



Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: December 3, 2020
To: Chris Moore, Executive Director
From: Karson Coutre, Staff
Subject: Scup Recreational Measures for 2021

On Tuesday, December 15, the Council and Board will consider 2021 recreational management measures for scup. Materials listed below are provided for the Council and Board's discussion of this agenda item.

- 1) Summary of November 16, 2020 Monitoring Committee meeting.
- 2) Summary of November 10, 2020 Advisory Panel meeting.
- 3) Email comments from advisors and others on summer flounder, scup and/or black sea bass recreational measures received by December 2, 2020.
- 4) Staff memo on 2021 recreational scup measures dated November 3, 2020.

Any additional public comments received by the supplemental comment deadline of December 10, 2020 will be posted separately to the Council's meeting page.



Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (MC) November 16, 2020 Webinar Meeting Summary

Monitoring Committee Attendees: Julia Beaty (MAFMC staff), Peter Clarke (NJ F&W), Dustin Colson Leaning (ASMFC staff), Karson Coutré (MAFMC staff), Kiley Dancy (MAFMC staff), Lorena de la Garza (NC DMF), Steve Doctor (MD DNR), Emily Gilbert (GARFO), Alexa Kretsch Galvan (VMRC), Savannah Lewis (ASMFC staff), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Sam Truesdell (MA DMF), Greg Wojcik (CT DEEP), Rich Wong (DE F&W)

Additional Attendees: Richard Cody, Greg DiDomenico, Michelle Duval, James Fletcher, Tom Fote, Nichola Meserve, Matt Seeley, Mike Waine

2020 Recreational Data Gaps

The Monitoring Committee (MC) discussed the impact of Covid-19 on recreational data collection and the ability to generate catch estimates for 2020. As discussed in the staff memos, due to a lapse in angler intercept sampling due to Covid-19 restrictions, 2020 catch estimates from the Marine Recreational Information Program (MRIP) will not be available prior to the end of 2020.

Dr. Richard Cody (NMFS Office of Science and Technology, Fisheries Statistics Division) participated in the discussion of 2020 recreational estimates. He noted that there are significant gaps in intercept data this year, particularly for mid-March through April. NMFS is currently exploring ways that estimates could be generated for 2020, including options for imputation methods using proxy data from other time periods. This process may result in annual estimates for 2020, but these estimates are unlikely to be available until Spring 2021. While coastwide annual estimates may be possible, it may not be feasible or defensible to generate wave or state specific estimates given the number of considerations and assumptions that would need to go into this process. Intercept sampling resumed at different points in the year in different states, but not all to the same level. While sampling is currently back to some level of consistency, current conditions have led to some changes in coverage and information gathered. One notable trend is that interviewers are getting fewer length and weight measurements during interviews due to the reluctance of interviewers and anglers to closely interact. Interviewers in some states are being given more discretion in sampling protocols to ensure their safety, which could ultimately create some bias in the data. In addition, at sea sampling for headboats has essentially been suspended everywhere for safety reasons.

The MC reviewed preliminary effort data for waves 1-4 with comparisons to 2018-2019 data. These data can provide information on general trends in recreational trips, but are not species-specific. In the absence of intercept data, it is not possible to draw conclusions about 2020 harvest for any species.

The group discussed whether there were additional data sources that may provide additional context to or verification of the MRIP generated effort estimates, such as license sales, bait and tackle sales, marina use, Vessel Trip Report (VTR) data, etc. However, the MC was in general agreement that while these trends may be of interest later on to contribute to a general evaluation

of 2020 fishing trends, they are not likely to be informative for recommendations of 2021 recreational measures for summer flounder, scup, and black sea bass. None of these data streams would allow the MC to generate species-specific harvest estimates for comparison to the Recreational Harvest Limit (RHL) or to make specific adjustments to management measures. The MC also noted that VTR data would be of limited use given the relatively small proportion of for-hire harvest for these species, variation in for-hire activity and restrictions this year, and the lack of any comparable catch data for private and shore modes. In addition, given that for-hire fisheries had more restrictions imposed on them compared to private recreational anglers during some portions of this year, for-hire data are unlikely to be representative of broader fishery trends. Dr. Cody indicated that NMFS has explored metrics such as license sales and they generally seem to match the trends seen in the MRIP-estimated effort data. The limited analysis they have conducted indicates that there did not seem to be a drop in effort for private boat and shore anglers, and sales were in line with previous years in most cases. Information available on the for-hire fleet is also consistent with MRIP effort estimates which indicate a notable drop in for-hire trips for the first four waves of 2020.

One member of the public asked if New York's for-hire data are available to be reviewed, along with clarifying questions about New York's for-hire reporting requirements. The MC representative from New York responded that the state VTR data are incorporated into the MRIP effort estimates; however, they are not used in the catch estimates as they have not been validated. They are working toward getting these data certified for use in the MRIP catch estimates in the future.

Scup

The MC agreed with the staff recommendation for *status quo* recreational management measures for scup in 2021. Due to the lack of recreational harvest estimates in 2020, there are no harvest projections to compare to the 2021 RHL. They also agreed that the rationale for *status quo* recreational measures discussed at the MC meeting in 2019 for 2020 measures still holds true for 2021. This rationale included the ongoing management response to the new understanding of the magnitude of recreational harvest based on the new MRIP estimates as well as the healthy stock status for scup.

A Council member asked whether there would be a back-calibrated 2019 recreational harvest estimate in the old MRIP currency that could be compared with the 2019 RHL. Greater Atlantic Regional Fisheries Office (GARFO) and MRIP staff responded that they are working to get this estimate, however it is currently unavailable. MRIP staff also noted that although they have the ability to provide a back-calibrated estimate for 2019 recreational catch, this back calculation should not be done in perpetuity as the calibration between the two methods will be associated with increased uncertainty as more time passes since the calibration base years.

One MC member noted that there is a discrepancy with the minimum size between some southern states (8 inches) and the federal regulations (9 inches). In the future it may be helpful to align these regulations for simplicity and compliance. Other MC members noted that due to the small amount of scup harvest occurring in those states, this discrepancy is likely not a major issue.

Black Sea Bass

The MC supported the staff recommendation for *status quo* recreational management measures in 2021.

