



# Overview of Draft Addendum XXXIII and Council Amendment Alternatives

*Commercial Black Sea Bass Management*



Presented to ASMFC Summer Flounder, Scup  
and Black Sea Bass Board and Mid-Atlantic Council  
August 6, 2020

# Presentation Outline



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# Background



**Date**

**Activity/Action**

October 2019

Board initiated addendum to consider adjustments to commercial black sea bass state allocations based on PDT report

December 2019

Council initiated a complementary amendment

January-July 2020

PDT developed Draft Addendum XXXIII

**August 2020**

**Consider Draft Addendum XXXIII / Council Amendment for public comment**

# Problem Statement



- State allocations of commercial black sea bass coastwide quota originally implemented in 2003 (Amendment 13)
  - Loosely based on historical landings from 1980-2001
- Significant changes to stock abundance and distribution
  - Larger expansion N of Hudson Canyon relative to S
- Current allocations do not align with resource distribution/availability

# Goal Statement



- Consider adjusting the current commercial black sea bass allocations using current distribution and abundance of black sea bass as one of several adjustment factors to achieve more balanced access to the resource. These adjustment factors will be identified as the development process moves forward.
- Consider whether the state allocations should continue to be managed only under the Commission's FMP or whether they should be managed under both the Commission and Council FMPs.

# Status of the Fishery



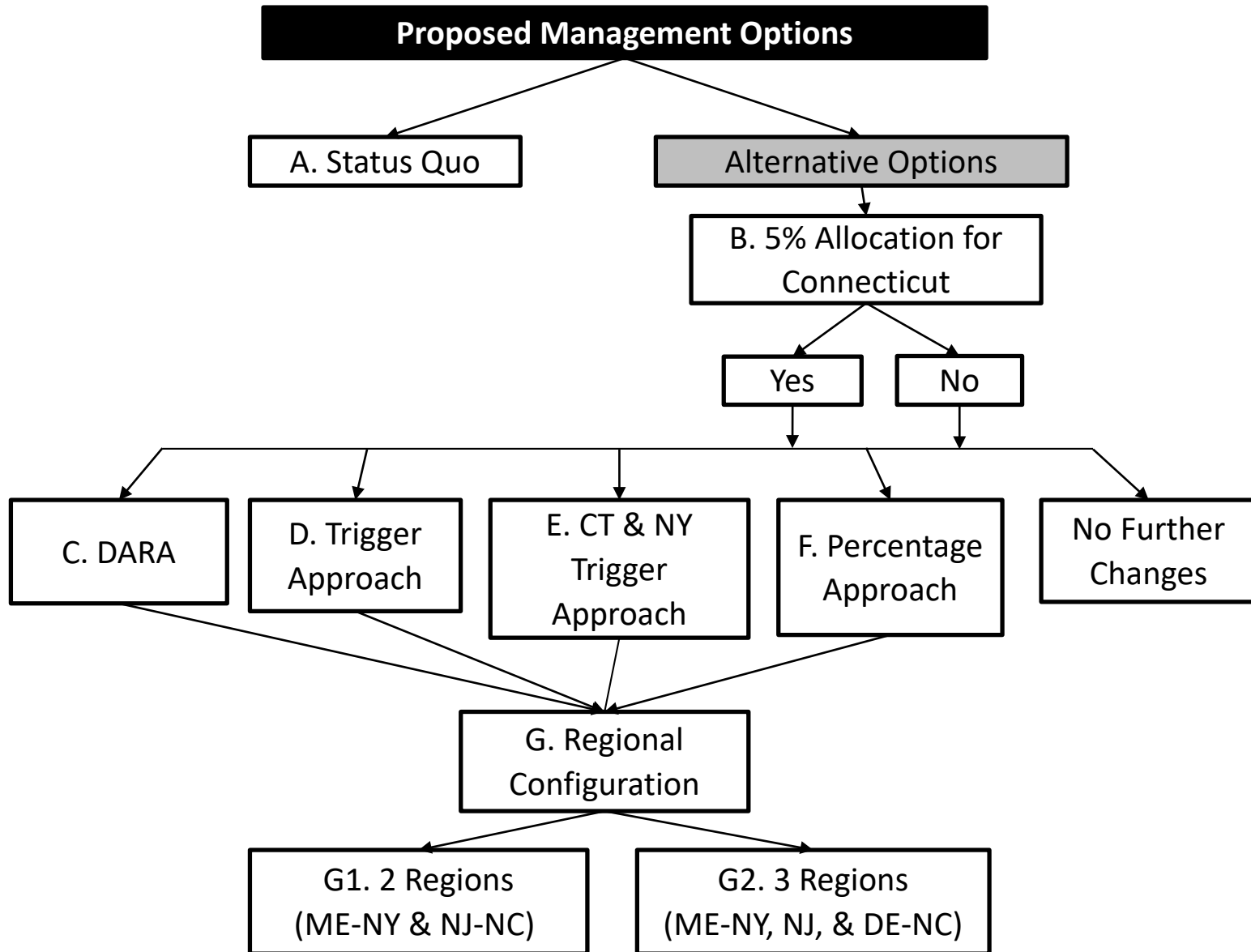
- Information on landings, price, gear type, location of catch, and quota transfers among states.
- Based on dealer data, VTRs, and input from fishermen and dealers.

# Status of the Fishery



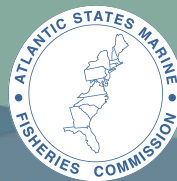
- **Correction to Section 2.4, page 8, paragraph 3**
  - The average price per pound paid to fishermen by dealers for black sea bass (adjusted to 2019 values based on the Gross Domestic Product Price Deflator) appears to show an inverse relationship with landings in the southern region states (New Jersey - North Carolina) during 2010-2019 (i.e., price generally decreased with increases in landings,  $p=0.002$ ). There did not appear to be a strong relationship between price and landings in the northern region (Maine - New York) during 2010-2019 ( $p=0.498$ , Figure 3).

# Management Options for State Allocations





# A. Status Quo



- State allocations of commercial black sea bass coastwide quota originally implemented in 2003 (Amendment 13)
  - Loosely based on historical landings from 1980-2001
- Managed under Commission FMP only

State	Allocation
ME	0.5 %
NH	0.5 %
MA	13 %
RI	11 %
CT	1 %
NY	7 %
NJ	20 %
DE	5 %
MD	11 %
VA	20 %
NC	11 %

# B. Increase CT Quota to 5%



- Addresses disparity between CT's low quota and BSB availability
  1. DE and NY held constant
  2. Move 0.25% from ME and NH to CT
  3. Move quota from remaining states, proportional to current allocations, to total 5%
- Option can stand alone, or be combined with other options

Proposed changes in state allocations			
State	Current % Allocation	Change in % Allocation	New % Allocation
ME	0.5%	-0.25%	0.25%
NH	0.5%	-0.25%	0.25%
MA	13%	-0.53%	12.47%
RI	11%	-0.45%	10.55%
CT	1%	4.00%	5.00%
NY	7%	0.00%	7.00%
NJ	20%	-0.81%	19.19%
DE	5%	0.00%	5.00%
MD	11%	-0.45%	10.55%
VA	20%	-0.81%	19.19%
NC	11%	-0.45%	10.55%

