



**Summer Flounder, Scup, and Black Sea Bass Monitoring Committee  
Meeting Summary  
May 28, 2020  
Webinar**

**Monitoring Committee Attendees:** Julia Beaty (MAFMC staff), Peter Clarke (NJ DEP), Dustin Colson Leaning (ASMFC staff), Karson Coutré (MAFMC staff), Kiley Dancy (MAFMC staff), Steve Doctor (MD DNR), Emily Keiley (GARFO), Alexa Kretsch (VMRC), John Maniscalco (NY DEC), Lee Paramore (NC DMF), Caitlin Starks (ASFMC staff), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Corinne Truesdale (RI DEM), Sam Truesdell (MA DMF), Greg Wojcik (CT DEP), Rich Wong (DNREC), Tony Wood (NEFSC)

**Additional Attendees:** Annie, Steve Cannizzo (NY RFFA), Mike Celestino (NJ DEP, Bluefish MC), Nicole Lengyel Costa (RI DEM, Bluefish MC), Maureen Davidson (NY DEC, Council/Board member), Greg DiDomenico (Lund's Fisheries), Tony DiLernia (Council member), Cynthia Ferrio (GARFO, Bluefish MC), James Fletcher (United National Fishermen's Association), Jeff Kaelin (Lund's Fisheries), Joseph Munyandorero (FL FWC, Bluefish MC), Adam Nowalsky (Council/Board member), Eric Reid (Council member), SRW, Mike Waine (ASA), Kate Wilke (Council member), Amy Zimney (SC DNR, Bluefish MC)

### **Meeting Summary**

The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee met via webinar on Thursday May 28, 2020 to discuss several topics. The Bluefish Monitoring Committee was invited to participate in the discussion of the Recreational Reform Initiative as this initiative also addresses bluefish.

Briefing materials considered by the Monitoring Committee are available at:  
<https://www.mafmc.org/council-events/2020/sfsbsb-mc-may28>.

### **Recreational Reform Initiative**

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Council staff summarized a draft outline of the Recreational Reform Initiative developed by the Recreational Reform Steering Committee. The Monitoring Committee was generally supportive of continued development of all approaches in the Steering Committee outline. Monitoring Committee comments on each objective in the outline are summarized below.

*Objective 1: Better incorporate uncertainty in the MRIP data into the management process*

Objective 1 in the Steering Committee outline contains three specific suggestions for better considering uncertainty in the MRIP data. The first suggestion is to adopt a standardized process for identifying and smoothing outlier MRIP estimates to be applied to both high and low outliers. The Monitoring Committee agreed that it would be very beneficial to adopt such a process.

The group agreed that outliers could be identified using the Modified Thompson Tau approach used in the past for some black sea bass outliers, or other methods. One Monitoring Committee member said there are multiple potentially appropriate methods for identifying outliers and consideration should be given to which methods are most appropriate for different circumstances. For example, a multi-faceted approach could be considered. Another Monitoring Committee member said consideration should be given to the appropriate level at which the estimates are examined for outliers, for example, at the state/wave/mode/year level or the coastwide annual level.

MRIP estimates are used in many parts of the management process, including in the stock assessment, development of annual catch and landings limits, comparison of catch to the annual catch limit (ACL) to determine if accountability measures are triggered, and development of recreational management measures. To date, smoothed outliers have only been used in a few instances to develop recreational management measures for black sea bass. They have not been used for other purposes for summer flounder, scup, and black sea bass. For example, the smoothed black sea bass estimates for 2016 and 2017 were not used in the 2019 operational stock assessment due to concerns about the appropriateness of smoothing only two high estimates in recent years without examining the entire time series for both high and low outliers. Several Monitoring Committee members noted that this creates a potentially problematic disconnect with other parts of the management process. The group agreed that adoption of a standardized method for identifying and smoothing both high and low outliers would increase the likelihood of being able to use smoothed estimates in all parts of the management process. The group agreed that it would be very important to identify and smooth both high and low outliers and to have a standardized process.

One Monitoring Committee member noted that even if smoothed estimates were used in management, no change would be made to the official MRIP estimates. The group agreed that it could be beneficial to have MRIP staff provide feedback on the process to identify and smooth outliers to help increase buy-in for using smoothed estimates in multiple parts of the management process. The intent would not be to have MRIP staff approve the smoothed estimates, but rather to provide feedback on the appropriateness of any methods developed.

