Harvey Yenkinson comments, 6-26-17

To give you a report on the status of recreational fisheries in southern New Jersey, I would report the following:

My marina, the largest in New Jersey has about 20% slip vacancy with boats staying in the water for shorter periods of time. Many fewer people fishing compared to previous years. Catch of striped bass (90% decrease), drum (50% decrease), fluke (70% decrease) all less than previous several years. Sea bass catch good but many boats running 20-30 miles. Almost no scup caught in south Jersey. Regulatory compliance not good.

I would like to submit the following comments which I believe are at the crux of our inability to rebuild the summer flounder population

1. As I have previously mentioned, we need to manage E-W migrating stocks differently then we do N-S migrating stocks. For a species that migrates N-S, it makes little difference where on its migratory pathway it is harvested. The same is not true for an E-W migratory species. Here over harvest in one area can cause localized depletion in the area off of a group of states.

A prime example of this problem is the shift of the epicenter of the fluke population over 60 miles to the north in the last several decades, a shift too great to be explained by the few tenths of degree of ocean warmth that has occurred in that same time frame. The commercial fleet from the southern states, holding nearly 50% of the commercial quota, has caused depletion of their own fluke stocks and now must fish hundreds of miles to the north to fill their quotas, causing the epicenter of the fluke stock to shift further and further north.

Magnuson demands that we provide equitable resource to all components of the fishing industry. The failure to put restrictions on regional harvest will inevitably continue to worsen regional stock depletion. Commercial overexploitation, particularly in the winter months, will cause localized depletions for the recreational fleets dependent on the inshore migration of those fish.

2. We need to rethink the basics of our fish stock parameters and cease considering that a pound of fish of one sex (and its state of fecundity) hold the same parity status of a pound in a dissimilar status. I recommend and have sent such recommendation to our SSC, that we come up with a reproductive efficiency model (REM) for harvesting parameters. With our stock knowledge, complex fish formulas, and computer capabilities, we can surely come up with better formulas to consider fish at different sizes, sexes, and reproductive status as having different worth for replenishing the stock. Reduced pressure on spawning stocks is ever so important when a stock nears an over fished status. Regulating fisheries on a poundage basis alone is an archaic system that needs revamping.

The entirety of the recreational catch and a majority of the commercial catch targets the potential spawning population. With a stock averaging low recruitments and declining SSB, continued exploitation of the component of the stock (spawning females) that is best capable of restoring the stock, is a very bad management practice.

Another example occurs in the commercial fishery where more and more of the quota is caught
in the fall-winter spawning season (80% of quota caught between Sept-April). A harvest of a million pounds of spawning females is far more detrimental to the stock than a harvest of a million pounds of post spawning females. Both regional and temporal regulation is desperately needed to allow stock replenishment. Area closures and regional closures should occur to allow the SSB to spawn successfully. Regional closures should occur in the southern range of the species and the hard hit midAtlantic wintering areas. Temporal closures should occur when the stock is spawning in that time frame in that locale.

By restricting catch on the spawning group, in essence, we increase the SSB. For example, if the average fluke lives long enough to spawn 5 times, and we allow it to spawn 6 times, we have mathematically increased the SSB by 16%.

3. We need to examine how our regulations interact to the detriment of the fisheries and the stock.

I consider the following model to think about this process. I picture a bucket with four holes in the bottom to show the status of our fishery.

At the top is a funnel feeding the bucket.......The size of the funnel openings is reflective of the SSB and recruitment

a. One hole in the bottom is M, the natural mortality of members of the stock caused by natural mortality and predation. Not paying attention to commingled predators (like dogfish) can effect the size of this hole.

b. The second hole is F, our regulations hole effected by size, season, and bag limits.

c. The third hole is loss of fish due to discards, effected by the same parameters above, along with other factors like closed seasons, high grading, wasteful practices, small hook size, etc

d. The fourth hole is fish loss by illegal fishing.

This problem with these "holes" is that by changing one hole size, other hole sizes are changed, sometimes in a way which we know exists but don't attempt, or don't accurately know how, to add to our fisheries formulas.

