Summer Flounder, Scup, and Black Sea Bass Commercial Measures Review: Advisory Panel Background and Questions

Briefing Material for Joint AP Meeting, via Webinar: Thursday, October 22, 2015, 2 PM – 5 PM
http://mafmc.adobeconnect.com/fsb-ap-oct22/
Telephone-only Connection: 800-832-0736, room number 4472108

Introduction

The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Technical Committee are conducting a review of the effectiveness of commercial management measures for these three species. The Committees will consider a specific list of commercial management measures, described in this document, that are able to be modified through the annual specifications process.

In recent years, advisors, managers, and other stakeholders have requested that some of the commercial management measures be reviewed in more detail and potentially modified. For example, some advisors have suggested that a minimum commercial fish size in the trawl fishery for all three species is not necessary if an appropriate minimum mesh size is in place, and that elimination of the minimum fish size would reduce regulatory discards. The Council and Commission have also received requests to increase the incidental possession limit for scup (i.e. the possession limit that triggers the minimum mesh size) in order to reduce regulatory discards.

The Monitoring and Technical Committees are conducting a full review of the current commercial measures contained in the Fishery Management Plan, with the following objectives:

- Review and summarize the current federal commercial regulations that are able to be modified through the specifications process, including background information and technical basis if available;
- Gather perspectives from managers and advisors on which measures appear to be working well and where changes may be warranted;
- Analyze the effectiveness of current measures using available datasets;
- Recommend modifications to the current measures as appropriate and forward to the Council and Commission for consideration at their **December 2015 joint meeting** in Annapolis, MD.

We are requesting input from the Council and Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panels on the specific current commercial measures described below. The AP webinar on October 22 will review each of these items, and advisor comments will be passed on to the Monitoring Committee, Technical Committee, Council, and Commission.

While comments regarding other items not listed below are also welcome, please note that modifications to measures not described in this document are likely to require an amendment or framework action.

Summer Flounder

Summer Flounder Commercial Minimum Fish Size

- **Current Measures:** The minimum size for retention of summer flounder in the commercial fishery is 14 inches total length (TL).
- **Background:** The original joint FMP required a 13-inch TL commercial minimum fish size; however, many states had previously implemented 14-inch size limits as suggested under the Commission's original FMP (1982). The coastwide minimum size was increased to 14 inches in 1997 and has remained unchanged since that time.

The original 13-inch limit, in combination with the mesh requirements implemented under Amendment 2 (1993), was designed to reduce mortality of small summer flounder and to minimize waste. A 5.5-inch mesh was found to retain about 70% of the 14 inch summer flounder that encounter the net. The Council and Commission recognized that 5.5-inch mesh would also retain some 13-inch summer flounder, and believing that fishermen would target 14-inch and larger summer flounder, implemented a 13-inch size limit to minimize discards of 13 to 14 inch fish.

However, it became apparent that the minimum mesh requirements were incompatible with a 13-inch minimum size, and that fishermen were circumventing the mesh requirements through the use of liners in order to target 13-inch fish. The minimum size was revised to 14 inches in 1997 in order to reduce mortality on immature fish, make the commercial regulations consistent coastwide, and make the commercial minimum size consistent with the recreational minimum size at the time.

- **For AP Consideration:** Is the summer flounder minimum commercial fish size appropriate? If not, how should it be changed?

Summer Flounder Minimum Mesh Size

- **Current Measures:** Trawl vessels must use 5.5-inch diamond or 6.0-inch square minimum mesh size in the entire net when possessing more than the threshold amount of summer flounder, i.e., 200 lb in the winter (November 1-April 30) and 100 lb in the summer (May 1-October 31).
- **Background:** The 5.5-inch diamond or 6.0-inch square minimum mesh size requirements were first implemented in 1993 under Amendment 2 to the FMP, however, at the time this measure applied only to the net's codend. Under Amendment 10 to the FMP, effective in 1998, the minimum mesh requirements were modified to apply throughout the whole net.

