



**Mid-Atlantic Fishery Management Council**

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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
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## **M E M O R A N D U M**

**Date:** November 30, 2018  
**To:** Council and ASMFC Summer Flounder, Scup, and Black Sea Bass Board  
**From:** Julia Beaty, Council staff  
**Subject:** Black Sea Bass Recreational Measures for 2019

On December 11, 2018, the Mid-Atlantic Council and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board will discuss black sea bass recreational management measures for 2019.

The following materials are included behind this tab to aid in consideration of this subject:

- 1) Staff memo on black sea bass recreational measures, dated November 7, 2018
- 2) Proposed rule for 2019 black sea bass recreational harvest limit
- 3) Summary of November 13, 2018 Summer Flounder, Scup, and Black Sea Bass Monitoring Committee meeting
- 4) Summary of November 19, 2018 Summer Flounder, Scup, and Black Sea Bass Advisory Panel meeting
- 5) Additional Advisory Panel comments



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## MEMORANDUM

**Date:** November 7, 2018  
**To:** Chris Moore, Executive Director  
**From:** Julia Beaty, Staff  
**Subject:** Black Sea Bass Recreational Management Measures for 2019

### Introduction and Background

In August 2018, the Council and the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Board (Board) recommended a 3.27 million pound recreational harvest limit (RHL) for 2019, an 11% reduction from the 2018 RHL (Table 1). The recommended 2019 RHL is based on the Scientific and Statistical Committee's (SSC's) acceptable biological catch (ABC) recommendation, the Monitoring Committee's recommendation that the annual catch target be set equal to the annual catch limit (ACL), and an assumption that the proportion of total landings and total discards, as well the proportions of commercial and recreational discards, will be the same as in 2013 - 2015.

The proposed 2019 RHL has not yet been approved and implemented by the National Marine Fisheries Service (NMFS). Staff at the NMFS Greater Atlantic Regional Fisheries Office (GARFO) have indicated that they may implement the 2018 RHL of 3.66 million pounds in 2019, rather than the Council and Board proposed 2019 RHL of 3.27 million pounds. Since the proposed rule has not yet published, GARFO's justification for a *status quo* RHL is unknown at this time.

The SSC's 2019 ABC recommendation is based on biomass projections provided with the 2016 benchmark stock assessment and application of the Council's ABC control rule and risk policy for a species with a typical life history. The 2016 benchmark stock assessment concluded that the stock was not overfished and overfishing was not occurring in 2015. Spawning stock biomass (SSB) in 2015 was approximately 2.3 times the SSB target. The fishing mortality rate in 2015 was 25% below the fishing mortality threshold reference point.<sup>1</sup>

The 2011 year class was nearly three times the 1989-2015 average and has had a major impact on abundance, availability, and fishery catches in recent years. The size of the 2014 year class (the most recent year class for which abundance estimates are available) was comparable to average recruitment during 1989 - 2015.<sup>2</sup> Estimates of the size of the 2015-2018 year classes are not

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<sup>1</sup> The 2016 benchmark stock assessment is available at: <https://www.nefsc.noaa.gov/publications/crd/crd1703/>

<sup>2</sup> Ibid

currently available; however, data on fishery catch, landings, and discards, as well as Northeast Fisheries Science Center (NEFSC) and state survey catches through 2017 suggest that the 2015 year class is above average in both the northern and southern states (Maine - New Jersey and Delaware - Cape Hatteras, North Carolina, respectively).<sup>3</sup>

Estimates of the size of the 2015 year class were not available to be incorporated into the 2016 benchmark stock assessment and associated biomass projections. As such, the SSC's 2019 ABC recommendation does not explicitly account for the size of 2015 year class. In July 2018, the SSC considered fishery and survey catches through 2017 and concluded that, in the absence of new biomass projections, there was no compelling reason to modify their 2019 ABC recommendation, which they first recommended in 2017 after considering the results of the 2016 benchmark stock assessment.<sup>4</sup>

Each year, the Monitoring Committee is tasked with recommending recreational management measures to constrain recreational harvest to the upcoming year's RHL. There are unique circumstances regarding the data available to inform development of 2019 recreational management measures. In July 2018, the Marine Recreational Information Program (MRIP) released revisions to their time series of recreational catch and landings estimates based on adjustments for a revised angler intercept methodology and a new effort estimation methodology, namely, a transition from a telephone-based effort survey to a mail-based effort survey. The revised estimates for most years are several times higher than the previous estimates for shore and private boat modes, substantially raising the overall black sea bass catch and harvest estimates (Figure 1). Until these revised estimates are incorporated into stock assessments, the implications for stock status, biomass, and catch limits are uncertain. A black sea bass operational stock assessment update incorporating the new MRIP data as well as fishery and survey data through 2017 is expected to be completed in April 2019. Council staff recommend that the revised MRIP estimates not be used in management until after the operational stock assessment update is complete and the impacts of the new MRIP estimates on stock status and catch limits are known.

Back-calculated estimates based on the previous MRIP estimation methodology are currently available through August 2018. All 2018 estimates are preliminary. Council staff recommend that these back-calculated estimates be used to develop 2019 recreational management measures. Depending on the timing of availability of the results of the forthcoming operational stock assessment update and the priorities of the Council and Board, it may be possible to revise the 2019 recreational measures mid-year based on the new assessment information and the new MRIP estimates.

### **Past RHLs and Management Measures**

Black sea bass RHLs ranged from a high of 4.29 million pounds in 2017 to a low of 1.14 million pounds in 2009. The RHLs have been declining since 2017 based on declining biomass projections associated with the 2016 benchmark stock assessment. As previously stated, the 2018 RHL is 3.66 million pounds and the Council and Board recommended 2019 RHL is 3.27 million pounds (Table 1).

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<sup>3</sup> Available at: [http://www.mafmc.org/s/3\\_2018-Black-Sea-Bass-Data-Update\\_06\\_18.pdf](http://www.mafmc.org/s/3_2018-Black-Sea-Bass-Data-Update_06_18.pdf)

<sup>4</sup> The July 2018 SSC meeting report is available at: <http://www.mafmc.org/s/July-2018-SSC-Report.pdf>

Black sea bass from Maine through Cape Hatteras, North Carolina are managed jointly by the Council in federal waters and the Commission and member states in state waters. NMFS implements and enforces measures in federal waters. Until 2010, the recreational black sea bass fishery was managed with coastwide measures as dictated by the Fishery Management Plan, which included an identical minimum fish size, possession limit, and open season in both state and federal waters. Since 2011, the Commission has developed addenda to enable state-specific and regional management measures in state waters, which has been referred to as “ad hoc regional management.” In recent years, this process has essentially resulted in two regions: the northern states of Massachusetts through New Jersey, which set state-specific measures, and the southern states of Delaware through North Carolina (north of Cape Hatteras), which typically set measures consistent with federal measures given that most harvest from those states is taken in federal waters. Most recreational harvest in the northern states occurs in state waters (Table 2); thus, landings in the northern states have been primarily constrained by state measures rather than federal measures. Where state and federal measures differ, federal party/charter permit holders are bound by whichever regulations are more restrictive, regardless of where they fish. The federal party/charter permit is an open access permit, which enables individuals to drop their federal permit when state waters are open but federal waters are closed, allowing them to fish in state waters during this time. They can reapply for the federal permit after this period of inconsistency is complete.

Since 2011, there has not been a consistent approach to achieving reductions or liberalizations in state and federal waters. Reductions in recreational harvest were required each year from 2013 through 2015, requiring implementation of more restrictive bag, size, and/or season limits in some or all states and in federal waters, depending on the year. Most harvest in recent years (e.g., approximately 94% during 2013-2017) came from Massachusetts - New Jersey (Figure 2); therefore, these states took greater reductions in 2015 and 2016 compared to Delaware - North Carolina and compared to federal waters. In 2016 and 2017, measures remained essentially unchanged from 2015 with minor changes in some states. Some liberalizations took place in 2018 (e.g., removal of the fall federal waters closure and liberalizations in some state waters seasons; Table 3 and Table 4).

In 2018, the Council and Board provided states the opportunity to open their recreational black sea bass fisheries during February for the first time since 2013 under specific constraints. They agreed to continue this approach in 2019. States must opt in to this fishery. Participating states will have a 12.5 inch minimum fish size limit and a 15 fish possession limit during February 2019. Those states may need to adjust their recreational management measures during the rest of the year to account for expected February harvest to help ensure that the coast-wide RHL is not exceeded. Expected February harvest by state will be defined as shown in Table 5 based on the recommendations of the Council and Board. At this time, it is not known which states intend to participate in the February 2019 fishery. In 2018, only Virginia and North Carolina participated in this fishery.

### **Recreational Catch and Landings Trends and 2018 Projections Based on Pre-Calibration MRIP Estimates**

Recreational black sea bass catch fluctuated from a peak of 29.17 million fish in 1986 to a low of 4.33 million fish in 1984. Harvest fluctuated from a peak of 21.90 million fish and 12.46 million pounds in 1986 to a low of 0.82 million fish and 1.17 million pounds in 2011. Harvest from

Maine through Cape Hatteras, NC was estimated to be 4.16 million pounds in 2017, 3% below the 2017 RHL of 4.29 million pounds. This was the first time since 2011 that harvest was below the RHL (Table 1).

MRIP data for 2018 are currently incomplete and preliminary. To date, only the first four waves (January - August) of catch and landings data for 2018 are available. Preliminary data based on the “pre-calibration” MRIP methodology indicate that 7.62 million black sea bass were caught and 1.25 million black sea bass, or 2.47 million pounds, were harvested from Maine through Cape Hatteras, North Carolina during January - August 2018 (Table 6). Harvest in weight through August 2018 was about 13% below wave 1-4 harvest in 2017 and corresponds to about 67% of the 2018 RHL of 3.66 million pounds.

Preliminary wave 1-4 data for 2018 were used to project catch and harvest for the entire year by assuming the same proportion of catch and landings by wave and state as the 2015-2017 average proportions. Using 2015-2017 averages, as opposed to 2017 proportions by wave, should help account for interannual variability in MRIP estimates and interannual variability in availability of the strong 2011 and 2015 year classes. Modifications were made to the projections for Massachusetts, Delaware, Maryland, Virginia, and North Carolina to account for changes in the open seasons in 2018 compared to previous years.

The wave 1 harvest estimate for Virginia was increased by 3,166 fish and 6,459 pounds to account for recreational harvest during February 2018, which was not sampled by MRIP. The Virginia wave 1 catch estimate was increased by 4,175 fish. These catch and harvest estimates are based on data provided by Virginia Marine Resources Commission staff.

The projected wave 5 catch and harvest estimates for Delaware - North Carolina were doubled to account for an approximate doubling of the number of open days in wave 5 in those states in 2018 compared to 2015-2017.

The recreational black sea bass fishery in Massachusetts was open for 12 days during wave 5 in 2018 (September 1 - 12). Wave 5 had previously been closed in Massachusetts for several years, thus it is not possible to use past proportions of harvest by wave to predict 2018 wave 5 harvest in Massachusetts. Instead, the average wave 4 daily harvest in 2015-2017 was multiplied by 12 to generate a 2018 wave 5 harvest estimate. This is likely an over-estimate given that effort during wave 4 (July-August) is likely greater than during the wave 5 (September-October).

Council staff considered revising projected wave 5 harvest in Rhode Island to account for changes in the open season in 2018 compared to 2017. All of wave 5 was open in Rhode Island during 2018, 2016, and 2015; however, only 30 days were open in 2017. Staff calculated the average harvest per day in wave 5 during 2015-2017 and multiplied it by the number of open days in wave 5 in 2018. This resulted in 275,848 pounds of 2018 wave 5 harvest, compared to 316,353 pounds when projecting based on average proportions of harvest by wave during 2015-2017. Staff used the latter estimate when calculating the total coast-wide (Maine - Cape Hatteras, NC) 2018 projected harvest.

Based on this methodology, projected 2018 harvest from Maine through Cape Hatteras, North Carolina is 3.85 million pounds, 5% greater than the 2018 RHL of 3.66 million pounds. Projected harvest in numbers of fish is 1.97 million fish and projected catch is 14.16 million fish (Table 7 -

Table 10). As shown in Table 8, projected 2018 harvest is 7% lower than both 2017 harvest and average 2015-2017 harvest.

Wave 5 may account for a lesser proportion of 2018 landings in New York due to changes in the regulations in 2018 compared to 2016-2017 and 2015.<sup>5</sup> Adjustments were not made to account for these changes in regulations. As such, projected 2018 wave 5 harvest in New York may be an over-estimate (Table 8).

New Jersey had four different bag limits, depending on the time of year, in 2018, three different bag limits in 2016 and 2017 and two different bag limits in 2015. New Jersey had two different minimum fish sizes during different times of year in 2018 and 2016 and a single minimum fish size in 2015 and 2017 (Table 3 and Table 4). These changes in regulations may invalidate the assumption that 2018 proportions of harvest by wave will be similar to 2015-2017 average proportions; however, due to the complexity of the regulation changes, no adjustments were made to the projections to account for these changes (Table 8).

For comparison purposes, when using only 2017 proportions of harvest by wave and the state-specific modifications described above, projected 2018 harvest is 4.36 million pounds, 13% greater than the estimate based on average 2015-2017 harvest. As previously stated, using 2015-2017 averages helps account for inter-annual variability in the MRIP data and in availability of black sea bass. As such, Council staff recommend using 2015-2017 averages as the basis for the 2018 projections.

### **Accountability Measures**

Pound-for-pound paybacks of recreational ACL overages are not necessarily required in a subsequent fishing year. Instead, AMs are tied to stock status, and though paybacks are required in some circumstances, payback amounts are scaled relative to biomass, as described below.