## C. Dynamic Adjustments to Regional Allocations

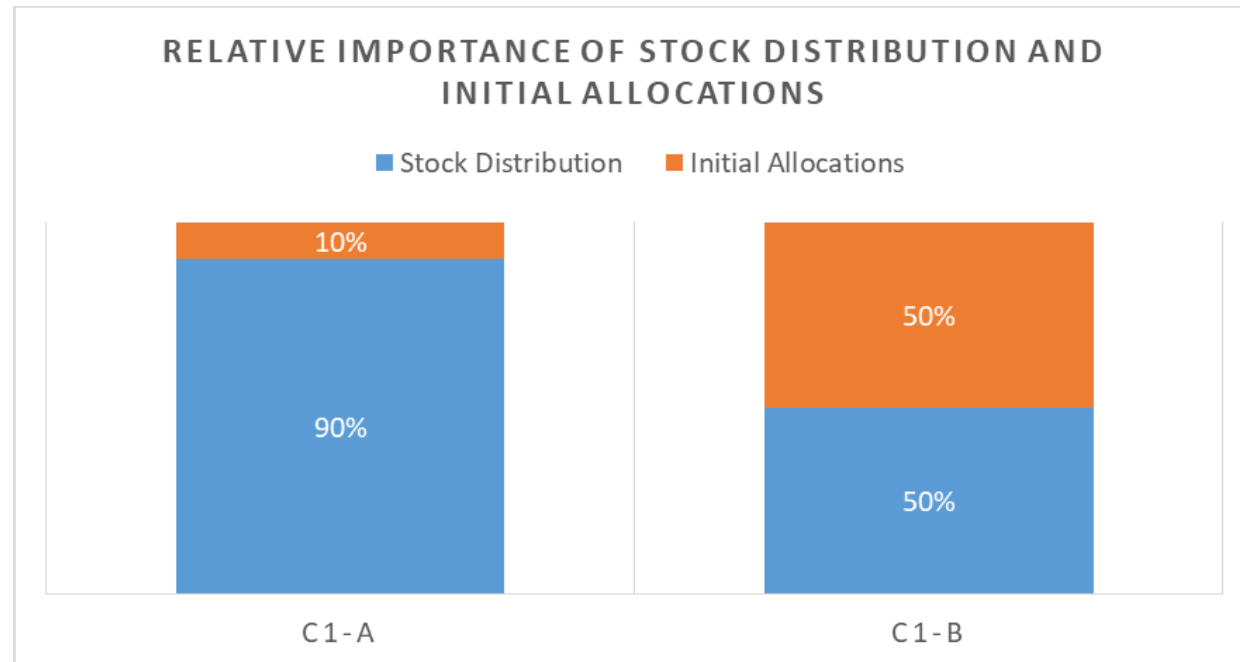


- **DARA** approach balances fishery stability and response to changing stock distribution
- Phase 1: Formulaic transition through gradual adjustments from initial quotas to quotas partially influenced by stock distribution
- Phase 2: Allocations updated routinely when new stock distribution information available
- Sub-options determine scale and pace of allocation changes

# C. DARA - Sub-option set 1



1. Final relative importance of initial allocations versus resource distribution
  - **Sub-option C1-A:** allocations based 90% on stock distribution, 10% on initial allocations
  - **Sub-option C1-B:** allocations based 50% on stock distribution, 50% on initial allocations

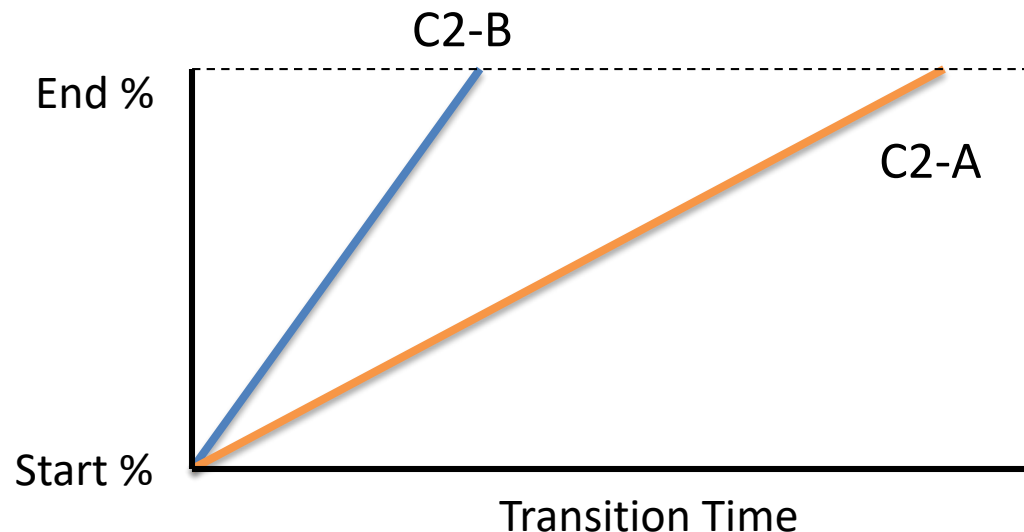


# C. DARA - Sub-option set 2



2. Change in relative weights of each factor (initial allocations and stock distribution) per adjustment

- **Sub-option C2-A:** relative weights change by 5% per adjustment
- **Sub-option C2-B:** relative weights change by 20% per adjustment

