



Summer Flounder, Scup, and Black Sea Bass Fishery Performance Report July 2024

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 July 8, 2024 to review the Fishery Information Documents¹ and develop the following Fishery Performance Report for all three species. This report summarizes input from advisors about fishing effort, market trends, environmental changes, and other factors that influence catch, as well as AP recommendations for management measures. This report will be considered by the Scientific and Statistical Committee (SSC), Monitoring Committee, Council, and the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board when setting or reviewing management measures for the upcoming year(s).

Please note: Advisor comments are not necessarily consensus or majority statements.

Additional comments provided by advisors via email are attached to this document but are not incorporated into the summary below.

Council Advisory Panel members present: Jared Auerbach (MA), Joseph Beneventine (NY), Carl Benson (NJ), Joan Berko (NJ), Elanor Bockenek (NJ), Howard Bogan (NJ), Bonnie Brady (NY), Greg DiDomenico (VA), James Dopkin (NJ), James Fletcher (NC), Jameson Gregg (VA), Jeremy Hancher (PA), Victor Hartley (NJ), Bob Pride (VA), Philip Simon (NJ), Mark Sterling (VA), George Topping (MD), Mike Wayne (NC), Charles Witek (NY), Steven Witthuhn (NY), Harvey Yenkinson (NJ)

Commission Advisory Panel members present: Greg DiDomenico (VA), Ken Neill (VA), Wes Townsend (DE)

Others present: Tracey Bauer, Julia Beaty, Alan Bianchi, John Boreman, Steven Cannizzo, Kiley Dancy, Michelle Duval, Hannah Hart, Raymond Kane, Emily Keiley, Elise Koob, Emily Liljestrang, Adam Nowalsky, Brendan Runde, Chelsea Tuohy, Kamran Walsh.

Discussion questions

1. What factors influenced your catch of summer flounder, scup, and/or black sea bass in recent years (e.g., markets/economy, environmental factors, fishery regulations, other factors)?
2. What other issues or concerns do you want to highlight?
3. What research recommendations do you have for summer flounder, scup, and black sea bass?
4. What recommendations do you have for summer flounder, scup, and black sea bass regulations in 2025?

¹ Available at <https://www.mafmc.org/fishery-performance-reports>.

Summer Flounder

Fishery Performance

One advisor questioned why overfishing was occurring in 2022 when the commercial and recreational limits have not been exceeded in recent years. He questioned whether the catch limits are currently set too high, as the result of the increase in biomass estimated by the assessment a few years ago when revised Marine Recreational Information Program (MRIP) estimates were incorporated. He wondered, if the recreational catch is currently being overestimated as suggested by the recent pilot study, whether that implies our current limits are set too high. Staff responded that the 2023 management track assessment (MTA) showed that previous stock projections appeared to have been overoptimistic for summer flounder due to a few different factors. Limits were notably reduced for 2024-2025 as the result of the 2023 MTA. This advisor expressed concern about the impacts of continued use of limits that may be inflated due to inaccurate recreational catch estimates. Another advisor agreed that the increased limits that occurred in 2019 were of concern to him at the time and he is still concerned that it was a mistake to incorporate the revised MRIP estimates and raise the limits. He stated that we need to be very careful with considering potential future MRIP revisions, as he is very worried about management responses that may deplete the summer flounder population.

Another advisor said it is important to recognize that while the 2018 assessment (which incorporated the revised MRIP numbers) resulted in increased overfishing limits (OFLs) a few years ago, the most recent assessment has brought the OFLs back down to approximately where they were prior to that revision.

Environmental Trends

At least three commercial advisors spoke to water temperatures being notably colder this year than in recent years, and the timing of everything, including summer flounder, being off this year. One advisor mentioned it seems like everything is about 6 weeks behind typical schedule.

One advisor noted that in addition to water temperatures being far colder, there has also been a lot of rain in the Northeast, decreasing the salinity in many areas. This combination is likely impacting the migration timing of summer flounder. She noted that the fish are not where they have typically been seasonally. She also shared an article describing how juvenile summer flounder grow better and have higher survival at higher salinities and more moderate temperatures.² Freshwater runoff has also caused some issues with phytoplankton south of Long Island.

Stock Availability

One advisor said he is very concerned about the summer flounder stock, noting that recreational summer flounder fishing in New Jersey this year has been terrible. Although some people have blamed this on the cold water temperatures, he has not seen cold temperature have this degree of impact on the fishery in the past. He also expressed concern that the way we manage the fishery may be allowing regional or localized depletions to occur. He thought that the landings by statistical area figures may be showing more harvest in the southern portions of the management unit in 2023 compared to previous years, and expressed concern that we don't know enough about the migration patterns of fluke and may be allowing too much harvest to come from a small number of areas.

² <https://fisheries.org/docs/books/x54022xm/6.pdf>

One commercial advisor from Maryland noted that his crew is seeing more summer flounder out of Ocean City than they've seen in 6 or 7 years, including both small and large fish. He noted that while fishing for horseshoe crab they are getting 15-20 pounds of summer flounder per every 30 second tow everywhere they go, which they have not seen in years, and the local recreational anglers he talks to are seeing a lot as well.