For example, we know if we increase the size limit, we will increase the discard loss. In the recreational fishery, many fishermen go home empty handed having caused a large discard loss while retaining few to any fish. The consequence of such management is we stay within Magnuson parameters but provide little incentive to the recreational fishing industry.

A second example, is the tighter the restriction in size and quota, the more illegal fisheries will occur. I liken this to the gun control debate where only criminals will have guns if regulations are not crafted carefully. My own observations, fishing for fluke for over 40 years, is that anglers have gone from almost always compliant (since regulations began in 1989) to less then 20% compliant now. As Dr. Bill Holgarth, former NOAA head said to me, "If we make the
regulations too restrictive, people won't follow them." We know this problem exists and I know the monitoring committee tries to compensate for this, but I think we need to put this in our fishery calculations. I suggest the NEFSC, or other agencies contract a study on this problem so that we can have a formulation to consider when setting quotas and size limits. I fear what we think we are accomplishing by tightening regulations may be accomplishing just the opposite.

4. We need to make high grading an illegal practice in the recreational and commercial industries

An example of this occurs in the commercial fishery where the larger fish, worth more per pound, are kept, with legal size fish being discarded. Additional tows result in more fish kill when the allowed poundage quota could have already been filled.

5. We should stop trying to manage our recreational fisheries on an annual basis

Recent data shows wide ranges in recreational harvest despite changes in bag, size, and season limits. While each change should help, our data shows we may be accomplishing little. Our current data collection methods are so poor that we should only look at them over a time frame of several years at a minimum. Our SSC struggles with time constraints on data input trying to come up with recommendations on an annual basis further complicating annual regulatory changes.

Our fisheries sorely need a more consistent quota on a yearly basis instead of such drastic swings from year to year. If the federal reserve changed interest rates the same as we change fishery quotas, the worlds economies would be in shambles. Our fisheries are a smaller microcosm of the same type of process and much harm is done by this lack of consistency.

6. Stop regionalized conservation equivalency

The disparity of size and density of the fluke population, and its ever shifting status, creates unnecessary damaging effect to our recreational fleets by cojoining states as a single region. Just as we realized a coastwide equivalency formulation is neither fair nor appropriate, so to is joining states for regulatory purposes when the regions stock status is nonuniform.

7. States appropriate recreational quotas

I would argue that a states recreational fluke quota should be based on the current effort of that state's fishing population. The current system based on 1998 quotas is outdated and unfair. My suggestion would be to use the number of registered recreational private and charter boats along with the number of registered saltwater anglers who pursue that species. A simple and easy to obtain piece of data is to ask anglers what species of fish they fish for and how often, when they complete their annual recreational saltwater registry. Quotas would then be allocated to states based on the number of party and charter boats (capacity/day) combined with the number of recreational anglers fishing for that species in that state. This type of system would result in a fair allocation of the resource to the angling public.

8. Institute slot parameters in our fluke FMP.
Our federal regulations should allow for slot sizes, not just the current minimum size limits. Our recreational fisheries would function much better under such a program where more breeders would be spared and angler could fish more heavily on the male component of the stock.

9. We need to pay attention to how our fishery regulations impact one another.

An example occurs in the recreational industry in our area. When we close fluke fishing in September, we concurrently have federal waters sea bass in a closed status as well. In southern New Jersey where I fish, there is a two month season where charter and private boats sit at the dock with a vast downturn in all fishery related businesses in the area.

Sea bass recommendations

1. I would recommend that the recreational catch be a male only catch. With studies showing the relative unimportance of super males in procreation for this species, harvest should be directed for those members, preserving the more important females and subordinate males.

2. I would recommend requiring recreational venting or other techniques when fishing in water over 75 feet when returning sea bass. Many fish are seen floating around recreational fleets in deep water.

3. I would eliminate the federal waters closure on sea bass currently between 9/21 and 10/22. With fluke closed then, there is little for the recreational fleet to go for.

Research studies proposed for fluke

1. Do additional studies on what slot size parameters would be most effective for the recreational fleet.

2. Do additional studies on prime spawning periods in different latitudes to consider seasonal closure of areas during the winter months.

