



## Summer Flounder, Scup, and Black Sea Bass Fishery Performance Reports

June 2018

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 26, 2018. Advisors reviewed Fishery Information Documents for all three species and developed the following Fishery Performance Reports. **Please note:** Advisor comments described below are not necessarily consensus or majority statements.

**Council Advisory Panel members present:** Carl Benson (NJ), Skip Feller (VA), James Fletcher (NC), Jeff Gutman (NJ), Mark Hodges\* (VA), Greg Hueth (NJ), Ross Pearsall (RI), Michael Plaia\* (CT/RI)

**Commission Advisory Panel members present:** Frank Blount (RI), Jeff Eutsler (MD), Mike Hall (RI), Mark Hodges\* (VA), Marc Hoffman (NY), James Lovgren (NJ), Michael Plaia\* (RI), James Tietje (MA), Brent Fulcher (NC; proxy for Robbie Mercer)

**Others present:** Julia Beaty (MAFMC Staff), Kiley Dancy (MAFMC Staff), Brandon Muffley (MAFMC Staff), Kirby Rootes-Murdy (ASMFC Staff), Caitlin Starks (ASMFC Staff), John Boreman (SSC Chair), Jessica Kuesel (ASMFC Staff), Mike Blanton (ASMFC legislative proxy for NC)

\*Serves on both Council and Commission Advisory Panels.

### General Comments

#### *Recreational Data Concerns*

Multiple advisors expressed frustration with the Council and Commission's use of data from the Marine Recreational Information Program (MRIP), which they see as inaccurate and fundamentally flawed. For example, one advisor said the 2016 wave 6 black sea bass harvest estimate from New York, which is widely regarded as unreasonably high, should not be used. Instead, the adjusted estimate generated by the Monitoring Committee should be used in Council and Commission documents. He also said the MRIP estimates of the number of anglers in New York is too high. One advisor said MRIP misses a significant portion of the recreational catch because their intercept samplers do not sample private docks. He said 80% of private anglers use private docks and this fishing effort is not intercepted by MRIP. Another advisor commented that more MRIP intercept staff are needed.

Multiple advisors voiced support for moving away from MRIP and towards a smart phone app to collect data from anglers. Some apps, such as the MyFishCount app, are already being used in certain capacities. One advisor said the Council should immediately implement mandatory recreational catch reporting through a smartphone app. He noted that commercial fishermen are

already required to report their catch and recreational fishermen should have the same requirements.

### ***Multi-Year Specifications***

Advisors agreed that predictability and stability in regulations is beneficial for fishermen and fishing businesses. Several advisors noted that it's very difficult to make business plans based on the current process, since catch limits and measures change year-to-year and often change within the year. Some commercial fishermen aim to spread their quotas throughout the year and for-hire captains need to plan their trips in advance. Several advisors supported implementing five-year measures, or at least three years, without modifications. It is especially challenging for fishermen to plan based on regulations that are finalized so close to the beginning of the season and are sometimes in place for less than a year, as happened recently and may happen again in 2019.

### ***Trawl Survey Concerns***

Several advisors commented on the surveys included in the assessments, and specifically, many had criticisms of the configuration of the various fishery independent trawl surveys. One advisor asked whether all surveys were conducted in the same manner, and commented that the state of Maryland coastal bay survey net was previously towing too high and was inefficient at catching summer flounder. This advisor believes that the Bigelow net also does not work as intended, and that all surveys should be corrected and done the same way up and down the coast.

Other advisors noted concerns with the Bigelow survey in recent years in terms of late survey timing or missing data. The early weeks of the survey are critical for summer flounder and in some cases in recent years, these weeks have been missed in the survey. One advisor noted that some members of the Northeast Trawl Advisory Panel (NTAP) have commented that the spring and fall surveys do not align well with the migration patterns of several species. This advisor also noted that the Bigelow net is too small for the boat. Without a cookie sweep, the net doesn't catch flatfish well. This advisor supported reviving the winter trawl survey, and noted that survey captains in a number of the different fishery dependent surveys are not fishing the nets correctly.