The 3-year average recreational ACL is evaluated against the 3-year average of total catch. Both landings and dead discards are evaluated when determining if the 3-year average recreational ACL has been exceeded. If so, the appropriate AM will be determined based on the following criteria:

1. If the stock is overfished ( $B < \frac{1}{2} B_{MSY}$ ), under a rebuilding plan, or the stock status is unknown: The exact amount, in pounds, by which the most recent year's recreational ACL has been exceeded, will be deducted in the following fishing year, or as soon as possible once catch data are available.
2. If biomass is above the threshold, but below the target ( $\frac{1}{2} B_{MSY} < B < B_{MSY}$ ), and the stock is not under a rebuilding plan:
  - a. If only the recreational ACL has been exceeded, then adjustments to the recreational management measures (bag, size, and seasonal limits) would be made in the following year, or as soon as possible once catch data are available. These adjustments would take into account the performance of the measure and conditions that precipitated the overage.

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<sup>5</sup> 2018 measures included a 15 inch minimum size with a 3 fish bag limit during June 23 - August 31 and a 7 fish bag limit during September 1 - December 31. Measures in 2016 and 2017 included a 15 inch minimum size with a 3 fish bag limit during June 27 - August 31, an 8 fish bag limit during September 1 - October 31, and a 10 fish bag limit during November 1 - December 31. Measures in 2015 included a 14 inch minimum size with a 8 fish bag limit during July 15 - October 31 and a 10 fish bag limit during November 1 - December 31.

- b. If the ABC is exceeded in addition to the recreational ACL, then a single year deduction will be made as a payback, scaled based on stock biomass. The calculation for the payback amount is: (overage amount) \*  $(B_{msy}-B)^{1/2} B_{msy}$ .
3. If biomass is above the target ( $B > B_{MSY}$ ): Adjustments to the recreational management measures (bag, size, and seasonal limits) would be made in the following year, or as soon as possible once catch data are available. These adjustments would take into account the performance of the measures and conditions that precipitated the overage.

Average recreational catch in 2015-2017 was 4.38 million pounds, about 47% higher than the 2015-2017 average recreational ACL of 3.93 million pounds (Table 11). Given that biomass is currently above the target, the AM regulations require consideration of adjustments to the recreational bag, size, and/or season limits in response to this overage, taking into account the performance of the measures and conditions that precipitated the overage. Previous Monitoring Committee comments on this issue indicated that the 2015 and 2016 overages occurred when the stock was rapidly expanding and availability to anglers was very high. At the same time, due to the lack of an approved stock assessment, the RHLs were set at levels that were not reflective of the large and increasing stock abundance.<sup>6</sup> The results of the 2016 benchmark stock assessment suggest that the 2015 and 2016 ACLs were not reflective of stock status and could have been much higher if a new assessment had been available at the time, and recreational overages would likely not have occurred to the same degree. For this reason, as in 2017, staff recommend that a recreational AM not be applied based on a comparison of 2015-2017 average catch to the 2015-2017 average ACL.

### **Monitoring Committee Responsibility**

The Monitoring Committee is tasked with recommending recreational management measures that will ensure that the 2019 RHL is not exceeded. As previously stated, the Council and Board-recommended 2019 RHL is 3.27 million pounds, an 11% decrease from the 2018 RHL of 3.66 million pounds. GARFO may propose maintaining the 2018 RHL of 3.66 million pounds in 2019. A proposed rule for the 2019 RHL has not yet published.

Projected 2018 recreational harvest is 3.85 million pounds, 5% greater than the 2018 RHL and 18% greater than the Council and Board-recommended 2019 RHL. As such, the Monitoring Committee should consider if more restrictive bag, size, or season limits are necessary in state and/or federal waters to ensure that the 2019 RHL is not exceeded. The Monitoring Committee should also consider if any adjustments are needed to the projection methodology described on pages 3-4.

State waters measures will be determined in early 2019 through a separate Commission process after preliminary 2018 wave 5 and 6 data are available. As such, any Monitoring Committee recommendations for state waters measures will be revisited in early 2019. The state waters measures in Delaware through North Carolina (north of Cape Hatteras) have matched the federal waters measures for the past several years. Most recreational harvest in those states originates in federal waters, as opposed to Massachusetts through New Jersey, where state waters account for a greater proportion of harvest (Table 2). The Monitoring Committee should keep this in mind when

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<sup>6</sup> See January 26, 2017 Monitoring Committee meeting summary, available at: [http://www.mafmc.org/s/Tab06\\_BSB-Specifications.pdf](http://www.mafmc.org/s/Tab06_BSB-Specifications.pdf), pages 2-9.

recommending state and federal waters measures for 2019.

To aid in consideration of potential changes to management measures, additional information is provided on projected percent liberalizations or reductions in harvest associated with opening or closing one day per wave in Delaware - North Carolina (north of Cape Hatteras; Table 12), and on the length frequency of recreational harvest and discards (Figure 3). Staff recommendations for potential regulatory changes are provided later in this document.

### **Fishing Trips and Year Class Effects**

In general, recreational fishing effort, catch, and harvest in the upcoming year is expected to be similar to harvest in the current year; however, this assumption does not always hold true.

Predicting the recreational fishing effort in 2019 is not straightforward. The number of directed recreational black sea bass trips is variable, but has been generally increasing since 2011 (Table 13). Changes in fishing site characteristics (travel costs, catch rates, available species, water quality, etc.), fishery management measures (e.g., possession limits, size restrictions, closed seasons), and angler demographics can affect fishing effort. Typically, the Monitoring Committee assumes that fishing behavior in the upcoming year will be similar to recent years; however, this assumption does not always hold true.

Year class strength influences fish availability, which in turn influences recreational catch and the impacts of management measures. For example, the 2011 year class was nearly three times the 1989-2015 average and has been much more prevalent in the northern states than in the southern states. This has resulted in much higher black sea bass availability in the northern states than in the southern states over the past several years, which has had a notable impact on recreational catches. The 2012 - 2014 year classes are estimated to be similar in abundance to the 1988-2014 average.<sup>7</sup> Estimates of the size of the 2015 year class are not currently available, but catches in fisheries independent surveys and fishery discards suggest that the 2015 year class is above average in both the northern and southern states.<sup>8</sup> In 2019, most of the remaining fish in the 2015 will year class will be large enough to be retained in the recreational fishery in most states and federal waters, assuming the minimum fish sizes remain unchanged from 2018 (Gary Shepherd, NEFSC, personal communication). This should be considered when developing recommendations for 2019 recreational management measures.

### **Staff Recommendation for 2019 Federal Recreational Measures**

As previously stated, state waters measures for 2019 will be developed through a separate Commission process in early 2019. State waters measures in Delaware through North Carolina (north of Cape Hatteras) typically match the federal waters measures. Projected 2018 recreational harvest from Maine through Cape Hatteras, North Carolina is 3.85 million pounds. The Council and Board-recommended 2019 RHL is 3.27 million pounds. GARFO has indicated that they may implement a 3.66 million pound RHL for 2019 (identical to the 2018 RHL). Projected 2018 harvest

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<sup>7</sup> Northeast Fisheries Science Center. 2017. 62nd Northeast Regional Stock Assessment Workshop (62nd SAW) Assessment Report. US Department of Commerce, Northeast Fisheries Science Center Reference Doc. 17-03; 822 p. Available: at <http://nefsc.noaa.gov/publications/>.

<sup>8</sup> Northeast Fisheries Science Center. 2018. Black Sea Bass 2017 Catch and Survey Information for Stock North of Cape Hatteras, NC - Report to the Mid-Atlantic Science and Statistical Committee. Available at: <http://www.mafmc.org/ssc-meetings/2018/july-17-18>

is 18% greater than the Council and Board-recommended 2019 RHL and 5% greater than the 2018 RHL. These values may change once preliminary wave 5 and 6 data are available and may change based on Monitoring Committee recommendations for revisions to the projection methodology, if any.

*If a status quo RHL of 3.66 million pounds is implemented,* then the 2018 harvest projections suggest that harvest should be reduced by 5% to ensure that the 2019 RHL is not exceeded. Given some level of uncertainty regarding the accuracy of the projections, combined with the current condition of the stock (i.e., SSB well above the target, fishing mortality below the threshold, and signs of an above-average 2015 year class), and given the forthcoming operational assessment update, which will incorporate the revised MRIP estimates and will provide updated information on stock status, Council staff recommend no changes to any state or federal waters recreational measures for 2019 if a status quo RHL of 3.66 million pounds is implemented.

*If the Council and Board-recommended 2019 RHL of 3.27 million pounds is implemented,* then the 2018 harvest projections suggest that harvest should be reduced by 18% to ensure that the 2019 RHL is not exceeded. In past years, given that most of the coastwide harvest occurs in Massachusetts - New Jersey state waters (Table 2, Figure 2), Council staff and the Monitoring Committee have recommended that those states adjust their measures to account for most of the needed reductions while the southern states (Delaware through North Carolina, north of Cape Hatteras) and federal waters measures remain unchanged. For 2019, staff recommend that measures be adjusted in northern and southern states and in federal waters to address the 18% reduction in harvest that will be necessary if a 3.27 million pound RHL is implemented. Federal waters and Delaware - North Carolina state waters measures were notably liberalized in 2018 due to removal of the September 22 - October 21 closure. Some northern states also liberalized their measures in 2018 (Table 3 and Table 4).

As previously stated, state waters measures will be developed through a separate process in early 2019 after preliminary wave 5 - 6 data are available. The needed 18% reduction under a 3.27 million pound RHL may be modified based on wave 5 - 6 data. Specific recommendations for federal waters measures are presented below. These recommendations are based on their expected impacts on harvest in Delaware - North Carolina (north of Cape Hatteras) based on the assumption that state waters measures in those states will continue to match the federal waters measures. Changes in the minimum fish size were not analyzed, given strong opposition to increases in minimum fish sizes in the past.

The analysis supporting the following recommendations assumed that changes in regulations would not result in changes in fishing behavior in 2019 compared to 2015-2017. For example, it was assumed that levels of non-compliance with a revised bag limit would be identical to levels of non-compliance with the 2018 bag limit. It was assumed that there would be full compliance with the season regulations. It was also assumed that harvest is evenly distributed throughout each wave. These assumptions are undoubtedly inaccurate; however, they are necessary given the data available and the difficulty in predicting changes in fishing behavior.

As previously stated, during 2015-2017, federal waters and state waters in Delaware through North Carolina (north of Cape Hatteras), and some other states, were closed for 30 days in wave 5; however, all of wave 5 was open in 2018. If this closure were to be re-instated in 2018, it would be expected to result in a 20% reduction in harvest in Delaware - North Carolina. To achieve an

18% reduction in harvest in Delaware - North Carolina, 26 days could be closed in wave 5, or 10 days in wave 5 and all of wave 6 could be closed. If days in both wave 5 and wave 6 are closed, staff recommend that they be consecutive (e.g., October 22 - December 31).

A year-round 6 fish bag limit would be needed to achieve an 18% reduction in harvest in Delaware - North Carolina (north of Cape Hatteras) if all other regulations were unchanged from 2018. A 6 fish bag limit achieves a nearly 21% reduction, while a 7 fish bag limit achieves a 17% reduction. A bag limit reduction of this magnitude is likely not desirable.

A combination of a year-round 12 fish bag limit (which alone achieves only a 4% reduction in harvest) and a closure during October 27 - December 31 results in an 18% reduction in harvest in Delaware through North Carolina (north of Cape Hatteras).

Similar to past years, the Council and Board should approve a set of backstop measures, to be implemented coastwide if Massachusetts through New Jersey do not take action to address the needed reduction. For 2018, the Council and Board approved a 14 inch minimum size, a 5 fish possession limit, and a season of May 15 - September 15 as backstop measures. These measures were calculated to achieve the 2018 RHL if implemented in all states and in federal waters. Council staff have not made similar calculations for backstop measures based on the Council and Board-recommended 2019 RHL of 3.27 million pounds. If the Monitoring Committee supports this approach, they should develop recommendations for appropriate backstop measures.

Table 1: Summary of federal waters management measures for the black sea bass recreational fishery, 1997-2018. All measures are in millions of pounds, unless otherwise noted.

Year	ABC	Rec. ACL	RHL <sup>a</sup>	Rec. harvest <sup>b</sup>	% over/under RHL	Possession limit (# of fish)	Size limit (inches, total length)	Open season
1997	-	-	-	4.4	-	-	9	1/1-12/31
1998	-	-	3.15	1.29	-59%	-	10	1/1-7/30 8/16-12/31
1999	-	-	3.15	1.7	-46%	-	10	1/1-12/31
2000	-	-	3.15	4.12	+31%	-	10	1/1-12/31
2001	-	-	3.15	3.6	+14%	25	11	1/1-2/28 5/10-12/31
2002	-	-	3.43	4.44	+29%	25	11.5	1/1-12/31
2003	-	-	3.43	3.45	+1%	25	12	1/1-9/1 9/16-11/30
2004	-	-	4.01	1.97	-51%	25	12	1/1-9/7 9/22-11/30
2005	-	-	4.13	1.88	-54%	25	12	1/1-9/7 9/22-11/30
2006	-	-	3.99	1.8	-55%	25	12	1/1-12/31
2007	-	-	2.47	2.17	-12%	25	12	1/1-12/31
2008	-	-	2.11	2.03	-4%	25	12	1/1-12/31
2009	-	-	1.14	2.56	+125%	25	12.5	1/1-12/31
2010	4.50	-	1.83	3.19	+74%	25	12.5	1/1-10/5
2011	4.50	-	1.84	1.17	-36%	25	12.5	5/22-10/1 11/1-12/31
2012	4.50	-	1.32	3.18	+141%	15 or 25 <sup>c</sup>	12.5	1/1-2/29 5/19-10/14 11/1-12/31
2013	5.50	2.9	2.26	2.46	+9%	20	12.5	5/19-10/14 11/1-12/31
2014	5.50	2.9	2.26	3.67	+62%	15	12.5	5/19-9/21 10/18-12/31
2015	5.50	2.9	2.33	3.79	+63%	15	12.5	5/15-9/21 10/22-12/31
2016	6.67	3.52	2.82	5.19	+84%	15	12.5	5/15-9/21 10/22-12/31
2017	10.47	5.38	4.29	4.16	-3%	15	12.5	5/15-9/21 10/22-12/31
2018	8.94	4.59	3.66	3.85 <sup>d</sup>	+5%	15	12.5	5/15-12/31
2019	7.97	4.10	3.27 <sup>e</sup>	-	-	TBD	TBD	TBD

<sup>a</sup> RHLs for 2006-2014 are adjusted for Research Set Aside.

