

# ATLANTIC STATES MARINE FISHERIES COMMISSION

## REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR BLACK SEA BASS  
*(Centropristis striata)*

2015 FISHING YEAR



Prepared by the Plan Review Team

Approved by the Joint ASMFC/MAFMC Summer Flounder, Scup & Black Sea Bass Boards  
November 2016

## **Review of the Interstate Fishery Management Plan for Black Sea Bass**

### **I. Status of the Fishery Management Plan**

ASMFC management of black sea bass was initiated as one component of a multi-species fishery management plan (FMP) addressing summer flounder, scup, and black sea bass. In 1990, summer flounder was singled out for immediate action under a joint ASMFC and Mid-Atlantic Fishery Management Council (MAFMC or Council) plan. Further action on the scup and black sea bass plan was delayed until 1992 to expedite the summer flounder FMP and subsequent amendments. The joint Black Sea Bass FMP was completed and approved in 1996. The MAFMC approved regulations for black sea bass as Amendment 9 to the Summer Flounder FMP in May 1996.

The management unit of the Black Sea Bass FMP includes all black sea bass in U.S. waters in the western Atlantic Ocean from Cape Hatteras, North Carolina north to the Canadian border. Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina have declared an interest in black sea bass. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board and the MAFMC Demersal Species Committee guide development of the FMP. Technical issues are addressed through the Summer Flounder, Scup, and Black Sea Bass Technical Committee and the Black Sea Bass Monitoring Committee. The Black Sea Bass Plan Review Team conducts annual reviews and monitors compliance and the Scup and Black Sea Bass Advisory Panel provide industry input and advice.

The objectives of the FMP are to reduce fishing mortality to assure overfishing does not occur, reduce fishing mortality on immature black sea bass to increase spawning stock biomass, improve yield from the fishery, promote compatible regulations among states and between federal and state jurisdictions, promote uniform and effective enforcement, and to minimize regulations necessary to achieve the stated objectives. The initial black sea bass FMP was designated to reduce fishing mortality by a coastwide commercial quota allocated by state, and a recreational harvest limit constrained through the use of minimum size, possession limit, and seasonal closures.

Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass FMP was approved by the Commission in October 1998 and established revised overfishing definitions, identification and description of essential fish habitat, and defined the framework adjustment process.

Addendum IV, approved on January 29, 2001, provides that upon the recommendation of the relevant monitoring committee and joint consideration with the Council, the Board will decide the state regulations rather than forward a recommendation to NMFS. Addendum IV also made the states responsible for implementing the Board's decisions on regulations.

Starting in 1998, the fishery was subject to lengthy closures and had some significant quota overages in the commercial sector. Fishery closures occurring as a result of exceeded quotas resulted in increased discards of legal sized black sea bass in mixed fisheries for the remainder of the closed period. A significant financial hardship for the fishing industry 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 that established initial possession limits, triggers, and adjusted possession limits. These measures helped reduce the length of fishery closures, but the rapidly changing regulations confused fishermen and added significant administrative burden to the states. To simplify the process for all parties, the Board approved Addendum VI to provide a mechanism for initial possession limits, triggers, and adjusted possession limits to be set during the annual specification setting process without the need for further Emergency Rules.

Amendment 13, approved by ASMFC in May 2002, implemented a federal, coastwide annual commercial quota that is managed by ASMFC using a state-by-state allocation system. The Amendment was implemented in 2003 and 2004. State-specific commercial shares are listed in Table 1.

Amendment 13 also removed the necessity for fishermen who have both a Northeast Region (NER) Black Sea Bass permit and a Southeast Region (SER) Snapper Grouper (S/G) permit to relinquish their permits for a six-month period prior to fishing south of Cape Hatteras during a northern closure.

Addendum XII, approved in 2004, continued the use of a state-by-state allocation system, managed by the ASMFC on an annual coastwide commercial quota.

Addendum XIII approved in 2004, modified the FMP so that Total Allowable Landings (TALs) for the summer flounder, scup, and/or black sea bass can be specified for up to three years.

