



**Summer Flounder, Scup, and Black Sea Bass Monitoring Committee
Webinar Meeting
July 27, 2020
Meeting Summary**

Monitoring Committee Attendees: Julia Beaty (MAFMC staff), Dustin Colson Leaning (ASMFC staff), Karson Coutré (MAFMC staff), Kiley Dancy (MAFMC staff), Steve Doctor (MD DNR), Emily Keiley (GARFO), Alexa Kretsch (VMRC), Lee Paramore (NC DMF), Caitlin Starks (ASFMC staff), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Corinne Truesdale (RI DEM), Sam Truesdell (MA DMF), Greg Wojcik (CT DEP), Rich Wong (DNREC)

Additional Attendees: James Fletcher (United National Fisherman’s Association; AP member), Mike Waine (ASA), David Behringer (NC DMF; Bluefish MC), Lorena de la Garza, Matt Seeley (MAFMC staff), Shanna Madsen (VMRC), Adam Nowalsky (Council and Board member), Greg DiDomenico (Lund’s Fisheries; AP member)

The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (MC) met via webinar on Monday July 27, 2020 to discuss several topics. The objectives of this meeting were for the Monitoring Committee to: 1) Review recent fishery performance and management measure recommendations from the Advisory Panel, the Scientific and Statistical Committee, and staff; 2) Review, and if appropriate, recommend changes to the previously implemented 2021 commercial and recreational Annual Catch Limits, Annual Catch Targets, commercial quotas, and recreational harvest limits for summer flounder, scup, and black sea bass; 3) Review commercial management measures for all three species and recommend changes if needed; 4) Review analysis of commercial scup discards and consider if any management response is needed; and 5) Review the February recreational black sea bass fishery and recommend changes for February 2021 if needed.

Briefing materials considered by the Monitoring Committee are available at:
<https://www.mafmc.org/council-events/2020/sfsbsb-mc-meeting-july27>.

Summer Flounder 2021 Specifications

The MC agreed with the staff recommendation for revised Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), and landings limits for 2021 based on the SSC's revised 2021 ABC recommendation (Table 1). This would result in an approximate 8% increase in the commercial and recreational landings limits compared to the previously implemented 2021 values.

The MC also agreed with the staff recommendation that no changes be made to the commercial minimum fish size (14-inch total length), commercial gear requirements, and exemption programs for 2021. However, there are several issues related to the mesh size regulations and exemptions that the MC supports further evaluation and monitoring of in 2021 for potential modifications in future years.

Current regulations specify a minimum mesh size of 5.5” diamond or 6.0” square mesh throughout the net. As described in the staff memo, the MC has previously identified some concern with the 6.0” square mesh option for the commercial trawl fishery given that based on a recent study, it

appears that this mesh releases less than 50% of fish at or below the minimum size, and its selectivity appears more similar to a 5.0" diamond mesh. The MC has previously recommended that further analysis and industry input be conducted before changes are proposed. This work has been identified as a lower near-term priority by the Council and Board given other ongoing management actions.

The MC identified some concerns with the Small Mesh Exemption Program in terms of the recent increase in the percent of observed trips using this exemption and discarding more than 10% of their summer flounder catch (see staff memo). However, the most recent observer data analyzed was November 1, 2018 through April 30, 2019 given that observer data was not yet available for the relevant 2019-2020 period. The MC noted that the substantial increase in the commercial quota for 2019-2021 should reduce the rates of discarding in general, including under this exemption. General analysis of recorded discard reasons in the observer data (not specific to this exemption program) indicate that discards in recent years prior to 2019 have been more heavily driven by quota-related reasons, but in 2019 quota-related reasons accounted for a much smaller percentage of observed discards. The MC indicated that an analysis of the recorded discard reasons specifically for vessels operating under this exemption program would be useful. The MC notes that observer data through April 2020 will be incomplete due to covid-19 related observer coverage disruptions which will hinder the ability to evaluate this exemption for the most recent relevant time period. One MC member noted that participation in this exemption program may have increased, resulting in more trips in the exempted area, but a seemingly stable amount of discards per trip (see Table 10 in the staff memo). The MC recommends that discard patterns under this exemption continue to be closely evaluated, but recommended no changes for 2021.

