



Atlantic States Marine Fisheries Commission

MAFMC & ASMFC Joint Meeting Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

MAFMC & ASMFC Summer Flounder, Scup and Black Sea Board & ISFMP Policy Board
December 12 & 13, 2023

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Meeting Summaries, Press Releases and Motions

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The Mid-Atlantic Fishery Management Council met December 12-14, 2023, in Philadelphia, PA. As part of the meeting the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup and Black Sea Bass Management Board (Board), and Interstate Fisheries Management Program Policy Board (Policy Board) met jointly with the Council to take action and discuss a number of issues. The summaries of those meetings follow.

Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/december-2023>.

MAFMC & ASMFC SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD (December 12 & 13, 2023)

Meeting Summary

Summer Flounder Commercial Mesh Size Regulations and Exemptions

The Council and the Board reviewed analysis of and public input on several summer flounder commercial mesh regulations, including: 1) the current 5.5-inch diamond or 6.0-inch square minimum mesh size, 2) the summer flounder Small Mesh Exemption Program (SMEP), and 3) the summer flounder flynet exemption.

The Council and Board recommended no change to the current summer flounder minimum mesh sizes, due to the lack of sufficient evidence to suggest a change is warranted. They agreed that additional selectivity studies should be considered as a research priority, including exploring the selectivity of a wider range of square mesh sizes and further comparing selectivity between square and diamond mesh.

The Council and Board also recommended development of a framework/addendum to consider potential changes to the two mesh exemptions as a priority in 2024. Specifically, this action would consider revisions to the definition of a flynet as well as modifications to the western boundary of the small-mesh exemption area. The changes are intended to be implemented by November 1, 2024, if possible.

Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures

The Council and Board adopted recreational management measures (i.e., bag, size, and season limits) for summer flounder, scup, and black sea bass. This was the second year of setting measures under the Percent Change Approach, and the first year of setting measures for two-year cycles for summer flounder and scup. Black sea bass measures were set for 2024 only due to the timing of the management track assessment.

The Percent Change Approach uses a comparison of the recreational harvest limit (RHL) to an estimate of expected harvest, in addition to stock size, to determine if measures should be restricted, liberalized, or remain unchanged for the next two years. For more information on the Percent Change Approach, go [here](#).

Prior to their deliberations for each species, the Council and Board received a brief overview of the Recreation Demand Model (RDM). The RDM was developed by the Northeast Fisheries Science Center (NEFSC) to predict the effect of proposed recreational measures on angler satisfaction, fishing effort,

recreational harvest, and recreational discards of summer flounder, scup, and black sea bass. The RDM was first used in setting 2023 measures and will be used again for the upcoming years.

2024-2025 Summer Flounder Recreational Measures

The Percent Change Approach requires a 28% reduction in recreational harvest of summer flounder in 2024-2025. This reduction is needed because the RHL for 2024-2025 (6.35 million pounds) falls below the confidence interval around projected harvest for these years, meaning estimated harvest is expected to exceed the RHL, and the stock size is below the target level. Due to declines in stock size the RHL was decreased by 40% in 2024. Measures will be restricted to achieve the full 28% reduction in 2024 and then will remain unchanged in 2025 unless new information suggests a major change in the expected impacts of those measures on the stock or the fishery. The Council and Board approved the use of regional conservation equivalency in 2024-2025. Non-preferred coastwide measures, which are written into the federal regulations but waived in favor of state measures, include an 18.5-inch minimum size, 3 fish possession limit, and open season from May 8-September 30. Precautionary default measures include a 20-inch minimum size, 2 fish possession limit, and open season from July 1-August 31. These measures are only intended to be used for states/regions which do not comply with the conservation equivalency process. State waters measures will be determined through the Commission process in early 2024.

Under Board action, the Board discussed exempting North Carolina from the 28% reduction. Summer flounder recreational management measures in state waters are developed using the six region approach with regions defined as: 1) Massachusetts, 2) Rhode Island, 3) Connecticut-New York, 4) New Jersey, 5) Delaware-Virginia, and 6) North Carolina. North Carolina manages multiple flounder species under a single set of regulations which are very restrictive in an effort to rebuild the southern flounder stock. As a result, the state's recreational summer flounder harvest estimates have remained low in recent years compared to historic harvest. Since North Carolina has already implemented restrictive flounder regulations, the Board voted to exempt North Carolina from taking any further restrictions unless additional action is needed to achieve a coastwide 28% reduction in recreational harvest of summer flounder.

