



**Black Sea Bass Commercial State Allocation Amendment
Scoping Summary**

June 2020

The Council held two webinar scoping hearings on the Black Sea Bass Commercial State Allocation Amendment in May 2020 and solicited written comments from April 13 through May 31, 2020.

A total of 44 individuals (not including MAFMC or ASMFC staff) attended one or both webinar hearings. Twenty-five individuals and organizations provided comments either during a hearing or in writing.

The comments are summarized below by topic. Some comments expressed by only one individual or organization and not directly related to the goal of the amendment are not included in this summary but can be found in the attached scoping hearing transcripts and written comments.

Demographics of individuals and organizations providing comments

Of the 25 individuals and organizations that provided comments, 19 (76%) were primarily affiliated with the commercial fishery, two (8%) were primarily affiliated with the recreational fishery, and three (12%) had another primary affiliation. Table 1 lists the states in which commenters primarily fish or reside.

Table 1: State(s) where individual commenters primarily fish or reside, or state represented by organizations that provided comments.

State	Count	% of total
Virginia	7	28%
New Jersey	7	28%
Maryland	2	8%
North Carolina	2	8%
New York	2	8%
Massachusetts	1	4%
Rhode Island	1	4%
Multiple	2	8%
Unknown	1	4%

General comments

- Eight commenters said biomass is very high off the southern states and landings in the southern states have not decreased. For this reason, two commenters said the premise of this amendment (i.e., consider adjusting the current commercial black sea bass allocations using current distribution and abundance of black sea bass as one of several adjustment factors to achieve more balanced access to the resource) is “unsound.”
- Two commenters said the allocations should account for distribution of the stock as well as patterns of landings. Other commenters may have agreed with this concept without stating their support explicitly.
- Four individuals expressed concerns about discards, for example, saying discards are too high and/or the current allocations are creating unnecessary discards.
- Four commenters noted that the current allocations were based on a compromise approach rather than a quantitative analysis and this was not fair to all states. For example, three commenters noted that New Jersey’s 20% allocation is lower than it would have been if the allocations had been based on historical landings. Two commenters said the New Jersey allocation should not decrease for this reason.

Data considerations

- Four individuals said the data used to inform the allocations should be carefully considered. Examples considerations are listed below.
 - Two individuals said spatial patterns of fishing effort are influenced by factors other than distribution of black sea bass. For example, commercial fishermen from North Carolina and Virginia travel to the Hudson Canyon area to target summer flounder and will harvest black sea bass on the same trips. They can catch black sea bass in areas farther south, but they chose to do combination trips with summer flounder for efficiency. In addition, the requirement for turtle excluder devices has led to reduced fishing effort off North Carolina.
 - One individual noted that the current allocations were based on landings in years with intentional under-reporting by some dealers in New York.
 - One individual noted that different states landed different sizes of fish during the years used to set the allocations. For example, some states had minimum fish size limits, but these limits were not consistent across states. Other states did not have minimum size limits and had markets for very small fish, for example for zoo and aquarium feed.
- Three individuals expressed concerns about information generated by the stock assessment.
 - One individual said biomass is higher than the assessment suggests.
 - One individual asked if the dramatic spike in biomass in the northern region shown in the assessment could be an artifact of the change in trawl survey vessels from the Albatross to the Bigelow.
 - One individual asked if changing natural mortality over time, which is not accounted for in the stock assessment, could play a role in the declining biomass

in the northern region compared to the recent peak. This individual added that the Council should take an ecosystem approach to fisheries management.

Comments against changing the allocation percentages

- Eleven commenters (six from Virginia, four from New Jersey, and one from Maryland) said the current allocation percentages should not change, for example because this would create negative socioeconomic impacts or because stock distribution is constantly changing and therefore the allocations should not be tied to distribution.
- Six commenters (three from Virginia, two from New Jersey, and one from Rhode Island) said allocation should not be taken from the southern states and given to the northern states.

Comments on specific alternatives in the scoping document

- Three commenters said they were not in favor of the DARA approach, for example because it “has too many moving parts” and due to concerns about time lags in data availability.
- Two commenters said they specifically oppose the trigger approach as it would result in a lower allocation to New Jersey.
- Three individuals (from Massachusetts, New York, and North Carolina) supported an increase in Connecticut’s allocation to address the disconnect between high availability and their 1% current allocation.

Considerations for Council management of state allocations

- Nine commenters said the state allocations should be added to the Council’s FMP or that the Council should play a greater role in determining the allocations.
- One organization said the state allocations should not be added to the Council’s FMP as this is unnecessary and would raise concerns about fair representation of New England states in the process.
- Three commenters recommended that if the state allocations are added to the Council’s FMP, then the federal regulations should allow for transfers of quota among states, as is currently allowed under the Commission’s FMP.
- One individual asked if consideration could be given to managing the state allocations under *either* the Council’s FMP *or* the Commission’s FMP, rather than only the Commission’s FMP or both FMPs as described in the scoping document.

Frequency of changes to allocations

- Two commenters said allocations should be re-evaluated on a regular basis and considerations related to distribution of the stock should be part of this evaluation.
- One organization supported dynamic allocations or the use of sunset provisions.
- One organization said if any allocation changes would reduce an individual state’s quota below historical levels, then that change should be made incrementally.

Suggestions for alternatives not included in the scoping document

- One individual said the amendment should consider an option that treats New Jersey and New York as a region. He emphasized that New Jersey should not be included with the southern region as New Jersey is currently the center of the black sea bass biomass.
- One individual asked if unused quota from the previous year could roll over to the next year and be applied only to those states that feel especially constrained by their low allocations. As an example, this individual suggested that unused quota from Maine and New Hampshire could be applied to Connecticut in the following year.
- Three individuals recommended that more states use an ITQ system and that ITQ fishermen be allowed to purchase quota from fishermen in other states. This would allow fishermen in states with low allocations to purchase quota.

Scoping Hearing Transcripts

The Mid-Atlantic Fishery Management Council (MAFMC) held two webinar scoping hearings on the Black Sea Bass Commercial State Allocation Amendment in May 2020. This is a joint action with the Atlantic States Marine Fisheries Commission (ASMFC). The ASMFC is developing an addendum, rather than an amendment; therefore, only the MAFMC held scoping hearings and a written scoping period.

Verbal comments provided at the hearings are transcribed below. Comments were transcribed verbatim to the extent practicable with some paraphrasing and minor edits for clarity.

Webinar Hearing #1

Monday May 11, 2020, 2:00 pm - 3:30 pm EDT

Attendees: Katie Almeida (*the Town Dock, AP member*), Josh B, Chris Batsavage (*MAMFC member, ASMFC Board member, NCDMF*), Julia Beaty (*MAFMC staff*), Rick Bellavance, Alan Bianchi (*NCDMF*), Bore, Joe Cimino (*MAMFC member, ASMFC Board member, NJ DEP*), Greg DiDomenico (*Lund's Fisheries, AP member*), Tony DiLernia (*MAFMC member and hearing officer*), Steven Doctor (*MD DNR*), Michelle Duval, Steven Ellis, James Fletcher (*United National Fishermen's Association, AP member*), Jason, Jon Grant, Sonny Gwin (*MAFMC member*), Emerson Hasbrouck (*ASMFC Board member*), Mark Hodges (*AP member*), Olaf Jensen (*Rutgers*), Jeff Kaelin (*Lund's Fisheries*), Julia Kaplan, Alexa Kretsch (*VMRC*), Tim Krusell, Carl LoBue (*TNC*), Katie Longo (*Marine Stewardship Council*), John Maniscalco (*NY DEC*), Meghan, Nichola Meserve (*ASMFC Board member, MA DMF*), Mike Plaia (*AP member*), Joanne Pellegrino (*NOAA Fisheries*), Eric Reid (*MAFMC member, ASMFC Board member*), Stephanie Rekemeyer, Robert Rühle (*AP member*), Mary Sabo (*MAMFC staff*), Jared Silva, Caitlin Starks (*ASMFC staff*), Mark Terceiro (*NEFSC*), Charles F. Tekula Jr., Wes Townsend (*MAFMC member*), Nick Wilbur, Angel Willey (*MD DNR*)

Comments:

Tony DiLernia: Is there a provision in this document to allow quota to be transferred among the states if the allocations are added to the Council's FMP?

