

Atlantic States Marine Fisheries Commission

ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council

August 6, 2020
11:15 a.m. – 3:45 p.m.
Webinar

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 (*A. Nowalsky, ASMFC/M. Luisi, MAFMC*) 11:15 a.m.
2. Board Consent 11:15 a.m.
 - Approval of Agenda
 - Approval of Proceedings from May 2020
3. Public Comment 11:20 a.m.
4. Consider Draft Addendum XXXIII for Public Comment (*C. Starks*) **Action** 11:30 a.m.
 - Black Sea Bass Commercial Allocation
5. Lunch Break 12:00 p.m.
6. Consider Draft Addendum XXXIII for Public Comment, *continued* 1:00 p.m.
 - Black Sea Bass Commercial Allocation
7. Update on Recreational Reform Initiative (*J. Beaty*) **Possible Action** 2:25 p.m.
8. Review and Consider Approval of Massachusetts 2020 Black Sea Bass Recreational Proposal (*N. Meserve*) **Action** 3:10 p.m.
9. Other Business/Adjourn 3:40 p.m.

MEETING OVERVIEW

ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council Webinar
August 6, 2020
11:15 a.m. – 3:45 p.m.

Chair: Adam Nowalsky (NJ) Assumed Chairmanship: 12/19	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Snellbaker (MD)
Vice Chair: Justin Davis (CT)	Advisory Panel Chair: Vacant	Previous Board Meeting: May 6, 2020
Voting Members: MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2020

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 should use the webinar raise your hand function and the Board Chair will let you know when to speak. 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 Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider Draft Addendum XXXIII for Public Comment (11:30-2:25 p.m.) Action

Background

- In October 2019, the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) initiated development of Draft Addendum XXXIII to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The Draft Addendum considers modifications to the black sea bass commercial state allocations. In December 2019, the Mid-Atlantic Fishery Management Council (Council) initiated a complementary amendment to make this a joint action between the Board and Council. The amendment would consider including the state specific commercial allocations in the Council FMP.
- The goal of this action is to “consider adjusting the current commercial black sea bass allocations using current distribution and abundance of black sea bass as one of several adjustment factors to achieve more balanced access to the resource. These adjustment factors will be identified as the development process moves forward.”
- Draft Addendum XXXIII proposes various management options for modifying the commercial state allocations, including an approach to increase Connecticut’s current 1% quota to 5%, an approach using dynamic regional allocation adjustments, trigger-based approaches, and allocating a certain percentage of the coastwide quota based on historical allocations.

Several options incorporate current (**Briefing Materials**). The document also includes management options for including the commercial state shares in the Council FMP.

- If the draft addendum is approved for public comment in August, public hearings could take place in late summer/fall 2020, and the Board and Council could consider final action in December.

Presentations

- Overview of Draft Addendum XXXIII by C. Starks

Board Actions for Consideration

- Approve Draft Addendum XXXIII for public comment

5. Lunch Break (12:00-1:00 p.m.)

6. Consider Draft Addendum XXXIII for Public Comment, *continued*

7. Update on Recreational Reform Initiative (2:25-3:10 p.m.) Possible Action

Board Discussion

- The Recreational Reform Initiative is an ongoing joint effort of the Commission and Council, which aims to propose and develop strategies to increase recreational management flexibility and stability for jointly managed species (summer flounder, scup, black sea bass, and bluefish).
- At their June joint meeting, the Council and Board reviewed a draft outline of topics under consideration through the Recreational Reform Initiative and Monitoring Committee discussion on the initiative (**Briefing Materials**). After considering the topics currently under consideration, as well as items removed from further consideration through the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment, the Council and Board tasked staff with determining which items could be addressed through a joint framework/addendum and which changes would require an amendment (**Supplemental Materials**).

Presentations

- Update on Recreational Reform Initiative by J. Beaty

Board Actions for Consideration

- Consider initiating a framework/addendum or amendment to address any management options considered through the Recreational Reform Initiative

8. Review and Consider Approval of Massachusetts 2020 Black Sea Bass Recreational Proposal (3:10-3:40 p.m.) Possible Action

Board Discussion

- Massachusetts submitted a proposal for recreational black sea bass conservation equivalency to extend the end of the state's for-hire recreational black sea bass season in 2020 to account for days closed to for-hire fishing at the beginning of the season due to the COVID-19 pandemic (**Briefing Materials**).
- The Technical Committee reviewed the proposal in May, and provided recommendations on the data that should be used to calculate the daily harvest rate and resulting season modification to achieve conservation equivalency (**Briefing Materials**).

Presentations

- | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Overview of Massachusetts conservation equivalency proposal by N. Meserve• Technical Committee recommendations on MA conservation equivalency proposal |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Board Actions for Consideration

- | |
|-----------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Approve Massachusetts conservation equivalency proposal |
|-----------------------------------------------------------------------------------------------------------|

9. Other Business (3:40-3:45 p.m.)

10. Adjourn

Summer Flounder, Scup, & Black Sea Bass 2020 TC Tasks

Activity level: High

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

Committee Task List

- July 2020: Meeting to review recommendations on 2021 specifications (coastwide quota and RHLs) for summer flounder, scup and black sea bass
- Fall 2020: *Tentative* – develop recommendations on recreational reform strategies (e.g. considering MRIP data uncertainty into the management process, development of recreational measures)
- November 2020: Develop recommendations on 2021 recreational measures

TC Members: Greg Wojcik (CT, TC Chair), Alexa Kretsch (VA), Julia Beaty (MAFMC), Peter Clarke (NJ), Dustin Colson Leaning (ASMFC), Karson Coutre (MAFMC), Kiley Dancy (MAFMC), Steve Doctor (MD), Emily Keiley (NOAA), Jeff Kipp (ASMFC), John Maniscalco (NY), Jason McNamee (RI), Gary Shepherd (NOAA), Caitlin Starks (ASMFC), Mark Terceiro (NOAA), Lee Paramore (NC), Richard Wong (DE)

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

Webinar
May 6, 2020

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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2. **Approval of Proceedings of August 2019** by Consent (Page 1).
3. **Motion to adjourn** by Consent (Page 33).

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ATTENDANCE

Board Members

Nichola Meserve, MA	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Bill Anderson, MD (AA)
David Borden, RI (GA)	Mike Luisi, MD, Administrative proxy
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Russell Dize, MD (GA)
Justin Davis, CT (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
Bill Hyatt, CT (GA)	Steve Bowman, VA (AA)
Matthew Gates, CT, proxy for Sen. Miner (LA)	Ellen Bolen, VA, Administrative proxy
Jim Gilmore, NY (AA)	Bryan Plumlee, VA (GA)
Maureen Davidson, NY, Administrative proxy	Sen. Monty Mason
Emerson Hasbrouck, NY (GA)	Steve Murphey, NC (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Chris Batsavage, NC, Administrative proxy
Joe Cimino, NJ (AA)	Jerry Mannen, NC (GA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Asm. Eric Houghtaling, NJ (LA)	Mike Ruccio, NMFS
Adam Nowalsky, NJ, Legislative proxy (Chair)	

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

Ex-Officio Members

Staff

Bob Beal	Dustin Colson Leaning
Toni Kerns	Tina Berger
Max Appelman	Jeff Kipp
Maya Drzewicki	Julia Beaty, MAFMC
Kirby Rootes-Murphy	Kiley Dancy, MAFMC
Caitlin Starks	

Guests

John Almeida, NOAA	William Brantley, NC DNR	Jeff Deem, Lorton, VA
Rep. Thad Altman, FL (LA)	Delayne Brown, NH F&G	Peter deFur, ESC
Coly Ares, RI DEM	Jeff Brust, NJ DFW	John DePersenaire, RFA
Mike Armstrong, MA DMF	Erika Burgess, FL FWC	Greg DiDomenico
Pat Augustine, Coram, NY	John Carmichael, SAFMC	Anthony DiLernia
Dave Bard, NOAA	Patrick Cassidy	Steve Doctor, MD DNR
David Behringer, NC DNR	Mike Celestino, NJ DFW	Russell Dunn, NOAA
Mel Bell, SC DNR	Peter Clarke, NJ DFW	Steve Newellman
Alan Bianchi, NC DNR	Allison Colden, CBF	Warren Elliott, PA (LA)
Jessie Bissette	Heather Corbett, NJ DFW	Peter Fallon, Maine
Sarah Bland, NOAA	Nicole Costa, RI DEM	Lynn Fegley, MD DNR
Jason Boucher, DE DFW	Derek Cox, FL FWC	Marianne Ferguson, NOAA
Ray Bogan, Pt. Pleasant, NJ	Sandra Dumais, NYS DEC	Cindy Ferrio, NOAA
Karen Bradbury, Office of Sen. Whitehouse	Jessica Daher, NJ DFW	Dawn Franco GA DNR
	Tim Daniels, NJ DFW	Rick Frenzel

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Tony Friedrich	Chris Ludford	Tara Scott, NOAA
Thomas Fuda	Dee Lupton, NC DNR	Richard Seagraves
G. Kara	Loren Lustig, PA (GA)	Matthew Seeley, MAFMC
Lew Gillingham, VMRC	Chip Lynch, NOAA	Alexei Sharov, MD DNR
Angela Giuliano, MD DNR	Shanna Madsen, VMRC	Gary Shepherd, NOAA
Willy Goldsmith	Kyle Martin, NYS DEC	Jared Silva, MA DMF
Sonny Gwinn, Berlin, MD	Genine McClair, MD DNR	Somers Smott, VMRC
Paul Haertel	Ashleigh McCord, NOAA	Julia Socrates, NYS DEC
Jon Hare, NOAA	Dan McKiernan, MA (AA)	Scott Steinback, NOAA
Bridget Harner, NOAA	Nichola Meserve, MA DMF	CJ Sweetman, FL FWC
Hannah Hart, FL FWC	Mike Millard, US FWS	H. Takade-Heumacher, USFWS
Doug Haymans, GA (AA)	Sen. Dave Miramant, ME (LA)	Mark Terceiro, NOAA
Steve Heins	Jose Montanez, MAMFC	Wes Townsend
Dewey Hemilright	Chris Moore, MAFMC	Howard Townsend, NOAA
Pete Himchak	Wendy Morrison, NOAA	Sam Truesdell, MA DMF
Carol Hoffman, NYS DEC	Brandon Muffley, MAFMC	Mike Waine, ASA
Rusty Hudson	Amanda Mullikin	Megan Ware, ME DMR
Peter Hughes	Steve Murphey, NC (AA)	Samatha Werner, NOAA
Jason Jarvis	Allison Murphy, NOAA	Patrick White
Yan Jiao, Univ. VT	Brian Neilan, NJ DFW	Ritchie White, NH (GA)
Lane Johnston	Laurie Nolan	Kate Wilke, TNC
Cynthia Jones, ODU	Derek Orner, NOAA	Angel Willey, MD DNR
Jeff Kaelin, Lund's Fisheries	Cheri Patterson, NH (AA)	Sara Winslow
Chad Keith, NOAA	Michael Pentony, NOAA	Charles Witek
Loren Kellogg, NOAA	Mariah Pflieger, Oceana	Steven Witthuhn
Moira Kelly, NOAA	Olivia Phillips, VMRC	Anthony Wood, NOAA
Lara Klibansky, NC DNR	Michael Pirri	Chris Wright, NOAA
Kathy Knowlton, GA DNR	Nicholas Popoff, US FWS	Amy Zimney, SC DNR
Adrienne Kotula	Chad Power, NJ DFW	Erik Zlokovitz, MD DNR
Alexa Kretsch, VMRC	Jill Ramsey, VMRC	
Kris Kuhn, PA F&B	Kathy Rawls, NC DNR	
Ben Landry	Stephanie Rekemeyer, NYS DEC	
Wilson Laney	Dr. Malcolm Rhodes, SC (GA)	
Katie Latanich	Al Ristori	
Scott Lenox	Mary Sabo, MAFMC	
Melissa Leone, NYS DEC	Scott Sakowski, NOAA	
Tom Little, NJ LEG	John Schoenig	
Carl LoBue	Chris Scott, NOAA	

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The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council (MAFMC) convened via webinar; Wednesday, May 6, 2020, and was called to order at 2:00 p.m. by Chairmen Adam Nowalsky and Michael Luisi.

CALL TO ORDER

CHAIRMAN ADAM NOWALSKY: Good afternoon everybody, my name is Adam Nowalsky. I'm going to be calling to order the Summer Flounder, Scup, and Black Sea Bass Management Board meeting with the Mid-Atlantic Council via webinar. Taking a look at the roster of names here onboard. Most of you were connected here this morning, but I do see a quorum, both for the Council and the Board, so we're good to begin.

APPROVAL OF AGENDA

CHAIRMAN NOWALSKY: Our first order of business here this afternoon is going to be Board consent for approval of the agenda. There is going to be a proposed change to the agenda, two items. Number one, we intend to complete our business here this afternoon by 4:15. That would put us an hour over the previous end agenda time.

Hopefully everyone can hang in there with us until then, including the public. But with the consent that is our intention is to end this meeting by 4:15 today. Additionally, prior to beginning the review of the public comment summary on the public information and scoping document.

It is our intention, staff has a one-slide presentation, and just provides some information to the Board and Council. A lot of you have been asking about what potential changes there might be to 2020 measures that states could enact as a result of lost harvest. That is the proposed changes to the agenda. Which brings us to the approval of the agenda.

Is there any objection to approving the agenda with those two changes?

APPROVAL OF PROCEEDINGS

CHAIRMAN NOWALSKY: All right, seeing none that will bring us to the second item on the agenda. Second item is the Approval of the Proceedings from, we're going back to, is August, 2019 right or we should be approving something more recent than that Toni?

MR. DUSTIN COLSON LEANING: That's correct, Adam, because that was the last time it was a Commission only meeting.

CHAIRMAN NOWALSKY: Okay great, thanks for that clarification, Dustin. That is the Approval of the Proceedings from the August, 2019 meeting that we're looking for consent on. Is there any objection to the approval of the proceedings from that meeting? All right, seeing none that will bring us to the first revised agenda item.

POTENTIAL CHANGES TO 2020 MEASURES

CHAIRMAN NOWALSKY: It is our intention to keep this to just a few minutes. I asked staff to put together a very brief slide here that is going to provide some information.

That will help provide some input on what states might be able to do for the 2020 fishing year. Then also we can touch base on some feedback we got from one of our other boards. Yesterday the Tautog Management Board that had a recommendation for how to proceed with guidance across all boards. I'll turn it over to you, Toni.

MS. TONI KERNS: Thanks Adam. I think Bob is actually going to take this slide, and Maya, this is the time for that one slide to go up, but just the next one, Maya.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Hi Mr. Chairman, this is Bob Beal. Good afternoon everybody, I haven't spoken much today, which is a good thing. Just really quickly. You know it is kind of uncertain how we can move forward and make adjustments to recreational fishing opportunities,

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both private boats and shore-based, as well as for-hire fisheries.

Obviously, the conversation has started. People want to know what they can do. It gets difficult. For fisheries that have opened, and there is some level of fishing going on the private side. It gets a little bit tricky. You know some folks have said that fishing is down because partially some ramps are closed, some marinas are closed, some are open.

Due to social distancing you can't put your normal crew on a boat that you might take out fishing. Families may be out, but normal groups of a half dozen or so folks that fish together a lot can't go out, because they are not in the same family, and all sorts of things. There is sort of two different scenarios moving forward.

One is what we're calling "simple" conservation equivalency, and this is the idea that if a fishery has not opened or you want to keep a fishery closed longer than what has currently been approved by a management board. You can keep your fishery closed, with the recognition that only limited amount of fishing is going on anyway right now for all species, in some areas.

Say keep black sea bass fishery closed for a little while, a month or so, and then you could take those days and move them to the fall season. It won't be necessarily a one-for-one translation, because a day in Wave 3 may not be exact same as a day in Wave 5 or Wave 6; as far as average level of landings.

We're going to have to be able to work that. That is sort of a simple scenario, where you've got days that were fully closed, nobody was fishing, no sectors were open your for-hire or private boats or anything, and you're going to move those closed days to some ratio of days in the fall. That is kind of what we're calling simpler.

The other approach would be to have the Technical Committee start digging into the data,

and trying to estimate, you know how much fishing has changed from what we anticipated when the seasons and bag limits and size limits were established this year. That's going to be a little bit difficult, because the APAIS sampling, the site intercept sampling through MRIP has been suspended in essentially all the states. The for-hire effort survey you hear of the FES. That is the postcard survey done by MRIP, and that is ongoing and we'll get the number of trips that have been taken. We will have some insight as to what the level of fishing activity is anyway.

Then I think you know the Technical Committees will have to dig into that sort of on a species-by-species basis, to see what has happened and what hasn't happened, and probably a state-by-state basis, so it won't be a simple thing to do necessarily. There will probably be some proposals that need to be developed by individual states for review by the Technical Committee.

Those are the two different scenarios. Adam, as you mentioned the Tautog Management Board talked about this yesterday. The number of Commissioners on that meeting said hey, you know it may be better not to do this sort of piecemeal across individual species. It may be better to get a Commission-wide strategy or policy together, to figure out what we want to do, because fishing is limited now, and hopefully it's better in the fall, you know how do we want to tackle that?

I suggested getting the Executive Committee together, which represents all the states up and down the east coast, and have them initiate the conversation and give some feedback to the management board. Following my recommendation, I got a number of texts that said, well you know what maybe the Executive Committee is not necessarily the right venue for the final decision.

The Policy Board, which is all 45 of our Commissioners and the federal services might be a better venue for that. I think the best course is actually go ahead and start with the Executive Committee, because get a smaller group to start the conversation, recommend something to the Policy Board, have the Policy Board

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sign off on it, and then we can decide where we want to go.

That is kind of a long answer to your question, Adam. But the bottom line is we're going to have to work on this over the next couple months, and try to figure it out. It's not going to be a simple, you know the fishery has been kind of slow for the last six weeks, we can tack on six weeks in the fall. It's going to be a bit more complex than that. Happy to answer questions if you have them.

CHAIRMAN NOWALSKY: Thank you very much, Bob. These two options as they have been presented here would not be meant to be exclusive from one another. If someone wanted to take proactive action on this first option, it is what I've referred to a number of people that I've had this conversation with as the "bird in hand approach." That would be pretty straightforward.

If you haven't opened the season, have the means to delay the start to that season, you could follow the same policies that you did when those measures were set originally, and then pursue adding those days on pretty much immediately. Then there is going to be ongoing discussion. We know that at the present time this Board is scheduled to meet again jointly with the Council in June. It would be our hope that the discussion that Bob referenced with regards to Executive Committee/Policy Board, hopefully with some input from TC and states, we could have some feedback and some guidance at that point on what next steps would be. We don't have all the answers here. I'll open it up to hands for very specific questions. If there is any specific guidance or a suggestion that someone has for consideration by the Executive Board, Policy Board or TC, it would be helpful to put it out there now, but it's certainly not necessary, as we all know the situation is changing on a daily basis.

Whenever you have information available, 4:30 today, tomorrow, next week, bring it forward

and we'll do the best we can to integrate it. But this is what the intention is right now for consideration, both what we've heard from the public, as well as from managers, on how to consider what we've lost so far while maintaining consideration of necessary conservation.

This is what we're putting forward at the present time. Do we have any hands for anyone that needs anything specific they would want to offer on this right now? Otherwise, it's a work in progress. All right one, Emerson Hasbrouck. Go ahead, Emerson.

MR. EMERSON C. HASBROUCK: I think this is a good idea, and I would suggest that we pursue this. I'll also bring up something that I think is relative, two things that are relative to this as well. One is we've got some similar issues taking place on the commercial side of things, you know and I'm thinking of scup in the Winter 1 fishery.

We're going to have severe restrictions in the summer fishery for scup. Can we account for that somehow you know? Move some of that Winter 1 scup into the summer period? I don't know if we can just do that, if it's going to need an amendment. I don't know what the process is. But that leads me to a bigger issue.

Maybe we can talk about this later in the meeting if you think it's more appropriate then, Mr. Chairman. I think we need to initiate some discussion about the possibility of asking NMFS to move unused quota or unused ABC from 2020 into 2021, and we're not going to know how things are until we get through more of this year.

But right now, there has been hardly anything that is being caught by either the commercial fishery or the recreational fishery. I think that some discussion is in order about how do we perhaps move some of that to the next fishing year, and the New England Council did just that with sea scallops and groundfish. I think they already have some flexibility in their FMP to do that. But I think we need to look at it similarly.

CHAIRMAN NOWALSKY: Thanks for that Emerson. The Council has already taken action on tilefish, with regards to requesting some information for rollover.

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We're not going to decide anything here today. What I would ask of all Council members, Commissioners, if you have specific concerns like the ones you brought forward.

Get them to Council and Commission staff, they will begin compiling and adding to a list of those issues that they already have, can begin having discussion about ideas on how to address them, and then I think one of the agenda items on our next board meeting is going to be 2020 issues across the board.

**PRESENTATION ON THE PUBLIC COMMENT
SUMMARY FOR THE RECREATIONAL AND
COMMERCIAL ALLOCATION AMENDMENT
PUBLIC INFORMATION AND
SCOPING DOCUMENT**

CHAIRMAN NOWALSKY: All right, not seeing anything else on this issue, let's move on to the next agenda item and begin discussion with staff presentation on the public comment summary for the Recreational and Commercial Allocation Amendment Public Information and Scoping Document.

MR. DUSTIN COLSON LEANING: Thanks everyone. Thanks for joining us today for the review of scoping comments and the Advisory Panel report on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. Can everyone see the screen, and can you hear me clearly?

MS. KERNS: Yes, you're good.

MR. COLSON LEANING: I'll begin this presentation with a recap of the Amendment background and purpose, followed by review of the scoping comment summary and the Advisory Panel report. Kiley will then take over, serve you the FMAT recommendations, and then we can open the floor to Board and Council discussion.

PUBLIC COMMENT SUMMARY

MR. COLSON LEANING: As a reminder to the public stakeholders on the call, this action's purpose is to consider the potential modifications to the allocations of catch or landings between the commercial and recreational sectors for summer flounder, scup, and black sea bass. This timeline here serves as a reminder of the need for a fast-paced amendment, if it is still the Board and Council's desire to implement this amendment by the 2022 fishing year.

Following this meeting the FMAT will further develop draft management alternatives for Board and Council feedback in June, and the Council and Board will then approve a range of alternatives for inclusion in the Public Hearing Document at the August meeting. During the course of scoping, Council and Commission staff hosted 11 hearings that were attended by approximately 280 people.

Most hearings were well attended, but not all attendees provided comments. Ninety-eight individuals and 14 organizations provided written comments, some of whom also attended hearings and gave comments in person. We also tried out a new method of putting up the scoping presentation on YouTube, which was well received, and received 644 views.

This table here provides an overview of all individuals who commented in person, and provided written comment. The majority of individuals, coming in at 74 percent, are part of the recreational sector, and of those 151 people 94 individuals identified themselves as private anglers, followed by 43 from the for-hire industry.

Forty-five fishermen from the commercial sector provided comments as well, and there was also a small percentage of individuals that didn't identify with either the recreational or commercial sector. I will present the comment topics in table format. The first column on the left provides a brief overview of the comment topic.

The second column presents the number of individuals and organizations that commented under that topic. Comments made by three or fewer people

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that don't pertain to allocation issues, were not included in the following summary tables that I'll be presenting. However, it is important to remember that although certain comments are not included in this table, all comments are in the summary document, which is provided to the Board and Council through briefing materials. Two hundred and five individuals and organizations that provided comments in total, and the percent displayed on the last column there is basically the percent out of all the comments on that particular topic.

The Council and Board received comments from 80 individuals and organizations that expressed strong concerns with MRIP data, ranging from general disbelief in the estimates to concerns with specific aspects for the recreational data collection. Thirty-two individuals thought that the recreational sector should have increased accountability to their limits.

Ideas for achieving this included overage payback, in-season closures, among others. Twenty individuals and organizations thought that additional or improved recreational data should be used in management, and this could include mandatory private angler reporting, tagging systems, mandatory tournament reporting, and other ideas.

Fifteen individuals and organizations commented in support of greater use of VTR data, many of whom supported its greater reliability compared to MRIP data. A few others thought that the for-hire fleet should have additional requirements, such as VTRs for non-federal vessels, while reinstating did not fish reporting.

Fifty-eight individuals and organizations commented on potential reallocation approaches, 16 individuals and organizations voiced opposition to update an allocation using base years with this new data. Reasons for this being that fisheries were fundamentally different than they are now, and the data from the 1980s was very unreliable.

In contrast, 10 individuals thought that the allocation should be updated using the base years. Thirteen people commented that management should consider socioeconomics when making allocation decisions, and 12 people supported looking at the non-traditional allocation approaches such as a needs-based approach or a harvest control rule, such as the one put forward by the American Sportfishing Association, in partnership with five other organizations.

Nine individuals supported a decrease to the commercial allocation, while four individuals spoke in favor of increasing commercial allocations. Eight people supported revising the allocation base years. Several ideas for this approach included using years of good stock health or post-rebuilding years, using a long time period or using the most five recent years, and some people even suggested using a 10-year moving average for developing allocation base years. A few people emphasized the need for management to act fast, to prevent the drastic restriction on recreational fisheries. Four others commented that allocation should be catch-based, which includes discards.

We also received a large amount of comments regarding recreational sector separation, 37 individuals and organizations for support for separate allocations, or measures for the for-hire fleet versus private anglers. The most common rationale was that the for-hire sector had better catch accounting and accountability, due to the use of VTRs. In contrast, nine people thought that the sector separation should not be implemented or even considered. Six individuals thought that making future allocations changes through frameworks or addenda would be a good idea, which would allow for more frequent review of allocations, with a less cumbersome management process, while two individuals opposed this idea. Four people commented that the Board and Council should reconsider allocations on a regular basis, or have dynamic allocations.

Nine individuals and organizations supported allocation transfers to help prevent overages from occurring. Although several comments added that this shouldn't be allowed if a fishery is overfished, and

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one comment received opposed this idea. Several individuals supported allocation set-asides to account for private recreational variability in effort, and help prevent the need for paybacks.

A few individuals thought that one sector should be allowed to buy allocation from another sector at the state level, while one person at a hearing spoke in opposition to this idea when it was presented. We also received various other allocation related comments, 12 individuals commented that the commercial fishery is well-controlled and monitored, and several comments supported the option of basing allocations in pounds or numbers of fish. People also expressed concerns about commercial data, especially regarding discards in the 1980s. Some noted that more people eat fish than fish recreationally, and allocations should account for that. We also received many comments that did not directly relate to the issue of commercial and recreational allocation. Many of them could be categorized into the reoccurring themes.

For example, 31 individuals and organizations explained that discards are too high, or that they drew issue with the discard mortality rate used for the three species. Many also expressed dissatisfaction with recreational measures specific to summer flounder, often relating to the minimum size limit being too high.

Many people also expressed dissatisfaction with recreational management approaches in general, and shared that management had caused the loss of recreational fishing businesses, such as bait and tackle shops and for-hire vessels. Fifteen individuals and organizations countered that commercial vessels are harming the health of the fishery by catching too many fish, damaging the habitat, or creating too many discards.

Some were of the sentiment about loss of recreational businesses. Several people shared

that management had caused the loss of commercial businesses. There was also an assortment of other concerns discussed as listed under “other issues” on this slide.

ADVISORY PANEL REPORT

MR. COLSON LEANING: Now I'll go into the Advisory Panel Report.

The Advisory Panel met via conference call on April 2, to review the scoping comments received, and provide recommendations to the Council and Board on issues that should be addressed in this action, and also provide recommendations for removing actions that they saw as unfit for this action.

In all we had good attendance, 27 members were in attendance from Massachusetts to North Carolina. The majority of advisors in the meeting have no confidence in the Marine Recreational Information Program estimation methodology, and the estimates that it produces. One advisor recommended that the National Marine Fisheries Service reexamine MRIP, and improve its estimation methodology before any allocation actions are taken. Several advisors from the commercial industry were in support of status quo, allocations for all three species, if MRIP must be adopted.

Only one advisor supported using the revised MRIP estimates to generate new allocation percentages, specifically for the summer flounder fishery. One advisor supported the continuation of the type of catch accounting that happened last year, where the recreational sector isn't penalized for an RHL overage, so long as the Acceptable Biological Catch is not exceeded for a fishery.

Several advisors recommended further development of the recreational management reform harvest control rule. They supported the view that the recreational sector's allocation should be considered through the lens of reasonable access, and not a specific harvest limit in pounds. One advisor stated that future allocation changes should not be done through a framework or addendum, because allocating quota between sectors is a very contentious

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issue that deserves full public presentation through standard amendment processes.

One AP member supported implementing the ability to transfer allocation from one sector to another based on a needs basis, and in contrast one advisor was against allocation transfers because they increase fishing pressure on stocks, and they jeopardize their ability to remain at the target level.

AP feedback on the for-hire and private angler sector separation was mixed. Those who supported it said that the current recreational measures are not working for the for-hire fleet, and that bag limits must remain high enough to sell trips. Those who opposed for-hire and private angler sector separation, said that VTR is not always accurate, and can't be relied upon, because it is in the for-hire captain's best interest to underreport catch.

Another AP member added that MRIP is not accurate enough to develop allocations for the recreational sector either. Three advisors commented in support of mandatory reporting at all recreational fishing tournaments, and one advisor was concerned that the recreational anglers are still primarily fishing on mature female fluke, rather than males, due to the high minimum size, thinking that this minimum size should be lowered to help reduce fishing pressure on the spawner population.

One AP member requested that managers pay greater attention to regional depletion, and at the end of the call, as well as at the beginning of the call, AP members shared their concerns about the effect that Covid-19 and social distancing is having on the recreational and commercial fisheries.

Several advisors requested that NOAA Fisheries take action to economically support fishermen during the crisis, and some advisors said that commercial and recreational measures should be liberalized to promote fishing for all stakeholders. That is all I have for the Public

Comment Summary and AP Report, and I'll transfer it over to you, Kiley, if you're ready.

CHAIRMAN NOWALSKY: While she's getting that up, I'll just extend a word of thanks here to Kiley for jumping in. Karson was unable, or unavailable to do this presentation today, so thank you very much, Kiley for being able to do it for us.

PDT/FMAT REPORT

MS. Kiley DANCY: Yes, absolutely. The Fishery Management Action Team, or FMAT met on April 14, to provide recommendations to the Council and Board on the scope of this action, including some broad categories of alternatives to potentially include. They discussed some example approaches informed by scoping comments that you all just reviewed from Dustin, so the full FMAT summary is also included in your briefing materials.

A few general comments to start. The FMAT briefly discussed a legal case regarding a 2015 reallocation in the Gulf of Mexico for red snapper, and in 2017 a court determined that this reallocation was inconsistent with Magnuson National Standard 4, for fairness and equity, based on the justification provided in the amendment.

That is just a reminder that we need to think through thorough justifications for all of our alternatives, and evaluate all the alternatives for consistency with National Standard 4. The FMAT also agreed that alternatives for both catch and landings-based allocations should be developed. We have a little bit of this discussion for bluefish, but it's a little bit of a different situation with these fisheries.

The pros and cons of each of these approaches should be further explored. Scup currently has a catch-based allocation, meaning that both landings and dead discards are included in the allocation in the FMP, whereas summer flounder and black sea bass just have landings-based allocations.

The percentages in the FMP only apply to the landings portion of the total ABC, and the thinking with catch-based allocations is that if discards are included directly in the allocation, there may be a greater

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incentive for each sector to reduce discards to increase their total allowable landings. The FMAT noted both of those should be further explored at this stage, potentially as sub-alternatives under each allocation approach.

This is an overview of the broad categories of alternatives that the FMAT discussed that I'll cover in this presentation, some of which have multiple possible sub-approaches under them, so in the interest of time I'm not going to read these. But I'll go into details on each of these in the next few slides.

The first category is no action, no changes to the existing allocations. The FMAT discussed that as the Council and Board have discussed a few times the revised MRIP estimates have resulted in much higher recreational catch estimates than those that were used to develop the existing allocations.

That is one of the reasons the Council and Board initiated this action, and keeping status quo allocation percentages does not necessarily mean that management measures for each sector will be able to be kept status quo, particularly for the recreational sector. We are now using the revised MRIP estimates in our recreational management, and because allocations have remained the same, the recreational catch limits that came out of the new assessments, incorporating the new data. They did not all increase to the degree that would have been needed to kind of cover that increase in the recreational estimates. Depending on the species, no changes to the current allocation could lead to large reductions needed in the recreational fishery, even for species like scup that based on the old data, were previously determined to be under harvested.

This is the issue that was discussed back in December, when black sea bass and scup were facing large recreational reductions. However, the Council and Board decided to keep things status quo for 2020, due to this Amendment

being developed, and while this was possible for 2020, it might not be possible for 2021 and beyond.

The second approach, the FMAT walked through a few different approaches that fall under a broader category of revised allocation percentages based on revised data or different time series, and I'll explain each of these sub approaches on the following slides. The first option for modified percentage allocations is keeping the existing base years, and updating it with revised catch and landings data for the commercial and recreational fisheries.

The FMAT noted that there is lack of reliable discard estimates in some of the earlier base years, particularly for summer flounder and black sea bass where the base years go back earlier. We might not be able to develop catch-based allocations for those species using the existing base years. We also do plan to look into the reliability of discard estimates over the time series and back into the early years.

Updating the existing base years with new data would shift 5 percent of the summer flounder allocations to the recreational fishery, 13 percent to the recreational fishery for scup, and 4 percent of the black sea bass allocation to the recreational fishery, if all of those species stayed within their current either catch or landings-based allocation.

Depending on the species, this might not prevent the need for near term restrictions to the recreational measures, particularly for a species like black sea bass. The FMAT also acknowledge some scoping comments that noted that the fisheries were very different in the 1980s and 1990s, and did support, considering the ways that the fisheries changed over the years since these allocation base years.

The yellow text that I'm going to highlight in kind of each of these slides is sort of the summary of the FMAT recommendation for keeping or removing each approach. The summary for this approach is if the FMAT recommends keeping this for further development. The second idea for modified allocation percentages includes updating the base years to use more recent years. For example, the last 5, 10, or 15

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years of catch or landings, and these examples were suggested in scoping.

The FMAT noted that these changes would be a fairly substantial shifts in allocation for these species, which may or may not be politically feasible, and in addition using recent years to define allocations is a little bit confounded by the fact that these were all years when we had the existing allocations in place, and the fisheries were theoretically constrained by the current allocations. But the FMAT also noted that the commercial fisheries have been generally closer to their allocation in each of these years than the recreational fishery, which as we know the recreational fishery performance is more difficult to control, and relative to their recreational limits has been more variable, depending on the species with some species having consistent overages, and some having overages and underages. The FMAT also discussed that using recent years for allocation should be evaluated for bias towards the recreational sector, as was suggested during scoping.

That is partly related to that issue of the difficulty in constraining the recreational fishery for some species in recent years. But ultimately the FMAT felt that this approach should be kept for now for further development at this stage. Another approach suggested during scoping was developing revised base years using the five years following the rebuilt declaration for each species.

As was the approach just described, the FMAT noted that these would be fairly substantial shifts in allocation, and we have some similar issues to the previous approach that it relies on base years when the fisheries had those allocations, and were theoretically constrained. Then the FMAT also noted in addition the outcomes of this approach don't really seem to be that much different than using just the recent year's approach to stuff in the last slide.

One issue particular to black sea bass is that the FMAT noted, and a public comment noted that for black sea bass during these post rebuilt years after 2010, these may not be appropriate base years for black sea bass, given that catch limits at the time did not reflect biomass, and there was no accepted assessment during those years. Recreational overages during this time period occurred as the result of high availability, and then the commercial fishery was constrained by quotas that in retrospect were artificially low.

The FMAT considered removing this option due to some of these factors, particularly the fact that it was so close to the previous approach, but noted that it might be worth further exploring this idea, and exploring variations on it, such as using a combination of high and low availability years, and it might be beneficial to map out the trends in biomass for each species over the various resulting time periods and pre and post rebuilding time periods for each species.

Recommended keeping it for further development for now. Using socioeconomic information was also suggested as a basis for allocations. The FMAT discussed that the Council has an ongoing contract for a project for summer flounder, which aims to determine which allocations would maximize marginal benefits to the commercial and recreational sectors, and this analysis is currently being updated with revised MRIP data.

Those results are expected sometime this summer. This type of evaluation is not available currently for black sea bass or scup, so we would have to find different approaches for a socioeconomic analysis for these species. One FMAT member noted that we could possibly use the Northeast Fisheries Science Center input/output model for the commercial fishery, to evaluate socioeconomic impacts.

Then a member of the FMAT was going to check in with the social sciences branch, to see what information may be available for the recreational sector, and how those could be used in combination to develop alternatives. We're going to plan to further explore this. The FMAT recommended keeping this approach for further evaluation for now. Another concept suggested during scoping is

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allocating in numbers of fish instead of pounds. The FMAT noted this could in theory produce different allocation percentages, but it's not clear to the FMAT how this approach would work, in terms of its methodology, and what the implications would be.

Because our overall biomass estimates and catch limits are in weight of fish, it's not really clear to the FMAT how an allocation in numbers of fish would work, and whether it would actually have any management advantages over the current method of allocating in pounds. At some point in the specification setting process, if we did allocate in numbers of fish, we would have to have that conversion from pounds to numbers, which could introduce some additional uncertainty in our specifications process.

FMAT members also noted that using numbers of fish is currently used by the Technical Committee in development of recreational measures, and if there are benefits at other points in the process managers could consider whether relying more on estimates in numbers of fish may be beneficial elsewhere, but the FMAT didn't really feel it was appropriate to keep in the allocation options for this Amendment, and recommended removing it from consideration at this time.

The third category of approaches discussed is an approach that would attempt, this is a little bit complicated so bear with me, but the approach that would attempt to maintain approximately status quo harvest by sector from the most recent year, prior to the last assessment updates, where the MRIP information was incorporated into this assessment.

Assessments incorporating the revised MRIP data were conducted in 2018 for summer flounder, and 2019 for scup and sea bass. Revised catch limits based on those assessments were implemented in the following years. The idea behind this alternative is

basically you would look at landings by sector prior to the catch limit revisions, and see what allocations would be necessary to keep these landings approximately status quo.

It would use 2018 and 2019 information as a basis, but would revise the percentage allocated to each sector in the FMP. It would revise that percentage going forward, and as such it would not guarantee status quo landings by sector in the long term. Staff looked into whether this is even possible.

Based on our preliminary analysis we found that it would be possible for summer flounder, and close but not quite for scup and sea bass. We would need some additional manipulation of different options for scup and sea bass. As a reminder, when the catch limits were revised based on the most recent assessment updates, it did include increases for summer flounder and black sea bass of about 50 percent or more.

However, the recreational sector was not able to liberalize, due to that transition to the higher MRIP estimates, now that we're fully using those new MRIP estimates. For scup the ABC actually decreased overall with the new assessment. However, since the commercial scup sector has under harvested since 2007 that allowed a little bit more flexibility in making this option almost work for scup. In discussing this option, the FMAT indicated that preliminary calculated percentages would represent a substantial modification to the allocations for all three of these species, and may not be feasible in the long term. However, this could have some potential as a short-term approach.

The FMAT considered that this might not be viable, but did support further development prior to the next joint meeting, to see whether it could be refined into something that could work, either as a short or a long-term approach. The fourth concept is recreational sector separation. Starting with first the idea of full sector separation, which would include separate allocations and accountability for the private angler and the for-hire recreational sectors.

As discussed in many scoping comments, the FMAT recognized that there are potential, there are

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different datasets that we can look at for private recreational and for-hire data, including the VTR data. But the FMAT also acknowledged that some stakeholders may not support sector separation if only the MRIP data is used in these calculations.