One advisor fishing recreationally in central New Jersey said he has been inundated with hand-sized summer flounder. While he's always seen a lot of 12-14 inch summer flounder, this year there are a lot of 8-10 inch fish dominating in central Jersey. For the first time last year, he saw a 3-inch summer flounder spit out by another summer flounder. This year, he is seeing many more of those very small summer flounder. He believes the biomass is definitely moving north and is now centered off New Jersey.

Another for-hire advisor from New Jersey agreed he is seeing a lot of small summer flounder recently, including small summer flounder being eaten by striped bass. He is concerned that striped bass are eating so many summer flounder because their preferred prey, menhaden, is less available due to heavy commercial harvest.

A commercial advisor out of New Jersey said that while commercial fishermen in his area generally have not had any issues catching summer flounder, the rod and reel fishermen seem to be having more trouble probably because the fish are not biting well due to the cold temperatures.

A for-hire advisor from Virginia said that availability seems to be good so far this year in that area, and better than it has been in a few years.

One advisor said he is seeing many small (under 10-inch) fish in Long Island's Great South Bay as well, and someone told him they are also seeing the same off Connecticut in western Long Island Sound. He noted that the south shore of Long Island has had a very slow ocean fishery this year, but a fair number of fish are being taken in Great South Bay with boats fishing in places now where they would normally be expected around Memorial Day.

Market/Economic Conditions and Commercial Fishery Issues

One advisor asked what factors are contributing to the falling commercial price of summer flounder, and whether it was simply supply and demand driving these trends. Staff responded that there is a price-volume relationship at least at the coastwide level, as years with the lowest landings tend to see the highest price, but that more information from advisors could help to better explain market trends.

One commercial advisor in Maryland agreed with the previous comments that the commercial quotas should not have been raised to the level they were a few years ago. The quotas are not being caught due to market dynamics for summer flounder, including low prices received and high costs of fishing trips. Buyers are aware of when boats are out, and if several boats are returning, they lower the price offered for summer flounder catch. In Maryland they have seen prices as low as \$0.47 per pound, which has led to fewer trips as vessels cannot afford the trip costs.

Another advisor agreed that the market has not been good for summer flounder and prices are terrible. In New York, as a fresh fish market, they are beholden to Fulton Fish Market. She echoed the concerns about dealers dropping the price when there are many boats bringing in summer flounder and mentioned that many vessels in Montauk have not been fishing given low prices received and high trip costs. Different states have different quotas, and at certain times of year when the stock is aggregated in certain places, there are more southern boats fishing off northern

states. Another commercial advisor from New Jersey agreed that the fresh market is very up and down.

One advisor questioned the accuracy of the map of landings by statistical area, specifically areas 707 and 726 which are highlighted as having some confidential amounts of landings of summer flounder despite being further south than he would expect to see summer flounder landed. He questioned which fisheries these landings were reported in and whether it was an error. Staff indicated they would look into this but the information may not be able to be shared as it is confidential.

Recreational Fishery Issues

One recreational advisor stated that he has been continually expressing concern that managers are not adequately addressing discards. He asked when management began to set larger and larger size limits for summer flounder, leading to the harvest consisting of mostly large females. He noted that over the years advisors have suggested different recreational management strategies such as bag limit only measures or a cumulative total length limit, where anglers would keep all fish caught until the total cumulative length of those fish reaches a specified maximum. He is in favor of a 3-fish bag limit, after which anglers would not be allowed to keep fishing and discarding. Another recreational advisor said he is in support of trying out the cumulative total length limit suggested in the past. A commercial advisor agreed that managers should try to find a way to reduce recreational discards and noted that increasing the size limits can have negative unintended consequences.

One for-hire advisor from New York noted that they are losing customers to Rhode Island this year because of the difference in bag limit (3 vs. 6 fish). The size limit in New York also goes up half an inch in the later part of the season, making the regulations even more disparate.

Another advisor spoke in support of managing the for-hire sector separately from the private and shore modes, as the MRIP estimates show that the for-hire sector is only about 4% of the harvest. The for-hire sector also has Vessel Trip Report requirements, and it would be advantageous to be able to set different measures and be able to better account for and plan for annual variations in weather that cause lost days of fishing.

A for-hire advisor out of Virginia said the recreational season there is off to a good start this year, with the fish showing up on time as expected. However, they have taken a big hit in the regulations this year with the increase in the size limit from 16 to 17.5 inches, so he is expecting to see increased discards and is curious about how that will play out.

A commercial fishery advisor from New Jersey questioned the appropriateness of the recreational management approach for summer flounder, with higher fishing mortality on larger female fish due to the high minimum size limits. This advisor contrasted this approach with striped bass management, where slot limits protect the larger fish. He questioned why we are using totally opposite approaches in these fisheries.

