Atlantic States Marine Fisheries Commission

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# Summer Flounder, Scup, Black Sea Bass Recreational Working Group
# Call Summary

October 4, 2017

**Recreational Working Group Members:** Adam Nowalsky (NJ Commissioner Proxy), Brandon Muffley (MAFMC), John Clark (DE DFW), Peter Clarke (NJ DFW), Matt Gates (CT DEEP), Mike Luisi (MD DNR), Nichola Meserve (MA DMF), Richard Wong (DE DFW), Tiffany Vidal (MA DMF), Bob Ballou (RI DFW), John Maniscalco (NYS DEC), Chris Batsavage (NC DMF)

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The Black Sea Bass Recreational Working Group (Rec WG) met via conference call to discuss the proposed options in Draft Addendum XXX and make recommendations regarding the options to be included in the document for public comment. The following is a summary of the Rec WG's discussion and subsequent revisions to the Draft Addendum. Please note that **bolded sections** in the following summary indicate revisions made to the Draft Addendum XXX document based on the Rec WG's recommendations.

Following the Board Meeting in August 2017, ASMFC Staff (Staff) further developed the draft addendum based on feedback from the Board. As part of the Board's requested additions to the draft document, preliminary analysis from TC members on 'smoothing' approaches were used to modify harvest information. The following changes were made based on Board feedback to the draft document that was considered by the Rec WG:

- Options 2 and 3 for specifying allocation (In section 3.0 'Proposed Management Program)
    - Inclusion of timeframes with an adjusted NY 2016 (annual) black sea bass recreational harvest estimate modified using a Gaussian Process Regression (GPR) model
    - Inclusion of an allocation timeframe from 2004-2010
    - An additional Sub-Option 2B: revisiting timeframes for setting allocation. This sub-option specified that recreational allocations needed to be revisited with a set number of years ( i.e. 3, 5, 7)
- The addition of a no sunset option for the Timeframe for Addendum Provisions (In section 3.1 'Timeframe for Addendum provisions')
- New Option 4: Alternative Allocation Management

Staff presented the preliminary TC work and discussion on two different smoothing approaches. The NY 2016 harvest estimate was presented as modified using the Gaussian Process Regression (GPR) model approach developed by Jason McNamee, under the assumptions that inter-annual changes in harvest should be related and should not change by orders of magnitude from year to year. MRIP data from the entire time series (1981-2016) were evaluated and the GPR was used to create new annual estimates for the entire time series for New York. John Maniscalco developed a different smoothing method based on a ratio of wave 5 to wave 6 harvest during recent "candidate" years, a few options possible depending

on which candidate year combos were selected. In considering the two approaches, the TC found merit with both approaches, but at this time was unable to make a formal recommendation on which to use moving forward. The TC is continuing to discuss and develop recommendations for the Board and Council to consider in evaluating and responding to annual harvest estimates. Given the possible different options under the ratio approach, the GPR modified estimate was included in the updated draft addendum presented to the Rec WG. Staff highlighted that the GPR approach smoothed harvest estimates for not only 2016, but the entire time series for NY which meant that prior year harvest estimates were also adjusted (some higher, others lower) but were not included per the Rec WG's request for a smoothed estimate for just New York's wave 6 (November-December) harvest estimate. Without clear guidance at this point on how a smoothing approach should be applied to any particular state, region or coastwide wave or annual harvest estimate, **the Rec WG recommended removing allocation timeframe options that included 2016 harvest estimates**.

Staff then presented the additional allocation timeframe option of 2001-2010 (10 years) per the request from Rob O'Reilly. Black Sea Bass recreational harvest estimates are post-stratified at Cape Hatteras as part of the FMP and the Cape Hatteras break is also used for evaluating harvest within the management unit against the coastwide Recreational Harvest Limit annually. Post-stratified harvest information is unavailable for years prior to 2004. Based on this challenge, Rob O'Reilly suggested the requested timeframe option be adjusted to 2004-2010 (7 years). In considering the adjusted timeframe of 7 years and prior Rec WG recommendation that harvest information from the early 2000s not be used given current changes to the resource's abundance and distribution, the **majority of Rec WG members recommended removing the 2004-2010 timeframe option**. With the two recommendations to remove allocation options that included 2016 and the 2004-2010, the two remaining original timeframe options were 2007-2015 (9 years) and 2012-2015 (4 years). The Rec WG members noted that for consistency and to account for interest from some WG members to include earlier timeframe harvest information**, the group recommended changing the two remaining allocation timeframe options to 2006-2015 (10 years) and 2011-2015 (5 years)**.

Staff then presented on the addition of Sub-Option 2B per Jim Gilmore's request that included options for revisiting the allocation timeframes in 3, 5, or 7 years. Related to this item was the addition of a no sunset option for the timeframe of Addendum provisions. The Rec WG discussed the timing and likelihood of the Board seeking to modify the recreational management program sooner than 5 or 7 years. Additionally, it was made clear that the timeframe of the addendum's provisions (Section 3.1) would necessitate the need to revisit allocation decisions; if there is not a no sunset provision, the addendum will expire and allocation decisions will need to be considered for any new addendum that may continue a similar management program. The group did indicate an interest in having the option for the draft addendum to be allowed to continue for more than 1 year, as some recent addenda to the FMP have limited the implemented management program to only 1 year. In turn the **majority of the Rec WG recommended removing the Sub-Option 2B: revisiting timeframes for setting allocation; removing the 1 year only option (for 2018 only) and the no sunset options from section 3.1, the timeframe of Addendum provisions.** Please note: that for the remaining timeframes still included in this section, the Board will annually have the option to either 1) extend the addendum, 2) revert back to FMP status quo (coastwide measures), or 3) initiate new addendum to create new recreational management program.

In considering other changes to the current draft addendum, the Rec WG revisited the Option 2: State Allocation of the Annual RHL. Based on concerns raised by the group of replicating issues that have arisen under state by state recreational management of Summer Flounder through Conservation Equivalency, the **majority of the Rec WG recommended removing Option 2: State Allocation of the Annual RHL**. Next, the group further discussed Sub-Options 3C (Management measures within a region).

The group expressed concern that current options B & C under Sub Option 3C seemed too similar, with the latter ("C") option's language indicating approach akin to ad-hoc regional management used in recent years. Based on this concern, the **Rec WG recommended removing option C that proposes setting a regional % reduction**. The Rec WG also recommended increasing the potential difference between states within a region under option "B" from 1 to 3 fish and from 15 days to 30 days. The Recreational WG and/or Board will need to provide clearer language for this option in specifying how states within a region may differ in their measures.

Next, Staff presented on a new Option 4 for alternative allocation management (see appendix A). The option was developed in an effort to base allocation decisions on information beyond just MRIP harvest point estimates, such as effort and the angling population that (i.e. catch per angler (CPA) and number of anglers). The option would create two regions that align with the two sub-spatial units modelled in the 2016 benchmark stock assessment (Northern region including New York/Hudson Canyon north to the US-Canadian Border, and Southern region of south of Hudson Canyon/New Jersey-North Carolina north of Hatteras). Each region would have 1 set of uniform management measures. The northern region example measures aim to account for the earlier spring fishery in some states while closing earlier in the fall than has taken place for many northern states in recent years to buffer against volatility in wave 6 harvest estimates; reduce the size limit and adjusting the season to better align with the Federal measures in recent years; and reduce the bag limit to 5 fish to buffer against intercepted trips that may "limit out" and increase the likelihood of high harvest estimates. The southern region example measures would continue to align with federal waters measures, with the new addition of New Jersey to the region following federal measures for the entire year. The example regional measures would likely be a net liberalization in harvest coastwide from 2017 because the estimated increase in northern region harvest would be greater than the estimated decrease in southern region (specifically for the states of Delaware-North Carolina; New Jersey's harvest would increase) harvest. While the example measures in the option would likely increase coastwide harvest, the option would also require states to increase recreational data collection specific to 5 parameters to help with informing the evaluation and management response to annual harvest estimates. This option would also aim to keep management measures in place for multiple years, while tying any changes to recreational management to the next stock assessment. The final goal of both liberalizing measures from recent years while maintaining them for multiple years moving forward would be to improve compliance and provide more stability in the recreational fishery.

