



**Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council
Joint Summer Flounder, Scup, and Black Sea Bass Advisory Panel
Meeting Summary**

March 23, 2021

ASMFC Advisory Panel Members in Attendance:

- **Frank Blount** – RI (recreational)
- **Paul Caruso** – MA (recreational)
- **Jack Conway** – CT (recreational)
- **Greg DiDomenico** – NJ (commercial)
- **Marc Hoffman** – NY (recreational/commercial)
- ***Michael Plaia** – CT (recreational/commercial)
- **Bill Shilingford** – NJ (recreational)
- **Art Smith** – NC (commercial)
- **James Tietje** – MA (recreational)
- **Wes Townsend** – DE (commercial)

MAFMC Advisory Panel members in attendance:

- **Katie Almeida** – MA (commercial)
- **Carl Benson** – NJ (commercial)
- **Bonnie Brady** – NY (commercial)
- **Joan Berko** – NJ (commercial)
- **Jeff Deem** – VA (recreational)
- **Greg Hueth** – NJ (recreational)
- **Howard King** – MD (recreational)
- **Michael Pirri** – CT (recreational)
- ***Michael Plaia** – CT (recreational/commercial)
- **Bob Pride** – VA (recreational)
- **Robin Scott** – NJ (Recreational)
- **Steven Witthuhn** – NY (recreational/commercial)
- **Harvey Yenkinson** – PA (recreational)
- **Douglas Zemeckis** – NJ (Rutgers University)

Additional attendees:

- **Chris Batsavage** (MAFMC & ASMFC, NC)
- **Alan Bianchi** (NC, DMF)
- **Tony DiLernia** (MAFMC, NY)
- **John DePersenaire** (RFA)
- **Steve Doctor** (TC member, MD)
- **Michele Duval** (MAFMC, PA)
- **Jeff Kaelin** (Lund's Fisheries)
- **Emily Keiley** (NMFS GARFO)
- **Mike Luisi** (MAFMC & ASMFC, MD)
- **Nichola Meserve** (ASMFC, MA)
- **Adam Nowalsky** (MAFMC & ASMFC, NJ)
- **Eric Reid** (ASMFC, RI)
- **Paul Risi** (MAFMC, NY)
- **David Stormer** (MAFMC, DE)
- **Patrick White**
- **Angel Willey** (MD DNR)

Staff: **Julia Beaty** (MAFMC Staff), **Karson Coutre** (MAFMC Staff), **Kiley Dancy** (MAFMC Staff), **Dustin Colson Leaning** (ASMFC Staff), **Savannah Lewis** (ASMFC Staff)

* Indicates member of both Council and Commission APs

Meeting Summary

The Advisory Panels of the Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council) met jointly via webinar on March 23, 2021 to review the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment Public Comment Summary and provide recommendations on the alternatives being considered in the amendment.

In January 2021, the Council and the Commission released the Summer Flounder, Scup and Black Sea Bass Commercial/Recreational Allocation Amendment Public Hearing Document and Draft Amendment to consider potential modifications to the allocations between the commercial and recreational sectors for the three species. Commission and Council staff hosted 5 public hearings via webinar in February and March to gather public comment on the document. The Board and Council received written and in-person comments from 334 individuals and organizations during the public comment period.

Council and Commission Staff briefly presented on the alternatives under consideration followed by an overview of the range of comments received by the Board and Council. Advisors first asked clarifying questions, and then provided comments of their own on which alternatives they supported from the documents. Guidance was also provided on additional issues that the Board and Council should take into consideration when they meet in April. **Please note: Advisor comments described below are not necessarily consensus or majority statements.** Advisor comments submitted by email are appended at the end of this summary.

