

Atlantic States Marine Fisheries Commission

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

Black Sea Bass Recreational Management in 2012



ASMFC Vision Statement:

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

January 2012

DRAFT ADDENDUM FOR PUBLIC COMMENT

At the December 2011 Joint Mid-Atlantic Fishery Management Council (Council) and Atlantic States Marine Fisheries Commission (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) meeting, the Board and Council approved the following motion: Move to initiate an addendum to evaluate implementation of state-by-state or regional measures that would achieve the coastwide harvest limit of 1.32 million pounds.

The addendum proposes to allow state-by-state or regional management measures for the 2012 black sea bass fishery. 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 options of management for public consideration and comment.

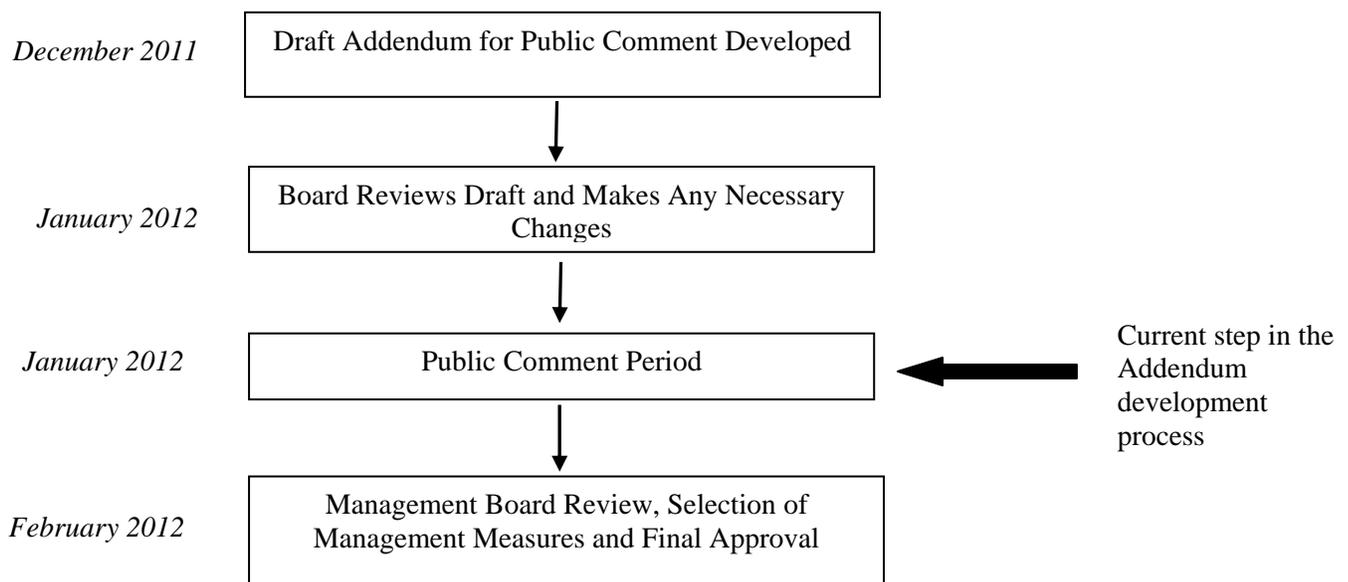
Specifically, the Commission is seeking comment on issues under section 4.0 Management measures.

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 5, 2012.** 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.

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At the Joint Mid-Atlantic Fishery Management Council (Council) and Atlantic States Marine Fisheries Commission (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) meeting held in December 2011, the Board and Council approved the following motion: Move to initiate an addendum to evaluate implementation of state-by-state or regional measures that would achieve the coastwide harvest limit of 1.32 million pounds.

1.0 Introduction

The Draft Addendum is initiated 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 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. During the last 15 years, the harvest target was exceeded 5 times, most recently in 2009 and 2010 when the harvest target was the lowest in the time series (Table 1). In 2009, the target was exceeded by 1.18 million pounds and by an estimated 1.15 million pounds in 2010. In 2011, the projected harvest is estimated at 0.99 million pounds, 0.8 million pounds under the harvest target.

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, they approved Addendum XXI which allowed for state-by-state measures in 2011 for state waters only. Table 2 shows the individual state regulations for the 2011 fishing year. This Addendum was for the 2011 fishing year only. The Board continues to have the same concerns for the 2012 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. Draft Addendum XXII proposes a program wherein the Board divides the recreational black sea bass coastwide allocations into state-by-state management for 2012 only.

