

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. 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*)
6. Consider Approval of 2017 Scup FMP Review and State Compliance Reports (*K. Rootes-Murdy*) **Action** 4:40 p.m.
7. Elect Vice-Chair (*R. Ballou*) **Action** 4:55 p.m.
8. 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.

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

5. 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

6. 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.
- Massachusetts has outlined a timeline for coming into compliance in 2018 (**Briefing Materials**)
- Delaware has requested *de minimis* status

Presentations

- Overview of the Scup FMP Review and State Compliance by K. Rootes-Murdy

Board Actions for Consideration

- Accept 2017 FMP Review and approve *de minimis* requests from Delaware

7. Elect Vice Chair

8. Other Business/Adjourn

Summer Flounder, Scup, & Black Sea Bass 2018 TC Tasks

Activity level: High

Committee Overlap Score: High (Multi-species committees for this Board)

Committee Task List

- January 2018: conference calls on Summer Flounder and Scup proposals on rec measures
- February 2018: conference calls to update regional rec measures based on Board approval of Addendum XXX and Wave 6 data
- July 2018: In person meeting to develop recommendations on 2019 specifications (Coastwide Quota and RHLs) for summer flounder, scup and black sea bass
- November 2018: In person meeting on 2019 rec measures
- 2018 Summer Flounder Benchmark Stock Assessment
 - TC – TBD 2018: Data Deadline
 - TC & SAW Working Group – TBD 2018: Data Workshop
 - SAW Working Group – TBD 2018: Assessment Workshop
- 2018 Scup Operational Assessment **(Under consideration, but not officially scheduled)*
 - TC – TBD 2018: Data Deadline and review of recreational data
- 2018 Black Sea Bass Operational Assessment **(Under consideration, but not officially scheduled)*
 - TC – TBD 2018: Data Deadline and review of recreational data

TC Members: Greg Wojcik (CT, TC Chair), Julia Beaty (MAFMC), Joe Cimino (VA), Peter Clarke (NJ), Kiley Dancy (MAFMC), Justin Davis (CT), Steve Doctor (MD), Emily Gilbert (NOAA), Jeff Kipp (ASMFC), John Maniscalco (NY), Jason McNamee (RI), Brandon Muffley (MAFMC), Kirby Rootes-Murdy (ASMFC), Gary Shepherd (NOAA), Caitlin Starks (ASMFC), Mark Terceiro (NOAA), Todd VanMiddlesworth (NC), Tiffany Cunningham (MA, TC Vice Chair), Richard Wong (DE)

Summer Flounder SAW Working Group: Tiffany Cunningham, Jason McNamee, Mark Terceiro

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

The Marriott Norfolk Waterside
Norfolk, Virginia
October 18, 2017

These minutes are draft and subject to approval by the Summer Flounder, Scup and
Black Sea Bass Management Board.
The Board will review the minutes during its next meeting.

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Adjournment..... 29

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of August 2017** by consent (Page 1).
3. **Move to include a second management issue in Draft Addendum XXX with options aimed to reduce noncompliance in the for-hire fisheries for summer flounder, scup and black sea bass; including a possible requirement for for-hire permit holders and operators to be held liable for violations of recreational fishing rules occurring during a for-hire trip** (Page 8). Motion by Nichola Meserve; second by David Borden.
4. **Motion to Substitute: Move to substitute to task our existing working group with developing options aimed at reducing non-compliance in the summer flounder, scup, black sea bass for-hire fisheries** (Page 11). Motion by Adam Nowalsky; second by Emerson Hasbrouck. Motion carried (Page 12).
5. **Main Motion as Substituted: Move to task our existing working group with developing options aimed at reducing non-compliance in the summer flounder, scup, black sea bass for-hire fisheries.** Motion carried unanimously (Page 12).
6. **Move to recommend NMFS open the black sea bass recreational fishery in federal waters from 2/1/18 – 2/28/18 with a minimum size limit of 12.5” and a per person daily possession limit of 15 fish. Based on staff analysis, the 2018 recreational harvest limit that applies to the remainder of the fishing year will be reduced by the preliminary estimate of 100,000 lb to account for expected catch during the February season. Adjustments to the 2018 recreational measures to account for this estimated February catch will be required only of states that participate in the February fishery** (Page 20). Motion by Adam Nowalsky; second by Rob O’Reilly. Motion carried (Page 27).
7. **Move to postpone Board approval of the Scup FMP review and state compliance reports until the Winter Meeting** (Page 28). Motion by David Pierce; second by Sen. Phil Boyle. Motion carried (Page 29).
8. **Move to adjourn** by consent (Page 29).

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ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Doug Grout, NH (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
David Pierce, MA (AA)	Mike Luisi, MD (Chair)
Nichola Meserve, MA, Administrative proxy	Ed O'Brien, MD, proxy for Del. Stein (LA)
Bob Ballou, RI, proxy for J. Coit (AA)	Rachel Dean, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	John Bull, VA (AA)
Mark Alexander, CT (AA)	Rob O'Reilly, VA, Administrative proxy
Lance Stewart, CT (GA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Jim Gilmore, NY (AA)	Cathy Davenport, VA (GA)
Emerson Hasbrouck, NY (GA)	Chris Batsavage, NC, proxy for B. Davis (AA)
Sen. Phil Boyle, NY (LA)	Doug Brady, NC (GA)
John McMurray, NY, Legislative proxy	David Bush, NC, proxy for Rep. Steinburg (LA)
Tom Baum, NJ, proxy for L. Herrighty (AA)	Lindsay Fullenkamp, NMFS
Tom Fote, NJ (GA)	Sherry White, USFWS

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

Ex-Officio Members

Jason Snellbaker, Law Enforcement Representative

Staff

Robert Beal	Mike Schmidtke
Toni Kerns	Caitlin Starks
Kirby Rootes-Murdy	Jessica Kuesel

Guests

Mike Armstrong, MA DMF	John Maniscalco, NYSDEC
Russ Allen, NJ DFW	Dan McKiernan, MA DMF
Dave Bard, ECS Contractor, NOAA	Chris Moore, CBF
Allison Colden, CBF	Kathy Moser, NYSDEC
Heather Corbett, NJ DFW	Derek Orner, NOAA
Laura Diedenick, ECS Contractor, NOAA	Cheri Patterson, NH F&G
Greg DiDimenico, SSA	Tim Sartwell, NOAA
Michelle Duval, NC DMF	Jack Travelstead, CCA
Paul Forsberg, Montauk, NY	Chris Wright, NMFS
Matthew Gates, CT DEEP	Arnold Leo, E. Hampton, NY
Stephanie Iverson, VA MRC	Brandon Muffley, MAFMC
Chip Lynch, NOAA	

These minutes are draft and subject to approval by the
Summer Flounder, Scup and Black Sea Bass Management Board.
The Board will review the minutes during its next meeting

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Hampton Roads Ballroom V of the Marriott Waterside Hotel, Norfolk, Virginia, October 18, 2017, and was called to order at 4:26 o'clock p.m. by Chairman Michael Luisi.

CALL TO ORDER

CHAIRMAN MICHAEL LUISI: Good afternoon, and good evening and welcome. I would like to call the meeting of the Summer Flounder, Scup and Black Sea Bass Management Board to order. My name is Mike Luisi; and I will be chairing the meeting today. Up here with me at the table I have Kirby and Caitlin; with AMSFC staff.

Brandon Muffley is with the Council staff, and Jason Snellbaker representing the Law Enforcement Committee.

APPROVAL OF AGENDA

CHAIRMAN LUISI: Moving into the agenda, the first order of business is the approval of the agenda. Is there anybody that has anything they would like to offer regarding the agenda? Adam Nowalsky.

MR. ADAM NOWALSKY: Given that we found out late yesterday that the Wave 4 data was available; and we will have the opportunity to discuss it today. Perhaps that might warrant the item currently slated for last to be bumped up one item; and finish the day with the Plan Review.

CHAIRMAN LUISI: Okay so that would be we would move Number 7 after Number 5, before Number 6. Is anybody opposed to that adjustment to the agenda? Okay seeing none; consider the agenda modified as described by Adam.

APPROVAL OF PROCEEDINGS

CHAIRMAN LUISI: On to the approval of the proceedings, any comment or discussion on the proceedings, is there any opposition to the approving of the proceedings?

I'm sorry; I'll get this microphone right here in a second. Okay seeing none; the proceedings are approved.

PUBLIC COMMENT

CHAIRMAN LUISI: On to public comment, nobody signed up for public comment; but is there anybody ~~on~~in the audience that would like to make comment to the Board on something that is not on the agenda?

CONSIDER BLACK SEA BASS DRAFT ADDENDUM XXX

CHAIRMAN LUISI: Okay seeing none; we'll move on to out next order of business, which will be the discussion in consideration of the Black Sea Bass Draft Addendum XXX for Board review. Kirby is going to give that presentation; so Kirby when you're ready.

MR. KIRBY ROOTES-MURDY: I'm going to try to go through this fairly quickly; as we have a number of items we're going to be talking about today. We've already gone through a lot of this document with this Board back in August. I'm really trying to focus today on short background and what sections have been updated based on the Board feedback in August; and then the Recreational Working Group's feedback and recommendations.

I'll talk about next steps and then get into any questions you have. Just briefly, we went through a motion in May, 2017 to initiate a new addendum looking at different regional allocations; regions with uniform regulations, and other alternatives to the current north/south regional delineation.

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In the summer of 2017 a memo was developed with management options; based on the Recreational Working Group's feedback. That was then presented at the August meeting. The Board provided feedback to staff to further develop the document.

In October of 2017, the Rec Working Group was provided an update of that document; and subsequently made revisions to it. I want to be clear that the document that was included in Supplemental Materials is inclusive of those revisions that were offered up by the Recreational Working Group.

I'm just going to be making a point-by-point what they decided to revise and change in the document; in my presentation today. As you all are aware, the coastwide recreational catch limits for 2017 is 4.29 million pounds for black sea bass. It's a 52 percent increase from 2016. For 2018 though, we're looking at a recreational harvest limit that is lower than the current year's RHL. It's going to decrease by about 14 percent.

I've tried to highlight here, moving on to the proposed management options, the items in particular that were looked at and revised by the Rec Working Group. I have a lot of working groups I'm working with these days. The first is regarding New York's Wave 6 harvest. There were a couple of approaches that were evaluated; the new timeframe that was suggested at the August meeting, and then options regarding how often allocation would be revisited.

First I've got four slides regarding the smoothing approach that was discussed back in August. There was a Technical Committee call in September. At that Technical Committee meeting there was a presentation by one of the TC members on what is referred to as a Gaussian Process Regression Analysis.

In summary what it does is it tries to account for the inter-annual changes in harvest; and highlight that they should be related to each other, and that effort and potential harvest should not change by orders of magnitude from one year to the next. MRIP data for the entire time series 1981 to 2016 was evaluated with this approach; and a new set of annual estimates, not wave specific estimates, but annual estimates were generated from this approach.

With using the new Gaussian Process, the estimates then were evaluated against the MRIP estimates. What you would see is that they are different year-to-year from what the MRIP estimates are. It effectively smoothes through the entire time series; 2011 to 2015 MRIP estimates are lower than what the Gaussian Process Regression estimates are.

For 2016, New York's number of fish the MRIP estimates is about 1 million fish. The Gaussian Process has it down at about 565,000 fish. Only looking at New York, this analysis developed new estimates, recreational harvest estimates for the entire time series. It was made clear on that call that the Technical Committee is not certain how, if that same approach were to be applied to other states or the coastwide estimate over the entire series, how that smoothing approach would change and do a comparison of what the new estimates would be to the MRIP estimates.

The TC noted that if this approach were to be used it would need be versatile in applying both an estimate that at times might be higher than what the MRIP estimate is. That is the idea that needing to cut both ways. There was a concern by this Board that 2016 Wave 6 estimates were anomalously high. This approach might find that previous year's harvest that was lower would actually be higher. Then it would be a matter of if the Board were to go with an approach like this, to use both those estimates

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that are higher than the prior MRIP year estimates as well as those that are lower.

There was some additional homework that was asked by the Technical Committee of this TC member to conduct that hasn't been completed as of yet. The second approach that was evaluated by the group was a ratio; where we look at the prior year's harvest in Wave 5 to 6 and develop a ratio of how we think that should ultimately carry forward into subsequent years where there aren't significant changes in harvest.

In summary, those years that have minimal regulatory changes were considered candidate years. The candidate years were 2012 to 2016, 2006 to 2008 and 2012 to 2015, and 2012 to 2015 by itself. What this approach developed was new harvest estimates just for New York's Wave 6 in 2016. But depending on which combination of candidate years are used, you might get a very different Wave 6 estimate.

The Technical Committee found that this methodology was a little bit more intuitive; and that you're just applying a ratio of prior year's harvest of these candidate years to your current year's estimate to get a better projected harvest. But there was not a consensus reached on whether this approach or the other smoothing approach should be applied moving forward.

In considering this, the Rec Working Group recommended that without guidance at this point that any allocation timeframe in the document should be removed that includes the 2016 harvest estimates. Additionally, at the last Board meeting there was a request to include a new timeframe for allocation that is using data through 2001 to 2010.

In looking at it staff determined that there wasn't post stratified estimates for North Carolina prior to 2004. After checking in with the Board member who requested this, they

agreed with adjusting that requested allocation timeframe to be 2004 to 2010. Instead of a ten year time period, it would be seven years.

The Rec Working Group pointed out that the seven year timeframe was at odds with the other allocation timeframes that were being offered up in the document; and also noted that this approach was different, or at least ran against the previous recommendation of trying to use more recent year's data rather than earlier in the part of the 2000s.

They had two specific recommendations for this. The first was to remove the timeframe option of 2004 to 2010. The second was to change the allocation timeframes to be ten and five-year blocks. Those have been adjusted and are included in the draft document that was included in supplemental materials; so if you have any questions please reference that document that is in your supplemental materials.

Next was moving on to looking at state allocation of the RHL and regional reductions. Remember there was an option in the document to have similar to summer flounder, state allocations of the annual RHL. The Rec Working Group expressed concerns with keeping this option in the document; as many of them noted and expressed specific examples where they felt that state-by-state allocations would be problematic for black sea bass, not only because of some of the issues specifically encountered for summer flounder, but because the conservation equivalency approach that is used in the joint management currently is not in play for black sea bass. Having state specific allocations – when in fact they would only apply in state waters and not extend out into federal waters – would also create challenges.

The Working Group recommended to remove state allocations of the annual RHL as an option in the document. Regarding the regional reduction options, these were sub-options in

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the previous document you all were given. There were too many similarities between what they were offering up and what previous ad hoc regional management options entailed.

In turn, the Rec Working Group was worried that we would be moving back possibly if these options were selected; to the exact type of management that many have cited as problematic in recent years. The group recommended removing options proposed setting a regional percentage reduction; and that is reflected as I said in the supplemental materials draft addendum.

Regarding the sub-option of revisiting allocations, it was noted at the last Board meeting there was a request to include this. There were three options that were developed. One was a three-year time period, one was a five-year time period, and one was a seven-year time period. In looking at this in relation to recent addenda that the Board has approved, many of them have not been extended beyond two years.

Having an addendum that had allocation, revisiting timeframes that were well beyond that did not quite match up. The Rec Working Group recommended removing the entire sub-option of revisiting allocations and using just the expiration of the addendum as the point in which allocations could be revisited.

The group also looked at the change that was included for the timeframes; for how long the addendum would be in play. Many of the Rec Working Group members noted that their preference was for the document to be in play for at least more than one year. Then as you all should be aware, we have had over the last few years the ability to extend addenda at the end of the first year.

It's not an automatic carryover year in and year out; it's always an option that the Board has if the addendum specifies the ability to go for

more than one year. The Rec Working Group recommended removing the option of that only one year timeframe for the addendum. I'm just going to go through now a new management option that was proposed in the document; and then I'll be wrapping up.

The general idea that this option puts forward is to move away from using the MRIP harvest estimates for allocation decisions. Instead it wants to move towards using a different metric. What was proposed and is included in the Rec Working Group memo that is also in supplemental materials was the idea of basing that on recreational catch per angler and in turn modifying that based on the angler population.

What was being considered at that point was looking at state license information as the way to modify effectively what your population is that is fishing on the resource. Additionally catch per angler was used as indices for tuning in the 2016 Benchmark Stock Assessment. As noted, this option is explained in greater detail in Appendix A of the Rec Working Group memo. There are two regions that it puts forward that match up with what the 2016 assessment had. New York through Maine would be a northern region. New Jersey through North Carolina north of Cape Hatteras would be a southern region. As I said, the CPA would be modified based on license information; in part because the CPA in each of those distinct regions based on the assessment, are actually pretty similar.

People are catching between those two regions approximately the same number of fish per trip. There would also then be one set of measures in place for each of those regions. Those example potential measures are included in the memo; and I just want to stress as we do many times that these are example potential measures, they are not set in stone.

If you have questions or are curious about what they are, please check out the memo. These measures would likely be a liberalization from

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2017 harvest; and the idea being that with potentially liberalizing measures there would be the ability to further improve compliance with the state measures at the regional level.

But also with that would be an “ask” for there to be additional recreational data collected from the fishery along five parameters. The first being biological sampling, the second would be trying to reduce the refusal rates for MRIP interviews, the third would be increase discard composition information, the fourth would be reducing discarding; and as I pointed out, improving compliance with management measures.

The goal would be to try to have all states move to incorporate and hit on these five parameters by about 2020. This timetable that was included here was under the impression that we would maybe be having the Board consider approving this document for public comment today. I want to note that this timetable would be modified; depending on how the Board decides to act on this addendum today, and moving to possibly look at approving the document in December.

That would adjust some of these dates that are included in the memo; so I just want to note that at this point. The last part of it is trying to move away, not only from basing allocation on MRIP estimates, but also in changing how the evaluation of annual harvest and the fishery performance is year-in and year-out.

We know that there will be tentatively an operational stock assessment scheduled for early 2019; and if this option were to be further developed and included in the document, it may include provisions to try to leave measures in place and then adjust them as needed, based on the results of the 2019 operational stock assessment relative to the reference points.

The Rec Working Group provided feedback on this new option. Many noted that Rec CPA

actually might not be appropriate for basing allocation on; because the catch rates are so similar between the two regions, and licensed data is helpful in getting at the whole population that is fishing on the resource.

It is noted that a number of states have free license registries, and that in turn while it may create incentives for people to get the license, it also has not been effective in fully capturing the full population that is fishing on the resource. A better approach that was suggested on the call was to base allocations on the exploitable biomass; the actual population of the resource within each of these two regions. There was interest in collecting more recreational data; and that was something that many felt should be further developed and refined if this option is to be included in the document. There were also concerns raised about New Jersey’s position in these two regions; given their large harvest. In recent years they haven’t been grouped with southern region states that set their measures consistent with the federal waters measures.

There was a discussion, or at least a note, to need further discussions on how to evaluate performance moving forward. This is something that the Technical Committee is continuing to work on and will hopefully be reporting out to the Board at the joint meeting in December. At this point the Rec Working Group’s recommendation is to further develop this option for inclusion in the addendum.

In summary though, because it needs more work, the Rec Working Group members support delaying approval of the Draft Addendum XXX until the joint meeting in December of 2017. In turn, if the Board is interested in following that recommendation no action is needed on the document today.

I will note that there was a request for an additional management issue to be included in the Draft Addendum XXX regarding holding

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permit holders, for-hire permit holders and operators responsible for violations of recreational regulations during a for-hire trip. More information on this is included in Appendix B of the memo. With that I'll take any questions.

CHAIRMAN LUISI: Thanks Kirby for your presentation. Kirby has presented you kind of where we stand. The Working Group and the Technical Committee worked on the response from the previous presentation to the Board from our meeting this summer. We've received a number of recommendations from the Working Group. It doesn't appear that the timeliness of this is mandatory that we approve this for public comment today.

There is a recommendation to delay until we meet with the Council and the Commission in the joint meeting in December. There are a number of things to consider. I think while we may not need to take action, I would like to get feedback from Board members as to whether or not the Working Group recommendations would be approved or accepted; so that the document can be modified to account for those changes. But let's start with questions. If anyone has any questions about the technical nature or the presentation, now would be the time. Rob O'Reilly.

MR. ROB O'REILLY: Unfortunately I could not make the last Working Group conference call. It looks like some further work was done; I think that's good. I would ask the part about the exploitable biomass being better than maybe the catch per angler. One of the things that Gary Shepard indicated when the stock assessment was being reviewed by the Statistical and Scientific Committee was that it's not as if there isn't abundance south of Hudson Canyon.

If you remember the assessment sort of went north and south of Hudson Canyon. There is definitely abundance there; but there is no

question that the larger fish are going to be found in that northern sector. I hope that as this goes forward with the Work Group that maybe abundance is also one of the factors to look at.

The only other thing I would ask, and I don't remember how this went, but I know that with summer flounder there was sort of a catch per angler included as an ancillary metric that John Maniscalco developed. I don't think that that really was addressed very much at the time; but you know this certainly would not be a precedent, but it's certainly something that can be considered later on. The third thing I would ask about was if there was uncertainty about New Jersey; and we all remember that when tautog was undergoing the repercussions from the final assessment, it was what to do with Connecticut until the Long Island Sound situation developed; and looking at that as a region.

With New Jersey I wasn't sure if the Working Group had any other recommendations that weren't placed before us today; as far as that status went whether there are any other suggestions, such as New Jersey as a separate region. I'm very aware that New Jersey has said at many occasions there is a difference as you go north.

We're in that sort of same situation that we had with tautog. We've had sort of a DelMarVa approach, including North Carolina since 2011, operating under federal management measures. The New Jersey situation is something I would like to hear a little bit more about; if there is anything else about it.

CHAIRMAN LUISI: Kirby.

MR. ROOTES-MURDY: Sure. Again, I think the main concern was regarding the volume of harvest that New Jersey has relative to the coast. The concern that was raised on the call was that setting measures for effectively the

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highest harvester in the region, might present some challenges for the other states within a region who don't harvest nearly as much. That was the primary concern. But I will note that currently the document still has a regional option there where New Jersey is looked at by itself, so that is still in there as an option.

MR. O'REILLY: Thank you and a quick follow up if I may, Mr. Chairman.

CHAIRMAN LUISI: Certainly.

MR. O'REILLY: Was there any conversation or discussion about going beyond just exploitable biomass and looking at abundance? Did that occur? I don't know.

MR. ROOTES-MURDY: No there wasn't a great discussion about, within the idea of an exploitable biomass how that should be further evaluated for allocation; it was just suggested as a way to possibly parse out what allocations should be based on. We're looking to hopefully develop that idea further over the next couple months and report back out to the Board on what that could look like.

CHAIRMAN LUISI: Nichola Meserve.

MS. NICHOLA MESERVE: Kirby, I believe during the Working Group call you indicated that you might be having some early discussion with GARFO about the application of F-based management that is presented here; and how they might respond to it in terms of our normal management approach of working with the RHL.

I ask because I want to know if this option really has some legs; because I don't think it is ideal to delay this document. I had hoped that we could maybe get ahead one meeting in our normal timeline here; in order to provide the for-hire industry and anglers earlier indication of the rules they would be operating under this year. But I can certainly support our continuing to

work on this option if it has some potential and could provide some relief from managing to the RHL.

CHAIRMAN LUISI: Kirby.

MR. ROOTES-MURDY: Thank you, Nichola, I have not had time to reach out and further discuss this with GARFO. They are here obviously, and it could be a question posed to them on the record; but it hasn't been further discussed with them.

CHAIRMAN LUISI: John Clark.

MR. JOHN CLARK: I'm sorry to be a nitpicker at this time of the day, but just wanted to repeat again that the alternative management proposal is not a liberalization for the southern region. It's only for the northern part of the range that this would be liberalization. For us it would be a shorter season and a lower possession limit.

MR. ROOTES-MURDY: Yes thank you, John for that note. John is referencing as I pointed out before, the example potential measures. But he also made this noted and it's included in the memo as such, so thank you.

CHAIRMAN LUISI: It's too early in the day, John to nitpick. We still have a long way to go. Are there any other questions for Kirby regarding his presentation? Okay seeing no additional questions; what is the pleasure of the Board regarding the further continuation or development of Addendum XXX?

The Working Group, as presented by Kirby, had a number of recommendations in moving forward. We could do so and come back to this Board at the joint meeting in December for finalization of the Addendum for public comment. But if the Board has a different direction they would like to take, I would like to hear about that now.

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Nichola already made the point that it would have been better had we been able to take it out to public comment between now and December. But the recommendation was to continue further development of the option that just wasn't ready for prime time. That's kind of what I've heard from staff. I'll look to the Board members for any thoughts. Bob Ballou.

MR. ROBERT BALLOU: I do support postponing until December. I do think it would behoove the Board to kind of codify the key issues that we want to try to tackle between now and then; so we have a good sense of direction, in terms of where we want to end up by December.

Obviously we just had a good point raised in terms of that F-based approach that relates to Option 4; that seems to be key. There is the issue of the for-hire compliance piece, and whether that should be included or not. I would suggest postponing; but with a maybe to-do list associated with that.

CHAIRMAN LUISI: I will point out and add to that. By postponing it does not mean that the Option 4 which was presented will be able to be developed to the point where it could be considered. We may need to remove that if it's reported that it just hasn't been developed far enough. We're not saying that it will definitely be in the document is what I'm trying to get to. That is a good point that we should come up with a list of what it is that we're directing staff to do between now and December. Obviously if I don't hear any comments about deviating from the Working Group recommendation, I'll take that as support for the Working Group recommendations moving forward in modifying the current draft document.

But then we also have the point that was raised late in Kirby's presentation about the for-hire fleet; and whether or not we want to add an element to the document between now and the December meeting for consideration. I'll look

again to the Board for discussion. Nichola Meserve.

MS. MESERVE: If this document is delayed then I would be interested to task the Working Group, PDT, with developing that issue about for-hire noncompliance. The last Working Group's call came on the heels of a couple large sea bass busts. They were well publicized in New York, involving the abandoned coolers.

