



Summer Flounder, Scup, and Black Sea Bass Advisory Panel Webinar September 24, 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 September 24, 2019. The objectives of this meeting were to:

- Review 2019 scup and black sea bass operational stock assessments and the 2019 summer flounder data update.
- Review Scientific and Statistical Committee (SSC) and Monitoring Committee recommendations for 2020-2021 specifications for black sea bass and scup and 2020 specifications for summer flounder.
- Review analysis of commercial scup discards.
- Discuss commercial minimum mesh size requirements for all three species.
- Provide input on 2020-2021 specifications for all three species.

Please note: Advisor comments described below are not necessarily consensus or majority statements. Additional advisor comments provided by email or phone regarding the issues discussed at this meeting are provided as an appendix to this document.

Council Advisory Panel members present: Katie Almeida (MA), Carl Benson (NJ), Jeff Deem (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), Chris Spies (NY), Robert Ruhle (NC), Robin Scott (NJ), Steve Witthuhn (NY)

Commission Advisory Panel members present: Frank Blount (RI), Paul Caruso (MA), Jack Conway (CT), Greg DiDomenico (NJ), Mark Hodges (VA), Marc Hoffman (NY), Joseph Huckemeyer (MA), James Little (DE), Michael Plaia* (RI), Kevin Smith (VA), James Tietje (MA), Wes Townsend (DE)

*Serves on both Council and Commission Advisory Panels.

Others present: Chris Batsavage (Council member, NC DMF), Julia Beaty (MAFMC Staff), Steve Cannizzo (NY RFHFA), Dustin Colson Leaning (ASMFC Staff), Karson Coutré (MAFMC Staff), Kiley Dancy (MAFMC Staff), Justin Davis (CT DEEP), Glenn Evans, Kara Gross (NEFSC), Adam Nowalsky (Council member, NJ), Brad Ries (NY RFHFA), Caitlin Starks (ASMFC Staff), Joe Tangel (NY RFHFA), Wes Townsend (Council member, DE), Sam Truesdell (MA DMF)

Summer Flounder

No comments were provided on summer flounder 2020 specifications. Some comments were provided on commercial minimum mesh size regulations for all three species, as summarized below.

Black Sea Bass

One advisor asked what the 2020 acceptable biological catch (ABC) level would have been if the SSC had recommended a 60% overfishing limit (OFL) coefficient of variation (CV) instead of a 100% CV. Staff noted that under a 60% OFL CV, the 2020 ABC would have been about 0.9 - 1.1 million pounds greater than the ABC recommended based on a 100% OFL CV, depending on if the standard/varying or averaged/constant ABC approach is used. This represents a 6-7% difference in the ABC, depending on the approach used.

Many advisors expressed frustration with the fact that the potential 2020 recreational harvest limit (RHL) is about 30% lower than 2018 recreational harvest. One advisor asked why the RHL is not set at a higher level given that biomass is so much greater than the target level. He said it is irrational to require reductions in recreational harvest when biomass is so high. He said this is an example of why more flexibility needs to be built into the process.

Many advisors said they have no trust in the Marine Recreational Information Program (MRIP) data. One advisor said it's not true that we now know that recreational catch is higher than we previously thought because we don't know that the revised numbers are accurate. Future revisions could tell us that the current numbers are also wrong. He added that the SSC cited concerns about uncertainty in the MRIP data as one of their main reasons for using a 100% OFL CV instead of a 60% CV. One advisor described specific instances of unreasonable estimates in New York in certain waves and years.

One member of the public asked how far above the target biomass must be before recreational liberalizations are allowed. Another member of the public said that if recreational management measures become much more restrictive in 2020, non-compliance will increase. He added that New York will likely not go along with the potential restrictions described on the webinar.

Three advisors said consideration should be given to reducing the recreational minimum size limit as this would reduce the total weight of fish landed in the recreational fishery and could reduce discards. One advisor noted that the stock was rebuilt under a lower minimum size limit. One advisor said discards could be reduced with a total cumulative length limit, where the length of all retained fish cannot exceed a certain total amount, coupled with a prohibition on discards.

