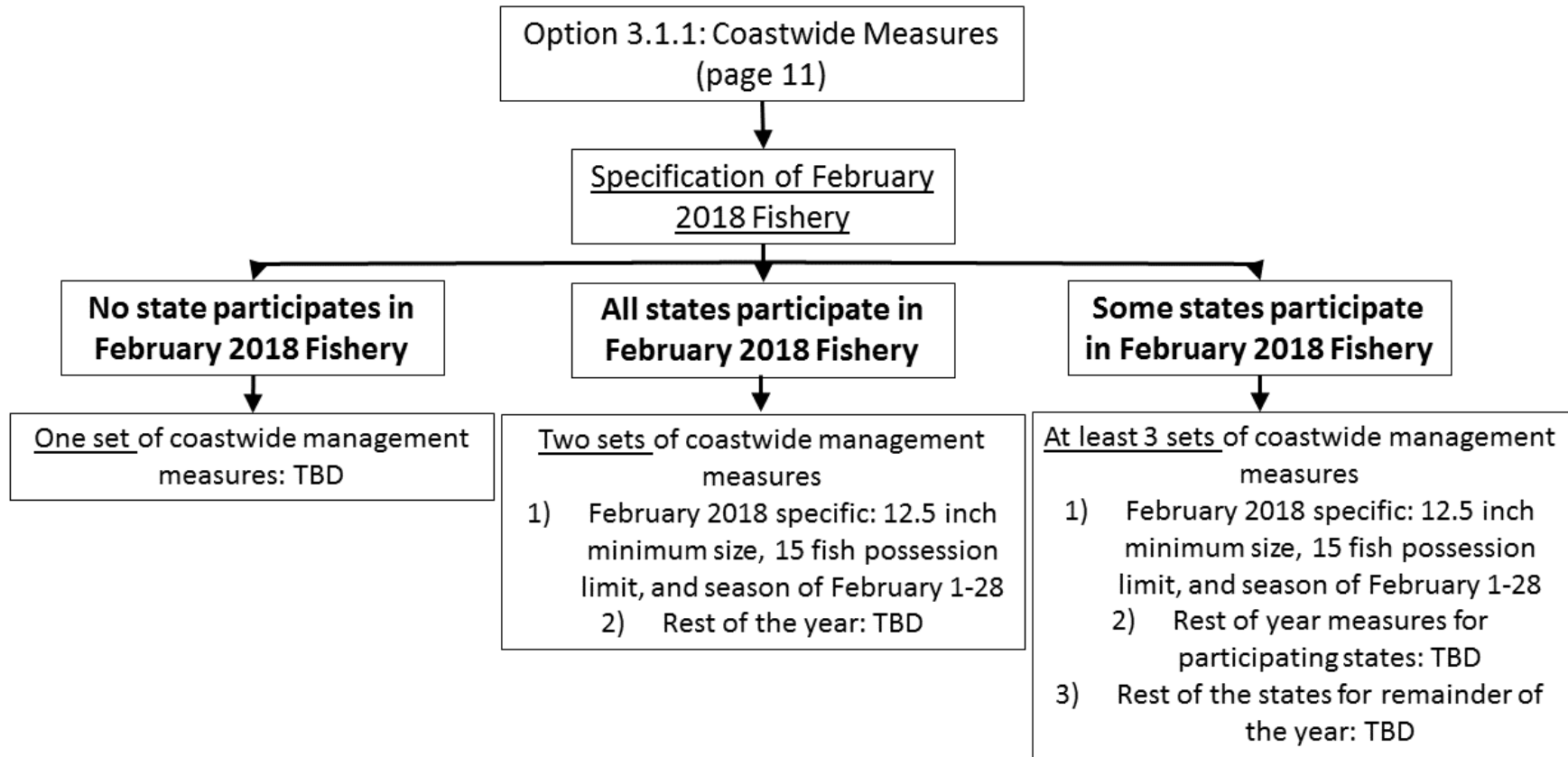
Appendix III. Decision Tree for Draft Addendum XXX Options

ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (1/6)



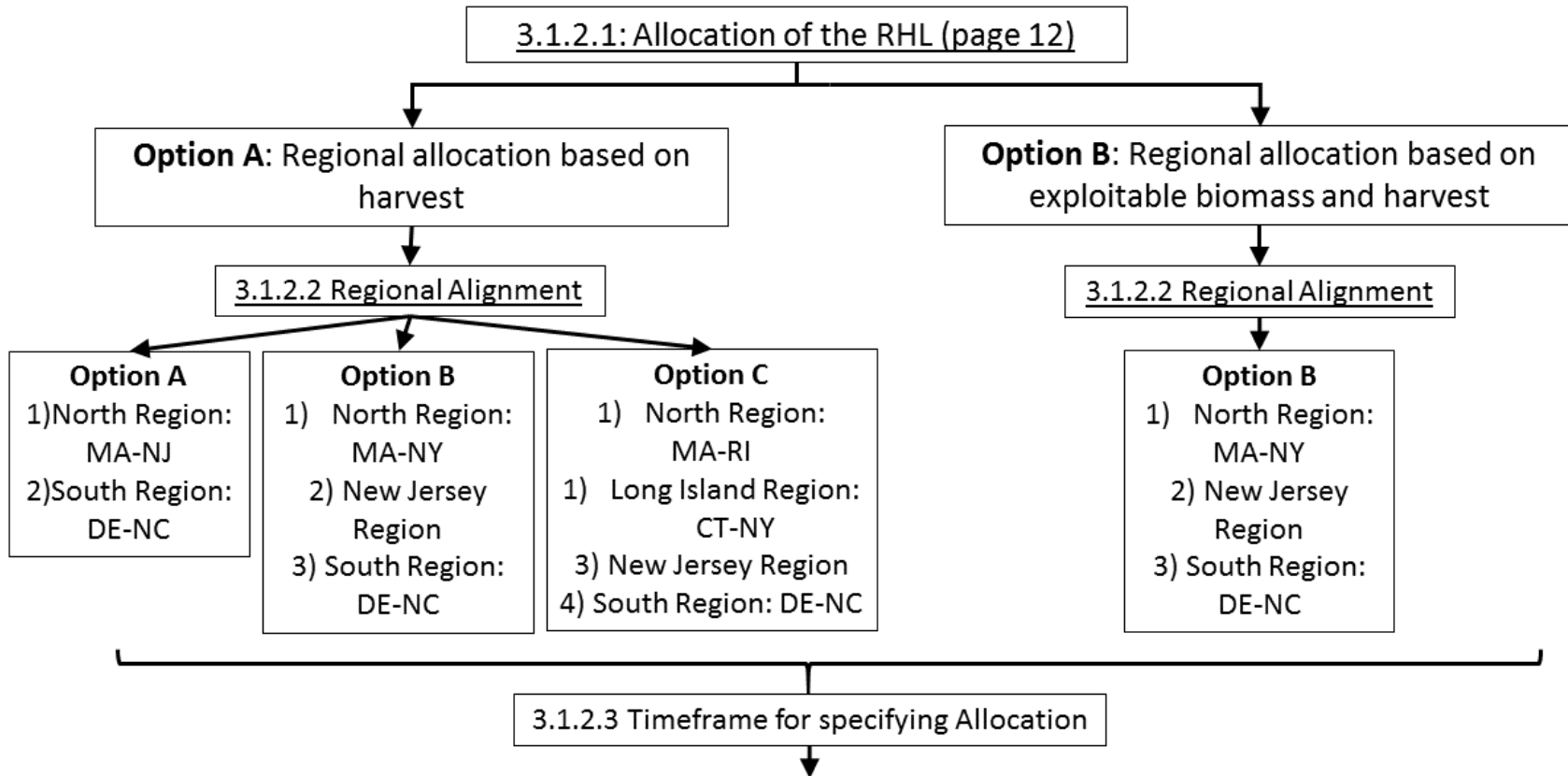
Draft Addendum for Board Review

ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (2/6)



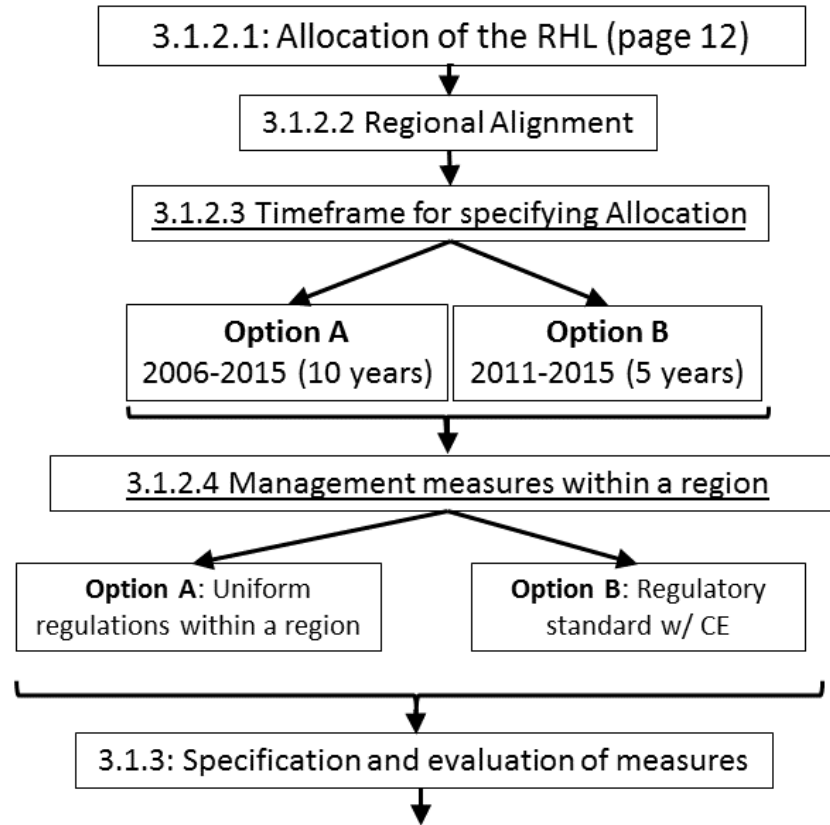
Draft Addendum for Board Review

ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (3/6)



Draft Addendum for Board Review

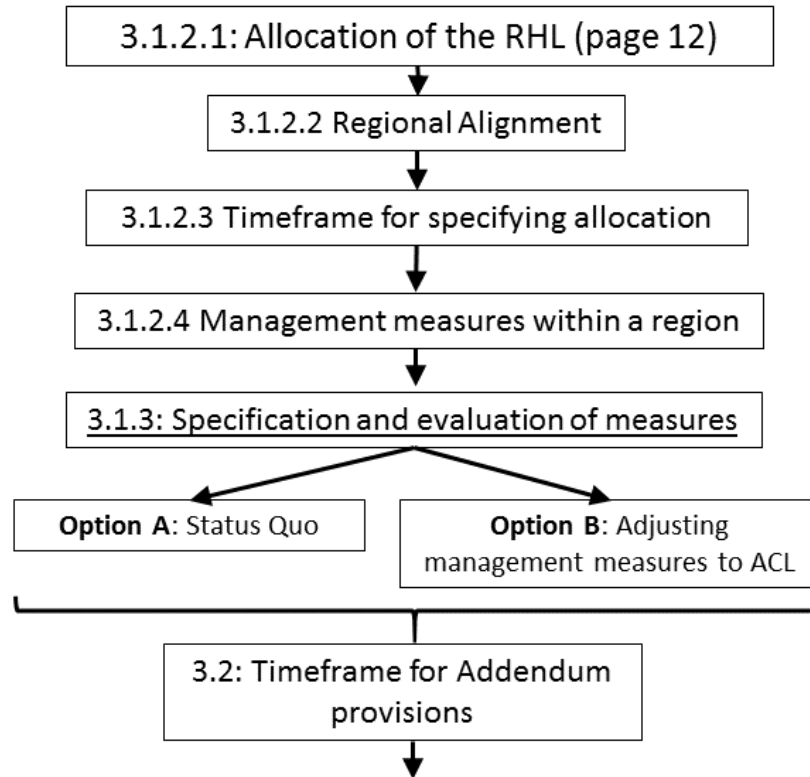
ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (4/6)



4

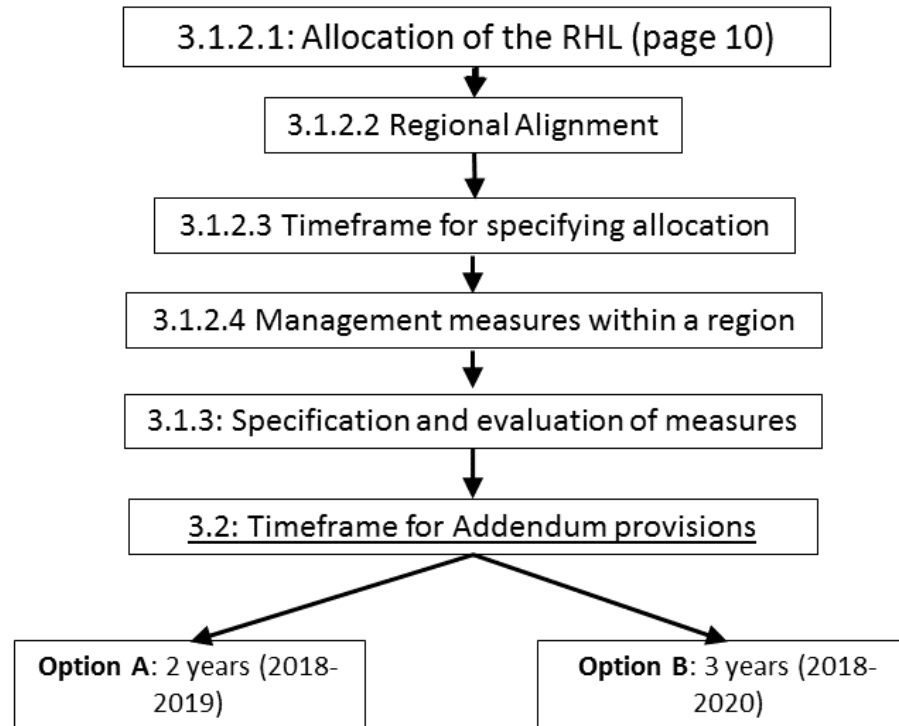
Draft Addendum for Board Review

ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (5/6)



Draft Addendum for Board Review

ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (6/6)



6



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

TO: Summer Flounder, Scup, Black Sea Bass Management Board

FROM: Caitlin Starks, FMP Coordinator

DATE: January 29, 2018

SUBJECT: Public Comment on Black Sea Bass Draft Addendum XXX

The following pages represent a summary of all comments received by ASMFC on Black Sea Bass Draft Addendum XXX as of 5:00 PM (EST) on January 22, 2018 (closing deadline).

A total of 54 comments were received on Draft Addendum XXX from individuals, organizations, and through form letters. A total of 8 organizations submitted comments on Draft Addendum XXX. In addition, 12 comments were received through 1 form letter. The remainder of comments (34) generally came from individual stakeholders, including charter boat captains, recreational anglers, and concerned citizens.

Public hearings were held in eight jurisdictions: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and Virginia. 111 individuals are estimated to have attended the hearings, and an estimated 87 of these individuals provided comments.

The following tables (pages 2-5) are provided to give the Board an overview of the support for specific management options contained in the Draft Addendum. Summaries of the public hearings can be found next, in order from North to South. These are followed by form letters with total petitioner count, letters sent by organizations, letters sent by individuals, and emails received from both organizations and individuals.

M18-13

Public Comment Summary Tables

Addendum XXX		
3.1 Management Program		
	Option A	Option B
	3.1.1 Default (Coastwide Measures)	3.1.2 Regional Allocation of the RHL
Individual		7
Organization		4
Form Letter		
Hearings		
MA	1	21
RI		13
CT		3
NY		9
NJ		11
DE		5
MD		17
VA		3
TOTAL	1	93

Addendum XXX		
3.1.2.1 Basis for Allocation of the RHL		
	Option A	Option B
	Based on harvest	Based on exploitable biomass and harvest
Individual	3	6
Organization	2	3
Form Letter		
Hearings		
MA	1	22
RI		
CT	1	2
NY	9	
NJ	3	8
DE		5
MD		17
VA		3
TOTAL	19	66

Addendum XXX			
3.1.2.2 Regional Alignment			
	Option A	Option B	Option C
	2 Regions	3 Regions	4 Regions
Individual	2	4	1
Organization	2	2	
Form Letter			
Hearings			
MA	1	22	2
RI	14	14	
CT		2	
NY		9	
NJ	2	7	4
DE		5	
MD		17	
VA		3	
TOTAL	21	85	7

Addendum XXX		
3.1.2.3 Timeframe for specifying Allocation		
	Option A	Option B
	2006-2015	2011-2015
Individual	1	6
Organization	1	3
Form Letter		
Hearings		
MA		25
RI		14
CT		2
NY		9
NJ	11	
DE	3	
MD	14	
VA	3	
TOTAL	33	59

Addendum XXX		
3.1.2.4 Management Measures within a Region		
	Option A	Option B
	Uniform regulations within a region	Regulatory standard with CE
Individual	1	5
Organization	0	3
Form Letter		
Hearings		
MA	1	24
RI		10
CT		3
NY	2	2
NJ		10
DE	5	
MD	1	14
VA		1
TOTAL	10	72

Addendum XXX		
3.1.3 Specification and Evaluation of Measures		
	Option A	Option B
	Status Quo	Adjusting Management Measures to ACL
Individual		6
Organization		4
Form Letter		
Hearings		
MA		24
RI		
CT		
NY		1
NJ		11
DE		5
MD		15
VA		1
TOTAL	0	67

Addendum XXX		
3.2 Timeframe for Addendum Provisions		
	Option A	Option B
	Up to 2 Years	Up to 3 Years
Individual	1	1
Organization	2	0
Form Letter		
Hearings		
MA	1	18
RI	*	*
CT	1	1
NY	1	3
NJ	10	1
DE		5
MD		15
VA		3
TOTAL	16	47

* 14 participants recommended Addendum in place for 1 year only, expiring at end of 2018

Black Sea Bass Draft Addendum XXX Public Hearing

Buzzards Bay, Massachusetts

January 9, 2018

32 Participants

Additional Staff: Caitlin Starks (ASMFC), Nichola Meserve (MA DMF), Raymond Kane, Daniel McKiernan (MA DMF), Dr. David Pierce (MA DMF), Tiffany Cunningham (MA DMF), Robert Glenn (MA DMF), John Boardman (MA DMF), Ross Kessler (MA DMF), Paul Nitschke (NEFSC), Gary Shepherd (NEFSC), Bill Duffy (NOAA), Pat Moran

3.1 Management Program

→ 21 support Option 3.1.2

- 21 participants supported Option 3.1.2, Regional Allocation of the RHL, while one participant supported Option 3.1.1 for coastwide measures. A few others did not give a preference for one option or the other.

3.1.2.1 Basis for Allocation

→ 22 support Option B

- 22 participants supported Option B, using exploitable biomass and harvest information to calculate the regional allocations of the RHL. One participant supported Option A, harvest information only, and the rest did not give a preference.

3.1.2.2 Regional Alignment

→ 22 support Option B

- 22 participants supported Option B, 3 regions. One participant supported Option A, and 2 supported Option C, while the rest did not express a preference. There were concerns raised by several participants about Massachusetts being in the same region as New York; they expressed concern that if New York were to harvest over the regional allocation, that Massachusetts would have to implement more restrictive measures as a result, and did not want to pay for New York's overharvest. Another participant commented that it should be possible to separate Massachusetts from the Northern region like New Jersey is separated from the Southern region in this alignment.

3.1.2.3 Timeframe for specifying allocation

→ 25 support Option B

- 25 participants supported Option B, the 5-year timeframe because they felt it was more reflective of the current distribution of the resource and increased abundance of black sea bass in the northern states. They also acknowledged that the 5-year timeframe

resulted in higher regional allocations in the North. No participants showed support for the 10-year timeframe.

3.1.2.4 Management measures within a region

→ 24 support Option B

- 24 participants supported Option B, a regulatory standard with conservation equivalency allowed. One supported uniform measures within a region. There were concerns expressed about having to align Massachusetts' season with other states' seasons, like New York's, because of differences in the timing of the greatest fishery participation at different times of the year. Many expressed that having to change their season to start as late as New York's would be problematic.

3.1.3 Evaluation and specification of measures

→ 25 support Option B

- 24 participants supported Option B, adjusting measures to the ACL, while no participants supported Option A, status quo. Support for this option was generally based on comments that the mortality rate used to calculate dead discards is higher than the local mortality rate in the Massachusetts recreational fishery because most of the fishing occurs in relatively shallow waters. Supporters felt that an opportunity to provide additional discard information to show this difference would be beneficial to Massachusetts.

3.2 Timeframe for Addendum provisions

→ 18 support Option A

- 18 participants supported Option A, up to 2 years (2018-2019). One supported Option B, up to 3 years. The remainder of the participants did not express a preference.

Additional comments:

- There is still not enough information about how the options would affect the fishing regulations to make an informed decision on these options.
- If New Jersey is able to be treated as a state specific region in the exploitable biomass option, Massachusetts should be able to be subdivided from the North region
- Concern that if Massachusetts is grouped in a region with New York, and New York goes over their harvest, that Massachusetts would be further restricted.
- The recreational fishery will keep going over the harvest limit if the RHL is not reflective of the real abundance of black sea bass; there is way more black sea bass than the RHL reflects.

- The squid fishery south of Nantucket is taking 20% in discards and this needs to be taken into account in the biomass estimates.
- There should be some provision that allows regions to hold individual states accountable and penalize states in a region for going over their share of the allocation.
- The mortality rate for Massachusetts is probably lower than the 15% mortality rate for recreational discards because the fishery happens in shallower waters.

