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**Sent:** Monday, December 12, 2016 2:27 PM  
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**Subject:** Recreational Black Sea Bass Rules for 2017  
**Attachments:** blackseabassrecreationalrules (3).zip; Gilmore+Letter+8Dec2016 (2).pdf; Sea Bass 9 (2).pdf

Dear Board Members,

My name is Kevin Slattery and I am a charter boat captain from Massachusetts. I am writing you today ahead of the Joint ASMFC - MAMFC Board meeting in Baltimore where decisions will be made concerning the management plan for recreational Black Sea Bass for 2017. My home state of Massachusetts has consistently lost out to other states over the past years. We have lost season, bag limit and have seen increases in the minimum size of Black Sea Bass. Furthermore we have been cut way out of proportion to the other states. Essentially I have been put out of business by unfair regulations. I have kept my business alive in the hope that the new stock assessment will combine with a more fair allocation of black sea bass to give me a chance. I hope I can convince you to use the newly available fish to liberalize regulations and to come up with consistent and fair allocations between the states.

The first decision I believe you will have to make is whether to continue with the "Ad-Hoc" regional management of the past few years. I urge you not to continue down this path. Ad hoc regional might have been a good idea for 1 or 2 years, but has become a disaster. First and foremost it has never been able to achieve the cuts it set out to. Year after year goals have been set and not reached. This failure is inherent in the rules of ad hoc management. It is blatantly obvious that the incentive is for each state to grab as much as they can and then stand back while the cuts are spread around and then to repeat and compound the gains. You need to look no farther than the charts of the season and bag limits of the states in the northern region to see the result. (See attachment Sea Bass 10). This leads to the second reason I have for calling ad hoc a disaster. Ad hoc has completely failed to equally distribute the cuts that were mandated. Some states have been hardly effected by the cuts, where others, notably my home state of Massachusetts, have seen the season and bag limit reduced to the point where there is really no point in going out fishing. No one is chartering a boat to catch 5 Sea Bass. This has happened over a period of years and was not a mistake by the states that benefited from it. The 2016 management plan is perfect example. The northern states were supposed to have a plan that cut

their catch by 23% from the 2015 level. The technical committee somehow approved a plan where increasing the minimum size to keep a Black Sea Bass from 14 to 15 inches would create cuts in the catch equal to the number of fish that had been caught in that size slot. This "cut" was a farce and no one should think that the technical committee didn't know it. Simply put, they did not 'control for effort'. The fishermen who were getting their bag limit at 14 inches were still getting their bag limit at 15 inches with just a little more effort. The fish in the one inch slot were being discarded and there was a certain percentage of mortality. More fish were being caught and killed, not less. It is impossible for any reasonable person to think that the 'Technical Committee' didn't get this..( This is the same technical committee that endorsed a NJ plan to increase the minimum fish size by a half an inch mid season to achieve a target.) With the imaginary cuts made by this 1 inch size increase some states used their left over "cuts" to increase (YES INCREASE )their bag limits and season. The state of Connecticut actually managed to get 7 extra weeks of season based on this 1 inch size increase. Amazing . And this was just one year. You are all very much aware that the data (MRIP, Outdated stock assessment, etc.) used to make these decisions is weak when it is applied to the big picture. It is irrelevant to the point of being laughable when it is parsed out to the point of predicting in one stroke the effect of a 1 inch size increase AND 7 extra weeks of fishing in one state. The years of 'ad hoc regional management' have been an ongoing shell game of politics disguised as science whereby a complete redistribution of the allocation of Black Sea Bass has been effected. The numbers tell the story. (attachment Sea Bass9)

Consistency will never be achieved under ad hoc regional management. . The case for consistency in regulations is made very well by the director of the NY Division of Marine Resources , James Gilmore, in a letter to your board concerning Fluke allocations. ('Gilmore Letter' attached) He states that " we believe that chasing annual targets using MRIP Data is simply not effective at this time". It is even less effective when the data is parsed down and down. He says "federal management surveys could be used on a coastwise basis at best". Weak and shallow data such as MRIP combined with constantly changing regulations both within and between states will continue to give us what we have now, a free-for-all quota grab. We must accept that the data available to you is not sufficient to craft effective regulations if each state can change size, bag limit, season at its will and then to vary these among different user groups, and do it every year. We are asking too much of the technical committee to expect them to keep track of all this.

