



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, Bluefish Board & ISFMP Policy Board August 8 & 9, 2023

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Meeting Summaries, Press Releases and Motions

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The Mid-Atlantic Fishery Management Council met June 8-11, 2023, in Annapolis, MD. As part of the meeting the Atlantic States Marine Fisheries Commission’s (Commission) Bluefish Management Board, Summer Flounder, Scup and Black Sea Bass Management Board, and Interstate Fisheries Management Program 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 from the Council’s August Meeting are available at <http://www.mafmc.org/briefing/august-2023>.

MAFMC & ASMFC BLUEFISH, AND SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARDS (August 8 & 9, 2023)

Meeting Summary

Summer Flounder, Scup, Black Sea Bass, and Bluefish Specifications

The Council met jointly with the Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board (Board) to adopt specifications and commercial measures for summer flounder, scup, and black sea bass. The Council also met jointly with the Commission’s Bluefish Management Board to set specifications and recreational measures for bluefish. The table below summarizes commercial quotas and recreational harvest limits (RHL) for all four species (2023 values are provided for comparison purposes). The Council will forward its recommendations to NOAA Fisheries for final approval, while the Commission’s actions for state waters are final. See the sections below the table for additional details about the recommendations for each species.

	Commercial Quota <i>millions of pounds</i>			Recreational Harvest Limit <i>millions of pounds</i>		
	2023	2024	2025	2023	2024	2025
Summer Flounder	15.27	8.79	8.79	10.62	6.35	6.35
Scup	14.01	21.15	18.80	9.27	13.18	11.84
Black Sea Bass	4.80	6.00	N/A	6.57	6.27	N/A
Bluefish	4.29	2.42	3.03	14.11	11.96	15.70

Summer Flounder 2024-2025 Specifications

The 2023 management track assessment indicated that the summer flounder stock was not overfished but overfishing was occurring in 2022. While the overfishing limit has not been exceeded in recent years, it appears the projections associated with the previous assessment were overly optimistic. The assessment has been slightly underestimating fishing mortality and overestimating stock biomass, the effect of which was compounded by adding three years of data to the assessment model (2020-2022). In addition, stock recruitment has been below average since 2011 and the high estimate of 2018 recruitment in the last assessment was revised downward to recent below-average levels with the new assessment results.

The Council and Board considered two approaches for setting the acceptable biological catch (ABC) for summer flounder – one with varying ABCs for each year, and one with a constant ABC across 2024-2025. The Council and Board reviewed Scientific and Statistical Committee (SSC) recommendations using both approaches and ultimately selected the constant approach, resulting in an ABC of 19.32

million pounds for both years. This represents a 42% decrease compared to the 2023 ABC. Under the recently revised commercial/recreational allocations, 55% of the ABC is allocated to the commercial sector, and 45% is allocated to the recreational sector. After accounting for each sector's expected discards, the Council and Board adopted a commercial quota of 8.79 million pounds and a RHL of 6.35 million pounds for 2024 and 2025.

The Council and Board recommended no changes to the commercial measures for 2024. These include a 14" minimum fish size, minimum mesh size (5.5" diamond or 6" square mesh), and mesh exemption programs. Staff and a contractor are currently working to evaluate the commercial minimum mesh size exemption programs and the commercial minimum mesh size regulations. A final report is expected in December 2023. Any potential changes adopted as a result of these evaluations would likely be effective in 2025 or later. Recreational bag, size, and season limits for upcoming years will be discussed during the December 2023 Council and Board meeting.

Scup 2024-2025 Specifications

The 2023 management track assessment found that scup was not overfished and overfishing was not occurring in 2022. For 2024, the Council and Board approved an ABC of 43.82 million pounds. This represents a 48% increase compared to the 2023 ABC. Under the recently revised commercial/recreational allocations, 65% of the ABC is allocated to the commercial sector and 35% is allocated to the recreational sector. After accounting for each sector's expected discards, this ABC results in a commercial quota of 21.15 million pounds and an RHL of 13.18 million pounds. For 2025, the Council and Board approved an ABC of 39.74 million pounds, resulting in a commercial quota of 18.80 million pounds and an RHL of 11.84 million pounds. The Council and Board agreed that no changes are needed to the commercial management measures, which can be modified through the specifications process. Recreational bag, size, and season limits for upcoming years will be discussed during the December 2023 Council and Board meeting.

Black Sea Bass 2024 Specifications

No updated stock assessment information is available for black sea bass this year; therefore, the SSC agreed to set the 2024 ABC equal to the 2023 ABC. The Council and Board made no changes to the annual catch limits or annual catch targets compared to 2023. They approved a 2024 commercial quota of 6 million pounds, a 25% increase from 2023, and a 2024 RHL of 6.27 million pounds, a 5% decrease from 2023. While these values are based on the same methodology used to set the 2023 measures, updated dead discard projections for each sector led to a change in the quota and RHL. An updated management track stock assessment is anticipated to be available in late 2024 for setting future specifications.