Note: The Board has also initiated a second addendum that will fully explore state-by-state measures, similar to the scup and summer flounder fisheries, including allocation of state shares. This addendum will be considered later in 2012.

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. However, in recent years party/charter vessels, primarily from New Jersey and New York, participate in an offshore winter sea bass fishery during January and February.

An examination of the previous 6 years of recreational harvest data shows that the states of New Jersey, Delaware, Maryland, and Virginia have seen a decline in harvest (Figures 1-2) (there was with a slight increase in 2011 harvest in Delaware), Massachusetts and New York have seen an increase in harvest and then a decline in 2011 (Figures 1 and 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 (Table 3).

An examination of state-specific MRFSS harvest estimates by 'Area Harvested' (State v. EEZ waters) indicate that the majority of the black sea bass fishery occurs in state waters in Massachusetts, Rhode Island, Connecticut, and New York. For the states of Delaware to North Carolina the majority of fishery operates in the waters of the EEZ. The states of Virginia, New Jersey and Delaware in recent years have trended significantly closer to 50% of the harvest in state waters and 50% of the harvest in the EEZ.

Stock Status

The most recent 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 2011 update, the stock is not overfished and overfishing is not occurring, relative to the biological reference points. Fishing mortality in 2010 is $F = 0.41$, an increase from $F=0.32$ in 2009. This point estimate of F in 2010 is very close to the fishing mortality threshold

of $F=0.42$. Estimates for 2010 total biomass remain above the biomass maximum sustainable yield. Spawning stock biomass (SSB) in 2010 is 30.7 million pounds, which is 111% of the target SSB_{MSY} . Recruitment estimated by the model was relatively constant through the time series with the exception of the 1999 and 2001 year classes. These cohorts appeared to be the driving force behind the increase in biomass and SSB. The estimated average recruitment (age one) in 2010 (2009 cohort) was 26.8 million fish.

4.0 Proposed Management Program

The measures proposed in this addendum are only effective in state waters for one year only. Absent any subsequent action by the Board coastwide measures will implemented in 2013. 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 would be set in federal waters. Federal permit holders will have to follow regulations set by the National Marine Fisheries Service regardless of where they are fishing. The Council recommended the following regulations to NOAA Fisheries for 2012: 15 fish bag limit and May 19-October 14 and November 1- December 31 season with a 12.5 inch fish size limit and 25 fish bag limit.

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/liberalization that, when combined with the other states in the management unit, achieve the required coastwide reduction/liberalization for 2012 only.

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 or region. Tables would be adjusted for each state to account for past effectiveness of the regulations. Each would propose a combination of size limit, possession limit, and closed season that would constrain landings to the appropriate level. These proposals would then be reviewed by the Technical Committee and approved by the Board. States cannot 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 MRFSS 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 Management Options

Note: Under all of the options below the states of Delaware to North Carolina propose consistent regulations. These regulations are similar to those recommend to NOAA by the Council for federal waters (same bag and size limit but a slightly altered season). The Board has indicated they will wait until the federal rule making process has been initiated before considering

changing state regulations. There is a possibility that the states of DE to NC will change their regulations to be consistent with federal regulations once promulgated.

Option 1: Continuation of 2011 Measures with a Modification of North Carolina’s Measures

Under this option, states would implement state-by-state measures that were in place for the 2011 recreational fishing season with the exception of North Carolina. North Carolina would implement the same measures as Delaware, Maryland, PRFC, and Virginia for consistency of regulations with the southern states (previously North Carolina’s season was July 1-September 25 and November 1-December 31, all other measures were the same). Because the harvest in 2011 is estimated to be 989,000 pounds, it is projected that the 2011 state regulations with a slight modification would constrain the 2012 harvest to the target of 1.32 million pounds. State regulations as proposed under this option for 2012 would be as follows:

State	Minimum Size	Possession Limit	Open Season
Massachusetts	14”	10 fish	May 22 to October 11
Rhode Island	13”	12 fish	July 11 to 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 Hatteras 35° 15’N Latitude)	12.5”	25 fish	May 22 to October 11 and November 1 to December 31

Option 2. State-by-State Measures with Liberalization for the Northern Region

Under this option, the states of Massachusetts through New Jersey would be allowed to liberalize their regulations (see table below) based on the individual state performance from 2011 (Table 3). The states of Delaware through Virginia would have the same regulations as the 2011 season (see measures below). North Carolina would implement the same measures as Delaware, Maryland, PRFC, and Virginia for consistency of regulations with the southern states. This program combined is estimated to constrain the 2012 harvest to 1.32 million pounds.

If this option is adopted the states of Massachusetts through New Jersey would have to develop state proposals as identified above. A time frame to submit and approve proposals would be established by the Board upon final approval of the addendum.