The Rec WG discussed the merits of draft option 4. Currently, the draft option doesn't have a specified allocation for each region and it's unclear how they would differ significantly if based on rec CPUE given the stock assessment indicated they are similar. The proposed modifier of CPUE- angler population information based on state license registries data- may present challenges given states such as New York and New Jersey that have free recreational licenses, but that availability of those licenses don't track with the likely angling populations in the states. Some Rec WG members indicated that a better way to make allocation decisions for this new option may be on exploitable biomass by each sub-spatial unit that was modelled in the stock assessment. However, it was noted that the north/south split of exploitable biomass from the 2016 assessment provides a similar allocation as the regional management option for Massachusetts-New York and New Jersey-North Carolina based on 2011-2015 harvest data. A number of Rec WG members noted an interest in trying to collect more recreational data, but also expressed concern over the regional alignment, specifically including New Jersey with the southern region states. One WG member also indicated further discussion and development is needed on establishing a process for evaluating the performance of these measures in future years and how

liberalizations/reductions would be determined. Overall, the Rec WG expressed interest in further development of the option, and/or applying parts of the option to the regional management options. However, if it were to be developed further and included in Draft Addendum XXX, approval of the Draft Addendum would need to be delayed, likely to the joint ASMFC/MAFMC Meeting in December. Based on the interest in the option, a majority of the Rec WG supported delaying the approval of Draft Addendum XXX until the joint ASMFC/MAFMC Meeting in December.

Lastly, one Rec WG member recommended another management issue be added to the draft addendum. This item would require states to adopt a rule holding for-hire permit holders/operators responsible for violations of recreational possession or size limits for black sea bass, scup, or summer flounder occurring during a for-hire trip. This was in response to media reports/enforcement actions of two recent incidents of possession limit violations aboard party boats in NY including unclaimed coolers and/or overboard dumping of fish. According to the news reports, the captains only received minor citations (incomplete trip report, unsecured sanitation device) because state law doesn't hold captains responsible for the patrons on their boats "unless DEC officers witness staff taking responsibility for the catch, assisting with the catch." Similar instances of "abandon cooler" incidents lead MA to adopt a rule in 2014 to improve compliance with the recreational rules on for-hire vessels (see Appendix B). The Rec WG member indicated that if this is not specifically included in the draft addendum, that the ASMFC Policy Board should address this issue at their next meeting. Staff indicated that this management issue could be included in the Board's discussion on the Draft Addendum XXX options at the upcoming Board Meeting.

Appendix A.

*Option 4: Alternative allocation based recreational management*

Recreational management of highly sought after species along the US Mid-Atlantic coast are monitored through NOAA's Marine Recreational Information Program or MRIP. MRIP generates a harvest estimate (Caught-Available Catch fish "Type A" data + Harvested- Unavailable Catch "Type B1" data) that has been used for much of last 15+ years as metric for evaluating recreational removals. In recent years, there has been continual changes to how that recreational harvest and catch data has been calculated, creating challenges in evaluating year to year harvest estimates on the state level relative to management measures. To better evaluate the recreational fishery and improve management decisions on issues such as allocation and access to the resource, a new approach of accounting for participation and fishing effort is needed to address changes in the both resources' distribution and abundance, and the avidity of the angling community targeting black sea bass in the recreational fishery.

In addition to fishery independent survey indices of abundance, the 2016 Black Sea Bass Benchmark Stock Assessment (SAW/SARC 62) incorporated a fishery dependent index of abundance developed from MRIP[1] data (pg 28-30). To account for recreational effort (rather than just positive trips or self-reported directed trips), effort was estimated for a species guild (group of recreational targeted species that are targeted on the same trip). Species associations were evaluated at the regional level (i.e. north region comprised of data from New York-Massachusetts; south region comprised of data from New Jersey- Cape Hatteras, North Carolina). Generally, effort in the northern region increased during the 1980s, rising from less than 1000 intercepted trips in 1981 to over 4000 intercepts by 1990. Effort subsequently leveled off for the years 1990 to 2010 before showing an increase in recent years. Catch Per Angler (CPA) in the northern region remained below 0.25 fish per trip between 1989 and 1998. Over the last decade, recreational catch rates of black sea bass in the northern region have increased significantly, rising from 0.23 fish per trip in 2005 to 1.7 fish per trip in 2015.

For the southern region, from the early 1980s to early 2000s recreational black sea bass effort in the southern region increased more than two-fold, rising from around 3000 intercepted trips per year to a peak of over 9000 intercepts in 2001. Since that time, effort has gradually declined, dropping to approximately 6400 intercepts in 2015. CPA in the southern region follows a similar pattern as the associated effort. CPA increased from around 1.0 fish per trip in early to years to over 3.0 fish per trip by the early 2000s. CPA subsequently dropped by approximately 35% by 2004, and has since varied without trend around 2.0 fish per trip. Recreational black sea bass CPA in the southern region was estimated at 1.74 fish per trip in 2015.

Under this management option, the recreational management of black sea bass from North Carolina (north of Cape Hatteras) to the US/Canadian border will be split into two regions; the

[1] Although the Marine Recreational Fisheries Statistics Survey (MRFSS) was officially replaced by the MRIP in 2012, MRFSS-based raw data files are available through 2015, allowing a continuous time series of MRFSS data for this analysis.

northern region will contain the states of Maine through New York and the southern region will contain the states of New Jersey through North Carolina (North of Cape Hatteras). While the 2016 stock assessment used data primarily from Massachusetts south, the states of Maine and New Hampshire are included in the north region to ensure consistency with future regional measures. All states will agree to the regulations implemented within the region and states will implement consistent regulations to allow for similar recreational management programs within the region. The annual RHL will be allocated to the two regions based on a combination of the recreational catch per angler (CPA) effort data and permit license information to account for angler population/participation on the regional level. The following table outlines the regions, regional allocations of the annual RHL based on CPA & license information, potential 2018-2019 management measures.

| Region | 2015 CPA by Region (2016 Stock Assessment) | CPA and License Information modifier | 2018 Recreational Harvest Limit | Regional Allocation (Percent) | Regional Allocation (number of fish) | Potential 2018-2019 Management Measures | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | **Min. Size Limit** | **Bag Limit** | **Season** |
| **North**: New York-Maine | 1.7 fish per trip | X.X per trip | 3.66 million pounds | XX% | X,XXX,XXX | 13.5 inch | 5 fish | 5/1-9/ 30 |
| **South**: New Jersey-North Carolina* | 1.7 fish per trip | .XX per trip; | | XX% | X,XXX,XXX | 12.5 inch minimum size | 7 Fish | 5/15-10/ 31 |

*Management Program*

For 2018-2019, the northern region states will implement recreational black sea bass management programs that utilize minimum size limits, maximum possession limits and season lengths in state waters designed to achieve the regional allocation. The southern region states will set their management measures consistent with the federal measures that will apply in both state and federal waters. Northern region states will use management measures such as a minimum size limits (i.e. 13.5 inches), low bag limits (i.e. no more than 5 fish), and a common season to achieve the regional allocation. The common season seeks to account for spring participation for many northern states with an earlier season closure for all northern states in the fall to buffer against late season variability in catch estimates. These measures combined at the regional level will constitute an overall liberalization in harvest (XX% increase) from management measures in recent years and would be maintained for at least two years depending the results of the next black sea bass stock assessment update. To balance this liberalization, northern region states would develop proposals to implement improved data collection from both private anglers and state only permitted for-hire vessels[2] recreationally targeting black sea

[2] Effective March 12, 2018 as federally permitted for-hire vessels are required to submit electronic Vessel Trip Reports (VTRs) electronically and within 48 hours of ending a fishing trip (reporting all trips and all fish). VTRs from

bass. State proposals would need to demonstrate that by the 2020 fishing season, significant improvements in their recreational data collection would be achieved along the following parameters:

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

Collectively, the states will develop consistent regional management measures for the 2018-2019 fishing seasons that are similar to 2017 measures for state waters. The states of New Jersey through North Carolina North of Cape Hatteras would set their recreational measures consistent with federal waters measures for 2018-2019. This is due to the fishing effort and harvest from these states is primarily focused in federal waters (3-200 miles). As part of draft Addendum XXX, the following process will take place:

November-December 2017: States of New York through Maine will cooperatively develop a set of regional measures to achieve the allocation. These proposals need to quantitatively demonstrate how the regional allocation will be achieved, the coastwide $F_{MSY}$ target will not be exceeded, and an initial timetable for states to address the 5 parameters listed above. The proposals will be due January 15 2018 for the Board's consideration at the 2018 ASMFC Winter Meeting.

December 2017: the Board approves the draft document for public comment. The Commission and Council set the 2018 Black Sea Bass measures for federal waters.

January 15, 2018: Regional Proposals for 2018 Black Sea Bass measures are due for Technical Committee Review.

February 2018: The Board considers draft Addendum XXX for Final Action. If Option 4 is selected, states proposals must develop implementation plans for addressing the 5 reporting parameters by July 1, 2018.

February-April 2018: States of New York through Massachusetts go through implementation process to set 2018 management measures for their state waters.

