



Atlantic States Marine Fisheries Commission

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

October 4, 2017

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

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

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

Staff presented the preliminary TC work and discussion on two different smoothing approaches. The NY 2016 harvest estimate was presented as modified using the Gaussian Process Regression (GPR) model approach developed by Jason McNamee, under the assumptions that inter-annual changes in harvest should be related and should not change by orders of magnitude from year to year. MRIP data from the entire time series (1981-2016) were evaluated and the GPR was used to create new annual estimates for the entire time series for New York. John Maniscalco developed a different smoothing method based on a ratio of wave 5 to wave 6 harvest during recent "candidate" years, a few options possible depending on which candidate year combos were selected. In considering the two approaches, the TC found merit with both approaches, but at this time was unable to make a formal recommendation on which to use moving forward. The TC is continuing to discuss and develop recommendations for the Board and Council to consider in evaluating and responding to annual harvest estimates. Given the possible different options under the ratio approach, the GPR modified estimate was included in the updated draft addendum presented to the Rec WG. Staff highlighted that the GPR approach smoothed harvest estimates for not only 2016, but the entire time series for NY which meant that prior year harvest estimates were also adjusted (some higher, others lower) but were not included per the Rec WG's request for a smoothed estimate for just New York's wave 6 (November-December) harvest estimate. Without clear guidance at this point on how a smoothing approach should be applied to any particular state, region or coastwide wave or annual harvest estimate, **the Rec WG recommended removing allocation timeframe options that included 2016 harvest estimates.**

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

Staff then presented on the addition of Sub-Option 2B per Jim Gilmore's request that included options for revisiting the allocation timeframes in 3, 5, or 7 years. Related to this item was the addition of a no sunset option for the timeframe of Addendum provisions. The Rec WG discussed the timing and likelihood of the Board seeking to modify the recreational management program sooner than 5 or 7 years. Additionally, it was made clear that the timeframe of the addendum's provisions (Section 3.1) would necessitate the need to revisit allocation decisions; if there is not a no sunset provision, the addendum will expire and

allocation decisions will need to be considered for any new addendum that may continue a similar management program. The group did indicate an interest in having the option for the draft addendum to be allowed to continue for more than 1 year, as some recent addenda to the FMP have limited the implemented management program to only 1 year. In turn the **majority of the Rec WG recommended removing the Sub-Option 2B: revisiting timeframes for setting allocation; removing the 1 year only option (for 2018 only) and the no sunset options from section 3.1, the timeframe of Addendum provisions.** Please note: that for the remaining timeframes still included in this section, the Board will annually have the option to either 1) extend the addendum, 2) revert back to FMP status quo (coastwide measures), or 3) initiate new addendum to create new recreational management program.

In considering other changes to the current draft addendum, the Rec WG revisited the Option 2: State Allocation of the Annual RHL. Based on concerns raised by the group of replicating issues that have arisen under state by state recreational management of Summer Flounder through Conservation Equivalency, the **majority of the Rec WG recommended removing Option 2: State Allocation of the Annual RHL.** Next, the group further discussed Sub-Options 3C (Management measures within a region). The group expressed concern that current options B & C under Sub Option 3C seemed too similar, with the latter (“C”) option’s language indicating approach akin to ad-hoc regional management used in recent years. Based on this concern, the **Rec WG recommended removing option C that proposes setting a regional % reduction.** The Rec WG also recommended increasing the potential difference between states within a region under option “B” from 1 to 3 fish and from 15 days to 30 days. The Recreational WG and/or Board will need to provide clearer language for this option in specifying how states within a region may differ in their measures.

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

would likely increase coastwide harvest, the option would also require states to increase recreational data collection specific to 5 parameters to help with informing the evaluation and management response to annual harvest estimates. This option would also aim to keep management measures in place for multiple years, while tying any changes to recreational management to the next stock assessment. The final goal of both liberalizing measures from recent years while maintaining them for multiple years moving forward would be to improve compliance and provide more stability in the recreational fishery.

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

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

indicated that this management issue could be included in the Board's discussion on the Draft Addendum XXX options at the upcoming Board Meeting.

Appendix A.

Option 4: Alternative allocation based recreational management

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

In addition to fishery independent survey indices of abundance, the 2016 Black Sea Bass Benchmark Stock Assessment (SAW/SARC 62) incorporated a fishery dependent index of abundance developed from MRIP¹ data (pg 28-30). To account for recreational effort (rather than just positive trips or self-reported directed trips), effort was estimated for a species guild (group of recreational targeted species that are targeted on the same trip). Species associations were evaluated at the regional level (i.e. north region comprised of data from New York-Massachusetts; south region comprised of data from New Jersey- Cape Hatteras, North Carolina). Generally, effort in the northern region increased during the 1980s, rising from less than 1000 intercepted trips in 1981 to over 4000 intercepts by 1990. Effort subsequently leveled off for the years 1990 to 2010 before showing an increase in recent years. Catch Per Angler (CPA) in the northern region remained below 0.25 fish per trip between 1989 and 1998. Over the last decade, recreational catch rates of black sea bass in the northern region have increased significantly, rising from 0.23 fish per trip in 2005 to 1.7 fish per trip in 2015.

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

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

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

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

Management Program

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

collection from both private anglers and state only permitted for-hire vessels² recreationally targeting black sea bass. State proposals would need to demonstrate that by the 2020 fishing season, significant improvements in their recreational data collection would be achieved along the following parameters:

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

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

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

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

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

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

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

Review and evaluation of Management Program

² Effective March 12, 2018 as federally permitted for-hire vessels are required to submit electronic Vessel Trip Reports (VTRs) electronically and within 48 hours of ending a fishing trip (reporting all trips and all fish). VTRs from federally permitted vessels are required to report all fish kept or discarded (not just fish the vessel is permitted for) and for all fishing-related trips the vessel conducts. <http://www.mafmc.org/newsfeed/2017/mid-atlantic-for-hire-vessel-permitting-and-reporting-electronic-only-submission-requirement-starts-march-12-2018>

The goal of moving away from recent years' annual evaluation of harvest against the RHL is to change the timing of when the performance of measures, the metrics used to evaluate performance of the measures, and as well as the management response. This option seeks to better incorporate information from the 2016 Benchmark Stock Assessment into the management process, improve the experience of angling experience of the recreational community, and improve the reporting of recreational information to better inform management responses to changes in the condition of the resource.

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

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

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

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

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

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

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

50 CFR §648.145 Black sea bass possession limit.

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

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

Commonwealth of Massachusetts Rule

322 CMR 6.41 (3)

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

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