Summer Flounder, Scup, and Black Sea Bass Fishery Performance Report

August 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 on August 29, 2019 to review the Fishery Information Documents and develop the following Fishery Performance Report for the three species. The primary purpose of this report is to contextualize catch histories for the Scientific and Statistical Committee (SSC) by providing information about fishing effort, market trends, environmental changes, and other factors. A series of trigger questions listed below were posed to the AP to generate discussion of observations in the summer flounder, scup, and black sea bass fisheries. Please note: Advisor comments described below are not necessarily consensus or majority statements.

Council Advisory Panel members present: Joan Berko (NJ), Jeff Deem (VA), James Fletcher (NC), Jeff Gutman (NJ), Howard King (MD), Michael Plaia* (CT), Chris Spies (NY), Doug Zemeckis (NJ)

Commission Advisory Panel members present: Paul Caruso (MA), Greg DiDomenico (NJ), Marc Hoffman (NY), Michael Plaia* (RI), Jimmy Ruhle (NC)

*Serves on both Council and Commission Advisory Panels.

Others present: Julia Beaty (MAFMC Staff), John Boreman (MAFMC SSC Chair), Dustin Colson Leaning (ASMFC Staff), Karson Coutré (MAFMC Staff), Kiley Dancy (MAFMC Staff), Mark Holliday (MAFMC SSC), Michael Luisi (MAFMC Chair), Tom Miller (MAFMC SSC vice chair), Kirby Rootes-Murdy (ASMFC Staff), Caitlin Starks (ASMFC Staff)

Trigger questions

1. What factors influenced recent catch (markets/economy, environment, regulations, other factors)?
2. Are the current fishery regulations appropriate? How could they be improved?
3. What would you recommend as research priorities?
4. What else is important for the Council to know?

General Comments

Recreational Data Concerns

Multiple advisors said they had no faith in the data from the Marine Recreational Information Program (MRIP), which they see as inaccurate and fundamentally flawed. One advisor said people concerned about MRIP should focus on the high percent standard errors (PSEs) of the estimates being used.

One advisor stated that MRIP uses an estimated number of anglers in New York that is at least twice the true number. He also stated that MRIP has refused to tell him exactly how many anglers they are estimating for New York. Staff and others clarified that MRIP estimates effort in number of trips and does not use a specific number of anglers to generate catch and harvest estimates. Multiple advisors said better information is needed to help explain the MRIP methodologies to the fishing public, and MRIP staff could be more helpful in explaining how estimates are scaled up from the intercept survey.

One advisor questioned whether the MRIP numbers reflect catch from anglers going back to private docks, since they would not be accounted for in the intercept survey. He believes that recreational harvest is underestimated as a result. Staff responded that the effort of these anglers should be reflected in the effort survey, and assuming their catch rates are similar to anglers intercepted at public sites, the MRIP estimates should account for this catch. In response, this advisor said if law enforcement is less likely to visit private docks, the catch rates would be much different than at public sites. He also questioned why the Council and Board have not pursued the use of electronic reporting via mobile apps for private recreational anglers.

Another advisor noted that in New York, it seems that MRIP intercept activity disproportionately occurs in the Montauk area, which leads to overestimation of the state-wide catch and harvest.

One advisor expressed frustration that congressionally mandated revisions to the MRIP program took more than a decade to complete.

One advisor said that with the new MRIP data, the Council should consider whether past biomass targets for all species were appropriate. Another advisor responded that the biomass target is updated with every stock assessment and the most recent target accounts for the transition to the new MRIP data.

Monitoring and Reporting

One advisor said issues with uncertain recreational estimates could be addressed by a complete overhaul of the permitting, monitoring, and reporting process. He added that this is needed for both sectors. He said many commercial fisheries have issues with open access permits that are not monitored the way they should be, and many limited access permits that are not used. The Council and Board should address latent effort in commercial and recreational permits at both the state and federal levels. Federal for-hire permit holders are now required to report electronically, but there are hundreds more permits issued than are actually reporting, indicating latent permits. In addition, this advisor suggested that there appears to be an issue in the state of New York where "for-hire guides" on private boats are not held to the same reporting requirements as other for-hire vessels and are flying under the radar.