One advisor asked if consideration has been given to increasing the reporting requirements for recreational fishermen, especially private anglers, to help address uncertainty in the MRIP data.

Two advisors said the for-hire sector should be managed differently than the private and shore modes. The for-hire sector reports electronically within 48 hours of returning to port and they make their living off fishing. One advisor said that because of these existing reporting requirements, the major changes in the MRIP data were not driven by the for-hire sector.

The black sea bass commercial quota has the potential to increase substantially mid-year in 2020. Two advisors said this could have negative economic impacts. For example, it could result in fish flooding the market and causing prices to drop, thus requiring fishermen to land more fish to make the same amount of profit.

One advisor said the federal trawl survey does not sample far enough offshore to accurately represent the true abundance of black sea bass. He said lobster fishermen are catching black sea bass far offshore in their traps. He added that consideration needs to be given to the impacts of

black sea bass on other fisheries. For example, he said the high abundance of black sea bass is wiping out inshore shellfish fisheries.

One advisor asked if changes to the commercial and recreational allocation for black sea bass can be made through a framework/addendum rather than an amendment. He noted that the New England Fishery Management Council agreed to allow changes to the groundfish recreational allocation through a framework. Council staff clarified that NOAA Fisheries advises the Council on which actions require an amendment and their advice has been that a change to the commercial and recreational black sea bass allocation requires an amendment.

Scup

One advisor would like to see a report on how imported tilapia has affected the scup fishery and noted that the US now imports 95% of fish consumed. He said we needed to move towards total retention and recommended that the Monitoring Committee explore lowering the size limit and having a cumulative total length management measure in the recreational fishery to decrease discards. Another advisor agreed with the idea of a cumulative length limit.

One advisor said that state regulations such as seasons and trip limits are contributing to discard problems due to low trip limits for scup when they are being caught during targeted black sea bass trips. Another advisor agreed with this perspective.

One advisor agreed that discards need to be reduced and felt that there could be more outreach and education on recreational fishing methods. He recommended reaching out to the saltwater angler registry and showing them the best methods of releasing fish, how to optimize quality, and how to fish for a certain size. This advisor noted that there are a lot of poor practices out there and people haven't learned new methods that correspond with current management measures.

One advisor asked why underages can't be applied to future years similar to how overages are applied to future years. Staff responded that taking more than the SSC recommends has biological implications and increases the risk of overfishing. This advisor felt that if a stock is over 100% of the target biomass it should be handled differently and with more flexibility.

One advisor preferred the averaged ABC approach to promote stability for the commercial fishery.

One advisor asked what the reduction in harvest would be in 2020 to meet the RHL. Staff responded that the 2018 recreational landings were about double the potential 2020 RHL.

Minimum Mesh Size Regulations

Staff summarized the results of the 2018 mesh size selectivity study by Hasbrouck et al. (2018)¹ and past Monitoring Committee comments on this issue. The AP was asked whether further analysis and gathering of industry input to explore potential mesh size regulation changes should still be a priority going forward, and if there were particular mesh size regulation issues that should be addressed.

Two advisors stated that evaluating this issue should not be a high priority in the near term. Discards and bycatch are complicated issues due to multiple driving factors (e.g., mesh size, gear

¹ Available at: http://www.mafmc.org/s/Tab08_SFSBSB-Mesh-Selectivity-Study-Apr2018.pdf

configuration, season, area, recruitment, minimum fish size limits). Mesh size regulations should be considered once the Council and Board have dealt with other priorities including the implications of the revised MRIP data on commercial and recreational management and allocations.

As discussed at the Monitoring Committee meeting, one advisor noted that the Science Center for Marine Fisheries (SCeMFiS) has funding to conduct an analysis of discards of demersal species to further understand the causes of discards and potential solutions for discard reductions.