The Council and Board also set a black sea bass commercial in-season closure buffer for the first time. Previously, the commercial black sea bass fishery has been required to close in-season once the coastwide quota is projected to be landed. Under changes to the regulations made through Amendment 23, which are expected to be effective on January 1, 2024, the entire commercial fishery would close in-season once landings are projected to exceed the coastwide quota plus an additional buffer of up to 5%. The intent of this buffer is to minimize negative economic impacts when coastwide quota is reached before all states have fully harvested their allocations. While the Council and Board agreed to use a 5% commercial in-season closure buffer for 2024, it is not anticipated it will be needed given the coastwide quota has not been exceeded for well over a decade and given recent landings

patterns. However, the Council and Board agreed that in the unlikely event that it is needed, a 5% buffer could have some socioeconomic benefits with little risk to stock status.

The Council and Board agreed that no changes are needed to the other commercial measures which can be modified through the specifications process. Recreational bag, size, and season limits for 2024 will be discussed during the December 2023 Council and Board meeting.

Bluefish 2024-2025 Specifications

The 2023 management track assessment found that bluefish was not overfished and overfishing was not occurring in 2022. However, the stock was not fully rebuilt to the biomass target. Based on the results of this assessment, bluefish remains under the Council's and Commission's approved 7-year rebuilding plan, which began in 2022, due to the stock's previously overfished status.

Based on the SSC's recommendation, the Council and Bluefish Board approved an ABC of 17.48 million pounds for 2024 and 21.83 million pounds for 2025. These ABCs are about 43% and 29% lower than the 2023 ABC, respectively. Members of the Council and Bluefish Board supported the Monitoring Committee's progress on the development of a tool to convert qualitative and quantitative sources of management uncertainty into a quantitative value. This tool is intended to help the Monitoring Committee determine whether uncertainty buffers are needed each year between the annual catch limits and the annual catch targets for each sector. For 2024-2025, the Council and Board agreed with the Monitoring Committee's recommendation that no buffer for management uncertainty is needed. After accounting for each sector's expected discards, the Council and Bluefish Board adopted a commercial quota of 2.42 million pounds in 2024 and 3.03 million pounds in 2025 and an RHL of 11.96 million pounds for 2024 and 15.70 million pounds for 2025.

The Council and Bluefish Board also reviewed recent recreational harvest trends and recommended status quo 2024 recreational management measures given that recent recreational harvest has been very close to the 2024 RHL. The status quo measures include a 5 fish bag limit for the for-hire sector and a 3 fish bag limit for private anglers. Because bluefish is still under a rebuilding plan, the percent change approach under the recreational harvest control rule was not applied.

Scup Commercial Discards Report and Other Management Issues

The Council and Board reviewed an evaluation of commercial scup discards and the scup gear restricted areas (GRA). First implemented in 2000 and 2001, the Northern and Southern GRAs are intended to reduce scup discards in small mesh fisheries during certain times of the year. GRA regulations and boundaries have been reviewed and modified several times over the years. The following are several key findings from the report:

- Although commercial scup discards have decreased since a peak in 2017 and represent a small percentage of annual scup biomass, absolute discards in recent years remain relatively high compared to other periods since implementation of the GRAs.
- The GRAs appear to have contributed to the rebuilding of the scup stock since the early 2000s. However, given the more recent spatial patterns of scup discards, consideration of alternative measures or modifications to the GRAs may be warranted.
- Continued use of GRAs should consider changes that have high probability of reducing where discards **will be** rather than reacting to where they **have been**.

Following the report, the Council tasked the SSC with reviewing and providing feedback on the commercial discard report. The Council also asked the SSC to provide input on potential analysis or modeling approaches that could examine the predictability of scup bycatch using environmental data or any other alternative approaches to reduce scup discards. The Council agreed that the identified research as well as a related Framework action to consider GRA modifications, or other measures to further reduce scup discards, should be added to the Council's 2024 Implementation Plan. Given the Council's decision, the Board recommended the Commission add this topic to its 2024 Action Plan.

During this meeting, the Council and Board discussed a motion to initiate a framework/addendum to consider bi-directional quota transfers between the commercial and recreational sectors for the summer flounder, scup, and black sea bass fisheries. While some Council and Board members felt the issue should be prioritized given the recent recreational overages for scup and black sea bass, others expressed concern the public had not been given notice or an opportunity to provide comments on the potential initiation of a framework/addendum. The Council's Executive Director also noted that new actions generally need to be planned for during the development of each year's annual implementation plan to ensure that staff time and resources are allocated appropriately. After a lengthy discussion, the motion ultimately failed. However, the action will likely be considered during the October 2023 Council Meeting when the Executive Committee begins development of the Council's 2024 Implementation Plan.

