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: December 4, 2020

To: Chris Moore, Executive Director

From: Julia Beaty, staff

Subject: Black Sea Bass Commercial Allocation Amendment and Draft Addendum XXXIII

During their joint meeting on December 16, 2020 the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) will meet to take final action on the Black Sea Bass Commercial State Allocation Amendment/Draft Addendum XXXIII after considering public comments, Advisory Panel input, and the Council staff recommendation.

The following documents are included behind this tab for Council and Board consideration:

1) Draft Addendum XXXIII
2) Staff memo dated December 1, 2020 on recommendations for final action
3) Public comment summary
4) Summary of November 19, 2020 Advisory Panel meeting
5) Memo from Council staff on potential impacts of management alternatives
6) Additional comments from Advisory Panel members

Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM XXXIII TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT

Black Sea Bass Commercial Management

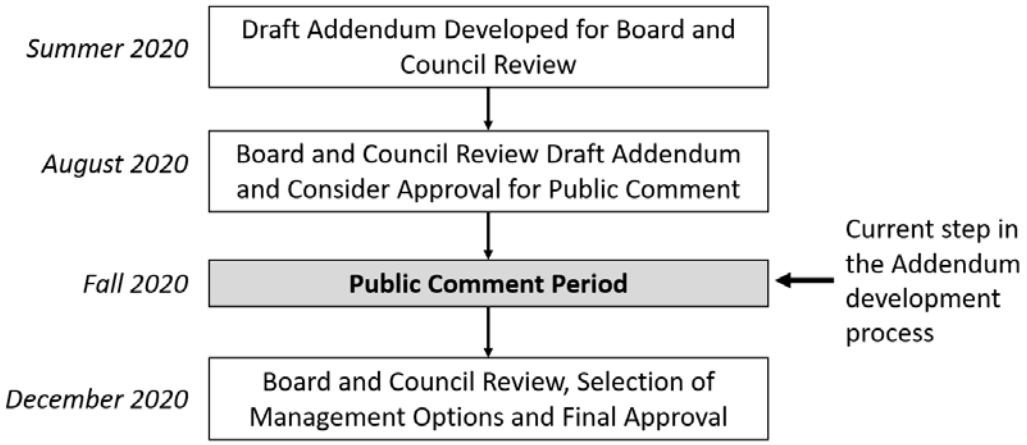
August 2020

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Addendum for Public Comment

Public Comment Process and Proposed Timeline

In October 2019, the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) initiated development of Draft Addendum XXXIII to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The Draft Addendum considers modifications to the black sea bass commercial state allocations. In December 2019, the Mid-Atlantic Fishery Management Council (Council) initiated a complementary amendment as a parallel action to the Board's Draft Addendum. The amendment will consider including the state specific commercial allocations in the Council FMP. This document presents background on black sea bass commercial management and a range of management options for public consideration and comment. The addendum process and expected timeline are below.



The public is encouraged to submit comments regarding this document at any time during the public comment period. The final date comments will be accepted is November 13, 2020 at 11:59 p.m. Comments may be submitted at state public hearings or by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below. **All comments will be made available to both the Commission and Council for consideration; duplicate comments do not need to be submitted to both bodies.**

Mail: Caitlin Starks, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200 A-N
Arlington, VA 22201

Email: comments@asmfc.org
(Subject: Draft Addendum XXXIII)
Phone: 703.842.0740
FAX: 703.842.0741

Tips for Providing Public Comment

We value your input, and to be most effective we request that your comment include specific details as to why you support or oppose a particular proposed management option. Specifically, address the following:

- Which proposed options/sub-options do you support, and which options/sub-options do you oppose?
- Why do you support or oppose the option(s)?
- Is there any additional information you think should be considered?

Draft Addendum for Public Comment

Table of Contents

1.0 Introduction

Draft Addendum XXXIII proposes alternative approaches for allocating the coastwide black sea bass commercial quota among the states[1]. On October 9, 2019, the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motion:

> *Move to initiate an addendum to consider adjustments to the commercial black sea bass allocations consistent with the goal statement and options developed by the Board.*

In December 2019, the Council initiated a complementary amendment as a parallel action to the Board's Draft Addendum, which will consider including the state specific commercial allocations in the Council FMP. These actions have two goals:

- To 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. These adjustment factors will be identified as the development process moves forward.
- To 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[2].

The management unit for black sea bass in US waters is the western Atlantic Ocean from Cape Hatteras, North Carolina northward to the US-Canadian border. The black sea bass fisheries are managed cooperatively by the states through the Commission in state waters (0-3 miles), and through the Mid-Atlantic Fishery Management Council (Council) and NOAA Fisheries in federal waters (3-200 miles).

The Council and Commission are both responsible for implementing the annual coastwide commercial quota, but only the Commission is responsible for managing the state by state allocation of the coastwide quota. The current state quota allocations were established in 2003 through Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP, and extended indefinitely through Addendum XIX (2007).

This draft addendum is proposed under the adaptive management procedures of Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass FMP.

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[1] The Commission and Council are also in the process of developing a joint Amendment for Summer Flounder, Scup and Black Sea Bass to consider modifications to the commercial and recreational sectors allocation. A change to the overall allocation to the commercial sector could impact the amount of quota available to the states, but would not impact the state allocations of the commercial quota. Information on Commercial/Recreational Allocation Amendment can be found at http://www.mafmc.org/actions/sfsbsb-allocation-amendment.

[2] In this document it is noted that the Board ***and*** Council could choose between proposed management options to modify the black sea bass state commercial allocations. However, if the two management bodies elect not to include the black sea bass state commercial allocations in the Council's FMP, only the Board would select the management program.

2.0 Overview

2.1 Statement of Problem

State allocations of the commercial black sea bass coastwide quota were originally implemented in 2003 as part of Amendment 13, loosely based on historical landings from 1980-2001. The state shares in Amendment 13 allocated 67% of the coast-wide commercial quota among the states of New Jersey through North Carolina (North of Cape Hatteras) and 33% among the states of New York through Maine. These state commercial allocations have been unchanged for 17 years.

Over the last decade, the distribution of the black sea bass stock has changed, abundance and biomass have increased significantly, and there have been corresponding changes in fishing effort and behavior. According to the most recent black sea bass stock assessment, which modeled fish north and south of Hudson Canyon separately, the majority of the stock occurred in the southern region prior to the mid-2000s (NEFSC 2019). Since then the biomass in the northern region has grown considerably. Although the amount of biomass in the southern region has not declined in recent years, the northern region currently accounts for the majority of spawning stock biomass (Figure 1). This shift in black sea biomass distribution has also been supported by peer reviewed scientific research (e.g., Bell et al., 2015).

In some cases, expansion of the black sea bass stock into areas with historically minimal fishing effort has created significant disparities between state allocations and current abundance and resource availability. The most noteworthy example is Connecticut, which has experienced significant increases in black sea bass abundance and fishery availability in Long Island Sound in recent years but is only allocated 1% of the coastwide commercial quota (this allocation was based loosely on landings from 1980-2001).

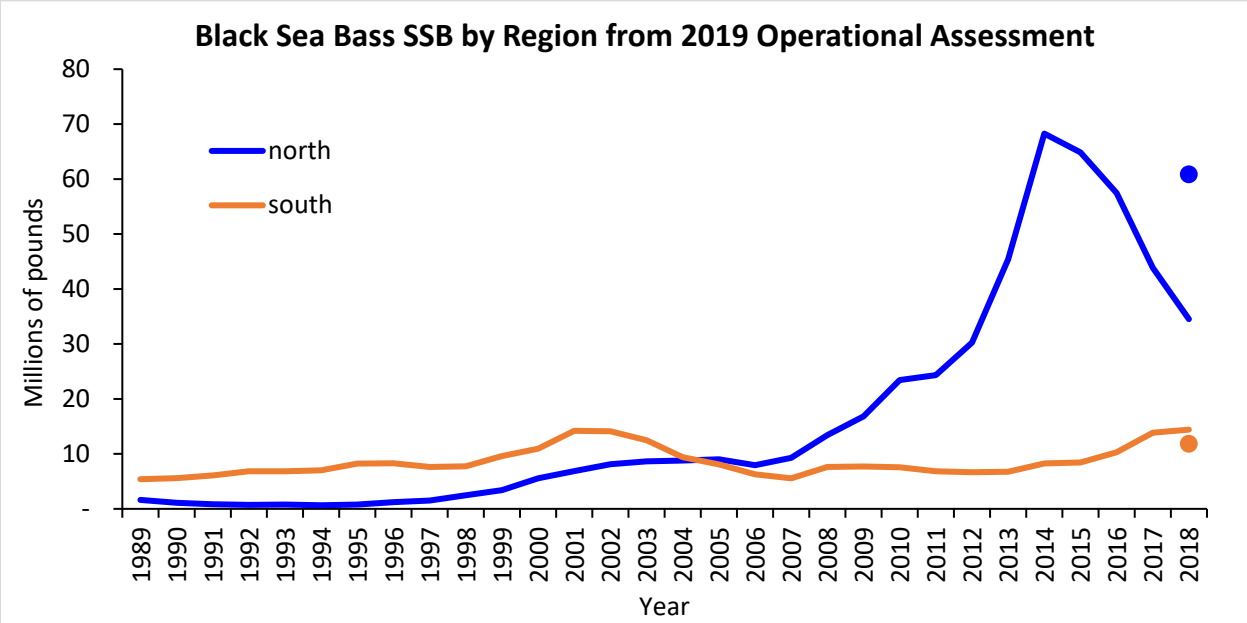


Figure 1. Black sea bass spawning stock biomass by region from the 2019 Operational Assessment Update. Open marks represent retro-adjusted values (used to set catch limits). Source: Personal communication with Northeast Fishery Science Center.

2.2 Background

The Commission's FMP for black sea bass was approved in October 1996. The Council added black sea bass to their summer flounder FMP in 1996 through Amendment 9. Both FMPs established an annual process of developing commercial quotas, recreational harvest limits, and recreational and commercial management measures, as well as a series of permitting and reporting requirements. Under the original FMP, the annual coastwide commercial quota was divided into four quarters: January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

Under the quarterly quota allocation system, the fishery was subjected to lengthy closures and some significant quota overages. Fishery closures occurring as a result of quotas being fully utilized or exceeded resulted in increased discards of legal sized black sea bass in mixed species fisheries for the remainder of the closure period. Significant financial hardship on the part of the fishing industry also resulted from a decrease in market demand caused by a fluctuating supply. To address these issues, the Management Board enacted a series of emergency rules in 2001 establishing initial possession limits, triggers, and adjusted possession limits. While these measures helped reduce the length of fishery closures, the frequent regulatory changes confused fishermen and added significant administrative burden to the states. Addendum VI (2002) provided a mechanism for setting initial possession limits, triggers, and adjusted possession limits during the annual specification setting process without the need for further emergency rules.

The quarterly quota system was replaced with an annual quota system under Amendment 13, approved by the Commission and Council in May 2002. The Amendment implemented a federal coastwide commercial quota, and a state-by-state allocation system for 2003 and 2004 to be managed by the Commission. This system was adopted to reduce fishery closures, achieve more equitable distribution of quota to fishermen, and allow the states to manage their commercial quota for the greatest benefit of the industry in their state.

At the time of final action on Amendment 13, the Council expressed a desire that the state allocations be managed at both the state and federal levels and contained in both the Council and Commission's FMPs. However, the NOAA Fisheries Regional Administrator at the time said a state quota system at the federal level could not be monitored effectively with the then current monitoring methods due to the anticipated low allocations in some states. As a result, the Council approved a federal annual coastwide quota, acknowledging that this would facilitate the use of state allocations through the Commission's FMP. Many of the concerns with monitoring state quotas at the federal level have subsequently been resolved with changes to how commercial landings are reported.

State-specific shares were adopted as follows: Maine and New Hampshire 0.5%, Connecticut 1%, Delaware 5%, New York 7%, Rhode Island, North Carolina and Maryland 11%, Massachusetts 13%, New Jersey and Virginia 20% (Table 1).

The individual state shares management program was continued in 2005 and 2006 through Addendum XII (2004). Addendum XIX, approved in 2007, extended the state shares of the commercial black sea bass quota indefinitely. No further changes have been made to the black sea bass commercial state shares. Addenda XII and XIX (2004 and 2007, respectively) allowed

for the transfer of black sea bass commercial quota among states, and Addendum XX (2009) established the process for state to state quota transfers. Under the management program established through these Addenda, states have the responsibility of managing their quota to provide the greatest benefit to their commercial black sea bass industry. The ability to transfer or combine quota further increased the flexibility of the system to respond to annual variations in fishing practices or landings patterns.

In response to some states' concerns about changing resource availability and associated fishery impacts, the Board formed a Commercial Black Sea Bass Working Group in August 2018 to identify management issues related to changes in stock distribution and abundance, and propose potential management strategies for Board consideration. In February 2019, the Board reviewed the Working Group report. The key issue the Working Group identified is that the state commercial allocations implemented in 2003 do not reflect the current distribution of the resource, which has expanded significantly north of Hudson Canyon. The Board then requested the Plan Development Team (PDT) perform additional analyses and further develop proposed management options related to the issue of state commercial allocations. After reviewing the PDT report, in October 2019 the Board initiated Draft Addendum XXXIII to consider changes to the black sea bass commercial state allocations. In December 2019, the Council initiated a complementary amendment to consider including the state shares in the Council FMP.

Table 1. State shares of Black Sea Bass as allocated by Addendum XIX to Amendment 13.

State	Percent of Coastwide Quota
Maine	0.5 %
New Hampshire	0.5 %
Massachusetts	13 %
Rhode Island	11 %
Connecticut	1 %
New York	7 %
New Jersey	20 %
Delaware	5 %
Maryland	11 %
Virginia	20 %
North Carolina	11 %

2.3 Status of the Stock

The most recent stock status information comes from the 2019 operational stock assessment, which was peer-reviewed in August 2019 and approved for management use in October 2019 (NEFSC 2019). The assessment indicated that the black sea bass stock north of Cape Hatteras, North Carolina was not overfished and overfishing was not occurring in 2018, the terminal year of data used in the assessment.

The operational stock assessment updated the Age Structured Assessment Program (ASAP) models used in the 2016 benchmark stock assessment with commercial and recreational catch

data, research survey and fishery-dependent indices of abundance, and analyses of those data through 2018[3]. For modeling purposes, the stock was partitioned into two sub-units divided approximately at Hudson Canyon to account for spatial differences in abundance and size at age. The sub-units are not considered separate stocks. Although the stock was assessed by sub-unit, the combined results were used to develop reference points, determine stock status, and recommend fishery specifications.

Spawning stock biomass (SSB), which includes both mature male and female biomass, averaged around 8 million pounds during the late 1980s and early 1990s and then steadily increased from 1997 to 2002 when it reached 22.2 million pounds. From 2007 to 2014, SSB dramatically increased, reaching a peak in 2014 at 76.5 million pounds; since 2014 SSB has trended back down. After adjusting for retrospective error in the model, SSB in the terminal year (2018) is estimated at 73.6 million pounds, approximately 2.4 times the target SSB reference point (SSB_{MSY} proxy= SSB40% = 31.1 million pounds) (Figure 2). The (similarly adjusted) fishing mortality rate (F) in 2018 was 0.42, about 91% of the fishing mortality threshold reference point (F_{MSY} proxy= F40%) of 0.46. Except for 2017, F has been below the F_{MSY} proxy for the last five years. Average recruitment of black sea bass from 1989 to 2018 was 36 million fish at age 1. The 2011 year class was estimated to be the largest in the time series at 144.7 million fish and the 2015 year class was the second largest at 79.2 million fish. Recruitment of the 2017 year class as age 1 in 2018 was estimated at 16.0 million, well below the time series average.

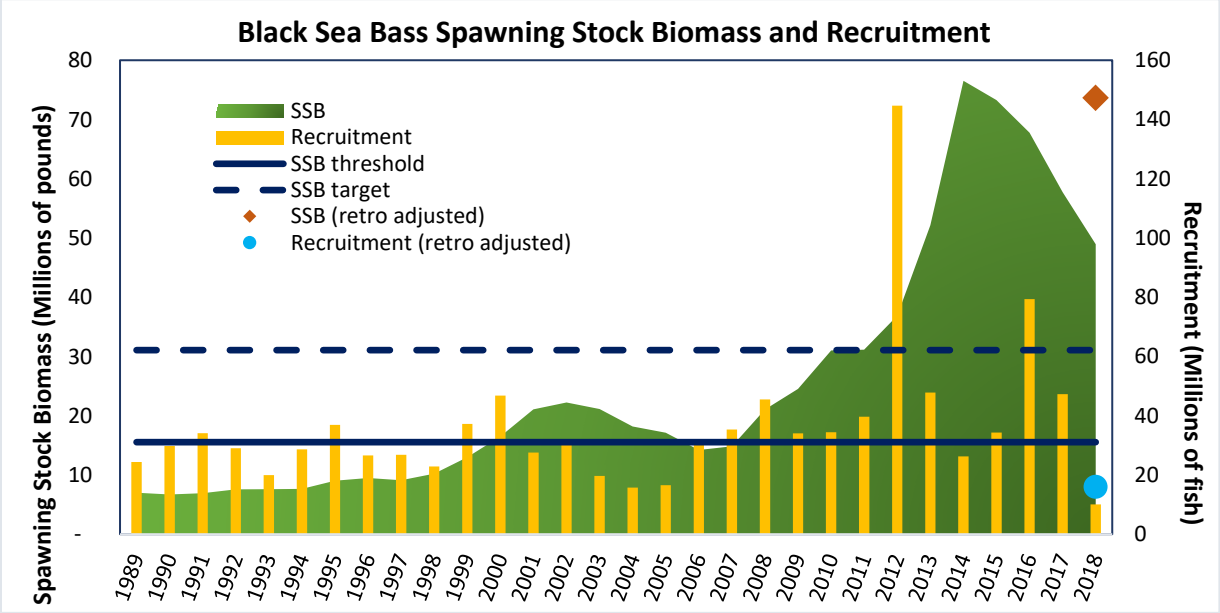


Figure 2. Black sea bass spawning stock biomass and recruitment. Source: 2019 Operational Assessment Prepublication Report, Northeast Fishery Science Center.

[3] In July 2018, the Marine Recreational Information Program (MRIP) replaced the existing estimates of recreational catch with a calibrated 1981-2017 time series that corresponds to new survey methods that were fully implemented in 2018. The new calibrated recreational estimates are significantly higher than previous estimates, especially in later years of the time series. These revised data were incorporated into the 2019 operational stock assessment. This change was one of multiple factors which impacted the understanding of overall biomass levels.

2.4 Status of the Fishery

The following information is based on commercial fishery dealer data (landings), the most recent stock assessment (discards), federal vessel trip reports (gear types and area of catch), and input from a small sample of fishermen and dealers. Input was provided by 6 individuals who primarily identify as fishermen and 4 individuals who represent two commercial fish dealers. Collectively, these 10 individuals are from 5 states and use three different gear types (i.e., bottom otter trawl, pot/trap, and hand line). Their input is not intended to be a representative sample of the commercial black sea bass fishery as a whole, but was solicited to provide context to trends shown in the data and document relevant information not captured in the available data.

Commercial landings have been constrained by a coastwide (i.e., Maine through Cape Hatteras, North Carolina) commercial quota since 1998, and state allocations were introduced in 2003. From 1998 to 2019, coastwide landings have closely followed quotas, ranging from a low of 1.16 million pounds in 2009 to a high of 3.98 million pounds in 2017. State landings have also closely followed quotas since they were implemented in 2003. A process for interstate quota transfers was established in 2009, but until 2017 states were highly constrained by low quotas and thus there was not much opportunity for transfers. Under higher quotas more interstate transfers have occurred; in the last three years, the states of Massachusetts through New Jersey have all received quota transfers from other states to prevent or mitigate overages of their state quotas. Since the coastwide quota was implemented in 1998, on average commercial discards have constituted 17% of total commercial removals. Over the last five years of the time series (2014-2018) discards were generally higher, averaging 33% of total commercial removals; discards in recent years have likely been influenced by high availability coupled with quota and minimum fish size limitations.

The average price per pound paid to fishermen by dealers for black sea bass (adjusted to 2019 values based on the Gross Domestic Product Price Deflator) appears to show an inverse relationship with landings in the southern region states (New Jersey - North Carolina) during 2010-2019 (i.e., price generally decreased with increases in landings, $p=0.002$). There did not appear to be a strong relationship between price and landings in the northern region (Maine - New York) during 2010-2019 ($p=0.498$, Figure 3). Some fishermen and dealers said temporary price drops can occur at both local and regional levels due to increases in the coastwide quota, state-specific seasonal openings, or individual trawl trips with high landings, all of which can be interrelated. They note that these sudden price drops are often temporary and the price usually rises again. This is evident in the coastwide relationship between average price per pound and the coastwide quota, which increased by 52% mid-year in 2017 and then decreased by 15% from 2017 to 2018. The average coastwide price per pound dropped from $3.92 in 2016 to $3.49 in 2017, but increased to $3.82 in 2018 (all prices are adjusted to 2019 values based on the Gross Domestic Product Price Deflator).

Input from fishermen and federal vessel trip report data from 2009-2019 suggest that in years with higher quotas, bottom trawl gear accounted for a greater proportion and pots/traps accounted for a smaller proportion of total commercial landings compared to years with lower quotas. For example, the lowest quotas during 2010-2019 occurred in 20010-2012. During those years, bottom trawl gear accounted for around 39-41% of total commercial black sea bass

landings (depending on the year) and pots/traps accounted for about 33-36%. In comparison, the highest quotas occurred in 2016-2019, during which around 52-61% of total commercial black sea bass landings could be attributed to bottom trawl gear and around 21-26% to pot/trap gear. Some fishermen have said trawlers are better able to take advantage of increases in quota as they can land higher volumes than vessels using pot/trap gear. This can be especially beneficial when the price of black sea bass drops (usually temporarily) in response to sudden increases of fish on the market.

According to commercial dealer data for 2010-2019, the average coastwide ex-vessel price per pound for black sea bass caught with bottom trawl gear was $3.90 (adjusted to 2019 values), 6% greater than the average price for black sea bass caught with pots/traps ($3.70). However, some fishermen report that they can get higher prices for black sea bass caught with pots/traps as they can market their fish as fresher and better quality than trawl-caught fish. Pot/trap and hook and line commercial fishermen in some states also sell black sea bass to live markets, which offer even higher prices. Some fishermen and dealers say size has a greater impact on price than gear, though the two are interrelated as fishermen using bottom trawl gear tend to land larger black sea bass than those using pots/traps.

The states have taken different approaches to managing their commercial black sea bass fisheries. Delaware, Maryland, and Virginia use Individual Transferable Quota (ITQ) systems, while other states utilize different combinations of quota periods, closed seasons, and initial or adjustable trip and possession limits to prevent quota overages[4]. For some states like Connecticut, quota availability and resulting management measures are highly dependent on quota transfers from other states. Some fishermen and dealers say they take these differences in state management measures into account when deciding when to fish, where to sell fish, and what price to offer for fish. For example, the price offered by local dealers may be higher when neighboring states are closed. Alternatively, some fishermen and dealers in comparatively low allocation states say they generally do not make business decisions based on black sea bass. Due to the low allocations in some states, black sea bass provides supplemental income for these fishermen and dealers, but is not a primary target species. For these reasons, the economic impacts of changes to state quotas can vary in part based on how states adjust their management measures in response to quota changes. For example, an increase in the possession limit could have different impacts than an extension of the open season. ITQ fishermen may be impacted differently than non-ITQ fishermen, and impacts may vary between gear types.

From 2010-2017, the commercial black sea bass landings from Maine through North Carolina which were caught in the northern region (as defined in the stock assessment, corresponding to approximately Hudson Canyon and north) increased steadily, with the greatest increases occurring during 2015-2017. After 2017, the proportion caught in the northern region declined, but remained much higher than the proportion from the southern region. During 2010-2019, the amount of commercial black sea bass landings caught in the southern region did not vary greatly (Figure 4).

[4] Additional information on state quota management systems can be made available upon request.

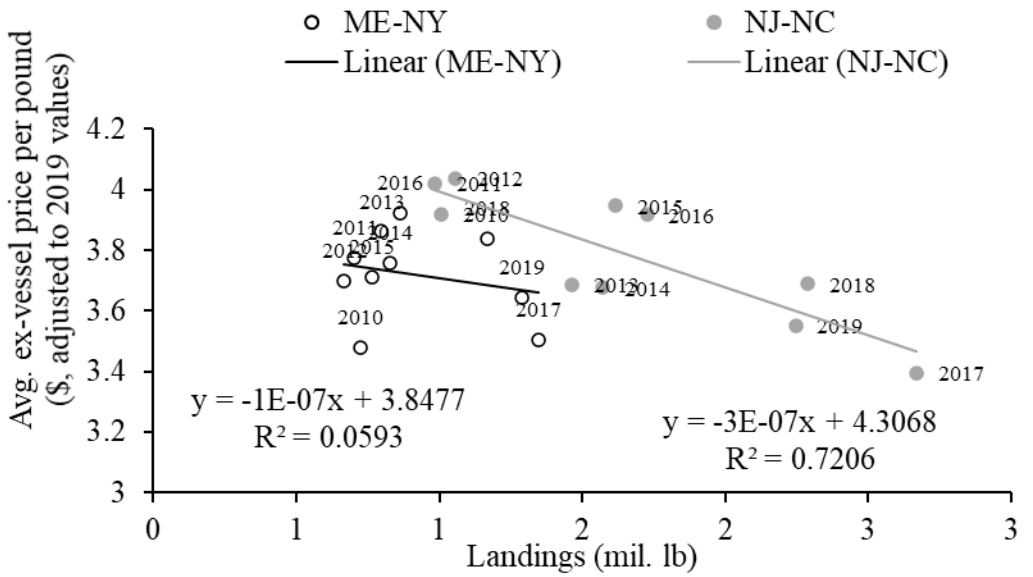


Figure 3. Average annual ex-vessel price per pound for black sea bass compared to annual black sea bass commercial landings by region (ME-NY and NJ-NC), 2010-2019, with associated linear relationship. Prices are adjusted to 2019 values based on the Gross Domestic Product Price Deflator. Data source: dealer data (CFDERS, provided by the NOAA Fisheries Greater Atlantic Regional Fisheries Office Analysis and Program Support Division).

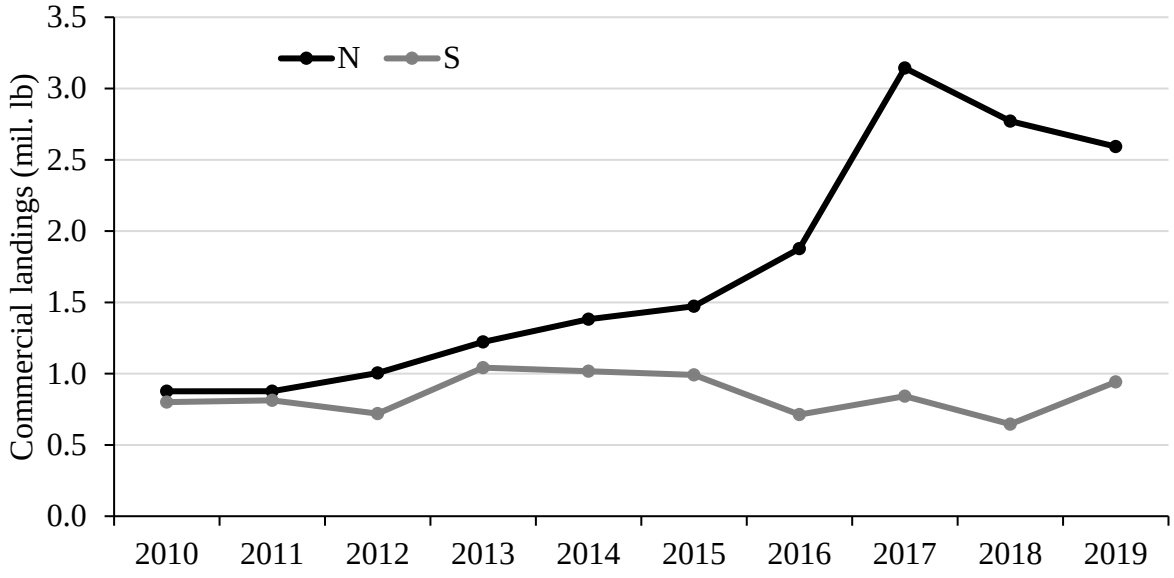


Figure 4. Total commercial black sea bass landings, 2010-2019, Maine through North Carolina, by region of catch location (North or South). Region is assigned based on statistical area of catch using the delineation defined in the stock assessment. Landings with an unknown statistical area were assigned to region based on the state of landing. Data source: dealer AA tables provided by the Northeast Fisheries Science Center

3.0 Proposed Management Program

The Board is seeking public comment on each of the options included in the Draft Addendum. A flowchart of all management options for modifying the commercial state allocations is found in Appendix 1. Note that the options listed in Section 3.2 would result in changes to the Council's FMP and the federal regulations, but not the Commission's FMP.

3.1 Management Options for Commercial State Allocations

A. Status Quo (Current Commercial State Allocations)
This option would maintain the current state allocation percentages (Table 1).

B. Increase Connecticut Quota to 5%
Note: This option is proposed for consideration before, or in addition to any of the following allocation options. It could also be selected as a standalone option if no other changes are desired. If this option is selected, the base allocations under any other option will be equal to the % New Allocations shown in Table 2.

This option would increase Connecticut's 1% allocation of the coastal quota to 5%. Connecticut has experienced a substantial increase in abundance of black sea bass in state waters over the last seven years (see Figure 5), though the state's 1% allocation has remained unchanged. This option attempts to reduce the disparity between the abundance of black sea bass in Connecticut waters and Connecticut's quota allocation by increasing Connecticut's allocation to 5%, using the following approach:

1) Hold New York and Delaware allocations constant. New York has experienced a similar substantial increase in black sea bass abundance in state waters; therefore, a reduction to the New York allocation is not proposed. Delaware's current allocation is 5%. This option does not seek to make Connecticut's percent allocation larger than any other state.
2) Move half of Maine and New Hampshire quotas to Connecticut. Since 2012, neither Maine nor New Hampshire has reported commercial black sea bass landings, and neither state currently has declared an interest in the fishery.
3) Move some allocation from Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, and North Carolina to Connecticut; the amount moved from each state would be proportional to that state's current percent allocation.

Table 2. Proposed changes in state allocations.