3. Do additional tagging studies to document inshore-offshore fluke migration patterns to consider spatial closures so as not to cause spatial depletions of our fluke populations.

4. Do studies to try and reduce mortality on discards
   a. hook size and type recreational fleet
   b. methodology to reduce 80% dead discard rate in the commercial fishery...net modifications, shorter tow times, methodology to reduce crushing of fish when net pulled out of the water.

5. Do studies to consider how other fisheries (scallop, sea bass, skate) impact the discard rate for fluke.
6. Data is much needed to understand how our regulatory constraints contribute to the illegal fisheries. What parameters contribute most to increasing the illegal catch........Size limit, seasonal closures, ever changing regulations, lack of confidence in our fisheries management, lack of knowledge, poor dissemination of state regulations, etc.

7. Studies that may help us understand why our fluke stock is not rebuilding despite ever decreasing quotas

Research studies for sea bass

1. Is a federally closed season, from late Sept till late October, effecting local fisheries economics and is it at all beneficial

2. How would a male directed fishery effect the stock

3. How to reduce tremendous dead discard rate in the commercial fishery as it trends away from a pot based fishery.

4. Ways to improve potting of sea bass
Brady Lybarger: Comments provided to Kiley Dancy by phone, 6/27/2017

- On New Jersey’s recreational non-compliance finding for summer flounder, from a commercial standpoint is frustrating. The commercial numbers are highly regulated. We can’t come up with whatever measures we want like the recreational fishery seems to be able to.

- Looking for more detail on which summer flounder migrate north/south vs. east/west? New Jersey is kind of in the middle where they see two different migrations. This is seen in the commercial fishery – fish suddenly start to go east, and you can tell they’re not coming from the south. Around January you can see those fish move from the south and no more fish moving in from the west. Curious where that migration line is drawn exactly. We’re in the strange pocket of NJ where some go each way.

- For scup, we haven’t seen over the last two years large numbers of scup below the Hudson Canyon – they are not as high as in the past. The last couple of years, they have been more above the Hudson Canyon line and east-northeast, and haven’t come down as far. Not sure if this shows up in the spatial fishery information the Council reviews such as VTRs. Cape May boats generally haven’t gone after scup in the last couple of years because they’ve been out of reach.

- There were not a lot of scup landings in Cape May this past winter. Point Pleasant and north had a fair amount of landings. Hearing they are more on the northeastern side of Hudson Canyon. It’s not very appealing to go out there for Cape May guys because of the potential to catch sea bass and fluke, when you can’t necessarily land it up there. Once you get that bycatch, you’re limited in where you can go. Scup landings for Cape May boats in 2016 dropped off compared to 2015, and then in 2017 were very few (for boats fishing primarily south of Hudson Canyon). It seems like the very juvenile fish come down here – maybe they need warmer waters, and the larger more mature fish can withstand colder waters up north, or maybe it’s food related.

- I support developing landings flexibility in the summer flounder amendment. We need more flexibility to land where convenient with each trip. We would like to be able to offload scup in Rhode Island, but have on board our quota for fluke, and not offload them, then travel to New Jersey to unload them. We would like to have the flexibility to bump down the coast and land in different ports. We should have the ability to separate different limits of fish in the hold and offload them where we’d like.

- If moving toward a scup quota model for summer flounder, we might have to make sea bass the same system for consistency. Many are using fluke and sea bass profits together to fund a trip. The scup model may make the fluke fishery a derby fishery in the winter. Right now, it isn’t like that for scup because the price isn’t there. If you made this system for fluke, wouldn’t you be creating a derby fishery in the winter? If the winter fishery closed for fluke, would there be a bycatch amount allowed or would all landings be closed?

- Virginia’s program for bycatch management of fluke is pretty good. Once it closes the limit goes to 10% of your catch. We should have some kind of bycatch allowance set-aside for when the coastwide fishery closes. When you’re done catching flounder, you’re not using a flounder net, but you can still have flounder bycatch.
From: Conway Jr, JACK D [mailto:jack.d.conway.jr@lmco.com]
Sent: Wednesday, June 28, 2017 10:52 AM
To: Kirby Rootes-Murdy <krootes-murdy@asmfc.org>
Subject: Comments from the CT

My comments are based on recreational fishing in CT (versus commercial landings) and my comments are focused on the largest user group in the recreational community (the private boat based angler). This group tends to be underrepresented in AP process.

