

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM I TO THE BLACK DRUM FISHERY
MANAGEMENT PLAN FOR PUBLIC COMMENT**



Vision: Sustainably Managing Atlantic Coastal Fisheries

February 2018

Draft Document for Public Comment

Public Comment Process and Proposed Timeline

In October 2017, South Atlantic State/Federal Fisheries Management Board (Board) approved a motion to initiate the development of an addendum to the Interstate Fishery Management Plan (FMP) for black drum to consider reopening Maryland's commercial fishery for black drum in the Chesapeake Bay. This draft addendum presents background on the Atlantic States Marine Fisheries Commission's (ASMFC) management of black drum, the addendum process and timeline, and a statement of the problem. This document also provides black drum management options for public consideration and comment.

The public is encouraged to submit comments regarding this document at any time during the addendum process. The final date comments will be accepted is **March 23, 2018 at 5:00 p.m. EST**. Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit a comment, please use the contact information below.

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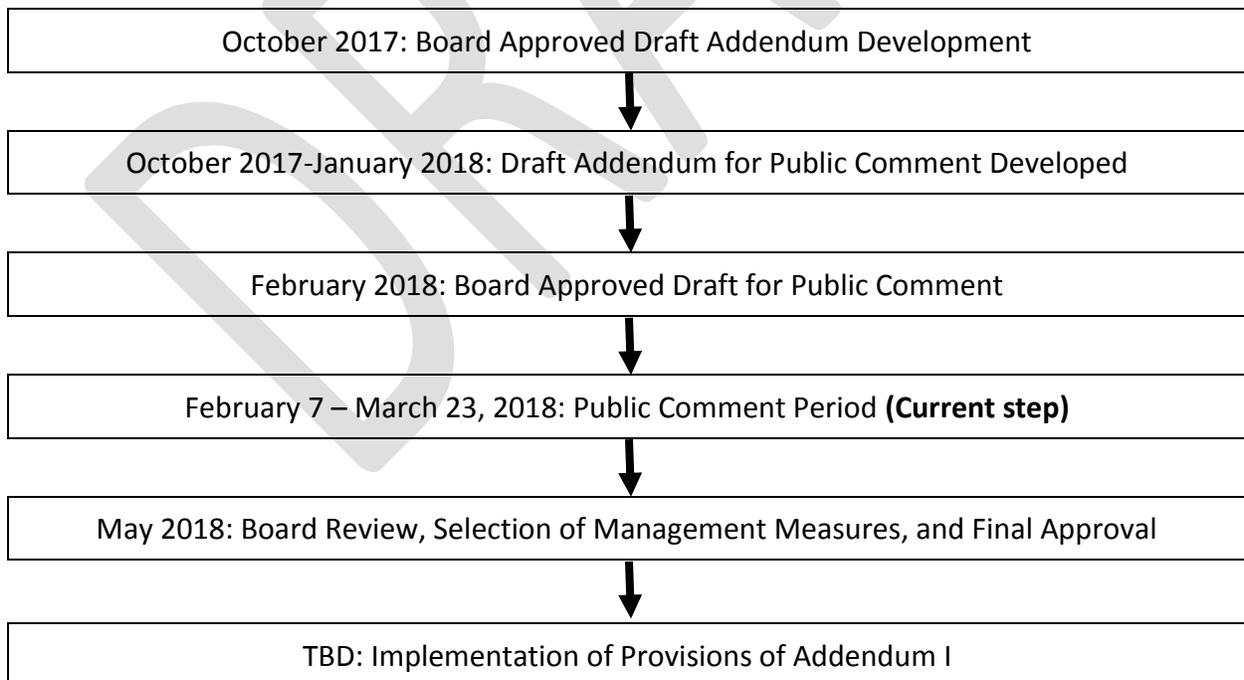
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The development of Draft Addendum I to the Black Drum Fishery Management Plan follows the general process outlined below. Tentative dates are included to illustrate the timeline of the addendum process.