  The Council and Commission reconsidered the mesh requirements around the same time that the minimum fish size was increased to 14 inches. Poor compliance with the mesh regulations, combined with the use of smaller mesh forward of the codend, had resulted in higher than expected fishing mortality rates on sublegal summer flounder. The requirement for 5.5-inch mesh throughout the net was implemented in order to reduce mortality and discards of immature summer flounder, as well as to simplify enforcement.

- **For AP Consideration:** Is the minimum mesh size for summer flounder appropriate? If not, what would be a more appropriate regulation?

Summer Flounder Seasonal Possession Limit Triggers (Incidental Possession Limits)

- **Current Measures:** Trawl vessels must use 5.5 inch diamond or 6.0 inch square minimum mesh size in the entire net when possessing more than the threshold amount of summer flounder, i.e., 200 lb in the winter (November 1-April 30) and 100 lb in the summer (May 1-October 31).
- **Background:** A year-round threshold of 100 lb was implemented via Amendment 2 in 1993. Under Amendment 3 in 1993, the thresholds were modified to 200 lb in the winter (November 1 – April 30) and 100 lb in the summer (May 1- October 31). The measures have remained unchanged since this time.

  Amendment 3 also considered a 500 lb trigger alternative, but analysis indicated that this threshold would potentially encourage a directed small mesh fishery for summer flounder and subvert the positive impacts of the mesh regulations. Amendment 3 also considered a year-round 200 lb threshold, but it was believed that this may lead to a small mesh directed fishery by smaller boats fishing during the summer, which typically landed less than this poundage threshold.

- **For AP Consideration:** Are the seasonal possession limits triggering the minimum mesh size appropriate? If not, how should they be changed? To your knowledge, how often do smaller mesh fisheries approach their incidental summer flounder possession limits? To your knowledge, are summer flounder caught incidentally in small mesh fisheries typically landed and sold?

Small Mesh Exemption Program

- **Current Measures:** Summer flounder moratorium vessels fishing east of longitude 72° 30.0'W (Figure 1), from November 1 through April 30, and using mesh smaller than 5.5-inch diamond or 6.0-inch square, may land more than 200 lb of summer flounder provided that they have obtained a small mesh exemption program (SMEP) permit from NMFS. Vessels must be enrolled in the program a minimum of 7 days, and may not fish west (landward) of the line.

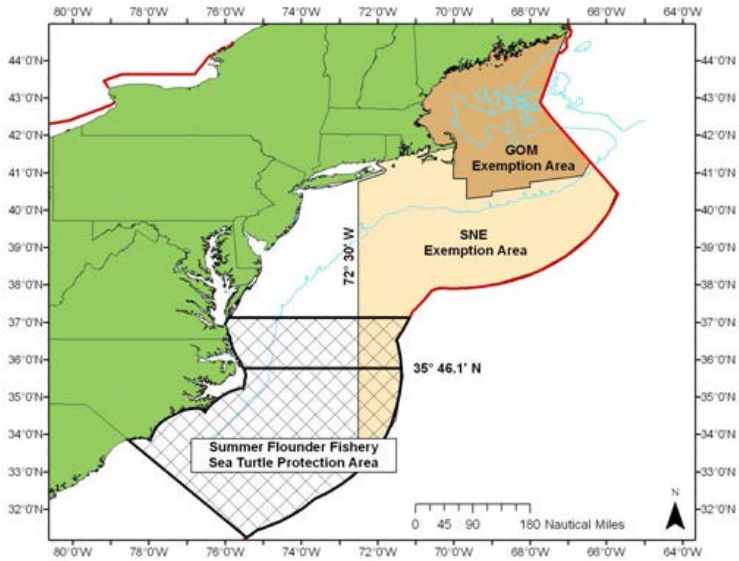

Figure 1: Summer flounder small mesh exemption area.

- **Background:** The exemption is designed to allow vessels to retain a bycatch of summer flounder while operating in other, small-mesh fisheries. The small mesh exemption program was developed under Amendment 2 to the FMP in 1993, and modified under Amendment 3 (1993).

  The original demarcation line followed a yellowtail large mesh area at the northern end before following 72°20.0'W longitude to the south. This proved difficult for compliance and enforcement, and additionally was not favored because of the way it bisected Hudson Canyon. Amendment 3 to the FMP in 1993 adjusted the line of demarcation to 72°30.0'W, and it has remained unchanged since that time.

