

Atlantic States Marine Fisheries Commission

**ADDENDUM XXXI TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA
BASS FISHERY MANAGEMENT PLAN**

*Black Sea Bass Conservation Equivalency and Block Island Sound Transiting for Summer
Flounder, Scup, and Black Sea Bass*



Approved December 11, 2018

Vision:
Sustainably Managing Atlantic Coastal Fisheries

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1.0 Introduction

The Atlantic States Marine Fisheries Commission's (Commission) Addendum XXXI, and the complementary framework action developed by the Mid-Atlantic Fishery Management Council (Council), modify both bodies' Fishery Management Plans (FMPs) to allow the use of conservation equivalency for black sea bass recreational management. Both documents also include recommendations to NOAA Fisheries to implement transit provisions in the Exclusive Economic Zone in Block Island Sound. The approved management program is described in more detail in Section 3 of this document.

Summer flounder, scup, and black sea bass fisheries are managed cooperatively through the Commission in state waters (0-3 miles), and through the Council and NOAA Fisheries in federal waters (3-200 miles). The management unit for summer flounder is US waters from the southern border of North Carolina northward to the US-Canadian border. For scup and black sea bass, the management unit is U.S. waters from Cape Hatteras, North Carolina northward to the U.S.-Canadian border.

Note: black sea bass conservation equivalency will not be a tool for use until NOAA Fisheries implements the Council's framework.

2.0 Overview

2.1 Statement of Problem

The Commission and Council recognize fisheries management can benefit from the ability to apply a variety of management strategies. In addition, these bodies strive to improve the compatibility of state and federal fishery management programs. This Addendum and the Council's complementary framework aim to increase the diversity of tools available for managing summer flounder, scup and black sea bass, as well as reduce conflict between state and federal regulations. Specifically, the Commission and Council identified conservation equivalency for black sea bass, conservation equivalency rollover for summer flounder, Block Island Sound transit provisions for all three species, and slot limits as management strategies that could address these goals.

State and federal waters measures for the same species are not always identical. For example, federal waters are sometimes closed to certain fisheries while state waters are open. In addition, possession limits and minimum fish sizes sometimes differ between state and federal waters. Discrepancies between state and federal regulations can be confusing for fishermen, which can result in noncompliance. They also create challenges for enforcement. Conservation equivalency and Block Island Sound transit address situations where state and federal waters differ, and could help defuse some of these issues.

The current Commission and Council FMPs require uniform coastwide management measures for black sea bass in state and federal waters; however, the fisheries vary by state in terms of availability, seasonality, and other factors. As a result, this one size fits all approach has had disproportionate impacts on some states. Since 2011, the Commission has adopted a series of addenda to allow states to temporarily deviate from this requirement and adopt measures that

are more appropriate for their fisheries. This Addendum and the Council's framework will allow the black sea bass federal waters measures to be waived in favor of the regulations of the states where anglers land their catch. This would help address the disproportionate impacts of uniform coastwide measures on some states.

The Council's framework adds a maximum size limit as an additional management tool to the suite of options available to the Board and Council for managing summer flounder and black sea bass recreational fisheries. This addresses some stakeholders' requests that the Board and Council consider use of slot limits to reduce fishing pressure on large female summer flounder. Slot limits are already allowed by the Commission's FMP, thus the Council's framework action will allow both bodies to use this type of management in the future.

2.2 Background

In December 2015, the Council and Board initiated development of a black sea bass amendment to address a variety of commercial and recreational issues, including areas of discrepancy between the Commission and Council FMPs (e.g., allocations in state waters but coastwide landings limits in federal waters; situations where state and federal waters measures differ), commercial allocations, alternative recreational management strategies, and other issues.

Development of the amendment was delayed due to other priorities taking precedence. In December 2017, the Board and Council re-evaluated the need for the amendment and agreed to postpone its development. Instead, they initiated this Addendum and the Council framework to address three specific issues: 1) recreational conservation equivalency for black sea bass, 2) Block Island Sound transit provisions for summer flounder, scup, black sea bass, and 3) slot limits for summer flounder and black sea bass.

Management options were further developed after a meeting of the Board and Council in April 2018. The Board and Council agreed to add options for conservation equivalency rollover for summer flounder, as well as Block Island Sound transit provisions for commercial vessels. The selected management program is described in more detail in section 3.

Conservation Equivalency for Recreational Black Sea Bass and Summer Flounder

The Summer Flounder, Scup, and Black Sea Bass FMP requires uniform coastwide measures (applying to state and federal waters) for the recreational black sea bass fishery. From 1996 to 2010, uniform coastwide minimum fish size, season, and bag limits were used by the Commission and Council to constrain the recreational fishery to the annual recreational harvest limit (RHL). In recent years, the Commission has implemented addenda to allow temporary deviations from this requirement in state waters. In response to state concerns that coastwide regulations disproportionately impacted certain states, the Board approved a series of addenda that allowed for state-by-state flexibility – first through state shares in 2011 and then through an ad-hoc regional management approach from 2012–2018.

Under the ad-hoc process used for 2012-2018, the Council and Commission agreed to coastwide federal waters measures each year. Individual states or regions then worked through the Commission process to develop measures for state waters that would constrain harvest to the RHL. In recent years, the states of New Jersey north have implemented management measures in state waters that differed from the federal waters measures.

Although the ad-hoc process allowed for variance in state or regional measures in state waters, uniform coastwide measures were still applied in federal waters. In some cases, differences between state and federal waters measures resulted in angler confusion and noncompliance, state/federal water transit issues (e.g. Block Island), and permitting problems for federal party/charter permit holders.

Conservation equivalency could resolve some of these issues by allowing measures for federal waters to be waived in favor of state or regional measures, that, when taken as a whole, are the conservation equivalent (i.e. would achieve the same amount of harvest) of the non-preferred coastwide measures. **Section 3.1** of this document presents the conservation equivalency program for black sea bass recreational management. Options for conservation equivalency rollover were also considered for both black sea bass and summer flounder. However, after further consideration of these options, NOAA Fisheries determined it would not be able to approve or implement conservation equivalency rollover at this time. Thus, these options were not considered further by the Board and Council.