<sup>b</sup> Harvest values prior to 2004 are for Maine through North Carolina. Values from 2004 through 2018 are for Maine through Cape Hatteras, North Carolina. All values are based on pre-calibration MRIP estimates.

<sup>c</sup> 15 fish from 1/1-2/29; 25 fish from 5/19-10/14 and 11/1-12/31.

<sup>d</sup> Projected using the methodology described on pages 3-4

<sup>e</sup> Recommended by the Council and Board in August 2018. Not yet implemented.

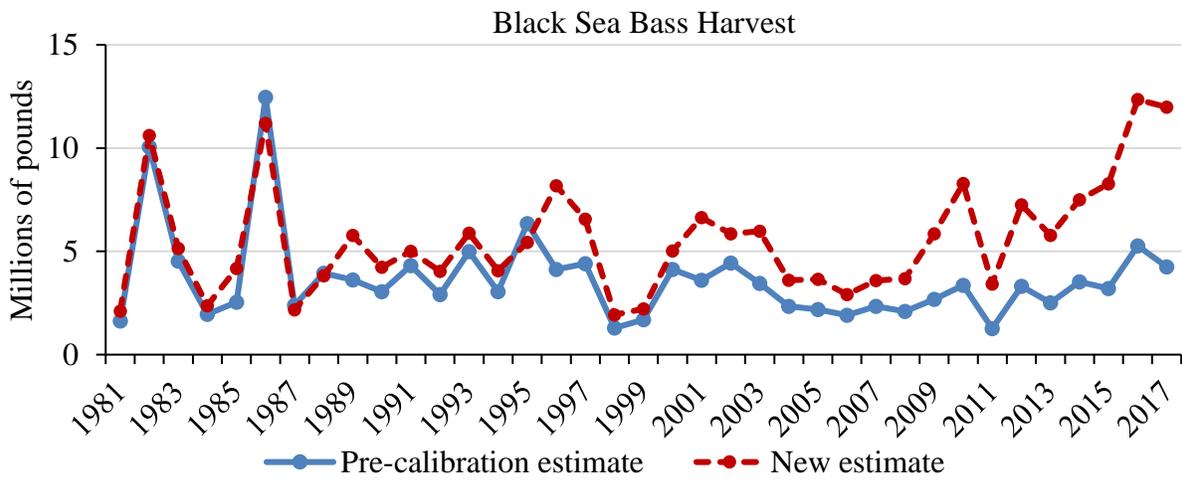
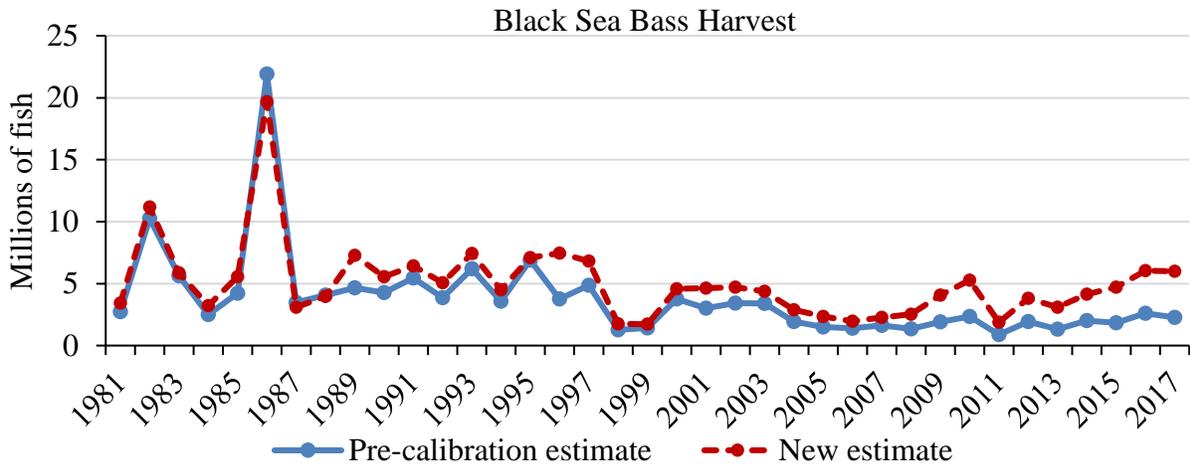
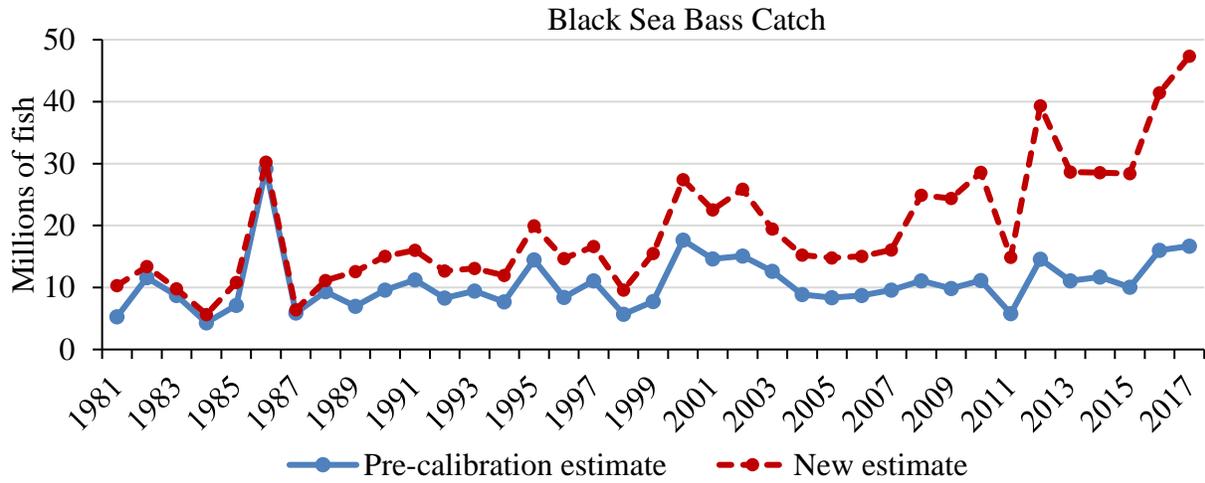


Figure 1: Recreational black sea bass catch in numbers of fish and harvest in numbers of fish and pounds, ME - NC, 1981 - 2017 based on pre-calibration MRIP estimates and revised MRIP estimates released July 2018.

Table 2: Average proportion of annual black sea bass recreational harvest in numbers of fish from state waters, by state based on pre-calibration MRIP estimates.

State	2014	2015	2016	2017	2018 (w1-4)	Average
ME	-	-	-	-	-	-
NH	-	-	-	-	-	-
MA	88%	100%	94%	80%	89%	<b>90%</b>
RI	78%	76%	83%	85%	83%	<b>81%</b>
CT	90%	96%	96%	90%	100%	<b>94%</b>
NY	74%	86%	51%	39%	66%	<b>62%</b>
NJ	8%	19%	34%	31%	32%	<b>25%</b>
DE	4%	5%	8%	7%	7%	<b>6%</b>
MD	0%	21%	49%	1%	0%	<b>18%</b>
VA	68%	4%	14%	7%	20%	<b>16%</b>
NC <sup>a</sup>	21%	4%	10%	7%	0%	<b>11%</b>
ME-NJ	<b>64%</b>	<b>76%</b>	<b>68%</b>	<b>55%</b>	<b>69%</b>	<b>66%</b>
DE-NC	<b>14%</b>	<b>9%</b>	<b>27%</b>	<b>5%</b>	<b>13%</b>	<b>13%</b>

<sup>a</sup> Through Cape Hatteras

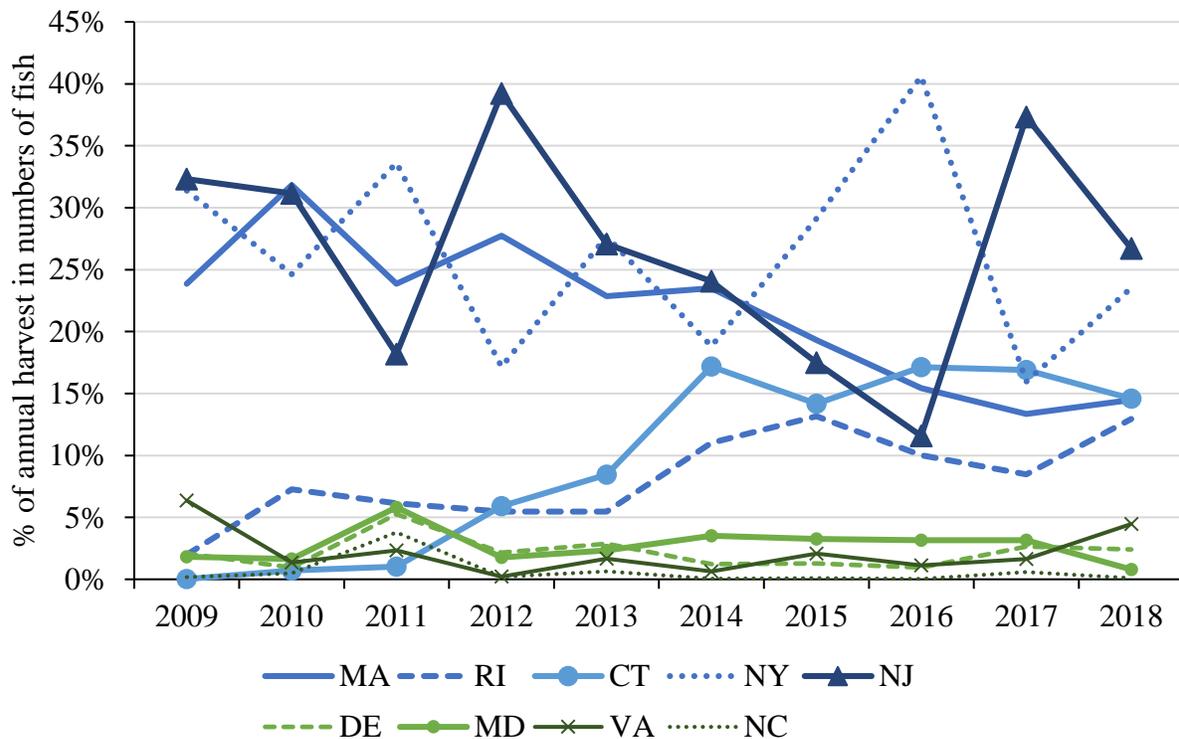


Figure 2: Percent of coastwide (i.e., Maine through Cape Hatteras, NC) annual harvest of black sea bass (in numbers of fish) by state, 2009-2018 based on pre-calibration MRIP estimates. 2018 values are projected based on the methodology described on pages 3-4.

Table 3: Black sea bass recreational management measures by state in 2017.

State	Minimum Size (inches)	Possession Limit	Open Season
ME	13	10 fish	5/19 - 9/21 & 10/18 - 12/31
NH	13	10 fish	1/1 - 12/31
MA	15	5 fish	5/21 - 8/31
RI	15	3 fish	5/25 - 8/31
		7 fish	9/1 - 9/21 & 10/22 - 12/31
CT private & shore	15	5 fish	5/1 - 12/31
CT authorized party/charter vessels	15	8 fish	5/1 - 12/31
NY	15	3 fish	6/27 - 8/31
		8 fish	9/1 - 10/31
		10 fish	11/1 - 12/31
NJ	12.5	10 fish	5/26 - 6/18
		2 fish	7/1 - 8/31
		15 fish	10/22 - 12/31
DE, MD, VA, & NC North of Cape Hatteras	12.5	15 fish	5/15 - 9/21 & 10/22 - 12/31

Table 4: Black sea bass recreational management measures by state in 2018.

State	Minimum Size (inches)	Possession Limit	Open Season
ME	13	10 fish	5/19 - 9/21 & 10/18 - 12/31
NH	13	10 fish	1/1 - 12/31
MA	15	5 fish	5/19 - 9/12
RI	15	3 fish	6/24 - 8/31
		7 fish	9/1 - 12/31
CT private & shore	15	5 fish	5/19 - 12/31
CT authorized party/charter vessels	15	5 fish	5/19 - 8/31
		7 fish	9/1 - 12/31
NY	15	3 fish	6/23 - 8/31
		7 fish	9/1 - 12/31
NJ	12.5	10 fish	5/15 - 6/22
	12.5	2 fish	7/1 - 8/31
	12.5	10 fish	10/8 - 10/31
	13	15 fish	11/1 - 12/31
DE, MD, VA, & NC North of Cape Hatteras	12.5	15 fish	5/15 - 12/31

Table 5: State allocations of 100,000 pounds of expected February black sea bass harvest.

State	Proportion of Wave 1 Catch	Allocation of 100,000 pounds
RI	0.29%	288
CT	0.06%	57
NY	9.41%	9,410
NJ	82.85%	82,850
DE	1.30%	1,297
MD	0.54%	541
VA	5.50%	5,496
NC <sup>a</sup>	0.06%	62
<b>Total</b>	<b>100.00%</b>	<b>100,000</b>

<sup>a</sup> North of Cape Hatteras

Table 6: Recreational black sea bass harvest (in numbers of fish) by state, waves 1-4 (January - August), 2014-2018, based on pre-calibration MRIP estimates. 2018 values are preliminary.

