



## Summer Flounder, Scup, and Black Sea Bass Advisory Panel Webinar

November 22, 2019

The Mid-Atlantic Fishery Management Council's (Council's) Summer Flounder, Scup, and Black Sea Bass Advisory Panel (AP) met jointly with the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass AP via webinar on November 22, 2019. The objectives of this meeting were to review and provide feedback on staff and Monitoring Committee recommendations for 2020 recreational measures for these three species.

**Please note:** Advisor comments described below are not necessarily consensus or majority statements. Some advisors also provided written comments which are included in the briefing materials for the December 2019 joint Council and Board meeting (available at: <http://www.mafmc.org/meetings>).

**Council Advisory Panel members present:** Jeff Deem (VA), Skip Feller (VA), James Fletcher (NC), Carl Forsberg (NY), Jeff Gutman (NJ), Greg Hueth (NJ), Howard King (MD), Arnold Leo (NY), Michael Pirri (CT), Michael Plaia (CT)\*, Bob Pride (VA), Robert Ruhle (NC), Chris Spies (NY), Steve Witthuhn (NY), Harvey Yenkinson (PA)

**Commission Advisory Panel members present:** Frank Blount (RI), Victor Bunting (MD), Robert Busby (NY), Jack Conway (CT), Greg DiDomenico (NJ), Marc Hoffman (NY), Joseph Huckemeyer (MA), James Little (DE), Michael Plaia (CT)\*, Bill Shillingford (NJ), James Tietje (MA), Wes Townsend (DE)

\*Serves on both Council and Commission Advisory Panels.

**Others present:** Wes Blow, Julia Beaty (MAFMC Staff), Howard Bogan, Steve Cannizzo (NY RFHFA), Joseph Cimino (Council member, NJ F&W), Dustin Colson Leaning (ASMFC Staff), Karson Coutré (MAFMC Staff), Kiley Dancy (MAFMC Staff), Justin Davis (Commission member, CT DEEP), John DePersenaire (RFA), TJ Karbowski, Tom Smith

### Summer Flounder

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Advisors discussed the Monitoring Committee's response to the staff recommendation for a coastwide slot limit. As summarized below, opinions on the use of slot limits were mixed, with most advisors opposing the use of this management strategy for summer flounder.

At least seven advisors expressed opposition to the use of slot limits for recreational management of summer flounder, particularly for the for-hire industry. One advisor asked if slot limits had been analyzed separately for the for-hire sector, noting potential negative impacts on the for-hire fleet given that patrons would be less willing to pay for summer flounder trips under smaller sizes and lower possession limits. Several advisors agreed that a 1 or 2 fish possession limit would "kill" the for-hire industry and a minimum of a 3 fish possession limit would be needed.

One advisor said many for-hire boats from Massachusetts currently travel 12-30 miles to target summer flounder. He echoed concerns that a slot limit with a 1 or 2 fish bag limit would destroy their fishery given that customers would not pay high rates and endure long travel times to target smaller and fewer fish. In particular for New England states where the fish tend to be bigger, the for-hire industry would lose a lot of business from patrons desiring bigger fish.

One advisor noted that slot limits would disenfranchise certain fishery sectors or geographical areas, particularly the coastwide slot limit under consideration which would include a size limit too large for the southern states and a season that would not work for some states. In general, most advisors agreed that different measures are needed in different areas and that coastwide measures, with or without a slot, are generally unworkable.

Another advisor said when advisors proposed slot limits in the past, the idea was always that the slot limit would allow for some harvest within and some above the slot (for example, 1 fish from 16-18" and 3 fish above 18"). He did not support the configuration of slot limits currently being discussed (a single slot with no allowance for fish above or below the slot) given its expected negative impacts on the for-hire fleet.

One advisor noted that the revised Marine Recreational Information Program (MRIP) methodology modified the estimates for shore and private/rental modes, but not for the for-hire mode. He was concerned about how this would impact recreational management measures going forward. He recommended *status quo* measures and management strategies until the commercial/recreational allocation amendment is completed and the impacts of the revised MRIP data on sector allocations can be considered.

One advisor expressed support for slot limits if implemented at a state level and applauded the Monitoring Committee for their exploration of the idea, stating that the existing minimum sizes have been harming the fishery for a long time. He also noted that the possession limit would need to be higher than 2 fish to make the measures palatable and encouraged implementation of a slot limit in combination with other measures that would decrease discard mortality such as specifying hook sizes and types. This advisor suggested that the fishery should be regulated by the reproductive value of the fish removed, not by poundage. He suggested that, for example, removing 500,000 pounds of 15" fluke, in a slot system scenario, should only count as 250,000 pounds, assuming a 50:50 sex ratio, as young males contribute little to the reproductive potential of the stock. He said this can make a slot system a viable option under current quotas.