Block Island Sound Transit Provisions

From 2009-2017, the federal waters recreational black sea bass fishery was closed for at least a few weeks each fall/winter. These closures sometimes occurred when Rhode Island and other northern state waters were open, resulting in transit issues for vessels harvesting black sea bass in the state waters around Block Island. Specifically, vessels retaining black sea bass legally caught in the state waters around Block Island were unable to transit back to the mainland without violating federal regulations. Additionally, federal permit requirements prevent non-federally permitted for-hire and commercial vessels from transiting Block Island Sound while in possession of black sea bass, summer flounder, or scup legally harvested from the state waters around Block Island.

Slot Limits

Slot limits may be implemented through the Commission process for summer flounder by states or regions through conservation equivalency, and for black sea bass and scup for state waters measures only. The Council's framework action updates the Council FMP to allow for specification of a maximum size limit for summer flounder and black sea bass. Therefore, slot limits may be used as a management tool for these two fisheries.

2.3 Description of the Fisheries

Summer Flounder

Over the past 30 years (i.e. 1988-2017), commercial and recreational summer flounder landings from Maine through North Carolina averaged 21.25 million pounds. Commercial landings from

2011-2017 show a decreasing trend. Recreational landings show a less consistent, but generally downward trend since 2011. In 2017, commercial fishermen from Maine through North Carolina landed about 5.83 million pounds of summer flounder and recreational fishermen landed about 3.19 million pounds¹ (Figure 1).

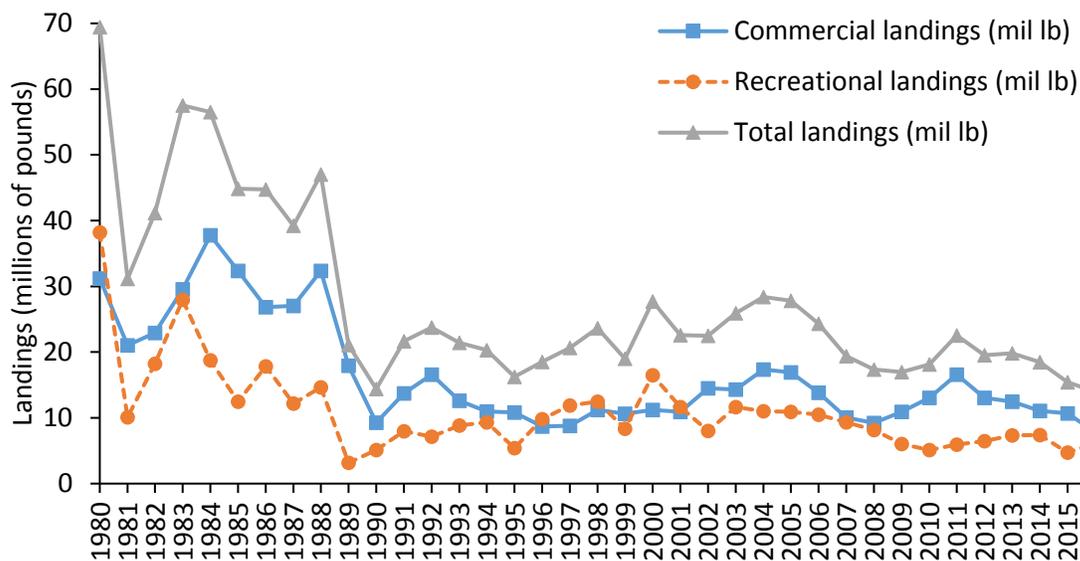


Figure 1: Commercial and recreational summer flounder landings in millions of pounds, Maine-North Carolina, 1980-2017 according to commercial dealer data and MRIP data.

Most landings in the commercial fishery are taken with bottom otter trawls (about 96% in 2017). The recreational fishery is predominantly a hook and line fishery. According to data from the Marine Recreational Information Program (MRIP), from 2013-2017, on average about 83% of the summer flounder harvested by recreational fishermen were caught from private or rental boats. About 13% were caught on party or charter boats and about 4% were caught from shore.

Most commercial catch occurs off Southern New England, New York, and New Jersey; however, most commercial landings occur in North Carolina, Virginia, New Jersey, and Rhode Island, largely due to greater allocations of quotas to those states compared to other states.

Over the past 10 years (i.e. 2008-2017), about 87% of recreational harvest (based on numbers of fish) occurred in state waters, with the remainder in federal waters. In recent years, most recreational summer flounder landings occurred in New York and New Jersey.

¹All recreational harvest information presented in this document is based on MRIP estimates using the Coastal Household Telephone Survey (CHTS), and does not incorporate new estimates produced by the recalibration for the transition from the CHTS to the Fishing Effort Survey and the Access Point Angler Intercept Survey design change.

Scup

Over the past 30 years (i.e. 1988-2017), commercial and recreational scup landings from Maine through North Carolina averaged 15.98 million pounds. Commercial landings have been generally increasing since 2008. Recreational landings have remained at a fairly constant level since about 2005. In 2017, commercial fishermen from Maine through North Carolina landed about 15.45 million pounds of scup and recreational fishermen landed about 5.42 million pounds (Figure 2).

Most landings in the commercial fishery are taken with bottom otter trawls (e.g. about 97% in 2017). The recreational fishery is predominantly a hook and line fishery. According to MRIP data, during 2013-2017, on average about 60% of the scup harvested by recreational fishermen were caught from private or rental boats. About 25% were caught on party or charter boats and about 15% from shore.

Most commercial catch occurs off Southern New England, New York, and New Jersey. Over the past 10 years (i.e. 2008-2017), about 97% of recreational harvest (based on numbers of fish) occurred in state waters, with the remainder in federal waters. Over 99% of scup caught by recreational fishermen during 2008-2007 were caught from Massachusetts through New Jersey.