State	2014	2015	2016	2017	2018
ME	0	0	0	0	0
NH	0	0	0	0	0
MA	349,059	338,465	360,575	293,573	252,263
RI	110,393	98,676	125,003	116,397	159,053
CT	127,188	117,860	367,191	242,910	196,957
NY	234,754	290,134	525,327	123,956	240,335
NJ	307,797	228,227	203,234	628,240	354,075
DE	18,010	12,383	16,858	31,979	10,846
MD	32,434	13,391	30,677	62,900	7,605
VA	4,384	34,441	23,934	16,397	31,012
NC <sup>a</sup>	619	1,237	807	12,675	1,793
<b>Total</b>	<b>1,184,638</b>	<b>1,134,814</b>	<b>1,653,606</b>	<b>1,529,027</b>	<b>1,253,939</b>

<sup>a</sup> Through Cape Hatteras

Table 7: Average percent of black sea bass harvest (in weight) by wave and state in 2017, based on pre-calibration MRIP estimates.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
ME	N/A	N/A	N/A	N/A	N/A	N/A
NH	N/A	N/A	N/A	N/A	N/A	N/A
MA	0%	0%	79%	21%	0%	0%
RI	0%	0%	28%	32%	39%	2%
CT	0%	0%	7%	58%	36%	0%
NY	0%	0%	0%	31%	54%	14%
NJ	0%	0%	56%	21%	14%	8%
DE	0%	0%	55%	5%	23%	17%
MD	0%	0%	23%	69%	3%	5%
VA	0%	0%	21%	21%	42%	16%
NC <sup>a</sup>	0%	0%	32%	64%	1%	3%
<b>Total</b>	<b>0%</b>	<b>0%</b>	<b>36%</b>	<b>32%</b>	<b>26%</b>	<b>6%</b>

<sup>a</sup> Through Cape Hatteras

Table 8: Summary of 2018 harvest projections by state based on pre-calibration MRIP estimates.

State	2017 harvest	Avg 2015-2017 harvest	2015-2017 wave 1-4 as % of annual harvest	2018 wave 1-4 harvest	2018 projected annual harvest	% of projected 2018 harvest
ME	0	0	-	0	0	0%
NH	0	0	-	0	0	0%
MA	743,617	784,386	98%	639,437 <sup>a</sup>	706,307	18%
RI	426,405	478,370	51%	350,683 <sup>b</sup>	692,167	18%
CT	825,447	718,576	69%	462,892 <sup>b</sup>	672,408	17%
NY	770,850	1,302,874	45%	454,317 <sup>b</sup>	1,005,842	26%
NJ	1,137,317	654,705	76%	487,817 <sup>b</sup>	638,787	17%
DE	75,895	44,909	62%	15,993 <sup>c</sup>	29,876	1%
MD	102,656	94,901	53%	9,886 <sup>c</sup>	25,380	1%
VA	59,988	63,649	76%	49,892 <sup>c</sup>	79,271	2%
NC <sup>d</sup>	18,681	8,195	90%	2,521 <sup>c</sup>	2,967	0%
<b>Total</b>	<b>4,160,856</b>	<b>4,150,565</b>		<b>2,473,437</b>	<b>3,850,749</b>	

<sup>a</sup> Wave 6 was projected based on 2018 wave 1 - 4 harvest and average 2015-2017 proportions of harvest by wave. Wave 5 harvest was set equivalent to average wave 4 harvest per day in 2015-2017 multiplied by 12 (the number of open days in wave 5 2018).

<sup>b</sup> Harvest in waves 5 and 6 was projected based on 2018 wave 1 - 4 harvest and average 2015-2017 proportions of harvest by wave.

<sup>c</sup> Harvest in waves 5 and 6 was projected based on 2018 wave 1 - 4 harvest and average 2015-2017 proportions of harvest by wave. The wave 5 values were doubled to account for a doubling of the open days in wave 5 in 2018 compared to 2015-2017.

<sup>d</sup> Through Cape Hatteras

Table 9: Recreational black sea bass harvest (in numbers of fish) by state, waves 1-6 (January - December), 2014-2018, based on pre-calibration MRIP estimates. 2018 values are based on the projection methodology described on pages 3-4.

<b>State</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018 projected</b>
ME	0	0	0	0	0
NH	0	0	0	0	0
MA	457,100	342,554	392,239	294,467	284,902
RI	214,464	233,631	254,704	186,791	254,549
CT	334,201	251,643	435,624	372,730	287,109
NY	366,133	516,967	1,032,607	352,205	462,734
NJ	468,400	310,297	294,313	823,164	525,427
DE	23,878	22,899	24,168	58,082	47,200
MD	68,468	57,631	79,951	69,397	15,603
VA	12,605	36,863	28,913	35,977	87,886
NC <sup>a</sup>	696	1,966	864	13,062	2,203
<b>Total</b>	<b>1,945,945</b>	<b>1,774,451</b>	<b>1,510,776</b>	<b>2,205,875</b>	<b>1,967,614</b>

<sup>a</sup> Through Cape Hatteras

Table 10: Recreational black sea bass catch and harvest by year, 1981-2018 based on pre-calibration MRIP estimates. 2018 values are based on the projection methodology described on pages 3-4. Catch and harvest values prior to 2004 are for Maine through North Carolina. Values from 2004 through 2018 represent Maine through Cape Hatteras, North Carolina.

<b>Year</b>	<b>Catch</b> (millions of fish)	<b>Harvest</b> (millions of fish)	<b>Harvest</b> (millions of lb)	<b>% Released</b>	<b>Avg. weight of landed fish (lb)</b>
1981	5.30	2.73	1.23	48%	0.45
1982	11.62	10.25	10.05	12%	0.98
1983	8.71	5.63	4.53	35%	0.80
1984	4.33	2.49	1.96	42%	0.79
1985	7.13	4.22	2.54	41%	0.60
1986	29.17	21.90	12.46	25%	0.57
1987	5.91	3.47	2.39	41%	0.69
1988	9.36	4.06	3.94	57%	0.97
1989	7.00	4.65	3.62	34%	0.78
1990	9.62	4.27	3.05	56%	0.71
1991	11.22	5.46	4.32	51%	0.79
1992	8.30	3.87	2.91	53%	0.75
1993	9.45	6.20	4.98	34%	0.80
1994	7.69	3.57	3.05	54%	0.85
1995	14.48	6.89	6.34	52%	0.92
1996	8.44	3.76	4.13	55%	1.10
1997	11.09	4.87	4.4	56%	0.90
1998	5.70	1.26	1.29	78%	1.02
1999	7.76	1.41	1.7	82%	1.21
2000	17.67	3.76	4.12	79%	1.10
2001	14.63	3.01	3.6	79%	1.20
2002	15.08	3.42	4.44	77%	1.30
2003	12.65	3.39	3.45	73%	1.02
2004	7.24	1.53	1.97	79%	1.29
2005	7.04	1.26	1.88	82%	1.49
2006	7.60	1.29	1.8	83%	1.40
2007	8.73	1.53	2.17	82%	1.42
2008	10.65	1.29	2.03	88%	1.57
2009	9.22	1.81	2.56	80%	1.41
2010	9.96	2.21	3.19	78%	1.44
2011	4.74	0.82	1.17	83%	1.43
2012	12.54	1.87	3.18	85%	1.70
2013	9.81	1.28	2.46	87%	1.92
2014	10.87	2.12	3.67	80%	1.73
2015	9.43	2.21	3.79	77%	1.71
2016	14.14	2.54	5.19	82%	2.04
2017	15.03	2.21	4.16	85%	1.88
2018 projected	14.16	1.97	3.85	86%	1.95

Table 11: AM evaluation for the black sea bass recreational fishery, comparing 2015-2017 average recreational catch from Maine through Cape Hatteras, NC to the 2015-2017 average recreational ACL.<sup>9</sup>

Year	Rec. ACL (mil lb)	Rec. Catch (mil lb)	% Over/Under
2015	2.90	3.79	+59%
2016	3.52	5.19	+82%
2017	5.38	4.16	+1%
Average	3.93	4.38	+47%

Table 12: Percent of Delaware through North Carolina (north of Cape Hatteras) black sea bass harvest (in numbers of fish) by wave, day per wave, and state, 2016-2017 based on pre-calibration MRIP estimates.

Wave	Days open 2016 & 2017 <sup>b</sup>	DE-NC <sup>a</sup>		DE		MD		VA		NC <sup>a</sup>	
		% of 2016-2017 ME-NC <sup>a</sup> harvest	% of 2016-2017 ME-NC <sup>a</sup> harvest per day in wave	% of 2016-2017 ME-NC <sup>a</sup> harvest	% of 2016-2017 ME-NC <sup>a</sup> harvest per day in wave	% of 2016-2017 ME-NC <sup>a</sup> harvest	% of 2016-2017 ME-NC <sup>a</sup> harvest per day in wave	% of 2016-2017 ME-NC <sup>a</sup> harvest	% of 2016-2017 ME-NC <sup>a</sup> harvest per day in wave	% of 2016-2017 ME-NC <sup>a</sup> harvest	% of 2016-2017 ME-NC <sup>a</sup> harvest per day in wave
1 Jan-Feb	0	0.00%	-	0.00%	-	0.00%	-	0.00%	-	0.00%	-
2 Mar-Apr	0	0.09%	-	0.00%	-	0.00%	-	0.00%	-	0.09%	-
3 May-Jun	47	28.31%	<b>0.32%</b>	12.28%	<b>0.13%</b>	10.66%	<b>0.09%</b>	5.26%	<b>0.06%</b>	1.96%	<b>0.02%</b>
4 Jul-Aug	62	30.73%	<b>0.27%</b>	3.46%	<b>0.03%</b>	19.48%	<b>0.14%</b>	7.73%	<b>0.06%</b>	2.29%	<b>0.02%</b>
5 Sept-Oct	31	26.14%	<b>0.42%</b>	5.27%	<b>0.08%</b>	14.63%	<b>0.02%</b>	6.25%	<b>0.10%</b>	0.03%	<b>0.00%</b>
6 Nov-Dec	61	10.52%	<b>0.09%</b>	5.50%	<b>0.05%</b>	3.34%	<b>0.03%</b>	1.66%	<b>0.01%</b>	0.12%	<b>0.00%</b>
<b>Total</b>	<b>201</b>	95.79%		26.50%		48.11%		20.90%		4.49%	

<sup>a</sup>Through Cape Hatteras

<sup>b</sup>The number of open days in each wave was unchanged from 2016 through 2018, with the exception of wave 5, which had 61 open days in 2018.

<sup>9</sup> Recreational harvest is based on “pre-calibration” MRIP estimates downloaded in July 2018. Recreational dead discard estimates are from the 2018 data update from the NEFSC, available at: [http://www.mafmc.org/s/3\\_2018-Black-Sea-Bass-Data-Update\\_06\\_18.pdf](http://www.mafmc.org/s/3_2018-Black-Sea-Bass-Data-Update_06_18.pdf)

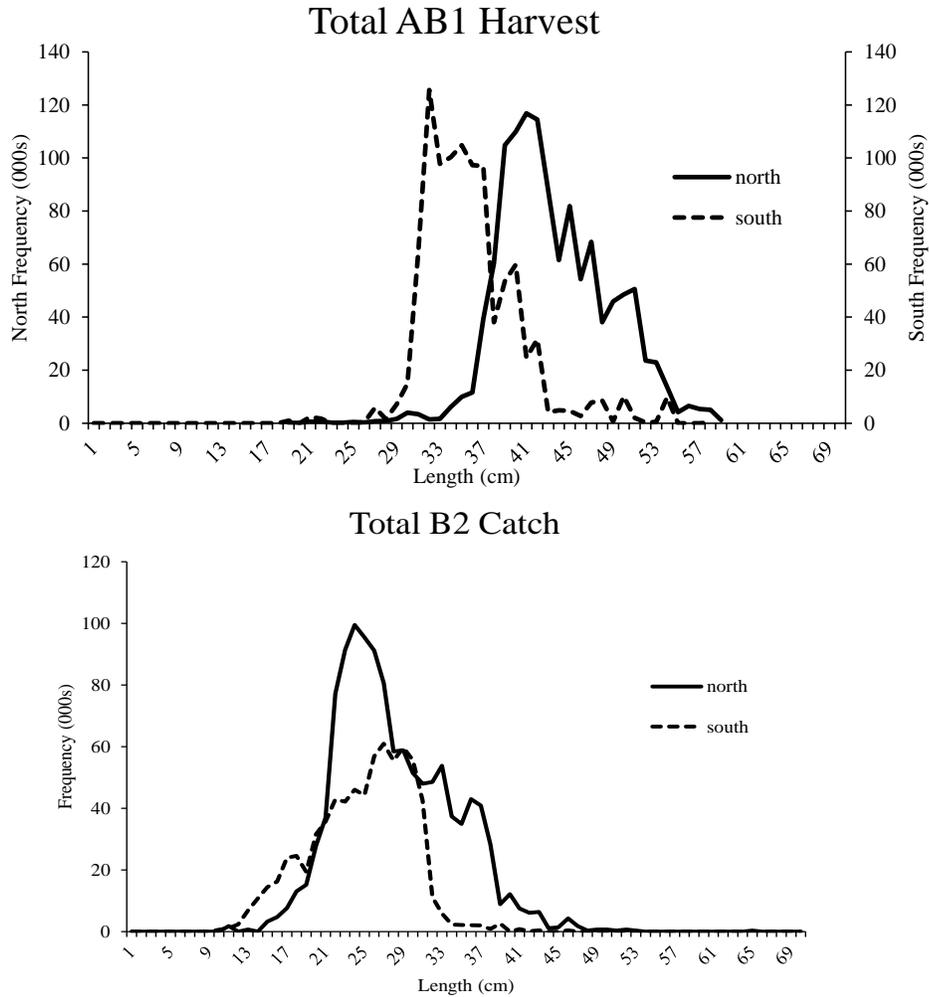


Figure 3: Top: length frequency (total length) of 2017 black sea bass recreational harvest, by region with Maine through New York corresponding to the northern region and New Jersey through Cape Hatteras, NC corresponding to the southern region. Bottom: Length frequency (total length) of 2017 black sea bass recreational dead discards (B2\*15%), by region. In 2017, the recreational minimum fish size was 12.5 inches (31.75 cm) in federal waters and the southern states and was 13 or 15 inches (33.02 or 38.10 cm) in northern states. Both figures are from the 2018 data update from the NEFSC, available at: <http://www.mafmc.org/ssc-meetings/2018/july-17-18>.