The second specific suggestion under objective 1 is to use an “envelope of uncertainty” approach to determine if changes to recreational management measures are needed. Under this approach, a certain range above and below the projected harvest estimate (e.g., based on percent standard error) would be defined for comparison against the upcoming year’s recreational harvest limit (RHL). If the RHL falls within the pre-defined range above and below the projected harvest estimate, then no changes would be made to management measures. The Monitoring Committee agreed that this is worth pursuing and that further discussion is needed on defining the appropriate envelope. One Monitoring Committee member noted that the group has struggled to define similar metrics in the past and asked if the Council and Board would determine how to define the envelope or if it would be a Monitoring Committee decision. One Monitoring Committee member said that, given their technical expertise, it may be more appropriate for the Monitoring Committee to recommend the appropriate envelope, rather than the Council and Board.

The third specific suggestion under objective 1 is to consider the appropriateness of using preliminary current year MRIP data in the management process. The Monitoring Committee agreed that this may warrant further consideration. One member noted that MRIP has changed

the timing of when they incorporate for-hire data into their estimates. In the past, preliminary estimates were sometimes released without the incorporation of for-hire vessel trip report (VTR) data. VTR data were incorporated into the final estimates. Under the current process, VTRs are incorporated into the preliminary estimates, so the differences between the preliminary and final estimates may not be as great as they were in the past. He recommended an evaluation of the scale of the change from preliminary to final estimates under the current MRIP estimation methodology. He also noted that final data may be appropriate for longer-term decisions including development of management measures that are intended to be in place for multiple years. However, he cautioned that if only final data are used for annual adjustments to measures, there will be a greater disconnect between the data used and current operating conditions than if preliminary current year data were also considered.

One Steering Committee member said the Steering Committee's intent for all three suggestions under objective 1 was not to ask the Monitoring Committee to second guess and revise the MRIP estimates, but rather to think about the impact that outliers can have on recreational management. For example, outlier estimates can lead to significant changes in management measures from year to year which may not be reflective of a true conservation need.

*Objective 2: Develop guidelines for maintaining status quo measures*

The second objective in the Steering Committee outline is to develop a process for considering both recreational harvest data (all considerations under objective 1 could apply) and multiple stock status metrics (biomass, fishing mortality, recruitment) when deciding if measures should remain unchanged. The Monitoring Committee was generally supportive of this approach.

One Monitoring Committee member said it would be helpful to give greater consideration to how expected catch (i.e., landings and dead discards) compares to the ACL, rather than focusing on the RHL as the primary management target when setting management measures for the following year. She questioned whether the Fishery Management Plan would need to be modified to provide more flexibility in this regard.

Another Monitoring Committee member said the group tends to be most comfortable with estimates of expected landings and dead discards when they are based on assessment data. He thought it could be helpful to give stock status metrics from the assessments greater consideration in the process of determining how to change management measures. For example, he feels more confident in the need for more restrictive measures in response to a stock assessment rather than in response to recreational harvest estimates alone, which can be quite variable.

*Objective 3: Develop process for setting multi-year recreational management measures*

The third objective in the Steering Committee outline is to develop a process for setting recreational management measures for two years at a time with a commitment to making no changes in the interim year. This would include not reacting to new data that would otherwise allow for liberalizations or require restrictions. The Monitoring Committee was very supportive of this approach.

The Monitoring Committee agreed that this approach could lead to compounding overages or underages of catch and harvest limits. However, this could represent just as much of a conservation benefit as a conservation risk.

Multiple Monitoring Committee members said maintaining the same measures for at least two years can allow for better evaluation of the effectiveness of the measures at constraining harvest. The group discussed how harvest can fluctuate widely under constant management measures. Having more years of constant measures would allow for a better understanding of the variations in harvest.

One member clarified that the proposal was for two years and not a longer time period because it is anticipated that updated stock assessment information will be available every two years. This would allow for management to react to updated stock assessment information.

One Monitoring Committee member said this approach could pull together many aspects of the other approaches in the Steering Committee outline and it could be a good way to move forward with the goal of stability in management measures. For example, it could allow for use of final MRIP estimates (see objective 1), would allow for consideration of the timing of the management measures recommendation (see objective 5), would allow for changes to be considered in response to updated stock assessment information, and would allow for year-to-year stability in recreational management measures.

The group discussed how state conservation equivalency could work under this approach. There was a general consensus that the approach would work best with a strong commitment to no changes at the federal or state level during the two years.

One Monitoring Committee member noted that it could be difficult to explain to stakeholders why they may have to forego potential liberalizations in the interim year under this approach. She recommended that this approach be evaluated from a socioeconomic perspective. Another Monitoring Committee member recommended consideration of the benefits of this approach in terms of compliance with and enforcement of the management measures.

*Objective 4: Consider improvements to the process used to make changes to state and federal recreational management measures*

The third objective in the Steering Committee outline relates to improvements to the process used to make changes to state and federal waters recreational management measures. The Steering Committee has not discussed this objective in great detail.