2024-2025 Scup Recreational Measures

A 10% reduction in recreational harvest of scup in 2024-2025 is required under the Percent Change Approach because the average RHL for 2024-2025 (12.51 million pounds) falls below the confidence interval around estimated harvest under status quo measures for these years, and stock biomass is more than 150% of the target level. Measures will be restricted to achieve the full 10% reduction in 2024 and then will remain unchanged in 2025 unless new information suggests a major change in the expected impacts of those measures on the stock or the fishery. The Council and Board agreed the 10% coastwide harvest reduction will be achieved by the states through the Commission process in early 2024.

The Council and Board revisited a previous decision to close the scup fishery in federal waters from January 1 – April 30, which would be effective in 2024. The Council and Board discussed concerns that some states may be disproportionately impacted by the federal waters closure. Staff presented an analysis of vessel trip report (VTR) data which were used to estimate total recreational harvest during this time period. The analysis suggests the closure would have minimal impact on overall coastwide harvest given the limited recreational effort for scup that typically occurs between January and April. Based on the analysis and recommendations from the Monitoring Committee, the Council and Board

voted to recommend a year-round open season in federal waters for 2024-2025 to give the states greater flexibility when modifying measures to meet the 10% reduction. The current 40 fish possession limit and 10-inch minimum size in federal waters was maintained.

2024 Black Sea Bass Recreational Measures

Recreational measures for 2023 were set for a single year with the intent of setting 2024-2025 measures based on a 2023 management track assessment. However, this assessment was delayed to 2024 to allow more time to fully develop a research track assessment.

The updated RDM indicates a confidence interval around estimated 2024 harvest under 2023 measures exceeds the 2024 RHL. Combined with the most recent estimate of biomass compared to the target level from the 2021 management track assessment (i.e., 210% of the target level), this would require a 10% reduction in harvest under the Percent Change Approach. However, the Percent Change Approach did not account for a situation where the RHL would be revised without updated stock assessment information, as was the case with the 2024 black sea bass RHL. The 2024 RHL is about 5% lower than the 2023 RHL due only to three additional years of catch data in the calculations. As such, updated information is only available for one of the two factors that guide decision making under the Percent Change Approach (i.e., an updated comparison of a harvest estimate confidence interval to the RHL, but no updated biomass information). Therefore, the Council and Board agreed with the Monitoring Committee's recommendation to leave recreational black sea bass measures unchanged in 2024. This would treat 2024 as the second year in a two-year cycle with 2023. They noted this is the only opportunity for unchanged measures across two years for black sea bass under the Percent Change Approach given the expected timing of management track assessments and the sunset of the Percent Change Approach after 2025. Measures for 2025 and 2026 will be set based on updated stock assessment information and updated runs of the RDM.

If states wish to consider slight season adjustments under this status quo approach (e.g., to maintain a Saturday opening), those proposals must be supported by additional runs of the RDM and approved by the Board.

The Council and Board also maintained the use of conservation equivalency to waive federal waters measures in favor of state waters measures. Under the status quo approach, the non-preferred coastwide measures will remain a 15-inch minimum fish size, a 5 fish possession limit, and a May 15 – October 8 open season, these measures are waived in favor of state measures. The precautionary default measures will remain a 16-inch minimum fish size, a 2 fish possession limit, and a June 1 – August 31 open season, these measures are only intended for states/regions which do not comply with the conservation equivalency process.

Virginia informed the Board of its intent to consider whether it would open its recreational black sea bass fishery during February 2024 or keep it closed. A February opening would follow the same requirements as Virginia's previous February openings, including specific permitting and reporting requirements and potential season adjustments later in the year. Virginia will make a determination on its February 2024 season after a public comment and hearing process.

Please contact Tracey Bauer, ASMFC FMP Coordinator, at tbauer@asmfc.org for more information on black sea bass, and Chelsea Tuohy, ASMFC FMP Coordinator, at ctuohy@asmfc.org for more information on summer flounder and scup.