State	Current % Allocation	Change in % Allocation	New % Allocation
ME	0.5%	-0.25%	0.25%
NH	0.5%	-0.25%	0.25%
MA	13.0%	-0.53%	12.47%
RI	11.0%	-0.45%	10.55%
CT	1.0%	4.00%	5.00%
NY	7.0%	0.00%	7.00%
NJ	20.0%	-0.81%	19.19%
DE	5.0%	0.00%	5.00%
MD	11.0%	-0.45%	10.55%
VA	20.0%	-0.81%	19.19%
NC	11.0%	-0.45%	10.55%

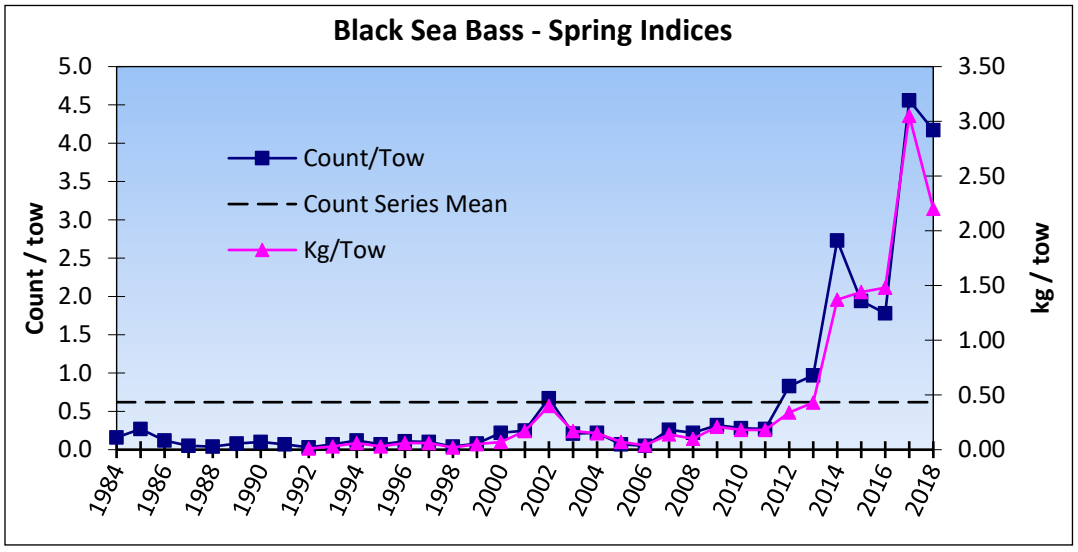


Figure 5. Connecticut Long Island Sound Trawl Survey Spring Black Sea Bass Index

C. Dynamic Adjustments to Regional Allocations

The Dynamic Adjustments to Regional Allocations approach (DARA approach) is a formulaic method that aims to balance fishery stability and responsiveness to the changing distribution of the stock. State allocations would be gradually adjusted based on regional shifts in biomass distribution. Stock distribution (defined as proportion of exploitable biomass by assessment sub-area) would be derived from updated stock

assessments or surveys[5]. This approach recognizes traditional involvement and investment in the development of the fishery, and addresses the changing distribution of the stock and the resulting effects within the fishery.

There are two phases to the DARA approach. The first is the transition phase, during which the initial allocations (either the current allocations, or allocations modified through option B) are gradually adjusted to allocations partially based on distribution of the stock. During this phase, the state allocations become less dependent on the initial allocations and more dependent on regional stock distribution.

After the transition phase is complete, the relative importance of the initial allocations and current stock distribution in determining the allocations would be fixed, but allocations would continue to be adjusted when updated stock distribution information becomes available. The DARA approach proposes use of the 2019 operational stock assessment results (NEFSC, 2019) and additional stock assessments thereafter to determine the values for regional stock distribution[6]. Taking into account the initial allocations and regional stock distribution, the two components are integrated to produce dynamic regional allocation shares, which are then subdivided into state-specific allocations. The formulas for calculating regional and state shares can be found in Appendix 2.

As described below, there are various sub-options to set the scale and pace of the change in allocations. Appendix 2 includes a complete description of the method and examples of the DARA approach retrospectively applied to recent years. If this option is selected, a regional configuration would also need to be selected under option set G.

Sub-options for Dynamic Adjustments to Regional Allocations Approach

The DARA approach affords considerable flexibility, with regard to both the initial configuration and application of the allocation formula over time. The overall approach can be modified in various ways to achieve different results. Below are descriptions and proposed sub-options for each adjustable component of the approach. Note that the sub-options for each component represent the minimum and maximum bounds on the range of options; the Board could select an alternative configuration within this range.

1. Final relative importance of initial allocations versus resource distribution

The sub-options below determine the final relative importance of the initial allocations compared to stock distribution at the end of the transition phase. Before the transition begins (year 0), the allocations are 100% based on the initial allocations, and 0% based on stock distribution. The weights assigned to initial allocations and stock distribution

[5] This option is modeled after the Transboundary Management Guidance Committee (TMGC) approach, which was developed and used for the management of Georges Bank resources shared by the United States and Canada (TMGC, 2002).

[6] The Board may specify alternative information (e.g. NEFSC Trawl Survey) to be used in the case that future assessments cannot provide information on regional stock distribution.

must always sum to 100%; therefore, if the final weight of the initial allocations is 10%, the final weight of the resource distribution factor is 90%. As the final weight of the distribution factor increases, the weight of the initial allocations decreases, and the regional allocations resulting from the DARA approach become more dependent on the spatial distribution of black sea bass biomass, and less dependent on the initial allocations.

- **Sub-option C1-A:** Under this option, at the end of the transition phase allocations are based 90% on stock distribution and 10% on the initial allocations.
- **Sub-option C1-B:** Under this option, at the end of the transition phase allocations are based 50% on stock distribution and 50% on the initial allocations.

2. Change in relative weights of each factor per adjustment

The transition to allocations based partially on historical allocations and partially on resource distribution would occur through incremental adjustments to the relative importance of each factor. These sub-options would determine how much the relative weights of the initial allocations and stock distribution factors would change with each adjustment. Larger adjustments could potentially result in a faster transition away from the initial allocations (see above). Smaller adjustments would likely result in a slower transition. Adjustments to the relative weights of each factor also have the potential to impact the regional allocations during the transition; smaller changes to the weights would likely produce smaller changes in the regional allocations during each adjustment.

- **Sub-option C2-A:** Under this option the relative weights of each factor (initial allocations and stock distribution) would change by 5% per adjustment. For example, in the first adjustment, the respective weights assigned to the initial allocations and stock distribution would change from 100%/0% to 95%/5%. This would result in a slower transition to the final weighting scheme, and a slower change in the allocations compared to sub-option C2-B.
- **Sub-option C2-B:** Under this option the relative weights of each factor (initial allocations and stock distribution) would change by 20% per adjustment. For example, in the first adjustment, the respective weights assigned to the initial allocations and stock distribution would change from 100%/0% to 80%/20%. This would result in a faster transition to the final weighting scheme and a faster change in the allocations compared to sub-option C2-A.

3. Frequency of weight adjustments

These sub-options determine how often the weights assigned to each factor (initial allocations and stock distribution) would be adjusted during the transition phase. More frequent adjustments to the weights will result in a faster transition to the final weighting scheme. Note that each time an adjustment is made to the weights, it would

likely result in a change to the allocations, even if the distribution information remains unchanged.

- **Sub-option C3-A:** Under this option adjustments to the weights assigned to the initial allocations and stock distribution would occur every year. This would result in a faster transition from the initial weights to the final weights. It could also result in yearly changes in the allocations, even if stock distribution information remains unchanged.
- **Sub-option C3-B:** Under this option adjustments to the weights assigned to the initial allocations and stock distribution would occur every other year. This would result in a slower transition from the initial weights to the final weights. It could also result in changes to the allocations every other year, even if stock distribution information remains unchanged.

4. Regional allocation adjustment cap

These sub-options would establish a cap for the maximum percent by which the regional allocations could change at one time. A lower % cap would result in smaller incremental changes to the allocations, and could increase the total duration of the transition phase.

- **Sub-option C4-A:** This option would cap the change in regional allocations at a maximum of 3% per adjustment.
- **Sub-option C4-C:** This option would cap the change in regional allocations at a maximum of 10% per adjustment.
- **Sub-option C4-D:** Under this option there would be no cap to the change in regional allocations per adjustment. This means the regional allocations would change according to the formula based only on changes in the weights assigned to the initial allocations and stock distribution and any changes in resource distribution values.

D. Trigger Approach

Using a trigger-based approach, a minimum level of coastwide quota would be established as a trigger for a change in allocations to the states. If the coastwide quota in a given year were higher than the established quota trigger value, then the coastwide quota would be distributed to the states in two steps: 1) the amount of coastwide quota up to and including the trigger would be distributed to the states according to "base allocations" (dependent on Option B, and sub-option set D4); and 2) the amount of quota in excess of the established trigger amount, hereafter referred to as the surplus quota, would be distributed using a different allocation scheme. This method somewhat reduces fishery disruption or instability by allowing changes to state allocations only when the coastwide quota exceeds a predetermined amount.

Trigger Approach Sub-options

Below are all sets of sub-options for configuration of the trigger approach. The first set of sub-options relates to the established trigger value (sub-options D1-A and D1-B). The second set relates to how surplus quota above the trigger would be distributed among

the states (sub-options D2-A, and D2-B). The third and fourth sub-option sets are only applicable if option D2-B is selected, and would establish how surplus quota would be distributed within a region, and whether base allocations would remain the same each year or change over time. Examples of several trigger approach configurations are provided in examples 1-6 in Appendix 3.

1. Trigger value

Note that the Board and Council could select an alternative value within the range of sub-options below.

- **Sub-option D1-A: Trigger value of 3 million pounds**
  A 3 million pound trigger represents approximately the average coastwide commercial quota from 2003 through 2018, excluding years in which specifications were set using a constant catch approach (Figure 6).
- **Sub-option D1-B: Trigger value of 4.5 million pounds**
  A 4.5 million pound trigger was selected by the Board as the maximum trigger level for consideration under this approach. It is greater than all quotas implemented prior to 2020 (i.e., maximum quota of 4.12 million pounds in 2017), but lower than the 2020 quota of 5.58 million pounds (Figure 6).

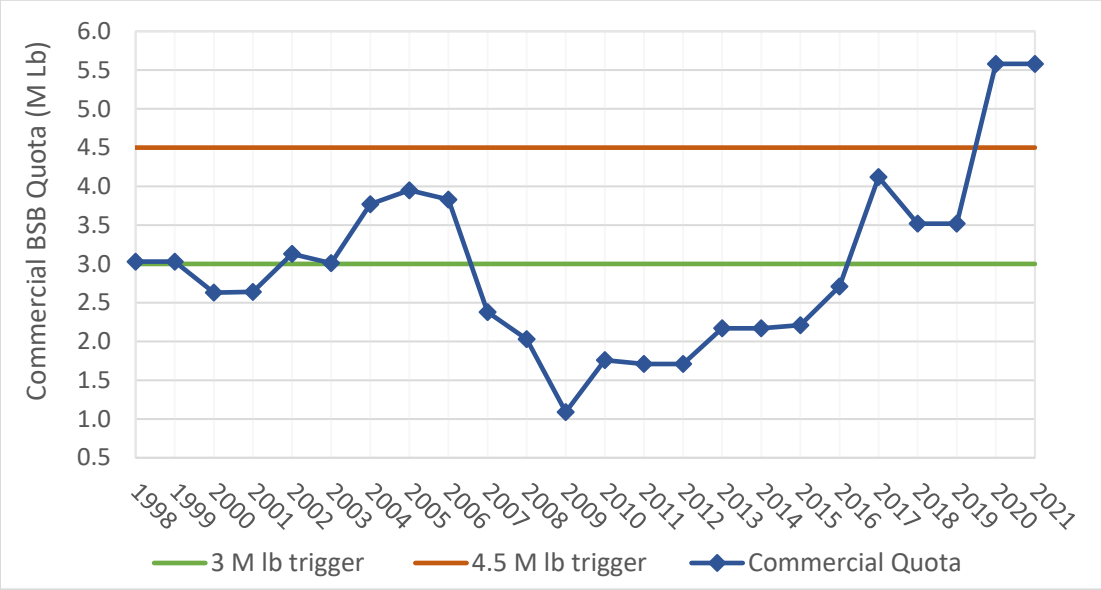


Figure 6. Black sea bass commercial quotas over time compared to 3 million, 4 million and 4.5 million pound triggers. Note that the Board and Council may recommend revisions to the 2021 quota during their August 2020 meeting.

2. Distribution of surplus quota

- **Sub-option D2-A: Even distribution of surplus quota**
  If the coastwide quota in a given year is higher than the trigger, then the surplus quota would be distributed equally to the states of Massachusetts through North Carolina. Maine and New Hampshire would each receive 1% of the surplus, based on their historically low participation in the fishery. Should the annual

coastwide quota be less than or equal to the established quota trigger, allocation percentages would default to the base allocations.

- **Sub-option D2-B: Distribution of surplus quota based on regional biomass from stock assessment**
  This sub-option attempts to address the goal statement of this action by incorporating the regional biomass distribution. If the coastwide quota in a given year were higher than the trigger, then the surplus quota would first be allocated to each region based on regional biomass proportions from the stock assessment, and then the regional quotas would be distributed to the states within each region. A method for distributing quota to states within each region would be specified by selecting sub-option D3-A or D3-B. If this option is selected, a regional configuration would also need to be selected under option set G.

3. Distribution of regional surplus quota to states within a region (*only applicable if Sub-option D2-B is selected*)

- **Sub-option D3-A: Even distribution of regional surplus quota**
  Regional surplus quota would be distributed to the states within each region equally. ME and NH would each receive 1% of the northern region surplus quota. Examples of this allocation approach are provided in Appendix 3 (examples 3 and 5).
- **Sub-option D3-B: Proportional distribution of regional surplus quota**
  Regional surplus quota would be distributed to the states within each region in proportion to their initial allocations (see sub-option set D4). ME and NH would each receive 1% of the northern region surplus quota.

4. Allowing base allocations to change over time (*only applicable if Sub-option D2-B is selected*).

- **Sub-option D4-A: Static base allocations**
  Under, this sub-option, the quota up to and including the trigger amount would be allocated based on the initial base allocations every year (status quo, or the modified allocations proposed in Option B). Examples of this allocation approach are provided in Appendix 3 (examples 1-3).
- **Sub-option D4-B: Dynamic base allocations**
  Under this option, the quota up to and including the trigger amount would be allocated according to the previous year's final state allocations. This sub-option has the potential to change allocations more quickly than the static base allocations sub-option. Examples of this allocation approach are provided in Appendix 3 (examples 4-6).

E. Trigger Approach with Increase to Connecticut and New York Quotas First

This option proposes a 3 million pound trigger (see previous section). Annually, the coastwide quota up to and including 3 million pounds would be distributed based on the initial allocations (Table 1). Surplus quota above 3 million pounds would first be used to

increase Connecticut's allocation to 5% of the overall quota, and then to increase New York's allocation to 9% of the overall quota. Any remaining additional quota would be split between the regions according to the proportion of biomass in each region based on the most recent stock assessment information, and then allocated among the states within each region in proportion to the initial allocations. Examples of this option are provided in Appendix 3 (examples 7 and 7-B). If this option is selected, a regional configuration would also need to be selected under option set G.

F. Percentage of Coastwide Quota Distributed Based on Initial Allocations

This approach would allocate a fixed percentage of the annual coastwide quota using the initial allocations regardless of the coastwide quota level. Fluctuations in annual quota values would result in similar fluctuations in the number of pounds allocated using the initial allocations (equal to the status quo allocations, or the modified allocations proposed under Option B). For example, if the established percentage of quota to be distributed using the initial allocations is 50%, 2 million pounds of a 4 million pound coastwide quota would be distributed using the initial allocations. Unlike the trigger approach, this approach would still allow a portion of the quota to be allocated using a distribution other than the initial allocations even under lower coastwide quotas. The sub-options below establish how the remaining quota would be allocated to the states.

Percentage Approach Sub-options

Below are all sets of sub-options for configuration of the percentage approach. Examples of several percentage approach configurations are provided in Appendix 3 (examples 8-12).

1. Percentage of quota to be allocated using initial allocations

Note that the Board and Council could select an alternative value within the range of sub-options below.

- **Sub-option F1-A: 25%**
  Under this sub-option, 25% of the annual coastwide quota would be allocated to the states using the initial allocations. Therefore, 75% of the coastwide quota would be allocated to the states according to the sub-options selected in the following sets.
- **Sub-option F1-B: 75%**
  Under this sub-option, 75% of the annual coastwide quota would be allocated to the states using the initial allocations. Therefore, 25% of the coastwide quota would be allocated to the states according to the sub-options selected in the following sets.

2. Distribution of remaining quota

- **Sub-option F2-A: Even distribution of remaining quota**

Remaining quota would be distributed equally to the states of Massachusetts through North Carolina. Maine and New Hampshire would each receive 1% of the remaining quota, based on their historically low participation in the fishery.

- **Sub-option F2-B: Distribution of remaining quota based on regional biomass from stock assessment**
  Remaining quota would first be allocated to each region based on regional biomass proportions from the stock assessment, then regional quotas would be distributed to the states within each region. A method for distributing quota to states within each region would be specified by selecting sub-option F3-A or F3-B. If this option is selected, a regional configuration would also need to be selected under option set G.

3. Distribution of regional quota to states within a region
(*Only applicable if Sub-option F2-B is selected*)

- **Sub-option F3-A: Even distribution of regional quota**
  Remaining quota would be distributed to the states within each region equally, except ME and NH would each receive 1% of the northern region quota.
- **Sub-option F3-B: Proportional distribution of regional quota**
  Remaining quota would be distributed to the states within each region in proportion to their initial allocations, except ME and NH would each receive 1% of the northern region quota.

G. Regional Configuration Options

Options C through F consider changing the current state allocations to incorporate regional distribution information from the stock assessment. In order to apply a regional component to the allocations, it is necessary to establish a regional configuration. The following sub-options establish which states would be grouped together as regions for the purposes of allocating a combined regional quota which would then be distributed to the states in each region. Though neither state has declared an interest in the fishery, Maine and New Hampshire are included in the northern region and their allocations will be determined according to the allocation approach selected above.

- **Sub-option G1:** This option would establish two regions: 1) ME-NY, and 2) NJ-NC. These regions generally align with those used for the assessment, which used Hudson Canyon as the dividing line based on several pieces of evidence that stock dynamics have an important break in this area.
- **Sub-option G2:** This option would establish three regions: 1) ME-NY; 2) NJ; and 3) DE-NC. This option attempts to address the unique position of New Jersey by treating it as a separate region, as the state straddles the border between the northern and southern spatial sub-units at Hudson Canyon (Figure 7). Under this option, New Jersey's initial 20% allocation is treated as follows: 10% is considered to come from the northern region, and 10% from the southern region. As the regional allocations change, NJ's "northern" 10% of the coastwide quota will change according to the proportion of biomass in northern region, and

the "southern" 10% will change according to the proportion of biomass in the southern region. NJ's total allocation will be the sum of the northern and southern components of its allocation. This is consistent with the spatial distribution of black sea bass landings in recent years, which is roughly an even split between north and south of Hudson canyon (see Table 3 and Figure 8).

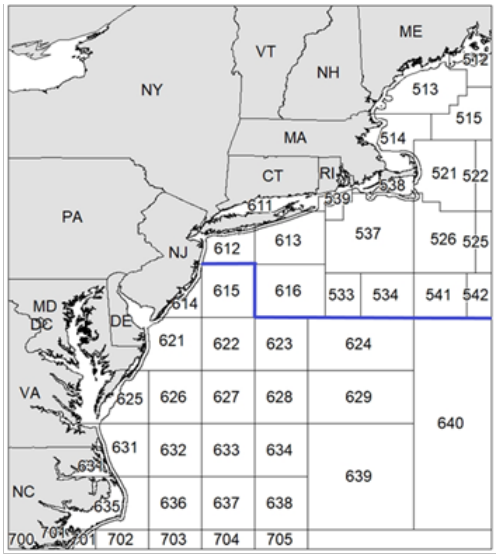


Figure 7. NMFS statistical areas showing the dividing line between the northern and southern regions as defined in the black sea bass stock assessment.

Table 3. Proportion of black sea bass commercial harvest landed in New Jersey from northern and southern region statistical areas. Only landings associated with valid northeast region statistical areas were included in the calculations. Data were provided by the ACCSP. Landings by area were estimated by applying VTR proportions of landings by area to dealer data.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	**Average 2010-2019**	**Average 2010-2014**	**Average 2015-2019**
% North	38%	28%	47%	46%	54%	78%	65%	74%	58%	57%	**54%**	**43%**	**66%**
% South	62%	72%	53%	54%	46%	22%	35%	26%	42%	43%	**46%**	**57%**	**34%**

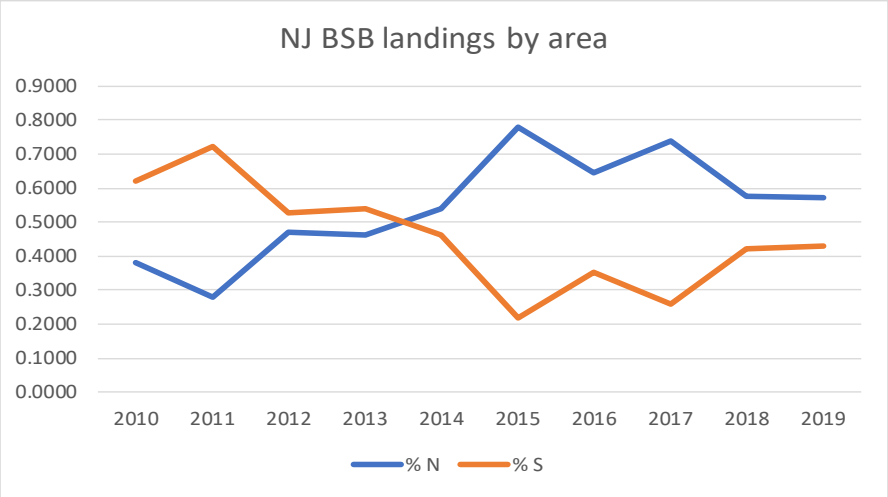


Figure 8. Proportion of black sea bass commercial harvest landed in New Jersey from northern and southern region statistical areas by year.

3.2 Management Options for Changes to Federal Regulations

The Council amendment will also consider 1) whether the state allocations should be added to the Council's FMP or if they should remain only in the Commission's FMP, 2) if added to the Council's FMP, should changes be made to the regulations regarding paybacks of state quota overages, and 3) whether to modify regulations regarding federal in-season closures. The following options relate to Council management and the federal regulations.

3.2.2 Options for adding state commercial allocations to the Council FMP

A. Status Quo (No action): Commercial state allocations included only in the Commission's FMP

Under this option, the black sea bass commercial state allocations would remain only in the Commission's FMP. Changes to these allocations would not require a joint action with the Council.

B. Commercial state allocations for black sea bass included in both Commission and Council FMPs

Under this option, the state allocations would be added to the Council's FMP. Future changes to the allocations would be considered through a joint action between the Commission and Council.

Including the state allocations in both FMPs would require NOAA Fisheries to monitor landings at the state level. Transfers of quota between states would continue to be allowed, but would be managed by NOAA Fisheries, rather than the Commission. It should be noted there are differences between the two bodies in how transfers are conducted. The Commission allows for transfers to occur at any time in the fishing season up to 45 days after the last day of the fishing season. Commission transfers are not limited. While NOAA Fisheries allows for late season quota transfers for other species, they are limited to unforeseeable late season events. Generally, the deadline

for a state to submit routine transfer requests is the close of business on December 16. While the Commission allows for transfers at the end or after the fishing season to help states balance quota overages, NOAA Fisheries would likely not allow for such transfers unless the overage was unforeseen in the last two weeks of the fishery; the burden of proof would then be on the state to justify the transfer. Lastly, the Commission is able to approve and finalize transfers within a day or two of receiving the request, while quota transfers through NOAA Fisheries may take several weeks to be finalized.

If this option is selected, the following sub-options could modify the Council's FMP to establish how overages of state quotas are handled.

- **Sub-option B1: Paybacks only if coastwide quota is exceeded**. Under this option, states would only pay back overages of their allocations if the entire coastwide quota is exceeded. This is the current process for state-level quota overages under the Commission's FMP (Addendum XX). No other changes to the current commercial accountability measure regulations would be made.
- **Sub-option B2: States always pay back overages**. Under this option, the exact amount in pounds by which a state exceeds its allocation would be deducted from their allocation in a following year, regardless of if the coastwide quota was exceeded or not. All other aspects of the commercial accountability measures would remain unchanged.

3.2.2 Options for federal in-season closures

The Board and Council are considering three options related to in-season federal closures. The current regulations for in-season closures require the entire commercial fishery to close in-season for all federally permitted vessels and dealers, regardless of state, once the coastwide quota is projected to be landed. This has not occurred to date; however, concerns have been expressed about the potential for overages in some states to impact all states through in-season closures.

The following options specify when the commercial fishery would close in-season for all federal permit holders coastwide. Under all options below, individual states would close in-season if their allocations are reached prior to the end of the year, as is currently required under the Commission's FMP.

A. Status Quo (No action): coastwide federal in-season closure when landings are projected to exceed the coastwide quota

Under this option, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once the coastwide quota is projected to be landed, as is currently required under the Council's FMP.

B. Coastwide federal in-season closure when landings are projected to exceed the commercial quota plus a buffer of up to 5%

Under this option, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once landings exceed the coastwide quota plus an additional buffer of up to 5%. The Council and Board would agree to the appropriate buffer for the upcoming year through the specifications process. The intent

behind allowing an additional buffer is to help minimize negative economic impacts of coastwide closures on states that have not fully harvested their allocations. This is not expected to create an incentive for quota overages as states would still be required to close when their state-specific quotas are reached and states would still be required to pay back quota overages (see sub-option set above).

C. Coastwide federal in-season closure when the commercial ACL is projected to be exceeded.

Under this option, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once the coastwide commercial ACL is projected to be landed, as opposed to when the quota is projected to be landed under the current regulations. Discards in weight cannot be monitored in-season using current discard estimation methods. Therefore, in practice, this option would require GARFO to make assumptions about discards in the current year.

4.0 Compliance

TBD

5.0 Literature Cited

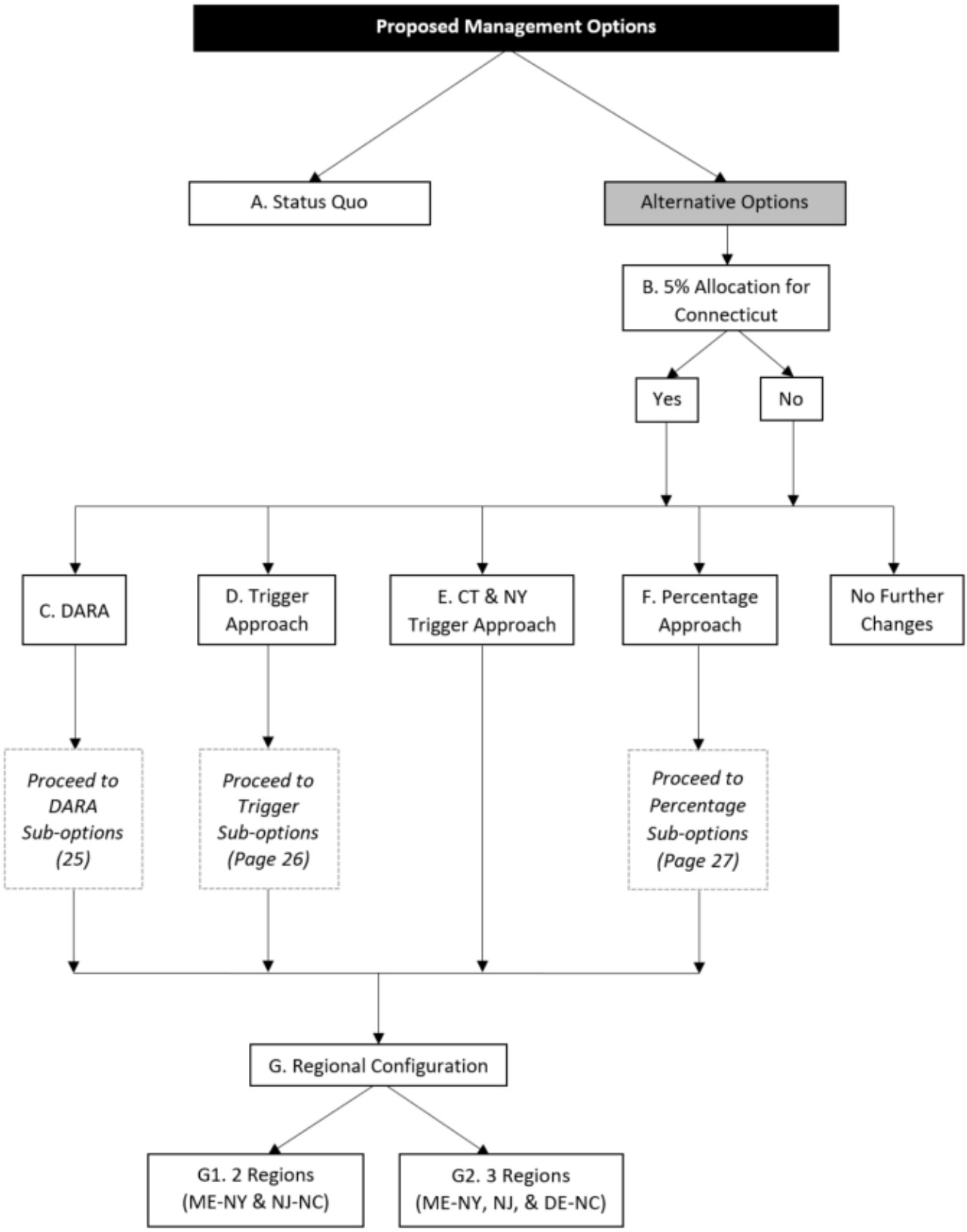
NEFSC. 2019. Operational Stock Assessment Report

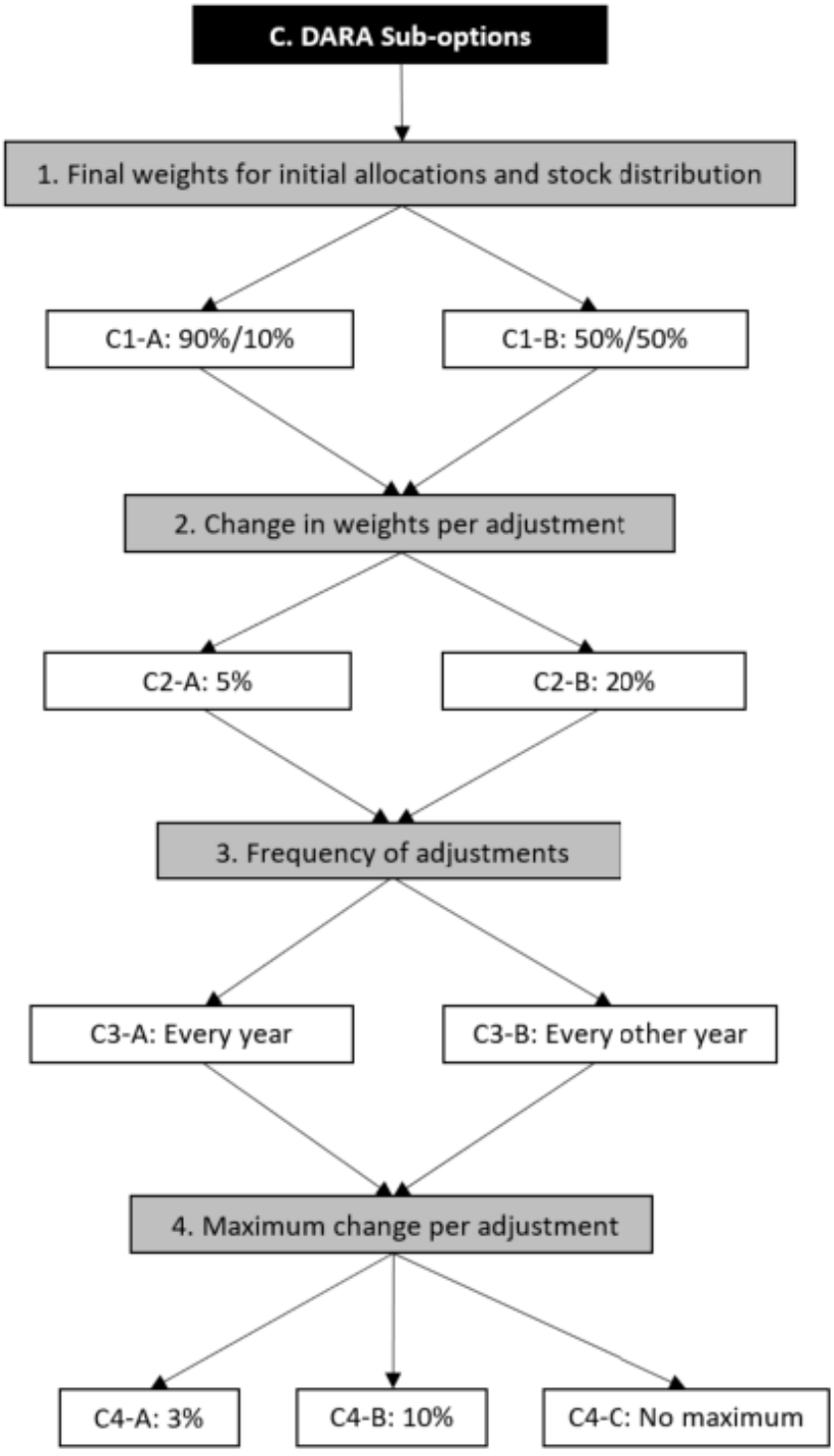
Bell, R. J., Richardson, D. E., Hare, J. A., Lynch, P. D., and Fratantoni, P. S. 2014. Disentangling the effects of climate, abundance, and size on the distribution of marine fish: an example based on four stocks from the Northeast US shelf. ICES Journal of Marine Science, doi: 10.1093/icesjms/fsu217

