



## Summer Flounder, Scup, and Black Sea Bass Advisory Panel Meeting Summary

July 29, 2020

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 29, 2020. The purpose of the meeting was to provide an update on Scientific and Statistical Committee (SSC) and Monitoring Committee recommendations for 2021 specifications for all three species, for the AP to provide recommendations to the Council and Board on the February 2021 recreational black sea bass fishery, and for the AP to review and comment on draft alternatives for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. Please note: Advisor comments described below are not necessarily consensus or majority statements.

**Council Advisory Panel members present:** Joan Berko (NJ), Bonnie Brady (NY), Jeff Deem (VA), Skip Feller (VA), James Fletcher (NC), Greg Hueth (NJ), Howard King (MD), Michael Pirri (CT), Mike Plaia (CT)\*, Bob Pride (VA), Doug Zemeckis (NJ)

**Commission Advisory Panel members present:** Paul Caruso (MA), Jack Conway (CT), Greg DiDomenico (NJ), Mark Hodges (VA), Marc Hoffman (NY), Jim Lovgren (NJ), Mike Plaia (RI)\*

\*Serves on both Council and Commission Advisory Panels.

**Others present:** Julia Beaty (MAFMC Staff), Dustin Colson Leaning (ASMFC Staff), Karson Coutré (MAFMC Staff), Kiley Dancy (MAFMC Staff), Eric Reid, Caitlin Starks (ASMFC Staff)

### 2021 Specifications Revisions for All Three Species

Staff reviewed the SSC and Monitoring Committee recommendations for revised catch and landings limits for all three species in 2021.

One advisor asked how black sea bass discard mortality is calculated for both commercial and recreational fisheries and felt that the portion of commercial discards that come from the pot fishery should have close to 100% survival. In the recreational fishery, he thought there should be different mortality rates in winter and summer fisheries. Staff clarified that the discard mortality rates are already factored into the ABC and are not modified when sector-specific catch and landings limits are derived from the ABCs. All management measures rely on the same discard mortality rates used in the stock assessments. The assumed black sea bass discard mortality rate for commercial pots/traps and the recreational fishery is 15%. It does not vary across seasons.

One advisor asked if there are other factors besides discards which can be taken into account when considering if a deduction should be taken from the annual catch limit (ACL) to account for management uncertainty. He said it is very likely that there will be a drastic reduction in black sea bass discards now that the quota is representative of stock status, which was not the case prior to

2017 due to the lack of a peer reviewed and accepted stock assessment at that time. Two other advisors agreed that there should be less commercial discards with the increased quota in 2020.

One advisor brought up the NEFSC survey cancellations due to Covid-19 and said it is unlikely that there will be accurate trawl survey data this year. He wanted to know how managers and scientists are planning to deal with this. He added that it may not be a major issue because fisheries are currently micromanaged based on small fluctuations in surveys. He also felt that observers should not be allowed on boats at times when surveys are cancelled because fishermen should be protected as well as scientists.

One advisor was frustrated that lowering the minimum fish size in both sectors isn't part of the discussions of discards. He also said that discards could be addressed through changes to the minimum mesh size for trawl nets. He recommended a universal 5" mesh net paired with a lower minimum size for all three species. He added that when minimum size limits were implemented, this opened up markets for small imported fish. He also felt that the Council's risk policy should allow for an even greater increase in the ABC in order to address the recent Executive Order on seafood production. Lastly, he added that we should be implementing stock enhancement.

One advisor from New York agreed that the recreational minimum fish size for black seas bass should be reduced. He said that if it were reduced to 14 inches, with the same bag limit and same number of days, total mortality would decrease. He recommended a 10 fish bag limit and 14-inch minimum size with a year round open season. He added that fish are shifting their distributions and are being affected by many environmental factors, for example an increase in menhaden. Sharks have been moving inshore, which pushes other species offshore. This is not always captured in surveys that don't always sample where the fish are. Lastly, he noted that recreational and commercial fluke catch has been light in his area recently.

