

Atlantic States Marine Fisheries Commission

**ADDENDUM VI TO THE BLACK SEA BASS FISHERY
MANAGEMENT PLAN**



Approved by the Summer Flounder, Scup, and Black Sea Bass
Management Board on February 21, 2002

Background

Black sea bass is jointly managed by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC). The Fishery Management Plan (FMP) for black sea bass was approved in October 1996 by the ASMFC. The MAFMC approved the black sea bass management measures as Amendment 9 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan in October 1996.

Coastwide, regional and state-by-state allocation systems were identified as possible systems to distribute and manage the annual commercial quota in the FMP. These options were to be developed into a functional system by the end of the second year. If a system was not designed in the second year, the FMP provided a failsafe coastwide quota system allocated by quarterly periods. No acceptable system was designed, resulting in the implementation of the coastwide quarterly system in 1999.

The FMP provides that the annual coastwide quota is divided among four quarters. The first quarter runs from January 1 through March 31, the second quarter runs from April 1 through June 30, the third quarter runs from July 1 through September 30, and finally the fourth quarter runs from October 1 through December 31. The FMP includes a coastwide quota system that is in effect during each quarter. In the coastwide system, quotas are allocated based on the percentage share of commercial landings from 1988-1992. Table 1 summarizes the allocation of the commercial quota by quarter.

Table 1. Allocation of the commercial quota by quarter.

Quarter	% of Commercial Allocation
I	38.64%
II	29.26%
III	12.33%
IV	19.77%

For 2002, the ASMFC adopted a coastwide commercial quota of 3,294,758 pounds. The MAFMC recommended the same coastwide quota, which was approved by the NMFS Regional Administrator in the winter of 2002. This commercial quota was further divided by quarter to reflect 1.27 million pounds, 964 thousand pounds, 406 thousand pounds, and 651 thousand pounds for the first, second, third, and fourth quarters respectively.

The FMP requires that any commercial harvest in excess of the established quota for a given period be subtracted from the same period in the following year. There was a

significant overage in quarters 1 and 2 of 2001, necessitating a reduction in the 2002 quotas for those time periods. A 2% research set-aside was also approved for 2002. This reduction was made to the TAL prior to calculating the 2002 quarterly allocations. Table 2 summarizes coastwide quotas and landings for each quarter of the black sea bass fishery over time.

Table 2. Coastwide quarterly quotas and landings for 1998-2002

Year	Quarter	Coastwide Quota^b	Coastwide Landings
1998	1	1,168,860	763,949
	2	885,115	577,542
	3	372,983	355,563
	4	598,043	498,823
1999	1	1,168,760	708,235
	2	885,115	1,031,318
	3	372,983	472,779
	4	598,043	655,864
2000	1	1,168,760	848,018
	2	734,088	939,609
	3	238,795	334,871
	4	490,038	571,090
2001	1	1,168,760	1,212,322
	2	679,519	737,896
	3	276,875	274,525
	4	575,231	562,112
2002 ^a	1	1,273,094	
	2	964,046	
	3	406,244	
	4	651,374	

^a Note – 2002 quota values are adjusted for 2001 overages and the 2002 research set-aside

Statement of the Problem

The process for setting possession limits for the Black Sea Bass fishery has not been working very efficiently in recent years. As illustrated in Table 3, the fishery has been subjected to lengthy closures and some significant quota overages. Fishery closures occurring as a result of filled/exceeded quotas can result in increased discards of legal sized black sea bass in mixed fisheries for the remainder of the closed period. Significant financial hardship on the part of the fishing industry can also result due to a decrease in market demand caused by a fluctuating supply.

Table 3. Commercial Management Performance: 1999-2001

Period	Commercial Quota (lbs.)	Commercial Landings (lbs.)	# of Weeks Closed	Trigger Percent	Initial Weekly/Daily Trip Limits (lbs.)
1999 Quarter 1	1,168,860	708,235	0		11,000
Quarter 2	885,115	1,031,318	2		7,000
Quarter 3	372,983	472,779	1		3,000
Quarter 4	598,043	655,864	2		4,000
2000 Quarter 1	1,168,760	848,018	0		9,000
Quarter 2	734,088	939,609	3		3,000
Quarter 3	238,795	334,871	9		2,000
Quarter 4	490,038	571,090	7	50	2,000 1,000/N/A
2001 Quarter 1	1,168,760	1,212,322	3	75	9,000 N/A/4,500
Quarter 2	679,519	737,896	3	40	1,500 1,000/150
Quarter 3	276,875	264,365	9	40	1,000 1,000/150
Quarter 4	575,231	562,112	7	N/A	N/A 2,000/300

In an attempt to avoid these closures and overages, the Management Board has passed a series of emergency rules to establish appropriate possession limits. The changes made by these emergency rules have been very confusing for fishermen and have added a substantial administrative burden to an already difficult management process. The implementation of this Addendum will improve the management of the black sea bass fishery by allowing the Management Board to set not only quotas and initial possession limits, but triggers and adjusted possession limits at the annual specification setting meeting. This will provide fishermen with advance notice to allow for better planning and less confusion over the course of the year. It will also decrease the administrative burden of developing separate emergency rules for each quarter, allowing for additional time for states to implement the management program.

In summary, the function of this Addendum is to:

- 1) Establish possession limits for quarters 2, 3 and 4 of the 2002 fishing season. See Table 4 for a summary of the 2002 fishing season possession limits, triggers and adjusted possession limits by quarter.

- 2) Institute a system by which the Management Board can set initial possession limits, triggers, and adjusted possession limits for the black sea bass fishery during the annual specification setting process.