The Board approved Addendum XVI In May of 2005. Addendum XVI established a guidelines for delayed implementation of management strategies. Specifically for Issue 1 (Delayed implementation Commercial Regulations) for each day that a state does not implement commercial measures under scenarios A,B,C (see Addendum for more information) an equal number of days during the same or equivalent time period will be closed in the following fishing season. For scenario D (a failure to close the black sea bass commercial fishery after the state quota has been reached), the state will compensate pound for pound for up to 25% of the original state quota. Any overages beyond 25% of the state quota are compensated for at 1.5 times. For Issue 2 (Delay Implementation of Recreational Regulations) under scenarios A,B,C,and D (see Addendum for more information) for each day that the state does not implement the appropriate recreational measures, an equal number of days during the same time period will be closed. For Issue 3 (Maximum Implementation Period) outlines the timeframe for Commission staff to notify states of changes in management and the maximum number of days to implement required changes. Issue 4 lays out the required notification period for state to notify the Commission of management changes.

Addendum XIX continued the state-by-state black sea bass commercial management measures, without a sunset clause. This addendum also broadened the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass FMP to allow for greater flexibility in those definitions, while maintaining objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. It establishes acceptable categories of peer-review for stock status determination criteria. When these specific peer-review metrics are met and new or updated information is available, the new or revised stock status determination criteria may be incorporated by the Commission directly into the annual management measures for each species, rather than requiring a modification to the FMP.

Addendum XX, approved in November 2009, set policies to reconcile commercial quota overages to address minor inadvertent quota overages. It streamlined the quota transfers process and established clear policies and administrative protocols to guide the allocation of transfers from states with underages to states with overages. It also allowed for commercial quota transfers to reconcile quota overages after year's end.

Addendum XXV continued the use of ad-hoc regional recreational management measure options to alleviate the differences between state by state measures among the states along the coast. It was approved in February 2014 and was in place for 2014 and 2015. The addendum allowed northern states (MA-NJ) to adjust management measures annually to best meet the needs of their state while constraining harvest to the overall coastwide recreational harvest limit (RHL). In years of overages, the northern states- which harvest the largest percentage- adjust their management measures to account for harvest reductions in subsequent years. The southern states have also had their management measures adjusted in recent year.

## **II. Status of the Stock**

The assessment model for black sea bass changed in 2008 from a simple index-based model to a complex statistical catch at length model incorporating a broad range of fishery and survey data. The fishery catch is modeled as a single fleet with indices of stock abundance from Northeast Fisheries Science Center (NEFSC) winter, spring, and autumn surveys. A model averaging approach was adopted using the average of results from ten candidate models.

Black sea bass (i.e. black sea bass north of Cape Hatteras, North Carolina) was designated as overfished in 2000, and was under a stock rebuilding strategy from 2000-2009. In 2009, that the stock was declared rebuilt after the 2008 stock assessment indicated that the stock was not overfished and overfishing was not occurring in 2007.

The last stock assessment update for black sea bass was completed in July 2012. The biological reference points were updated as part of this update, as the result of several changes made to the information incorporated into the model. The fishing mortality threshold for black sea bass

is  $F_{MSY} = F_{40\%}$  (as  $F_{MSY}$  proxy) = 0.44, and  $SSB_{MSY}$  is 24.00 million lb (10,880 mt). The minimum stock size threshold, one-half  $SSB_{MSY}$  is estimated to be 12.00 million lb (5,440 mt). The 2012 update indicated that the black sea bass stock was not overfished and overfishing was not occurring in 2011, relative to the biological reference points. Fishing mortality ( $F_{MULT}$ ) in 2011 was estimated at  $F=0.21$ , below the fishing mortality threshold of  $F=0.44$ . Total stock biomass in 2011 was estimated at 28.0 million lb (12,700 mt), above  $B_{MSY}$ . Spawning stock biomass (SSB) in 2011 was estimated at 24.57 million lb (11,145 mt), and was at 102% of  $SSB_{MSY}$ .

In the absence of a peer-review stock assessment in recent years, the Mid-Atlantic Council's Science and Statistical Committee has not found the Biological Reference Points from any recent assessment suitable for management and have utilized methods such as Constant Catch and an analysis based upon the Data Limited Toolkit to set catch limits. The next benchmark stock assessment is currently in development and is scheduled for peer review in late 2016.

