



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 and ISFMP Policy Board
December 13, 2022

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Meeting Summaries, Press Releases and Motions

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**MAFMC & ASMFC SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD
(DECEMBER 13, 2022)**

Meeting Summary

The Mid-Atlantic Fishery Management Council (MAFMC or Council) met jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) to set recreational bag, size, and season limits (i.e., management measures) for all three species for 2023.

This was the first time setting recreational management measures using the new "Percent Change Approach," which was approved by the Council and Commission in June 2022. Under the new process, measures for the upcoming year(s) will aim to achieve a specified percent change in harvest compared to expected harvest under the current measures. The appropriate percent change in harvest will be defined by the following two factors: (1) a comparison of the confidence interval around an estimate of expected harvest in the upcoming year(s) under current measures to the average recreational harvest limit (RHL) for the upcoming two years; and (2) biomass compared to the target level, as a measure of whether the stock is overfished (see [this table](#) for additional details). Although this process intends for recreational measures to be set for two-year cycles, 2023 will be set for a single year to align with the timing of the management track stock assessment.

During their deliberations for each species, the Council and Board reviewed the results of two statistical models: the Recreational Demand Model and the Recreational Fleet Dynamics Model. These models predict the impacts of bag, size, and season limits on recreational harvest and discards of summer flounder, scup, and black sea bass. Prior to the meeting, the Monitoring Committee reviewed both models and recommended using the Recreational Demand Model for summer flounder and the Recreational Fleet Dynamics Model for scup and black sea bass. However, on December 8, 2022, the Greater Atlantic Regional Office (GARFO) sent a letter to the Council indicating they believe the Recreational Demand Model to be the best scientific information available for estimating coastwide harvest and determining the appropriate percent change in harvest for all three species for 2023. The letter indicated that GARFO would not approve measures set based on the Recreational Fleet Dynamics Model. Although Council and Board members expressed serious concerns about the timing and rationale for this determination, they ultimately decided to use the Recreational Demand Model for all three species.

Scup

The Percent Change Approach requires a 10% reduction in recreational harvest of scup in 2023. The Council and Board agreed to reduce the federal possession limit to 40 fish and shorten the season to May 1-December 31. The Council and Board recommended maintaining the current 10-inch minimum size in federal waters. These measures do not achieve the full 10% reduction in harvest required; therefore, the Council and Board also agreed that the states would further modify state measures through the Commission process to achieve the full 10% coastwide harvest reduction. State waters measures will be determined through the Commission process in early 2023.

Black Sea Bass

The Percent Change Approach also requires a 10% reduction in recreational black sea bass harvest in 2023, which will be achieved through state measures as developed through the conservation equivalency process. The Council and Board adopted non-preferred coastwide measures, including a

15-inch minimum size limit, a 5 fish possession limit, and an open season of May 15 – September 8. These measures are intended to achieve a 10% reduction. If approved through the federal rulemaking process, these measures would be written into the federal regulations but waived in favor of state waters measures. The Council and Board also adopted precautionary default measures of a 16-inch minimum size limit, a 2 fish possession limit, and an open season of June 1 – August 31. These measures are intended to be implemented in any state or region that does not put forward a proposal that can be approved by the Board through the conservation equivalency process. State waters measures will be determined through the Commission process in early 2023.

The Board also approved a proposal to open the recreational black sea bass fishery in Virginia state waters during February 2023 following the same process Virginia has used in prior years to monitor February harvest and modify the length of the open season later in the year as necessary to account for February harvest.

Summer Flounder

There was significant debate regarding the appropriate percent change in recreational harvest of summer flounder for 2023. Although the model results that were originally provided to the Council indicated that a 10% liberalization of recreational summer flounder harvest would be appropriate for 2023, Council staff received an updated harvest estimate the week before the meeting which indicated that a 10% reduction is needed instead. The model revisions were based on a different range of years of catch per trip data and have not been reviewed by the Monitoring Committee or other technical advisory group. Given varying opinions on the appropriate configurations of the model inputs and the conflicting Percent Change Approach outcomes under the two model configurations, the Council and Board determined that status quo regional measures would be appropriate for 2023.

The Council and Board agreed to continue the use of regional conservation equivalency in 2023. While the Council and Board's intent was for regional measures to remain status quo in 2023, they agreed that the non-preferred coastwide measures should be modified given that the Recreational Demand Model (which was not available to analyze coastwide measures in previous years) concluded that the current non-preferred coastwide measures are too constraining under both the previous and revised configuration of the model. The revised non-preferred coastwide measures include an 18-inch minimum size, 3 fish possession limit, and open season from May 15-September 22. Precautionary default measures will remain unchanged, including a 20-inch minimum size, 2 fish possession limit, and open season from July 1-August 31.

Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/december-2022>. For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at tbauer@asmfc.org or 703.842.0740.

Motions

Move to adopt status quo scup recreational management measures for 2023.

Board: Motion made by Mr. Nowalsky and seconded by Mr. Kane.

Council: Motion made by Nowalsky and seconded by Mr. Risi.

Motion substituted.

Motion to Substitute

Move to adopt a 10% harvest reduction for 2023 scup recreational management and adopt a 10 inch minimum size limit, 40 fish possession limit, and May 1- December 31 open season for 2023 recreational scup measures in federal waters, with the states to further modify state measures through the Commission process to achieve a 10% coastwide harvest reduction.

Board: Motion made by Ms. Meserve and seconded by Mr. Hasbrouck. Motion carries (Roll call: In favor – CT, DE, NC, MD, VA, RI, NOAA, NY, MA; Opposed – NJ; Abstain – PRFC)

Council: Motion made by Mr. Farhnam and seconded by Mr. Batsavage. Motion carries (17 in favor/3 opposed/no abstentions).