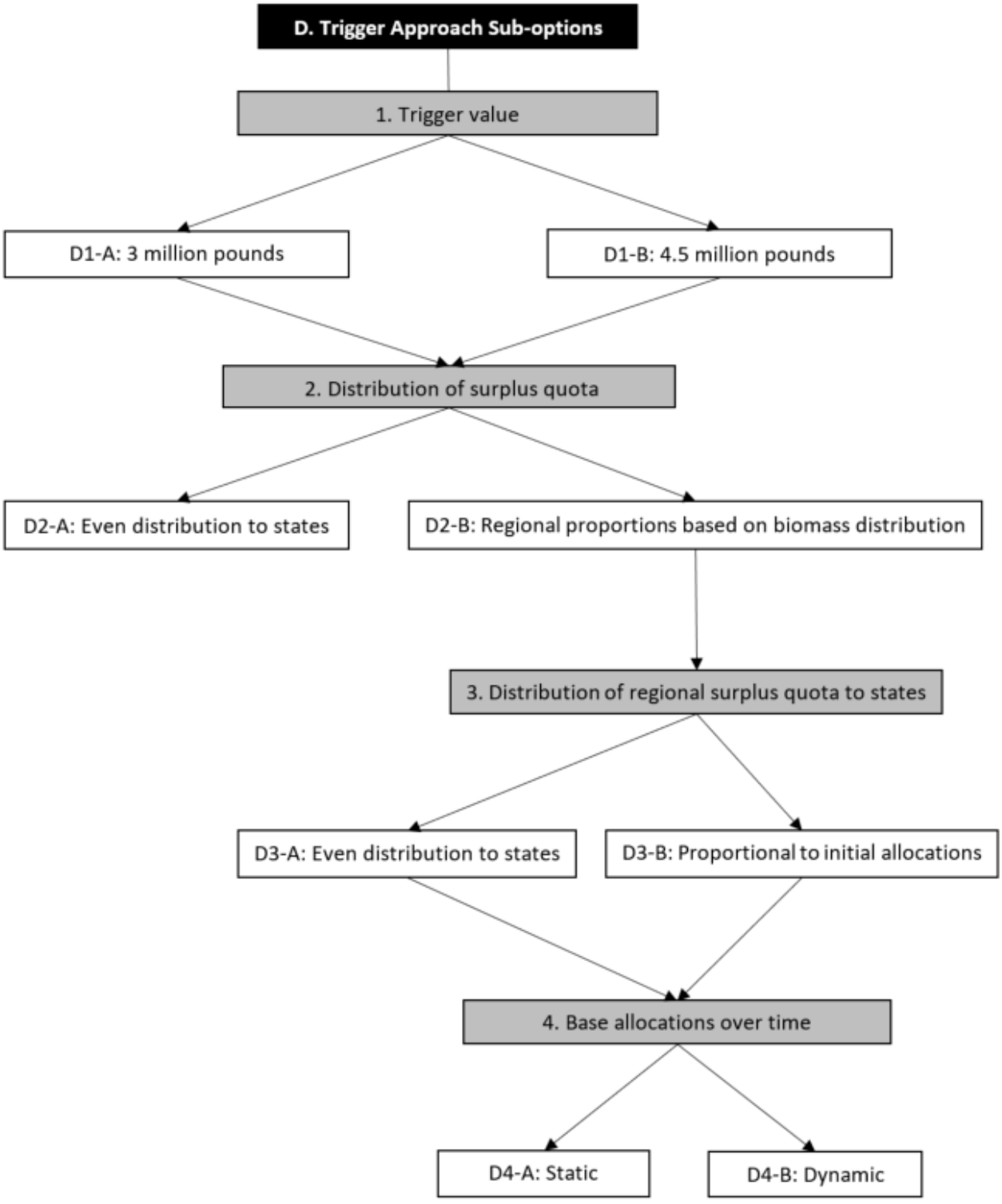
MAFMC. 2003. Amendment 13 to the Fishery Management Plan for Black Sea Bass. Available at: http://www.mafmc.org/sf-s-bsb

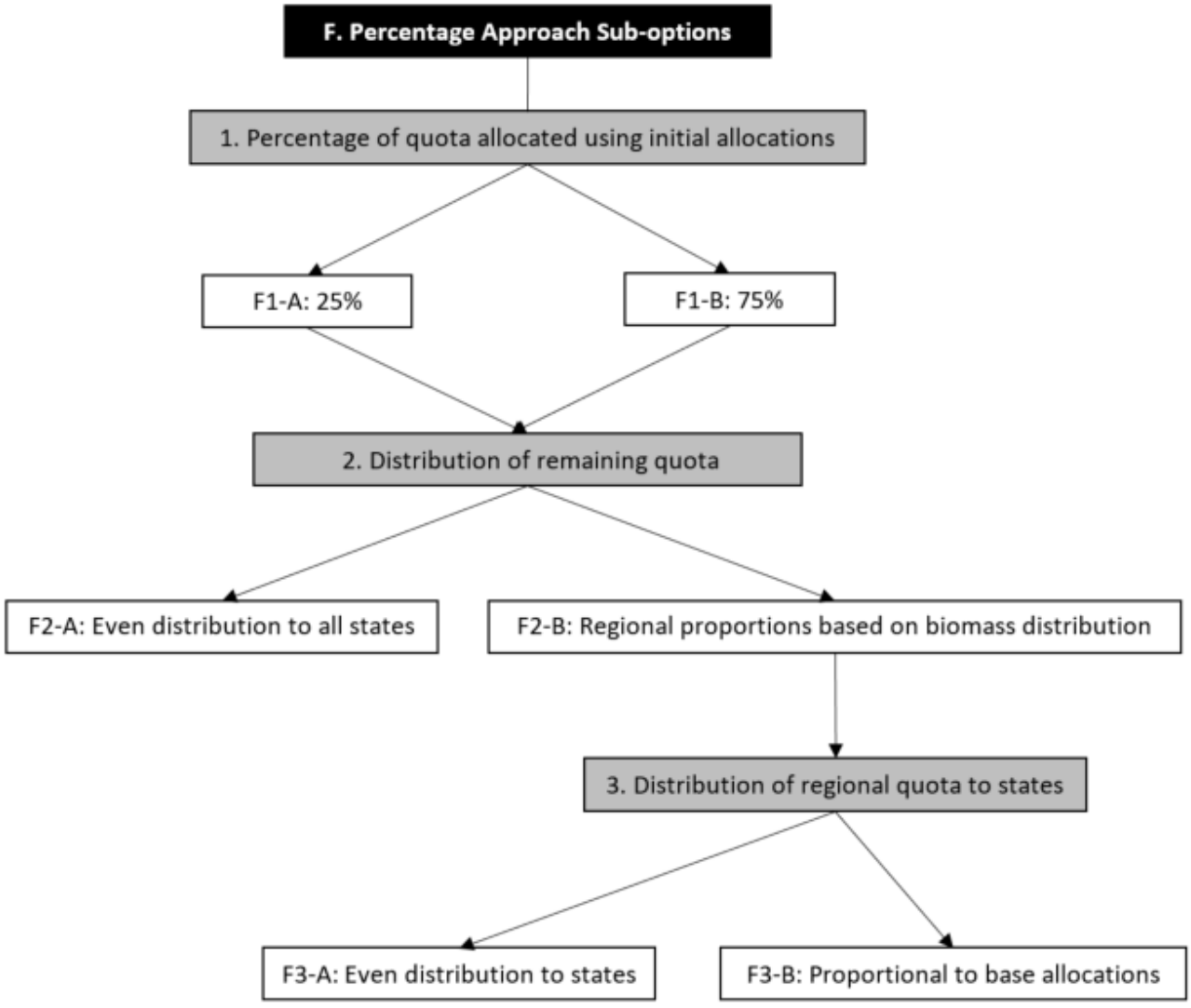
TMGC. 2002. Development of a Sharing Allocation Proposal for Transboundary Resources of Cod, Haddock and Yellowtail Flounder on Georges Bank. DFO Maritimes Region, Fisheries Management Regional Report 2002/01: 59 p.

Appendix 1. Flowchart of Management Options for Commercial State Allocations




C. DARA Sub-options
1. Final weights for initial allocations and stock distribution
C1-A: 90%/10%
C1-B: 50%/50%
2. Change in weights per adjustment
C2-A: 5%
C2-B: 20%
3. Frequency of adjustments
C3-A: Every year
C3-B: Every other year
4. Maximum change per adjustment
C4-A: 3%
C4-B: 10%
C4-C: No maximum


D. Trigger Approach Sub-options
1. Trigger value
D1-A: 3 million pounds
D1-B: 4.5 million pounds
2. Distribution of surplus quota
D2-A: Even distribution to states
D2-B: Regional proportions based on biomass distribution
3. Distribution of regional surplus quota to states
D3-A: Even distribution to states
D3-B: Proportional to initial allocations
4. Base allocations over time
D4-A: Static
D4-B: Dynamic


F. Percentage Approach Sub-options
1. Percentage of quota allocated using initial allocations
F1-A: 25%
F1-B: 75%
2. Distribution of remaining quota
F2-A: Even distribution to all states
F2-B: Regional proportions based on biomass distribution
3. Distribution of regional quota to states
F3-A: Even distribution to states
F3-B: Proportional to base allocations

Proposed New Allocation Alternative For Black Sea Bass: Dynamic Adjustment to Regional Allocations (DARA)

Black Sea Bass PDT

17 July 2020

Introduction

This proposal offers a new alternative for modifying the allocation of the commercial black sea bass quota. It involves a dynamic approach for gradually adjusting state-specific allocations using a combination of historical allocations and current levels of stock distribution. The alternative is modeled after the Transboundary Management Guidance Committee (TMGC) approach, which was developed and used for the management of shared Georges Bank resources between the United States and Canada.

As noted by Gulland (1980), the designation of units for management entails a compromise between the biological realities of stock structure and the practical convenience of analysis and policy making. For black sea bass, the Atlantic Coast states from North Carolina to Maine - acting through and by the MAFMC, ASMFC, and GARFO – use a single management unit encompassing the entire region occupied by the stock, from the southern border of North Carolina northward to the U.S.- Canadian border. While there is a general scientific consensus that the black sea bass population has shifted its center of biomass to the northen portion of its range (Bell et al. 2014 and NEFSC 2017), the current management structure, as reflected by current state-by-state allocations, does not recognize this new population dynamic.

This new alternative sets forth an approach that balances stability within the fishery, based on historical allocations, with gradual adjustments to the fishery, based on regional shifts in stock distribution emanating from updated stock assessments or surveys. The approach affords considerable flexibility, both with regard to initial configurization and application over time. A key feature involves the use of an algorithm to guard against abrupt shifts in allocations.

This new alternative draws upon established principles of resource sharing, which include consideration of access to resources occurring or produced in close spatial proximity to the states in the management unit and historical participation in the exploitation of the resources (Gavaris and Murawski 2004). The former has emerged from the changing distribution of the black sea bass resource and the effects this creates within the fishery. The latter recognizes traditional involvement and investment in the development of the fishery since the the beginning of black sea bass joint management in 1996. Both principles were incorporated in the TMGC approach; historical participation was initially afforded primary emphasis, then gradually down-weighted so that, after a nine-year phase-in period, the annual allocation was based primarily on stock distribution (Murawski and Gavaris 2004). The approach proposed here for black sea bass is similar; the proposal envisions a gradual transition, giving more weight to historical participation at first, then slowly phasing in the distributional aspects over time, and then implements changes to state specific allocations through a two-step process.

Details for the calculations used for the TMGC approach were described by Murawski and Gavaris (2004). Modifications to that approach are necessary, given key differences between the shared Georges Bank resources and the shared black sea bass resource. Those differences include the state-by-state allocation system currently in place for black sea bass, the need to translate from regional to state-specific allocations, and the need to accomodate multiple jurisdictional differences in the fishery.

This new alternative proposes use of existing state-by-state allocations to reflect initial values for historical participation (aka initial allocations) and proposes use of the 2019 update stock assessment results(NEFSC 2019) to determine the values for stock distribution; the two values are then integrated in the form of regional shares. An alternative to using the stock assessment would be to use synoptic trawl survey information. This potential alternative is described in more detail below. The two regions as defined in the assessment are proposed: (1) ME - NY, (2) NJ - NC. They emanate from the spatial stratification of the stock in to units that generally align with those used for the assessment, which used the Hudson Canyon as the dividing line based on several pieces of evidence that stock dynamics had an important break in this area. These regional shares are then sub-divided into state-specific allocations.

The overall approach can be modified by the Board and Council in various ways. For example, sub-alternatives can be developed for:

- the regional configuration;
- the values for historical participation/initial allocations (e.g., current, status quo allocations, or some variant thereof);
- the weighting values for Initial Allocation and Stock Distribution (90:10, or some variant thereof);
- the increment of change in these values from one year to the next (10%/year, or some variant thereof, and;
- the periodicity of adjustments (e.g., annually vs. biannually).

A cap can also be established to limit the amount of change to the allocations during an adjustment (e.g. 3%-10%).

Data and Methods

Formula

Adapted from the TMGC application (TMGC 2002), the approach for calculating the respective regional shares, which takes historical utilization in to account and adapts to shifts in stock distribution, is as follows:

$$\%RegionalShare = (\alpha_y * \sum_r StateSpecAlloc) + (\beta_y * \%ResDistr_{r,y}) \quad (1)$$

Where α_y = percentage weighting for utilization by year; β_y = percentage weighting for stock distribution by year; $\alpha_y + \beta_y = 100\%$; $StateSpecAlloc$ = state specific allocation; $ResDistr$ = stock distribution; r = region; y = year

Proposed regions:
There are two choices for regional configuration: (1) ME - NY and NJ - NC, or (2) ME - NY, NJ, and DE - NC.

Proposed values for historical participation/initial allocation:
See Initial Allocation section below.

Proposed values for stock distribution:
The current proposal is to use the distribution in the two regions based on the stock assessment exploitable biomass calculations. This could be altered to use synoptic trawl survey information, therefore stock distribution would be based on most recent trawl survey information in that case.

Proposed percentage weighting values for initial allocation and stock distribution:
The initial sharing formula is proposed to be based on the weighting of initial allocation (from historical allocations) by 90% and the weighting of stock distribution by 10%. By the end of the period the shares will be the reciprocal; initial allocation at 10% and stock distribution at 90%. Additional alternatives are presented below.

Proposed increments of change in the weighting values from one adjustment period to the next: Initially proposed at 10% per period. Thus, 90:10 to begin, then: 80:20, 70:30, 60:40, 50:50; 40:60; 30:70; 20:80,

concluding at 10:90. Other alternatives are tested below.

Proposed periodicity of the adjustments:
Bi-annually based on stock assessment updates. If the survey alternative were used, this could be increased to annually.

Overall time horizon for the transition:
The initial proposal would conclude in 9 years. If commenced in 2020, it would conclude in 2028. The duration is dependent on the other options chosen

With these - or alternative - parameters assigned, the region-specific shares then need to be prorated into the existing state-specific allocation structure. This can be accomplished by the equation:

$$NewStateAllocation = \frac{Allocation_s}{\sum_r StateSpecAlloc} * \%RegionalShare \quad (2)$$

Where $Allocation_s$ = the specific state being calculated and the other parameters have already been defined above. This formula basically takes the existing state specific allocations and reproportions them in to the share they represent within the region.

Initial Allocations

Historical state-specific commercial allocations for black sea bass are codified in Amendment 13 to the Fishery Management Plan for Black Sea Bass (FMP) (MAFMC 2003) (Table 2). These allocations can serve as the basis for the initial allocation values in the allocation formula. These values, as used in the formula, would remain consistent throughout the reallocation process, even as the final state allocations change over time, based on equations 1 and 2. This is philosophically consistent with the FMP, as this portion of the allocation formula is meant to represent the historical fishing aspects of the black sea bass fishery.

However, alternative strategies (set forth in the form of sub-alternatives) could be used to set the initial allocation design. That is, the initial initial allocation portion of the allocation design could be adjusted, via revised state allocations, before transitioning into the formulaic approach to be used as the process moves forward.

One way to implement this type of approach would be the following, working from equation 2 above:

$$NewStateAllocation = \frac{Allocation_s + \lambda_s}{\sum_r StateSpecAlloc} * \%RegionalShare \quad (3)$$

Where λ = a state specific allocation additive or reduction factor and s = the state being calculated.

This formula allows for a shift in initial (status quo) allocations to account for potential discrepencies believed to be represented in the existing allocations. Currently, a proposal to add an initial amount to CT's allocation has been considered by the black sea bass management board, so using the equation above, a new allocation amount (λ) would be added to the historical allocation for CT (s).

Stock Distribution

This proposal offers two options for calculating the stock distribution. The first option would be to use the spatial stock assessment to determine the amount of resource in each region (north = NY, CT, RI, MA, NH, ME; south = NJ, DE, MD, VA, NC). The spatial stock assessment calculates a north and south exploitable biomass value, which can then be turned in to a proportion. The benefit of this approach is this number is calculated through a synthesis of many biological parameters and represents the best available science for the population. The drawback is that the assessment is updated periodically (not every year), therefore the information will not be evaluated every year, but would depend on the assessment cycle. Additionally, if the spatial stock assessment were to fail at some point in the future, this would impact the ability to do the dynamic allocation calculations. The current estimated allocation from the 2019 update assessment would be 5,272 MT (2018 exploitable biomass) in the south, 16,924 MT (2018 exploitable biomass) in the north,

equating to 24% of the exploitable biomass in the south and 76% of the exploitable biomass in the north (NEFSC 2019). It is important to note that these are the unadjusted exploitable biomass amounts from the assessment. Since data are readily available for this option, an example calculation and projection has been developed below. The process set forth below addresses total biomass, but it could be modified (and presented as a sub-alternative) to address exploitable biomass.

As an alternative, values for stock distribution can be obtained and calculated using scientific surveys, with results apportioned into regions. Since surveys are undertaken annually, the values for stock distribution, by region, can be recalculated and updated annually, biannually, or upon whatever timeframe is deemed most appropriate, affording an opportunity to regularly adjust allocations in sync with shifts in stock distribution. Such shifts may, or may not, follow consistent trends. Accordingly, the technique affords a dynamic approach, consistent with actual changes in stock distribution. Drawing upon the TMGC approach, a swept area biomass, considered a relative index of abundance, can be computed in each stratum, then summed to derive the biomass index for each region. The biomass index estimate derived from each survey would represent a synoptic snapshot of stock distribution at a specific time during a year. Combining the results of multiple surveys requires an understanding of seasonal movement patterns and how much of the biological year each survey represents. For this reason, it is proposed to use the National Marine Fisheries Service (NMFS) Trawl Survey in combination with the North East Area Monitoring and Assessment Program (NEAMAP) Survey. These are both well-established surveys, currently used in the stock assessment, and are synoptic, covering both offshore and inshore strata. As proposed in this alternative, the existing survey strata could be used to partition the survey information into two stock regions: (1) ME - NY, and (2) NJ - NC. The strata do not align perfectly with these two spatial configurations, but they are relatively close (Figures 1 and 2). Table 1 provides an example of how the strata could be applied for each region.

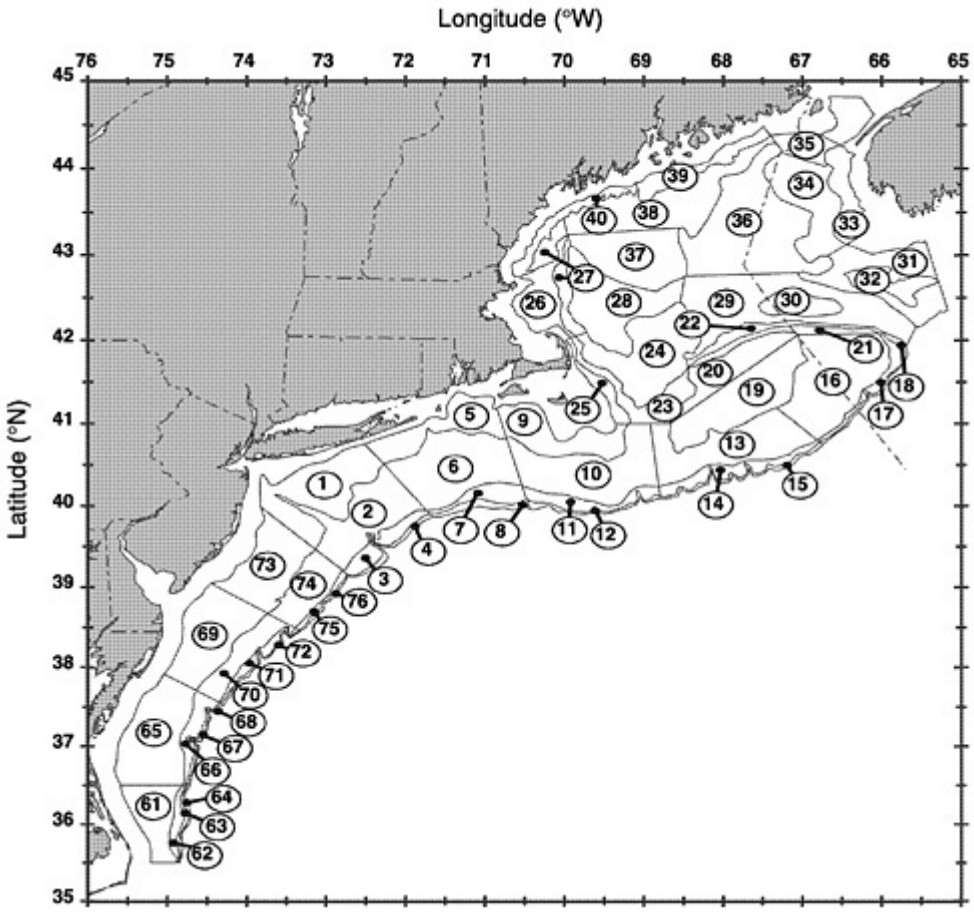


Figure 1: Map of National Marine Fisheries Service trawl survey strata.

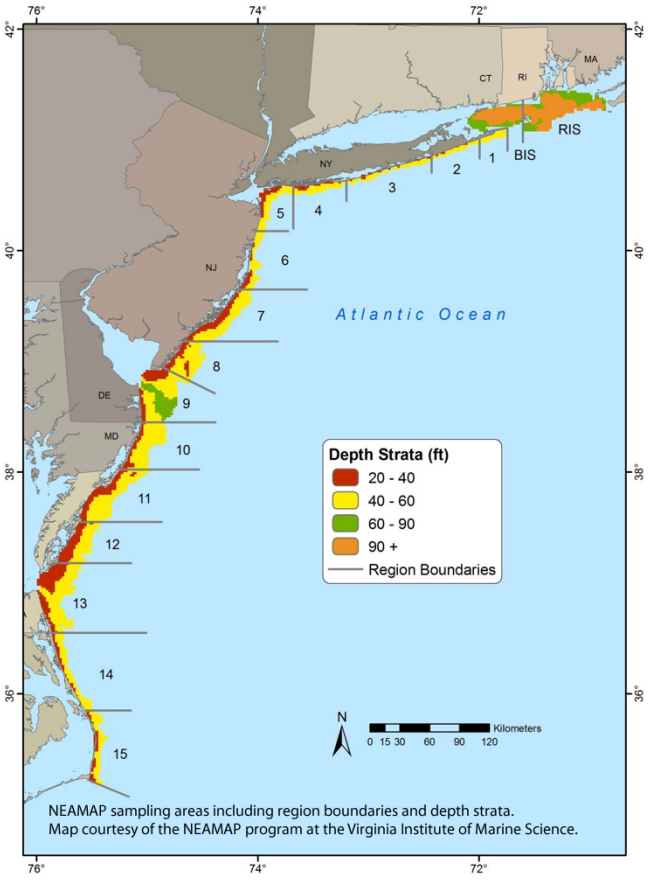


Figure 2: Map of North East Area Monitoring and Assessment Program trawl survey strata.

Table 1 - Strata or Region assigned to each region for stock distribution calculations.

Regions	NMFS Strata	NEAMAP Regions
Region 1: ME - NY	1 - 40	1 - 5, BIS, RIS
Region 2: NJ - NC	3, 61 - 76	6 - 15

*Note: This is a first cut, these should be finalized through discussions between the TC and survey staff.

This approach could be refined over time by developing area polygons that better align with the boards desired regional configuration. Then, using the spatial information from the surveys, the survey information could be partitioned into the polygons.

Additionally, there may be ways to use state survey information within the analysis – either directly by averaging those surveys into the swept area biomass calculations, or indirectly such as using them to verify or corroborate the information from the surveys used in the calculations. Such use of state survey information could be developed and integrated into the process over time via analysis and recommendations from the monitoring and technical committees.

A robust, locally weighted regression algorithm (Cleveland 1979), referred to as LOESS, could then be used to mitigate excessive variations in sampling results. Per the TMGC approach, a 30% smoothing parameter could be used. That level of smoothing was chosen because it reflected current trends, was responsive to changes, and provided the most appropriate results for contemporary resource sharing. The recommended

default of two robustness iterations also was adopted (Cleveland 1979) in the TMGC approach and could also be adopted here. Stock distributions could then be updated annually by incorporating data from the latest survey year available and dropping data from the earliest survey used in the previous year so that a consistent window of data is maintained. After the surveys are combined, the LOESS smoother would be applied to the survey data. The fixed initial allocation (90% weighting in year 1) and the most recent stock distributions as calculated by the surveys (10% weighting in year 1) can then be applied to the sharing formula to determine regional allocation shares for the upcoming fishing year.

The benefit of this approach is that it could be performed annually with the most contemporary data. The drawback is that survey data are prone to variability. The LOESS smoothing and the adjustment cap that is set forth below are designed to account for some of this variability to keep it from causing unreasonable changes in a single year.

As a final nuance to the survey alternative, a sophisticated modeling approach could be developed to achieve the same information as above. Techniques like the use of the VAST model (Thorson 2015) have been shown to be appropriate for this type of an analysis and could be adopted, in lieu of the swept area biomass technique, as a method for calculating stock distribution by region.

For this proposal, the assessment technique will be used as there is actual data that can be used to examine an example. With additional work, a retrospective analysis using trawl survey information could be developed.

Adjustment cap

In addition to the formula for calculating the regional allocations and then translating into the state specific allocations, additional measures could be added by way of an adjustment cap. Such measures would enable various checks and balances to be incorporated into the process to guard against unintended consequences.

One such algorithm, proposed here, is to guard against any abrupt change occurring to any regional allocation in any given year (or other time frame), and thus minimize short-term impacts, by capping the amount of any annual or bi-annual change to the regional shares anywhere between 3 - 10%. This can be shown as:

$$\%RegionalShare = \begin{cases} 3to10\%, & \text{if } \Delta AnnualChange > 3to10\% \\ \%RegionalShare, & \text{if } \Delta AnnualChange \leq 3to10\% \end{cases} \quad (1)$$

The effect would be to ensure that any changes to allocations occur incrementally, even in a case of large shifts in stock distribution in any given year or period. This algorithm serves as an additional layer of protection against large changes, in addition to the other factors outlined above that are also built in to contend with uncertainty and variability.

Flexibility

A key attribute of this proposed new approach for modifying the allocation system is its flexibility. All of the decision points set forth in this proposal, once agreed to, can be adjusted as the process moves forward. Such adjustments, emanating from routine reviews by the Board and Council, can address any of the range of parameters initially set by the Board and Council. The Board and Council could define how changes to the system would be considered and enacted moving forward - e.g., via Addenda and Frameworks, the specifications process, or some other mechanism. The ranges of parameters/issues that readily lend themselves to such adjustment include:

- The α and β parameters can be adjusted to change the way the utilization and distribution are weighted in the equation;
- The increment of change in the α and β parameters can be adjusted to increase or decrease the transition speed;
- The initial state allocations can be set at status quo, or shifted to accommodate various objectives; and
- The adjustment cap can be adjusted to be more or less protective of incremental changes.

Given such flexibility, the Board and Council could decide to implement a transition program that begins in 2021, with either current, status quo allocations, or some variant thereof, and based on assessment information through 2018 (same information used for the proposed 2019 operational stock assessment update), establish stock distribution values for each of the two regions. Using those parameters, and a weighting of allocations by 90% and stock distribution by 10%, enact new, slightly revised state-specific allocations for 2021. If the Board and Council opted for a transitional program involving 10% annual increments, until the weightings reached 10% utilization from initial allocations and 90% stock distribution, this sharing formula would transition from a 90:10 initial allocation-to-stock distribution weighting in 2021 to a 10:90 weighting by 2029. During every adjustment , the trawl survey information would be updated and factored into the stock distribution values. As such, each regional and associated state-specific adjustment would not necessarily be the same, whether in magnitude or direction.

Alternatively, the Board and Council could opt for a transitional program involving 10% increments every two years, or 5% annual increments, or 5% increments every two years, etc. Those alternatives would significantly slow the transition. Some of these variants are illustrated below as examples.

Example

The following are examples of how the new approach can be applied; it incorporates various proposed or strawman parameters, all of which can be modified upon review and consideration by the Board and Council:

- The assessment information is used to calculate the Stock Distribution values.
- Step 1: Apply the state-specific allocations and stock distribution information to equation 1.
  - Summed state allocations for Region 1 (sum of ME-NY)

```
sum.reg1
```

```
## [1] 0.33
```

  - Summed state allocation for Region 2 (NJ - NC)

```
sum.reg2
```

```
## [1] 0.67
```

- Step 2: Apply the Stock Distribution information to equation 1.
  - Strawman values:

```
dist.reg1 = 0.76
dist.reg2 = 0.24
```

- Step 3: Select the increment of adjustment, which will determine the α and β parameters for equation 1 for year 1:
  - The initial sharing formula is proposed to be based on an annual 10% adjustement resulting in the weighting of historical allocations by 90% and the weighting of stock distribution by 10%. Thus:

```
alpha = 0.9
beta = 0.1
```

- Step 4: Calculate the results, in the form of proportional regional shares, from equation 1:

```
# Region 1 equation and result
Reg1.Share = (alpha*sum.reg1) + (beta*dist.reg1)
Reg1.Share
```

```
## [1] 0.373
```

```
# Region 2 equation and result
Reg2.Share = (alpha*sum.reg2) + (beta*dist.reg2)
Reg2.Share
```

```
## [1] 0.627
```

  - This does not account for any change to the original allocations, see step 6 below.