The MC discussed the implications of potential overages of the 2019 commercial and recreational black sea bass ACLs. Final 2019 catch data are not yet available for either sector. The recreational ACLs through 2019 must be compared against catch in the “old” pre-calibration MRIP units. As previously stated, GARFO is currently working with MRIP staff to obtain pre-calibration 2019 estimates. In addition, final data on black sea bass dead discards in weight in 2019 are not yet available for either sector. For these reasons, it is not yet known how commercial and recreational catch in 2019 will compare to the respective ACLs and the 2019 ABC.

One MC member asked about the consequences of any 2019 overages. For example, would GARFO consider implementing an in-season closure of the recreational fishery in 2021 if it is determined that there was a large recreational overage in 2019? The GARFO representative on the MC said GARFO would be very reluctant to use in-season management in this way. Council staff added that the Fishery Management Plan does not currently allow for in-season closures of the recreational fishery.

It is possible that there was a recreational overage in 2019. In addition, the use of *status quo* measures in 2020 was expected to result in an overage of the 2020 recreational ACL; however, as previously stated, there were notable gaps in recreational data collection in 2020 due to Covid-19, which will pose challenges for estimating catch. Catch in 2021 is also uncertain; however, continued use of *status quo* measures may result in an overage of the 2021 recreational ACL given past trends in the fishery. Understanding 2020 catch and potential 2021 catch is complicated by the data limitations and uncertainty about continued Covid-19 related restrictions during 2021. The GARFO representative on the MC said that GARFO supports consideration of an additional year of *status quo* recreational management measures in 2021 given the current data limitations, the ongoing progress with the Commercial/Recreational Allocation Amendment, and the Recreational Management Reform Initiative. However, this remains a temporary solution and GARFO will not approve indefinite use of *status quo* recreational management measures. It is important to continue to make progress on the Commercial/Recreational Allocation Amendment and the Recreational Reform Initiative to ensure that catch is constrained to meaningful catch limits, even under very high biomass levels.

One MC member asked if states could make slight changes to their seasons in 2021, for example to maintain a Saturday opening by modifying the season later in the year to ensure that expected harvest remains unchanged. One staff member said this may be possible; however, further discussions with GARFO and Commission leadership is needed given that the overall *status quo* approach is expected to result in RHL and ACL overages. For this reason, the *status quo* approach for black sea bass may need to be more strict than for summer flounder, as described in the next section.

Another MC member asked what the *status quo* approach would mean for states which participate in the optional February recreational opening and may need to modify measures later in the year to account for February harvest. Staff clarified that this has been allowed since 2018 and fits within the definition of *status quo* because states would be modifying their measures to ensure that an approximately *status quo* level of harvest is achieved.

Summer Flounder

The MC agreed with the staff recommendation for continued use of regional conservation equivalency for summer flounder in 2021, using the same regions as adopted in 2020. The group noted that the lack of 2020 harvest estimates would create high uncertainty when considering any adjustments to measures. The MC agreed with the rationale that *status quo* summer flounder measures would contribute to improved stability in the fishery and that 2019 data (in the absence of 2020 projections) does not indicate a cause for concern with maintaining the current measures. The MC acknowledged that while 2020 information is not available, given recent performance of this fishery, maintaining *status quo* measures could fall under the recently applied principle of not making minor adjustments in either direction as a way of accounting for uncertainty in the MRIP data.

For these reasons, the MC also recommends that state measures generally remain the same as in 2020 and recommended against allowing for substantial changes to the management measures. However, the group did support allowing states to make minor adjustments to their open seasons, if desired, in a way that would not be projected to increase harvest. For example, last year, New Jersey shifted its season start and end dates by two days on either end, which was not expected to result in a harvest increase. This would allow for setting the season opening to a preferred weekend or holiday date. A Board member noted that in New Jersey this promotes compliance and ease of enforcement given that everyone expects the season to start on Memorial Day weekend. It was noted that there will be increased uncertainty this year with this type of adjustment given that 2020 data are not available, and adjustments would need to be made using 2019 or earlier data. The Council and Board should consider this when discussing these types of adjustments.

Under conservation equivalency, the MC recommended *status quo* non-preferred coastwide measures, including a 19-inch size limit, 4 fish bag limit, and open season from May 15-September 15, as well as *status quo* precautionary default measures including a 20-inch minimum size, a 2 fish possession limit, and an open season of July 1-August 31. The group believed the rationale and analysis described last year for application of these measures in 2020 is still appropriate for 2021 given that more recent data or analyses are not available.

One member of the public expressed frustration that the MC had not discussed mandatory private angler electronic reporting as well as his request for evaluation of stock enhancement for summer flounder via a larval release project. A Board member noted that many groups are considering electronic reporting, but it's important to consider the best ways to do it, including lessons learned from the various electronic reporting initiatives that have been carried out.



Summer Flounder, Scup, and Black Sea Bass Advisory Panel Webinar

November 10, 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 via webinar on November 10, 2020. The objectives of this meeting were to review and provide feedback on staff recommendations for 2021 recreational measures for these three species.

Please note: Advisor comments described below are not necessarily consensus or majority statements. Some advisors also provided written comments which are included in the briefing materials for the December 2020 joint Council and Board meeting (available at: <http://www.mafmc.org/meetings>).

Council Advisory Panel members present: Katie Almeida (MA), Carl Benson (NJ), Bonnie Brady (NY), Jeff Deem (VA), James Fletcher (NC), Carl Forsberg (NY), Howard King (MD), Michael Pirri (CT), Michael Plaia (CT)*, Bob Pride (VA), Chris Spies (NY), Harvey Yenkinson (PA), Doug Zemeckis (NJ)

Commission Advisory Panel members present: Frank Blount (RI), Paul Caruso (MA), Joseph Huckemeyer (MA), Michael Plaia (CT)*, Buddy Seigel (MD)

*Serves on both Council and Commission Advisory Panels.

Others present: Chris Batsavage, Julia Beaty, Cory Blount, Dustin Colson Leaning, Karson Coutr , Kiley Dancy, Tony DiLernia, Steve Doctor, Michelle Duval, Emily Keiley, Savannah Lewis, Matt Seeley, Mike Waine, Hannah Welch, Meredith Whitten, Angel Willey

Scup

Six advisors voiced support for the staff recommendation of *status quo* recreational measures in 2021 and none in attendance expressed opposition to the recommendation. One advisor expanded on their support saying that the scup biomass is high, and the 2020 recreational data is too uncertain for changes.

