



Summer Flounder, Scup, and Black Sea Bass Fishery Performance Report June 2021

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 June 21, 2021 to review the Fishery Information Documents and develop the following Fishery Performance Report for the three species. The primary purpose of this report is to contextualize catch histories for the Scientific and Statistical Committee (SSC) by providing information about fishing effort, market trends, environmental changes, and other factors.

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

Additional comments provided by advisors via email are attached to this document.

Council Advisory Panel members present: Carl Benson (NJ), Joan Berko (NJ), Bonnie Brady (NY), Jeff Deem (VA), Skip Feller (VA), James Fletcher (NC), Hank Lackner (NY), Mike Plaia (CT), Bob Pride (VA), Doug Zemeckis (NJ)

Commission Advisory Panel members present: Marc Hoffman (NY), Mike Plaia (RI)

Others present: Chris Batsavage (Council/Board member, NC DMF), Julia Beaty (MAFMC Staff), John Boreman (SSC), Dustin Colson Leaning (ASMFC Staff), Karson Coutré (MAFMC Staff), Kiley Dancy (MAFMC Staff), Savannah Lewis (ASMFC Staff), Tony DiLernia (Council member), Steve Doctor (MD DNR), Emily Keiley (NMFS GARFO), Paul Rago (SSC Chair), Angel Willey (MD DNR)

Discussion questions

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

General Comments

Recreational Data Concerns

A few advisors expressed concern with the Marine Recreational Information Program (MRIP) data, which they see as inaccurate and fundamentally flawed. One advisor said the entire program needs an overhaul. Another advisor said he has been following the development of National Marine Fisheries Service (NMFS) recreational data collection programs for over 30 years and has not seen any notable improvement in the estimates over that time. He believes the problem with MRIP lies in sample sizes that are too small, as well as extrapolation of interviews that tend to be biased toward people who catch more fish. He suggested that more creative management approaches that do not rely so heavily on flawed data are needed for the recreational fishery.

Another advisor added that an accurate count of all saltwater recreational anglers is needed to comply with the Magnuson Stevens Act and to better manage recreational fisheries for all species.

Several advisors expressed concerns with the 2020 recreational catch estimates that were developed by MRIP using imputation methods to account for COVID-19 related data gaps in 2020. Several advisors asked about the percent standard errors (PSEs) for these estimates and said they would expect the uncertainty associated with these estimates to be much higher than normal. Others noted concerns with using recreational data from 2018 and 2019 in the imputation methods. For example, one advisor said recreational fishing trends were tremendously different in these years which may create biases in the 2020 estimates. Generally, advisors expressed concern about using these estimates in fishery performance evaluation and development of management measures without additional scrutiny.

COVID-19 Impacts

As described in more detail in the species-specific sections below, multiple advisors agreed that the COVID-19 pandemic had major impacts on commercial and recreational fishing effort in 2020. Advisors generally agreed that the pandemic had negative impacts on commercial markets and prices. However, they described a range of different impacts on recreational fisheries, as described below.

Environmental Conditions

One advisor said that since additional restrictions have been put on the menhaden fishery, there are more sharks inshore due to an overabundance of menhaden. He believes the increased abundance of sharks may be impacting other species, for example by chasing bluefish and striped bass offshore. He questioned what additional impacts sharks are having on managed species such as black sea bass and summer flounder. He also noted that while the Council is attempting to focus more on ecosystem based management approaches, predator/prey dynamics are not properly factored into current catch estimate data.

One advisor said the Council and Board need to address chemicals in the water, such as surfactants, that may negatively impact fish populations.

Management Issues

One advisor recommended further research into a common commercial minimum mesh size for summer flounder, scup, and black sea bass.

Summer Flounder

Market/Economic Conditions and COVID-19 Impacts on Commercial Fishing Effort

Many advisors agreed that COVID-19 had major impacts on commercial and recreational summer flounder fisheries in 2020. A few advisors said commercial effort was notably down for many summer flounder vessels in 2020 as lower market prices did not justify fuel and other trip costs. Restaurant closures had a big impact on markets and prices for summer flounder. Some vessels did not fish for most or all of the year, including one advisor who said that although he holds a commercial permit, he did not fish commercially due to low prices. One advisor said some vessels were having difficulty getting crews to work. Another advisor agreed and said he's heard that reliable crew is difficult to find in some circumstances given stimulus payments and increased unemployment benefits.