- Step 5: Determine need to apply the adjustment cap

```
# Algorithm
if (abs(Reg1.Share-sum.reg1) > 0.1 | abs(Reg2.Share-sum.reg2) > 0.1 ) {
  if (Reg1.Share-sum.reg1 > 0) {
    Reg1.Share = (sum.reg1*(0.1))+sum.reg1
    Reg2.Share = (sum.reg2*(-0.1))+sum.reg2

  }
  if (Reg2.Share-sum.reg2 > 0) {
    Reg1.Share = (sum.reg1*(-.1))+sum.reg1
  Reg2.Share = (sum.reg2*(0.1))+sum.reg2

  }

}
```

  - As proposed, the rule would cap any change at 10%. Since none of the resulting shares change by more than 10%, the algorithm would not apply in this case.

- Step 6: Establish the state-specific allocation structure to be pro-rated by the regional shares. This example **does not** apply a λ value to alter the allocations per equation 3.

  - The state-specific allocations could be the current, status quo allocations; or they could be variants, established via equation 3.

Table 2 - Current state by state allocations.

State	Current Allocation
Maine	0.005
New Hampshire	0.005
Massachusetts	0.130
Rhode Island	0.110
Connecticut	0.010
New York	0.070
New Jersey	0.200
Delaware	0.050
Maryland	0.110
Virginia	0.200
North Carolina	0.110

Four hypothetical examples of state-specific allocations under the new program were performed and are presented below (Tables 3, 4, and 5; Figures 3, 4, and 5).

Example 1: The first example represents a configuration resulting in more liberal change in state allocations. The parameters are set as follows: 2 regions (ME - NY; NJ - NC); initial allocation = status quo allocations ; transition from 90:10 to 10:90; 10% per year change in the transition from utilization to distribution; annual adjustments; the transition time to 90% weight on the stock distribution is 9 years; 10% adjustment cap; distribution assumption is based on the exploitable biomass by region from the assessment for the time period of 2004 - 2012; distribution of adjustments to states within a region are based on initial allocations.

Example 2: The second example represents a more conservative configuration, with more limited changes to state allocations. The parameters are set as follows: 2 regions (ME - NY; NJ - NC); initial allocation = status quo allocations; transition from 90:10 to 30:70; 5% per year change in the transition from utilization to distribution; annual adjustments; the transition time to 70% weight on the stock distribution is 12 years; 3% adjustment cap; distribution assumption is based on the exploitable biomass by region from the assessment for the time period of 2004 - 2015; distribution of adjustments to states within a region are based on initial allocations.

Example 3: The final example is intended to showcase a number of additional modifications that could be made to the approach to achieve certain objectives. In discussions amongst the PDT (and previously the Board regarding recreational black sea bass) it has been noted that it may be appropriate to treat New Jersey as an individual region due to its geographic position straddling the division of the Northern and Southern regions adjacent to Hudson Canyon. Additionally, this option increases the allocations for Connecticut and New York due to their allocations being disproportionate to their current resource availability (as defined in Equation 3 above). Lastly, the PDT discussed the option of holding Maine and New Hampshire's current allocations static throughout the transaction. To demonstrate these modifications, the parameters are set as follows: 4 regions (ME and NH remaining as a non-dynamic region with static allocations; MA - NY; NJ as a stand-alone region; and DE - NC); initial allocation = CT and NY base allocations increased by 1% in each of the first three years; transition from 90:10 to 10:90; 10% per year change in the transition from utilization to distribution; annual adjustments; the transition time to 90% weight on the stock distribution is 9 years; 10% adjustment cap; distribution assumption is based on the exploitable biomass by region from the assessment for the time period of 2004 - 2012, and assumes NJ gets 10% of its allocation from the northern region distribution and 10% of its allocation from the southern region distribution; distribution of adjustments to states within a region are based on initial allocations plus the incremental change as noted above.

The allocations presented in these tables would be different if any of the parameters were changed. Additionally, note that these examples are based on a scenario where the approach was implemented in 2004. The example shows how the system would work and the effects to the states over the initial period of adjustment from initial allocation having the highest weight in the equation to stock distribution having the highest weight during a period of time where the exploitable biomass was rapidly changing.

Table 3 - Allocation trajectory for all states under the parameters outlined in example 1 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012
Maine	0.005	0.006	0.006	0.007	0.008	0.008	0.009	0.011	0.011
New Hampshire	0.005	0.006	0.006	0.007	0.008	0.008	0.009	0.011	0.011
Massachusetts	0.137	0.147	0.158	0.174	0.195	0.210	0.238	0.275	0.293
Rhode Island	0.116	0.125	0.134	0.147	0.165	0.178	0.201	0.233	0.248
Connecticut	0.011	0.011	0.012	0.013	0.015	0.016	0.018	0.021	0.023
New York	0.074	0.079	0.085	0.094	0.105	0.113	0.128	0.148	0.158
New Jersey	0.195	0.187	0.179	0.167	0.151	0.139	0.119	0.090	0.076
Delaware	0.049	0.047	0.045	0.042	0.038	0.035	0.030	0.023	0.019
Maryland	0.107	0.103	0.098	0.092	0.083	0.077	0.065	0.050	0.042
Virginia	0.195	0.187	0.179	0.167	0.151	0.139	0.119	0.090	0.076
North Carolina	0.107	0.103	0.098	0.092	0.083	0.077	0.065	0.050	0.042

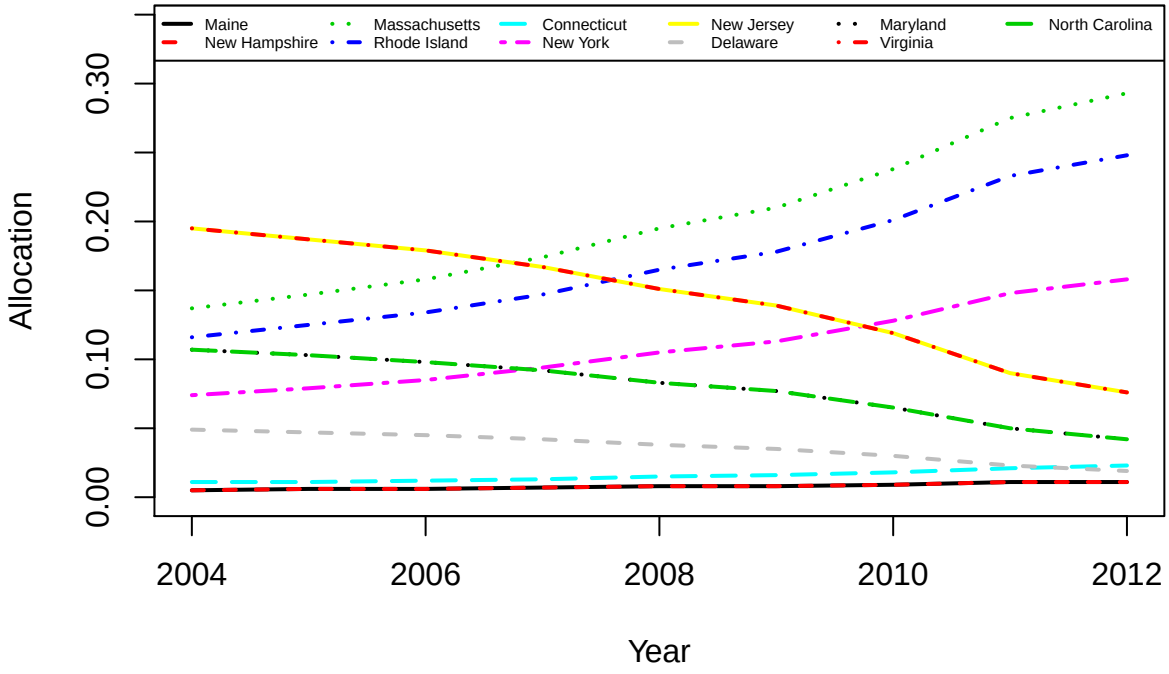


Figure 3: Allocation trajectory for all states under the parameters outlined in example 1 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

Table 4 - Allocation trajectory for all states under the parameters outlined in example 2 above. The adjustment cap is triggered in each year from 2012 through 2015 in this example. This is a retrospective analysis as if this method were in place beginning in 2004. The adjustment cap is triggered in 2012 - 2015 in this example.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Maine	0.005	0.005	0.006	0.006	0.006	0.007	0.007	0.007	0.007	0.007	0.008	0.008
New Hampshire	0.005	0.005	0.006	0.006	0.006	0.007	0.007	0.007	0.007	0.007	0.008	0.008
Massachusetts	0.134	0.139	0.144	0.152	0.162	0.170	0.176	0.182	0.187	0.193	0.198	0.205
Rhode Island	0.113	0.117	0.122	0.129	0.137	0.144	0.149	0.154	0.159	0.163	0.168	0.173
Connecticut	0.010	0.011	0.011	0.012	0.012	0.013	0.014	0.014	0.014	0.015	0.015	0.016
New York	0.072	0.075	0.078	0.082	0.088	0.092	0.095	0.098	0.101	0.104	0.107	0.110
New Jersey	0.197	0.193	0.189	0.183	0.175	0.170	0.164	0.159	0.154	0.150	0.145	0.141
Delaware	0.049	0.048	0.047	0.046	0.044	0.042	0.041	0.040	0.039	0.037	0.036	0.035
Maryland	0.109	0.106	0.104	0.101	0.096	0.093	0.090	0.087	0.085	0.082	0.080	0.077
Virginia	0.197	0.193	0.189	0.183	0.175	0.170	0.164	0.159	0.154	0.150	0.145	0.141
North Carolina	0.109	0.106	0.104	0.101	0.096	0.093	0.090	0.087	0.085	0.082	0.080	0.077

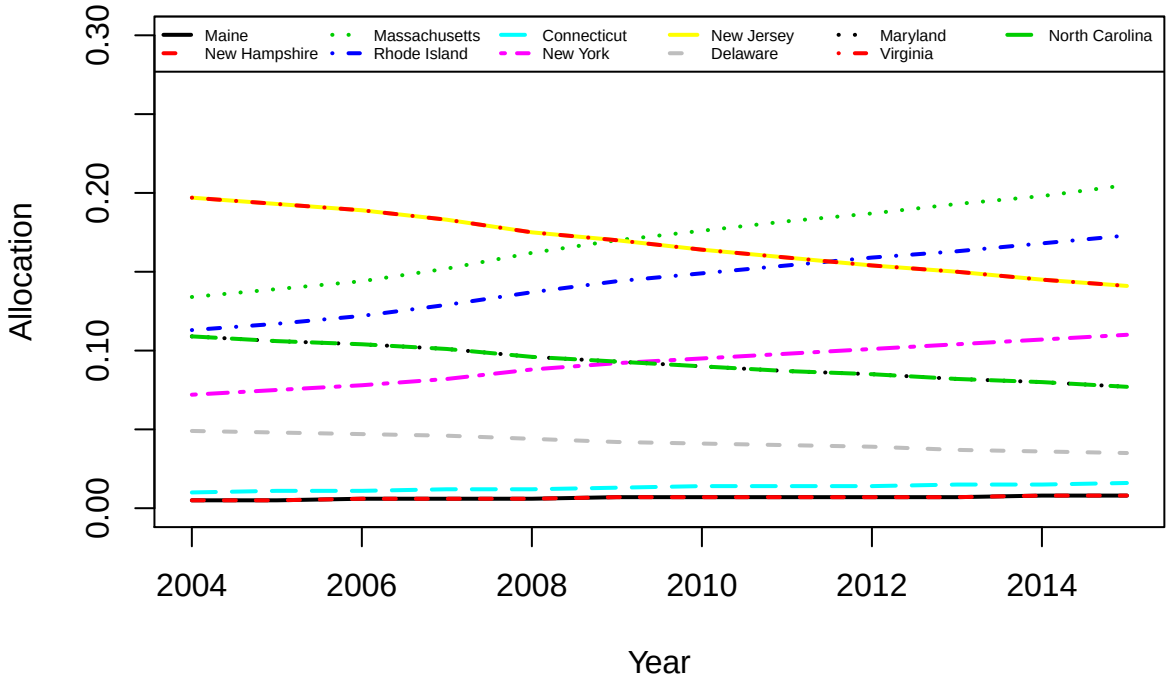


Figure 4: Allocation trajectory for all states under the parameters outlined in example 2 above. The adjustment cap is triggered in each year from 2012 through 2015 in this example. This is a retrospective analysis as if this method were in place beginning in 2004. The adjustment cap is triggered in 2012 - 2015 in this example.

Table 5 - Allocation trajectory for all states under the parameters outlined in example 3 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012
Maine	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005
New Hampshire	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005	0.005
Massachusetts	0.128	0.125	0.122	0.131	0.143	0.154	0.171	0.190	0.200
Rhode Island	0.108	0.105	0.102	0.109	0.120	0.128	0.143	0.159	0.167
Connecticut	0.020	0.030	0.040	0.043	0.047	0.051	0.056	0.063	0.066
New York	0.081	0.090	0.100	0.108	0.118	0.127	0.141	0.157	0.164
New Jersey	0.194	0.194	0.195	0.197	0.199	0.201	0.210	0.213	0.216
Delaware	0.046	0.043	0.040	0.037	0.033	0.030	0.025	0.019	0.017
Maryland	0.105	0.100	0.098	0.090	0.081	0.073	0.061	0.047	0.041
Virginia	0.193	0.187	0.184	0.170	0.152	0.138	0.115	0.089	0.077
North Carolina	0.105	0.100	0.098	0.090	0.081	0.073	0.061	0.047	0.041

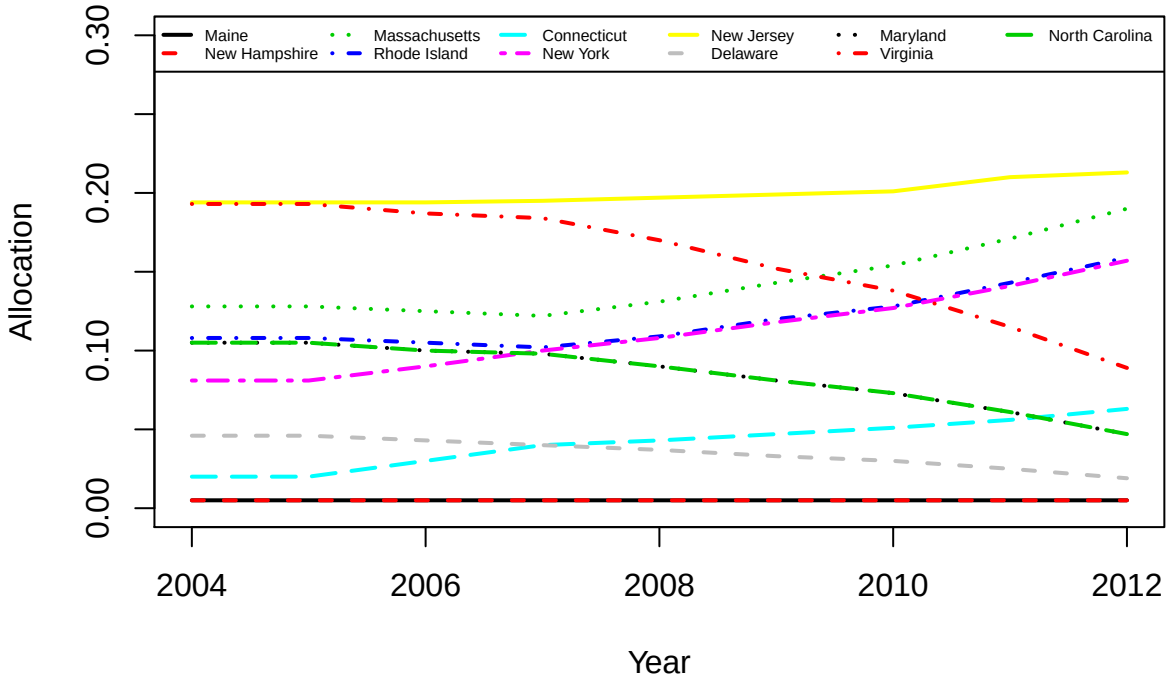


Figure 5: Allocation trajectory for all states under the parameters outlined in example 3 above. The adjustment cap is not triggered in any year in this example. This is a retrospective analysis as if this method were in place beginning in 2004.

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Appendix 3. Example changes in allocation distribution under various trigger and percentage approaches

Appendix X Examples			
Example	**Option**	**Trigger/Percentage**	**Approach**
1-A	Trigger	3 million	Static trigger with surplus allocated regionally and proportional to states' initial allocations
1-B	Trigger	3 million	1-A, if one year's quota is below the trigger
2	Trigger, Three regions	3 million	Static trigger with surplus allocated regionally and proportional to states' initial allocations with NJ as a third region
3	Trigger	3 million	Static trigger with surplus allocated regionally and equally between states
4-A	Trigger	3 million	Dynamic trigger with surplus allocated regionally and proportional to states' base allocations
4-B	Trigger	3 million	4-A, if one year's quota is below the trigger
5	Trigger	3 million	Dynamic trigger with surplus allocated regionally and equally between states
6	Trigger	4.5 million	Dynamic trigger with surplus allocated regionally and proportional to states' base allocations
7-A	Trigger with Increase to CT and NY First	3 million	Static trigger with surplus allocated regionally and proportional to states' initial allocations
7-B	Trigger with Increase to CT and NY First	3 million	7-A, if one year's quota is below the trigger
8	Percentage	25%	Surplus allocated equally between states
9	Percentage	25%	Surplus allocated regionally and equally between the states
10	Percentage	25%	Surplus allocated regionally and proportional to states' initial allocations
11	Percentage	75%	Surplus allocated regionally and equally between the states
12	Percentage	75%	Surplus allocated regionally and proportional to states' initial allocations

EXAMPLE 1-A

Trigger Value: 3 million pounds

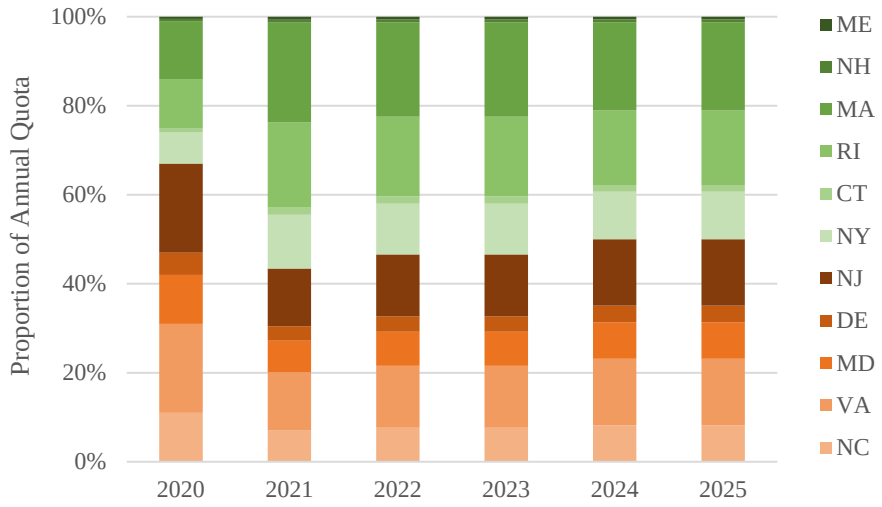
Base allocations: Static

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to initial allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	22.5%	21.2%	21.2%	19.8%	19.8%
RI	11.0%	19.0%	17.9%	17.9%	16.8%	16.8%
CT	1.0%	1.7%	1.6%	1.6%	1.5%	1.5%
NY	7.0%	12.1%	11.4%	11.4%	10.7%	10.7%
NJ	20.0%	13.0%	13.9%	13.9%	14.9%	14.9%
DE	5.0%	3.2%	3.5%	3.5%	3.7%	3.7%
MD	11.0%	7.1%	7.7%	7.7%	8.2%	8.2%
VA	20.0%	13.0%	13.9%	13.9%	14.9%	14.9%
NC	11.0%	7.1%	7.7%	7.7%	8.2%	8.2%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	53.4%	53.4%	50.0%	50.0%
South	67.0%	43.4%	46.6%	46.6%	50.0%	50.0%



EXAMPLE 1-B *(1-A approach with one year's quota under the trigger)*

Trigger Value: 3 million pounds

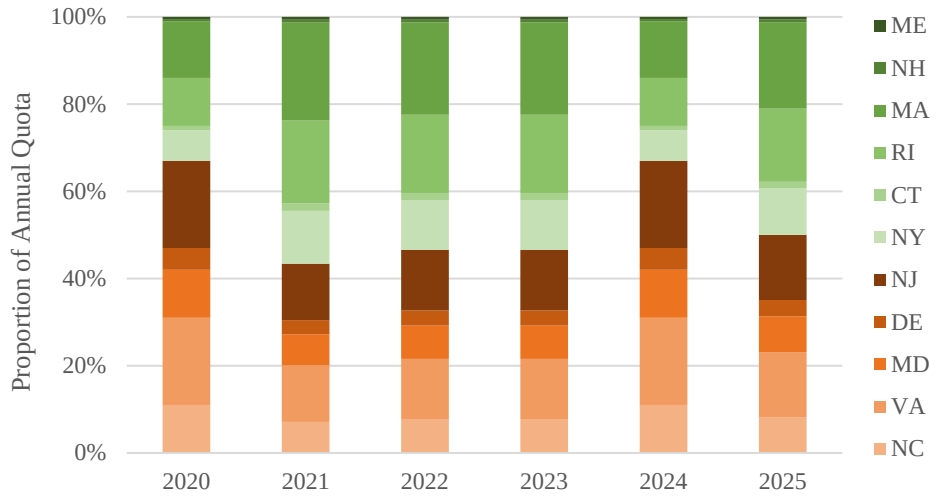
Base allocations: Static

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to initial allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	**2,800,000**	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.6%	0.6%	0.5%	0.6%
NH	0.5%	0.7%	0.6%	0.6%	0.5%	0.6%
MA	13.0%	22.5%	21.2%	21.2%	13.0%	19.8%
RI	11.0%	19.0%	17.9%	17.9%	11.0%	16.8%
CT	1.0%	1.7%	1.6%	1.6%	1.0%	1.5%
NY	7.0%	12.1%	11.4%	11.4%	7.0%	10.7%
NJ	20.0%	13.0%	13.9%	13.9%	20.0%	14.9%
DE	5.0%	3.2%	3.5%	3.5%	5.0%	3.7%
MD	11.0%	7.1%	7.7%	7.7%	11.0%	8.2%
VA	20.0%	13.0%	13.9%	13.9%	20.0%	14.9%
NC	11.0%	7.1%	7.7%	7.7%	11.0%	8.2%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	53.4%	53.4%	33.0%	50.0%
South	67.0%	43.4%	46.6%	46.6%	67.0%	50.0%



EXAMPLE 2

Trigger Value: 3 million pounds

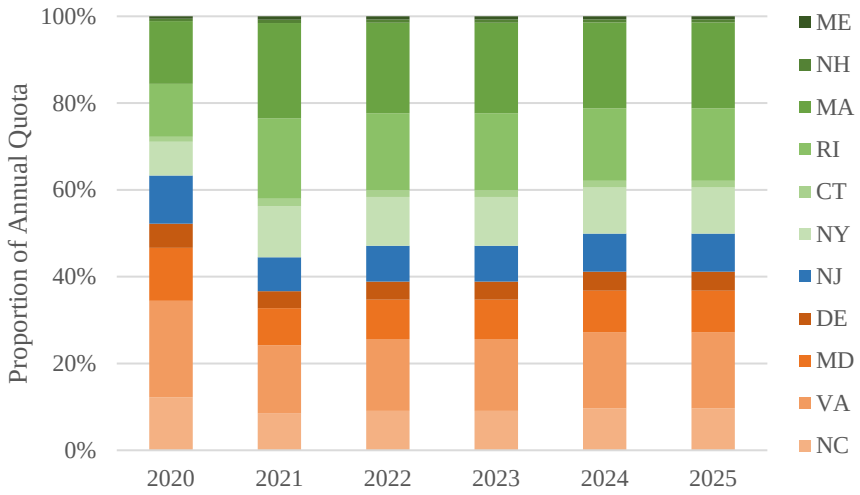
Base allocations: Static

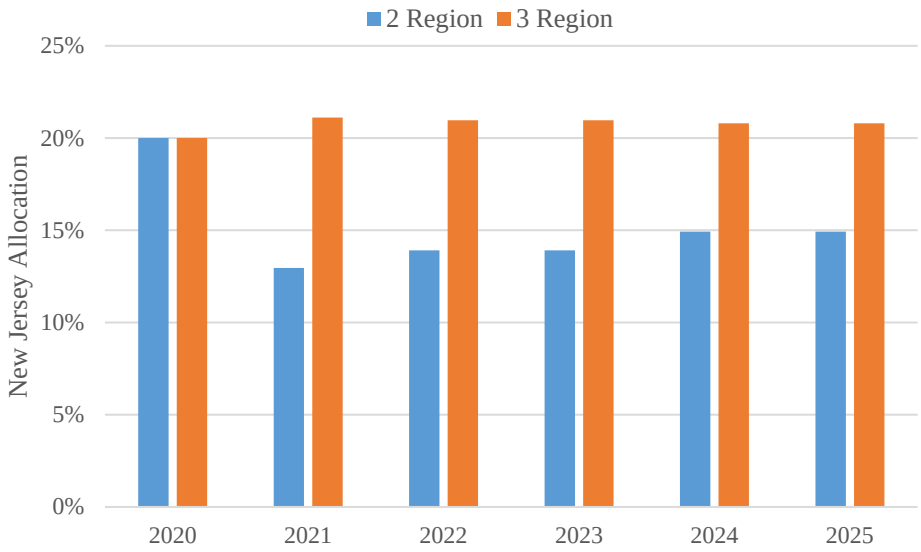
Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to initial allocations.

Regional configuration: ME-NY, NJ, DE-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	18.8%	18.0%	18.0%	17.2%	17.2%
RI	11.0%	15.9%	15.2%	15.2%	14.5%	14.5%
CT	1.0%	1.4%	1.4%	1.4%	1.3%	1.3%
NY	7.0%	10.1%	9.7%	9.7%	9.2%	9.2%
NJ	20.0%	21.1%	21.0%	21.0%	20.8%	20.8%
DE	5.0%	3.3%	3.6%	3.6%	3.8%	3.8%
MD	11.0%	7.3%	7.8%	7.8%	8.4%	8.4%
VA	20.0%	13.3%	14.2%	14.2%	15.2%	15.2%
NC	11.0%	7.3%	7.8%	7.8%	8.4%	8.4%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	47.5%	45.6%	45.6%	43.5%	43.5%
NJ	20.0%	21.1%	21.0%	21.0%	20.8%	20.8%
South	47.0%	31.4%	33.5%	33.5%	35.7%	35.7%





The above Figure provides a comparison of NJ's percent allocation under the 2 region configuration provided in Example 1 (blue bars) and the 3 region configuration provided in Example 2 (orange bars). All other variables are held constant between Example 1-A and Example 2.