### ***Research Recommendations for All Three Species***

Multiple advisors recommended that the Council use a research set aside (RSA) program to fund cooperative research for all three species. They said collaborative research between industry and academia is very important and an RSA program, if done right, can be very valuable. One advisor said he did not oppose the use of RSA, but wanted to see past issues with the program addressed and added that it should not be set up so that one group of fishermen benefits more than others. One advisor said the Saltonstall-Kennedy funds should be used entirely for research and seafood promotion, as was intended.

One advisor recommended research into hook sizes and configurations with the goal of reducing recreational discard mortality.

### ***Council and Board Member Attendance at AP Meetings***

The AP emphatically requested that Council and Board members attend future AP meetings so they can hear directly from the advisors, rather than relying on meeting summaries. Some advisors

said the meeting summaries only capture a fraction of what is said and present a “sanitized” version of advisor comments.

Multiple advisors expressed frustration and disappointment that no Council members were in attendance at this meeting. One advisor said it appears like this meeting is held each year to simply check a box. Four advisors said the perception among AP members is that Council and Board members don’t truly listen to AP input. Some advisors traveled far distances or incurred substantial costs to attend this meeting (e.g. missed fishing trips, paying someone else to run a charter). Some advisors wondered if their attendance at this meeting was worth the costs.

## **Black Sea Bass Fishery Performance Report**

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### ***Environmental/Ecological Issues***

One advisor said the range of black sea bass has expanded, not simply shifted north. This is impacting other fisheries, particularly the lobster and clam fisheries, which are suffering due to black sea bass predation. He argued for an emergency increase in the black sea bass catch limits to reduce the black sea bass population and help address these ecological issues. He added that the whole ecosystem needs to be considered when developing management measures, not just a single species. He questioned whether this range expansion has been captured in the Northeast Fisheries Science Center survey data and the stock assessment.

One advisor said that weather patterns have changed, and this has impacted seasonal patterns in landings. Specifically, winters and springs have been colder. He said this should be taken into account when considering management measures.

One advisor said he’s seen three cycles of fish abundance in his lifetime. He believes these cycles are based on natural phenomena.

### ***General Management Issues***

One advisor questioned why the acceptable biological catch level is declining from 2018 to 2019 when the 2015 year class is so large. He also asked if the Council could change their risk policy to allow more black sea bass to be harvested, given that biomass is more than double the target. For example, maybe allowing for overfishing over a short period (e.g. one or a few years) could be considered acceptable when the stock biomass is so high.

### ***Market and Economic Issues***

One advisor said over time bottom trawls have accounted for a greater proportion of black sea bass landings. He said bottom trawls tend to catch bigger fish, while potters in the south tend to catch mostly the medium market category. He said dealers typically pay a higher price per pound for the bigger fish, so the shift towards trawl landings could have impacted the overall value and average price per pound.

One advisor said markets for black sea bass have been generally stable, with a few exceptions. For example, when the quota increased mid-year in 2017, landings increased late in the year and flooded the market, causing the price to drop.

### ***Commercial Management Issues***

One advisor pointed out that participation in the commercial black sea bass fishery in Maryland is limited because the state uses an individual quota system. He said the commercial landings in Ocean City, MD, as shown in the Fishery Information Document, likely include landings from bottom trawls vessels based in other states.

One advisor said the distribution of landings has been impacted by management changes. For example, fly netting south of Cape Hatteras is now limited and some fishing effort has shifted north to avoid requirements for turtle excluder devices.

One advisor said that individual transferable quota programs implemented in some states have allowed one individual to accumulate nearly 20% of the commercial black sea bass quota. This creates the potential for one individual to flood the market and cause reduced prices for other fishermen.

### ***Recreational Management Issues***

One advisor expressed frustration with the current restrictive recreational management measures, arguing that the stock was rebuilt under smaller size limits and higher bag limits than are currently in place.

