

Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board

February 21, 2013

9:15-11:15 a.m.

Alexandria, VA

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*D. Simpson*) 9:15 a.m.
2. Board Consent 9:15 a.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2012
3. Public Comment 9:20 a.m.
4. Consider approval of state summer flounder recreational proposals **Action** 9:30 a.m.
 - Technical Committee Report (*J. McNamee and T. Kerns*)
5. Consider approval of state scup recreational proposal **Action** 10:00 a.m.
 - Technical Committee Report (*J. McNamee and T. Kerns*)
6. Technical Committee Report (*J. McNamee*)
 - Report on the use of Multi-year averaging of recreational data 10:15 a.m.
7. Reconsider Black Sea Bass 2013 Quota **Final Action** 10:25 a.m.
8. Draft Addendum XXIII for Final Approval **Final Action** 10:40 a.m.
 - Review Options (*T. Kerns*)
 - Public Comment Summary (*T. Kerns*)
 - TC Report (*J. McNamee*)
 - LEC Report
 - Consider final approval of Addendum XXIII
9. Other Business/Adjourn 11:10 a.m.

The meeting will be held at the Crowne Plaza Hotel, 901 North Fairfax Street, Alexandria, Virginia; 703-683-6000

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

MEETING OVERVIEW

Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
Thursday, February 21, 2012
9:15-11:15 a.m.
Alexandria, Virginia

Chair: David Simpson (VA) Assumed Chairmanship: 1/11	Technical Committee Chair: Jason McNamee (RI)	Law Enforcement Committee Representative: Fresco
Vice Chair: David Pierce	Advisory Panel Chair: vacant	Previous Board Meeting: October 25, 2012
Voting Members: MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 25, 2012

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider approval of state summer flounder recreational proposals (9:30-10:00 a.m.)
Action
Background <ul style="list-style-type: none">• In December the Board approved the use of state-by-state measures for the 2013 summer flounder recreational fishing year• The Technical Committee met in January to review and provide advice to the Board on each state's 2013 proposal (Briefing CD)
Presentations <ul style="list-style-type: none">• The TC Chair and staff will present the state proposals and TC recommendations
Board actions for consideration at this meeting <ul style="list-style-type: none">• Approve 2013 State Summer Flounder Recreational Proposals

5. Consider approval of state scup recreational proposal (10:00-10:15 a.m.)
Action
Background <ul style="list-style-type: none">• In December the Board approved the use of state-by-state and regional measures for the 2013 scup recreational fishing year• The Technical Committee met via conference call in February to review and provide advice to the Board on each state's 2013 proposal (Supplemental Materials)

<p>Presentations</p> <ul style="list-style-type: none"> • The TC Chair and staff will present the state proposals and TC recommendations
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Approve 2013 Scup Recreational Proposals

<p>6. Technical Committee Report (10:15 -10:30 a.m.)</p>
<p>Background</p> <ul style="list-style-type: none"> • The Board tasked the TC to review the possible use of multi-year averaging to establish harvest estimates in the recreational fishery • The TC met in January to complete this review (Supplemental Materials)
<p>Presentations</p> <ul style="list-style-type: none"> • The TC Chair will present the report
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • none

<p>7. Reconsider the 2013 Black Sea Bass Quota (10:15 -10:30 a.m.) Final Action</p>
<p>Background</p> <ul style="list-style-type: none"> • The MAFMC SSC met in January to review new data and consider the 2014 Black Sea Bass Quota. • In the Review the SSC reconsidered the years used to set the constant catch quota that is currently used for black sea bass. The SSC has recommend a change in the years, therefore the 2013 quota recommendation will be higher (Briefing CD) • The previously approved 2013 ABC was 4.5 million pounds, the SSC is now recommending 5.5 million pounds.
<p>Presentations</p> <ul style="list-style-type: none"> • Staff will present the SSC findings and new recommended quota
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Reconsider the 2013 black sea bass quota

<p>5. Overview of 2013 recreational management process for black sea bass (2:30-3:15 p.m.) Final Action</p>
<p>Background</p> <ul style="list-style-type: none"> • Addendum XXII to the Black Sea Bass FMP, which allowed for a combination of regional and state-by-state recreational measures in 2012, expires on December 31, 2012. • The FMP only allows for a single set of coastwide recreational measures, therefore the Board approved Draft Addendum XXIII for public comment in December of 2012 (Briefing CD).
<p>Presentations</p> <ul style="list-style-type: none"> • Overview of options and public comment summary by T. Kerns (Briefing CD) • Law Enforcement Committee Report by M. Robson and TC report by J. McNamee (Briefing CD).
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Select management options and implementation dates. • Approve final document.

7. Other Business/Adjourn

DRAFT

DRAFT

DRAFT

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SUMMER FLOUNDER, SCUP AND BLACK SEA BASS
MANAGEMENT BOARD**

**Radisson Plaza-Warwick Hotel
Philadelphia, Pennsylvania
October 25, 2012**

**These minutes are draft and subject to approval by the Summer Flounder, Scup and
Black Sea Bass Management Board.
The Board will review the minutes during its next meeting.**

TABLE OF CONTENTS

Call to Order 1

Approval of Agenda..... 1

Approval of Proceedings 1

Public Comment..... 1

Review of Wave 4 Recreational Data 1

Overview of 2013 Recreational Management Process for Black Sea Bass 8

Other Business..... 14

Adjournment 16

INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of February 8, 2012 by consent** (Page 1).
3. **Move to initiate an addendum to allow for management tools other than coast-wide measures** (Page 9). Motion by Adam Nowalsky; second by Pat Augustine. Motion carried (Page 13).
4. **Move that the Summer Flounder, Scup and Black Sea Bass Board recommend that states initiate any and all applicable regulations to close state recreational fisheries for black sea bass in 2012** (Page 14). Motion by Michael Luisi; second by Rob O'Reilly. Motion defeated (Page 16).
5. **Motion to adjourn by consent** (Page 16).

ATTENDANCE**Board Members**

David Pierce, MA, proxy for P. Diodati (AA)
 William Adler, MA (GA)
 Rep. Sarah Peake, MA (LA)
 William McElroy, RI (GA)
 Robert Ballou, RI (AA)
 Rick Bellavance, RI, proxy for Rep. Martin (LA)
 David Simpson, CT (AA)
 Lance Stewart, CT (GA)
 Rep. Craig Miner, CT (LA)
 James Gilmore, NY (AA)

Pat Augustine, NY (GA)
 Peter Himchak, NJ, proxy for D. Chanda (AA)
 Thomas Fote, NJ (GA)
 Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
 Bill Windley, MD, proxy for B. Goldsborough (GA)
 Rob O'Reilly, VA, proxy for J. Travelstead (AA)
 Catherine Davenport, VA (GA)
 Louis Daniel, NC (AA)
 Bill Cole, NC (GA)
 Bob Ross, NMFS

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members**Staff**

Robert Beal
 Toni Kerns

Kate Taylor

Guests

Victor Bunting, Ocean Princess, Inc
 Eddie Yates, United Boatman NJ
 Monty Hawkins, OCRF
 Michael Luisi, MD DNR

Peter Burns, NMFS
 Ellen Cosby, PRFC
 Jessica Coakley, MAFMC

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Radisson Plaza-Warwick Hotel, Philadelphia, Pennsylvania, October 25, 2012, and was called to order at 1:00 o'clock p.m. by Chairman David Simpson.

CALL TO ORDER

CHAIRMAN DAVID SIMPSON: Okay, I would like to call the Summer Flounder, Scup and Black Sea Bass Meeting to order.

APPROVAL OF AGENDA

CHAIRMAN DAVID SIMPSON: We need to approve the agenda. Is there any objection or changes to the agenda? Seeing none, we will consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN DAVID SIMPSON: We need to approve the proceedings of our February 2012 meeting.

Are there any issues with the proceedings? Seeing no objection, we will consider those approved.

PUBLIC COMMENT

CHAIRMAN DAVID SIMPSON: Is there any public comment on issues not on the agenda? I don't see any. Our next item is to review the Wave 4 recreational data for fluke, scup and sea bass, which Toni is going to help us with.

REVIEW OF WAVE 4 RECREATIONAL DATA

MS. TONI KERNS: We have the recreational harvest for summer flounder, scup and black sea bass for Waves 1 through 4. They were released last Tuesday or Wednesday, I believe, on the website for the National Marine Fisheries Service. They post the MRIP harvest estimates. Because the board said that we would be using the MRFSS harvest estimates to do the comparison to the targets for all three species, I made a special request to the National Marine Fisheries Service to have the MRFSS harvest estimates to me, and those were given to me on Thursday.

I am going to be presenting MRFSS harvest estimates today and not MRIP harvest estimates; just so we're all clear on that. First I'm going to go through the two easy species and then we will get to the harder

one. For scup harvest estimates, if you recall we divide the targets and 90 percent of the harvest target goes to the northern region. That region's harvest target is roughly 8.2 million pounds for approximately 2.4 million pounds in harvest, and we are fine for the southern states' harvest.

For summer flounder all states are currently under their estimated 2012 target. The target is in numbers of fish, but I did present both pounds and number. I also included New Hampshire just to sort of show folks that some of these species are starting trend a little bit further northward, and we're starting to get harvest from those northern states.

We're going to move into black sea bass. These are our harvest estimates and I hope everyone can see these numbers. I'll try to go through them just in case you can't. I tried to make it as big as possible. Your first column is going to be your number of fish harvested – or actually your second column. Your third column is the pounds of fish harvested. The total discards are in the fourth column, and that is in numbers of fish. Discards are not estimated in pounds through the MRFSS Website. At the end of the year we take – through the assessment process we do a length/weight estimate to then determine what the poundage of the discards are.

The dead discards are a 15 percent mortality rate, so it is 15 percent of the total discards, and those are also in number of fish. Then I take the number of fish harvested plus the dead discards to get the total catch in numbers of fish. If everyone recalls from the addenda that we did last year, we have rough agreement between the two regions, the northern region and the southern region, where we end up getting an informal target for the two groups.

They're not specific targets that are outlined in the plan, but that is what we estimate the northern target to be 868,000 fish, and the southern target to be almost 85,000 fish. If you look at the northern region, we are at 1.2 million fish and that is 2.4 million pounds of fish. For the southern region we are at 65,000 fish or 92,788 pounds of harvested fish.

You can see that New Hampshire actually does have some landings this year; so when we look at total number of fish harvested in pounds or numbers of fish, we do have to include those fish in our totals when we are looking at the total catch, and that is roughly 3,000 fish or 4,500 pounds, approximately. No questions about this table so far?

Just to remind everybody what their seasons are, the states that are still currently open are Rhode Island, Connecticut, New York. New Jersey will open back up. Delaware, Maryland, Potomac River Fisheries Commission, Virginia and North Carolina will also open back on November 1st. Then to remind folks about how we set our measures; if you recall this is the first year through the omnibus that the Mid-Atlantic Council did in response to Magnuson; that they are looking at accountability measures.

A reminder to folks that the commission did not adopt those accountability measures, so they do not apply to states but it is being done through the federal plan. In 2012 the annual catch limit was 2.52; our ACT was 1.86; and our RHL was 1.32. For 2013 our ACL is just a little bit lower a 2.41; our ACT is 2.17; and our RHL is 1.69.

If you're wondering why the RHLs are different it is because this current we added an additional buffer for dead discards. In previous years when projecting those dead discards, they always came out lower – that projection was always lower than what the actual numbers was and so we adjusted to try to buffer for that.

For 2012 our estimated MRFSS harvest is 2.55. That is above the ACL of 2.52; so because of that, that triggers for the National Marine Fisheries Service to shut down the recreational fishery. If you look at the MRIP numbers, they are a little bit lower. For each state it varies if it is going to be lower or higher than the MRFSS; but in total coastwide it is a little bit lower, 2.2.

If you're wondering if that would still have triggered to shut down since it doesn't hit the ACL, my understanding of how the omnibus works it still would have triggered it because our discards were so high you would have then gone into the discards to account for those and then we would have triggered the overage for the ACL.

I looked at the mean weight to just let you guys have an idea of what size fish we have been catching. For the 2009 to 2011, that is the mean weight of catch so that it does include the discards. For 2012 I just took the numbers of fish divided by the pounds of fish that were landed, and you can see that we have a larger fish.

I went back and calculated the mean weight for landed fish for those other years, and they're pretty similar to what they were for the total catch as well, so I think it is safe to say that we are catching a larger

fish in 2012. The National Marine Fisheries Service closed on October 23rd for federal waters. This is effective on November 1st.

The season is currently closed right now and so it just will not reopen again for the rest of the year. Our total overage as of Wave 4, to figure that out you take your harvest minus your RHL, and so currently we're at 1.23 million pounds. Remember this does not include Wave 5. Most states were open if not all of or part of Wave 5, so we will have harvest from Wave 5.

Wave 5 harvest really fluctuates from year to year. Last year it was 1.2 million pounds; in 2009 it was around 400,000 pounds; so I can't give you guys a good estimate of what I think Wave 5 harvest will be, but it will count. For federal waters remember that for accountability measures, overages come out of the following fishing year's quota.

In the plan you can average those overages over a three-year period, but because we were in the first year of accountability measures we only have one year of overages to average, so there won't be any averaging. Next year we will be in Year 2 so we will have two years and we can average those; and then the following year we will be at three years.

The plan specifically states that for the first year we have that one year, so we won't be averaging those overages. Lastly, in my rough calculation, because we don't have Wave 5 or 6 harvest yet, but if I look at what overages need to be paid back from that 1.23 million pounds, there is approximately 500,000 pounds of fish left on the table for next year's fishing year. That does not include any removals for dead discards. I can't estimate how much will come out for dead discards because I cannot translate numbers of fish to pounds of fish right now. There will be an accountability measure for the dead discards, though.

CHAIRMAN SIMPSON: Are there any question for Toni? Tom.

MR. THOMAS FOTE: Toni, can you send those tables out because I can't write as fast as you went through them. Could we all have a copy of those tables?

MS. KERNS: I have been putting together a memo for everyone and I will have those tables.

MR. ROB O'REILLY: Toni, I guess I would ask – that seems like a huge increase in mean weight – is there information that is known about any year

classes that is corresponding to is one question. And then I'll just ask you also – it sounds like you took the weight from MRFSS and the numbers of fish to get that mean weight. My question would be does MRIP have the same sort of cautions about using weight data that MRFSS has?

CHAIRMAN SIMPSON: I'm not sure and the one thing I'll say at this point is this is just a report out of recent information. The actual weights that will be used in calculations I think we're still a few months off on, so it may in fact show that we have a higher mean weight but it may not be as high as it appears now. I think it is too early worry about it too much, frankly, the mean weight. Clearly, the landings I think everyone agrees were pretty robust this year.

I think it is interesting that we seem to be quite a bit under on fluke and scup and we're over on sea bass and at least – and I remember scup better – dramatically under and probably are going to be dramatically over on black sea bass, and it is going to be very symptomatic of our troubles managing under Magnuson in AMs, managing the recreational fishery when it is so difficult to predict what the recreational fishery will produce from one year to the next. David.

DR. DAVID PIERCE: Toni, the Wave 5 and Wave 6 harvest, we don't have that yet, you have given us the 2011 harvest. The information you before you that you just presented, does that indicate – strongly suggest that we will have no recreational fishery in 2013 because of an overage in 2012, so we will start off January 1 with no federal waters fishery; is that what the numbers indicate?

MS. KERNS: The numbers that I have right now, there is approximately 500,000 pounds on the table plus something for discards. I just can't estimate how much is going to come off for discards right now. There are a million fish in dead discards. I just don't know what that weight exchange will be.

This is the first year of accountability measures, so we will be reading the rules from the omnibus very carefully and making sure we're applying everything correctly. I don't want to make that statement for sure because I don't have that. That won't be the commission's decision.

It will be a federal decision, because again the commission did not adopt those measures under the federal rule. For our quotas technically none of this comes off the top, but it is what will be in federal waters. As everybody knows, some states, the

majority of their catch does come from federal waters and other states the majority of their catch comes from state waters.

CHAIRMAN SIMPSON: Thanks, Tom. I have Adam but Rick Robins is here and I know the Mid-Atlantic Council sent out a press release earlier in the day, and Rick may want to just give us his perspective.

MR. RICK ROBINS: Mr. Chairman, I appreciate that invitation. I will be brief, but we had a brief discussion on this at the council meeting last week in Long Branch, New Jersey. The catch estimate was revealed to us during that week, so we had some discussion under new business on Thursday, on the last day of the council meeting.

It is still preliminary information but obviously we're confronted with potentially a very large overage, and we're coming into the first year under which we're operating under the formal annual catch limits and accountability measures that have been put into place now in regulation.

Frankly, given the fact that this is the first time around, there are still some questions that need to be resolved about exactly how this would be accounted for, what the timing of those AMs would be. Our staff has been in discussions with the regional office to try to clarify that. I know there has been discussion here among commission members about whether MRFSS or MRIP data would be used. You have indicated a preference to use I believe the MRFSS data going forward at least for this year.

With respect to the timing of the payback of the average, we've had questions at the council level about that because the way the omnibus was written it said as soon as possible, I believe. If you think about the process by which catch is estimated, catch estimates are finalized, discards are finally calculated, there are time lags involved in that, and those final numbers may not be available obviously at the beginning of the 2013 fishing season.

I think those are some of the questions we still need to resolve; in other words whether or not the payback, if it were implemented as per the regulations, would occur in 2013 or 2014. Again, I know our staff has been talking closely with regional office to try to coordinate that. If you just step back and think about where we are right now on sea bass in our recent history, we have a major problem, and I think at the core of it is the scientific issue.

We have a situation where based on the apparent performance of the fishery the health of the stock and the availability of the fish appear to be very good. The assessment indicates that the stock is very close to the rebuilding target and yet the actual management and the way the quota is set is at a lower level.

We have some disconnects between the quota, the assessment and I think frankly between the assessment and the actual condition and health of the stock. I think the performance of the fishery as we see now in the recreational catch data suggests that disconnect is probably significant and needs to be addressed.

I think in terms of moving forward I think we're going to work very closely with the science center and work urgently with the science center to address this issue. I don't see how we can get out of this simply in a regulatory sense. I think the solution has to be broader than that, but I would submit that we have to review every component of it. We have to look at the assessment and how that is being done.

We have to look at how the quotas are being set and that is going to require a collaborative approach between the council, the commission, the science center, the SSC, and we're going to have to resolve some of these questions. We just recently hosted a workshop on protogynous hermaphroditic species in order to try to make some progress on some of these scientific uncertainties that relate directly back to the management of black sea bass.

The SSC deliberations have focused on a couple of areas of uncertainty; that being one of them. We're trying to move forward with resolving some of those questions, but I think at this point given the consequences that we may all be facing we have to do this with a renewed sense of urgency. We're going to have to work closely with the center and the regional office and the commission to get that done.

Now, where that leaves us from a regulatory perspective for Fishing Year 2013, I can't say, but we have to work on this immediately. I recognize the difficulty of the timing and the regulatory cycle, but I think we're going to have to take a hard look at all these issues as we go forward.

CHAIRMAN SIMPSON: Thanks, Rick, I appreciate that. Adam.

MR. ADAM NOWALSKY: I appreciate Chairman Robins being here. I think he actually answered the

question I was going to bring up for Toni. I had heard the statement that overages had to be taken out of the subsequent fishing year, and I just heard Chairman Robins reference – and what I had looked up – the Federal Register Notice of the final rule stated that pound-for-pound repayment for a future fishing year. It didn't specifically stipulate the subsequent year.

Moreover, if we go back to the meeting materials that this board worked with developed by council staff in December of last year, there was the note that the deduction would occur as soon as possible from a subsequent fishing year. That was going to be the question that I had for Toni.

I had her say "the subsequent", but I just heard Chairman Robins specify that there was a question about it, so I will leave it with it sounds like there are questions remaining about where this repayment would occur. If Toni has got something more specific she would like to touch on, I would be happy to hear that.

CHAIRMAN SIMPSON: Okay, and I have the regulations in front of me, and the last sentence of overpayment says, "Landings overage in pounds will be deduced as soon as possible from a subsequent single fishing year recreational sector ACT." They have left themselves a little bit of wiggle room to determine – because it can take time to figure out what the overage is. After I get to Louis, I'm going to ask Bob if he can help with – just looking ahead, NOAA has already taken action to close the fishery effective November 1 and then, of course, we're all interested in what may or may not take place early in the new year. Louis.

DR. LOUIS DANIEL: I haven't kept up the Mid-Atlantic black sea bass like I have South Atlantic sea bass. It is amazing that you're seeing exactly the same thing in the Mid-Atlantic that we're seeing in the South Atlantic. We're seeing extraordinary catch rates of really big fish. We're closing that fishery down in unprecedented time.

The South Atlantic quotas are like 10 percent of the Mid-Atlantic quota, but we're catching it in a month and a half to two months in the recreational fishery and the commercial fishery. One of the concerns that I have is about some of the reporting, and I think that is something that really needs to be looked at and looked into.

We just discovered that if a northeast dealer, even though they're south of Hatteras, reports black sea

bass, they're reported as Mid-Atlantic fish even though they were caught in the South Atlantic.

We have discovered about 20 or 25,000 pounds of fish that were actually being counted on the Mid-Atlantic landings, so they're basically being double-counted. That is a concern and an issue that we have being down right on the borderline.

I'm just wondering if a similar circumstance is not happening with the recreational fishery, you know, having folks fishing south of Hatteras but if they land north of Hatteras they would be counted as Mid-Atlantic fish. With the catches that we have been having, that could have a significant impact on the Mid-Atlantic catches. Those are some issues that I think need to be examined.

CHAIRMAN SIMPSON: Yes, our issue here is recreational and I don't know exactly how the MRIP Program splits North Carolina north and south, whether it is by port of landing or what, but it is a different process, at any rate. Jim.

MR. JAMES GILMORE: Mr. Chairman, I thank Rick for coming to this because he pretty much summarized I think the way most of us feel. I think that we have to sit down and figure this out is obviously what we should be doing. I said in an earlier meeting today that calm minds have to figure this out instead of just following some process.

We've pretty much figured that something like this was going to happen especially with black sea bass. We have a Tier 4 fishery and we're essentially trying to manage that as if we had good data, which we don't, and we superimpose. Now we've got the transition from MRFSS to MRIP, so all of these unknown factors that came out of Magnuson now are coming back to haunt us.

We really do need to take a pause and figure out what makes sense for the fishery and not just follow, well, we have set up some rules and let's cut things back now, because that makes no sense at all to anybody. Again, he pretty much summarized the way New York feels and hopefully we can work through this and manage the fishery properly.

CHAIRMAN SIMPSON: I'm going to ask Bob Ross to answer a question, and that is really what do you envision the Service doing in the next couple of months? I think beyond that we're all going to need to figure out, but you've already taken one action. What may take place in the next couple of months?

MR. BOB ROSS: I guess I can only reiterate, which I think Toni and Mr. Robins have already indicated, that this is new information. It is preliminary information. We are in discussions with the Mid-Atlantic Council on this. I think the issues here are timing. Again, this is a council plan. We're going back to the plan and evaluating the intent of the payback measures as well as the timing.

Again, I am just repeating what has already been said here, but these overages are significant. We do not yet have any information on Wave 5. We know that Wave 5 will most likely surface around the time of the December council meeting. Given the information we had on hand, which is what the plan indicated, we did move forward to prevent the federal waters fishery from reopening November 1st. It will be closed through the end of the calendar year. In the meantime we are in extensive discussions both internally and with our partners as to where we will be going especially after the beginning of the next calendar year. At this time that is the best available information I can provide.

MR. PATRICK AUGUSTINE: Mr. Chairman, a quick question; state waters are still open as far as I can see, right? We haven't officially closed them so should there not be a brief discussion on that, Mr. Chairman, as to what we intend to do or are we just going to let it run out? As you know and I know and we all know, it is a cumulative impact that we're going to have.

We do know in our waters there are a tremendous number of black sea bass. We have guys going out there fishing every day they can. Looking at that, would it not be appropriate for us to talk about some possible action we could take or be aware of what is going to happen.

CHAIRMAN SIMPSON: I think Toni went through what states are expected to remain open, what states already in their schedule would be closed. There is an issue of how much of each state's landings would come from federal waters, which are closed come November 1, anyway; how much of the state water fishery remains for the year given the onset of fall, and there is a storm rolling up the coast that will probably hurry things along, but you're right – and then, frankly, I'll speak for Connecticut, there is the practical matter of giving notice to 150,000 people that the rules changed. But it is a valid question that should be discussed. Pete.

MR. PETER HIMCHAK: Mr. Chairman, on Pat's comment, our Marine Fisheries Council meets

November 1st, and the earlier that we could do a notice of administrative change and close the fishery would be in probably early December, and by then it would be over. I had a question for Bob – and again this is something I find troubling – with the January/February season for 2013, the Mid-Atlantic Council is responsible for management uncertainty on catch estimates.

Boy, it is perplexing to me how you would come up with a harvest estimate for Wave 1 when most of us don't have field intercepts. I'd like to get some direction from the Service as soon as possible on the January/February issue as well.

MR. ROSS: Again, this is under discussion. We're very much aware that I believe this would be the first year that we would open January and February. The timing is obviously problematic because we will be receiving Wave 5 data basically in mid to late December. Again, given the numbers we have on hand, acknowledging that those numbers are preliminary, that is one of the issues we will be continuing to discuss with our partners.

It is an evolving discussion at this time, as is again the timing issue for payback, as is the use of MRFSS versus MRIP data. These are all on the table for discussion. We're getting this information as you are and we are in discussion at this time. That is really the best I can give you at this time.

CHAIRMAN SIMPSON: Are there any other comments or questions on this topic? Mike.

MR. MICHAEL P. LUISI: Mr. Chairman, I feel it is important to mention on Mr. Augustine's comment about state waters. Even though Maryland, Delaware and other states on the board here are able to open in November, essentially Maryland's fishery is closed for the remainder of this year. We do not have a state waters fishery.

I can probably speak for midway through New Jersey down through North Carolina, there is very little opportunity for any state waters fishery. Given that, any additional harvest, as I understand it, will add to this overwhelming overage that we already have. I would urge states that do have that access in state waters to consider the impacts of that additional overage on the states to the south. We're already going to be closed. Thank you.

MR. O'REILLY: I support that premise and also I would think that maybe this year there would be fish in some of those locations where typically Wave 6 is

rather modest. There certainly should be encouragement for states that can't close. I know it can be complicated, and I did hear you, Mr. Chairman, about the notification process, but I think that every state has sort of very active advocacy groups and they would want to know what further penalties would incur by not closing.

CHAIRMAN SIMPSON: Okay, are there comments or thoughts on this subject? Toni.

MS. KERNS: One more thing for clarification purposes, and it may sort lead us into the discussion for the next agenda item. The commission's plan for the recreational measures are for the current fishing year. We have the addendum and it expires at the end of the year. Depending on how the board moves forward for the 2013 fishing year, right now the commission is not open during January and February.

Some states will need I think some guidance on whether or not they're going to have to close that fishery for their state waters or allow it to be open. I know that there are some states that have gone ahead and opened their fishery for January and February. The reason why they started that process is because their administrative process does take a significant period of time, and they wanted to be able to respond to that opening if it was available to them.

I know Delaware is one of those states that need the longer timeframe to administratively open their fishery. I have been informed by those states that are in the process of doing that, but they can close very quickly if need be.

MR. JOHN CLARK: Mr. Chairman, I would just like to clarify what Toni said. Our process took so long that we used an emergency regulation to open on May 19th. Our process to get a real regulation in place we wanted to match the federal rules so we included the January and February season. We just got it published I think just in time to stay open for the additional few days in October. Now it is kind of tough if we're going to be closing again on November 1st.

MR. NOWALSKY: Mr. Chairman, I heard the comment earlier that obviously the science is an issue here specifically with the black sea bass. As was indicated and as Chairman Robins said, every component needs to be looked at. Our process for managing all of these recreational fisheries, summer flounder, sea bass and scup, needs to be looked at.

If we're going to open the box here, we might as well open it and make sure we've got all the right parts in and that they're all in there in the correct manner. When you look at a fishery where on the scup we're 75 percent underharvesting and sea bass we're 100 percent overharvesting, that to me represents a real issue with how we're managing things.

I think to sit here and say that science is going to fix this or the Service is going to come up with some solution, I think we're really burying our heads in the sand on that issue and we've really got to look at how we're managing these fisheries using the data we have. The presentation we got yesterday indicates that we're still a couple of years away from having precise data.

When we go back and look at some of the comparisons, black sea bass in particular shows confidence intervals of swings of a half a million pounds of fish, meaning the estimate that what we landed recreationally, using the tools we have, is within 500,000 fish, and that is substantial when we're talking about landings in the million to a million and half fish range.

The tools we have simply don't support the mechanisms we're currently using, and we all have to find a way, working together, to do a better job with the management tools that we have and finding better ways to use the data we have.

MR. FOTE: And when we look at the cut off of days and closing of seasons, we understand what it is when you basically reduce the commercial quota; but to get the real facts of when you start reducing the season and when the tackle stores, the partyboats and charterboats and the private boats don't go out to fish, the economic impact of those is in tens of millions of dollars.

