



Atlantic Black Sea Bass

Consent Agenda Item #1 - Proposed Adoption of Federal Standards
September 8, 2016

Florida Fish and Wildlife Conservation Commission
Division of Marine Fisheries Management

Version 1

This is a summary of proposed rules to adopt federal standards for Atlantic black sea bass. These proposed rules are consistent with recent federal action increasing the recreational bag limit from five to seven fish, as well as pending federal action expected to establish buoy line marking requirements for commercial black sea bass traps in federal waters of the Atlantic.

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Background



2003

- Stock assessment declared Atlantic black sea bass overfished and undergoing overfishing

2008

- South Atlantic Council (Council) implemented a rebuilding plan for Atlantic black sea bass

2011 and 2012

- Modified commercial and recreational regulations to facilitate rebuilding and allow longer fishing seasons

2013

- Stock declared rebuilt
- Council increased recreational and commercial quotas



From 2003 to 2013, the Atlantic black sea bass stock was overfished and undergoing overfishing. During this time period, the Council implemented several management changes to address this problem. This included adoption of a rebuilding plan in 2008 to bring the Atlantic black sea bass stock back to a sustainable biomass level and end overfishing. In 2011 and 2012, the Council further modified recreational and commercial regulations to facilitate the rebuilding plan and allow longer fishing seasons in federal waters.

The Florida Fish and Wildlife Conservation Commission (FWC) adopted recreational and commercial regulations for Atlantic black sea bass in state waters that were consistent with changes in adjacent Atlantic federal waters when appropriate.

In 2013, a new stock assessment determined the Atlantic black sea bass stock was rebuilt. At this time, the Council increased recreational and commercial quotas, but did not revise many of the other fishing regulations changed during stock rebuilding.

The following slides detail how recreational and commercial regulations were modified since the first stock assessment was completed in 2003.

Past Council Management Changes – Recreational



- Established a recreational quota
 - Included provisions to close the fishery when the quota was met
 - Recreational quota was met and the season ended early in three consecutive fishing years
- Reduced recreational bag limit from 20 to 5 fish/person
- Increased recreational minimum size limit from 10 to 13 inches
- Recreational quota increased in 2013
 - Bag limit and minimum size limit not changed in an attempt to prevent additional quota closures



After determining the Atlantic black sea bass stock was overfished and undergoing overfishing, the Council modified federal recreational regulations several times in order to address the situation. These changes included establishing a quota for the recreational fishery and a provision that would allow the fishing season to be shut down when the quota was met. After the recreational quota established, the fishing season was closed early in federal waters because of quota overages during fishing years 2010/2011, 2011/2012, and 2012/2013. (Note: the start date for the recreational black sea bass fishery was June 1.)

The Council changed federal recreational bag and size limits while rebuilding the stock to reduce the rate of harvest and lengthen the fishing season. The recreational bag limit was decreased twice, dropping first from 20 to 15 fish per person and then dropping to five per person. Over the years, the recreational minimum size limit was changed incrementally from 10 to 13 inches. The same bag and size limits were adopted by FWC in Atlantic state waters. Despite these changes, the recreational fishery was subject to short fishing seasons due to quota overages.

After the Atlantic black sea bass stock was declared rebuilt in 2013 and the Council increased the quota, they remained concerned that the recreational fishery might continue to exceed its quota and experience shortened fishing seasons. Therefore, the Council retained the lower bag limits and larger minimum size limits as a precautionary measure.

Past Council Management Changes – Commercial



- Established a commercial quota
- Implemented a 1,000-lb. trip limit
- Established a limited-entry endorsement program for black sea bass traps
 - Restricted harvesters to 35 traps per vessel
- Increased the minimum size limit from 10 to 11 inches
- Commercial quota increased in 2013
 - Prohibited the use of black sea bass traps from Nov. 1 – April 30



The Council also modified commercial regulations to facilitate the rebuilding plan, including establishing a quota to restrict commercial harvest. To allow longer fishing seasons, the Council implemented a 1,000-lb. commercial trip limit and created an endorsement program for the black sea bass trap sector. The endorsement program limited participation to about 30 people, and these harvesters were then restricted to fishing a maximum of 35 traps. Additionally, the commercial minimum size limit was raised from 10 to 11 inches.