The legal language that New York lacked in order to hold those Captains accountable for those violations, I would like to see us address this if possible; if the Board agrees that it's appropriate to do in Draft Addendum XXX. I know the Policy Board is having a discussion on this issue tomorrow though, and that the Law Enforcement Committee is either talking about it yesterday or today. Their input could come into play if the Working Group does address it and come forward with some options for the December meeting.

If it's necessary I could make that as a motion to include that option if you want. I believe staff has a motion. **That would be to move to include a second management issue in Draft Addendum XXX with options aimed to reduce noncompliance in the for-hire fisheries for summer flounder, scup and black sea bass; including a possible requirement for for-hire permit holders and operators to be held liable for violations of recreational fishing rules occurring during a for-hire trip.**

CHAIRMAN LUISI: Okay Nichola. Thank you for your motion. I'll look to the Board for a second; second by David Borden, discussion on the motion. Nichola, would you like to add anything in addition to your comments already stated?

MS. MESERVE: Yes, I guess I would point out that there is a federal rule that provides some language about comingled catch and the Captain of that vessel being accountable for

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violations of the possession limit. That is some additional language that the Working Group could review.

I believe there are a couple states that have rules other than just Massachusetts. The Council had some discussion of this last week, and there was a suggestion about a requirement for the labeling of coolers; so there are really a couple of different options that the Working Group could look to move this motion with.

CHAIRMAN LUISI: David, did you have anything to add as a seconder?

MR. DAVID V. BORDEN: Nichola just made the point. But the only thing I would add is this basically requires us to develop something we're going to look at later; and then make a final decision on whether or not it goes into a public hearing document. I think it is an appropriate strategy.

CHAIRMAN LUISI: I'll just add to Nichola's comment regarding the Council discussion last week. This was brought up at the Mid-Atlantic Council meeting, and the Mid-Atlantic Council has on its priority list for 2018 a recreational black sea bass amendment that they plan to initiate. There is little definition to what that amendment might be; but it could very well include provisions regarding what's being discussed here regarding the for-hire fleet and accountability.

As Nichola mentioned there are a number of different roads converging on one issue. I could see it as a reasonable exercise to go through with the process of putting together some alternatives and some options on the issue for your consideration for public comment at the December meeting. Are there any other comments; Chris Batsavage.

MR. CHRIS BATSAVAGE: I think for development purposes I could support this. I

think this issue can potentially go beyond summer flounder, scup and black sea bass; and we've had some internal discussions with our law enforcement staff, as far as what we're able to enforce dockside with the for-hire fleet compared to the charterboat fleet.

I'm very interested to hear the discussion tomorrow at the Policy Board; and any report back from the Law Enforcement Committee regarding this. I think that along with the things discussed last week may help us determine whether or not this addendum is the right avenue to address this issue.

CHAIRMAN LUISI: Bob Ballou.

MR. BALLOU: Just picking up on Chris's comment, I mean right now this is a draft of course; but it is titled Draft Amendment XXX Black Rec Sea Bass Management for 2018. This would expand the scope to include the noncompliance issue as it pertains to not just black sea bass, but summer flounder and scup as well.

That may well fit, but I guess we just have to make sure we revise the frame, if you will, for this addendum. As long as staff feel comfortable that it's an appropriate fit, I'm fine with this motion. It just seems that we're now broadening beyond black sea bass; and I just want to make sure that's on the record.

CHAIRMAN LUISI: Kirby, do you see any problem with expanding the scope for this one particular issue to the other species in the FMP?

MR. ROOTES-MURDY: I do not. I think it is fine.

CHAIRMAN LUISI: Is there any other discussion? Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Do you want to have a motion to include the rest of the Committee's recommendations? Do you need that and if so, you don't okay.

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CHAIRMAN LUISI: After we take up this motion I will look for any opposition to the Committee's recommendations. If we have some we may need a motion, but if there is no opposition staff will move forward as directed by the Committee and this Board. Is there any other discussion on the motion? Would anyone from the audience like to provide any comment to the motion? Paul. It's down on the end next to Andy. You can sit with him for a little while and keep him company.

CAPTAIN PAUL FORSBERG: I'm Paul Forsberg; Viking Fishing Fleet, Montauk, New York. I don't think there is anybody in this room that can tell me how you can have 100 percent compliance on the fisheries when you have 100 plus people on one boat at one time; when you can catch your limit of fish within three to four hours.

I don't know how anybody in this room could tell me how to do it. I've been running a boat for 60 years now this year. I haven't figured out a way to do it. We have our regulations printed on the back of our fare tickets. We announce it every time we stop the boat what the regulations are. We have measurements on the rail.

We have signs throughout the boat. We have the regulations on our webpage. We have a lot of people that don't speak English, and that's where it's at. Okay, we can put our fare tickets on different language other than the English language. Well we have Chinese, we have Portuguese, we have Spanish and I can't get a ticket big enough to put all the languages on it that people understand.

I don't know how the boat could be held responsible for the multi-passenger vessels with 100 or so people; that amount of people on the boat. We're common carriers, we shouldn't be blamed and held responsible any more than a bus driver is held responsible for somebody

carrying drugs on the bus, or a train operator running a train in somebody has got drugs on the train.

A small six pack passenger boat, yes. They can count their fish. They can control them. You have two mates over six passenger's maximum. But when you get up into multi-passenger boats there is no way you can keep track of it. We do our best. I talked to Tony DiLernia about this problem a couple of weeks ago at the other meeting in Riverhead, and are willing to set down industry, feds, and state.

Let the three of us sit down and see if we can make some kind of regulations that will be better than what we have now that we can comply with. But there is no sense in putting on the regulation you have on the board here now; where it's impossible to comply with. If you want to put all the party boats out of business, you're doing a pretty good job right now by closing us down for a month in this past month. Just ask anybody in the business.

But that will most certainly put us out of business. If that's your intention, fine. I'm going to be laying people off now to this 30 day closure we had for sea bass this past October. I'm going to lay off people that I haven't laid off in 22 years. I employ 52 people in Montauk. I'm going to be laying people off now because of that closed season; how that knocked us dead. That is where we're standing.

Instead of putting a law like this through folks, let's get together and maybe we can make something that will make everybody happy; and we can compromise with something that we can all work with, and something that will work. That's not going to work. You just signed the death warrant of every multi-passenger boat there is. Thank you, for letting me speak.

CHAIRMAN LUISI: Thank you, Mr. Forsberg. Are there any other comments from the audience before I come back to the Board?

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Okay seeing none; I think for clarification I would like to ask the question of the maker of the motion regarding, it states here that the alternative would include a possible requirement for permit holder operators to be held liable.

Would you as part of this motion, Nichola, would you be suggesting that there may be an alternative to hold the fishermen liable or accountable; based on the marking of coolers or any other type of procedure that would be a decision point in the addendum, for not just holding charter_boat captains and operators liable, but for anglers liability as well?

MS. MESERVE: Yes exactly. I foresaw the Working Group suggesting some other options that would achieve the main part of the motion; which would be to improve noncompliance, and that was just one example of an option.

CHAIRMAN LUISI: Okay thank you that's clear. David Busch.

MR. DAVID E. BUSH, JR.: I am obviously very sensitive to the folks that are out there on the water, as you all know me by now. I would be interested in seeing other options; at least having some to choose from, with possibly some public comment on how that would impact that particular sector.

CHAIRMAN LUISI: Rachel Dean.

MS. RACHEL DEAN: I would have to also echo that I'm pretty uncomfortable with this. That may come from a couple years of working on a for-hire headboat, where you have people fishing on both sides of the boat and you trying to scatter from one side to the other. Just knowing that a fish is slipped into a cooler and knowing that my livelihood would be dependent on me being able to catch that individual if I had my permit on the line.

It makes me uncomfortable; and I would welcome any law enforcement onto the boat, and I would certainly let them know which cooler went with whom or who I knew. But to take on that responsibility just kind of makes me uncomfortable. I understand we're not making this decision right now. But I could see that our for-hire sector would be a little bit uncomfortable with taking on that responsibility.

CHAIRMAN LUISI: I have Adam Nowalsky and then Roy; I'll come back to you. Adam.

MR. NOWALSKY: Addendum XXX, it just looks weird triple X up there, 30, let's call it 30. Maybe we should label 30 instead of putting three Xs up there moving forward. We're already talking about working on developing options. It's already a complicated issue. This item in and of itself could take up an entire addendum unto itself; I'm quite sure.

There are certainly concerns raised. I haven't heard the Law Enforcement report, I'm looking forward to. **But at this point in time, Mr. Chairman, I'm going to make a motion to substitute. That motion is move to task our existing Working Group with developing options aimed to reduce noncompliance in the summer flounder, scup, and black sea bass for-hire fisheries.**

CHAIRMAN LUISI: Thank you for that motion, Adam. We're going to wait until we can get it on the board and then I'll look for a second. Let me just ask the question. Your motion does not add this as an element now to the addendum. It tasks the Working Group to talk through it and bring it back for Board consideration at a later date.

MR. NOWALSKY: That is correct.

CHAIRMAN LUISI: How does that read, Adam, as you intended?

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MR. NOWALSKY: I believe it is exactly as I stated it. Thank you very much.

CHAIRMAN LUISI: Okay I'll look for a second. Emerson Hasbrouck seconds the motion; discussion on the motion? Again let me just clarify that this would task the Working Group rather than add this as an element to Addendum XXX, as the previous motion stated. Bob Ballou.

MR. BALLOU: I don't support the motion, because I feel that that main motion accomplishes the same thing. The Working Group is going to need to continue to work on developing options for potential incorporation into the addendum. We can cross the bridge when we come to it, in terms of whether we feel we're ready for primetime, whether we're ready to adopt one of the options. If so fine, if not we take it back for further work, so I do not support the substitute.

CHAIRMAN LUISI: Roy Miller, I know that you had your hand up earlier. But do you want to speak to one of these?

MR. ROY W. MILLER: Yes. I'll switch to the new topic here, if that's all right, Mr. Chairman. I think I support the substitute motion. I was really uncomfortable with the original motion; based on the remarks by Rachel and Captain Forsberg. I think this is heading in the right direction; so I would support the substitute motion.

CHAIRMAN LUISI: Are there any other comments by the members of the Board? Okay does everyone need a minute to caucus? I could use 30 seconds with my delegation. Okay we'll caucus for 30 seconds. Okay I'm going to read the motion and then we're going to take a vote. Move to substitute to task our existing Working Group with developing options aimed at reducing noncompliance in the summer flounder, scup, black sea bass for-hire fisheries.

Is the Board ready to call the question? **All those in favor of the substitute, please indicate by raising your hand. That is 8 in favor, all those opposed same sign. Two opposed any abstentions, one abstention, any null votes, and one null vote? The motion carries. The substitute motion now becomes the main motion.**

Do we need any additional time for caucusing on the main motion? I'm not seeing anybody shaking their head up and down so I'm going to call the question again. The substitute becomes the main motion. All those in favor of the main motion please indicate by raising your hand. I'm sorry, hold on one second; I'm being asked to slow down.

MR. ROOTES-MURDY: Just trying to get it up on the screen real quick, sorry.

CHAIRMAN LUISI: **Okay the motion is: Move to task our existing Working Group with developing options aimed at reducing noncompliance in the summer flounder, scup and black sea bass for-hire fisheries. All those in favor of the motion please indicate by raising your hand. That is 12 in support; all those opposed same sign. That is 0, any abstentions, any null votes. All right seeing neither the motion carries.** Toni.

MS. TONI KERNS: Is the intent of the timing to include this is Addendum XXX or no? Just what's the timeframe that you want the report done?

CHAIRMAN LUISI: I think it will depend. Given the interest of not having this included in Addendum XXX; which the original motion would have done, to me I think the priority now would be to work on the provisions of the addendum as they stand. When the Working Group has time to discuss the options for reducing noncompliance, then we'll take that up. But my first priority would be to make sure that the Addendum XXX as it has the elements

in it are developed as fully as possible; before we consider it again in December. Adam.

MR. NOWALSKY: I'll confirm that that is in fact the intention of the motion to substitute; which became the main motion, to definitely not include it in Addendum XXX, but for it to become the next task for the Working Group to address and whether that was then developed into the next addendum or whether they had some other means for moving forward to it. That would be the purpose of their task.

CHAIRMAN LUISI: Okay, I'm going to ask one last time. Is anyone opposed to staff moving forward as it was recommended and presented today regarding the Working Group recommendations on Addendum XXX? The idea being that any options that need further development will be further developed and any alternatives that were removed or modified would be done by staff for a final report at the December joint meeting with the Council for final action to moving it forward to public comment. Rob O'Reilly.

MR. O'REILLY: Just a question on the Working Group didn't really feel strongly on the catch-per-angler and was looking for other methods; and the biomass was brought up as one to look at allocation. Is the Working Group going to look at other approaches?

If that needs to be stated, I think my understanding again; from the stock assessment results were that there is abundance both south and north of the Hudson Canyon. But it's going to be the biomass that is more pronounced north of Hudson Canyon. Could the abundance stream be looked at as well? It should be available, and I just wonder if that needs to be specified today.

MR. ROOTES-MURDY: We don't need a motion for it, but it would just be great to know specifically what you want explored in this

option. We can talk offline if that is best. But the more clarity we can get the better.

MR. O'REILLY: That would be fine, and I will look forward to not having a conflict for the next Working Group.

CHAIRMAN LUISI: All right seeing no one opposed we're going to move forward as I just stated, and Rob you can work with staff on further developing the portion of that option that you mentioned of that abundance.

REVIEW THE PRELIMINARY 2017 RECREATION HARVEST ESTIMATES THROUGH WAVE 4

CHAIRMAN LUISI: We're going to move on to our next agenda item; which is to Review the Preliminary 2017 Recreation Harvest Estimates through Wave 4. This was something that we put on the agenda, not knowing if we would have preliminary harvest estimates through Wave 4, but we're lucky enough to have received them yesterday. Staff worked feverishly throughout the night to make a presentation here for you today; Kirby.

MR. ROOTES-MURDY: I'm going to walk the group through; as we have done in previous years, what the harvest looks like through Wave 4 relative to the previous year. Because we now have Caitlin up here with me, I'm going to deal with the summer flounder and scup harvest estimates; and then I'm going to turn it over to her. There is a little typo right now in the outline.

But I just want to stress what Mike pointed out; which is these are preliminary estimates, and they're ones that we received yesterday. The Technical Committee has not had time to sit down, digest them or do further analysis to see if there are any outliers, if there are any issues, what the PSEs are; which we also know just to note, do change from wave to wave as that information is updated throughout the year.

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Just keep all that in mind as we go through this presentation. Regarding the coastwide harvest in weight, in 2017 preliminary harvest estimates

through Wave 4 indicate coastwide harvest was 2.8 million pounds; which is below our RHL for 2017 of 3.77. It is approximately 75 percent of the RHL. Now again in weight, what this also means is that relative to the coastwide harvest at this point, through Wave 4 last year. We have a reduction in harvest by about 49 percent.

As you all are aware, we have measures that were implemented in 2017 that differed from those in 2016. But overall the coastwide harvest through Wave 4 is significantly different than what it was last year. I also have a slide up here and it's a little bit more difficult to see, with the harvest breakdown by state.

I want to point out that as we had measures implemented per Addendum XXVIII that were fairly uniform across the coast; in terms of an increase in the size limit and a decrease in the possession limit for most states. The performance so far in the year is very variable. It is not uniform by region, as you'll see highlighted in red on the screen are some states that actually increase their harvest relative to last year.

But because those states that increase their harvest contribute so insignificantly to the overall coastwide harvest it's kind of a wash. We have an overall reduction at the coastwide level. In terms of number of fish and doing that comparison of harvest from Wave 4 between 2016 and 2017, it's a similar trend.

Again, about 75 percent of the RHL when we're looking at the RHL in numbers of fish, we're using the average fish weight through the data we have. Through Wave 4 it's about 3.12 pounds is the average fish weight. In terms of what that reduction looks like relative to this

time last year, it's closer to a 50 percent reduction.

Again, this is what the breakdown looks like when looking at the numbers of fish by state and harvest. Now, in terms of our summer flounder recreational specifications. As I mentioned we have a 3.77 million pound RHL this year. That's the coastwide recreational harvest limit; which is approximately 1.2 million fish. In 2018 the recreational harvest limit is 4.42 million pounds. In terms of the percentage change, just looking at the catch limit on the coastwide level between 2017 and 2018, it is about a 17 percent increase. I'll also note that we didn't have time to do projections. We normally work with Council staff to try to pull that together, and we just frankly didn't have enough time to do that today. I will point out that what we do know is that many states have their fishery that are significant harvesters closed through the end of the year.

There is a good chance that the numbers won't change significantly from what they are currently. But we still need to do that analysis, and we'll be reporting that out in December. Next I'll move on to scup. This is just a very brief breakdown of what the harvest is in numbers of fish and in pounds; relative to the RHL.

Similar to last year, in terms of how we've performed relative to the RHL, we're just at about 50 percent of the RHL. In terms of the overall harvest though, we have decreased from last year. In numbers of fish it is about a 1 percent decrease. In terms of looking at harvest in weight, it's actually about a 21 percent reduction in harvest. With that I'll turn it over to Caitlin to go through black sea bass.

MS. CAITLIN STARKS: Looking at the comparison from 2016 to '17 for the coastwide harvest, it's looking like at the coastwide level there is about a 23 percent reduction in harvest through Wave 4. As you can see the northern

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region shows a 25 percent decrease, and the southern region excluding North Carolina, because at this point we don't have post stratified numbers, is increasing 31 percent.

But I do want to note that the southern region is harvesting an order of magnitude less than the northern region. Don't focus too much on the percentage; focus more on the coastwide harvest being smaller this year. That puts us this year at 60 percent of the RHL, whereas last year at this time it was around 119 percent. In numbers of fish we still have the same reduction; but smaller, using the average fish weight of about two pounds in 2016. That's pretty much it.

MR. ROOTES-MURDY: Moving on, I've just got a reminder of where we stand regarding our RHL this year to next year. When looking at the 2017 RHL we're at 4.29; as I mentioned in our last presentation it is a big increase from where we were in 2016. Then we're looking at a reduction just at the coastwide catch limit for 2018; relative to 2017.

In terms of recreational management options for 2018, I want to remind the Board that we went through this for a number of these species back in August. Today there is not the need for any specific motion. We have a number of options for these species. For summer flounder there is the FMP status quo or state-by-state conservation equivalency.

Additionally as an option there is the ability to extend the current provisions of Addendum XXVIII for an additional year. Black sea bass there is the FMP status quo; which would specify a coastwide set of measures in both state and federal waters. As noted in my earlier presentation staff is working with the Rec Working Group on developing Draft Addendum XXX.

That will be presented at the December meeting. Then scup we have the ability for the

Board to carryover status quo regional management measures for 2018. Again next steps, no action needed today; and the Board and Council will be setting 2018 recreational specifications in December. I'll take any questions.

CHAIRMAN LUISI: No action is needed and I'm going to keep questions limited at this point; given the interest of time and other issues on the agenda. We will take a question or two; if anyone has any questions regarding the new numbers. John Clark.

MR. CLARK: Just quickly. I don't have the figures in front of me. Do the catch of the black sea bass by wave; do we typically see a lot of variation? I mean is this looking like by the end of the year we'll still be under the RHL; or do we sometimes see a lot of variation with big catches in Waves 5 and 6?

MS. STARKS: There typically has been a lot of variation in Waves 5 and 6; and we do have two states that typically harvest a large amount in those waves. I would say it's not really sure how we'll fare by the end of the year.

CHAIRMAN LUISI: Rob O'Reilly.

MR. O'REILLY: Where are we standing with the projection from 2017 through Wave 4; and knowing that the RHL is going to decline for 2018. Whereabouts is it figured that we might be, once all is said and done through Wave 6? Is that available to talk about?

CHAIRMAN LUISI: That was a perfect segue, Rob to the next item on the agenda. Brandon is going to discuss what he's been able to put forward as a projection; so that we can evaluate for what we know now where we may end up being compared to next year's RHL, to help us decide on the black sea bass Wave 1 fishery.

If you can hold your thoughts there, Rob, and again the next agenda item is black sea bass; it's

not for all other species. But we'll be there shortly. Are there any other questions for Kirby or Caitlin? Okay seeing none; let's go ahead and move on to the next item on the agenda as it was modified at the beginning of this meeting.

**CONSIDER POTENTIAL 2018 WAVE 1 OPENING
OF THE BLACK SEA BASS RECREATIONAL
FISHERY**

CHAIRMAN LUISI: We're going to skip over the FMP review and state compliance right now; and we're going to consider the potential February, 2018 opening of the black sea bass recreational fishery. Just to give you a very simple background on why we're discussing this again, I've had the question asked of me as to, I thought we handled this. I thought this was done.

Well, back when we met jointly with the Council at our meeting in Philadelphia in August, the question was asked and it was voted down at the Council. Given the fact that both the Board and the Council need to move in lockstep on issues like this, there was no need to take that issue up with the Commission or with the Board.

Because we were running short on time that evening, some members of the Board felt that it needed a little more time to thoroughly discuss and debate and to decide whether or not there would be an opening. It was asked of me as Mid-Atlantic Council Chair and your Board Chair here today to put this back on the agenda.

It was put back on the agenda at the Council meeting last week; and the Council supported what you're going to see after Brandon's presentation, which is a motion that will need to be taken up and considered by the Board today. I will state that once the motion is brought forward to you, there can be no modifications to the motion. I'm going to look to the Board for somebody to make that motion and second the motion. But unlike a typical

motion, because again the Board and the Council need to move in lockstep with one another on these issues, it cannot be modified. If it is to be modified we'll have to take it back to the Council; and that will further delay any action, which will make it impossible for a February opening. With all of that said, Brandon is ready to go; and I'm going to turn to Brandon for his presentation.

MR. BRANDON MUFFLEY: I'm going to present the same information that I gave to the Council last week; with a few changes to the end. Last week I presented some projections and some information through Wave 3; and what those implications may mean for the rest of the fishery, and as you consider Wave 1.

Since we do have the Wave 4 estimates, I updated everything. I created some new projections to evaluate what the harvest may look like through the rest of 2017. But again noting that I have not done a thorough evaluation of looking at PSEs and variability within some of those estimates, it's kind of taking the raw information, running some projections to see what we may be looking at for the rest of the year.

I just will sort of highlight that and I will when I get to those slides later on. The Council and Board have talked a lot this year about Wave 1. I think almost every meeting so far this year we've talked about implementing a Wave 1 fishery in 2018. Just a quick refresher of where we are. It sort of started in February when we got the new benchmark stock assessment information; indicating stock was robust and fishing mortality was low.

There was consideration then to move forward with an exempted fishing permit for 2018. When the Board and Council met jointly in May, you all decided not to move forward with an EFP, but considered development of a letter of authorization program. That started in May, but after discussing after that meeting there

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was going to be no way to get a letter of authorization program in place for 2018.

If there was still interest in having a Wave 1 fishery, you needed to do it through the specification setting process. That was discussed at the June meeting. You all met in August and considered the Wave 1 fishery for 2018 through the specification process; and there were a few different options that were voted on, and none of them were approved.

But since then as the Chairman indicated, there has been some more discussion since then and reconsideration; and specifically what was discussed as what we would consider would be a February season. A season from February 1 through the 28th, a 15 fish possession limit and a 12.5 inch minimum size.

The analysis that I did on the next slide looked at considering this specific Wave 1 fishery for 2018. I will state that we will be talking about a Wave 1 fishery again when we meet in December. That will be the first framework meeting for the letter of authorization program; so we'll have information then, in terms of what that may begin to look like for a 2019 Wave 1 fishery. The Wave 1 discussions won't end after today.

This was information that you've seen. This was part of my information when we talked in May; and a similar analysis was done when we talked in August. I needed to try to come up with what harvest may look like in 2018 if we were to have a Wave 1 fishery. The only information that I had available to me was federally permitted for-hire vessel VTR information. I took that information that we had. I looked at it from all of the data that we had; but I really relied on the 2013 VTR data. That was the last time we had a Wave 1 fishery. I'm applying what we saw in 2013; and using that information to project what harvest might look like five years later in 2018.

Just sort of keep those caveats in the back of your mind. I looked at a few different participation scenarios; not knowing what participation may do. It had been increasing over time the number of vessels participating in the Wave 1 fishery from 1996 through 2013 had steadily increased. But again, I evaluated a potential decline in participation all the way to continuing increasing participation.

The Scenario Number 3 that is highlighted in green. That is what the information was in 2013. In 2013 we had 39 for-hire vessels participate in the Wave 1 fishery. Each vessel took an average of six trips during that wave. They carry 26 anglers on each trip. Their average harvest per angler was 11.1 sea bass.

I used that information to come up with what the total harvest would be by the for-hire sector during Wave 1. That came out to be 137,000 pounds. That was just the for-hire sector during a potential Wave 1 fishery. I needed to try to expand that. If we were going to open up the Wave 1 fishery, the private anglers would also be available to participate.

But I didn't have any information to sort of scale that fishery. I looked at the catch in Wave 6 to evaluate that. That information had indicated during Wave 6, I looked at the average catch from 2013 to 2015, and that showed that 50 percent of the black sea bass catch in Wave 6 was from the private sector and 43 percent was from the for-hire sector.

What I had done back in August, I had dropped that a little bit and assumed that private angler participation would likely continue to decline in Wave 1; given weather and the time of the year and where the fish are available further offshore, and I said it was 50/50. That's what I used to scale that information.

I did receive some additional input after that meeting to evaluate Wave 2; that Wave 2 might be more reflective of what Wave 1 might be, so

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I did look at that as well. Black sea bass hasn't been open a whole lot in Wave 2 the last number of years, so I had to go back. I looked at from 2002 to 2012, I looked at the catch during that time period and found that 42 percent of the harvest in Wave 2 was for the private sector, and 58 percent was for the for-hire sector.

The 50/50 ratio that I ended up using is kind of right in the middle of what we found in Wave 6, versus what we found in Wave 2. I felt that was still an appropriate approximation to scale what the private mode harvest might be in Wave 1. If you take that you would get a total harvest in Wave 1, assuming again the same for-hire participation; that would give you a harvest of 275,000 pounds. That was if the entire Wave 1 fishery was going to be open.