The MC also discussed the flynet exemption issues raised in the staff memo, including an AP member's comment that the flynet exemption is used more commonly in states other than North Carolina with "high rise nets." This AP member also requested an expansion of the regulatory definition of flynet to include four-seam nets in addition to the currently specified two-seam nets. The MC noted that there is a need to better understand the use and configuration of flynet and high rise trawl nets as they relate to this exemption. Additional information provided by Board member Emerson Hasbrouck indicates that the use of two-seam nets is rare in the Mid-Atlantic and Southern New England winter offshore trawl fishery. This may indicate a possible compliance and enforcement issue if vessels that don't meet the regulatory definition (which specifies a two-seam net) believe they are fishing under the flynet exemption. However, the MC stated that additional evaluation is needed to verify this. The MC also indicated a need to better understand the differences between a two-seam and four-seam net before commenting on whether an expansion of the flynet exemption definition is warranted. The MC also agreed that a change in this definition could lead to an increase in the number of vessels using this exemption and the consequences of this should be thoroughly understood before changes are adopted. The MC recommended that staff explore the extent to which existing datasets allow for evaluation of specific trawl gear configurations. The MC also noted that input from gear experts, industry, and enforcement would be helpful on this issue. No changes to the small mesh exemption program were recommended for 2021.

Table 1: Currently implemented 2021 specifications, and SSC/Monitoring Committee recommended revisions for summer flounder. Numbers may not add precisely due to unit conversions and rounding.

Measure	2021 Previously Approved			2021 SSC/MC Recommended Revisions		
	mil lb	mt	Basis	mil lb	mt	Basis
OFL	31.67	14,367	Stock projections	31.67	14,367	Same as previous
ABC	25.03	11,354	Prior SSC recommendation; 3-year averaged approach w/ projections sampling from recent 7-year recruitment series	27.11	12,297	SSC revised recommendation as of July 2020 using Council's Dec. 2019 risk policy revisions
ABC Landings Portion	19.21	8,715	Stock projections	20.81	9,439	Same proportion of ABC as previously projected
ABC Discards Portion	5.82	2,639	Stock projections	6.30	2,858	Same proportion of ABC as previously projected
Expected Commercial Discards	2.00	907	34% of ABC discards portion, based on 2015-2017 average % discards by sector (revised MRIP data)	2.14	972	Same basis as previously approved values.
Expected Recreational Discards	3.82	1,732	66% of ABC discards portion, based on 2015-2017 average % discards by sector (revised MRIP data)	4.16	1,886	
Commercial ACL	13.53	6,136	60% of ABC landings portion (FMP allocation) + expected commercial discards	14.63	6,635	
Commercial ACT	13.53	6,136	No deduction from ACL for management uncertainty	14.63	6,635	
Commercial Quota	11.53	5,229	Commercial ACT, minus expected commercial discards	12.49	5,663	
Recreational ACL	11.51	5,218	40% of ABC landings portion (FMP allocation) + expected recreational discards	12.48	5,662	
Recreational ACT	11.51	5,218	No deduction from ACL for management uncertainty	12.48	5,662	
Recreational harvest limit (RHL)	7.69	3,486	Recreational ACT, minus expected recreational discards	8.32	3,776	

Scup Commercial Discard Report

The Monitoring Committee reviewed an analysis of commercial scup discards and agreed with the staff recommendation that no management action is currently needed, however discards should continue to be monitored.

One MC member said that recruitment is still low and discards correlate with recruitment so we would expect discards to decrease again this year. She also noted that in the future when we see big recruitment events we should think about what proactive actions could potentially be taken to prevent big discard events. Another MC member agreed with thinking ahead about how we may respond to high year classes and potential high discards in the future. The MC discussed the difficulties in identifying what type of management response would be best in the event of a high recruitment year and noted the variability in when and where discards occur. One MC member felt that waiting to respond to a large year class has issues such as timing constraints and noted that allowing more retention of small fish is counterproductive from a biological standpoint. Options that would negatively impact other fisheries would be controversial so likely more drawn out in terms of development and implementation. Because of this, it makes sense to be thinking about solutions now. One MC member said that one solution is to not reduce the coverage of the GRAs or the minimum size any further. Another member felt that gear related solutions could be explored.

