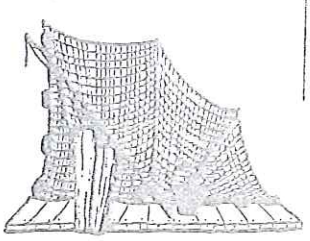

Marine Resources Advisory Council

July 26, 2017

Mr. Christopher Moore
Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite201
Dover, Delaware 19901

Dear Mr. Moore:

As Chair of the New York State Marine Resources Advisory Council (MRAC) I'm writing on behalf of the Council to urge you to consider alternative methodologies when estimating harvest levels for Black Sea Bass that both achieve sustainable management of the species and reduce hardship to fishing communities. The fishing community of New York has increasingly become skeptical of management of Black Sea Bass following the lengthy period for the assessment process to recognize the high abundance of the species in the northern region (including New York) and the highly variable and unrealistic MRIP estimates of harvest. Presently, the benchmark assessment showed spawning stock biomass to be more than 200% of its target level; and to the frustration of the fishing community, further restrictions were implemented for 2017 following an MRIP harvest estimate showing 765,000 pounds for the private boat category during November and December, 2016.

In comparison, between 2004-2015 the November and December average harvest estimate was 28,000 pounds; thus, the 2016 value is 27 times greater! Obviously, this value has been met with skepticism; especially, given that many marinas and fishing operations are closed for the season in November and December. It is far more likely the estimate is a result of the significant changes to MRIP that have occurred over the last three years and the use of MRIP to not only estimate a coast wide value; but the use of a much smaller number of observations to estimate state and wave estimates. The current use of MRIP is resulting in considerable uncertainty and hardship to fishing communities in New York State. Moving forward we strongly urge the use of some form of smoothing annual values to lesson unrealistic yearly deviations. The precision of MRIP estimates is directly dependent upon the number of intercepts made to produce such estimate; the fewer intercepts made, the higher the uncertainty, for that reason, basing regulations on MRIP estimates made on a state by state and wave by wave basis, as is the case with black sea bass, necessarily introduces substantial uncertainty into the process. Such uncertainty has caused the fishing community to lose trust in the management process and the data that support sustainable populations. We understand that as MRIP methodology continues to improve the level of harvest estimates may change relative to previous methods as accuracy is increased; however, such changes should not result in unnecessary impacts to the fishing community. We fully support the NYSDEC's efforts to seek changes in the use of MRIP that addresses the volatility of harvest estimates to ensure reasonable fishery management practices (See attached documents).

To reiterate, we hope consideration of methodology that reduces the highly variable nature of MRIP estimates can be implemented to reduce hardship on the fishing community for Black Sea Bass and other species. I appreciate your consideration of this important issue.

This letter was supported by 10-0-2 MRAC vote on May 16, 2017.

Sincerely,

Michael G. Frisk

Michael G. Frisk, Ph.D.
Chair of the New York State Marine Resources Advisory Council
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cc: Senator Charles Schumer ✓
Congressman Lee Zeldin ✓
Assemblyman Fred Thiele, Jr. ✓
MRAC Councilors ✓

Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Summer Flounder, Scup and Black Sea Bass Management Board

FROM: James J. Gilmore, New York State Department of Environmental Conservation

DATE: May 4, 2017

SUBJECT: New York Black Sea Bass Wave 6 Estimate

Following briefings from NOAA Fisheries Marine Recreational Information Program staff, John Maniscalco, in consultation with some Technical Committee members, developed the attached document, which provides additional discussion on the validity of the estimate but also suggest a fix for 2016 Wave 6.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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The preliminary estimate of 2016 Wave 6 harvest of black sea bass in New York was 367,804 fish or 887,186 pounds. The magnitude of this harvest is a significant departure from the pattern NY has previously seen in its Wave 6 BSB harvest since the implementation of recreational surveys to estimate harvest of marine species in the early 1980s (Table 1). The large NY harvest of black sea bass in Wave 6 2016 is a result of PR mode intercepts of Montauk, NY based anglers that primarily fished in federal waters. Prior to 2016, the largest number of BSB estimated to be harvested in NY during Wave 6 was 89,863 fish in 1989. Over this period of time, the survey, the stock, and the regulatory landscape have changed considerably.

