

# 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.

<b>4. Black Sea Bass Draft Addendum XXX for Final Approval (3:15-4:10 p.m.) Final Action</b>
<b>Background</b> <ul style="list-style-type: none"><li>• In May 2017 the Board initiated draft addendum XXX to consider new regional approaches to managing the recreational black sea bass fishery.</li><li>• The Board approved Draft Addendum XXX for public comment in December 2017. <b>(Briefing Materials)</b></li><li>• Public comment was collected between December and January. Public hearings were held in MA, RI, CT, NY, NJ, DE, MD, and VA. <b>(Supplemental Materials)</b></li><li>• The Advisory Panel met on January 25<sup>th</sup> to review the draft addendum <b>(Supplemental Materials)</b></li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• Review of management options and public comment by C. Starks</li><li>• Technical Committee Report by G. Wojcik</li><li>• Advisory Panel Report by C. Starks</li></ul>
<b>Board Actions for Consideration</b> <ul style="list-style-type: none"><li>• Select management options</li><li>• Approve final document</li></ul>

### 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"><li>• Massachusetts has outlined a timeline for coming into compliance in 2018 (<b>Briefing Materials</b>)</li><li>• Delaware has requested <i>de minimis</i> status</li></ul> |
| <b>Presentations</b> <ul style="list-style-type: none"><li>• Overview of the Scup FMP Review and State Compliance by K. Rootes-Murdy</li></ul>   |
| <b>Board Actions for Consideration</b> <ul style="list-style-type: none"><li>• Accept 2017 FMP Review</li><li>• Approve <i>de minimis</i> requests from Delaware for scup</li></ul>                              |

**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***

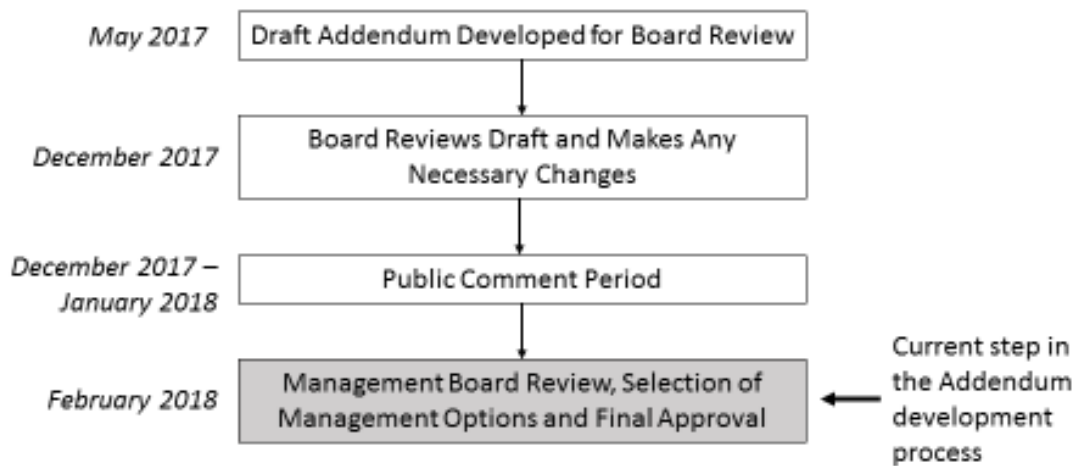


***Vision: Sustainably Managing Atlantic Coastal Fisheries***

**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

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## 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



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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.

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**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.

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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

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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%

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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%	<b>225%</b>	<b>174%</b>	66%	<b>242%</b>	<b>109%</b>	<b>162%</b>	<b>163%</b>	<b>184%</b>