1. What factors have influenced catch in recent years for summer flounder, scup, and black sea bass?

From my perspective summer flounder fishing has been very poor, while CT recreational landing estimates conflict with my perception I stand by my conclusions which are based on conversations with anglers across the state. 2017 landings in Central Long Island Sound (my home waters) are shockingly low so far this year. The CT fishing community has basically switched gears to target black sea bass (BSB) which are abundant in the early season in Western and Central Long Island Sound. To be blunt, for the most part fishing opportunities in Central Long Island Sound would be non-existent without an early BSB season. In my chats with the recreational fishing community, one of my jokes is that our landings reflect the stock status (we aren’t catching summer flounder because they are not available). To further the discussion, CT used to have a great spring striped bass fishery (in the open waters of Long Island Sound), that fishery is a shadow of what it once was, BSB have replaced striped bass as the “go to” fish in May/June of the year.

In a similar fashion, scup have filled the niche left open by the lack of summer flounder and striped bass. Once scup settle into Long Island Sound in July (and remain until October), scup provide angling opportunity and have become much more popular among the general public. They also provide an alternative to tautog fishing (a fishery in big trouble in Long Island Sound). Management of scup to allow a long season and somewhat high bag limit in Long Island Sound is incredibly important to the recreational community.

The bottom line is that there has been a major shift in efforts and landings in CT to coincide with stock abundance, with BSB and scup being the “go to” species in CT.

2. Research Recommendations

I believe there should be an effort to understand spawning in BSB. The Central LIS BSB fishery I discussed above is on a spawning population. I’m not certain if LIS spawning is important to recruitment or if it’s just an interesting phenomena that provides angling opportunity, and/or if BSB actually favor spawning in inshore waters (although in this case the water in question is approximately 100 feet deep) and in a variety of areas (outside of LIS).

Apologies on missing the meeting.

Jack Conway
Kiley Dancy

From: Jeff <jgutman28@comcast.net>
Sent: Wednesday, July 05, 2017 10:33 AM
To: Kiley Dancy
Subject: Re: Draft Summer Flounder, Scup, and Black Sea Bass Fishery Performance Reports

Kiley,

I'm sorry I could not make the meeting but I was offshore on a 2-Day trip. I have inserted my comments in Red into your draft text below.

Thanks,
Jeff Gutman

General Comments

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. I have just started using the E-VTR and I have run across this issue already with multiple captains. The system is good but not perfect as I do not have any Wi-Fi at the boat it is hard to get the app started before leaving the dock, and if you turn it off by accident you can’t re-start it without internet and I am usually 100 miles offshore.

I once again question whether the council pays any mind to the AP suggestions. We continue to urge the council to try and limit discards but they continue policies that do not. We should have smaller size limits so that discards and discard mortality are limited. We throw too many valuable fish back dead! The council can manage species such as scup and sea bass on a mortality basis if they want to as opposed to a poundage quota. They can stop the practice of setting the RHL in pounds, then shifting the regs to #'s of fish which are then converted back to pounds. This is an action the council can correct yet they would rather not deal with
it until the time each year when they set specs and the recreational sector exceeds the RHL because the pounds per fish is higher than the prior year and they have caught fewer fish but more pounds.

I would also urge the council to allow more time for public comment and more time on the agenda for items they know will be contentious (i.e. sea bass). There is no worse feeling than seeing your livelihood discussed and dismantled in 1.5 hours because we "have to move on".

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. I agree that participation is way down, especially in the for-hire sector.

Scup

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 have been very beneficial for the stock and that this type of management strategy should be used more often.