**Draft Addendum XXX to the Black Sea Bass Fishery Management Plan for Public
Comment**

Atlantic States Marine Fisheries Commission

January 9, 2018

Massachusetts

-- PLEASE PRINT CLEARLY --

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Paul Johnson	Plymouth County Sportsmen	CARVER, MA
Bill Corrie	Cape Cod Salties	Bourne MA
James MacLese	"	Yarmouth MA
JACK CREIGHTON	CCSALTIES	YARMOUTH
KEN WHITING	CAPE COD SALTIES	HARWICH, MA
ED BURKE	CAPE COD SALTIES	West Yarmouth, MA
CHRIS WHITROW	N.L.F. Inc.	WARHAM, MA
Jim Tietje	Patriot Parby Boats	Falmouth, MA
MARK ALONGI	BBAC	Onset, MA
John Wait	recreational fishermen	Andover, MA
PAUL POTASH	Fish out CHARTERS	CHATHAM
STEVE BARR		SANDWICH MA
Michael Botelho	MJB Fishing Charters	Fairhaven MA.
Bill Dwyer	WCA	Falmouth
Bob Glenn	MA DMF	New Bedford
Tiffany Cunningham	MA DMF	New Bedford
John Boardman	MA DMF	New Bedford
Ross Kessler	MADMF + BBAC	New Bedford
Eric Abraham	Bourne Outer CHARTERS	FAIRHAVEN
Keith Roberts	Falmouth Fishermen's Association	Falmouth MA
Kristof Ketch	rec fisherman	Pocasset, MA
Pete KAIZER	AKTH eA K INC	NANTUCKET MA
Brian Boyson	Absolute Sport Fishing	NANTUCKET MA
ROBERT DeCOSTA	ARBAORE CHARTERS	NANTUCKET MA
Mike Harvey	EMMA TA CE CHARTERS	Yarmouth MA
Willy Hatch	MACHUCA CHARTERS	Falmouth, MA
Dennis Chapple	Predator Charters	Hyannis, Mass.
Gordon Campbell	Cape Cod fish .COM	Yarmouth, MA
Jeff Viaman	Bad Influence Sportfishing	Yarmouth MA
Joe Weinberg	Fish Hawk Fishing Corp	Hyannis, MA
Paul Nitschke	NEFC	Woods Hole MA

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Gary Shepherd	DEFSC	Woods Hole MA
Paul Casuso		Mussons Mills MA
Lynn DeKarsky		Onset MA
Kevin Slattery	FN MAUREEN ANN	ONSET MA
Tim Brady	Capt Tim Brady & Sons For Hire	Plymouth MA
George Enos	Malden E Sportfishery	Wardham, Ma
Mike Andrews	Fisherman - charter	Chatham MA
Gov ALLRED	LORI-ANN FISHERY	Hyannis MA

Black Sea Bass Draft Addendum XXX Public Hearing
Narragansett, Rhode Island
January 17, 2018
20 participants

Additional staff/Commissioners: Robert Ballou (RI Commissioner)

3.1 Management Program

- One individual noted that it's difficult, if not impossible, to offer meaningful comments on the choice between coastwide measures and regional management when there are no actual or proposed coastwide measures provided.
- **13 participants offered support for Option 3.1.2 (regional management)**
- No one offered support for Option 3.1.1 (coastwide measures)

3.1.2.1 Basis for Allocation

- One individual commented that, while Option B has merit, it needs further development, and should be revisited via a new Addendum initiated right away. For 2018, a status quo approach (ad hoc regional management) should be adopted.

3.1.2.2 Regional Alignment

- **14 participants offered support for either Option A or Option B, and all 14 were expressly opposed to Option C**

3.1.2.3 Timeframe for Specifying Alignment

- **14 participants offered support for Option B**
- No one offered support for Option A

3.1.2.4 Management Measures Within a Region

- **10 participants offered support for Option B**
- 1 of the 10 conditioned his support on the need to liberalize the 30-day limitation in season-length variation
- Another 1 of the 10 conditioned his conceptual support for the approach set forth by Option B with the comment that measures within a region should not be prescribed. Neighboring states within a region may have much different fisheries, and those states should be allowed to tailor their regulations to accommodate their needs. Regions should be encouraged to do the best they can to have consistent regulations, but prescribing them is wrong. A more open-ended approach to conservation equivalency is recommended.

3.1.3 Specification and evaluation of measures

- One participant noted that document should not refer to "constraining harvest to the RHL"; instead, it should say "to achieve the RHL." Likewise, the document should not refer solely to overages that exceed the ACL; instead it should also address underages that fall below the ACL, as has been the case for the southern states.

- Another participant noted that he was not opposed to Option B, but feels that it needs to be further vetted via a new Addendum.

3.2 Timeframe for Addendum Provisions

- No one offered support for either Option A or Option B
- **14 participants recommended that the Addendum should expire at the end of 2018**, and thus be for one year only.

General Comments:

- One individual commented on a range of issues, summarized as follows:
 - The draft Addendum should have included an option for one-state regions, consistent with the original Board motion. Every state has different needs, e.g., MA needs black sea bass in wave 3 because they are mixed in with their scup fishery; RI, like other states, have a very important w5 and w6 fishery. States aren't pushing for consistent measures in the commercial black sea bass fishery, so why is there a push for consistency in the recreational black sea bass fishery?
 - No allocations should be based on MRIP data. When the new, recalibrated MRIP data becomes available, it should be used to evaluate the allocations between the recreational and commercial sectors. That said, if the Board decides to use MRIP data for recreational allocations, data from the most recent 5 years should be used.
 - Since the recreational black sea bass fishery became subject to regional management, the for-hire fleet has taken the biggest hit. Since 2008, the harvest by the private rec sector has surpassed the for-hire sector, with some 84% of the harvest now attributed to the private recreational sector. Previously, the for-hire fleet accounted for some 80% of the overall harvest. Yet there is nothing in the Addendum to address that imbalance.
 - RI needs the longest season possible, since black sea bass are encountered in almost all of the State's recreational fisheries. Closures result in significant increases in dead discards.
 - Most of the options in the draft Addendum seem to afford undue advantages for MA, and undue disadvantages for RI.
 - The options associated with Tables A2 or B2 seem to be most favorable for RI.
 - Status quo (ad hoc regional approach) is not even offered as an option, but until things are figured out, that is the most appropriate approach to take for 2018, and the Addendum should be for no longer than one year.
 - The Addendum is silent on the issue of accountability, i.e., what happens if a region exceeds its allocation. It's a key problem with the current system, yet it's not addressed in the Addendum.
 - The inequities that occur in federal waters off Block Island, whereby RI for-hire vessels are limited by RI's regulations, but vessels from NJ are able to fish pursuant to the more liberal federal measures is a concern. If NJ is placed in a stand-alone region, those inequities would continue in 2018.
- Another individual, speaking on behalf of the RI Party and Charter Boat Association, commented on a range of issues, summarized as follows:

- The draft Addendum is complicated and difficult to understand, particularly with regard to evaluating the different options vis-à-vis fishing opportunities for Rhode Islanders, while allowing the RHL to be achieved. Doesn't understand how the options would affect future management, and what affect the options would have on historical harvest in RI.
 - Lack of clarity regarding regional accountability.
 - A region that includes a large number of states might seem appealing, but it might not be if some states in the region have excessive harvests and others have limited harvests. The document is unclear as to what happens in that case.
 - Unreasonable to expect the public to offer meaningful comments given such uncertainties.
 - Board's intent in developing the range of options is appreciated, but meaningful decisions can't be made based on the document as written.
 - The draft Addendum should have included an option for one-state regions, consistent with the original Board motion.
 - As shown by Figure 2 in the document, since about 1996, recreational black sea bass management program has negatively affected the for-hire fleet relative to the private recreational sector. Since 2008, the harvest by the private recreational sector has surpassed the for-hire sector. Since some 84% of the harvest now attributed to the private recreational sector, why didn't the draft Addendum include new options that consider separate measures for the different sectors, aimed at slowing down the growth of the private recreational sector relative to the private recreational sector?
 - What is the process for addressing the incorporation of w6 data from 2017 and associated impacts?
 - Overall, the recreational black sea bass fishery is extremely important to RI. The RI community needs reasonable access to this healthy resource, and needs it now. RI needs a season that runs from June 1 to December 31. RI needs a minimum bag of 3 to 5 fish from June through September, and a minimum bag of 5 to 7 from September through December. 15 inches is an appropriate minimum size. As is the case with scup, a bonus for-hire season should also be considered.
- Another individual, speaking on behalf of the RI Saltwater Angler's Association, noted that he too felt the document was confusing, so much so that the organization is not yet able to comment meaningfully, but will attempt to do so via subsequent written comments. He went on to note that given the confusing nature of the document, and the associated lack of faith in the process, it's tempting to urge a return to status quo, i.e., ad hoc regional management.
 - Another individual noted that as a for-hire industry member, he is particularly concerned about the closure enacted in RI in 2017 during a portion of September and October, and strongly urges that that be addressed for 2018.
 - Another individual expressed concern and disappointment over the fact that stock status and the associated RHL for 2018 is based on the 2016 benchmark, which had 2015 as its terminal year. Given all indications that the stock is at an extremely high level of abundance,

management should be based on more updated science. He also noted that, as is the case in the commercial fishery, observers should be placed on recreational vessels to confirm the exceptionally high level of discard mortality that's occurring because of the unduly restrictive regulations.

Black Sea Bass Draft Addendum XXX Public Hearing

Old Lyme, Connecticut

January 10, 2018

6 Participants

Additional Staff: Caitlin Starks (ASMFC), Mark Alexander (CT DEEP), Sen. Craig Miner, Matthew Gates (CT DEEP), Greg Wojcik (CT DEEP), Colleen Giannini (CT DEEP), David Molnar (CT DEEP)

Note: Of the 6 participants present, 3 were actively participating and providing comment on Addendum XXX. The other three did not provide comments.

3.1 Management Program

→ 3 support Option 3.1.2

- 3 participants commented on their support of Option 3.1.2, regional allocation of the RHL, while none were in support of Option 3.1.1. There were some questions about what coastwide measures would look like if coastwide measures were put in place. One participant commented that regional management would be more reasonable for all of the states than coastwide measures. Another charter captain commented that it would be better for everyone to have New Jersey as their own region, which is why he supports regional management.

3.1.2.1 Basis for Allocation

→ 2 support Option B

- 2 participants supported Option B, exploitable biomass and harvest information. One angler commented that he thinks it is good to incorporate information on the shifting distribution of biomass in the black sea bass stock. A charter captain who also supported Option B commented that he does not have confidence in the MRIP data and believes it overestimates harvest from private angler; he supports Option B because it reduces the reliance on MRIP information. One charter captain supported Option A, harvest information only, commenting that while he does not have any confidence in the MRIP data, he prefers this option because the estimates are already known and will not change.

3.1.2.2 Regional Alignment

→ 2 support Option B

- 2 participants commented in support of Option B, three regions, because they preferred the allocation option based on exploitable biomass and harvest. One also commented that it allows New Jersey to be a separate region, which they prefer because NJ has different sized fish and because they do not want to be grouped in a region with NJ due to their management practices. The third participant did not specifically support either

option, but commented that Connecticut should be a separate region, because it is the only state that does not have access to ocean waters like the states around it.

3.1.2.3 Timeframe for specifying allocation

→ 2 support Option B

- 2 participants supported Option B, the 5 year timeframe. Both commented that a more recent timeframe is preferable because it is more reflective of current conditions of the stock and the fishery. Since the 2011 recruitment, the fishery has changed drastically with a significant increase in the abundance of black sea bass. The third participant did not express a preference for either option.

3.1.2.4 Management measures within a region

→ 3 support Option B

- All 3 participants supported Option B, a regulatory standard with conservation equivalency. One participant commented that this option would allow the states some flexibility to customize their measures to meet the specific nature of their state's fishery and angler preferences, and another agreed with this statement. Another comment explained that Connecticut's unique geography means they have access to black sea bass mostly from May to July, while New York and other states can access black sea bass offshore much later in the year. This option allows the states to fish at different times when they have access to the resource.

3.1.3 Evaluation and specification of measures

→ Participants did not have enough information to make a choice

- The participants generally felt that they did not understand the choices well enough to have a preference. There was a general discussion among the state staff regarding the requirements for additional data collection; CT DEEP staff was uncertain how they could make improvements without some guidance from the PDT on how to approach these tasks. One charter captain commented that anglers are scared to respond to the surveys because they feel that if they say they caught a lot of fish it is seen as overfishing, and if they did not catch many fish, it is seen as the resource being overfished.

3.2 Timeframe for Addendum provisions

→ 1 supports Option A, 1 supports Option B

- 1 person supported Option A and 1 supported Option B. The proponent of Option A (provisions in place for up to 2 years) commented that the addendum should not stay in place for up to 3 years because there is going to be new data and a new stock assessment in 2019, and that information might reshape what the stock looks like and should be incorporated into management as soon as it is available.

Additional comments:

- There have been drastic changes in the Long Island Sound ecosystem in the past 5 years. 2014 to present is drastically different from before in terms of what is being caught. The 2016 year class of black sea bass is displacing everything in LIS, so either the recreational fishermen need to exterminate them or accept them as the new normal fishery get the harvest limits to reflect the abundance.
- The stock biomass is very large and the recreational fishery should be allowed much more harvest.

Black Sea Bass Draft Addendum XXX Public Hearing

East Setauket, New York

January 11, 2018

11 Participants

Additional Staff: Caitlin Starks (ASMFC), Jim Gilmore (NYSDEC), John Maniscalco (NYSDEC)

3.1 Management Program

→ 9 support Option 3.1.2

- 9 of the 11 participants supported Option 3.1.2 for regional allocation of the RHL. One recreational fisherman commented that this approach provides an opportunity to rationalize black sea bass management. A few participants commented that seeing what the coastwide measures would look like would be helpful for commenting on that option.

3.1.2.1 Basis for Allocation

→ 9 support Option A

- 9 of the participants supported Option A, allocation based on historical harvest only. 4 chose this option because they wanted the combination of options that would lead to the most days in the season for New York. Another supported this option because it would allow for the 2 region alignment, which they felt would provide the most benefit to New York.

3.1.2.2 Regional Alignment

→ 9 support Option A

- 9 of the participants supported Option A, the 2 region alignment, while 2 others did not comment. Several participants felt this option would provide the most benefit to New York. One commented that having more states in a region would result in better estimates and lower PSEs for the MRIP regional harvest estimates. Another commented that they did not support New Jersey being a state-specific region. A representative of Montauk Boatmen's Association stated that different bag and size limits for New York and New Jersey would create unfair competition. One commented that the Board should look at the success of the scup plan, which groups the states with the most harvest into one region, and use a similar regional alignment for black sea bass. It was also noted that New York and western New Jersey fish on the same body of fish and should have the same regulations.

3.1.2.3 Timeframe for specifying allocation

→ 9 support Option B

- 9 participants commented in support of Option B, the 5 year timeframe. Several commented that this timeframe is more reflective of current trends in the stock and the fishery distribution. 2 charter captains chose this timeframe because it would result in a longer season for New York. 2 participants did not comment.

3.1.2.4 Management measures within a region

→ 2 support Option A, 2 support Option B

- 2 participants supported Option A, uniform measures, and 2 participants supported Option B, a regulatory standard with conservation equivalency. One supporter of Option A commented that uniform measures would allow for more effective performance evaluation of the regional measures, and would more adequately protect the resource. In addition, he commented that he had seen bad results of conservation equivalency in other fisheries. The supporters of Option B preferred the ability for states to customize their regulations.

3.1.3 Evaluation and specification of measures

→ 1 supports Option B, others did not comment

- 1 person supported Option B, adjusting measures to the ACL. The rest of the participants did not provide a preference; several commented that they did not understand the choices well enough to comment on them.

3.2 Timeframe for Addendum provisions

→ 3 support Option B

- 3 participants supported Option B, an addendum timeframe of up to 3 years. One commented that their preference was due to the reduced administrative burden if they wanted to maintain the management program. 1 person supported Option A, up to 2 years. The other participants did not express a preference.

Additional comments:

- The EEZ should be open when state waters are open.
- Two participants commented that the best available science should be used to allocate the RHL.
- One person requested a season starting no later than June 1, an 8 fish bag limit, and a smaller minimum size.
- Managers should look into concerns that black sea bass are predating on other species, such as juvenile lobsters.
- Season closures increase pressure on the fishery.

Draft Addendum XXX Public Hearing

Manahawkin, NJ

January 11, 2018

14 participants

Moderator – Jeff Brust (NJ DFW)

Commissioners – Larry Herrigty, Heather Corbett, Adam Nowalsky

Option 3.1.1: Default coastwide measures: **No support**

Option 3.1.2: Regional allocation of RHL:

11 commenters supported regional allocation of RHL. One commenter indicated that this was logical because the fisheries in different states and regions are quite different. The following summarizes their support for the 6 sub-options associated with this option.

3.1.2.1 Basis for allocation:

Three supported allocation based on historical harvest.

Eight supported allocation based on exploitable biomass and historical harvest. One speaker commented that this method better reflects the changes in stock abundance and distribution.

3.1.2.2 Regional alignment

One supported a two region approach.

Six supported a three region approach.

Two supported a four region approach.

One supported either two or four regions

One supported either three or four regions. This participant stated that NJ needs to be in a region of its own since we are a transitional state and our fishery does not match those to the north or south of us. This would also allow differences in size and abundance to be taken into account.

3.1.2.3 Timeframe for specifying allocation

Eleven supported using a ten year time frame to determine allocation. One commented noted that the longer time period provides a more historical average that accounts for northward shifts in biomass in recent years. Using the 5 year time period would be unfair to NJ and southern states. Another speaker commented that the 2011-2015 time period is also unfair to NJ because of the mandatory harvest cuts we took as part of the northern region in these years.

3.1.2.4 Management measures within a region

Ten supported a regulatory standard with conservation equivalency. One participant commented that there are no good options available for this issue. Each state should have the freedom to craft regulations appropriate for their fishery without concern for surrounding states.

3.1.3 Evaluation and specification of measures

Eleven supported evaluation of compliance using the ACL.

3.2 Timeframe for Addendum provisions

Ten supported the extension of Addendum XXX provisions for only two years. Many of the commenters shared the opinion that Addendum XXX was unfair and not sound management of the resource, and should be replaced as soon as possible.

One supported the extension of Addendum XXX provisions for three years.

Additional comments:

Several speakers indicated they felt the management system was flawed. The presentation indicates the stock is not overfished and overfishing is not occurring, and the stock is 230% of the target biomass, yet harvest levels are being cut. It seems the current fishery should be sustainable given the stock biomass. One angler pointed out that we have made cuts in recent years and it seems the more we sacrifice the more we get cut with no benefit to anglers. Another stated that it seems the management system (not just NJ or ASMFC, the whole system) seems reluctant to let anglers harvest fish. One commenter asked, by show of hands, how many were frustrated with BSB management, and all public attendees raised their hands. One participant expressed concern with how the numbers are generated and that there must be a better way to make them more realistic.

Black Sea Bass Draft Addendum XXX Public Hearing

Lewes, Delaware

January 3, 2018

5 Participants

Additional Staff: John Clark (DE DFW), Roy Miller (Gov. Appointee), Kirby Rootes-Murdy (ASMFC), Caitlin Starks (ASMFC)

3.1 Management Program

→ 5 support Option 3.1.2

- All five participants support Option 3.1.2 (Regional Allocation of the RHL).

3.1.2.1 Basis for Allocation

→ 5 support Option B

- All five participants support Option B, allocation based on exploitable biomass and historical harvest.

3.1.2.2 Regional Alignment

→ 5 support Option B

- All five participants support Option B, 3 regions by default because they supported the option for allocation based on exploitable biomass and historical harvest.

3.1.2.3 Timeframe for specifying allocation

→ 3 support Option A

- Three participants support Option A, the 10-year timeframe from 2006-2015. The other two participants had no preference for a timeframe. The supporters commented that they supported the 10-year timeframe because it resulted in a larger number of days open in the example measures provided.

3.1.2.4 Management measures within a region

→ 5 support Option A

- All five participants support Option A, uniform measures within a region.

3.1.3 Evaluation and specification of measures

→ 5 support Option B

- All five participants support Option B, adjusting management measures to the ACL.

3.2 Timeframe for Addendum provisions

→ 5 support Option B

- All five participants support Option B, 3 years (2018-2020).

Draft Addendum XXX Public Hearing

Berlin, MD

January 11, 2018

20 Participants

Additional staff: Mike Luisi (MD Commissioner) and Kirby Rootes-Murdy (ASMFC staff)

***Please note: a number of attendees signed the sign-sheet that took part in a meeting prior to the Public Hearing and left before the start of the Public Hearing. The number of individuals included below differ from that attendance sheet and does not differentiate between which individuals stayed and those that left. ***

Option 3.1.1: Default coastwide measures: No support

Option 3.1.2: Regional allocation of RHL:

All 17 attendees supported regional allocation of RHL. The following summarizes their support for the 6 sub-options associated with this option.

1. Basis for allocation:
17 attendees were in support of basing allocation on exploitable biomass and historical harvest. Reasons offered up in support of this option were due to it offering the MD angling community the longest season. No individuals indicated interest in basing allocation on harvest only.
2. Regional alignment
17 attendees were in support of the three region approach per their support for the basing allocation on the exploitable biomass and historical harvest. Again, the majority of attendees cited the need for the longest possible season as offered up through the example measures under the 3 region approach.
3. Timeframe for specifying allocation
14 attendees indicated their preference for the 10 year timeframe for specifying allocation. One attendee ask if longer timeframes could be used; it was pointed out that the reasoning for the two timeframe options to offer options that encompassed more recent trends in the population dynamics. No individuals indicated a preference for the 5 year timeframe.
4. Management measures within a region
One attendee indicated preference for uniform regulations within a region. No reasons were cited in support of this option.
14 attendees indicated a preference for option B, regulatory standard with conservation equivalency allowed. Reasons cited were the flexibility to craft regulations appropriate for the states fishery.

5. Evaluation and specification of measures

15 attendees indicated their preference for moving to adjusting measures to the ACL rather than the status quo approach. No specific reasons were cited and no individuals indicated an interest in the status quo approach.

6. Timeframe for Addendum provisions

15 attendees supported the extension of Addendum XXX provisions for up to three years.

Some in favor of this option cited interest in maintaining the management approach and regulatory consistency for a longer period of time.

No individuals indicated supported for extending the provisions of Addendum XXX for only two years.

Additional comments:

Several attendees expressed frustration with the MRIP data used to make management decisions and determine allocations. Some indicated they had lost faith in the management process that relies on MRIP data. These individuals felt the harvest estimates were not possible, including the harvest of shore caught black sea bass in Maryland; all attendees felt this estimate was incorrect and cited it as another reason not to trust the data being used. One participant noted their extensive experience recreational fishing in multiple states and had never been intercepted by MRIP or APAIS staff. The lack of interaction with MRIP and confusion on how the harvest data is generated was a source of contention with the information used to develop the draft addendum. Other attendees noted that many anglers had encountered sub-legal size black sea bass and the challenges associated with releasing these fish if they are caught at great depths.