Another advisor said this issue should be moved to the highest priority, and the Council and Board should consider a uniform 4.5" or 5" mesh size for all three species, with corresponding changes in the minimum fish sizes to be appropriate for this mesh. He stated that part of the scientific information used to set the original mesh size for summer flounder incorrectly incorporated small migrating southern flounder caught off North Carolina, and that this should be corrected for. He also noted that the recent summer flounder stock assessment indicates that summer flounder are now growing and maturing more slowly, and that measures need to be adjusted accordingly.

Another commercial industry advisor stated that going to a common mesh size at least for scup and black sea bass would be extremely beneficial. If the minimum mesh size is decreased for any species, the minimum fish size should decrease proportionally. This approach would turn discards into landings. From an economic standpoint, the cost to re-rig a vessel is not cheap as the net needs to be configured for a specific vessel and species. This can cost between \$3,000 and \$15,000 per net depending on the circumstances. This advisor would like to know how many vessels are currently using 6" square to fish for summer flounder and stated that this information could be evaluated from Vessel Trip Reports.

APPENDIX: Additional Comments Submitted Regarding September 24, 2019 Advisory Panel Meeting

From: Vetcraft Sportfishing <vetcraft@aol.com>
Sent: Sunday, September 22, 2019 7:36 PM
To: Kiley Dancy
Subject: Re: Materials for 9/24 Summer Flounder, Scup, Black Sea Bass AP webinar

Kiley, I apologize but my veterinary duties will not let me attend the upcoming AP so I would like to submit the following comments and report:

Fluke fishing in the southern NJ area gets more dismal each year and this year was no exception. We not only are seeing few keeper size fish on most days, but the number of undersized fish is rather diminished as well. Many of the charter boats gave up going towards the end of the season. The party boats could only get out on days when they found enough patrons to go. The most popular party boat is Cape May, the "Porgy" is going up for sale due to lack of patrons. Most of the Delaware boats fish off of NJ as their fluke population is even worse than ours.

The artificial reefs in my area that normally account for upwards of 75% of the fluke caught in NJ, were very sparsely populated with fluke compared to years past. Roughly I would say there are less than 10% of the number of fluke there than there was 10 years ago. Each year it gets worse.

We really are in need of some relief to keep the remaining fishery related businesses from failing.

I see the causation as follows:

1. We have allowed regional depletion of fluke populations in the southern half of their range
2. The minimum size requirements are not only detrimental to the species, but also preclude 90% or more of anglers from bringing a fish home on any given day.
3. The uneven distribution of the commercial fluke quota has caused relative overfishing in the southern half of the range of the species.
4. Commercial dragging has destroyed much of the inshore structure causing few fluke to populate the once popular inshore sloughs and bivalve beds.
5. Commercial draggers continue to target fluke when they come in range of the summer recreational fleet. I personally have seen them dragging circles around our artificial reefs. In fairness to the recreational industries, we need a 12 mile limit for dragging during the recreational season.

Sea bass.....We see some sea bass in federal waters but by no means would I say they are abundant.

Porges.....Only ones I have seen are juveniles several inches long.

Capt Harv
Vetcraft Sportfishing
Cape May, New Jersey
Call or Text 610-742-3891
Email: vetcraft@aol.com
www.vetcraftsportfishing.com

-----Original Message-----

From: Kiley Dancy <kdancy@mafmc.org>
To: Advisors - SFSBSB <Advisors-SFSBSB@mafmc.org>
Cc: Leaning, Dustin Colson <dleaning@asmfc.org>; cstarks@asmfc.org <cstarks@asmfc.org>; Beaty, Julia <jbeaty@mafmc.org>; Coutre, Karson <KCoutre@mafmc.org>; Luisi, Michael <michael.luisi@maryland.gov>; Gilbert, Emily <emily.gilbert@noaa.gov>; Rootes-Murdy, Kirby <krootes-murdy@asmfc.org>; cstarks@asmfc.org <cstarks@asmfc.org>; Beaty, Julia <jbeaty@mafmc.org>; Coutre, Karson <KCoutre@mafmc.org>
Sent: Mon, Sep 16, 2019 1:49 pm
Subject: Materials for 9/24 Summer Flounder, Scup, Black Sea Bass AP webinar



