

EXECUTIVE SUMMARY

Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP), prepared by the Mid-Atlantic Fishery Management Council (Council) and Atlantic States Marine Fisheries Commission (Commission), is intended to manage the summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*) and black sea bass (*Centropristis striata*) fishery pursuant to the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSFCMA), as amended by the Sustainable Fisheries Act (SFA) in 1996. This amendment could: 1) revise the quarterly commercial quota system for black sea bass implemented in Amendment 9 to the Summer Flounder, Scup, and Black Sea Bass Fisheries Management Plan; 2) remove permit restrictions for fishermen that have both a Northeast Region Black Sea Bass (NER BSB) Permit and a Southeast Region Snapper/Grouper (SER S/G) Permit and fish for black sea bass north and south of Cape Hatteras, North Carolina; 3) address the potential problems related to the wet storage of black sea bass pots/traps; 4) establish *de minimus* specifications for black sea bass under the Atlantic State Marine Fisheries Commission Interstate Fisheries Management Program Charter; 5) implement tag requirements for black sea bass pots/traps; 6) limit the number of black sea bass pots/traps fished by fishermen; and 7) implement management alternatives for summer flounder, scup and black sea bass to prevent, mitigate or minimize adverse effects from fishing to bring the FMP into compliance with Section 303(a)(7) of the SFA.

The Council is required to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) to assess the potential effects of the proposed actions on the human environment. Because the prior EIS was prepared in 1992 for summer flounder and in 1996 for scup and black sea bass, NMFS advised the Council to draft a completely new EIS for these species. This new EIS, which is part of this document, would replace the information presented in Amendments 2, 8, and 9 for summer flounder, scup, and black sea bass, respectively.

The management units for summer flounder, scup and black sea bass remain unchanged in this amendment. Specifically, the management unit is summer flounder in US waters in the western Atlantic Ocean from the southern border of North Carolina northward to the US-Canadian border, and scup and black sea bass in US waters in the western Atlantic Ocean from Cape Hatteras, North Carolina northward to the US-Canadian border.

The objectives of the FMP are:

1. Reduce fishing mortality in the summer flounder, scup and black sea bass fishery to assure that overfishing does not occur.
2. Reduce fishing mortality on immature summer flounder, scup and black sea bass to increase spawning stock biomass.
3. Improve the yield from these fisheries.

4. Promote compatible management regulations between state and federal jurisdictions.
5. Promote uniform and effective enforcement of regulations.
6. Minimize regulations to achieve the management objectives stated above.

A number of alternatives have been identified by the Council and Commission for consideration by the public. These alternatives are discussed in further detail in section 2.0 of this document.

A. Black Sea Bass Commercial Management Alternatives (Note that Alternatives 1 through 8 relate to the black sea bass commercial quota and Alternatives 9 through 12 detail other black sea bass commercial management measures.)

1. Status quo: the quarterly quota system currently in effect (Alternative 1).
2. A quarterly quota system with a rollover provision (Alternative 2).
 - a. A quarterly quota system with a change in the allocation formula based on 1988-1997 landings data and a rollover provision (Alternative 2a).
 - b. A quarterly quota system with a change in the allocation formula based on 1993-1997 landings data and a rollover provision (Alternative 2b).
3. Quota allocation by permit category (Alternative 3).
 - a. Quota allocation by permit category - 3 separate categories based on landings data from 1988-1997 (Alternative 3a).
 - b. Quota allocation by permit category - 3 separate categories based on landings data from 1993-1997 (Alternative 3b).
 - c. Quota allocation by permit category - 2 separate categories based on landings data from 1988-1997 (Alternative 3c).
 - d. Quota allocation by permit category - 2 separate categories based on landings data from 1993-1997 (Alternative 3d).
4. Quota allocation to separate subregions (Alternative 4).
 - a. Quota allocation to separate subregions based on 1988-1997 landings data with additional period allocations January through April and May through December (Alternative 4a).
 - b. Quota allocation to separate subregions based on 1993-1997 landings data with additional period allocations January through April and May through December (Alternative 4b).