One AP member felt it was an issue that MRIP estimates the number of trips and not the number of anglers. Private angler reporting would provide a better understanding of what is being caught by individual recreational anglers. He added that Bluefin Data created an application for North Carolina anglers and the Council and Board should expand that to all recreational anglers. One Council member and staff responded that multiple reporting applications are being developed for private anglers in other regions or for individual species; however, there is more work to be done before an electronic reporting application could be successfully used on a broad scale for summer flounder, scup, and black sea bass throughout this region.

Black Sea Bass

Six advisors expressed support for the staff recommendation of maintaining *status quo* recreational management measures in 2021. One advisor did not support this recommendation and said measures should be liberalized as they have been too restrictive for too long. For example, the season in New York should not start so late in the year.

One advisor asked if recruitment data from 2020 will be available. Staff explained that black sea bass recruitment estimates are informed by multiple state and federal fisheries-independent surveys, which were all impacted to different degrees by Covid-19. Some information from 2020 should be available in the future, though it may be less comprehensive than previous years. This advisor added that fishing pressure in both the commercial and recreational sectors was likely reduced in 2020. He also asked how a potential reduction in discard mortality rates resulting from increased use of descending devices and other less lethal gear types might influence future recreational harvest limits (RHLs). Staff noted that the 15% assumed discard mortality rate currently used in the stock assessment would need to change for this to impact the RHL.

One advisor claimed that most private anglers fish from private docks, where they are not sampled by MRIP intercepts and are therefore not accurately accounted for in the data.

Summer Flounder

At least six advisors expressed support for the staff recommendation of continued regional conservation equivalency for summer flounder in 2021 with *status quo* associated measures. A few noted that they would expect summer flounder harvest to be down this year due to Covid-related restrictions earlier this year, in particular for the for-hire sector. Several advisors supported the argument that given data gaps this year, modifications to measures would be associated with too much uncertainty.

One advisor questioned whether NMFS would be able to approve conservation equivalency this year given the lack of state harvest data for 2020 and associated percent standard errors (PSEs). He stated that given the uncertainties associated with this year's data, he would expect state PSEs to be very high and that implementing conservation equivalency would thus not be based on best available science. Staff responded that we do not have state level data or PSEs for 2020, and this is part of the reason for the *status quo* recommendation. The current measures are associated with a level of projected harvest that would not require major adjustments based on the proposed 2021 RHL. Adjusting the measures would be associated with more uncertainty given the difficulty in predicting outcomes without 2020 harvest data.

One advisor commented that the current May-September season in most states does not account for discards of caught fish during closed seasons and that these discards need to be accounted for. Staff responded that these discards are accounted for the same way discards are accounted for the rest of the season through the MRIP intercept and effort survey processes. Another advisor agreed that commercial and recreational discards in general are a substantial problem that the Council and Board need to address, on the order of millions of pounds per year, and that managers need to identify methods to get them under control.

One advisor questioned why NMFS, the Council, and the Board have not seriously pursued mandatory private angler electronic reporting given that there are currently apps available that

would allow for this. He indicated that we are not getting accurate data from the private/rental component of the fishery, especially those that are returning to private docks. This advisor also expressed frustration that a total cumulative length limit (i.e., a limit on the cumulative length of all retained fish) with mandatory retention of all fish was not being considered for recreational summer flounder management.

One advisor noted that he was hopeful that reduced fishing effort earlier this year during the spawning season would lead to improved recruitment this year.

Another advisor questioned the MRIP estimates of summer flounder harvest by recreational fishing mode and indicated that 3% from shore and 10% from for-hire vessels is laughable.

One advisor requested that the Council ask the Scientific and Statistical Committee (SSC) to evaluate the possibility of releasing billions of summer flounder, scup, and black sea bass larvae into estuaries to enhance their populations. He believes this would notably increase the amount of adult fish available to be harvested. This advisor also noted that on the issue of commercial/recreational allocation, it is unclear why the recreational fishery, as a small percentage of the US population, should get the majority of allocation. He indicated that there is a need to get a better estimate of the number of anglers in addition to the number of recreational trips, so that the proportion of the US population that recreationally fishes can be better estimated.

One member of the public asked about the current state of MRIP estimation for the rest of 2020 and whether intercept sampling had resumed. Staff indicated that to their knowledge, intercept sampling had partially or fully resumed in some states, but may be limited by factors such as higher interview refusal rates. The same individual asked if there had been any decisions on how missing 2020 recreational angler intercept data would impact the assessments or assessment schedules. Staff responded that these issues are currently in discussion by the Northeast Regional Coordinating Council.

Kiley Dancy

From: James Fletcher <bamboosavefish@gmail.com>
Sent: Thursday, October 22, 2020 10:21 AM
To: Kiley Dancy
Subject: Fwd: Re: where can I find slide of sound to ocean migration of southern Flounder or summer flounder used in your inlet corridor presentation on internet?

Kiley: trying to find sketch showing flounder leaving estuaries & going to sea to spawn then larva returning to estuaries.

Question: why couldn't management spawn billions of larva to place in estuaries; either southern or summer flounder. What agency is opposed to culturing larva for release? NOAA, NMFS or Council? NOAA & NMFS seems to have endorsed targeting the females of both species.

Can advisors discuss raising & releasing larva as less expensive [it is known how to change color patterns to prove success] in releasing larva; LARVA NOT DEVELOPED FISH!

----- Forwarded Message -----

Subject: Re: where can I find slide of sound to ocean migration of southern Flounder or summer flounder used in your inlet corridor presentation on internet?
Date: Thu, 22 Oct 2020 13:39:30 +0000
From: Didden, Jason <jdidden@mafmc.org>
To: Fletcher, James <unfa34@gmail.com>, lee.paramore@ncdenr.gov <lee.paramore@ncdenr.gov>, Kiley Dancy <kdancy@mafmc.org>

Kiley may have something, I do not.
Jason

Get [Outlook for iOS](#)

From: James Fletcher <bamboosavefish@gmail.com>
Sent: Thursday, October 22, 2020 9:37:05 AM
To: lee.paramore@ncdenr.gov <lee.paramore@ncdenr.gov>; Didden, Jason <jdidden@mafmc.org>
Subject: where can I find slide of sound to ocean migration of southern Flounder or summer flounder used in your inlet corridor presentation on internet?

My cell is 757 435 8475
Jason would you know where to acquire a inshore off shore migration depiction?

