

Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board Conference Call

Draft Agenda

May 22, 2017

12:30 – 2 p.m.

Webinar Link: <https://attendee.gotowebinar.com/register/499991200830679809>

Conference Call: 1-888-394-8197 Passcode: 815277

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary. The Board Chair may allow limited opportunity for comment and has the discretion to limit the number of speakers and/or the length of each comment.

1. Welcome/Call to Order (*M. Luisi*) 12:30 p.m.
2. Board Consent 12:30 p.m.
 - Approval of Agenda
3. Public Comment (**For items not on the agenda**) 12:35 p.m.
4. Consider New Jersey Proposal on 2017 Summer Flounder Recreational Measures **Final Action** (*T. Kerns*) 12:45 p.m.
 - Overview of Proposal (*T. Baum*)
 - Technical Committee Report
5. Other Business/Adjourn 2:00 p.m.



NEW JERSEY DIVISION OF
Fish and Wildlife
P.O. Box 400
Trenton, NJ 08625-0400
Larry Herrighty, Acting Director

Memorandum

To: ASMFC Summer Flounder, Scup, and Black Sea Bass Technical Committee

From: Peter Clarke, Senior Biologist
New Jersey Bureau of Marine Fisheries

Date: May 12, 2017

Re: New Jersey 2017 Conservation Equivalency Proposal – Recreational Summer Flounder

This memorandum provides the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board (Board) with New Jersey's proposed management measures for recreational summer flounder for 2017 under conservation equivalency. Outlined is the approach New Jersey utilized to compare total mortality reductions under Addendum XXVIII (Addendum) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and this proposal.

Background

Since 2015, the New Jersey recreational summer flounder regulations have been following a regional approach where the regulations (size, season, and bag) have been consistent within all three states in the region (Connecticut, New York, and New Jersey). These regional measures included an 18 inch size limit, 128 day season, and 5 fish possession limit each year.

The Addendum was available in December 2016, allowing public review and a public comment period ending January 16, 2017. Proposed measures required substantial reductions to recreational harvest that would lead to excessive biological, social, economic, and regulatory concerns for New Jersey's recreational fishery.

The New Jersey Marine Fishery Council met on January 5, 2017 and unanimously opposed all options in the Addendum and recommended remaining status quo. That same evening, New Jersey held a summer flounder public hearing regarding the Addendum with more than 150 people in attendance. Public participants unanimously opposed the Addendum and also recommended status quo regulations for the 2017 fishing season.

At the Board meeting on February 2, 2017, the Commissioner of the New Jersey Department of Environmental Protection testified before the Board to express New Jersey's concern about the strength of the science of the Addendum and the impact these decisions would have upon the recreational fishing industry in New Jersey. New Jersey's ASMFC Commissioners moved to postpone the vote on the Addendum until confirmation of a new Secretary of Commerce, but this motion failed. A subsequent motion by the Board to accept Addendum XXVIII Option 5 was passed, with New Jersey and two other states opposing. Approval of the Addendum and continued regional management measures for 2017 required a 33% reduction for the New Jersey, New York and Connecticut region for 2017. To implement this reduction, New Jersey was required to implement translates into a 19-inch minimum size, 128 day season, and a 3 fish possession limit.

New Jersey filed a formal appeal to the Board's decision through the ASMFC Charter Appeals Process. Within the appeal, New Jersey argued that the ASMFC 1) did not follow proper process in reaching its decision on Addendum, 2) inappropriately used technical information in their decision making process, and 3) passed management measures that result in unforeseen economic impacts. The appeal was submitted to ASMFC on March 24, 2017, and underwent preliminary review by the ASMFC leadership on April 14, 2017, which accepted only portions of the appeal for full review by the ASMFC Policy Board during its meeting on May 11, 2017.

One grievance expressed in New Jersey's appeal is particularly relevant to New Jersey's proposed option. The management measures approved by the Board require New Jersey to increase minimum size from 18 inches to 19 inches for the 2017 season. Based on data from the New Jersey Volunteer Angler Survey, fewer than 8% of the fish caught in New Jersey's 2016 recreational fishery were greater than 19" (Table 1). New Jersey MRIP data indicate only 6% of the catch is greater than the 19-inch size limit. This results in a discard ratio of approximately 12 to 1 (NJ VAS) or 16 to 1 (NJ MRIP) discards per harvested fish (Table 1). Assuming a 10% discard mortality rate used in summer flounder stock assessments since 1998, discard mortality in New Jersey's fishery would exceed harvest mortality by 27% (NJ VAS) to 67% (NJ MRIP) under a 19-inch minimum size (Table 1). This is not an acceptable way to manage a fishery for both biological and socio-economic reasons. Moreover, this is an increase in discard ratio of more than 70% (2016 ratio \approx 7.4 discards per harvested fish at 18 inches NJ VAS). Such a large increase in discarded fish substantially impacts the estimated savings from the proposed regulations. Specifically, the 2016 stock assessment update indicated that fishing mortality exceeded the approved fishing mortality threshold by 26%. The Addendum was developed to achieve a 30% reduction in harvest in the CT-NY-NJ region to account for this excessive fishing mortality (F). However, when the increased discard mortality is taken into account, the savings in total fishing mortality in New Jersey would only be 14 percent, less than half of the required reduction in fishing mortality needed to meet $F_{\text{threshold}}$. (Table 2).

