



Mid-Atlantic Fishery Management Council

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

M E M O R A N D U M

Date: November 28, 2017
To: Council
From: Brandon Muffley, Staff
Subject: Black Sea Bass Recreational Measures for 2018

The Council and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) will consider recreational measures for black sea bass in 2018. The following materials are included in the black sea bass recreational measures briefing book tab for Council and Board consideration of this subject:

- 1) Advisory Panel meeting summary for black sea bass from November 20, 2017 webinar
- 2) Written comments relevant to recreational specifications for all three species
- 3) Monitoring Committee recommendations for black sea bass from November 13 – 14, 2017 meeting
- 4) Black sea bass staff memo dated November 6, 2017

The objective of this discussion is for the Council and Board to recommend recreational black sea bass management measures for federal waters in 2018.

The Board will also be considering draft Addendum XXX to address recreational management approaches in state waters for 2018.



Summer Flounder, Scup, and Black Sea Bass Advisory Panel Webinar

November 20, 2017

Council Advisory Panel members present: Carl Benson (NJ), Skip Feller (VA), James Fletcher (NC), Jeff Gutman (NJ), Gregory Hueth (NJ), Michael Plaia* (CT), Bob Pride (VA), Paul Risi (NY), Steve Witthuhn (NY), Harvey Yenkinson (PA), Lisa Poyer (NY), Robert Ruhle (NC)

Commission Advisory Panel members present: Bill Shillingford (NJ), Bob Meimbresse (NJ), Jack Conway (CT), Marc Hoffman (NY), Ken Neill (VA), Michael Plaia* (RI), Art Smith (NC), Robert Busby (NY), Mike Fedosh (NJ), Greg DiDomenico (NJ), Frank Blount (RI), Victor Bunting (MD), James Tietje (MA), Paul Forsberg (FL), Joe Huckmeyer (MA)

*Serves on both Council and Commission Advisory Panels.

Others present: Julia Beaty (Council staff), Kiley Dancy (Council staff), Brandon Muffley (Council staff), Kirby Rootes-Murdy (ASMFC staff), Caitlin Starks (ASMFC staff), Rob O'Reilly (Council member), Chris Batsavage (Council member), Wes Townsend (Council member), "Jim G.", Angel Willey (MD DNR), E.C. Newellmann, "FisheryNation"

The Council and Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panels met via webinar to discuss recreational management measures for the three species in 2018.

Black Sea Bass Comments

A number of advisors provided comments regarding the staff recommendation to remove the current federal waters closure from Sept 22 – Oct 21 and make adjustments to the possession limit and the season in May and/or December to account for the additional days gained. There was general agreement from the advisors to remove the fall closure and about the potential management and fishery benefits it could provide. However, there was not agreement regarding the trade-offs they would support associated with removing the closure. A couple of advisors were in support of reducing the possession limit to 10 fish, while other advisors indicated that reducing the possession limit was a non-starter. A few advisors also indicated that removing the current federal waters closure in Sept-Oct should not require any adjustments to the possession limit or season given the current status of the black sea bass population, arguing that liberalizations should be considered.

One advisor noted that when the federal waters closure takes place, there are a number of other fisheries still occurring during that time. Therefore, fishermen are catching plenty of sea bass during this closure as they target these other fisheries and all of those sea bass need to be discarded. Opening the black sea bass season during this time would likely benefit the stock and reduce

mortality through harvesting sea bass rather than discarding them all. Another advisor noted the fall federal water closure limits states' abilities to craft management measures to open state waters in an effort to provide continuity of fishing opportunities when setting seasons (e.g., open black sea bass once summer flounder season ends).

Four advisors questioned how large the black sea bass stock needs to be in order for the recreational community to see the benefits and realize some liberalizations to the recreational measures. Management measures were less restrictive when the stock was rebuilding and now that the stock is 230% of the target, measures are the most restrictive they have ever been. The recreational community does not understand why measures are so restrictive while there are sea bass everywhere.

A number of advisors questioned the accuracy and continued use of MRIP data, particularly unrealistic harvest estimates, in management decisions. For example, advisors questioned the 2016 wave 6 estimate from New York, the 2017 wave 3 estimate from New Jersey, and harvest projections for both New York (very low) and Maryland (very high). Some advisors recommended these data not be used in the stock assessment or for management advice and requested additional review of these MRIP estimates by the SSC and Monitoring/Technical Committees. One advisor noted the upcoming changes to the MRIP catch timeseries as a result of new recreational effort estimates and the management uncertainty this will create.

One advisor noted that the Council is currently reviewing its Risk Policy and, depending upon the outcome, this may help provide some relief to the recreational sector if it results in changes to the RHL.

Several advisors expressed frustration with the current process and the lack of Council/Board action in regards to the comments and suggestions provided by the AP. Many felt that holding AP meetings was done to just "check a box" indicating this requirement was completed but their input is not considered. These advisors would like to see increased opportunities to speak directly with Council and Board members. Some advisors agreed that a meeting with advisors and members of the Demersal Committee would be helpful to ensure advisor input is received.

November 18,2017

Kiley, Brandon

I would like to submit the following written comments re: AP meeting Nov 20, 2017

Fluke:

The 2017 fishery dependent and independent data show a reduced abundance and fluke fishing effort consistent with my own observations of the fishery in southern New Jersey. The reduction in fishing effort continue to have a devastating effect on fisheries related businesses in my area of observation. The marina I fish from, Breezeelee Yacht Basin, the largest on the east coast, continues to see ever increasing slip vacancies and declines in fishing efforts for fluke, the single most important recreational fishery in our area.

Of all the regulatory parameters available to fluke fishery managerial entities, length of the season is the one that most impacts fishery effort and related sales. Once fluke season closes, a majority of boats in my marina are on the waiting to list to have their boats hauled for the season.

As the MC is looking at 18", 4 fish, and a 5/15 - 9/15 season as conservation equivalency, I would strongly recommend keeping the limit at 3 fish and institute a longer season (as determined by SSC recommendations) . My own observation of fishing efforts in my area is that there was very little if any decreases in effort as the number of allowable keepers has dropped over recent years. Once September begins we have many blown out days for the average size vessel like mine, so effort will be fairly limited anyway, but at least some angling effort can continue to support local businesses. Weather will be a very limiting factor even if the season were left open!

I continue to oppose the current groupings of states under regionalized management. The topographical disparity and stock spatial and size distribution negates a fair and equitable access to the resource with the current groupings. Again, New Jersey, particularly the southern half, needs separate regulations or the formation of its own region.

Sea Bass:

I would strongly support removal of the federal sea bass closure from Sept 22 - October 21, as recommended by staff. This current closure has devastating economic effects on fisheries businesses in areas like southern NJ, where virtually no fishery exists in state waters due to the benthic topography in near shore waters. As an example, my own boat did not leave the slip from the Sept 5 fluke closure to a week after sea bass opening when weather finally permitted fishing (a period of nearly 2 months!). This pattern was the same for any boats remaining in the waters except for those large enough for offshore pelagic fishing.

Removal of this closure would enable states, such as NJ and others, to establish a continuity of fishing effort that would benefit all entities related to tourism and fishing. For example, even if only 5 fish were to be allowed, anglers would venture out an anchor on wrecks to capture the one

allowable tog, along with 5 sea bass, and perhaps a trigger fish. As a responsible management agency, it is not fair to establish closures that are not necessary and instead detrimental to local fishing communities.

I am strongly in favor of reducing the federal catch from 15 fish to 10. As with fluke, I have noticed very little reduction in effort whether the fishery is for 15 or 10 fish. By reducing the catch number, this will help to negate an increase in catch by eliminating the federal closure mentioned above.

I would also strongly suggest that the 2017 MRIP reported landings for New Jersey are quite erroneous. To suggest that the 2016 federal landings of 5,187,000 pounds and projected 2017 landings of 3,792,000 occurred with a 3 fold increase in the catch from New Jersey is totally absurd. The reported catch (Table 5) in NJ went from 398,484 pounds in 2016 to 1,192,194 (projected) in 2017, a state with no state water sea bass fishery, and almost no legal sea bass inside 10 miles.

NY in the same time frame saw their catch decline from 2,211,311 (2016) to 480,801 (2017).

My own observations in my area are that sea bass catches in 2017 were less than 2016!

Our MRIP system is doomed to failure by its very limited financial resources and inherent inaccuracies in a low sample data acquisition! I am hopeful we rely more on F based models and view MRIP data as highly suspect.

Respectfully submitted

Captain Harvey Yenkinson VMD
AP advisor fluke, sea bass, scup

From: Moore, Christopher
Sent: Friday, November 24, 2017 10:29 AM
To: COUNCIL - Voting; CouncilNonVoting; TechStaff
Subject: Fw: Tilefish? Sea Bass?

fyi

From: Jim Dawson <jimdawson1@verizon.net>
Sent: Tuesday, November 21, 2017 12:52 PM
To: Moore, Christopher
Subject: Tilefish? Sea Bass?

Hey there Chris: I spoke briefly with a few others about this subject and they told me to ask the MAC.

There are MANY discriminating topics we could get into, so please explain in detail EXACTLY why ANYONE in power would authorize, vote for, or even give ANY entity more fish than another!

If we placed a certain "race" in front of the number of tilefish allowed...what exactly would be the difference there?

With respect to sea bass: We ALL feel as though the councils are grabbing fictitious numbers, to suggest that we just end the seasonal recreational closure when you damn well have personally understood the recreational fishery has gone over EVERY year with absolutely no repercussions we feel on our sides smells foul! I have spoken my particular peace for years with absolutely nobody listening at all. The few in charge of our lives do as they please currently and have in the past...we NEED change!

