



Summer Flounder, Scup, and Black Sea Bass Fishery Performance Reports June 2016

The Mid-Atlantic Fishery Management Council's (Council) Summer Flounder, Scup, and Black Sea Bass Advisory Panel (AP) met jointly with the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass AP on June 22, 2016. Advisors reviewed Fishery Information Documents for all three species and developed Fishery Performance Reports based on advisor perspectives on catch and landings patterns and other trends in these fisheries. **Please note:** Advisor comments described below are not necessarily consensus or majority statements.

Council Advisory Panel members present: James Fletcher (NC), Lisa Poyer (NY), Jeffrey Gutman (NJ), Meade Amory* (VA), Robert Ruhle (NC), Carl Benson (NJ), Joan Berko (NJ), Denny Dobbins (VA), Harry Doernte (VA), Jan McDowell (VA), Michael Plaia* (RI)

Commission Advisory Panel members present: Meade Amory* (VA), Robert Busby (NY), Greg DiDomencio (NJ), James Tietje (MA), Michael Hall (RI), Michael Ireland (NC), Michael Plaia* (RI), Brent Fulcher (NC, proxy for Robbie Mercer)

Others present: Julia Beaty (MAFMC Staff), Kirby Rootes-Murdy (ASMFC Staff), Kiley Dancy (MAFMC Staff), Mark Holliday (MAFMC SSC), Doug Lipton (MAFMC SSC), Mike Luisi (MAFMC/ASMFC), Barbara Hutniczak (NOAA), David Bush (North Carolina Fisheries Association)

*Serves on both Council and Commission Advisory Panels.

Summer Flounder

General Management Issues

Many advisors spoke of the need to address both commercial and recreational discards, indicating that management should focus on reducing waste and utilizing more of the catch.

One advisor expressed concern regarding a potential New England Fishery Management Council request for joint management of summer flounder, scup, and black sea bass. This advisor mentioned past donations of commercial quota from New Jersey to several northern states to address quota shortages, under the agreement that these northern states would take further reductions and additional actions to improve the management of their fisheries; however, it seems this never happened. This advisor indicated that management by the Mid-Atlantic Council, the Commission, and the states has been working well.

Advisors expressed some concern regarding the summer flounder stock assessment. One advisor expressed frustration that scientists cannot figure out the retrospective bias, which he believes originates from an inaccurate recreational discard mortality rate assumption and problematic

studies used to determine this rate. This advisor stated that discard mortality rate studies need to properly account for predation, and that if the assumed recreational discard mortality rate were increased to 45%, this would solve the retrospective bias problem.

An advisor who also participates on the Northeast Trawl AP spoke in support of a recommendation from that AP for a new flatfish survey to augment the current Northeast Fisheries Science Center (NEFSC) spring and fall surveys. He described recent work comparing different trawl configurations, which appears to show that chain sweep gear is much more efficient at catching flatfish compared to roller gear. While overall trends were similar between the two gear configurations, the current gear configuration caught substantially fewer fish aged 3 years and under. He believes this may be contributing to the issues with the assessment including low observed recruitment.

Environmental and Ecological Issues

There was general discussion regarding whether summer flounder biomass has shifted to the northeast due to climate change or due to a stock expansion as the result of rebuilding. Several advisors who spoke to this issue believed that summer flounder weren't necessarily moving in terms of the center of biomass, but rather spreading out, resulting in more biomass to the north.

Commercial Management Issues

A commercial fisherman who has been catching flounder for several decades indicated that he used to have to go much further offshore and as far north as the Hague line to target flounder, which is no longer the case. East of Nantucket there are always large and jumbo fish, with no small fish. The fish have started to move to the north side of Georges Bank where they've never gone before.

Several advisors indicated that the distribution of commercial summer flounder landings is strongly influenced by regulations requiring the use of Turtle Excluder Devices (TEDs) at the southern end of the management unit. Several advisors noted that NMFS's current regulations are burdensome to commercial fishermen operating in the south due to the materials and configuration required for TEDs. One advisor noted that the aluminum TED requirement is a problem, and that pre-stressed cable TEDs would be better but are currently not approved by NMFS.