New Jersey's proposal addresses the concerns surrounding discard mortality. New Jersey is proposing to maintain an 18-inch minimum size to prevent discard mortality from exceeding harvest mortality and to minimize the erosion in mortality savings through discards. To compensate for the lower size limit, we propose a reduction in season length from 128 days to 104 days. The bag limit of 3 fish is consistent with the Addendum. These measures will provide a 24 percent reduction in harvest mortality and 30 percent reduction in total mortality compared to 14 percent reduction in total mortality of the Addendum (Table 2).

Further, New Jersey is taking steps to implement an extensive outreach program designed to inform anglers of ways to reduce discard mortality. We are confident that we can reduce discard mortality by at least 2 percent (from 10% to 8%) through robust outreach and education. By reducing discard mortality, our proposed measures will provide an estimated 30 percent reduction in total mortality in New Jersey's recreational summer flounder fishery, compared to the 14% reduction we would achieve by implementing the measures in the Addendum. If all states initiate this endeavor it will result in significant reductions of dead summer flounder discards throughout the entire coast.

Proposed Method for 2017 Reduction

The Addendum requires consistent regulations of a 19" minimum size, 3 fish bag limit, and 128 day season for CT, NY, and NJ. These regulations result in a 32.7 percent harvest reduction for the region as a whole, and a 33.3 percent harvest reduction for NJ specifically. Assuming a 10% discard mortality rate, the overall savings to total mortality in NJ are estimated to be 14 percent under the Addendum.

New Jersey is proposing measures that include maintaining our 2016 18-inch size limit, reducing the bag limit from 5 fish to 3 fish, and decreasing the season length to 104 days. Delaware Bay will remain at 17 inches, 104 days, 3 fish possession limit, while the New Jersey shore enhancement site at Island Beach State park will be 16 inches, 104 days, 2 fish possession limit. We expect as in past years for a very limited number of landings from both Delaware Bay and Island Beach State Park adding fewer than 8,000 fish total for both locations. In addition to these regulations, we will implement an outreach program, drawing on the resources available from NOAA Fisheries' "FishSmart" program, that is expected to reduce our discard mortality from 10% to 8% or less. The proposed regulations will achieve an estimated 24% reduction in harvest for the state. This is lower than the harvest reduction expected for New Jersey under Addendum; however, through reductions to the discard mortality rate, **our proposal will increase the total mortality savings from 14% under the Addendum to 30% under the New Jersey proposed option.**

The estimated savings was calculated as follows; Season and possession limit reductions were applied to the New Jersey 2016 harvest to estimate 2017 harvest. Assuming a 7 to 1 discard ratio as reported by our anglers through the NJ VAS (Table 1), total catch was estimated by multiplying harvest by 8, total dead discards was calculated by subtracting harvest from total caught and multiplying the result by .08. The total number of dead fish was then estimated by adding total harvest to total dead discards. Harvest and total mortality reductions were calculated relative to the 2016 observed values and projected harvest and total mortality under the Addendum.

Discard Mortality Rate and Outreach

Currently, a discard mortality rate of 10% is used to determine the number of fish that die when discarded. New Jersey is confident that by incorporating angler outreach, a discard mortality rate of 8% can be reached. Historical studies have shown a range of discard mortality between 5% and 23% with a mean of 7% achieved through hook size and handling variation. By decreasing the hook size used and amount of time that anglers handle fish, we are confident that our discard mortality rate can be lowered to at least 8% from 10%.

Early stock assessments incorporated a recreational release mortality of 25%, but over time this value drew criticism for being too high (Terceiro 2002). SAW 25 (NEFSC 1997) included a research recommendation to investigate recreational release mortality for fluke. Three studies were completed in 1998 to investigate potential factors affecting release mortality, using both tank studies and field trials in North Carolina, Virginia, and New York. Average release mortality in each of the studies ranged from 6% to 14%. The average of these studies provides an estimate of 10% recreational release mortality, which was adopted for the 1998 stock assessment update (Terceiro 2002) and used in all subsequent assessments.