In response to comments about permit holders not reporting landings, a few AP members noted that there used to be a requirement to submit "did not fish" reports, but that requirement was recently deemed unnecessary and eliminated.

One AP member said he gets every permit available even if he does not currently use it, due to constantly changing regulations for different species and the possibility of losing permits in the future due to limited access programs.

One advisor said the organization he represents has for many years asked the Council and Commission to require the same level of reporting in the recreational fishery as in the commercial fishery (e.g., vessel and operator permits, mandatory vessel trip reports for all fishing trips). He added that challenges associated with the transition to the new MRIP data could have been avoided if better data were reported by the recreational fisheries. Another advisor agreed with the idea of enhancing monitoring and reporting, stating that he does not believe the recreational fishery is catching what MRIP is estimating, and recreational accounting could be improved. However, another advisor disagreed with the recommendation for mandatory private angler reporting, arguing that private anglers fish for fun and should not be burdened with requirements to report their catch from every trip. In addition, such reports may not be accurate as private anglers often do not keep accurate counts of their catches.

Summer Flounder

Market/Economic Conditions

One advisor noted that in the last two or three years, the price per pound received for jumbo summer flounder (about 4 pounds or larger) has decreased, and vessels are now getting about 50 cents less per pound for jumbos compared to smaller sizes. He believes that market conditions changed as the result of drops in quotas over the past few years, and market demand is currently higher for smaller summer flounder that fit better on a plate. As a result, some vessels have been discarding more jumbo fluke than in years past, which is not likely captured in any management data streams. This advisor noted that this is occurring on vessels that have conveyer sorting systems, and the fish are generally released alive and in good condition.

Environmental Conditions

One advisor noted that last year, the fall NEAMAP survey hit a dead zone, from approximately Shrewsbury Rocks to the Delaware Bay, where salinity and dissolved oxygen were way down in an offshore area. Water quality plays a role in what is happening the summer flounder fishery. The timing of the trawl surveys needs to be improved, as spawning behavior has changed. For example, off Ocean City there are lots of small summer flounder being caught in other smaller mesh fisheries, and the surveys are not capturing it. There has been a big uptick in landings from the Baltimore Canyon area indicating a recruitment event, but this has been missed by trawl surveys.

An advisor from Virginia noted that when you compare this year's recreational estimates to last year’s, they are likely to be lower, given that 2019 had a colder and wetter spring.

Management Issues

Advisors discussed the revised MRIP estimates for summer flounder. One advisor said the idea that the shore mode caught twice as many keeper fluke compared to party boats is ludicrous. Another AP member noted that in the late 1990s and early 2000s, recreational overages were very

large, so even under the old estimates, recreational harvest was higher in some years than the 40% allocated to the recreational fishery in the Fishery Management Plan. The new MRIP estimates don't necessarily reflect an overall change in the proportions of recreational and commercial harvest, but instead reflect continued fluctuations of those harvest proportions over time.

Another advisor stated that he perceives summer flounder management to be a failure, particularly recreational management. In the 1990s when size and bag limits were first implemented for the recreational fishery, stock size increased through the early 2000s. When size limits went too high, the stock started to decline again. This advisor questioned whether management over the last decade has truly been helpful in rebuilding and suggested that managers more seriously look at implementing a smaller minimum size in the recreational fishery and/or managing based on harvested number of fish instead of pounds. Anglers are very unhappy having to throw back summer flounder all day and with having to go further and further offshore to catch keepers. If management were based on a bag limit alone or a bag limit in combination with a smaller minimum size, anglers would catch what they can keep and then go home. This advisor believed that management should let people take home more fish and reduce the number of recreational discards, and that one strategy to do this was to go back to measures that were implemented during rebuilding. This advisor requested that for the next meeting, advisors review more information on the proportion of harvest vs. discards in recent years compared to during the rebuilding process and the peak years of stock biomass.