Table 13: Number of recreational fishing trips for which black sea bass was the primary target species, Maine - North Carolina, based on pre-calibration MRIP estimates.

<b>Year</b>	<b>Number of Directed Black Sea Bass Trips</b>	<b>Directed Black Sea Bass Trips As Percent of All Recreational Trips</b>
<b>2007</b>	368,042	1.0%
<b>2008</b>	256,341	0.7%
<b>2009</b>	393,389	1.3%
<b>2010</b>	417,663	1.4%
<b>2011</b>	193,655	0.7%
<b>2012</b>	267,932	0.8%
<b>2013</b>	261,582	1.0%
<b>2014</b>	403,624	1.0%
<b>2015</b>	505,571	2.3%
<b>2016</b>	483,604	1.9%
<b>2017</b>	Not available	Not available

justification of the need for the extension.

To implement this authority, PHMSA is issuing guidance on what constitutes sufficient justification to extend a gas pipeline operator's 7-year integrity management reassessment interval by up to 6 months if the operator submits written notice. PHMSA invites interested individuals to participate by reviewing the FAQs provided below and submitting written comments, data, or other information. Please include any comments on potential safety and environmental impacts that may result from issuance of the FAQs. Before finalizing the FAQs, PHMSA will evaluate all comments received on or before the comment closing date. PHMSA will consider all relevant comments we receive prior to the deadline when making changes to the final FAQs. Comments received after the closing date will be evaluated to the extent practicable.

Once finalized, PHMSA's FAQs will be posted on PHMSA's public website at <https://primis.phmsa.dot.gov/gasimp/faqs.htm>:

Guidance on the Extension of the 7-year Integrity Management Reassessment Interval by 6 Months (FAQs):

- **NEW** FAQ–281. How do I extend the assessment schedule beyond 7 years?

Notify PHMSA, in accordance with 49 CFR 192.949, of the need for an extension, which may not exceed 6 months. The notification must be made 180 days prior to end of the 7-year assessment date and include sufficient information to justify the extension.

- **NEW** FAQ–282. What constitutes sufficient information to justify extension of the assessment interval?

Documentation is required to comply with 49 CFR 192.943 and include:

- An explanation as to why the deadline could not be met and how it will not compromise safety, and
- Identification of any additional actions necessary to ensure public safety during the extension time period.

- **REVISED** FAQ–207. Table 3 of ASME/ANSI B31.8S indicates that reassessment intervals must be 5 years for some instances in which test pressure was higher than would be required by subpart J. If I conduct my assessments in accordance with Subpart J, must I reassess more frequently than once every 7 years?

Section 192.939(a)(1) specifies requirements for establishing reassessment intervals. Two options are allowed: (i) Basing the interval on

identified threats, assessment results, data integration, and risk analysis, or (ii) using the intervals specified in Table 3 of ASME/ANSI B31.8S. An operator using the former option (§ 192.939(a)(1)(i)) could establish intervals longer than those in Table 3. The intervals that can be established by either method are limited to the maximum intervals in the table in § 192.939.

Pressure tests used as integrity management assessments must meet the requirements of Subpart J, including required test pressures. Higher test pressures must be used to justify extended reassessment intervals (§ 192.937(c)(2)). As used here “extended reassessment intervals” refers to any interval longer than 7 years as required by §§ 192.937(a) and 192.939(a) and (b).

Operators conducting assessments by pressure testing and who use test pressures meeting Subpart J requirements may establish a reassessment interval of 7 years, unless their analysis under § 192.939(a)(i) indicates a need for a shorter interval. This is true even if Table 3 would lead to a shorter interval.

Operators who use Table 3 test pressures may establish reassessment intervals in accordance with Table 3 up to the maximums listed in the table in § 192.939, again unless their analysis under § 192.939(a)(i) indicates a need for a shorter interval. Operators who establish intervals longer than 7 years must conduct a confirmatory direct assessment within the 7-year period. (For segments operating at less than 30% specified maximum yield strength, a low-stress reassessment per § 192.941 may be conducted in lieu of confirmatory direct assessment—see § 192.939(b)(1)).

PHMSA may extend the 7-year interval for an additional 6 months if the operator submits written notice that includes sufficient justification regarding the need for an extension (Reference FAQ–281 and 282).

Issued in Washington, DC, on November 7, 2018, under authority delegated in 49 CFR 1.97.

**Alan K. Mayberry,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 2018–24774 Filed 11–14–18; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 180906820–8820–01]

RIN 0648–BI48

#### Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2019 Specifications

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes 2019 specifications for the summer flounder and black sea bass fisheries and maintains previously established 2019 specifications for the scup fishery. Additionally, this action proposes to reopen the February 2018 black sea bass recreational fishery and to adjust to the current commercial incidental possession limit for scup. The implementing regulations for the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan require us to publish specifications for the upcoming fishing year for each of these species and to provide an opportunity for public comment. This action is intended to inform the public of the proposed specifications and management measures for the start of the 2019 fishing year for these three species.

**DATES:** Comments must be received on or before November 30, 2018.

**ADDRESSES:** An environmental assessment (EA) was prepared for this action that describes the proposed measures and other considered alternatives, and provides an analysis of the impacts of the proposed measures and alternatives. Copies of the Summer Flounder, Scup, and Black Sea Bass 2019 Specifications, including the EA, are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at [http://www.mafmc.org/s/SFSBSB\\_2019\\_specs\\_EA.pdf](http://www.mafmc.org/s/SFSBSB_2019_specs_EA.pdf).

You may submit comments on this document, identified by NOAA–NMFS–2018–0110, by either of the following methods:

**Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0110](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0110).

2. Click the “Comment Now!” icon, complete the required fields, and

3. Enter or attach your comments.

—OR—

**Mail:** Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA, 01930. Mark the outside of the envelope, “Comments on the Proposed Rule for the Summer Flounder, Scup, and Black Sea Bass 2019 Specifications.”

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Emily Gilbert, Fishery Policy Analyst, (978) 281–9244.

**SUPPLEMENTARY INFORMATION:**

**General Background**

The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) cooperatively manage the summer flounder, scup, and black sea bass fisheries. The Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and its implementing regulations outline the Council’s process for establishing specifications. Specifications in these fisheries include various catch and landing subdivisions,

such as the commercial and recreational sector annual catch limits (ACL), annual catch targets (ACT), and sector-specific landing limits (i.e., the commercial fishery quota and recreational harvest limit), as well as management measures, as needed, that are designed to ensure these catch limits will not be exceeded. Annual specifications may be established for three year periods, and, in interim years, specifications are reviewed by the Council to ensure previously established multi-year specifications remain appropriate. The FMP also contains formulas to divide the specification catch limits into commercial and recreational fishery allocations, state-by-state quotas, and quota periods, depending on the species in question. Rulemaking for measures used to manage the recreational fisheries (minimum fish sizes, open seasons, and bag limits) for these three species occurs separately, and typically takes place in the spring of each year.

This action proposes 2019 specifications for summer flounder and black sea bass. The previously approved 2019 scup specifications (82 FR 60682; December 22, 2017) remain unchanged from the current two year specifications and are maintained through this action. The Council’s Science and Statistical Committee (SSC) and Summer Flounder, Scup, and Black Sea Bass Monitoring Committee met in July 2018 to develop specification recommendations, including new acceptable biological catch limits (ABC) for summer flounder and black sea bass. The Council and the Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board (Board) met jointly August 14–15, 2018, to consider the SSC and Monitoring Committee’s recommendations, receive public comments on those recommendations, and to formalize recommendations to the NMFS for catch limit specifications and commercial management measures. Recreational fishery management measures will be developed in early 2019. A summer flounder benchmark assessment, which will incorporate updated Marine Recreational Information Program (MRIP) data, is

expected to be completed by early 2019. Operational assessments for black sea bass and scup that will also incorporate updated MRIP information will be completed in spring 2019. Because of this, the Council and Board have only recommended specifications for 2019. As explained below, the Council and Board are considering the specifications here as interim measures and will likely develop mid-year changes to the summer flounder specifications, if not also black sea bass, to address the updated assessment information, if necessary.

**Proposed 2019 Summer Flounder Specifications**

In June, the Northeast Fisheries Science Center (Center) provided the Council with a summer flounder data update. The data update provided a projection for stock biomass for 2019. Most state and Federal survey indices of abundance, with the exception of Massachusetts and Delaware, remain below their most recent peaks (generally 2009–2012) in the update. Recruitment indices in 2017 were highly variable. Based on the best available scientific information, the summer flounder stock is subject to overfishing but is not overfished. After reviewing the update, the SSC and Monitoring Committee recommended an interim ABC of 15.41 million lb (6,990 mt).

At the joint August meeting, the Council and Board made recommendations for interim summer flounder specifications for the start of the 2019 fishing year (Table 1). Compared to 2018, the proposed interim 2019 ABC is a 16-percent increase. The results from the benchmark stock assessment are expected to be available in early 2019 following peer review in November 2018. The Council and Board intend to consider revising the 2019 summer flounder specifications at a joint meeting in February 2019 taking into account the benchmark stock assessment. If revisions are recommended at this meeting, we anticipate updated catch limits could be in place by early May 2019.

TABLE 1—CURRENT 2018 AND PROPOSED 2019 SUMMER FLOUNDER SPECIFICATIONS

	2018 (current)		2019		Difference (%)
	million lb	mt	million lb	mt	
Overfishing Limits (OFL) .....	18.69	8,476	20.60	9,344	10
ABC .....	13.23	5,999	15.41	6,990	16
Commercial ACL .....	7.70	3,491	9.18	4,164	19
Commercial ACT .....	7.70	3,491	9.18	4,164	19
Projected Commercial Discards .....	1.07	485	1.47	667	2
Commercial Quota .....	6.63	3,006	7.72	3,502	16
Recreational ACL .....	5.53	2,508	6.22	2,821	12

TABLE 1—CURRENT 2018 AND PROPOSED 2019 SUMMER FLOUNDER SPECIFICATIONS—Continued

	2018 (current)		2019		Difference (%)
	million lb	mt	million lb	mt	
Recreational ACT .....	5.53	2,508	6.22	2,821	12
Projected Recreational Discards .....	1.11	504	1.08	490	-3
Recreational Harvest Limit .....	4.42	2,004	5.15	2,336	16

*2019 Summer Flounder Commercial Non-Landing Accountability Measure*

Our final 2017 catch accounting shows that the 2017 commercial fishery exceeded its ACL by 21 percent and the 2017 ABC was exceeded by 7 percent, due to higher than expected discards in the commercial fishery. Currently, the regulations require a pound-for-pound accountability measure (AM) that is applied to the commercial ACT when the ACL has been exceeded and the overage is caused by higher discards than those estimated prior to the fishing year. A final rule for a framework adjustment (Framework 13) that would modify this AM published on October 25, 2018 (83 FR 53825), and will be effective on November 26, 2018. That

action adjusts this non-landings based AM to help account for the variability in commercial discard estimates and provide additional flexibility based on stock status and the biological consequences, if any, of estimated discard overages. In terms of impacts of the 2017 discard overage for 2019, the AM as modified by the pending framework would result in a scaled payback against the commercial fishery's ACT, based on the amount of the overage and the status of the summer flounder stock, using the most recent biological reference points.

Based on the 2016 assessment update, this scaled payback would be 1.04 million lb (472 mt). This overage, when applied to the proposed 2019

commercial ACT of 9.18 million lb (3,502 mt), would result in a commercial quota of 6.67 million lb (3,030 mt), after subtracting the 2019 projected estimated discards. The resulting quota is less than one percent higher than the 2018 quota.

*Proposed 2019 Commercial State Quota Shares*

Table 2 presents the proposed state summer flounder allocations for 2019 using the commercial state quota allocations described in the FMP. Any commercial quota adjustments to account for commercial landings overages will be published in the final specification rule prior to the start of the respective fishing year.

TABLE 2—2019 PROPOSED INITIAL SUMMER FLOUNDER STATE COMMERCIAL QUOTAS

State	FMP Percent share	2019 Initial quota		2019 Initial quota, including AM accounting for 2017 non-landings overages (using AM as modified by Framework 13)	
		lb	kg	lb	kg
NH .....	0.00046	36	16	31	14
MA .....	6.82046	526,540	238,834	454,925	206,350
RI .....	15.68298	1,210,726	549,176	1,046,055	474,482
CT .....	2.25708	174,247	79,037	150,547	68,287
NY .....	7.64699	590,348	267,777	510,054	231,357
NJ .....	16.72499	1,291,169	585,665	1,115,557	506,008
DE .....	0.01779	1,373	623	1,187	538
MD .....	2.0391	157,419	71,404	136,008	61,692
VA .....	21.31676	1,645,654	746,456	1,421,828	644,930
NC .....	27.44584	2,118,819	961,080	1,830,638	830,363
Total .....	100	7,720,000	3,501,733	6,670,000	3,025,461

**Note:** Kilograms are as converted from lb and do not sum to the converted total due to rounding. Rounding of quotas results in totals slightly exceeding 100 percent.

The Council and Board recommended no adjustment to the commercial minimum fish size (14-inch (35.6 cm) total length), gear requirements, and possession limits. The Council and Board will develop recreational management measures (i.e., minimum fish sizes, open seasons, and bag limits) for summer flounder this fall and NMFS rulemaking will occur in early spring of 2019.

**Proposed 2019 Black Sea Bass Specifications**

At the August meeting, the Council and Board made recommendations for the 2019 black sea bass specifications, but for reasons outlined below, we propose maintaining status quo measures currently in place for 2018.