--

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

From: [James Fletcher](#)
To: [Beaty, Julia](#)
Subject: Re: Materials for Tuesday's AP meeting
Date: Thursday, November 5, 2020 1:14:32 PM

THANKS FOR REMINDER! Could we discuss releasing Billions of fertilized eggs from species? for instance Chesapeake bay tunnel Has island in middle bay. Oregon Inlet will section of ols bridge, Delaware Bridge has location. Spawn fish & let eggs fertilize, then release on flood tide with on shore wind.
let us discuss something to increase population!

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

Kiley Dancy

From: Dustin C. Leaning <DLeaning@asmfc.org>
Sent: Monday, November 9, 2020 7:40 PM
To: PAUL G. CARUSO
Cc: Kiley Dancy; Beaty, Julia; Starks, Caitlin; Coutre, Karson; Savannah Lewis
Subject: RE: [External] Re: Materials for Tuesday's Advisory Panel Meeting

Hi Paul,

Thank you for letting us know. We look forward to you joining us tomorrow for whatever portion of the call you can!

Best,
Dustin

From: PAUL CARUSO [mailto:pkcaruso@comcast.net]
Sent: Monday, November 9, 2020 4:13 PM
To: Dustin C. Leaning <DLeaning@asmfc.org>
Subject: [External] Re: Materials for Tuesday's Advisory Panel Meeting

Hi Dustin, I will be logging in a little tardy for tomorrows webinar (1:45 PM ish), but may call in from the road a bit before that. As of this moment and given our lack of recreational catch and harvest estimates for 2020 I fully concur with staff recommendations that regulations remain status quo for 2021 for all three species under consideration. Many thanks for your's and MAFMC staffs good work. Sincerely, Paul Caruso

Kiley Dancy

From: Dustin C. Leaning <DLeaning@asmfc.org>
Sent: Tuesday, November 10, 2020 1:17 PM
To: Blount, Frank
Cc: Coutre, Karson; Beaty, Julia; Kiley Dancy; Savannah Lewis
Subject: RE: [External] Re: Materials for Tuesday's Advisory Panel Meeting

Hi Frank,

Thank you for checking in! I see you on the webinar now, so hopefully your connection and audio is working well enough for you to participate. Otherwise we can go with the comments you provided below.

Best,
Dustin

From: Francesflt [mailto:francesflt@aol.com]
Sent: Tuesday, November 10, 2020 12:38 PM
To: Dustin C. Leaning <DLeaning@asmfc.org>
Subject: [External] Re: Materials for Tuesday's Advisory Panel Meeting

Dustin

I will be on the call at 1pm. I am on a boat so may not have the best connection. If by chance I drop the call I am fine with Status Quo for all three species. I would like to add that head boat landings in RI are "WAY" down this year do to COVID. If there is any way to increase landings for the head boat sector it would be a huge help as we have been struggling during these difficult times.

Thanks and stay safe.

Frank

-

Kiley Dancy

From: Dustin C. Leaning <DLeaning@asmfc.org>
Sent: Monday, November 16, 2020 2:00 PM
To: JACK CONWAY
Cc: Kiley Dancy; Beaty, Julia; Savannah Lewis; Coutre, Karson
Subject: RE: AP Meeting Summary

Thanks for the input Jack!

All the best,
Dustin

From: Conway Jr, JACK D [mailto:jack.d.conway.jr@lmco.com]
Sent: Monday, November 16, 2020 9:00 AM
To: Dustin C. Leaning <DLeaning@asmfc.org>
Subject: [External] RE: AP Meeting Summary

The call feel off my calendar, I was looking forward to it. Status quo works out fine for anglers fishing in CT. Keeping things “the same” during these troubling times makes a great deal of sense.

Jack Conway

From: Dustin C. Leaning <DLeaning@asmfc.org>
Sent: Monday, November 16, 2020 8:45 AM
To: SUMMER FLOUNDER, SCUP, & BLACK SEA BASS ADVISORY PANEL <sfsbsb_ap@asmfc.org>
Subject: EXTERNAL: AP Meeting Summary

Good morning Summer Flounder, Scup, and Black Sea Bass Advisors,

Please see attached for a draft summary of your comments and recommendations from our meeting last week. We have also attached to the summary a few comments received by email. For edits to the attached AP summary or additional comments for the Council and Board, **please let us know by the end of Wednesday 12/2**, which is the public comment deadline for the December briefing book.

Thanks!

Dustin Colson Leaning
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Sustainable and Cooperative Management of Atlantic Coastal Fisheries

November 23, 2020

To: Julia Beaty (MAFMC staff)

From: Captain Steve Withuhn (AP member)

Subject: Comments in Reference to Summer Flounder, Scup, and Black Sea Bass Advisory Panel Webinar Meeting on November 10, 2020

Additional comments provided by advisor Steven Withuhn (NY) to Council staff over the phone following the November 10, 2020 Advisory Panel Webinar meeting:

- Support the approach of status quo recreational management measures in 2021.
 - Very limited data collected in 2020.
 - Hopefully things will get back on track next year.
- Concerns about VTR accuracy.
 - Many for-hire captains accurately report what they keep, but not what they discard. They fear discards will be used against them.
 - Often have to discard many fish to get a decent amount of keepers.
 - It's very important to get accurate data on discards.
 - How can we build confidence in the science and management so the for-hire sector is motivated to report accurately?
 - VTRs should include information such as depth at which the fish were caught, if released fish were immediately eaten by predators, and other information.
- Good availability of black sea bass in 2020. Lots of young of year.
- Good scup availability, but not as many jumbos. Lots of smaller fish. Charter boats prefer the larger fish.
- In the commercial fishery, very low prices for black sea bass this year (e.g., \$1.20/pound). With restaurant closures, very low demand and packhouses don't want more fish. Fishermen have to work harder for less money.



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Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 3, 2020
To: Chris Moore, Executive Director
From: Karson Coutré, Staff
Subject: Scup Recreational Management Measures for 2021

Background and Summary

The information in this memo is intended to assist the Monitoring Committee, Advisory Panels, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) in developing recommendations for scup recreational measures for 2021.

In August 2020, the Council and Board reviewed the previously adopted commercial quota and recreational harvest limit (RHL) for scup for the 2021 fishing year. The Council and Board recommended a change to the implemented catch and landings limits based on the recommendations of the Scientific and Statistical Committee (SSC) which addressed the Council's December 2019 revisions to its risk policy. Based on these revisions, the previously implemented 2021RHL for scup was revised to 6.07 million pounds. The rule implementing the revised 2021 commercial quota and RHL has not yet published but is expected to publish prior to the end of 2020.

