



Mid-Atlantic Fishery Management Council

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MEMORANDUM

Date: December 1, 2017
To: Council
From: Brandon Muffley, Staff
Subject: Black Sea Bass Wave 1 Letter of Authorization Program Framework Discussion Document

Introduction

Letter of Authorizations (LOA) allow vessels that apply for and obtain the appropriate LOA to be exempt from certain regulations specific to the fishery in which the permitted vessel is participating. These LOA exemptions are clearly defined in the regulations and are specific to the species/fishery covered under the appropriate Fishery Management Plan (FMP). Since LOAs are established through regulation, the Council, with the approval of the Regional Administrator, has the ability to determine and specify the exemptions and requirements that would apply to those vessels participating in LOA under consideration. This approach, when compared to other exemption programs such as an Exempted Fishing Permit (EFP), gives the Council a greater role in determining management goals and the LOA exemptions allowed that will help achieve those goals.

In 2017, the Greater Atlantic Regional Fisheries Office (GARFO) oversaw the implementation of 20 different LOA programs which provide a variety of exemptions to number of different commercial fisheries and closed area exemptions for charter/party vessels. Currently, there are LOAs issued under Council managed FMP's (including jointly managed FMPs) for summer flounder, squid/mackerel/butterfish, surf clam/ocean quahog, spiny dogfish and monkfish and are all specific to federally permitted vessels in these different commercial fisheries. In general, an LOA is only issued to a vessel that holds a valid permit in the fishery for which the LOA is requested. The Council and Board are considering a different approach to the typical issuance of an LOA in the Mid-Atlantic which would apply any type of vessel participating in a Wave 1 (January-February) recreational black sea bass fishery.

This memo provides short background regarding the Council and Board considerations for a Wave 1 recreational black sea bass fishery and an overview of the of the black sea bass Wave 1

fishery. Draft alternatives that cover a variety of different areas (e.g. participation, reporting, management measures, allocation etc.) for Council and Board consideration are also presented. The Council and Board should determine goals for the LOA and recommend specific alternatives for further analysis and consideration.

Background

Historically, black sea bass was an important component of the Wave 1 recreational offshore fishery, particularly among the for-hire sector that had the vessel capabilities to travel offshore during that time of year. However, the Wave 1 fishery closed in 2010 due to overages in 2009 and has remained closed since then, with the exception of 2013.

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) began considering re-opening the Wave 1 recreational black sea bass fishery in February 2017 following the positive information about the black sea bass stock as a result of the benchmark stock assessment. The Council and Board initially considered opening the 2018 Wave 1 fishery through the issuance of an EFP to federally permitted for-hire vessels and directed staff to develop a white paper that would evaluate a potential Wave 1 fishery under an EFP. At their joint meeting in May 2017, the Council and Board reviewed the analysis and information provided in the white paper and ultimately decided not to move forward with an EFP due to the likely limited participation and high administrative demands. Instead, the Council and Board passed the following motion that would consider opening the Wave 1 black sea bass fishery under a LOA program:

Move to initiate a framework/addendum to allow a 2018, and beyond, Jan/Feb black sea bass recreational fishery with the vessel participating being required to obtain a letter of authorization from GARFO. Also, a 15 per person possession limit, no min size, zero discard policy, and require a call in and call out process and mandatory trip reporting. The fishery closes when the quota is met. Council: DiLernia/Nowalsky; Board: Gilmore/O'Reilly.

The Council and Board supported the development of an LOA program because of its potential to greatly expand participation to any vessel owner, the potential to monitor black sea bass harvest, the anticipated lower administrative demands and the ability to collect black sea bass catch and biological information during this time period. Due to the Council's timeline to consider and approve an LOA program and the regulatory process in which this program would be implemented, a recreational Wave 1 fishery administered through an LOA was not feasible in 2018. Therefore, in order to provide a Wave 1 fishery in 2018 while the LOA program was developed for future consideration, the Council and Board approved opening the Wave 1 fishery through the recreational specification process with a season of February 1 – 28, 15 fish possession limit and a 12.5 inch minimum size limit.

