



# Atlantic States Marine Fisheries Commission

## Meeting Summary

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*Vision: Sustainably Managing Atlantic Coastal Fisheries*

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**Joint ASMFC Summer Flounder, Scup and  
Black Sea Bass Board and MAFMC  
March 6 & 7, 2019**

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### Press Releases, Meeting Summary and Motions

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**JOINT ASMFC SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD & MAFMC MEETING (MARCH 6-7, 2019)**

*Press Releases*

**ASMFC & MAFMC Set Summer Flounder 2019-2021 Specifications  
*Benchmark Assessment Finds Resource Not Overfished & Overfishing Not Occurring***

Virginia Beach, VA – The Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council) approved revised specifications for the 2019 fishing season and set new specifications for 2020 and 2021. The revised specifications are based on the results of the 2018 benchmark stock assessment, which found the stock is not overfished and overfishing is not occurring. The new limits are consistent with the recommendations of the Council’s Scientific and Statistical Committee. The Commission’s actions are final and apply to state waters (0-3 miles from shore). The Council will forward its recommendations for federal waters (3 – 200 miles from shore) to NOAA Fisheries Greater Atlantic Regional Fisheries Administrator for final approval. The table below summarizes commercial quotas and recreational harvest limits (RHL).

The Council and Commission decided to set commercial quotas and RHLs for all three years, with the intent to maintain regulatory stability. The revised commercial quota was approximately a 49% increase over the previously set 2019 quota.

Species	Year	Commercial Quota (millions of pounds)	Commercial Minimum Fish Size (TL)	Commercial Diamond Mesh Size	Recreational Harvest Limit (millions of pounds)
Summer Flounder	2019	11.53	14"	5.5"	7.69
	2020	11.53	14"	5.5"	7.69
	2021	11.53	14"	5.5"	7.69

While the revised RHL represents an approximate 49% increase over the previously set 2019 RHL, the Commission chose to maintain status quo recreational measures, which are projected to achieve a harvest level close to the revised RHL based on the calibrated recreational harvest data from the Marine Recreational Information Program (MRIP). As a result, regions established under Addendum XXXII may submit proposals to make minor adjustments to their 2019 recreational measures, such as adjusting the start and end dates of the season, but must hold projected 2019 harvest at 2018 levels. These proposals will require Technical Committee review and Board approval. Additionally, the Commission and Council approved the use of conservation equivalency, allowing state measures to be extended into federal waters, pending acceptance of final state measures by the Regional Administrator.

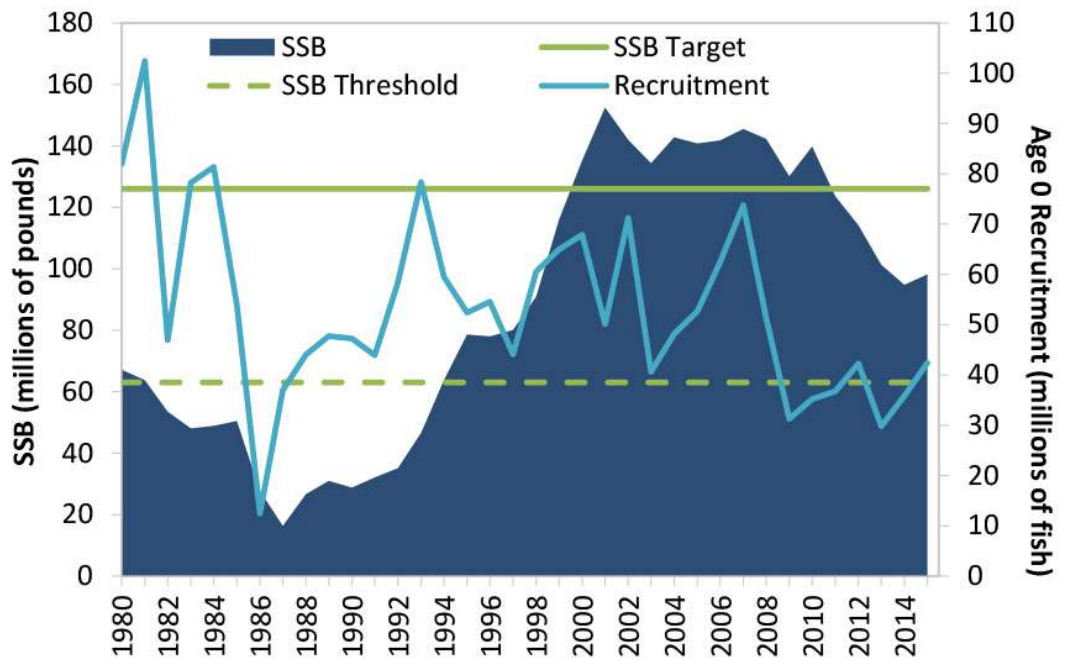
Based on the findings of the 2018 Benchmark Stock Assessment and Peer Review, the stock was not overfished nor experiencing overfishing in 2017. Spawning stock biomass (SSB) in 2017 was estimated to be 98 million pounds, approximately 78% of the biomass target of 126 million pounds. The fishing mortality rate was estimated to be 0.334 in 2017, below the fishing mortality threshold of 0.448.