Julia Beaty: That's not in there yet. That could be considered.

Charles F. Tekula, Jr. (via chat): Have you considered allowing the commercial side to dip into the unused recreational allocations because of the lockdown in certain states?

Julia Beaty: No. And it's complicated because we don't know what recreational harvest is going to look like. We know for-hire fishing is shut down, but private angler fishing is not. We also have the complication of the data estimates changing. The recreational fishery actually has been harvesting more than their harvest limit because of the change in the data. It's not clear yet what's going to happen with the recreational fishery in terms of is there even going to be extra fish available at all and we don't know what the current shut down will mean for the recreational

fishery. And we don't have provisions in the FMP to allow for transfer from one sector to another.

Charles F. Tekula, Jr. (via chat): There is an emergency waiver provision - and this is an emergency.

Tony DiLernia: At last week's ASMFC meeting, there was a discussion about moving unused recreational quota from the spring of this year to later in this year. It was just a discussion. No analysis. No proposals. That does add to the uncertainty.

Charles F. Tekula, Jr.: Your answer about sharing the quota doesn't seem to make much sense. What ever happened to the Green Sheet data? I forget when it stopped, but there were federal agents going into Fulton Market in New York getting information on the landings and where it came from and the wholesale prices. It was hard paper data and then they put it online. I know the federal government doesn't throw anything out. The problem with New York was there was no hard data to go by, or it wasn't reliable because of who was running the market. But I was wondering if anyone has an answer to that. I've been asking around and have gotten no answers... I did follow the presentation for the last quota meeting that was held in Stony Brook. It looks like all the data on the commercial side has to be hard data. I know through all the years that any data that was anecdotal was disregarded as not being science. But the recreational data is all anecdotal. I'm just wondering how can that be? ... We've been cheated out of fish we should have had. In the past, the federal government has allowed the fact that that has happened to be somehow satisfied. With fluke, about 20 years ago, when it was discovered that the recreational side went way over their allocations, the federal government forced the issue in the state and actually punished the recreational side by giving a big portion of their landings to recreationals. This went on for like 10 years. All I'm pointing out is that we're still laboring under the original amendment and we're trying to get to a point that we can change it. I just hope that can somehow be factored into the whole scheme. The commercial fishery in New York, and in Connecticut, has basically been screwed by how the system was done.

Tony DiLernia: Your comment is that we should try use the green sheet data in determining the allocations?

Charles F. Tekula, Jr.: I'm just saying that there's been a negligence on the part of the federal government somewhere, saying that they don't have the records when they have them.

Mark Terceiro (via chat): The 'Green Sheets' were formally known as NMFS 'Market News'. It is now available online under GARFO's website. The underlying data are in NMFS computer files and are the data used in assessment and management.

Emerson Hasbrouck: To the issue of the Green Sheets, Chuck is right, it was put together by the National Marine Fisheries Service. The information was collected by people who worked for the National Marine Fisheries Service in an office in the city. They would go to Fulton Market and ask each dealer how much fish they received by species from each different state. Quite a few years ago, myself with some people from the DEC reviewed all of the Green Sheet data from the time period for the summer flounder allocation, which is similar to sea bass. I don't think the years are exactly the same. What we found there was that reported landings for New York that were being used for the allocation was greater than what was reported on the Green Sheets. Now that was summer flounder. Peter Anderson at DEC had the data at one time. I think he ended up

getting an electronic version from NMFS. I don't know if Peter still has all that information. At the time he was just analyzing summer flounder. I'm not sure if he has the data for sea bass.

Mike Plaia (via chat): Mark, when did they stop collecting the Green Sheet data?

Mark Terceiro (via chat): NMFS has never 'stopped collecting the data.' The paper copy of Market News did stop (I think). One can go to GARFO's website under Commercial Fisheries and find the current electronic version of Market News.

www.fisheries.noaa.gov/national/sustainable-fisheries/fishery-market-news

James Fletcher: Your figure of landings by region of catch over time does not reflect that the NEAMAP survey shows a tremendous abundance of sea bass in the southern portion of the range. Flounders have also shifted according to landings by region of catch. But the whole problem behind this is the federal government requires the TEDs - Turtle Excluder Devices - used in these nets to be aluminum rather than cable. If we were to allow cable TEDs, then the fishermen would come back to the south and flounders and sea bass would pick up. But this is landings by region and trawl boats have been forced, because of the TEDs, to go north into these areas. We are getting ready to shift the whole thing and it's not because the fish have changed, it's because the equipment we've been forced to use has changed... The Plan Development Team has basically changed the whole way of thinking without using science.

Tony DiLernia: Jim, let me ask you a question. If we compared the NEAMAP catch to the table that Julia has on the screen here, it should be different. Because NEAMAP is not using a TED. If the use of the TED causes relocation of the effort, then there should be a difference between the NEAMAP catch and what's on the screen here. Is that correct?

James Fletcher: That's correct. And we've got Mr. Ruhle on here that can tell you. I just called his dad. He said there's an expansion of the black sea bass in the south, but we are not seeing it reflected in the catch because of the gear. The thing of it is, the Council has not put in any effort to change the TED rules. God knows I have argued for that. The United National Fishermen's Association has argued for that. The Council has turned a deaf ear. The other question is, getting back to the executive order, what fish are we importing to take the black sea bass market?

Michael Plaia: Does this re-allocation change require an amendment or an addendum?

Tony DiLernia: On the Council's side, it has to be an amendment.

Michael Plaia: Given that, I would encourage everyone to think a couple years out in the future. We're not going to get an amendment done in 2020 or 2021. Who knows what this whole COVID situation is going to do by the time we get an amendment done?

Julia Beaty: This action is kind of unique in that it's a joint action and the Council has to do an amendment, but for the Commission, it's an addendum. This action is also unique in that there has been a lot of Plan Development Team work done before scoping. So it is possible that the Council and Board could take final action in December of this year. Because it's an addendum for the Commission, the changes to the Commission's FMP could be done for 2021 if we stay on our current timeline. Any changes to the Council's FMP would take longer. So it's not a typical timeline because so much work has been done by the PDT and it's an addendum for the Commission.

Michael Plaia: I take your point as far as the Commission goes. But it would still have to go through the formal public input process with the Council, correct?

Julia Beaty: Yes. And both groups will do public hearings later this year.

Michael Plaia: But for the Council, after public hearings, you have public comment periods and GARFO will publish it in the Federal Register and there will be additional comment periods. I take your point that a lot of work has been done. But in terms of public input in the Council process, we still have a long way to go.

Greg DiDomenico: One of the things that this addendum is going to have to contemplate is whether or not these actions are permanent. I would like the staff of the Commission and the Council to look back at addendum 5 or 6. I believe it was in 2005, where the states voluntarily gave up fluke quota in a time of very high abundance and high quota. I think there should be something similar to that in this current addendum. Because while it was difficult to voluntarily give up fish - I believe New Jersey gave up 55,000 pounds of fluke over a two year period to what they referred to as donor states. I think if there is an issue of availability or abundance in other areas, that certainly could be temporary, then I think you could look at a temporary fix of a voluntary nature.