One time we figured out I think it was a couple hundred million dollars when we did a fluke closure the way we did it a couple of years ago. We're supposed to put the economics together and we really have it. You cut down the EEZ right now; some states spread out their season to fill in gaps, so we did the sea bass to cover when the summer flounder season is closed.

Now they're going to be both closed at the same time, so what are boats supposed to do? I know a few captains are here and they're going to discuss that a little later. As somebody pointed out to me, the Philadelphia newspaper, the big headlines was black

sea bass opens November 1st. I mean it is in today's paper.

It is like, okay, now we're going to have to make sure we basically get the word out. It is very difficult for people to plan. The impact is not in just millions of dollars; it is in tens of millions of dollars and probably along the coast hundreds of millions of dollars. We're not spending the necessary funds – I'll get on my soapbox – since '94 when we put this plan in place, and I said when are we going to get some true statistics on scup and black sea bass. I'm always concerned that we're still sitting here 18 years later and we still haven't done it.

And even when we do it, I'm looking at Tier 1 and Tier 2 and Tier 3 and Tier 5; and if summer flounder is our poster child for information and it is still listed as a Tier 3, I don't know what you will ever do to get anything to a Tier 1 when we could actually fully utilize the quota or how do you move from Tier 4 to Tier 3.

It just doesn't give me a lot of hope in the system that we're going forward to unless we make some major corrections and some major funding. And looking at this budget from the federal government, that is not going to happen; and looking at the state budgets, it is not going to happen, so we're just going down a primrose path to I won't say where.

DR. PIERCE: I have got a question for the Service. It is my understanding that party and charterboat fishermen have purchased black sea bass as part of the auction, the research set-aside, the auction; therefore, they're able to fish with certain exemptions because it is fish purchased through the auction, the research set-aside.

The question is – and I don't know how many black sea bass were purchased by how many party and charterboat operators, but, of course, they buy it, so would party and charterboat operators or any individual fisherman who might have bought fish through the auction; will they be allowed to fish in federal waters during this closure because of the manner in which they acquired their black sea bass or are they also prohibited from fishing in those waters?

CHAIRMAN SIMPSON: Okay, thanks, and by extension a federal permit holder, could they even fish in state waters? Bob.

MR. ROSS: That is a good question. To be honest, at this time I don't have an answer for you. The only

thing I can do is get back to you as soon as I get that information from my office.

DR. PIERCE: Thank you, Bob, that needs to be addressed since obviously as we move forward into the next few years with low quotas, assuming they don't change, the demand for black sea bass on the auction would be rather high, I think.

Most people I think know my position regarding the use of the research set-aside, the auction specifically by recreational fishermen. That was never the intent of the research set-aside, but that is the way it is being used. We need to know because of its implications for 2013 and beyond.

CHAIRMAN SIMPSON: Okay, thanks, David. Yes, logically – and that's all I'm applying to it – is it doesn't – RSA is separate from the RHL so presumably it shouldn't count toward it, but I think they are going to have to think about that issue. This is the first year that we're dealing with the ACLs, AMs and all of that. Louis.

DR. DANIEL: Just a comment, really, that we knew this was coming. The commercial guys have been dealing with this forever in the closures that they've had. They have been telling us for the couple of years that these ACLs and AMs are going to result in closures of the recreational fishery.

I can't imagine anybody is that surprised about it, and it is just going to get worse. Particularly what we're seeing in the South Atlantic; it is devastating the headboat industry in the South Atlantic, and there is nothing we can do about it. I think this is just the beginning of these issues as we move forward.

CHAIRMAN SIMPSON: Yes, I'm afraid of that, too. Adam.

MR. NOWALSKY: Mr. Chairman, I certainly agree with Louis' viewpoint that it is happening all over. All you have to do is search for accountability measures in the Federal Register and it seems like every week there is another instance of them being utilized. With regards to the comment of their being nothing we can do, I wouldn't agree with that.

Specifically what I wouldn't agree with is that we can't get rid of accountability measures ourselves, but what we can do is find proper ways to work with the council and the Service that they be utilized. I think the greatest example of that is that we already – I have argued for a long time since this issue came about is that by changing our size, season and bag

limit every year, the recreational fisheries are already subject to accountability measures.

In fact, in the northeast, when they implemented Amendment 16 for groundfish, that is the accountability measure that has been accepted by the Service; modify size, season and bag limit. I have to ask if we already have the accountability measures implemented as changing size, season and bag limit, which has been accepted by the Service and New England Fisheries, why do we need recreational pound-for-pound repayment as an accountability measure?

I would submit that we as a commission work to find ways to implore the council and the Service to revisit that topic. It is simply something that is unnecessary to achieve the mandates of Magnuson for incorporating accountability measures. That would be my suggestion as something that we do; find a way as a commission, work with council and Service to revisit this pound-for-pound repayment provision.

CHAIRMAN SIMPSON: Thanks, Adam. I think we have had a pretty good discussion of all the implications of this and we heard early on from both Rick and Bob that they are working on it. It is a new and very large-scale problem for everyone involved. I think we do have to give them a little bit of time to be able to clarify the answers and the path forward.

I think we have had a very useful discussion of, but clearly we can't resolve anything here on this today. It is a Mid-Atlantic Council/Northeast Region problem particularly now to work out. I think I'd ask if we could move to the agenda item, which is quite related, and that is to consider initiating an addendum to allow for management tools other than coast-wide measures for black sea bass. We have done this each of the last two years with one-year addendums. We certainly need to consider whether we want to do that again this coming year. Toni, do you want to discuss this?

OVERVIEW OF 2013 RECREATIONAL MANAGEMENT PROCESS FOR BLACK SEA BASS

MS. KERNS: One of the reasons why this is coming forward – we didn't extend the addendum last year for more than one year – is we anticipated that the amendment for the Mid-Atlantic Council would have captured measures for 2013. The board and council asked the FMAT to go back and so some more work on that amendment and so therefore it will not capture measures for 2013.

The plan development team thought it would be prudent to bring this up to the board so that we're not scrambling at the December meeting and having to have conference calls at the beginning of the year to work on measures. I realize that with uncertainty for next year, there may still be a little bit of adjusting numbers and such; but if the board does wish to move forward with this similar type addendum for 2013, the plan development team can at least start to work on that for you with direction of how you would want to utilize the tools in the toolbox under conservation equivalency for 2013.

MR. NOWALSKY: Mr. Chairman, I will get the ball rolling by making that motion that we initiate an addendum to allow for management tools other than coast-wide measures.

CHAIRMAN SIMPSON: Pat, is that a second? Is there discussion on the motion? Adam, go ahead.

MR. NOWALSKY: One of the items I would specifically request the PDT take a look at is the use of multi-year averaging of recreational landings data. We've heard already that the council, through the omnibus amendment, and accepted by the Service to go ahead and average multiple years of data for calculating overages.

I think that when we look at the precision that MRFSS/MRIP currently offers us to continue to use on a single-year basis is just purely an example of a way that we can do something better with the data, and I would like staff to evaluate a multi-year averaging of data for at least that we could we take a look at and make a decision if this may be a better way to use for all of our fisheries that manage recreationally.

CHAIRMAN SIMPSON: Okay, thanks, Adam; I am sure they can do that. I am not sure of the implications under federal rules and the very rigid process that we have now for setting limits, but I think all these things need to be thought about and revisited. Toni.

MS. KERNS: Clarification; so then this addendum does not just address black sea bass; the board wishes for it to address summer flounder and scup as well?

MR. NOWALSKY: Well, I believe the initial discussion was with regards to black sea bass. Since we already have conservation equivalency in summer flounder and since we already have mechanisms for dealing with scup on a state-wide basis, so I don't believe this specific motion did. The request I was

making, though, for that evaluation to be brought forward for all of the species. When you're doing the evaluation for this addendum, if it could be applied to other species, I think that would be useful to us as a board.

CHAIRMAN SIMPSON: Yes, and I think that is a good idea because done for the three species and a little bit retrospectively it might tell us about what might have been decided had we used this averaging tool versus the single year. Pat.

MR. AUGUSTINE: To that point, the reason I seconded it is because I wanted to get further clarification. If we go down that road where we consider other species and other management tools, it just better be for black sea bass.

CHAIRMAN SIMPSON: This would just be for the technical committee to do some work on. It is not part of the motion to initiate an addendum.

MR. AUGUSTINE: Because I could see this thing going down a part of 28 addendums and amendments and options and falling flat on its face. The real question is how successful does the board believes that the state-by-state effort has been. The second question would be did the technical committee think that the reports are any more accurate?

The concern always was that the data we had, as it were, was not really adequate to give us a good picture as to what our state-by-state quotas should be, and then all of a sudden we said, well, it would be better, so we do it, and we did the state by state. The committee was only talking then about best for regional management. We went from coastwide to regional; regional we went to state. Unless the state by state is working, I would prefer to really look at only limiting the motion to say regional, so can I get an answer to that, please.

CHAIRMAN SIMPSON: I think that is your purview here; you're initiating an addendum to consider something other than coastwide and so you can provide a list of alternatives that we'd like to see or conversely alternatives we do not want to consider.

MR. AUGUSTINE: But, coastwide may be one that I would not want have in that – I'm sorry, state by state may be one I may not want in that, so that is why I seconded it for discussion purposes to see how the discussion evolves through the board members.

CHAIRMAN SIMPSON: Right; so I think we would do well to kind of flesh out some of the options that

we would like to see included and not included in the next couple of minutes here.

MR. GILMORE: Mr. Chairman, I won't go into any discussion on my great love for state-by-state measures because it has been so great for New York particularly on summer flounder, but from a more practical standpoint; you know, black sea bass, we just in the previous discussion discussed how complicated and how much work we needed to do figuring out how we're going to manage it. Right now in terms of what we need to do for next year, I'm interested in being more simple about this and also taking some workload of staff for putting another addendum together.

I'm going to vote against this motion simply for that. I think we don't really need to consider an addendum for anything but coastwide right now because we've got enough to figure out and again staff could use the time to maybe spend their effort working the issue of the ACLs, the AMs and all that other stuff we need to do. Thank you.

CHAIRMAN SIMPSON: Okay, that is good point, Jim, thanks. Tom.

MR. FOTE: I'm trying to get my head around this. The problem is the way we have the regulations now, we can basically do seasons differently than other states. So states that basically said, well, we will save our black sea bass for November and December and all of a sudden getting shut out of the fishery before the fishery even opens in federal waters, where states that took advantage in August and kind of pushed over, it basically puts us up the same way Louis was talking about spiny dogfish or large coastal sharks earlier today.

I think we're going to have to look at how we do closures and how we do openings. If we're going to do coastwide, then maybe we need to have the same kind of seasons in this mix if you don't want to go the other way, Jim. I mean, that is my concern here is you're trying to fix your season so you have things open at the same time and other states are working it differently, and all of a sudden you pay the consequences of waiting to have it in the last part of the season and all of a sudden get shut out. Especially like New Jersey, a lot of our fishery is in federal waters; so how do we handle that problem if we don't go state by state. I know there has got to be a solution somehow but that is what I'm looking at.

CHAIRMAN SIMPSON: Okay, to make sure I understand the question and the implications here,

I'm asking Toni and maybe others could help; you know, before you can divide up something you have to have something, and I'm just trying to remind myself how the commission determines in this case the 2013 recreational harvest limit; so what is the number next year?

Is it the number we already decided on in August, I guess, or is it – pending any change, I guess it is what we decided in August, so I think I'm answering my own question. We would have to make a change to move from the 1.2 million pounds or whatever it is.

MS. KERNS: The RHL for 2013 is 1.69 million pounds.

MR. LUISI: Mr. Chairman, with respect to Mr. Gilmore's concern about staff time and other issues and maybe getting to the point where we get back to the basics here with coast-wide measures, I do feel that having more tools in the toolbox is something that we can't afford to lose. It is important that we have options and we have different ways to look at our regional or state-specific fisheries.

There are differences between the different states. There are access differences and the available fish. The access to those fish, the effort rates, there are differences that we need to address. I think by moving to initiate this addendum, we're adding more tools to that toolbox for consideration in the future, so I would support the motion. Thank you.

MR. O'REILLY: Yes, I support that information Mike just gave you, and I would also say that I think this event would have occurred regardless of the management frame, and at the same time it is really new on the AMs for this process. We haven't seen how that is settled out yet, but guaranteed it is going to settle out in a penalty somewhere.

The other part is we know with the addendum that is about to sunset, that it had one year where it did very nicely, too nicely in fact, it did too well because the states then had to come back and do the great liberalization process and that didn't work. I wouldn't judge the performance of the addendum over two years as an indication that we should abandon the state-by-state or the state process, but what I would think is we do have to open up the toolbox.

The technical committee may not have need to do more work, but the process at that end certainly needs to look at things such as year class strength, which we went through with summer flounder, regional

versus area – you know, narrow areas. Anything that can be looked at from the combination of the assessment that gives some information on a coast-wide basis versus surveys that give a more local basis; that should be taken into account.

I think a lot of that was part of the summer flounder process, but at the endpoint no matter what happens there is still going to be this situation of using recreational data and trying to figure out with a limited number of parameters how you get the best fit for the upcoming season. That won't change no matter what we do. I do support the motion.

CHAIRMAN SIMPSON: And just to make sure we provide useful guidance to the folks who are going to work on this, it occurs to me that the tools that we have used recently and go to historically are some form of regional management, state by state; or as we've done the last two years, characterized it as sort of an ad hoc or a negotiated approach where the states, after the end of the year, look at the landings, put their heads together on the fairest way to manage what is available might be.

I would offer those as suggestions for things to provide guidance to the technical committee should this motion pass. If there are different thoughts about that, I would like to hear to them. If there is something you would like to add or take away, we would want to do that now so the technical committee knows what to work on for us. Tom.

MR. FOTE: I don't think it was negotiated. It was basically voted on. How that happened; there was a lot of dissension on what happened in 2010 as far as New Jersey was concerned when we looked at how we divided up black sea bass. You remember it came down to a vote and a lot of states abstained and it was the north against New Jersey. I'm just refreshing your memory on that was not really negotiated.

CHAIRMAN SIMPSON: Yes, you could see I was searching for the right word to describe it, but it was not formulaic. It wasn't New Jersey gets 22.5 percent and Connecticut gets some other percent, but the effort was to try to be as far as we could to all the parties involved. It is never perfect. You see the dilemma we're in going ahead because we already discussed this in August.

One scenario using history gives, was it, Virginia about a third or half of the quota. Another one gives Massachusetts about two-thirds of the quota. It just completely flip-flops and you know what the distribution of the population was this year. That is

what brought us to the decisions we made in the last couple of years. We saw the Mid-Atlantic's two southern states catches fall well behind; a minimum size for coastwide wasn't going to work for everyone; so we worked through a difficult issue; whatever term you want to use for that. Tom.

MR. FOTE: I was just looking at New Jersey's discards for this year and that discard rate, and we went from – we keep increasing the size and we basically throw more fish back; and if we basically hadn't thrown all those fish back, we wouldn't be in some of situations we are because looking at the huge amount of discards you are now getting in New Jersey once we moved to the 13-inch size limit.

So would those boats be quitting and coming back faster if they loaded up on their fish and wouldn't be out there at 12 inches and wouldn't be pounding those fish over and over again until they get a legal fish they can take home. That is another problem that we're dealing with and we deal with that at all fisheries when we start putting the discard rate as high as the catch rate.

CHAIRMAN SIMPSON: A good question Toni raises is the duration we're anticipating for this addendum. Is this for 2013 only again or is it a multi-year – keeping in mind that the Mid-Atlantic Council is working on this same question of the overlapping times. I won't say the same time. My thinking is that it is 2013 only unless I hear differently. That is what we have done the last two years. Adam.

MR. NOWALSKY: Would there be an option to make that option in the addendum so that as we see how things unfold over the next three to six months we would have that ability to decide how best to proceed?

CHAIRMAN SIMPSON: I think that is fine; we can consider it both ways. I am going to try to move this along a little bit. If there is any objection to taking that approach, I would like to hear it. Otherwise, we will consider including it in the development of the addendum. Is that fair to everyone? Are there any other thoughts on this motion? Is there anything else you want to add or clarify before we vote on it?

MR. CLARK: Dave, I know you asked what are these measures other than coast-wide measures. Are we pretty much just talking about state-by-state management if we're not doing the coastwide?

CHAIRMAN SIMPSON: As I've suggested, regional, state by state and what we have done in the last two years, however you want to characterize that. Roy.

MR. ROY MILLER: Mr. Chairman, I kind of object to the wording of this. It says "move to use coast-wide measures". Move to consider use of coast-wide measures; isn't that what we're really doing because the no action alternative would be the status quo.

CHAIRMAN SIMPSON: Right; and it does read other than coast-wide measures so we develop an addendum to consider doing something besides coastwide. Status quo would be coastwide. The full addendum will consider options of coastwide, state by state, regional. Are there any comments or discussion on this before we caucus on it? Is there any comment from the public? Yes, sir.

MR. MONTY HAWKINS: Monty Hawkins, Ocean City, Maryland. I would like to strongly support the motion. The spawning site fidelity in the black sea bass is evidenced by four different tagging programs. I think for fishery management to actually move forward on this species, you have got to recognize the need to manage based on equal regional spawning stocks.

Mr. Chairman, I would also urge you to consider the apparent expansion of the sea bass into more northern waters. If you look at Musick and Mercer's 1977 study, they have sea bass stopping at the northern end of Long Island and Block Island. Now you're even showing catching it in New Hampshire.

As a result of almost 25 years of artificial reef building, I know that when we build an artificial reef we expect an increase in the number of fish. We expect habitat production to occur especially after a three-year period. Now you have the entire Granite Coast in the sea basses habitat range. How could it not produce sea bass? It has to produce sea bass.

Folks, I promise you, I have catches in 1991, two-days catch; there was more than the whole state of Maryland caught in all of 2012. Two-days catch on boat was more than the state of Maryland caught in all of 2012. I promise you that we're not overfishing. It's management. We have got to figure out – we've got to get down to equal regional and we have got to be able to turn these fish loose. When you manage for production, we'll have far greater economic stability. I believe my economic stability is about to go out the crapper here right now. This closure is

going to really hurt me. Fall is my time of the year. Thank you, sir.

CHAIRMAN SIMPSON: Okay, thanks for your comments. Take a moment to caucus and we will vote on this motion. Is there another comment; go ahead, I didn't see your hand.

MR. EDDIE YATES: Mr. Chairman, my name is Eddie Yates. I own a charterboat in Barnegat Light. I also represent United Boatmen in New Jersey, which is a fishing organization of party and charterboats. To go with this gentleman over here, Louis said, I got that letter in the mail about how good your sea bass fishing is because you're closed until next June in the recreational sector. I also got one from the commercial sector.

The notes that I have been getting, the releases I have been getting from the ASMFC Board shows that we're 111 percent of the biomass, the stock. Now, I'm just dumbfounded why our bar isn't getting raised. We're still stuck at this 2.1 million pounds or 2.3 million pounds to share between two sectors.

We should be working off of three or four million pounds and we wouldn't have this issue. These letters show me that this stock of fish is from Key West to Massachusetts, in state and federal waters. I don't understand why we're still working with this low bar and having all these problems.

I think if we raised the bar some and maybe we can cut down on the discards with the size limits being lower again. I can't tell you how many thousands of fish I've thrown back between our spring season and the season that just closed Sunday, a week ago. Now, I'm the guy that has that paper, front page of the sports section, Philadelphia Daily News today, I'll leave it here for you to look at, "Sea Bass Season Reopens November 1st." 200,000 copies of these are on the street. My members' ads are in here, "Sea Bass Opening November 1st".

I mean, if Washington wants more people on food stamps, our people are going to be on them soon because we are just about out of business with this. I know you people do the best that you can with the mechanisms that you have. It starts up here in the National Marine Fisheries Service to add more fish to the stock, in my opinion. Now, please correct me if I'm wrong. Thank you very much for giving me the time to speak. I will leave this paper here because there are some interesting fishing reports there.

MR. DICK BUNTING: I'm Dick Bunting. I am a partyboat captain down in Ocean City, Maryland. I just want to make it real quick. Something has got to change here. It is just like what this gentleman up here just said. I was in a position where sea bass was going to open November 1st although we had the suspicion that it was going to remain closed.

Fortunately this time we were able to put out advertising that said that, yes, we were going to go – you know, we were planning on fishing, but we didn't take any deposits. Thank God, we didn't because, you know, even when we take deposits on trips, to give that money back it still costs money. The credit companies, they're not letting you use that machine for free.

The other thing is in Maryland we have pretty limited species what we can bottom fish for. We primarily fish for sea bass. That is what we have. We do have flounders are mostly caught in the coastal bays. We do catch some in the ocean. The other species that we have is tautog, and that is what I'm going to be forced to fish for in the month of November, and Monty is going to be doing the same thing, and we're going to be putting a lot of pressure on a species that we have a lot of questions about.

We have already had to see an increase in size limits for that. Next year with the sea bass season, with the overages that they're saying that we have, how much more pressure are we going to put on tautog? It is just bad management. I mean you multiple species that seem to be doing well and yet we're not allowed access to them, so they put more effort on species like tautog and which we know that there are issues there on stock and how many there are and how long they live.

We're going to put more pressure on them and wipe them out. The point I guess I'm trying to make is where does this cycle end? When are we going to start giving back some of the fish that we paid the price for? It is something that we've heard for years; pay the price now and it is going to pay off in the future. Well, I'm still waiting for it to pay off. That's it.

CHAIRMAN SIMPSON: Thanks very much. Not seeing any other hands, if you can take a moment to caucus and then we will vote on this motion. Okay, do we need anymore time to caucus or are we all set? Okay, I'm going to call the question.

All those in favor please raise your hand, 10 in favor; any opposed, none; any abstentions, none; any null

votes, 1 null vote from my neighbor. **The motion passes ten, zero, zero, one.** Toni, will go over the timing of the addendum and then we will see if there is any other business.

MS. KERNS: The plan development team will draft an addendum to present to the board and I will make the request to the Mid-Atlantic Council if we could present this during our joint meeting with the council. Assuming that if the board wants to move forward with this, then we would vote for conservation equivalency at the council meeting for black sea bass.

We would do hearings through the wintertime and bring forward a final addendum at the February commission meeting. When the plan development team first drafts this document, it will likely not have the percentages that would need to be reduced, et cetera, because I'm not sure we will have those final Wave 5 estimates. In the past we have put the Wave 5 estimates in and those estimates likely will not come until right about when the council occurs. If I can get them in prior to the council meeting, I will; but if not, it will be added in prior to release for public comment.

MR. NOWALSKY: One other comment, Mr. Chairman, if I may ask that when we go through this, if we could include – you know, I'm assuming that there is going to be a press release on this from the commission – if we could include the stock status to make sure that people who look at this understand that this fishery is not overfished and overfishing is not occurring.

If I recall, the information we had back in August, the overfishing level on this stock, even though the council's SSC chose not to use it, was in the 7 million pound range, which we are nowhere near. Even with the removals that we're at, we're nowhere near that level. I think that is something important and I want to make sure it is in the record here. Anybody from the public looking at where this commission is acting, we're taking action that is responsible in the realm of conservation.

CHAIRMAN SIMPSON: That is a great point, Adam, and we will make sure it is included in the press release. David.

DR. PIERCE: Getting back to the earlier presentation given by Toni, Toni indicated that you're putting together a memo for the board regarding all of the data you gave us at the beginning of the presentation. When might we have that memo?

MS. KERNS: I will get it out to the board next week.

CHAIRMAN SIMPSON: Okay, is there anything else before the board today? Pat, can you give us a motion to adjourn, then?

MR. AUGUSTINE: So move.

CHAIRMAN SIMPSON: Mike, is there something else?

OTHER BUSINESS

MR. LUISI: Mr. Chairman, in all due respect to your previous decision to move on from the discussion we were having about state waters and what actions might be taken in state waters, I was still chewing on Mr. Fote's comments and didn't get my hand out just like I almost did a second ago. Would you entertain going back to that for just a quick second?

The points I made earlier regarding how some of the southern states are going to have to deal with our state waters staying opened; however, the fisheries will be closed. I think the point has been made very clearly around the table here today that we're looking down the barrel of a gun and this is a very serious problem and a very serious issue that we need to take into consideration.

From what I hear, it is not very clear whether or not the accountability for these overages this year is going to come in 2013 or 2014, but what I do see is that any additional harvest at this point is going to further exacerbate whatever issue that we have to face in those years. I had previously urged the states to consider closing their waters. However, I feel as far as taking this as an action, Mr. Chairman, **I would move that states initiate any and all applicable regulatory actions to close state water fisheries for black sea bass in 2012.**

CHAIRMAN SIMPSON: Okay, is there a second to that; Rob. Let me clear on the nature of this motion. Are you asking for emergency action by the commission or are you asking for something more of a resolution for states to go back and do whatever they can to close their fisheries during 2012 as soon as they're able?

MR. LUISI: I certainly realize the complexities of each state and everybody deals with it differently. In Maryland we can close our fisheries in 48 hours' notice through a public notice. I do also realize communicating to the public is another issue in making sure the message gets out, so I do appreciate

that. What I'm looking for here would be for states, when they leave the meeting here today, to go home and do whatever they can within their regulatory power to close these fisheries down before the end of the year to stop the bleeding, to put it simply.

CHAIRMAN SIMPSON: Okay, is there discussion on the motion? Tom.

MR. FOTE: Since it is really not an action and you're just asking the states, I don't really feel the necessity for a motion. I think we're all going to go back and do what we can, but there are a lot of us that are not going to be able to do the shutdown in a timely manner.

I don't really think a motion, because then you're basically saying, well, you didn't comply or you didn't do something. I think it will be the sense of the commissioners that we basically would do everything we could and just leave it at that. But you put it in a motion, it means like you're supposed to do something, and some the states are not going to be able to do that.

MR. MILLER: Quickly to Tom's point; some states like ours in particular would find itself in a difficult position unilaterally closing a fishery when it was not a requirement of an ASMFC plan or addendum or action. We need that ASMFC guidance, if you will, and we would not have the ability to do it strictly on our own. Thank you.

MR. O'REILLY: Yes, that is exactly what I was thinking that the ASMFC has to be behind this regardless of how it turns out on a state level. There has to be support.

CHAIRMAN SIMPSON: I'm sorry, Rob, could you restate that for me?

MR. O'REILLY: Yes, there has to be support from the ASMFC that the states can see regardless of whether some states have an intractable position in terms of closing. I think that will mean a lot around the coast, that the ASMFC recommended this.

CHAIRMAN SIMPSON: Okay, so this would be in the form of a recommendation that the board recommends that states go back and use whatever regulatory tools they have to close their fisheries before the end of the year for the reasons stated; is that fair, Mike?

MR. LUISI: Yes, if I didn't say it that way, that is what I meant when I made the motion.

CHAIRMAN SIMPSON: Yes, that is how I read it. I think it is clear in the record that you're not asking for emergency action, which requires a specific process. Toni is suggesting that maybe the term "recommend" or "recommendation"; but I understand it – the states initiate any all applicable regulations to close state recreational fisheries for black sea bass, and it is understood that this is not a commission mandate but basically the sense of the board that states should take whatever action they can to mitigate our problem for 2013. Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think just for clarity you want to slip the word "recommend" in there; just because this is going to be a stand-alone motion that will go in the meeting summary and those sorts of things and people may not know exactly what it means.

CHAIRMAN SIMPSON: Are you okay with adding "recommend", Mike?

MR. LUISI: Mr. Chairman, yes, as long as it is like you just said it; this board is recommending that states go back home and try to do the best they can to close their state waters. That is the intention of this.

CHAIRMAN SIMPSON: Okay, are there comments on this? David.

DR. PIERCE: I understand the motivation behind the motion. It makes a lot of sense; however, it is a bit awkward for those states that are still open, that implemented rules and regulations that they were advised would keep them within the bounds; that is, they get the necessary percent reduction in their catch in 2012.

This particular motion wouldn't affect Massachusetts. We close at the end of October, but I can certainly sympathize with those states that on good faith did implement recreational seasons based on technical advice that it would be okay. And now, of course, that is not the situation. In addition, if any state was to go back home and try to close the recreational fishery, it puts that state in an awkward position since I don't think anybody around the table believes that the numbers are accurate; that indeed they reflect what is actually out there for abundance of black sea bass.

We're all being ruled by an extraordinary, precautionary quota that was set by the – well, the SSC initiated it and then the Mid and then we had to concur. I understand the motivation; it makes sense. If this was a recommendation to me, if I was open I

wouldn't favor it and I wouldn't go with it because of all of the implications of doing so.

Because Massachusetts is not affected by this – well, it depends upon my colleague, but I certainly would want to abstain on this because it would be inappropriate for me to recommend to a state that it take that kind of action when in all good faith they did what they were supposed to do last year for this year.

CHAIRMAN SIMPSON: Yes, because I think the important part is you need to have a sense of what states are able to do, what they're willing to do and so forth. We may need a little bit this that I'll share for Connecticut. The only authority we could use outside of a commission mandate that would be timely would be if we could successfully argue that a stock is threatened with undue depletion, and that is not the case here. I wouldn't forward that argument to my commissioner. We don't have a mechanism to do it.

The other thing that I pointed out a couple of times is that our law enforcement has made it very clear that regulations once published in our anglers' guide are the rules for the year, and they will not enforce anything that is more restrictive than that because they simply can't that case stick. You can expand a season, someone may lose the opportunity they weren't aware of, but you can't make an arrest on something that they have published information that says, no, it is open. We would not be able to do anything in Connecticut. Jim.

