

Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board

October 18, 2017
4:15 p.m. – 6:00 p.m.
Norfolk, VA

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 (*M. Luisi*) 4:15 p.m.
2. Board Consent 4:15 p.m.
 - Approval of Agenda
 - Approval of Proceedings from August 2017
3. Public Comment 4:20 p.m.
4. Black Sea Bass Draft Addendum XXX for Board Review **Possible Action** 4:30 p.m.
(*K. Rootes-Murdy*)
5. Review Preliminary 2017 Recreational Harvest Estimates Through Wave 4, If Available (*K. Rootes-Murdy*) 5:05 p.m.
6. Consider Approval of 2017 FMP Reviews and State Compliance Reports 5:35 p.m.
(*K. Rootes-Murdy & C. Starks*) **Action**
7. Consider a Potential 2018 Wave 1 Opening of the Black Sea Bass Recreational Fishery **Possible Action** (*M. Luisi*) 5:50 p.m.
8. Other Business/Adjourn 6:00 p.m.

The meeting will be held at the Waterside Marriott Hotel, 253 East Main Street Norfolk, Virginia; 757.627.4200

MEETING OVERVIEW

Summer Flounder, Scup, and Black Sea Bass Management Board
October 18, 2017
4:15 p.m.-6:00 p.m.
Norfolk, Virginia

Chair: Mike Luisi (MD) Assumed Chairmanship: 10/15	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Snellbaker (NJ)
Vice Chair: Bob Ballou	Advisory Panel Chair: Vacant	Previous Board Meeting: August 3, 2017
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (14 votes for Black Sea Bass; 12 votes for Summer Flounder and Scup)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2017

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Black Sea Bass Draft Addendum XXX for Board Review (4:30-5:05 p.m.) Possible Action
<p>Background</p> <ul style="list-style-type: none"> • In August, the Board was presented recommendations from the Black Sea Bass Recreational Working Group on potential management alternatives to be included in draft addendum XXX. The draft addendum XXX proposes new regional approaches to managing recreational black sea bass. • The Working Group met in October to consider the revised draft addendum and provide guidance on further development of management alternatives (Supplemental Materials)
<p>Presentations</p> <ul style="list-style-type: none"> • Overview of updated Draft Addendum XXX and Working Group Recommendations by K. Rootes-Murdy
<p>Board Actions for Consideration</p> <ul style="list-style-type: none"> • Approve draft addendum XXX for public comment

5. Review Preliminary 2017 Recreational Harvest Estimates through Wave 4, if Available (5:05-5:35 p.m.)

Background

- Wave 4 harvest estimates should be posted by October 15, 2017

Presentations

- Presentation of wave 3 and 4 MRIP harvest estimates for summer flounder, scup, and black sea bass by K. Rootes-Murdy (if available)

Board Actions for Consideration

- None

6. Consider 2016 FMP Reviews and State Compliance (1:15-1:45 p.m.)

Background

- Summer Flounder, Scup, and Black Sea Bass Compliance Reports are due June 1.
- The Plan Review Team reviewed state reports and drafted the annual FMP Review. **(Meeting Materials).**
- Massachusetts has not implemented mesh size requirements consistent with the Scup FMP
- Delaware has requested *de minimis* status for summer flounder and scup.

Presentations

- Overview of the Summer Flounder, Scup, and Black Sea Bass FMP Review Reports by K. Rootes-Murdy

Board Actions for Consideration

- Accept 2016 FMP Review
- Consider State Compliance Reports
- Approve *de minimis* requests from Delaware for summer flounder and scup

7. Consider a Potential February 2018 Opening of the Black Sea Bass Recreational Fishery (5:50-6:00 p.m.) Possible Action

Background

- The Board discussed the possibility of a 2018 Black Sea Bass Recreational Fishery starting in January through February (Wave 1) at the Joint Council and Board Meetings in May and August 2017.
- The Council will consider a potential one month opening of the Black Sea Bass Recreational Fishery for February 2018 at their October Meeting.

Presentations

- 2018 Recreational Black Sea Bass Wave 1 Fishery by K. Rootes-Murdy

Board Actions for Consideration

- Consider a potential February 2018 opening of the Black Sea Bass Recreational Fishery

8. Other Business/Adjourn

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

The Westin Alexandria
Alexandria, Virginia
August 3, 2017

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

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

Table of Contents

Call to Order, Chairman Michael Luisi 1

Approval of Agenda 1

Approval of Proceedings, May, 2017 1

Update on Summer Flounder Recreational Working Group 1

Review of 2017 Black Sea Bass Recreational Measures 15

Update on the Black Sea Bass Recreational Working Group 24

Other Business 36

 RSA Program 36

Adjournment..... 38

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of May 2017** by consent (Page 1).
3. **Move to rescind the possession limit of 5 Fish in Wave 6 for the 2017 black sea bass recreational fishery; made at the May 2017 meeting. States would maintain their 2016 Wave 6 measures unless otherwise approved by the Board** (Page 18). Motion by Jim Gilmore; second by Tom Baum. Motion carried (Page 24).
4. **Motion to adjourn** by consent (Page 38).

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

ATTENDANCE

Board Members

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

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

Ex-Officio Members

Staff

Robert Beal	Megan Ware
Toni Kerns	Caitlin Starks
Kirby Rootes-Murdy	

Guests

Kelly Cates, NOAA	Mark Gibson, RI DEM
Kiley Dancy, MAFMC	Arnold Leo, E. Hampton, NY
Jeff Deem, VMRC	Chip Lynch, NOAA
Lindsey Fullenkamp, NMFS	Jason McNamee, RI DEM
Matthew Gates, CT DEEP	Brandon Muffley, MAFMC
Molly Masterton, NRDC	

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, August 3, 2017, and was called to order at 10:34 o'clock a.m. by Chairman Michael Luisi.

CALL TO ORDER

CHAIRMAN MIKE LUISI: Good morning everyone, I would like to call to order the meeting of the Summer Flounder, Scup, and Black Sea Bass Management Board. My name is Mike Luisi; I'm the Chairman of the Board, and from the state of Maryland. Let me point out before we begin that we are starting this meeting about an hour and 15 minutes short of when it was supposed to begin; but that does not mean that we've just added an hour and 15 minutes to the agenda.

We're going to try to maintain what originally was set out for a two-hour conversation and discussion, which takes us to the point where we can break for lunch. We did have a lunch break scheduled as part of the agenda. If it gets to 12:30 and we still have some work to do, we may just take a quick break. I'll look to the other Commissioners to advise me on that. But I've been told that we can't let the food sit out there forever.

We've got to get through our agenda and move on to tautog; so folks can get home and catch flights and get their travel arrangements.

APPROVAL OF AGENDA

CHAIRMAN LUISI: With all of that said, we're going to go to Item Number 2; which is Board consent and approval of the agenda. Are there any modifications, changes to the agenda? Emerson.

MR. EMERSON C. HASBROUCK: As a holdover from our previous Board meeting that ran until seven or eight o'clock in the evening last time,

we didn't have time to initiate a discussion about the research set aside program; so I would like to add that under other business, please.

CHAIRMAN LUISI: Yes, we'll do that Emerson. Thanks for bringing up that last meeting. It took me a few minutes just to cross over the threshold of the doors on the way in this week; remembering the last meeting that we had last time. Yes, we'll add that to the list. Are there any other changes to the agenda? Okay seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN LUISI: Moving on to the proceedings from the May, 2017 meeting of this Board, are there any changes or modifications to the proceedings? Seeing none; consider the proceedings approved.

That takes us to public comment. We didn't have anybody sign up for public comment for items that are not on the agenda; but I'll look to the audience.

Is there anyone from the audience that would like to provide public comment on items that are not on the agenda?

**UPDATE ON SUMMER FLOUNDER
RECREATIONAL WORKING GROUP**

CHAIRMAN LUISI: Okay seeing none; we're going to move on to Item Number 4 on the agenda; which is an Update on Summer Flounder Recreational Working Group Kirby is going to provide us the information for that. I just want to thank Bob Ballou; the Vice-Chair of this Board for the efforts that he took in the leadership role in providing information for the discussions that we had this summer. With that said, Kirby the floor is yours.

MR. KIRBY ROOTES-MURDY: To what Mike just mentioned, we do have a number of Summer Flounder Recreational Working Group members

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

here at the table; so if there are additional items that I don't touch on in my presentation that you think need to be brought up, please feel free to do so afterwards.

In terms of an outline, I'm going to just give some brief background; and then get into what the Rec Working Group discussed, and primarily the draft prospectus document. That document became available for the Board last week. It was submitted in supplemental materials. We have printouts available on the back table.

If you have not had a chance to read it yet, please grab a copy, look it over, and you can ask me some questions. I'm going to focus on today primarily the short-term-strategy discussion. I'm trying to look at what the recreational management options the group discussed for 2018, and in turn what their overall recommendations were.

Then I'll take any questions folks have. As it was alluded to earlier, we had a very long meeting in May. At the very tail end of it there was an interest expressed in having a Recreational Working Group reenergize from their previous discussions in the fall, in helping craft Addendum XXVIII; and think through recreational management for 2018, and possibly beyond.

The group met via conference call in June and July of this summer. Staff presented that group with information on recent addenda, laid out kind of how the fishery has performed relative to MRIP estimates; as well as trying to make clear what the bounds we have in the management program for what we're able to work under.

The draft prospectus as I said, I think lays out very well a number of the items the group worked through and discussed. The first thing I just wanted to kind of make clear is that this is really a discussion on whether to have a new type of addendum for 2018 management.

Under that broad topic, the group was in favor of continuing regional management in 2018; as well as the current regional alignment that we have in 2017.

For 2016 and 2017, we've had the same regional alignment now; where you have the regions of Massachusetts by themselves, Rhode Island by themselves, Connecticut through New York, New Jersey by itself, Delaware through Virginia, and then North Carolina by itself. The group noted there were challenges in moving to some kind of different approach than that regional alignment that has been in place the last two years.

One idea was to create a coastwide set of measures that then each state or region could then alter to meet their needs. But it needs to be made clear, and staff brought this up on the call that it is not sure how that would work in relation to our joint management plan with the Mid-Atlantic Council.

As many of you know, we have conservation equivalency specific to this plan that lays out how if there isn't an interest to go to a coastwide set of measures, states have either an individual share that they can set their measures to, or operate under the addenda's regional management measures. Coming up with something where there is a coastwide set of measures that are then adjusted for each state or region is outside of the box of those options. As I said, under this idea of whether or not to initiate a new addendum for 2018, a number of items were discussed; and I'm going to walk through those.

The next thing was looking at the 2018 recreational harvest limit, and discussing how to evaluate coastwide harvest. The Rec group expressed interest in treating the coastwide recreational harvest limit as more of a soft target than an actual hard ceiling. That is generally how we've been doing it for over the

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

last 20 years; where we have to set measures to hit that RHL and not exceed it.

Part of this argument of moving away from that to more of a soft target is tied to recent Technical Committee arguments on the timeliness of data that is provided by MRIP, the imprecision of MRIP data, and the Addendum XXVIII process and ultimate results, as many of you are aware of.

That approach presents challenges as well, in trying to move to some kind of more soft target than an actual limit; with regards to our joint management with the Mid-Atlantic Council and the Council's accountability measures, but as well as how the Council operates in relation to NOAA Fisheries, which is that they would set a recommendation or make a recommendation to NOAA Fisheries.

NOAA Fisheries then puts in place either federal water measures or agrees with conservation equivalent measures that the Board submits. Coming up with an approach that basically says that we are moving away from looking at that RHL as the limit, and that something of a softer target will run counter to our current practice.

One Recreational Working Group member recommended using instead of harvest that total fishing mortality. That would be encompassing the discard mortality, as well as our A + B1 data points that were used to evaluate harvest annually in that process; as opposed to just harvest by itself.

Moving on, there was a move to look at all outside of the 2018 recreational harvest limit, should there be a consideration of having some kind of addendum in place for two years. The Recreational Working Group members did not reach consensus on if there should be a new addendum for more than one year; so just looking at 2018 was really on everyone's mind.

People really couldn't get beyond that and think about how something could be set in place for two years. Many Rec Working Group members indicated that if an addendum were initiated, it needed to be crafted specifically to the 2018 RHL. With those kinds of two comments, staff did note that the current addendum we were working under in 2017, Addendum XXVIII, can be extended for an additional year.

I'll make this point throughout my presentation that unless there is something different that the Board wants to do, we have the flexibility to turn through the addendum to continue much of what is in place this year. I will note, and it's been a point that has been brought up at the working group level that these recent addenda have not laid out, in terms of regional management, very clearly how regional measures need to be evaluated and then adjusted annually; based on the coastwide harvest, because there aren't regional targets. We don't set any kind of bounds around what those measures need to normally achieve; and then hold regions accountable. It's really a broad, if we think that everyone has gone above what we projected in the harvest we then need to adjust.

That creates a bit of ambiguity on how we're supposed to adjust those measures year in and year out. Moving on to talking about evaluating MRIP differently than just the point estimate of harvest, which is what we generally do when we're talking about looking at harvest relative to the coastwide RHL.

There was a discussion of considering confidence intervals as MRIP estimates are generally considered a statistic and not an actual hard landing; looking at confidence intervals for evaluating both 2017 harvest relative to the RHL, as well as projecting 2018 harvest. While the Technical Committee has laid out in previous memos an interest in exploring this further; and there was an initial analysis done as part of Addendum XXVIII to

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

make clear the challenges of setting measures to the RHL annually.

It needs to be understood that the TC has not had time to fully develop this type of approach. We have really had the Technical Committee nearly every month work on some kind of set of TACs from this Board, to try to get at either immediate questions or policy decisions; and there hasn't quite been the time to fully explore and investigate how this could further play out.

As I said, one of these big challenges is that we've had fairly consistent measures for the last three years; in terms of what the regional measures are. Yet harvest estimates have fluctuated significantly. In addition to that those harvest estimates have fluctuated in relation to the RHLs. The RHLs have not stayed constant either; they have gone largely down over the last three years.

But harvest has not consistently gone down by the same degree. That creates a challenge in trying to say if we're setting measures to achieve that RHL that we can evaluate it best with a confidence interval with great certainty. It's just that the TC needs more time to fully develop and explore that approach if that's of interest to the Board.

With all those considerations in mind, the group recommended that in the short term, the immediate term for this year that we maintain evaluating preliminary harvest; as we have in previous years, against the 2018 RHL. Evaluating how we're doing this year to help us understand what we need to set measures for next year.

The group notes that using data through Wave 4 has worked in recent years, and has been fairly stable in making a projection on how harvest will go through the end of the year; as most states don't have their fisheries open beyond October; unless you're considering some of the more southern states that have

fairly small harvest, even at that point of the year.

Continuing along with the draft prospectus, there was other discussions on whether a different regional alignment than what was in Addendum XXVIII needed to be put forward. As I said, the group could not come up with a new approach. In moving on to thinking about conservation equivalency, and whether there needs to be a reconsideration of how that works within the plan, the group really got into the crux of the problem; which is trying to think through a different approach that keeps the flexibility that all the states and regions are interested in having, but at the same time maintaining the consistency in those regional measures. One of the challenges with Addendum XXVIII was with some of the conservation equivalency proposals that were put forward at times.

They were either going against what the regional measures should be, and if you have more than one state in a region having two separate sets of measures for two states within a region, or three states within a region, undermines what a region is really supposed to be. As I said, central question is state-by-state conservation equivalency; which this Board knows very well through the plan, and having a state target versus continuing on with regional management that doesn't have targets.

The group did also raise concerns about moving to more regional targets, and there was a lot of hesitation in actually assigning some type of target; because many viewed that as a de facto allocation, which in light of some of the impending changes to MRIP estimates, Rec Working Group members were apprehensive about assigning at this point.

In discussing the time table of a potential addendum, staff pointed out as I said before that if there is no new approach that is being put forward, or no new regional alignment, and

that we are going to maintain evaluating harvest as we have in previous years. Starting an addendum process sooner than we had in recent years is not feasible; because we inherently are waiting for that preliminary estimate of Wave 4 data that won't be available until October.

We can't get after anything, even if there are new ideas put forward, and these other considerations are agreed upon by the Board; until later this year. I will offer that one alternative was offered after the group had discussed it, and I didn't get any additional feedback on it; so I just wanted to offer it up here, and just say that there wasn't consensus or group consensus on it.

But one alternative put forward was at the joint meeting that will take place next week with the Mid-Atlantic Council, after setting 2018 specifications, in December evaluating preliminary 2017 estimates, and if we assume that the 2017 harvest is equal to the RHL then there is effectively no change in what the measures would be for 2018.

Trying to look at this more with the confidence interval approach, if there are higher estimates than what we have the 2018 RHL set at, then looking at those confidence intervals and seeing how that estimate fares relative to those confidence intervals. If it's within the upper or lower bound, and if the 2018 RHL is higher than the upper bound of that estimate, then there would be a difference between those two numbers and allowing the regions to effectively liberalize their measures.

But if the RHL is lower than what those bounds indicate, then they would require regulations to be more restrictive than what we have currently in place for 2017. I'm going to briefly talk through on these last two slides what the long term strategy discussion was; and it was very brief, as most of the summer flounder discussions these days go longer than expected.

There was a discussion on undertaking the new benchmark assessment, and that's something that needs to be done in order to more fully evaluate a new management approach; in many of the Rec Working Group members eyes. One thing that is coming up soon, and will be completed hopefully by summer of 2018, is evaluating an F-based management approach for recreational management. The Mid-Atlantic Council has put out an RFP, and they'll be going through that process. I have my colleague Kiley Dancy in the audience, and she may be able to answer more questions on that time table, if people have questions on it.

But that's something that will feed into a longer term strategy. The last two things we're trying to have, the Board, the Rec Working Group, and the Technical Committee better understand recreational catch and effort data; as that seems to be one of the biggest challenges in trying to use that information in setting annual management measures.

The last thing was trying to better develop a visioning process, for what the states and the Board wants to have in place for recreational management in the future; because many have indicated that they don't think that the current system is what stakeholders are seeking to have. In summary, the Rec Working Group did not reach consensus on a different recreational management approach for 2018.

As I said before, we have our three main approaches in the tool box that we've used in recent years. Annually we either want to set coastwide set of measures, or move to conservation equivalency. We have state-by-state shares under conservation equivalency that the states are very familiar with, or there is the ability to extend Addendum XXVIII for one more year. Again, an addendum is not needed unless a different approach is preferred. With that I'll take any questions the Board has.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

CHAIRMAN LUISI: Questions for Kirby, John Clark.

MR. JOHN CLARK: Thanks for the presentation, Kirby. One of your early slides just reminded me of something, and I hope I'm not misinterpreting. But I thought at the Director's Meeting when NOAA Fisheries was explaining how the decision was made on the New Jersey proposal that their interpretation was that Magnuson-Stevens requires a reduction in total mortality.

They recommend to the Secretary that the discard measures that New Jersey was taking would help reduce mortality. When you had that point here, and once again other people that were at that meeting, if I'm misinterpreting something please let me know. But I'm just curious as to whether that could help in our regulation process if we would get credit for reducing discard mortality as New Jersey did. I mean, if I recall that was a legal interpretation of Magnuson-Stevens.

MR. ROOTES-MURDY: I wasn't at that meeting, so I'm going off of what you're asking now. I will point out, and as I said my colleague Kiley from the Council is in the audience and she can help better explain this if I mess up. We account for projected discards, both on the commercial and the recreational side; in setting what the RHL is annually.