Other advisors also expressed general dissatisfaction with the high size limits used to manage the summer flounder recreational fishery. One noted that as seen with the recent examples of older fish described in the 2019 data update, summer flounder are now dying of old age because anglers are not allowed to keep them. There may be environmental factors that have changed recruitment, but managers should go back to allowing anglers to keep more and smaller fish.

Two advisors discussed their support for exploring a cumulative length limit (i.e., a total length limit where anglers can keep up to a specified total number of inches of fish) with mandatory retention of all fish caught until the length limit is reached. One advisor said this has been brought up for years and law enforcement has said it's not enforceable. Millions of dollars have been spent on studying the survival of discards, but the current limits are creating many more discards than necessary. He requested that the idea of a total length limit be revisited with a trial run. Managers need to consider anglers fishing from the beach trying to catch a meal.

Another advisor responded that on head boats, a cumulative length limit would be very difficult to enforce given that it's difficult to control passenger behavior to that degree. Groups of anglers comingle their catch in coolers and it would be very difficult to keep track of individual total length limits with that many anglers on board. In addition, it would be difficult to enforce in states that allow filleting at sea. Another advisor responded that different sectors of the recreational fleet could have different regulations and that this did not necessarily need to apply to party boats.

One advisor said we do not need more discard mortality studies; instead the fishery should be managed with 100% retention and a prohibition on discards. In response to this, another advisor stated that this would be impossible because managers cannot compel people to keep fish that they don't want or can't hold, making this type of system difficult to monitor and enforce.

One advisor requested flexibility in the size limit regulations for the recreational fishery in the upper Chesapeake Bay so that anglers there can have the opportunity to land some summer

flounder. This would involve different size limits by area similar to what New Jersey has for the Delaware Bay.

General Fishing Trends

A recreational advisor said, in the last few years, anglers have been seeing fewer summer flounder inshore in the recreational fishery in Massachusetts, likely because of higher water temperatures. Legal sized fish are now mostly offshore. Because of the higher size limit for the recreational fishery, the commercial fishery essentially gets a two-year head start on catching the summer flounder in state waters. This advisor also noted that while Massachusetts quota allocations were set during a time when the fishery was doing better in the area, the commercial quota now may be too high for the overall biomass available, thus hindering access to legal sized fish for the recreational fishery.

Another advisor noted that summer flounder fishing in southern New Jersey has been very tough recently. An AP member from New York indicated that some areas are having a decent fluke season (such as off Montauk), but others have had a poor season (such as in Sheepshead Bay). He also has not heard good fishing reports from the north side of Long Island Sound.

An advisor from Rhode Island indicated that keeper fluke have been very difficult to find near Block Island.

Research Priorities

One advisor requested more research on discard survival, stating that he does not believe the currently assumed discard mortality rates. Studies have shown that survivability varies based on temperature and other factors, and he noted the need to consider how environmental conditions and depth can affect mortality so that those factors can be built into discard mortality calculations.

In response, another advisor said more tagging research would be helpful to evaluate discard mortality rates. Studies that use cages can bias results because the fish don't experience normal rates of predation or normal feeding opportunities. Tagging studies can show what happens when fish are released and allowed to recover naturally.

Another advisor requested research into recreational gear impacts on discard mortality, including how the use of circle hooks impacts mortality.

One advisor thought that a study on the history of management and its successes and failures would be beneficial, in particular for the recreational fishery given the variety of factors that influence angler behavior and effort from year to year. Staff responded that a recent Council-funded recreational summer flounder Management Strategy Evaluation addresses some of those issues but may not fully address what this advisor suggested.

One advisor requested a full audit of fishery participation in the summer flounder recreational and commercial fisheries, including reporting requirements for all participants. An SSC member stated that managers have been trying to improve information on fishery participation, and such an undertaking would likely be useful. Some fishery participants used to apply for permits just to stay informed on the fisheries even if the permits were not used, but the management and permitting environment today is different and further evaluation of latent permits may be useful.

Finally, one advisor noted that there should be more research into spawning behavior and stock structure for summer flounder to update older studies.