Black Sea Bass Draft Addendum XXX Public Hearing
Newport News, Virginia
January 16, 2018
3 Participants

Additional Staff: Caitlin Starks (ASMFC), Rob O'Reilly (VMRC), Joe Cimino (VMRC)

3.1 Management Program

→ 3 support Option 3.1.2

- 3 participants commented on their support of Option 3.1.2, regional allocation of the RHL, while none were in support of Option 3.1.1.

3.1.2.1 Basis for Allocation

→ 3 support Option B

- All 3 participants supported Option B, exploitable biomass and harvest information. The attendees preferred the combination of options that would provide them the largest allocation and most fishing days, which is the combination shown in Table B1 of the Addendum.

3.1.2.2 Regional Alignment

→ 3 support Option B

- 3 participants commented in support of Option B, three regions, because they preferred the allocation option based on exploitable biomass and harvest.

3.1.2.3 Timeframe for specifying allocation

→ 3 support Option A

- 3 participants supported Option A, the 10-year timeframe. All commented that this timeframe would give them a greater allocation of the resource, and is more reflective of the harvest they used to have access to. One explained that in Virginia, black sea bass are available in the later part of the year, but because the black sea bass fishery in federal waters has been closed during the last few months of the year in recent years, Virginia-based anglers have not been able to harvest as much as they could. Thus, Virginia's potential harvest is not reflected in the more recent timeframe. One participant commented that the timeframe should include years before 2006 as well.

3.1.2.4 Management measures within a region

→ 1 supports Option B

- One participant supported Option B, a regulatory standard with conservation equivalency. They commented that this option would be necessary for DE-NC because some states will participate in the February fishery while others will not. The other participants did not comment.

3.1.3 Evaluation and specification of measures

→ 1 supports Option B

- One participant supported Option B, adjusting measures to the ACL, while the two others did not specify a preference.

3.2 Timeframe for Addendum provisions

→ 3 support Option B

- All 3 participants supported Option B. All agreed that the option should be available to extend Addendum XXX for up to 3 years in case the management program is working well, without having to develop a new addendum.

Additional comments:

- It needs to be made explicit in the Addendum that if one region goes harvests over their allocation of the RHL, that only that region would be responsible for a reduction or payback of the overage.
- The northern states targeting black sea bass also have scup and other species to target, while the southern states only really have black sea bass. This reliance on black sea bass makes a larger proportion of the RHL important for the southern states to maintain their recreational fishery.
- The timeframes included in the Addendum are not fair for the South because, in those years, when the sea bass are available (later in the year) the fishery has been closed.
- The black sea bass season should align with blueline tilefish to reduce pressure on both species.

The following form letter was submitted by 12 individuals. One person submitted additional comments with the form letter, and his full email is included with the emails received from individuals. Those who submitted the form letter are listed in the table below.

Subject: Draft Addendum XXX

Within recent years, Black Sea Bass have become a necessary target species for virtually all charter and party operators in Southern New England. As a member of the for hire fleet I urge the ASMFC to consider a separate “For Hire” category exempting charter and party operators from section 3.1.2.4.B. of Draft Addendum XXX. The "For Hire" fleet harvested less than 10% of the Connecticut total Black Sea Bass harvest, Rhode Island "For Hire" less than 15%, and the New York “For Hire” 20%; through wave 5 2017.

As a member of The For Hire Fleet, I Formally Request:

- Minimum length: 15 inches**
- Daily creel limit: 8 fish per angler**
- Open Season: May 1 - December 31**

Black Sea Bass vary in distribution throughout the region at different periods of the season. Being constrained to the proposed Regulatory Standard of Addendum XXX section 3.1.2.4.B. will result in many financial hardships for charter and party operators.

First Name	Last Name	Affiliation	City	State
Donald J.	Adams	Valiant Lady Sport Fishing		
Greg	Bernier	Petrel Fishing Charters		
Frank	Blume			
Jack	Bucchi	Priority One Charters		
Joseph	Devine	Mijoy 747	Waterford	CT
Thomas	Federico			
Pete	Joram	Lucky Dawg Sportfishing		
David	Keeney	Magic Charters	Noank	CT
Frank	Lanzo			
Jill	Maganza-Ruiz	November Rain Charters	Montauk	NY
Michael	Potts	F/V Blue Fin IV	Montauk	NY
Paul				



RHODE ISLAND
SALTWATER
ANGLERS
Association



P.O. Box 1465, Coventry, Rhode Island 02816

401-826-2121

FAX: 401-826-3546

www.RISAA.org

January 21, 2018

Caitlin Starks, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200 A-N
Arlington, VA 22201

RE: Black Sea Bass Draft Addendum XXX

Dear Board Members,

The Rhode Island Saltwater Anglers Association, representing 7,500 recreational anglers, offers the following preferred options for your consideration:

1) 3.1 MANAGEMENT OPTIONS

We definitely prefer option 3.1.2 Regional Allocation of Recreational Harvest Limit (RHL)

2) 3.1.2.2 Regional Alignment

We prefer Option B. 3 Regions, resulting in RI in "North Region" (MA to NY)

3) 3.1.2.3 Timeframe for specifying regional allocation

We prefer Option B: 2011-2015 (5 years)

4) 3.1.2.4 Management Measures with a region

We prefer Option B: Regulatory standard with conservation equivalency allowed.

5) 3.1.3 Specification and evaluation of measures

We prefer Option B: Adjusting management measures to ACL

6) 3.2 Timeframe for Addendum provisions

We prefer Option B: 3 years (2018-2020) which hopefully will permit stability of regulations.

Respectfully,

Stephen J. Medeiros
President



Caitlin Starks, FMP Coordinator
ASMFC
1050 North Highland Street, Suite 200A
Arlington, VA 22201

RE: Comments on Draft Addendum XXX

January, 20th 2018

Ms. Caitlin Starks,

Thank you for the opportunity to comment on this important draft document. The Rhode Island Party and Charter Boat Association is comprised of 62 party and charter boat operators who rely on Black Sea Bass as a vital component to our annual business models, which support coastal communities in Rhode Island.

General Comments

Parts of the document were difficult to understand. Particularly when we tried to evaluate how the different options and regional make-ups would provide fishing opportunity for RI's recreational party and charter boat fisherman while allowing us to achieve an RHL.

The document is unclear about what would happen if a region went over the allocation assigned to it or a state within a region went over its allocation assigned to it. How would this affect future management? The document is unclear about what happens to the state that overharvests and to the state that stays within its allocation or under harvests within the same region.

At the time these comments close, we will not know what the coastwide measures will be. Yet, the document asks us to choose a preferred alternative of coastwide measures or regional management.

The allocation options based on exploitable biomass and historical harvest use a technical system of creating an allocation based on CPA and catchability equations, which may be a great idea.... It's hard for us to say. The document should have described the methodology for determining (q) and what data was used to determine CPA. Assuming it was MRIP, that should be better conveyed. More work needs to occur to develop this system before the board should consider implementation.

Through the public hearing process, we learned that a different methodology was used to develop the “example measures” for tables A1 thru A6 compared to tables B1 and B2. The A tables used 2017 MRIP data for catch and weights for Waves 1-5 and projected Wave 6, but the B tables used 2017 MRIP catch estimates and weights for Waves 1-4 and projected waves 5 AND 6. Because the actual 2017 wave 5 estimates were higher than the 2017 projections, the example measures listed in the document for the B tables are more liberal than they would have been if the actual wave 5 data were used. Although the document was very clear that the example measures were just that, examples, the different methodologies and results of that analysis is misleading to the public.

Finally, the projected 2017 harvest is subject to change following the release of 2017 wave 6 data in February, which is after the board meets to select options from this document. Changes to projected 2017 harvest may have significant impacts on recreational fishing opportunity within the various regional make-ups. We are unable to determine a process in the document that explains what happens when we learn the 2017 harvest in wave 6. Is there opportunity for the board to change preferences based on that information?

We think it's undesirable to expect the public to offer comprehensive recommendations on the document with so many uncertainties. While we recognize that we are running out of time and we appreciate the intent of staff and the working group to try to develop a different approach to managing BSB. In general, we don't think management decisions should be made solely on the options presented in this document as written.

Recommendations that we can make based on the information in the document.

1. At this time, we do not know what the coastwide measures will be for 2018. We have to assume they will be more constraining than any measures under regional management. If that turns out to be the case, we could support regional management based on historical harvest only.
2. A 5-year timeline to determine allocation is a must. The resource has shifted, and a 5-year timeline will give the best picture of the current fishery. A table presented at our public hearing, but not in the draft addendum, graphically illustrated that recent harvest along the coast lines up well with potential allocations under a 5-year timeline.
3. Conservation Equivalency should be approved by the board, however, management measures within a region should not be prescribed. There is a possibility that 2 neighboring states within a region could have very different fisheries. Forcing them to change their historical fishery is wrong. Regional partners could be encouraged to have similar regulations, but prescribing them is ill advised. We cannot recall an example where commercial regulation are prescribed between states, why recreational measures?
4. Regional Alignment: The board should seriously consider a regional alignment that is the 2017 Status Quo for FY 2018. The 2017 North/South regions with the

northern states crafting individual measures aimed at achieving the regional RHL. That same type of conservation equivalency should be continued for 2018 only. We support a 2-region approach for this reason. A 3-region approach could be considered as a second, less favorable choice. We oppose a 4-region approach. We believe the board has the flexibility to adjust or eliminate prescriptive CE's in favor of the regional CE that was utilized in 2017.

5. Specification and evaluation of measures: We recommend approving option B, *Adjusting management measures to the ACL*. This new approach seems like a fairer way to measure performance and incentivizes responsible fishing practices through discard reductions and improved compliance and better data collection through improved reporting, concepts the RIPCBA believes in.
6. This document was a good try, but it missed the mark, in our opinion. The board should initiate a new addendum or an amendment at the February meeting to further develop innovative allocation schemes like the options in this document based on exploitable biomass and historical harvest. The working group should work closely with the industry advisors on this new management action. MRIP improvements are scheduled to be calibrated in 2018, adding further rationale for maintaining status quo regions for 2018. Exploring new approaches that utilize newly calibrated MRIP data, CPA and (q) related approaches to allocation, separate programs for the for hire sector, better data collection and discard reductions, and measures to improve compliance could all be considered in a new management action.

Some questions, specific to the document, that were not answered at our public hearing.

The board moved to develop the addendum to include "one state regions" like summer flounder. The Recreational Working Group advised against that request. Why? Why is New Jersey the only state afforded a one state option?

Figure 2 on Page 9 clearly shows that since the mid 90's management of BSB has affected the for hire sector negatively. The private/rental sector has increased its percentage of the catch over the same time, a positive effect. With the private/rental mode now accounting for 84% of the catch, why were there no new options that consider separate measures for the different sectors? Why were there no strategies or options specifically aimed at slowing down the significant private/rental catch?

Will these potential allocations now become our allocations moving forward? We suggest an amendment should be initiated if long term re-allocations are on the table.

Thank you,

Capt. Rick Bellavance, President

Rhode Island Party and Charter Boat Association



Plymouth County League of Sportsmen

Paul Johnson, President

3 Laurie Lane, Carver, MA 02330-1398

January 10, 2018

Ms. Caitlin Starks, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, VA 22201

Dear Ms. Starks

The Plymouth County League of Sportsmen represents 19 Sportsmen's Clubs and 14,500 sportsmen and sportswomen of Plymouth County and the surrounding Area. We represent the interests of recreational fishermen in the region.

I submit the following public comments on behalf of the Plymouth County League of Sportsmen regarding the options included in the Draft Addendum. Please note comments are listed in numerical order as listed on page 11 of Draft Addendum XXX.

- 1) We support 3.1.2 Regional Allocation of Annual RHL i.e. regional management not coastwide management
- 2) We support 3.1.2.1 Options for Allocation of RHL Option B) Regional allocation based on exploitable biomass and historical harvest option.
- 3) We support 3.1.2.2 Regional Alignment Option B (3 regions)
- 4) We support 3.1.2.3 Timeframe for specifying regional allocation Option B 2011-2015 (5 years)
- 5) We support 3.1.2.4 Management measures within a region option B Regulatory standard with conservation equivalency allowed:
- 6) We support 3.1.3 Specification and evaluation of measures Option B Adjusting management measures to the ACL.
- 7) We support 3.2 Timeframe for Addendum Provisions Option A 2 years (2018-2019)

The Plymouth County League of Sportsmen is concerned that harvest data supports field observation by fishermen that the actual numbers of fish in the fishery is understated and increasing. Reliable, accurate data on fish stocks and accurate harvest data are the basis for managing the fishery. More resources need to be allocated to understanding how to accurately model the resource. Discard mortality difference from shallow water vs deep water fishing likely overstates the discard mortality for Massachusetts. This was mentioned as a concern at the public meeting. We would like to see efforts made to accurately determine the discard mortality for the Massachusetts fishery and to see accurate discard mortality factored the calculations.

We are also concerned that other states have been overfishing. Seven out of 11 years the catch has exceeded the RHL. Serious effort must be directed to reducing non-compliance in a way that does not penalize compliant states within a region.



Plymouth County League of Sportsmen

Paul Johnson, President

3 Laurie Lane, Carver, MA 02330-1398

Massachusetts has conservatively managed Black Sea Bass. We believe that the time has come to be less conservative and allow our fishermen to benefit from growing stocks. Our selections above reflect our belief that Massachusetts seasons have been overly conservative.

Sincerely,

Paul Johnson

Jersey Coast Anglers Association
Working for Marine Recreational Anglers

1594 Lakewood Road, Unit 13, Toms River, NJ 08755

TEL.: 732-506-6565 - FAX: 732-506-6975



1/4/18

Caitlin Starks, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland St., Suite 200 A-N
Arlington, Va. 22201

Dear Caitlin,

The Jersey Coast Anglers Association appreciates this opportunity to comment on Draft Addendum XXX pertaining to sea bass. Our comments below reflect our stance on the various options included in the addendum.

Coast Wide versus Regional Options – We support regional management as the fisheries in the various states/regions are quite different.

Basis for Regional Allotment of the RHL – We believe that regional allocations using both exploitable biomass and historical harvest should be used to set the RHL. Including the exploitable biomass approach in management would be a refreshing change in that it addresses changes in the resource's distribution and abundance.

Regional Alignment – We realize that if the basis for regional allotment includes exploitable biomass, option b of subsection 3.1.2.2 must be used. However, we support that option because New Jersey would become its own region. New Jersey is a transitional state in which its sea bass fishery doesn't really fit in with the states to its north or to its south. In fact, the fishery in southern New Jersey is quite different from that in northern New Jersey. This option would allow New Jersey to set regulations that would best suit

its fishermen while allowing it to address spatial variation in size and abundance. We would also be fine with option c of subsection 3.1.22 except for the fact that this four-region approach does not allow exploitable biomass to be a factor in determining allocations.

Timeframe Used for Allocation – The timeframes of the two options in the addendum are of primary concern to us as both reduce New Jersey’s historical share of the RHL. Option A of section 3.1.2 uses a ten-year timeframe from 2006-2015 while Option B uses only the five-year average from 2011-2015. The problem is that the years from 2011-2015 are the ones when New Jersey’s share of the RHL was at all time historical lows. Yes, the biomass may have shifted further to the north as it expanded but the more stringent regulations that were forced upon us were also a primary reason why our historic share of the RHL was reduced. For that reason, we do not believe it is fair to include the years from 2011-2015 in determining allocations. In fact, this was pointed out at the joint ASMFC/MAFMC meeting on December 13th, 2017. A motion to have a third option to use the five- year timeframe from 2006-2010 was made at this meeting. That option would have better rounded out the other options and would have been more in line with New Jersey’s and others states’ historical share of the RHL. Unfortunately, though, the motion failed.

In 2011 draconian regulations were forced upon us which resulted in New Jersey harvesting their fewest sea bass during this entire century though most other states were negatively impacted as well. There was a liberalization of the regulations in 2012 at which time New Jersey was placed in the northern region. Then for 2013, NJ was forced to establish harsh regulations that resulted in us harvesting only 61% of our target quota. At the same time, New York harvested 125% of its target and Connecticut harvested 150% of their target. NJ did its part but then the following year all states in the northern region had to cut back by the same percentage. In other words, CT and NY were rewarded for going over their target quotas while NJ was penalized for under fishing theirs. Those stringent regulations that NJ set in 2013 have hurt us just about every year since as they continue to be used as the basis for liberalizing or tightening our regulations based on each year’s target quota.

Further, NJ’s historical share of the harvest was 47.7 % for the period from 2001 to 2010 and probably even more than that previous to those years. Going back further, and for the 20-year period from 1991 to 2010, New Jersey harvested more sea bass than any other state except in 1998 when it harvested the third most and in 1999 and 2010 when it finished second. Yet,

option B proposes to use only the years from 2011-2015 when NJ finished first only once and finished fourth (its all-time lowest) in 2012. We believe it would be very unfair to base quotas on those years when New Jersey's share of the harvest was at or near its lowest and certain other states were at or near their highest levels. We would prefer an option that went back further in time and did not include the years of 2011-2015 at all. However, considering the fact that there are only two options, **we support option A which uses the base years of 2006-2015.** That would be the fairest to all states as it not only includes a more historical average but also accounts for the northward shift in biomass during recent years.

Process for Specification and Evaluation of Management Measures –

We believe that option B of subsection 3.1.3, adjusting measures to the ACL would be an improvement from the status quo method of annually evaluating the recreational fishery based only on harvest against the RHL. This option would result in better data and reduced mortality which would in turn create more fishing opportunities for our fishermen. Educational programs to reduce mortality such as the one New Jersey has for summer flounder could be developed that would not only enhance our fishing opportunities but help maintain the sustainability of our stock.

Timeframe for the Addendum Provisions – Provided our recommendations are followed we support a 3-year management program, otherwise we would prefer just the two-year plan.

Additional Comments – We do not want to have even more stringent regulations forced upon us for 2018. We are urging you to leave the quota at 4.29 million pounds rather than lowering it to 3.66 million pounds. The spawning stock biomass is at 230% of the target and we need to create more fishing opportunities for these fish. Sea bass are not only competing for various forage species with other desirable species but have been devouring their young as well. Further, allowing us to harvest more sea bass would reduce the pressure we put on other species such as fluke. Also, please consider the fact that sea bass are protogynous hermaphrodites and with a 12 ½" size limit, we are harvesting almost all males while allowing the females to continue to breed.

Sincerely,

John Toth, JCAA President

L'IL TOOT CHARTERS INC.

Capt. John Rainone

35 Ocean View Dr.
Narragansett, RI 02882
E-mail LilTootCharter@Gmail.Com
www.LilTootCharter.Com
401-783-0883
401-497-6683 cell

Caitlin Starks, FMP Coordinator
ASMFC
1050 North Highland Street, Suite 200A
Arlington, VA 22201

RE: Comments on Draft Addendum XXX
January, 21st 2018

Ms, Caitlin Starks,

I am a charter boat Captain in RI who has been in business going on 38 years this year. I have been involved in fisheries for many years, being on various Advisory Panels in the RI Marine Fisheries Council. I was also a member of the committee to design and implement the MRIP program for recreational fisheries in RI.

Black Sea Bass is a very valuable fishery to the recreational fishermen and especially the Party & Charter boat Industry. Over the past few years our businesses have been affected dramatically with various closures, reduced quota and bag limits. There is really no realistic reason why BSB is being over protected by fisheries managers. There is no overfishing, no problem with the stock biomass, nothing is wrong with BSB, they are everywhere and they are in all size ranges from 6 to 25+ inches. Last year the closure of BSB in Sept completely shut down the charter boat fleet in RI, but BSB was open in neighboring states of NY, CT and MA. Many boats were tied to the docks until the middle of Oct. when tautog opened up. This really hurt the local economy as well. There were no fish around that would interest our customers to go fishing...BSB is the prime fishery for us in this time frame, and there were millions of BSB in the waters to harvest. They have been a pain to the lobster boats by getting caught in their pots trying to eat the baby lobsters, devastating their fishery.

I believe the Addendum was a good try at figuring out a solution, but it missed the mark. As with most fisheries studies, wave 6 was not even available at the time of putting together this document. I also believe that relying on MRIP interviews to establish catch and effort for BSB or any fishery is not a true representation of what is caught or available. As a charter boat I have been required to report catch and release on all species of fish caught on my vessel for many years via VTR's. Now we are mandated to use electronic reporting in place of the paper VTR. This is good thing because it gives NMFS and DEM immediate reports on what the fishing effort and catch is daily. I believe this information to be more reliable and true than the MRIP of which many anglers refuse to be interviewed, or provide faulty information.

Regional alignment of 2 regions North and South makes the most sense to us. It provides neighboring states to work together since most of the time they are fishing on the same stock sizes and biomass. Coastwide alignment does not work and is

September 10, 1994

not wanted. Why is New Jersey the only state afforded a one state option. If it is opened up to one State than is should be open to all States like summer flounder. Maybe it is time to finally separate the Party & Charter Boat Industry from the Recreational community, as has been done with the Commercial Industry. Just as the commercial industry we are a business and need access to fish in order to maintain economic survival. This is especially true when you look at the results of growth in the harvest of BSB and other species. Party & Charter boat fleets have almost maintained a constant level of growth, catch, and effort. Meanwhile the Recreational community has grown in leaps and bounds in catch and effort on BSB and all other species of fish. There is really no accountability either for all the fishing effort and catch. Your really have no clue to the amount of fish being harvested by the recreational fishermen, but you do with our industry. This is why we feel that you have to take this into consideration when there is a reduction needed in the fishery. The largest user group should take the larger reduction first before the reduction on the smaller user group that has maintained its level of participants for years, and are businesses that need access to the fish to survive.

Thank you,

Capt. John Rainone

Capt. John Rainone



Mailing: 331 Burdickville Rd.
Charlestown, RI 02813

Boat: 33 State Street, Dock SS
Point Judith, RI 02882

cdevili@cox.net
401.364.9774

January 21, 2018

Caitlin Starks
FMP Coordinator
Atlantic States Marine Fisheries Council
1050 North Highland Street, Suite 200A
Arlington, VA 22201

RE: Comments on Draft Addendum XXX TO THE SUMMER FLOUNDER, SCUP,
BLACK SEA BASS FISHERY MANAGEMENT PLAN

Dear Ms. Starks,

I am the owner/operator of a charter fishing business in Point Judith, Rhode Island. I appreciate the opportunity to share my views on this important draft addendum, as Black Sea Bass is a vital component of my business.