One advisor noted that 2017 recreational harvest in numbers of fish was low, although catch was high and abundance is very high. He argued that managing the recreational fishery based on pounds instead of numbers of fish has created challenges as minimum fish sizes have increased therefore increasing the average weight of the fish that are harvested. This has resulted in anglers being able to keep fewer and fewer fish, even under high recreational harvest limits (RHLs). Another advisor agreed, adding that discard rates are too high and the RHL is more easily exceeded when the average weight of the fish is higher due to increased size limits.

Multiple advisors were troubled by the high discard rate in the recreational fishery. One advisor said the recreational discard mortality rate used in the stock assessment is likely an underestimate. He said the fishery should be managed with a total length limit where anglers are required to keep all fish up to a certain total cumulative length.

One advisor suggested that the private and for-hire sectors be managed with different bag limits given recent difficulties in constraining harvest to the RHL and the large contribution of the private sector to the total harvest. Another advisor expressed support for this recommendation, adding that separate bag limits for private, charter, and party vessels are working well for blueline tilefish.

One advisor said different private and for-hire boat limits would be met with some resistance. He suggested that recreational boat limits be considered, in addition to per person bag limits. This would prevent one vessel from harvesting very high amounts of fish. Massachusetts has a boat limit for scup. He suggested that higher bag limits could be allowed with mandatory reporting.

One advisor from Virginia said that the southern states don't have the diversity of fish species that Northern states have. He said black sea bass is a critical species for the for-hire industry in Virginia and a reduction in the bag limit would have a major negative impact. He added that most black sea bass in his area are caught 40-50 miles offshore.

One advisor said recent high recreational catches suggest that the stock is larger than managers think.

One advisor said non-compliance is a challenge in the recreational fishery. Anglers in some areas can fish during closed seasons with little fear of being caught.

### ***Research Recommendations***

A few advisors said the gear used in the Northeast Fisheries Science Center's bottom trawl survey, including the vessel itself, is not capable of accurately sampling the black sea bass stock, and other fish stocks.

One advisor recommended that research be conducted on why black sea bass are moving into new areas. He said it can't all be attributed to global warming and wondered if reduced cod abundances to the north and snapper/grouper abundances to the south played a role.

## **Summer Flounder Fishery Performance Report**

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### ***General Management Issues***

Regarding stock status, one advisor noted that managers need to look into the numbers, not just at numbers. For example, 2015 was a better year than what the data shows. 2015 catch was low because 2015 had a late winter. Another advisor stated that with recent large cuts in the catch limits, that should be translating to increased biomass. This advisor noted he has seen more small (likely juvenile) fish lately.

One advisor suggested that the reference points in the summer flounder stock assessment need to be addressed as soon as possible. According to the assessment, even at the all-time stock biomass high in the time series, the biomass was not close to reaching the reference point despite having a good fishery. This indicates that we're trying to obtain something that's unobtainable and that these reference points need to be revisited.

Multiple advisors expressed concerns with the fishery independent trawl surveys used in the stock assessment, as summarized above under "General Issues."

One advisor commented that his vessels frequently carry observers, and wondered whether the observer data was providing useful information and whether trends matched the trawl survey data. Two other advisors responded that observers have told them that they are only on board vessels to look for interactions with turtles. Another advisor noted that while fishing off of Barnegat Ridge, their vessel caught many smaller summer flounder, but the observers missed it because they were measuring incidental catch such as sea robins. This advisor is concerned that the large 2015 year class will not be picked up in the data.

### ***Environmental and Ecological Issues***

One advisor stated that climate change needs to be considered more thoroughly with the trawl surveys, and that the footprint of the survey needs to be expanded given that fish are moving north. Inshore areas need to be addressed, such as Nantucket Shoals and Buzzard's Bay. Climate is a huge part of what's going on with the summer flounder trends, and part of the problem is detectability. Larger fish are being seen in inshore waters now.