### **III. Status of the Fishery**

The commercial fishery is allocated 49% of the total allowable landings (TAL) for black sea bass. The principle gears used in the fishery are pots, otter trawls and handline. After peaking at 21.8 million pounds in 1952, commercial landings markedly decreased in the '60s and have since ranged from 1.17 to 3.6 million pounds since 1981. In 1998 a commercial quota system was incorporated into management and state-by-state shares were introduced in 2003. From 2005-2014 commercial landings have remained stable, with a range from 2.87 million lbs in 2005 to 1.17 million lb in 2009 (Table 2 and 3). In 2014, commercial landings exceeded the coastwide commercial quota by approximately 8,896 lbs. In 2015 commercial landings were approximately 2.35 million lb, exceeding the coastwide quota of 2.17 million lbs by approximately 6% (Tables 2 and 3). Once final landings are available the reduction to the 2017 quota will be applied. Commercial discards are generally less than 441,000 pounds per year.

The recreational fishery is allocated 51% of the TAL for black sea bass. After peaking in 1985 at 12.35 million pounds, recreational harvest averaged 3.75 million pounds annually from 1988 to 1997. Recreational harvest limits were put in place in 1998 and harvest ranged from 1.1 to 3.88 million pounds from 1998 to 2014 (Table 4). From 2012-2014, the recreational harvest limit has been exceeded annually- by 142%, 9%, and 59%, respectively. In 2015 the recreational harvest was 3.88 million pounds (inclusive of south of Cape Hatteras), exceeding the harvest limit by 67%. Recreational discards are significantly higher than commercial, ranging from 3 to 10 million fish per year( 1.2 million to 12.4 million lb, respectively) .

### **IV. Status of Research and Monitoring**

Commercial landings information is collected by the Vessel Trip Reporting system and dealer reports. States are also required to collect and report landings data. Sea sampling data from the NEFSC sea sampling program are used to estimate discards. The NEFSC weigh-out program provides commercial age and length information. Recreational landings and discards were estimated through the Marine Recreational Fisheries Statistics Survey (MRFSS) until 2008, with

the Marine Recreational Information Program (MRIP) replacing it for all data collected from 2008 to present.

Fishery-independent surveys are conducted in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, and North Carolina. The Virginia Game Fish Tagging Program has targeted black sea bass since 1997. Data from the tagging program will be used to develop an analytical, age-based model. Recruitment and stock abundance data are provided by the NEFSC spring, autumn, and winter trawl surveys.

## **V. Status of Assessment Advice**

The next benchmark stock assessment is scheduled for 2016.

## **VI. Status of Management Measures and Developing Issues**

In December 2015, the Board and Council initiated the development of an Amendment to the Black Sea Bass FMP. There has been no work completed on this to date.

## **VII. Black Sea Bass Compliance Criteria**

### **2015 Commercial Fishery Requirements**

Minimum size of possession: 11"

Minimum mesh: larger nets are required to possess a minimum of 75 meshes of 4.5" diamond mesh in the codend or the entire net must have a minimum mesh size of 4.5" throughout; smaller nets must have 4.5" mesh or larger throughout

Mesh Threshold: 500 lbs for January-March and 100 lbs for April-December

Maximum roller rig trawl roller diameter: 18"

Pot and trap escape vents: 2 ½" for circular, 2" for square, and 1-3/8 x 5-3/4" for rectangular. Must be 2 vents in the parlor portion of the trap

Pot and trap degradable fastener provisions: a) untreated hemp, jute, or cotton string 3/16" (4.8 mm) or smaller; b) magnesium alloy timed float releases or fasteners; c) ungalvanized, uncoated iron wire of 0.094" (2.4mm) or smaller. The opening covered by a panel affixed with degradable fasteners would be required to be at least 3" x 6".

Commercial quota: 2.21million pounds

Pot and trap definition: A black sea bass pot or trap is defined as any pot or trap used by a fisherman to catch and retain black sea bass.

### **2015 Recreational Fishery Requirements**

See Table 6.

Recreational harvest limit: 2.33 million pounds

## **Other Measures**

Reporting: States are required to submit an annual compliance report to the Chair of the Black Sea Bass Plan Review Team by June 1st. The report must detail the state's management program for the current year and establish proof of compliance with all mandatory management measures. It should include landings information from the previous year, and the results of any monitoring or research programs.