One advisor noted that the commercial size limit and other regulations have increased the size of landed fish to the point where the market for smaller fish has been lost to imports. There is not as much of a market for larger fish, as the filets are too big for single servings. This advisor supported lowering the commercial minimum size below 14 inches to allow targeting of smaller fish, and also supported evaluating a change in the minimum mesh size requirement to 5 inches.

Recreational Fishery

Advisors provided mixed comments on recreational effort and catch in 2020. One advisor said all marinas he talked to had seen reduced participation in the recreational fisheries, yet the MRIP data showed an increase in catch. He felt that these data did not match up with reality. Another advisor said the charter industry in Virginia was shut down for a good part of the season, and while he has heard managers say private boat fishery effort was up in 2020, he did not see that in his observations. People were more worried about taking care of their families and had economic concerns that limited private boat effort. He agreed that some of the MRIP data do not seem to match with reality. However, another advisor noted that overall recreational effort (for all species) seemed to be much higher than normal in 2020.

Environmental Conditions and General Fishing Trends

One advisor said summer flounder fishing was "off" last year and a lot of commercial and recreational fishermen were not targeting them or were catching very few. He said summer flounder came in late in the season, showing up in August instead of April or May, which is more typical. He noted that this could be due to the increased presence of sharks keeping fish offshore, as discussed in the "General Comments" section above.

Management Issues

For summer flounder in particular, one advisor noted concerns with the 2020 MRIP estimates using imputed 2018-2019 data given that 2018 and 2019 were "boom years" and 2020 was a "bust year" for summer flounder. He expressed frustration that MRIP does not seem to recognize mistakes in their calculations and that, in his view, the resulting estimates appear to be impossible.

One advisor asked whether commercial dead discards were primarily caused by regulatory discards and if so, if those discards were counted against the catch limits despite being unavoidable for the fishing vessel. Staff clarified that many, but not all, discards are regulatory and that all estimated summer flounder dead discards are counted against the annual catch limit. This same advisor also expressed frustration that managers have not seriously considered his proposal for a

recreational total length limit for summer flounder (i.e., a cumulative length limit where anglers can keep up to a specified total number of inches of fish) with mandatory retention of all fish caught until the length limit is reached.

Scup

Management Issues

Before the AP meeting, an industry representative from Lund's Fisheries requested that AP discuss the idea of increasing or removing the scup winter I quota period possession limit (currently 50,000 pounds) and decreasing the commercial minimum size from 9 inches to 8 inches.

Two advisors did not support moving to an 8 inch minimum size based on maturity concerns. One advisor added that having the minimum size closer to where the fish are 100% mature has contributed to scup's current high biomass and healthy stock status. One advisor supported decreasing the minimum size, stating that a smaller minimum size will not hurt anything and would bring smaller fish, preferred by some consumers, to the market. He added that tilapia imports have replaced market share for domestic fish due to its smaller size and requested a report on tilapia imports.

Two advisors said they did not support an increase in the winter I possession limit. One advisor said increasing the winter I possession limit would devastate New York's scup fishery because it would tank the price for the fresh fish market which many local fishermen depend on. One advisor expressed concern that an increase in the possession limit could result in vessels based in other states landing more scup in New York, especially vessels looking to shift their fishing effort from other species. This could decrease the price and negatively impact fisherman based in New York. Another advisor was also concerned that increasing the possession limit to 100,000 pounds would crash the market and added that fishermen generally do not land the full current possession limit anyway.

COVID-19 Impacts on Markets and Fishing Effort

One advisor said COVID-19 had major impacts on the scup market and prices, and therefore commercial scup landings. Another advisor said there was less recreational fishing effort due to COVID, especially on for-hire vessels as people avoided crowds. For this reason, he said the MRIP estimates of harvest do not make sense.