But for-hire VTR data does have a couple of issues we need to consider, including that it only provides catch in numbers of fish and not weight, and that in addition VTRs aren't required for some state vessels, so some data may be missing when looking at VTR data. The FMAT also wanted to highlight for the Council and Board that under Magnuson, any separate allocations of catch to the for-hire sector as either a separate ACL or a separate sub-ACL, would require the development of separate accountability measures.

Perhaps there is something that we could do on more of a target basis rather than a limit basis, and maybe that wouldn't be required then, but any separate ACL allocation would require separate accountability measures to be developed for each sector. Overall, the FMAT recommended keeping this approach for further development.

Then another option for recreational sector separation is separate management measures, which is already used in a limited manner in this FMP in state waters. The FMAT did recommend that if it's going to be used consistently going forward, it would be beneficial to develop a transparent policy on how these measures should be developed, and how each sector should be kept accountable, and how measures should be adjusted.

Again, the FMAT noted the same concern with stakeholder buy-in if using primarily MRIP data. Then the FMAT's recommendation at this time is to keep this for further development, but it is worth noting that in follow up conversations we have confirmed that this approach isn't something that necessarily needs to be taken up for an amendment, it can be done through a

framework or addendum, or possibly through specifications, depending on the measures considered.

This is something we could consider moving to a separate action at some point if desired. The fifth approach discussed by the FMAT is a proposal submitted during scoping by a group of six recreational organizations, and this can be found in the Scoping Summary Document on Page 146. The idea behind this proposal is that allocation would not be defined as a set percentage of the total catch, but instead at a level of access, defined by management measures. Recreational allocation would be defined as a specific combination of bag, size, and season likely variable by state, with some kind of ideal level of recreational access when the stock biomass is high. As the stock biomass declines measures would get more restrictive in a step-wise fashion. Then the commercial allocation would similarly be determined based on a generally agreed upon preferred quota levels, after considering various market factors, and then quotas would decrease as biomass declines relative to the target.

This is the basic overview of the idea, but there are more nuanced details in the proposal. On this approach the FMAT acknowledged that this is a creative way to look at setting measures, but the FMAT was not sure at this point that the proposal was really directly related to the allocations between commercial and recreational fisheries, at least as it is currently described.

As it is currently described, it seems to be a little bit more relevant to the recreational measures setting process, and might be more appropriate for a separate action, such as the ongoing recreational reform initiative. One really important issue that the FMAT highlighted was it doesn't seem like this approach as described would be necessarily feasible under the current Magnuson requirements for catch limits and accountability measures.

Because it's unlikely that we can sort of redefine allocation as a set of management measures, unless that set of management measures is associated with a projected level of catch. Magnuson requires catch

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limits in pounds of fish. We would need to do quite a bit of analysis to determine what the projected catch is associated with different combinations of measures.

As we know from our recreational measures process, catch can vary under the same measures from year to year, so this could be really uncertain and kind of complicated. The FMAT ultimately supports further exploration of the concept at this stage, but noted that they do have reservations with the approach, and noted that we do need additional thought into this to determine whether it can be made more directly applicable to commercial/recreational allocation, and whether it's feasible under our existing legal requirements.

The sixth issue was recreational accountability alternatives. Although this concept was raised frequently during scoping, there were not a lot of specific suggestions of how to improve recreational accountability, except for the general ideas of more frequent overage paybacks, and bringing back in-season closures.

The FMAT discussed that these two items would largely be a reversal of policies that were adopted in recent years to address issues with the uncertainty and the timeliness of the recreational data, and specifically a reversal of some of the actions taken through the Council's 2013 Omnibus Recreational Accountability Amendment.

The FMAT stated that there could be ways to incorporate aspects of accountability into some of our allocation alternatives we develop in this action, but these sort of major changes to the accountability measures, including in-season measures and paybacks. That would potentially be a broader scope, and would potentially delay the development of this action. The seventh issue is Recreational Catch Accounting. Examples of improved recreational catch accounting suggested through scoping, things like mandatory private angler reporting, mandatory tournament reporting, VTRs for all

state for-hire vessels, reinstating did not fish reports on recreational VTR requirements. Some of these ideas could theoretically reduce the uncertainties in recreational data, but this is a big ask in some of these elements. They do have tradeoffs associated with increasing the reporting burden on a very large number of private anglers, and also tradeoffs with enforceability and compliance challenges.

The FMAT noted that we do need to think about what is realistic within the scope of this action, if the Council and Board want to keep this to their intended timeline and action purpose. The FMAT recommended that potentially more minor changes to recreational catch accounting could be considered for further development. But overall, the FMAT believes that major initiatives to modify the entire system of catch accounting are beyond the scope of this action, as the FMAT understands it, and could substantially delay the amendment timeline.

The eighth approach discussed was development of dynamic allocation approaches, and consideration of options for future revisions. Things like moving average approaches, trigger mechanisms and allowing for allocations to be changed through a framework or addendum process, rather than through an amendment.

Regarding a trigger approach that would allocate catch in a certain manner up to a specified ABC level, and allocate differently above that specified ABC trigger. This could help address the issue that it is more difficult to constrain the recreational fishery in times of high availability, and the FMAT recommended further exploring this issue for the next meeting.

In discussing the issue of future modifications to allocations, the FMAT noted that frameworks and addenda are more expedient processes, but this comes at the expense of reduced public input opportunities, so managers could also consider allowing modifications through frameworks or addenda possibly only for temporary adjustments, if desired.

Then the FMAT also noted that we can always have the option of doing an amendment instead of a

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framework or addendum if you so choose, and allowing for frameworks and addenda could potentially be a useful tool in the toolbox for more minor changes. Overall, they were supportive of leaving this option in for further development. Then finally, the last issue was allocation transfers and set-asides. Again, this is something that the ideas in here are a little bit more vague, and there were not a lot of specifics suggested during scoping.

The FMAT discussed that allowing transfers between sectors, which is not currently in place in this FMP, could reduce the chances of under harvesting by some sectors, and supported keeping this issue for at least taking a further look at. Then another idea suggested during scoping was to allow one sector to buy allocations from another sector, specifically the for-hire and commercial sectors being able to buy quota from each other. The FMAT noted that there is currently not the infrastructure to manage this type of system.

There would be a lot of complications with this approach, and they did not recommend further development of this idea. Another option discussed was set-asides, or allowing allocation to be set aside, basically during the specifications process with a to-be-determined process for how it would be used as needed later in the year by one of those sectors. In addition to not really being fully clear on how this would work, the FMAT noted some potential equity concerns with this approach, as it could be that this is more likely to be used by the recreational fisheries, which are not generally as easily held to their limit. It's also not clear how this would work in practice, but the FMAT recommended keeping the concept for further development.

This is an area where we would sort of welcome some suggestions on how such a system might work. That's it for specific approaches. A few other considerations to note for this amendment in general. First, there is a tradeoff with this action between the quantity and

complexity of alternatives that we can consider, and the plan amendment timeline.

Staff and the FMAT have thought very hard about this timeline. That is outlined in our current action plan in the briefing materials, and this was given the need for a fast track amendment, as indicated by the Council and Board to address some of the pressing implications of the MRIP revisions.

The current timeline has approval of a range of alternatives this August, approval of a public hearing document in December, and an expected implementation date of January 1, 2022. The current number and complexity of the approaches contained in the list we just covered, proposes challenges for meeting this timeline.

I will say that the FMAT recommendations were more focused on the concepts themselves rather than on the timeline issues. I just want to remind folks that you know the earlier the Council and Board can narrow the range of approaches to be considered, the more thoroughly we will be able to consider the remaining options to address the amendment objective.

Then related to that point there are some issues on a list as I mentioned that could be addressed through separate processes, if the Council and Board still want to pursue them. Another point discussed by staff following the FMAT call was that we recognize that not all of these approaches would necessarily work for all species.

As we refine these ideas, we do expect species specific approaches to emerge if the Council and Board are supportive of organizing the alternatives that way. Then finally while the FMAT didn't explicitly discuss this, staff had some discussions about how phase-in approaches could be developed if there are more major changes to allocations if necessary.

Coming back to the main decision points, the objective for the Council and Board is to define the scope of the action and recommend broad categories of alternatives for further development, or removal from this action. Based on that feedback, after today the

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FMAT will begin developing more specific draft alternatives for consideration at the joint June meeting, which has recently been moved to a webinar.

On the following few slides, for discussion I do have tables that are similar to the summary table in the FMAT meeting report, which kind of highlight the main ideas in the FMAT recommendations. We can kind of keep these three slides with all nine issues to walk through as we move through this discussion. That is it, for the presentation that I have at this time, and happy to take questions, thank you.

**PROVIDE GUIDANCE TO THE PDT/FMAT ON
SUMMER FLOUNDER, SCUP, AND BLACK SEA
BASS COMMERCIAL/RECREATIONAL
ALLOCATION DRAFT AMENDMENT**

CHAIRMAN NOWALSKY: All right thank you very much to staff for presenting that. Lots of information here. The process we're going to follow is we'll next open it up to Council and the Board for questions specific to the public hearing, the AP report, or the FMAT. We will then pull up these slides that have these nine categories on them.

We'll ask the question for each of the nine categories. If there is a desire to remove it, in most cases we have a summary of the FMAT recommendation in front of us. It will be my hope that we can do those by consent. Anything that we do not remove today would be left in, and would come back to this joint body in June for some more discussion.

I think there was a lot of discussion during the bluefish call on some of the topics. That there were questions about whether those items would ultimately be part of the final range of alternatives, and ultimately a public hearing document. But there was support for leaving some things in.

There may be similar level of concern about certain items, but a willingness to leave them in

to give them some time for some additional development. With that we've got an hour and 20 minutes to go through these, so let's start with any questions that are specific about the public hearing process, the AP summary or what we've heard from the FMAT, knowing that we're going to come to each one of these topics for some more discussion.

All right, so it looks like everybody wants to get right to the discussion here without substantive questions. That is a tip of the hat to staff for doing a great job presenting things here. Certainly, as each topic comes up, if there is a specific question to ask, we can do that. Let's start going through these then.

The first item here is a no action, status quo. That needs to remain in the document, so there is no discussion to be had here. Kiley, Dustin, would it be your preference here to tackle a category in its entirety, or do you want to focus on one approach at a time? What is going to be easier for the two of you to respond?

MS. DANCY: I would say that some of these are more closely related than others. I think looking at Category 2, the first three are more related. They are basically changing the data of the base years, and then the socioeconomic, and numbers in pounds are a little bit different concept. Maybe we could group the first three together.

CHAIRMAN NOWALSKY: Okay, so we'll start with the first, go ahead.

MS. DANCY: Then for other issues, things like sector separation I think can be discussed together, and I think that's it.

CHAIRMAN NOWALSKY: Okay, well we'll start with the first couple here then as the large approach. We've got the category here, revised percentages based on different data or time series. As a result of the public hearings, there were five different approaches that were drafted. The FMAT recommendation is to keep four in for further development, and remove one from further consideration. I would open it up to the Board and the Council for discussion on this. Again, it is my hope

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that we can do these by consent, with consent being to do things according to the FMAT recommendation. If not, make a case for something otherwise. Two people I've got with hands up so far are Eric Reid and Emerson Hasbrouck. I'll just ask that when you go ahead and start speaking, please put your hand down and remember to unmute yourself. Go ahead, Eric.

MR. ERIC REID: Well, I'm glad you had the desire to get right to work, but I have a question. If you look at the public comments, 98 people supported some modification to allocation. But 81 people have strong concerns about MRIP. My concern is addressing the 81 comments in this entire action.

At what point do we have the discussion about honoring the public's comments, the 81 comments about the data collection system and other issues with the recreational fishery as a whole? I don't know if we have that discussion before we go through all these alternatives or after, but we have to have that conversation in order to honor the public's comments.

You know we have some serious issues that have been identified by the public, of course we know most of them already. But I'm very concerned that we're going to move ahead with all these options, without addressing the shortfalls in the recreational fishery as a whole. I would like to know your timeline on that Mr. Chairman, thank you.

CHAIRMAN NOWALSKY: Well, I don't think the timeline belongs to me, Eric. I think the timeline belongs to the Council and the Board here. These are options that have been brought forward. Most all have some reliance on recreational catch data, largely generated by MRIP or its predecessor, with some consideration of VTR data.

I would bring it back to the Council and the Board here with regards to how you want to address these things, or as staff has said is there

a specific need to bring forth another option that addresses that concern? There is at least one option in these range of categories that offers a different approach. Perhaps there would be support for that in your consideration. But I think ultimately, we've had many, many, hours of discussion about the merits of MRIP and its use.

Now it's the opportunity for the Board and the Council to pick which options they want to use moving forward on that. I don't want to get into a long discussion about the merits of MRIP, because we've been through that. It comes down to, which of these options do you think use MRIP the best and which don't? That is the recommendation I think that is most suitable moving forward. Next, I had Emerson Hasbrouck, then Justin Davis.

MR. EMERSON C. HASBROUCK: Yes, I'm sorry I didn't raise this before when you asked if there were any questions for Dustin and Kiley, but I was trying to get my thoughts together with such an extensive presentation. I do have a couple of questions, and in a way they're somewhat related to what Eric just raised.

On the public comments, all right if I'm looking at Table 3 under public comments. There were the 47 percent of the total comments on the topic for support allocation changes versus support no allocation changes for status quo, 47 percent supported allocation changes, 23 percent did not.

That adds up to 70 percent. I'm wondering what happens to the other 30 percent of respondents for this category? I'm wondering, so that is Question 1A, Question 1B is, only 47 percent of the people in public comment thought that we even needed to go forward with this amendment. That raises a concern on my part about the effort and energy we're expending on this. Then I also have a question about the AP summary. I'll wait until my first two sub-questions are answered, and then I'll go on to the AP.

MR. COLSON LEANING: I can take on the first.

CHAIRMAN NOWALSKY: Go ahead, Dustin. My guess is the answer is going to be similar to the question I had asked on bluefish. My guess is that 47 percent of

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the responses supported allocation, 23 percent didn't, and the other 30 percent were silent on that question is my guess. But Dustin, if you've got a different answer please go ahead.

MR. COLSON LEANING: Right, so the percent that is displayed there is what percent of people who commented shared that opinion. Out of like all comments received on any of the topics, if that makes any sense. It's not like 100 percent, there is some zero sum game between supporting and not supporting that specific allocation change or status quo, it's all the percentages displayed, and all the tables are just what percent of all comments received voiced that opinion.

CHAIRMAN NOWALSKY: The answer Emerson is the other 30 percent didn't chime in on that topic. With regards to moving forward with this, we know that for the 2020 fishing year our 2019 harvest on at least two of the recreational species were significantly above what our 2020 RHL was.

The Commission and Council made what was ultimately a compelling argument that supported, in conjunction with stock status, and other questions about the MRIP revisions and how it affected the stock assessment, and the fact that we had this document initiated. Those were the main arguments that supported status quo measures for 2020.

If these bodies do not move forward with this, then we're going to have a discussion about what we do with 2021 later in the year. Well we're going to have that discussion anyway, but that would be the concern for later in the year. Obviously when we initiated this document no one that I know foresaw what we're dealing with right now with reduced effort, reduced harvest.

That was not part of the discussion. That just injects a totally other part of the discussion here, but that would be the rationale for moving forward. If these bodies choose not to

move forward with it, I think the Service would certainly have a position on it. It might not be too kind to angling communities. Mike Luisi, you've got your hand up. Do you want to add something as Council Chair with regards to this action?

MR. MICHAEL LUISI: If I may.

MR. HASBROUCK: I had a second question, Adam, if you could come back to me. When I first asked my question, I said I had another, so before we lose it.

CHAIRMAN NOWALSKY: Yes. I wanted to address those first two issues you brought up for us. Let me see if Mike has any feedback here. We'll come back to you. I've still got Justin, and then hopefully we can get back to discussing what is in this document here. Mike.

MR. LUISI: Yes thanks, Adam. I just wanted to Emerson's point. I think one of the things that was lacking in the public hearings, the one that I attended in Maryland, was what happens as a result of doing nothing? I don't think that it was made clear to the audience, you know the consequences of doing nothing. There was a lot of comment. I know specifically from the hearing that I attended in Maryland, where you know folks said oh just kind of leave things alone, just kind of let it be.

But there was no real discussion about what those consequences would be, as far as changes. You know the implications of no action; I'm looking at the screen now and seeing the slide. I want to put it on record that that may not have been discussed, at least it wasn't discussed at the hearing that I attended. It may not have been as pronounced as what it should have been, you know as far as getting feedback.

CHAIRMAN NOWALSKY: Emerson, you said you had a second question.

MR. HASBROUCK: Yes, I do, about the AP. Before I ask that in reference to what Mike was just saying. We're going to have to address 2021 anyhow, because this Amendment is not going to be ready for what we have to do for 2021, so we're going to have to have that discussion anyhow. My question on the AP

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meeting was, and I listened in on that webinar for the AP meeting.

Other than a general displeasure with MRIP, and I know Mr. Chairman you said you don't want to get into a discussion about MRIP, and I'm fine with that. But on that AP meeting, other than a general displeasure with MRIP, I didn't get a strong sense that anybody really wanted to do much of anything with reallocation. That is my question relative to AP.

CHAIRMAN NOWALSKY: I'll turn to staff for a characterization of what your thinking is what the takeaway by staff was about the desire of the public on action on this document.

MR. COLSON LEANING: I can agree with Emerson that there seemed to be, the majority of comments were discontent with how MRIP is managed, and the implications for management and how we set recreational measures and so on. It was challenging to pull out recommendations from the AP that differed from displeasure with MRIP. However, there were some comments here and there that were helpful and on par with developing analysis forward. I don't know if Kiley wants to expand upon that.

MS. DANCY: I don't if that's okay (fuzzy)

CHAIRMAN NOWALSKY: Okay. Again, the categories that we're trying to get to here for discussion did come from the scoping public hearing process. That is where these came from. They may not have been the majority of comments, but they came out of the process, and that is why we're trying to get to discuss them today. Again, we're trying to get to specifics on the categories here. Hopefully once we get discussion going on the first one, we can keep that going. I've got Justin Davis and then Tom Fote, and again if we can have discussion on the categories that would be helpful, and if staff could put the slide back up on what Number 2 was that would be helpful. Justin.

DR. JUSTIN DAVIS: I will start really quickly by just noting that I couldn't agree with Eric Reid more that we absolutely need to acknowledge the widespread, sort of lack of faith in the MRIP estimates, and that I think poses a real sort of crisis for this action generally. I think what the public is looking for from us as managers is to move beyond just sort of acknowledgement of that widespread misgiving.

Some positive action towards either validating MRIP estimates, providing some corroboration of those, or moving towards approaches for management that don't rely on the MRIP data. To bring it back to this slide 2.4. I'm intrigued by the possibility of coming up with an allocation scheme that is based on socioeconomic analyses, and that maybe moves us away from reliance on the MRIP data.

But a question to staff. You know it says here explore possible data sources. I'm just wondering, how feasible is this? I mean are there ideas about what data sources we would use? Are there models for approaches out there that have been used previously in other fisheries by other management bodies?

I think this is an intriguing idea, but given the big slate of stuff that is proposed right now, if this is something that is likely not going to bear fruit, I would maybe think about removing it. As much as I would like to see us explore something that doesn't rely on MRIP.

MS. DANCY: Yes, I can speak to that. I think this is something we're really going to have to further explore. I don't think we know right now, or the FMAT hasn't really gotten into in-depth discussions about what would be available, with the exception of that summer flounder model that we contracted, which the Council and Board saw the results of back in 2016.

But it was using the old MRIP data. We're updating that with the revised MRIP data. That is going to potentially be informative for summer flounder, but for scup and sea bass I'm not sure exactly what we're going to be able to accomplish with this evaluation in the timespan of this Amendment.

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But we certainly want to explore what data sources we have available, and what other regions have done. This could potentially be something that you know if we know that we could do something along these lines, but it's going to take a while. Potentially this could be used as more of a long-term approach, with something else in place prior to that and put that into a separate process.

CHAIRMAN NOWALSKY: Next up I've got Tom Fote and then John Clark.

MR. THOMAS P. FOTE: Just a simple question. Since I missed the February meeting. I'm trying to wrap my head around the fact that we were down by 24 percent in recreational participation last year, but we were over on black sea bass and scup, even with a 24 percent reduction in recreational participation? It makes me think about MRIP even more. Is that what I'm hearing?

CHAIRMAN NOWALSKY: I think the slide with the implications of no action were accurate with regards to reflecting what MRIP offered for 2019 harvest, relative to 2020 RHLs, Tom.

MR. FOTE: Okay that is all I wanted to know.

CHAIRMAN NOWALSKY: Whether we agree or disagree with them is a totally different issue, but that reflects what was generated by MRIP.

MR. FOTE: I just couldn't imagine those figures with what I knew about the 2019 season, but now I understand it's on MRIP. Thank you.

CHAIRMAN NOWALSKY: All right, John Clark.

MR. JOHN CLARK: I agree with the recommendation from the FMAT to remove 2.5. But my question had to do with the other options. Some of them as the report pointed out, will result in pretty large changes in allocations. The FMAT document mentioned that National Standard 4 case with the red snapper fishery in the Gulf.

The little bit of reading I did on that made it seem like it was a very extreme example for reallocation. But I was just wondering if there is any guidance that had come out of that that would lead us to know whether some of these reallocations would be something that could be challenged in court, or it's fairness in the eye of the beholder, and any reallocation could be challenged?

CHAIRMAN NOWALSKY: I fully expect that if we leave something in, John, when we next see this in June that would be part of the consideration, and we may get a different recommendation in June than what we have before us right now. I'll turn to staff if they have a different opinion of what the next step would be, but that is what I believe how this would move forward.

MS. DANCY: Yes, I think we will, as we further develop some of these ideas we were definitely working with, with GARFO and Legal Counsel on issues like that and making sure this is consistent with National Standards. We ultimately have to demonstrate that anything the Council chooses is consistent with all of our national standards.

We will definitely work on exploring that. In looking at the implications of that case, I think there may have been some fishery specific issues associated with the red snapper fishery, and the history of recreational overages and things like that. We'll have to explore kind of the applicability of certain elements of that case to these fisheries.

CHAIRMAN NOWALSKY: All right, so where we're at is we've got one recommendation for keeping this in as offered, 2.1, 2.2, 2.3, 2.4. One concurrence with removal of 2.5, and a question mark about whether we should leave 2.4 in. Continued discussion and consent towards one of those positions is helpful. Eric Reid, you've got your hand back up again.

MR. REID: Regarding 2.4, the report we got back in 2016, of course it found that the allocation split that we were at the time was fine. I don't think that was exactly what they said, but that is what they said. But in that analysis, one of the things that's included on the recreational sector is willingness to pay. That was not included in the commercial sector.

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I just want to know if that updated analysis that we're going to get in June is going to revisit the willingness to pay of the commercial sector in the fishery. That will make some changes where the conversions point of the two sectors will change substantially, at least in my mind. But if it is not included then I think that the analysis that we're going to get is going to be flawed. That is one of the flaws. I want to know if they are going to include willingness to pay on the commercial sector in their re-write.

CHAIRMAN NOWALSKY: Well I think the answer to that Eric, is that given the advice we put forward today that is what they're looking for, recommendations of what we want them to look at. I believe it is your recommendation to have them look at it, it would be so noted, and if they could they would do so based on that recommendation. Would that be a fair read from staff?

MS. DANCY: We're talking specifically about the Council contract for summer flounder, I mean they are well underway in making those updates to it, and they are basically using the same methodology that they used in the 2016 report, just updated with additional data for both the recreational and commercial fishery.

But my understanding is that the willingness to pay element is included for the recreational fishery, because that is the data that we have for the recreational fishery, and there are other you know more concrete, economic metrics for the commercial fishery. If willingness to pay was not included for the commercial fishery in the first round, it would not be in this round.

CHAIRMAN NOWALSKY: Eric, do you have any follow up to that?

MR. REID: Well I think it absolutely should be included, but if they're going to use the same data that they used in the first one, I actually am looking forward to that because Rhode Island's share of black sea bass in that paper was 51 percent. I guess I could trade off

willingness to pay for the commercial sector for that 51 percent Rhode Island has for black sea bass.

CHAIRMAN NOWALSKY: Next up I've got the Regional Administrator, Mike Pentony.

REGIONAL ADMINISTRATOR MICHAEL PENTONY: I just wanted to weigh in briefly on the issue of Option 2.5. I understand the FMATs recommendation to remove this at this time. I think I understand why. I think I support the idea that it could be very difficult to be setting ABCs and making allocation decisions based on numbers rather than pounds. But I'm going to recommend that we keep it in, just so that we have the opportunity to talk about an idea that I've been thinking about, where we manage the recreational fishery via numbers of fish rather than pounds. In other words, once we've made the allocation between the commercial and the recreational fishery, however we end up doing that. We would manage the recreational ACL, ACT, RHL, in terms of numbers of fish.

Particularly for determining whether AMs are triggered, you know that may not inherently depend on 2.5, but I think the opportunity to have that discussion about how that might work, how that might stem off of how we do the allocation approach, would benefit from leaving this option in, at least for now.

CHAIRMAN NOWALSKY: There is a nod towards leaving that option in. Joe Cimino.

MR. JOE CIMINO: Thanks Mr. Chair, and I want to thank staff as well. I sat through the AP and the FMAT calls, and I did not envy anyone putting this together, and Kiley did a great job presenting. Then I just wanted to raise my hand quickly to just support what Mike just said.

CHAIRMAN NOWALSKY: All right again, appreciate the comments with guidance towards keeping things in or taking them out. Tom Fote, got your hand up gain, hopefully to the point of what to keep in versus take out, and Mike you've still got your hand up also. Let's go with Tom Fote here next if he's got something additional.

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MR. FOTE: Yes, I agree with Mike. The reason I'm agreeing with Mike on this is the fact that because we're raising the size limit. What it means to the recreational community is success on a trip. When they go out and catch 30 fish and basically have to throw them all back, because they haven't caught a keeper. They come home really upset.

When we basically look at the catch figures and we look at the pounds of fish, and I've done this a couple of times, analyze when we were back in the '80s and '90s even, we were looking at 1.3 pounds, 1.2 pounds for an average size summer flounder going home when we got 14 inches. When we started going big, fattest, we started getting less and less fish and bigger fish.

Really, we're having less success among the anglers, a few people are going home with big fish. That means a lot of people are disappointed, and that is the frustration you hear when you go out to public hearings is that they're not taking home fish to eat. Unlike striped bass, which is a catch and release fishery, the way the fish is promulgated.

Summer flounder was never a catch and release fishery, it's catch and eat, and that is the frustration here. Anything we can do to get to the point where we can at least give a better success rate than we have per trip, then less than like, I think it's down to 0.8 fish per trip. That would be helpful in alleviating some of the concerns of the recreational sector.

MS. DANCY: Kind of a response to these questions, whenever it is appropriate, Adam.

CHAIRMAN NOWALSKY: No, go ahead, Kiley.

MS. DANCY: I understand that idea of keeping that to explore managing the recreational fishery in numbers of fish, and to a certain extent we already do develop recreational measures in numbers of fish on the Commission's technical side, when we come up with state measures.

But, I guess I'm just not clear on what to take back to the FMAT, in terms of how exactly that is connected to the allocation in numbers of pounds. I don't really see the need to necessarily keep this in this action that is specific to commercial/recreational allocation, in order to apply management in numbers of fish to the recreational fishery, if that makes sense.

CHAIRMAN NOWALSKY: Well I'm going to look what would usually be to my right and say, Mike Pentony, if you could go ahead and chime in on that that would be great. Go ahead, Mike.

REGIONAL ADMINISTRATOR PENTONY: Yes, I understand Kiley's point that there are obviously ways to look at this. I guess I was thinking a little bit more broadly that if 2.5 stays in there then it kind of provides a vector, or a basis for the FMAT and the AP to have a conversation about the allocation to the recreational sector being in numbers of fish, rather than in pounds.

Now, I recognize that that creates, it looks like a chicken and the egg problem, in terms of how you get that allocation in numbers if you're starting with pounds, and allocating the commercial fishery pounds. But that nuance. That trick of trying to get there is why I think leaving this in for now provides an avenue for us to have that conversation, and to kind of delve into that issue, and try to come up with some solutions, to see if those would be workable.

CHAIRMAN NOWALSKY: Kiley, is that helpful?

MS. DANCY: Yes, I think so. I don't necessarily know if that needs to go through an amendment, because I think we could take it just saying either recreational ACLs or RHLs and convert them to numbers. But you know perhaps it does, perhaps it needs a little bit of further discussion by the FMAT. Yes, I guess that helps things.

CHAIRMAN NOWALSKY: What I see would occur over the next six weeks prior to the June meeting is, and we're going to come up to a number of other ideas that the FMAT has already identified as, may not be appropriate in this Amendment. What I would hope could happen, if we choose as a body to leave those

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in, is that there could be some more refined suggestion from the FMAT leading to June what the alternative venue for that item would be.

This may fall into that category whereby, you do a little bit more work with it, you tell us, we did some more work, here is what we recommend is the appropriate venue if you choose not to pursue it in the Allocation Amendment. That's what I perceive is the benefit as deciding to leave things in over the next six weeks.

Where I am at, is there anyone from the Board or Council at this point that wants to speak in opposition to leaving all five of these items in? I haven't heard much debate regarding 2.1, 2.2, and 2.3, anyone having a difference of opinion about leaving those in. With regards to 2.4, I haven't heard anybody speak against it. There have been some questions in it, and we've had three speakers in a row that spoke in favor of leaving 2.5 in. Is there anyone right now that wants to speak against any one of these remaining in until we hear back in June? All right, I'm not seeing any hands raised. The consensus from the Board and the Council is to leave these five items in, again, for the FMAT to continue to look at with coming back to us with some more development in June, or some alternative venue that they would propose for it.

All right let's go on to the next slide, Category 3. Allocations to maintain status quo harvest by sector. No sub approaches identified at this point. The FMAT recommendation is to keep for further development. Recommendation from the Board and Council about any opposition to keeping this in for further development. Seeing no opposition or additional discussion, we'll leave this in for further development.

Next item, Category 4, Recreational Sector Separation. We heard comments that broke this down into two separate approaches, one that would provide allocations for-hire versus private. Second, which would break it down

just with separate management measures. I think this group had, well we had substantial discussion about this topic this morning and into the afternoon on bluefish.

I expect a lot of the discussion would be similar. The FMAT recommendation is to keep both in for right now. Let me hear from anyone who wants to speak on these topics, and or oppose the recommendation of the FMAT or looking at these for further development. Tom Fote and then Tony DiLernia.

MR. FOTE: I have no problem. Even though I don't support sector separation, I never have. I thought we always should stay in the same. Recreational is recreational. I have no problem keeping this out to go out and get what the public wants to do on this. I think it needs further research, and I think it's good to bring this out to the public, regardless of my feelings on it.

CHAIRMAN NOWALSKY: Tony DiLernia.

MR. ANTHONY DILERNIA: Yes, I would leave it in, for many of the reasons that I stated this morning. Also, let's remind ourselves. If you hang onto a serious sector separation program, you're going to have a limited access program for the for-hire fleet. You're going to have to increase the number of permits. Is the public or the for-hire community prepared for that? Let's leave it in. Let's have the discussion, and let's see where it goes.

CHAIRMAN NOWALSKY: Chris Batsavage.

MR. CHRIS BATSAVAGE: I might have missed it in the presentation, but think back to when we discussed this for bluefish. Separate management measures for for-hire versus private sector, I think could be done through specifications. Does that need to be part of the Amendment in order for that to occur for summer flounder, scup, and black sea bass?

CHAIRMAN NOWALSKY: I'll turn to staff for any specific directives they would need from the Board and Council for further development, based on what we've done in the past or believe we can do presently.

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MS. DANCY: I don't know that the federal FMP necessarily directly speaks to this. We have done separate management measures by mode for some of the state measures for scup, and I believe black sea bass. We can do some of this through specifications.

I did mention in that presentation that the FMAT recommends that if this is going to be used on a broader scale consistently that we have some kind of transparent policy, for figuring out how to modify the sector-specific management measures from year to year, and how to keep each sector sort of accountable for their own kind of target, or something like that.

While the FMAT did recommend kind of developing a more comprehensive policy for this, it doesn't necessarily need to be in an amendment, it could be done either through a framework or addendum, or possibly specifications, depending on what degree of changes were made.

MR. COLSON LEANING: If I could just tack on. It seems like this has been a broader conversation across management boards, both coming up in tautog, potential implications for striped bass and bluefish as well. Perhaps it would be pertinent to look at it at a bigger scale rather than this particular amendment issue.

CHAIRMAN NOWALSKY: Yes, and it is an issue at the Commission level, where they've taken it up and now have a working group that would look at this on a broader scale. Joe Cimino.

MR. CIMINO: But isn't this I guess a question of you know whether or not they have separate targets, so an RHL and something else as a possibility, and that is different than some of the other options we're talking about?

MS. DANCY: I think as defined right now, really just specific to it is just regarding separate management measures. I think the way that you do that could be done it a couple different ways. I think you could have sub-targets of the

RHL or something like that. That again would probably be something that we would want to clearly define in some kind of policy.

I think that would be probably appropriate for a framework addendum. You would have to have further discussions on exactly what that would mean. But I don't think it necessarily, unless we're implementing separate allocations with separate ACLs or sub-ACLs. I don't think it necessarily requires an amendment.

MS. KERNS: Kiley, this is Toni.

CHAIRMAN NOWALSKY: Go ahead, Toni.

MS. KERNS: I was under the impression from one of the comments that someone is looking for a separate allocation, as in a quota. I don't know if it has to be an ACL or not.

MS. DANCY: Yes, and that was kind of the idea behind this approach 4.1, Separate Allocations, meaning there is a specified percent or something in the FMP that says the for-hire sector gets this, and the private recreational sector gets this. That I believe would need an amendment. We do recommend keeping that for further development. But if it is just the idea of developing separate management measures, we are sort of already doing that to a degree, and probably wouldn't rise to the level of an amendment.

CHAIRMAN NOWALSKY: Was my characterization earlier Kiley that choosing to leave something in today could ultimately, between now and June, the FMAT would just clearly define what the alternative management document then you would be. If they don't feel it is appropriate in this Amendment, write separate measures. Is that fair?

MS. DANCY: Yes, I think that is fair. For things that are left in we can further elaborate on them and talk about how to approach each of them, including through separate action.

CHAIRMAN NOWALSKY: Okay, great. Again, by leaving it in you might have a different answer come June, whether it's in here. But choosing to leave it in today gives the FMAT the opportunity to help define

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that. It looks like we went backwards on one of the slides here. Joe and Toni, I've still got your hands up.

I'm not sure if you still wanted to speak. If you did, leave it up. Okay, Joe and Toni are both back down. I'll go once more to Tom Fote, since I don't see any other hands up, and then at that point if anybody wants to speak in opposition to leaving these in, please do so. Otherwise, we'll move on to the next items. Tom Fote.

MR. FOTE: Yes, most of the sector separations were done by states. They allocated in state waters, or they basically put the rules and regulations in. When you did this on bluefish coastwide, you forced New Jersey to do something it had not wanted to do before, and put us without any regard, where it didn't go through our New Jersey Marine Fisheries Council, or any of that process. This is why I think we need to basically really hash this out, because you force something that maybe New Jersey did not want.

But New Jersey had to implement, because this was coastwide on bluefish that had never been done before. When we had it on black sea bass and scup, it was basically done by some of the New England states, because that is the way they wanted it, and some of the southern states, because they have sector separations in their states, other states do not. If you're going to oppose it on the coastwide, then we really need to go through and figure out how we are going to do it to be transparent, and fair and equitable.

CHAIRMAN NOWALSKY: All right I'm not seeing any hands in opposition to leaving these in. That brings us down to the next one, this harvest control rule-based approach. During public comment there was a lot of discussion about a hope to see something different. This was one approach that was put forward by some groups that proposed something different.

I'll just take a little bit of liberty as Chair, and offering in full disclosure that this has been something that I've been working with the group that submitted this proposal on. I think it's fair to characterize as the words up here clearly say, needs additional evaluation to determine whether it addresses purpose. I think that conversation was very well brought out at the FMAT level. Ultimately the FMAT decided it was worthy of keeping in development at this time, with the idea they could look at it a little bit more in the coming weeks. If they ultimately decided it wasn't appropriate could provide a different venue. The recommendation from the FMAT is to leave it in right now. Is there anyone that wants to speak in opposition to that recommendation or offer further discussion on this item? I've got Justin Davis, all right, Justin.

DR. DAVIS: I'll just mention really quick, going back to the comment I made earlier in the meeting about the widespread concerns we heard about MRIP. I think that this approach, while I sort of agree it might be a little bit of a stretch to say that it directly addresses what we envisioned as the original purpose of the amendment.

I think this does speak to the concerns we've heard from the public about the instability in the MRIP estimates, and that this approach would move us away from managing strictly using MRIP, and would hopefully provide a little bit more stability for regulations year to year. I think it's an intriguing idea, and I would like to see it explored further, so I'm just speaking in support of leaving it in.

CHAIRMAN NOWALSKY: It is so much easier to remember putting your hand down in public, when you're sitting around the table with it up in the air. You click the mouse and you forget about it here. All right, does anyone else want to speak on this item? Mike Luisi.

MR. LUISI: I've been having audio issues. I just want to go on record to say that I fully support the continued efforts in developing this idea. It's the out of the box thinking that I think we all need to spend some time, you know understanding. It doesn't sound like there is any opposition, but if there is any I would

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suggest holding off at this point, letting this develop further so we can learn from what the FMAT has to say about this idea.

CHAIRMAN NOWALSKY: Hopefully audio troubles are the least of all our troubles today. Joe Cimino.

MR. CIMINO: I'm sorry to jump in again. But just to the concept of whether or not this could work within the restrictions of Magnuson right now. I fully support this. I'm glad it's staying in, and hopefully down the line someday we can figure out a way that works. But I would like some exploration, maybe the FMAT can't do it. But at some level between the Council and NMFS staff, to try and explore how this could even be implemented within our current restrictions of limits.

CHAIRMAN NOWALSKY: Not seeing any other hands up, let's go on to the next item, Recreational Accountability Alternatives. This has a little bit of information about it under the approach column. I believe that would be because staff believes this may have multiple approaches, but just not sure what they all might look like right now. Let me just go back to staff, if they could clarify a little bit more what the FMAT recommendation is, because it is not entirely clear to me on this slide what the recommendation is before us.

MS. DANCY: Sure. I think the FMAT was a little confused on the recommendation for this, because there weren't a lot of specifics suggested in scoping about how to improve recreational accountability, you know as related to the allocation alternatives, with the exception of the idea of more frequent overage paybacks or in-season closure. The FMAT wasn't sure that that would be something that Council and Board would really want to pursue, as it gets away from a lot of the policies that the Council and Board have considered over the last few years. I guess the FMAT recommendation is if we are going to sort of pursue this in a way that is not an upheaval of our current

accountability measures, we need a little bit more guidance on how to incorporate accountability into these alternatives.

CHAIRMAN NOWALSKY: Okay great. That helps clear it up. Where we are with this is that if we want to include this here, then we need to provide some specifics to the FMAT on how to move forward. Tom Fote, I saw your hand up first.

MR. FOTE: I have a real problem with this. Unlike the commercial quotas, we basically know how many fish you can land, where you basically catch those fish landed. We basically shut the fishery down, and that is the end of the season. What the recreational community relies on NMFS and the Councils and the Commission to put rules in place that keeps us within our quota.

This is not because we're poaching, this is not because we're doing anything illegal. We're basically following the rules that was pointed out by the Commission and the Council and the National Marine Fisheries Service to stay within our quota. Now because you make a bad estimate of what the numbers are, or that you go and reevaluate the MRIP figures, and make all these miles that we basically caught more than we were supposed to catch.

Not through any fault of the recreational community, not because any of the anglers did this purposefully, or the party and charterboat, you are now going to penalize us for following the rules and regulations that you've put in place. Now I don't know how we explain that to the public.

