



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

June 2017

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 28, 2017. Advisors reviewed Fishery Information Documents for all three species and developed Fishery Performance Reports based on advisor perspectives on catch and landings and other trends in these fisheries. **Please note:** Advisor comments described below are not necessarily consensus or majority statements.

**Council Advisory Panel members present:** Meade Amory\* (VA), Carl Benson (NJ), Bonnie Brady (NY), Denny Dobbins (VA), Skip Feller (VA), James Fletcher (NC), Ross Pearsall (RI), Michael Plaia\* (CT/RI), Harvey Yenkinson (PA/NJ)

**Commission Advisory Panel members present:** Meade Amory\* (VA), Greg DiDomencio (NJ), Marc Hoffman (NY), James Lovgren (NJ), Bob Meimbresse (NJ), Michael Plaia\* (RI), Bill Shillingford (NJ), James Tietje (MA), Wes Townsend (DE, and Council member), David Bush (ASMFC Board proxy for NC/AP proxy for Michael Ireland)

**Others present:** Julia Beaty (MAFMC Staff), Kiley Dancy (MAFMC Staff), Brandon Muffley (MAFMC Staff), Kirby Rootes-Murdy (ASMFC Staff)

\*Serves on both Council and Commission Advisory Panels.

### General Comments

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One advisor requested that the Northeast Fisheries Science Center (NEFSC) provide annual assessment updates for all three species to help the Council and Commission understand the status of the stocks each year and adjust management measures accordingly.

Multiple advisors noted that the Marine Recreational Information Program (MRIP) data for some states, waves, and/or mode combinations can be highly imprecise. Several advisors expressed frustration that recreational management measures for all three species are based these imprecise data. One advisor requested that the Council and Commission regularly examine the methodology used to generate MRIP estimates each year, including the number and locations of intercepts in each wave. In some cases, a small number of intercepts from one or a few locations have driven harvest estimates in certain waves.

At least one advisor supported requiring all recreational anglers to report all catch through a smartphone app. He said MRIP could be eliminated if recreational anglers were required to report all their catch, as is required for commercial fishermen.

One advisor said the new eVTR systems for for-hire fisheries could be improved if they were vessel-specific as opposed to operator-specific. Multiple captains operate his boat. The current eVTR system stores records for each captain separately and all the records for the boat cannot be viewed simultaneously. Besides this issue, he said the new systems require some getting used to, but should work well.

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

Multiple advisors recommended that research be carried out on the factors influencing recruitment for all three species. A few advisors said trends in spawning stock biomass (SSB) and recruitment for all three species suggest that recruitment is higher when SSB is low.

Several advisors agreed that the number of participants in recreational fisheries has declined in recent years, especially in the for-hire sector. Multiple advisors requested an evaluation of trends in the number of federal and state for-hire permits, recreational fishing licenses, and boat registrations to quantify this trend. One suggestion was for states to report this information annually through the Commission's compliance reports.

## **Scup**

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

Multiple advisors said many large scup are being caught in both the commercial and recreational fisheries. One advisor asked about scup size at age for older ages and said it may no longer be true that few scup older than 7 years are caught in the Mid-Atlantic, as is stated in the Fishery Information Document.

One advisor said the recent downward trend in scup SSB may simply be the result of the population reaching its environmental carrying capacity. Many advisors agreed that scup are currently very abundant.

A few advisors described recent changes in the distribution of scup. One advisor said that the size of scup south of Cape Cod has increased and they have been staying in the area longer. Other advisors said there were few adult scup south of Hudson Canyon this past winter.

One advisor said some commercial fishermen don't target scup during certain times of year due to high abundances of dogfish.

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

A few advisors said commercial scup landings are heavily influenced by price. One advisor said the price of scup is driven by imported fish, especially tilapia. He argued that unnecessarily restrictive scup management measures have given tilapia a market advantage. Another advisor said the 50,000-pound Winter I trip limit has a greater influence on price. With such a high trip limit, one or two trips can easily flood the market, causing the price to decrease. In the past, the price has fallen so low that fishermen temporarily stopped targeting scup. He said this was not an issue in New Jersey this past winter as fewer scup were caught south of Hudson Canyon. One advisor said price has not been as much of a problem in New York even though at least one vessel regularly lands the full 50,000-pound trip limit. In her opinion, price is more dependent on the quality of the product, which is dependent on the methods used to catch and store scup.