Closure of a species in the midst of its season is highly detrimental to charter fishing businesses like mine. In the fall, when there are limited species available to catch, customers are reluctant to book trips because of these closures. They want meat for their freezers, and Black Sea Bass is the preferred catch. For full-time fishermen like me, these closures deprive us of income we desperately need before the winter months, when we have little or no money coming in.

Equally important is that the Board and Council consider separate measures for the charter and party sector, as soon as possible. Figure 2 on Page 9 of the document clearly indicates that, since the mid 90's, management of BSB has affected the for-hire sector negatively. Yet, the private/rental sector has increased its percentage of the catch over the same time. With the private boats now accounting for 84% of the catch, it is imperative that we have options that consider separate measures for the different sectors, and strategies specifically aimed at slowing down the significant private/rental catch. It is the responsibility of the Board and Council to work to halt this detrimental trend and institute an amendment, to be fair to the fishermen who make their livings with this fishery, not just private recreational fishers who don't depend on these allocations to survive.

Capt. Kelly Smith
[Page 2 of 2]

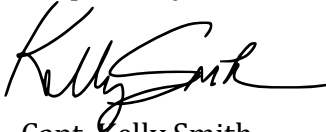
I have the following opinions on the Addendum:

1. As the exploitable biomass option was not fully studied, I support regional management based on historical history, not exploitable biomass and historical harvest. (PG 13-13)
2. I prefer a 5-year timeframe for determining allocation. This is the most accurate timing for the current fishery. The 10-year timeframe is too long to be accurate. (PG 14)
3. The suggested regional configurations aren't ideal, but, if pressed, I would choose the 3 region option, which aligns us with MA, CT and NY. I am opposed to a 4 region option that puts us with MA only, and very opposed to the exploitable biomass options in Table B-1 and B-2. (PG 13)
4. Management measures within a region should allow (C/E) conservation equivalency, without prescribed rules. (PG 14)
5. Lastly, I support adjusting management measures to the ACL as opposed to status quo. I believe this is a more flexible approach to evaluating past years performance.

While the effort put into the Addendum is appreciated, it still doesn't address our most pressing concerns. To develop reasonable allocation schemes based on exploitable biomass and historical harvest, the Board and Council must initiate a new addendum or amendment at the February meeting. It is important that the Working Group closely engage with the industry advisors on this new management action. In addition, exploring new approaches that utilize newly calibrated MRIP data, CPA and separate programs for the for-hire sector, better data collection, and discard reductions should all be considered in a new management action.

Thank you for your consideration of these important matters, which are critical to the success of Rhode Island fishing businesses like mine.

Respectfully,



Capt. Kelly Smith
C-Devil II Sportfishing, Inc.

Dear Caitlin Starks,

As per the meeting on January 17th, I would like to support the proposal of the RIPCBA on the black sea bass fishery. I have owned and operated the charter vessel Drifter out of Pt. Judith for almost 35 years. I would like everyone to recognize that we have a healthy and sustainable BSB fishery and more than enough for all user groups to utilize. I recognize the importance of this and want it to be managed correctly to ensure a strong future of the stock. However, I have a problem with why we were shut down last season for a month and why the science takes so long to get to the people who make the regulations. As a business owner, this closure was a devastating blow to the most important part of the season and upset many of my customers that come to RI for this specific fishery. It is a shame to have politics interfere with something as simple as the facts. Also, while transiting from Block Island to Pt. Judith I have witnessed, on many occasions, discarded sea bass from commercial boats that would far exceed the fish we could have harvested during the closure. Although most of these commercial boats are forced to do this under their own regulations, those discards again prove the amount of fish there are. I want you to know how responsible the charter boat industry is with the discard. The most contributing factor is that we fish on fairly shallow water (less than 10 fathoms) most of the year which allows this discard to go back healthy. We fish with hooks that will normally not hurt the fish and we try to catch what we need for our customers and get out of the area. I ask that you listen to the Charter Boat Industry because we are the people that are here all the time. I want the fishery to continue without the restrictions placed on it so I can continue to make a living.

Warm Regards,
Richard J. Chatowsky

To: Caitlin Starks, FMP Coordinator

From: William H. Wilson, Charlestown Rhode Island, wilson.wm.h@gmail.com

Re: Draft Addendum XXX - Black Sea Bass FMP – 1.15.2018

Hello, my wife and I are avid fisherpersons. We primarily fish coastal ocean, in Rhode Island close to the Connecticut. We appreciate your accepting our comments related to BSB FMP.

I will provide impute using the flow chart at the end of the Draft.

3.1 Management Options – 3.1.2 Regional Allocation of the Annual RHL

It is clear that Biomass Partitions is occurring. The northern group wintering at Hudson Canyon and The southern group wintering at the Continental Shelf. The Northern Biomass is growing at a tremendous rate while the Southern Biomass is more stagnant.

3 Regions appear to be required, the Northern States of NY, C, RI, M, the Southern, and NJ which appears to be a Hybrid Biomass Location.

3.1.1 Specificaiton of February 2018 Fishery - Either all or none within a Region.

Rules within a region should be as consistent as possible, due to the close proximity geographically of the states.

3.1.2.1 Allocation of RHL – 3.1.2.2 Option B: allocation based on biomass and RHL

Option B also requires the best option for Regional Allocation.

It also brings some science into the allocation and will help reflect the biomass partition changes. If Option A is selected then Table A4 is the closest matching Regional division.

3.1.2.3 Time frame for specifying allocation - Option B 2011-2015 (5 years)

The Sea Bass population seems to be in a period of rapid change. 10 years ago the SSB was 6m, in 2000 it increased to 18m, and in 2015 it was 50m. Information from 2006 is no longer relevant to the population dynamics of today.

3.1.2.4 Management measures within a region - Option A: Uniform regulations within a region.

I live in Southern Rhode Island, by boat, I am 5 miles from Conn. And 10 miles from NY. And Mass. Is about a 1 hour drive by car. Different rules for all 4 locations so close together seems foolish and impossible to monitor, it is all the same fish.

3.1.3 Specifications and evaluation of measures – Option B: Adjusting management measures to ACL

Same as 3.1.2.1 – ACL rather than RHL, accounts for mortality of released fish. There is an argument to be made the keeping smaller fish reduces the release mortality. My main concern is the regulations placed on states if we go to Biomass and ACL. Will the requirement to reduce mortality of discards mean they will no tell me how to fish and what tackle I can use or not use. I would prefer allocation based on Biomass and RHL is in 3.1.2.1

3.2 Time frame – Option B: 3 years (2018-2020)

If 2018 remains as is, then 2019 will be the first real test, and 2020 would be a change year.

It would be nice to have some data on how it is working before we change it again.

If on 3.1.2.2 RHL alone is the choice, that option A 2 years would be preferred.

From:
To: _____
Cc: _____
Subject:
Date: 21 2 1 3
Attachments: _____

Caitlin Starks, Fishery Management Plan Co-ordinator Black Sea Bass Draft, I was unable to attend the public hearing that was held January 9th at the Bourne Community Center in Buzzards Bay, Massachusetts. Hence, I have read over the aforementioned Addendum and would like to state that I am opposed to Massachusetts participating in the February fishing season that NOAA is suggesting.

Also, what frustrates most recreational fishermen is the lack of enforcement of the fishing season and quotas that you put together. The problem here in Massachusetts is the unprofessional leadership at the top of the Massachusetts Environmental Police. Again in late spring and into fall of 2017 the Massachusetts Environmental Police issued summonses to a small number of recreational fishermen (most of whom did not have saltwater fishing licenses) who were taking undersized fish and more than the allowed limit of Black Sea Bass, Tautog and Striped Bass. One of the reasons that enforcement has been a failure is that local harbor masters are not allowed by the Commonwealth to issue summons for fishing violations. This practice of not allowing harbor masters enforce fishing violations, when Environmental Police often cite that they are understaffed, comes from the top echelon of the Massachusetts Environmental Police protecting their turf, giving a virtual green light to recreational fishing offenders through not having enough eyes on the water. I have attached correspondence that indicates that political favoritism by appointees at the top of the Environmental Police is the primary cause of this failure, much like was brought to light during Hurricane Katrina when a horse association president was given the reins at FEMA (pun intended). Please see attached television Channel 5's investigation of LT. Colonel Brian Perrin and related correspondence to and from my State Representative Susan Gifford who is looking into the matter. I wrote to Massachusetts Senator Elizabeth Warren, Senator Ed Markey, Rep. Bill Keating, Governor Charlie Baker, and State Senator Marc Pacheco. Fortunately Susan Gifford has been willing to address the problem. L.T. Bearse' comments are noteworthy. Larry is a retired ship's captain with 30 years experience working for Woods Hole Oceanographic Institute. He and I until recently were members of Wareham's Marine Resources Commission. Dick Wheeler, who was named one of the 7 Heroes of the Planet by Time Magazine, was on our commission as well. Following is my contact information should you wish to reach me. Cordially, Don Jepson 15 Long Beach Road, Wareham, MA 02571 Tel: 508-295-1557.

JULY 24, 2017

Boston — What do you get when you cross a police officer and a skunk? Law and odor

5 Investigates has uncovered an insider deal quietly handed to a connected official which gave him a big pay hike and an even bigger boost to his pension.

It is a controversial arrangement which some argue provides a legitimate benefit to cities and towns but others call an old fashioned sweetheart deal.

Lt. Colonel Brian Perrin hops into his take-home state car and heads to the office as the No. 2 man in charge of the Massachusetts Environmental Police.

It's a job Perrin landed in 2015 thanks to his political connections and a little-known state law that dates back to the 1970's.

"This is a sweetheart deal because it's going to allow a person to boom his pension up effectively to the maximum," said Gregory Sullivan, research director of the Pioneer Institute, a government watchdog group, who previously served as State Inspector General.

Brian Perrin

Documents obtained by 5 Investigates show the town of Winthrop, where Perrin worked as a police officer for 25 years, granted him a four-year leave of absence so he could take the job as lieutenant colonel at the environmental police.

That deal resulted in a \$33,000-a-year bump in pay for Perrin -- from \$85,581 to \$119,060 -- that will substantially increase his pension, which is based on his three highest consecutive years of qualified earnings.

The leave of absence also guarantees Perrin can eventually return to his civil service job in the Winthrop Police Department to reach the 32 years of service he will need to maximize his pension.

"What I don't like is the effect where the state taxpayers get stuck with a bill for \$300,000, \$400,000, \$500,000 going forward that gets tagged onto our massive pension deficit," Sullivan said. "I don't think it was the Legislature's intent for someone to leave the protected civil service system and all its regulations and just escape out for a few years, boost their pension, and then be able to re-enter."

Sullivan called Perrin's deal an abuse of the system that will leave taxpayers footing the bill. "This is an example of the system being manipulated," he said.

Winthrop police Chief Terry Delehanty and the town manager signed off on Perrin's leave of absence.

5 Investigates asked Delehanty if the deal will benefit the town of Winthrop as well as Perrin. "I think it benefits Brian Perrin in several senses, not just financially but also career growth. It benefits the department here because we have a very good liaison in the environmental police."

Perrin is well connected in Winthrop. He's a member of the retirement board, the school committee and has his own law practice there.

He was appointed to the position of deputy director of the environmental police by Col. James McGinn, a former state police sergeant who was Governor Charlie Baker's campaign driver.

James McGinn

McGinn and Perrin head up a police force that 5 investigates exposed as a department lacking accountability, with many officers spending hours at home during their regular shifts and others allowed to work lucrative paid details in the middle of their normal workdays.

When 5 Investigates tracked down Perrin to ask about the deal he greeted us with a smile and

handshake.

5 Investigates asked him if he thought he was taking advantage of the system.

"Absolutely not," Perrin said. "I'm just trying to become the best police leader I can be and I bring 28 years of experience to the Massachusetts Environmental Police."

But other people don't see it that way. A person familiar with how the environmental police operate spoke to 5 Investigates under a condition of anonymity.

"The department needs qualified people at the top level to make good executive decisions, and not political hacks," the person said, claiming the environment police department violated its own policy by not filling Perrin's job from within the ranks.

A spokesman for the state Executive Office of Energy and Environmental Affairs cited state law, which said it's up to the director of the department, in this case McGinn, to choose the second in command.

"It's ethically wrong," said the person familiar with the department. "He got there because of Col. James McGinn. He handed his friend a job and demoted somebody to do it. It's not right."

In his letter requesting the leave of absence, Perrin said the state job will allow him to return to Winthrop with greater depth, experience and abilities.

"Underneath it is a mechanism to boost this person's pension through political connections," said Sullivan.

Said Perrin: "It's not a sweetheart deal. I acted and conformed with the law."

The state law which allows the granting of leaves of absence from civil service jobs was passed in 1978. For a leave to be granted, all that is required is the approval of the appointing authority, which in this case is the town of Winthrop.

The state Human Resources Division oversees the leave of absence process. 5 Investigates asked the division for data that would show the lengths of leaves and how they are being used across the state, but the department said it does not keep that data.

Environmental Police
Inbox

Don Jepson <donjepson@yahoo.com>
To: Susan Gifford, Gifford Susan - Rep. (HOU)
Cc: L.T. Bearse
Aug 26 at 5:21 AM

Susan, I am writing to ask you to do everything you can to bring pressure to see that the top echelon of the Massachusetts Environmental Police are removed from their appointments, especially Lt. Col Brian Perrin. He is an embarrassment that is lowering morale within the ranks. Two weeks ago I attended the Baker- Polito Dredging Listening Session- South Shore that was held in Plymouth. In attendance was an Environmental Police officer. When I was leaving I approached an environmental Police Officer and asked him if he knew Lt. Col. Brian Perrin? He replied "" Yes, my colonel". I asked him then if he had seen the Boston Channel 5 Investigates segment about him (See attachment). His response, "Which One?" Apparently there had been a prior segment about a number of MA Environmental Police doing their jobs from home and/or getting paid to do road details while they were supposed to be at work. The way they handled the killing of the Littleton farmer's bull this week is another example of a lack of leadership. "The tone get set at the top" and it is time to replace those at the top of the Environmental Police. Following is the letter to the editor I sent yesterday to the New Bedford Standard Times:

On Aug 25, 2017 9:46 AM, "Don Jepson" <donjepson@yahoo.com> wrote:

I was delighted to see that the Environmental Police caught and issued summons to a number of recreational fisherman who broke the law by taking more than the established limit of one Striped Bass per day. I heard yesterday from a recreational fisherman that the Cape Cod Canal at around 11:00 AM was teeming with large Striped Bass feeding on Mackerel (Striped Bass usually feed at dusk, during the night, and very early in the morning). In late spring of this year and into summer the Environmental Police issued summonses to a small number of recreational fisherman (many without saltwater fishing licenses) who were taking undersized fish and more than the allowed limit of Black Sea Bass and Tautog. One of the reasons that enforcement has been difficult is because harbormasters are not allowed by the Commonwealth to issue summons for fishing violations. This practice of not allowing harbormasters enforce fishing violations, when Environmental Police often cite that they are understaffed, comes from the top echelon of the Environmental Police protecting their turf, giving a virtual green light to recreational fishing offenders through not having enough eyes on the water.

There is far too much political favoritism at the top of the Environmental Police and reference is made to the attached investigation that was done by Boston's Channel 5 Investigates reporters. Far too much money is being paid to the top echelon of the Environmental Police which could be used to put more boots on the ground (or rather more enforcement on the water.)

In my opinion another factor that encourages violators is that the fines that are given to the offending fishermen are far too lenient. Violators are destroying the regulations that were written to sustain fish populations. They are also a slap in the face to the many recreational fisherman who abide by the rules. What undermines enforcement and morale is that far too many judges dismiss or reduce the fines when the offenders are before them claiming hardship.

See attached Channel 5 Investigate report. The joke at the top was written by Channel 5. I found it on a Popsicle stick.

Don Jepson 15 Long Beach Rd Wareham, MA tel: 508-295-1557

Susan, If you cannot open the attached article, please let me know. Cordially, Don Jepson

- Environmental Police Channel 5 investigates.pdf

985.4kB

•

- L&J Bearse <lindseyk9@verizon.net>

To: donjepson@yahoo.com

Aug 26 at 6:48 AM

Thanks for sharing. As a tax paying citizen I agree and support your effort(s). I recall similar issues going back decades. I believe that a complete, thorough, and INDEPENDENT investigation be

undertaken. Additionally, it could serve as a "Heads up" to other agencies that abuse of power will no longer be tolerated.

I am doubtful that Rep. Gifford will be willing to open that can of worms. I truly hope I'm wrong.
"Onward thru the fog"

L.T. Bearse
lindseyk9@verizon.net

Don Jepson <donjepson@yahoo.com>

To:L&J Bearse

Aug 26 at 8:57 AM

I wrote to Senator Elizabeth Warren, Senator Ed Markey, Rep Bill Keating, Gov. Charlie Baker, MA Rep Susan Gifford, and MA Senator Marc Pacheco. Hopefully one of them will take the lead to straighten out the Massachusetts Environmental Police.

- Gifford, Susan - Rep. (HOU) <Susan.Gifford@mahouse.gov>

To:Don Jepson

Cc:Delaney, Megan (HOU), O'Brien, Marc (HOU)

Aug 30 at 12:30 PM

Good afternoon, Don: Thank you for your e-mail bringing this matter to my attention. I have relayed this information to our Legislative Liaison at the Executive Office of Energy and Environmental Affairs. I have asked for a response in regard to what action is being taken given this information. I will follow up with you as soon as I have anything to report. Thank you for your patience.

Susan

Susan Williams Gifford

Assistant Minority Whip

2nd Plymouth District

617-722-2100

From:
To: _____
Subject:
Date: 2 1 12 1
Attachments: _____ 2 1

Public Comment Draft Addendum XXX.

As a follow up to my previous emails; I've taken advantage of the last few snow days to go through my logs from the 2017 season. Please see attachment. Simply by looking at the data for sea bass by wave explains the differing migration periods for the sea bass in Long Island Sound vs. the states to the East of us that fish the ocean and why not having the Black Sea Bass season open by mid-May would crush the Connecticut recreational fishing industry.

Please feel free to follow up with any questions. My livelihood depends on this!

Thank you,
Capt. TJ Karbowski
Rock & Roll Charters
Clinton, CT
203.314.3765
www.rockandrollcharters.com

Rock and Roll Charters
Clinton, CT
2017

Area Fished: Central Long Island Sound
Black Sea Bass/ Summer Flounder/ Scup/ Tautog
Fish Harvested (By Wave).

Total Trips Completed: 239

January/February
Wave 1)- DNF

March/April
Wave 2)- DNF

First Trip May 19

May/June: Total Trips Fished- 70 / Trips Lost Due To Weather- 9
Wave 3)-

Black Sea Bass- 798
Scup- 52
Summer Flounder- 6

July/August: Total Trips Fished- 95 / Trips Lost Due To Weather- 7
Wave 4)-

Black Sea Bass- 179
Scup- 864
Summer Flounder- 5

Sept./October: Total Trips Fished- 66 / Trips Lost Due To Weather- 9
Wave 5)-

Black Sea Bass- 34
Scup- 1,208
Summer Flounder- 0
Tautog- 47

Nov./December: Total Trips Fished- 8 / Trips Lost Due To Weather- 6
Wave 6)-

Black Sea Bass- 1
Scup- 0
Tautog- 22

Last Trip November 12

**Please Note- From Approx. July 1 – Nov. 1 Juvenile Black Sea Bass carpeted the bottom in ALL AREAS, regardless of rocky reefs or sand/ mud. They were EVERYWHERE. We literally culled through THOUSANDS of juvenile sea bass to achieve these numbers. These fish have totally taken over Long Island Sound.*

From:

To:

Cc:

Subject:

Date:

1 2 1 11 3 3

North Fork Captains Association
Long Island NY

Ms. Caitlin Starks
FMP Coordinator
ASMFC

After careful review of the documents we received regarding Amendment XXX we as an organization would like to take the following positions. We favor Option A-2 that of Regional Allocation. That would be to divided into a northern region (MA-NJ) and a southern region (De-NC).We would also prefer that that regional allocation remain in place for a period of 5 years. It is also imperative that we have uniform regulations within a region. We can't have states "go rogue" as they have in the past. We would also favor some accurate means of evaluation of these measures after a period of time

It is of primary importance that we have the longest possible season of at least 227 days. Also, we would favor at least a 5 fish bag limit as previously discussed.

We hope that our input will be carefully considered in assisting The ASMFC to arrive at their decision.

Regards,

Capt. Robert W. Busby Jr.- President

From:
To: _____
Subject:
Date: 22 2 1 12 1 3

Dear Council Members,

On behalf of the Montauk Boatmen and Captains association and its 56 members, Black Sea Bass have become a necessary target species for all charter and party boats in southern New England. We urge the ASMFC to consider a separate "for hire" category exempting charter and party boats from section 3.1.2.4.B of draft addendum XXX. Given the small total harvest by the "for hire" fleet we feel this to be a reasonable request.

15 inch size limit with an 8 fish bag limit from May thru December with no federal closure will keep our fleet operating through the the season.

Thank you for your consideration. Respectfully,

Capt. Rick Etzel
Pres. MBCA

Sent from AOL Mobile Mail

From:
To:
Subject:
Date:

1 2 1 1 3 13

Caitlin:

On behalf of the Recreational Fishing Alliance (RFA), Massachusetts Chapter comments associated with Draft Addendum XXX - Black Sea Bass Fishery Management is set forth below.

There is no lack black sea bass ("BSB") in our waters that appears to be a result of the climatic shift and movement of BSB into our waters in Buzzards Bay and Vineyard Sound as well as north of Cape Cod. The proposed fishery management measures that take into consideration climatic shift are the Exploitable Biomass and Harvest options (Section 3.1.2.1, Tables B1 and B2) that are the preferred options recommended to be implemented in Massachusetts waters. The options set forth in Table B2 is preferred over B1 with the following comments:

- How will states that do not comply with annual thresholds be held accountable? Massachusetts does not want to be penalized as a result of other states not staying within their annual landing thresholds.
- Table B2 indicates this option has a 185 day season (North). Would the season length be specific to each state since the date BSB arrive in Massachusetts state waters is different than New Jersey or other states? Within our state waters the BSB arrive in Buzzards Bay well before they arrive in Nantucket waters. The season needs to be specific to each state over a 185 day (North) timeline .