MR. GILMORE: Actually a lot of the points I was going to make were kind of covered between Dave and Dave. My plan, Mike, was to go back and essentially assess what the impact is to the fishery and what is going to happen next year. As Rick Robins has discussed, we need to figure this out because this isn't a black and white issue.

That motion concerns me because – even recommendation helps a little bit, but it is still making sort of a decision that we're going to go close our fisheries, and I don't know if that is the best idea right now. If it turns out after we go through this in New York and that makes sense, I've got to do the same thing Dave has.

To do that sooner, I have to go to an emergency and I have to have some really good reasons why I'm going to do an emergency and having a fishery that is in good shape, that this is a management issue, is not

going to fly very well, so I don't even know if I will have that opportunity.

I understand the spirit of what you're trying to do and we're going to close down if we can, but I'm really concerned about this motion because I've already gotten a bunch of press calls on this and now I've got a motion that I'm supposed to closing the fishery down. I want to make sure I don't have something that I'm either ignoring the commission or whatever, so I'm probably going to vote against it, but I understand the theme of it. Thanks.

MR. ROBERT BALLOU: Mr. Chairman, I'll just say that Rhode Island would offer the same sentiments that were just offered from Massachusetts, Connecticut and New York. I appreciate the sentiment of the motion from the southern state perspective. You offered the hope that we could do the best we could.

What I can offer back to you is the best we could do in Rhode Island given our Administrative Procedures Act – and I just thought this through my head – is probably enact against a lot of political – with a lot of heavy lifting involving we could probably get something in place by the end of December, and it just strikes me that would be a foolish thing to undertake, so I just can't see supporting this motion because of the impracticality of being able to implement it. Thank you.

MR. NOWALSKY: Mr. Chairman, I'll just also add that again while I appreciate the intent, I would oppose it on two bases. One is I think it sends the wrong message. I think that we're basically giving recreational anglers tickets for driving 55 in a 55 mile an hour speed limit, and that is what we have to address.

But with regards to what does this actually mean when we're looking at the landings data that we have been using over the last five years in the Mid-Atlantic, Wave 5 and 6 sea bass landings have been at a low of 1,414 fish to a high of around 50,000 fish, and most years seem to be in the 10 or 12,000 fish range for Waves 5 and 6 in the Mid-Atlantic.

MR. ROSS: I would support this motion. I understand the difficulty involved, but I think again the spirit of the board here would send a message that we know that the data is preliminary and yet we see a significant overage even at this stage. We're still waiting for Wave 5 information. I think this would be an appropriate motion to support. Thank you.

MR. FOTE: I could support it if I believed that the quota we set last year or the year before from the SSC was the right quota to be set. Since I have not supported that in a long time and since I basically have complained about us being frozen at an overfished definition with overfishing quota, that is why I can't support the motion. I don't support what is going on with the management of black sea bass. I think it is a shame and it is also criminal. That is why I couldn't support the motion. (Applause)

CHAIRMAN SIMPSON: Okay, I was going to ask for comment from the audience but I think I just got it. I'll give you a moment to caucus and we will vote this up or down. Okay, the motion is move that the Summer Flounder, Scup and Black Sea Bass Board recommend that states initiate any and all applicable regulations to close state recreational fisheries for black sea bass in 2012. The motion is by Mr. Luisi and seconded by Mr. O'Reilly.

All those in favor please raise your hand, five in favor; opposed, six opposed; any abstentions, none; any null votes, none. **The motion fails five to six.**

ADJOURNMENT

Is there any other issue for the board today? Then I believe we're done. Motion to adjourn. We are adjourned.

(Whereupon, the meeting was adjourned at 2:35 o'clock p.m., October 25, 2012.)

Atlantic States Marine Fisheries Commission

1050 N. Highland St. Suite 200A-N
Arlington, VA 22201
(703)842-0740 phone
(703)842-0741 fax
www.asmfc.org

MEMORANDUM

February 1, 2013

To: Summer Flounder, Scup, and Black Sea Bass Management Board

From: Toni Kerns, Acting ISFMP Director

RE: 2013 Summer Flounder Recreational Fishery Proposals

List of Participants

Jason McNamee (RI)	Peter Clarke (NJ)	Tom Wadsworth (NC)
Paul Caruso (MA)	Rich Wong (DE)	Mark Terceiro (NMFS)
Greg Wojcik (CT)	Steve Doctor (MD)	Kiley Dancy (MAFMC)
John Maniscalco (NY)	Allison Watts (VA)	Toni Kerns (ASMFC)

Summer Flounder Recreational Proposals

The Board and Council met in December of 2012 to establish the 2013 recreational management program. At this meeting, the Board and Council agreed that the states would implement conservational equivalent measures rather than implement a coastwide management program.

The Technical Committee (TC) agreed that in order for a state proposal to be considered the state must develop evaluations of their states past management history (size, season, and possession limits), fishery performance relative to those measures, and an evaluation of which measures work for that state or region. The evaluations should show the state's general fishery performance since 2002 when conservation equivalency began. A more detailed analysis should be completed for the state's most recent two years. States that liberalize their regulations should develop a detailed analysis of the methods last used to liberalize their summer flounder fishery.

The TC met on January 25, 2013 to review the state management proposals for 2013. The TC evaluated the merit of each state's proposal using MRIP data. Below are the details of each option and the Technical Committee recommendations to the Board. Each proposal assumes that effort and availability in 2013 will be similar to prior years.

The TC notes there is a general concern that some states regulations are approaching those regulations from the late 1990s and early 2000's when overages were high. Despite this the early MRFSS estimates were biased high for some states so those harvest estimates may not be seen due to the transition to MRIP. Precautionary approaches should be taken when adjusting min sizes particularly when liberalizing more than .5 inch increments in one year.

The TC notes the unequal distribution of harvest and risk amongst states. To illustrate the point, a 10% overage in NJ in 2012 would have equaled 109,040 fish, whereas a 10% overage in DE would have equaled 9,485 fish. State's with the highest overall harvest along the coast need to be particularly careful when setting conservation equivalency measures because even though they may only incur a small proportional overage, in magnitude it can be equal to another state's entire annual harvest, and therefore can lead to more severe ramifications coastwide based on this magnitude.

Massachusetts

2012 Harvest Target: 153,089 fish
 2012 Landings: 77,375 fish
 2013 Harvest Target: 137,307 fish
 Alteration for 2013: 77.5 % liberalization

2012 Regulations:

Minimum Size: 16.5"
 Possession Limit: 5 fish
 Open Season: May 22-September 30

Proposed 2013 Measure

Option #	Min Size	Bag Limit	Open Season	Liberalization
1	16.0"	5 fish	May 22-September 30	15-22%

Technical Committee Recommendations: Approve

Rhode Island

2012 Harvest Target: 157,885 fish
 2012 Landings: 103,669 fish
 2013 Harvest Target: 141,609 fish
 Alteration for 2013: 36.6% liberalization

2012 Regulations:

Minimum Size: 18.5"
 Possession Limit: 8 fish
 Open Season: May 1-December 31

Proposed 2013 Measures

Option	Min Size	Bag Limit	Season	Liberalization
1	18.5"	8	May 1-December 31	0%
2	18.0"	8	May 1-December 31	28%

Technical Committee Recommendations: Approve

Connecticut

2012 Harvest Target: 104,324 fish

2012 Landings: 61,969 fish

2013 Harvest Target: 93,569 fish

Alteration for 2013: 51% liberalization

2012 Regulations:

Minimum Size: 18.5"

Possession Limit: 5 fish

Open Season: May 15-October 31

At 43 designated shore sites: Minimum Size: 16"

Possession Limit: 5 fish

Open Season: May 15-Oct 31

Proposed 2013 Measures:

For all options, CT proposes to have a separate shore size limit to allow the catch of fish at 16" at specified locations the bag and season will mirror the other modes.

Option	Min Size	Bag Limit	Season	Liberalization
1	18"	5	May 15-October 31	0%
2	18"	5	May 1-October 31	14.8%
3	17.5"	5	May 15-October 31	23.8%
4	18"	8	May 15-October 31	13.5%
5	17"	5	May 15-October 31	38.4%
6	17.5	5	May 1-October 31	42.1%

Technical Committee Recommendations: Approve

The TC notes that the state does not meet the FMP requirement of a PSE less than 15% for separate shore mode, however this metric was put in place under the MRFSS program and may not apply to MRIP estimates. Currently, there is little to no data to support the shore mode analysis, but the state has provided evidence for increased data collection for the shore mode in 2013.

New York

2012 Harvest Target: 491,642 fish

2012 Landings: 514,328 fish

2013 Harvest Target: 440,960 fish

Alteration for 2013: 14.3 % reduction

2012 Regulations:

Minimum Size: 19.5"

Possession Limit: 4 fish

Open Season: May 1 – September 30

Proposed 2013 Measures:

Option	Min Size	Bag Limit	Season	Liberalization
1	19.5	4	May 3 – August 22	14.54%
2	19.5	4	May 10 – August 27	14.36%
3	19.5	4	May 18-September 8	14.36%
4	19.5	4	May 17-September 4	14.41%
5	19.5	4	May 20-September 15	14.44%
6	19.5	4	May 22-September 23	14.34%
7	19.5	4	May 24-September 30	14.42%

Technical Committee Recommendations: Approve

The TC notes that further increases in the size limit increases non-compliance and will increase the disparity of NY and neighboring states. Therefore the TC recommends a change in the season over a change in the size limit. NY is currently one inch greater than other states within the management unit.

New Jersey

2012 Harvest Target: 1,090,407 fish

2012 Landings: 1,153,975 fish

2013 Harvest Target: 977,998 fish

Alteration for 2013: 15.2% reduction

2012 Regulations:

Minimum Size: 17.5"

Possession Limit: 5 fish

Open Season: May 5-September 28

Proposed 2013 Measures:

Option	Min Size	Bag Limit	Open Season	Liberalization
Status Quo	17.5	5	May 5-Sept 28	0%
1	17.5"	5	May 24 – Sept 21	15.3%
2	17.5"	5	May 18 – Sept 16	15.5%
3	17.5"	5	May 4 – Sept 5	15.5%
4	18"	5	May 18 – Sept 26	15.4%
5	18"	5	May 11 – Sept 20	15.6%
6	18"	5	May 1 – Sept 12	15.6%
7	18.5"	5	May 1 – Oct 31	15.5%

Technical Committee Recommendations: Approve options 1-7. Do not approve status quo because it does not meet the required reduction. NJ used two methods to develop proposals, the first followed the description outlined in the conservation equivalency memo from ASMFC and the second used the VAS methodology as was presented in 2012. The TC has reservations about using the VAS methodology; however the options it generates in 2013 are more conservative than the options created using the methods specified in the Conservation Equivalency memo

Delaware

2012 Harvest Target: 87,536 fish

2012 Landings: 38,469 fish

2013 Harvest Target: 78,512 fish

Alteration for 2013: 104.1% reduction

2012 Regulations:

Minimum Size: 18"

Possession Limit: 4

Open Season: January 1- October 23

Proposed 2013 Measures:

Option	Min Size	Bag Limit	Open Season	Reduction
1	18"	4	January 1-October 23	0%
2	17.5"	4	All Year	10.1%
3	17"	4	All Year	40.1%
4	16.5"	4	All Year	81.8%

Technical Committee Recommendations: Approve**Maryland**

2012 Harvest Target: 82,340 fish
 2012 Landings: 20,699 fish
 2013 Harvest Target: 73,852 fish
 Alteration for 2013: 256.8% liberalization

2012 Regulations:

Minimum Size: 17.5"
 Possession Limit: 3 fish
 Open Season: April 14-December 16

Proposed 2013 Measures:

Option	Min Size	Bag Limit	Open Season	Liberalization
1	17.5"	3	April 14-December 16	0%
2	17"	3	All Year	17%
3	16"	3	All Year	105%
4	16"	4	All Year	108%
5	15"	3	All Year	181%

Technical Committee Recommendations: Approve**Virginia**

2012 Harvest Target: 456,661 fish
 2012 Landings: 262,828 fish
 2013 Harvest Target: 417,657 fish
 Alteration for 2013: 58.9% liberalization

2012 Regulations:

Minimum Size: 16.5"
 Possession Limit: 4 fish
 Open Season: All year

Proposed 2013 Measures:

Option	Min Size	Bag Limit	Open Season	Liberalization
1	16.5"	4	All year	0%
2	15.5"	4	All year	26-53%
3	16"	4	All year	14-29%
4	16.5"	5	All year	4%

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

Technical Committee Recommendations: Approve- the TC is feels option B is risk prone because there is very little buffer between the projected harvest estimate and the harvest target.

Additional Factors accounted for in proposal:

The VMRC projected 2013 landings, on the basis of 3 different data sources (VA VAS, ChesMMAAP, NEAMAP). Five treatments were used to produce a range of predicted landings at different lowered size limits, where treatments included multi-year length data from one of these surveys or a combination of these surveys, were also included.

North Carolina

2011 Harvest Target: 156,286 fish

2011 Landings: 60,802 fish

2012 Harvest Target: 140,175 fish

Alteration for 2012: 130.5% liberalization

2012 Regulations:

Minimum Size: 15"

Possession Limit: 6 fish

Open Season: All Year

Proposed 2013 Measures: Status Quo

Technical Committee Recommendations: Approve

PRFC will consider both the Maryland and Virginia proposals and pick one for their 2012 measures.

For all state proposals: States may alter the start and end date of the season as long as it follows the methodology used in their proposal to achieve the required alterations listed above.

December 14, 2012

Mr. Robert Beal
Atlantic States Marine Fisheries Commission
1050 North Highland Street
Suite 200A-N
Arlington, VA 22201

Dear Mr. Beal:

At the joint ASMFC/MAFMC meeting last Thursday, I questioned the need to penalize a state for going over it's summer flounder quota when the coastwide quota had not been exceeded. What I had in mind was the ability for any state with excess quota to be allowed to voluntarily transfer quota to another state.

To punish New York state for being 7% over their quota based on a system that most believe is nowhere near that accurate is difficult to justify. The need to keep the landings *estimates* in perspective is further supported by the lesson learned when New York retained the same regulations for two consecutive years and experienced nearly a 100% increase in landings from the first year to the next. While we are mandated to use the MRFSS and MRIP projections, we know the precision is questionable. We should take every opportunity to mitigate any hardships whenever we have that flexibility.

As was mentioned, there would still need to be an incentive for each state to continue to manage its landings so that it stays within its quota. Toward that end, I would like to suggest that the ASMFC consider allowing transfers between states provided that the request for a transfer be a matter of public record, possibly requiring that each transfer be voted on by the full commission. I would hope that this public exposure would encourage each state to make every effort to avoid that situation.

We all agree that our primary goal is to protect the resource and we have done that. It is also understood that our secondary goal is to support the people and business that rely on the resources. I believe this action would allow us to do both when the stock is not experiencing overfishing.

Sincerely,

Jeff Deem
MAFMC/Virginia



Paul J. Diodati
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Deval Patrick
Governor

Richard K. Sullivan, Jr.

Secretary

Mary B. Griffin

Commissioner

TO: ASMFC Summer flounder, Scup, and Black Sea Bass Technical Committee

FROM: Paul Caruso, Senior Marine Fisheries Biologist

SUBJECT: Massachusetts' 2013 Summer Flounder Recreational Management Proposal

DATE: January 14, 2013

As per a memorandum from the Atlantic States Marine Fisheries Commission (Toni Kerns, January 3, 2013) we are allowed to adjust our recreational summer flounder regulations for this coming season to obtain an increase in the recreational fishery harvest of 77.5 percent, the difference between our estimated 2012 harvest (77,375 fish) and our 2013 harvest target (135,307fish). The 2012 summer flounder recreational fishery regulations were: a 5 fish daily and possession limit, a minimum size of 16.5", and an open season of May 22 through September 30 (132 days).

For most years Massachusetts' estimated summer flounder harvests have been well below harvest targets (Table 1). During this time frame the harvest exceeded the quota only two times (2004 and 2006), with overages of only 15% and 8 %, respectively. Given the quality of this data and the standard errors around the harvest estimates it could be argued that Massachusetts may have never exceeded those targets. Landings from 2007 to 2012 have been well below the allowable harvest.

Table 1. MA Summer flounder harvest versus target 2001 – 2012. Harvest in years with shaded cells exceeded the target.

Year	Harvest	Target	Difference	Size/Bag	Season
2001	152132	218000	-30%	16.5"/7	All
2002	155377	241000	-36%	16.5"/7	All
2003	177449	226000	-21%	16.5"/7	All
2004	280938	244000	15%	16.5"/7	All
2005	203201	263000	-23%	17"/7	All
2006	218996	203000	8%	17"/7	All
2007	75860	133000	-43%	17.5"/5	66 days
2008	150031	218286	-31%	17.5"/5	67 days
2009	48311	114000	-58%	18.5"/5	44 days
2010	45506	140000	-67%	18.5"/5	108 days
2011	42588	187000	-77%	17.5/5	132 days
2012	77375	153000	-49%	16.5/5	132 days

An examination of our trawl survey data (Figure 2) and comparison to the recreational fishery harvest indicates two distinct phases of abundance and harvest in our waters. During the period 2001 to 2008 recreational harvest was high, averaging 176K fish annually, coincident with an abundance of fish in our waters, especially those larger than the trawl time series mean length (41 cm). Since 2008, recreational harvest levels have been approximately one third the previous level coinciding with lower abundance, especially fish larger than 41 cm. Our local inshore fluke fishery is now largely a catch and release fishery for anglers that comply with the minimum size, with legal sized fish making up only a relatively small fraction of angler catch (1 in 8 in 2012).

It appears that changes in local harvest over the years are largely attributable to numbers of fish larger than 16" available to our fisheries, a minimum retention size preferred by our anglers. The length frequency distributions of the trawl survey over time and the tagging study catch and tag return data reveal that larger and older fluke have not been present in local inshore waters in any substantial numbers since 2006. Indeed we have received only two second year tag returns north and east of Rhode Island waters, over the time frame of the tagging study and those were from the canyons.

Thus, it is not likely that local fluke harvest will return to the higher harvests of the 2001 to 2008 time period until local abundance of "harvestable fish" increases dramatically, or unless the minimum size is lowered substantially below the 41 cm threshold. But given that smaller fluke have been abundant in our waters during the past three seasons, likely related to the large 2009 year class, some caution is urged regarding liberalization of size limits since those fish may recruit into our fishery in 2013 as age 4 fish at an approximate 44 cm mean length. However, the length frequency distribution of fish in our waters in 2012 did not appear to track the expected increase in growth of 2009 year class fish into the recruited portion of the catch at either 16.5" or the proposed 16" minimum. Either the fisheries are cropping off fish before they reach our waters at larger sizes, environmental factors (such as water temperature) make our inshore waters inhospitable for larger fluke, or the year classes that represent the older fish (>age 4) have been weak. There appears to be some evidence of all three factors at work.

A lengthening of the season is not proposed since our current season encompasses most all of the time period when fluke are in our waters. In addition, the effect of a bag limit increase could not be explored, as local fishery dependent *catch* frequency information for the fishery is scarce, except for a handful of party boat intercepts. Accordingly, this proposal contains only a single management proposal - decreasing the minimum size to 16.0".

The increase in harvest was first projected using the length frequency distribution of 1194 fish caught with rod and reel on Division research vessels and local party boats during the course of a tagging study conducted from 2009-2012 (Figure 1). The distribution of effort and catch from the tagging study is a reasonable proxy for the recreational fishery as a whole, as the temporal and spatial distribution of the sampling are similar and the same capture methods are used. The length frequency distribution from the tagging study is similar to the tagging study data set used the last three years for the same purpose, but in this instance the tagging data from all years was pooled. Past analysis has shown remarkably different estimates of harvest changes with minimal differences in length frequency distributions from year to year because the analysis is sensitive to the numbers of fish in the size increment cells being explored. Thus I used the largest reasonable data set available to minimize the influence of inter-annual abundance of fish in specific length cells. Use of this data set estimates an increase in harvest of 45% at 16". Using only the 2012 tagging data indicates an increase of 50%.

Adjusting the 2012 tagging data for growth indicates that the harvest could increase by as much as 198% accounting for attrition from both natural and fisheries mortality and assuming return of the same proportions of the stock at age to our waters. However, both the tagging study data and the trawl survey data suggests a differential return rate of older fish to our waters so a large increase in availability is not very likely.

An alternative analysis was performed using the lengths of fish caught in our long standing fisheries independent trawl survey. Using trawl data from those years the projected increase would be 22 % at 16". Use of the entire trawl survey time series estimates a 15 % increase in the retained catch at 16" (Table 2).

The differences in the projected harvest increases between the trawl survey and tagging study data sets can be attributed to the proportionally higher number of larger fish the survey gear captures vs. the rod and reel fishery, because the survey has some tow locations outside the normal range of the recreational fleet, where larger fish are more abundant. The trawl survey also captures fish later in the year, presumably with some additional growth in length. The slight positive bias in the size of fish available to the trawl gear and the difference in the temporal timing of sampling makes the tagging study data set the more appropriate to use.

In short the recreational harvest expected for 2013 in Massachusetts from a lowering of the minimum size to 16" is very difficult to predict. The harvest is dependent not only on the proportion of fish available within the explored length interval from growth of a particular year class, but many other factors that are not quantifiable. These are the movement of certain size (age) fish into our waters, the magnitude of fish numbers in the explored length intervals due to the remaining population size after natural mortality and harvest by the fisheries, angler effort and behavioral responses to the new regulations, angler compliance with the regulations, and lastly catch estimate error. The analyses performed for this proposal appear to indicate only a moderate likelihood of exceeding the 2013 harvest target given the rather conservative size reduction proposed. The positive results would be a shift in our recreational fishery away from a mainly catch and release fishery, the recoupment of lost harvest due to under performance against our harvest target, and a reduction in losses to discard mortality.

Table 2. Length frequency distribution from the fall trawl survey, fish > 15", and the estimated increases to harvest from changes to the minimum size.

length	n	inches	n cum	% increase
39	417	15.4	4428	44%
40	473	15.7	4011	30%
41	462	16.1	3538	15%
42	486	16.5	3076	
43	424	16.9		
44	354	17.3		
45	315	17.7		
46	290	18.1		
47	225	18.5		
48	208	18.9		
49	146	19.3		
50	130	19.7		
51	104	20.1		
52	64	20.5		
53	74	20.9		
54	56	21.3		
55	43	21.7		
56	32	22.0		
57	26	22.4		
58	10	22.8		
59	18	23.2		
60	16	23.6		
61	13	24.0		
62	8	24.4		
63	9	24.8		
64	4	25.2		
65	4	25.6		
66	2	26.0		
67	2	26.4		
68	3	26.8		
69	1	27.2		
70	3	27.6		
71	2	28.0		
74	2	29.1		
78	2	30.7		
Total n	6846	41 cm	mean length	

Figure 1. Catch length frequency distribution from the tagging study, pooled year's, N=1194. The solid line indicates the existing minimum size, the dotted line the proposed minimum size.

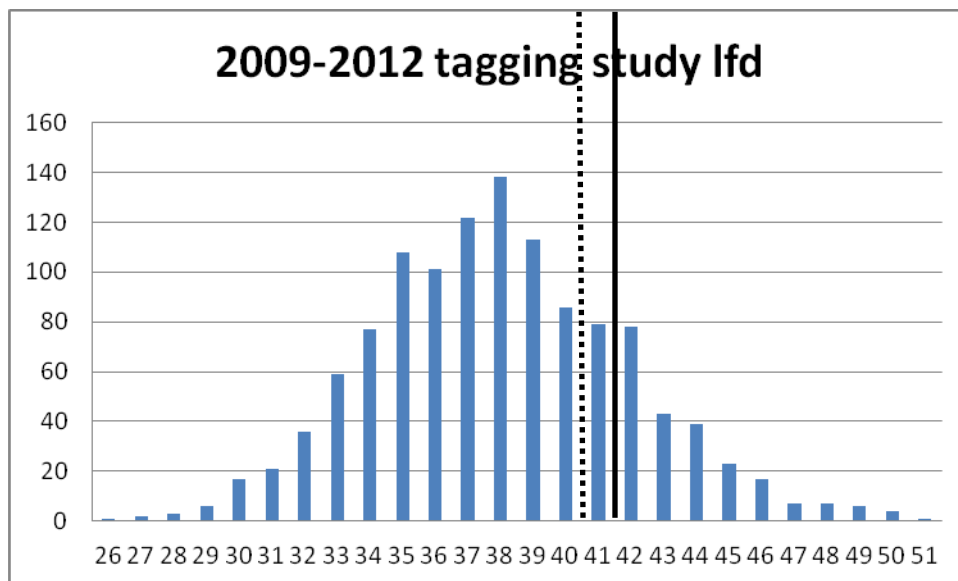
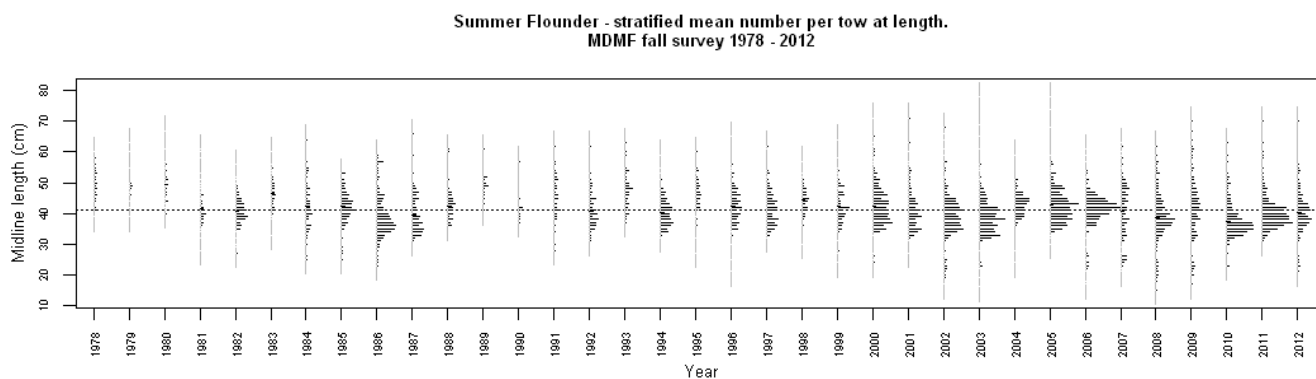


Figure 2. Fall trawl survey length frequency distributions from 1978-2012.





Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

401 423-1920
FAX 401 423-1925

3 Fort Wetherill Rd
Jamestown, RI 02835

Proposal for 2013 Recreational Summer Flounder Management Options in Rhode Island

*By: Jason McNamee
RI Department of Environmental Management
Division of Fish and Wildlife*

Background:

For 2013 Rhode Island (RI) will have a recreational target of 141,609 fish. As per a memorandum from the Atlantic States Marine Fisheries Commission (Toni Kerns, January 2, 2013), the state of RI is allowed to liberalize harvest in its recreational fishery by 36.5%, the difference between RI's 2012 estimated summer flounder recreational harvest of 103,669 fish (MRIP) and the 2013 harvest target of 141,609 fish. However, if the imprecision of the MRIP estimate is taken in to account, the liberalization will be less than this maximum amount. The percent standard error associated with the 2012 Rhode Island MRIP estimate is 34.4%. This is very close to the percentage that RI can liberalize, thereby making any liberalization risky. The lower liberalization percentage was the metric used by RI as its maximum allowed liberalization in 2011. Keeping in line with this risk adverse strategy and in an effort to be protective of imprecision in the MRIP harvest data, RI will only analyze very minor liberalizations and will proceed with caution when developing 2013 management options.

Action:

Conservation equivalent measures were adopted by the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fisheries Management Council (MAFMC) in lieu of a coastwide option for 2013. Therefore, RI is allowed to develop a state-specific management plan which includes management measures (i.e. possession limits, size limits, and seasons) to achieve not in excess of the recreational harvest target of 141,609 summer flounder.

Method:

Size Limits

A recreational percent increase table (see Table 1a and 1b) based on size limits was calculated using length frequency data from RI waters from 2 sources. The two sources are the 2012 RI Division of Fish and Wildlife (DFW) trawl survey, and the 2012 RI eLogbook volunteer angler logbook data. The trawl dataset is 601 fish in 2012 for which lengths were recorded. While the gear type used to collect these fish is certainly different than that used in the recreational fishery, the trawl data is a robust and comprehensive representation of the size frequency that occurred in RI waters in 2012 (see Table 1a, Figure 1). The second data source interrogated was the RI eLogbook volunteer logbook data (Table 1b), a data source directly comparable to the recreational fishery. There were 1,234 summer flounder lengths recorded in this dataset representing

66 trips. The mode captured is predominately the charter mode, but there is a significant number of private boat information represented as well. There is no shore mode information in the dataset.

It was found that a ½” decrease in minimum size (from 18.5” as the current minimum size to 18”) has a range of potential increase from 28% based on the 2012 RI trawl data to 9% based on the RI recreational volunteer logbook data.