Two advisors expressed mixed feelings or uncertainty regarding the use of slot limits for summer flounder. One said there is a tremendous diversity of angler preferences in his area and he recommends *status quo* measures for the time being. Another said he has generally been in favor of slot limits at the state level, but believes that the idea needs further research given recent changes in summer flounder stock dynamics.

Regarding the Monitoring Committee analysis to estimate the impacts of slot limits on weight of fish harvested and discarded, one advisor noted that inshore trawl surveys (ChesMMA<sup>1</sup> and NEAMAP<sup>2</sup>) may provide a length-weight relationship more appropriate as a proxy for that of the

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<sup>1</sup> Chesapeake Bay Multispecies Monitoring and Assessment Program

<sup>2</sup> Northeast Area Monitoring and Assessment Program

recreational fishery, instead of the Bigelow spring and fall trawl survey length-weight relationship used in the current analysis.

One advisor expressed support for a total cumulative length limit (i.e., a limit on the cumulative length of all retained fish) with mandatory retention of all fish until the limit is reached and asked whether the Monitoring Committee had discussed this concept since he has raised it at past meetings. Staff responded that while the idea was mentioned, it was not discussed in detail since the Monitoring Committee has previously noted that this approach would present challenges for compliance, enforcement, and analysis. This advisor expressed frustration that this idea was not evaluated and asked if others on the Advisory Panel would support further Monitoring Committee analysis of the idea. In response, one advisor said he would not support the idea given that, like slot limits, he believes it would put the for-hire industry out of business. Another advisor said he would support further analysis of a total length limit even though it may or may not be feasible.

One advisor commented that the current May-September season in most states (and the May-September coastwide season recommended by staff) does not account for discards of accidentally caught fish during closed seasons and that these discards need to be accounted for.

One advisor said recreational measures will do nothing to rebuild the stock unless measures are implemented to protect summer flounder during their spawning periods.

One advisor stated that the MRIP estimates are heavily biased toward private boat effort, and the proportions of harvest by mode appear to be very off.

Another advisor supported coastwide measures instead of conservation equivalency, given the high percent standard errors (PSEs) associated with estimates used at a fine scale under conservation equivalency. This advisor stated that the current recreational catch data does not seem to meet the Magnuson Stevens Act requirements to use best available science, noting that PSEs over 40% are not reliable to use as a basis for management.

One member of the public commented that the fishery peaked in terms of recruitment and spawning stock biomass around 2003 and since that time spawning stock biomass, catch, and recruitment are down substantially. Given that decline, he does not understand how the Monitoring Committee could support *status quo* measures and questioned how *status quo* helps the fishery. He questioned the basis for why the Monitoring Committee did not believe the current measures are harming the stock. Staff summarized related points included in the Monitoring Committee meeting summary, which was not yet available for AP review at the time of the AP call. This individual supports slot limits as an interim measure as part of a gradual shift toward lower size limits for the recreational fishery.

Another member of the public agreed with the advisors who stated that slot limits would not work for summer flounder and expressed support for *status quo* measures in 2020.

## **Scup**

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Several advisors supported the Monitoring Committee recommendation for *status quo* recreational measures in 2020. Some advisors added that it is encouraging to see some flexibility in management due to the management implications of the new MRIP numbers and applauded the Monitoring Committee for considering *status quo* as an option.

Multiple advisors commented on the reductions described in the staff memo that would be needed to prevent harvest from exceeding the recreational harvest limit (RHL), calling them absurd for such a healthy stock. Generally, advisors were against any restriction to the recreational scup fishery. One advisor was in support of *status quo* but asked how the Monitoring Committee and Council could justify straying from the process of constraining harvest to the RHL. Staff summarized the Monitoring Committee justification for their recommendation which included the unique management situation due to changes in the MRIP data, healthy stock status, and catch projections below the 2020 acceptable biological catch (ABC) level.

Similar to comments provided during the summer flounder discussion, advisors felt the MRIP estimates are heavily biased toward private boat effort. One advisor noted that the new MRIP numbers show a drastic increase in scup harvested in Connecticut that he believes to be ridiculous and stated that the new numbers are wrecking the management process. Another advisor added that some of the new MRIP numbers seem impossibly high in New York. For example, he said there are high estimates during times when he said 99% of boats are out of the water. He also said that the new numbers should not be used in management and the MRIP program needs to be reevaluated. Another advisor asked about the MRIP peer review process and how the numbers become accepted. Other advisors and staff briefly described the peer reviews that occurred during the transition to new survey methodologies.

One advisor reiterated that a total cumulative length limit with mandatory retention should be evaluated to reduce recreational scup discards.