Recruitment in 2017 was estimated at 42 million fish at age 0, below the time series average of 53 million fish at age 0. Recruitment has been below average since 2011.

Data analyzed by the Northeast Fisheries Science Center for the assessment indicate increasing relative abundance of older fish and an expanding age structure. However, the data also indicate a decrease in relative total abundance since the late 2000s, as well as decreasing trends in average lengths and weights at age for both sexes, suggesting slower growth and delayed maturity which impacts the biological reference points. The assessment shows current mortality from all sources is greater than recent recruitment inputs to the stock, which has resulted in a declining stock trend. Additionally, the assessment found the spatial distribution of the resource is continuing to shift northward and eastward.

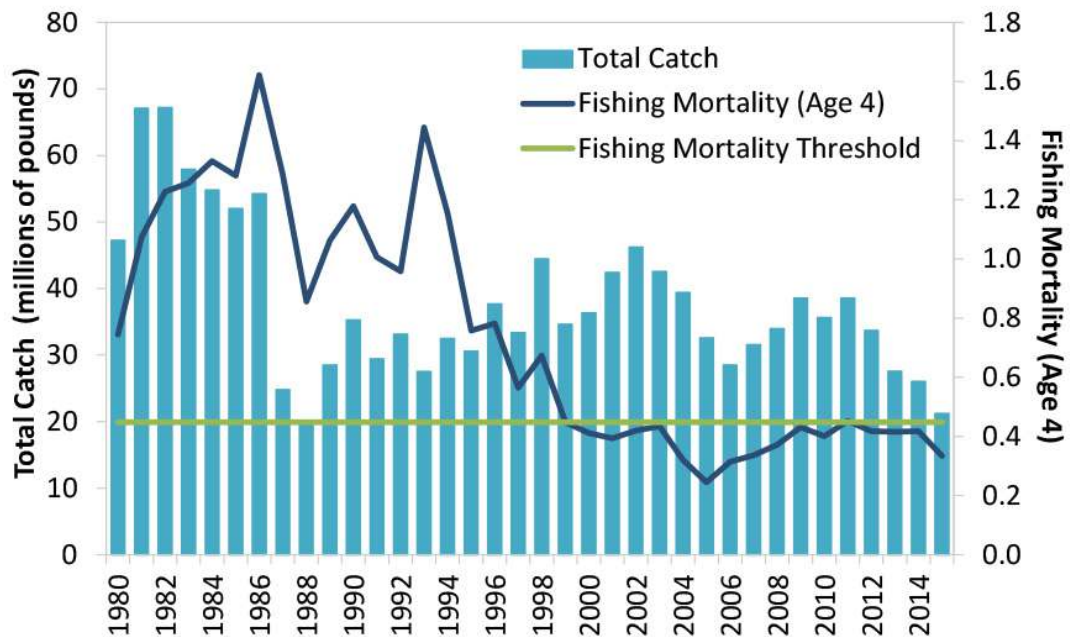
### Summer Flounder Spawning Stock Biomass and Recruitment

Source: 66th Northeast Stock Assessment Workshop, 2018



### Summer Flounder Total Catch and Fishing Mortality

Source: 66th Northeast Stock Assessment Workshop, 2018



A key attribute of the assessment is the incorporation of revised recreational catch data. In July 2018, MRIP revised the previous recreational catch estimates with a calibrated 1982-2017 time series that corresponds to the new MRIP survey methods. For comparison with the previous estimates, the revised estimates of 2017 recreational landings and discards are over three times the previous estimates. The

revised recreational catch estimates increased the 1982-2017 total annual catch by an average of 29 percent, ranging from 11 percent increase in 1989 to 43 percent increase in 2017. The increase in estimated removals resulted in an increased population estimate compared to previous assessments.

