



Summer Flounder, Scup, and Black Sea Bass

Advisory Panel Meeting Summary

August 5, 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 August 5, 2024 via webinar. The objectives of this meeting were to review the recommendations of the Council's Scientific and Statistical Committee (SSC)¹ and Monitoring Committee² for 2025 black sea bass specifications and provide additional AP input. This meeting focused on new information available since the July 8, 2024 AP meeting.³

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, Joseph Beneventine, Carl Benson, Joan Berko, Frank Blount, Elanor Bochenek, Eric Burnley, Jeff Deem, Greg DiDomenico, James Dopkin, James Fletcher, Jameson Gregg, Jeremy Hancher, Victor Hartley, Bob Pride, Philip Simon, Mark Sterling, George Topping, Charles Witek, Steven Witthuhn

Commission Advisory Panel members present: Frank Blount, Greg DiDomenico, Ken Neill, Victor Bunting

Others present: Kat Aristi, Chris Batsavage, Tracey Bauer, Julia Beaty, Alan Bianchi, Sarah C, Kiley Dancy, Steve Doctor, Michelle Duval, Skip Feller, Hannah Hart, Carolyn Iwicki, Kaleigh, Emily Keiley, Elise Koob, Meghan Lapp, Emily Liljestrand, Matt Moran, Adam Nowalsky, Chelsea Tuohy

Summary of AP Comments

Comments on 2025 ABC and Associated Biomass Projections

Advisors were very frustrated with the 20% decline in the 2025 black sea bass acceptable biological catch (ABC) limit recommended by the Council's Scientific and Statistical Committee (SSC), compared to the 2024 ABC. Advisors did not understand the need for a decrease in the catch limits when the most recent assessment shows biomass is 219% of the target level.

¹ The recommendations of the SSC are summarized in their July 2024 meeting report, available at <https://www.mafmc.org/ssc-meetings/july-2024>.

² The recommendations of the Monitoring Committee are described in the summary of their August 1, 2024 meeting, available at <https://www.mafmc.org/s/SFSBSB-MC-1Aug2024-summary.pdf>.

³ The July 8, 2024 AP meeting is summarized in the [2024 Summer Flounder, Scup, and Black Sea Bass Fishery Performance Report](#).

One advisor clarified that although the assessment estimated that biomass was 219% of the target level in 2023, under the proposed 2025 ABC, it is projected to decline to 187% of the target in 2025.

Several advisors questioned the accuracy of the biomass projections which inform the ABC. They questioned why the projections show such a sharp decline in biomass in 2025 when biomass has been consistently increasing for several years.

Four advisors said they are seeing a lot of small black sea bass, which they said contradicts the assumption of lower recruitment in the projections. The projections assume future recruitment (i.e., the number of age 1 fish) will be equal to the 2000-2023 average, which is lower than the recruitment seen in some recent years. One advisor said it feels as if the ABC needs to be cut by 20% just in case recruitment is worse in the future, which seemed ridiculous given recent recruitment values.

Several advisors said the current stock projections should not be used in management as the numbers don't make sense and there is not a comprehensible explanation for why biomass is projected to decline so rapidly. Two advisors recommended instead keeping the catch limits status quo in 2025.

One advisor said they are considering resigning from the AP in protest of reducing the ABC for such a highly abundant stock and recommended that others consider doing the same.

One advisor questioned what it would take for the SSC to use a different model and liberalize the ABC for a few years. This advisor said that with the stock at 219% of the biomass target, it should be a few years before there would be overfishing.

Another advisor said the SSC and managers are quick to accept the need for restrictions but are very cautious about liberalizations. For example, during their July 2024 meeting, the SSC was at first resistant to make a slight increase in the scup ABC even though the increase was due to a correction in the calculations.

One advisor questioned if the change in the fishing mortality reference point is impacting the projections. During their July 2024 meeting, the SSC expressed concerns with how the fishing mortality reference point is calculated and resolved those concerns during discussions outside of the public portion of the meeting. This advisor thought the resolution of the concerns should have been explained in more detail during the public parts of the meeting.

Comments on the Impacts of a 20% Decrease in the ABC

Advisors said more consideration needs to be given to the negative socioeconomic impacts of a 20% decrease in the catch limits.

Two advisors said a decrease in the catch limits will result in increased discards given that availability is so high. For example, one advisor noted that New York already has a 16.5 inch minimum size in the recreational fishery. Anglers are catching and releasing a lot of 12-15 inch black sea bass, not all of which survive. Any further restrictions will increase discards even more.