Each year, the Monitoring Committee (MC) is tasked with recommending recreational management measures (possession limits, size limits, and seasons) to constrain harvest to the RHL. The Council and Board agree to federal waters recreational management measures for scup for the upcoming year that apply throughout federal waters from Maine through North Carolina. State waters measures will be determined through the Commission process in early 2021.

Typically, staff uses partial year recreational catch data to project harvest through the remainder of the current year. This projection is then compared to the RHL for the upcoming fishing year. This year, as described below, recreational data collection was severely limited by restrictions related to the ongoing Covid-19 pandemic. As a result, no 2020 preliminary harvest estimates are available for scup to project harvest for the rest of the year. Estimated total recreational fishing trips within the management unit are available and described below; however, these estimates are not species specific.

2020 was the first year that scup catch and landings limits and management measures accounted for changes to the recreational data provided by the Marine Recreational Information Program (MRIP). The

revised estimates released in July 2018 are several times higher than the previous estimates for shore and private boat modes, substantially raising the overall scup catch and harvest estimates (e.g., Table 1). The revised MRIP estimates were incorporated into the 2019 scup operational stock assessment. Given challenges associated with transitioning to management based on the new MRIP data, high availability of scup, a very healthy stock status, and catch projections that were below the 2020 ABC, the MC recommended *status quo* recreational measures in state and federal waters for scup in 2020. These considerations discussed by the MC last year remain relevant to 2021 as the summer flounder, scup, and black sea bass allocation amendment is ongoing. As described below, staff recommend that *status quo* recreational measures be maintained for scup in 2021.

Past RHLs and Management Measures

Scup RHLs were first implemented in 1996. Since then, the RHL varied from a low of 1.24 million pounds in 1999 and 2000 to a high of 8.45 million pounds in 2012. As previously stated, the RHL is 6.07 million pounds in 2021 (Table 1).

Until 2002, the recreational scup fishery was managed with coastwide measures as dictated by the FMP. These measures included a common minimum fish size, possession limit, and open season that were implemented in both state and federal waters. Since 2003, the Commission has applied a regional management approach to recreational scup fisheries in state waters, where New York, Rhode Island, Connecticut, and Massachusetts develop regulations intended to achieve 97% of the RHL. In federal waters, regulations have been unchanged since 2015 and include a minimum size of 9 inches total length, a year-round open season, and a possession limit of 50 scup (Table 1). Management measures in state waters vary by state, mode (e.g., private, for-hire), and season. State waters measures remained unchanged from 2015 through 2017. The states of Massachusetts through New York reduced their recreational minimum size limits and New Jersey extended their recreational fishing season to the full year in 2018. In 2019, Massachusetts through New York increased their party/charter bag limit from 45 to 50 fish during a portion of their open season. Massachusetts through New York extended their recreational fishing season to the full year (opening fishing during waves 1 and 2). All state waters measures remained unchanged from 2019 to 2020 (Table 2).

Table 1: Summary of federal management measures for the scup recreational fishery, 1997-2021. ABCs, TACs, ACLs, RHLs, and harvest are in millions of pounds. Recreational harvest values are for Maine through North Carolina and old and revised MRIP estimates are shown.

Year	TAC/ABC	Rec. ACL	RHL	Rec. harvest (Old MRIP)	% over/under RHL	Rec. harvest (New MRIP)	Bag limit (# of fish)	Size limit (inches, total length)	Open season
1997	9.10	-	1.95	1.20	-38%	2.54	-	7	1/1 - 12/31
1998	7.28	-	1.55	0.87	-44%	1.82	-	7	1/1 - 12/31
1999	5.92	-	1.24	1.89	+52%	4.63	-	7	1/1 - 12/31
2000	5.92	-	1.24	5.44	+339%	11.39	-	-	1/1 - 12/31
2001	8.37	-	1.76	4.26	+142%	9.77	50	9	8/15 - 10/31
2002	12.92	-	2.71	3.62	+34%	6.23	20	10	7/1 - 10/2
2003	18.65	-	4.01	8.48	+111%	17.21	50	10	1/1 - 2/28 7/1 - 11/30
2004	18.65	-	3.99	7.28	+82%	12.83	50	10	1/1 - 2/28 9/7 - 11/30
2005	18.65	-	3.96	2.69	-32%	4.30	50	10	1/1 - 2/28 9/18 - 11/30
2006	19.79	-	3.99	3.72	-7%	5.93	50	10	1/1 - 2/28 9/18 - 11/30
2007	13.97	-	2.74	4.56	+66%	7.10	50	10	1/1 - 2/28 9/18 - 11/30
2008	9.9	-	1.83	3.79	+107%	5.76	15	10.5	1/1 - 2/28 9/18 - 11/30
2009	15.54	-	2.59	3.23	+25%	6.28	15	10.5	1/1 - 2/28 10/1 - 10/31
2010	17.09	-	3.01	5.97	+98%	12.48	10	10.5	1/1 - 2/28 10/1 - 10/31
2011	31.92	-	5.74	3.67	-36%	10.32	10	10.5	6/6 - 9/26
2012	40.88	31.89	8.45	4.17	-51%	8.27	20	10.5	1/1 - 12/31
2013	38.71	30.19	7.55	5.37	-29%	12.64	30	10	1/1 - 12/31
2014	35.99	28.07	7.03	4.43	-37%	10.27	30	9	1/1 - 12/31
2015	33.77	26.35	6.8	4.41	-35%	11.93	50	9	1/1 - 12/31
2016	31.11	6.84	6.09	4.26	-30%	10.00	50	9	1/1 - 12/31
2017	28.4	6.25	5.50	5.42	-1%	13.53	50	9	1/1 - 12/31
2018	39.14	8.61	7.37	5.61	-24%	12.98	50	9	1/1 - 12/31
2019	36.43	8.01	7.37	-	-	14.12	50	9	1/1 - 12/31
2020	35.77	7.87	6.51	-	-	-	50	9	1/1 - 12/31
2021	34.81	7.66	6.07	-	-	-	TBD	TBD	TBD

Table 2: State recreational fishing measures for scup in 2019 and 2020.

