



Mid-Atlantic Fishery Management Council

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MEMORANDUM

Date: August 3, 2023

To: Council and Board

From: Julia Beaty, Staff

Subject: Amendment 23 Revisions to Black Sea Bass Commercial In-Season Closures

On August 8, 2023, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) will meet to adopt 2024 black sea bass specifications.

On August 2, 2023, the Council Chair received a [letter](#) indicating that the National Marine Fisheries Service (NMFS) has partially approved [Amendment 23](#) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). The approved component of this amendment modifies the in-season closure trigger for the commercial black sea bass fishery. A final rule has not yet published, but this change is expected to be effective by January 1, 2024. As such, the Council and Board should consider its application to the 2024 specifications, specifically, identifying the appropriate buffer above the commercial quota to trigger an in-season closure, as described below.

Under the approved revisions to the regulations, the entire commercial fishery would close in-season for all federally permitted vessels and dealers, regardless of state, once landings are projected to exceed the coastwide quota plus an additional buffer of up to 5%. Under the previous regulations, this closure would occur when the full quota was projected to be landed, without an additional buffer. 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. The commercial fishery has not closed in-season to date as states have effectively monitored and controlled their landings and used transfers to address minor state-level overages. Nonetheless, the potential for coastwide in-season closures was identified as a concern during development of Amendment 23 and the Commission's corresponding [Addendum XXXIII](#).

The revised regulations are not expected to create an incentive for quota overages as the Commission's FMP still requires states to close when their allocations are reached. In addition, if the coastwide quota is exceeded, states are still required to pay back their contributions to the overage. The 5% cap on the buffer is an additional precaution against landings exceeding the coastwide quota by a notable amount.

As indicated in Amendment 23 and Addendum XXXIII, the Council and Board should agree to the appropriate buffer for the upcoming year through the specifications process. The Monitoring Committee should provide advice on the appropriate buffer based on considerations such as stock status, the quota level, and recent fishery trends. A buffer for 2024 was not discussed during the July 27, 2023 Monitoring Committee meeting. Staff have requested Monitoring Committee input over email and will summarize their input during the August 8, 2023 Council and Board meeting.

As shown in Table 4 in the [staff memo](#) dated July 18, 2023, commercial landings have been 17-25% below the commercial quota and commercial dead catch has been 25-39% below the commercial annual catch limit since 2020. Despite these underages, commercial landings in 2022 were about 5.35 million pounds, the highest commercial landings in the time series of available data from 1981 - 2022. The 2024 commercial quota recommended by the Monitoring Committee is 6.00 million pounds. Therefore, landings could increase slightly in 2024 compared to 2022 without risking an overage of the quota.

An in-season closure is not anticipated in 2024 given recent trends in landings, the recommended 2024 quota, and the process in place to prevent quota overages. **Staff recommend use of the full 5% in-season closure buffer for 2024** as this is not expected to negatively impact the stock due to the current stock status (i.e., biomass about double the target level and overfishing not occurring based on the most recent assessment) and could provide some socioeconomic benefits in the unlikely event that it is needed.

Under the Monitoring Committee's recommendation for a 2024 commercial quota of 6.00 million pounds, a 5% buffer would result in the fishery closing in-season when 6.30 million pounds are projected to be landed.