One commercial advisor said we must find better ways to hold the recreational sector accountable, as there is a lot of variation in the extent to which recreational anglers follow the regulations. The commercial sector is subject to a lot of monitoring and constraints that are not applied to the recreational sector, and increased recreational accountability is needed.

Research Recommendations

As noted above, one advisor expressed concern that we don't know as much as we should about the migration patterns of summer flounder beyond a general East-West pattern. He requested that additional research on the migration patterns of summer flounder be added to the next research priorities list, to better avoid overconcentration of fishing effort by area, particularly as the distribution of the stock changes and shifts further north. He believes that much of the observed distribution change is likely related to fishing pressure, and the relationship between migrations, fishing pressure, and stock distribution changes needs to be better understood. Another advisor noted that there has been some research into migrations at Rutgers, including some work showing that many summer flounder show some homing behavior, returning to the same location they migrated from. She agreed that there are many important research questions yet to be investigated related to summer flounder migrations and distribution.

As noted above, one advisor expressed concern with predator-prey dynamics impacting summer flounder, specifically concerns that species like striped bass are increasingly preying on small summer flounder due to lack of availability of other preferred prey sources, and that this should be further investigated.

One advisor suggested a research priority for better monitoring of catch levels in comparison with water temperatures, salinity, and pH trends.

One advisor said he believes some of the smaller flounders being caught in the southern part of the management unit may be southern flounder instead of summer flounder. He believes southern flounder may be moving into the Chesapeake Bay and as far north as off of Delaware and New Jersey, and suggested biological sampling be conducted to count gill rakers to identify southern vs. summer flounder caught in these areas.

Scup

Stock Availability and Fishery Performance Trends

Multiple advisors reported seeing scup later in the season compared to previous years. One advisory from New Jersey specifically noted the delayed arrival of scup in Sheepshead Bay and that for-hire vessels are only now regularly catching scup, but currently catches are not as abundant as in past years. This advisor, however, noted that anglers out of Long Island Sound may be catching more scup compared to waters off New Jersey. Some advisors attributed the delayed inshore migratory pattern to colder water temperatures and rainfall.

Another advisor noted that other fisheries struggle to harvest the species-specific catch limits each year (e.g., skate fishery) and that this does not appear to be an issue for the scup fishery in recent years. He suggested that scup management appears to be more dynamic comparatively and questioned if other fisheries could use the scup fishery as an example as it appears to represent a success story.

A few advisors indicated that the scup population is thriving and recent landing/catch overages are likely attributed to high availability rather than mismanagement. Another advisor suggested that current ocean conditions seem to be favorable for scup spawning and recruitment.

Market/Economic Conditions and Commercial Fishery Issues

Multiple advisors highlighted the low value of the commercial scup fishery. One advisor suggested the low value may have played a factor in overall commercial effort and landings, and the increase

in 2023 commercial discards. This advisor also noted that larger scup have a higher value compared to smaller scup but he has not been seeing those larger scup.

Another advisor noted that the market has been bad for multiple reasons and in general the prices have been low. This advisor explained that many fishermen out of Nantucket do not see the value in fishing because of these low prices coupled with the high fuel prices. This advisor, however, noted that prices in New York were steady for a short period of time but then unfortunately dropped again.

There were also concerns raised about the market competition between scup and imported tilapia, which has taken a significant share of the market. One advisor recommended reducing the commercial minimum size limit for scup to help improve the marketability for whole frying fish. This advisor suggested that current management practices are perceived to favor tilapia in the market. Multiple advisors also highlighted that the impact of imported seafood undermines the profitability of domestic fisheries and is having a detrimental impact on the local fresh fish market.

Recreational Fishery Performance and Fishery Issues

Some advisors questioned the annual recreational scup landing and catch estimates and expressed general disbelief in MRIP estimates. One advisor specifically questioned if recreationally harvesting over 11 million pounds of scup was possible. However, another advisor acknowledged the high possession limit for scup compared to other species and suggested the high possession limit gives the perception of putting some meat in the cooler might be having an impact on recreational landings.

Another advisor expressed frustration with the recreational scup season in New Jersey and thinks the season is too restrictive and unfair given neighboring states with much higher annual scup harvest are open year-round. This advisor noted that New Jersey's recreational landings constitute such a small percentage of the total coastwide harvest, making the season seem disproportionate. This advisor noted that the New Jersey season is particularly damaging to the for-hire fleet. He noted that the high fuel and bait prices are also affecting headboat sailing schedules and the additional loss of sea days due to the closed season adds additional hardship. This advisor emphasized the need for recreational sector separation.

One advisor advocated for a recreational total length retention limit for scup. He expressed that a total length retention limit would be particularly helpful for headboats and may help alleviate some of the loss in sea days described above.

Research Recommendations

Multiple research recommendations were suggested, including research into water quality, salinity, and temperature to better understand the conditions under which the scup stock thrives. An advisor suggested that such information could be crucial if stock health declines in the future.

Another advisor suggested investigating the potential impacts of windmills on scup behavior due to the loud noise and vibrations associated with offshore windmills.