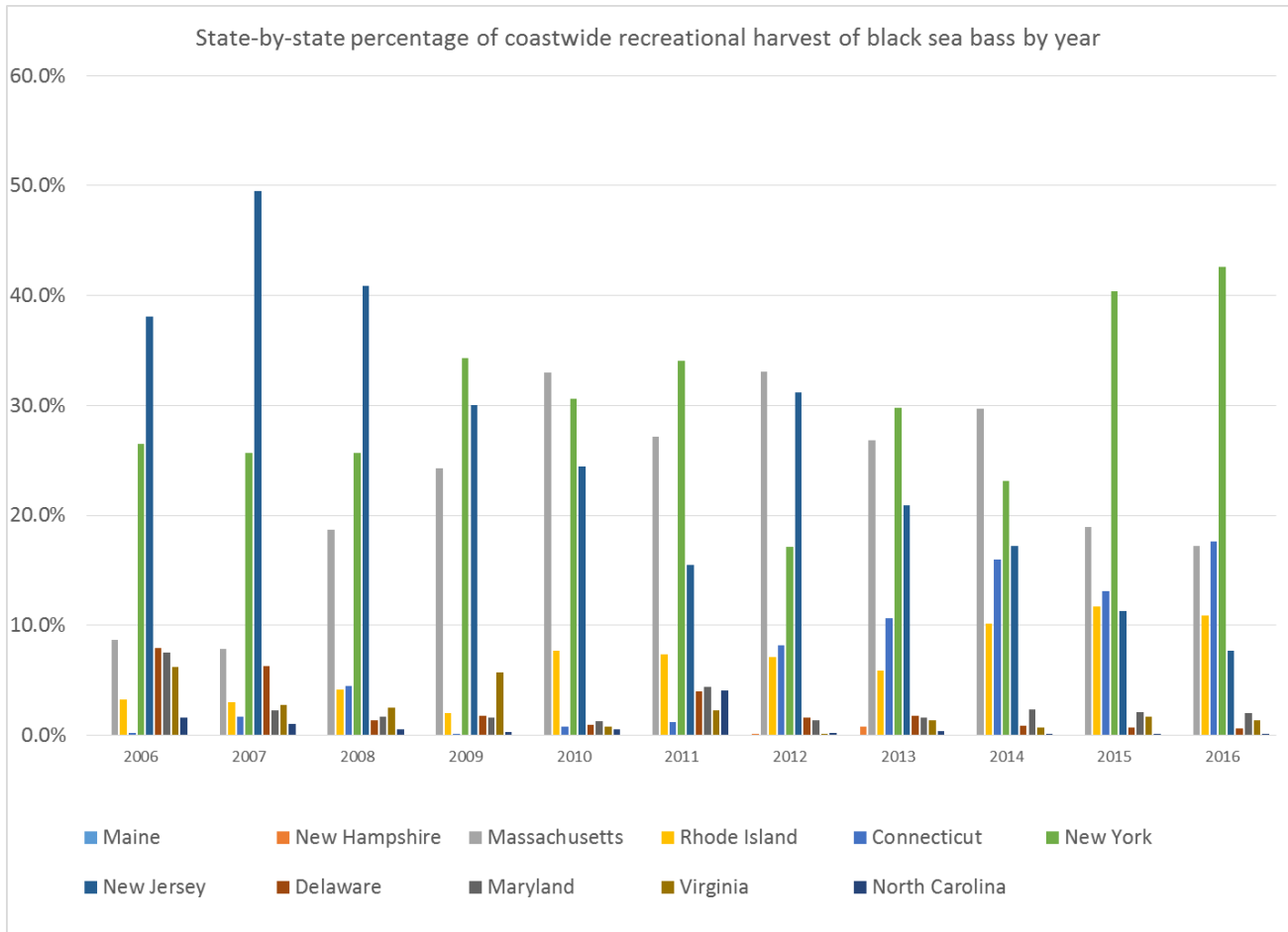


Figure 1. State-by-state contribution (as a percentage) to total recreational harvest of black sea bass (in weight) in the management unit, 2006–2016. Source: MRIP, 2017.

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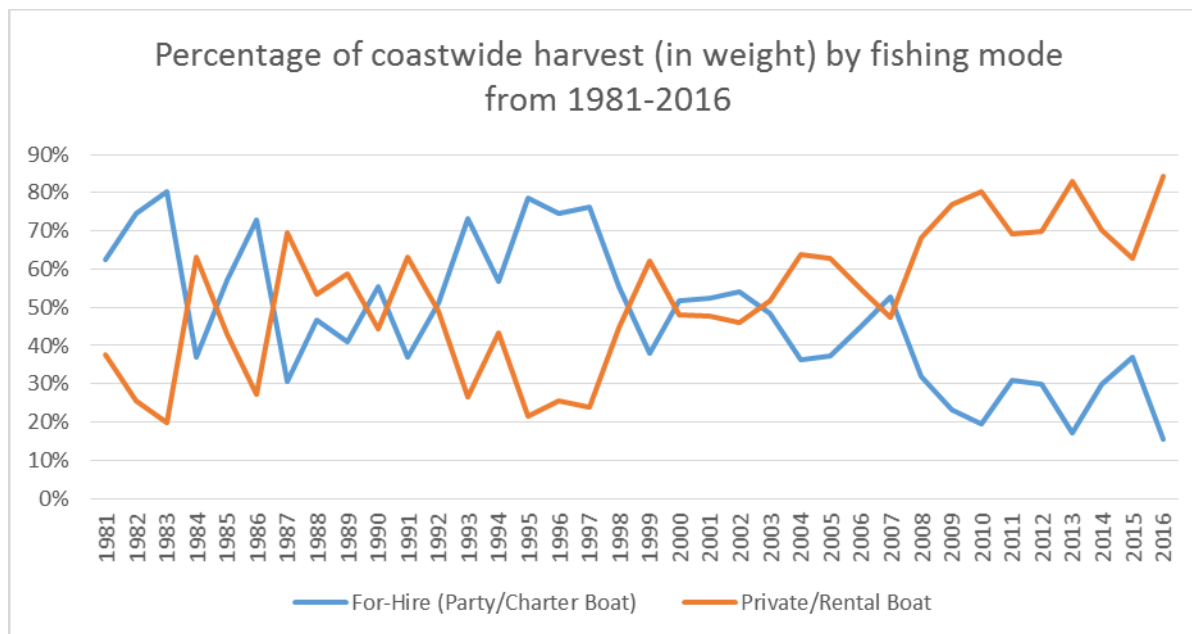


Figure 2. Percentage of coastwide harvest (in weight) by fishing mode from 1981-2016. Private/Rental Boat includes shore mode. Source: MRIP, 2017.

### 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

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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.