Could an increased bag limit greater than 5 BSB per angler be implemented as a result of assessing the following:

- A 15% dead discard threshold is utilized for fishery management purposes for BSB. Landings in Massachusetts are primarily in shallow waters from 25 to 30 feet and with increasing water temperatures 40 to 50 feet. Anglers in other states are landing BSB in 100 feet of water and greater where a dead discard rate of 15% appears reasonable due to barotrauma.
- The dead discard rate in our waters is negligible or less than 1-2%. Annual harvest or threshold levels should be adjusted accordingly for Massachusetts taking into considering a much lower dead discard rate or threshold in our waters.
- Assess the changes to seasons and bag limits by increasing the size of BSB by 1 inch increments from 15 inches to 16 and 17 inches.

The issue with Regional Alignment (Appendix I Tables A1-A6) is that the timelines provide Regional Harvest limits for each state that based on the duration of the timeline is flawed. One could adjust the timeline to benefit the state. The timelines presented do not benefit Massachusetts that result in a lower Harvest Limit for Massachusetts. States that continued to exceed their harvest limits benefit from a higher historical harvest limit. I would consider a Regional Alignment of MA and RI (Table A5 and A6) but the timeline is such that the regional harvest limits are low. This is attributed to the fact that Massachusetts had a 102 season length and 5 BSB per angler bag limit the past few years where other states have a considerable longer season and larger limits resulting in higher annual harvest limits. The climatic shift has resulted in a tremendous increase in BSB in our waters that cannot be

harvested as a result of the present fishery management scheme.

Ultimately the following is recommended taking into consideration the comments set forth above.

- Management Program - Regional Allocation of the RHL
- Basis for Allocation - Exploitable Biomass and Harvest
- Regional Alignment - 3 Regions
- Timeframe for Specifying Allocation - (2011- 2015) or 5 years
- Management Measures Within a Region - Regulatory Standard with Conservation Equivalency Allowed
- Evaluation of Specification of Measures - Adjusting Management Measures to ACL over 3 year
- Timeframe for Addendum - Up to 2 years (2018 and 2019)

If you have any questions or comments please email or give me a call. Please confirm receipt of this email.

Thanks

Capt. Mike Pierdinock
RFA - Massachusetts Chairman
617-291-8914 (cell)



"To safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries."

www.joinrfa.org

From:
To:
Subject:
Date:

1 2 1 3 1

Caitlin Starks, Good Morning.....

My name is Mickey Sherry, Political Advocate for the Lacey Fish Hawks Saltwater Club, which is a Fishing Club 200 members strong. This is my second year as a Political Advocate. During these two years, I have attended several meetings given by several Fisheries Commissions.

As I look at all the models that were presented to us tonight concerning Sea-Bass, I once again question where the numbers come from. The many models that were presented to us have many charts that are populated with all kinds of numbers. We were told that we may be facing a coast wide reduction in quota of Sea-Bass from 4.29 million pounds in 2017 to 3.66 million pounds in 2018, despite the fact that the spawning stock biomass is at 230% of its target. To me this statement shows that there are more Sea-Bass out there, which was not anticipated. If there are more fish to catch, then of course we will be over the quota because the quota was based on less fish. Again, you cannot base regulation on numbers such as this. We want the ASMFC to know this is NOT acceptable, and that we do not want any more stringent regulations forced upon us for the upcoming season.

I once again ask, "How is the ASMFC going to evaluate these numbers moving into the future, and also, to make sure these numbers reflect the actual condition of the Sea-bass allocation." I feel that year after year the fisherman seem to sacrifice more and more, in hopes of a better fishing pool the following year. But this doesn't seem to happen as the models do not reflect the actual conditions. I request that the numbers be examined to be more realistic, which would make the options for Sea-bass more in-line with the true conditions .

Thank you,

***Respectfully submitted
Mickey Sherry
Political Advocate
Lacey Fish Hawks***

From:

To:

Subject:

Date:

3 2 1 2

I would like to submit the following comments regarding addendum XXX being reviewed by ASMFC:

I am strongly in favor of making New Jersey a stand alone region. I must note however that I consider regional management a poor concept for both the fluke and sea bass recreational fisheries as it is too limiting considering variation in the near shore benthic topography and its attendant shift in population habitat, the variation in species abundance in a north-south axis, and stock spatial size variations along the same axis. At least for New Jersey we should be able to make regulations consistent with the varying sea bass fisheries between the northern and southern portions of the state.

I also think it logical to use the longest time frame possible for state proportional shares of the quota. I would suggest the bioavailability of the stock be used in in considering state shares as well.

I am greatly concerned with the usage of MRIP data in the computations of any of these parameters. It has been clearly pointed out by AP members of the fluke, sea bass, and scup group, time and time again, how flawed the data is and how lacking that data source is due to poor and limited sampling, mostly by financial constraints. Although the data source for the CAP data is not specified in this memorandum, I suspect this is an extrapolation of MRIP reports.

As you are most likely aware, the recent transition from phone call to mail data for MRIP shows a 3-4 fold increase in angler trips and extrapolated to the same increase in sea bass catch. My own observation and knowledge is that no such increase actually occurred. The problem is this data source will unfairly punish states, based on a poor source of data.,collection, reduce discards, etc. I would suggest the federal registration process be expanded to collect data on species fished for, number of fishing trips made, and number of fish of each species caught.

I am also concerned about the requirement for states to increase data collection, reduce discards, etc. While this is a terrific idea theoretically, funding in NJ is woefully lacking to accomplish such tasks.

Captain Harvey Yenkinson

AP council advisor fluke, sea bass, scup

From:

To:

Subject:

Date:

2 1 1 2 3

too much info lika a politician didnt understand
all i want to know is can i take black sea bass or not and the date

From:

To:

Subject:

Date:

22 2 1 2 2

Dear Sir,

My name is Charlie Donilon and I own and operate the charter boat Snappa out of Pt. Judith, RI. I have been in the charter business for 47 years. Whenever I have attended meetings when making proposals for a particular species of fish, I generally voice my opinion in favor of what is best for the fish. Regarding the black sea bass is the one fishery that I think you should reconsider the options you are offering. Where most fisheries have declined in my 47 years of fishing on the ocean, the sea bass fishery has proven to be the most abundant fishery I have seen in the last 5 years. This includes increase in size and numbers. While fishing Rhode Island waters I have consistently caught this fish in Narragansett Bay, Block Island and the Coxes Ledge area. All three of these areas covering over 50 square miles.

My biggest concern is the closure of the fishery between the dates of Sept 22nd and Oct 21st. In the RI area we sometimes don't have many options to fish because the striped bass and blue fish have left our waters. The black fish or tautog fishing doesn't really begin until mid October. But it is prime time to catch the sea bass and you shut us down at that time. I'm not looking to take more fish but simply allowing us to take 3 or 4 fish /person during the time you will close the fishery. By taking a few fish from the May 25th – August 31st time frame or the Sept. 1st - Sept. 21st time frame as well as the October 22nd – Dec. 31st time frame, that would allow for a few fish to be taken in your proposed closed season. If the above recommendation is not possible, could you allow us to fish the weekend dates of Sept. 22nd and 23rd and the weekend dates of October 20th and 21st. Those 4 dates would give the charter industry much needed revenue.

Speaking as a charter boat captain I lost a tremendous amount of business last season due to the closed period. Unless you change the regulations as they are now, and let the charter groups retain a few sea bass, the charter industry will face the same situation as last year.

Thank you,

Charles Donilon

From:

To:

Subject:

Date:

1 2 1 1 1 2

My 20 year old daughter, a junior at East Carolina University, will be involved in the river herring research program. I am grateful to know that the ethos of ethical stewardship has been passed on to the next generation. She is an avid sport fisherman, and releases 90% of what she catches...including any Black Sea bass over 20" ! Our shared comment is that by encouraging people to keep the largest fish they get their hands on, this is counterproductive to the sustainability of the species.

She also learned that in Connecticut, the charter, for hire,& party boats enjoy an advantage over private boats. We feel this is great for the sector of the industry that relies on providing a day of fun for many individual recreational fisherman who would otherwise be shut out of the fishery. We ask that you would consider this option for NJ. Thank you

Sent from the iPhone of
David Nelson Painting Inc
"A quality paint job is not expensive,
...it's priceless."

From:
To: _____
Subject:
Date: 22 2 1 2

ASMFC,

This is John Alves writing you, Captain of charter fishing vessel Nightjack, sailing out of Branford, CT in Long Island Sound. I am the one and only fishing charter boat sailing out of Branford. With the abundance of Black Sea Bass it has become a major target species on many fishing trips.

The consensus among fisherman is that Black Sea Bass are eating us out of house and home. From juveniles to jumbos, these things are on every reef. Most of the time you cannot get away from these little juveniles to catch a porgy. It actually becomes embarrassing. There eating everything in their path, we catch them on any bait and they are so ferocious that they gorge themselves spitting up crabs and fish while eating your squid.

As a member of the for hire fleet I urge the ASMFC to consider a separate "For Hire" category exempting charter and party operators from section 3.1.2.4.B. of Draft Addendum XXX. The "For Hire" fleet harvested less than 10% of the Connecticut total Black Sea Bass harvest, the Rhode Island "For Hire" less than 15% and the New York "For Hire" harvested 20%; through wave 5 2017.

Captain John Alves

Nightjack Sportfishing

From:

To:

Subject:

Date:

2 1

I fish in NY state 3 miles to 12 miles from shore. 2017 fishing for Black sea bass we were able to keep 2 seabass at 15 inches and 15 ¼ inches with catch and release of hundreds of fish between 13 and 14.5 inches. we were able to fish for sea bass a total of 24 trips. Although I could not justify the low return of just two fish worse ratio of catch to keep I have ever experienced .

Al Hesse

From:

To:

Subject:

Date:

21 2 1 12 31 2

As a for hire industry Owner/Operator I respectfully request a Separation from the recreational fishing limits set forth on all southern New England species. The for hire industry in order to sustain needs there own quota in all fisheries. being looped into the recreational Quotas are unfare. The for hire industry caught 20% or less of the Black Seabass Quota in 2017 in Ny and Ct and RI less.. We need fair access to this and other fisheries on a consistent level to survive. YES some of us do this for a living and not a hobby!.. We give access to people who have no Access to Fishing.. The Data you get from vtr,s are real data not extrapolated multiplied data from dockside interviews. In Seabass alone industry professionals have seen a huge increase in the fish over the last few years finding them in areas they never were before. They are voracious eaters and are doing damage to other species to feed because there are so many.. Please consider this opinion.. Black Seabass are becoming more and more important to keep a for hire boat in business because of inconsistent year to year regulations that we are looped into with rec fishers on other species and this fishery... A May 1 to Dec 31 @ 8 fish 15" should be considered for This INDUSRTIES Businesses..

Consideration,
Sent from [Mail](#) for Windows 10

Brother

Thanks for your

Capt. Robert Aaronson
F/V Oh

Montauk, Ny 631 668 2707

From:

To:

Subject:

Date:

13 2 1 11 13 1

I am writing you because I am concerned with the 15 percent reduction in the black sea bass quota even though the reproductive biomass is at 230 percent. I agree when a species seems to be in trouble we need tighter regulations. That does not seem to be the case with Black Sea Bass. I support the JCAA position and would not like to see a February fishery and their recommendations on how the species should be managed. I believe with the stock at 230 percent the season should be open from April 30th to December 31st with a 15 fish bag limit and 12 1/2 size limit. Your overregulation of this species is causing major harm to the party boat, charter and tackle shop owners. These people have tried to weather this overregulation and now with the species at these high levels both they and fishermen should reap some benefit and not a reduction in quota. Just a side note I am also concerned about the fluke situation where most keeper fish are females I think you need to reassess your thinking and lower the size limit to 16 inches so there is less mortality and more females to reproduce. Thank you for giving me the forum to voice my opinions. Bill Tedor

From:

To:

Subject:

Date:

1 2 1 1 2

To Whom it may concern,

I use to fish for black sea bass in the winter offshore until about 5 years ago. The fishing was excellent then and I never experienced a downturn in that fisherie. Please give us back our winter fisherie for black sea bass. I miss it so much.

Sincerely, Brian Jennings

Sent from [Mail](#) for Windows 10

From:

To:

Subject:

Date:

2 2 1 3 1

To whom it may concern,

I am a retired charter captain that operated my boat in Connecticut, New York and Rhode Island as well as offshore for 30 years. I have seen fish stocks rise and fall a few times, never have I seen such a drastic change in a population as I have for black sea bass. They are overpopulating every inch of the bottom.

I fish recreationally now and every trip that my friends and I go on we throw back at least 100 fish per trip that are under size as well as catch the limit of keepers.

On top of that, the fish we do keep are eating anything they can find which includes lobster from 1 to 6 inches long. They eat fish, crabs, lobster, octopus, squid, and some things I cannot identify!

In fact the fish that come into Long Island Sound over the last 5 years have been predominately undersized which means they breed like rabbits or worse and this year will be 3 inches bigger and eating more.

The biomass has spread all the way from Maine to Florida. Wait till the lobster start to disappear up in Maine, then you will see something I am sure.

To reduce the limits is the most ridiculous thing you folks have ever considered. I personally have witnessed in a very small cove in Groton schools of juvenile sea bass roaming 200 fish strong looking for food in a foot of water. That was in just 1 place, imagine how many there are coming up in future years.

My recommendation is at the very minimum leave it the same or increase the limits and time allowed to fish to weed out some of the breeding population to save the bottom dwelling creatures that the good eating fish thrive on.

Your data has to be wrong the bottom was covered with sea bass last year.

Sincerely,

Captain Joseph Garofano retired

Sent from my Verizon, Samsung Galaxy smartphone

From:

To:

Subject:

Date:

2 1 2 1

I understand that there is a possibility that Black Seabass may actually open up for the month of February. If I'm wrong you can stop reading the rest of this email. If I'm right I would to add my opinion to the conversation. As I sit here typing this email I'm actually watching people walking out on the frozen Great South Bay on the south shore of Long Island, NY. Opening BSB for the month of February will only benefit party/head boats. Private boat owners do not leave their boats in the water through the winter because of fear of exactly what has happened. EVERYTHING IS FROZEN. My understanding is if a February fishery does get approved it will cost all fisherman a few days during the summer season. I think its only fair that once the summer season opens, the for hire fleet should not be allowed to fish for the amount of days that a February season will cost all private fisherman. Example.. if all fisherman lose 3 days of a summer BSB season because of the February opening that only benefits the for hire fleet than the fire hire fleet should not be allowed to participate for the first 3 days of the summer season. I have read quotes from the fire fleet that no one would mind losing a few days during the summer go gain access to a February fishery. I would mind and so would every other private boat fisherman.

Thank you for your time,

Kirk Fay

From:
To: _____
Subject:
Date: 22 2 1 12 2

Caitlin Starks,
Coordinator ASMFC
1050 North Highland Street, Suite 200A
Arlington, VA 22201

RE: Comments on Draft Addendum XXX January, 22th 2018

I am in full agreement of Rick's comments on the addendum on behalf of the Rhode Island Party and Charter Boat Association. That letter is below with several small changes that are in bold and underlined.

Frank Blount
Owner and operator
Frances Fleet
Point Judith, Rhode Island

Ms. Caitlin Starks,

Thank you for the opportunity to comment on this important draft document. The Rhode Island Party and Charter Boat Association is comprised of 62 party and charter boat operators who rely on Black Sea Bass as a vital component to our annual business models, which support coastal communities in Rhode Island.
General Comments

Parts of the document were difficult to understand. Particularly when we tried to evaluate how the different options and regional make-ups would provide fishing opportunity for RI's recreational party and charter boat fisherman while allowing us to achieve an RHL.

The document is unclear about what would happen if a region went over the allocation assigned to it or a state within a region went over its allocation assigned to it. How would this affect future management? The document is unclear about what happens to the state that over harvests and to the state that stays within its allocation or under harvests within the same region.

At the time these comments close, we will not know what the coast wide measures will be. Yet, the document asks us to choose a preferred alternative of coast wide measures or regional management.

The allocation options based on exploitable biomass and historical harvest use a technical system of creating an allocation based on CPA and catchability equations, which may be a great idea.... It's hard for us to say. The document should have described the methodology for determining (q) and what data was used to determine CPA. Assuming it was MRIP, that should be better conveyed. More work needs to

occur to develop this system before the board should consider implementation. Through the public hearing process, we learned that a different methodology was used to develop the “example measures” for tables A1 thru A6 compared to tables B1 and B2. The A tables used 2017 MRIP data for catch and weights for Waves 1-5 and projected Wave 6, but the B tables used 2017 MRIP catch estimates and weights for Waves 1-4 and projected waves 5 AND 6. Because the actual 2017 wave 5 estimates were higher than the 2017 projections, the example measures listed in the document for the B tables are more liberal than they would have been if the actual wave 5 data were used. Although the document was very clear that the example measures were just that, examples, the different methodologies and results of that analysis is misleading to the public.

Finally, the projected 2017 harvest is subject to change following the release of 2017 wave 6 data in February, which is after the board meets to select options from this document. Changes to projected 2017 harvest may have significant impacts on recreational fishing opportunity within the various regional make-ups. We are unable to determine a process in the document that explains what happens when we learn the 2017 harvest in wave 6. Is there opportunity for the board to change preferences based on that information?

We think it's undesirable to expect the public to offer comprehensive recommendations on the document with so many uncertainties. While we recognize that we are running out of time and we appreciate the intent of staff and the working group to try to develop a different approach to managing BSB. In general, we don't think management decisions should be made solely on the options presented in this document as written.

Recommendations that we can make based on the information in the document.

1. At this time, we do not know what the coastwide measures will be for 2018. We have to assume they will be more constraining than any measures under regional management. If that turns out to be the case, we could support regional management based on historical harvest only.
2. A 5-year timeline to determine allocation is a must. The resource has shifted, and a 5-year timeline will give the best picture of the current fishery. A table presented at our public hearing, but not in the draft addendum, graphically illustrated that recent harvest along the coast lines up well with potential allocations under a 5-year timeline.
3. Conservation Equivalency should be approved by the board, however, management measures within a region should not be prescribed. There is a possibility that 2 neighboring states within a region could have very different fisheries. Forcing them to change their historical fishery is wrong. Regional partners could be encouraged to have similar regulations, but prescribing them is ill advised. We cannot recall an example where commercial regulation are prescribed between states, why recreational measures?
4. Regional Alignment: The board should seriously consider a regional alignment that is the 2017 Status Quo for FY 2018. The 2017 North/South regions with the northern states crafting individual measures aimed at achieving the regional RHL. That same type of conservation equivalency should be continued for 2018 only. We support a 2-region approach for this reason. A 3-region approach could be considered as a second, less favorable choice. We oppose a 4-region approach. We believe the board has the flexibility to

adjust or eliminate prescriptive CE's in favor of the regional CE that was utilized in 2017. 5. Specification and evaluation of measures: We recommend approving option B, Adjusting management measures to the ACL. This new approach seems like a fairer way to measure performance and incentivizes responsible fishing practices through discard reductions and improved compliance and better data collection through improved reporting, concepts the RIPCBA believes in. 6. This document was a good try, but it missed the mark, in our opinion. The board should initiate a new addendum or an amendment at the February meeting to further develop innovative allocation schemes like the options in this document based on exploitable biomass and historical harvest. The working group should work closely with the industry advisors on this new management action. MRIP improvements are scheduled to be calibrated in 2018, adding further rationale for maintaining status quo regions for 2018. Exploring new approaches that utilize newly calibrated MRIP data, CPA and (q) related approaches to allocation, separate programs for the for hire sector, better data collection and discard reductions, and measures to improve compliance could all be considered in a new management action.

Some questions, specific to the document, that were not answered at our public hearing.

The board moved to develop the addendum to include "one state regions" like summer flounder. The Recreational Working Group advised against that request. Why? Why is New Jersey the only state afforded a one state option? **Every State has different needs and a very different fishery. Some states have a directed fishery and others catch sea bass when they are in a mixed fishery. Mass needs fish in wave 3. RI has an important fall season. Commercial regulations couldn't be any more different between States. Ct has a 1000lb a day trawl limit, 200 pots and 50 lbs for hand gear, Mass has 300lbs for pots, 150 for hooks and 100lbs for trawl gear. NY is the same for all modes depending on the period from 100 lbs to 50lbs. Why is no one asking to address these very different measures? Recreational fisherman can fish in different states most commercial fisherman can not.**

Figure 2 on Page 9 clearly shows that since the mid 90's management of BSB has affected the for hire sector negatively. The private/rental sector has increased its percentage of the catch over the same time, a positive effect. With the private/rental mode now accounting for 84% of the catch, why were there no new options that consider separate measures for the different sectors? Why were there no strategies or options specifically aimed at slowing down the significant private/rental catch? Will these potential allocations now become our allocations moving forward? We suggest an amendment should be initiated if long term re-allocations are on the table.

Thank you,
Capt. Rick Bellavance, President
Rhode Island Party and Charter Boat Association

From:

To:

Subject:

Date:

22 2 1 13 1

Dear Caitlin Starks, FMP Coordinator

1. The document is unclear about what would happen if a region went over the allocation assigned to it or a state within a region went over its allocation assigned to it.
2. The document is unclear about what happens to the state that overharvests and to the state that stays within its allocation or under harvests within the same region.
3. The document asks us to choose a preferred alternative of coastwide measures or regional management. But we do not know what the coastwide measures would be.
4. The 2017 projected harvest may have significant changes, relative to the recreational fishing data, when the 2017 wave 6 data is figured in, sometime in February 2018. The problem is the, board meets to select options before the February data is put into the 2017 data.
5. A 5-year timeline to determine allocations would give you the best timeline of the current fishery.

6 Conservation Equivalency should be approved by the board and management measures within a region should not be delineated.

Justification: Two neighboring states within a region could have very different fisheries, and you would force them to change their historical fisheries.

There does not appear to be a situation where commercial regulations are prescribed between states, then why do that for the recreational measures?

Thank you for taking the time to read my comments.

Nick Butziger, Sea Hawk Charters ~ Point Judith, RI
44 Bowen Briggs Ave
Warwick, RI 02886

From:
To:
Subject:
Date:

22 2 1 2

I have operated a charter boat out of Point Judith, RI for the past 38 years. I would like to make a few comments on Draft Addendum XXX.