Then I used the proportion of harvest in Wave 1 in February and the average February harvest per day; to come up with what the harvest might be just on a February 1 to February 28 season. Under a similar participation rate that we saw in 2013, I estimated that harvest during Wave 1 would be about 101,000 pounds. That is kind of where we were. Again, I just want to highlight that I'm applying 2013 data and what things might look like in 2018. I think availability is likely different now than what it was in 2013; and what participation might look like. Again, I tried to provide a range of what participation may be; but that's going to be sort of unknown, in terms of how high of an interest there may be during that time period. There are a lot of numbers up here; but again, it is tables that you all have seen.

Any harvest that takes place in Wave 1 needs to be accounted for. Therefore, modifications to the rest of the recreational season would need to be made to account for that. In the memo that was provided in the supplemental materials, this is Table 2 on Page 4 of the memo. Again, I looked at reductions that would need to be taken at a coastwide, at the federal

or the southern region level, or at a state-specific level.

Generally you're looking at anywhere, under any of these different scenarios, a minimum of one day would need to come off to a maximum of about four to five days on some of the higher harvest estimates. You're looking at anywhere from 2 percent to 4 percent of the 2018 RHL would be allocated to this Wave 1 fishery in 2018; under a February only season.

That is generally what you're looking at in terms of implications; what harvest might look like. This is the projections and estimates through Wave 4. I did provide a breakdown here. Looking at comparing 2016 to 2017 by state, so that you can see where some of the changes have been. Again, through Wave 4, just as Caitlin had mentioned, we're 15 percent lower in terms of numbers of fish and 23 percent lower in total weight.

This does not include North Carolina, no slight to North Carolina, but I didn't have the SAS code to post stratify that information. North Carolina, in terms of their black sea bass landings north of Hatteras is only, the last few years is like 1,500 pounds. It's not a major player, in terms of what we're looking at; so it wouldn't modify what we're looking at here.

I did run some projections looking at the average proportion of Wave 3 and Wave 4 harvest from 2014 to 2016. Assume that those two waves would make up a similar proportion of harvest in 2017; which is about 65 percent of the overall harvest occurs in those two waves over the last three years, assuming that I came up with a projection for 2017 of 3.97 million pounds.

Again, as there was a question about the variability within Wave 5 and 6, as Caitlin pointed out, the last few years those estimates have been highly uncertain. We have probably the most uncertain estimate ever during that

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time period last year. There are significant states that are open in Wave 5 and 6.

Again, these are very preliminary, A, in terms of just its evaluation and 5 and 6, we still have about 35 percent of the harvest to still be accounted for in Wave 5 and 6. Under those caveats that's what I came up with as a projection for harvest for the rest of the year. If that were to play out that would put us at 7.5 percent below the 2017 RHL. When we compare it to the 2018 RHL we're about 8 percent over that.

Just to wrap everything up. When you are considering this, again I kind of talked about all of those harvest analysis caveats that I kind of mention in using the VTR data how I scaled VTR data to the private sector. What effort and participation is going to be are all sort of uncertain at this point in time. But generally, using those sorts of caveats, it looks like a Wave 1 fishery would account for anywhere from 2 to 4 percent of the 2018 RHL. I just showed you the preliminary 2017 harvest estimates and the projections. Again, any harvest that is allocated to Wave 1 needs to be accounted for; and would be on top of any reductions, if there are any reductions necessary through the rest of the fishery. It's been pointed out on a number of occasions that there is no data collection program in place during that time.

It's self-reported VTR data is the only information data that we have, so collecting additional catch and effort information during this Wave 1 fishery would be really important; in terms of evaluating how successful and what the implications of this Wave 1 fishery may be. Lastly, I just put up there, this is the motion. I think it will come up under a different screen so that we can modify it, or so that the Board can also consider it.

But this is the motion that was approved last week by the Council. It goes beyond just implementing specific measures for the Wave 1

fishery. It also talks about how much would actually be allocated to that Wave 1 fishery. It also does indicate that any adjustments that are needed to the rest of the recreational season would only be applied to those states that actually participate in the Wave 1 fishery. With that I'll take any questions.

CHAIRMAN LUISI: Thank you for your presentation, Brandon. Well, let's do this. Let's take a couple questions on specifics regarding the analysis. If we get too far into the weeds, as to something that might be different from what the motion is, I'm going to cut off the question asking and we'll put the motion on the screen. Then we can speak to the motion. But I saw John Clark first.

MR. CLARK: I guess actually I was just curious about the motion. Do you want to wait on any questions about the motion and how it would affect regulations?

CHAIRMAN LUISI: Yes. If anyone has any questions about how Brandon got to his projection, which I guess Rob that was to your question before. I will say that at last week's Council meeting the Council received a projection that was much different from what the projection is now. It was a much higher reduction that was going to be needed, based on Wave 3 estimates.

Now that Wave 4 is available it has changed that. You are receiving slightly different information from what the Council received, but it's all in the same line of information; it's just some of the numbers have been modified. But let's hold questions for just specifics regarding the analysis. Anything regarding the motion, we'll take up those questions once the motion is made by the Board; any questions? Emerson Hasbrouck.

MR. HASBROUCK: Thank you Brandon for your presentation. The question I have is you had mentioned that 2013 was the last year that

there was a Wave 1 fishery, and you used that as a basis to project these estimates forward into 2018. What was the source of that catch data in 2013? Was that also self-reported VTR data, or were there intercepts that were conducted during Wave 1? Then I have a possible follow up, depending on the answer.

MR. MUFFLEY: That's strictly self-reported for-hire VTR data. That was the only information that I had available.

MR. HASBROUCK: Then do we have any idea how realistic those reported catch numbers are?

MR. MUFFLEY: No. I mean that was part of the discussion when we were talking about an exempted fishing permit, and could be part of the LOA program is sort of validating some of that information that is being reported on the VTRs; because we just don't have any verification of that VTR information that's coming across. It is what it is just as it is on the commercial side, on some things where we don't have observers onboard. It's all self-reported, no validation.

CHAIRMAN LUISI: Are there any other questions regarding specifics? Okay seeing none; I'm going to ask that we put the motion up on the screen. As I mentioned before, this is the exact motion that was made and supported at last week's Mid-Atlantic Fisheries Council meeting. I'll now look to the Board for any Board member that would like to make the same motion. Adam Nowalsky.

MR. NOWALSKY: Would you like the motion read?

CHAIRMAN LUISI: Please.

MR. NOWALSKY: **Move to recommend National Marine Fisheries Service open the black sea bass recreational fishery in federal waters from February 1, 2018 through**

February 28, 2018, with a minimum size limit of 12.5 inches and a per person daily possession limit of 15 fish. Based on staff analysis, the 2018 recreational harvest limit that applies to the remainder of the fishing year will be reduced by the preliminary estimate of 100,000 pounds to account for expected catch during the February season.

Adjustments to the 2018 recreational measures to account for this estimated February catch will be required only of states that participate in the February fishery. If I get a second, Mr. Chairman, and have the opportunity to speak to the motion, it would be greatly appreciated. Thank you.

CHAIRMAN LUISI: Okay, so we have a motion made by Mr. Nowalsky; do I have a second on the motion, seconded by Rob O'Reilly. Adam.

MR. NOWALSKY: Let me first begin by again thanking Board leadership and Council leadership, staff for the effort that has gone into this. As was mentioned, we did run up against quite a bit of time constraint in Philadelphia, and we certainly had the opportunity to flesh this out a bit more; for which I am extremely gracious.

In speaking to a number of Council members and Board members since that August meeting, a number of issues some of which have been already discussed here today, one of which has been the need for monitoring during that time period. New Jersey has three large vessels, approximately 100 foot in length that has the ability to prosecute this fishery.

Our state's Bureau of Marine Fisheries has been willing to dedicate two technicians during the month of February to run trips with those vessels, to help validate catch data onboard the vessels. We're also able to implement a for-hire logbook survey in this fishery. It's currently in place for our striped bass fishery, and we can

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extend it to our other for-hire fisheries that may participate.

We're also able to do rack collection during the timeframe, to get some more biological information. We expect all of this information would help address the concerns that people around the table have regarding the need for better science during this time period. We also think that these steps that we put in place will certainly be a large step towards informing the letter of authorization framework process that will be taken up jointly with the Council; beginning in December.

These are all pieces of information that we need. I think this last element of the motion here, this was brought up by John Bullard in Philadelphia, was worked on quite a bit with the help of the Service. I'm extremely grateful for their time in working on it with us. I think it speaks for itself; will be required only of states that participate in the February fishery.

Essentially, those states that choose not to would be held harmless the rest of the year. There have been questions about how exactly that would play out timeline wise. My expectation would be in the coming months we would be going through our spec setting process. We've essentially started it here today with the ongoing discussions with the addendum; in more detail in December, and it will go through February, as we complete that addendum.

I know staff has worked up individual numbers for individual states that might be participating in the fishery; and so those states that declare an interest as we go through the Addendum XXX process, this number would be accounted for moving forward there. Lastly, I'll simply offer again the magnitude of what this fishery is. We're talking about 100,000 pounds potentially out of a fishery with a near 50 million pound spawning stock biomass.

We've got the opportunity to provide some fishing days, provide public access for something that is sorely needed. We heard comments earlier at the outset of the meeting about what closures have done to the industry. We've got an opportunity to get science. We've got an opportunity to inform the LOA process we've already agreed to embark on, and we're holding harmless those states that choose not to participate.

CHAIRMAN LUISI: Rob O'Reilly as seconder, would you like to add to Adam's comments?

MR. O'REILLY: Yes. Well, Adam has covered a lot of what Virginia thinks about this as well. Of course we would have a public hearing. If this motion passes we still would have to go through that process. We do have the capability to do sampling. We do have a freezer collection program; Adam mentioned the racks.

Not to go into a lot of details, but there would be several items that would have to go forward; in order for someone to participate, including a haul in, so that if law enforcement wanted to be available they could; but mainly so that the biological collections also could take place. Virginia has been interested in a Wave 1 fishery since December of 2013.

I think most of you understand that by 2015 the climate changed quite drastically. One of the main concerns at the Mid-Atlantic Council was the data collection. I agree with Adam that this will be a setup for the LOA program; in that whatever data can be collected will be advantageous for 2019.

The other part of reticence that at least I sensed was that now we're talking about perhaps an 8 percent overage, which was greater at the Council meeting, I agree with that. Some will think, well what does that mean as we go later into the waves. But please know as Caitlin mentioned earlier, the DelMarVa situation is not only an order of magnitude less, in terms of

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the ability to harvest, but it's a little more than that quite frankly. It's been that way really since 2010. I thank you for the time.

CHAIRMAN LUISI: Questions, comments on the motion, John Clark.

MR. CLARK: I like the fact that the adjustments to the 2018 recreational measures will be required only of states that participate; but it's just more of a question of how this whole thing would work. I mean when we discussed this with anglers and headboat captains in Delaware, they were very concerned about Brandon's projections here; showing that if his Scenario 3 took place that we would lose four days in Wave 3, or three days in Wave 5. They weren't willing to trade those days in those waves for the possibility of fishing in February.

I understand what this motion would require only those states to do this if there were cutbacks required. But how would that work with states like Delaware, Maryland or Virginia that set the regulations based on the federal rules and have to abide by whatever the federal rules are; and do pretty much all their black sea bass fishing in federal waters? Do we have a guarantee that federal rules would not change, but only the states that go over this? I just don't understand how this whole thing would work; and is there any way to clarify that?

CHAIRMAN LUISI: There are no guarantees in life, John. Somebody must have said that to you many, many, many years ago.

MR. CLARK: I know there are no guarantees. I just meant that obviously to get to this point I'm assuming that NMFS has looked at this. How would they enforce the overages on the states that actually participate in this; without affecting the regulations out in the federal waters that Delaware, Maryland, and Virginia would have to abide by?

CHAIRMAN LUISI: I'm going to offer my thoughts and then I might look down the table to Lindsay to add. We've been having these conversations, and you bring up an excellent point, John about how it will work. We have the potential for states that want to participate in this fishery to be held accountable to some degree to the 100,000 pounds being offered in the motion.

We also have Addendum XXX that is currently in progress, and it may assign regions to specific states in moving forward for 2018. Those are two things that somewhat complicate the issue. I would like to be able to tell you exactly how this will work. The way I foresee it taking place is that if a state wants to participate, there would have to be a decision by the Board at some later time; as to how that 100,000 pounds is accounted for by those states that participate.

Is it equal across the board? If it's just one state, obviously it will be 100,000 pounds. If it's five states how are we going to divvy that accounting up? That is something that the Board will have to discuss at a future date. As far as how it will apply to the federal rules, I think that there might be an opportunity for some modifications to the federal rules.

That under Addendum XXX would allow for the federal rules to be more liberal, and the states under the umbrella of more liberal federal regulations would then be able to work through Addendum XXX to establishing their limits. Now, Delaware, Maryland, Virginia, even North Carolina I believe, we have just gone forward each year with what those federal rules have been. What I'm saying here is that there might be an opportunity at the December meeting when we're setting specifications, to set federal rules from May 1, let's say, through December 31, with no closure. Then that opens the door for states having the flexibility under Addendum XXX to make modifications within their region, or at the state level, and take and absorb the

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100,000 pounds in some ratio; if you would choose to participate. Now that is how I'm seeing it happen. But I could be way off. In discussions I've had with GARFO that is where we might be. John.

MR. CLARK: I just don't want to be in one of these damned if you do, damned if you don't situations; where if we don't participate and the rules change in federal waters, we're going to catch heck from our fishermen that want to know why we didn't open in February, and take advantage of that or why we now have a shorter season and we didn't even fish in February. It's kind of a tough situation right now; without knowing exactly what will happen at this point.

CHAIRMAN LUISI: Yes John, I think because we haven't finalized Addendum XXX there are questions still. The scenario you're suggesting would be one for which, if we were to follow through as a Board in establishing a DelMarVa region, and let's just say Virginia participates. But the Board also decides that all of the states within a region need to have the same regulations; and that's something that the Board decides on.

Well, then we won't be able to do that if Virginia participates and Delaware and Maryland don't; because we're going to need the same regulations, and Virginia will need to be accountable for part of this. The later decisions that we're going to make, make this more complicated, but it's all tied together; and that's the best I can do to offer an answer for you, John. Chris Batsavage.

MR. BATSAVAGE: Thank you for the explanation; as far as how that will work out with the states choosing to participate versus not, if this motion passes. Quickly, we support this motion. Besides the reasons given already and despite the fact we have a pretty recreational fishery north of Hatteras.

We're the only state on this Board that has Wave 1 MRIP sampling, and we've had it since 2004. We've been closed since 2013, despite our ability to sample that wave and the money we spend on those efforts. But with that if this motion passes, we have the ability to collect biological information through the dockside intercepts; and likely could collect carcasses through our statewide carcass collection program.

CHAIRMAN LUISI: Nichola Meserve.

MS. MESERVE: I think when Brandon was referencing the motion he said that 100,000 pounds would be allocated to February; but I just want to be clear that it's not really an allocation in the sense that the fishery would close when what limited information is available would indicate 100,000 pounds has been landed, nor would the participating states be accountable for a catch above that level later on in the season.

I ask that question, because I think we have every reason to believe that harvest is going to be greater than the projected 100,000 pounds. That was the middle of the road estimate based on 2013. Effort is most likely going to be greater; as other fisheries like fluke have been constrained. Availability of sea bass has increased. The 2015 year class will begin recruiting to the fishery next year. I fear that those participating states are going to have a lot more benefit than they're being held accountable for; and those states that don't participate will see none of that. That's not because we don't want to participate and have this option, but it doesn't do anything for us based on our geographic location. I'm also concerned about the interplay of this option with Addendum XXX. I believe it jeopardizes the good work, the good progress that we're making on trying to bring about more uniform regulations along the coast to address the equity issue.

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Then I also have questions about how our constituents are going to respond to a February, 2018 fishery that is opened to everyone, followed by a February, 2019 LOA fishery that is only opened to certain people; as of yet to be determined. I think we're getting ahead of ourselves, trying to do this this year, with too many questions unanswered about how much harvest is going to result. We'll never know, and jeopardizing the Addendum XXX initiative.

CHAIRMAN LUISI: Doug Grout.

MR. DOUGLAS E. GROUT: I would like someone to help me out here. I've heard in determining how we're going to actually get an estimate of what is actually harvested here. I've heard Adam say that there will be a logbook in New Jersey, or there is a logbook and they'll have observers out there to help validate. Does that requirement apply to all for-hire boats up and down the Mid-Atlantic area that may want to participate in this fishery?

Then how would the private boats, however few there may be how does their catch get accounted for outside of North Carolina; which has a Wave 1 intercepts? How would that be accounted so that we have data on the harvest that would go into the stock assessment? Can anybody enlighten me on that as to where we get the information on that?

CHAIRMAN LUISI: Doug, it is my understanding, the way that GARFO is interpreting this motion that the 100,000 pounds will be what states will be held to regardless of what estimate comes from data collection; as far as VTR data. That is the only source of information; other than the North Carolina Wave 1 work that will go towards estimating what was caught.

Brandon spoke to the fact that it is voluntary VTR data. But that is all we'll have. Now, to the points made about well, what if the harvest is more than 100,000 pounds and we learn that a year later; when we bring all the information

that we have together, and determine that 200,000 pounds were caught.

Well, it's my understanding that the way that the GARFO is looking at this is that the states will not have to pay any additional accountable measures back for anything over; 100 is 100, and that is what it's going to be, 100,000 will be 100,000. Regarding private angler, there won't be private angler data collected.

While there might not be very many private anglers participating, it's possible that there could be some. These are some of the concerns. These are some of the problems that we've discussed many times about a system that has the accountability that a Wave 1 opening has. I'll look to Brandon or Caitlin or Kirby to add anything. But I think that is where we stand on this at this point, as far as information and what we know. Doug.

MR. GROUT: We have volunteer VTR data that is going to be used for this? Is that what I just heard that they don't have to report it? I know we've got mandatory coming in probably later in the year.

CHAIRMAN LUISI: Yes, I may have misspoken. Brandon.

MR. MUFFLEY: I mean it is mandatory VTR, it is self-reported though. There is no validation to what is being reported, but it's mandatory that that information be provided.

CHAIRMAN LUISI: That's what I meant.

MR. MUFFLEY: Federally permitted for-hire vessels.

MR. GROUT: The for-hire vessels will be covered; at least there will be some numbers that they will provide. At least in New Jersey there will be some kind of validation of that; according to what I thought I heard Adam say. But there won't be any MRIP data for PR, for

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private rentals outside of North Carolina in there; so we'll have a gap in that information. Okay thank you.

CHAIRMAN LUISI: Yes I think your understanding is correct, and thanks for correcting me. I did misspeak. Towards New Jersey's suggestion for, I don't know if it's necessarily a validation but more of a ground truthing of what's coming in; regarding the sampling that they would be conducting. We have a few more people on the list.

I am going to limit discussion to some degree. We're over our allotted time on this agenda item; and we still have FMP compliance to deal with. This has been a conversation we've had many times over the year. I don't think we need to debate it very much longer. I'm going to go to Emerson and then David Borden and I may take one or two more comments. Then we'll call the question. Emerson Hasbrouck.

MR. HASBROUCK: I had several issues, but I'll limit it to two issues because of time.

CHAIRMAN LUISI: I'm sorry, Emerson.

MR. HASBROUCK: One of my comments is kind of directed at something that you said, so I wanted you to finish your conversation with Toni; that's okay. You had mentioned how we're going to have to get together and decide how that 100,000 pounds is going to be partitioned among whatever states might be interested in participating in this. I'm just wondering when that might occur. I mean February isn't very far away.

That was one issue I wanted to raise; and the other is I've heard what New Jersey has planned for them to participate. I've heard that North Carolina already has MRIP sampling in that state during Wave 1. I'm just wondering if there are any other states around the table who are interested in participating in this; who might be

able to provide some information in terms of how they're going to quantify the harvest.

CHAIRMAN LUISI: Okay so Emerson to your first question to what I stated earlier. I'm not sure when we'll have that conversation. It will need to be had before states set forth their recreational measures for next year; and that will come as a result of the decisions made through Addendum XXX. At some point, before states implement new rules, the Board will have to discuss that. There are two Board meetings, one is in February and one will be in December. That is all I could offer as far as with the timing. That is when it will need to happen. I'll speak for Maryland. We will not be able to sample our port in Ocean City during that wave. If we were to participate we wouldn't be able to sample. Okay Rob, I'm going to come back to you. I have David Borden then Rob O'Reilly and David Bush.

MR. BORDEN: A lot of the points have already been made, but I'm concerned about the lack of specificity on some of the elements here. In the interest of time I won't go into that; because some of the other people have talked about it. I'm also concerned about having a volunteer data collection program without making sure that if we're going to have that type of system that it's standardized across all of the participating states. I think that's going to be kind of critical.

My final point, I'm also concerned about the overage. Your statement in particular that if there is an overage beyond 100,000 then it's not going, the way I understood your statement it's not going to apply to the participants; which means it's eventually everyone in this room that is going to be held accountable for it. I'm opposed to the motion.

CHAIRMAN LUISI: Rob O'Reilly.

MR. O'REILLY: I wanted to address Emerson's request there. As I said earlier, Virginia is

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prepared to do sampling and has started the sort of an approach to recreational reporting; which is mandatory, just out of the gate has a year under the belt so far. Compliance is about almost 60 percent with cobia. That is why we started all this specifically, although we have striped bass and blueline tilefish.

The pool of effort is going to be rather small. There is a very limited number of headboats in Virginia. There are a few private anglers that we've heard of that would be availing themselves of this opportunity. I realize we get dug in to our perceptions, but the past is always present; and I certainly remember sitting with Toni Kerns in 2010; when we had a blowout of the RHL by Wave 4, and Toni and I were able to figure out a path forward.

That path forward included Delaware, Maryland and Virginia; which it was during the time of conservation equivalency, foregoing any liberalization, and some of that liberalization was quite remarkable. Foregoing that liberalization so that the states north of us did not have to suffer the penalty, so that is 2010 that is not 1998. That is 2010, seven years ago. I'm wondering about some of the comments as to, are they really concerns or are they something that maybe shouldn't be concerns?

CHAIRMAN LUISI: David Bush.

MR. DAVID BUSH: Generally in support of this. I know that we did discuss the data collection concerns that we had. Now, if I understand this correctly all this is, is simply the directive to open up this fishery. Once this goes through we'll have to actually spell out how to execute that fishery; and if that's correct, would there not be the possibility of states wishing to participate some sort of data collection of some sort? Whether it be mail in, whether it be something, would that be an option at that point?

CHAIRMAN LUISI: David, I think if a state can offer more there wouldn't be anything stopping them. Like you said, if this is supported essentially the Commission and the Council will be recommending to National Marine Fishery Service to open federal waters to black sea bass fishing in February.

What the states do from there will be on them. There will be no requirement to put forth a data collection effort on the states, even if they do participate. It's been suggested that some states will do that. They have the means and the interest to do that. Others will or will not. Does that answer your question?

MR. BUSH: Yes thank you.

CHAIRMAN LUISI: Okay, I'm going to take one last comment and I'm going to come back to you, Adam. I know you had your hand up. After that we're going to caucus for a minute and we'll call the question. Adam.

MR. NOWALSKY: Again, thank you very much. I think this is all very good discussion. Frankly I haven't heard any point raised that hasn't been discussed with people that I've spoken about with this issue. Again, it's not going to be a sense of no accounting. We'll have the VTR data, and then that VTR data will use past relationships between the for-hire sector and the non for-hire sector to go ahead and establish an estimate of the overall recreational catch for that period.

It's not going to be just a free pass for the non for-hire sector; it is being accounted for. I have to go back to the fact that we've got the Services support on this; and this motion incorporates a lot of their concerns. That is something that provides a level of assurance that they are confident that we can move this forward through the regulatory process.

Otherwise, they would be wasting their time putting together a proposed rule that they

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didn't think they could ultimately promulgate. Let me finally close with the idea of this winter fishery, and the potential for it to be large. We deal with snowstorms and frozen slips, and bait dealers that are closed. Haul-out provisions in insurance policies, mariner operators that go to Florida for the winter.

You go after the first of the year and participation just goes to zero. Those vessels that do or fishermen that do still want to participate, they want to get on a headboat. For those states that have talked to your own for-hire operators, and maybe they're not going to participate themselves.

You may have a lot of fishermen in your own state that you haven't heard from that would really love the opportunity to go ahead, jump in the truck on a cold winter morning, get in a heated bunk, take advantage of a heated handrail, and take some fish home out of a biomass that's 230 percent of its target.

CHAIRMAN LUISI: Let's go ahead and caucus for a minute; we'll come back, read the motion and vote. I apologize to the public. This is not a new issue. We've heard much public comment on this issue so far, so we're going to skip that and go right to the vote. I'm just waiting on staff. I believe we've been asked to do a roll call vote; so as soon as we're set. I'm going to ask Kirby to call the vote.

MR. ROOTES-MURDY: As noted this is a roll call vote. We're going to go south to north starting with North Carolina.

MR. BATSAVAGE: Yes.

MR. ROOTES-MURDY: Commonwealth of Virginia.

MR. O'REILLY: Yes.

MR. ROOTES-MURDY: Potomac River Fisheries is not present. Maryland.

MS. DEAN: Yes.

MR. ROOTES-MURDY: Delaware.

MR. CLARK: No.

MR. ROOTES-MURDY: New Jersey.

MR. NOWALSKY: Yes.

MR. ROOTES-MURDY: New York.

MR. JOHN MANISCALCO: Abstain.

MR. ROOTES-MURDY: Connecticut.

SENATOR CRAIG A. MINER: No.

MR. ROOTES-MURDY: Rhode Island.

MR. BALLOU: No.

MR. ROOTES-MURDY: Commonwealth of Massachusetts.

MS. MESERVE: No.

MR. ROOTES-MURDY: New Hampshire.

MR. GROUT: Abstain.

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

MS. SHERRY WHITE: Abstain.

MR. ROOTES-MURDY: National Marine Fisheries Service.