One advisor speaking on behalf of party boats in Virginia said that although they are currently operating under more liberal measures than many states to the north, a 20% reduction would still make it hard for party boats to operate.

Three advisors said it feels as if every fishery is being cut back. Black sea bass stock status is excellent, but the fisheries still aren't getting a break. This fishery should be liberalized, which would help take fishing pressure off other stocks like summer flounder.

One advisor said that in addition to being a for-hire captain, he also owns a fuel business which will be negatively impacted by cuts in the catch limits. Other shoreside businesses such as tackle shops will also be negatively impacted.

Three advisors said fishermen will start ignoring the regulations if they are told they need a 20% reduction for such a highly abundant stock. It feels as if no matter what happens, the fisheries will always be cut back. One advisor said the fisheries can't reap the benefits of rebuilt stocks, which is leading to frustration with management and will encourage non-compliance.

One advisor said that if things keep going this way, eventually management will get to a place where no black sea bass harvest is allowed at all. The numbers seem to suggest a sharp decline in biomass, with nothing left in a few years. Another advisor said it feels like a vicious cycle where reduced landings limits will result in increased discards, which will in turn lead to the model predicting more overfishing.

One advisor noted that under the Percent Change Approach, which will be used to set recreational measures for 2025, a 20% decrease in the catch limits would be expected to result in measures being modified to achieve a 10% reduction in recreational harvest, rather than the full 20% decrease, even if it's expected that overall catch will exceed the ABC.

Other Recommendations for Management

Two advisors recommended a decrease in the recreational minimum size limit to help reduce discard mortality and allow anglers to take home some fish.

One advisor asked if the 20% reduction would be different if all dead discards were converted to landings. This advisor recommended use of a total cumulative length limit in the recreational fishery, where anglers would be required to keep all black sea bass they catch until the cumulative length of those fish reaches 70 inches. Anglers who want to keep larger fish could use larger hook sizes. Another advisor expressed support for this idea. However, a third advisor said they did not support this approach as it would allow for harvest of juvenile fish that have not yet spawned.

One advisor questioned why there is consideration of managing to the recreational annual catch limit (ACL) instead of the RHL and asked if the commercial fishery could also aim for their ACL rather than the commercial quota. Staff clarified that this is being considered for the recreational fishery through an ongoing management action, it has not yet been selected as the preferred approach, and will not be an option for 2025. The goal is to give greater consideration to dead discards when setting measures, not to increase the management target. The ACL accounts for landings and dead discards while the RHL accounts only for landings.

One advisor said the private recreational sector needs to be more accountable. The for-hire sector and the commercial sector are accountable through their reporting requirements.

One advisor said the for-hire sector should be managed separately from the private recreational sector and given a larger percentage of the landings limit.

One advisor suggested consideration of mandatory use of descending devices in the recreational fishery to reduce discard mortality. This advisor noted that venting tools which puncture the swim bladder are not as effective as descending devices.

Public Comments

One individual who is a member of the black sea bass industry in Maryland, a PhD scientist, and someone who has been working in conservation for 30 years, questioned the recruitment data used in the assessment. Specifically, they questioned why recruitment wasn't predicted to be higher in the future given that spawning stock biomass is so high. They also noted that the 2000-2023 average for recruitment is being pulled down by the lower values for 2000-2010 when spawning stock biomass was lower. They also said the data don't support the notion that average recruitment would cause the population to decline, citing this as an example of a "garbage in, garbage out" model. They said it is not clear why the stock would decrease under the assumption of prevailing environmental conditions and the assumed levels of fishing mortality when spawning stock biomass has been increasing for the last several years.

Additional AP Comments Provided Outside of the Meeting

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

Julia,

Here is what I would like to add. As you recall you had a slide during your presentation to the SSC with the photo of the NYDEC officer and three bullet items. The image I sent to you.

The way you described each item was correct but I need to elaborate on each bullet item to paint a more complete picture, especially in light of Captain Pirri's proposal which by the way I almost overlooked. I realize that you had to condense your presentation - which I attended - to the SSC but I'm surprised you didn't mention his proposal. If you knew more about the history of the LIS and BSB you would realize just how significant CT recommending harmonizing BSB regs with NY truly is.