Another advisor noted that they have been seeing a lot of smaller fish lately (14-inch summer flounder). Vessels that used to fish the same favorite spots repeatedly now need to fish over a greater geographic area. This advisor was not sure if this was because there used to be more fish overall, or because the stock contracts under certain conditions and makes them easier to catch. It's not clear if the stock is expanding right now and that's why they are having to fish larger areas. Fishermen are reporting seeing a bigger variety of fish species, especially on the inshore grounds. Something has changed environmentally, and the fish have spread out.

### ***Market and Economic Issues***

One advisor commented that the less overlap there is between states' open seasons, the better the price is. When multiple states are open at the same time, buyers pit fish dealers against each other.

One advisor fishing on Individual Fishing Quota (IFQ) allocation in Maryland indicated that he is often making more money leasing his quota instead of fishing it. This advisor also stated that there's not enough quota up and down the coast to keep everyone going. When the fishery open, derby conditions often drive the price down. This advisor stated that it is impossible to make a living off of just the summer flounder fishery.

### ***Research Recommendations***

One advisor requested that to improve recruitment, the Council and Board investigate ocean ranching of juvenile summer flounder, and release millions of 2-inch fish. This has been done in Japan since the 1980s. This is currently illegal for fishermen to do given that it's illegal to possess summer flounder under the minimum size limit. Another advisor suggested that Research Set-Aside (RSA) could pay for these types of studies.

Several advisors supported bringing back RSA or a similar type of program, with one advisor noting that RSA funding is hugely important, and that RSA allows more industry and academia engagement in the management process. Another advisor commented that despite having a 5-year research plan, the Council has funded only four projects in the last cycle. More projects should be done, and if funding is an issue, the Council should bring back RSA. The study on reducing discard mortality of offshore black sea bass should have been a lower priority given that there are so many black sea bass out there, whereas summer flounder are in a downward spiral. The offshore black sea bass recreational fishery is limited, and this money should have been better spent.

## **Scup Fishery Performance Report**

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### ***Market and Economic Issues***

A few advisors said that scup cannot compete with tilapia for market demand. One advisor said this is largely because scup do not freeze well and can be difficult to fillet by machine. Another advisor said scup could make a great food fish for restaurants and frozen products if these problems could be overcome because scup taste good and are relatively uniform in size.

One advisor said the price per pound for scup used to be much higher, but wasn't sure why it used to be so high. He thought demand and prices in the past were too high to be due to ethnic markets alone.

### ***Commercial Management Issues***

Advisors discussed a proposal from the states of Massachusetts and Rhode Island for an increase in the incidental scup possession limit during April 15 - June 15 (or May - June) to 4,000 pounds. Currently, the incidental limit is 1,000 pounds during October-April and 200 pounds during May-September. The proposal is intended to accommodate the spring longfin squid fisheries in Massachusetts and Rhode Island.

One advisor said he supported an increase in the 200 pound limit to accommodate the squid fishery only. Another advisor supported the proposal, saying that it could help reduce discards. Another advisor supported the proposal but said the start date of April 15 seems a little too early given the migratory patterns of scup. He thought May 1 would be more appropriate. One advisor said the squid fleet is shrinking and this change could help make it easier for the remaining vessels to stay in business because they would be able to sell more scup instead of discarding them.

### ***Recreational Management Issues***

MRIP data show that most scup are harvested by anglers on private and/or rental vessels. One advisor said these data are not even close to accurate. He said the majority of scup harvest in his home state of New York comes from for-hire vessels. He estimated that about 90% of recreational scup harvest occurs on party boats. He said many party boat customers which target scup are lower income people who like to catch a lot of fish to take home to eat. Two other advisors said private boats play a bigger role in the recreational fishery in Massachusetts.

One advisor questioned why recreational discards have increased. Increased availability of small scup may have impacted commercial discards, but he hadn't seen an increase in small scup caught in the recreational fishery.