We feel as if there is a "set agenda" and our "public hearing" processes are just a mere formality....I do have a LOT of evidence to prove this Chris. Certainly, my letters and speeches from 1991 forward are a matter of record that not one subject has had any impact, no matter scientific surveys, studies etc...the set agenda proceeds forward. People such as yourself "could" start to change this appearance, because you will have to show at least one attempt? I currently have seen no attempt to change for the better...why do we have to be placed in old broken down boats with all kinds of restrictions when we have so many more items such as state measures and quotas to regulate our catch? Recreational fishermen and head boats do not have to have safety requirements such as life rafts and survival suits? I see discrimination every time our councils place a vote! There are NO economic impacts understood when allowing others to start doing "new things" our councils vote into place. Trawlers have now been allowed to destroy both the sea bass stocks as well as our marketability, killing the small fishermen such as myself, did anyone consider this or was this the "plan"? I am starting to get curious! There are but few of us left Chris, I think our current administrations from the past need to go through a tremendous amount of scrutiny for what has been allowable in the past/present. Allowing a recreational season for sea bass to go all year? Certainly this WILL give the onlookers the appearance of total corruption...we NEED change!

It is the headboat/charter boat portion of industry that are doing most of the damage to the species with 25-50 people at least on one boat, they take 350 fish from one area per day for tilefish and 750 fish for sea

bass! **How many are being totally wasted when thrown over?** There probably are lobbyists paying individuals or what? Why would one entity deserve more than another? This is corrupt! I have an ongoing list of the same things our councils make into law that goes against the very fabric of our country and constitution! Trust me, soon, the list will be brought forward and change will start! My letters may have been ignored before, but not with the new administration we have in place today. When I do make my move, it will have FULL backing by the political powers this time, not just me. The recreational side also does not like what is going on, which I doubt anyone will volunteer it? I am sure that you personally understand the process, but how such discriminating policies are passed by our people paid to serve us blows my mind! Divers can each have 6 lobster, but not me...I can't have ANY? The divers PAY the charter captain, which IS a commercial boat, so how can this be explained? 50 divers on a headboat can have 300? What the hell and who passed that? The area 5 waiver "excluded" me personally Chris...number 2 stated for the record that no baited traps were allowed! What option was I/my gear EVER given? I am NOT allowed "bait" on my boat either? This will not go well if allowed into our future Chris, problems will occur and are right as we speak! Horsepower and size "one time" in the life of a vessel? WHAT??? Where do we live? Emissions rules have caused discontinued MOST engine manufacturers to discontinue manufacturing our engines any longer...nor do they offer a replacement model...so what do we do? Remember my letters requesting we do something and what has gotten done...nothing, they kept everything in place. The same BS even though we have quotas...WHY? You want somebody who can fix all this mess?? I will be offering my services to those who are receptive...give me the option to hand out the pink slips Chris, things will change so fast your head will spin! Too much government with no real fishermen involved has created every managed species to decline because the suit and ties absolutely do NOT understand how fast our climate changes have caused species to change their habits...we fishermen know exactly what is going on where we fish while the suit and ties try to calculate it with their respective formulas with "random" surveys where the fish are not! We HAVE 20 years of VTR data available, in my opinion the stock surveys SHOULD utilize this data for 25%-50% of ANY calculations!

Chris, we have known one another for a LONG time now, this kind of thing IS being observed from MANY...do your very best to attempt to change things back to an equal amount for ALL...perhaps a figure of 5 fish for everyone on tilefish will politically be best and have credibility. As far as the rest of the mess, it grows by the day and our people such as yourself allow it? I'd like to work with you to fix at least some of it? I offer my hand, but soon, it may be too late. We CAN'T allow sea bassing all year! Political powers would like to see more "qualified fishermen" involved before policy is made in the future. The bill already exists. My hand has already been bitten by the current members in EVERY subject Chris. You once stated you were with me when it came to equal by-catch for all? It can be a start. I'll assist with sea bass, but I doubt anyone will accept it as usual since 1991, nobody has accepted my offers! No matter the scientific FACTS? Why is that? Currently on some things, it is equal for everyone but Jim Dawson! The "area 5 trap waiver" did NOT include Jim Dawson's fish pot...why not? My pots have MANY different species as by-catch, I should not be excluded from ANY fishery...help me fix this matter. The pots are NOT just a sea bass pot! They can catch anything. Why is ANY rule made for some, state for the record in writing that it was for ALL such as with sea bass fishermen, yet excluded me/my gear? They currently are doing this for Jonah crab...my pot will NOT be allowed? Why is that? My gear MUST conform to lobster venting? PROBLEM! We CAN/should get these matters fixed!

I think we have a large portion of members that should be removed from their present positions based on the results of their lousy performances! Discrimination cannot be tolerated nor ignored when our councils elect to openly agree with it! END OF STORY!

Take this as an offer for you to work with me and those who I will be representing in the future Chris. We can meet after the break if you wish. PLEASE take this email the correct way as an offer to work with you because I personally think you are a good person. I do appreciate the experience you have, however, I also at

the same time cannot condone the acceptance for discriminatory and unconstitutional actions agreed upon by those in charge of our fisheries management teams.

Have a good Thanksgiving.

Jim.

This will be used for future reference by our political panels as evidence. It will be used as a permanent matter of record.

From: Monty Hawkins <capt.montyhawkins@gmail.com>
Sent: Thursday, November 23, 2017 11:38 AM
To: Russell Dunn NOAA Rec-Fish; Bullard, John; Kevin Chu; Chris Moore; Carrie Selberg; Beal, Robert; Hare, Jon; Dr. David Goshorn; Dave Blazer CIC MD Fisheries; Michael Luisi; Anderson, Lee; Deem, Jeff; Saveikis, David; Marty Gary; Elliott, G. Warren; Tony DiLernia; Steve Heins; John McMurray MAFMC Habitat; Zeman, Christopher; Bellavance, Rick; Pate, Preston; Batsavage, Chris; Rob O'Reilly; Tom Bigford; Dave Sikorski; Jason Link; heather.sagar@noaa.gov; Kelly, Moira
Cc: John Boreman; Dr. Bill Karp; Dr. Rich Langton; Brown, Russ; Gary Shepherd; John Manderson; Angel Willey; Carrie Kennedy; Lynn Fegley; Jim Uphoff -DNR-; Didden, Jason; Kiley Dancy; Alexei Sharov - DNR-; Bennie_Williams@fws.gov; Laney, Wilson; Coakley, Jessica; April Bagwill; Lisa Havel; Kiley Dancy; Mike Malpezzi -DNR-; Andy Loftus; Townsend, Wes
Subject: This Really Stinks
Categories: SFSCBSB

Sent to Commerce, Congress.. Not sure why something no one believes persists, but persist it does.
Happy Thanksgiving

Great Mercy..

Friends All - In DC, Annapolis, Gloucester, Dover..

Again & Again with recreational catch estimates. Now John Bullard & Kevin Chu will retire & we, seemingly, have to start all over again at NOAA's regional level with disproving recreational statistical catch.

Not that there was ever solid progress, but start again we must.

In fact - our task is made worse in that MRIP (marine recreational information program) is telling all who will read that they may have to RAISE recreational catch estimates by several hundred percent..

What a mess.

I have 38 years of For-Hire sea bass fishing from Maryland's single coastal port. My clients are broadly from across all of Maryland, and across all the Mid-Atlantic., occasionally from around the world..

We, in all parts -- all citizens who participate in marine recreational fisheries -- are being robbed by bad data.
Promise.

It's pretty dagoned easy to see if you'll look.

Last year during this period (Thanksgiving/Christmas) NY's Private Boat anglers, (having almost entirely put up their boats for winter) are credited with landing 720,000 lbs of sea bass. That number is 2X what ALL Party/Charter boats (the real fishing pressure on sea bass) are said to have caught from North Carolina to Maine ---- ALL YEAR!!!

Two Times!

And the number stands. It counts.

The same sort of estimate is seen again in 2017 for sea bass in NJ during May/June..

Last year Maryland saw an estimate of over 50,000 pounds of sea bass landed FROM SHORE! None -- NOT ONE! No legal sea bass were landed from shore! Instead, some poor family fishing in the Chesapeake--where there is no sea bass fishery--had small juvenile sea bass in their catch, and likely no idea of limits on them. They were interviewed and their few undersized fish blossomed into a number with real economic impact on my fishery.. (that's not supposition - that is what happened.) Maryland is projected to have significant sea bass landings this year - that projection MUST be based, in large part, on last year's shore estimate.

This while, so help me, the partyboat I was running in 1991 would sometimes take more sea bass in one day (1) than we take across three months of summer now. (on that same boat in 1992 I began strict enforcement of self regulation on several species including sea bass. It would be 5 years or more before Council/State began similar regs..) Today's recreational catch is INCREDIBLY restricted -- yet MRIP keeps finding/inventing grand recreational overfishing in the fashion of European factory trawlers..

On & On & On I've gone about this. I could easily fill a thick volume with bad catch estimates from Texas to Maine: from Cod & Haddock, to Sea Bass & Flounder, to Red Snapper & Triggerfish -- there are absolutely, positively hundreds of highly impactful estimates that MAKE NO SENSE WHATEVER!!!

Where any other statistical program would toss flyers like these, NOAA & NMFS embrace them as family-- and use them to crush recreational quota ..which leads to further & further catch restriction ..and less & less economic opportunity.