One advisor asked about Rhode Island hook and line permits, as he has been told there are around 700. If this is true, he would like to know how they are contributing to landings.

A commercial representative thought the commercial trawl fishery should not have both minimum mesh size restrictions and minimum fish size restrictions. Several other advisors agreed that regulatory discards could be reduced by reducing or eliminating the minimum size, but keeping the minimum mesh size.

One advisor requested an exploration of the option for unused commercial quota to roll over from one year to the next. States currently attempt to harvest all of their quota because they know they will lose it, which can cause overages and safety issues.

Recreational Management Issues

MRIP and Recreational Data Collection

Advisors discussed perceived deficiencies in recreational data derived from the Marine Recreational Information Program (MRIP). Several advisors agreed that NMFS should use a mobile application for collecting recreational data in place of or to supplement the existing survey system. Information collected from the commercial fishery has grown increasingly accurate with many requirements for reporting, and improvements should be made on the recreational side, advisors argued. Similar to comments made last year, it was noted that when hunters buy a license, they have a responsibility to buy tags and report their activity. A few advisors thought that when people buy a fishing license, they should have a similar requirement.

General Recreational Comments

An advisor from New Jersey noted that in last year's discussion, it was implied that recreational catch was lower in many areas due to a drop in biomass; however, in his opinion it was due to temperature. Catch last year was down about 50%, but it's back up this year, indicating that 2015 may have been an anomaly. Fisheries in the Raritan Bay are having a banner year based on fishing reports, with similar reports coming from other areas of New Jersey. Boats are limiting out with fish that are 20 to 23 inches on average. This advisor expects that the fishery will exceed the harvest limit for 2016 by a significant margin if this trend continues.

Several commercial affiliated advisors expressed frustration with the lack of direct pound for pound paybacks for recreational overages, with one advisor stating that this does not comply with the Magnuson Act. Many felt that the same paybacks that apply to the commercial fishery should also apply to the recreational fishery.

There is significant concern among advisors regarding recreational discards, as well as the impacts to the stock from recreational anglers targeting large females due to high size limits. As size limits increase, discards have increased as well. A few advisors believe that the current assumed recreational discard mortality rate may be an underestimate. One advisor noted that improved studies estimating discard mortality rates are very expensive and very difficult to execute with proper consideration of all relevant variables (e.g., predation, depth, etc.). His proposed solution is a total discard ban for the recreational fishery. The Council Vision & Strategic Plan includes reducing discards; however, he believes that managers should be considering discard elimination. He noted that we should be taking more small fish that may have a 50% chance of spawning rather than those that are bigger, more successful spawners.

A few advisors also supported alternative recreational management strategies beyond the current bag, size, and season adjustments, such as implementing a slot limit or a cumulative length limit with mandatory retention (i.e., keeping any size fish up to a certain total number of inches). Another advisor suggested a set of multiple slot limits (i.e., keep two fish 16-18 inches, two fish above 18 inches, etc.).

Scup

Environmental and Ecological Issues

One advisor who is heavily involved with the Northeast Area Monitoring and Assessment Program (NEAMAP) inshore bottom trawl survey said that Spawning Stock Biomass (SSB) naturally fluctuates each year. He thought the fluctuations in SSB shown in stock assessments are partly the result of natural causes and partly due to issues with the bottom trawl surveys, including the NEAMAP and NEFSC bottom trawl surveys. He saw little change in scup recruitment based on NEAMAP catches.

Market and Economic Issues

One advisor said the price of scup is driven by imported fish. He argued that the market for scup was once stronger, but regulations including the minimum fish size and low commercial quotas during the rebuilding period caused market demand to switch to alternatives such as tilapia. He said many consumers prefer small scup and that removing or reducing the minimum fish size requirement in the commercial fishery could help improve the market. Another advisor said that large scup brought high prices in the 1980's, sometimes selling for over \$2 per pound, but that regulations put in place during the 1990's weakened the market and caused prices to drop.