NEW YORK RECREATIONAL & FOR-HIRE FISHING ALLIANCE

"LET US FISH"

FROM: NY RFHFA

09.24.19

TO: Julia Beaty (MAFMC), Kiley Dancy (MAFMC), Caitlin Starks (ASMFC)

SUBJECT: Public Comment in reference to Summer Flounder, Scup, & Black Sea Bass AP Webinar on Sept. 24, 2019

Julia, Kiley and Caitlin

The New York Recreational & For-Hire Fishing Alliance would like to thank all of you for the information provided as well as question and comment discussion on summer flounder, black sea bass and scup at today's AP webinar. Representatives who were on this morning webinar, Captain Joe Tangel, Captain Carl Forsberg (also an AP advisor), Captain Kenny Higgins and myself (Steven Cannizzo) have discussed what transpired on the BSB and scup discussion, and it was difficult to contain our frustration due to the most troubling issues on the direction be taken by the SSC as it concerns black sea bass (BSB) and scup with the negative implication to future regulation decisions for 2020 and 2021.

The general tone of the participants on today's AP are with the answers given when the biomass of a stock increases, there is a corresponding scaling up of harvest and discards. This resulted in the contentious debate over the SSC decision to increase the Default CV from 60% to 100% on scientific uncertainty based upon and in their own words "the implausible MRIP data" that resulted in, and as stated by staff of 1 million lbs of BSB being removed from the ABC due to the increase of the CV by the SSC. There was also the pencil whipping in the projections in the regulatory discards which are the result of management decisions which has led angler behavior over the past decade to transition the BSB fishery from one of harvest to one which is a de jure catch & release fishery due to long closed periods, extremely constrained possession limits, inappropriate high minimum sizes due to the productivity of a given area in state waters as well as the BSB fishery interacting and mixing in other nearshore recreational fisheries such as scup, red hake, cod, tautog and fluke.

The most troubling part is in the explanation to stakeholders and the general fishing public is on the management for BSB, as the current catch is intended to fish the population down to MSY given that we are currently above the threshold and exceeded the SSB target. Therefore, and due to the risk policy and increased scientific uncertainty in the process we are witnessing, ACLs (Annual Catch Limits) are now not only projected to decline in the coming years, but also is not a positive indicator for potential future liberalizations for the most robust finfish stock managed by the MAFMC. This is now playing out with the not too subtle regulatory news on BSB for the recreational sector of a 30% to 35% reduction projected for 2020.

As I mentioned during the webinar in dealing with outlandish and spiking estimates that have grown much worse over the three major changes of the MRIP program during the last 12 years, and culminating with private vessel estimates increasing by 2-3x and shore bound mode estimates 5x from previous and noted as 'old' MRIP estimates that even has led to the New York State "Wave 6 Specials" as stated by NYS Chief John Maniscalco during the Monitoring Committee Meeting. How many improbable and as much implausible MRIP data sets from any fishery, state, wave, mode and or average weight can be presented at various fishery meetings for the technical staff, fishery specialist, advisors and council people to understand that MRIP should not be used as a gauge to assess harvest and discards, and has an consistent proven history for extremely low statistical precision for management use in setting allocations and the corresponding regulations? What consideration has been given for and to the for-hire party boat and charter modes which is currently monitored and in compliance with electronic reporting and has an extremely low percentage of landings (as per your 'percentage of recreational landings' table) in the BSB fishery?

The biggest question that stakeholders and the fishing public have to ask at this very time is if this is to be expected of any stock which is not only rebuilt, but considered robust when it exceeds the target - in that recreational regulations become that much more restrictive and commercial quota grow by unimaginable "leaps and bounds" after a stock assessment? How much more restrictive will BSB, and as we heard today with a projected reduction for the recreational sector in the vicinity of 50% for scup? How can the MAFMC staff be a conduit in passing along not only our angst, but now bitter frustration that fishery management is proverbially "all over the map" in properly maintaining regulatory stability for rebuilt fisheries as well as lessening the negative economic impact to the fishing industry and businesses that rely upon fishing related activities?