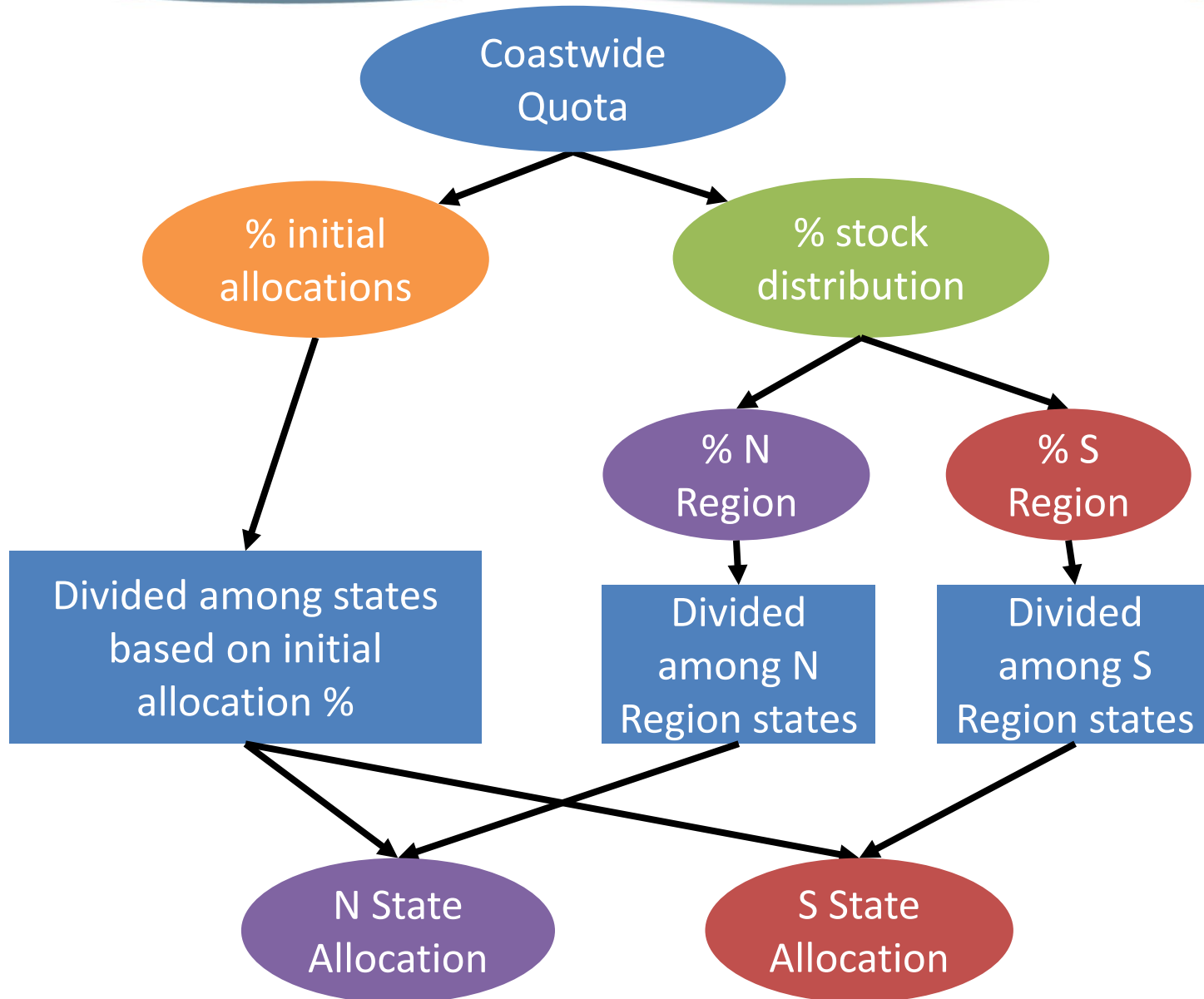


## C. DARA - Sub-option sets 3 and 4



3. Frequency of weight adjustments during transition
  - **Sub-option C3-A:** Adjustments every year
  - **Sub-option C3-B:** Adjustments every other year
  
4. Regional allocation adjustment cap
  - **Sub-option C4-A:** Max of 3% change per adjustment
  - **Sub-option C4-B:** Max of 10% change per adjustment
  - **Sub-option C4-C:** No cap

# C. DARA – Formula Visualization



# D. Trigger Approach



- Coastwide quota up to and including established trigger amount is distributed according to “base allocations”
  - Trigger determined by sub-option set 1
- Amount of quota above established trigger amount (surplus quota) distributed using a different allocation scheme
  - Determined by sub-option sets 2 and 3

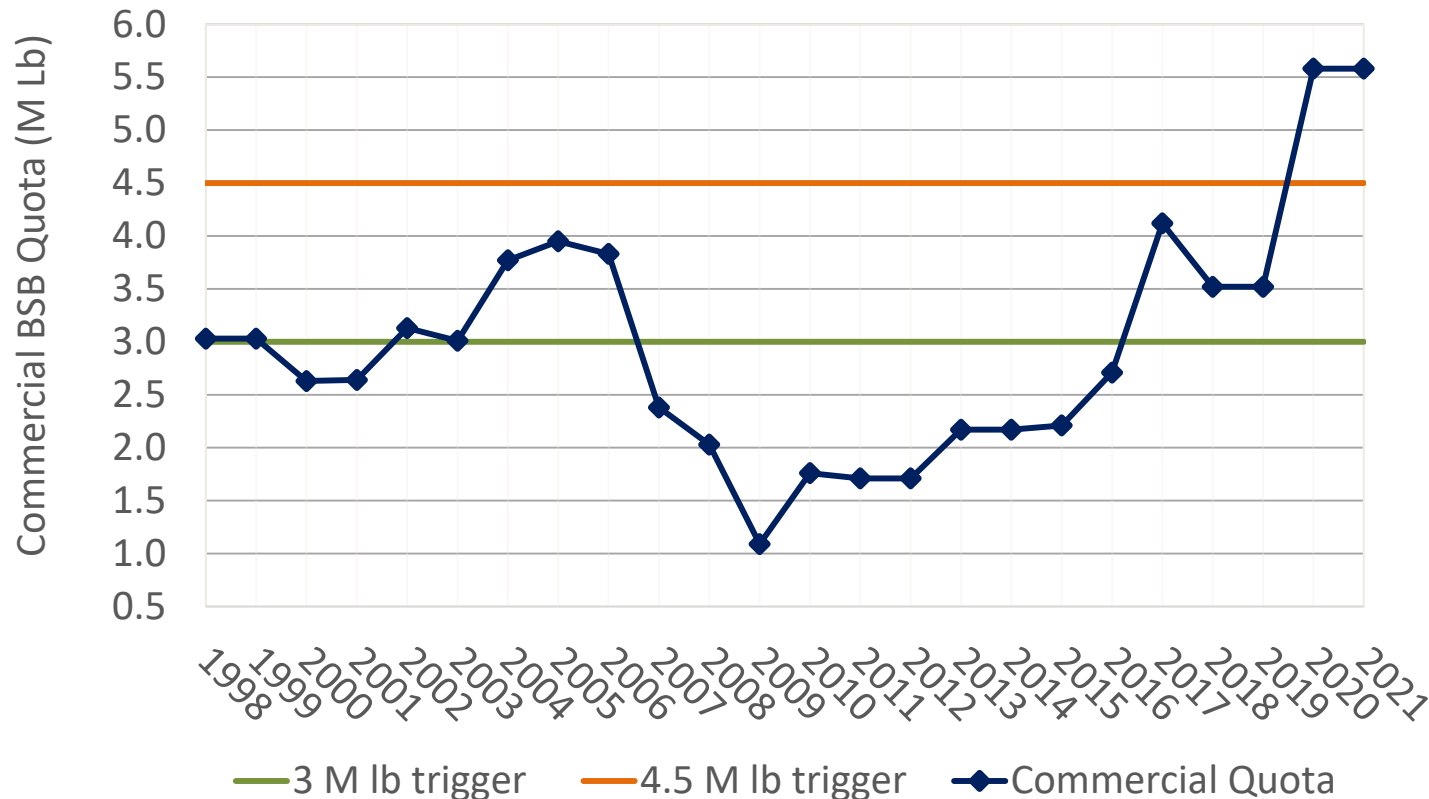


# D. Trigger Approach- Sub-option set 1



## 1. Trigger Value Sub-options

- **Sub-option D1-A:** Trigger value of 3 million pounds
- **Sub-option D1-B:** Trigger value of 4.5 million pounds