After preliminary 2016 Wave 6 estimates were released on February 17, 2017, NY identified the BSB harvest estimate as problematic and asked MRIP staff (2/24/2017) for additional review of the underlying data and sampling. MRIP staff provided a report on the preliminary estimate followed by a conference call (4/19/2017) that included staff from NYDEC Marine Resources, MRIP, and GARFO. MRIP will release the report to the public after inclusion and consideration of the final harvest estimates.

The main points of the preliminary report include:

- No errors in data collection, survey data, or catch and effort estimation
- Higher than normal EEZ fishing by the PR Mode + ubiquitous BSB = high harvest estimate
- Survey conduct by samplers in 2016 achieved similar results to prior years

The conclusions of the preliminary report are not a satisfactory explanation for the preliminary Wave 6 harvest estimate. The 2016 Wave 6 estimate for BSB is the largest in the history of MRFSS/MRIP and many times larger than Wave 6 estimates from the last 10 years. Black sea bass from the dominant 2011 year class had recruited to the late season NY recreational fishery in both 2014 and 2015 (Figure 1), and according to the recent benchmark assessment the stock biomass peaked in 2014 (Figure 2). Despite the large biomass and availability to the fishery, PR mode trips didn't land a single black sea bass from the ocean (state and federal waters) during 2014 and 2015 (Table 2). A quick review of wind (Montauk Airport, Table 3) and wave (Offshore Buoy, Table 4 & Figure 3) data from Montauk, NY (area primarily responsible for PR mode harvest) doesn't support the anecdotal statement in the MRIP report that the weather in Wave 6 2016 was milder than other recent winters, 2015 specifically. In addition, NY 2016 Wave 6 recreational landings of several species co-occurring with black sea bass (tautog, scup, and Atlantic cod) were at or near time series maxima (Table 1) regardless of regulations and stock size.

In summary, NY believes that the data discussed above points to MRIP's inability to consistently capture some modes in a complete and accurate manner, especially during low effort waves such as Wave 6 in NY. This is a sampling and catch expansion issue. Additionally, changes in staff conducting and overseeing APAIS may have impacts that haven't been fully explored.

The sampling difficulty and resulting volatility associated with low effort waves was acknowledged by MRIP staff during the 4/19/2017 call. It was suggested that the swings seen in NY's Wave 6 time series (both the lows and highs) could be moderated by the consideration of additional information. One path forward would be to utilize an average ratio between harvest

estimates from Wave 5 and Wave 6 (Table 5). This method would be most appropriate for years in which regulations (Table 6) didn't change significantly between Waves 5 and 6. A potential working example is detailed below:

During the years 2006-2008 and 2012-2016 changes in regulations between Waves 5 and 6 in NY were minimal. The possession limit in 2015 and 2016 increased by 2 fish during Wave 6. The size limit was consistent during any given year and there was no seasonal closure in NY (it should be noted that federal waters were closed for varying periods of time in Wave 5 for 2012-2016). Additional years could be included in the analysis if days open by wave were considered.