Recreational Measures Setting Process Framework/Addenda

The Council and the Commission's Interstate Fisheries Management Program Policy Board (Policy Board) met to review progress and discuss next steps for a framework/addenda to consider revisions to the process for setting recreational management measures for summer flounder, scup, black sea bass, and bluefish. This is a follow-on action to the Harvest Control Rule Framework/Addenda, which implemented the Percent Change Approach for setting recreational measures. The Percent Change Approach was used for the first time to set 2023 bag, size, and season limits for summer flounder, scup, and black sea bass. It may be used for bluefish once that stock is no longer under a rebuilding plan. In taking final action on the previous framework/addenda, the Council and Policy Board agreed the Percent Change Approach should sunset by the end of 2025 with the goal of implementing a longer-term process for setting recreational measures starting with the 2026 measures.

During this meeting, the Council and Policy Board agreed to change the name of this new management action from "Harvest Control Rule Framework/Addenda 2.0" to "Recreational Measures Setting Process Framework/Addenda" to better describe the scope of the action. They also provided staff with guidance on further development of alternatives within this action, including further development of options to refine the Percent Change Approach, consideration of the appropriate starting point for measures under all alternatives, and greater consideration of the fishing mortality rate resulting from the recreational fishery when setting measures. They agreed that further consideration should be given to the implications of the alternatives for management uncertainty buffers, as currently defined in the Fishery Management Plan. The Council and Policy Board supported the plans to use the Summer Flounder Management Strategy Evaluation model to assist with development of this action. They also agreed that the SSC should assist with development of this action. The Council will develop specific terms of reference for SSC involvement at a later date with input from the Policy Board.

The Council appointed two members to a new work group of Council members and Commissioners. The purpose of this work group is to serve as a liaison between the Council/Policy Board and the

technical team which has been formed to assist with development of management alternatives (i.e., the Fishery Management Action Team/Plan Development Team). The Council and Policy Board also agreed that further consideration should be given to the best ways to involve recreational fishery stakeholders throughout development of this action.

Marine Recreational Information Program Pilot Study

Marine Recreational Information Program (MRIP) staff provided a brief update on findings of a recent pilot study that evaluated potential sources of bias in the recreational Fishing Effort Survey (FES) questionnaire for shore and private boat modes. The FES currently asks respondents to report their fishing activity over a 2-month period and then over a 12-month period. In the pilot study, conducted over the course of 6 months, the order of these questions was reversed so respondents were asked first about their fishing trips in the previous 12 months. This study found switching the sequence of questions resulted in fewer reporting errors and effort estimates that were generally 30 to 40 percent lower for shore and private boat modes than estimates produced from the current design. However, results varied by state and fishing mode. These results are based on a pilot study that had a limited time frame and geographic scope, and much more extensive work needs to be done to determine the true impacts of the survey design. MRIP is planning a larger-scale follow-up in 2024. The follow-up study will further evaluate the order of the questions, as well as asking about 1-month periods, rather than the current 2-month periods. The revised survey design will be administered alongside the current design, and then potential modifications for future surveys and calibrations for past estimates will be evaluated.

Motions

Summer Flounder 2024-2025 Specifications

Move to adopt the following specifications for summer flounder based on the constant ABC approach:

- **For 2024 and 2025, the recreational ACL=ACT=8.69 mil lb, and the RHL = 6.35 mil lb. The commercial ACL = ACT = 10.62 mil lb, and the commercial quota = 8.79 mil lb.**

Board: Motion made by Ms. Meserve and seconded by Mr. Reid. Motion carries by consent.

Council: Batsavage/Neill (19/0/0). Motion carries.

Scup 2024-2025 Specifications

Move to adopt the following specifications for scup based on the varying ABC approach:

- **For 2024, the recreational ACL = ACT = 15.34 mil lbs., with an RHL of 13.18 mil lbs. The commercial ACL = ACT = 28.48 mil lbs., with a commercial quota of 21.15 mil lbs.**
- **For 2025, the recreational ACL = ACT = 13.91 mil lbs., with an RHL of 11.84 mil lbs. The commercial ACL = ACT = 25.83 mil lbs., with a commercial quota of 18.80 mil lbs.**

Council: Nowalsky/Townsend. Motion carries by consent.

Board: Motion made by Mr. Nowalsky and seconded by Mr. Hasbrouck. Motion carries.

Scup Discards

Council Only Motion:

Move to task the SSC to review and provide feedback on the scup discard report and GRA analysis and provide input on potential future analysis or modeling approaches that could examine the predictability of scup bycatch using environmental data or any other alternative approaches to reduce scup discards.

Duval/Clark. Motion carries by consent.