Tony DiLernia: Are you referring to the ability to transfer or trade quota on a regular basis after the percentages are finalized?

Greg DiDomenico: The fluke addendum at the time just stipulated that there were certain states that had “enough fluke” because of the high quota that was implemented. It was just a two time voluntary donation to donor states that had low allocations.

Tony DiLernia: I’m chairing the meeting, but if I were to put on my New York hat, my comment would be that if the state quotas are codified in the federal plan, that they be re-evaluated on a regular basis, whether they sunset or be evaluated every 10 years or whatever. Fisheries management is supposed to be reflective of changes and movement of fish. Putting out something permanent is not consistent with the philosophy of fisheries management. If I was making a comment, I would suggest that we re-examine these quotas on a regular basis. I would also suggest that we keep in the ability to voluntarily transfer quota between states.

Robert Rühle: As far as NEAMAP, yes, we have seen a strong sense of the population in both the northern and southern reaches of the survey. Bear in mind that’s only out to 90 feet. NEAMAP is an inshore survey. Mr. Fletcher is correct that for the last 5, 8, 10 years there has been a big decrease in effort in the southern region because of the turtle line. There has been a shift in effort north because of that. I thought it would be interesting to tease out what was a dedicated sea bass trip versus a combination trip because just about all of North Carolina’s sea bass is caught with summer flounder and scup. I think the lion’s share of, certainly just about all of the trawl caught fish in Virginia is the same thing. The logic from the industry side is you go where you can get the fluke first. For the past few years, around Hudson is where everybody’s been congregating, mainly because it seems to be cleaner. There are less dogs there and the flounder themselves seem to be denser. You can get your trips quicker. It may not always be the case that the sea bass or scup are as plentiful there, but you can whittle away at them as you work down. Most of the Virginia trips are going to be under the incidental limit anyway. So they’re not high poundage landings versus what would be a dedicated trip in Virginia. That’s basically an ITQ.

Jeff Kaelin: I wanted to speak in support of the second goal here. Going out on a limb on my own - I work for Lund’s Fisheries and I think our position would be that we would like the

Council to continue to be involved in this amendment to the extent possible and if the role needs to increase using this amendment the way it's been described, and also the fish trading issue that's been discussed, we would be in support of that.

James Fletcher: We have a tremendous amount of resource out there that is not showing up on the research surveys or whatever. NEAMAP is inshore. They really should not see that many sea bass. So it brings up that fact, is the science center survey correct? If it's not, then we have a tremendous amount of resource that we're wasting. And our whole management, especially on recreational, where we cause fish to be discarded, is both - ASMFC, which I have brought up a number of times, article 1, section 1: prevent physical waste. The Council and ASMFC totally ignores it. We need to bring that point up. Given the new presidential executive order, under Magnuson Act, 101-627, 104-297, it brings up minimize bycatch and avoid unnecessary waste of fish. The Council has a way of total length to do away with any waste of recreational fish. The mentality of the Council and ASMFC is to continue waste. When is this going to change? We have an executive order. We've had rules in effect since ASMFC was passed. We've had rules in effect since Magnuson was passed. Who on the Council is responsible for allowing the laws to be violated?

Webinar Hearing #2

Thursday May 14, 2020, 6:00 pm - 7:30 pm EDT

Attendees: Chris Batsavage (*MAMFC member, ASMFC Board member, NCDMF*), Julia Beaty (*MAFMC staff*), Tony DiLernia (*MAFMC member and hearing officer*), Harry Doernte, David Dow, Jon Grant, Sonny Gwin (*MAFMC member*), Mark Hodges (*AP member*), Jim Lovgren (*AP member*), Robert Ruhle (*AP member*), Brandi Salmon (*NCDMF*), Corinne Truesdale (*RI DEM*), Wes Townsend (*MAFMC member*)

Comments:

Jim Lovgren: New Jersey here is included in the southern part. New Jersey is the dead center of the black sea bass abundance now. We are fishing in the same waters. So why is New York in the northern area and we're in the southern area? Where are you drawing that division line?... Offshore fisheries, we're fishing in the same bottom that New York guys are fishing in. The difference with New York is you have fisheries going on in Long Island Sound. Really, if you want to do a region, it should be New York and New Jersey. It's the New York Bight. Maybe that should be considered a region. A line off Montauk Point heading right down offshore. That's probably around 7200 line south and the 39 degree line east/west.

David Dow: One of your slides showed the northern area had a recent decline in landings. I was wondering if you looked at any relationship between the natural mortality component of the assessment and the factors listed in the ecosystem status report for the Mid-Atlantic and New England Regions.

Julia Beaty: Part of it is that there was a huge year class in 2011. It was the biggest in the time series. And that year class was more prevalent in the northern region than the southern region. It's declining partially because that year class is moving out of the fishery.

David Dow: In the recently released ecosystem status report it shows there's been major changes in the environment in which the fishers reside, so that could have an effect on the natural mortality component of the stock assessment and partially account for why, in addition to the year class, the northern biomass seems to be declining rapidly after a big peak.

Julia Beaty: I think the assessment assumes natural mortality is constant across the time series.

David Dow: That's what my concern is, because that's not reality.

Sonny Gwin: What's the percentage of fish that are caught in federal versus state waters?

Julia Beaty: It's around 60-70% federal waters.

Sonny Gwin: Going back to the amendment goal statement - "consider whether the state allocations should continue to be managed only under the Commission's FMP or whether they should be managed under both the Commission and Council FMPs." Could we change that to say either the Council or the Commission?

Jim Lovgren: It seems real to me that 70% of the commercial landings are caught in federal waters. I have no doubt about that. So how did the ASMFC become the lead agency to manage it? That's because they wanted to be able to put a state by state quota in place. You know where I stand on the state by state issue with sea bass, Tony. I would love to see the Mid-Atlantic have at least an equal partnership with the ASMFC in regard to managing black sea bass. But if we bring in the Mid-Atlantic, there's an awful large part of the population of sea bass that's in New England waters. So if you're going to have federal management, you're going to need to have participation from the New England states too because otherwise they would feel like they weren't getting their fair share. We've seen this with monkfish and scallops. The region that gets the lead, they're wagging the dog... I would like to see a lot more participation from the Mid-Atlantic Council.

Wes Townsend: Could you provide information on the percentage of state and federal waters by state? The further north, the more state waters it's going to be.

Robert Ruhle: In the last 5 years, what's the percentage of underutilized quota for any given state? Would we have the ability in this action to change the way the allocation is handled in terms of unused quota? Could it be rolled over?

Julia Beaty: I don't have a breakdown by state. I do know that the overall landings have come close to the quota over the past 5 years. There have been some transfers among states. I don't think there have been major overages or underages among the states.

Jim Lovgren: You're seeing increased landings. By the VTRs, the landings are coming from Hudson Canyon to Block Canyon in the winter time, late fall through the spring. That's where the biomass of sea bass is. Same thing with fluke. A lot of northern boats - New York, Rhode Island, even Massachusetts boats - have bought Virginia or North Carolina fluke permits. That permit allows them X amount of sea bass in many cases. Like 3,000 pounds for trips with 10,000 or 12,000 - there was a set percentage of bass that that permit was allowed to take in. That's reallocated a lot of sea bass being caught up there is coming into North Carolina or Virginia. We're talking a lot of landings here. These boats are bringing in pretty good trips. That's not counting the ITQ. That data has to be clarified between where the fish was caught and where it was landed... I was on the Council when these state by state allocations were approved. Nowhere in the amendment was New Jersey's allocation that they were going to get less than

28%. It ranged from 28% up to 38% of the total coastwide quota. Yet we got 20%. So New Jersey got shafted thanks to a certain person who worked for our state. My point being, New Jersey's not giving up another pound. If northern states want more quota, get it somewhere else. Don't come looking to New Jersey. We are the center of the biomass. You can't claim that the stock has moved to the east and it certainly didn't move away from New Jersey. It moved into New Jersey.