Opening General Questions

Two advisors began the meeting with clarifying questions regarding the effect that the Marine Recreational Information Program's (MRIP) transition from the Coastal Household Telephone Survey (CHTS) to the Fishing Effort Survey (FES) had on the recreational harvest limits (RHLs) and the commercial quotas. The first advisor asked if the MRIP calibration to the new FES methodology resulted in increased commercial quotas for all three species compared to prior years when quotas were based on "old" MRIP estimates. Staff clarified that this was true for summer flounder and black sea bass, but not for scup partially due to declining trends in the indices of abundance used in the 2019 operational assessment. The advisor followed up to ask if future commercial quotas would still be higher under the allocation alternatives under consideration compared to the quotas that were in place prior to incorporation of the updated MRIP estimates. Staff explained that this type of comparison is not possible at this time considering that future commercial quotas will be based on stock assessment information that has not yet been conducted. A second advisor continued this line of thought asking if the RHLs also increased as a result of the transition to the new MRIP methodology, to which staff replied yes (for summer flounder and black sea bass). The same advisor also asked what the recreational bag limit, minimum size limit and season would have been if the new MRIP estimates were not included in the stock assessments, and staff were not able to speculate regarding this hypothetical scenario. Lastly, one other advisor asked if the Council is applying any management or scientific uncertainty to the use of new MRIP estimates in the stock assessments. Staff replied that the Scientific and Statistical Committee has applied a wider uncertainty buffer to the Black Sea Bass Acceptable Biological Catch (ABC) in part because of the big impact that the MRIP calibration had on that assessment.

One advisor asked how recreational management would be handled in 2022 if this action is not expected to be implemented until 2023. Staff responded that once 2020 and 2021 MRIP estimates and 2021 stock assessment information is available, the Board and Council will need to determine the best course of action. Management track assessments are scheduled for all three species in 2021, and the 2022-2023 landings limits will be influenced by the outcome of those assessments. Regardless of what action is taken for specifications, the Board and Council will need to provide adequate justification.

In addition, there were a few questions from members of the public. One individual asked whether the new MRIP estimates are considered the Best Scientific Information Available (BSIA). Staff were able to confirm that they have been utilized in the stock assessments for these three species and are considered BSIA. Another individual asked how staff plan to distinguish between individuals and groups

commenting on the amendment in regards to tallying comments. Staff answered that the two are counted equally in the tallies, however, written and hearing comments both provide the name of the organization in the public comment summary document.

Discussion/Comments

MRIP data was a focal point of the advisor discussion regarding what action should be taken for this amendment. Seven advisors expressed skepticism that MRIP is actually BSIA, and from that perspective, several commented that now is not the time to make any major allocation changes between the sectors. Several advisors were concerned that an allocation decision would be made without recreational landings estimates for 2020, which have not yet been released. Overall six advisors supported status quo allocations for all three species. A seventh supported status quo allocations for summer flounder and black sea bass, but didn't feel comfortable commenting on scup, which are not landed to the same extent that the other two are in Virginian waters.

Aside from distrust in the reliability of MRIP, several other reasons were provided by advisors as to why status quo allocations should be pursued. One advisor stated that he did not want to get into a situation where too many management changes are implemented and it becomes difficult to draw conclusions about which changes caused specific impacts to the stock. He preferred to stay status quo while the stock assessment science calibrates to the new MRIP estimates and the public's confidence in MRIP improves. One advisor shared that for years New York has combatted small quotas, especially in the summer flounder fishery. Two commercial sector representatives shared that they cannot afford to lose more quota because even a temporary loss of quota contributes to a loss of market share that is very challenging to regain.

Several advisors representing the commercial industry thought that the alternatives under consideration simply take quota away from the commercial sector and do not provide adequate solutions to the issue of unreliable recreational data and lack of adequate constraints in the recreational fisheries. Two advisors urged that new and different approaches should be explored that satisfy all stakeholders involved. One advisor from the commercial sector said that he would prefer that the recreational measures be made more lenient, and that recreational discards should be addressed as the true issue at hand. Another commented that the recreational reform initiative should be immediately pursued to focus on accountability and harvest control rules that can turn recreational discards into landings. This advisor also hoped that this would allow for increased opportunity for the party boat and charter fleet.