MS. LINDSAY FULLENKAMP: Yes.

CHAIRMAN LUISI: **Okay our count here is 5 in favor, 4 no votes, 3 abstentions; the motion carries.** That recommendation will be made on behalf of the Council and the Commission to National Marine Fisheries Service.

**CONSIDER APPROVAL OF THE SCUP FISHERY
MANAGEMENT PLAN REVIEW AND
STATE COMPLIANCE REPORTS**

CHAIRMAN LUISI: We're going to move on to our last agenda item. Given the interest of time, I've decided that we are just going to go through the scup compliance and FMP report; so we'll deal with summer flounder and black sea bass at a later time. Because of the issue with compliance in the scup fishery I'll turn to Kirby for that.

MR. ROOTES-MURDY: We have adjusted our PowerPoint; we're just going to focus on scup today as noted. Regarding compliance and de minimis request the Plan Review Team notes that Massachusetts measures are not consistent with those in the FMP; specifically with regard to the minimum mesh requirements and the threshold triggers regarding the bycatch fishery, or the bycatch provisions excuse me in the state's wood fishery.

Initially the Plan Review Team also noted that Rhode Island's measures were not consistent with those in the FMP regarding the minimum mesh and escape vent size requirements. Rhode Island's staff has followed up and actually provided us with updated information. They have noted that their information in their compliance report was incorrect; and therefore with the updated information they are consistent with the plan.

We have one request for de minimis from the state of Delaware. Then the last point, as there was an extensive PRT review the state compliance report should expressly list all required regulations and whether they are in compliance with the FMP. We had some challenges with that this year; and that pots and traps should be separated from other types of gear in the commercial harvest by gear table. With that I'll take any questions.

CHAIRMAN LUISI: Any questions for Kirby? That was quick. I didn't even hear him speak yet; any questions for Kirby?

MR. ROOTES-MURDY: As noted there was a compliance inconsistency with regards to Massachusetts regulations. They've provided a memo that was included in supplemental materials. If you have specific questions about that Dr. Pierce is available to answer them now. They've also provided us with a motion they would like to make regarding that.

CHAIRMAN LUISI: David Pierce.

DR. DAVID PIERCE: This was a bit of a surprise to me. Staff identified the fact that we weren't in compliance, and as a consequence there is a need for us to get into compliance; so I have a motion to make Mr. Chairman that gets to that particular issue. Because we have every intention of changing our rule to comply; now that we found out that there was a problem.

I would move to postpone Board action on Massachusetts noncompliance with the scup incidental trip limits for bottom trawl vessels not meeting the minimum mesh size until the winter ASMFC meeting. Again, if I get a second then it's just to make sure that we have some time to set things right.

CHAIRMAN LUISI: We have a motion. Do we have a second for the motion? Senator Boyle seconds the motion; discussion on the motion? David Borden.

MR. BORDEN: Yes, I'm supportive of the request, but do we actually need a motion if we just postpone approving the report until the winter meeting; it would give Massachusetts adequate time to actually put together the proposal.

CHAIRMAN LUISI: I'm sorry David, go ahead.

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MR. BORDEN: What I said was if we just postpone taking action on the report until the winter meeting, then Massachusetts would have adequate time to put together a conservation equivalency proposal. I kind of see this as being unnecessary. I would prefer just postpone approving the compliance report.

CHAIRMAN LUISI: We can do that. **David, if you would want to modify your motion to just move to postpone approval of the FMP and Compliance for scup to the winter meeting, we can just take up the whole thing at the winter meeting.**[CS1]

DR. PIERCE: If the seconder doesn't disagree then I would prefer to go in that direction. As I said, it will be fixed by the time we get to the winter meeting.

CHAIRMAN LUISI: Senator Boyle, are you okay with perfecting that motion? Let's get it up on the screen and I'll call the question. Give me one second. **Okay the motion is move to postpone Board approval of the Scup FMP Review and State Compliance Reports until the winter ASMFC meeting. All those in favor of the motion please raise your hand. It's 10 in favor, any opposition, any null votes, and any abstentions? One abstention; the motion carries.**

Okay, because we didn't receive the presentation on summer flounder and black sea bass, if it's okay with this Board we will take up that via an e-mail between now and a later date. We'll do an e-mail vote. That concludes our business. Is there any other business to come before the Board? I just wanted to thank everybody for their hard work.

ADJOURNMENT

CHAIRMAN LUISI: Just to note, this is my last Board meeting as your Chair. We have met probably about 15 to 16 times over the last two years, so tonight is going to go on the list that includes marrying my wife and having my two

children. This is now the next thing that makes me about as happy as can be. I look to my left. I'm going to be passing the baton to Bob; who is going to take you under his wing, and I'm sure he's thrilled about that right now. Thank you all very much. We stand adjourned.

(Whereupon the meeting adjourned at 6:34 o'clock p.m. on October 18, 2017)

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

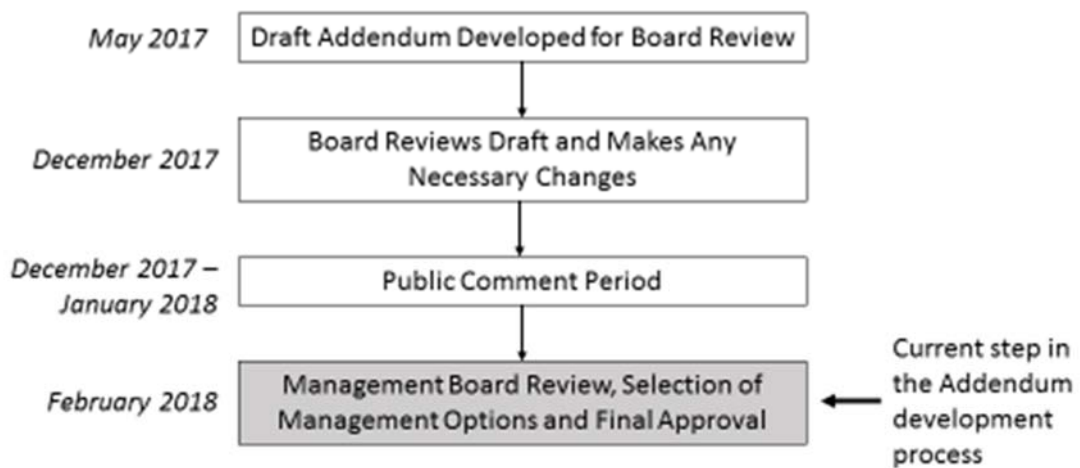


Vision: Sustainably Managing Atlantic Coastal Fisheries

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%	225%	174%	66%	242%	109%	162%	163%	184%

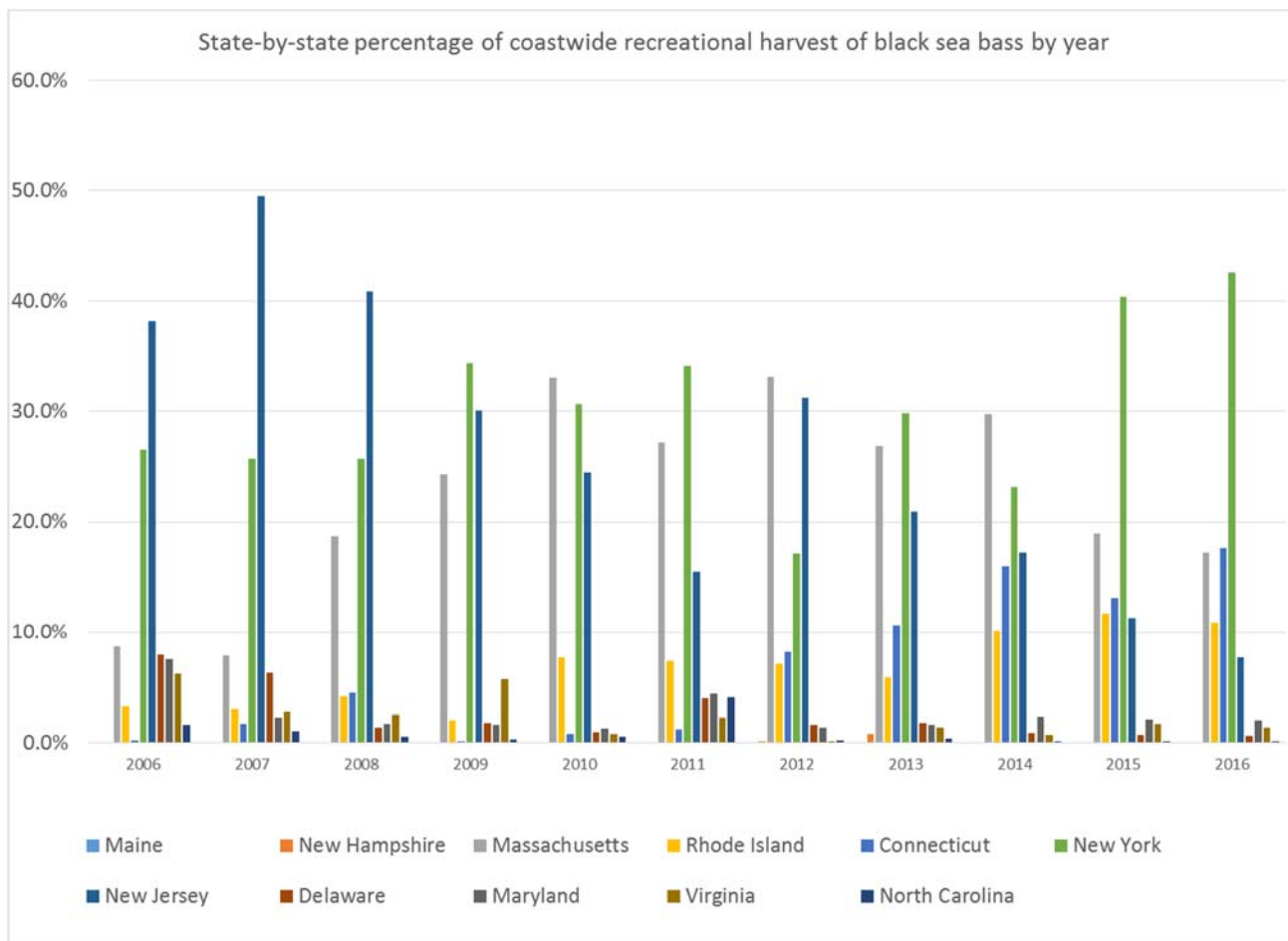


Figure 1. State-by-state contribution (as a percentage) to total recreational harvest of black sea bass (in weight) in the management unit, 2006–2016. Source: MRIP, 2017.

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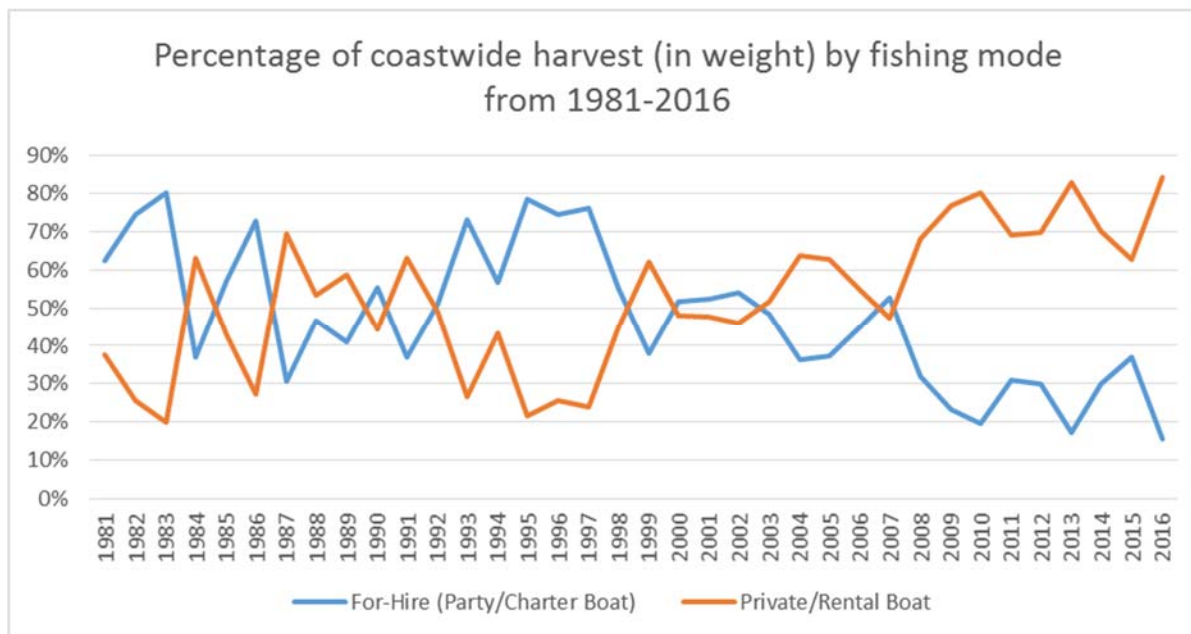


Figure 2. Percentage of coastwide harvest (in weight) by fishing mode from 1981-2016. Private/Rental Boat includes shore mode. Source: MRIP, 2017.

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.

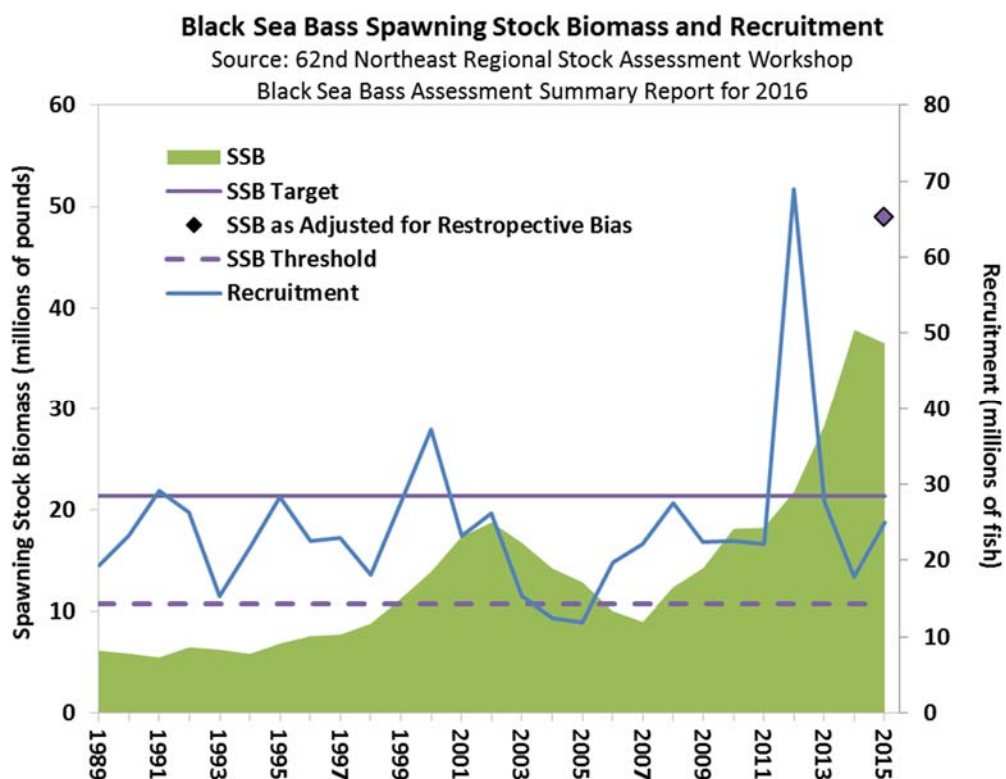


Figure 3. Black Sea Bass SSB and recruitment at age 1 by calendar year.

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

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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.

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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).

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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

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catch in the subsequent year to the regional allocation of the ACL (i.e., 2018 projected catch used to achieve 2019 ACL).

For 2018

December 2017- January 2018: Public comment period

February 2018: The Board considers approval of Addendum XXX at the 2018 ASMFC Winter Meeting. If Section 3.1.2, Regional Allocation of the RHL, is selected with specified regional alignment, timeframe, and management measures consistency, the states would collectively develop regional proposals for their 2018 management measures, and submit them for Technical Committee review following the Winter Meeting. The Board would then consider and approve the regional proposals. If states within a region are unable to reach consensus on regional proposals, the measures for the region will be specified by the Board, based on guidance from the Technical Committee.

States would go through the implementation process to set 2018 regional management measures prior to the start of the Wave 3 (May 1, 2018) recreational fishing season.

In addition, states would develop proposals to implement improved data collection and compliance, and reduced discard mortality, for both private anglers and state-permitted for-hire vessels¹ recreationally targeting black sea bass. State proposals would need to demonstrate that by the 2020 fishing season, significant improvements would be achieved in the following five parameters:

- 1) Biological sampling (length and weight)
- 2) Reduction in refusal rates of dockside MRIP intercepts/interviews
- 3) Discard composition information (i.e., reason discarded, length)
- 4) Reduction in discarding relative to 2010-2015
- 5) Improved compliance with management measures

For 2019 and thereafter

The states within a region would collectively develop management measures to achieve their regional allocation of the RHL prior to the beginning of the recreational fishing season. The Board may specify provisions of the regional management measures, such as how much they may change (i.e., size limit, possession limit, season length) from year to year in order to achieve the regional harvest allocation.

¹ Effective March 12, 2018 as federally permitted for-hire vessels are required to submit electronic Vessel Trip Reports (VTRs) electronically and within 48 hours of ending a fishing trip (reporting all trips and all fish). VTRs from federally permitted vessels are required to report all fish kept or discarded (not just fish the vessel is permitted for) and for all fishing-related trips the vessel conducts. <http://www.mafmc.org/newsfeed/2017/mid-atlantic-for-hire-vessel-permitting-and-reporting-electronic-only-submission-requirement-starts-march-12-2018>

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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

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Appendix I. Regional Allocation Scenarios

PLEASE NOTE: Each option in the addendum includes an example of state regulations that could be implemented to achieve the regional allocation of the RHL. These are just examples, and are based on preliminary 2017 data. The states and/or Technical Committee would develop the actual regulations using updated harvest estimates for state adoption following the finalization of the Addendum, subject to Board approval.

Section 3.1.2.1, Option A: Regional allocation based on historical harvest²

1) 2 Regions: Massachusetts through New Jersey (northern region); Delaware through North Carolina north of Cape Hatteras (southern region).

Table A1. Time Series Option “A” 2006-2015 harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	3,439,611	14,964,052	91.19% (90.01%)*	3.66 million lbs	3,339,267 (3,332,685)*	3,910,840	-14.62%	15"	5	219
RI	1,009,319									
CT	1,059,646									
NY	4,342,265									
NJ	5,113,211									
DE	454,274	1,445,602	8.81% (8.99%)*	3.66 million lbs	322,611 (329,193)*	257,943	25.07%	12.5"	15	225
MD	491,303									
VA	403,912									
NC	96,113									
Grand Total	16,409,654		100.00%							

* Value that went out for public comment (in parentheses) differs from updated value based on most current data

Table A2. Time Series Option “B” 2011-2015 harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	1,805,993	7,740,526	93.37%	3.66 million lbs	3,418,989	3,910,840	-12.577%	15"	5	227
RI	675,572									
CT	956,704									
NY	229,480									
NJ	200,745									
DE	166,437	549,896	6.63%	3.66 million lbs	242,889	257,943	-5.84%	12.5"	15	195
MD	236,302									
VA	101,900									
NC	45,257									
Grand Total	8,290,422		100.00%							

² Please Note: Harvest from New Hampshire is <1% of the coastwide total harvest in these time series, and is not considered in the coastwide harvest used for regional allocation. Projected harvest for 2017 was based on preliminary 2017 data through wave 5 by assuming the same proportion of catch and landings in 2016.

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- 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"	w1: 10 w2: 2 w3-4: 15	137
DE	454,274	1,445,602	8.81% (8.99%)*		322,611 (329,193)*	257,943	25.07%	12.5"	15	225
MD	491,303									
VA	403,912									
NC	96,113									
Grand Total	16,409,654		100.00%							

* Value that went out for public comment (in parentheses) differs from updated value based on most current data

Table A4. Time Series Option "B" 2011-2015 Harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	1,805,993	5,733,074	69.15%	3.66 million lbs	2,532,298	2,496,841	1.42%	15"	5	126
RI	675,572									
CT	956,704									
NY	2,294,805									
NJ	2,007,452	2,007,452	24.21%		886,691	1,413,999	-37.29%	13"	w1: 10 w2: 2 w3-4: 10	131
DE	166,437	549,896	6.63%		242,889	257,943	-5.84%	12.5"	15	195
MD	236,302									
VA	101,900									
NC	45,257									
Grand Total	8,305,900		100.00%							

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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	1,008,198	-1.53%	15"	5	114
RI	1,009,319		(26.74%)*		(979,221)*					
CT	1,059,646	5,401,911	32.92%		1,205,490	1,488,642	-19.02%	15"	5	99
NY	4,342,265		(33.07%)*		(1,211,036)*					
NJ	5,113,211	5,113,211	31.16% (31.20%)*		1,141,041 (1,142,428)*	1,413,999	-19.30%	13 inches	w1: 10 w2: 2 w3-4: 10	155
DE	454,274	1,445,602	8.81% (8.99%)*		322,611 (329,193)*	257,943	25.07%	12.5"	15	225
MD	491,303									
VA	403,912									
NC	96,113									
Grand Total	16,409,654		100.00%							

* Value that went out for public comment (in parentheses) differs from updated value based on most current data

Table A6. Time Series Option "B" 2011-2015 Harvest in numbers of fish

State	Harvest	Regional Harvest	% Allocation	2018 RHL	2018 Regional Allocation in lbs (2006-2015 timeframe)	Projected 2017 Harvest (lbs)	% Change from 2017 Harvest to 2018 Allocation	Minimum Size Limit	Possession Limit (# fish)	Season (# of days)
MA	1,805,993	2,481,565	29.93%	3.66 million lbs	1,096,107	1,008,198	8.72%	15"	5	126
RI	675,572									
CT	956,704	3,251,509	39.22%		1,436,191	1,488,642	-3.52%	15"	5	125
NY	2,294,805									
NJ	2,007,452	2,007,452	24.21%		886,691	1,413,999	-37.29%	12.5 inches	w1: 10 w2: 2 w3-4: 10	122
DE	166,437	549,896	6.63%		242,889	257,943	-5.84%	12.5"	15	195
MD	236,302									
VA	101,900									
NC	45,257									
Grand Total	8,305,900		100.00%							

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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%	77.6%*		1,574,608	1,221,895	1,413,999	-13.59%	12.5"	w3: 10 w4: 2 w5-6: 15	140
South: DE-NC				22.4%*			352,712	257,943	36.74%		12.5"	15

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: w3: 10 w4: 2 w6: 13"	127
South: DE-NC				21.5%*			270,045	257,943	4.69%		12.5"	15

* 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

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Appendix II. Management of February 2018 fishery

Table 1. Allocation of February 2018 Fishery 100,000 pounds

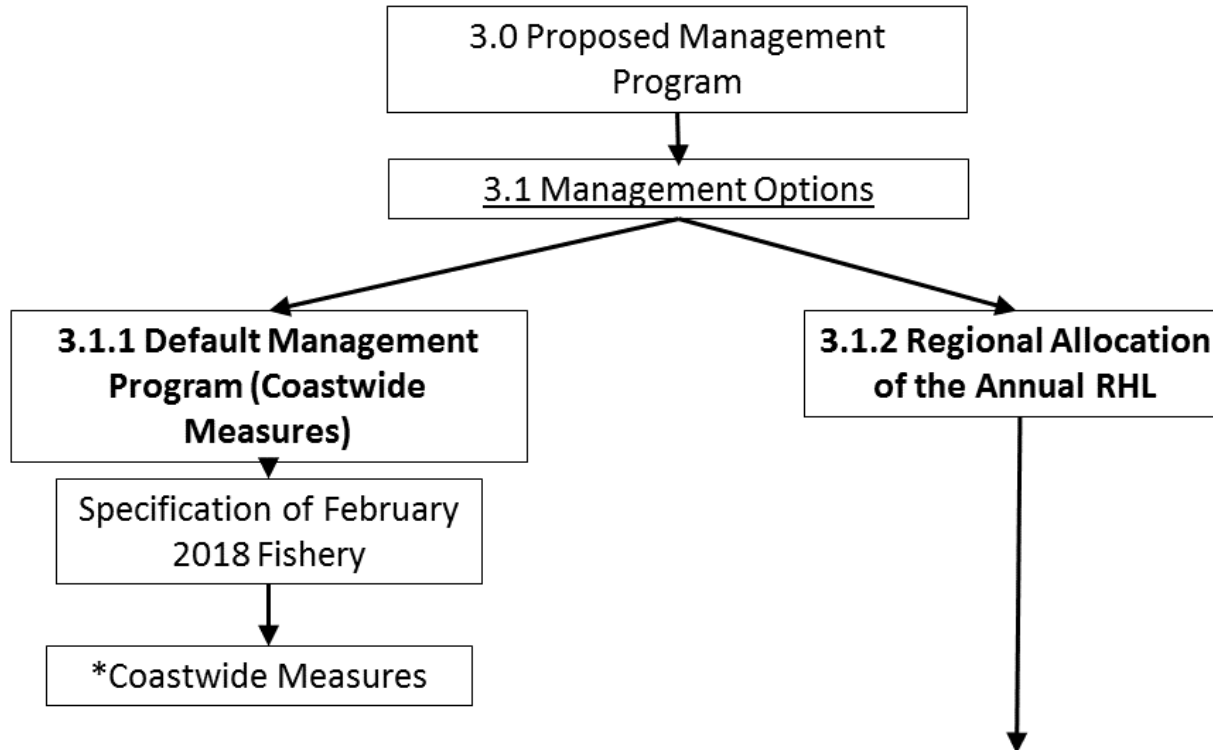
State	Proportion of Wave 1 Harvest	Allocation of Wave 1 100,000 pounds in weight
RI	0.29%	288
CT	0.06%	57
NY	9.41%	9,410
NJ	82.85%	82,850
DE	1.30%	1,297
MD	0.54%	541
VA	5.50%	5,496
NC	0.06%	62
Total	100.00%	100,000

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.

