



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

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October 15, 2019

Jason McNamee, Chief Marine Fisheries
RI Division of Fish and Wildlife
Jamestown, RI 02835-9906

Dear Jason:

I would like to comment on behalf of the Atlantic Offshore Lobstermen's Association regarding black sea bass (BSB) regulations and aggregate programs in advance of the October 16, 2019 prehearing workshop.

As you know our members participate in the BSB fishery during the fall, winter and spring periods. As noted in my prior letters on this issue (enclosed), the majority of sea bass caught by RI fishermen during the period of September through April are caught in federal waters, as an unavoidable bycatch in other fisheries, and generally at depths greater than 100 feet. Since most of these fish are caught in deep water, they suffer barotrauma with a low and questionable probability of survival if released. The 2019 BSB stock update and actions, presented at the recent Mid-Atlantic Council meeting, reduced the allowable commercial catch 36% because of discards.

As noted in my earlier letters, a properly structured aggregate program can convert some portion of these discards into landings, improving the economic performance of the RI fishery during the fall and winter/spring period. The current daily possession regulation in the fall period promotes discarding; these discards could be reduced with a simple change in regulations. Ideally the entire period from October through April would be regulated with weekly aggregate regulations. The proposed quota increase gives us a good opportunity to address this issue. I have no doubt that this recommendation is also in the best interests of the trawl and gillnet fisheries.

Regarding an aggregate program, we have one member participating in the pilot program and the results have been very successful at converting unavoidable discards to landing. To date, I have not heard of any negatives associated with this pilot. I therefore urge a continuation of this program and, if possible, an expansion of the number of participants. Greater participation would further test the concept and provide more data on which to base decisions. This is the perfect time to test the concept with a larger group, as the quotas for summer flounder, black sea bass, and scup remain robust.

Thanks for the opportunity to comment.

David Borden
Executive Director

Cc: John Peabody, AOLA Member, Lady Clare Inc.
Grant Moore, AOLA President, Broadbill Fishing Inc.



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October 8, 2017

Jason McNamee, Chief Marine Fisheries
RI Division of Fish and Wildlife
Jamestown, RI 02835-9906

Dear Jason:

Over the last several years I have submitted multiple letters (attached) urging the Department to adopt a seasonal, and/or, year-round aggregate landing program for sea bass. The logic for such is detailed in the enclosed letters, but briefly it is to reduce regulatory discards and improve the economic return for the Rhode Island fishing industry.

Sea bass are an unavoidable bycatch in the offshore lobster fishery, and the bycatch issue is increasing in nearshore areas with the expansion of the sea bass population. It is now even a common circumstance for inshore lobstermen to have high encounter rates in their lobster traps and the low daily possession regulations simply promote discarding. There is no reason to continue this management practice, as there are alternative strategies that would avoid this problem.

As recommended in my prior correspondence, I believe adoption of a properly structured weekly aggregate program could convert some of the dead discards to landings, particularly for vessels that make multi-day trips or vessels with high catch rates. The spring aggregate program adopted by the Department for sea bass has proven the merits of this strategy, and I believe it should be extended throughout the year. I believe this to be a prudent and conservative change, which has as its basis the proper stewardship of the resource.

I am, therefore, requesting that DEM include a year-round weekly aggregate for sea bass in the final regulations for 2018.

Thanks, and see you at the workshop on Wednesday.

Sincerely,

David Borden
Executive Director

cc:

Janet Coit, Director RI DEM
Gary Mataronas, F/V Edna May
John Peabody, F/V Lady Clare



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Jason McNamee, Chief Marine Fisheries
RI Division of Fish and Wildlife
Jamestown, RI 02835-9906

November 20, 2015

Dear Jason:

I was out of the State for the recent public hearing on the marine regulations and would like to offer a few comments in regards the Rhode Island black sea bass regulations, during the comment period which ends November 26, 2015. During each of the last two years, I have submitted letters in support of the adoption of a weekly aggregate limit for black sea bass, as a means of reducing regulatory discards in the fishery. Our Association, therefore, supports the Department's hearing proposal as written. The logic for this regulatory change has been included in my prior letters on the issue, which I have attached for the record.

However, the rationale for regulatory change can be summarized quickly by saying that during the period of September through April the black sea bass migrate offshore in the fall, and then return to nearshore areas in the spring. This migration is well documented in the literature and stock assessments for the species. The larger, and most valuable fish, generally start their offshore migration in Rhode Island in August. During this migration timeline, the fish are principally captured as a bycatch in the lobster, gillnet, and trawl fisheries as they move offshore. Most of these fisheries do not target black sea bass.

Since these fisheries take place at depths greater than 100 feet, most of the black sea bass caught exhibit air bladder expansion due to the pressure change, yet the low daily possession limits effectively require fishermen to discard fish that are unlikely to survive. In addition, as noted in my letter of October 15, 2013, undocumented discards create technical problems and raise the uncertainty levels in the stock assessment, therefore lowering future quota levels. It is logical to assume that these problems will expand as the sea bass population expands its range into northern waters.

As I recommended in prior correspondence, I believe that adoption of a properly structured weekly aggregate program could convert some of the dead discards to landings, particularly for vessels that make multi-day trips. I believe this to be a prudent and conservative change, which has its basis in the proper stewardship of the resource.

I am therefore requesting that the Department include a weekly aggregate in the final regulations. If for some reason you cannot accommodate a weekly aggregate during the summer months (May through August), I suggest you adopt a weekly aggregate for the period September 1 through April 30 annually, as proposed in the public hearing document.

Thank you for the opportunity to comment.