### **Black Sea Bass 2021 February Recreational Fishery**

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The AP reviewed the Monitoring Committee's recommendation for revisions to the February recreational black sea bass fishery. Multiple advisors said the revised calculations of initial expected February harvest by state are flawed and based on bad data. These calculations suggest that nearly 500,000 pounds of black sea bass would be harvested in the recreational fishery in February if all states participated in this optional season opening. Many advisors felt that this number is too high. This number relies on an assumption that 10% of potential February recreational black sea bass harvest will come from for-hire vessels and 90% from private anglers. Many advisors said this is not an accurate assumption. For example, one advisor said that in New York, 95% of private boats are not in the water in February. Three other advisors, two from New Jersey and one from Virginia, agreed that most private vessels in their states do not operate in February. Another advisor said the calculations are problematic because they rely heavily on data from 2013 (the last year when many state seasons were open during February) and stock size is much greater now than it was in 2013.

Two advisors expressed support for the program used by the state of Virginia to monitor February harvest.

One advisor said the Council should require fishermen to report their February recreational black sea bass catch electronically.

One advisor from Virginia expressed support for continuation of the state-by-state approach to the February fishery, where states individually opt-in and adjust their measures later in the year, as opposed to an alternative system where expected February harvest is accounted for at the coastwide level and coastwide management measure adjustments are made if needed.

One advisor said recreational harvest in February 2021 will likely be minimal, even if more states participate in the opening, as continued social distancing restrictions will limit the amount of for-hire effort.

One advisor from New Jersey said he questions the entire February opening. He said the numbers used in the calculations don't seem real, special monitoring programs are costly to develop and implement, and very few people fish recreationally during this time of year.

### **Commercial/Recreational Allocation Amendment**

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One advisor asked about the reasoning behind having a cap on the sector allocation transfers under consideration, and objected to that idea since you never know what situations will occur in the future. He noted that Covid-19 is a perfect example of an unforeseen circumstance. Commercial fishing effort has decreased while the private recreational sector has exponentially increased. In this scenario it would be better not to have a cap on the amount that could be transferred. Another advisor supported the alternative of having no cap on the transfer amount and felt this should be a species and year specific decision.

One advisor disagreed with giving a large percentage of the allocation to the recreational sector, as contemplated under some alternatives. He said recreational anglers only make up 16% of the nation's population. He added that under the President's recent Executive Order, fisheries are supposed to produce food for the nation, not a select few. He also wondered why so much quota is given to such an influential group who can afford private vessels for recreational fishing. Access for shore-based anglers has been taken away due to minimum size limits and managers refuse to implement a cumulative total length limit. He said that because of this, recreational fishery access goes to the elite that can afford boats.

This advisor recommended status quo allocations and said the Council and Board should not further pursue this amendment. Another advisor agreed that the amendment should not move forward as the MRIP data are currently too unreliable. A third advisor said the amendment should be put on hold for at least a year because the fisheries are being greatly impacted by Covid-19 and this amendment should not be such a high priority under the current circumstances.

One advisor asked for clarification on whether the alternative that attempts to maintain status quo harvest levels from before catch limits were revised based on the recent operational assessments is still included. Staff clarified that this approach is still used as a basis in some of the FMAT's recommended alternatives, but in several cases, it was combined with other bases that result in the same percentages. He said that he is still in opposition to the basis of this alternative and stated that it does not make sense to take back the commercial quota increase that resulted from the new assessments.

One advisor said he does not agree with the justification for reallocating based on changes in the MRIP data because the commercial industry is held to a strict quota and pound for pound paybacks. He added that the recreational fishery has landings data that are highly unreliable. The recreational

sector has regularly exceeded their allocation and now they could be rewarded with a higher allocation as a result. He said using MRIP catch as a basis for reallocation should be removed from consideration and that this amendment should not move forward.

Another advisor agreed with the idea that one sector has always been held to strict pound by pound limits and should not lose allocation because of this. They added that it is unacceptable and unjust for the commercial sector to have any quota be taken away due to their accountability and due to the inaccurate MRIP data.

One recreational advisor agreed that they did not think they could justify a small number of citizens (i.e., recreational anglers) having more than 40% of the summer flounder quota. He added that considering the money the recreational sector brings in, it may be difficult to convince people of this. He did not think the recreational sector could justifiably say they deserve all the quota or a lot more of it. He was mostly addressing summer flounder, but felt similarly about the current allocations for scup and black sea bass.

One advisor added that there is waste created by throwing back dead discards in the recreational fisheries and this waste will increase if this amendment goes forward. He said the solution to this is eliminating dead discards by requiring full retention in the recreational fishery.