Main Motion as Substituted

Move to adopt a 10% harvest reduction for 2023 scup recreational management and adopt a 10 inch minimum size limit, 40 fish possession limit, and May 1- December 31 open season for 2023 recreational scup measures in federal waters, with the states to further modify state measures through the Commission process to achieve a 10% coastwide harvest reduction.

Motion to Amend

Move to adopt a 10% harvest reduction for 2023 scup recreational management and adopt a 10 inch minimum size limit, 40 fish possession limit, and January 1- December 31 open season for 2023 recreational scup measures in federal waters, with the states to further modify state measures through the Commission process to achieve a 10% coastwide harvest reduction.

Council: Motion made by Mr. Nowalsky and seconded by Mr. Risi.

Board: Motion made by Mr. Nowalsky and seconded by Mr. Miller (4 in favor/6 opposed/1 abstention).

Motion to amend fails for lack of Board majority

Main Motion as Substituted

Move to adopt a 10% harvest reduction for 2023 scup recreational management and adopt a 10 inch minimum size limit, 40 fish possession limit, and May 1- December 31 open season for 2023 recreational scup measures in federal waters, with the states to further modify state measures through the Commission process to achieve a 10% coastwide harvest reduction.

Council: 16 in favor/4 opposed

Board: 9 in favor/1 opposed/1 abstention

Motion carries

Move to adopt conservation equivalency for 2023 black sea bass recreational management, with a 10% reduction in coastwide harvest compared to expected 2023 harvest under 2022 measures. Non-preferred coastwide measures are: 15-inch minimum size, 5 fish possession limit, May 15 – September 8 open season. Precautionary default measures are: 16-inch minimum size, 2 fish possession limit, June 1 – August 31 open season.

Board: Motion made by Mr. Maniscalco and seconded by Mr. Clark. Motion passes through unanimous consent (Roll call: In favor – MD, DE, NJ, NOAA, NC, MA, RI, VA, CT, NY, NH, PRFC)

Council: Motion made by Mr. Davidson and seconded by Mr. Cimino. Motion carries (18 in favor/1 opposed).

Move to approve Virginia's proposal for a Wave 1 black sea bass recreational fishery for February 1-28, 2023, with a 13-inch minimum size limit and 15 fish bag limit.

Board: Motion made by Mr. Geer and seconded by Mr. Hasbrouck. Motion carries by unanimous consent.

Move to adopt regional conservation equivalency for 2023 summer flounder recreational management, based on the outputs of the Recreational Demand Model. Non-preferred coastwide measures would include an 18-inch minimum size, 3 fish possession limit, and open season from May 15-September 22. Precautionary default measures would include a 20-inch minimum size, 2 fish possession limit, and open season from July 1-August 31.

Board: Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion carries (Roll call: MD, DE, NJ, NC, MA, RI, VA, CT, NH, PRFC; Opposed – NY; Abstain – NOAA)

Council: Motion made by Mr. Nowalsky and seconded by Mr. Feller. Motion carries (19 in favor/1 abstention)

MAFMC & INTERSTATE FISHERY MANAGEMENT PROGRAM POLICY BOARD (DECEMBER 13, 2022)

Meeting Summary

The Council met jointly with the Interstate Fishery Management Program Policy Board (Policy Board) to discuss priorities and next steps for several Recreational Reform Initiative topics. These actions would address all four jointly managed recreational species (i.e., summer flounder, scup, black sea bass, and bluefish).

Percent Change Approach Replacement Action

The Percent Change Approach approved through the Recreational Harvest Control Rule Framework/Addendum will sunset at the end of 2025, and a separate action will need to be developed to consider the appropriate replacement. The Council and Policy Board agreed that this action is a higher priority than the other recreational reform actions described below.

Recreational Sector Separation and Catch Accounting Amendment

The Council and Policy Board agreed to move forward with scoping for an amendment to consider options for managing for-hire recreational fisheries separately from other recreational fishing modes (referred to as sector separation) and options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report requirements. Although some members were concerned about the feasibility of addressing catch accounting issues through a Council action, the Council and Policy Board agreed that this is an important issue and should remain in the document for scoping. They agreed that all recreational sector separation options summarized by staff should be considered through scoping, but that the development of sector separation through separate recreational management measures may be a higher priority to consider than separate recreational for-hire and private/shore allocations.

Recreational Reform Technical Guidance Document

The Council and Policy Board previously agreed to develop a technical guidance document to address several recreational reform topics, including best practices for identifying and smoothing Marine Recreational Information Program (MRIP) outlier estimates, use of preliminary current year MRIP data, and guidelines for maintaining status quo recreational measures. During this meeting, the Council and Policy Board noted that many of the topics proposed to be considered through the technical guidance document have already been at least partially addressed (e.g., through use of the Recreational Demand Model and/or the Recreational Fleet Dynamics Models, described in the previous sections)

and can be further considered through other ongoing or planned actions. As such, they agreed that the technical guidance document is no longer a priority.

Commercial/Recreational Sector Transfer Framework/Addendum

The Council and Policy Board also discussed whether the Recreational Sector Separation Amendment should include consideration of options to allow transfer of quota between the commercial and recreational sectors. They agreed that this issue would be more appropriately addressed through a separate framework/addendum if desired. During a subsequent discussion the next day, the Council agreed to add a framework action to consider commercial/recreational quota transfers for summer flounder, scup, and black sea bass to the list of “Possible Additions” in the Council’s 2023 Implementation Plan.

Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/december-2022>. For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at tbauer@asmfc.org or Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.