  The Monitoring Committee is responsible for annually reviewing observer data to evaluate whether vessels fishing under this exemption program are discarding more than 10% of their summer flounder catch. The Committee may recommend adjustments to the exempted area and boundary in 30-minute intervals of latitude and longitude, and to the seasons in 2-week intervals.

- **For AP Consideration:** Do you have any comments on the small mesh exemption program for the summer flounder minimum mesh size requirements? Which fisheries typically participate in this exemption program? Should this exemption program be modified? If so, how?

Flynet Exemption Program

- **Current Measures:** Vessels fishing with a two-seam otter trawl flynet are exempt from the minimum mesh size requirements. Flynets have large mesh in the wings that measure 8 to 64 inches, the belly of the net has 35 or more meshes that are at least 8 inches, and the mesh decreases in size throughout the body of the net to 2 inches or smaller.

- **Background:** The flynet exemption was added to the FMP through Amendment 2 in 1993, as suggested by the South Atlantic Council and by the State of North Carolina. Flynet use was observed generally between Cape Henlopen, Delaware and North Carolina in the fall/winter season. Atlantic croaker, weakfish, Atlantic mackerel, and bluefish were the dominant species in the flynet catches in the mid- to late 1980s when the

exemption was proposed. Limited amounts of summer flounder have been traditionally harvested by this gear. The NMFS Regional Administrator may withdraw the exemption if the annual average summer flounder catch in the flynet fishery exceeds 1% of the total.

- **For AP Consideration:** Do you have any comments on the flynet exemption for the summer flounder minimum mesh size requirements? Should this exemption program be modified? If so, how?

Scup

Scup Commercial Minimum Fish Size

- **Current Measures:** The minimum size for retention of scup in the commercial fishery is 9 inches total length (TL).
- **Background:** This regulation has been in place since scup was added to the FMP in 1996. This minimum size was chosen because most scup are mature by the time they reach 9 inches in length. An analysis of over 3,000 scup caught in the NMFS Northeast Fisheries Science Center bottom trawl surveys between 1981 and 2013 indicates that 97% of scup are mature by the time they are 9 inches long.

- **For AP Consideration:** Is the scup minimum commercial fish size appropriate? If not, how should it be changed?

Scup Commercial Minimum Mesh Size

- **Current Measures:** Vessels may not possess more than the incidental scup possession limit (described in the next section), unless fishing with nets that have a minimum mesh size of 5.0 inches diamond mesh throughout the codend for at least 75 continuous meshes forward of the terminus of the net.
- **Background:** The initial minimum mesh size for scup established in 1996 was 4.0 inches for trawl vessels possessing more than the incidental scup possession limit (described in the next section). This requirement was designed to complement the minimum fish size (9 inches TL) and was based on data which indicated that about 50% of the scup retained by nets with 4 inch mesh were 8.3 inches in length.

  The minimum mesh size was increased to 4.5 inches in 1997, and modified in 2002 to require that no more than 25 meshes of 4.5-inch mesh be used in the codend with at least 100 meshes of 5.0-inch mesh forward of the 4.5-inch mesh. The minimum mesh size was increased to 5.0 inches throughout the codend in 2005, in response to increasing abundance and corresponding increasing discards of smaller scup.

- **For AP Consideration:** Is the current minimum mesh size appropriate for scup? If not, how should it be changed?

Scup Seasonal Possession Limit Triggers (Incidental Possession Limits)

- **Current Measures:** Vessels possessing 500 pounds or more of scup from November through April, or 200 pounds or more between May and October, must adhere to the minimum mesh size requirements described above.
- **Background:** In 1997, the scup incidental possession limits were 4,000 lb (November through April) and 1,000 lb (May through October). These were modified in 1999, to 200 and 100 lb for the same respective seasons, and then again modified in 2001 to 500 and 100 lb. The incidental possession limits for scup were last modified in 2005, when the summer limit was revised to 200 lb.

- **For AP Consideration:** Are the current seasonal possession limit triggers for the minimum mesh size appropriate? If not, how should they be changed?