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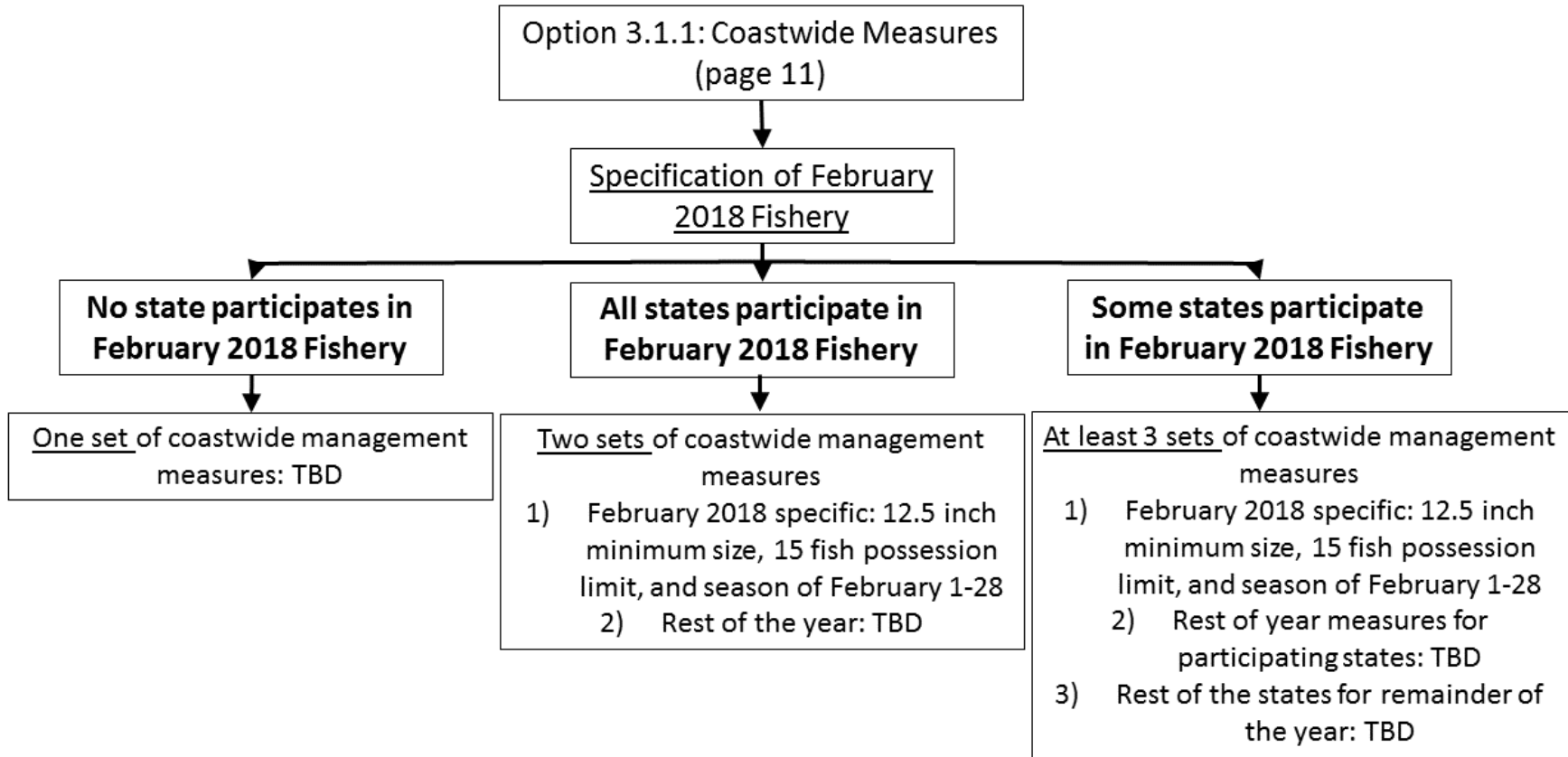
Appendix III. Decision Tree for Draft Addendum XXX Options

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



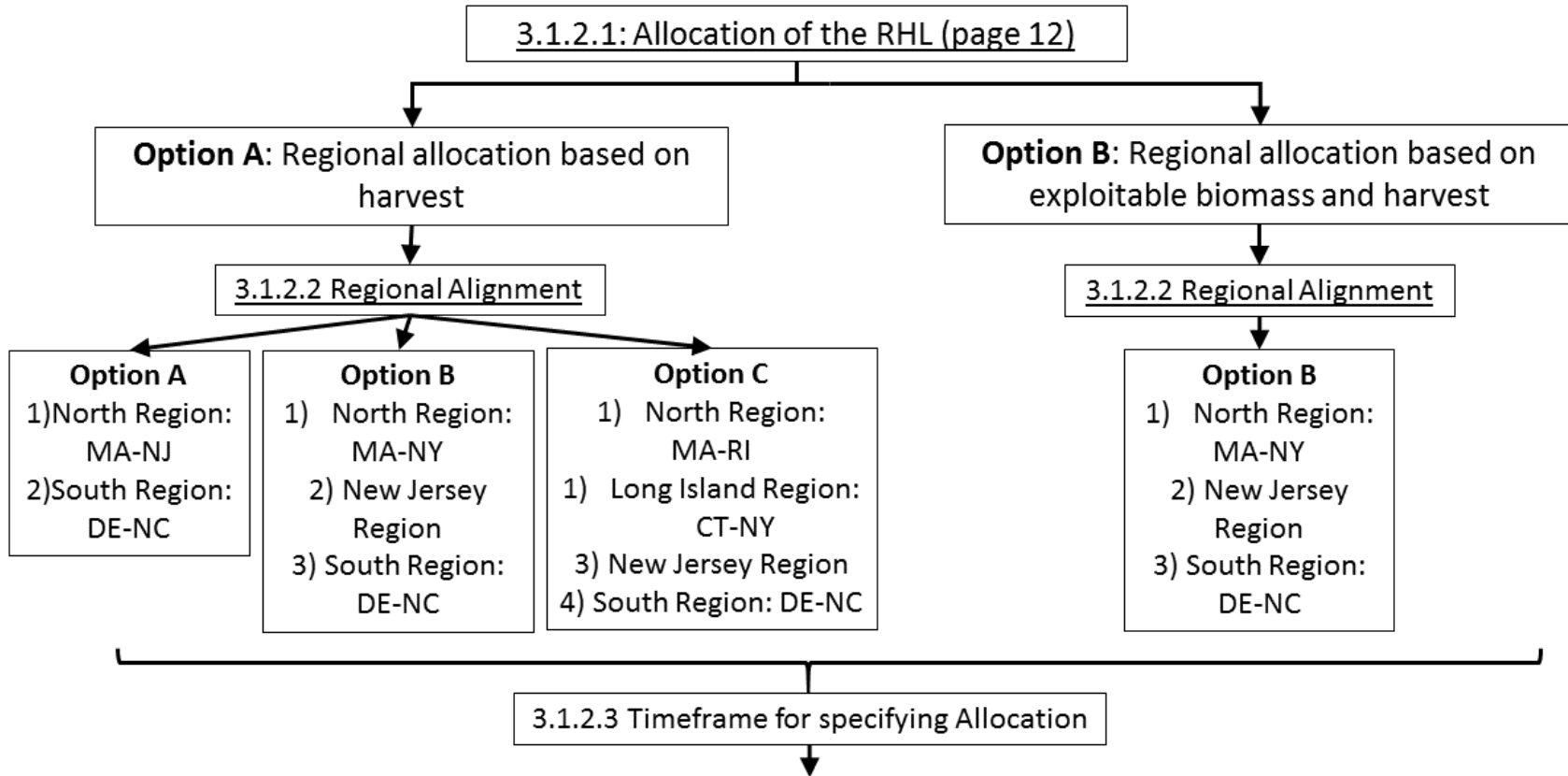
Draft Addendum for Board Review

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



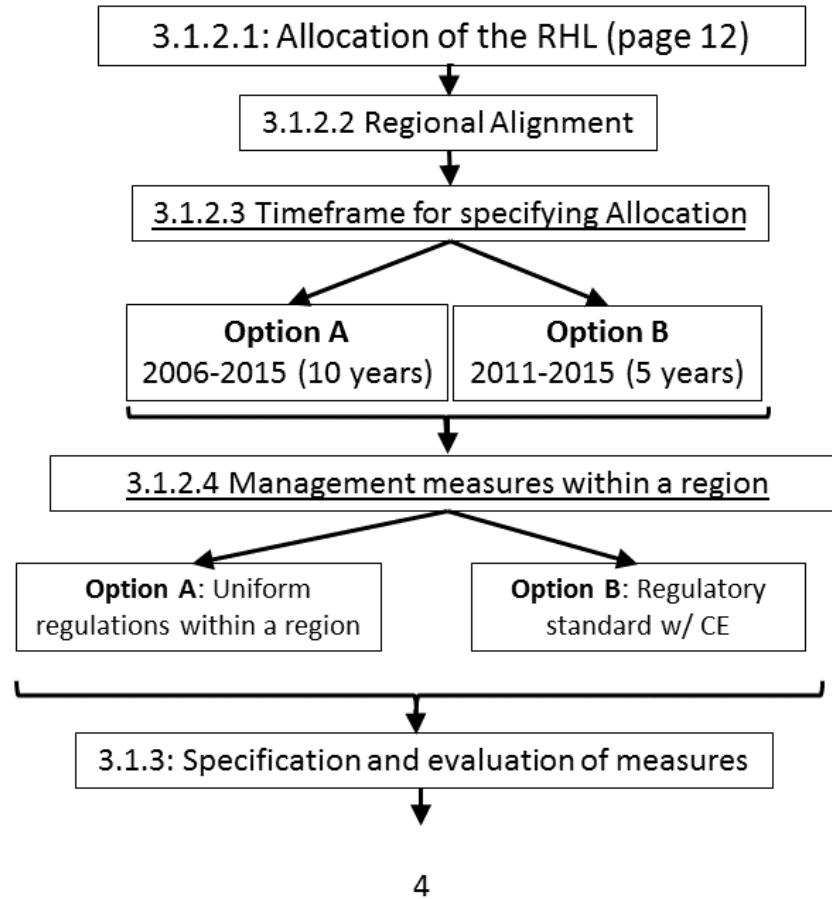
Draft Addendum for Board Review

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



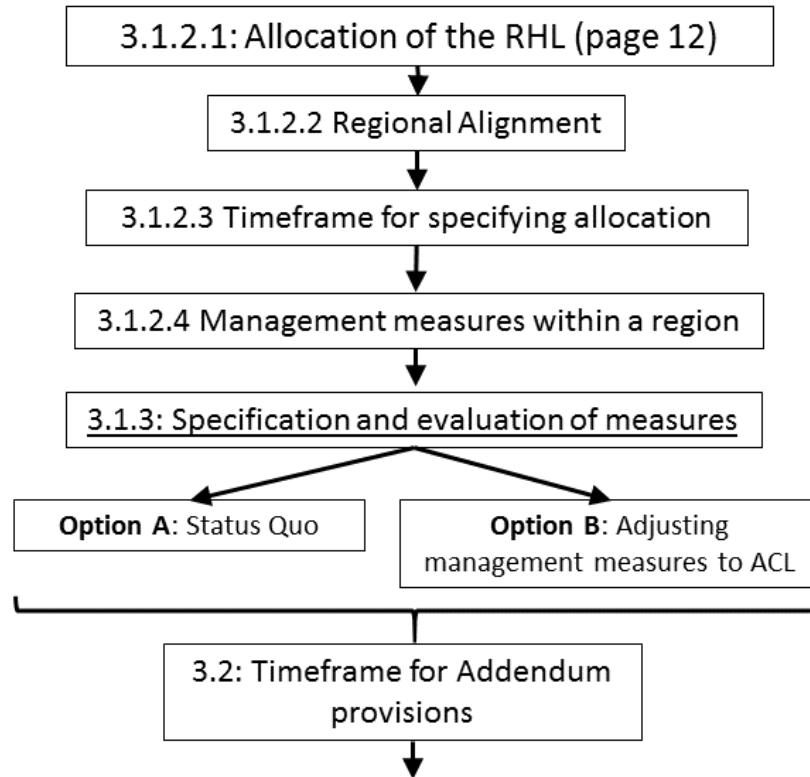
Draft Addendum for Board Review

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



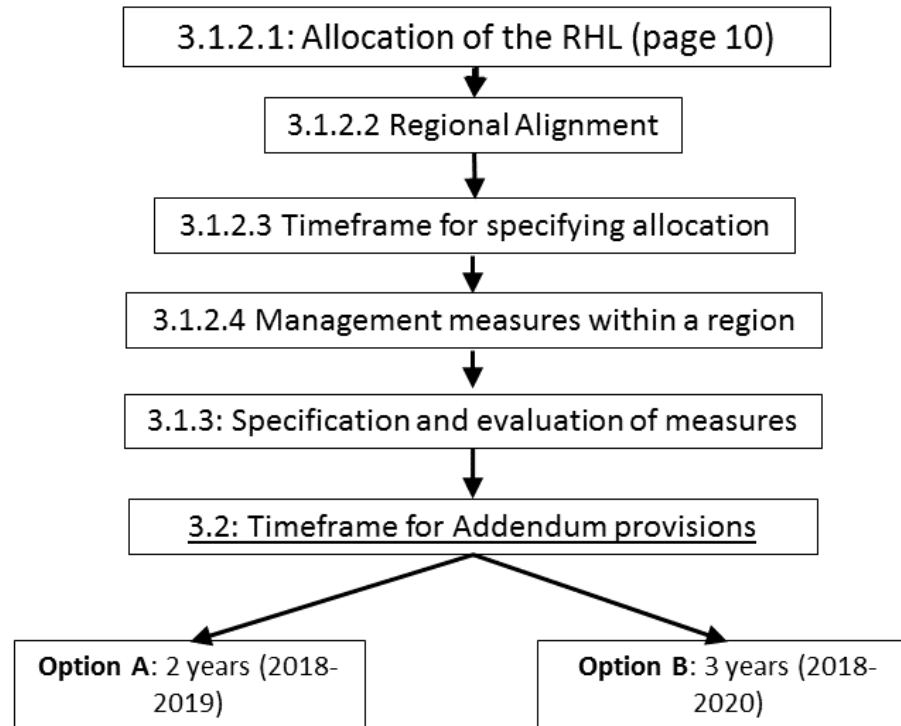
Draft Addendum for Board Review

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

January 19, 2018

To: Summer Flounder, Scup, and Black Sea Bass Management Board
From: Summer Flounder, Scup, and Black Sea Bass Technical Committee
RE: 2018 Summer Flounder 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 Summer Flounder Regional Proposals for the 2018 recreational fishery.

The Board and Council met in December of 2017 to establish the 2018 recreational management program for Summer Flounder. At this meeting, the Board moved to extend Addendum XXVIII through 2018, re-established regional conservation equivalency for the recreational summer flounder fishery, and set a de-facto 2018 coastwide recreational harvest target of 3.78 million pounds. This target is based upon the 17% liberalization of the projected 2017 coastwide recreational harvest at the time (data through Wave 4, 3.23 million pounds) and differs from the 2018 RHL of 4.42 million pounds. The Board and Council approved the 3.78 million pound target for development of recreational measures due to concerns about stock status, concerns that recent projected increases in biomass have not been realized, and concerns that effort and success rates have been highly variable over the past few years, making it difficult to predict the effects of modifications to management measures. The current projected 2017 coastwide recreational harvest (using data through Wave 5) is 3.10 million pounds, differing from the 2018 target by 21.9% and the 2018 RHL by 42.6%. Recreational summer flounder harvest by the coast in 2017 is expected to be well under the 2017 RHL of 3.77 million pounds.

Based on the Board's action, the regional configuration of 2016-2017 is extended into 2018. This includes the following 6 regions: 1) Massachusetts 2) Rhode Island 3) Connecticut-New York 4) New Jersey 5) Delaware-Virginia and 6) North Carolina. The combined management program of all 6 regions is designed to not exceed the 2018 recreational harvest limit. With the exception of North Carolina, all other regions developed proposals for different 2018 recreational

management that would achieve but not exceed a 17% liberalization of their 2017 harvest. All of the submitted proposals are included in the appendix at the end of this memo.

The Technical Committee (TC) met via conference call on January 16th and reviewed the following summer flounder recreational proposals for 2018. In reviewing the proposals, the following considerations should be noted:

- 1.) A continual issue for this TC is the lack of uniformity in analysis to show how adjustment to management measures year to year based on the MRIP data will achieve desired reductions or liberalizations. If the intent of the Board is to continue annual adjustment to management measures for the foreseeable future, prioritizing the development of a new set of standard operating procedures (SOPs) for this annual task is needed, as well a reconsideration of the annual timeline to complete this task.
- 2.) As previously noted in the Monitoring Committee report presented to the Board and Council at the Joint Meeting in December 2017, the TC remains concerned about the status of the resource and notes that while liberalizations in harvest in 2017 are available due to underage's in the coastwide harvest, reductions in harvest in 2019 and beyond may be needed depending on the outcome of the 2018 benchmark stock assessment. As a reminder, management measures between 2014-2016 remained constant while harvest varied significantly year to year.

Proposed Management Strategies for 2018 by region

Massachusetts

The 2017 Massachusetts' summer flounder regulations were: 17" min size, 4 fish bag limit, and season of May 22-September 23. These regulations resulted in the estimated recreational harvest of 26,669 fish. 2017 harvest was a 54% decrease from 2016 harvest levels. A 17% liberalization in harvest from 2017 levels will result in a 2018 harvest target for Massachusetts of approximately 30,033 fish.

The commonwealth of Massachusetts put forward one proposed option for 2018: maintaining the 17" minimum size and the **increasing the possession limit to 5 fish and increasing the season length by 15 days at the end of the season**. These proposed changes result in projected 17% increase in harvest in 2018.

Analysis:

Bag analysis used preliminary 2017 MRIP data through wave 5. 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. Two approaches were used to calculate the change in harvest based on the proposed possession limit increase: 1) an additive approach and 2) a Poisson approach. The additive approach assumes that every intercept at 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. The Poisson approach assumes the intercepts come from a Poisson distribution (a discrete probability distribution) and then calculates the probability of observing each bag

size under that assumed distribution. The Poisson distribution approach indicated a higher increase in harvest under the proposed changes (Table 1); therefore this approach was deemed more conservative and used as the basis for the proposed changes.

Table 1: Estimated harvest under current regulations and proposed bag limits of 5 and 6 fish. The estimates from the two different methods are presented, along with the estimated percent change in harvest resulting from those changes. Note: for wave 5, there was a reduction due to a bag increase; this is an artifact of rounding (harvest and wp_catch), and assumed negligible in the aggregate analysis.

Wave	Proposed Bag	Current	Add	Pois	Add.Per	Pois.Per
3	5	2,695	3,126	2,776	16%	3%
4	5	20,376	21,394	24,044	5%	18%
5	5	7	6	6	-14%	-14%
Total		23,078	24,536	26,826	6%	16%
3	6	2,695	3,342	3,018	24%	12%
4	6	20,376	21,802	24,655	7%	21%
5	6	7	6	6	-14%	-14%
Total		23,078	25,150	27,679	9%	20%

TC Feedback: The TC agreed that the analysis was technically sound and took no issue with the approach used.

TC Recommendation: Approve

Rhode Island

The 2017 Rhode Island’ summer flounder regulations were: 19” min size, 4 fish bag limit, and season of May 1-December 31. These regulations resulted in the estimated recreational harvest of approximately 60,000 fish (assuming a small amount of harvest for wave 6 as this is currently unknown). 2017 harvest was a 31% decrease from 2016 harvest levels. A 17% liberalization in harvest from 2017 levels will result in a 2018 harvest target for Rhode Island of approximately 70,200 fish.

The state of Rhode Island put forward one proposed option for 2018: maintaining the 19” minimum size limit, **increasing the possession limit to 6 fish** and maintaining the 2017 season length and open dates for 2018 (May 1-December 31). These proposed changes result in projected 4% increase in harvest in 2018.

Analysis:

Bag analysis used preliminary 2017 MRIP data through wave 5. 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. Three approaches were explored: 1) Additive approach, 2) Poisson approach, and 3) Negative Binomial 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 5 and 6 fish bag were evaluated. The Poisson and Negative Binomial approaches assumes the intercepts come from a Poisson or Negative Binomial 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 2017 through wave 5.

Under a 5-fish bag limit, the additive approach estimated a 1.3% increase in harvest, the Poisson approach estimated a 2.5% increase in harvest, and the Negative Binomial approach estimated a 3% increase in harvest. A 6-fish bag would increase harvest by 3.4% using the additive approach, 4% using the Poisson approach, and 3.3% using the Negative Binomial approach (Table 2).

Table 2: Estimated percent change in harvest under proposed bag limits of 5 and 6 fish. The estimates from the three different methods are presented.

Proposed Bag	Addition Percent Change	Negative Binomial Percent Change	Poisson Percent Change
5	1.3%	2.5%	3%
6	3.4%	3.3%	4%

Analysis was conducted looking at changes to the minimum size using three approaches as well (poission and negative binominal were used here as well; a lognormal distribution was used instead of the additive approach). As these results from these modeling approaches showed variance across all three approaches as well as uncertainty around whether changes small minimum size adjustment would generate greater than 17% increase it harvest, the state of Rhode Island decided not to put forward any changes in minimum size.

TC Feedback: As noted in the attendance, a TC rep from Rhode Island was not on the call but the TC found that the analysis was technically sound and took no issue with the approach used.

TC Recommendation: Approve

Connecticut-New York

The 2017 Connecticut and New York regional summer flounder regulations were: 19” min size, 3 fish bag limit, and season of May 17 -September 21 (128 days). These regulations resulted in the estimated recreational harvest of approximately 1,231,087 fish. 2017 harvest was a 90% decrease from 2016 harvest levels. A 17% liberalization in harvest from 2017 levels will result in a 2018 harvest target for the region of Connecticut-New York of approximately 1,440,372 fish.

The region put forward four proposed option for 2018:

- 1) 19” min size, 3 fish bag limit, and season of **May 1-September 30 153 day** (13.3% increase in harvest)
- 2) 19” min size, **4 fish bag limit**, and season of **May 1-September 30 153 day** (18% increase in harvest)

- 3) 19" min size, **4 fish bag limit**, and season of **May 4-September 30 151 day** (16.5% increase in harvest)
- 4) **18.5" min size**, 3 fish bag limit, and season of *May 25-September 8 107 day** (17.3% increase in harvest)

*Italics indicate decrease in season length from 2017

Analysis:

MRIP harvest estimates from 2016-2017 from both states were aggregated. Two approaches were used to evaluate adjustments to the minimum size limit 1) Natural logarithm, which showed that decreasing size limit by ½ inch would increase harvest by 27.8%; 2) Generalized Linear Model (GLM) using R code showed the same change in size limit would increase harvest by 24.7%. Based on these results, the TC members from these states decided to use the natural log analysis to generate options. For evaluating possession limit, individual landings by intercept were divided by the number of intercept contributors to generate a per angler take. Going from 3 fish bag limit to 4 fish bag limit under this approach increased harvest by 4.2%. for season length analysis wave specific percent per day harvest was transformed into numbers of fish (question: reminder needed of why percentage converted into numbers of fish, rather than dividing harvest by wave by number of days). Season length was manipulated resulting in new harvest sub-totals which were then further multiplied by the impact of size limit or possession limit changes (1+x).

TC Feedback: While the TC found that the analysis was technically sound and took no issue with the approach used, it was noted on the call that the 2nd and 4th options generated exceeded the 17% liberalization in harvest from 2017 levels. Based on this feedback, the TC member from the region noted that the options would be adjusted to achieve more than a 17% increase in harvest (see revised options below)

- 1) 19" min size, 3 fish bag limit, and season of **May 1-September 30 153 day** (13.3% increase in harvest)
- 2) 19" min size, **4 fish bag limit**, and season of **May 1-September 25 148 day** (17% increase in harvest)
- 3) 19" min size, **4 fish bag limit**, and season of **May 4-September 30 151 day** (16.5% increase in harvest)
- 4) **18.5" min size**, 3 fish bag limit, and season of *May 25-September 7 106 day** (17.0% increase in harvest)

*Italics indicate decrease in season length from 2017

TC Recommendation: Approve

New Jersey

The implemented 2017 New Jersey summer flounder regulations were: 18" min size, 3 fish bag limit, and season of May 25 -September 5 (104 days). These regulations resulted in the estimated recreational harvest of approximately 433,011 fish. 2017 harvest was a 42% decrease from 2016 harvest levels. A 17% liberalization in harvest from 2017 levels will result in a 2018 harvest target for the region of New Jersey of approximately 506,623 fish.

The state of New Jersey put forward the following 3 proposed options for 2018:

- 1) 18" min size, 3 fish bag limit, and season of May 25-September 22 **121 day** (17% increase in harvest)
- 2) 18" min size, 3 fish bag limit, and season of May 22-September 20 **122 day** (17% increase in harvest)
- 3) 18" min size, 3 fish bag limit, and season of May 15-September 16 **125 day** (17% increase in harvest)

Analysis:

MRIP harvest estimates from 2015-2017 were used to develop an aggregated percent daily harvest rate as well as to develop a new 2017 harvest estimate. For the purposes of generating liberalized options that achieve an approximate 17% liberalization, the aggregated wave specific percent per day was converted into numbers of fish per wave. Based on this analysis, the state of New Jersey put forward proposed options that only adjusted the season length relative to 2017 measures.

TC Feedback: While the TC accepted proposed options, there was concern raised regarding the method of generating a new 2017 harvest estimate. Given the Board's motion, 17% liberalization was specific to 2017 harvest estimates, and not from a different multi-year averaging of harvest data. The issue with this latter approach is that it created a new higher harvest target for 2018 greater than a 17% liberalization from 2017 harvest. The group worked through the spreadsheet provided by the NJ TC member which was used to generate the options on the call, and the TC member corrected the harvest target for 2018.