State	Minimum Size (inches)	Possession Limit	Open Season
MA private & shore	9	30 fish; 150 fish/vessel with 5+ anglers on board	January 1-December 31
MA party/charter	9	30 fish	April 13-April 30; July 1-December 31
		50 fish	May 1-June 30
RI private & shore	9	30 fish	January 1-December 31
RI shore program (7 designated shore sites)	8		
RI party/charter	9	30 fish	January 1-August 31; November 1-December 31
		50 fish	September 1-October 31
CT private & shore	9	30 fish	January 1-December 31
CT shore program (45 designated shore sites)	8		
CT party/charter	9	30 fish	January 1-August 31; November 1-December 31
		50 fish	September 1-October 31
NY private & shore	9	30 fish	January 1-December 31
NY party/charter	9	30 fish	January 1-August 31; November 1-December 31
		50 fish	September 1- October 31
NJ	9	50 fish	January 1- December 31
DE	8	50 fish	January 1-December 31
MD	8	50 fish	January 1-December 31
VA	8	30 fish	January 1-December 31
NC, North of Cape Hatteras	8	50 fish	January 1-December 31

Recreational Catch and Harvest Trends

Since 1981, estimated recreational scup catch fluctuated from a peak of 37.31 million fish in 1986 to a low of 6.60 million fish in 1997. Estimated harvest fluctuated from a high of 14.18 million pounds and 30.43 million fish in 1986 to a low of 1.82 million pounds and 2.74 million fish in 1998. In 2019, recreational harvest was about 14.95 million fish and 14.12 million pounds, and approximately 28.67 million scup were caught, with a release rate of 48% (Table 3). Note that the 2019 MRIP estimates should not be compared to the 2019 RHL as the 2019 RHL did not account for the revisions to the MRIP data.

Table 3: Recreational scup catch and harvest by year, ME - NC, 1981-2019 based on new MRIP estimates. Catch includes landings as well as both live and dead discards. Percent released includes all released fish, including those that survive and those that are presumed to die post-release. Preliminary 2020 MRIP estimates and projections are unavailable due to Covid-19 related data gaps.

Year	Catch (mil. fish)	Harvest (mil. fish)	Harvest (mil. lb)	% Released	Avg. weight of landed fish (lb)
1981	19.68	17.31	11.14	12%	0.64
1982	13.14	10.83	8.62	18%	0.80
1983	13.78	12.19	8.62	12%	0.71
1984	11.38	8.78	3.28	23%	0.37
1985	24.56	18.84	11.29	23%	0.60
1986	37.31	30.43	14.18	18%	0.47
1987	18.11	14.03	10.41	23%	0.74
1988	12.14	9.39	7.03	23%	0.75
1989	23.73	19.32	10.54	19%	0.55
1990	18.26	14.04	7.17	23%	0.51
1991	27.41	21.90	12.91	20%	0.59
1992	20.96	16.50	9.45	21%	0.57
1993	10.71	8.40	4.63	22%	0.55
1994	8.86	6.58	4.33	26%	0.66
1995	6.78	4.06	2.27	40%	0.56
1996	10.38	6.27	4.42	40%	0.70
1997	6.60	3.64	2.54	45%	0.70
1998	6.86	2.74	1.82	60%	0.66
1999	10.99	7.41	4.63	33%	0.62
2000	22.06	14.94	11.39	32%	0.76
2001	21.93	11.13	9.77	49%	0.88
2002	17.36	7.07	6.23	59%	0.88
2003	28.63	17.52	17.21	39%	0.98
2004	26.79	12.94	12.83	52%	0.99
2005	13.19	4.49	4.30	66%	0.96
2006	20.07	5.52	5.93	72%	1.07
2007	17.80	7.46	7.10	58%	0.95
2008	19.51	5.65	5.76	71%	1.02
2009	20.75	6.06	6.28	71%	1.04
2010	25.13	10.60	12.48	58%	1.18
2011	18.52	7.60	10.32	59%	1.36
2012	21.24	7.33	8.27	65%	1.13
2013	25.79	11.49	12.57	55%	1.09
2014	20.37	9.17	9.84	55%	1.07
2015	24.87	11.33	11.93	54%	1.05
2016	31.49	9.14	10.00	71%	1.09
2017	41.20	13.83	13.54	66%	0.98
2018	30.37	14.55	12.98	52%	0.89
2019	28.67	14.95	14.12	48%	0.94
2020	N/A	N/A	N/A	N/A	N/A

In 2019, 90% of the recreational scup harvest occurred during waves 3-5 (May through October), however the dominant wave varied by state (Table 4). Total recreational harvest (numbers of fish) was the highest in New York, followed by Rhode Island, Connecticut, and Massachusetts in 2019 (Table 5). During 2015-2019 about 4% of recreational scup harvest (in pounds) originated in federal waters and 96% came from state waters (Table 6). Recreational scup landings in New Hampshire through New Jersey and Virginia were predominantly from state waters and landings in Delaware, Maryland and North Carolina mostly originated in federal waters (Table 6).

Table 4: Percent of scup harvest (in weight) by wave for each state in 2019, based on MRIP data downloaded October 30, 2020. Only North Carolina has MRIP sampling during wave 1. Values may not add to 100% due to rounding.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
ME	0%	0%	0%	0%	0%	0%
NH	0%	0%	0%	0%	0%	0%
MA	0%	0%	35%	35%	31%	0%
RI	0%	0%	25%	32%	36%	7%
CT	0%	0%	23%	35%	35%	8%
NY	0%	0%	24%	30%	30%	15%
NJ	0%	0%	15%	23%	54%	8%
DE	0%	0%	0%	25%	75%	0%
MD	0%	0%	0%	0%	50%	50%
VA	0%	0%	25%	25%	50%	0%
NC	0%	20%	20%	20%	20%	20%
Total	0%	1%	24%	30%	36%	9%

Table 5: Recreational scup harvest (in numbers of fish) by state, waves 1-6 (January – December), 2011-2019, based on new MRIP estimates. Preliminary 2020 MRIP estimates and projections are unavailable due to Covid-19 related data gaps.