EXAMPLE 3

Trigger Value: 3 million pounds

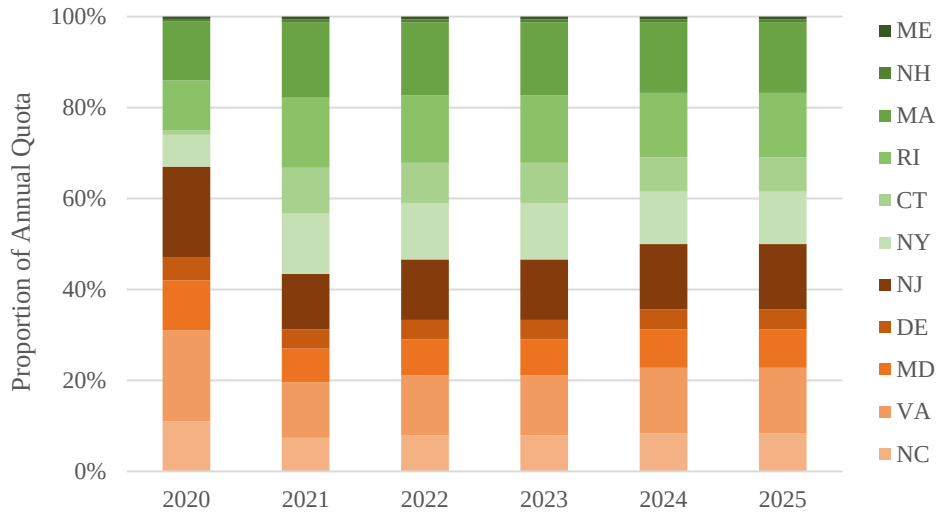
Base allocations: Static

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.7%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	16.5%	16.0%	16.0%	15.5%	15.5%
RI	11.0%	15.4%	14.8%	14.8%	14.2%	14.2%
CT	1.0%	10.1%	8.8%	8.8%	7.5%	7.5%
NY	7.0%	13.3%	12.4%	12.4%	11.5%	11.5%
NJ	20.0%	12.2%	13.3%	13.3%	14.4%	14.4%
DE	5.0%	4.2%	4.3%	4.3%	4.4%	4.4%
MD	11.0%	7.4%	7.9%	7.9%	8.4%	8.4%
VA	20.0%	12.2%	13.3%	13.3%	14.4%	14.4%
NC	11.0%	7.4%	7.9%	7.9%	8.4%	8.4%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	53.4%	53.4%	50.0%	50.0%
South	67.0%	43.4%	46.6%	46.6%	50.0%	50.0%



EXAMPLE 4-A

Trigger Value: 3 million pounds

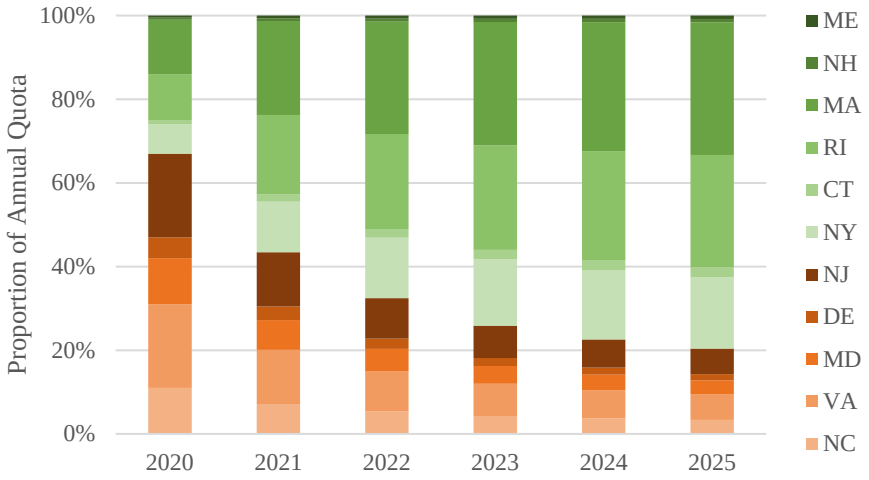
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to base allocations.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
NH	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
MA	13.0%	22.5%	26.8%	29.5%	30.8%	31.7%
RI	11.0%	19.0%	22.7%	24.9%	26.1%	26.8%
CT	1.0%	1.7%	2.1%	2.3%	2.4%	2.4%
NY	7.0%	12.1%	14.5%	15.9%	16.6%	17.1%
NJ	20.0%	13.0%	9.7%	7.7%	6.7%	6.1%
DE	5.0%	3.2%	2.4%	1.9%	1.7%	1.5%
MD	11.0%	7.1%	5.3%	4.2%	3.7%	3.3%
VA	20.0%	13.0%	9.7%	7.7%	6.7%	6.1%
NC	11.0%	7.1%	5.3%	4.2%	3.7%	3.3%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	67.5%	74.1%	77.4%	79.6%
South	67.0%	43.4%	32.5%	25.9%	22.6%	20.4%



EXAMPLE 4-B *(4-A approach with one year's quota under the trigger)*

Trigger Value: 3 million pounds

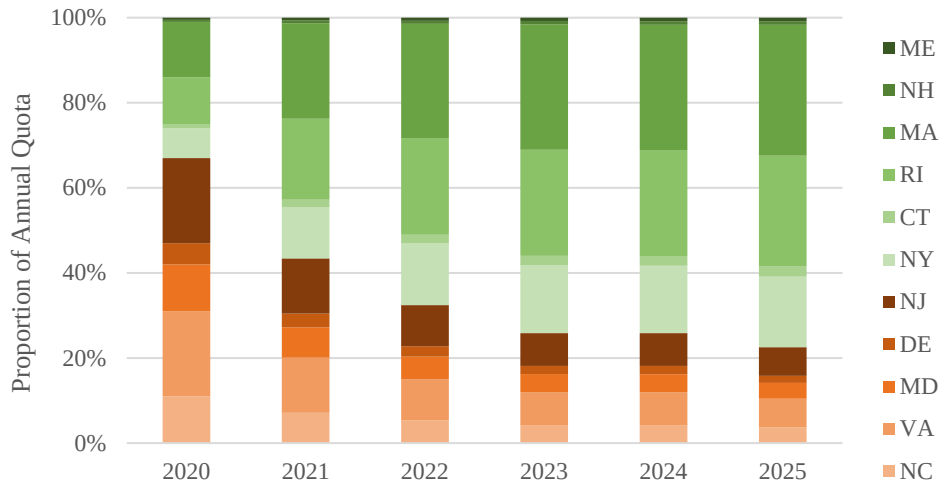
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to base allocations.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	**2,800,000**	4,500,000

State	Annual % of Quota					
	2020	**2021**	**2022**	**2023**	**2024**	**2025**
ME	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
NH	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
MA	13.0%	22.5%	26.8%	29.5%	29.5%	30.8%
RI	11.0%	19.0%	22.7%	24.9%	24.9%	26.0%
CT	1.0%	1.7%	2.1%	2.3%	2.3%	2.4%
NY	7.0%	12.1%	14.5%	15.9%	15.9%	16.6%
NJ	20.0%	13.0%	9.7%	7.7%	7.7%	6.7%
DE	5.0%	3.2%	2.4%	1.9%	1.9%	1.7%
MD	11.0%	7.1%	5.3%	4.2%	4.2%	3.7%
VA	20.0%	13.0%	9.7%	7.7%	7.7%	6.7%
NC	11.0%	7.1%	5.3%	4.2%	4.2%	3.7%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	67.5%	74.1%	74.2%	77.4%
South	67.0%	43.4%	32.5%	25.9%	25.8%	22.6%



EXAMPLE 5

Trigger Value: 3 million pounds

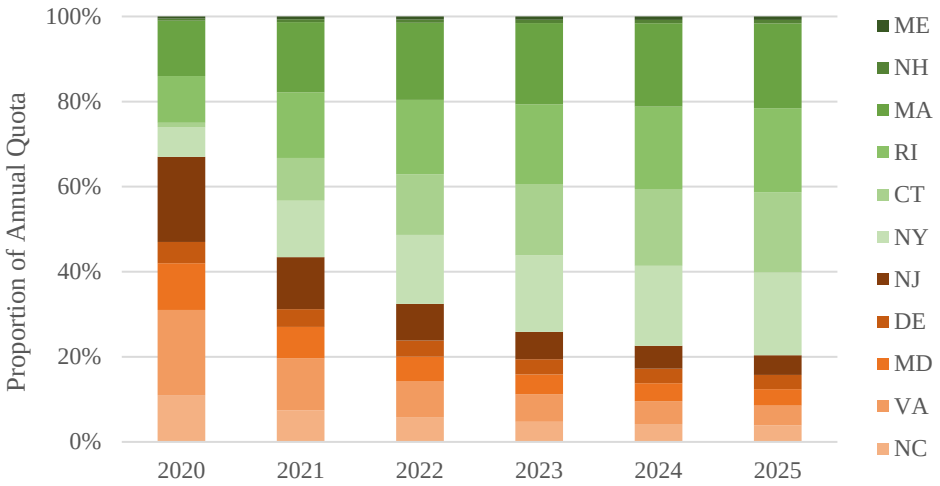
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
NH	0.5%	0.7%	0.7%	0.8%	0.8%	0.8%
MA	13.0%	16.5%	18.1%	19.1%	19.6%	19.9%
RI	11.0%	15.4%	17.5%	18.7%	19.3%	19.8%
CT	1.0%	10.1%	14.3%	16.8%	18.1%	18.9%
NY	7.0%	13.3%	16.2%	18.0%	18.8%	19.4%
NJ	20.0%	12.2%	8.6%	6.5%	5.4%	4.6%
DE	5.0%	4.2%	3.8%	3.5%	3.4%	3.4%
MD	11.0%	7.4%	5.7%	4.7%	4.2%	3.9%
VA	20.0%	12.2%	8.6%	6.5%	5.4%	4.6%
NC	11.0%	7.4%	5.7%	4.7%	4.2%	3.9%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	56.6%	67.5%	74.1%	77.4%	79.6%
South	67.0%	43.4%	32.5%	25.9%	22.6%	20.4%



EXAMPLE 6

Trigger Value: 4.5 million pounds

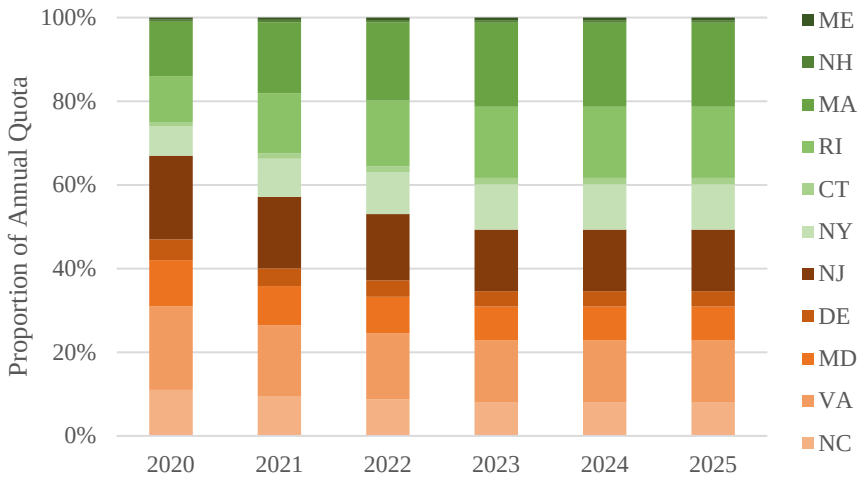
Base allocations: Dynamic

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to base allocations.

Regional configuration: ME-NY and NJ-NC.

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	17.0%	18.6%	20.1%	20.1%	20.1%
RI	11.0%	14.3%	15.7%	17.0%	17.0%	17.0%
CT	1.0%	1.3%	1.4%	1.5%	1.5%	1.5%
NY	7.0%	9.1%	10.0%	10.8%	10.8%	10.8%
NJ	20.0%	17.1%	15.8%	14.7%	14.7%	14.7%
DE	5.0%	4.3%	4.0%	3.7%	3.7%	3.7%
MD	11.0%	9.4%	8.7%	8.1%	8.1%	8.1%
VA	20.0%	17.1%	15.8%	14.7%	14.7%	14.7%
NC	11.0%	9.4%	8.7%	8.1%	8.1%	8.1%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	42.9%	47.0%	50.7%	50.7%	50.7%
South	67.0%	57.1%	53.0%	49.3%	49.3%	49.3%



EXAMPLE 7-A (Increase to Connecticut and New York Quotas First)

Trigger Value: 3 million pounds

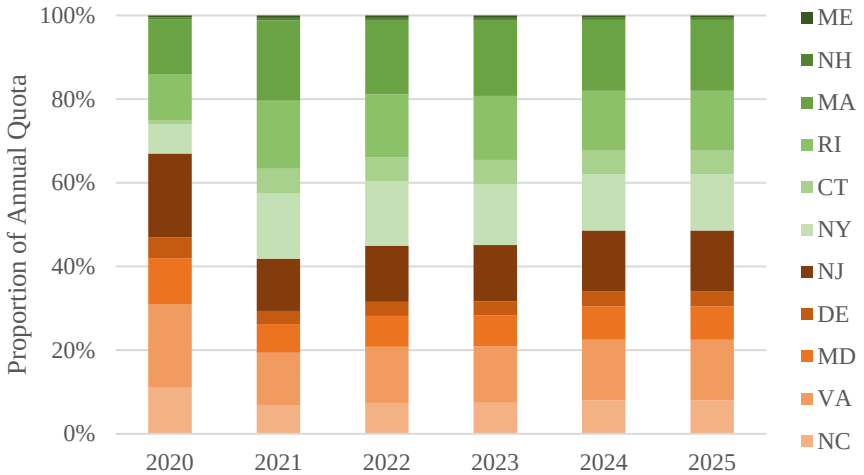
Base allocations: Static

Distribution of surplus quota: Surplus quota first allocated to increase Connecticut to 5%, then to increase New York to 9%. Further surplus is allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to historic allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
NH	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
MA	13.0%	19.2%	17.8%	18.1%	16.9%	16.9%
RI	11.0%	16.3%	15.0%	15.3%	14.3%	14.3%
CT	1.0%	5.9%	5.8%	5.8%	5.6%	5.6%
NY	7.0%	15.6%	15.4%	14.5%	13.4%	13.4%
NJ	20.0%	12.5%	13.4%	13.5%	14.5%	14.5%
DE	5.0%	3.1%	3.4%	3.4%	3.6%	3.6%
MD	11.0%	6.9%	7.4%	7.4%	8.0%	8.0%
VA	20.0%	12.5%	13.4%	13.5%	14.5%	14.5%
NC	11.0%	6.9%	7.4%	7.4%	8.0%	8.0%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	58.1%	55.0%	54.9%	51.4%	51.4%
South	67.0%	41.9%	45.0%	45.1%	48.6%	48.6%



EXAMPLE 7-B *(7-A approach with one year's quota under the trigger)*

Trigger Value: 3 million pounds

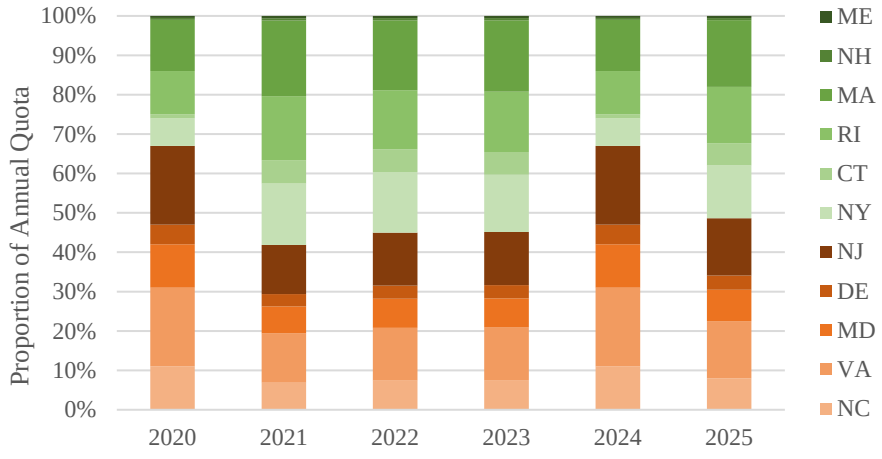
Base allocations: Static

Distribution of surplus quota: Surplus quota first allocated to increase Connecticut to 5%, then to increase New York to 9%. Further surplus is allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated in proportion to historic allocations.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	**2,800,000**	4,500,000

State	Annual % of Quota					
	2020	**2021**	**2022**	**2023**	**2024**	**2025**
ME	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
NH	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%
MA	13.0%	19.2%	17.8%	18.1%	13.0%	16.9%
RI	11.0%	16.3%	15.0%	15.3%	11.0%	14.3%
CT	1.0%	5.9%	5.8%	5.8%	1.0%	5.6%
NY	7.0%	15.6%	15.4%	14.5%	7.0%	13.4%
NJ	20.0%	12.5%	13.4%	13.5%	20.0%	14.5%
DE	5.0%	3.1%	3.4%	3.4%	5.0%	3.6%
MD	11.0%	6.9%	7.4%	7.4%	11.0%	8.0%
VA	20.0%	12.5%	13.4%	13.5%	20.0%	14.5%
NC	11.0%	6.9%	7.4%	7.4%	11.0%	8.0%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	58.1%	55.0%	54.9%	33.0%	51.4%
South	67.0%	41.9%	45.0%	45.1%	67.0%	48.6%



EXAMPLE 8

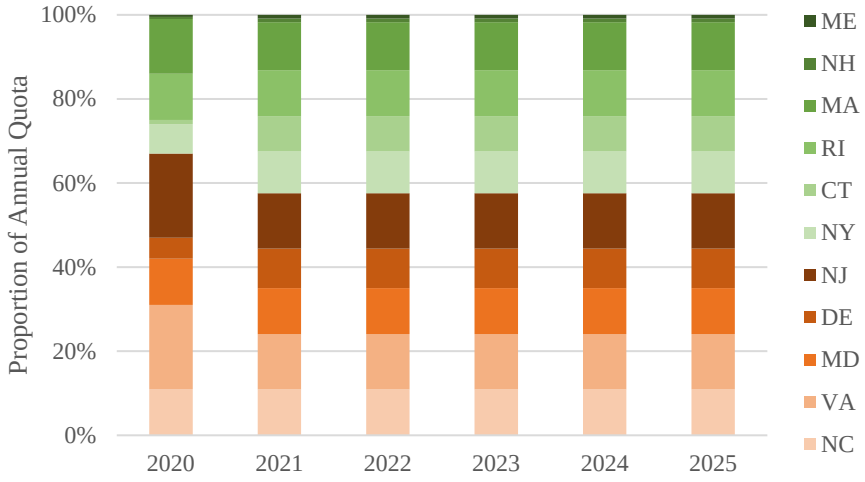
Base percentage: 25%

Distribution of surplus quota: Surplus quota allocated equally to each state from Massachusetts to North Carolina.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.9%	0.9%	0.9%	0.9%	0.9%
NH	0.5%	0.9%	0.9%	0.9%	0.9%	0.9%
MA	13.0%	11.4%	11.4%	11.4%	11.4%	11.4%
RI	11.0%	10.9%	10.9%	10.9%	10.9%	10.9%
CT	1.0%	8.4%	8.4%	8.4%	8.4%	8.4%
NY	7.0%	9.9%	9.9%	9.9%	9.9%	9.9%
NJ	20.0%	13.2%	13.2%	13.2%	13.2%	13.2%
DE	5.0%	9.4%	9.4%	9.4%	9.4%	9.4%
MD	11.0%	10.9%	10.9%	10.9%	10.9%	10.9%
VA	20.0%	13.2%	13.2%	13.2%	13.2%	13.2%
NC	11.0%	10.9%	10.9%	10.9%	10.9%	10.9%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	42.4%	42.4%	42.4%	42.4%	42.4%
South	67.0%	57.6%	57.6%	57.6%	57.6%	57.6%



EXAMPLE 9

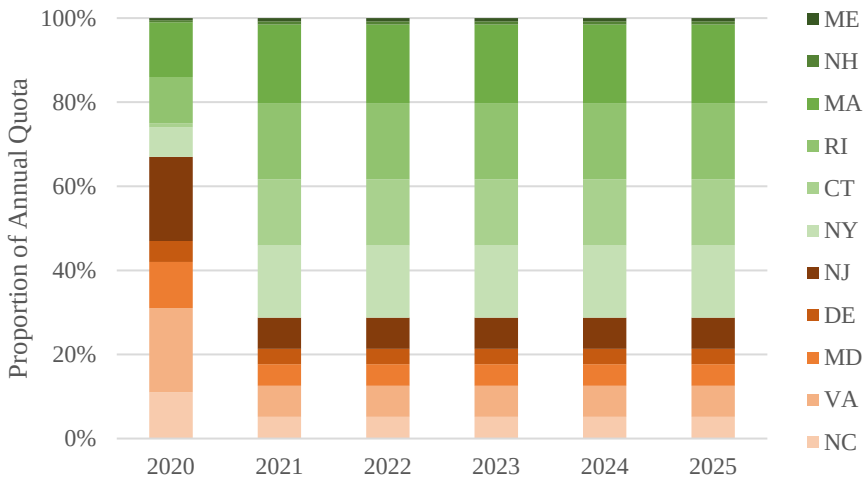
Base percentage: 25%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
NH	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
MA	13.0%	18.7%	18.7%	18.7%	18.7%	18.7%
RI	11.0%	18.2%	18.2%	18.2%	18.2%	18.2%
CT	1.0%	15.7%	15.7%	15.7%	15.7%	15.7%
NY	7.0%	17.2%	17.2%	17.2%	17.2%	17.2%
NJ	20.0%	7.4%	7.4%	7.4%	7.4%	7.4%
DE	5.0%	3.7%	3.7%	3.7%	3.7%	3.7%
MD	11.0%	5.2%	5.2%	5.2%	5.2%	5.2%
VA	20.0%	7.4%	7.4%	7.4%	7.4%	7.4%
NC	11.0%	5.2%	5.2%	5.2%	5.2%	5.2%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	71.3%	71.3%	71.3%	71.3%	71.3%
South	67.0%	28.8%	28.8%	28.8%	28.8%	28.8%



EXAMPLE 10

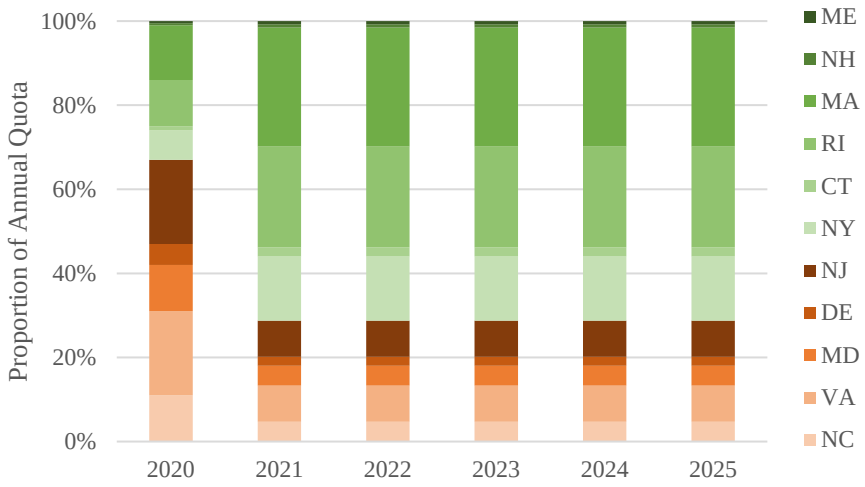
Base percentage: 25%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated according to initial proportions.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
NH	0.5%	0.8%	0.8%	0.8%	0.8%	0.8%
MA	13.0%	28.3%	28.3%	28.3%	28.3%	28.3%
RI	11.0%	24.0%	24.0%	24.0%	24.0%	24.0%
CT	1.0%	2.2%	2.2%	2.2%	2.2%	2.2%
NY	7.0%	15.3%	15.3%	15.3%	15.3%	15.3%
NJ	20.0%	8.6%	8.6%	8.6%	8.6%	8.6%
DE	5.0%	2.1%	2.1%	2.1%	2.1%	2.1%
MD	11.0%	4.7%	4.7%	4.7%	4.7%	4.7%
VA	20.0%	8.6%	8.6%	8.6%	8.6%	8.6%
NC	11.0%	4.7%	4.7%	4.7%	4.7%	4.7%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	71.3%	71.3%	71.3%	71.3%	71.3%
South	67.0%	28.8%	28.8%	28.8%	28.8%	28.8%



EXAMPLE 11

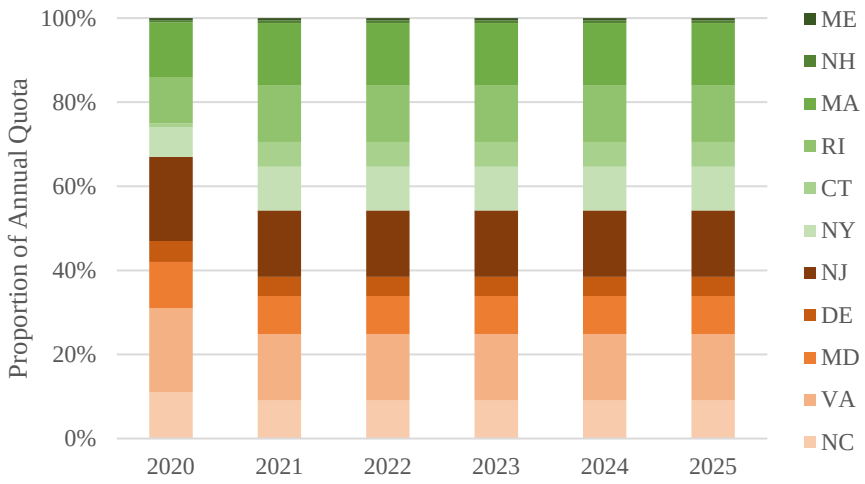
Base percentage: 75%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated equally to each state.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	14.9%	14.9%	14.9%	14.9%	14.9%
RI	11.0%	13.4%	13.4%	13.4%	13.4%	13.4%
CT	1.0%	5.9%	5.9%	5.9%	5.9%	5.9%
NY	7.0%	10.4%	10.4%	10.4%	10.4%	10.4%
NJ	20.0%	15.8%	15.8%	15.8%	15.8%	15.8%
DE	5.0%	4.6%	4.6%	4.6%	4.6%	4.6%
MD	11.0%	9.1%	9.1%	9.1%	9.1%	9.1%
VA	20.0%	15.8%	15.8%	15.8%	15.8%	15.8%
NC	11.0%	9.1%	9.1%	9.1%	9.1%	9.1%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	45.8%	45.8%	45.8%	45.8%	45.8%
South	67.0%	54.3%	54.3%	54.3%	54.3%	54.3%



EXAMPLE 12

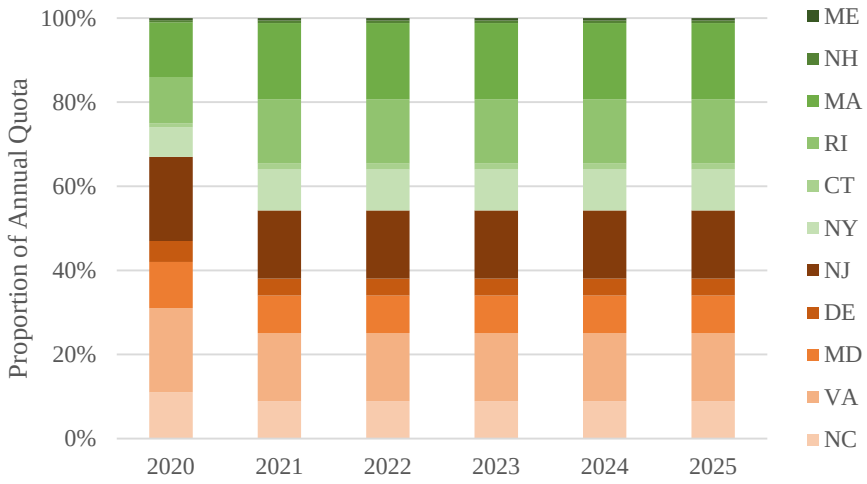
Base percentage: 75%

Distribution of surplus quota: Surplus quota allocated regionally according to stock distribution (84% in the North and 16% in the South according to the 2019 stock assessment) and, within a region, allocated according to initial proportions.

Regional configuration: ME-NY and NJ-NC

Year	2020	2021	2022	2023	2024	2025
Coastwide Quota	5,580,000	5,580,000	5,000,000	5,000,000	4,500,000	4,500,000

State	Annual % of Quota					
	2020	2021	2022	2023	2024	2025
ME	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
NH	0.5%	0.6%	0.6%	0.6%	0.6%	0.6%
MA	13.0%	18.1%	18.1%	18.1%	18.1%	18.1%
RI	11.0%	15.3%	15.3%	15.3%	15.3%	15.3%
CT	1.0%	1.4%	1.4%	1.4%	1.4%	1.4%
NY	7.0%	9.8%	9.8%	9.8%	9.8%	9.8%
NJ	20.0%	16.2%	16.2%	16.2%	16.2%	16.2%
DE	5.0%	4.0%	4.0%	4.0%	4.0%	4.0%
MD	11.0%	8.9%	8.9%	8.9%	8.9%	8.9%
VA	20.0%	16.2%	16.2%	16.2%	16.2%	16.2%
NC	11.0%	8.9%	8.9%	8.9%	8.9%	8.9%
Total	100%	100%	100%	100%	100%	100%
North	33.0%	45.8%	45.8%	45.8%	45.8%	45.8%
South	67.0%	54.3%	54.3%	54.3%	54.3%	54.3%



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: December 1, 2020

To: Chris Moore, Executive Director

From: Julia Beaty, staff

Subject: Council Staff Recommendation for Black Sea Bass Commercial Allocation Amendment and Draft Addendum XXXIII

During their joint meeting on December 16, 2020 the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) will meet to take final action on the Black Sea Bass Commercial State Allocation Amendment/Draft Addendum XXXIII after considering public comments, Advisory Panel input, and the Council staff recommendation.

This memo summarizes the Council staff recommendation for preferred alternatives.

Note that for ease of identification of the alternatives, a prefix of 1, 2, or 3 was added to indicate the alternative group as described in the public hearing document and Draft Addendum XXXIII. A prefix of 1 indicates an alternative associated with the state allocation percentages. A prefix of 2 indicates alternatives related to adding the state allocations to the Council's Fishery Management Plan (FMP). A prefix of 3 indicates alternatives associated with federal in-season closures.

Council Staff Recommendation for State Allocation Percentages

Council staff recommend the following combination of alternatives for modification of the commercial state allocation percentages. These alternatives are described in more detail below.

- **Alternative 1B:** Increase Connecticut's allocation from 1% to 5% (see details below).
- **Alternative 1F:** Percentage of coastwide quota distributed based on initial allocations
    - **Sub-Alternative 1F1-B:** Allocate 75% of the coastwide quota based on the initial allocations (after first accounting for Connecticut's increase to 5%).
    - **Sub-Alternative 1F2-B:** Allocate the remaining 25% based on the most recent regional biomass distribution information from the stock assessment.
    - **Sub-Alternative 1F3-B:** Further divide the regional allocation among states within a region in proportion to the initial allocations to the states, except that Maine and New Hampshire would each receive 1% of the northern region quota. The initial allocations would account for the increase in Connecticut's allocation to 5%.
- **Sub-Alternative 1G1:** Define the regions as: 1) Maine through New York and 2) New Jersey through North Carolina.

If this combination of alternatives is approved, the following steps would be followed to determine the state allocations in a given year. As 25% of the quota would always be distributed based on the most recent stock assessment information, the resulting percentage allocations would vary each time updated stock assessment information is available. These modifications would be made through the specifications process.

Step 1: Increase Connecticut's allocation from 1% to 5% (i.e., alternative 1-B). This would be achieved using the following approach:

- Leave New York and Delaware's allocations unchanged (for this step).
- Move 0.25% from Maine and 0.25% from New Hampshire to Connecticut.
- Move some allocation from Massachusetts (0.53%), Rhode Island (0.45%), New Jersey (0.81%), Maryland (0.45%), Virginia (0.81%), and North Carolina (0.45%) to Connecticut. The amount moved from each state is proportional to that state's current allocation percentages.

This results in the "initial" allocations shown in Table 1.

Step 2: Allocate 75% of the annual coastwide quota according to the initial allocations (i.e., Sub-alternative F1-B).

Step 3: For the remaining 25%, first divide it between the northern region (Maine through New York) and the southern region (New Jersey through North Carolina) based on the most recent regional biomass distribution information from the stock assessment (sub-alternatives F2-B and G1). This division would vary each time updated stock assessment information is available.

For example, the 2019 Operational Stock Assessment estimated that 84% of the spawning stock biomass in 2018 was present in the northern region and 16% in the southern region, after accounting for a retrospective pattern adjustment. This would result in 21% of the total quota (i.e., 84% of 25%) being allocated to the northern states and 4% (i.e., 16% of 25%) to the southern states to account for recent biomass distribution.

Step 4: Within a region, further divide the regional allocation defined in step 3 among states in proportion to the initial allocations, except that Maine and New Hampshire would each receive 1% of the northern region quota (i.e., sub-alternative F3-B). As previously stated, the initial allocations would account for the increase in Connecticut's allocation to 5%.

Final resulting allocations: The 25% of the total quota that is allocated based on regional biomass distribution would change each time updated stock assessment information is available; therefore, the final resulting state allocations would also change on a regular basis. These changes would be made through the specifications process. Table 1 shows an example of the final resulting state allocations under the current biomass distribution (i.e., 84% north and 16% south, after applying a retrospective pattern adjustment, according to the 2019 Operational Stock Assessment).

Rationale for Council staff recommendation for state quota allocation percentages: The allocation approach described above seeks to better align the allocations with current stock distribution while accounting for the historical dependence of the states on the commercial black sea bass fishery. For example, under the current biomass distribution, no state would lose more than 4.5% and no state except Connecticut would gain more than 3.7% of the total quota. This approach also seeks to address the unique position of Connecticut, which, like many states, has seen a notable increase in availability of black sea bass, but is especially constrained by their

current 1% allocation. This approach also allows the allocations to change in response to future distribution changes, helping to ensure that they continue to ensure fair access to the fishery.

Table 1: Resulting state allocation percentages under Council staff recommendation and 2018 biomass distribution information.

State	Current allocations	"Initial allocations" (CT to 5% first)	Revised allocations under 2018 biomass distribution	Difference between current and revised allocations
ME	0.50%	0.25%	0.40%	-0.10%
NH	0.50%	0.25%	0.40%	-0.10%
MA	13.00%	12.47%	16.68%	+3.68%
RI	11.00%	10.55%	14.11%	+3.11%
CT	1.00%	5.00%	6.69%	+5.69%
NY	7.00%	7.00%	9.36%	+2.36%
NJ	20.00%	19.19%	15.59%	-4.41%
DE	5.00%	5.00%	4.05%	-0.95%
MD	11.00%	10.55%	8.57%	-2.43%
VA	20.00%	19.19%	15.59%	-4.41%
NC	11.00%	10.55%	8.57%	-2.43%
Total	100.00%	100.00%	100.00%	0.00%
Total percentage moved from NJ-NC to ME-NY under 2018 biomass distribution.				14.64%

Council Staff Recommendation for Federal Management of Quota

Council staff recommend the following as preferred alternatives regarding federal management of the commercial black sea bass quota.