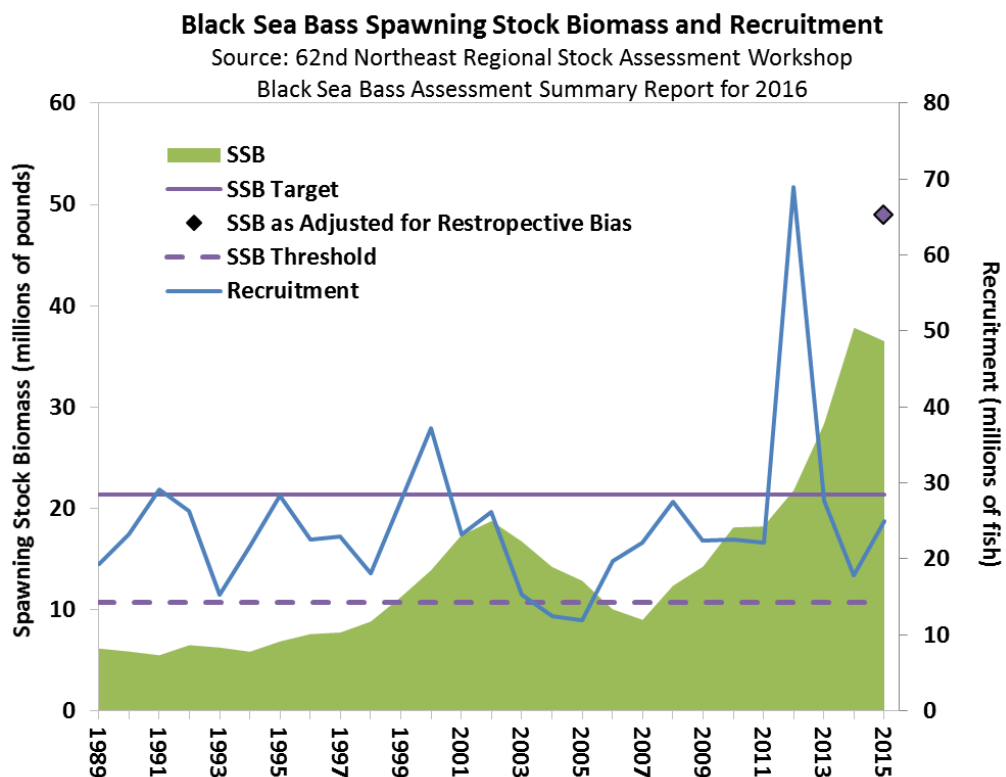


Figure 3. Black Sea Bass SSB and recruitment at age 1 by calendar year.

### 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

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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.



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### 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 vessels<sup>1</sup> 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.

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<sup>1</sup> 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 harvest<sup>2</sup>

##### 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									
<b>Grand Total</b>	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	2,294,805									
NJ	2,007,452									
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									
<b>Grand Total</b>	8,290,422		100.00%							

<sup>2</sup> 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									
<b>Grand Total</b>	<b>16,409,654</b>		<b>100.00%</b>							

\*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									
<b>Grand Total</b>	<b>8,305,900</b>		<b>100.00%</b>							



## 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									
<b>Grand Total</b>	<b>16,409,654</b>		<b>100.00%</b>							

\*\* 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									
<b>Grand Total</b>	<b>8,305,900</b>		<b>100.00%</b>							

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### 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 w4: 2 w5-6: 15	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: w6: 13"	w3: 10 w4: 2 w5-6: 10	127
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

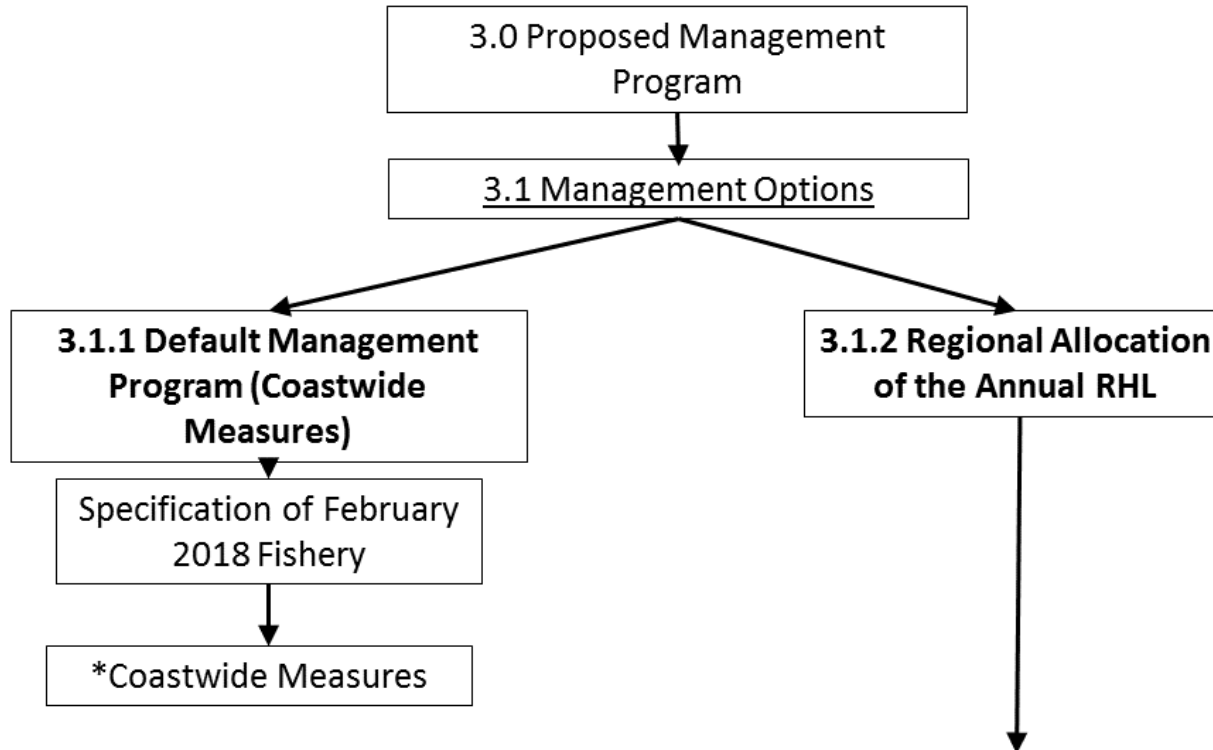
State	Proportion of Wave 1 Harvest	Allocation of Wave 1 100,000 pounds in weight
RI	0.29%	288
CT	0.06%	57
NY	9.41%	9,410
NJ	82.85%	82,850
DE	1.30%	1,297
MD	0.54%	541
VA	5.50%	5,496
NC	0.06%	62
Total	100.00%	100,000