The other effect of allowing states to get creative with regulations each year is the treatment of different user groups. Massachusetts keeps a consistent number of fish through out the season that it has. NJ on the other hand changes from 2 fish in July to 15 fish in December. This clearly favors one user group over the other.

It seems only a matter of time before user groups within some states realize they are being left behind. It is an open question whether the ASMFC-MAFMC has an interest in ensuring equity between different user groups within a state, but allowing states to come up with a new set of regulations every year will not help this to ever happen. It will continue to make data collection and interpretation difficult or impossible even as battling user groups within each state win changes through the politics of that state.

This year we are working off a new stock assessment that will give us significantly more fish. If you continue to use ad hoc as you have done in the past few years you will take last years catch and increase it by whatever percentage we as a region are allowed just as you have done when cuts were called for. This is obviously what some states have positioned themselves for. This would be very wrong on a lot of levels. You would be rewarding the states that did not achieve the cuts they were supposed to by giving them all the fish they did not cut over the years plus the new ones from the new stock assessment. You would be penalizing the states that kept their overages down or even made cuts. You would be legitimizing terrible scientific conclusions that you should be embarrassed by. You would also be perpetuating the annual dog and pony show that this process has become. The original reason for ad hoc was to get through to the next stock assessment. We are there now and there is no reason not to come up with a legitimate management plan.

What should this plan look like? I look again to that same letter from Director Gilmore from NY that has been sent concerning Fluke. Certainly these principles also apply to Black Sea Bass. He says "we suggest that no state have a bag limit higher than the others." This is an obvious first step. Consider that right now (December 12th) in Massachusetts that the bag limit for Black Sea Bass is 0. None, and it has been since August. Meanwhile in NJ the bag limit is 15 fish (at 13 inches!) New York gets 10 fish and Connecticut has a special for -hire season that allows for 8 fish. The entire fall season has been closed down in Massachusetts. The business that I, and the other captains built up over many years has been wiped away. So, yes I am in agreement with Mr. Gilmore , No state should have a greater bag limit than the others. The question of seasons is also sensitive. I suggest that the states all have the same season. This plan worked fine for a long time before the fish over ran the stock assessment and the 'ad hoc' quota grab began. Since each state, region, and user group have different interests and a very strong preference for one season or another it seems as though being open all year is the only fair answer. A uniform change in bag limit during the season across the Northern sector might be an option. There are a lot of options available to make the rules fair and equitable. You must first undo the inequities that ad hoc regional management has created. That is a minimum, if you are going to be fair. Crafting new regulations are the next step.

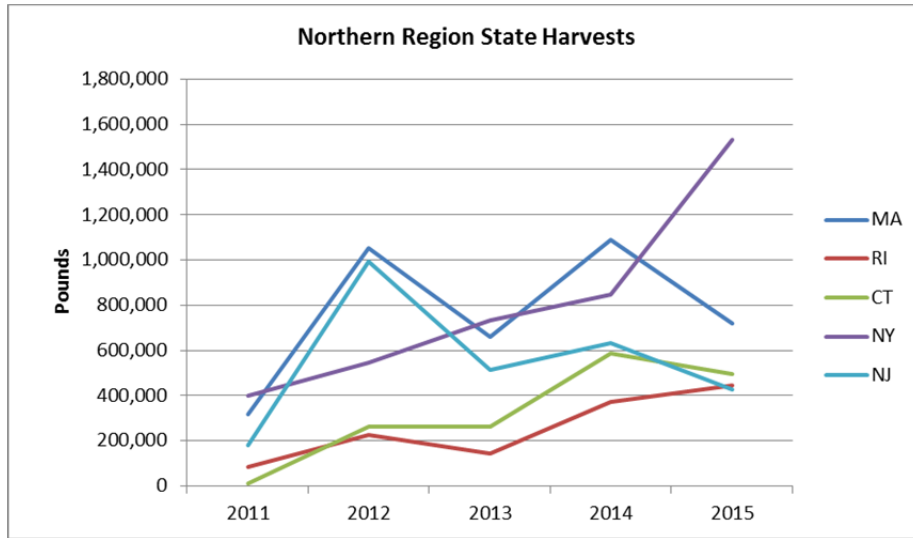
The process for creating new regulations with the new stock assessment should include an opportunity for public comment. Furthermore the methodologies that the Technical Committee has pre approved in the past must be open to public comment before they are accepted. The numbers from the new stock assessment are available now and are awaiting peer review. The 2016 catch reports will not be available until the end of the year since some states are still fishing, but they are easy enough to estimate, and indeed educated guesses have been made that will not be far off. Since you will not be using those numbers on a state by state basis as you did for ad hoc and will be using them for the whole region the effect of a slightly inaccurate estimate doesn't change much. Now is the time to form a working group to create a table of options to be put up for public comment. You would obviously have to preface every option with a disclaimer concerning the 'final numbers' and the 'pending peer review' and 'assuming the SSC sets the RHL at this number' . Creating a table of options is work that pretty much any member of the working group or technical committee could do. There will be suggestions from all sides, and time to debate them. This should happen in January or February at the latest. No rules should be made before there is a chance for public comment. This mindset that a plan cannot be put forward until all the data is part of the 'problem' we had with ad hoc . By the time the numbers were sprung on us it was it