- **Alternative 2B**: Add the commercial state allocations to the Council's FMP.
- **Sub-Alternative 2B1**: States only pay back overages if the coastwide quota is exceeded (current practice for black sea bass under the Commission's FMP).
- **Alternative 3A**: Coastwide federal in-season closure when landings are projected to meet the coastwide quota (no change from current practice).

Rationale for Council staff recommendation for federal management of quota: Council staff recommend that the state allocations be added to the Council's FMP to ensure that both the Council and Board jointly decide on any future changes to the state allocations. The state allocations are an important component of management of the commercial black sea bass fishery and should be managed jointly, as is done for summer flounder and bluefish.

A notable amount of commercial black sea bass harvest comes from federal waters. For example, during 2010-2019, an average of 64% of commercial black sea bass landings from Maine through North Carolina came from federal waters and 17% from state waters. The remaining 18% of landings is categorized as "unknown" (source: NEFSC dealer data, i.e., "AA tables," which include landings from state and federal fisheries).

As noted in the public hearing document and Draft Addendum XXXIII, adding the state allocations to the Council's FMP would require transfers of quota among states to be managed by the National Marine Fisheries Service (NMFS), rather than the Commission. This would

place some additional restrictions on transfers that occur in the last two weeks of the year. Specifically, transfers after December 16 would be limited to unforeseen circumstances such as bad weather, mechanical failure, or an injury onboard. Transfers to avoid state-level overages and closures could not occur after December 16 if transfers are managed by NMFS. This should not represent a major impact as states should be closely monitoring their landings and taking action throughout the year as necessary to ensure that their quotas are not met before the end of the year, regardless of which agency manages transfers. In addition, the Council staff recommendation for no change to the current requirement for states to pay back overages only if the coastwide quota is exceeded (i.e., sub-alternative 2B1) should help mitigate the need for late in the year transfers to account for minor state-level overages.

Council staff recommend no change to the current regulations requiring a federal in-season closure when the coastwide quota is projected to be fully landed (i.e., alternative 3A). To date, a federal in-season closure of the commercial black sea bass fishery has not been triggered. Therefore, there does not appear to be a need to change these regulations to reduce the likelihood of federal in-season closures. Compared to the other alternatives for federal in-season closures, this alternative is the least likely to result in a coastwide quota overage. Therefore, it is also the least likely to result in states needing to pay back state-level overages. As previously stated, under all alternatives, states should continue to closely monitor their landings and take action as needed to prevent state-level overages, which will in turn reduce the likelihood of a coastwide quota overage, a federal in-season closure, and future paybacks of state-level overages.

Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: **Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council**

FROM: **Caitlin Starks, ASMFC FMP Coordinator; Savannah Lewis, ASMFC FMP Coordinator; Julia Beaty, MAFMC Staff**

DATE: **November 18, 2020**

SUBJECT: **Public Comment on Black Sea Bass Draft Addendum XXXIII**

The following pages represent a summary of all comments received by ASMFC and the Mid-Atlantic Fishery Management Council (Council) on Black Sea Bass Draft Addendum XXXIII and the Council Amendment on black sea bass commercial allocation as of 5:00 PM (EST) on November 13, 2020 (closing deadline). Comment totals for the Addendum and Amendment are provided in the tables below, followed by summaries of the state public hearings, and letters sent by organizations and individuals. Please note a summary was not provided for the Virginia, Rhode Island, and Massachusetts public hearings as no public comment was given. Additional comments were submitted and are summarized below and included in the attached comments and public hearing summaries.

A total of 17 written comments were received on Draft Addendum XXXIII and the Council Amendment from individuals and organizations. Four organizations and 13 individual stakeholders and members of the commercial fishing industry submitted comments on the Addendum and Amendment.

Seven public hearings were held via webinar for individual or multiple states: Massachusetts, Rhode Island, Connecticut and New York, New Jersey, Delaware and Maryland, Virginia and North Carolina. 62 individuals are estimated to have attended the hearings, and an estimated 13 of these individuals provided comments pertaining to Draft Addendum XXXIII and the Council Amendment.

The following tables (pages 2-5) are provided to give the Board an overview of the support for specific management options contained in Draft Addendum XXXIII and the Council Amendment. The counts for each state were tallied based on the state an individual identified as being from rather than the webinar the individual attended. This was done because of some combined state webinars and the ability of participants to attend webinars for different states.

Public Comment Summary Tables: Draft Addendum XXXIII and Council Amendment

Allocation Approaches						
	Option A	**Option B**	**Option C**	**Option D**	**Option E**	**Option F**
Written Comments	**Status Quo**	**CT 5%**	**DARA**	**Trigger**	**CT NY Trigger**	**Percentage**
Individual	9	1		1	1	
Organization			1			
Form Letter						
Public Hearings						
MA						
RI						
CT		7				
NY						
NJ	1					
DE	2					
MD						
VA	1					
NC	1					
Total	14	8	1	1	1	0

C. DARA Sub-options									
	Final Weights		**% change per adjustment**		**Frequency of adjustments**		**Regional allocation adjustment cap**		
Written Comments	**C1-A**	**C1-B**	**C2-A**	**C2-B**	**C3-A**	**C3-B**	**C4-A**	**C4-B**	**C4-C**
Individual									
Organization	1		1			1			
Form Letter									
Public Hearings									
MA									
RI									
CT	1		1		1				
NY									
NJ									
DE									
MD									
VA									
NC									
Total	2	0	2	0	1	1	0	0	0

D. Trigger Approach Sub-options								
	Trigger Value		**Surplus Distribution**		**Regional Distribution**		**Static/Dynamic Base Allocations**	
Written Comments	**D1-A**	**D1-B**	**D2-A**	**D2-B**	**D3-A**	**D3-B**	**D4-A**	**D4-B**
Individual		1		1	2			
Organization								
Form Letter								
Public Hearings								
MA								
RI								
CT		1						
NY								
NJ								
DE								
MD								
VA								
NC								
Total	0	2	0	1	2	0	0	0

F. Percentage Approach Sub-options						
	Percentage initial		**Remaining % distribution**		**Regional distribution**	
Written Comments	**F1-A**	**F1-B**	**F2-A**	**F2-B**	**F3-A**	**F3-B**
Individual						
Organization						
Form Letter						
Public Hearings						
MA						
RI						
CT						
NY						
NJ						
DE						
MD						
VA						
NC						
Total	0	0	0	0	0	0

G. Regional Configuration		
	Option G1	**Option G2**
Written Comments	**2 regions**	**3 regions**
Individual	1	
Organization		1
Form Letter		
Public Hearings		
MA		
RI		
CT		
NY		
NJ		1
DE		
MD		
VA		
NC		
Total	1	2

3.2 Federal Management Options				
	Commission Only vs Council & Commission Management		**Sub-options: Paybacks under Council FMP**	
	Option A	**Option B**	**Option B1**	**Option B2**
Written Comments	**Status Quo**	**Council & Commission**	**Status quo**	**Always**
Individual	1	3	1	1
Organization	4	1	1	
Form Letter				
Public Hearings				
MA				
RI				
CT	1			
NY				
NJ				
DE				
MD				
VA				
NC				1
Total	6	4	2	2

	3.2.2 Federal In-season Closures		
	Option A	**Option B**	**Option C**
Written Comments	**Status Quo**	**Quota + 5%**	**ACL**
Individual	2		
Organization			
Form Letter			
Public Hearings			
MA			
RI			
CT			
NY			
NJ			
DE			
MD			
VA			
NC			
Total	2	0	0

Additional Comments:

The majority of individuals that commented were frustrated with the complexity of the document, and were concerned that they were not able to provide better comments. One specific comment was that the options were too complicated to even consider, and that they involve counting and redistributing fish with no consideration for peoples' livelihoods. Most of the individuals that expressed frustrations also supported status quo.

Fourteen individuals endorsed status quo because of fears of overfishing and undercounting of fish, because the quota is still being caught in states that would lose quota, and based on the rationale that the biomass has not shifted north but rather expanded. There was also concern about commercial quota being moved to states that allow for recreational industry participants to buy state license authorizations to sell black sea bass.

One individual from New Jersey expressed that they would like to keep status quo because all of the other options steal quota from New Jersey. They stated that in the past New Jersey gave away a portion of its allocation to other states that requested it, even with a strong commercial fishery. This was done without the input of the commercial fishery, and the industry does not want to give up any more.

A few individuals were concerned about the timing of this addendum, and expressed that this is not the year to change things. They prefer to maintain status quo until economic impacts for commercial fisherman can be discussed.

Some individuals and the Atlantic Offshore Lobstermen's Association support revising state-based allocations due to unnecessary discard driven by a distribution shift and small quotas. Black sea bass are often bycatch in lobster pots, and the commercial industry would rather land them than throw them back.

Four participants indicated that the MAFMC should have more of a role in managing quotas than they currently do, while six individuals wanted only ASMFC to play a role in managing quota. Support for more MAFMC involvement comes from the thought that the majority of black sea bass landings come from federal waters, so it should be under federal oversight. Support for ASMFC was mainly because of the flexibility of management and concern about increased complexity under federal administration.

The Town Dock, based in Rhode Island, supports option C, the DARA approach, because it is flexible and shifts the quota to where the fish are. It is also based on science and is fair and equitable. However, one individual expressed strong opposition to the DARA approach, citing that is too overcomplicated and political.

Eight participants from Connecticut supported the increase to Connecticut quota. They supported this option based on increases in the amount of fish they are seeing, but they do not have the quota to land the fish. One individual mentioned seeing 10 times as many fish as he did 30 years ago, and another mentioned he had not seen so many fish in his life. A few others supported the increase because of the increased habitat and prey provided by the offshore wind farms. Another individual from Connecticut did not support the DARA approach because of a hesitation to change base allocations. He expressed support for the trigger approach because it could benefit low quota states without destabilizing norms.

Two commercial fishery participants from the southern region indicated the importance of the black sea bass fishery to themselves and their region. They say that it is one of the few fish that can be landed year round, and is often bycatch for other species. For example, in Maryland the black sea bass fishery supports commercial fisherman and local fish houses.

General Comments on Fishery Management:

One public comment suggested dramatically reducing the overall commercial harvest.

A few participants commented on the financial impact of ITQs on the rest of the fishery. With no landing limits, several ITQ permit holders land tens of thousands of pounds in a single day, flooding the markets. This disrupts the market and reduces the price for non-ITQ states.

One individual provided several comments on the SAW/SARC process, including considerations for essential fish habitat, human environmental stressors on habitat, climate change, shifts in the food chain, and socioeconomic considerations for black sea bass.

The East Hampton Fisheries Advisory Committee commented that they want more information on how historical allocations were made in states, and were unable to endorse any option because of this. They hope that any plan selected does allow for the East Hampton harvesters to maintain if not expand the fishery.

One individual wants to know if northern states will be giving back their commercial permits to southern states, because the historic landings for northern states can be directly traced back to southern boats.

One individual brought up the idea of a quota bank, where states that do not harvest their full quota can put unused quota into a bank. States would be able to pull from this bank the following year if they needed additional quota.

Addendum XXXIII Public Hearings

Virginia Webinar Hearing

October 8, 2020

1 Public Participant

Public: Sara Gibbs (Undergraduate - Northeastern)

Commissioners/Council Members: Chris Batsavage (NC), Pat Geer (VA), Michelle Duval (MAFMC)

Staff: Caitlin Starks (ASMFC), Savannah Lewis (ASMFC), Alexa Kretsch (VA), Alan Bianchi (NC), Jill Ramsey (VA), Shanna Madsen (VA), Julia Beaty (MAFMC)

Only state and federal agency staff, commissioners and council members, and one undergraduate student attended. No comments were given.

Addendum XXXIII Public Hearings
North Carolina Webinar Hearing
October 13, 2020
4 Public Participants

Public : Peter Consiglio, Harry Doernte (VA), Mark Hodges (VA), Julie Evans (NY)
Commissioners/Council Members: Chris Batsavage (NCDNR), Pat Geer (VMRC), Sonny Gwin (MAFMC), Tony DeLernia (MAFMC), Dewey Hemilright (MAFMC)
Staff: Caitlin Starks (ASMFC), Savannah Lewis (ASMFC), Alexa Kretsch (VMRC), Alan Bianchi (NCDNR), Michelle Duval (MAFMC), Julia Beaty (MAFMC), Meredith Whitten (NCDNR), Shanna Madsen (VMRC), Brandi Salmon (NCDNR), Lorena de la Garza (NCDNR)

Four members of the public were on the webinar hearing. There were few comments and questions, mostly coming from a member of the public and advisors for the MAFMC. All active participants expressed concern over the complexity of the document. One member of the public and one advisor supported status quo for the commercial fishery because of the importance of the black sea bass fishery to the region.

Public Comment Summary

Mark Hodges (Commercial fishery participant, VA)

- Supports status quo because they believe that the stock has only expanded and not shifted north because they have reported more fish this fall than in prior years.
- Believes that the northern states are taking commercial quota and then turning it into recreational quota.
- Worried about more quota going to states that have lower trip limit fisheries.
- Voiced support for B2, saying that states should payback overages no matter what. Believes that when states go over quota it hurts the market for the other states.
- Expressed concern about the complexity of the document.

Dewey Hemilright

- Voiced concerns over the complexity of the document, and that participants need additional time to review options and provide comments. Concerned that the document may be too complicated for fishermen.

Sonny Gwin (Commercial fishery participant, MD and DE)

- Noted that the black sea bass is probably one of the most important commercial fisheries in federal waters, and it is the only fish landed year round, 12 months out of the year.
- Indicated that webinar's do not feel the same as in person, and that information is not as readily absorbed.

Addendum XXXIII Public Hearings

Maryland and Delaware Webinar Hearing

October 14, 2020

2 Public Participants

Public: Wes Townsend (DE), James Fletcher (NC)
Commissioners/Council Members: Mike Luisi (MD), John Clark (DE), Sonny Gwin (MAFMC), Michelle Duval (MAFMC)
Staff: Caitlin Starks (ASMFC), Savannah Lewis (ASMFC), Steve Doctor (MD), Jason Boucher (DE), Erik Zlokovitz (MD), Alan Bianchi (NC), Angel Willey (MD)

Two members of the public participated. There were a few questions clarifying the DARA approach, but the participants expressed concerns over the impact removing quota from Maryland and Delaware would have on the commercial fisheries there.

Public Comments

Wes Townsend (commercial industry participant, DE & MD):

- Taking quota away from Maryland and Delaware would create hardships for the fishery.
- Wanted to know why the historical allocations looked so low with the DARA approach, and had specific questions about Option C1-C and Option D. Concerned that DARA didn't credit the historical fishery enough.
- Expressed support for *Option A, Status Quo*, because black sea bass is the biggest fishery Delaware and Maryland have and the commercial industry is still catching their quotas.

James Fletcher (representing the United National Fisherman's Association, NC):

- Disagreed with the heavy use of acronyms.
- Wanted to know if the northern states would be giving the southern states back their quota and permits. He thinks they should at no cost to southern boats. Historic landings for northern states can be traced back to southern boats.
- Expressed concerns over the NMFS survey, that it doesn't sample a key location of rocks 50 fathoms north of Norfolk Canyon.
- Wants to know what NMFS doesn't require electronic reporting of black sea bass in the EEZ.
- Expressed support for *Option A, Status Quo*, on behalf of himself and the United National Fishermen's Association.
- Recommended that if the council or ASMFC does anything to change the quota and move it north, then commercial trawlers that lost permits due to the cuts in quota have a chance to get them back. Many of the boats in their region had given up their permits because they could no longer afford them due to the expense of the permits and too low of a quota to make enough money.

Addendum XXXIII Public Hearings
Connecticut and New York Webinar Hearing
October 15, 2020
12 Public Participants

Public: Daniel Malone (CT), Gary Yerman (CT), Joesph Gilbert (CT), Robert Smith (CT), Roy Miller, Sid Holbrook (CT), Michael Plaia (CT), Joel Lizza (CT & NY), Peter Consiglio (CT), DJ King (CT & NY), Julie Evens (NY)
Commissioners/Council Members: Tony DiLernia (MAFMC), Wes Townsend (MAFMC), Emerson Hasbrouck (ASMFC), Dan Farnham (MAFMC), Michelle Duval (MAFMC), Maureen Davidson (NY), Justin Davis (CT)
Staff: Caitlin Starks (ASMFC), Savannah Lewis (ASMFC), Colleen Bouffard (CT), John Maniscalco (NY), Matthew Gates (CT), Renee St. Amand (CT), Alan Bianchi (NC), Greg Wojicik (CT)

Comments were made by 11 participants. The overall consensus was the more black sea bass are being seen now than ever, and Connecticut needs more quota. Participants agreed that the biomass was expanding into the northern waters, and that the fish are established. Some members mentioned that they want ASMFC to have full control over black sea bass.

Comments Related to State Allocation Options

Michael Plaia (Advisor from Connecticut):

- Thinks that the Council should stay out of the process because it makes it too unwieldy. ASMFC should have sole decision making power.
- Has not seen this many sea bass ever. It's not a migration, but they are breeding in the canyons offshore and are now native fish. It is an expanding biomasss, and ASMFC needs to recognize that.

Peter Consiglio (Commercial trap fishery participant, Connecticut):

- The water temperatures in July and August are a booming time to catch black sea bass. They need higher quotas in the spring and summer time because they are doing more damage throwing fish overboard than landing them.
- Over the years, there has been a rise in juvenile black sea bass and now they are seeing marketable fish. Now they are breeding

Robert Smith (Commercial fishery participant, Connecticut):

- Supports an increase quota for Connecticut, and thinks that there should be individual triggers for recreational and commercial quotas.

Joel Lizza (Commercial fishery participant, Connecticut and New York):

- 30 years ago, he didn't see black sea bass in New York, but now he can catch hundreds of pounds in a day. Fish are showing up mid sound in Gilford, both in New York and Connecticut waters. Late May to early July, they are seeing more and more bass each year until mid-August. This year they have seen 10x more than they used to see. Concerned about the increase in black sea bass predation on lobster.

Sid Holbrook (Commercial fishery participant, Connecticut):

- Support for Connecticut to get at least 5%, if not more. Also expressed support for *Options C1-A, C2-A, C3-A, and D1-B.*
- Supports yearly increases and the tie between assessments. Also expressed concern of predation on lobsters by black sea bass.

DJ King (Commercial fishery participant, Connecticut and New York):

- Temperature shifts have increased the amount of black sea bass than historically landed, and we need an increase in allocation, at least double what is available now. There isn't a lot of quota available to catch, and they need to make it a target fishery like the southern states.

Joesph Gilbert (Commercial fishery participant, Connecticut):

- Supports giving Connecticut more quota, along with New York. Historical landings have biased the system, and he would like to land fish in his state instead of other states.
- Wants to take unused quota to benefit other states.
- Windfarms are creating more habitat for black sea bass and their prey, and it will bring more fish their way.

Tony DiLernia (Advisor, New York):

- Document was difficult to get through.
- Question about whether the stock was shifting north or the range was expanding.
- Thinks that the level of black sea bass has leveled off south of Hudson Canyon but isn't decreasing.
- Participated in an offshore wind seminar that found black sea bass were eating crabs found on the windfarms rather than lobsters.

Julie Evans (Representative of the East Hampton Fishery Advisory Committee):

- Wanted to know why states that had historically overfished their quotas were getting other states allocations, specifically the New Jersey allocation. New Jersey had to borrow from other states.
- If one state goes over, will other states be impacted?
- Plans on providing written comment

Daniel Malone (Commercial fishery participant, Connecticut):

- Agrees with several comments, and will spend more time reading the document before providing written comment.
- Would like to see the quota adjusted every year
- Does not want NOAA involved in any way because they take too long to get anything done, and he likes the state flexibilities.
- Has also seen the increases in black sea bass, and would be happy with 5% but doesn't think that is enough for Connecticut. Thinks it should be up near 11% or 12%.

Gary Yerman (Commercial fishery participant, Connecticut):

- Believes that a minimum of 5% is on the small side, and it should be more like 10%.
- If they have all of the black sea bass and other states aren't catching all of their quota, then why can't we have a quota bank that states can borrow from? States aren't utilizing their quota, so it should carry over is not used and go into that quota bank.

Addendum XXXIII Public Hearings

New Jersey Webinar Hearing

October 27, 2020

7 Public Participants

Public: Scot Mackey (NJ), Jeff Kaelin (NJ), Mike Plaia, Carl Howard (NJ), Greg DiDomenico (NJ), James Lovgren (NJ), Michael Monteforte (NJ)

Commissioners/Council Members: Joe Cimino (NJ), Anthony DiLernia (MAFMC), Adam Nowalsky (Council/ASMFC), Dan Farnham (MAFMC), Michelle Duval (MAFMC), Peter Clarke (MAFMC), Nichola Meserve (Commission),

Staff: Caitlin Starks (ASMFC), Savannah Lewis (ASMFC), Chad Power (NJ), Heather Corbett (NJ), Jeffrey Brust (NJ), Joshua O'Connor (NOAA), Mike Celestino (NJ), Alan Bianchi (NMFS)

Seven members the public attended the hearing. Five attendees said the document was complex, and they would be providing written comment after taking more time to review. Four participants had questions about stock distribution, focusing on whether the stock had shifted or was expanding. Participants also asked for more examples of state quotas under different scenarios. One participant provided comment, below.

Public Comment Summary

James Lovgren (Commercial fishery participant, NJ):

- Supported *Option A, Status Quo*, but recognized that probably will not happen.
- Strongly opposed to *Option C, DARA Approach*, because it is overcomplicated and political.
- The main issue from the New Jersey standpoint is that New Jersey should not take any cuts to their allocation. New Jersey had previously given up 10-18% of the quota to other states in the original amendment, and they should not lose anymore.
- Would like more involvement of the MAFMC because the large majority of black sea bass are caught in federal waters.
- Supported *Sub-option G2*, for New Jersey as a separate region, because the biomass is centered off New Jersey.
- Claimed that most fish landed in southern states are actually caught in the waters off of New Jersey to Rhode Island, and asked for the Council and Commission to look at where the boats are harvesting fish compared to where they land the fish.
- Expressed dislike of ITQ fishery systems, and suggested that the Council and Commission move quota to active fisheries instead of inactive ITQ fisheries with latent quota.
- Wanted to know where the majority of black sea bass were actually being caught and what states the boats were landing in.

Addendum XXXIII Public Hearings

Rhode Island Webinar Hearing

October 28, 2020

5 Public Participants

Public: Christopher Sarro, Kate Almeida, Michael Monteforte, Roy Barlow, Thomas Heimann

Commissioners/Council Members: Eric Reid (RI), Dan Farnham (MAFMC), Michelle Duval (MAFMC),

Staff: Caitlin Starks (ASMFC), Savannah Lewis (ASMFC), Alan Bianchi (NMFS), Jason McNamee (RI), John Lake (RI), Scott Olszewski (RI), Nichola Meserve (MA), Corinne Truesdale (RI)

Five members the public attended the hearing. No participants provided comments. One question was asked about the process for approval of the addendum, which staff will follow up.

Addendum XXXIII Public Hearings

Massachusetts Webinar Hearing

October 29, 2020

2 Public Participants

Public: Michael Pierdinock (MA), Luciano Mascari (MA)

Commissioners/Council Members: Nichola Meserve (Board), Raymond Kane (Board), Chris Batsavage (Board-NC), Mike Armstrong (Board), Michelle Duval (MAFMC), Dan Farnham (MAMFC)

Staff: Caitlin Starks (ASMFC), Savannah Lewis (ASMFC), Sam Truesdell (MADMF), James Cullen (MA), Alan Bianchi (NC DMF), Jared Silva (MA)

Two members the public attended the hearing. No participants provided comments. One participant had a question about clarifying the difference between the trigger approach and the percentage approach. A Commissioner had a question about how the trigger would work, and who would vote on it. A member of the public wanted to know if minimum sizes would increase in the state of Massachusetts.

ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

Grant Moore, President
exec@offshorelobster.org

David Borden, Executive Director
dborden@offshorelobster.org

23 Nelson St Dover, NH 03820 | P: 603-828-9342 | www.offshorelobster.org | *heidi@offshorelobster.org*

October 8, 2020

Caitlin Starks, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200 A-N
Arlington, VA 22201

Dear Ms. Starks,

I'm writing as representative of the Atlantic Offshore Lobstermen's Association to provide comments toward the Commission's Draft Addendum XXXIII to Black Sea Bass Commercial Management. As noted in our scoping document comments, 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 Association supports revising BSB state-based allocations. Since implementation of static state-based allocation management in 2003 the species distribution has shifted considerably and small quotas in some states coupled with increased BSB abundance creates unnecessary discard. These discards could be avoided if the quota system was realigned in response to shifting distributions.

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.

As to including state specific commercial allocations in the federal FMP managed by MAFMC and NOAA, we don't think it is warranted or valuable at this time. We 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 Council process. Finally, shifting interstate quota transfers from Commission to NOAA Fisheries purview would certainly make in-season management more difficult and less flexible. We have no objections to inclusion of the federal managers in deliberations on coastal allocation issues, but duplicate and redundant regulations are unwarranted.

Thank you for the opportunity to comment.

Heidi Henninger
Program & Science Manager

45 STATE STREET | PO BOX 608
NARRAGANSETT, RI 02882

November 5, 2020

Caitlin Starks, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200 A-N
Arlington, VA 22201

Dear Ms. Starks,

Please find below our preferred alternatives for the Black Sea Bass Commercial State Allocation Amendment.

The Town Dock prefers the Alternative C, the Dynamic Adjustments to Regional Allocations (DARA) approach. This approach is extremely flexible and shifts the quota to where the fish are. Not only is this approach based on science, but it is also both fair and equitable, not showing favorability to one state over another.

Under Alternative C we support the following sub-options:

1. Sub-Alternative C1-A. At the end of the transition phase the allocations will be based on 90% of the stock distribution and 10% on the initial allocation. This alternative ultimately reaches the goal of this Amendment, by allocating the quota to where the stock is distributed.
2. Sub-Alternative C2-A. This alternative would the favor a slower transition of 5% per adjustment. This would allow for markets and processors to absorb any changes that will come with any changes in quota.
3. Sub-Alternative C3-B. Under this Alternative, adjustments to the allocations and stock distribution would occur every other year. This is the slower of the two adjustment rates, but for the same reasons I stated in C2-A it gives markets and processors time to absorb any changes.

Under Alternative G we support the following Sub-Alternative:

1. Sub-Alternative G2. This Alternative would create three regions 1) ME-NY, 2) NJ and 3) DE-NC.

TOWNDOCK.COM
INFO@TOWNDOCK.COM
PH 401-789-2200 | FAX 401-782-4421

45 STATE STREET | PO BOX 608
NARRAGANSETT, RI 02882

Regarding 3.2.1 Alternatives for adding allocations for adding state commercial allocations to the FMP we support Alternative A: Status Quo, that the commercial state allocations included only in the Commissions FMP. If the MAFMC should become involved there would be a requirement for joint action on issues. This makes discussion and voting more complicated and complex. How allocations are handled now is efficient and should remain as such.

Thank you for taking the time to consider our recommendations.

Sincerely,

Katie Almeida
Fishery Policy Analyst

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INFO@TOWNDOCK.COM
PH 401-789-2200 | FAX 401-782-4421

Comments

From: Julie Evans <jevansmtk@gmail.com>
Sent: Friday, November 13, 2020 8:18 PM
To: Comments
Subject: [External] Black Sea Bass Addendum XXXlll

The East Hampton Fisheries Advisory Committee has considered the ASMFC and MAFMC Draft Addendum XXXlll/Black Sea Bass Commercial State Allocation Amendment and makes the following comments and observations. It is hard to endorse the expansion of any particular plan option when there is considerable concern about the way the historic allocations were made in NYS and in the other states. The EHFAC would prefer to have this information before committing to any particular allocation scheme that becomes part of the ASMFC or the MAFMC fishery management plan or becomes a component of any new regulation or layer of government focusing on adding the burden of more regulation on the fishing industry. The new proposals are intriguing however and the dynamic allocation partially based upon regional stock distribution and partially based upon historic allocation may eventually rise to the top as an idea worth considering. However, we are not there yet as a committee ready to endorse this or any other of the options. It is our hope as the biomass moves northward that a plan which allows our East Hampton fishermen to maintain if not to expand this fishery in order to feed both the economic needs of industry and to consistently meet the demand to supply wild seafood to the people without disruption. This statement was written on behalf of the EHFAC by Capt. Julie Evans who was recently appointed and now officially represents the EHFAC.

Caitlin Starks

From: Beverly Lynch <braelynch@gmail.com>
Sent: Thursday, September 10, 2020 9:56 AM
To: Comments
Subject: [External] black sea bass addendum XXXIII

We are for Option I, Status Quo.

Of all years to change anything! The markets disrupted, quotas not landed and fishermen suffering. How many fishermen are going to be able to use these webinairs?
Your science shows a decline in seabass spawning stock biomass in the north since 2014. (figure I) By the time you change quotas, sea bass stock will have changed.
You shouldn't take quota from fishermen who have been landing it (until this awful year) and depending on it and give it to someone else who has never landed it.
Your alternatives are too complicated to even consider. They involve counting and redistributing fish with no consideration of people's livelihoods. Fish move and so do boats.

State quotas were a bad idea. Quotas should be allocated to individual fishermen as was done in Maryland, Delaware and Virginia. These individual quotas should be federal.

Beverly R. Lynch
Edward T. Smith

Painter, VA

Caitlin Starks

From: ejcpoker@aol.com
Sent: Thursday, September 10, 2020 5:31 PM
To: Comments
Subject: [External] Black Sea Bass regulations

It seems as soon as the fishing populations start increasing , people want to increase the allocations. The reason and purpose of the increase was because of the strict regulations. The populations have not bounced back to previous levels prior to the year 2000. Please don't change anything!

Caitlin Starks

From: Jean Public <jeanpublic1@yahoo.com>
Sent: Monday, September 14, 2020 11:34 AM
To: Caitlin Starks
Subject: [External] Fw: ASMFC and MAFMC Schedule Public Hearings on Draft Addendum XXXIII/Black Sea Bass Commercial State Allocation Amendment - public comment on your below proposals

----- Forwarded Message -----
From: Jean Public <jeanpublic1@yahoo.com>
To: Mid-Atlantic Fishery Management Council <contact@mafmc.org>; comments@asmfc.org <comments@asmfc.org>; cstark@asmfc.org <cstark@asmfc.org>; information@sierraclub.org <information@sierraclub.org>; info@epwtrusts.org <info@epwtrusts.org>; info@peta.org <info@peta.org>; katherine.schatzmann@hsus.org <katherine.schatzmann@hsus.org>; info@idausa.org <info@idausa.org>; info@cok.net <info@cok.net>; info@nyclass.org <info@nyclass.org>; westchesterhumane@gmail.com <westchesterhumane@gmail.com>
Sent: Monday, September 14, 2020, 01:04:17 PM EDT
Subject: Re: ASMFC and MAFMC Schedule Public Hearings on Draft Addendum XXXIII/Black Sea Bass Commercial State Allocation Amendment - public comment on your below proposals

we shoudl not increase any takings or harvesting. we need to ut the entire harvest down to 1,000 mt. that shoudl be the limit of commercial fishing. all states should get an equal amount. they then can trade among themselves. that is the fairest way. this is my comment for the below proposed policy. this cmoment is for thepublic record. please receipt. jean publiee jean public1@yahoo.com

On Wednesday, September 9, 2020, 01:01:47 PM EDT, Mid-Atlantic Fishery Management Council <contact@mafmc.org> wrote:

View this message in your browser


September 9, 2020

Comments

From: info
Sent: Monday, November 2, 2020 9:31 AM
To: Comments
Subject: FW: Thank you for attending Black Sea Bass Addendum XXXIII Public Hearing (October 2020)

From: michael monteforte [mailto:mike.monteforte@hotmail.com]
Sent: Friday, October 30, 2020 6:02 AM
To: info <info@asmfc.org>
Subject: [External] Re: Thank you for attending Black Sea Bass Addendum XXXIII Public Hearing (October 2020)

Good morning

The whole issue with black Seabass is very important to me, because it is one of my primary fisheries.
To that point, to further understand what is about to happen to this fisheries by way of an increase or decrease, I felt it necessary to attend the meeting. I thought it would be complicated so I listened to the same program in New Jersey and in my home state of Rhode Island. I still am not sure of what direction I would support, because I still do not fully understand The proposal.