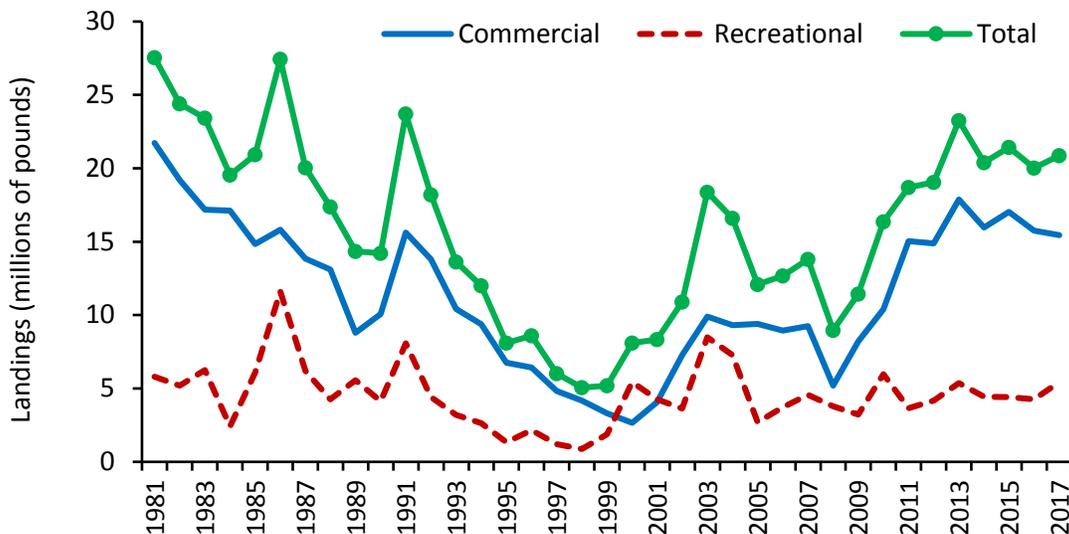


Figure 2: Commercial and recreational scup landings, Maine - North Carolina, 1981-2017 according to commercial dealer data and MRIP data.

Black Sea Bass

Over the past 30 years (i.e. 1988-2017), commercial and recreational black sea bass landings from Maine through North Carolina averaged 5.91 million pounds. Both commercial and recreational landings have been generally increasing since 2011. In 2017, commercial fishermen landed about 3.99 million pounds of black sea bass and recreational fishermen landed about 3.93 million pounds (Figure 3).

Most landings in the commercial fishery are taken with bottom otter trawls (e.g. about 73% in 2017). The recreational fishery is predominantly a hook and line fishery. According to MRIP data, during 2013-2017, on average about 71% of the black sea bass harvested by recreational fishermen from Maine through North Carolina were caught from private or rental boats. About 27% were caught on party or charter boats and about 1% from shore.

Commercial catch mostly occurs off Southern New England through Maryland. Over the past 10 years (i.e. 2008-2017), about 65% of recreational harvest (based on numbers of fish) occurred in state waters, with the remainder in federal waters. About 73% of the black sea bass caught by recreational fishermen during 2008-2007 were caught in New York, New Jersey, and Massachusetts.

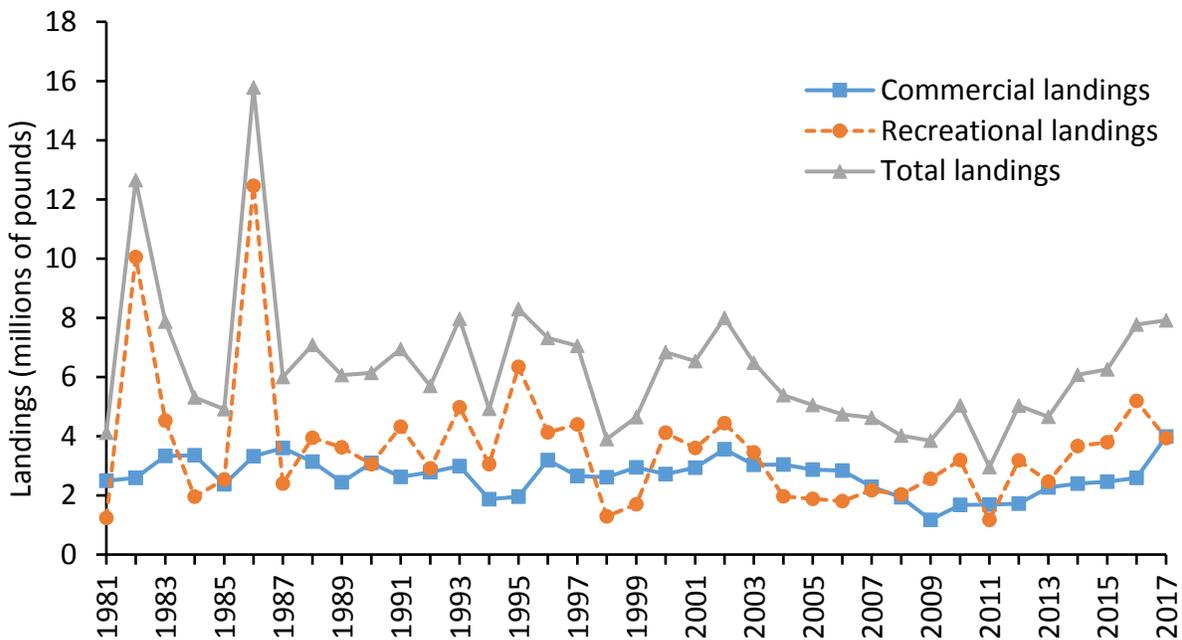


Figure 3: Commercial and recreational black sea bass landings in millions of pounds from Maine through Cape Hatteras, North Carolina, 1981-2017 according to commercial dealer data and MRIP data. Recreational landings prior to 2004 include all North Carolina landings.

2.4 Life History

Summer Flounder

Summer flounder habitat includes pelagic waters, demersal waters, saltmarsh creeks, seagrass beds, mudflats, and open bay areas from the Gulf of Maine through North Carolina. They spawn during the fall and winter over the open ocean areas of the continental shelf. From October to May, larvae and post-larvae migrate inshore, entering coastal and estuarine nursery areas. Juveniles are distributed inshore and in many estuaries during spring, summer, and fall. Adults exhibit seasonal inshore-offshore movements, normally inhabiting shallow coastal and estuarine waters during the warmer months of the year and remaining offshore during the colder months (Packer et al. 1999).

Most fish are sexually mature by age 2. The largest fish are females, which can attain lengths of over 90 cm (36 inches) and weights up to 11.8 kg (26 lbs.). Recent Northeast Fisheries Science Center (NEFSC) trawl survey data indicate that female summer flounder grow faster (reaching a larger size at the same age), but the sexes attain about the same maximum age (age 15 at 56 cm for males and age 14 at 65 cm for females). Unsexed commercial fishery samples currently indicate a maximum age of 17 for an 85 cm fish (M. Terceiro, NEFSC, personal communication).