State	% liberalization	% Reduction
MA	34%	
RI	16%	
CT		29%
NY	72%	
NJ	100%	

State	Size limit	Possession limit	Open season
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 Hatteras 35° 15' N Latitude)	12.5"	25 fish	May 22 to October 11 and November 1 to December 31

Option 3. 5 State Regional Liberalization and State-by-State Measures

Under this option, the states of Massachusetts through New Jersey would be allowed to liberalize their regulations by 57% based on the average performance from 2011 (Table 3). The states of Delaware through Virginia would have the same regulations as the 2011 season (see measures below). North Carolina would implement the same measures as Delaware, Maryland, PRFC, and Virginia for consistency of regulations with the southern states. This program combined is estimated to constrain the 2012 harvest to 1.32 million pounds.

If this option is adopted, the states of Massachusetts through New Jersey would have to develop a regional proposal as identified in section 4.0. A time frame to submit and approve proposals would be established by the Board upon final approval of the addendum. 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.

State	% liberalization
MA	57%
RI	57%
CT	57%
NY	57%
NJ	57%

State	Size limit	Possession limit	Open season
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	May 22 to October 11 and November 1 to December 31

Option 4. 4 State Regional Liberalization and State-by-State Measures

Under this option, the states of Massachusetts through New York would be allowed to liberalize their regulations up to 45% based on the average performance from 2011 (Table 3). The states have proposed the following measures for 2012: minimum size of 13 inches in RI, CT and NY and a minimum size of 14 inches MA, a possession limit 12 fish in MA, RI, CT, and NY, and an open season of July 1 - Dec 31 in RI, CT, and NY and an open season of May 12-October 27 in MA. Note that the states have indicated there may be some adjustment to the season dates.

New Jersey would be allowed to liberalize up to 100% based on the performance from 2011. The states of Delaware through Virginia would have the same regulations as the 2011 season (see measures below). North Carolina would implement the same measures as Delaware, Maryland, PRFC, and Virginia for consistency of regulations with the southern states.

This program combined is estimated to constrain the 2012 harvest to 1.32 million pounds.

If this option is adopted, the states of Massachusetts through New York would have to develop a regional proposal and New Jersey would develop a state proposal as identified in section 4.0. A time frame to submit and approve proposals would be established by the Board upon final approval of the addendum. 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.

State	% liberalization
MA	44%
RI	44%
CT	44%
NY	44%
NJ	100%

State	Size limit	Possession limit	Open season
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	May 22 to October 11 and November 1 to December 31

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
Harvest Limit (mlbs)	4.01	4.13	3.99	2.47	2.11	1.14	1.83	1.78
Harvest (mlbs)	1.67	1.89	1.99	2.25	1.56	2.32	2.98**	0.99
Size (inches)	12	12	12	12	12	12.5	12.5	See table 2
Bag[^]	25	25	25	25	25	25	25	See table 2
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

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

** 2011 Harvest is a preliminary estimate of harvest from waves 1-6.

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

Table 2. 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
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Virginia	12.5	25 fish	May 22 to October 11 and November 1 to December 31
North Carolina (North of Cape Hatteras 35° 15'N Latitude)	12.5	25 fish	July 1 to September 25 and November 1 to December 31

Table 3. State-by-state harvest in number of fish for 2009-2011.

State	2009 harvest	% of the 2009 coastwid harvest	2010 harvest	% of the 2010 coastwide harvest	2011 estimated harvest*	% of the 2011 coastwide estimated harvest*
MA	311,876	19%	482391	25%	182,400	28%
RI	32,241	2%	145877	8%	64,853	10%
CT	293	0%	14783	1%	13,199	2%
NY	454,039	28%	605863	32%	164,668	25%
NJ	608,338	38%	548352	29%	127,098	19%
DE	50,471	3%	22448	1%	45,963	7%
MD	30,350	2%	42210	2%	20,982	3%
VA	102,418	6%	20307	1%	21,034	3%
NC**	9,448	1%	23,934	1%	13,945	2%
Coastwide	1,599,474	100%	1,906,165	100%	654,142	100%

*2011 harvest estimates are preliminary and wave 6 harvest has been projected from previous year.