You can't explain it to me, because if we do our job right and set the proper bag limit, size limit, the season to keep you within your quota, and then we're doing it wrong, because we're underestimating what is out there, or underestimating what the public is doing. Then it is our fault not the public's fault, and how do we make them penalized because we make bad decisions based on the best available data that we have?

CHAIRMAN NOWALSKY: What we need for this is if we're going to leave this in, we need to offer specific

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direction. Dustin, Kiley, if you don't get specific direction on what to look at here, would that essentially be removal of this item, or would the FMAT do anything else still on it if you didn't get specific direction today?

MS. DANCY: I guess one of the things we could do is develop options for more frequent overage paybacks, or in-season closure. I mean again, this would be kind of going back to the discussions that the Council and Board have had in recent years, and particularly that Council's 2015 Amendment on Recreational Accountability Measures.

Essentially, we would be drafting alternatives that might be a reversal of some of those policies. That is really the only thing I think I can think of at this point that we would go forward with, if we don't get any additional ideas. I'm not sure if Dustin or any other staff have any other thoughts on that.

MR. COLSON LEANING: I think that is spot on, Kiley, seeing as we received not too much input on how a new recreational accountability alternative should look like. All we could look at what we have in existence, which is frequent overage paybacks or in-season closures, which would be a reversal of the 2015 Amendment.

MS. DANCY: Just another follow-up on that. The reason why those changes were made was related to data concerns with MRIP, and the timeliness of MRIP data and the uncertainty around MRIP data, and those changes were made to address those concerns. None of those circumstances around those data issues have really changed.

CHAIRMAN NOWALSKY: Okay so we've got three paths forward, one is explicit direction to remove this item. Path two is silence, which would endorse the FMAT continuing to look at this item with frequent overage paybacks or in-season closure as two approaches for development, or three, for Board and Council to

provide other ways to look at this. I've got three hands up so far. We've got Nichola Meserve followed by Eric Reid, and then Emerson Hasbrouck. We'll go to Nichola first.

MS. NICHOLA MESERVE: I was raising my hand to try to help move it along, and recommend removal of this issue from the Amendment. I don't think we want to go back to in-season closures, which had widely disparate effects on the states along the coast. I believe we have the accountability measures that we need.

It's at the Board and Council's discretion at times as to how we apply them. Perhaps at times we could do that better. Maybe this is a reminder of that, the amount of public comment that we received on this issue. I would rather the FMAT focus its time on further developing something like a harvest control rule, as opposed to this.

CHAIRMAN NOWALSKY: Eric Reid.

MR. REID: Yes, I want to leave it in. I'm fumbling with some advice. Back to Tom Fote's question. The commercial sector. That is a limited number of participants. The recreational sector, through no fault of their own, is an open-access fishery. It can go up in number of participants, can increase or decrease in any given year. How do you analyze the number of participants in any given year in the recreational fishery?

Do you look at saltwater fishing licenses? I know in Rhode Island the first-year saltwater fishing licenses we had 20,000 licenses. The second year we were well into the 30,000 range. You know you've got a lag in data, but you have some idea of what effort is going to be, in which case you have to set your catch advice based on your anticipated number of entrants in that fishery. It makes it really complicated, and it probably doesn't make it any more screwed up than MRIP, but it is a way forward. I have no desire to see this come out of this document.

CHAIRMAN NOWALSKY: We've got one out, one in so far. Emerson Hasbrouck.

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MR. HASBROUCK: I think we need to keep this in. We don't know what options we're going to end up with in the end of this process. We may have to have some accountability alternatives in there, depending on the different options that we end up with in the other categories. I think we need to keep it in.

In terms of recommendations, I'm not sure if I have any recommendations right now, other than perhaps, how can we have accountability measures within some of the constraints that we already have? How do we do that other than in-season closures, or how do we build accountability measures going forward?

I don't know the answer to either of those. Also, I mean an option here could be yes, we're going to have accountability measures that kick in the following year, but if we don't exceed the ABC or the ACL then we don't need to worry about it. I think there are things that the FMAT can flesh out here for us.

CHAIRMAN NOWALSKY: To that point, Emerson. We are not without accountability measures for the recreational side. As mandated by Magnuson, there are accountability measures. They are now tied to stock status. They've been refined in the last decade to remove some of the items that were deemed no to have been working as well.

It's not that we are without accountability measures right now. This is an option that would potentially look at putting additional ones back in, and one or more of the items up here on the screen would actually be a reversal of what we've done before. But to be clear, we're not without accountability measures. We've got a number of additional hands here. I've got Dewey Hemilright, Kate Wilke, Joe Cimino, next. Dewey, you're up next.

MR. DEWEY HEMILRIGHT: On this particular issue, I would be in favor of leaving it in there. In the constituents that I heard from, if it was status quo for the allocation that we presently

have, we have enough accountability measures maybe in place, but if it was to change for the future, and the allocations were to be given more fish to the recreational industry, there might be something in the future of a way of more accountability than what we already have. I don't know what the makeup of that would be, but that was something I would be in favor of leaving it in there.

CHAIRMAN NOWALSKY: Kate Wilke.

MS. KATE WILKE: I agree with what Emerson and Dewey were just saying. I think that we need to keep this piece in right now, and depending on what comes out of further analysis of the different options, you know we might need to talk more about accountability, and how do we build better accountability measures going forward.

Measures that might make more sense, I think it was Tom Fote who was talking about how you know recreational fishermen stick to harvest limits and bag limits that the Council sets forth, and then still are dinged for going over limits. I appreciate that and understand it, and hope that maybe we can find something better going forward.

CHAIRMAN NOWALSKY: Joe Cimino.

MR. CIMINO: In general, I supported Nichola's comments. I would really like for the FMAT to be working on other things. But knowing that there is an option in here that 78 percent of the black sea bass would be allocated to the recreational fishery. I don't think we could not have some explanation of accountability alternatives, and think that we can still manage an ABC, so I say leave it in.

CHAIRMAN NOWALSKY: I've still got two hands up, Tom Fote and Emerson. I'm not sure if they were left up or if they want to speak. Do you have something additional to talk about on this topic that hasn't already been discussed? I'll ask Tom Fote first. I see Emerson put his hand down. Do you have anything new to add on this, Tom?

MR. FOTE: Well the first question I asked you today, because I hadn't been at the February meeting that

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even with recreational trips down 24 percent last year, we were such high numbers on black sea bass and scup above, and you said well that is what the numbers showed. Now if you asked me in 2018 when we set the regulations on 2019, I would have said well, if I knew they were down by 24 percent there is no way in hell we were going over.

The same way I said in 2012, because of Sandy that we weren't going to go over 2,013 on summer flounder. For some reason that is beyond my comprehension, we actually caught more fish in April and May in 2012 than we did the year before, with half the marinas closed, with no boats fishing anything else, and the answer I got from the MRIP people at that time. They go, well you must have better fishermen out there, which was no answer at all, they just laughed.

That is when I basically worry about when you talk about accountability. We should be accountable for what we do, but we should have some control about what we do also. Since we have no control, we have to listen to the states, to the Councils, to the Commission, to NMFS on how we basically fish. What are we supposed to do? That is my problem with this. We should be accountable, but we don't basically have any control over what we do, because you set the size limit, bag limit, season, and we just have to follow your direction.

CHAIRMAN NOWALSKY: All right, so we've heard a number of comments. I would characterize the discussion so far as we've heard more comments in favor of leaving them in, in terms of people that have spoken. I think I've heard from people that have suggested we should take this out. One of their reasons for wanting to take it out is for focus on other items.

If the directive was to leave this in, but give the FMAT some discretion on where to prioritize this item, based on what they've heard so far today. What would the comfort level of the

Board and Council be with that? If we left today, we're going to leave this here, but we're going to give the FMAT some leeway with how to prioritize it as they move forward. I'm not seeing an objection to that. Do you want to speak, Nichola or not?

MS. MESERVE: Sure Adam, thanks. I was just going to say as someone that recommended removing it. I don't oppose to this new approach that you suggested. Thank you.

CHAIRMAN NOWALSKY: Emerson, do you want to talk to that specific point?

MR. HASBROUCK: Yes, thank you Mr. Chairman. I'm not clear in terms of what your suggestion really means. Does that mean as the FMAT gets into the workload here they kind of leave this toward the end, and then if they still have time to look at it, if they run out of time, they won't look at it? I'm not comfortable with that. I want to keep this in as an action item for them to work on.

MS. DANCY: This is Kiley, I have a suggestion on the approach.

CHAIRMAN NOWALSKY: Go ahead, Kiley.

MS. DANCY: I think that I mentioned it would be helpful for the FMAT to have more guidance on what this means, but kind of lacking that at this meeting. But hearing that folks want it to be further explored. I think we can go into our next FMAT meeting and have the FMAT describe our existing accountability measures, and revisit some of the decisions that have been made recently on those, and describe why they were made and maybe brainstorm a little bit of ways that we could incorporate accountability into this action, without necessarily.

We may not be able to develop concrete draft alternatives, but we can provide a little bit more guidance to the Council and Board on what we're looking at here, what the problem is, what decisions have been made recently in the past, and what kind of specific guidance we would need to move forward with alternatives, so we can kind of prepare that for the June meeting, if that makes sense.

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CHAIRMAN NOWALSKY: Emerson, would that address your concern?

MR. HASBROUCK: Sorry Mr. Chairman, I'm doing two things at once here. I couldn't get my microphone turned back on. I think that is a good way to move forward, and we'll see where this leads.

CHAIRMAN NOWALSKY: All right, so the direction to the FMAT would be to just go ahead and clearly say what exists right now, what has been done in the past, and brainstorm if there is any bridge between those two, and they bring that information back to us. All right, any additional discussion, and thank you very much for having good discussion on that and bringing that forward.

All right let's jump on to the next slide here. Again, just let me reset. We're trying to wrap this up here in the next ten minutes. With what's up on the screen here we've got everything is labeled as for further development, with one recommendation to remove from consideration. Again, that is the guidance you want to provide here.

The first topic, recreational catch accounting alternative, keep for further development is the FMAT recommendation. Major modifications to current catch accounting systems may be likely beyond the intended scope of this action. Does anyone want to speak on this item? Is there anyone that wants to speak in opposition to keeping this in the document? Eric, your hand is up in opposition to keeping this in the document?

MR. REID: Yes, I think I'm a little bit out of turn, Adam. I was going to address 9.3.

CHAIRMAN NOWALSKY: Okay, we'll come back to you. Does staff have any specific questions they want Council or Board to respond to on this, or given that there is no objection to

keeping it in, does staff feel there is enough meat here for the FMAT presently?

MR. COLSON LEANING: I think Adam, some direction on what approach should be taken would be helpful, at least in terms of prioritizing what different considerations there are. There are a number of approaches there in that second column, so identifying which ones should be considered for further FMAT analysis could be helpful.

CHAIRMAN NOWALSKY: Okay, so let's try to get some direction on one of the approaches in Column 2 are people most interested in prioritizing? Chris Batsavage.

MR. BATSAVAGE: Maybe not so much prioritizing, instead of maybe narrowing down. But looking at Category 7, Tournament Reporting. I guess I would like to hear from Kiley and Dustin on what kind of bang for our buck are we going to get from Tournament Reporting in the grand scheme of things? Are you thinking about all the fish harvested recreationally? What kind of information will that gain, compared to the other approaches that you have listed under Number 7?

MS. DANCY: The Tournament Reporting is a concern we heard in the scoping process from a couple folks regarding concern that there are tournaments, I think in particular for summer flounder that are catching a lot of fish that is going unaccounted for somehow. I think there was a request to further explore that and provide alternatives to require mandatory reporting for all tournament catch.

CHAIRMAN NOWALSKY: Chris, based on that answer does that help you help us with a direction, whether that is something you're definitely interested in?

MR. BATSAVAGE: I guess I wouldn't mind maybe hearing more from the FMAT on that. That is just my opinion. It's probably a little low priority, yes just kind of knowing how many black sea bass, scup, and summer flounder are harvested in coastwide recreationally, you know compared to the tournaments. I would like to hear more about what

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we'll gain from that in terms of better managing the recreational fishery. Yes, I'll just leave it at that.

CHAIRMAN NOWALSKY: Tom Fote.

MR. FOTE: To that point. Years ago, Bill Hogarth was at Jersey Coast when he was the head of NMFS, and we started talking about that we were going to survey everybody in our boat nets in our tournament, and that was when we had 1,000 boats. Basically, we did. We surveyed what the bycatch was, how many fish they landed, how many they released, what was the size of the fish, where they caught dogfish, where they caught everything else. We put all that data together, and Dr. Eleanor Bochenek basically helped us, and the first year we spent \$40,000 putting that information together. NMFS actually helped pay for half of it, we gave them the data. Basically, we continued to do that for four years, since Eleanor volunteered here time to do that. But nobody ever used the data.

I mean we put all that information together, and it sat on people's desk. We supplied them with the disc, we kept on doing it on our own for years. The problem here is when we do things like that you need to use the data if we're going to put it together, but it was a lot of time and effort by the community to do that.

Now where the fluke totals are all disaster. We went from 1,000 boats, and last year we had 160 boats in the tournament. Most of what I could tell you is most of the boats had probably 30-1 ratio about catch and release. There is information there if you want to use it, and I think most tournaments would basically give you the information freely. But if we do that and go through all the trouble of making that available, we really want it used.

Bill Hogarth is the reason for doing that. He wanted to see it in all species, whether tournaments make a difference in how people fish during that period of time. Do they fish differently than they would on a normal day?

That was the pretense back then to doing it all. I just figured I would offer you, because we did it. We did it for about ten years and then we stopped doing it, because nobody used the information.

CHAIRMAN NOWALSKY: Dustin, Kiley, I don't have any other hands up, so where are you with this issue without any further guidance from the Board and Council?

MS. CAITLIN STARKS: Adam, this is Caitlin. Staff has been chatting off of the webinar, but I can chime in a little bit in answering Chris Batsavage's question about trying to think about these issues. I just want to note first that at the FMAT meeting when this was discussed, these came up in the scoping comments from the public, so these were not put forward by the FMAT.

The FMAT did definitely bring up concerns that these are not directly related to allocation, but they could go along with some allocation changes, if that is the desire of the Board and Council. But like it was noted in the presentation, they could definitely be addressed through other actions, and if the draft did this action, they might extend our timeline.

What we are looking for is Board and Council feedback on are any of these issues under recreational catch accounting, you know something that you very much want us to focus on for this amendment, or are there things here that we could remove and think about looking at through other processes or actions?

CHAIRMAN NOWALSKY: In the absence of further Board and Council direction, Caitlin, I think what I would offer the FMAT is to bring back to us in June which of these would in fact impact the timeline. You know, just bring back to us, here are the approaches. We weren't given much more direction. We think we could bring us your recommendation on this range of approaches, and a definitive word on what it would do to the timeline. In the absence of additional guidance from the Board and Council, I think is that a reasonable request from the FMAT without additional guidance?

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MS. STARKS: Yes, I think that is reasonable, and Kiley or Dustin feel free to add. We can definitely think a little bit more about the timeline, and how all of these things added together will impact that.

MS. DANCY: Yes, I agree we can provide a little bit of additional information about what exploring each of these would mean, in the context of this Amendment.

CHAIRMAN NOWALSKY: During the conversation earlier today on bluefish, it was offered that if people from the Board and Council have specific ideas about these moving forward, this conversation doesn't have to end when we disconnect here. The scope of what the approach is are laid out, they've been presented to the Board and the Council in a transparent manner to the public. If you have feedback on these approaches, please go ahead and pass those along.

The next item we've got Dynamic Allocation Approach, and Options for Future Revisions. These are three different approaches offered here. The recommendation from the FMAT is to keep all three approaches in here, and open the floor for discussion specific to if there is a request to remove any of these, as well as input from staff about is there specific questions you need us to answer today.

MS. DANCY: Regarding the Dynamic Allocation Approaches, I think you know we would, I'm not sure that we need any specific guidance, other than confirming that we should be using the FMAT recommendation for withdrawal. (fuzzed out)

CHAIRMAN NOWALSKY: Okay, I'm not seeing any objection. Last call from the Council and Board for removing any of these from further development. Okay that brings us down to Item 9, Allocation Transfers and Set-Asides. One is left with a recommendation, keep for further development, one is recommended for removal.

The third one is to keep for further development with some concerns about how it might affect sectors differently. Input from Board and Council on these FMAT regulations. Eric, I had you up. You had raised your hand before about it, so I'll go to you first, and then I've got Joe Cimino next.

MR. REID: Thank you Mr. Chairman for remembering me. As far as 9.2, I agree that that should come out, 9.3 I do not think that should be left in for further development. I don't see the benefit of that. I think there is no equity there at all. I would just as soon put all the fish out on the table right at the beginning.

I would say remove 9.3, and as far as 9.1 goes, I'm really not sure what that looks like. Maybe that would be a reason enough for me to keep it for further development, but I'm very leery of 9.1, so I'll leave it up to my fellow Council and Commissioners to chime in on that. But I think 9.3 should come out.

CHAIRMAN NOWALSKY: Joe Cimino.

MR. CIMINO: You're doing a great job here today. I support keeping 9.1 in. I think the possibility of annual allowance of transfers may be a very useful tool. For 9.2 I would definitely support FMAT recommendation of getting that out of there, 9.3 I have some concerns about, but if it goes back to some possibility of the recreational accountability, I agree again with the FMAT. Keep it in for further development. I have the same concerns they have.

CHAIRMAN NOWALSKY: We've got, keep 9.1 in, remove 9.2 and 9.3 so far. Tom Fote.

MR. FOTE: Yes, I would keep 9.1 in. I would take out 9.2 and I would take out 9.3.

CHAIRMAN NOWALSKY: Okay, another vote for 9.1 in, remove 9.2, 9.3. Nichola Meserve.

MS. MESERVE: My question is to staff about 9.3, and how that differs from management uncertainty that is included in the specification setting process.

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MS. DANCY: My understanding is that so management uncertainty is done on a sector-specific basis that comes off the sector-specific annual catch limit, to set an annual catch target for each sector. My understanding of the way that set-asides were proposed is that it's taken off of the total catch limits and set aside to be used by one or both sectors later in the year, depending on which sector needs it, given certain circumstances. I believe that is the way it was kind of described, and this is again an idea where we don't have a ton of guidance on what exactly it means, but that is my understanding.

MS. MESERVE: With that I follow up, Mr. Chair. Based on that description, you could include me in the vote to remove it from the document, thank you.

CHAIRMAN NOWALSKY: All right, does anyone want to speak in favor of keeping 9.2 or 9.3 in the document? Okay seeing no new hands, except Nichola's hand go up, the recommendation will be then to keep 9.1 in, and remove 9.2 and 9.3. With that have we gone through all of the categories for recommendations about what to keep in for further development? That would be the question to staff.

MS. DANCY: Yes.

CHAIRMAN NOWALSKY: Let me do this. Let me go out to the public at this point. Does anyone from the public want to specifically speak towards Board and Council's recommendations to keeping something in or come out of the document, please raise your hands, give you the opportunity to speak in favor of keeping something in or taking it out.

Specifically, I would request if you have a comment that opposes one of the recommended actions that we've had here today. I'm not seeing anyone from the public that wants to speak on that. With that I believe we've completed this agenda item, and staff

would then take this information back to the FMAT, and then we would move forward at the joint meeting. Again, if there is anyone who has input on some of the approaches here that they would like to pass along, I think now that we have discussed this here jointly. If there are things they want to pass along directly regarding the approaches, as we did with the bluefish this morning, it would be appropriate to reach out to staff for that. Staff, I'll just ask, anything else to come before us on this topic, or have we addressed this agenda item? Okay.

PUBLIC COMMENT

CHAIRMAN NOWALSKY: All right, the next item on our agenda is any other business to come before the Board today. I think we're still connected. It looks like the presentation just got closed. Do we still have connection, everybody?

MS. DANCY: Yes, I just stopped it here on my screen.

CHAIRMAN NOWALSKY: Okay great. I've got one hand up here that I didn't see, Ray Bogan. Is your comment, Ray going back to what we did.

MR. RAY BOGAN: I just unmuted myself.

CHAIRMAN NOWALSKY: Yes, is your comment going back to the Allocation Amendment, or is your comment on Other Business?

MR. BOGAN: Yes, I think it is. Let me express the issue and then you can tell me whether I'm within the confines. The issue that I wanted to raise was the Accountability Measure in particular. I just wanted to go on record, I'm sorry.

CHAIRMAN NOWALSKY: Go ahead, Ray.

MR. BOGAN: Okay thank you. I wanted to go on record as supporting what Tom was saying earlier, and that is that all of you are aware of the severe challenges that have been presented by the data collection system that have been utilized for many years. I won't reiterate those, the turmoil they've caused and the severe damage to people's livelihoods.

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.

But what I will also mention is that that is the challenge with any accountability measure, to the extent that is in any way tied in to the uncertainty of MRIP. What many of us recognize, and are certain of unfortunately, and we've unfortunately been proven true on this many times, is that the data from MRIP will eventually be corrected, edited, scrubbed, whatever it may be.

In the meantime, our livelihoods will have been impacted by the preliminary and often incorrect data from MRIP. In that regard when it comes to accountability measures, I would respectfully suggest that in order for a body to implement accountability measures, it is incumbent upon them, it is my opinion, to have the appropriate means by which to hold someone to account.

At the present time you do not have an appropriate or accurate enough means by which to do so. I just want to go on record as saying respectfully, I heard Dewey's comments and others, and I understand them completely in theory, I just don't agree in practice, because of the challenges associated with the data collection process and the havoc that they have wreaked over the years.

ADJOURNMENT

CHAIRMAN NOWALSKY: Thank you Ray for joining us today. All right, so is there any other business to come before the Board today? Okay seeing none, is there any public comment for any issues that were not on our agenda today? All right, seeing and hearing nothing to that end, and having completed the agenda as it was approved, this meeting stands adjourned. Thank you so much everyone.

(Whereupon the meeting adjourned at 4:28
p.m. on May 6, 2020)

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Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM XXXIII TO THE SUMMER FLOUNDER, SCUP, BLACK
SEA BASS FISHERY MANAGEMENT PLAN FOR
PUBLIC COMMENT**

Black Sea Bass Commercial Management



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



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Document for Board Review. Not for Public comment.

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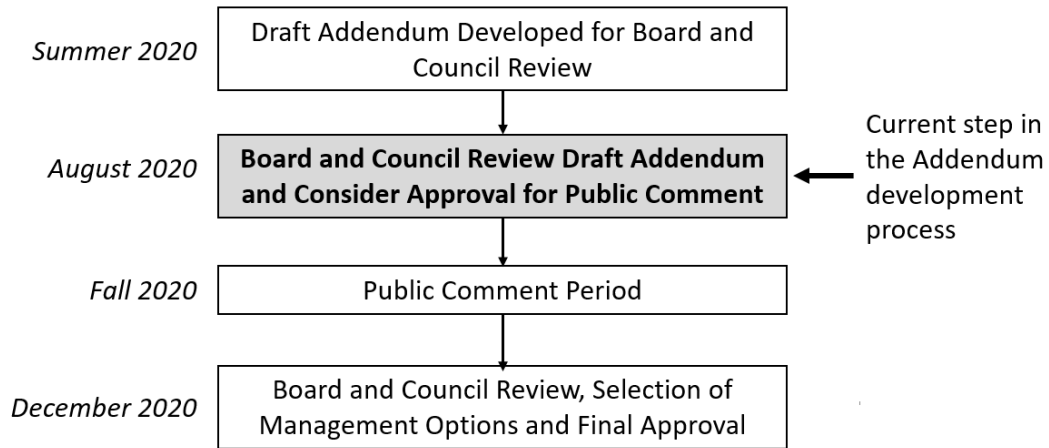
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Public Comment Process and Proposed Timeline

In October 2019, the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) initiated development of Draft Addendum XXXIII to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The Draft Addendum considers modifications to the black sea bass commercial state allocations. In December 2019, the Mid-Atlantic Fishery Management Council (Council) initiated a complementary amendment to make this a joint action between the Board and Council. The amendment would consider including the state specific commercial allocations in the Council FMP. This document presents background on black sea bass commercial management; the addendum process and expected timeline; and the problem statement. It also provides a range of management options for public consideration and comment.



The public is encouraged to submit comments regarding this document at any time during the public comment period. The final date comments will be accepted is [DATE], 2020 at 11:59 p.m. Comments may be submitted at state public hearings or by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

Mail: Caitlin Starks, FMP Coordinator
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1.0 Introduction

Draft Addendum XXXIII proposes alternative approaches for allocating the coastwide black sea bass commercial quota among the states¹. On October 9, 2019, the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motion:

Move to initiate an addendum to consider adjustments to the commercial black sea bass allocations consistent with the goal statement and options developed by the Board.

In December 2019, the Council initiated a complementary amendment to make this a joint action between the Board and Council and consider including the state specific commercial allocations in the Council FMP. This joint action has two goals:

- To consider adjusting the current commercial black sea bass allocations using current distribution and abundance of black sea bass as one of several adjustment factors to achieve more balanced access to the resource. These adjustment factors will be identified as the development process moves forward.
- To consider whether the state allocations should continue to be managed only under the Commission's FMP or whether they should be managed under both the Commission and Council FMPs².

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. The black sea bass fisheries are managed cooperatively by the states through the Commission in state waters (0-3 miles), and through the Mid-Atlantic Fishery Management Council (Council) and NOAA Fisheries in federal waters (3-200 miles).

The Council and Commission are both responsible for implementing the annual coastwide commercial quota, but only the Commission is responsible for managing the state by state allocation of the coastwide quota. The current state quota allocations were established in 2003 through Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP, and extended indefinitely through Addendum XIX (2007).

This draft addendum is proposed under the adaptive management procedures of Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass FMP.

¹ The Commission and Council are also in the process of developing a joint Amendment for Summer Flounder, Scup and Black Sea Bass to consider modifications to the commercial and recreational sectors allocation. A change to the overall allocation to the commercial sector could impact the amount of quota available to the states, but would not impact the state allocations of the commercial quota. Information on Commercial/Recreational Allocation Amendment can be found at <http://www.mafmc.org/actions/sfsbsb-allocation-amendment>.

² In this document it is noted that the Board **and** Council could choose between proposed management options to modify the black sea bass state commercial allocations. However, if the two management bodies elect not to include the black sea bass state commercial allocations in the Council's FMP, only the Board would select the management program.

2.0 Overview

2.1 Statement of Problem

State allocations of the commercial black sea bass coastwide quota were originally implemented in 2003 as part of Amendment 13, loosely based on historical landings from 1980-2001. The state shares in Amendment 13 allocated 67% of the coast-wide commercial quota among the states of New Jersey through North Carolina (North of Cape Hatteras) and 33% among the states of New York through Maine. These state commercial allocations have been unchanged for 17 years.

Over the last decade, the distribution of the black sea bass stock has changed, abundance and biomass have increased significantly, and there have been corresponding changes in fishing effort and behavior. According to the most recent black sea bass stock assessment, which modeled fish north and south of Hudson Canyon separately, the majority of the stock occurred in the southern region prior to the mid-2000s (NEFSC 2019). Since then the biomass in the northern region has grown considerably. Although the amount of biomass in the southern region has not declined in recent years, the northern region currently accounts for the majority of spawning stock biomass (Figure 1). This shift in black sea biomass distribution has also been supported by peer reviewed scientific research (e.g., Bell et al., 2015).

In some cases, expansion of the black sea bass stock into areas with historically minimal fishing effort has created significant disparities between state allocations and current abundance and resource availability. The most noteworthy example is Connecticut, which has experienced significant increases in black sea bass abundance and fishery availability in Long Island Sound in recent years but is only allocated 1% of the coastwide commercial quota (this allocation was based loosely on landings from 1980-2001).

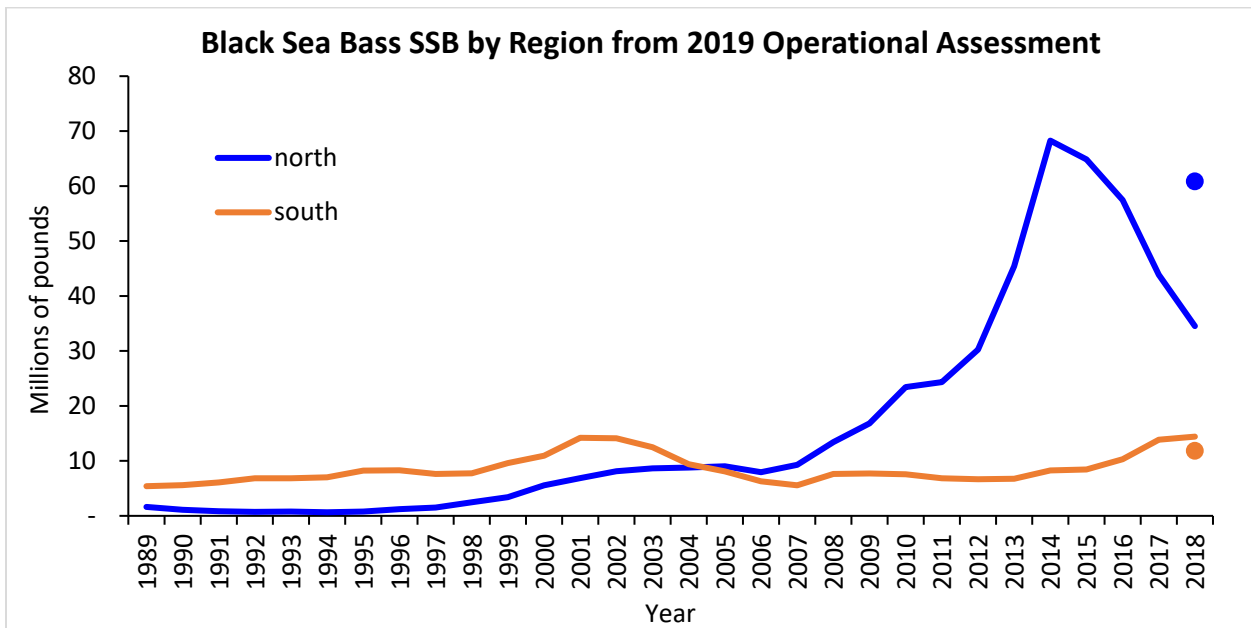


Figure 1. Black sea bass spawning stock biomass by region from the 2019 Operational Assessment Update. Open marks represent retro-adjusted values (used to set catch limits). Source: Personal communication with Northeast Fishery Science Center.

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2.2 Background

The Commission's FMP for black sea bass was approved in October 1996. The Council added black sea bass to their summer flounder FMP in 1996 through Amendment 9. Both FMPs established an annual process of developing commercial quotas, recreational harvest limits, and recreational and commercial management measures, as well as a series of permitting and reporting requirements. Under the original FMP, the annual coastwide commercial quota was divided into four quarters: January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

Under the quarterly quota allocation system, the fishery was subjected to lengthy closures and some significant quota overages. Fishery closures occurring as a result of quotas being fully utilized or exceeded resulted in increased discards of legal sized black sea bass in mixed species fisheries for the remainder of the closure period. Significant financial hardship on the part of the fishing industry also resulted from a decrease in market demand caused by a fluctuating supply. To address these issues, the Management Board enacted a series of emergency rules in 2001 establishing initial possession limits, triggers, and adjusted possession limits. While these measures helped reduce the length of fishery closures, the frequent regulatory changes confused fishermen and added significant administrative burden to the states. Addendum VI (2002) provided a mechanism for setting initial possession limits, triggers, and adjusted possession limits during the annual specification setting process without the need for further emergency rules.

The quarterly quota system was replaced with an annual quota system under Amendment 13, approved by the Commission and Council in May 2002. The Amendment implemented a federal coastwide commercial quota, and a state-by-state allocation system for 2003 and 2004 to be managed by the Commission. This system was adopted to reduce fishery closures, achieve more equitable distribution of quota to fishermen, and allow the states to manage their commercial quota for the greatest benefit of the industry in their state.

At the time of final action on Amendment 13, the Council expressed a desire that the state allocations be managed at both the state and federal levels and contained in both the Council and Commission's FMPs. However, the NOAA Fisheries Regional Administrator at the time said a state quota system at the federal level could not be monitored effectively with the then current monitoring methods due to the anticipated low allocations in some states. As a result, the Council approved a federal annual coastwide quota, acknowledging that this would facilitate the use of state allocations through the Commission's FMP. Many of the concerns with monitoring state quotas at the federal level have subsequently been resolved with changes to how commercial landings are reported.

State-specific shares were adopted as follows: Maine and New Hampshire 0.5%, Connecticut 1%, Delaware 5%, New York 7%, Rhode Island, North Carolina and Maryland 11%, Massachusetts 13%, New Jersey and Virginia 20% (Table 1).

The individual state shares management program was continued in 2005 and 2006 through Addendum XII (2004). Addendum XIX, approved in 2007, extended the state shares of the commercial black sea bass quota indefinitely. No further changes have been made to the black sea bass commercial state shares. Addenda XII and XIX (2004 and 2007, respectively) allowed

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for the transfer of black sea bass commercial quota among states, and Addendum XX (2009) established the process for state to state quota transfers. Under the management program established through these Addenda, states have the responsibility of managing their quota to provide the greatest benefit to their commercial black sea bass industry. The ability to transfer or combine quota further increased the flexibility of the system to respond to annual variations in fishing practices or landings patterns.

In response to some states’ concerns about changing resource availability and associated fishery impacts, the Board formed a Commercial Black Sea Bass Working Group in August 2018 to identify management issues related to changes in stock distribution and abundance, and propose potential management strategies for Board consideration. In February 2019, the Board reviewed the Working Group report. The key issue the Working Group identified is that the state commercial allocations implemented in 2003 do not reflect the current distribution of the resource, which has expanded significantly north of Hudson Canyon. The Board then requested the Plan Development Team (PDT) perform additional analyses and further develop proposed management options related to the issue of state commercial allocations. After reviewing the PDT report, in October 2019 the Board initiated Draft Addendum XXXIII to consider changes to the black sea bass commercial state allocations. In December 2019, the Council initiated a complementary amendment to consider including the state shares in the Council FMP.

Table 1. State shares of Black Sea Bass as allocated by Addendum XIX to Amendment 13.

State	Percent of Coastwide Quota
Maine	0.5 %
New Hampshire	0.5 %
Massachusetts	13 %
Rhode Island	11 %
Connecticut	1 %
New York	7 %
New Jersey	20 %
Delaware	5 %
Maryland	11 %
Virginia	20 %
North Carolina	11 %

2.3 Status of the Stock

The most recent stock status information comes from the 2019 operational stock assessment, which was peer-reviewed in August 2019 and approved for management use in October 2019 (NEFSC 2019). The assessment indicated that the black sea bass stock north of Cape Hatteras, North Carolina was not overfished and overfishing was not occurring in 2018, the terminal year of data used in the assessment.

The operational stock assessment updated the Age Structured Assessment Program (ASAP) models used in the 2016 benchmark stock assessment with commercial and recreational catch

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data, research survey and fishery-dependent indices of abundance, and analyses of those data through 2018³. For modeling purposes, the stock was partitioned into two sub-units divided approximately at Hudson Canyon to account for spatial differences in abundance and size at age. The sub-units are not considered 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 8 million pounds during the late 1980s and early 1990s and then steadily increased from 1997 to 2002 when it reached 22.2 million pounds. From 2007 to 2014, SSB dramatically increased, reaching a peak in 2014 at 76.5 million pounds; since 2014 SSB has trended back down. After adjusting for retrospective error in the model, SSB in the terminal year (2018) is estimated at 73.6 million pounds, approximately 2.4 times the target SSB reference point (SSB_{MSY} proxy= $SSB_{40\%}$ = 31.1 million pounds) (Figure 2). The (similarly adjusted) fishing mortality rate (F) in 2018 was 0.42, about 91% of the fishing mortality threshold reference point (F_{MSY} proxy= $F_{40\%}$) of 0.46. Except for 2017, F has been below the F_{MSY} proxy for the last five years. Average recruitment of black sea bass from 1989 to 2018 was 36 million fish at age 1. The 2011 year class was estimated to be the largest in the time series at 144.7 million fish and the 2015 year class was the second largest at 79.2 million fish. Recruitment of the 2017 year class as age 1 in 2018 was estimated at 16.0 million, well below the time series average.

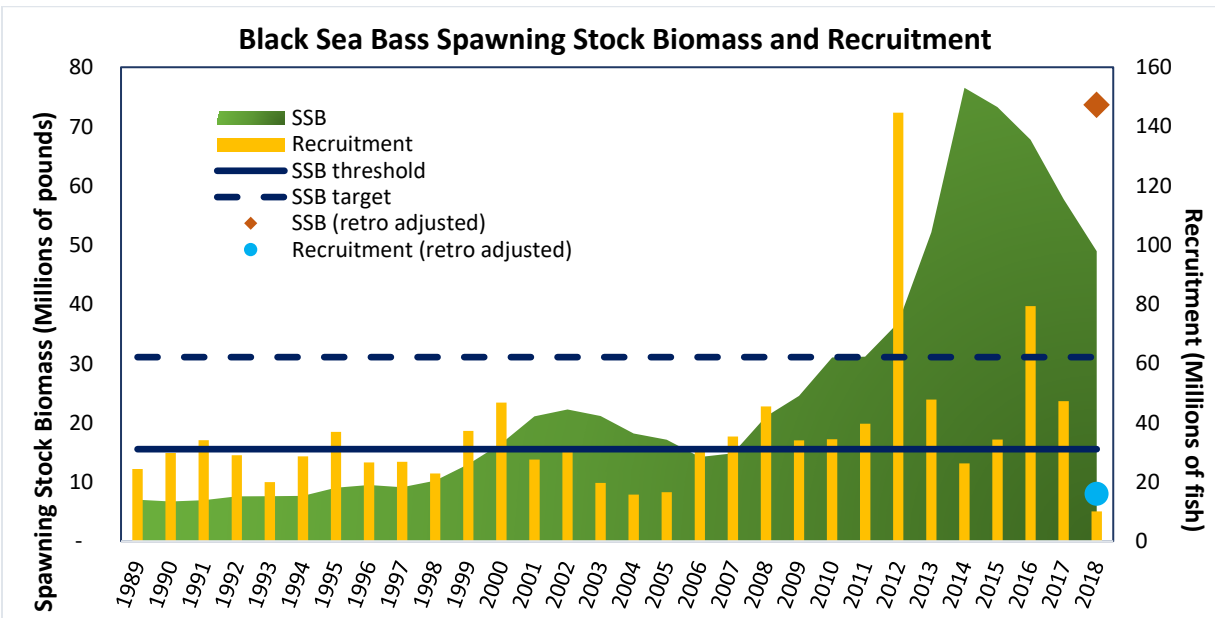


Figure 2. Black sea bass spawning stock biomass and recruitment. Source: 2019 Operational Assessment Prepublication Report, Northeast Fishery Science Center.

³ In July 2018, the Marine Recreational Information Program (MRIP) replaced the existing estimates of recreational catch with a calibrated 1981-2017 time series that corresponds to new survey methods that were fully implemented in 2018. The new calibrated recreational estimates are significantly higher than previous estimates, especially in later years of the time series. These revised data were incorporated into the 2019 operational stock assessment. This change was one of multiple factors which impacted the understanding of overall biomass levels.

2.4 Status of the Fishery

The following information is based on commercial fishery dealer data (landings), the most recent stock assessment (discards), federal vessel trip reports (gear types and area of catch), and input from a small sample of fishermen and dealers. Input was provided by 6 individuals who primarily identify as fishermen and 4 individuals who represent two commercial fish dealers. Collectively, these 10 individuals are from 5 states and use three different gear types (i.e., bottom otter trawl, pot/trap, and hand line). Their input is not intended to be a representative sample of the commercial black sea bass fishery as a whole, but was solicited to provide context to trends shown in the data and document relevant information not captured in the available data.