For more information about please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

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PR19-11

## **ASMFC & MAFMC Recommend Approval of Summer Flounder Commercial Issues Amendment *Amendment Implements New Commercial Quotas***

Virginia Beach, VA – The Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Mid-Atlantic Fishery Management Council (Council) recommended approval of the Summer Flounder Commercial Issues Amendment. The Amendment revises the management program’s goals and objectives specific to summer flounder and implements new state-specific commercial allocations.

The Amendment was initiated in December 2013, with joint work on the Amendment by the Board and Council beginning in 2014. Initially, the Amendment was to consider changes to both commercial and recreational summer flounder fisheries, but over time was refocused to address commercial issues and Fishery Management Plan (FMP) goals and objectives.

The revised management program’s goals and objectives focus on ensuring biological sustainability of the summer flounder resource, supporting and enhancing development of effective management measures, and optimizing social and economic benefits from the resource. These revisions were made to reflect current priorities in sustainably managing the resource.

The new state commercial allocations are based upon a 9.55 million pound trigger point. When the annual coastwide commercial quota is at or below 9.55 million pounds, the formula for allocating the quota to the states will remain status quo, i.e., the same state-specific percentages that have been in effect since 1993. When the annual coastwide quota exceeds 9.55 million pounds, additional quota above 9.55 million pounds will be distributed as follows: 0.333% to the states of Maine, New Hampshire and Delaware and 12.375% to the remaining states (see table below). As a result, state allocations will vary over time based on overall stock status and the resulting coastwide commercial quotas. For 2019-2021, the Board and Council approved an annual coastwide commercial quota of 11.53 million pounds. Depending on the timing of final rule-making by NOAA Fisheries, the new state allocation strategy could go into effect as early as January 2020.

**Table 1: Summer Flounder State Allocations Under the 9.55 Million Pound Trigger Point**

State	Allocation of baseline quota ≤ 9.55 mil lb	Allocation of <u>additional</u> quota beyond 9.55 mil lb	Revised state quota
ME	0.04756%	0.333%	Dependent on total annual coastwide quota; state percent shares vary with amount of "additional" quota in a given year
NH	0.00046%	0.333%	
MA	6.82046%	12.375%	
RI	15.68298%	12.375%	
CT	2.25708%	12.375%	
NY	7.64699%	12.375%	
NJ	16.72499%	12.375%	
DE	0.01779%	0.333%	
MD	2.03910%	12.375%	
VA	21.31676%	12.375%	
NC	27.44584%	12.375%	
<b>Total</b>	100%	100%	100%

In considering requalification criteria for federal permit holders, the Board and Council made no changes to the current permit qualification criteria, which were established via Amendment 2 to the FMP (1993) – namely, any commercial landings of summer flounder in the management unit between January 26, 1985 and January 26, 1990. The Council also moved to not add commercial landings flexibility as a framework issue in the Council’s FMP at this time. The Board currently has the flexibility to implement landings flexibility policies without a full amendment process, and landings flexibility can be considered through state level agreements without Council action.

As next steps, the Council will forward its recommended approval of the Amendment to NOAA Fisheries for final consideration and implementation. The Commission will consider final approval of the Board-approved Amendment at its Spring Meeting in late April/early May of this year.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

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PR19-12

**Meeting Summary**

The Summer Flounder, Scup and Black Sea Bass Board met jointly with the Council to discuss ongoing work on recreational and commercial management reform. The Board and Council revisited a strategic plan developed by the Board chair to address broad issues for black sea bass recreational management, including annual variability in management measures and equity in regional harvest opportunities. In December 2018, they agreed to form a working group including representation from the Monitoring and Technical Committee, Council, and Board to further develop and analyze potential approaches for improving management in these areas. However, the working group’s progress was delayed due to other priorities and the shutdown of the federal government due to a partial lapse in federal appropriations. The Board and Council agreed to populate the joint working group following the meeting, to be co-chaired by the Board Chair and Council Chair.

The Board and Council also reviewed the Commission's progress on commercial black sea bass management issues. The Board formed a Commercial Black Sea Bass Working Group in August 2018 to identify management issues related to changes in stock distribution and abundance, and propose potential management strategies for Board consideration. In February 2018, the Board reviewed the Working Group report, which identified two issues: (1) state commercial allocations implemented in 2003 do not reflect the current distribution of the resource, which has expanded significantly north of Hudson Canyon, and (2) federal coastwide quota can limit harvest opportunities for some states if another state's harvest overage results in a coastwide fishery closure. In February, the Board requested the Plan Development Team (PDT) perform additional analyses and develop management options to address these issues.