Two other advisors said the market for scup is strong and improving. They cited recent prices as high as \$1.50 during the Winter I quota period. Scup prices are typically lower in Winter I than in the other quota periods, largely due to a high possession limit (50,000 pounds), which can lead to market gluts. These two advisors said the winter market is improving as the fishery has focused more on the fresh market and as fishermen have been carefully timing their landings to encourage high prices. One advisor said that although competition and imports do affect scup prices, he believes that prices in recent years have been more heavily influenced by demand, timing, product quality, and the strength of the fresh market. Another advisor agreed that the market is largely regulated by supply and demand and that fishermen try to "catch the market right" in order to get the best prices.

One advisor who operates a party boat saw potential for higher demand for large scup with better marketing. He said large scup can be filleted and made into fish and chips.

General Management Issues

Multiple advisors expressed a desire to reduce discards in both the commercial and recreational fisheries. Comments specific to each sector are described in later sections.

According to the most recent benchmark stock assessment, scup SSB is well above the target, but has trended downwards over the past few years. SSB is projected to continue to decline over the next few years while still remaining well above the target biomass. For this reason, the commercial quotas and recreational harvest limits will decrease over 2016 through 2018. One advisor said that the Council shouldn't deprive commercial and recreational fishermen access to scup when biomass is so far above the target. He said the decreases in the quotas and recreational harvest limits over 2016-2018 seemed counter-intuitive. He said in general there are no major problems with the scup fisheries because both the commercial and recreational fisheries are landing below their limits;

however, if landings approach the landings limits in the future, and SSB continues to trend downward, it could create problems.

Commercial Management Issues

Commercial scup landings have been at least 20% below the annual commercial quota since 2010.

A few advisors recommended changes to the commercial scup quota periods and quota rollover provisions. One advisor recommended allowing unused quota from Winter I to rollover into the Summer period, instead of into the Winter II period. This would allow for more scup to be landed by smaller boats during the summer when prices are typically higher than during the winter, he argued. Another advisor used a similar argument when recommending that October be moved from the Summer period to the Winter II period. Winter II has a higher scup possession limit than the Summer quota period; therefore, moving October to the Winter II period could allow for higher landings during that month.

One advisor argued that trawl vessels should not be subject to a minimum fish size for scup given that they are required to either use mesh that is 5.0 inches in diameter or larger or are restricted to incidental possession limits if they use smaller mesh. He argued that both the minimum mesh size and the incidental possession limits for small mesh are designed to reduce catch of juvenile scup. He argued that trawl vessels should be allowed to retain all sizes of scup given the very high mortality rate for scup caught in trawl nets (assumed 100% mortality). Allowing trawl vessels to retain small scup would increase landings and reduce dead discards. He thought other commercial gear types should still be subject to a minimum scup size given that discard mortality rates for other gear types are much lower. Two other advisors agreed and said there are a variety of tools to help enforcement agents distinguish between gear types, such as pre trip notification systems. A few advisors cited examples of other fisheries where regulations allow for a certain amount of juvenile fish to be landed. One advisor said a certain percentage of the total allowable catch in a Canadian haddock fishery can be used for landings of juvenile fish and the fishery is closed once that percentage is reached. Multiple advisors argued that eliminating the minimum fish size for trawl vessels would not pose insurmountable enforcement problems and would be worthwhile because it would reduce regulatory discards.

One advisor argued that eliminating the minimum fish size for the trawl fishery would bring smaller scup to the market. He said there is high demand for small, single-serving sized scup.

Another advisor did not support the recommendation to eliminate the minimum fish size for the trawl fishery because he did not want to encourage targeting of small scup. He recommended that the minimum fish size be reduced from nine inches to eight inches.