Robert Rühle: There is an issue with less effort in the southern region because of the turtle lines. I was thinking about a question I asked Julia during the last meeting, as far as how to break out a dedicated black sea bass trip compared to a combination trip. Just about all the trawl trips in North Carolina are going to be combination trips. The reason the fish are caught in the Hudson area is because that's where the fluke are. You pick up the sea bass while you're there. You're not going to go out of your way for 3,000 pounds or whatever the trip limit is. I don't like the idea of either the ASFMC or the Council being solely in control of this. It should be a joint plan with 50/50 participation on both ends. I don't really trust ASMFC... I don't like the idea of the DARA approach. There are a lot of moving parts. And your ability to react, even in the best case, you're still going to be a few years behind the data. And the data is a couple of years behind the actual fishery. So I'm not a big proponent of that. The reason I asked earlier about underutilized quota - I'm well aware that the 2011 year class bloomed and the inshore fishery versus the offshore fishery - and Connecticut is unique because they have a fair amount of access to the fishery but they have very limited access to quota.

Tony DiLernia: We've got to do something for Connecticut. Imagine being in Connecticut and having that low percentage and having the sea bass swarming up on your beach. I'm departing from my impartiality as committee chair. But that's my personal feelings.

Robert Rühle: What I've seen in the last 13 years for sea bass productivity in Long Island Sound, literally right off their door - there's a lot of fish there and it's creating a lot of discards and a lot of waste, which I'm dead against. The reason I asked about unutilized quota, if Maine and New Hampshire only have a half a percent, but if they don't achieve that, then what would be the harm in creating a rollover system where you could basically pull any unused quota for one year? Right now, where we have an increase in sea bass, and states with lower levels of quotas weren't able to harvest it all, it doesn't make sense to increase it. Maybe you could take their increase and give it to Connecticut.

Tony DiLernia: One question could be, if a state has an underage, do they transfer it to another state or hold on to it in case they need it for the following year?

Robert Rühle: It's got some positives and negatives, but it's a way to think outside of the box and use the fish and not waste them.

Tony DiLernia: My philosophy for fisheries management has been that we should manage for what's off our coast. What's in front of the fishermen off their states, somehow we have to manage to let them catch what's there in front of them, not to make them move around. Fisheries management is supposed to be reactive to the stocks and how they increase and decrease and move around.

Jim Lovgren: Your biomass chart shows a big spike in biomass in the northern region. It's kind of too big of a spike to be true. It just makes me wonder if there are any problems with the trawl surveys. This was after the transition to the Bigelow. Were there any adjustments made?... I've

been fishing 45 years. You go out by Hudson Canyon, January through March, and you can literally tow through miles of sea bass. I've never seen anything like it. They breed like porgies. They school like porgies. There's nothing there but sea bass... They're hitting the beach now. They don't hit the beach in New Jersey though. There's a lot of sea bass going into Long Island and Nantucket Sound and so forth.

From: [Tom Taylor](#)
To: [Beaty, Julia](#); [Tom Taylor](#)
Subject: Black Sea Bass Commercial Allocation Amendment
Date: Wednesday, April 15, 2020 11:30:47 AM

To the Committee,

Government intrusion in the lives of their constituents should be as little as possible, so without amending that intrusion from one area to the detriment of another, why not reduce the amount of intrusion unilaterally and allow the quotas to raised for all.

Black Sea Bass will spawn and go where the food sources are and as the northern states see an increase in bio mass, then those fish will find their way south eventually.

keep it the same and let the fish and fishermen be.

thanks

Tom Taylor
Maryland Resident
Seafood Lover



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April 21, 2020

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council

Dear Dr. Moore,

I'm writing as representative of the Atlantic Offshore Lobstermen's Association to provide comments toward the Council's Black Sea Bass Commercial State Allocation Amendment Scoping Document. Our primary interest in this issue relates to black sea bass (BSB) being unavoidable bycatch in lobster gear, as most of our members do not directly target the species. The goal for BSB management, and for all fisheries, in a changing climate regime should be to allow fleets to catch what is abundant off their respective coasts. This requires flexibility to adjust state quotas in response to shifting distributions.

The Association supports revising BSB state-based allocations. As stated in the scoping document, state allocations are based on 20-40 year old data and were initially intended to stay status quo for only a few years in the early 2000s. Since then species distribution has shifted considerably, as demonstrated by The Nature Conservancy's analysis of NEFSC bottom trawl survey data (see Mid-Atlantic Ocean Portal's Fish Species Through Time). Presently, the small quotas in some states coupled with increased BSB abundance creates unnecessary discard which could be avoided if the quota system was realigned to reflect the spatial distribution of the stock. The best example of this situation is Connecticut, where fishery independent surveys indicate very high abundance of BSB in Long Island Sound, yet that state only gets 1% of the commercial quota. NY is in a similar situation in its portion of Long Island Sound.

Regarding the Council's proposed inclusion of state-based allocations in an Amendment, we do not think it necessary at this time. It will take years to affect that change in policy, especially during the Covid-19 pandemic, as it will surely complicate the decision-making process. We also believe it's unnecessary given that the Mid-Atlantic states are well represented on the ASMFC's BSB Board, giving them control of the vote if they choose to exercise that prerogative. We also note that there are no members of the New England states on the Mid-Atlantic Council, so it is hard to envision how New England fishermen would be able to provide meaningful input into the process. We have no objections to inclusion of the Mid-Atlantic Council in deliberations on coastal allocation issues, but duplicate and redundant regulations are unwarranted.

As to specific management approaches, the Association supports a solution that strikes a balance between historic allocations and current biomass, while also considering recent trends in fisheries utilization, discards, and fleet capacity. The approach should be dynamic or, at a minimum, static allocations should sunset after 2-3 years, to prevent this issue arising again. The approach should readjust coastal state allocations to reflect local abundance and include provisions to shift allocations to the more southern states if the current trends reverse. If an approach is selected that will reduce states' quotas below historic landings, adjustments should be made incrementally to minimize financial disruption.

Thank you for the opportunity to comment.

Heidi Heninger
Program & Science Manager

From: [James Fletcher](#)
To: [Beaty, Julia](#); [Moore, Christopher](#)
Subject: Black Sea Bass Commercial Allocation Amendment
Date: Monday, May 11, 2020 12:20:40 PM

COULD OCEAN RANCHING BE DISCUSSED AS A METHOD TO INCREASE ALLOCATION?

COULD RECREATION TOTAL LENGTH BE DISCUSSED FOR MAGNUSON 101 - 627, 104 - 297 COMPLIANCE OR ASMFC AIRTCAL 1 SECTION 1 COMPLIANCE WHY DISCUSS ALLOCATION & NOT WASTE? WILL THIS COMPLY WITH EXECUTIVE ORDER ON FISH, SEAFOOD & AQUACULTURE ?