The two bodies discussed how to move forward in considering changes to commercial allocation and coastwide quota management. While the Board will continue work through the PDT, the Council also initiated an amendment to address commercial black sea bass issues.

Lastly, the Commission's Board discussed 2019 recreational measures for black sea bass and approved a conservation equivalency proposal from Massachusetts for its 2019 black sea bass recreational measures. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

### ***Motions***

#### **Summer Flounder 2019-2021 Specifications**

##### **Main Motion**

**Move that in each year 2019-2021, the recreational ACL=ACT=11.51 mil lb and the commercial ACL = ACT = 13.53 mil lb. This results in a recreational harvest limit of 7.69 mil lb and a commercial quota of 11.53 mil lb.**

Council: DiLernia/Nowalsky

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

##### **Motion to Substitute**

**Move to substitute in each year 2019-2021, the recreational ACL=ACT=10.83 mil lb and the commercial ACL = ACT = 12.69 mil lb. This results in a recreational harvest limit of 7.19 mil lb and a commercial quota of 10.79 mil lb.**

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

Council:

Motion fails for lack of like motion from Council

##### **Main Motion**

**Move that in each year 2019-2021, the recreational ACL=ACT=11.51 mil lb and the commercial ACL = ACT = 13.53 mil lb. This results in a recreational harvest limit of 7.69 mil lb and a commercial quota of 11.53 mil lb.**

Council: DiLernia/Nowalsky (20/0/0) Motion carries.

Board: Motion made by Mr. Nowalsky and seconded by Mr. Hasbrouck. Motion carries (10 in favor, 1 opposed). Roll Call: In favor – RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS; Opposed – MA.

#### **Summer Flounder 2019 Recreational Measures**

**Move to manage the recreational summer flounder fishery under regional Conservation Equivalency in 2019, with non-preferred coastwide measures consisting of a 19-inch TL minimum fish size, 4 fish possession limit, and an open season from May 15-September 15. In addition, the precautionary default measures would consist of a 20-inch TL minimum fish size, 2 fish possession limit, and an open season from July 1-August 31.**

Council: Davidson/Townsend (19/0/1) Motion carries

Board: Motion made by Ms. Meserve and seconded by Mr. Hasbrouck Motion carries (11 in favor).

#### **Summer Flounder Amendment**

**Move to allow the Board and Council to develop a strategy to allow additional options to be added to the document.**

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

Council: Davidson/Heins (5/12/0)

Motion fails for lack of Council majority

#### **Main Motion**

**Move to approve a variation of alternative 2C and establish a 9.55 million pound trigger point, with distribution of additional quota above the 9.55 million pound trigger as 12.375% for all states, except Maine, New Hampshire and Delaware which would receive 0.333% of additional quota above the trigger.**

Council: O'Reilly/Cimino

Board: Motion made by Mr. O'Reilly and seconded by Mr. Batsavage.

**Motion to Substitute**

**Move to substitute to approve Alternative 2B-2 with the following modifications: 1) ME, NH, DE and MD allocations are held status quo; and 2) the 9.39% of the coastwide quota released by VA and NC is distributed in 1/2 shares to RI and NJ; 3/4 shares to MA and CT; and a 1 1/2 share to NY.**

Board: Motion made by Ms. Meserve and seconded by Mr. Gates. Motion fails for lack of Board majority (3 in favor, 6 opposed, 1 abstention)

Council: Elliott/Pentony

Motion fails for lack of Board majority

State	Status quo state allocation (%)	Status quo regional alloc. (%)	Status quo state % of regional alloc.	Revised regional allocation (%)	Revised state allocation (%)	Percent change relative to current share	Change in share of coastwide quota
ME	0.04756	32.46	0.14654	40.67	0.04756	0.0%	0.00000
NH	0.00046		0.00142		0.00046	0.0%	0.00000
MA	6.82046		21.01479		8.58017	25.8%	1.75971
RI	15.68298		48.32144		16.85612	7.5%	1.17314
CT	2.25708		6.95438		4.01679	78.0%	1.75971
NY	7.64699		23.56144		11.16641	46.0%	3.51942
NJ	16.72499	67.54	24.76145	59.33	17.89813	7.0%	1.17314
DE	0.01779		0.02634		0.01779	0.0%	0.00000
MD	2.03910		3.01890		2.03910	0.0%	0.00000
VA	21.31676		31.55959		17.21401	-19.2%	-4.10275
NC	27.44584		40.63373		22.16345	-19.2%	-5.28239
Total	100		100			100	100

### **Main Motion**

**Move to approve a variation of alternative 2C and establish a 9.55 million pound trigger point, with distribution of additional quota above the 9.55 million pound trigger as 12.375% for all states, except Maine, New Hampshire and Delaware which would receive 0.333% of additional quota above the trigger.**

Council: Motion made by Mr. O'Reilly and seconded by Mr. Cimino. Motion carries (14 in favor, 5 opposed, 1 abstention).