was 'too late' to do anything else. This was especially true for the states such as Massachusetts that had their best seasons in the early part of the year. Again, I say that this was no mistake on the part of the states that benefited from it. Closing the season from December might be an option if it is necessary to get the data collected in a timely manner. There is time right now to create a table of options using estimates for small pieces of data and reasonable assumptions. The frameworks can be laid out and approved by the technical committee etc. now. Now is also the time to untangle the legalities of how the plan is implemented. Is this a different version of ad hoc? Is it an amendment to the current plan? Is it a whole new thing? Now is the time to sort that out. Thank You for taking the time to read this.

Kevin Slattery, Captain  
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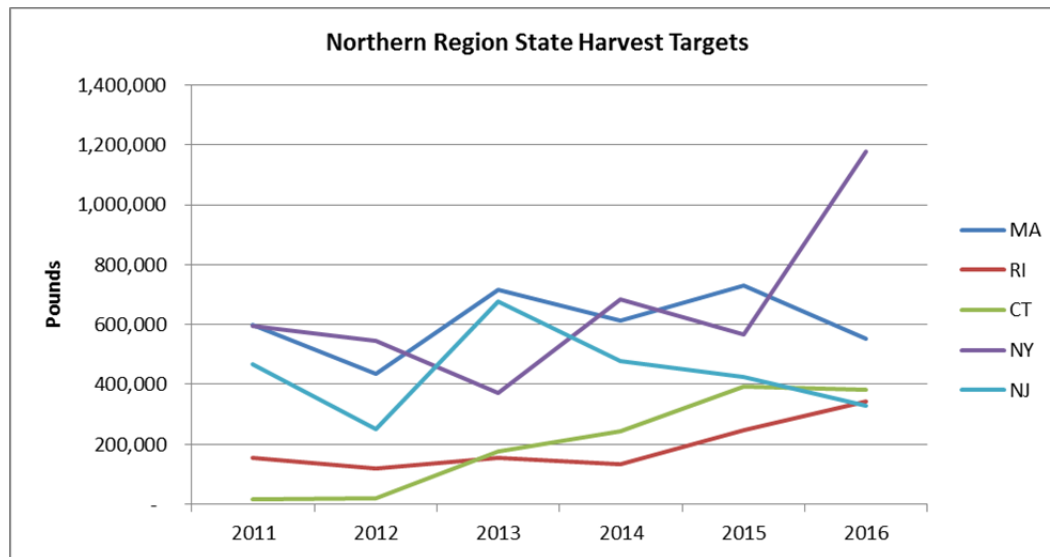
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Figure 2. Northern Region state harvests, 2011–2015, in pounds, and percent change from 2011 (state share management) and 2012 (first year of ad hoc regional management) to 2015. (2016 data excluded due to highly incomplete harvest estimates.)



State	2011 to 2015 Change in Harvest	2012 to 2015 Change in Harvest
MA	126%	-32%
RI	417%	96%
CT	3503%	90%
NY	284%	181%
NJ	136%	-57%

Figure 3. Northern Region state harvest targets, 2011–2016, in pounds, and percent change from 2011 (state share management) and 2012 (first year of ad hoc regional management) to 2016. Poundage targets estimated by applying target rates in Table 2 to prior year harvest in pounds.



State	2011 to 2016 Change in Target	2012 to 2016 Change in Target
MA	-8%	27%
RI	121%	191%
CT	2410%	1925%
NY	98%	116%
NJ	-30%	32%