



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

December 14, 2022

Mr. Michael Pentony
Regional Administrator
National Marine Fisheries Service
Greater Atlantic Region
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Pentony:

You recently shared the Greater Atlantic Regional Fisheries Office (GARFO) 2023 Annual Implementation Plan with the Mid-Atlantic Fishery Management Council. The Council appreciates the time and effort GARFO invests in developing annual implementation plans, as they help us better understand your priorities and planned activities for the upcoming year. We also appreciate that, compared to previous years, the 2023 plan includes greater detail regarding review and implementation of specific Council management actions. However, we are concerned that the plan does not mention rulemaking for the Black Sea Bass Commercial State Allocation Amendment (Amendment 23 to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan), which the Council and Atlantic States Marine Fisheries Commission approved on August 4, 2021.

As you know, Amendment 23 proposes several important changes to the management program for black sea bass commercial fisheries. In addition to modifying both the commercial quota allocations to the states and the in-season closure regulations, the amendment proposes to add the state allocations to the Council's Fishery Management Plan (FMP). This change would bring the allocations in line with other aspects of the black sea bass management program which are jointly developed and approved by the Council and Commission. This joint process has been in place for close to 30 years and has served both organizations well. Including the commercial state allocations in the Council's FMP ensures that the Council and Commission will both have a say in any future changes to the state allocations, which will enhance and support this process. In addition, adding these allocations to the Council FMP will provide for a more thorough and transparent review process, as the Council is bound by the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the National Environmental Policy Act, and other laws which do not apply to the Commission process. We believe this is appropriate considering the fact that most commercial black sea bass landings come from federal waters.¹

The changes proposed through this amendment support our shared goal of building resilient, climate-ready fisheries. Under the revised allocations, 25 percent of the coast-wide quota will be allocated based on recent biomass proportions. We believe that formalizing the Council's role in the review and potential revisions to these allocations will increase the Council's adaptive capacity, allowing us to respond more effectively and efficiently to future changes in this important fishery.

¹ For example, during 2010-2019, on average, 64% of commercial black sea bass landings from Maine through North Carolina came from federal waters and 17% from state waters. The remaining 18% was categorized as "unknown" (source: NEFSC dealer "AA tables," which include landings from state and federal fisheries).

We recognize that adding the state allocations to the Council FMP will create new requirements for GARFO to monitor landings at the state level and manage quota transfers between states. However, we believe that any increase in administrative burden will be negligible. GARFO has monitored state landings and managed quota transfers for summer flounder and bluefish for many years, so no new administrative processes would be needed to do the same for black sea bass. This change would also decrease the administrative burden on the Commission and member states given that they would no longer be responsible for managing these tasks. It is also important to note that the Council's Omnibus Commercial eVTR Framework, implemented in November 2021, significantly reduced the workload associated with tracking commercial landings by state.

Since the Council and Commission took final action on August 4, 2021, Council staff have worked to ensure timely review and implementation of Amendment 23 while also working on other major priority actions for black sea bass. Council staff has coordinated with GARFO throughout development of this amendment and addressed the edits provided by GARFO during review of the draft Environmental Assessment (EA). A draft EA was submitted on November 19, 2021, and a final revised version was submitted on September 14, 2022. We also understand that GARFO staff resources have been strained by rulemaking and implementation of multiple recent actions for this species. However, given the steady progress toward implementation of those actions, we hope rulemaking for Amendment 23 will occur in the upcoming months and strongly encourage you to implement this action as soon as possible.

Thank you for your consideration of these comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Luisi", written in a cursive style.

Michael Luisi
Chairman, Mid-Atlantic Fishery Management Council

CC: S. Rauch III, C. Moore, W. Townsend, J. Beaty