The option of decreasing the size limit by ½ inch is presented below. It has been a priority of the RI Division of Fish and Wildlife to decrease minimum size to a reasonable level in an effort to allow fisherman the opportunity to harvest a fish without expending a high amount of effort and discarding a large number of fish in the process. In addition, it is hoped that this will re-enfranchise the shore mode fishery, which has been kept out of the summer flounder fishery due to the large minimum sizes and the lack of this population segment inshore and accessible from the shore. RI would like to note, however, that the state will proceed with caution due to variability in the MRIP estimates which is the baseline by which conservation equivalency is measured.

Table 1a. The projected effects of various size limits on the 2013 summer flounder recreational landings in the state of RI, calculated as percent increase from current management configuration. Based on data from RI trawl survey data.

Possession Limit	18”	18.5”
8 fish	28%	0%

Table 1b. The projected effects of various size limits on the 2013 summer flounder recreational landings in the state of RI, calculated as percent increase from current management configuration. Based on harvest records from RI eRec logbook

Possession Limit	18”	18.5”
8 fish	9%	0%

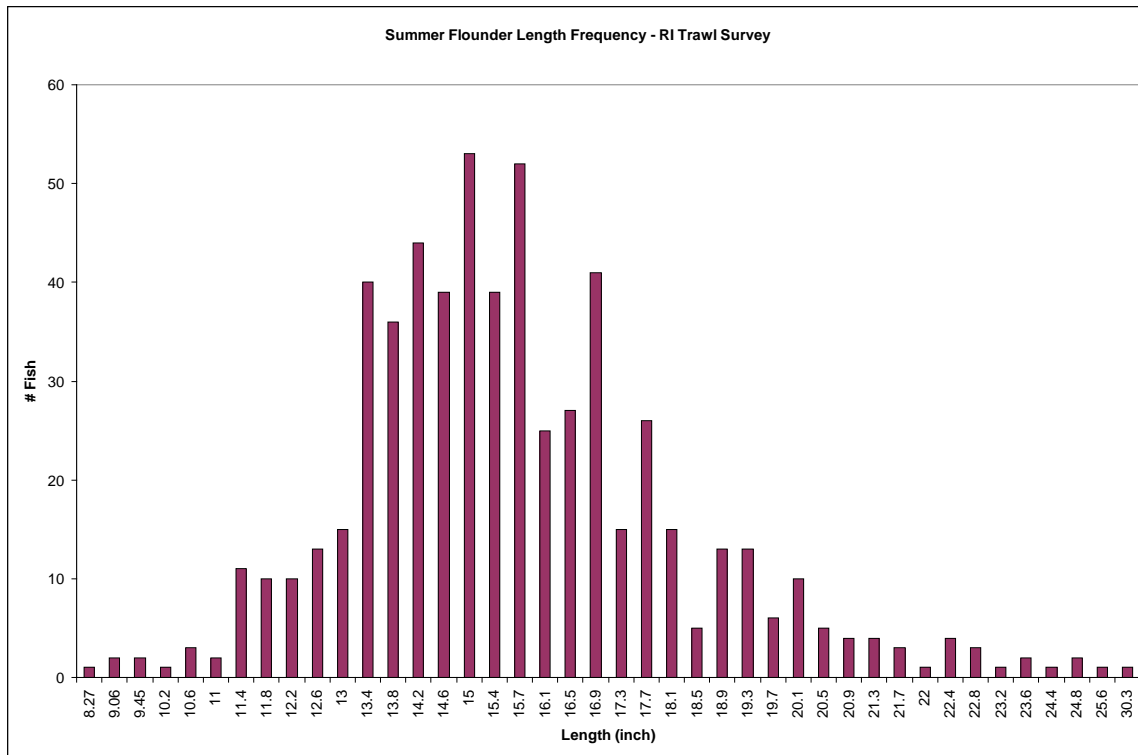


Figure 1. 2012 Summer Flounder length frequency data from RI DFW Trawl Data (n=601).

Bag Limit and Seasonal Adjustments

Changes to possession limits were not analyzed as RI currently has an 8 fish bag limit, and there is no source of data from which to look at bag limits that are higher than this level. In addition, seasonal changes were also not analyzed as the season extending from May 1 through the end of the year extends across the entire time period during which summer flounder have historically been in RI waters.

Proposed Management Strategies for 2013

The following are RI’s proposed 2013 Recreational Summer Flounder management options (Table 2). When considering options for 2013, RI will proceed with caution as RI is concerned with variability in harvest estimates derived by MRIP. In addition, RI factors in other sources of uncertainty including stock size increases and past management performance. These sources of uncertainty will not be factored in empirically for 2013 as RI has done in the past, but consideration of these sources will weigh heavily in RI’s eventual management decisions for 2013.

One additional note, a split mode approach was used in CT in 2012, and the RI constituency was interested in a program similar to that implemented in CT that would allow a decreased minimum size for the shore mode. In 2012, RI purchased MRIP add-ons in part to increase the intercepts being recorded for the shore mode. The harvest estimates did improve in 2012, but still do not meet the fishery management plan PSE levels required to split modes; the percent standard error for the shore mode harvest in RI was PSE=58.9 in 2012. This is an improvement from 2011 (PSE=77), but still does not meet the PSE=15 requirement for splitting modes. Due to this constraint and coupled with the sources of uncertainty already mentioned, I do not believe RI will attempt a split

mode option to allow a smaller minimum size for the shore mode, until the purchased add-ons bring down the PSE levels to acceptable levels.

Table 2. Management options to meet ASMFC target (#s fish; 141,609) and percent liberalization (maximum of 36.5%) specifications for the 2013 summer flounder recreational fishery in RI

	Open Season	Bag Limit	Bag Limit % Increase	Size Limit	Size Limit % Increase	Total % Liberalization ¹
Option 1	5/1 – 12/31	8	0	18.5”	0	0
Option 2	5/1 – 12/31	8	0	18.0”	28	28

1 – Total Increase = (X+Y) - (X*Y);

X = The percentage increase associated with seasonal closure(s).

Y= The percentage increase associated with size/possession limit.

Management Performance Evaluation

Below is a table of management measures for RI over time (Table 3). RI has had a number of different minimum sizes going from 17.5” to 21” as well as bags from 5 to 8 fish and seasons of varying lengths. RI’s performance relative to targets with these different management measures does not indicate any obvious correlation with any particular management strategy. It is noted that RI has not been below 200,000 fish harvested during very many years, but has been well below this level since 2008. For this reason, and the desire to not exceed its limits in 2013, RI will set management measures cautiously.

Table 3. Management measures in place for the summer flounder recreational fishery in RI, 2001 - 2012

Year	Min Size	Bag	Season	Performance Relative to Target (%)	Harvest (# fish)	Target (# fish)
2001	17.5”	6	5/26 – 9/3	19	268,244	225,000
2002	18”	5	5/25 – 9/20	-23	190,741	249,000
2003	17.5”	5	5/1 – 9/20	-12	205,435	233,000
2004	17.5”	7	4/1 – 12/31	15	288,428	251,000
2005	17.5”	7	4/1 – 12/31	-31	187,983	271,000
2006	17.5”	7	4/1 – 12/31	26	263,716	209,000
2007	19”	7	5/18 – 9/16	68	232,495	138,000
2008	20”	7	1/1 – 12/31	78	206,501	116,043
2009	21”	6	6/16 – 12/31	-56	51,293	117,000
2010	19.5”	6	5/1 – 12/31	-41	84,525	144,000
2011	18.5”	7	5/1 – 12/31	-11	142,877	157,885
2012*	18.5”	8	5/1 – 12/31	-36.5	103,669	141,609

* data through wave 5 with projected wave 6 data



To: Summer flounder, Scup and Black Sea Bass Technical Committee
From: Greg Wojcik, CT DEEP Marine Fisheries Division
Date: January 16, 2013

Connecticut Recreational Summer Flounder Fishery Compliance Options for 2013

According to Table 1 in the Technical Committee's (TC) memo dated January 2, 2013, Connecticut harvested 61,969 fish in 2012, 59% of the 104,000 fish target. The target harvest for 2013 is 93,569 fish, allowing a 51% liberalization of harvest in 2013. Our 2011 regulations consisted of an 18 inch minimum size, 5 fish creel limit and an open season from May 15 – October 31. At 43 designated shore locations, there was a minimum length of 16 inches. I am requesting approval from the technical committee of the methods used to calculate management options for the 2013 fishing year. I have provided examples of management options (Table 1) for Connecticut to increase harvest within the limits of the 2013 quota.

LIBERALIZATION METHODS USED FOR CALCULATING 2013 REGULATIONS

The cumulative liberalizations were made using the formula $(X+Y)-(X*Y)$ with X as the percent liberalization associated with season and Y as the percent liberalization associated with the size/possession limits.

Season (X)

Harvest per day rates for waves 3 and 4 came directly from the 2012 landings provided by MRIP, specifically 256 fish per day for wave 3 and 790 fish per day for wave 4. Since wave 5 2012 MRIP estimates were only 15 fish per day, calculations to estimate a catch per day rate for wave 5 were done by using the proportion of landings by wave from the most recent years the season was open. Specifically, the method used was to take the average percent harvest per wave for the most recent years that had all of wave 5 open (2001 to 2006, Figure 1) and expand 2012 landings to open all year. Estimates can then be made to arrive at a more accurate catch per day value for wave 5. The estimate of 2012 wave 5 harvest was 106 fish per day versus the MRIP estimates of 15 fish per day. This more conservative estimate was used as a precautionary measure and to reduce the possibility of harvesting above the 2013 target.

Possession and Size (Y)

The MRIP sample size of measured summer flounder in 2012 was only 50 fish. This sample size did not allow an accurate length frequency table to be created for making liberalization estimates for the 2013 fishing year. As an alternative, the 2012 Connecticut Volunteer Angler Survey (VAS) data had a sample size of 1,193 lengths and was used to calculate size limit liberalizations (Figure 2). Typically, in VAS data, fishermen round the length to the whole inch rather than half inch increments (Figure 2), using this raw length data when calculating liberalizations results in uneven values. To account for this digit bias that appears in the VAS data, a smoothing procedure was performed. The lengths were placed in whole inch bins and then distributed evenly to the whole length and the half length.

Liberalization estimates for the creel limit was performed using the 2012 Connecticut VAS data. Since the creel limit has not been above five fish since 2000, the 2012 VAS data was used to estimate the percent increase in harvest with an increase in the creel limit up to eight fish. Since the sample size was very low for single angler trips, multiple fishermen trips were used as well. The total number of fish caught on each trip was distributed to fishermen in the boat evenly. Since the creel limit in 2012 was only five fish, the proportions at four and five fish were used to calculate proportions at six through eight. Since there is a slightly higher proportion at the maximum creel as anglers reach the limit, the 2012 five-fish proportion was used for the new eight-fish estimate, and the 2012 four-fish proportion was used to estimate harvest increase at the new creel limits of six and seven fish. The actual proportions most likely follow a curve with harvest estimates much lower than what was used. Again, this is a conservative and precautionary approach. Proportions of trips by creel size were calculated and put into a matrix table (Table 3) with the length limits using the formula $(X+Y)-(X*Y)$ to account for the interaction between the creel limit and minimum size.

ENHANCED OPPORTUNITY SHORE FISHING SITE PROGRAM

Over the past decade Connecticut shore fishing opportunities have been lost due to increasing minimum size requirements in interstate fishery management plans. Shore mode catch and harvest has historically been a very small portion of the total catch and harvest for summer flounder (Figure 3). Landings have not exceeded 8,000 fish over the most recent eight years. In 2012, MRIP estimated that fewer than 1,000 fish were harvested from shore. Connecticut intends to continue to support this small portion of the summer flounder recreational fishery by maintaining the current enhanced opportunity shore fishing site program. The regulations at the 43 designated sites include a minimum length of 16", offering shore fishermen a better opportunity of keeping a fish.

In 2013 Connecticut intends to increase data collection for the enhanced opportunity shore fishing sites by conducting more on site interviews and distributing 'VAS Single Trip Report Forms' (Figure 5) with the enhanced site as its own mode to separate data from anglers that fish specifically at these sites. The intent is to supplement the MRIP program to get a better understanding of how many fish are harvested from these sites with a lower minimum sizes.

PAST PERFORMANCE

The past performance of Connecticut's harvest with respect to the target is provided in Figure 6. Since 2001 when Connecticut harvest has been restricted to targets set by the fishery management plan, the target has only been exceeded 3 of 10 times, remaining within 23% of the target in those years that the target was exceeded.

Table 1. 2012 Connecticut Summer Flounder Regulation Options with Harvest Estimates.

Regulations				Harvest Estimates		
Option	Season	Creel	Min Size	Estimated Landings	% Lib	% under Target
Status Quo	5/15/13 - 10/31/13	5	18"	61,969	0%	34%
1	5/01/13 - 10/31/13	5	18"	71,140	14.8%	24%
2	5/15/13 - 10/31/13	5	17.5"	76,718	23.8%	18%
3	5/15/13 - 10/31/13	8	18"	70,335	13.5%	25%
4	5/15/13 - 10/31/13	5	17"	85,765	38.4%	8%
5	5/01/13 - 10/31/13	5	17.5"	88,058	42.1%	6%

Table 2. 2010 – 2011 Connecticut Summer Flounder Number of Days open and Catch per day values used to determine liberalizations.

Year	Wave 3		Wave 4		Wave 5	
	Days Open	Harvest per Day	Days Open	Harvest per Day	Days Open	Harvest per Day
2011	47	694	61	483	5	118*
2012	47	256	61	790	61	106*

*Calculated value based on the proportion of catch by wave from 2001 – 2006.

Table 3. Percent Liberalizations used to calculate options based on the size limit and creel limit.

Size Limit	Creel Limit			
	5	6	7	8
18"	0.000	.035	.070	.135
17.5"	.238	.281	.325	.405
17"	.384	.432	.481	.571

Figure 1. Distributional changes in summer flounder catch (A+B1+B2) by wave in Connecticut from 2001-2006.

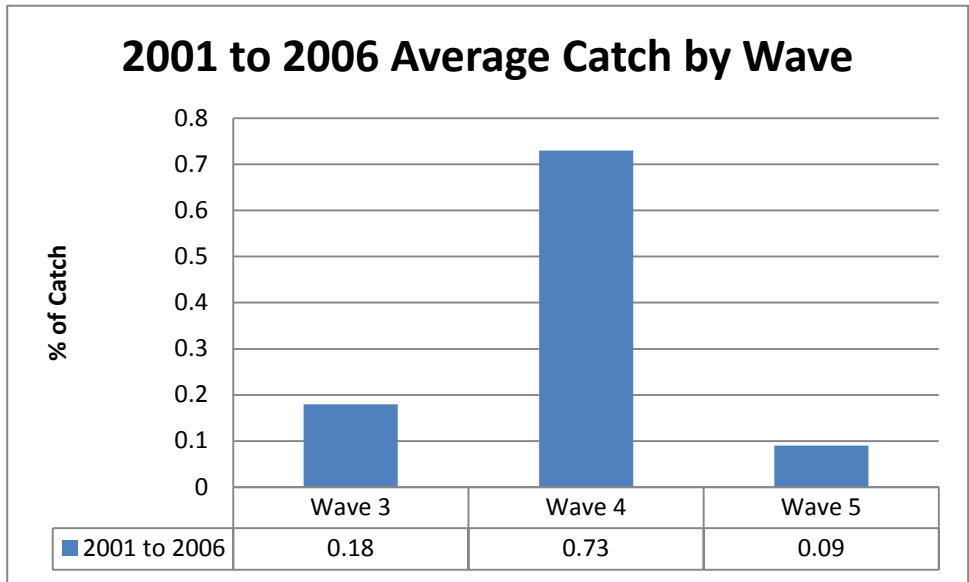


Figure 2. 2012 CT VAS Summer Flounder Catch by Length.

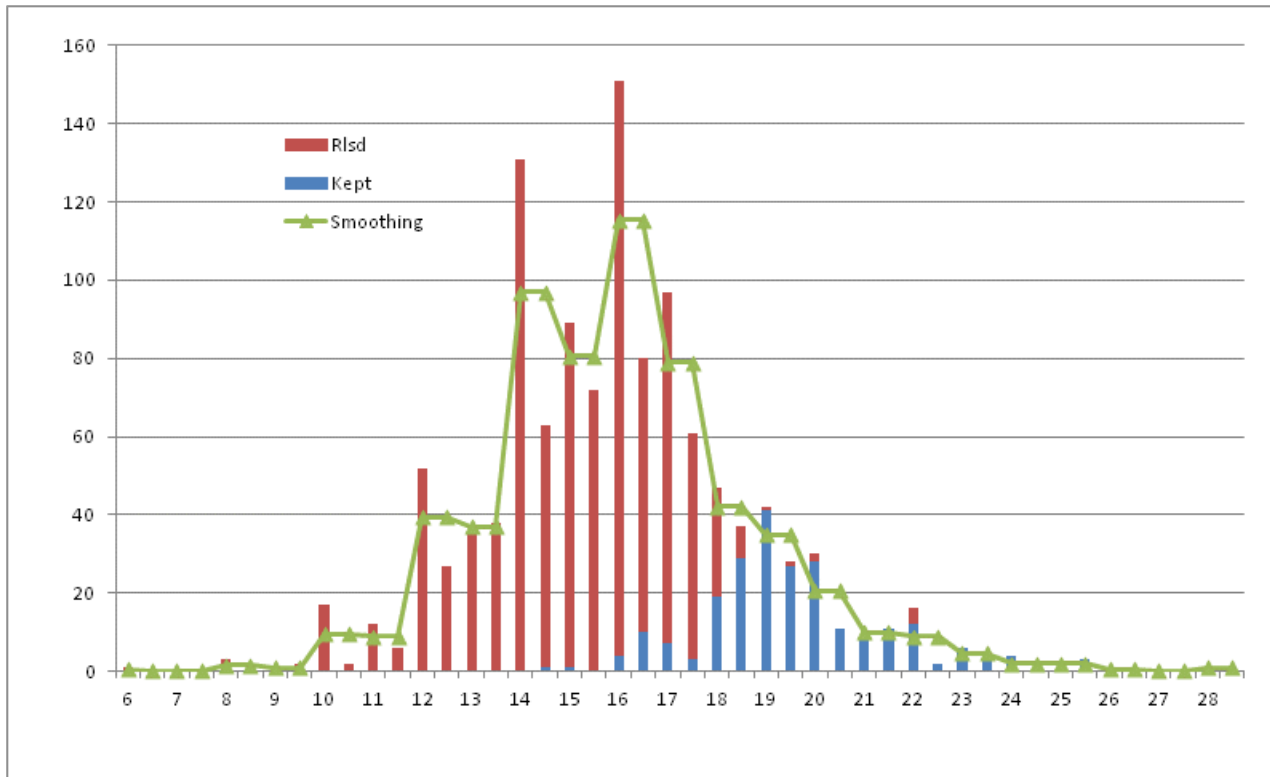


Figure 3. 1981 – 2012 MRFSS/MRIP Summer Flounder Catch Estimates by Shore Mode and All Modes Combined.

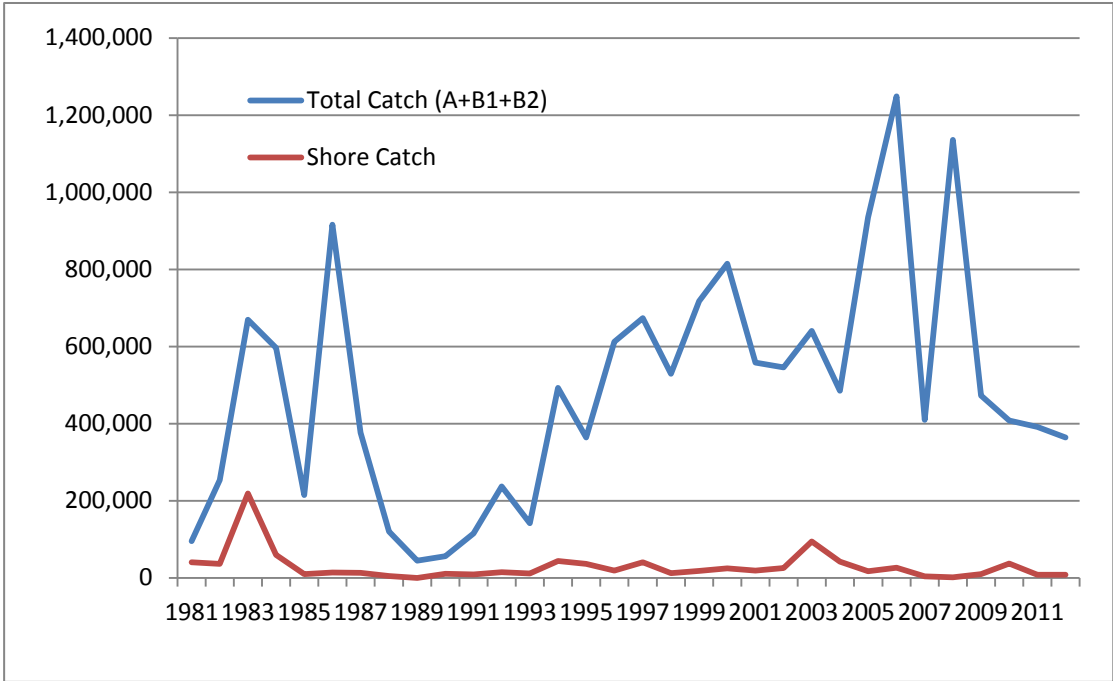


Figure 4. 1981 – 2012 MRFSS/MRIP Summer Flounder Catch and Harvest Estimates for Shore Mode.

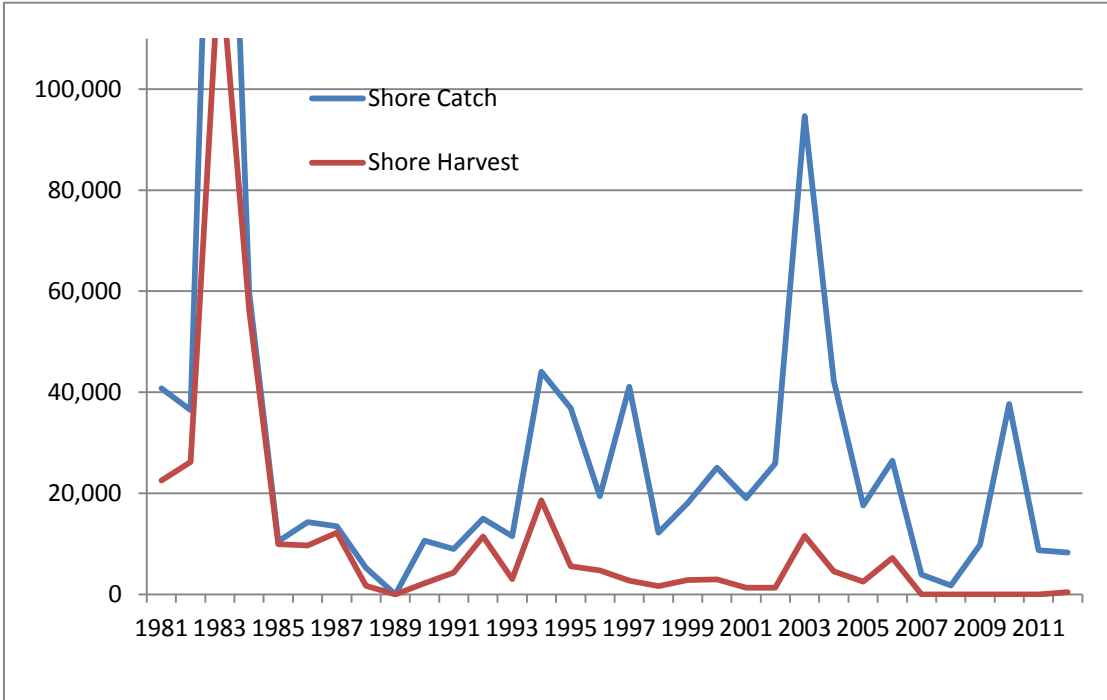


Figure 5.

Connecticut Volunteer Angler Survey (Single Trip Report Form) v2012

If you need assistance completing this form, please contact the DEEP Marine Fisheries Division (860.434.6043)

(One card per angler/trip)

AM
 PM

Private Boat
 Charter Boat
 Party Boat
 Shore
 Shore (Enhanced Site)

Conservation ID _____ Date _____ Start Time _____ Total hours spent fishing _____ Fishing Area(s) See map below
 Primary Targeted Species _____
 Secondary Targeted Species _____

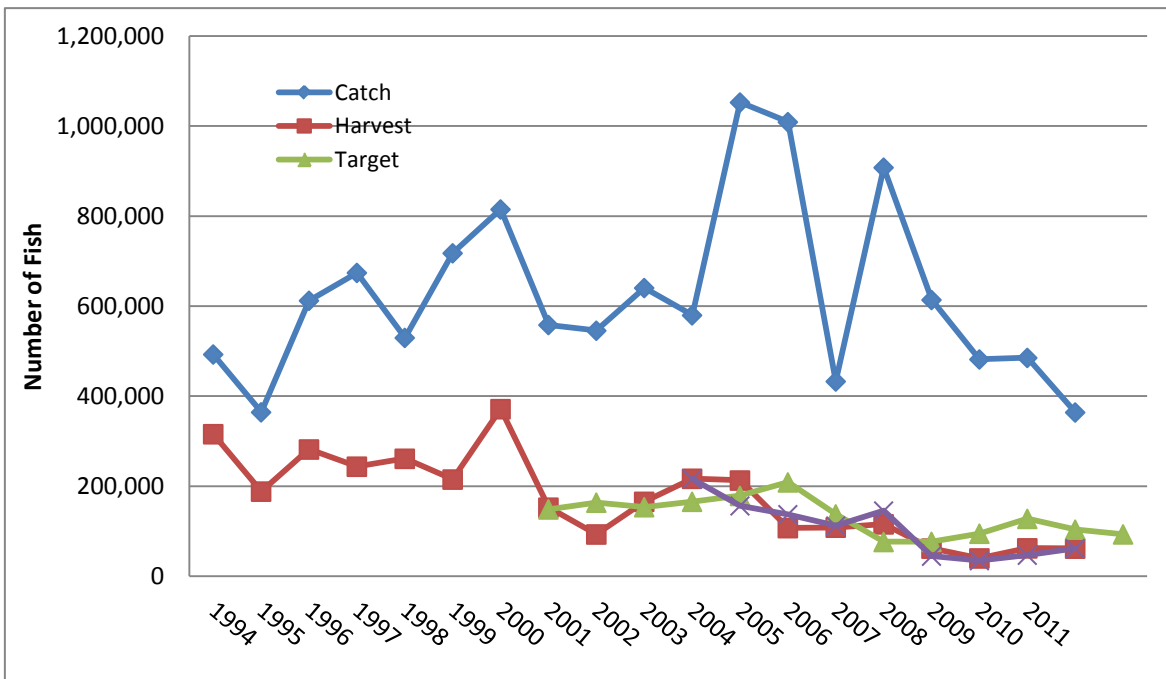
Catch Information

Species	# Kept	# Rlsd

Length Information

Species	Length	Rlsd?
	.	
	.	
	.	
	.	
	.	
	.	
	.	
	.	

Figure 6. 1981 – 2012 MRFSS/MRIP Estimates for Connecticut Summer Flounder Catch, Harvest and Target.



New York State Department of Environmental Conservation

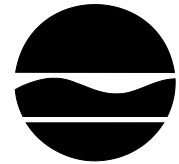
Division of Fish, Wildlife & Marine Resources

Bureau of Marine Resources

205 North Belle Mead Road, Suite 1, East Setauket, New York 11733

Phone: (631) 444-0430 • Fax: (631) 444-0434

Website: www.dec.ny.gov



Joe Martens
Commissioner

TO: Toni Kerns, Senior FMP Coordinator
Atlantic States Marine Fisheries Commission

FROM: John Maniscalco
New York State Department of Environmental Conservation

DATE: January 16, 2013

SUBJECT: **New York's Proposed Management Plan for the 2013 Summer Flounder Recreational Fishery**

Summary

According to MRIP, marine recreational anglers landed an estimated 514,328 summer flounder in New York in 2012. New York's harvest limit for 2012 was 492,000 fish and NY's limit in 2013 is 440,960 fish. In order to achieve the 2013 target, NY must reduce harvest by 14.3%.

These allocations are based upon the percentage of 1998 coastwide recreational landings of summer flounder, as estimated by MRFSS. MRIP is considered the best available science and will be the only recreational harvest estimates considered in the future. However, in years where both sets of estimates have been generated (2004-2011, 2012 preliminary data) MRIP consistently estimates NY summer flounder harvest higher than MRFSS (in 8 out of 9 years). Other states (but not all) are also affected by this systematic discrepancy between MRFSS and MRIP; in some cases the pattern is reversed. No explanation has been made for this discrepancy, nor have any corrections been applied to the current system of allocation. Over the last 9 years, MRIP estimates of NY summer flounder recreational harvest have been an average of 14.6% greater than MRFSS, and substantially higher in the most recent 3 years.

NY State currently has the most restrictive summer flounder recreational harvest limits on the coast (including a minimum size 1 inch greater than the next largest on the coast and more than 2 inches larger than the coastwide average).

This memo lists seven alternatives for managing New York's recreational summer flounder fishery in 2013. It also includes a description of the methodology used to calculate projected harvests associated with each of these measures, and a review of harvest limits, landings and regulatory measures used by New York to manage its fishery since 2001.