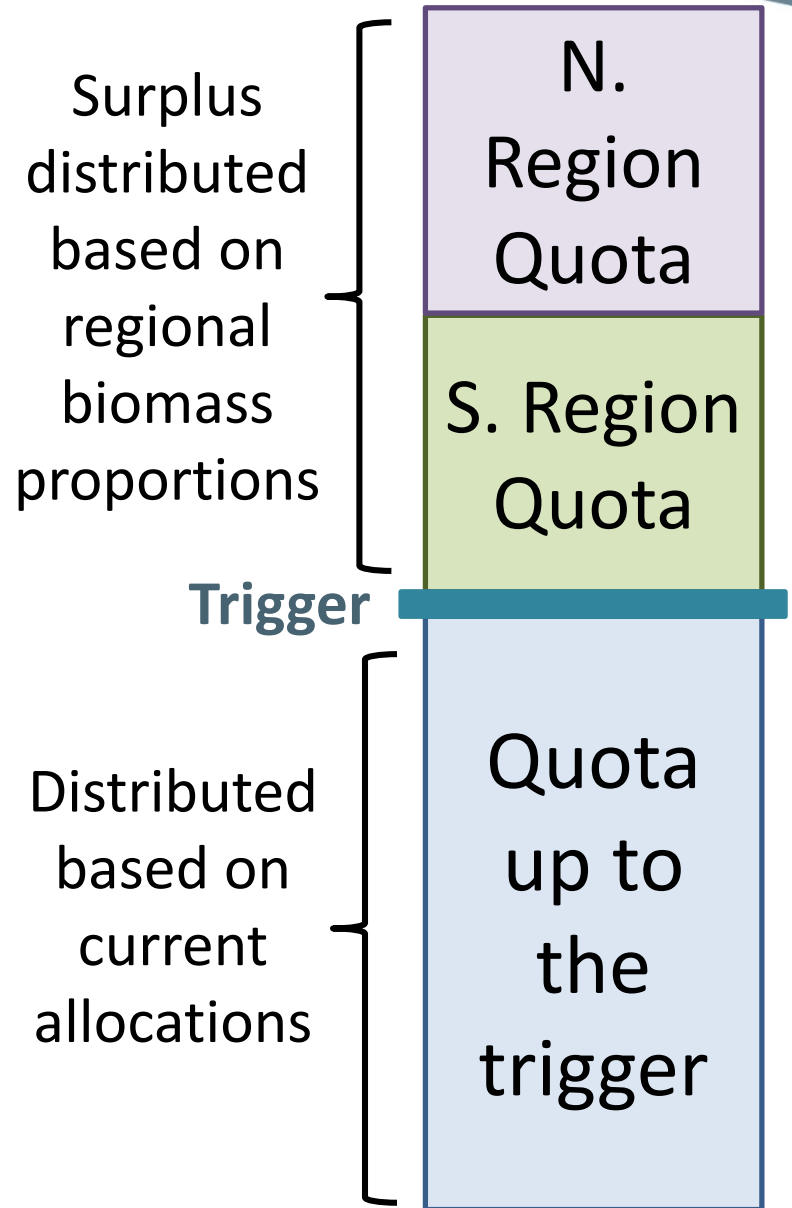
# D. Trigger Approach- Sub-option set 2



## 2. Distribution of surplus quota

- **Sub-option D2-A:** Even distribution of surplus quota\*
- **Sub-option D2-B:** Distribution of surplus quota based on regional biomass from stock assessment

\*ME and NH each receive 1% of surplus quota



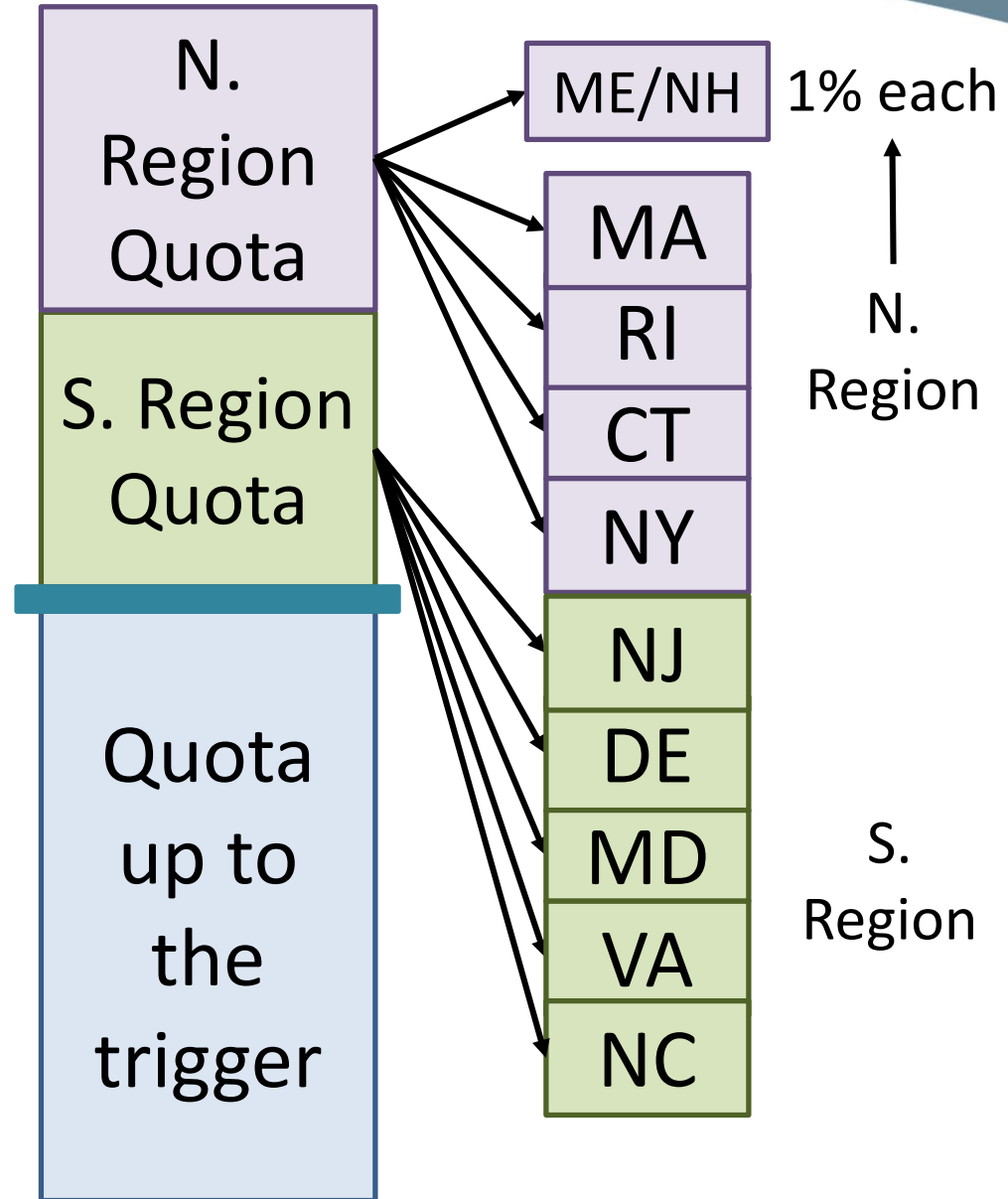
# D. Trigger Approach- Sub-option set 3



## 3. Distribution of regional surplus quota (*only with D2-B*)

- **Sub-option D3-A:** Even distribution of regional surplus quota\*
- **Sub-option D3-B:** Regional surplus quota distributed to the states within each region in proportion to their initial allocations\*

\*ME and NH would each receive 1% of N. surplus under both options



# D. Trigger Approach- Sub-option set 4



- 4. Allowing “base” allocations to change over time
  - **Sub-option D4-A: Static base allocations**
  - **Sub-option D4-B: Dynamic base allocations**
- Only applicable under Sub-option D2-B (regional surplus allocation)
- Dynamic base allocations creates potential for more rapid change in state allocations than static

## E. Trigger w/ increase to CT & NY first)



- 3 million pound trigger (no sub-options)
- Coastwide quota up to and including 3 million pounds distributed based on initial allocations
- Surplus quota distributed as follows:
  1. Increase CT's allocation to 5% of the overall quota
  2. Increase NY's allocation to 9% of the overall quota
  3. Remaining surplus quota split N/S according to proportion of biomass in each region, then allocated to states within each region in proportion to initial intra-regional allocations