TC Recommendation: Approve

Delaware, Maryland, and Virginia

The implemented 2017 summer flounder regional regulations for the states of Delaware-Virginia were: 17" min size, 4 fish bag limit, and a year round open season (365 days). These regulations resulted in the estimated recreational regional harvest of approximately 148,190 fish. 2017 harvest was a 231% increase from 2016 harvest levels. A 17% liberalization in harvest will result in a 2018 harvest target for the region of Delaware-Virginia of approximately 173,382 fish.

The region put forward the following option for 2018:

- 1) **16.5" min size**, 4 fish bag limit, and year round open season (365 day) (13.6% increase in harvest)

Analysis

MRIP harvest estimates from Maryland, Delaware, and Virginia from only 2016 were used due to concerns about the incomplete dataset for 2017 and potential for harvest in wave 6 effecting harvest-at-length. A regression analysis using the logarithm transformed harvest at length. When back-transformed, all fish landed between 16" and 17" equaled 49,931 fish. Effectively they halved 49,931 and came to 24,966 fish as the increased harvest from going down a ½ inch in the size limit.

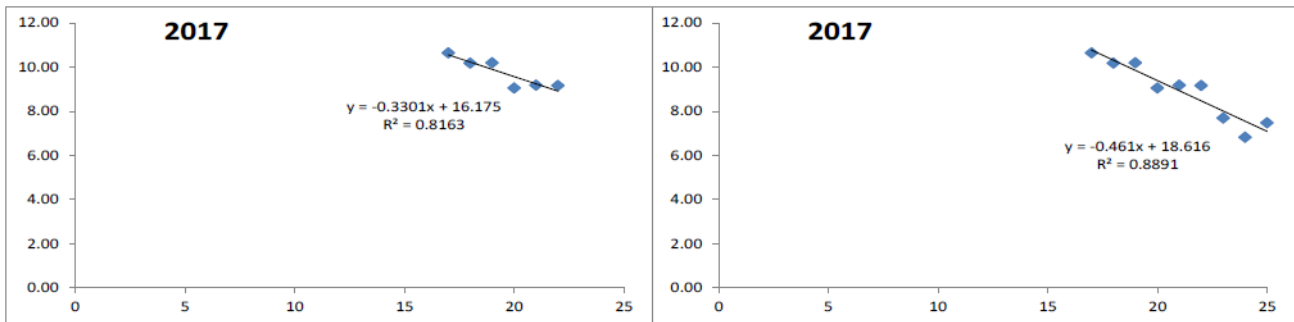
TC Feedback

Prior to the call and during it, TC members provided feedback that depending on the data set used, there was the potential for up 26% increase for a ½ inch decrease in size limit. Arguments were made that depending on the dataset used the best fit for the regression, different increases in harvest could be demonstrated. Based on the group's discussion, the TC members from the region offered to do

additional analysis (included below). Based on the additional analysis, **the TC recommends approval of the proposed option.**

2017 Regression

Two plausible 2017 regressions are shown below. Regression A includes a size range from 17 to 22 inches and the resulting ½” liberalization is predicted to be 18.2%. Regression B includes a size range from 17 to 25 inches and the resulting ½” liberalization is predicted to be 25.7%.



In 2015 and 2016, the size limit was 16.0” so no regression is necessary to calculate the effect of a ½” regulation change from 16.5” to 17.0”. The % total harvest between 16.5” to 17.0” in 2015 was 12.5%. The % harvest in 2016 was 11.9%. These percentages are also consistent with the predicted harvest change (9.7%) from ½ inch size limit change in 2013 Conservation Equivalency proposals in Delaware.

Summary

Analysis	% Harvest Change	Liberalization (Numbers)
2015 Observed harvest-at-length	12.5%	19,125
2016 Observed harvest-at-length	11.9%	18,207
2016 Regression	13.6%	20,808
2017 Regression A	18.2%	27,846
2017 Regression B	25.7%	39,321
Average	16.4%	25,061

Although the liberalizations range considerably from 12% to 26%, the difference between the lowest and highest predictions is about 21,000 fish given the relatively minor harvest occurring in the Delaware-Virginia region.



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To: ASMFC Summer Flounder Technical Committee

From: Tiffany Cunningham

RE: Proposed summer flounder recreational harvest measures for Massachusetts in 2018

Date: January 18, 2018

For the 2017 recreational fishing season, Massachusetts adopted a 17" minimum size, a 4 fish bag limit, and fishing season that extended from May 22nd - September 23rd. The coastwide recreational harvest for 2017 is projected to be approximately 15% below the 2017 recreational harvest limit (RHL) of 3.77 million pounds. The TC has proposed a 17% liberalization, as that is the difference between the 2017 and 2018 RHL, as put forth by the most recent stock assessment. The Board decided to cap the liberalization for 2018 at 17% over the projected 2017 harvest at the time of that meeting in December (~3.28 million pounds). To achieve the 17% liberalization, changes to the minimum fish size (17"), 4 fish bag limit, and possible season length extensions have been evaluated. The harvest in MA for 2017 was estimated to be about 25,669 fish, suggesting a potential increase in harvest of about 4,364 fish.

Our analyses indicate that a liberalization to a 5 fish bag limit and a modest increase in the season length (May 23rd - October 9th) would constrain summer flounder recreational harvest in Massachusetts to 30,033 fish, the equivalent of a 17% liberalization.

We have evaluated several approaches for the bag and size limit analyses and have selected the more conservative approaches to minimize the probability of exceeding the RHL. The analyses for the bag, size, and season changes are presented below in detail. This work was done in R; the code is available upon request.

Bag analysis

This bag analysis uses preliminary MRIP data through wave 5, as wave 6 is not expected to yield any summer flounder harvest. 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 (Table 1), under the assumption that the level of non-compliance will remain constant for the 2018 fishing year.

We evaluated two general approaches currently being used by the TC for bag analyses: 1) additive approach, and 2) Poisson approach. The additive approach assumes that every intercept at 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 5 and 6 fish bag were evaluated (max bag difference of 2 fish). The Poisson approach assumes the intercepts come from a Poisson distribution (with estimated λ parameter) and then calculates the probability of observing each bag size under that assumed distribution.

Bag results

Under a 5 fish bag limit, the additive approach estimated an approximate 6% increase in harvest and the Poisson approach estimated an approximate 16% increase in harvest. A 6 fish bag would increase harvest by 9% using the additive approach and by about 20% using the Poisson approach (Table 1).

Table 1: Estimated harvest under current regulations and proposed bag limits of 5 and 6 fish. The estimates from the two different methods are presented, along with the estimated percent change in harvest resulting from those changes. Note: for wave 5, there was a reduction due to a bag increase; this is an artifact of rounding (harvest and wp_catch), and assumed negligible in the aggregate analysis.

Wave	Proposed Bag	Current	Add	Pois	Add.Per	Pois.Per
3	5	2,695	3,126	2,776	16%	3%
4	5	20,376	21,394	24,044	5%	18%
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Total		23,078	24,536	26,826	6%	16%
3	6	2,695	3,342	3,018	24%	12%
4	6	20,376	21,802	24,655	7%	21%
5	6	7	6	6	-14%	-14%
Total		23,078	25,150	27,679	9%	20%

There are obvious differences between the two approaches and that is largely due to the distribution of bag sizes intercepted by MRIP. Figure 1 shows the distribution of bag sizes for wave 3 in Massachusetts, the estimated harvest using the additive approach (left), and the probability mass function from the Poisson distribution (right). It is assumed that in reality there is a decaying frequency of harvests at increasing bag sizes (e.g., Figure 2 from wave 4). Anecdotally, the discard to kept ratio in Massachusetts is quite high, perhaps 20:1. As a result, we assumed that the Poisson distribution is a more accurate representation of angler activity, although not always a good fit to the MRIP data. Using this approach was also more conservative as compared to the estimates from the additive approach.

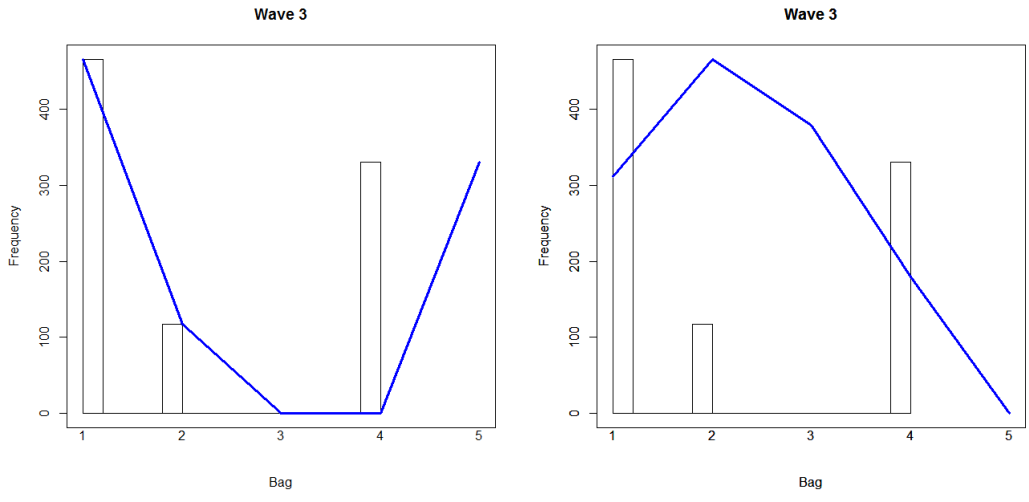


Figure 1: Distribution of MRIP intercepts at the different bag sizes for 2017 in wave 3, with the blue line indicating estimated harvest by the additive approach (left) and the Poisson approach (right).

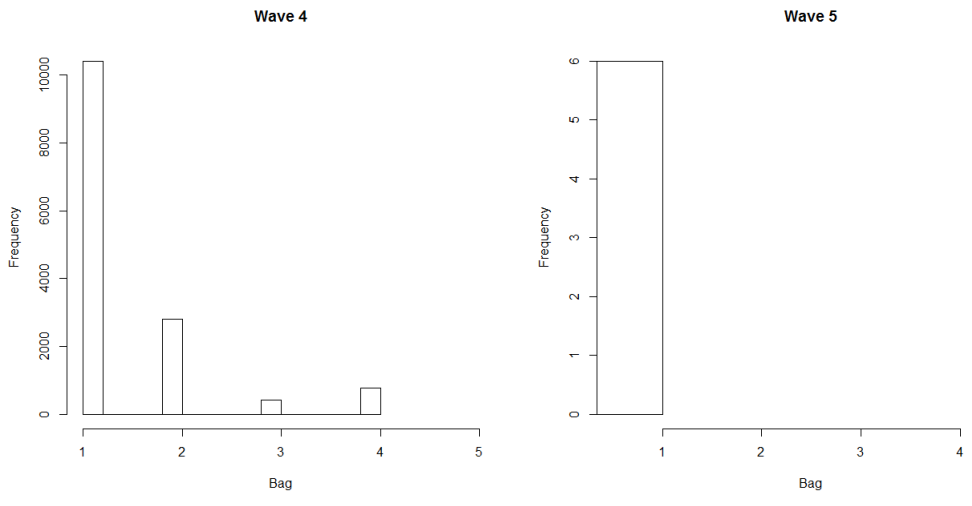


Figure 2: Distribution of MRIP intercepts at the different bag sizes for 2017 in waves 4 and 5. There were relatively few (none in wave 5) intercepts at the bag limit, hence a small increase using the additive approach.

Season analysis

Assuming the bag and size limit remain the same, catch per day was analyzed, by wave, to evaluate how the season could be extended to achieve a 17% liberalization. Harvest data from 2017 was used for this analysis. Based on a liberalization of 4,364 fish, we could potentially extend the season to include all of

waves 3 & 5, with an underutilization of 2,017 fish, without any changes to bag or size.

Table 2: A description of the number of days open for recreational summer flounder fishing in 2017, by wave, and the estimated harvest rate per day during those waves.

Wave	Days open	Harvest	Harvest/day	%/day
3	40	3,176	79.4	0.31
4	62	22,080	356.1	1.38
5	23	412	17.9	0.07

Based on these results, we are proposing the following combination of bag and season changes. The harvest rates per day were increased by 16%; the estimated increase associated with a 5 fish bag.

Therefore, the harvest rates per day for the extended season, were as described in Table 3.

Table 3: Harvest rates per day scaled up by 16% to reflect changes in the bag size to a 5 fish limit.

Wave	Harvest/day
3	92.1
4	413.1
5	20.8

Priority, for angler satisfaction, was to create a season that extends from Memorial Day (May 25th) weekend through Indigenous Peoples’/Columbus Day weekend (October 8th). This season would shorten the current wave 3 season by 3 days, but lengthen wave 5 by 15 days. Under this combination of measures, we estimate harvest to be,

$$(37 \cdot 92.1) + (62 \cdot 413.1) + (38 \cdot 20.8) = 29,810$$

resulting in an underutilization of 222 fish. To fully utilize the 17%, we extended the season to begin on May 23rd and end on October 9th, resulting in the full 17% liberalization.

$$(39 \cdot 92.1) + (62 \cdot 413.1) + (39 \cdot 20.8) = 30,015$$

Table 4 reflects a summary of our proposed measures.

Table 4: Proposed harvest measures for the Massachusetts recreational summer flounder fishery in 2018.

Min size	Bag	Season	% Increase
17 "	5 fish	May 23rd - October 9th (140 days)	~17%

Supplemental information

We evaluated potential changes to the minimum fish size; however, it was determined that a liberalization on the minimum size would pose too great a threat of excess harvest, and therefore, was not proposed for 2018. The size analysis is presented here for reference.

Minimum fish size

To assess changes to the minimum fish size, length frequency data from the recreational fishery for the past year (2017), collected through MRIP, were used. The frequency of harvest was regressed on fish size using two different models: 1) a linear regression on \log_e transformed length frequencies, and 2) a negative binomial regression. Predicted harvest at length (Figure 3), from the two models, was used to evaluate the expected increase by reducing the minimum fish size by one inch (down to 16"). The log-linear regression model estimated a harvest increase of about 16% while the negative binomial model estimated an increase of approximately 26%.

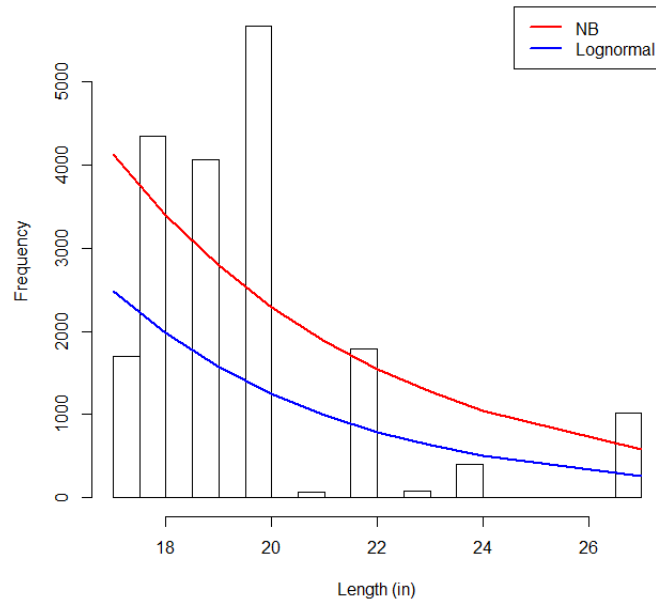


Figure 3: Histogram of MRIP length frequencies from 2017, with predicted log-linear (blue) and negative binomial (red) regression lines.

Figure 4 illustrates the length frequencies from MRIP (top), and the log-transformed frequencies (bottom). An important assumption of the log-linear regression is that these data are linear on the log scale.

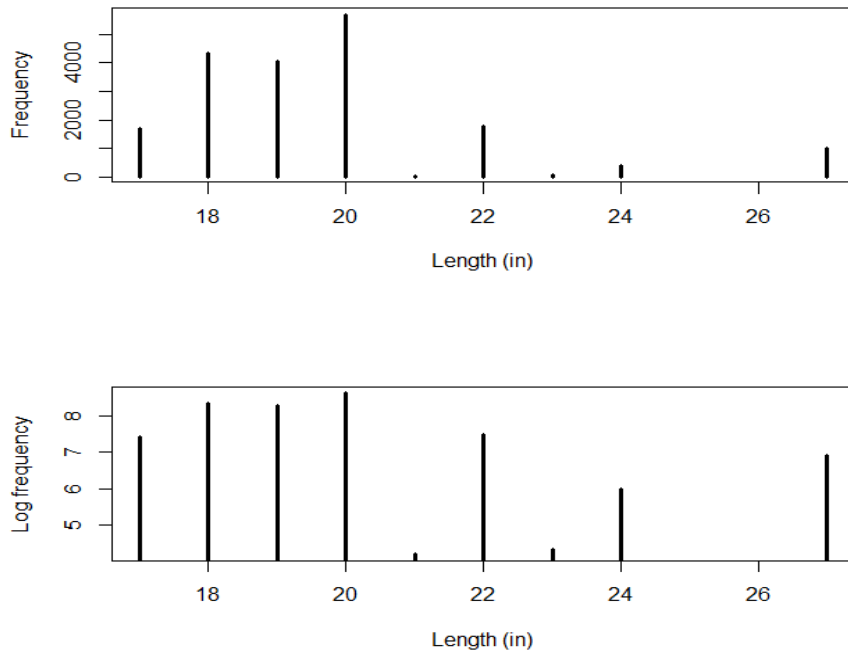


Figure 4: Length frequencies from MRIP sampling in 2017 in Massachusetts (top); and \log_e transformed length frequencies on the bottom.

The MA DMF spring trawl survey data were also evaluated as the length frequencies from the survey could be considered more representative of the size distribution of the fluke population, than the MRIP length frequencies. Based on the trawl survey length data and estimates from a Poisson regression, a change to a 16” minimum size would increase harvest by about 28% (Figure 5).

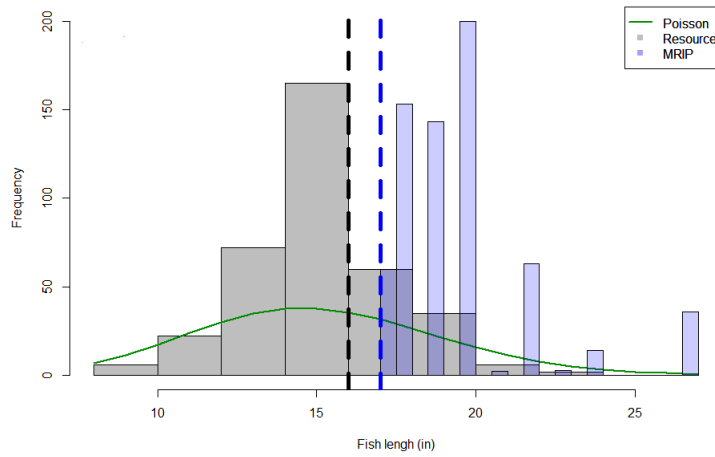


Figure 5: Length frequencies from the MA trawl survey (gray histogram), with the MRIP length frequencies (blue histogram). The green line is the probability mass function from the Poisson regression. The vertical bars depict the current size limit of 17" (blue) and the proposed size limit of 16" (black).

Rhode Island



Department of Environmental Management

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To: ASMFC Summer Flounder Technical Committee

From: Jason McNamee

RE: Proposed summer flounder recreational harvest measures for Rhode Island in 2018

Date: January 13, 2018

Background and summary

Per the requirements of Addendum XXVIII, Rhode Island implemented a 19" minimum size, a 4-fish bag limit, and a fishing season that extended from May 1st – December 31st for the 2017 recreational season. The coastwide recreational harvest for 2017 is projected to be approximately 15% below the 2017 recreational harvest limit (RHL) of 3.77 million pounds. The Board concurred with advice of the technical committee (TC) in deciding to cap the liberalization in summer flounder recreational harvest for 2018 at 17% over the projected 2017 harvest. To achieve the 17% liberalization, changes to the minimum fish size (19") and bag limit have been evaluated. The season in RI spans the entirety of the period when summer flounder are available to the recreational fishery, therefore season changes were not evaluated. The harvest in RI for 2017 was estimated to be approximately 60,000 fish, suggesting a potential increase in harvest to approximately 70,200 fish. This analysis indicates that a liberalization to a 6-fish bag limit would constrain summer flounder recreational harvest in RI to ~62,400 fish, well under the allowable 17% liberalization. There is not enough room in the liberalization to decrease the size limit for 2018 without risking an overage during a period of high uncertainty given the upcoming benchmark assessment for summer flounder, and the major changes that are forthcoming in the Marine Recreational Information Program (MRIP) methodology.

Bag analysis

The bag analysis uses preliminary MRIP data through wave 5. Wave 6 is not a period of high landings in RI for summer flounder, therefore these analyses are presumed to be adequate for specification setting for 2018. 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 (Table 1), under the assumption that the level of non-compliance will remain constant for the 2018 fishing year.

Three approaches currently being used by the TC for bag analyses were investigated: 1) Additive approach, 2) Poisson approach, and 3) Negative Binomial 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 5 and 6 fish bag were evaluated. The Poisson and Negative Binomial approaches assumes the intercepts come from a Poisson or Negative Binomial 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 2017 through wave 5. These two approaches use 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 summer flounder decreases as the bag limits increase, which seems to be corroborated by the empirical information (Figure 1).

Bag results

Under a 5-fish bag limit, the additive approach estimated a 1.3% increase in harvest, the Poisson approach estimated a 2.5% increase in harvest, and the Negative Binomial approach estimated a 3% increase in harvest. A 6-fish bag would increase harvest by 3.4% using the additive approach, 4% using the Poisson approach, and 3.3% using the Negative Binomial approach (Table 1).

In any of the approaches used, the predicted increase is lower than the allowed liberalization, therefore a preferred approach was not selected but all are presented to indicate the amount of certainty there is in the proposed management plan in RI.

Minimum size analysis

To calculate potential changes in harvest if the minimum size were to be lowered in RI, the MRIP harvest at length dataset for 2017 was used. To account for uncertainty in the harvest at length data, a series of generalized linear models were developed for the dataset which analyzed harvest relative to fish total size. Three approaches were used: 1) Lognormal, 2) Poisson, and 3) Negative Binomial. The models were run and compared by AIC to determine the best fitting model. All models were run on the same data and used the following formula:

Harvest ~ Length in inches

Minimum size analysis results

The best fitting model for the data was the Negative Binomial model, but all of the models appear to do a good job at fitting the data (Figure 2). Depending on the model, the increase for even a half inch decrease in minimum size can account for the entire liberalization. Given that there is variance across models and given the fact that all of the models have internal uncertainty around the mean estimate, which can overlap with and exceed the target, management changes using minimum size adjustments were deemed too risky for specification setting in 2018. The results of the regressions can be found in Table 2 and in Figure 2.

Option

Rhode Island wishes to propose only a change to the bag limit for 2018. The management program in RI is proposed to be:

- 1. A minimum size of 19”**
- 2. A season from May 1 – December 31**
- 3. A 6-fish bag limit**

This configuration keeps RI well within the allowed 17% liberalization for 2018.

Table 1: Estimated percent change in harvest under proposed bag limits of 5 and 6 fish. The estimates from the three different methods are presented.

Proposed Bag	Addition Percent Change	Negative Binomial Percent Change	Poisson Percent Change
5	1.3%	2.5%	3%
6	3.4%	3.3%	4%

Table 2. The projected effects of various size limits on the 2017 summer flounder recreational landings in the Rhode Island, calculated as percent increase from current management.

	18”	18.5”	19”
Negative Binomial	29%	14%	0%
Poisson	37%	17%	0%
Lognormal	31%	15%	0%

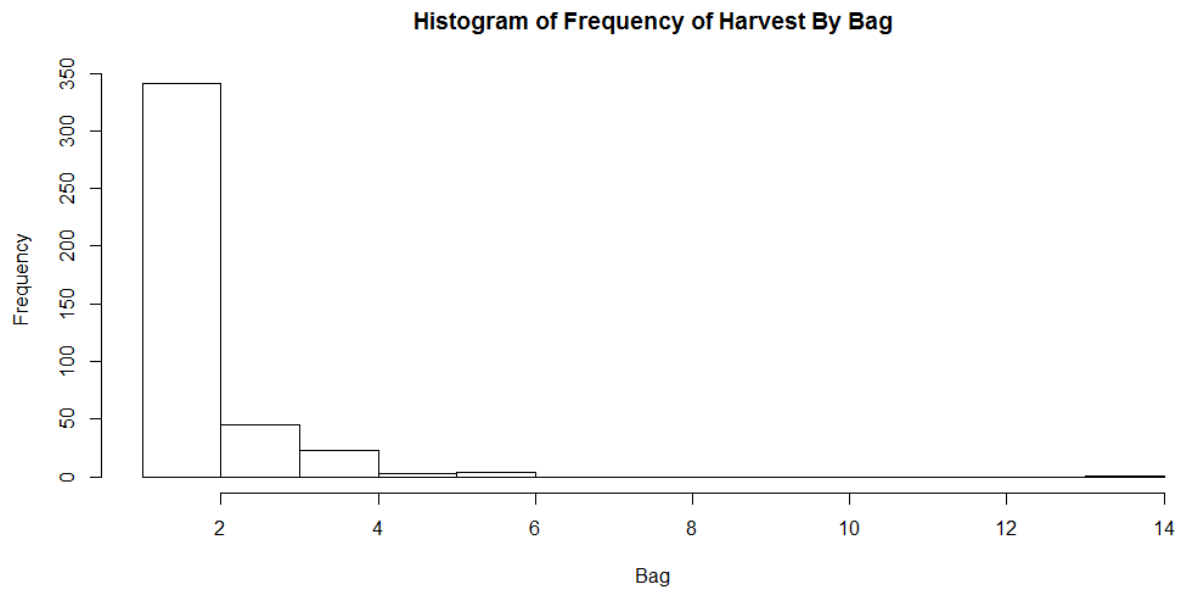


Figure 1. Empirical data for the frequency of fish harvested at different bag sizes in RI in 2017 through wave 5.