--

James Fletcher
United National Fisherman's Association
123 Apple Rd.
Manns Harbor, NC 27953
252-473-3287

From: [Jean Public](#)
To: [Beaty, Julia](#); information@sierraclub.org; info@peta.org; humanelines@hsus.org
Subject: Fw: Reminder: Black Sea Bass Commercial State Allocation Amendment Webinars - Today @ 2:00 p.m. and Thursday @ 6:00 p.m.
Date: Monday, May 11, 2020 12:24:59 PM

public comment

cut commercial allocation proposed by govt by 50%. this quota is because of far too close relationship of govt agency with commercial profiteers and not enough allowance of protecting the public. jean public1@yaho.com

----- Forwarded Message -----

From: Mid-Atlantic Fishery Management Council <contact@mafmc.org>
To: "jeanpublic1@yahoo.com" <jeanpublic1@yahoo.com>
Sent: Monday, May 11, 2020, 10:21:19 AM EDT
Subject: Reminder: Black Sea Bass Commercial State Allocation Amendment Webinars - Today @ 2:00 p.m. and Thursday @ 6:00 p.m.

View this message in your [browser](#)

MAFMC Logo



May 11, 2020

Reminder:
**Mid-Atlantic Council to Hold Two Scoping Webinars for
Black Sea Bass Commercial State Allocation Amendment**

Monday, May 11, 2:00 - 3:30 p.m.

Thursday, May 14, 6:00 - 7:30 p.m.

The Mid-Atlantic Fishery Management Council will hold two scoping webinars to gather public input on a management action to consider potential modifications to the allocations of the black sea bass commercial quota among the states of Maine through North Carolina. Learn more about this action in the [scoping announcement](#) or at the links below.

[Read the Amendment Scoping Document](#)

[Watch the Scoping Presentation Video](#)

Webinar Schedule

Both scoping hearings will be conducted by webinar.

1. **Monday May 11, 2020**, 2:00 pm - 3:30 pm EDT
2. **Thursday May 14, 2020**, 6:00 pm - 7:30 pm EDT

To join the webinar, go to <http://mafmc.adobeconnect.com/bsb-com-allocation-scoping/>. Audio connection instructions appear upon connecting, or you can call 800-832-0736 and enter room number 5068871#.

Written Comments

In addition to providing comments at either of the scoping hearing webinars, you may submit written comments by 11:59 pm EDT on Sunday **May 31, 2020**. Written comments may be sent by any of the following methods:

1. **ONLINE:** <http://www.mafmc.org/comments/bsb-com-allocation-amendment>
2. **EMAIL:** jbeaty@mafmc.org
3. **MAIL:** Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901
4. **FAX:** 302.674.5399

Please include "Black Sea Bass Commercial Allocation Amendment" in the subject line if using email or fax, or on the outside of the envelope if submitting written comments. All comments, regardless of submission method, will be shared with the Commission and Council and will be made publicly available on their respective websites. It is not necessary to submit the same comments to both the Council and Commission or through multiple channels.

Learn More

For additional information and updates on development of this action, please visit the [Black Sea Bass Commercial State Allocation Amendment action](#)

[page](#). The [scoping document](#) contains background information and details on potential management approaches.

Contact

Please direct any questions about the amendment to Julia Beaty, Mid-Atlantic Fishery Management Council, at jbeaty@mafmc.org or (302) 526-5250.

Mid-Atlantic Fishery Management Council

www.mafmc.org

800 North State Street, Suite 201, Dover, DE 19901

Phone: [\(302\) 674-2331](tel:(302)674-2331) | Toll-Free: [\(877\) 446-2362](tel:(877)446-2362) | Fax: (302) 674-5399

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This message was sent to jeanpublic1@yahoo.com from contact@mafmc.org

Mid-Atlantic Fishery Management Council
800 N. State St. Suite 201
Dover, DE 19901



From: [Beverly Lynch](#)
To: [Beaty, Julia](#)
Subject: Black Sea Bass Commercial Allocation Amendment
Date: Tuesday, May 12, 2020 3:23:40 PM

Regarding: Black Sea Bass Commercial State Allocation Amendment

I favor status quo OR changing the allocation to federal individual quotas based on current state quotas (some are issued to individuals under the state quotas). Then if northern fishermen wanted more quota, they could buy it. Other wise, you would redistribute quota from fishermen who a landing their quotas and need them to other fishermen.

I also favor status quo because your data shows a decline in the northern stock spawning biomass, which means a future decline in the northern stock.

Also you are giving credence to global warming, a debatable and unproven issue.

The Mid-Atlantic council should have a vote on this.

Beverly R. Lynch and Tom Smith, Painter, VA

From: [LEE MOMSWORRY](#)
To: [Beaty, Julia](#)
Subject: BSB minimum size limits in NENG prior to NMFS FMP
Date: Wednesday, May 13, 2020 6:39:34 PM

Hi Julia,

I believe the state by state percentages were a negotiated number for each state based primarily on 'the more landed in your state, the more you get' without any (or very little) consideration given to minimum size limit and other (?) management measures in effect in some New England states previously and at that time.. Do you have any records of those size limits prior to the Plan? In the Plan historical files, are there any models or projections that indicate where the stock would or could have been without those regulations in place?

I started in the BSB fishery in the early 1980's. I vividly remember pallet after pallet (tons and tons) of juvenile (pins) BSB being packed and shipped for zoo food. At that time I knew nothing of the regulatory process. As a small time commercial fisherman I was so concerned tha, in about 1990, I wrote VA Commissioner Bill Pruitt and ask him to do something about it. After two jabs, he finally answered and said NMFS was working on a BSB Plan.

They are working on the small boat horsepower exemption amendment even at a slower pace than they did the original Plan! Since this re-allocation amendment might get some attention this year, could the small boat horsepower exemption amendment be included? lol .

Harry Doernte

From: [David Duncan Dow](#)
To: [Beaty, Julia](#)
Cc: [David Duncan Dow](#); [deFur, Peter](#); [Weis, Judith](#)
Subject: Comments on Black Sea Bass Commercial Allocation Amendment
Date: Thursday, May 21, 2020 3:37:12 AM

I am a retired marine scientist from the Fisheries Laboratory in Woods Hole and grassroots environmental activist living on Cape Cod. I participated in the May 14 online MAFMC Scoping session and asked the question about the link between the “natural mortality” component of the Black Sea Bass (BSB) 2019 Operational Stock Assessment and the recently released State of the Ecosystem 2020 Response Memo as a possible cause of the recent downturn in the BSB landings in the northern portion of the species range (New York through Maine). Since I haven’t heard back from the MAFMC on this question, I presume that you feel that this represents a decline of the record 2011 BSB recruiting class. As the former Recreational Fisheries Coordinator in the Northeast and a member of the New England Fisheries Management Council Habitat Plan Development Team which helped develop Omnibus Habitat Amendment 2, I feel that this downturn may reflect shifts in the ocean baseline and the marine food chain between 2001 and the present (with the Gulf of Maine providing a good case study).

The Ecosystem Status report describes use of data from National Estuarine Research Reserves and regional ocean planning data portals to supplement the fisheries surveys performed by the states and the Northeast Fisheries Science Center (NEFSC) Bottom Trawl Survey. I chaired two working groups at the NEFSC on their ecosystem survey and fishery monitoring programs which described options to support an adaptive, Ecosystems-based Management approach. I am not aware that these suggestions have been implemented. I worked on the EMaX (Energy Modeling and Analysis Exercise) carbon modeling project for the Northeast Continental Shelf Ecosystem which introduced the microbial food web at the base of the food chain to balance primary production estimated from ocean color satellite data with the yield of Living Marine, Protected and Natural trust Resources managed by NOAA Fisheries. Effectively this lengthened the marine food chain and increased community respiration which lowered the net primary production and reduced the yield at the top of the food chain. The Ecosystem Status 2020 report discusses this matter in more detail and assumes that the trophic level transfer is 15% because carbon is recycled (this transfer co-efficient would be 10% if one was utilizing energy units- calories or joules). In the Gulf of Maine increased warming has reduced net primary production and the yields of LMRs with shifts in the distribution of forage fish (sea herring and river herring declining) and altered predation/ competition at the top of the food chain. I recently participated in an Environment America webinar on the Stellwagen Bank National Marine Sanctuary where Dr. Les Kaufman (Boston University Marine Scientist) described this process much better than I can.