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

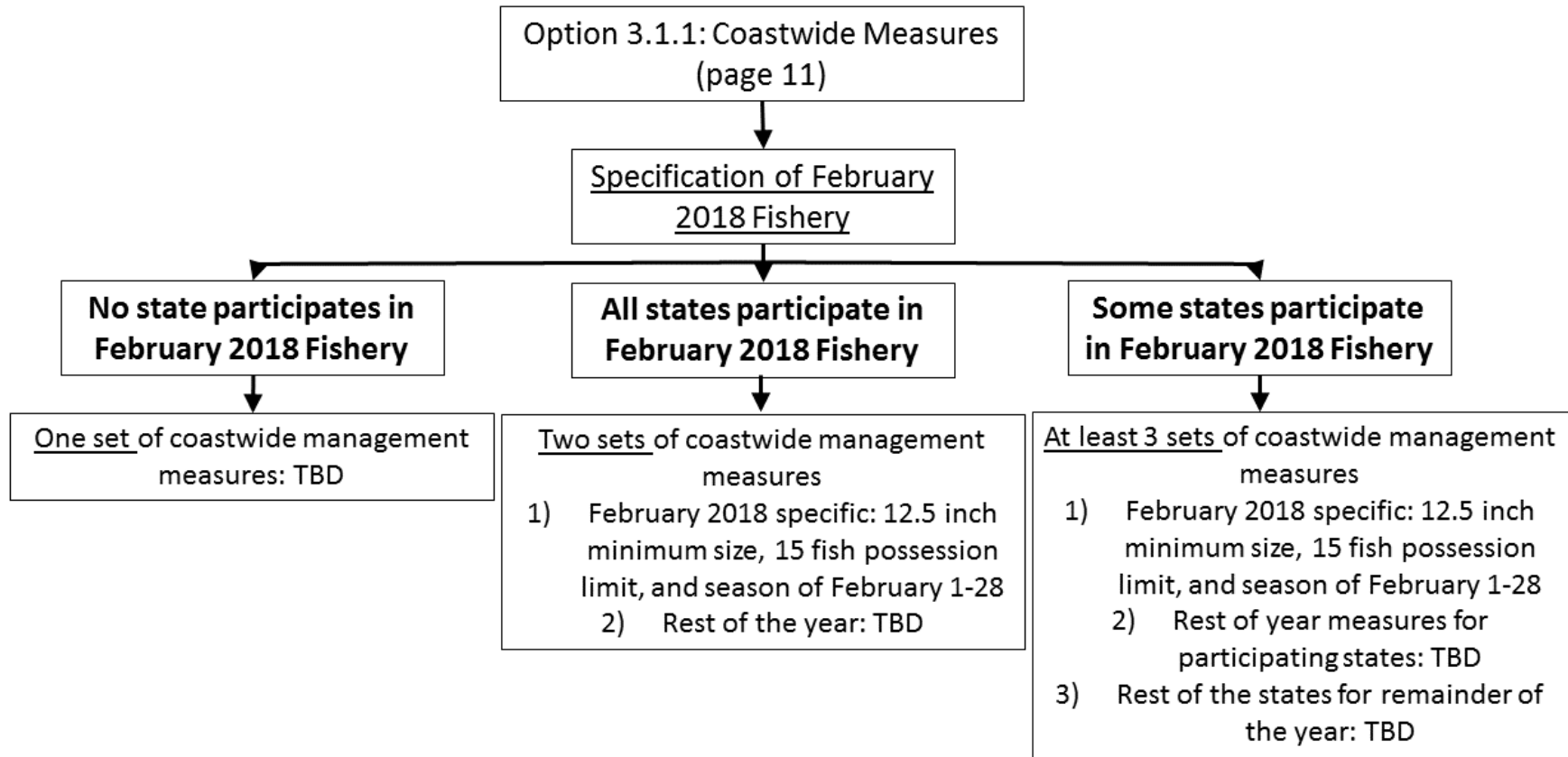
Appendix III. Decision Tree for Draft Addendum XXX Options

ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (1/6)



