

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Richard B. Robins, Jr.
Chairman

Lee G. Anderson
Vice Chairman


800 North State Street, Suite 201
Dover, Delaware 19901-3910
Tel: 302-674-2331
Toll Free: 877-446-2362
FAX: 302-674-5399
www.mafmc.org

Christopher M. Moore, Ph.D.
Executive Director

MEMORANDUM

DATE: November 30, 2011

TO: Chris Moore

FROM: Jessica Coakley 

SUBJECT: Amendment 17 to the Summer Flounder, Scup, and Black Sea Bass FMP

This past October 2011, the Council was presented with an overview of the types of alternatives that could be included in Amendment 17 to address regional/spatial management of the recreational black sea bass fishery. The Fishery Management Action Team (FMAT) also sought clarification on a number of issues from the Council. The Council will discuss the issues under development in the Amendment with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) to determine if the Board wants to develop a complementary action. Without a complementary action, Council considerations of state-by-state or regional approaches are not feasible.

The Council provided clarification on the purpose and need for the Amendment. They noted that coastwide regulations (i.e., an identical minimum fish size, possession limit, and open season implemented in both state and Federal waters) result in catch rates that are very different among states and regions. Specifically, those identical regulations do not have the same level of effectiveness in each state, due to differences in fish availability and fish size composition, which results in substantial differences in the magnitude of landings by state and region. The Council is interested in the development of management tools to help address this differential performance of the fishery among the states.

The model for state-by-state and voluntary regional conservation equivalency has been summer flounder. However, the voluntary regional approaches for summer flounder have never been implemented and the state-by-state system is imperfect. In October, the Council tasked the FMAT with conducting an analysis on what performed well or poorly under the summer flounder system. They noted that the FMAT should consider approaches which deviate from the "summer flounder model" and result in improvements for how conservation equivalency could be applied to black sea bass.

The Council noted that alignment of Federal and state measures was important, both in the development/decision process and implementation process. They were supportive of alternative development which enabled alignment in both state and Federal waters, or enabled the measures in Federal waters to be waived in lieu of equivalent state measures.

In October, the Council also tasked the FMAT with including sunset clause provisions to allow the management system to be revisited and maintained or modified. The FMAT noted there was not information at this time to support a biological-based allocation, and historical or recent catch and landings patterns would need to be used to establish an allocation system. The Council tasked the FMAT with developing allocation alternatives that did not rely on only one base year, incorporate past historical and more recent year's data, and enable periodic revisitation of the allocations (e.g., every three years).

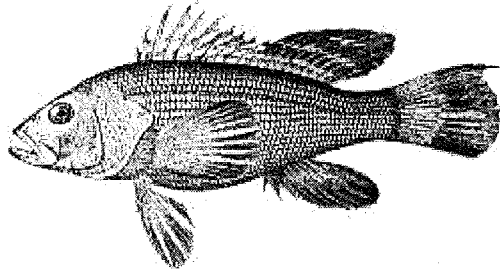
The FMAT presented information to the Council that suggests minimum size regulations and open fishing seasons during spawning may reduce stock productivity and spawning success for protogynous hermaphrodites (Heppell et al. 2006; Munoz et al., 2010). Increasing the minimum size limit to constrain landings, results in the targeting of large, male black sea bass. The removal of these large, dominant males during spawning periods may disrupt the complex spawning behavior for black sea bass. Therefore, the Council tasked the FMAT with exploring alternatives that enable different applications of the recreational regulations, which may including reducing/adjusting the minimum fish size, current application of the possession limit, and how seasonal measures are applied in space and time (e.g., spawning closures, etc.).

Literature Cited:

Heppell, S.S., S.A. Heppell, F.C. Coleman and C.C. Koenig. 2006. Models to compare management scenarios for a protogynous fish. *Ecological Applications* **16**: 238-249.

Munoz R.C., Burton M.L., Brennan K.J., Parker R.O. (2010) Reproduction, habitat utilization and movements of Hogfish (*Lachnolaimus maximus*) in the Florida Keys, USA: Comparisons from fished vs. unfished habitats. *Bulletin of Marine Science* **86**: 93-116.