- CT. Rec. season opened before NY this year (The Connecticut season opens over a month prior to the NY Season on 5/18 every year - what is different these past 2 years is that the BSB season in Connecticut closes from 7/23-7/8) further delaying the season for anglers in the WLIS who may only have access to BSB grounds directly adjacent to NY in Ct. We don't have 16.5" BSB in the WLIS and as you can see by the map of the VAST Survey the WLIS is white meaning, I assume, was not trawled and is not studied. No surprise there.

- Several violations with CT Vessels fishing over the CT/NY line in Long Island Sound (2) In Cpt. Mike Pirri's proposal it goes to great length describing the frustration caused by the inconsistency with BSB regs. in the LIS CT vs. NY - (Imagine the frustration NY anglers feel - especially in the WLIS - who know that we can fish for BSB starting on 5/18 in Ct. Waters as long as we follow their rules however we can not legally return to port in NY. What I would like to add to his proposal is this: **the predicament we're facing with disparate BSB management here in the LIS is much more pronounced for NY anglers in the WLIS and for CT anglers at the East End where the Sound narrows significantly.**

- Long Island Sound should be treated as a single management area (2) this is one of my main goals for joining the AP Panel. However, being so new to the panel I wasn't about to make such a bold proposal on my first AP meeting call or in my first remarks. So in a much more subtle approach I was trying to find examples of when the LIS is managed or studied as a single area. That's why I asked the questions about "statistical area 611" and the "VAST Spring Trawl Study"

both are examples of when and where the LIS is one area for BSB commercial fishing and one area for Scientific Studies.

I want to express my sincere thanks to Capt. Pirri for his proposal. I would have eventually presented something like it but I wouldn't have been as thorough and as articulate as he is in his presentation.

So in conclusion since we have 3 of the 5 AP Panel members from the CT/NY in agreement that the LIS should be single mgmt. area may we now report to the SSC & the Council that we have a majority? May we also ask the other 2 members from NY to weigh in on this subject so that we may also have a consensus?

Joseph Beneventine
Mamaroneck, NY

Joan Berko comments provided via email – 8/6/24

Julia:

For black sea bass potters like ourselves, a 20% decrease in quota is a big cut to our income. Where we land our fish, Point Pleasant Beach, NJ, is a top landing port. A reduction in quota would result in a big economic impact to the vessels and other businesses involved in the fishery.

The commercial black sea bass fishery has been governed by strict regulations for years. There is accurate landings data, and when the quota is caught, we are shut down. The fish are more abundant than ever, so commercial black sea bass fishermen should not be subject to a reduced quota.

Thanks,

Joan Berko

Howard Bogan comments provided via email – 8/8/24

Aug 8, 2024
Capt Howard Bogan
Bogan's Deep Sea Fishing
301 Higgins Ave
Brielle NJ 08730

Comment for Sea Bass

I recommend the status quo for the 2025 and 2026 Sea Bass regulations.

My Family and I have participated in the Sea Bass fishery all our lives.

I have been operating a Party Fishing boat from Brielle NJ, full time since 1981.

My future interests lie in a healthy stock that everyone can enjoy. However, at this point with the overly restrictive regulations that are being proposed, all sectors will be hurt.

And I do not believe there will be much benefit to the status of the stock.

There has been a high degree of uncertainty with current recreational catches and discards.

Several years ago, we begged the service to liberalize regulations because we knew the stock was extremely abundant.

With extreme caution in mind. they delayed changing regulations for at least two years.

Then, when a stock assessment was completed, the Sea Bass stock was at 219% of the target.

Now we still have a stock that is projected to be at least 183% of the target, and we are proposing more cuts, in an “over-abundance” of caution.

The fact that so many errors have already been made, it is my professional opinion that status quo for two more years should be the rule.

After that time we can reevaluate the status of the stock and proceed from there.

We are seeing high abundance of 5 to 6 inch sea bass being caught. Recruitment looks good, and I believe we will once again be proven correct in the status of the stock.

If we proceed with the proposed regulations everyone will be deprived of enjoying the use of an abundant fishery and we will still have numerous discards without even keeping any, or many fish.

James Fletcher comments provided via email – 8/6/24

I do not believe A discussion of advantages of total length has ever been conducted for a public discussion.

TOTAL LENGTH WORKS FOR ALL SPECIES.

Pros: all fishers have fish to take home

No dead discards.

No discards

easy enforcement

persons wanting to utilize TOTAL LENGTH AGREE TO REPORT ON BLUEFIN

DATA APP.

Volunteer reporting by recreational fishers both in state & Federal waters.

Reduced fear of enforcement interaction.