Commercial landings have been constrained by a coastwide (i.e., Maine through Cape Hatteras, North Carolina) commercial quota since 1998, and state allocations were introduced in 2003. From 1998 to 2019, coastwide landings have closely followed quotas, ranging from a low of 1.16 million pounds in 2009 to a high of 3.98 million pounds in 2017. State landings have also closely followed quotas since they were implemented in 2003. A process for interstate quota transfers was established in 2009, but until 2017 states were highly constrained by low quotas and thus there was not much opportunity for transfers. Under higher quotas more interstate transfers have occurred; in the last three years, the states of Massachusetts through New Jersey have all received quota transfers from other states to prevent or mitigate overages of their state quotas. Since the coastwide quota was implemented in 1998, on average commercial discards have constituted 17% of total commercial removals. Over the last five years of the time series (2014-2018) discards were generally higher, averaging 33% of total commercial removals; discards in recent years have likely been influenced by high availability coupled with quota and minimum fish size limitations.

A comparison of average ex-vessel price per pound (i.e., the price paid to fishermen by dealers) to total annual commercial black sea bass landings during 2010-2019 suggests that the average price (adjusted to account for inflation) increased with increases in landings up to a point, with the average price peaking at \$3.92 per pound in 2016 when about 2.59 million pounds were landed. At higher levels of landings (e.g., the levels seen in 2017-2019 when 3.46-4.01 million pounds were landed), the average price per pound declined again (Figure 3). Some fishermen and dealers said temporary price drops can occur at both local and regional levels due to increases in the coastwide quota, state-specific seasonal openings, or individual trawl trips with high landings, all of which can be interrelated. They note that these sudden price drops are often temporary and the price usually rises again. This is evident in the coastwide relationship between average price per pound and the coastwide quota, which increased by 52% mid-year in 2017 and then decreased by 15% from 2017 to 2018. The average coastwide price per pound dropped from \$3.92 in 2016 to \$3.49 in 2017, but increased to \$3.82 in 2018 (all prices are adjusted to 2019 values based on the Gross Domestic Product Price Deflator).

Input from fishermen and federal vessel trip report data from 2009-2019 suggest that in years with higher quotas, bottom trawl gear accounted for a greater proportion and pots/traps accounted for a smaller proportion of total commercial landings compared to years with lower quotas. For example, the lowest quotas during 2010-2019 occurred in 2010-2012. During those years, bottom trawl gear accounted for around 39-41% of total commercial black sea bass

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landings (depending on the year) and pots/traps accounted for about 33-36%. In comparison, the highest quotas occurred in 2016-2019, during which around 52-61% of total commercial black sea bass landings could be attributed to bottom trawl gear and around 21-26% to pot/trap gear. Some fishermen have said trawlers are better able to take advantage of increases in quota as they can land higher volumes than vessels using pot/trap gear. This can be especially beneficial when the price of black sea bass drops (usually temporarily) in response to sudden increases of fish on the market.

According to commercial dealer data for 2010-2019, the average coastwide ex-vessel price per pound for black sea bass caught with bottom trawl gear was \$3.90 (adjusted to 2019 values), 6% greater than the average price for black sea bass caught with pots/traps (\$3.70). However, some fishermen report that they can get higher prices for black sea bass caught with pots/traps as they can market their fish as fresher and better quality than trawl-caught fish. Pot/trap and hook and line commercial fishermen in some states also sell black sea bass to live markets, which offer even higher prices. Some fishermen and dealers say size has a greater impact on price than gear, though the two are interrelated as fishermen using bottom trawl gear tend to land larger black sea bass than those using pots/traps.

The states have taken different approaches to managing their commercial black sea bass fisheries. Delaware, Maryland, and Virginia use Individual Transferable Quota (ITQ) systems, while other states utilize different combinations of quota periods, closed seasons, and initial or adjustable trip and possession limits to prevent quota overages⁴. For some states like Connecticut, quota availability and resulting management measures are highly dependent on quota transfers from other states. Some fishermen and dealers say they take these differences in state management measures into account when deciding when to fish, where to sell fish, and what price to offer for fish. For example, the price offered by local dealers may be higher when neighboring states are closed. Alternatively, some fishermen and dealers in comparatively low allocation states say they generally do not make business decisions based on black sea bass. Due to the low allocations in some states, black sea bass provides supplemental income for these fishermen and dealers, but is not a primary target species. For these reasons, the economic impacts of changes to state quotas can vary in part based on how states adjust their management measures in response to quota changes. For example, an increase in the possession limit could have different impacts than an extension of the open season. ITQ fishermen may be impacted differently than non-ITQ fishermen, and impacts may vary between gear types.

From 2010-2017, the commercial black sea bass landings from Maine through North Carolina which were caught in the northern region (as defined in the stock assessment, corresponding to approximately Hudson Canyon and north) increased steadily, with the greatest increases occurring during 2015-2017. After 2017, the proportion caught in the northern region declined, but remained much higher than the proportion from the southern region. During 2010-2019, the amount of commercial black sea bass landings caught in the southern region did not vary greatly (Figure 4).

⁴ Additional information on state quota management systems can be made available upon request.

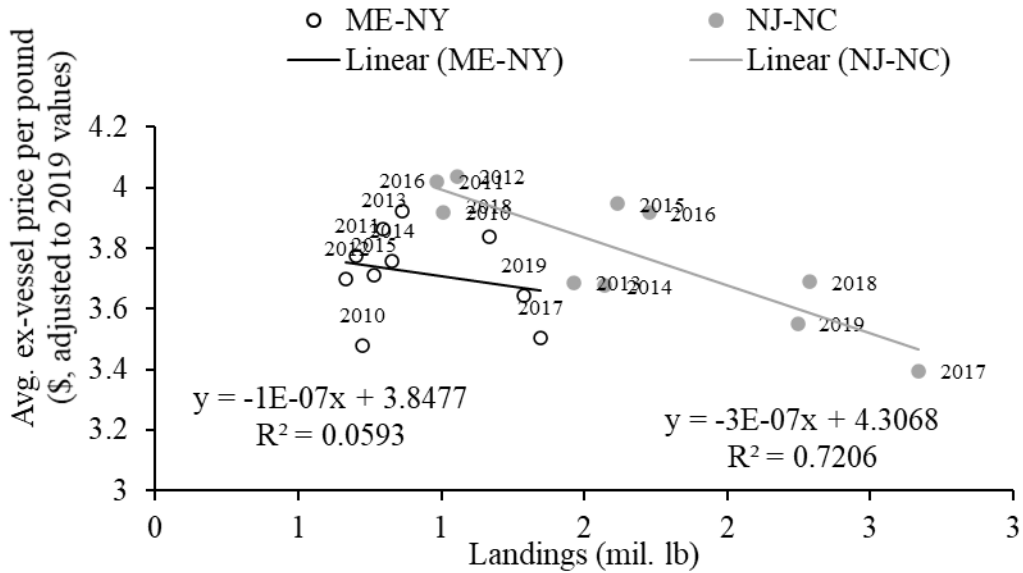


Figure 3. Average annual ex-vessel price per pound for black sea bass compared to annual black sea bass commercial landings by region (ME-NY and NJ-NC), 2010-2019, with associated linear relationship. Prices are adjusted to 2019 values based on the Gross Domestic Product Price Deflator. Data source: dealer data (CFDERS, provided by the NOAA Fisheries Greater Atlantic Regional Fisheries Office Analysis and Program Support Division).

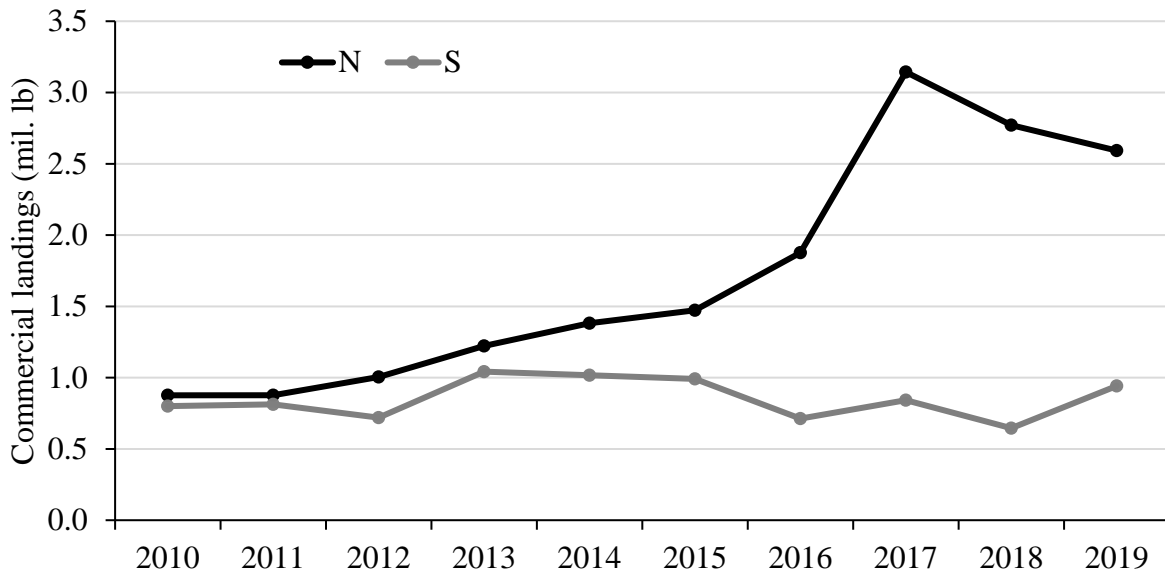


Figure 4. Total commercial black sea bass landings, 2010-2019, Maine through North Carolina, by region of catch location (North or South). Region is assigned based on statistical area of catch using the delineation defined in the stock assessment. Landings with an unknown statistical area were assigned to region based on the state of landing. Data source: dealer AA tables provided by the Northeast Fisheries Science Center

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3.0 Proposed Management Program

The Board is seeking public comment on each of the options included in the Draft Addendum. A flowchart of all management options for modifying the commercial state allocations is found in Appendix 1. Note that the options listed in Section 3.2 would result in changes to the Council's FMP and the federal regulations, but not the Commission's FMP.

3.1 Management Options for Commercial State Allocations

A. Status Quo (Current Commercial State Allocations)

This option would maintain the current state allocation percentages (Table 1).

B. Increase Connecticut Quota to 5%

Note: This option is proposed for consideration before, or in addition to any of the following allocation options. It could also be selected as a standalone option if no other changes are desired. If this option is selected, the base allocations under any other option will be equal to the % New Allocations shown in Table 2.

This option would increase Connecticut's 1% allocation of the coastal quota to 5%. Connecticut has experienced a substantial increase in abundance of black sea bass in state waters over the last seven years (see Figure 5), though the state's 1% allocation has remained unchanged. This option attempts to reduce the disparity between the abundance of black sea bass in Connecticut waters and Connecticut's quota allocation by increasing Connecticut's allocation to 5%, using the following approach:

- 1) Hold New York and Delaware allocations constant. New York has experienced a similar substantial increase in black sea bass abundance in state waters; therefore, a reduction to the New York allocation is not proposed. Delaware's current allocation is 5%. This option does not seek to make Connecticut's percent allocation larger than any other state.
- 2) Move half of Maine and New Hampshire quotas to Connecticut. Since 2012, neither Maine nor New Hampshire has reported commercial black sea bass landings, and neither state currently has declared an interest in the fishery.
- 3) Move some allocation from Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, and North Carolina to Connecticut; the amount moved from each state would be proportional to that state's current percent allocation.

Table 2. Proposed changes in state allocations.

State	Current % Allocation	Change in % Allocation	New % Allocation
ME	0.5%	-0.25%	0.25%
NH	0.5%	-0.25%	0.25%
MA	13.0%	-0.53%	12.47%
RI	11.0%	-0.45%	10.55%
CT	1.0%	4.00%	5.00%
NY	7.0%	0.00%	7.00%
NJ	20.0%	-0.81%	19.19%
DE	5.0%	0.00%	5.00%
MD	11.0%	-0.45%	10.55%
VA	20.0%	-0.81%	19.19%
NC	11.0%	-0.45%	10.55%

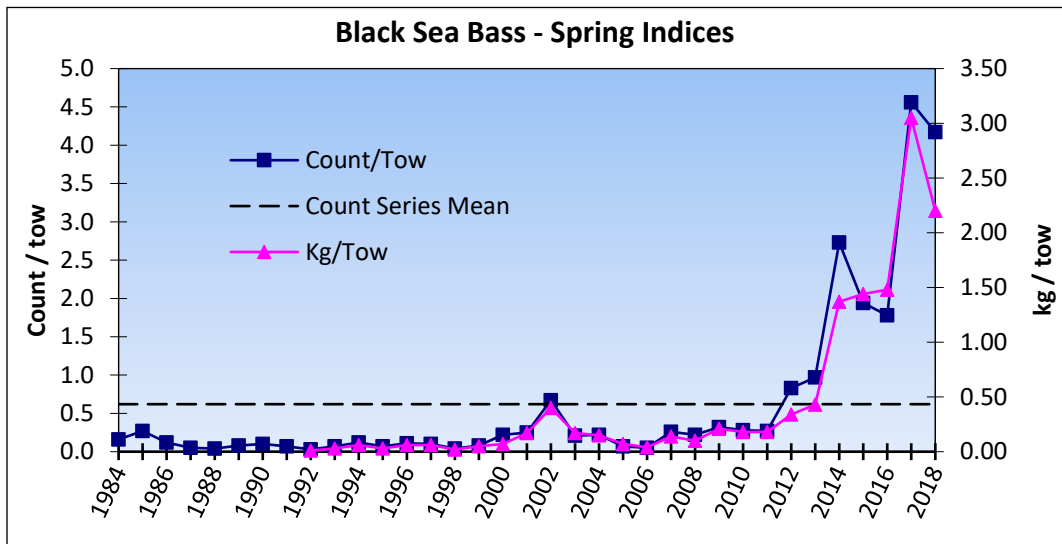


Figure 5. Connecticut Long Island Sound Trawl Survey Spring Black Sea Bass Index

C. Dynamic Adjustments to Regional Allocations

The Dynamic Adjustments to Regional Allocations approach (DARA approach) is a formulaic method that aims to balance fishery stability and responsiveness to the changing distribution of the stock. State allocations would be gradually adjusted based on regional shifts in biomass distribution. Stock distribution (defined as proportion of exploitable biomass by assessment sub-area) would be derived from updated stock

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assessments or surveys⁵. This approach recognizes traditional involvement and investment in the development of the fishery, and addresses the changing distribution of the stock and the resulting effects within the fishery.

There are two phases to the DARA approach. The first is the transition phase, during which the initial allocations (either the current allocations, or allocations modified through option B) are gradually adjusted to allocations partially based on distribution of the stock. During this phase, the state allocations become less dependent on the initial allocations and more dependent on regional stock distribution.

After the transition phase is complete, the relative importance of the initial allocations and current stock distribution in determining the allocations would be fixed, but allocations would continue to be adjusted when updated stock distribution information becomes available. The DARA approach proposes use of the 2019 operational stock assessment results (NEFSC, 2019) and additional stock assessments thereafter to determine the values for regional stock distribution⁶. Taking into account the initial allocations and regional stock distribution, the two components are integrated to produce dynamic regional allocation shares, which are then subdivided into state-specific allocations. The formulas for calculating regional and state shares can be found in Appendix 2.

As described below, there are various sub-options to set the scale and pace of the change in allocations. Appendix 2 includes a complete description of the method and examples of the DARA approach retrospectively applied to recent years. If this option is selected, a regional configuration would also need to be selected under option set G.

Sub-options for Dynamic Adjustments to Regional Allocations Approach

The DARA approach affords considerable flexibility, with regard to both the initial configuration and application of the allocation formula over time. The overall approach can be modified in various ways to achieve different results. Below are descriptions and proposed sub-options for each adjustable component of the approach. Note that the sub-options for each component represent the minimum and maximum bounds on the range of options; the Board and Council could select an alternative configuration within this range.

1. Final relative importance of initial allocations versus resource distribution

The sub-options below determine the final relative importance of the initial allocations compared to stock distribution at the end of the transition phase. Before the transition begins (year 0), the allocations are 100% based on the initial allocations, and 0% based

⁵ This option is modeled after the Transboundary Management Guidance Committee (TMGC) approach, which was developed and used for the management of Georges Bank resources shared by the United States and Canada (TMGC, 2002).

⁶ The Board may specify alternative information (e.g. NEFSC Trawl Survey) to be used in the case that future assessments cannot provide information on regional stock distribution.

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on stock distribution. The weights assigned to initial allocations and stock distribution must always sum to 100%; therefore, if the final weight of the initial allocations is 10%, the final weight of the resource distribution factor is 90%. As the final weight of the distribution factor increases, the weight of the initial allocations decreases, and the regional allocations resulting from the DARA approach become more dependent on the spatial distribution of black sea bass biomass, and less dependent on the initial allocations.

- **Sub-option C1-A:** Under this option, at the end of the transition phase allocations are based 90% on stock distribution and 10% on the initial allocations.
- **Sub-option C1-B:** Under this option, at the end of the transition phase allocations are based 50% on stock distribution and 50% on the initial allocations.

2. Change in relative weights of each factor per adjustment

The transition to allocations based partially on historical allocations and partially on resource distribution would occur through incremental adjustments to the relative importance of each factor. These sub-options would determine how much the relative weights of the initial allocations and stock distribution factors would change with each adjustment. Larger adjustments could potentially result in a faster transition away from the initial allocations (see above). Smaller adjustments would likely result in a slower transition. Adjustments to the relative weights of each factor also have the potential to impact the regional allocations during the transition; smaller changes to the weights would likely produce smaller changes in the regional allocations during each adjustment.

- **Sub-option C2-A:** Under this option the relative weights of each factor (initial allocations and stock distribution) would change by 5% per adjustment. For example, in the first adjustment, the respective weights assigned to the initial allocations and stock distribution would change from 100%/0% to 95%/5%. This would result in a slower transition to the final weighting scheme, and a slower change in the allocations compared to sub-option C2-B.
- **Sub-option C2-B:** Under this option the relative weights of each factor (initial allocations and stock distribution) would change by 20% per adjustment. For example, in the first adjustment, the respective weights assigned to the initial allocations and stock distribution would change from 100%/0% to 80%/20%. This would result in a faster transition to the final weighting scheme and a faster change in the allocations compared to sub-option C2-A.

3. Frequency of weight adjustments

These sub-options determine how often the weights assigned to each factor (initial allocations and stock distribution) would be adjusted during the transition phase. More frequent adjustments to the weights will result in a faster transition to the final weighting scheme. Note that each time an adjustment is made to the weights, it would

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likely result in a change to the allocations, even if the distribution information remains unchanged.

- **Sub-option C3-A:** Under this option adjustments to the weights assigned to the initial allocations and stock distribution would occur every year. This would result in a faster transition from the initial weights to the final weights. It could also result in yearly changes in the allocations, even if stock distribution information remains unchanged.
- **Sub-option C3-B:** Under this option adjustments to the weights assigned to the initial allocations and stock distribution would occur every other year. This would result in a slower transition from the initial weights to the final weights. It could also result in changes to the allocations every other year, even if stock distribution information remains unchanged.

4. Regional allocation adjustment cap

These sub-options would establish a cap for the maximum percent by which the regional allocations could change at one time. A lower % cap would result in smaller incremental changes to the allocations, and could increase the total duration of the transition phase.

- **Sub-option C4-A:** This option would cap the change in regional allocations at a maximum of 3% per adjustment.
- **Sub-option C4-C:** This option would cap the change in regional allocations at a maximum of 10% per adjustment.
- **Sub-option C4-D:** Under this option there would be no cap to the change in regional allocations per adjustment. This means the regional allocations would change according to the formula based only on changes in the weights assigned to the initial allocations and stock distribution and any changes in resource distribution values.

D. Trigger Approach

Using a trigger-based approach, a minimum level of coastwide quota would be established as a trigger for a change in allocations to the states. If the coastwide quota in a given year were higher than the established quota trigger value, then the coastwide quota would be distributed to the states in two steps: 1) the amount of coastwide quota up to and including the trigger would be distributed to the states according to “base allocations” (dependent on Option B, and sub-option set D4); and 2) the amount of quota in excess of the established trigger amount, hereafter referred to as the surplus quota, would be distributed using a different allocation scheme. This method somewhat reduces fishery disruption or instability by allowing changes to state allocations only when the coastwide quota exceeds a predetermined amount.

Trigger Approach Sub-options

Below are all sets of sub-options for configuration of the trigger approach. The first set of sub-options relates to the established trigger value (sub-options D1-A and D1-B). The second set relates to how surplus quota above the trigger would be distributed among

the states (sub-options D2-A, and D2-B). The third and fourth sub-option sets are only applicable if option D2-B is selected, and would establish how surplus quota would be distributed within a region, and whether base allocations would remain the same each year or change over time. Examples of several trigger approach configurations are provided in examples 1-6 in Appendix 3.

1. Trigger value

Note that the Board and Council could select an alternative value within the range of sub-options below.

- **Sub-option D1-A: Trigger value of 3 million pounds**
A 3 million pound trigger represents approximately the average coastwide commercial quota from 2003 through 2018, excluding years in which specifications were set using a constant catch approach (Figure 6).
- **Sub-option D1-B: Trigger value of 4.5 million pounds**
A 4.5 million pound trigger was selected by the Board as the maximum trigger level for consideration under this approach. It is greater than all quotas implemented prior to 2020 (i.e., maximum quota of 4.12 million pounds in 2017), but lower than the 2020 quota of 5.58 million pounds (Figure 6).

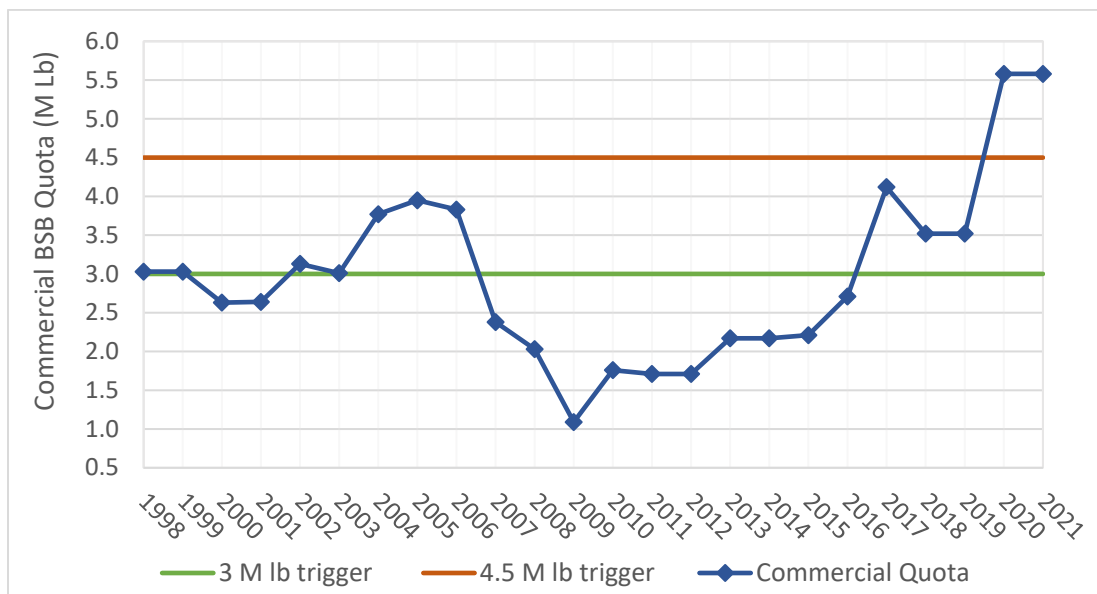


Figure 6. Black sea bass commercial quotas over time compared to 3 million, 4 million and 4.5 million pound triggers. Note that the Board and Council may recommend revisions to the 2021 quota during their August 2020 meeting.

2. Distribution of surplus quota

- **Sub-option D2-A: Even distribution of surplus quota**
If the coastwide quota in a given year is higher than the trigger, then the surplus quota would be distributed equally to the states of Massachusetts through North Carolina. Maine and New Hampshire would each receive 1% of the surplus, based on their historically low participation in the fishery. Should the annual

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coastwide quota be less than or equal to the established quota trigger, allocation percentages would default to the base allocations.

- **Sub-option D2-B: Distribution of surplus quota based on regional biomass from stock assessment**

This sub-option attempts to address the goal statement of this action by incorporating the regional biomass distribution. If the coastwide quota in a given year were higher than the trigger, then the surplus quota would first be allocated to each region based on regional biomass proportions from the stock assessment, and then the regional quotas would be distributed to the states within each region. A method for distributing quota to states within each region would be specified by selecting sub-option D3-A or D3-B. If this option is selected, a regional configuration would also need to be selected under option set G.

3. Distribution of regional surplus quota to states within a region (*only applicable if Sub-option D2-B is selected*)

- **Sub-option D3-A: Even distribution of regional surplus quota**

Regional surplus quota would be distributed to the states within each region equally. ME and NH would each receive 1% of the northern region surplus quota. Examples of this allocation approach are provided in Appendix 3 (examples 3 and 5).

- **Sub-option D3-B: Proportional distribution of regional surplus quota**

Regional surplus quota would be distributed to the states within each region in proportion to their initial allocations (see sub-option set D4). ME and NH would each receive 1% of the northern region surplus quota.

4. Allowing base allocations to change over time (*only applicable if Sub-option D2-B is selected*).

- **Sub-option D4-A: Static base allocations**

Under, this sub-option, the quota up to and including the trigger amount would be allocated based on the initial base allocations every year (status quo, or the modified allocations proposed in Option B). Examples of this allocation approach are provided in Appendix 3 (examples 1-3).

- **Sub-option D4-B: Dynamic base allocations**

Under this option, the quota up to and including the trigger amount would be allocated according to the previous year's final state allocations. This sub-option has the potential to change allocations more quickly than the static base allocations sub-option. Examples of this allocation approach are provided in Appendix 3 (examples 4-6).

E. Trigger Approach with Increase to Connecticut and New York Quotas First

This option proposes a 3 million pound trigger (see previous section). Annually, the coastwide quota up to and including 3 million pounds would be distributed based on the initial allocations (Table 1). Surplus quota above 3 million pounds would first be used to

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increase Connecticut's allocation to 5% of the overall quota, and then to increase New York's allocation to 9% of the overall quota. Any remaining additional quota would be split between the regions according to the proportion of biomass in each region based on the most recent stock assessment information, and then allocated among the states within each region in proportion to the initial allocations. Examples of this option are provided in Appendix 3 (examples 7 and 7-B). If this option is selected, a regional configuration would also need to be selected under option set G.

F. Percentage of Coastwide Quota Distributed Based on Initial Allocations

This approach would allocate a fixed percentage of the annual coastwide quota using the initial allocations regardless of the coastwide quota level. Fluctuations in annual quota values would result in similar fluctuations in the number of pounds allocated using the initial allocations (equal to the status quo allocations, or the modified allocations proposed under Option B). For example, if the established percentage of quota to be distributed using the initial allocations is 50%, 2 million pounds of a 4 million pound coastwide quota would be distributed using the initial allocations. Unlike the trigger approach, this approach would still allow a portion of the quota to be allocated using a distribution other than the initial allocations even under lower coastwide quotas. The sub-options below establish how the remaining quota would be allocated to the states.

Percentage Approach Sub-options

Below are all sets of sub-options for configuration of the percentage approach. Examples of several percentage approach configurations are provided in Appendix 3 (examples 8-12).

1. Percentage of quota to be allocated using initial allocations

Note that the Board and Council could select an alternative value within the range of sub-options below.

- **Sub-option F1-A: 25%**
Under this sub-option, 25% of the annual coastwide quota would be allocated to the states using the initial allocations. Therefore, 75% of the coastwide quota would be allocated to the states according to the sub-options selected in the following sets.
- **Sub-option F1-B: 75%**
Under this sub-option, 75% of the annual coastwide quota would be allocated to the states using the initial allocations. Therefore, 25% of the coastwide quota would be allocated to the states according to the sub-options selected in the following sets.

2. Distribution of remaining quota

- **Sub-option F2-A: Even distribution of remaining quota**

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Remaining quota would be distributed equally to the states of Massachusetts through North Carolina. Maine and New Hampshire would each receive 1% of the remaining quota, based on their historically low participation in the fishery.

- **Sub-option F2-B: Distribution of remaining quota based on regional biomass from stock assessment**

Remaining quota would first be allocated to each region based on regional biomass proportions from the stock assessment, then regional quotas would be distributed to the states within each region. A method for distributing quota to states within each region would be specified by selecting sub-option F3-A or F3-B. If this option is selected, a regional configuration would also need to be selected under option set G.

3. Distribution of regional quota to states within a region

(Only applicable if Sub-option F2-B is selected)

- **Sub-option F3-A: Even distribution of regional quota**

Remaining quota would be distributed to the states within each region equally, except ME and NH would each receive 1% of the northern region quota.

- **Sub-option F3-B: Proportional distribution of regional quota**

Remaining quota would be distributed to the states within each region in proportion to their initial allocations, except ME and NH would each receive 1% of the northern region quota.

G. Regional Configuration Options

Options C through F consider changing the current state allocations to incorporate regional distribution information from the stock assessment. In order to apply a regional component to the allocations, it is necessary to establish a regional configuration. The following sub-options establish which states would be grouped together as regions for the purposes of allocating a combined regional quota which would then be distributed to the states in each region. Though neither state has declared an interest in the fishery, Maine and New Hampshire are included in the northern region and their allocations will be determined according to the allocation approach selected above.

- **Sub-option G1:** This option would establish two regions: 1) ME-NY, and 2) NJ-NC. These regions generally align with those used for the assessment, which used Hudson Canyon as the dividing line based on several pieces of evidence that stock dynamics have an important break in this area.
- **Sub-option G2:** This option would establish three regions: 1) ME-NY; 2) NJ; and 3) DE-NC. This option attempts to address the unique position of New Jersey by treating it as a separate region, as the state straddles the border between the northern and southern spatial sub-units at Hudson Canyon (Figure 7). Under this option, New Jersey's initial 20% allocation is treated as follows: 10% is considered to come from the northern region, and 10% from the southern region. As the regional allocations change, NJ's "northern" 10% of the coastwide quota will change according to the proportion of biomass in northern region, and

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the “southern” 10% will change according to the proportion of biomass in the southern region. NJ’s total allocation will be the sum of the northern and southern components of its allocation. This is consistent with the spatial distribution of black sea bass landings in recent years, which is roughly an even split between north and south of Hudson canyon (see Table 3 and Figure 8).

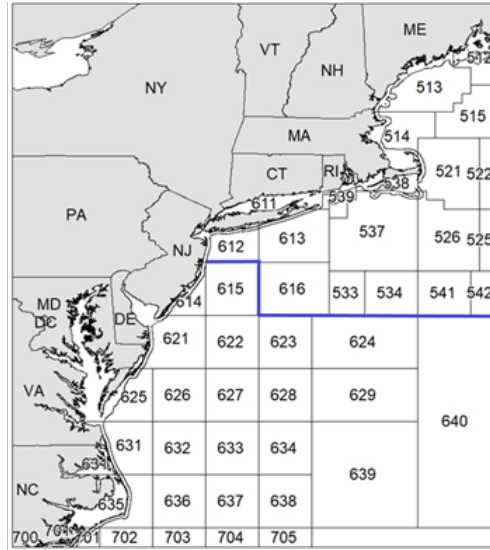


Figure 7. NMFS statistical areas showing the dividing line between the northern and southern regions as defined in the black sea bass stock assessment.

Table 3. Proportion of black sea bass commercial harvest landed in New Jersey from northern and southern region statistical areas. Only landings associated with valid northeast region statistical areas were included in the calculations. Data were provided by the ACCSP. Landings by area were estimated by applying VTR proportions of landings by area to dealer data.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Average 2010-2019	Average 2010-2014	Average 2015-2019
% North	38%	28%	47%	46%	54%	78%	65%	74%	58%	57%	54%	43%	66%
% South	62%	72%	53%	54%	46%	22%	35%	26%	42%	43%	46%	57%	34%

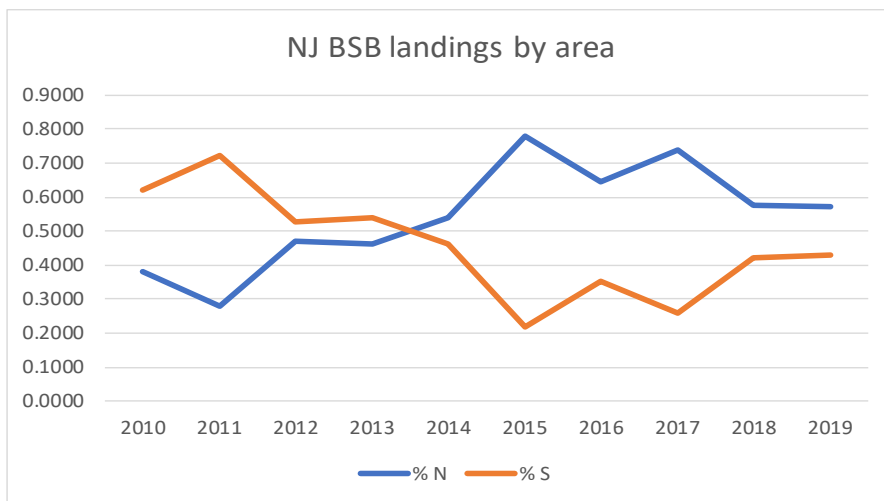


Figure 8. Proportion of black sea bass commercial harvest landed in New Jersey from northern and southern region statistical areas by year.

3.2 Management Options for Changes to Federal Regulations

This action will also consider whether the state allocations should be added to the Council’s FMP or if they should remain only in the Commission’s FMP. The following options relate to Council management and the federal regulations.

The sub-options listed below also address other changes which could also be considered if the allocations are added to the Council’s FMP.

A. Status Quo (Commercial state allocations included only in the Commission’s FMP)

Under this option, the black sea bass commercial state allocations would remain only in the Commission’s FMP. Changes to these allocations would not require a joint action with the Council.

B. Commercial state allocations for black sea bass included in both Commission and Council FMPs

Under this option, the state allocations would be added to the Council’s FMP. Future changes to the allocations would be considered through a joint action between the Commission and Council.

Including the state allocations in both FMPs would require NOAA Fisheries to monitor landings at the state level. Transfers of quota between states would continue to be allowed, but would be managed by NOAA Fisheries, rather than the Commission.

If the Council and Board select this option, the following sub-options could modify the Council’s FMP to establish 1) how overages of state quotas are handled, and 2) when the commercial fishery would close in-season for all federal permit holders coastwide.

1. Sub-options for response to state quota overages

Summer flounder and black sea bass are managed under the same FMP. Given differences in how state quota overages are currently addressed for black sea bass and

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summer flounder, the Council and Board agreed to consider the following two sub-options related to overages of black sea bass state allocations.

- **Sub-option B1-A: Paybacks only if coastwide quota is exceeded.** Under this option, states would only pay back overages of their allocations if the entire coastwide quota is exceeded. This is the current process for state-level quota overages under the Commission's FMP. No other changes to the current commercial accountability measure regulations would be made.
- **Sub-option B1-B: States always pay back overages.** Under this option, the exact amount in pounds by which a state exceeds its allocation would be deducted from their allocation in a following year, regardless of if the coastwide quota was exceeded or not. This is how state quota overages are addressed for summer flounder. All other aspects of the commercial accountability measures would remain unchanged.

2. Sub-options for in-season closures

The Board and Council are considering three options related to in-season federal closures. The current regulations for in-season closures require the entire commercial fishery to close in-season for all federally permitted vessels and dealers, regardless of state, once the coastwide quota is projected to be landed. This has not occurred to date; however, concerns have been expressed about the potential for overages in some states to impact all states through in-season closures.

The following sub-options specify when the commercial fishery would close in-season for all federal permit holders coastwide. Under all sub-options below, individual states would close in-season if their allocations are reached prior to the end of the year, as is currently required under the Commission's FMP.

- **Sub-option B2-A: No action - coastwide federal in-season closure when landings are projected to exceed the coastwide quota.**
Under this option, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once the coastwide quota is projected to be landed, as is currently required under the Council's FMP.
- **Sub-option B2-B: Coastwide federal in-season closure when landings are projected to exceed the commercial quota plus a buffer of up to 5%.**
Under this option, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once landings exceed the coastwide quota plus an additional buffer of up to 5%. The Council and Board would agree to the appropriate buffer for the upcoming year through the specifications process. The intent behind allowing an additional buffer is to help minimize negative economic impacts of coastwide closures on states that have not fully harvested their allocations. This is not expected to create an incentive for quota overages as states would still be required to close when their state-specific quotas are reached and would still be required to pay back quota overages (see sub-option set above).

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- **Sub-option B2-C: Coastwide federal in-season closure when the commercial ACL is projected to be exceeded.**

Under this option, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once the coastwide commercial ACL is projected to be landed, as opposed to when the quota is projected to be landed under the current regulations. Discards in weight cannot be monitored in-season using current discard estimation methods. Therefore, in practice, this option would require GARFO to make assumptions about discards in the current year.