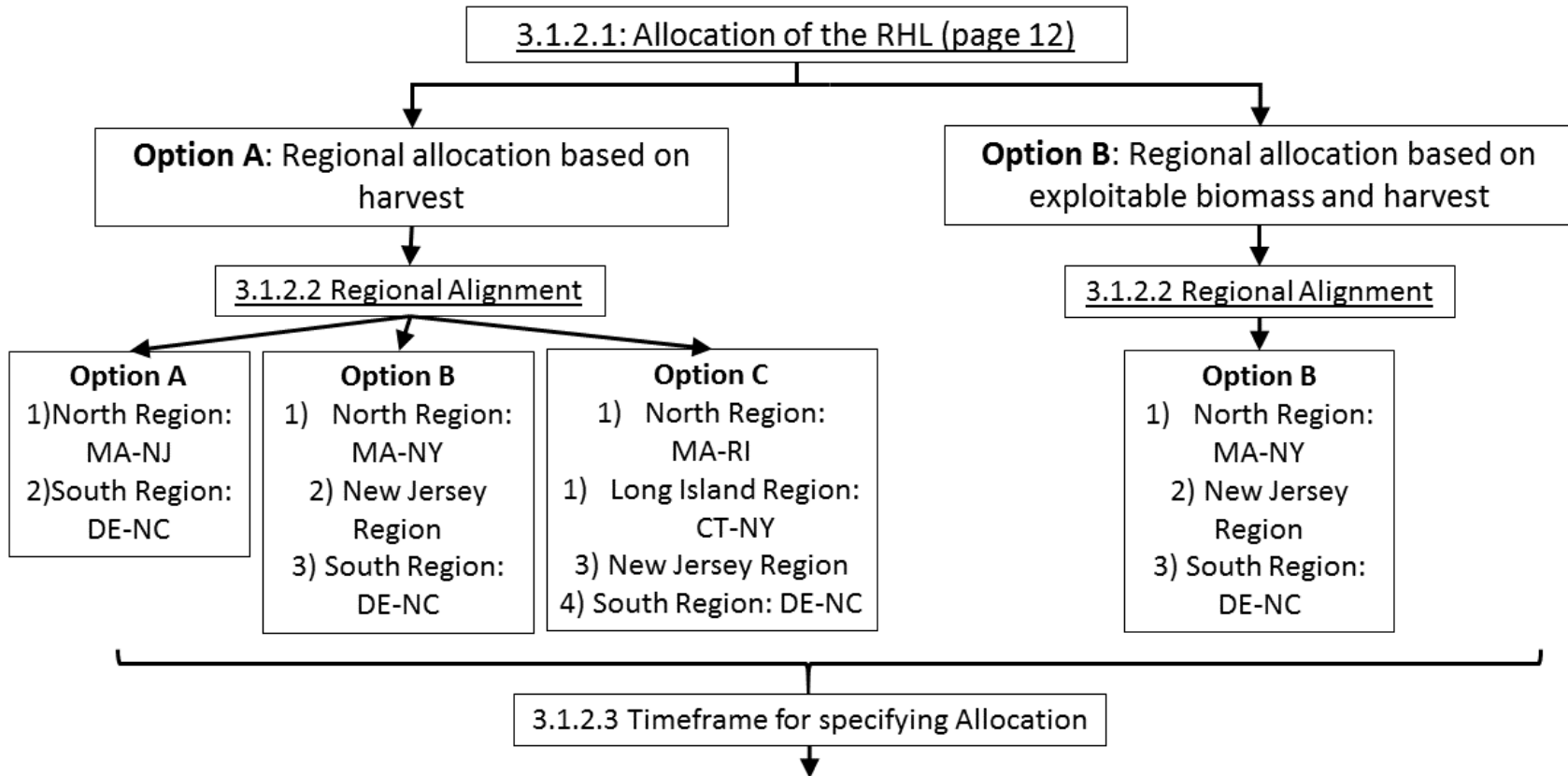
Draft Addendum for Board Review

ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (2/6)



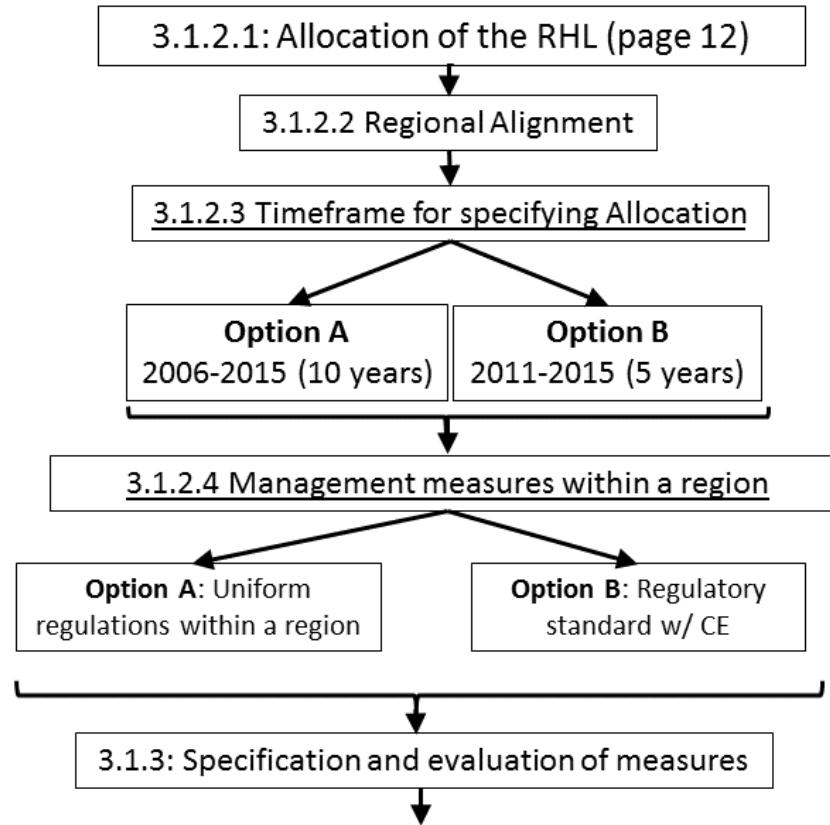
Draft Addendum for Board Review

ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (3/6)



## Draft Addendum for Board Review

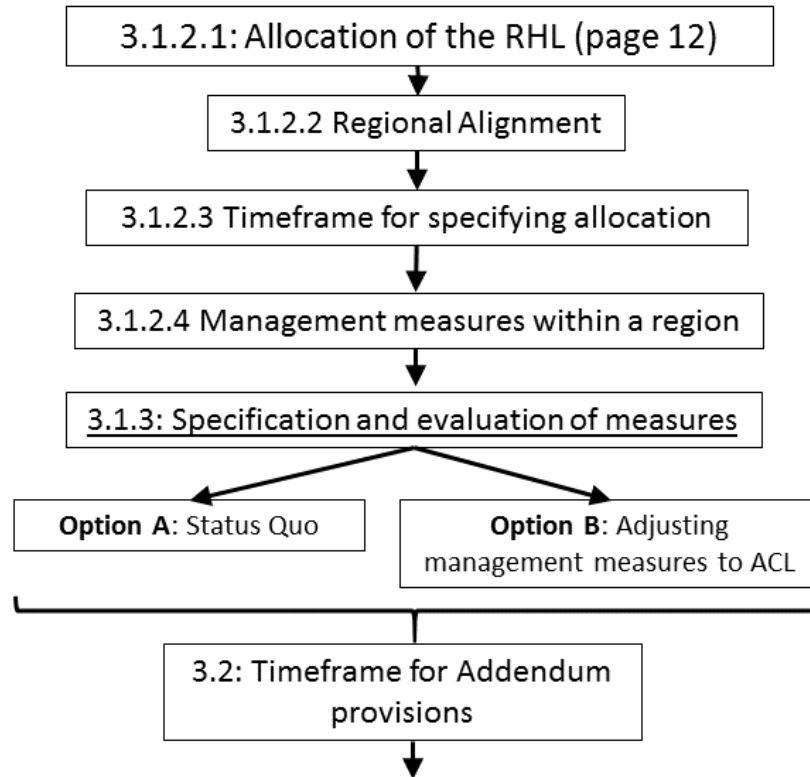
### ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (4/6)