Sincerely,

David Borden
Executive Director

cc: John Peabody/AOLA Members



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Jason McNamee, Supervising Biologist
RI Division of Fish and Wildlife
Marine Fisheries
Jamestown, RI 02835-9906

Tuesday, November 18, 2014

Dear Jason:

I would like to offer a few comments in regards to the RI black sea bass regulations, specifically to the current possession requirements. I have attached a copy of a letter I submitted last year which characterized the discard problem that continues this year. This problem is no doubt expanding as the sea bass population expands and I think it is time for the Department to experiment with another way of managing the fishery, particularly during the winter / spring period when the fishery is generally offshore.

As I recommended last year, I believe that adoption of a properly structured weekly aggregate program could convert some of the dead discards to landings, particularly for vessels that make multi day trips. I am therefore requesting that the Department consider including a provision in the next regulatory action to convert the current black sea bass regulatory program into a weekly aggregate program during the time period of November 1 through April 30. The specifics of the proposal need to be developed after staff examine current catch rates for 2013 and 2014, and quota levels for 2015. Staff would then be in position to offer strategies and aggregate landing alternatives that reduce this unnecessary waste of an extremely valuable resource.

Current regulations provide for lower possession limits from November 1 to December 31, and much higher possession limits from January 1 to April 30, so it might also make sense to standardize the regulation during this entire timeline. To be clear, I am not suggesting that the sub-period allocations be changed at this time, but that this concept is utilized within the current sub-period framework.

Thank you for the opportunity to comment.

Sincerely

David Borden

cc: John Peabody/ AOLA Members

Chris Brown President RI Commercial Fishermen's Association;

Lanny Dellinger, President RI Lobstermen's Associations



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Jason McNamee, Supervising Biologist
RI Division of Fish and Wildlife
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Jamestown, RI 02835-9906

Tuesday, October 15, 2013

Dear Jason:

I would like to offer a few comments in regards the RI black sea bass regulations, specifically in regards the current possession requirements. I am aware that you have a meeting on this issue tonight and request that you discuss these concerns during the session. I recently assumed the position of interim Executive Director of the Atlantic Offshore Lobstermen's Association, and attended the September membership meeting. During the meeting a member of the Association, who is a RI resident, and docks his vessel in Pt. Judith, commented on the large and increasing by-catch of black sea bass in his lobster traps, asking if there is anything that can be done about the low possession limits. His point was that the low possession limit has the unintended effect of causing regulatory discards. After the meeting I also checked with a number of RI fishermen and confirmed that this problem is also manifesting itself in other inshore fisheries, and I have copied them so that they can comment directly.

As far as background, there has always been a traditional by-catch of black sea bass by gill net fishermen, trawlers, and inshore and offshore lobster gear but the situation has become more pronounced in recent years as the population has been rebuilt and expanded. This creates a number of problems, one of which is that the by-catch in general is exceeding the daily possession limits by a substantial margin, resulting in regulatory discards. This occurs primarily in the spring, fall and summer periods. Most of the black sea bass being caught are in the jumbo and large size category, which command premium prices in the market, so the regulatory discards result in not only an unnecessary waste of resources, but also a substantial loss of income. Due to a lack of NMFS observer coverage on some of these vessels, this by-catch in generally is not well documented or quantified in the NMFS data base.

The RI daily possession limits were historically set at levels to accommodate this by-catch during a period in which the black sea population was over exploited and at low biomass levels. Black sea bass are no longer overfished and neither is there overfishing taking place, and yet the possession limits and quotas have essentially remained unchanged for a considerable period of time, slightly increasing in recent years. This situation has been caused by the high degree of uncertainty in the stock assessment, which causes a continuation of low quotas for this species.

Although there are a significant number of aspects of this problem, one key feature relates to the fact that black sea bass have air bladders which expand when they are retrieved from depths greater than approximately 70 feet. There is little scientific information available on the actual

mortality rates on fish that get subjected to this condition , but it is logical to assume that there is some, if not a significant amounts of discard mortality. Since the by-catch in lobster gear is unavoidable, the combination of increasing abundance and low daily possession limits invariably results in increasing regulatory discards. Keep in mind that the lobster fishery is in the process of dramatically reducing the number of traps in the water, but that action alone has not avoided this condition.

Equally problematic is that the condition perpetuates itself, since the resulting mortality causes future quota reductions, when factored into the stock assessment, even if there is a lack of observer data to quantify the extent of the problem. I also note that although the problems outlined above are lobster gear specific, I believe that the same problems may manifest themselves in the otter trawl fishery. This potentially can result from the disconnect between high weekly limits on scup and a low daily possession limit on black sea bass, all of which are typically caught on similar tows and areas . I suggest you discuss or confirm that aspect of issue with someone like Chris Brown who I have copied with this email.

It is highly unlikely that the uncertainty in the stock assessment will be clarified soon, thus resulting in substantial increases in quota which could be used to address this problem. I therefore believe the Department should explore other alternatives to the current daily possession system which convert black sea bass regulatory discards into landings, as we should be accounting for, and managing, all mortality on the stock.

I am therefore requesting that the Department include a provision in the next, or subsequent, regulatory action to convert the current black sea bass regulatory program into a weekly aggregate program. The specifics of the proposal need to be developed, after staff examines current catch rates for 2013, and quota levels for 2014. Staff would then be in position to offer strategies and aggregate landing alternatives that address the regulatory discard problem. To be clear I am not suggesting that the sub-period allocations be changed at this time, but that this concept be utilized within the current sub-period framework. .

Thank you for the opportunity to comment.

Sincerely;

David Borden

cc: AOLA Members

Mark Gibson, Deputy Chief Fish and Wildlife

Chris Brown President RI Commercial Fishermen's Association;

Lanny Dellinger, President RI Lobstermen's Associations