



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Summer Flounder, Scup, and Black Sea Bass Board
FROM: Toni Kerns, Fisheries Policy Director
DATE: July 26, 2021
SUBJECT: Upcoming Board Action

Summary

In February 2021, the Summer Flounder, Scup and Black Sea Bass Board (Management Board) approved [Addendum XXXIII](#), which made modifications to the state allocations of the commercial black sea bass quota. The Mid-Atlantic Fishery Management Council (Council) took the same action via a separate management document. One of the allocation changes was to increase Connecticut's baseline allocation from 1% to 3% of the coastwide quota to address its disproportionately low allocation compared to the increased availability of black sea bass in state waters. The allocations for all states are then calculated by allocating 75% of the coastwide quota according to the new baseline allocations (i.e., the historical allocations modified to account for Connecticut's increase to 3%) and 25% to three regions based on the most recent regional biomass distribution information from the stock assessment.

In March, the State of New York [appealed](#) the allocation changes approved by the Management Board. The appeal argued that New York's baseline quota should increase similarly to that of Connecticut as it too had experienced a significant disparity between allocation and abundance/availability of black sea bass in Long Island Sound, which is shared by New York and Connecticut.

The Interstate Fisheries Management Program Policy Board (Policy Board) [considered the appeal and found it was justified](#). The Policy Board has remanded section 3.1.1 of Addendum XXXIII (which addresses only baseline allocations) back to the Management Board for corrective action to address impacts to New York's baseline allocation in a manner comparable to the consideration given to Connecticut. The Policy Board specified the Management Board's corrective action should not result in a decrease in Connecticut's 3% baseline allocation nor decrease the percentage of quota allocated according to regional biomass distribution (i.e., 25%).

The Policy Board's action specifies the Management Board must increase New York's baseline allocation by up to 2%, while maintaining Connecticut's baseline allocation of 3% (more details provided below). No other aspects of these allocations, and no other alternatives in the associated Addendum, may be revised by the Management Board.

In June, the Council agreed to revisit its recommendations for the allocation percentages with the intent of maintaining the same final recommendations as the Management Board.

Clarification of the Policy Board Motion

Policy Board Motion to Remand Action to the Management Board: *Move to remand Addendum XXXIII, specifically Section 3.1.1. Baseline Quota Allocations, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Board*

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should not result in a Connecticut baseline allocation less than 3% or decrease the percentage of quota redistributed according to regional biomass.

In the above motion the Policy Board stated, "...corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Board should not result in a Connecticut baseline allocation less than 3%..." as part of the corrective action. A question was raised if Connecticut's base line could be changed because the motion used "should" vs will not. After review of the minutes, the Policy Board Chair concluded it was the Policy Board's intent to not adjust Connecticut's baseline quota.

Summer Flounder, Scup, and Black Sea Bass Management Board voting procedures with the Mid-Atlantic Fishery Management Council for August 4th meeting.

The Board will be meeting in early August to determine the appropriate increase in New York's baseline quota as a result of the appeal filed by the state. The traditional "joint" voting process presents some challenges under the Commission's appeal process. Linking the Commission's and Council's votes may limit the Board's ability to make the changes required for this appeal.

To address the difficulties resulting from the joint voting process, the below modified voting process will be used for the meeting on August 4th.

*****This voting process will only be used for this unique meeting to address the appeal.*****

- Following the presentation and discussion of the background on Policy Board remand, the Management Board will be given the opportunity to make the first motion. Once a motion is made by the Management Board, the Council will then be given the opportunity to make a like motion.
- The Management Board and Council will jointly discuss the motions. If the Council does not make a like motion, the Management Board's motion will be discussed.
- After the discussion on the motion the Management Board will conduct a roll call vote.
- If the Management Board passes the motion, the Council will then vote (if a like motion was made).
- If the motion fails the Management Board vote, the Board (and Council) will need to make a new motion(s). The Board will have the first opportunity to make the next motion and after discussion on the motion the Board will conduct a roll call vote (this process will repeat until the Management Board passes a motion).
- If the Council passes the motion, then both bodies have approved like motions.
- If the motion fails the Council vote, the Management Board motion is still valid and stands approved.