Overview of the Wave 1 fishery

As highlighted in previous documents regarding the Wave 1 fishery^{1,2}, there is limited catch and effort data available on the recreational black sea bass fishery during Wave 1. Outside of the Marine Recreational Information Program (MRIP) data collected in North Carolina, the only other available Wave 1 data is from mandatory Vessel Trip Reports (VTR) from federally permitted for-hire vessels. An evaluation of all available VTR data from 1996-2009 and 2013, the time period the Wave 1 fishery was open, indicated 15 for-hire vessels, on average, participated in the Wave 1 black sea bass fishery with a peak of 39 for-hire vessels in 2013. Vessels from all states from Rhode Island through North Carolina participated in and reported black sea bass catch in Wave 1, with New Jersey (82.9%), New York (9.4%) and Virginia (5.5%) accounting for nearly 98% of the total Wave 1 black sea bass catch.

Effort (number of trips), catch and harvest during Wave 1 steadily increased from 1996 through 2001, then declined until 2005 and once again began to steadily increase until the Wave 1 fishery was closed in 2010 (Figure 1). When the fishery re-opened in 2013, effort, catch and harvest was more than double the highest observed in any year from 1996-2009. The total 2013 black sea bass harvest in Wave 1 from federally permitted vessels was estimated to be 70,533 fish or 135,423 pounds. Utilizing VTR data and MRIP data to help scale for-hire harvest estimates to include potential harvest from the private/shore mode, estimates of total black sea bass recreational harvest (both for-hire and private/shore modes) were developed in order to assess the potential magnitude of the Wave 1 fishery in 2018². This analysis estimated a potential Wave 1 black sea bass harvest to be as low as 176,624 pounds, or 4.8% of the 2018 RHL or as high as 388,572 pounds, or 10.6% of the 2018 RHL.

Draft Alternatives for Consideration

The alternatives below were devised by staff, in cooperation with GARFO, and attempt to provide the Council and Board with some flexibility to craft a LOA to meet their goals and objectives; while also providing the specificity necessary to develop regulations in order to administer the LOA. Alternatives are grouped under six major categories: Participation and Enrollment, Reporting Requirements, Management Measures, Monitoring and Accountability, Allocation and Pre/Post Conditions. The document is broken down by these six major categories with a summary table identifying the draft alternatives associated with each category, followed by text to describe the category and each alternative.

In some categories, alternatives are provided that would apply only to private vessels participating in the LOA program due to the different requirements already in place for party and charter vessels. In addition, under some categories, multiple alternatives may be selected by the Council and Board. Lastly, some alternatives can be selected independently (i.e. changing or choosing one alternative does not depend on changing or choosing the other); while others are dependent upon another alternative for consideration. For example, alternatives under *Monitoring an Accountability* and *Allocation* may be linked, so if the Council and Board decide

¹ MAFMC (Mid-Atlantic Fishery Management Council). 2017. White Paper on the Potential 2018 Experimental Wave 1 Recreational Black Sea Bass Fishery. Available at: <http://www.mafmc.org/briefing/may-2017>

² July 12, 2017 staff memo to Council regarding the 2018 Wave 1 recreational black sea bass fishery. Available at: <http://www.mafmc.org/briefing/august-2017>.

on the *Allocation* alternative that does not specify an allocation to the Wave 1 fishery, the *Monitoring and Accountability* alternative that would implement in-season monitoring and closure of the fishery if the allocation is reached would not be an alternative to consider.

1. Participation and Enrollment

1. Category: Participation and Enrollment
<i>Participation Level</i>
Alternative 1A: Limit/cap number of vessels
Alternative 1B: No limit/cap on number of vessels
<i>Application Deadline</i>
Alternative 1C: Deadline to apply and participate
Alternative 1D: No deadline, rolling entry

These two sets of alternatives will help determine the total number of potential vessels that would be allowed to participate in the Wave 1 LOA program. The first set of alternatives considers a limit or cap on the total number of vessels that could participate and would be the first consideration by the Council and Board for these two sets of alternatives. These alternatives are independent of, but could be used in conjunction with, the second set of alternatives considered under this category which would define when a vessel would need to apply to the LOA program in order to be eligible to participate. This second set of alternatives, particularly Alternative 1C, could also limit participation but not at any defined limit or cap as addressed in the first set of alternatives.