Once again thank you for your patience and consideration for what the NY RFHFA has stated here.

Steven Cannizzo – NY RFHFA

Captain Joe Tangel, Director – fv KING COD

Captain James Schneider – JAMES JOSEPH Fleet

Captain Carl Forsberg – VIKING FLEET

Captain Kenny Higgins – CAPTREE PRIDE

Captain Anthony Testa Sr. – fv STEFFANI ANN

Captain Anthony Testa Jr. – fv STEFFANI ANN

TO: Julia Beatty (MAFMC Fishery Specialist)

09.26.19

FROM: Captain Steven Withuhn (AP Advisor)

SUBJECT: Public comment in reference to **Summer Flounder, Scup, and Black Sea Bass Advisory Panel Webinar on 09.24.19**

Additional comments provided by advisor Steven Witthuhn (NY) to Council staff over the phone following the September 24, 2019 Advisory Panel (AP) webinar meeting:

- The recreational fishery has a growing sentiment that they will have to pay for past management mistakes. Managers are currently admitting that they mistakenly assumed that recreational catch was much lower than it really was and now have adjusted upwards the harvest and discard estimates according to the new MRIP data.
- The numbers presented at the AP webinar regarding the recreational harvest limit, recent harvest, and potential needed reductions are outrageous. What will advisors say to the fishermen in their home states come 2020 on further cuts in what they now take home during a day of fishing?
- Advisors stand united against the estimates seen for management purposes from MRIP. The previous MRFSS numbers were bad, but the MRIP numbers are worse and have grown even more outrageous with the recent revisions to the point where they will impact both those stocks and future allocations.
- The New York fishing community made up of the for-hire industry and general fishing public will not sit back and absorb these cuts. The state fishing industry, that being the for-hire modes have had it as they currently open BSB now in late June with a by-catch possession limit, an overly large minimum size which is not reflective of the productivity within the majority of areas within NYS waters and an extremely small fall and early winter fishery

harvest allowance for the angler. The for-hire industry cannot take any more cuts to the black sea bass fishery.

- Fishermen want regulator stability in order to plan for and have viable fishing opportunities. They cannot understand how liberalizations are off the table for black sea bass when the stock is deemed 240% of SSB_{msy}. They wish for a process of stable management measures across a three year time year period in order to then reassess and make changes reflective to stock size, different modes of harvest, and fishing driven mortality. This is why there were no comments on summer flounder fishery performance during the AP webinar. Advisors and stakeholders realized that they are lucky to be able to have three years of stable management measures in that fishery. This helps to provide a pattern of steady data signals to both the SSC and the Council on the impact and effect of the management policies.
- Managers, that being both the technical and federal and state regulators are not able to manage successfully rebuilt fisheries. How long should we give management a chance to enjoy rebuilt fisheries? “Uncertainty” has become the proverbially “get out of jail free card” for managing stocks and a default term used by the SSC in their answer to increasing risk to stocks well above the threshold and exceeding the SSB Target. This is counter-intuitive to what fishermen see in fishing reports and catch throughout the season with black sea bass and scup.
- Discards, both alive and dead are held and charged in removals for setting the RHL against fishermen. A great day of recreational fishing could include many released fish, especially with a 15 inch minimum size limit. For-hire captains make a point of educating their customers about sustainability, proper and responsible use with catch and release practices in order to take a few fresh fish for a meal. The 15% assumed discard mortality rate penalizes recreational fishermen for catch and release and is not applicable to discarded BSB in water depths under 20 fathoms where the majority of recreational fishing occurs.