In contrast, three advisors supported the use of new MRIP estimates in all aspects of management including in the determination of the allocation between the commercial and recreational sectors. These three advisors acknowledged that MRIP may have its flaws, but because it has been accepted by management as BSIA and was used for the stock assessments, it should also be used as basis for the allocations. One advisor supported alternative 1a-2 for summer flounder, 1b-3 for scup, and 1c-2 for black sea bass with either no phase in or a two year phase in. The advisor followed up by saying that he expects that the commercial sector will still end up with big increases in its quota compared to what the sector was allocated prior to the MRIP revisions. This advisor also questioned whether NOAA Fisheries would even be able to approve any specifications that are not based on BSIA. One advisor warned that if no reallocation takes place the RHL may be completely utilized by discards. He also said that the commercial sector has to consider that the MRIP data allowed for recent increases in the commercial quota. A third advisor voiced similar points and pointed out that although the RHL was increased with the incorporation of new MRIP estimates, the higher catch estimates did not allow for any liberalizations in recreational measures. He supported alternatives 1a-3 for summer flounder, 1b-3 for scup, and 1c-3

for black sea bass with a 2 year phase in to allow for the commercial sector to adjust to the new allocation percentages.

In total, three advisors expressed support of catch-based allocations for all three species. One of these advisors affirmed that catch-based allocations would reduce the complexity of the management process, and that it would make it easier to apply ecosystem management principles in the future.

Three advisors spoke specifically on the issue of transfers, and all were opposed to its use. One advisor thought they wouldn't work well considering the lag in data availability and the timing of when the specifications decisions would need to take place. Another advisor thought that transfers could increase the risk of overfishing.

Two advisors and one member of the public cautioned against reading too deeply into the quantitative tallies of comments received voicing support or opposition to reallocation. One advisor pointed out that several letters were submitted from recreational fishing organizations that represent several thousand members. Another advisor thought the tables included in the public comment summary document don't accurately reflect interest in the topic from the recreational sector. They elaborated that many recreational anglers have difficulty understanding the implications of this complex management process, which deters them from commenting.

Offering a different perspective, one advisor commented on the adversarial attitude going on between the two fisheries. They thought that the allocation conflict was distracting stakeholders from the more important issue of maintaining healthy stocks. The advisor commented that the recreational sector is poised to annihilate the fisheries because they are throwing back too many undersized fish that should be able to be kept. There was also a concern that anglers are forced to harvest large female breeders to the detriment of strong recruitment. They also shared that their business helps to foster demand for commercial fishery products. Many commercial fishermen start out as recreational anglers, and that businesses like theirs helps to inform anglers about the importance of eating freshly caught seafood.

One advisor commented on how historical context is an important consideration. The allocation approach seems to be a mathematical operation and doesn't recognize changes in technology or management from 1980s through today. They were unsure how this allocation system could handle the changes that have occurred within the recreational sector. He proposed that if you look at commercial license holders from 80s, and included recreational hook & line fishermen who sold their own fish, you would probably be looking at 80/20 commercial/recreational allocation. The advisor stated that they do not want to take anything away from the recreational anglers, but they were out of compliance while commercial fishermen were held in compliance. The advisor didn't believe that allocations could be based off of data on what they viewed as illegal catch. This advisor also asserted that something should be done about recreational dead discards, something which is long overdue, and supported a discard ban paired with full retention to prevent one third of recreational catch going to feed scavengers.

In addition to the comments given at the meeting, a few advisors followed up via email with comments as well. These comments are provided below.

Comments Received by Email

From: bjseafood@earthlink.net [<mailto:bjseafood@earthlink.net>]
Sent: Tuesday, March 23, 2021 8:46 AM
To: Dustin C. Leaning <DLeaning@asmfc.org>
Subject: [External] Re: March 23 Advisory Panel webinar for commercial/Recreational Allocation Amendment

Dustin,

I'm out of the country and not sure if I can connect. If so I will. If I'm not able to get on, please convey that I'm for Status Quo on Fluke, Black Bass and Scup. I think there are ways to turn Rec dead discards into Rec landings. I think it's our job as advisers to continue to push Council staff on this issue.