Participation level

Alternative 1A: Limit/cap the number of vessels

Under this alternative, the Council and Board would select a cap on the total number of vessels that could apply and participate in the Wave 1 LOA program. The cap would be set by the Council and Board and could be based on previous participation levels in the for-hire sector (e.g. long-term average, maximum) and then scaled to account for private vessel participation.

Limiting the total number of vessels in the LOA program could help in the administration and monitoring of the LOA program depending on other alternatives selected under the *Reporting Requirements* and *Monitoring and Accountability* areas. However, limiting the number of vessels may be contrary to the Council and Board's intention to increase and expand participation in this fishery.

If this alternative is selected, consideration would also need to be given as to how to determine which vessels would be able to participate in the LOA program if the number of completed and submitted applications is greater than the limit or cap that is established. For example, a lottery

of submitted applications would randomly determine participating vessels or vessels could be approved on a first come, first serve basis until the cap is reached.

Alternative 1B: No limit/cap on the number of vessels

Under this alternative, there would be no limit as to how many vessels could potentially participate in the Wave 1 LOA program. Vessels would still need to complete and submit an application and receive a LOA to participate.

This alternative could provide for the maximum number of vessels and participants into the fishery, an implicit goal of LOA program considered by the Council and Board. However, if participation is higher than anticipated, the administrative and monitoring demands will increase substantially and, depending upon other alternatives that are selected, could result in a shortened Wave 1 fishery.

Application Deadline

Alternative 1C: Deadline to apply and participate

Under this alternative any vessel, both for-hire and private, wishing to participate in the Wave 1 LOA program would need to complete and submit the appropriate application by the advertised application deadline. Failure to submit a completed application by the deadline would result in the vessel not being eligible to participate in the Wave 1 LOA program. The application deadline date (December 15th for example) would be determined by GARFO and would be appropriately published and announced by GARFO, the Council and ASMFC.

This alternative would provide advanced information for administering and monitoring the LOA program by knowing the total universe of participants in the program and the type of vessels that will participate and their associated reporting requirements.

Alternative 1D: No deadline, rolling entry

Under this alternative, there would be no application deadline and interested vessels could complete and submit an application to participate in the LOA at any time during the Wave 1 fishery. This option gives vessels some flexibility to determine if and when they may want to participate and may increase overall participation in the LOA program.

This alternative will make monitoring the fishery and ensuring compliance with any reporting requirements much more difficult since the number of vessels participating in the program will constantly be changing at any particular period of time throughout the Wave 1 fishery. In addition, this alternative likely adds to the administrative demands since applications will be processed on an ongoing basis.

2. Reporting Requirements

2. Category: Reporting Requirements
<i>Reporting Methods for Private Vessels - Catch and Harvest</i>
Alternative 2A: electronic Vessel Trip Report (eVTR)
Alternative 2B: Paper reports/VTR
Alternative 2C: Call-in/phone reports
Alternative 2D: On-line/web based mobile app
<i>Reporting Frequency</i>
Alternative 2E: Within 48 hours after trip
Alternative 2F: Weekly report submission
Alternative 2G: End of season report submission
<i>Call-in Requirement</i>
Alternative 2H: Call-in prior to and end of fishing trip
Alternative 2I: No call-in requirement
<i>Biological Information</i>
Alternative 2J: Length and weight information of black sea bass catch
Alternative 2K: At-sea and/or dockside sampling
Alternative 2L: No biological data collection requirements

These sets of alternatives address how private vessels operating under the LOA will report their activity, at what frequency that information needs to be reported, what data will be collected and reported, and whether or not vessels will be required to call-in to GARFO to indicate their intent to operate under the LOA on a particular day. The owner/operator of any vessel, for-hire or private, will be required to submit a trip level report for all activity on the vessel participating in the LOA program. There are no *Reporting Method* alternatives provided for party and charter (for-hire) vessels. Federally permitted party and charter vessels have been submitting VTRs via paper submission documenting their catch, landings and trip information for nearly 25 years. In September 2017, the NMFS approved an omnibus framework requiring electronic vessel trip reporting (eVTR) for all federally permitted party and charter vessels in the Mid-Atlantic region. Party and charter vessels that hold a federal permit for black sea bass, and other Council managed species, will be required to begin submitting eVTRs in mid-March 2018 using a NOAA approved software application. Therefore, this method of reporting will be the required reporting method for any federally permitted for-hire vessel and would represent the most seamless method of reporting for party and charter vessels participating in the LOA.