In June 2018, the Center provided the Council with a black sea bass data update, including updated catch, landings, and survey indices through 2017. Black sea bass biomass continues

to be high and the 2015 year class appears to be above average in both the northern and southern surveys. Updated stock status information and biomass projections incorporating data on the 2015 year class are not available, but will be once the operational assessment is completed in April 2019.

The SSC recommended a 2019 ABC of 7.97 million lb (3,615 mt), which was based on biomass projections from the 2016 benchmark stock assessment. This ABC would be an 11-percent reduction

compared to the 2018 ABC. This declining pattern of ABCs reflects the population responding to fishing at maximum sustainable yield and the decrease of the large 2011 year class, but does not incorporate the information on the 2015 year class. Based on this ABC recommendation, the Council and Board recommended the 2019 specifications outlined in Table 3.

Following the Council and Board meeting, the Center performed a sensitivity analysis of the 2019 projection derived from the 2016

benchmark stock assessment. As previously described, that projection did not include the 2015 year class because those fish were too small to be widely captured in the surveys at the time of the 2016 assessment. This sensitivity analysis used various recruitment scenarios applied to the original projection and compared them to the most recent survey indices. The objective of this analysis was to see if that projection would have supported different specifications for 2019 had we been able to incorporate what we know

now about the strength of the 2015 year class. The results suggest that the 2015 year class would only have to be about 50 percent above average to allow for 2019 catch limits to be the same as what they were in 2018. Based on a comparison between the Center's 2018 spring survey results and average recruitment from 2003–2018, the 2015 year class appears to be well more than 50 percent above average. Based on this information, we propose maintaining status quo black sea bass specifications for 2019 (Table 3).

TABLE 3—PROPOSED 2019 BLACK SEA BASS SPECIFICATIONS

[In millions of lb]

	Proposed NMFS Recommendation (Status Quo 2018)		Council and Board Recommendation	
	million lb	mt	million lb	mt
OFL .....	10.29	4,667	9.18	4,164
ABC .....	8.94	4,055	7.97	3,615
Commercial ACL .....	4.35	1,974	3.88	1,760
Commercial ACT .....	4.35	1,974	3.88	1,760
Projected Commercial Discards .....	0.83	377	0.74	336
Commercial Quota .....	3.52	1,596	3.14	1,424
Recreational ACL .....	4.59	2,083	4.10	1,860
Recreational ACT .....	4.59	2,083	4.10	1,860
Projected Recreational Discards .....	0.93	422	0.83	376
Recreational Harvest Limit .....	3.66	1,661	3.27	1,483

Maintaining status quo would allow for stability in the black sea bass commercial and recreational fisheries while we wait for the results of the MRIP operational assessment to be completed in April 2019. Once that information is available, the Council and Board may recommend adjusting black sea bass measures mid-year.

The Council and Board recommended no adjustment to the commercial minimum fish size (11-inch (27.9 cm) total length), gear requirements, and possession limits.

*Recreational Black Sea Bass Wave 1 Fishery*

This action also proposes reopening the black sea bass recreational fishery for the month of February (during MRIP Wave 1). The current Federal black sea bass recreational management measures (i.e., a 12.5-inch (31.8-cm) minimum

size and a possession limit of 15 fish) would apply to the fishery for this limited winter season. The intent of this action is to allow for some recreational fishing access during a portion of Wave 1 in 2019.

There are currently no MRIP survey estimates collected for Wave 1, but catch from this time period must be accounted for, and count against the recreational harvest limit. Similar to last year, to account for the harvest during this 28-day season, the Council and Board recommended a catch estimate of 100,000 lb (45.3 mt). States that decide to participate in the Wave 1 fishery must account for this catch when developing their management measures for the remainder of the fishing year. Only two states participated in the 2018 February recreational fishery. The estimated catch was nominal. Measures for the rest of the 2019 recreational

fishery will be developed through the winter for implementation in spring 2019.

**2019 Scup Specifications**

The scup fishery is currently operating under multi-year specifications projected through 2019. The Council received a data update indicating that biomass continues to be high, and the 2015 year class appears to be above average. In response, the Council and Board made no adjustments to the previously implemented multi-year specifications set in August 2017. This action reaffirms the Council's and Board's previous recommendation for scup 2019 specifications. Those specifications result in the same commercial quota and recreational harvest limit as implemented in 2018 (Table 4).

TABLE 4—SCUP SPECIFICATIONS FOR 2019

	million lb	mt
OFL .....	41.03	18,612
ABC .....	36.43	16,525
Commercial ACL .....	28.42	12,890
Commercial ACT .....	28.42	12,890
Commercial Discards .....	4.43	2,011
Commercial Quota .....	23.98	10,879
Recreational ACL .....	8.01	3,636
Recreational ACT .....	8.01	3,636

TABLE 4—SCUP SPECIFICATIONS FOR 2019—Continued

	million lb	mt
Recreational Discards .....	0.65	293
Recreational Harvest Limit .....	7.37	3,342

The 2019 scup commercial quota is divided into three commercial fishery quota periods, as outlined in Table 5.

TABLE 5—COMMERCIAL SCUP QUOTA ALLOCATIONS FOR 2019 BY QUOTA PERIOD

Quota period	Percent share	2019 Initial quota	
		lb	mt
Winter I .....	45.11	10,820,000	4,908
Summer .....	38.95	9,340,986	4,237
Winter II .....	15.94	3,822,816	1,734
Total .....	100.0	23,983,802	10,879

Note: Metric tons are as converted from lb and may not necessarily total due to rounding.

The current quota period possession limits are not changed by this action, and are outlined in Table 6. The Winter I possession limit will drop to 1,000 lb (454 kg) upon attainment of 80 percent of that period's allocation. If the Winter

I quota is not fully harvested, the remaining quota is transferred to Winter II. The Winter II possession limit may be adjusted (in association with a transfer of unused Winter I quota to the Winter II period) via notice in the **Federal**

**Register.** The regulations specify that the Winter II possession limit increases consistent with the increase in the quota, as described in Table 7.

TABLE 6—COMMERCIAL SCUP POSSESSION LIMITS BY QUOTA PERIOD

Quota period	Percent share	Federal possession limits (per trip)	
		lb	kg
Winter I .....	45.11	50,000	22,680
Summer .....	38.95	N/A	N/A
Winter II .....	15.94	12,000	5,443
Total .....	100.0	N/A	N/A

TABLE 7—POTENTIAL INCREASE IN WINTER II POSSESSION LIMITS BASED ON THE AMOUNT OF UNUSED SCUP ROLLED OVER FROM WINTER I TO WINTER II

Initial Winter II possession limit		Rollover from Winter I to Winter II		Increase in Initial Winter II possession limit		Final Winter II possession limit after rollover from Winter I to Winter II	
lb	kg	lb	kg	lb	kg	lb	kg
12,000 ..	5,443	0–499,999	0–226,796	0	0	12,000	5,443
12,000 ..	5,443	500,000–999,999	226,796–453,592	1,500	680	13,500	6,123
12,000 ..	5,443	1,000,000–1,499,999	453,592–680,388	3,000	1,361	15,000	6,804
12,000 ..	5,443	1,500,000–1,999,999	680,389–907,184	4,500	2,041	16,500	7,484
12,000 ..	5,443	* 2,000,000–2,500,000	907,185–1,133,981	6,000	2,722	18,000	8,165

\* This process of increasing the possession limit in 1,500 lb (680 kg) increments would continue past 2,500,000 lb (1,122,981 kg), but we end here for the purpose of this example.

**Adjustment to the Commercial Scup Gear-Based Possession Limit Thresholds**

This action proposes adjustments to the gear-based incidental possession limit for the commercial fishery. The incidental possession limit applies to vessels with commercial moratorium

scup permits fishing with nets with diamond mesh smaller than 5 inches (12.7 cm) in diameter. The incidental possession limit is currently 1,000 lb (454 kg) during October 1-April 30 and 200 lb (91 kg) during May 1-September 30. The action would add another threshold period from April 15-June 15

to allow for higher retention in the small-mesh squid fishery that operates during that time and occasionally catches larger amounts of scup than the current limits allow to be landed (Table 8). During that time, vessels with scup moratorium permits using small mesh

could land up to 2,000 lb (907 kg) of scup.

**Table 8. Proposed adjustment to the scup incidental possession limit**

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
<b>Current</b>	1,000 lb (454 kg)				200 lb (91 kg)				1,000 lb (454 kg)			
<b>Proposed</b>	1,000 lb (454 kg)			2,000 lb (907kg)		200 lb (91 kg)			1,000 lb (454 kg)			

The Council and Board made no adjustments to the current commercial minimum fish size (9-inch (22.9-cm) total length) and winter quota period directed-fishery possession limits.

**Classification**

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The Mid-Atlantic Fishery Management Council conducted an evaluation of the potential socioeconomic impacts of the proposed measures in conjunction with an environmental assessment. According to the commercial ownership database, 771 affiliate firms landed summer flounder and/or black sea bass during the 2015–2017 period, with 762 of those business affiliates categorized as small businesses and nine categorized as large businesses. Summer flounder and black sea bass represented approximately 4 percent of the average receipts of the small entities and 1 percent for large entities considered over this time period.

The ownership data for the for-hire fleet indicate that there were 869 for-hire affiliate firms with summer flounder and/or black sea bass permits generating revenues from recreationally fishing, all of which are categorized as small businesses. Although it is not possible to derive what proportion of the overall revenues came from specific fishing activities, given the popularity of these three species as recreational

targets it is likely that revenues generated from these species are important for some, if not all, of these firms.

For the summer flounder fishery, the proposed measures would increase both the 2019 commercial quota and the 2019 recreational harvest limit. Even though there will be an AM applied to the commercial summer flounder fishery, the resulting commercial quota will still be a slight increase from 2018. For the black sea bass fishery, the proposed measures would result in a 2019 commercial quota and a 2019 recreational harvest limit that are identical to what was in place for 2018. As a result, this action is not expected to adversely impact revenues for vessels that fish for summer flounder and black sea bass commercially. The increase in the summer flounder recreational harvest limit does not directly impact the party/charter fishery. Future regulatory action may be needed to adjust current summer flounder, black sea bass, and scup recreational management measures (*i.e.*, bag limits, seasons, and minimum sizes), and consideration of the impact of those potential future measures on small entities engaged in the for-hire fishery will be evaluated at that time, should such a regulatory action become necessary.

Because this rule will not have a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared. There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action.

**List of Subjects in 50 CFR Part 648**

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: November 9, 2018.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

**PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

■ 1. The authority citation for part 648 continues to read as follows:

*Authority:* 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.125, paragraphs (a)(1) and (a)(5) are revised to read as follows:

**§ 648.125 Scup gear restrictions.**

(a) \* \* \* (1) *Minimum mesh size.* No owner or operator of an otter trawl vessel that is issued a scup moratorium permit may possess more than 1,000 lb (454 kg) of scup from October 1 through April 14, more than 2,000 lb (907 kg) from April 15 through June 15, or more than 200 lb (91 kg) of scup from June 16 through September 30, unless fishing with nets that have a minimum mesh size of 5.0-inch (12.7-cm) diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, and all other nets are stowed and not available for immediate use as defined in § 648.2.

\* \* \* \* \*

(5) *Stowage of nets.* The owner or operator of an otter trawl vessel retaining 1,000 lb (454 kg) or more of scup from October 1 through April 14, 2,000 lb (907 kg) or more of scup from April 15 through June 15, or 200 lb (90.7 kg) or more of scup from June 16 through September 30, and subject to the minimum mesh requirements in paragraph (a)(1) of this section, and the owner or operator of a midwater trawl or other trawl vessel subject to the minimum size requirement in § 648.126, may not have available for immediate use any net, or any piece of net, not meeting the minimum mesh size requirement, or mesh that is rigged in a

manner that is inconsistent with the minimum mesh size. A net that is stowed and not available for immediate use as defined in § 648.2, and that can be shown not to have been in recent use, is considered to be not available for immediate use.

\* \* \* \* \*

■ 3. Section 648.146 is revised to read as follows:

**§ 648.146 Black sea bass recreational fishing season.**

Vessels that are not eligible for a moratorium permit under § 648.4(a)(7), and fishermen subject to the possession limit specified in § 648.145(a), may only possess black sea bass from February 1 through February 28, May 15 through December 31, unless this time period is adjusted pursuant to the procedures in § 648.142.

[FR Doc. 2018–24946 Filed 11–14–18; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 151124999–8985–01]

RIN 0648–BF57

**Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Approval of New Gear Under Small-Mesh Fisheries Accountability Measures**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** We propose to approve new selective trawl gear for use in several non-groundfish fisheries when subject to the Georges Bank yellowtail flounder accountability measure. The proposed selective gear would reduce bycatch of groundfish species, while allowing the target fisheries to continue operating when selective trawl gear is required. Approving this selective trawl gear would provide the fishing industry with more flexibility because there are limited selective trawl gears currently approved for use. We also propose to disapprove the use of this gear in the southern windowpane accountability measure areas.

**DATES:** Written comments must be received on or before December 17, 2018.

**ADDRESSES:** You may submit comments, identified by NOAA–NMFS–2018–0119, by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal eRulemaking Portal.

1. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0119](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0119);

2. Click the “Comment Now!” icon and complete the required fields; and
3. Enter or attach your comments.

- **Mail:** Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, “Comments on the Proposed Rule for Selective Gear.”

**Instructions:** All comments received that were timely and properly submitted are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by us.