Congressman Gilchrest helped guide NMFS/NOAA toward use of our VTR reports, (required landing reports from Party/Charter operators,) at the same time he steered the old program (MRFSS) toward more accurate Party/Charter landings.

Strangely - from that time on (2003) Private Boat (and sometimes Shore) catch estimates have climbed far-far-far beyond any reasonable notion of plausible catch-----while For-Hire generally dips as regulation tightens.

Nothing is more important to fishing success for reef fish than knowing fishing pressure on any given piece of reef habitat -- all reef production is finite. (Has NOAA discovered temperate reef's importance to the fisheries? Heck No..) We professional fishers HAVE TO KNOW who's been fishing where so that our clients can catch. There's a real & true division - a percentage split - between For-Hire & Private Boat recreational fishers. MRIP is easily seen by anyone familiar with that split, living & working with that split, to be crazily far off base.

The data put out by MRIP is just insane.

Yet NOAA demands managers use it.

Our economic stability teeters on the estimates.. One bad estimate, regardless no one anywhere in Fisheries believes it, could undo a season.

Is.

It's really bad out here.. We went from Foreign Trawl (real factory ships creating massive overfishing in the 1970s/80s,) to US Trawl & Longliners being 'the bad guys' - and these are all real industrial fishing: to today's statistical assertion that people fishing from New Jersey's jetties have taken more tautog in 4 weeks than all US Commercial took ALL YEAR.

(2010 NJ Shore in April {March Closed} = 469,367 lbs) vs (All Commercial Landings In The Species Entire Range All Year = 285,818 lbs) That's the sort of data we're paying for.

That's the sort of data causing the death of For-Hire fisheries from over-regulation.

Again & again & again.

How in the Billy Blue Blazes do we make it stop?

Thanks For Reading. Hope you are having/had a wonderful Thanksgiving..

Regards,

Monty

Capt. Monty Hawkins

capt.montyhawkins@gmail.com

Partyboat Morning Star

<http://morningstarfishing.com>

Ocean City, MD

From: Moore, Christopher
Sent: Wednesday, November 29, 2017 11:52 AM
To: TechStaff
Subject: FW: Sea Bass
Attachments: 24172909_1899471373426355_2773397968149611586_o.jpg; 24059750_1899471223426370_70705325563675713_o.jpg; 23844900_1899468446759981_6419596615712921111_n.jpg; 23915626_1899468576759968_936252510345633665_n.jpg; 24059527_1898891366817689_7724584545892447426_o.jpg

rec comment

From: John Bullard - NOAA Federal [mailto:john.bullard@noaa.gov]
Sent: Wednesday, November 29, 2017 8:38 AM
To: Moore, Christopher <cmoore@mafmc.org>; Mike Luisi <mluisi@dnr.state.md.us>
Subject: Fwd: Sea Bass

----- Forwarded message -----

From: Francesflt <francesflt@aol.com>
Date: Tue, Nov 28, 2017 at 7:24 PM
Subject: Fwd: Sea Bass
To: david.pierce@state.ma.us, michael.luisi@maryland.gov, michael.pentony@noaa.gov, john.bullard@noaa.gov

Dave/Mike/John

Please read the following report and look at the pictures from a NJ boat fishing yesterday south of Block Island for sea bass, scup and cod. Keep in mind NJ has a 15 fish bag limit and a 12.5" size limit. We have 7 fish at 15 inches. They all complained about our fluke regs when we had a higher bag limit saying it wasn't right that they had to fish along side us. They said we had the advantage and they couldn't compete, They don't seem to have any problem when they have better size and bag limits then we do. They are also fishing on smaller scup and have a 50 fish bag limit. We have 30 fish at 10". Does this seem fair to the people of Rhode Island or Mass ? Where are the others when we need help?

Frank

-----Original Message-----

From: Francesflt <francesflt@aol.com>
To: francesflt <francesflt@aol.com>
Sent: Tue, Nov 28, 2017 3:55 pm
Subject: voyager

"Good windy morning from off the Block Island windmills" was the call I received from Captain Jeff of the VOYAGER. Not a Montauk boat to be seen, but the fishing for big sea bass is mighty good the captain cheerfully exclaimed. Even with the lumpy seas, the biscuits have their eating shoes on. More later from the 1st east end Block Island Sea Bass - Scup - Cod trip.....

From: Vetcraft Sportfishing <vetcraft@aol.com>
Sent: Wednesday, November 29, 2017 7:31 AM
To: Kiley Dancy
Subject: AP comments

Kiley.....Thanks for your excellent compilation of the comments we made during our AP meeting. I wanted to make sure the summary comments in relation to the Sept-Oct seasonal closure also convey the deleterious nature of this federal closure as it relates to fisheries continuity in states, or portions of states that have no legal size sea bass in state waters. As a representative of the southern half of New Jersey, when our fluke season closes we have no viable inshore fishery until sea bass reopens. By closing federal waters, the federal seasonal closure prohibits the New Jersey Marine Fisheries Council (NJMFC) from having the option of maintaining a continuity of fishing, allowing sea bass to open, once fluke closes, which would greatly benefit the fishing related economic entities in the region. As it stands now, many boats give up on fishing once fluke closes. With the loss of the fall striped bass fishery (change in migration patterns and decline in stock), and delay in sea bass opening, the whole economy in the area suffers.

On another note, as is constantly mentioned, and a great source of frustration to AP advisors, many of us feel our efforts are for naught despite the large amount of time and effort we put into this process. I feel the AP members would like to find a process to make our thoughts better known to the council. I think one idea would be for the AP members to have our own meeting prior to our meeting with you. I think as advisors from different states and different interests, we would be most effective if we could reach consensus opinions on the subjects for discussion, and then present these to you. Also council member(s), SSC members, etc. would be a welcome addition to our AP comment meetings.

For AP consensus meetings as mentioned above, we could most effectively achieve this if we were given access to a similar meeting room format as used for the present online meetings. If such an option, I would be glad to spearhead the effort to get it started. Please explore this with appropriate staff.

Respectfully,

Harvey Yenkinson VMD

Capt Harv
Vetcraft Sportfishing
Cape May, New Jersey
Call or Text 610-742-3891
Email: vetcraft@aol.com

From: Kirby Rootes-Murdy <krootes-murdy@asmfc.org>
Sent: Wednesday, November 29, 2017 7:21 PM
To: Kiley Dancy
Subject: FW: Upcoming Joint fisheries meeting in Annapolis

Fluke comments for Joint Meeting from Robin Scott

-----Original Message-----

From: Robin Scott [mailto:rayscottsdock@comcast.net]
Sent: Wednesday, November 29, 2017 6:25 PM
To: Kirby Rootes-Murdy <krootes-murdy@asmfc.org>
Cc: Mike Sheperd <sheponfishing@yahoo.com>; BILL SHILLINGFORD <bucktail8@aol.com>
Subject: Re: Upcoming Joint fisheries meeting in Annapolis

Thank you Kirby for clarifying the response guidelines for the meeting. I would encourage the commissioners and council members to act with common sense support based on what we now know about the summer flounder fishery, sex, size, and migration patterns.

The entire New Jersey summer flounder fishing industry banded together in 2017 to enact regulations that would counter the planned annihilation handed us by proposed NOAA regulations. We were willing to start our year with a PLANNED 25% loss in income through a drastic reduction in season length. To the best of my knowledge, no industry in American history has been willing as a whole to sacrifice their income to sustain their product.

We have had the data and responses from charter boat captains, recreational anglers, stakeholders in the industry and the commercial segment for years and have frustrated the industry by refusing to act on our hard fact knowledge. We instead have dwelt on process and parliamentary procedure to the point of bogging down any ability to make positive proactive changes. Now is the time to do so.

*New Jersey holds the mother lode of the summer flounder migration due to location. It demands to be a separate region of its own in order to sustain this precious commodity for all the coastal states.

* Slot fish management tools in addition to the current tools of size, season and bag limits must be implemented. This flexibility has been missing and is largely responsible for the high mortality of flounder under 18 inches. The recreational fishing size limits should match commercial to eliminate disparity.

*Size limits must be lowered to eliminate targeting of female breeding stock.

*The season must be open 365 days per year to allow those anglers willing to brave the cold of early spring and late fall a chance to wet a line. The season should match Delaware's open season. Their businesses are reported as thriving as vacationers have more options to plan their time as the shore.

As a stakeholder I thank you in advance for your ardent work on behalf of the summer flounder fishery in New Jersey. Kindly enter this into the public comments to the Council and the Commission.

Sincerely,

Robin Scott
Ray Scott's Dock
9211 Amherst Ave.
Margate, New Jersey 08402



Summer Flounder, Scup, and Black Sea Bass Monitoring Committee 2018 Recreational Measures Recommendations

Monitoring Committee Attendees: Tiffany Cunningham (MA DMF), Greg Wojcik (CT DEEP), John Maniscalco (NY DEC), Peter Clarke (NJ F&W), Rich Wong (DNREC), Steve Doctor (MD DNR), Joe Cimino (VMRC), T.D. VanMiddlesworth (NCDMF; via webinar), Kiley Dancy (MAFMC staff), Julia Beaty (MAFMC staff), Brandon Muffley (MAFMC staff), Kirby Rootes-Murdy (ASMFC staff), Caitlin Starks (ASMFC staff), Mark Terceiro (NEFSC; via webinar), Emily Gilbert (NMFS GARFO), Jason McNamee (RI DEM; Tuesday only)

Other Attendees: Tony DiLernia (MAFMC Demersal Committee vice chair); Morgan Brunbauer (NY DEC; via webinar)

The Monitoring Committee met on Monday, November 13 and Tuesday, November 14, 2017 in Linthicum, MD to recommend 2018 recreational management measures for summer flounder, scup, and black sea bass.