Since there are currently no mandatory reporting requirements for private vessels and federally permitted for-hire vessels are already required to submit eVTRs, alternatives were developed to provide different reporting options for private vessels participating in the LOA program.

Reporting Method for Private vessels – Catch and Harvest

Alternative 2A – electronic Vessel Trip Report (eVTR)

Under this alternative, private vessels would submit all of their catch, landings and trip information with an eVTR just as a federally permitted for-hire vessel would do. Private vessel owner/operators would need the ability to obtain access and submit an eVTR documenting all fishing activity from their participating vessel to GARFO through a NOAA approved software application. This alternative would allow for a consistent reporting method and data collection system across all vessels participating in the LOA program. However, there may be some permitting and technical issues in establishing access to submit data via eVTR for private vessel owner/operators and further evaluation is needed.

Alternative 2B – Paper reports/VTR

Private vessel owner/operators would provide the same catch, landing and trip information required but would submit using a paper VTR instead of an eVTR. The alternative would provide for consistent data collection across all vessels (i.e. same data is collected from a paper VTR and eVTR). This alternative may address potential permitting issues with eVTR submission since for-hire vessels will no longer be able to submit paper VTRs once this LOA program is in place. The current paper VTR reports would be provided to the private vessel owner/operator once they are approved and receive the LOA to participate in the program. However, the timeliness, accuracy and quality of the data submitted via paper reports may be less than that provided via an eVTR.

Alternative 2C – Call-in/phone reports

Instead of an actual paper or electronic VTR submission of catch, landing and trip information, private vessel owner/operators would provide this information to GARFO via a dedicated phone number. This alternative would alleviate some of the permitting issues associated with VTR submission. The same information required on a VTR would need to be provided by the private vessel owner/operator over the phone. Depending upon the *Reporting Frequency* alternative chosen, the information submitted through a call-in system could be available in a timely manner and accurate if the recall period is short. This alternative would require GARFO to establish a dedicated number specific to the LOA program and may increase administrative demands by requiring staff to monitor and enter the data provided via the call-in system.

Alternative 2D – Online/web-based mobile app

Under this alternative, private vessel owner/operators would report the required catch, landing and trip information via an on-line web based reporting form or through a mobile app. The website or mobile app would be developed specifically for the recreational black sea bass LOA program and only vessels approved and participating in the LOA would have access to report

their information. A website similar to the one developed as a pilot program for the South Atlantic Council (www.MyFishCount.com) for use by recreational fishermen participating in the 2017 red snapper fishery could potentially be developed. Or a mobile app similar to the ACCSP eTrips mobile platform could potentially be developed. As with Alternative 2C, this alternative would alleviate some of the potential VTR permitting issues and could provide timely and accurate information from the private vessel owner/operator. However, this alternative would require a significant amount of “up-front” administrative investment to develop a website or mobile app platform.

Reporting Frequency

As part of the omnibus framework implementing eVTR submission for federally permitted for-hire vessels, the frequency of the VTR submission also changed. Under the paper VTR submission, the VTR report was to be submitted by the 15th of the month following the month in which the trip occurred. The new omnibus framework requires eVTRs be submitted within 48 hours following the completion of a fishing trip. Given this requirement, federally permitted for-hire vessels participating in the Wave 1 LOA program would submit their eVTRs within 48 hours after completion of a trip as required by the omnibus framework. Therefore, the *Reporting Frequency* alternatives below would be considered for private vessel participating in the Wave 1 LOA program.

Alternative 2E – Within 48 hours after a trip

This alternative is consistent with this new requirement for federally permitted for-hire vessels and would require private vessels, regardless of the *Reporting Method* alternative selected, to submit their reports at the same frequency. This alternative would provide timely and potentially more accurate reports by minimizing the recall period and would be necessary if in-season monitoring alternative (Alternative 4A) of the black sea bass harvest is selected.