# F. Percentage Approach



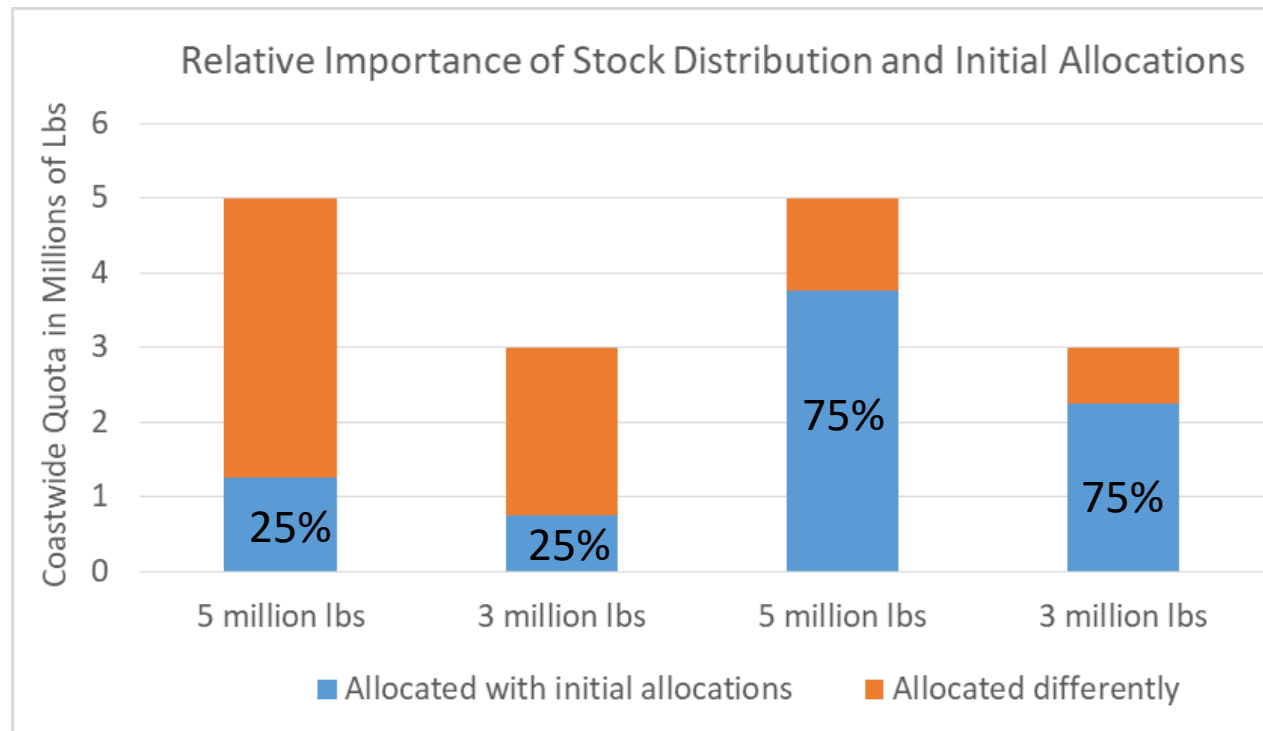
- Allocate a fixed % of the annual coastwide quota using the initial allocations regardless of coastwide quota amount
- Allocate remaining quota to states differently (determined by sub-options)
- Allows a portion of the quota to be allocated using a distribution other than the initial allocations even under lower coastwide quotas

# F. Percentage Approach – Sub-option set 1



## 1. Percentage of annual coastwide quota to be allocated using initial allocations

- **Sub-option F1-A: 25%**
- **Sub-option F1-B: 75%**





## 2. Distribution of remaining quota

- **Sub-option F2-A:** Even distribution of remaining quota to all states\*
- **Sub-option F2-B:** Distribution of remaining quota based on regional biomass from stock assessment

\*ME and NH each receive 1% of remaining quota



## F. Percentage Approach – Sub-option set 3



3. Distribution of regional quota to states within a region (*only with F2-B*)

- **Sub-option F3-A:** Even distribution of regional quota to states within each region\*
- **Sub-option F3-B:** Remaining quota distributed to the states within each region in proportion to their initial allocations\*

\*ME and NH would each receive 1% of northern region quota

# G. Regional Configuration



Options C through F consider incorporating regional distribution information from the stock assessment and require a regional configuration.

- **Sub-option G1:** Two regions: 1) ME-NY, and 2) NJ-NC.
- **Sub-option G2:** Three regions: 1) ME-NY; 2) NJ; and 3) DE-NC.
  - NJ's initial 20% allocation is treated as if 10% comes from N. region and 10% comes from S. region.
  - NJ's total allocation will be the sum of the N. and S. components



# Federal Management Options

# Adding State Allocations to Council FMP



- A. Status Quo (No action):** Commercial state allocations included only in the Commission's FMP
- B. Commercial state allocations for black sea bass included in both Commission and Council FMPs**
  - Future allocation changes considered through joint action between Commission and Council
  - Landings monitored by NOAA Fisheries
  - Interstate transfers managed by NOAA Fisheries

# Sub-options for state quota overage paybacks



If state allocations are added to Council FMP these sub-options determine when paybacks of state quota overages are required:

- **Sub-option B1:** Paybacks only if coastwide quota is exceeded (current process under Commission Addendum XX)
- **Sub-option B2:** States always pay back overages (exact amount of lbs by which a state exceeds its quota deducted from their allocation in a following year)

# Options for federal in-season closures



## **A. Status Quo (No action)**

- Coastwide federal in-season closure when landings are projected to exceed the coastwide quota

## **B. Coastwide federal in-season closure when landings projected to exceed commercial quota plus a buffer of up to 5%**

- Council and Board agree to appropriate buffer for the upcoming year through the specifications process

## **C. Coastwide federal in-season closure when commercial ACL is projected to be exceeded**

- Discards in weight cannot be monitored in-season; requires GARFO to make assumptions about discards in the current year

# Next Steps



Date	Activity/Action
<b>August 2020</b>	<b>Consider Draft Addendum XXXIII / Draft Council Amendment for public comment</b>
Summer/Fall 2020	Joint public hearings
December 2020	Board and Council consider final approval of Addendum XXXIII / Council Amendment
January 2021	Addendum XXXIII effective for Commission
December 2020 – late 2021	Preparation of Council documents and federal rulemaking.

# Public Hearings



- Hearings could be scheduled for September-October
- All hearings can be joint ASMFC/MAFMC
- Virtual hearings given COVID-19
- Recommendation for combined, rather than individual state hearings



# Board and Council Action



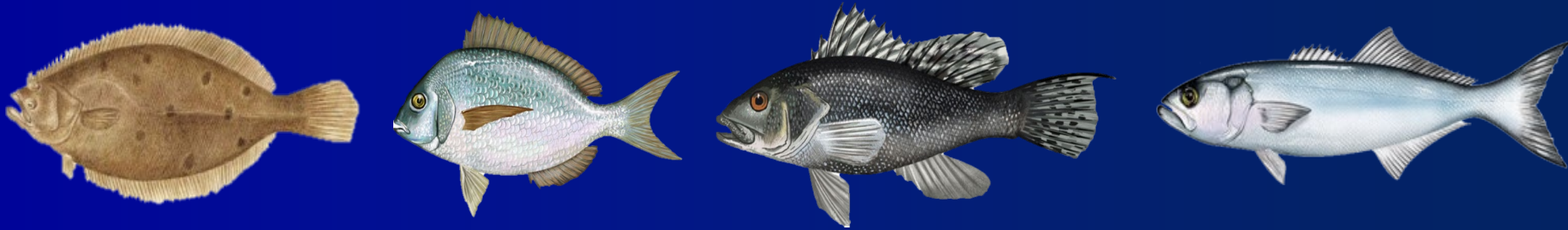
- Are any modifications to the Draft Addendum XXXIII options /Amendment alternatives desired?
- Consider approval of Draft Addendum XXXIII and Amendment hearing document for public comment

# Questions?





# Recreational Reform Initiative



Joint Council and Board Meeting  
August 6, 2020

# Objective

- Determine next steps.
  - Initiate a management action?
  - Which topics to include?