The first thing I would like to request is that the ASMFC should consider different regulations for the for hire industry than those of recreational fisherman. The for hire industry needs help in order for it to survive.

I prefer the five year time frame for determining allocations. Especially with BSB the population has grown immensely in our area in the past 5 years and if we makes decisions based on the last 10 years we don't get a true picture of what the resource we have in our area at the present time.

I can go along with the 3 region option. It puts RI in with Ma., Ct., and NY. Also management measures within the region should allow for conservation equivalency without prescribed rules, so that once the board

picks a regional configuration each state in the region can adjust their regs that best their needs in their own states.

Thank you

Capt. Andy Dangelo

Maridee II Sportfishing

Treasurer RIPCBA

Member of the RI Marine Fisheries Council

From:

To:

Subject:

Date:

2 2 1 3 33

I am writing regarding the Black Sea Bass (BSB) proposed regulations. I live in Rhode Island and have been fishing for 45 years, and have owned a boat for 27 years. I have been fishing the area of Narragansett Bay and the outer coastal waters. My observation on fishing for BSB for the past 6 years is that the population is getting larger and larger. I have been catching them on 5/0 fluke rig hooks as small as five inches. It is hard to catch scup because of all of the small BSB. I feel the population has exploded over the last few years. Many of my fishing buddies also have observed the same thing. I think the surveys have not reflect what we recreational fisherman are seeing. The science has not kept up with what is happening with the BSB. I have not been surveyed by any fisheries managers, and do not know anyone who has. I have had a R I Saltwater fishing license since required to do so. I feel the fishery should be opened up so more fish can be taken recreationally. As for the Addendum XXX I feel that the "four region" approach should be adopted with R I and Massachusetts placed together as one region. Allocation should be by proposal #1 - Based on combination of stock biomass and harvest information. I have observed there are alo't more BSB than what the scientist are saying. And regulations should be relaxed.

Please take my opinion into consideration,
Thomas Poirier.

From:

To:

Subject:

Date:

11 2 1 1

We support the vote to have this remain in place for two years . It is listed B2. for two years.Thank you George and Joan Ford Cape Cod Salties.

From:
To: _____
Subject:
Date: 22 2 1 12 3 1

Please take all comments from the For Hire Fleet very seriously. This is our livelihood.

Typical recreational weekend warrior anglers do not pay attention to the regulation making process during the winter because it usually is just an inch up or down in the size limit or a fish or two added or taken away from the bag limit. They will not even think of a sea bass until a random Saturday in July when they take their son to go fishing. They will walk into the tackle shop and say hey, what's biting? Where's hotspot? - That's how it works! They are just not engaged like for "For Hire" fleet is.

Almost all comments that are made at the hearings and via email are by Charter and Party Boat businesses. We are not commenting because we have nothing better to do. This affects our lives!

This is the most abundant species in LONG ISLAND SOUND. Not by "keepers harvested", but by volume. You can't get away from them!!! **THEY ARE THE ONLY FISH YOU CAN CATCH IN CENTRAL LONG ISLAND SOUND IN MAY AND JUNE!**

We all have homes, wives and children all supported by our businesses. This is our career just as those of you reading this have your career. Families will suffer financial hardships if this regulation does not go our way and for no other reason than policies being put in place by known BAD MRIP DATA.

Addendum XXX will never work as written.

We either need.....

1)- A Regional blanket regulation from New York and North - Open Year Round 5, fish @15 inches. (No regulation was even able to be voted on at either the CT or RI meetings).

2)- A separate "For Hire" category from New York and North - Open Year Round, 5 fish @15 inches.

3) - **DO AWAY WITH HOLDING EACH STATE TO THE 30 DAY'S TO THE REGULATORY STANDARD. THIS IS THE WORST SENTENCE IN THE ENTIRE ADDENDUM!**

OR

4) - Allow the states to have their own region with conservation equivalency.

This document as written will put many Charter/Party operators out of business this season including me. It is imperative Addendum XXX be revised to cause less economic damage.

Thank you,
Capt. TJ Karbowski
Rock & Roll Charters
Clinton, CT
203.314.3765
www.rockandrollcharters.com

From:

To:

Subject:

Date:

1 2 1 12 1

Why impose restrictive limits on Black Sea Bass at all. They were everywhere, in fact a nuisance when fishing for other species such as fluke and scup. I caught over 200 in a 3 hr time frame , sometimes 2 at a time , most undersize. Kept 9 fish total.

We need to get rid of some of them, They are eating all the forage bait.

Lou Neumann, Portland, CT

I fish CT< RI and NY at times.

From:
To:
Subject:
Date:

21 2 1 2 3 1

Black Sea Bass Managers,

I have lived, ate and slept Addendum 30, as BSB have become the lifeline of my CT Charter Business. I have met with my CT managers and produced a 2017 actual fish census documenting every fish kept aboard my boat, in an attempt to show how awfully wrong MRIP harvest #s. I have attended two states Addendum 30 meeting CT & RI. I have made verbal comments and now a quick written comment.

To start off my written Comments, I am disappointed that this documents opens with 2 options: Coast-wise management (with no published regulation) and the new management process explained over 30 pages, Addendum 30. This document is incomplete in more flawed ways. This Addendum 30 possess unproven theories, inconstant uses of data where wave 5 is sometime applied and calls for States to share Season lengths within 30day without re-guard for migration patterns. In my business this equates to booking a halfday inshore fishing trip were we board the anglers, prep the bait on the way out to the famous Long Island Sound fertile reefs when we arrive and setup the drift, we've left all our rods on land. I CALL FOR ADDENDUM 30 TO BE TABLED TO 2019, where fresher data on 2015,2016 recruitment and a new stock assessment can be applied and not interrupt fishing for a over abundant fish. While more time can be spent crafting a more though document. Status Quo would have 0 impact of this fish population over the coarse of 1 more year.

In the two public meeting I attended; fisherman were hand lead (by a state manager and by Ms. Starks) to option B2, as managers are excited to apply new measures to a rebounding fishstock. When you compare example season options A2 (69% allocation) to B2 (65% allocation): A2 proposes 227 day season / B2 185 day season; what wasn't made clear was option A2 was based on data thru wave 5, B2 on data not including wave 5. When you apply wave 5 data to B2 the season degrades to 126 days or less. These practices of different people preparing example seasons using different time series / waves data to conclude a near season length is unjust and creates further distrust in our fisheries management system. If nothing else I must revert my public comment back to A2 based on the fact I would be gifted 69% allocation over 65%.

Perhaps the only stabilizing factor that I could ask for if addendum 30 succeeds, is to consider a for hire category coast-wide: 8fish, 15"length, opened May1 thru December 31. Mrip data shows the for hire fleet BSB harvests: (CT) less than 10%, (RI) less than 15%, (NY) 20% of all combined modes total BSB harvest.

Thankyou for your time
Respectfully submitted,

Captain Mike Pirri

President

FlyingConnie Charters LLC.

From:
To:
Subject:
Date:

2 2 1 1 33 3

Our fishing association has told us about the draft addendum currently being considered by your group and has asked us to send the message below which we wholly concur with.

We work closely with CT DEEP in our black sea bass harvest, report our catch as required under state and federal law, and require all customers to follow guidelines. While our customers do not regularly catch the current 8-fish limit, the fact that we can advertise that they can keep that many through the May-Dec season encourages them to come fishing on a more regular basis. If we were to tell them they did not have the opportunity to catch that many fish or that they would not be able to keep sea bass May-Dec, it would seriously hamper our ability to stay in business.

We appreciate your consideration of the language suggested below.

Capt Joseph Devine, Mijoy 747, Waterford Connecticut

“Within recent years, Black Sea Bass have become a necessary target species for virtually all charter and party operators in Southern New England. As a member of the for hire fleet I urge the ASMFC to consider a separate “For Hire” category exempting charter and party operators from section 3.1.2.4.B. of Draft Addendum XXX. The "For Hire" fleet harvested less than 10% of the Connecticut total Black Sea Bass harvest, the Rhode Island "For Hire" less than 15% and the NewYork "For Hire" harvested 20%; through wave 5 2017.

As a member of The For Hire Fleet, I Formally Request:

Minimum length: 15 inches
Daily creel limit: 8 fish per angler
Open Season: May 1 - December 31

Black Sea Bass vary in distribution throughout the region at different periods of the season. Being constrained to the proposed Regulatory Standard of Addendum XXX section 3.1.2.4.B. will result in many financial hardships for charter and party operators.”

From:

To: _____

Cc: _____

Subject:

Date: 12 2 1 11

Draft Addendum XXX

Just wanted to give you a heads up that I received an email from NOAA regarding making comments for the 2018 recreational Black Sea Bass Fishery.

The email provided a link to the “[Federal e-Rulemaking Portal](https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&D=NOAA-NMFS-2017-0151)” here
[https://www.regulations.gov/docketBrowser?
rpp=25&so=DESC&sb=commentDueDate&po=0&D=NOAA-NMFS-2017-0151](https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&D=NOAA-NMFS-2017-0151)

Which is different than emailing the ASMFC at “comments@asmfc.org”

When I clicked on the link it displayed all comments submitted so far. I feel this will certainly suppress comments as likely there will be individuals who will hesitate to write how they really feel on the subject as all comments through this weblink are published directly on the page for all of the world to see.

As I stated at the Connecticut meeting the other night, due to the different timing of concentrations of sea bass at different times of the season and in seemingly irregular order, the regulations proposed with season length restrictions put states against each other and even Captains from the same state against each other as all are fighting for open seasons at different times based on geography. This is already evident in the only 7 comments submitted in the NOAA comment portal so far. Also the comments I have personally submitted did not show up.

This is an overabundant fish in which NOAA states in the same very email that “***The December 2016 black sea bass stock assessment determined that the black sea bass stock north of Cape Hatteras is not overfished, overfishing is not occurring, and biomass was 129% above the biomass target.***”

There really just needs to be a blanket regulation for the states North of Hudson Canyon. – Open year round 5 fish @ 15 inches and lock it in for 3 years. or just do away with the "30 days in season length from the regulatory standard" - Given the size of the 2011, 2015 and now 2016 year classes these are more than fair regs. regardless of how they add up to the 2018 ACL. For hire Captains stating they need more than 5 fish as a bag limit to sell trips are just being greedy or are trying to leave themselves room for negotiations for the possibility of yet another unnecessary reduction next year.

Moving forward, in my opinion having simply the “comments @asmfc.org Subject line “Draft Addendum XXX” should be the only way to submit comments on the subject electronically. The email also states to provide comments to John Bullard, Regional Administrator in Gloucester or Jennifer Goebel at the Regional Office. There is no mention of Caitlin Starks name anywhere as it is stated in all of the literature or even mention of the ASMFC's email address at all. Having multiple ways to electronically submit comments just leaves the impression of being very confusing and inefficient and will no doubt result in comment numbers being suppressed and likely some comments even getting lost in the process.

Thank you,
Capt. TJ Karbowski
Rock & Roll Charters
Clinton, CT
203.314.3765
www.rockandrollcharters.com

From:
To: _____
Subject:
Date: 11 2 1 3
Attachments: _____ 23 _____ 2 1

To whom it may concern,

It has come to my attention that the recreational sector is facing a SEVERE reduction in its quota.

As the spawning stock biomass is at 230% of its target I find this to be UNACCEPTABLE & UNFAIR.

I would expect common sense to prevail & that the ASMFC will support an INCREASE of the quota.

Thanks for your consideration,

FLEXI VAN

Joe Sanzone

Manager, IT Infrastructure Group
251 Monroe Avenue, Kenilworth, NJ 07033
(O) 908.603.1562
JSanzone@FlexiVan.com

Confidentiality Notice: The information contained in this email and any attachments may contain confidential and/or proprietary material and is intended solely for the person or entity to which it is addressed. Any unauthorized review, disclosure or distribution of this information is strictly prohibited. If you have received this email in error, please notify the sender by reply email and destroy all copies of this email and any attachments.

From:
To: _____
Cc: _____
Subject:
Date: 2 1 2 1 2

Page 13

Section 3.1.2.2 Option B

“ As the demarcation line of abundance is not fixed, this regional alignment seeks to allow New Jersey to set state level measures to address spatial variation is in size and abundance of black sea bass along the new Jersey coast”

THIS NEEDS TO BE ALSO ALLOWED FOR CONNECTICUT AND SHOULD READ:

“As the demarcation line of abundance is not fixed, due to its unique geography, this regional alignment seeks to allow Connecticut to set state level measures to address spatial variation of the black sea bass migration in Long Island Sound.”

Thank you,
Capt. TJ Karbowski
Rock & Roll Charters
Clinton, CT
203.314.3765
www.rockandrollcharters.com

From:
To:
Subject:
Date:

22 2 1 2

FORWARDED FROM WHAT I SENT CAITLIN ON THURSDAY 12/21/17

Hi Caitlin. Thank you for taking my call earlier. Below is my email correspondence with graphs with one of the Connecticut D. E. E. P. scientists. I would appreciate if you wouldn't mind taking a moment to read it. Although my graphs are obviously rough, they will at least give you a snap shot of how the Long Island Sound ecosystem has changed since the sea bass have taken over. Please keep in mind that I have been chartering for a living since 2003 and I am on the water everyday the weather allows from mid May- Mid Nov. completing about 250 half day trips a year. I do not work during the winter months, so feel free to contact me with any questions that you have. I have more than adequate time to assist you if you need anything including log books. I feel as though I am a sea bass "expert" having experienced them from the beginning of their takeover of the Sound in 2011 as juveniles. This annual migration has given me first hand experience with their feeding, spawning and migration cycles from juveniles, all the way up to 26" fully mature fish. Their pattern has been very reliable, same time, same place.

Also with you being in charge of bluefish this will give you a snapshot of that 2017 fishery as well. Thank you- TJ

Thank you,
Capt. TJ Karbowski
Rock & Roll Charters
Clinton, CT
203.314.3765
www.rockandrollcharters.com

Striped Bass-

Striped Bass remain the number one reason the phone rings. Without striped bass we would be 100% out of business. The stock

is not healthy and in my opinion as long as there is a commercial fishery for them, the rules will be exploited and overfishing will be occurring. I believe the poaching is waaaaaaay underestimated. Even when fully rebuilt, clearly the stock could not sustain both a recreational and commercial quota. Now we also have to factor in the amount of fish the seals eat off the Cape on the way North during the spring migration and South during the fall migration. This percentage MUST be factored in. 40,000 seals eating 40lbs of fish a day is 1.6 million lbs of fish A DAY!

Also, (in my personal opinion). Moving forward to a rebuilt striped bass stock, 1 fish per person is adequate to book trips. 2 fish per person is not necessary as long as there are bottom fish to be able to target during a trip.

June was decent; I think because we had some rain pushing the fish and bait out the rivers, but overall striper catches this season were just a pick here and there. Catching more than 1 or 2 fish on the same reef was like hitting the lottery. I typically have to go to 3 or 4 (sometimes 5) reefs to put a 6 person limit together. Once the lack of rain set in the striper fishing was poor.

Also very little baitfish this season.

Virtually no rain bait.

No sandeels at all (I think I only saw them on 1 trip).

Virtually no squid.

No peanut bunker.

Only saw butterfish once or twice.

Even adult bunker were sparse. I think the majority were in the CT River not getting flushed out. (No rain).

Bluefish-

Bluefishing was TERRIBLE this year. The worst I have ever experienced. Uncomprehensible. We had them for a few windows (2 moon phases really) and then they were gone.

This really screwed up my fall and I cancelled 20 to 25 trips because of this. They are my backup plan for slow blackfish trips as well as typically easy to target during rough water due to their schools being

so thick. I usually can walk on them in Sept. Oct and early November. They just never came in. Very, very concerning.....

Fluke-

Ha, ha. Probably landed 15 keepers for the season. The sea bass have displaced them.

Scup-

Very, very, very tough fishing. Juvenile black sea bass carpeted the bottom from July until the last week of October. Once I got "dialed in" I did ok. But it was still WAY OFF. It was almost like blackfishing. If you were so much as 20' off of your "x" you would only catch baby sea bass.

Black Sea Bass-

They showed up late (the water took forever to warm up) and catches were a little less than 2016. Still good fishing, but keepers definitely weren't as thick as 2015 or 2016. Water was cold until June. "I think" the bulk of the sea bass were still across in NY waters but can't prove it.

They are the trip savers of May and June when striper fishing is slow. Without the spring May/ June sea bass season I would be out of business. Customers call for stripers, but almost always go home with sea bass. I would be totally screwed without them.

They spit up baby lobsters and whelk like crazy this year. Also (as stated above) the juveniles totally took over the Sound. They were everywhere. (Just like the 2011 year class). **THERE WERE BILLIONS OF THEM!**

The 2011 year class became keepers in 2014.

They decimated the baby crabs in 2014 and 2015 seasons. (Togging has been poor ever since.)

They decimated the razor clams in 2016 and decimated the whelk in 2017.

Who knows what they'll be eating in 2018.... What's left? Spider

crabs??

NOTHING ELSE STANDS A CHANCE WITH THEM IN THE SOUND!

Tautog-

Overall- terrible. The weather killed the season. KILLED IT. Wind, wind, wind and more wind. I had a few good trips, that's it. And NO bluefish around to even bend the rod when things were slow. The storm on Oct. 29th with associated runoff COMBINED with a supermoon that week made the Sound unfishable. It was a joke. Reports online indicate that the fishing finally was good after 11/15 (when most boats were out of the water.)

* Notes:

Very, very, very little bait in 2017. I did not see birds working once this season. Not once!!!!

Virtually no lion's mane jelly fish in 2017. Lot's of "moon jellys" though and some "bay nettles".

VERY LITTLE RAIN THIS YEAR.

NO SAND EELS!!!

NO SQUID!!!! THE PRESENCE OF THESE 2 BAIT FISH ARE KEY!!!!

Please see attached jpegs. They are charts I made.

Please keep in mind that up until 2014 we had a spring "Squid Run." Not any more. We also used to get a ton of sand eels in the Sound. Things are not good.

*****Some things to note.

*BP Oil spill 4/20/10

Did this hurt spawning baitfish in the gulf? Were those our baitfish?

*8/28/11 Hurricane Irene, 10/29/12 Hurricane Sandy
 What affect did these storms have on the Sound?

*Extreme winters of 2014 & 2015. We haven't had green crabs since! (Only in Niantic)

*What affect is the Calcium Chloride that they're now putting onto the streets/into the rivers having? It's all going into the Sound.

*The Seal population off the Cape .

*Sea Bass population exploding.

*No Lobsters.

*No Jellyfish

*Acidification

THE ECOSYSTEM OF LONG ISLAND SOUND IS EXPONENTIALLY OUT OF BALANCE!!!!

What was swimming in L. I.S. during the 2017 season.

		X			
		X			
		X			
		X			
		X			
		X			
		X			
		X			X
	X	X			X
X	X	X			X
X	X	X	^	X	X
<u>Striped Bass</u>	<u>Bluefish</u>	<u>Sea Bass</u>	<u>Fluke</u>	<u>Tautog</u>	<u>Scup</u>

What has been swimming in L.I.S. since I've been chartering.
 2003 -2013
 (Things changed drastically in 2014)

	X				
	X				X
	X				X
	X				X
X	X				X
X	X				X
X	X		X		X
X	X		X	X	X
X	X		X	X	X
X	X	^	X	X	X
Striped Bass	Bluefish	Sea Bass	Fluke	Tautog	Scup

Thank you,
 Capt. TJ Karbowski
 Rock & Roll Charters
 Clinton, CT
 203.314.3765
www.rockandrollcharters.com

From:
To:
Subject:
Date:

22 2 1 11

Comments: *** Connecticut- Season Length

(I discussed this with Caitlin a few days ago).

THIS IS WHY WE NEED SUCH A LONG SEASON

Due to the unique geography of Connecticut forming the Northern border of Long Island Sound we are different among our neighboring states regarding the black sea bass migration.

(Please see attached chart.)

In Long Island Sound, the Sea Bass migrate into the Sound during the spring. Usually around May 15th and leave about July 1 and head back to the ocean. This gives us only about 6 weeks (45 days) to catch these fish. (That is 25% of our fishing season in the Northeast.) While they are here, there are MILLIONS of them. (You can virtually walk on them). They flood the Sound making catching anything except sea bass virtually impossible. 99% of Connecticut's recreational spring fishing IS BASED ON SEA BASS! Once approx July 1st comes they disappear! For the remainder of the season we (in Central Long Island Sound) only catch sea bass as incidental catches while fishing for scup. (Scup typically move in about the same time the sea bass leave.)

At this time that the sea bass exit Long Island Sound and our neighbors on the Eastern End of Long Island and Rhode Island catch them along with a few Connecticut boats (fishing out of

the extreme Eastern ports). All of which are fishing in N.Y. state or Federal Waters. Most CT boats at this point do not have the appetite to catch sea bass due to the distance that must be traveled. (2 -3 hours ONE WAY just to exit the Sound for the average boat.

This is why the fishermen to the East of us (Rhode Island / Long Island) prefer regulations favoring the fall fishery.

THIS IS WHY A SEASON LENGTH FOR CONNECTICUT WITHIN 30 DAYS OF OUR NEIGHBORING STATE WOULD BE FINANCIALLY DEVASTATING AND MUST REMAIN AS IS.

If section “ 3.1.2.4” Were to pass THIS PUTS CONNECTICUT FISHERMEN OUT OF BUSINESS – PERIOD! THIS 30 DAY WINDOW SIMPLY DOES NOT REFLECT THE REALITY IN THE WAY THESE FISH MIGRATE!