Summer flounder are opportunistic feeders; their prey includes a variety of fish and crustaceans. Predators of adult summer flounder are not fully documented; however, larger predators (e.g., large sharks, rays, and monkfish) probably include summer flounder in their diets (Packer et al. 1999).

Scup

Scup are a schooling, demersal (i.e. bottom-dwelling) species. They are found in a variety of habitats, including areas with sandy or muddy bottoms, mussel beds, and seagrass beds. Scup undertake extensive seasonal migrations between coastal and offshore waters. They are found in estuaries and coastal waters during the spring and summer. In the fall and winter, they move offshore and to the south, to outer continental shelf waters south of New Jersey. Scup spawn once annually over weedy or sandy areas, mostly off Southern New England. Spawning takes place from May through August and usually peaks in June and July (Steimle et al. 1999).

About 50% of scup are sexually mature at two years of age and about 17 cm (about 7 inches) total length. Nearly all scup older than three years of age are sexually mature. Scup reach a maximum age of at least 14 years. They may live as long as 20 years; however, few scup older than 7 years are caught in the Mid-Atlantic (Northeast Data Poor Stocks Working Group 2009, NEFSC 2015).

Adult scup are benthic feeders. They consume a variety of prey, including small crustaceans (including zooplankton), polychaetes, mollusks, small squid, vegetable detritus, insect larvae, hydroids, sand dollars, and small fish. The NEFSC's food habits database lists several predators of scup, including several shark species, skates, silver hake, bluefish, summer flounder, black sea bass, weakfish, lizardfish, king mackerel, and monkfish (Steimle et al. 1999).

Black Sea Bass

Black sea bass are distributed from the Gulf of Maine through the Gulf of Mexico. Genetic studies have identified three stocks within that range. Black sea bass north of Cape Hatteras, North Carolina are considered one unit stock. Adults and juveniles are mostly found on the continental shelf. Young-of-the-year (i.e. fish less than one year old) can be found in estuaries. Adults prefer to be near structures such as rocky reefs, coral patches, cobble and rock fields, mussel beds, and shipwrecks. Adults in the Mid-Atlantic show strong site fidelity during the summer and migrate to offshore wintering areas south of New Jersey when water temperatures decrease in the fall. Adults in the South Atlantic and Gulf of Mexico do not migrate during the winter (Drohan et al. 2007).

Black sea bass are protogynous hermaphrodites, meaning they are born female with some later transitioning to males, usually around 2-5 years of age. Male black sea bass are either of the dominant or subordinate type. Dominant males are larger than subordinate males and develop a bright blue nuchal hump during the spawning season. Most black sea bass greater than 19 cm (about 7.5 inches) are either in a transitional stage between female and male or have fully transitioned to the male stage. Results from a simulation model highlight the importance of subordinate males in the spawning success of black sea bass. This increases the resiliency of the population to exploitation compared to other species with a more typical protogynous life history. About half of black sea bass are sexually mature by 2 or 3 years of age and about 20 cm (about 8 inches) in length. Black sea bass reach a maximum size of about 60 cm (about 24 inches) and a maximum age of about 12 years (Drohan et al. 2007, Blaylock and Shepherd 2016).

Black sea bass in the Mid-Atlantic spawn in nearshore continental shelf areas at depths of 20-50 meters. Spawning usually takes place between April and October. During the summer, adult black sea bass share complex coastal habitats with tautog, hakes, conger eel, sea robins and other migratory fish species. Juvenile and adult black sea bass mostly feed on crustaceans, small fish, and squid. The NEFSC food habits database lists spiny dogfish, Atlantic angel shark, skates, spotted hake, summer flounder, windowpane flounder, and monkfish as predators of black sea bass (Drohan et al. 2007).

2.5 Status of the Stock

Summer Flounder

The most recent summer flounder stock assessment update was completed in July 2016 and indicated the stock was not overfished, but overfishing was occurring in 2015. Spawning stock biomass (SSB) was estimated to be 79.9 million pounds in 2015, about 58% of the target level. The fishing mortality rate (F) in 2015 was 0.390, 26% above the threshold level that defines overfishing (Figures 4 and 5; NEFSC 2016).

The NEFSC provided a data update for 2018, with catch, landings, and fishery-independent survey indices through 2017. State and federal survey abundance and biomass indices have generally decreased from their most recent peaks during 2009-2012 to 2017, with the exception of the Massachusetts and Delaware indices. However, most indices are variable in recent years and some show signs of slight to moderate rebounding. The NEFSC fall survey was unable to sample the summer flounder strata in 2017, however, the NEFSC spring survey biomass index increased between 2017 and 2018. The Delaware index peaked in 2017. Indices of recruitment (i.e. age 0 fish) have generally been below average over the last 6-7 years. Recruitment indices in 2017 were highly variable (NEFSC 2018a).

Results of a new benchmark stock assessment for summer flounder are expected to be available in early 2019.