Motions

Summer Flounder Commercial Mesh Issues

I move to consider as a potential 2024 priority a framework adjustment/addendum to clarify the definition of a flynet and to consider moving the western boundary of the small-mesh exemption area. The intent of this framework/addendum is for possible implementation by November 1, 2024.

Council: Motion made by Mr. Pentony and seconded by Mr. Cimino. Motion carries (19/0/1).

Board: Motion made by Mr. Pentony and seconded by Mr. Cimino. Motion carries unanimously.

Summer Flounder 2024-2025 Recreational Measures

Move to adopt regional conservation equivalency for 2024-2025 summer flounder recreational management. The harvest target is equal to the 2024-2025 RHL of 6.35 mil lb based on the application of the Percent Change Approach and the Recreation Demand Model harvest projection, which results in a 28% coastwide harvest reduction to be taken in 2024. Non-preferred coastwide measures include an 18.5-inch minimum size, 3 fish possession limit, and open season from May 8-September 30. Precautionary default measures include a 20-inch minimum size, 2 fish possession limit, and open season from July 1-August 31.

Board: Motion made by Dr. Davis and seconded by Mr. Clark. Motion carries (11 in favor).

Council: Motion made by Mr. Clark and seconded by Mr. Luisi. Motion carries (18 in favor, 1 opposed).

Move that each summer flounder recreational management region except for the North Carolina region (i.e., MA, RI, CT-NY, NJ, DE-VA) take a 28% harvest reduction using the Technical Committee recommended configuration of the Recreation Demand Model to evaluate measures. North Carolina's exemption from the 28% reduction is contingent upon the required coastwide reduction being achieved. Measures are subject to Board approval prior to implementation.

Board: Motion made by Mr. Batsavage and seconded by Mr. Kane. Motion (11 in favor).

Scup 2024-2025 Recreational Measures

Move to adopt a 13.76-million-pound recreational harvest target for scup in 2024-2025, with a 10% coastwide harvest reduction to be taken in 2024, based on the application of the Percent Change Approach and the outputs of the Recreation Demand Model. The 10% coastwide harvest reduction will be achieved by the states through the Commission process. Federal waters measures would consist of a year-round (January – December) open season, 40 fish possession limit, and 10-inch minimum size limit.

Council: Motion made by Mr. Clark and seconded by Mr. Luisi. Motion carries (19/0/1)

Board: Motion made by Mr. Clark and seconded by Mr. Luisi. Motion carries with two abstentions.

Black Sea Bass 2024 Recreational Measures

Move to adopt conservation equivalency for 2024 recreational black sea bass management with status quo measures. Status quo non-preferred coastwide measures are: 15-inch minimum size, 5 fish possession limit, and May 15 – September 8 open season. Status quo precautionary default measures are: 16-inch minimum size, 2 fish possession limit, and June 1 – August 31 open season.

Council: Motion made by Mr. Grist and seconded by Mr. Clark. Motion carries (19/0/1).

Board: Motion made by Mr. Grist and seconded by Mr. Clark. Motion carries (10 in favor, 1 opposed 1 abstention).

MAFMC & ASMFC INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (December 13, 2023)

Meeting Summary

The Council met jointly with the Policy Board to receive an update on the Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Measures Setting Process Framework/Addenda. The Council and Policy Board refined the preliminary range of alternatives by modifying the Biological Reference Point Approach and Biomass Based Matrix Approach alternatives such that measures will no longer be assigned to all bins the first time either approach is used through the specifications process. Over the next several months, the Fishery Management Action Team (FMAT)/Plan Development Team (PDT) will continue to develop all alternatives under consideration, including providing greater detail on how measures would be set under the Biological Reference Point and Biomass Based Matrix Approaches.

For more information, please contact Toni Kerns, ASMFC Fisheries Policy Director, at tkerns@asmfc.org.

Motions

Move to adopt the Fishery Management Action Team/Plan Development Team's recommendation to remove the pre-determined measures concept from further consideration under the Biological Reference Point Approach and the Biomass Based Matrix Approach alternatives.

Policy Board: Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion passes unanimously.

Council: Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion passes unanimously.