Currently we do account for that in our annual process, aside from setting the measures to specify harvest. While there could be an effort to further evaluate total fishing mortality; and again that term is a little vague, depending on what we actually are talking about. That could be further encompassed into our annual measure-setting process, which as I said is different than where we set our specifications annually in August.

CHAIRMAN LUISI: John, follow up?

MR. CLARK: Just to follow up on that, Kirby. I'm just curious as to, I know that the discard mortality is already worked into the model, but does this mean that if we said we were taking similar measures, you know like an educational program. Russ showed me some of the hooks that were being distributed, things like that. That we could reduce the discards; that factor in the model, and therefore there would be more flounder that could go to harvest.

MR. ROOTES-MURDY: I will give you my best answer on this. We had a Technical Committee review of New Jersey's proposal; and I'll point out that one of the big challenges with that proposal for the Technical Committee was quantifying how their proposed measures were going to reduce their discard mortality by approximately 2 percent.

That is something the Technical Committee could look into further. But it is a challenge to try to develop a set of measures that we think is going to go against established research that it indicates what discard mortality is for summer flounder recreational measures.

CHAIRMAN LUISI: John, one more follow up and then I've got a comment I can also make.

MR. CLARK: Like I said, I understand that. I know we examined this thoroughly. As far as I'm concerned, NOAA Fisheries kind of inadvertently opened this can of worms; and I'm just wondering, there are so many arbitrary aspects of this management at this point that even just lowering discard mortality by a couple of percentages could help all states have more to harvest.

CHAIRMAN LUISI: Thanks for those comments, John. I'll just add I think, the actions that have happened over the course of this last year have provided me at least, in my mind, a sense of some gained flexibility to how we can make a proposal to NOAA regarding conservation equivalency measures. Kirby mentioned in his

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

presentation that there was one alternative approach; which included confidence intervals and the use of previous years catch.

In my mind those are all methodologies that we now may be able to explore a little more thoroughly. While the Technical Committee review had to report on the New Jersey's proposal from last year as it did. The Technical Committee may need to start thinking and evolving a little bit with some of these changes and some of these decisions that are being made outside of the Commission process. That's how I see it, John. Roy Miller.

MR. ROY W. MILLER: Kirby, in your summarization, thank you. I didn't hear mention with regard to regionalization, of this concept of Delaware Bay specific regional allocation standards. Did that particular topic, since that has been an important topic over the past couple years, for New Jersey's consideration of equity within the Delaware Bay region. Did that come up in your working group?

MR. ROOTES-MURDY: No, it wasn't a specific discussion item by the group. I will note that it was generally understood as being in the regional discussion of New Jersey having a set of different measures for Delaware Bay specific in the last two years; but there was no discussion of an allocation for that shared water body between the two states, or an allocation for just that water body.

CHAIRMAN LUISI: Jim Gilmore.

MR. JAMES J. GILMORE, JR.: I'm just looking, in terms of the third option. That is sort of the regional management option; and right now I don't think we have regional management any more. I mean the reality is you have regional management for the southern states, for Delaware south it's regional.

Once you get north, with the exceptions of Connecticut and New York, I mean everything is

sort of like it's almost state by state again. I don't even think that could be an option; because right now, correct me if I'm wrong, but we would have to adopt Addendum XXVIII or continue it exactly with the measures we have. We couldn't modify those.

For instance, I'm not sure the measures in there right now are different for when those measures were put forward, New Jersey, New York, Connecticut were in a region. Now there are different measures in New Jersey; so if we go back to those measures that were originally in there. Then again, we're going to have to see what harvest is, because I think Jersey rolled the dice and hopefully it will work out for them.

But if it turns out that there is excessive harvest because of that so that doesn't even look like Addendum XXVIII is an option. Regional management isn't even on the table anymore, unless we start a new addendum, is my understanding. I don't know how we would even continue XXVIII, because it's really very different from what we originally agreed on; and what we actually have right now.

CHAIRMAN LUISI: Thanks for those comments, Jim. I think staff and we may disagree just slightly on whether or not Addendum XXVIII is still a viable option for continuation. I think it has more to do with the structure of XXVIII, the regionality as it's designed, or whether or not the regional approach of XXVIII would need to be modified to the degree we would need to start a new addendum. But I'll look to Kirby to help explain.

In my view XXVIII, we can get into XXVIII again, and modify regulations between the regions and the states; to come up with a new plan, as new data become available in '17, to address whether either a liberalization or restrictions in the next year. We're going to have to look at that; and I think that's the mechanism that we have some flexibility now to work with, those methodologies.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

But the point Kirby made, and I think the thing that we need to be thinking about as a Board is, do we want to deviate from that regional approach that we've used now for the last few years? If so, if something is going to be entirely new, we need to initiate an addendum; and that addendum might need to be initiated today. But if we want to use what we have in place and make changes, we can do that with an extension of XXVIII and just an evaluation of new data. Kirby, if I missed anything, please feel free to add.

MR. ROOTES-MURDY: No, I think you captured it well. Just again in summary, we have if you want to keep the same regions in place for 2018, we can do that through Addendum XXVIII. The language in the addendum from staff's standpoint is that the measures can be adjusted for 2018, to try to hit the 2018 RHL.

CHAIRMAN LUISI: Are there any other questions for Kirby? Adam Nowalsky.

MR. ADAM NOWALSKY: Building on that methodology that we keep hearing about. I feel like the Working Group, having been a part of it in a number of calls, and quite frankly us as a Board, I feel like we're wading through a forest of fruit trees; just trying to find the best tree that we could get some low-hanging fruit off of.

It's hard. We spent a lot of time in that forest already, and we've picked a lot of fruit from the trees; quite frankly. But the methodologies element is something that clearly is an area that when you looked at the addendum last year, we basically were able to put forward an addendum that the Service accepted that deviated from needing to meet to the number RHL, it was a 43 percent number we were looking at.

We were able to put forward something different. The Service has clearly indicated they're willing to look at confidence intervals; New Jersey's proposal from last year with total

fishing mortality that there were comments from the Service at the Directors Meeting. We have all these different methodologies that are out there, another alternative put forward here. How can we direct the TC, between now and December to try to hone in on a couple of those methodologies to give us something different?

The FMP says you must design measures to meet the RHL in a given year, but is silent on the mechanism for doing so. We've gotten into the practice of comparing only to last year's harvest; which at the time we're doing it is preliminary in nature and estimated. How do we start getting some solid advice on saying here are some other proposals we as a TC endorse for you to look at as a Board, for crafting measures to meet the RHL?

CHAIRMAN LUISI: Well, Adam I think in the experience that we've all gone through this year, we have a lot of different tools that we can use. What we ultimately decide to use, I guess will be a decision that this Board will have to make. I don't know if there is a strict definition of methodology that we need to follow.

In working through this previous year, and discussing with Commission and Council staff, and folks from GARFO. When the Council and the Commission decide that the states are going to manage summer flounder through conservation equivalency, it's up to the states to present what that conservation equivalency is; and be confident in conservation equivalency in achieving next year's RHL.

How that justification or argument is made is up to the Commission. As you know last year the Commission made an argument, and it was supported by NOAA ultimately, which was a different argument than what we've used in the past. I would like to say that we have a clear, defined path on using the different methods to achieve the desired result. But I don't think

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

that we have that at this time. Again, I'll look to Kirby to add to the discussion; Kirby.

MR. ROOTES-MURDY: Yes, one of the things the Technical Committee is going to need direction from this Board on is if there is an interest in doing something other than our standard methodology of evaluating harvest to the RHL; that there is agreement from the Board on that. Because one of the challenges we have, and we dealt with this this year in evaluating the New Jersey proposal is that if there is a different approach used, coming up with a sense of what is conservationally equivalent becomes very problematic; because it could be very relative. Having agreement from the Board and effectively the states on what they want to use; is what the TC is going to need some clarity from the Board on. Because if it's left to every state coming up with what they think is their best idea, then that might be difficult to come to consensus on an approach.

CHAIRMAN LUISI: Rob O'Reilly.

MR. ROB O'REILLY: Maybe a question, but some comments also if I may. The question is during one of the Working Group calls I was asking about the regionalization of the data. For many, many years we've always heard that coastwide data are the best; in terms of the precision, and it filters downward from there to the state level.

I asked on the call, as a matter of fact the last call, if there was a regional dataset that was used for those states that are in regions; and I'm aware that some states are a region unto themselves. The answer was yes, but then after that someone was talking to me from the Committee and said; no we just sort of blend together the estimates.

I don't know what the answer is, but I know that perhaps one small element might be to make sure that when we look at the regions we

look at the collective or pooled data, and go from there; regardless of whether we end up with confidence limits, or variations in the lower bounds of the PSE, or standard deviation, or the actual mean statistic, which is the landings. That is kind of a question.

I think it's solid enough that Kirby probably can answer it in a second; but I wanted to make a comment or two as well. Kirby had put up there from the call the concerns about de facto targets. I might be in the minority, but we really don't have targets, and I hear other members of the Board talking about targets; as if we really have targets, and we don't.

We were told from the very beginning in 2013 that we don't have targets. This is a quazi-coastwide approach. When there are problems, we will figure things out on a coastwide basis, and alter regulations for regions as they're needed. Then we sailed through 2014 and '15. But the problem is maybe worse than the 1998 dilemma that many have found; in that we have simply shifted fish for landings from other states, starting in 2014 with the 2013 dataset.

Each year those states which because of the way things are with the stock, having underages, those fish are just moved. My major concern is we'll reach a point where the stock will start to rebuild. It's not in need of rebuilding yet, but we don't have the next assessment either, the benchmark. But we're perilously close to a rebuilding frame.

My concern is what happens then? What happens to the states from Delaware south especially, and even New Jersey that will be in a situation where there is this holding on to what the targets are. That is for consideration. The second consideration is from 2014 I have been asking for a contingency plan.

What happens, where's our menu of provisions that when we have problems with regional management that we have a menu? We have

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

one, two, three different options that the Board can agree on as to how things will occur. Will there be any liberalization? How will the reductions go? Who will take the reductions? We haven't done that because obviously each year has been filled with enough technical work that we really haven't had the ability to sit down our Technical Committee and go that next step. But I still think it's needed; regardless of where we go from here.

The only thing that I'm comfortable with now is that we do have the Option 5, we do have Addendum XXVIII, and at least if you talk about fairness, I'm sure there are some states that didn't like to go up in the size limit. But there are many states who felt, well you know what, this stock is not doing that well, and I think we can do that and we can keep our bag limit, our possession limits at a relatively low level.

I conclude that we do have the ability to move forward with Addendum XXVIII provisions. I still have concerns about the other items that I mentioned, and I think that at some time they really need to be looked at closely; because we have essentially developed regional management starting in 2013, on the heels of a stock decline, which has continued.

I think it should be apparent that with any type of rebuilding, any type of stock growth, things are going to change. They may not necessarily change with exactly the pictures that we've had of our surveys over the last few years. I appreciate the time. They are concerns I have. They are workable concerns; they are things that can be worked out. For the immediate future we do need to worry about 2018. Again, I think we're on the right track that way for 2018; and if Kirby wants to answer that question that's okay.

MR. ROOTES-MURDY: Generally speaking yes, you can pool data at a regional level and the associated proportional standard error is lower; depending on how you are trying to pool that

data, in terms of those regions. I think you might get different PSEs, but I would have to consult with the Technical Committee members before I could get you a straighter answer on that.

CHAIRMAN LUISI: Thanks Kirby, and Rob to your point regarding some differences and things that we can look at for the future. Just keep in the back of your mind that this Commission and work is working with the Council on a comprehensive amendment to the summer flounder plan.

The recreational aspects of that amendment have been put on hold, until we have the new benchmark assessment, until MRIP has recalibrated landings data so that we have a basis to work from. Perhaps some of the thoughts that you have can be factored into that process; which again is not a short term but more of a long term solution. Chris Batsavage.

MR. CHRIS BATSAVAGE: Kirby, when you were going over the short term options for coastwide measures, I thought you said that it would have a base set of measures that the states could; I guess craft something from that. Did the Workgroup give any hypothetical examples of what that might look like?

MR. ROOTES-MURDY: For summer flounder we didn't get into specifics on how they would apply to, again the coastwide set of states; because as we know there are very different measures currently, depending on where you are on the coast.

CHAIRMAN LUISI: Tom Fote.

MR. THOMAS P. FOTE: What has concerned me on summer flounder for the last couple of years are that we keep talking about we might have to rebuild; like Rob was talking about. We are at the highest levels for the last five or six years, or seven years that summer flounder has been

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

recorded that we have documents for; and recruitment has steadily gone down.

It is difficult to understand how we can have fish that when we started at the rebuilding period we had ones, twos and threes, and most of those ones and twos; and they rebuilt the stocks and had great recruitment. It was when we started getting from ones to twelve that we seemed to be getting into problems.

I mean those big females are still out there, they're just not producing. Is it on the summer flounders fault or is on environmental issues? My question has been, because we would have been coming back for a couple years now because of poor recruitment, and it doesn't have any effect on whether we get good recruitment the following year.

As a matter of fact the last benchmark stock assessment says recruitment is not tied to the spawning stock biomass once you're above a certain level. That is why I think we need to start looking at this fishery a little differently. The other thing is, when we do striped bass we know we were always going to have higher hook and release mortality; or be at the same level as the fish we keep. That is historically what happened.

That is changing a little bit, because they can't fish for summer flounder, black sea bass, and now everybody's talking striped bass, as some people are in there targeting it as a food fish a lot differently than was harvested 15 or 20 years ago, when it was mostly a catch and release fishery. But summer flounder, black sea bass and scup are not catch and release fisheries; they're catch and eat.

We've got to figure out more ways of getting the discards down, or how do we accomplish that; of not throwing 20 to 1, 15 to 1, 19 to 1, and that's what most guys are doing is up to 30 to 1 sometimes you've got to keep a fish. Even at the 18 inch size limit in New Jersey, from

what I'm hearing from the guys, they said they are not just getting any keepers anyway. They are just hooking and releasing a lot of fish to feed to the hook and release mortality.

I guess my last point is I've supported regionalization, if it's done under a region that fishes the same. When you get put in a region that has different types of fisheries than you do, and fish on big fish and have the fish available, but we should look at regions that are basically the same bottom.

When you go look at New Jersey and almost all south, you have to go a long way to get 120 feet of water. When I lived and fished on Long Island Sound, you just couldn't go up the bank a couple of feet and you would get deeper water than that. You get it up in New York also on the north shore. We should be looking at regions that have the same size fish to do it regionally, and the same availability of those fish.

Sometimes we looked at north and south, but actually true it's the bays and the coast that have different size limits. It's like Maryland; you go fishing on the coast you're going to see bigger summer flounder on the coast than you'll probably ever see inside the Bay. If we're going to talk about regionalization, let's talk about real regionalization; and that means we have to cross state lines. People are scared about doing that so if it's a law enforcement problem or not, we've done it in New Jersey. We did it with striped bass years ago, and it works. You've got to enforce the rules; that's all it is. If that is the way we want to go, we've got to look at true regionalization, not just lumping states together.

CHAIRMAN LUISI: I think we've had a decent discussion here regarding the question that Kirby asked, whether or not the Board would want to move forward in an entirely new direction. I'm not getting the sense from the comments and some of the questions that have been asked if that is the intention of the Board.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

With that said, I'm taking it that this Board would like to continue to work within the confines of Addendum XXVIII, and explore possible methodologies that would address catch in 2017 as it relates to the 2018 RHL. Unless somebody has a different idea, or wants to make a motion to the effect of initiating a new addendum, again which would entirely shift away from the regional approach to something new. I think it's time that we move on in our agenda to the next discussion. John Clark.

MR. CLARK: Mike, just a question. In terms of things like the F-based management, we don't have the data, right? I mean some of these ideas that came up we can't go to them at this point, because we don't have the information.

CHAIRMAN LUISI: Well, the F-based management approach is something that's being explored right now through an RFP at the Council level. I spoke just a little while ago with Kylie and Brennan about where that's going; and there is a Steering Committee evaluating the proposals on whether or not an F-based approach would be something that we could implement for the future.

But right now those tools are not part of what we can package together, and the reason is due to some of the challenges that we have in managing this jointly with the Council. Magnuson directs more of what we have to do, with the Council actions as well, rather than just being able to incorporate something like that with the Commission. Toni, did you have something to add?

MS. TONI KERNS: I was just going to say Kirby and I did have a conversation with Jason McNamee, and he is going to look at some stuff for us; to see if there is anything that we can do within our packaging abilities with some of the thoughts that he had. He'll come back and get to us on whether or not there is anything he thinks that we can work around; and bring that

back to the Board. But that I think, the stuff that he can potentially may or may not be able to come up with, would work within the bounds of this regional management approach.

CHAIRMAN LUISI: What I've also heard from Council staff is that the Steering Committee, as they're reviewing this idea; that we may be able to work within the guardrails that we're under, in a way that we could change some of the policy at the Council level with some of these flexibility ideas that we may not actually be in an F-based approach, but something similar under the current guidelines. Again that was the conversation I had an hour ago, and we could further develop that as we continue to meet. John.

MR. CLARK: That would be great, thank you, Mike. Right now it just seems like we get in a straightjacket every year. Obviously the Working Group came up with the idea that everybody wants, which is to have the same regulations for several years at a time; but we've tried to do that and each time it seems like we get these decisions that we have to cut, and we can't keep the regulations. Anything we can do to get us in that direction would be great.

CHAIRMAN LUISI: Okay I'm going to move on. Adam, do you have something?

MR. NOWALSKY: Yes, I don't understand how we can say we're going to continue under Addendum XXVIII. Are we saying we're just going to continue under the idea of the Option 5 that was approved; and that's the management paradigm we're going to look at, or are we saying that later this year we're going to go back and look at the options again from Addendum XXVIII, and pick one?

If we are just saying we're going to use Option 5, which is what we approved, Option 5 lays out the concept for a one-inch size limit increase. That is what Option 5 says; which to me would

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

say that we're sitting here right now, and even though we don't know what change in measures we may or may not need to make. We're going with a one-inch size limit increase.

It doesn't give any flexibility from where I'm sitting to other size increases if needed, no size increase and change in seasons. I'm trying to understand how we could use that option; and how prescriptive it was, because we knew what we needed to do last year, how we could sit here and say this is the path we're going to move forward with. Unless you can give me something substantial to say this is how we're going to apply it, if say we should be able to liberalize or something else; then I'm prepared to make a motion to initiate another addendum.

CHAIRMAN LUISI: Kirby.

MR. ROOTES-MURDY: As we discussed before, the addendum lays out what the measures are for 2017. It also, because it has the option to extend it an additional year, it lays out that based on harvest and the 2018 RHL, we can adjust those measures to meet the 2018 RHL. As I also made clear earlier, it does not provide great guidance on how that happens; but it does allow for the flexibility of those regional measures to be adjusted for 2018, to meet the 2018 RHL.

CHAIRMAN LUISI: Bob Ballou.

MR. ROBERT BALLOU: I was going to say exactly what Kirby just said. I'm reading from the Addendum right now. There is a section at the end; Management for 2018, and it says exactly what Kirby just said. This really responds to both Jim Gilmore's comments earlier and Adam's comments just now.

I think that room to maneuver within the parameters of Addendum XXVIII is there. I'm glad we put it forward in the way that we did; to enable us to not just roll it forward, but to

roll it forward perhaps with some adjustments made within the framework. I do agree that it's best to stick with this, continue it for 2018; and look to the Technical Committee to offer up some various approaches for how we might address setting the regulations for next year.

CHAIRMAN LUISI: Toni.