State	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
ME	0	0	0	0	0	0	0	0	0	NA
NH	0	0	0	0	0	0	1,893	0	0	
MA	2,124,508	2,548,922	3,783,126	2,802,294	1,977,462	1,790,614	2,086,417	3,265,715	1,961,011	
RI	1,195,957	1,031,964	2,490,473	2,663,951	1,218,822	1,550,667	1,383,385	2,376,849	3,271,558	
CT	1,940,332	1,839,883	1,837,524	1,184,119	1,179,608	1,352,121	1,695,153	3,071,108	2,491,225	
NY	2,141,028	1,636,283	2,907,277	2,469,479	6,865,853	3,644,607	6,473,410	5,370,586	7,122,255	
NJ	160,409	271,957	464,299	44,640	84,131	655,391	2,179,750	460,134	104,673	
DE	36	497	0	37	565	0	221	329	0	
MD	12	0	0	0	319	186	23	418	380	
VA	34,935	2,871	4,461	0	3,356	149,995	0	0	1,039	
NC	1,020	2,453	760	1,783	3,474	0	359	349	2,016	
Total	7,598,237	7,334,830	11,487,920	9,166,303	11,333,590	9,143,581	13,825,022	14,546,549	14,954,157	

Table 6: Proportion of 2015-2019 recreational harvest (in pounds) from state and federal waters by state based on new MRIP estimates. Area information is self-reported based on the area where the majority of fishing activity occurred for each trip.

State	State Waters (≤ 3 miles)	EEZ (> 3 miles)
MAINE	--	--
NEW HAMPSHIRE	100%	0%
MASSACHUSETTS	96%	4%
RHODE ISLAND	97%	3%
CONNECTICUT	99%	1%
NEW YORK	96%	4%
NEW JERSEY	91%	9%
DELAWARE	0%	100%
MARYLAND	31%	69%
VIRGINIA	100%	0%
NORTH CAROLINA	10%	90%
Total	96%	4%

2020 Recreational Data

Typically, staff uses preliminary MRIP data in the current year for waves 1-4 (January through August) to project catch and harvest through the rest of the year. These projections are then compared to the RHL for the upcoming year to evaluate how harvest may need to be adjusted to prevent RHL overages in the upcoming year. Because 2020 catch data from MRIP are not available due to limited Access Point Angler Intercept Survey (APAIS) sampling related to Covid-19, projections of 2020 harvest cannot be generated.

MRIP effort sampling, via the mail-based Fishery Effort Survey (FES), continued uninterrupted in 2020. Coastwide data on the estimated number of angler trips are available for the first four waves of 2020 (January-August). These data can be broken down by wave and fishing mode; however, they generated for all recreational species combined and are not available by target species given that directed trip data are generated using information from APAIS. Figure 1 and Table 7 summarize estimated combined-species recreational trips for waves 1-4 between 2018-2020 for Maine through North Carolina. These data indicate that estimated total trips in waves 1-4 rose by 11% between 2018 and 2019, and then fell 4% between 2019 and 2020.

By wave, between 2019 and 2020, trips in wave 2 decreased by 19%, trips in wave 3 decreased by 4%, and trips in wave 4 increased by 2%. By mode, estimates of party/charter trips in waves 1-4 decreased by 31% between 2019 and 2020. Private/rental trips increased by an estimated 2%, and shore mode trips decreased by 7%.

While these data can give managers a general sense of how effort in 2020 compares to 2018 and 2019, they cannot be used to make conclusions about scup catch or harvest in 2020. Given the lack of intercept survey data, no information is available on recreational catch rates, discard rates, or

size/weight of landed and discarded scup in 2020. APAIS information is also required to account for and adjust for non-resident fishing effort and account for area fished, which is important for generating harvest and catch estimates. MRIP is in the process of evaluating possible methods for generating estimates of 2020 catch, including modeling approaches, the feasibility of imputation, and using data proxies such as the previous year's data. These approaches will take some time to develop, and any catch estimates that can be generated for 2020 are not likely to be available until at least early 2021.