Proposed Measures

New York's current regulations include a 19.5" minimum size limit, a 4 fish bag limit and an open season from May 1 – Sept 30 (153 days). The calculated reductions in harvest shown below are accomplished only by modifying the fishing season; the minimum size and possession limit remain the same. However, options including minimum size and possession limit can still be considered by NY and those methods are included in the text below. Following the conservation equivalency guidelines established by the ASMFC Technical Committee in your

memo dated January 2, 2013, New York is considering the following alternative management measures:

TABLE: Potential NY summer flounder management options

OPTION	SEASON	NO. DAYS LOST	%RED.
2012 Regs.	Tues 5/1 - Sun 9/30	0	0.0%
1	Fri 5/3 - Thurs 8/22	41	14.54%
2	Fri 5/10 - Tues 8/27	43	14.36%
3	Sat 5/18 - Sun 9/8	39	14.36%
4	Fri 5/17 - Wed 9/4	42	14.41%
5	Mon 5/20 - Sun 9/15	34	14.44%
6	Wed 5/22 - Mon 9/23	28	14.34%
7	Fri 5/24 - Mon 9/30	23	14.42%

Only wave data from 2012 was used to calculate this reduction. Minimum size and possession limits were significantly more restrictive in 2009-2011. 2007 was the last year in NY's history that matched current minimum size and possession limits and harvest was very high (MRIP: 865,957).

TABLE: MRIP daily harvest rates in summer flounder/day (A+B1)

YEAR	WAVE 3	WAVE 4	WAVE 5
2007	6,543	6,979	1,296
2009	4,092	3,640	-
2010	2,603	3,356	655
2011	3,548	2,139	905
2012	3,224	4,704	867

Reduction tables for minimum size and possession limits based upon MRIP angler intercepts were not available. NYSDEC staff sampled head-boats targeting summer flounder throughout the fishing season and measured ALL kept and discarded fish from 129 individuals spread across 19 trips (17 different vessels, 6/5-9/27). Out of the 543 summer flounder that were caught, 41 anglers landed 55 fish of 19.5" or greater in length. Although mode specific, this data was used to calculate a reduction value for dropping the possession limit from 4 fish to 2 fish of 7.3%. In the event that NY implements measures to reduce harvest that include a change in possession limit (after consultation with its Advisory Council), this value would be used.

Any reductions associated with minimum size would be calculated using a length frequency distribution generated from 2012 NY MRIP Type 3 and Type 9 records expanded proportionately using A+B1 and B2 MRIP estimates by wave. Type 3 records come from For-Hire and Private modes, but Type 9 records are exclusively from head boat sampling. In addition these estimates are compared with length frequency distributions generated by DEC head-boat sampling and a single cooperative angler's fishing log.

TABLE: Reduction/Liberalization associated with minimum size change

DATA SOURCE	MRIP TYPE 3 & 9	NYSDEC HEAD BOAT	COOP. ANGLER
SAMPLE SIZE	892	556	168
18.0"	91.2%	68.8%	160.0%
18.5"	48.9%	43.8%	80.0%
19.0"	15.6%	15.6%	40.0%
19.5"	0.0%	0.0%	0.0%
20.0"	-38.8%	-28.1%	-30.0%
20.5"	-67.0%	-35.9%	-40.0%
21.0"	-78.7%	-48.4%	-60.0%

Past Performance Review

The Atlantic States Marine Fisheries Commission's conservation equivalency memo of January 2, 2013 includes a requirement that each state '...develop evaluations of their states past management history, fishery performance relative to those measures and an evaluation of which measures work for that state...' Under conservation equivalency, New York is allocated a harvest limit equal to 17.6% of the total coastal harvest limit, by number, based upon recreational harvest in 1998 (as estimated by MRFSS). Since 2001, New York's harvest limit has ranged from 361,000 in 2008 to 845,000 fish in 2005. Harvest estimates have been re-estimated using MRIP from 2004 to the present. Landings have ranged from a low of 298,634 in 2009 to a high of 1.5 million fish in 2003. During the 12 years under the conservation equivalency approach, New York has exceeded its harvest limit 7 times including 2012. Overages range from 5% to 112%, and average 53% of the allowable harvest limit in years where overharvest occurs.

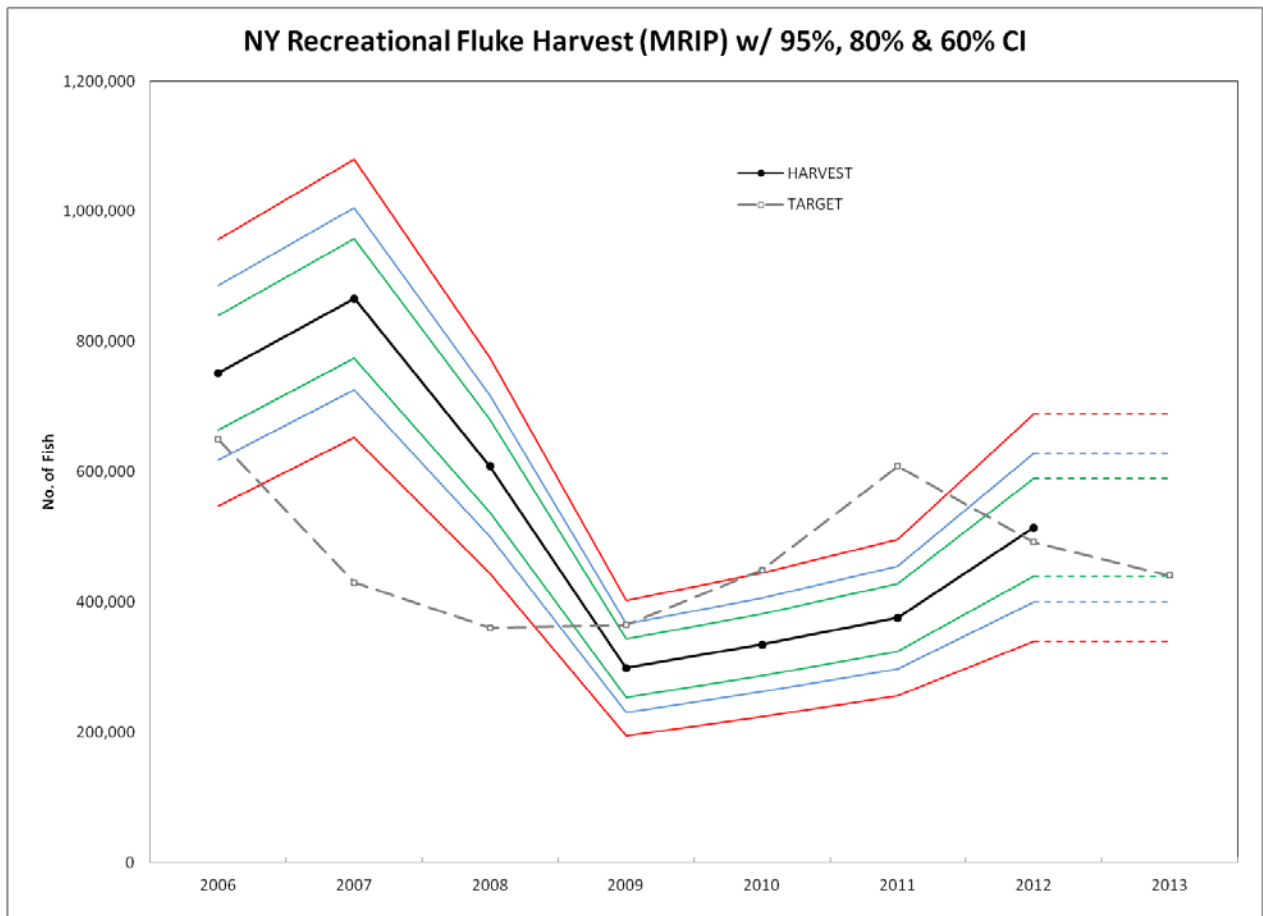
The overage in 2012 is slight, occurs after 3 consecutive years of underharvest, and is primarily a result of the switch to MRIP harvest estimation. MRIP consistently estimates summer flounder harvest in NY higher than MRFSS did, and 2012 regulations were formulated using MRFSS data. The 2012 MRIP preliminary estimate of NY's summer flounder recreational harvest is 1.31 times the magnitude of the MRFSS estimate.

New York consistently has the most restrictive regulations on the coast, specifically minimum size. In 2012, the minimum size in NY was 1" greater than the next largest size found in other state regulations, and over 2" larger than the coastwide average.

According to the MRIP estimates of effort, directed trips for summer flounder (primary or secondary target or caught) have declined in number since 2007. Regulations grew progressively more restrictive through 2009 and have been steadily relaxed through 2012. Despite the decrease in minimum size and increase in possession limit resulting in the least restrictive regulations in 6 years, effort is at the lowest point in the last 12 years. Anecdotal evidence suggests that poor weather and fuel prices may have contributed to a decreased number of trips, especially since anglers have to leave the smaller bays to find the majority of legal sized fish.

TABLE: Past performance of management measures in NY as estimated by MRIP unless otherwise stated, %DIF = (MRIP-MRFSS)/MRFSS, 2012* data is preliminary

YEAR	SIZE	BAG	SEASON	MRFSS	MRIP	%DIF	QUOTA	% LAND	TRIPS
2001	17	7	5/2 - 10/31	699,625			701,000	100%	1,790,440
2002	17	7	5/2 - 10/31	696,343			775,000	90%	1,823,333
2003	17	7	ALL YEAR	1,539,115			726,000	212%	2,397,515
2004	17.5	3	5/15 - 9/6	937,016	1,024,670	9%	783,000	131%	1,561,104
2005	17.5	5	4/29 - 10/31	1,147,019	1,163,329	1%	845,000	138%	2,416,432
2006	18	4	5/6 - 9/12	801,938	752,388	-6%	650,000	116%	1,793,240
2007	19.5	4	4/24 - 9/17	710,514	865,957	22%	430,000	201%	2,141,835
2008	20.5	4	5/15 - 9/1	565,456	608,925	8%	361,000	169%	1,835,068
2009	21	2	5/15 - 6/15 and 7/3 - 8/17	264,508	298,634	13%	365,000	82%	1,526,516
2010	21	2	5/15 - 9/6	259,827	334,491	29%	449,000	74%	1,411,365
2011	20.5	3	5/1 - 9/30	300,875	376,198	25%	609,000	62%	1,501,768
2012*	19.5	4	5/1 - 9/30	392,933	514,328	31%	492,000	105%	1,348,123





NEW JERSEY DIVISION OF
Fish and Wildlife
P.O. Box 400
Trenton, NJ 08625-0400
David Chanda, Director

Memorandum

TO: Toni Kerns, Senior FMP Coordinator for Management
Atlantic States Marine Fisheries Commission

FROM: Thomas Baum, Supervising Biologist
NJ Bureau of Marine Fisheries

DATE: January 16, 2013

SUBJECT: NJ Summer Flounder Recreational Fishery Management Proposal for 2013

Attached are New Jersey's (NJ) options to manage its 2013 summer flounder recreational fishery. Each option contains a combination of a size limit, bag limit and season that satisfies the requirements of conservation equivalency as established by the Atlantic States Marine Fisheries Commission (ASMFC). Spreadsheets that include the formulas used to calculate the percent required reduction for various sample options have been provided to the ASMFC's Summer Flounder Technical Committee.

Background:

At their December 2012 joint meeting, the ASMFC and the Mid-Atlantic Fisheries Management Council (MAFMC) adopted conservation equivalent measures versus coastwide regulations for managing the 2013 recreational summer flounder fishery. New Jersey is allocated a recreational target of 977,998 fish for 2013.

Action:

According to Table 1 of Toni Kerns' (ASMFC) conservation equivalency memo of January 2, 2013, New Jersey is required to reduce its current summer flounder recreational regulations by 15%. This is the difference of NJ's 2012 summer flounder harvest estimate of 1,153,975 fish and its 2013 summer flounder recreational target of 977,998 fish. Current management measures may be adjusted in order to realize (but not exceed) the reduced target in the following ways: 1) by increasing the size limit; 2) by decreasing the bag limit; 3) by decreasing the season; and 4) a combination of numbers 1 – 3.

Performance Evaluation of Management Measures:

Table 1 lists NJ's summer flounder recreational management measures by year since 2000. It includes the annual harvest and respective targets and appropriate year to year reductions (if necessary). The first year (2001) that all states developed regulations under conservation equivalency, NJ was required to reduce its 2000 summer flounder recreational harvest by 34%. The size limit was increased to 16-inches and the season reduced by 45 days. This action decreased the harvest 32% relative to the 2000 harvest, yet there was still a 33% overage relative to the 2001 target. In 2002 the size limit was increased to 16.5-inches. The 2002 harvest estimate for NJ was 52% less than the previous year. The size limit remained 16.5-inches through 2006 with an 8-fish bag limit. During the 5-years the size limit was at 16.5-inches, the target was exceeded three times, by an average of less than 10%. During the next two years, the target dramatically declined, necessitating severe reductions. A 40% reduction was required for 2007, in which the size limit was raised to 17-inches and the open season reduced by 49 days. Although the 2007 harvest estimate was 15% lower than the 2006 harvest estimate, the 2007 target was exceeded by nearly 40%. With this overage and the record low target for 2008, the size limit was raised one inch to 18-inches for 2008. The 2008 harvest estimate was 36% lower than the 2007 harvest estimate, but the 2008 target was still exceeded by 6%. The bag limit was reduced from 8-fish to 6-fish in 2009 to account for the 4% required reduction. The 2009 harvest estimate was 19% greater than the 2008 harvest estimate, and exceeded the 2009 target by 25%. The 2010 target increased relative to the 2009 target, therefore, NJ was required to take a 2% reduction, which it did by reducing the season 4-days.

The significant 2007 and 2009 overages are due to the exceptionally low targets for those years. Size limit increases appeared to reduce harvest significantly for 2002 and 2008. The strong 2004 year class may have contributed significantly to the annual harvest since 2006. The size limit increases appears to have targeted that year class from 2006 through 2009.

There were two years, 2001 and 2007 where the season was reduced significantly, by 45-days and 49-days respectively. Those two season reductions were associated with a half inch size limit increase. The result was a decrease of 32% and 15% respectively of the harvest estimates from the previous years. Shortening the season has proven to be effective for constraining harvest for NJ's summer flounder recreational fishery. Conversely, the season was increased by 34 days in 2003, where the harvest estimate increased 80% from the previous year. In 2011, NJ increased the season by 41 days. As a result, the 2011 harvest estimate increased by 33% from 2010, although, the 2011 regulations were developed to achieve a 77% liberalization in harvest.

The size limit decreased from 18-inches to 17.5-inches for 2012 to allow for a 38% liberalization from the 2011 regulations. The realized liberalization from the 2012 preliminary harvest estimate was 49%. The harvest rates in wave 5 increased dramatically. The 2012 wave 5 harvest estimate increased by 19 times relative to the 2011 wave 5 estimate. Note that wave 5 was only opened for 28 days. Overall directed effort for summer flounder in 2012 increased by 7% from the previous year and actually decreased slightly for wave 5.

During the twelve years of managing summer flounder under conservation equivalency, NJ exceeded the annual target eight of those years by an average of 17%. Overall, the sum of the landings for twelve years during conservation equivalency **did not exceed** the sum of the targets for those years.

Method:

NJ explored several methods of estimating 2013 recreational summer flounder options. Those considered included; the state of NJ's three year average harvest from 2010-2012 with a size/bag limit reduction table created from NJ's 2007 recreational landings; the use of MRIP harvest at size data utilizing the state of NJ's three year average from 2010-2012; the use of MRIP harvest at size data utilizing the state of NJ's 2012 harvest rates; and the NJ Volunteer Angler Survey data using the methods described in Brust 2010. The steps used for both MRIP based calculations are as follows.

- NJ queried the MRIP database using the Length Frequency option for the years 2010-2012 and for 2012 only.
- These data were selected by wave, by year, for New Jersey, for summer flounder, for all modes combined, for all areas combined, and for straight fork length in centimeters.
- The result was then exported to excel for analyses (*NJ Summer Flounder 2013 Recreational Options 2012 data only*).
- Landings were summarized by number of fish by length by wave.
- Waves were sorted in order of occurrence.
- The harvest was then calculated into percent frequency occurrence by length.
- Since NJ had a 17.5" minimum size in 2012, all fish less than 44 cm (17.3") were removed, and the proportion at size for remaining lengths were re-standardized to 1.0.
- Harvest was then converted back to projected numbers of fish harvested by size including only the legal sized fish harvested based on the proportion calculated in the previous step.
- Harvest was then summed by wave for all fish greater than 17.5 inches, 18 inches, and 18.5
- Daily harvest rate estimates by wave were calculated by size based on the total number of fish harvested by size and the total number of days in each wave.
- NJ options were then calculated using the number of fish harvested at size by wave, multiplying the daily rate by number of days each wave would be open to fishing, producing a total harvest for each wave by size, and summing all waves to establish a total harvest by option.

Proposed Management Strategies for 2013:

Sample options that might be considered for NJ's 2013 summer flounder recreational fishery are listed in Tables 3 and 4. Option 1 represents the 2012 regulations or status quo. Options 2 through 8 were developed using the harvest rates per day by length from the NJ's 2012 summer flounder recreational harvest estimates. It was decided to use the 2012 harvest rates by day by wave since NJ's summer flounder recreational harvest estimates were unusually low for 2010 and 2011. The reduction calculations are significantly more liberal when the daily harvest rates by wave are employed from the three-year average that includes those two years.

The options shown in Table 4 were developed using data from NJ's Volunteer Angler Survey (VAS) to calculate size and bag limits and season length. This methodology was presented to the Technical Committee by Mr. Jeffrey Brust (NJDFW) at its November 17, 2010 meeting in Baltimore, Md. The Committee was also provided the MS_WORD file "*NJ VAS analysis method.doc*", which provides a detailed description of the survey and methodology used to develop those options. The NJ VAS analysis methodology was approved by the Technical Committee at its January 2011 meeting and the 2011 options that were developed using the NJ VAS data were approved by the Management Board at its February 2011 meeting. Table 4 shows the number of days available for harvest by wave.

Please keep in mind that the options in this proposal reflect possibilities. NJ's Marine Fisheries Council's Summer Flounder Committee and its advisors will meet in February to recommend to the Council the option(s) for 2013. The Council will meet later in March to select an option. The option they select may or may not be one of the examples provided, but it will have been developed using the methodology(ies) that are accepted by the Technical Committee and approved by the Management Board. NJ recognizes that the Board is discussing the possibility of applying un-used fluke liberalizations to states that must take a reduction, in order to minimize the required harvest reductions. If this process is approved, NJ would like to take advantage of this opportunity. Any remaining reductions necessary would be achieved using one of the methods approved by the TC and Board.

The Technical Committee recommends precautionary measures be used when developing management options. While crafting the sample options listed in Tables 3 and 4, the following concerns were considered:

- Percent Standard Error (PSE) for NJ's 2012 harvest estimates is 12%.
- The 15% required reduction represents the difference of the 2013 target in relation to the 2012 harvest estimate.
- The 2013 target is 10% less than the 2012 target.
- Constraining the season has been effective for reducing harvest.

Notes:

- NJ's 2012 summer flounder recreational regulations: 17.5" size limit; 5-fish bag limit; open season from May 5 to September 28.
- NJ's 2012 recreational summer flounder target = 1,090,407 fish
- NJ's 2012 preliminary recreational summer flounder harvest estimate = 1,153,975 fish
- NJ's 2013 recreational summer flounder target = 977,998 fish

Table 1. Performance of New Jersey's Summer Flounder Recreational Regulations

Year	Needed Reduction	Size Limit (inches)	Bag Limit	Open Season	# days open	Numbers of Fish		%O/U
						Landings	Target	
2000		15.5	8	May 6 - Oct 20	168			
2001	34%	16	8	May 12 - Sept 11	123	2,070,234	1,555,000	33%
2002	17%	16.5	8	May 18 - Sept 24	130	988,878	1,719,000	-42%
2003	-63%	16.5	8	May 3 - Oct 13	164	1,784,356	1,612,000	11%
2004	3%	16.5	8	May 8 - Oct 11	157	1,887,193	1,736,000	9%
2005	1%	16.5	8	May 7 - Oct 10	157	1,395,626	1,873,000	-25%
2006	-3%	16.5	8	May 6 - Oct 9	157	1,560,505	1,443,000	8%
2007	39%	17	8	May 26 - Sept 10	108	1,327,567	954,000	39%
2008	40%	18	8	May 24 - Sept 7	107	851,447	801,433	6%
2009	5%	18	6	May 23 - Sept 4	105	1,012,806	809,000	25%
2010	2%	18	6	May 29 - Sept 6	101	593,677	997,000	-40%
2011	-125%	18	8	May 7 - Sept 25	142	787,234	1,335,000	-41%
2012	-38%	17.5	5	May 5 - Sept 28	147	1,153,975	1,090,407	6%
TOTAL						15,413,498	15,924,840	

Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division (January 11, 2013).

Indicates measure(s) used to achieve reduction.

Table 2. NJ Summer Flounder Harvest per Day by Total Length (#'s of fish)

Total Length (inches)	Wave 3	Wave 4	Wave 5	Total
17.5	6,351	9,143	8,040	23,534
18	6,085	8,267	7,530	21,881
18.5	4,293	5,749	5,849	15,891

Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division (1/11/2013).

Table 3. Sample Options for New Jersey's 2013 Summer Flounder Recreational Fishery

Sample Option	Size Limit (inches)	Bag Limit	Open Season	# days open	Required Reduction
*1	17.5	5	May 5 – Sept 28	147	0%
2	17.5	5	May 24 – Sept 21	121	15.3%
3	17.5	5	May 18 – Sept 16	122	15.5%
4	17.5	5	May 4 – Sept 5	125	15.5%
5	18	5	May 18 – Sept 26	132	15.4%
6	18	5	May 11 – Sept 20	133	15.6%
7	18	5	May 1 – Sept 12	135	15.6%
8	18.5	5	May 1 – Oct 31	184	15.5%

Table 4. Number of days available for harvest by minimum size and bag limit using NJ VAS data.

Sample Option	Size Limit (inches)	Bag Limit	Open Season	# days open	Required Reduction
1	17.5	5	June 5 – Sept 2	90	15.2%
2	17.5	5	June 17 – Sept 21	97	15.2%
3	17.5/18	1/4	June 13 – Sept 26	106	15.2%
4	17.5/18	1/4	May 27 – Sept 2	99	15.2%

Table 4 options assume coastwide average weight of 3.05 lbs/fish

* Option 1 = 2012 regulations

Denotes change from 2012 regulations.



STATE OF DELAWARE
 DEPARTMENT OF NATURAL RESOURCES
 & ENVIRONMENTAL CONTROL
 DIVISION OF FISH & WILDLIFE
 89 Kings Highway
 Dover, Delaware 19901

**OFFICE OF THE
DIRECTOR**

Phone: (302) 739-9910
Fax: (302) 739-6157

TO: Summer flounder, black sea bass, scup Technical Committee, ASMFC
 FROM: Richard Wong
 DATE: January 21, 2013
 SUBJECT: State of Delaware proposal for summer flounder recreational harvest liberalizations

Delaware Conservation Equivalency Options for 2013

Delaware's 2012 harvest estimate of 38,470 was 56% under its target of 87,536 fish, continuing a long string of quota underages in 9 of the past 11 years. The 2013 harvest quota for the State of Delaware is 78,512 fish, representing a 104% increase from the 2012 harvest.

Table 1. 2013 proposed options.

Options	Size	Creel	Season	Liberalization
Option 1 <i>Status quo</i>	18.0	4	Jan 1 – Oct 23 (69 day closure)	0%
Option 2	17.5	4	No closure	10.1%
Option 3	17.0	4	No closure	40.1%
Option 4	16.5	4	No closure	81.8%

Review of Quota Performance for the State of Delaware

Table 2. Recreational fishery regulations and quota performance for the State of Delaware 2001-2012. Quota management through conservation equivalency for the State of Delaware has resulted in quota underages in 8 of 11 years by 5% on average and 8% cumulatively. *MRIP estimates in 2011, 2012.

	Size Limit	Bag Limit	Season	Landings	PSE	Target	%O/U
2001	17.5	4	Year-round	145,786	10.9	125,000	16.6%
2002	17.5	4	5/16 -12/31	106,837	9.7	138,000	-22.6%
2003	17.5	4	Year-round	105,743	10.9	129,000	-18.0%
2004	17.5	4	Year-round	123,714	12.7	139,000	-11.0%
2005	17.5	4	Year-round	90,657	13	150,000	-39.6%
2006	17.0	4	Year-round	110,223	13.5	116,000	-5.0%
2007	18.0	4	Year-round	117,735	12.5	76,608	53.7%
2008	19.5	4	Year-round	32,953	25.3	64,338	-48.8%
2009	18.5	4	Year-round	92,039	11.9	65,000	41.6%
2010	18.5	4	1/1 – 10/12	72,102	14.9	80,000	-9.9%
2011*	18.0	4	1/1 - 10/23	66,820	21.9	107,000	-11.5%
2012*	18.0	4	1/1 - 10/23	38,470	26.7	87,536	-56.1%
			Cumulative	1,103,079	15.3(ave)	1,277,482	-9.2%

Methodology

Seasonal reductions were calculated using 2009 harvest wave data. This is the most-recent year with open fishing days in the proposed 2013 liberalized season. The harvest per day rates were slightly lower in 2008 and 2007, so we used the 2009 data to generate more conservative liberalization estimates. The 2009 waves 5 and 6 data show daily harvest rates of 139.2 fish/day and 8.8 fish/day. An eight day liberalization in wave 5 would result in 1,113 fish and a 61 day wave 6 liberalization would result in 539 fish. The total liberalization for a 69 day liberalization occurring in waves 5 and 6 would equate to 1,652 fish, equal to an estimated **4.295%** liberalization in 2012.

HARVEST (TYPE A + B1)	WAVE					
Year	2	3	4	5	6	Total
2007	3323	36224	61011	7581	125	108264
2008	991	17484	14461	2289	0	35225
2009	1865	31496	44842	8490	539	87232
2010	0	18631	31529	3353	0	53513
2011	856	20198	34950	10815	0	66819
2012	0	7491	28887	2094		38472

Size limit liberalizations were quantified simply by using observed size proportions of B2 intercepts and estimated 2012 MRIP discards. Length frequencies of discards were not available from the 2012 MRIP survey, so we examined the most-recent discard length frequencies from MRFSS intercepts in 2010 and 2011 (Figure 1).

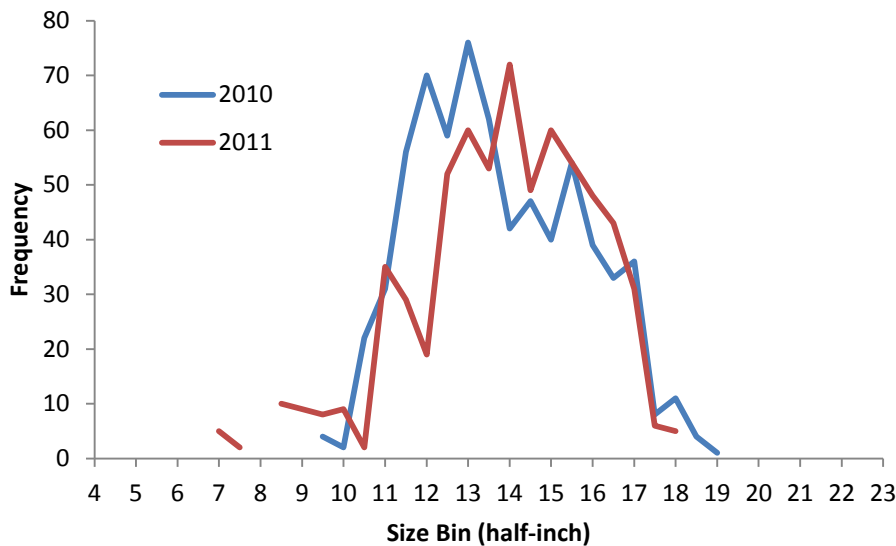


Figure 1. Length frequencies of observed discards (B2) from the MRFSS survey in 2011 and 2010.

Discard length observations were only available from the head boat mode. 701 and 662 fluke were measured in 2010 and 2011. Ultimately, we based our size limit liberalization analysis on the most-recent year 2011 data. The length frequencies were binned in half-inch intervals. The proportions observed in each half-inch bin were applied to the 2012 MRIP estimate of 236,465 discards. We assume that 100% of the discards in each length bin would be harvested for any given size liberalization.

A half-inch liberalization (17.5 inch size limit) would equate to an increase of 2,143 fish. A one inch liberalization (17.0 inch size limit) would equate to an 11,073 fish increase. A liberalization to 16.5” would yield an increase of 28,576 fish. These size changes represent **5.57%, 34.36%, and 74.28%** harvest liberalizations.

Combined season and size/bag regulation changes were calculated using the instructions from the conservation equivalency memo (T. Kerns ASMFC).

$$\text{Total Reduction/Liberalization} = (x+y)-(x*y)$$

Liberalizations are entered as negatives and reductions as positives.

X = The percent reduction associated with seasonal closure(s).

Y = The percent reductions associated with size/possession limit.