MS. KERNS: Just to make it super clear to everyone. What it's holding on to is the regional boundaries; and you're adjusting your measures. Those regional boundaries are fixed. If you want to change those boundaries then we would have to make a change through an addendum.

CHAIRMAN LUISI: Thanks for that clarification, Toni. Adam.

MR. NOWALSKY: Based on that Mr. Chairman, I have no choice, and given the fact that we now have New Jersey broken out as its own region. However we got there that's where we've got there. I think the only way to continue that process would be through another addendum; correct? Is there any mechanism through Addendum XXVIII that would allow for New Jersey to have separate measures the way we have at this point?

MS. KERNS: I don't see that. No. I mean you can have your breakout as you do, having the Delaware Bay separate, as we have already done in the past couple years. But if you want to have it completely, entirely different management measures; then no, you're no longer in that addendum.

MR. NOWALSKY: Then I have no choice but to make a motion to initiate Addendum XXXI; is that what we're looking at, an addendum, for 2018 management that would use the options for regions from Addendum XXVIII, and include an option for New Jersey as its own region, and would maintain New Jersey with no more than

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

a one-inch size difference from New York and Connecticut.

CHAIRMAN LUISI: All right let's get that on the board, before I look for a second, just to make sure it's clear as you've proposed, Adam. Just give us a second. Go ahead, John.

MR. CLARK: Just a question. I thought we, in a way, already broke New Jersey out as a region; because didn't they have to be a region to have a separate size limit for Delaware Bay, so aren't they technically a region right now?

MR. ROOTES-MURDY: They are. But one of the challenges that we have had, and part of why Addendum XXVII specified New Jersey's measures, and Addendum XXVIII to be similar for the northern part of the state to New York is the volume of harvest that comes from the state.

Trying to develop a set of measures that both constrains effectively the former region of Connecticut through New Jersey's harvest that largely dictates what the coastwide harvest would be, was the guiding principal there. Choosing to do something different, where the minimum size is different between those neighboring and boundary regional states would be different than what we have in Addendum XXVIII.

MR. CLARK: Sorry, but it wouldn't be allowed, even though they are a region?

MS. KERNS: I think what Kirby is saying is that the Addendum specifies that the northern end of New Jersey has to be the same size limit as and the same measures, bag and season, as its northern counterparts. While they are, it has this locked in specificity there.

CHAIRMAN LUISI: All right, before I entertain any additional comments or questions on the motion; Adam, does the motion reflect your interest?

MR. NOWALSKY: Yes, and that point specifically; that one line that appears under Option 5 that causes us to maintain those same size limit, bag limit, and number of days. Even though we're a different region on paper, is what this motion would give New Jersey the needed flexibility for.

CHAIRMAN LUISI: With that clarification, I'll look for a second. Is there a second to the motion on the floor? Okay seeing no second; the motion fails for lack of a second. Nicola.

MS. NICOLA MESERVE: I am looking at the Addendum, and I'm looking for where it says that New Jersey has to have the same regulations as the states to the north for its coastal waters; and it doesn't say that I don't believe. It establishes the regions with New Jersey as itself. It establishes that we're moving away from the 1990-based allocations; that regulations are set to not exceed the next year's RHL.

I didn't second Adam's motion, because I don't think it's necessary, because I think the flexibility already is there for New Jersey to have its own regulations, because it is specified as its own region there. I think I just have a different interpretation than staff on this one. I don't know if more discussion of it is necessary.

CHAIRMAN LUISI: Thanks for that Nicola, and I think in my sidebar here with Kirby. Kirby is telling me that he believes that there is the flexibility to allow this within the Addendum. Bob Ballou.

MR. BALLOU: I was going to echo what you just said, and picking up on Nicola's comment. I mean it is absolutely true that it specifies that the regions are broken out, and New Jersey is identified as a standalone region. Then if you move down in the Addendum to Table 5, which is titled Example 2017 regional management measures.

There is an asterisk next to New Jersey, and the asterisk reads New Jersey, east of the colregs at Cape May, will have management measures consistent with the northern region of Connecticut and New York. I think therein lies the point that has been made. But I think there might be some room to move there.

I mean first of all that is under example measures, it isn't necessarily specified above, and consistent doesn't necessarily mean identical. I agree with Nicola's comment that there might be some room to move in the existing Addendum that would not require us to do a new one.

CHAIRMAN LUISI: In moving forward, I'm just going to go on the record to say that we've had the discussion and we feel that there is the ability for some flexibility with the current Addendum as it stands. We had a motion that did not get a second, and it failed for lack of a second. At this time, seeing no other hands; I'm going to go ahead and move on to the next agenda topic, if that's okay with you guys.

Our next agenda item Number 6, we're skipping lunch, but we will get lunch in a little while. We're going to Review the 2017 Black Sea Bass Recreational Measures; and Kirby has a presentation for this. As you will remember, actions that were taken back in February would establish the '17 recreational measures for black sea bass as a status quo from the 2016 measures; in an attempt to achieve the necessary RHL. New information that was available to us in May caused the Board to take additional action to establishing a five-fish bag limit for certain states in the north for Wave 6. It has been asked of me to bring this discussion back to the table; and I'm going to turn to Kirby for the presentation.

REVIEW OF 2017 BLACK SEA BASS RECREATIONAL MEASURES

MR. ROOTES-MURDY: I'm going to go through black sea bass management measures for Wave 6 this year. Just to give the group some background again. At the joint meeting in February, 2017, there was a move to increase the 2017 RHL from 2.82 million pounds to 4.29 million pounds.

The Board and Council approved status quo federal measures, with the understanding that the northern region states of Massachusetts through New Jersey would maintain 2016 harvest levels in 2017. At the joint meeting in May, final 2016 estimates came out; and indicated that they had exceeded both the 2016 RHL and they were also above the 2017 recreational harvest limit.

In turn the Board moved to reduce the possession limits for the states of Rhode Island through New Jersey to five fish for Wave 6. I've got up here on the Board now what that change, based on the Board action, would do for a number of states. As you can see we've got a change then what was in place in 2016 for a number of states.

As you can see for New York and New Jersey, as well as Rhode Island, it further separates what some of their fall measures would be in Wave 6. It goes from say in Rhode Island, what had been a seven-fish-possession limit through the end of the year; it becomes five fish from November 1st onward, same for Connecticut, New York and New Jersey.

Following the Board meeting there was analysis done; as it should be noted that the Board at the time did not know what that reduction would be from taking that five-fish-possession limit reduction. The analysis indicated that it would be an approximate 5 percent reduction coastwide; in terms of harvest. It should also be noted that following that Board meeting, many

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

of those states have not implemented the change in their 2017 Wave 6 measures as of yet.

The next slide I've got up here shows what that reduction calculation is; and it shows that in numbers of fish, which is what we generally try to evaluate harvest on to make changes in measures, has different levels of reduction in that wave for these states. But coastwide it results in an approximate 5 percent reduction for the projected harvest this year. With that I'll take any questions Board members have.

CHAIRMAN LUISI: Okay, I'll look around the table for questions, specific questions to Kirby's presentation on the data as it's displayed. John Clark.

MR. CLARK: Just out of curiosity, what is the RHL for 2017?

MR. ROOTES-MURDY: John, I have it in another slide, so apologies for that. The 2017 RHL is approximately, I believe it is 4.29 million pounds.

MR. CLARK: Will this change keep us under the RHL?

MR. ROOTES-MURDY: With the 5 percent reduction will that get us under the 2017 RHL?

MR. CLARK: Yes.

MR. ROOTES-MURDY: No. Not based on projected harvest.

CHAIRMAN LUISI: David Bush.

MR. DAVID BUSH: Just a quick question. Is this overage that we're looking at the overage that was based on the highly contested MRIP estimates that we saw from New York, from the private shore-based mode?

CHAIRMAN LUISI: That's correct. If you remember, I'll just add while I'm looking around the room for any hands. You know part of the discussion that we had in May had to do with what NOAA would do, as a result of the Board taking no action. The Board took action as a result of the new MRIP information, the final data as it came out; and that action was not understood.

We didn't have the information at the time in May to understand what that reduction in Wave 6 bag limit for those states would cause on a coastwide level. We now know that information, and since May NOAA has put forth their final rule to establishing federal waters measures for the rest of this year.

There was a concern, I guess. I know that folks in the southern region were concerned about actions taken by NOAA as it related to the Commission taking no action. Now we have all the information in front of us; and we need to decide whether or not we want to maintain this approach for Wave 6, or consider some alternative. Jim Gilmore.

MR. GILMORE: On that just let me maybe go back a little bit to the May meeting. I think Mike made some good points. To your point also, we essentially had one data point that was highly inflated. We had been averaging maybe 20 to 30,000 black sea bass in that wave for many years, and then all of a sudden we get a new 300 something, an order of magnitude higher harvest in that one.

We got one outlier data point, which we were trying to make an argument that we're thinking maybe it has to do more with MRIP, and maybe it would be higher, but that just didn't seem to make any sense. But Mike's right. There was a concern back then, I think based upon some states seeing that one data point; was it real?

Then on top of that there was a concern that NOAA Fisheries hadn't filed their rules yet.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

There was a sense at the meeting in May that we needed to do something. Unfortunately what we ended up doing was that we started doing arbitrary things, which we tend to do in situations like that; just as a general rule we've got to stop doing.

I mean we've gotten into trouble with Jonah crab and things like that; where we need to have analysis. At that point, the thing was for the northern states we would just reduce the bag limit by cutting it down to five fish for those northern states; with no analysis. We went back and looked at it, and tried to come up with, well is this going to be meaningful or not? The analysis you have on the board really shows that it comes out to be, it's less than a 5 percent reduction. If you look at the error, in terms of just the assessments, MRIP, whatever, this is well within that error. Then you start factoring into, we have a 240 percent above the target right now that we've got an extremely healthy fishery. What we did in May just seemed to be a reaction to do something; which I don't think we needed to do. Now we're penalizing fishermen in that northern region; who are struggling.

I mean the fluke harvest in New York is horrible this year. They're struggling to keep going, and now they're well aware of how many black sea bass are out there; and we're about to cut their bag limit in Wave 6 for no reason, quite frankly. We hear it all the time is that every time we see a reduction in the stock or whatever, you guys are like that. You're ready to cut us back.

But the minute we see growth and liberalization, it's like well we take days or whatever. We're doing punitive actions on this, quite frankly. Lastly, I mean we kind of all agreed yesterday on the Lobster Board. We spent hours discussing about what we were going to do, and then we came up with, well 5 percent; and we all pretty much agreed.

We're not doing anything with 5 percent, it's irrelevant. We sort of killed that addendum yesterday for them. At this point that 5 percent or less than 5 percent reduction is really not going to do anything in this fishery. We don't think it's going to have any real impact; in terms of the stock. But it is going to have economic impact on several states. With that I have a motion when you're ready, Mr. Chairman; unless you want to take some more comments.

CHAIRMAN LUISI: I'm sorry, Jim. I missed the last point you made.

MR. GILMORE: I was up to the point where I was moving it along to make a motion, so unless you want to take more comments; or would you like me to offer a motion now?

CHAIRMAN LUISI: I didn't see any additional questions regarding Kirby's presentation. But Bob may have one. We'll just finish with questions, then I'll turn to you if you have a motion that you would like to make. Bob.

MR. BALLOU: I'm sorry if this is not a focused question. I'm still suffering from Menhaden hangover. But I do remember, I think I remember at that infamous meeting in May or our past meeting. We were looking at a 17.3 percent projected overage in 2017; which led to the response to initiate the action that we took, with regard to the Wave 6 reductions. Now we're looking at a 5 percent. Am I understanding that via the action we took in May, the projected overage has been reduced from 17.3 percent down to 5. Do I understand that correctly?

CHAIRMAN LUISI: I don't think and I can't confirm the 17 percent, but let's just say that's what it was. The action we took in May would reduce that now to 12 percent. It's the additional 5 percent. I think to Jim's point. The reason why it was 17 percent in the first place had to do with what is believed to be an estimate from MRIP that is grossly unbelievable

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

in some ways. We have to decide if that 17 percent is a true need, or was that a reflection of the MRIP estimate as it was reported; any other questions for Kirby? Adam.

MR. NOWALSKY: I'll take that question one step further. Looking at New York Wave 6 estimates, 2012, 1,400 fish, 2013, 8,600 fish, 2014, 2,000 fish; you get the gist here, 2016, 306,000 fish. These numbers were calculated, comes up with a Wave 6 reduction of 227 percent. If you actually look at more recent logical harvest that number is likely in the low thousands, which would make this actual percent reduction less than 1 percent. Did the TC actually look at any recent harvest numbers, to say based on recent harvest this is what the reduction could be, or they solely looked at that one year, came up with a 227,000 fish reduction when I could probably pull up 15 years of MRIP data and not get 227,000 fish harvested in New York in Wave 6?

MR. ROOTES-MURDY: That was just based on 2016 data.

CHAIRMAN LUISI: It's a good point, Adam, thank you. All right, seeing no other questions; oh I'm sorry, I had one more. Nicola Meserve.

MS. MESERVE: I just wanted to follow up on what you said about the timing of the federal rules being set this year. Did you say that NOAAs decision to set their federal rules was based on the 5-fish bag limit for Wave 6, and if so would our changing that cause NOAA to reconsider the federal rules measures?

CHAIRMAN LUISI: I can't speak for NOAA, and I'll look down the table in a second here. But what I will say is that in the discussions that I had with GARFO before that meeting, they were waiting for action by the Commission before they went forward with their final rule.

Lindsey, I make look down the table to any comment that you have about if this Board

were to consider reversing its decision, based on this analysis and points that were made around the table so far. Would we expect that a rule change, given that it's August and the fishery will be over in December?

MS. LINDSAY FULLENKAMP: I think you're right on the timeline it would certainly be tight. I don't know the answer to that. You've said that status quo was maintained in federal waters; based on the decision to implement the more restrictive possession limit. I just don't know moving forward.

CHAIRMAN LUISI: Thank you for that. Kirby has a clarification on the percent reduction.

MR. ROOTES-MURDY: Bob Ballou spoke to this before. Based on final 2016 numbers, the 2017 reduction, in order to hit the RHL, was approximately 17.3 percent. Again that was based on final numbers. The 5 percent reduction would knock that down to closer to 12 percent; that would still be the difference between our 2017 RHL and what our projected harvest is. But again that is based on just 2016; with no smoothing or adjustment of New York's Wave 6 numbers.

CHAIRMAN LUISI: Jim Gilmore. If you have a motion, Jim, it will help frame the discussion.

MR. GILMORE: Kirby, do you have a written out? Okay. I don't want to initiate an addendum. **Move to rescind the possession limit of 5 fish in Wave 6 for the 2017 black sea bass recreational fishery; made at the May, 2017 meeting. States would maintain their 2016 Wave 6 measures, unless otherwise approved by the Board.**

CHAIRMAN LUISI: Thanks for that motion, Jim, do I have a second? Tom Baum seconds the motion. Okay we have a motion, now for a discussion. Is there any discussion? Nicola Meserve.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

MS. MESERVE: It probably isn't a surprise that I'm opposed to this motion. I'm looking ahead to 2018, where we have I believe a 14 percent reduction in the RHL coming ahead of us. If you assume that 2017 harvest is the same as 2016 and under status quo rules; that is looking more like a 30 percent reduction for next year. The comment was made that this 5 fish doesn't do anything for our reduction, but it does do something in terms of equity, in terms of the regulations.

Massachusetts has a five-fish bag limit year round. We've already initiated an addendum for next year to look at equity. We can begin that this year, by maintaining the five-fish bag limit for Wave 6 for these other states. There is some uncertainty in the data that this is based on, certainly. But the higher bag limits contribute to that uncertainty in the MRIP data. That is advice that our Technical Committee has given us before, so that's another reason to have a lower bag limit for this wave.

CHAIRMAN LUISI: Tom Fote.

MR. FOTE: If New Jersey had known that they were going to be cut back at 15 fish in the winter season, we would have fished the fishery different; as Massachusetts put it in the summer. As a matter of fact, we could have put it in September, since we're going to have nothing to fish on, because we closed our summer flounder season at September 4.

It was interesting, because we weren't part of the problem, yet we wound up taking the most brunt on this cutback, since we basically go from 15 fish to 5 fish; and because that's the way we worked out to stay within our target levels. I have to support this motion, because it's the only fair thing on the table.

CHAIRMAN LUISI: Roy Miller.

MR. MILLER: I believe I heard Nicola say, Nicola did you not say that if this motion passes we're

looking at a 30 percent deficit for 2018? Did I hear you correctly?

MS. MESERVE: Yes, by my math if you assume that 2017 harvest is the same as 2016; we would have to reduce by around 30 percent next year.

MR. MILLER: Assuming that prediction comes true. What is our strategy here, Jim? I don't understand why we're setting ourselves up for a potential reduction of 30 percent the following year; in order to take more fish during Wave 6 this year.

CHAIRMAN LUISI: Roy, Jim before you go to them, I just want to make sure we're clear on this 30 percent that Nicola has brought up. We started out this year projecting, based on 2017 catch estimates that we were going to be 17 percent over; if we stayed equal, if we didn't change anything. We already have established the quota for 2018 as a joint body with the Council.

The 2018 RHL is 14 percent less than this year's RHL, already as a result of changes in the stock, and as it was suggested by the Council's SSC. The combination of an overage, if all is predicted to be the same this year and in addition to an already 14 percent cut next year, equals around 30 percent. That is how those numbers align.

MR. MILLER: Thank you for that clarification, but if this motion were to pass doesn't that put us in even worse shape for 2018?

CHAIRMAN LUISI: It depends on; I'll just answer it based on my opinion. It depends on whether you believe that 17 percent reduction was necessary at the beginning of all of this; because if it wasn't, and if it was just a paper exercise as a result of MRIP. Then if you truly believe that we're going to maintain the RHL this year, then this won't matter. I'll look to Kirby maybe to help clarify. It really depends on

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

how much weight you put in the MRIP estimate as it resulted in the 17 percent reduction needed this year; Kirby.

MR. ROOTES-MURDY: Actually, I wanted to bring up a different point, which was regarding something I wanted to talk about on the next agenda item that the Board was aware of at the May meeting, which is that next week at the joint meeting.

You know the Council is right now also considering opening up Wave 1 in 2018; which is another factor that will complicate evaluating this year's harvest to the 2018 RHL, because there are other harvest factors that are going to go into 2018, aside from what the measures are this year. Whatever Addendum XXX, which I will talk to on the next agenda item propose.

MR. CLARK: Back in May when this came up I voted for, from a purely defensive standpoint, as you brought up, Mike that we were looking at states that had to match the federal water regulations seeing their regulations blown up; by not having regulations that would meet the reductions here. Having said that; I mean, I really didn't want to penalize the states of New York, New Jersey, and Connecticut on this, and Rhode Island.

But this whole exercise just seems so cynical at this point; that we take a motion, as Jim said, done in the heat of the moment, because we're presented with some information that is not good for certain states. These types of things happen, and now we're reacting and saying well, let's just let it go. I'm just commenting that it is hard not to come out of one of these Board meetings and feel like you need a shower.

CHAIRMAN LUISI: Rob O'Reilly.

MR. O'REILLY: I think I know what's been going on, but MRIP certainly had a response about this; because I know New York talked to MRIP.

But what did MRIP finally say about the data in Wave 6 for New York? What was the final conclusion there?

MR. GILMORE: MRIP, if you talk to the MRIP, John Maniscalco is here, so he actually talked with them directly. But they essentially said that they found no error that they've checked in this whatever, so that the estimate is the estimate. We can try to find flaws in it; but the only thing that we kind of focused in on was that we took over the intercept, like all the other states did this year.