One MC member asked about the overlap between the scup GRA areas¹ and the fluke small mesh exemption area² and the MC discussed that there is some overlap in space and time with the Northern GRA and these small mesh exemption areas. Another MC member noted that no shift in scup biomass has been identified, at least not on the scale that has been shown for summer flounder. One member asked if there are differences in habitat by juvenile vs adult scup. Another member responded that there are, however scup are discarded everywhere in all seasons and all mesh sizes. He also noted that a big source of discards is small scup in squid mesh.

One MC member brought up that though the overall quota is under harvested, there may be issues with state quotas being met during the summer period, which could cause unnecessary regulatory discards. Another member responded that last year no states exceeded their summer quotas and there was one transfer so it hasn't been a huge issue in recent years. One member added that quota was reported as the reason for discards only 3-4% of the time in the observer data and that a recent season change helped reduce the likelihood that the summer allocation would be exceeded. One member pointed out that summer scup discards are harder to keep track of because they are inshore shorter trips with a lot of state only permitted vessels contributing to the catch. The vast majority of pot, rod and reel, and trawl day boats without federal permits are not sampled, therefore inshore summer discards are not well accounted for.

Scup 2021 Specifications

The Monitoring Committee agreed with the staff recommended catch and landings limits and commercial measures (Table 2). These limits are updated limits based on the revised ABC recommended by the SSC based on the Council's new risk policy. The MC briefly discussed their

¹ <https://www.fisheries.noaa.gov/species/scup#commercial>

² <https://www.fisheries.noaa.gov/resource/map/summer-flounder-small-mesh-exemption-area>

previous year's recommendation to use a 10-year average proportion of discards by sector instead of the typical method of using a 3-year average and noted that the Council and Board did not select those recommendations. They felt that this discussion could be revisited during specifications setting for 2022-2023 given that 2021 is a review year for currently adopted measures. The MC also discussed that we can't evaluate the performance of the recreational discard projections for 2019 given that the 2019 measures were set using the old MRIP estimates and 2019 recreational discards are only available in the currency of the new estimates. One MC member asked what could be done to fix the continued disparity between the scup RHL and recreational harvest and staff discussed the ongoing commercial/recreational allocation amendment for all three species.

Table 2: Currently implemented 2021 specifications, and SSC/Monitoring Committee recommended revisions for scup. Numbers may not add precisely due to unit conversions and rounding.

Measure	2021 Previously Approved			2021 SSC/MC Recommended Revisions		
	mil lb	mt	Basis	mil lb	mt	Basis
OFL	35.30	16,012	Assessment projections	35.30	16,012	Assessment projections
ABC	30.67	13,913	Assessment projections & risk policy	34.81	15,791	Assessment projections & revised risk policy
ABC discards	7.26	3,295	Assessment projections	8.24	3,740	Proportion from assessment projections applied to revised ABC
Commercial ACL	23.92	10,852	78% of ABC (per FMP)	27.15	12,317	Same basis as previously approved values.
Commercial ACT	23.92	10,852	Set equal to commercial ACL (staff recommendation)	27.15	12,317	
Projected commercial discards	5.86	2,659	80.7% of ABC discards (avg. % of dead discards from commercial fishery, 2016-2018)	6.65	3,018	
Commercial quota	18.06	8,194	Commercial ACT minus discards	20.50	9,299	
Rec. ACL	6.75	3,061	22% of ABC (per FMP)	7.66	3,474	
Rec. ACT	6.75	3,061	Set equal to recreational ACL (staff recommendation)	7.66	3,474	
Projected rec. discards	1.40	636	19.3% of the ABC discards (avg. % of dead discards from rec. fishery, 2016-2018)	1.59	722	
RHL	5.34	2,424	Recreational ACT minus discards	6.07	2,752	

Black Sea Bass 2021 Specifications

2021 Black Sea Bass Catch and Landings Limits

The Monitoring Committee reviewed performance of the method used for the past several years to project discards when calculating black sea bass catch and landings limits. This method has substantially under-estimated actual commercial and recreational black sea bass discards, leading to ABC, but not OFL, overages in every year since at least 2015 (see Table 6 in the [staff memo dated July 9, 2020](#)). The Monitoring Committee agreed that if this pattern continues, there will be a much greater risk of overfishing under the SSC's revised 2021 ABC compared to previous years, as the buffer between the OFL and ABC will shrink from 15% to 1% of the OFL based on the Council's revised risk policy. Therefore, an ABC overage in 2021 will be much more likely to result in an OFL overage compared to previous years. Overfishing occurs when catch exceeds the OFL.