*Review and evaluation of Management Program*
The goal of moving away from recent years' annual evaluation of harvest against the RHL is to change the timing of when the performance of measures, the metrics used to evaluate

federally permitted vessels are required to report all fish kept or discarded (not just fish the vessel is permitted for) and for all fishing-related trips the vessel conducts. http://www.mafmc.org/newsfeed/2017/mid-atlantic-for-hire-vessel-permitting-and-reporting-electronic-only-submission-requirement-starts-march-12-2018

performance of the measures, and as well as the management response. This option seeks to better incorporate information from the 2016 Benchmark Stock Assessment into the management process, improve the experience of angling experience of the recreational community, and improve the reporting of recreational information to better inform management responses to changes in the condition of the resource.

The 2016 Benchmark Stock Assessment specified new Biological Reference Points (BRPs) and catch limits for 2017-2018. An operational assessment update is tentatively scheduled for review in early 2019; depending on the results of that assessment specific to stock status and the BRPs, recreational measures for the states of New York through Maine would next be evaluated and potentially adjusted for 2019. The following evaluation process would occur for 2019*:

- If the coastwide $F_{MSY}$ target is found to be have been exceed, all states must reduce their management measures to achieve the $F_{MSY}$ target. Northern region states would be able to draw on improved data collection from the recreational sector demonstrate how measures will achieve the needed reduction.

-If the coastwide $F_{MSY}$ target is found not to have been exceed, all states may maintain current or similar management measures to achieve the $F_{MSY}$ target.

*If the assessment schedule is delayed, the measures would be evaluated and subsequently adjusted following the assessments' or assessment update's completion.

The regional allocations may be addressed following the next stock assessment but triggered for revaluation through an addendum no later than the 2021 ASMFC Annual Meeting in preparation for the 2022 fishing season (5 years from the 2018 fishing season).

Appendix B. Regulations pertaining to violations onboard Recreational For-Hire Vessels.

Federal Rule (as part of federal component of Summer Flounder, Scup, and Black Sea Bass FMP)

**50 CFR §648.145 Black sea bass possession limit.**

(c) Black sea bass harvested by vessels subject to the possession limit with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will be determined by dividing the number of black sea bass on board by the number of persons aboard, other than the captain and the crew. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner and operator of the vessel.

*[same language for scup and summer flounder at 50 CFR § 648.128 and 50 CFR 648.106]*

Commonwealth of Massachusetts Rule

**322 CMR 6.41 (3)**

(c) Liability for Violations Onboard For-hire Recreational Vessels. With respect to recreational for-hire fishing operations permitted in accordance with 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels,* an individual patron, as well as the named for-hire permit holder or for-hire vessel operator, may each be held liable for any violations of recreational size, possession or daily bag limits established at 322 CMR that are attributable to the patron fishing onboard the for-hire recreational fishing vessel. In enforcing this provision, law enforcement officers may exercise their discretion on whether to cite the named for-hire permit holder or for-hire vessel operator for such violations in instances where the best industry practices required by 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels* have been used on the for-hire vessel.

*["best industry practices" refer to posting rules, giving verbal notice of rules, carrying measuring devices]*

# *Atlantic States Marine Fisheries Commission*

## DRAFT ADDENDUM XXX TO THE SUMMER FLOUNDER, SCUP, BLACK SEA BASS FISHERY MANAGEMENT PLAN

***Black Sea Bass Recreational Management in 2018***

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

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

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## 1.0 Introduction

This Draft Addendum is proposed under the adaptive management/framework procedures of Amendment 12 and Framework 2 that are a part of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Summer flounder, scup, and black sea bass fisheries are managed cooperatively by the states through the Atlantic States Marine Fisheries Commission (Commission) in state waters (0-3 miles), and through the Mid-Atlantic Fishery Management Council (Council) and the NOAA Fisheries in federal waters (3-200 miles).

The management unit for summer flounder, scup, and black sea bass in US waters is the western Atlantic Ocean from the southern border of North Carolina northward to the US-Canadian border. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motions on May 10, 2017:

> *Move to initiate an addendum for 2018 recreational black sea bass management with options as recommended by the Working Group and Plan Development Team. Options for regional allocations shall include approaches with uniform regulations (e.g., number of days) and other alternatives to the current North/South regional delineation (MA-NJ/DE-NC) such as those applied for summer flounder, i.e., one-state regions.*

This Draft Addendum proposes alternate approaches for management of the recreational black sea bass fishery for the 2018 fishing year and beyond.

## 2.0 Overview

### 2.1 Statement of Problem

The Commission's ISFMP Charter establishes fairness and equity as guiding principles for the conservation and management programs set forth in the Commission's FMPs. In recent years, challenges in the black sea bass recreational fishery have centered on providing equitable access to the resource in the face of uncertain population size, structure, and distribution. In the absence of an accepted peer reviewed stock assessment, biomass estimate, and reference points, the Board and Council had set coastwide catch limits at conservative levels to ensure sustainability of the resource. Coastwide catch limits set from 2010-2016 were largely based on a constant catch approach used to maintain or increase the size of the population based on historical catch data; for 2016, a Management Strategy Evaluation was considered and approved by the Board and Council to increase both the recreational and commercial catch limits. In recent years, fishery independent and dependent information and the 2016 benchmark stock assessment have indicated a much higher abundance of the resource than previously assumed. This presented challenges in both maintaining recreational harvest to the coastwide catch limits as well as crafting recreational measures that ensured equitable access to the resource along the coast.

Starting in 2011, the Board approved addenda that allowed states to craft measures in an aim to reduce harvest to the annual coastwide catch limit while maintaining state

flexibility. After a single year of management by state shares, the Board adopted what became officially known as the ad-hoc regional management approach, where the Northern Region states of Massachusetts through New Jersey would individually craft state measures aimed at reducing harvest by the same percent, while the Southern Region states of Delaware through North Carolina set their regulations consistent with the federal waters measures. This approach, while allowing the states flexibility in setting their measures, did create discrepancies in conservation measures that were not tied to any original management plan baseline or goal (e.g., state allocations). Inequities resulted in how much of a harvest reduction states were addressing through their measures, with no accountability for the effectiveness of regulations. Most visibly, the ad-hoc approach did not provide uniformity in measures nor in evaluating harvest reductions.

**2.2 Background**

The black sea bass recreational fishery is managed on a "target quota" basis. Fifty-one percent of the total allowable landings are allocated to the recreational sector as the coastwide recreational harvest limit (RHL) and forty-nine percent is allocated to the commercial sector through a coastwide quota with each state allocated a percentage based on historical landings data.

From 1996 to 2010, uniform coastwide size, season, and bag limits had been used by the Commission and Council to constrain the recreational fishery to the annual RHL. Over time, the states grew concerned the coastwide regulations disproportionately impacted states within the management unit; therefore, the Board approved a series of addenda which allowed for state-by-state flexibility, first through state shares in 2011 and then through the ad-hoc regional management approach for 2012–2017. The Northern Region states have been subject to harvest reductions in all years except 2012 (liberalization), while the Southern Region states have been largely status quo. Under ad-hoc regional management in 2017, the Board initially allowed for status quo measures for all states, but then responded to the final 2016 harvest estimates by approving a reduction in the possession limit to 5 fish for wave 6 (November 1-December 31) for the states of Rhode Island through New Jersey in May 2017. ). In August 2017, after taking into consideration the results of the 2016 benchmark stock assessment, which found the stock is not overfished and overfishing is not occurring, and concern over the uncertainty in the wave 6 harvest estimate for New York, the Board rescinded its previous action establishing a 5 fish possession limit. As a result, states are maintaining their 2016 measures for 2017 (Table 1).

**Table 1. State by State Black Sea Bass Recreational Measures for 2017.**

| State | Minimum Size (inches) | Possession Limit | Open Season |
|---|---|---|---|
| Maine | 13 | 10 fish | May 19-September 21; October 18-December 31 |
| New Hampshire | 13 | 10 fish | January 1-December 31 |
| Massachusetts | 15 | 5 fish | May 20-August 29 |
| Rhode Island | 15 | 3 fish | May 25 - August 31 |
| | | 7 fish | September 1 - September 21; October 22 - December 31 |
| Connecticut (Private & Shore) | 15 | 5 fish | May 1-December 31 |
| CT Authorized Party/Charter Monitoring Program Vessels | | 8 fish | |
| New York | 15 | 3 fish | June 27- August 31 |
| | | 8 fish | September 1-December 31 |
| | | 10 fish | November 1-December 31 |
| New Jersey | 12.5 | 10 fish | May 26-June 18 |
| | | 2 fish | July 1-August 31 |
| | | 15 fish | October 22-December31 |
| Delaware, Maryland, Virginia, and North Carolina, North of Cape Hatteras (N of 35° 15'N) | 12.5 | 15 fish | May 15-September 21; October 22-December 31 |

Note: cells are shared to help with table readability and do not indicate regional alignment.