A few Monitoring Committee members said it would be beneficial to have guidelines on how to best use MRIP data at the state/mode/wave levels. The group agreed that additional analysis is needed to better understand the limitations of the MRIP data for any given species before recommendations can be made for how to best use the MRIP data. For example, one Monitoring Committee member said it may be challenging to develop robust guidelines that could be applied uniformly across all states as MRIP sampling is not consistent across states and states with more frequent intercepts of the species in question may be put at an advantage.

One bluefish Monitoring Committee member said regional measures, especially for shared water bodies, are worth considering and can help address concerns about using MRIP data at too fine of a scale.

*Objective 5: Consider making recommendations for federal waters recreational management measures earlier in the year*

The Steering Committee has discussed the idea of recommending federal waters recreational management measures in August or October rather than December of each year. The Monitoring

Committee supported further consideration of this approach. Many members noted that it has been challenging for states to develop measures and for the Technical Committee to review proposals under the tight deadlines that are needed under the current process. Moving some of the decision making to earlier in the year could allow for more time for robust review of proposals. However, the group also noted that earlier decision making would not allow for consideration of preliminary current year data when developing recreational management measures for the following year. This may be appropriate for measures that are intended to be in place for multiple years (e.g., see objective 3).

#### General comments on the Recreational Reform outline

The group noted that the Council and Board may wish to include additional topics in the Recreational Reform Initiative after discussing the ongoing commercial/recreational allocation amendment during their next meeting.

Several Monitoring Committee members supported consideration of an additional approach that would more explicitly tie changes in management measures to the stock assessment, for example by considering changes only when new stock assessment information is available. This may be feasible under the anticipated every other year timeline for stock assessment updates in the future.

One member of the public asked how the Recreational Reform Initiative complies with the recent executive order to produce seafood. One Steering Committee member emphasized that the initiative relates to recreational fishing only and not commercial fishing. Another Steering Committee member said the initiative would help to support a supply of seafood by ensuring that harvest is managed at sustainable levels.

#### **Commercial Scup Discards Report**

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Council staff reviewed the staff memo on planned scup discards analysis for 2020. The objective of this discussion was to receive preliminary feedback from the Monitoring Committee on approaches and data sources for this analysis.

One Monitoring Committee member asked if given the fact that the gear restricted areas (GRAs) give temporal protection to other species besides scup, would the report consider discards of all relevant species? Staff responded that the report currently focuses solely on scup due to concerns with high discards, though the Council could expand this in the future.

One member noted that since the largest year class recruitment event in 2015 there has been increasing discards (peaking in 2017) as that year class recruits into the fishery. Based on 2018 information, discards may be trending down. Staff added that in 2019 discards also continued to decrease, following the downward trend in recruitment.

Another MC member said thinking about the data sources and caveats associated with them will be important. In the past, the “MESH240” estimates have been used. These estimates are peer reviewed from the assessment and provide overall estimates, but they don’t allow for fine scale temporal or spatial analysis. To look at a finer scale, observer data would need to be used but there are different caveats associated with that dataset (e.g., variable observer coverage over time). One member noted that it can be problematic to use VTR data for fine scale information. It may be best to look at a lot of VTR data over time, which might not answer the more specific

discard questions being asked. One member noted that Rutgers and the NEFSC created fishing footprint maps which combined VTR and observer data to obtain a finer resolution.

A member of the public commented that the scup discard issue has caused the industry to take broader look at all demersal discards with a \$44,000 S CeMFiS proposal to answer various questions.

### **Summer Flounder Commercial Minimum Mesh Size Exemptions**

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The Monitoring Committee reviewed the staff memo on summer flounder mesh exemption evaluation and discussed plans for review of current programs.

One Monitoring Committee member asked whether information was available on the size of discarded fish and thought this could be interesting to analyze. Staff responded that this could potentially be looked at through observer data.

A member of the public commented that in the early 1970s, the United National Fisherman's Association put forth a 5" mesh size for summer flounder, scup and black sea bass but this proposal was ignored. He said management should implement a 5" net for all 3 species. He also said that the Monitoring Committee should understand the difference between a high rise and a flynet and should discuss if net size regulations are changing the way fish grow and are impacting length at age. He also asked whether fish are slower growing as a result of fisheries management. He also discussed the recent Executive Order that includes increasing seafood production in the United States and felt that more fish could be landed if the minimum size restrictions were liberalized. He proposed that with a net size of 5", fishing pressure would be taken off large females. He commented that high grading needs to be considered when analyzing discards and that current regulations are reducing fishing instead of encouraging it. He also recommended a cumulative total length limit in the recreational sector to eliminate all recreational discards. Lastly, he recommended that we learn from Japanese studies that have supplemented wild fish populations with breeding programs.