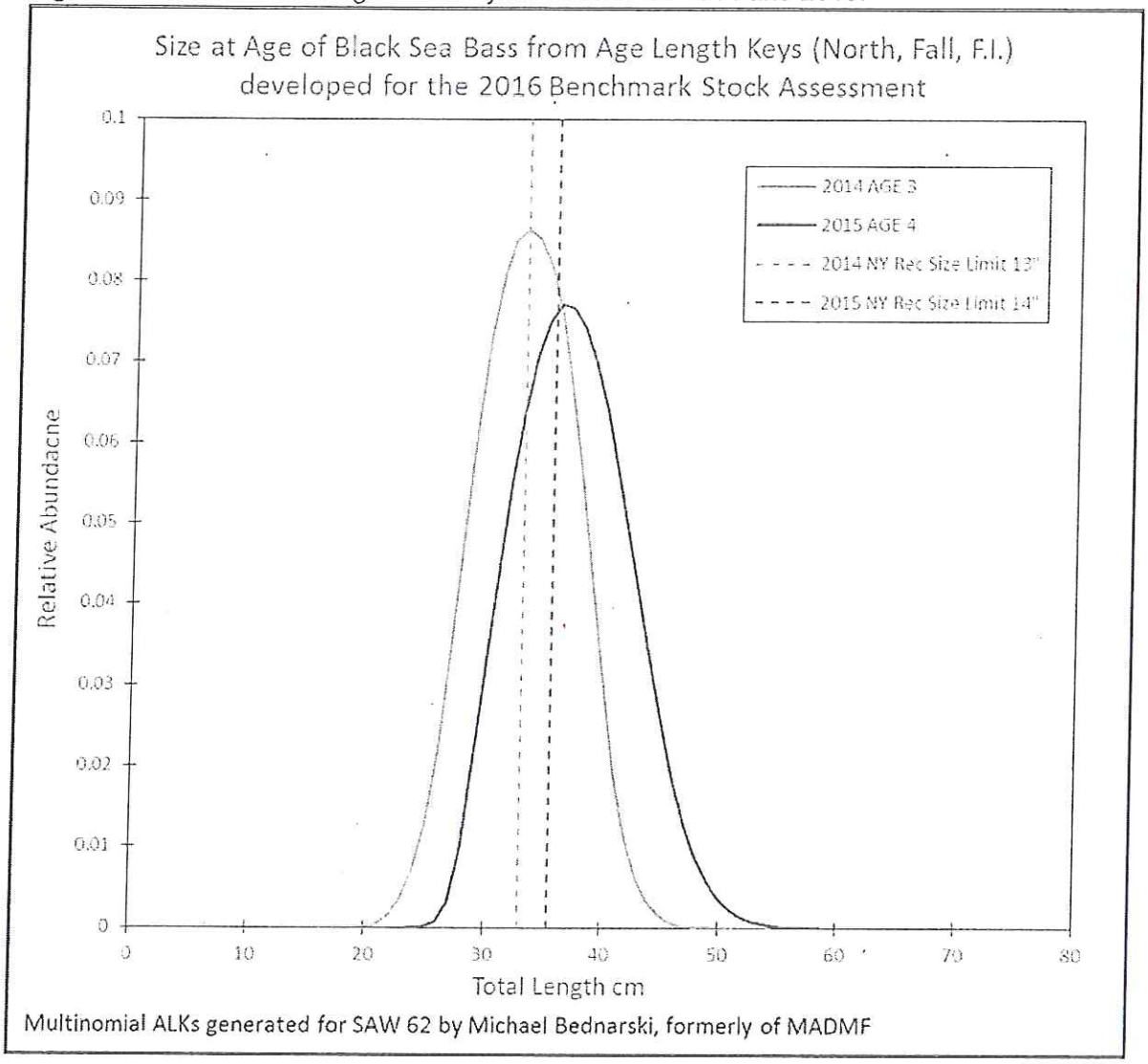
The average yearly ratio of harvest in pounds in wave 6 relative to wave 5 for different subsets of years is provided below. That ratio is then applied to the 2016 wave 5 harvest to calculate a modified estimate for Wave 6.

YEARS	WV 6: WV 5 AVG	MODIFIED NY WV 6 HARVEST LB
2016 (un-modified)	1.56	887,186
2012-2016	0.36	204,867
2006-2008 & 2012-2016	0.32	182,053
2006-2008 & 2012-2015	0.14	81,319
2012-2015	0.06	34,288

Table 1. NY Wave 6 time series of black sea bass and co-occurring species harvest estimates in fish.