**2.3 Description of the Fishery**

Black sea bass are a popular recreational fishing target in the mid-Atlantic and southern New England regions. Most recreational harvest of black sea bass occurs in the state waters of Massachusetts through New Jersey when the fish migrate inshore during the spring through summer months.

For much of the last decade, coastwide harvest has exceeded the coastwide RHL (Table 2). In 2016, MRIP data indicate that an estimated 5.19 million pounds of black sea bass were harvested recreationally from Maine through Cape Hatteras, North Carolina, exceeding the 2016 RHL by 2.37 million pounds. In 2016, about 65% of black sea bass harvested were caught in state waters and about 35% in federal waters, although state by state percentage caught varies (Table 3). In recent years, the majority of black sea bass were harvested in New Jersey, New York, Connecticut, Rhode Island and Massachusetts. These five states account for 94% of all black sea bass harvest north of Cape Hatteras in 2016 (Table 4; Figure 1). Additionally, MRIP data indicate that 84% of harvest in 2016

came from anglers on private or rental boats, and 16% came from party/charter boats (Figure 2).

Table 2. Black Sea Bass Recreational Harvest relative to coastwide RHL 2006-2016. **Note**: Coastwide Harvest includes only harvest post-stratified from Cape Hatteras, North Carolina north to the US/Canadian Border

| Year | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Coastwide Harvest (mil. lb) | 1.78 | 2.18 | 2.03 | 2.56 | 3.19 | 1.17 | 3.19 | 2.46 | 3.66 | 3.79 | 5.19 |
| Coastwide RHL (mil. lb) | 3.99 | 2.47 | 2.11 | 1.14 | 1.83 | 1.78 | 1.32 | 2.26 | 2.26 | 2.33 | 2.82 |
| Percent of RHL harvested | 45% | 88% | 96% | **225%** | **174%** | 66% | **242%** | **109%** | **162%** | **163%** | **184%** |

Table 3. Percentage of state by state harvest (in pounds) taken from state vs. federal waters for 2007-2016. Please note: North Carolina is omitted due to post-stratification of harvest north of Cape Hatteras.

| Years: 2006-2016 | MA | RI | CT | NY | NJ | DE | MD | VA |
|---|---|---|---|---|---|---|---|---|
| State Waters (<= 3 MI) | 81% | 77% | 41% | 63% | 30% | 7% | 0% | 4% |
| Federal Waters (>3 MI) | 19% | 23% | 59% | 37% | 70% | 93% | 100% | 96% |

Table 4. State-by-state recreational harvest of black sea bass (in numbers of fish), Maine through Cape Hatteras, North Carolina, 2006 through 2016.

| **Year** | **2006** | **2007** | **2008** | **2009** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Maine | | | | | | 0 | 0 | | | | |
| New Hampshire | | | | | 0 | | 3,195 | 12,283 | 0 | 0 | 0 |
| Massachusetts | 149,993 | 149,434 | 246,136 | 430,748 | 702,138 | 194,752 | 519,910 | 291,678 | 457,099 | 342,554 | 392,239 |
| Rhode Island | 67,076 | 44,024 | 52,303 | 35,972 | 160,427 | 50,203 | 102,548 | 74,727 | 214,463 | 233,631 | 254,704 |
| Connecticut | 4,684 | 23,574 | 59,751 | 465 | 15,682 | 8,378 | 110,858 | 109,807 | 397,033 | 330,628 | 435,624 |
| New York | 455,213 | 409,697 | 259,511 | 566,483 | 543,243 | 274,473 | 321,516 | 353,036 | 469,150 | 876,630 | 1,032,604 |
| New Jersey | 690,651 | 724,591 | 579,617 | 583,373 | 687,451 | 148,487 | 734,928 | 345,337 | 468,402 | 310,298 | 294,312 |
| Delaware | 140,931 | 93,147 | 22,621 | 37,345 | 21,028 | 42,961 | 40,141 | 36,557 | 23,879 | 22,899 | 24,168 |
| Maryland | 136,064 | 38,669 | 26,429 | 33,082 | 36,018 | 47,445 | 33,080 | 29,677 | 68,469 | 57,631 | 79,951 |
| Virginia | 105,134 | 36,152 | 38,045 | 114,805 | 29,718 | 18,964 | 4,076 | 21,295 | 18,802 | 38,763 | 28,913 |
| North Carolina Post-Stratified | 28,352 | 8,517 | 9,353 | 3,307 | 10,850 | 30,975 | 3,664 | 8,002 | 696 | 1,920 | 864 |

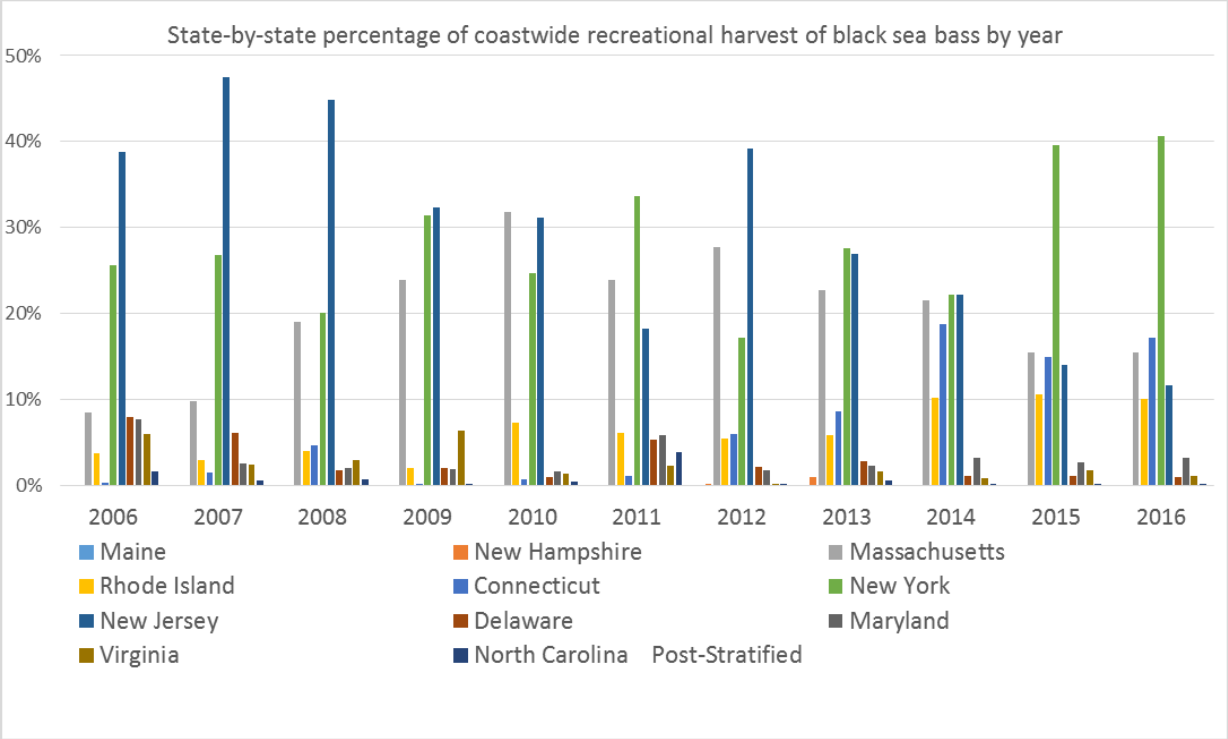


Figure 1. State-by-state contribution (as a percentage) to total recreational harvest of black sea bass (in numbers of fish), Maine through Cape Hatteras, North Carolina, 2006 through 2016.