Scup

Market/Economic Conditions

Multiple advisors noted that scup were removed from the market for too long during rebuilding and other fish such as croaker and tilapia took its place. Before rebuilding, fishermen would get over $2.00/lb for jumbo scup. One advisor said he would like to see a time series of the amount and price of imported tilapia. He said the price of tilapia drives the price of scup, while changing seasons and closures also affects the market.

One advisor noted that in Rhode Island there are many efforts to increase the market for scup and try to make it more appealing to the public. Another advisor added that the Rhode Island Commercial Fishermen's Association is experimenting with different ways to clean fish to get the bones out and market filets, etc.

One advisor said that the winter scup fishery has become predictable and east coast ethnic grocery stores rely on scup on a weekly basis. The higher demand and better prices are helpful for New Jersey scup fishermen.

Recreational Fishery

Multiple advisors noted that angler interest is currently driving the recreational scup harvest. One advisor said that in the north, no one is fishing to catch their limit because people don't want to keep that many fish. The season is essentially wide open and the bag limit is high. The for-hire fishery sometimes uses their full bag limit but others are not really interested.

One advisor said that the actual fishing season is much shorter than the open season because in October the scup move to deeper water. Another advisor said the winter recreational fishery is really important to party boats in Rhode Island. One advisor added that charter boats use small scup for striped bass bait but otherwise scup are only targeted by party boats.

One advisor felt that the shore mode estimate of scup harvest in 2018 of 43% was way too high and the revised MRIP estimates should be disregarded.

Environmental Conditions

One advisor asked how SSB could be going down when there was such a high 2015 year class. Another advisor responded that a high number of recruits doesn't necessarily add up to much in pounds of biomass. Staff also added that discards or density dependent effects can play a role in a strong year class not resulting in higher SSB.

One advisor noted that in 2019, statistical area 626 had a significant number of trawl caught scup for the first time in 18 years. These fish were probably landed in Chincoteague or Hampton, VA and show that the northeast migration is reversible.

One advisor said a mild fall meant that the fish were never driven offshore.

Management Issues

Effective in 2018, the commercial scup quota periods were modified so that October was moved from the Summer quota period to Winter II. Several advisors spoke favorably about this modification and one advisor noted that it probably had some effect on reducing discards and stabilizing the fishery. Another advisor said it may not have had much of an effect this year due to market price.

One advisor asked if the 50,000 lb trip limit causes the price to fall so much that dealers won't accept scup. Multiple advisors said dealers would still accept scup and one added that they just wouldn't pay much. One advisor said the50,000 lb trip limit was probably the best thing that had happened to owner/operators of trawlers in New Jersey and New York.

Research Priorities

The Council's 2016-2020 research plan includes a recommendation for a management strategy evaluation (MSE) to evaluate the effectiveness of scup management. Several advisors said that conducting an MSE for scup is not a priority right now because the stock is doing so well.

One advisor said that it could be helpful to look at why the stock is doing so well and compare that to what is being done with other stocks.

One advisor recommended researching the long-term effects of management. While we want the resource to be in good shape, maybe we shouldn't rebuild too quickly for market reasons.

One advisor said there should be research on aquaculture in federal waters for scup and asked why the Council didn't have an aquaculture plan. The Council chairman responded that currently there are contradictory court rulings about whether aquaculture is something that can be managed under Magnuson-Stevens Act by the Councils. Until those are resolved the Council has taken aquaculture off its priorities list.

Black Sea Bass

Biological Issues and Biomass Projections

One advisor said the lower than average 2018 recruitment could be influenced by the high abundance of large black sea bass, some of which eat juveniles.

One advisor noted that the retrospective adjustment to estimated 2018 SSB shows high abundance; however, the unadjusted values for 2014-2018 show a steep decline. He also noted that the Acceptable Biological Catch (ABC) projections for 2020-2021 show notable declines in biomass. Other advisors expressed concern about this decline. One advisor asked if this means the stock is in crisis. Staff clarified that the unadjusted biomass estimates do not show biomass declining below the target. In addition, the projected ABCs are based on projected Overfishing Limits (OFLs). The OFL is the level of catch which should bring biomass to the target level. Since black sea bass biomass is above the target, fishing at the ABC should bring biomass down closer to, but not below, the target. This does not mean the stock is in crisis.