Year	BSB	PSE	TAUTOG	PSE	ATL COD	PSE	SCUP	PSE
1983	323	72	32,733	36.9	21,648	38.4		
1984	933	52	11,483	66.1	11,932	33.4	58,846	46.5
1985			225,477	69.3	20,325	36.6	4,053	76.9
1986	13,064	34.8	165,560	19.3	14,129	32.3	89,904	43.7
1987			215,970	37.3	45,267	45.5	35,233	49.7
1988	0	.	295,037	68.1	6,259	71.8		
1989	89,863	46	70,709	33.6	26,596	56.2	655	46.4
1990	26,688	40.5	124,251	28	51,430	26.3	14,340	35.7
1991	4,569	40.6	244,418	20.3	19,191	34.2	6,574	48.1
1992	26,965	41.3	99,308	31.4	12,179	44.2	10,723	59.9
1993	4,771	44.7	195,407	26.1	18,952	36.3	7,818	72.2
1994	17,223	56.3	114,141	26	3,532	33.6	8,728	57.8
1995	0	.	27,391	54.2	1,379	61.4	6,437	72.2
1996	5,573	55.1	3,384	52.4	2,787	45.6		
1997	9,658	69.7	31,593	25.7			225	100
1998	0	.	28,083	43.1				
1999	0	.	137,645	31.9			68,532	76.5
2000	10,502	63.2	23,470	35.5			15,218	67.8
2001	28,524	38.8	19,396	28.2			16,959	60.4
2002	4,136	46.7	519,846	36.6			93,598	37.9
2003	8,717	39.7	72,683	28.4			47,288	23.3
2004	1,527	71.8	212,078	57	0	.	390	80.7
2005	4,986	87.2	47,397	28.4			0	.
2006	9,139	86	176,858	50.9			0	.
2007	27,287	37.5	108,956	25.7	1,885	56	2,759	98.4
2008	53,839	92.6	107,847	33.5	3,822	85.3	1,646	100.5
2009	9,979	96.5	179,844	36.1	34	95.4	0	.
2010	1,306	102.6	21,625	38.8	3,116	25.7	0	.
2011	55,754	60.1	93,277	32.1	10,509	72.7		
2012	1,393	99.5	14,182	40.6				
2013	8,592	88.8	30,075	50.6	1,138	63.3	17,073	82.2
2014	1,969	88	220,255	89.6			43	99.9
2015	15,822	13.8	19,023	46.9	2,076	11.4	49,560	11.3
2016	367,806	33	211,768	34.4	78,496	38.8	279,356	59.9

Figure 1. Modeled size at age of 2011 year class in fall 2014 and 2015.



Multinomial ALKs generated for SAW 62 by Michael Bednarski, formerly of MADMF

Figure 2. SAW 62 SSB time series.

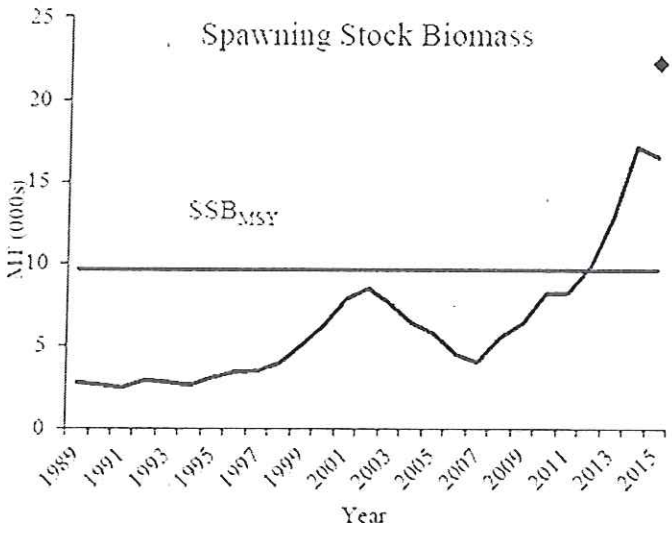


Figure A4. ASAP model results of black sea bass spawning stock biomass (mt, sexes combined) with SSB$_{MSY}$. Retrospective adjusted value indicated with black diamond.

Table 2. NY Wave 6 black sea bass harvest estimates (fish) by mode and area (PR mode).

Harvest (A+B1)	MODE			PR ONLY AREA OF HARVEST		
YEAR	CHARTER	PARTY	PR	INLAND	OCEAN (<= 3 MI)	OCEAN (> 3 MI)
2005	839	0	4,147	0	4,147	
2006		12	9,127	1,419	7,707	
2007	26,598	0	690	690		
2008			53,839		50,054	3,784
2009		212	9,767	9,767	0	
2010			1,306	0	1,306	
2011	6,940	149	48,665	739	47,927	
2012	1,393	0	0	0	0	
2013		183	8,409	8,409		
2014		214	1,756	1,756	0	
2015		14,293	1,529	1,529		0
2016	2,780	79,595	285,430	19,615	47,261	218,553

Table 3. Number of fishable days as measured by wind speed and gusts recorded by the Montauk Airport Weather Station.