Alternative 2F – Weekly report submission

This alternative would allow private vessels participating on the LOA program to report all trip level activity on a weekly basis. This reporting frequency would apply to any form of *Reporting Method* alternative selected. Weekly reporting is generally the standard frequency for commercial dealers to report their activities. This alternative could also provide timely reports to be used if in-season monitoring of the black sea bass harvest is necessary.

Alternative 2G – End of season report submission

Under this alternative, private vessels would submit one report covering all trip level activity during the LOA at the end of their participation in the LOA program or at the end of the LOA season (February 28th), whichever is first. This alternative would be the least burdensome but would also produce the least timely and accurate reports. In addition, this alternative could not be selected if the in-season monitoring of black sea bass harvest alternative is selected.

Call-in requirement

Alternative 2H – Call-in prior to and end of fishing trip

Under this alternative, any vessel (for-hire and private) owner/operator participating in the LOA program would be required to call-in to a designated phone line prior to their intent to make a trip authorized under the LOA and then call-in prior to docking once the LOA trip has ended. The call-in and call/out requirement is part of the motion passed by the Council and Board for consideration. This information could be used to cross-check/validate trip information submitted by participating vessels and to ensure compliance with the reporting requirement. In addition, depending upon the *Biological Information* alternative selected, could help assist in the at-sea or dockside collection of biological data.

Alternative 2I – No call-in requirement

Vessels participating in the LOA program would not have any call-in/call-out requirements under this alternative. This alternative would be the less burdensome to vessels participating in the program but validation, compliance and biological sampling benefits that may be beneficial under a call-in/out requirement would be lost.

Biological Information

Alternative 2J – Length and weight measurements of black sea bass catch

One of the potential benefits considered by the Council and Board in the development and possible implementation of an LOA program was the possibility to collect biological information (e.g. length and weights) from the fishery. There is limited biological information available during this time of the year and this information would provide valuable biological, stock assessment, fishery and management information. In addition to the catch, harvest and trip information already required, under this alternative, all vessels (for-hire and private) would be required to provide the individual length and weight information from a sub-sample of black sea bass caught (both harvested and discarded fish) from each trip under the LOA program. The protocols and sample sizes for these data elements would need to be determined by the Monitoring Committee/Technical Committee. It would also need to be determined if this information could be submitted as part of a vessels eVTR report (or other appropriate report), or if this information would need to be provided under a different report.

Alternative 2K – At-sea and/or dockside sampling

Under this alternative, any vessel participating in the LOA program would be required to allow an at-sea observer (party vessels only) or dockside sampler, where appropriate, to collect biological information such as length, weight, sex or age. This alternative does not require an at-sea observer or dockside sampler on all trips, but does require the vessel to participate in the biological collection program when notified by the appropriate state/federal partner that an at-sea or dockside sampler will be present. This alternative could be selected in addition to, or in replace of, Alternative 2J. If selected in replace of Alternative 2J, it could alleviate some of the reporting requirements of the vessel and create additional incentive to cooperate with an at-sea or dockside sampler to collect the needed information. In addition to the biological data collected through this type of sampling program, the effects or implications of zero discarding could be evaluated if the Council and Board select Alternative 3B in the *Management Measures* section.

Alternative 2L – No biological data collection requirements

Vessels participating in the LOA program would not be required to provide any biological information on trips taken as part of the LOA. Vessels would only submit catch, harvest and trip information as part of the vessels required trip report.

3. Management Measures

3. Category: Management Measures
Alternative 3A: Jan 1-Feb 28 season with current federal water possession and size limits
Alternative 3B: Jan 1-Feb 28 season with 15 fish possession, no minimum size and no discarding

As part of the regulations that will implement the LOA program, management measures that specify the season, minimum size and possession limit will also need to be established. All participating vessels would need to abide by these specified management measures when making a trip under the LOA program.

Alternative 3A: January 1 – February 28 season with current federal water possession and size limit

Under this alternative, the management measures in place for the LOA program would be the following: a season from January 1 – February 28, a 15 fish possession limit and 12.5 inch minimum size limit. The size and possession limits are consistent with the current federal water measures in place during the rest of the recreational season. They are also consistent with the limits that will be in place for the February 1 – 28, 2018 fishery recently approved by the Council and Board.