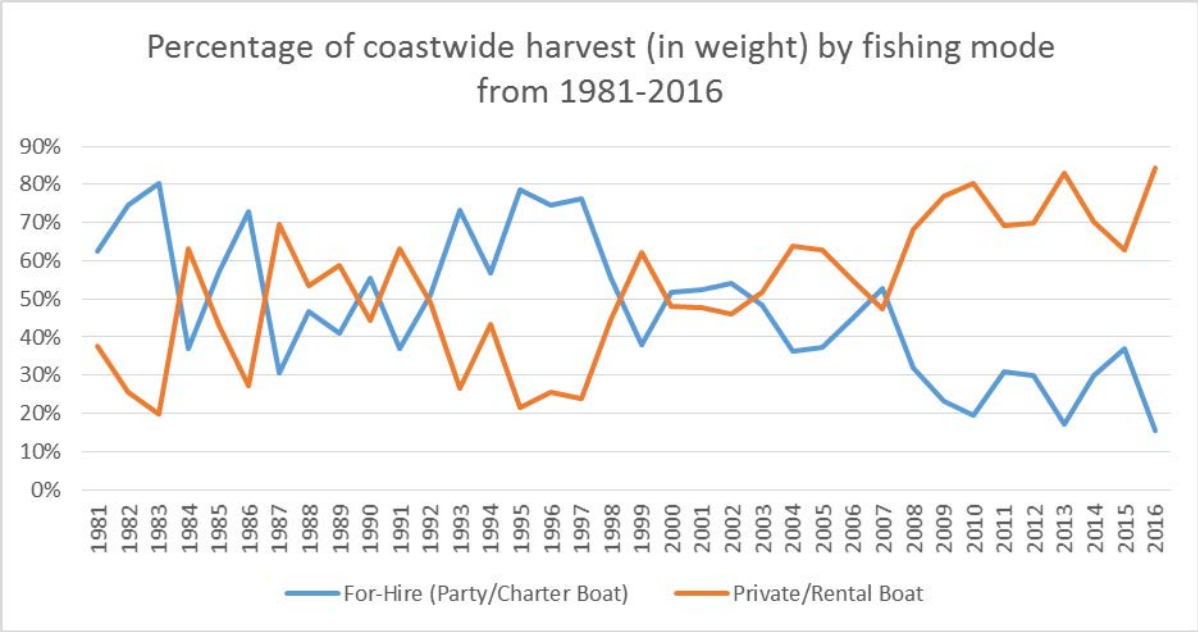


Figure 2. Percentage of coastwide harvest (in weight) by fishing mode from 1981-2016.

### 2.4 Status of the Stock

The last peer reviewed and accepted benchmark stock assessment was approved in December 2016 (SARC 62). The assessment indicated that the black sea bass stock north of Cape Hatteras, North Carolina was not overfished and overfishing was not occurring in 2015.

For modeling black sea bass north of Cape Hatteras, the stock was partitioned into two sub-units approximately at Hudson Canyon to account for spatial differences in abundance and size at age. The sub-units are not considered to be separate stocks. Based on the assessment modelling, biomass is considered underestimated and the large 2011 year class is dominant in the northern area (north of Hudson Canyon) and less so in the southern area (south of Hudson Canyon). Although the stock was assessed by sub-unit, the combined results were put forth to develop reference points and harvest specifications.

Spawning stock biomass (SSB), which includes both mature male and female biomass, averaged around 6 million pounds from the late 1980's and early 1990's and then steadily increased from 1997 to 2002 when it reached 18.7 million pounds. From 2007 on, the SSB has increased, reaching its highest level in 2015 (48.89 million pounds) (Figure 1). The fishing mortality rate (F) in 2015 was 0.27, below the fishing mortality threshold reference point ($F_{MSY}$ PROXY= F40%) of 0.36. Fishing mortality has been below the $F_{MSY}$ PROXY for the last five years. Model estimated recruitment was relatively constant throughout the time series except for large peaks from 1999 and 2011 year classes. Average recruitment of age 1 black sea bass from 1989–2015 equaled 24.3 million fish with the 1999 year class estimated at 37.3 fish and the 2011 year class estimated at 68.9 million fish.

Based on the stock assessment, the Board and Council set the 2017 RHL at 4.29 million pounds. In light of the projected decline in biomass in 2018, the 2018 RHL is set at 3.66 million pounds, an approximate 15% reduction from the 2017 RHL.

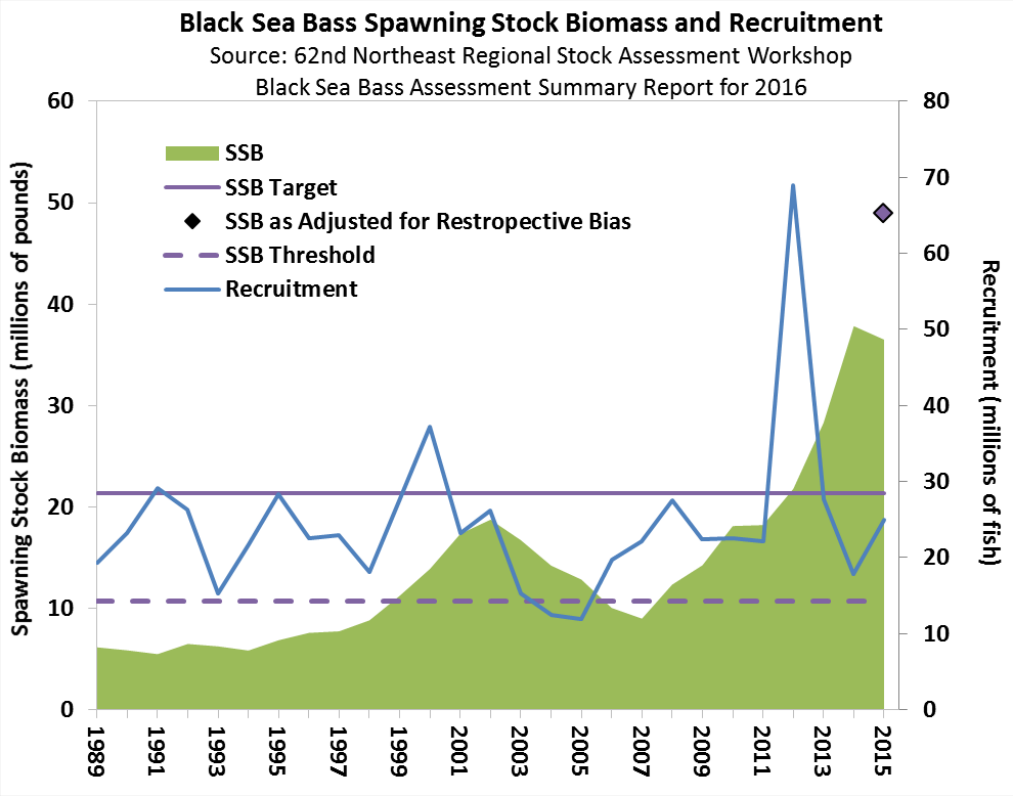


Figure 3. Black Sea Bass spawning stock biomass (SSB) and recruitment at age 0 by calendar year.

**3.0 Proposed Management Program**

The following options were developed from the Board motion from May 2017. The Black Sea Bass Recreational Working Group provided additional information for the Board to consider in selecting, removing, or further developing the options below. Again, these options can be further modified by the Board.

*Option 1: Default Management program*

For 2018, a coastwide set of measures (size limit, possession limit, season length) would be specified in both state and federal waters to achieve the 2018 RHL.

*Option 2: Regional Allocation of Annual RHL*

For 2018, the RHL would be allocated to regions. Each region would be responsible for developing measures that would constrain the harvest to their allocation. States within a regions will develop proposals for the Board to consider for approval no later than the 2018 ASMFC Winter Meeting.

*Sub-option 2A: Regional alignment*

The following groupings would specify the regional alignment & regional allocation in 2018. (**Note**: Allocation scenarios under the regional alignment and timeframe options are included in Appendix I)

A) **2 Regions**: Massachusetts through New Jersey (North Region); Delaware through North Carolina north of Cape Hatteras (South region). This regional alignment was in place during ad-hoc regional management (2012-2017). They were based on both amount of landings and area of harvest (state vs federal waters).

B) **2 Regions**: Massachusetts through New York (North Region); New Jersey through North Carolina north of Cape Hatteras (South region). This regional alignment is based in part on the results of the 2016 benchmark stock assessment, which indicated different levels of abundance for black sea bass north of Hudson Canyon.

C) **3 Regions**: Massachusetts through New York (North Region); New Jersey as a state specific region (New Jersey Region); Delaware through North Carolina north of Cape Hatteras (South region). This regional alignment is based in part on the results of the 2016 benchmark stock assessment, which indicated different levels of abundance for black sea bass north of Hudson Canyon. As the demarcation line of abundance is not fixed, this regional alignment seeks to allow New Jersey to set state level measures to address spatial variation in size and abundance of black sea bass along the New Jersey coast.

D) **4 Regions**: Massachusetts through Rhode Island (North Region); Connecticut through New York (Long Island Region); New Jersey as a state specific region (New Jersey Region); Delaware through North Carolina north of Cape Hatteras (South region). This regional alignment seeks to create more consistency between neighboring states and shared water bodies.