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

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The Monitoring Committee reviewed the recent February opening of the recreational black sea bass fishery and discussed if changes are needed for February 2021.

One Monitoring Committee member said the current management program does not allow equal access to the February fishery among all states. Specifically, states which feel that their management measures during the rest of the year are already quite restrictive (i.e., Massachusetts through New Jersey) are not willing to take an additional restriction in order to participate in the optional February opening. However, during February, black sea bass are found in federal waters and fish which spend the warmer months in different states are mixed together. For this reason, states which participate in the February opening are not just impacting "their fish." This Monitoring Committee member said access to the February opening should be more equitable and states with restrictive management measures during the rest of the year should not be required to further restrict their measures if they participate in the February opening. He suggested that this could be achieved by deducting the February harvest from the coastwide RHL, rather than parsing it out on a state-by-state basis. In the past, some states expressed

concern about an “off the top” approach like this as not all states would likely participate in the opening, but all would be impacted if adjustments are made at the coastwide level.

Another Monitoring Committee member asked if states could provide estimates of how many vessels or trips would be expected to target black sea bass during February if the season were open in their state. Alternatively, the number of for-hire trips for all species during February in recent years could be examined using federal VTRs. This could be a starting point for evaluating the potential amount of effort in the February black sea bass fishery and could help provide a better understanding of the impacts of moving to a system where February harvest is taken off the RHL.

The Monitoring Committee agreed that the system used by Virginia to monitor their February harvest (i.e., permit requirements, logbooks, and call ins) and adjust their season length later in the year as needed has worked well. The group agreed that MRIP estimates should not be used to monitor February harvest and make adjustments to measures later in the year. The challenge of determining the appropriate season adjustment in North Carolina to account for an unreasonable MRIP estimate in February 2020 clearly illustrates this point. The current February management program requires estimation of harvest at a finer scale than is generally appropriate for the MRIP data.

Currently, North Carolina is the only state in the management unit which conducts MRIP sampling during January and February. One Monitoring Committee member said the additional monitoring required during February is a burden on states. States may not see this burden as worthwhile, especially if they are required to further restrict their already restrictive measures to participate in the optional February opening. A coastwide, standardized monitoring system could be beneficial.

Equitable access is also challenging under the current program as not all states are able to modify their measures later in the year to account for higher than expected February harvest. One Monitoring Committee member asked if these states could pre-determine different management measures which would be implemented at different levels of February harvest. In this way, the response to estimated February harvest would be automatic.

One Monitoring Committee member noted that if the updated assumption of 90% for-hire and 10% recreational harvest during February relies heavily on wave 6 MRIP data from 2016, then this this assumption may not be valid as wave 6 in 2016 included an estimate from New York that has been widely accepted as an unrealistically high outlier.

#### Public comments

One Council member said he supported the approach of taking February harvest “off the top” of the RHL as the February fishery occurs in federal waters and fish from different areas are mixed together. In addition, anglers can travel to different states to participate in this fishery. Participation should not be limited to residents of states with openings.

One member of the public from New York noted that the current management program relies on old data and is especially problematic that it places a strong emphasis on data from a few months after Superstorm Sandy. He said the majority of fishing activity during this time of year is in the for-hire sector and the primary driver for fishing activity during this time of year is cod, not black sea bass, as they can be caught closer in shore. He added that February harvest is very weather-dependent. He said it is a small fishery and the opening should not require restrictions

during the rest of the year. He added that black sea bass migration has changed. They are wintering further south than the used to.

One member of the public asked what percentage of black sea bass harvested during the February recreational fishery in Virginia were males. He claimed that “everything the Council has done in the past has been to target the females.” He added that recreational fishermen should be required to report their catch through smart phones immediately after each trip, at least during the February recreational black sea bass fishery. He said this will illustrate the true extent of the inaccuracies in the data used in management to date.

One Council and Board member noted that the 50% private, 50% for-hire assumption used in the previous analysis generated much debate. He said the updated 90% private, 10% for-hire assumption based on the revised MRIP data does not seem reasonable for wave 1 as for-hire vessels tend to be larger than private vessels and thus better able to fish in the rough weather conditions during wave 1. He requested that the Monitoring Committee further evaluate the updated 90%/10% assumption, perhaps using information other than MRIP data from waves 2 and 6 as those waves can have milder weather than wave 1.

After the Monitoring Committee discussion ended, the ASMFC’s Technical Committee met to discuss the February 2020 recreational black sea bass fishery in North Carolina and review a proposal for a season modification to account for higher than expected February harvest. A summary of this discussion is available at <https://www.mafmc.org/council-events/2020/sfsbsb-mc-meeting-july27>.