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

One advisor said it is illogical that the commercial quotas and recreational harvest limits (RHLs) are declining even though landings have been well below these limits in recent years and SSB is well above the target.

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

One advisor noted that although the commercial fishery is predominantly a bottom trawl fishery, there is a substantial floating trap component to the fishery in Rhode Island.

Advisors held differing opinions on whether the commercial minimum fish size should be reduced from 9 to 8 inches. One advisor said the minimum size should be reduced to reduce fishing pressure on sexually mature individuals. Three other advisors said they did not support changing the minimum size. One advisor suggested that the regulations could be modified to allow a small percentage of retained scup to be below the minimum size. Two advisors said it has not been difficult to catch scup that are at least 9 inches in recent years.

Advisors also held different opinions of the 50,000-pound Winter I trip limit. One advisor said he did not like this trip limit as it allows the market to be flooded, which can lead to a decrease in price. Another advisor said the high trip limit helps create a consistent supply of scup, which is necessary to grow markets and can help the fishery compete against substitutes such as tilapia.

An AP proxy for the Commission thought a change in the start date of the Summer quota period, as considered during a recent framework and addendum, warrants further consideration. Specifically, if the Winter I period were extended into the month of May, commercial fishermen would be able to land more scup under the higher Winter I possession limit.

One advisor thought the scup Gear Restricted Areas (GRAs) have been very beneficial for the stock and that this type of management strategy should be used more often. Another advisor noted that the beneficial impacts of the GRAs have not been definitively proven but have been implied based on correlations with improved recruitment. This advisor noted that some have questioned whether the GRAs were necessary and if the stock had always been sustainable.

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

A few advisors agreed that private anglers are, for the most part, not targeting scup. Scup are not as desirable as other species because they have many small bones and only the largest fish can be easily filleted. Multiple advisors said anglers appreciate the ability to catch scup as more desirable species such as summer flounder and striped bass have become less abundant or the regulations have become more restrictive.

A few advisors said they believed the MRIP data showing a higher proportion of private landings compared to for-hire landings to be inaccurate. A few advisors said anglers on for-hire boats tend to land more scup than private anglers because paying customers typically want to catch a lot of fish, as is possible with high scup abundance and possession limits.

One advisor said that some anglers use undersized scup as bait for striped bass.

MRIP data show that in recent years, recreational scup discards have exceeded recreational landings. A few advisors said the Council and Commission should work to reduce recreational discards. Other advisors said that since scup are not a highly desirable species, discards are inevitable. One advisor said recreational discards could be reduced if all states had the same 9-inch recreational minimum size limit as federal waters (as opposed to 10-inches in many states currently). One advisor said that scup discards may vary by season, with the highest discards likely occurring in the summer when participation by private anglers (as opposed to anglers on for-hire trips) is highest.

### ***Research Recommendations***

One advisor requested an analysis comparing seasonal tilapia prices to seasonal scup prices, as well as a comparison of the seasonal variation in the volume of tilapia imports compared to commercial scup landings.

Advisors discussed the possibility that regulations are focusing fishing effort on large females. Female and male scup are not known to have different growth rates or substantial differences in maturity; therefore, the scup regulations may not impact females and males differently. Some advisors recommended an analysis of changes in growth rates over time and differences in growth rates and maturity between the two sexes.

## **Black Sea Bass**

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

One advisor said the combination of high black sea bass availability, high prices, and high demand during commercial fishery closures makes poaching and illegal sales very tempting for some commercial and recreational fishermen. Some restaurants and other buyers are willing to purchase black sea bass illegally. In some cases, recreational fishermen are illegally selling their catch. One advisor said the scale of illegal landings has increased in recent years. Some advisors said poaching will occur regardless of management measures. Others said less poaching occurs when markets have a steady supply of black sea bass.

One advisor said the price for black sea bass is lower this year because there are more black sea bass on the market. Massachusetts typically contributes a notable amount of commercial landings; however, the commercial season in Massachusetts is currently closed. The price may decrease even farther once the fishery re-opens.