**FOR FURTHER INFORMATION CONTACT:** Emily Keiley, Fishery Management Specialist, phone: (978) 281–9116; email: [Emily.Keiley@noaa.gov](mailto:Emily.Keiley@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Northeast Multispecies Fishery Management Plan (FMP) requires the use of selective trawl gear in certain times and areas. The FMP specifies the list of selective trawl gear that meet the required selectivity standards. The FMP also authorizes NMFS to approve additional selective gear, at the request of the New England Fishery Management Council, if the gear meets the regulatory requirements for new selective gear. The regulations (§ 648.85(b)(6)(iv)(j)(2)(i)) require that new selective gear must either: Demonstrate a statistically significant reduction in catch of at least 50 percent, by weight, on a trip-by-trip basis, of each regulated species stock of concern, or, catch of stocks of concern must be less than 5 percent of the total catch of regulated groundfish (by weight, on a trip-by-trip basis). The Council submitted two requests to add the large-mesh belly panel to the list of approved

selective gears: (1) For the Georges Bank yellowtail accountability measure (AM); and (2) for the southern windowpane AM.

The small-mesh trawl fishery (e.g., whiting and squid) has a sub-annual catch limit (sub-ACL) and AM for Georges Bank yellowtail flounder. If catch exceeds the sub-ACL, the AM requires small-mesh trawl vessels to use selective trawl gear that reduces flatfish catch in certain areas for the subsequent fishing year.

Southern windowpane flounder is allocated to three fishery components: Groundfish; scallops; and, other non-groundfish fisheries. The other (non-groundfish) component is primarily the scup, fluke, squid, and whiting fisheries. If the AM for the other (non-groundfish) component is triggered, vessels fishing with any trawl gear with a codend mesh size greater than, or equal to 5 in (12.7 cm), are required to use one of the approved selective trawl gears to reduce flatfish bycatch in certain areas in Southern New England in a subsequent year.

The selective trawl gears approved for use under these AMs are: Haddock separator trawl; Ruhle trawl; and rope separator trawl. When we adopted the AMs for the non-groundfish fisheries, many industry members expressed concern that the selective trawl gears currently approved for use were not suitable for their fisheries. To address this concern, Cornell University conducted a series of studies to test the effectiveness of a new selective gear, the large-mesh belly panel, in several non-groundfish fisheries. The experimental gear included a large-mesh panel to replace the first bottom belly of the trawl net that allows flatfish such as windowpane and yellowtail flounder to escape.

Cornell University conducted two studies in 2014 to investigate using a large-mesh belly panel in a small-mesh trawl net typical of those used in the squid and whiting fisheries on Georges Bank. Both experiments demonstrated a statistically significant reduction in catch of more than 50 percent of Georges Bank yellowtail flounder on a trip-by-trip basis, as required by regulations, without a significant reduction in squid and whiting catch. These studies also demonstrated that the large-mesh belly panel reduced catch, by more than 50 percent per trip, of stocks that are overfished or subject to overfishing.

Cornell University conducted an additional study in 2015 to investigate using a large-mesh belly panel in a trawl net typical of those used in the scup fishery in southern New England



## Summer Flounder, Scup, and Black Sea Bass Monitoring Committee

November 13, 2018

Meeting Summary

**Monitoring Committee Attendees:** Tiffany Cunningham (MA DMF), Jason McNamee (RI DEM), Greg Wojcik (CT DEEP), John Maniscalco (NY DEC), Peter Clarke (NJ F&W), Rich Wong (DNREC), Steve Doctor (MD DNR), Pat Geer (VMRC), T.D. VanMiddlesworth (NCDMF), Kiley Dancy (MAFMC staff), Julia Beaty (MAFMC staff), Kirby Rootes-Murdy (ASMFC staff), Caitlin Starks (ASMFC staff), Mark Terceiro (NEFSC), Emily Gilbert (NMFS GARFO)

**Other Attendees:** Dave Van Voorhees (NOAA Fisheries Office of Science and Technology), Robin Scott (Advisory Panel member), Nichola Meserve (MA DMF; ASMFC Board member), Rob O'Reilly (VMRC; MAFMC member and ASMFC Board member)

The Monitoring Committee (MC) met on Tuesday, November 13, 2018 via webinar to discuss 2019 recreational management measures for summer flounder, scup, and black sea bass, to review progress on a management strategy evaluation model for the summer flounder recreational fishery, and to review analysis of the commercial scup incidental possession limit.

### **MRIP Calibration and 2019 Management Measures**

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The MC discussed changes to the time series of recreational catch and harvest estimates from the Marine Recreational Information Program (MRIP). The new time series, based on revised angler intercept and effort survey methodologies, shows substantially higher effort, catch, and harvest than estimates based on the old methodology, especially in recent years. The MC agreed that, given the major change in our understanding of the recreational fisheries for all three species based on the new MRIP estimates, **it would be preferable to maintain status quo recreational management measures, if appropriate, until the new estimates are incorporated into stock assessments.**

The MC agreed that while not ideal, back-calibrated MRIP estimates based on the old methodology need to be used to evaluate fishery performance to determine if a coastwide reduction or liberalization is needed. If management measures are adjusted, MC members thought revised MRIP estimates could be used for specific analyses, such as harvest proportions by state, catch per angler, or length frequencies.

The MC asked about state-by-state and wave-by-wave differences in the new MRIP estimates compared to estimates based on the old methodology. Dave Van Voorhees, from the NOAA Fisheries Office of Science and Technology, explained that some differences are to be expected because the calibration model used in the transition from the old estimation methodology to the new methodology accounted for state, wave, and mode-specific effects. The old methodology for

estimating effort was based on a coastal household landline phone survey. Over time, fewer and fewer households have retained landlines. This is referred to as the wireless effect and had a major impact on the fishing effort estimates. The impact of the wireless effect was not consistent across all states and waves.

Dave Van Voorhees explained that ground truthing exercises have not been carried out and would be challenging because there are no absolute estimates of the population of anglers. He also explained that the transition from the old estimation methodology to the new methodology was based on three years of running the coastal household telephone survey in conjunction with the new mail-based fishing effort survey. A longer duration of this “side by side” could have produced a more precise calibration between the old and new estimates; however, this was not financially feasible and there was a desire to not postpone the transition for longer than necessary.

## **Black Sea Bass**

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The MC reviewed recent fishery performance and staff recommendations for 2019 federal waters recreational black sea bass management measures. The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board (Board) recommended a 3.27 million pound recreational harvest limit (RHL) for 2019. At the time of the MC meeting, the proposed rule to implement this RHL had not been published<sup>1</sup>; however, the National Marine Fisheries Service Greater Atlantic Regional Fisheries Office (GARFO) indicated that the proposed rule would include a 3.66 million pound RHL, identical to the 2018 RHL, rather than the Council and Board approved-RHL of 3.27 million pounds.

As described in the staff memo, projected 2018 harvest is 3.85 million pounds, 5% higher than the GARFO-proposed 2019 RHL of 3.66 million pounds and 18% higher than the Council and Board-approved 2019 RHL of 3.27 million pounds. **The MC agreed that all state and federal waters recreational black sea bass measures should remain unchanged from 2018 if the GARFO-proposed RHL is implemented.** The projected 5% overage is lower than the typical PSE for New England and Mid-Atlantic harvest estimates. In addition, there is a fair amount of uncertainty associated with the projected 5% overage. For example, despite fairly consistent regulations during 2015-2017, recreational harvest estimates were variable, likely due to variability in weather, availability, and survey sampling. One MC member predicted that fall 2018 harvest in some states would be lower than recent years due to bad weather. In addition, the MC noted that the new MRIP time series has uncertain implications for the stock assessment. Maintaining *status quo* measures until an operational assessment update is complete (expected in spring 2019) seemed appropriate to the MC, given this uncertainty, the relatively low level of the projected overage (i.e., 5%), the current high spawning stock biomass, and signs of an above average 2015 year class.

The MC noted that, while *status quo* measures in all states would be preferable, some states may need to modify their management measures if they decide to participate in the February 2019 fishery. The Council and Board agreed that all states which participate in this fishery should

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<sup>1</sup> The proposed rule published in the Federal Register on November 15, 2018 (83 FR 57389) and is available at: <https://www.federalregister.gov/d/2018-24946>.

consider modifying their measures for the rest of the year to account for expected February harvest. No MC members indicated that their state intends to participate in the February 2019 fishery; however, some were unsure.

The MC discussed options presented by Council staff for achieving an 18% reduction in harvest if a 3.27 million pound RHL were to be implemented. The MC agreed that these options are not likely to be necessary; thus, they decided not to endorse any of these options.

The MC agreed with the staff recommendation that modifications to management measures should not be implemented due to an accountability measure (AM), despite the fact that average 2015-2017 recreational catch exceeded the average 2015-2017 recreational annual catch limit (ACL) by 47%. The 2015 and 2016 recreational overages occurred when availability to anglers was high but RHLs were set at low levels that were not reflective of the high spawning stock biomass due to the lack of an approved stock assessment at the time. The 2016 benchmark assessment suggests that the 2015 and 2016 RHLs could have been significantly higher. If this were the case, overages may not have occurred to the same degree.

One MC member noted that the black sea bass operational assessment update planned for April 2019 will not incorporate 2018 data; however, **if the operational assessment update were postponed by just a few months, 2018 data could be incorporated. The MC agreed that this is preferable because it would allow management decisions to be based on the most recent data and would be more efficient.** However, the MC also noted that this would not allow for 2019 specifications to be revised in late 2019, which may be possible if the operational assessment update is completed in April.

## **Summer Flounder**

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The MC agreed with the staff recommendation that given the timing of the 2018 benchmark stock assessment, development of 2019 recreational measures should be delayed until the assessment results are considered in early 2019. The MC will meet in January 2019 to recommend revised 2019 ACLs and Annual Catch Targets, as well as the use of either recreational conservation equivalency or coastwide measures in 2019. The group will also begin discussing methodologies to develop state/regional measures under conservation equivalency, if selected as the preferred management approach. A tentative timeline for responding to the assessment results and developing 2019 recreational measures is presented in Table 7 in the staff memo dated October 31, 2018.

The MC had no additional recommendations on summer flounder at this meeting, but noted that the recent changes in the MRIP estimation methodology and the resulting increases in recreational summer flounder harvest estimates may prompt additional discussion to re-evaluate the current 60%/40% commercial/recreational landings allocation.

## **Summer Flounder Recreational Management Strategy Evaluation**

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The MC received an update on the ongoing work of Dr. Gavin Fay and Jason McNamee on a management strategy evaluation (MSE) for the recreational summer flounder fishery. The Council and Board will receive an update on this work in December. The project uses a statistical model to predict the effects of changes in recreational management measures for summer flounder. The

MC intends to test application of this work in early 2019 during development of summer flounder measures, by comparing model outcomes to the typical methodologies used to develop recreational measures.

## Scup

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The Monitoring Committee suggested that the 2018 harvest projection for Maryland use 2018 wave 1-4 harvest (317 pounds) and average wave 5-6 harvest from 2015-2017 (66 pounds). This results in 383 pounds of projected scup harvest in Maryland in 2018, as opposed to 352 pounds based on the methodology outlined in the staff memo. 2018 is the first year since 2008 that any amount of recreational scup harvest was estimated for Maryland during waves 1 - 4.

Projected 2018 scup harvest for Maine through North Carolina is 3.57 million pounds, 27% below the 2018 and 2019 RHL of 7.37 million pounds. Despite this substantial underage, **the MC recommends no changes to the state and federal waters recreational scup measures for 2019.** Federal waters measures have included a 9 inch total length minimum size, a 50 scup bag limit, and a year-round open season since 2015. The MC did not see a need to modify these measures as they are already considered quite liberal. In addition, the MC noted that keeping state and federal measures *status quo* until after completion of the next operational assessment update is consistent with the approach recommended for black sea bass.

The MC revisited the request from Massachusetts for a 6 inch minimum fish size and a five fish bag limit (referred to as a “bait tolerance”), to be used in combination with the current 30-50 fish bag limit and 8 or 9 inch minimum size, depending on the state, mode, and time of year. The intent behind this request is to allow anglers to retain a few small scup for use as live bait for striped bass or bluefish.<sup>2</sup> One MC member said the practice of livelining for striped bass is limited in terms of area and time of year. Massachusetts Division of Marine Fisheries (MA DMF) staff said they may pursue this change in state waters only.

The MC acknowledged that this change in regulations would not present a conservation concern given the current high scup biomass and the likely limited scope of this live bait fishery; however, multiple MC members said they did not like the idea of allowing harvest of immature fish. Only about 20% of 6 inch scup are mature. They also noted that this change may pose challenges in the future if the resource status were to change and measures needed to be more restrictive. One MC member added that there have been challenges in the past regarding use of data from special permit programs in assessments or management considerations. The MC previously reviewed this proposal during their July 2018 meeting and raised concerns about enforcement and analysis challenges due to added complexity in the regulations.

## Scup Commercial Incidental Possession Limit

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The MC reviewed the Council and Board’s recommendation to increase the incidental scup possession limit to 2,000 pounds during April 15 - June 15. They also reviewed analysis of scup

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<sup>2</sup> The full request is available at: [http://www.mafmc.org/s/MA\\_DMf\\_scup\\_rec\\_size\\_request\\_MC\\_12Jun18.pdf](http://www.mafmc.org/s/MA_DMf_scup_rec_size_request_MC_12Jun18.pdf). After the MC meeting, MA DMF staff clarified that this change is intended to apply only to anglers fishing on private, rental, party, or charter boats, and is not intended to apply to anglers fishing from shore.

discards in the longfin squid fishery. The MC agreed that the analysis was helpful for examining the potential impacts of the incidental possession limits on scup discards. For example, the analysis showed that a proportion of the scup discards were of legal size, and thus could have been landed based on their size. A change in the length frequencies of discarded vs. landed scup in future years may indicate an effect of the change in the incidental possession limit. The large 2015 year class played a role in the high discards in recent years. In 2018 and 2019, most of these fish will be large enough to be landed in the commercial fishery, which may result in a decrease in discards. The increase in the incidental possession limit for 2019 should also help to reduce discards.