4.0 Compliance

TBD

5.0 Literature Cited

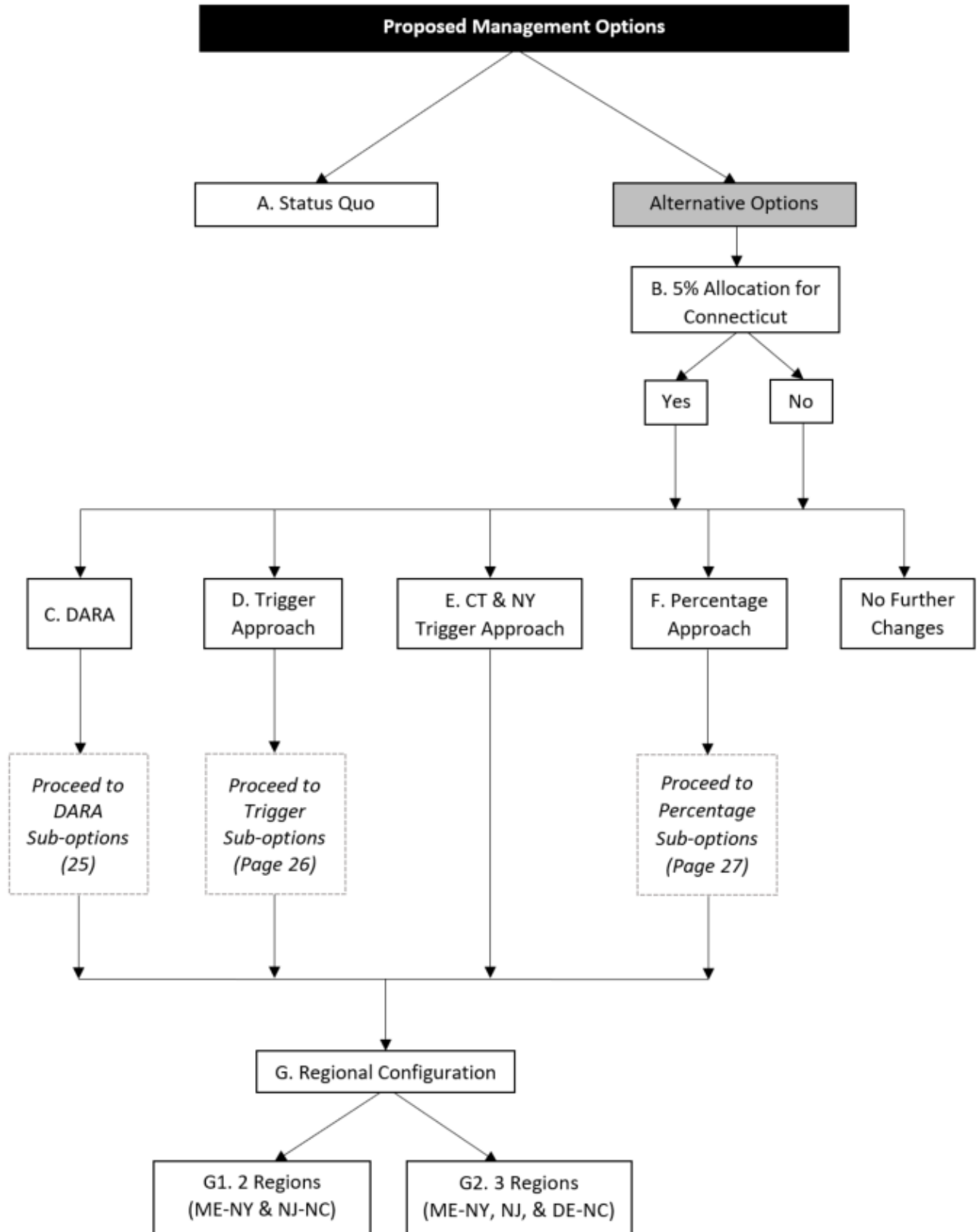
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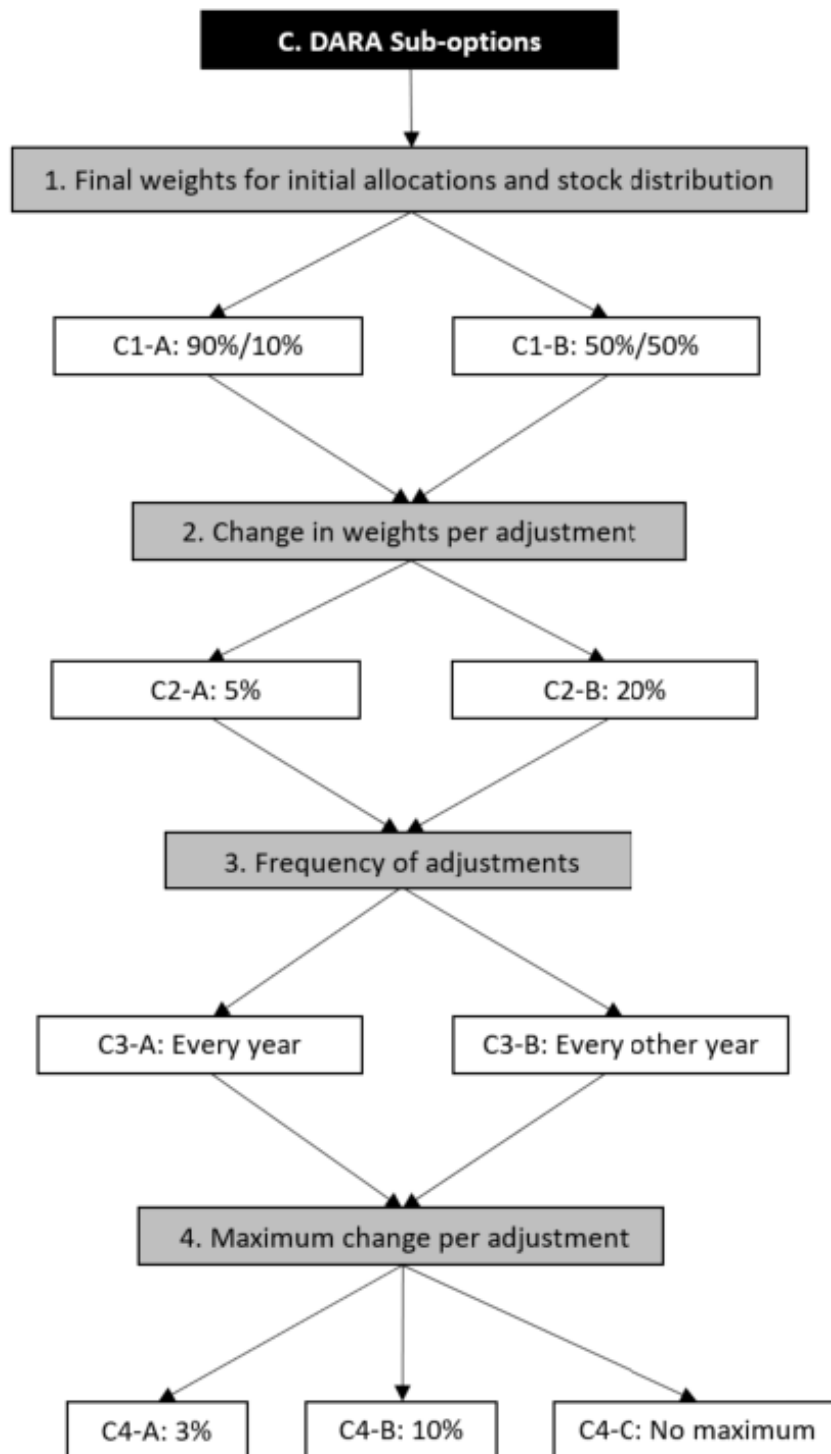
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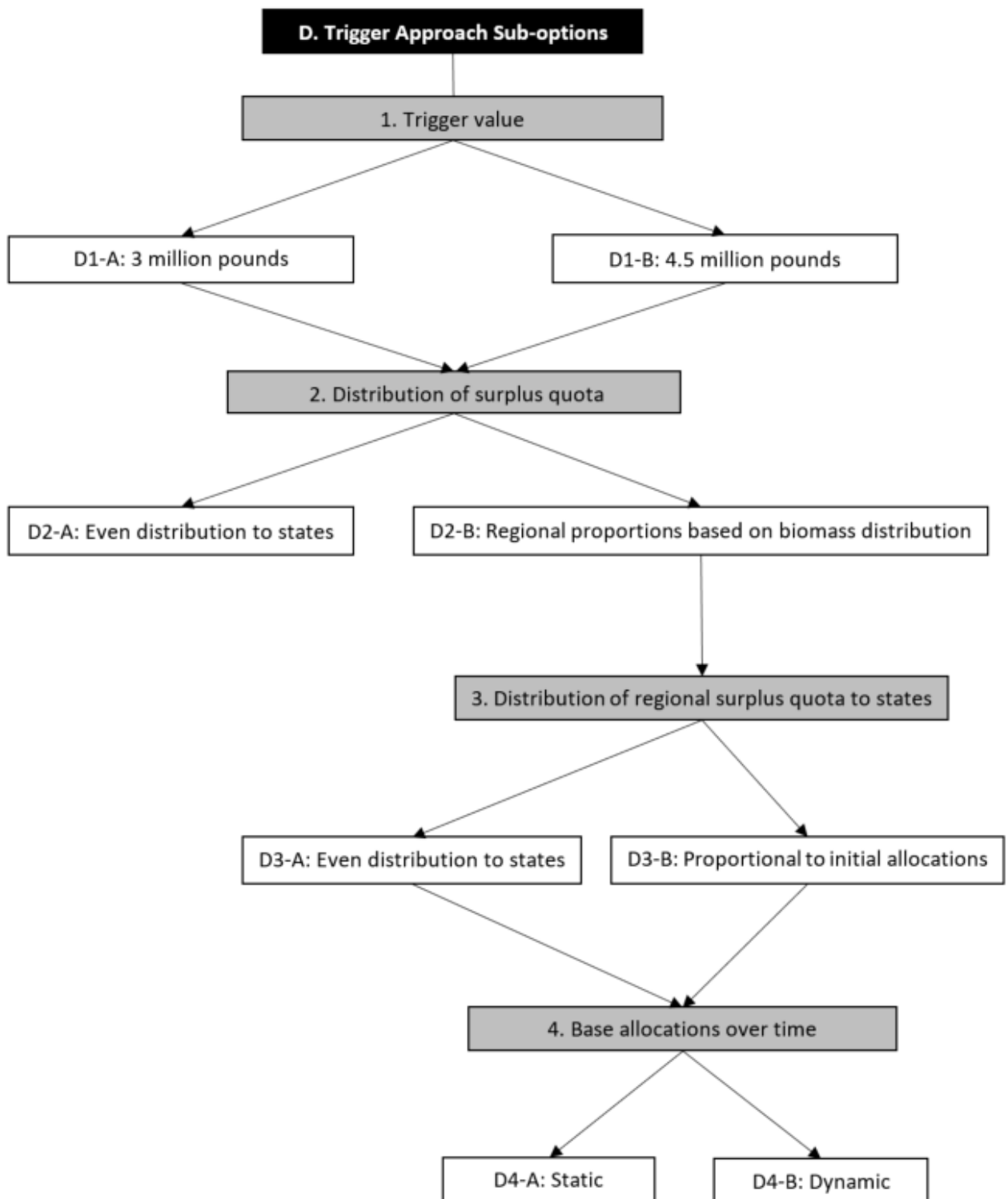
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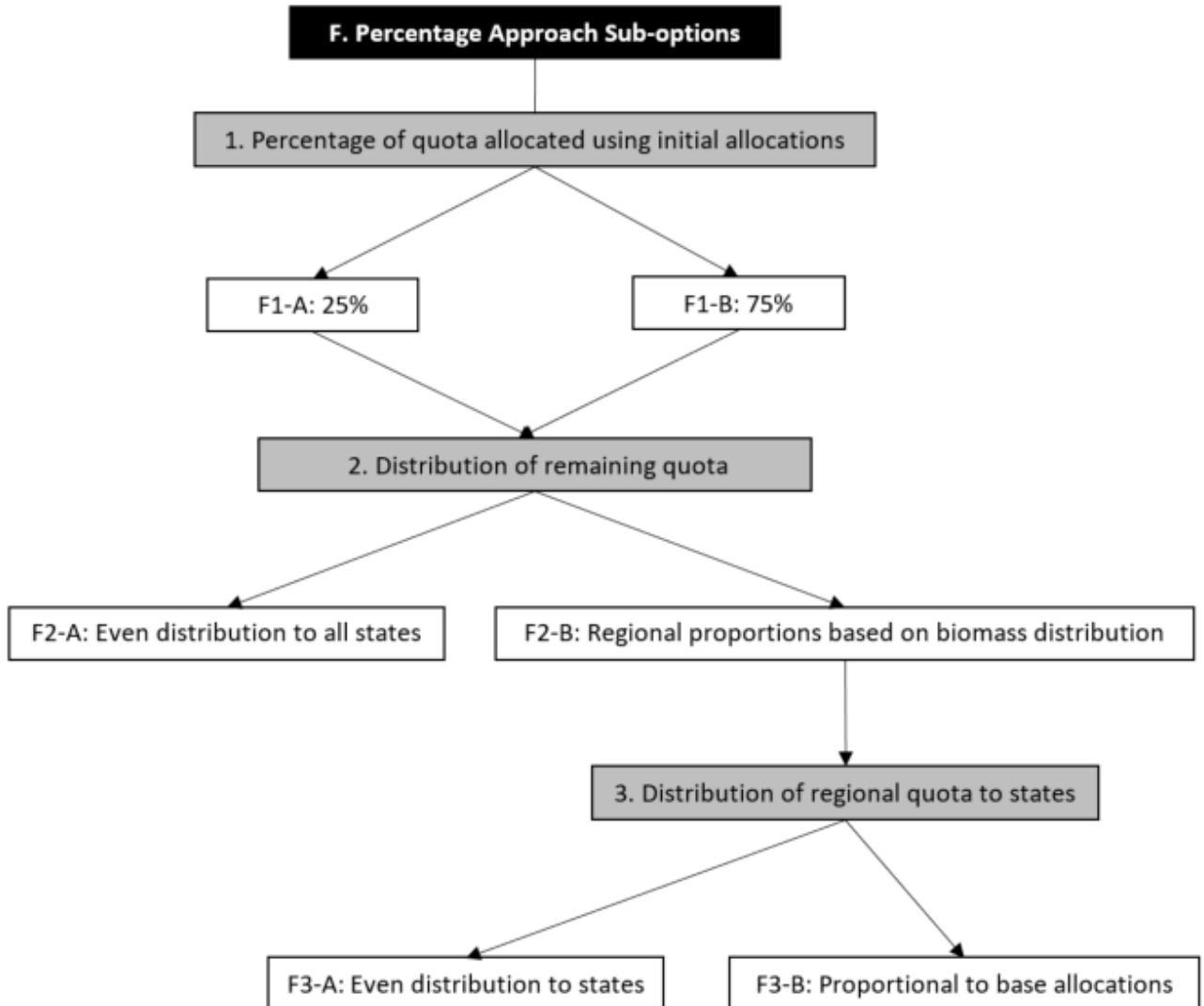
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Appendix 1. Flowchart of Management Options for Commercial State Allocations









Proposed New Allocation Alternative For Black Sea Bass: Dynamic Adjustment to Regional Allocations (DARA)

Black Sea Bass PDT

17 July 2020

Introduction

This proposal offers a new alternative for modifying the allocation of the commercial black sea bass quota. It involves a dynamic approach for gradually adjusting state-specific allocations using a combination of historical allocations and current levels of stock distribution. The alternative is modeled after the Transboundary Management Guidance Committee (TMGC) approach, which was developed and used for the management of shared Georges Bank resources between the United States and Canada.

As noted by Gulland (1980), the designation of units for management entails a compromise between the biological realities of stock structure and the practical convenience of analysis and policy making. For black sea bass, the Atlantic Coast states from North Carolina to Maine - acting through and by the MAFMC, ASMFC, and GARFO – use a single management unit encompassing the entire region occupied by the stock, from the southern border of North Carolina northward to the U.S.- Canadian border. While there is a general scientific consensus that the black sea bass population has shifted its center of biomass to the northern portion of its range (Bell et al. 2014 and NEFSC 2017), the current management structure, as reflected by current state-by-state allocations, does not recognize this new population dynamic.

This new alternative sets forth an approach that balances stability within the fishery, based on historical allocations, with gradual adjustments to the fishery, based on regional shifts in stock distribution emanating from updated stock assessments or surveys. The approach affords considerable flexibility, both with regard to initial configuration and application over time. A key feature involves the use of an algorithm to guard against abrupt shifts in allocations.

This new alternative draws upon established principles of resource sharing, which include consideration of access to resources occurring or produced in close spatial proximity to the states in the management unit and historical participation in the exploitation of the resources (Gavaris and Murawski 2004). The former has emerged from the changing distribution of the black sea bass resource and the effects this creates within the fishery. The latter recognizes traditional involvement and investment in the development of the fishery since the beginning of black sea bass joint management in 1996. Both principles were incorporated in the TMGC approach; historical participation was initially afforded primary emphasis, then gradually down-weighted so that, after a nine-year phase-in period, the annual allocation was based primarily on stock distribution (Murawski and Gavaris 2004). The approach proposed here for black sea bass is similar; the proposal envisions a gradual transition, giving more weight to historical participation at first, then slowly phasing in the distributional aspects over time, and then implements changes to state specific allocations through a two-step process.

Details for the calculations used for the TMGC approach were described by Murawski and Gavaris (2004). Modifications to that approach are necessary, given key differences between the shared Georges Bank resources and the shared black sea bass resource. Those differences include the state-by-state allocation system currently in place for black sea bass, the need to translate from regional to state-specific allocations, and the need to accommodate multiple jurisdictional differences in the fishery.

This new alternative proposes use of existing state-by-state allocations to reflect initial values for historical participation (aka initial allocations) and proposes use of the 2019 update stock assessment results (NEFSC 2019) to determine the values for stock distribution; the two values are then integrated in the form of regional shares. An alternative to using the stock assessment would be to use synoptic trawl survey information. This potential alternative is described in more detail below. The two regions as defined in the assessment are proposed: (1) ME - NY, (2) NJ - NC. They emanate from the spatial stratification of the stock in to units that generally align with those used for the assessment, which used the Hudson Canyon as the dividing line based on several pieces of evidence that stock dynamics had an important break in this area. These regional shares are then sub-divided into state-specific allocations.

The overall approach can be modified by the Board and Council in various ways. For example, sub-alternatives can be developed for:

- the regional configuration;
- the values for historical participation/initial allocations (e.g., current, status quo allocations, or some variant thereof);
- the weighting values for Initial Allocation and Stock Distribution (90:10, or some variant thereof);
- the increment of change in these values from one year to the next (10%/year, or some variant thereof, and;
- the periodicity of adjustments (e.g., annually vs. biannually).

A cap can also be established to limit the amount of change to the allocations during an adjustment (e.g. 3%-10%).

Data and Methods

Formula

Adapted from the TMGC application (TMGC 2002), the approach for calculating the respective regional shares, which takes historical utilization in to account and adapts to shifts in stock distribution, is as follows:

$$\%RegionalShare = (\alpha_y * \sum_r StateSpecAlloc) + (\beta_y * \%ResDistr_{r,y}) \quad (1)$$

Where α_y = percentage weighting for utilization by year; β_y = percentage weighting for stock distribution by year; $\alpha_y + \beta_y = 100\%$; $StateSpecAlloc$ = state specific allocation; $ResDistr$ = stock distribution; r = region; y = year

Proposed regions:

There are two choices for regional configuration: (1) ME - NY and NJ - NC, or (2) ME - NY, NJ, and DE - NC.

Proposed values for historical participation/initial allocation:

See Initial Allocation section below.

Proposed values for stock distribution:

The current proposal is to use the distribution in the two regions based on the stock assessment exploitable biomass calculations. This could be altered to use synoptic trawl survey information, therefore stock distribution would be based on most recent trawl survey information in that case.

Proposed percentage weighting values for initial allocation and stock distribution:

The initial sharing formula is proposed to be based on the weighting of initial allocation (from historical allocations) by 90% and the weighting of stock distribution by 10%. By the end of the period the shares will be the reciprocal; initial allocation at 10% and stock distribution at 90%. Additional alternatives are presented below.

Proposed increments of change in the weighting values from one adjustment period to the next: Initially proposed at 10% per period. Thus, 90:10 to begin, then: 80:20, 70:30, 60:40, 50:50; 40:60; 30:70; 20:80,

concluding at 10:90. Other alternatives are tested below.

Proposed periodicity of the adjustments:

Bi-annually based on stock assessment updates. If the survey alternative were used, this could be increased to annually.

Overall time horizon for the transition:

The initial proposal would conclude in 9 years. If commenced in 2020, it would conclude in 2028. The duration is dependent on the other options chosen

With these - or alternative - parameters assigned, the region-specific shares then need to be prorated into the existing state-specific allocation structure. This can be accomplished by the equation:

$$NewStateAllocation = \frac{Allocation_s}{\sum_r StateSpecAlloc} * \%RegionalShare \quad (2)$$

Where $Allocation_s$ = the specific state being calculated and the other parameters have already been defined above. This formula basically takes the existing state specific allocations and repropotions them in to the share they represent within the region.

Initial Allocations

Historical state-specific commercial allocations for black sea bass are codified in Amendment 13 to the Fishery Management Plan for Black Sea Bass (FMP) (MAFMC 2003) (Table 2). These allocations can serve as the basis for the initial allocation values in the allocation formula. These values, as used in the formula, would remain consistent throughout the reallocation process, even as the final state allocations change over time, based on equations 1 and 2. This is philosophically consistent with the FMP, as this portion of the allocation formula is meant to represent the historical fishing aspects of the black sea bass fishery.

However, alternative strategies (set forth in the form of sub-alternatives) could be used to set the initial allocation design. That is, the initial initial allocation portion of the allocation design could be adjusted, via revised state allocations, before transitioning into the formulaic approach to be used as the process moves forward.

One way to implement this type of approach would be the following, working from equation 2 above:

$$NewStateAllocation = \frac{Allocation_s + \lambda_s}{\sum_r StateSpecAlloc} * \%RegionalShare \quad (3)$$

Where λ = a state specific allocation additive or reduction factor and s = the state being calculated.

This formula allows for a shift in initial (status quo) allocations to account for potential discrepancies believed to be represented in the existing allocations. Currently, a proposal to add an initial amount to CT's allocation has been considered by the black sea bass management board, so using the equation above, a new allocation amount (λ) would be added to the historical allocation for CT (s).

Stock Distribution

This proposal offers two options for calculating the stock distribution. The first option would be to use the spatial stock assessment to determine the amount of resource in each region (north = NY, CT, RI, MA, NH, ME; south = NJ, DE, MD, VA, NC). The spatial stock assessment calculates a north and south exploitable biomass value, which can then be turned in to a proportion. The benefit of this approach is this number is calculated through a synthesis of many biological parameters and represents the best available science for the population. The drawback is that the assessment is updated periodically (not every year), therefore the information will not be evaluated every year, but would depend on the assessment cycle. Additionally, if the spatial stock assessment were to fail at some point in the future, this would impact the ability to do the dynamic allocation calculations. The current estimated allocation from the 2019 update assessment would be 5,272 MT (2018 exploitable biomass) in the south, 16,924 MT (2018 exploitable biomass) in the north,

equating to 24% of the exploitable biomass in the south and 76% of the exploitable biomass in the north (NEFSC 2019). It is important to note that these are the unadjusted exploitable biomass amounts from the assessment. Since data are readily available for this option, an example calculation and projection has been developed below. The process set forth below addresses total biomass, but it could be modified (and presented as a sub-alternative) to address exploitable biomass.

As an alternative, values for stock distribution can be obtained and calculated using scientific surveys, with results apportioned into regions. Since surveys are undertaken annually, the values for stock distribution, by region, can be recalculated and updated annually, biannually, or upon whatever timeframe is deemed most appropriate, affording an opportunity to regularly adjust allocations in sync with shifts in stock distribution. Such shifts may, or may not, follow consistent trends. Accordingly, the technique affords a dynamic approach, consistent with actual changes in stock distribution. Drawing upon the TMGC approach, a swept area biomass, considered a relative index of abundance, can be computed in each stratum, then summed to derive the biomass index for each region. The biomass index estimate derived from each survey would represent a synoptic snapshot of stock distribution at a specific time during a year. Combining the results of multiple surveys requires an understanding of seasonal movement patterns and how much of the biological year each survey represents. For this reason, it is proposed to use the National Marine Fisheries Service (NMFS) Trawl Survey in combination with the North East Area Monitoring and Assessment Program (NEAMAP) Survey. These are both well-established surveys, currently used in the stock assessment, and are synoptic, covering both offshore and inshore strata. As proposed in this alternative, the existing survey strata could be used to partition the survey information into two stock regions: (1) ME - NY, and (2) NJ - NC. The strata do not align perfectly with these two spatial configurations, but they are relatively close (Figures 1 and 2). Table 1 provides an example of how the strata could be applied for each region.

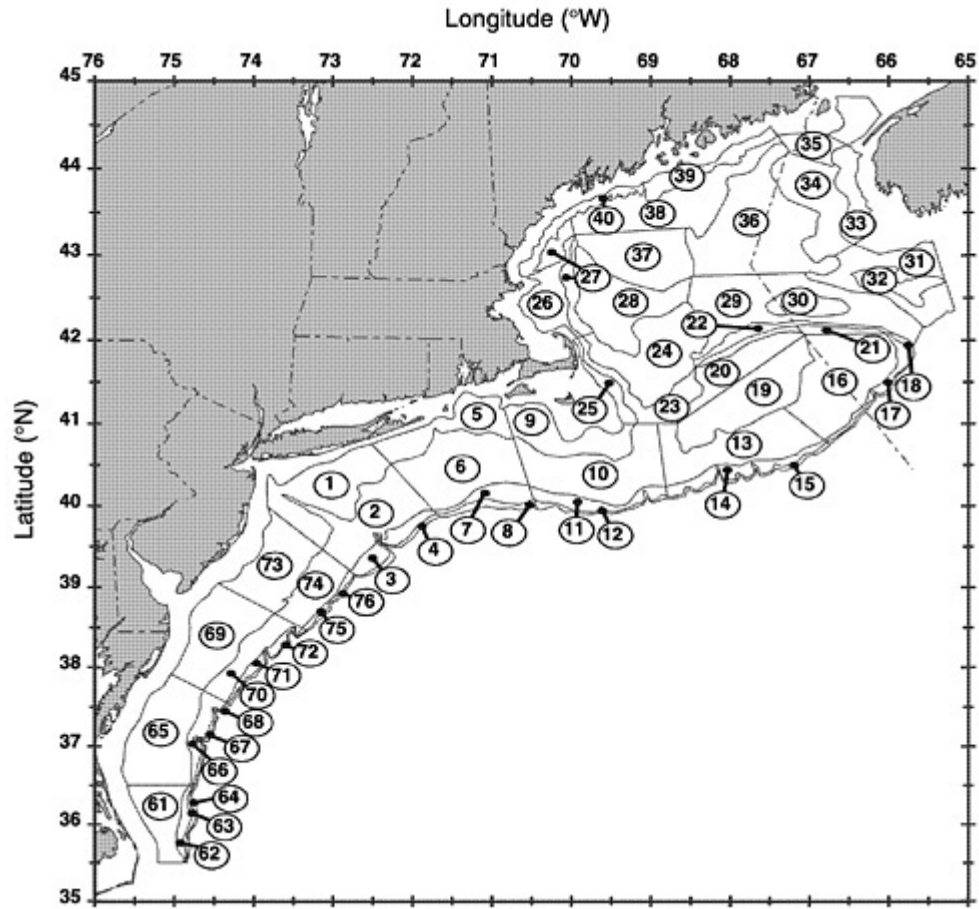


Figure 1: Map of National Marine Fisheries Service trawl survey strata.

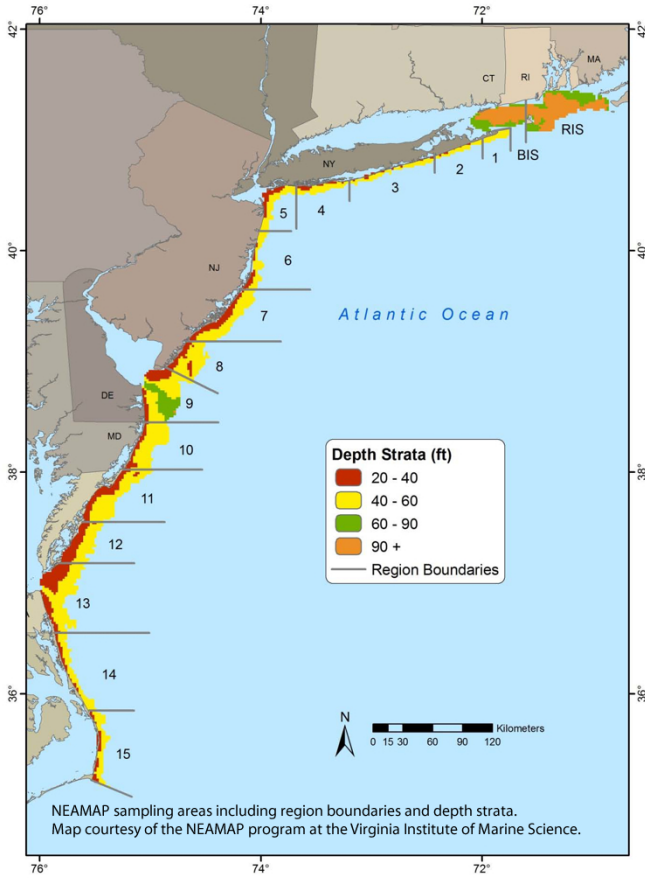


Figure 2: Map of North East Area Monitoring and Assessment Program trawl survey strata.

Table 1 - Strata or Region assigned to each region for stock distribution calculations.

Regions	NMFS Strata	NEAMAP Regions
Region 1: ME - NY	1 - 40	1 - 5, BIS, RIS
Region 2: NJ - NC	3, 61 - 76	6 - 15

*Note: This is a first cut, these should be finalized through discussions between the TC and survey staff.

This approach could be refined over time by developing area polygons that better align with the boards desired regional configuration. Then, using the spatial information from the surveys, the survey information could be partitioned into the polygons.

Additionally, there may be ways to use state survey information within the analysis – either directly by averaging those surveys into the swept area biomass calculations, or indirectly such as using them to verify or corroborate the information from the surveys used in the calculations. Such use of state survey information could be developed and integrated into the process over time via analysis and recommendations from the monitoring and technical committees.

A robust, locally weighted regression algorithm (Cleveland 1979), referred to as LOESS, could then be used to mitigate excessive variations in sampling results. Per the TMGC approach, a 30% smoothing parameter could be used. That level of smoothing was chosen because it reflected current trends, was responsive to changes, and provided the most appropriate results for contemporary resource sharing. The recommended

default of two robustness iterations also was adopted (Cleveland 1979) in the TMGC approach and could also be adopted here. Stock distributions could then be updated annually by incorporating data from the latest survey year available and dropping data from the earliest survey used in the previous year so that a consistent window of data is maintained. After the surveys are combined, the LOESS smoother would be applied to the survey data. The fixed initial allocation (90% weighting in year 1) and the most recent stock distributions as calculated by the surveys (10% weighting in year 1) can then be applied to the sharing formula to determine regional allocation shares for the upcoming fishing year.

The benefit of this approach is that it could be performed annually with the most contemporary data. The drawback is that survey data are prone to variability. The LOESS smoothing and the adjustment cap that is set forth below are designed to account for some of this variability to keep it from causing unreasonable changes in a single year.

As a final nuance to the survey alternative, a sophisticated modeling approach could be developed to achieve the same information as above. Techniques like the use of the VAST model (Thorson 2015) have been shown to be appropriate for this type of an analysis and could be adopted, in lieu of the swept area biomass technique, as a method for calculating stock distribution by region.

For this proposal, the assessment technique will be used as there is actual data that can be used to examine an example. With additional work, a retrospective analysis using trawl survey information could be developed.

Adjustment cap

In addition to the formula for calculating the regional allocations and then translating into the state specific allocations, additional measures could be added by way of an adjustment cap. Such measures would enable various checks and balances to be incorporated into the process to guard against unintended consequences.

One such algorithm, proposed here, is to guard against any abrupt change occurring to any regional allocation in any given year (or other time frame), and thus minimize short-term impacts, by capping the amount of any annual or bi-annual change to the regional shares anywhere between 3 - 10%. This can be shown as:

$$\%RegionalShare = \begin{cases} 3to10\%, & \text{if } \Delta AnnualChange > 3to10\% \\ \%RegionalShare, & \text{if } \Delta AnnualChange \leq 3to10\% \end{cases} \quad (1)$$

The effect would be to ensure that any changes to allocations occur incrementally, even in a case of large shifts in stock distribution in any given year or period. This algorithm serves as an additional layer of protection against large changes, in addition to the other factors outlined above that are also built in to contend with uncertainty and variability.

Flexibility

A key attribute of this proposed new approach for modifying the allocation system is its flexibility. All of the decision points set forth in this proposal, once agreed to, can be adjusted as the process moves forward. Such adjustments, emanating from routine reviews by the Board and Council, can address any of the range of parameters initially set by the Board and Council. The Board and Council could define how changes to the system would be considered and enacted moving forward - e.g., via Addenda and Frameworks, the specifications process, or some other mechanism. The ranges of parameters/issues that readily lend themselves to such adjustment include:

- The α and β parameters can be adjusted to change the way the utilization and distribution are weighted in the equation;
- The increment of change in the α and β parameters can be adjusted to increase or decrease the transition speed;
- The initial state allocations can be set at status quo, or shifted to accommodate various objectives; and
- The adjustment cap can be adjusted to be more or less protective of incremental changes.

Given such flexibility, the Board and Council could decide to implement a transition program that begins in 2021, with either current, status quo allocations, or some variant thereof, and based on assessment information through 2018 (same information used for the proposed 2019 operational stock assessment update), establish stock distribution values for each of the two regions. Using those parameters, and a weighting of allocations by 90% and stock distribution by 10%, enact new, slightly revised state-specific allocations for 2021. If the Board and Council opted for a transitional program involving 10% annual increments, until the weightings reached 10% utilization from initial allocations and 90% stock distribution, this sharing formula would transition from a 90:10 initial allocation-to-stock distribution weighting in 2021 to a 10:90 weighting by 2029. During every adjustment, the trawl survey information would be updated and factored into the stock distribution values. As such, each regional and associated state-specific adjustment would not necessarily be the same, whether in magnitude or direction.

Alternatively, the Board and Council could opt for a transitional program involving 10% increments every two years, or 5% annual increments, or 5% increments every two years, etc. Those alternatives would significantly slow the transition. Some of these variants are illustrated below as examples.

Example

The following are examples of how the new approach can be applied; it incorporates various proposed or strawman parameters, all of which can be modified upon review and consideration by the Board and Council:

- The assessment information is used to calculate the Stock Distribution values.
- Step 1: Apply the state-specific allocations and stock distribution information to equation 1.
 - Summed state allocations for Region 1 (sum of ME-NY)

```
sum.reg1
```

```
## [1] 0.33
```

- Summed state allocation for Region 2 (NJ - NC)

```
sum.reg2
```

```
## [1] 0.67
```

- Step 2: Apply the Stock Distribution information to equation 1.
 - Strawman values:

```
dist.reg1 = 0.76
```

```
dist.reg2 = 0.24
```

- Step 3: Select the increment of adjustment, which will determine the α and β parameters for equation 1 for year 1:
 - The initial sharing formula is proposed to be based on an annual 10% adjustment resulting in the weighting of historical allocations by 90% and the weighting of stock distribution by 10%. Thus:

```
alpha = 0.9
```

```
beta = 0.1
```

- Step 4: Calculate the results, in the form of proportional regional shares, from equation 1:

```
# Region 1 equation and result
```

```
Reg1.Share = (alpha*sum.reg1) + (beta*dist.reg1)
```

```
Reg1.Share
```

```
## [1] 0.373
```

```
# Region 2 equation and result
Reg2.Share = (alpha*sum.reg2) + (beta*dist.reg2)
Reg2.Share
```

```
## [1] 0.627
```

– This does not account for any change to the original allocations, see step 6 below.

- Step 5: Determine need to apply the adjustment cap

```
# Algorithm
if (abs(Reg1.Share-sum.reg1) > 0.1 | abs(Reg2.Share-sum.reg2) > 0.1 ) {
  if (Reg1.Share-sum.reg1 > 0) {
    Reg1.Share = (sum.reg1*(0.1))+sum.reg1
    Reg2.Share = (sum.reg2*(-0.1))+sum.reg2
  }
  if (Reg2.Share-sum.reg2 > 0) {
    Reg1.Share = (sum.reg1*(-.1))+sum.reg1
    Reg2.Share = (sum.reg2*(0.1))+sum.reg2
  }
}
}
```

– As proposed, the rule would cap any change at 10%. Since none of the resulting shares change by more than 10%, the algorithm would not apply in this case.

- Step 6: Establish the state-specific allocation structure to be pro-rated by the regional shares. This example **does not** apply a λ value to alter the allocations per equation 3.
 - The state-specific allocations could be the current, status quo allocations; or they could be variants, established via equation 3.

Table 2 - Current state by state allocations.

State	Current Allocation
Maine	0.005
New Hampshire	0.005
Massachusetts	0.130
Rhode Island	0.110
Connecticut	0.010
New York	0.070
New Jersey	0.200
Delaware	0.050
Maryland	0.110
Virginia	0.200
North Carolina	0.110

Four hypothetical examples of state-specific allocations under the new program were performed and are presented below (Tables 3, 4, and 5; Figures 3, 4, and 5).

Example 1: The first example represents a configuration resulting in more liberal change in state allocations. The parameters are set as follows: 2 regions (ME - NY; NJ - NC); initial allocation = status quo allocations ; transition from 90:10 to 10:90; 10% per year change in the transition from utilization to distribution; annual adjustments; the transition time to 90% weight on the stock distribution is 9 years; 10% adjustment cap; distribution assumption is based on the exploitable biomass by region from the assessment for the time period of 2004 - 2012; distribution of adjustments to states within a region are based on initial allocations.

Example 2: The second example represents a more conservative configuration, with more limited changes to state allocations. The parameters are set as follows: 2 regions (ME - NY; NJ - NC); initial allocation = status quo allocations; transition from 90:10 to 30:70; 5% per year change in the transition from utilization to distribution; annual adjustments; the transition time to 70% weight on the stock distribution is 12 years; 3% adjustment cap; distribution assumption is based on the exploitable biomass by region from the assessment for the time period of 2004 - 2015; distribution of adjustments to states within a region are based on initial allocations.

Example 3: The final example is intended to showcase a number of additional modifications that could be made to the approach to achieve certain objectives. In discussions amongst the PDT (and previously the Board regarding recreational black sea bass) it has been noted that it may be appropriate to treat New Jersey as an individual region due to its geographic position straddling the division of the Northern and Southern regions adjacent to Hudson Canyon. Additionally, this option increases the allocations for Connecticut and New York due to their allocations being disproportionate to their current resource availability (as defined in Equation 3 above). Lastly, the PDT discussed the option of holding Maine and New Hampshire's current allocations static throughout the transaction. To demonstrate these modifications, the parameters are set as follows: 4 regions (ME and NH remaining as a non-dynamic region with static allocations; MA - NY; NJ as a stand-alone region; and DE - NC); initial allocation = CT and NY base allocations increased by 1% in each of the first three years; transition from 90:10 to 10:90; 10% per year change in the transition from utilization to distribution; annual adjustments; the transition time to 90% weight on the stock distribution is 9 years; 10% adjustment cap; distribution assumption is based on the exploitable biomass by region from the assessment for the time period of 2004 - 2012, and assumes NJ gets 10% of its allocation from the northern region distribution and 10% of its allocation from the southern region distribution; distribution of adjustments to states within a region are based on initial allocations plus the incremental change as noted above.

The allocations presented in these tables would be different if any of the parameters were changed. Additionally, note that these examples are based on a scenario where the approach was implemented in 2004. The example shows how the system would work and the effects to the states over the initial period of adjustment from initial allocation having the highest weight in the equation to stock distribution having the highest weight during a period of time where the exploitable biomass was rapidly changing.