Recreational Fishery

One advisor reiterated comments made during the summer flounder discussion that the 2020 MRIP estimates using imputed 2018 and 2019 values are not realistic or believable. Another advisor added that after the incorporation of the new MRIP data in the assessments, 198% of the RHL was caught which is not believable because fewer people were fishing because of COVID. One advisor recommended that the same cumulative length limit approach described above for summer flounder be used in the recreational scup fishery. He suggested that this approach could first be tested for the shore-based recreational scup fishery before applying it to the entire recreational fishery.

Black Sea Bass

COVID-19 Impacts on Markets and Fishing Effort

One advisor said COVID-19 impacts on restaurants caused black sea bass prices to drop significantly and prices remain low. She added that the restaurant market for fresh fish is important in her area and prices may not rebound until restaurants recover from the pandemic impacts.

One advisor said charter boats operating in nearshore waters off Virginia Beach and Oregon Inlet had one of their best summers in 2020. He said these vessels mostly catch Spanish mackerel and bluefish, while the recreational black sea bass fishery in his area is almost entirely in federal waters. He said many trips reached full capacity and he attributed this to the COVID-19 stimulus payments. He noted that virtually all COVID-19 restrictions have been lifted in Virginia and there are minimal remaining impacts. For example, he said the for-hire industry in his area has not had a problem hiring and retaining crew members. Head boat sampling is still suspended, but captains have continued to submit vessel trip reports throughout the pandemic.

An advisor from New York said that in his area, charter boats barely fished during the spring and summer of 2020 due to COVID-19 restrictions and concerns about being around crowds. However, some charter boats began taking trips again in the fall.

Recreational Fishery

A few advisors repeated comments made earlier about their lack of faith in the MRIP data.

Although there was a recreational ACL overage in 2020, a payback will not be required due to the positive stock status of black sea bass. One advisor said this is unfair to the commercial industry as they are always required to payback quota overages, regardless of stock status.

One advisor said anglers fishing from private docks do not adhere to the black sea bass possession limit. He also said some recreational fishermen illegally sell their catch. He called for better information on the number of recreational anglers to improve the MRIP data.

One advisor said the February recreational black sea bass opening in Virginia was impacted by bad weather in 2021, but when vessels could go out, they caught a lot of black sea bass. He said December is also a good month for catching black sea bass and expressed a desire for a longer winter recreational opening.

One advisor asked how the outlier wave 1 2020 MRIP harvest estimate for black sea bass in North Carolina will be handled in the management process.

Biological Issues

One advisor claimed that most trawl surveys don't sample more than five miles from shore, yet black sea bass have been caught 100 miles from shore and farther in lobster pots. This could result in the stock assessment under-estimating biomass. He added that black sea bass are so abundant that they are wiping out shellfish populations and requested an emergency opening, including a year-round recreational possession limit of ten fish per day.

Research Recommendations

Three advisors recommended additional research on the impacts of electromagnetic fields on black sea bass. This is a concern due to the potential for thousands of miles of cables to be installed for offshore wind energy projects planned for the greater Atlantic region.

One advisor said more research is also needed on the potential impacts of pile driving (e.g., for installing wind turbine foundations) and seismic testing (used for oil and gas survey work) on fishery species. Another advisor added that impacts of sub-bottom profilers (used for site characterization for offshore wind energy projects) are also a concern.

Impacts of Offshore Wind Energy Development

One advisor said offshore wind energy development will destroy commercial fisheries and it would be preferable if wind energy projects could be placed closer inshore.

As described in the previous section, three advisors expressed concerns about electromagnetic fields on species such as black sea bass. One advisor noted that commercial fishermen purposefully fished near telecommunications cables when targeting scallops in the 1970s. They developed cable jumper gear specifically for this purpose.

One recreational fishery advisor said he has experienced great fishing for black sea bass near the two wind turbines that were installed off Virginia Beach. He's caught lots of keeper black sea bass as well as cobia and spadefish. He also observed sea turtles and lots of bait fish near the turbines. He hasn't experienced a negative impact from the cables. He said the boulders placed at the turbine foundations for scour protection have created a lot of new structured habitat in the area. However, he acknowledged that the impacts may be different for projects with more turbines compared to the two turbines where he has fished.