- Recreational fishermen are providing more accurate and timely data streams, most recently with the new mandated requirement that for-hire vessel trip reports be submitted electronically within 48 hours of returning to port. Regulations have grown more restrictive and fishermen now have a sense that their data continues to be used against them in setting the following years regulations.
- Seasons are measured in open days which has a greater economic priority than overly generous bag limit for both party and charter fishermen, as open days during a season allows one and provides the opportunity to work around the seasonal spatial and temporal abundance of nearshore accessible species. The key talking point for the for-hire industry and businesses that rely upon fishing related activities is that they prioritize being able to go out and fish and provide that opportunity to the public.
- There is a different mentality on charter boats than on for-hire party/headboats. For example, the customers on charter boats frequently know each other and sharing or comingling of fish amongst all participants is traditionally viewed and generally more acceptable on charter boats than on party boats.
- Fishermen are not only observing but catching more black sea bass with stomachs full of the popular fish attractant Gulp bait. How quickly does Gulp bait degrade in their stomachs? Could this be negatively impacting discard mortality? This is not a priority issue, but should be kept in mind over the coming years if certain artificial baits do impact fish mortality.

Thank you,

Captain Steven Withuhn

TOP HOOK charters - Montauk

NYS MRAC advisor

AP advisor Summer Fluke, Black Sea Bass, Scup

NYS commercial limited Food Fish License holder

Kiley Dancy

From: James Fletcher <unfa34@gmail.com>
Sent: Monday, September 30, 2019 8:25 AM
To: Coutre, Karson; Moore, Christopher; Kiley Dancy
Subject: Re: Draft AP meeting summary for review by Tuesday

PLEASE ADD THIS QUESTION:

WHY DOES THE COUNTRY WITH THE SECOND LARGEST EEZ IN WORLD; IMPORT 93% TO 94% OF SEAFOOD CONSUMED IN U.S.A.

WHY HAS THE U.S.A. NOT SET A NATIONAL PRIORITY AGENDA TO STRONGLY SUPPORT DOMESTIC SEAFOOD PRODUCTION FOR BOTH WILD CATCH AND AQUACULTURE, IN COUNTRY?

THE COMMENTS FOR FLOUNDER , SCUP & BLACK SEA BASS WERE TO REDUCE MESH SIZE TO FIVE [5] INCHES AND ADJUST THE FISH SIZE DOWN SO ALL SPECIES CAUGHT WERE LANDED AND SOLD. RECREATIONAL TOTAL LENGTH WOULD REQUIRE NO SIZE LIMIT AS ALL FISH CAUGHT WOULD APPLY TO TOTAL LENGTH. I THINK STAFF COULD & SHOULD REFLECT WHAT ADVISORS SUGGEST BETTER. ADVISORS WERE ALL IN FAVOR OF REDUCING OR ELIMINATING DISCARDS!

On 9/27/2019 9:31 AM, Coutre, Karson wrote:

Hello Summer Flounder, Scup, and Black Sea Bass Advisors,

Thank you for your participation in our meeting this week. Attached is a draft meeting summary for your review. This meeting summary will be posted as supplemental materials to the [October Council meeting briefing page](#) along with associated submitted comments next week. Given that timeline, please respond with any comments or edits to this summary by the end of the day **Tuesday, 10/1**.

Thank you,

Karson Coutre
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Kiley Dancy

From: MARC K.HOFFMAN <mkhoffman@optonline.net>
Sent: Monday, September 30, 2019 2:03 PM
To: Leaning, Dustin Colson
Subject: Re: Following up on our phone call

Recently, a number of recreational fishermen informed me that the price of clam baits has doubled because of a shortage of clams. The harvesters blame the seabass which eat juvenile clams as well as lobsters and other shellfish. I think it is important for AP staff who attend the meetings for lobsters, clams, crabs, etc., to ask the other panel members about the effects of the over population of seabass and where are they finding seabass. If the seabass are being found well offshore this might indicate that the biomass is much larger than the 240% we are using.

On September 30, 2019 at 1:24 PM "Dustin C. Leaning" <DLeaning@asmfc.org> wrote:

Hi Marc,

In the interest of including your comments to the Summer Flounder, Scup and Black Sea Bass Advisory Panel summary document that will be posted for the October meeting briefing materials, could you provide us with a few sentences summing up your thoughts? It would be great to include your written ideas in the document so that I can best capture our conversation. If you are able to write back before the meeting summary deadline (tomorrow at 5pm), that would be great.

Thanks,

Dustin

Dustin Colson Leaning

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