Table 3 - Allocation trajectory for all states under the parameters outlined in example 1 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012
Maine	0.005	0.006	0.006	0.007	0.008	0.008	0.009	0.011	0.011
New Hampshire	0.005	0.006	0.006	0.007	0.008	0.008	0.009	0.011	0.011
Massachusetts	0.137	0.147	0.158	0.174	0.195	0.210	0.238	0.275	0.293
Rhode Island	0.116	0.125	0.134	0.147	0.165	0.178	0.201	0.233	0.248
Connecticut	0.011	0.011	0.012	0.013	0.015	0.016	0.018	0.021	0.023
New York	0.074	0.079	0.085	0.094	0.105	0.113	0.128	0.148	0.158
New Jersey	0.195	0.187	0.179	0.167	0.151	0.139	0.119	0.090	0.076
Delaware	0.049	0.047	0.045	0.042	0.038	0.035	0.030	0.023	0.019
Maryland	0.107	0.103	0.098	0.092	0.083	0.077	0.065	0.050	0.042
Virginia	0.195	0.187	0.179	0.167	0.151	0.139	0.119	0.090	0.076
North Carolina	0.107	0.103	0.098	0.092	0.083	0.077	0.065	0.050	0.042

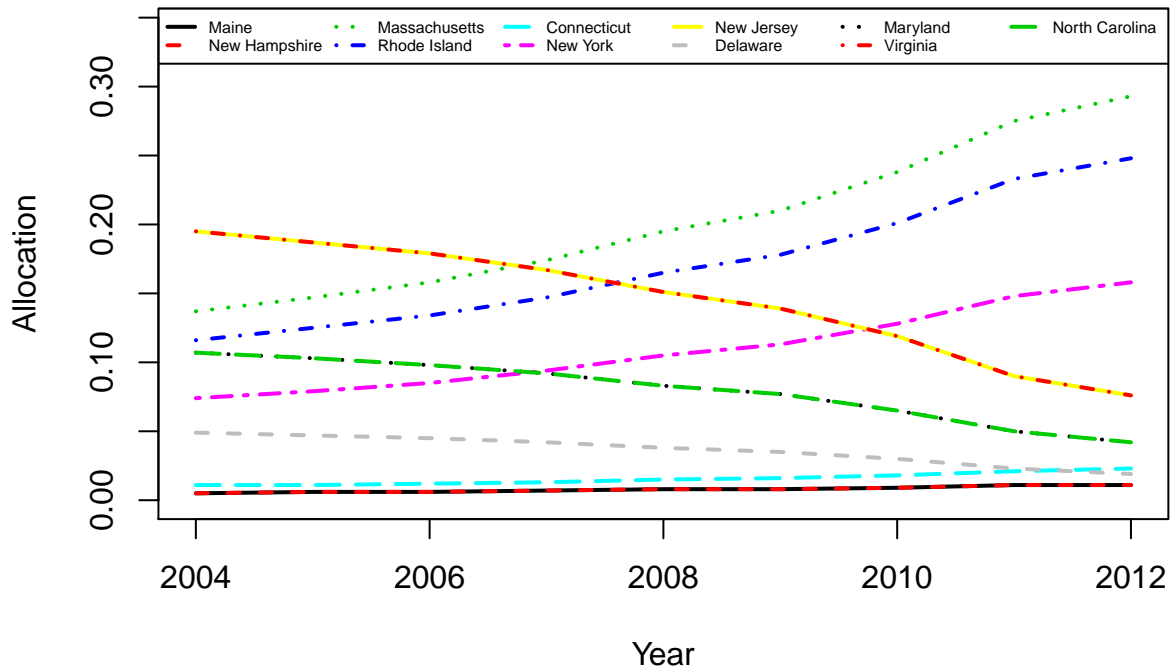


Figure 3: Allocation trajectory for all states under the parameters outlined in example 1 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

Table 4 - Allocation trajectory for all states under the parameters outlined in example 2 above. The adjustment cap is triggered in each year from 2012 through 2015 in this example. This is a retrospective analysis as if this method were in place beginning in 2004. The adjustment cap is triggered in 2012 - 2015 in this example.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Maine	0.005	0.005	0.006	0.006	0.006	0.007	0.007	0.007	0.007	0.007	0.008	0.008
New Hampshire	0.005	0.005	0.006	0.006	0.006	0.007	0.007	0.007	0.007	0.007	0.008	0.008
Massachusetts	0.134	0.139	0.144	0.152	0.162	0.170	0.176	0.182	0.187	0.193	0.198	0.205
Rhode Island	0.113	0.117	0.122	0.129	0.137	0.144	0.149	0.154	0.159	0.163	0.168	0.173
Connecticut	0.010	0.011	0.011	0.012	0.012	0.013	0.014	0.014	0.014	0.015	0.015	0.016
New York	0.072	0.075	0.078	0.082	0.088	0.092	0.095	0.098	0.101	0.104	0.107	0.110
New Jersey	0.197	0.193	0.189	0.183	0.175	0.170	0.164	0.159	0.154	0.150	0.145	0.141
Delaware	0.049	0.048	0.047	0.046	0.044	0.042	0.041	0.040	0.039	0.037	0.036	0.035
Maryland	0.109	0.106	0.104	0.101	0.096	0.093	0.090	0.087	0.085	0.082	0.080	0.077
Virginia	0.197	0.193	0.189	0.183	0.175	0.170	0.164	0.159	0.154	0.150	0.145	0.141
North Carolina	0.109	0.106	0.104	0.101	0.096	0.093	0.090	0.087	0.085	0.082	0.080	0.077

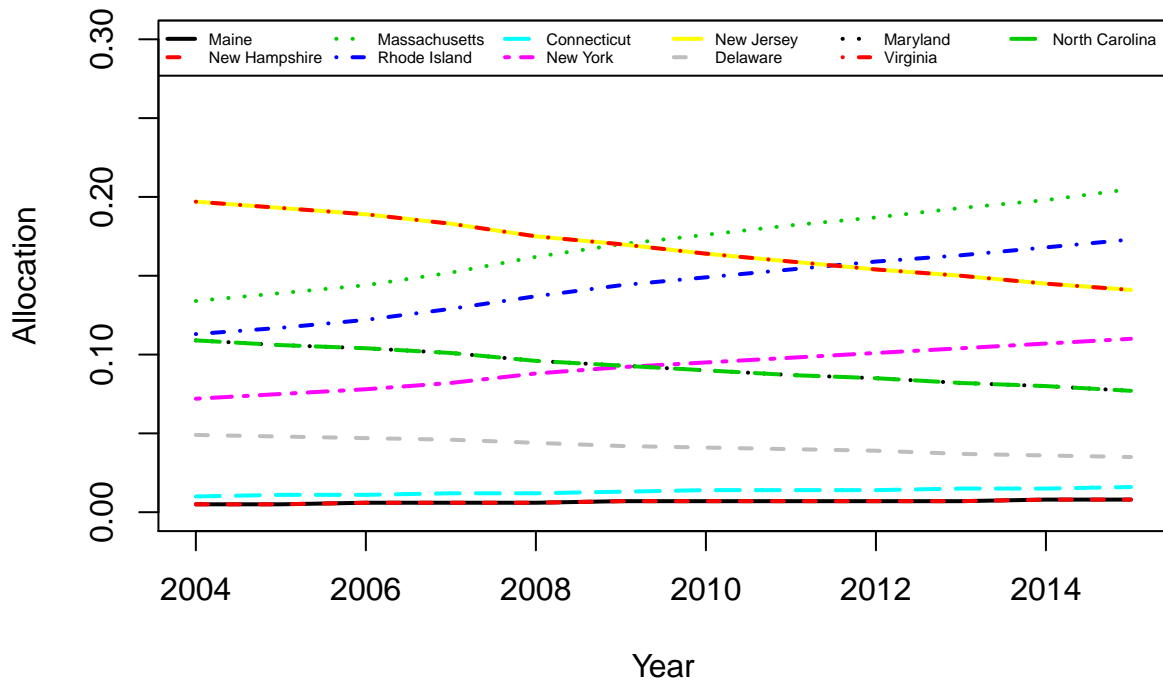


Figure 4: Allocation trajectory for all states under the parameters outlined in example 2 above. The adjustment cap is triggered in each year from 2012 through 2015 in this example. This is a retrospective analysis as if this method were in place beginning in 2004. The adjustment cap is triggered in 2012 - 2015 in this example.

Table 5 - Allocation trajectory for all states under the parameters outlined in example 3 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012
Maine	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005
New Hampshire	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005
Massachusetts	0.128	0.125	0.122	0.131	0.143	0.154	0.171	0.190	0.200
Rhode Island	0.108	0.105	0.102	0.109	0.120	0.128	0.143	0.159	0.167
Connecticut	0.020	0.030	0.040	0.043	0.047	0.051	0.056	0.063	0.066
New York	0.081	0.090	0.100	0.108	0.118	0.127	0.141	0.157	0.164
New Jersey	0.194	0.194	0.195	0.197	0.199	0.201	0.210	0.213	0.216
Delaware	0.046	0.043	0.040	0.037	0.033	0.030	0.025	0.019	0.017
Maryland	0.105	0.100	0.098	0.090	0.081	0.073	0.061	0.047	0.041
Virginia	0.193	0.187	0.184	0.170	0.152	0.138	0.115	0.089	0.077
North Carolina	0.105	0.100	0.098	0.090	0.081	0.073	0.061	0.047	0.041

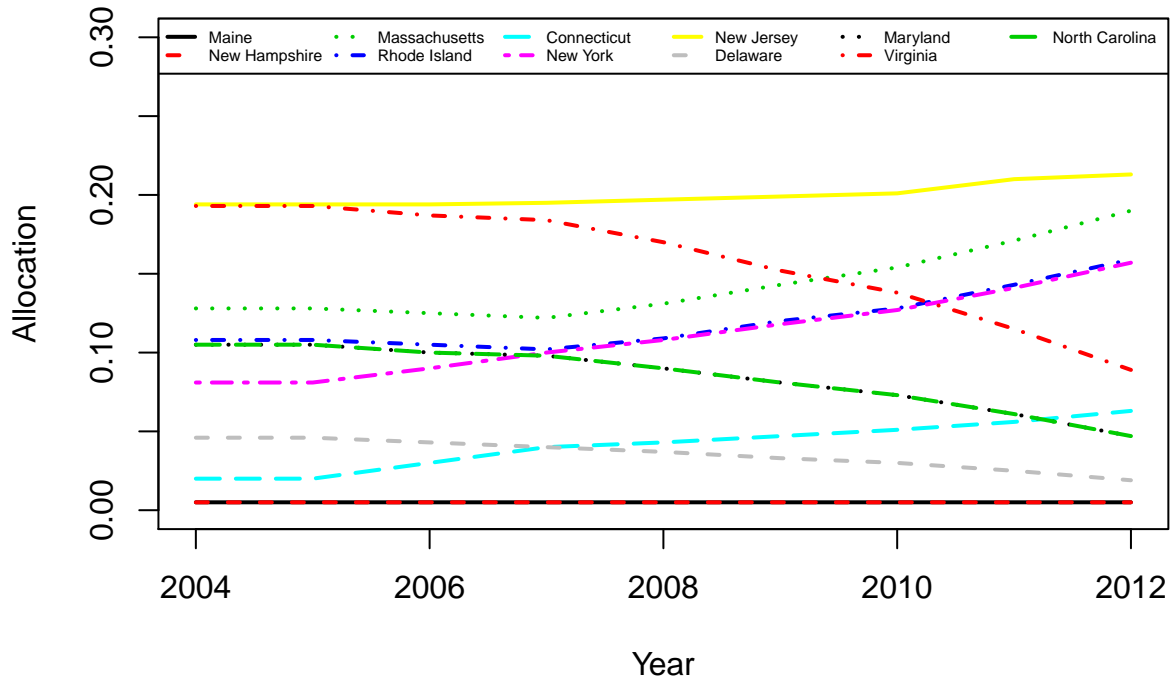


Figure 5: Allocation trajectory for all states under the parameters outlined in example 3 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

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Draft Document for Board Review. Not for Public comment.

Appendix 3. Example changes in allocation distribution under various trigger and percentage approaches

Appendix X Examples			
Example	Option	Trigger/Percentage	Approach
1-A	Trigger	3 million	Static trigger with surplus allocated regionally and proportional to states' initial allocations
1-B	Trigger	3 million	1-A, if one year's quota is below the trigger
2	Trigger, Three regions	3 million	Static trigger with surplus allocated regionally and proportional to states' initial allocations with NJ as a third region
3	Trigger	3 million	Static trigger with surplus allocated regionally and equally between states
4-A	Trigger	3 million	Dynamic trigger with surplus allocated regionally and proportional to states' base allocations
4-B	Trigger	3 million	4-A, if one year's quota is below the trigger
5	Trigger	3 million	Dynamic trigger with surplus allocated regionally and equally between states
6	Trigger	4.5 million	Dynamic trigger with surplus allocated regionally and proportional to states' base allocations
7-A	Trigger with Increase to CT and NY First	3 million	Static trigger with surplus allocated regionally and proportional to states' initial allocations
7-B	Trigger with Increase to CT and NY First	3 million	7-A, if one year's quota is below the trigger
8	Percentage	25%	Surplus allocated equally between states
9	Percentage	25%	Surplus allocated regionally and equally between the states
10	Percentage	25%	Surplus allocated regionally and proportional to states' initial allocations
11	Percentage	75%	Surplus allocated regionally and equally between the states
12	Percentage	75%	Surplus allocated regionally and proportional to states' initial allocations

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EXAMPLE 1-A

Trigger Value: 3 million pounds

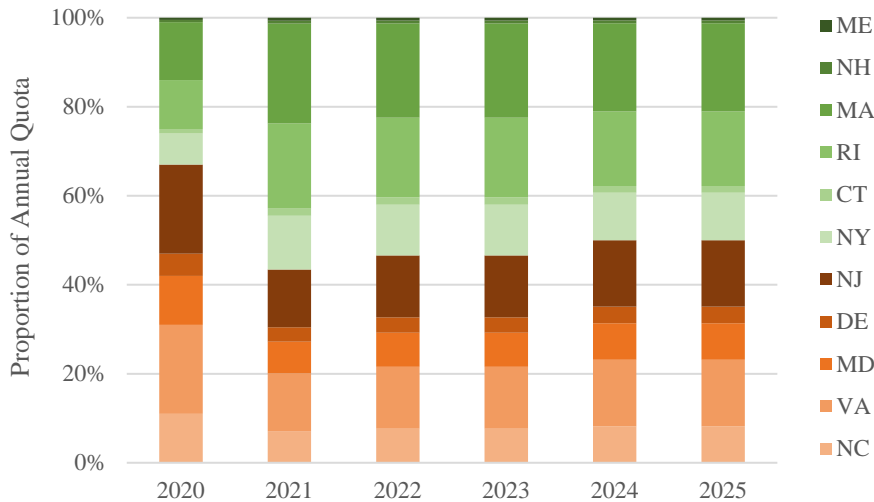
Base allocations: Static

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to initial allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	22.5%	21.2%	21.2%	19.8%	19.8%
RI	11.0%	19.0%	17.9%	17.9%	16.8%	16.8%
CT	1.0%	1.7%	1.6%	1.6%	1.5%	1.5%
NY	7.0%	12.1%	11.4%	11.4%	10.7%	10.7%
NJ	20.0%	13.0%	13.9%	13.9%	14.9%	14.9%
DE	5.0%	3.2%	3.5%	3.5%	3.7%	3.7%
MD	11.0%	7.1%	7.7%	7.7%	8.2%	8.2%
VA	20.0%	13.0%	13.9%	13.9%	14.9%	14.9%
NC	11.0%	7.1%	7.7%	7.7%	8.2%	8.2%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	53.4%	53.4%	50.0%	50.0%
South	67.0%	43.4%	46.6%	46.6%	50.0%	50.0%



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EXAMPLE 1-B (1-A approach with one year’s quota under the trigger)

Trigger Value: 3 million pounds

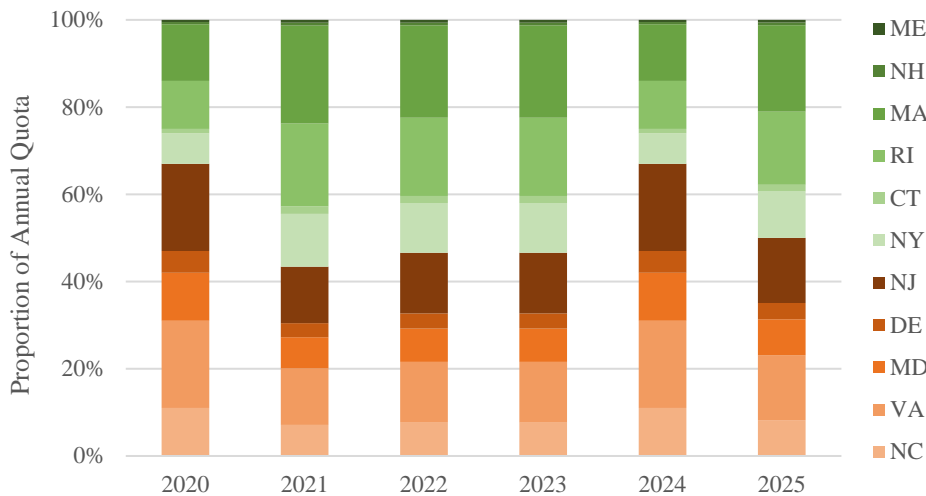
Base allocations: Static

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to initial allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	2,800,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.6%	0.6%	0.5%	0.6%
NH	0.5%	0.7%	0.6%	0.6%	0.5%	0.6%
MA	13.0%	22.5%	21.2%	21.2%	13.0%	19.8%
RI	11.0%	19.0%	17.9%	17.9%	11.0%	16.8%
CT	1.0%	1.7%	1.6%	1.6%	1.0%	1.5%
NY	7.0%	12.1%	11.4%	11.4%	7.0%	10.7%
NJ	20.0%	13.0%	13.9%	13.9%	20.0%	14.9%
DE	5.0%	3.2%	3.5%	3.5%	5.0%	3.7%
MD	11.0%	7.1%	7.7%	7.7%	11.0%	8.2%
VA	20.0%	13.0%	13.9%	13.9%	20.0%	14.9%
NC	11.0%	7.1%	7.7%	7.7%	11.0%	8.2%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	53.4%	53.4%	33.0%	50.0%
South	67.0%	43.4%	46.6%	46.6%	67.0%	50.0%



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EXAMPLE 2

Trigger Value: 3 million pounds

Base allocations: Static

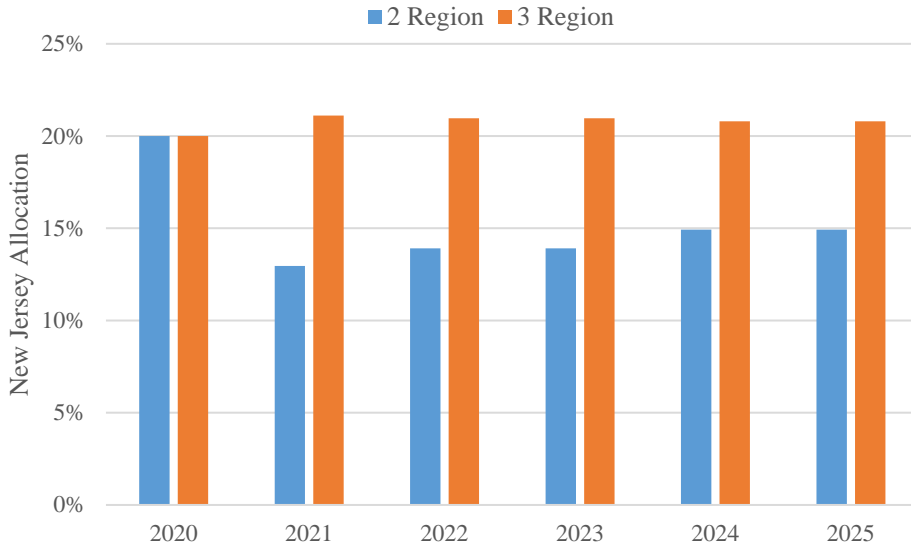
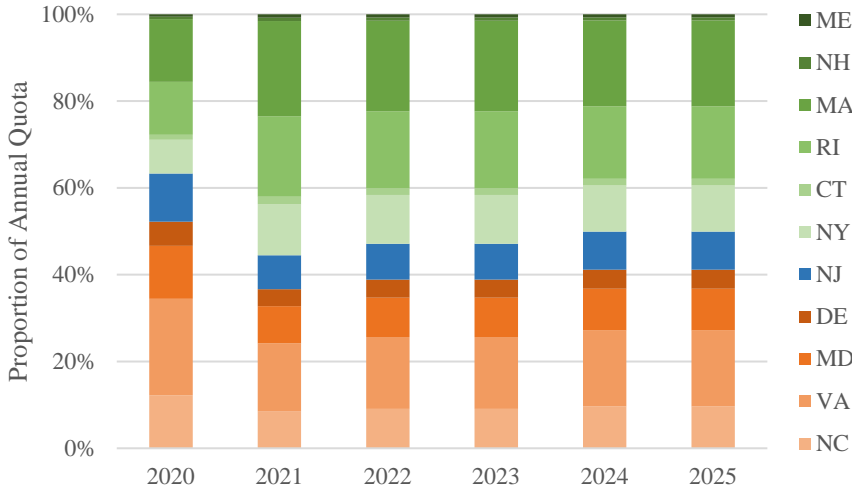
Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to initial allocations.

Regional configuration: ME-NY, NJ, DE-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	18.8%	18.0%	18.0%	17.2%	17.2%
RI	11.0%	15.9%	15.2%	15.2%	14.5%	14.5%
CT	1.0%	1.4%	1.4%	1.4%	1.3%	1.3%
NY	7.0%	10.1%	9.7%	9.7%	9.2%	9.2%
NJ	20.0%	21.1%	21.0%	21.0%	20.8%	20.8%
DE	5.0%	3.3%	3.6%	3.6%	3.8%	3.8%
MD	11.0%	7.3%	7.8%	7.8%	8.4%	8.4%
VA	20.0%	13.3%	14.2%	14.2%	15.2%	15.2%
NC	11.0%	7.3%	7.8%	7.8%	8.4%	8.4%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	47.5%	45.6%	45.6%	43.5%	43.5%
NJ	20.0%	21.1%	21.0%	21.0%	20.8%	20.8%
South	47.0%	31.4%	33.5%	33.5%	35.7%	35.7%

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The above Figure provides a comparison of NJ’s percent allocation under the 2 region configuration provided in Example 1 (blue bars) and the 3 region configuration provided in Example 2 (orange bars). All other variables are held constant between Example 1-A and Example 2.

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EXAMPLE 3

Trigger Value: 3 million pounds

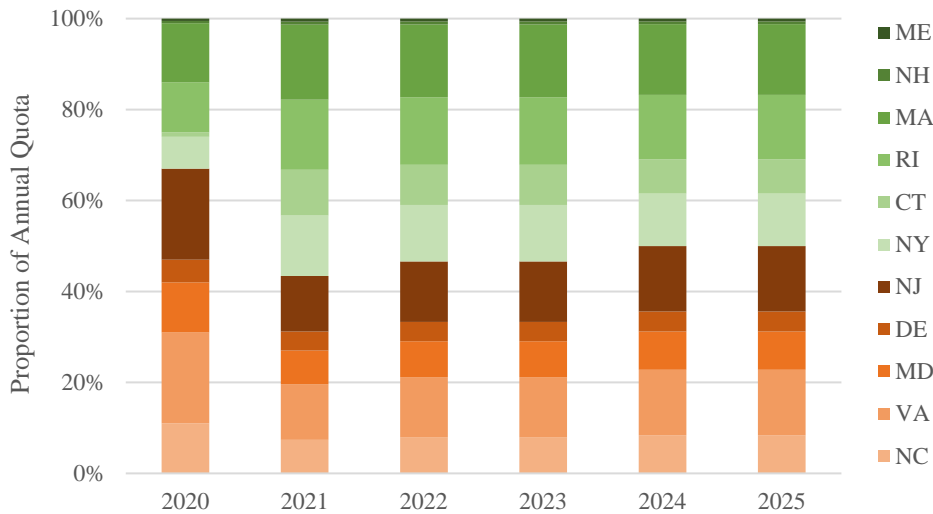
Base allocations: Static

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	16.5%	16.0%	16.0%	15.5%	15.5%
RI	11.0%	15.4%	14.8%	14.8%	14.2%	14.2%
CT	1.0%	10.1%	8.8%	8.8%	7.5%	7.5%
NY	7.0%	13.3%	12.4%	12.4%	11.5%	11.5%
NJ	20.0%	12.2%	13.3%	13.3%	14.4%	14.4%
DE	5.0%	4.2%	4.3%	4.3%	4.4%	4.4%
MD	11.0%	7.4%	7.9%	7.9%	8.4%	8.4%
VA	20.0%	12.2%	13.3%	13.3%	14.4%	14.4%
NC	11.0%	7.4%	7.9%	7.9%	8.4%	8.4%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	53.4%	53.4%	50.0%	50.0%
South	67.0%	43.4%	46.6%	46.6%	50.0%	50.0%



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EXAMPLE 4-A

Trigger Value: 3 million pounds

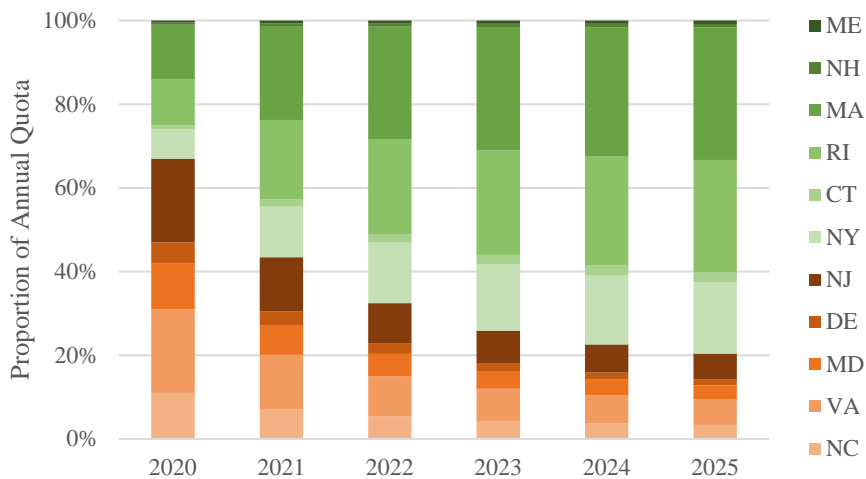
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to base allocations.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
NH	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
MA	13.0%	22.5%	26.8%	29.5%	30.8%	31.7%
RI	11.0%	19.0%	22.7%	24.9%	26.1%	26.8%
CT	1.0%	1.7%	2.1%	2.3%	2.4%	2.4%
NY	7.0%	12.1%	14.5%	15.9%	16.6%	17.1%
NJ	20.0%	13.0%	9.7%	7.7%	6.7%	6.1%
DE	5.0%	3.2%	2.4%	1.9%	1.7%	1.5%
MD	11.0%	7.1%	5.3%	4.2%	3.7%	3.3%
VA	20.0%	13.0%	9.7%	7.7%	6.7%	6.1%
NC	11.0%	7.1%	5.3%	4.2%	3.7%	3.3%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	67.5%	74.1%	77.4%	79.6%
South	67.0%	43.4%	32.5%	25.9%	22.6%	20.4%



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EXAMPLE 4-B (4-A approach with one year’s quota under the trigger)

Trigger Value: 3 million pounds

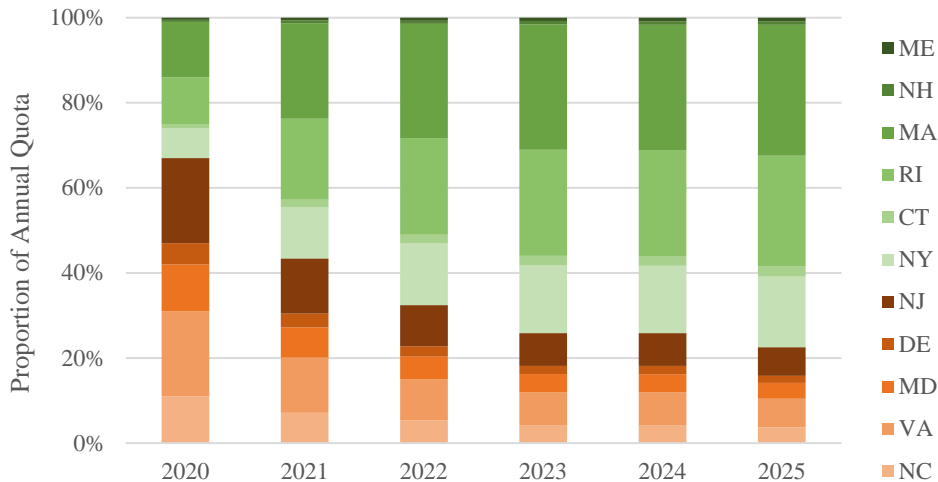
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to base allocations.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	2,800,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
NH	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
MA	13.0%	22.5%	26.8%	29.5%	29.5%	30.8%
RI	11.0%	19.0%	22.7%	24.9%	24.9%	26.0%
CT	1.0%	1.7%	2.1%	2.3%	2.3%	2.4%
NY	7.0%	12.1%	14.5%	15.9%	15.9%	16.6%
NJ	20.0%	13.0%	9.7%	7.7%	7.7%	6.7%
DE	5.0%	3.2%	2.4%	1.9%	1.9%	1.7%
MD	11.0%	7.1%	5.3%	4.2%	4.2%	3.7%
VA	20.0%	13.0%	9.7%	7.7%	7.7%	6.7%
NC	11.0%	7.1%	5.3%	4.2%	4.2%	3.7%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	67.5%	74.1%	74.2%	77.4%
South	67.0%	43.4%	32.5%	25.9%	25.8%	22.6%



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EXAMPLE 5

Trigger Value: 3 million pounds

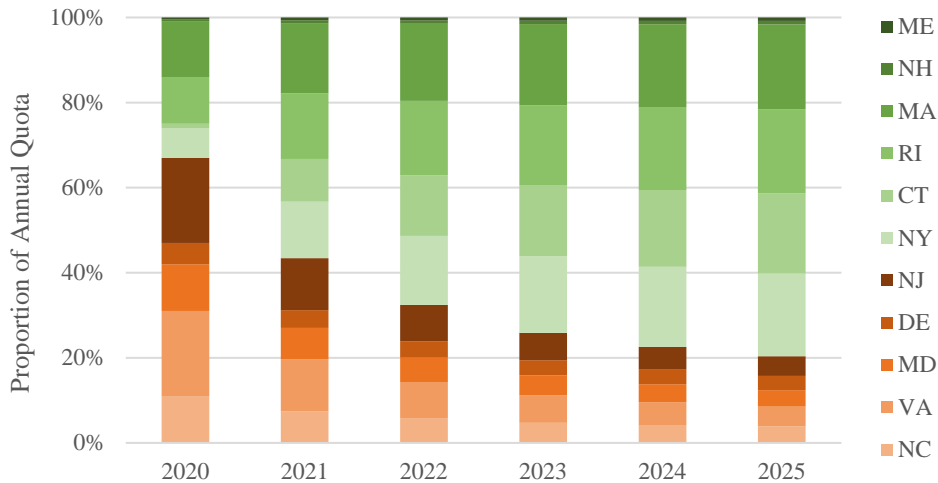
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
NH	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
MA	13.0%	16.5%	18.1%	19.1%	19.6%	19.9%
RI	11.0%	15.4%	17.5%	18.7%	19.3%	19.8%
CT	1.0%	10.1%	14.3%	16.8%	18.1%	18.9%
NY	7.0%	13.3%	16.2%	18.0%	18.8%	19.4%
NJ	20.0%	12.2%	8.6%	6.5%	5.4%	4.6%
DE	5.0%	4.2%	3.8%	3.5%	3.4%	3.4%
MD	11.0%	7.4%	5.7%	4.7%	4.2%	3.9%
VA	20.0%	12.2%	8.6%	6.5%	5.4%	4.6%
NC	11.0%	7.4%	5.7%	4.7%	4.2%	3.9%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	67.5%	74.1%	77.4%	79.6%
South	67.0%	43.4%	32.5%	25.9%	22.6%	20.4%



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EXAMPLE 6

Trigger Value: 4.5 million pounds

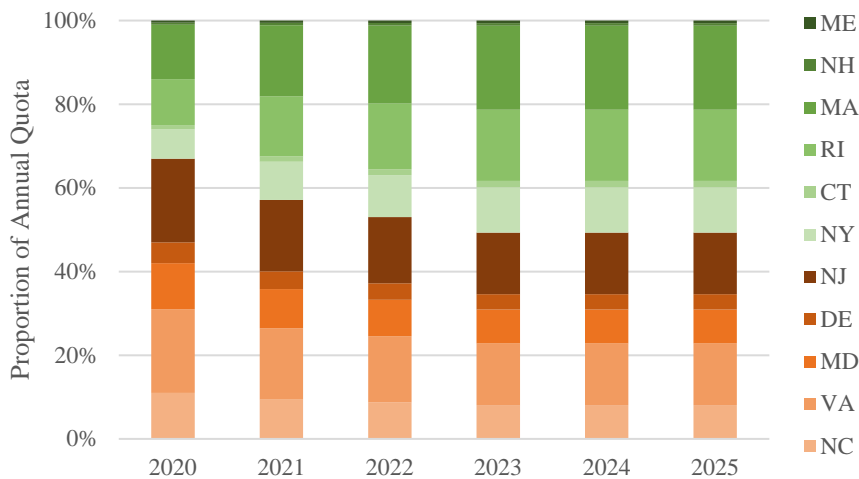
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to base allocations.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	17.0%	18.6%	20.1%	20.1%	20.1%
RI	11.0%	14.3%	15.7%	17.0%	17.0%	17.0%
CT	1.0%	1.3%	1.4%	1.5%	1.5%	1.5%
NY	7.0%	9.1%	10.0%	10.8%	10.8%	10.8%
NJ	20.0%	17.1%	15.8%	14.7%	14.7%	14.7%
DE	5.0%	4.3%	4.0%	3.7%	3.7%	3.7%
MD	11.0%	9.4%	8.7%	8.1%	8.1%	8.1%
VA	20.0%	17.1%	15.8%	14.7%	14.7%	14.7%
NC	11.0%	9.4%	8.7%	8.1%	8.1%	8.1%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	42.9%	47.0%	50.7%	50.7%	50.7%
South	67.0%	57.1%	53.0%	49.3%	49.3%	49.3%



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EXAMPLE 7-A (Increase to Connecticut and New York Quotas First)

Trigger Value: 3 million pounds

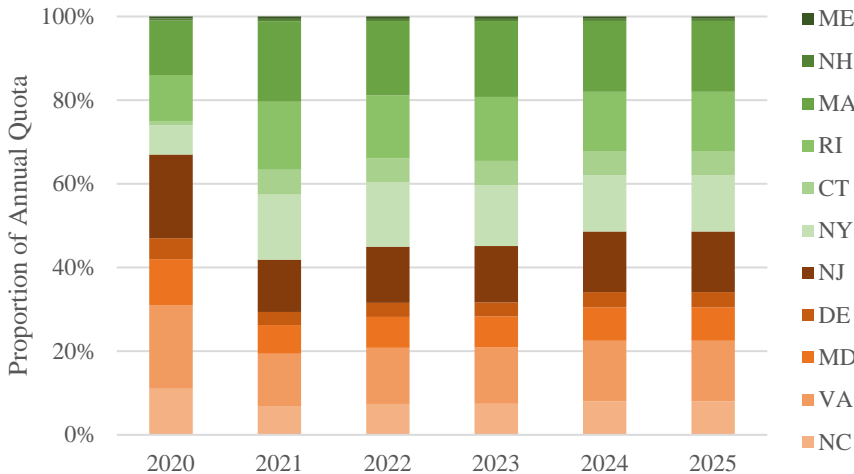
Base allocations: Static

Distribution of surplus quota: Surplus quota first allocated to increase Connecticut to 5%, then to increase New York to 9%. Further surplus is allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to historic allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
NH	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
MA	13.0%	19.2%	17.8%	18.1%	16.9%	16.9%
RI	11.0%	16.3%	15.0%	15.3%	14.3%	14.3%
CT	1.0%	5.9%	5.8%	5.8%	5.6%	5.6%
NY	7.0%	15.6%	15.4%	14.5%	13.4%	13.4%
NJ	20.0%	12.5%	13.4%	13.5%	14.5%	14.5%
DE	5.0%	3.1%	3.4%	3.4%	3.6%	3.6%
MD	11.0%	6.9%	7.4%	7.4%	8.0%	8.0%
VA	20.0%	12.5%	13.4%	13.5%	14.5%	14.5%
NC	11.0%	6.9%	7.4%	7.4%	8.0%	8.0%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	58.1%	55.0%	54.9%	51.4%	51.4%
South	67.0%	41.9%	45.0%	45.1%	48.6%	48.6%



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EXAMPLE 7-B (7-A approach with one year’s quota under the trigger)

Trigger Value: 3 million pounds

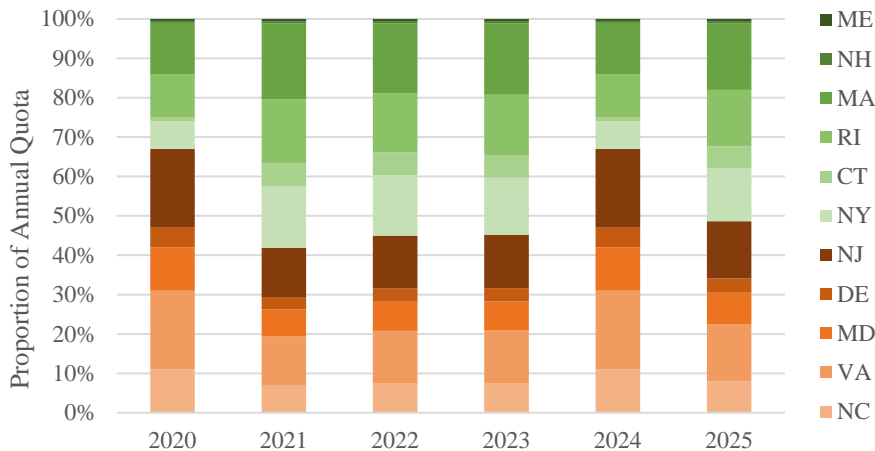
Base allocations: Static

Distribution of surplus quota: Surplus quota first allocated to increase Connecticut to 5%, then to increase New York to 9%. Further surplus is allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to historic allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	2,800,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
NH	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
MA	13.0%	19.2%	17.8%	18.1%	13.0%	16.9%
RI	11.0%	16.3%	15.0%	15.3%	11.0%	14.3%
CT	1.0%	5.9%	5.8%	5.8%	1.0%	5.6%
NY	7.0%	15.6%	15.4%	14.5%	7.0%	13.4%
NJ	20.0%	12.5%	13.4%	13.5%	20.0%	14.5%
DE	5.0%	3.1%	3.4%	3.4%	5.0%	3.6%
MD	11.0%	6.9%	7.4%	7.4%	11.0%	8.0%
VA	20.0%	12.5%	13.4%	13.5%	20.0%	14.5%
NC	11.0%	6.9%	7.4%	7.4%	11.0%	8.0%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	58.1%	55.0%	54.9%	33.0%	51.4%
South	67.0%	41.9%	45.0%	45.1%	67.0%	48.6%



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EXAMPLE 8

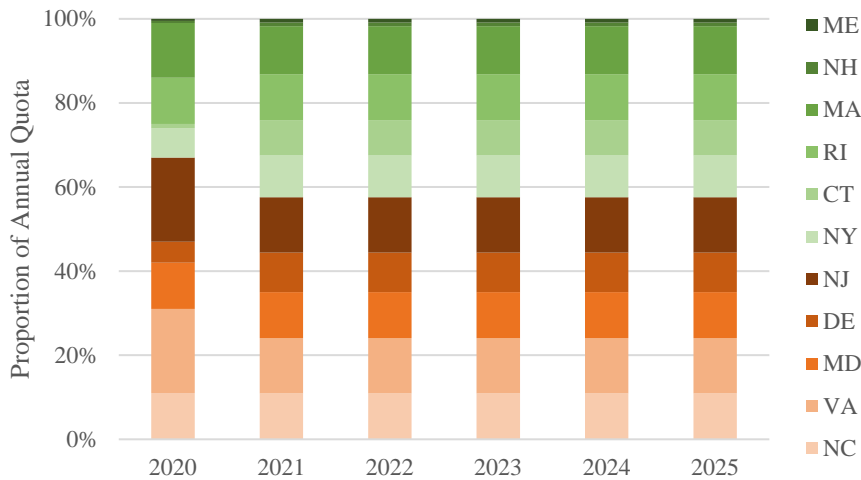
Base percentage: 25%

Distribution of surplus quota: Surplus quota allocated equally to each state from Massachusetts to North Carolina.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.9%	0.9%	0.9%	0.9%	0.9%
NH	0.5%	0.9%	0.9%	0.9%	0.9%	0.9%
MA	13.0%	11.4%	11.4%	11.4%	11.4%	11.4%
RI	11.0%	10.9%	10.9%	10.9%	10.9%	10.9%
CT	1.0%	8.4%	8.4%	8.4%	8.4%	8.4%
NY	7.0%	9.9%	9.9%	9.9%	9.9%	9.9%
NJ	20.0%	13.2%	13.2%	13.2%	13.2%	13.2%
DE	5.0%	9.4%	9.4%	9.4%	9.4%	9.4%
MD	11.0%	10.9%	10.9%	10.9%	10.9%	10.9%
VA	20.0%	13.2%	13.2%	13.2%	13.2%	13.2%
NC	11.0%	10.9%	10.9%	10.9%	10.9%	10.9%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	42.4%	42.4%	42.4%	42.4%	42.4%
South	67.0%	57.6%	57.6%	57.6%	57.6%	57.6%



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EXAMPLE 9

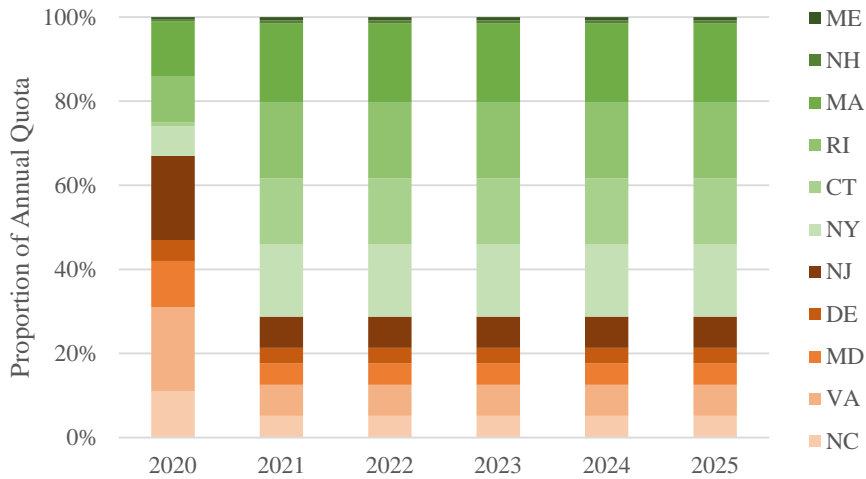
Base percentage: 25%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
NH	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
MA	13.0%	18.7%	18.7%	18.7%	18.7%	18.7%
RI	11.0%	18.2%	18.2%	18.2%	18.2%	18.2%
CT	1.0%	15.7%	15.7%	15.7%	15.7%	15.7%
NY	7.0%	17.2%	17.2%	17.2%	17.2%	17.2%
NJ	20.0%	7.4%	7.4%	7.4%	7.4%	7.4%
DE	5.0%	3.7%	3.7%	3.7%	3.7%	3.7%
MD	11.0%	5.2%	5.2%	5.2%	5.2%	5.2%
VA	20.0%	7.4%	7.4%	7.4%	7.4%	7.4%
NC	11.0%	5.2%	5.2%	5.2%	5.2%	5.2%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	71.3%	71.3%	71.3%	71.3%	71.3%
South	67.0%	28.8%	28.8%	28.8%	28.8%	28.8%



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EXAMPLE 10

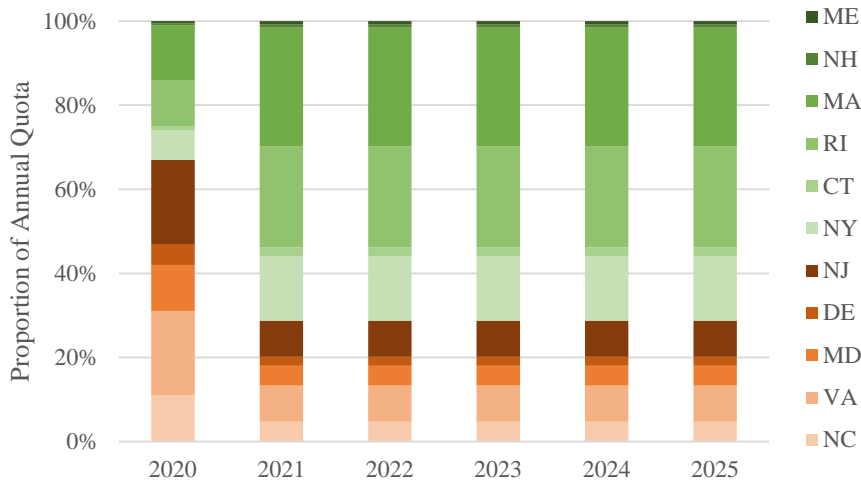
Base percentage: 25%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated according to initial proportions.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
NH	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
MA	13.0%	28.3%	28.3%	28.3%	28.3%	28.3%
RI	11.0%	24.0%	24.0%	24.0%	24.0%	24.0%
CT	1.0%	2.2%	2.2%	2.2%	2.2%	2.2%
NY	7.0%	15.3%	15.3%	15.3%	15.3%	15.3%
NJ	20.0%	8.6%	8.6%	8.6%	8.6%	8.6%
DE	5.0%	2.1%	2.1%	2.1%	2.1%	2.1%
MD	11.0%	4.7%	4.7%	4.7%	4.7%	4.7%
VA	20.0%	8.6%	8.6%	8.6%	8.6%	8.6%
NC	11.0%	4.7%	4.7%	4.7%	4.7%	4.7%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	71.3%	71.3%	71.3%	71.3%	71.3%
South	67.0%	28.8%	28.8%	28.8%	28.8%	28.8%



Draft Document for Board Review. Not for Public comment.