Summary

At this time, Delaware is proposing four options that could liberalize harvest in 2013 by roughly 82% rather than 104%. The largest hypothetical liberalization would equal a 31,455 fish increase.

Table 2. Delaware options for 2013.

Options	Size	Creel	Season	Liberalization
Option 1 <i>Status quo</i>	18.0	4	Jan 1 – Oct 23 (69 day closure)	0%
Option 2	17.5	4	No closure	10.1%
Option 3	17.0	4	No closure	40.1%
Option 4	16.5	4	No closure	81.8%

Appendix: MRFSS size data

Size bin	2010	2011
4		
4.5		
5		
5.5		
6		1
6.5	1	
7		5
7.5		2
8		
8.5	2	10
9		9
9.5	4	8
10	2	9
10.5	22	2
11	31	35
11.5	56	29
12	70	19
12.5	59	52
13	76	60
13.5	62	53
14	42	72
14.5	47	49
15	40	60
15.5	54	54
16	39	48
16.5	33	43
17	36	31
17.5	8	6
18	11	5
18.5	4	
19	1	
19.5		
20		
20.5	1	
21		
21.5		
Grand Total	701	662



Celebrating Delaware's Fish & Wildlife Federal Funding Partnership



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

Draft: Proposal for 2013 Recreational Summer Flounder Management Options in Maryland

By: Steve Doctor
Coastal Fisheries Program
MDNR Fisheries Service

Background:

The 2013 coastal recreational harvest limit is 7.63 million pounds. The coastal recreational summer flounder quota is converted from pounds to numbers of fish based on the mean coastal recreational weight of summer flounder landings projected for 2013. Based on this conversion and Maryland's historical landings in the recreational summer flounder fishery (2.9%), Maryland will have a recreational target of 73,852 fish in 2013. Based on guidance from the Atlantic States Marine Fisheries Commission, the state of Maryland could potentially increase the harvest in its recreational fishery by 256%, the difference between Maryland's 2012 estimated summer flounder recreational harvest of 20,699 fish (MRFSS) and the 2013 harvest target of 73,952 fish.

Required Action:

Conservation equivalent measures were adopted by the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fisheries Management Council (MAFMC) in lieu of a coastwide option in 2012. Therefore, Maryland is required to develop a state-specific management plan which includes management measures (i.e. possession limits, size limits, and seasons) to achieve the recreational harvest target of 73,952 summer flounder.

Performance evaluation

Fishery performance is affected by management measures, stock strength, weather, and angler behavior. The performance of Maryland's fishery, comparing the MRFSS estimated harvest to the harvest target, and corresponding management measures is laid out below in Table 1.

Table 1. Effect of Size, creel, and harvest on performance in Maryland's summer flounder fishery.

	ASMFC	MRFSS	MRFSS	MRIP	MRIP		
Year	Target fish	Caught fish	% over or under target	Caught fish	% over or under target	Regulations	Season
2002	130,000	68,891	-47%			8 @ 17"	Closed 8 days
2003	122,000	40,240	-67%			8 @ 17"	Open
2004	131,000	65,949	-49%	42,260	-68%	3 @ 16"	Open
2005	141,000	85,194	-39%	117,023	-17%	Coast 4 @ 15.5", Bay 2 @ 15"	Open
2006	109,000	58,414	-46%	37,500	-66%	Coast 4 @ 15.5", Bay 2 @ 15"	Open
2007	72,000	139,795	94%	85,664	19%	Coast 4 @ 15.5", Bay 2 @ 15"	Open
2008	62,000	89,159	43%	57,325	-8%	Coast 3 @ 17.5", Bay 1 @ 16.5"	Open*
2009	61,000	87,000	42%	61,987	2%	Coast 3 @ 18.0", Bay 1 @ 16.5"	Open 4/15 through 9/13
2010	75,000	38,332	-49%	24,304	-68%	3 @ 19" Statewide	Open 4/18 through 11/22
2011	101,000	29,038	-247%	17,615	-417%	3 @ 18" Statewide	Open 4/16 through 11/30
2012	82,000			20,699	-387%	3 @ 17" Statewide	Open 4/14/2012 Through 12./16/2012

*2008 closed by emergency regulation 10/24/08

The relationship between size, creel, and season and harvest seems to be affected most by minimum size. Between 2003 and 2004, and 2004, 2005, and 2012 a decrease in minimum size resulted in an increased harvest. Between 2007 and 2008, and 2008 and 2009, and 2009 and 2010 an increase in minimum size resulted in a decrease in harvest. Creel does not seem to have consistent effects, and season has not varied enough to evaluate the effect. Review of performance of the Maryland fishery since 2002 indicates that the minimum size limit has the greatest effect on summer flounder harvest in Maryland.

In 2012 a decrease in minimum size yielded a small increase in harvest. In the last two years Maryland's estimated harvest has been relatively small compared to the years 2002 to 2009 possibly from the following factors: 1) Attention to intercept fidelity by MRFSS samplers seems to have affected MRFSS and MRIP harvest estimates, 2) The institution of a recreational fishing license on the Atlantic coast of Maryland may have had the effect of reducing angler participation and 3) The dissolution of a coastal-bay size limit split may have also affected catch estimates, as the higher catch estimates of the time series were always accompanied by the size limit split.

Year Class Strength

Year class effects can influence the expected impacts of management measures in terms of fish availability. Year class strength estimated in the 2012 coastal stock assessment update was 47 million fish in 2008 and 2009, 32 million in 2010, and 26 million in 2011. Average recruitment from 1982 to 2011 was 42 million fish, so recent year classes are average to below average indicating possible low to average availability to anglers. The Maryland CBF coastal bays trawl indices were average for 2010 and 2012, and below average for 2011. Overall it appears, according to the coastal and local recruitment indices, that an average number of fish will be available to anglers in 2013.

Method:

Possession and Size Limits

Recreational reduction or liberalization tables based on possession and size limits from the MRFSS and MRIP landings data in Maryland are not available. Therefore, other sources were explored for relevant data.

Fish length samples were taken on offshore commercial trawlers working in the vicinity of the Ocean City between June and November of 2012. A total of 79 summer flounder were measured for total length on these excursions. All summer flounder captured including sublegal fish were measured and included in this data set.

Since 2002 Maryland has coordinated a volunteer angler survey. Participating anglers are asked to supply information on their fishing effort and measure the first twenty fish they capture. These data are supplied to MDDNR on data sheets and online. The data were put into a length frequency histogram and percentage reductions at different sizes were calculated from this length frequency as well.

Allison Watts from Virginia was generous enough to supply VA VAS data for comparison to the data that Maryland had generated. These data were included in the table below.

Table 2. Effect of 2012 MD Summer Flounder percent increase in harvest at each size limit based on different data source. Change is from a 17 inch minimum size in 2012.

Size limit changes affect on catch - data source	15 inch size limit (% increase in harvest)	16 inch size limit (% increase in harvest)	16.5 inch limit (% increase in harvest)
2012 MD VAS (N=166)	137.5%	75%	37.5%
Offshore MD trawler survey 2012 (N=79)	31%	22.4%	15.5%
2012 VA VAS (N=620)	124%	49%	14%

A range of values for liberalization were developed from these data sources. The size limit was 17 inches in 2012, so data were only presented for options below 17 inches. The most conservative estimate, the estimate that results in the highest impact, (2012 MD volunteer angler survey) is used for liberalizations in the analysis that follows. The Maryland volunteer angler survey data are also most likely the best representation of the catch characteristics in Maryland waters.

Seasonal Adjustments

Percent reductions based on seasonal closures were examined using the 2008 data as supplied by the MAFMC staff's tables. 2008 data were used to calculate catch rate because it was the last year most states had no closed season. By agreement of the Technical Committee, all days through the Wave are treated equally for

increasing a season. The catch rate of Wave 2 was used as it is the highest catch rate of any Waves being opened.

Table 3. Comparison of seasonal percent increases calculated for various openings using per diem analysis. 2012 season was open April 14 through December 16. *

Additional open season	Percent reduction or gain
Open January 1 to April 14	15%
Open April 14 to December 31	2%
Open January 1 to December 31	17%

* Daily Wave 2 catch rate was .001449%. Paul Caruso's spread sheet was used for this analysis and is based on the 2008 landings pattern. 2008 was the most recent year that most states had no closed season.

Creel limit Adjustment

Maryland would like to consider increasing the creel limit from three fish per angler to four fish per angler per day. What data exist indicate that there would be little net effect of this measure on harvest. Data from the MD VAS in 2003, the last year that Maryland had an eight fish creel limit indicates that there could be a 2.95% increase in harvest when allowing anglers to keep four fish instead of three per day at 16 inches. A similar result is achieved at 15 inches and four fish.

**Summer Flounder Per Angler
based on MVAS 2003 data**

2002-03	17			16.5			16			15.5			15		
	FPA	N	%	FPA	N	%	FPA	N	%	FPA	N	%	FPA	N	%
	0	2644	52.5	0	2628	50.86	0	2791	48.4	0	2770	47.6	0	2612	42.3
	1	1510	30	1	1480	28.64	1	1338	23.2	1	1340	23	1	1443	23.4
	2	565	11.2	2	589	11.4	2	850	14.7	2	865	14.9	2	830	13.4
	3	174	3.46	3	280	5.419	3	287	4.98	3	282	4.85	3	526	8.52
	4	62	1.23	4	90	1.742	4	170	2.95	4	146	2.51	4	179	2.9
	5	0	0	5	23	0.445	5	184	3.19	5	219	3.76	5	247	4
	6	10	0.2	6	10	0.194	6	67	1.16	6	87	1.5	6	117	1.89
	7	36	0.72	7	16	0.31	7	0	0	7	20	0.34	7	30	0.49
	8	31	0.62	8	20	0.387	8	26	0.45	8	39	0.67	8	110	1.78
				9	31	0.6	9	11	0.19	9	11	0.19	9	31	0.5
							10	0	0	10	0	0	10	10	0.16
							11	0	0	11	0	0	11	0	0
							12	20	0.35	12	20	0.34	12	0	0
							13	20	0.35	13	0	0	13	0	0
										14	20	0.34	14	20	0.32
													15	0	0
													18	20	0.32
	5032	100		5167	100		5764	100		5819	100		6175	100	

Proposed Management Strategies for 2013

The following are Maryland's Proposed 2013 Recreational Summer Flounder management options, based on the equation:

$$\text{Total Liberalization} = (x+y)+(x*y)$$

X = The percent reduction associated with seasonal closure(s).

Y = The percent reductions associated with size/possession limit.

Option 1. Total increase in harvest: 0% . Open season April 14 to December 16, 3 fish @ 17 inches

Status quo

Option 2. Total increase in harvest 17% . Open January 1-December 31, 3 fish @ 17 inches

Open season year round at 17 inches.

Option 3. Total increase in harvest 105% . Open January 1 to December 31, 3 fish @ 16 inches

Decrease the size limit to 16.0" and open the season January 1 to December 31.

$$(0.17+.75) + (0.17*.75) = 105\%$$

Option 4. Total increase in harvest 108% : Open January 1- December 31, 4 fish @ 16 inches

$(0.17+0.78) + (0.17*0.78) = 108\%$. Open January 1 – December 31, 4 fish @ 17 inches

0.78 = 0.75 for size and 0.03 for creel

Decrease the size limit to 16.0", increase the creel form three fish to four, and open the season year round.

Option 5. Total increase in harvest 181% . Open January 1- December 31, 4 fish @15 inches

$$(0.17 + 1.405) + (0.17*1.405) = 181\%$$

1.405=1.375 for size and 0.03 for creel

Decrease the size limit to 15.0", increase the creel form three fish to four, and open the season year round.

All options fall well below the 256% increase allowed this year. Some shorter increase in season or a decrease in size limit to 16.5 inches with a creel of three or four fish may also be considered. These options would result in liberalization considerably less than demonstrated in the examples above.



COMMONWEALTH of VIRGINIA

*Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607*

Douglas W. Domenech
Secretary of Natural Resources

Jack G. Travelstead
Commissioner

January 16, 2012

Memorandum:

TO: ASMFC Summer Flounder, Scup and Black Sea Bass Technical Committee

FROM: Allison Watts
Virginia Marine Resources Commission

SUBJECT: Virginia's proposed management plan for the 2013 recreational summer flounder fishery

The VMRC proposes the following management options for its 2013 recreational summer flounder fishery:

- A) 16.5 inches minimum size limit, 4 fish, no closed season (status quo)
- B) 15.5 inches minimum size limit, 4 fish, no closed season
- C) 16 inches minimum size limit, 4 fish, no closed season
- D) 16.5 inches minimum size limit, 5 fish, no closed season

BACKGROUND:

Virginia's 2013 recreational summer flounder landings target is 417,657 fish, a decline of 10% from last year (465,661 fish). Because Virginia's 2012 estimated landings were 262,828 fish, Virginia can liberalize by up to 59% to reach the 2013 target.

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

PAST PERFORMANCE:

According to MRIP, Virginia landings have been under the annual quota for six consecutive years (see Table 1 below). Management measures have been liberalized each year since 2009, with minimum size limits ranging from 19 inches in 2009 to 16.5 inches in 2012. During that timeframe, landings have ranged from 317,674 fish (2011) to 260,050 fish (2010). That there has not been a steady increase in landings with the incremental decrease in size limits may be attributed to factors other than fish availability and effort.

Table 1. Virginia recreational management measures and landings by year (1998-present) with performance in comparison to targets.

Year	Minimum size limit	Possession limit (number of fish)	Closed season	Target landings (number of fish)	MRIP landings (number of fish)	Percent difference in landings vs target
1998	15	10	None	None	ND	ND
1999	16	8	1/1-2/29; 7/25-7/31	698,716	ND	ND
2000	15.5	8	1/1-3/28; 7/24-8/1	687,071	ND	ND
2001	15.5	8	1/1-3/28; 7/24-8/7	664,000	ND	ND
2002	17.5	8	1/1-3/28	734,000	ND	ND
2003	17.5	8	1/1-3/28	689,000	ND	ND
2004	17	6	1/1 - 3/28	741,000	674,552	-9%
2005	16.5	6	None	800,000	684,272	-14%
2006	16.5	6	None	616,000	762,597	24%
2007	18.5	5	1/1-3/28; 7/23-28	407,525	397,041	-3%
2008	19	5	7/21 - 7/30	342,254	260,221	-24%
2009	19	5	None	345,000	289,075	-16%
2010	18.5	4	None	426,000	260,050	-39%
2011	17.5	4	None	570,000	317,674	-44%
2012	16.5	4	None	465,661	262,828	-44%
2013	?	?	?	417,657*	-	-

*2013 was the first target set with MRIP instead of MRFSS.

Liberalization of regulations was accomplished in 2004, 2005, 2010, 2011 and 2012. In each year that regulations were liberalized, realized landings were well below target. For the 2010 Virginia fishery, a Virginia Volunteer Angler Survey (VAS) data set (limited sample size), an expansion of B2 lengths from the for-hire sector, a dated (2007) size-bag table and the 2009 Maryland VAS data set were used to project 2010 landings from 2009 landings at lower minimum size limits. The 2011 liberalization of regulations incorporated these methods, and added the use of fishery-independent trawl survey data (detailed in Methods). In 2012, the same fishery-dependent and fishery-independent data sources were used, as well as a dated (2006) size-bag table.

METHODS:

For 2013 measures, there are no past size-bag tables available because of the conversion from MRFSS to MRIP. Additionally, there were too few B2 lengths in 2012 from the for-hire sector to be utilized. Steve Doctor of Maryland provided Maryland VAS data which was analyzed but also not included in the final proposal due to few data records for 2012.

To estimate 2013 landings for lowered size limits (OPTIONS B and C), three different data sources were used in five treatments to produce a range of predicted landings at different lowered size limits. The list of data treatments with the total number of measured summer flounder within each is in Table 2 below.

Table 2. Five data treatments included in 2013 landings projections with total numbers of measured summer flounder.

Source	Data year(s) included	Total flounder measured
VA VAS	2012	660
ChesMMAP (VA)	2007-2012	1,958
ChesMMAP (VA-MD)	2007-2012	2,313
ChesMMAP-NEAMAP (VA)	2007-2012	3,718
ChesMMAP-NEAMAP (VA-MD)	2007-2012	4,558

The Virginia VAS combines two fishery-dependent sources of volunteer data: the Gamefish Tagging Program, in which a subset of the volunteer taggers supplied VMRC with both kept and released (tagged or untagged) flounder lengths, and the Virginia Saltwater Journal, in which anglers reported measured kept and released fish to an online system. Of the total 660 fish included as part of the Virginia VAS, 560 fish were provided by a single charter boat captain operating on the seaside of the Eastern Shore. This data source has experienced a sharp decline in angler participation, with far fewer reported flounder in 2012 (660 fish) than 2011 (3,067 fish).

The Chesapeake Bay Multispecies Monitoring and Assessment Program (ChesMMAP) and the NorthEast Area Monitoring and Assessment Program (NEAMAP) are fishery-independent trawl surveys operated by the Virginia Institute of Marine Science (VIMS). Chris Bonzek of VIMS provided all ChesMMAP and NEAMAP data. Multiple year data were included in these data sets (2007-2012) in order to capture most fish that will be available to the fishery, based on the size limits proposed.

One proposed option (OPTION D – 16.5 inch minimum size limit and five fish possession limit) includes a change from the 2012 possession limit (four fish). The last time Virginia had a 16.5 inch minimum size limit was in 2006 when a six fish possession limit was in effect. Though that intercept data was collected under MRFSS, an analysis of the 2006 intercept data was used to roughly estimate how the addition of a fifth fish would increase landings in 2013.

RESULTS:

OPTION A (16.5 inches minimum size limit, 4 fish, no closed season – status quo):

There are no projections of increased landings if Virginia management measures remain status quo for 2013.

For OPTIONS B and C, the tables below provide the projected landings increases for each data treatment, based on lowering the 2012 minimum size limit from 16.5 inches to either 15.5 inches or 16 inches. The percent increase in landings is based on proportional differences between the number of measured fish at the lower size limit and the number of fish measured at 16.5 inches (the 2012 size limit). No additional calculations are needed because the possession limit (4 fish) and season (no closed season) are the same in these options as in 2012.

OPTION B (15.5 inches minimum size limit, 4 fish, no closed season):

Table 3. Projected percent increase in landings by five data treatments if the 2012 size limit were lowered from 16.5 inches to 15.5 inches (OPTION B). Virginia is allowed to increase landings by up to 59% in 2013.

Source	Data year(s) included	Total flounder measured	Total measured $\geq 15.5''$	Total at $\geq 16.5''$ (2012 limit)	expected % increase if 15.5", 4 fish
VA VAS (taggers + online)	2012	660	324	212	53%
ChesMMAP (VA)	2007-2012	1,958	543	432	26%
ChesMMAP (VA-MD)	2007-2012	2,313	597	469	27%
ChesMMAP-NEAMAP (VA)	2007-2012	3,718	792	599	32%
ChesMMAP-NEAMAP (VA-MD)	2007-2012	4,558	925	688	35%
Range of projected percent increases					26% - 53%

OPTION B (15.5 inch minimum size, 4 fish limit and no closed season) would include a full one-inch decrease in minimum size from 2012. The data treatments produce a range of projected percent landings increases from 26% to 53%, and Virginia is allowed to liberalize by up to 59%.

No single data set is entirely representative of Virginia’s fishery, either geographically or temporally. Because of the different types of data and the methods collected, data sources are not averaged together, but instead a range of expected increases is provided.

The Virginia VAS program continues to struggle with obtaining participation from anglers from all modes and areas of the state. As was the case last year (when considering management measures for 2012), the Virginia VAS source projected higher landings than other data sources. This data set may be biased towards smaller fish because the majority of measured fish were provided by a single seaside charter boat captain. The ChesMMAP-NEAMAP combined sources project intermediate landings increases. ChesMMAP data, whether Virginia or Virginia-Maryland combined, predicts the lowest projected landings increases. While NEAMAP data and ChesMMAP data alone may not be representative of Virginia's two-component fishery (seaside and Bay), these combined data sources may better reflect potential 2013 landings.

OPTION C (16 inches minimum size limit, 4 fish, no closed season):

Table 4. Projected percent increase in landings by five data treatments if the 2012 size limit were lowered from 16.5 inches to 16 inches (OPTION C). Virginia is allowed to increase landings by up to 59% in 2013.

Source	Data year(s) included	Total flounder measured	Total measured $\geq 16''$	Total at $\geq 16.5''$ (2012 limit)	expected % increase if 16", 4 fish
VA VAS (taggers + online)	2012	660	274	212	29%
ChesMMAP (VA)	2007-2012	1,958	492	432	14%
ChesMMAP (VA-MD)	2007-2012	2,313	540	469	15%
ChesMMAP-NEAMAP (VA)	2007-2012	3,718	701	599	17%
ChesMMAP-NEAMAP (VA-MD)	2007-2012	4,558	815	688	19%
Range of projected percent increases					14% - 29%

OPTION C (16 inch minimum size, 4 fish limit and no closed season) would include a half-inch decrease in minimum size from 2012. The data treatments produce a range of projected percent landings increases from 14% to 29%, and Virginia is allowed to liberalize by up to 59%.

The same description of the data sets and projections of OPTION B apply to OPTION C.

OPTION D (16.5 inches minimum size limit, 5 fish, no closed season):

If an option with a 5-fish possession limit is chosen in 2013 (OPTION D), the increase in landings should be a small percentage. For Virginia, until recent years, the minimum size limit has shown to have the greatest affect on landings.

The table below includes information from 2006 when Virginia had a 16.5 inch minimum size limit and six fish possession limit.

Table 5. Distribution of successful angler-trips landing (Type A only) summer flounder in Virginia (2006).

YEAR	Catch per trip	Angler trips	Proportion	Percent
2006	1	172,057	0.496	49.6%
2006	2	88,392	0.255	25.5%
2006	3	42,567	0.123	12.3%
2006	4	28,981	0.084	8.4%
2006	5	13,152	0.038	3.8%
2006	6	1,415	0.004	0.4%
			1.000	100.0%

While this intercept data was collected by MRFSS and is dated, it is reasonable to project that a fifth fish in 2013 will account for approximately the same amount of catch. Therefore, OPTION D would only produce a projected increase in landings of roughly 4%.

SUMMARY:

The VMRC proposes the following management options for its 2013 recreational summer flounder fishery with the projected percent increases in landings:

OPTION A	16.5 inches minimum size limit, 4 fish, no closed season (status quo)	0%
OPTION B	15.5 inches minimum size limit, 4 fish, no closed season	26% - 53%
OPTION C	16 inches minimum size limit, 4 fish, no closed season	14% - 29%
OPTION D	16.5 inches minimum size limit, 5 fish, no closed season	4%



North Carolina Department of Environment and Natural Resources
Division of Marine Fisheries

Pat McCrory
Governor

Dr. Louis B. Daniel III
Director

John E. Skvarla, III
Secretary

To: ASMFC Summer Flounder, Scup and Black Sea Bass Technical Committee
From: Tom Wadsworth
Date: January 15, 2013
Subject: Summer Flounder Recreational Management Measures

The ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Mid-Atlantic Fisheries Management Council (Council) met in December 2012 and voted for conservation equivalency measures rather than implement a coastwide management program for the recreational summer flounder fishery. With data available through Wave 5, the projected harvest of summer flounder for 2012 in North Carolina is 60,802 fish, which is 61.1% below the 2012 allocation of 156,286 fish. The 2013 allocation of summer flounder for North Carolina is 140,175 fish, which allows for liberalization in harvest of up to 130%. This memo outlines North Carolina's management strategy for the 2013 recreational summer flounder fishery based on the process approved by the Board and the Council.

Regulatory and Harvest History

The minimum size limit for recreationally harvested flounder in much of the North Carolina inland waters was 13 inches from 1998 to September 2002 (Table 1). The size limit in these waters increased to 14 inches for October 2002 through 2007. The minimum size limit for much of the inland waters (except western portions of Albemarle and Pamlico sounds and their tributaries where summer flounder are rarely caught) was 15.5 inches in 2008 and 15 inches in 2009 and 2010. The minimum size limit for recreationally harvested flounder in the ocean waters fluctuated between 15 inches and 15.5 inches from June 1998 through 2003 and decreased to 14 inches from 2004 to 2006. The minimum size limit for most ocean waters (except the southern portion of the state where summer flounder are less common) was 15.5 inches in 2008 and 15 inches in 2009 and 2010. The minimum size limit was 15 inches for all inland and ocean waters for February 21, 2011 through 2012. The bag limit was 8 flounder (of any species) in the ocean from June 1998 through 2010 and in inland waters from April 2005 through 2010. No bag limit existed for recreationally harvested flounder in inland waters prior to 2005. The bag limit was reduced to 6 flounder for inland and ocean waters for February 21, 2011 through 2012. Since 1998, the only season closures occurred in 2001 and 2002 for ocean waters only.

The recreational harvest of summer flounder exceeded 320,000 fish from 1998 to 2001 with the exception of 1999 (236,791 fish) (Table 1). From 2002 to 2007, the recreational harvest ranged from 87,852 fish in 2003 to 189,458 fish in 2002. The recreational summer flounder harvest estimate of 43,510 fish in 2008 was the lowest annual harvest estimate for 1998-2012. Harvest increased

to 60,422 fish in 2011. The 2012 harvest estimate is estimated to be 60,802 fish. The majority of the recreational harvest has been from inland waters (except in 2003-2004 and 2008) with much of the harvest from inlets in the northern portion of the North Carolina coast by private/rental boat mode.

The recreational target ranged from 223,000 fish in 2001 to 269,000 fish in 2005 before decreasing to 115,000 fish in 2008. The target in 2011 was 191,000 fish and 156,000 in 2012. Since conservation equivalency began, the target for North Carolina was exceeded only twice: in 2001 by 47% and in 2007 by 2%. In all other years, the harvest was below the target, ranging from 23% below the target in 2002 to 68% below the target in 2011.

The management measure that had the greatest effect on recreational harvest was the minimum size limit in inland waters. The harvest decreased substantially after the minimum size limit increased to 14 inches in inland waters in 2002 and again when the size limit increased to 15.5 inches for much of the inland and ocean waters in 2008. This was expected since typically most of the annual summer flounder harvest occurred in inland waters and the modal size class for 2004-07 was 14 inches, representing 36% of summer flounder harvested. Also, greater than 90% of fish harvested recreationally were below 18 inches in 2008-2011, indicating that there was no clear upward expansion of the size distribution.

Weather conditions also affect the recreational harvest of summer flounder in North Carolina. Much of the summer flounder fishing takes place in the inlets, surf and ocean fishing piers along the northern and central coasts. Flounder fishing in these areas is very dependent on water and weather conditions. Recreational harvest in 1999 was likely impacted by hurricanes Dennis and Floyd in August and September. In 2003 fishing was impacted by low salinity in the estuaries (from above normal rainfall), unusually cold ocean temperatures during the summer from offshore upwelling, and Hurricane Isabel in September. Hurricane Irene probably impacted harvest to some degree in 2011. Late in 2012, Hurricane Sandy had a lasting effect on ocean access in the northern portion of the state's coast, where a high percentage of the North Carolina summer flounder harvest usually occurs, but it is uncertain how harvest was affected. In contrast, favorable weather and water conditions in 2004 and 2007 likely contributed to relatively higher harvest estimates.

Proposed Management Strategy for 2013

North Carolina proposes continuing 2012 management measures of a 15-inch minimum size limit, 6 fish bag limit, and no closed season statewide in 2013.

Justification for Management Strategy

The management measures implemented for the recreational flounder fishery in 2011 and 2012 were designed to reduce the harvest of southern flounder through the North Carolina Southern Flounder Fishery Management Plan. Recreational flounder regulations are not species specific in North Carolina due to problems with flounder species identification by anglers, so any management measures that allow for an increase in summer flounder harvest could also result in an increase in southern flounder harvest.

Table 1. Regulations and landings of recreationally harvested summer flounder in North Carolina from 1998 to 2012 by area.

Year	Inland Waters Regulations			Ocean Waters Regulations			Inland Landings	Percent Inland	Ocean Landings	Percent Ocean	Total Landings	Target	% Over/Under
	Size Limit	Bag Limit	Closed Season	Size Limit	Bag Limit	Closed Season							
1998	13"	----	----	14.5" (1/1-6/6) 15" (6/7-12/31)	10 (1/1-6/6) 8 (6/7-12/31)	----	314,030	80.3	77,106	19.7	391,136		
1999	13"	----	----	15"	8	----	158,095	66.8	78,696	33.2	236,791		
2000	13"	----	----	15"	8	----	258,554	69.0	116,202	31.0	374,756		
2001	13"	----	----	15.5"	8	5/1-5/14	249,563	76.3	77,686	23.7	327,249	223,000	46.7
2002	13" (1/1-9/30) 14" (10/1-12/31)	----	----	15.5"	8	4/3-7/4	168,082	88.7	21,376	11.3	189,458	246,000	-23.0
2003	14"	----	----	15"	8	----	36,839	41.9	51,013	58.1	87,852	231,000	-62.0
2004	14"	----	----	14"	8	----	45,185	28.8	111,781	71.2	156,967	249,000	-37.0
2005	14"	8 (4/1-12/31)	----	14"	8	----	51,333	50.7	49,879	49.3	101,212	269,000	-62.4
2006	14"	8	----	14"	8	----	60,220	53.7	51,956	46.3	112,176	207,000	-45.8
2007	14"	8	----	14.5"	8	----	95,657	68.8	43,332	31.2	138,989	136,000	2.2
2008	14"/15.5"*	8	----	14"/15.5"*	8	----	21,621	49.7	21,889	50.3	43,510	115,000	-62.2
2009	14"/15.5"*	8	----	14"/15.5"*	8	----	54,185	72.6	20,456	27.4	74,641	116,000	-35.7
2010	14"/15.5"*	8	----	14"/15.5"*	8	----	47,436	61.5	29,721	38.5	77,157	143,000	-46.0
2011	15"	6	----	15"	6	----	41,495	68.7	18,927	31.3	60,422	191,000	-68.4
2012 [#]	15"	6	----	15"	6	----	43,547	71.6	17,255	28.4	60,802	156,000	-61.0

*14" minimum size limit in western portions of Albemarle and Pamlico sounds and their tributaries, and ocean and estuarine waters from Brown's Inlet to the SC border; 15.5" (2008) & 15" (2009 & 2010) minimum size limit in eastern estuarine and ocean waters north of Brown's Inlet to the VA border.