Thanks Brent Fulcher

Sent from my iPhone

From: Arthur D Smith [<mailto:artsmith@rsnet.org>]
Sent: Tuesday, March 23, 2021 5:07 PM
To: Dustin C. Leaning <DLeaning@asmfc.org>
Subject: [External] AP MEETING COMMENTS

GOOD AFTERNOON DUSTIN,

AS I EXPLAINED DURING OUR PHONE CONVERSATION EARLIER TODAY I HAD SOME TROUBLE LISTENING TO THE MEETING THIS MORNING. MY COMMENTS ARE BELOW AND THEY ARE THE SAME COMMENTS I PREPARED FOR THE PUBLIC HEARINGS. ALSO, ONE OF THE ADVISORS MENTIONED THAT ALOT OF RECREATIONAL FISH WERE SOLD DURING THE EIGHTIES WHEN IT WAS LEGAL TO DO SO. I WAS A PRETTY BIG PLAYER IN THE INDUSTRY DURING THE EIGHTIES AND THESE SALES SURELY HAPPENED. THIS SHOULD BE KEPT IN MIND.

I VOTE STATUS QUO FOR ALL SPECIES.

THANK YOU,

ART SMITH
BELHAVEN, NC

I SUPPORT THE "STATUS QUO" ALTERNATIVE FOR ALL THREE SPECIES. WE NOW LIVE IN AN ERA WHERE MOST PEOPLE QUESTION THE RESULTS OF ALL SURVEYS. IT ALMOST SEEMS LIKE SOMEONE (I DON'T KNOW WHO) PRESENTED THE FISHERIES STAFF WITH A CONCLUSION (THE CONCLUSION BEING THE REC SECTOR OUT HARVESTS THE COMMERCIAL SECTOR) AND THEN INSTRUCTED THE STAFF TO DEVELOP DATA TO SUPPORT THIS CONCLUSION.

CHANGING THE BASE YEARS IS LIKE CHANGING THE RULES IN THE MIDDLE OF THE GAME. IF YOU CHANGE THE BASE YEARS IS CHANGING THE RULES FOR PERMIT QUALIFICATION NEXT? IF I NOW HAVE A FLOUNDER PERMIT BUT FOR SOME REASON DID NOT LAND ANY FLOUNDER DURING THIS NEW BASE PERIOD WOULD I LOSE MY PERMIT? I HATE TO BE A SKEPTIC BUT IS THIS SOME BACK DOOR WAY OF DECREASING THE NUMBER OF FEDERAL FLOUNDER PERMITS?

YOU ARE SAYING THAT REC HARVEST EXCEEDED COMMERCIAL HARVEST DURING THESE OTHER BASE YEARS. I AM NOT SAYING THAT I AGREE WITH YOUR SURVEY RESULTS BUT I WILL GRANT YOU THAT IT IS POSSIBLE. THE COMMERCIAL HARVEST IS MONITORED DAILY AND CONSTRAINED ONCE QUOTAS ARE MET. THE COMMERCIAL SECTOR IS SUBJECT TO VERY STRICT GEAR RESTRICTIONS. THE REC HARVEST IS LARGELY UN-CONSTRAINED. THERE ARE NO GEAR RESTRICTIONS. EVEN IF YOU CAN'T KEEP THE FISH YOU CAUGHT PEOPLE WILL STILL FISH. NO ONE STOPS YOU FROM FISHING DURING A CLOSED SEASON. THIS IS WHAT I MEAN BY UN-CONSTRAINED. IF YOU CAN FISH AND I CAN'T CERTAINLY YOU WILL CATCH MORE THAN ME EVEN IF YOU CAN'T LAND THEM. THAT, HOWEVER IS NOT A FAIR WAY TO BASE RE-ALLOCATION.

ANOTHER POINT TO REMEMBER IS THAT THE COMMERCIAL SECTOR IN REALITY REPRESENTS THE SEAFOOD CONSUMING PUBLIC. THE VAST MAJORITY OF AMERICANS DEPEND ON THE COMMERCIAL SECTOR TO PROVIDE THEM WITH FRESH SEAFOOD. MOST PEOPLE CANNOT AFFORD TO GO OUT AND TRY TO CATCH THEIR OWN FISH WHEN YOU FACTOR IN THE COST OF TACKLE, BOATS, FUEL AND CHARTER FEES. IF YOU TAKE ALLOCATION AWAY FROM THE COMMERCIAL SECTOR YOU ARE IN REALITY TAKING IT AWAY FROM THE CONSUMER AND THE CONSUMER FAR, FAR OUTNUMBERS THE REC SECTOR.