One advisor also suggested research on the impacts of nano and microplastics on scup eggs and larvae. The advisor noted that scup eggs/larva float close to the surface and are therefore vulnerable to plastic consumption, which could affect their overall survival.

Black Sea Bass

Stock Assessment and Stock Status

One advisor noted that the 2024 management track stock assessment shows a different trend in biomass than the previous assessment. The previous assessment showed a very high peak in biomass around 2014 with a subsequent steady decline. However, the new management track assessment shows a slower, more smooth increase in biomass without a decline and with biomass at its highest in 2023. This advisor also noted that the fishing mortality and biomass reference points changed and asked what changed in the model to cause all these differences.

Another advisor asked if overages in 2023 will impact stock status. Staff clarified that 2023 catch is included in the 2024 management track assessment and the SSC will consider assumptions about 2024 catch when making their 2025 ABC recommendations. This advisor also questioned if the stock is close to an overfishing status. Staff noted that the most recent estimate of fishing mortality is 23% below the overfishing reference point; therefore, overfishing is not occurring.

One advisor cautioned that stock assessments are not an exact science and the estimates of biomass and fishing mortality are just estimates. It is refreshing to see such healthy stock status, but management should be cautious not to increase the catch and landings limits too much to help keep stock status healthy. Other stocks have declined from good stock status and had a hard time recovering.

Another advisor supported the comments about stock assessments not being an exact science and said the previous comments about the multiple changes from the previous to the current stock assessment are an example of this.

One advisor expressed concerns that although biomass remains very robust, the size of black sea bass seems to be decreasing on the south shore of Long Island. Recently, under the 16 and 16.5 inch recreational minimum size limits and very high biomass, it takes hours to reach the three fish bag limit. It was much easier to catch many large black sea bass 10-15 years ago, even when availability was lower. For example, during a local fishing contest last year, no black sea bass above three pounds were weighed in, but this size of fish was much more prevalent in the past. This advisor noted that while the assessment shows increased catches of older fish in the fishery-independent surveys, this doesn't seem to reflect what anglers are experiencing on the south shore of Long Island. This advisor also noted that the number of directed recreational black sea bass trips has spiked in New York and New England over the past 15 years and asked if anyone has looked into the impact of this increased effort on older males, and also asked if older fish are scattered throughout the population, or if they tend to be located in specific areas.

Environmental Issues

One advisor said the previous comments about summer flounder and scup regarding colder water temperatures and lower salinity due to increased freshwater input also apply to black sea bass.

Market Issues

One commercial and one recreational advisor said high fuel prices are impacting the black sea bass fisheries.

One advisor said the previous comments about the volatile fresh fish market leading to low prices also apply to black sea bass.

General Comments on Black Sea Bass Management

One advisor commented on concerns about dead discards, noting that it started to be an issue in the 1980s with small mesh sizes. This advisor said the management approach has not been working well for either sector and progress hasn't been made in 30 years. They also noted that changes in calculations have been made multiple times, which is confusing, makes management hard to follow, and is negatively perceived by the public.

One advisor agreed that the current state of black sea bass management is problematic, with very good stock status but very restrictive measures. This advisor suggested using artificial intelligence to allow for more dynamic, real-time management. This could help make sure the quotas are filled.

Recreational Fishery Issues

One advisor said that although very strict regulations and high fuel prices are impacting catches, the recreational fishery will continue to blow past its limits for black sea bass due to high availability. This advisor said the combination of high fuel prices and strict regulations is making it hard to make a living in the party boat business.

Another advisor speaking primarily from the recreational fishery perspective said that in addition to black sea bass being not overfished and not overfishing, the stock is being “over managed and over managing is occurring.” The regulations are overly complicated. For example, the recreational regulations in multiple states vary throughout the year.

This advisor also said the 16.5 inch minimum size limit in several states is very high and leads to trips with lots of black sea bass catch but very few keepers. This advisor said discards are a big issue and are driving overages of the catch limits. Management needs to fix this issue and not increase discards. This advisor supported the total length limit concept for reducing discards, as described above for summer flounder and scup. One other advisor also spoke in favor of consideration of this type of management to help reduce black sea bass discards, noting it could be coupled with mandatory catch reporting via cell phone apps. In total across the three species, four advisors expressed support for consideration of a total length limit.

Another advisor suggested consideration of mandatory use of descending devices in the recreational fishery to reduce discard mortality, as is required in the South Atlantic reef fish fisheries.

In relation to previous comments about stock assessments not being an exact science, one advisor expressed support for the Percent Change Approach and other approaches being considered through the Recreational Measures Setting Process Framework/Addenda to set recreational bag, size, and season limits based on additional factors and not just the recreational harvest limit.

Commercial Fishery Issues

One advisor asked what state the 17% of commercial landings from handlines in 2023 came from. Staff commented that they would have to dig further into the data, but they know there is some commercial handline harvest in New York and southern New England. Another advisor said the regulations in Virginia and North Carolina allow some harvest on recreational trips to be sold with the proper commercial fishery permits. This would contribute to the commercial hook and line totals.