I continued to fish for black sea bass this whole year. There seems to be a huge biomass of Seabass and an abundance of small recruitment Seabass in our area. Which I find very encouraging.
The webinar program was very well done!

Thank you for making the future changes to the Fisheries regulations available to me and other fisherman.

Have a great day!

Michael Monteforte

On Oct 29, 2020, at 8:01 PM, Webinar Staff 2 <customercare@gotowebinar.com> wrote:

Comments

From: Jean Public <jeanpublic1@yahoo.com>
Sent: Monday, November 9, 2020 5:37 PM
To: Comments; cstark@asmfc.org; tina.berger@mafmc.org
Subject: [External] Fw: Reminder: Nov 13 Deadline to Submit Comments on the Draft Addendum XXXIII/Black Sea Bass Commercial State Allocation Amendment

the present quota shoudl be cut by 50% immediately to prevent overfishing. the population needs to be sustainable. the commercial fishing fleet steals and you have such little amount of law enforcement you dont catch any of it. and they are killign dolphins and other animals because they eat fish. this commetn is for the public record. please receipt. jean publiee jean public1@yahoo.com

----- Forwarded Message -----
From: Mid-Atlantic Fishery Management Council <contact@mafmc.org>
To: "jeanpublic1@yahoo.com" <jeanpublic1@yahoo.com>
Sent: Monday, November 9, 2020, 03:13:09 PM EST
Subject: Reminder: Nov 13 Deadline to Submit Comments on the Draft Addendum XXXIII/Black Sea Bass Commercial State Allocation Amendment

View this message in your browser

November 9, 2020

Reminder: Submit Comments on the Draft Addendum XXXIII/Black Sea Bass Commercial State Allocation Amendment by November 13

As a reminder, the deadline to submit public comments on the Atlantic States Marine Fisheries Commission's Black Sea Bass Draft Addendum XXXIII and the Mid-Atlantic Fishery Management Council's Black Sea Bass Commercial State Allocation Amendment is this **Friday, November 13, 2020, 11:59 p.m. (EST).** The draft amendment and addendum propose alternative approaches for allocating the coastwide black sea bass commercial quota among the states. This action also considers changes to federal regulations and Council management of state allocations.

Comments

From: Paul <tok67@verizon.net>
Sent: Tuesday, November 10, 2020 8:13 AM
To: Comments
Subject: [External] Black Sea Bass Addemdum XXXIII

Good morning ,
My recommendation is to leave the status QUO for all states and Quaota's. I also suggest allowing the sea bass to be added to the federal multi species A & B licenses
Thank for reading
Paul

Comments

From: David Duncan Dow <ddow420@comcast.net>
Sent: Wednesday, November 11, 2020 6:12 PM
To: Comments
Cc: David Duncan Dow
Subject: [External] Black Sea Bass Addendum XXXIII

I am a retired marine scientist and grassroots environmental activist living on Cape Cod and wanted to submit comments on the Black Sea Bass
Commercial State Allocation Amendment. Black Sea Bass (BSB) and Summer Flounder are moving into Nantucket Sound, while Winter flounder &
American lobster are moving either further offshore or Northeastwards into the Gulf of Maine. There has been a shift in forage fish prey as sea
herring population has collapsed and is being replaced by menhaden and other forage species from the Mid-Atlantic region (which are used as
lobster pot bait). Since the Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council manage Black Sea Bass
throughout their range, the commercial allocations will have to be increased in southern New England. Since I retired from the Northeast Fisheries
Science Center's Woods Hole Laboratory in 2009, I don't know enough about the status of the commercial fishery for Black Sea Bass in state/Federal
jurisdictional waters to make specific suggestions on how the commercial allocations should be divided in face of the COVID-19 Pandemic health and
socioeconomic crises.

Instead I plan to focus my comments on SAW/SARC process which develops the quota for Black Sea Bass and the "Productive Capacity" of Essential
Fish Habitat for this species. I was the Recreational Fisheries Coordinator in the Northeast for a number of years and attended the Stock Assessment
Workshop/Stock Assessment Review Committee meetings for key recreational species. In addition, I served on the New England Fishery Management
Councils Habitat Plan Development Team which helped developed Omnibus Habitat Amendment 2 which was released in 2018. I also participated in the
EMaX (Energy Modeling & Analysis Exercise) project which developed a carbon flow model for the Northeast Continental Shelf Ecosystem. Finally I have
read the Executive Summary of the Ecosystem Status reports for the Mid-Atlantic and New England Regions which discussed human stressors like warming
waters; increased ocean acidity and ocean noise; conflicts from other human uses like ocean wind farms (with 20 to be built between North Carolina and New
England between now and 2030); shifts in managed species and their prey in space and time which influence recruitment; growth and natural mortality in
stock assessment models and allocations in the catch quotas between state (0-3 miles)/Federal (3-200 miles) jurisdictional waters and Massachusetts Ocean
Management Plan (0.3-3 miles).

Interactions between "Nitrogen Enrichment"; warming waters; increased ocean acidity and periodic anoxia in bottom waters during the Summer have effected
coastal finfish/shelfish habitats in coastal embayments adjacent to Nantucket Sound (i.e. Waquoit Bay watershed) and Cape Cod Bay (killing lobsters in their
pots). It is not apparent to me that the NOAA Fisheries SAW/SARC process includes these human environmental stressors in the stock assessments that
provide the basis BSB commercial quotas. For example, climate change effects the base of the marine pelagic food chain (microbial and grazing food chains)

& top down shifts in predation/competition as fish species and there prey shift in space/time. The current population dynamic models assume that the age
structure of the managed fish populations will reflect the effects of climate disruption in the COVID-19 era when the Bottom Trawl Surveys no longer take place.
As someone who lead two Task Forces on the NEFSC Monitoring & Ecosystem Survey programs, this doesn't appear to be a sound assumption. The same is
true for the assumption that the "Natural Mortality" component is constant in the midst of these human based stressors. The BOEM Cape Cumulative
Environmental Impact Assessment of the proposed 20 wind farms indicated potential effects on "Fisheries Management". The Ecosystem Status reports indicate
that shifts in the pelagic food chain will decrease the yield of Living Marine Resources as community respiration increases in a longer food chain (something born
out in the EMaX model). Thus the SAW/SARC quotas should be viewed with caution from my perspective.

Essential Fish Habitat for pelagic species needs to be modified to include the shifts in the food chain which reduce the yield of managed species. As the BOEM
MV Wind Supplemental EIS pointed BSB should benefit from the structures provides by ocean wind farms being constructed in Southeastern New England
(which would support increasing the commercial catch allocation locally). NOAA Fisheries assumes that ocean wind farms will negatively effects most pelagic
fish stocks. When I lived in Slidell, La many saltwater anglers used offshore oil/gas platforms to fishing sites (in spite of periodic spills and fires). You might want
to consider an adaptive, ecosystems-based management approach (a,EbM) to explore the consequence of shifts in the ecosystem which influence BSB and
other pelagic target species. This would include both bottom-up and top down shifted in EFH. There needs to be shifts in the NEFSC Monitoring and Ecosystem Surveys
To support the a, EbM (return continuous plankton surveys to the Gulf of Maine from vessels of opportunity or increased use of drones/underwater submersible vehicles
like the North Atlantic right whale surveys around a wind farm off the coast of New Jersey).

The one final point is that the socioeconomic studies on commercial fishing should include Environmental Justice issues in coastal communities and ecological economics
considerations on the effects of fishing on marine biodiversity and marine natural capital/ecosystem services. Here on Cape Cod we are losing our working waterfront to other
non-water related activities which will make it hard to continue commercial fishing into the future for smaller vessels. When I worked at the Fisheries Lab, I chaired a Gulf of
Maine Council on the Marine Environment Task Force on Fisheries & Aquaculture and we developed indicators on the Economic Multiplier Effects at the County level throughout
New England. This might help preserve the Working Waterfronts in small towns from inroads of tourist-based enterprises as young people move to cities/suburban areas for better
job opportunities. It is not easy to buy a house or rent a year round apartment here on Cape Cod, even if you work for the Federal Government. There is a Woods Hole Diversity
Advisory Committee that provides input to the scientific institutions on EJ concerns locally. Roughly 35% of the employees at the Fisheries Lab in Woods Hole are contractors who
require housing. When I worked at NASA's Earth Resources Laboratory at the Stennis Space Center in Mississippi we had 3-4 contractors for every civil servant. It is likely that the
post-COVID 19 world will feature more contractors replacing civil servants/full time employees with salaries & benefits

Thanks for your consideration of these comments.

Dr. David D. Dow
East Falmouth, Ma.

Comments

From: Jim Dawson <jimdawson1@verizon.net>
Sent: Wednesday, November 11, 2020 6:29 PM
To: Comments
Cc: ELLEN BOLEN; Jill Ramsey
Subject: [External] James Dawson black sea bass comments

Importance: High

I am a commercial "full time" black sea bass fisherman 12 months out of the year. You all may check that I personally may be the ONLY fisherman who fishes for them and places black sea bass on the market 12 months in a year.

1.) My vessels are "forced" to maintain records by "VTR". If anyone would just check these records and my own records to verify that the black sea bass population has grown and "expanded" in ALL areas. Our catch records "VERIFY" this.
2.) Mark Hodges records in Virginia Beach will also verify that our catch has substantially increased, not that they have moved north, but the overall stock size has expanded as our catch data verifies as FACT!
3.) Several northern states had a problem with catching their quota for 2020 which has not happened in the past, indicating a possible "peak" in the northern states stock size.
4.) "Jumbo bass" have not been as prevalent within the marketplace also indicating a northern fishery peak and year class loss not seen and as noticeable until 2020. This indicates "overfishing" within the northern states fishery and biomass.
5.) Our stock size within the southern "Mid Atlantic states" have lost over 90% of the sea bass "set gear" which has allowed our southern stock and biomass to dramatically increase. VTR records verify these statements as FACT.

Please do NOT allow adjustments that have serious and life altering impacts such as we have already witnessed currently in 2020. Increasing quotas and allocations simply lowers market prices and causes more pressures on fishermen and the species! We would ALL be better off fishing for less fish at a higher market price. More fish would then be available to each sector of fishermen. It is and has been a very bad decision to raise the quota levels and these decisions came from those currently attempting to make this one! Today, 11-11-2020, the price offered at the dock for a black sea bass fell below $1.00 to the boat! This fact crushes the "small fishermen" and we feel as though it may be by design. Yes, our stocks ARE growing, but damn, give them a chance to grow, you all did a good job and were slowly increasing the amounts. This doubling the amount and also not giving things until halfway through the year has caused difficulties that I believe SHOULD BE discussed MUCH further with respect to "economic impacts" that "legally" our commission and council members MUST follow.

At this point until those economic impact statements from fishermen such as myself are followed and received by each fisherman, we should stay at a "status quo" until we can discuss what impacts everyone has gone and suffered through.

I CANNOT agree that the overall stock has "moved north". My catch records verify that it has not and I personally have caught MORE than my own personal quota since Virginia started a historically based IFQ system. This fact alone indicates what Jimmy Rhule has stated over and over: "The sea bass stock has simply expanded in size, it has not moved".

Jim Dawson
Chincoteague, Virginia.

Comments

From: JACK STALLINGS <vagrumpy@aol.com>
Sent: Friday, November 13, 2020 9:11 AM
To: Comments
Subject: [External] Black Sea Bass Addendum XXXIII

I have been involved in the commercial BSB fishery since 1973, so about 47 years. It will take me at least that long to understand what I just tried to read in the 59 page amendment you posted.
Keep the quota Status Quo!
Thank you,
Jack Stallings
Virginia Beach, Va
Sent from my iPad

Comments

From: Joe <jdelcampo@cox.net>
Sent: Friday, November 13, 2020 2:37 PM
To: Comments
Subject: [External] Bsb management plan

My name is Joe Del Campo. I have been in the black sea bass fishery since the 1980s. I fish in the state oF VA. I choose status quo for section 3.1 option A.
If you choose a trigger management plan I choose option D1-B which uses a trigger of 4,500,000 pounds.
Section 3.2 I choose option A status quo.

Under Sub alternative I choose option B-2 where states always pay back their overages Section 3.2.2 I choose option A. Status quo no in season closures.

I have invested hundreds of thousands of dollars in Virginia BSB IFQ's. Should you choose to reallocate this quota I hope you have the means to compensate those of us who have significant investments in our quota. Thank you. Joe Del Campo

Sent from my iPhone

James Lovgren

FV Shadowfax

Nov 13,2020

COMMENTS REGARDING BLACK SEA BASS ALLOCATION AMENDMENT

Of the options offered in regard to the reallocation of sea Bass quota, I support Status Quo, primarily because of all the options offered they all will steal more quota from New Jersey. Steal is a harsh word, but its exactly what is being attempted. A little history lesson for the newby's on the council and commission, back in 2003 during the development of what was amendment 13 which in conjunction with the ASMFC created the state by state system which has allocated sea bass quota since that year, each state was proposed to receive an allocation based on their catch history during the time frame of 1980 to 2001. There were a number of different timeframes to choose from and each generally had a different percentage of quota which a state would receive according to the landings they had in any of the timeframes chosen. New Jersey's percentages ranged from a low of 28% to a high of 38% which was indicative of NJ's strong commercial sea bass fisheries, both trap and trawl. Somehow during lunch at the council /commission meeting to decide the fate of the amendment, New Jersey's state director decided that it was a good idea to give away New Jersey's hard earned quota to make a few cry babies to the north happy. So instead of getting a 30 % share, NJ gave away roughly 10% of the total commercial allocation to make other states feel better. And here they are back demanding more.

Let me give you an idea of what NJ gave away. With an average annual coastwide commercial quota of 4 million pounds that means NJ gave away 400,000 pounds every year from 2004 to present. If I use a very conservative average price over that time of $2.50 a pound, that means New Jersey fishermen gave away one million dollars worth of fish every year for a total around 16 million dollars. Let me be clear, Mr Freeman did not ask any commercial fishermen for their thoughts on this matter he unilaterally gave the fish away, as a Council member at the time I was livid over this unwarranted give away, {and he didn't ask me about this idea until after the fact]. So my position and I'm sure every fisherman in NJ believe that we should not give up another pound of quota. Remove us from consideration, or else give us back some of the quota that we rightfully were supposed to receive, and then take that. During the development of the original summer Flounder plan I didn't hear North Carolina or Virginia offer to give away any of their quota, for any reason, and just recently they fought tooth and nail to retain as much quota as possible from the northern raiders.

Fair and equitable management isn't fair if the ASMFC arranges voting blocks to be able to transfer quota from one state to another by taking from those with the largest fisheries and giving it to other states who never had much of a fishery, so that they will vote for the thievery. With that in mind I support more involvement of the MAFMC in the state by state management system, after all over 90% of Black Sea Bass commercial landings come from federal waters, so its amazing how this plan ever came into place in the first place, but we all know its because the ASMFC has the ability to utilize state by state management plans, while the MAFMC does not.

If the stock has shifted to the north its hard to tell in New Jersey, because we are flooded with them. In over 45 years of fishing I have never seen Sea Bass as plentiful as they are right now, and every year just gets better in regard to the stock, The over all quota should be raised, it is artificially low, and raising it to something resembling a reasonable MSY figure would alleviate some of the need to change allocations. There is something that the council and commission should consider doing that would be a help to almost all the states and their fishermen and would help keep the price stable. Presently Virginia and Maryland manage their quota by an ITQ system, I don't think that Maryland even has an active sea bass fisherman at this point, those with state granted quota are simply leasing it out by the pound, while they count their cash without doing anything. I don't know the present situation in regard to how many active Sea Bass fishermen are working in Virginia under their state ITQ system, but a large amount of that quota has been leased to out of state boats over the last few years. This week alone northern fishing vessels utilizing Maryland and Virginia ITQ poundage had individual landing in the order of, 30,000, pounds, 25,000 pounds and 15,000, a piece, days later in one case the buyer is still trying to sell these fish and price has dropped below a dollar a pound average. [The vessel with the 30,000 pound trip caught those fish in only two days of fishing, that's an insane catch rate]. ITQ fisheries disrupt the market and harm all fishermen, except the lazy dogs renting it out. So if northern states want more quota, let them buy it from Maryland and Virginia at a fair market value that would compensate the present ITQ holders. A system like this exists in Scallops, quota can be leased for a year or sold forever to anyone who has the money. Create a system where the states that need the quota can buy it from the states that don't really utilize it. The purchasing states could set up some type of fee to pay for the quota over time by those utilizing it, [perhaps a 10 cent a pound landing fee on BSB until the purchase price is paid off.]

All the fishermen along the coast are being financially hurt by these huge ITQ landings that destroy the market for weeks at a time. Perhaps its time for a federal maximum trip limit of 7,500 pounds so that all participants can fairly compete and not be unfairly advantaged by these huge ITQ trips. Something needs to be done and now's the perfect time to do it.

Thanks, Jim Lovgren

FV Shadowfax

Comments

From: Joe Gilbert <hiddenemp@aol.com>
Sent: Friday, November 13, 2020 4:21 PM
To: Comments
Subject: [External] Draft Addendum XXXIII

RE: BSB draft addendum #33

Thankyou for the opportunity to comment.
I appreciate the creativity and effort that went into developing the draft Addendum #33.

It would seem simple to support 3.1B and have allocations as proposed in Table 2. Try this first.
Pg 10 3.1B
Increase CT to 5%. Even though it only impacts other states by a fraction of a percent I think it is likely to be opposed by states taking the reduction.
If 3.1B does not get support, then I move to the position detailed below.

State quotas and fishermen's access to resource are historic positions that were hard earned over many years. I expect that states with larger quota shares and the fishermen that have permits to access that quota will vigorously defend from having their positions diminished.

I am active in the CT state water BSB fishery as well as the Federal waters fishery where we regularly land BSB into NJ, VA and NC. I, like others, have large investments in vessels and permits. I want to see CT benefit from BSB, however not at the expense of my NJ, VA and NC permit values. The goal is to increase CT Quota without taking quota from someone else.

Options that reduce or shift baseline quota will be destabilizing to the fishery. Current state quota allocations allow trawlers to land trips in distant ports. Sometimes these trips are profitable and sometimes they are not. Quota shifting would result in diminished economic viability for trawlers to visit distant ports and at some point forego marginal landings. Consequences to the ports must be considered also.

I do not think the DARA approach is right to do.
Iam resistant to base allocation change.

Support D Trigger approach. The option that could benefit low quota states without destabilizing current norms is the trigger approach. I support this because while BSB populations in the northern range are increasing, BSB in the southern rage is not decreasing. Therefore the established norm is based on something that still exists.

1. Trigger Value -
I support Sub option D1-A
The 3 million pounds represents a recent historical average that allows business as usual for all, before any surplus is distributed.

D2B is good dividing into regions would provide for surplus from region to redistribute without affecting the other region.

I strongly support E-5% to CT off the top.

D3A increase equally if E is not supported

G Regional Configuration - I support sub option G1 2 Regions

3.2.2 Sub option B-1 - Payback only if coastwise quota is exceeded. I would expect states to cooperate and keep account of "borrowed" quota to account for state or regional overages.

3.2.2 Again - in season closures-I support whichever option is most permissive of fishing effort and most lenient on overages.It is important to harvest these fish for ecologic balance and economic opportunity.

Respectfully submitted:
Joseph J Gilbert
Empire Fisheries
Stonington CT
203-606-2831

Comments

From: Sonny Gwin <sonnygwin@verizon.net>
Sent: Friday, November 13, 2020 7:03 PM
To: Comments
Subject: [External] Public comment - Black Sea bass Allocation

-

• Which proposed options/sub-options do you support, and which options/suboptions do you oppose?

I believe that the fair option would be to maintain the current state allocation percentages (status quo).

• Why do you support or oppose the option(s)?

The black sea bass fishery is one of the most important federal fisheries because black seabass are landed 12 months out of the year. Consumers depend on the year-round fishery for consumption while commercial fishermen from West Ocean City; Maryland's only ocean inlet, depend on them for their livelihood. Local fish houses rely heavily on the black seabass quota to remain open year-round which keeps community members employed. It is a very important fishery for the state of Maryland.

• Is there any additional information you think should be considered?

In reference to alternatives for adding state commercial allocations to the Council FMP, I support that commercial state allocations for black sea bass be included in both Commission and Council FMPs. Black seabass are a mainly a federal fishery, with over 70% of seabass caught in federal waters and therefore should be part of the Council's FMP. As a seabass fishery participant and a Council member, this topic impacts me, my family and the State of Maryland greatly.

-

From:	Squarespace
To:	Julia Beaty
Subject:	Form Submission - 2020-09 BSB Allocation Amd
Date:	Wednesday, November 11, 2020 2:38:20 PM

Sent via form submission from *Mid-Atlantic Fishery Management Council*

Name: Mark Hodges

Email: mlhodges56@verizon.net

Primary state(s) for black sea bass fishing activity:: Virginia

Comments: Mark Hodges, I am full time comm. BSB trap fisherman, I support status quo. The science that the northern states are basing this proposed % changes is false. The stock is expanding not shifting. There still exist large amounts of BSB below Wilmington NC, the Chesapeake bay is full of nice BSB all the way up into Maryland. I am having the best fall that I have had in a number of years. I have caught almost 19,000#s in Oct. and Nov. as of Nov. 11. It appears that there are not as many BSB in the northern states as there has been in the past because of Ma. just now closing, where in the past years they were never open for this long. My biggest problem with this quota grab is the use of the extra quota that the northern states may get. From Ney Jersey south the BSB quota is caught almost exclusively by full time commercial fishermen. If the northern states do get the extra quota a very high % of the quota will go to recreational who buy a state license authorizing them to sell BSB at very small trip limits, thus creating a nice financial windfall for these northern states, a 50# trip limit is not a comm. fishery. The vast majority of these fishermen do not have a comm. BSB license, because most of the fish come from state waters. Mark Hodges

From:	Squarespace
To:	Julia Beaty
Subject:	Form Submission - 2020-09 BSB Allocation Amd
Date:	Friday, November 13, 2020 3:50:12 PM

Sent via form submission from *Mid-Atlantic Fishery Management Council*

Name: Thomas Anderson

Email: tommya705@comcast.net

Primary state(s) for black sea bass fishing activity:: New Jersey

Comments: I'd like everything to stay at status quo. I feel that we gave away enough quota in the past and have no problem catching the quota available to us now.

Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

December 1, 2020

To: **Summer Flounder, Scup, and Black Sea Bass Management Board & Mid-Atlantic Fishery Management Council**

From: **ASMFC and MAFMC Summer Flounder, Scup, and Black Sea Bass Advisory Panels**

RE: **AP Review of Draft Addendum XXXIII Options and Public Comments**

ASMFC AP Participants: Jack Conway, Greg DiDomenico, Jim Lovgren, Mark Hodges, Marc Hoffman, Michael Plaia, Buddy Seigel

MAFMC AP Participants: Katie Almeida, Joan Berko, James Fletcher, Michael Pirri, Michael Plaia, Bob Pride, Harvey Yenkinson

Other Attendees: Chris Batsavage (NCDMF), Alan Bianchi (NCDMF), Emily Keiley (NOAA), Mike Luisi (MDDNR), Corinne Truesdale (RIDEM), Hannah Welch, Angel Willey (MDDNR)

Staff: Caitlin Starks (ASMFC), Savannah Lewis (ASMFC), Julia Beaty (MAFMC)

The following memo contains input from members of the Commission and Council's Summer Flounder, Scup, and Black Sea Bass Advisory Panels (APs) on Draft Addendum XXXIII and the Council Amendment on black sea bass commercial state allocations. The input provided is the opinion of individual advisors and does not represent consensus recommendations.

An AP webinar meeting was held on November 19, 2020 to review the management options presented in Addendum XXXIII and the Council Amendment. Thirteen AP members attended; seven from the Commission and seven from the Council (one is a member of both APs). Staff presented the options presented in the documents for public comment, a summary of the public comments received, and a draft socioeconomic impact analysis. Input and recommendations from individual AP members are summarized below.

Draft Addendum XXXIII/Council Amendment Comments

Greg Didomenico, representing Lunds Fisheries in New Jersey, supported status quo commercial state allocations (Option A under Section 3.1).

Michael Plaia commented that he holds a federal permit and license, but this year he did not fish at all because of COVID-19. He stated that given the pandemic there is no basis to change anything this year, as there has been no research on the status of the stock or a management track assessment. He thinks status quo should be maintained until we have better information. He also indicated support for management of the state allocations only under the Commission FMP (Option A under Section 3.2.1).

Bob Pride commented that he has spoken with a limited number of commercial and recreational fishery participants in Virginia, and they all support status quo allocations.

Katie Almeida commented that the Town Dock in Rhode Island supports the DARA approach (Option C under Section 3.1) for state allocations. The sub-options they support are C1-A, C2-A, and C3-B. For regional configuration, the Town Dock supports option G2, which creates 3 regions. They also support status quo for Commission-only management of the state allocations (Option A, Section 3.2.1.).

Joan Berko commented that New Jersey pot fishermen support status quo for allocations, because black sea bass is their primary fishery and livelihood.

Jim Lovgren stated that the Fishermen's Coop at Point Pleasant supports status quo for all measures. He added that he supports the idea of the quota bank that was presented in the public comments. In addition, he believes that since the majority of the commercial black sea bass landings come from the EEZ, MAFMC should manage the allocations (Option B, Section 3.2.1.). He stated that he is concerned with ASMFC controlling the allocations because they can play political games to steal quota from states with strong historical allocations, such as what happened with New Jersey's allocation when it was originally established. He said that New Jersey lost $16 million in income because of the quota that was given away to other states that wanted more quota.

Harvey Yenkinson agreed that the Council should be involved because the disparity in the regulatory processes between the two bodies is confusing, and we should be working toward uniformity in the fishery regulations.

James Fletcher commented that the United National Fisherman's Association is in support of status quo state allocations. He added that if other states want more fish, they should use enhancement programs to raise and release black sea bass in their own state waters, and that could justify an increase in their landings.

Mark Hodges, who is a trap fisherman in Virginia, also supported status quo for the state allocations. He added that the Council and Commission should get information about where quota that gets reallocated is going to go, because he could be more receptive to giving up a little bit if it was going to go to commercial fishermen, but he believes the majority is going to go to people who are essentially recreational participants who want to sell small amounts of landings. He stated that the northern states have small trip limits, which are not enough for a true commercial harvester to make a living. If reallocating quota is going to be an enhancement to the recreational fishery then it is just stealing from the southern states. He said that fishermen from New Jersey and further south are full-time fishermen, and that is why he is against transferring quota away from those states. Jim Lovgren also noted a concern with commercial hook and line fisheries in northern states taking away quota from "real" commercial fishermen.

General Comments

Harvey Yenkinson expressed concerns with the fishery being inefficient and producing waste. He said that as additional quota is available it should be allocated with the goal of reducing

discards, perhaps allocating to areas with increased abundance, or to more efficient gears like pots as opposed to trawls. He thinks the Council and Commission should consider gear and species distribution as factors to make fisheries more efficient, especially during times like now when there is more quota available.

Two advisors noted concerns about the federal trawl survey not being able to capture black sea bass habitat with rocky bottom, and therefore not providing adequate measures of stock abundance.

James Fletcher questioned the rationale of giving so much of the total allocation to the recreational industry when recreational anglers only make up 6% of the country's population. These comments referenced a separate ongoing action to consider revising the commercial/recreational allocations for summer flounder, scup, and black sea bass. Jim Lovgren responded that the recreational allocation was determined based on historical recreational landings compared to commercial landings. James Fletcher also suggested that managers should look at how Japan and Norway are managing their species, because our management system is creating an import market rather than producing fish.

Several advisors expressed that they find Individual Transferable Quotas (ITQs) to be problematic. One said that they cause the public to not get their fair share of the fish. Another advisor commented that ITQ vessels will land large amounts of fish at a time in Virginia and Maryland, and the fish houses will have a hard time selling them all. When this happens, it disrupts the market for weeks at a time. He thinks there should be a federal possession limit of 7,500 pounds because otherwise it is a waste of the resource; the consumer does not see it because the dealers still charge the consumer the same amount, but the harvesters are not getting as much money. He reiterated that smaller trip limits would help this situation, and it is an important issue that the Council should address.

Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: December 4, 2020

To: Chris Moore, Executive Director

From: Julia Beaty, staff

Subject: Potential Impacts of Alternatives in Black Sea Bass Commercial State Allocation Amendment/Draft Addendum XXXIII

Introduction

This document summarizes a preliminary analysis of the potential impacts of the alternatives under consideration in the Mid-Atlantic Fishery Management Council's (Council's) Black Sea Bass Commercial State Allocation Amendment and the Atlantic States Marine Fisheries Commission's (Commission's) Draft Addendum XXXIII. Both actions consider the same alternatives, which are briefly summarized below. The alternatives as well as additional background information are described in more detail in the Council's public hearing document[1] and the Commission's draft addendum.[2]

Note that for ease of identification of the alternatives, a prefix of 1, 2, or 3 was added to indicate the alternative group as described in the public hearing document and Draft Addendum XXXIII. A prefix of 1 indicates an alternative associated with the state allocation percentages. A prefix of 2 indicates alternatives related to adding the state allocations to the Council's Fishery Management Plan (FMP). A prefix of 3 indicates alternatives associated with federal in-season closures.

The impacts of the alternatives are expected to be mostly socioeconomic in nature; however, the potential impacts on the black sea bass stock are also considered in this document. A more complete impacts analysis, including consideration of impacts on other components of the ecosystem such as non-target species, marine mammals, species listed as threatened or endangered under the Endangered Species Act, and marine habitats will be included in a forthcoming Environmental Assessment for the Council's amendment. Major impacts to these other components of the ecosystem are not expected as none of the alternatives are expected to have notably different impacts than the impacts of the overall coastwide quota. As described below, the alternatives may impact the spatial distribution of landings, though they will have lesser impacts on the spatial distribution of fishing effort, and they may impact discards, mostly in state waters fisheries; however, they are not expected to have notable impacts on the overall amount of catch or effort in the commercial black sea bass fishery, which will continue to be primarily driven by the coastwide quota. The impacts of the coastwide quota and landings limits

[1] Available at: https://www.mafmc.org/s/BSB_com_state_allocation_PHD.pdf.
[2] Available at: http://www.asmfc.org/files/PublicInput/BSB_DraftAddendumXXXIII_PublicComment.pdf.

are analyzed separately through the annual specifications process. This action considers only how to allocate the quota among states and other changes to how the quota is managed.