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

One advisor said some level of non-compliance (e.g., high grading, poaching) is inevitable when regulations are unnecessarily restrictive, as has been the case with black sea bass in recent years. He argued that if a new stock assessment had been available earlier, management measures could have been updated earlier to reflect changes in stock status and non-compliance would be less of an issue.

Four advisors requested greater stability in management measures for both commercial and for-hire black sea bass fisheries. Multiple advisors agreed that management should not be so reactive to changes in data. One advisor said that if management measure are set for 3-5 years, they should

only be modified in the terminal year, if at all. One advisor said constant quotas could lead to negative impacts on the stock in some years, but over the long-term the stock would not be harmed. Another advisor agreed, saying that the current system of deriving quotas and RHLs is already conservative and accounts for uncertainty, which provides some buffer against potential negative impacts in any given year from stable management measures. One advisor said market stability is also needed.

An AP proxy for the Commission said he supports stability in management measures, but also thought the measures should be adaptable. For example, the Council and Commission could allow for minor changes in annual quotas and RHLs in response to new information.

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

Advisors discussed the contribution of various gear types to the commercial fishery. Bottom trawls have accounted for a greater proportion of commercial landings in recent years. A few advisors said the contribution of the pot fishery has declined in recent years because trawls are more efficient and trawl-caught black sea bass can be sold for a decent price. One advisor said the few remaining pot fishermen are getting older and those who can are switching to trawls because they are not as physically demanding to operate.

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

Many advisors said the wave 5 and 6 MRIP estimates from 2016 were impossibly high and were based on flawed sampling methodology (e.g., a small number of intercepts in a small number of locations). Two advisors said it is not possible that most of the wave 6 (i.e., November and December) landings came from private boats as most private anglers do not fish at that time of year. Many advisors agreed that the Council and Commission should not adjust management measures based on data that MRIP staff, Technical Committee members, and other experts have said is inaccurate (e.g., New York wave 6 data for 2016). One advisor emphasized that restrictions based on flawed data can have major negative impacts on the livelihoods of for-hire captains and also negatively impact support businesses such as bait and tackle shops.

Two advisors recommended eliminating the September and October closure of the recreational fishery in federal waters. One advisor said some areas, such as southern New Jersey, do not have inshore black sea bass fisheries during that time of year and the federal waters closure leaves many vessels tied to the dock. Another advisor supported eliminating that closure because it occurs during the peak of black sea bass abundance in federal waters off Rhode Island and between Montauk and Rhode Island.

One advisor said that as the recreational black sea bass season has become shorter and shorter over the past two to three years in an attempt to restrict landings to the RHL, discards have increased. For example, the fishery is now closed during certain times of year when black sea bass are available and the recreational summer flounder fishery is open. Anglers targeting summer flounder are catching black sea bass, but are forced to discard them.

One advisor said low trip limits coupled with high availability decreases angler satisfaction. In recent years, it is not unusual for every angler on for-hire trips to quickly catch their limit of black sea bass.

Three advisors supported establishing state-by-state recreational black sea bass allocations. One advisor said allocations should be based on the number of recreational fishing licenses in each state rather than MRIP data. He added that the recreational black sea bass fishery in southern New Jersey is declining and state-by-state allocations could help protect the interests of that fishery.

One advisor said that if regional, rather than state-by-state, allocations were established, the Council and Commission should aim for uniform bag limits, minimum fish sizes, and seasons within regions, while accounting for differences in the seasonal distribution of black sea bass in different states. For example, in Massachusetts, the black sea bass fishery has traditionally occurred in the spring, while in neighboring states the fishery tends to take place in the summer and fall. This could pose challenges for establishing a uniform set of management measures if Massachusetts were included in a region with neighboring states.

At least two advisors supported opening the wave 1 (January-February) recreational fishery. One advisor said wave 1 was very important for southern states. Two advisors said wave 1 was traditionally dominated by for-hire boats, with very few private anglers participating. One advisor said harvest during wave 1 was low but was nonetheless very beneficial for the for-hire industry in certain areas.

## **Summer Flounder**

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

At least one advisor said the retrospective pattern in the stock assessment needs to be investigated. Specifically, why age 0 fish are not recruiting into the population in large numbers. This advisor stated that density dependence needs to be properly considered. He believed that when SSB is low, the fish reproduce more, and vice versa.