[#]Landings through Wave 5 only



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfmc.org

MEMORANDUM

February 4, 2013

To: Summer Flounder, Scup, and Black Sea Bass Management Board

From: Toni Kerns, Acting ISFMP Director

RE: 2013 Black Sea Bass Quota

At the December 2012 Mid Atlantic Fishery Management Council (Council) Meeting, the Council voted to request that the Scientific and Statistical Committee (SSC) reconsider their recommendation for the 2013 black sea bass acceptable biological catch (ABC) limit and recommend a 2014 ABC in light of the most recent landings and stock information. On January 23, 2013, the SSC met and responded to specific terms of reference on these issues. Their report is attached. The SSC revised the 2013 ABC recommendation and recommended a 2014 ABC of 5.5 million lb (2,494 mt) for each fishing year. This is a 1 million pound increase from the previously recommended 2013 ABC of 4.5 million pounds (2,041 mt).

The SSC reconsidered 2008 as the foundation for the ABC. They noted that: (1) the current constant catch policy has been in place for three years and has led to a relatively constant or potential increasing abundance of black sea bass, such that the 2012 update indicated that the stock is slightly above B_{msy} ; (2) the 2,041 mt catch represents approximately the 16th percentile of cumulative catch distributions and is thus extremely conservative; (3) other stock managed by the Council are that are at or above the B_{msy} are managed with an ABC of approximately 75% of the OFL; and (4) during the period of rebuilding (2000-2009), the stock supported catches of 2,721 mt. Based on these observations, the SSC recommend the 2013 and 2014 ABC be set using a constant catch policy of 5.5 million pounds for the short term. They emphasized that a revised assessment should be completed as soon as possible.

The Council will be reconsidering the 2013 catch limit recommendations to NOAA Fisheries, as well as consider 2014 catch limit recommendations February 13, 2012. Staff will present any Council action at the Board meeting on February 21. The Council must recommend a recreational and commercial annual catch target (ACT) that addresses management uncertainty for these fisheries. Based on the July 2012 recommendation of the Monitoring Committee, staff recommended that the ACTs be set equal to their respective ACLs. After discards and a maximum research set-aside of 3 percent have been removed from the ACTs, the recreational harvest limit commercial quota is derived.

At the joint August 2012 meeting with the Council, the Board adopted a recreational harvest limit would be 1.85 million pounds and the commercial quota would be 1.78 million pounds. Based on the revised recommendation from the SSC and possible action from the Council the Board may reconsider the 2013 black sea bass specification at the February 21, 2013 meeting. Table A specifies

a revised specification based on the SSC recommendation. Also below is an overview of the current stock status and most recent landings information for 2012.

Table A. Recommendations for Black Sea Bass 2013 and 2014		
OFL	NA	
ABC	5.50 mil lb (2,494 mt)	
	Commercial	Recreational
ACLs	2.60 mil lb (1,180 mt)	2.90 mil lb (1,314 mt)
ACTs	2.60 mil lb (1,180 mt)	2.90 mil lb (1,314 mt)
Landings levels*	2.17 mil lb (984 mt)	2.26 mil lb (1,024 mt)

*After discards and 3% RSA is deducted. NA=Not approved by SSC

2012 Stock Status and BRPs: Based on the July 2012 assessment update, the black sea bass stock is not overfished and overfishing is not occurring. The 2011 stock is at 102% of the spawning stock biomass at maximum sustainable yield (SSB_{MSY}). The biological reference points are unchanged. The biological reference points for black sea bass include a fishing mortality threshold of $F_{MSY} = F_{40\%}$ (as F_{MSY} proxy) = 0.44 and $SSB_{MSY} = 23.99$ million lb (10,880 mt). The minimum stock size threshold, one-half SSB_{MSY} , is estimated as 12.0 million lb (5,440 mt).

2012 Landings: Preliminary recreational landings for 2012 (NMFS pers. comm., December 11, 2012) indicate that landings through wave 5 (January-October) were 2.95 million lb. These landings are in excess of both the 2012 recreational harvest limit of 1.32 million lb and the 2012 recreational ACL of 2.52 million lb. Catch estimates for 2012 waves 1-5 are 12.18 million fish, with the number of landed fish estimated at 1.77 million. Dealer landings data through week ending December 29, 2012 (NMFS Weekly Quota Reports), indicate that commercial landings were 1.63 million lb; approximately 96% of the 2012 commercial quota (1.71 million lb).

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Richard B. Robins, Jr.
Chairman

Lee G. Anderson
Vice-Chairman

800 North State Street, Suite 201
Dover, Delaware 19901
Tel 302-674-2331
Toll Free 877-446-2362
Fax 302-674-5399
www.mafmc.org

Christopher M. Moore, Ph.D.
Executive Director

MEMORANDUM

DATE: January 30, 2013

TO: Richard B. Robins, Jr., Chairman, Mid-Atlantic Fishery Management Council

FROM: Thomas Miller, Ph.D., Vice Chairman, MAFMC Scientific and Statistical Committee



Subject: Report of January 23, 2013 Meeting of the MAFMC Scientific and Statistical Committee

The Scientific and Statistical Committee (SSC) of the Mid-Atlantic Fishery Management Council (MAFMC) met on January 23, to address the request of the Council to reconsider SSCs 2013 ABC recommendation for black sea bass. This request was based on the following motion passed by the Council at its December 2012 meeting:

"Move that the SSC develop a 2014 black sea bass ABC recommendation for consideration by the Council at its February meeting. Also move to request that the SSC reconsider the 2013 black sea bass ABC recommendation with respect to the assessment level and Monitoring Committee recommendations for additional data to be considered."

A total of 12 SSC members were in attendance at the SSC meeting. Two attended via a webinar but were able to hear and participate fully in discussion. One SSC member had to leave shortly after lunch, and thus only 11 members were present for the afternoon session during which we considered the ABC for black sea bass. This represents a quorum as defined by the SSC standard operating procedures (Attachment 2). Also in attendance were representatives of the MAFMC, MAFMC staff, ASMFC staff and state biologists.

Dr. John Boreman sent regrets for not being able to chair the SSC. This was an emergency meeting of the SSC and it was determined that most could attend on this day - regrettably it was one of the few days on which Dr. Boreman could not attend.

Before dealing with the Council motion, the SSC briefly discussed the need to replace Dr. Jason Link (NOAA/NEFSC) who has recently resigned from the SSC owing to his appointment at NOAA's Senior Scientist for Ecosystem Management. The SSC members present made a strong recommendation that Dr. Link's expertise should be replaced on the SSC. Specifically, it would be beneficial if a new member could be appointed with experience working with forage fish or on ecosystem processes. Recommendations will be forwarded to Dr. Boreman and Chairman Robins for consideration by the Council.

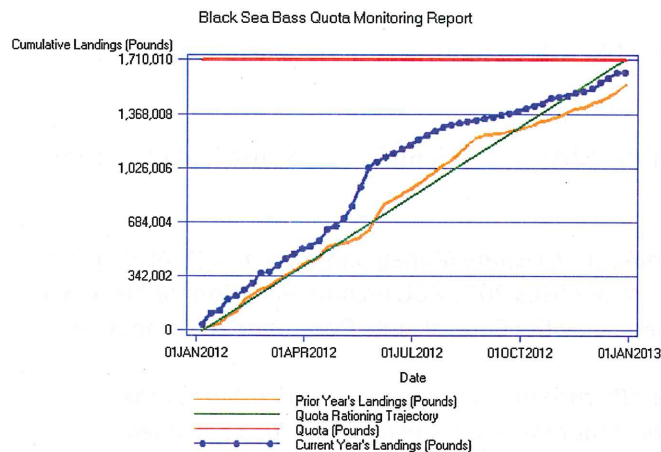
Black Sea Bass Reconsideration

The SSC discussed the foundation for the Council motion relative to its remand policy, believing that the Council's motion was effectively a remand request. The SSC found no evidence that (a) the SSC had failed to follow the Council's terms of reference, (b) there had been an error or omission in the material provided to the SSC, (c) there was an error in fact in the SSC's calculations of the recommended ABC or (d) that the SSC failed to follow its own standard operating procedures. Thus the SSC confirmed that the Council's motion was not a remand, but was rather a case of the Council seeking clarification of the foundation of the SSC's previous ABC determination.

The SSC then considered the three terms of reference provided to it by the Council.

ToR 1. Review and evaluate any new information available relative to black sea bass stock abundance and recruitment (i.e., state survey data) and relative to fishery performance (including recent catch data).

The SSC received a briefing from Council staff on the performance of the black sea bass fisheries in 2012. It is



clear that the commercial fishery was well managed resulting in its full quota of 1.7 M lbs being landed (Fig 1). Council staff noted that the fishery was opened for only short periods (days) in several waves in order to ensure the quota was not exceeded.

In contrast, the recreational quota was exceeded significantly. The Council enacted a recreational ACT of 1.86 M lbs. After removing the RSA and discards, the recreational black sea bass quota in 2012 was 1.32 M lbs. Data on recreational landings from MRIP presented by MAMFC staff indicate that in waves 1-5, recreational anglers had taken 2.95 M lbs of black sea bass with Massachusetts, New York and New Jersey accounting for approximately 80% of the landings. This provisional figure suggests a recreational overage of 1.63 M lbs – or 123% of the recreational quota.

Figure 1. Cumulative commercial catch of black sea bass in the Mid-Atlantic in 2012.

Insufficient recreational harvest and effort data were available to the SSC at the meeting for the SSC to fully understand or evaluate the excess catch. The SSC evaluated recreational management measures and it is clear that these were liberalized following 2011 when the recreational sector did not meet its full quota. The extent to which this liberalization is responsible for the recreational overage remains unclear: all that is clear is that the management measures in place in 2012 were inadequate to constrain catch to the quota allotted to the recreational fishery.

The SSC did not have access to all of the data it would have liked to evaluate the full range of explanations of the overage. In the time available, the SSC did review recreational data for Massachusetts. These data indicated that recreational black sea bass trips had increased five-fold in 2012 during which time recreational catch per trip increased only modestly from approximately 4.5 - 5.5 fish per trip. However, there remained key concerns in the minds of SSC members of how to interpret recreational effort and catch data that prevented the SSC from reaching a conclusion about black sea bass population status based on the recreational catch data alone.

The SSC also considered fishery-independent survey data collected by state agencies from Virginia to

Massachusetts. These survey data had not previously been examined by the SSC, but components of these data were used in the age-based assessment model that was considered but rejected during the last benchmark assessment. Jason McNamee (RI DFW) presented analyses conducted by the black sea bass technical committee. The goal of these analyses was to present standardized indices of black sea bass. These data and the methods used to analyze them have not undergone formal external review. For all surveys, black sea bass abundances in survey catches were subject to general linear modeling. As is common, survey data exhibited a high incidence of stations with zero catches. To account for this, data were first reviewed to identify stations at which black sea bass were consistently caught over the entire time series and only these stations were retained for further analysis. A general linear model with a negative binomial error structure was fit to catch and environmental data for 7 surveys: the VIMS trawl survey, the New Jersey trawl survey, the NEAMAP survey, the Peconic Bay small mesh trawl survey, the Long Island Sound trawl survey, the Rhode Island trawl survey, and the Massachusetts inshore trawl survey (Fig 2).

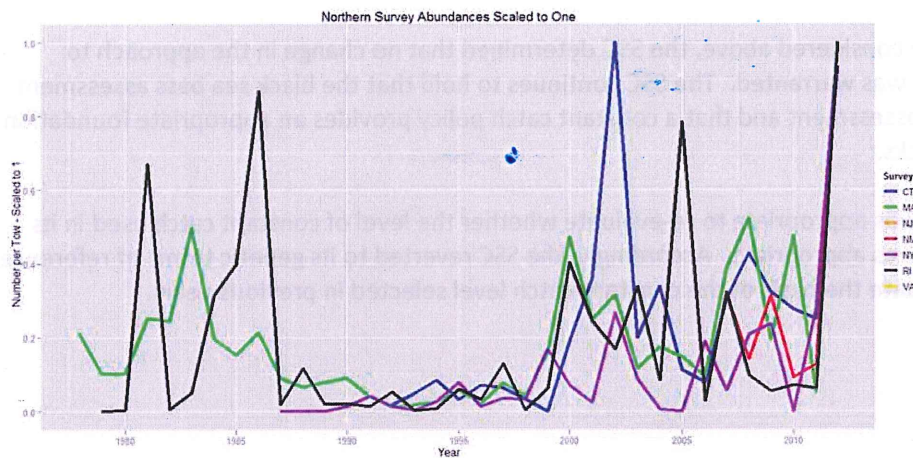


Figure 2. Time series of 7 regional fishery-independent surveys for black sea bass. Note all are scaled such that their peak catch = 1. Indices for 2012 are obscured. The following surveys were at or close to time series highs in 2012: NY, CT and RI. Surveys for other states did not show anomalous increases in 2012.

The SSC welcomed the effort to introduce new data into the consideration of black sea bass stock structure. However, the SSC was uncertain what conclusions could be drawn from these analyses for the following reasons: non-standard analytical methods were used, surveys were mixed in the age-classes indexed, and surveys were conducted at different times of year. Despite this, the SSC was able to conclude that black sea bass populations exhibited a period of relatively low

abundance from the late 1980s – the late 1990’s. Subsequently abundances have been more variable. Some surveys – e.g., Peconic Bay, Long Island Sound and Rhode Island show signs of large increases in 2012. Two of these surveys (Peconic Bay and Rhode Island) are believed to index juvenile black sea bass – the other (Long Island Sound) may reflect a broader age structure. The increase observed in these surveys was not observed consistently in other surveys nor did there appear to be any latitudinal pattern in the most recent years that might explain the high recreational catches in the northern states (NJ – MA). The SSC also noted that much of these data would not become available until the year after collection.

In summary, the SSC reviewed and evaluated new information available relative to black sea bass stock abundance and recruitment (i.e., state survey data) and relative to fishery performance (including recent catch data). The SSC concluded that there is little information in these data that would lead us to change the 2013 ABC recommendation.

ToR 2. Given the assessment level determinations for other MAFMC-managed species, review and reevaluate the SSC's previous determination that the black sea bass stock assessment qualifies as a level 4 assessment.

In its July meeting, the SSC assigned the black sea bass assessment to a Level 4 tier. In making its recommendation to the Council the SSC noted the following important factors: (i) the absence of important

biological information in the assessment (e.g., potential for incomplete mixing in the stock area); (ii) whether reference points are appropriate given the life history; and (iii) that, although point estimates of reference points were provided, the reliability of the OFL point estimate was uncertain.

The SSC was not presented with any new information relative to the three areas of concern noted above at this meeting that would cause us to reconsider our July determination.

The SSC is sensitive to concerns that it has been perceived to be inconsistent in its determination of levels for assessments and commits to undertaking a thorough evaluation of all of its decisions moving forward.

ToR 3. If a revision to the ABC is warranted based on the terms of reference above, provide an updated 2013-2014 ABC recommendation for black sea bass that reflects the current condition of the stock using the generic terms of reference.

Based on the terms of reference considered above, the SSC determined that no change in the approach to determining the 2013-2014 ABC was warranted. The SSC continues to hold that the black sea bass assessment should be classified as a level 4 assessment and that a constant catch policy provides an appropriate foundation for determining ABC in such stocks.

However, the SSC did believe it was appropriate to re-evaluate whether the level of constant catch used in its ABC determinations since 2010 was appropriate. Accordingly, the SSC reverted to its generic terms of reference for determining ABCs to re-evaluate the basis of the constant catch level selected in previous years.

Re-Evaluation of 2013-2014 ABC for Black Sea Bass

Generic ToR 1. The materials considered in reaching its recommendations:

- Shepherd, Gary R. 2012. Black sea bass assessment summary for 2012 . Northeast Fisheries Science Center. 24pp.
- Report of the July 2012 Meeting of the MAFMC Scientific and Statistical Committee, dated July 30, 2012, 12pp.
- Report of the July 2010 Meeting of the MAFMC Scientific and Statistical Committee, dated August 2, 2010, 12 pp.
- Miller, T. J., E. Bell, K. Patterson, and K. Trzcinski. 2011. SARC 53 Summary Report. Dated December 16, 2011, 36 p.

Generic ToR 2. The level (1-4) that the SSC deems most appropriate for the information content of the most recent stock assessment, based on criteria listed in the version of the proposed Omnibus Amendment submitted to the Secretary of Commerce:

The SSC determined again that the black sea bass assessment qualified as a **Level 4**. The determination of Level 4 status involves concerns regarding: (i) the absence of important biological information in the assessment (e.g., potential for incomplete mixing in the stock area); (ii) whether reference points are appropriate given the life history; and (iii) that, although point estimates of reference points were provided, the reliability of the OFL point estimate was uncertain.

The SSC notes that the three concerns above are not trivial to overcome. However, it does not follow that the only way to address them is to bring forward a spatially-specific assessment that includes new reference points. The SSC notes and believes that there are considerable historical data and newly emerging data to enable assessment scientists to address these concerns in a way that may permit a re-designation of the assessment. For example, analyses of the age-structure in surveys, advanced over that included in the assessment rejected at SARC 53 would be useful. Additionally, operational simulation models showing that the assessment model is not sensitive to the spatial structure suggested by tagging data would be helpful. Advances in both areas may help allay concerns regarding the extent of incomplete stock mixing.

Generic ToR 3. If possible, the level of catch (in weight) associated with the overfishing limit (OFL) based on the maximum fishing mortality rate threshold or, if appropriate, an OFL proxy:

The assessment indicates that the catch associated with OFL is **3 175 mt** based on an F_{msy} proxy = $F_{40\%} = 0.44$. However, the SSC did not endorse these estimates because of concerns about the unresolved uncertainty in the OFL related to stock mixing, life history, and natural mortality that remain unresolved in the assessment.

Generic ToR 4. The level of catch (in weight) associated with the acceptable biological catch (ABC) for the stock:

In its 2010 report, the SSC put forward a constant catch quota as the foundation for determining the ABC for black sea bass. The SSC endorsed this approach again at this meeting (January 23, 2013).

Its original ABC determination in 2010 was based on the 2009 catch. However, this ABC determination was remanded by the Council based on concerns raised by the Monitoring Committee over the impact of conservation measures that were in force in 2009. Accordingly the SSC revised the level of constant catch used for ABC determination based on the 2008 catch. This value, 2 041 metric tonnes (mt, equivalent to 4.5 M lbs) has served as the foundation for its ABC determination since.

The SSC reconsidered the 2008 catch as the foundation for ABC. The SSC noted the following:

- The current constant catch policy has been in place for three years and has led to a relatively constant or potential increasing abundance of black sea bass, such that the 2012 update to the assessment indicated that the black sea bass stock is slightly above B_{MSY} .
- The 2 041 mt catch represents approximately the 16th percentile of cumulative catch distribution and is thus extremely conservative (Fig. 3).

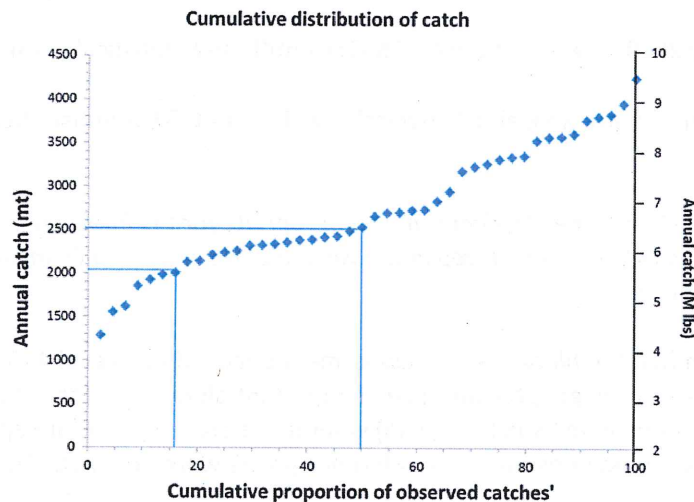


Figure 3. The distribution of observed black sea bass catches (1968 - 2011)

- Other stocks managed by MAFMC that are at or above B_{MSY} are managed with an ABC of approximately 75% of OFL.
- During the period of rebuilding (2000-2009), the black sea bass stock supported catches of 2 721 mt (=6 M lbs).

Based on these observations, **the SSC recommends the 2013-2014 ABC should be based on a constant catch policy of 2 494 mt (=5.5 M lbs).** This revised constant catch level remains less than the 6 M lbs that was taken during rebuilding, is approximately the 50th percentile of the observed cumulative catch distribution, and likely represents approximately 75% of F_{MSY}

The SSC notes in its advice to the Council, that this is a short term, empirical measure. The SSC strongly recommends the Council works to ensure that a revised assessment is completed as soon as possible that may permit the SSC to use a more reliable foundation for ABC determination.

Generic ToR 5. Specify the number of fishing years for which the OFL and/or ABC specification applies and, if possible, identify interim metrics which can be examined to determine if multi-year specifications need adjustment prior to their expiration:

The SSC recommends a two-year specification to be in place through the 2014 fishing year, subject to SSC annual review of fishery-independent surveys and catch information, and in anticipation of a new operational assessment that will be conducted in summer 2013 and a new benchmark assessment, currently scheduled for Spring 2014.

Generic ToR 6. If possible, the probability of overfishing associated with the OFL and ABC catch level recommendations (if not possible, provide a qualitative evaluation):

It is not possible to provide an estimate of the probability of overfishing as the SSC did not endorse the estimate

of OFL in the assessment.

Generic ToR 7. The most significant sources of scientific uncertainty associated with determination of OFL and ABC:

- Atypical life history strategy (protogynous hermaphrodite) means that determination of appropriate reference points is difficult;
- Assessment assumes a completely mixed stock, while tagging analyses suggest otherwise;
- Uncertainty exists with respect to M because of the unusual life history strategy the current assumption of a constant M in the model for both sexes may not adequately capture the dynamics in M; and
- Concern about the application of trawl calibration coefficients (ALBATROSS IV vs BIGELOW) and their influence on the selectivity pattern and results of the assessment. There was concern that the pattern of the calibration coefficient across lengths was difficult to justify biologically.

Generic ToR 8. Ecosystem considerations accounted for in the stock assessment, and any additional ecosystem considerations that the SSC took into account in selecting the ABC, including the basis for those additional considerations:

No explicit or specific ecosystem considerations (for example, trophic interactions or habitat) were included in the assessment. No additional information pertinent to ecosystem considerations was included in selecting the ABC.

Generic ToR 9. List high priority research or monitoring recommendations that would reduce the scientific uncertainty in the ABC recommendation:

In order of priority:

- (1) Develop a first principles foundation for establishing reference points and assessment methods to account for black sea bass' life history;
- (2) Explore the utility of a spatially-structured assessment model for black sea bass to address the incomplete mixing in the stock;
- (3) Consider a directed study of the genetic structure in the population north of Cape Hatteras; and
- (4) Evaluate and, if appropriate, continue a fixed gear survey of black sea bass similar to the one used for scup.

Generic ToR 10. A certification that the recommendations provided by the SSC represent the best scientific information available:

To the best of the SSC's knowledge, these recommendations are based on the best available scientific information.

MAFMC Scientific and Statistical Committee Meeting
Baltimore, MD

January 23, 2013

SSC Members in Attendance

<u>Name</u>	<u>Affiliation</u>
Tom Miller (SSC Vice-Chair)	University of Maryland Center for Environmental Science – CBL
Brian Rothschild	University of Massachusetts
David Tomberlin	NMFS/S&T
Dave Secor	University of Maryland Center for Environmental Science - CBL
Doug Lipton (pm only)	University of Maryland - College Park
Wendy Gabriel	NMFS/NEFSC
Ed Houde	University of Maryland Center for Environmental Science - CBL
Doug Vaughan (left at 2pm)	North Carolina
Mark Holliday	NMFS/HQ
Mike Frisk (via Webinar)	SUNY Stony Brook
Yan Jiao (via Webinar)	Virginia Tech

Others in attendance

Rich Seagraves	MAFMC staff
Kiley Dancy	MAFMC staff
Rick Robins	MAFMC Chair
Toni Kerns	ASMFC staff
Jason McNamee	RI DFW
Jonathan Rountree	NMFS Intern

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM XXIII TO THE SUMMER FLOUNDER,
SCUP AND BLACK SEA BASS FISHERY MANAGEMENT
PLAN FOR PUBLIC COMMENT**

Black Sea Bass Recreational Management in 2013



ASMFC Vision Statement:

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.

December 2012

The Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motion at the October 25, 2012: **Move to initiate an addendum to use management measures other than coastwide measures.** Motion made by Mr. Nowalsky and seconded Mr. Augustine.

The addendum proposes to allow state-by-state or regional management measures for the 2013 black sea bass fishery with the option for a one year extension. This draft addendum presents background on the Commission’s management of summer flounder, scup, and black sea bass; the addendum process and timeline; and a statement of the problem. This document also provides management options for public consideration and comment.

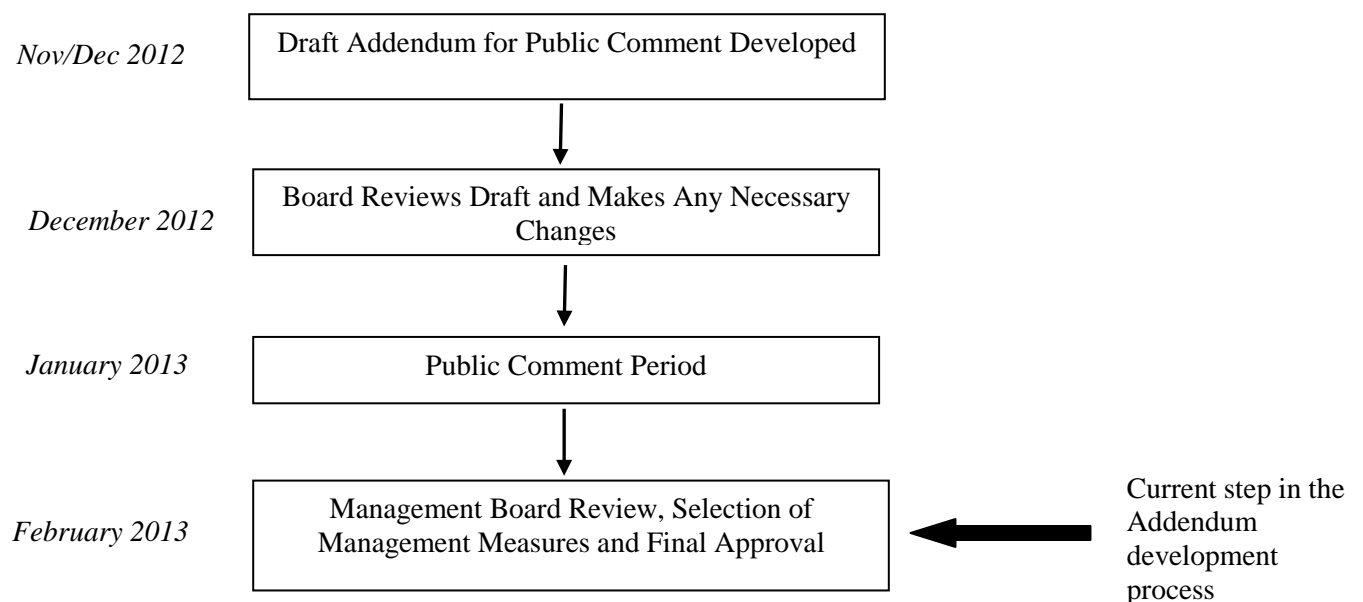
Specifically, the Commission is seeking comment on issues under section 4.0 Management measures.

The public is encouraged to submit comments on the issues contained in this document. **The final date comments will be accepted is 5 PM (EST) on February 6, 2013.** Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

Mail: Toni Kerns

Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200 A-N
Arlington, VA 22201

Email: tkerns@asmfc.org
(Subject: Black Sea Bass)
Phone: 703-842-0740
Fax: 703-842-0741



The Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motion at the October 25, 2012: **Move to initiate an addendum to use management measures other than coastwide measures.** Motion made by Mr. Nowalsky and seconded Mr. Augustine.