Table 1 summarizes the potential socioeconomic impacts of the alternatives. Potential impacts on the black sea bass stock are not summarized in the table as all alternatives are expected to have moderate positive impacts as the currently positive stock status should be maintained under all alternatives, as described in more detail later in this document.

Unless otherwise noted, socioeconomic impacts are evaluated with regards to potential future revenues for fishermen, commercial fish dealers, and support businesses. Actual revenues will be impacted by multiple factors in addition to the state quota allocations, including, but not limited to, the overall quota level, prices, and market demand. The impacts discussions below generally consider the state allocations in isolation and assume that these other factors will remain constant. They also assume that the commercial fishery will operate in similar ways as it has under the historical range of quotas through 2019. The 2020 commercial quota was the highest implemented for black sea bass, and the 2021 quota will be 9% higher than the 2020 quota. However, performance of the commercial fishery in 2020 is not representative of typical conditions as the fishery was greatly impacted by reduced market demand due to COVID-19 restrictions such as restaurant closures.

It is worth noting that the state quota allocations may have different impacts under different coastwide quota levels. For example, under high coastwide quotas, the state allocations will be less impactful than under low coastwide quotas.

Table 1: Summary of expected socioeconomic impacts of the alternatives.

Alternative	Expected Socioeconomic Impacts
1-A. No change in state allocations	• Continued moderate positive impacts for fishermen and dealers who have relied on black sea bass for notable amounts of their past revenues. • Some negative impacts for fishermen in states with currently low allocations but high black sea bass availability as avoiding or discarding black sea bass may negatively impact efficiency of the fisheries.
1-B. Increase CT allocation to 5%	• Positive impacts for CT due to increased potential revenues under increased allocation. • No impacts for DE and NY as their allocations would not change. • Slight negative impacts for all other states due to decreased allocations and decreased potential revenues (degree varies by state).
1-C. Dynamic Adjustments to Regional Allocations *(multiple sub-alternatives)*	• Many alternatives allow for a wide range of potential outcomes. Impacts will vary based on the specifics of any allocation changes. • Positive impacts for states with increased allocation percentages and negative impacts for states with reduced allocation percentages due to increased or decreased potential revenues from black sea bass landings. • Impacts may vary based on the scale and pace of change. Large and fast changes could cause short-term disruptions in the fishery and negative socio-economic impacts. Smaller and slower changes could have minor impacts. The optimum scale and pace of change may be a policy decision. • Most alternatives and combinations of sub-alternatives allow for consideration of tradeoffs associated with: o The benefits of predictability and stability (i.e., alternatives or combinations of sub-alternatives with greater reliance on historical allocations), and
1-D. Trigger approach *(multiple sub-alternatives)*	
1-E. Trigger approach with increase to CT and NY allocations first *(multiple sub-alternatives)*	
1-F. Percentage of coastwide quota distributed based on	

Alternative	Expected Socioeconomic Impacts
initial allocations *(multiple sub-alternatives)*	○ The benefits of aligning allocations more closely with distribution of the stock to increase fishery efficiency (i.e., alternatives or combinations of sub-alternatives with a greater reliance on recent distribution information). • Fishermen using trawl gear may be better able to take advantage of increased state allocations than pot/trap fishermen.
1-G. Regional configuration alternatives *(two sub-alternatives)*	• No meaningful socioeconomic impacts.
2-A. State allocations remain only in Commission's FMP	• Minor impacts compared to 2-B. Transfers after December 16 to prevent state-level overages could continue to occur through the Commission process.
2-B. Add allocations to Council FMP	• Minor impacts compared to 2-A. Transfers after December 16 would be limited to unforeseen emergency situations.
2-B-1. State overage paybacks only if coastwide quota exceeded	• Negative impacts due to potential lost revenues when paybacks are required. Impacts are less negative than under 2-B-2, which would require more frequent paybacks.
2-B-2. States always pay back overages	• Negative impacts due to potential lost revenues when paybacks are required. Impacts are more negative than under 2-B-2, which would require less frequent paybacks.
3-A. No changes to federal in-season closure regulations	• Negative impacts when an in-season closure is triggered, especially for states that have not fully landed their allocations. Closures could be triggered more frequently than under 3-B.
3-B. In-season closure at quota plus buffer	• Negative impacts when an in-season closure is triggered, especially for states that have not fully landed their allocations. Closures could be triggered less frequently than under 3-A.
3-C. In-season closure at ACL	• Negative impacts when an in-season closure is triggered, especially for states that have not fully landed their allocations. • Cannot compare potential frequency of closures to 3-A and 3-B due to uncertainty in how this alternative would be put into practice. • Additional negative impacts compared to 3-A and 3-B as closures may be harder to predict as NMFS would need to make assumptions about discards in-season.

Alternative Set 1: State Commercial Quota Allocation Percentages

The following alternatives are under consideration regarding the state commercial quota allocation percentages. Some alternatives include multiple sub-alternatives, which are not listed here. The alternatives and sub-alternatives are described in more detail in the Council's public hearing document and the Commission's draft addendum.

1-A. No action (status quo). This alternative would not change the current commercial state allocations.

1-B. Increase Connecticut's allocation to 5% from 1%. Varying amounts of allocation would be taken from all other states except Delaware and New York based on a specific proposal described in the public hearing document and draft addendum.

1-C. Dynamic Adjustments to Regional Allocations *(includes multiple sub-alternatives which are not listed here).* This approach involves a gradual transition to allocations based on

a combination of the initial allocations and regional biomass distribution information. The allocations would be regularly adjusted. For this reason, and because there are many sub-alternatives to set the scale and pace of change, this approach could have a wide range of outcomes and the outcomes could vary over time.

1-D. Trigger approach *(includes multiple sub-alternatives which are not listed here).* Under this approach, the coastwide quota up to a pre-determined amount (i.e., the "trigger") ranging from 3 million pounds to 4.5 million pounds would be distributed according to the base allocations and any surplus quota above that amount would be distributed either equally among states (except Maine and New Hampshire) or would be distributed in a way that accounts for regional biomass distribution.

1-E. Trigger approach with increase to Connecticut and New York allocations first. Under this alternative, any surplus quota above a 3 million pound trigger would first be used to increase Connecticut's allocation from 1% to 5%. Any remaining surplus would then be used to increase New York's allocation from 7% to 9%. Any additional remaining surplus would be divided among the remaining states based on the specific proposal described in the public hearing document and draft addendum.

1-F. Percentage of coastwide quota distributed based on initial allocations *(includes multiple sub-alternatives which are not listed here).* This approach would allocate a fixed percentage of the annual coastwide quota ranging from 25% to 75% using the initial allocations. The remaining amount would be distributed either equally among states (except Maine and New Hampshire) or would be distributed in a way that accounts for regional biomass distribution.

1-G. Regional configuration alternatives *(includes two sub-alternatives).* Alternatives C-F above require consideration of regional biomass distribution. This alternative set contains two alternatives for how to define the regions.

Socioeconomic Impacts of Alternatives for State Commercial Quota Allocation Percentages

Under the no action alternative (alternative 1-A), the current state allocations would remain unchanged and continued moderate positive socioeconomic impacts would be expected for fishermen and commercial fish dealers that have relied on black sea bass landings for noteworthy amounts of their income in recent years. These continued positive impacts may be greatest for fishermen who land their catch in states with higher quota allocations, and dealers based in those states, compared to those in states with lower allocations. Some continued negative socioeconomic impacts may be felt by fishermen who operate in states with currently low allocations but high black sea bass availability, as avoiding or discarding black sea bass may negatively impact the efficiency of their operations. However, in both cases, these positive and negative impacts under the no action alternative would not be different than the recent impacts of the current quota allocations, which have been in place since 2003. This would represent a continuation of the current positive impacts for some fishermen and dealers and negative impacts for others. Neutral impacts would be expected for fishermen who have not historically caught black sea bass and dealers that have not historically relied on revenues from black sea bass.

In general, under all alternatives which would modify the state allocation percentages, positive socioeconomic impacts would be expected for states with increased allocation percentages and negative impacts for states with reduced allocation percentages. These positive and negative impacts would mostly derive from increased or decreased potential revenues for commercial fishermen, dealers, and other commercial fishery support businesses. The magnitude of the impacts will depend on the magnitude of the change in allocation.

Price data from 2010-2019 (adjusted to account for inflation) suggest that higher landings can be associated with lower prices paid by dealers to fishermen in New Jersey through North Carolina (Figure 1). Therefore, the positive socioeconomic impacts of increased landings in those states could be partially, though not entirely, offset by a decrease in price. Price data show no strong relationship between price and landings in Maine through New York (Figure 1); therefore, an increase in landings in those states may not impact price. The relationship between price and landings in either region may change if future landings are much different (higher or lower) than they have been in the past, or if there are changes in other factors besides landings which impact price.

It is worth noting that the coastwide quota is regularly updated based on the best scientific information available. Commercial fishermen, dealers, and support businesses already experience year to year variation in revenues from black sea bass due to fluctuations in the annual coastwide quota, variations in price and market demand, and other factors. Changes in the state allocations may not have major impacts on revenues unless they result in changes that are outside the range of recent revenue fluctuations based on variations in the annual coastwide quota, prices, and other factors.

Although commercial fishermen and dealers must always make business decisions under uncertain future conditions, the state allocations provide some level of predictability. The allocations ensure that each state receives a certain percentage of the annual coastwide quota. Alternatives which use fixed allocation percentages (i.e., alternatives 1-A and 1-B if not used in combination with other alternatives) would provide a greater degree of predictability than alternatives which utilize variable or dynamic allocations (i.e., alternatives 1-C through 1-F). However, it is worth noting that all alternatives allow for some degree of stability and predictability as the allocations under all alternatives would always be at least partially based on the historical allocations. The details vary by alternative, as described in the Council's public hearing document and the Commission's draft addendum.

Predictability and stability in the allocations can be considered positive socioeconomic impacts. However, this could come at the cost of disparity between the quota allocations and local black sea bass availability, which can impact fisheries efficiency and therefore net revenues. Many of the alternatives allow for explicit consideration of these tradeoffs. Allocations which partially account for recent biomass distribution information (i.e., alternatives 1-C and 1-E and some combinations of sub-alternatives under alternatives 1-D and 1-F) could allow the commercial fishery to better take advantage of locally available fish, which could lead to increased efficiency and increased net revenues for some fishermen, compared to alternatives which do not account for biomass distribution (i.e., alternatives 1-A, 1-B, and some combinations of sub-alternatives under alternatives 1-D and 1-F).

It is worth noting that there are time lags between actual distribution changes, availability of data to measure those changes, and a management response to the data. Therefore, dynamic or variable allocations which take distribution information into account may not account for current distribution, as this is always unknown due to data lags; rather they would account for recent distribution.

Some combinations of sub-alternatives would allow for a faster pace of change in the allocations than others. For example, a faster pace of change could occur under certain combinations of DARA sub-alternatives under alternative 1-C, a lower trigger value under alternative 1-D, and a lower percentage under alternative 1-F. A slower pace of change could occur under other combinations of DARA sub-alternatives under alternative 1-C, a higher trigger under alternative 1-D, and a higher percentage under alternative 1-F. The socioeconomic impacts of allocation

changes could be lesser in magnitude under a slower pace of change compared to a faster pace of change. Depending on the scale of the change in allocations, a faster pace of change could result in short-term negative socioeconomic impacts in the form of fishery disruptions. For example, it could be challenging for commercial fishermen and dealers in states which quickly lose allocation to adapt to a sudden loss in revenue from black sea bass landings. In contrast, those in states that quickly gain allocation may not be able to immediately take full advantage of the sudden increase if they do not have sufficient time to adapt their practices. If the scale of the change is minor, the pace of the change will have less of an impact.

Large changes in the amount of quota allocated to a state may have different impacts for fishermen using trawl gear compared to pots/traps. As described in more detail in the public hearing document and Draft Addendum XXXIII, input from fishermen and federal vessel trip report data from 2010-2019 suggest that in years with higher coastwide quotas, bottom trawl gear accounted for a greater proportion and pots/traps accounted for a smaller proportion of total commercial landings compared to years with lower quotas. Trawl fishermen may be better able to take advantage of large increases in quota than pot/trap fishermen. For example, their ability to land higher volumes may allow them to counteract the impacts of any reductions in price by landing more fish. Pot/trap gear does not allow for as high of a volume of landings as trawl gear; therefore, pot/trap fishermen may not be able to adapt their fishing practices in the same way to mitigate for any reductions in price that may occur as a result of increased local black sea bass landings. For this reason, if changes to the state allocations allow for a notable increase in landings in a given state, trawl fishermen in that state may experience greater benefits than pot/trap fishermen.

Each state uses a different approach to managing their commercial fishery to ensure that landings can meet but not exceed their allocations. The economic impacts of changes to state allocations may vary in part based on how states adjust their management measures in response to these changes. For example, an increase in the possession limit could have different impacts than an extension of the open season. Fishermen in states that use Individual Transferable Quotas (ITQs) may be impacted differently than non-ITQ fishermen, and impacts may vary between gear types.

Under all alternatives, negligible socioeconomic impacts are expected for Maine and New Hampshire as neither state has reported commercial black sea bass landings since 2012 and neither have a declared interest in the fishery through the Commission process.

The alternatives for regional configurations (alternative set 1-G) are not expected to have meaningful socioeconomic impacts as they would only define the regions used under alternatives 1-C through 1-F.

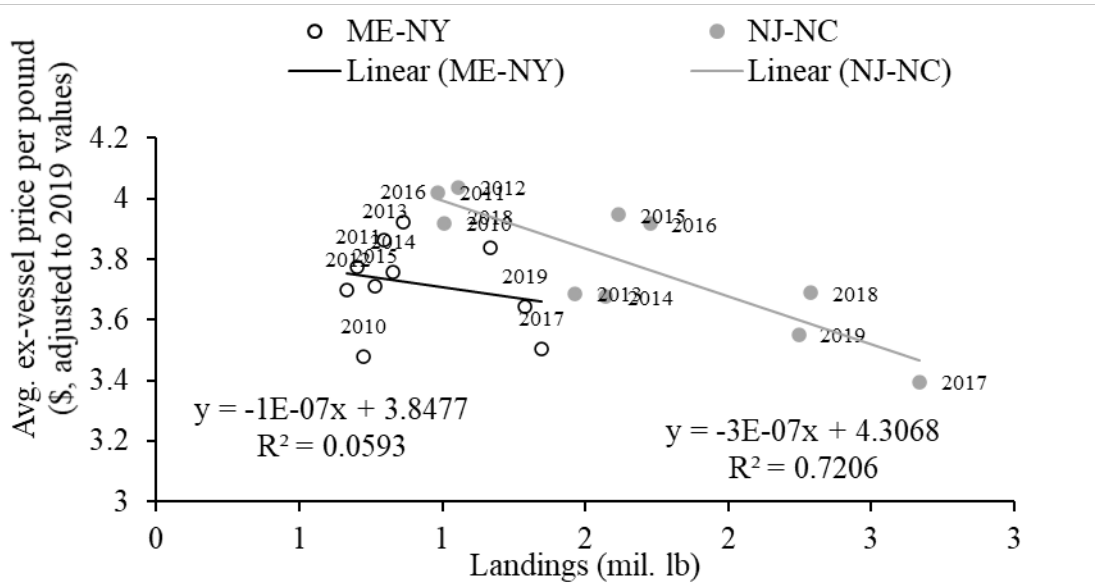

Figure 1: Average annual ex-vessel price per pound for black sea bass compared to annual black sea bass commercial landings by region (ME-NY and NJ-NC), 2010-2019, with associated linear relationship. Prices are adjusted to 2019 values based on the Gross Domestic Product Price Deflator. Data source: dealer data (CFDERS, provided by the NOAA Fisheries Greater Atlantic Regional Fisheries Office Analysis and Program Support Division).

Impacts of Commercial State Quota Allocation Alternatives on the Black Sea Bass Stock

As described in more detail below, all the state quota allocation alternatives, including the no action alternative, are expected to result in moderate positive impacts on the black sea bass stock because they are all expected to maintain the currently positive stock status (i.e., not overfished, overfishing not occurring). Any slight differences in impacts on black sea bass stock status between the alternatives are expected to be negligible.

The greatest impacts of the fishery management program on the black sea bass stock derive from the total amount of dead catch that is removed from the population each year. This is primarily driven by the coastwide annual catch and landings limits. The state commercial quota allocations determine how the annual coastwide commercial quota is divided among the states. The commercial quota accounts for landings only. Coastwide commercial landings have been very close to the quota for several years; therefore, any changes to the state quota allocations are not likely to impact coastwide landings. Any changes in the distribution of these landings among the states are not expected to change the currently positive status of the black sea bass stock.

The alternatives consider whether the allocations should be modified to partially account for distribution of the stock. It is not expected that any of the alternatives would shift landings in such a way that fishing pressure is too high in one region compared to another such that negative impacts to the stock result.

Any impacts on dead discards resulting from changes in the state quota allocations are expected to mostly occur in fisheries that operate in state waters as opposed to federal waters. These impacts will be challenging to accurately predict. The commercial dead discard estimates used in the stock assessment and in management are derived from the federal observer program and from federal vessel trip reports. These data are only collected from vessels with federal permits. Although they are not collected from vessels which do not have federal permits and operate only in state waters, it is assumed that they are representative of the entire commercial fishery.

Fishermen with federal permits have much more flexibility in where they can catch and sell their fish compared to fishermen who are only permitted to operate in state waters. For these reasons, changes to the state quota allocations may not have notable impacts on where black sea bass are caught in federal waters, though they may impact where they are landed. Many commercial black sea bass fishermen hold permits to land their fish in multiple states, in addition to a federal permit. This affords them flexibility in both where they can catch and where they can land their fish. Fishermen decide where to fish based on multiple factors including expected availability of black sea bass and other target species, as well as non-target species they may wish to avoid. In some cases, black sea bass may not be the primary target species and fishermen may choose their fishing location based on other considerations, such as availability of a different primary species (e.g., summer flounder; MAFMC 2020a). Other factors such as state waters possession limits and open/closed seasons, variations in the price paid by commercial fish dealers, weather, and other factors also influence where fishermen fish and where they land their catch.

Fishermen who are only permitted to fish in state waters have less flexibility in where they can fish compared to those with federal permits. Therefore, it may be more challenging for state waters fishermen to avoid catching black sea bass and minimize discards of fish that cannot be landed, compared to federally permitted fishermen. An increase in the allocation to a state with high availability of black sea bass in state waters but a currently low allocation (e.g., Connecticut) might result in decreased discards in state waters as fishermen will be able to land more of the fish they previously would have discarded. However, the degree of this change is challenging to accurately predict based on available data and because an increased allocation may result in changes in fishing behavior. For example, if a higher allocation allows for a higher commercial possession limit or a longer open season in state waters, fishermen may target black sea bass to a greater extent, which may change patterns in discards and may not simply result in discards "turning into landings." In addition, an increase in the allocation in one state would require a decrease in allocation in one or more other states. Therefore, any decrease in discarding in one state may be partially offset by an increase in discards in another state, depending on the scale of the change in each state and other factors such as fishing behavior and differences in black sea bass availability in all impacted states.

In summary, changes in the state commercial quota allocations may result in changes in discards, mostly in state waters fisheries, and they may result in changes in the distribution of landings. However, they are not expected to change the overall amount of landings. None of these changes are expected to impact the stock status of black sea bass. The most recent stock assessment update indicates that the black sea bass stock was more than double the target level and overfishing was not occurring in 2018 (NEFSC 2019). This positive stock status is expected to be maintained under all the alternatives for the state allocation percentages, including the no action alternative. For this reason, all these alternatives are expected to have generally moderate positive impacts on the black sea bass stock.

Alternative Set 2: Alternatives for Adding State Commercial Quota Allocations to the Council's Fishery Management Plan

The following alternatives are under consideration regarding whether the state commercial quota allocations should be added to the Council's FMP. Each alternative is described in more detail in the Council's public hearing document and the Commission's draft addendum.

2-A. No action. Under this alternative, the commercial state quota allocations would not be added to the Council's FMP and would remain only in the Commission's FMP. Future changes to the state allocations could be made by a vote of the Board only. Transfers of quota between states would continue to be managed by the Commission.

2-B. Add allocations to Council FMP. Under this alternative, the commercial state quota allocations for black sea bass would be included in both the Commission and Council FMPs. Future changes to the state allocations would be made by a vote of the Board and Council. Transfers of quota between states would be managed by NMFS.

> **Sub-alternative 2-B-1. States overage paybacks only if the coastwide quota is exceeded**. This is the current process for state-level quota overages under the Commission's FMP.
>
> **Sub-alternative 2-B-2. States always pay back overages** regardless of whether the coastwide quota was exceeded.

Socioeconomic Impacts of Alternatives for Adding State Commercial Quota Allocations to the Council's FMP

The socioeconomic impacts of the alternatives in this alternative set derive from differences in how quota transfers between states would be managed and the potential frequency of state quota overage paybacks.

Under alternative 2-B, the state quota allocations would be added to the Council's FMP and transfers of quota between states would be managed by the National Marine Fisheries Service (NMFS). If the state allocations remain only in the Commission's FMP (alternative 2-A), then the Commission would continue to manage quota transfers. This would allow greater flexibility in the use of late in the year transfers than under alternative 2-B. For example, the Commission allows transfers to occur at any time up to 45 days after the last day of the fishing season. NMFS allows late season quota transfers for other species; however, they are limited to unforeseeable late season events. Generally, the deadline for a state to submit routine transfer requests is the close of business on December 16. While the Commission allows transfers at the end or after the fishing season to help states balance quota overages, NMFS would likely not allow for such transfers unless the overage was unforeseen in the last two weeks of the fishery. The additional restrictions on late in the year transfers under alternative 2-B compared to alternative 2-A should have limited impacts as states should be closely monitoring their landings throughout the year and taking action as necessary to prevent state-level overages, regardless of which agency manages the transfers.

Alternative 2-B-1 would continue the current practice of requiring paybacks of state quota overages only if the coastwide quota has also been exceeded. This is expected to have lesser negative socioeconomic impacts than alternative 2-B-2, which would require paybacks of state-level overages regardless of if the coastwide quota was exceeded, as it would require less frequent paybacks. Under either alternative, overage paybacks would result in a reduction in potential revenues from black sea bass in the year in which the payback is applied. This can be considered a negative socioeconomic impact, though it could be partially offset by higher revenues in the year in which the overage occurred.

Impacts of Alternatives for Adding State Commercial Quota Allocations to the Council's FMP on the Black Sea Bass Stock

None of the alternatives in alternative set 2 are expected to meaningfully impact fishing mortality or stock status for black sea bass. Under all alternatives, the currently positive stock status is expected to be maintained.

Alternative Set 3: Alternatives for Federal In-Season Closures

The following alternatives are under consideration regarding federal in-season closures. Each alternative is described in more detail in the Council's public hearing document and the Commission's draft addendum.

3-A. No action. Under this alternative, a coastwide federal in-season closure would occur when landings are projected to exceed the coastwide quota, as is currently required in the federal regulations.

3-B. In-season closure at quota plus buffer. Under this alternative, a coastwide federal in-season closure would occur when landings are projected to exceed the commercial quota plus a buffer of up to 5%. The appropriate buffer would be determined through the annual specifications process.

3-C. In-season closure at ACL. Under this alternative, a coastwide federal in-season closure would occur when the commercial annual catch limit (ACL) is projected to be exceeded.

Socioeconomic Impacts of Alternatives for Federal In-Season Closures

It is important to note that the commercial fishery has not closed in-season to date. States have effectively monitored and controlled their harvest and used transfers to address minor state-level overages while preventing an overage of the coastwide quota. Therefore, any differences between these three alternatives are theoretical.

Under all alternatives in this alternative set, negative socioeconomic impacts would be expected when an in-season closure occurs, as this would result in reduced potential revenues from black sea bass landings, especially in any states that have not fully landed their allocations. Alternative 3-A could result in more frequent in-season closures than 3-B; therefore, it could have greater negative socioeconomic impacts due to lost revenues.

As described in the public hearing document/draft addendum, it is unclear how alternative 3-C would be put into practice as discards in weight are not monitored in-season. Therefore, it is challenging to predict if this could result in more or less frequent in-season closures than alternatives 3-A or 3-B. It could have less predictability than alternatives 3-A and 3-B, which could be considered a negative socioeconomic impact. For example, states monitor their landings in-season, but assumptions about discards would need to be made by NMFS, which may be more challenging for states to track in-season.

Impacts of Alternatives for Federal In-Season Closures on the Black Sea Bass Stock

As previously stated, the commercial fishery has not closed in-season to date. States have effectively monitored and controlled their harvest and used transfers to address minor state-level overages while preventing an overage of the coastwide quota. Therefore, any differences between these three alternatives are theoretical.

Moderate positive impacts to the black sea bass stock are expected under alternative 3-A as this alternative would not change the regulations regarding federal in-season closures, which have been in place for many years. This would not be expected to result in a change in stock status; the currently positive stock status would be expected to be maintained.

Alternative 3-B would allow quota overages, which could put the stock at risk; however, the additional risk is expected to be minimal as states would still close when their quotas are reached and states would still be required to pay back overages. In addition, the overall coastwide quota overage amount would be limited to 5% before an in-season closure occurred. Therefore, this is

expected to have moderate positive impacts on the stock (though of a slightly lesser magnitude than alternative 3-A) by maintaining the currently positive stock status.

As described in the public hearing document and Draft Addendum XXXIII, it is unclear how alternative 3-C would be put into practice as discards in weight are not monitored in-season. Depending on how this is addressed, this alternative could have a higher likelihood of resulting in ACL overages compared to alternatives 3-A and 3-B. Notable negative impacts on the stock would not be expected as states would still close when their quotas are reached and states would still be required to pay back overages; therefore, major ACL overages would not be expected. For this reason, the currently positive stock status could be maintained under this alternative.

References

ASMFC (Atlantic States Marine Fisheries Commission). 2020. Draft Addendum XXXIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan for Public Comment. Available at: http://www.asmfc.org/files/PublicInput/BSB_DraftAddendumXXXIII_PublicComment.pdf.

MAFMC (Mid-Atlantic Fishery Management Council). 2020a. Summer Flounder, Scup, and Black Sea Bass Fishery Performance Report, June 2020. Available at: https://www.mafmc.org/s/SFSBSB_FPR_June_2020_FINAL.pdf

MAFMC (Mid-Atlantic Fishery Management Council). 2020b. Black Sea Bass Commercial State Allocation Amendment Public Hearing Document. Available at: https://www.mafmc.org/s/BSB_com_state_allocation_PHD.pdf

NEFSC (Northeast Fisheries Science Center). 2019. Operational Assessment of the Black Sea Bass, Scup, Bluefish, and Monkfish Stocks, Updated Through 2018. Prepublication copy prepared for use by Fishery Management Council staff and SSC. 164 p. Available at: http://www.mafmc.org/s/Operational-Assessments-for-Black-Sea-Bass_Scup_Bluefish.pdf.

From: Bonnie Brady
To: Beaty, Julia
Subject: BSB how"s this?
Date: Tuesday, December 1, 2020 4:43:03 PM

Bonnie Brady sent comments that the LICFA supports either a DARA approach (Option C under Section 3.1) for state allocations, with sub-options C1-B, C2-B, and C3-A and C4-C or a Trigger approach E (Increase to CT and NY first,) and regional configuration G2. They also support status quo for Commission-only management of the state allocations (Option A, Section 3.2.1.).

From: James Fletcher
To: Beaty, Julia; Moore, Christopher
Subject: Re: CT & northern states black sea bass
Date: Wednesday, November 25, 2020 9:41:59 AM

Yes please add {Make a mandatory discussion time} 10 to 15 minutes have copies of YAMAHA FISHERIES JOURNAL NO. 37 OFFERS A FLOUNDER OUTLINE ON HOW TO INCREASE CULTURE **DIFFERENT SPECIES BUT FLAT FISH!** Should review ASMFC & Magnuson that allow stock enhance! *POINT IS USE TEMPERATURE & LIGHT TO PRODUCE MOSTLY FEMALES !* PRESENT MANAGEMENT HAS TARGETED THE FASTEST GROWING FEMALES *** REVERSE INCORRECT PAST MANAGEMENT. ***
WOULD LIKE SSC [*same stupid conclusion group"] to state ON RECORD that enhancement of stock will not work using billions of fertilized eggs.!*
COUNCIL SHOULD ASK DEPARTMENT OF STATE & COMMERCE TO ATTEND MEETING TO CONFIRM DEPARTMENTS HISTORIC POSSESSIONS ON IMPORTS.

HAPPY THANKSGIVING BE SAFE!

On 11/23/2020 1:29 PM, Beaty, Julia wrote:

> Hi James,
> Would you like this added to the briefing book for the December joint meeting as an additional advisor comment?
>
> Thanks,
> Julia
>
> Julia Beaty
> Fishery Management Specialist
> Mid-Atlantic Fishery Management Council
> 800 N. State Street, Suite 201
> Dover, DE 19901
> 302-526-5250
> jbeaty@mafmc.org
> Pronouns: She/her/hers
>
> ---
>
> **From:** James Fletcher <bamboosavefish@gmail.com>
> **Sent:** Friday, November 20, 2020 8:33 AM
> **To:** Beaty, Julia <jbeaty@mafmc.org>; Moore, Christopher <cmoore@mafmc.org>; Batsavage, Chris <chris.batsavage@ncdenr.gov>
> **Subject:** CT & northern states black sea bass
>
> WHY not spawn BSB to release the eggs in estuaries? release the fertilized eggs on flood tides. Management is playing a numbers game to restrict commercial harvest: So spawn a billion black sea bass eggs & release in CT brackish waters, calculate survival &

allow a 5% increase in CT landings. Utilize spawning to add identifiable physical characteristic to spawned eggs . Use temperature to create mostly female bass that will not change sex. For spawning utilize cement tanks not plastic or epoxie ? plastic { follow Japan example of enhancement.
CT could then justify increased landings. The spawning expertise already exist world wide, NO NEED TO RETRAIN NMFS OR CT PEOPLE ! Allow northern states to begin stock enhancement using monies from fisheries licenses & sale of regulatory by catch, { UNFA has a proposal how to obtain money from research set aside that can be applied for regulatory by catch] Recreational licenses could add 15% for spawning facilities in Northern States.
MAJORITY SAID STATUS QUO stop process. BEGIN STOCK ENHANCEMENT FOR CT. & NORTHERN STATES INCREASE .

NOW ALLOCATION: DIFFERENT AMENDMENT OR PLAN **** 6% of population recreationally fish in EEZ until all fish caught by recreational fishers is UTILIZED FOR FOOD the share should only be 6%. NO DISCARDS! *****
TOTAL LENGTH IS ANSWER ALONG WITH ELECTRONIC REPORTING.
THE COMMERCIAL WILL BE FORCED TO ELECTRONIC REPORT BY NOVEMBER 2021.
RECREATIONAL FISHERS IN EEZ MUST BE REQUIRED TO ELECTRONIC REPORT BY NOVEMBER 2021. COMPARABLE REPORTING IS REQUIRED BY MAGUNSON ACT!
THINK OUTSIDE OF A CIRCLE!

--
James Fletcher
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252-473-3287

--
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