



Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: July 23, 2021
To: Chris Moore, Executive Director
From: Julia Beaty, staff
Subject: Black Sea Bass Commercial State Allocation Amendment

Summary

The Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Management Board (Management Board) is scheduled to take corrective action on the black sea bass commercial state allocations on August 4, 2021. This corrective action is in response to the Commission's Interstate Fisheries Management Program Policy Board's (Policy Board's) remand of the Management Board's February 2021 decision to modify the state allocations.

The Mid-Atlantic Fishery Management Council (Council) approved the same allocation changes alongside the Management Board in February 2021. In June 2021, the Council agreed to revisit their recommendations for the allocation percentages with the intent of maintaining the same final recommendations as the Management Board.

The Policy Board's remand specifies that the Management Board must increase New York's baseline quota by up to 2% and Connecticut's baseline allocation cannot decrease below 3% (see next page for more details). No other aspects of these allocations, and no other alternatives in the associated addendum, may be revised by the Management Board.

Briefing materials

Briefing materials have been posted on the Commission's website (available [here](#)).

Details regarding the voting procedure for this meeting will be posted as supplemental briefing materials closer to the meeting date.

The following additional information can be found at the links below.

1. June 2021 Council discussion of Policy Board remand - meeting summary, briefing materials, presentations, and recordings are available [here](#).
2. May 2021 Policy Board discussion: summary available [here](#) (pages 13-17); recording available [here](#); draft meeting minutes available [here](#) (starting on page 5).
3. The appeal of Addendum XXXIII by the State of New York and other background information on the appeal can be found [here](#).
4. The presentation by the State of New York on their appeal is available [here](#).

Background

The Council and the Management Board approved modifications to the state allocations of the commercial black sea bass quota in February 2021. The Management Board adopted the new allocations through Addendum XXXIII to the Summer Flounder, Scup, and Black Sea Bass FMP, while the Council recommended these changes through an amendment to its FMP.

Under the allocation changes approved in February 2021, Connecticut's baseline allocation would increase from 1% to 3% of the coastwide quota to address its disproportionately low allocation compared to the increased availability of black sea bass in state waters. The allocations for all states would then be calculated by allocating 75% of the coastwide quota according to the new baseline allocations (i.e., the historical allocations modified to account for Connecticut's increase to 3%) and 25% to three regions based on the most recent regional biomass distribution information from the stock assessment. The three regions are: 1) Maine-New York, 2) New Jersey, and 3) Delaware-North Carolina. The regional allocations would be distributed among states within a region in proportion to their baseline allocations, except Maine and New Hampshire would each receive 1% of the northern region quota. Because the allocations would be based in part on the regional biomass distribution from the stock assessment, they would be adjusted if a new assessment indicates a change in regional biomass distribution

In March 2021, the State of New York appealed the allocation changes approved by the Board. The appeal argued that New York's baseline quota should increase similarly to that of Connecticut as it too had experienced a significant disparity between allocation and abundance/availability of black sea bass in Long Island Sound, which is shared by New York and Connecticut state waters.

The Policy Board considered this appeal in May 2021 and found that it was justified. They remanded the section 3.1.1 of Addendum XXXIII (which addresses only baseline allocations) back to the Management Board for corrective action to address impacts to New York's baseline allocation in a manner comparable to the consideration given to Connecticut. The Policy Board specified that the Management Board's corrective action should not result in a decrease in Connecticut's baseline allocation to less than 3% or decrease the percentage of quota allocated according to regional biomass distribution (i.e., 25%).