The Ecosystem Status 2020 memo used the Waquoit Bay National Estuarine Research Reserve (WEBNERR) as case study for grassroots science

and monitoring. I live in this watershed and have been engaged in the Joint Base Cape Cod SDWA/CERCLA cleanup for over 20 years and serve on the Cape Cod Advisory Committee of the University of Rhode Island STEEP (Sources, Transport, Exposure and Effects of PFAS) grant (representing the local partner- Cape Cod Group- Sierra Club). I am a member of the national Sierra Club Toxics Team CORE Group of activists which is quite active in PFAS contamination of drinking water. I live in the Yearling Meadows development and PFOS/PFOA from the Ashumet Valley Plume has contaminated public and private drinking water wells in Falmouth and Mashpee. I mention this because the sources of the PFOS/PFOA include the water and sediments in Ashumet Pond which is part of the Waquoit Bay Watershed. I participated in the EPA-lead Waquoit Bay Watershed Ecological Risk Assessment project which identified nutrients ("N" in Waquoit Bay and "P" in Ashumet pond) as the major human stressors in the watershed. This study explored the relationship in Waquoit Bay between excess "N" loading and loss of eelgrass beds/decline in bay scallop harvests. In more recent times, we have had hypoxic events in Cape Cod Bay which have killed lobsters in their pots. This hypoxia may have come from "N" eutrophication, warming waters in the Summer; increased ocean acidity and stronger water column stratification due to the lack of thunder storm mixing.

When I worked at NASA's Earth Resources Laboratory, I participated in the "productive capacity of wetlands project" which explored the relationship between the primary production in salt marshes and the yield of shrimp in the northern Gulf of Mexico. I worked on the use of Landsat satellite data to estimate the primary production of the salt marsh vegetation. Dr. Joan Browder (NOAA Fisheries Southeast Fisheries Science Center) and marine scientists from LSU's Center for Wetland Resources worked out the relationships with shrimp yield. The SEFSC utilizes this approach in evaluating Essential Fish Habitat (EFH) for some of their wetland related managed fish/shellfish species. The shifting fish species and altered marine food chain in the Mid-Atlantic and New England regions might be explored as part of the EFH for BSB. This species often occupies complex habitats and might benefit from offshore wind farms (an issue discussed in the 2020 Ecosystem Status Report). This report also discusses North Atlantic right whales and the possible increased mortality from American lobster pot gear. Both the lobsters and NARWs have moved further offshore or northward into the Gulf of Maine as result of warming waters and increased noise inshore. A similar situation could exist for BSB prey and their predators in the northern portions of their range.

I feel that the Atlantic States Marine Fisheries Commission (ASMFC) and their state partners should coordinate with the MAFMC in developing the BSB Commercial Allocation Amendment. They would have to coordinate this with NOAA Fisheries. This concept was mentioned by some of the commercial fishermen in the May 14 scoping meeting. Since BSB distribution and abundance varies seasonally and with different life stages, it makes little sense to separate management in state jurisdictional waters (0-3 miles) from that in federal jurisdictional waters (3-200 miles). I support increasing the Connecticut quota allocation above 1%, but don't know about the 0.5% allocations for New Hampshire and Maine where I presume

much of the catch is by the recreational sector. Since a lot of the recreational catch is by charter vessels and head boats, these operators refer to themselves as saltwater anglers and are often constrained by a lack of a working waterfront here on Cape Cod and elsewhere. Thus there are socioeconomic consequences and effects on the “Blue Economy” on Cape Cod and elsewhere in coastal New England. Some of these issues are mentioned in the 2020 Ecosystem Status Report.

I feel that the MAFMC should add a sustainable commercial fisheries allocation option based on the adaptive, Ecosystem-based management (a,EbM) approach. There numerous recent scientific papers on “sustainable fishing’ and a,EbM approaches which I presume the MAFMC staff are aware (if not I can provide some suggestions from 2019). In 1995 the Massachusetts Chapter- Sierra Club released its Sustainable Fisheries Policy which was developed by the Cape Cod & the Islands Group when Dr. Chris Neill (Woods Hole Research Center wetlands scientist) was chair and Keith Smith (retired NOAA Fisheries scientist) and Bille Bates (saltwater angler) were Excom members. This served as the basis for the national Sierra Club policy passed by the Board of Directors in 2002. Thus there is both scientific and ENGO support for my suggestion. Hopefully active scientists and ENGOS will submit comments on the Mid-Atlantic FMC Black Sea Bass Commercial allocation, since they were absent from the scoping session in which I participated.

Thanks for your consideration of these comments.

Dr. David Dow
East Falmouth, Ma.

From: [Jim Dawson](#)
To: [Beaty, Julia](#)
Cc: [Hodges, Mark L.](#); [Doernte, Harry L.](#); [Bolen, Ellen](#)
Subject: Comments for reallocating black sea bass
Date: Friday, May 29, 2020 1:29:13 PM
Importance: High

Hello, with all of this mess going on, quite a “distraction” from reality. It has caused a tremendous hardship with respect to what USED TO BE our restaurant “high end” sea bass market, with absolutely devastating and what will be an “unknown” with respect to when these restaurants will EVER reopen to business as it once was!

Such a hard blow, then we understand that once again, here we go, attempts to TAKE again? We already gave up years ago here in Virginia as well as NJ, MD, etc.. We really want to be left alone because nobody should deviate due to a nonsensical nor logical rationale. Have our VTR records indicated a shift or less catch such as myself for instance? Has ANYONE taken a long look into this situation, or is this just a lobbying effort? My landing records have indicated and would corroborate what Mr. Hodges and Jimmy Rhule have stated that “the stock size has expanded everywhere”. My personal landings for 2019 were the highest since the beginning of the VTR record keeping, so exactly what does this mean? Only one thing...there MUST be more fish available! I can also tell you that I could have caught much more if I had the quota available, which brings me to the next point:

If our councils and agencies continue their efforts to constantly make changes to our livelihoods without actually looking at the truth, then perhaps we must look into the agencies and councils as to what may be going on.

The truth is we should NOT be looking into changing anything due to the immense complexities in doing so. Virginia has IFQ, so changes are deduction that take from one and would give to another for an unjustifiable reason. We have more fish down south as well, so the added quota must be added to the overall stock and not “re-distributed” to others with no statistical proof nor verification that our stocks have “moved further north” because they have not! The reproductive rate of our sea bass has been surpassing that of the death rate for years ongoing.

There ARE more balances and numbers that need to be entered into all of the equations well BEFORE we consider redistributions. We also must be reminded that we should NEVER grant extra fish during the MIDDLE of ANY one season! It simply is favorable to others and destroys everyone else! We just now received the increase for 2020 in Virginia? Our trawl season is over until November, we now have the northern states receiving THEIR increase well before the fish arrive, so with the increase they will receive, our markets will be in the tank until the end of 2020, NO marketability due to Covid 19 through the end of 2020, which hurts the individual fishermen, the small guy, while the larger operations will benefit because they have the quota and/or ability to catch larger quantities, which then will hurt the species...so what are our councils/agencies attempting to really do?

What is the real reasoning/effort behind this?

Jim Dawson

Chincoteague

36 year veteran of the sea bass fishery.