Alternative 3B: January 1 – February 28 with 15 fish possession, no minimum size and no discarding

Consistent with the motion passed by the Council and Board in May, this alternative would implement the following management measures: a season from January 1 – February 28, a 15 fish possession limit, no minimum size limit and no discarding. Due to the deeper depths at which the Wave 1 fishery typically occurs and presence/concentration of a number of predators, black sea bass discard mortality is likely to be high during this time of year. In order to eliminate discards, the Council and Board agreed to consider implementing measures with no minimum size and no discarding. Due to the high catch rates and black sea bass availability this time of year, additional enforcement and/or monitoring may be needed to ensure no discarding is occurring.

4. Monitoring and Accountability

4. Category: Monitoring and Accountability

Alternative 4A: In-season monitoring and closure ability; accountability in same fishing year

Alternative 4B: No in-season monitoring or closure ability; accountability in following fishing year

Any catch and harvest that occurs during the Wave 1 LOA fishery will be accounted for and evaluated against the recreational sector Annual Catch Limit (ACL) and Recreational Harvest Limit (RHL), respectively, along with the remainder of the recreational black sea bass fishery. In order to constrain recreational catch and harvest and not exceed the ACL and RHL, any black sea bass catch and harvest that occurs during Wave 1 LOA fishery will require adjustments to management measures to the remainder of the fishing year. The required management adjustments will depend on the catch and harvest that occurs during Wave 1 LOA fishery.

This set of alternatives considers the degree of GARFO responsibility needed to monitor black sea bass harvest and close the LOA fishery if a pre-determined allocation is reached. These alternatives will also consider how and when management adjustments to the rest of the recreational fishing year would be implemented. As mentioned earlier, these alternatives may be dependent upon the decisions made with the *Allocation* alternatives discussed in the next section.

Alternative 4A: In-season monitoring and closure ability; accountability in same fishing year

This alternative would require GARFO to monitor the fishery throughout the LOA season to determine the total black sea bass harvest using the vessel trip reports submitted by all vessels participating in the LOA program. This alternative would be necessary if the Council and Board selected a specific Wave 1 LOA allocation alternative. Total black sea bass harvest would be calculated at some defined frequency, weekly for example, and compared to the allocation amount. The fishery would remain open until GARFO has projected LOA allocation would be reached. Once reached, all vessels participating in the LOA program would be notified about the closure. As mentioned under the *Reporting Methods* section, timely and accurate reporting will be critical for this alternative to operate appropriately.

Since this alternative would require a specific amount of the RHL to be allocated to the Wave 1 LOA program, this allocation would be subtracted from the annual RHL and recreational management measures would then need to be implemented to account for the Wave 1 LOA allocation. These adjustments would be made to federal and/or state water measures in the year the Wave 1 LOA program would occur since a specific allocation, and therefore maximum harvest, would already be known prior to the start of the fishing season.

This alternative is consistent with the Council and Board approved motion that indicated the “fishery closes when the quota is met”.

Alternative 4B: No in-season monitoring or closure ability; accountability in following fishing year

Under this alternative, GARFO would not conduct any in-season monitoring of black sea bass harvest during the Wave 1 LOA fishery. In addition, GARFO would not have the ability to close the LOA program due to harvest reaching some pre-determined allocation amount. Therefore, this alternative would be most appropriate, although not required, if the Council and Board decide not to set an allocation amount to the Wave 1 LOA fishery.

Total harvest under the Wave 1 LOA fishery would not be known until sometime later in the spring once the information from all of the vessel trips reports is finalized and available. As a result, accounting for the harvest from the Wave 1 LOA fishery and making management adjustments to the rest of the recreational fishery in the current fishing year would likely not be possible. Therefore, to account for the total black sea bass harvest observed in the Wave 1 LOA fishery, the RHL in the following year would be reduced by that amount and recreational management measures for the rest of the fishery could then be adjusted to account for this harvest.

The Council and Board could select this option even if a pre-determined allocation alternative is selected. Similar to Alternative 4A, the specific allocation amount for the Wave 1 LOA fishery would be subtracted from the current year RHL and management measures in the current year would then need to be implemented to account for the Wave 1 LOA allocation. If it is determined the Wave 1 LOA harvest exceeded the pre-determined allocation, the harvest in excess of the allocation would then be accounted for in the following year.