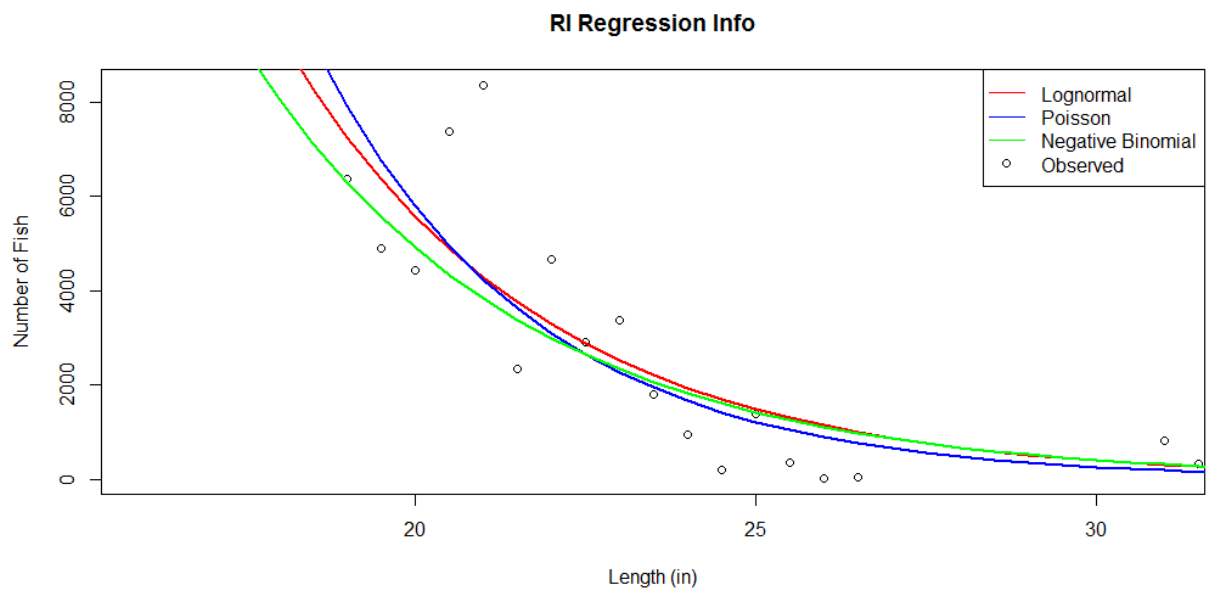


Figure 2. Model fits to the observed 2017 harvest at size data through wave 5.



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Basil Seggos, Commissioner

TO: ASMFC Summer Flounder Technical Committee
FROM: John Maniscalco & Gregory Wojcik
DATE: January 17, 2018
SUBJECT: Proposal for regional liberalization of Connecticut and New York recreational summer flounder measures

At the joint ASMFC-MAFMC Meeting in Annapolis, MD in December 2017 the Board moved to extend Addendum XXVIII through 2018, re-established regional conservation equivalency for the recreational summer flounder fishery, and set a de-facto 2018 coastwide recreational harvest *target* of 3.78 million pounds. This *target* is based upon the 17% liberalization of the projected 2017 coastwide recreational harvest at the time (thru Wave 4 data, 3.23 million pounds) and differs from the 2018 RHL of 4.42 million pounds. The current projected 2017 coastwide recreational harvest (thru Wave 5 data) is 3.1 million pounds, differing from the 2018 *target* by 21.9% and the 2018 RHL by 42.6%. Recreational summer flounder harvest by the coast in 2017 is expected to be well under the 2017 RHL of 3.77 million pounds. Below is the conservation equivalency proposal and methodology for the liberalization, by approximately 17%, of recreational summer flounder measures in the Connecticut and New York region. The options provided (table below) are subject to change, but any new measures will be developed consistently with the methods detailed below.

Methodology

Regional measures can be liberalized using any combination of changes to season, minimum size limit, and/or possession (bag) limit. The season did not change between 2016 and 2017 which allowed for the use of multiple years of data for this metric. However, both possession limit and minimum size changed for the 2017 fishing year so only 2017 data was used for those analyses.

To determine the impact of changes to season, harvest by both states from 2016 and 2017 was aggregated. Harvest at the individual year, state, and wave level was highly variable but the aggregated percent per day open in each wave was fairly consistent between the two states and the region as a whole. See the associated spreadsheet for details.

To determine the impact of changes to the minimum size limit, landings at length in half inch bins for both states combined were generated from size.csv files, downloadable from MRIP. A straight line was fitted to the natural log of the numbers of fish in each half inch bin. This relationship was then used to predict the number of fish that would be additionally available to regional anglers if the size limit was reduced from 19.0 inches

to 18.5 inches (+27.8%). A GLM based alternative analysis was done using R code developed by Jason McNamee (RI) on the same dataset yielding similar but slightly less conservative results (+24.7%). The more conservative (+27.8%) estimate was used for the generation of options. See the associated spreadsheet for details.

To determine the impact of changes to the possession limit, weighted landings by angler for both states were tabulated from catch.csv and trip.csv files, downloadable from MRIP. Individual landings by intercept were divided by the number of intercept contributors to generate a per angler take. All intercepts with 3 fish (the 2017 possession limit) were increased to 4 fish and the weighting (wp_catch) re-applied and summed for total harvest. Non-compliant landings were left unchanged. This method may underestimate the number of intercepts that “limit out” under 2017 measures, although this is compensated for by the assumption that all intercepts that limit out in 2017 under a 3 fish limit would harvest 4 fish in 2018. The relative change in harvest (+4.2%) was used to generate options with a 4 fish possession limit. See the associated spreadsheet for details.

For the purposes of generating options that achieve an approximately 17% liberalization, the aggregated wave-specific percent per day were transformed into numbers of fish. Season length was manipulated resulting in new harvest sub-totals which were then further multiplied by the impact of size limit or possession limit changes (1+x). The change in harvest under measures proposed in each option, relative to the aggregated 2-year total were then compared. See the associated spreadsheet for details.

OPTION	SIZE	BAG	TOTAL DAYS	SEASON	CHANGE
STATUS QUO	19"	3	128	5/17-9/21	0.0%
1	19"	3	153	5/1-9/30	13.3%
2	19"	4	148	5/1-9/25	17.0%
3	19"	4	151	5/4-9/30	16.5%
4	18.5"	3	106	5/25-9/7	17.0%



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 16, 2018

SUBJECT: NJ Summer Flounder Recreational Fishery Management Proposal for 2018

Attached are New Jersey's options to manage its 2018 recreational summer flounder 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) moved to extend Addendum XXVIII through 2018, re-establishing conservation equivalency for the recreational summer flounder fishery in 2018, and specifying that any modifications to state measures in 2018 should result in no more than a 17% liberalization in coastwide harvest relative to the projected 2017 harvest of 3.23 million pounds.

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 summer flounder measures. MRIP harvest estimates between 2015 and 2017 are highly variable between years, wave, and mode. Between 2015 and 2016, harvest estimates were 66% higher in 2016 with no change in regulations (18 inch size limit, 5 fish possession limit, 128 day season). In 2017, NJ decreased both the season length from 128 days to 104 days and the possession limit from 5 fish to 3 fish. Landings decreased 43

percent between 2017 and 2016 either from management measures or as an artifact of MRIP sampling. To account for the variability in MRIP harvest estimates, NJ used an average percent daily harvest rate based on three years to establish a percent daily harvest rate then applied to the 2017 harvest estimates by wave (see included spreadsheet). For the purposes of generating liberalized options that achieve an approximate 17% liberalization, the wave specific percent per day was converted into numbers of fish per wave. The below table describes example options that will be considered for New Jersey's 2018 recreational summer flounder fishing year.

Option	Size	Bag	Season	Total Days	Change
Status Quo	18	3	May 25-Sept 5	104	
1	18	3	May 25 - Sept 22	121	16.78%
2	18	3	May 22 - Sept 20	122	16.59%
3	18	3	May 15-Sept 16	125	16.83%



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
89 Kings Highway
Dover, DE 19901

Phone: (302) 739-9914
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FISHERIES SECTION

TO: Summer flounder, black sea bass, scup Technical Committee, ASMFC
FROM: Richard Wong
DATE: January 11, 2018
SUBJECT: Delaware, Maryland, Virginia proposal for summer flounder recreational fishery management

Delaware-Maryland-Virginia summer flounder management for 2018

Under the provisions of Addendum XXVIII, Delaware, Maryland, and Virginia will implement uniform recreational fishing measures. The following measures may be presented as options for 2018.

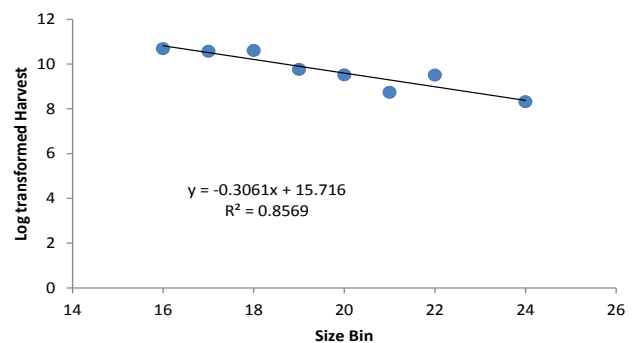
Size Limit	Bag Limit	Season	Expected Harvest Change
17.0	4	No closure	0% status quo
16.5	4	No closure	13.6% liberalization

Review of Measures and Harvest for DMV region

Year	Size Limit	Bag Limit	Season	Harvest (000s)
2017	17.0	4	No closure	153
2016	16.0	4	No closure	184
2015	16.0	4	No closure	254
2014	16.0	4	No closure	312

Methods

The harvest liberalization resulting from a ½ inch reduction in size limit was quantified by using the regression of the log transformed harvest-at-length landed in DE, MD, and VA in 2016 (MRIP data), the most recent, full-year, harvest-at-length data. When back-transformed, all fish landed between 16” and 17” equaled 49,931. We make the assumption that half of that total will be landed between 16.5” and 17.0”, equaling 24,966 fish. The percent liberalization was calculated by:

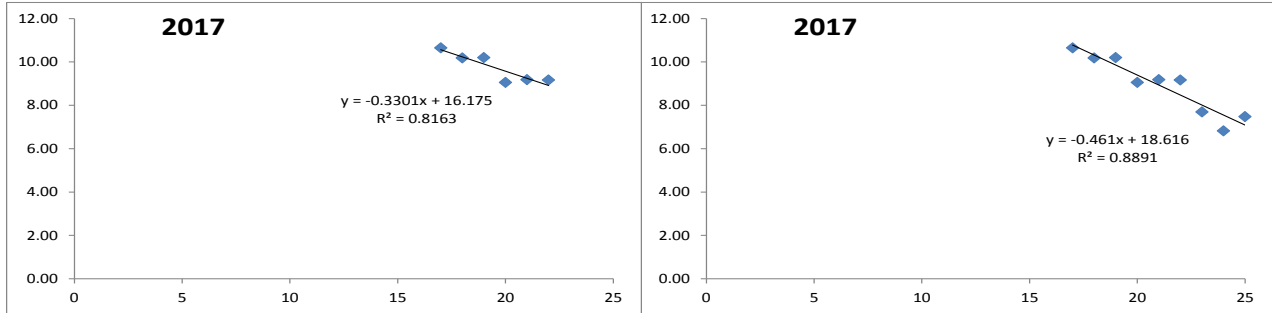


$$\% \text{ liberalization} = \frac{\text{landed fish between 16.5" and 17.0"}}{\text{all landed fish}} = \frac{24,966}{183,774} = 13.58\%$$

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through Science and Service***

2017 Regression

Two plausible 2017 regressions are shown below. Regression A includes a size range from 17 to 22 inches and the resulting 1/2" liberalization is predicted to be 18.2%. Regression B includes a size range from 17 to 25 inches and the resulting 1/2" liberalization is predicted to be 25.7%.



2015 And 2016 Observed Harvest At Length Data

In 2015 and 2016, the size limit was 16.0" so no regression is necessary to calculate the effect of a 1/2" regulation change from 16.5" to 17.0". The % total harvest between 16.5" to 17.0" in 2015 was 12.5%. The % harvest in 2016 was 11.9%. These percentages are also consistent with the predicted harvest change (9.7%) from 1/2 inch size limit change in 2013 Conservation Equivalency proposals in Delaware.

Summary

Analysis	% Harvest Change	Liberalization (Numbers)
2015 Observed harvest-at-length	12.5%	19,125
2016 Observed harvest-at-length	11.9%	18,207
2016 Regression	13.6%	20,808
2017 Regression A	18.2%	27,846
2017 Regression B	25.7%	39,321
Average	16.4%	25,061

I would prefer not to rely solely on the 2017 data for a couple of main reasons.

1. 2017 data do not contain wave 6 harvest, which likely contributes data in the largest size bins. The effect of omitting large fish in the regression would be an increasing slope and steeper predicted harvest in the 16" bin. The slope can be heavily impacted by even a couple thousand fish at the larger size bins.
2. Also, I would rather utilize observed harvest at 16" in 2015 and 2016 rather than to predict this harvest bin by regression. The regression method is highly variable and very sensitive to the user's selection of length bins.

Although the liberalizations range considerably from 12% to 26%, the difference between the lowest and highest predictions is about 21,000 fish given the relatively minor harvest occurring in the DMV. If the TC feels that 2017 data is the most appropriate, I would be glad to remove the 1/2" size limit liberalization given that it's above the 17% target liberalization. Thanks for the consideration.

Kirby Rootes-Murdy

From: Capt. TJ Karbowski <tedkarbowski@yahoo.com>
Sent: Wednesday, December 27, 2017 1:37 PM
To: Kirby Rootes-Murdy
Subject: MIRP Fluke Data

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kirby. Merry Christmas and Happy Holidays.

I was just looking at the MIRP data for the year. I just wanted to give you a shout to tell you to just throw out all the numbers you have. Thankfully the numbers haven't been finalized yet. (screen shot below)

There is no way, NO WAY that Connecticut caught that many fluke in 2017, not to mention caught more fish than Rhode Island. That's where the fluke are! As discussed at the meetings, the 2016 catch is about 200,000 fish over reality. And the fact that the pse is showing confidence in that number is the most scary part! Let's not make the same mistake for 2017!

I am a professional charter boat Captain. THIS IS ALL I DO FOR A LIVING. I'm telling you, if STATEWIDE there is 100 fish landed a day it's A LOT.

FLUKE HAVE BEEN NOTHING MORE THAN AN INCIDENTAL CATCH IN LONG ISLAND SOUND SINCE THE SEA BASS TOOK OVER! (Please look at my attached charts below) (They are crude, but accurate!) I'VE BEEN DOING THIS FOR A LIVING SINCE 2003!

I'm telling you, the black sea bass have displaced the fluke. There's just rogue fish out there! The commercial draggers kill THOUSANDS of sea bass just to get their daily fluke quota. I see it with my own eyes every day! We fish the exact same areas!

Feel free to look through my business facebook posts! Hundreds of posts, virtually ZERO fluke!


This isn't New Jersey; we no longer depend on fluke because of the BILLIONS of sea bass that are now here. So I could honestly care less if you made the fluke limit 27 inches and 1 fish. That's how little we care about them. Our entire ecosystem has changed since the sea bass explosion.

I'd love to know where the surveyors are getting their numbers because I need to follow those fishermen around! I guarantee they're interviewing people at a ramp on the *extreme* Eastern end of Connecticut and those fisherman are fishing in either New York or around Block Island, and the "astute" individuals that they are, just assume that everyone from every port in Connecticut is doing the same thing.

I'd love to know how can they even come up with a number for the charter category, when no one has ever even asked me ever, and I'm the busiest boat in the state!

Connecticut is a very small state, and in the fishing world everyone knows everyone. I'm telling you if I caught 15 keepers for the season it was a lot. That's 250 trips a year with 6 lines in the water!

If you paid me 1 million dollars to take you out to catch a keeper fluke in Long Island Sound it would take us 3 days of culling through sea bass to catch one. I'm telling you the truth! I bet the number is between 1,000 and 1,500 keepers landed for the entire state of Connecticut for the season statewide! I don't even remember seeing anyone even filleting a fluke at my marina the entire season last year and my marina has 450 boat in it! DON'T TRUST THAT DATA!



NOAA FISHERIES SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Your Query Parameters:


Query:	MRIP CATCH TIME SERIES
Year:	2014 - 2017
Wave:	ANNUAL
Species:	SUMMER FLOUNDER
Geographic Area:	CONNECTICUT
Fishing Mode:	ALL MODES COMBINED
Fishing Area:	ALL AREAS COMBINED
Type of Catch:	HARVEST (TYPE A + B1)
Information:	NUMBERS OF FISH

[Return to Query Page](#)

Estimate Status	Year	Common Name	Total Harvest (A+B1)	PSE
FINAL	2014	SUMMER FLOUNDER	119,502	21.1
FINAL	2015	SUMMER FLOUNDER	93,130	29.8
FINAL	2016	SUMMER FLOUNDER	217,806	18.3
PRELIMINARY	2017	SUMMER FLOUNDER	87,136	17.4

PSE, or proportional standard error, is automatically included in all outputs. It expresses the standard error of an estimate as a percentage of the estimate and is a measure of precision. ■ A PSE value greater than 50 indicates a very imprecise estimate.

Data Sources by Geographic Area:
MRIP: MF 1.5 (1.1.1.1) (March 2013); RP: NE 15A/CP/CA (March 2004)



NOAA FISHERIES SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Your Query Parameters:

Query:	MRIP CATCH TIME SERIES
Year:	2014 - 2017
Wave:	ANNUAL
Species:	SUMMER FLOUNDER
Geographic Area:	RHODE ISLAND
Fishing Mode:	ALL MODES COMBINED
Fishing Area:	ALL AREAS COMBINED
Type of Catch:	HARVEST (TYPE A + B1)
Information:	NUMBERS OF FISH

[Return to Query Page](#)

Estimate Status	Year	Common Name	Total Harvest (A+B1)	PSE
FINAL	2014	SUMMER FLOUNDER	184,660	22.5
FINAL	2015	SUMMER FLOUNDER	184,028	24.9
FINAL	2016	SUMMER FLOUNDER	86,668	20.4
PRELIMINARY	2017	SUMMER FLOUNDER	58,749	18.8

PSE, or proportional standard error, is automatically included in all outputs. It expresses the standard error of an estimate as a percentage of the estimate and is a measure of precision. ■ A PSE value greater than 50 indicates a very imprecise estimate.

I sent Caitlin this same chart the other day!

What was swimming in L. I.S. during the 2017 season.

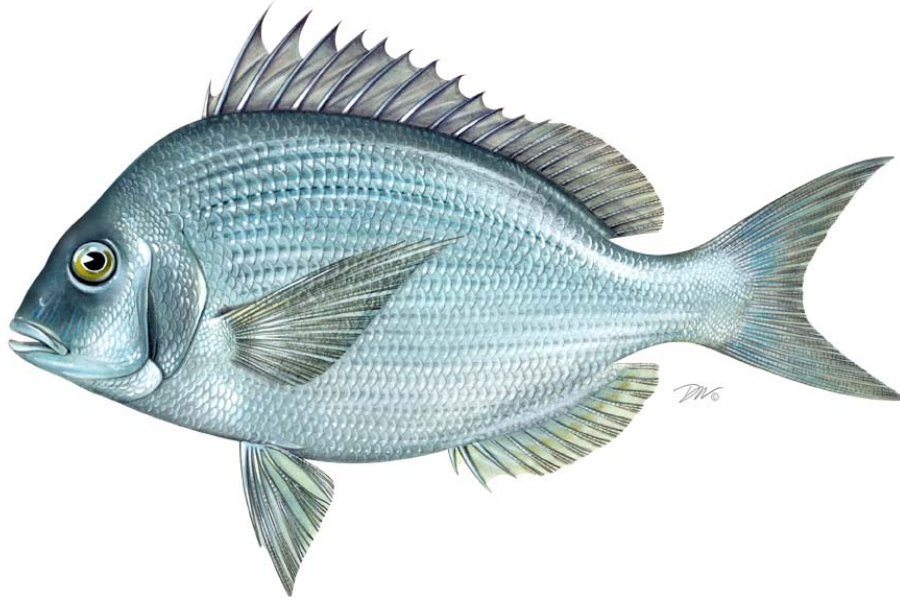
		X			
		X			
		X			
		X			
		X			
		X			
		X			
		X			X
	X	X			X
X	X	X			X
X	X	X	^	X	X
Striped Bass	Bluefish	Sea Bass	Fluke	Tautog	Scup

What has been swimming in L.I.S. since I've been chartering.
 2003 -2013
 (Things changed drastically in 2014)

	X				
	X				X
	X				X
	X				X
X	X				X
X	X				X
X	X		X		X
X	X		X	X	X
X	X		X	X	X
X	X	^	X	X	X
Striped Bass	Bluefish	Sea Bass	Fluke	Tautog	Scup

Thank you,
 Capt. TJ Karbowski
 Rock & Roll Charters
 Clinton, CT
 203.314.3765
www.rockandrollcharters.com

2017 REVIEW OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
FISHERY MANAGEMENT PLAN for the 2016 SCUP FISHERY
SCUP (*Stenotomus chrysops*)



Prepared by:

Jessica Kuesel, ASMFC

Scup Plan Review Team

Kirby Rootes-Murdy, Chair

Julia Beaty, MAFMC

Justin Davis, CT

Emily Gilbert, NOAA

Todd Van Middlesworth, NC DENR

Tiffany Vidal, MA

Jessica Kuesel, ASMFC

October 2017



David E. Pierce, Ph.D.
Director

Commonwealth of Massachusetts

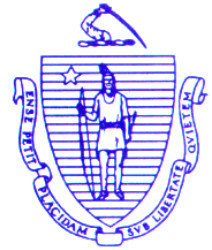
Division of Marine Fisheries

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Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Ronald Amidon
Commissioner

Mary-Lee King
Deputy Commissioner

MEMORANDUM

TO: Kirby Rootes-Murdy, ASMFC Scup FMP Coordinator

FROM: Nichola Meserve, MA Administrative Board Member (Proxy)

DATE: January 16, 2018

SUBJECT: Scup Minimum Mesh Size Requirements and MA Compliance

Overview

The 2016 FMP Review for Scup identifies Massachusetts' seasonal small-mesh squid fishery as being out of compliance with the plan's minimum mesh size and trigger for minimum mesh size requirements. MA DMF will implement these compliance criteria by the start of our 2018 squid fishery.

Background

The FMP establishes scup incidental possession limits for bottom trawl vessels using nets with mesh smaller than 5" diamond opening. These are currently 1,000 pounds during November 1–April 30 and 200 pounds during May 1–October 31.

The trawl net minimum mesh size throughout MA is 6.5" throughout the cod-end and 6" throughout the remainder of the net, except for our seasonal small mesh squid fishery, which is authorized a $1\frac{7}{8}$ " mesh size during April 23–June 9 (or longer by Director's declaration; generally a week if at all). This squid fishery season overlaps with our commercial scup season, and we have no rule preventing vessels using small mesh for squid from taking scup at the directed fishery trip limits for trawl gear, which are in excess of the plan's incidental limits.

MA's noncompliance with the incidental limits was unintentional; moreover, it is unlikely to have impacted the resource's health. Few squid vessels could have capitalized on the higher limits in state waters (as most have held a federal permit as well). The directed squid fishery, restricted to state waters south of Cape Cod, would have occurred regardless of the scup limit; the higher limits simply converted the occasional large tow of scup bycatch from discards to landings. Discarding of undersized scup was likely limited by the seasonality of the squid fishery, which is specifically timed to avoid their (and other species') catch. Our larger than required trawl mesh during the rest of the year is likely to have compensated. The scup resource is rebuilt, with spawning stock biomass estimated to be more than twice the target level.

Timeline

MA DMF will implement the plan's incidental scup limits for our small mesh squid fishery in 2018. A public hearing and comment period is being planned for late February/early March to amend the Commonwealth's regulation. If, due to administrative review timelines, we are unable to change the

regulations prior to the start of our squid season (April 23), MA DMF has the ability to condition the permits of state-waters only squid participants to limit the amount of scup that can be landed.

Moving forward, MA DMF is interested to have the Monitoring Committee give a careful review of the potential to increase the scup incidental trip limits for undersized mesh—either in state waters only or in both state and federal waters. Given the rebuilt stock status and the underutilized commercial quotas, this rule is likely resulting in needless regulatory discards.

Enc: Proposed Regulatory Language

Proposed Regulatory Language

322 CMR 4.00: FISHING AND SHELLFISH EQUIPMENT

4.06: Use of Mobile Gear

(4) Trawl Net Mesh Minimum Size.

(a) Trawl Net Mesh Measurement. Minimum mesh size is measured by the inside stretch of the net mesh. The net mesh is measured by a wedge-shaped gauge having a taper of two centimeters in eight centimeters, inserted into the meshes under a pressure or pull of eight kilograms. The mesh size will be the average of measurements of any series of 20 consecutive meshes. The mesh in the cod end will be measured at least ten meshes from the lacings beginning at the after-end and running parallel to the long axis. Upon request, the Director may approve in writing the use of other mesh size gauges or methods.

(b) Minimum Trawl Net Mesh Size. Except as authorized at 322 CMR 4.08(2)(c), all vessels fishing with trawl gear within the waters under the jurisdiction of the Commonwealth shall only possess and fish with nets that have a minimum mesh size opening that measures at least 6½ inches throughout the cod-end and six inches throughout the remainder of net.

(c) Exempted Small Mesh Fisheries. To authorize commercial trawl fishermen to seasonally target valuable finfish species that cannot be caught in commercially viable quantities without the use of small mesh trawls, the following exemptions are authorized. While fishing in an exempted small mesh trawl fishery, a vessel shall not also possess nets that conform with the minimum mesh size at 322 CMR 4.08(2)(b)

1. Seasonal Small Mesh Squid Fishery. From April 23rd through June 9th, lawfully permitted vessels may fish small mesh trawls within the small mesh squid exempted area.

a. Vessels participating in this fishery must hold a CAP further endorsed for squid, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a): *Regulated Fishery*.

b. The seasonal mobile gear closures at 322 CMR 4.06(2)(h) and (i) apply.

c. No vessel that is in possession of small mesh trawls within the small mesh squid exempted area may possess, retain and land more than 100 pounds of winter flounder, yellowtail flounder, or summer flounder, in any combination.

d. No vessel participating in this fishery may possess, retain or land more than 1,000 pounds of scup during April 23rd through April 30th, or more than 200 pounds of scup during May 1st through the close of the seasonal small mesh squid fishery, unless fishing with nets that have a minimum mesh size of 5.0-inch diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, and all other nets are stowed and not available for immediate use.