Recreational Management Issues

A few advisors discussed possible methods of reducing scup discards in the recreational fishery. One advisor suggested liberalizing some of the recreational management measures to reduce discards and increase recreational landings, which have been well below the recreational harvest limit since 2011. One advisor recommended eliminating the minimum fish size in the recreational fishery to reduce discards, at least during times when landings are well below the recreational harvest limit and spawning stock biomass is well above the target, as it is currently. Another advisor agreed and also recommended that discarding be discouraged and that anglers be

encouraged, but not required, to use certain hook sizes to reduce discards. Another advisor pointed out that discard mortality rates in the recreational fishery are low; therefore, high recreational discards do not necessarily cause high discard mortality.

One advisor argued that the recreational bag limits for scup in state waters should be increased. He thought this should be done as a good will measure to restore credibility in the management system. He argued that this credibility was damaged when the Scientific and Statistical Committee rejected the recommendations of the stock assessment peer review group and set measures which were more precautionary than those recommended by the peer review (i.e., they used a 60% OFL CV rather than a 30% CV). He argued that an increase in the bag limit would do more to increase angler satisfaction than decreasing the size limit because anglers are currently catching lots of large scup. Increasing the state waters bag limits up to 50 scup, as allowed in federal waters, could benefit the small number of party/charter vessels which run “freezer filler” trips. He thought most anglers wouldn’t keep more than 20 scup, but a small number of anglers would prefer to keep 50.

One advisor and party boat captain from Massachusetts said that when scup bag limits were higher, and when there were no bag limits, party boats would typically have one long trip per day and now they typically fit two shorter trips into one day. He preferred the current system of two trips per day. He was concerned that if the scup bag limit were higher than 45 fish, some customers would want the trips to last longer. He argued that the party boat industry in Massachusetts is doing well under the current scup regulations and that any major changes could have negative economic impacts.

Another advisor from Virginia said he also prefers half-day trips; however, he thought an increase in the scup bag limit would not lead to a major change in angler behavior because few anglers would want to keep 50 scup.

One advisor asked if unused commercial quota from the Winter I period could be transferred to the recreational fishery. Another advisor said this would not benefit the recreational fishery substantially since recreational landings are already well below the recreational harvest limit. He argued that liberalizing the recreational measures would be more beneficial than increasing the recreational harvest limit.

Research Recommendations

One advisor asked about past studies on scup discard mortality rates in both commercial and recreational fisheries. He was specifically interested in whether any past studies used holding tanks to assess discard mortality rates.

Black Sea Bass

Market and Economic Issues

One advisor noted that the combination of low quotas and high demand for black sea bass has led to a huge problem with poaching and illegal sales. There are many buyers willing to buy sea bass illegally from anyone who will sell it. This is becoming a bigger and bigger problem, and many are taking big risks to catch and sell sea bass.

Environmental and Ecological Issues

On advisor noted that last year the water was very cold and stayed cold well into summer. This year, inshore salinity has been higher, which may be resulting in higher abundance.

In general, advisors commented that they were seeing a huge abundance of black sea bass in many areas that is not reflected by the current quotas. Black sea bass are eating a lot of other commercially and ecologically important species, such as lobster. One advisor noted an abundance of juvenile sea bass in several nearshore areas and bays.

General Management Issues

Many advisors called for increased quotas for the commercial and recreational black sea bass fisheries.

Commercial Management Issues

On the commercial side, data indicating that landings have been higher for trawlers in recent years may be due to a combination of weather and state management. In New Jersey, where the commercial season is split into quarters, the colder winter in 2015 meant that during the second fishing period in April, the fish were still offshore. Trawlers therefore caught this quota, and the potters didn't get to fish until July. In 2016, it has not been as bad. This issue is causing frustration due to the lack of flexibility in state management; for example, not being able to split up regulations by gear type.

Another advisor from New Jersey commented that black sea bass at this point is not generally a directed fishery given the current quotas. Managers should not read too much into catch patterns, since everything is affected by management under low quotas. Landings are not necessarily a proxy for abundance.

As with summer flounder and scup, several commercial advisors agreed that in the black sea bass directed fishery, a minimum fish size should be eliminated for vessels fishing with an appropriate mesh size, in order to reduce regulatory discards.