Black Sea Bass

The 2018 black sea bass recreational harvest limit (RHL) is 3.66 million lb, a decline of nearly 15% from the 2017 RHL of 4.29 million lb. The coastwide (north of Cape Hatteras, NC) projected harvest for 2017 is 3.79 million lb or 2.11 million fish. The 2017 projected harvest estimate is 12% below the 2017 RHL of 4.29 million lb and lower than the 2016 harvest estimates by 27% in weight and 17% in numbers of fish.

When evaluating the projected 2017 harvest to the 2018 RHL of 3.66 million lb, an approximate 3.5% reduction in harvest would be needed in 2018. Given the reduction needed is much smaller than the uncertainty around the current harvest estimate (PSE of 10.2) and given the current positive condition of the black sea bass resource, including an above-average 2015 year class; **the Monitoring Committee agrees with the staff recommendation that no reduction in recreational management measures in 2018 is needed.** However, the Committee notes that the 2017 projections use information through wave 4 which typically only accounts for 65% of the annual harvest, and wave 5 and 6 estimates can be highly variable. Therefore, further evaluation will be necessary once data from additional waves becomes available.

The recreational fishery had large overages from 2012 – 2016 with the RHL being exceeded by 66% on average during this time period. Based on a comparison of the 3-year average (2014-2016) ACL to the 3-year average of catch, the black sea bass ACL has been exceeded, on average, by 72%. This would trigger the implementation of Accountability Measures (AMs) for the recreational fishery. However, **the Monitoring Committee agrees with the staff recommendation that AMs should not be implemented in 2018.** Similar to the justification for not applying an AM for the 2017 recreational fishery, the Committee notes the 2012 – 2016 recreational overages occurred when the black sea bass stock was rapidly expanding and availability to recreational anglers was very high. At the same time, due to the lack of an approved

stock assessment for black sea bass the recreational harvest limits were set at levels not reflective of the large and increasing stock abundance. Had the benchmark assessment been available to set specifications, recreational harvest limits would likely have been significantly higher, and overages would likely not have occurred to the same degree.

Staff recommended removal of the current federal waters closure from September 22 – October 21, resulting in a continuous season. Staff also recommended a reduction in the federal waters possession limit from 15 to 10 fish and a *status quo* 12.5 inch minimum size limit. This recommendation aims to implement a continuous season without resulting in an increase in harvest. To achieve this goal, the beginning and/or end dates of the season would need to be modified. The Monitoring Committee supports the recommendation in concept and the potential management and fishery benefits it could provide. However, the Monitoring Committee is concerned about the loss of days in either May and/or December to account for the days gained in September and October, and recommended requesting additional input from advisors and the public on the tradeoffs associated with these potential adjustments. May and December represent important time periods for certain aspects of the recreational sea bass fishery. In addition, current federal season dates are aligned with the seasons for other recreational species (e.g. tautog). Modifying the federal season could shift effort to these other species. Therefore, **the Monitoring Committee recommended *status quo* federal water measures in 2018 which include a 12.5-inch minimum size, a 15-fish possession limit, and open seasons from May 15 – September 19 and October 22 – December 31.** The Committee also recommended considering changes to the fishery management plan that would implement a recreational conservation equivalency structure similar to summer flounder, in which federal waters measures would be waived in favor of appropriately implemented state specific measures.

The Committee provided recommendations on how to allocate landings, estimate harvest, and sample the February fishery in 2018 and considerations for the potential wave 1 fishery under a Letter of Authorization (LOA) program that may take place in future years. For the 2018 February fishery, the Committee recommended apportioning the 100,000 lb to each state based on their average wave 1 black sea bass catch estimated by using federal for-hire VTR data from 1996 – 2009 and 2013. The Committee also recommended states participating in the fishery conduct either APAIS/MRIP or supplemental sampling programs to collect effort, harvest and biological data. In addition, the Committee would like more information on how the states will adjust for their share of the 100,000 lb apportioned to the wave 1 fishery, how shares will be determined if states don't participate, and what harvest states will be held accountable for. With regard to a future LOA program, the Committee recommended that this program should require monitoring of harvest and discards, and reported harvest under the LOA program should be compared to estimates from MRIP.

Lastly, Commission staff presented the ASMFC's draft Addendum XXX which contains options for regional allocations, approaches with uniform regulations (e.g., number of days) and other alternatives to the current North/South regional delineation. Commission staff noted that in addition to other requested information regarding how harvest in February 2018 will be accounted for, without knowing which states will participate in the February 2018 fishery, further development of example regional management measures for option 2 is not possible at this time.

Recreational Management Analysis Comments

The Monitoring Committee continued ongoing discussions of general recreational issues and ways to improve the process of evaluating and adjusting recreational measures for all three species. In particular, the 2016 harvest estimates for black sea bass and reduction in the 2016 to 2017 RHLs for summer flounder had led to the Commission's Board tasking the Technical Committee with developing approaches to address variability in the annual harvest estimates earlier this year. Previous efforts to address those tasks earlier this year resulted in preliminary analysis that the group is working to complete. Based on updated preliminary analysis the group was in agreement that a 'smoothing' approach could be used in future years to further evaluate estimates as part of broader changes in the annual specification process. The group discussed that any smoothing approach would need to be developed through a more structured methodology for considering uncertainty and outliers in the recreational data, as well as using different approaches tools to improve catch projections and make adjustments to management measures. The Monitoring and Technical Committees plan to continue development of this work in 2018.

MEMORANDUM

Date: November 6, 2017

To: Chris Moore, Executive Director

From: Brandon Muffley, Staff

Subject: Black Sea Bass Recreational Management Measures for 2018

In August 2017, the Council and the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Board (Board) recommended no changes to the previously implemented commercial quotas and recreational harvest limits for black sea bass in 2018, based on the July 2017 advice of the Scientific and Statistical Committee (SSC) and Monitoring Committee. The final rule implementing the 2018 landings limits published on May 25, 2017 (82 FR 24078), and includes a 2018 recreational harvest limit (RHL) of 3.66 million pounds.

The 2018 specifications, including commercial quotas and recreational harvest limits, were initially approved in February 2017 based on the recommendations from the SSC following the approval of the 2016 black sea bass benchmark stock assessment. The benchmark stock assessment¹ concluded that the stock was not overfished and overfishing was not occurring in 2015. The estimated spawning stock biomass (SSB) in 2015 was approximately 2.3 times the spawning stock biomass target. The 2018 RHL represents nearly a 15% decline from the 2017 RHL of 4.29 million lb due to the projected declines in SSB in 2018.

The Monitoring Committee must recommend recreational management measures for 2018 that will constrain landings to the recreational harvest limit. The following is a review of recreational catch and landings data for the black sea bass fishery, as well as a staff recommendation.

Recreational Catch and Landings Trends and 2017 Projections

Recreational catch of black sea bass has fluctuated since 1981, from a peak of 28.95 million fish in 1986 to a low of 3.43 million fish in 1984. Landings have fluctuated from a peak of 12.39 million lb in 1986 to a low of 1.15 million lb in 1998. Landings were estimated to be 5.19 million lb in 2016 (Table 3), approximately 83% above the 2016 RHL of 2.82 million lb.

Marine Recreational Information Program (MRIP) data for 2017 are incomplete and preliminary. To date, only the first four waves (January through August) of catch and landings data for the current year are available. Preliminary data indicate that 7.61 million black sea bass have been caught and 1.42 million

¹ For SARC reports, see: <http://www.nefsc.noaa.gov/saw/reports.html>.

black sea bass have been landed through wave 4 in 2017 (north of Cape Hatteras, NC). By weight, landings through wave 4 were 2.61 million lb, with the mean weight at approximately 1.83 lb per landed fish (Table 4). Through wave 4, recreational landings in 2017 are 14% lower in numbers of fish and 22% lower in weight than landings in 2016 during the same time period. These preliminary estimates indicate that 61% of the 2017 RHL of 4.29 million lb has been harvested.

Preliminary wave data can then be used to project catch and landings for the entire year. As conducted in previous years, the preliminary wave 1-4 data for 2017 was used to project catch and landings for the entire year, by assuming the same proportion of catch and landings by wave and state in the previous year. This should be a reasonable approximation since the 2017 recreational regulations in each state are nearly identical to those in place in 2016 (Table 9a & b). Other projection methods were also evaluated that considered multiple years of catch and landings by wave at both the state and coastwide level to account for the inter-annual variability in the recreational estimates. The different projection methods produced similar results with a 6% difference between the lowest and highest 2017 total harvest projection estimates. Staff recommend the Monitoring Committee review the different projection approaches that were evaluated and determine which method might be the most appropriate for future projections. From 2014 – 2016, waves 1-4 accounted for approximately 66% of the annual black sea bass landings. Given that 34% of the landings occur in waves 5 and 6, which can have highly variable harvest estimates, projections using data through wave 4 are likely to change once more information about the 2017 fishery are available. Projected landings by state are given in Table 5 (in pounds) and Table 7 (in number of fish), and trends by state over time are shown in Figure 1 and Figure 2.