EXAMPLE 11

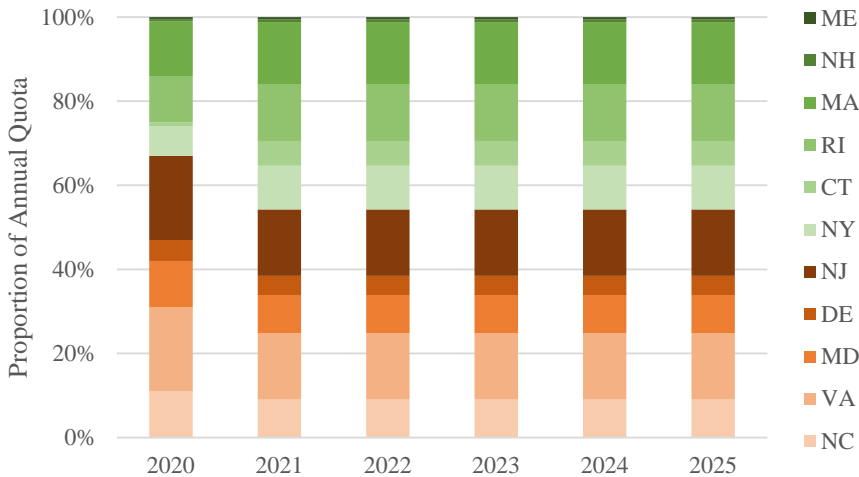
Base percentage: 75%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	14.9%	14.9%	14.9%	14.9%	14.9%
RI	11.0%	13.4%	13.4%	13.4%	13.4%	13.4%
CT	1.0%	5.9%	5.9%	5.9%	5.9%	5.9%
NY	7.0%	10.4%	10.4%	10.4%	10.4%	10.4%
NJ	20.0%	15.8%	15.8%	15.8%	15.8%	15.8%
DE	5.0%	4.6%	4.6%	4.6%	4.6%	4.6%
MD	11.0%	9.1%	9.1%	9.1%	9.1%	9.1%
VA	20.0%	15.8%	15.8%	15.8%	15.8%	15.8%
NC	11.0%	9.1%	9.1%	9.1%	9.1%	9.1%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	45.8%	45.8%	45.8%	45.8%	45.8%
South	67.0%	54.3%	54.3%	54.3%	54.3%	54.3%



Draft Document for Board Review. Not for Public comment.

EXAMPLE 12

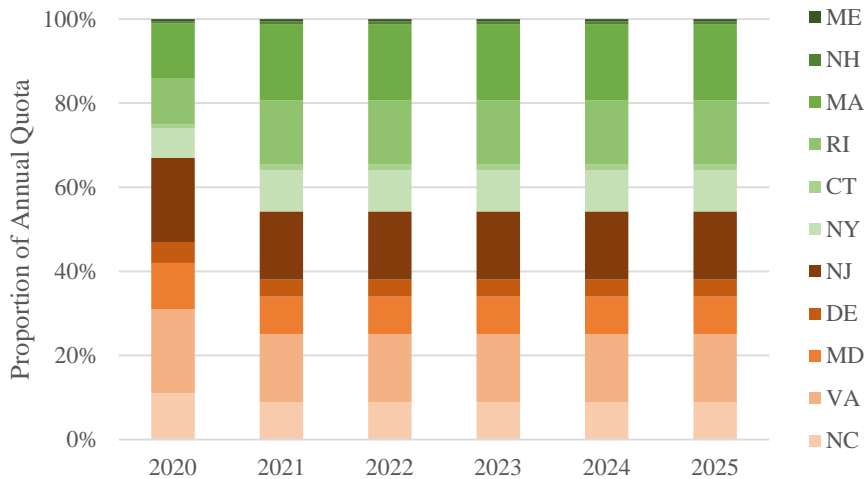
Base percentage: 75%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated according to initial proportions.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	18.1%	18.1%	18.1%	18.1%	18.1%
RI	11.0%	15.3%	15.3%	15.3%	15.3%	15.3%
CT	1.0%	1.4%	1.4%	1.4%	1.4%	1.4%
NY	7.0%	9.8%	9.8%	9.8%	9.8%	9.8%
NJ	20.0%	16.2%	16.2%	16.2%	16.2%	16.2%
DE	5.0%	4.0%	4.0%	4.0%	4.0%	4.0%
MD	11.0%	8.9%	8.9%	8.9%	8.9%	8.9%
VA	20.0%	16.2%	16.2%	16.2%	16.2%	16.2%
NC	11.0%	8.9%	8.9%	8.9%	8.9%	8.9%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	45.8%	45.8%	45.8%	45.8%	45.8%
South	67.0%	54.3%	54.3%	54.3%	54.3%	54.3%





Mid-Atlantic Fishery Management Council
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Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: July 16, 2020
To: Chris Moore, Executive Director
From: Julia Beaty, staff
Subject: Recreational Reform Initiative

During their August 2020 joint meeting, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) will discuss next steps for the Recreational Reform Initiative. The goal of this discussion is to determine if a framework/addendum or amendment should be initiated to address any management options considered through the Recreational Reform Initiative.

The following documents are included behind this tab for Council and Board consideration:

- Draft outline of the Recreational Reform Initiative developed by the Recreational Reform Steering Committee
- Summary of May 28, 2020 Monitoring Committee discussion of the Recreational Reform Initiative
- Summary of topics removed from the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment, including FMAT recommendations for those topics
- Summer flounder, scup, and black sea bass regulations regarding framework adjustments (regulations are identical for all three species)

The following documents will be added to the briefing book as supplemental materials:

- Summary of July 14, 2020 Recreational Reform Steering Committee call
- Staff memo on which options currently under consideration could likely be pursued through an FMP framework/addendum and which would likely require an FMP amendment

Recreational Management Reform

Joint initiative of the Mid-Atlantic Fishery Management Council (MAFMC), Atlantic States Marine Fisheries Commission (ASMFC), and the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) addressing recreational management of black sea bass, summer flounder, scup, and bluefish

Draft initiative outline developed by the Recreational Management Reform Steering Committee
This document is intended for discussion purposes by the Monitoring and Technical Committees.
It has not been approved by the MAFMC and ASMFC for other purposes.

4/27/2020

Goal/Vision

- **Stability** in recreational management measures (bag/size/season)
- **Flexibility** in the management process
- **Accessibility** aligned with availability/stock status*

* This component of the goal/vision is meant to address the perception from some stakeholders that management measures are not aligned with stock status (e.g., restrictive black sea bass measures when spawning stock biomass is more than double the target level). The intent is not to circumvent the requirement to constrain recreational catch to the annual catch limit, nor is the intent to change the current method for deriving catch and landings limits as defined in the fishery management plans (FMPs).

Objective 1: Better incorporate uncertainty in the MRIP data into the management process

- This is not a standalone objective. Everything listed below could be used in conjunction with all other objectives.
- Adopt a process for **identifying and smoothing outlier estimates**, to be applied to both high and low outlier estimates as appropriate. Develop a standard, repeatable process to be used each year. The Monitoring and Technical Committees would maintain the discretion to deviate from this process if they provide justification for doing so. The process currently used by the Monitoring and Technical Committees is not codified in the FMPs; therefore, it is not anticipated that a change to this method would require an FMP framework/addendum or amendment. However, it would be beneficial to include an approved process in a technical statement of organization, practices, and procedures (SOPPs) document for the development of recreational measures.
 - *Status*: Starting in 2018, the Summer Flounder, Scup, Black Sea Bass Technical Committee recommended using the Modified Thompson's Tau approach to identify outlier MRIP estimates. They used two different approaches to smooth two black sea bass outlier estimates (i.e., New York 2016 wave 6 for all modes and New Jersey 2017 wave 3 private/rental mode only). They agreed that the appropriate smoothing method may vary on a case by case basis.
 - *Potential next steps*: Establish a process to be used for all four species to identify and smooth outlier MRIP estimates, as appropriate. The process described above

for black sea bass could be used for this purpose. Discuss whether smoothed estimates should be used in other parts of the process, in addition to determining if changes to recreational management measures are needed (e.g., ACL evaluation and discards, should low estimates also be smoothed). Guidelines for how these smoothed estimates will be used should also be established. Monitoring/Technical Committee input would be beneficial.

- *Suggested immediate next step*: Task the Monitoring/Technical Committees with developing a draft process for identifying and smoothing outlier MRIP estimates for all four species.
- Use an **envelope of uncertainty approach** when determining if changes in recreational management measures are needed. Under this approach, a certain range above and below the projected harvest estimate (e.g., based on percent standard error) would be defined to be compared against the upcoming year's RHL. If the RHL falls within the pre-defined range above and below the projected harvest estimate, then no changes would be made to management measures. The intent is to develop a standard, repeatable, and transparent process to be used each year. The Monitoring and Technical Committees would maintain the discretion to deviate from this process if they saw sufficient justification to do so. The process currently used by the Monitoring and Technical Committees to determine if changes are needed to recreational management measures is not codified in the FMPs; therefore, a change to this method may not require an FMP framework/addendum or amendment. However, it would be beneficial to include an approved process in a technical SOPPs document for the development of recreational measures.
- *Status*: The 2013 Omnibus Recreational Accountability Measures Amendment considered a similar approach using confidence intervals around catch estimates to determine if the recreational ACL had been exceeded; however, that amendment proposed using only the lower bound of the confidence interval, rather than the upper and lower bounds. For this reason, that portion of the amendment was disapproved by NOAA Fisheries. In some recent years, the Monitoring and Technical Committees have made arguments for maintaining *status quo* measures for black sea bass and summer flounder based on percent standard error (PSE) values associated with MRIP estimates.
 - *Potential next steps*: Work with the Monitoring/Technical Committee to define the most appropriate confidence interval around the projected harvest estimate for comparison against the upcoming year's RHL (e.g., +/- 1 PSE). Technical analysis (e.g., simulations) may also be needed to evaluate the impacts of maintaining *status quo* recreational management measures when small to moderate restrictions or liberalizations would otherwise be required or allowed.
 - *Suggested immediate next step*: Task the Monitoring/Technical Committee with developing recommendations for this approach.
- **Evaluate the pros and cons of using preliminary current year data** combined with data from a single previous year, or multiple previous years, to project harvest for comparison against the upcoming year's RHL. The FMPs do not currently prescribe which data should be used to develop recreational management measures, beyond requiring use of the best scientific information available. If the Council and Board wish to provide guidance to the Monitoring and Technical Committees on which data to use, or if they wish to place restrictions on the use of certain types of data (e.g., preliminary

current year data), then a technical SOPPS document or an FMP framework/addendum or amendment may be necessary

- *Status:* Each year MAFMC staff develop initial projections of recreational harvest of summer flounder, scup, and black sea bass in the current year to compare against the upcoming year's RHL. These projections combine preliminary current year harvest estimates through wave 4 with the proportion of harvest by wave in one or more past years. The Monitoring Committee provides recommendations on the appropriate methodology in any given year and the data used (e.g., one or multiple previous years) varies on a case by case basis. A different process is used for bluefish. Historically, expected bluefish recreational harvest has been evaluated when considering a recreational to commercial transfer. Expected bluefish harvest was typically based on the previous year or a multiple year average and did not account for preliminary current year data. These different methodologies were developed based on Monitoring Committee guidance and are not prescribed in the FMP. The Recreational Reform Steering Committee has suggested that consideration should be given to the appropriateness of using preliminary current year data and data from one or multiple previous years. No progress has been made on this topic beyond preliminary discussions at the steering committee level.
- *Potential next steps:* Evaluate the various methodologies that have been used to project recreational harvest of the four species in the past and how this intersects with other changes under consideration (e.g., setting measures for two years at a time, objective 3). Discuss if changes should be considered and if analysis is needed.
- *Suggested immediate next step:* Seek Monitoring/Technical Committee input on whether changes to the current process for calculating expected recreational harvest are needed.

Objective 2: Develop guidelines for maintaining *status quo* measures

- This is not a standalone objective. It could be used in conjunction with objectives 1, 3 (with the exception of the interim year, as described under objective 3), and 5.
- Develop a process for considering both recreational harvest data (all considerations under objective 1 could apply) and multiple stock status metrics (biomass, fishing mortality, recruitment) when deciding if measures should remain unchanged. For example, poor or declining stock status indicators could require changes when *status quo* would otherwise be preferred. Depending on the specific changes under consideration, an FMP framework/addendum or amendment may be necessary, or a technical SOPPs document could be developed.
 - *Status:* The steering committee drafted a preliminary example which was discussed at the [October 2019 joint Council/Board meeting](#).
 - *Potential next steps:* Recommend draft guidelines for maintaining *status quo* measures and consider which, if any, types of technical analysis are needed to consider the potential impacts. Consider if socioeconomic factors (e.g., trends in fishing effort) should also be included in these guidelines.
 - *Suggested immediate next step:* Seek Monitoring/Technical Committee input on the initial draft guidelines developed by the steering committee.

Objective 3: Develop process for setting multi-year recreational management measures

- This is not a standalone objective. It could be used in conjunction with objectives 1, 2, and 5.
- Develop a process for setting recreational management measures for two years at a time with a commitment to making no changes in the interim year. This would include not reacting to new data that would otherwise allow for liberalizations or require restrictions. Objective 2 (control rules for maintaining *status quo* measures) would not apply in the interim year. Everything under objective 1 (incorporate uncertainty in the MRIP data) could also apply here. An FMP framework/addendum may be needed to make this change. For example, changes to the current accountability measure regulations may be needed. Additional discussions with GARFO are needed regarding Magnuson-Stevens Act requirements.
 - *Status:* The steering committee drafted a preliminary example process which was discussed at the [October 2019 joint Council/Board meeting](#). Previous steering committee discussions indicated that this is a high priority topic and it is central to the draft mission statement previously proposed by the steering committee (i.e., allow for more regulatory stability and flexibility in the recreational management programs for summer flounder, scup, black sea bass, and bluefish by revising the current annual timeframe for evaluating fishery performance and setting recreational specifications to a new multi-year process.)
 - *Potential next steps:* Consider if changes are needed to the draft timeline included in the [October 2019 joint meeting briefing materials](#). Further evaluate how the Magnuson-Stevens Act requirement for annual evaluation of annual catch limit overages and accountability would factor into this approach.
 - *Suggested immediate next step:* Work with GARFO to determine if there are major impediments to this potential change based on Magnuson-Stevens Act requirements.

Objective 4: Consider improvements to the process used to make changes to state and federal recreational management measures

- This is not a standalone objective. It could be used in conjunction with objectives 1, 3 (with the exception of the interim year, as described under objective 3), and 5.
- The steering committee has discussed various considerations related to maintaining *status quo* management measures; however, they have not discussed the process that should be used when changes are needed. In recent years, federal waters measures have been adjusted at the coastwide level and state waters measures have been adjusted at the state/region and wave level. Improvements to various aspects of the current process for changing measures may warrant consideration. Topics which could be addressed could include state by state versus regional management measures, the federal conservation equivalency process, guidelines for using MRIP data at coastwide/regional/state/wave/mode levels, using data sources other than MRIP, and other topics. Depending on the specific changes desired, this may require an FMP framework/addendum or amendment.
 - *Status:* Not currently identified as a priority by the steering committee.

- *Suggested immediate next step*: Clarify if this is a priority for the Council and Board and which specific topics should be addressed.

Objective 5: Consider making recommendations for federal waters recreational management measures earlier in the year

- This is not a standalone objective. Everything listed below could be used in conjunction with all other objectives.
- The steering committee has discussed the idea of recommending federal waters recreational management measures in August or October rather than December of each year (or every other year, see objective 3). The current process of recommending federal waters measures for the upcoming year in December can pose challenges for implementing needed changes in both federal and state waters in a timely and coordinated manner. It also limits how far in advance for-hire businesses can plan their trips for the upcoming year. In recent years, changes to the federal recreational measures for summer flounder, scup, and/or black sea bass have not been implemented until May-July of the year in which the changes are needed. Adopting recommendations for federal waters measures in August or October could allow for changes to be implemented earlier in the year; however, fewer data on current year fishery performance would be available for consideration. If there is a significant change in the process to establish measures, an FMP framework/addendum or amendment may be necessary.
 - *Status*: Has been identified by steering committee as a potential priority, but the pros and cons have not yet been given thorough consideration.
 - *Potential next steps*: Evaluate the pros and cons of this change and how it would intersect with other changes under consideration (e.g., setting measures for two years at a time, objective 3). Discuss if analysis is needed. Monitoring/Technical Committee input could be beneficial, especially regarding implications related to the timing of data availability.
 - *Suggested immediate next step*: Seek Monitoring/Technical Committee input on the pros and cons of recommending federal waters recreational management measures for the following year in August, October, or December of the current year.

Steering Committee membership (in alphabetical order):

Julia Beaty (MAFMC staff)
 Joe Cimino (MAFMC Summer Flounder, Scup, Black Sea Bass Committee Vice Chair)
 Justin Davis (ASMFC Summer Flounder, Scup, Black Sea Bass Management Board Vice Chair)
 Tony DiLernia (MAFMC Summer Flounder, Scup, Black Sea Bass Committee Chair)
 Emily Keiley (GARFO staff)
 Toni Kerns (ASMFC staff)
 Mike Luisi (MAFMC chair)
 Adam Nowalsky (ASMFC Summer Flounder, Scup, Black Sea Bass Management Board Chair)
 Mike Ruccio (GARFO staff)
 Caitlin Starks (ASMFC staff)



**Summer Flounder, Scup, and Black Sea Bass Monitoring Committee
Webinar Meeting
May 28, 2020
Partial Meeting Summary (Recreational Reform Initiative Only)**

Monitoring Committee Attendees: Julia Beaty (MAFMC staff), Peter Clarke (NJ DEP), Dustin Colson Leaning (ASMFC staff), Karson Coutré (MAFMC staff), Kiley Dancy (MAFMC staff), Steve Doctor (MD DNR), Emily Keiley (GARFO), Alexa Kretsch (VMRC), John Maniscalco (NY DEC), Lee Paramore (NC DMF), Caitlin Starks (ASFMC staff), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Corinne Truesdale (RI DEM), Sam Truesdell (MA DMF), Greg Wojcik (CT DEP), Rich Wong (DNREC), Tony Wood (NEFSC)

Additional Attendees: Annie, Steve Cannizzo (NY RFFA), Mike Celestino (NJ DEP, Bluefish MC), Nicole Lengyel Costa (RI DEM, Bluefish MC), Maureen Davidson (NY DEC, Council/Board member), Greg DiDomenico (Lund's Fisheries), Tony DiLernia (Council member), Cynthia Ferrio (GARFO, Bluefish MC), James Fletcher (United National Fishermen's Association), Jeff Kaelin (Lund's Fisheries), Joseph Munyandorero (FL FWC, Bluefish MC), Adam Nowalsky (Council/Board member), Eric Reid (Council member), SRW, Mike Waine (ASA), Kate Wilke (Council member), Amy Zimney (SC DNR, Bluefish MC)

Meeting Summary

The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee met via webinar on Thursday May 28, 2020 to discuss several topics. The Bluefish Monitoring Committee was invited to participate in the discussion of the Recreational Reform Initiative as this initiative also addresses bluefish.

Briefing materials considered by the Monitoring Committee are available at:
<https://www.mafmc.org/council-events/2020/sfsbsb-mc-may28>.

Note: This document summarizes only the Monitoring Committee's discussion of the Recreational Reform Initiative. A more complete summary addressing all topics discussed by the Monitoring Committee will be compiled at a later date.

Recreational Reform Initiative

Council staff summarized a draft outline of the Recreational Reform Initiative developed by the Recreational Reform Steering Committee. The Monitoring Committee was generally supportive of continued development of all approaches in the Steering Committee outline. Comments on each objective in the outline are summarized below.

Objective 1: Better incorporate uncertainty in the MRIP data into the management process

Objective 1 in the Steering Committee outline contains three specific suggestions for better considering uncertainty in the MRIP data. The first suggestion is to adopt a standardized process for identifying and smoothing outlier MRIP estimates to be applied to both high and low outliers. The Monitoring Committee agreed that it would be very beneficial to adopt such a process.

The group agreed that outliers could be identified using the Modified Thompson Tau approach used in the past for some black sea bass outliers, or other methods. One Monitoring Committee member said there are multiple potentially appropriate methods for identifying outliers and consideration should be given to which methods are most appropriate for different circumstances. For example, a multi-faceted approach could be considered. Another Monitoring Committee member said consideration should be given to the appropriate level at which the estimates are examined for outliers, for example, at the state/wave/mode/year level or the coastwide annual level.

MRIP estimates are used in many parts of the management process, including in the stock assessment, development of annual catch and landings limits, comparison of catch to the annual catch limit (ACL) to determine if accountability measures are triggered, and development of recreational management measures. To date, smoothed outliers have only been used in a few instances to develop recreational management measures for black sea bass. They have not been used for other purposes for summer flounder, scup, and black sea bass. For example, the smoothed black sea bass estimates for 2016 and 2017 were not used in the 2019 operational stock assessment due to concerns about the appropriateness of smoothing only two high estimates in recent years without examining the entire time series for both high and low outliers. Several Monitoring Committee members noted that this creates a potentially problematic disconnect with other parts of the management process. The group agreed that adoption of a standardized method for identifying and smoothing both high and low outliers would increase the likelihood of being able to use smoothed estimates in all parts of the management process. The group agreed that it would be very important to identify and smooth both high and low outliers and to have a standardized process.

One Monitoring Committee member noted that even if smoothed estimates are used in management, no change would be made to the official MRIP estimates. The group agreed that it could be beneficial to have MRIP staff provide feedback on the process to identify and smooth outliers to help increase buy-in for using smoothed estimates in multiple parts of the management process. The intent would not be to have MRIP staff approve the smoothed estimates, but rather to provide feedback on the appropriateness of any methods developed.

The second specific suggestion under objective 1 is to use an “envelope of uncertainty” approach to determine if changes to recreational management measures are needed. Under this approach, a certain range above and below the projected harvest estimate (e.g., based on percent standard error) would be defined for comparison against the upcoming year’s recreational harvest limit (RHL). If the RHL falls within the pre-defined range above and below the projected harvest estimate, then no changes would be made to management measures. The Monitoring Committee agreed that this is worth pursuing and that further discussion is needed on defining the appropriate envelope. One Monitoring Committee member noted that the group has struggled to define similar metrics in the past and asked if the Council and Board would determine how to define the envelope or if it would be a Monitoring Committee decision. One Monitoring

Committee member said that, given their technical expertise, it may be more appropriate for the Monitoring Committee to recommend the appropriate envelope, rather than the Council and Board.

The third specific suggestion under objective 1 is to consider the appropriateness of using preliminary current year MRIP data in the management process. The Monitoring Committee agreed that this may warrant further consideration. One member noted that MRIP has changed the timing of when they incorporate for-hire data into their estimates. In the past, preliminary estimates were sometimes released without the incorporation of for-hire vessel trip report (VTR) data. VTR data were incorporated into the final estimates. Under the current process, VTRs are incorporated into the preliminary estimates, so the differences between the preliminary and final estimates may not be as great as they were in the past. He recommended an evaluation of the scale of the change from preliminary to final estimates under the current MRIP estimation methodology. He also noted that final data may be appropriate for longer-term decisions including development of management measures that are intended to be in place for multiple years. However, he cautioned that if only final data are used for annual adjustments to measures, there will be a greater disconnect between the data used and current operating conditions than if preliminary current year data were also considered. A few Monitoring Committee members agreed that there are certain situations in which it is beneficial to use preliminary current year data, including making annual adjustments to measures and considering how variation in harvest might be influenced by factors such as year class strength.

One Steering Committee member said the Steering Committee's intent for all three suggestions under objective 1 was not to ask the Monitoring Committee to second-guess and revise the MRIP estimates, but rather to think about the impact outliers can have on recreational management. For example, outlier estimates can lead to significant changes in management measures from year to year which may not be reflective of a true conservation need.

Objective 2: Develop guidelines for maintaining status quo measures

The second objective in the Steering Committee outline is to develop a process for considering both recreational harvest data (all considerations under objective 1 could apply) and multiple stock status metrics (biomass, fishing mortality, recruitment) when deciding if measures should remain unchanged. The Monitoring Committee was generally supportive of this approach.

One Monitoring Committee member said it would be helpful to give greater consideration to how expected catch (i.e., landings and dead discards) compares to the ACL, rather than focusing on the RHL as the primary management target when setting management measures for the following year. She questioned whether the Fishery Management Plan would need to be modified to provide more flexibility in this regard.

Another Monitoring Committee member said the group tends to be most comfortable with estimates of expected landings and dead discards when they are based on assessment data. He thought it could be helpful to give stock status metrics from the assessments greater consideration in the process of determining how to change management measures. For example, he feels more confident in the need for more restrictive measures in response to a stock assessment rather than in response to recreational harvest estimates alone, which can be quite variable.

Objective 3: Develop process for setting multi-year recreational management measures

The third objective in the Steering Committee outline is to develop a process for setting recreational management measures for two years at a time with a commitment to making no changes in the interim year. This would include not reacting to new data that would otherwise allow for liberalizations or require restrictions. The Monitoring Committee was very supportive of this approach.

The Monitoring Committee agreed that this approach could lead to compounding overages or underages of catch and harvest limits. However, this could represent just as much of a conservation benefit as a conservation risk.

Multiple Monitoring Committee members said maintaining the same measures for at least two years can allow for better evaluation of the effectiveness of the measures at constraining harvest. The group discussed how harvest can fluctuate widely under constant management measures. Having more years of constant measures would allow for a better understanding of the variations in harvest.

One member clarified that the proposal was for two years and not a longer time period because it is anticipated that updated stock assessment information will be available every two years. This would allow management to react to updated stock assessment information.

One Monitoring Committee member said this approach could pull together many aspects of the other approaches in the Steering Committee outline and it could be a good way to move forward with the goal of stability in management measures. For example, it could allow for use of final MRIP estimates (see objective 1), would allow for consideration of the timing of the management measures recommendation (see objective 5), would allow for changes to be considered in response to updated stock assessment information, and would allow for year-to-year stability in recreational management measures.

Another Monitoring Committee member said this approach would work best if the RHL is the same across the two years.

The group discussed how state conservation equivalency could work under this approach. There was a general consensus that the approach would work best with a strong commitment to no changes at the federal or state level during the two years, including no changes made through conservation equivalency.

One Monitoring Committee member noted that it could be difficult to explain to stakeholders why they may have to forego potential liberalizations in the interim year under this approach. She recommended that this approach be evaluated from a socioeconomic perspective. Another Monitoring Committee member recommended consideration of the benefits of this approach in terms of compliance with and enforcement of the management measures.

Objective 4: Consider improvements to the process used to make changes to state and federal recreational management measures

The fourth objective in the Steering Committee outline relates to improvements to the process used to make changes to state and federal waters recreational management measures. The Steering Committee has not discussed this objective in great detail.

A few Monitoring Committee members said it would be beneficial to have guidelines on how to best use MRIP data at the state/mode/wave levels. The group agreed that additional analysis is

needed to better understand the limitations of the MRIP data for any given species before recommendations can be made for how to best use the MRIP data. For example, one Monitoring Committee member said it may be challenging to develop robust guidelines that could be applied uniformly across all states as MRIP sampling is not consistent across states and states with more frequent intercepts of the species in question may be put at an advantage. Other Monitoring Committee members agreed.

One bluefish Monitoring Committee member said regional measures, especially for shared water bodies, are worth considering and can help address concerns about using MRIP data at too fine of a scale.

Objective 5: Consider making recommendations for federal waters recreational management measures earlier in the year

The Steering Committee has discussed the idea of recommending federal waters recreational management measures in August or October rather than December of each year. The Monitoring Committee supported further consideration of this approach. Many members noted that it has been challenging for states to develop measures and for the Technical Committee to review proposals under the tight deadlines that are needed under the current process. Moving some of the decision making to earlier in the year could allow more time for robust review of proposals. However, the group also noted that earlier decision making would not allow for consideration of preliminary current year data when developing recreational management measures for the following year. This may be acceptable when measures are intended to be in place for multiple years (e.g., see objective 3).

General comments on the Recreational Reform outline

The group noted that the Council and Board may wish to include additional topics in the Recreational Reform Initiative after discussing the ongoing commercial/recreational allocation amendment during their next meeting.

Several Monitoring Committee members supported consideration of an additional approach that would more explicitly tie changes in management measures to the stock assessment, for example by considering changes only when new stock assessment information is available. This may be feasible under the anticipated every other year timeline for stock assessment updates in the future.

One member of the public asked how the Recreational Reform Initiative complies with the recent executive order to produce seafood. One Steering Committee member emphasized that the initiative relates to recreational fishing only and not commercial fishing. Another Steering Committee member said the initiative would help ensure a supply of seafood by maintaining harvest at sustainable levels.

Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment Partial Summary of May 2020 FMAT Meetings

This document summarizes input from the Fishery Management Action Team (FMAT) on three topics which the Council and Board agreed to remove from the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment and consider pursuing through a separate action (i.e., a “harvest control rule” proposal, recreational accountability, and recreational catch accounting). A full summary of the May 2020 FMAT meetings is available here: https://www.mafmc.org/s/Tab03_SFSBSB-ComRecAllocationAmd_2020-06.pdf.

1. "Harvest control rule" based approaches

Under this approach, proposed by six recreational organizations (see pages 147-152 of [this document](#) for the full proposal), recreational “allocation” would not be defined as a set percentage of the total catch limit but as a specific combination of bag/size/season limits preferred by recreational fishermen in each state, which would become more restrictive when estimated biomass changes declines below the target level. The restrictions would occur in a pre-determined, stepwise manner. The commercial “allocation” would be the commercial quota preferred by the commercial industry when biomass is high and it would be reduced as biomass declines below the target level in proportion with the restrictions on the recreational fishery. This approach is largely conceptual at this stage and is not yet associated with specific proposed measures.

The FMAT and Council/Board previously discussed that this approach as currently configured may be less directly related to the allocation of catch between the commercial and recreational sectors and more related to how measures are determined for each sector. The FMAT previously recommended exploring how this proposal could be tied in more directly with allocation and whether it would be feasible under our current management system and legal constraints.

FMAT Comments and Recommendations:

The FMAT recommended removing this approach from consideration in this amendment and considering similar concepts through a separate action, likely the ongoing recreational reform initiative. The FMAT recognized that there is interest in further pursuing this approach from members of the public as well as Council/Board members; however, the FMAT still had a number of concerns about the applicability and feasibility of this proposal. Ultimately, for the reasons described below, the FMAT determined that a) this approach would likely not be consistent with the Magnuson-Stevens Act (MSA) without substantially revising its intent and design; b) this approach as currently conceptualized still does not have a strong connection to commercial/recreational allocations, and c) concepts from this proposal seem well-suited to consideration for the recreational management process, such as the ongoing recreational reform initiative. In addition, the FMAT discussed the potential for exploring ways to apply the tiered management concept from this approach to the dynamic allocation mechanisms category.

Magnuson-Stevens Act Compliance

The FMAT previously questioned whether this approach could be designed to comply with existing MSA requirements for catch limits and accountability measures. The MSA requires that

ACLs be set each year in pounds or numbers of fish, and that each ACL have associated AMs to prevent exceeding the ACL and to trigger a management response if an ACL is exceeded. At this meeting, the FMAT reiterated that under the MSA, the FMP needs to define a way to measure total removals (total dead catch) and to evaluate performance relative to an ACL set in numbers of fish or pounds. This does not mean it's impossible to start with preferred measures and translate those into catch, but managers are still required to demonstrate that catch associated with the measures is not expected to exceed each sector's ACL, and collectively not expected to exceed the ABC. Ultimately, managers must demonstrate that measures are expected to prevent overfishing.

This proposal as currently described does not appear consistent with these MSA requirements, unless each set of recreational measures and commercial quotas could be clearly associated with projected catch levels and the uncertainty and variability in that process could be appropriately accounted for. A major concern with this approach is the feasibility of accurately predicting catch levels at each of the various management measure thresholds, particularly for the recreational fishery. The FMAT has previously noted that even when recreational measures have remained similar across years, the resulting MRIP estimates can vary significantly. For both fisheries, total dead catch can vary substantially with external factors such as changing total and regional availability, recruitment events, or changing effort based on factors other than measures.

In addition, there could be substantial uncertainty with projecting discards for both sectors based on the commercial quotas and recreational management measures associated with each threshold. All these factors would pose challenges for justifying how this approach could constrain catch to the ACLs and ABC without additional management uncertainty buffers.

Process/Analysis Considerations and Connection to Allocation

The proposal suggests that there is a limit to how much access each sector “needs” (e.g., there is a range and maximum amount of fish that recreational anglers will want to take home, and there is a limit to where profit will be maximized for the commercial fishery). The proposal also suggests that measures or quotas under each threshold should consider state or regional variation in fishery needs. The FMAT noted that determining the needs of each sector under various threshold levels is likely to be a very involved and potentially political process, with heavy analysis and stakeholder input needs.

While some suggestions have been made for how to analyze and determine optimal commercial and recreational access levels at each biomass threshold, expertise outside of the FMAT and Council/Board would likely be required, particularly for establishing an economic basis for the commercial quota levels. In addition, it is still unclear how the balance of access for each sector would be negotiated. The discussion of measures at each threshold for each fishery would also need to reconcile those separate levels of access to ensure that overall catch/removals are still expected to be constrained to the ABC. For some species, such as black sea bass, it is unlikely that both sectors could operate at their preferred levels of access even under positive stock conditions without exceeding the ABC and/or OFL. A process for balancing/negotiating preferred levels of access between the commercial and recreational sectors could be very time and work intensive in terms of analysis and gathering stakeholder input and would potentially delay this action.

The FMAT also discussed that the step-wise approach proposes that higher levels of biomass correspond to higher levels of access, which could allow for liberalization of recreational measures. However, the very large recreational fishery capacity means that effort and catch also typically scales with biomass and availability, in some cases even under highly restrictive recreational measures. This complicates the assumption that recreational measures can liberalize when biomass increases. In addition, changes in the recreational fishery over the years (general effort increases, species-specific effort changes, legal/policy constraints, and improved technology for targeting fish) further complicate the assumption that past recreational measures can be used to estimate expected future catch. The FMAT also noted that it could be easier to agree on measures associated with good stock biomass conditions, but setting measures for lower biomass thresholds may be much more difficult.

Potential Application of Ideas Through a Separate Action

The FMAT agreed that there are several concepts in this proposal that would be worthwhile to explore in terms of application to the process of setting recreational measures. For example, the FMAT noted benefits of the transparency provided by a tiered management approach with clearly defined measures at each level. Additional exploration of the relationship between the effectiveness of recreational management measures and estimated biomass would also be worthwhile. Recreational reform is currently identified as a priority for the Council and Board, and an action to address recreational management is listed on the Council's 2020 implementation plan. The FMAT felt comfortable recommending removal of this option from this action given that there is a pre-existing process that appears to be more appropriate for its discussion.

The FMAT also suggested the possibility of creating a tiered allocation approach under "dynamic allocation approaches" (section 8). While this would not necessarily have the same basis and intent as this approach, some of the ideas discussed under this proposal could be transferable to an allocation framework where thresholds for different allocations could be created. This differs from a trigger-based allocation approach (section 8.2) given that it would not involve completely separate allocation tiers as opposed to a baseline allocation up to a certain point with excess quota allocated differently.