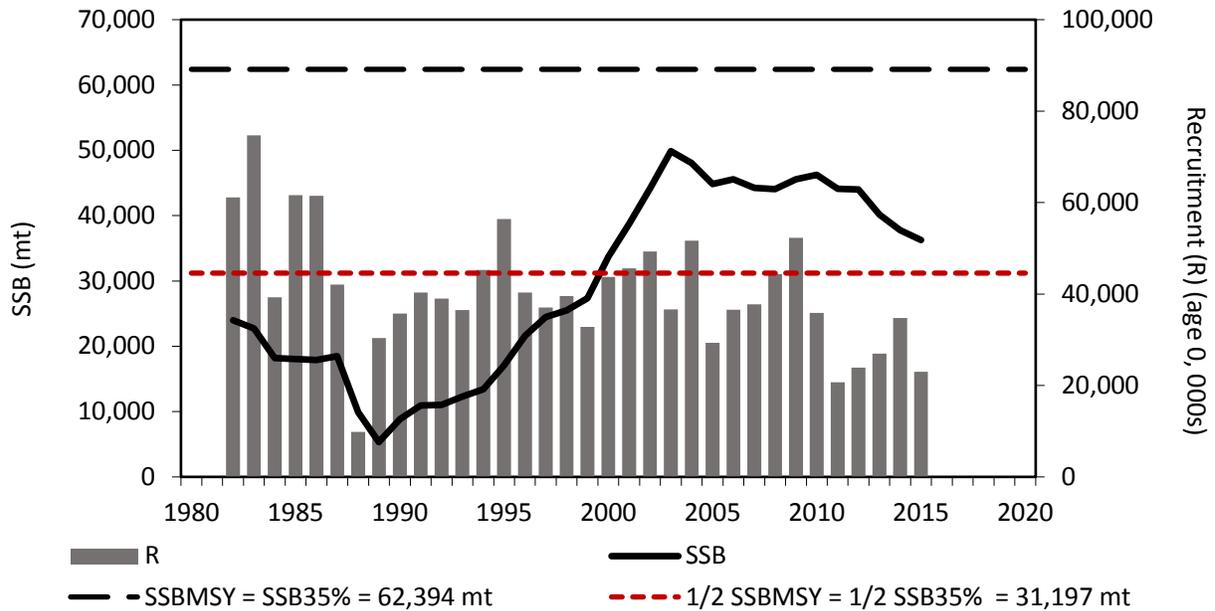


Figure 4: Summer flounder spawning stock biomass (SSB; solid line) and recruitment at age 0 (R; vertical bars) by calendar year, 1982-2015. The horizontal long-dashed line is the SSB target reference point proxy, the horizontal short-dashed red line is the biomass threshold reference point proxy (NEFSC 2016).

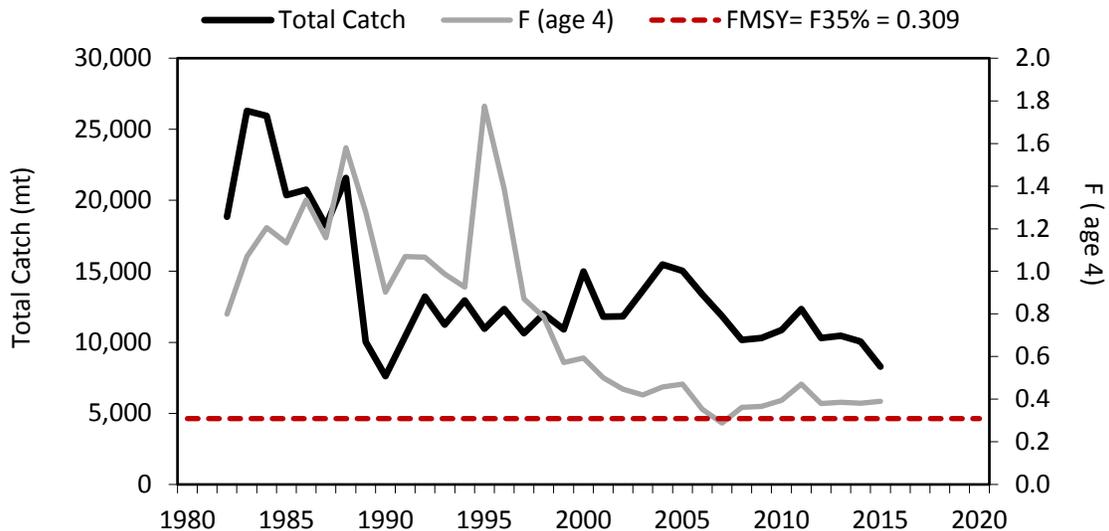


Figure 5: Total fishery catch and fishing mortality rate of summer flounder, 1982-2015. The horizontal dashed red line is the fishing mortality threshold reference point proxy (NEFSC 2016).

Scup

An update to the 2015 benchmark stock assessment indicated the scup stock was not overfished and overfishing was not occurring in 2016. SSB was estimated to be 396.6 million pounds in 2016, about 2.1 times the target level (Figure 6; NEFSC 2015, NEFSC 2017).

F was estimated to be 0.139 in 2016, 37% below the threshold level that defines overfishing (Figure 7). The 2015 year class (i.e. those scup spawned in 2015) was estimated to be the largest since at least 1984 at 252 million fish. The 2016 year class is estimated to be 65 million fish, about 47% below the average (Figure 6; NEFSC 2017).

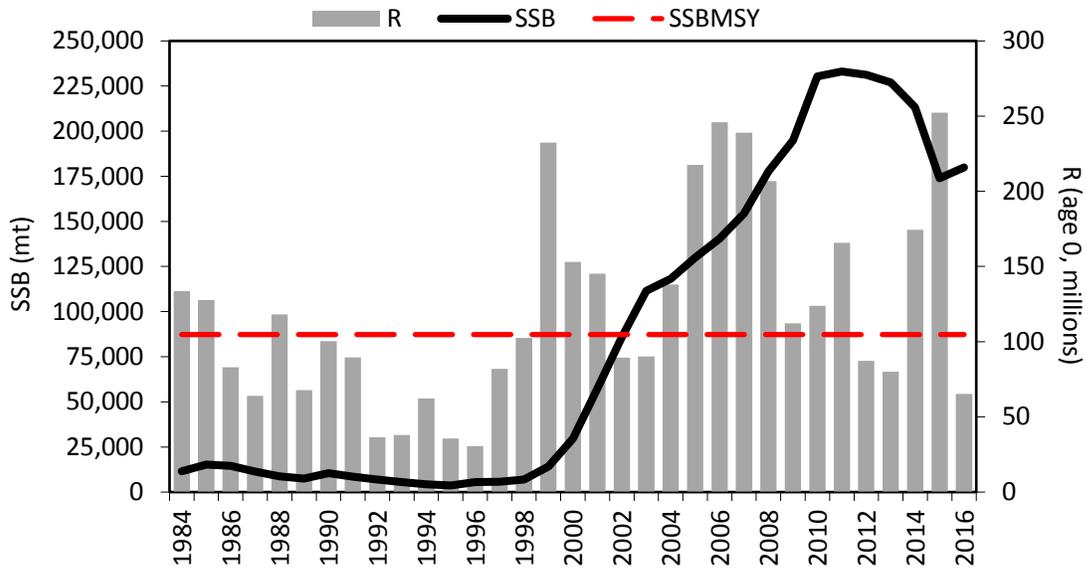


Figure 6: Scup spawning stock biomass and recruitment, 1984-2016 (NEFSC 2017a).