The Monitoring Committee briefly discussed why the past projection methodology may have performed so poorly for black sea bass compared to summer flounder and scup. One Monitoring Committee member noted that the FMP requires that 49% of the total allowable landings be allocated to the commercial fishery and 51% to the recreational fishery, but this is not reflective of recent proportions of total landings. This is an issue for both the past method and the recommended revision. Another Monitoring Committee member noted that the past method relies on past proportions of total catch and applies those proportions to the ABC; however, those total catch proportions are based on total catch that exceeded the ABC. The specifications calculations assume that catch will be constrained to the ABC, which has not been the case for several years. This is also an issue for the recommended revisions; however, the proportions are applied differently in this case.

The Monitoring Committee generally supported the staff recommendation for catch and landings limits based on revised discard projections. This recommendation uses the methodology developed by the Monitoring Committee in September 2019. It assumes that dead discards as a proportion of total dead catch in each sector will be equal to the average proportions over the last three years (i.e., commercial discards will be 36% of commercial catch and recreational discards will be 20% of recreational catch based on NEFSC data for 2016-2018). The calculations also account for the required 49% commercial, 51% recreational allocation of the amount of the ABC that is expected to be landed. This methodology applied to the revised 2021 ABC results in 5.01 million pounds of expected total discards, 3.43 million pounds of which are attributable to the commercial fishery and 1.58 million pounds to the recreational fishery. The Monitoring Committee agreed that this is a reasonable prediction of total discards in 2021; however, they noted that commercial discards might be over-estimated and recreational discards might be under-estimated. Despite these concerns, they were not able to put forward a different preferred set of discard projections and generally preferred the staff recommendation to the past method for projecting discards. They discussed the idea of splitting the total of 5.01 million pounds into commercial and recreational discards based on a different assumption than that described above; however, they agreed that this may not be appropriate as it would require calculating the total discard amount based on one assumption about sector-specific discards and then dividing that total into commercial and recreational discards based on a different assumption.

One Monitoring Committee member noted that the previous methodology for projecting discards results in a higher commercial quota and RHL than the staff recommendation, as was the case last

year. When reviewing a very similar recommendation last fall, the Council and Board did not agree with the Monitoring Committee recommendation and instead used the past methodology for projecting discards. This Monitoring Committee member said the rationale used by the Council and Board when making this decision last year still applies and they are likely to make the same decision again this year. Therefore, he suggested that the Monitoring Committee consider putting forward specifications calculations based only on a change in the ABC, with no changes to the methodology for calculating discards. Several other Monitoring Committee members said they would prefer to put forward the staff recommendation with the caveats about sector-specific discards described above. Both sets of estimates will be provided to the Council and Board for their consideration (Table 3).

One Monitoring Committee member said that if the Council and Board continue with the past method for projecting discards, they should also consider using a management uncertainty buffer to address concerns about the discard projections. However, the Monitoring Committee did not have a specific recommendation for how to define the appropriate management uncertainty buffer.

February 2021 Recreational Black Sea Bass Fishery

The Monitoring Committee briefly discussed the management program for the recreational black sea bass fishery in February 2021. They previously discussed this topic during their May 28, 2020 meeting.³

The Monitoring Committee reiterated their previous recommendation that all states that participate in this voluntary opening implement a special monitoring program with permits, logbooks, and call ins for each trip. They strongly advised against using MRIP data to monitor February landings and adjust management measures later in the year to account for February harvest. They agreed that it is inappropriate to use MRIP data for such fine-scale estimates and management measure adjustments. This is clearly demonstrated by the outlier February harvest estimate in North Carolina in 2020.

The Monitoring Committee agreed with the staff recommendation for revised values for initial expected February harvest by state (Table 4). They also agreed that states with robust estimates of actual February harvest as a result of participating in the recent February opening (currently only Virginia) can put forward alternative values based on data collected during their recent February openings.

Some Monitoring Committee members said the assumption that 10% of potential February recreational black sea bass harvest will come from for-hire vessels and 90% from private anglers may not be accurate. For example, this was not the case during the February opening in Virginia in 2018-2020. This assumption impacts the initial expected February harvest estimates by state. The Monitoring Committee did not put forward an alternative calculation and agreed that it is important to emphasize that these are initial values and participating states should implement robust monitoring programs and adjust their measures later in the year based on actual February harvest.