One advisor suggested considering allocation percentages based on the proportion of catch in each sector in 2019.

-----Original Message-----

From: Fishthewizard <fishthewizard@aol.com>

Sent: Thursday, July 30, 2020 9:50 AM

To: Kiley Dancy <kdancy@mafmc.org>

Subject: July 29, 2020 BSB AP Meeting Comments

Hi Kiley

I am against transfer of BSB quota between the recreational and commercial sectors.

There should be no reallocation, by any means, of BSB quota between the commercial and recreational sectors, unless it is an increased commercial share.

Joan Berko

**From:** [Vetcraft](#)  
**To:** [Beaty, Julia](#)  
**Subject:** Re: Draft AP mtg summary - edits needed by Aug 4  
**Date:** Friday, July 31, 2020 9:36:12 PM

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I would like to submit the following comments regarding quota allocations.

NOAA and Council have used the revised MRIP data to increase stock size estimates. In the case of fluke, the commercial sector was allocated an additional 4.98 million pounds of fish. It would be illogical and irresponsible for NOAA and council not to retrospectively apply this data to the allocation percentages. The recreational sector provides a huge economic benefit to the communities it supports and remains a significant driving factor in the health of the economies of the shore towns and the related businesses that provide support and materials to this sector

Sent from my iPhone

**From:** [James Fletcher](#)  
**To:** [Beaty, Julia](#)  
**Subject:** Re: Draft AP mtg summary - edits needed by Aug 4  
**Date:** Monday, August 3, 2020 10:36:59 AM

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MS Julia fair report if you would like put Fletcher for what I propose if it would help.

Did I forget to suggest stock enhancement for Southern Flounder using the 30 year old model of Japan with same species? IF FISH ARE MOVING NORTH could stock enhancement for southern flounders be considered? ASMFC has stock enhancement in articles of incorporation { only mentioned for striped bass BUT SOUTHERN FLOUNDERS LIKE YAMAHA would allow recreational more flounders ESPECIALLY WHEN ALL FEMALES WERE RELEASED.

THANK FOR YOUR GOOD WORK'

OH! electronic reporting is cell phone with Blue Fin data app! MUST PUSH COMPARABLE DATA FROM RECREATIONAL BOATERS IN EEZ! IF I FORGOT!

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James Fletcher  
United National Fisherman's Association  
123 Apple Rd.  
Manns Harbor, NC 27953  
252-473-3287

**From:** [flukeman@aol.com](mailto:flukeman@aol.com)  
**To:** [Beaty, Julia](#)  
**Subject:** Re: Draft AP mtg summary - edits needed by Aug 4  
**Date:** Monday, August 3, 2020 5:31:35 PM

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Julia

Had reception issues and only heard last 15 minutes of discussion.

As you may remember, my interests are summer flounder. I believe discards are to be eliminated. I also believe that this year offers us an opportunity to make LEMONADE. I suggest we allow the commercial sector to retain 13 inch fluke. This will allow for the harvest and sale but does not require the additional quota. WIN-WIN for fishery and fishermen. LOSE for crabs and other scavengers.

We should also address discards in the recreational fishery. The two concepts that try to eliminate discards are a total retained length and keep n and done. Both proposals require fishing for that species to STOP, in essence eliminating catch and release in the fishery. This rest of the year test will give feedback as to whether food or action is seen as the vision for the recreational fishery. Our current management allows both and all involved are very unhappy. The test may shed light that is unexpected.

Carl Benson

## Kiley Dancy

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**From:** Conway Jr, JACK D <jack.d.conway.jr@lmco.com>  
**Sent:** Monday, August 3, 2020 3:28 PM  
**To:** Starks, Caitlin  
**Cc:** Leaning, Dustin Colson; Beaty, Julia; Coutre, Karson; Kiley Dancy  
**Subject:** RE: Draft AP mtg summary - edits needed by Aug 4

Boat clubs have had a huge increase in membership this year (great option for a family in “lock down” mode). One of the clubs has a location right next to my marina and they got really busy this year.