ART SMITH
BELHAVEN, NC

From: Michael Plaia [mailto:makomike3333@yahoo.com]
Sent: Tuesday, March 23, 2021 12:12 PM
To: Kiley Dancy <kdancy@mafmc.org>; Dustin C. Leaning <DLeaning@asmfc.org>
Subject: [External] My comments on the reallocation amendment

The equities in this amendment are obvious. Those arguing for status quo ignore the fact that the commercial sector has realized a huge benefit from the restatement of the MRIP numbers, and the commercial sector will still have a large increase in their quotas even after most reallocation measures.

I am both a recreational and commercial fisherman and my boat holds moratorium permits for all three of these species.

Specifically:

For summer flounder I support option 1a-2

For scup I support option 1b-3

For Black Sea bass I support option 1c-2

We should use catch based data in all of our calculations and there should be no phase-in period.

If these options are selected the commercial sector will still receive a large increase in the quota compared to their quota before the MRIP data was revised.

If status quo is selected by the council and board, the recreational sector will be penalized for their success and the data used in all of the calculations to arrive at the ABC for each sector will be inconsistent with the very same data used in the stock assessments and stock assessment updates.

The agency has decreed that the new MRIP data is the best available science and I can't see how the council and board can ignore that fact in arriving at the annual fishery specifications.

I hope that the council and board will follow my advice.

From: PAUL CARUSO [mailto:pkcaruso@comcast.net]
Sent: Wednesday, March 24, 2021 12:38 PM
To: Dustin C. Leaning <DLeaning@asmfc.org>
Subject: [External] additional comments re: reallocation addendum

Dustin, Please forward the below additional comments regarding yesterday's Summer flounder, scup and black sea bass AP meeting to review the draft Allocation Addendum to the appropriate parties.

In addition to oral comments I made supporting catch based reallocations and against sector quota transfer I fully support the concept of of quota reallocation based upon updated MRIP data. Regarding individual alternatives by species I support moving to a more contemporary data set to adjust the proportions by sector, as the further back in time one goes the less likely the assumptions made to update the old data set are likely to hold true.

Sincerely, Paul Caruso
Marstons Mills, MA

Recreational fisherman, former commercial fisherman and fisheries biologist

From: fishthewizard (null) <fishthewizard@aol.com>
Sent: Thursday, March 25, 2021 9:05 PM
To: Kiley Dancy <kdancy@mafmc.org>
Subject: BSB AP Meeting 3/23/2021 Comments

After listening to most of the states' webinars and reading public comments, my position of status quo, or better yet tabling this reallocation amendment, is reaffirmed.

Many sea bass potters, like myself, have been fishing for years prior to the state-by-state allocations were established. Our fishery is clean, efficient, and brings a beautiful, great-tasting fish to consumers.

After many years of reduced catch limits, we have finally been able to land fish in quantities closer to historical amounts. But due to recent reallocation of quota between states, some fisherman will have reduced quota, even though they may have been catching their individual quota every year. Now this amendment threatens to redistribute even more fish. Any reduction in commercial black sea bass allocation will be detrimental to these small businesses. And the theory of getting a better price for fish because of lower landings isn't necessarily correct. If there isn't a steady supply, markets are lost.

The right thing to do is keep status quo, if not throw out the whole proposal.

Joan Berko
NJ

From: flukeman@aol.com <flukeman@aol.com>
Sent: Sunday, March 28, 2021 1:16 PM
To: Coutre, Karson <KCoutre@mafmc.org>
Subject: Re: Summer Flounder, Scup, and Black Sea Bass AP Draft Summary for Review

Karson,

I am in favor of status quo for all issues.

To clarify my position, I believe a Discard Ban, also known as Full Retention of the Catch, should be instituted for all three species and applied to both the recreational and commercial sectors.

I did not see plans to implement any new and improved controls on the recreational sector. I realize the best available science was applied to obtain the data collection during the 1990's thru 20teens. It does not speak well to the best available science, when you can look back for 30 years and now have confidence that you are more accurate than you were back then. Has this process been PEER reviewed?

Looking back at my time as an advisor, many of the issues have been discussed and to date no action has taken place. In my opinion, managing fisheries by committee has been a failure. Specifically, in these fisheries a FISH CZAR would be more effective (can not be any worse).

Thank you

Carl Benson