May 28,2020

COMMENTS ON COMMERCIAL BLACK SEA BASS STATE ALLOCATION

Please accept these comments from the Fishermans Dock Co-op Inc in regard to the ASMFC and the MAFMC scoping hearings for the commercial Black Sea Bass state by state allocation Amendment. In the last 10 years the stock biomass of Black Sea Bass has exploded along the US east coast causing much inter-action with these fish in multiple fisheries, resulting in discards of perfectly legal sized fish, because many states don't have enough quota to allocate to their fishermen, or the fishermen do not possess a permit for them. During the development of the original State by state system, it was noted that northern states were at that time experiencing a growth in abundance of the stock in their waters and that problem was addressed by taking quota that should have been allocated to New Jersey and giving it to everybody else to get their vote. Under the proposed scenario's from the ASMFC, NJ should have received anywhere from 28 to 38 per cent of the coastwide quota, instead we got 20%. No other state in any other fishery has had this happen to them, [North Carolina wasn't asked to give up any of their extra fluke quota, because they had too much], and they wouldn't have agreed to give it up anyway.

Yet New Jersey, thanks to our state representative on the council and Commission did, against the consent of its own fishermen. Consequently we feel that if the need to reallocate quota to northern states is needed, that quota should be taken from other states, we already gave enough, and will not stand for the thief of another pound. There have been two regions defined in the scoping hearing, New York and North, and New Jersey and south, of course the northern states want to take the quota from the southern states, were the biomass had historically been centered. While data shows a shift of the center of the biomass to directly off of NJ, it does not show that the southern states have lost any biomass, it just shows the population is so large that it has expanded north as far as the Gulf of Maine.

There is not anyway possible to justify including NJ in with the southern states, the only reason is so that quota can be taken from us again. Not only has NJ not lost access to BSB, we have gained access, they are literally in our backyard most of the year. Taking more quota from us will result in more discards by NJ fishermen. If northern states need more quota then increase the over all quota, but keep in mind that many of these states complaining are doing so to create new fisheries for their fishermen, many who are hook and line day fishermen, formerly known as recreational fishermen, but now because of stringent regulations regarding the ability to sell the catch, they have become commercial and catch commercial quota. So states like NY, Rhode Island, and Massachusetts should provide the data that shows how much BSB is being caught by hook and line, and how much by traditional pot and trawl fishermen who are the ones that caught the original fish that state by state quota's were based on. Those states further screwed their traditional fishermen by having lax qualifying criteria that allowed almost anybody to get a permit. The states that actually protected their traditional fishermen should not be expected to give up their quota to states that did a poor job of management in the first place. There are plenty of NJ fishermen who would love to have a Jersey permit but they didn't qualify for it, our

qualifying criteria was designed to protect the fishermen that actually depended on that fishery. We further defined the fishery into gear categories meaning that if you caught the fish with a trawl net that is the only gear you may use, same with pots, fishermen with a BSB permit that qualified for a permit with pots can only use pots. We only have about a half dozen hook and line BSB permits in the state, because we didn't create one after the fact like the northern states. This gear specific requirement also means that if NJ wanted to go to an ITQ system, pot fish quota could only be landed by pots.

This is an important point to make because much of the quota from Maryland and Virginia was historically caught by pot fishermen, yet now is being rented to trawlers who come in with huge 20,000 pound plus trips and disrupt and collapse the market for a week at a time. So my proposal for addressing the need for more quota for northern states is for those states to buy the quota from the ITQ holders from Maryland and Virginia and then rent it back to their own state fishermen until such time as the purchase price was recovered. There should also be a 10,000 pound possession limit of BSB in federal waters, to prevent one or two fishermen from destroying the market every winter with their ITQ bought fish. Its also important to note that those ITQ fish were previously caught in the summer months by potters and are now being caught in the winter by trawlers and this has affected the market, and its price. NJ, in both Summer Flounder and BSB has set up fishing seasons based on the average landings of the species throughout the year and divided those landings into specific seasons based on the percentage of the catch during those seasons, so we have maintained market stability as much as we possible could have.

Our members support the no action alternative.

States like Connecticut can buy BSB quota from the states that have implemented ITQ's in their fisheries, and both the ASMFC and the MAFMC need to seriously rethink any proposals to create more systems that would be based on ITQ management, either on the state or Federal level.

We do not support DARA it is just another reallocation scheme.

We do not support any type of management that creates a trigger using historical landing history for an initial allocation and then changing the allocation percentage above a certain quota level. That trigger system would still result in the loss of New Jersey quota, and that is unacceptable. If you must steal, do it from some other states, we already gave enough.

We support the MAFMC being more involved in the state by state management of this fishery, probably 90 % of the commercial BSB landings are from the EEZ, the only reason that the ASMFC has the lead in managing this species was that they were the only management body that could implement the state by state system. In fairness if the MAFMC does become more involved in the state by state system then more involvement needs to be granted to the New England states that would have little representation through the MAFMC, so a joint advisory committee would need to be formed.

Thanks for your consideration

James Lovgren Fishermens Dock Co-op

From: [Fishthewizard](#)
To: [Beaty, Julia](#)
Subject: Black Sea Bass Commercial Allocation Amendment
Date: Friday, May 29, 2020 2:10:36 PM

To Whom It May Concern:

The only option that should be considered is status quo, keeping the current state commercial allocations. All of the other alternatives will not work, and will lead to management uncertainties every year. If anything, NJ should have a larger percentage of the quota. Too much time and effort was put into the original amendment to have it changed so quickly.

Joan Berko
F/V Wizard

From: [Joe](#)
To: [Beaty, Julia](#)
Cc: [Jim Dawson](#); [Hodges, Mark L.](#); vagrumpy@aol.com
Subject: Black Sea Bass Commercial Allocation Amendment
Date: Sunday, May 31, 2020 9:22:06 AM

I am a major stakeholder in the Virginia black Seabass fishery. I am in favor of status quo. We have no quota that is being unutilized! To take quota from us and distributing it to other states is stealing plain and simple. IFQ stakeholders in Virginia have major financial investments in our quota. If our quota is taken away and redistributed there should be financial compensation involved.

Capt Joe DelCampo
VA directed permit number 21

Sent from my iPhone

From: [JACK STALLINGS](#)
To: [Beaty, Julia](#)
Subject: Black Sea Bass Commercial Allocation Amendment
Date: Sunday, May 31, 2020 6:49:26 PM

Hi Julia, I have been involved in the Virginia Black Sea Bass fishery since 1972. I can remember when the northern states who are after the southern states quota could not have cared less about a Black Sea Bass. One day about 20 or so years ago when I was having a new boat built in Maine I had a fisherman take me over to his lobster pound to get me to identify a fish he had caught in one of his pots. You guessed it, it was a Black Sea Bass, and that was in the Portland Maine area. So 20 years ago they didn't know what they were and now they want more quota.

As far as I know all the southern states catch our quota or come close and it's not because the fish are not here that we that we don't, if that's the case. There are plenty of sea bass. In Maryland to North Carolina the sea bass are available 12 months of the year, why would anyone consider taking that away? I am definitely for STATUS QUO.

Sincerely,
Jack G. Stallings, Jr

Sent from my iPad

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June 1, 2020

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
By email: jbeaty@mafmc.org
Re: Black Sea Bass Commercial Allocation Amendment

Dear Dr. Moore:

Thank you for this opportunity to comment on and raise concerns about the management alternatives outlined in the scoping document for the proposed reallocation amendment. I also appreciate your accepting these comments today, with the comment period closing yesterday, unusually, on a Sunday.

We can only support the status quo and feel strongly that this proposed action needs to consider that the State of New Jersey was not given its historical landings percentage when the ASMFC first allocated the fishery. In order to satisfy the other states, who did not have a historical participation in the fishery, our historic allocations were diminished significantly at that time.