4

## Draft Addendum for Board Review

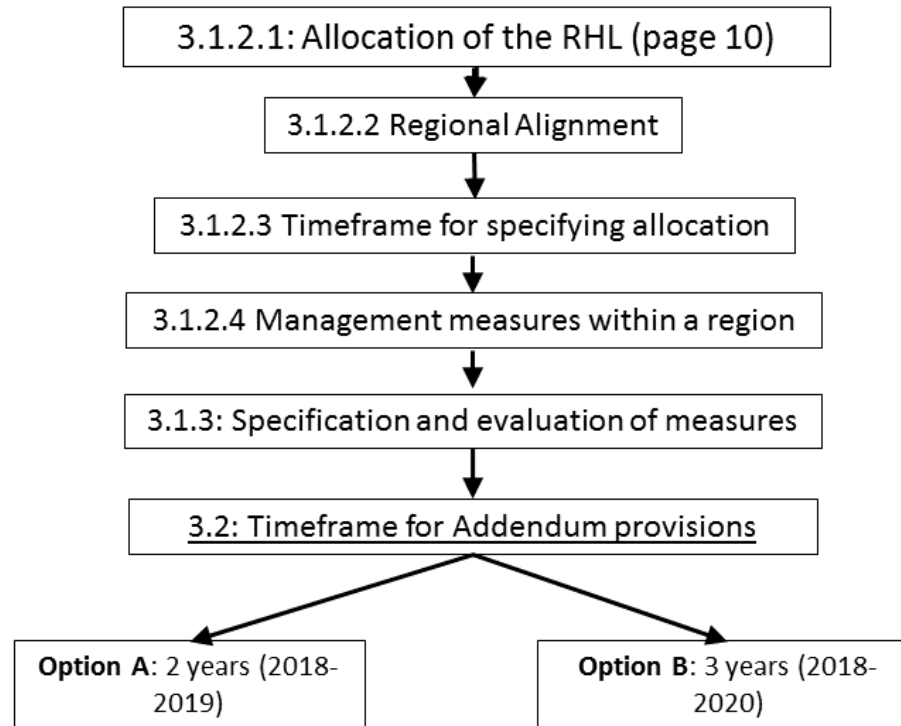
### ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (5/6)





## Draft Addendum for Board Review

### ASMFC Decision Tree for Draft Addendum XXX for Black Sea Bass Recreational Management (6/6)





# Atlantic States Marine Fisheries Commission

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## 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**

<b>Addendum XXX</b>		
<b>3.1 Management Program</b>		
	<b>Option A</b>	<b>Option B</b>
	<b>3.1.1 Default (Coastwide Measures)</b>	<b>3.1.2 Regional Allocation of the RHL</b>
Individual		7
Organization		4
Form Letter		
Hearings		
MA	1	21
RI		13
CT		3
NY		9
NJ		11
DE		5
MD		17
VA		3
<b>TOTAL</b>	<b>1</b>	<b>93</b>

<b>Addendum XXX</b>		
<b>3.1.2.1 Basis for Allocation of the RHL</b>		
	<b>Option A</b>	<b>Option B</b>
	<b>Based on harvest</b>	<b>Based on exploitable biomass and harvest</b>
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
<b>TOTAL</b>	<b>19</b>	<b>66</b>

<b>Addendum XXX</b>			
<b>3.1.2.2 Regional Alignment</b>			
	<b>Option A</b>	<b>Option B</b>	<b>Option C</b>
	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	
<b>TOTAL</b>	<b>21</b>	<b>85</b>	<b>7</b>

<b>Addendum XXX</b>		
<b>3.1.2.3 Timeframe for specifying Allocation</b>		
	<b>Option A</b>	<b>Option B</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	
<b>TOTAL</b>	<b>33</b>	<b>59</b>

<b>Addendum XXX</b>		
<b>3.1.2.4 Management Measures within a Region</b>		
	<b>Option A</b>	<b>Option B</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
<b>TOTAL</b>	<b>10</b>	<b>72</b>

<b>Addendum XXX</b>		
<b>3.1.3 Specification and Evaluation of Measures</b>		
	<b>Option A</b>	<b>Option B</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
<b>TOTAL</b>	<b>0</b>	<b>67</b>

<b>Addendum XXX</b>		
<b>3.2 Timeframe for Addendum Provisions</b>		
	<b>Option A</b>	<b>Option B</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
<b>TOTAL</b>	<b>16</b>	<b>47</b>

\* 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



**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

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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, 20<sup>th</sup> 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



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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 13<sup>th</sup>, 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](mailto:LilTootCharter@Gmail.Com)  
[www.LilTootCharter.Com](http://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

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]

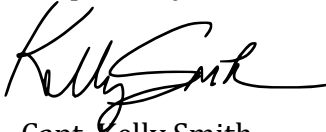
I have the following opinions on the Addendum:

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 17<sup>th</sup>, 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:** Don Jepson  
**To:** [Comments](#)  
**Cc:** [Gifford Susan - Rep. \(HOU\)](#); [Email CharlieBakerma Info](#); [elizabethwarren](#); [Mary McKenzie](#)  
**Subject:** DraftAddendumXXX  
**Date:** Sunday, January 21, 2018 7:49:03 AM  
**Attachments:** [Environmental Police Editorial.odt](#)

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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:** Capt. TJ Karbowski  
**To:** [Comments](#)  
**Subject:** Draft Addendum XXX  
**Date:** Friday, January 05, 2018 1:26:01 PM  
**Attachments:** [Rock and Roll Charters. Harvest Data 2017.pdf](#)

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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](http://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:** captain  
**To:** [Comments](#)  
**Cc:** [Bill R](#); [ROBERT WBUSBY JR.](#); [Bob R](#); [Dan Buckley](#); [Dave b](#); ["Fred Mignone"](#); [Jim H](#); [Jim M](#); [Joe A](#); [Joe Paradiso](#); [Joe S](#); [jon R](#); [Ken Holmes](#); [M Israel](#); [Mike B](#); [PETE MIKOLESKI](#); [Phil K](#); [Rich J](#); [Rob T](#); [Ron L](#); [Sloan g](#); [TJ Buckley](#); [Tom M](#); [Vinnie C](#)  
**Subject:** Amendment XXX  
**Date:** Wednesday, January 17, 2018 11:43:37 AM