Scup Possession Limits (Non-Incidental) for Winter I and Winter II Quota Periods

- **Current Measures:** Current federal possession limits for scup are 50,000 lb during Winter I (January through April), and 12,000 lb during Winter II (November and December). If Winter I quota is not reached, the Winter II possession limit increases by 1,500 pounds for every 500,000 pounds not caught during Winter I.
- **Background:** The Council and Board developed scup possession limits for the Winter I and Winter II quota periods to help prevent quota overages. These possession limits were first implemented in 1999. Table 6 shows a summary of how the Council and Board have modified these possession limits since 1999.

Table 1: Summary of changes in the Winter I and Winter II scup possession limits.

Year in effect	Winter I possession limit (pounds)	Winter II possession limit (pounds)
1999	12,000	12,000
2001	10,000	4,000
2002	No change	2,000
2003	15,000	1,500
2005	30,000	No change
2006	No change	2,000
2012	50,000	No change
2014	No change	12,000

- **For AP Consideration:** Are the current Winter I and Winter II possession limits for scup appropriate? If not, how should they be changed?

Scup Roller Gear Size Restrictions

- **Current Measures:** Otter trawl vessels holding scup moratorium permits may not use rollers greater than 18 inches in diameter.
- **Background:** This regulation has been in place since scup were added to the FMP in 1996. An 18-inch diameter corresponded to the maximum roller diameter used by some states to regulate this gear in state waters. The intent of this regulation was to prevent bottom trawl vessels from accessing scup in areas with especially rough bottoms. Scup associated with these areas would be protected from harvest allowing more fish to grow to maturity and spawn, increasing stock biomass and yields.

- **For AP Consideration:** Is this measure appropriate? If not, what would be a more appropriate measure? To your knowledge, what size(s) of rollers are used on vessels targeting scup?

Scup Pot and Trap Gear Restrictions

- **Current Measures:** Pots and traps used to harvest scup in the commercial fishery must have either circular escape vents with a minimum diameter of 3.1 inches or square or rectangular escape vents with each side being at least 2.25 inches in length. They must also have degradable hinges made with untreated hemp, jute, or cotton string of 3/16 inch diameter or less, or magnesium alloy pop-up devices, or similar magnesium alloy fasteners, or ungalvanized or uncoated iron wire of 0.094 inch diameter or less.
- **Background:** The Council and Board have never modified the escape vent size requirements for scup. These requirements were based off of a 1968 study by Smith and Norcross which showed that a circular escape

vent of 3.1 inches would allow scup smaller than 9 inches TL (the minimum size in the commercial fishery) to escape from the trap before it was brought to the surface.

The Council and the Commission hosted a workshop on scup and black sea bass pot and trap vent sizes in 2005. This workshop did not lead to any changes in the vent size requirements for scup.

- **For AP Consideration:** Is the pot and trap measures for scup appropriate? If not, what would be more appropriate measures?

Black Sea Bass

Black Sea Bass Commercial Minimum Fish Size

- **Current Measures:** The minimum size for retention of black sea bass in the commercial fishery is 11 inches total length (TL).
- **Background:** Amendment 9 in 1996 incorporated black sea bass into the Summer Flounder FMP, and established a minimum fish size of 9 inches total length (TL). The minimum size was implemented as part of the effort to reduce fishing mortality on immature black sea bass in order to increase the spawning stock biomass.

  The Council and Commission first increased the commercial size limit to 10 inches TL in 1998, and again to 11 inches TL in 2002. The minimum size has remained unchanged since 2002.

- **For AP Consideration:** Is the black sea bass minimum commercial fish size appropriate? If not, how should it be changed?

Black Sea Bass Commercial Minimum Mesh Size

- **Current Measures:** Otter trawlers whose owners are issued a black sea bass moratorium permit and that land or possess 500 lb or more of black sea bass from January 1 through March 31, or 100 lb or more of black sea bass from April 1 through December 31, must fish with nets that have a minimum mesh size of 4.5-inch diamond mesh applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net. For codends with less than 75 meshes, the entire net must have a minimum mesh size of 4.5-inch diamond mesh throughout.
- **Background:** Under Amendment 9, effective in 1996, the original minimum mesh size established for vessels possessing more than 100 pounds of black sea bass was 4.0-inch diamond or 3.5-inch square. In 1998, the minimum mesh size threshold was changed from 100 lb to 1,000 lb.