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1.0 Introduction

The Atlantic States Marine Fisheries Commission's (ASMFC) South Atlantic State/Federal Fisheries Management Board (Board) approved the Interstate Fishery Management Plan for Black Drum (FMP) in June 2013 (ASMFC, 2013). The goal of the FMP is to provide for an efficient management structure to implement coastwide management measures in a timely manner. ASMFC maintains the primary management authority for black drum in state and federal waters. The management unit for black drum extends throughout the species range along the U.S. Atlantic coast, from Gulf of Maine through Florida, but black drum within this range are primarily caught from New Jersey through Florida.

Draft Addendum I proposes reopening Maryland's commercial black drum fishery in the Chesapeake Bay.

2.0 Overview

2.1 Statement of the problem

Draft Addendum I responds to a proposal from the state of Maryland to reopen their commercial fishery for black drum in the Chesapeake Bay. The FMP requires states to maintain the commercial restrictions that were in place at the time of the FMP's approval. At the time of the FMP's adoption, Maryland's commercial black drum fishery in Chesapeake Bay was in the midst of a closure that was originally intended to be temporary but, after approval of the FMP, has been continued in perpetuity. Maryland has proposed reopening this fishery with daily vessel and minimum size restrictions.

2.1.2 Background

During the late 1990s, the state of Maryland began a tag and release program for black drum in order to gather critical life history, migration, and recreational harvest data for the species. This program compensated commercial watermen for black drum encountered in pound nets. The watermen were prohibited from taking the fish, but were paid for fish that were tagged and released from their nets. In 1998, the tagging program ended, but the verification of black drum caught, and compensation for their release, continued in 1999. The compensation program was eliminated prior to the start of the 2000 season, but commercial harvest was not reinstated. Commercial watermen would periodically request reinstatement of harvest, but this never became a priority issue and commercial harvest remained closed. In 2013, the fishery was formally and permanently closed when ASMFC approved the Interstate Fishery Management Plan for Black Drum (ASMFC, 2013), which states in section 4.2: "In order to avoid the establishment of any new commercial fisheries for black drum, all states shall maintain their current level of restrictions, i.e. no relaxation of current commercial fisheries management measures." As a result of this language in the plan, Maryland's black drum fishery in the Chesapeake Bay was frozen in a commercial moratorium, which is the most conservative management for black drum among the Atlantic states (Table 1).

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Table 1. Black drum regulations for 2016. The states of New Jersey through Florida are required to meet the requirements in the FMP. All size limits are total length.

State	Recreational		Commercial			Notes
	Size limit	Bag limit	Size limit	Trip Limit	Annual Quota	
ME - NY	-	-	-	-	-	
NJ	16" min	3/person/day	16" min	10,000 lbs	65,000 lbs	
DE	16" min	3/person/day	16" min	10,000 lbs	65,000 lbs	
MD	16" min	1/person/day 6/vessel (Bay)	16" min		1,500 lbs Atlantic Coast	Chesapeake Bay closed to commercial harvest
VA	16" min	1/person/day	16" min	1/person/day*	120,000 lbs	*without Black Drum Harvesting and Selling Permit
NC	14" min - 25" max; 1 fish > 25" may be retained	10/person/day	14" min - 25" max	500 lbs		
SC	14" min - 27" max	5/person/day	14" min - 27" max	5/person/day		Commercial fishery primarily bycatch
GA	14" min	15/person/day	14" min	15/person/day		
FL	14" min - 24" max; 1 fish >24" may be retained	5/person/day	14" min - 24" max	500 lbs/day		

3.0 Management Options

Option 1: Status quo. Current FMP remains in place.

Option 2: Reopen Maryland’s commercial fishery for black drum in the Chesapeake Bay with a 10 fish daily vessel limit and a 28 inch minimum total length size limit.