YEAR	NOV	DEC	WV 6
2010	21	21	42
2011	19	20	39
2012	22	19	41
2013	13	18	31
2014	17	19	36
2015	12	17	29
2016	15	19	34

AVG W SPD NOT > 20mph or AVG GUSTS NOT > 25mph 5AM-5PM

Table 4. Average monthly and bi-monthly wave height (meters) offshore Long Island, NY (Station 44017).

YEAR	2014	2015	2016
WV 6 AVG WAVE HEIGHT m	1.61	1.38	1.43
NOV AVG WAVE HEIGHT m	1.65	1.29	1.34
DEC AVG WAVE HEIGHT m	1.56	1.47	1.52

Figure 3. Average daily wave height (meters) offshore Long Island, NY (Station 44017)

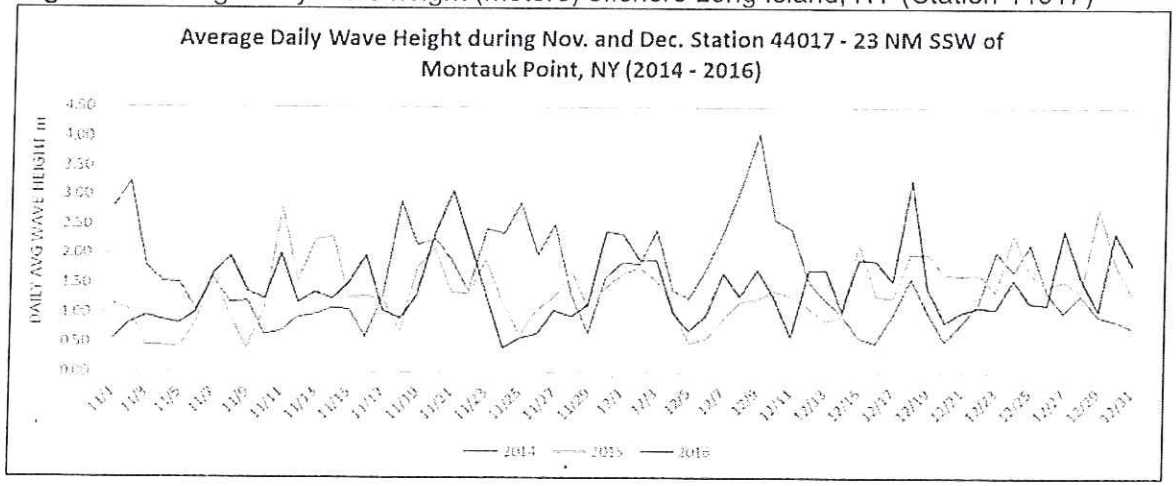


Table 5. MRIP NY Black seas bass harvest estimates by wave for select years.

YEAR	WAVE 3	WAVE 4	WAVE 5	WAVE 6	TOTAL	WV 6: WV 5
2006	145,419	123,792	185,167	22,011	476,389	0.12
2007	182,521	190,676	150,647	34,361	558,205	0.23
2008	74,175	90,108	252,512	104,277	521,072	0.41
2012	104,688	352,605	85,397	2,533	545,223	0.03
2013	0	554,239	163,028	17,468	734,735	0.11
2014	0	558,849	285,535	2,804	847,188	0.01
2015	2,226	1,037,631	449,168	42,483	1,531,507	0.09
2016	0	1,020,672	568,592	887,186	2,476,450	1.56

Table 6. NY black sea bass recreational fishing regulations for select years.

YEAR	SIZE (IN)	POSSESSION	OPEN SEASON
2006	12	25	ALL YEAR
2007	12	25	ALL YEAR
2008	12	25	ALL YEAR
2012	13	15	6/15-12/31
2013	13	8	7/10-12/31
2014	13	8	7/15-12/31
2015	14	8 & 10	7/15-10/31 & 11/1-12/31
2016	15	3,8,10	6/27-8/31, 9/1-10/31 & 11/1-12/31