In addition, the justification for this potential reallocation is based upon an analysis that indicates the resource has moved north of its historic range, but not, however, outside of the range of our mobile fishing fleet. The slow progression of the stock from its historic center, off Delaware, does not mean that our region has seen a decline in abundance, nor does it mean that this shift will necessarily be permanent. The premise that the stock's range has shifted beyond New Jersey, and in such amounts that our quota should be limited and given away, is operationally and scientifically unsound.

While we oppose a black sea bass reallocation amendment moving ahead, we do support the proposed change to the FMP to provide for both the Council and the Commission to have a voting role in any future changes to the allocations. States interested in increasing their quotas should be able to accept unused quota from other states, through the Commission process, and their fishermen can purchase fishing permits from other states in order to increase their fisheries' economic benefit, as we have done as a company.

With best regards,

Wayne Reichle

Wayne Reichle, President
wreichle@lundsfish.com

Black Sea Bass Commercial State Allocation Amendment

Scoping comments submitted via online form through May 31, 2020

Name	State(s)	Primary role in the fishery	Comments
Beverly Lynch		Commercial	<p>You should not redistribute quota. Normally (this is not a normal year due to restaurant closers and the loss of markets) Southern fishermen land all their sea bass quota. You say nothing has changed as far as sea bass reproduction in the south, so why would you cut these fishermen's quotas?</p> <p>If the northern states have an increase in sea bass, then increase the quota for them, but don't take from someone else. If they have more sea bass, then why can't you increase the quota?</p> <p>There is also the consideration that fish change their habits constantly. After a few good years, they could slack off again.</p> <p>And don't use, so called, climate change as a reason to redistribute quota. It hasn't been proven.</p>
John Smith	ME, RI, CT, NY	Recreational	<p>Black sea bass Are eating everything they are invasive species . The season should open with Ct And RI. Decline in fluke numbers are from Seabass eating Everything in site . All three States better wake up and see what these fish are doing to eco System .</p>
Aaron Gewirtz	RI	Commercial	<p>Increase the quota coast wide to reflect the robust condition and health of the stock. We don't need the southern state's quota in the North...the quota in the north should rise independently based not only on movement of the stock but its overall growth and obvious abundance</p>

WALTER CHEW	NJ	Commercial	<p>Sir:</p> <p>In your most recent email notification concerning Black Sea Bass, you said: "The most recent black sea bass stock assessment shows that spawning stock biomass in the northern region (approximately Maine through Hudson Canyon) has greatly increased since 2002, when the state allocations were first approved, while the amount of biomass in the southern region (approximately south of Hudson Canyon through Cape Hatteras) has not experienced significant change."</p> <p>This indicates that either there are two different stocks, or that the mid-Atlantic fisheries are being constrained so much that the larger spawning fish are having the opportunity to migrate northward.</p> <p>If there is no genetic difference between northern and southern region fish, the answer as to which situation is occurring could be found in analyzing the size distribution of each section's biomass. If the first situation is true, then the size distribution in each region will be similar and both the Commission, and MAFMC need to manage these as two different stocks. However, if the second situation is true, then the average size of a northern region fish will be significantly greater than those in the southern region and the mid-Atlantic fleet should be rewarded with an even greater share of the TAC because of their past constraint in allowing the larger (spawning stock) to pass thru their area and gather in the northern region.</p> <p>Simply giving the northern region states a larger percentage of the TAC because there a lot of fish there might be giving the northern region's states the benefit of the southern region's states' past restrained harvest. What's fair in that??</p> <p>Walt Chew -The Old Fisherman->)))"></p>
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<p>Mark HODGES</p>	<p>VA</p>	<p>Commercial</p>	<p>I have been a full time commercial BSB trap fisherman since the early 90's. I feel the ASMFC state percentages should remain the same, status quo. Va. has a substantial history in commercial BSB fishery since the 1960's. Va. gave up some percentages of history back in 2002 when the ASMFC agreement was negotiated to help make it fairer to the northern states. The northern states did not have as much history in BSB because the fish were not there in today's numbers and the fishermen were concentrating on other fish species.</p> <p>The BSB population has not shifted north, they have expanded to the north. The BSB have replaced the top predator fish which has been overfished for decades, the cod fish. The population of striped bass is also down. Mother nature is very opportunistic, BSB are simply filling a natural void by replacing the top predators. This expansion trend could easily be reversed if the cod could ever come back to historic populations.</p> <p>The commercial BSB landed in the southern states are landed by a very high percentage of full time commercial fishermen. I do not feel it is very fair to take some amount of the southern states quota just because the BSB numbers have increased in the northern waters. I also do not feel it is very fair to take quota from full time commercial fishermen in the southern region and basically distribute it to recreational fisherman in the northern states. The major northern states of NY, RI, & MA. have a 50 lb. trip limit for most of their seasons. That is not a commercial fishery. The northern states propose to take our quota history and sell state commercial licenses to recreational fishermen so they can land 50 lbs. of BSB and other fish species to sell and help pay for their fishing hobby. To me this is ridiculous. I really can not blame the northern states for trying to secure more southern quota, it is a commerce windfall. They first sell licenses to many recreational fisherman, then the state profits from not only the sale of the BSB but all of the expenses associated with the catching of the BSB, boats, bait, tackle, dockage, ramps, gas, and on and on.</p> <p>I am simply trying to show where the quota will come from and to what the quota will be used for, this is a commercial fishery, not an attempt to expand their recreation fishery.</p> <p>Thank you, Mark Hodges</p>
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Ernie Panacek	NJ	Commercial	<p>I am writing on behalf of the Garden State Seafood Association. We understand this is our opportunity to provide input and raise concerns about the management alternatives which may be considered via the “black sea bass commercial allocation amendment ”.</p> <p>The BSB population has exploded along the US east coast and expanded its range into the Gulf of Maine, resulting in new interaction of BSB with other fisheries that never experienced them before. It is important to note that the population has not moved north, they are still just as plentiful in the southern region, it’s just that the growth of the population has been to the north. This increase in availability in New England waters has been happening for years, and was addressed in the initial state by state allocation, where the commission took quota that should have been allocated to NJ and gave it to northern states, this NJ give away amounted to anywhere from 8 to 18 % of the total coast wide quota.</p> <p>We can only support the status quo and feel strongly that this potential action needs to consider that the State of New Jersey was not given it historical landings percentage when the ASMFC first allocated the fishery. In order to satisfy the other states who did not have a historical participation in the fishery our allocations were diminished significantly.</p> <p>Furthermore, in 2005 via Addendum XV, the State of New Jersey was compelled to transfer approximately 55,000 pounds of Fluke quota in two consecutive years.</p> <p>In addition, the justification for this potential reallocation is based upon an analysis that indicates the resource has moved north of its historic range. The slow progression of the stock from its historic center off of Delaware does not mean that our region has seen a decline in abundance. The premise that the range has shifted beyond New Jersey and in such amounts that our quota should be limited and given away is unsound.</p> <p>We do support that the allocations of quotas should be added to the Fishery Management Plan under the authority of the Mid Atlantic Fishery Management Council.</p> <p>Our members support the no action alternative, there are other ways for states to acquire more quota, or their fishermen can do what many have already done, purchase fishing permits from other states that have more quota.</p> <p>Because of our states previous generosity, we do not support DARA as it will result in a lower percentage of quota to New Jersey because after a certain level of quota is met under the old historical allocation the increase would be divided equally among the states and that means we get less quota. So no trigger option.</p> <p>Thanks for your consideration, Ernie Panacek Pres. GSSA</p>
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