Management Program

An Emergency Rule for the black sea bass fishery, passed in December 2001, established a 7,000 pound possession limit for quarter 1 of 2002. This Addendum sets the possession limits, triggers and adjusted possession limits for quarters II, III and IV of 2002. Each quarter will begin with either a daily or weekly initial possession limit. As a result of the differential effect of possession limits across the geographical range and variety of gears used in this fishery, states will be given the option of choosing which strategy will most benefit their fishermen. When 60% of the quota is projected to be harvested, the states will be notified and required to adjust their possession limits. Table 4 summarizes the initial possession limits, triggers and adjusted possession limits for quarters II, III and IV of 2002.

Table 4: 2002 Fishing Season Possession Limits

Quarter	2002 Initial Possession Limit	Trigger	Adjusted Possession Limit
II	1,500 lbs./day 6,000 lbs./week	60%	150 lbs./day 1,000 lbs./week
III	500 lbs./day 3,000lbs./week	60%	100 lbs./day 700 lbs./week
IV	750 lbs./day 4,000 lbs./week	60%	100 lbs./day 700 lbs./week

Annual Process for Setting Fishery Specifications

The ASMFC Summer Flounder, Scup and Black Sea Bass Management Board is taking proactive measures to avoid the confusion and administrative burden associated with the passage of multiple emergency rules. Through the passage of this Addendum, a system has been created to give the Management Board the ability to set initial possession limits, triggers and adjusted possession limits for each quarter during the annual specification setting process. Under the provisions of this Addendum, each quarter will start with an initial possession limit. ASMFC staff will monitor reported landings and notify the states when a pre-determined percent of the allocation is projected to be landed. Once notified, all states will be required to reduce their possession limits to a level that the Board will have determined during the annual specification setting process. This adjusted possession limit will endure until ASMFC staff notifies each state that the full quota is projected to be landed, at which time all states will be required to close their black sea bass fishery for the remainder of the quarter. The intent of this action is to:

Allocate the available quota to the states/user groups over the fishing year;

Prevent adverse impacts associated with increased discards of legal-sized fish during closures, which will be implemented once a quarterly quota is projected to be taken;

Help alleviate the financial hardship experienced by fishermen during extended season closures;

Decrease the administrative burden on state management agencies;

Decrease the confusion associated with rapidly changing regulations.

Addendum VI slightly modifies the process for establishing annual specifications for the black sea bass fishery stipulated in Addendum IV. The following provisions will operate with respect to the states and the Commission in lieu of any inconsistent provisions the following FMP sections: Black Sea Bass FMP (Amendment 9 of the federal version of the FMP): Sections 9.1.2.2, 9.1.2.3.1, 9.1.2.3.2, 9.1.2.3.4, 9.1.2.3.5, 9.1.2.3.6, 9.1.2.4.1., and 9.1.2.4.2.

The Summer Flounder, Scup and Black Sea Bass Monitoring Committee are joint committees of the MAFMC and ASMFC made up of staff representatives of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, the Northeast Regional Office, the Northeast Fisheries Center, and ASMFC representatives. The ASMFC is represented by the members of the applicable Plan Review Team as established per section 5(e) of the ASMFC Interstate Fisheries Management Program Charter. The MAFMC Executive Director or his designee will chair the Committee.

The Monitoring Committees will annually review the best available data including, but not limited to, commercial and recreational catch/landing statistics, current estimates of fishing mortality, stock status, the most recent estimates of recruitment, VPA results, target mortality levels, beneficial impacts of size/mesh regulations, as well as the level of noncompliance by fishermen or states. The Monitoring Committee will then recommend to the Council Committee and ASMFC Summer Flounder, Scup and Black Sea Bass Management Board (“Board”) commercial (annual quota, minimum fish size, minimum mesh size, vent requirements, initial possession limits, triggers, and adjusted possession limits) and recreational (possession limits, size limits and seasonal closures) measures designed to prevent the target mortality level for black sea bass from being exceeded. The Committee will also review state regulatory programs for consistency with the FMP, as well as the gear used in the fishery to determine whether additional regulations are necessary to help assure attainment of the fishing mortality rate target and propose such regulations as appropriate.

The Council and the Board will receive the report of the Committees as well as appropriate public input. The Council and Board will consider this information and jointly determine the quotas and framework adjustments for the following year. Next, the

Council will make recommendations to the Regional Administrator and the Board will determine the final state quotas and other state management measures for the year. The Regional Administrator will receive the report of the Council and publish a report in the Federal Register for public comment by the date specified in the regulations which provides states sufficient time to implement quotas and other management measures. Following the review period, the Regional Administrator will set the final federal quota and other management program adjustments applicable to the EEZ and to federal permit holders for the year. All landings will count against the relevant quota. All states must implement measures as contained in the decision of the Board.

In summary, the steps from the Monitoring Committees to action by the ASMFC and the Regional Administrator are:

1. The Monitoring Committee reviews the data and makes recommendations to the Council's Demersal Species Committee and ASMFC Board, including recommendations for initial possession limits, triggers and adjusted trip limits for each quarter as needed.
2. The ASMFC and Council Citizens Advisory Panels present recommendations to the Committee and Board.
3. The Demersal Species Committee and Board consider the recommendations of the Monitoring Committees, Advisors, and other public input in jointly determining annual quotas and framework adjustments.
4. The Board makes final decisions on quotas and framework adjustments for state waters, establishing compliance criteria and dates.
5. The Demersal Species Committee makes recommendations to the Council
6. The Council considers the recommendations of the Demersal Species Committee and makes recommendations to the Regional Administrator.
7. The Regional Administrator considers the recommendations of the Council and the ASMFC Board's decisions and publishes proposed measures in the Federal Register.
8. States submit proposals of management programs, including possession limits, triggers and adjusted trip limits, to Management Board. Proposals must include a description of how any weekly trip limits are to be administered.