**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.

**Overall scup are abundant. The biomass is extremely high compared to "target". There is no reason that the RHL should go down or the bag limit should be reduced when the reduction of the high bag limit does virtually nothing to prevent exceeding the RHL. More so, we should look at the division between recreational and commercial as it seems we have been bending over backwards to find ways for commercial fisherman to catch their 78% of the quota while trying to clamp down on recreational landings. Scup should be open at a smaller limit with a high bag limit (i.e 50pp). The recreational sector needs something to fall back on while other species recover.**

**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**

**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 if the fishery re-opens.

**General Management Issues**

*With the stock at all time high levels BSB needs to carry some of the fishing burden from other species in possible decline. They are abundant and frequently caught while fishing for virtually all other inshore fish in the Mid-Atlantic region (i.e fluke/sea bass, scup/sea bass, Ling/sea bass, cod/sea bass). We should keep more of these fish when encountered and reduce discard mortality as mentioned with scup above.*

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.

As mentioned above, the size limit should be decreased because we are in a downward spiral where fish get larger and it takes fewer fish to reach the RHL even when it is higher. This flies in the face of the premise that "if you cut back today, you will be allowed more tomorrow" because regulations get tighter with higher abundance. Because people see this now, they have lost faith in management and are more prone to totally disregard any regulation as they feel they have sacrificed size, season, and bag limit for too long. If you are allowed fewer fish when the stock is at 2.4x target then when will things liberalize? If fishermen never get any "real" relief that they can see in their buckets or time allowed to fish then this exercise of management has failed. The more disconnected that regulations get from reality the less people will be inclined to follow them. For example, there would be a lot of cars speeding on I-95 if the limit was 40 miles per hour the whole way, it is just how it is.

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.

MRIP has continued to be wrong and continually demonstrates that numbers are more like powerball
numbers than science. I have a 100’ vessel that lost 33% of my trips in November and December last year as the weather was terrible. There were a few trips I made that I probably shouldn't have as they were that rough. That being said, according to MRIP, small privates boats were out there all of the time out fishing larger boats. It just didn't happen. Even the TC cannot adequately explain how MRIP comes up with the extrapolations that they do. The TC doesn't believe it, the AP doesn't believe it, the RA doesn't believe it, the states don't believe it and the Council doesn't believe it. The Council should take a stand and not use the wave 6 numbers just because they "best available science". It seems like a coin flip would almost be as good.

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. I believe we should have a state by state management for BSB. I'm not sure how allocations should work but regionalization has proved ineffective as NY continues policies that guaranty they will exceed the RHL and that 4 other states will have to pay for it. It also disadvantages NJ as we have a Federal fishery (85%) with smaller fish but we are lumped into a group with access to large fish in state waters. Northern states want NJ in the northern group so they can lay off their overages and southern states don't want NJ in their region as NJ lands more fish than the entire group and could negatively effect their regs. NJ should be a stand alone region as evidenced by the stock assessment and the technical committee recommendations. If not we should move to state conservation equivalency for all so that states take responsibility for their own overages.

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 was 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. Wave 1 should be open! The only
reason it was ever closed was because there was no catch data because NMFS was too cheap to do it and
the catch was deemed de minimis. It is inconsistent to say that few private anglers participate in this
fishery AND that it is dominated by for-hire vessels. For-Hire vessels are the way that recreational anglers
access the winter fishery. The for-hire fleet is taking out recreational anglers and would not be a "for-hire"
fleet without them. Many of the participants are private recreational anglers who have put their boats
away for the winter and still want to fish.

This fishery also fills the void left by other now, non-existent fisheries such as cod in the mid-
Atlantic. Without the wave 1 fishery the for-hire fleet basically has nothing to fish for until the beginning of
May. Please note that this fishery was rebuilt with regulations that were, at times, 25 fish/11”/365 day
season. With a stock at 2.4X target there is no reason not to open this fishery. Many people I know wait all
year for the winter fishery and still do not understand why it has not re-opened. We should move ahead
with Tony DiLernia’s proposal.

Summer Flounder

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.

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 of the landed fish are less than 14", 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. **This is a major problem that I agree with and we need an age/sex model for management.**

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 slot limit suggestion was to use 13-18” 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. **This is a major problem that I also agree with. We need to go back to state by state conservation equivalency and stay away from unrealistic regionalization.**

**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