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## 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:** Richard Etzel  
**To:** [Comments](#)  
**Subject:** Black Seabass addendum XXX  
**Date:** Monday, January 22, 2018 12:19:34 PM

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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:** Michael Pierdinock  
**To:** [Comments](#)  
**Subject:** Comments to Draft Addendum XXX - Black Sea Bass Fishery Management  
**Date:** Thursday, January 18, 2018 10:30:13 AM

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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](http://www.joinrfa.org)

**From:** Marc Sherry  
**To:** [Comments](#)  
**Subject:** ....CAITLIN STARKS.....PUBLIC COMMENT PROCESS.....DRAFT ADDENDUM XXX  
**Date:** Tuesday, January 16, 2018 8:30:18 PM

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*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:** Vetcraft Sportfishing  
**To:** [Comments](#)  
**Subject:** addendum XXX  
**Date:** Saturday, December 30, 2017 9:09:02 PM

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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:** tony romano  
**To:** [Comments](#)  
**Subject:** black sea bass  
**Date:** Thursday, January 04, 2018 10:27:38 AM

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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:** Snappacharters  
**To:** [Comments](#)  
**Subject:** Black sea bass  
**Date:** Monday, January 22, 2018 6:02:29 PM

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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 22<sup>nd</sup> and Oct 21<sup>st</sup>. 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 25<sup>th</sup> – August 31<sup>st</sup> time frame or the Sept. 1<sup>st</sup> - Sept. 21<sup>st</sup> time frame as well as the October 22<sup>nd</sup> – Dec. 31<sup>st</sup> 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. 22<sup>nd</sup> and 23<sup>rd</sup> and the weekend dates of October 20<sup>th</sup> and 21<sup>st</sup>. 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:** David Nelson  
**To:** [Comments](#)  
**Subject:** Black Sea bass comment  
**Date:** Monday, January 01, 2018 10:41:20 AM

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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:** Nightjack Sportfishing  
**To:** [Comments](#)  
**Subject:** Black Sea Bass Comments  
**Date:** Monday, January 22, 2018 7:48:02 AM

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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:** Hesse, Al  
**To:** [Comments](#)  
**Subject:** Black Sea Bass  
**Date:** Friday, January 05, 2018 4:00:55 PM

---

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:** hey  
**To:** [Comments](#)  
**Subject:** Black Sea Bass..F/V Oh Brother Comments  
**Date:** Sunday, January 21, 2018 12:31:29 PM

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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 their own quota in all fisheries. Being looped into the recreational Quotas are unfair. 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:** william tedor  
**To:** [Comments](#)  
**Subject:** BLACK SEA BASS  
**Date:** Saturday, January 13, 2018 11:13:18 AM

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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:** Brian Jennings  
**To:** [Comments](#)  
**Subject:** Black Sea Bass  
**Date:** Wednesday, January 10, 2018 10:26:58 AM

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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:** captjoe  
**To:** [Comments](#)  
**Subject:** Black sea bass  
**Date:** Saturday, January 20, 2018 3:45:16 PM

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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:** Kirk Fay  
**To:** [Comments](#)  
**Subject:** Black Seabass  
**Date:** Monday, January 08, 2018 9:26:19 AM

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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:** Francesflt  
**To:** [Comments](#)  
**Subject:** BSB  
**Date:** Monday, January 22, 2018 12:20:55 PM

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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:** Nick Butziger  
**To:** [Comments](#)  
**Subject:** Comments on Draft Addendum  
**Date:** Monday, January 22, 2018 1:36:15 PM

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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:** Andrew Dangelo  
**To:** [Comments](#)  
**Subject:** comments on Draft Amendment XXX  
**Date:** Monday, January 22, 2018 2:00:08 PM

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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:** thomas poirier  
**To:** [Comments](#)  
**Subject:** Draft Addendum XXX  
**Date:** Saturday, January 20, 2018 4:34:33 PM

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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:** Joan Ford  
**To:** [Comments](#)  
**Subject:** draft addendum XXX with ASMFC  
**Date:** Thursday, January 11, 2018 6:58:41 PM

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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:** Capt. TJ Karbowski  
**To:** [Comments](#)  
**Subject:** Draft Addendum XXX  
**Date:** Monday, January 22, 2018 12:30:19 PM

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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](http://www.rockandrollcharters.com)

**From:** Lou Neumann, O.D.  
**To:** [Comments](#)  
**Subject:** Draft Addendum xxx  
**Date:** Wednesday, January 17, 2018 12:08:16 PM

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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:** Capt. Mike  
**To:** [Comments](#)  
**Subject:** Draft Addendum XXX  
**Date:** Sunday, January 21, 2018 2:30:15 PM

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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:** Mary-Lou Devine  
**To:** [Comments](#)  
**Subject:** Draft Addendum XXX  
**Date:** Saturday, January 20, 2018 1:33:43 PM

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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:** Capt. TJ Karbowski  
**To:** [Comments](#)  
**Cc:** [Caitlin Starks](#); [Mark Alexander](#); [Greg Wojcik](#); [Matthew Gates](#); [DAVID MOLNAR](#); [COLLEEN GIANNINI](#)  
**Subject:** Draft Addendum XXX  
**Date:** Friday, January 12, 2018 11:45:55 AM

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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](#)” here <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](mailto: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](mailto: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](http://www.rockandrollcharters.com)



**From:** Sanzone Joe  
**To:** [Comments](#)  
**Subject:** Draft Addendum XXX  
**Date:** Thursday, January 11, 2018 8:37:46 AM  
**Attachments:** [branding\\_08c523be-efc9-4dc0-8cc8-870dfbf28e19.png](#)

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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**

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**Joe Sanzone**  
Manager, IT Infrastructure Group  
251 Monroe Avenue, Kenilworth, NJ 07033  
(O) 908.603.1562  
[JSanzone@FlexiVan.com](mailto:JSanzone@FlexiVan.com)

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**From:** Capt. TJ Karbowski  
**To:** [Comments](#)  
**Cc:** [Caitlin Starks](#)  
**Subject:** Draft Addendum XXX  
**Date:** Sunday, January 07, 2018 2:51:29 PM

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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 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](http://www.rockandrollcharters.com)

**From:** Capt. TJ Karbowski  
**To:** [Comments](#)  
**Subject:** Draft Addendum XXX  
**Date:** Friday, December 22, 2017 7:07:42 PM

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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,  
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### 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. 29<sup>th</sup> 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.)