One advisor expressed support for the federal waters possession limit of 50 scup. Many states have possession limits of 30 or 45 fish. In the past, the limit was as high as 100 fish. In 2018, Massachusetts, Connecticut, Rhode Island, and New York decreased their minimum size limits from 10 inches to 9 inches. He said an increase in the bag limit would have been more beneficial than a decrease in the size limit, especially for for-hire vessels. He said anglers generally do not want to keep smaller scup.

One advisor said in the past, people would travel from other states to Rhode Island to fish for scup on for-hire boats. Now scup are abundant and easily accessible from many states, which has decreased the demand for scup trips out of Rhode Island.

One advisor said it would be beneficial if the scup and black sea bass seasons started at the same time.

Advisors discussed a proposal from the state of Massachusetts for an allowance of up to five scup as small as six inches, compared to the current recreational minimum size limit of 8 or 9 inches, depending on the state and mode. One advisor said in his home state of Massachusetts, many fishermen keep undersized scup for use as live bait for striped bass. The proposed regulation change would make this existing practice legal. He added that he thought live bait was not necessary to catch striped bass. One advisor said that if this change were implemented, it should be for all states, not just Massachusetts. Another advisor said that if the recreational fishery were managed with a total cumulative length limit, this would not be an issue.

### ***Research Recommendations***

One advisor said scup are an underutilized species and research and marketing efforts to increase demand should be encouraged (e.g. research on methods to de-bone scup).

One advisor recommend that the Council and Commission offer a \$1-2 million prize for development of a method to soften fish bones to the point that they can be consumed by humans. This would eliminate the need to de-bone fish like scup.

## **AP Comments on Framework and Addendum on Conservation Equivalency, Block Island Sound Transit, and Slot Limits**

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### ***Conservation Equivalency***

One advisor questioned how conservation equivalency for black sea bass could work with regional management. He said it was hard to imagine how measures in different regions could be compared against a coastwide standard.

### ***Block Island Sound Transit***

One advisor asked if Rhode Island could extend their state waters so there are no federal waters separating Block Island from the main land.

One advisor said the alternative which would only allow Rhode Island permit holders to transit Block Island Sound discriminates against residents of other states and is likely illegal.

Multiple advisors said the transit zone for summer flounder, scup, and black sea bass should be identical to that used for striped bass. One advisor said this is preferable to a smaller transit area (e.g. just north of Block Island) because it would reduce the likelihood that fishermen would have to go out of their way to stay in the transit zone.

One advisor noted that Block Island Sound isn't the only area where differences between state and federal measures can be an issue. In New Jersey, anglers fishing in certain areas, such as off Perth Amboy and other parts of Raritan Bay, must pass through New York state waters to return home.

### ***Slot Limits***

Multiple advisors spoke against the use of slot limits for summer flounder, scup, and/or black sea bass, as this would increase discards and discard mortality, would lead to non-compliance because anglers would not want to throw back large fish, or would have negative impacts on the stocks (e.g. due to the protogynous life history of black sea bass). One advisor said slot limits are not necessary for scup given the size of scup.

Many advisors expressed concerns about discards increasing under slot limits. One advisor noted that a slot limit would result in greater discards of larger fish, which are more likely than smaller fish to suffer discard mortality due to the greater handling time that is often required to release a larger fish and, for black sea bass, the greater potential for barotrauma. One advisor said he would prefer a prohibition on discards to a slot limit.

One advisor said he opposed options for trophy fish as this would allow continued mortality of large female summer flounder and would counteract the benefits of a slot limit.



One advisor said the current stock assessment for summer flounder is not configured in a way that can account for the reduced fishing pressure on females as a result of a slot limit.

One advisor cautioned that under low recreational harvest limits, slot limits may not be appealing to anglers because they may require very narrow slots and/or very low bag limits.

### ***Other Comments***

Two advisors recommended that the framework/addendum include an alternative for a total cumulative length limit with mandatory retention of all fish caught until the limit is met. They said this would eliminate discards, would protect the stock, and would be a simple solution to many existing problems.