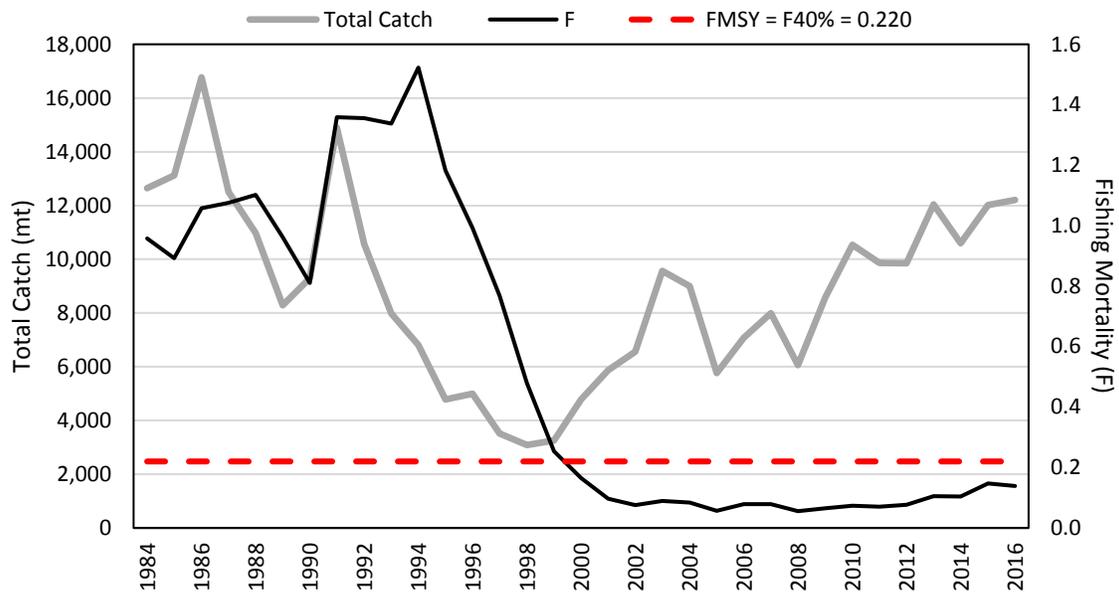


Figure 7: Total fishery catch and fishing mortality rate (F) for fully-selected age 3 scup, 1984-2016. The horizontal dashed line is the fishing mortality reference point from the 2015 benchmark stock assessment (NEFSC 2017a).

The NEFSC bottom trawl survey biomass indices for scup in fall 2015 and spring 2016 were record highs for the time series (i.e. 1963 - present for the fall survey and 1968 through the present for the spring survey). Both seasonal indices decreased after 2016. Several state fishery-independent surveys show similar trends (NEFSC 2018b).

Black Sea Bass

The most recent benchmark stock assessment for black sea bass was peer-reviewed and approved in December 2016. It indicated overfishing was not occurring and the stock was not overfished in 2015. SSB in 2015 was estimated at 48.89 million pounds, about 2.3 times the target level (Figure 8). F in 2015 was 0.27, 25% below the threshold level that defines overfishing (Figure 9). Recruitment was relatively constant from 1989-2015 except for large peaks from the 1999 and 2011 year classes (i.e. fish spawned in those years; Figure 8; NEFSC 2017b).

Fishery catch, landings, and discards, as well as NEFSC and state survey catches through 2017 indicate black sea bass biomass continues to be high and the 2015 year class appears to be above average in both the northern and southern surveys, as well as fishery discards (NEFSC 2018c).

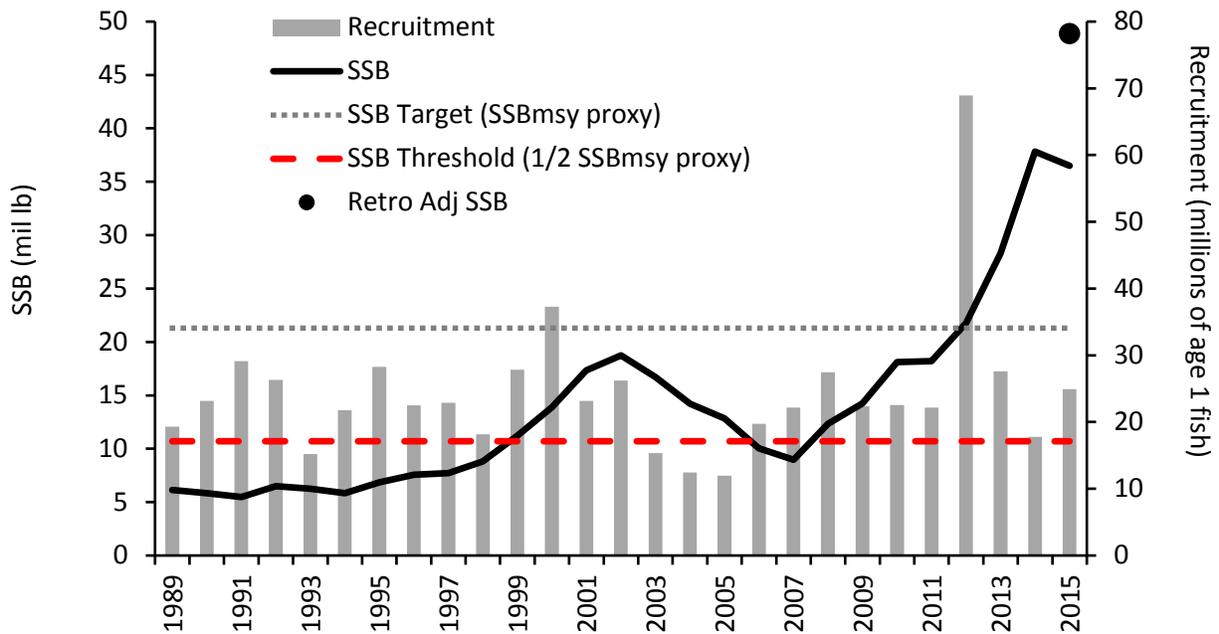


Figure 8: Black sea bass spawning stock biomass and recruitment, 1989 - 2015, and biomass reference points (i.e. SSB target and SSB threshold) from the 2016 benchmark stock assessment. The 2015 retro-adjusted SSB value was generated to correct for the retrospective bias present in the assessment model and is used as the estimate to compare to the reference points (NEFSC 2017b).