The coastwide (north of Cape Hatteras, NC) projected catch for 2017 is 12.78 million fish, and projected landings are 3.79 million lb or 2.11 million fish (Table 3). Projected 2017 landings in numbers of fish and weight are very similar to 2015 and 2014 landings and lower than the 2016 estimates by 17% and 27%, respectively. The 2017 projected harvest estimate is 12% below the 2017 RHL of 4.29 million lb and 3.6% above the 2018 RHL of 3.66 million lb.

Past Harvest Limits and Management Measures

Recreational harvest limits for black sea bass have ranged from a high of 4.29 million lb in 2017 to a low of 1.14 million lb in 2009. The 2017 RHL was a 52% increase from the 2016 RHL of 2.82 million lb (Table 8) and was based on projections developed from the 2016 benchmark stock assessment. The 2018 RHL will decline by approximately 15% to 3.66 million pounds due to the projected declines in SSB.

Until 2010, the black sea bass recreational fishery was managed with coastwide measures as dictated by the FMP, which included an identical minimum fish size, possession limit, and an open season that were implemented in both state and federal waters. Since 2011, the Commission has developed addenda which have enabled state-specific and regional management measures, which in recent years has been known as “ad hoc regional management.” This process essentially results in two regions: the northern states of Massachusetts through New Jersey, which set state-specific measures, and the southern states of Delaware through North Carolina (north of Cape Hatteras), which typically set measures consistent with federal measures given that most landings from southern states are taken in the EEZ (Table 5). Where state and federal measures differ, federal party/charter permit holders and private anglers fishing in federal waters are bound by whichever regulations are more restrictive. Many federal for-hire permit holders drop their federal permits during periods when state waters are open but federal waters are closed, allowing them to fish in state waters during this time. Most reapply for the permit once this period of inconsistency is complete. In practice under ad hoc regional management, landings in the northern states are constrained

by state measures rather than federal.

In 2017, federal and southern states measures included a 12.5-inch TL minimum size, a 15-fish possession limit, and an open season of May 15-September 21 and October 22-December 31 (Table 8; Table 9). The Commission's Addendum XXVII, approved February 2016, allowed for ad hoc regional management in 2016 with the option to extend this management strategy into 2017. The estimated recreational harvest in 2016 of 5.19 million lb was approximately 21% higher than the 2017 RHL of 4.29 million lb. However, given the positive results of the 2016 benchmark stock assessment, which found the stock to be 2.3 times higher than the target biomass and low fishing mortality, and concern over the uncertainty in the wave 6 harvest estimate for New York, state recreational management measures remained relatively unchanged from 2016. The northern states implemented state-specific measures in 2017 with minimum fish sizes ranging from 12.5 to 15 inches TL, possession limits from 1 to 10 fish, and various seasons (Table 9).

The ad-hoc regional management provisions outlined under Addendum XXVII expire at the end of 2017. Therefore, the Board is currently considering draft Addendum XXX for recreational management in 2018. The addendum will contain options for regional allocations, consider approaches with uniform regulations (e.g., number of days) and other alternatives to the current North/South regional delineation (MA-NJ/DE-NC) such as those applied for summer flounder, i.e., one-state regions. Given the uncertainty in how the Board will manage the recreational black sea bass fishery in 2018, any adjustments to the federal recreational measures should be considered adjustments primarily to the measures for those states that have been in the southern region. Depending upon the outcomes of Addendum XXX, federal measures could be used as a baseline or as reference measures for other state(s)/region(s) in which to draft state specific measures (see Staff Recommendation).

The last year in which a liberalization to recreational measures was allowed was in 2012. Reductions in the recreational fishery were required each year from 2013 – 2016; while status quo measures were implemented in 2017. Annual reductions have ranged from a low of 8% in 2014 to a high of 36% in 2015. Since the Commission began state-specific or ad-hoc regional management approaches to establishing recreational measures in 2011, there has not been a consistent application of how reductions or liberalizations should be applied. Since the majority of the harvest (approximately 96%) comes from the northern states of New Jersey – Massachusetts, a greater proportion of the reductions have been applied to this region; while measures in the southern region states of Delaware through North Carolina have remained relatively consistent during this time period. In 2013 and 2014, reductions were taken in both the northern states and the southern states/federal waters; while in 2015 and 2016, reductions were taken only in the northern states.

Accountability Measures

In 2013, the Council modified the recreational accountability measures (AMs) for Mid-Atlantic species through an Omnibus Recreational Accountability Measures Amendment. This amendment removed the in-season closure authority for the black sea bass recreational fishery that was previously held by the NMFS Regional Administrator. Additionally, in the event of an Annual Catch Limit (ACL) overage, recreational AMs will no longer necessarily include a direct pound-for-pound payback of the overage amount in a subsequent fishing year. Instead, AMs are now tied to stock status, and though paybacks may be required in some circumstances, any potential payback amounts would be scaled relative to biomass, as described below.

The modified recreational AMs are as follows: the 3-year recreational sector ACL is evaluated against a 3-year moving average of total catch. Both landings and dead discards are evaluated in determining if the

3-year average recreational sector ACL has been exceeded. If the recreational ACL is exceeded, the appropriate AM will be determined based on the following criteria:

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

Based on a comparison of the 3-year average ACL to the 3-year average of catch, as described above, recreational AMs would typically be triggered for application given the current circumstances (Table 1). The 2014-2016 average recreational catch (5.34 million lb) exceeded the 2014-2016 average recreational ACL (3.11 million lb). The AM triggered in this case would include adjustments to the recreational management measures (bag, size, and season) with additional considerations for the performance of recent recreational adjustments and the conditions that resulted in overages. However, these ACLs were implemented prior to the updated information provided in the benchmark assessment regarding the current stock status and condition of the resource and staff recommend that applying additional constraints of an AM is unnecessary in this case. The 2015 terminal year estimates from the stock assessment indicate SSB is 2.3 times higher than the target and 4.6 times higher than the threshold and fishing mortality is 25% below the $F_{MSYPROXY}$. In addition, the high recreational catch estimates from 2012 – 2015 were incorporated in the stock assessment and the population continued to grow and stock status did not change. The 2017 recreational ACL and RHL are 53% and 52% higher, respectively, than those implemented in 2016 and are more reflective of the current stock condition. As part of evaluating the AMs, the Monitoring Committee is responsible for considering the “conditions that precipitated the overage”. In January 2017, Monitoring Committee comments² on this issue indicated the 2012 – 2016 recreational overages occurred when the black sea bass stock was rapidly expanding and availability to recreational anglers was very high. At the same time, due to the lack of an approved stock assessment for black sea bass the recreational harvest limits were set at levels not reflective of the large and increasing stock abundance. Had the benchmark assessment been available to set specifications, recreational harvest limits would likely have been significantly higher,

² See January 26, 2017 Monitoring Committee meeting memo at: https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5893a752579fb35d028370e1/1486071639873/Tab06_B-SB-Specifications.pdf. Pages 2-9.

and overages would likely not have occurred to the same degree. All of these reasons support the staff recommendation that no additional constraints are needed at this time.

Table 1: Accountability Measures evaluation for the black sea bass recreational fishery, comparing 2014-2016 average recreational catch vs. 2014-2016 average recreational ACL. Source for total recreational catch: 2017 black sea bass data update.³

Year	Rec. ACL (mil lb)	Rec. Catch (mil lb)	% Over/Under
2014	2.90	4.69	+62%
2015	2.90	4.93	+70%
2016	3.52	6.40	+82%
Average	3.11	5.34	+72%

The Monitoring Committee should continue to build upon its work in January and the recent efforts of the ASMFC Technical Committee regarding alternative approaches to evaluate terminal year harvest to the RHL and smoothing techniques to account for variable and uncertain harvest estimates. The Committee should also consider any recommended changes to the Fishery Management Plan that simplify and clarify the recreational process. These approaches should strive to achieve improving equity and consistency in recreational management measures while improving the understanding of how management adjustments will affect recreational performance.

Methodology

The Monitoring Committee must consider and recommend measures that will ensure the 2018 RHL will not be exceeded. The RHL for 2017 is 3.66 million pounds, a decline of nearly 15% from the 2017 RHL. The coastwide 2017 projections of recreational black sea bass harvest with data through wave 4 is estimated to be 3.79 million lb. The 2017 projected harvest estimate is 12% below the 2017 RHL of 4.29 million lb and 3.6% above the 2018 RHL of 3.66 million lb.

Table 2 provides the distribution of landings by wave in 2015-2016 from the southern region of Delaware through Cape Hatteras, North Carolina which are aligned with federal measures. Previously, a similar table with 2006-2008 landings was used on a coastwide basis to calculate the expected effects of seasonal adjustments on landings. Data from 2006-2008 were used because it is the most recent period when the minimum size, season, and possession limit were consistent across all states and federal waters. The Monitoring Committee has determined that the data used to calculate seasonal adjustments should be updated in order to more effectively predict the effects of recreational adjustments. However, updating this table for the northern states would not be informative given confounding effects of recent northern states regulations, which are complex and variable by state, wave, and fishing mode. Therefore, the table has been updated for the southern region only. The Monitoring Committee should continue to improve on the methods of calculating seasonal adjustments, using recent data and taking into consideration the variations in measures by state and fishing mode.