Public Comments:

One member of the public stated that this feels like an apples to oranges conversation, and that if both sectors are not held to the same standards, the commercial sector will get penalized. She stated that the recreational sector has gone way over their limits in recent years. When this happens, stock biomass can go down which impacts both sectors. She stated that this option seems likely to negatively impact the commercial fishery.

Another member of the public stated that although this approach would require difficult in-depth analysis, he supported its further evaluation.

2. Recreational accountability alternatives

The theme of increased recreational accountability was prominent in many scoping comments. For example, some comments suggested more frequent recreational overage paybacks and bringing back recreational in-season closures. The FMAT previously noted that large scale revisions to

recreational accountability may be outside the intended scope of this action as the FMAT understands it.

At the May joint meeting, the Council and Board discussed this issue and agreed to leave it in the range of alternatives until it becomes more clear what types of allocation alternatives will be considered. Some Board and Council members suggested that while the current AMs may be appropriate for the current allocations, alternatives that would drastically change the management approach may require modified or additional AMs.

Current Recreational Accountability Measures

Federal regulations include proactive AMs to prevent the recreational ACL from being exceeded and reactive AMs to respond when an ACL is exceeded. Proactive recreational accountability measures include **adjusting management measures (bag limits, size limits, and season) for the upcoming fishing year** that are designed to prevent the RHL and ACL from being exceeded. The NMFS Regional Administrator no longer has in-season closure authority for the recreational fishery if the RHL or ACL is expected to be exceeded. For reactive AMs, **paybacks of ACL overages may be required in a subsequent fishing year, depending on stock status and the magnitude of the overage**, as described below. ACL overages in the recreational fishery are evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational dead catch (i.e., landings and dead discards). If average catch exceeds the average ACL, then the appropriate AM is determined based on the following criteria:

1. If the stock is overfished ($B < \frac{1}{2} B_{MSY}$), under a rebuilding plan, or the stock status is unknown: The exact amount, in pounds, by which the most recent year's recreational ACL has been exceeded, will be deducted in the following fishing year, or as soon as possible once catch data are available.
2. If biomass is above the threshold, but below the target ($\frac{1}{2} B_{MSY} < B < B_{MSY}$), and the stock is not under a rebuilding plan:
 - If only the recreational ACL has been exceeded, then adjustments to the recreational management measures (bag, size, and seasonal limits) would be made in the following year, or as soon as possible once catch data are available. These adjustments would take into account the performance of the measures and the conditions that precipitated the overage.
 - If the Acceptable Biological Catch ($ABC = \text{recreational ACL} + \text{commercial ACL}$) is exceeded in addition to the recreational ACL, then a single year deduction will be made as a payback, scaled based on stock biomass. The calculation for the payback amount in this case is: $(\text{overage amount}) * (B_{msy} - B) / \frac{1}{2} B_{msy}$.
3. If biomass is above the target ($B > B_{MSY}$): Adjustments to the recreational management measures (bag, size, and seasonal limits) would be considered for the following year, or as soon as possible once catch data are available. These adjustments would take into account the performance of the measures and the conditions that precipitated the overage.

FMAT Comments and Recommendations:

The FMAT recommended removing recreational AMs as a separate alternative and felt that recreational accountability could be considered within this action as it relates to other management alternatives being considered. For example, if the sector separation approach is pursued, different AMs may need to be developed as a part of that alternative. The current AMs were established through the Omnibus Recreational Accountability Amendment (Amendment 19 to this FMP, adopted in 2013). This amendment removed the in-season closure authority held by the NMFS regional administrator, which allowed for coastwide closures of the recreational fisheries if they were projected to exceed the RHL based on preliminary data. Amendment 19 also increased the flexibility in evaluation and response to recreational overages given the uncertainty associated with the MRIP data and tied overage responses to stock status as described above. The FMAT felt that much of the rationale for the changes made through Amendment 19 remains valid. For example, the timing of recreational data availability and the potential for revisions between preliminary and final estimates still pose challenges for in-season closures. One potential avenue for reconsideration of recreational AMs is through the recreational reform initiative.

Public Comments:

One member of the public commented that in-season closures or changes are tough on the for-hire industry and did not support bringing that back as an AM.

3. Recreational catch accounting alternatives

Examples of changes to recreational catch accounting recommended through scoping are listed below. The intent behind these recommendations is to reduce uncertainty in the recreational data. It is worth keeping in mind that MRIP is currently considered the best scientific information available for the recreational fisheries and will continue to be used for stock assessments and catch limit evaluations for the foreseeable future. MRIP is a national-level program and the Council and Commission have a very limited ability to influence changes to the MRIP estimates.

- **Mandatory private angler reporting:** Private angler reporting through smart phone apps has been explored in specific fisheries in other regions, and will soon be required in this region for blueline tilefish. Consideration could be given to the feasibility of private angler reporting for summer flounder, scup, and black sea bass given that these fisheries take place in state and federal waters, from shore and from private and for-hire vessels, and that there are millions of directed trips per year for each species (e.g., an estimated 8.7 angler trips for which summer flounder was the primary target, 2.7 million for which scup was the primary target, and 1.4 million for which black sea bass was the primary target in 2019). Given the scale of these recreational fisheries, mandatory private angler reporting may be a challenge to implement. Thorough consideration should be given to the potential levels of non-compliance and how this may impact the resulting data.
- **Tagging programs:** A few scoping comments suggested that anglers be issued tags for a specific number of fish each year. Tagging programs are used in some recreational fisheries, but they may be more appropriate for species with much lower harvest levels than summer flounder, scup, and black sea bass. The FMAT should consider the pros and cons of moving forward with this approach compared to a traditional possession limit, especially

considering the millions of participating anglers in the fisheries for these species. Ensuring that the program is fair and equitable is a challenge. For example, consideration would need to be given to who receives tags, how they are distributed, and how the program is administered.

- **Mandatory tournament reporting:** A few scoping comments recommended mandatory catch reporting for recreational fishing tournaments. During the May 2020 joint meeting, one Council/Board member questioned the value of mandatory reporting for tournaments given that tournament catch likely constitutes a very small percentage of total catch. An evaluation of summer flounder, scup, and black sea bass catch in tournaments has not been performed and may not be possible given that there does not seem to be a central list of non-HMS tournaments. Recreational catch from tournaments for summer flounder, scup, and black sea bass should be included in MRIP estimates but is not specifically designated as tournament catch.
- **Enhanced VTR requirements:** A few scoping comments recommended additional VTR requirements, such as requiring VTRs for for-hire vessels that do not have federal permits and reinstating “did not fish” reports for federal permit holders to better understand fishing effort.

FMAT Comments and Recommendations:

The FMAT recommended removing this issue from the amendment but supported the continued exploration of improving recreational data through other avenues. Although the FMAT felt that this alternative was outside of the scope of this allocation action, especially with implementation timeline concerns, they recognized that these recreational catch accounting and accountability topics were important issues. The FMAT also noted that recreational catch accounting is an issue that fisheries outside of this FMP are addressing so it may be more appropriate to pursue for multiple species outside of this amendment. One FMAT member asked about scoping comments related to this topic and whether the general sentiment was to address recreational catch accounting before considering changes to the allocations. Staff responded that several scoping comments suggested this, while other scoping comments voiced a general mistrust or need to improve MRIP with no additional comments regarding allocation.

Public Comments:

One member of the public is currently involved in helping with private angler reporting for blueline tilefish and noted that although it is a relatively small group of anglers, the process is already a large undertaking and felt that for summer flounder, scup and black sea bass, this concept should be held off for a later time.

A Council and Board member noted that since the FMAT recommended the removal of some alternatives it would be helpful if there were time allocated to have a specific discussion with the Council and Board to understand what potential management actions would be appropriate for those issues.

One member of the public commented that he had mentioned mandatory reporting for tournaments during scoping because he believes it would be important to have more information on that. He

added that less than 50% of permit holders are reporting in some cases. Because of this, he feels it is very important to either reinstate did not fish reports or attempt to determine for-hire effort in state waters. One FMAT member agreed that it would be worth exploring ways to identify or quantify tournament catch in the future, separate from this action. A Council and Board member wondered why it was important to estimate tournament catch separately from the current MRIP surveys or if there is evidence that tournament catch is not being captured adequately.

§ 648.110 Summer flounder framework adjustments to management measures.

- a *Within season management action.* The MAFMC may, at any time, initiate action to add or adjust management measures within the Summer Flounder, Scup, and Black Sea Bass FMP if it finds that action is necessary to meet or be consistent with the goals and objectives of the FMP.
- 1 *Adjustment process.* The MAFMC shall develop and analyze appropriate management actions over the span of at least two MAFMC meetings. The MAFMC must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting and prior to and at the second MAFMC meeting. The MAFMC's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Adjustments within existing ABC control rule levels; adjustments to the existing MAFMC risk policy; introduction of new AMs, including sub-ACTs; minimum fish size; maximum fish size; gear restrictions; gear requirements or prohibitions; permitting restrictions; recreational possession limit; recreational seasons; closed areas; commercial seasons; commercial trip limits; commercial quota system including commercial quota allocation procedure and possible quota set asides to mitigate bycatch; recreational harvest limit; specification quota setting process; FMP Monitoring Committee composition and process; description and identification of essential fish habitat (and fishing gear management measures that impact EFH); description and identification of habitat areas of particular concern; regional gear restrictions; regional season restrictions (including option to split seasons); restrictions on vessel size (LOA and GRT) or shaft horsepower; operator permits; changes to the SBRM, including the CV-based performance standard, the means by which discard data are collected/obtained, fishery stratification, the process for prioritizing observer sea-day allocations, reports, and/or industry-funded observers or observer set aside programs; any other commercial or recreational management measures; any other management measures currently included in the FMP; and set aside quota for scientific research. Issues that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require an amendment of the FMP instead of a framework adjustment.
- 2 *MAFMC recommendation.* After developing management actions and receiving public testimony, the MAFMC shall make a recommendation to the Regional Administrator. The MAFMC's recommendation must include supporting rationale, if management measures are recommended, an analysis of impacts, and a recommendation to the Regional Administrator on whether to issue the management measures as a final rule. If the MAFMC recommends that the management measures should be issued as a final rule, it must consider at least

the following factors and provide support and analysis for each factor considered:

- i Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule, and whether the regulations would have to be in place for an entire harvest/fishing season;
 - ii Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of recommended management measures;
 - iii Whether there is an immediate need to protect the resource; and
 - iv Whether there will be a continuing evaluation of management measures adopted following their implementation as a final rule.
 - 3 *NMFS action.* If the MAFMC's recommendation includes adjustments or additions to management measures and, if after reviewing the MAFMC's recommendation and supporting information:
 - i NMFS concurs with the MAFMC's recommended management measures and determines that the recommended management measures should be issued as a final rule based on the factors in paragraph (a)(2) of this section, the measures will be issued as a final rule in the FEDERAL REGISTER.
 - ii If NMFS concurs with the MAFMC's recommended management measures and determines that the recommended management measures should be published first as a proposed rule, the measures will be published as a proposed rule in the FEDERAL REGISTER. After additional public comment, if NMFS concurs with the MAFMC recommendation, the measures will be published as a final rule in the FEDERAL REGISTER.
 - iii If NMFS does not concur, the MAFMC will be notified in writing of the reasons for the non-concurrence.
 - 4 *Emergency actions.* Nothing in this section is meant to derogate from the authority of the Secretary to take emergency action under section 305(e) of the Magnuson-Stevens Act.
- b [Reserved]

[76 FR 60630, Sept. 29, 2011, as amended at 76 FR 1849, Dec.. 29, 2011; 80 FR 37196, June 30, 2015]



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Massachusetts 2020 Black Sea Bass For-hire Fishery Conservation Equivalency Proposal

July 17, 2020

Overview

The Massachusetts Division of Marine Fisheries (DMF) submits this conservation equivalency proposal to extend the end of the state’s for-hire recreational black sea bass season in 2020 to account for seven days closed to for-hire fishing at the beginning of the season due to the COVID-19 pandemic. Three alternatives are presented (Table 1).

Option A was DMF’s initial proposal and would extend the season 53 days. The approach of Option A best represents expected values for a conservationally equivalent exchange for days lost in the beginning of the season, except that the MRIP data have high PSEs caused by a paucity of intercept data in Wave 5 due to so few days being historically opened in September. Option B was added to the proposal to allay Technical Committee concerns about the high PSEs and instead uses lower PSE data from the adjacent Wave 4 as a proxy for Wave 5 harvest estimates. However, DMF believes that given annual pattern of landings and decreasing catch rates and angler participation after Labor Day, it is excessively conservative to apply Wave 4 daily landings values to wave 5. DMF proposes Option C, a compromise approach that falls in between the first two and extends the fishery only through October 9, the final open fishing day for summer flounder.

Table 1. Massachusetts status quo and proposed rules for recreational black sea bass fishing aboard for-hire vessels in 2020 via conservation equivalency.

	Season	Daily Bag Limit	Minimum Size
Status Quo	May 18 – September 8	5 fish	15”
Option A	May 25 – October 31	5 fish	15”
Option B	May 25 – September 21	5 fish	15”
Option C (preferred)	May 25 – October 9	5 fish	15”

Introduction

Consistent with executive orders of the Governor of Massachusetts in response to the COVID-19 pandemic and further guidance from the Administration, DMF issued Permit Conditions for all 2020 For-hire Permit holders making it unlawful to conduct any for-hire fishing activity in the Commonwealth effective April 27, 2020¹. These permit conditions were rescinded effective May 25, 2020, when for-hire fishing operators were authorized to resume operations provided they comply with specific restrictions and safety standards under the phased-in re-opening guidance².

¹ <https://www.mass.gov/doc/042720-statement-of-permit-conditions-to-restrict-for-hire-fishing-during-covid-19-stay-at-home/download>

² <https://www.mass.gov/doc/051820-statement-of-permit-conditions-on-2020-for-hire-permit-and-workplace-safety-and/download>

These permit conditions were issued pursuant to the authority set forth at G.L. c. 130, §§17C and 80 and 322 CMR 7.01(7) and 7.10(7). Violation of these permit conditions would result in an adjudicatory hearing to suspend or revoke the for-hire permit, as well as any other fines and penalties provided in G.L. c.130. The Massachusetts Environmental Police (MEP) enforce permit conditions the same as regulations. During the for-hire fishing closure, MEP conducted normal enforcement operations, reporting high compliance with the permit conditions and only one documented violation by an individual who was not a holder of a 2020 for-hire permit.

DMF submits this conservation equivalency proposal to amend the 2020 Massachusetts black sea bass for-hire fishing season in response to this closure of the for-hire fishery. Private recreational fishing, while likely impacted by social distancing measures, was not prohibited during the same period. If an alternative conservationally equivalent for-hire season is authorized by the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board, DMF would implement the revision to the 2020 for-hire season by permit condition. The for-hire season would revert in 2021 to that in the regulations (May 18–September 8), unless subsequently amended through a Board-approved revision.

This action would cause a temporary regulatory mode-split in the MA recreational black sea bass where non currently exists. DMF is on the record expressing concerns with recreational mode-splits between for-hire and private anglers; however, the unprecedented nature of this situation in which only one mode was closed by factors external to fisheries management outweighs these concerns and provides our rationale for responding with a mode-specific recoupment. A recreational black sea bass mode split currently exists elsewhere along the coast and they have been authorized for other species as well.

The analysis of conservation equivalency included in this proposal applies standard, previously approved methods and data for evaluating conservation equivalency. It relies on prior year harvest data to project harvest under proposed regulatory changes in the current year. For this reason, coupled with it being an evaluation for a complete closure of the for-hire fishery during May 18-24, 2020, the analysis is not impacted by the lack of MRIP APAIS conduct caused by COVID-19 during that time (which was resumed in Massachusetts on May 20) or the pending availability of Wave 3 MRIP catch and effort estimates. As a mode-specific proposal, consideration is not given to any changes in private angler recreational harvest that may have occurred this spring; it is our position that this would not be expected of a conservation equivalency proposal submitted in advance of the fishery's season. Complete MRIP surveying and sampling is expected to occur throughout the for-hire black sea season in Massachusetts providing an estimate of for-hire harvest in 2020 to compare to 2019 for an evaluation of the impacts of this conservation equivalency proposal.

Proposal Timeline

The ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board discussed the potential for states to make regulatory adjustments in response to COVID-19 impacts at its May 6 meeting. The first version of this proposal was submitted to the ASMFC on May 26 with a request for Board consideration at its June 16 meeting. This aggressive timeline was pursued in hopes of providing the for-hire industry the most benefit in terms of lead-time from an approved proposal. A second version, adding the Option B approach following review by the Technical Committee, was submitted to ASMFC on June 8. The second version and the TC's review were included in the Board's briefing materials for June 16; however, action was deferred to await guidance from the Commission's Executive Committee on conservation equivalency proposals of this nature. The Board did agree at that time to consider the Massachusetts proposal (and any others) no later than the August 2020 meeting. The ISFMP Policy Board did not adopt the Executive Committee's eventual guidance, but had it, the MA propose would have met the narrow criteria intended to limit the precedence setting nature of allowing states to

modify in-season regulations to address lost fishing opportunity. The Policy Board did conclude that states could still submit proposed changes to their recreational measures following the guidelines outlined in the Commission's Conservation Equivalency Policy and Technical Guidance Document. This third version of the proposal, submitted July 17, does not alter the analysis but provides additional information to meet that document's standards for state conservation equivalency proposals, and adds the compromise approach of Option C. Given this history and that the submission of this third version meets the two-week cut-off for consideration prior to the next Board meeting, DMF is requesting that the Board chair use his discretion to allow its review and consideration for approval at the August 6 meeting of the Summer Flounder, Scup, and Black Sea Bass Management Board.

Analysis

On December 10, 2019, the Summer Flounder, Scup, and Black Sea Bass Management Board approved status quo recreational black sea bass management measures in state and federal waters for 2020. This meant a May 18–September 8 open season, 5 fish limit, and 15" minimum size limit for Massachusetts. As a consequence of the Governor's for-hire fishery closure, the Massachusetts for-hire fishery missed seven open fishing days of the 2020 recreational black sea bass season (i.e., May 18–May 24).

MRIP data for the past two years were used to estimate lost for-hire harvest due to the fishery closure and determine the conservationally equivalent number of days that could be added to the end of the season for for-hire activity (Tables 2–3). The average daily harvests per wave were calculated for both the most recent year (2019) and a two-year average (2018–2019). The premise of the analysis was to add an equivalent of seven Wave 3 days (the number of days lost) to the end of the season during Wave 5. Notably, Wave 3 had the highest daily catch rates, meaning that the equivalent number of Wave 5 days was larger than seven in all cases. Note that 2018 and 2019 are the only recent years in which the fishery was open during Wave 5 to provide harvest data. Less than a quarter of Wave 5 was open in either year which helps explain the high PSE values. During Wave 5 in 2018, 47 intercepts encountered black sea bass and 19 intercepts encountered black sea bass during 2019.

Option A

This option compares daily harvest rates in Wave 3 to rates in Wave 5 to determine the number of equivalent Wave 5 days to add at the end of the season (Tables 2–3). Using the 2-year average approach, closing seven days in Wave 3 provides for opening 65 days at Wave 5 harvest. This is more than the number of days that could possibly be opened in Wave 5 (53 days remaining). Massachusetts has no Wave 6 data with which to produce a daily harvest rate, but it can be assumed to be—at most—equal to Wave 5 given declining seasonal availability of black sea bass and fishing effort. Extending equally into Wave 6 would result in a conservationally equivalent season of May 25–November 12. Using 2019 data alone, closing seven days in Wave 3 provides for opening 39 days at Wave 5 harvest. This would result in a conservationally equivalent season of May 25–October 17.

Under Option A, DMF is proposing a season extension until October 31 only. This is mid-way between the 2-year and 1-year approaches' results. The Technical Committee has in recent years supported an averaging approach for seasonal revisions through conservation equivalency (which would provide for additional open days). However, opening in Wave 6 is not anticipated to provide much benefit to the industry and could provide for spurious MRIP harvest estimates with few intercepts. This choice also recognized the high PSE values for the Wave 5 harvest estimates used for analysis. Extending the season further into Wave 5 should help improve the precision of the estimates.

While the Wave 3:5 exchange rates are substantial, differential harvest between the waves is not unexpected. The commencement of the recreational black sea bass season in Massachusetts in mid-May

is much anticipated, with large aggregations of fish available in shallow waters nearshore and favorable weather producing high effort and high catch rates. Delayed season openings in several other northeast states until mid-June further drives for-hire business in May and early June in Massachusetts.

Harvest rates in Wave 5 are also not anticipated to be constant throughout the proposed season extension, but rather drop off steeply with declining local availability of fish and fishing effort at the onset of fall. While there are no data that explicitly describe the expected harvest rates through the end of Wave 5 (the fishery has not been open during this time due to regulations), weekly harvest rates across modes are typically near annual lows at the beginning of Wave 5 (Figure 1). Also of note is that for-hire activity contributes less than 15% to the state's total recreational black sea bass harvest on average for 2017–2019.

Option B

An alternative approach is also proposed as a strategy to satisfy Technical Committee concerns to avoid using the Wave 5 data with high PSEs. The assumption under this conservative approach is that Wave 4 daily catch rates during 2018 and 2019 could serve as representative proxies for the Wave 5 rates during 2020. The Wave 4 data had lower PSEs than Wave 5 (55.2 in 2018 and 34.1 in 2019; Table 2). The Option B analysis estimated that 13 additional days could be added to the end of the season using the average 2018-2019 daily harvest rates and 8 days could be added using the 2019 rates alone (Table 3). Under this proposal, 13 additional days would be added to the end of the season, representing the average daily harvest rate from 2018 and 2019; in the past, averaging years has been supported by the TC. The Option A proposed extension of 53 days was between the 2018/2019 average daily harvest rate and the 2019 rate alone (Tables 2 and 3). Option A did not propose to use the 2018/2019 average because there was little benefit to the fishery of remaining open into November and because the end of a wave was a convenient marker for closing the fishery; these factors did not apply to the Option B proposal.

Option C

DMF requests the Board approve a preferred Option C that is not based on a specific analysis but falls between Options A and B in the length of the season extension. DMF appreciates the concerns of the Technical Committee about the use of high PSE catch data, but it is reasonable to assume that given the seasonal pattern of declining landings after Labor Day caused by offshore migrations of black sea bass, decreasing catch rates, decreasing angler participation, and decaying weather conditions, Wave 5 landings will invariably be lower than Wave 4. DMF's Option C is a compromise option that falls in between the two disparate Options: A (53 days) and B (13 days). This option would extend the fishery for just 30 days through October 9, the last open fishing day for summer flounder, thereby resulting in for-hire anglers being able to enjoy the retention of two species that are commonly targeted and retained together.

Summary

Options A and B represent two disparate outcomes with Option B being sensitive to the comfort level of the Technical Committee. DMF has presented these and highlighted their challenges and has recommended a compromise option for Board consideration for extending Massachusetts' for-hire fishing season during Wave 5 for 30 days to accommodate for-hire vessel operators and anglers who were closed out of the fishery due to the COVID-19 pandemic in May when sea bass fishing is at its peak in the Commonwealth.

Table 2. Massachusetts wave-specific daily for-hire harvest rates, # of fish (MRIP query date 5/18/20)

	Wave 3	Wave 4	Wave 5
2018 For-hire Harvest, # fish (PSE)	36,083 (22.2)	13,659 (55.2)	455 (80)
# Open Days (May 19–Sep 12)	43	62	12
Daily Harvest Rate	839	220	38
2019 For-hire Harvest, # fish (PSE)	30,685 (24.1)	34,040 (34.1)	1,001 (106)
# Open Days (May 18–Sep 8)	44	62	8
Daily Harvest Rate	697	549	125
2018–2019 Avg. Daily For-hire Harvest	768	385	82
2019 Avg. Daily For-hire Harvest	697	549	125

Table 3. Calculation of conservationally equivalent for-hire season lengths for Options A and B.

	Exchange Rate	Days added in Wave 5 to account for 7 fewer days in Wave 3	Resulting Season Length
<i>Option A (Waves 3:5 Exchange Rate)</i>			
Two-year Average	9.424	65	May 25 – November 12
Most Recent Year	5.574	39	May 25 – October 17
Proposed	-	53	May 25 – October 31
<i>Option B (Waves 3:4 Exchange Rate)</i>			
Two-year Average	2.00	13	May 25 – Sep 21
Most Recent Year	1.27	8	May 25 – Sep 16
Proposed	-	13	May 25 – Sep 21

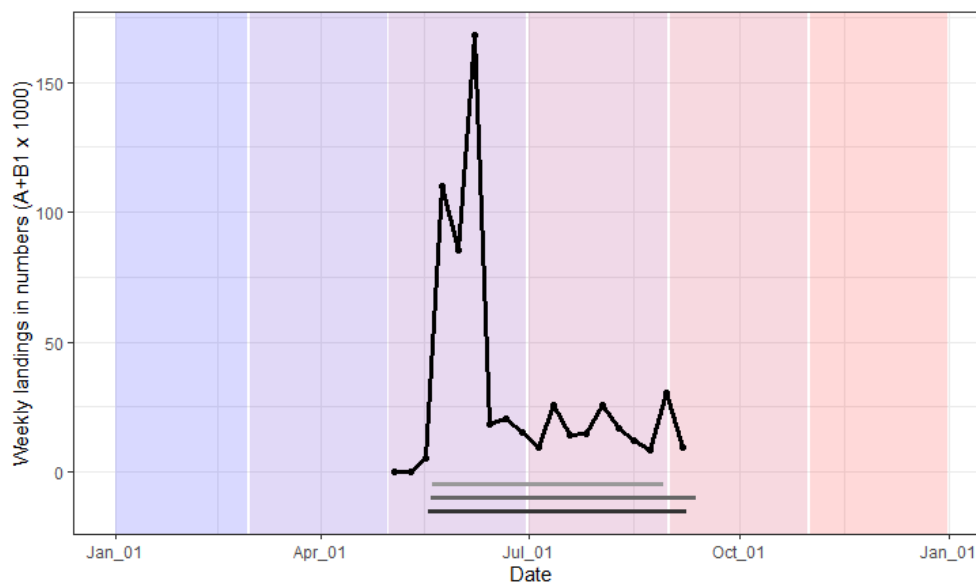


Figure 1. Average black sea bass harvest in numbers (given in thousands) by week over 2017-2019. Horizontal lines at the bottom of the figure indicate the season length in 2017 (top), 2018 and 2019 (bottom). Vertical rectangles indicate waves. Note that the harvest quantities provided are across all modes to increase the sample size.

Appendix 1.

Methods. The steps below outline the methodology used in this proposal for calculations leading to a conservationally equivalent season extension. Subscripts in the table below refer to the Option A approach; for Option B the reference to Wave 5 can be replaced with Wave 4.

Steps	Equation		Definitions
(1) Calculate the average daily harvest rate by wave for each year by dividing the total harvest in numbers in each year and wave by the number of days that were open in that year and wave.	$r_{w,y} = \frac{h_{w,y}}{d_{w,y}}$	$r_{w,y}$ w y $h_{w,y}$ $d_{w,y}$	Average daily harvest rate by wave and year. wave. Year. Total harvest in numbers during wave w of year y . Number of open days during wave w of year y .
(2) Calculate the average of the average daily harvest rates by wave across all years in the set.	$\bar{r}_w = \frac{1}{Y} \sum_{y=1}^Y r_{w,y}$	\bar{r}_w Y	Average harvest rate by wave over all y years Total number of years
(3) Calculate the exchange rate – the ratio of average daily harvest rate in wave 3 to average daily harvest rate in wave 5.	$x_{w3w5} = \frac{\bar{r}_{w=3}}{\bar{r}_{w=5}}$	x_{w3w5}	Exchange rate ratio (waves 3:5)
(4) Determine the number of additional days in wave 5 that account for the days lost during wave 3 (7 days were lost).	$\tilde{d}_{w5} = 7x_{w3w5}$	\tilde{d}_{w5}	Number of additional days during wave 5



Atlantic States Marine Fisheries Commission

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703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

TO: Summer Flounder, Scup, and Black Sea Bass Management Board

FROM: Summer Flounder, Scup, and Black Sea Bass Technical Committee

DATE: June 11, 2020

SUBJECT: TC Recommendations on Massachusetts Conservation Equivalency Proposal for Black Sea Bass Recreational For-Hire Fishery

The Technical Committee (TC) received a conservation equivalency proposal from Massachusetts to adjust the 2020 for-hire black sea bass season to account for days closed to for-hire fishing at the beginning of the season due to the COVID-19 pandemic. The proposal was reviewed and discussed by the TC via email. Below is a summary of the Massachusetts proposal as well as TC comments and recommendations.

Summary of Massachusetts CE Proposal

The premise of the proposal was to add additional days to the end of the season during Wave 5, with the number of days being conservatively equivalent to seven Wave 3 days (the number of days closed). To accomplish this, the daily harvest rates during Wave 3 and Wave 5 were compared using 2018 and 2019 MRIP for-hire mode harvest in numbers from Waves 3-5. The proposal had two options. Option A compared Wave 3 daily harvest rates to Wave 5 rates and resulted in 65 additional Wave 5 days (based on 2018-2019 data) or 39 additional days (based on 2019 only). Under Option A Massachusetts proposed opening 53 additional days in Wave 5. The PSEs associated with the Wave 5 data used in Option A were high (>80); thus an alternative approach was also presented. Option B assumed Wave 4 daily harvest rates were a representative proxy for Wave 5 rates. Wave 4 harvest estimates had lower PSEs (55.2 in 2018 and 34.1 in 2019). Option B resulted in 13 additional Wave 5 days (based on 2018-2019 data) or 8 additional days (based on 2019 only). Under Option B Massachusetts proposed 13 additional days. See the attached proposal for additional details on methodology and calculations.

TC Discussion and Recommendations

While the TC agreed that the methods used to calculate the proposed season adjustment were mathematically correct, several members were concerned with the data used under Option A. In particular, the MRIP estimates used to calculate the wave 5 for-hire daily harvest rates had very high PSEs (>80). The TC recommended validating the magnitude of the Wave 5 harvest estimates by comparing them with available VTR or logbook data, but MA does not have any for-hire VTR or logbook reporting after 2014.

In addition to data concerns, the TC noted that recreational harvest was projected to exceed the RHL and ABC in 2020. The final 2019 MRIP harvest estimate is 8.61 million lb, 48% higher than the 2020-2021 RHL of 5.82 mil lb. While incomplete MRIP sampling due to COVID-19 has created substantial uncertainty for 2020 recreational harvest estimates, private fishing effort was likely only slightly impacted by COVID-19. Because the private mode accounts for most black sea bass harvest (e.g., 88% during 2016-2019) under the current MRIP methodology, the 2020 RHL is still likely to be exceeded even with COVID-19 impacts.

M20-64

Considering these factors, the TC was more comfortable with the method proposed under Option B of using the most recent two-year average of the Wave 4 for-hire daily harvest rates as a proxy for the Wave 5 rates. Wave 4 estimates for black sea bass harvest in MA are generally more reliable due to more available trip-level data and lower PSEs. The TC found it reasonable to assume that the Wave 5 harvest rate would be similar to the Wave 4 rate based on typical declining effort (due to a combination of weather and behavioral changes at onset of fall), and possible decrease in availability as fish redistribute to the south. The TC recommends using the average of the 2018-2019 Wave 4 for-hire harvest estimates as a proxy for Wave 5 to calculate the daily harvest rate and resulting season modification to achieve conservation equivalency. This provides for opening 13 additional days in Wave 5, 2020. The TC agreed this is a more conservative approach that addresses concerns about data uncertainty and reduces the risk of producing higher than expected harvest in Wave 5; however, the group notes that a significant amount of uncertainty is still involved.

Dustin C. Leaning

To: Steve Beer
Subject: RE: [External] Flounder regulations

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

From: Steve Beer [mailto:beerplumbing91@gmail.com]
Sent: Friday, July 10, 2020 6:52 PM
To: Comments <comments@asmfc.org>
Subject: [External] Flounder regulations

Sent from my iPhone. I believe that the size limit is causing us anglers to release to many fish that will not survive. Make it 2 fish 14 to 18 inches and one fish over 18". Thanks.

Dustin C. Leaning

To: David Doebley
Subject: RE: [External] SUMMER FLOUNDER COMMENTS

From: David Doebley [mailto:david.nevermoor@gmail.com]
Sent: Friday, July 10, 2020 7:14 PM
To: Comments <comments@asmfc.org>
Subject: [External] SUMMER FLOUNDER COMMENTS

Please, please stop the killing of breeding female flounder by setting regulations that force us to keep only female fluke. I keep a record of all my fish that I keep and clean. It has been years since I have harvested a male fluke. As your regulations increase the minimum size the stock goes down.

There is also the problem of waste since most fishermen in this area of South Jersey only catch one keeper for every 10 to 14 fish they catch. That means that more fish die from release than go home for the plate.

We need a slot limit to allow fishermen to harvest fish without killing breeders. You have the numbers. Design a slot that stops the waste from dead discards and turns those fish in to keepers. Something like 15-18 and one fish over 24".

Sincerely,
David Doebley

Dustin C. Leaning

From: Eugene J. Doebley
Sent: Friday, July 10, 2020 6:37 PM
To: Comments
Subject: [External] SUMMER FLOUNDER COMMENTS

Please, please stop the killing of breeding female flounder by setting regulations that force us to keep only female fluke. I keep a record of all my fish that I keep and clean. It has been years since I have harvested a male fluke. As your regulations increase the minimum size the stock goes down.

There is also the problem of waste since most fishermen in this area of South Jersey only catch one keeper for every 10 to 14 fish they catch. That means that more fish die from release than go home for the plate.

We need a slot limit to allow fishermen to harvest fish without killing breeders. You have the numbers. Design a slot that stops the waste from dead discards and turns those fish in to keepers. Something like 15-18 and one fish over 24".

Sincerely,

Gene Doebley

Dustin C. Leaning

To: outlook_4DED777E41A67605@outlook.com
Subject: RE: flounder regulations

From: outlook_4DED777E41A67605@outlook.com [mailto:outlook_4DED777E41A67605@outlook.com]
Sent: Sunday, July 12, 2020 10:51 AM
To: Comments <comments@asmfc.org>
Subject: [External] flounder regulations

Dear Sir/Madam:

Current flounder regulations are depleting the stock of breeding females. Please consider reducing the limits to smaller fish & protect the larger breeding females. Thanks! Bill Garrity

104 Sherman Ave
Strathmere NJ 08248

Sent from [Mail](#) for Windows 10

Dustin C. Leaning

To: Don Mace
Subject: RE: [External] Summer Flounder Comments

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

From: Don Mace [mailto:don.mace@verizon.net]
Sent: Sunday, July 12, 2020 10:39 PM
To: Comments <comments@asmfc.org>
Subject: [External] Summer Flounder Comments

We need to stop taking all the female flounder out of the population. I'm in favor of a slot in the 14-17.99" range and allowing one additional keeper 18" or larger.

Thank you.

Don Mace
Ocean City, NJ

Sent from my iPhone

Dustin C. Leaning

To: RAY SCOTT'S DOCK
Subject: RE: [External] Summer flounder regs

From: RAY SCOTT'S DOCK [mailto:raycottsdock@comcast.net]
Sent: Sunday, July 12, 2020 6:27 PM
To: Comments <comments@asmfc.org>
Subject: [External] Summer flounder regs

It continues to be RIDICULOUS to target the 18 inch female breeding stock of summer flounder while expecting to grow the fishery. In addition, the mortality rate of “throwbacks” during the summer months with water temps at 75 degrees is estimated at 60%. We need to drop the size limit to 16.5 inches to relieve the pressure off the females. Summer flounder stocks were growing steadily up until the 18 inch size limit was implemented. It has been in a state of decline since. Fewer throwbacks dramatically reduces the overage tonnage of fish caught and wasted which has not been factored into the fishery. Recreational angler effort will be greatly reduced as a bag limit of four fish at sixteen and a half inches can be readily achieved with a massive reduction in waste. Summer flounder are a dinner fish, not a trophy fish. They feed families. Regards, Robin Scott

Dustin C. Leaning

To: BILL SHILLINGFORD
Subject: RE: [External] : 2021 summer flounder regulations

From: bucktail [<mailto:bucktail8@aol.com>]
Sent: Wednesday, July 8, 2020 11:31 PM
To: Comments <comments@asmfc.org>
Subject: [External] : 2021 summer flounder regulations

ASMFC comments on SUMMER FLOUNDER for August meeting

REGULATORS need to lower the size on summer flounder, as under current regulations of 18" we are only removing females from population and if this continues the population will never have a chance to grow....There also needs to be different seasons for inshore waters and outside waters..Summer flounder arrive in South Jersey and other areas with shallow bays as early as April and stay in the inshore waters for 8-12 weeks depending on water temps.Once water temps settle into 70's majority of fluke over 18" quickly leave for off shore cooler waters leaving mostly under 18" fish which also increases mortality on thrown back fish..An inshore season of April 15th to August 1 and a 17" size would result in a quick population growth as there would be a better male to female ratio..Give offshore fishermen a season from Mid-July -mid Oct. The current methods being used to determine summer flounder season,size and bag limit has been ineffective for past 6-10 years and decreasing population is all the evidence you need to prove that current recreational regulations are ineffective..If the Commercial guys can keep 14"fish and take them during the prime spawning in late /fall and winter surely you can relax the recreational size to 17"

thank you for listening

Bill Shillingford

21 Pinewood Ct

Swainton,NJ 08210

email bucktail8@aol.com

Dustin C. Leaning

To: nverducci@icloud.com
Subject: RE: [External] Summer Flounder Management

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

From: Nick Verducci [mailto:nverducci@icloud.com]
Sent: Thursday, July 9, 2020 3:35 PM
To: Comments <comments@asmfc.org>
Subject: [External] Summer Flounder Management

As a lifelong angler and one who has been advising a fishing club for students at my school in Ocean City, NJ for 17 years I implore that you take a new look on how to manage the summer flounder stock. The fishery is in dire need for a new approach. Through these years it is more and more difficult to find decent numbers with flounder. These 18" requirements has decimated the female population. It is time for a slot limit, similar to what Bill Shillingford has mentioned in many of his posts. I hope you all finally say it's time for something new that benefits not only the fishermen, but the flounder population as well.

Thank you
Nick Verducci

Sent from my iPhone

Dustin C. Leaning

To: J Webster
Subject: RE: [External] summer flounder comments

From: J Webster [mailto:yardbird721@verizon.net]
Sent: Sunday, July 12, 2020 12:45 PM
To: Comments <comments@asmfc.org>
Subject: [External] summer flounder comments

we would like to see a slot limit on fluke something like 2 @ 15 1/2" to under 18" and 1 over 20" per angler a day as most of the fluke over 18" are females could try for a year or 2 and reassess. thanks john c. webster

Dustin C. Leaning

To: Scott Wilson
Subject: RE: [External] Fluke regs

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

From: Scott Wilson [mailto:cornhill@netzero.net]
Sent: Saturday, July 11, 2020 8:33 PM
To: Comments <comments@asmfc.org>
Subject: [External] Fluke regs

I think the current regs of 3 fish @18" is not the way to rebuild the stock. Every fish I fillet over 18" is female. That is not the way to build and keep a sustainable fishery. I would propose 2 fish 14-16" and one trophy 18" or greater. Please think about all the dead fish released while trying to catch an 18" fish. This is not the way to rebuild a stock and fishery.

Thanks
Scott Wilson

Sent from my iPhone

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Trump Wears a Mask for the First Time

<http://thirdpartyoffers.netzero.net/TGL3241/5f0a5a33ad07c5a3238f2st02vuc1>

Widow: Face-Mask Killing 'Destroyed' My Family

<http://thirdpartyoffers.netzero.net/TGL3241/5f0a5a33c7bc65a3238f2st02vuc2>

FDA: These Hand Sanitizers Have Possibly Fatal Ingredient

<http://thirdpartyoffers.netzero.net/TGL3241/5f0a5a33e6ff95a3238f2st02vuc3>