~~e.~~ Vessels participating in this fishery shall use trawls with a minimum mesh size opening of 1 7/8 inch diamond or square mesh applied throughout the cod end for at least 150 continuous meshes forward of the terminus of the net, or, for cod ends with less than 150 meshes, the minimum mesh size cod end shall be the minimum of 1/3 of the net measured from the terminus of the cod end of the head rope.

~~f.~~ Fishery Extension. The Director may extend the seasonal small mesh squid fishery if it is determined that continued fishing with small mesh will not result in large catches of small squid less than five inches mantle length, or juvenile scup, black sea bass or summer flounder.

2017 Review of the Atlantic States Marine Fisheries Commission Fishery Management Plan for Scup for the 2016 Fishing Year

I. Status of the Fishery Management Plan

States with a declared interest in the Scup FMP are Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board serves as the species management board, and the Demersal Species Committee guides plan development for the MAFMC. The Summer Flounder, Scup, and Black Sea Bass Technical Committee addresses technical issues. Industry advice is solicited through the Scup and Black Sea Bass Advisory Panel, and annual review and monitoring is the responsibility of the Scup Plan Review Team.

Atlantic States Marine Fisheries Commission (ASMFC or Commission) management of scup was initiated as one component of a multi-species Fishery Management Plan (FMP) addressing summer flounder, scup and black sea bass. The Commission approved the FMP for scup in March 1996. Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass FMP, which established revised overfishing definitions, identification and description of essential fish habitat, and defined the framework adjustment process, was approved by the Commission in October 1998.

The FMP included a seven-year plan for reducing fishing effort and restoring the stock. The primary concerns were excessive discarding of scup and near collapse of the stock. Management measures implemented in the first year of the plan (1996) included: dealer and vessel permitting and reporting, 9-inch commercial minimum size, 4-inch mesh restriction for vessels retaining over 4,000 pounds of scup, and a 7-inch recreational minimum size. The biological reference point to define overfishing when the plan was initially developed was F_{MAX} , or $F=0.25$. To allow flexibility in addressing unforeseen conditions in the fishery, the plan contained provisions that allow implementation of time and area closures. The plan also specified the option for changes in the recreational minimum size and bag limit, or implementation of a seasonal closure on an annual basis. The original FMP also implemented an annual coastwide Total Allowable Catch (TAC) limit, effective in 1997, from which an annual commercial quota and recreational harvest limit would be derived.

Addendum 1 to the Summer Flounder, Scup, and Black Sea Bass FMP established the quota management procedure for management and distribution of the annual coastwide commercial quota. Addendum 1 also details the state-by-state quota system for the summer period (May through October) that was implemented in 1997. Each state receives a share of the summer quota based on historical commercial landings from 1983-1992.

In June 1997, the Commonwealth of Massachusetts filed a lawsuit against the Secretary of Commerce stating that the historical data used to determine the quota shares underestimated the commercial landings of scup. Massachusetts also stated that the resulting quota share discriminated against Commonwealth of Massachusetts residents. On April 27, 1998, the U.S. District Court voided the state-by-state quota allocations for the summer quota period in the federal fishery management plan, and ordered the Secretary of Commerce to promulgate a

regulation that sets forth state-by-state quotas in compliance with the National Standards. The Summer Flounder, Scup, and Black Sea Bass Management Board developed three Emergency Rules to address the quota management during the summer quota period during 1999, 2000 and 2001.

Amendment 12 to the Summer Flounder, Scup and Black Sea Bass FMP established a biomass threshold for scup based on the maximum value of the 3-year moving average of the Northeast Fisheries Science Center spring bottom trawl survey index of spawning stock biomass. The Amendment stipulated that the scup stock was considered overfished when the spawning stock biomass index fell below this value. Amendment 12 also defined overfishing for scup to occur when the fishing mortality rate exceeded the threshold fishing mortality. Subsequent addenda modified the reference points.

In 2002, the Board developed Addendum V to the FMP in order to avoid the necessity of developing annual Emergency Rules for summer period quota management. Addendum V established state shares of the summer period quota based on historical commercial landings from 1983-1992, including additional landings from Massachusetts added to the National Marine Fisheries Service (NMFS) database in 2000. State shares implemented by this addendum will remain in place until the Board takes direct action to change them.

Another significant change to scup management occurred with the approval of Addendum VII in February 2002. This document established a state specific management program for the states of Massachusetts through New York for the 2002 recreational scup fishery based on the average landings (in number of fish) for 1998-2001.. Due to the extremely limited data available, the Board developed specific management measures for the states of New Jersey, Delaware, Maryland, Virginia, and North Carolina. The addendum had no application after 2002. The same addendum language was used verbatim to set management measures for the states of Massachusetts through New York for 2003 through Addendum IX.

Addendum XIX, approved in August 2007, broadened the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass FMP to allow for greater flexibility in those definitions, while maintaining objective and measurable criteria for identifying when stocks are overfished. It established acceptable categories of peer-review for stock status determination criteria. When these specific peer-review metrics are met and new or updated information is available, the new or revised stock status determination criteria may be incorporated by the Commission directly into the annual management measures for each species.

Addendum XX sets policies to reconcile quota overages to address minor inadvertent quota overages. It was approved in November 2009. It streamlines the quota transfers process and establishes clear policies and administrative protocols to guide the allocation of transfers from states with underages to states with overages. It also allows for quota transfers to reconcile quota overages after the year's end.

II. Status of the Stock

The most recent stock assessment update for scup took place in 2017. Based on information through 2016, the scup stock was not overfished or experiencing overfishing relative to the reference points defined in the 2015 SAW 60 benchmark assessment. The stock assessment model for scup changed in 2008 from a simple index-based model to a complex statistical catch at age model. The model now incorporates a broader range of fishery and survey data than was used previously.

Since 1984, recruitment (i.e., the number of age 0 scup) estimates are influenced mainly by the fishery and survey catches-at-age, and averaged 121 million fish during 1984-2016. The 1999, 2006, and 2015 year classes are estimated to be the largest of the time series, at 222, 222, and 252 million age 0 fish. Below average recruitment occurred in 2012-2014 and in 2016 (65 million fish).

The fishing mortality reference point is $F_{MSY} = F_{40\%} = 0.220$. $F_{40\%}$ is the rate of fishing that will result in 40% of the spawning potential of an unfished stock. The spawning stock biomass (SSB) target is $SSB_{40\%} = 87,302$ mt or 192.47 million pounds. The 2017 stock assessment update indicates the F in 2016 was 0.139 and SSB was 397 million pounds, therefore overfishing is not occurring and the stock is rebuilt.

III. Status of the Fishery

Commercial scup landings, which had declined by over 33% to 13.1 million pounds in 1988 from peak landings (approximately 49 million lbs) in 1960, increased to 15.6 million pounds in 1991, then steadily dropped to the lowest value in the time series, 2.7 million pounds in 2000. Since 2001, commercial landings have continued to increase nearly every year to about 17.87 million pounds in 2013. From 2011-2015 commercial landings varied, ranging from 14.88 million lbs in 2012, to 17.87 million pounds in 2013. In 2016, commercial landings were 15.74 million lbs, about 77% of the commercial quota (Table 3). Since 1979 approximately 80% of the commercial landings have been landed in Rhode Island (38%), New Jersey (26%), and New York (16%). Otter trawl is the principal gear, accounting for 65%-90% of commercial landings since 1979.

The recreational fishery for scup is significant, with the greatest proportion of the catches taken in states of Massachusetts through New York. Since 1981, recreational harvest has averaged 32% of total landings (commercial and recreational). From 2005 to 2015, recreational harvest has ranged from 2.69 million lbs in 2005 to 5.11 million lbs in 2013. In 2016, recreational harvest was 4.26 million lbs, about 70% of the recreational harvest limit (Table 4).

IV. Status of Assessment Advice

The 2015 Benchmark Stock Assessment indicated that while the scup biomass is over 200% of the biomass target, the trend moving forward is likely a decreased from a recent year's peak. As such, the Board and Council moved to decrease commercial quotas and recreational harvest limits from 2015 levels in 2016 and 2017 based on the biomass projections outlined in the stock assessment. The 2017 Stock Assessment Update indicated the biomass still remains 200% above

the biomass target and resource is not experiencing overfishing. Quotas were increased for 2018 and 2019. The Board and Council originally set these quotas based on the 2015 numbers and will update them based on the 2017 update.

V. Status of Research and Monitoring

Commercial landings data are collected by the NMFS Vessel Trip Report system and by state reporting systems. The NEFSC sea sampling program collects commercial discard information. Biological samples (age, length) from the commercial fishery are collected through the NEFSC weighout system and by the state of North Carolina. Recreational landings and discard information is obtained through the Marine Recreational Information Program. The Commonwealth of Massachusetts collected length frequency information for the recreational fishery in 2001 as part of a federally funded effort to monitor the recreational and commercial directed fisheries. One non-directed fishery assumed to have substantial scup bycatch was also monitored. This monitoring effort decreased substantially in 2002 as the study received funding for one year. Fishery independent abundance indices are available from surveys conducted by the NEFSC, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, and the Virginia Institute of Marine Science. All surveys, with the exception of Delaware's, are included in the species stock assessment.

VI. Management Measures and Developing Issues

Addendum 1 to the Scup FMP specifies the commercial quota management scheme. The annual coastwide quota is divided among three periods. The Winter I period is January through April, the summer period is May through October, and November and December make up Winter II. During the winter periods, the quota is coastwide and is limited by federal trip limits. The summer allocation is divided into state shares. There is no federal possession limit during the summer period; however, various state possession limits are in effect. When a winter period allocation is landed, the states and NMFS must prohibit landings. When a state lands its summer allocation it is expected to close its fishery. The quota, as well as accompanying trip limits, will be set annually. [Note: The Federal FMP currently contains a coastwide commercial quota during the summer period due to the court decision described in Section I]. The Board expressed interest in exploring alternative quota programs for scup. In December 2015 the Board recommended that the Technical Committee develop an analysis to support future considerations related to possibly changing the length of each of the three quota periods. Addendum XXIX was initiated in fall 2016 and was approved by the Board in May 2017. The Addendum shortens the length of the commercial scup summer period and extends the length of the winter II period.

Scup FMP Compliance Criteria:

COMMERCIAL FISHERY for 2016

The following management measures may change annually.

Minimum size of possession: 9" Total Length

Minimum mesh: Otter trawls must have a minimum mesh size of 5" for the first 75 meshes from the terminus of the net and a minimum mesh size of 5" throughout the net for codends constructed with fewer than 75 meshes.

Threshold to Trigger Minimum Mesh Requirements: Trawl vessels are subject to the minimum mesh requirements if possessing 1,000 pounds or more of scup from November 1 through April 30, or 200 pounds or more of scup from May 1 through October 31.**

Maximum roller rig trawl roller diameter: 18"

Pot and trap escape vents: 3.1" round, 2.25" square

Pot and trap degradable fastener provisions: a) untreated hemp, jute, or cotton string 3/16" (4.8 mm) or smaller; b) magnesium alloy timed float releases or fasteners; c) ungalvanized, uncoated iron wire of 0.094" (2.4mm) or smaller

Commercial quota: 20.47 million pounds (adjusted for overages)

ASMFC Summer Quota: 7,972,176 lbs (State by State Shares in Table 1)

Winter I and II Quotas and landing limits: Winter I = 9,232,987 lbs; 50,000 lb trip limit, 1,000 lbs trip limits when the quota reaches 80%; Winter II = 3,262,554 lbs, 12,000 pounds initial possession limits; if the winter I quota is not reached, the winter II possession limit increases by 1,500 pounds for every 500,000 pounds of quota not caught during winter I

**Starting in 2016, the threshold to trigger minimum mesh requirements increased from 500 pounds to 1,000 pounds.

The following required measures are not subject to annual adjustment:

Vessel and dealer permitting requirements: States are required to implement a permit for fishermen fishing exclusively in state waters, and for dealers purchasing exclusively from such fishermen. In addition, states are expected to recognize federal permits in state waters, and are encouraged to establish a moratorium on entry into the fishery.

Vessel and dealer reporting requirements: States are required to implement reporting requirements for state permitted vessels and dealers and to report landings from state waters to NMFS.

Scup pot or trap definition: A scup pot or trap will be defined by the state regulations that apply to the vessels principal port of landing.

Quota management requirements:

Winter I and II: States are required to implement landing limits as specified annually. States are required to notify state and federal permit holders of initial period landing limits, in-period adjustments, and closures. States are required to prohibit fishing for, and landing of, scup when a period quota has been landed, based on projections by NMFS. States must report landings from state waters to NMFS for counting toward the quota

Summer: States are required to implement a plan of trip limits or other measures to manage their summer share of the scup quota. States are required to prohibit fishing for, and landing of, scup when their quota share is landed. States may transfer or combine quota shares. States must report all landings from state waters to NMFS for counting toward the state shares.

RECREATIONAL FISHERY for 2016

Addendum IX (2003) established a state-specific management program for Massachusetts through New York (inclusive), and specific management measures for the states of New Jersey, Delaware, Maryland, Virginia, and North Carolina. The states have continued this approach since 2004.

The following measures may change annually: 2016 Recreational Measures

2016 Minimum size, possession limits and seasonal closure: Table 5

2016 Recreational Harvest Limit: 6.09 million pounds

2017 Minimum size, possession limits and seasonal closure: Table 5

OTHER MEASURES

Reporting: States are required to submit an annual compliance report to the Chair of the ASMFC Scup Plan Review Team by June 1 of each year. This report should detail the state's management program for the current year and establish proof of compliance with all mandatory management measures. It should include landings information from the previous year, and the results of any monitoring or research programs.

De minimis: States having commercial landings during the summer period that are less than 0.1% of the summer period quota are eligible for *de minimis* consideration. States desiring *de minimis* classification must make a formal request in writing through the Plan Review Team for review and consideration by the Scup Management Board.

This summary of compliance criteria is intended to serve as a quick reference guide. It in no way alters or supersedes compliance criteria as contained in the Scup FMP and any Amendments thereto.

Compliance Issues

The PRT found the following compliance issues. Massachusetts did not maintain the 5" minimum diamond mesh size or the threshold to trigger minimum mesh requirements (1,000 lbs 11/1 – 4/30; (mid-year increase to 1,000 lbs effective Nov/Dec 2016); 200 lbs from 5/1 – 10/31), allowing squid mesh (1 7/8") vessels to retain directed fishery possession limits for scup from April 23 – June 9 (or longer by Director's declaration). Rhode Island allowed a 4.5" minimum mesh size for the entire net of 4.5" diamond mesh in codend (for large trawl nets), which was below the 5" minimum required. Rhode Island also allowed 2.5" circular escape vents, 2" square escape vents, or 1.375" X 5.75" rectangular escape vents for pots/traps, which

were smaller than the required minimum of 3.1” round or 2.25” square vents. See state compliance reports for more information.

De Minimis

The state of Delaware requests *de minimis* status. The PRT notes Delaware meets the *de minimis* requirements.

VII. State Compliance with Required Measures

Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina are required to comply with the provisions of the Scup FMP. The PRT found Massachusetts to be out of compliance with the minimum mesh size and trigger for minimum mesh size requirements. The PRT also found Rhode Island to be out of compliance with the minimum mesh and escape vent size requirements. All other states implemented regulations in compliance with the requirements approved by the Board.

Scup FMP Compliance Schedule

Commercial Fishery

Management Measures	
Ability to implement and enforce period landing limits	1/1/97
Ability to notify permit holders of landing limits and closures 1/1/97	5/1/97
Ability to close the summer fishery once the state share is harvested	5/1/97
Ability to close the winter fisheries once the period quota is harvested	5/1/97
9” total length minimum size limit	6/30/96
Minimum mesh size of 5” diamond mesh throughout codend	1/1/05
Pot and trap escape vents (min 3.1” square/rectangular; each side at least 2.25” in length), degradable fasteners	6/30/96
Roller diameter restriction	6/30/96
Vessel permit and reporting requirements, state	1/1/97
Dealer permit and reporting requirements, state	1/1/97

Recreational Fishery

Management Measures	
Size limit	6/30/96
Possession limit	6/30/96

General

States submit annual monitoring and compliance report	6/1 annually
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Annual Specifications

Commercial		
Winter I Landing Limits	11/1/05	1/1/16
Winter II Landing Limits	11/1/05	11/1/16

Recreational

Massachusetts– New York (inclusive)	
State specific minimum size, possession limit and season	3/16
New Jersey – North Carolina (inclusive)	
Federal coastwide minimum size, possession limit and season	12/15

Table 1. 2016. State by State Quota (Summer Period)

State	Share	2016 ASMFC Final Quota
ME	0.00121	9,646
MA	0.21585	1,720,842
RI	0.56189	4,479,580
CT	0.03154	251,422
NY	0.15823	1,261,471
NJ	0.02916	232,504
MD	0.00012	949
VA	0.00165	13,154
NC	0.00025	1,985
Total	0.99991	7,971,553

Table 2. Summary of scup management measures, 2006-2016.

Harvest Limits and Measures	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
ABC (m lbs)	-	-	-	-	-	-	40.88	38.71	35.99	33.77	31.11
TAC (m lbs)	19.79	13.97	9.9	15.54	17.09	31.92	-	-	-	-	-
Commercial ACL (m lbs)	-	-	-	-	-	-	31.89	30.19	28.07	26.35	24.26
Commercial quota-adjusted (m lbs)*	11.93	8.9	5.24	8.37	10.68	20.36	27.91	23.53	21.95	21.23	20.47
Commercial landing (m lbs)	9.00	9.24	5.22	8.20	10.73	15.03	14.88	17.87	15.93	15.85	15.76
Recreational ABC (m lbs)	-	-	-	-	-	-	8.99	8.52	7.92	7.43	6.84
Recreational harvest limit-adjusted (m lbs)*	4.15	2.74	1.83	2.59	3.01	5.74	7.55	7.55	7.03	6.8	6.09
Recreational landing	3.72	4.56	3.79	3.23	5.97	3.67	4.17	5.11	4.12	4.61	4.26
Commercial fish size (in)	9	9	9	9	9	9	9	9	9	9	9
Min. mesh size (in, diamond)	5	5	5	5	5	5	5	5	5	5	5
Mesh threshold	500/ 200	500/ 200	500/ 200	500/ 200	500/ 200	500/ 200	500/ 200	500/ 200	500/ 200	500/ 200	1,000/200

*2006-2014 commercial quotas and recreational harvest limits were adjusted for the Research Set Aside (RSA) program. The RSA program was suspended for 2015 and beyond.

Table 3. Scup commercial landings by state 2006-2016 in pounds.

Source: ACCSP. 2015-2016. Commercial Landings Summaries (Dealer Reports) - Confidential; generated by J. Kuesel; using ACCSP Data Warehouse, Arlington, VA. & State Compliance Reports (October 2017)

State	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016**
MA	1,088,148	1,104,316	527,325	718,751	1,030,688	1,243,810	2,005,268	1,094,975	1,185,816	1,380,262	1,535,947
RI	3,671,250	3,892,671	2,133,001	1,785,994	4,298,595	6,335,391	6,309,321	4,689,540	6,932,462	6,793,853	6,815,227
CT	297,912	255,884	283,101	203,607	323,757	644,030	905,060	1,194,949	811,106	983,041	946,182
NY	2,305,161	2,280,112	1,203,661	1,845,908	2,689,443	3,542,538	4,306,621	4,407,231	3,190,433	3,174,868	3,505,824
NJ	1,392,868	1,575,144	773,829	1,528,545	1,550,249	1,966,479	978,531	2,033,083	1,925,591	2,981,572	2,332,900
DE	0	3	0	0	0	9	1	4	4	8	52
MD	--	--	--	9,000	27,183	54,229	8,263	--	230,104	25,892	53,535
VA	80,292	22,579	95,939	211,576	371,376	620,480	339,868	913,113	660,324	509,334	441,257
NC	139,420	66,856	205,703	244,337	102,745	308,907	4,098	28,394	159,930	229,696	111,901
Total	9,065,404	9,259,713	5,222,559	6,547,718	10,394,036	14,715,873	14,857,031	14,361,289	15,095,770	16,078,526	15,742,825

**2016 Landings are still preliminary

Table 4. Scup recreational landings, 2006-2016, by state in weight.

Source: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division. September 2017.

State	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
MA	218,996	75,860	150,031	874,952	1,023,248	836,156	1,795,634	1,850,909	1,634,104	1,286,537	1,051,147
RI	470,286	353,450	632,839	139,576	398,178	567,697	497,505	816,837	975,812	591,693	606,528
CT	107,479	108,528	115,821	359,845	1,346,631	1,194,680	921,010	2,126,257	561,182	497,495	843,267
NY	1,677,998	1,596,391	1,450,861	1,460,314	1,990,339	714,789	592,238	978,444	1,132,448	2,211,709	1,533,402
NJ	241,567	86,073	72,697	141,861	610,660	42,223	113,332	100,419	45,847	29,501	210,727
DE	319	2,365	1,338	821	0	40	86	0	35	589	1
MD	58,386	157,360	89,729	36	11	7	0	0	0	204	126*
VA	0	586	3,920	527	5,284	10,413	1,425	1,238	0	1,846	14,157*
NC	0	0	0	0	0	27	148	0	769	87	0
Total	2,775,031	2,380,613	2,517,236	2,977,932	5,374,351	3,366,032	3,921,378	5,874,104	4,350,197	4,619,661	4,259,355

*State estimates for Maryland and Virginia had PSE>50.

Table 5. 2016 and 2017 State Scup Recreational Measures

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts For Hire	10	45 fish from May 1- June 30; 30 fish from July 1- Dec 31	May 1- December 31
Private Angler	10	30 fish; private vessels with 6 or more persons aboard are prohibited from possessing more than 150 scup per day	May 1- December 31
Rhode Island For Hire	10	30 fish from May 1-Aug 31 and Nov 1-Dec 31; 45 fish from Sept 1-Oct 31	May 1- December 31
Private Angler	10"; and 9" or greater for shore mode at 3 designated sites	30 fish	May 1- December 31
Connecticut For Hire	10	30 fish from May 1-Aug 31 and Nov 1-Dec 31; 45 fish from Sept 1-Oct 31	May 1- December 31
Private Angler	10; and 9" for shore mode at 46 designated sites	30 fish	May 1- December 31
New York For Hire	10	30 fish from May 1-Aug 31 and Nov 1-Dec 31; 45 fish from Sept 1-Oct 31	May 1- December 31
Private Angler	10	30 fish	May 1- December 31
New Jersey	9	50 fish	Jan 1-Feb 28 and July 1 – December 31
Delaware	8	50 fish	All Year
Maryland	8	50 fish	All Year
Virginia	8	30 fish	All Year
North Carolina	8	50 fish	All Year

Table 6. Scup Landings by period.

Year	Period	Commercial Quota	Trip Limits	Landings (lbs)	Date Closed	% of Quota Landed
2005	Winter I	5,518,367	15,000/1,000	3,684,768	--	66.8
	Summer	4,764,806	--	4,001,662	--	89.5
	Winter II	1,987,718	1,500	1,380,444	--	74.6
2006	Winter I	3,554,991	30,000/1,000*	3,626,237	--	102
	Summer	4,647,569	--	3,219,929	--	69.3
	Winter II	3,729,581	2,000/1,000	2,115,323	--	56.7
2007	Winter I	4,012,895	30,000/1,000*	3,400,934	--	84.8
	Summer	3,464,914	--	4,254,987	21-Sep	122.8
	Winter II	1,417,991	2,000/1,000	1,590,747	--	112.2
2008	Winter I	2,291,699	30,000/1,000*	2,356,716	--	102.8
	Summer	1,437,558	--	1,935,074	16-Jul	134.6
	Winter II	940,948	2,000/1,000	892,318	--	94.8
2009	Winter I	3,777,443	30,000/1,000*	3,774,583	--	99.9
	Summer	2,930,733	--	3,072,340	--	104.8
	Winter II	1,334,791	2,000/1,000	1,356,961	--	101.7
2010	Winter I	4,964,716	30,000/1,000*	4,740,681	--	95.4
	Summer	4,286,759	--	4,175,206	--	97.4
	Winter II	1,754,325	2,000/1,000	1,482,669	--	84.5
2011	Winter I	6,897,648	30,000/1,000*	5,648,867	--	81.9
	Summer	7,930,504	--	6,349,749	--	80.1
	Winter II	3,245,500	2,000/1,000	2,556,214	--	78.8
2012	Winter I	12,589,558	50,000/1,000*	5,190,370	--	41.2
	Summer	10,870,390	--	6,326,576	--	58.2
	Winter II	11,635,321	8,000	2,484,470	--	21.4
2013	Winter I	10,613,157	50,000/1,000*	7,431,296	--	70.0
	Summer	9,163,877	--	7,684,995	--	83.9
	Winter II	6,932,998	8,000	2,324,250	--	33.5
2014	Winter I	9,900,000	50,000/1,000*	5,833,858	--	58.9
	Summer	8,548,364	--	7,146,612	--	83.6
	Winter II	7,232,471	12,000	2,318,732	--	32.1
2015	Winter I	9,578,008	50,000/1,000*	6,681,081	--	69.8
	Summer	8,269,322	--	7,703,455	--	93.1
	Winter II	5,468,726	12,000	1,904,529	--	34.8
2016	Winter I	9,232,987	50,000/1,000*	5,873,769	--	63.6
	Summer	7,972,176	--	7,063,389	--	88.6
	Winter II	3,262,554	18,000	2,502,146	--	76.7

*The first number indicates the trip limit until 80% of the quota is caught; the second number is the trip limit after that threshold is exceeded.