*This summary of compliance criteria is intended to serve as a quick reference guide. It in no way alters or supersedes compliance criteria as contained in the Black Sea Bass FMP and any Amendments thereto. Also please note that the management measures may change annually.*

## **VII. Compliance**

States and jurisdictions required to comply with the provisions of the Black Sea Bass FMP are: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Potomac River Fisheries Commission, Virginia, and North Carolina. All states implemented regulations in compliance with the requirements approved by the Board.

All states appear in compliance with the FMP provisions for fishing year 2015.

### **Black Sea Bass FMP Compliance Schedule**

<b><u>Commercial</u></b>	
11" Size Limit	1/1/02
4.5" diamond minimum mesh throughout codend and threshold provisions	1/1/02
Pot and trap escape vents and degradable fasteners	1/1/97
Roller diameter restriction	1/1/97
States must report to NMFS all landings from state waters	1/1/98

### **Recreational**

Size Limit	1/1/97
Harvest Limit	1/1/98
Ability to implement possession limits and seasonal closures	1/1/98

### **General**

Annual compliance report	Annually, 6/1
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Table 1. State by state allocation for annual quota.

<b>State</b>	<b>% Allocation</b>
Maine	0.50%
New Hampshire	0.50%
Massachusetts	13%
Rhode Island	11%
Connecticut	1%
New York	7%
New Jersey	20%
Delaware	5%
Maryland	11%
Virginia	20%
North Carolina	11%



**Table 2. Black Sea Bass Commercial Landings by State (2005-2015) in pounds.**

Source: State Compliance Reports (October 2016) & ACCSP. 2014-2015. Commercial Landings Summaries (Dealer Reports)- Confidential; generated by K.Rootes-Murdy; using ACCSP Data Warehouse, Arlington, VA.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015**
<b>ME</b>												
<b>MA</b>	382,389	510,162	596,480	442,136	316,722	148,470	260,181	287,666	248,463	329,223	277,276	347,964
<b>RI</b>	435,733	293,976	273,161	356,542	226,925	128,053	241,892	185,709	187,806	237,951	245,268	238,522
<b>CT</b>	24,867	17,522	10,445	10,123	15,554	17,854	21,422	20,485	17,677	22,735	27,036	24,699
<b>NY</b>	240,517	244,074	295,078	265,940	201,222	123,287	200,463	177,997	153,347	180,947	188,436	150,479
<b>NJ</b>	697,085	543,733	494,352	480,112	424,667	204,213	305,294	293,609	310,427	494,075	486,073	471,008
<b>DE</b>	83,728	72,931	87,381	63,431	60,700	50,259	76,913	82,436	82,351	104,937	102,279	111,508
<b>MD</b>	283,605	336,662	350,385	170,909	159,453	125,643	203,088	182,711	140,861	219,321	235,689	349,271
<b>VA</b>	393,269	443,644	305,871	189,875	211,500	164,524	263,563	274,446	391,384	493,153	410,162	421,150
<b>NC*</b>	881,261	690,043	777,659	472,931	484,507	614,734	400,879	272,189	61,187	88,242	210,989	241,538
<b>Coastwide</b>	3,422,790	3,152,747	3,190,812	2,451,999	2,101,250	1,577,037	1,973,695	1,777,248	1,593,503	2,170,584	2,183,208	2,356,139

\* Landings are from both north and south of Hatteras from 2004-2011

\*\*2015 Landings are still preliminary

**Table 3. 2014 Landings and 2015 Black Sea Bass Commercial State by State Quotas (pounds)**

<b>State</b>	<b>% Allocation</b>	<b>Final 2014 Landings</b>	<b>2015 ASMFC Initial Quota</b>
Maine	0.005	0	11,065
New Hampshire	0.005	0	11,065
Massachusetts	0.13	277,276	287,680
Rhode Island	0.11	245,268	243,422
Connecticut	0.01	27,036	22,129
New York	0.07	188,436	154,905
New Jersey	0.2	486,073	442,585
Delaware	0.05	102,279	110,646
Maryland	0.11	235,689	243,422
Virginia	0.2	410,162	442,585
North Carolina	0.11	210,989	243,422
<b>Coastwide Total</b>	<b>100%</b>	<b>2,183,208</b>	<b>2,212,923</b>
<b>2014 Coastwide Quota</b>		2,174,312	
<b>Overage</b>		8,896	