Two advisors mentioned that the water was cold this past year, off New Jersey, Rhode Island, and New York in particular. Off New Jersey, around the Hudson Canyon, vessels were catching summer flounder and black sea bass until June, a month later than usual for this area. Fish came inshore much later than usual and in general were less available in nearshore areas than usual. He added that in nearshore areas off Monmouth County, NJ, they are seeing a lot of medium sized (14"-16") fish with few jumbos available.

One advisor suggested that instead of managing for catch limits in pounds, managers should evaluate regulations based on the reproductive efficiency of the fish; for example, considering allowing harvest of different sized fish at different times of the year to minimize impacts to spawning populations.

One advisor said he did not see as many large summer flounder in the commercial fishery off New York last year as he has in the past, though he did see evidence of good recruitment. Another advisor described a much larger biomass of summer flounder off New York in recent years.

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

An advisor said he has never seen an economic impact study on the drastic impacts recent quota cuts are having, particularly in southern New Jersey. Staff responded that economic analyses are completed each time the quota or management measures are revised. Several advisors agreed that

it would be useful to have a cumulative socioeconomic study over several years, instead of evaluating likely impacts in individual years. One suggestion was to obtain state vessel registration information and evaluate participation trends in the recreational fishery over time (see Research Recommendations for All Three Species).

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

Several advisors agreed that commercial catch rates are primarily influenced by regulations, especially quota cuts.

One advisor expressed concern about high grading in the commercial fishery. He said vessels are catching all sizes of summer flounder, but few 14" fish are landed, suggesting high grading. He thought this may be especially true for vessels in states with the option of a higher weekly limit instead of a lower daily limit. Another advisor said this is due to the minimum mesh size, not high grading.

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

Several advisors expressed frustration with very restrictive management measures. There was particular frustration with the data used to manage the recreational fishery and the negative impacts it is having on recreational businesses. These advisors believed that underages and overages of the RHL in recent years are partially due to the imprecision of the MRIP estimates.

One advisor noted that according to MRIP, the number of directed summer flounder recreational trips in recent years has exceeded the number of pounds in the RHL, which is a problem; there is too much effort relative to the current RHL for reasonable regulations.

At least six advisors raised concerns around increasing size limits and how this leads to targeting larger females in the recreational fishery. Because the fishery is managed with weight-based harvest limits, it is much easier to exceed these limits when most landed fish are large. Advisors were also concerned about high recreational discards. Several advisors said the current assumed recreational discard mortality rate (10%) may be an underestimate.

Multiple advisors requested that the Council and Commission work to reduce discards by considering management measures such as a lower minimum fish size or a slot limit. One advisor noted that the Council should follow its strategic plan, which includes reducing regulatory discards, and should consider requiring full retention of catch. This advisor stated that for the 2017 season, requiring a 19-inch minimum size increases discards and discard mortality, contrary to elements of the Council's strategic plan. Alternative measures were suggested, including one suggestion for a 13-18" slot limit to reduce mortality on females. Three advisors recommended a total length allowance (i.e., keeping all fish up to a certain total number of inches), with mandatory retention. One advisor suggested allowing for varying size limits or varying slot limits at different times of years to spread fishing mortality over more sizes and year classes of fish.

One advisor requested elimination of the current regional management regime, stating that it has not been good for New Jersey. Another advisor said Northern and Southern New Jersey have very different summer flounder populations, with fish that tend to be smaller in the south.

### ***Research Recommendations***

For summer flounder, advisors suggested the following research recommendations:

- Evaluate the impacts of higher fishing mortality on certain size/sex combinations compared to others, and the benefits of spreading fishing mortality more evenly among different age classes;
- Re-evaluate the 10% recreational discard mortality assumption;
- Evaluate the potential impacts of a total length limit on recreational discards;
- Evaluate cumulative economic impacts of quota cuts and management measure restrictions over several years, including state-level analysis;
- Complete a cost/benefit analysis of changing specifications every year vs. keeping catch limits and measures stable for several years at a time;
- Evaluate the impacts of requiring full retention of the catch for the recreational fishery.