# Progress to Date

- **Joint Steering Committee formed March 2019.**
- **Draft initiative outline.**
  - Goal/vision.
  - 5 priority objectives.
- **Monitoring Committee review.**
  - Generally support continued development of all objectives.
- **Topics removed from commercial/recreational allocation amendment:**
  - Harvest control rule
  - Recreational accountability
  - Recreational catch accounting
- **Sector separation**

# Initiative Goal/Vision

- **Stability** in rec. mgmt. measures (bag/size/season)
- **Flexibility** in the mgmt. process
- **Accessibility** aligned with availability/stock status\*



# 1: Better incorporate MRIP uncertainty into mgmt.

- Adopt a standardized process for **IDing and smoothing outliers** - for both high and low outliers.
- Use an **“envelope of uncertainty” approach** for determining if changes to measures are needed.
  - Define a range above and below the projected harvest estimate (e.g., based on PSE). If RHL falls within that range, no changes would be made to measures.
- Evaluate the **pros and cons of using preliminary current year data.**

## 2: Develop guidelines for maintaining status quo measures

- Develop a process for considering harvest and multiple stock status metrics (biomass, fishing mortality, recruitment) when determining if measures should remain unchanged.





### 3: Develop a process for setting multi-year measures

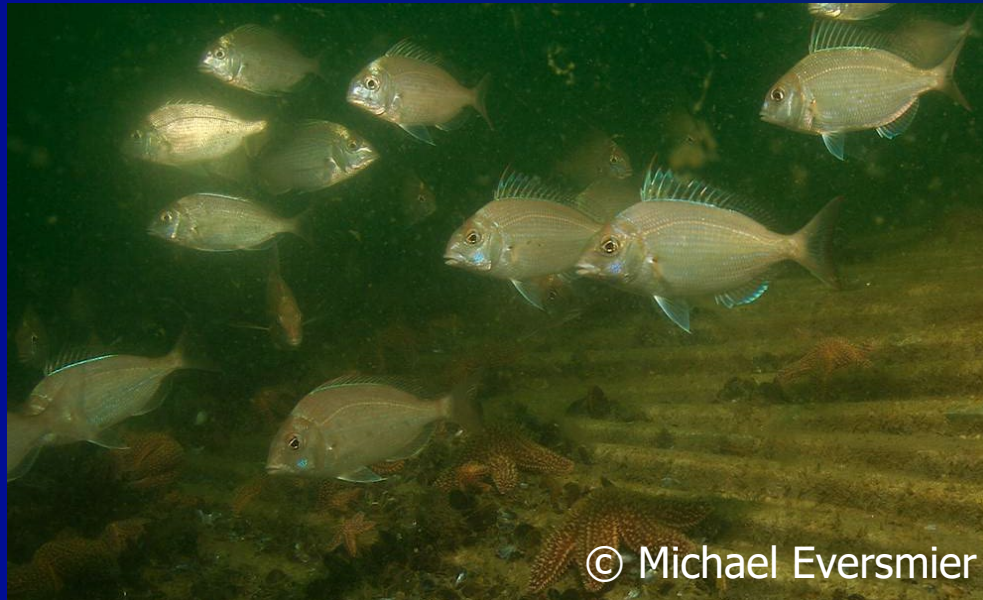
- **Set measures for 2 years at a time** with a commitment to making no changes in the interim year.
- Don't react to new data that would otherwise allow for liberalizations or require restrictions in the interim year.

## **4: Improvements to process used to make changes to state and federal mgmt. measures**

- Not discussed in detail by Steering Committee.
- Could include considerations related to:
  - State by state vs. regional measures
  - Conservation equivalency process (state and federal)
  - Guidelines for using MRIP data at granular levels
  - Considerations for using data other than MRIP

# 5: Timing of federal waters measures recommendation

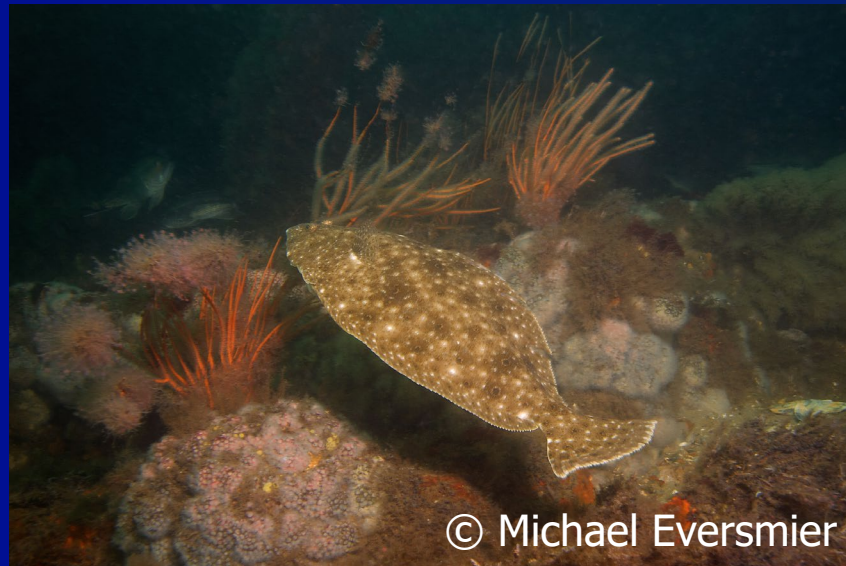
- Federal waters measures currently recommended in December. Could the recommendation be made in October or August?



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# Additional MC feedback

- Consider more explicitly tying changes in mgmt. measures to stock assessment.
  - E.g., only make changes after stock assessment updates.



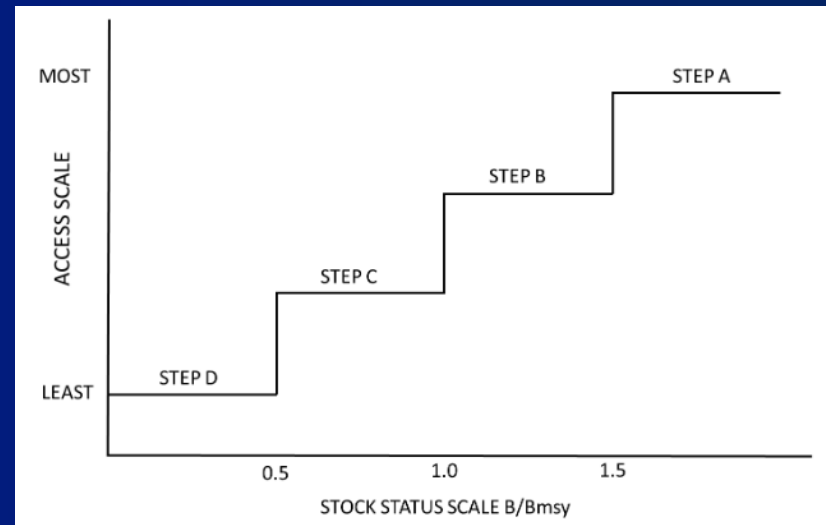
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# Items removed from other actions

- Summer flounder, scup, black sea bass allocation amendment
  - Harvest control rule proposed through scoping
  - Recreational accountability
  - Recreational catch accounting
- Bluefish amendment
  - Sector separation

# Harvest Control Rule

- Allocation aspects of proposal not feasible under MSA.
- Rec. measures aspects of proposal may warrant further development.
- Conceptual idea:
  - Range of pre-defined mgmt. measures.
  - Upper bound = most liberal set of measures preferred by anglers when biomass is high.
  - Lower bound = most restrictive measures that could be tolerated without major loss of business.
  - Step used in any given year based on biomass.



# Harvest Control Rule, continued

## Steering Committee input

- Concept worth further developing.
- Further analysis needed.
- Difficult to predict future harvest – impacted by many factors.
- Pre-determined measures would be starting point for consideration and would be regularly re-evaluated.