Cons : easy rule interpenetration; Retain X inches of fish **(NO FISH RETURNED TO WATER!)**

Fishers wanting larger fish will use larger hooks and loose more bait to smaller fish (feeding smaller fish) (more bait sold)

Hook size is responsibility of fisher.

Perhaps more Fishers especially Deprived shore side fishers would return to fishing.

WOULD YOU CONSIDER ALLOWING ADVISERS TO DISCUSS THE ISSUE FOR A COUPLE HOURS?

Could / WOULD you schedule a meeting OF ADVISORS & OTHERS just to discuss issue of TOTAL LENGTH RETENTION? **I WILL ANSWER ALL QUESTIONS ON TOTAL LENGTH RETENTION WITH CELL PHONE REPORTING THANK YOU.**

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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

Jeremy Hancher comments provided via email – 8/6/24

Hi Julia,

I'm a Summer Flounder, Scup, and Black Sea Bass AP member and I had the opportunity to attend yesterday's AP call on black sea bass. Unfortunately, due to technical difficulties with WebEx and my internet connection, I was unable to provide comments during the call. However, I would like to share my thoughts now.

Like many advisors, I find there is considerable uncertainty surrounding the SSC's suggestions for black sea bass. The introduction of the Percent Change Approach in 2023 has brought a new dimension of uncertainty into the management of recreational black sea bass measures. Additionally, the transition from the old to the new Marine Recreational Information Program (MRIP) data has introduced another layer of uncertainty. These changes have complicated the management and sustainability of the fishery, and with the Percent Change Approach set to sunset at the end of 2025, the future of management strategies remains uncertain.

During yesterday's AP call, we learned that concerns were provided during the Monitoring Committee discussion. These included how to explain the 20% decrease in the ABC and why a reduced ABC would be expected to bring biomass down towards the target. There were also concerns about conservation needs, impacts on fisheries, and impacts of high abundance on other stocks.

Needless to say, I think it is fair to say that there is a considerable degree of uncertainty that is present and will continue to be in the future.

While I firmly believe that sound science and statistics is important in effective fisheries management, I also believe there seems to be an overemphasis or reliance on science and statistics alone without enough consideration of socio-economic factors. Given that black sea bass is not overfished, and overfishing is not occurring, it's crucial to prioritize the Magnuson-Stevens Act's objective of increasing long-term economic and social benefits.

Yesterday's call made it clear that many commercial fishermen and party boat captains are deeply concerned about the proposed 20% cut in commercial quotas. Such a reduction could significantly impact commercial operations and risk many ancillary supply chain businesses. Regarding the recreational sector, I fear that the recommended reduction in the RHL could lead to widespread non-compliance with regulatory measures. This could result in harm to those who do comply, especially given the current lack of enforcement.

Lastly, I believe there is a need for better communication of the scientific basis for these recommendations. The rationale behind these management recommendations should be communicated in clear layman's terms. If the majority of anglers do not easily understand the

rationale behind the decisions, it could lead to a loss of faith in fishery management decisions, particularly for black sea bass.

Thank you for the consideration of my comments.

Kind regards,

-Jeremy Hancher

Victor Hartley comments provided via email – 8/8/24

Aug 8, 2024

V&C Hartley Fishing
Keyport Princess
Capt Victor A Hartley III
15 Martintown Rd
Woodbine NJ 08270

Comment for Sea Bass

I speak for a lot of the for hire fleet who is struggling to make a living in this industry that is getting small everyday with less and less boats every year. With higher fuel and bait prices and less passengers to take fishing with tougher regulations. People want to go fishing in the summer and year round for \$90 to \$130 dollars but they want to bring a meal home for dinner.

The less trips the for hire fleet and recreational boats run in hurts bait and tackle shop, fuel suppliers and the hospitality industry. We see less trip every year due to regulations and weather but it seems we don't take this into enough consideration.

Everyone knows the stock is at 219% for years now but no one is seeing the benefit of the highest biomass in years. We just keep getting cuts and reductions and tougher regulations. We know over fishing is not occurring. We get blamed for dead discharges instead of keeping smaller sizes and less dead discharges.

The for-hire in New York and east have a higher dead discharge rate because of their higher size limits of over 16 inches and above make it harder for them to get keepers. We should think of lowering the size limits for less dead discards.

We also see the commercial sector not catching their quota because of low prices on sea bass so some boats don't fish for them due to the lower price per pound.

We are seeing over the last couple years a high abundance of 5 to 6 inch sea bass being caught. So recruitment is not as low as people think. It shows in your own data.