** NC harvest is north of Cape Hatteras only.

6.0. Figures

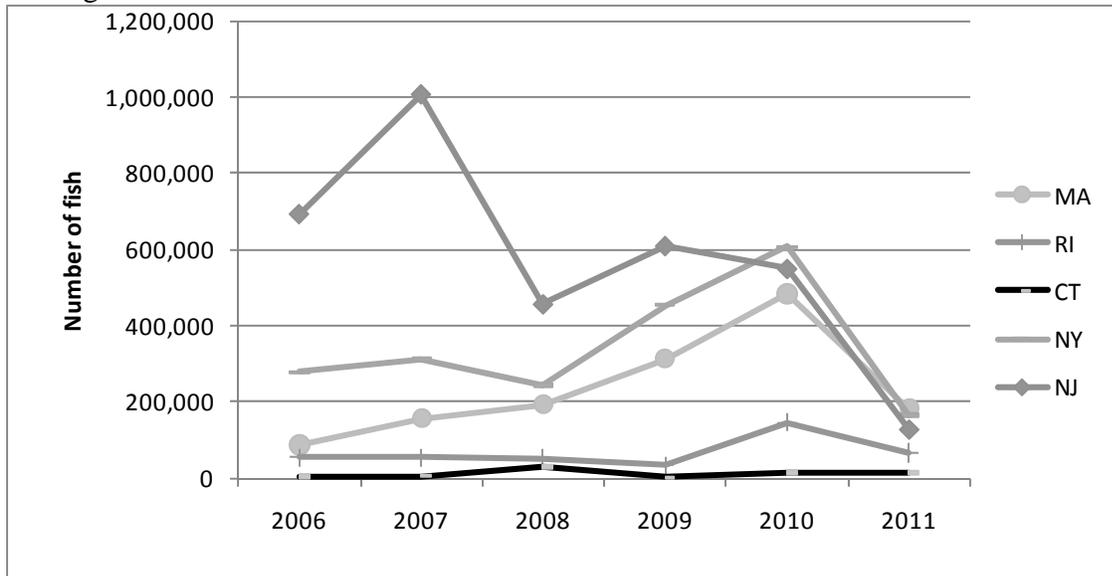


Figure 1. Recreational harvest estimates by state (MA-NJ) from 2006 to 2011. 2011 estimates are preliminary (wave 6 estimates are projected using prior year data).

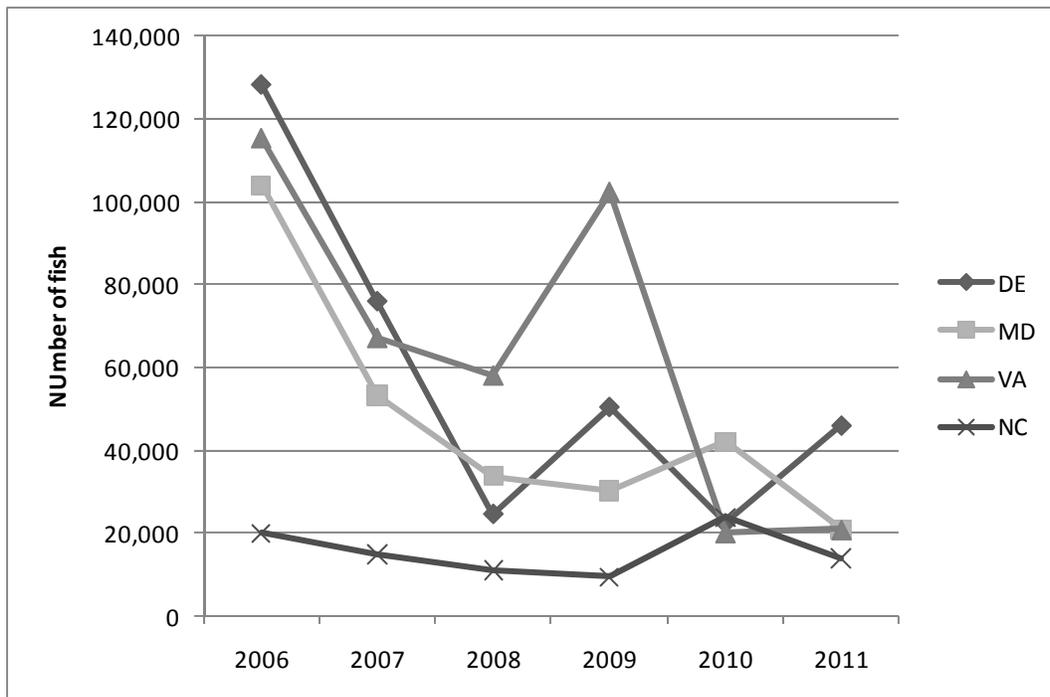


Figure 2. Recreational harvest estimates by state (DE-NC) from 2006 to 2011. 2011 estimates are preliminary (wave 6 estimates are projected using prior year data).

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.