A few changes have been made since the commercial quota was increased in 2013, but the most significant is a seasonal closure of the commercial black sea bass trap sector from Nov. 1 through April 30. This was implemented to keep traps out of the water during the endangered North Atlantic right whale southern migration and calving season, minimizing the likelihood that right whales would be entangled in black sea bass traps. The seasonal closure, combined with changes made during the rebuilding plan, created negative socioeconomic impacts for the commercial black sea bass trap sector.

Recent Council Action



Council approved regulations to allow greater access to the resource

- Federal recreational bag limit increase from 5 to 7 fish
 - Effective Aug. 12, 2016
- Replacement of commercial trap closed season with closed areas and requirement of special buoy line marking for black sea bass traps
 - Would allow fishing during winter months in areas where right whales are unlikely to occur
 - Special marking would only be required Nov. – April
 - Awaiting approval from U.S. Secretary of Commerce



Recently, the Council approved changes that will allow recreational anglers and commercial sea bass trap fishermen greater access to the resource.

The concern that the recreational fishery would continue to exceed its quota, even after it was increased in 2013, proved unfounded. The recreational fishery has harvested no more than 57% of their quota during the fishing years that followed the 2013 quota increase. This is due in part to the 5-fish bag limit. Thus, the Council approved increasing the bag limit to seven fish in order to provide anglers greater access to their quota. A bag limit increase was supported by anglers. This change will be effective in federal waters Aug. 12, 2016.

Based on recent analyses, the Council determined closed areas for commercial black sea bass traps could be used in place of the closed season to prevent interactions between black sea bass traps and right whales and create socioeconomic benefits for trap fishermen. Therefore, the Council approved prohibiting the use of black sea bass traps in areas considered right whale habitat from November through April. Commercial black sea bass trap fishermen will be able to fish their traps outside of those areas during winter months, which is important to them because both catch rates and market prices for black sea bass are highest during that time. Current federal regulations require all harvesters using fish and crustacean traps in portions of the Atlantic to mark their lines with a generic color code and to use weak links to attach buoys to traps. As a precaution, the Council will require special, additional buoy line marking for black sea bass traps during the calving migration season in order to determine the effectiveness of the new closed areas. Commercial black sea bass trap fishermen have supported these changes and expressed willingness to comply with trap marking requirements. The changes for the commercial fishery are awaiting approval from the U.S. Secretary of Commerce.

Proposed Rules

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption

- *Increase recreational bag limit for Atlantic black sea bass from 5 to 7 fish per person in Atlantic state waters*

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

- *Require buoy line attached to a black sea bass trap fished or possessed in or on Atlantic state waters meet seasonal requirements in adjacent Atlantic federal waters*



These changes are consistent with new and pending federal rules



68B-14.0036 Florida Administrative Code (FAC), would be modified to increase the Atlantic black sea bass recreational bag limit from five to seven fish per person in Atlantic state waters.

68B-14.005, FAC, would be modified to require buoy line attached to a black sea bass trap fished or possessed in or on Atlantic state waters to comply with seasonal requirements in adjacent Atlantic federal waters. These requirements include color markings on buoy lines and the use of weak links as specified under the Atlantic Large Whale Take Reduction Plan, as well as the pending special requirements for additional color marking on black sea bass trap buoy lines under the federal snapper grouper rule.

These changes are consistent with Atlantic federal rules recently approved by the Council. The bag limit change will be implemented in federal waters on Aug. 12, 2016. The commercial gear requirements are pending approval by the U.S. Secretary of Commerce and are expected to be implemented November 2016. Staff have heard support for these changes from industry leaders in Florida.

Staff Recommendation

Approve the proposed rules to

- Raise the recreational Atlantic black sea bass bag limit to 7 fish in Atlantic state waters
- Require buoy line attached to a black sea bass trap fished or possessed in or on Atlantic state waters meet seasonal requirements in adjacent federal waters

If approved by the Commission, the rule will be noticed and filed without further hearing as allowed under the adopting federal standards provision of section 120.54(6) Florida Statutes



Staff recommend approving the proposed rules raising the Atlantic black sea bass bag limit to seven fish in Atlantic state waters and requiring buoy line attached to black sea bass traps fished or possessed on or in Atlantic state waters to meet seasonal requirements in adjacent federal waters using the process of adopting federal standards under Chapter 120.54(6), Florida Statutes. The proposed rules for Atlantic black sea bass trap buoy lines would only be filed for state waters if the requirements for line marking in Atlantic federal waters off Florida are approved by the U.S. Secretary of Commerce and implemented by NOAA Fisheries.