Board: O'Reilly/Batsavage (6 in favor, 4 opposed, 1 abstention)

Motion carries

### **Main Motion**

**Move to support use of Alternative 1B-7 to requalify federal commercial moratorium permits for summer flounder.**

Board: Motion made by Mr. Maniscalco and seconded by Mr. Clark. Motion Substituted.

Council: Heins/Gwin

### **Motion to Substitute**

**Move to substitute to approve Alternative 1A, *status quo*.**

Board: Motion made by Mr. Gates and seconded by Mr. Batsavage. Motion carries (10 in favor, 1 abstention)

Council: Batsavage/Cimino (17/2/1)

Motion carries

### **Main Motion as Substituted**

**Move to approve Alternative 1A, *status quo*, for federal commercial moratorium permits for summer flounder.**

Council: (17/2/1)

Board: Motion carries (10 in favor, 1 abstention)

Motion carries

**Move to approve Alternative 3A, no action for landings flexibility framework provisions.**

Council: Batsavage/O'Reilly (14/3/0)

Motion carries

**Move to adopt the revised FMP goals and objectives described in the public hearing document, applicable only to summer flounder.**

Council: deFur/Mann (15/4/0) Motion carries

Board: Motion made by Ms. Meserve and seconded by Mr. O'Reilly. Motion carries (9 in favor, 2 opposed).

**Move to submit the Summer Flounder Commercial Issues Amendment, with the identification of preferred alternatives selected today, to the National Marine Fisheries Service.**

Council: O'Reilly/Elliott (15/4/1)

Motion carries

**Move to recommend to the Commission the approval of the Summer Flounder Commercial Issues Amendment to the Summer Flounder, Scup, and Black Sea Bass Interstate Fishery Management Plan**

**as modified today. The effective date of any FMP modifications would be consistent with the effective date published in the final rule in the Federal Register.**

Board: Motion made by Mr. Reid and seconded by Mr. Miller Motion carries (6 in favor, 4 opposed, 1 abstention). Roll Call: In Favor – NJ, DE, MD, PRFC, VA, NC; Opposed – MA, RI, CT, NY; Abstain – NMFS.

### **ASMFC Summer Flounder, Scup, and Black Sea Bass Board Only Meeting**

**Move to approve the Massachusetts conservation equivalency proposal for black sea bass 2019 recreational measures.**

Motion made by Ms. Meserve and seconded by Mr. Hasbrouck. Motion carries by consent.

**Move to allow for a 3.5% liberalization in summer flounder measures for 2019 relative to preliminary 2018 MRIP harvest estimates, in pounds. Regional proposals will be submitted to ASMFC staff by March 20<sup>th</sup>, 2019. The technical committee will review proposals, methodologies used, and provide recommendations to the Board during the week of March 25<sup>th</sup>, 2019. The Board will consider final approval of regional proposals in early April 2019.**

Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion fails (4 in favor, 7 opposed).

**Move to allow regional proposals to establish the 2019 summer flounder recreational measures as specified under Addendum XXXII. Regions may submit proposals that maintain status quo harvest relative to preliminary 2018 MRIP recreational harvest in pounds. Regional proposals will be submitted to ASMFC staff by March 20<sup>th</sup>, 2019. The technical committee will review proposals, methodologies used, and provide recommendations to the Board during the week of March 25<sup>th</sup>, 2019. The Board will consider final approval of regional proposals in early April 2019.**

Motion made by Ms. Meserve and seconded by Mr. Reid Motion carries (8 in favor, 3 opposed). Roll Call: In Favor – MA, RI, CT, NY, MD, PRFC, NC, NMFS; Opposed – NJ, DE, VA.

### **Black Sea Bass Management Reform with Board**

**Main Motion**

**Move to initiate an amendment today to address commercial black sea bass issues.**

Council: Nolan/DiLernia (16/1/0)

Motion passes

**Move to postpone until the next joint meeting following the operational black sea bass assessment.**

Council: Nowalsky/

Motional fails for lack of second