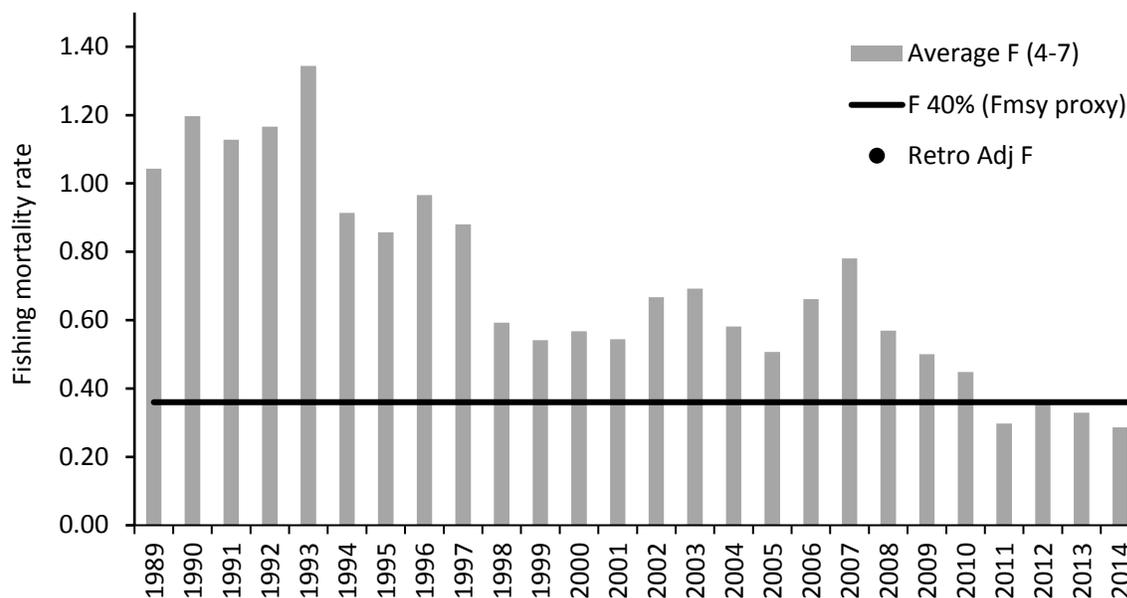


Figure 9: Fishing mortality rate on black sea bass ages 4-7 and the fishing mortality reference point (F_{MSY} proxy) from the 2016 benchmark stock assessment. The 2015 retro-adjusted fishing mortality rate value was generated to correct for the retrospective bias present in the assessment model and is used as the estimate to compare to the reference points (NEFSC 2017b).

3.0 Management Program

3.1 Black Sea Bass Conservation Equivalency

Update FMPs to allow Black Sea Bass Conservation Equivalency using the Current Summer Flounder Conservation Equivalency Process

Conservation equivalency may be used for the management of the recreational black sea bass fishery. Under this process, the Council and Commission decide each year whether to use coastwide measures or conservation equivalency. If they agree to conservation equivalency, they must agree on a set of non-preferred coastwide measures consisting of a minimum size, possession limit, and season that, if implemented on a coastwide basis, would constrain harvest to the RHL. They also agree to a set of precautionary default measures (described in more detail below).

Individual states or regions then develop proposed measures that, when taken as a whole, are the conservation equivalent of the non-preferred coastwide measures (i.e. would be expected to result in the same level of harvest as the non-preferred coastwide measures). An agreed upon management program forms the basis for the state or regional measures. The Commission would determine the management program to implement conservation equivalency for black sea bass. The Commission could agree to develop state or regional

measures using a similar or different approach than that used for summer flounder (e.g., similar or different regional alignment or data used to set measures).

The Commission's Technical Committee reviews the state/regional proposals to determine if, as a whole, they are expected to constrain harvest to the RHL. The Commission then considers the proposals for approval, taking into account the Technical Committee's recommendations. If the Commission does not approve an individual proposal, that state or region may submit a revised proposal.

If a state or region implements measures which are not approved by the Commission, then the precautionary default measures would be enforced in that state or region. The precautionary default measures are intended to be restrictive enough to deter states/regions from implementing measures which are not approved through the conservation equivalency process.

After reviewing and approving the state/regional proposals, the Commission submits a letter to NOAA Fisheries certifying that the combination of state/regional measures is expected to constrain harvest to the RHL. NOAA Fisheries then either approves or rejects the combination of proposals. If approved, NOAA Fisheries waives the federal waters measures (i.e., the non-preferred coastwide measures) for the remainder of the calendar year in favor of the state or regional conservation equivalency measures. Federally permitted vessels and vessels fishing in federal waters are then subject to the regulations in the states where they land their catch.

Appendix I outlines a potential timeline for black sea bass conservation equivalency based on the typical timeline for the summer flounder process.

Note: This Addendum does not specify allocations or other methodologies that would be used to develop state and/or regional measures and ensure they collectively constrain harvest to the RHL. In addition, it is not specified whether states will individually craft measures or if states will form regions with similar management measures. These details could vary for each year that conservation equivalency is used and will be determined by the Commission.

4.0 Recommendations for Federal Waters

4.1 Block Island Sound Transit Provisions

The Commission recommends NOAA Fisheries establish a transit area (as defined below) through which non-federally permitted for-hire and commercial vessels, in possession of summer flounder, scup or black sea bass, legally harvested from state waters, could transit between the Rhode Island state waters surrounding Block Island and the coastal state waters of Rhode Island, New York, Connecticut, or Massachusetts. Transit through the defined area would be allowed provided:

1. Fishermen and harvest are compliant with all applicable state regulations.
2. Gear is stowed in accordance with federal rules.

3. No fishing takes place from the vessel while in federal waters.
4. The vessel is in continuous transit.

Transit through the defined area would be allowed for non-federally permitted for-hire and commercial vessels in possession of any of the three species legally harvested from state waters, at all times. (Non-federally permitted for-hire and commercial vessels would still be prohibited from possessing any of the three species in all other federal waters.)

There would be no change to current federal regulations requiring all federally permitted vessels and dual (state and federal) permit holders to abide by the measures of the state(s) in which they harvest and land their catch, or the federal waters measures, whichever are more restrictive.

Transit Area

The Commission recommends the transit area be identical to the area of the exclusive economic zone (EEZ) around Block Island where transit is allowed for striped bass. This area, as shown in Figure 10, is defined as follows: “The EEZ within Block Island Sound, north of a line connecting Montauk Light, Montauk Point, NY, and Block Island Southeast Light, Block Island, RI; and west of a line connecting Point Judith Light, Point Judith, RI, and Block Island Southeast Light, Block Island, RI” (50 CFR 697.7 (b)).