*Sub-option 2B:* Timeframes for specifying allocation
Under this specification, harvest data would be used to determine each state's share of the annual RHL. One of the following timeframe options would be used to set harvest allocations:

A) **2006-2015 (10 years)**

B) **2011-2015 (5 years)**

(Note: Allocation scenarios under each regional alignment and timeframe are included in Appendix I)

*Sub-option 2C:* Management measures within a region

A) **Uniform regulations within a region**: the states within a region must implement a set of uniform management measures (size limit, possession limit, and season length).

B) **Regulatory standard with Conservation Equivalency allowed**: A uniform set of regulations is developed for a region, but states within the region can submit proposals for conservation equivalency regulations, although the management measures are not to differ more than 1" in size limit, 3 fish in possession limit, and 30 days in season length from the regulatory standard.

*Option 3: Alternative allocation-based recreational management*
*See call summary for details*

### 3.1 Timeframe for Addendum provisions

*Option 1: 2 years (2018-2019)*
The management program outlined in section 3.0 will be in place for 2018. The Board could take action, through a Board vote, to extend the addendum for one year, expiring at the end of 2019. After 2019, measures would revert back to the FMP status quo of coastwide measures.

*Option 3: 3 years (2018-2020)*
The management program outlined in section 3.0 will be in place for 2018. The Board could take action, through a Board vote, to extend the addendum for up to two years, expiring at the end of 2020. After 2020, measures would revert back to the FMP status quo of coastwide measures.

## 4.0 Compliance

TBD

## Appendix I. Regional Allocation Scenarios

Please note: Harvest from New Hampshire are used in coastwide time series numbers

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

Table 5. Time Series Option "A" 2006-2015 harvest in numbers of fish

| State | Harvest | Regional Harvest | Percentage Allocation |
|---|---|---|---|
| MASSACHUSETTS | 3,484,442 | 15,382,763 | 91% |
| RHODE ISLAND | 1,035,374 | | |
| CONNECTICUT | 1,060,860 | | |
| NEW YORK | 4,528,952 | | |
| NEW JERSEY | 5,273,135 | | |
| DELAWARE | 481,509 | 1,519,463 | 11% |
| MARYLAND | 506,564 | | |
| VIRGINIA | 425,754 | | |
| NORTH CAROLINA | 105,636 | | |
| **Grand Total** | 16,917,704 | | |

Table 6. Time Series Option "B" 2011-2015 harvest in numbers of fish

| State | Harvest | Regional Harvest | Percentage Allocation |
|---|---|---|---|
| MASSACHUSETTS | 1,805,993 | 7,740,526 | 93% |
| RHODE ISLAND | 675,572 | | |
| CONNECTICUT | 956,704 | | |
| NEW YORK | 2,294,805 | | |
| NEW JERSEY | 2,007,452 | | |
| DELAWARE | 166,437 | 549,896 | 7% |
| MARYLAND | 236,302 | | |
| VIRGINIA | 101,900 | | |
| NORTH CAROLINA | 45,257 | | |
| **Grand Total** | 8,305,900 | | |

2) 2 Regions: Massachusetts through New York (North Region); New Jersey through North Carolina north of Cape Hatteras (South region).

Table 7. Time Series Option "A" 2006-2015 harvest in numbers of fish

| State | Harvest | Regional Harvest | Percentage Allocation |
|---|---|---|---|
| MASSACHUSETTS | 3,484,442 | 10,109,628 | 60% |
| RHODE ISLAND | 1,035,374 | | |
| CONNECTICUT | 1,060,860 | | |
| NEW YORK | 4,528,952 | | |
| NEW JERSEY | 5,273,135 | 6,792,598 | 40% |
| DELAWARE | 481,509 | | |
| MARYLAND | 506,564 | | |
| VIRGINIA | 425,754 | | |
| NORTH CAROLINA | 105,636 | | |
| **Grand Total** | 16,917,704 | | |

Table 8. Time Series Option "B" 2011-2015 harvest in numbers of fish

| State | Harvest | Regional Harvest | Percentage Allocation |
|---|---|---|---|
| MASSACHUSETTS | 1,805,993 | 5,733,074 | 69% |
| RHODE ISLAND | 675,572 | | |
| CONNECTICUT | 956,704 | | |
| NEW YORK | 2,294,805 | | |
| NEW JERSEY | 2,007,452 | 2,557,348 | 31% |
| DELAWARE | 166,437 | | |
| MARYLAND | 236,302 | | |
| VIRGINIA | 101,900 | | |
| NORTH CAROLINA | 45,257 | | |
| **Grand Total** | 8,305,900 | | |

3) 3 Regions: Massachusetts through New York (North Region); New Jersey as a state specific region (New Jersey Region); Delaware through North Carolina north of Cape Hatteras (South region).

Table 9. Time Series Option "A" 2006-2015 harvest in numbers of fish

| State | Harvest | Regional Harvest | Percentage Allocation |
|---|---|---|---|
| MASSACHUSETTS | 3,484,442 | 10,109,628 | 60% |
| RHODE ISLAND | 1,035,374 | | |
| CONNECTICUT | 1,060,860 | | |
| NEW YORK | 4,528,952 | | |
| NEW JERSEY | 5,273,135 | 5,273,135 | 31% |
| DELAWARE | 481,509 | 1,519,463 | 9% |
| MARYLAND | 506,564 | | |
| VIRGINIA | 425,754 | | |
| NORTH CAROLINA | 105,636 | | |
| **Grand Total** | 16,917,704 | | |

Table 10. Time Series Option "B" 2011-2015 Harvest in numbers of fish

| State | Harvest | Regional Harvest | Percentage Allocation |
|---|---|---|---|
| MASSACHUSETTS | 1,805,993 | 5,733,074 | 69% |
| RHODE ISLAND | 675,572 | | |
| CONNECTICUT | 956,704 | | |
| NEW YORK | 2,294,805 | | |
| NEW JERSEY | 2,007,452 | 2,007,452 | 24% |
| DELAWARE | 166,437 | 549,896 | 7% |
| MARYLAND | 236,302 | | |
| VIRGINIA | 101,900 | | |
| NORTH CAROLINA | 45,257 | | |
| **Grand Total** | 8,305,900 | | |

4) 4 Regions: Massachusetts through Rhode Island (North Region); Connecticut through New York (Long Island Region); New Jersey as a state specific region (New Jersey Region); Delaware through North Carolina north of Cape Hatteras (South region).

Table 11. Time Series Option "A" 2006-2015 Harvest in numbers of fish

| State | Harvest | Regional Harvest | Percentage Allocation |
|---|---|---|---|
| MASSACHUSETTS | 3,484,442 | 4,519,816 | 27% |
| RHODE ISLAND | 1,035,374 | | |
| CONNECTICUT | 1,060,860 | 5,589,812 | 33% |
| NEW YORK | 4,528,952 | | |
| NEW JERSEY | 5,273,135 | 5,273,135 | 31% |
| DELAWARE | 481,509 | 1,519,463 | 9% |
| MARYLAND | 506,564 | | |
| VIRGINIA | 425,754 | | |
| NORTH CAROLINA | 105,636 | | |
| **Grand Total** | 16,917,704 | | |

Table 12. Time Series Option "B" 2011-2015 Harvest in numbers of fish

| State | Harvest | Regional Harvest | Percentage Allocation |
|---|---|---|---|
| MASSACHUSETTS | 1,805,993 | 2,481,565 | 30% |
| RHODE ISLAND | 675,572 | | |
| CONNECTICUT | 956,704 | 3,251,509 | 39% |
| NEW YORK | 2,294,805 | | |
| NEW JERSEY | 2,007,452 | 2,007,452 | 24% |
| DELAWARE | 166,437 | 549,896 | 7% |
| MARYLAND | 236,302 | | |
| VIRGINIA | 101,900 | | |
| NORTH CAROLINA | 45,257 | | |
| **Grand Total** | 8,305,900 | | |

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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

# MEMORANDUM

**Date:** September 26, 2017

**To:** Council

**From:** Brandon Muffley, Staff

**Subject:** Reconsideration of the 2018 Wave 1 Recreational Black Sea Bass Fishery – February 1 – 28 open season

## Introduction

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) are re-considering a potential opening of the Wave 1 (January/February) fishery in 2018. At their joint meeting in August, the Council and Board considered a couple of options for the 2018 Wave 1 fishery (e.g. open the entire Wave 1 season, open only on weekends during Wave 1) but ultimately did not approve any option. Since the August meeting, Council members have developed an option for the Wave 1 fishery that was not considered by the Council and Board. Specifically, a season from February 1- 28, 2018 with a 15 fish possession limit and 12.5 inch minimum size will be considered by the Council and Board at their respective October meetings. If approved, these measures would be in place for 2018 while the Council and Board consider the implementation of a Letter of Authorization (LOA) program for the 2019 recreational black sea bass Wave 1 fishery.