There was some extra effort in Montauk; from what I understand, in terms of our sampling. That is one of the inherent problems with MRIP. You essentially can get one intercept that blows this whole thing up. We tried to appeal back to maybe the scientific part of this; and I think everybody at this Board should think about this. Adam alluded to; you know was saying some of the earlier numbers. Those are all accurate, and they go back decades; so we're at 10,000, 12,000, 15,000 or whatever. It's pretty consistent. Then all of a sudden in 2016, 300,000, so if you were looking at this from a scientific standpoint and you were doing your PhD thesis or something, and said wow that's an outlier, I mean throw it in the garbage or not even put it on the graph.

But now we're taking that one number, and the best we should be doing is saying we need to look at this for two or three years; to see if we've got a different trend or maybe something with the data. But we're taking management actions now on that one data point; which is probably the worst science we could be doing right now.

It's really getting back to the two things. That point seems to be a big outlier. MRIP is going to defend it; because they just have their process, and they'll tell you that there is a lot of variability in the estimates within a year and going up and down the past few years. They're

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

not going to come back and say no, we erred on it, unless they can point to something specifically that they found in their system, which is evolving.

They are trying to make it better, but it's still not there yet. The other consideration again is the health of this stock. We're chasing numbers again; we're not looking at this fishery in terms of where it's going. I think the other thing we tried to do at the May meeting; before this came up was we needed to look at maybe a comprehensive look at what we're doing with black sea bass, which we're going to discuss in a little while and next week.

We are just whip sawing everybody with these measures and whatever; and this is just another example of it. My plea to the Board right now is we need to stop doing this; and really just go back, let this thing ride for a while, and fix the overall management of black sea bass in particular.

This is probably the best species to do it with; because there is very little risk of really having an impact to the stock, as opposed to something like summer flounder or some of the other species, lobster yes. We essentially said 5 percent was irrelevant, in terms of what we were doing. It was really not doing anything. But that's a stock that is really in bad shape. This one is in phenomenal shape; but we're cutting back fishermen.

CHAIRMAN LUISI: Follow up, Rob?

MR. O'REILLY: Yes. Jim based on your comments about the Montauk sampling. Was 2016 the first time New York took on the sampling like other states did? Okay, because I've been wondering about those affects in Virginia as well.

I mean it is a different regime in some respects; not only with the design methodology that MRIP have gone through, but also the fact that

you do have dedicated state officials out there trying to collect samples. I don't think that's been thought about on the impact yet either. I think that may be a contributing factor, you know one contributing factor. But thanks.

CHAIRMAN LUISI: Okay, I think we've had decent debate. I'm going to go to the audience quickly. Any members of the audience want to make any comment to the motion on the board? Arnold.

MR. ARNOLD LEO: Just very briefly. I feel that this motion should be passed; because as Jim Gilmore pointed out, it's not like we're dealing with sturgeon here. We're dealing with a stock which is so abundant that reducing it would be the wisest course of action. I think that if we allow this motion to go forward, and we wait for another couple of years of data. Then we'll see where this 300,000 count came from; and can there proceed after that. Thanks.

CHAIRMAN LUISI: Thanks, Arnold. Tom Fote. Tom, before you go, anybody else from the audience before I bring it back to the Board? All right, Tom, go ahead.

MR. FOTE: In 2003, I came to New York's defense; because all of a sudden in a three year period of time they went from a steady 400 to 600,000 anglers all of a sudden up to 900,000 anglers. My response to that is because they were doing a better job with picking up anglers, those anglers were there all the time; and we should have got an increase in the biomass, and we should have got an increase in New York's target. Of course we were ignored back then; and we've been looking at this problem.

This problem is going to happen when we basically look at all the MRIP figures, and we're going to pick up maybe a lot of people we haven't picked up before. How do we deal with it? We've been underestimating the population, underestimating the catch of that's what you're supposed to be doing over these

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

years. We found out that numbers are out of whack. We need to be able to address that. We're not saying that everybody overfished; because that is the solution that we've been getting, and that puts us in this kind of trouble.

CHAIRMAN LUISI: Adam.

MR. NOWALSKY: There has been a lot of discussion this week about what happens when people feel disadvantaged by a certain decision, and when somebody else looks at it. I think the one takeaway we should have had from that is the question we should be asking ourselves, and making a decision; is this necessary for the conservation of the resource? When you look at the questions around this, there is no way given the abundance, there is any way I can justify this is needed for the conservation of this resource; and therefore I support the motion.

CHAIRMAN LUISI: Roy Miller.

MR. MILLER: Very quickly, Mr. Chairman. I just wanted to make sure that this particular motion, the geographical extent of what this motion covers. I gather it does not cover Massachusetts. They don't have to rescind their five-fish bag limit; am I correct?

CHAIRMAN LUISI: To my understanding the Massachusetts is not open in Wave 6; if I can look over to Massachusetts. The action did not impact Massachusetts. Bob Ballou.

MR. BALLOU: A very difficult issue. I appreciate the pros and cons that have been offered. Regretfully, I can't support this motion. Staring us in the face is this reduced 2018 RHL, and a 14 percent associated reduction. It just seems illogical to me to consider further impacting that; i.e. making a bad situation even worse.

I don't like it any more than anyone else does. Lastly I'll just note that Rhode Island was impacted by this. In response we went through the regulatory process of changing our

regulations from seven down to five. They're in place. We took the hit and we implemented it, and to now, frankly this would just perpetuate the whip sawing. We would have to now go back and re-promulgate a more liberal regulation, or i.e. back to the seven fish. I get everything that everyone is saying; and I wish these issues were easier to resolve. But regretfully I can't support the motion.

CHAIRMAN LUISI: All right, I'm going to come down the table. I saw a bunch of hands. We'll start with Nicola Meserve.

MS. MESERVE: Quick point of order. Just wondering if this will be a two-third majority vote.

CHAIRMAN LUISI: It will be a two-third majority vote; since it's a change in final action from May. Raymond Kane.

MR. RAYMOND KANE: I can't support this motion. I mean we did this song and dance in May, and I keep hearing from New York; well let's blame MRIP. But what I'm not hearing in the conversation is how many intercepts did they have in Montauk the four prior years? Nobody can give me a definitive answer on that; they certainly didn't have 47.

Instead of being so negative about MRIP, as Jim said you know we have to let these numbers play out over the next couple of years. Our fishermen in Massachusetts have already taken the hit. We're at five fish, and I hear from them all the time. How can these other states take out their charters and give them 10 and 12 and 15 fish, and I'm limited to five; and I only get 100 days, or 110 days.

I would like to see those numbers prior to '16 for the number of MRIP intercepts in Montauk. I would like to see the numbers play out for the next couple of years. But we certainly didn't make that motion in May, because we don't

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

have a fishery in Wave 6. Our fishermen would very much like to have a fishery in Wave 6.

But we've been so restricted over the years that they get like a 110 day season at five fish per day, a 15-inch-minimum size fish. We took the hit on fluke, we cut that back to four. I can't possibly support a motion like this. Let's see the numbers play out for another couple of years from MRIP; and see if their numbers are true or not.

CHAIRMAN LUISI: Lindsey.

MS. FULLENKAMP: I'm recalling from the last discussion on these Wave 6 numbers. Wasn't there some effort, either by the TC or someone else to sort of smooth the perhaps anomalous Wave 6 number, and if so did the results of that change the 17 percent reduction number at all?

CHAIRMAN LUISI: Kirby.

MR. ROOTES-MURDY: I'm going back through and looking at my presentation from May; and I'll get back to you. But I'm not aware of it at this point.

CHAIRMAN LUISI: Let's caucus; it's time to call the question. This is going to be a two-thirds majority vote. Let's caucus for a minute and we'll come back and take a vote. Before we take the vote, Kirby has an answer to the question about smoothing.

MR. ROOTES-MURDY: I looked back through and consulted with TC members; and we did not come up with a final estimate that takes into account smoothing for New York Wave 6 data.

CHAIRMAN LUISI: Okay, before I call the question, we haven't done a two-thirds vote at least while I've been around for quite a while. The way the two-thirds vote works is that any state's vote, whether it's in favor, in opposition,

or a null vote, will count towards an actionable vote, which will go towards the two-thirds.

Any abstention by any of the federal agencies does not count as a vote to the two-thirds majority. I don't know if we'll need a calculator at some point; but I'm going to go ahead and read the motion into the record, and call the question, and this will be a roll call vote. Move to rescind the possession limit of five fish in Wave 6, for the 2017 black sea bass recreational fishery made at the May, 2017 meeting. States would maintain their 2016 Wave 6 measures; unless otherwise approved by the Board. Is the Commission ready? I'm going to ask Kirby to call the roll.

MR. ROOTES-MURDY: I'm going to start with the Services; National Marine Fisheries Service.

MS. FULLENKAMP: No.

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

MS. SHERRY WHITE: No.

MR. ROOTES-MURDY: North Carolina.

MR. BATSAVAGE: Yes.

MR. ROOTES-MURDY: Commonwealth of Virginia.

MR. O'REILLY: Yes.

MR. ROOTES-MURDY: Potomac River Fisheries Commission.

MR. MARTY GARY: Yes.

MR. ROOTES-MURDY: Maryland.

MS. ALLISON COLDEN: Yes.

MR. ROOTES-MURDY: Delaware.

MR. CLARK: Yes.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

MR. ROOTES-MURDY: New Jersey.

MR. NOWALSKY: Yes.

MR. ROOTES-MURDY: New York.

MR. GILMORE: Yes.

MR. ROOTES-MURDY: Connecticut.

SENATOR CRAIG A. MINER: Yes.

MR. ROOTES-MURDY: Rhode Island.

MR. BALLOU: No.

MR. ROOTES-MURDY: Commonwealth of Massachusetts.

MR. KANE: NO.

MR. ROOTES-MURDY: New Hampshire.

MR. DOUGLAS E. GROUT: Yes.

CHAIRMAN LUISI: **Okay the vote was 9 in favor, 4 opposed. The motion needed 9 in favor to pass; so the motion carries.** With that I've been told that lunch is ready. I think we should take about 20 minutes to go grab lunch. Please bring your lunch back to this room. In 20 minutes we'll go ahead and kick off the discussion about black sea bass; so twenty 'til one, we'll begin the meeting again; thank you.

(Whereupon a recess was taken.)

**UPDATE ON THE BLACK SEA BASS
RECREATIONAL WORKING GROUP**

CHAIRMAN LUISI: I'll look to Kirby when he's ready to start the next presentation. What Kirby is going to be presenting to you is a little more straightforward than the last two discussions that we had. If you remember back at the May meeting there was an initiation of a black sea bass addendum.

Based on the language of the motion and discussions with the Recreational Working Group for black sea bass, staff has put together the outline and the framework of an addendum that has management alternatives in it. What Kirby is going to present to you today is what currently resides in that addendum.

We're going to be looking to the Board to determine whether or not what's in there now is what you would like to see further analyzed; whether we're missing something at this point, or if there is something in the addendum that you would like to either modify or delete. We're looking mostly for feedback at this point; as to what's currently in the addendum. With that said, Kirby if you're ready the floor is yours.

MR. ROOTES-MURDY: I'm going to, as Mike said, walk you all through this Draft Addendum XXX, give a little bit of background first, and then present what's in this document. It's a memo that was circulated through supplemental materials. We have printed copies in the back of the room. I'm going to highlight what the Rec Working Group comments were, and their recommendations.

I'll take any questions, and then to summarize if you have feedback regarding the current range of options, and what those options contain, it would be helpful. If there is something in there that you would like removed, we would want to know that now; or if you want more analysis on some of the options, we would like to know that now, because timetable wise we would like to be able to bring this document back to the Board at the annual meeting for consideration to go out to public comment.

For today's presentation, I'm going to just focus on the proposed management program. Regarding background, at the May meeting in 2017, there was a motion to initiate an addendum with options for regional allocation; regions with uniform regulations and other

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

alternatives to the current north/south regional delineation for recreational black sea bass management.

I worked with Massachusetts staff to develop options currently in the document; and then got further feedback from the Black Sea Bass Recreational Working Group. Again, the aim is to begin the process earlier; so as to have more clarity on what management will be sooner in the year, and to improve fairness and equity in the fishery.

While that outlines how we got to this point, it is important to know that this is now a document of the Board; to further consider and help guide staff in developing. As we touched on regarding the 2017 RHL and 2018 RHL, for this year the Board and Council approved an approximate 52 percent increase in the RHL from previously specified in 2016.

For 2018 we are looking at an approximate 14 percent reduction in harvest in the RHL; and that coincides with a decrease in the projected biomass for 2018. We are coming down off of a peak biomass level; based on data through 2015. The proposed management options in the document are three main ones. They are the default management program, state allocation of the annual recreational harvest limit, with a sub-option that specifies how those allocations would be determined based on timeframes.

Then the third option is a regional allocation of the annual recreational harvest limit. There are sub-options that provide a range of options for what the regional alignment would be; what the timeframes would be for basing allocations on, and then a third sub-option that specifies what the management measures would have to be within those regions.

Option 1 is just our FMP default. What that means is that annually we have to set with the council a coastwide set of measures; minimum

size, possession limit, and season to achieve the subsequent year's RHL. In recent years we've moved away from that in having a set of measures that the Board has approved for the northern region states; that would meet a reduction that we've been encountering, given the lower RHLs than what harvest has been in recent years.

Again, the default approach is to set a coastwide set of measures. This addendum is going to present options that move away from coastwide set of measures in state waters. Option 2 lays out what state allocation of the RHL would look like. The idea is similar to conservation equivalency in the summer flounder FMP; in that each state would allocated a share of the annual recreational harvest limit, and that states would constrain or be responsible for constraining their harvest to that allocation, and develop measures appropriately.

Under this option, state proposals for 2018 measures would need to be developed for Board approval no later than the 2018 ASMFC winter meeting, so late January, early February is when that Board meeting is set. It would mean that those proposals would need to be submitted in January, 2018.

Under this option there is a timeframe specifying state allocations. The document lays out an initial set of time series. I want to make clear that this was the first attempt. These have been perfected by the recreational working group suggestions; so I'm going to move on to the next slide and offer up in a little bit what those are.

The Rec Working Group regarding Option 2 recommended, or for the most part preferred, removing this option from the document. There were concerns about, similar to summer flounder discussion earlier today, having allocations on a state-by-state basis. Regarding the timeframes, if this option were to stay in

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

the document, the Rec Working Group recommended that there should be alternative timeframes; and those are listed here on the slides, so A, B, C, and D.

Options A and C include 2016 data; and they are to be adjusted for New York Wave 6 data. As we noted in the previous Board discussion today, there has not been any final determination on how that smoothing or an adjustment to the Wave 6 numbers would be. But that is something that the Technical Committee and Plan Development Team for this document could further work on.

But the timeframe options would be 2007 to 2016, 2007 to 2015, 2012 through 2016, and then 2012 through 2015. Again, those options that have data through 2016 would be adjusted; based on concerns over New York's Wave 6 data. The Recreational Working Group wanted the Board to be aware of, generally speaking what the advantages and challenges are with having this option included in a document.

As I said before, each state, one of the advantages the group felt was important to make clear is that each state would have an annual allocation to work from; and then be evaluated against, in that states could then craft measures that would meet their states unique fishery needs. Regarding challenges, much of the same challenges for sea bass carry over for summer flounder and scup; looking at recreational data provided by MRIP.

The timetable for when we normally get current year data presents challenges. How to evaluate that data against the measures that are in place also presents a challenge. Other challenges would be how to handle neighboring state and shared water body regulations; that is something that we've struggled with for summer flounder and specifying that.

Choosing an appropriate timeframe for allocations that are based on MRIP data also present challenges. One of the reasons why the Recreational Working Group members were in favor of changing those initially proposed timeframes was so that anything further back than 10 years, many felt was not encompassing of the current population dynamics and stock status. Two last challenges would be regional recreational management in summer flounder has presented similar challenges in trying to evaluate regional performance. An important caveat is that when we're talking about conservation equivalency or something similar to what's in this summer flounder portion of the FMP.

We do not have in our joint management document with the Council the ability to wave federal water measures and have the same measures in state through federal waters for a vessel that has one home port. The challenge we would have with a state allocation is that you would effectively be having a state allocation in state waters; and still have separate measures, one in state waters for that state and then a federal set of measures.

The third option is moving to a regional allocation of the annual RHL. Under this approach each region would have an allocation, and would develop measures to constrain harvest at that collective allocation, and similar to Option 2, proposals would need to be provided for the Board to consider and approve at the ASMFC winter meeting.

They would need to be submitted by January of 2018. Option 3A lays out what the regional alignments could be under this option. For this sub-option there are four variations. The first two offer a two-region approach, and the last two build and develop a three or four-region approach.

Option A would have a region of Massachusetts through New Jersey as a northern region;

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

similar to what we've had in recent addenda. Then Delaware through North Carolina would be a southern region. Option B somewhat changes that regional breakdown; where the northern region would be Massachusetts through New York, and New Jersey through North Carolina, and that second region would be considered the southern region.

A three-region approach would be Massachusetts through New York; that would be the northern region. New Jersey would be a standalone region, and Delaware through North Carolina would make up the southern region. Part of the reason for why this option was put forward, this sub-option is because of the finding of the stock assessment that showed that there is a bit of a break in where we see a difference in abundance for black sea bass; based on the fishery independent data.

Option D presents a four-region approach; where you would have Massachusetts through Rhode Island as the north region, Connecticut through New York as a Long Island Region, New Jersey a standalone region, and then Delaware through North Carolina as a southern region. It further partitions out the three-region approach to try to get at regional differences in abundance.

For Option 3B, there are timeframes specifying how those regional allocations would be based. I'll just preface that again, similar to Option 2, these timeframes have been perfected by the Rec Working Group; and so a different set of timeframes have been proposed as what should be in the document.

Then Sub-Option 3C tries to specify what the management within each of the regions would be, tried to get at concerns of uniformity and equity regarding those measures. There are two versions of this. The first would be a uniform set of regulations within the region. Every state within that region would have the same size limit, the same possession limit, and

the same season length. The other version would be to create uniform percent reduction liberalization within the region; whereas the measures would be similar, but they could not differ beyond a one-inch size limit, a one-fish bag limit, and for example an approximate 15-day difference in season length.

Getting on to the black sea bass Rec Working Group comments on this, the group indicated that this Option 3 of regional allocations was a preferred approach. Similar to Option 2, having a different set of timeframes to base those allocations was preferred; because of concerns of data going back further than 10 years not being reflective of the current resources, condition, as well as the 2016 data.

Timeframes would be again 2007 through 2016, with modifications, 2007 through 2015, 2012 through 2016, with data modifications, and 2012 through 2015. Regarding the regional allocation and comments from the Rec Working Group, they wanted to highlight some of the advantages and challenges again.

Each region, in terms of advantages each region would have the ability to annually allocate and work from a set number of fish; and craft measures off of that. Regional allocations in turn could better reflect regional abundance in the eyes of some of the Rec Working Group members. Regarding challenges, the same MRIP data concerns apply.

There was some discussion on how to handle regional allocation overages, versus a coastwide overage. It's something that we haven't truly perfected in other addenda; but it would be something that could be further clarified in this addendum. Then as I said before, for Option 2, similar regional recreational management challenges that have been in place with regional management for summer flounder apply to this approach.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

Other considerations, there was an accountability sub-option that was discussed by the group; and nearly all were against a percent reduction or pound-per-pound payback, due to concerns about how the MRIP data's precision may be unreliable. One Rec Working Group member preferred using a total-catch approach to evaluate performance; as opposed to a harvest-based approach.