Several advisors again noted that any commercial quota not caught in a given year should be rolled over into the next year.

Recreational Management Issues

MRIP and Recreational Data Collection

Advisors spent considerable time discussing perceived problems with the MRIP estimates for black sea bass. Some advisors questioned staff about the improvements made in the transition from

the Marine Recreational Fisheries Statistics Survey (MRFSS) to MRIP. The advisors also questioned the precision of the MRIP data.

Many advisors expressed concern and frustration regarding the late release of the final MRIP estimates for 2015 (mid-June as opposed to expected mid-April), and felt that NMFS needs to adequately explain why the final numbers were delayed. Many advisors feel that the states are now in an unfair position where they are expected to respond to these new estimates mid-season in an unreasonable timeframe.

Much of the increase between preliminary and final MRIP estimates for black sea bass was due to a large jump in New York Wave 4 party/charter landings, which several advisors said were completely unreasonable. One advisor suggested that instead of adjusting this year, if it is absolutely necessary to account for the new numbers, it should be adjusted in 2017 instead to allow the states to respond more reasonably and equitably. Over the time series presented in the Fishery Information Document, there is huge variation in landings by mode from year to year that doesn't seem to reflect general annual landings trends.

Several advisors agreed that we have very precise and timely information on commercial and party/charter landings, but virtually nonexistent information for the private recreational sector. Many advisors agreed that there is a serious need to consider alternative ways of collecting recreational data. As discussed for summer flounder, several advisors suggested mobile applications to collect recreational data. One advisor suggested making reporting via a mobile app mandatory for private anglers fishing in the EEZ. Many private boats have access to private docks and are not being adequately captured by intercepts.

In response, one advisor noted that most fishermen believe that the more fish they report, the more restrictive the regulations will be in the following year. This advisor felt that voluntary reporting would not work, and remarked that it has been shown not to work for some highly migratory species, where underreporting is common. It would be extremely difficult or impossible to mandate reporting for private anglers and it cannot be reasonably enforced. Other advisors responded that reporting should be mandatory and tied to a saltwater license, with requirements for anglers to declare that they are going fishing and with the possibility of a citation if they don't. These advisors noted that many in the for-hire and commercial sector fought reporting when it was first instituted, and resistance in the private sector needs to be similarly overcome.

Another advisor noted that MRIP numbers currently include some illegal landings, meaning that some people are keeping undersize fish and admitting it to an interviewer. This indicates that many people do not follow regulations at all and are not going to report accurately or at all. However, several advisors still believed that a reporting system, though not perfect, would be better than the current MRIP system.

General Recreational Comments

Non-compliance and angler confusion are huge issues with black sea bass due to low quotas and high availability, as states are forced to implement low bag limits, restrictive seasons, and high size limits. One advisor noted that although the season in New York has not technically been open, anglers are behaving as though the sea bass season has been open for a month. For both charter boats and private boats it has appeared to be a free-for-all. In some areas such as the west end of Long Island, people know that when the season opens, they will find very few 15-inch fish. In

addition, those who are currently fishing illegally out of season see no need to comply with the size limit or bag limit. This is an enforcement issue, but it's occurring because people have no confidence in the system and therefore they are disregarding the system. New York may have high landings again this year, since MRIP always captures catch when season is open, and New York has a lot of open days as they have favored going to larger fish in order to keep days open. Others agreed that in some areas it is very rare to find a fish over 15 inches, and management should reconsider the use of such high size limits.

Many commercial advisors expressed frustration with the recreational fishery continually exceeding the annual harvest limit and facing no direct pound-for-pound paybacks. These advisors agreed that recreational anglers should follow the rules despite the low quotas, since commercial vessels face a number of consequences if they do not comply with regulations designed to control harvest. These advisors believed there needs to be more appropriate penalties for the recreational sector given the magnitude of recent overages.

Research Needs

Several advisors suggested that alternative means of recreational data collection need to be a top research priority.

One advisor suggested that additional tagging studies were needed to further explore the possibility of separate population segments within the management unit.