## Summer Flounder, Scup, and Black Sea Bass Advisory Panel Webinar

November 19, 2018

Meeting summary

**Council Advisory Panel members present:** Katie Almeida (MA), Carl Benson (NJ), Jeff Deem (VA), James Fletcher (NC), Carl Forsberg (NY), Jeff Gutman (NJ), Gregory Hueth (NJ), Howard King (MD), Arnold Leo (NY), Brady Lybarger (NJ), Michael Pirri (CT), Michael Plaia\* (CT), Bob Pride (VA), Robin Scott (NJ), Chris Spies (NY), Harvey Yenkinson (PA), Doug Zemeckis (NJ)

**Commission Advisory Panel members present:** Frank Blount (RI), Jack Conway (CT), Greg DiDomenico (NJ), Marc Hoffman (NY), Joe Huckmeyer (MA), Jay Little (DE), Michael Plaia\* (RI), James Tietje (MA)

\*Serves on both Council and Commission Advisory Panels.

**Others present:** Julia Beaty (Council staff), Rick Bellavance, Alan Bianchi (NCDMF), Kiley Dancy (Council staff), Brian Galvez, Abigail Golden, Victor Hartley (MAFMC bluefish AP member), Steve E.C. Newellmann, Kirby Rootes-Murdy (ASMFC staff), Caitlin Starks (ASMFC staff), Angel Willey (MD DNR)

### Summer Flounder Comments

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One advisor noted that Marine Recreational Information Program (MRIP) data indicate that private anglers account for most harvest from federal waters, and this harvest is poorly reported and these anglers are rarely intercepted since many go back to private docks. This advisor again requests that smartphone reporting be required for anglers fishing in federal waters, with high financial penalties for violations. Anglers should declare their fishing trip via the app before a trip, and report once they return.

Multiple advisors expressed frustration that management measures continue to focus recreational fishing mortality on the largest breeding female summer flounder. These advisors believe this management strategy is detrimental to recruitment and stock rebuilding, in addition to lowering angler satisfaction as the result of low availability of keeper flounder. Several advisors supported exploration of alternatives to high minimum size limits. One advisor requested implementation of a total cumulative length limit, with all catch of summer flounder counting toward a total allowable number of inches, with mandatory retention until this total length limit is reached. Another asked whether slot limits could be implemented under the current fishery management plan (FMP). Staff responded that slot limits can currently be implemented by the states under conservation equivalency, and there is currently a joint framework action/addendum under

development to allow for slot limits under the Council's FMP for summer flounder, scup, and black sea bass. A federal slot limit would not be necessary under conservation equivalency given that federal measures are waived, but if approved under this action, a slot limit could be used in the future for coastwide measures.

One advisor reported that catch in Southern New Jersey has been getting worse in recent years, with a reduction in the number of legal sized flounder caught. Ten years ago, he was typically getting about 20 keepers per trip and now anglers in this area are lucky to get four or five. He said that most MRIP intercept reports for summer flounder in this area show zero keepers. He believes summer flounder need to be managed on a north-south basis due to their east-west migrations, because regional fishing effort and management measures appear to be causing regional depletion. He stated that environmental changes are not causing the entirety of summer flounder biomass distribution changes, and management must be causing some of it. Recreational fishermen are not as flexible as commercial fishermen regarding following the distributional changes of fish, so management measures should be reconsidered in order to stop pushing stocks north.

An advisor from Virginia noted that they have also been suffering from a lack of legal sized fish, and catch estimates seem grossly overstated. This advisor quit running charters because their customers were no longer getting keeper flounder in recent years.

One advisor noted that this year in New York, the fish came in later than usual due to cold weather. Traditionally they come in the second half of April and stay through May, then move west and south. He was concerned that this atypical migration timing in 2018 may not be captured by the trawl surveys.

Several advisors noted concerns with the revised MRIP estimates. One stated that he would like to know what estimated number of anglers or fishing households MRIP uses to develop effort estimates for New York, and he has requested this information and not received an answer. He estimates that MRIP numbers of anglers are probably double the actual numbers, and also noted that the mail survey changes result in a higher proportion of catch estimated from shore than is reasonable. Overall, several advisors agreed that the MRIP numbers appear unrealistic (coastwide estimates as well as certain wave/state/mode combinations). One advisor stated that any estimates with Percent Standard Errors (PSEs) over 50% should not be used to develop management measures (while coastwide PSEs are lower than this, high PSEs are sometimes found when breaking down the estimates at finer scales of state, wave, and mode).

One advisor noted that the expansion methodology and calculations for MRIP data have always been a "secret" and that these methods need to be exposed to public scrutiny.

When considering the planned timeline for concurrent catch limit and recreational measures development in early 2019, there were some questions regarding when states will be able or expected to implement state measures. Clarity is needed on whether states could likely implement revised measures before the recreational harvest limit (RHL) final rule publishes likely around May or June.

Another advisor from southern New Jersey noted that summer flounder arrive there in April, and spend 8-10 weeks inshore. Average size decreases each month, and this advisor estimates about 30% recreational fishing mortality in July in part due to warm water. American Littoral Society sampling provides useful statistics, whereas MRIP appears to be unreliable. This advisor has had to urge MRIP samplers to interact with anglers at designated sampling sites as sometimes the samplers do not appear to try to talk to anglers. This advisor also agreed with modifying recreational measures to reduce pressure on large female fish, and to allow some fish to be kept by anglers to take home for food.

## **Scup Comments**

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One advisor said the intent of the regulations should be to achieve the RHL. It is not currently necessary to “constrain” scup harvest to the RHL, as stated in the staff presentation, because recreational scup harvest is typically well below the RHL.

Multiple advisors asked how high biomass needs to be before regulations can be liberalized. According to the last stock assessment update, scup biomass in 2016 was slightly more than double the target level. Some advisors said regulations should be more liberal given the high biomass. One advisor said the recent increase in the commercial small mesh incidental possession limit is an example of giving more fish to the commercial fishery. He said similar liberalizations should be considered for the recreational fishery.

No advisors expressed opposition to the Monitoring Committee (MC) recommendation that federal waters measures remained unchanged. A few advisors recommended that state measures be liberalized to match the federal waters measures. One advisor said having more restrictive state waters than federal waters measures interferes with interstate commerce and violates national policy. If fish are legally caught in federal waters, he said, anglers should be able to keep those fish when they return to land.

The Massachusetts Department of Marine Fisheries requested a change in the regulations to allow anglers to retain up to five scup as small as six inches in length for use as live bait. Multiple advisors supported this change in state waters and said it is not needed in federal waters as it is meant to benefit the striped bass fishery and harvest of striped bass is prohibited in federal waters. One advisor said this change would not present a conservation concern, especially as some striped bass fishermen already use small scup for live bait and this change would simply make the practice legal. Another advisor noted that since it is a live bait fishery, any unused scup are released alive.

One advisor said the MRIP numbers are inaccurate. As an example, he said most scup catch out of New York is on party and charter boats, whereas the MRIP data suggest that private boats account for most scup catch.

One advisor said the recreational fishery should be managed with a total cumulative length limit, where anglers are required to keep all the scup they catch until the lengths of all those fish add up to a defined limit, at which point anglers must stop fishing for the day.

One advisor noted that some states will not be able to take advantage of the recent increase in the commercial scup small mesh incidental possession limit due to restrictive directed fishery possession limits in state waters during part of the year. He also recommended that the Council more clearly define incidental catch, especially in regard to the potential for targeting species with permits that are intended to be for incidental catch (e.g., tilefish).

### **Black Sea Bass Comments**

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Six advisors expressed support for the MC recommendation to make no changes to state or federal waters measures in 2019. Multiple advisors applauded GARFO for implementing a *status quo* RHL in 2019, as opposed to the 11% reduction recommended by the Council and Board. One advisor said this is a good example of how flexibility to vary from requirements of the FMP's can be beneficial. However, four other advisors disagreed with the recommendations for a *status quo* RHL and recreational management measures. Some argued that at least a slight liberalization should be allowed. Others repeated comments raised during the scup discussion, asking how high biomass needs to be before measures can be liberalized.

One advisor said the RHL was exceeded in multiple years because the RHLs were not reflective of stock size and did not account for large year classes, including the 2011 and 2015 year classes. Two advisors said the Council risk policy should be modified to allow higher catch rates for species with biomass that is double the target, compared to species that are at the target. One advisor said black sea bass are so abundant that they are negatively impacting fisheries for their shellfish prey. Another advisor agreed and asked how predation of black sea bass on other species is factored into black sea bass management.

One advisor said black sea bass are moving north and east and that the trawl surveys do not sample far enough from shore to accurately demonstrate the true abundance of black sea bass.

A few advisors expressed support for the removal of the federal waters fall closure which had previously been in place for several years. In 2018, the black sea bass fishery was open throughout the fall. This helped address some discrepancies between state and federal waters regulations, as some state waters were previously open during this federal waters closure. One advisor repeated concerns raised during the scup discussion about more liberal federal measures than state waters measures interfering with inter-state commerce.

Two advisors noted that the 2018 harvest projections did not include adjustments for the outlier New York 2016 wave 6 harvest estimate. A few advisors said fall 2018 harvest will likely be low due to poor weather.

Five advisors supported the MC recommendation that the operational stock assessment update be postponed to June 2019, as opposed to April, to allow for inclusion of 2018 data. They acknowledged that this would not allow for in-season adjustments to the 2019 RHL or management measures. They agreed that it would be beneficial for 2020 specifications to be based on the most recent data possible. A few advisors noted that regulatory changes late in the year, even those that allow for more harvest, can have negative impacts on some businesses and on the states that are not able to take advantage of the change. However, a few advisors did support potential revisions to the 2019 measures, even if they are implemented late in the year.

and not all states could take advantage of the changes. If measures can be liberalized, they argued, some fishermen would benefit from the changes, even if the full benefit could not be realized.

One advisor said the Council and Board should look for ways to address wasteful practices to ensure that the stock remains robust. For example, he suggested that venting be required when black sea bass are caught at depths greater than 60 feet. He also suggested that the recreational fishery only harvest males. He also suggested that incentives be considered for use of pot/trap or hook and line gear, as opposed to bottom trawls, such as different possession limits for different gear types.

One advisor noted that in many ways, New Jersey is more like Delaware through North Carolina than Massachusetts through New York. For example, most black sea bass catch in New Jersey occurs in federal waters, as opposed to state waters. In addition, the 2016 benchmark stock assessment modeled New Jersey as part of the southern region.

Two advisors recommended that the captain and crew on party and charter boats be allowed to retain summer flounder, scup, black sea bass, and tilefish. Another participant on the call (not a Summer Flounder, Scup, Black Sea Bass AP member) supported this recommendation.

One advisor said he would like to see uniformity in the fillet regulations for summer flounder, scup, and black sea bass.

**From:** [Kiley Dancy](#)  
**To:** [Beaty, Julia](#); [Rootes-Murdy, Kirby](#); [cstarks@asmfc.org](mailto:cstarks@asmfc.org)  
**Subject:** Fwd: Draft AP webinar summary for review by 11/27  
**Date:** Monday, November 26, 2018 9:21:56 AM

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Fyi

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From: bob pride  
Sent: Saturday, November 24, 9:29 PM  
Subject: Re: Draft AP webinar summary for review by 11/27  
To: Kiley Dancy

Kiley,

The AP meeting summary matches my recollection.

Here is some interesting anecdotal information. On Wednesday and Friday afternoons, I drove across the 23-mile long Chesapeake Bay Bridge Tunnel as I went between Virginia's Southside and Eastern Shore. I saw NOT ONE recreational fishing vessel on either day. The weather was cool but pleasant, winds were 10-15, and seas were 1-2 feet. We are at the peak of the striped bass season, and flounder, tautog and black sea bass are all open. Yet not one boat. I hope that helps you understand why so many people think MRIP is very wrong.

Bob Pride

On Tue, Nov 20, 2018 at 4:41 PM Kiley Dancy <[kdancy@mafmc.org](mailto:kdancy@mafmc.org)> wrote:

Hello summer flounder, scup, and black sea bass Advisory Panel members,  
Please see attached for a draft summary of our webinar meeting yesterday. If you have any comments or concerns regarding this summary, **please get them to us by end of the day on Tuesday, November 27.**

As a reminder, the deadlines for written comments prior to the [December Council/Board joint meeting](#) are:

**Briefing Book Deadline:** November 28, 2018, 5:00 p.m.  
**Supplemental Comment Deadline:** December 6, 2018, 5:00 p.m.

Thanks and have a great Thanksgiving!

Kiley Dancy

**From:** [Kiley Dancy](#)  
**To:** [Beaty, Julia](#)  
**Subject:** FW: Draft AP webinar summary for review by 11/27  
**Date:** Tuesday, November 27, 2018 12:40:53 PM

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fyi

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**From:** Jeff <jgutman28@comcast.net>  
**Sent:** Tuesday, November 27, 2018 12:40 PM  
**To:** Kiley Dancy <kdancy@mafmc.org>  
**Cc:** Moore, Christopher <cmoore@mafmc.org>  
**Subject:** Re: Draft AP webinar summary for review by 11/27

Good Morning Kiley,

Just to further flesh out the Risk Policy argument, I would like to add the following.

At last June's "in person" AP meeting (with no Council Members present) John Boreman specifically answered a question I asked with the comment, and I paraphrase, "The SSC is constrained by the Council's risk policy. I wish the Council would change their risk policy so the SSC would be able to increase the Black Sea Bass Quota. The problem is the Risk Policy, not the SSC". To that end, I would like to suggest that the Council look at some form of sliding scale risk policy. One that would account for stocks at say less than 100% of target, target, 1.5X target and equal to or greater than 200% of target. Doing this would go a long way towards ending artificial overages relative to the RHL and show good faith to stakeholders in that those who have sacrificed to rebuild a stock can see the benefits of that sacrifice.

Thanks,  
Jeff Gutman  
MAFMC AP

At 04:40 PM 11/20/2018, you wrote:

Hello summer flounder, scup, and black sea bass Advisory Panel members,  
Please see attached for a draft summary of our webinar meeting yesterday. If you have any comments or concerns regarding this summary, **please get them to us by end of the day on Tuesday, November 27.**

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