Another Rec Working Group member suggested the regional allocation should be based on the size of their angling population or their recreational population and the availability of sea bass to those anglers in turn; and not based on past harvest performance. Many Rec Working Group members prefer going to a multi-year averaging of MRIP data to evaluate harvest; rather than looking at one year at a time.

One member indicated that if allocations were to go into effect, they needed to be revised regularly; if not annually. Some were in favor of using a common set of measures to develop regional measures off of. An F-based management approach was also discussed as a way forward; given the status of the resource, and trying to move away from the hard RHL limit.

But it's not currently available in 2018 joint management, based on the Mid-Atlantic Council staff's feedback. One example of what a common set of measures that states could work off of would be Massachusetts through New York would have a five-fish possession limit at 15-inch minimum size, New Jersey at a 10-fish possession limit at 13-inch minimum size, and then Delaware through North Carolina would have a 15-fish possession limit at 12.5 inches minimum size; and all regions would have an open season of 365 and then from there it would be adjusting their measures to better hit at regional allocations.

Those lay out the major management components of the document. The other last thing would just be about the timeframe; how long this addendum would be in place for, similar to recent summer flounder and black sea bass recreational addenda. There could be the provision that it would only be in place for one year, or it could be in place for two years, 2018 through 2019, or for three years.

But it should be noted that currently we don't have a recreational harvest limit specified beyond 2018. The Board and Council voted back in February to only specify 2017 and 2018 RHLs, so that would need to be further clarified down the road. Last, in terms of additional considerations, similar to what we talked about earlier this morning on summer flounder.

Rethinking the annual timetable for evaluating the fishery; and the timeliness of when that data becomes available obviously presents challenges for trying to craft the following year's measures, for continuing to base that evaluation on the current year's preliminary data.

We have been also subjecting that to a lot of variability and changes through to the point where it's finalized; which as you all know, means we may be having data that is very different, in terms of setting measures at the beginning of the year versus what final data actually shows through the spring.

As I said before, F-based management is something that the group talked about; and black sea bass may be a better immediate candidate than summer flounder, given the condition of the stock. But trying to build that into the current practice of evaluating harvest to the RHL presents challenges.

I brought this up before, but it should be noted that in considering this addendum there is the possibility that the Council next week, as the Council and Commission meet jointly, is looking

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

to open up the Wave 1 fishery in 2018 for all anglers. At our joint meeting in May, it was a discussion of an LOA; and at their subsequent council meeting in June, it changed to being an open fishery for that first wave, January and February.

Brandon Muffley is here from the Council; and can answer your questions if Board members have that regarding how that discussion may play out, based on analysis next week. But with that if there are any other questions that I can answer on the document, I would be happy to do so.

CHAIRMAN LUISI: Are there any questions on the addendum document as presented by Kirby? Rob O'Reilly.

MR. O'REILLY: Thank you, Kirby. Can these be comments or just questions?

CHAIRMAN LUISI: Let's get some clarification if you have a question right now, Rob, and then we'll go to actions if we need to take any actions or comments after that.

MR. O'REILLY: Okay, I'll make a comment in the form of a question, which is the time series approach. Beyond ten years I think Kirby you said a couple times, might have different stock dynamics, so I'm not really sure about that. I mean when you look at, just as a sort of surrogate look at the landings, the landings are pretty steady within 1.5 to 3 million pounds for quite some years. But if you go back in time to the nineties, they're quite high.

If you go into the two thousands, they're more consistently in the 3 million fish, talking about fish. There is even an entry I saw, which is quite remarkable, of 22 million fish in 1986 within the MRIP data. But aside from that the 2011 year class and now the 2015 year class a little less so; from what I've been reading anyway, can have an impact.

If you have a really short time series, you may be just looking at the way the stock biomass is now. I think Gary Shepherd told us that with the assessment that the biomass is definitely higher in the northern region. I think they cut it off at Hudson Canyon north and south. But the numbers of fish are still, you know there is still abundance in both the southern area and the northern area; again just using artificially the Hudson Canyon as the assessment did.

I think if you don't have enough years, this may get slanted more towards what's occurring right now; whereas once the 2015 year class gains some momentum there through the stock, it could be a pretty short-sighted idea. Two things with the time series, one maybe not think about the last five years, maybe think about the five years prior, and take a look at that.

I think it would be worth looking at back to ten years; so in other words don't worry about 2011 on, worry about before 2011 back to about 2002. That is one suggestion. The other suggestion is we really get in trouble when we start looking at having management measures, at a time when there's been regulatory changes.

From 2011 through the present, we've had many addenda. The only consistent area has been the southern region; using the federal measures. But the northern region has been quite variable at time; sometimes not. You know 2011 of course was when things were low; and there was liberalization for 2012.

Things are moving a little bit too much there; more so probably than the coastwide approach that was in affect before then. I hope you can think about that. Then the last comment/question is with fishing-mortality-based-rate management, can we get some pros and cons of that; because it seems that everyone wants to think that is a positive direction, and maybe it is.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

But I think we need to know some of the other aspects of that. One aspect is you know a target used to be set by managers. A target of late is being set through the analytical approach. All of a sudden it's become quite in the vogue to say let's go to the target. Let's make sure we're at the target or less.

I guess I'm looking for thoughts about confinement; what are the confining aspects of F-based management compared to what we currently have in place? That might be a little bit of a thought process; but I think everyone needs to know that and not go pell-mell forward in that direction, without really getting a real insight on what's to involve there. Of course we do have an example with striped bass, and there are a couple other examples as well. But really I at least would like to know some of the pros and cons involved. I think that could be done.

CHAIRMAN LUISI: I think that will be done, Rob, also through the Council process with the exploration of the F-based management with fluke; just something to stay tuned for. But Kirby, did you have any other thoughts? No, all right thanks for your comment/questions, Rob. A little more inflection at the end of each sentence would have been better, but that's okay. You just had lunch, so I understand. Are there any other questions or comments for Kirby regarding the addendum? Bob Ballou.

MR. BALLOU: Thank you Kirby for your presentation. As you noted, one of the challenges under the state allocation approach is that because there is no provision in the FMP regarding conservation equivalency, there would have to be separate federal measures imposed in federal waters. Would the same be true under the regional approaches? That is not stated, but it does seem like it would likely carry over. You're nodding yes. Maybe on the record it would be good to note that would be a similar challenge.

MR. ROOTES-MURDY: As you point out correctly, the same challenge applies in both conditions; because the FMP requires a coastwide set of measures; which we have been deviating from, in terms of setting state-water-specific measures for northern states. It would still apply in a regional approach; Option 3 in the document right now, so I'll make that note in the document.

CHAIRMAN LUISI: One of the things, Bob. Because this differs from how we manage summer flounder; where we establish the precautionary default measures, and it would go into place if the states don't take up the action that is prescribed through an addendum process. When I read this for the first time and looked through; that's what came to my mind too.

How are we going to be able to blend together state or regional allocations with federal waters measures; that the southern states have been using as their measures for the last however many years? Rob probably knows exactly how many years. I think that's one of the challenges that we face. This conversation will be had again next week with the Council; and I think it will be a good first step to try to figure out how we might be able to sync those two things together.

If we are considering black sea bass management to be similar to how we manage summer flounder; either by state or by region. We're going to have to figure out what happens in federal waters as a result of that; because it will have to be somewhat different, so we don't have a discrepancy between the federal waters and the state waters measures, especially for those states that have abided by that federal measure for so long. Are there any other questions for Kirby? Adam Nowalsky.

MR. NOWALSKY: As we're all aware, the last assessment gave us a much larger quota to work off of than what we had previously; and

also informed us that the quotas that we had been working off of were probably far too low, relative to what the stock status was when we go back four to five years.

I haven't found my time machine yet, can't take us all back and change that. But moving forward, and one of the ideas I've brought up many times is the need to look at some type of reset on these measures. The reality is that the stock reached its current level abundance when we fished under much more liberal regulations than where we are at today. What can we do to move in that direction? If anything in this addendum towards looking at some set of measures that just say hey, we're going to go back here. Here is the harvest. We expect this is going to be without only comparing to our last year of harvest. Is there anything we could do now, and if not is there anything we can start doing to potentially move to that in the not too distant future?

MR. ROOTES-MURDY: I think you've brought up, as you said before, this issue and your concern. From a staff standpoint it would be helpful to know what you would like to see in the document to make that clear; in terms of how it would be a reset, if you want it to be an option.

MR. NOWALSKY: I think I would love to see a set of coastwide measures, 12.5-inches, and 15 fish, based on some other methodology than just looking at the last year's harvest level, not to use that as the estimation tool for what those measures might be. Again, thinking about this in terms of what do we need to provide conservation of the resource, when we look at one of the huge problems we're dealing with now with the size limits and the low bag limits are discards.

You get people out there, you go out there, and you catch fish that you can bring home. Okay, there are some people that are still going to spend a full day of fishing. But I can promise

you, it is going to get a lot of people off the water much sooner, and really get at the discard issue. That would be what I would like to see; some type of coastwide measure, a fixed bag limit, something that gets us back to where we were a number of years ago, using some other evaluation methodology other than what we know doesn't work.

We know using the last year's harvest estimate to predict next year's catch doesn't work. We know that. Let's seriously try to use something else, and let's get back. We're so far behind the eight ball. I look at these measures. Rhode Island, Massachusetts, Connecticut and New York, we're so far behind. Why are we there; because we missed a year class of fish?

We didn't have the appropriate quota. Now we're paying around this table with the hair we've got to try to pull out of our heads. Our fishermen are paying. People all around the country are paying the economic price for that. I would like to think we could do better. That would be my suggestion; is some type of coastwide measure with some other type of method for estimating what the harvest might be, looking at past performance of the fishery. I would be very interested in seeing that.

MR. ROOTES-MURDY: I guess to get more clarity. As I pointed out, Option 1 provides a coastwide set of measures in the plan. What would be more helpful in developing this document further would be how this approach would be different than Option 1.

MR. NOWALSKY: My expectation would be that if you took Option 1 as it is, you would look at the 2017 harvest and use that for calculating your predicted harvest in 2018. That would be the basis for determining whether or not those set of measures would pass muster. I'm suggesting we need to put in place an alternative mechanism. We talked about a number of them earlier today; with summer flounder.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

I think a lot of those same arguments carry water in other recreational fisheries. Whether it's total fishing mortality, you know we've got a lot of the working group and TC comments here about multi-year averaging. Again, the idea of going back and just looking at how the measures performed, there has got to be something better we can do than just looking at the one year worth of harvest that could help correct, get us back somewhere. We are so far off the highway on black sea bass recreational management right now. That is the reality. I'm not sure there is anybody around this table that can realistically say yes, we are on the right path to successful black sea bass management. If we were, we wouldn't be having these hard discussions on a stock that is 230 percent over targets; we wouldn't be.

There is something else wrong. I've said it before. Southern New England lobster that's a hard decision, winter flounder, northern shrimp, it shouldn't be this hard. Let's look at what we're doing wrong and this element of continuing to go down the road of we're already in a huge deficit recreational measures-wise. Let's creatively find a way to pull back to something that makes more sense.

CHAIRMAN LUISI: Okay, I think we've got the message. Kirby has told me we'll look into it. But let me look around the table for any other thoughts regarding the addendum. Chris Batsavage.

MR. BATSAVAGE: Yes, discards are certainly a problem in the black sea bass fishery; when you consider this is a fishery that is really not a catch and release fishery, this is one where people go out with the expectation of taking some home for dinner. But as a result you have some fish get thrown back; and they don't survive.

One of the biggest challenges we have with black sea bass, and the same goes for summer flounder, is the size availability of fish differs

throughout the coast and even in a state; depending if you're fishing in deep water or shallow water. I don't know if we have the information to put this forward in this addendum, but for the regional approach or maybe a coastwide approach.

Instead of focusing on just a set minimum size limit, and saying our minimum size limit is this, bag limit is that. Provide some sort of allowance for a couple fish undersize to get to this issue of dead discards. Perhaps you have fishermen at least bring something home, or hit their bag limit a little quicker.

They either move on to some other species or call it a day, as opposed to still fishing on these same spots, throwing back 20 fish for every keeper or whatever the ratio might be; which is I think causing some of the problems that we have with the total mortality, which then limits what we can set aside for the recreational harvest limit.

CHAIRMAN LUISI: Emerson Hasbrouck.

MR. HASBROUCK: I agree with what Adam said. If we're going to take a look at moving in that direction, is that something that we can just go ahead and do; or is it complicated by the Council's accountability measures with sea bass? Do we need to think about that as we go forward?

CHAIRMAN LUISI: You know Emerson, I think it is going. The fact that this fishery is managed through the Council process as well is going to complicate things. But it doesn't mean we can't find some workable solution. As I mentioned before, actions that have been taken over the past six months have, in my mind, opened the door for some creative thinking. While I somewhat disagree with the approach that we'll ever find ourselves back with just a straight up coastwide measure. I think there are differences in the regionality of the stock; and it's even analyzed that way. I think there is

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

an opportunity here, and we can certainly have more of that discussion at the Council meeting next week; to try to find out where the hang-ups might be and what actions might need to be taken in connection with this addendum for some future action to sync everything together. Kirby or Toni, did you have anything else to offer?

Okay looking around the table, does anybody have anything else they would like to bring up regarding the addendum? Is everybody comfortable at this point leaving all of the options, whether they are state-by-state allocations or regional allocations in the document for further analysis? The plan would be for this to be further developed and presented at the October meeting; or the annual meeting for support to go out to the public with, prior to the winter meeting of the Commission. Adam.

MR. NOWALSKY: The only other specific change I might consider is under the 3C Management Measures Within a Region. I agree with the concept of providing some continuity in the measures. I don't think the one-fish possession limit is enough. I would look at something maybe up to five; just because of the variances that might allow in this fishery, and the 15 days I might recommend look at up to 30 as well.

That size limit is really what a lot of anglers look at; in terms of am I going to go to that state and be successful that way. I think that is the key part, but I think the one fish, given the wide variety of bag limits we already have, is too restrictive; as well as the large number of days we have between states right now. Something to work to get us closer, but let's move there, and smaller increments would be my suggestion to at least have that option. Leave 1 and 15 in, but I would suggest maybe having a 5 and 30 option as well.

MR. ROOTES-MURDY: Yes, I just want to make sure I understand it correctly, because we're

talking about the consistency in measures between states within a region. You're saying that you want there to be the flexibility of neighboring states within a region to have possibly the difference of five fish in their possession limit, and possibly the difference of 30 days within their season for states within a region.

MR. NOWALSKY: I would like that to be considered as we move forward from right now.

CHAIRMAN LUISI: Yes, and if I understand your point correctly, Adam, you're suggesting that because there are such varying differences right now between the states, it may be unreasonable to think that they can get within one fish and get within 15 days of one another. The step-wise approach, which was what you offered, might be a better alternative.

MR. NOWALSKY: Again, where we are with the idea that we would come back with a draft document for public comment in October. I'm just suggesting we look at that between now and then for consideration.

CHAIRMAN LUISI: Okay, any other thoughts? Are there any other discussion points? Roy Miller.

MR. MILLER: I just kind of want to go on record opposing the inclusion of state-by-state conservation equivalency proposal options; probably for the same reasons many of the Working Group members opposed including that. I think there are some lessons learned here. We saw what that resulted in for summer flounder. I would hate to go down that road again for black sea bass. It just makes us vulnerable to low sample sizes and chance events, with regard to parsing apart the state estimations of total catch with MRIP. That would just continue to make us vulnerable to potentially erroneous or not necessarily erroneous, but potentially anomalous results in

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

the MRIP survey. I favor deleting the state-by-state conservation equivalency.

CHAIRMAN LUISI: Thanks for that point, Roy. Let's stay on that topic for just a second. Let me look around the table to see if anybody has any thoughts about leaving it in. Nicola.

MS. MESERVE: Thank you to Kirby and the Working Group for getting this document together. I think we're setting ourselves up, hopefully to be a little bit ahead of the normal schedule for setting sea bass regulations for next year; which is something that a lot of our anglers have been asking for.

Regarding the state-by-state allocation option that is also something that at least in Massachusetts, we're hearing a lot of interest in at least considering, I disagree with removing it from the document at this point. I think it will help with the public discussion. One of the major benefits to it, which Kirby mentioned is the accountability that it provides.

It's the only option that provides individual state accountability for the performance of the regulations the state puts in place. That has been one of the major criticisms of the ad hoc regional approach; that there has not been the same level of accountability for all the states implementing regulations.

Whether it's true or perception as to how we got there, the view from a lot of our constituents is that we've been cutting and cutting. We've been on a diet; and other states have not been. That option addresses that concern about how ad hoc regional management has affected states over time.

CHAIRMAN LUISI: Matt Gates.

MR. MATTHEW GATES: Yes, I was just going to speak to the removing the state-by-state allocation option also, for most of the reasons that Roy brought up. Additionally, on a state-

by-state accountability front, I can draw an example from summer flounder; where we had consistent rules, and supposedly a declining stock.

But in 2015 we harvested 93,000 fish. Then supposedly in 2016, 218,000 fish, so I'm not sure how accountability would be applied in a situation like that; where we did our best and still the harvest estimates come out to be something we just couldn't account for. In addition to that I think any of these options need to have, where we have set an allocation we should reevaluate those allocations frequently; so they don't become stale, and that's all.

CHAIRMAN LUISI: Thanks, Matt. In addition to that point, I think it's important that given the work that's being done to recalibrate past catch estimates with the MRIP work is going to be something that may ultimately change the allocation scenarios for the future. I think it's important to understand that if allocation is to become the focus of this addendum that there might be changes in the very near future that would need to be considered. This is not in any way setting and chiseling into stone state by state or regional allocations as we move forward. I thought I saw another hand over this way. Was that yours, Bob?

MR. BALLOU: But not on the particular topic, so when you're ready to switch, I have another comment.

CHAIRMAN LUISI: Okay, so there have been a couple comments as to not being supportive of the state by state; but we also have comments regarding the continued support. We're not at a point in time right now where we need to eliminate anything. I would feel better if we had a consensus opinion on the state-by-state allocations.

Understanding that that is not going to be the case, I think for now we just allow staff to

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

continue to develop that option; and take a harder look at it when we sit down in October, to further evaluate whether or not we want to put that off to the public. But that would be what I would like to do at this time right now; Bob, on another topic.

MR. BALLOU: I want to turn to those timeframe options. The Working Group did suggest a refinement, and I do support the Working Group recommendations. I'm wondering if there is Board consensus on the Working Group recommendations. I do support those.

CHAIRMAN LUISI: Is there any opposition to the Working Group recommendations on the timeframe options? Rob.

MR. O'REILLY: I am not in opposition to what the Working Group said. But since that time I have given thought to the idea that if we're trying to characterize the stock, for more than the short term, I'm not sure even the ten-year approach does that. What I said earlier I still think is important; that the regulatory period of the last six years does play into that time period.

How does that look compared to a ten-year-time period that ends in 2010 let's say? I don't know how much more difficult it is to assess that. But clearly we're looking, once I hear the word allocation, clearly we're looking to make sure we have a sort of homogeneous look at the distribution of the stock.

Not just the last five years, and maybe not even the last ten years. I'm not promoting the 20 year, I understand that. But I am sort of thinking that 2001 to 2010 might be worth looking at. I hope that is not a lot more work. That doesn't counteract what the Working Group came up with.