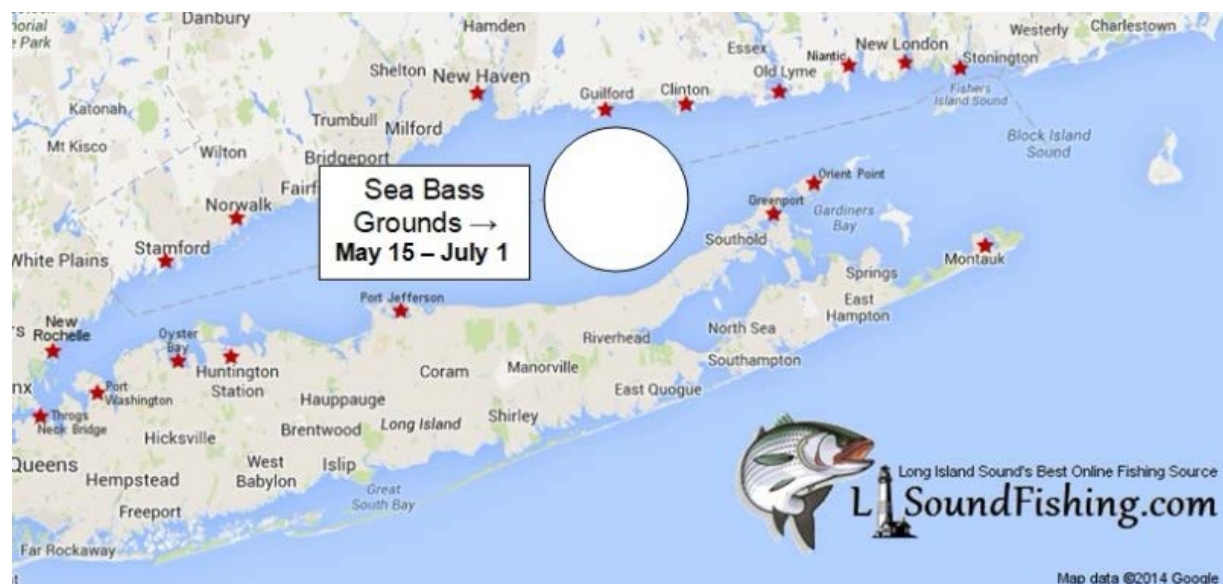
“3.1.2.4 Management measures within a region A) Uniform regulations within a region: The states within a region must implement a set of uniform management measures (size limit, possession limit, and season length). (NOTE: This option is only viable if no states participate in the February 2018 recreational fishery or all states within a region participate and evenly share accountability for the projected harvest.) B) Regulatory standard with conservation equivalency allowed: A uniform set of regulations would be developed for a region (a regulatory standard). States within the region could then submit proposals to implement alternative measures deemed conservationally equivalent to the regulatory standard, although management measures may not exceed a difference of more than 1” in size limit, 3 fish in possession limit, **and 30 days in season length (refers to total number of days) from the regulatory standard.**”*

Also, I have looked at the MIRP data estimates for 2017. They are waaaaay off. Estimates show CT catches more sea bass

than Rhode Island. No way! Rhode Island catches waaaaaaay more sea bass than we do. We're not even close. We catch maybe 25 % or a third. Again, Connecticut only has sea bass for the first 6 weeks of the season with the exception being a few boats on the extreme Eastern end that border Rhode Island/Ocean.

**** FYI There is only 1 Connecticut headboat that even fishes late November/ December (out of Stonington CT fishing the Federal waters off Block Island). That is the only reason we even have the fishery open so late into the year. The rest of us pull our boats early to mid- November. This is the only boat that would even contribute to wave 6 catches.

PLEASE FEEL FREE TO CONTACT ME WITH ANY QUESTIONS. MY CAREER DEPENDS ON THESE REGULATIONS GETTING PASSED THE RIGHT WAY! THIS IS WHAT I DO FOR A LIVING. FULL TIME SINCE 2003!



Thank you,
Capt. TJ Karbowski
Rock & Roll Charters
Clinton, CT
203.314.3765
www.rockandrollcharters.com

From:

To: _____

Subject:

Date:

21 2 1 2

As a charter boat captain the last 25 years I would like to make some comments on Draft Addendum xxx. Having attended the meeting the other night at URI I left confused as well as most of the fisherman that attended the meeting. Having lost most of my charters last October due to no seabass possession, I feel it is time to separate the party and charter boat industry from the rest of the recreational fishing community. Historically black seabass were landed mostly by the for hire industry. Since 1996, private anglers have caught most of the fish as you can see from the document on page 9, figure 2. The state of Connecticut has already addressed this. They have given the for hire industry their own piece of the pie. The for hire industry has continually given fish up for conservation and have never received anything in return even after working with management, filling out vessel trip reports along with electronic monitoring. I can see why some captains wont talk to interviewers. The for hire industry has so many months to make enough money to get through the rest of the year. Without access to stocks, it's like a family shoe store with no mens shoes. Back to the addendum, I prefer regional management over coastwise management, I prefer regional management based on historical history, not exploitable biomass and historical harvest. If you look on page 13-13 the exploitable biomass option was not fully studied. I also prefer a 5 year over a 10 year time frame. I prefer that we be in the region with New York, Ct, Rhode Island and Ma. I am against being in a region with Ma. alone. I also think management measures within a region should allow conservation equivalency without prescribed rules, giving us the ability to tweak our state measures after the board picks a regional configuration. In closing I support adjusting management measures to the ACL as apposed to the status quo. In my opinion this is a more flexible approach to evaluating our performance through past years. Sincerely yours, Capt. Scott Lundberg Reel to Reel Sportfishing LLC 33 State St. Galilee Rhode Island

From:

To: _____

Subject:

Date:

1 2 1 12

Caitlin Starks and ASMFC,

I am submitting comment regarding addendum xxx Black Sea bass management. I am a charterboat operator in Massachusetts and in the past ten years our for hire industry has been very negatively impacted by reduced bag limits and reduced season while the Black Sea bass population has increased way above the target levels to record abundance

One of the goals of draft addendum xxx is to address fairness and equity of allocation between states. This is a good thing because we here in Massachusetts have seen our season reduced to a meager 102 day season with the lowest bag limits while neighboring states have maintained a much longer season Ri- 191 days, Ct 245 days and NY 188 days and higher bag limits.

There were many options given in addendum xxx and I am still somewhat confused on what each option allows each state to do. Of all the options given I would choose table b2 that would put Ma, Ri, Ct and Ny in the same region and give each state a 185 day season I am not certain if the states would have flexibility in how the days are used over the course of the calander year but here in Massachusetts the spring- May and June fishery is very important to us while in other states in the region the fall and early winter months seem to be important. I hope this option would allow for this flexibility.

Thank you,
Willy Hatch
Machaca Charters

From:

To:

Subject:

Date:

2 1 3 2

I'm letting you know I support the JCAA position. We have held up our side and the biomass is well over the target at 230% ,help our billion dollar business ,if we were another business they would give us what ever we want ,billion dollar business is a billion dollar business don't matter what it is .

Vincent P. Zecchino

Jr.

P.S please help

From:

To:

Date:

1 2 1 21

My name is Kevin Slattery and I am a charter boat Captain from Onset, Cape Cod Massachusetts. I operated a successful and profitable business catching Black Sea Bass until 2011 when Massachusetts' season and bag limit were cut to the point that, by 2018, we no longer have enough fish to keep a business going. These cuts would be bad enough if they were distributed evenly to the other states. That has not been the case at all. I was slowly and successfully put out of business, as were other charter and party boats, while the fish that were 'cut' from us went to other states under the ad hoc regional management plan. We waited patiently for the 2016 stock assessment. The assessment, as expected showed that the northern region had 52% more fish than the previous assessment showed. Massachusetts did not see one of those fish. They all went to covering previous overages by other states.

The draft of Addendum XXX has a table..... showing the regulations in the different states. Please turn to page They are a monument to unfairness. More than anything I can say here they tell the story. One example. A for 'hire captain' in Massachusetts can fish for 5 fish per person for 102 days. Our competition in Connecticut can fish for 8 fish per person for 245 days. Obviously, we were hoping that Addendum XXX would address these inequalities.

First, Asking us to comment at this point in the process is pointless. The issues that we should be allowed to comment on have already been decided. The options that people would like to comment on are already taken off the table. You do not put any numbers to coastwide measures." How many fish and how many days could we have if we all had the same regulations?" That is a very obvious question that deserves an answer. You should have provided those numbers for comment. When the 'working group' was formed at the May 2017 meeting they were tasked to consider "one state regions." They decided not to do this. I think the stakeholders here deserve to know what their state would get if they stood alone and should be allowed to comment on that.

A very obvious question for comment would be how the available fish would be allocated. You have already decided that it would be done either partially or wholly based on historical catch. The historical catch records that exist now are strongly skewed to favor the states that successfully grabbed quota during the 'ad hoc' regional management years of 2011 to 2017. The states that purposely failed to make mandated cuts during this period are being rewarded. States that crafted regulations that greatly increased their overages are now getting what they stole made into 'history'. On page 13 of the draft addendum you point out that "harvest is in part a product of the regulations that have been in place" yet do not consider this when creating allocations. The Public should have had a chance to comment on real basic questions of how fish would be allocated instead of being asked to split a hair between 'history' and 'history plus (or maybe minus) new ,untested science'. Why is the option of choosing 'exploitable biomass' only available if we choose the 3 region option? Why can we not comment on the 'exploitable biomass' allocation method as applied to one or four regions.(3.1.2.1B pg.12). Again I say our comments are pointless, because the questions are meaningless. This is not a mistake on your part. It is a continuation of the same nonsense we saw under 'ad hoc'. The rules requiring public comment are being paid lip service. The real decisions are made in secret to benefit a small special interest group. They are made 'just in time' under 'emergency' rules. We saw this for years under ad hoc and had expected better under a new Addendum. Clearly that is not going to happen here.

Regional Alignment. It seems obvious from their glowing descriptions that the 3 region or 4 region option is somehow the preferred one. The fact that the 'exploitable biomass' option is only available with the 3 region option tells me it has already been chosen. There are so many options available here that are impacted by other options and by decisions you have already made, that any comment is meaningless. Furthermore, you are sowing the seeds of conflict and unfairness by creating these 'regions' and pitting them against one another.It is no mistake that you are creating the mess of 'ad hoc' all over again.

'Time frame used for allocation' as I pointed out earlier is an unfair question. It passes over the more legitimate question of how the fish should have been allocated in the first place. Obviously a person from any particular state is going to pick the one that gets them the most fish. The interesting part of these charts is how suddenly in Figure A3 through A6. We see NJ with their old 10, 2 15 numbers from 2016, while all the other states are stuck at 5. It seems like that is being quietly slipped in. Something tells me that option is already decided upon also.

Management measures within a region. This is a legitimate question to ask us to comment on but you should be telling us what the trade offs will be. The conservation equivalency option allows for 1inch of difference between regions. What will that 1 inch be worth? Looking back to 2016 we see that a 1 inch size increase allowed the state of Connecticut to gain months of open season and increase their bag limits at the same time. This 1 inch size increase was supposed to achieve a cut of something like 23%. Predictably, the 1 inch increase, and what went with it, created a 100% increase. Should we expect this same kind of thing to happen if we allow conservation equivalency now. Indeed, in memo from the Black Sea Bass Technical Committee(TC) to the Black Sea Bass management board on April 28th, 2017, the TC clearly states" What is clear is the minimum size limit increase many states implemented in 2016 had little to no effect in reducing harvest across northern

region states" If that is true, and everyone knows it is, why are you even considering it. Will the TC now reverse itself and say that a size increase will now result in a 'cut'. If so what will that one inch equal in extra fish, days ? Likewise, what will one day of season be worth ? How many fish in the bag limit will a state have to give up to gain a day?(and vice versa). These are the things we should be commenting on, but you don't give us any numbers. It seems like 'conservation equivalency' is the wide open door to the abuses of the ad hoc regional management starting all over again. Please do not pretend you don't see this coming. This Addendum just re-starts all the unfairness

The draft Addendum correctly criticized the outcomes under 'ad hoc regional management' on page 4

"This approach, while allowing the states flexibility in setting their measures, created discrepancies in conservation measures that were not tied to any original management plan baseline or goal (e.g., state allocations). Inequities resulted in how much of a harvest reduction states were addressing through their measures, with no accountability for the effectiveness of regulations. Most visibly, the ad-hoc approach did not provide uniformity in measures nor in evaluating harvest reductions"

Finally, on the issue of how many years the regulations should remain in effect. A sensible answer is to say as many years as possible to make consistent plans. Since we have no idea what the regulations will be it is hard to say how many years we would want to have them. It would be another pointless comment on a meaningless question.

Even though you don't mention either of them, there are 2 "Gorillas" at the table that are being ignored. The first one is enforcement. You are completely neglecting your duty if you do not insist on uniform enforcement of the rules you are implementing. There is absolutely no point in making these rules if you are not going to enforce them. The second big unknown is around the issue of accountability. Nowhere in this 30 page draft are you clear about who will be accountable for overages. Will overages be split up by region? Will the whole sector share them? Will they come out of individual states quotas or be taken coastwide? This issue is mentioned as a problem with ad hoc (p.4), but no solution is offered

Yet, what we are being asked to comment on here will produce exactly the same outcomes: discrepancies, inequities, and no accountability.

You have asked for public comment on Addendum XXX as you are required to do. You have carefully constructed the questions to be meaningless and the comments therefore pointless. You have already made all the decisions that matter..

The rest will be done behind closed doors, at the last minute, as they have been throughout the 'ad hoc regional management' years. The technical committee will go along with whatever crazy version of science some states can dream up. (ex. the 1 inch size increase) This will all be done in advance and is probably done by now (Early January). The 'data' from wave 5 and 6 will not be available until right before the last minute in case any adjustments need to be made. There will be no time for public comment then, at a time when there would be something worth commenting on. The same people who benefited from the chaos of ad hoc regional management will come out on top again.

There are plenty of fair and simple options that you are not offering up for consideration. The basic issues that we should be commenting on are already decided and placed in front of us as a 'done deal.' You talked in circles for 30 pages when you should have been offering actual regulations with real numbers attached. Putting these 30 pages of gibberish out for public comment is disingenuous, purposefully misleading, unnecessarily confusing, and puts us right back where we were with ad hoc.

Kevin Slattery

F/V Maureen Ann

Onset Mass.

From:
To: _____
Subject:
Date: 1 2 1 1 13 3

Good morning Nichola and Caitlin,

At yesterday's meeting at Mass Maritime Academy, a number of people had questions regarding recreational discard mortality rate. Thank you for attending, participating, and exhibiting a good deal of patience. As you heard a popular topic centered on point of mortality rates of fish caught in spring in shallow water (when fish are spawning) in Mass vs rates when fish are caught in deep water in cold weather (esp Wave 5 and 6). Correct me if I am wrong, but I think I heard the problem is that we don't have recent data to know if the avg of 15% used is accurate. It sounded like several attendees had done some work here @ 25 years ago in MA. And that data showed mortality rate for recreationally caught BSB was closer to 5%. But that is old data.

Since we are lacking recent good data, would it make sense for each state in ASMFC to research current mortality rates from recreational fishing for this species using consistent measuring techniques? Then have accurate state by state data to use to create the equation: $ACL - EST\ Discard = RHL$. Perhaps conduct that in 2018 or in 2019 so real data can be used when evaluating the next amendment?

For Massachusetts might UMass SMAST team be contacted to do this study? It could be done in "their backyard" and they have experience in doing this kind of work with cod stocks:

<http://www.umassd.edu/smast/news/spawningdynamicszemeckisandcadrin.html>

http://webserver.smast.umassd.edu/Fisheries/Tagging/SMAST_NRCTP/tag_protos.php

<http://www.capecodtimes.com/article/20151221/NEWS/151229933>

I expect each state, eg Stonybrook University for NY could manage comparable surveys. Are we better equipped to make good decisions to manage fisheries when armed with accurate data?

I will also send more detailed written comments on choices for Amendment XXX to comments@asmfc.org tomorrow.

Sincerely,

John

PS. Protecting the biomass via protecting spawning stocks was not part of Amendment XXX, so I did not raise it, but I will share my thoughts here. To maintain healthy fisheries, it seems we (all commercial and recreational fishers) need to ensure

1. Fish/Crustacea/mollusks not be harvested (size minimums) until they have opportunity to

spawn x times;

2. Fisheries be closed off by reasonable time during spawning (time of year) or regulations to released females (when can be easily determined - such as external eggs on females American lobsters)

I have lived in MA for more than 30 years but grew up in NJ and fished for stripers when state size regulations for them were 16" and 18". Did that make lots of sense?

As a recreational angler, while I want opportunity to keep every sea bass and tautog I catch in Buzzards Bay, I realize if we kill all our breeders we will have fewer fish in the future. So generally I don't fish for tautog in the spring until I know spawning is done. When fishing for sea bass in the spring I return all sea bass that don't have blue humpbacks to return as many females loaded with eggs. I would support some breaks in spring fishery (perhaps 1st 2 weeks in June for all of Mass west of Nantucket and two later weeks near Nantucket) to protect spawning stocks of Black Sea Bass. And then allow more fishing days in fall (if one day in May equals 3 in fall then add six weeks to fishing season in fall.) Have same spawning window for each state to help grow total biomass and help increase young of year. Don't all win when biomass for all species grow?

Ditto with tautog and other fisheries on Atlantic coast. As I understand NY has no spring tautog/blackfish season in order to protect fish spawning in spring. While that may not be initially popular with some won't all be happy when none of our fish stocks are overfished?

From:
To: _____
Subject:
Date: 1 2 1 1

I believe that a state funded tagging program would go a long way. It would encourage anglers to release fish in the name of science. Also I feel that a much lower catch limit and shorter season on black sea bass and black fish would help greatly. It takes time for these things to show results however I don't think anglers will be complaining when they are pulling 20+inch sea bass from their favorite spots. Reguarless of if they have to release them or not.

Tight lines and much love, Matthew Jackman

On Jan 19, 2018 5:06 AM, "Matt Jackman" <jackmanm10277@gmail.com> wrote:

Hello,

My name is Matthew Jackman I have been fishing the long island sound since I was 10 years old and have seen so many small changes in regulations in my life regarding the state of sport fisheries in the area. I truely believe that the Long Island sound is suffering greatly from over fishing popular fishing spots. There are a small ammount of habitable ecosystems for rock dwelling species such as the black fish, porgy, and black sea bass in our small estuary the LIS. The LIS is an important breeding ground for our favorite bottom dwellers and all of the best locations they have are over fished greatly.

For example, by the 3rd day of the fall blackfish season every good spot is completely fished out. This is absolutely unacceptable and we need to do something about it. I love catching and keeping fish as much as the next guy but I feel that we need to lower the catch limit of our most delicious table fish to one per angler and make the season a week or two max instead of the entire time they are available in that area.

This is why we only catch small juvenile black sea bass in the LIS. The pristine habitats are all marked on every anglers GPS and they take full advantage. The LIS is a breeding ground for most of these species due to the protection of long island. Look at how the striped bass population has returned since we made the regulations strict. We got a world record fish in the past few years. Clearly these methods work.

I studied the LIS eosystem in college and just graduated with a degree in Environmental science a year ago and I understand how this delicate ecosystem works as much as anyone. As an avid fisherman in this area it pains me to increase regulations but at the same time I want to see a blackfish or black sea bass over 16 inches come over the side of my boat. The fact that the best keepers I get are barley over 16in says that every 16+ fish is being kept and they never get a chance to grow over that size. I believe it is all due to over fishing our best reefs and the fact that commercial fisherman can keep undersized fish.

Thanks, Matt

From:
To:
Subject:
Date: 2 1 12 3

Edited.

From: Johnny Hoy <johnnyhoy@msn.com>
Sent: Thursday, January 4, 2018 10:35 AM
To: comments@asmfc.org
Subject: Black sea bass rec. regs

To whom it may concern: I hook fish commercially, and I take charters out here on Marthas Vineyard. We have so many sea bass of all sizes, we cant get away from them. Our allocation in Massachusetts should be based on stock size and catch rates period. I favor a regionally based allocation as well.

We are not allowed to keep a sea bass in September , October, November, or December even though we catch many, many sea bass while fishing for stripers, bonito, false albacore, tautog, scup, and in November, December, cod. We often catch more sea bass without trying than all the other species combined!

The regulations need adjusting. Furthermore, why criminalize guys for taking a couple of fish home to feed the family Sept-Dec.? We need a longer season.

Thank you, Capt. John Hoy

From:
To: _____
Subject:
Date: 1 2 1 3 22

Wow, thank you for the reply. I do have a question on Addendum XXX

Page 12 3.1.2.1 gives allocation options. Option B includes exploitable biomass and RHL

Page 14&15 3.1.3 asks for a decision on Measures using A. Status Quo (RHL alone) or B. ACL to replace RHL.

Are you asking is ACL should replace RHL throughout the document? or Just in a particular senario?

Non of the charts reflect ACL and how this would effect things.

Bill

On Wed, Jan 17, 2018 at 9:57 AM, Comments <comments@asmfc.org> wrote:

> Hello Bill Wilson,

>

> Thank you for providing comment on the Commission's black sea bass recreational management program. Your comment has been made part of the official record and will be provided to the Summer Flounder, Scup & Black Sea Bass Management Board for its review. At its February Meeting, the Board will review all public comment received and take final action on Addendum XXX. If you have any questions, please do not hesitate to ask.

>

> For more information on the black sea bass fishery, or other ASMFC-managed species, please visit the ASMFC website at www.asmfc.org.

>

> Best,

>

> Caitlin Starks | Fishery Management Plan Coordinator

> Atlantic States Marine Fisheries Commission

> 1050 N. Highland Street, Suite 200 A-N

> Arlington, VA 22201

> Phone: 703.842.0740 | Fax: 703.842.0741

> cstarks@asmfc.org | www.asmfc.org

>

> -----Original Message-----

> From: Bill Wilson [<mailto:wilson.wm.h@gmail.com>]

> Sent: Monday, January 15, 2018 6:05 PM

> To: Comments <comments@asmfc.org>

> Subject: Draft Addendum XXX

>

> Hi, comments of the BSB MFP

> I appreciate your accepting my comments.

> Is there someone local in RI that should also get a copy.

>

> Can you reply that if this was received.

From:

To:

Subject:

Date:

21 2 1 3 3

I would like you to consider a separate season for charter/headboat fishing for black seabass. I believe your data is grossly flawed. There is an OVER ABUNDANCE of black sea bass in the waters of block island sound and Montauk respectively. Also your decision will greatly impact the fisherman who depend on this species to support their families.

From:
To: _____
Subject: 2 1
Date: 22 2 1 13

As a member of the montauk captains association we request the 8 sea bass limit of 15 inches as proposed by our association.

I have been charter fishing for 27 years from star island yacht club. Last year out season fell apart

And caused serious hardship to our businesses and our community.