This memo provides potential black sea bass harvest under different participation scenarios assuming a February 1 – 28 season, 15 fish possession limit and 12.5" minimum size. Based on these estimates, potential implications for the rest of the recreational black sea bass season in 2018 are considered. Information on preliminary 2017 recreational black sea harvest estimates are also provided.

## Wave 1 Harvest Projections

The information and analysis used to determine the potential black sea bass harvest for a February 1 – 28 season was the same as that developed by staff when the Council and Board

were considering opening the entire Wave 1 fishery at their August meeting[1]. In summary, Vessel Trip Report (VTR) data from federally permitted for-hire vessels from 2013, the last year the Wave 1 fishery was open, was used to generate harvest estimates for the for-hire sector under different levels of for-hire vessel participation. These for-hire estimates were then used to scale the private/rental and shore mode assuming 50% of the harvest would be from the private/rental and shore modes and 50% of harvest would be from the party and charter modes based on an evaluation of the Wave 6 (November/December) catch by mode (note: a subsequent analysis of Wave 2 (March/April) catch produced similar results). This 50/50 harvest ratio was then applied to the various estimates of Wave 1 black sea bass harvest by the for-hire sector in order to scale to entire fishery and develop estimates of total Wave 1 recreational black sea bass harvest (Table 1). The proportion of harvest and average harvest per day for February was then used to determine potential black sea bass harvest estimates for February only in order to evaluate the option under consideration.

**Table 1.** Estimated 2018 Wave 1 black sea bass harvest by for-hire vessels only, total Wave 1 harvest for all modes and total February harvest for all modes under varying participation levels. Federal for-hire VTR data from 2013 was used to calculate the average number of trips per vessel, average number of anglers per trip and average harvest per angler. MRIP data from 2016 was used to calculate the average weight of harvested black sea bass to convert harvest in numbers of fish to weight in pounds. Harvest estimates that include all modes assume 50% of the harvest from party/charter vessels and 50% from private/rental and shore mode. Information from 2013 is highlighted in grey.

| Scenario | Number of Vessels | Number of Trips / Vessel | Ave Number of Anglers / Trip | Avg. Harvest / Angler | Total Wave 1 For-Hire Harvest (lb) | Total Wave 1 Harvest (lb) | Total February Harvest (lb) |
|---|---|---|---|---|---|---|---|
| 1 | 25 | 6 | 26 | 11.1 | 88,312 | 176,623 | **64,821** |
| 2 | 30 | 6 | 26 | 11.1 | 105,974 | 211,948 | **77,785** |
| 3 | 39 | 6 | 26 | 11.1 | 137,766 | 275,532 | **101,120** |
| 4 | 45 | 6 | 26 | 11.1 | 158,961 | 317,922 | **116,677** |
| 5 | 50 | 6 | 26 | 11.1 | 176,623 | 353,246 | **129,641** |
| 6 | 55 | 6 | 26 | 11.1 | 194,286 | 388,571 | **142,606** |

Based on this analysis, total recreational black sea bass harvest for a February 1 – 28 season, 15 fish possession limit and 12.5" minimum size limit could range from 64,821 pounds to 142,606 pounds. If participation and effort declines, compared to 2013, total recreational black sea bass harvest in February could be as low as 64,821 pounds, or 1.8% of the 2018 RHL (Scenario 1 in

[1] See the July 12, 2017 staff memo to the Council regarding the 2018 Wave 1 recreational black sea bass fishery found at http://www.mafmc.org/briefing/august-2017.

Table 2). Under a more likely scenario of increasing participation and effort, compared to 2013, total harvest in February could be as high as 142,606 pounds, or 3.9% of the 2018 RHL (Scenario 6 in Table 2).

## Implications for Rest of Recreational Black Sea Bass Season

Any catch and harvest that occurs during the 2018 Wave 1 fishery will be accounted for and evaluated against the recreational sector Annual Catch Limit (ACL) and Recreational Harvest Limit (RHL), respectively, along with the entire 2018 recreational black sea bass fishery. In order to constrain recreational catch and harvest and not exceed the ACL and RHL, any black sea bass catch that is "allocated" to the Wave 1 fishery will require adjustments to the rest of the year. The required adjustments for the remainder of the fishing year will depend on the catch and harvest that occurs during Wave 1.

Similar to prior analyses[1], total estimated recreational harvest for a 2018 February Wave 1 fishery under different participation scenarios were evaluated against the currently implemented 2018 RHL in order to determine the reductions needed to the rest of the recreational fishery. In order to evaluate the potential implications of a 2018 February Wave 1 fishery may have on the rest of the year, recreational season reduction examples were developed at the coastwide, regional and/or state level (Table 2).

The reductions provided do not account for any other adjustments that may be needed for the 2018 recreational black sea bass season. Similar to the information provided in the next section, the Council and Board will receive an update on preliminary 2017 recreational black sea bass harvest estimates and projections at their joint meeting in December. Depending on the information available, additional adjustments, either reductions or liberalizations, to 2018 recreational management measures may need to be considered. The reductions and seasonal implications provided in Table 2 only account for the harvest during the 2018 Wave 1 fishery and would be on top of any additional reductions that may be needed to constrain landings to the 2018 RHL.

**Table 2.** Estimated total 2018 February Wave 1 black sea bass harvest under varying participation levels and their potential implications for the rest of the 2018 recreational black sea bass fishing season at the coastwide, regional or state specific level. The reductions and seasonal implications provided below only account for the harvest during the 2018 Wave 1 fishery and would be on top of any additional reductions needed to constrain landings to the 2018 RHL.

| Scenario | Projected Harvest (lb) | Reduction Needed to Rest of Recreational Fishery | Season Implications |
|---|---|---|---|
| 1 | 64,821 | 1.7% | **Coastwide:** 3 days in either Wv 3 or Wv 5<br>**Federal/Southern Region:** 2 days in Wv 3 or 2 days in Wv 5<br>**State Specific:** 1 day Wv 3 in MA; 1 day Wv 4 in NY; 1 day Wv 3 in NJ |
| 2 | 77,785 | 2.1% | **Coastwide:** 4 days in either Wv 3 or Wv 5<br>**Federal/Southern Region:** 3 days in Wv 3 or 3 days in Wv 5<br>**State Specific:** 1 day Wv 3 in MA; 2 days Wv 4 in NY; 1 day Wv 3 in NJ |
| 3 | 101,120 | 2.8% | **Coastwide:** 5 days in either Wv 3 or Wv 5<br>**Federal/Southern Region:** 4 days in Wv 3 or 3 days in Wv 5<br>**State Specific:** 2 days Wv 3 in MA; 2 days Wv 4 in NY; 2 days Wv 3 in NJ |
| 4 | 116,677 | 3.2% | **Coastwide:** 5 days in either Wv 3 or Wv 5<br>**Federal/Southern Region:** 4 days in Wv 3 or 4 days in Wv 5<br>**State Specific:** 2 days Wv 3 in MA; 2 days Wv 4 in NY; 2 days Wv 3 in NJ |
| 5 | 129,641 | 3.5% | **Coastwide:** 6 days in either Wv 3 or Wv 5<br>**Federal/Southern Region:** 5 days in Wv 3 or 4 days in Wv 5<br>**State Specific:** 2 days Wv 3 in MA; 3 days Wv 4 in NY; 2 days Wv 3 in NJ |
| 6 | 142,606 | 3.9% | **Coastwide:** 7 days in either Wv 3 or Wv 5<br>**Federal/Southern Region:** 5 days in Wv 3 or 5 days in Wv 5<br>**State Specific:** 2 days Wv 3 in MA; 3 days Wv 4 in NY; 3 days Wv 3 in NJ |

## 2017 Preliminary Recreational Harvest Estimates and Projections

Preliminary Wave 3 (May/June) MRIP catch and harvest estimates were made available on August 18, 2017 and the recreational black sea bass season was open for at least a portion of Wave 3 in all states. Preliminary 2017 estimates indicate the Wave 3 black sea bass harvest is 59% higher in numbers of fish and 38% higher in weight than the 2016 Wave 3 estimates (Table 3). The 2017 estimated Wave 3 harvest in weight is higher in all states, except for CT, when compared to 2016. From 2013 – 2016, Wave 3 accounts for 22.7% of the total recreational black sea bass harvest on average. Assuming a similar proportion for the 2017 Wave 3 harvest or assuming harvest in Waves 4-6 will be similar in 2017 to that observed in 2016 under similar management measures, results in a projected 2017 recreational black sea bass harvest of 5.55 million pounds. The projected preliminary 2017 harvest estimate of 5.55 million pounds is 51.6% higher than the 2018 RHL of 3.66 million pounds.