During the appeal process, New Jersey contracted with Montclair State University to conduct a study to collect information on anglers' summer flounder fishing practices and how they would change under the Addendum, as well as their willingness to take steps to reduce discard mortality. Several of the questions were aimed at evaluating their understanding of release mortality, their willingness to adopt changes to fishing practices to reduce mortality, and the best way to implement an outreach program. Preliminary results are encouraging, provide direction to staff on what aspects to focus on and how to distribute information.

Approximately 26,000 anglers responded to the survey, preliminary results indicate that more than 70% responding that they would very likely or absolutely change their angling or handling procedure voluntarily if it could reduce discard mortality. The number of anglers that responded that "they would not be likely to or definitely would not change their habits" was very small. The full findings of this study will be shared with the ASMFC Technical Committee once it is finalized and peer-reviewed.

Given that the recent study has not been finalized, New Jersey will rely on the reports from 1998. Of the three reports used in the 1998 stock assessment, Lucy and Holton (1998) provide the most detail on how different factors affect summer flounder hooking and mortality that can guide our evaluation of the most effective methods to reduce release mortality. For example, by not removing hooks from fish hooked in the gills, tongue, or esophagus, discard mortality was reduced by 33-50% compared to when hooks were removed from similarly hooked fish (Table 8 of Lucy and Holton 1998). Further, their study found that delaying setting the hook from 10 seconds to 30 seconds increased the proportion of deep hooked fish from 18% to 45%. Although further evaluation of all three reports is warranted before determining the best methods to relay to our anglers, these examples suggest certain methods would achieve our proposed reduction in harvest mortality.

Finally, respondents indicated that emails from the agency and posters/brochures at tackle shops and angling locations would be the most efficient way to disseminate information. New Jersey already has an email distribution list of over 138,000 marine recreational anglers that will be used to distribute hooking and handling protocols plus an additional 14,000 followers on the Division's social media page. Further, we have a strong relationship with many tackle shops, marinas, and for-hire vessels that regularly distribute information for the Division. Garnering their support in this important endeavor should not be difficult and will be energetically pursued.

Although reducing release mortality is not a typical management strategy, we are confident, based on the results of our angler survey and information contained in the release mortality studies, that we will be able to reduce discard mortality in the recreational summer flounder fishery to achieve our proposed goals.

Conclusion:

Based on our analysis of the data provided in this memo, the State of New Jersey is confident that a 2017 size, season, and bag limit of 18-inches, 104 days, and 3 fish will achieve conservation equivalency for the 2017 summer flounder recreational fishing season in New Jersey and urge the Technical Committee's concurrence with our proposal.

Table 1. Length frequency of New Jersey’s 2016 recreational summer flounder from the New Jersey VAS and MRIP surveys.

Inch	NJ VAS	Inch	MRIP B2	MRIP A+B1	MRIP Percent
1	0.0000	1	6,286,567		0.9075
2	0.0005	2			
4	0.0000	4			
5	0.0010	5			
6	0.0020	6			
7	0.0000	7			
8	0.0050	8			
9	0.0010	9			
10	0.0131	10			
11	0.0050	11			
12	0.0828	12		1012.78	
13	0.0666	13			
14	0.1434	14		360.88	
15	0.1696	15		1332.29	
16	0.1817	16		6883.76	
17	0.1928	17		92629.01	
18	0.0564	18		229995.98	
19	0.0276	19	155272.36	0.0221	
20	0.0177	20	103459.86	0.0147	
21	0.0114	21	79452.27	0.0113	
22	0.0088	22	37110.36	0.0053	
23	0.0052	23	14724.73	0.0021	
24	0.0042	24	4965.74	0.0007	
25	0.0031	25	18910.97	0.0027	
26	0.0005	26	3563.25	0.0005	
27	0.0000	27	982.94	0.0001	
28	0.0005	28	593.3	0.0001	
29	0.0000	29	2341.66	0.0003	
% GE 19"	0.0790				0.0599
Disc:Harv	12.66				16.71

Table 2. Comparison of New Jersey 2017 summer flounder option and the ASMFC Option 5 in terms of total Mortality versus harvest reduction.

Option	Number of days Open	Size	Bag	NJ Harvest Reduction (%)	Open Period	Total Mortality Compared to 2016 Regs	Total Mortality Compared to ASMFC Opt 5
Addendum XXVIII	128	19	3	33	May 17 - Sept 21	-14%	0%
NJ 2017 Proposed	104	18	3	24	May 25 - Sept 5	-30%	-19%