One advisor asked if landings for the commercial live market count as “dead landings.” Staff and two other advisors clarified that the live market is not treated separately from other commercial landings in data collection or management.

Research Recommendations

One advisor recommended research into dead discards for black sea bass and how they impact overall mortality.

One advisor recommended research into migration to help understand future trends in the stock.

One advisor reiterated the recommendation described above for summer flounder and scup, that consideration needs to be given to the impacts of nano plastics in the water on fish stocks.

General Comments on AP Participation and Input

One advisor said it can be challenging to take time away from other priorities for a three-hour AP meeting. This advisor recommended splitting future meetings into shorter time blocks to make it easier for advisors to participate. For example, summer flounder and scup could be covered on one day and black sea bass could be covered on a different day.

Public Comments

One member of the public expressed frustration that black sea bass abundance is very high, but the recreational fishery is managed under very restrictive regulations. For example, the current 16.5 inch minimum size limit in New York is a trophy sized fish. This is resulting in very high discards. Measures should be more reasonable and should allow anglers to take home some fish. This individual said scientific uncertainty is not allowing anglers to bring home fish for dinner.

Additional AP Comments Provided Outside of the Meeting

Joseph Beneventine comments provided via email – 7/5/24 and 7/8/24

Attached below is my Summer Flounder report.

| Month / Date | Area | #of anglers | BAIT USED | Total fish caught | Keepers | Size(s) | |
|--------------|-------------|-------------|---------------|-------------------|---------|---------------|--|
| May | | | | | | | |
| 5th | Zone 2 WLIS | 1 | GULP | 2 | 2 | 20 & 22 | |
| 9th | Zone 2 WLIS | 1 | GULP | 1 | 1 | 23 | |
| 30th | Zone 2 WLIS | 1 | SPEARING | 18 | 2 | 20.5 & 21 | |
| 31th | Zone 2 WLIS | 1 | SPEARING | 12 | 1 | 19.5 | |
| June | | | | | | | |
| 4th | Zone 2 WLIS | 2 | SPEARING | 18 | 2 | 19.5 & 19.75 | |
| 5Th | Zone 2 WLIS | 1 | SPEARING | 27 | 2 | 20 & 21 | |
| 11Th | Zone 2 WLIS | 1 | SPEARING | 24 | 0 | | |
| 12th | Zone 2 WLIS | 1 | SPEARING | 31 | 2 | 19.75 & 22.25 | |
| 13th | Zone 2 WLIS | 1 | SPEARING | 25 | 0 | | |
| 27th | Zone 2 WLIS | 1 | SPEARING | 23 | 1 | 19.25 | |
| July | | | | | | | |
| 2nd | Zone 2 WLIS | 1 | Gulp&Spearing | 18 | 1 | 19.5 | |
| | | | | | | | |

| | | | | | | | |
|--------------------|--|--|--|---|-----|--|--|
| Totals | | | | 199 | 14 | | |
| Avg per trip | | | | 18.1 | 1.3 | | |
| Avg Hours per trip | | | | 4.5 | | | |
| Total hours fished | | | | 49.5 | | | |
| Fish per hour | | | | 4.0 | | | |
| Special note | | | | The Fluke were concentrated into smaller areas due to a massive sand eel hatch - they are just now starting to spread out as of July making them harder to catch. | | | |

Here are my comments following this evening's meeting:

I agree with Carl Benson when he asked "which is the correct scientific approach to protect the larger females as we are doing with Striped Bass or to target the largest females as we are doing with Summer Flounder". In my opinion it's about time we do something with the scientific data we have that tells us that Fluke over 22" are most likely all female. We should either implement a maximum size limit or a bag limit of 1 or 2 fish over some size somewhere between 29" to 32" it doesn't really matter. If for no other reason - for now - than to just raise public awareness so that all anglers will all be aware that fish over a certain size are all females.

I disagree with all of the comments about Summer Flounder fishing being terrible this year. It's been better than I can ever remember both in numbers and in fish size for here in the Western LI Sound - see my spreadsheet.

You just "need to find where the fish are" like George Topping said. The massive Sand Eel hatch we had in the Sound this year made it easy. Find the cormorants and the diving birds and you find the Fluke.

Perhaps more summer flounder are moving North as some advisory panel members suspect.

I share the concern Capt. Victor has with seeing flounder in the stomach of Striped Bass. Moreover, I am of the belief that overprotecting predators like Striped Bass and Bluefish is eventually going to be a disaster both for the bait that many marine species depend upon and the population of flounder and scup. Strange things are already happening. For example I am not catching ANY Sea Robins which is very concerning. Not that I like catching them since they are a nuisance.

Here in Mamaroneck Harbor we've always had a very healthy population of Menhaden both adult size and peanut bunker, and the adult Menhaden spawn here. Since the middle of last season when a massive amount of bluefish came into the western LI Sound I am no longer seeing any Menhaden. Neither adult, nor peanut bunker. There were bunker out in the Sound early in May that the Stripers were chasing when they first made their way into the western sound but they're all gone now. We also usually have dozens and dozens of cormorants in the harbor. They are gone too.