1.0 Introduction

This draft addendum is proposed under the adaptive management/framework procedures of Amendment 12 and Framework 2 that are a part of the Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The adaptive management program allows for changes to recreational fishery measures. This draft addendum applies only to the black sea bass section of the FMP. The black sea bass fishery is managed cooperatively by the states through the Commission for state waters, and the federal government through the Mid-Atlantic Fishery Management Council (Council) and the National Marine Fisheries Service for federal waters. The management unit for black sea bass remains unchanged in this addendum. Specifically, the management unit for black sea bass in US waters is the western Atlantic Ocean from Cape Hatteras, North Carolina northward to the US-Canadian border.

2.0 Statement of the Problem

The black sea bass recreational fishery is managed on a “target quota” basis. Fifty-one percent of the total allowable landings are allocated as a recreational harvest target and forty-nine percent is allocated to the commercial sector. From 1996 to 2010, a uniform coastwide size limit, season, and bag limit has been set by the Commission and Council to constrain the recreational fishery to the annual harvest limit (Table 1). Table 2 shows the individual state regulates for the 2012 fishing year. During the last 15 years, the harvest target was exceeded 5 times, most recently in 2009, 2010, and 2012 when the harvest target was the lowest in the time series. In 2009, the target was exceeded by 1.18 million pounds and by an estimated 1.15 million pounds in 2010. In 2012, the MRIP projected harvest is estimated at 2.99 million pounds, approximately 1.67 million pounds over the harvest target (1.32 million pounds).

The management plan for black sea bass does not provide an opportunity to craft recreational measures by regions or state, it only allows for a coastwide measure. Due to the wide geographic range of this species, the application of coastwide minimum size, possession limit, and season restrictions may not affect every area involved in the fishery the same way. Additionally, black sea bass migrations may result in differences in availability to the recreational fishery in each state. States were concerned that the coastwide regulations disproportionately impacted states within the management unit; therefore, the Board approved Addendum XXI and XXII which allowed for state-by-state measures in 2011 and 2012 for state waters only. The Board continues to have the same concerns for the 2013 fishing season. Therefore, the Board initiated Draft Addendum XXII to provide the necessary management flexibility to mitigate potential disproportionate impacts on states that can result from coastwide measures for 2012. Addendum XXII divides the recreational black sea bass coastwide allocations into state-by-state management for 2013 with the possibility for a one year extension in 2014.

3.0 Fishery Description

Black sea bass are generally considered structure oriented, preferring live-bottom and reef habitats. Within the stock area, distribution changes on a seasonal basis and the extent of the

seasonal change varies by location. In the northern end of the range (Massachusetts to New York), sea bass move offshore crossing the continental shelf, then south along the edge of the shelf (Moser and Shepherd, 2009). By late winter, northern fish may travel as far south as Virginia, however most return to the northern inshore areas by May. Sea bass along the Mid-Atlantic (New Jersey to Maryland) head offshore to the shelf edge during late autumn, traveling in a southeasterly direction. They also return inshore in spring to the general area from which they originated (Moser and Shepherd, 2009). Black sea bass in the southern end of the stock (Virginia and North Carolina) move offshore in late autumn/early winter. Because they are close to the continental shelf, they transit a relatively short distance, due east, to reach over-wintering areas (Moser and Shepherd, 2009). Fisheries also change seasonally with changes in distribution; recreational fisheries generally occur during the period that sea bass are inshore.

An examination of the previous 7 years of recreational harvest data shows there is no systematic pattern in state harvest. In the most recent years the states of Delaware, Massachusetts and New York have seen an increase in harvest (Figures 1); Maryland and Virginia have seen a decline in harvest (Figures 2); and Connecticut, Rhode Island and North Carolina have remained fairly stable (Figures 1 and 2). For the past 3 years the states of Massachusetts, New York and New Jersey make up the majority of the coastwide harvest.

An examination of average state-specific MRIP harvest estimates by 'Area Harvested' (State v. EEZ waters) for the last 3 years indicate that the majority of the black sea bass fishery occurs in state waters in Massachusetts, Rhode Island, Connecticut, and New York (>85%). For the states of Delaware to North Carolina the majority of fishery operates in the waters of the EEZ (NJ and VA >65% and DE, MD and NC >75%).

Stock Status

The most recent approved benchmark assessment on black sea bass was peer-reviewed and accepted in December 2008 by the DPSWG Peer Review Panel. Documentation associated with this assessment and previous stock assessments, such as reports on stock status, including annual assessment and reference point update reports, Stock Assessment Workshop (SAW) reports, and Stock Assessment Review Committee (SARC) panelist reports, are available online at the NEFSC website: <http://www.nefsc.noaa.gov/saw/>.

Based on the June 2012 update, the stock is not overfished and overfishing is not occurring, relative to the biological reference points. Fishing mortality in 2011 is $F = 0.21$, an decrease from 2010. This point estimate of F in 2011 is below the fishing mortality threshold of $F=0.44$. Estimates for 2011 total biomass remain above the biomass maximum sustainable yield. Spawning stock biomass (SSB) in 2011 is 24.6 million pounds, which 0.6 million pounds above the SSB_{MSY} target (24 million pounds) and a small decrease from the 2010 SSB estimate. Recruitment at age 1 averaged 26.4 million fish during 1968-1999 and in 2000, peaked at 56.0 million fish. Recruitment estimated by the model was relatively constant through the time series with the exception of 1975, 1999, and 2001 year classes. The 2011 year class was 21.0 million fish.

4.0 Proposed Management Program

The proposed measures in this addendum are only effective in state waters for 2013 with the possibility for an extension for one year. Absent any subsequent action by the Board coastwide

measures will implemented in 2014. This addendum is not intended to implement state allocations and is not intended to set a precedent for state allocations.

The federal FMP does not allow for conservation equivalency and would require an amendment to the plan to make the necessary changes consistent with those proposed in this document; therefore, a single coastwide measure is set in federal waters. Federal permit holders have to follow regulations set by the National Marine Fisheries Service regardless of where they are fishing: The MAFMC recommended to NOAA Fisheries that the Federal measures for the 2013 fishing year be: 12.5 inch TL minimum fish size, 20 fish possession limit, and open seasons from June 1 through September 5 for 2013.

Under the proposed options (except coastwide), states or regions would implement individual recreational black sea bass management programs that utilize minimum size limits, maximum possession limits, and seasonal closures that are designed to achieve a specific harvest reduction/liberalization that, when combined with the other states in the management unit, achieve the required coastwide reduction/liberalization for 2013.

Reduction tables, provided to the Technical Committee, would be used to determine which suite of possession limits, size limits, and closed seasons would constrain recreational landings to the recreational harvest limit for the state/region. Tables would be adjusted for each state/region to account for past effectiveness of the regulations. Each state/region would propose a combination of size limit, possession limit, and closed season that would constrain landings to the appropriate level. These regulations would be reviewed by the Technical Committee and approved by the Board. States would not implement measures by mode or area unless the PSE of the mode or area for that state or region is less than 15%.

Note: The MRIP data used to set state-specific conservation equivalent measures produces more variable results when used on a state-by-state basis. As the coverage area increases, the variability of the data decreases; therefore, adopting regional or coastwide approaches will give more precision to the data.

4.1 2013 Recreational Black Sea Bass Measures

Option 1: Status Quo Coastwide Measures

2013 black sea bass recreational measures would be set using a single coastwide size limit, bag limit, and season. A 44.2% reduction in harvest in numbers of fish would be required to achieve the 2013 RHL (1.84 million pounds or 1 million fish).

Option two: State-by-State Measures

Under this option states would implement individual recreational black sea bass management programs that utilize minimum size limits, maximum possession limits, and seasonal closures that are designed to achieve a specific harvest reduction that, when combined with the other states in the management unit, achieve the required coastwide reduction for 2013. All states regulations combined would require a total harvest reduction 44.2% in numbers of fish to achieve the 2013 RHL (1.85 million pounds or 1,005,435 million fish).

Reduction based on the proportion of catch:

MRIP	Average of the last 3 years	Average of the last 2 years
MA	46.2%	48.1%
RI	35.3%	42.0%
CT	74.6%	58.5%
NY	19.7%	24.4%
NJ	53.2%	52.8%
DE	42.6%	15.9%
MD	3.9%	-17.9%
VA	-186.9%	-130.7%
NC**	-151.9%	-96.2%

Option three: Regional Measures

Under this option 2 regions would be established. Each region would implement recreational black sea bass management programs that utilize identical minimum size limits, maximum possession limits, and seasonal closures that are designed to achieve a specific harvest reduction that, when combined with the other regions in the management unit, achieve the required coastwide reduction for 2013. The northern region would contain the states of Massachusetts through New Jersey and the southern region would contain the states of Delaware through North Carolina (North of Cape Hatteras).

Under this option, the states of Massachusetts through New Jersey would reduce their regulations by X% (see below) based on the region performance from 2012. The states of Delaware through North Carolina would liberalize/reduce their regulations by X% (see below) based on the region performance from 2012. The regulations of the two regions combined would require a total harvest reduction of 44.2% in numbers of fish to achieve the 2013 RHL (1.85 million pounds or 1,005,435 million fish).

Reduction based on the proportion of catch:

- a. Average of 2010, 2011, and 2012
Northern Region= 45.7% reduction
Southern Region= 6.2% reduction
- b. Average of 2011, and 2012
Northern Region= 46.3% reduction
Southern Region= 9.9% liberalization

Option four: Ad Hoc Regional Measures

Under this option 2 regions would be established. Each region would implement recreational black sea bass management programs that utilize minimum size limits, maximum possession limits, and seasonal closures that are designed to achieve a specific harvest reduction that, when combined with the other regions in the management unit, achieve the required coastwide reduction for 2013. The northern region would contain the states of Massachusetts through New

Jersey and the southern region would contain the states of Delaware through North Carolina (North of Cape Hatteras). All states would agree to the regulations implemented within the region. While not required, states will work to develop consistent regulations to allow for a seamless as possible recreational management program within the region.

Under this option, the states of Massachusetts through New Jersey would reduce their regulations by X% (see below) based on the region performance from 2012. The states of Delaware through North Carolina would liberalize/reduce their regulations by X% (see below) based on the region performance from 2012. The regulations of the two regions combined would require a total harvest reduction of 44.2% in numbers of fish to achieve the 2013 RHL (1.85 million pounds or 1,005,435 million fish).

Reduction based on the proportion of catch:

- a. Average of 2010, 2011, and 2012
Northern Region= 45.7% reduction
Southern Region= 6.2% reduction
- b. Average of 2011, and 2012
Northern Region= 46.3% reduction
Southern Region= 9.9% liberalization

Option five: Ad Hoc State-by-State

Under this option states would implement individual recreational black sea bass management programs that utilize minimum size limits, maximum possession limits, and seasonal closures that are designed to achieve a specific harvest reduction that, when combined with the other states in the management unit, achieve the required coastwide reduction for 2013. All states regulations combined would require a total harvest reduction 44.2% in numbers of fish to achieve the 2013 RHL (1.85 million pounds or 1,005,435 million fish). No state would have a specific reduction to meet as in option two. The states would work together to develop regulations that would meet the necessary coastwide reduction.

While not required, states will work to develop consistent regulations to allow for a seamless as possible recreational management program within the region.

4.2 Addendum Time Frame

Option 1: Status Quo

The addendum would expire at the end of 2013. After 2013, measures would revert back to the FMP coastwide measures.

Option 2: One year extension

The Board would take action to extend the addendum for one year, expiring at the end of 2014. After 2013, measures would revert back to the FMP coastwide measures.

5.0 Tables

Table 1. Recreational Black Sea Bass Specifications and Harvest from 1996-2010

Year	1996	1997	1998	1999	2000	2001	2002	2003
Harvest Limit (mlbs)	--	--	3.15	3.15	3.15	3.15	3.43	3.43
Harvest (mlbs)	4.0	4.3	1.2	1.7	4.0	3.4	4.3	3.3
Size (inches)	9	9	10	10	10	11	11.5	12
Bag[^]	--	--	--	--	--	25	25	25
Open Season	All year	All year	1/1-7/30 and 8/16- 12/31	All year	All year	1/1-2/28 and 5/10- 12/31	All year	1/1-9/1 and 9/16- 11/30

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012
Harvest Limit (mlbs)	4.01	4.13	3.99	2.47	2.11	1.14	1.83	1.84	1.32
Harvest (mlbs)	1.67	1.89	1.99	2.25	1.56	2.32	3.3	1.3	2.99**
Size (inches)	12	12	12	12	12	12.5	12.5	See table 2	See table 2
Bag[^]	25	25	25	25	25	25	25	See table 2	See table 3
Open Season	1/1-9/7 and 9/22- 11/30	All year	All year	All year	All year	All year*	5/22- 10/11 and 11/1- 12/31	See table 2	See table 3

[^] The state of Massachusetts has a more conservative bag limit of 20 fish.

* In 2009 Federal waters were closed on October 5, 2009.

** Projected MRIP harvest for 2012

Table 2. 2012 recreational management measures for black sea bass by state.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	14	10 fish	May 11-June 24
		20 fish	June 25-October 31
Rhode Island	13	15 fish	June 15-December 31
Connecticut	13	15 fish	June 15-December 31
New York	13	15 fish	June 15-December 31
New Jersey	12.5	25 fish	May 19- September 3, September 23-October 14, and November 1-December 31
Delaware	12.5	25 fish	May 22 to October 14 and November 1 to December 31
Maryland	12.5	25 fish	May 22 to October 14 and November 1 to December 31
PRFC	12.5	25 fish	May 19 to October 14 and November 1 to December 31
Virginia	12.5	25 fish	May 19 to October 14 and November 1 to December 31
North Carolina (North of Cape Hatterass 35° 15'N Latitude)	12.5	25 fish	May 19 to October 14 and November 1 to December 31

Table 3. 2011 recreational management measures for black sea bass by state.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	14	10 fish	May 22 to October 11
Rhode Island	13	12 fish	July 11- December 31
Connecticut	13	25 fish	July 1 to October 11 and November 1 to December 31
New York	13	10 fish	June 13 to October 1 and November 1 to December 31
New Jersey	12.5	25 fish	May 28 to September 11 and November 1 to December 31
Delaware	12.5	25 fish	May 22 to October 11 and November 1 to December 31
Maryland	12.5	25 fish	May 22 to October 11 and November 1 to December 31
PRFC	12.5	25 fish	May 22 to October 11 and November 1 to December 31
Virginia	12.5	25 fish	May 22 to October 11 and November 1 to December 31
North Carolina (North of Cape Hatterass 35° 15'N Latitude)	12.5	25 fish	July 1 to September 25 and November 1 to December 31

6.0. Figures

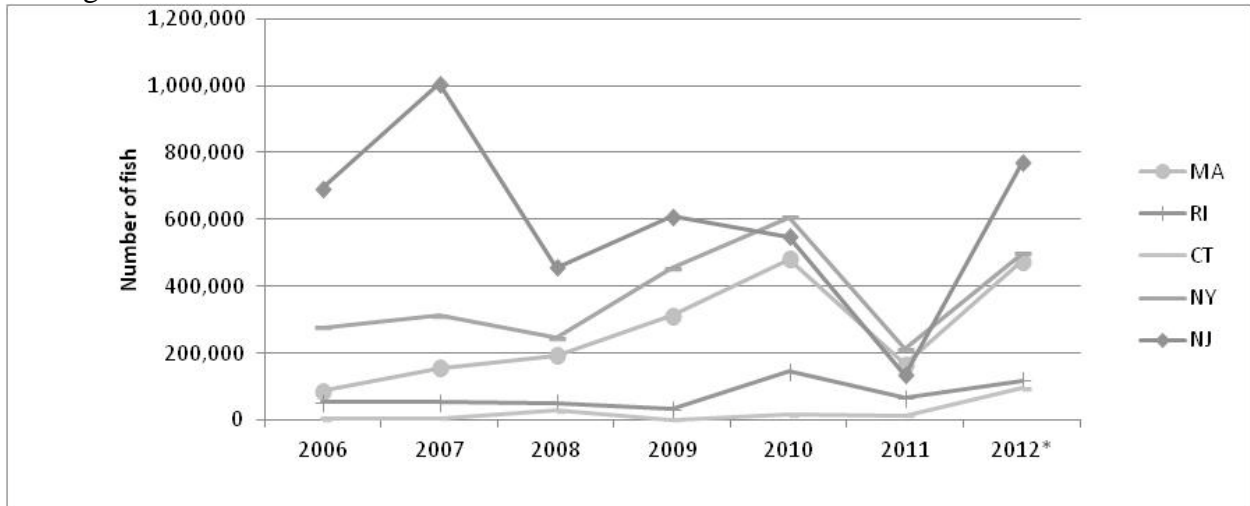


Figure 1. Recreational harvest estimates by state (MA-NJ) from 2006 to 2012. 2012 estimates are preliminary (wave 6 estimates are projected using prior year data).

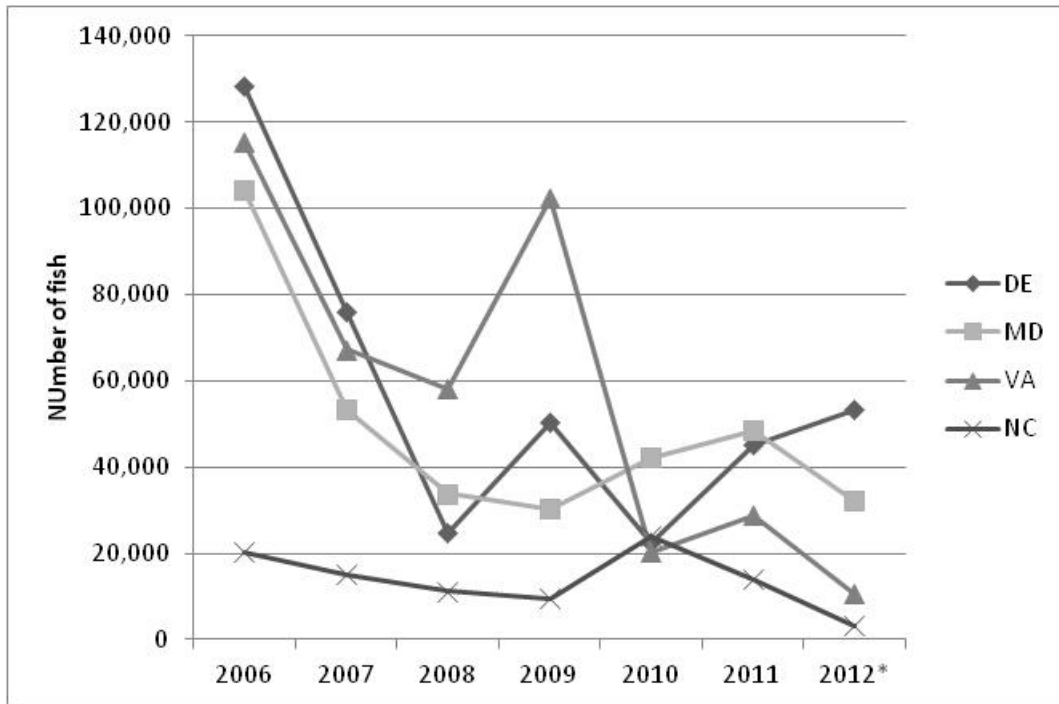


Figure 2. Recreational harvest estimates by state (DE-NC) from 2006 to 2012. 2012 estimates are preliminary (wave 6 estimates are projected using prior year data).

7.0 References

1. Shepherd GR, and J.Nieland. 2010. Black sea bass 2010 stock assessment update. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 10-13; 25 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026, or online at <http://www.nefsc.noaa.gov/nefsc/publications/>
2. Moser, J. and G.R. Shepherd. 2009. Seasonal Distribution and Movement of Black Sea Bass (*Centropristis striata*) in the Northwest Atlantic as Determined from a Mark-Recapture Experiment. *Journal of Northwest Fisheries Science*. 40:17-28.
3. Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division.



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfmc.org

MEMORANDUM

January 28, 2013

To: Summer Flounder, Scup and Black Sea Bass Management Board
From: Law Enforcement Committee
Subject: Draft Addendum XXIII

Members of the LEC have reviewed the recreational harvest measures for black sea bass in Addendum XXIII and offer the following comments regarding the five options for applying recreational harvest regulations.

Though not unanimous, the consensus view of the LEC is that our general principle of consistency and standardization applies. We recommend coastwide or consistent regional regulations for minimum size, possession limits and seasons (Option 1 or Option 3). Some members pointed to specific problems when regulations between state and federal waters do not match. In New Jersey, private sport fishing, charter and party boats fish in both state and federal waters. Differing closed periods have become difficult to enforce and create confusion for the public. Similar problems are identified in Maryland. For New York and Connecticut, variations among neighboring state-waters regulations present similar problems.

Our members do understand the desire to provide flexibility to states given the movement and seasonality of this fishery. Massachusetts has taken advantage of that flexibility to adopt conservative regulations for its large but brief recreational fishery. Enforcement officers there have been able to adapt to size-limit differences in adjacent state waters.

Nonetheless, the consensus view of the LEC is summed up by the following statement: *“Consistency is the key and the larger the area encompassing consistent regulations, the better.”* The least desirable options are any ad-hoc measures (Options 4 or 5) that would tend to encourage highly variable regulations among the states and between state and federal waters.

The LEC appreciates the opportunity to provide input on Draft Addendum XXIII.

From: Jebrier@aol.com
To: [Toni Kerns](#)
Subject: Black Sea Bass Cooments (Brief)
Date: Thursday, January 31, 2013 10:19:30 AM

My name is John E Brierley.

I have a MA commercial BSB license, a vessel for hire license and fish recreationally.

The waters I use in Massachusetts are primarily Buzzards Bay and Vineyard Sound.

Last May I found a great abundance of Jumbo BSB (Greater than 3 LBS) in Buzzards Bay. 5 LB BSB were not uncommon. These fish were so abundant that we threw back females and kept only males. Until June I fish in the area known as Cleveland's Ledge and north towards Stoney Point Dike. There was an abundance of BSB.

Beginning in June I fish around Quick's Hole (located in between Pasque and Nashawena Islands) and Devils Bridge (located NNW of Martha's Vineyard). These areas also held an abundance of BSB. Here during the months June thru Oct the size of BSB does not consistently exceed 3 LBS (which I mentioned above) but will yield a variety of size BSB from throw backs to 5 LBS.

I have no problem catching BSB. NONE. They are that abundant.

14 inch BSB offer little to eat. I encourage a 16 inch minimum and use this as a rule on my vessel.

We use Hi Lo rigs set with bucktail jigs tipped with native squid to catch our BSB.

I feel our bio mass of BSB is under estimated greatly.
I feel the minimum size for BSB should be no less that 15 inches.

I feel that both Scup and BSB populations are so abundant here that they often interfere with our ability to catch other species we target!

Captain John E Brierley C-774 254 7300



R.I. Party and Charter Boat Association
70 Gladys Drive
North Kingstown, RI 02852
401-741-5648
www.rifishing.com



President
Vice President
Treasurer
Secretary
Director

Capt. Rick Bellavance
Capt Steven Anderson
Capt. Andrew D'Angelo
Capt. Lynn Smith
Capt. Nick Butziger

Toni Kerns, Acting ISFMP Director
1050 N. Highland St.
Suite A-N, Arlington, VA 22201

February 1, 2013

Dear Ms. Kerns:

The Rhode Island Party and Charter Boat Association would like to submit comments to support Draft Addendum XXIII to the Black Sea Bass Fisheries Management Plan. The Addendum proposes the use of state-by-state or regional measures to manage the 2013 black sea bass recreational fishery. RIPCBA would strongly support the added flexibility offered with State by State measures. Due to the wide geographic range of this species, the application of coastwide minimum size, possession limit, and season restrictions may not affect every area involved in the fishery the same way. State by State management allows for the development of measures which are the fairest to the greatest number of recreational stakeholders. Addendum XXI and XXII allowed for state-by-state measures in 2011 and 2012 for state waters. Given the challenges of managing to a low TAC, Addendum XXI and XXII were needed to give the coastwide recreational anglers the best access to Black Sea Bass in the States where they fish. The Draft Addendum is intended to provide the necessary management flexibility to mitigate potential disproportionate impacts on states that can result from coastwide measures for 2013 and for that reason we support the Addendum.

Sincerely,

Capt. Rick Bellavance, President
R.I. Party and Charter Boat Association

2/1/13

Toni Kerns
Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200 A-N
Arlington, Va. 22201

Toni,

The Jersey Coast Anglers Association represents 65 recreational fishing clubs and over 30,000 anglers who fish the waters off New Jersey. Our member clubs have reviewed and discussed the draft addendum and provide the following comments.

We are pleased that the MAFMC voted to request that the Scientific and Statistical Committee reconsider their recommendation for the 2013 allowable biological catch (ABC) limit in light of the most recent black sea bass landings and stock information. We are confident that this action will result in more reasonable harvest levels. We believe that this anticipated increase should be large enough to allow all of the affected States to have the same regulations that they had in 2012. Regulations were tough last year and negatively affected many fishermen and the various businesses that they support. Restricting us further from a healthy fishery particularly in these economic times while our coast is trying to recover from Hurricane Sandy is just wrong. Further leaving the regulations the same for two or more years would result in much more accurate data being acquired.

Additionally, we are aware that the FMP does not allow for conservation equivalency. However, we are in favor of an amendment to the plan that would make the necessary changes consistent with those proposed in the document

In recent years the options that have been best for New Jersey and some of the other states have not been the ones chosen by the majority. In the past, JCAA has favored State by State measures. We are confident that the New Jersey Marine Fisheries Council will make more prudent decisions than other states and therefore we are opposed to most regional management proposals. The regional approach tends to favor States that far exceed their target. Further regulations that are good for the northern part of a region might be far different than what is best for the southern part of the region. Last year there was a proposal for regional management where New Jersey would have been its own region. Since there were no public hearings on the development of proposals this year, we suggest that you add a proposal where the States to the South of NJ would be one region and the States to the north of NJ be another region. New Jersey would be its own region because the fishery we have here differs from that of the States north of us as well as the States south of us.

This year the proposed State by State measure is one of the least favorable options as it would force our State to have either a 52.8% or 53.2% reduction. Yet it seems to be the option that will favor the majority of the other States. Whether this is the option that is chosen or not, you need to be fair and follow the same procedure for 2014. Therefore in regard to Addendum XXIII, section 4.2 we support option 2 which would

extend the addendum by one year. These reductions would most likely be the same if New Jersey were to become its own region. All of the options being considered under section 4.1 are unacceptable. We are hopeful that you will consider our suggested alternatives. If not, we reluctantly support option 2 provided it is implemented for two years.

Additionally, we would like to comment further on the addendum as follows:

The Statement of the Problem has not presented a cogent case that there is indeed a problem. In fact it is obvious that the problem lies with an unrealistic harvest limit that is inconsistent with the historical information provided and the continued reliance on the fatally flawed MRFS data which has not been significantly improved by the introduction of the new MRIP system.

1. In the Stock Status section it is stated that “Based on the June 2012 update, the tock is not overfished and overfishing is not occurring, relative to the biological reference points. Spawning stock biomass (SSB) in 2011 is 24.6 million pounds.” Therefore the projected 2012 catch of 2.99 million pounds represents a catch rate of 12.15% of the SSB. It is not logical that removing 12.15% of the available fish will have a negative impact on the fishery.

2. A close examination of Table 5 shows a dramatic inconsistency between the harvest limit and the actual harvest. When the size limit was increased from 9” to 10” for the 1998 season the harvest limit dropped from 4 million pounds to 1.2 million pounds. As the fish had an opportunity to grow from 9” to 10” the harvest increased to 1.7 million pounds in 1999 and then 4.0 million pounds in 2000. In 2001 the size limit was again increased, this time to 11” and the season shortened. This resulted in a decrease in the harvest to 3.4 million pounds. This occurred while the harvest limit remained at 3.15 million pounds. In 2002 the size limit was raised to 11.5” and the season opened all year. This resulted in a harvest of 4.3 million pounds. For 2003 the size was raised yet again, this time to 12” and the season shortened. As expected the harvest dropped to 3.3 million pounds. The size limit remained at 12” for 2004 – 2008 and the harvest varied from a low of 1.56 million pounds in 2008 to a high of 2.25 million pounds in 2007. During this period the Harvest limit set dropped from 4.13 million pounds in 2005 to 2.11 million pounds in 2008. What we had for five years is a relatively consistent harvest and each year was below the harvest limit set. There was no apparent reason to increase the size limit and decrease the harvest limit almost in half for 2009. It was certainly no surprise to anglers who are actually out fishing that the harvest limit would be exceeded in 2009. The only thing that changed was the harvest limit. Simple common sense indicates that the problem was the harvest limit was set incorrectly. This pattern of changing the harvest limit and changing the seasons is the problem that we face today. The trends shown by the MRFS and MRIP data indicate that the fishery is healthy and that there is season to season variability in the catch levels. Additionally as protogenous hermaphrodites, most sea bass change to males by the time they reach 13”. With a size limit of 12 ½”, the vast majority of females are protected. This is the

reason that there are far more sea bass in our waters than assessments and surveys have shown. It is also why their size and range has been increasing. It seems to have been forgotten that MRFS and MRIP are designed to show trends in fishery abundance. They are in no way indicative of what is actually being caught. Until the sample size for the surveys is dramatically increased they will continue to be suspect.

Respectfully submitted,

Joseph Puntasecca
President - JCAA