MR. ROOTES-MURDY: I think just building on the good work that Megan did yesterday on menhaden; to kind of illuminate how these

become very complicated, depending on how many different timeframe options you throw in there. I just want to make clear that you're suggesting one additional refinement; so instead of an A through D, we have an additional fifth timeframe option of 2001 to 2010, understanding that then affects – that's another five variations on regional alignments, as well as state-by-state allocations.

MR. O'REILLY: Sorry about that but yes, I do think that might be worth a look; perhaps it may help out a little bit.

CHAIRMAN LUISI: Are there any other thoughts on that? Nicola Meserve.

MS. MESERVE: I think the Working Group's comments about the timeframe is really focused on the impact of climate change on distribution of sea bass. Thus far that seems to be a one-way trend; ignoring the most recent six years and landings data that is heavily influenced by the distribution of sea bass, seems contradictory to the science.

MR. O'REILLY: I'm definitely not suggesting ignoring what the Working Group came up with, I'm just asking for a look at 2001 to 2010. You know we've glommed on to climate change, and decidedly so. We should. But I don't think we're at a point where the models have been able to forecast the near time affects.

I mean we've got the velocity effects that were done by Malin Pinsky, do I have that right, at the Council presented that? We've got Jon Hare's work, we've got other work. We never really decided, except for black sea bass that maybe both in spring and in fall it does show a northward movement, so I'll agree to that.

You also compounded that with the regulatory framework since 2011. At the same time the southern area has been status quo with federal measures; with no Wave 1. We're not going to gain any information on Wave 1, even if there is

a positive result there. In looking at the landings, I'm just going by the landings. There is definitely some information that the Working Group did not consider. I don't mind if everyone doesn't want to do that. I at least wanted to bring it up. That's the only question there.

CHAIRMAN LUISI: We've taken note, and I'll look to staff to further comment or prepare information for review at some point along in our process on that. Rob.

MR. O'REILLY: One small follow up. I heard earlier there is a 15-inch size limit in Massachusetts. You know you get down in the southern area, we're 12.5. Then I also know from Gary Shepherd that the abundance in the southern area or I'll say south of Hudson Canyon, is still there. I just don't want to leave something out; that if we narrow ourselves down too much on the time periods.

CHAIRMAN LUISI: Matt Gates.

MR. GATES: My concern with including an option that goes back, an allocation period that ends seven or eight years ago; is that now we're setting the tone that we're looking to set in stone allocations for the long term. I would really hope that we would not go back down that path, like we did with summer flounder, where we're working with 30 year old allocations still. It seems that including that option in there would set that tone in a way we wouldn't want to. We could look at things like total catch; instead of harvest, to help look at addressing some issues that Rob brought up.

MR. ROOTES-MURDY: Matt, building on, I think a previous comment someone made about setting allocations in stone. It would be helpful on the staff side, to better understand if this Board would like to have something specific in the document that lays out how often something like allocation would be revisited; assuming that you would set this addendum in

place for a longer period of time. By default you could specify that this document would only be in place a year, or two, and therefore those allocations would be fixed for that amount of time. As we know for summer flounder that can become problematic; if every year we're going out and changing, or at least proposing the option of changing that. If you want something specific in the document that outlines how often this would be revisited, I can put that together.

CHAIRMAN LUISI: All right, I think we got some good feedback regarding the continued development of this addendum; and we'll look forward to seeing the analysis as it is developed in October.

OTHER BUSINESS

RSA PROGRAM

That completes our species or action items for our agenda, and I'm going to move on to Other Business. I know Emerson brought up a point earlier. Emerson, do you want to speak to the RSA Program under Other Business?

MR. HASBROUCK: Thank you for the agenda request. Yes, I wanted to raise the RSA issue; to get us thinking about how we might make it operational again. The Commission shares management responsibility with the Council on several RSA species, most notably the ones this Board manages; scup, sea bass and summer flounder.

As I recall the Council voted to suspend the RSA program a couple years ago; not to eliminate it, with the intent to take a look at what the problems were, what didn't work, what did work, and to perhaps put together a plan to restructure the RSA program differently from what it was previously, to attempt to eliminate the problems that were present in that previous program.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

I just wanted to initiate some discussion on that so that this issue of RSA and taking a look at it again doesn't continually fall to the back burner and get forgotten about. I don't know if the Council has had any recent discussions about RSA or the Collaborative Research Committee of the Council has had any discussion. But I would like to somehow move the discussion forward; and as part of that I would suggest that we perhaps think about putting together a working group, to examine previous problems with RSA, and to come up with a plan to move forward.

That working group should probably include, obviously people from the Mid-Atlantic Council, people from the Commission, GARFO, Northeast Fisheries Science Center, certainly law enforcement should be involved, so that we can know the details of what some of the problems were with the previous program, researchers who were involved in RSA in the past, and maybe even some industry members.

I'm not sure what I need to do to try to move that forward. Do you need me to make a motion? Is the fact that I'm just suggesting this now sufficient to move this forward? I don't know if anybody else around the table has any thoughts or input as well. Thank you.

CHAIRMAN LUISI: I can answer just a couple questions from what I know as being part of the Mid-Atlantic Council and the current Chair. The RSA in my knowledge has not been discussed recently through the Collaborative Research Committee that kind of had considered taking up that task.

We do have a committee, the Collaborative Research Committee and a Law Enforcement Committee that we could work with the Commission in establishing some form or a working group; to consider changes to the RSA program. I know the one thing that the Council has discussed is that I don't believe the Council would be very open to just turning off the

suspended switch, and flipping the switch to just reestablishing RSA as it was in the past. It is going to need a facelift of some kind; due to the problems associated with it. I would be comfortable with having this discussion at the Council meeting, if we can somehow maybe fold it in next week. There may not be the opportunity, given that conversation regarding black sea bass and summer flounder often hit the end of the line at some point with agenda discussions. But we can certainly keep an open dialogue, and come up with a plan to maybe have this on an agenda item for a future joint meeting.

Our next joint meeting with the Council will be in December, and there is an opportunity there for the discussion about how we can get the two groups together, perhaps form a working group; to begin to evaluate how an RSA program could become a program again. But with all of that said, I'll just look around the table to see if there is any opposition by the Board to taking that under consideration for future work down the road. Seeing none; Adam.

MR. NOWALSKY: I'll just offer that I think that could actually be led by the Collaborative Research Committee. We did have some conversation about this at the last Council meeting. That Committee already has a number of the individual types you've talked about on it already; like we did with the last Demersal Committee meeting, brought in some additional people here from the Commission as well. I would certainly be open to doing that at that level, I think. But I agree that the right place would be at a joint meeting to have that discussion.

CHAIRMAN LUISI: With that in mind, we will be reestablishing the Committee memberships in October; after the new members of the Council take their seats. Keeping that in mind, we could consider how the Collaborative Research Group could be formed; to make sure that all the

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2017

necessary elements and all the necessary folks are represented. Any other thoughts on future work on the discussion regarding the RSA program? Emerson.

MR. HASBROUCK: Then with your permission as both the Board Chair and the Council Chair then, what I might do next week is suggest that we add that as an additional agenda item under additional business or new business; if time permits, similar to what we did at our last Board meeting, and time didn't permit. If time permits we can initiate a discussion. If time doesn't permit then we've got that opportunity in December.

CHAIRMAN LUISI: Yes and the difficulty with that Emerson is that at the Council we do other business at the conclusion of the entire meeting. Unless you're planning to stick around for all the report outs on Thursday, which I know nobody wants to sit around for. We might have a challenge there, in having you bring that issue up to the Council. But, we'll talk with Chris and Warren and we can get it on an agenda for an upcoming joint meeting. I think that's a good idea. Okay, any other business to come before the Board. Bob Ballou.

MR. BALLOU: With a view to giving credit where credit is due, I want to acknowledge and credit the state of New Jersey. I'm picking up off of a recent media release, for launching a campaign called if you can't keep it save it; which focuses on the proper methods and gear to use to reduce unintentional mortalities that can occur when summer flounder that do not meet minimum length requirements are returned to the water.

It's the DEP working with the American Sport Fishing Association and Eagle Claw Fishing Tackle Company; that are distributing the larger sized J hooks to help anglers land bigger fish and reduce the potential for discards. The hooks can make a difference by reducing the number of smaller fish that are caught; as well

as risk of serious injury to these fish. I understand about 20,000 hooks have already been distributed. Irrespective of all the other issues going on, this in and of itself is a really impressive program. I don't know of any other state that is doing it; and I just want to credit New Jersey for doing it.

CHAIRMAN BALLOU: Okay thanks, Bob. Is there any other business to come before the Board? Okay before we adjourn, I just want to remind the Board that as we've mentioned a few times, next week this Board will be meeting with the Mid-Atlantic Fisheries Management Council to discuss specifications on scup, summer flounder, black sea bass, as well as developments with the summer flounder commercial side of the Comprehensive Amendment.

The Bluefish Board will be there as well. If you're on the Bluefish Board, we'll cover the bluefish specifications as well. That meeting will convene on Tuesday, August 8, at one o'clock.

ADJOURNMENT

CHAIRMAN LUISI: With all of that said; seeing no other business, this meeting is adjourned and I will see you all next week.

(Whereupon the meeting adjourned at 1:50 o'clock p.m. on August 3, 2017)

**2017 REVIEW OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
FISHERY MANAGEMENT PLAN FOR THE 2016 BLACK SEA BASS FISHERY
Black Sea Bass (*Centropristis striata*)**



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October 2017

2017 Review of the Atlantic States Marine Fisheries Commission Fishery Management Plan for Black Sea Bass

I. Status of the Fishery Management Plan

Atlantic States Marine Fisheries Commission (ASMFC or Commission) management of black sea bass was initiated as one component of a multi-species fishery management plan (FMP) addressing summer flounder, scup, and black sea bass. In 1990, summer flounder was singled out for immediate action under a joint ASMFC and Mid-Atlantic Fishery Management Council (MAFMC or Council) plan. Further action on the scup and black sea bass plan was delayed until 1992 to expedite the summer flounder FMP and subsequent amendments. The joint Black Sea Bass FMP was completed and approved in 1996. The MAFMC approved regulations for black sea bass as Amendment 9 to the Summer Flounder FMP in May 1996.

The management unit of the Black Sea Bass FMP includes all black sea bass in U.S. waters in the western Atlantic Ocean from Cape Hatteras, North Carolina north to the Canadian border. Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina have declared an interest in black sea bass; Maine and New Hampshire declared interest most recently, in 2014. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (or Board) and the MAFMC Demersal Species Committee guide development of the FMP. Technical issues are addressed through the Summer Flounder, Scup, and Black Sea Bass Technical Committee and the Black Sea Bass Monitoring Committee. The Black Sea Bass Plan Review Team conducts annual reviews and monitors compliance and the Scup and Black Sea Bass Advisory Panel provide industry input and advice.

The objectives of the FMP are to reduce fishing mortality to ensure overfishing does not occur, reduce fishing mortality on immature black sea bass to increase spawning stock biomass, improve yield from the fishery, promote compatible regulations among states and between federal and state jurisdictions, promote uniform and effective enforcement, and to minimize regulations necessary to achieve the stated objectives. The initial black sea bass FMP was designated to reduce fishing mortality by a coastwide commercial quota allocated into quarterly periods beginning in 1999, and a recreational harvest limit constrained through the use of minimum size, possession limit, and seasonal closures.

Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass FMP was approved by the Commission in October 1998 and established revised overfishing definitions, identification and description of essential fish habitat, and defined the framework adjustment process.

Addendum IV, approved on January 29, 2001, provides that upon the recommendation of the relevant monitoring committee and joint consideration with the Council, the Board will decide state regulations rather than forward a recommendation to NMFS. Addendum IV also made the states responsible for implementing the Board's decisions on regulations.

Starting in 1998, the fishery was subject to lengthy closures and had some significant quota overages in the commercial sector. Fishery closures occurring as a result of exceeded quotas resulted in increased discards of legal sized black sea bass in mixed fisheries for the remainder of the closed period. A significant financial hardship for the fishing industry resulted from a decrease in market demand caused by a fluctuating supply. To address these issues, the Board enacted a series of Emergency Rules in 2001 that established initial possession limits, triggers, and adjusted possession limits. These measures helped reduce the length of fishery closures, but the rapidly changing regulations confused fishermen and added significant administrative burden to the states. To simplify the process for all parties, the Board approved Addendum VI to provide a mechanism for initial possession limits, triggers, and adjusted possession limits to be set during the annual specification setting process without the need for further Emergency Rules.

Amendment 13, approved by ASMFC in May 2002, implemented a federal, coastwide annual commercial quota that is managed by ASMFC using a state-by-state allocation system. The Amendment was implemented in 2003 and 2004. State-specific commercial shares are listed in Table 1.

Amendment 13 also removed the necessity for fishermen who have both a Northeast Region (NER) Black Sea Bass permit and a Southeast Region (SER) Snapper Grouper (S/G) permit to relinquish their permits for a six-month period prior to fishing south of Cape Hatteras during a northern closure.

Addendum XII, approved in 2004, continued the use of a state-by-state allocation system, managed by the ASMFC on an annual coastwide commercial quota.

Addendum XIII approved in 2004, modified the FMP so that Total Allowable Landings (TALs) for the summer flounder, scup, and/or black sea bass can be specified for up to three years.

Addendum XIX continued the state-by-state black sea bass commercial management measures, without a sunset clause. This addendum also broadened the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass FMP to allow for greater flexibility in those definitions, while maintaining objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. It establishes acceptable categories of peer-review for stock status determination criteria. When these specific peer-review metrics are met and new or updated information is available, the new or revised stock status determination criteria may be incorporated by the Commission directly into the annual management measures for each species, rather than requiring a modification to the FMP.

Addendum XX, approved in November 2009, set policies to reconcile commercial quota overages to address minor inadvertent quota overages. It streamlined the quota transfers process and established clear policies and administrative protocols to guide the allocation of

transfers from states with underages to states with overages. It also allowed for commercial quota transfers to reconcile quota overages after year's end.

Addendum XXV continued the use of ad-hoc regional recreational management measure options—originally allowed by Addendum XXI in 2011—to alleviate the differences in state measures for adjacent states along the coast. It was approved in February 2014 and was in place for 2014 and 2015. A northern and southern region were defined, Massachusetts through New Jersey and Delaware through North Carolina (North of Cape Hatteras), respectively. The addendum allowed northern states to adjust management measures annually to best meet the needs of their state while constraining harvest to the overall coastwide recreational harvest limit (RHL). In years of overages, the northern states- which harvest the largest percentage- adjust their management measures to account for harvest reductions in subsequent years. The southern region states set their management measures consistent with the federal measures. In recent years these measures have also been adjusted as federal open season dates have been modified.

Addendum XXVII was approved in February 2016. The addendum continued to allow ad-hoc regional management measures for the 2016 black sea bass recreational fishery and the option to continue this management approach in 2017. All states are to agree to the regulations implemented within the region, but those regulations do not need to be consistent across the region. Based on performance in 2015, the northern region was required to reduce harvest through state regulations in order to achieve the required coastwide harvest reduction of 23%.

II. Status of the Stock

The most recent benchmark stock assessment for black sea bass was completed in January 2017 (SAW-62). The assessment found black sea bass was not overfished nor experiencing overfishing in 2015, the terminal year of the assessment. The assessment used an age-structured assessment model (ASAP) that partitioned the resource into north and south spatial sub-units separated at approximately Hudson Canyon; this approach was accepted as the best scientific information available for determining stock status for black sea bass.

With improved recruitment and declining fishing mortality rates since 2007, spawning stock biomass (SSB) has steadily increased. SSB in 2015 was estimated at 48.9 million lbs (22,176 mt), 2.3 times the SSB target of 21.3 million lbs, and fishing mortality (F) was estimated at 0.27, well below the F target ($F_{40\%}$) of 0.36. To account for the fact that black sea bass are protogynous hermaphrodites, changing sex from female to male, the assessment defined SSB as the combined male and female mature biomass. Recruitment at age 1 averaged 24.3 million fish from 1989 to 2015, with peaks in 2000 (1999 cohort) at 37.3 million and at 68.9 million in 2012 (2011 cohort). The large 2011 cohort, which is currently moving through the fishery, was dominant in the northern area and less so in the south. Since 2012, recruitment has been average with a 2014 cohort estimated at 24.9 million fish. The 2017 data update indicates that the 2015 cohort is above average for both the north and south spatial sub-units, but a final

recruitment estimate has not yet been generated. The distribution of black sea bass continues to expand northward into the Gulf of Maine.

III. Status of the Fishery

The commercial fishery is allocated 49% of the total allowable landings (TAL) for black sea bass. The principle gears used in the fishery are fish pots (or traps), otter trawls and handline. After peaking at 21.8 million lbs in 1952, commercial landings markedly decreased in the '60s and have since ranged from 1.17 to 3.6 million lbs since 1981. In 1998 a commercial quota system was incorporated into management and state-by-state shares were introduced in 2003. From 2005-2016 commercial landings have remained stable, with a range from 2.87 million lbs in 2005 to 1.17 million lbs in 2009 (Table 2 and 3). In 2016 commercial landings were approximately 2.49 million lbs, under the coastwide quota of 2.71 million lbs by approximately 8% (Tables 2 and 3). Prior to the start of the 2018 fishing year, NOAA will review final 2016 catch estimates and determine if any overages occurred. NOAA will publish a notice with final 2018 specifications prior to the start of the fishing year that would account for any overages, if applicable, after considering the best scientific information available provided by the recent assessment. Commercial discards are generally less than 441,000 lbs per year, equal to 16% of the 2016 landings.

The recreational fishery is allocated 51% of the TAL for black sea bass. After peaking in 1985 at 12.35 million lbs, recreational harvest averaged 3.75 million lbs annually from 1988 to 1997. Recreational harvest limits were put in place in 1998 and harvest ranged from 1.1 to 3.88 million lbs from 1998 to 2014 (Table 4). From 2012-2015, the recreational harvest limit has been exceeded annually- by 142%, 9%, 59%, and 67% respectively. In 2016 the recreational harvest was 5.19 million lbs, exceeding the harvest limit by 84%. Recreational live discards are significantly higher than commercial, ranging from 3 to 10 million fish per year (1.2 million to 12.4 million lbs, respectively). Assuming 15% hook and release mortality, estimated mortality from recreational discards was projected to be 105,000 lbs, equal to 2% of recreational harvest in 2016.

IV. Status of Research and Monitoring

Commercial landings information is collected by the Vessel Trip Reporting system and dealer reports. States are also required to collect and report landings data. Sea sampling data from the NEFSC observer sampling program are used to estimate discards for the trawl and gill net fisheries, and VTR data is used to estimate discards from pots and hand lines. The NEFSC weigh-out program provides commercial age and length information. Recreational landings and discards were estimated through the Marine Recreational Fisheries Statistics Survey (MRFSS) until it was replaced by the Marine Recreational Information Program (MRIP), which has provided recreational landings and discards from 2008 to present.

Fishery-independent surveys are conducted in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, and North Carolina. The Virginia Game Fish Tagging Program has targeted black sea bass since 1997. Recruitment and stock abundance data are also provided by the NEFSC spring, autumn, and winter trawl surveys.

V. Status of Assessment Advice

The next benchmark stock assessment has not been scheduled, but an operational benchmark stock assessment or assessment update may be completed in 2018.

VI. Status of Management Measures and Developing Issues

Draft Addendum XXX was initiated by the Board and Council in May 2017. Draft Addendum XXX will be considered by the Board for public comment at the 2017 ASMFC Annual Meeting.