**Table 5. Black Sea Bass Recreational Landings by State (2005-2015) in pounds.**

Source: "Personal Communication with National Marine Fisheries Division October 2016"

State	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
NH								4,587	19,227		
MA	365,186	149,993	153,869	365,108	626,082	999,914	318,379	1,049,251	660,797	1,087,847	718,101
RI	164,960	67,076	59,566	82,072	50,290	238,039	85,912	226,130	144,722	370,531	444,337
CT	119	4,684	41,941	99,848	1,025	23,029	13,758	261,163	262,392	586,113	495,675
NY	230,832	455,213	563,199	528,613	844,746	965,767	399,030	542,688	734,729	847,181	1,531,493
NJ	80,214	140,931	136,564	26,378	36,190	28,357	46,609	993,093	515,176	631,457	428,319
DE	904,999	690,651	1,086,652	827,511	763,593	779,105	181,695	49,967	44,365	30,962	26,893
MD	93,475	136,064	49,002	32,603	40,681	41,386	51,714	42,173	39,170	87,086	78,052
VA	49,312	105,134	64,954	51,974	112,339	28,987	26,753	2,599	33,660	24,433	63,694
NC*	229,893	151,075	196,134	90,977	145,208	138,961	95,004	7,082	17,970	132,351	100,146
<b>Coastwide</b>	<b>2,118,990</b>	<b>1,900,821</b>	<b>2,351,881</b>	<b>2,105,084</b>	<b>2,620,154</b>	<b>3,243,545</b>	<b>1,218,854</b>	<b>3,178,733</b>	<b>2,338,461</b>	<b>3,797,961</b>	<b>3,886,710</b>

\* Landings are from both north and south of Hatteras

**Table 6. 2015 recreational management measures for black sea bass by state.**

State	Minimum Size (inches)	Possession Limit	Open Season
Maine	13	10 fish	May 19-September 21; October 18-December 31
New Hampshire	13	10 fish	January 1-December 31
Massachusetts	14	8 fish	May 23-August 27
Rhode Island	14	1 fish	July 2- August 31
		7 fish	September 1-December 31
Connecticut (Private & Shore)	14	3 fish	June 1-August 31
		5 fish	September 1-December 31
Connecticut (Authorized party/charter monitoring program vessels)	14	8 fish	June 21-December 31
New York	14	8 fish	July 15-October 31
		10 fish	November 1- December 31
New Jersey	12.5	2 fish	July 1-July 31
		15 fish	May 27-June 30; October 22-December 31
Delaware	12.5	15 fish	May 15-September 21; October 22-December 31
Maryland	12.5	15 fish	May 15-September 21; October 22-December 31
Virginia	12.5	15 fish	May 15-September 21; October 22-December 31
North Carolina, North of Cape Hatteras (N of 35° 15'N)	12.5	15 fish	May 15-September 21; October 22-December 31

**Table 6. 2016 recreational management measures for black sea bass by state**

State	Minimum Size (inches)	Possession Limit	Open Season
Maine	13	10 fish	May 19-September 21; October 18- December 31
New Hampshire	13	10 fish	January 1-December 31
Massachusetts	15	5 fish	May 21-August 31
Rhode Island	15	3 fish	June 24- August 31
		7 fish	September 1-December 31
Connecticut (Private & Shore)	15	5 fish	May 1-December 31
CT (Authorized party/charter monitoring program vessels)		8 fish	
New York	15	3 fish	June 27-August 31
		8 fish	September 1-October 31
		10 fish	November 1-December 31
New Jersey	12.5	10 fish	May 23-June 19
	13	2 fish	July 1-August 31
	13	15 fish	October 22-December 31
Delaware	12.5	15 fish	May 15-September 21; October 22-December 31
Maryland	12.5	15 fish	May 15-September 21; October 22-December 31
Virginia	12.5	15 fish	May 15-September 21; October 22-December 31
North Carolina, North of Cape Hatteras (N of 35° 15'N)	12.5	15 fish	May 15-September 21; October 22-December 31