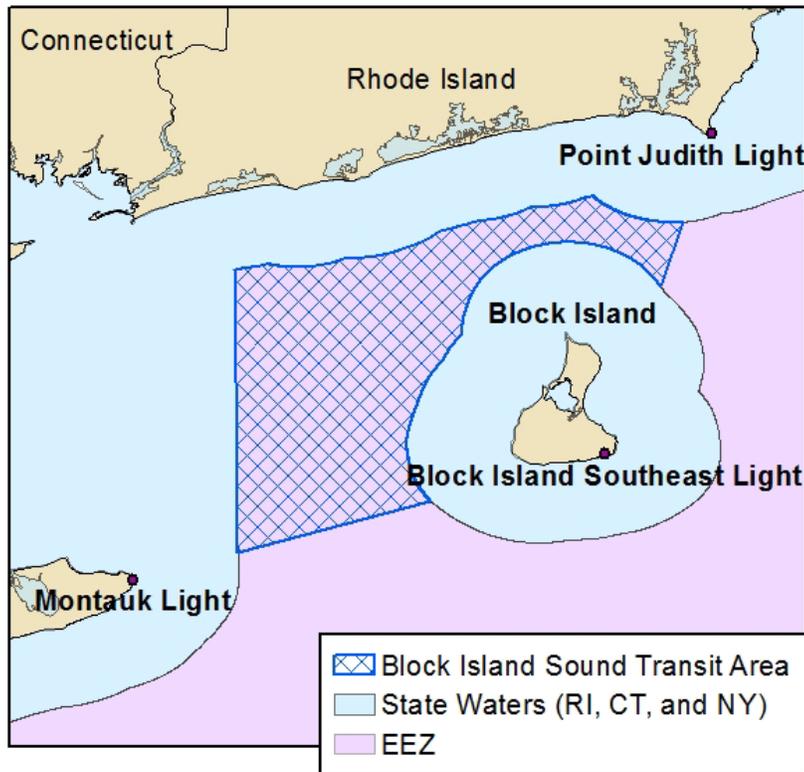


Figure 10: Block Island Transit Zone for Striped Bass (blue hatched area).

Fisheries Subject to Transit Provisions

The Commission recommends transit provisions allow all non-federally permitted recreational fishermen (i.e., private anglers, including those aboard vessels with Highly Migratory Species Permits), all non-federally permitted (i.e., state licensed or permitted) for-hire party/charter vessels, and all non-federally permitted commercial vessels, in possession of any of the three species, legally harvested from state waters, to transit through the defined area between the Rhode Island state waters surrounding Block Island and the coastal state waters of Rhode Island, New York, Connecticut, or Massachusetts.

These transit provisions would apply to private anglers only when federal regulations governing the recreational harvest of those species are more restrictive. These transit provisions would apply to all non-federally permitted (i.e., state licensed or permitted) for-hire party/charter and commercial vessels at all times.

These transit provisions would not apply to dual (state and federal) permitted for-hire and commercial vessels (i.e., those with federal Charter/Party Permits and/or federal commercial moratorium permits), as all dual permit holders are always required to abide by the measures of the state(s) in which they harvest and land their catch, or the federal waters measures, whichever are more restrictive.

5.0 Compliance

For black sea bass conservation equivalency, the Board will determine compliance requirements at the time conservation equivalency is implemented in a given year.

6.0 Literature Cited

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Appendix I. Timeline of Summer Flounder Conservation Equivalency Process

This timeline reflects current practice for summer flounder conservation equivalency in recent years. The timeline can vary year to year. In years when the Commission develops an addendum to modify summer flounder conservation equivalency, the timeline can be delayed and additional steps are added to the Board’s process.

<p>August Council/Board recommend Recreational Harvest Limit (RHL) to NMFS and Board takes final action on RHL for state waters.</p> <p>October Preliminary MRIP data available for waves 1-4 (i.e. January - August) of current year.</p> <p>November Monitoring Committee reviews MRIP data through wave 4 and develops recommendations on overall % reduction required (if applicable) and use of coastwide measures or conservation equivalency (including the non-preferred coastwide and precautionary default measures).</p> <p>December Council/Board recommend either conservation equivalency OR coastwide measures. If conservation equivalency, they also recommend non-preferred coastwide and precautionary default measures. NMFS publishes final rule announcing subsequent year’s RHL.</p>	
<p style="text-align: center;"><u>State Conservation Equivalency Measures</u></p> <p style="text-align: center;">January</p> <ul style="list-style-type: none"> • States/regions submit conservation equivalency proposals to Commission staff. • Technical Committee meets to evaluate proposals. <p style="text-align: center;">February</p> <ul style="list-style-type: none"> • Board meeting to approve/disapprove proposals. <p style="text-align: center;">March</p> <ul style="list-style-type: none"> • Council staff submits recreational measure package to NMFS. Package includes: <ul style="list-style-type: none"> ○ Overall % reduction required (if applicable) ○ Non-preferred coastwide and precautionary default measures; and ○ Recommendation to implement conservation equivalency. <p style="text-align: center;">April</p> <ul style="list-style-type: none"> • NMFS publishes proposed rule for recreational measures announcing the overall % reduction required (if applicable) and the non-preferred coastwide and precautionary default measures to be used under conservation equivalency. • Board submits a letter to NMFS certifying that the combination of state/regional measures is expected to constrain harvest to the RHL. <p style="text-align: center;">May</p> <ul style="list-style-type: none"> • NMFS publishes final rule announcing overall % reduction required (if applicable) and one of the following scenarios: <ul style="list-style-type: none"> ○ Approval of conservation equivalency; or ○ Coastwide measures 	<p style="text-align: center;"><u>Coastwide Measures</u></p> <p style="text-align: center;">February</p> <ul style="list-style-type: none"> • Council staff submits recreational measure package to NMFS. Package includes: <ul style="list-style-type: none"> ○ Overall % reduction required (if applicable); and ○ Coastwide measures. <p style="text-align: center;">April</p> <ul style="list-style-type: none"> • NMFS publishes proposed rule for recreational measures announcing the overall % reduction required (if applicable) and coastwide measures. <p style="text-align: center;">May</p> <ul style="list-style-type: none"> • NMFS publishes final rule announcing overall % reduction required (if applicable) and coastwide measures.