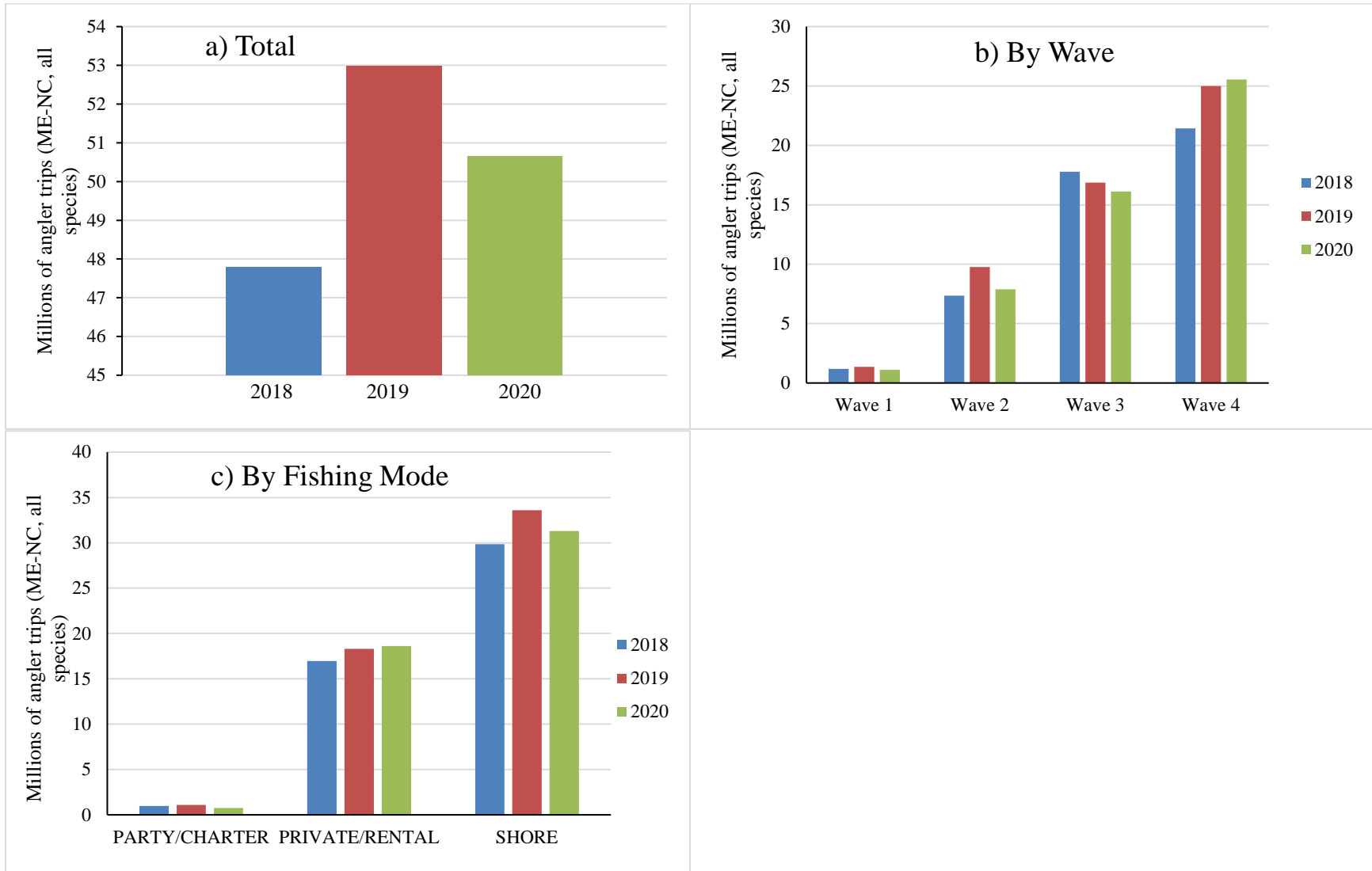


Figure 1: Estimated wave 1-4 angler trips for all species, ME-NC, 2018-2020 for a) all trips combined; b) trips by wave, and c) trips by fishing mode.

Table 7: Total estimated angler trips by wave and fishing mode, 2018-2020, waves 1-4, ME-NC. Includes all trips regardless of species caught or targeted.

	2018	2019	2020
Wave 1 (Jan/Feb)	1,198,416	1,367,270	1,113,345
Party/Charter	284	757	1,935
Private/Rental	396,807	363,376	371,757
Shore	801,325	1,003,137	739,653
Wave 2 (Mar/Apr)	21,434,158	25,000,122	25,551,407
Party/Charter	563,025	675,081	484,402
Private/Rental	7,946,904	8,583,014	10,323,820
Shore	12,924,229	15,742,027	14,743,185
Wave 3 (May/Jun)	7,356,358	9,755,048	7,883,221
Party/Charter	26,347	28,413	3,164
Private/Rental	1,886,247	3,209,239	2,441,457
Shore	5,443,764	6,517,396	5,438,600
Wave 4 (Jul/Aug)	17,793,795	16,866,182	16,112,517
Party/Charter	380,926	388,272	261,453
Private/Rental	6,732,529	6,148,493	5,482,056
Shore	10,680,340	10,329,417	10,369,008
Total	47,782,727	52,988,622	50,660,490

Accountability Measures

Federal regulations include proactive accountability measures (AMs) to prevent the scup ACL from being exceeded and reactive AMs to respond when an ACL is exceeded. Proactive recreational AMs include adjusting management measures (bag limits, size limits, and season) for the upcoming fishing year, if necessary, to prevent the RHL and ACL from being exceeded. The NMFS Regional Administrator no longer has in-season closure authority for the recreational fishery if the RHL or ACL is expected to be exceeded. For reactive AMs, paybacks of ACL overages may be required in a subsequent fishing year, depending on stock status and the magnitude of the overage, as described below. ACL overages in the recreational fishery are evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational dead catch (i.e., landings and dead discards). If average dead catch exceeds the average ACL, then the appropriate AM is determined based on the following criteria:

1. If the stock is overfished ($B < \frac{1}{2} B_{MSY}$), under a rebuilding plan, or the stock status is unknown: The exact amount, in pounds, by which the most recent year's recreational ACL has been exceeded will be deducted in the following fishing year, or as soon as possible once catch data are available.
2. If biomass is above the threshold, but below the target ($\frac{1}{2} B_{MSY} < B < B_{MSY}$), and the stock is not under a rebuilding plan:
 - a. If only the recreational ACL has been exceeded, then adjustments to the recreational bag, minimum fish size, and/or season limits will be made in the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage.
 - b. If the Acceptable Biological Catch is exceeded in addition to the recreational ACL, then a single year deduction will be made as a payback, scaled based on stock

biomass. The calculation for the payback amount is: (overage amount)*
 $(B_{msy}-B)/\frac{1}{2} B_{msy}$.

3. If biomass is above the target ($B > B_{MSY}$): Adjustments to the recreational bag, minimum fish size, and/or season limits will be considered for the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage.

The most recent three years of recreational catch data available are 2017-2019, years in which the recreational ACLs were set using assessments that used the pre-revision MRIP data; therefore, it is necessary to use catch estimates based on the old MRIP estimation methodology to compare recreational catch to the ACLs. Recreational catch was below the recreational ACLs for scup from 2017-2018. Recreational catch estimates are not available using the old MRIP methodology for 2019, therefore 2019 recreational catch cannot be evaluated against the ACL and a three-year average cannot be calculated. Based on recreational performance from 2017-2018, an AM has not been triggered.

Staff Recommendation

Last year, the MC discussed the restrictions that would be needed to constrain harvest to the RHL in 2020 due to the changes in the MRIP estimation methodology. The scale of these impacts could not be accurately predicted prior to completion of the operational stock assessment in the summer of 2019. This left the Council and Board with little time to consider how to most appropriately respond to the changes in the MRIP estimates before they needed to be applied in management. The MC discussed that they would like to avoid imposing additional restrictions on anglers as management adjusts to the new MRIP numbers, especially given that SSB was 200% of the target in 2018. They felt that there was little to no risk to the stock by allowing the recreational harvest to remain at *status quo* for 2020 while management issues are resolved. Because of this management situation, healthy stock status, and catch projections that were below the 2020 ABC, the MC recommended *status quo* recreational measures in state and federal waters for scup in 2020. These considerations discussed by the MC last year remain relevant to 2021 as the summer flounder, scup, and black sea bass allocation amendment is ongoing.

Typically, staff uses preliminary partial current year recreational catch data to project harvest through the remainder of the current year. This projection is then compared to the RHL for the upcoming fishing year. This year, as described above, recreational data collection was severely limited by restrictions related to the ongoing Covid-19 pandemic. As a result, **no 2020 preliminary harvest estimates are available for scup to project harvest for the year.** Estimated total recreational fishing trips within the management unit are available, however, these estimates are not species specific, and in the absence of angler intercept data, effort estimates cannot be used to estimate harvest.

Without estimates of harvest in 2020, attempts at changing management measures such as bag limit, minimum size, and season in 2021 would have highly uncertain outcomes. In addition, availability of scup to anglers was likely high during 2016-2019 due to the abundant 2015 year class. Availability may have declined in 2020 due to lower than average recruitment from 2016-2018, further limiting comparisons to 2019 estimates. Because of this, **staff recommend that *status quo* recreational measures be maintained for scup in 2021.**