³ https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/596667b9b11be1960406283b/1499883450612/4-black+sea+bass+SSC+report-2016_updated.pdf

Table 2: a) Average percent of black sea bass landed (in number) by wave over 2015-2016 for Delaware through Cape Hatteras, North Carolina, and b) projected percent liberalization/reduction in black sea bass landings (in number) associated with closing one day per wave for the federal/southern states measures, based on MRIP landings data and the number of open days in each wave for 2016-2016.⁴

a.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
DE	0.00%	0.00%	41.27%	22.31%	5.56%	30.86%
MD	0.00%	0.00%	11.87%	18.73%	53.78%	15.61%
VA	0.00%	0.00%	48.28%	42.85%	7.39%	1.47%
NC ^a	0.00%	20.18%	27.83%	20.47%	26.75%	4.17%
Total : Southern Region	0.00%	0.27%	29.47%	27.81%	29.60%	12.84%

^a North of Hatteras.

b.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
DE	0.000	0.000	0.878	0.360	0.179	0.506
MD	0.000	0.000	0.253	0.302	1.735	0.256
VA	0.000	0.000	1.027	0.691	0.239	0.024
NC ^a	0.000	0.331	0.592	0.330	0.863	0.068
Total: Southern Region	0.000	0.004	0.627	0.449	0.955	0.210

^a North of Hatteras.

Fishing Trips and Year Class Effects

Predicting the number of trips that might be taken in 2018 is complicated. The number of directed recreational black sea bass trips more than doubled from 2011 to 2015 and have averaged 463,000 trips from 2014-2016 (Table 10). Changes in fishing site characteristics (travel costs, catch rates, available species, water quality, etc.), fishery management policies (possession limits, size restrictions, closed seasons), and angler demographics can affect the demand for angler fishing trips. Changes in angler behavior may result in a violation of the assumptions associated with specific sets of regulations and their anticipated results.

Year-class effects in terms of fish availability can influence recreational catch and the expected impacts of management measures and should be considered. The Monitoring Committee has previously noted year class effects from the large 2011 year class of black sea bass, which is highlighted by the continued increase in recreational black sea bass catch from 2012 – 2016. The benchmark assessment indicated that recruitment has been average from 2012 – 2014. The 2017 data update indicates that the 2015 year class is above average. Unlike the 2011 year class which was primarily observed in the northern sub-unit of the stock (i.e. New York and north), the 2015 year class appears to be strong in both the north and south sub-units. The 2015 year class will be available to the recreational fishery in 2018. The Monitoring Committee should continue to review year class information and determine potential impacts on management actions.

⁴ Average landings from 2015-2016 were used to develop in the information in Table 1a and b is smooth out the variability in the landings from one year and one state to the next.

2018 Staff Recommendation

When evaluating the projected 2017 landings to the 2018 RHL of 3.66 million pounds, an approximate 3.5% reduction in landings would be needed in 2018 using the traditional protocol of evaluating the prior year harvest to the following year RHL. Further evaluation will be necessary once the 2017 entire year recreational harvest estimates are available to determine if any adjustments will be required. The Monitoring Committee should continue to refine and finalize protocols necessary to utilize alternative methods for calculating recreational adjustments to help improve and stabilize the recreational specification setting process. These alternative methods include accounting for the uncertainty in the recreational harvest point estimates, data smoothing to account for highly uncertain estimates at the regional, state or wave level and methods to account for projected changes in availability for black sea bass and associated implications for recreational catch.

From 2014 – 2016, the recreational harvest from the southern region states of Delaware through North Carolina have averaged 4.1% of the total coastwide recreational black sea bass landings. Given the projected 2017 harvest and current condition of the black sea bass resource which indicates the spawning stock biomass to be nearly 230% of the target, low fishing mortality and a strong coastwide 2015 year class, staff recommend no reduction in recreational management measures in 2018. As mentioned above, further evaluation will be needed once additional 2017 harvest information becomes available and then utilize the Monitoring Committee's alternative methods to evaluate harvest in reference to the RHL.

The recommendation of no reduction in management measures does not necessarily require *status quo* management measures. The current federal water and southern states measures are a 12.5 inch minimum size, a 15 fish possession limit, and an open season from May 15-September 21 and October 22-December 31. Alternative management measures should be given consideration to more appropriately align state and federal water measures and provide for increased fishing opportunities while constraining harvest to the landing limit. For example, the current September 22-October 21 closure occurs at a time when many northern states are open which results in angler confusion and non-compliance, state/federal water transit issues (eg. Block Island) and permitting problems for federal party/charter permit holders. This closure also takes place when sea bass are available to anglers in the states from New Jersey through North Carolina and likely concentrates fishing effort right before the closure in September and then when the fishery re-opens in October. For federal waters, staff recommend a continuous season length, a possession limit of 10 fish and a 12.5 inch minimum size limit. The reduction in possession limit and any changes to the current federal season start or end dates are needed to account for liberalization associated with the additional days gained in September/October and constrain harvest to that observed in 2017 under the current federal measures. Staff will work with the Monitoring Committee to determine the specific season start and end dates.

These federal water measures would apply to those states currently in southern region (DE-NC). As mentioned in the "Past Harvest Limits and Management Measures" section, the Board is currently developing draft Addendum XXX to set recreational black sea bass management measures in 2018. This addendum is considering various regional and state alignments with specific recreational allocation options. Depending upon the outcome of the addendum, these federal measure recommendations could be used as a baseline for other states or regions including the southern region if its composition changes. Those states whose harvest primarily occurs in state waters, could also consider changes to management measures while striving to achieve greater consistency in regulations while constraining harvest to the allocations determined by Addendum XXX.

In addition to the considerations provided above, states also need to consider and account for their potential participation in the 2018 wave 1 fishery. The Council and Board recently approved allocating 100,000 pounds to a 2018 wave 1 fishery with a season from February 1 – 28, 15 fish possession limit and a 12.5 inch minimum size limit. Those states that participate in the fishery, even if they follow federal water measures, will need to adjust their management measures to account for their harvest within the wave 1 fishery. Which states will participate and how the 100,000 pounds will be allocated and accounted for by each state still needs to be determined by the Board. The Council and Board are also considering options for a wave 1 fishery in 2019. The Monitoring Committee should consider biological and management implications and data collection needs of a wave 1 fishery in 2018 and beyond.

Lastly, there were a couple of significant black sea bass law enforcement actions recently encountered on party vessels in New York. These egregious violations could have biological and management implications and impose additional uncertainty for MRIP estimates. The Monitoring Committee should consider the implications of these non-compliance events and if future adjustments to the ACT are warranted to account for this management uncertainty.

Information on recreational fishery trends, through wave 4 of 2017, is provided in the tables and figures below to facilitate initial discussions of options for 2018.

Table 3: Black sea bass recreational catch and landings by year, 1982 to 2016, and projected catch and landings for 2017, Maine to Cape Hatteras, NC. The number of fish released is presented as a proportion of the total catch (% Released).

Year	Catch^a ('000 fish)	Landings^a ('000 fish)	Landings^a ('000 lb)	% Released	Mean weight of landed fish (lb)
1982	11,386	10,045	9,894	12%	0.98
1983	7,561	4,537	4,079	40%	0.90
1984	3,428	1,780	1,447	48%	0.81
1985	6,047	3,388	2,097	44%	0.62
1986	28,946	21,742	12,392	25%	0.57
1987	5,052	2,883	1,924	43%	0.67
1988	8,186	3,088	2,869	62%	0.93
1989	6,427	4,239	3,289	34%	0.78
1990	9,135	3,881	2,761	58%	0.71
1991	10,829	5,269	4,186	51%	0.79
1992	7,722	3,592	2,706	53%	0.75
1993	9,023	6,007	4,842	33%	0.81
1994	7,166	3,430	2,948	52%	0.86
1995	14,059	6,747	6,207	52%	0.92
1996	8,143	3,624	3,993	55%	1.10
1997	10,646	4,739	4,268	55%	0.90
1998	5,146	1,148	1,152	78%	1.00
1999	7,400	1,378	1,664	81%	1.21
2000	16,927	3,629	3,988	79%	1.10
2001	13,869	2,841	3,421	80%	1.20
2002	14,703	3,351	4,349	77%	1.30
2003	12,128	3,251	3,289	73%	1.01
2004	7,238	1,531	1,973	79%	1.29
2005	7,041	1,263	1,883	82%	1.49
2006	7,602	1,286	1,800	83%	1.40
2007	8,727	1,528	2,175	82%	1.42
2008	10,653	1,294	2,031	88%	1.57
2009	9,224	1,806	2,558	80%	1.42
2010	9,964	2,207	3,190	78%	1.45
2011	4,737	817	1,171	83%	1.43
2012	12,536	1,874	3,185	85%	1.70
2013	9,807	1,282	2,464	87%	1.92
2014	10,870	2,118	3,667	81%	1.73
2015	9,429	2,215	3,790	77%	1.71
2016	14,139	2,543	5,187	82%	2.04
2017 (proj.) ^b	12,777	2,107	3,792	84%	1.80

^a 1982-2003 data are from MRFSS, 2004-2016 data are from MRIP. Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 24, 2017.

^b Projected using proportion by wave from 2016 MRIP data and 2017 MRIP wave 1-4 data.

Table 4: Black sea bass recreational catch and landings for waves 1-4 (January – August), Maine through Cape Hatteras, North Carolina, 2006-2017.^a

Year	Catch (‘000 fish)	Landings (‘000 fish)	Landings (‘000 lb)	Mean Weight (lb)
2006	3,491	710	1,075	1.51
2007	4,440	1,090	1,547	1.42
2008	6,261	618	996	1.61
2009	6,765	1,470	2,030	1.38
2010	4,693	1,284	1,897	1.48
2011	2,524	478	689	1.44
2012	7,534	1,252	2,280	1.82
2013	5,954	928	1,792	1.93
2014	6,341	1,287	2,456	1.91
2015	6,137	1,505	2,590	1.72
2016	8,189	1,653	3,356	2.04
2017	7,613	1,424	2,612	1.83

^a Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 23, 2017.