**AMENDMENT 17 TO THE
SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS
FISHERY MANAGEMENT PLAN**



Draft Purpose and Need and Alternative Overview

December 2011

**Mid-Atlantic Fishery Management Council
in cooperation with
the National Marine Fisheries Service**

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3.0 TABLE OF CONTENTS

4.0 INTRODUCTION AND PURPOSE AND NEED 4

5.0 MANAGEMENT ALTERNATIVES..... 5

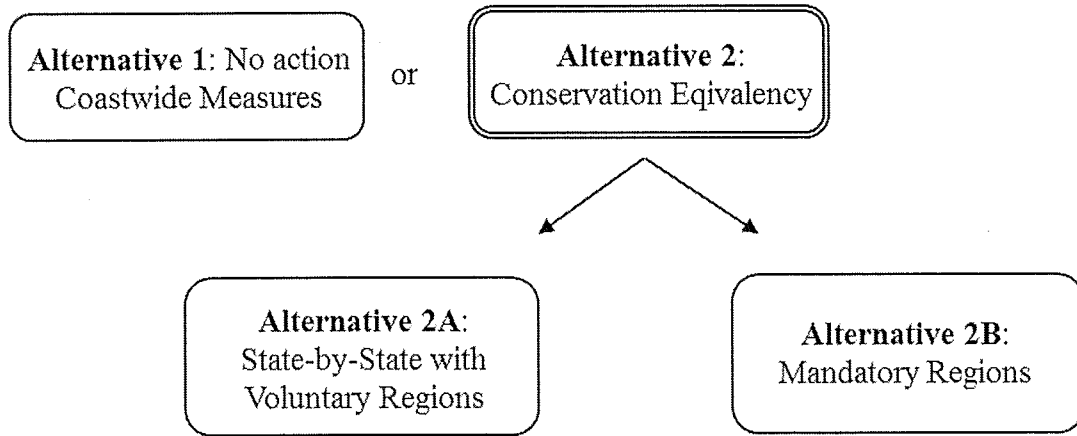
 5.1 ALTERNATIVE 1 - NO ACTION (COASTWIDE)..... 5

 5.2 ALTERNATIVE 2 - CONSERVATION EQUIVALENCY..... 5

 5.2.1 Alternative 2A: State-By-State With Voluntary Region Formation..... 5

 5.2.2 Alternative 2B: Mandatory Regions..... 6

Alternatives Flowchart



4.0 INTRODUCTION AND PURPOSE AND NEED

The purpose of this amendment is to develop management measures for the black sea bass recreational fishery. Currently, the recreational fishery is managed under coastwide management measures (i.e., minimum fish size, per-angler possession limits, and fishing seasons) for Federal waters. More discreet management approaches are desired to better address the observed regional differences in catch rates and their impact on the recreational fishery, to better ensure that consistent measures can be made available across both state and Federal waters, and to ensure that the objectives of the Summer Flounder, Scup, and Black Sea Bass FMP and the requirements of the Magnuson Stevens-Act (MSA) continue to be met. The need for this amendment relates to a desire by the Council and Atlantic States Marine Fisheries Commission’s (Commission) to expand the suite of management tools available for management of the black sea bass recreational fishery.

5.0 MANAGEMENT ALTERNATIVES

5.1 Alternative 1 - No Action (Coastwide)

- No action taken to modify the process applied through the FMP to manage the black sea bass recreational fishery in Federal waters.
- Current two-step process for the recreational fishery is maintained.
 - First, the recreational harvest limit is recommended in August.
 - Second, management measures are recommended in December.
- The Council and Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) will meet in December under joint rules and recommend coastwide management measures (i.e., minimum size, season, and possession limit) for the fishing year.
 - Coastwide in Federal waters under the Federal FMP.
 - Coastwide in state waters under the Commission's FMP.

5.2 Alternative 2 - Conservation Equivalency

5.2.1 Alternative 2A: State-By-State With Voluntary Region Formation

- Current two-step process for the recreational fishery maintained.
 - First, the recreational harvest limit is recommended in August.
 - Second, management measures are recommended in December.
- The Council and Commission's Board will meet in December under joint rules and recommend whether to:
 - A) Require all states to develop state-specific conservation equivalent management measures under the Commission's process, which may include voluntary region formation, to achieve state (or voluntary regional) harvest limits, or,
 - B) Use coastwide measures to achieve the coastwide recreational harvest limit, as already described in the FMP (see no action alternative 1).
 - In addition, a non-preferred coastwide measure and precautionary default measure will be recommended.
- Commission's timeline for conservation equivalency development would be similar to the summer flounder timeline: Commission's technical committee reviews measures in January, Commission's Board approves measures in February, and Board submits measures to NMFS in April/May.
- State-specific harvest limits would be established under conservation equivalency using a to-be-determined allocation system.
- Voluntary region formation would involve the voluntary pooling of state-specific harvest limits to form a region of adjacent states. All states in the region must implement identical management measures through the Commission's process. Same as voluntary regional tool under summer flounder.
- The Council would recommend conservation equivalency to NMFS along with a coastwide non-preferred and precautionary default measures through specifications. The NMFS Regional Administrator (RA) will review the Commission proposed conservation equivalent measures and may waive the regulations in Federal waters in lieu of the measures implemented in state waters

should the Commission-developed measures provide the same level of conservation as federal coastwide measures required for the fishing year.

5.2.2 Alternative 2B: Mandatory Regions

- Fixed regions are permanently established in the state and Federal FMPs (e.g., MA-NY, NJ-NC)
- Two-step process for the recreational fishery.
 - First, the recreational harvest limits for each region are recommended in August.
 - Second, management measures for each region are recommended in December.
- The Council and Commission's Board will meet in December under joint rules and recommend identical management measures for each region (i.e., common minimum size, season, and possession limit). In addition, a non-preferred coastwide measure and precautionary default measure will be recommended.
- Region-specific harvest limits would be established under conservation equivalency using a to-be-determined allocation system.
- The Council would recommend the regional conservation equivalent measures to NMFS along with a coastwide non-preferred and precautionary default measures through specifications. The NMFS RA will review the Commission proposed conservation equivalent measures and may waive the regulations in Federal waters in lieu of the measures implemented in state waters should the Commission-developed measures provide the same level of conservation as federal coastwide measures required for the fishing year.