Also, I have questions about your presentation on slides 10,11 &12.

Statistical area 611 is considered one area for Black Sea Bass correct ? There is no imaginary line down the middle of area 611 dividing Connecticut from NY. It shows 11-20% of the Black Sea Bass catch coming from area 611.

Slide 11 shows Ct. Black Sea Bass landings were 1% 2003-2022 and 3.67% 2022-2024.

Is the rest of the 11-20% coming from NY vessels that stay on the NY side of area 611?

Slide 12 doesn't reflect Ct. landings presumably because they were under 100,000 pounds for 2023. There must be some mistake with that. I heard somewhere that Commercial Ct. Vessels may have landed 400,000 lbs of Black Sea Bass in 2023.

Are commercial Black Sea Bass catches only recorded by the port where the vessels land? Or do we know where their catch was? Are NY commercial vessels permitted to fish for Sea Bass in Ct. and are Ct. Vessels permitted to fish in NY waters?

The point being do we only divide the Sound into Ct. and NY for recreational Black Sea Bass fishing? And not for commercial?

The other notable occurrence was although the Black Sea Bass season in Connecticut opened on May 19th DEC ECOs Paschke and Zullo conducted a targeted enforcement patrol in Eastern LI Sound at the Connecticut and NY state boundary on June 7th where they checked several vessels from Connecticut fishing in NY waters and they seized 72 Black Sea Bass and issued 30 tickets.

Joan Berko comments provided via phone – 7/10/24

- Wind farm survey boats are one of the biggest impacts and limiting factors to the fishery in Central Jersey - mostly to the pot/trap fishery but also rod and reel. These boats have been out in the whole area where we fish. We often get calls to ask if we can move our lines, and dealing with moving gear around causes us to miss some fish. We talked to NMFS and they said we don't have to move it, but if the gear gets destroyed, it may be a year or so to get reimbursed.
- The chatter on the radios also indicates that charter and headboats are dodging these wind survey vessels as well, and also that their SONAR is interfering with the fishing vessel sounders.
- There are multiple survey vessels they are trying to avoid at a given time. The cables are going to be run offshore and through areas with a lot of wrecks. It's bad.
- Besides that, fishing for black sea bass has been really good recently. 2019 was a really good year, and this year might even be better.
- Concerned with some of the recreational for-hire vessels in New Jersey that are still advertising and running long trips targeting black sea bass when New Jersey's bag limit is just 1 fish in the summer. It doesn't seem right to fish all day and high grade just to keep 1 jumbo sea bass. Especially now that the water is warming, their survival rate is not as good. Not all for hire boats do this, but some do. We see the recreational guys anchoring up on wrecks for hours, and there's nothing else open. A lot of these boats used to be bluefish boats. Fluking has been on and off. There isn't much else to target but the vessels are still going to fish the wrecks.

- Market conditions haven't been good since COVID. We do ok, but it's worse than what it used to be. Fuel prices continue to go up; they went up 50 cents just from last week. Expenses are going up and revenue does not.
- There are some indications of water quality getting better based on what grows on the ropes and traps. We notice a difference in how much growth there is and how often they need to be cleaned off. Based on the current growth, it seems like the water quality is getting better in some spots. Salinity conditions seem kind of high and seem good for the fish. There's been a lot of bait around as well, and it seems the fish have been feeding well.
- Questioned whether there are observers on headboats and noted that it seems the honor system is largely used for recreational fishermen, and it's unclear what compliance is like for logbooks requirements and other regulations.

James Fletcher comments provided via email – 7/8/24 and 7/9/24

Subject: Could a hybrid fish be created for increased production of flat fish?

<https://www.thefisherman.com/article/freakish-flatfishthe-odder-side-of-fluke-flounder/>

Could a summer flounder be hybrid with a fluke or some other species to gain faster growing species?

Subject: best available science!!! Minimum Size Restriction Are a Problem for Fisheries -- Is litigation the Solution?

Dr Moor has the web address. Could / would you send the SF - Scup - BSB advisors the web address.

IS THIS BEST AVAILABLE SCIENCE???(Discuss) DO ADVISORS NEED TO DISCUSS? NOT litigation but principles of KEEP FIRST FISH CAUGHT & NO DISCARDS? Prestigious elite use larger hooks in EEZ to catch largest fish. *WHY TARGET FEMALES???*

Could Monday morning staff meeting discuss on council level?

Subject: Recreational reporting App

Does Blue Fin Data own the recreational reporting App? what does the App cost to down load? Who stores the data? What do data request cost from the App? Does app allow a fisher to check in before starting trip so law enforcement has a method to know fisher is on total length reporting system?

United National Fisherman's Association will make another attempt to have the Mid Atlantic Fishery Management Council allow recreational reporting for Summer Flounder Scup and Black Sea Bass. Using BFD app MAFMC screwed up tile fish reporting with another App. Question is will a state also allow recreational fishers with App to land by total length with no discards.