Table 5: Landings of black sea bass (in lb) by state and area (state vs. federal waters), 2015 and 2016, Maine through North Carolina, and projected landings for 2017 by state. Area information is self-reported based on the area where most fishing activity occurred per angler trip.

State	2015 Landings (lb)	2016 landings (lb)	2017 projected landings (lb)	Avg. % of Coastwide Landings (lb) 2015- 2016	Proj. % of coastwide landings in 2017	% from State Waters (<= 3 mi), 2015-2016	% from EEZ (> 3 mi), 2015-2016
ME	0	0	0	0.0%	0.0%	--	--
NH	0	0	0	0.0%	0.0%	--	--
MA	718,108	891,449	608,267	17.9%	16.0%	97%	3%
RI	444,341	564,375	498,142	11.2%	13.1%	79%	21%
CT	495,679	914,022	634,807	15.7%	16.7%	96%	4%
NY	1,531,507	2,211,311	480,801	41.7%	12.7%	59%	41%
NJ	428,323	398,484	1,192,194	9.2%	31.4%	27%	73%
DE	26,893	31,939	62,771	0.7%	1.7%	6%	94%
MD	78,053	103,997	265,203	2.0%	7.0%	38%	62%
VA	63,695	70,188	23,158	1.5%	0.61%	6%	94%
NC	3,887 ^a	1,249	26,659	0.1% ^a	0.70% ^a	7% ^b	93% ^b
Total	3,790,487	5,187,015	3,792,002	100.0%	100.0%	68%	32%

^a Landings data shown are through Cape Hatteras, NC.

^b Landings by area (state vs. federal waters) includes data from all of North Carolina (north and south of Cape Hatteras).

Table 6: Black sea bass recreational landings (in thousands of fish) by state for waves 1-4, Maine through Cape Hatteras, NC, 2008-2017.

State	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
ME	-	-	-	-	-	-	-	-	-	-
NH	-	-	-	-	3	12	-	-	-	-
MA	154	367	641	159	454	190	349	338	361	221
RI	12	23	133	12	55	51	110	99	125	115
CT	60	0	15	3	87	96	187	143	367	244
NY	111	429	227	105	271	256	277	635	525	116
NJ	203	483	210	129	314	243	308	228	203	602
DE	18	34	16	14	33	34	18	12	17	31
MD	22	24	18	38	31	25	32	13	31	62
VA	29	109	17	13	3	12	4	36	24	17
NC	9	2	7	6	2	8	<1	1	<1	16

Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 23, 2017.

Table 7: Black sea bass recreational landings (in thousands of fish) by state for all waves, Maine through Cape Hatteras, NC, 2008-2017.^a

State	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017 (proj.) ^b
ME	-	-	-	-	-	-	-	-	-	
NH	-	-	-	-	3	12	-	-	-	
MA	246	431	702	195	520	292	457	343	392	241
RI	52	36	160	50	103	75	214	234	255	234
CT	60	0	16	8	111	110	397	331	436	290
NY	260	566	543	274	322	353	469	877	1,033	228
NJ	580	583	687	148	735	345	468	310	294	872
DE	23	37	21	43	40	37	24	23	24	44
MD	26	33	36	47	33	30	68	58	80	162
VA	38	115	30	19	4	21	19	39	29	20
NC	9	3	11	31	4	8	<1	2	<1	17

^a Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 23, 2017.

^b Projected using proportion by wave from 2016 MRIP data and 2017 MRIP wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 23, 2017).

Table 8: Summary of management measures for the black sea bass recreational fishery, 1997-2018.

Measure	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
ABC (m lb)	-	-	-	-	-	-	-	-	-	-	-
Recreational ACL (m lb)	-	-	-	-	-	-	-	-	-	-	-
Harvest Limit (m lb)^a	-	3.15	3.15	3.15	3.15	3.43	3.43	4.01	4.13	3.99	2.47
Landings (m lb)^b	4.3	1.2	1.7	4.0	3.4	4.4	3.3	2.0	1.9	1.8	2.17
Possession Limit	-	- ^c	- ^c	- ^c	25	25	25	25	25	25	25
Size Limit (TL in)	9	10	10	10	11	11.5	12	12	12	12	12
Open Season	1/1-12/31	1/1-7/30 and 8/16-12/31	1/1-12/31	1/1-12/31	1/1-2/28 and 5/10-12/31	1/1-12/31	1/1-9/1 and 9/16-11/30	1/1-9/7 and 9/22-11/30	1/1-9/7 and 9/22-11/30	1/1-12/31	1/1-12/31
Measure	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
ABC (m lb)			4.50	4.50	4.50	5.50	5.50	5.50	6.67	10.47	8.94
Recreational ACL (m lb)	-	-	-	-	-	2.90	2.90	2.90	3.52	5.38	4.59
Harvest Limit (m lb)^a	2.11	1.14	1.83	1.84	1.32	2.26	2.26	2.33	2.82	4.29	3.66
Landings (m lb)^b	2.03	2.56	3.19	1.17	3.19	2.46	3.67	3.79	5.19	3.79 ^e	-
Possession Limit	25	25	25	25	15 or 25 ^d	20	15	15	15	15	-
Size Limit (TL in)	12	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	12.5	-
Open Season	1/1-12/31	1/1-12/31	1/1-10/5	5/22-10/1 and 11/1-12/31	1/1-2/29, 5/19-10/14 and 11/1-12/31	5/19-10/14 and 11/1-12/31	5/19-9/21 and 10/18-12/31	5/15-9/21 and 10/22-12/31	5/15-9/21 and 10/22-12/31	5/15-9/21 and 10/22-12/31	-

^a For 2006-2014, recreational harvest limits are adjusted for Research Set Aside (RSA). Quotas and harvest limits for 2015-2018 do not reflect an adjustment for RSA due to the suspension of the program in 2014.

^b Landings for Maine through Cape Hatteras, NC. 1997-2003 data are from MRFSS, 2004-2016 data are from MRIP.

^c There was no federal possession limit but some states implemented a 20 fish possession limit in these years.

^d 15 fish from 1/1-2/29; 25 fish from 5/19-10/14 and 11/1-12/31.

^e Projected using preliminary data from waves 1-4, 2017, and proportions of landings by wave and state from 2016.

Table 9: Black sea bass recreational management measures by state, 2016 (a) and 2017 (b).

a) 2016 measures 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	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

b) 2017 measures 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	
New York	15	3	June 27 – August 31
		8 fish	September 1 - October 31
		10 fish	November 1 - December 31
New Jersey	12.5	10 fish	May 26 - June 18
		2 fish	July 1-August 31
		15 fish	October 22 - 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

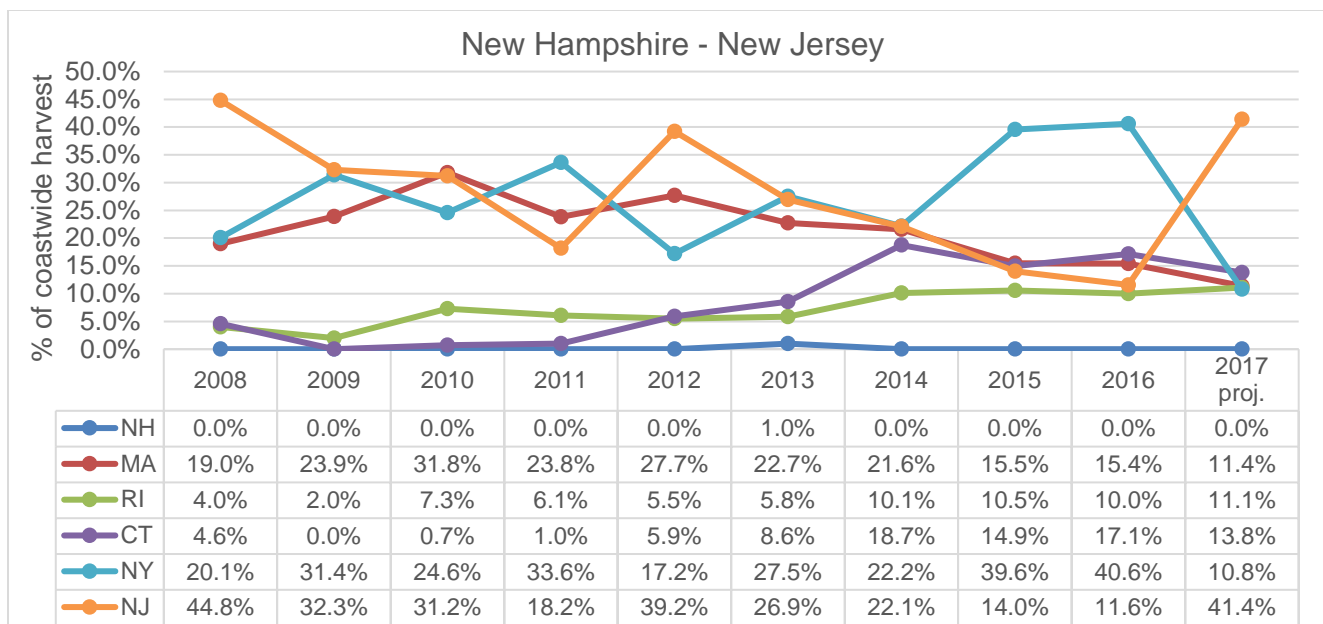


Figure 1: Percentage of coastwide black sea bass harvest (in number of fish) by state, 2008-2017 (projected) for New Hampshire-New Jersey.