One advisor said most trawl surveys don't sample more than 10 miles from shore, yet black sea bass have been caught as far as 150 miles from shore in lobster pots. This could result in the stock assessment under-estimating biomass.

One advisor noted that a recent paper suggests that sea whips are important habitat for black sea bass off Maryland and asked if sea whips are found in more northern areas. Other advisors said they have not observed sea whips north of Maryland.

Commercial Catch Locations and Distribution of Stock

One advisor cautioned that the higher prevalence of the large 2011 year class in the northern region (north of Hudson Canyon) compared to the southern region should not be interpreted to mean that black sea bass are no longer abundant in the southern region. He added that statistical area 616 had the highest proportion of commercial black sea bass catch in 2018 in part because vessels from southern states (e.g., North Carolina) travel to that area to target summer flounder. They do not make dedicated black sea bass trips, but target black sea bass on their summer flounder trips. For this reason, the map of catch locations in the Fishery Information Document is not reflective of the distribution of abundance. Another advisor agreed and added that for this reason, when summer flounder catch is reduced, it can also look like black sea bass catch is reduced as captains won't make trips to those areas just for black sea bass.

One advisor reminded the group that the locations reported on Vessel Trip Reports (VTRs) can be imprecise. For example, many captains will report all catch from a trip on a single VTR under a single location (usually the location of the first haul) even if fishing occurred in multiple statistical areas. When fishermen move from one statistical area to another or change gear types, they should fill out a new VTR; however, this is viewed as burdensome and is often not done.

One advisor noted that the study fleet collects tow-by-tow location data and should be used at least as a comparison to VTR data. The study fleet was meant to enhance the stock assessment process.

One advisor said the location of black sea bass catches from pots and traps can be impacted by lobster closures in areas 4 and 5 (off New York through Cape Hatteras) in the spring. These closures exclude black sea bass pot fishing.

Recreational Fishery

One advisor expressed frustration that despite high biomass, a loosening of the restrictions on the recreational fishery never seems possible. He added that for-hire fishermen depend on black sea bass for their livelihoods.

One advisor and party boat captain said he fishes every day for black sea bass when he can, as do most other for-hire captains he knows. He said the MRIP estimates showing much higher catch from anglers on private and rental boats compared to party/charter boats are unbelievable.

One advisor requested that next year's Fishery Information Document include a summary of discards by mode (private/rental, party/charter, and shore). He said this could support consideration of a total cumulative length limit in the recreational fishery. Another advisor cautioned that breaking the estimates down by mode can lead to high PSEs.

Management Issues

Two advisors said some commercial fishermen use 5.5 inch trawl mesh to target black sea bass, rather than the required minimum mesh size of 4.5 inches. This allows them to target summer flounder and black sea bass with the same net and releases more small black sea bass from the net. Since black sea bass are so abundant, fishermen are still able to catch enough sea bass with this larger mesh.

Advisors discussed potential issues related to the commercial/recreational allocation percentages defined in the Fishery Management Plan and the adoption of the new MRIP data, which show much higher recreational catches than previously thought. One advisor said the recreational fishery will be thrown under the bus yet again due to changes in the MRIP data.

Another advisor noted that before implementation of the current accountability measure system, the commercial fishery was required to take reductions due to overages in the recreational fishery. He feared that upcoming Council and Board discussions of allocations could result in the commercial fishery losing allocation due to changes in the recreational data. He cautioned that the Council and Board should avoid issues associated with groundfish catch shares where those who created the biggest problems were rewarded. He added that he has nothing against the recreational fishery as they were not responsible for the changes in the MRIP data; however, the commercial fishery has also been constrained for a long time.

One advisor said that if the recreational fishery receives a higher allocation in the future, it should be coupled with additional measures to improve reporting and accountability, which could include different measures for the for-hire and private sectors.

Research Priorities

The Council's 2016-2020 research plan includes a recommendation for a directed study of the genetic structure in the population of black sea bass north of Cape Hatteras. One advisor said this should be expanded to include stock mixing and migration patterns.

Another advisor said greater sampling of black sea bass in inshore areas could be beneficial.