We would hope GARFO would continue working with the Science Center to rerun the numbers.

We feel taken a 20% reduction in sea bass quota is an injustice to all the sectors. This poor management has to stop when the biomass is so high. The ABC and catch limit need to be raised. We will always over fish the limits with a high bio mass if you can't see this there is something wrong. We can't predict the future and not get to catch fish now when the bio mass is so high. No one understands this kind of thinking. This is why people don't have faith in the council and

commission. The council doesn't listen to its advisory members as we see what is going on in the ocean on a daily basis.

We need to start to think in a different way before people can't fish anymore or people are out of business. We need the council to think of a better way to manage the fisheries in the future. We need to start thinking outside the box.

Capt Victor A Hartley

Mike Waine comments provided via email – 8/5/24

Hi Julia,

Unfortunately, I'm on a plane traveling for the ASMFC meeting and will not be on the call at 3:30 today. However, I did want to provide some input via email.

(1) I'm formally requesting that staff add a column of F/Fmsy to the OFL tables. The F/Fmsy values would come from the most recent management track assessments. As I mentioned previously, comparison to the OFL is a projections based analysis and can be misleading when determining whether overfishing was occurring. Presenting what was realized through F/Fmsy ratios will indicate overfishing status in each year regardless of fishery performance against the projected OFL. For Black Sea bass, this would be added to slide 23.

(2) Based on significant feedback from the monitoring committee, I'm recommending that the BSB specifications be remanded back to the SSC to conduct additional sensitivity runs on the recruitment assumptions. A more thorough review of the recruitment assumptions may lead to the selection of alternate recruitment assumptions and thus different projection outcomes for the ABC. Following the SSC remand protocol, this would be justified under section (i)(2) "an error in fact or omission...". It is clear from the MC discussion that omitting additional sensitivity runs around the recruitment assumption is causing significant concern.

Please let me know if you have questions or if any of this is unclear.

Thanks,

MW

Steve Witthuhn comments provided via phone – 8/7/24

- These cuts will start to put for-hire boats out of business. The compliance factor may be in jeopardy. It will be bad for the commercial sector too.
- Management is going to cause anarchy. It's hard to believe in the process. We're going in the wrong direction. Why even keep fishing if we're constantly being cut back? We rebuilt this stock to 200%+. It doesn't make sense.
- There are a lot of black sea bass around, but it's hard to come by fish that are bigger than the 16.5" minimum recreational size limit in New York. It's creating a lot of discards.
- Black sea bass used to bail out my charter business when I couldn't get enough fluke. But that's changed, especially with the 16.5 inch minimum size. Some party boats in my area pretty much just do black sea bass and scup.

- The fluke party boats are suffering in Montauk because Rhode Island has a 6 fish bag limit at 19 inches and New York has a three fish bag limit at 19.5 inches.
- How will a 20% decrease impact the recreational measures? The 16.5 inch minimum size is already insane. We can't go higher than that. Will the bag limit or the season need to be reduced? What's the sweet spot? Should we consider a slot limit or a total cumulative length limit?
- It's catch-22 management. Keeping fish counts against us, but so do discards because we have to throw back so many.
- For-hire vessels are reporting what they kept on VTRs. Some may report discards, but most do not. The discard numbers are astronomical and they are afraid it will count against us.
- The New Jersey regulations this year show how problematic conservation equivalency is. It feels like the numbers are being manipulated. How does it make sense for New Jersey to have a one fish bag limit in the summer? It's not worth it to go for just one fish. They have five different seasons throughout the year. How was that approved?
- Like other advisors said, I'm also seeing a lot of 3-4 inch black sea bass.
- There aren't as many black sea bass predators now. Not many bluefish. We're also seeing less spiny dogfish.
- Striped bass has a slot limit to protect the large spawners. With fluke and black sea bass, the minimum sizes keep increasing, which is increasing pressure on the large spawners. What is the scientific logic behind that?
- I'm not sure scup are as abundant as the numbers show, unless they are also moving further north. It would be nice if we saw more southern fish moving north to take up the slack. But we're not seeing that yet.
- We had a lot of tinker mackerel and chub mackerel, but they disappeared. It could be because there was a body of cold water this year. Now it's just starting to warm up. Those fish are moving north.
- This year we are seeing an exceptional amount of red hake (ling).
- I'm seeing less effort on inshore species this summer but there's a good showing of tuna this year. So there's more effort on the tuna than the inshore species at this time.