Additional Email Comments

Sent: Monday, June 21, 2021 7:02 PM
To: Beaty, Julia <jbeaty@mafmc.org>
Subject: AP Meeting Comments

Hi Julia:

The possibility of having to carry an observer was a big factor on the commercial BSB fishery due to COVID. Especially for potters, where if your gear is in the ocean and you are told you can't go out until you take an observer. Restaurants being closed was another factor. While there is some demand for head on fish, it isn't as much as pre-11 inch minimum size fish. They are primarily white tablecloth.

I agree with Jim Fletcher about needing research about chemicals in the water. Too much fertilizer and pesticides being applied with no controls near the bay and ocean. Also the effects of windmills and the construction of windmills. And the seismic blasting that Rutgers did in previous years to study "rock formations" scared all the fish away.

If I am still an AP advisor, meetings are always better in the afternoon, since I am usually fishing in the morning.

Joan Berko

From: PAUL CARUSO
Sent: Friday, June 25, 2021 11:03 AM
To: Dustin C. Leaning <DLeaning@asmfc.org>
Subject: [External] Re: Draft Fishery Performance Report from Monday's AP mtg for your review; reminder of next mtg

Him Dustin, Sorry I could not make the call. Too many things going on here. For what its worth we had a decent BSB season last year and this spring was decent. We have virtually no rec summer flounder fishery anymore nearshore and scup seem very abundant both last season and this.

To: [Beaty, Julia](#)
Subject: Re: Draft Fishery Performance Report from Monday's AP mtg for your review; reminder of next mtg
Date: Friday, June 25, 2021 8:21:12 PM

Julia

I had trouble getting on and called in from my phone, 732 278.... I agree that summer flounder minimum size should be lowered back to 13 inches. Feeding scavengers instead of harvesting this valuable resource makes no sense. I know the argument that these fish are not mature enough to spawn, but discards don't spawn. The harvest is constrained and trading fish that are mature for immature fish seems like a smart tradeoff.

Covid 2020 should just be eliminate from all evaluation methods. I did not exist.

Carl

From: HANK LACKNER

To: Beaty, Julia; Moore, Christopher; Luisi, Michael; Kiley Dancy

Subject: Re: AP Meeting for Fishery Performance Reports 6/21

Date: Tuesday, June 29, 2021 12:47:19 PM

Hello All,

I am sorry i couldnt stay on the AP call, but the illex squid derby is running wild.

Here a few thoughts I and others have moving forward..

These are my thoughts about raising the scup limit to 100,000 pounds in winter1.

1. This big trip limit opens this fishery to a whole new class of boats..That is boats with fish pumps and way larger vessels than currently participate. With that being said:

A. We must establish a control date immediately!!

B. We must then proceed to limited entry process!!

C.The winter1 fishery has historically been driven by supply and demand.. which was the determining factor on price..The market is currently a fresh market targeting large mature fish..

A 100,000 pound trip limit will destroy the fresh market.

The quota is going to be reduced this year and the larger trip limits will only lead to even more discards.

2. An 8 in size limit is a very poor management move. It will not reduce discards..In fact it may even increase them.. Boats will specifically target smaller scup and the end result will be way more discarding..

A. The fresh market will not be able to sell a scup that small..I have been told this by several Fulton dealers..

3. The small mesh exemption line..

This line should be completely removed.. Vessel should be allowed to possess up to 1000 pounds of summer flounder with small mesh no matter where they are fishing.. When on a directed summer flounder trip with a possession limit over 1000 pounds 5(FIVE) inch twine should be required.

It is important to remember the 72 30(small mesh line) was originated along time ago... As science now shows us, the vast majority of the summer flounder population lives east of that line..So everyone could have the exemption anyway.. Remember there were no scup GRAs back then either.

The way the fishery is now carried out, premium quality fluke get the best price..The only way to achieve that is by using big twine and catching the fluke “clean”. (no other species mixed in) ..And it is done now with mesh bigger than 5.5 inch..most do that to avoid dogfish and sea.robbers...Summer Flounder fisherman already regulate themselves.

4. Lastly, the council should adopt one mesh size for scup seabass and fluke..5 inch will work fine..The less gear fisherman drag around the ocean the better..It will be a money saver for boat owners.. Also remember 5 in is the size of the cover bag for loligo squid..A consistent twine size will be appreciated by all fisherman..

Thank You,

Hank Lackner