# Rec. Accountability

- Suggested through scoping: more frequent overage paybacks, in-season closures.
- Would represent a reversal of changes made through Amendment 19.



# Rec. Catch Accounting

- Suggested through scoping: private angler reporting, manage harvest with tags, tournament reporting, enhanced VTR reporting.
- Consider for all recreational species?
- Lessons learned from initiatives and other regions.

# Sector Separation

- Removed from Bluefish Amendment this morning.
- Desire to address for multiple species in a comprehensive way.

# Type of Management Action

## Framework/Addendum

- Everything in Steering Committee outline
- Accountability measures
- Pre-determined management measure steps in Harvest Control Rule
- Changes to data reported through VTRs without changes to who submits VTRs

## Amendment

- Changes to who submits catch/harvest data
  - Private angler reporting
  - Mandatory tournament reporting
  - Requiring additional entities to submit VTRs (e.g., state-only vessels)
- Managing recreational harvest with a tag system
- Sector separation (probably)

# Timeline – assuming FW/addendum

Potential Timeframe	Task
Fall 2020 – early 2021	<ul style="list-style-type: none"> <li>• FMAT or other group works with staff to develop alternatives.</li> <li>• Monitoring Committee assists with analysis for options related to uncertainty in MRIP data.</li> </ul>
Feb 2021	<ul style="list-style-type: none"> <li>• Council/Board refine range of alternatives.</li> </ul>
Spring 2021	<ul style="list-style-type: none"> <li>• Further development of alternatives and preliminary impacts analysis.</li> <li>• Council/Board approve final range of alternatives and draft document for public comment.</li> <li>• Public hearings (if desired).</li> </ul>
Summer 2021	<ul style="list-style-type: none"> <li>• Final action</li> </ul>
Fall 2021 – Spring 2022	<ul style="list-style-type: none"> <li>• Federal rulemaking</li> </ul>

# Discussion

- Initiate a management action?
- Which topics to include?



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- 1) Better incorporate MRIP uncertainty into mgmt. process
  - Process to ID and smooth outliers
  - Envelope of uncertainty
  - Use of preliminary current year data
- 2) Develop guidelines for maintaining status quo measures
- 3) Develop process for setting multi-year rec. measures
- 4) Improvements to process used to make changes to measures
- 5) Possibility of recommending measures earlier in the year
- 6) Change measures only after assessment update (MC recommendation)
- 7) Harvest control rule
- 8) Recreational accountability
- 9) Recreational catch accounting
- 10) Recreational sector separation

Move to remove recreational for hire sector separation from further development to the bluefish amendment. Further development of for hire sector separations should be considered under comprehensive recreational reform initiatives.

Motion by Board: Mr. Nowalsky, second by Mr. Reid

Council: Mr. Nowalsky, second by Mr. Cimino

Board: 14-1-0-0 Motion passes.

Council: Motion approved by consensus.

Motion from June joint meeting:  
*"...The Council and Board will consider initiating an action by the end of 2020 to develop a recreational accountability and accounting joint action."*



# Massachusetts 2020 Black Sea Bass For-Hire Fishery Conservation Equivalency Proposal

Presentation to ASMFC Management Board  
August 6, 2020

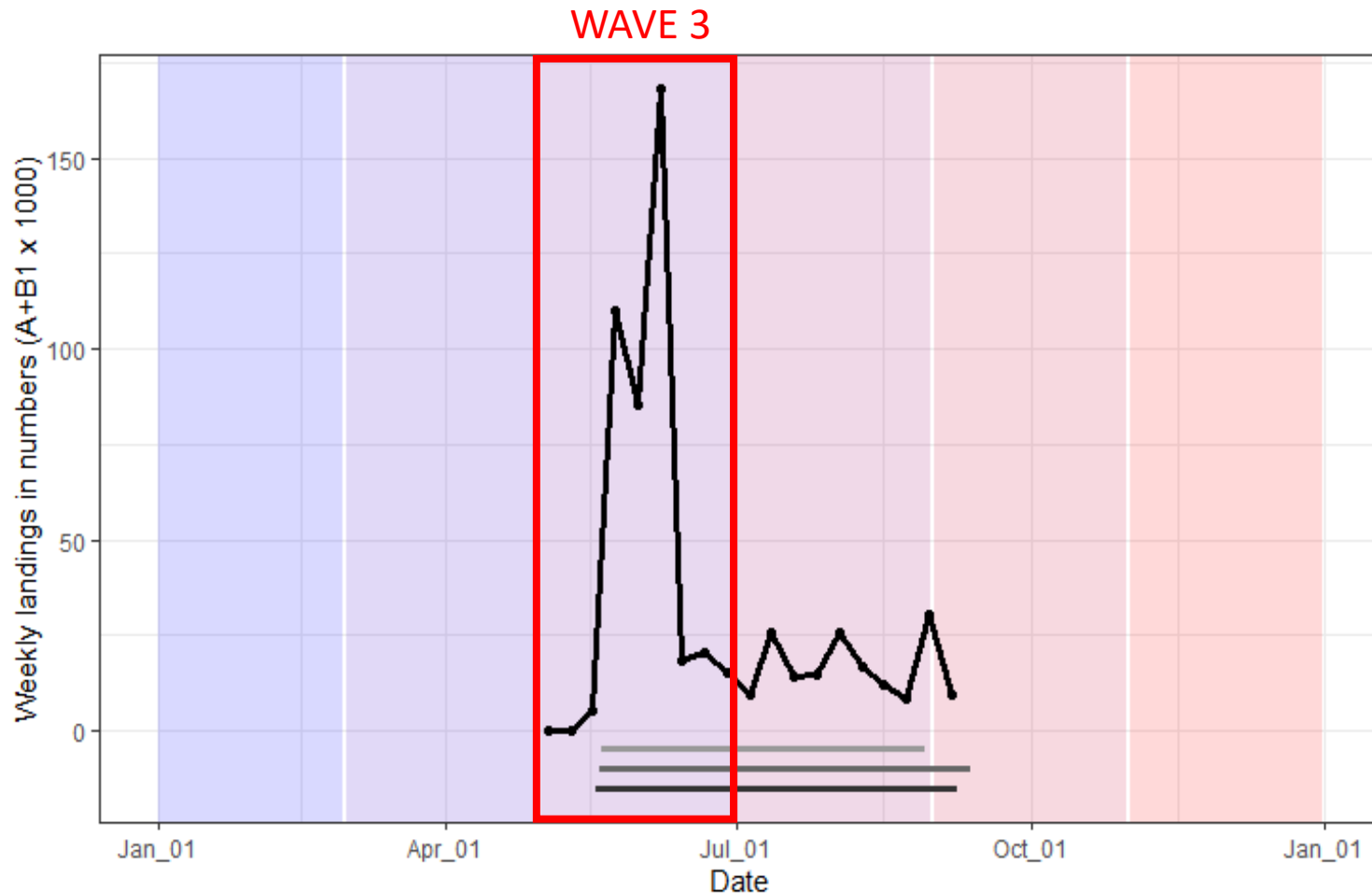
Massachusetts Division  
of Marine Fisheries