5. State-by-state allocations (Alternative 5).
 - a. State-by-state allocations based on 1988-1997 landings data (Alternative 5a).
 - b. State-by-state allocations based on 1993-1997 landings data (Alternative 5b).
 - c. State-by-state allocations based on the best five landing years for each state during the period 1988 to 1997 (Alternative 5c).
 - d. State-by-state allocations based on the best five landing years for each state during the period 1980 to 1997 (Alternative 5d).
 - e. *De minimus* specifications (Alternative 5e).
 - f. Coastwide quota to facilitate state-by-state allocations implemented by the Commission (Alternative 5f: preferred alternative).
6. A hybrid quota system: coastwide quota from January through April and state-by-state quotas from May through December (Alternative 6).
 - a. A hybrid quota system based on 1988-1997 landings data: coastwide quota from January through April and state-by-state quotas from May through December (Alternative 6a).
 - b. A hybrid quota system based on 1993-1997 landings data: coastwide quota from January through April and state-by-state quotas from May through December (Alternative 6b).
 - c. A hybrid quota system based on 1980-1997 landings data: coastwide quota from January through April and state-by-state quotas from May through December (Alternative 6c).
7. A hybrid quota system: coastwide quota from January through April and subregional quotas from May through December (Alternative 7).
 - a. A hybrid quota system based on 1988-1997 landings data: coastwide quota from January through April and subregional quotas from May through December (Alternative 7a).
 - b. A hybrid quota system based on 1993-1997 landings data: coastwide quota from January through April and subregional quotas from May through December (Alternative 7b).
8. Allocations by gear type.
 - a. Quota allocation by gear type based on 1988-97 landings data (Alternative 8a).
 - b. Quota allocation by gear type based on 1993-97 landings data (Alternative 8b).

9. Permit requirements for fishermen that have both a Northeast Black Sea Bass Commercial Permit and a Southeast Snapper/Grouper Permit (Alternative 9).

a. Status quo (Alternative 9a).

b. Remove the permit requirement that restricts fishermen from using a Southeast Snapper/Grouper Permit during a northern closure (Alternative 9b: preferred alternative).

10. Prohibit the wet storage of black sea bass pots/traps during a closure (Alternative 10).

a. Status quo: allow wet storage of black sea bass pots/traps during a closure (Alternative 10a: preferred alternative).

b. Prohibit the wet storage of black sea bass pots/traps during a closure of longer than two weeks (Alternative 10b).

c. Prohibit the wet storage of black sea bass pots/traps during a closure of longer than four weeks (Alternative 10c).

11. A black sea bass pot/trap tag program.

a. Status quo: no tag program (Alternative 11a: preferred alternative).

b. A tag requirement for black sea bass pots/traps (Alternative 11b).

12. A limit on the number of pots/traps used by fishermen.

a. Status quo: no limit on the number of pots/traps (Alternative 12a: preferred alternative).

b. A limit of 400 pots/traps (Alternative 12b).

c. A limit of 800 pots/traps (Alternative 12c).

B. Summer Flounder, Scup, and Black Sea Bass EFH Alternatives

1. Status quo: current management measures (EFH Alternative 1: preferred alternative).

2. Prohibit bottom tending mobile gear from the nearshore areas surrounding estuaries (EFH Alternative 2).

3. Prohibit bottom tending mobile gear in the area surrounding the Hudson Canyon (EFH Alternative 3).

4. Roller rig and rock hopper gear restrictions (EFH Alternative 4).

5. Prohibit street-sweeper gear (EFH Alternative 5).

In the final deliberations on Amendment 13, and after a review of public comment, the Council and Commission considered all the alternatives and comments and chose the following preferred alternatives: a) a federal coastwide quota to facilitate the state-by-state allocation system implemented by the Commission (Alternative 5f; section 2.1.5.6); b) removal of the permit requirement that restricts fishermen from using a SER S/G Permit during a northern closure (Alternative 9b; section 2.1.9.2); c) no additional regulations regarding wet storage of black sea bass pots/traps during a closure (Alternative 10a: status quo; section 2.1.10.1); d) no initiation of a pot/trap tag program (Alternative 11a: status quo; section 2.1.11.1); e) no restrictions on the numbers of pots/traps used by fishermen (Alternative 12a: status quo; section 2.1.12.1); and f) rely on current management measures to minimize adverse effects of fishing on EFH (EFH Alternative 1: Status-Quo; section 2.2.1).