To: Member of the Mid-Atlantic Fishery Management Council  
From: Tony DiLernia  
Date: May 18, 2015  
Re: Recreational Black Sea Bass Management for 2016

At our recent meeting in New Jersey, many members shared with me their frustration with Black Sea Bass management. This frustration is fueled by the fact that many Council members feel the current stock assessment underestimates the size of the stock, MRIP estimates of catch are unreliable and the coast-wide distribution of the stock appears to be shifting in a fashion similar to summer flounder.

In 2013, much to the credit of our Council’s leadership and GARFO, we attempted to address these issues and passed a management scenario that created a three year averaging process and eliminated emergency closures.

A consequence of the new management scenario,........ the scenario developed to avoid closing the fishery because there were “too many fish”, ..........resulted in the Council and Agency accepting the December 2014 staff recommendation for 2015 of, (1) minimum size of 12.5 inches, (2) 15 fish possession limit and (3) a season of May 15–September 17 and October 18-December 31.

As the 2015 season approached, many recreational fishermen, confronted with regulations being developed by their respective states that were different from the above, contacted their elected officials and asked for relief. Some elected officials suggested legislative solutions. I discussed these legislative solutions with Council members at our recent meeting and it became clear that having Black Sea Bass managed from the floor of the US Congress is not the way we want to manage fish; and we should be able to find a solution consisted with the goals of the Magnuson – Stevens Act and ACFCMA.

Our upcoming August 2015 meeting will include a joint session of the Council and ASMFC to discuss summer flounder, scup and black sea bass management; and following that meeting, the December 2015 meeting will be devoted to setting the recreational management measures for the 2016 season. In preparation for these meetings, I ask that members consider for a three year period starting in 2016 the following measures for both Federal and State waters. The measures would serve as a proxy for the required ACL and AM measures.

(1) Season: May 15 to December 31  
(2) Minimum size, 12 inches, from New Jersey north, 11 inches south of New Jersey  
(3) Possession limit, 12 fish

The rational for the above measures is as follows:  
(1) The 2011 year class of Black Sea Bass is much larger than anticipated and is not reflected in the current stock assessment
(2) The stock was declared rebuilt in 2009; rebuilding stated in 20000. During the rebuilding process, the management measures in place were (a) 25 fish possession limit, (b) a minimum size of 10 – 12.5 inches and (c) a season of January 1 – December 31.

(3) The current hyper-customization of measures from state to state, by ASMFC, similar to the old summer flounder conservation equivalency process, creates difficulty analyzing the effects of the management measures and creates management measures different from the Federal measures and different in each state.

(4) The 2014 staff memo recommending 2015 measures advises against increasing the minimum size beyond 12.5 inches due to the life history of Black Sea Bass

(5) The same memo for 2015 Federal measures recommended a minimum size of 12.5 inches, a 15 fish possession limit and a season of May 15–September 17 and October 18–December 31; this recommendation was accepted by and passed by both the Council and the Agency

(6) During each of the rebuilding years, a recreational deep-water offshore Black Sea Bass fishery existed from January to March and was never captured by MRFSS, thus the landings were never used in the stock assessments; yet rebuilding occurred.

(7) I make my recommendations considering the fact that we all know the stock assessment underestimates the current stock size and we all know MRIP is doing a poor job of estimating recreational catch. With that in mind, I maintain the regulations that were in place, during the rebuilding phase, which have been proven to be effective, because the stock was rebuilt while they were in place, are more justifiable than the process we currently follow using ACL’s and AM’s. I maintain the proposed regulations can be used as a proxy for ACL’s and AM’s in Black Sea Bass management. The suggested Federal measures are restrictive enough to prevent overfishing of the stock and are liberal enough to allow a productive recreational fishery.

It has been said that the Black Sea Bass situation is similar to Red Snapper in the Gulf of Mexico. I disagree. In the Gulf, NMFS is proposing restrictive measures and the States are attempting to implement more liberal measures. In the case of Black Sea Bass, recreational fishermen would gladly accept the Federal measures in place over the current state measures.

I have discussed the above management measures with many members of the recreational and conservation communities and they either support or are not opposed to the proposed measures. We have an opportunity to develop a consensus management scenario for the future. Please give it your serious consideration. Thanks, Tony DiLernia