VII. Black Sea Bass Compliance Criteria

2016 Commercial Fishery Requirements

Minimum size of possession: 11"

Minimum mesh: larger nets are required to possess a minimum of 75 meshes of 4.5" diamond mesh in the codend or the entire net must have a minimum mesh size of 4.5" throughout; smaller nets must have 4.5" mesh or larger throughout

Threshold to trigger minimum mesh requirements: 500 lbs for January-March and 100 lbs for April-December

Maximum roller rig trawl roller diameter: 18"

Pot and trap escape vents: 2 ½" for circular, 2" for square, and 1-3/8 x 5-3/4" for rectangular. Must be 2 vents in the parlor portion of the trap

Pot and trap degradable fastener provisions: a) untreated hemp, jute, or cotton string 3/16" (4.8 mm) or smaller; b) magnesium alloy timed float releases or fasteners; c) ungalvanized, uncoated iron wire of 0.094" (2.4mm) or smaller. The opening covered by a panel affixed with degradable fasteners would be required to be at least 3" x 6".

Commercial quota: 2.71 million lbs

Pot and trap definition: A black sea bass pot or trap is defined as any pot or trap used by a fisherman to catch and retain black sea bass.

2016 Recreational Fishery Requirements

See Table 6.

Recreational harvest limit: 2.82 million lbs

Other Measures

Reporting: States are required to submit an annual compliance report to the Chair of the Black Sea Bass Plan Review Team by June 1st. The report must detail the state's management

program for the current year and establish proof of compliance with all mandatory management measures. It should include landings information from the previous year, and the results of any monitoring or research programs.

Black Sea Bass FMP Compliance Schedule

<u>Commercial</u>	
11" Size Limit	1/1/02
4.5" diamond minimum mesh throughout codend and threshold provisions	1/1/02
Pot and trap escape vents and degradable fasteners	1/1/97
Roller diameter restriction	1/1/97
States must report to NMFS all landings from state waters	1/1/98
<u>Recreational</u>	
Size Limit	1/1/97
Harvest Limit	1/1/98
Ability to implement possession limits and seasonal closures	1/1/98
<u>General</u>	
Annual compliance report	Annually, 7/1

This summary of compliance criteria is intended to serve as a quick reference guide. It in no way alters or supersedes compliance criteria as contained in the Black Sea Bass FMP and any Amendments thereto. Also please note that the management measures may change annually.

VII. PRT Review

States and jurisdictions required to comply with the provisions of the Black Sea Bass FMP are: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Potomac River Fisheries Commission, Virginia, and North Carolina. All states implemented regulations in compliance with the requirements approved by the Board.

All states appear in compliance with the FMP provisions for fishing year 2016, however, the PRT made the following recommendations:

- *State compliance reports should explicitly list all required regulations and whether they are in compliance with the FMP.*
- *New Jersey should separate pots/traps from other types of gear in the commercial harvest by gear table.*

Table 1. State by state allocation for annual quota.

State	% Allocation
Maine	0.50%
New Hampshire	0.50%
Massachusetts	13%
Rhode Island	11%
Connecticut	1%
New York	7%
New Jersey	20%
Delaware	5%
Maryland	11%
Virginia	20%
North Carolina	11%

Table 2. Black Sea Bass Commercial Landings by State (2006-2016) in pounds.

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

State	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016**
ME											
MA	596,480	442,136	316,722	148,470	260,181	287,666	248,463	329,223	277,276	347,820	353,864
RI	273,161	356,542	226,925	128,053	241,892	185,709	187,806	237,951	245,268	238,647	294,618
CT	10,445	10,123	15,554	17,854	21,422	20,485	17,677	22,735	27,036	24,591	28,854
NY	295,078	265,940	201,222	123,287	200,463	177,997	153,347	180,947	188,436	151,311	186,870
NJ	494,352	480,112	424,667	204,213	305,294	293,609	310,427	494,075	486,073	468,248	523,118
DE	87,381	63,431	60,700	50,259	76,913	82,436	82,351	104,937	102,279	111,508	96,794
MD	350,385	170,909	159,453	125,643	203,088	182,711	140,861	219,321	235,689	234,707	271,809
VA	305,871	189,875	211,500	164,524	263,563	274,446	391,384	493,153	410,162	422,333	511,608
NC*	777,659	472,931	484,507	614,734	400,879	272,189	61,187	88,242	210,989	241,538	224,372
Coastwide	3,190,812	2,451,999	2,101,250	1,577,037	1,973,695	1,777,248	1,593,503	2,170,584	2,183,208	2,240,703	2,491,906

* Landings are statewide from 2006-2011, and from north of Cape Hatteras from 2012 forward

**2016 Landings are still preliminary

Table 3. 2015 Landings and 2016 Black Sea Bass Commercial State by State Quotas (pounds)

State	% Allocation	Final 2015 Landings	2016 ASMFC Initial Quota
Maine	0.005	0	13,559
New Hampshire	0.005	0	13,559
Massachusetts	0.13	347,820	352,525
Rhode Island	0.11	238,647	297,598
Connecticut	0.01	24,591	26,520
New York	0.07	151,311	187,986
New Jersey	0.2	468,248	536,558
Delaware	0.05	111,508	135,591
Maryland	0.11	234,707	298,289
Virginia	0.2	422,333	542,375
North Carolina	0.11	241,538	298,305
Coastwide Total	100%	2,240,703	2,702,867
2015 Coastwide Quota		2,212,923	
Overage		27,780	

* Landings from North Carolina are from North of Cape Hatteras

Table 5. Black Sea Bass Recreational Landings by State (2006-2016) in pounds.

Source: "Personal Communication with National Marine Fisheries Service September 2017"

State	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
NH							4,587	18,060			
MA	149,993	153,869	365,108	626,082	999,914	318,379	1,049,251	675,563	1,087,847	718,101	891,440
RI	67,076	59,566	82,072	50,290	238,039	85,912	226,130	148,417	370,531	444,337	564,370
CT	4,684	41,941	99,848	1,025	23,029	13,758	261,163	252,602	586,113	495,675	914,014
NY	455,213	563,199	528,613	844,746	965,767	399,030	542,688	682,867	847,181	1,531,493	2,211,292
NJ	140,931	136,564	26,378	36,190	28,357	46,609	993,093	30,273	631,457	428,319	398,481
DE	690,651	1,086,652	827,511	763,593	779,105	181,695	49,967	471,442	30,962	26,893	31,939
MD	136,064	49,002	32,603	40,681	41,386	51,714	42,173	9,928	87,086	78,052	103,995
VA	105,134	64,954	51,974	112,339	28,987	26,753	2,599	31,339	24,433	63,694	70,187
NC*	28,352	21,863	11,489	7,043	16,265	47,310	7,153	9,992	1,180	3,887	1,249
Coastwide	1,778,098	2,177,610	2,025,596	2,481,989	3,120,849	1,171,160	3,178,804	2,330,483	3,666,790	3,886,710	5,186,967

**Landings are from north of Hatteras from 2006 to 2016.*

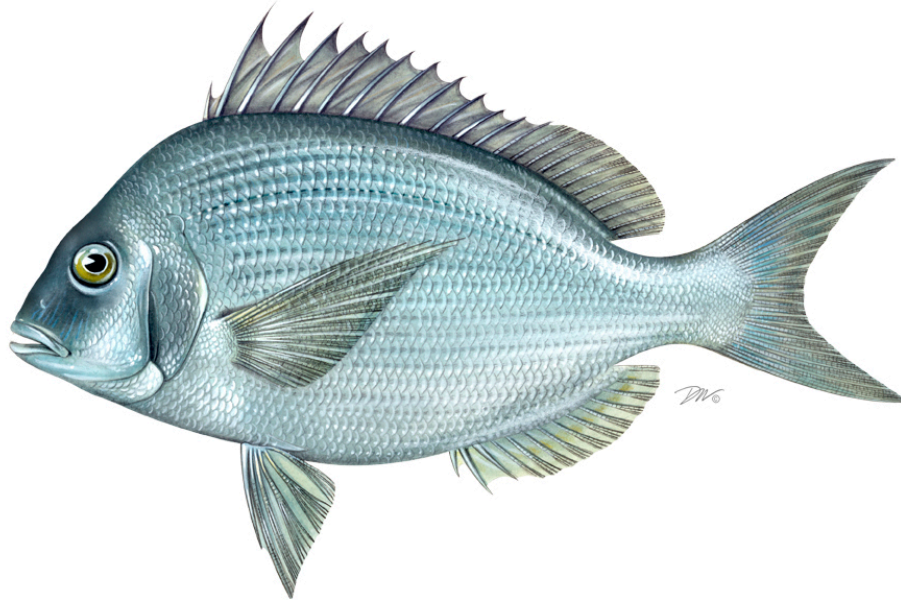
Table 6. 2016 recreational management measures for black sea bass by state

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 21-August 31
Rhode Island	15	3 fish	June 24- August 31
		7 fish	September 1-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-October 31
		10 fish	November 1-December 31
New Jersey	12.5	10 fish	May 23-June 19
		2 fish	July 1-August 31
	13	15 fish	October 22-December 31
Delaware	12.5	15 fish	May 15-September 21; October 22-December 31
Maryland	12.5	15 fish	May 15-September 21; October 22-December 31
Virginia	12.5	15 fish	May 15-September 21; October 22-December 31
North Carolina, North of Cape Hatteras (N of 35° 15'N)	12.5	15 fish	May 15-September 21; October 22-December 31
Minimum Federal Measures	12.5	15 fish	May 15-September 21; October 22-December 31

Table 7. 2017 recreational management measures for black sea bass by state

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 21-August 31
Rhode Island	15	3 fish	May 25-August 31
		7 fish	October 22-December 31
Connecticut (Private & Shore)	15	5 fish	May 1-December 31
CT Authorized Party/Charter Monitoring Program Vessels		8 fish	May 1-December 31
New York	15	3 fish	June 27- August 31
		8 fish	September 1-December 31
		10	November 1-December 31
New Jersey	12.5	10 fish	May 26-June 18
		2 fish	July 1-August 31
		15 fish	October 22-December 31
Delaware	12.5	15 fish	May 15-September 21; October 22-December 31
Maryland	12.5	15 fish	May 15-September 21; October 22-December 31
Virginia	12.5	15 fish	May 15-September 21; October 22-December 31
North Carolina, North of Cape Hatteras (N of 35° 15'N)	12.5	15 fish	May 15-September 21; October 22-December 31
Minimum Federal Measures	12.5	15 fish	May 15-September 21; October 22-December 31

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



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October 2017

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

I. Status of the Fishery Management Plan

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

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

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

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

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

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

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

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

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

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

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

II. Status of the Stock

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

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

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

III. Status of the Fishery

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

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

IV. Status of Assessment Advice

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

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

V. Status of Research and Monitoring

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

VI. Management Measures and Developing Issues

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

Scup FMP Compliance Criteria:

COMMERCIAL FISHERY for 2016

The following management measures may change annually.

Minimum size of possession: 9" Total Length

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

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

Maximum roller rig trawl roller diameter: 18"

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

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

Commercial quota: 20.47 million pounds (adjusted for overages)

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

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

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

The following required measures are not subject to annual adjustment:

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

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

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

Quota management requirements:

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

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

RECREATIONAL FISHERY for 2016

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

The following measures may change annually: 2016 Recreational Measures

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

2016 Recreational Harvest Limit: 6.09 million pounds

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

OTHER MEASURES

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

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

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

Compliance Issues

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

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

De Minimis

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

VII. State Compliance with Required Measures

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

Scup FMP Compliance Schedule

Commercial Fishery

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

Recreational Fishery

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

General

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

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

Recreational

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

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

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

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

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

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

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

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

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

**2016 Landings are still preliminary

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

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

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

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

Table 5. 2016 and 2017 State Scup Recreational Measures

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

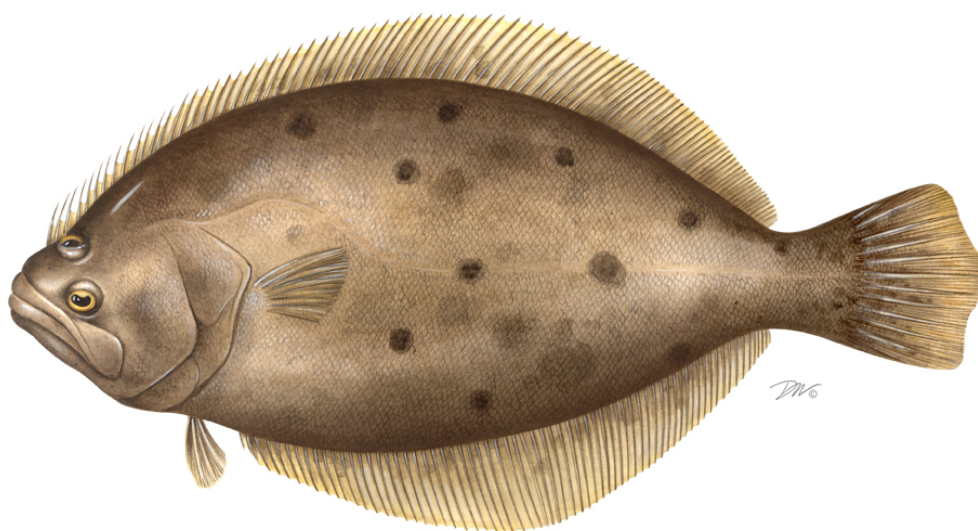
Table 6. Scup Landings by period.

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

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

2017 REVIEW OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
FISHERY MANAGEMENT PLAN FOR THE 2016 SUMMER FLOUNDER FISHERY

SUMMER FLOUNDER
(Paralichthys dentatus)



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October 2017

2017 REVIEW OF THE ASMFC FISHERY MANAGEMENT PLAN FOR SUMMER FLOUNDER (*Paralichthys dentatus*)

I. Status of the Fishery Management Plan

The summer flounder (*Paralichthys dentatus*) fishery of the Atlantic Coast is managed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Mid-Atlantic Fishery Management Council (MAFMC or Council). The original ASMFC Fishery Management Plan (FMP), established in 1982, recommended a 14" minimum size limit. The MAFMC Plan, prepared in 1988 and based on the ASMFC plan, established a 13" minimum size limit. Since then, fourteen amendments have been developed and approved, except Amendment 1 which would have required a 5-1/2" minimum mesh size in the codend of trawls and Amendment 11 which would have reallocated commercial quota shares.

The objectives of the FMP have not changed and are to: 1) reduce fishing mortality of summer flounder to assure overfishing does not occur; 2) reduce fishing mortality on immature summer flounder to increase spawning stock biomass; 3) improve yield from the fishery; 4) promote compatible management regulations between State and Federal jurisdictions; 5) promote uniform and effective enforcement of regulations; and 6) minimize regulations to achieve the stated objectives.

The management unit includes summer flounder in US waters in the western Atlantic Ocean from the southern border of North Carolina northward to the US - Canadian border. States and jurisdictions with a declared interest in the summer flounder FMP include all those from North Carolina through Massachusetts except Pennsylvania and the District of Columbia, as well as the National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS). An ASMFC Plan Review Team, Technical Committee, species board, and the MAFMC Demersal Committee are actively working on this plan. A joint ASMFC-MAFMC Technical Monitoring Committee provides annual management advice.

Amendment 2 (approved in August 1993) provided a strategy for reducing fishing mortality to F_{max} , while avoiding unreasonable impacts on fishermen. Commercial management measures included a federal (EEZ) moratorium on entry into the commercial fishery, vessel and dealer permitting and reporting requirements, an annual commercial quota, and minimum mesh requirements (5.5" diamond or 6" square mesh in the net's codend) with an exemption program. Recreational fishery measures include open access for-hire permit requirements, minimum size limits, possession limits, and seasonal closures.

The management system established under Amendment 2 has been modified by the following amendments, framework actions, and addenda. Amendment 3 (approved in July 1993) revised the mesh requirement exemption program and modified the poundage thresholds for the mesh requirements (change to two seasonal thresholds instead of year-round 100 lbs). Amendment 4 (approved in September 1993) revised the state-specific shares of the coastwide commercial quota allocation in response to a reporting issue in Connecticut. Amendment 5 (approved in December 1993) allows states to transfer or combine their commercial quota shares. Amendment 6 (approved in May 1994) allows properly stowed nets with a cod end mesh size less than that stipulated in the plan to be aboard vessels in the summer flounder fishery. Amendment 7 (approved May 1995) adjusted the stock rebuilding schedule and capped the 1996-1997 commercial quotas at 18.51 million pounds. There is no Amendment 8 or 9 to the ASMFC FMP. The Council adopted Scup management measures as Amendment 8 and Black Sea Bass measures as Amendment 9, while the Board adopted separate Scup and Black Sea Bass Management Plans.

Amendment 10, approved by the Board in May 1997, initially sought to examine the commercial quota management system. Its scope was expanded to address a number of federal and state issues in the fishery, including: 1) allow framework adjustments to the minimum mesh for any portion of the net; 2) require 5.5" diamond or 6" square mesh in the entire net of trawls; 3) continue the federal moratorium on commercial entry; 4) remove the requirement that federally permitted vessels must land summer flounder every year; 5) modify the federal vessel replacement criteria; 6) implement state *de minimis* criteria; 7) prohibit transfer at sea; 8) require states to report summer flounder landings from state waters to the NMFS; and 9) allow states to implement a summer flounder filet at sea permit system. The amendment also considered alternative commercial quota schemes, including 1) a trimester quota with state-by-state shares during summer, 2) a trimester coastwide quota of equal periods, and 3) a revision to the existing state-by-state allocation formula. Ultimately, the Board and Council decided to maintain the current state-by-state quota allocation system.

Amendment 12, approved by the Board in October 1998, was developed to bring the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan in to compliance with the new and revised National Standards and other required provisions of the Sustainable Fisheries Act. Specifically, the amendment revised the overfishing definitions (National Standard 1) for summer flounder, scup and black sea bass and addressed the new and revised standards relative to the existing management measures (National Standard 8-consider effects on fishing communities, National Standard 9-reduce bycatch, National Standard 10-promote safety at sea). The Amendment also identified essential habitat for summer flounder, scup and black sea bass. Finally, Amendment 12 added a framework adjustment procedure that allows the Council to add or modify management measures through a streamlined public review process. Amendment 12 was partially approved by NMFS on April 28, 1999, with the disapproved measures mostly relating to concerns with essential fish habitat measures that were later addressed.

In December 2000, the Board approved Amendment 13. Although there were some management alternatives included in public hearing drafts of the document that could have resulted in changes to summer flounder management measures, none were approved for implementation. As a result, Amendment 13 had no impact on the summer flounder fishery.

Framework Adjustment 2 to the Summer Flounder, Scup and Black Sea Bass FMP, adopted in January 2001, provided the information and analyses necessary to implement a system of conservation equivalency for the recreational summer flounder fishery. Based on a coastwide recreational harvest limit, Framework 2 allows states to customize summer flounder recreational management measures to address issues associated with the availability of summer flounder on spatial and temporal scales.

Addenda III and IV were approved on January 29, 2001. Addendum IV provides that, upon the recommendation of the relevant monitoring committee and joint consideration with the Council, the Board will make a decision concerning what state regulations will be rather than forward a recommendation to NMFS. The states will then be responsible for implementing the Board's decision. Addendum III established specifications for the 2001 recreational summer flounder fishery.

The Board approved Addendum VIII in December of 2003. Under this addendum, state-specific targets for recreational landings are derived from the coastwide harvest limit based on each state's proportion of landings reported in 1998, which was the last year in which states were under a common set of management measures.