One Monitoring Committee member questioned if initial predicted harvest values are needed at all if states are adjusting their measures later in the year based on actual February harvest. Another Monitoring Committee member clarified that these initial estimates are necessary for states which

³ A summary of the May 28, 2020 Monitoring Committee meeting is available at https://www.mafmc.org/s/MC_28May2020_summary_FINAL.pdf.

are not able to adjust their measures in-season to account for actual February harvest. Those states would adjust their measures only based on the initial expected amount of harvest. The group agreed that it would be problematic if those states participated in this optional opening as actual harvest could be much different than the predicted amount.

One Monitoring Committee member noted that it is difficult to predict effort in February as it is highly dependent on weather, which can be variable at this time of year.

The Monitoring Committee member from New York said that state hasn't participated in this optional opening because most of the recreational fishing industry is not in favor of taking a restriction later in the year to allow for a February opening.

Table 3: Currently implemented 2021 specifications, and SSC/Monitoring Committee recommended revisions for black sea bass. Numbers may not add precisely due to unit conversions and rounding.

Measure	2021 Previously approved			Staff recommended revision			Revision based only on P* change		
	mil lb	mt	Basis	mil lb	mt	Basis	mil lb	mt	Basis
OFL	17.68	8,021	2019 operational stock assessment projections	17.68	8,021	No change	17.68	8,021	No change
ABC	15.07	6,835	Assessment projections & risk policy	17.45	7,916	Assessment projections & revised risk policy	17.45	7,916	Assessment projections & revised risk policy
ABC discards	3.68	1,671	24% of ABC, based on avg. 2016-2018 discards as % of catch	5.01	2,275	Sector-specific disc. described below combined with required landings allocation of 49% com./ 51% rec.	4.19	1,900	Same basis as previously approved values.
Projected com. discards	1.40	637	38% of ABC disc., based on avg. 2016-2018 % of disc. by sector	3.43	1,556	Calculated based on assumption that com. disc. would be 36% of com. catch (2016-2018 avg.)	1.59	722	
Projected rec. discards	1.40	637	62% of ABC disc., based on avg. 2016-2018 % of disc. by sector	1.58	719	Calculated based on assumption that rec. disc. would be 20% of rec. catch (2016-2018 avg.)	2.60	1,178	
Com. ACL	6.98	3,167	49% of ABC landings portion (per FMP) + projected com. discards	9.52	4,320	49% of ABC landings portion (per FMP) + projected com. discards	8.09	3,670	
Com. ACT	6.98	3,167	Com. ACL, with no deduction for mgmt. uncertainty	9.52	4,320	Com. ACL, with no deduction for mgmt. uncertainty	8.09	3,670	
Com. quota	5.58	2,530	Com. ACT minus projected com. discards	6.09	2,764	Com. ACT minus projected com. discards	6.50	2,948	
Rec. ACL	8.09	3,668	51% of ABC landings portion (per FMP) + projected rec. discards	7.93	3,596	51% of ABC landings portion (per FMP) + projected rec. discards	9.36	4,246	
Rec. ACT	8.09	3,668	Rec. ACL, with no deduction for mgmt. uncertainty	7.93	3,596	Rec. ACL, with no deduction for mgmt. uncertainty	9.36	4,246	
RHL	5.81	2,634	Rec. ACT minus projected rec. discards	6.34	2,877	Rec. ACT minus projected rec. discards	6.76	3,068	

Table 4: Initial expected February recreational black sea bass harvest by state based on the analysis used for 2018-2020 and the Monitoring Committee’s recommended revisions for 2021. The Monitoring Committee agreed that states with robust estimates of actual February harvest as a result of participating in the recent February opening (currently only Virginia) can put forward alternative values based on data collected during their recent February openings.

State	Values used for 2018-2020		Recommended revision	
	Proportion	Expected harvest (lb)	Proportion	Expected harvest (lb)
RI	0.29%	288	0.24%	1,146
CT	0.06%	57	0.03%	158
NY	9.41%	9,410	8.65%	41,871
NJ	82.85%	82,850	83.87%	405,913
DE	1.30%	1,297	1.33%	6,418
MD	0.54%	541	0.46%	2,227
VA	5.50%	5,496	5.14%	24,891*
NC	0.06%	62	0.28%	1,369
Total	100.00%	100,000	100%	483,993

*See caption