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\* 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
<b>Striped Bass</b>	<b>Bluefish</b>	<b>Sea Bass</b>	<b>Fluke</b>	<b>Tautog</b>	<b>Scup</b>

Thank you,  
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**From:** Capt. TJ Karbowski  
**To:** [Comments](#)  
**Subject:** Draft Addendum XXX  
**Date:** Friday, December 22, 2017 6:57:11 PM

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## 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 15<sup>th</sup> 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 1<sup>st</sup> 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!

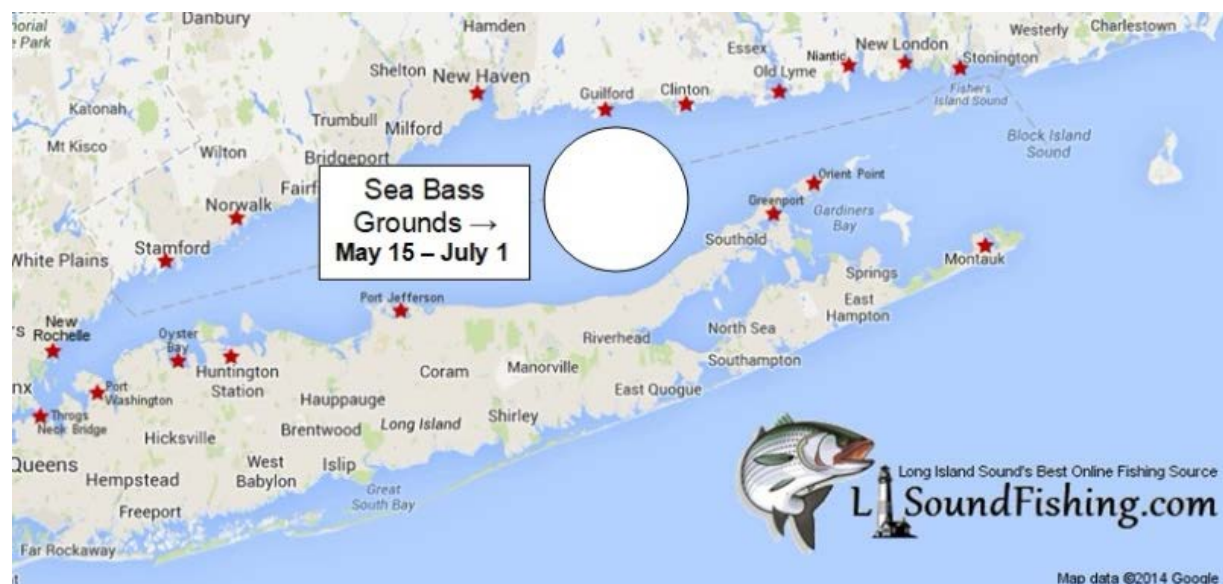
*“3.1.2.4 Management measures within a region\* A) Uniform regulations within a region: The states within a region must implement a set of uniform management measures (size limit, possession limit, and season length). (NOTE: This option is only viable if no states participate in the February 2018 recreational 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  
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**From:** Scott Lundberg  
**To:** [Comments](#)  
**Subject:** Draft Addendum xxx  
**Date:** Sunday, January 21, 2018 7:49:29 PM

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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:** William Hatch  
**To:** [Comments](#)  
**Subject:** Draft addendum xxx  
**Date:** Tuesday, January 16, 2018 6:12:56 PM

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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:** VINCENT ZECCHINO  
**To:** [Comments](#)  
**Subject:** Draft AddendumXXX  
**Date:** Sunday, January 07, 2018 3:02:05 PM

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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:** Kevin Slattery  
**To:** [Comments](#)  
**Date:** Sunday, January 14, 2018 4:50:21 AM

---

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 1 inch 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:** John Wait  
**To:** [NICHOLA MESERVE: Comments](#)  
**Subject:** On Black Sea Bass discard mortality rates  
**Date:** Wednesday, January 10, 2018 10:13:39 AM

---

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://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](mailto: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:** Matt Jackman  
**To:** [Comments](#)  
**Subject:** Re: Black Sea bass fishery regulations change  
**Date:** Friday, January 19, 2018 5:08:14 AM

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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](mailto: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:** Johnny Hoy  
**To:** [Comments: NICHOLA MESERVE](#)  
**Subject:** Re: Black sea bass rec. regs  
**Date:** Thursday, January 04, 2018 12:05:38 PM

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Edited.

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**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:** Bill Wilson  
**To:** [Comments](#)  
**Subject:** Re: Draft Addendum XXX  
**Date:** Wednesday, January 17, 2018 4:43:22 PM

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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](http://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](mailto:cstarks@asmfc.org) | [www.asmfc.org](http://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:** James McSwigin  
**To:** [Comments](#)  
**Subject:** SEA BASS PROPOSED REGS  
**Date:** Sunday, January 21, 2018 4:36:03 PM

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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:** captainart  
**To:** [Comments](#)  
**Subject:** Sea bass regulations for 2018.  
**Date:** Monday, January 22, 2018 9:58:13 PM

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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

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## 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 25<sup>th</sup>, 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

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**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

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## 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

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## 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 16<sup>th</sup> 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

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## 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%