Link: [https://info.freedomboatclub.com/dp/connecticut?urlfeed1=Love\\_Adventure.\\_Love\\_Boating.\\_Love\\_Life&urlfeed2=Boats\\_of\\_Eastern\\_CT&urlfeed3=cpc&urlfeed4=1:\\_Freedom\\_Boat\\_Club&urlfeed5=3516&urlprocid=24901&utm\\_location=1014757&utm\\_campaign=1701660142&utm\\_medium=63854667062&utm\\_term=freedom%20boat%20club%20connecticut&utm\\_source=Google&gclid=Cj0KCQjwyJn5BRDrARIsADZ9ykGnRb8oi9VNfPcUuQ6nvNWUmg9cB2NdoFxFxGUppY9NpipRkwAix1mNQaAsj9EALw\\_wcB](https://info.freedomboatclub.com/dp/connecticut?urlfeed1=Love_Adventure._Love_Boating._Love_Life&urlfeed2=Boats_of_Eastern_CT&urlfeed3=cpc&urlfeed4=1:_Freedom_Boat_Club&urlfeed5=3516&urlprocid=24901&utm_location=1014757&utm_campaign=1701660142&utm_medium=63854667062&utm_term=freedom%20boat%20club%20connecticut&utm_source=Google&gclid=Cj0KCQjwyJn5BRDrARIsADZ9ykGnRb8oi9VNfPcUuQ6nvNWUmg9cB2NdoFxFxGUppY9NpipRkwAix1mNQaAsj9EALw_wcB)

**From:** Conway Jr, JACK D [<mailto:jack.d.conway.jr@lmco.com>]  
**Sent:** Monday, August 3, 2020 3:11 PM  
**To:** Caitlin Starks <[cstarks@asmfc.org](mailto:cstarks@asmfc.org)>  
**Subject:** [External] RE: Draft AP mtg summary - edits needed by Aug 4

Greetings from CT,

I had audio problems during the conference call.

My comments on reallocation, keep the status quo for the next few years and establish a “working group” to further examine the reallocation issue to make it fair to all stakeholders. One of the commenters in the document pointed out his perceived inequity in allocation where the boat based recreational angler is getting too much of the summer flounder allocation, the commenter seemed to ignore the easy access the public via the Party Boat option that is widely available in all states.

My biggest concern is sector separation from a recreational perspective with the recreational catch being divided between the for hire sector and the private angler. This would be a serious mistake at this point in time, I don’t know how one would manage the for hire sector by doing this as it expands. I fish out of the Westbrook, CT area in Long Island Sound. My area traditionally never had any party boats. That has changed over decade and both Charter and Party Boats have increased in my area. They do allow the fishing public that does not own a boat to easily access fisheries in Long Island Sound. In addition, there is another option with the expansion of “boat clubs” that allow anglers access to a boat without owning a boat. All increasing this sector of the fishing public.

Great presentation by the way.

Jack

## Kiley Dancy

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**From:** James Fletcher <bamboosavefish@gmail.com>  
**Sent:** Monday, August 3, 2020 11:46 AM  
**To:** paulrego@gmail.com; Beaty, Julia; Kiley Dancy; Batsavage, Chris; Moore, Christopher  
**Subject:** scientific observation {joke}

Method to induce deaf & dumb syndrome: In science & governmental employees involved with fishery management! **DISCUSSION OF CELL PHONE REPORTING FROM EEZ UTILIZING BLUE FIN DATA APP. COULD SECRETARY OF COMMERCE LEAGELY MANDATE IMPLEMENTATION OF CELL PHONE REPORTING IN EEZ BY RECREATIONAL FISHERS?**

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James Fletcher  
United National Fisherman's Association  
123 Apple Rd.  
Manns Harbor, NC 27953  
252-473-3287

**From:** [Katie Almeida](#)  
**To:** [Beaty, Julia](#)  
**Subject:** RE: Draft AP mtg summary - edits needed by Aug 4  
**Date:** Tuesday, August 4, 2020 1:57:26 PM

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Hi Julia,

I wasn't at the meeting, but I read through the document and wanted to add a couple of things.

We wouldn't be in favor of lowering the mesh sizes. It would mean that we'd be catching smaller size fish. That being said, we are also not in favor of lowering the minimum sizes for any of those species as they are not marketable. There is no real value in small or medium scup. The sm/med bsb goes into the ethnic market to be sold and eaten whole, but that's not a huge part of our business. No real value is smaller fluke either.

Hope this helps!

Katie