Thought process is to allow any RECREATIONAL FISHERMAN with BFD app to land a number of (INCHES OF FISH) (no size limit. **THUS NO DISCARDS!**)

Moore, Rago, Darcey, Beaty are all in fishery management not really receptive; but not opposed to change in management toward success.

Drop a dime on topic when you have time! THANKS

Just an idiot! ON A MISSION.

Subject: TOTAL LENGTH SOME TRACTION

Hope you read Blue Fin Data email. IF A FISHER IS WILLING TO BUY THE APP AND REPORT! Should the council offer the option? States could also allow TOTAL LENGTH with the fisher having the app.

AS to total length summer flounders 60 inches Scup over 300 inches. black sea bass 120 inches. MOST LIKELY THESE NUMBERS WILL BE LESS THAN THE DISCARDS OR DEAD DISCARDS. **NO DEAD DISCARDS OR DISCARDS!**
SHIFT IN MANAGEMENT*** TARGETING SMALLER FISH***

Could the advisors be asked if advisors would support the app reporting with total length? **COULD YOU SENT THE ABOVE TO ADVISORS AND ASK YES OR NO!**
Prestigious elite who what largest fish could use 8 or 9 ought or larger hooks. still total length will / can work!

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United National Fisherman's Association James Fletcher Director 123 Apple Rd Manns Harbor NC 27953 land 252-473-3287 cell 757-435-8475

Mike Pirri comments provided via email – 7/16/24

Introduction

Long Island Sound is a vital and dynamic marine ecosystem that supports diverse marine life and provides recreational opportunities for anglers in both New York and Connecticut.

Currently, recreational anglers are required to adhere to two distinct sets of regulations when fishing for black sea bass, as the state line between New York and Connecticut is neither posted nor marked in any discernible manner. This proposal advocates for treating the entirety of Long Island Sound as a single management area for the recreational harvest of black sea bass. A unified management approach will simplify regulations, enhance compliance, and support sustainable fisheries management.

Background

Long Island Sound spans approximately 113 miles from New York City to East of the Connecticut River, providing a rich habitat for black sea bass. The Sound's fisheries are crucial for recreational anglers, contributing significantly to local economies and the well-being of coastal communities.

Currently, New York and Connecticut have distinct regulations governing the harvest of black sea bass, including differences in season dates, size limits, and bag limits. The absence of clear markers for the state line within the Sound complicates compliance for anglers, leading to inadvertent

violations and enforcement challenges. These complications undermine effective fisheries management and can result in overfishing or uneven fishing pressure across the Sound.

Proposal

1. Unified Regulations

Treating Long Island Sound as a single management area for the recreational harvest of black sea bass would involve harmonizing the fishing regulations of New York and Connecticut.

This unified management approach would establish consistent rules regarding:

- **Season Dates:** Aligning the start and end dates for the black sea bass fishing season.
- **Size Limits:** Standardizing minimum and maximum size limits for harvested fish.
- **Bag Limits:** Setting uniform daily catch limits for recreational anglers.

2. Benefits of Unified Management

- **Simplified Compliance:** Recreational anglers would benefit from clear, consistent regulations throughout Long Island Sound, reducing confusion and the risk of unintentional violations.
- **Enhanced Enforcement:** Law enforcement agencies could more effectively monitor and enforce regulations with a unified set of rules, improving compliance and reducing administrative burdens.
- **Sustainable Fisheries Management:** A single management area would allow for coordinated efforts in stock assessment, data collection, and management strategies, leading to more effective conservation and sustainable use of black sea bass populations.
- **Economic and Social Benefits:** Simplified regulations would encourage greater participation in recreational fishing, supporting local businesses and fostering a strong sense of community among anglers.

3. Fairness to Anglers: Ending Unfair Search and Seizure

One significant concern with the current dual-regulation system is the unfair burden placed on anglers due to the lack of clearly marked state boundaries in Long Island Sound. The current setup leads to several issues:

- **Unclear Boundaries:** Without visible markers indicating the state line between New York and Connecticut, anglers often unintentionally cross into the jurisdiction with different regulations, risking inadvertent violations.
- **Unfair Prosecution:** Anglers can face fines, penalties, or legal action for violations they were unaware of, given the unmarked state boundaries. This is inherently unfair as compliance with regulations becomes a matter of chance rather than informed decision-making.
- **Unjust Searches and Seizures:** Law enforcement officers may conduct searches and seize property based on perceived violations of state-specific regulations. This practice can

lead to undue stress and financial burden on anglers who are otherwise law-abiding citizens trying to enjoy their recreational activity.

- **Confusion and Distrust:** The confusion created by dual regulations and unmarked boundaries can lead to distrust between the fishing community and law enforcement. Anglers may feel targeted or unfairly treated, which undermines the overall goal of cooperative fisheries management.