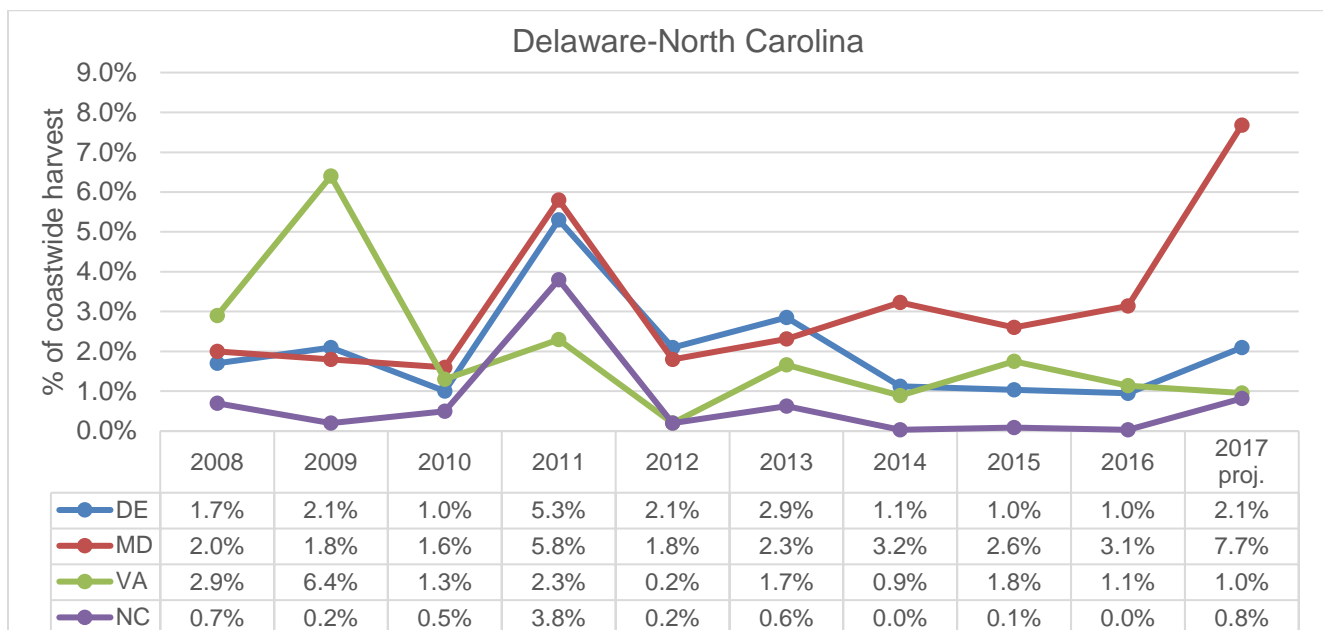


Figure 2: Percentage of coastwide black sea bass landings (in number of fish) by state, 2008-2017 (projected) for Delaware-North Carolina.

Table 10: Number of directed black sea bass recreational fishing trips (Maine through North Carolina), recreational harvest limits, recreational landings, and fishery performance from 1995 to 2017.

Year	Number of Directed Fishing Trips ^a	Percentage of Directed Trips relative to Total Trips ^b	Recreational Harvest Limit (million lb) ^c	Recreational Landings of BSB (million lb) ^{d,e}	Percentage Overage (+%)/ Underage (-%)
1995	313,537	1.2	None	6.34	None
1996	231,090	0.8	None	3.99	None
1997	310,898	1.0	None	4.26	None
1998	137,734	0.5	3.15	1.14	-64%
1999	136,452	0.5	3.15	1.64	-48%
2000	255,789	0.7	3.15	3.98	+26%
2001	293,191	0.8	3.15	3.41	+8%
2002	283,537	0.9	3.43	4.37	+27%
2003	285,861	0.8	3.43	3.30	-4%
2004	149,670	0.4	4.01	1.97	-51%
2005	199,603	0.5	4.13	1.88	-54%
2006	253,040	0.7	3.99	1.80	-55%
2007	368,042	1.0	2.47	2.18	-12%
2008	256,341	0.7	2.11	2.03	-4%
2009	393,389	1.3	1.14	2.56	+125%
2010	417,663	1.4	1.83	3.19	+74%
2011	193,655	0.7	1.83	1.17	-36%
2012	267,932	0.8	1.32	3.19	+142%
2013	261,582	1.0	2.26	2.46	+9%
2014	403,624	1.0	2.26	3.67	+62%
2015	505,571	2.3	2.33	3.79	+63%
2016	483,604	1.9	2.82	5.19	+83%
2017	NA	NA	4.29	NA	NA

^a Estimated number of recreational fishing trips (expanded) where the primary target species was black sea bass, Maine through North Carolina. Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 27, 2016.

^b Source of total trips (Maine through North Carolina) for all species combined: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 23, 2017.

^c Harvest limits for 2002 through 2014 are adjusted for research set-aside.

^d Maine through Cape Hatteras, NC.

^e 1994-2003 data are from MRFSS, 2004-2016 data are from MRIP. Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 23, 2017.

NA = Data not available.

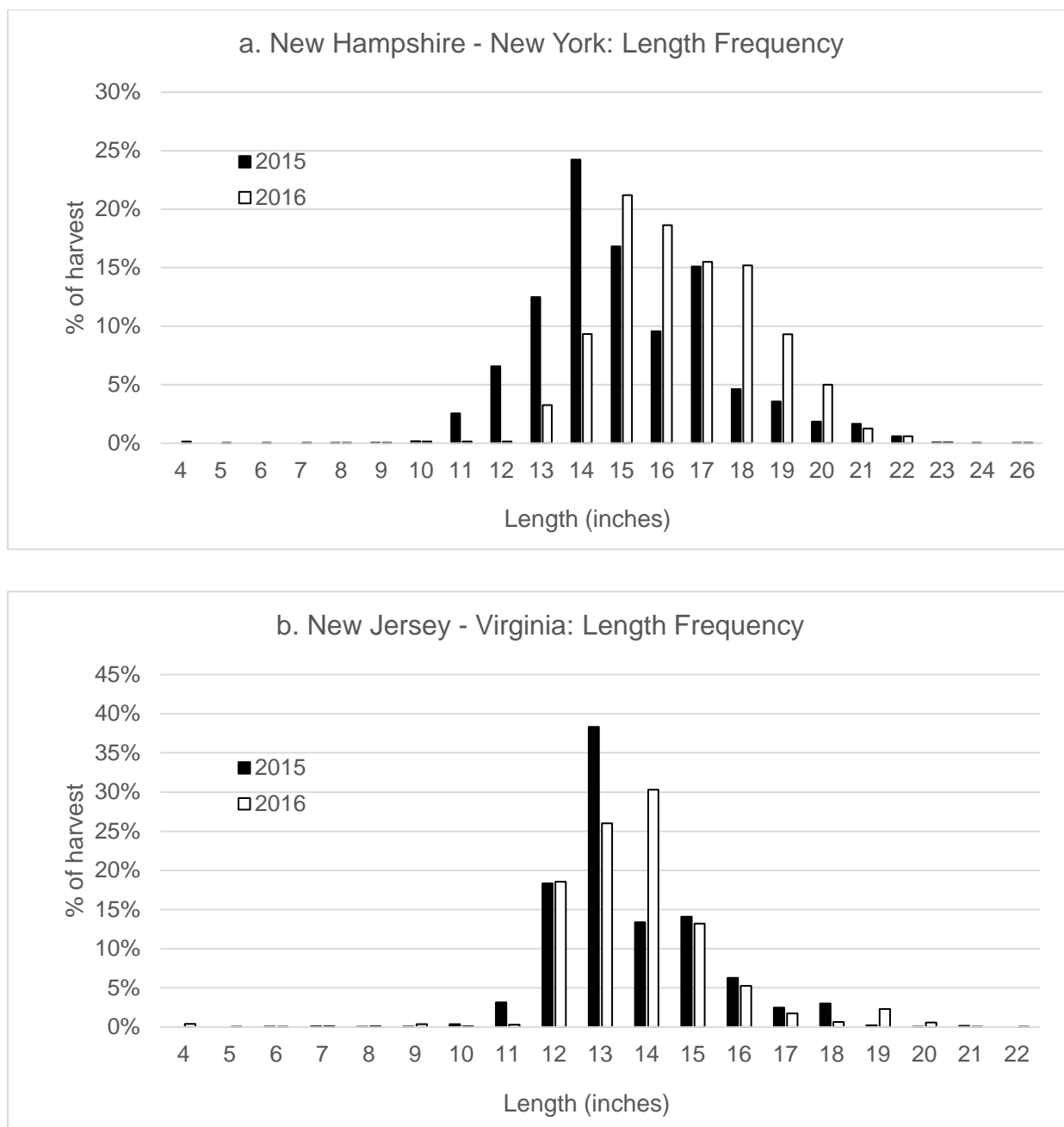


Figure 3: Expanded length frequencies of landed black sea bass from 2015 and 2016 MRIP data, as a percent of total landed fish, for a) New Hampshire through New York (13 or 15-inch size limits) and b) New Jersey through North Carolina (generally 12.5-inch size limit, except for New Jersey fall season). Each length bin contains fish from X.0 to X.99 inches. Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 23, 2017.