Maryland’s proposal indicates that the vessel and size limits of Option 2 would result in an effective daily trip limit of approximately 500 pounds, allowing comparable harvests to states like North Carolina and Florida, which currently have 500 pound per day commercial limits. The Black Drum Technical Committee (TC) has reviewed the following rationale for these limits and recommended that reopening of this fishery under the restrictions proposed by Option 2 would not likely result in overfishing of the stock. The TC also recommends that, in addition to fulfilling commercial reporting requirements of the FMP, biological monitoring of black drum caught by

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this fishery should be conducted to collect valuable stock assessment information such as length, weight, and age.

Vessel Limit Rationale: Maryland DNR conducted a tagging study from 1995-1997 in which 457 black drum were weighed. Mean weight for fish over 28 inches was 46.6 pounds, indicating a ten-fish limit would be similar to a 500 pound per day limit. More so, in this tagging study, 91 percent of the weights were taken in 1997, which appeared to be a year in which mean length of landed black drum (1,104 mm total length, n = 900) may have been higher than normal. Since 1993, Maryland DNR has conducted an ongoing pound net survey which infrequently encounters black drum (n = 131). When they are encountered, mean length in the pound net survey was observed to be 883 mm (35 inches) total length from 1993-2016. The fact that smaller black drum were encountered in the pound nets also suggests that 10 fish harvested from pound nets will often weigh less than 500 pounds per day.

Size Limit Rationale: The 28-inch total length size limit represents the length of 100% maturity and would ensure no increase in harvest mortality on immature black drum. Tagging study and pound net survey length frequencies indicate 3% and 37% of black drum, respectively, would have been discarded if a 28-inch size limit had been in place. Again, the broader time period of the pound net survey takes more inter annual variability into account, making it likely, that in the long term, the higher discard rate is more accurate.

Estimated Impacts of Option 2: From 1973-1997, the time period for which landings by area are available in Maryland, Chesapeake Bay commercial black drum harvest ranged from zero to 41,552 pounds, with an annual average harvest of 11,475 pounds. The majority of these landings were taken in pound nets. There were no commercial harvest restrictions from 1973-1993. A 16-inch minimum total length size limit and 30,000 pound annual Chesapeake Bay commercial quota was implemented from 1994-1997. Compared to the 2015 total coast-wide harvest of 1,486,327 pounds, the addition of Maryland's historical average or maximum Chesapeake Bay harvest would lead to an estimated increase in coast-wide harvest of 0.8% or 2.8%, respectively. Option 2 is more restrictive than the regulations that were in place from 1973 to 1997, so impacts of Maryland harvest to the coast-wide total would likely be on the low end of this range.

The 2015 coast-wide benchmark stock assessment (data through 2012) indicated the stock was not overfished and overfishing was not occurring (ASMFC, 2015). The current total harvest target is 2.12 million pounds and the threshold is 4.12 million pounds. In 2016, total harvest was 28% below the target (1.53 million pounds), indicating additional landings from reopening the Maryland Chesapeake Bay commercial harvest, at the proposed level, would unlikely result in exceeding the target in the future and would very unlikely lead to overfishing.

4.0 Compliance

If approved by the Board, to implement this Draft Addendum, Maryland must submit regulatory language that complies with this Draft Addendum by XXXX, 2018, with implementation scheduled for XXXX, 2018. Maryland would also annually report additional landings from this fishery, in accordance with the requirements of the FMP.

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5.0 References

ASMFC. 2013. Interstate Fishery Management Plan for Black Drum. Arlington, VA.
http://www.asmfc.org/uploads/file/BlackDrumInterstateFMP_June2013.pdf.

ASMFC. 2015. Black Drum Stock Assessment for Peer Review. Atlantic States Marine Fisheries Commission, Stock Assessment Report. 352 p.
http://www.asmfc.org/uploads/file//54ecf837BlackDrumStockAssmt_PeerReviewReports_Feb2015.pdf.

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