  In 2002, the Council and Commission increased the minimum mesh size requirement to 4.5-inch diamond mesh, required for a minimum of 75 meshes from the codend. This requirement was intended to be consistent with the simultaneous increase in the commercial minimum size, to 11 inches TL.

- **For AP Consideration:** Is the current minimum mesh size appropriate for black sea bass? If not, how should it be changed? What mesh sizes are typically used to target black sea bass?

Black Sea Bass Seasonal Possession Limit Triggers (Incidental Possession Limits)

- **Current Measures:** Otter trawlers whose owners are issued a black sea bass moratorium permit and that land or possess 500 lb or more of black sea bass from January 1 through March 31, or 100 lb or more of black sea bass from April 1 through December 31, must adhere to the minimum mesh size restrictions.
- **Background:** When black sea bass were incorporated into the FMP under Amendment 9, the threshold possession limit triggering the mesh requirement was 100 lb. In 1998, the minimum mesh size threshold was

increased to 1,000 lb. In 2002, the incidental possession limit was decreased from 1,000 lb year-round to 500 lb from January-March and 100 lb from April-December.

- **For AP Consideration:** Are the current seasonal possession limit triggers for the minimum mesh size appropriate? If not, how should they be changed? To your knowledge, how often do smaller mesh fisheries approach their incidental black sea bass possession limits? Are black sea bass caught incidentally in small mesh fisheries typically landed and sold?

Black Sea Bass Roller Gear Size Restrictions

- **Current Measures:** Federal regulations currently prohibit otter trawl vessels holding black sea bass moratorium permits from using roller rig trawl gear equipped with rollers greater than 18 inches in diameter.
- **Background:** This regulation has been in place since black sea bass were added to the FMP in 1996. An 18-inch diameter corresponded to the maximum roller diameter used by some states to regulate this gear in state waters. The intent of this regulation was to prevent bottom trawl vessels from accessing sea bass in areas with especially rough bottoms. Sea bass associated with these areas would be protected from harvest allowing more fish to grow to maturity and spawn, increasing stock biomass and yields.

- **For AP Consideration:** Is this measure appropriate for the current commercial fishery? If not, what would be a more appropriate measure? To your knowledge, what size(s) of rollers are used on vessels targeting black sea bass?

Black Sea Bass Pot and Trap Gear Restrictions

- **Current Measures:** Black sea bass traps or pots must have two escape vents in the lower corners of the parlor. Each must comply with one of the following minimum size requirements: a rectangular vent of 1.375 inches by 5.75 inches; a circular vent of 2.5 inches in diameter; or a square vent with sides of 2 inches.

  Black sea bass traps or pots also must contain a ghost panel with degradable fasteners and hinges, covering an opening of at least 3.0 inches by 6.0 inches. The ghost panel must be affixed with hinges and fasteners made of one of the following degradable materials: (A) Untreated hemp, jute, or cotton string of $^{3}/_{16}$ inches (4.8 mm) diameter or smaller; or (B) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners; or (C) Ungalvanized or uncoated iron wire of 0.094 inches (2.4 mm) diameter or smaller.
- **Background:** Amendment 9 in 1996 required black sea bass pots to include one minimum escape vent of 1.125 inches x 5.75 inches rectangular, 2.0 inches in diameter circular, or 1.5 inches square. In 2002, the Council and Commission increased the pot and trap escape vent size requirements to 2.375-inch circular, 2-inch square, or 1.375 inch x 5.75 inch rectangular. These requirements were intended to be consistent with the simultaneous increase in the commercial minimum size of 11 inches TL.

  The circle vent size requirements were modified again in 2007, based on the findings of a 2005 Council and Commission sponsored workshop. The minimum circle vent size was increased from 2.375 inch to 2.5 inch. The rectangular and square vent requirements remained unchanged. In addition, the requirement for number of vents in the parlor portion of the pot/trap was increased from one to two.

- **For AP Consideration:** Is this measure appropriate for the current commercial fishery? If not, what would be a more appropriate measure?