## **Black Sea Bass**

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Twelve advisors spoke in favor of maintaining *status quo* recreational black sea bass management measures in 2020. Many advisors said they would prefer liberalizations but realized this is not possible given that projected 2019 harvest is higher than the 2020 RHL. One advisor said the restrictive management measures which would be required to prevent harvest from exceeding the 2020 RHL would be devastating to the recreational fishery. Many advisors expressed frustration that the fishery needs to be so restricted when the stock is so healthy.

Under *status quo* recreational management measures, total catch in 2020 is expected to exceed the ABC by 12%. The assumptions about commercial and recreational landings and discards used to calculate expected 2020 catch are described in the staff memo on recreational measures and the November 2019 Monitoring Committee meeting summary. One advisor said the assumptions about commercial dead discards are inaccurate because most black sea bass are caught with 5.5 inch mesh, rather than the required minimum 4.5 inch mesh.

One advisor noted that if the Scientific and Statistical Committee (SSC) had used a 60% coefficient of variation (CV) for the overfishing limit (OFL) instead of a 100% CV, then the 2020 ABC would be about a million pounds higher and the difference between expected 2020 total catch and the 2020 ABC would be smaller.<sup>3</sup> Two advisors requested that the SSC reconsider their OFL CV recommendation. One advisor said uncertainty in the MRIP estimates should not be a reason to

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<sup>3</sup> After the AP meeting, it was determined that total expected 2020 catch would be about 6% higher than the ABC if the ABC had been calculated with a 60% OFL CV.

have a larger buffer between the OFL and the ABC because part of the uncertainty is that the estimates are too high.

Multiple advisors said they do not see the MRIP estimates as credible. For example, multiple advisors have said they do not believe the for-hire sector catches fewer black sea bass than private anglers, as suggested by the MRIP data. One advisor questioned the proportions of harvest from state and federal waters by state, noting that the proportion of Maryland's harvest from state waters is much lower than that suggested by MRIP. He said it is so rare to catch a keeper black sea bass in Maryland state waters that it is a newsworthy event when it does happen.

One advisor said the for-hire industry is being penalized by MRIP changes which were largely driven by changes in the private angler effort estimates. The effort estimates for the for-hire sector were not greatly impacted as they are based on a separate for-hire survey and vessel trip reports, which are required for most for-hire vessels. Two advisors said the for-hire sector should be managed separately from private anglers due to differences in the fisheries. For example, for-hire fishermen rely on recreational fishing for their livelihoods and are required to submit vessel trip reports for every trip; therefore, their catch estimates are more accurate than the MRIP estimates for private anglers. One advisor said all recreational anglers, including private anglers, should be required to report their catch via electronic vessel trip reports. This would help reduce the uncertainty in the MRIP estimates. Another advisor said for-hire captains can't grow their businesses because there is no stability in the regulations. He said MRIP is partially to blame for this problem.

One advisor said there was once a strong for-hire fishery off Virginia in the winter, but now the season is closed for much of the winter. He said the ability to open the recreational black sea bass fishery in February 2018 and 2019 helped bring back some of that fishery. He added that the winter fishery is dependent on weather, which was favorable in February 2018 and 2019.

Similar to previous comments made for summer flounder, one advisor said he did not support the use of conservation equivalency for black sea bass, which would allow federal waters measures to be waived in favor of the measures in the state where anglers land their catch. He noted that the MRIP estimates are less certain when they are broken down into smaller increments (e.g., state vs. coastwide); therefore, management measures would be based on less precise data under conservation equivalency than under coastwide federal measures.

One advisor repeated previous comments about scallopers and lobstermen catching black sea bass far offshore. He claimed that the trawl surveys used in the stock assessment do not operate beyond 10 miles from shore;<sup>4</sup> therefore, they are missing the offshore biomass and spawning stock biomass is underestimated in the assessment.

One advisor said the survival rate of black sea bass discarded in the recreational fishery is higher in inshore areas than in offshore, deeper areas. Another advisor said recreational discards should be eliminated by using a total cumulative length limit with mandatory retention of all fish caught until the cumulative length limit is reached, at which point anglers should stop fishing.

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<sup>4</sup> As shown on pages 27-30 of the 2018 data update for black sea bass (available at: [http://www.mafmc.org/s/3\\_2018-Black-Sea-Bass-Data-Update\\_06\\_18.pdf](http://www.mafmc.org/s/3_2018-Black-Sea-Bass-Data-Update_06_18.pdf)), the Northeast Fisheries Science Center bottom trawl surveys used in the assessment sample black sea bass out to the shelf break.

One advisor said the Council and Board should move quickly on their amendment to consider changes to the allocation of total allowable landings between the commercial and recreational sectors. He hoped a change to this allocation would allow for a recreational liberalization. Another advisor said seafood imports need to be considered in relation to the commercial/recreational allocation. A higher commercial allocation would allow for greater domestic seafood production. He suggested that a 16% allocation be considered for all recreational fisheries because, in his words, 16% of the U.S. population fishes recreationally.