Respectfully submitted

Captain Art Cortes

29 fairway place unit 11

Montauk ny 11954

Sent from my Verizon, Samsung Galaxy smartphone



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

January 29, 2018

To: Summer Flounder, Scup, and Black Sea Bass Management Board

From: Summer Flounder, Scup, and Black Sea Bass Advisory Panel

RE: AP Review of Draft Addendum XXX Options

List of Participants

Art Smith
Bill Shillingford
Bob Busby
Buddy Seigel*

Frank Blount
Joe Huckmeyer
Kyle Douton
Marc Hoffman

Michael Plaia
Mike Fedosh
Wes Townsend*

*Present on webinar but did not participate on conference call

Staff

Caitlin Starks (ASMFC), Kirby Rootes-Murdy (ASMFC)

Public

Rick Bellevance

The following memo contains the Summer Flounder, Scup, and Black Sea Bass Advisory Panel's review of the Draft Addendum XXX Options for the 2018 black sea bass recreational fishery.

The AP met via conference call on January 25th, 2018 to review the Draft Addendum XXX options. After a presentation of the Addendum options, AP members asked questions and provided comments on the options. Comments and recommendations are summarized below, broken out by individual decision point as presented in the document.

Management Program:

Option 3.1.1: Default (Coastwide Measures)

Art Smith supported one set of coastwide measures for recreational black sea bass, commenting that this is the easiest way to manage the resource from a compliance and planning perspective, and fairest because it would be unaffected by fluctuations in stock and size distributions along the coast. He also preferred one size limit (12 inches, the same as the commercial size) because higher size limits result in higher discards, and minimizing discards should be everyone's goal.

Option 3.1.2: Regional Allocation of the RHL

Eight other advisors and one member of the public supported regional allocation of the RHL. Reasons included the diverse fish sizes and stock distribution along the coast, differences in the

M18-12

fisheries and size limits, and the difficulty of getting coastwide regulations to meet the needs of all of the states.

Provisions under Option 3.1.2: Regional Allocation of the RHL:

3.1.2.1 Basis for Allocation

Eight advisors and one member of the public preferred Option A, using historical harvest information to determine regional allocations. Frank Blount commented that this is the more feasible option. Art Smith did not comment on any provisions under regional allocation, as he only supported coastwide measures.

3.1.2.2 Regional Alignment

Four advisors and one member of the public preferred Option A, two regions. Kyle Douton and Rick Bellevance opposed Option C; Kyle offered that breaking the north into smaller regions is difficult considering they share Block Island. Marc Hoffman preferred Option B, three regions, because the resource is shared between Rhode Island, Connecticut and New York. Bill Shillingford and Mike Fedosh preferred option C.

3.1.2.3 Timeframe for specifying allocation

Eight advisors and one member of the public all supported Option B, the 5 year timeframe. Comments included that the most recent data is better, the fishery was much different over five years ago and is changing fast, and that the 10 year timeframe is too long.

3.1.2.4 Management measures within a region

Seven advisors and one member of the public preferred Option B, a regulatory standard with conservation equivalency allowed. Bill Shillingford commented that the fishery differs from region to region and state to state. Three advisors commented that while they prefer this option, they think it is too prescriptive and should have more flexibility.

3.1.3 Evaluation and specification of measures

Eight advisors and one member of the public preferred Option B, adjusting measures to the ACL. Comments included that status quo has not been getting it right so maybe a new approach would, and that this approach provides some flexibility.

3.2 Timeframe for Addendum provisions

Five advisors preferred Option A, Addendum provisions for up to two years. Frank Blount commented that the effects of the Addendum will not be clear by the time a new addendum would need to be initiated. Two advisors preferred Option B, up to three years; one commented that a longer timeframe is better. Michael Plaia had no preference, stating that it is up to the Board to decide. Rick Bellevance refrained from stating a preference because he is hoping for a new addendum sooner than either of these timeframe options.

Additional Comments:

- Joe H: 30 days of difference between states is not enough because of the different timing of seasons.

- Frank B: The goal of the Addendum was to make regions responsible for their catch, but it is not clear in the document who is responsible. It is still a problem that states could exceed their allocation but the whole region would have to reduce their measures. The states also need more flexibility in measures because size limits or number of days are more or less important in different states.
- 2015 wave 4 data was not accurate because very few charter trips were sampled, so it is concerning that this data is included in the allocation timeframes.
- In general, the more recent the data, the more relevant it is to the current fishery.
- Regarding the option using the ACL for adjusting measures, Kyle Douton expressed concern about the uncertainty surrounding the discard rate and the impact on the catch estimate, and how that would end up comparing to the ACL. He commented that there should be some flexibility in the document to account for errors and unexpected issues with using this option.
- John Conway could not attend the conference call but sent comments on the Addendum via email (see attached).

Caitlin Starks

From: John Conway <ctjackc@gmail.com>
Sent: Wednesday, January 24, 2018 11:13 PM
To: Caitlin Starks
Subject: Comments on BSB Recreational Management Plan

Greetings from CT. Unfortunately I can't make the call tomorrow afternoon. I wanted to send you some fast comments.

BSB have become incredibly important to the recreational fishing community in CT. They are the new "go to" fish for general angling public that fishes the waters of Long Island Sound. They have replaced striped bass in terms of importance. In the not that distant past, the CT waters of Long Island Sound (LIS) provided a noteworthy striped bass fishery that supported both the private boat based angler and the for hire fleet. The strong striped bass fishery in the open waters of LIS has basically disappeared. There is still a fishery but its a shadow of what it used to be. BSB have replaced striped bass as the most common target species in LIS for large portions of the fishing season.

LIS is somewhat unique in that BSB fishing is a spring fishery in Western and Central LIS and is more of a fall fishery in Eastern LIS.

Based on this fact its critically important for CT anglers (both recreational and the for hire fleet) to have the longest season possible. Appendix 1 Table A2 (Time Series B) is the preferred option for CT. It provides for the longest open season a modest bag limit and a reasonable size limit.

Thanks - Jack Conway

Apologies on missing the meeting.



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

January 29, 2017

To: Summer Flounder, Scup, and Black Sea Bass Management Board

From: Caitlin Starks, FMP Coordinator

RE: Federal Waters and Coastwide Measures for Recreational Black Sea Bass Management for 2018

This memo provides the Board with: a 1) a review of the pending federal waters measures for 2018, which are slated to be brought back before the Board for final consideration at the upcoming February 8, 2018 Board meeting; and 2) proposed coastwide measures, drawn from the pending federal waters measures, that could be used to achieve the 2018 Recreational Harvest Limit (RHL).

Federal Waters Measures

At the joint ASMF/MAMFC meeting in December 2017, the Board and Council considered but did not approve a set of management measures for federal waters. The motion, set forth below, was tabled for the purpose of enabling the Board to first take final action on Addendum XXX. As such, at the upcoming February 8 Board meeting, after taking final action on Addendum XXX, the Board will be called upon to address and take final action on the following tabled motion:

Move that the 2018 federal waters black sea bass measures include a 15-fish possession limit, 12.5-inch minimum size and season from May 15 – December 31. These measures assume the Commission process will develop measures to constrain harvest to the 2018 RHL. A backstop measure of 14 inches, 5 fish possession limit and a season from May 15 – September 15 would go into effect should the Commission not implement measures to constrain harvest to the 2018 RHL.

The MAFMC is slated to take final action on the same motion at its February 14, 2018 meeting in North Carolina.

Coastwide Measures

Draft Addendum XXX for Recreational Black Sea Bass Management proposes a Default Management Program using Coastwide Measures as one management option. However, a coastwide measure is not set forth in the draft Addendum document.

Since the December joint meeting, the proposed federal waters measures, noted above, have been analyzed by Council staff and several Technical/Monitoring Committee members. The analysis, using full 2016 data and 2017 data through wave 5 and a projected wave 6 estimate, indicates that the federal backstop measures, if implemented coastwide, would constrain harvest to the 2018 RHL. The 2018 harvest under these measures is projected to be 3.62 million pounds compared to the 2018 RHL of 3.66 million pounds. The proposed backstop measures thus constitute de facto coastwide measures, and can be considered as such when the Board takes final action on Addendum XXX.



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

January 29, 2018

To: Summer Flounder, Scup, and Black Sea Bass Management Board
From: Summer Flounder, Scup, and Black Sea Bass Technical Committee
RE: 2018 Scup Recreational Fishery Proposals

List of Participants

John Maniscalco (NY)	Mark Terceiro (NMFS)	Julia Beaty (MAFMC)
Peter Clarke (NJ)	Kiley Dancy (MAFMC)	Caitlin Starks (ASMFC)
Steve Doctor (MD)	Emily Gilbert (NOAA)	Rich Wong (DE)
Joe Cimino (VA)	Kirby Rootes-Murdy	Tiffany Cunningham (MA)
TD VanMiddlesworth (NC)	(ASMFC)	

The following memo contains the Summer Flounder, Scup, and Black Sea Bass Technical Committee Review of the Scup Proposals for the 2018 recreational fishery.

The Board and Council met in December of 2017 to establish the 2018 recreational management program for Scup. At this meeting, the Board moved to extend the ad hoc regional management through 2018. Based on preliminary data through Wave 5 (September-October 2017), coastwide harvest was 4.65 million pounds, approximately 850,000 pounds below the 2017 Recreational Harvest Limit (RHL) of 5.5 million pounds. In 2018, the RHL increases to 7.37 million pounds, 34% above the 2017 RHL and an approximate 59% increase from 2017 harvest levels through Wave 5. Based on performance through Wave 4, the Board tasked the Technical Committee (TC) with evaluating the impact on projected 2018 coastwide harvest if the states of Massachusetts through New York reduced their minimum size limit from 10 to 9 inches.

The TC met via conference call on January 16th and reviewed scup recreational proposals from the region of Massachusetts through New York and the state of New Jersey for 2018. The proposal from the region of Massachusetts through New York provided analysis of a reduction in the size limit of one inch for all four states in the region. In evaluating MRIP landings at length data, the proposal outlines that data through Wave 5 indicated the proposed change in size limit would result in no more than a 27% increase in harvest for region. Rough projected landings in 2018 under current federal measures and the liberalized size limit in Massachusetts-New York are 5.8 million pounds, or ~79% of the 2018 RHL.

The region of Massachusetts through New York also explored the impact of increasing the possession limit during the “bonus season” from 45 fish to 50 fish. Currently, the 45-fish bag limit during the “bonus season” is for the Party and Charter modes only. The calculations done in this

case were to investigate applying this increase to all fishing modes. As done for summer flounder (see flounder recreational proposals memo), for both Rhode Island and Massachusetts, two methods were investigated to calculate bag limit increases, a Poisson approach and an “Additive” approach. The result was an increase in harvest of 27 - 22%, respectively. Combined with the reduced minimum size, this results in an increase of 47% - 39% using the interaction equation ($\text{Harvest} = (X+Y)-(X*Y)$).

In considering the analysis, the TC acknowledged that there was some risk in the proposal’s stated assumption that harvest of 9 inch fish would be the same as 10, 11, and 12 inch fish given the much higher availability of smaller fish. The number at length data from MRIP for vessel based modes indicates that many of the anglers in the region are likely already self-selecting for fish larger than the minimum size. This makes the analysis of the impact of a 9-inch minimum size less straight forward, which the TC agreed with. The TC noted the additional reduction in the size limit at shore sites in Connecticut and Rhode Island from 9 to 8 inches was likely minimal, as harvest from these sites is considered significantly less than other fishing modes in their respective states. In considering the additional analysis of increasing the possession limit with the reduced size limit, the TC noted concern that these changes in combination could increase harvest above the 2018 RHL. After taking into consideration the TC’s concerns, the region of Massachusetts through New York adjusted their proposal to propose only changing the minimum size for the region from 10 to 9 inches as well as reduce the minimum size at select shore sites from 9 to 8 inches in Connecticut and Rhode Island. **The TC recommends approving the proposed changes to the scup recreational size limit for Massachusetts through New York as well as shore based sites for Connecticut and Rhode Island.** More information on the proposal can be found following this memo.

The New Jersey proposal only put forward changes in their season length measures to achieve no more than 34% liberalization in harvest (the percentage change from 2017 to 2018 RHL). Minimum Size limit changes were not sought as New Jersey current has a 9 inch minimum size. Over the past 4 years, New Jersey has had an open season from January 1 – February 28 and July 1 – December 31. During that time series, only July – August in 2015, 2016, and 2017 provided harvest estimates with large variation (2,257 – 149,793 fish harvested A+B1), September – October provided estimates for all years, again with large variation (29, 234 – 635,579 fish harvested A+B1), and November – December providing estimates in 2016 with projected landings for 2017. Due to the large variation between years and waves, an aggregate of 2016 and 2017 percent harvest per day was used and converted to numbers of fish per day to establish seasonal liberalizations. To gap fill for wave 1, the average harvest from wave 6 was used. To calculate potential days open per wave for waves 2 and 3, the average of wave 6 was used to establish wave 2 and the average of wave 4 was used to establish wave 3.

In considering New Jersey’s proposal, the TC agreed with the approach taken to gap fill as well as the supporting analysis. Additional questions were asked by the TC to characterize the state’s recreational fishery; in the subsequent discussion on New Jersey’s recreational scup fishery it was noted that increasing the season to include March through June may not result in significant increases in harvest of scup as the species is not sought to the same degree by anglers targeting summer flounder and black sea bass. **The TC recommends approving the New Jersey proposal.** More information on the New Jersey proposals can be found following this memo.



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

TO: ASFMC Summer Flounder, Scup, Black Sea Bass Technical Committee

FROM: Tiffany Cunningham (MA DMF)
Jason McNamee (RI DEM)
Gregory Wojcik (CT DEEP)
John Maniscalco (NY DEC)

DATE: January 23, 2018

SUBJECT: Regional liberalization of Massachusetts – New York recreational scup

Federal recreational regulations governing scup harvest currently include a 9-inch minimum size limit, a 50 fish possession limit and a year-round open season. In the states of Massachusetts through New York where the majority of recreational scup harvest currently occurs (87% in 2017 through Wave 5), regulations are more restrictive and include a 10-inch minimum size limit, a 30 fish possession limit, and an open season from May 1 through December 31. In addition, there are 45 shore sites in CT and 7 shore sites in RI where the minimum size limit is 9" (hereafter referred to as "enhanced shore sites"), and the For-Hire industry in each of the 4 states is subject to a higher possession limit (45 fish) during a single Wave (2 month period).

The 2017 scup RHL was 5.5 million pounds, but coast-wide landings are currently expected to be less than 5 million pounds. In 2018, the scup RHL increases to 7.37 million pounds. This provides an opportunity to liberalize regulations in the more restrictive northern region by adopting a 9-inch minimum size, which will create greater consistency between state and federal regulations. Analysis of MRIP data, in particular landings at length through Wave 5, indicate that adopting a 9-inch minimum length shouldn't result in more than a 27% increase in harvest in MA-NY.

Additionally, the northern region investigated allowing the bag limit during the "bonus season" to increase from 45 fish to 50 fish. Currently, the 45-fish bag limit during the "bonus season" is for the Party and Charter modes only. The calculations done in this case were to investigate applying this increase to all modes. As done for summer flounder, for both RI and MA, two methods were investigated to calculate bag limit increases, a Poisson approach and an "Additive" approach. The result was an increase in harvest of 27 - 22%, respectively. Combined with the reduced minimum size, this results in an increase of 47% - 39% using the interaction equation:

$$\text{Harvest} = (X+Y)-(X*Y)$$

Both RI and CT view maintenance of lower length limits at enhanced shore sites as integral to their efforts to provide equitable access to shore anglers, and are accordingly interested in adopting an 8-inch minimum length at these sites (one inch reduction from current 9-inch minimum length limit). This reduction in minimum size is projected to increase shore mode harvest by 27%, or an increase in harvest of 108,000 fish in CT and RI. This estimate is very conservative for RI as the special fishing sites are only a small fraction of the overall shore fishing sites in the state. Additionally, RI's analysis of its special shore fishing sites done two years ago showed little to no impact from the decreased minimum size. The 27% increase was applied across the board as a conservative assumption.

Approximate projected landings in 2018 under current federal measures and the liberalized size and bag limit in MA-NY are 6.95 million pounds, or ~94% of the 2018 RHL if the "Additive" approach is assumed correct for the bag limit analysis. The states within the MA-NY region agreed that the combination of bag and size liberalizations may jeopardize the region's ability to remain within the RHL.

Based on the analyses presented in this document, the MA-NY region is proposing a reduction in the minimum fish size to 9" across all modes, with the exception of the enhanced shore sites, for which an 8" minimum size is proposed. Under this proposal the bag sizes will remain *status quo*, and the proposed change should remain well under the allowed harvest liberalization.

Methodology

To determine the impact of changes to the minimum size limit, landings at total length in one inch bins for all 4 states combined were generated from size.csv files, separately for shore and vessel based modes. Length measurements provided in these files are fork lengths, which were converted to total lengths using a relationship developed by prior TC efforts:

$$TL_{mm} = 1.1337 \times FL_{mm} - 0.3842$$

A linear regression of log-transformed landings vs. length was used to predict the number of additional fish that would be harvested by regional shore anglers if the size limit was reduced from 10.0 inches to 9.0 inches (projected increase in harvest = 57.1%). This analysis did not consider landings of 9-inch fish attributable to enhanced shore sites and non-compliance, and therefore the projected increase in harvest is likely an over-estimate.

The MRIP landings at length data for vessel based modes suggests that many anglers are already self-selecting for fish larger than the minimum size. Despite the 10" minimum size limit, anglers fishing from vessels landed approximately equal numbers of 10", 11" and 12" fish in 2017. This makes the analysis of the impact of a 9-inch minimum size less straightforward. For

the purpose of this analysis, it was assumed that angler behavior would not change and that some self-selection for larger fish would continue. The average landing per 1-inch bin between 10 and 12 inches was 692,418 fish. This number was added to the total 2017 harvest to project the increase in vessel-based harvest resulting from a 9-inch size limit (projected increase = 20.8%). Non-compliant fish from the 9-inch bin (220,673) were not removed from the total harvest, which would again suggest the projected increase is an over-estimate.

A conservative approach was used to project the expected increase in harvest at enhanced shore sites in CT and RI resulting from adoption of an 8-inch size limit. The CT Enhanced Shore Fishing Angler Survey, which collects self-reported catch and harvest lengths from fisherman at enhanced shore sites, collected a total of 569 scup measurements from 2015-2017, 153 (27%) of which were in the 9 inch bin (harvested fish only). Using an approach analogous to that outlined for vessel modes above, we projected an increase of 27% in harvest at enhanced shore sites under an 8 inch minimum length (i.e. assuming that harvest in the 8 inch bin would be equivalent to that in the 9 inch bin). It was not possible to estimate what a 27% increase in landings at enhanced shore sites would equate to in numbers of fish, as enhanced shore site-specific landings data are unavailable. Therefore, the projected increase in landings at enhanced shore sites was estimated as 27% of all shore landings in CT and RI in 2017. This approach is “conservative” in that is likely a gross over-estimate of increased harvest at enhanced shore sites, and therefore serves to increase the probability (to an unknown degree) that actual 2018 landings will be lower (i.e. more “conservative”) than projected.

For the bag limit analysis, intercept data representing compliant harvest were used; however the percentage of non-compliant harvest was calculated, and added back in to estimate the harvest increase associated with bag limit changes, under the assumption that the level of non-compliance will remain constant for the 2018 fishing year.

Two approaches currently being used by the TC for bag analyses were investigated: 1) Additive approach, 2) Poisson approach. The additive approach assumes that every intercept hitting the current bag limit would catch more fish if allowed by regulations, and adds fish to those intercepts in a decaying manner. For example, if the proposed bag represents a 1 fish increase from the current bag limit, 1 fish is added to intercepts at the current bag limit. If it is a 2-fish increase, 1.5 fish are added to each intercept at the bag limit. For this analysis, a 50-fish bag was evaluated for the period of time referred to as the bonus season in the Northern region. The Poisson approach assumes the intercepts come from a Poisson distribution and then calculates the probability of observing each bag size under that assumed distribution. The parameters for the distribution are derived from the harvest per angler for 2015 - 2017 through wave 5. This approach uses a theoretical assumption about how fishing success changes as bag limits increase, which scales directly with the size of the harvest. The shape of these distributions is that the success of harvesting another scup decreases as the bag limits increase, which seems to be corroborated by the empirical information.



NEW JERSEY DIVISION OF
Fish and Wildlife
P.O. Box 400
Trenton, NJ 08625-0400
Larry Herrighty, Director

Memorandum

TO: Kirby Rootes-Murdy, FMP Coordinator
Atlantic States Marine Fisheries Commission

FROM: Peter Clarke, Senior Biologist
New Jersey Bureau of Marine Fisheries

DATE: January 11, 2018

SUBJECT: NJ Scup Recreational Fishery Management Proposal for 2018

Attached are New Jersey's options to manage its 2018 recreational scup fishery. Each option contains only adjustments to season with no changes in size limit or bag limit. All options satisfy the requirements of conservation equivalency as established by the Atlantic States Marine Fisheries Commission (ASMFC). A spreadsheet is included with calculations used to develop changes in season length. These calculations have been provided to the ASMFC summer flounder, scup, black sea bass technical committee for review.

Background:

At the joint ASMFC-MAFMC meeting in December 2017, the ASMFC Summer Flounder, Scup and Black Sea Bass Management Board (Board) tasked the Technical Committee with evaluating what a 34% liberalization to the New Jersey season and size would look like to better align with the current federal regulations of a 9-inch size limit, 50 fish bag limit, and 365 day season. Since the size limit in NJ is already at 9 inches, NJ has opted to not change that and focus the 34% liberalization to the season alone.

Methodology:

State measures can be liberalized using three variables; change to season, size limit, or possession limit or a combination of the three. New Jersey opted to change only season for the liberalization of their 2018 recreational scup measures. Over the past 4 years, NJ has had an open season from January 1 – February 28 and July 1 – December 31. During that time series, only July – August in 2015, 2016, and 2017 provided harvest estimates with large variation (2,257 – 149,793 fish harvested A+B1), September – October provided estimates for all years, again with large variation (29, 234 – 635,579 fish harvested A+B1), and November – December

providing estimates in 2016 with projected landings for 2017. Due to the large variation between years and waves, an aggregate of 2016 and 2017 percent harvest per day was used and converted to numbers of fish per day to establish seasonal liberalizations. To gap fill for wave 1, the average harvest from wave 6 was used. To calculate potential days open per wave for waves 2 and 3, the average of wave 6 was used to establish wave 2 and the average of wave 4 was used to establish wave 3. See the accompanying spreadsheet for further details.

Option	Size	Bag	Season	Total Days	Change
Status Quo	9	50	January 1 - February 28	243	
1	9	50	January 1 - December 31	365	26.63%