5. Allocation

5. Category: Allocation
Alternative 5A: 175,000 pound allocation
Alternative 5B: 380,000 pound allocation
Alternative 5C: No allocation

Under this set of alternatives, the Council and Board would decide whether or not to allocate a pre-determined amount of harvest to the Wave 1 LOA fishery. These alternatives would likely work in conjunction with the *Monitoring and Accountability* alternative selected.

If an alternative is selected that specifies an allocation amount to the Wave 1 LOA fishery, management measures would need to be implemented in the remaining recreational black sea bass fishing year to account for that allocation. If no specific allocation is provided to the Wave 1 LOA fishery, the total harvest that does occur during the LOA fishery would need to be accounted for in the recreational fishery management measures in the following year.

Alternative 5A: 175,000 pound allocation

This alternative would allocate 1750,000 pounds of the annual RHL to the Wave 1 LOA fishery. Management measures in the rest of the recreational fishery would need to be implemented to

account for the 175,000 pounds. This allocation represents the lowest estimated harvest projected³ for a 2018 Wave fishery assuming all recreational anglers could participate in the fishery with an open season of January 1- February 28, 15 fish possession limit and 12.5 inch minimum size limit.

Alternative 5B: 380,000 pound allocation

This alternative would allocate 380,000 pounds of the annual RHL to the Wave 1 LOA fishery. Management measures in the rest of the recreational fishery would need to be implemented to account for the 380,000 pounds. This allocation represents the highest estimated harvest projected³ for a 2018 Wave fishery assuming all recreational anglers could participate in the fishery with an open season of January 1- February 28, 15 fish possession limit and 12.5 inch minimum size limit.

Alternative 5C: No allocation

Under this alternative, no specific harvest allocation would be provided to the Wave 1 LOA fishery. The total harvest that would occur during the Wave 1 LOA fishery would be calculated using the harvest reported on the vessel trip reports provided by vessels participating in the LOA fishery. Recreational management measures in the following year would then need to be adjusted to account for the total harvest that occurred during the Wave 1 LOA fishery.

6. Pre/Post Conditions

6. Category: Pre/Post Conditions
Alternative 6A: Minimum participation threshold
Alternative 6B: LOA program sunset and review

This set of alternatives provides the Council and Board with some additional options to consider in administering the Wave 1 LOA program.

Alternative 6A: Minimum participation threshold

This alternative would establish a minimum threshold of participating vessels, 15 vessels for example, required in order to conduct the LOA program within any given year. If fewer than the minimum threshold of vessels apply to participate, the Wave 1 LOA program would not take place in that year. This alternative considers the cost/benefit of implementing and administering the Wave 1 LOA program by ensuring some minimum level of participation occurs within any given year.

Alternative 6B: LOA program sunset and review

³ July 12, 2017 staff memo to Council regarding the 2018 Wave 1 recreational black sea bass fishery. Available at: <http://www.mafmc.org/briefing/august-2017>.

This alternative would implement a sunset provision to the Wave 1 LOA program. After a defined period of time, three years for example, the LOA program would end, and a comprehensive review of the program would take place. The review would evaluate all aspects of the program to see if its achieving the goals the Council and Board identified. After that review, the Council and Board could re-start the LOA program as is, re-start the program with modifications, or end the LOA program completely.

Next Steps

The Council and Board will review this discussion document and draft alternatives at their joint December 2017 meeting. Overall feedback and specific recommendations regarding the draft alternatives is needed. The Council and Board should recommend the removal and/or addition of alternatives for consideration and additional analysis.

Once the Council and Board provide input and specific recommendations regarding the draft alternatives to move forward with, a working group of Council, GARFO and ASMFC staff will get together for further development and evaluation of the draft alternatives. Areas of particular focus for the working group will be in-season monitoring, potential for electronic/other reporting especially as it pertains to private vessels and options to collect additional data on current VTR reports.

Given the anticipated evaluation and analysis remaining, the Council's second framework meeting to take final action on this issue will likely occur at the Council's April or June 2018 meeting.

Figure 1. Black sea bass harvest and discards, in numbers of fish, and number of trips with black sea bass catch from federally permitted for-hire vessels Vessel Trip Reports during Wave 1. The Wave 1 fishery was closed from 2010-2012 and 2014-2016.