3. Implementation Plan

- **Interstate Collaboration:** Establish a working group comprising representatives from the New York State Department of Environmental Conservation (NYSDEC) and the Connecticut Department of Energy and Environmental Protection (CTDEEP) to develop and implement unified regulations.
- **Stakeholder Engagement:** Conduct public meetings and consultations with recreational anglers, charter operators, and other stakeholders to gather input and build consensus on the proposed changes.
- **Education and Outreach:** Launch a comprehensive outreach campaign to educate anglers about the new unified regulations, including updated fishing guides, online resources, and informational signage at key access points.
- **Monitoring and Evaluation:** Implement a robust monitoring and evaluation framework to assess the impact of the unified management approach on black sea bass populations and adjust regulations as needed based on scientific data and stakeholder feedback.

Conclusion

Treating Long Island Sound as a single management area for the recreational harvest of black sea bass presents a pragmatic and beneficial solution to the challenges posed by current state-specific regulations. By adopting a unified management approach, we can simplify compliance for anglers, enhance enforcement, support sustainable fisheries, and foster economic and social benefits for coastal communities.

We urge the NYSDEC and CTDEEP to consider this proposal and initiate the necessary steps to harmonize regulations and treat Long Island Sound as a single management area. Your support and collaboration are essential to ensuring the long-term health and sustainability of black sea bass populations and the recreational fishing opportunities they provide.

Captain Mike Pirri

President

FlyingConnie Charters LLC.

Cell: [203-515-1444](tel:203-515-1444)

Web: www.FlyingConnie.com

Charles Witek comments provided via email – 7/11/24

I would appreciate it if someone could get back to me on the question I asked: Why does the recent management track assessment look so different from what went before? What changed in

the model or inputs? SSB in the 2021 assessment seemed to track the known big year classes, and also tracks what I'm seeing on the water, where abundance seems to be declining and not at a time series high (I was out in the morning before the meeting, sitting on two wrecks in 85 and 95 feet of water, and the accumulations of fish I was marking over the wrecks were much smaller than they were in previous years, although cold water could be contributing to that; a diver recently reported 45 degree bottom temperature on the Oregon wreck, which is in a little over 100 feet off Moriches, NY.

Steve Witthuhn comments provided via phone – 7/11/24

- The high recreational minimum size limits for black sea bass are creating a lot of discards. We have to go through so many fish to get keepers. There are a lot of black sea bass, but 16.5 inches is a very high size limit.
- The high discards will come back to hurt us due to the discard mortality rate. It feels like a Catch-22. We're damned if we keep the fish, and damned with release mortality.
- The conservation equivalency process is not working. It does not make sense for the states of New Jersey through North Carolina to have 12.5 or 13 inch minimum sizes while New York and north have 16 or 16.5 inch minimum sizes. It also does not make sense for New Jersey to have 5 different sets of regulations depending on the time of year. It is surprising that the Technical Committee allowed that.
- The for-hire sector wants separate measures from private anglers in New York, as is done in Rhode Island and Connecticut. But the state is against it because it could take away from private anglers.
- The restrictive regulations are resulting in bad behavior in the for-hire industry. Customers want something to take home, so there is high non-compliance. Charter boat customers need something to take home to justify the high cost of the trips. The party boat mentality is to fill coolers. Right now, only scup has a high enough bag limit to allow that.
- There have been recent reports of big violations. Those are just the people who got caught. There is a lot more non-compliance happening. Even smaller violations can add up if there are a lot of them.
- I may not be able to stay in business next year. The regulations are too restrictive, especially with striped bass also being restricted. I can't run a business by breaking the rules, but customers also want to be able to take home fish. Customers are going to Rhode Island, where they have a higher bag limit.
- Long Island Sound should have consistent regulations for black sea bass, rather than different Connecticut and New York regulations.
- There were a lot of violations this year with Connecticut vessels fishing in New York waters when New York was closed.

- It's frustrating to see the enforcement pictures with so many black sea bass laid out neatly on the dock. Those fish should be kept in good condition so they can be sold or donated. It would be better to share pictures of the people who broke the rules, rather than the fish, to help discourage other people from doing the same thing. See the example from a New York Environmental Conservation Policy update below.
- The total length limit discussed during the Advisory Panel meeting should be considered as a way to reduce discards.
- The impacts of artificial bait should be considered. It does not break down in the fish's stomachs. Used artificial bait should be put in the trash rather than thrown in the water.

Excerpt from New York State Department of Environmental Conservation 6/21/2024 email: "Environmental Conservation Police on Patrol"

On June 7, ECOs Paschke and Zullo conducted a targeted enforcement patrol in the eastern Long Island Sound at the Connecticut and New York State boundary focused on illegal black sea bass fishing in New York waters. Officers Paschke and Zullo checked several fishing vessels during the detail, most of which were from Connecticut where opening season for black sea bass opened May 18 versus in New York where the season begins June 23. The ECOs seized 72 black sea bass, one striped bass, and two summer flounder, and issued 30 tickets, all returnable to either the Southold Town Justice Court or Riverhead Town Justice Court.



ECO Zullo with fish seized during black sea bass enforcement detail on Long Island Sound