Board Only Motion:

Move to recommend Commission add to the 2024 action plan under Goal 1 for scup - Monitor management and research activities of MAFMC including, but not limited to, scup discards and GRA analysis.

Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion carries by consent.

Move to initiate an addendum/framework to add a bi-directional quota transfer provision between the commercial and recreational sectors to the Summer Flounder, Scup, and Black Sea Bass FMP. The FMAT/PDT should consider sub-options to cap the amount of a transfer and revise the accountability measures.

Board: Motion made by Ms. Meserve and seconded by Mr. Nowalsky.

Council: Nowalsky/Clark (9/9/0). Motion fails for lack of Council majority.

Black Sea Bass 2024 Specifications

Main Motion

Move that the 2024 recreational ACL = ACT = 9.16 mil lbs. and the RHL is 6.27 mil lbs. The 2024 commercial ACL = ACT = 7.50 mil lbs. and the commercial quota is 6.00 mil lbs. The commercial in-season closure buffer is 5%.

Council: Clark/Cimino

Board: Motion made by Mr. Clark and seconded by Mr. Cimino.

Motion to Amend

Move to amend to replace 6.27 with 6.57 for the RHL.

Board: Motion made by Ms. Meserve and seconded by Mr. Miller. Motion fails for lack of Board majority (5 in favor, 7 opposed).

Council: Nowalsky/Neill.

Main Motion

Move that the 2024 recreational ACL = ACT = 9.16 mil lbs. and the RHL is 6.27 mil lbs. The 2024 commercial ACL = ACT = 7.50 mil lbs. and the commercial quota is 6.00 mil lbs. The commercial in-season closure buffer is 5%.

Council: Clark/Cimino (18/1/0). Motion carries.

Board: Motion made by Mr. Clark and seconded by Mr. Cimino. Motion carries (12 in favor).

Bluefish Specifications

Move to adopt the following specifications for bluefish based on the Council's rebuilding plan and SSC recommended ABCs:

- **For 2024, the recreational ACL = ACT = 15.03 mil lb. and the RHL = 11.96 mil lb. The commercial ACL = ACT = 2.45 mil lb. and the commercial quota = 2.42 mil lb.**
- **For 2025, the recreational ACL = ACT = 18.78 mil lb. and the RHL = 15.70 mil lb. The commercial ACL = ACT = 3.06 mil lb. and the commercial quota = 3.03 mil lb.**

Council: Gwin/Clark. Motion carries by consent.

Board: Motion made by Dr. Davis and seconded by Mr. Clark. Motion carries by consent.

Board Only

Move to maintain status quo state and federal waters recreational measures for bluefish in 2024, including a 3-fish and 5-fish bag limit for private and for-hire anglers, respectively. This includes conservation equivalency measures for Georgia state waters, which includes a 15 fish bag limit, minimum size of 12 inches, and a closed season of March 1st through April 30th.

Motion made by Mr. Reid and seconded by Mr. Geer. Motion carries by consent.

ASMFC BLUEFISH, AND SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARDS (August 8 & 9, 2023)

Meeting Summary

Under Commission Board action only, the Bluefish Board and the Summer Flounder, Scup and Black Sea Bass Board reviewed and approved the Summer Flounder, Scup, Black Sea Bass, and Bluefish FMP Reviews for the 2022 fishing year and state compliance reports. *De minimis* requests were approved for Delaware for summer flounder and scup, and for Maine, South Carolina, and Georgia for bluefish. The Summer Flounder, Scup, and Black Sea Bass Board elected Nichola Meserve from Massachusetts as Vice-Chair and the Bluefish Board elected Martin Gary as Vice-Chair.

For more information on summer flounder, scup, and bluefish, please contact Chelsea Tuohy, Fishery Management Plan Coordinator at ctuohy@asmfc.org, and contact Tracey Bauer Fishery Management Plan Coordinator at tbauer@asmfc.org for more information on black sea bass.

Motions

Move to approve the Summer Flounder, Scup, and Black Sea Bass FMP Reviews for the 2022 fishing year, state compliance reports, and *de minimis* requests from Delaware for Summer Flounder and Scup.

Motion made by Mr. Hasbrouck and seconded by Mr. Luisi. Motion passes by unanimous consent.

Move to elect Ms. Nichola Meserve from Massachusetts as Vice Chair of the Summer Flounder, Scup, and Black Sea Bass Management Board.

Motion made by Mr. Batsavage and seconded by Mr. Reid. Motion passes by unanimous consent.

Move to approve the Bluefish FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* requests from Maine, South Carolina and Georgia.

Motion made by: Mr. Luisi and seconded by Mr. Geer. Motion passes by unanimous consent.

Move to elect Mr. Martin Gary as the Vice Chair of the Bluefish Management Board.

Motion made by: Mr. Davis and seconded by Mr. Luisi. Motion passes by unanimous consent.