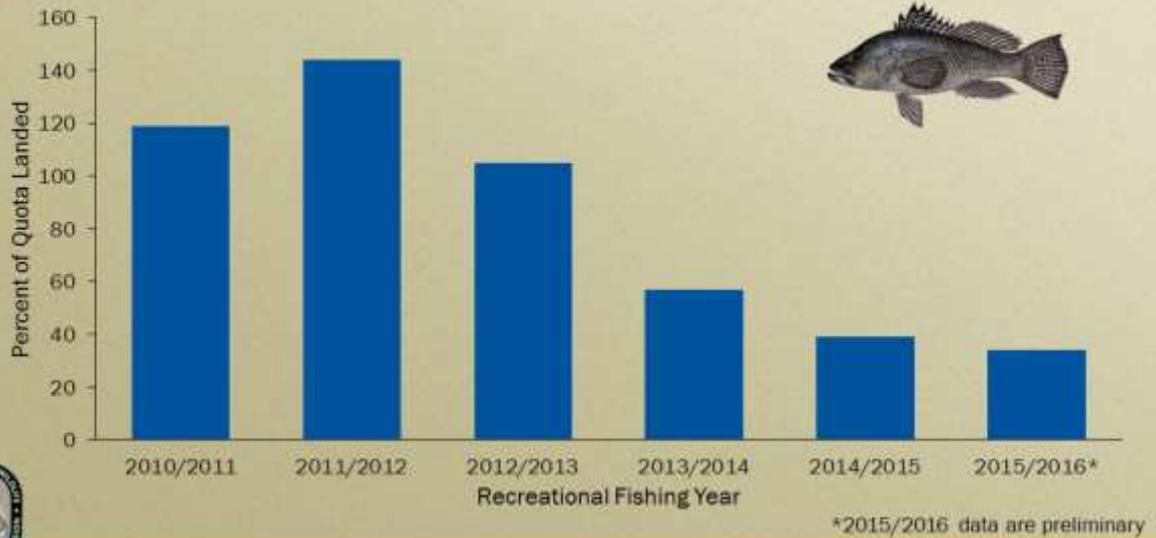
If the Commission approves the proposed rule change, the decision would be final and the rules will be filed without further hearing.

Staff have evaluated the rules under the standards of 68-1.004, FAC, and found them to be in compliance.

The following slides are considered backup material
and are not anticipated to be part of the actual
presentation



Proportion of Recreational Atlantic Black Sea Bass Quota Landed Each Fishing Year



A recreational quota was established during the black sea bass rebuilding period to prevent overfishing and help rebuild the stock. During the 2010/2011, 2011/2012, and 2012/2013 seasons, the recreational fishery exceeded their quota and NOAA Fisheries implemented closures. Since the quota was increased in 2013, there have been no quota closures in the recreational fishery as the sector has harvested less than 60% of its quota each fishing year.

The figure above shows the proportion of the Atlantic recreational quota landed each fishing year. The landings include all black sea bass harvested in state and federal waters of the South Atlantic.

Federal Black Sea Bass Trap Requirements off Florida

| Requirements | North of 29°00' North latitude | Between 29°00' North latitude and 28°35.1' North latitude |
|--------------------|--|---|
| Dates | Nov. 15 – April 15 | Dec. 1 – Mar. 30 |
| Gear Marking Color | Blue and Orange | Orange |
| Buoy Line | Sinking line of uniform diameter, free of objects, with breaking strength ≤ 1,500 lbs. | No special requirements |
| Weak Link | Breaking strength ≤ 200 lbs. | Breaking strength ≤ 600 lbs. |



As part of NOAA Fisheries' Atlantic Large Whale Take Reduction Plan (ALWTRP), federal law requires fish and crustacean traps in designated portions of Atlantic state waters to meet several seasonal requirements. These requirements are designed to minimize or eliminate harm to whales from trap gear. Black sea bass trap gear fished in Florida's Atlantic state waters north of 29°00' North latitude between Nov. 15 and April 15 must have:

1. Blue and orange markings on buoy lines;
2. Buoy line made of sinking line, uniform in diameter, and free of objects, with breaking strength of 1,500 pounds or less; and
3. A weak link with breaking strength of 200 pounds or less attaching the buoy to the buoy line.

Per the ALWTRP, black sea bass traps in Florida's Atlantic state waters south of 29°00' North latitude must have orange markings on buoy lines and use a weak link with breaking strength of 200 pounds or less attaching the buoy to the buoy line.

Florida regulations prohibit the use of black sea bass traps in Atlantic state waters south of 28°35.1' North latitude.