The Board approved Addendum XIII in August of 2004. This addendum modifies the FMP such that, within a given year, landings limits for the summer flounder, scup, and/or black sea bass can be specified for up to three years. Multi-year limits do not have to be constant from year to year, but instead are based upon expectations of future stock conditions as indicated by the best available scientific information during the year in which specifications are set.

The Board approved Addendum XV in December of 2004. The addendum was developed to allow for a change in the allocation scheme for the increase commercial quota from 2004 to 2005, approximately 1.3 million pounds, as well as the additional quota from 2004 to 2006, approximately 1.6 million pounds. For the fishing years 2005 and 2006, the associated quota increases were allocated to the following states as a bycatch allocation: 75,000 pounds of summer flounder were allocated each to Maryland, New York, Connecticut, and Massachusetts; 15,000 lbs were allocated to Delaware, 5,000 lbs to Maine, and 90 lbs to New Hampshire.

The Board approved Addendum XVII in August of 2005. Addendum XVII established a program wherein the Board could combine state-by-state allocations into voluntary regions. This is an additional management tool in the management toolbox. This addendum also allowed the averaging or combination of multiple years of data (i.e. landings-per-angler, length-frequency distributions) in analyses to determine the impacts of proposed recreational management programs. The programs also included minimum fish sizes, possession limits, and fishing seasons. The averaging of annual harvest estimates is not allowed if the approach is used (i.e. the 1998 based allocations cannot be averaged across multiple years to create new allocations, multi-year averaging can be used to assess management measures).

The Board approved Addendum XVIII in February of 2006. The addendum sought to stabilize fishing rules close to those that existed in 2005, in part, to minimize the drastic reductions that the three states were facing at the time. The addendum allowed the three states (NY, CT, and MA) facing large reductions in their harvest targets to capitalize on harvest opportunities that are foregone by states that chose to maintain their 2005 recreational fishing rules in 2006.

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

The Board approved Addendum XXV in February of 2014. The addendum implemented regional conservation equivalency for the 2014 fishing year, and sought to respond to the unintended consequence of using conservation equivalency (e.g., state-specific recreational management measures) to stay within the annually established coastwide recreational harvest limit for summer flounder through regional management. For 2014, the regions were the following: Massachusetts; Rhode Island; Connecticut through New Jersey; Delaware through Virginia; and North Carolina. All states within a region have same minimum size, bag limit, and season length. A continuation of Addendum XXV was codified in Addendum XXVI by the Board in February 2015. Addendum XXVI continued the regional management measures established in 2014 through 2015.

The Board approved Addendum XXVII in February 2016. The addendum addressed 2016 recreational summer flounder and black sea bass fisheries management, continuing regional management measures for 2016 and addressing discrepancies in summer flounder management measures within Delaware Bay. The 2016 recreational fishery was divided into six management regions, the same five regions as under Addendum XXV and XXVI, but with New Jersey separated out from New York and Connecticut into its own region, with states within the same region required to implement the same bag, size limits, and season length. By separating New Jersey into its own region, the addendum allowed the state to make regulations different in Delaware Bay than in the rest of the state. Outside of the Delaware Bay, New Jersey regulations stayed consistent with those in New York and Connecticut. Within the Bay, New Jersey regulations consisted of a similar size limit as in Delaware, the same possession limit as Delaware, and the same season as rest of New Jersey. The line of demarcation for regulation implementation was the COLREGS Demarcation Line. Addendum XXVIII, initiated in 2016, was approved by the Board in February 2017 and seeks to adjust the 30% reduction in the annual RHL from 2016 to 2017 through broad changes to size limits and possession limits across the coast.

II. Status of the Stock

The most recent summer flounder assessment was the June 2016 Stock Assessment Update.

Relative to the biological reference points established during the 2013 benchmark assessment, the stock is not overfished and but overfishing is occurring. Fishing mortality (F) on fully selected age 4 fish ranged between .793 and 1.776 from 1982-1996 and then decreased to .284 in 2007. Since 2007, the fishing mortality has increased to .390 in 2015, 26% above the SAW 57 maximum fishing mortality threshold ($F_{\text{Threshold}} = F_{\text{MSY}} = F_{35\%} = 0.309$).

Spawning stock biomass (SSB) decreased from 55.16 million lbs in 1982 to 15.58 million lbs in 1989 and then increased to peaks of 101.48 million lbs in 2003 and 104.73 million lbs in 2010. SSB was estimated to be 36,240 metric tons (mt) = 79.90 million lbs in 2015, 58% of the biomass target reference point = $SSB_{\text{MSY}} = SSB_{35\%} = 62,394 \text{ mt} = 137.555 \text{ million lbs}$, and 16% above the biomass threshold reference point of $\frac{1}{2} SSB_{\text{MSY}}$ proxy = $\frac{1}{2} SSB_{35\%} = 31,197 \text{ mt} = 68.78 \text{ million lb}$. NMFS previously declared the summer flounder stock rebuilt based on the 2011 assessment update, which included stock status determinations using data through 2010. A new rebuilding plan would be triggered in the event that estimated biomass falls below the minimum stock size threshold.

Average recruitment from 1982 to 2015 is 41 million fish at age 0. The 1983 and 1985 year classes are the largest in the assessment time series at 75 and 62 million fish, while the 1988 year class is the smallest at only 10 million fish. The update assessment shows that recruitment of age 0 fish was below the time series average each year from 2010 through 2015. The 2015 year class is estimated to be below average at 23 million fish.

III. Status of the Fishery

Commercial landings peaked in 1984 at 37.77 million lbs, and reached a low of 8.8 million lbs in 1997. From 2005 through present commercial landings have been variable, with two peak years (16.91 million lbs in 2005 and 16.57 million lbs in 2011) that have been followed by steady declines. Over the last five years landings have continued to decline in part due to annual quota limits. From 2012-2014, landings exceeded the commercial coastwide quota. 2015 commercial landings declined to 10.6 million pounds, approximately 96% of the coastwide quota. In 2016, landings further decreased to 7.76 million pounds, once again approximately 96% of the coastwide quota. The principle gear used in the fishery is the otter

trawl. Commercial discard losses in the otter trawl and scallop dredge fisheries are estimated from observer data and recently accounted for 5 to 10% of the total commercial catch.

Recreational harvest from 2005 to present have also shown steady declines in part due to declines in the coastwide recreational harvest limit. From 2009 through 2013 harvest was below the recreational harvest limit (RHL); in 2014 coastwide harvest exceeded the RHL by 5% at 7.39 million lbs. In 2015, the coastwide harvest of 4.72 million lbs was significantly lower than previous years despite similar regulations. In 2016, the coastwide harvest increased to 6.42 million lbs, exceeding the RHL by 19%. Recreational discard losses have recently accounted for 15 to 20% of the total catch.

IV. Status of Assessment Advice

The 2016 assessment updates indicates that while catch in recent years has not been substantially over the Acceptable Biological Catch, the projected fishing mortality rates have been exceeded and projected spawning stock biomass has not been achieved. These results appear to be largely driven by poor recruitment, an underestimation of the fishing mortality level in the last years of the assessment, and declining biomass indices. Harvest limits were adjusted for 2016 and beyond to address overfishing.

Biological Reference Points (SSB and F estimates updated by the 2016 Stock Assessment Update)

- F Threshold= $F_{MSY}=F_{35\%} = 0.309$
- Current (2015) $F=0.390$ overfishing is occurring
- Spawning Stock Biomass (SSB) threshold = 68.8 million lbs
- SSB target = 137.6 million lbs
- Current SSB (2015) =79.9 million lbs stock is not overfished

V. Status of Research and Monitoring

Several states and NMFS conduct seasonal sampling cruises using an otter trawl to assess the condition of summer flounder populations inshore and in the Exclusive Economic Zone (EEZ). Massachusetts collects sex and maturity samples and local abundance indices from spring and fall otter trawl surveys, as well as young of the year information in its winter flounder juvenile seine survey. The Commonwealth monitored the commercial fishery through the observation of six directed trawl fishery trips, as well as through dealer Integrated Voice Response (IVR) systems and mandatory fishermen's logbook. Rhode Island monitors the commercial quota for summer flounder using an automated IVR system and dealers are required to provide weekly reports through the IVR of summer flounder landings. Connecticut commercial summer flounder landings are monitored through monthly commercial fishermen logbooks, and weekly and monthly dealer reports. These reports contain daily records of fishing and dealer purchase activity. New York conducts a survey of recreational anglers on open boats throughout the marine district to collect additional data on size composition of kept and discarded fish and also conducts a small mesh otter trawl survey in the Peconic Bays that samples summer flounder. New York requires trip level reporting from all of its commercial fishermen and monitors quota through a combination of trip reports and dealer reports. New Jersey collects data from the commercial trawl fishery and conducts an ocean trawl survey from which data on summer flounder are collected and catch-per-unit-of-effort and distribution information are generated for juveniles and adults. Delaware's commercial landings are monitored through a mandatory monthly harvest report from all state-licensed fishermen. Maryland constructs a juvenile index from trawl data collected in the ocean side bays and is also compiling data on population age, sex, and size from summer flounder taken in pound nets. A statewide voluntary angler survey is conducted that records location, time spent fishing, number of fish caught, number kept, and lengths of the first 20 fish

caught. Virginia prepares a young-of-the-year index from data collected from beach seine and trawl surveys. North Carolina conducts two otter trawl surveys for juvenile fluke, conducts tagging programs to determine migrations and to assess mortality, and collects information on age and growth and catch-per-unit-of-effort for the winter trawl fishery, estuarine gill net fishery, pound net fishery, the ocean gill net fishery and the long haul seine fishery.

VI. Status of Management Measures and Issues

Management measures imposed upon harvesters of summer flounder include an annual commercial quota and recreational harvest limit, minimum sizes, minimum mesh requirements for trawls, permits and administrative fees for dealers and vessels, a moratorium on entry into the fishery, mandated use of sea samplers, monitoring of sea turtles in the southern part of the management unit, and collection of data and record keeping by dealers and processors. Fishing mortality has been controlled by a Total Allowable Landings (TAL) since 1983, allocated into a commercial quota (60% of the TAL) and a recreational harvest limit (40% of the TAL). The commercial quota is allocated to each state based on landings during a baseline period (1980-1989), and any overages are subtracted from a state's quota for the following year. The state allocations of the commercial quota are included in Table 1.

Summer Flounder Compliance Criteria

The PRT found no compliance issues.

De Minimis

Delaware requests *de minimis* status. The PRT notes that they meet the requirement of *de minimis*.

COMMERCIAL FISHERY

The following measures may change annually. The 2016 measures are indicated.

Minimum size: 14"

Minimum mesh and threshold: 5.5" diamond, 6" square

Thresholds: 200 lbs in the winter (Nov 1-Apr 30) and 100 lb in the summer (May 1-October 31)

Regulation of mesh beyond the codend: 5.5" diamond or 6" square throughout the mesh

2016 Commercial quota: 8.12 million pounds

The following measures are not subject to annual adjustment.

Quota management provisions: States are required to adopt appropriate measures to manage their quota shares. States may transfer or combine their quota shares as specified in Amendment 5. States must document through a vessel and dealer reporting system all landings that are not otherwise included in the federal monitoring of permit holders. States are required to forward all landings information to the NMFS for inclusion in quota reporting.

Transfer at Sea: States must prohibit permitted summer flounder vessels from transferring summer flounder from one vessel to another at sea. (As specified in Amendment 10)

De minimis status: States having commercial landings less than 0.1% of the coastwide total will be eligible for *de minimis* status. (As specified in Amendment 10). Delaware has requested *de minimis* status and meets the requirements.

RECREATIONAL FISHERY

The Management Board chose to adopt regional management through conservation equivalency for the 2016 recreational fishery under the provisions of Framework 2 (see table 3 for state measures). As such, the Federal recreational bag limit and minimum fish size were waived and the fishing season and vessel owners were subject only to the regulations in their states.

2016 recreational harvest limit: 5.42 million lbs.

OTHER MEASURES

Filet at sea permit: Party or charter vessels in state waters will be allowed to filet at sea if they obtain a state issued permit allowing such activity. (As specified in Amendment 10)

Reporting:

1. States must submit a commercial fishery management proposal by October 1 of each year. The proposal must detail the specific management measures that the state intends to use to manage their commercial quota allocation. The proposal must be reviewed and approved by the Management Board.
2. States must submit an annual compliance report to the Chairman of the Summer Flounder Plan Review Team by June 1 of each year. The report must detail the state's management program for the current year and establish proof of compliance with all mandatory management measures and all framework changes specified for the current year. It should include landings information from the previous year, and the results of any monitoring or research program.

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

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

The PRT notes that after reviewing state compliance reports, all states are compliant with the FMP requirements. The PRT does note that moving forward, state compliance reports should be adjusted in the following three ways:

- 1) Better language indicating whether all FMP requirements have been implemented, and if not applicable, for them to be noted up front. Many state compliance reports do indicate this clearly.
- 2) Move a more standardized format of indicating changes to current and future management measures as reflected in state regulations. Many states include more regulatory information than is needed.
- 3) Landings and survey indices information should be submitted in an excel spreadsheet and compliance reports should be submitted in word documents; this does not preclude a state from including current table or figure of this information, but without the data in a more accessible

format, it creates additional work to remove confidential data and update other management documents.

1993 - 2016 Summer Flounder FMP Compliance Schedule

COMMERCIAL:

14" minimum size	3/1/97
5.5" codend mesh	1/1/98
Ability to regulate mesh in any portion of the net	1/1/98
5.5" diamond or 6" square mesh, body	6/3/98
Prohibition of transfer at sea	1/1/98
Mandatory reporting to NMFS of landings from state waters	1/1/98
Small mesh exemption program	1/21/93
Flynet minimum mesh size exemption	1/21/93

RECREATIONAL:

Regional Management Measures under conservation equivalency	2/2016
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GENERAL

Submission of annual commercial management plan	10/1/97, annually thereafter
Submission of annual landings and compliance report	6/1/98, annually thereafter

Table 1. State by state allocation for annual commercial quota

State	Allocation (%)
Maine	0.04756%
New Hampshire	0.00046%
Massachusetts	6.82046%
Rhode Island	15.68298%
Connecticut	2.25708%
New York	7.64699%
New Jersey	16.72499%
Delaware	0.01779%
Maryland	2.03910%
Virginia	21.31676%
North Carolina	27.44584%
Total	100%

Table 1. Summer Flounder Commercial Landings by State (2006-2016) in pounds.

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

State	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016**
MA	920,549	659,784	644,404	731,174	851,889	1,132,192	891,495	859,150	694,777	748,433	585,637
RI	2,122,528	1,515,684	1,473,439	1,793,891	2,289,379	2,824,032	2,064,076	1,799,394	2,054,951	1,716,095	1,303,001
CT	316,533	205,115	220,510	256,768	308,341	401,377	298,849	280,652	253,442	286,890	185,592
NY	1,219,842	929,132	832,415	1,119,093	1,330,015	1,483,785	1,237,126	999,206	833,577	829,929	602,527
NJ	2,379,733	1,697,472	1,540,811	1,798,903	2,165,325	2,830,686	2,268,793	1,995,298	1,826,455	1,681,962	1,294,308
DE	4,376	2,261	1,213	2,952	1,858	836	677	913	1,687	1,349	2,236
MD	247,743	228,809	208,219	213,564	263,302	259,392	139,824	165,134	164,384	187,811	158,970
VA	2,756,952	1,853,693	1,651,575	1,978,754	2,589,786	4,050,998	4,111,708	4,868,842	2,049,045	2,273,593	1,560,927
NC	3,981,430	2,670,122	2,406,611	2,859,048	6,622,004	5,708,254	1,087,427	543,247	2,906,789	2,878,753	2,066,026
Total	13,949,754	9,774,075	9,002,613	10,774,754	16,455,427	18,724,801	11,801,702	11,511,836	10,785,107	10,601,633	7,759,224

**2016 Landings are preliminary.

Table 2. Recreational Summer Flounder Harvest by State (2006-2016) in weight (pounds).

Source: "Personal Communication with National Marine Fisheries Service, Statistics Division September 2017"

State	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
MA	608,499	368,084	635,196	121,120	137,611	202,665	175,110	64,365	238,604	146,532	124,411
RI	783,010	553,056	831,062	348,603	458,873	511,544	335,506	372,672	636,207	600,597	269,412
CT	424,539	371,907	567,132	195,883	132,013	186,834	191,119	888,906	391,168	337,194	678,479
NY	2,343,908	3,249,126	2,738,108	1,449,759	1,612,298	1,718,121	1,760,650	1,954,821	1,668,848	1,569,139	2,281,086
NJ	3,860,756	2,727,838	2,113,217	2,466,799	1,614,357	2,116,951	3,063,723	3,286,543	3,608,939	1,442,827	2,323,874
DE	247,811	330,307	147,895	259,169	159,976	182,733	141,935	159,185	227,913	114,638	230,925
MD	71,625	206,522	169,323	168,025	91,834	55,686	61,514	108,690	179,313	103,613	52,303
VA	2,005,412	1,311,429	883,168	917,153	789,856	880,639	658,476	449,002	370,230	342,545	191,555
NC	156,842	218,441	64,571	103,867	111,539	100,543	101,642	70,874	67,791	64,065	30,355
Total	10,502,402	9,336,710	8,149,672	6,030,378	5,108,357	5,955,716	6,489,675	7,355,058	7,389,013	4,721,150	6,057,989

Table 3. 2016 recreational management measures for summer flounder by state.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	16	5 fish	May 22-September 23
Rhode Island	18	8 fish	May 1-December 31
Connecticut	18	5 fish	May 17- September 21
CT shore program (46 designed shore sites)	16		
New York	18	5 fish	May 17- September 21
New Jersey*	18	5 fish	May 21- September 25
NJ Shore program site (ISBSP)	16	2 fish	May 21-September 25
New Jersey/Delaware Bay COLREGS**	17	4 fish	May 21-September 25
Delaware	16	4 fish	January 1- December 31
Maryland	16	4 fish	January 1- December 31
PRFC	16	4 fish	January 1- December 31
Virginia	16	4 fish	January 1- December 31
North Carolina	15	6 fish	January 1- December 31

*New Jersey east of the COLREGS line at Cape May, NJ will have management measures consistent with the northern region of Connecticut – New York.

**New Jersey west of the COLREGS line at Cape May, NJ inside Delaware Bay will have a similar size limit to the southern region (DE-VA), the same possession limit as the southern region (DE-VA), and the same season length as the northern region of Connecticut – New York.

Table 4. 2017 recreational management measures for summer flounder by state.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	17	4 fish	May 22-September 23
Rhode Island	19	4 fish	May 1-December 31
Connecticut*	19	3 fish	May 17-September 21
*At 41 designated shore sites	17		
New York	19	3 fish	May 17-September 21
New Jersey*	18	3 fish	May 25-September 5
*NJ Pilot shore program 1 site	16	2 fish	May 25-September 5
New Jersey/Delaware Bay COLREGS**	17	3 fish	May 25-September 5
Delaware	17	4 fish	All year
Maryland	16/17	4 fish	January 1-March 31/April 1-December 31
PRFC	16	4 fish	All year
Virginia	17	4 fish	All year
North Carolina	15	4 fish	All Year

*New Jersey east of the COLREGS line at Cape May, NJ will have management measures consistent with the northern region of Connecticut – New York.

**New Jersey west of the COLREGS line at Cape May, NJ inside Delaware Bay will have a similar size limit to the southern region (DE-VA), the same possession limit as the southern region (DE-VA), and the same season length as the northern region of Connecticut – New York.