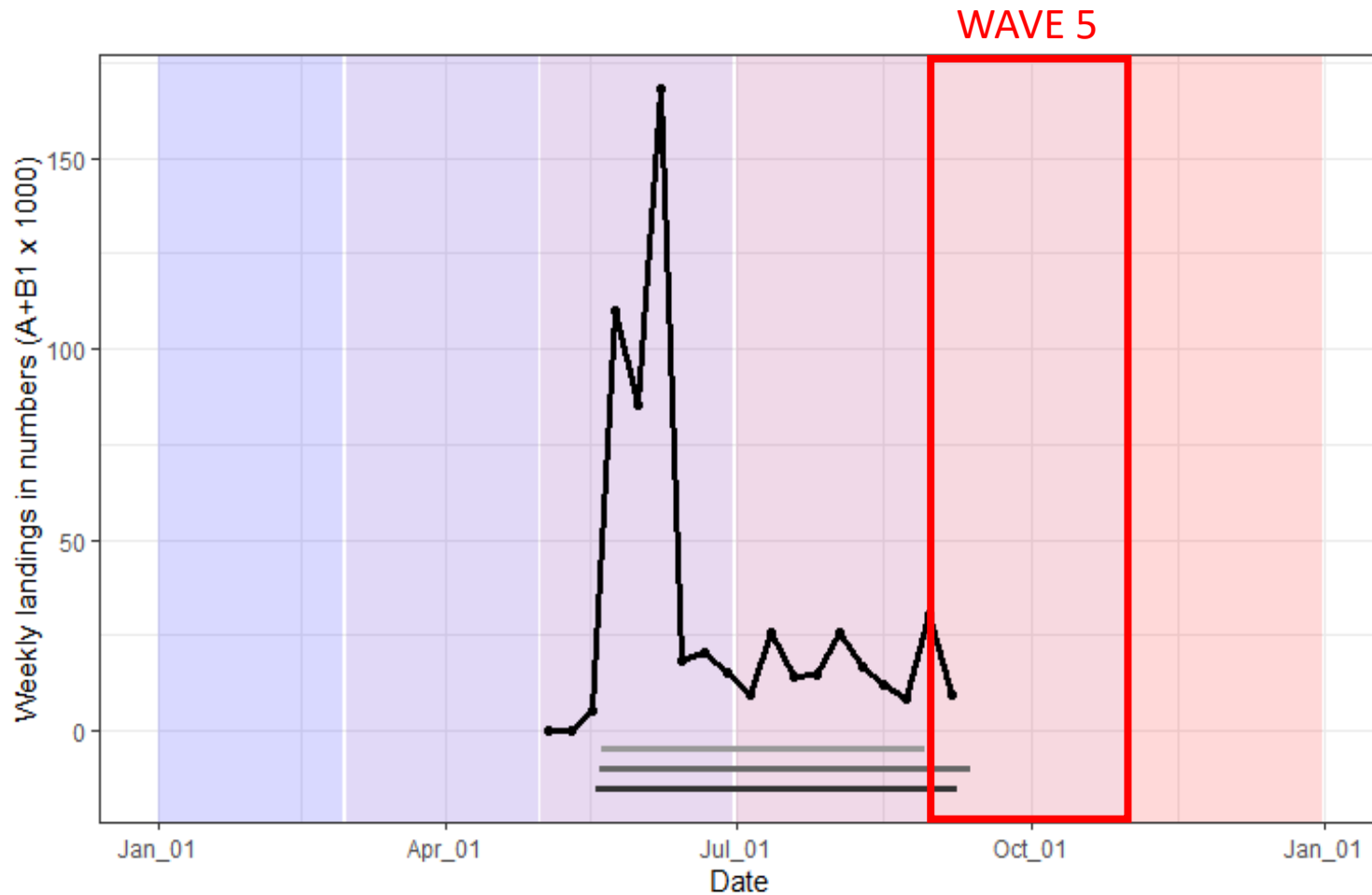
# Overview

- CE proposal to add days to end of MA for-hire BSB season to account for a later season opening (2020 only).
- DMF permit conditions prohibited all for-hire fishing activity April 27 - May 24, due to COVID-19 restrictions consistent with EO.
  - Same force and effect of regulations; regulations could not be changed due to timing of re-opening announcements; MA OLE reported good compliance per normal enforcement efforts.
- MA status quo 2020 recreational BSB season: May 18 – Sept 8.
  - 7 days closed to the for-hire fleet (May 18-May 24); add days to end of for-hire season that are projected to result in status quo for-hire harvest.
  - No revision to private angler season because not closed.





*Figure 1. Average black sea bass harvest in numbers (given in thousands) by week over 2017-2019. Horizontal lines at the bottom of the figure indicate the season length in 2017 (top), 2018 and 2019 (bottom). Vertical rectangles indicate waves. Harvest quantities provided are across all modes to increase the sample size.*



*Figure 1. Average black sea bass harvest in numbers (given in thousands) by week over 2017-2019. Horizontal lines at the bottom of the figure indicate the season length in 2017 (top), 2018 and 2019 (bottom). Vertical rectangles indicate waves. Harvest quantities provided are across all modes to increase the sample size.*

# Method

- Standard CE method for seasonal changes
  - Compare wave-specific daily harvest rate, using prior multi-year average
  - Not impacted by MRIP data availability for 2020

	Wave 3	Wave 4	Wave 5
<b>2018-2019 Avg. Daily For-hire Harvest</b>	768 fish/day	385 fish/day	82 fish/day

- Can add 9+ days in Wave 5 for every day closed in Wave 3 (Option A)
- TC concerned about high PSEs on Wave 5 data
  - Use Wave 4 data with lower PSEs as proxy for Wave 5 in a conservative alternative
  - Can add 2 days in Wave 5 for every day closed in Wave 3 (Option B)



# Method

- DMF appreciates TC concern of using high PSE data (Option A) but Wave 4 exaggerates Wave 5 harvest (Option B), so DMF presents a compromise of Option C.

	For-hire Open Season	Season length	Bag & Size
<b>Status Quo</b>	May 18 – September 8	114 days	5 fish at 15” minimum
<b>Option A</b>	May 25 – October 31	160 days (+46 days)	
<b>Option B</b>	May 25 – September 21	120 days (+6 days)	
<b>Option C (Preferred)</b>	<b>May 25 – October 9</b>	<b>138 days (+24 days)</b>	

- Proposal is specific to for-hire fishery; season extension would be implemented by for-hire permit conditions.
- Concern about 2020 private recreational harvest is irrelevant to proposal.





# **Technical Committee Recommendations & AP and LEC Comments on MA Conservation Equivalency Proposal**

ASMFC Summer Flounder, Scup and Black Sea Bass Board

August 6, 2020

# TC Recommendations



- Updated recommendations from TC Memo dated June 11, 2020
  - TC has significant concerns with precision of data used under Option A (very high PSEs, >80), and therefore does support this option for conservation equivalency.
  - **The TC recommends Option B.** Option B uses TC recommended method to calculate the daily harvest rate and season to achieve conservation equivalency, addresses data concerns, and reduces risk of producing higher than expected harvest in Wave 5.
  - Option C does not have a quantitative basis and therefore does not meet conservation equivalency standards from a technical standpoint.



# AP Comments



- AP commented by email and July 29<sup>th</sup> AP meeting
- 3 comments supported MA proposal
  - All states should have the same opportunity as MA
  - Party boats in all states were/will be limited due to COVID-19 restrictions; some states do not have as much capacity to produce a CE proposal
- 1 comment opposed MA proposal
  - Recreational harvest is not separated by sector; for-hire was limited but private mode effort increased. Should not approve without more information on private sector harvest.

# LEC Comments



- 7 LEC Comments received via email
- LEC continues to emphasize importance of regulatory consistency in shared waterbodies
  - Differences in season, size and bag limits create confusion and can reduce compliance & enforceability
  - Note this proposal does not alter concerns about consistency (i.e. MA regulations are already inconsistent with neighbor states)
- General support for MA proposal
  - 2 comments noted temporary support only (COVID-19 mitigation)



**Questions?**