## **AP Comments on Summer Flounder Commercial Issues Amendment**

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The advisors received an update on the status of the Summer Flounder Commercial Issues Amendment. Advisors were encouraged to provide comments during the public hearing process, and in addition, some advisors provided comments at this meeting, as summarized below.

### ***Federal Moratorium Permit Requalification***

One advisor noted that we've only managed fishermen, but done nothing to increase the size of the stock, such as ocean ranching done by fishermen. If ocean ranching occurred, the stock could rebound and support more fishermen. If this is not going to happen, we should just leave the permits like they are currently.

One advisor opposed taking away fishing rights from permit holders who qualified based on historical landings and are now in Confirmation of Permit History (CPH). Permit holders in CPH should have the right to re-enter the fishery if they choose. Summer flounder management occurs primarily by the states, and the states should continue to decide who's going to catch summer flounder and when. If you don't have a state permit, having a federal permit doesn't matter. We should not be cutting people out, especially at the federal level.

One advisor commented that the "scup model" allocation could cause an increase in latent effort from permit holders that currently can't fish at the state level. Right now there are hundreds of federal permits with no landings, but this could be due to boats not having state permits that provide adequate fishing opportunities. With the scup model, those permits will have greater flexibility to land in the winter periods because the quota will be managed at the coastwide level. This advisor noted that some of those latent permits may have even lied about their 1-pound qualifying landings in order to get a permit.

One advisor suggested a buyout of permits if managers want fewer people participating in the fishery. He also questioned what the concern is if people don't use their permits.

### ***Commercial Allocation (Alternative Set 2)***

One advisor stated that the supposed shift in biomass to the north is really due to shifting fishing effort patterns, with more southern vessels now fishing further north due to regulations. If there has been a shift in biomass, did not agree that New Jersey, in the middle of the coast, should be losing quota. This advisor believes that this amendment amounts to a quota grab by certain states.

Another advisor agreed, stating that if New York were in the southern region, no one would be discussing this action at all.

Another advisor did not support the concept of changing state allocations based on supposed shifts in biomass. Allocations were initially determined when fishing was open to all. Now that there are so many restrictions, fishery catch is not indicative of what could be caught by each state. Staff responded that the biomass-shift option in the document is based on trawl survey data, not fishery catch.

Another advisor supported *status quo* quotas, stating that people have invested in licenses and businesses related to this fishery. Changing allocations will affect business models and business plans. These businesses are difficult enough with constantly changing catch limits and other measures, and the fishery should be managed for maximum economic value. Under the scup model allocation, they'll be market gluts and the price will plummet.

Another advisor stated that with any reallocation, there are winners and losers, but New Jersey is consistently ending up on the losing side. Reallocation will bankrupt people in the south, including in New Jersey. The quotas are already way too low. Managers shouldn't take what people have and give it to other states, especially states that have had enforcement issues with things like RSA.

One advisor commented that he had to give up his herring permit for not having a tracking unit on his vessel, and stated that actions such as these are a push to get the small boats out of the fishery.

Several advisors expressed concerns that under the "scup model" allocation, derby fishing would be a major problem during the winter coastwide periods.

One advisor noted that the Potomac is an ideal place for stock enhancement of summer or southern flounder, and that this should be attempted before this amendment is completed. The Council and Board should be managing toward increasing weight of fishery catch.

### *Landings Flexibility*

One advisor noted that landings flexibility is, and should continue to be, a state issue. Several states already allow it through mutual agreements, such as North Carolina and Virginia. North Carolina allows boats to retain limits for other states as long as they only offload the North Carolina limit in North Carolina. This advisor stated the landings flexibility would ruin business models, by destroying the certainty of being able to land a certain amount in a certain state. Under the scup model, vessels wouldn't be able to plan for what they could land in a given year, and the value of summer flounder during coastwide periods will tank. States should seek feedback from all permit holders on what they would like in terms of landings flexibility and transiting with multiple possession limits.