**Table 3.** Comparison of the final 2016 and preliminary 2017 Wave 3 (May/June) MRIP recreational black sea bass harvest estimates for the states of MA – VA.

| State | 2016 | | 2017 | |
|---|---|---|---|---|
| | # of Fish | Weight (lb) | # of Fish | Weight (lb) |
| **MA** | 162,143 | 400,846 | 158,771 | 431,046 |
| **RI** | 7,477 | 14,136 | 51,852 | 101,605 |
| **CT** | 128,600 | 276,186 | 17,972 | 51,484 |
| **NY** | 0 | 0 | 1,297 | 2,184 |
| **NJ** | 140,641 | 206,937 | 460,334 | 631,460 |
| **DE** | 9,142 | 12,351 | 27,448 | 38,883 |
| **MD** | 14,743 | 19,865 | 18,210 | 26,703 |
| **VA** | 6,288 | 6,913 | 10,628 | 13,385 |
| **Total** | **469,034** | **937,234** | **746,512** | **1,296,750** |

# Commonwealth of Massachusetts

## Division of Marine Fisheries

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*Commissioner*
**Mary-Lee King**
*Deputy Commissioner*


**MEMORANDUM**

TO: ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board

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

DATE: October 11, 2017

SUBJECT: Scup Minimum Mesh Size Requirement and MA Compliance

---

### Introduction

The 2016 FMP Review for Scup will disclose that Massachusetts has not implemented bottom trawl minimum mesh size requirements that are fully consistent with the Scup FMP. Specifically, state regulations allow our seasonal small-mesh squid fishery to exceed the scup incidental trip limits for bottom trawl gear using mesh smaller than 5" diamond. Massachusetts Division of Marine Fisheries (DMF) staff made this realization while compiling this year's annual compliance report and reported it therein.

### Background

The federal/interstate plan currently mandates a bottom trawl minimum mesh size of 5" diamond when possessing more than 1,000 lbs of scup during November 1–April 30 and 200 lbs during May 1–October 31 (Table 1). These mesh size triggers serve to discourage a directed fishery on scup with small mesh that would cause regulatory discards due to the minimum size (9").

The trawl net minimum mesh size throughout MA is 6.5" throughout the cod-end and 6" throughout the remainder of the net, except for our seasonal small mesh squid fishery, which is authorized a 1 ⅞" mesh size during April 23–June 9 (or longer by Director's declaration; generally a week if at all). This squid fishery season overlaps with our commercial scup season, and we have no rule preventing vessels using small mesh for squid from taking scup at the authorized trawl trip limits.

This was of no consequence until 2002 when DMF began a series of gradual liberalizations to our scup regulations, commensurate with increased and/or underutilized quotas (Table 2). The small mesh squid fishery in particular was allowed sequentially larger trip limits to accommodate the occasional large tow of scup, and thereby reduce regulatory discards.

### Request

MA could implement the applicable 1,000-lb and 200-lb scup limits for our small mesh squid fishery, but not without causing some level of discards of scup. The directed squid fishery will occur regardless of the scup allowance, and will have the occasional large bycatch of scup. These fish will be dead whether discarded or landed. Given scup's rebuilt stock status and underutilized coastwide/MA quota, this could be considered unnecessary waste.

Our small mesh squid fishery within state waters is limited in time to April 23–June 9 specifically to avoid the catch of undersized scup, fluke, black sea bass, and squid. Larger, adult scup are generally arriving in

state waters during this time to spawn, followed by younger scup as the squid fishery concludes. An extension of the squid season is authorized only if it is determined that continued use of small mesh will not result in large amounts of undersized bycatch. Few squid vessels—those with state permits only— are taking scup at the higher limits in MA waters, because all federally-permitted squid vessels are limited by the federal incidental trip limit for mesh less than 5". Participation in the state waters small mesh squid fishery requires a limited entry mobile gear permit, and vessels are restricted to 72' in length.

Because we require large mesh (6.5") outside of the short squid season, scup landings by otter trawls are minimal due to the escapement of most scup from this larger mesh. Therefore, scup landings in MA can be considered almost exclusively incidental bycatch, either from the small mesh squid fishery or large mesh fluke fishery. In addition to the very conservative mesh regulations, night trawling is prohibited which further conserves scup in state waters. Trawling from a half hour after sunset to a half hour before sunrise is prohibited. It is widely recognized that scup trawling at night is very effective, but has been banned in state waters for over two decades.

**DMF's request to the Board is for a temporary stay on a non-compliance finding until the ASMFC's Winter 2018 Meeting. In the interim, DMF hopes to develop a conservation equivalency proposal that would allow higher scup limits for state-permitted squid vessels based on the squid fishery's tight controls and minimal bycatch of undersized scup, and our greater-than-required minimum mesh size the rest of the year and mobile gear night closure.** If we are unable to document this by the winter meeting, DMF will proceed with a rule-change to adopt the incidental catch limits prior to commencement of our squid season.

Thank you for your consideration.

Table 1. Scup Minimum Mesh Size and Landings Trigger History

| Years | | 1996 | 1997-1998 | 1999-2001 | 2002-2004 | 2005-2015 | 2016-present |
|---|---|---|---|---|---|---|---|
| Minimum Mesh Size (generalized) | | 4" | 4.5" | 4.5" | 4.5" or 5" | 5" | 5" |
| Incidental Limit (lbs) | Winter (11/1–4/30) | 4,000 | 4,000 | 200 | 500 | 500 | 1,000 |
| | Summer (5/1–10/31) | | 1,000 | 100 | 100 | 200 | 200 |

Table 2. Summary of MA Scup Possession Limits for the Small Mesh Squid Fishery

| Years | Possession Limit During Small Mesh Squid Fishery | Dates | Compliance Issue |
|---|---|---|---|
| 1996–2001 | 100 lbs/day | Apr 23–Jun 9 | Compliant with incidental limits |
| 2002–2004 | 300 lbs/day | Apr 23–Jun 9 | Violation of summer incidental limit (100 lbs) |
| 2005–2010 | 400 lbs/day | Apr 23–Jun 9 | Violation of summer incidental limit (200 lbs) |
| 2011–2012 | 800 lbs/day | Apr 23–Jun 9 | Violation of summer incidental limit (200 lbs) and winter incidental limit (500 lbs) |
| 2013–2014 | 50,000 lbs/trip (WI limit) | Apr 23–Apr 30 | Violation of winter incidental limit (500 lbs) |
| | 800 lbs/day | May 1–Jun 9 | Violation of summer incidental limit (200 lbs) |
| 2015–2016 | 50,000 lbs/trip (WI limit) | Apr 23–Apr 30 | Violation of winter incidental limit (500 lbs in 2015 and 1,000 lbs in 2016) |
| | 800 lbs/day or 5,600 lbs/week | May 1–Jun 9 | Violation of summer incidental limit (200 lbs) |
| 2017 | 50,000 lbs/trip (WI limit) | Apr 23–Apr 30 | Violation of winter incidental limit (1,000 lbs) |
| | 10,000 lbs/week | May 1–Jun 9 | Violation of summer incidental limit (200 lbs) |

## Summer Flounder, Scup, & Black Sea Bass

## Activity level: High

**Committee Overlap Score:** High (Bluefish TC, Tautog TC and SAS, Striped Bass TC and SAS, Horseshoe Crab TC, Menhaden TC, BERP)

### Committee Task List

- TC- January: Develop Recommendations on Draft Addendum XXX and finalize recommendations on changing recreational process
- TC – June 1: Compliance reports due for all three species
- TC – July: In person meeting to develop recommendations on 2019 specifications (Coastwide Quota and RHLs) for summer flounder, scup and black sea bass
- 2018 Summer Flounder Benchmark Stock Assessment
    - TC – TBD: Data Deadline
    - TC & SAW Working Group – TBD: Data Workshop
    - SAW Working Group – TBD: Assessment Workshop
- 2018 Scup Operational Assessment **(Under consideration, but not officially scheduled)*
    - TC – TBD: Data Deadline
- 2018 Black Sea Bass Operational Assessment *(*Under consideration, but not officially scheduled*)
    - TC – TBD: Data Deadline

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

**Summer Flounder SAW Working Group:** Jessica Coakley (MAFMC, Chair), Mark Terceiro (NOAA), Jeff Brust (NJ), Chris Legault (NOAA), Jason McNamee (RI), Tim Miller (NOAA), Charles Perretti (CA), Pat Sullivan (NY), Tiffany Vidal (MA)